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OFFICIAL PLAN

Township of Chisholm

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1.0 INTRODUCTION

The preparation of this Official Plan began in the Summer of 2024 and has involved many dedicated and committed people with an interest in the future of Chisholm.

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

- a. protect the natural environment
- b. encourage economic development
- c. conserve natural resources
- d. protect agricultural areas
- e. protect the existing and planned character of developed and undeveloped areas

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

We respectfully acknowledge that we are on the traditional territory of the Anishinaabe Peoples, in the Robinson-Huron and Williams Treaties areas. We wish to acknowledge the long history of First Nations and Métis Peoples in Ontario and show respect to the neighbouring Indigenous communities. We offer our gratitude for their care for, and teachings about, our earth and our relations. May we continue to honor these teachings.

1.1 Structure of the Plan

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

PART 1: Vision, Goals and Strategic Objectives and Land Use Concept contain the vision of the Plan. This vision was prepared through Community consultation and is based on its strategic plan, asset management plan, and the values of Chisholm residents. The goals and strategic objectives that form the basis of the Plan flow from the vision. These goals and strategic objectives establish the framework for the remaining policies in the Plan. This section of the Plan also describes how the vision is implemented through a series of land use designations.

PART 2: Land Use Designations contains the land use policies that apply to land in the Township.

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PART 3: General Environmental Policies contain the policies dealing with lakes, rivers and streams, floodplains and hazardous slopes throughout the Township. In addition, policies that specify the requirements for water resource and stormwater management reports and environmental impact studies are contained in this section.

PART 4: General Development Policies contain policies that deal with land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Township.

PART 5: Plan Implementation and Administration describe how the policies of the Official Plan will be implemented.

2.0 THE VISION AND LAND USE CONCEPT

2.1 The Community Vision

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

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

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

It is estimated that the population of the Township could increase to 1,705 people in the next twenty years if the Township can continue to provide a range of economic, housing and other social opportunities. This Plan also anticipates that the development of additional agricultural, rural and recreational residential development as well as rural service and tourist commercial uses will accommodate the needs of new and existing residents and will contribute to the Township's economy.

The Official Plan assumes that the high quality of life now enjoyed by the Township's residents can be maintained and enhanced if the Township's rural, natural character is

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maintained. However, change is inevitable, and it must be managed in an efficient and orderly manner to maximize the benefits of new development. It is therefore the intent of this Plan to provide Council with the tools to consider and mitigate the impacts of change on the qualities that make Chisholm a preferred place to live.

2.2 Sustainability

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

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

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

2.2.2 Environmental Sustainability

Natural heritage systems are important features of the Township. Their areas, functions and connections play a role in shaping the rural and natural character. This Plan identifies a number of defining environmental and topographical features that contribute to Chisholm's extensive natural heritage system. The protection of these features is a key underlying principle in this Plan.

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

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

The Township recognizes the importance of mitigating and adapting to the effects of climate change on the natural environment. The Township will encourage development and land use planning which improve the community's preparedness and resilience to the impacts of climate change, including hazardous forest types for wildland fire. The

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Township will promote efficient, strategic, and resilient buildings, services, and infrastructure that prepare for the local and regional impacts of a changing climate. This includes adaptive development of public service facilities, stormwater management systems and assessing risks of high to extreme wildland fires.

Energy conservation and the encouragement of innovative energy supply alternatives are components of Chisholm's vision for sustainable development. In order to reduce energy use through shading and sheltering, the Township will encourage:

- a. tree planting of native species, such as the development or protection of trees
- b. the use of permeable surfaces and pervious pavement in areas such as parking lots
- c. the protection, restoration and enhancement of local wetlands, forested areas and riparian zones with native species, where feasible

2.2.3 Economic Sustainability

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

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

2.2.4 Social Sustainability

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

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

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

2.3 Goals and Strategic Objectives

2.3.1 The Natural Environment

2.3.1.1 Goal

It is the goal of this Plan to protect natural heritage features and functions in the Township and all environmentally sensitive areas.

2.3.1.2 Strategic Objectives

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

2.3.2 Growth and Settlement

2.3.2.1 Goal

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

- a. To maintain an adequate supply of vacant land to accommodate a range of new development.

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- b. To ensure that new development is integrated into the rural fabric of the existing community.
- c. To permit a limited amount of rural residential development in appropriate locations, in the form of individual lots and through the process of infilling.
- d. To build and maintain recreational areas to serve all citizens in the community.
- e. To communicate with and assist the local District Social Services Administration Board on matters related to affordable and supportive housing and the achievement of the district wide affordable housing target of 15%.
- f. Where permitted, to encourage the development of a diverse range of locally appropriate housing types and sizes, including additional residential units, supportive housing and farm worker dwellings, to accommodate households of various sizes, ages and incomes.
- g. To encourage passive design, green infrastructure and the use of small-scale renewable energy as it relates to new and existing housing, commercial and rural uses.

2.3.3 Rural and Agricultural Characteristics

2.3.3.1 Goal

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

2.3.3.2 Strategic Objectives

- a. To permit agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices that support local producers and contribute to the local economy.
- b. To protect the agricultural and rural land base by regulating lot creation and land uses which are not compatible with rural and agricultural uses, including uses which require a large proportion of parking, water and wastewater services.
- c. To encourage the development of low-intensity resource-based recreational and eco-tourism uses on rural lands, provided the use has a minimal impact on the existing and planned character of the rural area and is not permitted on prime agricultural areas.

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- d. To protect the rural character and/or resource activities of the agricultural area and to support an agricultural system approach to development and strengthening an agri-food network.
- e. To ensure that development can be sustained by private water and sewage servicing.

2.3.4 Economic Development

2.3.4.1 Goal

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

2.3.4.2 Strategic Objectives

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

2.4 The Land Use Concept

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

2.4.1 Rural

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

2.4.2 Agricultural

Lands designated Agricultural are lands classified by the Province as Prime Agricultural Areas in accordance with the Provincial Planning Statement (PPS) 2024. In the Township,

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this includes Canada Land Inventory Class 2 and 3 lands and could include areas associated with Canada Land Inventory Class 4,5,6 and 7 lands that exhibit characteristics of ongoing agriculture.

2.4.3 Shoreline

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

2.4.4 Crown Land

The Crown Land designation applies to those lands that are owned and managed by the Province of Ontario through the Public Lands Act. Crown lands within the Township are shown on Schedule A and include part of the Boulter-Depot Creek Conservation Reserve, part of the Algonquin Provincial Park Headwaters, general lands, shore lands, and the beds of most waterbodies. There is no municipal approval required for activity conducted by the Province on crown lands. The Province shall have regard for the policies of this Official Plan and should consult with the Township on all decisions with respect to development on, or disposition of lands within the Township.

2.4.5 Environmental Protection

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

3.0 LAND USE DESIGNATIONS

3.1 Rural

3.1.1 Purpose

The purpose of the Rural designation is to:

- a. Protect the rural character of the Township and maintain those elements which contribute to the open space character of the countryside
- b. Prevent the intrusion of land uses which are incompatible with the rural character and/or resource activities of the area
- c. Encourage rural land uses and associated activities that contribute to the economy of the Township
- d. Ensure that the scale of development is compatible with the role and function of the rural area

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- e. Permit development that can be sustained by private water and sewage systems

3.1.2 Location

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

3.1.3 Permitted Uses

1. Agricultural uses, agriculture-related and on-farm diversified uses
2. Single detached dwellings, semi-detached dwellings and duplexes
3. Additional needs housing, including long-term care homes, adaptable and accessible housing, and housing for persons with disabilities, provided they can be adequately serviced
4. Additional residential units in accordance with Section 3.1.5.2
5. Bed and breakfast establishments
6. Home occupations, home industries subject to the provisions of Section 3.1.5.1 of this Plan and local Zoning By-laws
7. Veterinary clinics, abattoirs and uses which serve agri-business
8. Commercial dog kennels subject to Section 3.1.5.10 of this Plan
9. Passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority
10. Small-scale accommodation facilities subject to Section 3.1.5.9 of this Plan
11. Forestry and resource management uses
12. Uses related to recreation and tourism such as outfitting posts and eco- tourism uses
13. Golf courses, subject to an amendment to the Zoning By-law
14. Small-scale public uses subject to an amendment to the Zoning By-law
15. Local institutional uses such as schools, churches, and cemeteries subject to Sections 3.1.5.4 & 3.1.5.5 of this Plan

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16. Commercial and industrial uses which serve the rural community and are compatible in a rural environment subject to Section 3.1.5.6
17. The extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage subject to Section 3.1.6
18. Mineral exploration and mining activities authorized under the *Mining Act* subject to Section 3.1.7
19. Wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area

3.1.4 Land Division Policies

3.1.4.1 Rural Residential Lot Creation

In keeping with the rate of rural lot creation that has occurred historically in the Township, this Plan has established that 146 new lots are required to accommodate forecasted growth by the year 2051. On this basis, future lot creation shall be guided by the following criteria:

1. A maximum of 4 new lots in addition to the retained, may be severed from an existing lot having a lot area of 40 hectares
2. A maximum of 3 new lots in addition to the retained, may be severed from an existing lot having a lot area of 20 hectares
3. A maximum of 2 new lots in addition to the retained, may be severed from an existing lot having a lot area of at least 10 hectares
4. A maximum of 1 new lot in addition to the retained, may be severed from an existing lot having a lot area of at least 5 hectares
5. The term “existing” shall refer to a lot that existed on the date of approval of this Official Plan
6. The severed and retained lands must maintain a minimum frontage on a public road of 60 metres and a minimum lot area of 1 hectare
7. The boundary of the severed lot complies with the minimum distance required by the Minimum Distance Separation I Formulae for surrounding agricultural uses

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8. The proposed lot(s) complies with the criteria set out in Section 5.4.2.1 (General Consent Policies) of this Plan
9. The proposed lots(s) is appropriately designed, buffered and/or separated from any industrial or other incompatible land use in accordance with Provincial guidelines to prevent adverse effects from odour, noise and other contaminants and to minimize risk to public health and safety

3.1.4.2 New Infilling Lots

In addition to Section 3.1.4.1, infilling lots may be created from a parcel in the Rural designation that existed on the date this Plan was approved, provided:

1. The original lot has a minimum frontage of 120 metres and a minimum lot area of 2.0 hectares
2. The lot is to be located between two residences which existed on the date this Plan was approved on lots that are situated on the same side of the road and are not more than 300 metres apart
3. The proposed lot is generally consistent with the size of surrounding lots on either side and immediately opposite.
4. The lot to be created has a minimum area of 1 hectare and a minimum frontage of 60 metres on an improved public road maintained on a year round basis
5. The proposed lot complies with the policies in Section 5.4.2.1

3.1.4.3 Original Lots of Record

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

3.1.4.4 Farm Consolidations and Boundary Adjustments

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

1. No new lot is created

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2. The viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved

3.1.4.5 Minimum Distance Separation Formulae

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

The Minimum Distance Separation Formulae shall be implemented through the Township's Zoning By-law.

3.1.5 Development Policies

3.1.5.1 Home Occupations and Home Industries

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

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

Home industries are small-scale industrial uses that serve the community that are accessory to the principal use of the property. Such uses may also support the agricultural industry in the area. Home industries may include welding, carpentry or machine shops, saw mills, construction, metal fabrication, wood pallet fabrication, the repair of motor vehicles, or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sales of products produced in the home industry is also permitted. Home industries will be defined and regulated through provisions in the Township's Zoning By-law.

The development of a new home industry may also be subject to Site Plan Control Section 6.1.4 and will, through an application for site plan approval, have regard to the Ministry of the Environment, Conservation and Parks' D-Series Guidelines. New home industry uses may be required to obtain an Environmental Compliance Approval (ECA) and/or a Permit To Take Water (PTTW) prior to any development.

3.1.5.2 Additional Residential Units

Additional Residential Units are a self-contained dwelling unit which may take the form of a basement apartment, secondary suite, coach house dwelling or other secondary residential dwelling unit located on the same lot as the primary residential dwelling. In the Rural designation Additional Residential Units are permitted subject to the following:

1. A maximum of two Additional Residential Units are permitted on a lot with a single detached dwelling in the Rural designation
2. An Additional Residential Unit shall be located on the same lot as the primary dwelling unit and shall be compatible in design and subordinate in scale and function to the primary dwelling unit
3. An Additional Residential Unit will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Township's Zoning By-law
4. Requirements for parking and access are required as set out by the Zoning By-law
5. The Additional Residential Unit will be located in proximity to the existing single detached dwelling as specified in the Zoning By-law
6. The use of a mobile home as an Additional Residential Unit shall be prohibited. However, nothing in this plan shall prohibit the conversion of a mobile home into a permanent structure with a foundation, to be used as a detached Additional Residential Unit, provided it complies with the Ontario Building Code
7. Additional Residential Units shall be prohibited on hazard lands, or within any lands designated Environmental Protection
8. The existing or planned water supply and private sewage system are demonstrated to have sufficient capacity to accommodate an Additional Residential Unit
9. An Additional Residential Unit shall be subject to Minimum Distance Separation setbacks as required through a study as applicable
10. No separate access shall be permitted to accommodate an Additional Residential Unit except where the existing access would be rendered inaccessible to people and vehicles during times of flooding hazards and/or erosion hazards

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3.1.5.3 Bed and Breakfast Establishments

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

1. Is located within the principal residence of the owner/operator
2. Preserves the existing and planned character of the dwelling as a private residence
3. Adequate parking is available on the lot for the residential use and the bed and breakfast
4. The water supply and private sewage system are demonstrated to have capacity for the bed and breakfast

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

3.1.5.4 Daycare Facilities and Small-Scale Institutional Uses

Daycare facilities and small-scale institutional uses which serve the community, such as public and private elementary schools, Montessori schools, housing for seniors, and places of worship may be permitted by a Zoning By-law Amendment provided Council is satisfied that:

1. The use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads
2. The water supply and private sewage system are demonstrated to have capacity for the use
3. The use is located on a site that has adequate land area to incorporate required parking, pick-up and drop-off areas, recreational facilities (if required), landscaping and buffering on-site

3.1.5.5 Cemeteries

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

1. The size of the cemetery and the accessory uses are appropriate for the area

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2. The use can be accessed by roads which are designed to accommodate high volumes of traffic in short periods of time
3. The applicant has fulfilled applicable technical requirements of the *Cemeteries Act*
4. That approval, under Section 9 of the *Environmental Protection Act* be obtained, if required, when a crematorium is proposed

3.1.5.6 Commercial and Industrial Uses

The development of a commercial or industrial use that serves the needs of the rural area or the recreation/tourism markets may be permitted through a Zoning By-law Amendment, provided:

1. The subject lands have a minimum lot area of 2 hectares, or greater if determined through a required hydrogeological study
2. The lot has frontage on a publicly owned and maintained year-round road
3. Adequate private water and sewage services exist or are planned to accommodate the proposed use
4. The proposed commercial or industrial use complies with the minimum setback requirements established under the Provincial D-6 Guidelines and adheres to the Minimum Separation Distance Formulae
5. The proposed commercial or industrial use is not located within hazards lands
6. The proposed commercial or industrial use is in keeping with the rural character of the Township
7. That any open storage associated with the use is incidental and subordinate to the use and be screened from view

The development of a new commercial use shall be subject to Site Plan Control in accordance with Section 6.1.4.

3.1.5.7 Agricultural Research and Training Establishments

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

1. The use is related to and will benefit the agricultural industry

2. The use will assist in the furthering of knowledge in the agricultural sector of the economy
3. The use will assist the farm community through training and the identification of new methods and procedures
4. The use accounts for the Ministry of the Environment D-Series Guidelines

3.1.5.8 Rural Exhibitions and Tourism Establishments

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

3.1.5.9 Small Scale Accommodation Uses

New small-scale accommodation uses including lodges, inns, hunting lodges or eco-tourism establishments may be permitted subject to an amendment to the implementing Zoning By-law. For the purposes of this Plan, a small-scale accommodation facility has a maximum of 15 rooms for guests. These uses shall be subject to Site Plan Control in accordance with Section 6.1.4 of this Plan

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

1. Is compatible with the rural character of the area
2. Can be designed and sited to blend in with the topography and setting on the lot
3. Is located on a lot having an area of no less than 5.0 hectares
4. Is located where it would have no impact on agricultural operations
5. Can be serviced with an appropriate water supply and means of sewage disposal and the proponent is prepared to enter into an agreement with respect to maintenance of water and septic systems and the removal/ disposal of septic waste
6. Is to be accessed by municipal roads that can accommodate the increased traffic generated by the proposed use
7. Parking and traffic can be suitably accommodated on-site

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8. Will not cause a traffic hazard as a result of its location on a curve or a hill
9. Can be appropriately buffered from adjacent residential or agricultural uses

3.1.5.10 Commercial Dog Kennels

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

1. The size of the proposed dog kennel is appropriate based on the overall size of the property and setbacks to adjacent properties, as established in the Zoning By-law;
2. The building housing the dog kennel and the associated dog runs are set back at least 300 metres from a Residential use
3. The use is located at least 300 metres from lands designated Agriculture
4. The noise study will be required to ensure the kennel will not have an adverse impact on adjacent properties
5. An appropriate animal waste management plan is put in place
6. An undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel
7. The Ministry of the Environment, Conservation and Parks (MECP) Species at Risk Branch (SARB) will be consulted where a commercial dog kennel operation is proposed in proximity to known or suspected habitat of endangered, threatened, or special concern species, and measures will be taken to address any concerns or recommendations provided by MECP/SARB under the *Species at Risk Act*

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section 6.1.4 of this Plan. More detailed regulations for dog kennels will be established in the Zoning By-law.

3.1.5.11 Hobby Farms

Council recognizes that hobby farming is an agricultural use that is in keeping with the existing and planned character of the rural area. A hobby farm is defined as a farm with a residence where a limited number of domestic animals are kept primarily for recreational purposes, and buildings related to the hobby farm are clearly subordinate and incidental to the residential use. Agricultural uses including hobby farms are permitted in the Rural

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designation, provided the minimum lot size is 2.0 hectares. Where a new lot is to be created for the purpose of an agricultural use which involves the keeping of livestock, the use shall comply with the Minimum Distance Separation II Formulae.

3.1.5.12 Energy Systems

The Township of Chisholm recognizes that a reliable energy supply is essential to sustaining a thriving community and delivering vital services. As energy consumption continues to rise while traditional energy supplies are becoming constrained, renewable energy systems are becoming increasingly important to meeting future energy needs and addressing the impacts of climate change. By fostering partnerships in renewable energy, the Township has the opportunity to improve its energy self-sufficiency, reduce its reliance on outside sources and promote environmental stewardship. The Township encourages the implementation of renewable energy systems, provided they are properly sited to balance community needs, long-term sustainability and environmental considerations.

In considering the development of renewable energy generation facilities, the following policies apply:

1. Renewable energy generation facilities that are subject to Provincial approvals are permitted in the Rural designation provided:
 - a. If the lands are located in the Aggregate Resource Overlay, there are no suitable alternate location on the property to accommodate the proposed renewable energy generation facility
 - b. The proposed facility is sited and designed to achieve compatibility with adjacent land uses
 - c. The proposed facility is sited to limit impacts on any natural heritage areas and features
 - d. The proposed facility is not sited in a natural hazard
 - e. The proposed facility has access to a year-round municipally maintained road
2. The Zoning By-law will establish regulations for renewable energy generation facilities to minimize impacts on sensitive land uses, the natural environment and hazards
3. Renewable energy generation facilities may be subject to site plan control
4. Mitigation measures, buffering, stormwater management and decommissioning considerations shall be addressed through site plan control

5. Notwithstanding the above, nothing in this plan is intended to restrict the personal use of small scale of roof-mounted solar panels or grounded solar panels provided they are an accessory use to a permitted use or building.
6. The Township understands that the Provincial government reviews the environmental impacts of renewable energy generation facilities and will not require studies that result in a duplication of efforts

3.1.6 Aggregate Resource Areas Overlay

3.1.6.1 Intent

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

3.1.6.2 Relationship Between this Plan and the Ministry of Natural Resources

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

3.1.6.3 New Mineral Aggregate Operations

In considering an amendment to the Zoning By-law Amendment to permit a new mineral aggregate operations, the following information will be addressed:

1. The effect of the operation of the mineral aggregate resource use on:
 - a. The natural heritage features and functions on the site and in the area
 - b. Nearby communities
 - c. Agricultural resources and activities
 - d. The existing and planned character of the area

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- e. The quality and quantity of groundwater and surface water in the sub watershed
 - f. The cultural heritage resources in the area
 - g. Significant geologic formations on the site and in the area
 - h. Where blasting is necessary as part of the operation, the groundwater recharge functions on the site and in the immediate area assessed by a hydrogeological study
 - i. Surface water features in the area
 - j. Nearby wells used for drinking water purposes
- 2. The location and suitability of the proposed haul routes
 - 3. The effect of the noise, odour, dust and vibration generated by the proposed use assessed in accordance with the MECP's D-Series Guidelines as well as the NPC-300 Guidelines
 - 4. How the natural features and functions on the site and in the area can be protected and/or enhanced as part of the design of the pit and/or after the pit has been progressively and finally rehabilitated
 - 5. How the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts
 - 6. Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts
 - 7. Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible
 - 8. How the site will be progressively and finally rehabilitated to accommodate subsequent land uses after the extraction is completed

3.1.6.4 Development of Other Uses in the Aggregate Resource Overlay

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

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On this basis it is the intent of this Plan that the lands located in or adjacent to the Aggregate Resource Overlay in Schedule E be protected from development or land uses that may hinder the effective and/or economical extraction of aggregate in the future. This includes lands within 300 metres of a Licensed Pit and 500 metres, from an existing pit or quarry. However, there may be cases where the economical and/or physical extraction of aggregate is not feasible and/or appropriate. In such cases, new lots or other development or land use permitted by this Plan on lands so designated may be permitted, if it can be demonstrated through a study to address each of the following criteria to the satisfaction of Council:

1. The resource use would not be feasible
2. That the proposed development would not significantly preclude or hinder the establishment of new operations or access to the resource
3. The proposed land use or development serves a greater long term public interest
4. Issues of public health, public safety and environmental impact are addressed

3.1.6.5 Rehabilitation

The compatible progressive and final rehabilitation of all pits and quarries in the Township is a goal of this Plan. Wherever possible, Council will work with pit and quarry operators and the Ministry of Natural Resources in accordance with the ARA to ensure that all licenses have compatible progressive and final rehabilitation plans. Rehabilitation standards should be compatible with those under the ARA for operations on private lands.

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

3.1.6.6 Development Adjacent to Existing Extractive Operations

Incompatible land uses and activities will be prohibited within and adjacent to significant aggregate resource areas according to Schedule E.

The Province discourages the creation of new residential lots or similar sensitive land uses adjacent to existing extractive operations. When new development, through a *Planning Act* application, is proposed within 300 metres of a Licensed Pit and/or Quarry, or 500 metres of an existing pit and/or quarry within the Rural designation, Council shall be satisfied that the proposed use is compatible with the operation of the pit or quarry. In order to address this issue, the proponent will be required to retain a qualified professional to complete a site specific study in accordance with Provincial guidelines. Council may require the

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proponent to submit written confirmation of adherence to the MECP NPC-300 Environmental Noise Guidelines.

3.1.6.7 Wayside Pits, Quarries, Portable Asphalt Plants and Portable Concrete Plants

All new wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning or development permit under the *Planning Act* in all areas, except those areas of exiting development or environmental sensitivity which have been determined to be incompatible with extraction activities.

3.1.7 Mineral Resources

3.1.7.1 Intent

It is the intent of Council to work with the Province to identify areas of mineral potential.

3.1.7.2 Permitted Uses

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

3.1.7.3 Development Policies

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

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

3.1.7.4 Abandoned Mine Sites

When a development is proposed within 1,000 metres of an abandoned mine hazard there is potential for impact on a proposed development. The Township and proponent shall consult with Ministry of Energy and Mines Regional Land Use Geologist in order to assess

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the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards.

3.1.8 Implementing Zoning By-law

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

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

The implementing Zoning By-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal rights-of-way and property boundaries.

3.1.9 Site Specific Policies – Rural

1. Part 1, Plan 36R-6399 and Part 1, Plan 36R-4662 both located on Part of Lot 5, Concession 12 (1563 and 1601 Memorial Park Drive)
 - i. Notwithstanding Section 3.1.5.11, on lands described legally as Part 1, Plan 36R-6399 and Part 1, Plan 36R-4662 both located on Part of Lot 5, Concession 12 in the Township of Chisholm, the minimum lot area to permit a hobby farm shall not apply and the zone regulations shall restrict the floor area of structures used to house livestock as well as the number and type of livestock as measures to ensure compatibility and the protection of public health.

3.2 Agriculture

3.2.1 Purpose

The purpose of the Agricultural designation is to:

- a. Protect land suitable for agricultural production from development and land uses unrelated to agriculture
- b. Encourage the reclamation of former agricultural lands to a productive state

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- c. Permit uses which support the agricultural community
- d. Prevent the intrusion of land uses which are incompatible with the agricultural/or resource activities of the area
- e. Encourage agricultural land uses and associated activities that contribute to the economy of the Township
- f. Ensure that the scale of development is compatible with the role and function of the agricultural area
- g. Use an agricultural system approach to maintain a geographically continuous agricultural land base
- h. Support and foster the long-term economic prosperity and productive capacity of the agri-food network

3.2.2 Location

The Agricultural land use designation applies to lands in the Township where prime agricultural land predominates, which includes Canada Land Inventory Classes 1, 2, and 3 lands, and any Class 4 through 7 lands within the prime agricultural area in this order of priority. These areas are generally characterized as the most productive agricultural land and/or accommodate the greatest number of existing agricultural operations.

3.2.3 Permitted Uses

- 1. Agricultural uses
- 2. Agriculture-related uses in accordance with Section 3.2.4.4
- 3. On-farm diversified uses in accordance with Section 3.2.4.6
- 4. A principal dwelling associated with an agricultural operation
- 5. Existing non-agricultural single detached dwelling, where permitted by the Zoning By-law
- 6. Up to two additional residential units in accordance with Section 3.2.4.7
- 7. Passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority
- 8. Energy systems in accordance with Section 3.2.4.9
- 9. The extraction of minerals and petroleum resources is permitted provided the site will be rehabilitated.

10. The extraction of mineral aggregates and associated operations such as crushing, screening, washing and aggregate storage, as an interim use, subject to 3.1.8 and 3.2.4.10
11. Wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area

3.2.4 Development Policies

3.2.4.1 The Creation of New Lots in the Agricultural Designation

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

1. Agricultural uses, provided that the new lot is of a size appropriate for the type of agricultural use(s) common in the area and is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations
2. Agricultural lots should generally have a minimum lot size of 40 hectares
3. Agriculture-related uses may be permitted provided:
 - a. The lot will be limited to a minimum size needed to accommodate the use and sustain appropriate sewage and water services
 - b. The use is directly related to farm operations within the Agricultural designation
4. One new lot to accommodate an existing residence rendered surplus as a result of a farm consolidation may be permitted provided that:
 - a. The new lot be limited to the minimum size required to accommodate the use and appropriate sewage and water services
 - b. The distance between the surplus dwelling and any livestock facilities on a separate lot complies with the Provincial MDS Formulae
 - c. The retained lands are zoned to prohibit new residential uses and ARUs
5. Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way

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6. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons
7. New residential lots in prime agricultural areas shall not be permitted except for 3.2.4.1.4 above
8. The proposed lot complies with the criteria set out in Section 5.4 (General Consent Policies) of this Plan

3.2.4.2 Farm Consolidations and Boundary Adjustments

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

1. No new lot is created
2. The viability of using the lands affected by the application for agricultural use is not adversely impacted if the application is approved

3.2.4.3 Minimum Distance Separation Formulae

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

The Minimum Distance Separation Formulae shall be implemented through the Township's Zoning By-law.

3.2.4.4 Agriculture-Related Uses

Agriculture-related uses shall only be permitted through a Zoning By-law Amendment where:

1. The commercial or industrial use is farm-related and makes use of farm commodities or services farming operations as a primary activity
2. The use is directly related to farming operations of the local area
3. The use supports, is compatible with, and does not hinder surrounding agricultural operations
4. The use benefits from close proximity to farm operations

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5. All requirements of the Minimum Distance Separation Formulae are met

3.2.4.5 Agricultural Research and Training Establishments

Notwithstanding the above, the development of agricultural research and training establishments is encouraged in the Township. Such uses may be permitted subject to a Zoning By-law Amendment, provided Council is satisfied that:

1. The use is related to and will benefit the agricultural industry
2. The use will assist in the furthering of knowledge in the agricultural sector of the economy
3. The use has regard for the MECP's D-Series Guidelines
4. The use will assist the farm community through training and the identification of new methods and procedures
5. There are no reasonable alternative locations for the proposed use which avoid prime agricultural areas; and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands

3.2.4.6 On-Farm Diversified Uses

On-Farm Diversified Uses, based on provincial guidance, shall only be permitted where:

1. The use is located on-farm and is secondary to the principal Agricultural Use, including home occupations and home industries
2. The use is limited to no greater than 2% of the property area, to a maximum of one (1) hectare
3. The gross floor area of buildings or structures associated with the use is limited to no greater than 20% of the lot coverage of the On-Farm Diversified Use
4. The use is compatible with, and does not hinder surrounding agricultural operations
5. All requirements of the MDS and Zoning By-law are met

3.2.4.7 Additional Residential Unit

Where a principal residential dwelling is permitted associated with an agricultural operation, up to two Additional Residential Units are permitted in accordance with provincial guidance, provided that, where two Additional Residential Units are proposed, at least one of these Additional Residential Units is located within or attached to the principal

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dwelling. The two Additional Residential Units are in addition to any farm worker housing. Any Additional Residential Unit shall:

1. Comply with the Minimum Distance Separation Formulae
2. Be compatible with, and not hinder, surrounding agricultural operations
3. Have appropriate sewage and water services
4. Address any public health and safety concerns
5. Be of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster as directed in the Zoning By-law
6. Minimize land taken out of agricultural production

3.2.4.8 Non-Residential, Non-Agricultural Uses in Prime Agricultural Areas

Non-residential uses may be permitted via a Zoning By-law Amendment where it has been demonstrated that:

1. The land does not comprise a specialty crop area
2. The proposed use complies with the Minimum Distance Separation Formulae
3. There is identified need for the use over the horizon of this Official Plan
4. Alternative locations have been evaluated:
 - a. There are no reasonable alternative locations which avoid prime agricultural areas
 - b. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands

Impacts from new or expanding non-agricultural uses are to be avoided or where avoidance is not possible, methods to minimize and mitigate impacts will be demonstrated through an agricultural impact assessment or equivalent study, in accordance with provincial guidance.

3.2.4.9 Energy Systems

As per Section 3.1.5.12, the Township encourages the development of renewable energy systems provided they are appropriately sited to balance community needs, long-term sustainability and environmental considerations.

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In considering the development of renewable energy generation facilities, the following policies apply:

1. Renewable energy generation facilities will be permitted as an on-farm diversified use subject to the requirements of Section 3.2.4.6.
2. Stand-alone renewable energy facilities as a principal use will require an amendment to the Zoning By-law which demonstrates:
 - a. that there are no suitable alternate locations on poorer soils on the property to accommodate the proposed electricity generation facility
 - b. The proposed facility is sited and designed to achieve compatibility with adjacent land uses
 - c. The proposed facility is sited to limit impacts on any natural heritage areas and features
 - d. The proposed facility is not sited in a natural hazard
 - e. The proposed facility has access to a year-round municipally maintained road; and,
 - f. the project will not compromise the agricultural lands or feasibility of agricultural production over both the short and long term
3. The Zoning By-law shall establish regulations for renewable energy generation facilities to minimize impacts on sensitive land uses, the natural environment and hazards
4. Renewable energy generation facilities may be subject to site plan control
5. Mitigation measures, buffering, stormwater management and decommissioning considerations shall be addressed through site plan control
6. Nothing in this Plan is intended to restrict the installation of roof-mounted solar panels provided they are an accessory use to a permitted use or building and mounted directly on the roof

3.2.4.10 Aggregate Resources

Aggregate operations in prime agricultural lands may be permitted subject to the following criteria:

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1. An Agricultural Impact Assessment or equivalent study based on provincial guidance shall be submitted which demonstrates how impacts to the agricultural system are avoided and where avoidance is not possible, how impacts will be minimized and mitigated
2. The use is an interim use and will be rehabilitated back to an agricultural condition
3. Notwithstanding Section 3.2.4.10, complete rehabilitation may not be required in accordance with the policies of the Provincial Planning Statement
4. The policies of Section 3.1 (Rural) shall apply, where applicable

3.2.5 Implementing Zoning By-law

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

The implementing Zoning By-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal rights-of-way, and property boundaries

3.3 Shoreline

3.3.1 Purpose

The purpose of the Shoreline designation to:

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

3.3.2 Location

The Shoreline designation as shown on Schedule A to this Plan applies to shoreline areas adjacent to Wasi Lake, Wasi River and Graham Lake, as well as very minor portions of

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Lake Nosbonsing and Mink Lake both of which are located at the northern boundary of the Township.

3.3.3 Permitted Uses

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

3.3.4 Development Policies

3.3.4.1 Wasi Lake and Wasi River

Wasi Lake is a lake in a high state of eutrophication and has been designated to be an 'at capacity' lake by the Ministry of the Environment, Conservation and Parks (MECP). In addition, Callander Bay, which the Wasi River drains into, has also been declared by the MECP to be 'at capacity'. As a result, no new lot creation or *Planning Act* approval for more intensive uses shall be permitted on Wasi Lake or the Wasi River, unless all of the following conditions are met:

1. The septic system for the proposed lot or more intensive use can be constructed at least 300 metres from the water's edge
2. The lot maintains a minimum lot frontage of 60 metres and a minimum lot area of 1 hectare
3. The setback distance or lot size requirements may be reduced provided a Lake Capacity Assessment conducted by a qualified professional demonstrates that there will be no negative impacts to Wasi Lake and Wasi River

Council will require the owner to enter into a Site Plan or Development Agreement in accordance with Section 6.1.4 to ensure minimum setbacks are achieved and to establish limitations on the removals of vegetation.

3.3.4.2 Graham Lake

Graham Lake is a small and relatively undeveloped lake in the south-west corner of the Township, part of which abuts the Graham Lake ANSI as described in Section B5 of this Plan. In the interest of preserving the existing and planned character of this lake, any existing lot with an area greater than 20 hectares and a shoreline frontage greater than 400 metres shall be permitted to create one new lot, provided the severed lot maintains a minimum 200 metre shoreline frontage and a lot area of 5 hectares. In addition, the severed and retained lots shall have frontage and direct access to an existing public road, assumed and maintained by the Township. Any application for severance shall be accompanied by an Environmental Impact Study as described in Section 3.5.9.

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

3.3.4.3 Mink Lake and Lake Nosbonsing

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

3.3.4.4 Legal Non-Compliant Lots and Boundary Adjustments

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

The creation of new lots for residential purposes shall also comply with Section 5.4 (General Consent Policies) of this Plan.

3.3.4.5 Plan of Subdivision/Plan of Condominium Policies

New development by Plan of Subdivision or Plan of Condominium in the shoreline shall occur in accordance with Section 5.4.3.

3.3.4.6 Private Roads

It is not the intent of this Plan to provide municipal services such as snowplowing and maintenance to lots fronting on private roads. On this basis, all lots that do not have frontage on and direct access to a public road that is assumed and maintained year round for public use shall be placed in a Limited Service Residential Zone in the implementing Zoning By-law. All development in the Limited Service Residential Zone shall be subject to Section 5.2.2.2 of this Plan.

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

1. The private road that abuts the lot(s) to be re-zoned shall be confirmed by the Township to have been brought up to its standard for new road construction at no cost to the Township

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2. The lot(s) being re-zoned shall abut and have direct access to, the upgraded road
3. The dwelling on the lot(s) to be re-zoned shall be serviced by a private well on the same lot or an appropriate water supply
4. The dwelling on the lot(s) to be re-zoned shall be serviced by an appropriate means of sewage disposal
5. The lot(s) to be re-zoned complies with all applicable zone provisions in the implementing Zoning By-law
6. The road has been surveyed by an Ontario Land Surveyor and assumed by *Municipal Act* By-law for year round maintenance

3.3.4.7 Shoreline Setbacks

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

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

3.3.4.8 Shoreline Archaeological Resources

Where it has been determined that a shoreline possesses a high potential for containing archaeological resources Council shall require the submission of an archaeological assessment in accordance with Section 5.3.2.9 for all development applications. Council shall have regard to the policies of Section 5.3 where archaeological resources have been identified.

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3.3.4.9 North Bay-Mattawa Conservation Authority

The North Bay-Mattawa Conservation Authority regulates all shoreline areas within the Township. Prior to any development, filling or alterations occurring within the shoreline areas, a proper permit shall be obtained from the North Bay-Mattawa Conservation Authority in addition to any approvals required by the Crown or Township. The approximate regulated area is shown on Schedule D to this Plan with site specific limits to be determined in consultation with the North Bay-Mattawa Conservation Authority.

3.3.5 Shore Road Allowance

A Shore Road Allowance is a 20 metre (66 foot) wide strip of land that separates waterfront properties from the water. Shore Road Allowances were put in place on Crown land in the late 19th century and unless it has been purchased by the abutting property owner, is owned by the municipality.

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

1. The portion of the Shore Road Allowance proposed to be closed has no present or future use for public travel, public waterfront areas, public access or other municipal purpose
2. Only the portion of the Shore Road Allowance above the natural or regulated high water mark may be sold
3. Lands that are subject to flooding or that are located in the Environmental Protection designation may not be sold
4. All costs incurred in the closing and transfer of a Shore Road Allowance shall be paid for by the transferee

3.3.6 Implementing Zoning By-law

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

Lands that are used for residential purposes, but which front on a private road shall be placed in a Limited Service Residential Zone in accordance with Section 3.3.4.6 (Residential Development on Private Roads).

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

3.4 Crown Land

3.4.1 Purpose

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

3.4.2 Location

The Crown Land designation as shown on the Schedule A to this Plan is primarily in the southern portion of the Township. Crown land also includes the beds of most waterbodies and watercourses.

3.4.3 Permitted Uses

The Township has no authority to regulate land use on Crown Land, but encourages Federal and Provincial governments and agencies to be consistent with the policies of this Plan as it relates to the issuance of tenure, occupational authority and permitted undertakings on Crown Land. The Township will regulate shoreline structures within or adjacent to waterbodies not addressed by provincial and federal policies.

3.4.4 Development Policies

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

3.4.5 Implementing Zoning By-law

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

3.5 Environmental Protection

3.5.1 Purpose

The purpose of the Environmental Protection designation is to:

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

3.5.2 Location

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

1. All provincially significant wetlands
2. Significant Areas of Natural and Scientific Interest
3. Habitat of endangered or threatened species
4. Significant wildlife habitat
5. Fish habitat
6. All other wetlands greater than 2 hectares in area as shown on Schedule B to this Plan
7. Any other area, feature or function that has been determined to be environmentally significant as a result of a planning approval process

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

3.5.3 Permitted Uses

Permitted uses on lands designated Environmental Protection are limited to conservation and passive recreational uses that do not require development or site alteration. For the purposes of 3.5.2.a) and c) above, works and infrastructure that by their nature must be located within the floodplain, such as flood and erosion control works are permitted, however, no other development or site alteration shall be permitted within any significant wetland. For the purposes of this section, a golf course or similar land use is not a passive recreational use. Proposals for the development of buildings and structures accessory to permitted uses are required to be accompanied by a supporting Environmental Impact Study which demonstrates, in the case of 3.5.2.c), that no negative impact on the natural

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features or their ecological functions will occur due to the proposed development. Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated Environmental Protection. Similarly, existing forestry and existing woodlot management activities are not intended to be prohibited but are expected to comply with good forest management practices as provided by the Ministry of Natural Resources and the Ontario Forestry Association.

3.5.4 General Policies

3.5.4.1 Use of Lands in Private Ownership

Where any land within the Environmental Protection system is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public nor does it imply that the municipality will purchase the land.

3.5.4.2 Adjacent Lands

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

1. 120 metres of the boundary of a Provincially significant wetland that has been evaluated or identified by the Ministry of Natural Resources
2. 30 metres from any other wetland not evaluated to be a Provincially significant wetland
3. 50 metres from the boundary of a Provincially or Regionally Significant Earth Science Area of Natural and Scientific Interest and 120 metres from a Life Science ANSI
4. 120 metres from significant wildlife habitat
5. 120 metres from the seasonal high-water mark of a fish habitat area
6. For habitat of any endangered or threatened species, the extent of adjacent lands will be determined in accordance with provincial guidelines

No development or site alteration shall be permitted on adjacent lands unless the ecological function has been evaluated and it is demonstrated that there will be no negative impacts. To evaluate the ecological function of the adjacent lands, Council may require an Environmental Impact Study and/or a sub watershed study and/or a geotechnical study be completed. The requirements for an Environmental Impact Study are contained in Section 3.5.9 (Requirements for an Environmental Impact Study) of this Plan.

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

3.5.5 Components of the Environmental Protection Designation

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

3.5.5.1 Wetlands

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

1. Provide habitat for plants and animals
2. Store water for groundwater recharge purposes
3. Trap sediments, nutrients and contaminants thereby improving downstream water quality
4. Provide corridors for plant and animal movements
5. Provide flood control and protect shorelines from erosion

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

The Wasi Wetland has been classified as a Provincially significant wetland. There are a number of other wetlands in the Township that have either not been evaluated or do not meet the criteria to be considered Provincially significant. These wetlands are local wetlands and are identified on Schedule B. Development and site alteration shall not be permitted within a Provincially significant wetland. Any application for the alteration of a boundary of a Provincially significant wetland must be approved by the MNR and will not require an amendment to this Plan.

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Any application for development or site alteration in a local unevaluated wetland shall be subject to an evaluation by a trained wetland evaluator in accordance with the Ontario Wetland Evaluation System (OWES) prior to processing any planning approvals. A 30 metre buffer should be preserved from the boundary of any Provincially significant wetland and local wetland that maintains a natural vegetated cover and may be implemented through the Zoning By-law.

The Township may make minor refinements to the boundaries of Provincially significant wetlands without the need for an amendment to the Official Plan.

3.5.5.2 Areas of Natural and Scientific Interest

There are two confirmed Provincial Areas of Natural and Scientific Interest (ANSI) in the Township of Chisholm. They are identified on Schedule B as the Graham Lake Hill and the Genesee Moraine ANSIs. The Township recognizes the importance and value of ANSIs and supports their protection.

Development and site alteration within or adjacent to a Provincially significant ANSI shall not be permitted unless it has been demonstrated by an EIS completed by a qualified individual, that there will be no negative impacts on the ANSI and its ecological functions. Proposals for new development, site alteration or lot creation shall not require an Official Plan Amendment but will be subject to a Zoning By-law amendment which must be accompanied by an Environmental Impacts Statement prepared in accordance with Section 3.5.9 of this Plan. Council may use site plan control in accordance with Section 6.1.4 of this Plan or Zoning By-law to establish vegetative buffers to ANSIs to minimize or prohibit the removal of vegetation and ensure the protection of naturally vegetated buffers.

3.5.5.3 Habitat of Species at Risk and Endangered Species

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

1. The Ontario Ministry of Environment, Conservation and Parks (MECP) is responsible for approving and defining significant habitat of endangered species and threatened species and shall be consulted when a development proposal may impact a species at risk habitat. Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the *Species Conservation Act, 2025*.

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2. Development and site alteration shall not be permitted in the habitat area of endangered species and threatened species except in accordance with provincial and federal requirements.

3.5.6 Requirements for an Environmental Impact Study

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

3.5.6.1 Purpose of an EIS

The purpose of an EIS is to:

1. Collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s);
2. Assist Council in making an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Township;
3. Evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources; and,
4. Where the focus of study is adjacent lands as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.

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

Council and any appropriate agency must approve an EIS before the planning application facilitating the development can be considered for approval by the Township. Council shall engage with Indigenous communities in reviewing an EIS to ensure their interests are considered.

3.5.6.2 Contents of an EIS

An EIS should:

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1. Demonstrate that assessments were done at the appropriate time of year and with an appropriate level of effort, including a description of the survey dates, weather conditions and survey methods
2. Include a description of the development proposal and purpose
3. Include a description of existing on-site and adjacent conditions and land uses (including the designation in the Official Plan and zoning in the Zoning By-law)
4. Include maps and diagrams illustrating the development location and activities including building locations, site grading, landscaping, drainage works, roadway construction, paving, sewer and water servicing in relation to various environmental considerations
5. Define the nature and the boundaries (including mapping) of any significant features and ecological features and functions on or adjacent to the site (e.g., the identification of vegetation communities using the Ecological Land Classification (ELC) system, a description of wooded areas if present, the role of these wooded areas with respect to wildlife)
6. Include comprehensive species lists, covering species at risk, plants, birds, mammals, reptiles, amphibians, other wildlife, and fish species
7. Assess whether the property provides suitable habitat for known species at risk, including both endangered and threatened species, as well as for any species at risk that may be identified during the study
8. Include an appendix that contains complete lists of the flora and fauna species and features that were observed on site and which ELC community they were observed in
9. Incorporate an assessment of species and habitats protected under the *Species Conservation Act* (SCA) into the environmental impact study. This will enable an early determination of whether SCA authorization is required, potentially streamlining the development process by preventing delays from last-minute reviews and authorizations. Please note that the responsibility for the SCA now rests with the Ministry of Environment, Conservation and Parks (MECP), rather than the Ministry of Natural Resources. Therefore, MECP should be consulted for advice and direction on complying with SCA requirements
10. Include significant features within the surrounding area, encompassing all environments that could potentially support Significant Wildlife Habitat, Fish Habitat, or Provincially significant wetlands

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11. Identify and evaluate the significance and boundaries of any unevaluated natural heritage features and values on and adjacent to the site that could be adversely affected by the proposed development.
12. Assess potential negative impacts (direct, indirect, short and long-term) to the ecological features and functions of the site
13. Identify mitigation measures including monitoring
14. Identify net impacts that cannot be mitigated, etc.

3.5.6.3 What an EIS Should Demonstrate

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

1. Not discharge any substance that could harm air quality, groundwater, surface water, land and associated plant and animal life
2. Be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life
3. Not cause erosion or siltation of watercourses or changes to watercourse morphology
4. Not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use
5. Not cause an increase in flood potential on or off the site
6. Maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitat
7. Not significantly affect the scenic qualities of the area
8. Not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas
9. Enhance and restore endangered terrestrial and aquatic and fish habitat where appropriate and feasible
10. Not create noise, dust, odour and vibration that will have an adverse impact on the enjoyment of neighbouring properties
11. Not interfere with the function of existing or potential natural corridors

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12. Not lead to a significant reduction in the forest resource or interior forest habitat in an area
13. Not lead to species loss or negative impacts on endangered, threatened or species of special concern and/or their habitat

In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features identified on Schedule B to this Plan or the ecological functions for which the area is identified.

3.5.7 Zoning By-law Implementation

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

The implementing Zoning By-law shall also specify that all buildings and structures be set back an appropriate distance from the boundary of an Environmental Protection Zone as required under 3.5.4.2. A reduction in the setbacks will require either an Amendment to the implementing Zoning By-law or a minor variance subject to the comments of the appropriate agencies. Matters to be considered in reviewing an application to reduce the setback include:

1. The nature and stability of the soils
2. The nature and stability of the vegetation and cover
3. The slope of the land
4. The nature of existing and proposed drainage patterns
5. The nature of the fish and wildlife that may be present
6. The scale of the proposed development

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

4.0 GENERAL ENVIRONMENTAL POLICIES

4.1 Objectives

It is the intent of this Plan to:

- a. Recognize and protect all significant rivers, streams and other bodies of water and significant natural heritage features in the Township from development and site alteration that may have an impact on the features and their function as an important component of the natural heritage system
- b. Ensure that development does not occur on lands that are unstable or susceptible to flooding
- c. Ensure that development does not occur on hazardous lands and hazardous sites
- d. Engage with Indigenous communities when identifying environmental features to ensure their interests are considered
- e. Protect the quality of water available for drinking water purposes
- f. Encourage the protection of natural heritage features recognized as important for maintaining connectivity and biodiversity of native species on the landscape
- g. Identify what is required to support an application for development in an area that is considered to be environmentally sensitive
- h. Identify what information is required to support an application that may have an impact on the hydrogeological resources of the Township

4.2 Environmental Features not Included in the Environmental Protection Designation

4.2.1 Lakes, Rivers and Streams

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

- 1. Contain fish habitat areas
- 2. Function as corridors for migrating wildlife habitat movement and vegetation dispersal

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3. Serve to maintain the quality and quantity of surface and ground water resources
4. Assist in the improvement of air quality.

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

4.2.2 Fish Habitat

The Township recognizes the importance of fish habitat and supports the management and protection of fisheries resources.

Fish habitat includes all lakes, rivers, streams, ponds, intermittent and seasonally flooded areas unless demonstrated to be otherwise by a study completed by a qualified professional.

New development and site alteration in or adjacent to fish habitat shall not be permitted unless it has been demonstrated that there will be no negative impacts on fish habitat and its ecological functions in accordance with provincial and federal requirements. Fish Habitat is identified in general on Schedule B to this Official Plan and may be located throughout many designations; therefore, applicants must consult with the appropriate authority (the Ministry of Natural Resources and North Bay-Mattawa Conservation Authority) when proposing any development on lands adjacent to water and shall comply with the federal *Fisheries Act*.

New development along a watercourse should be setback a minimum of 30 metres and will require the lands to remain undisturbed and naturally vegetated.

4.2.3 Woodlands and Valley Lands

There are wooded areas in the Township that are not within the Environmental Protection designation primarily because of their small size or their location within the rural area. Similarly, valley lands have not been specifically placed in the Environmental Protection designation. However, these areas greatly contribute to the existing and planned character of the Township as a whole and provide key wildlife habitat and important linkages to other environmental features such as wetlands. It is a policy of this Plan that such areas be retained in their natural state, whenever possible and appropriate, as a condition of development approval. Furthermore, Council may pass a tree cutting by-law or site alteration by-law to prevent the cutting of trees or removal of natural vegetation or fill in

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sensitive areas. Such a by-law shall not be passed without a specific assessment of the impacts of the proposed regulation together with opportunity for public comment.

4.2.4 Areas of Significant Wildlife Habitat

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

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

An evaluation of significant wildlife habitat should be initiated when one or more of the following are requested:

1. The creation of more than three lots through either consent or plan of subdivision
2. A change in land use, not including the creation of a lot, that requires approval under the *Planning Act*
3. A shoreline consent along a large inland lake, small inland lake, or large river that is within 120 metres along the shoreline of an existing lot of record, or a lot described in an application for subdivision or consent
4. Construction for recreational uses (e.g. golf courses, serviced playing fields, serviced campgrounds, ski hills) that require large-scale modification of terrain, vegetation, or both

Development and site alteration shall not be permitted within areas of significant wildlife habitat or on adjacent lands unless it has been demonstrated through an EIS that such development will have no negative impacts on the features or their ecological functions. For the purposes of this plan, it is anticipated that development applications will require an EIS if proposed within 120 metres of a significant wildlife habitat.

4.2.5 Other Areas Identified Through a Planning Process

It is anticipated that there will be areas of land where a detailed planning approval process or Provincially initiated study has identified an environmental or topographical feature that

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

4.3 Water Resource Management

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

On this basis, all development applications for Plan of Subdivision or Plan of Condominium, relating to new commercial, industrial, institutional and any use permitted in Section 3.5.3, shall be supported by a Water Resource Management (WRM) report.

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

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

4.3.1 Clean Water Act and the North Bay Mattawa Source Protection Area

The *Clean Water Act* requires Ontario's present and future sources of municipal drinking water, including inland lakes, rivers, groundwater and the Great Lakes, are protected through a watershed-based Source Protection Plan. The Township is within the draft North Bay-Mattawa Source Water Protection Area and is subject to its Source Protection Plan. The Township of Chisholm is located within the Callandar Issue Contributing Area, identified as Intake Protection Zone 3 identified on Schedule F. The Intake Protection Zone

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3 is an area where phosphorous loadings are of concern and pose a threat to drinking water. Development within the Intake Protection Zone 3 must conform to the North Bay-Mattawa Source Water Protection Plan once adopted. Waste disposal activities within Intake Protection Zone 3 will be prohibited except in accordance with the Source Protection Plan. Minor modifications to Intake Protection Zone 3 as illustrated on Schedule F may be made without amendment to this Plan.

4.4 Stormwater Management

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

The SWM Report shall be prepared by a qualified professional to the satisfaction of Council and the appropriate agencies and be prepared in accordance with The Stormwater Management Practices Planning and Design Manual (2003) or its successor and shall:

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

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

4.4.1 Implementing Zoning By-law

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

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4.5 Hazard Land Policies

It is the Township's objective to address public health and safety by directing development away from hazard lands where there is an unacceptable risk to the public. Natural hazards include hazardous lands, hazardous sites and hazardous forest types susceptible to wildland forest fires. Human-made hazard lands can include mine hazards, oil, gas and salt hazards, and mineral mining and aggregate operations. A changing climate may increase the risks associated with these hazards.

4.5.1 Natural Hazards

4.5.1.1 Hazard Lands

Hazard lands include areas prone to flooding, erosion and unstable soils. Schedule D identifies the North-Bay-Mattawa Conservation Authority's (NBMCA) Approximate Regulated Area. The Approximate Regulated Area encompasses potential natural hazard areas and development within the limits of the Approximate Regulated Area will require a permit from the NBMCA prior to development. The following policies apply to hazard lands:

1. Development and site alteration shall not be permitted within:
 - a. The floodplain, except for that development and site alteration which, by its very nature, must be located within a floodplain. At this time the NBMCA has not identified the limits of the floodplain with the Township. This policy has been included in the event that the limits of the floodplain are identified
 - b. Areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and erosion hazards unless it has been demonstrated that the site has safe access appropriate for the use and natural hazard
2. Development shall not be permitted within hazardous lands adjacent to river, streams, inland lakes which are impacted by flooding and/or erosion hazards or hazardous sites, unless it can be demonstrated by a study completed by a qualified professional that safe access can be attained. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the Township and the North Bay-Mattawa Conservation Authority which demonstrates the following:
 - a. The hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures
 - b. New hazards are not created, and existing hazards are not aggravated

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- c. No adverse environmental impacts will result
- d. Vehicles and people have safe access during times of flooding, erosion and other emergencies
- e. The development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances

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

- 3. Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the Township and the North Bay-Mattawa Conservation Authority that safe access during times of flooding is available. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodplain
- 4. Erosion hazards are often located adjacent to watercourses. The erosion hazard limit is determined using the 100-year erosion rate, slope stability and an access allowance, or as determined by a valid study conducted by a qualified professional
- 5. The following policies shall apply to steep slopes and ravines:
 - a. Development will not be permitted on slopes that are subject to active erosion or historic slope failure
 - b. Development shall be sufficiently setback from the top of bank of slopes greater than 1 in 3. The development setback distance may be determined in consultation with an engineer and/or surveyor subject to the following criteria:
 - i. Soil type and groundwater patterns
 - ii. Vegetation type and cover
 - iii. Severity of slope
 - iv. Nature of development
- 6. In some instances, where a sufficient development setback cannot be achieved, the proponent will be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared by a qualified professional to the satisfaction of Council.

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4.5.1.2 Hazardous Sites

Hazardous sites are defined as lands that could be unsafe for development due to naturally occurring hazards such as unstable soils (sensitive marine clays, organic soils) and unstable bedrock (karst topography).

In the event that development is proposed within an area characterized by these conditions, a technical study shall be prepared by a qualified professional, to determine whether the risks created by the hazard can be managed or mitigated in accordance with Provincial standards. In doing so the criteria in Section 4.5.2 shall apply.

4.5.1.3 Wildland Fires

Wildland fires are associated with hazardous forest types as assessed by the MNR and shown on Appendix A. Development shall generally be directed to areas outside of lands that are unsafe due to a high to extreme risk for wildland fire. Development may be permitted in these lands where it can be demonstrated that a Level 1 Screening and/or a Level 2 Site Assessment has been conducted and the risk can be mitigated in accordance with Wildland Fire Risk Assessment and Mitigation Reference Manual (2017) as amended from time to time. The Township shall consult the MNR for the most up-to-date information available for potential risk areas.

4.5.2 Human-Made Hazards

Human-made hazards include:

1. Lands associated abutting or adjacent to mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations, development on or adjacent to these lands, is prohibited unless it is demonstrated that rehabilitation or mitigation of site conditions has been completed.
2. Contaminated or potentially contaminated lands. Development applications for Contaminated or potentially contaminated lands will be reviewed in accordance with Section 4.8.

4.5.3 Hazardous Substances

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

4.6 Waste Disposal Areas

There is one open waste disposal site in the Township as shown on Schedule D to this Plan. It is a policy of this Plan to ensure the residents of Chisholm are provided with a safe and cost-efficient waste management program. It is Council's intent to sustain the current

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landfill through practices such as diversion, composting and recovery in the event a new landfill site is proposed in a new location, an amendment to this Plan will be required unless the site is located on Crown land. The requirement for an Official Plan Amendment shall not apply to a communal sewage or septage facility.

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

1. The impact of any potential methane gas migration
2. Whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site
3. Regard for the Ministry of the Environment D-4 Guidelines (Land Use on or near Landfills and Dumps)
4. Whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site
5. The impact of the proposed use on leachate migration from the landfill site

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

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

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

4.7 Land Use Compatibility

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries in addition to uses adjacent to waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other.

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New development shall be designed to avoid potential conflicts with sensitive land uses, including concerns to public health and safety, by using the Ministry's "D-Series" Guidelines for Land Use Compatibility and "NPC 300 Noise" Guidelines.

The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and enforceable, such distances or other recommendations may be implemented through zoning or site plan agreements in accordance with Section 6.1.4.

4.8 Brownfield Sites

Contaminated lands pose a threat to public health, ecological health and the natural environment. Where development is proposed on land that may have resulted in site contamination or is adjacent to known potentially contaminated sites, an Environmental Site Assessment shall be required to determine whether contamination exists and determine appropriate remediation requirements so that there will be no adverse effects.

Where an Environmental Site Assessment has determined that contamination exists, no development will occur until the required remediation work, and a Record of Site Condition (RSC) have been prepared by a Qualified Person confirming that site soil conditions meet provincial criteria for the proposed use.

Further, a Record of Site Condition shall be required where a change in use is proposed in accordance with Section 168.3.1 of Part XV.1 of the *Environmental Protection Act*.

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

5.0 GENERAL DEVELOPMENT POLICIES

5.1 Water and Sewer Servicing Strategy

5.1.1 Objectives

It is the intent of this Plan to:

- a. Ensure that public health and the natural environment are protected
- b. Ensure that new development is carried out in a manner which respects the environmental policies of this Official Plan
- c. Identify the preferred means of servicing in the Township

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- d. Ensure that all servicing options are considered when major new development is proposed
- e. Ensure that appropriate agreements are in place before development on private communal services occurs

5.1.2 Preferred Means of Servicing

Given that no municipal sewer and water servicing capacity is available in the Township, the preferred means of servicing lands in the Township is private, individual on-site water and individual on-site sewage systems. Private communal water and septage services may be considered by Council subject to Section 5.1.3.

All development must demonstrate that it can be adequately serviced for the long-term sustainability of a property's water supply, and the suitability for a sewage disposal system. Council may require supporting studies, such as a hydrogeological report and a terrain assessment in accordance with Procedure D-5-4 "Technical Guidance for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

5.1.3 Communal Services

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

The proponent of a private communal servicing system will be required to enter into a Responsibility Agreement with Council before development occurs. Such an agreement is a legal agreement between the proponent and a Township that stipulates the conditions under which the communal services will be constructed, operated and maintained, as well as the actions to be undertaken by Council in the event of default. The agreement shall also specify the amount of up-front funds required for any remedial measures that may be necessary in the event of default. This policy is not intended to bind a Township to enter into a Responsibility Agreement.

5.2 Transportation

5.2.1 Objectives

It is the intent of this Plan to:

- a. Facilitate the safe movement of both people and goods to and from the various communities within the Township

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- b. Ensure that new development does not create a traffic hazard
- c. Reduce the financial burden of road maintenance upon the general taxpayer by ensuring heavy users of local roadways share in maintenance costs
- d. Ensure appropriate right-of-way widths for all existing and proposed roads
- e. Restrict development on non-winter-maintained roads, private roads and individual rights-of-way
- f. Support energy efficient transportation systems that include the use of zero- and low-emission vehicles

5.2.2 Types of Roads

5.2.2.1 Local Roads

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

5.2.2.2 Private Roads

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

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

The construction or expansion of a dwelling unit on an existing lot of record or any building containing a permitted non-residential use on a lot that is accessed only by a private road may be permitted, subject to Section 5.2.3.3.

5.2.2.3 Roads on Crown Land

There are a number of access roads or forest roads over Crown land in the Township. The Township supports the public use of these roads for recreation and resource-related uses, however the Township will not expend financial resources to maintain, upgrade or assume such roads. Improvements or capital works proposed for such roads must be authorized

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by the Ministry of Natural Resources. Where *Planning Act* approvals are sought for lands that require access over Crown land, such approvals will be contingent on the proponent obtaining support or a clearance from the Ministry of Natural Resources for the use of Crown land for access.

5.2.2.4 Unopened Municipal Road Allowances

An “Unopened Municipal Road Allowance” is a strip of land designated for a future road by the municipality that has not yet been developed or opened for public use.

There are a number of Unopened Municipal Road Allowances located throughout the Township. Where the improvement of an unopened road allowance would yield a substantial public benefit, Council will consider the provision of long-term maintenance provided the cost to upgrade the unopened road allowance is borne by landowners who would directly benefit from the improvement.

Council does not intend to retain all unopened road allowances. The closing and conveyance of an unopened road allowance may be considered only in accordance with Section 5.2.3.4.

5.2.3 Road Policies

5.2.3.1 Right-of-Way Widths

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

5.2.3.2 Traffic Impact Studies

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

5.2.3.3 Conditions Under Which Development is Permitted on Private Roads

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

5.2.3.4 Closing and Conveyance of Road Allowances

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

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

1. If the road allowance to be closed provides an existing or potential public access to a lake or river by leading to the water's edge, Council must be satisfied that there is an adequate alternate public access to the water body in proximity to the road allowance to be closed
2. If the road allowance is used by a formalized recreational trail organization, as indicated on the Schedules or Appendices to this Plan, it must be demonstrated that the closure will not be detrimental to the greater trail network
3. Notice to be sent to adjacent landowners of an application to convey road allowances

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

4. The exchange of other properties to provide appropriate land or water access
5. Notification of such closure and conveyance in accordance with By-law - 2003-07 passed in accordance with the *Municipal Act*
6. The subject lands be rezoned
7. The removal or structural repair of buildings or structures
8. The prospective owner of such lands to assume responsibility for all costs associated with the closure including the preparation of a survey and all legal documents necessary to affect the land transfer

5.2.3.5 Former CN Rail Line

The inactive rail line identified on Schedule C to this Plan was abandoned by Canadian National (CN) in 1996. The Township shall protect the continuous linear corridor of the former CN rail line for potential future transportation, utility, or active transportation purposes. Notwithstanding, Council is supportive of the re-use of this corridor for alternate uses.

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

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1. A detailed explanation of the type of use(s) provided in a planning justification report that addresses Section 3.6.3 of the Provincial Planning Statement
2. Confirmation from a qualified professional and/or the MECP on whether a Record of Site Condition will be required before the proposed use can be established
3. An assessment of the physical state of the rail line and projected improvements and/or maintenance requirements, including bridge repair
4. An assessment to ensure that proposed uses will be or can be designed to be safe and compatible with adjacent uses, including Township roads
5. An assessment of landownership abutting the rail line to ensure that existing rights of access to neighbouring landowners will be accommodated or maintained

In conjunction with the approval of any alternate use of the rail line, Council may require the owner to enter into a site plan agreement in accordance with Section 6.1.4 or any other suitable agreement to ensure matters of public and/or Township interest can be formally addressed.

5.2.4 Active Transportation

The Township has the Laporte Walking Trail that is a part of the Discovery Routes Trail system.

The Township may prepare an active transportation plan that will consider local trails and cycling networks to align with the Province Wide Cycling Network.

5.3 Cultural Heritage Resources

5.3.1 Objectives

Council recognizes the importance of cultural heritage resources within the Township. Therefore, Council will encourage the identification, conservation, protection, restoration, maintenance, and enhancement of cultural heritage resources. Cultural heritage resources include archaeological resources, built heritage resources, and cultural heritage landscapes. All new development permitted by the land-use policies and designations of this Plan shall conserve cultural heritage resources and shall incorporate these resources into any new development plans. In addition, all new developments will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated. It is the intent of this Plan to:

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1. Recognize that the conservation of the Township's cultural heritage resources will contribute to the preservation of the Township's existing and planned character
2. Ensure that the nature and location of cultural heritage resources as well as the adjacent lands to these resources are known and considered before land use decisions are made
3. Prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources, including significant built heritage resources or significant cultural heritage landscapes and encourage development which is adjacent to significant cultural heritage resources to be of an appropriate scale and character
4. Consult and seek the advice of a Municipal Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Township (see policy 5.3.2.10)
5. Engage early with Indigenous communities in matters pertaining to Cultural Heritage and ensure that their interests are considered when conserving archaeological resources, built heritage resources and cultural heritage landscapes

5.3.2 Policies

5.3.2.1 Public Works

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

5.3.2.2 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources by assisting with funding applications, establishing partnerships with agencies or associations. Council may also lead by example by restoring, rehabilitating, enhancing and maintaining municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

5.3.2.3 Municipal Heritage Register

In accordance with Section 27 of the *Ontario Heritage Act* (OHA), the Township Clerk shall maintain a publicly accessible register of all property designated under Part IV and Part V

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of the OHA. This register may also contain properties that have heritage conservation easements placed upon them and properties that are not designated, but which are considered by Council to have cultural heritage value or interest. The register will be available on a publicly accessible website and will be updated regularly to ensure effective conservation.

5.3.2.4 Cultural Heritage Landscape Inventory

In conjunction with Section 5.3.2.3, Council may also prepare an inventory of cultural heritage landscapes. A cultural heritage landscape is a defined geographical area that may have been modified by human activities and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

5.3.2.5 Designation under the Ontario Heritage Act

Council may through by-law designate properties of cultural heritage value or interest pursuant to the *Ontario Heritage Act* and the policies of this Section. Prior to the passage of such a by-law, Council shall be satisfied that the property meets the prescribed criteria of Ontario Regulation 9/06 as per Section 29 of the *Ontario Heritage Act*.

5.3.2.6 Heritage Conservation District

Council may designate, under Part V of the Ontario Heritage Act, one or more heritage conservation districts within the municipality. Heritage attributes of significant cultural heritage landscape may be included within a heritage conservation district.

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

5.3.2.7 Retention/Relocation of Heritage Buildings

The Township shall encourage the retention of buildings of cultural heritage value in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site. Council will require a heritage impact assessment and/or conservation plan to be conducted by a qualified professional whenever a development has the potential to affect a cultural heritage resource through alteration, demolition or removal.

5.3.2.8 Demolition of Built Heritage Resources

Council shall exercise its legislative authority to control the demolition or removal of heritage structures, and/or removal of heritage attributes. No person shall demolish the whole or any part of a designated property without first receiving a demolition permit from Council. Pursuant to the *Ontario Heritage Act*, Council may also refuse to permit the demolition of heritage buildings or structures that have been designated under the *Ontario Heritage Act*.

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

5.3.2.9 Archaeological Assessments

Council recognizes that there may be archaeological sites or areas of archaeological potential within the boundaries of the municipality. Council shall require archaeological assessments to be carried out by consultant archaeologists licensed under the *Ontario Heritage Act*, as a condition of any development proposal, including municipal infrastructure, affecting areas containing a known archaeological site or considered to have archaeological potential. A preliminary checklist to determine if a site has potential is available to non-specialists through the Province of Ontario's forms repository.

Council shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources. Applicants shall be required to engage with Indigenous communities in the preparation of archaeological assessment.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. Council will require the proponent or person discovering the archaeological resources to cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

Should human remains be discovered, council will require the proponent or person discovering the remains to cease all activities immediately and contact the police or coroner as per the requirements of the *Funeral, Burial, and Cremation Services Act*, 2002.

Council also recognized that, within the boundaries of the Township, there may be marine archaeological resources. The Township may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if

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partially or fully submerged marine archaeological resources are identified and impacted by shoreline and waterfront developments.

5.3.2.10 Municipal Heritage Advisory Committee

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

5.4 Subdivision of Land

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

5.4.1 Preferred Means of Land Division

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

1. The extension of an existing public road or the development of a new public road is required to access the proposed lots
2. The area that is proposed to be developed is not considered to be infilling
3. A Plan of Subdivision is required to ensure that the entire land holding, or area is developed in an orderly and efficient manner
4. More than three new lots are being created

5.4.2 New Lots by Consent

5.4.2.1 General Criteria

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

1. Fronts on and will be directly accessed by a public road that is maintained on a year-round basis
2. Notwithstanding (a), a lot may be created on an existing private road as shown on Schedule C with a registered right-of-way extending 500 metres or less from an assumed municipal road
3. Will not cause a traffic hazard as a result of its location on a curve or a hill

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4. Can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal
5. Will not have a negative impact on the drainage patterns in the area
6. Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan
7. Will not have a negative impact on the features or their ecological functions of any environmentally sensitive feature in the area or as identified in Schedule B
8. Will be compatible with surrounding land use and natural features
9. Considers proximity to natural and man-made hazards

5.4.2.2 Boundary Adjustments

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

5.4.2.3 Lots for Utilities

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

1. The area of the proposed lot is minimized and reflects what is required for the use
2. The implementing Zoning By-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot

5.4.3 Subdivision/Condominium Development Policies

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

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

1. The approval of the development is not premature and is in the public interest

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2. The lands will be appropriately serviced with water, roads and other infrastructure, schools, parkland and open space, community facilities and other amenities
3. There is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services
4. The density of the development is appropriate for the area
5. The subdivision/condominium, when developed, will be integrated with other developments in the area
6. The subdivision/condominium conforms with the environmental protection and management policies of this Plan
7. The proposal conforms to Section 51 (24) of the *Planning Act*, as amended
8. Where new waterfront development is proposed by Plan of Subdivision or Condominium, the lands must be designated Shoreline

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

5.4.3.2 Affordability

It is a policy of this Plan to ensure existing and new residents have access to a range and mix of housing choices, appropriate within a rural context, including affordable housing. The Township will assist the local District Social Services Administration Board in the achievement of the district wide affordable housing target of 15% by providing opportunities for additional residential units, farm worker housing, additional needs housing and other housing options, appropriate for a rural context.

5.4.3.3 Energy Efficiency and Air Quality

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

5.4.4 Public Parkland

5.4.4.1 Objectives

It is the objective of this Plan to:

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- a. Establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents
- b. Enhance existing parkland areas wherever possible to respond to changing public needs and preferences
- c. Ensure that appropriate amounts and types of parkland are acquired by the Township through the development process
- d. Encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection
- e. Manage the public open space and parkland areas in a manner that is consistent with the environmental objectives of this Official Plan

5.4.5 General Policies Applying to all Public Parkland

5.4.5.1 Dedication of Land Through the Development Process

Council will require the dedication of five percent (5%) of the land within a residential Plan of Subdivision or consent to be dedicated to the Township as parkland. Two percent (2%) of the land within a non-residential development shall be dedicated as parkland. In the establishment of a Parkland Dedication By-law, In lieu of the above requirements, Council may require cash-in-lieu of parkland, in accordance with the standard parkland dedication rates.

Parkland dedication does not apply to non-for-profit housing development, as defined in the *Development Charges Act*. If the alternative rate is being used, affordable and attainable housing as defined in the *Development Charges Act* is excluded from the calculation of net residential units.

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

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

5.4.5.2 Alternative Parkland Dedication Rate

Council may choose to adopt an alternative parkland dedication rate of 1 hectare per 600 net residential units for residential plans of subdivision through the passing of a Parkland Dedication By-law. Prior to the passing of a by-law to establish an alternative parkland dedication rate, the Township shall prepare a parks plan that examines the need for parkland and shall consult with every school boards with jurisdiction in the municipality and other persons or public bodies.

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If an alternative parkland dedication rate is adopted, Council may require cash-in-lieu of parkland at a rate of 1 hectare per 1000 net residential units. However, at no time can the maximum cash-in-lieu contribution exceed 10 percent (10%) of the value of land if the site is 5 hectares or smaller or 15 percent (15%) of the value of land if the site is larger than 5 hectares. This does not apply if an alternative rate has not been implemented by Council.

5.4.5.3 Use of Monies Received Through the Cash-in-Lieu Process

All monies received under the provisions of Section 5.4.5.1 should be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the *Planning Act*. This policy shall not prevent Council from acquiring a residential lot in a subdivision which will not be used as parkland but will be held as an asset of the Corporation.

5.4.5.4 Parkland Dedication By-law

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

1. The lands to which the by-law is applicable
2. The rate of parkland dedication in accordance with Section 5.4.5.1 of this Plan
3. The development applications which are subject to parkland dedication requirements
4. Land uses which are exempt from parkland dedication requirements
5. In the case of cash-in-lieu, whether the value of parkland will be determined on the basis of raw land prior to approvals or on the basis of value of the individual lot(s) prior to issuance of a building permit

5.4.6 Parkland and Development Policies

5.4.6.1 Parkland Siting and Design

All public parkland shall:

1. Be as accessible as possible and be open to view on as many sides as possible for safety purposes
2. Have direct and safe pedestrian access
3. Incorporate natural heritage features wherever possible into the design of the parkland

4. Be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors

5.5 Technical Studies and Peer Reviews

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

6.0 PLAN IMPLEMENTATION AND ADMINISTRATION

6.1 Plan Implementation

6.1.1 Zoning By-laws

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

6.1.2 Temporary Use By-Laws

The Township may pass temporary use by-laws permitting:

1. Temporary housing
2. Temporary accommodation facilities
3. Temporary tourist uses and facilities
4. Parking lots for a specific one-time event
5. Industrial uses related to the resource and agricultural base of the area and other similar uses

These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. Subsequent by-laws granting extensions of up to three years may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing Zoning By-law. A temporary use by-law does not need to conform to the policies of the Official Plan, and an Official Plan Amendment is not required to pass a temporary use by-law.

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

6. The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use
7. The proposed use shall be compatible with adjacent land uses and the existing and planned character of the surrounding neighbourhood
8. The proposed use shall not require the extension or expansion of existing municipal services
9. The proposed use shall not create any traffic circulation problems within the area, nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads
10. Parking facilities required by the proposed use shall be provided entirely on-site
11. The proposed use shall generally be beneficial to the neighbourhood or the community as a whole
12. The owner has entered into an agreement with the Township and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law

6.1.3 Holding Provisions

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

1. The appropriate phasing of development or redevelopment occurs
2. Development does not proceed until services and utilities are available to service the development
3. Agreements respecting the proposed land use or development are entered into

Council may, by by-law delegate to the Chief Building Official or other designated staff the authorization to remove or amend a holding symbol.

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6.1.4 Site Plan Control

All areas of the Township are designated as proposed Site Plan Control areas under the provisions of Section 41 of the *Planning Act*. All uses may fall under Site Plan Control. Residential development with 10 units or fewer is exempt from site plan control unless the property is located within 120 metres of a water feature or 300 metres from a railway.

Site Plan approval is delegated to the Chief Building Official or their designate. The following items may be regulated under a site plan agreement:

1. The relationship of proposed buildings to adjacent buildings, streets, and public areas
2. The provision of interior walkways, stairs, elevators, and escalators accessible to the public from streets, open spaces and interior walkways in adjacent buildings
3. Exterior design to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or is a matter related to building construction required under a by-law referred to in section 97.1 of the *Municipal Act*
4. Sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities
5. Facilities designed to have regard for accessibility for persons with disabilities

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

6.1.5 Community Improvement

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

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

6.1.5.1 Community Improvement Areas

The entire Township of Chisholm is considered to be a community improvement project area for the purposes of Section 28 of the *Planning Act*. Specifically, areas that provide gateways to the Township and have the potential to attract recreation and tourism investment will provide the basis for future community improvement initiatives.

6.1.5.2 Community Improvement Projects

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

1. The development of seniors' housing or forms of affordable housing
2. The development of a recreational trail and public uses at or near waterfront areas
3. The preservation, rehabilitation, renewal and reuse of heritage resources
4. Improvements to road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles
5. Projects designed to foster accessibility and active transportation in the community
6. Tree planting, remediation and naturalization programs
7. The construction and improvement of buildings and structures that promote energy efficiency

6.1.5.3 Community Improvement Incentives

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

1. reduction or elimination of planning or building application fees
2. reduction of property taxes for a time period that reflects the land owner's contribution to public infrastructure or parkland and,

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3. providing specific grants to property owners to improve the appearance of private land and buildings

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

6.2 Non-Conforming Uses

6.2.1 Intent of Official Plan

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

1. The feasibility of acquiring the property for holding sale, lease or development by the Township for a more appropriate permitted use
2. That the enhancement or enlargement shall:
 - a. Not worsen the non-conforming nature of the property
 - b. Have minimal impacts on the surrounding built environment in terms of noise, traffic, odours, fumes and dust
 - c. Not result in increased danger to surrounding lands uses and the environment
 - d. Be in appropriate proportion with respect to what is normally required by the Zoning By-law
 - e. Have sufficient water and wastewater services to accommodate the development

6.2.2 Role of the Implementing Zoning By-law

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

1. The zoning will not permit any change of use or performance standard that may negatively impact adjoining uses

2. The uses do not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature
3. The uses do not interfere with the appropriate development of the surrounding lands
4. When the use is discontinued, re-zoning may only take place in accordance with the policies and intent of this Plan

6.3 Non-Complying Buildings, Structures or Lots

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

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

1. Does not further increase a situation of non-compliance
2. Complies with all other applicable provisions of this Plan and the implementing Zoning By-law
3. Does not increase the amount of floor area in a required yard or setback area
4. Will not pose a threat to public health or safety

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

In addition, as noted in Section 5.4.2 (New Residential Lots by Consent) new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision or lots that are made larger as a result of a lot addition shall be deemed to comply with the frontage and area requirements of the implementing Zoning By-law.

6.4 Pre-Consultation and Complete Applications

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council may recommend a proponent attend a pre-consultation meeting with staff prior to the submission of a planning application.

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

Subsequent to a submitted application, the Township will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements. Where the proponent requires pre-consultation comments to be provided in writing, such communication shall be circulated to Council as information and become part of the public record.

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

1. Prescribed application fee
2. Completed application form together with requisite authorizations
3. Prescribed information and material as required by *Planning Act* Regulations
4. Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable)
5. Concept plans and/or drawings
6. Any studies as identified as necessary through pre-consultation, if applicable

6.4.1 Supporting Studies and Information

The following list may be consulted by staff and Council to determine necessary information required as part of a complete application to provide a comprehensive review of an application:

Core Studies:

- Environmental Impact Statement (EIS)
- Environmental Site Assessment (ESA)
- Functional Servicing Report (FSR)
- Geotechnical Report
- Hydrogeological Report
- Planning Justification Report (PJR)

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- Transportation Impact Study (TIS)

Contingent Studies:

- Aeronautical Report
- Aggregate/Minerals/Petroleum Resource Impact Assessment
- Agricultural Impact Assessment
- Air Quality/Odour Study
- Arborist Report
- Archaeological Assessment
- Contaminant Management Plan
- Cultural Heritage Impact Assessment
- Economic Viability Assessment
- Electromagnetic Field Management Plan
- Financial Impact Analysis
- Human-made Hazard Impact Study/Assessment
- Impact Assessment for Waste Disposal Sites/Former Landfill Sites
- Lakeshore Capacity Assessment/Water Quality Impact Assessment
- Land Use Compatibility Study
- Minimum Distance Separation Formulae Assessment
- Natural Hazard Impact Study/Assessment
- Noise/Vibration Study
- Rail Safety and Risk Mitigation Report
- Servicing Options Report
- Wildland Fire Assessment
- Wind Study

It should be noted that the completion of a study as listed above does not ensure development proposals will be approved; rather, they are required to provide information that enables the planning authority to make an informed decision.

6.4.2 Technical Studies and Peer Reviews

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

6.5 Amendments to the Plan – Public Notice

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

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1. Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections
2. Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps
3. Corrects grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps
4. Translate measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed

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

6.6 Interpretation of Land Use Designation Boundaries

The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.

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

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

6.7 Definitions

For the purposes of interpretation this Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Planning Statement 2024, and other applicable legislation shall apply. In all other instances terms shall be defined in accordance with common usage and if necessary, reference to the **Canadian Oxford Dictionary, 2nd Edition**.

6.8 Official Plan Review Process

The assumptions, objectives and policies of this Plan shall be reviewed and revised no less than 10 years after a new Official Plan comes into effect and every five years after.

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Council shall hold a special meeting, open to the public, which shall be advertised in accordance with the *Planning Act*, as amended to discuss the revisions that may be required. The official plan review shall consist of an assessment of:

1. The continuing relevance of the vision that forms the basis of all policies found in this Plan
2. The degree to which the objectives of this Plan have been achieved
3. The supply and location of vacant rural lots in relation to population and growth forecasts
4. The Township's role within the District of Nipissing and its relationship with other municipalities
5. Development trends in the District of Nipissing and their effect on development in Chisholm
6. The Plan's regard to matters of provincial interest; conformity to provincial plans; and consistency with provincial policy statements



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