



OFFICIAL PLAN

June 15, 2011

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SECTION 1 - INTRODUCTION

1.1 PREAMBLE

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 west and south of the City of Thunder Bay and is bordered by the Township of Neebing to the south, the City of Thunder Bay to the east, the two townships of O'Connor and Conmee to the west and by the unincorporated townships of Gorham, Ware and the geographic township of the Dawson Road Lots to the north.

The Municipality is located in an area of the Province that has a unique 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 having a local economy based on natural resources. The portion of the Municipality bounded by the City of Thunder Bay and with provincial highway access provides for a small scale commercial and light industrial based economy. The protection and maintenance of the rural environment is important to the residents of the Municipality. There are three existing hamlets/villages that have developed, historically, and continue to do so as focused settlement areas.

Oliver Paipoonge amalgamated in the late 1990's and carried forward at that time separate official plans for each of Oliver and Pipoonge. This official plan is intended to replace the previous two documents and to provide integrated policies and direction and to establish current and up to date planning content.

This document has been based upon;

- Ontario's assessment mapping and data
- Census Canada Community Profiles for various five year intervals
- 2011 Places to Grow Northern Ontario Growth Plan
- 2008 Northern Ontario – Preparing for Change -- Dr. R. Rosehart
- Ontario Population Projections 2008 to 2036 -- Ontario and its 49 Census Divisions – Ministry of Finance
- 2006 Census Research Paper – Changing Population of Northwestern Ontario – Chris Southcott Ph.d., 2007, Lakehead University
- Municipal files and records
- Ontario's 2005 Provincial Policy Statement

Notwithstanding economic projections which suggest a slight long term population and economic decline in Northwestern Ontario, identified existing trends and stated policy recommendations suggest that specific growth situations will occur. Mining and special

service locations such as Red Lake and Sioux Lookout will continue to prosper. The Thunder Bay area will continue to grow, based upon;

- Ontario's 2011 Growth Plan which is intended to set Northern Ontario economy on a strong, globally competitive setting, and to ensure that Northern Ontario continues to be a key part of one of the world's leading economies. There is no perspective or reference to a declining Northern Ontario population or economy in the document.
- Dr. Rosehart's expectation of a regional decline, but a concentration upon strengthening Thunder Bay as the focus of NW Ontario, and the similar concept in the 2011 Growth Plan to emphasize and strengthen urban hubs within the region.
- Chris Souttcott's 2007 analysis' of Northern Ontario's population which observes that growth is returning to the larger urban centres (after previous years of economic stress), and that communities close to larger urban places have exhibited growth rather than decline.

Oliver Paipoonge in particular has experienced, and expects to continue to experience passive and generative demand;

- Passive involving local family formulation; continued expansion of rural industry and/or commercial activity involving large, unserved lands; and a sharing of growth generated within the larger Thunder Bay area.
- Generative involving new and previously unavailable options including the Four Seasons Whitewater recreation/residential development, and potential future industrial plans of subdivision supported by an aggressive economic development program.

In the current economy, where employment and place of residence have partially decoupled, and where government policy has placed a focus upon larger developed locations within the region, Oliver Paipoonge expects to share and participate in the overall growth of the larger Thunder Bay area.

Decoupling of employment and place of residence is evident in;

- Oliver Paipoonge's municipal workers who reside in the City of Thunder Bay and in Shuniah
- Mine and forestry workers who live in various local communities and find employment as far away as Goldcorp Red Lake and Musselwhite gold mines; in various forest license/harvesting locations; or in construction projects throughout the region.
- Residents that have selected a rural lifestyle and work in the City

It is noteworthy that this sharing includes residential and small scale industrial and/or commercial activity, however larger industrial, commercial and institutional activity continues to focus upon the City of Thunder Bay.

Oliver Paipoonge's 2009 and 2010 building permit issuances attest to a return to stability for the Municipality after a period of economic stress.

2000 to 2008 residential	average of 20 permits
per year	

2009 residential	24 permits
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2010 residential	27 permits
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Non residential new and large expansions have remained stable throughout the period from 2000 to 2010, averaging 16 permits per year from 2000 to 2008 and 12 permits per year in each of 2009 and 2010, typically involving rural, resource based, large lot, and/or transportation focused commercial and/or industrial activities or other operations such as sewage pumping and disposal that are not well suited to an urban industrial park setting.

Oliver Paipoonge expects this stability to continue and seeks to maximize participation in it in order to secure a strong assessment base that is able to facilitate future service and infrastructure investments that are expected, including those likely to be recommended by a comprehensive serving options study to be completed within the current five year planning period. Servicing of at least one of the villages is one of the expected recommendations and will set Oliver Paipoong on a path towards compliance with Ontario's 2005 Provincial Policy Statement and its emphasis upon settlement areas and more urban communities.

Currently, Oliver Paipoonge does have Official Plan coverage and they do have an implementing Zoning By-Law. In 1998 the Township of Oliver and Municipality of Paipoonge amalgamated and each had their own Official Plan. Through the preparation and approval of this Plan, the Municipality of Oliver Paipoonge will have a single, updated Official Plan which is consistent with the Provincial Policy Statement.

1.2 GOALS AND OBJECTIVES OF THE PLAN

The goals and objectives of this Plan form the foundation of planning principles and provide direction to guide detailed policies and programs. The goals reflect the present and future needs and values of the Council and the residents of the Municipality. The objectives are the ways in which Council intends to achieve these goals.

1.2.1 The Goals of this Official Plan are to:

- a) Protect and maintain the rural quality of life in the Municipality.
- b) Establish policies which manage and direct physical change and the effects on the social, economic and natural environment, of the Municipality, over the next 20 years.
- c) Secure the health, safety, convenience and welfare of the residents of the Municipality.
- d) Ensure the Municipality's resources are rationally used and natural features protected.
- e) Ensure the protection of the provincially significant farmland within the Municipality for agricultural uses.
- f) Qualify the Municipality for various programs funded by senior levels of government.
- g) Provide policies which will encourage the expansion and diversification of the local economic base.
- h) Provide policies that guide development that is environmentally compatible and supports sustainable development.
- i) Promote identification, protect, conservation, and where possible enhance wellhead protection areas, most notably the Rossllyn Communal wellhead protection area, and important surface water features and vulnerable aquifers, and to encourage decision making that implements sound water management practices and protects domestic water resources.
- j) Inform the residents of the Municipality of the policies that affect the development of land.
- k) Provide a guiding framework for implementing by-laws and for decisions of local boards, commissions, committees and other authorities.
- l) Bring about conformity with Ontario's Provincial Interests; Provincial Policy Statement; and, when completed, with The Northern Growth Plan.

- m) Encourage land use compatibility and the establishment of appropriate separation and/or buffering of land uses.
- n) Conduct planning and infrastructure related research and analysis, including a servicing options study upon which to base long term future servicing expenditures and a future community growth and development strategy.
- o) Allocate sufficient land to allow the municipality to respond to determined demand and to promote new assessment necessary to plan and implement anticipated community infrastructure expected to be identified by the conduct of a servicing options study.
- p) To ensure that the villages continue to be independent, unique, and viable features within the community.

1.2.2 The Objectives of this Official Plan are as follows:

The Municipality is committed to actively seeking and encouraging new development that maintains the rural quality of life, maintains the health of existing businesses, and diversifies the economy. This Official Plan represents a step in this process.

- a) The Council shall encourage patterns of development which facilitate the provision of local services with minimal or no impact on local finances.
- b) The Council shall preserve and enhance, where possible, the environmental quality of the Municipality and minimize impacts of land uses on the natural environment and protect the integrity of ecosystems.
- c) The Council shall encourage recreational opportunities that are compatible with the natural environment and are economically feasible.
- d) The Council shall have regard for the importance of natural resources within the Municipality with respect to their contribution to the economic, social and well being of the Municipality and its residents.
- e) The Council shall encourage the creation of housing which is affordable, accessible, adequate and appropriate to the projected requirements of current and future residents of the Municipality and shall encourage that an adequate supply of land is available to meet the housing needs of the residents of the Municipality.

- f) With this Plan, the Council has achieved the goal of establishing a policy framework for the future, to address the unique circumstances in Oliver Paipoonge.
- g) The Council shall, in carrying out its planning responsibilities, have regard for accessibility for persons with disabilities to all facilities and services.

1.3 AMENDMENT AND REVIEW

1.3.1 Five Year Review

This Official Plan is not a static document. Although it provides some degree of flexibility, the Plan's provisions will be reviewed at five year intervals, pursuant to the Ontario *Planning Act* as amended (referred to as the *Planning Act* hereafter) to ensure that the policies are relevant and appropriate, in light of changing conditions, and reflect a local interpretation of the Provincial Policy Statement as amended.

1.3.2 Approval Authority

All Official Plan amendments are subject to the approval of the Minister of Municipal Affairs and Housing.

1.4 RESPONSIBILITIES OF THE MUNICIPALITY

With respect to Official Plans, the Municipality of Oliver Paipoonge has the responsibility to:

- a) Prepare Official Plans in consultation with the Ministry of Municipal Affairs and Housing (the approval authority) and having regard for the Provincial Policy Statement.
- b) Review Official Plans from time to time and make amendments as necessary.
- c) Advise and secure the views of the public, local authorities, agencies and boards with respect to their Official Plans and amendments.
- d) Review, consider and recommend local legislation, such as zoning by-laws and amendments, which implement the policies of the Official Plan.

1.5 OFFICIAL PLAN

This document constitutes the Official Plan of the Municipality of Oliver Paipoonge and has been prepared in accordance with the provisions of the *Planning Act*.

1.6 TITLE

This Plan shall be known as the “The Municipality of Oliver Paipoonge Official Plan”.

1.7 SCOPE

This Plan applies to all lands within the Municipality of Oliver Paipoonge.

1.8 PUBLIC WORKS

Any public works undertaken in the Municipality of Oliver Paipoonge shall conform to the policies of this Plan, in accordance with the *Planning Act* and the *Environmental Assessment Act*.

1.9 ZONING BY-LAWS

All Zoning By-Laws passed after this Plan is in effect shall conform to the policies of this Plan.

1.10 PRIVATE INTERESTS

Private interests must adhere to the policies of this Plan. The use of private lands, however, will be regulated in accordance with the Zoning By-Law pursuant to the *Planning Act*, and other By-laws passed under other relevant Provincial statutes.

SECTION 2 - LAND USE POLICIES

The following land use policies apply to all land use designations unless specifically mentioned for exclusion.

2.1 DESIGNATED USE

The designation of land for a particular use in this Plan only indicates that the land so designated may be considered for the designated use, subject to the more detailed criteria in this Plan and other legislation such as the *Planning Act*. There is no guarantee that any individual parcel may be used for any use permitted in a particular designation.

2.2 ACCESS

Direct access to Provincial highways is generally discouraged or prohibited and will be subject to the access and safety/geometric requirement policies of the Ministry of Transportation. Development is encouraged to access local roads and service roads, where possible.

2.3 GROWTH

Residential growth shall take place in accordance with the “Residential Growth Plan” as outlined in Section 12 of this Plan.

2.4 MINIMUM DISTANCE SEPARATION

All new farm and non-farm development shall comply with the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Criteria and Formulae.

2.5 ZONING

The policies of the Plan and all land use designations shall be implemented through the Zoning By-Law. There may be several zones within a land use designation and the Zoning By-Law shall further define and restrict the permitted uses. Land need not necessarily be immediately zoned for its designated use.

2.6 MOBILE HOME PARKS

New mobile home parks shall not be allowed in any designation in Oliver Paipoonge as the density and servicing requirements are not compatible with the desired rural environment.

2.6.1 Recognition of Parks Existing Prior to 1978

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 and sewage facilities in the existing mobile home park are installed and are operating to the satisfaction of the Ministry of the Environment and the operator has entered into a financial assurance agreement with the Municipality for the long term maintenance of these systems.
- d) The solid waste disposal facilities are satisfactory to the Ministry of the Environment.
- 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.

2.6.2 Site Plan Control Agreement

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.
- e) The size of mobile home spaces.

2.6.3 Park Expansion

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

- a) The municipal services are not unduly burdened.
- 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) The developer enters into a subdivision agreement pursuant to *Planning Act*, which includes a provision relating to communal water and sewage systems and/or into an agreement under the *Planning Act* to ensure the operator has entered into a financial assurance agreement with the Municipality for the long term maintenance of the communal servicing systems.
- 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 of greater than 20 units shall be allowed.

2.7 **NOISE REGULATIONS**

2.7.1 Noise Attenuation Measures

Noise caused by surface transportation facilities (road and rail or noise in the industrial or commercial areas) can cause annoyance and adversely affect the adjoining uses. To reduce such potential land use conflicts, a Ministry of the Environment noise assessment and noise attenuation measures may be required in order to meet acceptable noise levels.

2.7.2 Noise Studies

A Ministry of the Environment noise assessment and Noise attenuation measures may be required for new residential development which may be adversely affected by industrial, vehicular traffic, railway and aircraft operations. Where required, it will be the responsibility of the developer to prepare a noise

study detailing how acceptable sound levels will be achieved within the development area.

2.7.3 Noise Assessments

A noise assessment shall be required when development of a sensitive land use is proposed within 150 metres of a Provincial highway and within 300 metres of a railway right-of-way. The noise assessment would consider the specific site geometry and apply the Ministry of the Environment Publications and Guidelines to identify any noise mitigation measures to ensure that the criteria for exposure to noise are satisfied.

2.8 REDEVELOPMENT OF PITS AND QUARRIES

The provisions of the *Aggregate Resources Act* apply to Crown and private lands.

If redevelopment of pits and quarries are in or adjacent to Sensitive Areas, the policies in Section 2.15 Sensitive Areas of this document and the Ministry of the Environment Guidelines on land use compatibility shall apply.

2.8.1 Re-zoning

No pit or quarry, whether rehabilitated or not, shall be zoned to allow a new use until Council is satisfied that the site will be properly rehabilitated to accommodate the proposed use, taking into account, but not limited to stabilization of banks, grading, fill, drainage, re-vegetation and access.

2.8.2 Rehabilitation

Rehabilitation of legal wayside pits and quarries will be required. Where a pit or quarry is abandoned or otherwise un-rehabilitated, Council will require the submission of a rehabilitation plan as outlined in Section 4.4.6, Pits and Quarries, detailing how rehabilitation will be carried out and final topography, contours, grading, stabilization of banks, fill, drainage and re-vegetation.

2.8.3 Rehabilitation Plan Requirements

The rehabilitation plan shall be compatible with the surrounding land forms and shall conform to the municipal pit and quarry by-law as well as the land use designations and policies of this Plan.

2.8.4 Re-activation of Wayside Pits and Quarries

Council shall encourage the wise use of remaining resources in, and the rehabilitation of, abandoned pits and quarries through their re-activation as temporary wayside operations subject to the policies of Section 2.1.11, Wayside Pits and Quarries. All redevelopment of pits and quarries shall meet the requirements of any pertinent municipal by-laws.

2.9 LAND DIVISION POLICY

2.9.1 General

The policies outlined in this section of the plan shall be adhered to by the Council of Oliver Paipoonge, the Committee of Adjustment and any other body which may influence the creation of lots in the Municipality.

The division of land in Oliver Paipoonge shall take place in two ways - by registered plan of subdivision, condominium or by consent. The method employed shall depend on considerations given to each individual situation by Council and the Committee of Adjustment. Plans of subdivision shall be permitted only in the "Hamlet Residential", "Industrial" and "Commercial" Designations.

New development in the Municipality located adjacent to a Provincial highway must take into account the access and safety/geometric requirement policies of the Ministry of Transportation, as the MTO will discourage or prohibit direct access to abutting properties.

2.9.2 Plans of Subdivision or Condominium

Plans of subdivision or condominium shall be used to create parcels of land in those cases where consents are inappropriate due to scale, location, potential effects on adjacent lands, access or the types of services required.

It is the policy of Council that no new plans of subdivision or of condominium for residential purposes shall be permitted in the Rural area.

In approving residential Plans of Subdivision or Condominiums, Council's objectives are:

- a) To accommodate some of the demand for housing in large lot pre-planned subdivisions that are capable of supporting private water and sewage disposal systems.
- b) To provide a residential housing option in areas which are private, quiet and scenic.
- c) To ensure that residential development does not interfere with existing or potential natural resource utilization.
- d) To control the scale and density of development to ensure that subdivision or condominium plans remain small.
- e) To ensure that residential development does not overburden existing facilities and services.

- f) To ensure that development takes place within defined housing and population targets for the Municipality (Section 12, Residential Growth Plan).

The following policies apply to the division of lands by way of plan of subdivision:

- a) All information required under the *Planning Act* shall be submitted by the developer with any draft plan;
- b) All proposed plans of subdivision shall be evaluated in order to determine the suitability of land and the location to the proposed use, the effect on public services and facilities, the effect on existing amenities and natural resources and the effect on existing or potential uses of surrounding lands;
- c) The developer, in accordance with 2.15.4, may be required to submit an Environmental Impact Study at the time of application if the development is in or adjacent to a Sensitive Area, or if Council deems it necessary;
- d) The Council shall recommend for approval only plans of subdivision which conform to the policies of this plan, and the land use designation shown on the Schedules to this Plan;
- e) The Municipality may require and enter into an agreement with the developer to cover matters reasonably related to the development which may not conveniently be regulated by this Plan, the Zoning By-Law or the conditions of draft approval and such an agreement may cover, but need not be limited to, the following:
 - i. The dedication of parkland or the payment of cash-in-lieu of parkland,
 - ii. The dedication of land for roads, road allowances, road widening, easements and 0.3 metre reserves,
 - iii. The payment of development charges,
 - iv. The provision and maintenance of services,
 - v. Restrictions on building permits,
 - vi. Drainage,
 - vii. The payment of insurance,
 - viii. The restoration of public lands or facilities damaged by construction,
 - ix. The provision of performance bonds, letters of credit or other financial guarantees as may be required by the Municipality;

- f) The area, frontage and depth shall be suitable to the use proposed and, where feasible, shall be consistent with adjacent development;
- g) The Municipality shall give consideration to all items outlined under the *Planning Act*,
- h) A detailed engineering report may be required for proposed plans of subdivision, if requested by the Municipality or by review agencies such as the Ministry of the Environment, Ministry of Natural Resources or the Ministry of Transportation for their review of the proposed development. The Municipality may also require that an engineering report be prepared for its purposes. Such a report may include, but is not limited to the following:
 - i. Proof of soil conditions satisfactory for the effective operation of a private waste disposal system.
 - ii. Proof of soil conditions capable of supporting the proposed building foundation.
 - iii. Confirmation that there is no likelihood of adverse effects from the proposed development or existing development, particularly relating to water quality and quantity and drainage.
 - iv. Confirmation that there is no likelihood of adverse effects on individual dwelling units within and near to the proposed development, particularly relating to water quality and quantity and drainage.
- i) The developer shall be required to establish to the satisfaction of the Municipality under the considerations of Ontario Regulation 903 as issued under the *Ontario Water Resources Act*, the existence of an adequate supply of potable water on each residential building lot within a plan of subdivision. Where the water supply to be provided will be from a well, this water supply shall be verified by the installation of a well on each lot and the providing of evidence as to the quality and quantity of water available therefrom.

Those aspects to be considered in any report that may be required shall be determined through consultation between the owners and the approval authority and shall be prepared to the satisfaction of the latter. A copy of the report shall be forwarded to the Municipality.

2.9.3 Consents (Severances)

It is the policy of this Plan to allow consents when a plan of subdivision is not necessary for the orderly development of the land. The Committee of Adjustment shall only grant consents to create parcels which conform to this Plan and the provisions of the Zoning By-Law; which can be adequately serviced without undue burden on municipal finances or services; which are not premature in nature; and which will not adversely affect the potential for future development of

adjacent property. Policies pertaining to severances within specific land use designations are found within their respective sections. The following general policies will apply to all land use designations:

- a) The applicant for consent must submit an application form and the required number of copies completed to the satisfaction of the Secretary of the Committee of Adjustment. The application and each copy shall be accompanied by a plan which is drawn to approximate scale and which shows:
 - i. The boundaries of the retained and severed lots with dimensions.
 - ii. The existing and proposed location of all buildings, structures and natural features.
 - iii. Any existing water supply and sewage disposal systems.
 - iv. All existing or proposed roads and road allowances.
 - v. All separation distances between farm buildings and residences.
 - vi. All abutting land owned by the applicant.
 - vii. Any significant topographical or drainage features of the subject land.
 - viii. All abutting land uses.
 - ix. Proposed use of the land to be severed and retained.
 - x. History of severance activity on the subject parcel of land.

The Secretary of the Committee of Adjustment may refuse to accept any application or plan which does not fulfill the above requirements, where applicable and may require that an applicant provide additional information prior to making a decision.

- b) Any development proposed by consent shall be in conformity with the land use designations shown on the Schedules to this Plan.
- c) Any development proposed by consent shall be in conformity with the "Residential Growth Plan" in Section 12 of this Plan.
- d) With the exception of mineral extraction uses, all parcels involved in any consent application shall have direct access to a provincial highway (subject to approval from the MTO), an open municipal road, or a minor extension of an existing open municipal road approved by Council. No consent shall be granted which may cause a traffic hazard due to the proximity of an intersection or limited sight lines on a curve or hill. Where a road authority has

determined that the creation of an additional entrance would not be in the best interest of the public, a registered easement or shared right-of-way shall be permitted provided that all subject parcels directly abut an open, public road. No consent shall be granted which may cause a traffic hazard due to the proximity of an intersection or limited sight lines on a curve or hill.

- e) With respect to soil, water and drainage;
 - i. The Committee of Adjustment may require evidence from the applicant that all parcels involved have soil, water, and drainage conditions suitable to permit the proper siting of buildings and the proper installation of sewage disposal systems, with the exception of those cases where no development requiring the above facilities exists or is proposed. Sewage disposal systems must be approved in accordance with the Ontario Building Code. Sewage systems handling above 10,000 litres per day must comply with Section 53 of the *Ontario Water Resources Act*, as amended.
 - ii. An adequate supply of potable water shall be proven by the establishment of well yielding potable water at a rate of not less than 4 gallons per minute over 1 hour of continuous pumping.
- f) Consents will be discouraged where the proposed use would conflict with existing nearby uses, particularly in the cases of poultry and livestock operations, waste disposal sites, heavy industry and other noisy or malodorous activity. All consents must conform with the Ministry of Environment's guidelines on land use compatibility and the Ministry of Agriculture, Food and Rural Affairs minimum distance separation criteria and formulae.
- g) The area, frontage and depth of lots shall be suitable to the use proposed and, where possible, consistent with adjacent development.
- h) Notwithstanding the policies of this section, special purpose severances may be granted for the following technical purposes, provided that the retained portion conforms to the Zoning By-Law:
 - i. Boundary corrections or adjustments.
 - ii. Lot enlargements, which should only be considered for lands not in the "Agricultural" designation, unless there are environmental concerns that justify the necessary increase of the lot size.
 - iii. Discharge of mortgage when the use of the land does not change and is in conformity with the lot requirements in the Zoning By-Law.
 - iv. Road widening and road allowances.

v. Easements.

Special Purpose Severances which do not have the effect of creating an additional lot shall not be subject to levies or parkland dedication.

- i) The following may be made conditions of consent approval by the Committee of Adjustment:
- i. That any necessary land for road allowances, road widening or easements be dedicated to the Municipality.
 - ii. That a dedication of up to 5% of the land for park purposes or the payment of cash-in-lieu of land be made to the Municipality in accordance with Section 14.4.4, Dedication of Land for Park Purposes of this Plan.
 - iii. That the Zoning By-Law be amended, if required.
 - iv. That the applicant enter into an agreement with the Municipality to construct any road extension approved by Council under Section 2.9.3, Consents (Severances) to a standard satisfactory to the Municipality or perform any other work made necessary by the consent to the satisfaction of the Municipality.
 - v. That the severed land be consolidated with abutting land, for a lot addition application,
 - vi. That an access permit be obtained from the Ministry of Transportation for severances on a provincial highway.
 - vii. That the applicant may be required to pay to the Municipality a lot levy which shall be an amount which reasonably reflects the proportioned share of the costs of the upgrading or expansion of hard services within the Municipality necessitated by the development.
 - viii. Any other conditions reasonably related to the granting of the consent.
- j) Consents may be granted provided that a parcel, held under unity of ownership as of January 1st, 1980 , is not thereafter subdivided by consent into more than three parcels being the retained lot and 2 severed parcels, except for the purposes of boundary adjustment, partial discharge of mortgage, easements and rights-of-way. According to Section 2.9.3 h.

2.10 ENERGY GENERATION FACILITIES

Council supports alternative energy systems and renewable energy systems.

The development of energy generation facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate energy while minimizing the impacts on existing land uses and the natural environment. As such, energy generating facilities are permitted in all land use designations without an amendment to this Plan according to the requirements of the *Green Energy Act*.

2.11 WAYSIDE PITS AND QUARRIES

The following policies apply to Wayside Pits and Quarries:

2.11.1 General

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. Wayside pits and quarries shall be permitted throughout the Municipality without an amendment to this plan or Zoning By-Law, except in areas of existing development or particular environmental sensitivity which are designated as such in this plan.

Provisions of the *Aggregate Resources Act* apply to Crown and private Lands.

2.11.2 Setbacks

No excavation shall be permitted within 30 metres of a public or common road allowance unless a progressive rehabilitation program to restore that distance has been discussed with the Municipality.

2.11.3 Approvals

The opening of wayside pits and quarries shall be permitted without amendment to this Plan or its implementing Zoning By-Law 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 measures or alternate locations as appropriate.

2.11.4 Rehabilitation

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.

2.11.5 Wayside Pits and Quarries in Agricultural Designation

In the Agricultural designation, wayside pits and quarries may occur. Where wayside pits and quarries occur on specialty crop or Class 1 to 3 agricultural

lands, agricultural rehabilitation of the site shall be carried out and substantially the same acreage and average soil capacity for agriculture shall be restored.

2.11.6 Sensitive Areas

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 (in accordance with Section 2.15.4) and/or additional mitigation measures can be shown to effectively avoid adverse impacts on the sensitive land use.

2.12 ASPHALT PLANTS

2.12.1 Definition

Portable asphalt plant means a facility:

- a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process.
- b) Which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.12.2 General

Portable asphalt plants, used by public road authority or their agent or contractor, shall be permitted throughout the municipality after consultation with the Municipality without requiring an amendment to this plan or the Zoning By-Law, except in existing built up areas and in environmentally Sensitive Areas which have been determined to be incompatible with extraction and associated uses.

2.13 DEVELOPMENT CONSTRAINTS

2.13.1 Areas of Use Limitations

- a) Areas of "Use Limitation" as indicated in Schedule "B" are those lands which because of their physical characteristics or location may be susceptible to flooding, eroding or instability; which conditions may result in loss of life, in destruction of property or in social disruption should certain types of development be permitted thereupon.

The delineation of Areas of Use Limitation on Schedule "B" is based upon:

- i. A combination of air photo interpretation and field examination.

- ii. Existing Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation administered by the Lakehead Region Conservation Authority.

b) Uses Permitted

The uses permitted shall be limited to agriculture, conservation, forestry, wildlife management areas, and other passive outdoor recreational uses.

c) Building and Fill

No buildings or structures shall be permitted in areas of “Use Limitation” except where such are intended for flood or erosion control or are normally associated with the water course protections works or bank stabilization projects and are approved by the Council in consultation with the Lakehead Region Conservation Authority.

d) Land Dedication Under the *Planning Act*

Where new development is proposed in an area, part of which a “Use Limitation” designation, such lands may or may not be acceptable as part of the dedication for park purposes as required under the *Planning Act*.

e) Setbacks and Lot Lines

Building setbacks will be imposed from the margins of the areas of “Use Limitation” designation in relation to the “severity of the existing and potential environmental hazards.

f) Relief from Area of Use Limitation Development Constraints

An amendment to the Official Plan will not be required to relieve lands from these development constraint policies within the area of “Use Limitation”, providing such relief is deemed appropriate by Council after consultation with the Lakehead Region Conservation Authority. Request for relief from the areas of “Use Limitation” development constraints will be considered in terms of:

- i. The existing environmental hazards.
- ii. The potential impacts of these environmental hazards.
- iii. The proposed methods by which impacts may be overcome in a manner acceptable to the Ministry of Natural Resources, Lakehead Region Conservation Authority and Council.

- iv. The costs and benefits in monetary terms of any engineering works and/or resource management practices needed to overcome these impacts.

g) Zoning By-Law

Areas of “Use Limitation” shall be zoned in a classification which implements the policies of this section. All buildings and structures existing at the date of adoption of this plan may be zoned in accordance with their existing use. Extension, enlargement and reconstruction of existing uses recognized in the Zoning By-Law, may be permitted provided that the comments of the Lakehead Region Conservation Authority and the Ministry of Natural Resources are considered.

h) Existing Non-Conforming Uses

Extension, enlargement or reconstruction of any existing non-conforming uses in areas of “Use Limitation” shall be prohibited.

2.13.2 Natural Heritage Resources

- a) Natural Heritage Resources include significant wetlands, fish habitat, wildlife habitat, endangered and threatened species and forest resources, among others as defined in the Provincial Policy Statement 2005. Council recognizes the economic, social and environmental benefits of natural heritage features and will protect these features within the municipality in accordance with Section 2.1 of the Provincial Policy Statement.
- b) Upon review of any development applications, Council, in consultation with the Ministry of Natural Resources, will have regard for the impact of the proposed development on Natural Heritage Features including fish or wildlife habitat or forest resources, and/or require an Environmental Impact Study in accordance with Section 2.15.4, Environmental Impact Study, prior to making any decision on the acceptability of the proposal.

2.13.3 Mineral Constraint

- a) Schedule “B” identifies areas of high mineral potential, including sites of previous mining activity, as “Mineral Constraint”.

In these areas, potential mine hazards such as mine shafts and tunnels may exist. When considering development on lands identified as “Mineral Constraint”, Council shall consult with the Ministry of Northern Development and Mines prior to making a decision or final recommendation. Development should not be permitted on lands where old mine shafts and tunnels are located.

Prior to permitting new development on lands that have been subject to past mining activity or areas that have been identified by the Ministry of Northern Development and Mines as having potential for mining activity in the future, Council shall consider the impacts of development on the mineral resources.

- b) In areas where mining activity has been terminated, abandoned or depleted, Council shall require appropriate rehabilitation of the site in accordance with the .
- c) In the Agricultural designation, where mining occurs on specialty crop of Class 1 to 3 agricultural lands, agricultural rehabilitation of the site shall be carried out and substantially the same acreage and average soil capability for agriculture shall be restored.

2.14 AREAS OF HIGH MINERAL AGGREGATE POTENTIAL

2.14.1 Areas of High Potential

Schedule “B” indicates areas of Mineral Aggregate Potential which are not land use designations but are provided for the purpose of indicating geological information only. Any change to these areas shall occur by amendment to this Plan.

2.14.2 Land Use

No indication or any particulars on Schedule “B” shall entitle the owner to make use of the land for extractive purposes and such indication shall not bind the Council to pass the necessary amendment to the Zoning By-Law to allow mineral aggregate extraction.

2.14.3 Protection of Mineral Aggregate Resources

It is the intent of the Plan to protect mineral aggregate resources for extraction within areas of high potential. However, the Council may allow non-aggregate development within these areas provided that Council has regard for Schedule “B” and can show that;

- a) Extraction would not be feasible; or,
- b) The proposed land use or development serves a greater long term interest of the general public than does aggregate extraction, and
- c) Issues of public health, public safety and environmental impact are addressed; or
- d) The proposed land use of development would not significantly preclude or hinder future extraction.

2.14.4 Extraction

Mineral aggregate extraction shall conform to the policies outlined in Section 4.4.6, Pits and Quarries and to the provisions of the Zoning By-Law.

2.14.5 Compatible Land Uses

It is the general intent of Council to recognize and permit all legally existing pits and quarries to continue their operation and to prohibit incompatible land uses and activities both on site and adjacent to these operations. All legally existing pits and quarries will be identified and placed in a separate zoning category in the implementing Zoning By-Law.

2.14.6 Areas of High Potential in Agricultural Designation

In the Agricultural designation, where mineral aggregate extraction occurs on specialty crops or Class 1 to 3 agricultural lands, agricultural rehabilitation of the site shall be carried out and substantially the same acreage and average soil capability for agriculture shall be restored.

2.15 SENSITIVE AREAS

Sensitive Areas are defined as “areas of land and water which have been identified by the Ministry of Natural Resources as having values related to natural heritage appreciation, scientific study, public education or aesthetic value” (See Schedule “B”).

Prior to approving development on these sites and on adjacent lands, the proponent shall demonstrate that there will be no negative impacts to the natural features or the ecological functions for which the area is identified. The proponent of the development shall demonstrate no negative impacts based on the recommendations of an Environmental Impact Study described in Section 2.15.4 and/or other appropriate studies as determined by Council, which shall be carried out by a qualified professional.

2.15.1 Goals

Council will encourage the protection of Sensitive Areas for future generations by discouraging and, where necessary, not allowing incompatible land uses within and adjacent to identified Sensitive Areas.

2.15.2 Uses

The uses permitted in the Sensitive Areas would include non-intrusive uses such as conservation, non-intensive recreation and forestry provided such land uses maintain or enhance the natural features of Sensitive Areas.

2.15.3 Policies

- a) Land division will only be permitted within a Sensitive Area where a suitable building site is not available outside the Sensitive Areas.
- b) In order to determine the appropriateness of a development within a Sensitive Areas, the proponent will be required to provide the following:
 - i. A description of the proposed development including location map, proposed buildings existing land uses, existing vegetation, site topography, drainage and soils;
 - ii. A detailed description of the features to be directly or indirectly affected by the proposal; and,
 - iii. A detailed description of the effects that this development will cause or might reasonably be expected to cause on the features of the specific Sensitive Area affected.

2.15.4 Environmental Impact Study

Environmental Impact Studies (EIS) shall be carried out by a qualified professional, with recognized expertise in the appropriate environmental disciplines, and shall be prepared using established procedures and recognized methodologies. The proponent shall be responsible for all costs associated with the preparation of any Environmental Impact Study required to support a development proposal.

Where an Environmental Impact Study is required, it shall include, but not be limited to the provisions detailed in Appendix A.

No planning approval will be granted until the required Environmental Impact Study has been completed to the satisfaction of the Municipality. In reviewing Environmental Impact Studies consultation may be sought with the Lakehead Region Conservation Authority, Fisheries and Oceans Canada and/or any other appropriate public agency.

2.15.5 Zoning

The Zoning By-Law will place the Sensitive Areas in a restrictive zone category.

2.16 PROVINCIAL HIGHWAYS

In addition to the municipal requirements, all development adjacent to provincial highways is also subject to the geometric and safety requirements and permits of the Ministry of Transportation.

2.17 CULTURAL HERITAGE

All new development permitted by the land-use policies and the designations of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner that preserves and enhances the context in which cultural heritage resources are situated.

Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village and districts or cultural landscapes of historic interest. 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 districts 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.

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 Township. In addition, data and maps of any designated or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural landscapes located within the Township shall be maintained 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.

Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of established provincial screening criteria, or qualified mapping developed based on the known archaeological record within the Municipality. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, any locally known significant heritage areas such as portage routes or other places of past human settlement. 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.

Council, with the advice of the Ministry of Culture, may undertake the preparation of an archaeological Master Plan. The Plan will identify and map known archaeological sites registered with the Provincial archaeological Sites database, as well as areas within the municipality having archaeological potential. The Master Plan may also outline policies, programs and strategies to protect significant archaeological sites.

The Municipality shall require archaeological assessment by archaeologists licensed under the *Heritage Act* in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the municipal

boundaries of the Municipality of Oliver Paipoonge. Alterations to known archaeological sites must only be performed by licensed archaeologists, as per the provisions of the *Heritage Act*. Any significant archaeological resource or site identified may be preserved on site, to ensure that the integrity of the resource is maintained, and/or may it be systematically removed through excavation by a licensed archaeologist. 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.

The Municipality shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services, when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Heritage Act* and the *Cemeteries Act* as amended, shall apply.

The Municipality shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this plan. Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

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. Council shall seek the acquisition of easements on properties with heritage significance in order to assure the preservation of these properties in perpetuity.

Council shall ensure that each municipally-owned heritage resource which is sold, leased or transferred to another owner or lessee 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 lessee to a standard acceptable to the Municipal Heritage Committee or other accepted heritage property standard.

Council shall ensure that secondary planning studies identify cultural heritage resources, which may exist in the area under study and propose means to protect and enhance any significant heritage resources.

2.18 LAND USE COMPATIBILITY

The encroachment of sensitive land uses and industrial uses on one another is discouraged. A separation distance in accordance with the Ministry of the Environment's guidelines will be incorporated between sensitive and industrial uses to minimize potential adverse effects. Where Council deems appropriate, an Environmental Impact Study may also be required in accordance with Section 2.15.4 of this Plan.

2.19 POTENTIALLY CONTAMINATED SITES

An analysis will be required to establish the nature and extent of possible contamination when development is proposed on a potentially contaminated site. Potentially contaminated sites may include but are not limited to sites used for industrial, transportation or utility purposes. If necessary, a full investigation shall be undertaken and a clean-up plan prepared in accordance with Ministry of Environment policies and guidelines prior to approval in principle being granted for the development.

An affidavit shall be submitted with all applications for plans of subdivision, site plans and consents indicating that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04 as amended and the Canadian Standards Association Phase 1 ESA standard as amended. Where the Phase 1 identifies a potential contamination, a Phase 2 ESA shall be completed. If the Phase 2 ESA finds contamination above accepted levels, the Municipality shall require a Record of Site Conditions (RSC) acknowledged by the Ministry of the Environment before it approves development.

2.20 SEWAGE AND WATER SERVICING

Council will require the investigation of providing communal water and sewage to service new multi-unit/lot development. The investigation shall include an assessment, completed in accordance with Ministry of the Environment guidelines, of the impact of the communal services on ground and surface water resources.

2.21 WETLANDS

Council recognizes the importance of wetlands and encourages their protection. When development is proposed in or adjacent to a wetland as defined by the Provincial Policy Statement, Council shall consult with the Ministry of Natural Resources. Prior to approval, the developer may be required to submit an Environmental Impact Study in accordance with Section 2.15.4 satisfactory to the Municipality and the Ministry of Natural Resources demonstrating that the proposed development will not result in any loss of wetland function.

SECTION 3 - AGRICULTURE

3.1 INTRODUCTION

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 nearby Thunder Bay market makes farming a viable economic activity.

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.

Agriculture in Oliver Paipoonge is both an economic activity and a way of life. The Council of Oliver Paipoonge recognizes the need for a strong commitment to agriculture and the farm community and to the changing needs of people actively engaged in agriculture.

3.2 DEFINITION

The "Agricultural" designation of land shall mean that land where prime agricultural land (specialty crop lands and/or Canada Land Inventory Class 1, 2, and 3 soil) predominates. Permitted uses shall include agricultural uses which include the use of lands, buildings or structures for the growing of crops (including agro forestry, greenhouse crops, mushrooms, nursery and horticulture crops); and the raising of livestock and other animals and birds, including poultry, fur bearing animals, fish, deer, elk and bees.

Agriculture-related commercial and agriculture-related industrial uses that are small in scale and directly related to the farm operation and required to be located in close proximity to the farm operation such as a grain drying handling and storage facilities and value-added agricultural product such as custom meat shops, pick-your-own operations, produce markets, and packing operations are permitted uses. Abattoirs, livestock marketing or sales yards, seed cleaning plants, agricultural produce warehouses or similar agri-businesses, and agri-tourism operations are permitted, provided alternative locations within areas designated other than Agriculture are not available. Forestry and resource extraction may be permitted within the Agricultural designation. Legally existing pits and quarries are a permitted use. In addition, sanitary landfill sites will be permitted, subject to Section 13.4, Solid and Liquid Waste Disposal of this Plan.

3.3 GOALS

The goals which the Municipality wishes to achieve in the “Agricultural” designation are:

- 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 maintain large, contiguous areas of land for agriculture despite the existence of small areas of land not suited to farming.
- d) To encourage a parcel size suitable to ensure future flexibility for farm operations.
- e) To provide a high degree of certainty with respect to the continued viability of farming by minimizing competing land use demands.
- 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 differing types and sizes of agricultural operations.
- h) To allow uses of land only where they are directly related to or compatible with agriculture.

3.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

3.4.1 Bonafide Farmer

A “Bonafide farmer” shall be considered to be a person who:

- a) Resides on and owns a viable farm operation, and
- b) Produces food and/or agricultural goods, and
- c) Is a farmer by occupation, and
- d) Is recognized as a farmer by the community.

In evaluating the above criteria, the Municipality may seek advice and guidance from local agricultural groups or committees.

3.4.2 Viable Farm Operation

A “viable farm operation” shall be considered to be a farm which under the operator’s management generates sufficient income to:

- a) Provide a sufficient living for a farm household,
- b) Cover the costs of operation and maintenance,
- c) Repay all debts, and
- d) Further develop the business if necessary.

In evaluating the above criteria, the Municipality may seek advice and guidance from local agricultural groups or committees.

3.4.3 Farm Unit

In areas designated “Agricultural”, the predominant use of land shall be farming and the predominant type of development, the farm unit. The “farm unit” consists of the land base, the farm residence, barns, and other buildings and structures which support the farming operation. The land and buildings which make up the farm unit may be on separately titled lots.

3.4.4 Residential Uses

No new residential uses unrelated to agriculture shall be allowed in the area designated “Agricultural” unless specifically permitted by policies in this Plan. Farm-related residences may be allowed, subject to the consent granting (severance) policies of Section 3.5.

3.4.5 Second Farm Residence

A second farm residence may be permitted for hired help, a farm partner or a family member required for the efficient operation of a viable farm operation. The second farm residence is to be considered part of the farm unit.

3.4.6 Existing Lots of Record

Notwithstanding Section 3.4.4, a residence may be located on a lot of record subject to the provisions of the Zoning By-Laws.

3.4.7 Ontario Ministry of Agriculture and Food’s Minimum Distance Separation Criteria

All new farm and non-farm development in the “Agricultural” designation shall be developed in accordance with the Ontario Ministry of Agriculture Food, and Rural Affairs Minimum Distance Separation Criteria and Formulae.

3.4.8 Agri-Business

Small scale commercial and industrial uses such as abattoirs, livestock marketing or sales yards, seed cleaning plants, agricultural produce warehouses or similar agribusinesses and activities, including accessory dwellings, that primarily provide farm services or process, store or distribute farm commodities, may be permitted on public or provincial highways in the "Agricultural" designation.

The following policies are to be used in evaluating applications for commercial and industrial uses in the "Agricultural" designation:

- a) There is a demonstrated need for additional land to be designated to accommodate the proposed use, there are no reasonable alternative locations which avoid prime agricultural areas, and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands (to conform with Section 2.3 of the PPS.)
- b) Development shall conform to the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Criteria and Formulae.
- c) The amount of land devoted to the activity shall be the minimum necessary to support the activity but in no case should it be less than one hectare.
- d) Access should not create or generate conditions that are considered to be hazardous to traffic movement on the surrounding road network.
- e) An amendment to the Zoning By-Law is required.

3.4.9 Re-Designation of Agricultural Lands

In evaluating an amendment of the Official Plan to change the designation from Agricultural to another designation, the Municipality shall be satisfied that there is a demonstrated need for the proposed use for which the amendment is sought, and that the proposed use cannot be reasonably located on lands outside the Agricultural designation or on lands within the Agricultural designation with a lower agricultural capability."

3.5 CONSENT GRANTING (SEVERANCES)

Consents to sever shall be the only method of creating new lots in the “Agricultural” designation on the Land Use Plan shown on Schedule “A”, and shall conform to the following:

3.5.1 Agricultural Use

Consent may be given for the conveyance of land for agricultural purposes provided that farm parcel sizes in the Agricultural designation are of a size appropriate for the type of agricultural uses common in the area, are sufficiently large to maintain flexibility for future changes in the type and size of agricultural operations and conform to the Zoning By-Law.

3.5.2 Farm Enlargement

Land may be conveyed by consent to allow the enlargement of an abutting farm operation provided that the land is to be used for agricultural purposes and any remaining parcel conforms to the provisions of the Zoning By-Law and the planning authority ensures that no new residential dwellings are permitted on the remnant parcel.

3.5.3 Non-Farm Residences

No severances for non-farm residences shall be permitted in the “Agricultural” designation. However, severance is permitted for a lot on which a residence surplus to a farming operation as a result of farm consolidation is located, provided the planning authority ensures that no new residential dwellings are permitted on any vacant remnant parcel of farmland created by the severance.

3.5.4 Agriculture-Related Commercial and Industrial Uses

Farm-related commercial and industrial uses may be allowed in the “Agricultural” designation. The Committee of Adjustment may require the following information:

- a) The location and size of all proposed buildings and structures,
- b) The location of all access points and parking, loading and unloading facilities,
- c) The existing uses of the site and the surrounding land,
- d) Any proposed buffers,
- e) Technical studies to assess potential impacts on nearby existing or potential future sensitive land uses, such as residences. Such studies should follow current MOE Guidelines.

f) Any other information reasonably related to the proposal.

SECTION 4 - RURAL

4.1 INTRODUCTION

The Council of Oliver Paipoonge wishes to protect the rural character of the Municipality and still allow for the growth of rural-based commercial and light industrial economy. Large areas of the Municipality are not entirely suited to agriculture but have a variety of potential for resource and non-resource uses. It is not realistic to attempt to precisely define where these uses may best occur. A general rural area in which these uses can be accommodated in accordance with specific policies and through zoning amendments would allow flexibility in determining appropriate uses of land.

4.2 DEFINITION

The “Rural” designation of land shall be a low density, multi-purpose area in which a variety of land uses may be accommodated in a compatible manner, consistent with Section 1.1.4.1 of the Provincial Policy Statement (PPS 2005). Resource uses such as agriculture, forestry, mineral extraction as well as non-resource uses such as limited rural residential, commercial, industrial, institutional, pits and quarries and resource based recreational uses may be permitted in the “Rural” designation in accordance with specific policies outlined in this Plan. In addition, sanitary landfill sites will be permitted subject to Section 13.4 of this Plan and/or appropriate Official Plan and/or zoning amendments.

Lands designated as “Rural” are shown in the Land Use Plan (Schedule “A”).

4.3 GOALS

The goals which the Municipality wishes to achieve in the “Rural” designation are:

- a) To maintain a low-density 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 land uses,
- d) To allow the development of natural resources and economic activities in a manner compatible with other land uses,
- e) To allow investors a wide range of options for their investments within the policies of this Plan,
- f) To reduce the amount of ribbon residential development occurring on public and provincial highways,
- g) To protect existing agricultural operations from incompatible land uses and to ensure their future viability.

4.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

4.4.1 Compatibility

While land in the “Rural” designation may be developed for a variety of uses, consideration shall be given to ensure that development is compatible with surrounding land uses and the potential of the land before any approval is given. The Ministry of Environment Guidelines on land use compatibility shall be referenced.

4.4.2 Agricultural Uses

Agricultural uses may be permitted in the “Rural” designation and the policies of Section 3.4 dealing with “bonafide farmer,” “viable farm operation,” “farm unit,” “second farm residences,” and “all new farm and non-farm development” shall comply with the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Criteria and Formulae.

4.4.3 Residential Uses

A limited number of rural residential uses may be allowed in the “Rural” designation on existing lots of record and through consents in accordance with the consent policies in Section 4.4.9 of this Plan, provided that:

- a) All rural residential properties shall have direct access to a provincial highway, an open municipal road, a road approved by Council or a minor extension of an existing open municipal road approved by Council (easements and unopened road allowances are not considered direct access.)
- b) Notwithstanding, the uses identified in Section 4.2, the existing multi-unit senior’s residence on Highway 11-17 near Kakabeka Falls is recognized as a permitted use within the Rural designation, provided that:
 - i. The building or buildings are situated on a parcel of land which has a minimum lot area of five hectares.
 - ii. The density of the development shall not exceed 2.75 dwelling units 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, by the Council of the Municipality of Oliver Paipoonge.
 - iii. The maximum number of dwelling units per lot shall be twenty.

- iv. The building or buildings shall be situated in a non-farming area characterized by a variety of rural uses including other residential uses. The development shall require an amendment to the implementing zoning by-law and shall be subject to the provisions the *Planning Act* and the provisions of Section 14.6 of the Official Plan.

No new plans of subdivision or of condominium for residential purposes shall be permitted in the Rural designation.

4.4.4 Commercial and Industrial Uses

Small scale local commercial uses providing personal, professional, business or retail services and light industrial activities compatible with the surrounding land uses (and/or relating to a rural resource) may be permitted in the "Rural" designation in accordance with the following:

- a) Activities which may be considered light industrial in character shall be those which are not noxious in nature, are primarily carried on within a building and are compatible with non-industrial uses which exist or which may be established on abutting or nearby properties.
- b) Buffering is to be provided where a commercial or industrial use abuts a sensitive use, in accordance with the Ministry of the Environment's Guidelines on land use compatibility and buffering.
- c) The amenity of the rural area is protected.
- d) A commercial or industrial use will require an amendment to the Zoning By-Law and only where appropriate analysis (noise studies, etc.) has been done.
- e) Adequate parking is required.
- f) Uses are not large consumers of water and do not result in large amounts of waste water.
- g) Existing commercial and industrial uses which do not conform to this policy are subject to the policies of Section 14.7, Existing Non-Conforming Uses, of this plan.

In addition, commercial uses directly serving the traveling public, such as truck stops, restaurants and motels may be permitted on provincial highways. Any food premises located in this area will have to meet the requirements for small, non-municipal, non-residential drinking-water systems under O. Reg. 170/03 as amended.

Light industrial or commercial uses which will not result in any significant changes in traffic type or volume may be permitted on lands abutting municipal roads, other than those which have been identified as major municipal roads.

4.4.5 Institutional Uses

Uses which provide local public services such as schools, municipal garages, municipal offices, public recreation and cemeteries may be permitted in accordance with the following:

- a) Adequate parking is provided.
- b) Adequate buffering in accordance with MOE land use compatibility guidelines is provided where necessary.
- c) An amendment to the Zoning By-Law is required.

4.4.6 Pits and Quarries

New pit and quarry operations and the expansion of legally existing pits and quarry operations may be allowed in the Rural designation by Zoning By-Law amendment in accordance with the following policies provided that Council is satisfied there is a demonstrable need. No amendment to this Plan is required.

- a) In considering the rezoning application, Council will require the submission of a site plan showing the following:
 - i. The true shape, topography, contours, dimensions, acreage and location of the property as well as the extent of any adjacent property owned by the developer.
 - ii. The existing use of all land and the location and use of all buildings and structures lying within a distance of 300 metres from the land that is to be the subject of the extractive operation.
 - iii. Existing and anticipated grades of excavation as well as excavation setbacks.
 - iv. The location, height, dimensions and use of all buildings or structures and location of machines existing or proposed to be erected on the property.
 - v. All entrances and exits.
 - vi. As far as possible, ultimate pit or quarry development, road plan, water drainage or storage, location of stockpiles for stripping and products.
 - vii. Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, re-vegetation and access.

- viii. Screening and buffering, where required.
 - ix. Cross-sections through the resource deposit.
- b) Prior to rezoning, the developer will be required to enter into an agreement with the Municipality and the agreement may include but need not be limited to the following:
- i. Site rehabilitation in accordance with the approved rehabilitation plan as required by the policies of Section 2.1.1, wayside pits and quarries.
 - ii. The posting of a performance bond, a letter of credit or other financial security acceptable to the Municipality to ensure that the rehabilitation is accomplished.
 - iii. Haulage routes.
 - iv. The provision of buffering or screening.
 - v. Timing and magnitude of blasting operations.
 - vi. Provision that no polluted water from washing or screening operations shall be discharged into any creek or watercourse.
 - vii. Protection of the water table.
- c) The proponent has identified all requisite approvals under the *Ontario Water Resources Act* and the *Environmental Protection Act*, completed studies and prepared and submitted applications for the necessary approvals.
- d) No building, plant or product stockpile associated with the pit or quarry operation shall be located within 30 metres of the limits of the pit or quarry property. Further, no pit or quarry shall be excavated so that its edge is located within 15 metres of any existing or proposed road right-of-way.
- e) The Zoning By-Law shall specify separation distances between pit and quarry operations and residential, commercial, recreational and institutional uses. The separation distance between pit and quarry operations and residential uses will be established in accordance with the nature of the extractive operation and the Ministry of the Environment's recommended separation distances.
- f) The pit and quarry operations shall be adequately set back and screened from visibility from public roads.
- g) Rehabilitation shall be required. The rehabilitation plan shall be compatible with surrounding landform and shall conform to the municipal pit and quarry by-law as well as the land use designations and policies of this Plan. In the

agricultural area, agricultural rehabilitation of the site shall be carried out, and substantially the same acreage and average soil capacity for agriculture shall be restored.

4.4.7 Forestry Uses

The growing and harvesting of trees may be allowed in the "Rural" designation. Processing of forest products is not allowed without an amendment to the Zoning By-Law.

4.4.8 Recreational Uses

Recreation uses such as cross country ski trails, hiking trails, horse riding trails, toboggan runs, picnic areas and nature reserves may be permitted, provide that such uses do not interfere with surrounding conforming land uses.

Recreation uses such as campgrounds, church camps, and accessory uses may be allowed on lands abutting an open municipal road or a Provincial Highway but such uses will require an amendment to the Zoning By-Law.

4.5 **Consent Granting (Severances)**

- a) Consents shall comply with the provisions of the Ministry of Agriculture, Food and Rural Affairs, Minimum Distance Separation Criteria and Formulae.
- b) Severances for agriculture may be allowed in accordance with the agricultural consent granting policies of Section 3.5.
- c) Consents may be granted to allow rural residences provided that:
 - i. A parcel held under unity of ownership as of January 1st, 1980 may not thereafter be subdivided by consent into more than three parcels, except for the purpose of boundary adjustments, partial discharge of mortgage, easements and right-of-ways.
 - ii. The severance is in conformity with the Zoning By-Law.
 - iii. The proposed severance is not on a viable farm unless the site is on soil with a Canada Land Inventory rating for Agriculture of Class 4-7 or Class 0, and will not interfere with farm operation on nearby operations.
 - iv. The severance will not interfere with adjacent or nearby farm operations and should be physically separated from those operations.
 - v. The proposed residence will comply with the Ontario Ministry of Agriculture Food and Rural Affairs, Minimum Distance Separation Criteria and Formulae.

- vi. Land with a soil rating of Class 1,2 or 3 under the Canada Land Inventory for Agriculture should not be severed unless it is clear that the severance will not interfere with existing agricultural operations and that the land is not likely to be required for agricultural purposes for one or more of the following reasons:
 - 1. It is physically separated from a farming area by a natural feature,
 - 2. It is surrounded by swampy or unproductive land,
 - 3. It is located in an area characterized by small lots making farming difficult.
- vii. No landlocked parcels are created.
- viii. An adequate supply of potable water is available and the soils are suitable or can be made suitable for the installation of a private sewage disposal system.
- ix. The proposed residence is at least 120 metres from a pit or quarry operation where blasting will not be taking place and 450 metres from a pit a quarry operation where blasting will be taking place.
- x. Lots created in areas of high and moderate aggregate potential, as indicated on Schedule “B”, should have a dimension ratio of 1:2 width to depth.
- xi. No traffic hazards are created due to locations on curves or proximity to existing or proposed intersections.
- xii. Lot size should be at least 1 hectare with at least 60 metres of frontage.

d) Commercial and Industrial Uses

Severances may be permitted for small scale commercial and industrial uses in conformity with Section 4.4.4.

e) Institutional Uses

Severances may be permitted for institutional uses in conformity with the policies outlined in Section 4.4.5.

f) Pits and Quarries

Severances may be granted for pits and quarries in accordance with the policies outlined in Sections 4.4.6 of this Plan.

g) Forestry Uses

Consent for forestry uses may be allowed in the “Rural” designation in accordance with Section 4.4.7 of this Plan.

h) Recreational Uses

Severances may be permitted for recreation uses in accordance with Section 4.4.8 of this Plan.

SECTION 5 - ESTATE RESIDENTIAL

5.1 INTRODUCTION

Council has determined from its review of population projections and analysis of building permits that there is a limited capacity for new residential growth. Council has further determined that such residential growth opportunity that does exist should be channeled to existing opportunities provided by vacant lots and/or by consent in the Rural areas, and to ongoing development initiatives in the Hamlet/Village Areas, notably Rosslyn Village. Accordingly, estate residential development shall be limited to those subdivisions that exist on the date of passing of this official plan. No new estate residential subdivision shall be permitted.

SECTION 6 – HAMLET SETTLEMENT AREAS

6.1 INTRODUCTION

Council's intent is to concentrate growth in and around the existing Hamlets in order to reduce development pressure in the Rural Areas, particularly agricultural, and to comply with Ontario's Provincial Policy Statement. Council is not desirous, however, to drastically alter the character of the Hamlets. Council may consider development of a type which would act to add on to the any existing communal system if there is capacity, to make such system more economically feasible to operate. In particular, Council would like to determine the opportunity for residential development of the former brickyard property in Rosslyn Village. Such development would bring new users to the currently underutilized and underfunded municipal piped water service in Rosslyn Village. Council also wishes to see existing vacant lands in the Hamlets developed as infill.

When considering development, attention will be given to the amount, rate, type and location of residential development as well as to its environmental effects in and around the Hamlet. Consideration will also be given to the overall impact of new development on the Hamlet, and also to the availability of surplus water capacity from the current municipal piped water system after having regard for possible use of the system to meet the future needs of currently existing dwellings in Rosslyn Village.

6.2 DEFINITION

For the purposes of this official plan the term 'Hamlet' refers to the three existing clusters of residential, commercial, institutional and recreational uses within the Municipality of Oliver Paipoonge. Schedule "A", Land Use Designation shows the three hamlets of Kakabeka Falls, Murillo and Rosslyn Village.

6.3 GOALS

The goals which the Municipality wishes to achieve in the "Hamlet" designation are:

- a) To promote the hamlets as focal points for development within the Municipality.
- b) To provide an alternative living environment for people who prefer not to live in urban, suburban or rural areas.
- c) To preserve the low density character of the hamlet areas.
- d) To encourage orderly and efficient development in harmony with existing development.

- e) To protect existing development from any adverse affects of new development particularly from reductions in the quality and quantity of the water supply, drainage problems and all forms of pollution.
- f) To provide for and encourage commercial development within the hamlet areas particularly for those areas of the hamlet which abut provincial highways.

6.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

6.4.1 Plans of Subdivision and Consent

In accordance with Section 6.2, development shall take place primarily by registered plan of subdivision. Consents to sever may be allowed in areas in which the potential number of new lots is limited either by existing development or by a natural feature and provided that there is not public interest in having a registered plan of subdivision. The advice of Council will be solicited in determining if development may proceed by consent.

6.4.2 Infilling and Expansion

Priority for development shall be given to logical areas of infilling and then to minor expansion areas contiguous with existing residential development within the defined Hamlet Settlement Area boundaries and finally to major expansion areas with substantial potential for new lot creation.

6.4.3 Rate of Growth

Residential growth in the hamlets shall occur in accordance with the “Residential Growth Plan” in Section 12 of this Plan.

6.4.4 Lot Size

Lots shall be large enough to allow the safe and efficient operation of private water and sewage systems in areas in which a communal system has not been approved.

Lot sizes shall also be large enough to retain the essential low-density character of the hamlets.

6.4.5 Servicing

New development shall be serviced by private wells and private septic systems. Consideration may be given to development on existing communal water or communal septics if there is adequate capacity and if Council is supportive of adding users to the existing systems.

6.4.6 Roads

All new roads in the “Hamlet” designation shall be constructed to the Municipality’s satisfaction. (See Section 13.1.1)

6.4.7 Multiple Unit Dwelling Residential Uses

Multiple Unit Dwelling Residential uses may be permitted in the “Hamlet” designation, provided that the character and the effect of the uses would be consistent with the goals identified in Section 6.3.

The developer of multiple unit residential buildings may be required to demonstrate through a report, prepared by a qualified consultant that:

- a) There is an adequate quantity and quality of water to service the development.
- b) The development will not negatively impact on downstream ground water requirements.
- c) That on site and off site cross contamination will not result.

The above report shall be submitted and approved before any zoning amendment approvals are required.

6.5 CONSENT GRANTING (SEVERANCES)

6.5.1 Residential Uses

Consents may be granted in the “Hamlet” designation for the purpose of creating residential lots. Notwithstanding Section 2.9.3, the number of severances permitted shall not be limited to three (two new severances and a retained parcel) provided that:

- a) The lot represents minor infilling or is in an area where the potential for the creation of new lots is limited.
- b) There is no public interest in requiring a plan of subdivision.

- c) The consent conforms to the policies of this Plan and the implementing Zoning By-Law.

6.5.2 Commercial, Institutional and Recreational

Consents may be granted in accordance with Section 2.9.3, for commercial, institutional and recreational uses if the use is compatible with surrounding uses in which case an amendment to the Zoning By-Law is required.

6.6 **Whitewater Development**

6.6.1 Residential use and related accessory uses, in association with a four season tourist facility, will be permitted focusing upon a golf facility on the east side of Rosslyn Village in Whitewater. 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.

6.6.2 Medium density may include semi-detached, duplex, triplex, or quadruplex dwellings; townhouses/row houses; or up to three storey walk-up type apartments. Density of development for any individual medium residential or tourist accommodation use shall not exceed a final (completed project) density of 50 units per hectare.

6.6.3 Plans of Subdivision/Condominium

Development shall take place primarily by plan of subdivision and/or condominium. Condominium/time share tenure may be considered by Council.

6.6.4 Lot Sizes

- a) Lot sizes shall be large enough to allow the safe and efficient operation of private sewage systems and shall include a second, back up field area.
- b) Lot sizes shall be large enough to retain a rural density, and character.

6.6.5 Servicing

- a) New development shall be serviced by communal water service, acquired from the City of Thunder Bay.
- b) New development shall also be serviced with private septic systems or communal sewage disposal systems approved by the Municipality in accordance with the Ministry of the Environment and/or the Health Unit.

- c) New roads shall be constructed to municipal standards and the satisfaction of the Municipality.
- d) Primary road access shall be provided from Highway 130 and secondary access only shall be available from the 25th Side Road.

6.6.6 Site Plan and Other Development Tools

Council may apply site plan control to the golf course and multiple residential components of the development, and where such occurs, development shall not occur until a site plan agreement has been entered into between the developer and Council. Such an agreement shall address staging of the development; the siting and location of buildings and related accessory features such as parking area; 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.

6.6.7 Multiple Residential Uses

Multiple residential uses may be permitted in the Recreational designation in association with a golf facility located on part of Lots 4 and 5, Concession A, and Part of Lots 3, 4, and 5, Concession B NKR, subject to the following:

- a) The existing communal water service shall be used by way of the connection to the City of Thunder Bay water supply.
- b) The development does not negatively impact downstream ground water requirements.
- c) There is no on site or off site contamination.
- d) Individual multiple residential lot density shall not exceed 60 units per hectare to a maximum of 80 units.
- e) Where multiple residential developments abut single detached residential appropriate landscaping, buffering, and setbacks shall be employed.

6.6.8 The secondary wetlands area located along the Kaministiquia River and abutting to the Whitewater lands may be integrated into the proposed golf course subject to design of the facilities in that area being subject to the approval of the Ministry of Natural Resources District Office.

6.6.8 The developer shall arrange and implement an ongoing monitoring program that will assess impacts of the development upon the oxbow wetlands complex, and where negative impact is found, shall cooperate with the Ministry of Natural Resources to undertake remedial action.

6.6.9 A minimum three meter natural vegetation buffer shall be maintained along the length of the Kaministiquia River, to be broken only by strategic viewing areas designed as a part of the golf course. Drainage from the golf course flowing into the oxbow wetland shall be minimized.

SECTION 7 - INDUSTRIAL

7.1 INTRODUCTION

The Council of Oliver Paipoonge believes that the Municipality and Thunder Bay area is best served by each municipality contributing industrial land in accordance with its particular attractions to industry. In this way, a supply and a variety of industrial options are available to investors and the area is prepared to accept new economic activities. Oliver Paipoonge offers attractive sites for a variety of industrial uses. There is a substantial amount of undeveloped land within the municipality whereon industrial uses can be accommodated without unduly interfering with other land uses.

7.2 DEFINITION

The “Industrial” designation of land shall mean that the predominant use of land will be unserviced industrial uses primarily in pre-planned, large lot clusters developed by registered plan of subdivision. The types of industrial uses permitted in an area will depend on their effects on surrounding land uses but generally will include uses which may require relatively low water consumption, large lots, outdoor storage, or which may be related to a rural resource activity, or which may require good rail or road access. In addition, certain commercial uses, which may require large storage facilities or which are involved in repair or construction activities, as well as institutional uses, may be allowed, provided that they are compatible with industrial development.

Lands designated as “Industrial” are shown on Schedule A, Land Use Designation.

7.3 GOALS

The goals which the Municipality wishes to achieve in the “Industrial” designation are:

- a) To provide a supply of large, unserviced rural lots for industries suited to rural areas.
- b) To encourage industrial development to locate in pre-planned clusters in a manner compatible with surrounding uses.
- c) To provide opportunities for industrial development which may not be available in other area municipalities thereby improving the variety of the area’s industrial land supply.
- d) To strengthen and diversify the tax base of the Municipality by ensuring a good mix of residential and non-residential assessment.
- e) To ensure that industrial development does not significantly detract from the quality of rural life and rural environment by being unsightly, malodorous or noisy or by causing major traffic flows in residential areas or by adversely affecting the water supply of any property.

7.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

7.4.1 Location

Major concentrations of industrial activity and any new heavy industry shall require an “Industrial” designation in this plan.

In considering the designation of new areas for Industrial development regard shall be had for the following factors:

- a) The potential for negative impact on other existing and proposed land uses.
- b) The potential for negative impact on the development of lands having a high natural resource potential.
- c) The potential for negative impact on the existing traffic pattern.
- d) The potential for negative impact on the type and quality of access to the development.
- e) Section 3.4.9 of this Plan - Redesignation of Agricultural Lands.

7.4.2 Buffering

Adequate buffering shall be provided between any industrial area and surrounding incompatible land uses such as residential, retail commercial, recreational and institutional uses. Buffers may include trees, grassed areas, berms and other forms of screening acceptable to the Council of the Municipality of Oliver Paipoonge, and/or in accordance with the Ministry of the Environment’s Guidelines on land use compatibility and buffering. Outdoor storage and loading areas on industrial land uses adjacent to a Provincial Highway should be visually screened or appropriately located in such a way as to not distract the traveling public.

7.4.3 Parking, Loading and Unloading

Adequate off-street parking, loading and unloading shall be provided in all “Industrial” areas.

7.4.4 Industrial Traffic

“Industrial” areas shall be developed to encourage traffic movements away from residential and farming areas.

7.4.5 Heavy Industrial

Heavy industrial uses which generate large amounts of noise, dust, odour or traffic shall be located in areas removed and secluded from incompatible uses such as residential, commercial, public and farming use. Heavy industrial uses shall be accommodated with a separate classification in the zoning by-law.

7.4.6 Density

The density of development in “Industrial” areas shall be no greater than approximately 1.25 lots per hectare of land.

7.4.7 Sanitary Landfill Sites and Hauled Sewage Systems

Sanitary landfill sites and hauled sewage systems may be permitted in an “Industrial” area subject to the approval of the Ministry of the Environment and the following:

- a) The site is separate from any other residential, commercial, institutional or incompatible industrial use.
- b) A separate classification in the Zoning By-Law is required.

7.4.8 Institutional Uses

New institutional uses should only be allowed in the Industrial designation by site-specific rezoning and only after the appropriate analysis (noise studies, etc.) has been done.

7.5 CONSENT GRANTING (SEVERANCES)

7.5.1 Industrial Uses

Consents may be granted in the Industrial designation to allow industrial uses provided that:

- a) Subject to policies below, a parcel held under unity of ownership as of January 1st, 1980 may not thereafter be subdivided by consent into more than three parcels (two new and one retained), except for the purpose of boundary adjustments, partial discharge of mortgage, easement and right-of-ways;
- b) Severances must be in conformity with the Zoning By-Law;
- c) No landlocked parcels are created;

- d) No traffic hazards are created due to locations on curves or proximity to existing or proposed access intersections;
- e) Additional consents may be granted in specific situations provided that:
 - i. The provisions of Section 7.5.1 are satisfied;
 - ii. The severing of the property will be in conformity with the surrounding land uses and development;
 - iii. The proposed severance would provide infilling in an area of existing industrial development for which no significant increase or upgrading of municipal services would be required as a result of the further subdivision of the land.

7.5.2 Commercial and Institutional Uses

Consents may be granted in the Industrial designation to allow for commercial and institutional uses provided that:

- a) The provisions of Section 7.5.1 through are satisfied;
- b) Any institutional or commercial use is compatible with the surrounding land uses;
- c) Severances must be in conformity with the Zoning By-Law.

SECTION 8 - COMMERCIAL

8.1 INTRODUCTION

Six provincial highways and a proposed provincial highway extension are located in Oliver Paipoonge. The traveling public using these highway facilities require certain services which may be provide in rural areas. In addition, commercial facilities are required to serve the day to day needs of the local population.

8.2 DEFINITION

The “Commercial” designation of land shall mean that the predominant use of land in areas so designated shall be for clustered commercial uses requiring relatively large, unserviced parcels of land and exposure to high traffic volumes. Such uses may include automobile and machinery sales and service, tourist facilities, hotels, motels, commercial recreation facilities, gasoline and service stations and drive-in restaurants.

In addition, certain retail, wholesale and service commercial uses such as lumber yards, furniture and appliance dealers, small grocery stores, beauty parlours and barber shops may be permitted if compatible with surrounding uses. Certain light industrial uses may be permitted as well, providing that these uses are not noxious in nature; are carried on within a building; and that the light industrial activity is compatible with surrounding land uses. Accessory residential uses and apartments above the main floor of commercial uses may be permitted.

Lands designated as “Commercial” are shown on Schedule A, Land Use Designation.

8.3 GOALS

The goals which the Municipality wishes to achieve in the “Commercial” designation are:

- a) To ensure that local residents and enterprises have ready access to a variety of commercial facilities.
- b) To encourage commercial development to locate in pre-planned clusters in a manner compatible with surrounding uses.
- c) To ensure that commercial uses which generate or which are dependent upon high traffic volumes are situated on or near major traffic arteries.
- d) To identify and to designate lands appropriately situated on or near major traffic arteries for commercial uses.
- e) To strengthen and diversify the tax base of the Municipality to ensure a good mix of residential and non-residential assessment.

8.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

8.4.1 Location

“Commercial” areas may be designated on a provincial highway, or on a major traffic artery as shown on Schedule “A” to this Plan subject to the approval of Council in accordance with the Ministry of Transportation. Areas to be designated Commercial will be subject to Section 3.4.9, Re-designation of Agricultural Lands.

8.4.2 Service Roads

Service roads may be required in any “Commercial” area to reduce the amount of direct access to a provincial highway.

8.4.3 Parking, Loading and Unloading

Adequate off-street parking, loading and unloading shall be provided in all “commercial” developments.

8.4.4 Buffering

Adequate buffering shall be provided between any highway commercial use and surrounding incompatible uses. Such buffers may include trees, shrubs, grassed areas, berms and other forms of screening acceptable to the Municipality, in accordance with the Ministry of Environment’s Guidelines on land use compatibility and buffering.

8.4.5 Density

The maximum density of development in “commercial” areas shall be approximately 1.25 lots per hectare of land.

8.5 CONSENT GRANTING (SEVERANCES)

8.5.1 Commercial Uses

Consents may be granted in the Commercial designation to allow commercial uses in accordance with Section 2.9.3, Re-designation of Agricultural Lands, and providing that:

- a) Subject to policies below, a parcel held under unity of ownership as of January 1st, 1980 may not thereafter be subdivided by consent into more than three parcels (two new and one retained), except for purpose of boundary adjustments, partial discharge of mortgage, easements and right-of-ways.
- b) Severances must be in conformity with the Zoning By-Law.
- c) No landlocked parcels are created.
- d) No traffic hazards are created due to locations on curves or proximity to existing or proposed access intersections.
- e) Lands subject of the severance shall front on a provincial highway; a major traffic artery as designated on Schedule "A" of this Plan; or a service road with direct access to a provincial highway or major traffic artery.
- f) Additional consents may be granted in specific situations provided:
 - i. That the provisions of Section 7.5.1 through are satisfied.
 - ii. That the severing of the property will be in conformity with the surrounding land uses and development.
 - iii. That the proposed severance would provide infilling in an area of existing industrial development and in which no significant increase or upgrading of municipal services would be required as a result of the further subdivision of land.

8.5.2 Light Industrial Uses

Consents may be granted in the Commercial designation for "light industrial activities" (as defined in Section 8.2 of the Plan) in accordance with Section 2.9.3, Re-designation of Industrial Lands provided that:

- a) Subject to policies below, a parcel held under unit of ownership as of January 1st, 1980 may not thereafter be subdivided by consent into more than three parcels (two new and one retained), except for the purposes of boundary adjustments, partial discharge of mortgage, easements and right-of-way,

- b) Severances must be in conformity with the Zoning By-Law,
- c) No landlocked parcels are created,
- d) No traffic hazards are created due to locations on curves or proximity to existing or proposed access intersections,
- e) Lands subject of the severance shall front on a provincial highway; a major traffic artery as designated on Schedule "A" on this Plan; or a service road with direct access to a provincial highway or a major traffic artery,
- f) Additional consents may be granted in specific situations provided;
 - i. That the provisions of Section 7.5.1 are satisfied.
 - ii. That the severing of the property will be in conformity with the surrounding land uses and development.
 - iii. That the proposed severance would provide infilling in an area of existing industrial development and in which no significant increase or upgrading of municipal services would be required as a result of the further subdivision of land.

SECTION 9 - RECREATIONAL

9.1 INTRODUCTION

The demand for outdoor recreation opportunities in the Thunder Bay area has risen considerably in recent years and it is anticipated that this trend will continue. Oliver Paipoonge has a number of existing and potential sites which can be used to help satisfy this need.

It is the intention of Council to contribute to the supply of recreational opportunities in the Thunder Bay area by allowing recreational opportunities that will both satisfy area demands and encourage the increasingly important tourist industry.

9.2 DEFINITION

The “Recreational” designation of land shall mean that the predominant use of land shall be for outdoor recreational and open space uses normally requiring large parcels of land. Such uses may include golf courses, public and private parks, ski areas, nature preserves, scenic lookouts, boat launches, picnic areas, hiking trails, horse riding trails, toboggan runs and conservation areas.

Commercial recreation uses and accessory uses which enhance the enjoyment of outdoor recreational uses may be permitted. Recreation dwellings shall not be permitted except as accessory uses.

Land designated as “Recreational” is shown on the Land Use Plan (Schedule “A”).

9.3 GOALS

The goals which the Municipality wishes to achieve in the “Recreational” designation are:

- a) To ensure that adequate recreational opportunities are available for local and area residents.
- b) To encourage the use of areas, with special scenic and/or recreational potential, for recreational purposes in a manner compatible with surrounding uses.
- c) To encourage the tourist industry by maintaining a supply and variety of recreational facilities.

- d) To promote the development of recreational areas in such a way as to preserve and enhance the natural amenities of the Municipality.
- e) To ensure that uses in the “Recreational” area are compatible.

9.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

9.4.1 Agricultural Land

Areas to be designated Recreational will be subject to Section 3.4.9, Re-designation of Agricultural Lands.

9.4.2 Buildings and Structures

Only buildings and structures which are accessory to and which enhance a recreational activity shall be allowed. Buildings shall be designed and located to harmonize with the site.

9.4.3 Tourist Establishments

Tourist establishments are recreational facilities and accommodations falling within the definition of a “tourist establishment” as defined by the *Tourism Act*, R.S.O. 1970, as amended.

9.4.4 Water and Sewage

Adequate water and sewage disposal facilities will be provided to the satisfaction of the Ministry of the Environment and the Municipality,

9.4.5 Parking

Adequate parking will be available for campers and guests.

9.4.6 Open Space

An open space area of not less than 20% of the site will be provided for active recreation.

9.4.7 Natural Landforms

Attention will be paid to retaining as much of the natural landforms and vegetation as possible.

9.4.8 Development Agreement

The Municipality may require a development agreement covering buffering, landscaping, the installation and maintenance of services, drainage, and such other matters that pertain directly to the development.

9.4.9 Zoning

A separate classification in the Zoning By-Law will be required.

9.5 CONSENT GRANTING (SEVERANCES)

9.5.1 Recreation Trailer Parks and Campgrounds

Consents may be granted in the Recreational designation for recreation trailer parks and campgrounds in suitable locations, provided that an amendment to the Zoning By-Law is required.

9.5.2 Recreational Commercial Uses

Consents may be granted in the Recreational designation for commercial uses associated with and enhancing recreation in suitable locations provided that an amendment to the Zoning By-Law is required.

SECTION 10 - WATERSHED RESERVE

10.1 INTRODUCTION

A substantial part of the water supply for Rosslyn Village comes from an area adjacent to and north of the village. Much of the land is the “Watershed Reserve” is owned by the Municipality of Oliver Paipoonge or by the Lakehead Region Conservation Authority and is therefore not subject to development pressure.

The Council of the Municipality of Oliver Paipoonge wishes to protect the watershed area from any use which may impair the Village of Rosslyn’s water supply.

10.2 DEFINITION

The “Watershed Reserve” land designation shall mean the land adjacent to the Village of Rosslyn which is required to protect the watershed and aquifer. No development other than buildings and structures specifically required for the management and protection of the watershed shall be allowed.

Lands designated as “Watershed Reserve” are shown on the Land Use Plan, Schedule “A” to this Official Plan.

10.3 GOALS

The goals which the Council for the Municipality of Oliver Paipoonge wishes to achieve in the “Watershed Reserve” designation are:

- a) To protect the water supply of the Village of Rosslyn by protecting the water aquifer area.
- b) To ensure that incompatible uses do not locate near to this aquifer area.

10.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

10.4.1 Development

No development will be permitted other than buildings and structures required to manage and protect the watershed and water supply.

10.4.2 Public Access

Public access to the “Arthur Bog” and its watershed is not permitted through the “Watershed Reserve”.

10.5 CONSENT GRANTING (SEVERANCES)

10.5.1 Consent to sever shall not be allowed in the “Watershed Reserve” except for those purposed outlined in Section 2.9.3 h, Special Purpose Severances.

10.5.2 For lands abutting the “Watershed Reserve” Council may use Site Plan Control or specific rezoning in order to implement setbacks; retention of existing vegetation and/or new planting; submission of a storm water management reports; specific site location of buildings and/or uses; or other appropriate regulation to ensure protection of the water resource.

10.5.3 Council may elect not to support rezoning for a use that is thought to be of high ecological risk, or may require that such a use be justified in an appropriate hydrological risk assessment report prior to offering their support.

SECTION 11 - HAZARD LANDS

11.1 INTRODUCTION

Council wishes to protect people and structures from the environmental impacts commonly associated with the lands determined to be hazardous, which include a portion of lands abutting the Kaministiquia River in the eastern part of the Municipality of Oliver Paipoonge.

11.2 DEFINITION

The “Hazard Land” designation shall apply to those lands as shown on Schedule “A” which have been described by engineered flood lines.

Council may amend the Official Plan and the implementing Zoning By-Law to incorporate additional Hazard Lands and policies based on additional engineered flood lines at such time as these are established in consultation with the Lakehead Region Conservation Authority.

11.3 GOALS

The goals which the Council for the Municipality of Oliver Paipoonge wishes to achieve in the Hazard Land designation are:

- a) To protect people and structures from environmental hazards such as flooding and erosion.
- b) To ensure that incompatible land uses do not locate on lands delineated as “Hazard Lands” on Schedule “A”.

11.4 POLICIES

To achieve the foregoing goals, the following policies are adopted:

11.4.1 Uses Permitted

The uses permitted shall be limited to agriculture, conservation, forestry, wildlife management areas, public or private parks, golf courses and other outdoor recreation uses.

11.4.2 Building and Fill

No buildings or structures shall be permitted in areas of “Hazard Lands” except where such are intended for flood or erosion control or are normally associated with the water course protection works or bank stabilization projects and are approved by the Council in consultation with the Lakehead Region Conservation

Authority. Where Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation is in effect, no placing or removal of fill or any kind shall be permitted whether originating on the site or elsewhere, unless such is approved by the Lakehead Region Conservation Authority.

11.4.3 Land Dedication Under the *Planning Act*

Where new development is proposed in an area, part of which is in an area of “Hazard Land” designation, such lands may or may not be acceptable as part of the dedication for park purposes as required under the *Planning Act*.

All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality. Where an open water course is involved, adequate space shall be provided for maintenance and operations.

11.4.4 Setbacks and Lot Lines

Building setbacks will be imposed from the margins of the areas of “Hazard Land” designation in relation to the severity of the existing and potential environmental hazards.

11.4.5 Amendment to Hazard Land Designation

An amendment to the Official Plan will be required where buildings and structures are proposed in the lands designated as “Hazard Land”. The amendment shall be considered in terms of:

- a) The existing environmental hazards;
- b) The potential impacts of these environmental hazards;
- c) The proposed methods by which impacts may be overcome in a manner acceptable to the Lakehead Region Conservation Authority and Council;
- d) The costs and benefits in monetary terms of any engineering works and/or resource management practices needed to overcome these impacts.

There is no public obligation, however, to remove lands from the “Hazard Land” designation or to purchase any area designated as “Hazard Land”, particularly if the hazard would be difficult or costly to overcome.

11.4.6 Zoning By-Law

Areas of “Hazard Land” shall be zoned in a classification which implements the policies of this section. All buildings and structures existing at the date of adoption of this plan may be zoned in accordance with their existing use. Extension, enlargement and reconstruction of existing uses recognized in the

zoning by-law, may be permitted providing the comments of the Lakehead Region Conservation Authority are considered.

11.4.7 Existing Non-Conforming Uses

Extension, enlargement or reconstruction of any existing non-conforming uses in areas of “Hazard Lands” shall not be permitted.

11.5 CONSENT GRANTING (SEVERANCES)

Consent to sever shall not be allowed in the “Hazard Land” designation except for those purposes outlined in Section 2.9.3 h - Special Purpose Severances.

SECTION 12 - RESIDENTIAL GROWTH PLAN

12.1 INTRODUCTION

An estimated 661 new dwelling units are expected to be introduced over the twenty year planning period as follows;

- | | |
|--|---------------|
| 1) Whitewater development | 316 dwellings |
| 2) Village infill | 29 dwellings |
| 3) Village – new development | 30 dwellings |
| 4) Rural area including change of severance date | 286 dwellings |

In addition, Council expects new commercial/industrial development in the order of 20 to 25 new lots, largely focused on expansion of the Rubin Commercial/Industrial Park and a second draft plan of subdivision for industrial use.

The three existing villages currently accommodate 24.7% of the 2006 population. By the end of the planning period, the villages would be expected to accommodate an estimated 33% of the total population of the municipality, assuming current conditions and service levels.

Within the upcoming five year planning period the Township is expecting to carry out a comprehensive servicing options study for the villages and extending to any other anticipated problem areas. The findings of this study will be used to redefine the residential growth plan and to facilitate more detailed consideration and policies for density of development and building form within the next five year Official Plan review.

To manage this expected growth, the following goals and policies are adopted.

12.2 GOALS

- a) To maintain the present balance between residential and commercial business assessment and possibly reduce the ratio of residential development relative to commercial and industrial development.
- b) To ensure that municipal services are not overburdened by the rate of residential growth.
- c) To maintain and enhance the stability and local functioning of the villages.

12.3 POLICIES

12.3.1 New Residential Lots

All development proposals which in the opinion of Council, have the potential to significantly impact upon the assessment balance or the demand for municipal services will be reviewed to ensure that they do not compromise the goals stated in this section.

SECTION 13 - COMMUNITY SERVICES AND FACILITIES

13.1 TRANSPORTATION

13.1.1 Roads

The Council of Oliver Paipoonge must maintain a safe and efficient road system for the movement of people and goods throughout the Municipality and to and from adjacent municipalities.

The overall road system in Oliver Paipoonge should be consistent with the road systems in adjacent municipalities.

The road system should be adequate to safely serve the Municipality but should not be over extended or developed to a standard which would result in a burden on Oliver Paipoonge taxpayers.

a) Classification

The classification of roads in Oliver Paipoonge as shown on Schedule “A” of this Plan is as follows:

i. Provincial Highways

This classification applies to all numbered provincial highways under the jurisdiction of the Ministry of Transportation and shall be deemed to include any new highways or realigned highways which may be developed or proposed during the effective life of this plan.

The primary purpose of provincial highways is to move people and goods between major centres. Access to provincial highways is limited to allow them to fulfill that primary purpose. There are a variety of provincial highway classifications which have different access restrictions.

Service roads may be required to access new commercial and industrial development where deemed necessary for the maintenance of safe and efficient movement of traffic upon the adjacent provincial highway.

ii. Major Municipal Roads

This classification applies to opened public highways under the jurisdiction of the Municipality of Oliver Paipoonge which are used primarily to facilitate major traffic flows within the Municipality.

Access to Major Municipal Roads need not be as restricted as to Provincial Highways but concentrations of ribbon development should be avoided. The right-of-way for Major Municipal Roads should be 26-40 metres.

iii. Minor Municipal Roads

This classification applies to opened public highways under the jurisdiction of the Municipal of Oliver Paipoonge which are primarily used to facilitate local traffic and residential development.

Direct access to Minor Municipal Roads from non-commercial and non-industrial uses will normally be permitted. The minimum right-of-way for all Minor Municipal Roads shall be 20 metres.

iv. Conceptual Roads

These roads are only schematic indications of where future roads may be located. Their final location, should they be developed, will depend on detailed engineering studies. There is no commitment by the Municipality to approve, construct, accept or maintain any conceptual road.

b) New Roads

The general policy of the Municipality is not to accept extensions to the municipal road system except in "Hamlet", "Industrial" and "Commercial" designations. The Municipality will not approve, construct, accept or maintain new roads in other designations which accommodate only the creation of residential lots, except that reasonable extensions to existing dead end roads may be allowed.

New provincial or public highways shall, wherever possible:

- i. Avoid traversing areas of existing farm operations except to provide better access to those operations,
- ii. Avoid traversing recreation areas, conservation areas, hazard areas or areas of special scenic potential except to provide access for recreational or conservation purposes,
- iii. Be compatible with the existing road system,
- iv. Minimize land severances,

- v. Attempt to minimize disruptions to residents of the Municipality.

A noise assessment will be required when development of a sensitive land use is proposed within 150 metres of a Provincial highway.

13.1.2 Railways

Intensive residential development shall be discouraged in areas adjacent to railways.

Where development is allowed to occur in the vicinity of railways, adequate provisions will be established for setbacks and buffering. The minimum setback between the boundary of a railway right-of-way and nearest wall of a residential building shall be 30 metres. Part of this setback will be used as a noise and visual buffer.

Where a railway and a public highway intersect at the same grade, the minimum setback from the point of intersection of the centreline of both the railway and the public highway to the nearest wall of a residential building shall be 60 metres. Part of this setback will be used as a noise visual buffer.

Where deemed appropriate, setback requirements as proposed by this Section will be established through an amendment to the implementing Zoning By-Law.

The Municipality will require a noise assessment for any new sensitive land uses within 300 metres of a railway right-of-way. The noise assessment would consider the specific site geometry and apply Ministry of Environment Publications and Guidelines to identify any noise mitigation measures to ensure that the criteria for exposure to noise are satisfied.

13.1.3 Airports

There are no commercial airports in Oliver Paipoonge. It is the opinion of Council that a major airport would not be compatible with the agricultural and rural character of the Municipality. Flying operations of a small scale may be allowed, subject to an amendment to the Zoning By-Law. Notwithstanding, one private airport does exist and was recognized specifically in the previous Official Plan. Recognition is continued in this Official Plan, and expansion of program and/or services may occur.

13.2 WATER SUPPLY

The primary water source in Oliver Paipoonge is groundwater produced by private individual wells. There are, however, five communal systems and one municipal system. The two mobile home parks, one Recreational Vehicle park, and two multi-residential seniors' homes are each serviced by a private communal system. The one municipal system serves the residential development in the west part of Rosslyn Hamlet.

The existing methods of water supply appear to be adequate at this time. It is intended that lot sizes be sufficiently large to ensure that private wells remain the main source of water in all areas of the Municipality. It is also intended that the communal water

systems serving the mobile home parks not be extended beyond the boundaries of the parks. The existing communal system operated by the Municipality may be extended until its full capacity is utilized.

Consideration may be given to expanding the communal water system in Rosslyn Hamlet by adding additional above ground storage capacity in order to service existing or potential lots where a pollution or water supply problem may exist.

Provincial planning policy related to water is contained in the 2005 Provincial Policy Statement and in Ontario's Clean Water Act. An assessment report relating to Source Water Protection has been completed for Oliver Paipoonge and certain lands have been identified as a Source Water Protection Area for the Rosslyn Village piped water system. The sole identified concern in this area related to sewage disposal systems.

A Source Water Protection Plan is being prepared and upon completion will be relied upon by the Township to provide guidance and direction relating to the governing of development within or in the vicinity of the Source Water Protection Area. In the interim, development within or in the vicinity of the Source Water Protection Area will be required to demonstrate that sewage services will not be located within the Source Water Protection Area, and/or will not cause negative impact to surface or ground water resources in the area.

The municipal costs of any extension of an existing water system shall be paid by those being served by the system and a monthly water charge shall be levied against those being served to cover the costs of operation and maintenance, including depreciation. All communal water systems must be approved by the Ministry of the Environment.

The Municipality also wishes to protect the springs located in Oliver Paipoonge and to ensure that future development does not have harmful effects on this source of water.

13.3 SEWAGE DISPOSAL

Individual septic tank and field tile systems are the primary means of sewage disposal in the Municipality. Communal septic tank and field tile systems exist in the two mobile home parks.

It is intended that communal sewage systems be avoided by ensuring the lot sizes and soil conditions are adequate to allow the safe and efficient operation of individual septic tank and field tile systems.

All sewage disposal systems must be approved by the Municipality or its designate. Sewage systems handling more than 10,000 litres per day require Ministry of the Environment approval.

13.4 SOLID AND LIQUID WASTE DISPOSAL

13.4.1 Landfills

The Municipality operates two sanitary landfill sites which appear adequate for a number of years to come. These sites and any future sanitary landfill sites shall receive a special classification in the Zoning By-Law. The By-Law should contain provisions regulating the separation between the landfill site and various developments, roads and watercourses.

In developing any future landfill sites, the Municipality shall follow the Municipal Engineer's Association Class Environmental Process and consult with the Ministry of the Environment. Future landfill sites shall, among other things:

- a) Avoid areas of high ground water,
- b) Maintain an adequate separation from all development,
- c) Avoid pollution of watercourses.

13.4.2 Development Proposals

All development proposals within 500 metres of a waste disposal site should be reviewed by the Ministry of the Environment before municipal approvals are granted.

13.4.3 Land Use

No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of 25 years from the year in which such land ceased to be used unless the approval for the proposed use has been granted by the Minister of the Environment.

13.4.4 Set Back

A minimum 400 metre setback is required between residential and other sensitive land uses, and sewage treatment lagoons, liquid waste disposal sites and liquid waste treatment lagoons.

13.5 EDUCATION

Oliver Paipoonge is within the jurisdiction of the Lakehead District School Board. There are three public elementary schools in Paipoonge and one private school. All high school students are bused to the City of Thunder Bay. School enrollments in the Lakehead area have generally declined as in the rest of the province, but are expected to increase in the near future.

Council supports the continued operation of elementary schools rather than school consolidation in order that young children need not be bussed longer distances than necessary.

Council also encourages the use of schools for community activities.

13.6 COMMUNITY IMPROVEMENT

13.6.1 General

Community improvement may be very broadly defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment of the Municipality to accommodate the community's social and economic priorities.

Council is committed to community improvement in the Municipality and will both participate in and encourage activities which maintain, rehabilitate and redevelop the existing physical environment. It is Council's desire to improve the quality of life for residents, as well as visitors and may designate all or part of the municipality as Community Improvement Area(s) in accordance with Section 28 of the *Planning Act* in order to implement the following goals and objectives.

13.6.2 Goals

The goals of community improvement are as follows:

- a) To safeguard the health, convenience and enjoyment of both residents and visitors by improving social and recreational facilities and services.
- b) To provide parks, open space and facility resources which are aesthetically pleasing and enhance both the physical environment and the image of the Municipality and which provide a balanced and accessible set of cultural and recreational opportunities to serve the varied needs, interests and capabilities of the resident population.
- c) To improve the Municipality's physical environment by participating in and/or encouraging programs which improve the municipal physical services, facilities and streetscapes and by encouraging private property owners to upgrade their holdings.
- d) To protect and improve the economic well-being of the Municipality and its residents by encouraging and/or participating in programs that will promote new jobs, new capital investment and increases in the economic base and municipal tax base, having regard for the cost/benefit relationship of such programs.

13.6.3 Objectives

The Municipality of Oliver Paipoonge shall achieve the above goals by meeting the following objectives, where feasible:

- a) Pave all roads in the hamlet areas and surface treat all rural roads.
- b) Provide curbs, gutters and storm sewers on all roads in the hamlet area.
- c) Provide adequate street lighting on all roads.
- d) Provide low intensity lighting on footpaths and in park areas.
- e) Provide sidewalks of an adequate width on both sides of the street in the hamlet areas.
- f) Improve existing and establish new parks, playgrounds, rest areas, open space areas, indoor recreation facilities, water access facilities and fairgrounds.
- g) Improve existing and establish new social, cultural and recreational facilities and programs for all ages.
- h) Phase out non-compatible land uses as identified by both the Official Plan and the Zoning By-Law(s).
- i) Control billboard development along the highways and roads.

In achieving these objectives, Council shall consider whether finances permit the undertaking of these objectives.

13.6.4 Deficiency Criteria

Community Improvement Areas shall be selected on the basis of deficiencies related to the following criteria:

- a) Condition and appearance of buildings, landscaping and other site features in relation to the Maintenance and Occupancy Standards By-Law.
- b) Condition and adequacy of municipal physical services such as roads, lanes, sanitary sewers, water systems, storm water drainage, sidewalks, lighting and hydro.
- c) Condition and adequacy of municipal recreational services and facilities such as parks, arenas, play equipment, trails, beaches, sports fields, camping facilities, water access points, fairgrounds and community halls.

- d) Condition and adequacy of municipal social and cultural facilities such as libraries, senior citizens' centres, community halls and museums.
- e) Compatibility of land uses and uses of land in conflict with the Official Plan and/or the Zoning By-Law(s).
- f) Appearance of front and rear commercial building facades.
- g) Size, location and type of commercial signage.
- h) Adequacy, condition and location of off-street parking associated with commercial uses.
- i) Commercial vacancy rate.
- j) Pedestrian accessibility to businesses.
- k) Potential for expansion (inventory of zoned and serviced lands for commercial use).
- l) Efficiency of plant for current and future industrial use.
- m) Adequacy of on-site parking for industrial uses.
- n) Adequacy of on-site space for industrial operations.
- o) Adequacy of environmental protection facilities.
- p) Potential for expansion (inventory of service and zoned lands for industrial use).
- q) Access to and within industrial areas.

13.6.5 Phasing of Improvements

The following considerations shall be taken into account in the phasing of improvements:

- a) The improvement which will most substantially increase the safety, stability and aesthetic quality of the community shall be undertaken first.
- b) In determining the importance of the projects, Council shall take into account the comments received from the landowners/residents at advertised public meetings.
- c) The disruption to the community shall be limited wherever possible.

- d) Prior to undertaking any improvements, Council shall be satisfied that it can reasonably finance and afford the Municipality's share of cost associated with the required improvement.

SECTION 14 - IMPLEMENTATION

14.1 GENERAL

This Plan represents the goals and policies which the Municipality of Oliver Paipoonge wishes to follow in building its future. The Council shall ensure that all actions, public and private, conform to the spirit and intent of this Plan.

14.2 BOARDS AND COMMITTEES

The Council of Oliver Paipoonge shall appoint a Committee of Adjustment to deal with land severances and minor variances. The Committee of Adjustment shall make its decisions in conformity with this Plan, the Zoning By-Law and any other relevant legislation.

14.3 BY-LAWS

14.3.1 Zoning By-Law(s)

Lands within the Municipality must be zoned to conform with this Official Plan within three years after a revision under Subsection 26(1) or 26(8) of the *Planning Act*.

14.3.2 Maintenance and Occupancy Standards By-Law

The Council may pass a by-law pursuant to the *Planning Act* to establish minimum standards for the maintenance and occupancy of property. This by-law may contain policies concerning such matters as pest prevention, general cleanliness or buildings and yards, maintenance of fences, signs and accessory buildings, standards of occupancy and such other matters relating to property maintenance and occupancy.

If such a by-law is adopted, Council shall appoint a Property Standards Officer to administer and enforce the by-law and a Property Standards Committee to hear appeals against an order served under this by-law.

14.3.3 By-Laws Under the *Municipal Act*

By-laws passed under the *Municipal Act*, as amended, regulating and controlling such uses as automobile wrecking yards, gravel pits, trailers and signs shall conform to any provisions in this Plan.

14.3.4 Holding By-Laws

- a) Where the use of land for a particular use or uses has been established but details related to design, servicing, phasing, environmental considerations and other matters have not been completely resolved; the Municipality of Oliver Paipoonge may use holding provisions in accordance with Subsection 36(1) of the *Planning Act*. The symbol “H” or “H” used in association with a zone symbol shall indicate that holding provisions are in effect.
- b) Prior to removing a holding symbol, Council shall be satisfied that all requirement or conditions related to any unresolved details in Section 5.1 have been met. Subdivisions and development agreements may be used as a means of satisfying Council that removal of the holding provisions is appropriate.
- c) Where holding provisions are in effect, the use of land may be restricted to any or all of the following:
 - i. Agricultural uses, excluding intensive agricultural use.
 - ii. Uses existing at the date of passing of the Holding By-Law.
 - iii. Open space.
 - iv. A single dwelling.
 - v. Accessory uses.
 - vi. Other uses deemed appropriate by Council which are compatible with surrounding use and which do not adversely impact the future intended use of the property.

14.3.5 Temporary Use By-law

- a) In accordance with Section 39 of The Planning Act, Council may pass a by-law to permit a temporary use of land, building, and/or structure(s) for a use that may otherwise be prohibited in the Township’s Comprehensive Zoning By-law, whether such by-law is in conformity with this official plan or not without an amendment to this official plan.
- b) Such a by-law may be considered where;
 - i) the intended use is to exist only for a short period of time;
 - ii) such use is to be monitored prior to being considered as a permanent zoning;
 - iii) use of an existing building is being accommodated in conjunction with a planned redevelopment for a new use that is consistent with the official plan;
 - iv) the use is intended to exist pending the outcome of a study or the extension of infrastructure.

- v) a garden suite is being proposed.
- c) Council may establish a temporary zoning by-law to allow an application to consider a home based business or home industry that is currently not offered in the community, in order to determine if a market exists, prior to establishing such an activity in a property zoned location.
- d) Prior to enacting a temporary use by-law council shall satisfy itself that;
 - i) the lands can accommodate the intended use;
 - ii) appropriate and safe means of water supply and sewage disposal are available
 - iii) the lands will not have adverse effects or negative impacts on surrounding land uses or will not prejudice future development or redevelopment of the lands or the surrounding area.
- e) Such a by-law shall define the lands to which the by-law shall apply; set out appropriate regulations which shall apply to the lands and the use of the lands; and establish an expiry date which shall not be greater than three years from the date of passing of the by-law.
- f) Council may extend a temporary use by-law provided that such extension would not jeopardize the long term development of the lands or of the surrounding area.
- g) Where a temporary use by-law has expired, the use of land, building, and/or structure(s) permitted under the temporary use by-law shall cease to exist and the previous relevant zoning shall prevail and govern the use of the lands.

14.4 LAND DIVISION

14.4.1 Plans of Subdivision

The Council may recommend for approval only those plans of subdivision which would be in conformity with this Plan and which could be serviced adequately without placing any undue burden on municipal finances and which would not be premature.

14.4.2 Consents (Severances)

It will be the policy to permit the division of land by consent where it is deemed that a plan of subdivision is not necessary for the orderly development of the subject land. The Committee of Adjustment shall grant consents in accordance with the policies of this Plan. The Committee must be satisfied that the division of land would not place undue burden on municipal services or finances, would not

be premature and would not adversely affect the potential for future development of adjacent properties.

14.4.3 Subdivision Agreements

The Municipality shall require developers to enter into agreements, pursuant to the *Planning Act*, which may be registered against the title of the subject lands.

The matters which may be dealt with in such an agreement may include but shall not be limited to the following:

- a) The provisions of services in and to the area of proposed development.
- b) The providing of financial security and indemnification.
- c) The dedication of land for public purposes.
- d) The payment of cash-in-lieu of land for park purposes.
- e) The effecting of proper drainage including grading.
- f) The landscaping of the development.
- g) The payment of lot levies to offset the cost to the Municipality of undertaking capital works necessitated wholly or in part by the subject development.
- h) Any other matters reasonably related to the proposed development or the subject development.

14.4.4 Dedication of Land for Park Purposes

As condition of approving any plan of subdivision or consent, including farm-related severances which would result in the creation of a new residential property, the Municipality shall require that an amount of land not exceeding 5% of the land in the plan or consent application or cash-in-lieu of land, be conveyed to the Municipality for park purposes except that:

- a) In the case of commercial or industrial severances or subdivisions, the dedication shall not exceed 2%.
- b) In the case of farm or farm-related severances, other than those approved in accordance with Section 3.5.3, special purposes severances such as lot enlargements, easements or boundary adjustments or severances for natural resources development or conservation purposes, dedication of land or payment of cash-in-lieu shall not be required.

14.5 DEVELOPMENT

14.5.1 Site Plan Control

Pursuant to Section 41 of the *Planning Act*, the Council of the Corporation of the Municipality of Oliver Paipoonge shall hereby identify all land upon which the use or uses are consistent with the following zones as specified in the Zoning By-Law for the Municipality as proposed site plan control areas:

- Agricultural
- Rural
- Multiple Residential
- Mobile Home Park
- Rural Commercial
- Recreation Commercial
- Tourist Park
- Light Industrial
- General Industrial
- Heavy Industrial
- Disposable Industrial
- Institutional

Council may pass a by-law or by-laws designating all or part of the lands used for these purposes as a site plan control area. No development shall take place in areas subject to such by-laws unless Council has given approval under Section 41 (4) of the *Planning Act*. Developers may be required to provide plans that show, at no expense to the municipality any or all of the following:

- a) Subject to the public *Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs.
- b) Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways including driveways for emergency vehicles, and the surfacing of such areas and driveways.
- c) Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
- d) Facilities for the lighting, including floodlighting, of the land or of any building structures thereon.
- e) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

- f) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- g) Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities or the municipality or local board thereof on the land.
- h) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.

14.5.2 Building By-Laws and Permits

The Municipality may pass a building by-law, pursuant to the *Building Code Act*.

All building permits issued must be in conformity with this Plan and the Zoning By-Law.

14.6 PUBLIC ACTIONS

14.6.1 Public Works

All public works shall conform to the policies of this Plan.

14.6.2 Public Land Acquisitions

The Municipality may acquire land in accordance with the provisions of the *Municipal Act*, for residential, commercial and industrial development, community facilities, services and utilities, right-of-ways and recreation uses. The Municipality may also dispose of this land when no longer required.

14.6.3 Public Land Development

The Municipality may acquire, develop and sell land in accordance with the provisions of the *Municipal Act*, to accomplish any goal set out in this Plan.

14.6.4 Public Land Development Fund

The Municipality may establish a fund to acquire and develop land in accordance with Sections 14.6.2 and 14.6.3 and any money acquired from the sale of land, except for land for park purposes, may be paid into this fund.

14.6.5 Park Land Fund

The Municipality shall establish a special account, in conformity with the *Planning Act* to receive revenues from the sale of parkland or from cash-in-lieu of parkland payments. These monies shall be used to acquire parkland or to develop parkland, including the erection of buildings or structures.

14.6.6 Public Information and Involvement

The Municipality shall advertise and hold public meetings on this Plan and future amendment as required by the *Planning Act* so as to inform the public of the policies being put forward and to receive public input and a public evaluation of the policies. In addition, major development proposals will be brought to a public meeting for discussion.

14.7 EXISTING NON-CONFORMING USES

14.7.1 General

The Municipality recognizes any use which legally existed on or before the date of passing of a Zoning By-Law as being an existing non-conforming use with certain legal rights to continue.

The Municipality wishes to minimize the hardships placed on individuals as well as the administrative burden placed on the municipality as a result of creating a non-conforming use. It is intended that over time all land uses will conform to this plan.

14.7.2 Non-Nuisance Uses

Non-conforming uses which meet the general intent of the Plan and Zoning By-Law or which are not a nuisance to surrounding land owners may be zoned in accordance with their present use and performance standards provided that:

- a) The use does not have any detrimental effects on surrounding uses.
- b) The use does not interfere with the orderly future development of an adjacent area.
- c) The use is not hazardous or noxious.

14.7.3 Nuisance Uses

The Municipality will not support any expansion to non-conforming uses which are not compatible with adjacent uses, are a nuisance to adjacent uses or do not conform to the general intent of this Plan.

14.7.4 Extension or Enlargement

In special instances, the Committee of Adjustment or Council may in accordance with the *Planning Act*, as amended, permit an extension or enlargement of the land, building, or structure of the non-conforming use. In evaluating applications for by-laws under this section Council may consider the following:

- a) The proposed extension will not unduly increase any nuisance already existing as a result of the use, particularly as it may affect adjacent residential uses,
- b) No extension or enlargement will create any new nuisance in addition to those already existing.
- c) The Municipality may require a development control agreement under the *Planning Act* to cover such matters as buffering, landscaping, traffic flow, parking, building setbacks, outdoor storage, lighting, advertising and any other matter intended to reduce the effects of the nuisance(s).

14.7.5 Repair or Replacement

Council may give permission to repair or replace an existing non-conforming use. Council may require the applicant to enter into a development control agreement under the *Planning Act* to cover such matters as buffering, landscaping, traffic flow, parking, building setbacks, outdoor storage, lighting, advertising and any other matter intended to reduce the effects of potential nuisance(s).

14.8 OTHER

14.8.1 Review and Amendment

Council shall review this Plan not less frequently than every five years in accordance with Section 26 of the *Planning Act*.

Any amendment to this Plan, either as a result of review or put forward by an individual, shall be prepared and submitted for public scrutiny and input in accordance with the *Planning Act*.

14.8.2 Interpretation

Where any Act or portion of an Act is referred to in the Plan, such reference shall be interpreted to refer to the then current version of the Act.

APPENDIX “A”

Please note that this Appendix does not form part of the Official Plan. It does not require an Official Plan amendment to change.

Information and material to be provided for an Environmental Impact Study:

- a) A full description (including a detailed map) of the existing natural environment and the identification of the natural features and functions that may be affected, either directly or indirectly, by the proposed development;
- b) A description of the potential impacts that might reasonably be expected to occur as a result of the proposed development;
- c) Suggested development alternatives that would avoid these impacts, or if impacts cannot be avoided, recommended actions to change, mitigate, or remedy the anticipated impacts, and the alternative methods of protecting natural features and ecological functions; and,
- d) Recommended monitoring activities.