

# Official Plan of the Township of Chisholm



In Effect as of January 8, 2013

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**SCHEDULE B – NATURAL HERITAGE FEATURES**

**SCHEDULE C – TRANSPORTATION**



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## **INTRODUCTION**

The preparation of this Official Plan began in the Summer of 2009 and has involved many dedicated and committed people with an interest in the future of Chisholm.

The consultation process has resulted in a Vision for the future of the Chisholm that is expressed in this Plan. This Vision is based on a series of planning principles that are intended to:

- protect the natural environment;
- encourage economic development;
- conserve natural resources;
- protect agricultural areas; and,
- protect the character of developed and undeveloped areas.

The goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests for the next 20 years.





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## **THE STRUCTURE OF THE PLAN**

This Official Plan is divided into five parts, each of which is described below.

**PART A (Vision, Goals and Strategic Objectives and Land Use Concept)** contains the vision of the Plan. This vision was prepared through Community consultation and is based on an understanding of past and future trends and the values of Chisholm residents. The goals and strategic objectives that form the basis of the Plan flow from the vision. These goals and strategic objectives establish the framework for the remaining policies in the Plan. This section of the Plan also describes how the vision is implemented through a series of land use designations.

**PART B (Land Use Designations)** contains the land use policies that apply to lands in the Township.

**PART C (General Environmental Policies)** contains the policies dealing with lakes, rivers and streams, floodplains and hazardous slopes throughout the Township. In addition, policies that specify the requirements for water resource and stormwater management reports and environmental impact studies are contained in this section.

**PART D (General Development Policies)** contains policies that deal with land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Township.

**PART E (Plan Implementation and Administration)** describes how the policies of the Official Plan will be implemented.



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## **PART A – THE VISION AND LAND USE CONCEPT**

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### **A1 THE COMMUNITY VISION**

*This Official Plan is a land use policy document that is intended to provide leadership and positively impact the shape and form of future growth and development within the Township of Chisholm.*

*The residents of Chisholm enjoy an exceptional quality of life. This quality of life is created, in large part, by the quality of the natural environment, the people, the agricultural and rural areas, the open scenic countryside, woodland areas, lakes and rivers. Chisholm is also distinguished by its unique landforms and rich history that in part is founded upon agriculture and resource industries. Chisholm also views itself as an independent and self-sufficient community. These are the qualities that, taken together, create an identity that is highly valued by the residents.*

*This Official Plan distinguishes and provides for a range of land uses in the agricultural and rural areas. It is the intent of the Plan to encourage development in the agricultural and rural areas that is compatible with the character, role and permitted uses of these areas. It is also the intent of this Plan to permit the continued functioning of natural systems, maintain the rural pattern of large land holdings and a landscape dominated by rivers, open fields, forests and rolling hills.*

*It is estimated that the population of the Township could increase by up to 400 people in the next twenty years if the Township can continue to provide a range of economic, housing and other social opportunities. This Plan also anticipates that the development of additional agricultural, rural and recreational residential development as well as rural service and tourist commercial uses will accommodate the needs of new and existing residents and will contribute to the Township's economy.*

*The new Official Plan assumes that the high quality of life now enjoyed by the Township's residents can be maintained and enhanced if the Township's rural, natural character is maintained. However, change is inevitable and it must be managed in an efficient and orderly manner to maximize the benefits of new development. It is therefore the intent of this Plan to provide Council with the tools to consider and mitigate the impacts of change on the qualities that make Chisholm a preferred place to live.*



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## **A2 SUSTAINABILITY**

The goals of this Plan are premised on principles of sustainability. This means the Community will try to meet its needs today without unreasonably compromising opportunities for future generations to meet their own needs.

The policies of this Plan are founded on the premise that a sustainable community is composed of the following three principle elements in balance:

- i) The Environment: a connected system of environmental features and functions that support and preserve a diverse and healthy ecosystem;
- ii) The Economy: a strong, diversified and resilient economy that provides a variety of employment opportunities for citizens and is attractive to commercial and industrial investment; and,
- iii) The Socio-Cultural Fabric: a strong sense of culture and heritage and the provision of affordable public services and amenities.

### **A2.1 ENVIRONMENTAL SUSTAINABILITY**

This Plan identifies a number of defining environmental and topographical features that contribute to Chisholm's extensive natural heritage system. The protection of these features is a key underlying principle in this Plan.

This Plan contains policies that recognize the character of Chisholm's green spaces, agricultural lands, water resources, and terrestrial landscape as resources that contribute to the natural character of the Township.

The policies of this Plan also recognize the challenges created by Provincial interests in agricultural and natural areas and attempts to manage these issues. Chisholm will support innovative and sustainable development policies and practices to protect the natural environment and help reduce greenhouse gas emissions.

Energy conservation and the encouragement of innovative energy supply alternatives are components of Chisholm's vision for sustainable development.

### **A2.2 ECONOMIC SUSTAINABILITY**

A sustainable economic future for Chisholm will be made possible by ensuring a stable and sound fiscal position for the Township to support programs and services for citizens. In part, this will be achieved through self-sufficiency with a recognition of the role that Chisholm plays in a Regional near-north economic environment.



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The need for economic sustainability is strongly articulated through the vision, goals and policies in this Plan that encourage entrepreneurial spirit and diverse employment opportunities based in agriculture and rural development including recreation and tourism.

### **A2.3 SOCIAL SUSTAINABILITY**

Social sustainability addresses the basic community need for housing, education, health care, employment, food, safety, security, and cultural and recreational opportunities. The policies of this Plan are intent on fostering a good quality of life for all residents through the development of a healthy community and the provision of services and programs, such as a community centre.

Individual needs vary with age, income, ability, skills, background and interests. As communities change and grow, there is additional pressure to provide for these needs and ensure communities remain healthy and that a high quality of life is maintained.

The provision of human services originates from several public service agencies including the Province. In addition, human services are provided by other private sector or quasi-public institutions, such as private schools, places of worship, and community service groups. Continued coordination and partnership among all human service providers is essential to the social-cultural health of Chisholm.



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## **A3 GOALS AND STRATEGIC OBJECTIVES**

### **A3.1 THE NATURAL ENVIRONMENT**

#### **A3.1.1 Goal**

It is the goal of this Plan to protect significant natural heritage features and functions in the Township while recognizing that resource industries are important to local and provincial economies.

#### **A3.1.2 Strategic Objectives**

1. To protect, restore and improve significant environmental features and their associated ecological functions.
2. To ensure that a thorough understanding of the natural environment, including the values, opportunities, limits and constraints that it provides, factors into land use decision-making on the Township.
3. To ensure that land use planning contributes to the protection, maintenance, improvement, restoration, conservation and enhancement of groundwater and surface water resources.
4. To prevent negative impacts to the water quality and hydrological and hydrogeological characteristics of watercourses, lakes, aquifers and wetlands.
5. To prohibit the degradation of Provincially Significant Wetlands and the habitats and ecological functions they provide.
6. To encourage the protection of an open space system that links environmental and recreational resources in the Township.
7. To encourage the implementation and updating of existing and future watershed plans in cooperation with the North Bay-Mattawa Conservation Authority and to recognize the use of the watershed as an ecologically meaningful scale for planning.

### **A3.2 GROWTH AND SETTLEMENT**

#### **A3.2.1 Goal**

Chisholm is a rural township with no defined settlement areas. Therefore, it is the goal of this Plan to direct the majority of new residential development to the rural area.



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### **A3.2.2 Strategic Objectives**

1. To maintain an adequate supply of vacant land to accommodate a range of new development.
2. To ensure that new development is integrated into the rural fabric of the existing community.
3. To permit a limited amount of rural residential development in appropriate locations, in the form of individual lots and through the process of infilling.
4. To build and maintain a community centre and other recreational areas to serve all citizens in the community.
5. To communicate with the local District Social Services Administration Board on matters related to affordable housing.

### **A3.3 RURAL AND AGRICULTURAL CHARACTER**

#### **A3.3.1 Goal**

**It is the goal of this Plan to maintain and promote the open space character of the rural and agricultural areas, which currently accommodate farms, agricultural-related industry, country homes, recreational uses and a landscape dominated by agricultural fields and forests.**

#### **A3.3.2 Strategic Objectives**

1. To permit agri-business and secondary uses that support local producers and contribute to the local economy.
2. To protect the agricultural and rural land base by regulating lot creation and land uses which are less compatible with rural and agricultural uses.
3. To encourage the development of low-intensity resource related recreational and eco-tourism uses in the rural areas, provided the use has a minimal impact on the character of the rural area and is properly sited.
4. To avoid the intrusion of land uses that are incompatible with the rural character and/or resource activities of the area.

### **A3.4 ECONOMIC DEVELOPMENT**

#### **A3.4.1 Goal**

**It is the goal of this Plan to encourage economic growth and to provide opportunities for economic development in the Township.**



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**A3.4.2 Strategic Objectives**

1. To encourage the development of tourist commercial uses in rural areas where proximate to a natural recreational resource.
2. To support and maintain existing road networks in the interest of fostering economic growth and investment.
3. To encourage the development and expansion of agriculture, agricultural related and rural service businesses within the Township.
4. To encourage the development of compatible home-based businesses and home industries.
5. To encourage the protection of the Township's natural attributes, such as its rural character and its environmental features to ensure that the recreational and tourism uses that rely upon these attributes continue to thrive.



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## **A4 THE LAND USE CONCEPT**

The following land use designations are designed to reflect major land uses presently occurring or that are anticipated to occur in the Township.

### **A4.1 RURAL**

The *Rural* designation generally includes all of the rural areas as well as aggregate extraction areas on the Township.

### **A4.2 AGRICULTURAL**

Lands designated *Agricultural* are the site of primarily existing agricultural uses and includes lands classified by the Province as Prime Agricultural Lands or Prime Agricultural Areas in accordance with the Provincial Policy Statement (2005).

### **A4.3 SHORELINE**

The *Shoreline* designation generally applies to those lands that have already been developed for permanent and seasonal residential uses in proximity to the waterfront.

### **A4.4 CROWN LAND**

The *Crown Land* designation applies to those lands that are owned by the Crown and to which local planning policy is not applicable.

### **A4.5 ENVIRONMENTAL PROTECTION**

The *Environmental Protection* designation identifies significant natural features which are intended to be protected from incompatible land use.





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## **PART B – LAND USE DESIGNATIONS**

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### **B1 RURAL**

#### **B1.1 PURPOSE**

The purpose of the Rural designation is to:

- a) permit uses which support the community;
- b) protect the rural character of the Township and maintain those elements which contribute to the open space character of the countryside;
- c) prevent the intrusion of land uses which are incompatible with the rural character and/or resource activities of the area;
- d) encourage rural land uses and associated activities that contribute to the economy of the Township; and,
- e) ensure that the scale of development is compatible with the role and function of the rural area.

#### **B1.2 LOCATION**

The Rural land use designation applies to the majority of land within the planning area that is not otherwise placed in one of the other land use designations for this Official Plan as shown on land use schedules.

#### **B1.3 PERMITTED USES**

- a) agricultural uses;
- b) single detached dwellings and internal accessory dwellings units;
- c) garden suites in accordance with Section E1.2;
- d) bed and breakfast establishments;
- e) home occupations, home industries subject to the provisions of Section B1.5.1 of this Plan and local Zoning By-laws;
- f) veterinary clinics, abattoirs and uses which serve agri-business;



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- g) commercial dog kennels subject to Section B1.5.10 of this Plan;
  - h) passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
  - i) small-scale accommodation facilities subject to Section B1.5.9 of this Plan;
  - j) forestry and resource management uses;
  - k) uses related to recreation and tourism such as outfitting posts and eco-tourism uses;
  - l) golf courses, subject to an amendment to the Zoning By-law;
  - m) small-scale public uses subject to an amendment to the Zoning By-law;
  - n) local institutional uses such as schools, church and cemeteries subject to Sections B1.5.4 & 1.5.5 of this Plan;
  - o) commercial and industrial uses which serve the rural community and are compatible in a rural environment subject to Section B1.5.6;
  - p) the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage subject to Section B1.6;
  - q) mineral exploration and mining activities authorized under the Mining Act subject to Section B1.7; and,
  - r) wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area.

## **B1.4 DEVELOPMENT POLICIES**

### **B1.4.1 The Creation of New Lots for Rural Residential Purposes**

In keeping with the rate of rural lot creation that has occurred historically in the Township, this Plan has established a target of 15 new lots per calendar year. However, this threshold may be adjusted without amendment to this Plan if it can be demonstrated that average annual lot creation in the Rural designation over the previous three calendar years falls below the annual target of 15 lots per year. On this basis, future lot creation shall be guided by the following criteria:

- a) a maximum of 4 new lots may be severed from an original Township lot having a lot area of 40 hectares;
- b) a maximum of 3 new lots may be severed from an original Township lot



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having a lot area of 20 hectares;



- c) a maximum of 2 new lots may be severed from an existing lot having a lot area of at least 10 hectares;
- d) a maximum of 1 new lot may be severed from an existing lot having a lot area of at least 5 hectares;
- e) the terms “original” and “existing” shall refer to a lot that existed in its current configuration on August 21, 1978;
- f) the severed and retained lands must maintain a minimum frontage on a public road of 60 metres and a minimum lot area of 1 hectare;
- g) the boundary of the severed lot complies with the minimum distance required by the Minimum Distance Separation I Formulae;
- h) the proposed lot(s) comply with the criteria set out in Section D4.2.1 (General Consent Policies) of this Plan;
- i) the proposed lots(s) are appropriately designed, buffered and/or separated from any industrial or other incompatible land use in accordance with Provincial guidelines to prevent adverse effects from odour, noise and other contaminants and to minimize risk to public health and safety.

#### **B1.4.2 New Infilling Lots**

In addition to Section B1.4.1, infilling lots may be created from a parcel in the Rural designation that existed on the date this Plan was approved, provided:

- a) the original lot has a minimum frontage of 120 metres and a minimum lot area of 2.0 hectares;
- b) the lot is to be located between two residences which existed on the date this Plan was approved on lots that are situated on the same side of the road and are not more than 300 metres apart;
- c) the lot to be created has a minimum area of 1 hectare and a minimum frontage of 60 metres on an improved public road maintained on a year round basis; and,
- d) the proposed lot complies with the policies in Section D4.2.1.

#### **B1.4.3 Original Lots of Record**

Original Township lots of record may be severed along original lot lines, provided such lots have frontage on a public road assumed for year-round maintenance purposes. Original Township lots that do not have frontage on a public road may also be severed along original lot lines provided the severed and retained lots have access via a legal right-of-way or easement not longer than 300 metres and the owner enters into a private road agreement with the Township. In cases



where such lots can be provided access to a public road at reasonable cost, Council may require the owner to upgrade the requisite road to Township standards for assumption and maintenance purposes.

Notwithstanding Section B1.4.1 (d) of this Plan, original Township lots of record severed in accordance with this section shall be eligible for subsequent severance under Section B1.4.1 of this Plan, except where such lots do not have frontage on a public road.

#### **B1.4.4 Farm Consolidations and Boundary Adjustments**

Boundary adjustments or farm consolidations may be considered where the effect of the boundary adjustment or consolidation is to improve the viability of the farm operation provided:

- a) no new lot is created; and,
- b) the viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

#### **B1.4.5 Minimum Distance Separation Formulae**

New agricultural livestock buildings as well as non-farm development shall comply with the Minimum Distance Separation Formulae I and II as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

### **B1.5 RURAL DEVELOPMENT POLICIES**

#### **B1.5.1 Home Occupations and Home Industries**

This Plan will permit additional activities, such as home occupations and home industries in the Rural designation.

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy no more than 30% of the gross floor area of the dwelling and do not change the character of the dwelling. Home occupations will be defined and regulated through provisions in the Township's Zoning By-law.

Home industries are small-scale industrial uses that are accessory to rural uses and/or a single detached dwelling. Such uses may also support the agricultural industry in the area. These uses should not detract from the primary use of the property for rural or residential purposes. Home industries may include welding, carpentry or machine shops, or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other



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products. The accessory retail sales of products produced in the home industry is also permitted. The repair, storage or sale of motor vehicles is not considered to be a home industry. Home industries will be defined and regulated through provisions in the Township's Zoning By-law.

The development of a new home industry may also be subject to Site Plan Control and will, through an application for site plan approval have regard to the Ministry of the Environment D-Series Guidelines.

### **B1.5.2 Accessory Apartments**

Accessory apartments are considered to be an affordable housing choice and may be permitted in single detached dwellings in the *Rural* designation, subject to a Zoning By-law Amendment. In considering such an application, Council shall be satisfied that:

- a) the apartment will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Township's Zoning By-law;
- b) adequate parking is available on the lot for both dwelling units; and,
- c) the water supply and private sewage system are appropriate to sustain the accessory apartment.

### **B1.5.3 Bed and Breakfast Establishments**

Bed and breakfast establishments are permitted in single detached dwellings, provided the bed and breakfast establishment:

- a) is located within the principal residence of the owner/operator; and,
- b) preserves the character of the dwelling as a private residence;
- c) adequate parking is available on the lot for the residential use and the bed and breakfast; and,
- d) the water supply and private sewage system are appropriate to sustain the bed and breakfast.

The implementing Zoning By-law shall define a bed and breakfast establishment and may further detail the conditions under which a bed and breakfast establishment may be permitted.

### **B1.5.4 Daycare Facilities and Small-Scale Institutional Uses**

Daycare facilities and small-scale institutional uses which serve the community, such as public and private elementary schools, Montessori schools, housing for



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seniors, and places of worship may be permitted by a Zoning By-law Amendment provided Council is satisfied that:

- a) the use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- b) the water supply and private sewage system are appropriate to sustain the use; and,
- c) the use is located on a site that has adequate land area to incorporate required parking, pick-up and drop-off area, recreational facilities (if required), landscaping and buffering on-site.

### **B1.5.5 Cemeteries**

In accordance with the Cemeteries Act, cemeteries may be permitted in the Rural designation subject to an amendment to the implementing Zoning By-law. A cemetery may include, as an accessory use, a mausoleum and/or a crematorium. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the cemetery and the accessory uses are appropriate for the area;
- b) the use can be accessed by roads which are designed to accommodate high volumes of traffic in short periods of time;
- c) the applicant has fulfilled applicable technical requirements of the Cemeteries Act; and,
- d) that approval, under Section 9 of the Environmental Protection Act be obtained, if required, when a crematorium is proposed.

### **B1.5.6 Commercial and Industrial Uses**

The development of a commercial or industrial use that serves the needs of the rural area or the recreation/tourism markets may be permitted as an accessory use to a rural residence or farm property is permitted, provided:

- a) the subject lands have a minimum lot area of 2 hectares, or greater if determined through a required hydrogeological study;
- b) the use is associated with and/or secondary to a farm operation or rural residence;
- c) that any open storage associated with the use be incidental and subordinate to the use and be screened from view;
- c) the floor area of the use is no more than 300 square metres; and,



- d) the majority of the products offered for sale, in terms of monetary value, are produced or manufactured locally or in conjunction with an agricultural or agricultural-related use.

The development of a new commercial use shall be subject to a Zoning By-law Amendment and Site Plan Control.

#### **B1.5.7 Agricultural Research and Training Establishments**

The development of agricultural research and training establishments is encouraged in the Township. Such uses may be permitted subject to re-zoning, provided Council is satisfied that:

- a) the use is related to and will benefit the agricultural industry;
- b) the use will assist in the furthering of knowledge in the agricultural sector of the economy;
- c) the use will assist the farm community through training and the identification of new methods and procedures; and,
- d) the use accounts for the Ministry of the Environment D-Series Guidelines.

#### **B1.5.8 Rural Exhibitions and Tourism Establishments**

This Plan supports the development of uses that promote the importance of the agricultural and rural community. On this basis, uses such as artist studios, pancake houses, farm machinery and equipment exhibitions, farm tours, holiday-related exhibitions and small-scale educational or interpretive establishments that focus on agri-tourism, eco-tourism or cultural tourism are permitted in the Rural designation. Such uses shall be encouraged to locate within existing clusters of farm buildings, where possible.

#### **B1.5.9 Small-Scale Accommodation Uses**

New small-scale accommodation uses including lodges, inns, hunting lodges or eco-tourism establishments may be permitted subject to an amendment to the implementing Zoning By-law. For the purposes of this Plan, a small-scale accommodation facility has a maximum of 15 rooms for guests. These uses shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan

Before considering an amendment to the Zoning By-law to permit any of these uses in the Rural designation, Council shall be satisfied that the proposed use:

- a) is compatible with the rural character of the area;





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- b) can be designed and sited to blend in with the topography and setting on the lot;
  - c) is located on a lot having an area of no less than 5.0 hectares;
  - d) is located where it would have little or no impact on agricultural operations;
  - e) can be serviced with an appropriate water supply and means of sewage disposal and the proponent is prepared to enter into an agreement with respect to maintenance of water and septic systems and the removal/disposal of septic waste;
  - f) is to be accessed by municipal roads that can accommodate the increased traffic generated by the proposed use;
  - g) parking and traffic can be suitably accommodated on-site;
  - h) will not cause a traffic hazard as a result of its location on a curve or a hill; and,
  - i) can be appropriately buffered from adjacent residential or agricultural uses.

#### **B1.5.10 Commercial Dog Kennels**

Commercial dog kennels may be permitted in the Rural designation subject to an amendment to the implementing zoning by-law. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the proposed dog kennel is appropriate for the area;
- b) the building housing the dog kennel and the associated dog runs is set back at least 100 metres from lot lines;
- c) the use is located at least 500 metres from lands designated *Agriculture* or *Shoreline*;
- d) the noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- e) an appropriate animal waste management plan is put in place;
- f) an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel;
- g) the Ministry of Natural Resources has been contacted where a commercial dog kennel operation is proposed within 120 metres to a



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known or suspected habitat of endangered or threatened species or species of special concern, and, if necessary measures have been taken to address any concerns or recommendations of the Ministry of Natural Resources.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section E1.4 of this Plan.

#### **B1.5.11 Hobby Farms**

Council recognizes that hobby farming is an agricultural use that is in keeping with the character of the rural area. A hobby farm is defined as a farm with a residence where a limited number of domestic animals are kept primarily for recreational purposes, and buildings related to the hobby farm are clearly subordinate and incidental to the residential use. Agricultural uses including hobby farms are permitted in the *Rural* designation, provided the minimum lot size is 2.0 hectares. Where a new lot is to be created for the purpose of an agricultural use which involves the keeping of livestock, the use shall comply with the Minimum Distance Separation II Formulae.

#### **B1.5.12 Alternative Energy Systems**

Alternative energy systems and infrastructure not considered renewable energy undertakings, as per section 62.0.2 of the Planning Act and/or schedule K of the Green Energy 2009 shall be subject to a Zoning By-law Amendment. In addition, land lease agreements for alternative energy undertakings which exceed 21 years shall be subject to a consent of the Committee of Adjustment.

In considering an application to amend the Zoning By-law or for a consent for a lease in excess of 21 years for an alternative energy system on the subject lands, the following issues will need to be addressed:

- a) Confirmation that the proposal has complied with the Ministry of the Environment's Environmental Screening Process for electricity projects;
- b) An assessment of the impacts such a facility would have on existing lands uses and the future development of adjacent lands primarily with respect to issues of noise and character;
- c) An assessment of the operational feasibility of the utility, if the facility is to be publicly owned and operated;
- d) An assessment of the access and servicing requirements required for the facility;
- e) Confirmation that the proposal is not located within or adjacent to known or suspected habitat of endangered or threatened species or species of special concern, and;



- f) Other planning issues that may be considered at the time a proposal comes forward.

## **B1.6 AGGREGATE RESOURCE OVERLAY**

### **B1.6.1 Intent**

Chisholm has historically contributed to the regional need for aggregate resources used in road construction and manufacturing of aggregate related products. As such, the Aggregate Resource Overlay is intended to identify lands within the Rural designation which have potential to be used for aggregate extraction purposes. The following policies apply to the entire Rural designation, however the purpose of the overlay is to identify known aggregate deposits and try to minimize conflicts between existing, new or expanding operations and other uses.

### **B1.6.2 Relationship between this Plan and the Ministry of Natural Resources**

In the Township of Chisholm it is recognized that the Ministry of Natural Resources licenses and regulates mineral aggregate operations under the Aggregate Resources Act. It is therefore intent of this Plan to ensure that there is open and transparent consultation between the appropriate Provincial Ministries and agencies, the proponent of the mineral aggregate operation, Council and the **public** before licenses are issued or modified, in order to ensure that new mineral aggregate operations or expansions of existing operations are carried out in a manner that is consistent with the goals and objectives of this Plan.

### **B1.6.3 Development Adjacent to Existing Extractive Operations**

When new development (through a Planning Act application) is proposed within 300 metres of a pit or 500 metres of a quarry within the Rural designation, Council shall be satisfied that the proposed use is compatible with the operation of the pit or quarry. In order to address this issue, the proponent will be required to retain a qualified professional to complete an impact assessment in accordance with the MOE D-Series Guidelines. Council may further require the proponent to submit written confirmation of adherence to the LU-131 Noise Guidelines.

Where the application for development affects lands with known high quality aggregate resources according to Schedule A, the proponent will also be required to address the criteria in Section B1.6.5 of this Plan.



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#### **B1.6.4 New Mineral Aggregate Operations or Expansions to Existing Operations**

All new mineral aggregate operations and/or expansions to existing mineral aggregate operations shall require an Amendment to the Zoning By-law. All such applications shall be supported by studies that address:

- a) the effect of the operation of the mineral aggregate resource use on:
  - i) the natural heritage features and functions on the site and in the area;
  - ii) nearby communities;
  - iii) agricultural resources and activities;
  - iv) the character of the area;
  - v) the quality and quantity of groundwater and surface water in the subwatershed;
  - vi) the built or cultural heritage resources in the area;
  - vii) significant geologic formations on the site and in the area;
  - viii) where blasting is necessary as part of the operation, the groundwater recharge functions on the site and in the immediate area assessed by a hydrogeological study;
  - ix) surface water features in the area; and,
  - x) nearby wells used for drinking water purposes.
- b) the location and suitability of the proposed haul routes;
- c) the effect of the noise, odour, dust and vibration generated by the proposed use assessed in accordance with the MOE's D-Series Guidelines as well as the LU-131 Noise Guidelines;
- d) how the natural features and functions on the site and in the area can be protected and/or enhanced as part of the design of the pit and/or after the pit has been progressively and finally rehabilitated;
- e) how the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts; and,
- f) how the site will be progressively and finally rehabilitated to accommodate subsequent land uses after the extraction is completed.



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### **B1.6.5 Development of Other Uses in the Aggregate Resource Overlay**

The protection of known high quality mineral aggregate resources shall take precedence, wherever possible, over any development or land use that would preclude its future extraction.

On this basis it is the intent of this Plan that the lands located in or adjacent to the Aggregate Resource Overlay in Schedule A be protected from development or land uses that may hinder the effective and/or economical extraction of aggregate in the future. However, there may be cases where the economical and/or physical extraction of aggregate is not feasible and/or appropriate. In such cases, new lots or other development or land use permitted by this Plan on lands so designated may be permitted, if it can be shown to the satisfaction of Council that:

- a) the resource use would not be feasible; or,
- b) there is not enough aggregate in the area to justify its economical extraction; or,
- c) the proposed land use or development serves a greater long term public interest; and,
- d) issues of public health, public safety and environmental impact are addressed.

### **B1.6.6 Rehabilitation**

The progressive and final rehabilitation of all pits and quarries in the Township is a goal of this Plan. Wherever possible, Council will work with pit and quarry operators and the Ministry of Natural Resources to ensure that all licenses have progressive and final rehabilitation plans.

If a site is to be rehabilitated to a natural state, it is the intent of this Plan that natural self-sustaining vegetation and hydrologic features be established and restored. If the site was formerly used for agricultural purposes it is the intent of this Plan that substantially the same land area and soil capability for agriculture is restored.

## **B1.7 MINERAL RESOURCES**

### **B1.7.1 Intent**

It is the intent of Council to work with the Ministry of Northern Development, Mines, and Forestry to obtain information regarding mineral resources, to identify areas of mineral potential and abandoned mine sites.



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**B1.7.2 Permitted Uses**

For the purpose of this Official Plan, mineral mining operations are those facilities designed and authorized under the Mining Act to extract metallic minerals such as ore, gold and copper, or non-metallic minerals such as graphite, mica or talc. Mineral mining operations include above and below ground work, open pits and quarries as well as associated processing, transportation, waste and tailing storage, and directly related activities all regulated in accordance with the Mining Act. Mineral mining excludes pits and quarries used for mineral aggregate extraction authorized under the Aggregate Resource Act.

**B1.7.3 Quality of Resources in Chisholm**

In the preparation of this Plan, the Township consulted with the Ministry of Northern Development, Mines and Forestry and it was determined that the metallic mineral potential of the Township can be characterized as being medium-low.

**B1.7.4 Development Policies**

Mineral mining and related activities will only be permitted outside of Shoreline and Environmental Protection designations as shown on Schedule 'A'. The compatibility of the mining activities with surrounding land use designations will determine the specific nature of permitted mining and mining related activities.

The establishment of mining related activities shall be subject to the approval of the Ministry of Northern Development, Mines and Forestry under the Mining Act and the Ministry of the Environment under the Environmental Protection Act and may be subject to zoning regulations by the Municipality.

**B1.7.5 Abandoned Mine Sites**

When a development is proposed within 1,000 metres of an abandoned mine hazard there is potential for impact on a proposed development. The Township and proponent shall consult with MNM – Regional Land Use Geologist in order to assess the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards.

**B1.8 IMPLEMENTING ZONING BY-LAW**

All lands in the Rural designation shall be placed in a Rural (RU) Zone or an appropriate site specific zone where the policies of this Plan require a zoning amendment to permit a use contemplated by this Plan.



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The implementing Zoning By-law shall place all existing licensed aggregate operations in a Mineral Aggregate Resource One (MAR1) Zone that permits quarries and sand and gravel extraction operations. The Zoning By-law may also place lands located within the Aggregate Overlay in a more restrictive zone which limits the range of land uses that could occur in such areas.

The implementing zoning by-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal right-of-ways and property boundaries.



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## **B2 AGRICULTURE**

### **B2.1 PURPOSE**

The purpose of the Agricultural designation is to:

- a) protect land suitable for agricultural production from development and land uses unrelated to agriculture;
- b) encourage the reclamation of all agricultural lands to a productive state;
- c) permit uses which support the agricultural community;
- d) prevent the intrusion of land uses which are incompatible with the agricultural/or resource activities of the area;
- e) encourage agricultural land uses and associated activities that contribute to the economy of the Township; and,
- f) ensure that the scale of development is compatible with the role and function of the agricultural area.

### **B2.2 LOCATION**

The Agricultural land use designation applies to lands in the Township where prime agricultural land predominates, which includes Canada Land Inventory Classes 1, 2, and 3 soils in this order for protection. These areas are generally characterized as the most productive agricultural land and/or accommodate the greatest number of existing agricultural operations.

### **B2.3 PERMITTED USES**

- a) agricultural uses;
- b) single detached dwellings ;
- c) bed and breakfast establishments;
- d) home occupations, home industries subject to the provisions of Section B2.5.1 of this Plan and local Zoning By-laws;
- e) veterinary clinics and custom abattoirs and other agricultural related uses that serve agri-business as secondary uses to an agricultural use;
- f) passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;





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- g) forestry and resource management uses;
  - h) commercial uses on farm properties subject to Section B2.5.2 of this Plan;
  - i) alternative energy systems;
  - j) the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage subject to Section B1.6;
  - k) mineral exploration and mining activities authorized under the Mining Act subject to Section B1.7; and,
  - l) wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area.

## **B2.4 DEVELOPMENT POLICIES**

### **B2.4.1 The Creation of New Lots in the Agricultural Designation**

In accordance with the intent of this Plan to maintain the Agricultural land base in the Township. The majority of the new residential development is directed to the Rural Area and vacant building lots. However, while lot creation within the Agricultural designation is generally discouraged, a lot may be created in the Agricultural designation provided Council is satisfied of the following:

- a) That the new lot is of a size appropriate for the type of agricultural use(s) common in the area and is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) That a lot for agriculture-related uses will be limited to a minimum size needed to accommodate the use and sustain appropriate sewage and water services;
- c) That the purpose of the application is to sever a residence surplus to a farming operation as a result of a farm consolidation. Council shall ensure that a new residential dwelling will not be a permitted use on any vacant remnant parcel of farmland created by such a severance;
- d) That an infrastructure facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- e) The minimum lot area for new and retained agricultural lots should be 40.0 hectares; and,
- f) The proposed lot complies with the criteria set out in Section D4 (General Consent Policies) of this Plan;



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### **B2.4.2 Farm Consolidations and Boundary Adjustments**

Boundary adjustments or farm consolidations may be considered where the effect of the boundary adjustment or consolidation is to improve the viability of the farm operation provided:

- a) no new lot is created; and,
- b) the viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

### **B2.4.3 Minimum Distance Separation Formulae**

New agricultural livestock buildings as well as non-farm development shall comply with the Minimum Distance Separation Formulae I and II as established by the province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

### **B2.5 AGRICULTURE-RELATED AND SECONDARY USES**

The development of an agriculture-related use shall be those farm related commercial and farm 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. Secondary uses are uses that are accessory to a principle agricultural use.

#### **B2.5.1 Home Occupations and Home Industries**

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy no more than 30% of the gross floor area of the dwelling and do not change the character of the dwelling. Home occupations will be defined and regulated through provisions in the Township's Zoning By-law.

Home industries are small-scale industrial uses that are secondary to agricultural uses and/or a single detached dwelling. Such uses may also support agri-business industry in the area. These uses shall not detract from the primary use of the property for agricultural or residential purposes. Home industries may include welding, carpentry or machine shops, or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other products. Secondary uses that produce value added agricultural products from the farm operation on the property, such as custom meat shops, produce market, and packing operations, may also be permitted. The accessory retail sales of products produced in the home industry is also permitted. and will be defined and regulated through provisions in the Township's Zoning By-law.



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The development of a new home industry may be subject to Site Plan Control and depending on the nature of the use may be required to have regard to the Ministry of the Environment D-Series Guidelines.

### **B2.5.2 Commercial Uses on Farm Properties**

The development of a commercial use as an accessory or secondary use on a farm property is permitted, provided:

- a) the use is located on the farm property and is associated with and secondary to the farm operation;
- b) the retail component has a floor area of no more than 100 square metres; and,
- c) the majority of the products offered for sale are value-added agricultural goods and products produced on the farm or manufactured on the farm property.

The development of a new commercial use on a farm property shall be subject to a Zoning By-law Amendment and Site Plan Control.

### **B2.5.3 Agricultural Research and Training Establishments**

The development of agricultural research and training establishments is encouraged in the Township. Such uses may be permitted subject to an Official Plan Amendment and a re-zoning, provided Council is satisfied that:

- a) the use is related to and will benefit the agricultural industry;
- b) the use will assist in the furthering of knowledge in the agricultural sector of the economy;
- c) the use has regard for the Ministry of the Environment D-Series Guidelines;
- d) the use will assist the farm community through training and the identification of new methods and procedures; and,
- e) there are no reasonable alternative locations for the proposed use which avoid prime agricultural areas; and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

### **B2.5.4 Farm Related Exhibitions and Tourism Establishments**

This Plan supports the development of uses that promote the importance of the agricultural and rural community. On this basis, uses such as artist studios, pancake houses, farm machinery and equipment exhibitions, farm tours, holiday-



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related exhibitions and small-scale educational or interpretive establishments that focus on farming instruction or agri-tourism are permitted in the *Agricultural* designation. Such uses shall be encouraged to locate within existing clusters of farm buildings, where possible.

### **B2.5.5 Alternative Energy Systems**

Alternative energy systems and infrastructure not considered renewable energy undertakings, as per section 62.0.2 of the Planning Act and/or schedule K of the Green Energy 2009 shall be subject to a Zoning By-law Amendment. In addition, land lease agreements for alternative energy undertakings which exceed 21 years shall be subject to a consent of the Committee of Adjustment.

In considering an application to amend the Zoning By-law or for a consent for a lease in excess of 21 years for an alternative energy system on the subject lands, the following issues will need to be addressed:

- a) Confirmation that the proposal has complied with the Ministry of the Environment's Environmental Screening Process for electricity projects;
- b) An assessment of the impacts such a facility would have on existing lands uses and the future development of adjacent lands primarily with respect to issues of noise and character;
- c) An assessment of the operational feasibility of the utility, if the facility is to be publicly owned and operated;
- d) An assessment of the access and servicing requirements required for the facility;
- e) Confirmation that the proposal is not located within or adjacent to known or suspected habitat of endangered or threatened species or species of special concern, and;
- f) Other planning issues that may be considered at the time a proposal comes forward.

### **B2.5.6 Aggregate Resources**

The policies of Section B1.6 (Rural) shall apply.

## **B2.6 IMPLEMENTING ZONING BY-LAW**

All lands in the Agricultural designation shall be placed in an Agricultural (A) Zone in the implementing zoning by-law. Agricultural related uses and secondary uses will be zoned in an appropriate Agricultural Exception Zone.



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The implementing zoning by-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal right-of-ways and property boundaries.



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## **B3 SHORELINE**

### **B3.1 PURPOSE**

The purpose of the Shoreline designation to:

- a) ensure that new development is consistent with the scale and character of the shoreline residential area;
- b) ensure that the impacts of new development or site alterations on the natural heritage features, surface water and groundwater resources in the area are minimized;
- c) encourage improvements to the infrastructure in the shoreline area; and,
- d) minimize the impact of any new development or site alterations on the natural shoreline while maintaining or enhancing the extent of natural vegetation in the shoreline area.

### **B3.2 LOCATION**

The *Shoreline* designation as shown on Schedule A to this Plan applies to shoreline areas adjacent to Wasi Lake and Wasi River and Graham Lake, as well as very minor portions of Lake Nosbonsing and Mink Lake both of which are located at the northern boundary of the Township.

### **B3.3 PERMITTED USES**

Permitted uses in the Shoreline designation include single detached dwellings, bed and breakfast establishments, tourist commercial uses, home occupations, institutional uses as well as public parks and beaches.

### **B3.4 DEVELOPMENT POLICIES**

#### **B3.4.1 Wasi Lake and Wasi River**

Wasi Lake is a lake in a high state of eutrophication and has been designated to be an at capacity lake by the Ministry of Environment. In addition, Callander Bay, which the Wasi River drains to, has also been declared by the Ministry of Environment to be at capacity. As a result, no new lot creation or Planning Act approval for more intensive uses shall be permitted on Wasi Lake or the Wasi River, unless the septic system for the proposed lot or more intensive use can be constructed at least 300 metres from the water's edge and maintain a minimum lot frontage of 60 metres and a lot area of 1 hectare. Council will require the owner to enter into a Site Plan or Development Agreement to ensure minimum setbacks are achieved and to establish limitations on the removals of vegetation.



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### **B3.4.2 Graham Lake**

Graham Lake is a small and relatively undeveloped lake in the south-west corner of the Township, part of which abuts the Graham Lake ANSI as described in Section B5 of this Plan. In the interest of preserving the character of this lake, any existing lot with an area greater than 20 hectares and a shoreline frontage greater than 400 metres shall be permitted to create one new lot, provided the severed lot maintains a minimum 200 metre shoreline frontage and a lot area of 5 hectares. In addition, the severed and retained lots shall have frontage and direct access to an existing public road, assumed and maintained by the Township. Any application for severance shall be accompanied by an Environmental Impact Study B5.9.

Any development proposal that seeks to create more lots with lot areas and frontages less than contemplated under this policy shall be subject to an Official Plan Amendment, the purpose of which is to establish policy to ensure that the carrying capacity of the lake is not compromised.

### **B3.4.3 Mink Lake and Lake Nosbonsing**

Mink Lake and Lake Nosbonsing are predominantly located in the Township of East Ferris, with very small shoreline areas located in the Township of Chisholm. Council will have regard for the East Ferris shoreline development policies in the event of any application to create a new lot, but will require any new lot to have access to a municipal road assumed and maintained for public use or access to an existing legal right-of-way.

### **B3.4.4 Legal Non-Compliant Lots and Boundary Adjustments**

Legal non-complying lots which are made larger as a result of a boundary adjustment shall be deemed to comply with the frontage and area requirements of the implementing Zoning By-law and shall not be subject to a zoning amendment or minor variance, provided the area of the lot is to be increased to at least 929 square metres (10,000 square feet). This policy also applies to new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision.

The creation of new lots for residential purposes shall also comply with Section D4 (General Consent Policies) of this Plan.

### **B3.4.5 Plan of Subdivision/Plan of Condominium Policies**

New development by Plan of Subdivision or Plan of Condominium in the shoreline shall occur in accordance with Section D4.3.



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### **B3.4.6 Private Roads**

It is not the intent of this Plan to provide municipal services such as snowplowing and maintenance to lots fronting on these types of roads. On this basis, all lots that do not have frontage on and direct access to a public road that is assumed and maintained year round for public use shall be placed in a Limited Service Residential Zone in the implementing zoning by-law. All development in the Limited Service Residential Zone shall be subject to Section D.2.2.2 of this Plan.

In situations where landowners would like the Township to assume a private road and maintain it for year round usage, the affected lots will have to be re-zoned, provided Council is satisfied that the following criteria have been met:

- a) The private road that abuts the lot(s) to be re-zoned shall be confirmed by the Public Works Supervisor to have been brought up to the Township's standard for new road construction at no cost to the Township;
- b) The lot(s) being re-zoned shall abut and have direct access to, the upgraded road;
- c) The dwelling on the lot(s) to be re-zoned shall be serviced by a private well on the same lot or an appropriate water supply;
- d) The dwelling on the lot(s) to be re-zoned shall be serviced by an appropriate means of sewage disposal;
- e) The lot(s) to be re-zoned complies with all applicable zone provisions in the implementing zoning by-law; and,
- f) The road has been surveyed by an Ontario Land Surveyor and assumed by Municipal Act By-law for year round maintenance.

### **B3.4.7 Shoreline Setbacks**

It shall be a policy of Council to protect lake and riparian ecosystems by encouraging, to the greatest degree possible, the retention of shoreline areas in a natural vegetated state. In this regard, the Zoning By-law will establish an appropriate setback to restrict the placement of buildings and structures within the shoreline area. New development on vacant properties adjacent to shorelines must maintain a minimum 30 metre setbacks for development from the high water mark. Reconstruction, replacement and minor additions to legally existing buildings will be permitted provided such changes do not result in further encroachments into the shoreline setback. In addition, subdivision agreements, site plan control agreements and/or tree cutting by-laws will be utilized to further minimize impacts on natural shoreline features.





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Filling, dredging and/or other shoreline alterations within 30 metres of fish habitat areas is prohibited and may be subject to enforcement by the Federal Department of Fisheries and Oceans. Subject to the approval of Council, the Ministry of Natural Resources and the North Bay-Mattawa Conservation Authority, new development may be approved in shoreline areas, adjacent to and within the required setback, subject to a satisfactory Environmental Impact Study being completed, which shows that development will not have a negative impact.

#### **B3.4.8 Shoreline Archaeological Resources**

Where it has been determined that a shoreline possesses a high potential for containing archaeological resources Council shall require the submission of an archaeological assessment in accordance with Section D3.2.10 for all development applications. Council shall have regard to the policies of Section D3 where archaeological resources have been identified.

#### **B3.4.9 North Bay Mattawa Conservation Authority**

The North Bay Mattawa Conservation Authority regulates all shoreline areas within the Township. Prior to any development, filling or alterations occurring within the shoreline areas, a proper permit shall be obtained from the North Bay Mattawa Conservation Authority in addition to any approvals required by the Crown or Township.

#### **B3.5 SHORE ROAD ALLOWANCE**

In accordance with Provincial guidelines and statutes, local municipalities may transfer portions of the shore road allowance to private ownership where the intent is to merge a portion of the shore road allowance with an abutting shoreline property. In its assessment of applications for the closure and sale of public road allowances along shorelines, Council shall have regard for the following:

- a) The portion of the shore road allowance proposed to be closed has no present or future use for public travel, public waterfront areas, public access or other municipal purpose;
- b) Only the portion of the road allowance above the natural or regulated high water mark may be sold;
- c) Lands that are subject to flooding or that are located in the Environmental Protection designation may not be sold; and,
- d) All costs incurred in the closing and transfer of a shore road allowance shall be paid for by the transferee.



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**B3.6 IMPLEMENTING ZONING BY-LAW**

All lands that are used for residential purposes and which have frontage on a public road that is maintained year-round shall be placed in a Shoreline Residential (SR) Zone in the implementing zoning by-law.

Lands that are used for residential purposes, but which front on a private road shall be placed in a Limited Service Residential Zone in accordance with Section B3.4.6 (Residential Development on Private Roads).

Lands that are used for commercial or institutional uses shall be placed in appropriate zones that recognize the use. All undeveloped land in the shoreline area that is designated Shoreline shall be placed in a Rural Zone. Permitted uses in this zone shall be restricted to uses that legally existed on the date the implementing zoning by-law comes into effect.



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## **B4 CROWN LAND**

### **B4.1 PURPOSE**

The purpose of the *Crown Land* designation is to identify lands in the Township which are Crown land and which the Township has no regulatory control over in accordance with the Planning Act. Crown lands are administered by the Ministry of Natural Resources through the Public Lands Act and other applicable legislation.

### **B4.2 LOCATION**

The *Crown Land* designation as shown on the Schedule A to this Plan applies to about 20% of the land within the Township, primarily in the southern portion of the Township.

### **B4.3 PERMITTED USES**

The Township has no authority to regulate land use on Crown Land, but encourages Federal and Provincial governments and agencies to be consistent with the policies of this Plan as it relates to the issuance of tenure, occupational authority and permitted undertakings on Crown Land.

### **B4.4 DEVELOPMENT POLICIES**

Where lands are proposed to be patent in accordance applicable legislation and regulations, an Official Plan Amendment will not be required but a Zoning By-law Amendment will be required to recognize the use or uses proposed for the patent land. In reviewing a Zoning By-law Amendment, in this context, Council will expect the proponent to conform to other applicable policies in this Plan.

### **B4.5 IMPLEMENTING ZONING BY-LAW**

All lands within the *Crown Land* designation shall be placed in a Crown Land (C) Zone in the implementing zoning by-law.



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## **B5 ENVIRONMENTAL PROTECTION**

### **B5.1 PURPOSE**

The purpose of the *Environmental Protection* designation is to:

- a) maintain and enhance the ecological integrity of the natural heritage system;
- b) eliminate the potential for the loss or fragmentation of Provincially significant wetlands and the habitats and ecological functions they provide; and,
- c) provide the tools to properly assess development applications located in close proximity to environmentally sensitive features and areas.

### **B5.2 LOCATION**

The *Environmental Protection* designation is intended to include the following components of the Township's Natural Heritage System:

- a) All significant wetlands evaluated and identified by the Ministry of Natural Resources;
- b) Provincially significant Areas of Natural and Scientific Interest;
- b) Significant habitat of endangered or threatened species;
- c) All other wetlands greater than 2 hectares in area as shown on Schedule B to this Plan; and,
- d) Any other area, feature or function that has been determined to be environmentally significant as a result of a planning approval process.

Lands designated Environmental Protection are shown on Schedule A to this Plan. The individual components of the Environmental Protection designation are shown on Schedule B to this Plan but it is noted that there may be other significant natural heritage features in the Township that have not been formally confirmed by the MNR to be shown on Schedule B to this Plan.

### **B5.3 PERMITTED USES**

Permitted uses on lands designated Environmental Protection are limited to conservation and passive recreational uses that do not require development or site alteration. For the purposes of B5.2 a) and c) above, works and infrastructure that by their nature must be located within the floodplain, such as flood and erosion control works are permitted, however, no other development or site



alteration shall be permitted within any significant wetland. For the purposes of this section, a golf course or similar land use is not a passive recreational use. Proposals for the development of buildings and structures accessory to permitted uses are required to be accompanied by a supporting Environmental Impact Study which demonstrates, in the case of Section B5.2 (c), that no negative impact on the natural features or their ecological functions will occur due to the proposed development. Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated Environmental Protection. Similarly, existing forestry and existing woodlot management activities are not intended to be prohibited but are expected to comply with good forest management practices as provided by the Ministry of Natural Resources and the Ontario Forestry Association.

## **B5.4 GENERAL POLICIES APPLYING TO THE ENVIRONMENTAL PROTECTION DESIGNATION**

### **B5.4.1 Use of Lands in Private Ownership**

Where any land within the Environmental Protection system is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

### **B5.4.2 Adjacent Lands**

Adjacent lands are the lands adjacent to an environmental feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- a) 120 metres of the boundary of a Provincially significant wetland that has been evaluated or identified by the Ministry of Natural Resources;
- b) 30 metres from any other wetland not evaluated to be a Provincially significant wetland;
- c) 50 metres from the boundary of a Provincially or Regionally Significant Earth Science Area of Natural and Scientific Interest and 120 metres from a Life Science ANSI;
- d) 120 metres from significant wildlife habitat or the significant habitat of any endangered or threatened species and where scientific data has determined a different setback the greater distance shall be applied; and,
- e) 120 metres from the boundary of a fish habitat area.

No development or site alteration shall be permitted on these adjacent lands without Council approval of a zoning by-law amendment, site plan, development



permit or other appropriate planning approval. To evaluate the ecological function of the adjacent lands and to demonstrate that there will be no negative impacts on the natural heritage feature or its ecological functions Council may require an Environmental Impact Study and/or a subwatershed study and/or a geotechnical study be completed and approved by Council, subject to the comments of the appropriate agencies. The requirements for an Environmental Impact Study are contained in Section B5.8 (Requirements for an Environmental Impact Study) of this Plan.

The scale and the contents of the required studies shall be determined at the time the development is proposed. The width of the adjacent lands may be increased/decreased, depending on the feature and the nature of the proposed development. This determination shall be made in consultation with the appropriate agencies at the time the development is proposed.

## **B5.5 DESCRIPTION OF COMPONENTS OF THE ENVIRONMENTAL PROTECTION DESIGNATION**

The Natural Heritage System represents a network of natural areas that continues to exist after the area was settled and the lands and waters that support the ecological functions critical to the survival of these areas. Below is a description of those components of the natural heritage system that are within the *Environmental Protection* designation.

## **B5.6 WETLANDS**

Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface, as shown on Schedule B. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four types of wetlands are swamps, marshes, bogs and fens. Wetlands play a very important role in the natural heritage system, since they:

- a) provide habitat for plants and animals;
- b) store water for groundwater recharge purposes;
- c) trap sediments, nutrients and contaminants thereby improving downstream water quality;
- d) provide corridors for plant and animal movements; and,
- e) provide flood control and protect shorelines from erosion.

There are two categories of wetlands in this Plan which have been distinguished for planning purposes, these are Provincially Significant Wetlands, and local wetlands.



The Wasi Wetland has been evaluated by the Ministry of Natural Resources and has been classified as a Provincially Significant Wetland. There are a number of other wetlands in the Township that have either not been evaluated by the MNR or do not meet the criteria to be considered Provincially significant. These wetlands are local wetlands and are identified on Schedule B. Any application for the alteration of a boundary of a Provincially Significant Wetland, either for an increase or a decrease, must be approved by the Ministry of Natural Resources. Any application for development or site alteration in a local wetland shall be subject to a work permit issued by the North Bay-Mattawa Conservation Authority.

## **B5.7 AREAS OF NATURAL AND SCIENTIFIC INTEREST**

There are two confirmed Provincial Areas of Natural and Scientific Interest (ANSI) in the Township of Chisholm. They are identified on Schedule B as the Graham Lake Hill and the Genesee Moraine ANSI's. Both sites were originally recommended as candidate ANSI's in 1988 given the history of unique glacial activity and processes that occurred in these areas and their relationship to the 1,000 year period that represents the sequence of falling post-Algonquin lake levels.

Existing uses as well as tree removal for personal use, hunting, fishing and other passive recreational activities shall continue to be permitted in these areas. Proposals for new development, site alteration or lot creation shall not require an Official Plan Amendment but will be subject to a zoning by-law amendment which must be accompanied by a Environmental Impacts Statement prepared in accordance with Section B5.9 of this Plan.

## **B5.8 SIGNIFICANT HABITAT OF ENDANGERED, THREATENED SPECIES**

An endangered species is a species listed in the Regulations under the Endangered Species Act that is at risk of extinction throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. Threatened or endangered species are listed on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and Committee on the Status of Species at Risk in Ontario (COSSARO) lists. The 'significant habitat' is the area of land that is necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered, or threatened species during all or any part of the species lifecycle.

According to data provided by the Ministry of Natural Resources, the following endangered and threatened species have the potential to be found in the Township:

- i) Butternut (E)



- ii) Whip-poor-will (T)
- iii) Chimney Swift (T)
- iv) Peregrine Falcon (T)
- v) Least Bittern (T)
- vi) Flooded Jellyskin (T)
- vii) Blanding's Turtle (T)
- viii) Eastern Hog-Nosed Snake (T)

The Ontario Ministry of Natural Resources is responsible for approving and defining significant habitat of endangered species and threatened species. For significant habitat of endangered species and threatened species in the Township, the following policies will apply:

- a) A site assessment conducted by a qualified professional must be undertaken by the proponent to confirm the presence of any endangered species and threatened species and/or their significant habitat and as part of the preparation of such a study, the proponent shall consult with the Ministry of Natural Resources;
- b) Development and site alteration shall not be permitted in the significant habitat area of endangered species and threatened species;
- c) Development and site alteration on adjacent lands to the significant habitat of an endangered species or threatened species is not permitted, unless it has been demonstrated by an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological functions. "Adjacent to" will generally mean within 120 metres of such habitat unless it is determined through the consideration of appropriate information or studies that a greater or lesser distance should be considered for particular species or site; and,
- d) Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act, 2007, that came into effect on June 30, 2008.

## **B5.9 REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY**

Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section.

### **B5.9.1 Purpose of an EIS**

The purpose of an EIS is to:

- a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s);





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- b) assist Council in making an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Township; and,
  - c) evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources.
  - d) Where the focus of study is adjacent lands as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.

Any EIS required by this Plan must describe the critical natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the natural heritage system.

Council and any appropriate agency must approve an EIS before the planning application facilitating the development can be considered for approval by the Township.

#### **B5.9.2 Contents of an EIS**

The EIS shall include a description of:

- a) the proposed undertaking;
- b) the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
- c) any lands that support environmental attributes and/or functions that may qualify the lands for designation within the *Environmental Protection* designation;
- d) the direct and indirect effects to the ecosystem that might be caused by the undertaking;
- e) any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;
- f) any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- g) how the proposed use affects the possibility of linking core areas of the



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natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,

- h) a Management Plan (MP) identifying how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The MP shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

### **B5.9.3 What an EIS Should Demonstrate**

The EIS should demonstrate, where applicable, that the proposed use will:

- a) not discharge any substance that could harm air quality, groundwater, surface water, land and associated plant and animal life;
- b) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;
- c) not cause erosion or siltation of watercourses or changes to watercourse morphology;
- d) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- e) not cause an increase in flood potential on or off the site;
- f) maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitat;
- g) not significantly affect the scenic qualities of the area;
- h) not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;
- i) enhance and restore endangered terrestrial and aquatic and fish habitat where appropriate and feasible;
- j) not create noise, dust, odour and vibration that will have an adverse impact on the enjoyment of neighbouring properties;
- k) not interfere with the function of existing or potential natural corridors;



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- l) not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,
  - m) not lead to species loss or negative impacts on endangered, threatened or species of special concern and/or their habitat.

In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features identified on Schedule B to this Plan or the ecological functions for which the area is identified. The Township may further require an EIS to demonstrate that no negative impacts resulting from the proposed use will occur to any other significant natural feature identified by the Township or the Province.

## **B5.10 ZONING BY-LAW IMPLEMENTATION**

The boundaries of the Wasi Wetland, and the Graham Lake and Genisse Moraine ANSI's that are represented as the *Environmental Protection* designation on Schedule A were derived from the Ministry of Natural Resources and represent the most accurate mapping available to the Township at the time this Plan was prepared. This same mapping is intended to be utilized in the implementing Zoning By-law.

Where any application is made to amend the boundary of an area identified as Provincially Significant Wetland, in the Zoning By-law, the application shall be circulated to the Ministry of Municipal Affairs and Housing.

The implementing zoning by-law shall also specify that all buildings and structures be set back an appropriate distance from the boundary of an Environmental Protection Zone as required under B5.4.2. A reduction in the setbacks will require either an Amendment to the implementing zoning by-law or a minor variance subject to the comments of the appropriate agencies. Matters to be considered in reviewing an application to reduce the setback include:

- a) the nature and stability of the soils;
- b) the nature and stability of the vegetation and cover;
- c) the slope of the land;
- d) the nature of existing and proposed drainage patterns;
- e) the nature of the fish and wildlife that may be present; and,
- f) the scale of the proposed development.

Council shall be satisfied that the proposed development can be accommodated without there being a negative impact on the features and functions of the corridor and in a safe manner.



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## **PART C – GENERAL ENVIRONMENTAL POLICIES**

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### **C1 OBJECTIVES**

It is the intent of this Plan to:

- a) recognize and protect all significant rivers, streams and other bodies of water and significant natural heritage features in the Township from development and site alteration that may have an impact on the features and their function as an important component of the natural heritage system;
- b) ensure that development does not occur on lands that are unstable or susceptible to flooding;
- c) ensure that development does not occur on hazardous slopes;
- d) protect the quality of water available for drinking water purposes.
- e) encourage the protection of natural heritage features recognized as important for maintaining connectivity and biodiversity on the landscape;
- f) identify what is required to support an application for development in an area that is considered to be environmentally sensitive; and,
- g) identify what information is required to support an application that may have an impact on the hydrogeological resources of the Township.



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## **C2 ENVIRONMENTAL FEATURES NOT INCLUDED IN THE ENVIRONMENTAL PROTECTION DESIGNATION**

### **C2.1 LAKES, RIVERS AND STREAMS**

All of the lakes, rivers and streams in the Township as shown on the schedules to this Plan are considered to be environmentally significant since they:

- a) contain fish habitat areas;
- b) function as corridors for migrating wildlife habitat movement and vegetation dispersal;
- c) serve to maintain the quality and quantity of surface and ground water resources; and,
- d) assist in the improvement of air quality.

It is the intent of this Plan to protect all lakes, rivers and streams from incompatible development to minimize the impacts of such development on their function. No development/site alteration is permitted within the flooding hazard limit, as defined by the 100 year flood, or within the Erosion Hazard limit, as defined by a qualified person and sealed/stamped by a professional engineer in accordance with the provincial guidelines outlined in the Ministry of Natural Resources Guide to Understanding Natural Hazards (2001). The top of bank shall be determined by an Engineer and/or Surveyor.

### **C2.2 FISH HABITAT**

Fish habitat means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. New development and site alteration may be permitted within fish habitat if it can be demonstrated through an EIS that such development will have no negative impact on the feature and the Department of Fisheries has authorized such development or works in accordance with the Fisheries Act. Fish Habitat is not specifically identified on the Schedules to this Official Plan; therefore applicants must consult with the appropriate authority (the Ministry of Natural Resources and North Bay-Mattawa Conservation Authority) when proposing any development on lands adjacent to water. For the purpose of this section, lands adjacent to fish habitat are defined, as being within 120 metres of a fish habitat area.

### **C2.3 WOODLANDS AND VALLEYLANDS**

There are wooded areas in the Township that are not within the *Environmental Protection* designation primarily because of their small size or their location within the rural area. Similarly valleylands have not been specifically placed in the



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Environmental Protection designation. However, these areas greatly contribute to the character of the Township as a whole and provide key wildlife habitat and important linkages to other environmental features such as wetlands. It is a policy of this Plan that such areas be retained in their natural state, whenever possible and appropriate, as a condition of development approval. Furthermore, Council may pass a tree cutting by-law or site alteration by-law to prevent the cutting of trees or removal of natural vegetation or fill in sensitive areas. Such a by-law shall not be passed without a specific assessment of the impacts of the proposed regulation together with opportunity for public comment.

#### **C2.4 AREAS OF SIGNIFICANT WILDLIFE HABITAT**

A wildlife habitat area is an area where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. In some cases, these areas may be considered significant due to the ecological importance of features, functions, representation or amount, thereby contributing to the quality and diversity of an identifiable geographic area.

Wildlife habitat areas shown on the Schedule B to this Plan include significant wildlife habitat areas such as moose wintering areas, staging areas, aquatic spawning areas, nesting sites and the habitat of species of special concern. As new information becomes available other wildlife habitat areas may become known and added to Schedule B. This new information will be considered at the time a development application is submitted and/or when the Official Plan is reviewed.

New development and site alteration may be permitted within areas of significant wildlife habitat or the adjacent lands if it can be demonstrated through an EIS that such development will have no negative impact on the feature or the ecological function. For the purposes of this plan, it is anticipated that development applications will require an EIS if proposed within 120 metres of a significant wildlife habitat.

#### **C2.5 OTHER AREAS IDENTIFIED THROUGH A PLANNING PROCESS**

It is anticipated that there will be areas of land where a detailed planning approval process or Provincially initiated study has identified an environmental or topographical feature that should be protected from development. These areas may have been identified at the time of the review of a development application or may have been identified as being sensitive as part of a Township initiated study. New environmental features which are identified will be added to Schedule B in one of two ways: by an Official Plan Amendment for that purpose or at the time of the Official Plan review; whichever is most expeditious.



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## **C3 WATER RESOURCE MANAGEMENT**

At the present time, all areas of the Township obtain drinking water from private wells. It is a policy of this Plan to protect existing sources of drinking water for future use.

On this basis, all development applications for Plan of Subdivision or Plan of Condominium, relating to new commercial, industrial, institutional and any use permitted in Section B5.3, shall be supported by a Water Resource Management (WRM) report.

The WRM Report shall be prepared by a hydrogeological professional to the satisfaction of the Township and the appropriate agencies. The purpose of the WRM Report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:

- a) how to maintain or enhance the natural hydrological characteristics of the water resource;
- b) how to minimize or eliminate the effect of the proposed use on the groundwater recharge function;
- c) how to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
- d) how to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
- e) whether it is required to monitor water budgets for groundwater aquifers and surface water features; and,
- f) how to ensure that the quality of the watercourses affected by the development are maintained.

### **C3.1 Clean Water Act and the North Bay-Mattawa Source Protection Area**

The Clean Water Act requires Ontario's present and future sources of municipal drinking water, including inland lakes, rivers, groundwater and the Great Lakes, are protected through a watershed based Source Protection Plan. The North Bay-Mattawa Conservation Authority and the Source Water Protection Committee are in the process of developing a Source Water Protection Plan for the Municipality of Callander, which will include Wasi Lake and its tributaries, located in the Township of Chisholm. The Clean Water Act requires that all Official Plans be in conformity with the Source Protection Plan. Upon the completion of the Source Protection Plan, the Township of Chisholm shall consult with the Source Protection Committee to discuss the final Plan and to determine



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if an amendment to the Official Plan and/or the Zoning By-law will assist with the implementation of the local Source Protection Plan.

## **C4 STORMWATER MANAGEMENT**

All commercial, industrial, institutional and residential development (five lots or more) proposals shall be supported by a Stormwater Management (SWM) report. The content and depth of the SWM report shall be determined when the development is proposed.

The SWM Report shall be prepared by a qualified professional to the satisfaction of Council and the appropriate agencies and be prepared in accordance with The Stormwater Management Practices Planning and Design Manual (1994) or its successor and shall:

- a) provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year Timmins storm event;
- b) document the possible impacts of development on watershed flow regimes including their interconnection with groundwater resources;
- c) provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;
- d) document the means by which stormwater volume control will be provided; and,
- e) determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.

Stormwater management facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the local Council may be required as a condition of approval, to provide for their continued maintenance.

### **C4.1 IMPLEMENTING ZONING BY-LAW**

All stormwater management facilities in a Plan of Subdivision shall be placed in the Environmental Protection Zone in the implementing zoning by-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized.





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## **C5 HAZARD LAND POLICIES**

### **C5.1 STEEP SLOPES AND RAVINES**

The following policies shall apply to development proposed in association with steep slopes and ravines.

- a) Development will not be permitted on slopes that are subject to active erosion or historic slope failure.
- b) Development shall be sufficiently setback from the top of bank of slopes greater than 1 in 3. The development setback distance may be determined in consultation with an engineer and/or surveyor subject to the following criteria:
  - i) soil type and groundwater patterns;
  - ii) vegetation type and cover;
  - iii) severity of slope; and,
  - iv) nature of development.
- c) In some instances, where a sufficient development setback cannot be achieved, the proponent will be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared by a qualified professional to the satisfaction of Council.

### **C5.2 NATURAL HAZARDS**

**C5.2.1** The regulatory floodline elevations applicable to inland lakes in the Township of Chisholm are:

- a) Wasi Lake – 265.67 meters C.G.D;
- b) Graham Lake – 278.38 meters C.G.D; and,
- c) Lake Nosbonsing – 237.60 meters C.G.D.

**C5.2.2** Development will generally be directed to areas outside of hazardous land adjacent to the floodline elevations for inland lakes specified in Section C5.2.1 as well as river and stream systems which are impacted by flooding and/or erosion hazards, and hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the Township and the North Bay-Mattawa Conservation Authority which demonstrates the following:



- a) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

### **C5.2.3**

Development and site alteration within a floodplain is prohibited, except for that development and site alteration which, by its very nature, must be located within a floodplain. A floodplain consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards.

Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the Township and the North Bay-Mattawa Conservation Authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounding by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodplain.

### **C5.3**

#### **HAZARDOUS SITES**

Hazardous sites are defined as lands that could be unsafe for development due to naturally occurring hazards such as unstable soils or bedrock.

In the event that development is proposed within an area characterized by these conditions, a technical study shall be prepared to determine whether the risks created by the hazard can be managed or mitigated in accordance with Provincial standards. In doing so the criteria in Section C5.2 shall apply.



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**C5.4 HAZARDOUS SUBSTANCES**

Uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on hazardous lands or hazardous sites or in the *Shoreline* or *Environmental Protection* designations.



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## **C6 WASTE DISPOSAL AREAS**

There is one open waste disposal site in the Township as shown on Schedule A to this Plan. It is a policy of this Plan to ensure the residents of Chisholm are provided with a safe and cost efficient waste management program. The Ministry Certificate of Approval for the current landfill will expire during the life of this Plan, however it is Council's intent to sustain the current landfill through practices such as diversion, composting and recovery. In the event a new landfill site is proposed in a new location, an amendment to this Plan will be required unless the site is located on Crown land. The requirement for an Official Plan Amendment shall not apply to a communal sewage or seepage facility.

The development of new uses or new or enlarged buildings or structures within an assessment area of approximately 500 metres from the boundary of a fill area of an open or closed landfill site, may be permitted provided an assessment is completed to determine:

- a) the impact of any potential methane gas migration;
- b) whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
- c) regard for the Ministry of the Environment D-4 Guidelines (Land Use On or Near Landfills and Dumps);
- d) whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
- e) the impact of the proposed use on leachate migration from the landfill site.

The studies required to support a development application within the assessment area shall be prepared by a qualified professional and may be scoped based on the type and/or scale of the development proposed.

All lands within the assessment area shall be subject to a Holding provision in the implementing zoning by-law. The lifting of a Holding provision permitting the development of any new use or primary buildings or structures within the assessment area shall not occur until Council is satisfied that all of the studies required have been satisfactorily completed. It is not the intent of this policy to require assessment for minor additions or renovations to existing uses.

In cases where an amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies dealing with the matters set out above shall be submitted for Council's consideration.



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**C7 LAND USE COMPATIBILITY**

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries in addition to uses adjacent to waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal may be required by Council in accordance with the Ministry of Environment D-Series Guidelines and LU-131 Noise Guidelines. Where a proposed use cannot satisfy the minimum requirements of the applicable MOE guidelines or its successor, or the potential impacts of the proposed use cannot be mitigated, the use will not be permitted. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and enforceable, such distances or other recommendations may be implemented through zoning or site plan agreements.



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## **C8                    CONTAMINATED SITES**

If the site of a proposed use is known or suspected to be contaminated, Council shall require the proponent to prepare a study prepared in accordance with the Ministry of Environment guidelines which determines the nature and extent of the contamination and the identification of a remedial plan if required. Where the need for remediation is identified, the site shall be restored and a Record of Site Condition be obtained before development approvals are granted. A Record of Site Condition shall be required where a change in use is proposed in accordance with Section 168.3.1 of Part XV.1 of the Environmental Protection Act and Part IV of Ontario Regulation 153/04.

Council may also place a Holding symbol on such lands until it is acceptably cleaned up and decommissioned in accordance with Ontario Regulation 153/04 of the *Environmental Protection Act*.

The final approval of development applications on contaminated sites shall be conditional on the verification of registration of the Record of Site Condition on the Province's Brownfield Site Registry. Before a Record of Site Condition can be filed, a qualified professional must assess the property and confirm that any concentration of contaminants meets the soil, sediment and groundwater standards applicable to the proposed use.



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## **PART D – GENERAL DEVELOPMENT POLICIES**

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### **D1 WATER AND SEWER SERVICING STRATEGY**

#### **D1.1 OBJECTIVES**

It is the intent of this Plan to:

- a) ensure that public health and the natural environment are protected;
- b) ensure that new development is carried out in a manner which respects the environmental policies of this Official Plan;
- c) identify the preferred means of servicing in the Township;
- d) ensure that all servicing options are considered when major new development is proposed; and,
- e) ensure that appropriate agreements are in place before development on private communal services occurs.

#### **D1.2 PREFERRED MEANS OF SERVICING**

Given that no municipal sewer and water servicing capacity is available in the Township, the preferred means of servicing lands in the Township is private, individual, on-site water and sewage systems. Private communal water and septage services may be considered by Council subject to Section D.1.3.

#### **D1.3 COMMUNAL SERVICES**

Communal water and septage systems may be utilized in conjunction with a development proposal if the installation of such a system is demonstrated to be a more feasible servicing option over individual on-site sewage and water services. In addressing the issue of feasibility it shall also be demonstrated that the communal system can be sustained by local water resources and site conditions and will provide better long-term protection to human health and the natural environment.

The proponent of a private communal servicing system will be required to enter into a Responsibility Agreement with Council before development occurs. Such an agreement is a legal agreement between the proponent and a Township that stipulates the conditions under which the communal services will be constructed, operated and maintained, as well as the actions to be undertaken by Council in



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the event of default. The agreement shall also specify the amount of up-front funds required for any remedial measures that may be necessary in the event of default. This policy is not intended to bind a Township to enter into a Responsibility Agreement.





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## **D2 TRANSPORTATION**

### **D2.1 OBJECTIVES**

It is the intent of this Plan to:

- a) facilitate the safe movement of both people and goods to and from the various communities within the Township;
- b) ensure that new development does not create a traffic hazard;
- c) reduce the financial burden of road maintenance upon the general taxpayer by ensuring heavy users of local roadways share in maintenance costs;
- d) ensure appropriate right-of-way widths for all existing and proposed roads; and,
- e) restrict development on non-winter maintained roads, private roads and individual rights-of-way.

### **D2.2 TYPES OF ROADS**

#### **D2.2.1 Local Roads**

Local roads are those roads that are assumed and maintained for public use by the Township of Chisholm and are identified on Schedule C to this Plan. Access to and usage of these roads is subject to the jurisdiction of the Township.

#### **D2.2.2 Private Roads**

Private roads are access routes located on private property and maintained by private individuals, Corporations or Associations. Such roads generally provide access to more than one property. It is the policy of this Plan to restrict the expansion of new private roads or individual rights-of way for the purpose of facilitating new lot creation, with the exception of an expansion required to provide legal access to an existing land-locked parcel.

Private roads will not be assumed and maintained by the Township unless the road is brought up to municipal standards and assumed by the Township on a year-round basis. The cost of bringing such a road up to municipal standards shall be borne by the landowners that will benefit from the year round maintenance of the road.

The construction or expansion of a dwelling unit on an existing lot of record or any building containing a permitted non-residential use on a lot that is accessed only by a private road may be permitted, subject to Section D2.3.3



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### **D2.2.3 Roads on Crown Land**

There are a number of access roads or forest roads over Crown land in the Township. The Township supports the public use of these roads for recreation and resource-related uses, however the Township will not expend financial resources to maintain, upgrade or assume such roads. Improvements or capital works proposed for such roads must be authorized by the Ministry of Natural Resources. Where Planning Act approvals are sought for lands that require access over Crown land, such approvals will be contingent on the proponent obtaining support or a clearance from the Ministry of Natural Resources for the use of Crown land for access.

### **D2.2.4 Unopened Municipal Road Allowances**

There are a number of unopened municipal road allowances located throughout the Township. The Township does not intend to improve these road allowances for public use, but where the improvement of an unopened road allowance would yield a substantial public benefit, Council will consider the provision of long-term maintenance provided the cost to upgrade the unopened road allowance is borne by landowners who would directly benefit from the improvement.

Council intends to retain all unopened road allowance, but may consider the closing and conveyance of an unopened road allowance only in accordance with Section D2.3.4.

## **D2.3 ROAD POLICIES**

### **D2.3.1 Right-of-Way Widths**

The minimum right-of-way width for all municipal roads shall generally be 20 metres. Every effort will be made to secure this right-of-way width as a condition of Planning Act approvals. In addition, where road deviations are known to exist, Council will secure such deviations through Planning Act approvals.

### **D2.3.2 Traffic Impact Studies**

Traffic impact studies may be required by Council to support a development application. The intent of such a study is to ensure that the proposed development can be designed and sited to ensure that the impacts of the development on the adjacent road network are addressed.

### **D2.3.3 Conditions Under Which Development is Permitted on Private Roads**

All lots that front on a private road shall be placed in a Limited Service Residential (LSR) Zone in the implementing zoning by-law. These lots shall also



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be subject to Site Plan Control. Council may restrict new development on a vacant lot until a Site Plan Agreement is entered into between the landowner and the local Township.

It is not the intent of this policy to control the siting of building or structures on the lot, unless it is deemed by Council that issues relating to buffering, building placement and/or drainage should be dealt with in the context of a Site Plan Agreement.

Prior to considering a Site Plan Agreement, Council shall be satisfied that:

- a) The use of the lot is permitted by the implementing zoning by-law;
- b) The lot and all buildings and structures on the lot comply with the implementing zoning by-law; and,
- c) The sewage disposal system is operating in accordance with current standards and that the use is serviced by an appropriate water supply on the same lot.

The Site Plan Agreement shall contain wording that indicates that:

- i) the owner acknowledges and agrees that the lot in question does not front on an improved public road;
- ii) the owner acknowledges and agrees that the Township does not or is not required to maintain or snowplow the said road or street;
- iii) the owner acknowledges and agrees that the Township will not take over or assume a private road or street as a Township public road or street unless it has been built according to an appropriate road standard; and,
- iv) the owner acknowledges and agrees that the Township is not liable for any injuries, losses or damages as a consequence of the Township issuing a building permit.

#### **D2.3.4 Closing and Conveyance of Road Allowances**

Unopened road allowances will be retained by the Township and may be used to accommodate future transportation needs, if warranted.

Notwithstanding, Council may pass by-laws to close any portion of an opened or unopened road allowance in accordance with the Municipal Act, and in doing so, the Township may convey ownership of some or all of the lands.

Prior to considering the closure and conveyance of any road allowance, Council will consider the following criteria:



- i) If the road allowance to be closed provides an existing or potential public access to a lake or river by leading to the water's edge, Council must be satisfied that there is an adequate alternate public access to the water body in proximity to the road allowance to be closed; and,
- ii) If the road allowance is used by a formalized recreational trail organization, as indicated on the Schedules or Appendices to this Plan, it must be demonstrated that the closure will not be detrimental to the greater trail network.

Where the Township is requested to close and convey any portion of a road allowance, Council may, as a condition of such conveyance, require any of the following:

- i) The exchange of other property to provide appropriate land or water access;
- ii) Notification of such closure and conveyance in accordance with By-law - 2003-07 passed in accordance with the Municipal Act;
- iii) The subject lands be rezoned;
- iv) The removal or structural repair of buildings or structures; or
- v) The prospective owner of such lands to assume responsibility for all costs associated with the closure including the preparation of a survey and all legal documents necessary to effect the land transfer.

### **D2.3.5 Former CN Rail Line**

The inactive rail line identified on Schedule C to this Plan was abandoned by Canadian National (CN) in 1996. Given that the tracks have been removed, the prospect of seeing this corridor used again for rail transport is no longer realistic. Notwithstanding, Council is supportive of the re-use of this corridor for alternate uses.

Where an organization or individual acquires and proposes to sever and/or utilize the inactive rail line shown on Schedule C for alternate purposes, Council will require a zoning by-law amendment to be submitted to zone the lands for the proposed use. In order to compile a complete application for the required Zoning By-law Amendment, Council will require the following information to be submitted:

- i) A detailed explanation of the type of use(s) provided in a planning justification report that addresses Section 1.6.6.3 of the Provincial Policy Statement;



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- ii) Confirmation from an environmental engineer and/or the MOE on whether a Record of Site Condition will be required before the proposed use can be established;
  - iii) An assessment of the physical state of the rail line and projected improvements and/or maintenance requirements, including bridge repair;
  - iv) An assessment to ensure that proposed uses will be or can be designed to be safe and compatible with adjacent uses, including Township roads; and,
  - v) An assessment of land ownership abutting the rail line to ensure that existing rights of access to neighbouring landowners will be accommodated or maintained.

In conjunction with the approval of any alternate use of the rail line, Council may require the owner to enter into a site plan agreement or any other suitable agreement to ensure matters of public and/or Township interest can be formally addressed.



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## **D3 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES**

### **D3.1 OBJECTIVES**

It is the intent of this Plan to:

- a) recognize that the maintenance of the Township's heritage resources will contribute to the preservation of the Township's character;
- b) ensure that the nature and location of heritage and archaeological resources as well as the adjacent lands to these features are known and considered before land use decisions are made;
- c) prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources, including significant built heritage resources or significant cultural heritage landscapes and encourage development which is adjacent to significant cultural heritage resources to be of an appropriate scale and character; and,
- d) consult and seek the advice of a Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Township.

### **D3.2 POLICIES**

#### **D3.2.1 Public Works**

Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

#### **D3.2.2 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources**

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources by assisting with funding applications, establishing partnerships with agencies or associations. Council may also encourage the restoration and retention of heritage properties by granting increases in building heights and density transfers and other means as permitted under Section 37 of the Planning Act. Council may also lead by example by restoring, rehabilitating, enhancing and maintaining municipally owned cultural heritage resources, through appropriate heritage stewardship practices.



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### **D3.2.3 Built Heritage Inventory**

In accordance with Section 27 of the Ontario Heritage Act, the Township Clerk shall maintain a register of all property designated under Part IV and Part V of the Ontario Heritage Act. This register may also contain properties that have heritage conservation easements placed upon them and properties that are not designated, but which are considered by Council to have legitimate cultural heritage value or significance.

### **D3.2.4 Cultural Heritage Landscape Inventory**

In conjunction with Section D3.2.3, Council may also prepare an inventory of cultural heritage landscapes. Landscapes such as existing rural and agricultural areas, historic hamlets, and heritage roads will be identified in the inventory. A cultural heritage landscape is a defined geographical area of cultural heritage value that has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place.

### **D3.2.5 Designation under the Ontario Heritage Act**

Council may by by-law designate buildings of cultural heritage value pursuant to the Ontario Heritage Act and the policies of this Section. Prior to the passage of such a by-law, Council shall be satisfied that:

- a) the building or property is strongly associated with the life of a person who played an integral role in the development of the Township and/or is well-known locally, nationally or internationally;
- b) the building or property has cultural heritage value or associative value because it has direct associations with a theme, event, belief, activity, organization or institution that is significant to the community; it yields, or has the potential to yield information that contributes to an understanding of a community or culture;
- c) the buildings or property has design value or physical value because it is rare, unique, representative or early example of a style, type, expression, material or construction method; displays a high degree of craftsmanship or artistic merit; demonstrates a high degree of technical or scientific achievement; and,
- d) The property has contextual value because it is important in defining, maintaining or supporting the character of an area; is physically, functionally, visually or historically linked to its surroundings, or is a landmark.



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### **D3.2.6 Heritage Conservation District**

Where merited by the concentration and significance of cultural heritage resources in accordance with Section D3.2.5 of this Plan, Council may consider the establishment of one or more Heritage Conservation Districts to conserve an area's heritage character. Council may include significant cultural heritage landscape features and heritage attributes within a Heritage Conservation District.

Prior to designating a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act*, Council shall:

- a) pass a by-law to define an area to be studied for possible future designation;
- b) consider passing a by-law to impose interim control of alteration, demolition or removal of cultural heritage resources in the area defined as under study for possible future designation pursuant to the Ontario Heritage Act;
- c) prepare and adopt a Heritage Conservation District Plan; and,
- d) establish a District Committee to advise Council on matters pertaining to the designated district.

Within designated Heritage Conservation Districts, property owners, in consultation with the appropriate District Committee, will be encouraged to maintain and repair heritage buildings and seek government grants and loans for eligible conservation work.

### **D3.2.7 Contents of a Heritage Conservation District Plan**

The general principles and process for the administration of a Heritage Conservation District will be outlined in a Heritage Conservation District Plan. The Heritage Conservation District Plan will contain the following:

- a) delineate boundaries of the designated area and reasons for the designation;
- b) inventory cultural heritage resources;
- c) prescribe policies, conservation and design guidelines, and other pertinent material relating to the sound and prudent management of the district's unique character;
- d) be adopted by Council after consultation with affected property owners and other interested agencies as considered appropriate; and,
- e) be administered by municipal review of heritage permit applications for changes and alterations to individual buildings and structures within the designated district.





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In reviewing proposals for the construction, demolition or removal of buildings or structures, or the alteration of buildings within a Heritage Conservation District, Council shall be guided by the applicable Heritage Conservation District Plan.

### **D3.2.8 Retention/Relocation of Heritage Buildings**

The Township shall encourage the retention of buildings of cultural heritage value in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

### **D3.2.9 Demolition of Built Heritage Resources**

Pursuant to the Ontario Heritage Act, Council may also refuse to permit the demolition of heritage buildings or structures that have been designated under the *Ontario Heritage Act*.

Council shall ensure that all cultural heritage resources to be demolished or significantly altered are documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration and that such documentation shall be the responsibility of the applicant in consultation with the Ministry of Culture. Council shall ensure that significant records and documentation will be located in an appropriate repository, such as a Township archive or library.

### **D3.2.10 Archaeological Assessments**

Council recognizes that there may be archaeological remnants of prehistoric and early historic habitation as well as archaeological potential areas throughout the Township. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological impact assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial regulations set out by the Ministry of Culture, as well as licensing regulations referenced under the Heritage Act. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria, qualified mapping or the inventories referenced earlier in the Section. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.

Archeological assessments completed in conjunction with a development application will be referred to the Ministry of Culture for review and approval.



Where any development application or Township undertaking requires the preparation of a Stage 2 Archaeological Assessment Report that contains subject matter relating to First Nation people or communities, such report will be forwarded to the appropriate First Nations to provide an opportunity for review and comment.

Council 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. In these cases, the provision of the Heritage Act and Cemeteries Act shall apply.

Council views archaeological preservation *in situ* as the preferred method of ensuring that the integrity of the resource is maintained. Council also recognizes that there may be a need for rescue excavation of significant archaeological resources as a result of development proposals and will consider this only when it is determined that *in situ* preservation is not possible. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, in accordance with Section 48 of the Ontario Heritage Act.

Council may also maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34(1) 3.3 of the *Planning Act* to prohibit any land use activities or the erection of buildings or structures on land which is a site of significant archaeological resources.

### **D3.2.11 Municipal Heritage Advisory Committee**

A municipal heritage advisory committee, pursuant to Section 28 of the Ontario Heritage Act, may be established to advise and assist Council on matters related to Parts IV and V of the Act. In addition, Council may further expand the role of the advisory committee to advise and assist Council on matters of cultural heritage conservation.



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## **D4 SUBDIVISION OF LAND**

This section is intended to contain policies that are to be considered with every application to subdivide land in the Township. Regard shall also be had to the specific policies dealing with lot creation in each land use designation.

### **D4.1 PREFERRED MEANS OF LAND DIVISION**

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) the extension of an existing public road or the development of a new public road is required to access the proposed lots; or,
- b) the area that is proposed to be developed is not considered to be infilling; or,
- c) a Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,
- d) more than three new lots are being created.

### **D4.2 NEW LOTS BY CONSENT**

#### **D4.2.1 General Criteria**

Prior to considering an application to create a new lot for any purpose, Council shall be satisfied that the proposed lot:

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Notwithstanding (a), a lot may be created on an existing private road as shown on Schedule C with a registered right-of-way extending 500 metres or less from an assumed municipal road;
- c) will not cause a traffic hazard as a result of its location on a curve or a hill;
- d) can be serviced with an appropriate water supply and means of sewage disposal, including seepage disposal;
- e) will not have a negative impact on the drainage patterns in the area;
- f) will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;



- g) will not have a negative impact on the features or their ecological functions of any environmentally sensitive feature in the area or as identified in Schedule B;
- h) will be compatible with surrounding land use and natural features; and,
- i) considers proximity to natural and man made hazards.

#### **D4.2.2 Boundary Adjustments**

A consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the Council shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

#### **D4.2.3 Lots for Utilities**

The creation of new lots for public utilities, communication utilities and water and sewer infrastructure may be permitted, provided:

- a) the area of the proposed lot is minimized and reflects what is required for the use; and,
- b) the implementing zoning by-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.

#### **D4.3 SUBDIVISION/CONDOMINIUM DEVELOPMENT POLICIES**

This section is intended to contain general Plan of Subdivision/Plan of Condominium policies that are to be considered with every application for Plan of Subdivision/Plan of Condominium. Regard should also be had to the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision/Plan of Condominium, Council shall be satisfied that:

- a) the approval of the development is not premature and is in the public interest;
- b) the lands will be appropriately serviced with water, roads and other infrastructure, schools, parkland and open space, community facilities and other amenities;
- c) there is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services;



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- d) the density of the development is appropriate for the area;
  - e) the subdivision/condominium, when developed, will be integrated with other development in the area;
  - f) the subdivision/condominium conforms with the environmental protection and management policies of this Plan;
  - g) the proposal conforms to Section 51 (24) of the Planning Act, as amended; and,
  - h) where new waterfront development is proposed by Plan of Subdivision or Condominium, the lands must be designated Shoreline.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Township will be required.

#### **D4.3.1 Affordability**

It is a policy of this Plan to ensure existing and new residents have access to diverse and affordable housing choices. However, given that all future development will be rural residential development, it is acknowledged that there are limitations to providing a diversity of housing types in the interest of achieving Provincial affordability requirements. This Plan provides for accessory apartments and garden suites, which will contribute towards affordability objectives. In addition, it is a policy of this Plan that a sufficient supply of rural building lots be available in order to keep the cost of rural residential development more affordable.

#### **D4.3.2 Energy Efficiency and Air Quality**

Council encourages subdivision design that promotes or derives energy efficiency and improved air quality through land use and development patterns which maximize the use of alternative or renewable energy, such as solar and wind energy as well as the mitigating effects of vegetation.

### **D4.4 PUBLIC PARKLAND**

#### **D4.4.1 Objectives**

It is the objective of this Plan to:

- a) establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
- b) enhance existing parkland areas wherever possible to respond to changing public needs and preferences;



- c) ensure that appropriate amounts and types of parkland are acquired by the Township through the development process;
- d) encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,
- e) manage the public open space and parkland areas in a manner that is consistent with the environmental objectives of this Official Plan.

#### **D4.5 GENERAL POLICIES APPLYING TO ALL PUBLIC PARKLAND**

##### **D4.5.1 Dedication of Land through the Development Process**

Council will require the dedication of five percent (5%) of the land within a residential Plan of Subdivision or consent to be dedicated to the Township as parkland. Two percent (2%) of the land within a non-residential development shall be dedicated as parkland. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate. In the establishment of a Parkland Dedication By-law, Council may determine value on the basis of either the value of raw land on the day prior to draft approval (Provisional Consent) or on the basis of the value of the new lot(s) prior to issuance of a Building Permit.

All lands dedicated shall be conveyed in a physical condition satisfactory to the Township.

Lands within the *Environmental Protection* designation and/or which have been identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

##### **D4.5.2 Use of Monies Received Through the Cash-in-Lieu Process**

All monies received under the provisions of Section D4.5.1 should be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the Planning Act. This policy shall not prevent Council from acquiring a residential lot in a subdivision which will not be used as parkland but will be held as an asset of the Corporation.

##### **D4.5.3 Parkland Dedication By-law**

Council may enact a Parkland Dedication By-law that establishes:

- a) the lands to which the by-law is applicable;
- b) the rate of parkland dedication in accordance with Section D4.5.1 of this Plan;



- c) the development applications which are subject to parkland dedication requirements;
- d) land uses which are exempt from parkland dedication requirements; and,
- e) in the case of cash-in-lieu, whether the value of parkland will be determined on the basis of raw land prior to approvals or on the basis of value of the individual lot(s) prior to issuance of a building permit.

#### **D4.6 PARKLAND DEVELOPMENT POLICIES**

##### **D4.6.1 Parkland Siting and Design**

All public parkland shall:

- a) be as accessible as possible and be open to view on as many sides as possible for safety purposes;
- b) have direct and safe pedestrian access;
- c) incorporate natural heritage features wherever possible into the design of the parkland;
- d) be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors.

#### **D5 TECHNICAL STUDIES AND PEER REVIEWS**

Where a policy in this Plan requires the submission of technical studies, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted with a development application, Council may authorize a qualified professional to peer review such studies and provide advice to Council at the applicant's expense.



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## **PART E – PLAN IMPLEMENTATION AND ADMINISTRATION**

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### **E1 PLAN IMPLEMENTATION**

#### **E1.1 ZONING BY-LAWS**

The Township's zoning by-law will be updated within three years of the approval of the Official Plan as required by Section 26(9) of the Planning Act.

#### **E1.2 TEMPORARY USE BY-LAWS**

The Township may pass temporary use by-laws permitting:

- temporary housing;
- temporary accommodation facilities;
- temporary tourist uses and facilities;
- garden suites;
- parking lots for a specific one-time event; and,
- industrial uses related to the resource and agricultural base of the area and other similar uses.

These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. A garden suite may be permitted on a property for up to 20 years. Subsequent by-laws granting extensions of up to three years may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing zoning by-law.

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that the following principles and criteria are met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;





- c) The proposed use shall not require the extension or expansion of existing municipal services;
- d) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;
- e) Parking facilities required by the proposed use shall be provided entirely on-site;
- f) The proposed use shall generally be beneficial to the neighbourhood or the community as a whole; and,
- g) The owner has entered into an agreement with the Township and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law.

### **E1.3 HOLDING PROVISIONS**

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the Township have been met. These conditions may be set out in the policies applying to the land use designations in this Plan or may be specified within the language of a zoning by-law amendment. The objective of utilizing a Holding Provision is to ensure that:

- a) the appropriate phasing of development or redevelopment occurs;
- b) development does not proceed until services and utilities are available to service the development; and/or,
- c) agreements respecting the proposed land use or development are entered into.

### **E1.4 SITE PLAN CONTROL**

All areas of the Township are designated as proposed Site Plan Control areas under the provisions of the Planning Act. All uses may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan Control areas in accordance with Section 41(5) of the Planning Act.

The following items may be regulated under a site plan agreement:

- a) the massing and conceptual design of proposed buildings;



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- b) the relationship of proposed buildings to adjacent buildings, streets, and public areas;
  - c) the provision of interior walkways, stairs, elevators, and escalators accessible to the public from streets, open spaces and interior walkways in adjacent buildings;
  - d) exterior design including character, scale, appearance, and design features of buildings and their sustainable design;
  - e) Sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
  - f) Facilities designed to have regard for accessibility for persons with disabilities.

In addition, major projects related to the production or transmission of energy may also fall under Site Plan Control.

## **E1.5 COMMUNITY IMPROVEMENT**

These policies are intended to provide a basis and mechanism for Council to utilize the provisions of Section 28 of the Planning Act to encourage the planning or replanning, design or redesign, resubdivision, clearance, development, or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or of any them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary for specific areas of the Township. It may also include the provision of affordable housing.

Council may undertake Community Improvement Plans (CIP) in order to implement the policies of this Plan as municipal finances and other sources of funding permit. Wherever possible Council will seek funding from senior government sources and other partnerships to assist in community improvement programs after clarifying what components of improvement plans will be eligible for Community Improvement grants and loans as prescribed by Section 28(7) and Section 32 of the *Planning Act*.

### **E1.5.1 Community Improvement Areas**

The entire Township of Chisholm is considered to be eligible for community improvement initiatives. Specifically, areas that provide gateways to the Township and have the potential to attract recreation and tourism investment will provide the basis for future community improvement initiatives.



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### **E1.5.2 Community Improvement Projects**

Community Improvement projects and programs shall include, but not be limited to:

- a) The development of seniors housing or forms of affordable housing.
- b) The development of a recreational trail and public uses at or near waterfront areas;
- c) The preservation, rehabilitation, renewal and reuse of heritage resources;
- d) Improvements to road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles;
- e) Projects designed to foster accessibility and active transportation in the community;
- f) Tree planting, remediation and naturalization programs; and,
- g) The construction and improvement of buildings and structures that promote energy efficiency.

### **E1.5.3 Community Improvement Incentives**

In order to encourage improvements to private and public lands, Council may offer the following incentives to private landowners:

- a) reduction or elimination of planning or building application fees;
- b) reduction of property taxes for a time period that reflects the land owner's contribution to public infrastructure or parkland; and,
- c) providing specific grants to property owners to improve the appearance of private land and buildings.

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



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## **E2 NON-CONFORMING USES**

### **E2.1 INTENT OF OFFICIAL PLAN**

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the intent of the implementing zoning by-law. In some instances, where issues of compatibility are not created, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance or by placing the use in an appropriate zone in the implementing zoning by-law. In such instances, Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the Township for a more appropriate permitted use; and,
- b) The possibility of relocating the non-conforming use to a more appropriate location.

### **E2.2 ROLE OF THE IMPLEMENTING ZONING BY-LAW**

Existing uses which do not conform with the policies of this Official Plan may be zoned in the implementing zoning by-law in accordance with their present use, provided that:

- a) the zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- b) the uses do not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature;
- c) the uses do not interfere with the appropriate development of the surrounding lands; and,
- d) when the use is discontinued, re-zoning may only take place in accordance with the policies and intent of this Plan.

## **E3 NON-COMPLYING BUILDINGS, STRUCTURES OR LOTS**

A non-complying building, structure or lot is such that it does not comply with the regulations of the implementing zoning by-law.

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance;



- b) complies with all other applicable provisions of this Plan and the implementing zoning by-law;
- c) does not increase the amount of floor area in a required yard or setback area; and,
- d) will not pose a threat to public health or safety.

A non-complying lot in existence prior to the effective date of the implementing zoning by-law that does not meet the lot area and/or lot frontage requirements contained within the implementing zoning by-law, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the applicable policies of this Plan and the implementing zoning by-law, and the buildings or structures comply with all of the other provisions of the implementing zoning by-law.

In addition, as noted in Section D4.2 (New Residential Lots by Consent, Lot Additions and Other Means), new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision or lots that are made larger as a result of a lot addition shall be deemed to comply with the frontage and area requirements of the implementing zoning by-law.

## **E4 PRE-CONSULTATION AND COMPLETE APPLICATIONS**

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council may, by By-law, require a proponent to attend a pre-consultation meeting with staff prior to the submission of a planning application. Council may also establish a fee under Section 69 of the Planning Act to be paid by an individual requesting a pre-consultation meeting.

The purpose of pre-consultation is to ensure a prospective applicant is provided with a basic understanding of the local planning policy and regulation that may be applicable to a planning approval. Prior to attending any pre-consultation application, Council places a responsibility on the proponent to have reviewed applicable Provincial policy, regulation and legislation that may impact a planning application. Council also requires a proponent to attend a pre-consultation with clear and concise information, concept sketches, mapping and/or reference plans to assist in effectively communicating a proposal. The intent of pre-consultation discussions is not to provide an approval, nor certainty of approval.

Subsequent to a pre-consultation meeting, the Township will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements. Where the proponent requires pre-consultation comments to be



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provided in writing, such communication shall be circulated to Council as information and become part of the public record.

The following information, at a minimum, shall be required as part of a complete application:

- a) Prescribed application fee;
- b) Completed application form together with requisite authorizations;
- c) Prescribed information and material as required by Planning Act Regulations;
- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings; and,
- f) Any studies as identified as necessary through pre-consultation.

The following supporting information may be required as part of a complete application, to be determined through pre-application consultation with staff:

#### **E4.1 STUDIES THAT MAY BE REQUIRED TO ACCOMPANY A PLANNING APPLICATION**

Further to Section E.4 (f), the following are the types of studies that may be required to accompany a Planning Application.

- a) Transportation Impact Study;
- b) Functional Servicing Report;
- c) Stormwater Management Plan;
- d) Tree Preservation Report and Plan;
- e) Hydrogeological Assessment;
- f) Watershed or Subwatershed Study;
- g) Floodline Delineation Report;
- h) Architectural/Urban Design Study;
- i) Environmental Site Assessment;
- j) Planning Justification Report;
- k) Ministry of the Environment (MOE) Record of Site Condition (RSC);
- l) Contaminant Management Plan;
- m) Environmental Impact Study;
- n) Lake Impact Study;
- o) Archaeological Assessment;
- p) Confirmation of means to dispose of septage;
- q) Heritage Impact Assessment;
- r) Wind Study;
- s) Noise Study;
- t) Vibration Study;



- u) Geotechnical Study;
- v) Slope Stability Study;
- w) Market/Retail Impact Study or Analysis;
- x) Viewscape or Shadow Impact Assessment
- y) Dust and Odour Feasibility Study;
- z) Ecological Site Assessment;
- aa) Conceptual Site Plan and Building Elevations;
- bb) Erosion and Sediment Control Plans; or
- cc) Any other technical, study, report or clearance necessary to support an application.

#### **E4.2 TECHNICAL STUDIES AND PEER REVIEWS**

Where a policy in this Plan requires the submission of technical studies, such as an Environmental Impact Study, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted to the Township, Council may authorize a qualified professional to peer review such studies and provide advice to Council at the applicant's expense.

#### **E5 AMENDMENTS TO THE PLAN – PUBLIC NOTICE**

Council may eliminate notice to the public and a public meeting for a minor Official Plan Amendment which does the following:

- a) Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- b) Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- c) Corrects grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps; and,
- d) Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.

In all other instances, notification to the residents of the Township of public meetings held by Council shall be given in accordance with the procedures of The Planning Act.

#### **E6 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES**

The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and



in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.

It is recognized that the boundaries of the *Environmental Protection* and *Hazard* designations may be imprecise and difficult to confirm. Given this reality, Council shall use available resources to determine the extent of the environmental areas on a site by site basis when considering development proposals, in consultation with the appropriate agencies. Any minor refinement to the *Environmental Protection* or *Hazard* designation shall not require an Amendment to this Plan.

Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

## **E7                    DEFINITIONS**

For the purposes of interpretation this Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Policy Statement 2005, and other applicable legislation shall apply. In all other instances terms shall be defined in accordance with common usage and if necessary, reference to the **Canadian Oxford Dictionary, 2nd Edition**.

## **E8                    OFFICIAL PLAN REVIEW PROCESS**

The assumptions, objectives and policies of this Plan shall be reviewed and revised no less than every five years after this Plan comes into effect at a meeting of Council, which shall be advertised in accordance with the Planning Act, as amended. The five-year review shall consist of an assessment of:

- a) the continuing relevance of the vision that forms the basis of all policies found in this Plan;
- b) the degree to which the objectives of this Plan have been achieved;
- c) the supply and location of vacant rural lots and the rate of absorption of existing vacant lots;
- d) whether the Township has increased its commercial and industrial assessment in relation to residential assessment;
- e) the Township's role within the District of Nipissing and its relationship with other municipalities;
- f) development trends in the District of Nipissing and their effect on development in Chisholm; and,





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- g) the Plan's regard to matters of provincial interest; conformity to provincial plans; and consistency with provincial policy statements.