



# OFFICIAL PLAN 2021



## APPROVAL PAGE

### OFFICIAL PLAN OF THE MUNICIPALITY OF SHUNIAH

The official plan for the Municipality of Shuniah was  
adopted by the Council of the Corporation  
of the Municipality of Shuniah by By-law No. *3134-20*  
in accordance with section 17 and 26 of The Planning Act, R.S.O.  
1990 on *13*th day of *Oct*, 2020.

Mayor

*Wendy Lundy*

Dated

*Oct. 21/20*

Clerk

*[Signature]*

Dated

*Oct. 21/20*

Approval Authority

Dated



MUNICIPALITY OF  
**SHUNIAH** INC. 1873  
*A Superior Living Experience*

# DECISION

## With respect to the Municipality of Shuniah Official Plan Subsection 17(34) of the Planning Act

---

I hereby approve the repeal of the Official Plan for the Municipality of Shuniah and all subsequent amendments thereto, pursuant to the Municipality of Shuniah By-law 3134-20, insofar as this Official Plan is in effect;

I hereby approve the Municipality of Shuniah Official Plan as adopted by the Municipality of Shuniah By-law 3134-20, subject to the following modifications:

1. **PAGE 18, SECTION 2.2.17 Residential Use Designation (R), Implementation**, is hereby modified by removing the fifth paragraph.
2. **PAGE 18, SECTION 2.3 Rural Designation (RU)**, is hereby modified by removing the second paragraph in subsection 2.3.1, removing the word “regional,” between the words “facilities;” and “highway,” removing the word “and” between the words “related” and “on-farm”, adding the words “**and normal farm practices**” after the word “diversified”, removing the words “in areas of high potential” after the words “extraction operation” and removing the words “in areas of potential” after the words “mining operation” in the first paragraph of subsection 2.3.3.
3. **PAGE 20, SECTION 2.4.1 Intent of the Designation**, is hereby modified by adding the words “**coastal wetlands,**” between the word “wetlands,” and “areas” in the first bullet point.
4. **PAGE 23, SECTION 2.5.3 Implementation**, is hereby modified by removing the word “and,” at the end of the second bullet point, and adding a bullet point between the 2<sup>nd</sup> and 3<sup>rd</sup> bullet points stating: “**in accordance with MECP D-series Guidelines, where development is proposed beyond 500 metres of an active or closed waste disposal facility, engineering studies may be required where known hydrogeological conditions (as identified by MECP), or where engineering studies within 500 metres of active or closed waste disposal facility, identify the need for further study; and,**”
5. **PAGE 25, SECTION 3.1 Lot Creation**, is hereby modified by adding the words “**subject to a site-specific Official Plan Amendment**” at the end of the final sentence in the section, ending with the words “in accordance with the policies of this plan”.
6. **PAGE 27, SECTION 3.3 Affordable Housing**, is hereby modified by adding the sentence “**This plan may be amended as required to provide a minimum target for the provision of housing which is affordable to low and moderate income households to align with future updates to the District of Thunder Bay Social Services Administration Board (TBDSSAB) Housing and Homelessness Plan.**” After the fourth paragraph ending in the words “residential facility policies”.

7. **PAGE 40, SECTION 3.9 Asphalt and Concrete Plants**, is hereby modified by adding the words “**Wayside pits and quarries,**” at the beginning of the first paragraph.
8. **PAGE 50, SECTION 3.17.1 Highway Commercial Development**, is hereby modified by removing the words “or a large parcel of land not available in the City of Thunder Bay” from the first paragraph, removing the words “warehousing, processing, wholesaling” from the second paragraph and adding the sentence “**Larger-format commercial development may be permitted subject to a site-specific Official Plan Amendment.**” at the end of the section.
9. **PAGE 51, SECTION 3.19 Industrial Development**, is hereby modified by adding the word “**only**” between the words “uses may” and “be permitted”, removing the words “typically requires a large amount of land;”, adding the words “**is an agricultural related use; or**” between the words “resource-based” and “involves transportation activities”, replaces the words “;is” with the words “. **Such uses may include**” after the words “transportation activities”, includes the words “**warehousing, wholesaling**” between the words “processing” and “or servicing” and adds the sentence “**Other industrial uses may be permitted subject to a site-specific Official Plan Amendment.**” to the second paragraph.
10. **PAGE 57, SECTION 4.2 Subdivision of Land**, is hereby modified by removing the words “have a 45 m frontage and” and “or 0.8 ha in the R, R1, R1a and R1b High-Density areas if fronting on water” from bullet point “e.”, removing the words “properties not fronting on a lake; or waterfront properties less than 0.8 ha” and “or the TBDHU” from bullet point “f.”, removing the words “generally have 45 m frontage and” from bullet point “g” and adding the words “**and be able to accommodate individual on-site sewage systems**” after the words “the subdivision” in bullet point “q.”

Dated at Toronto this 26 day of March, 2021



Hannah Evans  
Assistant Deputy Minister  
Ministry of Municipal Affairs and Housing



# TABLE OF CONTENTS

# Table of Contents

1	INTRODUCTION.....	5
1.1	Municipal Vision and Mission Statements .....	5
1.2	Development Challenge .....	6
1.3	Purpose and Effect .....	7
1.4	Responsibilities.....	8
1.5	Planning Objectives .....	9
1.6	Use of Maps or Schedules.....	10
1.7	Interpretation .....	10
2	LAND USE DESIGNATIONS .....	13
2.1	Land Use Compatibility .....	14
2.2	Residential Use Designation (R).....	14
2.3	Rural Lands Designation (RU) .....	18
2.4	Protected Areas (PA) .....	19
2.5	Waste Management (WM) .....	22
3	GENERAL LAND USE POLICIES.....	25
3.1	Lot Creation.....	25
3.2	Accessory Uses in All Land Use Designations .....	25
3.3	Affordable Housing, Additional Residential Units and Garden Suites.....	27
3.4	Natural Heritage .....	28
3.5	Cultural Heritage and Archaeology.....	32
3.6	Forestry and Wildland Fire .....	35
3.7	Potentially Contaminated Sites and Brownfields .....	35
3.8	Mineral Aggregate Resources, Mineral Resources, and Mining Hazards .....	36
3.9	Asphalt and Concrete Plants.....	40

3.10	Agricultural Uses.....	40
3.11	Provincial Highways .....	41
3.12	Municipal Roads, Dedicated Parklands, and Parks .....	42
3.13	Wastewater and Protection of Water Resources.....	43
3.14	Climate Change, Energy, and Air Quality .....	48
3.15	Gas Transmission and Storage Facilities.....	49
3.16	Cannabis Retail Outlets .....	49
3.17	Commercial Development.....	49
3.18	Institutional Development.....	51
3.19	Industrial Development .....	51
3.20	Compatible Development .....	52
4	IMPLEMENTATION .....	57
4.1	Intent .....	57
4.2	Subdivision of Land .....	57
4.3	Non-Conforming Use .....	58
4.4	Pre-Consultation and Complete Application Requirements.....	59
4.5	Public Engagement and Notification Policies .....	60
4.6	Parkland Dedication and Community Benefits Charge.....	60
4.7	Zoning By-law .....	61
4.8	Holding Zone.....	61
4.9	Temporary Use By-law .....	62
4.10	Interim Control By-law.....	63
4.11	Site Plan Control.....	63
4.12	Community Improvements .....	64
4.13	Property Standards By-law .....	64



4.14 Tariff of Fees .....64

4.15 Minor Variance.....65

4.16 Official Plan.....65

Appendices

1 Background.....67

2 Relevant Definitions.....71

3 Land Use Planning Resources.....73

Schedules

- A1 Land Use Designations (MacGregor)
- A2 Land Use Designations (McTavish)
- B1 Development Constraints (MacGregor)
- B2 Development Constraints (McTavish)



# INTRODUCTION

## 1

## INTRODUCTION

An official plan is a document prepared and adopted by a Municipality and approved by the Ontario provincial government (“the Province”). It contains text, tables, maps, and/or schedules detailing the goals, objectives and policies of the Municipality of Shuniah (“the Municipality” or “Shuniah”), established primarily for the purpose of assessing, managing and directing physical change and its effects on the social, economic and environmental health and well-being of the community for a twenty-five year time period, with ten-year review intervals.

The following text and Schedules A1, A2, B1, and B2 constitute the official plan for the Municipality of Shuniah as of 2020 and apply to all lands that are within the boundaries of Shuniah.

Section 1 presents the Municipal Vision and Mission Statements along with the Development context for Shuniah.

Section 2 presents the Land Use Designation policies which aim to avoid land use conflict by separating land uses.

Section 3 presents the General Land Use policies which apply to proposed development in all designations unless specified.

Section 4 provides implementation tools and criteria.

Appendix 1 provides a summary of the background research which informed the policies.

Appendix 2 contains definitions of italicized words used in the body of the plan.

Appendix 3 contains materials to assist with land use planning; many of which were used in the preparation of this plan.

### 1.1 Municipal Vision and Mission Statements

**Vision Statement:** Shuniah is intended to be a modern, vibrant and connected community with a strong sense of identity, located on the picturesque shores of Lake Superior; working together to build a safe, clean, friendly, and prosperous future.

**Mission Statement:** Shuniah is committed to providing the highest quality of life by building a healthy rural community through the delivery of essential services provided by responsible leadership, planning, and effective management of municipal resources.

## 1.2 Development Challenge

Shuniah's development history includes rural land use and a mix of recreational and residential land use along the shoreline of Lake Superior, Bass Lake, and Loon Lake.

Today, development is generally comprised of rural residential lots along Lakeshore Drive, Highways 527 and 587, and along a variety of small municipal roads; and mixed residential and resource-based recreational use along the shoreline of Lake Superior, Bass Lake and Loon Lake. Small residential communities also exist at Sparks Lake, Pearl, and Pass Lake.

Intermixed with the residential use in the Lakeshore Drive area are community institutional and local commercial use lands. Industrial lands occur along Highway 527 near the intersection of Highway 11/17. Scattered highway commercial uses exist along Lakeshore Drive.

Aggregate and mining activities, forestry, public and commercial recreation, and alternative energy projects occur or are expected to occur within the rural area along with industrial and larger institutional uses and limited residential uses.

The most recent driving force governing development in Shuniah has been retirement and permanent residential interest, largely focused on the significant shoreline resources of Lake Superior. A more general interest in a rural residential lifestyle has also supported intensification along Lakeshore Drive.

However, development has not reached a threshold warranting establishment of a settlement area as defined in the Provincial Policy Statement (PPS). As such there is no minimum target for intensification and redevelopment in this plan. Population projection and growth scenarios contemplated in Appendix 1 discuss this in greater detail.

Shoreline development has included limited residential lot creation and demolition/rebuilding of existing dwellings. Council expects this to continue, including

along Lakeshore Drive, but only where lots can be safely serviced with individual on-site water and septic. Development density has not reached a threshold to warrant Municipal or communal services; nor has there been evidence of failure of existing private, individual systems to warrant such (see the Master Water and Wastewater Servicing Plan, 2017 (MWWSP) under a separate cover).

In the larger context, Shuniah expects to continue to provide residential accommodation and some industrial, institutional, and commercial land use secondary to the City of Thunder Bay, the Northwestern Ontario economic growth *hub* identified by the Places to Grow - Growth Plan for Northern Ontario.

Council supports the development of larger-format commercial that cannot be accommodated in the City of Thunder Bay and mixed-use *compatible* uses at major intersections or *nodes*.

It is Shuniah's desire to integrate the historic fragmented growth pattern within the Municipality through compatible, rural-level infill and intensification – to concentrate development to attract local commercial and institutional activity that will provide local services and activities, primarily at local *hubs*. Concentration of development will also allow the Municipality to plan for and implement a longer-term infrastructure and servicing strategy if needed. Neither the current population density nor growth projections over the life of this plan trigger the need for establishment of employment areas. This may be re-evaluated along with consideration of a settlement area in the next official plan review.

Unique to Shuniah is the existence of Cottage Associations, also referred to as "Associations". Association lands are generally characterized by dense development and variable servicing. While residences are owned by individuals, the land is held in single ownership, with each dwelling owner assuming an area

including the dwelling and associated mutually agreed private and exclusive associated land, known as a "site". While this type of development and continued enjoyment of the lakeshore may continue to exist, high-density development is not expected to expand. In fact, density may be reduced as the Municipality encourages owners to purchase adjacent sites in order to expand the size of their own to accommodate safe servicing. Council supports the Associations in becoming *freehold* (individually-owned parcels) or a combination of *freehold* and common elements condominium in order to improve opportunities for safe servicing; and for other good planning outcomes including reduction of personal liability of each co-owner, and retention of real estate value.

Associations and other shoreline properties in Shuniah have historically been subject to occupancy limitations through a seasonal use designation and implementing zoning by-laws. Policies and by-laws attempting to control seasonal or recreational use or how/when owners occupy their residence have been removed from this official plan as such policies were impossible to implement and enforce, resulting in progressively more intensive and unplanned development characterized by inadequate separation distance between water and wastewater or sewage.

As a result, the Municipality completed the Wastewater and Water Servicing Plan (MWWSP) in 2017, in accordance with Provincial requirements.

The new high-density policies and several other servicing policies contained in this plan which aim to prevent drinking water contamination are a result of the MWWSP. Any program-related initiatives that implement the MWWSP are not part of this official plan.

Additional background discussion can be found in Appendix 1 Background.

### 1.3 Purpose and Effect

This official plan is intended to be a policy document under the provisions of the Planning Act to represent a framework for community decision making respecting physical change.

This official plan will be in effect for ten years following the date of final approval.

In accordance with section 24 of the Planning Act, no public works shall be undertaken by the Municipality; no by-law shall be enacted; and no planning approval shall be given unless in accordance with this official plan.

Notwithstanding, the Municipality may:

- a) investigate and consider public works or other actions that are not in conformity with this plan, including applications for review and/or approvals incidental and necessary for such works or actions, but not undertake the actual works until brought into conformity with this plan; and
- b) adopt an amendment to this plan and thereafter enact a zoning amendment or other by-law that is not in conformity with this plan but that will be in conformity when the relevant amendment to this plan is finished and comes into force and effect.

## 1.4 Responsibilities

Municipal planning in Ontario is conducted through the enabling legislation of the Planning Act, under an umbrella of Provincial areas of interest and land use policy, and any related provincial plans. The official plan and all decisions made by or on behalf of Shuniah must conform to or not conflict with the Places to Grow - Growth Plan for Northern Ontario, be consistent with Ontario's 2020 Provincial Policy Statement, and have regard to areas of Provincial interest.

The Municipality of Shuniah shall have responsibility for this plan, and will:

- incorporate relevant aspects of the Growth Plan for Northern Ontario and/or Ontario's Provincial Policy Statement as such documents might be amended from time to time;
- incorporate policies from other relevant municipal documents in decision-making such as, but not limited to, Recreation, Parks and Facilities Master Plan, Tourism Strategy, Asset Management Plan and the MWWSP;
- adhere to and implement the guidance and policies contained herein;
- review and update this official plan in accordance with the requirements of sections 17 and 26 of the Planning Act for regular and systematic review, including the conduct of public meetings;
- receive and review and/or to initiate amendments to this official plan from time to time as found to be necessary, and to process such amendments;
- consult with the Ministry of Municipal Affairs and Housing and other appropriate agencies and offices in the preparation of amendments to this official plan;
- be the final authority for day to day interpretation of this official plan;
- reference and make use of this official plan in the evaluation of planning matters within the Municipality, and the processing of planning approvals; and,
- carry out the various commitments that are described in this official plan.

Private interests are generally made to adhere to this official plan through the implementation and application of the Municipality's comprehensive zoning by-law and through the exercise of a variety of Planning Act tools that rely upon and implement compliance with this plan.

Senior levels of government are acknowledged to be legally exempt from the requirements of this official plan. In particular, the Ministry of Natural Resources and Forestry (MNRF) administers Crown Land (lands for which patent has not been issued), and the application of the Aggregate Resources Act (AGA) for all Crown Land and private land covered by the Act. Activity on Crown Land is therefore a part of the day to day activity within the Municipality and the patent of new Crown Land may impact upon the Municipality's development concepts. It is Shuniah's desire therefore that the administration of Crown Land; the patent of Crown Land; and the general exercise of Ontario's normal and ongoing authorities of all nature account for aspects of this plan that might be impacted. The Ministry of Energy, Northern Development and Mines (ENDM) administers the Mining Act, specifically claim registration, exploration permits, mine activity including site rehabilitation.

The Municipality respects that the municipal boundaries lie within in the Robinson-Superior Treaty area, and as such, Shuniah has sought guidance from the Fort William First Nation, the closest member First Nation, Red Rock First Nation, the Metis Nation of Ontario Lakehead/ Nipigon/Michipicoten Traditional Territory Consultation Committee, and the Red Sky Metis Independent Nation prior to creating this plan.

## 1.5 Planning Objectives

Shuniah wishes to establish and to achieve the following planning objectives as set out in this section and which are intended to guide decision-making with respect to physical change within the municipality including the administration, operation, and extension of public infrastructure and public services:

- to promote efficient development and land use patterns which sustain efficient operation and financial well-being of the Municipality and the Province of Ontario over the long term, consistent with Ontario's Provincial Policy Statement (PPS) and conforming to the Growth Plan for Northern Ontario;
- to promote a land use pattern, density of development, and mix of land uses that minimize climate change impacts, such as impacts upon municipal infrastructure and public services, and the length and number of vehicle trips taken by the residents of the Municipality;
- to promote sustainable development that balances rural quality of life with development;
- to help prevent and adapt to climate change and prevent other economic and health impacts by optimizing the use of existing infrastructure and public services; evaluating the need for future infrastructure; promoting orderly, economic, efficient, and effective creation and delivery of common infrastructure, public services, and public service facilities; and by promoting cost effective development standards to minimize land consumption and servicing costs;
- to adapt to climate change impacts by anticipating the increased risk of flooding by directing development away from low-lying areas;
- to advance the process of concentrating development within the municipality in order to maximize efficient use of resources, *mitigate* climate change; and to achieve local development densities at levels that can support the expansion of local commercial, institutional activity and other employment opportunities;
- to manage for the sustainability of natural heritage resources within the municipality and where possible promote enhancement of such resources, particularly the aesthetic and environmental quality of the shoreline of Lake Superior and various inland lakes;
- to develop a basic economic foundation in employment and assessment, including activities related to *compatible* larger-format commercial development, aggregate and mining activities in areas of high potential, transportation, agriculture, forestry, recreation and tourism, and other rural level industrial activity;
- to avoid incompatible development and land use patterns which may cause environmental or public health and safety impacts or adverse effects, particularly impacts to vulnerable surface and ground water features and their hydrologic function;
- to have regard for and improve accessibility for the elderly and persons with disabilities, as provided for under the Accessibility for Ontarians with Disabilities Act and corresponding amendments to the Planning Act and to eliminate or prevent land use patterns which restrict full participation in the community by these persons;
- to encourage the preservation and possible adaptive re-use of the decommissioned CNR railway corridor along the shoreline of Lake Superior and to maintain that corridor's integrity and continuous linear characteristics while seeking connections with other trails including the Province-wide Cycling Network, parks or open space systems; and while taking into account public input;

- to encourage a sense of place through well-designed built form and cultural heritage planning which conserve the features that help define character, including but not limited to the cultural heritage resources identified by Indigenous communities;
- to promote resource-based recreational residential and value-added tourism development that is *compatible* with the neighbourhood character and natural environment; and which is economically feasible.

## 1.6 Use of Maps or Schedules

The following maps or schedules are used in and make up a part of this official plan:

- Schedule A1 and A2 – Land Use Designations – illustrates and establishes various *land use designations*.
- Schedule B1 and B2 – Development Constraints maps – lists and illustrates various constraints to development.

## 1.7 Interpretation

Council, with staff input, shall be responsible for interpretation of the text, figures, maps, and schedules that make up this official plan.

Text, policies, figures, and schedules contained in this document, and in any amendments to this document, shall be considered to represent general concepts and/or relationships rather than strict or absolute conditions, situations, or measurements. Unless specifically necessary to the text and identifies as such in the text, interpretation shall be flexible and interpretive.

Mapping will be updated as needed.

Italicized terms are defined in Appendix 2.

*Land use designations* shall be considered representative of predominant land uses and shall not preclude small pockets of legally non-conforming land uses that are consistent with the pertinent policies of this plan. Land uses shall not be considered to be all-inclusive but rather shall represent general intent and concept.


Boundary lines, unless coinciding with a specific major facility or utility shall be construed as representing related land between land uses and not exact geographic locations.

Numbers and quantities shall generally be approximated rather than absolute, except where the context requires otherwise, such as the total number of severances that are permitted, policies dealing with land creations by severance; the minimum lot sizes; and the volume of water required in order to satisfy the requirement that an adequate water supply be available for new lot creations.



Indications of action, servicing, or the construction of infrastructure by the Municipality shall not be construed as a commitment to any specific time frame, but rather subject to the determinations of Council in normal budget deliberations.

This plan should be read as a whole to understand its comprehensive and integrated intent as a policy framework for decision making and priority setting.

**Note:** This symbol indicates wording or sections of wording provided to the Municipality of Shuniah through consultation with various Ministries and Agencies and is considered mandatory. 

The development of land is considered to be permanent; and as such, any proposal must be carefully considered to avoid undue impacts. Development proposals that require a consent, zoning amendment, or official plan amendment must be accompanied by *planning justification* which, through appropriate studies and mitigation measures, demonstrates good planning conforming to the policies of this plan, consistent with the Provincial Policy Statement and conforming to or not conflicting with the Growth Plan for Northern Ontario.

An example of a Planning Justification Report will be attached to the updated Municipality of Shuniah Planning Act Application form(s).



# LAND USE DESIGNATIONS

# 2

## LAND USE DESIGNATIONS

This official plan employs *land use designations* as a means of describing an orderly, economical and functional land use pattern within the Municipality and as a means of implementing the planning objectives (see section 1) and policies relating to various land use activities. *Land use designations* are also employed as a means of limiting conflict due to *incompatible* development and resulting adverse effects from land use activities and changes in land use activities. The General Land Use Policies in section 3 shall also be considered in conjunction with the specific *land use designation* policies; and be included in the *planning justification* for every new Planning Act application. See section 4.4 Pre-Consultation and Complete Application Requirements.

The following *land use designations* are used in this official plan and are intended to represent dominant land use activity in the area to which they are applied. Other related and/or accessory land use activities may also be permitted provided they are *compatible* and maintain and enhance the character and function of the surrounding residential use and natural environment:

- Residential (R) which includes:
  - Residential – High Density (R1)
    - Residential – High Density
    - Loon and Bass Lakes (R1a)
    - Residential – High Density
    - Cottage Association (R1b)
- Rural Lands (RU)
- Protected Areas (PA)
- Waste Management Lands (WM)

These *land use designations* apply to lands identified on Schedule A1 and A2; being the land use schedules for the Shuniah official plan.

A variety of land-uses or activities are considered to be *compatible* and consistent with the intent of all *land use designations*; and are permitted in all designations subject to zoning and/or other implementation strategies. These include:

- roads, pathways, lanes;
- parks, open spaces, land use conservation;
- essential operation of municipal government relating to the delivery of public services;
- gas, telephone, electrical delivery systems and directly related infrastructure;
- slope stability and remedial flood protection;
- fish, wildlife, waterfowl habitat protection;
- landscaping, fencing, and natural vegetation; and,
- community gardens and/or market gardens.

## 2.1 Land Use Compatibility

The Municipality wishes to minimize the possibility of conflict between land uses or land use incompatibility.

Land use *compatibility* is partially achieved through separation of uses by the *Land Use Designations* described in this section; but is also achieved using evaluation criteria, by separating *sensitive* land uses to avoid potential adverse effects, and by implementing mitigation measures.

If land use *compatibility* cannot be demonstrated for proposed development initiatives, the Municipality may decide that development shall not proceed .

**See section 3.20 Compatible Development which applies to all new Planning Act development in all Land Use Designations.**



## 2.2 Residential Use Designation (R)

### 2.2.1 Intent of the Designation

The Residential R1 *land use designation*, is intended to recognize predominantly residential lands that have developed or that will be developed over the length of this official plan. Such residential lands have historically taken the form of single detached residential properties with individual, private water and sewage services.

In several lakeshore areas, development density and inadequate separation distance between sewage and drinking water has resulted in risk to health and safety due to potential for sewage to be impacting drinking water (see MWWSP). The intent of the high density policies in section 2.2.5 is to reduce risk, in accordance with provincial direction, legislation and policies.

### 2.2.2 Goal

To continue residential use and enjoyment of rural and waterfront living with safe, private, individual septic and water servicing; while limiting creation of surplus lots.

The goal of the high-density policies within this designation is to reduce the risk of cross-contamination of drinking water with waste/wastewater per the MWWSP as well as other risks related to dense development. The MWWSP was required by the Province to inform future shoreline development.

Historically, residential development focused on resource-based recreational and rural resources within the Municipality. Retirement and other permanent residential activities in particular have been an important element driving residential activity, based upon the abundant shoreline of Lake Superior and inland lakes -- a resource that is not available in the nearby City of Thunder Bay. This is expected to continue.

The Residential Lands are shown on Schedule A1 and A 2 – Land Use Designations and are described as the developed lands along the shorelines of Bass Lake and Loon Lake and in the vicinity of Sparks Lake; the developed lands along Lakeshore Drive (also composed of Cottage Associations); the developed and vacant lands along the shoreline of Lake Superior; Mackenzie Heights Road; and existing mobile home parks.

### 2.2.3 Permitted Uses

Residential uses including home occupations (see section 3.2.2) and small-scaled tourist commercial uses (see section 3.17.3) are permitted.

In addition to the above, outside of the high-density areas tourist commercial, including hotels and motels, campgrounds (see section 3.17.3 and section 3.2.6), and agricultural (see section 3.10) uses are permitted.

Limited institutional (see section 3.18) and local commercial (see section 3.17) land use activities are also expected to occur, servicing the day to day needs of the residential dwellings. Examples of these include community gathering areas, day care centres, group homes, libraries, schools, assisted living and retirement facilities, public recreation facilities, convenience stores, post offices, restaurants, rental office space and similar scale uses. Kennels may be considered on size-appropriate properties (see section 3.20.8).

### 2.2.4 Implementation

The R designation shall be implemented by zoning. Legally existing land use shall be recognized in such zones; and all proposed new development shall be *compatible* (see section 3.20) and may involve rezoning and site plan control (see section 4).

All proposed development, including new lot creation (see section 4.2) must be serviced by private, on-site servicing in accordance with the Ministry of Environment, Conservation and Parks (MECP) or Thunder Bay District Health Unit (TBDHU) (see section 3.13).

Depending on the site characteristics, supporting studies may be required by the General Policies in section 3 and Implementation Policies in section 4 of this plan.

Approval shall be required from the Lakehead Region Conservation Authority (LRCA) for all regulated areas described in the Protected Areas designation on Schedule A1 and A2 and shown on Schedule B1 and B2 as a development constraint.

### 2.2.5 Residential – High-Density (R1)

The MWWSP highlighted areas of high-density development that are at risk for cross contamination of private well water with waste/wastewater (sewage). These areas are identified in the MWWSP mapping; and those with specific development policies are shown on Schedule A1.

#### **The following shall apply to high-density areas:**

To reduce risk of contamination, all property owners within high-density areas must meet Ontario Building Code sewage treatment standards as administered by MECP or the TBDHU; and well water quality must meet Ministry of Health and Long-Term Care (MOHLTC) drinking water standards to be eligible for a Building Permit for development that is beyond minor repairs. See section 3.13 for more detail.

This will be implemented through Municipal programming outside of this official plan and through zoning, e.g. a Holding Zone may apply.

To further protect health and safety within high-density areas:

- installation of any wood burning appliance must be W.E.T.T. certified;
- where a minimum separation distance of 9.0 metres is not provided between main buildings, a smoke detector with fire and carbon monoxide alarms and with a monitored system is provided and maintained;
- where a minimum separation distance between main buildings is less than 6.0 metres, fire retardant features as approved by the municipal building official have been applied to the relevant walls of the building being converted; and,
- the Municipality may consider deeming historic subdivisions with under-sized lots in order to facilitate lot sizes that would permit safe servicing, in accordance with section 3.13.1 for safe servicing policies and other applicable policies of this plan.

### 2.2.6 Additional Residential Units - High-Density

No additional *residential units* shall be permitted in high-density areas to avoid exacerbating health and safety issues related to existing density of development and inadequate servicing levels, in accordance with the Provincially-mandated MWWSP.

See section 2.2.5 for further explanation of high-density; and section 3.3 for additional *residential unit* policies.

### 2.2.7 Home Occupations - High-Density

Home occupations (see section 3.2.2) shall be small scale, result in no increase in production of sewage or additional parking requirements, be completely contained within the home to the extent that it is unrecognizable from the exterior and without adverse effects (see section 3.20 Compatible Development). Home occupations must be carried on by the occupant(s) only.

### 2.2.8 Residential – High-Density – Loon and Bass Lakes (R1a)

#### 2.2.9 Intent of the Designation

The Loon and Bass Lakes Residential Lands are in the high-density area (see section 2.2.5 for high-density policies).

In addition to the R and R1 policies, the intent of the Loon and Bass Lakes designation is to recognize the high-density development in the area, to reduce risk of drinking water contamination from waste/wastewater and to protect and enhance lake water quality while allowing the continued enjoyment of lakeside living.

Residential land use is expected to continue; but is constrained due to the historic phosphorous levels of the lake, and due to reported summertime algae blooms.

#### 2.2.10 Goal

To prevent increase of lake phosphorus levels through development control and best practices (see section 3.13 Wastewater and Water Resource Protection).

#### 2.2.11 Permitted Uses

Existing residential. Limited home occupations in accordance with the high-density policies (see section 2.2.5 high-density policies) and applicable uses in R.

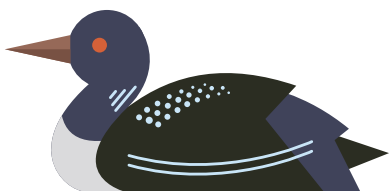
### 2.2.12 Implementation

To reduce human-generated phosphorus sources, no new lots may be created; and no development may take place for all lands within 300 metres of the shoreline of Loon or Bass Lake unless updated data using the 2010 Lakeshore Capacity Assessment Handbook Lakeshore Capacity Model shows that the lake can accommodate further development, and that development will not have adverse effects on other lakes in the watershed.

No building permit shall be issued until the requirements of section 2.2.5 high-density areas are met.

The MECP recommends consultation with its staff to ensure the 10-year estimated monitoring cycle of Loon Lake water quality by the MECP or by the affected camping organizations is undertaken to model results and to facilitate early detection of changes in the nutrient status and/or water clarity.

The MECP also recommends that the affected Loon Lake property owners be encouraged to become involved in the collection of lake water samples through the Ministry's Lake Partner Program, a volunteer-based water quality monitoring program.



### 2.2.13 Residential – High-Density – Cottage Association (R1b)

#### 2.2.14 Intent of the Designation

The Cottage Association Residential Lands are in a high-density area. (See section 2.2.5 high-density areas).

In addition to the R and R1 policies, the intent of the Cottage Association designation is to address an area of unique land ownership and density of development that has evolved over a long period of time. Studies to determine whether safe servicing is possible were never conducted as they would have been through the modern land division process.

Cottage Associations are defined as an organization of persons, whether incorporated or unincorporated or a trust, which holds title to blocks or parcels of land upon which a number of individually-owned dwellings are located. The dwellings are owned by persons who are members or shareholders in the Association. Each Association governs how proof of ownership is demonstrated. Without limiting the foregoing, Associations include the following: Ishkibible Beach Limited; Clover Beach Limited; Floral Beach Limited; Green Point Campers' Association; West Green Bay / Pebbly Beach Association; East Green Bay Campers' Association; and Wild Goose Bay Trust Association. White Birch Beach is also deemed to be a Cottage Association but leases its land from Canadian National Railway (CNR) rather than owning the land.

Cottage Association lands are identified on the Land Use Designation Schedule A1 and are generally located immediately east of the City of Thunder Bay, extending approximately six kilometres to Wild Goose Bay Trust Association along the shoreline of Lake Superior.

#### 2.2.15 Goal

To protect health and safety while allowing the continued enjoyment of lakeside living.

### 2.2.16 Permitted Uses

Existing residential, with minor repairs only. Limited home occupations (see section 2.2.5 high-density areas) and applicable uses in R.

Additional uses may include open space, recreational amenity areas serving the related immediate *dwelling unit*, and recreational and amenity areas serving the larger community. Limited local commercial may be permitted subject to *compatibility* (section 3.20) and rural-level servicing (see section 2.2.5 high-density areas).

### 2.2.17 Implementation

No building permits shall be issued until the requirements of section 2.2.5 are satisfied and a reference plan with an appropriate level of detail is provided.

The Municipality supports the conversion of the Cottage Association ownership model to *freehold* or a combination of *freehold* and common element condominium ownership in order to facilitate implementation of planning policies which benefit the whole community, particularly protection of health and safety. As such, plans of subdivision/condominium and/or multiple consents may be permitted in the Association Lands as long as the entire area of the Association Lands is included in the application, and roads become common elements in a common element condominium plan or other type of condominium plan.

The Municipality and other approval agencies such as the MECP, LRCA, etc. may still require specific information as part of a complete application such as hydrogeological, hydrologic, storm water management, archaeological, etc. (see section 4.4).

All development applications shall contain a *planning justification* which demonstrates that existing land use issues relating to density will not be exacerbated, in accordance with the TBDHU, MECP, LRCA, and any other applicable authority.

## 2.3 Rural Designation (RU)

### 2.3.1 Intent of the Designation

The intent of the RU Rural designation is to recognize the low density, multi-purpose area in which a variety of land uses can be accommodated. Lands designated as Rural are shown on Schedules A1 and A2 - Land Use Designations.

### 2.3.2 Goal

To support economic development with *compatible* uses while protecting the environment and existing uses and resources from incompatible uses.

### 2.3.3 Permitted Uses

Permitted uses include: limited residential, which may include accessory uses and home occupations, *additional residential units*, *garden suites*, and private individual energy facilities; highway, tourist, and local commercial; agricultural, agricultural-related, on-farm diversified; and normal farm practices; forestry; aggregate exploration and/or aggregate extraction operation; mineral exploration and/or mining operation; industrial; institutional; recreational; resource-based recreational (including recreational dwellings), portable asphalt plant; alternative energy; cemetery; kennel; and existing remote cottage use.

Notwithstanding the general list of permitted uses, only those uses that are *compatible* with the operation of a patrol yard shall be permitted to locate adjacent to or in close proximity to the Ministry of Transportation patrol yard on Highway 527 in Mining Location 1, Savigny's Survey; the patrol yard located on Highway 11/17 in the NE quarter section 6, and SE quarter of section 5, Concession 3, McTavish; and the former patrol yard located on Highway 587 in the SW quarter section 11, Concession 7, in McTavish.



### 2.3.4 Implementation

The RU designation shall be implemented by a variety of zones. Legally existing land use shall be recognized in such zones; and all proposed new development shall be compatible (see section 3.20) and may involve rezoning and site plan control (see section 4).

All proposed development, including new lot creation (see section 4.2) must be serviced by private, on-site servicing in accordance with the Ministry of Environment, Conservation and Parks (MECP) or Thunder Bay District Health Unit (TBDHU) (see section 3.13).

Depending on the site characteristics and proposed use, supporting studies may be required by the General Policies in section 3 and Implementation Policies in section 4 of this plan.

Approval shall be required from the Lakehead Region Conservation Authority (LRCA) for all regulated areas described in the Protected Areas designation on Schedule A1 and A2 and shown on Schedule B1 and B2 as a development constraint.

## 2.4 Protected Areas (PA)

Protected Areas are:

- 1) lands which need protection from development; and
- 2) lands which contain potential hazards to development.

Development in both circumstances is governed by similar or the same policies.

The Protected Area *land use designation* is shown on Schedule A1 and A2 - Land Use Designations and the values which comprise the PA are shown as constraints in Schedule B1 and B2 – Development Constraints Map.

In most circumstances, the PA designation is approximate; and the boundary is subject to change based on the findings of assessments, depending on the value that is being protected, (shown on Schedule B).

The designation in most cases is a trigger for appropriate studies to be conducted to ensure new development does not result in adverse effects.

An official plan amendment is not required if a new boundary is established; rather the mapping will be updated periodically to reflect the changes, similar in process to that of a zone change to zone mapping.


Where other *land use designations* tend to follow property ownership boundaries, the PA designation boundaries generally follow the feature(s) being protected or the value. Thus, the lines are approximate until verified by an assessment.

### 2.4.1 Intent of the Designation

The intent of the Protected Lands designation is:

- to protect wetlands, coastal wetlands, areas of natural and scientific interest, significant wildlife habitat, known habitat of endangered and threatened species, and fish habitat from incompatible land use;
- to preserve and enhance the amenities and natural resources offered by waterways, wetlands, and natural areas;
- to direct development away from, parks/nature reserves and significant cultural heritage and archaeological resources; and
- to direct development away from inherent physical environmental hazards such as flood susceptible areas, shoreline erosion areas, poor drainage areas, steep or unstable slopes, dynamic beach hazards or other physical conditions which act as a constraint to development in order to prevent loss of life and minimize property damage and social disruption.

See also, General Development Policies 3.4 Natural Heritage, 3.5 Cultural Heritage, 3.13 Water Resource Protection.

Note that the LRCA regulated area shown on Schedules A and B are approximate. The control of land uses near watercourses, wetlands, Lake Superior and inland lake shorelines and other hazards, such as talus slopes, is under the jurisdiction of the LRCA (excluding islands). Because proximity to watercourses, wetlands and other hazards can change over time, the approximate regulated area as shown on the Schedules may change over time. 

### 2.4.2 Permitted Uses

Proposals for new development within the Protected Area designation, including construction of buildings or structures, or additions thereto, will be considered on an individual basis, provided that such proposals are supported by a *planning justification* report featuring technical studies which demonstrate *compatibility* (section 3.20 and section 4), particularly that the site is safe for development and/or that protected features are not adversely affected. See applicable General Development Policies in section 3.

Depending on the value being protected, permitted uses within the Protected Area designation may also include development such as shoreline protection works, floodplain protection works, fisheries management, wildlife management, mineral exploration, waterfowl production, agricultural uses, docks, boathouses, pumphouses, trails, parks or other recreation use.

### 2.4.3 Implementation

The PA designation shall be implemented by a variety of zones. Legally existing land use shall be recognized in such zones.

Any applications to re-designate Protected Area lands shall not result in adverse effects on the feature being protected or exacerbate the hazard being protected from development.

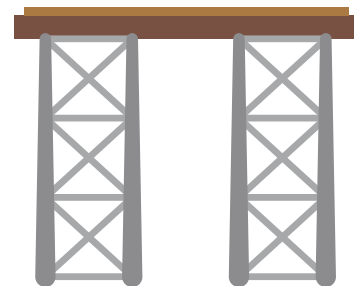
Measures to *mitigate* or eliminate adverse effects will be implemented through site plan, where appropriate.

There is no public obligation to either change the designation of, or to purchase any lands within the PA designation, particularly if the hazard would be difficult or costly to *mitigate* or overcome.

PA designated lands may not be considered acceptable as part of a parkland dedication pursuant to the Planning Act.

The Municipality may zone lands that are subject to inherent natural hazards in one or more zones that restrict construction of buildings and/or structures, for example, a 30m setback of structures from any watercourse top of bank or shoreline high water mark.

Approval shall be required from the Lakehead Region Conservation Authority (LRCA) for all regulated areas, described in the Protected Areas designation on Schedule A1 and A2 and shown on Schedule B1 and B2 as a development constraint.



## 2.5 Waste Management (WM)

There are three waste disposal sites in Shuniah that are closed and three active sites. Of the active sites, one is for receiving wood waste and two are for receiving domestic waste. The domestic waste sites are known as the MacGregor Waste Disposal Site and the McTavish Waste Disposal Site.

The MacGregor site has an estimated life expectancy of approximately four years (to approximately year 2024).

The McTavish site has a lifespan of approximately eight years (to approximately year 2025).

At the time of official plan preparation, the Municipality was working with the Ministry of Environment, Conservation and Parks to extend the lifespan of the McTavish site to 25 years (to approximately year 2045); and to change the current approved waste classification from Wood Waste to Domestic Waste at the Highway 527 site.

If the Highway 527 site is approved, it is expected to have an estimated minimum lifespan of 60 years for domestic waste (to approximately year 2080).

### 2.5.1 Intent of the Designation

The Municipality shall ensure that its waste management systems are of an appropriate size and type to accommodate the present and future requirements of the residents; and will facilitate, encourage, and promote reduction, reuse, and recycling by providing recycling facilities at waste disposal locations receiving domestic waste. All private waste management sites shall require an amendment to this official plan.

The Municipality expects the capacity of the current sites to accommodate the anticipated waste generated from the growth projected over the time horizon of this official plan once expansion approvals are in place.

In planning for additional waste disposal capacity, the applicable environmental assessment process under the Environmental Protection Act shall continue to be followed.

The following waste disposal locations are presently used or were previously used for waste disposal;

1. McTavish site # A591301 - NE ¼ Sect 7, Conc 5 – Active
2. MacGregor site # 591302 - North Pt of ML 5A, Hart's Survey – Active
3. Highway 527 site # 9466B2MWN – Active
4. Pearl site # 591303 - Pt ML E, Herrick's Survey - Conc 2, S ½ Lot 5 – Closed
5. E. Loon site # 591305 - NW ¼ Sect 7 Conc 8, N ½ Lot 7 – Closed
6. Uncertified site - Lot 12, Conc 3 and Lot 11, Conc 7 – Closed

### 2.5.2 Permitted Uses

Waste disposal facilities may also include related buildings and/or structures and identified monitoring and/or attenuation or setback areas, in accordance with the Provincial Environmental Compliance Approval.

### 2.5.3 Implementation

Prior to the development of any of the above noted lands for other uses, or of lands within 500 metres of a waste disposal facility, the following provisions shall be addressed and satisfied:

- where development is proposed for lands that had been used for the disposal of waste within the last 25 years, approval must be obtained from MECP stating that the development satisfies the provisions of section 46 of the Environmental Protection Act;

- where development is proposed within 500 metres of an active or closed waste disposal facility, engineering studies prepared in accordance with MECP D-series Guidelines will be required to demonstrate that there will be no adverse effects, risk to health and safety, or negative impacts on the proposed development due to its proximity to the waste disposal sites. Such studies shall consider the hydrogeology of the site, gas migration, and possible leaching from the site, the nature of the wastes that are contained in the site, vermin or other impacts;
- in accordance with MECP D-series Guidelines, where development is proposed beyond 500 metres of an active or closed waste disposal facility, engineering studies may be required where known hydrogeological conditions (as identified by MECP), or where engineering studies within 500 metres of active or closed waste disposal facility, identify the need for further study; and,
- development or operation of a private waste disposal facility as a commercial business shall require an amendment to this official plan and may not be supported as new uses of this nature are not generally encouraged within the Municipality.

Required technical studies should also address impact of the proposed lot creation/development on the future expansion of the waste disposal site.

All waste disposal facilities shall have frontage on a Municipally or Provincially owned or maintained road, with the exception of the Landfill Waste Disposal Site located on portions of Concession I and II sections 15 and 16 MacGregor, as shown on Schedule A1 – Land Use Designations Map may use a private road crossing Crown and/or private lands.

If housing development or the population increases at a greater pace than that which was projected for the preparation of this plan, any applications for approval will be considered against the capacity of the waste disposal sites.

Commercial, industrial and institutional development proposals shall also be evaluated in terms of expected waste generation and the capacity for Shuniah waste disposal sites to accommodate.

### **Additional resources include:**

D-4 Land Use On or Near Landfills and Dumps

[http:// www.ontario.ca/document/d-4-land-use-or-near-landfills-and-dumps](http://www.ontario.ca/document/d-4-land-use-or-near-landfills-and-dumps)

D-4-1 Assessing Methane Hazards from Landfill Sites

D-4-2 Environmental Warnings/Restrictions

D-4-3 Registration of Certificates and Provisional Certificates

Guide to Environmental Assessment Requirements for Waste Management Projects

Landfill Standards: A Guideline On The Regulatory And Approval Requirements For New Or Expanding Landfilling Sites





# GENERAL LAND USE POLICIES

# 3

## GENERAL LAND USE POLICIES

The intent of all General Land Use policies is set out in provisions and policies that will apply over the entire Municipality in all *land use designations* unless stated otherwise. When considering development proposals for Official Plan Amendments, Zoning By-law Amendments, Consents, Plans of Subdivision, or any other form of development requiring approval from the Municipality, the following policies shall be considered.

### 3.1 Lot Creation

The term “development” throughout this official plan includes lot creation.

In all *land use designations*, land meeting minimum area and policies of this plan may be eligible for division.

#### Residential Use Lot Creation

To achieve efficient land use, lot creation to accommodate residential development shall be directed to the vicinity of existing concentrations of residential development and be separated from uses that may have an adverse effect (see section 3.20). Due to the over-supply of residential lots in the Municipality (see Appendix 1) residential lots shall generally be created by consent subject to implementation criteria in section 4.2. Land division by consent is governed by section 53 of the Planning Act.

For creation of five or more lots, lot creation by plan of subdivision under section 51 of the Planning Act (or plan of condominium) may only be considered in support of *resource-based recreational uses* (including recreational dwellings) or to improve the land use planning situation in the Cottage Association Lands by converting from co-ownership to *freehold* ownership or a combination of a *freehold* and common element condominium (see section 2.2.13) subject to the policies of this plan and section 4 Implementation criteria.

#### Industrial and Commercial Use Lot Creation

Plans of subdivision may be permitted for creation of a business or industrial park, in accordance with the policies of this plan subject to a site-specific Official Plan Amendment.

### 3.2 Accessory Uses in All Land Use Designations

In all *land use designations*, accessory uses that are *compatible* with, incidental to, and secondary in nature to main uses may be permitted provided that adverse effects upon abutting or nearby main uses is minimized, and that the main use of the property continues to be dominant and to be provided with space for traffic parking and mobility, amenity area and landscaping and necessary servicing. Septic and well function and capacity per the policies (see section 3.13) of this official plan must be demonstrated.

Site plan control (see section 4) shall apply where mitigation measures require implementation.


Accessory uses may also include loading areas, landscaping, fencing, and similar features; and may also include private alternative energy facilities, home occupations, bed and breakfast establishments, and *garden suites*, subject to the policies of the plan, including any limitations in the *land use designation*.

### 3.2.1 Alternative Energy Facilities

See section 3.14 Climate Change, Energy and Air Quality.

### 3.2.2 Home Occupations

A home occupation is a private, legal business activity undertaken in the home that preserves the dominant character of the neighbourhood; is clearly secondary to a principle use; and is compatible with the land and adjoining residential properties, particularly in terms of noise, vibration, dust, odour, visual impacts, contaminants or other emissions. It is operated only by a person residing within the *dwelling unit*.

Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation; and that an additional entrance will not be permitted to accommodate home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel. 

Home occupations are permitted in the Rural and Residential *land use designations*; however home occupations in high-density areas shall be limited in accordance with section 2.2.7, unless individual lot size is 0.8 ha if waterfront property with all 0.8 ha on dry land or 1.0 ha if inland property, and is compatible.

Home occupation policies are implemented through zoning regulations and site plan control where implementation of mitigation measures is required.

Any home occupation shall never become a legal non-conforming commercial use.

### 3.2.3 Bed and Breakfast Establishments

A bed and breakfast establishment is a single or semi-detached dwelling in which guest bedrooms or suites are provided for gain as temporary accommodation on a daily basis. It is not considered *short-term accommodation* or *home-sharing*.

Bed and breakfast use within a single detached or semi-detached dwelling are permitted provided that the physical character of the dwelling is not substantially altered.

The dwelling must clearly be the principal use of the land and the bed and breakfast component clearly an accessory use to the dwelling.

Such establishments must have the owner of the residence/proprietor residing on the premises.

The TBDHU shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating.

Bed and breakfast establishments are implemented through zoning.

### 3.2.4 Garden Suites

See section 3.3 Affordable Housing, Additional Residential Units and Garden Suites

### 3.2.5 New Mobile Homes

Mobile homes accessory to a main use shall not be permitted in any designation in the Municipality.

Mobile Homes are not permitted in Shuniah outside of existing mobile home parks which existed prior to October 5th, 1978.



### 3.2.6 Short-Term Accommodation & Home Sharing

The Municipality is supportive of *home-sharing* or *short-term* accommodation to promote economic development and provide opportunity for diversity in local accommodations while limiting potential impacts to neighbourhoods.

*Short-term* accommodation shall be permitted in all designations as set out in a Municipal by-law for any period less than increments of thirty (30) consecutive calendar days in the entire main unit of any main dwelling. *Short-term* accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit or similar commercial or institutional use; all of which require site specific zoning and site plan control as needed for implementation of mitigation measures.

All home-share dwellings shall be Ontario Building Code (OBC) and Fire Code compliant; water quality must meet MOHLTC standards; and septic systems must meet OBC to the satisfaction of the TBDHU.

Council may consider a *home-sharing* licensing program.

Additional Resources Include:

- Home Sharing Guide for Ontario Municipalities



## 3.3 Affordable Housing, Additional Residential Units and Garden Suites

### Affordable Housing

The Thunder Bay District Social Services Administration Board's (TBDSSAB) "Under One Roof: Housing and Homelessness Plan 2014-2024" includes Shuniah as part of "Metro" Thunder Bay due to the fact that the two municipalities share a boundary.

The TBDSSAB does not set *affordable housing* targets for Shuniah.

However, the Plan identified the following:

- The Thunder Bay District population is ageing and declining.
- Although median household incomes in the Thunder Bay CMA are lower than the provincial level, many of the smaller municipalities enjoy median household incomes that are significantly greater than the provincial average (such as Shuniah).
- There are no seniors' supportive housing outside of the City of Thunder Bay.
- There are no *affordable housing* or any type of social housing units located in Shuniah at this time.
- Affordability is not an issue in the private market across the district (including Shuniah).

Although affordability is not a major issue in Shuniah the official plan policies support affordable and inclusive housing options through the additional *residential unit*, *garden suite* and residential facility policies.

This plan may be amended as required to provide a minimum target for the provision of housing which is affordable to low and moderate income households to align with future updates to the District of Thunder Bay Social Services Administration Board (TBDSSAB) Housing and Homelessness Plan.

See Appendix 1 for population growth scenarios and housing needs analysis.

### Additional Residential Units

Due to the limitations of rural servicing levels and the desire to direct development to serviced areas in order to achieve efficient development, *additional residential units* are limited to one additional *residential unit* within any legally existing main residential dwelling and one additional *residential unit* within an ancillary structure within the Municipality except on Association Lands and in high-density areas, including Residential Lands on Lake Superior, Loon Lake, Bass Lake, or Sparks Lake due to density-related potential health and safety issues identified in the MWWSP required by the Province. Accessory use policies (section 3.2) apply in the case of units in ancillary structures.

### Garden Suites

*Garden suites* are also permitted within the municipality except the areas listed above, by by-law in accordance with Planning Act legislation applicable to *garden suites*.

Council may require the owner of the suite or any other person to enter into an agreement with the Municipality dealing with:

- installation, maintenance and removal of the *garden suite*;
- the period of occupancy of the *garden suite*, up to 20 years by any of the persons named in the agreement; and
- the monetary or other form of security that the Council may require for actual or potential costs to the Municipality related to the *garden suite*.

Council may by by-law grant extensions of not more than three years each during which the temporary use is authorized.

*Additional residential units* and *garden suites* shall:

- require a building permit;
- be located on a lot that meets the minimum lot area and frontage of the implementing residential zone in which they are located without variance or amendment to the zone regulations; and,

- demonstrate with written confirmation from the approval authority as part of the building or occupancy permit application that existing private sewage and water service capacity can support an additional *residential unit* or *garden suite*. The TBDHU is the approval authority where the lot is serviced by individual on-site sewage services, unless the lots are serviced by a large private sewage disposal facility having a daily sewage flow of greater than 10, 000 litres.


## 3.4 Natural Heritage

Natural heritage includes features and areas of significant wildlife habitat, habitat of threatened and endangered species, significant wetlands and coastal wetlands, fish habitat, and significant areas of natural and scientific interest (ANSI).

Natural features and areas shall be protected for the long term. Diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems shall be maintained, restored, and where possible improved.

Protection shall involve the use of the Protected Area *land use designation* and zoning; and consider the nearby natural heritage features and areas, including watershed features, parks, conservation reserves/areas, hazards lands and Municipal open space during the review process for any planning approval.


The Municipality shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known values located within the Municipality.

In addition, data and maps of any designation or locally significant value within the Municipality shall be maintained as it becomes available for the planning review. The Municipality may, where financial resources permit, regularly update Municipal natural heritage mapping under the provisions of the municipal/provincial data sharing agreement. 


Being a northern and rural municipality, tree canopy and natural vegetation will be maintained through the policies that limit development, shoreline development policies, forestry limitation policies; the Protected Area designation and the Natural Heritage policies; while also limiting wildland fire risks.

See Appendix 3 for additional resource documents on natural heritage.

### 3.4.1 Significant Wildlife Habitat

- Development and site alteration shall not be permitted in or adjacent to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- Adjacent lands to significant wildlife areas are defined to be 120 metres from the boundary of the feature.
- Preliminary ecological assessment may be conducted based on existing mapping, existing local knowledge, and/or site visitations when development and/or site alteration is proposed. If the proposed development is within or adjacent to a significant wildlife habitat, the Ministry of Natural Resources and Forestry (MNRF) will be contacted for information and guidance for such assessment.
- Significant wildlife habitat can include but is not limited to: habitats of seasonal concentration of animals; rare vegetation communities or specialized habitat for wildlife; habitat of species of conservation concern; and animal movement corridors.
- Where preliminary assessment indicates the likely presence of significant wildlife habitat, an Environmental Impact Study will be required (see section 3.4.6). 

### 3.4.2 Habitat of Threatened or Endangered Species

- Development and site alteration shall not be permitted in significant habitat of species listed on the Species at Risk in Ontario List as threatened or endangered species; and shall not be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions.
- Adjacent lands for threatened and endangered species are deemed to be 120 metres unless there are other site-specific considerations such as species habits, type of development, and/or landscape characteristics that may warrant extension or retracting of this distance.
- Preliminary ecological assessment may be required when development and/or site alteration is proposed in order to determine if the initiative is in or adjacent to significant habitat of threatened or endangered species, and such assessment will typically be based on existing mapping and reference information, existing local knowledge, and field investigation.
- Where preliminary assessment indicates the present of significant habitat of threatened or endangered species an Environmental Impact Study (see section 3.4.6) will be required in instances where the Ministry of Environment, Conservation and Parks (MECP) indicates that the habitat may be impacted by the proposed activity.
- Consultation with the MECP shall occur where such habitat is being evaluated. 


### 3.4.3 Significant Wetlands and Significant Coastal Wetlands

#### Significant Wetlands

Wetlands are areas where the land is wet either permanently or seasonally; and result in water-logged soils and the growth of water tolerant or water favouring plants. Wetlands typically occur along the edges of lakes and watercourses, or in areas where water pools for at least a part of the year. Adjacent lands are defined to be lands within 120 metres of the boundary of a significant wetland.

No wetlands occurring in the Municipality have been evaluated using Ontario's Wetland Evaluation System. Where development is proposed within 120m of a wetland feature, a preliminary or full evaluation will be required depending on the scale of the project and the proximity of the wetland in question.


All wetlands containing fish habitat and all lakes shall have a minimum setback of 30 metres from top of bank implemented through zoning.


Development and site alteration shall not be permitted in significant wetlands unless it has been demonstrated through an Environmental Impact Study (see section 3.4.6) that there will be no negative impacts on the natural features or ecological functions. 

#### Significant Coastal Wetlands

Coastal wetlands in Shuniah are wetlands that are located on Lake Superior or on a tributary to Lake Superior that lies either wholly in or in part, downstream of a line located 2 km upstream of the 1:100 year floodline (plus wave run-up) of the lake.

No coastal wetlands occurring in the Municipality have been evaluated using Ontario's Wetland Evaluation System.

A full evaluation will be done for any development which might impact a coastal wetland. 

Development and site alteration shall not be permitted in significant coastal wetlands unless it has been demonstrated through an Environmental Impact Study (section 3.4.6) that there will be no negative impacts on the natural features or ecological functions. 

### 3.4.4 Fish Habitat

Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. All streams in Shuniah are assumed to be cold water streams by the MNRF; and as such are protected with a 30 m setback.

If a cool or warm water creek is identified, the setback will be less, in accordance with the MNRF Natural Heritage Reference Manual setbacks.

All naturally occurring watercourses and waterbodies are considered to be fish habitat unless it can be demonstrated in a report by a qualified professional that the feature does not contain fish habitat as defined by the Fisheries Act.

Development adjacent to fish habitat, where permitted by other applicable policies of this plan, may be permitted provided that the ecological functions of the adjacent lands have been evaluated and it has been determined that there will be no negative impacts on the fish habitat. For the purposes of this policy, adjacent lands shall be considered to be all lands within 120 metres of the normal high-water mark of any watercourse or waterbody.


Alteration, disruption, or destruction of fish habitat shall not occur unless prior authorization has been secured from Fisheries and Oceans Canada as required under the federal Fisheries Act.

All wetlands, water bodies and natural watercourses shall have a vegetated setback of 30 m implemented through zoning. Setbacks may be increased or decreased based on results of evaluations.

### 3.4.5 Areas of Natural Scientific Interest

Areas of natural and scientific interest (ANSI) refers to lands and/or water containing natural features which have been identified as having significant value related to the natural heritage protection, scientific study, or education.

The two ANSI's located in Shuniah are Earth Science features or areas that contain examples of rock, fossil, and/or landform features that are the result of geological processes and landscape evolution.

Development and/or site alteration shall not be permitted adjacent to (i.e., within 50 m of) any Earth Science ANSI unless it has been demonstrated by an EIS that there will be no negative impacts on the particular feature or its related ecological function. 

ANSIs are included in the Protected Areas designation shown on Schedule A1 & A2 and on Schedule B1 & B2 as a development constraint.

### 3.4.6 Environmental Impact Studies

Where preliminary screening indicates there is a potential for impact or adverse effect on any natural heritage value, an Environmental Impact Study (EIS) shall be prepared by a qualified professional in accordance with Ontario regulation(s).

The EIS shall include but not be limited to:

- A detailed description of the natural heritage features of the study area, including: terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat; and delineation of the boundaries of the natural heritage feature(s);
- A characterization of the existing ecological, hydrological and hydrogeological functions performed by the significant feature(s);


- A detailed description of the proposed development, including building type and density, servicing (sewage disposal, water supply) and infrastructure (roads, stormwater management, etc.);
- A prediction as to potential impacts (direct, indirect and cumulative) of the development on the natural and physical environment, including climate change, taking into account the watershed scale where possible (see 3.13.2);
- The identification and evaluation of measures/options to avoid, reduce or otherwise *mitigate* impacts to meet the standard of no loss of feature and function (no negative impact);
- The selection of a preferred mitigation/rehabilitation strategy;
- A summary of predicted net effects after the application of mitigation compared to overall environmental targets and standards; and
- An evaluation of the elements required and the need for a monitoring program to assess the effectiveness of the preferred mitigation/rehabilitation strategy.

To conserve significant natural heritage resources, the Municipality may utilize:

- zoning by-law;
- demolition control by-laws;
- interim control by-laws;
- subdivision development agreements;
- financial incentives such as Community Improvement.

Where an EIS is required, it shall be included in support of the *planning justification*; and may include the requirement for a peer review at the cost of the applicant.

Additional resources include:

- Provincial "Quick Assessment Guide" for 3W Ecoregion 

### 3.5 Cultural Heritage and Archaeology

Cultural heritage resources include archaeological resources, built heritage resources and heritage landscapes. This official plan uses PPS definitions.

Council recognizes the importance of cultural heritage resources within the Municipality. Therefore, Council will encourage the identification, conservation, protection, restoration, maintenance, and enhancement of significant cultural heritage resources. New development shall conserve significant cultural heritage resources and shall incorporate these resources into new development plans.

Where applicable, *planning justification* for all new development must show that the project preserves and enhances the context in which any significant cultural heritage resources are situated; and in doing so, has considered the interests of Indigenous communities.

Criteria for determining whether a cultural heritage resource is significant are recommended by the province, but municipal approaches that achieve or exceed the same objective may also be used.

Council may require a heritage impact assessment conducted by a qualified professional whenever a development has the potential to affect a significant cultural heritage resource.

Development and site alteration are not permitted on land adjacent to (i.e., contiguous with) a significant heritage property except where the proposed development and site alteration has been evaluated by a qualified person; and it has been demonstrated that the heritage attributes will be conserved.

To conserve significant heritage resources, the Municipality may utilize:

- zoning by-law;
- demolition control by-laws;
- interim control by-laws;
- subdivision development agreements;
- financial incentives such as Community Improvement Plans;

- heritage conservation easements; and,
- grants and loans for heritage conservation.

A Municipal Heritage Committee may be established pursuant to the Ontario Heritage Act, to advise and assist Council on conservation matters relating to heritage resources. The functions of this committee should include but not be limited to:

- identify cultural heritage resources of local and regional interest;
- advise on matters associated with the identification, conservation, preservation, and adaptive re-use of cultural heritage resources; and,
- advise to designate the Municipality or any area or areas within the Municipality as heritage conservation district.

The Municipal Clerk shall maintain a register of all properties designated under the Ontario Heritage Act. The register may also contain properties with heritage conservation easements and properties that are not designated, but which are considered by Council to be significant.


The policies of this plan regarding the identification and conservation of significant cultural heritage resources also apply to the undertaking of Municipal public works.

The Municipality 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 negatively impact cultural heritage resources.

The Municipality may seek the acquisition of easements on properties with cultural heritage significance in order to assure the preservation of these resources in perpetuity.




The Municipality shall ensure that each municipally-owned heritage resource which is sold, leased or transferred to another owner or lessee is subject to a heritage easement agreement which shall guarantee its preservation, maintenance and use in a manner which respect its heritage significance and, when appropriate is subject to a heritage restoration agreement which shall require that certain restoration works be carried out by the new owner or lessee to a standard acceptable to the Municipal Heritage Committee or other accepted heritage property standard.

The Municipality shall ensure that secondary planning studies identify cultural heritage resources which may exist under the study area and propose means to protect and enhance such resources 

### 3.5.1 Indigenous and Metis Cultural and Heritage

Métis traditional territories provide the resources necessary - hunting, fishing, trapping, gathering for food, plants for medicines, social and cultural purposes - in order to support and maintain a regional Métis community's ongoing survival. Métis peoples live in, harvest throughout and extensively rely on their traditional territories for their individual and community's well-being. The relationship between regional Métis communities and their traditional territories is a symbiotic one. One cannot be healthy without the other being equally healthy. As such, what happens to these traditional territories in relation to their ecosystems, use, development and sustainability are of fundamental importance to the survival of Métis individuals, children, families and communities. If these territories are indelibly changed or damaged, the Métis people and communities will be as well.

The Municipality recognizes the Métis traditional use of the waterways, shorelines and lands in and around the Municipality's boundaries, outside of privately-owned property. All future development and development currently under processing for permitting in the

vicinity of shorelines will not impede access of the Métis to these traditional areas. In order to better understand and *mitigate* the potential impact of such developments, the Municipality of Shuniah will consult the Métis community, working through the MNO Lakehead/Nipigon/Michipicoten Traditional Territory Consultation Committee and Red Sky Independent Metis Nation. 

### 3.5.2 Archaeological Resources


As of 2019, there are 21 archaeological sites identified within the municipality. The Municipality shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known archaeological sites located within the Municipality. In addition, Ministry of Tourism, Culture and Sport (MTCS) data and maps of any designation or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural landscapes within the Municipality shall be maintained as it becomes available for us in the planning review. The Municipality may, where financial resources permit, regularly updated municipal archaeological resource mapping under the provisions of the municipal/provincial data sharing agreement.

The Municipality with the advice of the MTCS may undertake the preparation of an Archaeological Management Plan to identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Municipality having archaeological potential. The Management Plan may also outline policies, programs, and strategies to protect significant archaeological sites.

The Municipality shall require archaeological assessment by archaeologists licensed under the Ontario Heritage Act in areas where there are known archaeological resources and/or areas exhibiting archaeological potential within the boundaries of Shuniah.

Alterations to known archaeological sites must only be performed by licensed archaeologists.

Preservation of archaeological sites in an intact condition is the preferred means for the mitigation of impacts to archaeological sites. Excavation as a means for the mitigation of impacts will only be considered when it is demonstrated that preservation is not possible.


The Municipality shall ensure adequate archaeological assessment and consult appropriate government agencies, including the MCTS and the Ministry of Government and Consumer Services when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall apply. 

Provincial Criteria for determining archaeological potential:

- known archaeological sites within 300 m;
- water source (primary, secondary, ancient) within 300 m;
- elevated topography (e.g., knolls, drumlins, eskers, plateaux);
- unusual land formations (e.g., mounds, caverns, waterfalls);
- resource-rich area (concentrations of animal, vegetable or mineral resources);
- non-aboriginal settlement (monuments, cemeteries);
- historic transportation (e.g., road, rail, portage);
- property protected under the Ontario Heritage Act;
- local knowledge; and,
- recent disturbance (extensive and intensive) 

### 3.5.3 Marine Archaeology

The Municipality recognizes that there may be marine archaeological remains from the pre-contact period through to the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artefacts from the content of boats and belongings of crew or passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft, and other items of cultural heritage significance. The remains may currently be, or at one time, submerged under water.

Council may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage significance are identified and impacted by shoreline and waterfront developments. 



### 3.6 Forestry and Wildland Fire

#### Forestry

Forestry resources are considered to be an important component of the Municipality's long-term economic development. Innovative forestry management arrangements and practices will be encouraged as a means of maximizing economic benefit from forestry resources within the Municipality.

Harvesting of forest resources shall be a permitted use in the Rural designation, however, forest activity in the vicinity of developed inland lakes and Lake Superior are required to observe a setback from the water body identified in the Comprehensive Zoning By-Law; and implemented through site plan control where applicable (see section 4.11).

The maintenance of forest cover and riparian vegetation 30 m from river and stream banks is required; and reforestation in areas where forest resources have been depleted is encouraged (see section 3.13.2 shoreline development and 2.4 Protected Areas).

The MNRF administers the Crown Forest Sustainability Act under which a permit is required prior to harvesting timber on Crown Land or on private land to which the timber is reserved to the Crown.

Harvesting of forest resources will be permitted in the Rural zone.

Secondary processing of forest resources shall be permitted in the Industrial zone.

Notwithstanding the above emphasis on forestry activity; any potential adverse effects from forestry activities shall be *mitigated* where forestry activity occurs in close proximity to *sensitive* uses (see section 3.20).

Regulations shall be set out in the Comprehensive Zoning By-Law in consultation with professional foresters at MNRF where forest harvesting and more *sensitive* land uses could conflict.

#### Wildland Fire

The Municipality is committed to protecting its residents from wildland fire risks and costs. Accordingly, 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, shown on the MNRF Wildland Fire Risk Map available on-line or at the Municipal office.

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 the MNRF. The wildland fire assessment shall be required as part of the *planning justification* and complete application.

Additional resources include:

- MNRF Wildland Fire Risk Assessment and Mitigation Reference Manual on-line or from the Municipal office.

### 3.7 Potentially Contaminated Sites and Brownfields


Potentially contaminated sites or contaminated sites commonly known as "brownfields" typically involve lands that were previously used for industrial, transportation, or utilities purposes, including some commercial uses where fuel storage and/or dispensing occurred. Such sites will be mapped by the Municipality; but will not be a Schedule to this official plan.

On any site that supported one of the above land uses; or where contamination is known or suspected to be present on a property that is the subject of a planning application, approval will be contingent upon the preparation and filing of a Record of Site Condition statement, either completed in advance of the relevant planning decision or established as a condition of the removal of a Holding Zone.

Brownfield sites in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

If a Holding Zone has been used, to ensure that site contamination has been addressed prior to development, the holding symbol shall be lifted once the site has been remediated to the MECP standards for the new use.

In any designation, where land use is changing to a more *sensitive* use, or where a facility is proposed that will be used by youth, such as a community centre, a Record of Site Condition must be filed with the MECP.

A Holding symbol shall not be used in situations where the extent of the suspected contamination is such that it is possible that remedial measures either cannot be implemented or would be impractical. In such instances, the Record of Site Condition shall be completed in advance of any land use decision. 

The Municipality may encourage and where possible assist in the identification and study of sites where contamination is known or thought to exist and where no current development proposal is involved. Sites, once confirmed as brownfield sites will be shown on Schedule B1 and B2 - Development Constraints map as they are identified as a housekeeping amendment.

Additional resources include:

A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition:

Contaminated Sites RSC Registry

O. Reg. 153/04

O. Reg. 406/19, On-Site and Excess Soil Management Regulation

### 3.8 Mineral Aggregate Resources, Mineral Resources, and Mining Hazards

#### 3.8.1 Mineral Aggregate Resources

Mineral aggregate resources are defined under the Aggregate Resources Act, suitable for construction, industrial, manufacturing and maintenance purposes. Areas of known mineral aggregate deposits are shown on Schedule B1 and B2 - Development Constraints map.

The Municipality of Shuniah falls within the Designated areas under the Aggregate Resources Act (ARA) which means that private land aggregate operations are governed by the ARA administered by the Ministry of Natural Resources and Forestry (MNRF) for either new or expanding permit/quarry operations.

In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment or continued use or access to the resources shall only be permitted if:

- resource use would not be feasible; or
- the proposed land uses or development serve a greater long-term public interest; and,
- issues of public health and well-being, public safety and environmental impact are addressed.

Adjacent lands may also include those which fall in adjoining municipalities or unincorporated townships. Any new licence applications under the ARA for which any adverse effects may impact the Municipality of Shuniah resources and/or its residents shall include input from the Municipality of Shuniah based on the policies within this official plan.

New or expanding mineral aggregate extraction, including pit and quarry operations, shall be separated from *sensitive* land uses and screened from view to the greatest extent possible.

New or expanding mineral aggregate extractions, including pit and quarry operations of any size shall

be undertaken in a manner which minimizes social and environmental adverse effects to a negligible level demonstrated through appropriate studies as part of the *planning justification*. Studies shall include but not be limited to traffic (including traffic impact and safety), noise, vibration, dust and other contaminants/emissions, and ground and surface water impact studies to determine the influence area of the operation (see sections 3.20, 3.13 and 4.4.3).

New or expanding mineral aggregate extraction operations shall not adversely affect existing and future adjacent land uses.

Study requirements shall be coordinated with those which may be required under the ARA; and shall include contingency plans for addressing adverse effects that may arise in the future; for example, noise, groundwater, dust, emissions, contamination, traffic, visual, vibration.

Where potential impacts or adverse effects cannot be appropriately *mitigated*, planning approvals will not be supported.

As a minimum, studies may treat pits and quarries as Class III industrial facilities in MECP D-series Guideline: Compatibility between Industrial Facilities and Sensitive Land Uses. Blasting operations shall be in compliance with MECP Guidelines NPC - 119 for Blasting.

The Municipality may enact by-laws under the Municipal Act to regulate aspects of operations such as, but not limited to road use, rehabilitation and noise creation.

Any costs required for improvement to a public property or rehabilitation due to a new or expanded pit or quarry shall not be at public expense.

The Municipality and the developer may enter into a performance agreement that would address:

- arrangements for rehabilitation
- the posting of a performance bond or letter of credit to ensure that rehabilitation is completed
- provisions for buffering or screening

- assurances that polluted water from washing or screening is not discharged into any creek, wetland or watercourse
- timing of blasting operations and other noise and vibration creation
- protection of the water table
- traffic

A Rehabilitation Master Plan shall be required.

Rehabilitation to accommodate subsequent land uses and surrounding land uses shall be required; and shall be completed in a timely manner progressively or after extraction and other related activities have ceased.

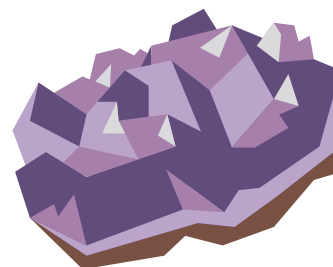
Rehabilitation shall be required to promote land use *compatibility*, to recognize the interim nature of extraction and to *mitigate* negative impacts to the extent possible.

Comprehensive rehabilitation planning may be required where three or more operations are within 1 km of each other.

Extraction operations should conserve resources including use of accessory aggregate recycling facilities within an operation where feasible.

Existing aggregate operations shall be permitted to continue without the need for an official plan amendment, zoning by-law amendment, or development permit under the Planning Act. Existing operations seeking a new licence under the ARA to expand operations are subject to the policies of this plan if permitted uses in the zoning do not include full uses permitted in the licence.

Any issues or assessment related to depth of extraction shall be addressed under the ARA.




Cultural heritage resources shall be considered in the *planning justification* when new areas for aggregate operations are being considered. Prior to the establishment of a new aggregate pit or quarry or expansion of an existing operation, an archaeological assessment by a qualified professional shall be completed to the satisfaction of the Province and any cultural heritage resources that may be identified on the site shall be conserved in accordance with the recommendations of an archaeological assessment.

New aggregate extraction including pit and quarry operations are permitted in areas of known deposits through re-zoning and site plan approval.

Site plans shall include the requirements under the ARA and the following:

- the legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
- the existing use of land and the location and use of all buildings and structures lying within 300 metres of the property that is the site of the extractive operation;
- existing and anticipated grades of extraction, extent of extraction area, setbacks from the limits of extraction to the property line, and screening and buffering;
- the location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;
- all entrances and exits;
- limits of development, road plan, water drainage, storage and management, location of stockpiles;
- the surface water bodies, groundwater uses, Wellhead Protection Areas, and any other features identified through the source protection planning process be shown on the plan, and;

- progressive and ultimate rehabilitation plan based on the Rehabilitation Master Plan including, but limited to topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.

Those areas of aggregate potential that overlap areas of Environmental Protection will be dealt with by the MNRF as applicable under the ARA. 

### 3.8.2 Mineral Resources

Significant areas of mineral deposits have been identified on Schedule B1 and B2 – Development Constraints map.

Mineral resources include all minerals not regulated under the Aggregate Resources Act. Mineral resources are regulated under the Mineral Resources Act administered by the Ministry of Energy, Northern Development and Mines (ENDM).

Known mineral deposits and areas of significant mineral deposits shall be protected from development and activities 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.

Development and activities which would preclude or hinder the establishment of new operations or access to the resources in areas of known mineral deposits and significant areas of mineral potential or adjacent lands shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use of development services a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

The ENDM shall be consulted with regards to development in or adjacent to the areas of mineral potential.

Federal, Provincial or joint Environmental Assessments may be required in order to develop mineral resources, followed by Federal and Provincial approvals.

New mineral resource operations shall use best practices and technologies to minimize impacts on *sensitive* land uses, and environmental, economic and environmental well-being, including public health.

New mining operations are subject to the same policies as new aggregate operations in section 3.8.1 with respect to impact assessment, contingency plans, Rehabilitation Master Plan, Municipal By-laws under the Municipal Act, performance agreements, and costs.

Adjacent lands may also include those which fall in adjoining municipalities or unincorporated townships. Any new mining operation proposal for which any negative effects may impact the Municipality of Shuniah resources and/or its residents shall include input from the Municipality of Shuniah based on the policies within this official plan.

Influence areas and separation distances will be used to avoid incompatible land uses. An influence area is not a strict buffer or setback area where development is automatically prohibited. Within the influence area, development may be permitted where it is clearly demonstrated through *planning justification* supported by technical studies (see section 3.8.1), that adverse effects will be *mitigated*; including demonstrating that the quality and quantity of ground water on adjacent properties will not be compromised where excavation occurs below the water table. A separation distance establishes a minimum horizontal distance between incompatible land uses.


Proponents through *planning justification* should demonstrate how conservation of cultural heritage resources shall occur when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations of the expansion of existing operations. Any adverse

effects or negative impacts shall be *mitigated*.


Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

New mineral extraction operations are permitted through re-zoning the appropriate ENDM approval process. The site plan shall include the requirements under the Mining Act and:

- The legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
- The existing use of land and the location and use of all buildings;
- Existing and anticipated grades of extraction, extent of extraction area, buffering; and structures lying within 300 metres of the property that is the site of the extractive operation;
- The location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;
- All entrances and exits;
- Limits of development, road plan, water drainage, storage and management, location of stockpiles;
- Completion of ground and surface water studies to assess the impact of the extraction operation (both during and post), any water taking, and the return of process water upon the areas water resources; and,
- Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.

Mine plan approval including a closure plan rests with ENDM prior to commencement of advanced exploration activities and/or mining operations. 

### 3.8.3 Mine hazards

Mine hazards are shown on Schedule B1 and B2 – Development Constraints map. Where abandoned mining operations exist as part of lands proposed for development or within 1,000 metres of lands proposed for development, Regional Land Use Geologist – Northwest will be consulted so that the most up to date information and advice can be provided to the Municipality in the interest of public safety. The Regional Land Use Geologist may involve other technical experts within ENDM as required to assist with evaluation of the hazard. Evaluation and remediation of the hazard will be undertaken as required by O.Reg. 240/00: Mine Development and Closure Under Part VII of the Mining Act. 

## 3.9 Asphalt and Concrete Plants

### Portable

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

Upon completion of the particular contract related to the portable facility, the facility will be removed; and the site will be appropriately rehabilitated.

Operation of a portable asphalt or portable concrete plant shall not occur unless the plant has an Environmental Compliance Approval (ECA) (Air) under the Environmental Protection Act for the equipment/processing required to address air emissions, noise, particulate and odours.

### Permanent

Permanent asphalt and/or concrete plants associated with private aggregate and/or quarrying operations will require specific rezoning recognition including an Environmental Compliance Approval (ECA) and will be considered on their individual merits through the zoning process subject to the policies of section 3.8.1.

## 3.10 Agricultural Uses

The Municipality recognizes the importance of local food production in building a healthy, resilient community and region. The intent of this policy is to maintain current local agricultural uses and expand opportunities.

Community gardens are permitted and encouraged in *compatible* locations across all *land use designations* subject to safe practices including ensuring soil is free of contamination.

There are no Prime Agricultural areas present in the Municipality as defined by the PPS.

Agricultural uses, agricultural-related uses, on-farm diversification uses, and normal farm practices are permitted in the Rural designation in accordance with Provincial standards, including, but not limited to, the Minimum Distance Separation formulae and guidelines (MDS).

Any change to a more *sensitive* use requires a MECP Record of Site Condition to avoid risk of contamination of produce (see section 3.7).

Secondary processing of agricultural products that is characteristic of industrial development (see MECP D-series guidelines) shall be permitted in accordance with the industrial policies of this plan (see section 3.19).



### 3.11 Provincial Highways

Due to the four-laning the new highway alignment is a designated Controlled Access Highway (CAH). Such a CAH has restrictions including that direct private and commercial access will not be permitted.

Direct access onto a provincial highway will be restricted. Proposals can be circulated to Ministry of Transportation to define exact requirements.

Development shall be encouraged to utilize local roads wherever possible. Where highway access is a possibility, it will only be considered to those properties that meet the requirements for the Ministry of Transportation's access management practices and principles.

In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's permit control area will also be subject to Ministry of Transportation's approval. Early consultation with the Ministry of Transportation is required to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the Municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within the Ministry of Transportation's permit control will be subject to the Ministry of Transportation's policies, standards and requirements.

Where a lot or unit creation is proposed or where planning approvals are required to facilitate a development of residential or other *sensitive* land uses in close proximity to provincial highways the submission of a noise impact assessment, to identify appropriate noise mitigation measures, may be required. Where required, such an assessment shall be completed by a qualified consultant; and shall describe noise levels anticipated and mitigation measures needed to achieve provincial standards for indoor noise levels.

A transportation study otherwise known as a traffic impact study may be required to address both the impact of new development on the provincial highway system, as well as any associated highway improvements that are required prior to approval of

the development. Entrances serving home occupations, industry or businesses located adjacent to the provincial highways require the approval of Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

Outdoor storage and loading areas in the vicinity of a provincial highway must be visually screened or appropriately located so as not be visible to the travelling public.

The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.

Any new proposed access connection onto a provincial highway shall meet the Ministry of Transportation's access management practices and principles.


Any proposals for snowmobile or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right of way of a provincial highway are not permitted with the exception of those in accordance with the 2018 MTO Province-wide Cycling Network Study.

A drainage/storm water management report shall be prepared by the proponent; and reviewed and approved by the Ministry of Transportation for development located adjacent to or in the vicinity of a provincial highway whose drainage would impact the highway and/or downstream properties via the highway right of way.

For highway safety reasons wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

All proposed development within 150 metres of a Provincial Highway right of way may be required to undertake noise studies consistent with the requirements of the Ministry of Transportation and/or the MECP and shall implement the findings of such studies.

In addition, all new development will be subject to the geometric, setback, frontage, and safety requirements of the Ministry of Transportation.

Only those lands that are *compatible* with the operation of a patrol yard will be permitted to locate adjacent to, and in close proximity to, the patrol yard located on Highway 527 in Mining Location 1, Savigny's Survey in MacGregor Township; the patrol yard located on Highway 11/17 in the NE section 6/SE section 5, concession 3 in McTavish Township; and the former patrol yard located on Highway 587 in the SW Section 11, Concession 7 in McTavish Township. 

### 3.12 Municipal Roads, Dedicated Parklands, and Parks

The Municipality will promote itself as a healthy, active, connected community for residents and visitors by:

- planning public roads, spaces and facilities to be safe and accessible, to meet the needs of drivers and pedestrians, and to facilitate active transportation, including but not limited to walking and cycling;
- providing a full range of equitably-distributed publicly-accessible built and natural setting for recreation, including facilities, parklands, open space areas, trails; and where practical, water-based resources;

- providing opportunities for public access to shorelines, which may include land purchases; and,
- considering the impact of planning decisions on provincial and municipal parks, conservation reserves, and conservation areas.

Adaptive re-use of spaces will be consistent with the policies of this plan, such as the potential conversion of a rail corridor to a multi-use trail.

#### 3.12.1 Dedicated Parklands and Parks

The Municipality's Recreation, Parks and Facilities Master Plan is meant to guide recreational service provision including parklands, conservation reserves/areas, and open space. Parkland or cash in lieu dedicated through the Planning Act Parkland Dedication process (see section 4.6) will be done so in accordance with the policies of this official plan and consistent with the direction of the Recreation, Parks and Facilities Master Plan. It will also consider the policies of the Tourism Strategy and the potential use of Municipally-owned open space and/or conservation reserves/lands and/or corridors such as a rail-to trail system.

Currently, the Municipality holds title to several parklands that were dedicated through the planning process, and it is the policy of the Municipality to retain such parklands, and not to dispose of them.

They are included in the Protected Area designation on Schedule A1 and A2 – Land Use Designations and shown as development constraints on Schedule B1 and B2 – Development Constraints map.

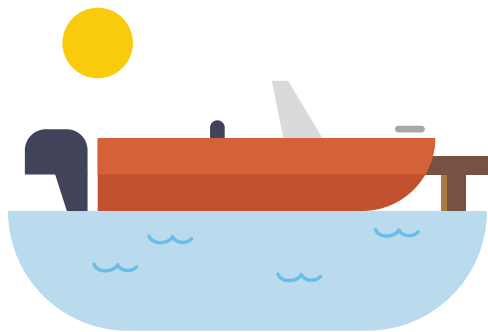
New public and private recreational opportunities shall not place an undue financial burden on the Municipality.

Small scale commercial uses which are ancillary to and support the permitted recreational and open space uses may also be permitted.



Parks and Conservation Reserves/Areas and open spaces include (but are not limited to):

- Caribou Island – Nature Conservancy of Canada (Water access only)
- Granite Point – Nature Conservancy of Canada
- Wild Goose Park – Municipal
- Loon Lake Dock – Municipal
- O'Connor Point – Municipal (Pass Required)
- Silver Harbour Conservation Area – Lakehead Region Conservation Authority
- Mackenzie Point (Coral Bay) - Lakehead Region Conservation Authority
- Lake Superior Marine Conservation Area- National Park
- Pearl Recreation Centre and Pearl Rink and Ball Park
- West Loon/W. McConnell Park
- Pearl Bay Boat Launch



### 3.13 Wastewater and Protection of Water Resources

The Municipality will promote efficient and sustainable use of water resources and water conservation.

The Municipality will work toward watershed-based land use planning and avoidance of adverse effects to water resources.

The Municipality will seek to protect, improve, and restore the quality and quantity of water through development standards to protect designated vulnerable areas and/or *sensitive* surface and/or ground water features and their hydrological function.

#### 3.13.1 Wastewater

The Municipality acknowledges that private, on-site sewage systems is the primary means of sewage treatment and disposal, consistent with the hierarchy of services in the Provincial Policy Statement and in accordance with the Ontario Building Code (OBC), where there is sufficient treatment capacity. All new development including new lots shall be serviced with a Class IV leaching system.

The TBDHU is the approval authority where the lot is serviced by individual on-site sewage services, unless the lots are serviced by a large private sewage disposal facility having a daily sewage flow of greater than 10, 000 litres.

All **new dwellings** in Shuniah are considered to be permanent, therefore do not qualify for Building Code exceptions related to seasonal occupation.

Partial servicing involving piped water extended from the City of Thunder Bay and private individual sewage systems is not a preferred option of Ontario or of the Municipality; and would only be permitted to address a failed sewage or water service in an **existing** development involving waterfront residential, commercial, industrial or institutional situations where well water fails to meet Ontario drinking water standards and/or justified by a site-specific servicing

options statement and approved by the City of Thunder Bay. The Master Wastewater and Water Servicing Plan, 2017 (MWWSP) should be referenced.

To reduce contamination to water resources, pit privies and any OBC Class 1 sewage systems that are not self-contained are not permitted anywhere in the municipality. Alternative sewage systems that are not compliant with the OBC are not permitted anywhere in the municipality.

Self-contained OBC Class 1 septic systems such as vault toilets, self-contained chemical toilets and self-contained composting toilets are permitted in **existing** dwellings where Class IV (or other justified Class) is not possible, in accordance with MECP or TBDHU. However, these dwellings will be identified in the Comprehensive Zoning By-Law as legal non-conforming to prevent any development resulting in increased sewage production.

Properties with sewage systems that are not in compliance with OBC, operational and/or functioning properly, will be required to upgrade in accordance with the MECP or TBDHU before any development approvals are issued.

In the high-density areas, regularly-scheduled holding tank and septic tank pump-out may be required for the protection of water resources; in particular, drinking water source(s).

To improve the potential for safe servicing by increasing setbacks between water and waste/wastewater, all sites within Cottage Associations that are in the high-density area are encouraged to merge with adjacent sites when purchased by the same owner.

If there is widespread failure of septic systems, user-pay communal systems may be necessary, in accordance with the MWWSP. The MWWSP has indicated there has been no report of failure, but also that no monitoring has taken place. The areas set aside for communal systems delineated in the MWWSP; and shall be protected from permanent development.

Only structures that do not require a building permit such as a temporary cover for a single vehicle; and

uses which facilitate or will not impede construction of communal servicing may be permitted. A site visit will be required by staff to establish the site-specific location for such uses. The communal system protection area shall be implemented through zoning.

Additional resources include:

- Fact Sheet: Provincial Policy Statement, 2005: Reserve Sewage System Capacity for Hauled Sewage
- D-5-4 Technical Guideline for Individual On-site Sewage Systems: Water
- Quality Impact Risk Assessment
- D-5-3 Servicing Options Statements
- TBDHU – On-line Septic information

### 3.13.2 Protection of Water Resources

#### Watershed-Based Planning

The LRCA, unlike other Ontario Conservation Authorities does not identify its jurisdiction by the watershed(s). As such, watershed-based data to inform development decision-making is not readily available or affordable for small and rural northern municipalities which feature negative, stagnant or very slow growth.

As funding becomes available, the Municipality, with the LRCA will delineate and assess watersheds that are most vulnerable to development.

Until such time, any new development that triggers an EIS related to riparian features shall also include delineation of the appropriately-scaled watershed(s) where appropriate, in consultation with the LRCA. (See section 3.4.6 EIS).

#### Drinking Water

Potable and domestic water in Shuniah is obtained exclusively from private individual wells and surface water drawn from lake sources. It shall be a condition of new lot approvals that a minimum quantity of 18 litres per minute for a one-hour period and water

quality meeting MOHLTC standards be demonstrated for well water sources. Where such a volume is not readily available from a well, the proponent may have a report prepared by a qualified person detailing how the standard can be achieved. Lake water for domestic potable purposes should not be used unless it is disinfected and/or treated to meet the Ontario Drinking Water Standards O. Reg. 169/03.

To reduce risk to health and safety, in high-density areas that have sewage disposal systems that meet Ontario Building Code and Municipal requirements, water test results must meet MOHLTC drinking water standards before Building Permits are issued.

If wide-spread contamination is identified in the high-density areas, user-pay servicing upgrades and/or communal services or City of Thunder Bay piped water may be necessary in accordance with the MWWSP and the policies of this plan.

### **Shoreline Development**

To further protect water resources, shoreline development practices should seek to reduce phosphorous loading to the receiving waterbody for all development and re-development of shoreline properties, including:

- limiting or prohibiting development on or upstream from lakes that are at capacity in accordance with the MECP's Lakeshore Capacity Assessment Model;
- locating structures and on-site sewage systems where native soils are deepest and at the furthest distance possible from the shoreline. A minimum setback of 30 metres for all structures and sewage systems will be implemented through zoning;
- providing a natural vegetated buffer of at least 30 metres from the normal high water mark and minimizing the clearing of natural vegetation elsewhere on the site;
- reducing lot grading and hard surfaces;
- using grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;

- directing roof leaders to rear yard ponding areas, soak-away pits or to cisterns or rain barrels;
- sump pumping foundation drains to rear yard ponding areas and infiltration trenches; and any other best management practices found in the MECP Lakeshore Capacity Assessment Handbook, 2010.

These policies apply to new development, re-development and expansion of existing uses.

Approval may be required from the LRCA for shoreline development.

See also Section 2.4 Protected Areas relating to shoreline and riparian areas.

### **Snow Disposal**

Currently, the Municipality does not remove snow from the roads or any Municipally-owned or -run space.

If the status of this should change over the planning horizon of this plan, snow disposal shall occur without adverse effects to receiving water bodies. A watershed scale shall be considered.

The Municipality shall address location, design, and maintenance of snow deposit sites that are in accordance with the MECP Guidelines on Snow Disposal and De-icing in Ontario.

### **Additional Resources include:**

- D-5-5 Technical Guideline for Private Wells: Water Supply Assessment
- Best Management Practices for Shoreline Development are included in section 5 of the Lakeshore Capacity Assessment Handbook available from MECP
  - O.Reg. 169/03 of the Safe Drinking Water Act
  - Ontario Snow Removal and De-icing Guidelines

### 3.13.3 Stormwater Management

All new applications for commercial, industrial and institutional developments shall include stormwater management plans intended to minimize contamination, prevent loss of life, minimize community disruption and property damage, and maintain and enhance surface and ground water resources.

Stormwater management plans shall include but not be limited to, landscaping and planting which will be implemented through site plan approval and/or other tools, as needed. See also section 3.13.2.

### 3.13.4 Flood Risk Management

No development shall be permitted within floodplain areas, with the exception of flood and erosion control works, dock, marinas and boat launches, and passive park uses that will not affect flood flows and where a permit, if required, has been issued by the LRCA.


Development on lands affected by floodplain areas must be accessible in accordance with the MNRF guidelines. Site alteration is not permitted in areas that would be rendered inaccessible to people and vehicles during times of hazard.

Additional studies may be required to delineate floodplain areas.

No building permit will be issued without written approval from the LRCA for lands within 15 m of a watercourse of shoreline of an inland lake; or 15 m landward and 1 km lakeward from the 100-year flood level on Lake Superior; land within 120 m of a Provincially Significant Wetland; or land within 15 m of other hazards regulated by the LRCA.

Property owners are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding in order to minimize social disruption in consultation with the Province.

No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without

prior written authorization from the Province. Where required under the federal Fisheries Act prior written authorization from Fisheries and Oceans Canada must be obtained. 

See section 2.4 and 3.13.6 Protected Areas relating to shoreline, riparian areas and flood prone areas.

Additional resources include:

- Understanding Stormwater Management: An Introduction to Stormwater Management Planning and Design
- Stormwater Management Planning and Design Manual 2003
- Stormwater Pollution Prevention Handbook 2001

### 3.13.5 Source Water Protection

A portion of the intake protection zones (IPZ) for the City of Thunder Bay Bare Point water intake and treatment plant extends into the Municipality of Shuniah and is shown on Schedule B1 - Development Constraints map as IPZ 1 and 2.

Intake Protection Zone 1 (IPZ 1) consists of Lake Superior, undeveloped shoreline and the Bare Point Water Treatment Plant. It represents a one-kilometre radius around the intake pipes.

Intake Protection Zone 2 (IPZ 2) encompasses a portion of the Municipality of Shuniah Consisting of mostly undeveloped residential land.

No significant or moderate threats have been identified for Municipality of Shuniah.


The Municipality shall require any new development adjacent to the IPZs to demonstrate that there would be no negative impact upon the City of Thunder Bay's water supply. To assist with this determination, the Municipality:

- a) shall consult with the City of Thunder Bay regarding planning approvals required adjacent to the intake protection zones;

b) may utilize a Holding Zone designation as a means of implementing this requirement; and

c) shall consult with the LRCA.

No significant or moderate threat or policies have been identified for the Municipality of Shuniah in the Lakehead Source Protection Plan.

Within the IPZ 1 and 2, any use or activity that is, or would be, a significant threat is required to conform with all current and future applicable Lakehead Source Protection Plan policies; and as such may be prohibited, restricted, or otherwise regulated by those policies and the Shuniah Comprehensive Zoning By-Law. 

### 3.13.6 Development Hazards – Watercourses and Movement of Fill

Proposals for new compatible development or placement or removal of fill shall not be permitted in any hazardous site or land that could be unsafe as a result of naturally occurring processes or contamination, unless it can be demonstrated, to the satisfaction of the Municipality that:

- the hazard can be safely addressed, and the hazard will not result in public health, safety or potential property damage;
- no new hazards are created, nor existing hazards aggravated;
- no adverse effects to protected features will result from the development;
- vehicles and people have a safe way of safely entering and exiting the area during times of flooding, erosion, and other emergencies; and,
- the development does not include institutional uses, essential emergency services or the disposal, manufacture, treatment, or storage of hazardous substances.

Development in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic


beach hazards shall not be permitted unless it has been demonstrated that the site has access appropriate for the nature of the development and the natural hazard.

No building permit will be issued without written approval from the LRCA for lands within 15 m of a watercourse of shoreline of an inland lake; or 15 m landward and 1 km lakeward from the 100- year flood level on Lake Superior; land within 120 m of a Provincially Significant Wetland; or land within 15 m of other hazards regulated by the LRCA.

Expansions to existing uses will be discouraged. However, in reconstruction and/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage; and will not result in impediments to flow or floodwater storage, may be considered by the Municipality and the proposed development is subject to written approval from the Lakehead Region Conservation Authority.

No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the Province. Where required under the federal Fisheries Act prior written authorization from Fisheries and Oceans Canada must be obtained.

Where required under the Lakes and Rivers Improvement Act or the Public Lands Act, prior written authority must be obtained where any development impacting such watercourses or water bodies is being proposed.

If a development application involves property previously used for industrial, commercial or institutional uses, submission of a Record of Site Condition in accordance with MECP is required. See section 3.7 Potentially Contaminated Sites and Brownfields. 

Additional information includes:

- O. Reg. 153/04 and O. Reg. 406/19 of the Environmental Protection Act.

### 3.14 Climate Change, Energy, and Air Quality

While it is critical to include official plan policies to reduce climate change impacts, it is equally important to include adaptation strategies to address the changes that are occurring and that are expected to occur over the 25-year horizon of this plan.

Accordingly, climate adaptation policies are embedded in the development policies of this official plan, including but not limited to the requirements for storm water management planning and flood risk management, development policies which discouraged scattered development, agricultural policies promoting local food production, and natural heritage protection policies which provide services such as natural flood and drought attenuation.

The Municipality shall, as much as possible, continue to support energy efficiency and improvement of air quality through land use and development patterns which:

- promote compact form and a structure of *nodes* and corridors;
- promote the use of public or other alternative transportation modes;
- focus major employment, commercial, and travel-intensive land uses on sites which are well serviced by public or other means of transportation modes or have the capability to be serviced in the future;
- shorten commute distances between employment and housing land uses;
- support the adaptive reuse of existing buildings to reduce landfill waste and reduce energy consumption related to creation of new building materials; and,
- promote design and orientation which maximizes the use of alternative or renewable energy such as solar and wind energy and the mitigating effects of vegetation.

It is the intent of the Municipality to encourage compatible opportunities and projects that foster alternative or renewable energy initiatives, both as a source of individual power service and as a commercial undertaking, and to encourage access to transportation and distribution systems for energy initiatives.

Alternative energy systems and renewable energy systems may be permitted in accordance with provincial and federal requirements. In the Rural designation, these systems should be designed and constructed to minimize impacts on agricultural operations.

Individual use of alternative energy supply through wind turbine or solar facilities (wind facilities of 3 kilowatts or less and solar facilities of 10 kilowatts or less) will be permitted in all areas, subject to the zoning by-law provisions regulating wind turbine and solar facilities.

Anything larger will be subject to a site-specific amendment to this official plan, zoning and site plan approval.

Approvals for wind turbines shall also be in accordance with the Provincial Technical Guideline for Renewal Energy Approvals, Chapter 3: Required Setbacks for Wind Turbines.

The Municipality will look for opportunities to promote and practice energy conservation, including consideration of initiatives in the annual capital budget which implement or accomplish such.




### 3.15 Gas Transmission and Storage Facilities

#### 3.15.1 Natural Gas Transmission

TransCanada Pipelines Limited (TransCanada) has one high-pressure natural gas pipeline crossing the Municipality. TransCanada is regulated by the National Energy Board (NEB) which has a number of requirements regulating development in a proximity to pipelines. This includes approval requirements for activities within 30 metres of the pipeline centreline such as conducting a ground disturbance, constructing or installing a facility across on or along the pipeline right-of-way, driving a vehicle, mobile equipment or machinery across the right-of-way, and the use of explosives.

New development can result in increasing the population density in the area that may result in TransCanada being required to replace its pipeline(s) to comply with CSA Code Z662. Therefore, the Municipality shall require early consultation with TransCanada or its designated representative for any development proposals within 200 metres of its facilities.

Where development is proposed in close proximity to the TransCanada compressor station, a noise and vibration study, to be carried out by the proponent, may be required for development proposals within 750 metres of the compressor station. The study will determine if provincial guidelines can be achieved, and if necessary, recommend appropriate mitigation measures.

No permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way. 


#### 3.15.2 Propane Storage

Propane must be stored in accordance with the provincial Technical Safety Standards Association (TSSA) guidelines, Fire Code, and Propane Storage and Handling regulation. As required by TSSA, hazard distances shall be identified.

### 3.16 Cannabis Retail Outlets

Cannabis retail outlets are legal in Ontario and regulated by the Province. The Municipality has no authority in selecting locations.

However, cannabis outlets are encouraged to locate in the commercial zones, in accordance with development standards and the other policies of this plan; and with adequate separation distances from each other and from locations where youth may congregate.

Council may prohibit or regulate a medical marijuana production facility. Facilities must comply with the Environmental Protection Act, O. Reg. 153/04 Records of Site Condition. 

### 3.17 Commercial Development

The intent of the Commercial Development policy is to recognize existing commercial development; and to create opportunity for economic development and the provision of local, tourist and highway amenities in compatible locations across the municipality (see section 3.20).

Commercial development must be compatible with existing uses and *rural character*; and will be permitted through zoning and site plan control to ensure adequate access, parking, landscaping, buffering, setbacks, storm water management and implementation of any other mitigation measures.

All commercial uses must be considered to be a “dry use” as defined by MECP unless it can be demonstrated that it can be adequately serviced by private, individual on-site water and sewage in accordance with section 3.13; and justified through a servicing options statement.

The *planning justification* for new commercial development shall include but not be limited to:

- a groundwater impact assessment or hydrogeological study to determine the susceptibility of groundwater to contamination from sewage effluent, the ability of the site to treat sewage effluent to Provincial standards, the adequacy of groundwater in terms of both quality and quantity to service the proposed development, and the potential for interference with the water supplies of

neighbouring properties;

- a market impact study evaluating the economic feasibility given demographic and market trends;
- storm water management plan in accordance with section 3.13.3; and,
- any other site-specific studies to evaluate and *mitigate* potential adverse effects (see section 3.20 and section 4) as determined by the Municipality.

Scope and complexity of studies shall be appropriate to the scale and complexity of the proposed development including potential impacts.

Expansion, redevelopment or new development of commercial uses that are located on a Provincial Highway shall be subject to, among other things access regulations and practices of the Ministry of Transportation (see section 3.11).

New commercial development shall, wherever possible, make use of municipal roads rather than Provincial Highway for access.

### 3.17.1 Highway Commercial Development

Highway Commercial uses provide goods and services that support automotive and highway uses, including for the travelling public. Such commercial development relies upon the use of the highway or its traffic, or a natural resource. Existing highway commercial activity is focused at the intersection Highway 11/17 and Highways 527 and 587, and along Lakeshore Drive east of the Mackenzie River.

Such uses may include automotive sales and service establishments, accommodation facilities, eating establishments, transport and transportation services, building materials and nursery supplies establishments, trades, custom workshops, convenience shops, personal service shops.

Larger-format commercial development may be permitted subject to a site-specific Official Plan Amendment.

### 3.17.2 Local Commercial Development

Within areas that are dominated by residential development, a local commercial use may be permitted such as a convenience store, post office, restaurant, rental office space and similar scale local commercial uses which meet the day to day needs of primarily local residents. They are encouraged to locate in *hub* areas.

### 3.17.3 Tourist Commercial Development

Tourism has the potential to contribute significantly to the local economy; and as such, the Municipality created a tourism strategy.

The objective of the tourism strategy is to formulate developmental framework with emphasis on policy and strategy, planning, institutional strengthening, legislation and regulation, product development and diversification, marketing and promotion, tourism infrastructure and superstructure, economic impact of tourism and tourism investment, human resource development, and socio-cultural and environmental impacts of tourism.

Key areas of focus identified in the plan are supported by official plan policies; and include:

1. Community Pride and Promotion
2. Lake Accessibility
3. Outdoor Recreation Trails
4. Business Connections
5. Regional Collaboration

Tourist commercial uses include activities that focus on attracting and retaining visitors on a year-round basis for economic gain such as, but not limited to campgrounds, lodges, resort hotels, marinas, ski centres, off-road biking and hiking trails, and recreational facilities.

Tourist commercial uses are permitted where compatible with surrounding land uses and are in association with an attraction or resource. Examples of an attraction or resource include, but are not limited to a lake, mountain, forest trails, or regional commercial use.



Tourist commercial uses shall not detract from the adjacent landowner's enjoyment of their property or existing *rural character*.

### 3.18 Institutional Development

Institutional development is an important component in establishing healthy, strong communities; and is permitted where compatible with surrounding land uses including the *rural character* of the neighbourhood (see section 3.20).

Examples of institutional uses include places of worship, community gathering areas, day care centres, libraries, schools, public recreation facilities.

Due to its central location relative to the Municipality's population, the MacGregor Recreation Centre lands shall be the preferred location for a future *hub* featuring co-location of public service facilities and related commercial or institutional uses.

All institutional uses must be serviced by private, individual on-site water and sewage in accordance with section 3.13, unless justified in a servicing options statement.

All institutional uses shall have frontage on a publicly maintained road or road owned by the Municipality used through a road maintenance agreement.

Expansion, redevelopment or new development of institutional uses that are located on a Provincial Highway shall be subject to, among other things access regulations and practices of the Ministry of Transportation (see section 3.11 Provincial Highways).

The *planning justification* for new institutional development shall include but not be limited to:

- a groundwater impact assessment or hydrogeological study to determine the susceptibility of groundwater to contamination from sewage effluent, the ability of the site to treat sewage effluent to Provincial standards, the adequacy of groundwater in terms of both quality and quantity to service the proposed development, and the potential for interference with the water supplies of neighbouring properties;

- storm water management plan (see section 3.13.3);
- feasibility given regional demographic trends; and,
- any other site-specific studies to evaluate and *mitigate* potential adverse effects (see section 3.20 and section 4).

Scope and complexity of studies shall be appropriate to the scale and complexity of the proposed development including potential impacts.

Compatible institutional development will be permitted through zoning and site plan control (section 4.11) to ensure adequate access, parking, landscaping, buffering, setbacks, safety features such as lighting and walkways, barrier-free access, storm water management and implementation of any other mitigation measures.

### 3.19 Industrial Development

The Municipality encourages the growth and development of industrial uses consistent with the natural resource base and *rural character* of the municipality. Large tracts of land are available with excellent municipal road and/or highway access unlikely to have adjacent incompatible uses.

Compatible industrial uses may only be permitted in the Rural designation where the use is resource-based; is an agricultural related use; or involves transportation activities. Such uses may include manufacturing, processing, warehousing, wholesaling or servicing; and/or involves storing goods and raw materials (see section 3.20).

Other industrial uses may be permitted subject to a site-specific Official Plan Amendment.

Limited retail sales of products manufactured on the same premises may be permitted as a complementary use where such activity services the needs of the Rural area, where no adverse effect is demonstrated.

All industrial uses must be considered to be a "dry use" as defined by MECP unless it can be demonstrated that it can be serviced by private, individual on-site water and sewage in accordance with section 3.13.

All industrial uses shall have frontage on a publicly maintained road used through a road maintenance agreement. Where possible, access should be obtained from a municipal road rather than a highway.

Expansion, redevelopment or new development of industrial uses that are located on a Provincial Highway shall be subject to, among other things access regulations and practices of the Ministry of Transportation (see section 3.11 Provincial Highways).

The *planning justification* for new industrial development shall include but not be limited to:

- a groundwater impact assessment or hydrogeological study to determine the susceptibility of groundwater to contamination from sewage effluent, the ability of the site to treat sewage effluent to Provincial standards, the adequacy of groundwater in terms of both quality and quantity to service the proposed development, and the potential for interference with the water supplies of neighbouring properties;
- storm water management plan (see section 3.13.3);
- feasibility given regional demographic trends;
- any other site-specific studies to evaluate and *mitigate* potential adverse effects (see section 3.20 and section 4).

Compatible industrial development will be permitted through zoning and site plan control (see section 4.11) to ensure adequate access, parking, landscaping, buffering, setbacks, safety features such as lighting and walkways, barrier-free access, storm water management and implementation of any mitigation measures.

Permits, approvals or licenses shall be obtained for all industrial uses, when required, for any air emissions, water takings, and water and sewage services, etc., in accordance with applicable Provincial and Federal requirements.

### 3.20 Compatible Development

In order to proceed, all new development requiring a Planning Act approval shall be compatible with existing uses in the vicinity by avoiding adverse effects or minimizing adverse effects to acceptable or negligible levels, and where applicable, in accordance with Provincial guidelines.

Where a development initiative has the potential to be incompatible with or cause adverse effects to other land uses/users in the vicinity, appropriate technical studies evaluating *compatibility*; and mitigation using avoidance, buffering, separation distances or other measures, shall be part of the *planning justification* in a complete application (see section 4).

#### Potential Adverse Effects

Common potential adverse effects of a proposed development relate to, but are not limited to:

- pattern, scale, massing, design of development, servicing levels of existing and future development;
- visual impacts relating to outdoor storage;
- shadowing and/or lighting and/or visual impacts on surrounding land uses including privacy of adjacent residential uses
- traffic volume and safety
- vehicle access and parking
- hydrological and hydrogeological functions
- surrounding natural heritage features and cultural heritage resources; and,
- noise, vibration, odour, dust and other contaminants or emissions.

Potential adverse effects as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;

- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

#### **Industrial/Major Facilities and Sensitive Receptors or Sensitive Land Uses**

Noise, odour, vibration, visual impacts, dust and other contaminants or emissions generated by activities such as industrial, major facilities, vehicles, aircraft, railways, turbines and more may have adverse effects on *sensitive* receptors or *sensitive* land uses.

Industrial/Major Facility development initiatives shall be planned and developed to avoid or if avoidance is not possible, minimize and *mitigate* and potential adverse effects to minimize risk to public health and safety, and to ensure the long-term operation and economic viability or major facilities.

Studies shall be conducted in accordance with provincial guidelines, standards and procedures; include contingency plans; and be included in the *planning justification* as part of the complete application. Contingency plans may include the potential for Municipal agreements.

Proposed *sensitive* land uses adjacent to planned or existing industrial/major facilities are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;

c) adverse effects to the proposed *sensitive* land use are minimized and *mitigated*; and

d) potential impacts to industrial, manufacturing or other uses are minimized and *mitigated*.

This policy shall be implemented in conjunction with the applicable Provincial and/or Federal legislation and guidelines.

Results of any studies shall be implemented through the Comprehensive Zoning By-Law, Site Plan Control or other implementation tools such as, but not limited to Holding Zones and registered agreements on title.


The above policy does not apply to minor expansions or reconstruction of permitted uses, buildings or structures.

Additional resources include:


- D-1 Land Use Compatibility, D-1-1 Procedures for Implementation, D-1-2 Specific Applications, D-1-3 Definitions
- D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses, D-6-1 Industrial Categorization Criteria, D-6-3 Separation Distances, D-6-4 MCCR Bulletin No. 91003 "Environmental Warnings/Restrictions"
- NPC-300: Environmental Noise Assessment Guideline
- Stationary and Transportation Sources – approval and Planning (Note updated August 2013)
- Ontario Renewable Energy Approvals Technical Guide

### 3.20.1 Proposed Commercial, Institutional, or Industrial development Near Railways


Where planning approvals are required to allow any new development that does not involve a *sensitive* land use, a minimum 30 metre setback shall be maintained from the limit of any railway right of way that is not a spur line, in addition to a 1.5 metre-high earth berm. Where such an earth berm cannot be provided, a minimum of 120 metre setback shall be provided and maintained.

Where planning approval is required to allow a new light industrial development adjacent to a rail corridor or rail yard, a minimum 15 metre setback shall be required to be provided and maintained from the limit of the right of way, in addition to a 1.5 metre earth berm. Where an earth berm cannot be provided, a minimum setback of 60 metres shall be provided and maintained. Consultation with CPR is recommended to confirm study requirement. Exemptions may be available. 

### 3.20.2 Proposals for Residential or Other Sensitive Land Uses Near Railways

Where planning approvals for new development involve a *sensitive* land use within 100 m, the applicant shall undertake a noise/vibration and emission study to be submitted as part of a complete application, in accordance with the MECP D-series Guidelines, unless otherwise specified by the CPR. 


### 3.20.3 Safety Measures for Railways

Appropriate safety measures (setbacks, fencing) may be required to be provided in association with any development proposal adjacent to a railway. 

### 3.20.4 Viewshed Protection

Design of new development (e.g., development on shore and offshore) shall have regard for viewshed protection. Views from existing development or significant public views shall be protected to the fullest extent possible. A view shed study or visual impact study will be required where there may be a negative impact or adverse effect.

No significant views have been identified in Shuniah at the time of official plan preparation.

Council may wish to encourage the protection of public views and sightlines to significant cultural heritage resources, through the development of area-specific community design guidelines. 

### 3.20.5 Communication Towers

The Federal Government is the approval authority for communication tower site location selection. However, Industry Canada recognizes the importance of considering the potential impact of communication towers on the community. Prior to site selection, communication tower proponents must consult with the Municipality including community consultation.

### 3.20.6 Residential Facilities

A residential facility is a residential use where residents live together, who by reason of their age, emotional, mental, social, physical condition, or legal status, require a group living arrangement.

Compatible residential facilities are permitted where residential uses are permitted.

All residential facilities must be serviced by private, individual on-site water and sewage in accordance with sections 3.13, unless justified in a servicing options statement.

The *planning justification* for new residential facilities and retirement homes shall include:

- a groundwater impact assessment or hydrogeological study to determine the susceptibility of groundwater to contamination from sewage effluent;
- the ability of the site to treat sewage effluent to acceptable standards;
- the adequacy of groundwater, in terms of both quality and quantity, to service the proposed development and the potential for interference with the water supplies of neighbouring properties;
- storm water management plan (see section 3.13.3); and,
- any other site-specific studies to evaluate and *mitigate* potential adverse effects (see section 3.20 and section 4).

Scope and complexity of studies shall be appropriate to the scale and complexity of the proposed development including potential impacts.

The TBDHU is the approval authority where the lot is serviced by individual on-site sewage services, unless the lots are serviced by a large private sewage disposal facility having a daily sewage flow of greater than 10,000 litres.

Compatible residential facilities will be permitted through zoning and site plan control (section 4.11) to ensure adequate access, parking, landscaping, buffering, setbacks, safety features such as lighting and walkways, barrier-free access, storm water management and implementation of any other mitigation measures.

### 3.20.7 Remote Cottages

Remote cottaging is a legal, non-conforming use of private or Crown land that is more than one kilometre from the closest public road, including islands.

No new remote cottages shall be permitted.

For existing cottages, there shall be no expectation on the part of the remote cottage owner that the Municipality will ever attempt to take over responsibility for any private road accessing such lands.

Nor does the Municipality in any manner assure or otherwise guarantee the cottage owner legal access to any remote cottage – the responsibility for such shall rest entirely and completely with the remote cottage owner. Similarly, the Municipality advises that it may not be able to provide emergency services to such remote locations.

Building permits for additions or renovations to existing cottages constructed before 1968 will only be issued where proof of date of construction has been provided, and timely and accessible transportation to the site be available for inspection. A signed and notarized legal affidavit may be accepted as proof of date of construction.

### 3.20.8 Kennels

Pet services including kennels shall be permitted in compatible locations in all Land Use Designations through re-zoning; subject to on-site servicing capacity, mitigation of potential adverse effects and the requirements of the Shuniah Kennel By-Law.

Mitigation measures may include a minimum separation distance and/or visual barrier between a kennel and any adjacent land use which may be *sensitive*. Physical noise barriers, limitation on the number of animals, and/or limited times for pet pick-up and drop-off may be required to *mitigate* potential impacts.

All kennels and pet services must have sufficient land to accommodate onsite parking, vehicle movement outdoor pet runs, and separation from drinking water source to avoid contamination from pet waste.

Site plan control (see section 4.11) shall implement any site design requirements and other mitigation measures.



# IMPLEMENTATION

# 4

## IMPLEMENTATION

### 4.1 Intent

It is the intent of this section to articulate and describe typical planning powers and processes that are available to the Municipality for planning purposes, and to set out and describe related policies and criteria.

### 4.2 Subdivision of Land

#### Consent

The current size and character of the Municipality and the current level of economic activity supports lot creation or subdivision of land primarily through the consent process as provided for under section 53 of the Planning Act.

Consents will typically involve infill or the logical and immediate extension of lands abutting other lands that have been developed; or shall involve property adjustment; property consolidation; lot enlargement; partial mortgage discharge; or easements.

Consent shall be considered subject to the following:

- a. the number of new residential lots to be created by consent for a parcel of land existing under unity of ownership at January 15th, 1979 shall not exceed three new lots and a residual lot, except for the purposes of lot adjustment, lot enlargement, or other such consideration that does not result in the creation of a new buildable lot including the conversion of existing Association "sites" to lots in accordance with the policies of this plan;
- b. where a severance involves lands that function as part of a public road, the Municipality may, as a condition of approval, require that such lands be identified and surveyed and transferred to the Municipality, at no cost to the Municipality;
- c. the retained and the newly created lot(s) shall have practical and useable frontage on a travelled and

publicly maintained public road, or an approved condominium or Association or designated private road, or involve mining, aggregate/quarry processing/ extraction, or tourist commercial development where the Municipality determines that a public road may not be needed;

- d. the creation of a new lot is generally compatible with the surrounding lot fabric; and does not result in adverse effect or negative impact upon abutting or nearby lands or land uses in accordance with the policies of this plan; for areas that have the potential to be rendered inaccessible to people and vehicles during times of flooding hazards erosion hazards and/ or dynamic beach hazard shall receive LRCA approval to confirm that the site has safe access appropriate for the nature of the development and the natural hazard which shall be demonstrated by the applicant;
- e. each proposed lot in the Residential designation shall be 1 ha in size. All frontage and area must be on dry land in the case of water lots;
- f. in the Residential designation R, R1, R1a and R1b High-Density areas, any proposed lot that is less than 1 ha (including only the dry land where a water lot exists), a hydrogeological study must confirm that private, on-site drinking water and septic can be safely supported, in addition to meeting the other applicable policies of this official plan. It must also have practical space so as to accommodate the main use and related accessory uses, including on-site parking and vehicular movement, loading, landscaping, and amenity area, as well as established yard requirements;
- g. each proposed lot in the Rural designation will be 4 ha in size;
- h. each proposed lot in the Rural designation will comply with Minimum Distance Separation (MDS) as applicable;
- i. in all severances, proof of an installed well and functioning septic from TBDHU shall be supplied for the retained portion where existing services exist;



- j. in all severances where there is no pre-existing system, MECP or TBDHU must provide documentation that each severed portion, including retained is capable of supporting a private, individual, on-site sewage system. There must be sufficient treatment capacity and/or plan for hauled sewage as determined by the Municipality;
- k. in all severances, newly created residential lots shall be required to demonstrate the capacity for a water supply delivering not less than 18 litres per minute over a minimum period of one hour; and showing adequate water quality in accordance with MOHLTC drinking water standards. Storage of water and use of a surface water source may be permitted. Where a surface water source is used, treatment consistent with MECP standards will be required;
- l. conditions of approval may include conveyance of shoreline road allowance or beach or waterfront to Municipal ownership in accordance with objectives and policies of this plan which relate to shoreline access, community connectivity, First Nation or Metis rights and/or economic development; and
- m. where there is an opportunity, public access points to shoreline or other shared community spaces and trail connections shall be a condition of new development.
- q. have adequate water quality meeting the Ontario Drinking Water Objectives and quantity available to service the subdivision, and be able to accommodate individual on-site sewage systems as demonstrated by a qualified person through a hydrogeological report;
- r. not adversely affect the economy or financial position of the Municipality; and the infrastructure and/or public service facilities are integrated and coordinated with land use and asset management planning so that they are financially viable over their life cycle; and,
- s. be fully funded by the proponent, including costs of supporting documentation and peer review as determined by the Municipality.

#### Plan of Subdivision or Plan of Condominium

Where permitted in accordance with this official plan, subdivision of land by plan of subdivision shall follow section 51 of the Planning Act; shall be subject to section 4.2 a. – m. above (where applicable) and shall:

- n. be in the public interest and be in conformity with the intent and policies of this plan;
- o. not be deemed premature, subject to, among other things, consideration of the number of existing vacant lots;
- p. be in a location where traffic hazards are avoided;


### 4.3 Non-Conforming Use

Non-conforming uses of land or buildings shall, in the long term, cease to exist. In the short term, where such uses do not cause adverse effects or negative impacts to abutting lands, or result in non-conformity with surrounding land uses, such use may be recognized in existing zoning, and may be allowed minor expansion.

Non-conforming uses shall not be allowed major expansion that has the effect of increasing the likelihood of the use remaining on the lands for the long term, or of bringing about or increasing adverse effects or incompatibility.

Where a non-conforming use ceases to be an active use for more than three years, such use shall be considered to have been abandoned, unless extenuating circumstances can be demonstrated, and thereafter, any future use of the lands and/or building shall be compliant with the Comprehensive Zoning By-Law.


Notwithstanding the long-term intent, a legal non-conforming use is acknowledged to be protected by the Planning Act and may continue to be used in the same manner and for the same purpose.

A legal non-conforming use may be maintained, repaired, or restored to a safe condition. 



## 4.4 Pre-Consultation and Complete Application Requirements

The Planning Act requires that a planning application include certain prescribed information as set out in Planning Act regulation, including information on the application and supporting studies and/or reports, and any related fee.

Having all relevant information and material (i.e., *planning justification*) pertaining to a particular planning application available early in the planning process is essential to making good land use decisions within the timeframe provided by the Planning Act by providing opportunities to resolve potential differences prior to Council's consideration of the matter. 


### 4.4.1 Pre-Consultation

Prior to the submission of an application for an Official Plan Amendment, Zoning By-Law Amendment, Plan of Subdivision or Condominium, Consent, Minor Variance or Site Plan approval, applicants are required to pre-consult with Municipal staff and complete the application checklist (as available) to determine as accurately as possible which, if any, supporting technical studies or information is required as part of the application and *planning justification* report, and what level of detail is required. It is likely that a site visit will also be necessary to understand the physical landscape and what the applicant is proposing. Review of a draft application by staff is required prior to submission of a formal application.

The complexity of the supporting studies (see section 4.4.3) and *planning justification* shall be appropriate to the level of complexity of the proposed development and gravity of the potential adverse effects, as determined by the Municipality.

### 4.4.2 Complete Application

Upon receipt of a formal planning application including the studies identified through pre-consultation and a mandatory Planning Justification Report, the Municipality shall determine if the required information

has been provided, and whether or not the application is complete. Where the application is considered to be complete the applicant shall be advised in accordance with the Planning Act. Where an application is not considered to be complete, the applicant shall be advised, including the information lacking in the application. 

All Planning Act applications must contain:

- The full legal description of the subject lands, municipal address, *land use designation*, zoning, existing land uses, survey sketch and a key plan.
- The surrounding land uses, *land use designations* and zoning.
- Development proposal, including desired *land use designation* or zoning/zoning amendment/minor variance, etc.

### 4.4.3 Studies and Other Documentation

In addition to the prescribed information under the Planning Act (sections 45, 51 and 53 with respective Schedules and any applicable Regulations), there may be supporting studies and other documentation required by the Municipality, government bodies or agencies to constitute a complete application. Depending on the potential adverse effects of the proposed development they may include, but are not limited to: a preliminary assessment (to determine if an Environmental Impact Study is required), Environmental Impact Study, Wetland Evaluation (to determine if a wetland is Provincially Significant), Wildlife Habitat Assessment, Fish Habitat Assessment, Groundwater Assessment, Hydrological Study, Hydrogeological Study, Servicing Options Statement, Well-Water Quality Report, Archaeological Assessment, Cultural Heritage Conservation Plan, Cultural Heritage Impact Assessment, Minimum Distance Separation Calculation, Septic and Well Water Capacity Assessment, Stormwater Management Study; Slope Stability Study, Traffic Impact/Safety Study, Noise Impact Study, Vibration Study, Engineering Study, Environmental Site Assessment, Record of Site Condition, Wildland Fire Assessment, Market/ Economic Impact or Feasibility Study (including impacts on surrounding existing uses),

Lakeshore Capacity Assessment, area of influence or site-specific aggregate/mineral resource study, visual impact./viewshed study, erosion and sediment control plan, public consultation strategy.

The triggers for these are primarily captured in the General Policies of this official plan or are contained in the application checklist. Not every type of development can be anticipated; and in order to remain flexible and open to all types of compatible development, other studies not listed here may be requested by the Municipality.

#### 4.4.4 Peer Review

Where a study is required, the study shall generally be completed by a qualified professional and such study may be subject to a peer review due to a small, generalized Municipal Staff.

The cost of any study or peer review or the requirement for any information shall be at the sole cost of the applicant.


### 4.5 Public Engagement and Notification Policies

The Municipality will follow the public notification procedures regarding planning matters that are contained in the Planning Act and its regulations.

Where mailed information notices concerning a Planning Act application are distributed to abutting property owners, the names and addresses as described in the latest, revised property assessment rolls will be used for notification.

In addition, the Municipality will use the following mechanisms to promote public participation and informed decision-making:

- the placing of signage on properties undergoing a planning approval process, (e.g., Official Plan amendment, Plan of subdivision, Zoning By-law amendment, Committee of Adjustment application);

- Engage Indigenous communities in the preparation of new official plan and in relation to any cultural heritage policies contained in this plan;
- For applications for official plan amendment, zoning amendment and plan of subdivision or condominium, a proposed strategy for consulting with the public with respect to the request must be submitted with a complete application (O. Reg. 543/06 para. 26); and
- any other means that the Municipality deems appropriate including electronic communications. 


### 4.6 Parkland Dedication and Community Benefits Charge

The Municipality requires land to be conveyed for park or other recreation purposes as a condition of a planning approval; or may require a cash payment in lieu of parkland.

Council may choose to implement a community benefits plan under section 37 of the Planning Act.

In the case of Parkland Dedication, such parkland shall not exceed 2% of the total land area commercial, plan of subdivision or condo plan, industrial development or redevelopment; or 5% in the case of residential development by consent, subdivision or condominium.

Where a development includes low lying, poorly drained lands, wetlands or other such lands that would be difficult to build upon or to use, such lands may be accepted by the Municipality if offered by the developer, but do not have to be considered by the Municipality as the required parkland dedication.

Where cash is accepted in lieu of land, the Municipality shall place such funds in a specific dedicated account as provided for in the Planning Act and shall use such funds for park or recreation purposes in accordance with the stipulations of the Planning Act. 

Valuation of parkland dedication shall be determined the day prior to issuing of a building permit for payment in lieu; or the day prior to draft approval in the case of land dedication.

## 4.7 Zoning By-law

The Municipality shall, upon approval of this official plan, ensure that the Comprehensive Zoning By-Law is updated and brought into full and complete conformity with the policies in this plan within three years of final approval.

To implement the official plan policies, the Zoning By-Law provides regulations to control the use of the lands and use, character and location of buildings and structures built upon the land.

The Municipality may, in the Comprehensive Zoning By-Law, zone lands into a Special Purpose Zone so as to provide site specific zoning recognition to a particular use of land, with consideration that such land use be a benefit to the community; and may provide such regulations as considered to be appropriate to such use.

Amendments to the Comprehensive Zoning By-Law may be considered for changes that are in conformity with this official plan and changes that are determined by Council to be desirable and good planning.

No privately initiated applications to amend the new Zoning By-law for two (2) years after its effective date will be permitted unless the Municipality passes a resolution to allow applications during the two-year time-out.

The Municipality (approval authority) will have regard to all written and oral submissions received and include in Notices of Decision an explanation of the effect public input had on the planning decision.

The Municipality may use conditional zoning in accordance with section 34(16) of the Planning Act including requiring that notice registered on title in order to implement the policies of this plan once provincial enacting regulations are in place.

The Municipality may, in a Zoning By-law, permit a use of land or the erection, location or use of buildings or structures subject to one or more prescribed conditions related to the use, erection or location.

The Municipality may require the owner of the land to which the by-law applies to enter into an agreement with the Municipality relating to the condition. The agreement may be registered against the land to which it applies and the Municipality may enforce the agreement against the owner subject to the Registry Act and Land Titles Act, any and all subsequent owners of the land.

## 4.8 Holding Zone

Council may make use of Holding Zone provisions as provided for under section 36 of the Planning Act in order to establish zoning regulation prior to the completion of required technical, administrative, or financial aspects of a development. The Municipality may use a holding symbol (H) in conjunction with any land use zoning designation in the Comprehensive Zoning By-Law so as to specify the use or uses to which lands may be put at some time in the future, but which are considered premature or inappropriate for immediate development for use(s).

A Holding symbol shall not be applied to establish a particular zone or use where issues that are fundamental to the feasibility of the proposed land use have not yet been resolved.

Any lands within the Municipality may be zoned to include a Holding zone and related provisions.

The Holding symbol may be used to:

- identify the future intended use of lands;
- stage or phase development consistent with current subdivision agreements or the current level of servicing;
- where development is contingent upon other matters occurring such as the consolidation of land or the installation of infrastructure or services;
- allow for the execution of a Site Plan Agreement, Subdivision Agreement, and/or Development Agreement;

- to ensure that new development within Intake Protection Zones 1 and 2 will have no negative impact on the City of Thunder Bay's water supply;
- ensure that site contamination has been addressed prior to development where site remediation requirements are known or suspected to be necessary; and/or,
- ensure that technical studies or reports have been undertaken and completed to the satisfaction of the appropriate review agency.

The use of lands subject to a Holding symbol, until it is removed, shall be limited to uses existing at the date of passing of the Holding by-law, and any additional uses specified by Council in the by-law.

The Holding symbol may be removed from all or from a part of the property to which it has been applied once an applicant satisfies the Municipality that all of the matters relating to the placement of the Holding symbol have been appropriately addressed.

## 4.9 Temporary Use By-law

Council may pass a by-law under section 34 of the Planning Act to permit a temporary use of land, building, and/or structures for a use that may otherwise be prohibited in the zoning by-law, whether such use is in conformity with this official plan, or not without the need to amend this official plan.

Such a by-law may be considered where:

- the intended use is to exist only for a short period of time;
- the use is to be monitored prior to being considered as a possible permanent use;
- the use of an existing building is being accommodated in conjunction with a planned development for a new use that is consistent with this official plan;
- the use is intended to exist pending the outcome of a study or the expansion of infrastructure or services; or
- the use involves a *garden suite*.

Council may establish a temporary zoning to allow an applicant to consider a home occupation in order to determine if a market exists prior to establishing a full zoning, or to explore the possibility that adverse effects may arise, and to facilitate remedial measures in a future full zoning.

Prior to enacting a Temporary Zoning, Council shall establish that:

- the lands can accommodate the intended use and any related accessory buildings, structures, or activity;
- appropriate and safe means of water supply and sewage disposal are available or are to be provided; and,
- the use will not prejudice future development or redevelopment of the lands or of the surrounding area.

Such a by-law shall define that lands to which it shall apply; set out appropriate regulations for the intended use; and establish an expiry date, which shall not be greater than three years from the passing of the date that the By-law was passed, except for a *garden suite* which may be up to twenty years. Planning Act time periods may change from time to time as legislation changes.

Council may extend a Temporary Use By-law provided that such extension would not jeopardize the long-term development potential for the lands or for the surrounding area.

Where a Temporary Use By-law has expired, the use of land, buildings, and/or structures permitted in the Temporary Use By-law shall cease and the previously relevant zoning provisions and uses shall prevail and govern the future use of the property.

## 4.10 Interim Control By-law

Council may choose to pass a by-law under section 38 of the Planning Act to restrict the use of land to a use specified in the by-law until any Council-directed (by by-law or resolution) policy reviews or land use studies have been completed to the satisfaction of Council for a period of time set out in the by-law not longer than one year; at which time an extension may be granted for one year or the appropriate *land use designation* or zoning by-law may be established. Timelines are subject to change with legislation changes.

The by-law may prohibit the use of land, buildings or structures on a single property or within an area of the Municipality.

- to identify details of specific on-site features and to set out requirements relating to them; or,
- to identify and implement the findings of technical studies needed to support a development.

The Municipality shall use site plan control for larger or development initiatives in any *land use designation* in order to address issues and concerns raised in the approvals process such as implementation of mitigation measures to ensure *compatibility*.

Where site plan control is enacted no building permit shall be issued for new construction until such time as an appropriate site plan agreement has been entered into.

## 4.11 Site Plan Control

Site plan control will apply to the entire geographical area of the municipality, also known as Universal Site Plan Control.

Section 41 of the Planning Act allows for site plan control agreements to be entered into in order to achieve the following:

- to obtain drawings of buildings and property layouts, including elevations, plot plans, parking, layout and the layout of driveways and aisleways, landscaping, lighting, retainer walls, signs, and to ensure that such features are properly designed and constructed. In addition, agreements may be required to outline details of the property with respect to drainage and the management of snow and snow removal;
- to ensure that matters such as storm drainage, snow storage and removal, lighting, landscaping are addressed, and that ongoing maintenance is in place;
- to ensure that proper traffic provisions and flow are provided including bicycle parking facilities;
- to obtain easements;
- to identify, protect, and secure lands needed for road widening;



## 4.12 Community Improvements

Council may participate in programs or other activities that have as an objective the improvement of one or more land uses, areas or other features within the Municipality and may partner with other levels of government and/or private interests in order to carry out and achieve the following:

- improvement of social, recreational, or other such community services and/or facilities which improve social well-being;
- improvement to the physical environment of the community including physical services and facilities, streetscape or the upgrading or rehabilitation of private property;
- promotion of new employment, new investment, and/or new assessment; and,
- implementation of contaminated site considerations.

Specific objectives may include, but are not limited to:

- paved surfaces on residential, commercial, and institutional streets;
- improvements or access to existing parks, beaches, playgrounds, rest areas, tourism promotion areas, open space areas, or recreation/leisure facilities;
- upgrade or install lighting, public sewage and/or water services to property owners within residential areas;
- recover and/or re-utilize contaminated or abandoned industrial or commercial lands.

Council may also consider any lands within any *land use designation* as a potential Community Improvement Project Area and may, by By-law, designate all or part of such lands as a Community Improvement Area subject to the requirements of section 28 of the Planning Act.

## 4.13 Property Standards By-Law

Council currently has a Property Standards By-law and has established a property standards committee.

All properties within the Municipality that are set out in a Property Standards By-Law shall conform to the standards and provisions that are set out in the by-law.

Council may with such a by-law, enact regulations intended to address:

- structural integrity and/or standards for occupancy;
- maintenance of yards and/or open spaces, and in particular to ensure that such lands are well kept, safe, free of debris and/or unsightly materials, equipment, and that the overall yard is in keeping with the surrounding property character;
- the cutting and/or storage of firewood;
- protection of natural and cultural heritage features defined in this official plan, and;
- notice requirements, enforcement, and/or administration, including the removal of buildings in accordance with the policies of this plan.

## 4.14 Tariff of Fees

Council shall pass a by-law detailing and prescribing a tariff of fees for planning applications which establishes a fair and equitable fee structure based on actual and/or anticipated costs incurred by the Municipality in the processing of applications.

Council may review and update such costs from time to time and adjust the prescribed fees accordingly.

#### **4.15 Minor Variance**

The Municipality may approve minor variances for relief from regulations to the Zoning By-law, in accordance with Section 45 of the Planning Act, the rules of procedure and regulations issued by the Minister under the Planning Act and the policies of this Plan.

No privately initiated applications for minor variances following the passing of an applicant initiated Zoning By-law Amendment for two (2) years after its effective date will be permitted unless the municipality passes a resolution to allow applications during the two-year time-out.

#### **4.16 Official Plan**

No developments or activities shall occur which contravene the intent and policies of this plan.

Evaluation of alternatives shall be demonstrated in addition to the evaluation criteria found in the plan.

Proponents of developments or activities considered beneficial to the Municipality, but not in conformity with the plan, shall require an amendment to the official plan before proceeding.

The official plan shall be amended to reflect other municipal policies that may impact on land use planning matters in the Municipality.

No privately initiated applications to amend the new official plan for two (2) years after its effective date will be permitted unless the Municipality passes a resolution to allow applications during the two-year time-out.





# APPENDICES



## APPENDIX 1

### Background (updated in 2018)

The official plan (OP) for the Municipality of Shuniah is based upon land use research and recommendations carried out by Manahan Consulting up to 2016 and SDS Freelance Planning. The mapping was prepared by the Lakehead Region Conservation Authority. A list of documents relied upon in the preparation of the final official plan is contained in Appendix 3.

Community input was gathered extensively over the duration of the 2014 and current OP drafts. This, with staff and Council input provides the basis of the plan along with Provincial directives, and the principles of good planning.

In the 1800's the Municipality of Shuniah included the geographic townships of Pardee, Crooks, Blake, Paipoonge, Neebing, McIntyre, and McTavish, the village of Prince Arthur's Landing, Thunder Cape, and certain islands in Lake Superior. A physical reflection of this is the current location of the municipal office which is now within the City of Thunder Bay, but which was once a part of Shuniah. The current Municipality is substantially smaller, encompassing the geographic townships of McTavish and MacGregor, and a small portion of previously unorganized lands, all of which encompass an area of 569.2 square hectares.

Shuniah has evolved from a largely recreational and rural, resource-based Municipality to one wherein permanent residential activity is now the predominant land use – much of it being related to retirement residential activity. In this version of the official plan, the Municipality has set aside the historic differentiations of permanent and seasonal or recreational residential land use; and has advanced the concept of a year-round residential community. This is premised upon the growing winter use of what were once summer recreational lands; past official plan changes that permitted permanent residential use along much of

the Lakeshore of Lake Superior, Loon and Sparks Lake; the fact that many Provincial policies and regulations no longer distinguish between a permanent and recreational residential dwellings; and the difficulties experienced in past attempts at enforcement.

Accordingly, residential lands along Lakeshore Drive and within the Rural area, and Residential lands along the shoreline of Lake Superior, Bass, Loon, and Sparks Lakes are all designated simply as Residential Lands with site-specific requirements in the High-Density areas to protect health, safety and economic development opportunities. With the advent of *home-sharing* and companies like Airbnb or Vacation Rental By Owner (VRBO), recognition is given to short-term resource-based, recreational rentals or *short-term* accommodation.

The official plan does not identify a settlement area as defined in the Provincial Policy Statement due to the pattern, type, and growth rate of development in the municipality. But it does consider the residential area of Lakeshore Drive; the developed shoreline of Lake Superior; the developed shoreline of Bass and Loon Lakes, including the communities located at Sparks Lake and Mackenzie Heights as being potential future built-up areas -- containing residential neighbourhoods and potential *hubs* featuring a variety of mixed uses such as local commercial and institutional activity; minor and major open space and recreation features; a local school and various municipal properties (public works yard, fire stations, community centre); and resource-based recreational development including residential dwellings.

At the Province's request, the Municipality commissioned a Master Wastewater and Water Servicing Plan in 2017 to consider future urban level servicing in response to possible environmental concerns in the Lakeshore Drive area and the various developed shorelines. At the time of the study, no septic-related contamination issues had been identified in drinking water wells, although a risk was present. The study revealed that urban level servicing costs would be extremely high. Therefore, this plan contains new policies to improve individual on-site servicing to prevent future environmental concerns, and policies to decrease density. If there is failure of services

even after they have been upgraded, communal services outlined in the study may have to be considered. Areas have been set aside to protect for such use. Identification of the entire existing built up area as a settlement area in the future could facilitate the long-term planning and construction of communal or municipal services if required; but is beyond the scope of the current planning horizon. See population calculations that follow.

Council regards commercial development as having an important role in community economic development in the near future, particularly that which cannot be accommodated within the adjacent City of Thunder Bay. Major intersections are an appropriate location for larger-scale developments and mixed-use *nodes* that can serve the region, if they can be safely serviced and developed in accordance with the other policies of this plan.

### Basis for Decision Making

The population growth rate through the last eight consecutive census periods from 1976 to 2016 averages 1.6%, or 0.2% per census period. The last two census periods, 2006-2011 and 2011-2016, showed a decline of 0.6% and an increase of 2.2%, respectively. Specifically, the 2011 population was 2737, increasing by 61 people to a population of 2798 in 2016.

Potential growth scenarios for the purposes of this official plan considered the following:

- A high-growth scenario with passive population growth focused on retirement residential activity along the shorelines of Lake Superior and of Bass, Loon, and Sparks Lakes, and generative residential growth supported by the expansion of aggregate resource extraction activity relocating from west of the City of Thunder Bay to the MacGregor Road area, driving new and related economic activity and employment. Additional growth may also be supported by alternative energy initiatives in the same area; by tourist-based commercial activity focusing on the Lake Superior Marine Conservation Area; by generally high-quality resource-based recreational development (including residential) associated with lakes which is unavailable in the

City of Thunder Bay; and by larger-scale commercial developments serving the region that also cannot be offered in Thunder Bay. A growth rate of 2.2% per census period is representative of this high-growth option; and is also the maximum growth experienced by the Municipality out of the last eight consecutive census periods (i.e., from 2011 to 2016). This equates to approximately 254 people over the 20-year planning horizon of this official plan.

- A medium population growth scenario is premised primarily upon the average population increase throughout the last eight census periods, from 1976 to 2016. The medium growth scenario also takes in account the growth factors above; and considers the fact that the Minister of Finance in Ontario is projecting a population decline in the region over the next 25 years. A growth of 0.8% per census period is considered to be representative of this medium growth option (i.e., 0.2% per census period x four census periods in a 20-year planning horizon). This equates to approximately 91 people over the 20-year planning horizon of this official plan.
- A lower population growth is premised upon a slowing passive residential demand and a future trend wherein retirement residential activity is replaced by a return by retirees to an urban setting closer to health and other required services, along with a projected shrinking regional population. Growth at 0.02% per census period is considered representative of this low-growth option; and equates to approximately two people over the 20-year planning horizon of this official plan.

These population growth scenarios are also premised upon Shuniah being a participant in the larger Shuniah/City of Thunder Bay/Neebing/Oliver Paipoonge growth *hub* for Northwestern Ontario. Historic census data shows that communities close to larger urban locations have exhibited growth rather than decline; however, again, this is tempered by the Ministry of Finance projection that this census area will experience a 2% decline from 2016-2041.

**Therefore, the medium growth rate has been selected for Shuniah.**

The 2016 Census household size of 2.3 people is likely to decrease over the next 20 years to a household size of 1.6 people, based primarily on the lower household size typical of retirement residential activity. At an average of 2 people per household, there would be need for approximately **46 additional dwelling units within the Municipality over 20 years.**

Demolitions have historically averaged 4.3 recreational dwellings and 0.75 permanent dwellings per year (calculated over a 12-year period). If continued at such a rate, would be capable of delivering in the order of 101 building lots within the 20-year planning horizon of this official plan.

At present, 94% of the occupied dwellings in Shuniah are single detached dwellings according to the Census Canada 2016 community profile. There are few semi-detached or duplex dwellings, no row housing and no apartment buildings in the community, and this is expected to continue to be the trend.

A 12-year review of building permits shows that 79 new recreational dwellings and 99 new permanent dwellings were constructed, for an average of 14.8 dwellings per year. If demolitions at 4.3 recreational and 0.75 permanent dwellings per year (total of 5.05) were subtracted, there would be approximately 9.75 new dwellings per year; or 195 over a 20-year planning time horizon.

Potential residential land supply during same period:

Lots in existing registered plans of subdivision	80
Lots in draft approved plans of subdivision	35
Parcels in existing vacant land condominiums	20
Potential lots in existing shoreline residential official plan designated lands	110
Potential lots in lands zoned as Community Residential – existing frontage	45
Potential lots in lands zoned as Community Residential – back lands	120
Estimated rural vacant lands and severances at current 3 + 1 policy	80
<b>TOTAL</b>	<b>490 LOTS</b>

This surplus can be reduced by:

Elimination of back lands in existing Community Residential designation	120
Elimination of registered plan lots near the Landfill site	10
<b>ESTIMATED TOTAL SUPPLY</b>	<b>360 LOTS</b>

It is unlikely that all land that could possibly be subdivided would complete the process within the 20-year planning horizon (large properties may be maintained to protect privacy and serenity; owners may wish to continue to hold potential lots for family reasons; absentee land owners may not care to spend money for lands in which they have no particular interest). It is therefore assumed that 15% of the potential lots (54 lots) will not materialize within the 20-year planning horizon.

Available supply is therefore estimated to be approximately 306 lots; 135 of which are lakeshore lots contained in existing registered or draft approved plans of subdivision.

With the medium growth scenario, there would be lot surplus of approximately 352 including those made available through demolition. Therefore, the creation of any new lots over the life of this official plan would be for the purpose of satisfying the need for choice among buyers rather than to maintain supply. Accordingly, this official plan contains policies that reduce the potential for significant lot creation.

### **Affordable Housing**

Shuniah has a surplus of housing or building lots.

The Thunder Bay District Social Services Administration Board's (TBDSSAB) "Under One Roof: Housing and Homelessness Plan" includes Shuniah as part of "Metro" Thunder Bay due to the fact that it shares a boundary; but does not have the authority to set *affordable housing* targets like upper tier municipalities in southern Ontario.

Furthermore, the Municipality of Shuniah is a rural municipality which does not have a settlement area, has low-growth, low-density, single-detached dwellings, has no public transit, no garbage pick-up, or other common municipal or centralized services. There are no *affordable housing* units or social housing units of any kind located in Shuniah.

Lots for building homes are generally created slowly over time by consent rather than by subdivision, which does not loan itself to the more common *affordable housing* policies and by-laws in Ontario. Of the current 1,195 dwellings in Shuniah, 1,125 are single detached. 60 are moveable (thus technically not legally permitted as permanent dwellings), five semi-detached; and 5 unspecified (Statistics Canada 2016 Census Data).

Finally, in terms of *affordable housing*, there is not a high need in comparison to Thunder Bay or in terms of local affordability. 2016 Statistics Canada shows that prevalence of low income in Shuniah (Low income cut-offs after tax) for ages 18-64 is only 1.5% compared to 9.8% in the City of Thunder Bay. Shuniah residents

spending more than 30% of their income on shelter is 10% for owners and 55.6% for renters (i.e., ~25 people). None are subsidized. Monthly shelter costs for Shuniah tenants are 11.5% below that of the City of Thunder Bay.

Statistics Canada data shows that for those Shuniah residents whose income is in the lowest 60% can afford shelter costs at a rate of \$2,500/month; which at current mortgage rates translates to a home purchase price of approximately \$583,000. Well above the median dwelling value of \$348,325. It's worth noting that Shuniah's waterfront real estate value sharply differs from that in other locations within the Municipality.

The TBDSSAB Study found that although median household incomes in the Thunder Bay CMA are lower than the provincial level, many of the smaller municipalities (like Shuniah) enjoy median household incomes that are significantly greater than the provincial average.

Despite rising house prices in the resale market in the City of Thunder Bay, housing generally remains affordable, and is not an issue in the private market, according to the study.

The, TBDSSAB indicates that rental and homeownership prices are comparatively low, often negating the need for RGI assistance.

In fact, the TBDSSAB study showed that assistance with paying for services versus rent or mortgage characterizes core need across the district.

The direct delivery of support services falls outside of the TBDSSAB mandate and outside the scope of official plan policies.

As such the establishment of *affordable housing* targets is not applicable.

Accordingly, the OP considers additional *residential units* (and *garden suites*) to be the primary form of *affordable housing*; while also contributing to the affordability of the main dwelling.

## APPENDIX 2

### Relevant Definitions

**Affordable Housing** – Affordable Homeownership Housing is defined as housing for which the purchase price results in annual accommodation cost which do not exceed 30 percent of gross annual household income for low and moderate income households; or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

Affordable Rental Housing is defined as the least expensive unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

**Compatibility** – in terms of land use, it means an existing or committed land use or activity that can co-exist with a neighbouring use/activity or uses/activities, without either creating or experiencing one or more off-site 'adverse effect(s)'. See also MECP D-Series Guidelines.

**Dwelling Unit** – defined by the Ontario Building Code as updated.

**Freehold** – the ownership of real property, or land, and all immovable structures attached to such land, as opposed to a leasehold, in which the property reverts to the owner of the land after the lease period has expired.

**Garden Suite** – Planning Act definition of garden suite is a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

**Home-sharing** – generally defined as individuals renting out their residence, or part of their residence, on a short-term basis through internet-based platforms such as

Airbnb, HomeAway or VRBO.

**Hub** – co-location of public service facilities and related commercial or institutional uses in close proximity to residential development.

**Land use designation** – Geographically described areas that are predominantly committed to or are intended to be committed to a particular set of land use activities, and that are identified as such, and shall include a set of specific goals, objectives and policies that set out in the official plan and that relate to the management and change of land use within such described areas.

**Mitigate** – to reduce adverse effects (or impacts), as defined by the PPS, to acceptable levels.

**Node** – an area, usually at an intersection, anchored by commercial and/or institutional development which supports mixed uses.

**Planning justification** – a report provided by an applicant as part of a complete application under the Planning Act which:

- describes the Site, its existing physical conditions, and its context within the surrounding community;
- outlines the Proposed Application;
- provides an overview of the relevant planning policy and regulations that affect the planning application, including Provincial Policy Statement, Growth Plan for Northern Ontario, the Shuniah Official plan and any other related policy, regulations and guidelines;
- details potential adverse effects or impacts;
- summarizes each of the technical studies triggered by the potential adverse effects or negative impacts;
- Details how adverse effects or negative impacts will be minimized or the mitigation measures with contingency plans; and,
- provides planning opinion and justification for the proposed development Application.

The level of detail for the planning justification shall be appropriate to the complexity or potential impact of the proposal; and/or in accordance with relevant official plan policy sections.

**Residential Unit** – Planning Act definition of residential unit means a unit that:

- a) consists of a self-contained set of rooms located in a building or structure,
- b) is used or intended for use as residential premises, and
- c) contains kitchen and bathroom facilities that are intended for the use of the unit only.

**Resource-based Recreational Use** – activities, including residential, which are related to the use of the resource such as a lake, trails, rivers, mountains.

**Rural Character** – a state or condition dominated by open space, natural features and ecological functions, and/or traditional rural activities such as farming or natural resource use, where such activity predominates over a built environment.

**Sensitive** – in terms of land use, it means buildings, amenity areas, or outdoor spaces where routine or normal activity occurs at reasonably expected times and which would experience one or more adverse effects from nearby sources of noise, contaminants or other discharges by nearby properties. Sensitive lands may be a part of the natural or built environment such as residences, institutional uses such as day care or schools, or some commercial uses such as offices.

**Short-term** – in terms of home-sharing, short-term is considered any period less than thirty (30) consecutive calendar days.



## APPENDIX 3

### Land Use Planning Resources

1. There are certain uses and kinds of development that have additional and/or separate processes for their approval such as:
  - infrastructure development - Environmental Assessment Act
  - mineral aggregates extraction - Aggregate Resources Act
  - renewable energy facilities and landfills - Environmental Protection Act

There are also provincial frameworks regulating operations and activities that may have the potential for negative impacts on the landscape, such as:

  - water-taking - Ontario Water Resources Act (permit to take water)
  - tree-cutting, and grading of land - Municipal Act, 2001 (tree cutting and site alteration by-laws)
  - removing or damaging certain plants or habitat of certain animals - Endangered Species Act
  - dumping of toxic waste - Environmental Protection Act
  - development and activities in regulated areas including hazardous lands (floodplains, shorelines, valleylands, wetlands etc.) - Conservation Authorities Act (development and interference regulation)
  - building of certain structures - Building Code Act (building permit)
2. Shuniah's Tourism Strategy 2019
3. Shuniah's Municipal Parks, Recreation and Facilities Master Plan
4. Shuniah's Landfill Capacity Study:  
<https://ln2.sync.com/dl/ec46ae130/66mtjx5i-azs7y954-yugb5sgi-f6yz699b>
5. Shuniah's Asset Management Plan
6. Provincial Policy Statement:  
<http://www.mah.gov.on.ca/Page215.aspx>
7. The Growth Plan for Northern Ontario:  
<https://www.mndm.gov.on.ca/en/northern-development/growth-plan-northern-ontario>
8. Ministry of Municipal Affairs and Housing Citizens' Guides to Land Use Planning that cover topics such as:
  - Development Approval Process for Consent, Zoning Amendments, Official plan Amendment Applications
  - How to participate in decision-making
9. How to appeal a decision that does not conform to the Growth Plan for Northern Ontario or that conflicts Official plan policies:  
<http://www.mah.gov.on.ca/Page338.aspx>
10. Shuniah's Wastewater and Water Master Servicing Plan 2017
11. Lakeshore Capacity Assessment Handbook, 2010 (MECP)
12. Home-sharing Guide for Ontario Municipalities:  
<https://files.ontario.ca/home-sharing-guide-for-ontario-municipalities.pdf>
13. MTO Province-wide Cycling Network Study:  
<http://www.mto.gov.on.ca/english/safety/pdfs/province-wide-cycling-network.pdf>
14. MNRF Natural Heritage Reference Manual
15. MNRF Significant Wildlife Habitat Technical Guide, 2000
16. MNRF Significant Wildlife Habitat Criteria Schedules for EcoRegion 3W, 2017
17. 2016 Surface Water Sampling and Reporting Loon Lake and Bass Lake, Shuniah, Ontario

18. Under One Roof: A Housing and Homelessness Plan for the Thunder Bay District Social Services Administration Board 2014-2024
19. MNRF Understanding Natural Hazards
20. Mapping from Ontario's Land Information Ontario, Natural Heritage Information Centre, Geology Ontario portal, and various Provincial Ministries
21. MECP D-Series Guidelines
22. Stormwater Management Planning and Design Manual 2003
23. TBDSSAB 10-year Housing Projection Report, March 2019





MUNICIPALITY OF  
**SHUNIAH** INC. 1873  
*A Superior Living Experience*

## MUNICIPAL OFFICE

420 Leslie Avenue  
Thunder Bay, ON P7A 1X8  
Phone: (807) 683-4545  
Fax: (807) 683-6982  
Toll Free: 1-855-683-4545