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# Lakehead Rural Planning Board

## Official Plan for the Geographic Townships of Gorham, Ware, and the Dawson Road Lots, Lots 1-20 Concession A and B, East of the Kaministiquia River



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# Lakehead Rural Planning Board

## Official Plan for the Geographic Townships of Gorham, Ware, and the Dawson Road Lots, Lots 1-20 Concession A and B, East of the Kaministiquia River

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## **1.0 INTRODUCTION**

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This Official Plan (Plan) covers the unorganized geographic townships of Gorham, Ware, and a portion of the Dawson Road Lots, Lots 1 to 20, Concessions A and B ('Planning Area') which are within the Lakehead Rural Planning Area. The first official plan for the Townships was established in 2013.

The Lakehead Rural Planning Board (Planning Board) administers this Plan and an implementing zoning by-law.

The Planning Board has initiated a new official plan for the Townships. The Plan is enabled under Section 17 of the Planning Act (Act), as amended. With the adoption of this Plan, the Planning Board will repeal the existing Official Plan, which was adopted in 2013, and amendments thereto. The adoption of this Plan will enable a new official plan for the townships.

### **1.1 Legislative Context**

Section 14 of the Act gives responsibility to the planning board of a territory without municipal organization to prepare a plan suitable for adoption as the official plan of the planning area. Section 14(1) of the Act also requires that the planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to by the board.

As directed by Section 16 of the Act, official plans shall contain goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment of an area without municipal organization. The Act also identifies matters of provincial interest, which are further defined by the 2024 Provincial Planning Statement (PPS). This Plan was drafted, reviewed, and adopted in conformity with the requirements of the Act and is consistent with the 2024 PPS and other policy statements issued under the Act.

The Plan conforms to the 2011 Growth Plan for Northern Ontario (GPNO) and aims to build upon those strategic directions identified in the GPNO to strengthen Northern Ontario.

The Plan will be reviewed in accordance with the Planning Act and may also be amended by the Planning Board to reflect changing circumstances or new priorities in the interim. When amendments are made to the Plan, appropriate amendments will also be made to implementing by-laws so that any such by-law is in conformity with the Plan.

### **1.2 Responsibilities of the Lakehead Rural Planning Board**

With respect to official plans, the Lakehead Rural Planning Board has the responsibility to:

1. Prepare an official plan that is in conformity with the Act, the GPNO, the PPS, and good planning principles.
2. Review the official plan from time to time and make amendments as requested or as necessary, or as required by five-year legislated review periods.
3. Advise and secure the views of the public, local authorities, agencies, and boards with respect to their official plans and amendments.
4. Administer a zoning by-law governing the Planning Area.
5. Promote good planning concepts and principles within the Planning Area.
6. Educate the residents of the Planning Area as to sound planning practices.

The Planning Board is also the approval authority for decisions regarding land use planning matters such as consents, minor variances, zoning by-law amendments and official plan amendments. The LRBP also has the authority to pass holding, interim control, and temporary use by-laws as necessary. The Minister has also delegated consent granting authority to the Planning Board.

### **1.3 Vision**

The vision for the Planning Area is to sustain the balance of existing residential, recreational, and mineral aggregate land uses by promoting environmental protection and maintaining the rural character and quality of life by ensuring land use compatibility.

### **1.4 Goals and Objectives of the Plan**

This Official Plan is a statement of public policies, set out in maps and text, intended as a guide to consistent and rational public and private decisions regarding future development within the Planning Area. All planning decisions are required to conform to the Official Plan as per Section 24(1) of the Planning Act.

#### **1.4.1 Goals**

The goals of this Plan reflect the present and future needs and values of the Planning Board and the residents of the Planning Area. The goals of this Plan are to:

1. Establish policies which manage and direct physical change and the effects on the social, economic and natural environment, of the Planning Area, over the next 25 years.
2. Protect and maintain the rural quality of life.
3. Promote environmental protection and conservation.
4. Encourage resource based economic development within the Planning Area as a means of supporting the local population and contributing to the larger surrounding local area and economy.
5. Ensure that development does not contribute to an increased demand for the provision of public services.
6. Protect the financial well-being of Ontario and of surrounding municipalities.
7. Ensure that the Planning Area's resources are managed sustainably.
8. Secure the health, safety, convenience, and welfare of the residents of the planning area.
9. Reduce the element of speculation arising from uncertainty concerning the manner and sequence of new development, and to serve as a guide to public agencies in assessing the merits of proposals brought before them.

#### **1.4.2 Objectives**

The objectives of this Plan include the following:

1. The Planning Board shall maintain a 25-year supply of residential lands sufficient to meet projected demand and shall encourage development that supports efficient and effective provision of local services at current levels.
2. The Planning Board shall preserve and enhance, where possible, the environmental quality of the area and minimize impacts of land uses on the natural environment and protect the integrity of ecosystems.
3. The Planning Board shall encourage recreational opportunities that are compatible with the natural environment and are economically feasible.

4. The Planning Board shall have regard for the importance of natural resources within the planning area with respect to their contribution to the economic and social well-being of the planning area and its residents, as well as the larger surrounding region.
5. The Planning Board shall have regard for the importance of the aggregate industry in Gorham and Ware Townships. The planning area represents an important source of aggregate, being the prime source of construction aggregate for the City of Thunder Bay, and for public road work throughout the area.
6. The Planning Board shall encourage the protection of cultural heritage resources by, among other means, the designation of such properties under the Ontario Heritage Act.

#### 1.4.3 Planning Principles

The key planning principles will be:

1. Residential development will remain low density, subject to compliance with all other policies and guidance within this Plan.
2. Evolution of a settlement area is not anticipated within the time frame of this Plan.
3. Development will not negatively impact nearby municipalities or the Province, or create undue demands on the services and infrastructure normally provided by those municipalities or the Province.

#### 1.4.4 Population and Household Projections

For the purposes of this review, this planning period is 2025 to 2051. It must be noted that population and household projections for small and slow growing populations have a considerable amount of variability.

Furthermore, precise statistical data for territories without municipal organization is generally absent from Statistics Canada. Most of the geographic area of the Townships have been captured by Statistics Canada through the identification of two designated places: Kaministiquia and Lappe. A designated place is defined by Statistics Canada as a small community that does not meet the criteria used to define municipalities or population centres (areas with a population of at least 1,000 and a density of 400 persons per square kilometre). The boundaries of these designated places roughly align with the boundaries of the Kaministiquia Local Services Board and the Lappe Local Services Board, but does not match precisely with the boundaries of the Planning Area. However, the information contained therein is the most relevant statistical information available for parts of the Planning Area.

Based on the Background Report, the population growth in the Planning Area has remained relatively stable over the last 15 years. The population is estimated to increase from 2,077 in 2021 to 2,546 by 2051. The number of households is expected to grow by 218 dwellings for a total of 1,060 households by 2051. Assuming one household per dwelling, by 2051, there will be demand for an additional 218 dwellings to accommodate new households over the planning period, approximating a need for approximately seven new dwellings per year. The vacant land supply analysis reveals that there are 128 vacant residential parcels in the Planning Area based on MPAC data for properties with road access which could accommodate future residential development. A need for 90 new lots over the life of this Plan has been identified. Therefore, this Plan will permit 90 consents over the planning period.



## **2.0 GENERAL POLICIES**

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The following land use policies apply to all lands in Gorham and Ware Townships, and the Dawson Road Lots, Lots 1-20, Concession A and B, east of the Kaministiquia River unless specifically mentioned for exclusion.

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

The policies of this plan and land use designations are implemented by a zoning by-law enacted and administered by the Lakehead Rural Planning Board and replacing previous Minister's Zoning Orders. Lands shall be zoned consistent with land use Schedules A1 and A2 and zoned also to reflect land use constraints that are shown on Schedules B1 and B2.

### **2.1 Additional Residential Units**

1. Additional residential units (also known as accessory apartments, basement apartments, or in-law suites) are self-contained dwelling units with a separate entrance, located within and subordinate to an existing dwelling unit or within an accessory building, subject to the policies below. Additional residential units will be permitted where a year-round residential use is permitted, subject to the following:
  - a) Only one additional residential unit is permitted on a lot;
  - b) The additional residential unit may be located within the main building or permitted ancillary structure (e.g. detached garage);
  - c) The principal dwelling unit is located in a land use designation that permits the residential use;
  - d) There is adequate private water and sewer capacity to accommodate the additional residential unit;
2. Additional residential units shall not be permitted in the Lake Residential designation.
3. An additional residential unit shall not be severed from the property containing the primary residential use.
4. An additional residential unit in an accessory building shall not be more than 30 metres from the main dwelling.
5. Additional dwelling units shall meet health and safety standards, the Ontario Building Code, Fire Code, and other applicable legislation.
6. The Zoning By-law will provide additional regulations for additional residential units in accordance with the Planning Act.

### **2.2 Bed and Breakfast**

1. Bed and Breakfast establishments may be permitted in areas where residential uses are permitted subject to an amendment to the zoning by-law.
2. Bed and Breakfast establishments are permitted based upon the following criteria:
  - a) The establishment shall be located on an open road maintained year round by the Local Roads Board or the Ministry of Transportation (MTO).
  - b) The establishment shall be located within an existing residential dwelling.
  - c) The establishment shall have sufficient site area to accommodate on-site recreation amenities, adequate on-site parking, and provide adequate buffering for any adjacent use.

- d) The establishment shall have a minimum of one bedroom more than the bedrooms that are committed to bed and breakfast use, and such use shall be managed and carried out by the occupant of the residential building.

### **2.3 Climate Change**

This Plan shall promote sustainability through energy conservation, water conservation, air quality improvement, and waste reduction by encouraging:

1. Energy conservation and the use of renewable energy systems.
2. Reuse and multiple uses of treated water, including stormwater.
3. Planting of native and non-native trees, shrubs, and other ground vegetation that are resilient to climate change for temperature reduction and infiltration.
4. Innovative waste collection and diversion programs.
5. Adaptive reuse of older and existing building stock.
6. Infrastructure and public service facilities to be provided in an efficient manner that prepares for the impacts of a changing climate.
7. Walking, bicycling, and carpooling as alternatives to private automobile use.
8. Protection, enhancement, and restoration of significant natural heritage features and areas.
9. Greater use of permeable surfaces and pervious pavement, where appropriate, to reduce flood risk.
10. Any new development to be located away from natural and human-made hazards in order to protect human health and safety from the risks posed by a changing climate.

### **2.4 Crown Lands**

The Planning Board recognizes that resource management activities on Crown Lands are desirable for environmental, social, and economic reasons.

1. The Ministry of Natural Resources and Forestry (MNRF) is encouraged to have regard for the policies and schedules of this Plan and to consult with the Lakehead Rural Planning Board with respect to the use and disposition of Crown Lands.
2. The MNRF is encouraged to require that a Letter of Conformity from the Lakehead Rural Planning Board be obtained prior to the issuance of work permits on Crown Lands.
3. Resource management activities shall be conducted in accordance with the standards and guidelines established by the MNRF.
4. Authorization for occupation or use of Crown Lands shall be required from MNRF.
5. Development proposals on lands adjacent to Crown Lands shall be reviewed in consultation with the MNRF.

### **2.5 Forestry**

This Plan promotes the maintenance and rehabilitation of forest resources. Forest resources provide a significant economic, social, and environmental benefit in the form of income from forest products, recreation, education, soil and water conservation, wildlife habitat, buffers between land uses, and natural amenities.

1. Property owners are encouraged to seek the assistance of the MNRF in the management of their forest resources.
2. The maintenance of a forest setback or continued forest cover along lakes, rivers, and stream banks is encouraged.
3. Reforestation in areas where forest resources have been depleted is encouraged.

## **2.6 Group Homes**

A group home is defined as a housekeeping unit in a residential dwelling in which up to 6 residents, excluding staff, live as a family under responsible supervision.

1. Group homes are permitted in all areas where year-round residential uses are permitted.
2. All group homes shall be licensed or approved under provincial statute and be in compliance with the zoning by-law.

## **2.7 Home Based Businesses**

The zoning by-law shall contain regulations with respect to home-based businesses. These regulations shall indicate, among other matters, the zones in which home based businesses are permitted and the types of activities which shall be considered.

1. Generally, home-based businesses shall include home occupations or professions which are conducted entirely within a dwelling unit, while home industries are conducted primarily within an accessory building and/or involve open portions of the parcel.
2. Home based businesses shall not be offensive or create a nuisance such as noise, odour, traffic generation, or other means.
3. The home-based business shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area.
4. Home based businesses with entrances located adjacent to provincial highways shall meet any requirements for permits required by MTO.

## **2.8 Mobile Home Park**

There are six mobile home parks in Gorham Township. Mobile home parks are subject to the following policies:

1. New mobile home parks shall not be permitted in any designation as the density and servicing requirements are not compatible with the desired rural environment.
2. Expansions to mobile home parks will be discouraged.
3. Any expansion to any existing legal mobile home park will require an amendment to this Plan and an associated amendment to zoning.

## **2.9 Recreation and Open Space**

The Planning Area is fortunate to have parks and open space amenities that allow for both formal and informal recreational activities all year round. Most notable is the Wishart Conservation Area and the Hazelwood Lake Conservation Area which are operated by the Lakehead Region Conservation Authority (LRCA). Both feature recreational trails, and the Hazelwood Lake Conservation Area also includes a beach, picnic area, canoe launch area, and various paddling routes. Other community amenities include the Kam Community Centre and the Lappe Ski Centre which includes ski trails, a skating rink, and houses the Lappe Nordic Ski Club. It is noted that these features are not operated by the Planning Board.

The existing recreation and open space facilities that are available to the residents of the Planning Area are considered suitable. However, due to the varied scenic qualities of the Planning Area, opportunities are available to provide for additional recreational and open space facilities.

1. The provision of additional public and private recreational and open space facilities at appropriate locales for the use by local residents, district residents, and tourists is encouraged.

2. Any new public and private recreational opportunities shall not provide an undue financial burden on the Planning Area or conflict with existing land uses.
3. The Planning Board shall encourage opportunities for public access to shorelines as part of the development approval process.

### **2.10 Wayside Pits and Quarries, Portable Asphalt Plants, and Portable Concrete Plants**

Wayside pits and quarries, portable asphalt plants, and portable concrete plants are temporary operations established by or on behalf of a public road authority on short notice solely to fulfill an immediate road construction or maintenance need.

1. Wayside pits and quarries, portable asphalt plants, and portable concrete plants are permitted throughout the Township without the need to amend this Plan or the Zoning By-law except in areas determined to be incompatible with extraction and associated activities including areas of existing sensitive land uses or environmental sensitivity such as designated natural heritage features or defined adjacent lands.
2. Adequate buffering and visual screening shall be provided to minimize any adverse effect of dust and noise on adjacent roads, land uses, waterbodies, and watercourses. Sites are regulated in accordance with the Aggregate Resources Act.
3. An archaeological assessment shall be required if the subject site is located in an area of archaeological potential. Areas of archeological potential are identified through the application of criteria established by the Province or an Archaeological Management Plan.

## **3.0 LAND USE POLICIES**

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### **3.1 Rural**

Lands designated as Rural on Schedules A1 and A2 are intended to protect the natural amenities of the area and provide opportunities for timber, agriculture, wildlife, tourism, and resource-based recreational activities. Some limited residential development is permitted in accordance with the policies of this Plan. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage landscape. The majority of rural lands within the Townships are designated Rural.

#### **3.1.1 Rural Residential**

Rural residential uses shall be permitted in the Rural designation on existing lots of record and on lots created through the consent process in accordance with the consent policies of this Plan.

1. Recreational dwellings and limited low density residential development is permitted in the Rural designation and shall generally be single detached dwellings.
2. New rural residential uses shall be compatible with nearby land uses, as required in section 2.8.
3. In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - a) Resource use would not be feasible; or
  - b) The proposed land use or development serves a greater long-term public interest; and
  - c) Issues of public health, public safety and environmental impact are addressed.

4. New rural residential uses shall not conflict with existing agricultural operations and must comply with the Minimum Distance Separation I criteria, as amended from time to time.
5. No new rural residential lot shall be smaller than 2.0 hectares unless a smaller lot size is supported by a hydrogeological study and can be safely serviced by a private water supply and sanitary sewage disposal system, approved by the Thunder Bay District Health Unit, in accordance with the policies of this plan and Ministry of Environment, Conservation, and Parks (MECP) guidelines.

### 3.1.2 Agricultural

Agricultural uses, including farm operations, agriculture-related uses, on-farm diversified uses, and normal farm practices, are permitted in the Rural designation subject to the policies below: New land uses including the creation of lots, and new or expanding livestock facilities shall comply with Minimum Distance Separation (MDS) Formulae and will be placed in the proper zoning category.

1. Where the MDS Guidelines provide options for planning authorities, these will be evaluated on a site-specific basis. The application of MDS scenarios where flexibility exists will be established in the implementing zoning by-law.
2. Existing agricultural uses are permitted to continue in and adjacent to natural heritage features.

### 3.1.3 Mineral Mining

The entire Planning Area is characterized as having a high Metallic Mineral Potential Estimation Tool (MMPET) index. MMPET mapping has not been included in the land use schedules since the entirety of the Planning Area has high mineral potential. There are two abandoned mine hazards currently present in the Planning Area as shown in Schedule A1. Mining activity is regulated by the Mining Act and administered by the Ministry of Mines. Various Acts administered by the MECP and other Federal and Provincial legislation also apply. As such, this Plan does not regulate mining exploration or underground mining operations. Notwithstanding, surface operations associated with mines may be subject to the Planning Act, this Plan, and MECP guidelines respecting incompatible uses. The following policies shall apply to mining uses in the Rural designation:

1. For lands to be used for a mineral mining operation, an amendment to the Zoning By-law shall occur where such lands are not pre-zoned.
2. Permitted uses in the Rural designation may include mining and mining-related uses, mineral aggregate uses, smelting and refining uses, pits and related uses, and accessory uses and structures associated with mining.
3. In considering an amendment to the Zoning By-law to permit a mining or mining-related use or the expansion of an existing use, the Planning Board will consider:
  - a) The impact on the environment, particularly new mining operations, which must be located where there will be little or no impact on natural heritage features and areas.
  - b) Indirect impacts on utilities and services.
  - c) The impact on surrounding land uses.
  - d) The aesthetic appearance of the proposed development.
  - e) The benefit of the mining or mining-related use.
4. Mineral exploration is permitted without a Zoning By-law Amendment.
5. This Plan recognizes the concept of an influence area in order to offer mutual protection from incompatible uses for sensitive land uses or the extraction and

processing activities in areas protected for mineral mining operations. Unless a detailed study recommends otherwise, 1,000 metres from the edge of a mining operation or abandoned mine site (AMIS) will be considered as an influence area. When development is proposed within a 1,000-metre radius of AMIS site, the Ministry of Mines is to be contacted for information regarding mine hazards. Development proposals will be considered based on studies of compatibility, environmental impact assessment, groundwater, noise, dust, vibration, and other appropriate matters.

6. Past producing mining operations or active mining operations are subject to the provisions of the Mining Act with respect to rehabilitation and/or closure.

#### 3.1.4 Aggregate Resources

Aggregates such as sand, gravel, and other materials are non-renewable resources. Aggregate resource extraction should be considered an interim land use. Rehabilitation of aggregate extraction operations is required, and sites will be returned to productive uses compatible with surrounding land uses. This Plan provides for the continuation and expansion of existing pits and quarries and the introduction of new pits and quarries, and accounts for potential impacts of pits and quarries on other land uses.

Pits and quarries are regulated under the Aggregate Resources Act (ARA). The Planning Area is designated under the ARA. Therefore, the ARA and associated regulations apply to private land and Crown Land within the Planning Area.

The following policies shall apply to aggregate resource uses in the Rural designation:

1. Proposed new or expanding pits and quarries are permitted by this Plan, subject to a Zoning By-law Amendment. The supporting information from the applicant shall include, but not necessarily be limited to, the following:
  - a) The location, nature, and extent of the aggregate resource.
  - b) The nature and location of adjacent land uses.
  - c) The location of access and haulage routes.
  - d) Reports from qualified professionals regarding traffic, haulage routes, separation distances, noise, blasting, hydrogeology, drainage, environmental impact, archaeological assessment, heritage impact assessment, and any other relevant matters.
  - e) Mining or quarry plans and supporting information related to site development, landscaping and buffering, operations, decommissioning, and progressive and final site rehabilitation.
  - f) Initiatives proposed to be undertaken for mineral aggregate resource conservation such as the use of accessory aggregate recycling facilities within operations.
2. Aggregate resources shall be considered and protected when making all land use planning decisions.
3. Aggregate resources and aggregate extraction shall be protected from development that may preclude or hinder their extraction or expansion of continued use, and the resources shall be utilized in accordance with proper controls.
4. The implementing Zoning By-laws will zone existing pits and quarries.
5. The minimum separation distance for an aggregate operation is intended to offer mutual protection from encroachment by incompatible uses for both sensitive uses and extractive activities. The minimum separation distance shall be no less than:
  - a) 300 metres from a pit; or
  - b) 500 metres from a quarry.

6. The minimum separation distance in Section 3.1.4.5 may be reduced following submission and acceptance of appropriate studies and mitigation plans to the Planning Board demonstrating how compatibility is to be achieved between the potentially conflicting uses.

Additional information regarding aggregate extraction can be found in Section 4.0.

### 3.1.5 Commercial and Industrial

Rural commercial and industrial uses which provide for the basic and immediate needs of the rural population shall be permitted. Other commercial and industrial uses should be discouraged and directed to locate in municipal areas. Commercial and industrial uses shall be permitted subject to the following requirements:

1. A zoning by-law amendment is required for all commercial and industrial uses except for forestry-related commercial uses.
2. The proposed use shall be located on provincial highways or on open roads maintained year-round by the Local Roads Boards.
3. The use must be appropriate for the proposed location and be compatible with surrounding land uses.
4. Appropriate landscaping, screening, and buffering shall be provided.
5. Adequate parking and loading spaces will be provided.
6. Advertising signage and outdoor storage of goods and materials will be appropriately controlled.
7. The uses shall be dry uses that do not require large amounts of water for processing, cooling, washing, or manufacturing.
8. Site conditions shall be suitable for the long-term provision of individual on-site sewage services and water services.
9. The proposed use shall meet the requirements and separation distances set out in MECP's D-Series Guidelines, as amended from time to time.
10. For a use that may have the ability to compromise or contaminate the subject lands, the proponent shall submit a remediation plan to be used upon the discontinuation of use to the satisfaction of the Planning Board and the applicable Ministry(ies).

### 3.1.6 Tourist and Recreational

Tourist and/or recreational uses including, but not limited to, sports and recreation clubs, tourist facilities, shoreline parks, boat launches, nature trails, and wildlife reserves are permitted in the Rural designation. Recreational and tourist commercial uses such as marinas, golf courses, campgrounds, bed and breakfast establishments, antique outlets, tent and trailer parks, and other such uses are also permitted in accordance with the following:

1. Tourist and recreational uses shall be appropriate for the proposed location and be compatible with surrounding uses.
2. Adequate parking and loading spaces shall be provided.
3. Advertising signage and outdoor storage of goods and materials will be appropriately controlled.

### 3.1.7 Institutional

Institutional uses that provide local public services such as schools, public offices, cemeteries, and fire halls shall be permitted in the Rural designation, subject to a Zoning By-law Amendment.

## 3.2 Lake Residential

Lands designated Lake Residential on Schedule A1 and A2 relate to the development pattern of permanent and seasonal residential uses which directly front on and functionally relate to several of the lakes in the Planning Area. It is intended that development on lands in the Lake Residential designation shall only occur where significant natural heritage features and areas are preserved, and where the ecological functions, including lake water quality, are maintained.

Permitted uses in the Lake Residential designation include seasonal dwellings, existing year-round residential dwellings, outdoor recreational uses, and limited tourism related uses.

### 3.2.1 Residential

Residential development in the Lake Residential Area is permitted in accordance with the following provisions:

1. On existing lots of record or on lots created through the consent process in accordance with the consent policies of this Plan.
2. Each lot shall be large enough to accommodate the safe and efficient use of private water supply and sanitary sewage disposal systems approved by the Thunder Bay District Health Unit.
3. Each lot shall be a minimum of one hectare in area and have 45 metres shoreline frontage, or, where safe servicing can be provided in accordance with the policies of this plan and MECP's guidelines, may be smaller.
4. The development is on an open public road maintained year round by the Local Roads Board or MTO.
5. No new extensions of public roads are permitted to accommodate new residential development.
6. Development shall take place in areas suitable for the use taking into consideration such factors as location, surrounding uses, drainage, water quality, and soil conditions.
7. No adverse environmental impacts are anticipated from the development with respect to the trophic level and water quality of the lake.
8. New residential uses within a buffer area of 90 metres from an area identified as an Aggregate Resource Area, whether on a new lot or on a lot of record, shall require a zoning by-law amendment.

### 3.2.2 Tourist and Recreational

Minor recreational and tourism uses shall be permitted in the Lake Residential designation including passive recreational uses and open space uses such as picnic areas, boat launches, scenic lookouts, hiking and riding trails, conservation uses, and nature preservation.

Commercial recreation uses may be considered subject to:

1. An amendment to the zoning by-law.



2. Studies demonstrating the suitability of the land by considering the location, surrounding uses, water quality, drainage, soil conditions, and traffic generation.
3. Consultation with the MECP and MNRF.
4. Establishing that the use will not result in overuse of the lake.

### 3.2.3 Lakes at Capacity

Surprise Lake, Trout Lake, and Greenpike Lake all have extensive development and total phosphorus concentrations suggesting that they are already over capacity. As such, a Lakeshore Capacity Assessment is required prior to lot creation or further development within 300 metres of these lakes as they already have a history of water quality issues.

There are specific circumstances outlined in the Lakeshore Capacity Assessment Handbook (2010) when development may be allowed on at-capacity lakes or on lakes that have modeled or measured dissolved oxygen concentrations that are less than NDMNRF's criterion for lake trout lakes.

1. New lot creation and other planning approvals should only be allowed if the following circumstances exist:
  - a) Lot creation is to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake.
  - b) Where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity; or
  - c) Where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake.
  - d) Each lot shall be a minimum of 2.6 hectares in area and have 60 metres of frontage to accommodate the requirements listed in 3.2.3.1 a to c.

### 3.2.4 Vegetative Buffers

Shoreline vegetative buffers are essential to maintaining and improving water quality. Shoreline vegetation acts as a filter, protecting lakes, streams and rivers from runoff from lawns and roads. Vegetation also stabilizes the shoreline and helps prevent erosion from storm runoff, wave action and ice. Wildlife and fish also benefit from shoreline vegetation on land and in the water.

1. New development along shorelines, such as boathouses, docks or other accessory structures, will be integrated, where possible, into the landscape such that vegetation is maintained and enhanced within the shoreline buffer area to:
  - a) protect the riparian and littoral zones and associated habitat;
  - b) protect the quality of the water by preventing erosion, siltation and
  - c) nutrient migration;
  - d) maintain shoreline character and appearance; and,
  - e) minimize the visual impact of development.
2. The Planning Board will encourage maximizing the natural vegetation along with shoreline by maintaining a shoreline buffer area in a natural state to a depth of 30 metres from the normal high water mark of a lake or river, while allowing for a shoreline access corridor and a fire separation break around buildings.

### 3.3 Environmental Protection

Lands designated as Environmental Protection on Schedule A1 and A2 are intended to avoid negative impacts to life or property arising from flooding, erosion, or unstable soils. Additional information regarding natural hazards can be found in Section 7.0.

Due to a lack of data on flood plain mapping, the environmental protection designation is based on the "Use Limitation" designation as identified in old mylar maps.

1. The following uses may be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards and any such development shall exclude any buildings or structures related thereto: agricultural and related uses; forestry; open space; recreation uses; resource extraction; uses which assist in conserving or managing water, wildlife or natural heritage features, and existing uses.
2. Institutional and other sensitive uses shall not be permitted.
3. New buildings, structures, or placement or removal of fill, or alteration of waterways shall not be permitted.
  - a) Except where such are intended for flood or erosion control or are normally associated with watercourse protection works or bank stabilization projects and are approved by MNRF.
4. A zoning by-law amendment to permit development in this designation is subject to:
  - a) A topographical survey.
  - b) Building elevation plan.
  - c) Stormwater management plan.
  - d) Servicing plan.
  - e) Demonstration of how the mitigation measures and appropriate setbacks for erosion, flooding, and instability hazards are adhered to.
  - f) Demonstrate that new or existing hazards are not created or aggravated.

## 4.0 AGGREGATE EXTRACTION

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Under present legislation, mining activity is regulated by the Mining Act and administered by the Ministry of Mines. Various Acts administered by the Ministry of the Environment, Conservation and Parks (MECP) and other Federal and Provincial legislation also apply. Pits and Quarries are regulated by the Ministry of Natural Resources and Forestry (MNRF) under the Aggregate Resources Act (ARA). As such, Official Plans do not regulate mining exploration or underground mining operations. This Plan shall protect the mineral and aggregate resource areas as is practicable in order to supply local, regional, and provincial needs.

According to the Metallic Mineral Potential Estimation Tool, the entirety of the Townships has high mineral potential. Listed within the Ontario Mineral Inventory (OMI) database are 11 sites within the Planning Area and three within 1 km of the Planning Area boundary. The OMI sites are most associated with gold. Other minerals found in the Townships include granite, silver, zinc, copper, nickel, platinum group elements, molybdenum, and iron.

There are two known and recorded Abandoned Mines Information System (AMIS) sites within the Planning Area (shown on Schedules A1 and A2). The sites are Class C, which are not expected to have potential concerns regarding receiving environments or on-site public health concerns, however they have potential for serious injury or death to occur.

AMIS #	AMIS Name	Class	Hazards
08495	Thunderhead	C	Open adit
08496	Gorham	C	Adit portal

There are several active pits and quarries in the Townships. The information is summarized below:

Township	Pit	Quarry	Both
Gorham	22	0	5
Ware	6	1	2
Dawson Road Lots	0	0	0
Total	28	1	7

1. Mineral and/or aggregate resource operations, deposits, and areas of potential mineral resources will be protected from incompatible land uses that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact.
2. Lands with active mineral or aggregate resource operations shall be zoned accordingly and non-resource operations should be restricted. Development on lands adjacent to mineral resource operations or adjacent to areas of deposits will be permitted if:
  - a) The development would not preclude or hinder the continuation of existing operation.
  - b) The development would not preclude the development of the resource.
  - c) Issues of public health, public safety, and environmental impact are addressed.
3. Rehabilitation of mineral resource lands will be required after extraction and other related activities have ceased. Lands may be re-zoned from mineral resource uses following rehabilitation.
4. Development will be restricted through zoning in areas of past mining activity until it can be demonstrated to the satisfaction of the Ministry of Northern Development (MND) and Ministry of Mines (MM) that the area does not constitute an abandoned mine hazard or until measures have been taken to address and mitigate known or suspected abandoned mine hazards that may impact the proposed development.
5. Abandoned mine hazards may pose a risk to public health and safety and the environment. The Planning Board shall require applicants for any proposed development within 1,000 metres of an Abandoned Mine Hazard Site to consult with the Ministry of Mines regarding the nature of the hazard, and to undertake any remediation measures as required under the Mining Act.

## 5.0 NATURAL HERITAGE

The Planning Area is comprised of numerous water bodies, forests, and picturesque natural heritage including Hazelwood Lake, Surprise Lake, Trout Lake, and many smaller lakes and rivers. Planning for and protecting natural heritage systems contributes to restoring and enhancing ecologically sustainable and resilient landscapes. Benefits to identifying and preserving natural heritage features include water purification, flood control, soil retention, improved air quality, pollination, climate change mitigation, and places for outdoor recreation and activities.

### 5.1 Significant Wetlands

Wetlands are lands that are seasonally or permanently covered by water, as well as lands where the water table is close to or at the surface. The four major types of wetlands are swamps, marshes, bogs, and fens. Wetlands are valuable in their natural state for biological, social, and hydrological reasons.

There are three Provincially Significant Wetlands partially located in the Planning Area as of the date of adoption of this Plan: Neebing River, McVicars Creek, and Lappe.

1. Development and site alteration within Provincially Significant Wetlands is not permitted. The only permitted uses shall be:
  - a) Open space and passive recreational uses which do not involve site alterations and do not adversely affect the natural features or ecological functions of the wetland.
  - b) Conservation uses which improve the ecological functions of the wetland.
  - c) Uses of a scientific or educational nature.
2. Development and site alteration shall also not be permitted on adjacent lands within 120 metres of a Provincially Significant Wetland unless an Environmental Impact Study (EIS), which is carried out by a qualified professional, has evaluated the ecological function of the adjacent lands, and has demonstrated that there shall be no negative impact on the adjacent lands' natural features or their ecological function.
3. Existing agricultural activities are permitted in Provincially Significant Wetlands and lands within 120 metres.
4. New utilities/facilities shall be located outside Provincially Significant Wetlands, where possible.

## 5.2 Fish Habitat

The Planning Area's shorelines, streams, and lakes support a variety of fisheries. Fish habitat areas may include staging and/or spawning grounds, and nursery, rearing, food, and migration areas on which fish depend in order to carry out their life cycle. However, these habitats are vulnerable to degradation from a variety of sources. NDMNRF is the provincial fisheries manager and shall be consulted to determine what fish community information may be available for a specific location prior to development. Known fish spawning areas and significant fish habitat are indicated on the Schedule B1 and B2 to this Plan.

Serious harm to fish that are part of a commercial, recreational, or Aboriginal fishery or harm to fish that support such a fishery is prohibited under the Fisheries Act.

The following lakes, rivers, streams, and their tributaries are recognized as fish habitat areas:

Bentley Lake	Oliver Lake	Bentley Creek	McVicar Creek
Chubb Lake	Onion Lake	Current River	Pine River
Dufault Lake	Surprise Lake	Depot Creek	Portage Creek
Golding Lake	Thompson Lake	Ferguson Creek	Strawberry Creek
Greenpike Lake	Town Lake	Kaministiquia River	Surprise Creek
Hazelwood Lake	Trout Lake	McIntyre Creek	

It is possible that other resources could be identified.

1. Development and site alteration shall not be permitted in identified fish habitat except in accordance with provincial and federal requirements.
2. Development and site alteration shall not be permitted within 30 metres of fish habitat, except in accordance with relevant provincial and federal requirements. Development that proposes a decrease to the 30-metre setback shall only take place where it has been demonstrated, through a fish habitat assessment, that a net environmental gain of the productive capacity of the area will be achieved. In this assessment, a fish habitat biologist shall be required to provide a detailed impact analysis exploring development design and location options for the purpose of clearly demonstrating avoidance of any predicted harmful impacts.
3. Development in areas within 120 metres of fish habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with Section 4.2 of this Plan, has

demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.

4. For any development or works in water and on shorelands (including those that are privately owned) within the Planning Area, property owners should complete a self-assessment to determine if their project requires review under the Fisheries Act. The self-assessment tool can be found here: <http://www.dfo-mpo.gc.ca/pnw-ppe/review-revue-eng.html>.

### **5.3 Habitat of Endangered and Threatened Species**

Habitat of Endangered Species and Threatened Species is defined based on the Endangered Species Act and the Species at Risk in Ontario (SARO) list.

1. Proposals for development and site alteration shall be screened for areas of documented occurrences of endangered and threatened species including general and regulated habitats and shall be required to demonstrate compliance with the Endangered Species Act. In order to protect the exact location of such habitat or species, these areas are not mapped and MECP may be consulted for further information.
2. Where there is potential habitat of endangered and/or threatened species, an ecological site assessment (ESA) will be required in support of a planning application. Development and site alteration may be permitted in the Habitat of Endangered or Threatened Species and adjacent lands. For adjacent lands to Habitat of Endangered and Threatened Species, reference will be made to the regulations of the Endangered Species Act.

### **5.4 Significant Wildlife**

Significant wildlife habitat provides an important ecological function and contributes to the quality or diversity of a geographic area or natural heritage system. Significant wildlife habitat provides food, shelter, water, and space to sustain specific animal, plant, or other organism groups. Significant wildlife habitat may also be characteristic of that used by species during an important or vulnerable point of their life cycle, such as breeding or migration. Significant wildlife habitat identified in the Planning Area includes nesting sites, deer and moose wintering areas, and aquatic feeding areas.

1. Development in areas of significant wildlife habitat or within 120 metres of significant wildlife habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with Section 4.2 of this Plan, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.
2. Mitigation measures beyond 120 metres of the feature may be required to ensure no negative impact on the habitat or its ecological function.
3. Opportunities to maintain, enhance, and improve the quality of air, land, water, and plant and animal life, and maintain the biodiversity of indigenous natural systems, and protect natural links and corridors used for wildlife migration is encouraged.

### **5.5 Areas of Natural and Scientific Interest (ANSI)**

ANSIs are areas of land and water containing natural landscapes or features which have been identified as having life science or earth science values related to protection, appreciation, scientific study, or education. These areas have been identified by MNR. There are currently no ANSIs identified in the Planning Area.

1. Development and site alteration shall not be permitted within significant ANSIs or on adjacent lands within 120 metres of significant ANSIs unless an EIS, which is carried out by a qualified

professional, has demonstrated that there shall be no negative impact on the natural features or their ecological functions.

## **6.0 CULTURAL HERITAGE**

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The Planning Board shall encourage the conservation, protection, and rehabilitation of cultural heritage resources, as well as encourage and foster public awareness, participation, and involvement in the conservation of these resources. Cultural heritage resources include, but are not limited to the following: archaeological remains and sites; cemeteries and burial grounds; buildings and structural remains of historic and/or architectural value; and human-made districts or cultural landscapes of historic and scenic interest.

The Planning Board shall develop a protocol and collaborative process for conserving cultural heritage resources with the Fort William First Nation (FWFN). The FWFN shall be notified immediately upon any potential archaeological findings, and meaningfully consulted and accommodated prior to any archaeological work commencing.

All new development shall be planned in a manner that preserves and enhances the context in which the cultural heritage resources are situated.

1. All new development shall have regard for cultural heritage resources and shall wherever possible incorporate these resources into the development plans.
2. Property specific evaluations may be required as a condition of development approval where it is thought that cultural resources may be contained on the lands.
3. The Planning Board shall require archaeological assessment by archaeologists licensed under the Ontario Heritage Act. Development and site alteration shall not be permitted in areas where there are known cultural heritage resources and/or areas exhibiting archaeological potential within the Planning Area unless an archaeological assessment has been carried out. These archaeologists must be approved by FWFN prior to commencing any archaeological work in the Planning Area.
4. Alterations to known archaeological sites must only be performed by licensed archaeologists.
5. Any significant archaeological resource or site identified may be preserved in-situ to ensure that the integrity of the resource is maintained and/or, if recommended by archaeological assessment, may be excavated by a licensed archaeologist. Where significant archaeological resources must be preserved on site, development and site alteration will be permitted only where the archaeological resources have been assessed, documented, and conserved. The FWFN shall be notified immediately upon any potential archaeological findings, and shall be meaningfully consulted and accommodated prior to any archaeological work commencing.
6. The Planning Board shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Public and Business Delivery when a known or suspected cemetery or burial site has the potential to be affected by land use development. The provisions under the Ontario Heritage Act and the Funeral, Burial, and Cremation Services Act shall apply.
7. The Planning Board shall have regard for the conservation of all significant cultural heritage resources during the undertaking of public works or environmental projects. When necessary satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservations policies of this plan.
8. The Planning Board shall encourage local utilities companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources, and which do not have a negative impact on the archaeological integrity of those resources.

9. The Planning Board shall require any person who proposes to demolish or alter a property designated under Part IV of the Ontario Heritage Act to submit an application to the Planning Board for approval under the Ontario Heritage Act. The application shall be accompanied by the material prescribed in O. Reg 385/21.
10. The Planning Board shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction, the establishment of new operations, or the expansion of existing operations. When necessary, the Planning Board shall require satisfactory measures to mitigate any negative impacts on cultural heritage resources.
11. An archeological assessment will be required for any ground disturbing activity associated with wayside pits and quarries if the subject property is located in an area of archaeological potential.
12. The Planning Board shall enter into a data sharing agreement with the Province in order to obtain data and maps of registered/known archaeological sites located within the Townships. In addition, data and maps of any designated or locally significant cultural heritage resources located within the Townships shall be maintained for planning review. The Planning Board shall regularly update archaeological resource mapping under the provisions of the Provincial data sharing agreement.
13. The Planning Board with the advice of the MTCS may undertake the preparation of an Archaeological Management Plan, which will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Planning Area having archaeological potential. The Management Plan may also outline policies, programs, and strategies to protect significant archaeological sites.
14. The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under Section 34 of The Planning Act or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

## **7.0 PROTECTION OF PUBLIC HEALTH AND SAFETY**

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This section of the Plan addresses natural and human made hazards. Natural, physical, and environmental processes can produce unexpected events that may result in damage to property, injury or loss of life, and changes to the natural environment. Natural hazards include flooding, erosion, unstable bedrock, slope failure, and wildland fires.

Human-made hazards result from human activities that modify or disturb the landscape in a way that can threaten the health or safety of humans or the environment. This includes industrial or commercial land uses that contaminate or pollute the ground or water.

### **7.1 Natural Hazards**

The intent of the Plan is to protect human life and property by restricting development within areas identified as being susceptible to natural hazards such as flooding, unstable slopes, and wildland fires.

The following development is strictly prohibited from developing in areas of natural hazards:

1. Uses associated with hospitals, nursing homes, schools, and day cares, where there is a threat to safe evacuation of the sick, the elderly, persons with disabilities, or the young during an emergency as a result of flooding, failure of flood-proofing, and/or erosion.
2. Essential emergency services such as fire, police, ambulance stations, and electrical substations that could be impaired in the case of flooding, failure of flood protection works, and/or erosion.
3. Uses associated with the disposal, manufacture, treatment, or storage of hazardous substances and outdoor industrial storage.

### 7.1.1 Flood Plain

For the purposes of this Plan, a flood plain shall mean low lying lands and watercourse corridors defined by the 1:100 year flood.

1. Development shall not be permitted within the flood plain except for:
  - a) Flood and/or erosion control structures.
  - b) Shoreline stabilization.
  - c) Minor additions and/or renovations to existing structures.
  - d) Minor recreational facilities which, by their nature, must locate near watercourses.
  - e) Uses such as agriculture, forestry, conservation, wildlife management, and similar activities, provided that no associated buildings and structures are located on the flood plain.
2. In areas where 1:100 year flood information is unavailable, a report, prepared by a qualified engineer in support of a development application may be required to determine the boundaries of the flood plain.
3. The Planning Board may permit development on existing lots of record in a flood plain provided sufficient information accompanies the application in the form of a report prepared by a qualified engineer demonstrating that:
  - a) The proposed development and its occupants will be protected from the effects of a 1:100 year flood.
  - b) The potential upstream and downstream impact of the development proposal will not significantly affect the hydrology or hydraulics of the flood plain.
  - c) Adequate flood proofing measures are incorporated in the development.
  - d) The development is limited to uses which by their nature must locate within the floodplain, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.
  - e) Safe vehicular access will be available to the site during times of flooding.
4. Modifications to the flood plain through filling, excavation, or by other means shall not be permitted.
5. Appropriate setbacks may be established in the implementing Zoning By-Law for development adjacent to a flood plain.

### 7.1.2 Unstable Slopes

Erosion, unstable soils, and steep slopes can cause the loss of land, such that the land may be unable to support structures, and therefore pose a threat to life and property. Development shall only be permitted where the effects of such hazards can be avoided or successfully mitigated.

Areas that are susceptible to erosion, unstable soils, and steep slopes have not been mapped in this Plan. As such, this issue should be considered at the time of development review and site assessment.

1. Land uses that are in conformity with the underlying land use designation may be permitted, subject to satisfying the policies of this Section, except for those uses that are explicitly prohibited. The following will be considered in the review of development proposals within hazard areas associated with unstable slopes, and the Planning Board may consult the Province on technical aspects in this regard:
  - a) The existing physical hazards.
  - b) The potential impacts of these hazards.



- c) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering and resource management practices and techniques.
  - d) The costs and benefits in economic, social, and ecological terms of any engineering works or resource management practices needed to overcome these impacts.
  - e) Protection of natural heritage features.
2. Existing buildings and structures shall be recognized as permitted uses.

### 7.1.3 Wildland Fires

Wildland fire hazard and associated risks are created when human activity and development intersect with forested areas. MNRF has reviewed and classified hazardous forest types for wildland fire that are associated with the risk of high to extreme wildland fire. Lands having a high to extreme risk for wildland fire are shown on Appendix A to this Plan.

1. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by MNRF.
2. In the absence of detailed municipal assessments, proponents submitting a planning application may be required to undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands (to the extent possible). If development is proceeding where high to extreme risk for wildland fire is present, measures should be identified by proponents to outline how the risk will be mitigated.
3. Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, or in the habitat of endangered and threatened species except in accordance with provincial and federal requirements.

## 7.2 Human-Made Hazards

The intent of the Plan is to protect people and property from human-made hazards such as contaminated sites, waste disposal sites, mine hazards, and non-compatible land uses.

### 7.2.1 Potentially Contaminated Sites

Contaminated sites are those lands where the environmental condition of the property has been harmed through past activities. While such lands represent a potential hazard due to real or potential environmental contamination, opportunities for brownfield redevelopment may exist. Brownfield sites represent opportunities for potential redevelopment and reintegration into the local community if they are properly remediated to suit a new use of the site.

1. Contaminated sites are not mapped as part of this Plan. The Planning Board will maintain an inventory of contaminated or hazardous sites. The list will describe the location, size of site, and nature of the contamination or hazard at each site. The purpose of the list will be to alert the public of potential contaminated or hazardous sites based on information provided to the Planning Board or gathered during the

course of the Planning Board's routine operations. The Planning Board will take every reasonable effort to maintain a complete and accurate list. This list is to be updated as new information is made available to the Planning Board, but no less frequently than once per year.

2. Prior to development on a site that is known or suspected to be contaminated, a Phase I Environmental Site Assessment (ESA) will be required.
3. Where a Phase I ESA reveals that a site may be contaminated, a Phase II ESA will be required, in accordance with the relevant provincial regulations, to be prepared by a qualified professional to determine the location and concentration of one or more contaminants on the proposed development site.
4. A Record of Site Condition (RSC) may be required prior to, or as a condition of, development approval on a site which may be or is contaminated in accordance with the Environmental Protection Act and relevant provincial legislation or their successors. The RSC details requirements related to site assessment and cleanup and must be acknowledged by the MECP and uploaded to the Brownfields Environmental Site Registry, confirming that the site has been made suitable for the proposed use. The RSC and MECP acknowledgment will be provided to the Planning Board Council prior to final development approval.
5. All contaminated lands may be subject to holding provisions in the Zoning By-law.
6. The Planning Board will encourage owners of potentially contaminated sites to remediate their sites to the appropriate MECP standards so that they may be reintegrated into the community.
7. For policies related to development in and adjacent to waste disposal sites, refer to Section 8.4.

#### 7.2.2 Waste Disposal Sites

The existing or prior use of lands for waste management may have an effect on future land use and use of adjacent lands. Development within proximity to waste disposal sites will be carefully regulated to minimize land use conflicts and the potential for any adverse impacts.

1. Development shall be prohibited on all waste disposal sites located in the Planning Area, including closed sites.
2. Use of any closed Waste Management Sites, including buffer areas, will be in accordance with the Certificate of Approval.
3. Development proposed within 500 metres of an open, closed, or inactive Waste Management Site shall be accompanied by a study prepared by the proponent that meets the requirements of the MECP Guideline D-4: Land Use on or Near Landfills and Dumps. The study must demonstrate that there is no evidence of leachate, methane gas migration, rodents, vermin, or other contaminants present in the soils or ground water supply. The study will also address any mitigation measures required.

MECP has identified the following landfill sites:

1. Goulet Gravel Ltd. – R.R. #16, Site 6 – Gorham Township  
ECA # 8410-4ULKTH

Described as a Waste Disposal Site (Processing) to be used for the processing of solid non-hazardous construction and demolition waste generated within the geographic area of the Districts of Thunder Bay, Rainy River, and Kenora.

2. 336101 Ontario Limited – Lappe Landfill Site – Kam Current Road – Lot 13, Gorham Township

ECA #A7310904

The purpose and conditions associated with this site have changed since its establishment in 1989. As of May 10, 2021, it is used and operated as a 35-hectare Waste Disposal Site (Landfill) within a total site area of 65 hectares, with a maximum capacity not to exceed 3,000,000 cubic metres, for the disposal of 100% solid non-hazardous industrial and commercial waste.

MECP has identified the following former landfill sites:

1. Kapush Gravel Basin Inc.—Dog Lake Road—Lot 16, Gorham Township

ECA #A7310903

Notice 1 (April 8, 2010): 5-year landfill recovery operations.

2. MNRF – Trout Lake WDS and Transfer Site – Ware Township

ECA #4863-7UEKBG (Sept 4, 2009): Described as a Waste Disposal Site (Transfer) to be used for the transfer of municipal solid waste, yard waste, and demolition materials.

ECA #A7252703 (May 27, 2010): Closure, post-closure maintenance, and monitoring of a 0.8 hectare waste disposal site within a total site area of 23.8 hectares. Outlines the closure conditions for the site, which amended the ECA above.

3. Dawson Road Landfill – Dawson Road Lots

ECA #A7064901

Closed in September 2004

MECP is not aware of any hauled septage disposal sites registered in the area.

### 7.2.3 Mine Hazards

Mine hazards may include any feature of a mine or any related disturbance of the ground that has not been rehabilitated, that may pose a risk to human health and property. The approximate locations of potential mine hazards are shown on Schedule A1.

1. For lands occupied by a mine hazard, Ministry of Mines will work with proponents to assess whether hazards under investigation on the property require rehabilitation and will advise as to the proper reclamation protocols, if necessary.
2. Any development on, abutting, or adjacent to lands affected by mine hazards must be supported by consultation with Ministry of Mines, and may require a study prepared by a qualified professional engineer including topics such as:
  - a) Current ownership and rehabilitation status.
  - b) Nature and extent of the mine features.
  - c) Physical stability.
  - d) Chemical stability.
  - e) Contamination.
  - f) Other possible hazards; and
  - g) Risk to public health and safety.
3. Ministry of Mines will work with the Planning Board to confirm whether a mine hazard is present prior to requiring a proponent of development to undertake a study as identified above.
4. Adjacent lands to potential mine hazards are indicated by a 1-kilometre buffer shown on Schedule A1 of this Plan.

#### 7.2.4 Unidentified Hazards

In some circumstances, the scope or extent of a hazard may not be known.

1. Where a proposal is on or near lands that include a suspected hazard or if the extent of a known hazard has not been confirmed, the Planning Board must be satisfied that the proposed development will not be affected. The development proposal should be designed to avoid the hazard or engineered to withstand the hazard where permitted. The Planning Board may require supporting technical studies prepared by a qualified individual to determine the extent of the hazard and appropriate mitigation measures.

### 7.3 Land Use Compatibility

Noise, vibration, odour, and other contaminants resulting from certain uses can impact adjacent land uses and the residents, businesses, and visitors of the Planning Area. Managing these adverse effects is important to ensuring the health and well-being of residents and the compatibility of neighbouring uses so as not to create conflicts.

In reviewing any development application, Council shall be satisfied that the proposed use will be, or can be made to be, compatible with surrounding uses in accordance with MECP guidelines.

1. Influence areas and minimum separation distances between industrial land uses and sensitive land uses will be determined in accordance with MECP Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses. Proponents may be required to provide supporting technical studies, prepared by qualified individuals in accordance with MECP guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures.
2. In the absence of technical studies, prepared according to MECP Guideline D-6 which identify an actual influence area, the minimum separation distances required between industrial uses and residential or other sensitive land uses shall be:
  - a) Class I Industries: 70 metres.
  - b) Class II Industries: 300 metres.
  - c) Class III Industries: 1,000 metres.
3. With the support of technical studies, prepared under MECP Guideline D-6, the following minimum separation distances in accordance with MECP guidelines shall apply between industrial uses and residential or other sensitive land uses:
  - a) Class I Industries: 20 metres.
  - b) Class II Industries: 70 metres.
  - c) Class III Industries: 300 metres.
4. Where residential or other sensitive land uses are proposed in proximity to aggregate operations or lands zoned to permit future aggregate operations, the standards for Class III Industries shall apply.
5. Separation distances between sensitive land uses and sewage treatment facilities shall be measured in accordance with MECP Guideline D-2.
6. New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with MDS Formulae, as amended from time to time.
7. Separation distances or appropriate remedial measures use will be established in the Zoning By-law or through development approval processes.
8. For any proposed residential development or other sensitive land use, such as hospitals and nursing homes, in close proximity to a major source of noise, vibration, or emissions, such as a provincial highway, an airport, a railway or aggregate operation, or where a development which could be a major source of noise proposes to locate in close proximity to existing residential development or other sensitive land use, the proponent may be required to conduct a noise,

vibration, emissions study, or other technical study. The study shall be prepared in accordance with Provincial guidelines, including MECP Environmental Noise Guideline NPC-300 or its successors, satisfactory to the Planning Board. The recommendations may be incorporated into a development agreement.

9. Development proposals for uses that involve the storage or processing of hazardous materials must demonstrate, to the satisfaction of the Planning Board, that they will comply with all relevant Provincial and/or Federal regulations.
10. Development proposals shall be developed in accordance with MECP policy guideline D-5-4 and shall ensure that there is no risk of contamination to potable water supply wells and groundwater resources.
11. Proponents of industrial development shall be required to provide supporting technical studies, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures. Consideration may also be given to the extent to which increased site plan requirements can reduce the potential impacts.
12. Hydrogeological studies shall be required for proposed industrial developments involving storage and disposal of contaminant to the ground, to determine the subsurface conditions and, where necessary, implement appropriate remediation and monitoring program.

## **8.0 INFRASTRUCTURE**

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The Planning Area is serviced through a system of infrastructure, which plays an important role in defining the Planning Area and ensuring its sustainability, in terms of community health and environmental awareness.

The intent of this Plan is to permit only that development which is appropriate to the infrastructure and services that are currently or planned to be available, and to avoid the unjustified expansion of existing infrastructure and public service levels. It is recognized that servicing in an unincorporated area is generally difficult and expensive to provide due to dispersed development patterns consistent with the rural character and the lack of government structures. It is not expected that there will be additional significant demands for community services or facilities above the level that presently exists.

Principles for the use and planning of infrastructure and public service facilities in the Planning Area shall include:

1. The existing services provided by the volunteer fire departments, the Ontario Provincial Police, and other such agencies are considered adequate to meet the needs of the residents of the planning area.
2. The existing public and separate school facilities within the Planning Area fulfill the educational needs of the residents for the foreseeable future.
3. The joint use of recreational facilities between the community at large and the school boards is encouraged, where appropriate.
4. The co-location of existing community services and infrastructure in community hubs, is encouraged where appropriate.

### **8.1 Servicing**

#### **8.1.1 Water Supply**

The major source of water supply in Gorham and Ware Townships and the Dawson Road Lots is from private individual wells. In addition, there are six private communal water systems serving six existing mobile home parks in Gorham Township.

The need for a public water service is not considered feasible over the life of this Plan. Therefore, it is intended that the responsibility for water supply will be with each property owner.

1. Each individual property owner is responsible for obtaining a Certificate from a licensed well driller attesting to the availability of a supply of potable water which meets the quality and quantity standards set out by the Province of Ontario.
2. A proven water supply being not less than 18 litres per hour and meeting acceptable water quality standards shall be required for any newly created well that is to be used for residential, commercial, or institutional purposes that involves occupancy of a building. Evaluation of new development will be undertaken using MECP's Procedure D-5-5 to ensure that drinking water will meet treatable drinking water quality standards for the health parameters.
3. Each lot shall be a minimum of 0.8 hectares in area to ensure that private wells remain the primary source of water in all areas.
4. It is intended that the private communal water supply systems serving the mobile home parks will not be extended beyond the boundaries of the mobile home parks.
5. Surface and ground water resources and features will be protected and, where possible, enhanced.
6. Development near to valuable water features will be required to demonstrate that there will be no negative impact.

#### 8.1.2 Sewage Disposal

Private septic tanks and tile field systems are the primary means of sewage disposal. Private sewage treatment systems exist in the six mobile home parks in Gorham Township.

The need for public sanitary sewage disposal is not considered feasible over the life of this Plan. Therefore, each individual property owner is responsible for the provision of private sanitary sewage disposal approved by the Thunder Bay District Health Unit. Private sewage disposal systems will remain the primary source of sewage disposal in all areas.

1. All newly created lots that are intended for occupancy shall be required to demonstrate the capacity to support a Class IV leaching system.
2. It is intended that lot sizes remain large enough to allow the safe and efficient operation of private sewage disposal systems.
3. It is intended that the communal private sewage disposal systems serving the mobile home parks will not be extended beyond the boundaries of the mobile home parks.
4. All new private sewage disposal systems are subject to the approval of the Thunder Bay District Health Unit provided septage capacity has been confirmed and where site conditions are suitable for the long term. The Health Unit may require a servicing report prior to approval.
5. Prior to permitting new development on the basis of private sewage, proponents shall provide a letter from the holder of an Environmental Compliance Approval (ECA) for a treatment facility, indicating that capacity for the development's sewage exists, for hauled sewage generated by the development.

### 8.1.3 Stormwater and Drainage

Stormwater management assists in protecting and improving water quality. The Planning Board will ensure that consideration is given to stormwater management, the quality and quantity of stormwater runoff, and off-site impacts for proposed development.

The management and removal of storm water is the responsibility of the property owner and must be managed to the satisfaction of the MNRF, MTO, and/or the MECP (the latter two where dewatering is in excess of 50,000 l/day).

Best management practices such as low impact development and erosion control are encouraged to be implemented through an integrated stormwater management approach to reduce cost and infrastructure requirements and protect natural watercourses.

1. No development shall be permitted which would interfere with or reduce the drainage capacity of any natural watercourse.
2. Any development which involves the channelization, diversion, damming, walling, dredging of a natural watercourse, or the installation of a culvert, causeway, or dock in a natural watercourse, shall be in accordance with the provisions of the Lakes and Rivers Improvement Act and the Ontario Water Resources Act.
3. A storm water management plan shall be required for any large development, any development that abuts a watercourse or a waterbody, or that impacts a Provincial Highway, Local Roads Board road, or any First Nation identified cultural value (e.g. harvesting sites) per Traditional Knowledge Study.
4. Stormwater management plans for development adjacent to and in the vicinity of a Provincial Highway must be prepared in accordance with MTO guidelines and must be reviewed and approved by MTO.

## 8.2 Public Utilities

### 8.2.1 TransCanada Pipelines

TransCanada Pipelines is a major public utility that crosses through the Townships of Gorham and Ware and is regulated by the National Energy Board Act.

1. All permanent buildings, structures, and excavations shall be set back 15 metres from the limits of the TransCanada Pipeline right-of-way. Consultation with TransCanada Pipeline is encouraged to occur prior to construction.
2. Where the creation of a new lot is proposed within 500 metres of a gas transmission facility, circulation to the jurisdiction operating such facility shall occur, and the input provided shall be considered in the decision-making process.
3. TransCanada Pipeline facilities are permitted in all land use designations and zones.
4. It is not the intent of this Plan to preclude access to or use of Provincially Significant Wetlands for the purposes of operating, maintaining, upgrading, and/or expanding the existing and future facilities of TransCanada Pipeline Limited provided that all the requirements of the National Energy Board Act are adhered to.

### 8.2.2 Centra Gas Ontario Inc.

Centra Gas Ontario Inc. is a major utility that operates a transmission line through the Township of Ware and distribution lines along road allowances throughout the Planning Area. Centra Gas Ontario Inc. is regulated by the Ontario Energy Board Act.

1. Centra Gas Ontario Inc. facilities are permitted in all land use designations and zones.
2. The location of all permanent buildings, structures, and excavations on lands adjacent to transmission and distribution facilities shall be determined in consultation with Centra Gas Ontario Inc.

### **8.3 Transportation**

The Planning Area is served by an integrated transportation network which ensures the safe and efficient movement of people and goods within the Planning Area and between adjacent municipalities. The Planning Area's transportation system includes provincial highways, local Roads Board roads and private roads.

The existing road system is considered adequate to accommodate the anticipated future development over the life of this Plan. Therefore, it is the intent of this Plan to discourage development of new roads and encourage new development to locate on the existing road system.

#### **8.3.1 Provincial Highways**

This system of roads applies to all numbered provincial highways under the jurisdiction of the MTO. Within the Planning Area, Highway 102 is considered part of the King's Highway and Highways 591 and 589 are secondary highways. The primary purpose of provincial highways is to move people and goods between major centres and through the Planning Area. Access to provincial highways is restricted to allow for this primary purpose.

1. Right-of-way widths and setbacks will be determined by MTO.
2. MTO's statutory authority for its permit control system, including highway access control, is set out in the Public Transportation and Highway Improvement Act (PTHIA). Any development located within MTO's permit control area under the PTHIA is subject to MTO review and approval prior to the issuance of entrance, building, and land use permits. The Ministry's permit control area extends 45 metres from the property limit of the highway right of way and 180 metres from the centre point of the intersection of a side road with the provincial highway. These permits must be obtained prior to any construction being undertaken within MTO permit control area.
3. Where development is proposed within the MTO permit control area, the following studies may be required as determined in consultation with MTO:
  - a) A traffic impact study, prepared by a professional and certified engineer, to address the both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of the development.
  - b) A noise study and possible mitigation measures.
  - c) A drainage and storm water management report and plan to address any impacts to the highway and/or downstream properties.
4. Direct access onto a provincial highway is discouraged and/or restricted. Development is encouraged to utilize local roads and/or service roads.
5. Where access to a highway is a possibility, it will only be considered to those properties that meet the requirements for the MTO's access management practices and principles. Early consultation with MTO is encouraged.
6. Outdoor storage and/or loading areas are to be visually screened or appropriately located so as not to be visible to the traveling public.



7. Any proposed snowmobile or trail crossing of a Provincial Highway will require the prior approval of the MTO.
8. Trails are not permitted along the right of way of a Provincial Highway.
9. For highway safety reasons, wind turbines located adjacent to a Provincial Highway will be set back a minimum distance measured from the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

#### 8.3.2 Local Roads Board Roads

There are two local roads boards within the Planning Area: Gorham Local Roads Board and Ware Local Roads Board. They each provide differing levels of road maintenance through the year.

1. Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to a standard approved by one of the Local Roads Boards, and the road shall be suitable for assumption into the road system by a Local Roads Board.
2. The Local Roads Boards are not responsible for the costs associated with the design and construction of new roads or the extension of existing roads. These costs are the direct responsibility of the proponent for the new road and/or road extension.
3. The Local Roads Boards may, by way of public vote at an annual meeting, add new roads into its system, however, it is generally the intent of this official plan that the number and length of new roads to be added to the existing roads network shall be limited.
4. The Local Roads Boards may require applicants to provide an assessment of the cost impacts of development on the road network, in particular, costs associated with upgrading, expanding, or extending the road network, or winter and/or summer maintenance costs.
5. Year-round maintenance will be provided on roads under the jurisdiction of the Local Roads Board and MTO, unless it is in the public interest not to do so.

#### 8.3.3 Private Roads

For the purposes of this Plan, private roads are roads that are not owned or maintained by the Province or local Roads Boards, that service two or more properties in separate ownership. Private roads within the Planning Area are roads that are maintained through private agreements.

1. The Planning Board will encourage property owners to maintain and to upgrade existing private roads to a standard that will facilitate their use by emergency vehicles.
2. New or extended private roads must have a legal right-of-way established over the full length of the private road.

### 8.4 Waste Disposal

Section 7.2.2 lists the existing open and closed waste disposal sites within the Planning Area.

All non-hazardous solid waste disposal sites in the Planning Area are located on Crown Lands. No additional solid waste disposal sites or expansion to the existing facilities is anticipated over the life of this Plan unless considered and justified by an amendment to this plan.

1. The redevelopment of waste disposal sites or new waste disposal sites will be in accordance with MECP requirements, and depending on the volume, shall require approvals under the Ontario Environmental Assessment Act, following Ontario Regulation 101/07, as amended from time to time. When considering a new or expanding landfill site, the Planning Board shall review the following:
  - a) Waste disposal sites shall avoid natural hazards and shall be located an adequate distance away from any natural heritage feature or any existing or proposed residential, commercial, institutional, open space, outdoor recreation uses, or other sensitive land use. A report from a qualified professional which establishes appropriate separation distances based on site-specific considerations will be required for new waste disposal sites.
  - b) All waste disposal sites shall be located and operated so that the contamination of any ground or surface water supply does not occur.
  - c) All waste disposal sites shall be set back a sufficient distance from a public road so that all functions related to the operation of the site can be carried on within the site so that there is no unsightly appearance visible from the road. Landscaping and buffering may be required.
  - d) All waste disposal sites shall be located so that ingress and egress points do not create a traffic hazard.
  - e) All waste disposal sites shall be constructed and phased in a manner that coincides with the implementation of any recommended mitigation measures and/or monitoring identified and recommended by the engineering studies.

## **9.0 IMPLEMENTATION**

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This Official Plan shall be implemented by means of the powers conferred to the Planning Board by the Planning Act and other statutes which may be applicable.

The following policies provide guidance for implementing the goals, objectives and policies contained within this Plan to ensure that the Plan remains relevant and appropriate for the Planning Area. Reference is made to many different provincial statutes and/or Regulations. The list does not include all legislation, particularly, those Acts and Regulations which are administered by the federal or provincial government.

### **9.1 Monitoring the Plan**

Changing conditions may necessitate amendments to this Plan. The policies are based on an interpretation of the Provincial Planning Statement, and the vision and strategic goals and objectives of the Planning Area. Furthermore, the policies of the Plan are based on current conditions, projections, and a regulatory environment that are subject to change over time. Therefore, Plan monitoring and review is required to identify trends in planning issues, to analyze the effectiveness of the policies of the Plan, to allow for adjustments and updating, and to identify the statutory requirements on how and when the Plan is to be reviewed.

#### **9.1.1 Review Procedure**

The Official Plan shall be subject to a formal review at least once every five years in accordance with the Planning Act.

As provided for in the Planning Act, the Planning Board will update the Plan as required and the process will include public consultation to provide the opportunity for interested citizens and organizations to present submissions on the Plan.

The Planning Board will determine the need to amend the Plan to ensure that the policies:

1. Remain realistic and appropriate with regard to changing social, economic, and environmental circumstances.
2. Conform or do not conflict with provincial plans.
3. Have regard to matters of provincial interest.
4. Are consistent with any policy statements issued under subsection 3(1) of the Planning Act.

In response to any changes in the regulatory environment, changes to the planning policies of the Province of Ontario or other planning initiatives, or in response to judicial or quasi-judicial decisions, including those of the Ontario Land Tribunal, the Planning Board may initiate an amendment process at any time.

#### 9.1.2 Amendments

No developments or activities shall occur which contravene the intent and policies of this Plan. However, developments or activities deemed beneficial to the Planning Area, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.

The Planning Board is responsible for adoption of Official Plan amendments. The provisions of the Planning Act with respect to the Official Plan apply similarly to amendments, including the approval of the Minister or the Ontario Land Tribunal as the case may be.

1. The Planning Board will consider all complete applications to amend this Plan, and will notify the public, the Ministry of Municipal Affairs and Housing (MMAH), First Nations and Indigenous communities and other agencies, as appropriate, in accordance with the requirements of the Planning Act.
2. When amendments are made to the Plan, appropriate amendments may also be required to the implementing by-laws so that any such by-law is in conformity with the Plan.
3. Applications to amend the Plan may require a planning rationale to demonstrate consistency with Provincial policy and the need for such amendment to the Plan.

The Official Plan shall be subject to a continual review by the Planning Board. Whenever it is necessary to refine existing policies or amend, delete, or add policies based on new information or trends, this shall be done by amendment to the Official Plan.

The Official Plan shall be subject to a formal review no more than ten (10) years after it comes into effect, and then will be periodically reviewed every five (5) years no more than 5 years thereafter.

## 9.2 Planning Tools and Application Types

### 9.2.1 Zoning By-law

The Planning Board shall regulate the use and development of lands, buildings, and other structures through the zoning provisions of the Planning Act. Zoning by-laws reflect the principles, policies, and land use descriptions in this Plan and shall be in conformity with this Plan.

The By-laws shall zone land and establish regulations to control the use of land and the character, location, and use of buildings and structures (e.g., retaining walls, fences, signs, communication towers, sewage disposal systems, recreation vehicles, swimming pools, docks, wharves, manure storage facilities etc.) and recognize existing legal non-conforming uses in accordance with this Plan.

The implementing Zoning By-law shall specify the uses permitted in the Planning Area and shall contain regulations with respect to matters such as:

1. Establish any number of zones to classify and control land uses that may be required to implement this Plan.
2. Regulate the type of construction, height, size, floor area, character, spacing, erection, location, and use of buildings.
3. Regulate the minimum elevation of building openings such as doors and windows.
4. Require minimum lot frontage on a public road of a parcel of land, parking requirements, and loading facilities.
5. Establish provisions for the percentage of the lot area that any building or structure may occupy, minimum lot area, and other provisions.

#### 9.2.2 Holding Symbol

In accordance with the provisions of the Planning Act, the Planning Board may zone lands to a specific zone category and include as a suffix the holding symbol '(h)'. This identifies the specific uses of the lands at such time as the holding symbol is removed by an amendment to the appropriate implementing Zoning By-law.

The holding symbol (h) may be used in the following instances:

1. When certain details of development have not yet been determined, or where certain conditions of development have not yet been met, such as, but not limited to, development or servicing agreements with the Planning Board.
2. When the level of community services and/or infrastructure is not yet adequate to support the proposed use.
3. Where environmental conditions or constraints temporarily preclude development or redevelopment.
4. Where required studies have not yet been approved by the Planning Board.

The Zoning By-law containing the holding provisions specifies the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations or restrictions applying to the lands during the time the holding provision is in place.

A by-law to remove the holding symbol may be adopted when all the conditions set out in the holding provision have been satisfied.

#### 9.2.3 Temporary Use By-law

The Planning Board may pass a Temporary Use By-law in accordance with Section 39 of the Planning Act to allow the temporary use of land, buildings, or structures for a purpose otherwise not permitted by the Zoning By-law for a specific period of time not to exceed three years. The Planning Board may pass subsequent by-laws granting extensions of up to three years.

1. A temporary use shall be deemed to conform to the policies of this Plan, and an Amendment to this Plan shall not be required. Notwithstanding, temporary uses shall not be permitted in areas subject to hazards or containing significant natural features.
2. The Planning Board may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by the Planning Board to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation are not practical.
3. The Planning Board shall consider the following in evaluating temporary uses:
  - a) The proposed use will be of a temporary nature and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions.
  - b) The proposed use will not negatively impact the surrounding land uses and character of the surrounding area.
  - c) The proposed use will be properly serviced.
  - d) The proposed use will not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the area's roads.
  - e) The proposed use will provide parking facilities entirely on-site.
  - f) The proposed use will generally be beneficial to the surrounding community.

#### 9.2.4 Interim Control By-law

The Planning Board may pass Interim Control By-laws to control the use of land, buildings, or structures within designated areas of the Planning Board and in accordance with the provisions of Section 38 of the Planning Act in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by Council.

Any Interim Control By-law approved by the Planning Board shall initially be in effect for a period of up to one year from the date of passing of the by-law but may extend for a maximum of one additional year.

#### 9.2.5 Minor Variance

A minor variance is a change or permission from the specific requirements of the Planning Board zoning by-law. The minor variance process allows a property owner the opportunity to seek permission or relief from a specific provision of the Planning Board zoning by-law by applying for a minor variance to the Planning Board.

When the Planning Board is considering a minor variance application, the four tests as prescribed by Section 45(1) of the Planning Act are applied to determine if the minor variance should be approved.

1. The general intent and purpose of this Plan is maintained.
2. The general intent and purpose of the implementing Zoning By-law being varied is maintained.
3. The variance is minor in nature.
4. The variance is desirable for the appropriate use of the land, building or structure such that:
  - a) The resulting development would be compatible with adjacent uses and in character with the established or planned development in the area.

- b) Adequate provision is made for vehicular access and off-street parking on the lot.
- c) Adequate buffering, screening, and landscaping can be provided.
- d) The application deals with circumstances particular to the site in which design of the building or structure in conformity with the by-law is not feasible or possible.

The Planning Board may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.

### **9.3 Consent**

The division of land shall take place in the Planning Area by consent only. Due to the lack of municipal servicing and the shortage of demand as determined by the population projections, the number of consents will be limited.

1. No more than one new lot per lot existing as of the date of the passing of this Plan is permitted over the planning horizon. The maximum number of new lots created in the planning horizon is 90 lots.
2. Consents shall only be granted that conform to the policies of this Plan, and provided that:
  - a) The intended use of the severed and retained parcels complies with the regulations of the implementing Zoning By-law unless appropriate zoning by-law amendments or minor variances are granted concurrently.
  - b) The proposed use of the severed parcel(s) is compatible with the abutting land uses and does not result in land use conflicts.
  - c) The retained and severed lot(s) can be adequately and safely serviced by private water supply and sanitary sewage disposal systems and comply with the requirements for acceptable accommodation of these systems as set out in the MECP guidelines.
  - d) The soil and drainage conditions are adequate for the proposed use and permit the proper location of buildings and the installation of private sanitary sewage disposal systems.
  - e) The lands front onto a public road that is maintained year-round by the Local Roads Board or MTO and is of an acceptable standard of construction as determined by the MTO.
  - f) No traffic hazard is created by the consent; practical access exists, and safe access/egress to the retained and severed lot(s) is feasible.
  - g) The proposed consent complies with the Minimum Distance Separation (MDS) Formulae, as amended from time to time.
  - h) The lot size and configuration shall be suitable for the proposed use.
  - i) Adequate protection and preventative services for persons and property are available, including health, welfare, fire, and police.
  - j) The consent does not result in land locked parcel(s) being created.
  - k) The consent, if approved, would not pose an undue financial burden on the Planning Board.

#### **9.3.1 Technical Consents**

Notwithstanding the consent policies above, consents may be granted for the following technical purposes, provided that the retained and severed portions conform to the zoning by-law:

1. To correct lot boundaries.

2. To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized lot for the purpose for which it is being or will be used.
3. To correct title to the land.
4. Where the effect of the consent does not create an additional lot.
5. To permit an easement.
6. For road widening and road allowances.
7. To permit a consent for the Planning Board or other public purposes.

## **9.4 Existing, Non-Conforming, Non-Complying Uses**

### **9.4.1 Existing Uses**

Nothing in this Plan will affect the continuance of uses legally existing on the date this Plan was adopted.

The Planning Board may recognize the existing use of land in the Zoning By-law. However, the Planning Board will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan.

### **9.4.2 Non-Conforming Use**

Any legally existing use that does not conform to the relevant policies contained in this Plan will be deemed a legal non-conforming in terms of this Plan.

1. Where an existing non-conforming use is discontinued, any rezoning may only take place in conformity with this Plan.
2. The Planning Board will use the following guidelines when assessing any application for an extension or enlargement of a use that is considered to be a legal non-conforming use:
  - a) The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
  - b) The extension or enlargement should be in reasonable proportion to the existing use and land on which it is to be located.
  - c) The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lights, and traffic generation will be examined.
  - d) Adequate buffering, setbacks, and any other measures necessary to reduce the nuisance will be required and, where possible, will be extended to the existing use.
  - e) Proper access to the site will be provided to ensure that no traffic hazards are created.
  - f) Adequate on-site parking and loading space will be provided.
  - g) Applicable services, such as storm drainage, water supply, sewage disposal, and roads are adequate or will be made adequate.
  - h) Neighbouring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.
3. An existing building or structure that is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure are generally not changed.

### 9.4.3 Non-Complying Use

Where a legally existing use of land is permitted within the applicable zone in the Zoning By-law, but the lot, buildings, or structures located on the property no longer meet one or more of the provisions or regulations of the applicable zone, due to changes to the Zoning By-law, the use shall be considered to be legal non-complying.

Applications for the expansion, alteration, or addition of the non-complying use will be considered by way of a Zoning By-law Amendment or minor variance, depending on the nature of the proposal.

## 9.5 Planning Applications Administration

### 9.5.1 Pre-Consultation

Pre-consultation with the Planning Board prior to submitting a formal application to discuss initial plans and relevant planning policy, and determine the information required to support the application is recommended. Pre-consultation may also be recommended or required with appropriate provincial ministries.

The Planning Board may pass a by-law requiring pre-consultation for certain types of applications.

For Official Plan Amendments, Zoning By-law Amendments, and Consents, it is recommended that the applicant pre-consult with at least the following:

1. The Lakehead Rural Planning Board.
2. The Fort William First Nation.
3. The Thunder Bay District Health Unit.
4. The MTO, if applicable.
5. The MNRF if the lands are near any sensitive areas, natural resource areas, or protection areas.
6. The Ministry of Mines if the lands are within 1 kilometre of areas of past mining activity or within an area designated as a mineral resource area.
7. Lakehead District School Board and other school boards (with an estimate of the number of students and bussing equipment, if appropriate).
8. Local Services Boards
9. Hydro One.
10. The MECP.

### 9.5.2 Complete Applications

When the pre-application consultation process for a proposed development approval application identifies the need for one or more supporting studies, the application shall not be considered complete for processing purposes until the required supporting studies, information, and materials are submitted to the satisfaction of the Planning Board. A list of possible required studies as part of a complete application is set out in Section 9.5.5.

Notification of a complete application shall be given to the applicant and all other parties in accordance with the Planning Act. If it is not complete the Planning Board will return it to the applicant with a written list of the matters that are required to be added in order to render the application as complete.



The Planning Board may pass a resolution requiring fees for certain types of applications. Successful payment of the fees is required for a complete application.

#### 9.5.3 Public Consultation

Public consultation regarding proposed Official Plan amendments, Zoning By-law amendments, consents, and minor variances will be undertaken as directed by the Planning Act and all relevant regulations.

A minimum of 20 days notice of the public meeting shall be given for an Official Plan amendment and/or for a zoning by-law amendment. Notice of the public meeting shall be given by personal service or pre-paid, first-class mail to:

1. Every owner of land and persons assessed within an area of 120 metres to which the proposed amendment would apply.
2. Every person and agency that has given the Planning Board a written request for such Notice in respect of the proposed amendment, provided this written request shows the person's or agency's address.

#### 9.5.4 Indigenous Consultation

The Planning Board recognizes the importance of working together with First Nation and Indigenous community neighbours, namely Fort William First Nation, and will continue to work on these relationships. As appropriate, the Planning Board shall consult with Fort William First Nation on Planning Act Applications, and as directed by the Planning Act and all relevant regulations.

#### 9.5.5 Cross Collaboration

The Planning Board recognizes that collaboration is needed with the Lakehead District School Board and the Local Services Boards, to meet the long and short-term needs of the Townships' community services and facilities. As appropriate, the Planning Board shall work in collaboration with these and other agencies.

#### 9.5.6 Supporting Studies

The Planning Board may require supporting studies as part of the planning approval process or as part of a more detailed planning study in order to satisfy certain goals, objectives, and policies of this Plan. These studies could include, but are not limited to any of the following:

1. Hydrogeological and terrain analysis report.
2. Servicing capacity/feasibility/options study.
3. Groundwater/source water/surface water impact assessment and/or mitigation plan.
4. Stormwater management report/drainage plan.
5. Environmental impact study.
6. Flood plain assessment.
7. Slope stability study.
8. Transportation/traffic impact assessment.
9. Archaeological or Heritage Assessment.
10. Natural heritage evaluation.
11. Noise/dust/vibration/odour study.

12. Market study.
13. Concept plan showing planned land use.
14. Geotechnical assessment of an abandoned mine.
15. Lakeshore capacity assessment.
16. Recreational carrying capacity study.
17. Record of site condition.
18. Erosion and sediment control plan.
19. Public consultation strategy.

## **9.6 Interpretation of the Plan**

The Planning Board shall be responsible for interpreting all aspects of the Plan. When the approval authority is the MMAH, the Planning Board or development proponent may consult MMAH prior to submitting a formal planning application. Where policies may reference specific issues of significance to the Province, MMAH may assist on an as-needed basis.

As the sections of the Plan are interrelated, it shall be read and interpreted in its entirety.

Defined terms and words used in this Plan are consistent with those as defined in the 2024 PPS and shall be interpreted as such.

It is intended that land use boundaries shall be considered as approximate, except where bounded by public roads, publicly maintained roads, rivers, streams, railways, similar geographical barriers, or other clearly defined features. Minor adjustments may be permitted without amendment provided that the intent of this Plan is maintained.

Technical amendments to this Plan are permitted without a formal amendment, provided they do not change the intent of the Plan. Technical amendments include:

1. Changing the numbering, cross-referencing, and arrangement of the text, tables, schedules, and maps.
2. Altering punctuation or language for consistency.
3. Correcting grammatical, dimensional, and boundary, mathematical, or typographical errors.
4. Adding technical information to maps or schedules.

Where any Act, Provincial Planning Statement, Ontario Regulation, and/or guideline, or portion thereof, is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may replace or revise the specified document.

For the purposes of this Plan, it shall be interpreted that the word "existing" shall mean existing as of the date of the adoption of this Plan.

