

**TOWNSHIP OF CHISHOLM
Official Plan Review and
Update
-Discussion Paper-**

January 2010

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1.0 INTRODUCTION

The Township of Chisholm has initiated a work program to review and update its Official Plan. An Official Plan is a general land use guide which is intended to provide Council with the basis for making decisions on applications for development, changes in land use and community improvements. The Official Plan also sets out the Township's long term vision for growth and development and on this basis, Official Plans are expected to provide the basis for managing change over a 20 year period. Section 16.1 of the Planning Act, R.S.O, 1990, c.P.13, states that an Official Plan:

- a) *Shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it, or an area that is without municipal organization; and,*
- b) *May contain a description of the measures and procedures proposed to attain the objectives of the plan and a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or proposed revision of the plan or in respect of a proposed zoning by-law.*

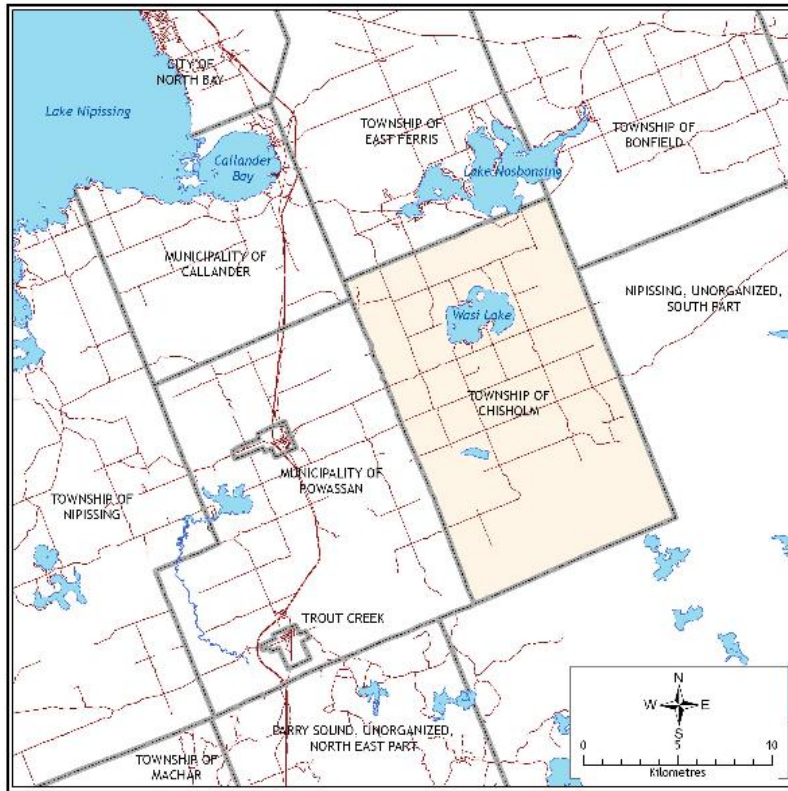
The primary intent of this Discussion Paper is to establish the context for land use planning that needs to be considered as part of the Official Plan Review process. Included within this Discussion Paper is:

- A summary of the current Official Plan, which was originally approved in 1988;
- A review of the current Provincial Land Use Planning policies that have an impact on the Township of Chisholm;
- A review of other recent Provincial planning initiatives including Bill 51, the Green Energy Act and the Proposed Growth Plan for Northern Ontario;
- A review of the growth and land use trends in the Township;
- A discussion of growth management issues and an analysis of employment land and agricultural land issues; and,
- A summary of the main issues to be resolved and/or considered as part of the Official Plan review process.

The Township of Chisholm is located in the District of Nipissing as shown in Figure 1. The Township was incorporated in 1912 and in 1978 was officially defined as the Chisholm Planning Area by the Province of Ontario. This precipitated the development of a comprehensive planning program that produced an Official Plan and Zoning By-law.

The primary intent of this Discussion Paper is to establish the context for land use planning within the Township of Chisholm.

Figure 1: Township of Chisholm in Nipissing District



2.0 CURRENT PLANNING POLICIES

2.1 Township of Chisholm Official Plan

The first Official Plan for the Township of Chisholm was approved by the Ministry of Municipal Affairs and Housing in 1988. The Plan identified agriculture, and to a lesser extent, forestry and aggregate resource activities as predominant land uses to be anticipated and managed over the life of the Plan. The Plan also recognized Wasi Lake as an important recreational resource as well as the need to preserve and enhance the rural character of the Township.

The current Official Plan projected a time horizon extending to the year 2001 for the purpose of forecasting population growth. Accordingly, the Plan forecasted growth to reach 1,500 people. In actuality, the population of the Township was 1,230 people in 2001.

The Plan anticipated that economic activity would continue to be based mainly on agriculture and to a lesser extent on the limited local resource base of forestry and aggregates. The Plan also recognizes that all development within the Township will continue to be serviced through private servicing.

The Plan includes policies to manage the following types of development: rural, agriculture, recreation residential, aggregate resource areas, hazard lands and development constraint areas, sensitive areas and water protection areas.

Since the approval of the current Official Plan, there have been five Official Plan Amendments (OPA's) approved by Council. A summary of these amendments is provided below:

OPA 1

OPA 1 was an extensive policy and mapping amendment that was approved in 1990. OPA 1 facilitated the following changes to the Plan:

- The modification and creation of new mapping and policies with respect to agricultural and rural areas;
- New water protection policies limiting further lot creation along specific water bodies;
- The formulation of Hazard Land and Development Constraint policies and mapping, particularly with respect to flood elevations;
- Sensitive areas - new policies and mapping;
- The development of new policies and mapping with respect to pits and quarries;
- Environmental impact - removal of policies;
- Severance policies - new policies; and,
- Transportation - new policies.

OPA 2

OPA 2 was approved in 1995. Its purpose was to provide policies within the Official Plan respecting site plan control, temporary uses and holding provisions.

The current Official Plan projected a population of 1,500 people by 2001. In actuality, the population of the Township was 1,230 in 2001.

OPA 3

OPA 3 was approved in 1995. Its purpose was to permit the creation of a new lot on Wasi Lake.

OPA 4

OPA 4 was approved in 1995. Its purpose was to modify the boundaries of the rural and agricultural land use designations and to establish a “cluster policy” to guide the creation of new rural residential building lots.

OPA 5

OPA 5 was approved in 2005. Its purpose was to add enabling policy and development criteria for temporary use by-laws, site plan control and garden suites.

2.2 Statistical Summary and Analysis

Population and Housing

Table 1 summarizes population and housing data from 1986 to 2006 for the Municipality. Over this time, the population of Chisholm increased 14% or by approximately eight people per year. There was a slight decrease in population between the census periods of 1991 to 1996; however, this decline was recovered in the following census period. Table 1 also indicates a modest increase in permanent housing units from 1986 to 2001 as well as a general decline in persons per household. This is consistent with Provincial housing statistics in virtually all other Ontario municipalities over the same time period.

Table 1: Township of Chisholm Population and Housing 1986-2006

Year	Population	Percent Change	Housing Units	Pph
1986	1,154		345	3.35
1991	1,210	4.85%	385	3.14
1996	1,197	-1.07%	425	2.82
2001	1,230	2.76%	435	2.83
2006	1,318	7.15%	500	2.64

Source: Statistics Canada, Census of Canada, 1986, 1991, 1996, 2001 and 2006

According to the Ontario Ministry of Northern Development and Mines (2009) Nipissing District accounts for approximately 10.7% of the total population for northern Ontario.

According to projections prepared by the Ministry of Finance, the population of northern Ontario is projected to decline by 2.9% from 801,000 people in 2007 down to 778,000 people in 2031. This projected decline is premised upon northern Ontario migration trends and age structure. Among northern Census Divisions, growth varies. Seven of the eleven census divisions in northern Ontario are expected to decline. However, it is notable that Nipissing District is one of the few northern Ontario areas projected to experience population growth. According to the Ministry of Finance, Nipissing District is expected to grow by about 4.4% during this period, while Districts such as Cochrane and Timiskaming are projected to decline by 19% and 17% respectfully.

According to projections prepared by the Ministry of Finance, the population of northern Ontario is projected to decline by 2.9% over the next two decades.

Nipissing District Population Summary

Table 2 compares Chisholm's ten-year change in population with other municipalities in the Nipissing District. The purpose of this table is to compare Chisholm's population characteristics with those found in other locations of the District. According to Table 2, Chisholm represented approximately 1.56% of the total population of the District in 2006. According to Statistics Canada the total population for Nipissing District declined by 144 people between 1996 and 2006. It is important to note that this figure does not take into account any census undercounts. If Statistics Canada numbers are indeed correct they would conflict with the projections presented by the Ministry of Finance.

Examining Table 2, a slight increase is noted in the percentage of the District's total population residing within the Township. While experiencing a slight decline in population the City of North Bay remained the largest urban centre within the District.

**Table 2: Nipissing District Share of Population by Municipality
1996-2006**

Municipality	Population 1996	1996 Share	Population 2006	2006 Share
Township of Bonfield	1,765	2.08%	1,981	2.35%
Township of Calvin	562	0.66%	608	0.72%
Township of Chisholm	1,197	1.41%	1,318	1.56%
Township of East Ferris	4,139	4.89%	4,431	5.25%
Town of Mattawa	2,281	2.69%	2,003	2.37%
Township of Mattawan	115	0.14%	147	0.17%
Nipissing Unorganized North and South	2093	2.47%	1865	2.21%
Nipissing Indian Reserve	1,381	1.63%	1,413	1.67%
City of North Bay	54,332	64.16%	53,966	63.95%
Township of Papineau - Cameron	973	1.15%	1,058	1.25%
Township of South Algonquin	1,333	1.57%	1,253	1.48%
Municipality of Temagami	1,027	1.21%	934	1.11%
Municipality of West Nipissing	13,481	15.92%	13,410	15.89%
TOTAL	84679	100%	84,387	100%

Source: Statistics Canada, Census of Canada, 1996 and 2006

Chisholm's district share has remained stable over the last 10 years, despite negative population growth in Nipissing District.

Housing, Construction and New Investment

It is evident that the population increase experienced between 1999 and 2006 as well as the construction of 75 new dwelling units over this same period, contributed to a sustained, construction-related economic

investment. This is shown in Table 3, which summarizes the value of new construction based on valuations established through the issuance of building permits.

Table 3 indicates that over the period 1999 to 2006, over \$3 million was invested in new construction in the Township. It is noted that this value does not include labour cost or other expenditures related to construction, which are significant factors in local economic activity. It is noted that building permit data were not available for the years 2001 to 2003. If these building values were added for these years it is likely the total investment for this eight-year period would exceed \$5 million.

This table indicates that over the period 1999 to 2006 (excluding the years 2001 to 2003), over 3 million dollars was invested in new construction in the Township.

Table 3: Value of New Construction Township of Chisholm 1999-2006*

Year	Average	Median	Total
2006	\$27,000	\$17,500	\$432,000
2005	\$38,388	\$18,000	\$959,701
2004	\$29,878	\$6,500	\$1,045,750
2000	\$14,303	\$3,000	\$414,798
1999	\$7,708	\$4,350	\$185,000
Total			\$3,037,249

Source: Municipal Building Permit Data 1996-2006
 *Values not available for 2001-2003

Similarly, an examination of assessment data in Table 4 identifies an increase in total assessment of approximately 51% over a nine-year period.

Table 4: Summary of Assessment - Township of Chisholm 2000-2009

Year	Assessment Total (\$)
2009	\$80,089,476
2008	\$74,230,768
2007	\$74,384,211
2006	\$73,712,425
2005	\$60,048,610
2004	\$59,260,185
2003	\$55,800,490
2002	\$48,873,225
2001	\$48,263,575
2000	\$53,106,155

Source: Township of Chisholm Municipal Property Assessment Data 2009

Employment

Statistics Canada data indicates that the unemployment rate in the Municipality between 2001 and 2006 ranged between 5.9% and 6.7%. This is comparable to the rate of unemployment experienced across the Province during this period.

Table 5 summarizes the change in employment by occupation sector in the Municipality over the period 2001 to 2006. While the economic strength of the community is tied largely to the “trades, transport and equipment operators and related occupations” sector and “sales and service” occupations, this table demonstrates the diversity of the Chisholm workforce. It further highlights the modest growth over the last 5 years within the “health”, “natural and applied science” and the “art, culture, recreation and sport” occupations. Two trends clearly evident are the marked decline in the “trades, transport and equipment operators and related occupations” and a marked increase in the “natural and applied science” occupations.

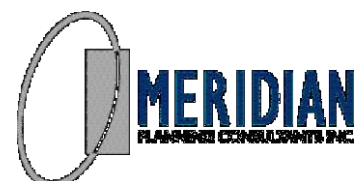


Table 5: Employment by Occupation

	2001	2006
Management occupations	11%	9%
Business, finance and administrative occupations	11%	7%
Natural and applied science occupations	2%	10%
Health occupations	7%	9%
Occupations in social science, education, government service and religion	3%	4%
Occupations in art, culture, recreation and sport	0%	3%
Sales and service occupations	21%	20%
Trades, transport and equipment operators and related occupations	29%	22%
Occupations unique to primary industry	10%	10%
Occupations unique to processing, manufacturing and utilities	5%	5%

Source: Statistics Canada, Census of Canada, 2001 and 2006

3.0 CURRENT PROVINCIAL PLANNING INITIATIVES

Between 2005 and 2008, the Province of Ontario was very active in the development of new policy and law related to land use planning. The following is a summary of recent policy initiatives by the Province, some of which will have a direct impact on the new Official Plan for Chisholm.

Between 2005 and 2008, the Province of Ontario was very active in the development of new policy and law related to land use planning.

1. Amended the Planning Act to change how Provincial Policy Statements (matter of Provincial interest) are to be interpreted/implemented and to create new authority and responsibilities for administrators and proponents;
2. Released a new Provincial Policy Statement;
3. Created a Greenbelt Plan for southern Ontario through special legislation and in doing so created an urban envelope for the GTA;
4. Created the Ministry of Public Infrastructure Renewal through Places to Grow legislation, which provided the authority to prepare Growth Plans for the Greater Golden Horseshoe as well as the proposed Growth Plan for Northern Ontario;
5. Introduced new legislation with respect to the regulation of Green Energy projects throughout the Province; and,
6. Introduced source water protection legislation that will require Conservation Authorities to prepare Source Protection Plans that will need to be implemented through Official Plans.

This Section of the Discussion Paper will summarize the intent of the above initiatives.

3.1 Provincial Policy Statement (PPS 2005)

In 1983 the Planning Act was amended to permit the Minister of Municipal Affairs and any other Minister to issue policy statements on matters relating to municipal planning.

The original intent of the first Policy Statements was to replace a series of regulations and guidelines issued by various Ministries (such as the 1978 Foodland Guidelines) that were intended to be considered by local planning authorities. Throughout the 1980's a number of Provincial Policy Statements dealing with such issues as wetlands, flood plains and mineral aggregate resources were issued by the Province.

In 1994, all of these statements were replaced by the Comprehensive Set of Policy Statements (CSPS) in 1994. The CSPS was then replaced by the Provincial Policy Statement (PPS) in May 1996. The intent of both the CSPS and the PPS was to incorporate all of the various policies issued by a number of Ministries into one comprehensive document. The 1996 PPS was intended to be directive, but not prescriptive, since planning authorities only had to 'have regard to' the PPS in making planning decisions.

In 2001, the Province began its mandated review of the PPS and a new PPS came into effect on March 1, 2005.

A number of Provincial interests are identified in the vision section and they include the "wise management of growth, the wise use and management of the Province's resources and protecting the long-term health and safety of the population," as set out below.

"The Provincial Policy Statement focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, employment, parks and open spaces and transportation choices that facilitate pedestrian mobility and other modes of travel. They also support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. Strong, livable and healthy communities enhance social well-being and are economically and environmentally sound.

The new PPS came into effect on March 1, 2005.

The Province's natural heritage resources, water, agricultural lands, mineral resources and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to protect essential ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term needs.

It is equally important to protect the overall health and safety of the population. The Provincial Policy Statement directs development away from areas of natural and human-made hazards, where these hazards cannot be mitigated. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption."

Section 4.0 of the PPS states that, "in implementing the Provincial Policy Statement, the Official Plan is the most important vehicle for its implementation." It is further stated that:

"Municipal Official Plans shall identify provincial interests and set out appropriate land use designations and policies. Municipal Official Plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions.

Municipal Official Plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their Official Plans up-to-date with this Provincial Policy Statement. The Policies of this Provincial Policy Statement continue to apply after adoption and approval of a municipal Official Plan."

As a result, there is a requirement that the new Chisholm Official Plan will be consistent with the applicable policies of the PPS. Many of these new policies are discussed throughout this discussion paper. However, some of the highlights of the 2005 PPS are summarized below:

1. Planning for the intensification, infilling and redevelopment of existing developed areas and the consideration of brownfield development by planning authorities is now required before considering urban expansions.

Section 4.0 of the PPS states that, "in implementing the Provincial Policy Statement, the Official Plan is the most important vehicle for its implementation."

2. Planning authorities will be required to set targets for intensification and minimum densities and facilitate all forms of intensification and redevelopment.
3. All municipalities will be required to ensure a sufficient supply of employment lands that are to be focused on priority growth areas.
4. Watersheds are proposed to be the basis for planning and planning authorities will be required to identify vulnerable areas and consider cross boundary issues.
5. There is much more of a focus on the relationship between natural heritage, surface water and groundwater and an expectation that planning authorities will consider these linkages when preparing Official Plans.
6. There is a stronger emphasis on the protection of prime agricultural lands and rural areas.

Planning authorities will be required to set targets for intensification.

3.2 Bill 26

Bill 26 was an amendment to the Planning Act and pre-dated the new Provincial Policy Statement as it received Royal Assent on November 30, 2004. The effects of the Bill are as follows:

1. All planning decisions made by Planning Authorities must now be “*consistent with*” the policies of the Provincial government that are set out in the Provincial Policy Statement. Previously, Municipalities had to have “*regard to*” the Provincial Policy Statement.
2. The Bill also increases the time period for making decisions before appeals may be made to the Ontario Municipal Board. These extensions are intended to give planning authorities more time to consider an application before it is appealed to the OMB on the basis that a decision has not been made. In addition, Bill 26 removes the provision in the Planning Act, which required that municipalities hold a public meeting for an Official Plan Amendment within 65 days of the receipt of an application. Previously, if a public meeting was not held within 65 days, the application could be appealed to the Ontario Municipal Board.
3. Applications to expand an urban area that are refused by Council can no longer be appealed to the Ontario Municipal Board. The intent of this change is to ensure that expansions to urban areas are only considered at the time of an Official Plan Review, as per the PPS. The exception to this is an instance where a local Council refuses a private lower-tier OPA to expand an urban area that would otherwise conform to the upper-tier Official Plan.

4. A Provincial interest can now be declared if a matter is proceeding to the Ontario Municipal Board on appeal. The Act now says that the Minister shall identify “*the provisions of the Plan by which the Provincial interest is, or is likely to be, adversely affected and the general basis for the opinion that a matter of Provincial interest is, or is likely to be adversely affected.*” In cases where a Provincial interest has been declared, the decision of the Ontario Municipal Board is not final unless the Lieutenant Governor and Council have confirmed the decision. In cases such as these, the Lieutenant Governor may confirm, vary or rescind the Ontario Municipal Board decision.

A Provincial interest can now be declared if a matter is proceeding to the Ontario Municipal Board on appeal.

3.3 Bill 51

On October 19, 2006, Bill 51, the *Planning and Conservation Land Statute Law Amendment Act* received Royal Assent from the Lieutenant Governor of Ontario. The majority of the provisions outlined in Bill 51 came into full force and effect on January 1, 2007. Bill 51 is a continuation of, and complementary to earlier planning framework reforms that include the 2005 Provincial Policy Statement (PPS), *Places to Grow Act* and *Growth Plan for the Greater Golden Horseshoe and Greenbelt Act*.

How does Bill 51 Change the Local Land Use Planning?

Bill 51 has provided municipalities with new planning tools, powers and legal capabilities to regulate more aspects of built form. Bill 51 also places increased expectations on municipalities to provide up-to-date local policies and ensure that a transparent and accessible planning program exists. In short, municipalities have been given more power over development regulation in exchange for providing more enforcement of and accountability over decisions made at the local level. Bill 51 also introduced reform to the practices of the Ontario Municipal Board (OMB) and allows for expanded use of conservation easements to achieve environmental and watershed management goals.

The changes can be summarized into three broad areas:

1. Support for Built Form Objectives and Community Design

The Province added a new interest to the list of Matters of Provincial Interest in Section 2 of the *Planning Act*: “The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.” However, it is noted the term “sustainable” is not defined in the *Planning Act* either before or after Bill 51 comes into effect.

The Province proposes enabling municipalities to specifically regulate each of the following measures:

- **Architectural Design and Accessibility Concerns.** Provided that an Official Plan policy has been adopted, the external design of buildings can now be regulated through Site Plan Control. This includes, without limitation, character, scale, appearance, design and sustainable design features. Facilities that provide for accessibility, such as access ramps, can also now be regulated through Site Plan Control. Official

Plans must first be updated to allow for these features to be controlled.

- **Minimum and Maximum Densities and Heights.** The wording of the *Planning Act* is amended to be clear that municipalities, through zoning, have the authority to regulate minimum and maximum densities and height in the zoning by-law.
- **Design of Adjacent Highways.** A significant new addition to the *Planning Act* is the ability of a municipality, through the Site Plan Control process, to control the placement of “the sustainable design elements on any adjoining highway under a municipality’s jurisdiction” provided Official Plan policies exist and a by-law is enacted. Municipalities now have the authority to impose conditions that may require the provision, by the applicant, of plantings, paving treatment, street furniture, bicycle racks, waste containers and ramps on a public right-of-way.
- **Zoning with Conditions.** To address challenges associated with certain developments or to achieve locally important goals, municipalities are now able to impose one or more prescribed conditions on the use, erection or location of buildings and structures through zoning (upon enactment of applicable regulations). Further, a municipality will now be able to require a landowner to enter into agreements registered on title to enforce those conditions. The Official Plan must first contain policies relating to zoning with conditions. Although often imposed, Ontario’s planning framework has not permitted zoning with conditions. Actual items that can be regulated through zoning with conditions will be specified by regulation at a later date, although environmental goals such as energy efficiency are speculated to be one such item.
- **Broader Scope and Enforcement of Community Improvement Plans (CIPs).** The definition of “community improvement” has been expanded to include costs associated with energy efficient land uses and buildings, as well as affordable housing. Building and site rehabilitation, as well as energy efficiency, can now be included as eligible costs in a CIP. Municipalities are now able to register grants or loan agreements on the title of the land, strengthening the ability of the municipality to enforce all provisions of a CIP and provide security to developers seeking project financing from third parties.
- **Accessory Apartments.** If municipalities adopt policies for the provision of “second units” in Official Plans and incorporate provisions to permit accessory units in the implementing Zoning By-law as part of a five-year review, the provisions cannot be appealed to the OMB. Only decisions that designate or zone areas to permit these units within a single detached, semi-detached or townhouse dwelling unit *as part of* a five-year review can be appealed.
- **School Board Exemption from Site Plan Control.** The placement of portable classrooms on school sites “in existence” on January 1, 2007 will be exempt from the definition of “development” in Section 41 of the *Planning Act*.

Municipalities will be able to impose one or more prescribed conditions on the use of buildings and structures through zoning.

- **Exemption of Energy Projects from *Planning Act*.** Cabinet will be able to exempt a project from *Planning Act* requirements if it is also approved or exempted from the *Environmental Assessment Act*.

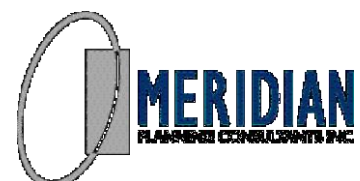
Bill 51 also enables further changes to the development process through a new, standardized, province-wide Development Permit System.

2. Accessibility and Transparency in the Planning Process

The Province has identified a need for more accountability in the land use planning process. There have been concerns that the current system is not effective at improving built form. The following measures have been implemented to correct these problems:

- **Complete Applications.** A municipality or Planning Board would be able to request additional information to make a decision on a zoning matter, but only if policies in the Official Plan first specify the types of additional information that could be required. The public would be entitled to review all information available on a planning matter prior to the information going before Council.
- **Notice of Complete Application.** A municipality will be required to decide if an application is complete within 30 days of its submission. If “Positive Notice of Complete Application” is given by Council or the Planning Board, Staff will be directed to prepare and deliver Notice of this decision to the applicant and all required parties and the application moves into the approval process. If “Negative Notice of Complete Application” is given, the applicant must provide the required information before the application can be reviewed. The applicant can appeal the Negative Notice to the OMB and must demonstrate how the application is complete. If no Notice of Complete Application is given, all parties can submit a motion to the OMB to determine if the application is complete or not. Any OMB decision on these matters is final. As part of this provision municipalities must now make certain materials submitted as part of the applicable free and open for inspection by the public.
- **Up-to-date Planning Documents.** Municipalities are now required to update their Official Plans every five years as opposed to simply holding a public meeting. This would ensure implementation of Provincial Policy Statements, other provincial plans and up-to-date employment lands policies and locations. The initial public meeting would afford citizens the opportunity to comment on what matters should be included in an Official Plan Review. The municipal Zoning By-law would be required to be updated within three years of the new Official Plan coming into effect. This requirement could have a significant financial impact on smaller municipalities or municipalities where the rate of change and growth may not warrant updating planning documents every 5 or 8 years. The five-year “clock” begins ticking once all policy provisions of the Official Plan, and not necessarily the designations of individual properties, come into force and effect.
- **Policies in Force the Day of Decision.** A planning decision made by any public authority will be required to be consistent with the most up-to-date policies, at all levels, in effect on the date the decision is made.
- **Municipal Decisions on Employment Lands.** If a municipality’s Official Plan contains provisions on the redesignation of Employment

Municipalities are now required to update their Official Plans every five years as opposed to simply holding a public meeting.



Lands for other uses, any refusal of an application to redesignate employment lands would not have appeal rights to the OMB. A decision allowing redesignation, however, would continue to have an appeal route to the OMB. Until a municipality does adopt such provisions into the Official Plan, these types of applications could be appealed to the Board.

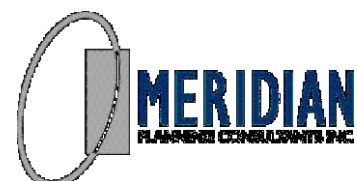
- **Pre-consultation.** Municipalities can now pass a by-law requiring applicants to discuss a development proposal with staff before an application is submitted. If not, a municipality would be expected to respond to an applicant's request for such a meeting. A Municipality cannot refuse a pre-consultation meeting with an applicant.
- **Additional Public Consultation for Creating Official Plans.** In addition to the current requirement for a public meeting, prior to the adoption of an Official Plan, a municipality is required to consult with the appropriate approval authority and any other appropriate private body. Council must have regard to any written comments received about creating an Official Plan, and provide any person attending special meetings an opportunity to be heard. A special meeting of the approval authority will be required to hear citizen deputations what should be included in such a review, with advertisement requirements for this meeting.
- **New Requirements for "Open Houses".** An additional "open house" at least one week in advance of a public meeting is required for five-year Official Plan Reviews, subsequent Zoning By-law Amendments and Official Plan and By-law Amendments where a Development Permit System is in effect.
- **Alternative Notice Provisions.** Municipalities will continue to be able to adopt alternative notice provisions in an Official Plan. However, the increased notice requirements shall also be permitted.

Many of these new initiatives are already standard practices in some municipalities. However, Municipalities need to be aware of the increased demands with respect to statutory planning matters.

3. Ontario Municipal Board (OMB) Reform

The Province has also changed practices and perceptions surrounding the OMB. The intent of the Province is to provide an accountable and effective OMB that supports Council decision-making while protecting broader public interests:

- **OMB Members.** The status of OMB members is being reviewed as part of a separate government review of its agencies, boards and commissions. To ensure that members are qualified, the province is contemplating offering continuing training on land use planning issues to new and current members. The current three-year term members enjoy may be extended. Compensation is to be reviewed and a job description would be posted to solicit qualified applicants to sit on the Board.
- **Who Can Participate.** New provisions are included stating who may appeal a decision to the OMB and who may be added as a Party to a hearing. Depending on the application or nature of a hearing, there are slight variations between each of the lists.
- **Types of Hearings.** The OMB will be required to rule on whether an application is "complete" if requested by an Approval authority or an applicant, or if a negative decision or no decision is made by Approval



authority.

- **Structure of Hearings.** An OMB member's decision will need to "have regard for" earlier decisions of Council and may only consider information that was presented to Council during the application process. Municipal Clerks or board Secretary-Treasurers are required to send additional information to the OMB when hearings are requested.
- **If Applications Change or New Evidence Emerges.** Small wording changes throughout the *Planning Act* enable the OMB to either refer an application back to the Approval authority or request a written recommendation from the Approval authority on the proposal in light of the new information.
- **OMB Decisions.** New provisions are added to the *Planning Act* stating what the OMB is empowered to deal with on appeal: dismiss it, amend the by-law or policy itself or direct that the by-law or policy be amended accordingly.
- **Local Appeal Bodies.** All municipalities in Ontario (upper-, lower- or single-tier) will have the opportunity, if so desired, to create a local appeal body to deal with minor variances and severances. Members of such a body would be appointed to a term no longer than prescribed by regulation. Should such a body be created, if a concurrent application on the property has been appealed to the OMB or the issues involve or possibly affect the broader public interest, the OMB would continue to hear those appeals. Local appeal bodies cannot be jointly operated by municipalities; if a municipality wants a local appeal body, it must run its own and only its own.

The Impacts on Municipalities

Some of the potential impacts on, or opportunities to, local municipal land use planning programs include:

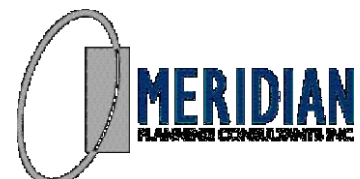
1. Amending the Official Plan if a municipality wishes to establish: minimum housing densities, Urban Design Guidelines, introduce strategic planning goals that can be addressed through zoning with conditions, as well as the redesignation of employment lands.
2. Reviewing what information Council currently requires in order to deem an application as 'complete and creating an approved Official Plan policy and Planning Application by-law to implement these decisions.
3. Establishing protocols, templates and agenda time for evaluating the completeness of applications, all within the public realm, thereby ensuring closer examination of applications for completeness before starting the review and public process.
4. Completing or reviewing any streetscape plans (Master Plans, Corridor Studies, Urban Design Manuals) to determine what elements, if any, should be included in an Official Plan Amendment to direct the Site Plan Control process.
5. Requiring more thorough planning reports to go before Council prior to decisions being made, and possibly including rationale in the text of planning decisions made in addition to, and about, any conditions of the approval.

6. Policies outlining conditions that may be imposed with zoning. This could potentially eliminate many holding provisions and expedite the development process, but would require an Official Plan Amendment.
7. Allocating sufficient resources to update local planning documents within the firm deadlines of the amended *Planning Act* (every 5 years for Official Plans and 3 years after that for Zoning By-laws);
8. Discussing the establishment of local appeal bodies;
9. Creating a formal pre-application requirement for development proposals; and
10. Creating a formal public open house requirement for Official Plan Reviews.

The Impacts on Proponents

Bill 51 provides new regulatory tools to municipalities to guide development. These tools may result in the development industry incurring further costs during the approvals and construction stages of projects. Some of the potential impacts on, or opportunities for, the development industry include:

1. While the right of appeal to the OMB for non-decisions within 180 days still exist, information presented at the OMB that was not available to the approval authority during the approvals process will likely not be admitted as evidence at the hearing.
2. Satisfactory completion of any and all required information (studies and/or reports) will likely become the norm before an application is reviewed. This new, month-long process includes an appeal route to the OMB for the applicant on a negative decision by the approval authority. This is a new step in the approvals process.
3. Developers will likely be asked, if an Official Plan policy exists, to contribute towards or to place streetscape design elements on a public right-of-way as part of the Site Plan Approval process.
4. Developers will likely be asked to include more environmental design features within subdivisions, high-rise and other large-scale projects. Energy efficiency is one of the larger thrusts in recent planning reforms.
5. For Site Plan Approval, developers will likely be asked to provide additional drawings of the proposed building exterior. Municipalities will likely be interested in elevation drawings that show the character, scale, appearance and features of buildings, but may do so only after an Official Plan and By-law Amendment have been adopted allowing them to do so.
6. Municipalities may enact pre-application By-laws requiring any developer to consult with municipal staff regarding a project concept or idea. Many municipalities already offer this service, and if a municipality chooses not to offer this service, developers will be able to demand a pre-application meeting with municipal



staff.

7. Developers, depending upon the location of a development, may be required to create a development at a certain height or density to achieve a municipality's urban form vision.

3.4 Bill 135 (Greenbelt Act)

The Greenbelt Plan was approved by the Province on February 28, 2005. One of the effects of the Greenbelt Plan is that it creates a 40 to 50 year "super-regional" urban boundary for the GTA based on historic rates of growth and densities.

It is noted that the Greenbelt does not affect the Township of Chisholm. However the intent of the document further reinforces the renewed Provincial interest in future growth management in the Province.

3.5 The Northern Ontario Growth Plan

On June 13th, 2005, Bill 136, "*An Act respecting the Establishment of Growth Plan Areas and Growth Plans*", received Royal Assent. This Act allows the Lieutenant Governor in Council to designate an area as a "Growth Plan Area", and to establish a Growth Plan for all or part of that area. The first Growth Plan for Ontario was prepared for the 'Greater Golden Horseshoe' (GGH) and came into effect on June 16th, 2006.

On May 17th, 2007 the Province announced that the next Growth Plan to be prepared would be for Northern Ontario and on May 20th, 2008 a Discussion Paper was released to provide a mechanism for seeking input on the development of a Draft Growth Plan.

In October 2009, a proposed Growth Plan for Northern Ontario was released for public comment subsequent to an extensive consultation process of northern municipalities and stakeholders. The Plan differs from its Greater Golden Horseshoe counterpart in that its challenge is to foster economic and social development across a vast land area rather than control urban development and its related demand for new infrastructure and services.

The proposed Growth Plan for Northern Ontario offers six key principles as the basis for future direction and policy formation. These principles are:

1. Creating a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents.
2. Developing a highly educated and skilled workforce to support an evolving knowledge based economy and excellence in the trades.
3. Partnering with Aboriginal peoples to increase educational and employment opportunities.
4. Delivering a complete network of transportation, energy, communication, social and learning infrastructure, to support strong, vibrant communities.
5. Demonstrating leadership in sustainable growth and environmental management.

6. Establishing innovative partnerships to maximize resources and ensure the Growth Plan achieves its ambitious vision and is fiscally sustainable.

Conformity with the Growth Plan

From an operational perspective each municipality, district and/or Planning Board in an area covered by a Growth Plan will be required to amend its Official Plan to conform to the Growth Plan as required by Bill 136. At this juncture, it is not known to what extent, if any, the Growth Plan will impact local planning policy in Chisholm. By comparison, the Growth Plan for the Greater Golden Horseshoe established implementation requirements which were almost exclusively focused on local official plans, given their emphasis on increasing urban densities and protecting employment land. In the case of the Northern Ontario Growth Plan, many of the initiatives relate to authority that transcends local planning jurisdiction such as education, Aboriginal communities, Crown land, energy and mineral mining. Notwithstanding this, the Township should carefully consider the principles and policies of the Northern Ontario Growth Plan and consider developing policies and initiatives that resonate with this Plan.

3.6 Green Energy Act

The *Green Energy Act* was given first reading by the Province of Ontario Cabinet on February 23, 2009 and received Royal Assent on May 14, 2009. The Act has been introduced by the Ministry of Energy and Infrastructure (formerly Ministry of Public Infrastructure and Renewal). The Act repeals a number of other acts including the *Energy Conservation Leadership Act, 2006* and the *Energy Efficiency Act* and also amends a number of other current acts affecting land use in Ontario. The Act also amends Acts such as the *Electricity Act 1998*, *The Ministry of Energy Act*, *The Ontario Energy Board Act*, *Clean Water Act, 2006*, *The Environmental Bill of Rights, 1993*, *The Environmental Protection Act*, *The Ontario Water Resources Act*, *Cooperative Corporations Act*, *The Building Code Act*, *The Planning Act*, *Ministry of Natural Resources Act*, *Conservation Authority Act*, *Niagara Escarpment Planning and Development Act* and *Provincial Parks and Conservation Reserves Act*.

The purpose of the Act is to encourage the growth of renewable energy projects and remove barriers to the development of green energy projects in the Province. The Province believes that by promoting and removing barriers to green energy, it will create jobs and improve energy efficiency while reducing demand for more traditional forms of energy. However, the Act itself has significant implications on the planning process that many municipalities have already established for dealing with alternative energy uses.

Section 4 of the Act indicates that the Government will, by regulation, designate renewable energy projects and renewal energy sources. On September 24, 2009 the Province released Ontario Regulation 359/09 which provides the detailed regulatory authority for the establishment of various forms of green energy facilities.

Over the past 5 to 10 years, many municipalities have amended their Official Plans and Zoning By-laws to regulate alternative energy uses and structures such as wind turbines, solar panels and larger commercial generators of these energy sources often referred to as wind farms or solar farms.

Section 4.2 of the proposed Act will supersede local regulations. It states that:

“A person is permitted to undertake activities with respect to a designated renewable energy project or a designated renewable energy source in such circumstances as maybe prescribed despite any restriction imposed at law that would otherwise prevent or restrict the activity including a restriction established by a municipal by-law, a condominium by-law an encumbrance on real property or an agreement.”

There is also a provision in Section 4 that states that the exemption does not apply “with respect to prescribed by-laws or prescribed classes of by-laws or other restrictions”. However, in the absence of the Regulations it is impossible to determine what these by-laws or restrictions may be. More clarification with respect to the intent of the Act is found in the specific amendments to the *Planning Act*.

Schedule ‘K’ to the Act indicates that the provisions of the *Planning Act* dealing with land division (Subsection 50(3)) is amended to allow for the granting of a right or interest in lands for 40 years without consent approval for renewable energy projects. This extends the normal period of time in which an interest can be granted in land from 21 years to 40 years.

The *Planning Act* is also amended by adding a section to Section 62 that states:

“Official Plans

For greater certainty an Official Plan does not affect a renewal energy generation facility or renewable energy project.”

This means that any policies that had been prepared related to these uses will not have any affect and are therefore redundant.

More significantly, Subsection 3 of Schedule ‘K’ indicates that a by-law or agreement made under Part V of the *Planning Act* does not apply to a renewable energy generation facility or renewable energy project. Part V of the *Planning Act* includes Zoning By-laws (Section 34) and Site Plan Control (Section 41). In addition, Section 3 also introduces new language into the *Planning Act*, exempting renewable energy generation facilities from any Development Permit System. The effect of the proposed amendments to the *Planning Act* is to completely remove municipal regulation from these projects.

Municipalities should also be aware that the *Green Energy Act* also amends the *Conservation Authorities Act* to state that a Conservation Authority shall not refuse permission for green energy projects unless it is necessary to control pollution, flooding, erosion or dynamic beaches. The Act is also amended to indicate that conditions of approval under the *Conservation Authorities Act* can only be provided for those purposes.

The impact of these amendments effectively means that the impact of these uses on the natural environment is no longer a matter that can be addressed by Conservation Authorities or municipalities. This leaves the total control on the development of such facilities to the Renewable Energy Approval process established under the *Environmental Protection Act* and the Ministry of Environment. It is noted that the Regulation does require municipalities to be consulted on projects of a certain size, type and location but only on matters related to the provision of supportive

The Green Energy Act limits the ability of municipalities to regulate Green Energy projects through Planning Act regulations.

infrastructure. The *Environmental Protection Act* requires that an EA be completed for any energy related project when the project reaches 2.0 megawatts. For projects under this size, the Regulation establishes a series of classes or tiers of projects with various criteria for evaluation. It is noted that public consultation is still a requirement for certain types of installations but it depends on the nature, (class) or location of the facility.

In conclusion, the degree of regulation that a municipality has with respect to renewable energy projects such as wind farms and solar farms appears as limited as the level of control that municipalities have on communication towers.

3.7 Clean Water Act

In October 2006, the Province passed the *Clean Water Act* providing the basis for the development of Source Protection Plans. The Act requires that Source Protection Areas be established and that Source Protection Boards and Source Protection Committees be created. Once such a Committee is established, a Plan for the Source Protection Area must be prepared.

It is intended that the boundary of the Source Protection Areas correspond with the boundary of a Conservation Authority. In some cases, a Source Protection Region may be identified by the Province and a lead Source Protection Board be established. The Township of Chisholm falls within the North Bay-Mattawa Source Protection Area.

Source Protection Plans are required to show natural features such as lakes, rivers and streams, aquifers, groundwater recharge zones and wetlands, seepage areas and springs. In addition, hydrological sensitive areas in the watershed are required to be identified in addition to the location of every water risk. Municipal wellhead protection areas are then required to be prepared. In addition, there is an expectation that a water budget for the watershed will be prepared that identifies and qualifies the various means by which water enters and leaves the watershed. Following the collection of this information, an assessment of the risk to water sources from land uses is to be carried out. The culmination of all of the above work will result in the preparation of a Source Protection Plan.

Once approved, applicable aspects of Source Protection Plans are to be implemented within Official Plans and Zoning By-laws.

Source Protection Plans, once they are approved, are to be implemented within Official Plans and Zoning By-laws.

4.0 PLANNING ISSUES

The primary intent of the Official Plan Review and Update is to identify those local planning issues that require consideration as part of the review process. In order to focus discussion in specific areas of interest, this section has been divided into three issue categories. These categories are:

1. Environmental Issues and Feature Protection;
2. Rural and Agricultural Issues; and,
3. Other Issues.

4.1 Environmental Issues and Feature Protection

4.1.1 Current Policy Context

4.1.1.1 Provincial Policy Statement (2005)

There are a number of key policies in the new PPS that reflect the Provincial interest in the natural environment. Policy (c) from Section 1.1.2 states that:

Healthy, livable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 2.1.1 states that:

Natural features and areas shall be protected for the long term.

Section 2.1.2 is a new policy and it deals with the importance of natural features in a wider geographic area. This section states:

The diversity and connectivity of natural features in an area, and the long term ecological functions and biodiversity of natural heritage systems, should be maintained, restored, where possible improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features.”

Section 2.1.3 identifies those areas where development and site alterations shall not be permitted. These features include:

1. The significant habitat of endangered species and threatened species;
2. Significant wetlands in Ecoregions 5E, 6E and 7E; and,
3. Significant coastal wetlands.

It is noted that the Township of Chisholm is located within the identified Ecoregions in item 2 and therefore the PPS requirement that development not be permitted in Significant Wetlands would be applicable. In the

Township of Chisholm there is one Significant Wetland located south of Wasi Lake known as the Wasi River Wetland. This wetland has a surface area in excess of 400 hectares and is shown on a Natural Heritage Features map attached at Appendix 1.

According to information provided by the Ministry of Natural Resources (MNR), there are no known areas of significant habitat of endangered or threatened species within the Township. Notwithstanding, there are a number of species at risk which have the potential, due to migratory routes and/or habitat characteristics to be found in Chisholm Township. These species are listed in Table 6.

Table 6: Potential Species at Risk (SAR) in Chisholm

Endangered	Threatened	Special Concern
Butternut	Blanding's Turtle	Five-lined Skink
	Eastern Hog-Nosed Snake	Milk Snake
	Flooded Jellyskin	Monarch
	Least Bittern	Yellow Rail
	Peregrine Falcon	Bald Eagle
	Whip-poor-will	Olive-sided Flycatcher
	Chimney Swift	Common Nighthawk
		Canada Warbler
		Short-eared Owl
		Snapping Turtle

Source: Ministry of Natural Resources - Species at Risk Database

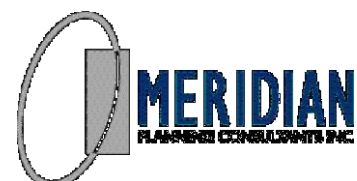
Section 2.1.4 of the PPS identifies those areas where development and site alteration shall not be permitted, *“unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions”*. These areas include:

1. Significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;
2. Significant woodlands south and east of the Canadian Shield;
3. Significant valley lands south and east of the Canadian Shield;
4. Significant wildlife habitat; and,
5. Significant areas of natural and scientific interest.

As the Township of Chisholm is not located “north of Ecoregions 5E, 6E and 7E” and/or “south or east of the Canadian Shield” the PPS requirement in items 1, 2 and 3 are not applicable. However, items 4 and 5 of the PPS would apply in Chisholm which requires the local Official Plan to protect “significant wildlife habitat” and “significant areas of natural and scientific interest (ANSI)”. According to natural heritage feature information obtained from the MNR through the Ontario Geodetic Data Exchange, there are no confirmed areas of significant wildlife habitat nor are there any confirmed significant ANSI’s located within the Township. It is noted there are several moose wintering areas and nesting sites confirmed through MNR data as well as three candidate ANSI’s as shown on Appendix 1. It is understood that these features have not been confirmed by the MNR as being significant at this time however, the Township has discretion under Section 4.6 the PPS to extend protective land use policies to these areas.

Section 2.1.6 of the 2005 PPS further indicates that:

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless



the ecological function of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.2.1 of the 2005 PPS deals with water quality and quantity and expands on the predecessor PPS in a significant way. Section 2.2.1 states:

Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a) *Using the watershed as the ecologically meaningful scale for planning;*
- b) *Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) *Identifying surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed;*
- d) *Implementing necessary restrictions on development and site alteration to:*
 - i) *Protect all municipal drinking water supplies and designated vulnerable areas; and,*
 - ii) *Protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions.*
- e) *Maintaining linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas;*
- f) *Promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and,*
- g) *Ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.*

These new policies place a greater emphasis on planning for environmental features and water quality and quantity preservation at a watershed scale.

4.1.2 Policy Options for Protection of Natural Heritage Features

The natural heritage features map attached at Appendix 1 provides a general illustration of the natural heritage system in the Township. This information should allow the Township to take a significant step forward from the current Official Plan on matters of protection and assessment of natural heritage features. With the individual features identified, the community now needs to consider policy options to ensure such features are protected in a manner that respects Provincial interests and local values. In order to provide context for policy development, the following options are provided using the PPS as a reference point.

1. To Be Consistent with the PPS

In order to “be consistent with the PPS”, the new Official Plan would place the following features in a Level 1 Environmental designation and such features would be prohibited from new development or site alteration otherwise permitted under Planning Act regulation:

- Significant Habitat of Endangered or Threatened Species; and,
- Significant Provincial Wetland

As was previously noted in this report there is one large Provincial Wetland located in the Township (Wasi River Wetland) and several threatened species, which have the potential to inhabit the Municipality based on regional habitat characteristics and/or migratory patterns.

2. To Exceed the Minimum Requirements of the PPS

Under Section 4.6 of the PPS, the Township may exceed the minimum requirements set out by the PPS. If the Township chose to exceed the minimum requirements with respect to the protection of natural heritage features, it would mean any of the following features identified in the natural heritage features map attached at Appendix 1 could be placed in an Environmental designation:

- Nesting sites;
- Moose wintering areas;
- Other wetlands; and,
- Areas of Natural and Scientific Interest (ANSI).

It is understood that the ANSI features identified on the map attached at Appendix 1 have not been confirmed as being “significant” in accordance with the PPS. As a result it may be prudent to withhold placing these features in an environmental designation, until the significance of the features are formally confirmed by the MNR.

It is also noted that there are a number of smaller wetlands in the Township that have not been categorized as a “Significant wetland” or “Significant wildlife habitat”. Regardless, given the bio-physical role that wetlands play in our environment, it may be prudent to consider placing these smaller wetlands into a protective category that limits impactful land uses.

4.2 Rural & Agricultural Issues

The intent of this section of the Discussion Paper is to identify and discuss some of the planning issues that will need to be dealt within the context of the Official Plan as it relates to the rural and agricultural land in the Township of Chisholm. Section 2.3 of the PPS requires Municipalities to identify and protect good agricultural land by restricting incompatible and/or non-agricultural land uses in agricultural areas. Under the PPS, prime agricultural land is defined as:

“land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection”.

As was summarized in Section 2.1 of this Discussion Paper, the identification of good agricultural land was the subject of a separate Official Plan Amendment in 1995. As a result of the planning process and public consultation that took place on this issue through a separate amendment process, it is unlikely that the designations that were approved at that time will be further analyzed or reviewed through this update.

The rural and agricultural land split that was approved through OPA 4 in 1995 is shown on a rural and agricultural land map attached at Appendix 2. According to this map, there are about 1,400 hectares of prime agricultural land identified within the Township.

It is notable that while the Provincial agricultural community appears in a constant struggle to remain competitive and viable, particularly in isolated locations of the Province, the Township of Chisholm has recently experienced an in-migration of a number of Amish Mennonite farming families. This has led to a reemergence of productive agricultural activity on lands that have been dormant and unproductive for many years. The Official Plan needs to respond to this change and the opportunity to re-establish a unique agricultural character and community in the Township.

In order to understand the current policy context relative to rural and agricultural land use in the Township, the following is a summary of current Official Plan land use permissions in rural and agricultural areas,

Current Permitted Uses - Township of Chisholm Rural Designation

The PPS provides a general list of uses considered to be appropriate in the rural areas of municipalities, these include:

- Management or use of resources;
- Resource-based recreational activities;
- Limited residential development; and,
- Other rural land uses.

Section 1.B of the current Township of Chisholm Official Plan identifies the uses permitted in the Rural designation. These uses include:

- Agriculture;
- Forestry;
- Recreation;
- Conservation;
- Fish and Wildlife Management;

- Aggregate Extraction and Mining; and,
- Rural Residential Uses.

In addition to the permitted uses outlined above, the Official Plan also permits the following ancillary uses subject to their compatibility with the rural environment and other policies outlined in the Official Plan:

- Residential dwellings;
- Commercial and Personal Service Uses;
- Institutional Uses; and,
- Industrial Uses.

Table 7 lists a broad range of land uses that could be considered under the direction of the PPS.

Table 7 - Potential Rural Land Uses

Resource Management	Resource Based Recreation/Other Rural	Limited Residential
forestry	private camps/hunt camps	rural residential
mineral mining	tourist commercial camps	shoreline residential
aggregate extraction	ski/mountain bike facilities	home industries
bulk water	outfitters	home occupations
agriculture	golf courses	bed and breakfast
alternative energy	home industries	
	dry industrial	
	rural commercial	
	cemeteries	

As part of the preparation of the new Official Plan, the community will need to consider if this range of uses is appropriate for the rural area. It may also be appropriate to define distinct rural areas where some of these uses may or may not be permitted, based on proximity to natural features, good agricultural land and/or rural residential uses.

Current Permitted Uses - Township of Chisholm Agricultural Designation

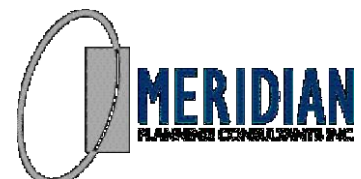
The PPS provides a general list of uses considered to be appropriate in the prime agricultural areas of municipalities, these include:

- Agricultural uses;
- Secondary uses; and,
- Agriculture-related uses.

Section 1.C of the current Official Plan identifies the uses permitted in the Agricultural designation. These uses include:

- Agriculture;
- Forestry;
- Fish and Wildlife Management;
- Conservation;
- Recreation;
- Farm Related Severances; and,
- Existing Residential Uses.

In addition to the permitted uses outlined above, the Official Plan also permits ancillary uses and activities directly related to the permitted uses.



In accordance with the PPS, new secondary uses and agricultural related uses are required to be compatible with and not hinder, surrounding agricultural operations. Such uses are to be limited in scale, and the criteria for permitting such uses is now required to be included in municipal planning documents as recommended by the Province. Table 8 lists a broad range of land uses that could be considered under the direction of the PPS.

Table 8 - Potential Agricultural Land Uses

Agricultural	Ag. Related Uses	Secondary Uses
Raising of livestock	Farm produce sales	Home occupations
Crop production	Machine repair and farm service	Home industries
	Vet clinic	Farm vacations/B and B
	Farm auction	Farm help accommodation
	Agricultural education and training	Contractor/skilled trade services
	Farm produce processing/production	Custom agricultural services

As part of the preparation of the Plan, the community will need to consider if this range of uses is appropriate for agricultural areas and will be compatible with agricultural uses and other rural land uses.

4.2.1 Lot Creation in the Rural Area

Section 4.7 of the current Official Plan, provides for rural lot creation under the following circumstances:

- The lot complies with minimum requirements of the Zoning By-law;
- The lot has access to a municipal road or a right-of-way not more than 300 metres;
- The proposed lot does not cause a traffic hazard;
- Soil and drainage conditions are appropriate for the proposed use of the severed lot; and,
- The proposed lot does not impact surrounding/adjacent agricultural uses (if any).

Section 4.7.7 of the current Plan also provided the following policies on the number of lots that could be created from a single parcel:

- Four new lots from an existing 40 hectare lot;
- Three new lots from an existing 20 hectare lot;
- Two severances from an existing 10 hectare lot; and,
- One severance from an existing 4 hectares lot.

Section 4.7.7 also established an effective date of August 21, 1978 as the “qualification” for any original lot seeking a new lot according to the severance policy.

Sections 4.7.9 to 4.7.11 also added additional policies to facilitate lot creations. These policies allowed lot creation under the following circumstances:

- Infill lots were permitted within “rural clusters” of six or more residential dwellings as well as the hamlets of Alderdale and Chiswick; and,

- The Township was not to approve more than 12 lots per year based on a three year average.

According to available Municipal records compiled at the time this report was prepared, 58 new lots were created from 2000 to 2008. This rate of lot creation appears to be well under the threshold of 12 lots per year established in Section 4.7.10 of the current Official Plan.

In considering the next 20 years and whether the current severance policy should be modified, each of the following factors should be considered:

- The suitability of an infilling or clustering policy;
- The extent to which rural lot creation is necessary for growth management purposes;
- Access to assumed municipal or Provincial roads;
- Compatibility with other existing or potential rural /agricultural land uses; and,
- Consistency with Provincial Policy.

4.2.2 Lot Creation in the Agricultural Area

Section 4.8 of the current Official Plan restricts lot creation within Agricultural Areas to farmers subject to the criteria listed in Section 4.7 and the following circumstances:

- If the parcel to be severed and the parcel to be retained are both for agricultural use and are of an appropriate size for the proposed agricultural activity;
- If the severance is required for technical or legal reasons such as boundary adjustments where one landowner is deeding part of his property to the adjacent landowner, easements or right-of-way or other purpose that does not create a separate building lot;
- If farm consolidation has rendered a farm house surplus and a severance is requested to dispose of the second house;
- If a bona fide farmer who is retiring from active farming life needs to sever one lot on which to build a home in which he intends to retire;
- If a residential lot is required to provide accommodation for full time farm help that is hired help or family members (son or daughter). Full time farm help means persons whose working activity is primarily devoted to the farm operation and that the nature of the operation or the help requires accommodation close to the farm; or,
- If the parcel to be severed is naturally or physically constrained from being used for agriculture by forest, heavy bush, rock outcrops or other similar features.

While effective, such policies will need to be amended to be consistent with new Provincial Policy. Specifically, while the creation of farm retirement lots were permitted in the past they are no longer permitted under current provincial planning policies. The new PPS only permits lot creation under the following circumstances:

- Agricultural uses, provided that the lots are of a size appropriate

for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

- Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- A residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

Lot adjustments may also be permitted in prime agricultural areas for legal or technical reasons.

4.2.3 Rural Settlement Areas

The current Official Plan for the Township of Chisholm identifies the settlements of Chiswick and Aldergrove primarily for the purpose of encouraging the creation of residential infill lots within these historic settlement areas. Should the community wish to maintain an infill policy to encourage infilling in these areas, it would be appropriate to delineate the boundaries of these settlements in a more formal manner. Appendix 3 provides a suggested boundary for each of these areas on the basis of existing land use.

4.2.4 Mineral Aggregate

Section 1.E of the current Official Plan established a number of policies with respect to aggregate resource areas and Schedule B to the Plan identified a number of aggregate resource areas (primary and secondary significance) as well as existing aggregate operations. Since the adoption of the Official Plan, it has been a requirement of the Municipality that new mineral aggregate operations be subject to a zoning by-law amendment.

The current Plan makes reference for care to be taken to avoid development or other interference with areas underlain by significant aggregate deposits so that the resource may be protected.

Under the current Official Plan, legally existing pits and quarries are recognized. The Plan allows wayside pits and wayside quarries without the need for a Plan or Zoning Amendment; however, provisions do exist to allow Council to require a zoning amendment for wayside pits and wayside quarries in areas where severe environmental disruption may occur.

It would appear that aggregate extraction and processing is permitted in the Township provided such uses are located within appropriately designated areas and that a number of specific policies are followed. Outside primary and secondary areas of significance no new sand or gravel operations are permitted except those permitted by an amendment to the Plan and Zoning By-law. Expansions to operations outside secondary areas require a zoning by-law amendment. It would appear that the Official Plan

The MNR advises that there are currently 13 licensed gravel pits in the Township.

requires Council to adopt a by-law to regulate the operation of pits and quarries (e.g. hours of operation). Such conditions could be transferred to site plan control agreements in the future.

In considering an application for a new pit or quarry the Plan states that Council shall request information regarding the following:

- Size of resource;
- Type of resource;
- Rate of extraction;
- Transportation Routes;
- Screening/Noise/Dust Control;
- Hours of Operation;
- Screening or Crushing Operations;
- Depth of Water Table; and,
- Progressive Rehabilitation Plan.

The Official Plan also states that Council may request additional information as recommended by the Ministry of Natural Resources. As part of the Official Plan Review council will need to determine whether they will require any additional information/studies as part of any application for new aggregate operations.

According to information provided by the Ministry of Natural Resources, there are currently 13 active licenses in Chisholm. These areas are generally identified in an aggregate resource map attached as Appendix 4. In addition, the Township is currently processing a zoning application to convert an existing licensed pit to a quarry.

The Township of Chisholm is designated under the *Aggregate Resources Act* (ARA). This means that aggregate facilities and operations are subject to a Provincial licensing process administered by the Ministry of Natural Resources. In order to obtain a license the ARA requires that the following technical information and comments be submitted for agency and public review:

- The effect of the pit on the environment;
- The effect of the operation on nearby communities;
- Comments provided by the municipality in which the site is located;
- The suitability of rehabilitation plans for the site;
- Possible effects on ground and surface water resources;
- Possible effects on agricultural resources;
- Planning and land use considerations;
- Primary haulage routes and proposed truck traffic to and from the site;
- The quality and quantity of aggregate on-site;
- The applicant's history of compliance with the ARA; and,
- Other matters considered appropriate.

Subsequent to the issuance of a license, the ARA also requires an annual report to be filed with the MNR to document operational matters and rehabilitation requirements. Under the ARA, failure to comply with licensing requirements could result in the withdrawal of the operator license.

According to the Provincial Policy Statement, "*mineral aggregate resources shall be protected for long term use*" and made available for extraction as close as possible to markets. At the same time, the PPS

requires that extraction of such resources occur in a manner which “*minimizes social and environmental impacts*”.

Aggregate extraction operations take the form of either a quarry, which extracts and processes a consolidated material, or a pit, which extracts unconsolidated sand and gravel resources. According to the Aggregate resources Inventory Paper (ARIP) prepared by the Province, there are a mix of consolidated and unconsolidated deposits located in the Township. These areas are shown on an aggregate resource map attached as Appendix 4.

In establishing new policy on an issue which is important from a Provincial perspective, a number of questions require consideration by the community. These issues include, but are not necessarily limited to:

- What types of local development approvals are appropriate or necessary for new gravel pits and quarries?
- To what extent should the protection of environmental and socio-cultural features be balanced with the need to extract aggregate resources?
- Should the Township regulate haul routes in the Official Plan?
- Are mineral aggregate pits and quarries an appropriate land use within the context of a Rural official plan designation or should the Municipality maintain a separate land use designation for such uses?

4.2.5 Mineral Mining

The establishment and operation of mines is regulated primarily by the *Mining Act*, however, where buildings and structures and other ancillary uses related to a mine are constructed on private land, the provisions of the local official plan and zoning by-law are applicable. The Province considers the protection of known mineral deposits to be a matter of Provincial interest and the policy approach of the PPS is very similar to the policy used for mineral aggregates, with the exception that with mineral mining the PPS does require extraction to be undertaken in a manner that “*minimizes social and environmental impacts*”.

In order to assist local municipalities with baseline data on potential mineral deposits, the Ministry of Northern Development and Mines prepares index mapping known as Metallic Mineral Potential Estimation Tool (MMPET). According to this information, the entire Township has been identified as having low to moderate mineral mining potential.

4.2.6 Recreation Development

Section 1.1.4 of the PPS supports the development of recreation development in rural areas by permitting “*limited residential development*” and “*resource-based recreational activities*”. This section of the PPS states, “*recreational, tourism and other economic opportunities should be promoted within rural areas*”. As part of the Official Plan update the Township will need to determine if and where to accommodate new resource based recreational capacity and opportunities.

Section 1.D of the Township's current Official Plan recognizes recreational resources as an important aspect of the Township. The Township particularly recognizes the role that shoreline areas serve in providing recreational opportunities to the regional community. Provisions for the maintenance of public access to shoreline areas are also included within the Plan.

The Plan recognizes seasonal residences and the growing demand for permanent homes along the lakeshore. It notes that while permanent homes will not be prevented they will be discouraged. Considerations with respect to the continuance of this policy in the new Official Plan will need to be taken.

The Plan also notes that the MNR conducted two water quality studies of Wasi Lake in the 1980's and resolved that no additional development capacity was available due to elevated nutrient levels in Wasi Lake. As a result the current plan limits new residential dwellings to existing lots of record and places restrictions on development within 300 metres of the shoreline. Attached at Appendix 5 is a map illustrating Wasi Lake and its surrounding shoreline lot fabric. Also, identified on this map is the current 300 metre buffer as well as the minimum floodline elevation of 265.67 metres CGD.

In terms of new development on vacant lots of record, this should not be a significant issue over the next 20 years as it appears there are fewer than 10 vacant lots currently in existence around Wasi Lake.

During pre-consultation meetings with the Ministry of Environment held prior to preparation of this report, it was learned that an additional water quality tests were conducted on Wasi Lake in 2004. This testing confirmed the nutrient rich (eutrophic) status of the lake with a phosphorus concentration of 38 mg/L.

It is also noted that blue/green algae concentrations were observed in Wasi Lake and a number of areas in the watershed in 2008 and again in 2009. Blue/green algae generally manifests in shallow, slow moving fresh water lakes that exhibit higher levels of nutrient enrichment.

It is evident that the current restrictive planning policy for Wasi Lake, based on technical data at that time perhaps should be further entrenched given subsequent testing and environmental indicators of the lake's current water quality.

While Wasi Lake is the largest and most prominent lake in the Township, Graham Lake is a smaller lake located in the central-west portion of the Township. In addition, a small portion of Lake Nosbonsing is located along the northern boundary of the Township.

As a final comment, the issue of resource recreation land uses is not intended to be limited to shoreline development in Chisholm. In fact, there are a number of other factors that position the Township to contribute to and further develop Regional tourism. These factors include extensive Crown land resources, the former Canadian National rail line (now part of the Trans-Canada trail system), established recreational uses such as the Clear Springs Golf Course and cottage resorts, the growing Amish community, as well as relatively isolated lands ideal for hunting, fishing and passive recreational pursuits such as bird watching.

4.2.7 Growth Management

Section 1.3 and 1.4 of the Provincial Policy Statement require municipalities to ensure that sufficient land is available to meet projected targets for residential and employment land needs. On the basis of historic population and housing growth, recent Amish in-migration as well as stability relative to the District share of population, it is reasonable to project that the Township could grow by 200 to 400 people over the next 20 years. Supporting this level of growth will require between 70 and 160 new dwellings.

In terms of the supply of residential building lots it is estimated there are currently less than 200 viable vacant building lots in the Township according to 2006 data prepared by the Municipal Property Assessment Corporation (MPAC). While this “supply” theoretically addresses the long term need for population and housing growth, it would be prudent to maintain a conservative policy of lot creation in the interest of encouraging an available supply of affordable building lots, in locations that minimize incompatibility with other existing or potential rural land uses.

The PPS also requires municipalities to identify and target areas for redevelopment, intensification and infilling within existing settlement areas. As was mentioned earlier, the current Official Plan currently provides for infill development within existing “rural clusters” as well within the existing hamlets of Alderdale and Chiswick. In developing a consent policy to guide future lot creation the following issues should be considered:

- The potential for lot creation within Alderdale and Chiswick;
- The merit of a more standardized infill severance policy rather than the current “clustering” policy;
- The merit of a “bonusing” policy that would permit lot creation for land locked parcels that improve or upgrade unassumed or unopened roads to Township standards; and,
- The preferred lot size and area for new rural and agricultural lots.

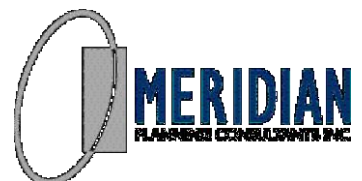
4.3 General Issues

4.3.1 Transportation

The Township of Chisholm is served by a number of local roads, private roads, forest roads and trails throughout the rural area of the Municipality. The Township is also located in proximity to Highway 11. Issues to be considered with respect to the transportation network in the new Official Plan include:

1. Accurately identifying all assumed municipal roads;
2. Establishing policy regarding future development and criteria to be considered or assessed in the preparation of traffic impact assessments;
3. Identifying local roads where future road widenings will be required as a condition to development or site plan approval;
4. Identifying private roads, forest roads and other routes for the purpose of establishing distinct policy regarding maintenance and development permissions; and,

5. Identifying recreation trails and establishing policy with respect to use, maintenance and potential stakeholders and partners.



4.3.2 Culture and Heritage

The recognition of cultural features and landmarks is an important role for an Official Plan. The following Provincial policies deal with cultural and heritage identifications and protection:

- 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 *Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.*
- 2.6.3 *Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.*

Heritage and culture policies will need to be prepared and incorporated as part of the Official Plan review to comply with provincial policies. As part of the public consultation related to the Official Plan work program, citizens should be requested to provide input with respect to cultural heritage sites located within the Township.

4.3.3 Water and Sewage Services

Section 2 of the Official Plan notes that while there is growing interest in providing improved levels of service throughout the Township it is the general intent of the Plan to maintain a level of public works and community facilities appropriate to a rural and seasonal area. The Plan requires all areas in which major new development and redevelopment to take place to be adequately serviced with roads and other services deemed appropriate.

The Plan notes that the provision of sewage disposal facilities and water supply will continue to be regarded as a private responsibility of the property owner. All new development is required to provide sewage and water through means approved by the Province. The Township is clear that they will not provide communal water or sewage disposal services to any area of the municipality.

Part 1 of the Plan (Basis and Goals) also states that all development within the Township will continue to be serviced by private individual water supplies and private individual sewage disposal systems.

According to the PPS:

- 1.6.4.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification*

and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provision of such services. Despite this, individual on-site sewage services and individual on-site water services may be used to service more than five lots or private residences in rural areas provided these services are solely for those uses permitted by policy 1.1.4.1(a) and site conditions are suitable for the long-term provision of such services.

The Official Plan update will need to be consistent with such policies. The Township should consider, as part of this Official Plan Review, whether current-servicing policies would address the Township's long-term needs.

4.3.4 Site Plan Control

Section 41 of the *Planning Act* allows a municipality to enter into Site Plan Agreements with landowners to deal with physical design issues such as:

- Matters relating to exterior design;
- Road widening;
- Location of vehicular access points;
- Loading, parking and driveway locations;
- The surfacing of loading, parking and driveway areas;
- The location and design of walkways and walkway ramps;
- The location and type of lighting and landscaping;
- The location and type of garbage storage;
- The location and nature of easements;
- The grade and elevation of the land;
- The type and location storm, surface and wastewater disposal facilities; and,
- The location and type of snow removal facilities.

The adoption of new policies governing Site Plan Control as part of the Official Plan update would provide an additional level of regulation within the Township designed to assist the municipality with the achievement of their long-term goals.

5.0 SUMMARY

There are many challenges and issues to resolve in the new Official Plan. Some of these include:

- a) What does the Township want to look like twenty years from now in the year 2030?
- b) Should the natural heritage feature protection policies be applied consistently to all features or should some features be given a higher level of protection in policy?
- c) Is there a desire to develop new agricultural or rural land uses and if so, can this objective be balanced with Provincial interests and matters of compatibility?
- d) How should future rural residential growth be directed to accommodate the future needs of the community?
- e) Can rural residential growth be accommodated in a manner that is sustainable and affordable?
- f) Is mixed use infill development appropriate and/or feasible in Chiswick and Alderdale? On the basis of what boundaries?
- g) How should aggregate resource extraction be dealt with in the new Plan?
- h) To what extent and/or in what way does Chisholm want to strengthen its role as an agricultural community?
- i) What rural land use and/or resources related recreation uses would contribute to growth in local tourism and recreation?
- j) What role(s) should the Township take in fostering future economic development?

The preparation of a new Official Plan requires community input on these and other issues regarding the future planning and management of land and resources in the Municipality. This input is encouraged and will be sought out to provide a foundation for a new Official Plan.