

OFFICIAL PLAN

TOWN OF RAINY RIVER



Current to May 16, 2025

OFFICIAL PLAN

Office Revisions Current to May 16, 2025

- New Official Plan approved January 8, 2014
- Amendment No. 18-01, May 14, 2018
- Amendment No. 18-02, May 14, 2018
- Minor boundary change, Council 22-128, December 12, 2022
- Minor boundary change, Council 25-002, January 13, 2025
- Statutory conformity housekeeping changes May 16, 2025



CORPORATION OF THE TOWN OF RAINY RIVER

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1 INTRODUCTION

1.1 Purpose of the Official Plan

The Town of Rainy River Official Plan provides a land use vision for the community to 2031 and is supported by a set of broad strategic community directions. The Official Plan thereby helps the community achieve its long-term vision by implementing a range of local and provincial policies, plans and strategies.

The Official Plan is intended to provide a framework within which Council may carry out more detailed steps in the land use planning process through the exercise of powers conferred on it by Provincial legislation.

The Official Plan is a land use guide for all public and private agencies concerned with growth and development in Rainy River. It is also a legal document required to be consulted by public agencies in advance of the installation of municipal facilities especially roads, sewer and water services. This Plan will also serve as a guide to individuals and developers to enable them to plan their own actions in accordance with these overall policies. The Plan therefore provides a framework within which Council will consider private and public development proposals and the effect of such proposals on the Town. The Official Plan is meant to be read in its entirety and all relevant policies are to be applied in each individual land use situation.

In addition, the Official Plan is also expected to provide:

- i. The means by which community-related goals and aspirations are documented and implemented;
- ii. An investment tool to attract private sector investment;
- iii. A tool for the municipality to access funding from the various levels of government; and
- iv. A decision-making guide for long-range capital investments.

1.2 Provincial Policy Context

The original 1985 Rainy River Official Plan was a strong statement of policy which served Rainy River well. Over the years it was changed very little and its policies were consolidated in 1997 to generally accord with the first Provincial Policy Statement which came into force on May 22, 1996.

In 2011 Council initiated a review of the existing Official Plan as required under the provisions of the *Planning Act*. It was decided to completely replace the existing Official Plan with a new document reflecting changes in the Town plus the many advances in Provincial policy over the years.

Since 1996 major changes were made to the *Planning Act* and its Regulations and a new Provincial Policy Statements (PPS) came into force in 1996, 2005, 2014 and 2020. In addition, the Places to Grow – Growth Plan For Northern Ontario came into force on March 3, 2011. These improvements and changes are all reflected in this updated Rainy River Official Plan with the Provincial Planning Statement in 2024.

1.2.1 Conformity with 2024 Provincial Planning Statement (PPS)

The PPS is issued under the authority of Section 3 of the *Planning Act*. It provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

The Rainy River Official Plan has been prepared to meet the requirements of the PPS and to be consistent with its policies.

1.2.2 Conformity with Places to Grow – The Growth Plan for Northern Ontario

The 2011 Growth Plan for Northern Ontario provides a broad 25 year land use vision for the communities in the north. The vision positions the northern economy to provide diverse opportunities to work, live and participate in the new economy of the twenty first century. The guiding principles of the Growth Plan are:

1. Create a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents.
2. Develop a highly educated and skilled workforce to support an evolving knowledge-based economy and excellence in the trades.
3. Partner with First Nation peoples to increase educational and employment opportunities.
4. Deliver a complete network of transportation, energy, communications, social and learning infrastructure, to support strong, vibrant communities.
5. Demonstrate leadership in sustainable growth and environmental management.
6. Establish innovative partnerships to maximize resources and ensure the Growth Plan achieves its ambitious vision and is fiscally sustainable.

The policies of this updated Rainy River Official Plan are consistent with the general vision provided in the Growth Plan for Northern Ontario.

1.3 Plan Organization

The policies of this Official Plan provide guidance and direction for the development and growth of the Town to the year 2031. The policies (Sections 2-7) should be considered in their entirety when Council is making land use decisions. The Official Plan is structured as follows.

- i. Part 1 '**INTRODUCTION**' describes the purpose and effect, the context under which the Plan was prepared, and the duration and structure of the Plan.

- ii. Part 2 '**VISION AND GUIDING PRINCIPLES**' establishes the vision, guiding principles and basis for which the land use plans and policies of this Plan have been prepared.
- iii. Part 3 '**LAND USE DESIGNATIONS**' establishes the general land use designations and applicable policies used in this Plan, and which together constitute the general land use plan for the Town of Rainy River as shown on the land use map Schedule.
- iv. Part 4 '**GENERAL POLICIES**' sets out the general growth policies of the municipality which apply to all land use designations in the Plan.
- v. Part 5 '**IMPLEMENTATION**' explains how to interpret the land use designation boundaries and describes the approaches, tools and mechanisms which the Town of Rainy River may use to direct, manage and control development on a day-to-day basis. It provides further details on the powers which the municipality may exercise over growth, development and change to help Council achieve its vision.
- vi. Part 6 '**DEFINITIONS**'
- vii. '**MAP SCHEDULES**' form part of the Official Plan and should be interpreted with the applicable policies in the Plan.

2 VISION & GUIDING PRINCIPLES

“A Great Place to Visit”

“A Better Place to Live”

2.1 Background Factors

2.1.1 Setting

The Town of Rainy River is located in northwestern Ontario at the northern terminus of Highway 11 Yonge Street where it crosses the Rainy River into Baudette, her sister town in the State of Minnesota. It is located about 150km south of Kenora and 100km west of Fort Frances, another international crossing with the United States.

The Town of Rainy River was incorporated January 1, 1904 consisting of 334ha (825 acres) taken from the geographic Township of Atwood. The Rainy River Lumber Company was incorporated in January 1904 providing employment for over 450 mill workers during the summer months and about 80 year-round. The economic mainstay of Rainy River became the CNR and for many years there was brisk passenger traffic through the Town with trains running between Chicago, Port Arthur (Thunder Bay) and Winnipeg. Many tourists were also attracted to the Town by the fishing camps on nearby Lake of the Woods.

The Heenan Highway system was opened in 1936 from Fort Frances to Rainy River thereby making Rainy River the northern terminus of Highway 11 Yonge Street which originates in Toronto. Before that, the only way to drive to Rainy River was through the United States. In 1960 the International Bridge between Rainy River and Baudette Minnesota was officially opened thereby establishing Rainy River as a border town with automobile access to the United States.

Today the Town offices are located in the historic Canadian Northern (pre-Canadian National) Railway station and the Town's logo appropriately reflects Beaver Mills, the original sawmilling centre along the Rainy River.

2.1.2 Population

The StatsCan population of Rainy River has declined by 92 persons since 1996 to 750 in 2021.

The Northern Growth Plan shows that northern Ontario's total population appears to be stabilizing at about 800,000 persons and is projected to show modest growth over the next 20 years. This growth is expected to be centered in and around the urban centers of Greater Sudbury, Thunder Bay, Sault Ste Marie, North Bay and Timmins. Given this trend, it is a reasonable expectation that the population of Rainy River will begin to recover over the coming years.

2.2 Strategic Direction

2.2.1 Mission Statement and Goals

Rainy River's Strategic Plan was updated by Council in 2007 and establishes the following Mission Statement of Community Values and Beliefs for the municipality:

"Rainy River is a Town in the heart of the continent working to provide for the people who call it home. It is a safe, affordable, caring, progressive community in which to live, work and play.

- Our purpose is to serve our community (residents, visitors, and neighbors).
- We will promote smart, diversified, sustained and planned growth.
- Our vision is to support business, community and education.
- We encourage innovative thinking, support for entrepreneurs and to be open to address change.
- Working together, we will be a safe, healthy, accessible and attractive community.
- To become a leader in our District.
- Recognizing Volunteers – volunteerism contributes to the fabric of our community.
- Open communication leads to a successful and accountable local government.
- We will value our employees and realize they are an integral part of our success.
- Through hard work, the Town will prosper.
- Integrity in all our efforts develops good neighbours and good working relationships."

Council created a set of eight goals to help illuminate opportunities for the sustainable growth and development of Rainy River. These goals relate to:

1. Demographics
2. Infrastructure
3. Tourism
4. Industry
5. Education
6. Publicity
7. Beautification and
8. Recreation

DEMOGRAPHICS

- Partner with Recreation Board, School Board and Health Providers to get accurate demographic information.
- Use above information to plan future needs or services required.
- Project future growth or population decline.

INFRASTRUCTURE

- Council will develop a plan for road repair, upgrades and future needs.
- Council will develop a plan for sewer and water upgrades and future developments.
- Council will map out a plan of available lots for housing and industrial development.
- Council will plan for growth.
- Council will ensure that all facilities are well maintained.

TOURISM

- Look up, follow up and promote ideas that will make Rainy River a tourist destination.
- Take a futuristic approach to the benefit of tourism.
- Develop an exciting and informative website and brochure.
- Meet with Northern Ontario tourist organizations once a year for their input of future trends.
- Buddy up with neighboring communities.
- Determine the feasibility of a museum.

INDUSTRY

- Aggressively market the town for new business services and industry in order to diversify and grow our economy
- Work together with our neighbours
- Obtain services of economic development officer

EDUCATION

- Identify and compile a complete list of local services.
- Publish articles that enhance our community and promote loyalty.
- Invest in motivational type speakers and training for staff and public.
- Plan with our library for future programming and development.
- Explore the feasibility of an historical center, so young and old can work together.
- Seek the input of our teachers, the school administration, and our school board trustees to ensure a strong, energetic future for our schools.

PUBLICITY

- Develop a community profile package.
- Develop an updated website and brochure with pertinent and easily accessible information.
- Support and advertise the many benefits of our town.
- Support other community festivals as we hope they will support ours.
- Support MOM's Way.
- Establish and advertise a wireless "hot spot" for Internet communications.

BEAUTIFICATION

- Encourage the establishment of a horticultural society.
- Clean up, paint up all Town properties, and encourage private property maintenance.
- Clean up and beautify our Town entrances.
- Keep our talker boards updated.

RECREATION

- Provide ultimate use of recreation centre
- Explore new and innovative sport ideas (i.e. skate board park)
- Utilize and update Hannam Park
- Provide Recreation Director services

KEEPING PUBLIC INFORMED

- Be sure to publish the findings of all surveys undertaken.
- Realize that we exist for the people not for ourselves.
- Make copies of strategic plan available at the town office, library, schools, website, etc.

COUNCIL DEVELOPMENT PLANS

- Have the council publish the plans they make for infrastructure.
- Work the plans.

STAKEHOLDERS

- Council to appoint a Committee to meet with key stakeholders.
- Interested members from the public, business sector and others are encouraged to participate on the committees.
- Committee devises a reporting system that keeps council and the public informed.
- Use the information to develop, promote and advertise our community.

COUNCIL ENDORSEMENT

- Set down guidelines for strategic committee operations.
- Publish the findings of the committees.
- Plan for annual review and reporting system.
- Use a rating system on all strategies:
 - a. Fully completed
 - b. Significant progress
 - c. Underway/ongoing
 - d. Limited progress
 - e. No progress

2.3 Policy Direction

2.3.1 Policy Direction – Sustainable Natural Environment

- i. There is an important interrelationship between the natural heritage features and the cultural heritage of our area. It is the historic link between the human community and the surrounding environment that provides our sense of place and identity. The natural environment provides the life support system for our community. There is a responsibility to preserve, protect, enhance, and provide the proper management and stewardship of our natural areas in a sustainable way, given that changes to our natural areas can affect the ecological balance.
- ii. Council shall ensure that the principle of preserving resources and protecting the natural environment for future generations, will underlie the planning and development of the Town.
- iii. Council recognizes the importance and value of the endangered and threatened species and supports their protection.

2.3.2 Policy Direction – Economic Vitality

- i. Any strategy for economic development, growth and enhancement must reflect the preservation of the existing Rainy River employment areas that provide services to the Town, surrounding rural area and tourists. Key to any future development is the strengthening of public and private enterprises that enhance and contribute to this “sense of community”. Any development and growth, whether it is in health, retail, education, tourism, commercial or industrial sectors will support and help sustain the very nature of the urban/rural quality of life.
- ii. Encouragement will be given to those retaining existing employment opportunities and to those creating new ones.
- iii. New retail and commercial developments shall be encouraged downtown and at the Town gateways.
- iv. Home-based businesses are encouraged throughout Rainy River. Such businesses shall have a limited number of employees, not create a traffic hazard, be compatible with adjacent uses and have no negative impacts on the residential character of the subject property or the surrounding neighbourhood.
- v. Enterprises that cater to the tourism industry shall be encouraged. Such enterprises should be directed to conserve, enhance and promote the significant natural and culture heritage resources of Rainy River.

2.3.3 Policy Direction – Healthy Community

- i. A healthy community is one which is continually creating and improving natural and social environmental values, and expanding community resources that enable people to mutually support each other to realize their maximum potential. Healthy communities evolve in a way that preserves the natural environment and heritage, encourages community spirit and participation in decision-making. They also provide easy access to a range of services and leisure opportunities, ensure efficient and safe traffic flow and encourage social diversity and respect for a variety of lifestyles.
- ii. There is a connection between the physical design of communities and health and the quality of life. Policies throughout this Official Plan therefore promote a healthy community by providing for employment opportunities, protecting the natural environment, ensuring the adequate separation of incompatible land uses according to provincial guidelines so as to prevent adverse effects, improvement of access throughout the Town, and by improving community consultation.
- iii. All new public buildings and facilities shall be located and designed to be accessible to all.
- iv. A diverse range of recreational and cultural activities shall be promoted to reflect the needs of Rainy River and shall be accessible to all of the residents of the Town.

- v. Council will integrate heritage conservation into the development and approvals process by requiring the preparation of an archaeological assessment and heritage impact assessment when a development proposal effects known archaeological resources or areas of archaeological potential or other cultural heritage resources, including built heritage and cultural heritage landscapes.
- vi. Excellence in design will be pursued so that new development will contribute to a sense of place, ensure physical safety, promote social interaction and enjoyment, provide human scale to the cultural environment and promote the integration of land uses.
- vii. Strong healthy communities have a broad mix of housing types, tenure opportunities and price ranges available to meet the needs of all residents. Council will therefore encourage the provision of a range of housing affordability and density.
- viii. Council supports the Rainy River District Social Services Administration Board and encourages the preparation of a comprehensive community services plan for our region.
- ix. Intensification and redevelopment is a proven method of meeting the needs of the population at different stages of their lives. Intensification can be achieved through accessory apartments, the redevelopment of underutilized sites and through increasing the diversity of permitted uses. If proposed, intensification and/or redevelopment must satisfy the requirements of the Ontario Building and Fire Codes and Rainy River's standards for servicing and parking.

Sewage Lagoons

- x. The Zoning By-law shall identify appropriate separation distances and setbacks, in accordance with MOE's D-Series Guidelines for Land Use Compatibility (D-1 and D-2), between proposed residential or other sensitive land uses and the Rainy River Sewage Lagoons. Prior to granting planning approvals to allow for new or expanded residential or other sensitive uses in proximity to the sewage lagoons, the applicable MOE Guidelines shall be applied, separation distances as set out in the Guidelines shall be required, and where recommended by the Guidelines the appropriate technical studies carried out, and the recommendations from these studies implemented.

3 LAND USE DESIGNATIONS

3.1 Living Area

3.1.1 Objectives

- i. The living area is intended to provide for residential uses and local commercial, institutional and recreational uses which are normally associated with everyday activities within residential areas.
- ii. The policies of this Plan are intended to provide for stable residential areas, which will encourage continuous improvement in property standards and housing conditions and encourage pedestrian access.
- iii. Residential areas should provide for a variety of housing types to meet the demands of the present and future inhabitants of the Town. The desired mix of housing in the Living Area will be:

Dwelling Type	Percent	Density Units/Net ha
Low Density	65 %	12 – 16 units/ha
Medium Density	20 %	17 – 39 units/ha
High Density	15 %	40 or higher units/ha

- iv. Rainy River will promote opportunities for residential intensification and redevelopment on lands located within the serviced confines of the Living Area.
- v. The Town will promote pedestrian-friendly development and encourage the application of sustainable urban design principles.
- vi. Development in the living area will occur on the basis of full municipal services.

3.1.2 Permitted Uses

- i. The uses permitted in the Living Area include all forms of residential development including group homes, home occupations, additional residential units, garden suites, and small scale institutional uses such as elementary schools, health care services, places of worship and neighbourhood parks.

3.1.3 Residential Development

- i. New residential development may occur by plan of subdivision/condominium, consent to sever new lots or as intensification. Where more than three new lots plus a retained lot are being created with new or significant extensions to municipal roadways, sewers, water or other municipal services, a plan of subdivision/condominium will generally be required.
- ii. New residential developments should reflect a range of lot and housing sizes, including smaller, affordable housing units suitable for seniors, single people and smaller families. Where the development of new higher density housing occurs

adjacent to older housing on larger lots, the new development should be designed and landscaped to be compatible with the character of the surrounding neighbourhood.

- iii. Within and near the Living Area there may be uses which have existed prior to the establishment of this Official Plan. These uses may not all be compatible with future residential uses, but many are of economic importance to the community and shall be permitted to legally continue.
- iv. New residential and sensitive uses shall be designed to consider pre-existing uses such that those existing uses can continue to function without ongoing conflicts between the new and prior existing uses.
- v. The Zoning By-law shall identify appropriate separation distances and setbacks between proposed sensitive uses and existing non-compatible uses. Mitigation measures such as setbacks, fences and landscaping, shall be employed to minimize impacts. Prior to a decision to amend the Zoning By-law, MOE's *D-Series Guidelines for Land Use Compatibility (D-1 and D-6)* shall be applied, separation distances as set out in the Guidelines shall be required, and where recommended by the Guidelines, the appropriate technical studies carried out, and the recommendations from these studies implemented.
- vi. Where new development is proposed within 500 meters of the CNR rail line, studies in accordance with Ministry of the Environment Publication LU-131 will be required.
- vii. Prior to approving new residential development, Council shall be satisfied that the new uses can be adequately serviced with sanitary sewers, municipal water, stormwater management, fire protection and frontage or legal access to a public road maintained by the municipality year round. Allocation of sewage and water treatment capacity shall occur upon draft approval of a development or plan of subdivision/condominium.
- viii. The implementing Zoning By-law will establish separate zones for low density, medium density and high density residential uses. New development of medium density and high density uses will require an Amendment to the Zoning By-law. In considering such an application, Council shall ensure that the development satisfies the land use compatibility policies in this Plan.

3.1.4 Small Scale Commercial Uses

- i. Commercial uses that serve the needs of the immediate neighbourhood shall be permitted throughout the Living Area. These uses may include convenience stores, entertainment sales/rental outlets and personal services.
- ii. The size of local commercial uses shall be limited in the Zoning By-law to ensure that these uses are compatible with the built form of surrounding residential uses.

Council may use Site Plan Control to ensure that there is sufficient landscaping, and that fencing, parking and signs do not detract from adjacent residential lands.

3.1.5 Small Scale Institutional Uses

- i. Places of worship, medical clinics and offices and elementary schools are examples of small scale institutional uses, which serve the day-to-day needs of the community. These uses are encouraged to locate where residents can walk from their homes to use these services.
- ii. New institutional uses within the Living Area will require an Amendment to the Zoning By-law. When considering such an application, Council will ensure that the scale and design of the proposed use is in character with any adjacent residential uses. Site Plan control may be used to insure that the design of the building, parking, landscaping, lighting and signs is in keeping with the residential character of the neighbourhood.

3.1.6 Neighbourhood Parks

- i. Within the Living Area, neighbourhood parks should be provided within 1000 meters of all residential uses. Pedestrian and bicycle access to and between these parks should be developed wherever possible.
- ii. Neighbourhood parks should be between 1.5 and 2.0 ha in size and should have suitable dimensions to provide for junior soccer pitches and junior baseball diamonds.

3.1.7 Design Policies for Existing Neighbourhoods

- i. New development in existing neighbourhoods (redevelopment or intensification) shall reinforce and improve upon the character defined by the existing built form and landscaping. Rainy River will maintain and improve existing neighbourhoods through tools such as By-laws (e.g., property standards, tree cutting), civic beautification, heritage conservation initiatives, and urban design guidelines.
- ii. Location and Design of Elementary School Sites
Elementary schools should be located adjacent to public parks and open spaces, where possible. Generally, the school should be centrally located in relation to the area being served. The location should be selected and designed in consultation with the School Board. The location should also be selected and designed to minimize traffic conflicts with pedestrians. Sidewalks and bicycle lanes are considered to be integral design aspects and will be required to link all school sites to adjacent neighbourhoods wherever feasible.
- iii. Location and Design of Places of Worship
Where possible, places of worship should be located on the appropriate road classification. Places of worship should provide on-site parking located at the rear

or side of the building. Proposals for developing new places of worship may require the applicant to submit a traffic impact study, lighting study, parking study and other studies deemed appropriate by the Town.

iv. Infill and Intensification

Infilling and intensification is encouraged throughout the Town's existing built up residential areas but should not exacerbate existing land use incompatibilities. Intensification in residential areas should address the following in addition to any other requirements that may apply to a proposed severance, site plan or plan of subdivision/condominium:

1. Land use, neighbourhood character and compatibility;
2. Lot pattern and configuration;
3. Accessibility;
4. Parking requirements;
5. The potential for additional traffic and traffic maneuverability;
6. Natural and built heritage conservation/protection;
7. The available capacity of municipal infrastructure; and
8. Residential intensification targets identified in this Plan.

v. Live/Work Opportunities

Medium density and high density residential units designed for live/work may be permitted subject to Site Plan Approval and provision of sufficient parking. Live/work development is encouraged to locate on collector roads and in areas planned for intensification.

vi. Affordable Housing

The Town will work with the appropriate housing agencies to ensure that a sufficient supply of housing is provided which is affordable for low and moderate income households. The Town will also consider alternative requirements for residential lot standards and required floor space in the Zoning By-law which would support the provision of affordable housing.

vii. Accessible Housing

The Town will work with the Province and the private sector to ensure that an adequate supply of accessible housing is provided to meet long term demand for people with physical disabilities.

viii. Group Homes

Group homes administered by the Ministry of Health or Ministry of Community and Social Services, under Provincial legislation, shall be permitted in any residential area. The types of group homes which are permitted include:

1. Approved homes;
2. Homes for special care;
3. Supportive housing programs;
4. Accommodation for adult mental health programs;
5. Accommodation services for individuals with a developmental disability;
6. Satellite residences for seniors; and
7. Homes for individuals who have physical disabilities, where the Province licenses, funds or approves such a group home.

ix Home Based Businesses

Home Occupations and Home Professions may be permitted in single-detached residential, semi-detached and townhouses, as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit.

3.2 Employment Areas

3.2.1 Objectives

1. To provide opportunities for a diverse range of employment for the present and future residents of Rainy River.
2. To ensure that there are sufficient lands designated for new development at all times.
3. To ensure that there is sufficient flexibility to adapt quickly; and
4. To provide for attractive development that will encourage investment in Rainy River.

The Town will protect its employment areas and will require extensive justification for any proposed conversion to non-employment uses.

Rainy River Council will consider location and transportation connections when planning new employment areas. The Town will attempt to minimize adverse impacts associated with industrial uses by ensuring that they are developed on designated lands and that issues related to impacts of air, noise, vibration and odours are addressed in a manner which is consistent with Town and Provincial standards.

High quality urban design will be a key tool for increasing the attractiveness of employment areas. Specific urban design requirements will be considered to enhance the attractiveness and unique identity of employment areas.

3.2.2 Permitted Uses

Employment areas include industrial, highway commercial and downtown general commercial uses. The designation is intended to reflect lands where people presently work and lands where employment opportunities will be provided in the future.

The Zoning By-law will place these areas within appropriate Commercial and Industrial Zones.

3.2.3 Industrial Uses

- i. Industrial uses are encouraged to locate in designated areas of the Town set out in this Plan. These uses shall be located and landscaped to minimize the visual impact of open storage on adjacent Living Areas and traffic routes.
- ii. Industrial uses shall only be permitted by amendment to the Rainy River Zoning By-law and shall be subject to Site Plan Control under Section 41 of the *Planning Act*. Prior to a decision to amend the Zoning By-law, MOE's *D-Series Guidelines for Land*

Use Compatibility (D-1 and D-6 as amended from time to time) shall be applied, separation distances as set out in the Guidelines shall be required, and where recommended by the Guidelines, the appropriate technical studies carried out, and the recommendations from these studies implemented in a Site Plan Agreement.

- iii. Prior to approving any new industry, Council shall receive a detailed report on the use, potential emissions of noise, dust or odours, traffic implications and a site plan showing the proposed development.
- iv. Industrial uses include processing, manufacturing, assembly, fabrication, research and development, laboratories, workshops, training facilities, warehousing, shipping/receiving, major offices and other similar uses including outdoor storage. Minor retail and personal and professional service commercial uses, which are scaled to serve the needs of the employees of the immediate employment area, are also permitted.
- v. Industrial buildings should use good quality exterior building materials and employ landscaping to soften the visual impact. Industrial uses near sensitive land uses will incorporate separation distances, buffering, massing and screening, as well as controls for noise, vibration, odours, dust/debris and light emissions, which minimize impacts on the nearby properties. MOE's *D-Series Guidelines for Land Use Compatibility (D-1 and D-6 as amended from time to time)* shall be applied. Outdoor storage shall be screened, using fencing and/or plantings, so that the storage area or goods are not visible from abutting lands or the street. The design of new industrial uses shall be pedestrian friendly, barrier-free and accessible, where possible. Small parking areas may be provided in the front yard, however large parking areas shall be located to the side or rear of the building incorporating appropriate landscaping and/or screening.
- vi. Light industries are defined as industrial uses which are entirely contained within a building, except for accessory vehicle parking and limited outdoor storage and do not emit noticeable or noxious noise, dust or air emissions. These uses may be situated in close proximity to commercial uses and residential uses provided that separation distances in accordance with provincial guidelines can be achieved, and appropriate buffering measure are undertaken to minimize traffic and visual impacts.
- vii. Light industries are permitted and include light manufacturing, light assembly, research and development, warehouses and wholesaling, indoor storage, offices related to industrial uses, as well as some commercial uses such as heavy equipment sales and services, repair shops and services and lumber yards. Minor retail, personal and professional service commercial uses which are scaled to serve the immediate needs of the employees of the immediate employment area are also permitted. Only a limited amount of outdoor storage is permitted.
- viii. New light industrial uses are encouraged to have high quality exterior building materials and high quality landscaping. Development around the perimeter of light industrial areas shall have edge landscaping and urban design treatments, where appropriate, to strengthen the area's visual appeal. Outdoor storage is not permitted, except where finished goods or materials are the primary product of a business (such as lumber in the case of a lumber yard). The design of light industrial

subdivisions or individual sites should incorporate pedestrian-friendly, barrier-free and accessible design. Parking areas shall be screened from any adjacent sensitive land uses and large parking areas shall incorporate internal landscaping and be located at the rear or side of the building. Separation distances as set out in MOE's D-Series Guidelines for Land Use Compatibility (D-1 and D-6 as amended from time to time) will be achieved.

- ix. All industrial uses shall be developed on the basis of full municipal services. Private services may be permitted where there is no industrial waste water and sewage facilities are less than 4,500 litres per day on an interim basis in areas where the Town has completed environmental studies regarding extending services to the site and servicing is likely to occur in the near future. Council wishes to encourage new job development and where these situations occur, the developer shall enter into an agreement with the Town to ensure that the site is pre-serviced and to provide a financial guarantee relating to the extension of the connection to full municipal services.
- x. New industrial developments shall meet or exceed provincial standards for noise, emissions and setbacks from adjacent uses.
- xi. Industrial traffic should be directed away from, and not through, residential areas. Generally, the number of access points from employment areas to collector roads should be limited to minimize potential disruptions to traffic flow.
- xii. An accessory residential use, such as a caretaker's residence, which is incidental to, and supportive of, the employment use, may be permitted subject to any appropriate mitigative measures required to conform with Provincial standards.
- xiii. The Town may permit the conversion of lands within employment areas to non-employment uses, but only through a municipal comprehensive review where MOE's *D-Series Guidelines for Land Use Compatibility (D-1 and D-6 as amended from time to time)* are applied and it has been demonstrated that:
 - i. There is a need for the conversion;
 - ii. The conversion will not adversely affect the overall viability of the Town's employment areas and the achievement of other policies of this Plan;
 - iii. There is existing or planned infrastructure in place to accommodate the proposed use; and
 - iv. The lands are not required over the long term for employment purposes for which they are designated.

3.2.4 Commercial Uses

- i. A broad range of highway commercial developments along the Atwood Avenue corridor shall be encouraged to meet the needs of the residents of Rainy River and its tourists, as well as support the businesses within the Town.
- ii. Within the downtown general commercial area, the broadest range of commercial and residential uses shall be encouraged. Commercial uses should develop at the street line on the ground level. Residential uses will be encouraged to locate on

upper floors provided that adequate access and parking can be provided.

- iii. Building design, signage and landscaping details used in the downtown general commercial area should reflect the historical character of the downtown area.
- iv. Council will consider incentives to encourage the continued viability of the downtown general commercial area.
- v. All commercial uses shall be developed on the basis of full municipal services.

3.3 Rural Areas

3.3.1 Objectives

- i. To protect and enhance the natural amenities, character, and lifestyle of the rural area of Rainy River;
- ii. To support and encourage the tourism industry as a major traditional contributor to the economic base of the municipality;
- iii. To provide opportunities for low density affordable residential uses in harmony with the rural character of the municipality;
- iv. To promote alternative rural businesses such as bio-diesel refining, kennels and game farms where they are on lands of adequate size with sufficient water to accommodate their use; where they will be compatible with existing abutting uses in the area and where environmentally sensitive features are protected;
- v. To promote low water using rural industries thereby increasing sustainable employment opportunities for Rainy River residents;
- vi. To maintain the natural resource industries of Rainy River Town by encouraging sustainable practices in forestry, and sport fishing;
- vii. To ensure that new development or redevelopment is compatible with and appropriately separated from surrounding uses and that negative environmental impacts and land use conflicts are avoided or minimized consistent with provincial and municipal requirements; and
- viii. To promote the use of alternative/renewable energy systems such as wind turbines, solar panels, bio-diesel, ethanol, wood pellets and wood hot water heating systems.

3.3.2 Permitted Uses

The predominant use of land in this category shall be for non-urban activities such as agricultural uses, forestry, conservation, limited detached rural residential dwellings, golf courses, highway commercial uses, recreational and tourist commercial uses, private aircraft fields, home occupations and home industries. Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue.

3.3.3 Rural Residential Uses

- i. In the case of an existing lot of record which complies with the provisions of the Rainy River Zoning By-law, a single detached dwelling may be permitted provided the lot also meets the requirements of all relevant policies of the Official Plan.
- ii. A minimum lot size of one hectare (1 ha) shall be encouraged. Where required by the policies of Sections 5.5, 5.6, or 5.8 of this Plan regarding Plans of Subdivision, Plans of Condominium, and Consents, a hydrogeological assessment may be required to support lot sizes smaller than one hectare (1 ha) in size.
- iii. All residential uses shall comply with the setbacks dictated by the *Ontario Minimum Distance Separation Formulae*, as amended from time to time, except any dwelling located on the same lot as the subject livestock facility.
- iv. All rural residential uses shall comply with applicable flood protection or other environmental requirements of the Official Plan.
- v. All rural residential uses shall be serviced by sustainable private water and sewage disposal located on site.
- vi. No new rural residential development or redevelopment shall be permitted that could adversely impact neighbouring sewage disposal systems or water supplies. Where new residential development is permitted, or where required by the policies of Sections 5.5, 5.6, or 5.8 of this Plan regarding Plans of Subdivision, Plans of Condominium, and Consents, the approval authority shall be satisfied that a potable water supply can be located with no danger of cross contamination from sewage disposal systems and there are no adverse impacts on adjacent water supplies.
- vii. Where considered desirable by the approval authority, or where required by the policies of Sections 5.5, 5.6, or 5.8 of this Plan regarding Plans of Subdivision, Plans of Condominium, and Consents, a study in accordance with Ministry of the Environment's *Procedure D-5-4 Technical Guideline for Individual On-Site Systems: Water Quality Impact Risk Assessment and Procedure D-5-5 Technical Guideline for Private Wells and Water Supply Assessment* shall be required by a qualified Professional Engineer to indicate:
 - That a private well for an individual on-site water service can be located without danger of contamination by any on-site or off-site sewage system; and
 - That suitable conditions exist for an individual on-site sewage disposal system with existing pump out services including confirmed available capacity for treatment of hauled sewage/septage.

3.3.4 Rural Farm Uses

All farm and non-farm development will comply with the *Minimum Distance Separation Formulae*, as amended from time to time, established by the Province in order to minimize odour conflicts between livestock facilities and development.

3.3.5 Rural Commercial and Industrial Uses

- i. The industrial use of land in the Rural Areas shall be for manufacturing, assembly, processing, fabrication, warehousing and storage of goods and materials. This policy also permits compatible commercial, public and institutional uses deemed suitable and accessory to industrial operations such as offices and caretakers' apartments.
- ii. Council shall exercise discretion in zoning rural lands for industrial uses in order to permit only dry industries in the rural parts of the municipality. Dry industries are defined as those whose fluid waste discharge consists of nothing more than the domestic waste water of employees and customers and does not exceed 10,000 litres/day.
- iii. Industrial uses in the Rural Areas shall be required to locate only where access is available to a municipal road maintained by the Town on a year-round basis with no seasonal load limits.
- iv. Industrial uses shall be sited to screen outside storage from view by means of separation distances, buffering and setbacks.
- v. Industrial uses shall only be permitted by amendment to the Rainy River Zoning By-law and shall be subject to Site Plan Agreements under Section 41 of the *Planning Act*. Prior to a decision to amend the Zoning By-law, the Ministry of Environment *D-Series Guidelines for Land Use Compatibility (D-1 and D-6)* separation distances as set out in the Guidelines shall be required, and where recommended by the Guidelines shall be applied, the appropriate technical studies carried out, and the recommendations from these studies implemented.
- vi. Where considered desirable by the approval authority, a study in accordance with Ministry of the Environment's *Procedure D-5-4 Technical Guideline for Individual On-Site Sewage Systems; Water Quality Impact Risk Assessment and Procedure D-5- 5 Technical Guideline for Private Wells and Water Supply Assessment* shall be required by a qualified Professional Engineer to indicate:
 - That a private well for an individual on-site water service can be located without danger of contamination by any on-site or off-site sewage system; and
 - That suitable conditions exist for an individual on-site sewage disposal system with existing pump out services including confirmed available capacity for treatment of hauled sewage/septage.
- vii. New or redeveloped commercial/industrial uses shall be subject to Zoning By-law amendments and site plan agreements under Section 41 of the *Planning Act*. In the process of amending the Zoning By-law and drawing site plan agreements, the Ministry of Environment *D-Series Guidelines for Land Use Compatibility (D-1 and D-6)* shall be applied and separation distances in accordance with the guidelines shall

be required. The provisions of this plan regarding potentially contaminated sites and Records of Site Condition will apply where contamination is suspected based on the past use of a property.

- viii. Accessory dwelling units may be permitted above or attached to rural commercial uses, except automotive uses.

3.3.6 Rural Recreational and Highway Commercial Uses

- i. Recreational commercial uses permitted in the Rural Areas may include lodges, camps, clubs, golf courses, trailer parks, convenience stores and other similar uses devoted to serving the tourism industry. These uses will be zoned appropriately in the Rainy River Zoning By-law and certain uses such as trailer parks may also be subject to regulation through other municipal by-laws. New recreational commercial developments will be subject to site plan agreements under Section 41 of the *Planning Act*.
- ii. Where considered desirable by the approval authority, or where required by the policies of Sections 5.5, 5.6, or 5.8 of this Plan regarding Plans of Subdivision, Plans of Condominium, and Consents, a study shall be required by a qualified Professional Engineer to indicate:
 - That a private well for an individual on-site water service can be located without danger of contamination by any on-site or off-site sewage system; and
 - That suitable conditions exist for an individual on-site sewage disposal system with existing pump out services including confirmed available capacity for treatment of hauled sewage/septage.

3.3.7 Wayside Pits and Quarries

- i. Wayside pits and quarries and portable asphalt plants and portable concrete plants used on public authority contracts will be permitted without the need for an Official Plan amendment, Zoning By-law amendment, or development permit under the *Planning Act* in all areas, except those areas of existing development or of particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.
- ii. Council will conserve cultural heritage resources when considering the establishment of new areas for wayside pits and quarries or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any impacts on significant cultural heritage resources.

3.4 Flood Plain Areas

3.4.1 Objectives

- i. To direct development away from Flood Plain areas.
- ii. To correct existing and to prevent potential sources of pollution.

3.4.2 Definition and Permitted Uses

- i. The Flood Plain areas of Rainy River shall be defined as all lands lower than 324.6m CGVD 1928 above sea level.
- ii. Uses permitted in the Flood Plain include:
 - Open space for public or private recreation;
 - Marinas and boathouses;
 - Farm uses including cropland, feedlots, grazing, and nurseries may be permitted based on an assessment that no new hazards are created, existing hazards are not aggravated, and no adverse environmental impacts will result;
 - On a site specific basis - storage yards and parking areas;
 - Roads, bridges, railways and other public services of approved hydraulic design with appurtenances which would not obstruct the passage of flood waters or debris; and
 - Approved structural works used for flood and erosion-sediment control.

3.4.3 Development Policies

- i. All lands situated below 324.6m CGVD 1928 are located in the Flood Plain.
- ii. Where existing structures and/or vacant lots of record are situated within the Flood Plain, all redevelopment, reconstruction, alteration or expansion permitted by the Zoning By-law, shall be located outside the Flood Plain to the extent feasible. Where this is not feasible, such works shall be flood-proofed in accordance with known Regulatory Flood elevations. Alterations to existing development located in the Flood Plain shall not increase the ground floor area.
- iii. All flood-proofing measures shall be undertaken to the satisfaction of the Chief Building Official. Council may also require flood-proofing plans prepared for the landowner by a qualified professional engineer in accordance with *Appendix 6 of the Ministry of Natural Resources Technical Guide: River and Stream Systems-Flooding Hazard Limit*.
- iv. In the case of a severe flood where a building is destroyed in a Flood Plain area, permission will be granted by Council to permit the building to be rebuilt on the same site provided that it is flood-proofed to the appropriate flood-proofing elevation and reconstructed to the same ground floor area.
- v. Where any land within a Flood Plain area is privately owned, this Plan shall not be interpreted that such areas are open and free for use by the general public or that

they will be purchased by the Town or any other public agency.

- vi. Placement of fill is not an acceptable basis for amendment to Flood Plain Area boundaries, based on public health and safety concerns with the potential for increased flood-related impacts to other properties.
- vii. Where land is within the Flood Plain area, the intent is to ensure that new or expanded development does not occur.
- viii. Notwithstanding applicable flood-proofing elevations, all new waterfront structures except docks, uninhabited boat houses or those intended for flood or erosion control shall be set back a minimum of 30 metres horizontally from the water's edge to maintain a natural vegetative buffer to protect fish habitat.
- ix. Where new development is proposed adjacent to the Rainy River, a minimum undisturbed natural vegetated buffer of 10 meters will be required adjacent to the shoreline to minimize the impacts of development on water quality.

Further, the provision of non-development setbacks and natural vegetated buffers of up to 30 meters will be encouraged, and may be required where there is potential for greater impacts on water quality.

The Municipality shall also encourage, through planning approvals and other mechanisms such as landowner education, the use of Best Management Practices for shoreline development, including measures such as the following:

- locating on-site sewage systems where native soils are deepest, and at the furthest distance possible from the shoreline;
- minimizing the clearing of natural vegetation on the site, particularly along the shoreline;
- reducing lot grading;
- 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; and
- sump pumping foundation drains to rear yard ponding areas and infiltration trenches.

3.5 Environmental Protection

3.5.1 Objectives

- i. To encourage development to locate in areas which are not environmentally sensitive and to strive to protect environmentally sensitive areas through careful review of all development proposals.
- ii. The purpose of this section is to recognize that certain areas of Rainy River, in particular a rare stand of elm trees, have special environmental values which should be taken into account when applications for new or extended development are considered by Council.

3.5.2 Significant Wildlife Habitat

Where significant wildlife habitat is identified on Schedule “A”, or identified in an Environmental Impact Study, new development or site alteration will not be permitted until the study, prepared by an experienced professional, demonstrates to the satisfaction of the approval authority that there will be no negative impact on the natural features or their ecological functions.

Habitat of Threatened and 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 endangered or threatened.
- Development and site alteration shall not be permitted on adjacent lands to the significant habitat of threatened and endangered species 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.
- Where a habitat regulation under the *Endangered Species Act (2007)* is in place for a species, the regulated habitat is considered to be significant threatened or endangered species habitat for the purposes of the Provincial Policy Statement.
- Where preliminary assessments indicate the potential presence of significant habitat of threatened and endangered species, the local Ministry of Natural Resources office will be contacted for review and confirmation of the information. Those undertaking development and site alteration should be aware that the *Endangered Species Act (2007)* prohibits the killing, harming or harassing of threatened and endangered species and, subject to transition provisions of the Act, prohibits the damage or destruction of the habitat of threatened and endangered species.
- If proposed development is located in lands adjacent to significant habitat of threatened and endangered species an environmental impact study will be required to determine whether there will be negative impacts on the natural features or their ecological functions.

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 habitat are defined as 120 metres from the boundary of the feature at a minimum unless there are other site specific considerations such as species habits, type of development, and/or landscape characteristics that may warrant extending (or in some cases retracting) the adjacent land boundary for the purposes of meeting the preceding policy.

- Preliminary ecological assessments will be conducted when development and/or site alteration is proposed to determine if the proposed development is within or adjacent to significant wildlife habitat preliminary assessments will be based on existing mapping and reference information, existing local knowledge, and preliminary field visits.
- Where preliminary assessments indicate proposed development is within or adjacent to significant wildlife habitat an environmental impact study will be required to determine whether there will be negative impacts on the natural features or their ecological functions.

3.5.3 Significant Fish Habitat

- i. It is the intent of this Plan to promote the wise management and sustainable use of fisheries so as to provide recreational and economic benefit to Rainy River and the Province of Ontario, consistent with the maintenance of healthy aquatic ecosystems and the no net loss policy of the *Canada Fisheries Act*. In the absence of detailed fish habitat mapping, and for the purposes of applying policy, fish habitat is defined as all water features including permanent or intermittent streams, headwaters, seasonally flooded areas, wetlands, municipal or agricultural surface drains, lakes and ponds, unless it can be demonstrated in a report from a qualified professional that the feature does not constitute fish habitat as defined by the *Canada Fisheries Act*.
- ii. In considering new development or redevelopment adjacent to Rainy River Council shall consider the following:
 - Development and site alteration may be permitted on adjacent lands to fish habitat, provided that it has been demonstrated that there will be no negative impacts on the fish habitat or its ecological functions.
 - Adjacent lands to fish habitat are defined as all lands within a minimum of 120 metres from the normal high water mark of any watercourse or water body defined as fish habitat in 3.5.3 i above.
 - Where planning approvals are required to facilitate development or site alteration adjacent to fish habitat, proposals will be evaluated for their potential impacts on the fish habitat and/or its ecological functions. Development proposals within 120m of fish habitat shall be accompanied by an Environmental Impact Study.
- iii. Prior to making a final decision on new development proposals referred to above, Council may require additional studies, special engineering works or design controls to ensure that the resulting development does not adversely affect the ability of the natural habitat to sustain healthy fish populations.
- iv. Notwithstanding applicable flood-proofing elevations, all new waterfront structures except docks, uninhabited boat houses or those intended for flood or erosion control shall be set back a minimum of 30 metres horizontally from the water's edge to maintain a natural vegetative buffer to protect fish habitat.

3.5.4 Wetlands

- i. Wetland areas are a significant environmental resource, which contribute to the ecological well being of the Rainy River watershed. It is the intent of this Plan to protect wetland areas within or adjacent to the Town from incompatible land uses. There are no known provincially significant wetland areas in the municipality. Nevertheless if one is identified, no development or site alteration will be permitted in it or adjacent to it. Lands adjacent to a provincially significant wetland are defined to be within 120 metres of it until further evaluation proves another distance more appropriate.

4 GENERAL POLICIES

4.1 Energy Conservation

- i. The Town of Rainy River shall encourage and support energy conservation, combined heat and power, and alternative and renewable energy sources developed in accordance with Provincial and Federal legislation. Rainy River will also encourage the application of energy conservation measures in the design and construction of new buildings and in the rehabilitation and upgrading of existing buildings and structures.
- ii. Increased flexibility in zoning and site planning may be considered in order to accommodate variances in building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.

4.2 Fill

- i. Recognizing that activities such as the dumping or placing of fill, grading of land and removal of topsoil can result in flooding and erosion, property damage, poor water quality, degradation of natural areas, the Town will enact a Site Alteration By-law regulating such activities. As a condition of development approval, the Town may require measures to conserve topsoil and reduce or mitigate soil erosion.

4.3 Hazardous Sites

- i. On hazardous sites, development and site alteration will not be permitted unless a geotechnical study, prepared and signed by a qualified engineer, has demonstrated, to the satisfaction of the Ministry of Natural Resources and Forestry, that applicable policies can be met. As a general principle, where a site exhibits environmental or ecological values, non-engineered solutions are preferred wherever practical. On hazardous sites, the following uses shall not be permitted:
 - (i) Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care or schools;
 - (ii) Essential emergency services such as those provided by fire, police and ambulance stations and electrical substations; and
 - (iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- ii. Prior to granting planning approvals to allow for development on any property which may be contaminated, Council shall require the submission of a Record of Site Condition, prepared by a qualified person in accordance with MOECP Guidelines, and acknowledged by the Ministry of the Environment, Conservation & Parks.

4.4 Cultural and Archeological Resources

4.4.1 Objectives

- i. The Town of Rainy River will encourage the conservation, protection and enhancement of the Town's cultural heritage resources, including lands, archaeological sites, important views and vistas, and buildings and structures of historic, cultural and architectural value. The Town will encourage growth and development which promotes the protection and sympathetic treatment and use of heritage resources.

4.4.2 Policies

- i. All new development permitted by the land-use policies and designations of this Plan shall take into account cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner that preserves and enhances the context in which cultural heritage resources are situated. Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village, and districts or cultural landscapes of historic interest. The *Ontario Heritage Act* and its regulations will be utilized to conserve, protect and enhance the heritage of the Town through designation by by-law of individual properties, conservation districts and/or landscapes, and archaeological sites
- ii. A Municipal Heritage Committee (MHC) may be established pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist Council on matters related to Parts IV and V of the Act. In addition, Council may wish to expand the role of the heritage advisory committees to advise and assist Council on other matters of cultural heritage conservation. In accordance with Section 27 of the *Ontario Heritage Act*, the municipal Clerk shall maintain a register of all property designated under Part IV and Part V of the *Ontario Heritage Act*. This register may also contain properties that have heritage conservation easements placed upon them and properties that are not designated, but which are considered by Council to be of cultural heritage value or interest.
- iii. Council shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known archaeological sites located within the Town. In addition, data and maps of any designated or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural landscapes located within the Town shall be maintained as it becomes available.
- iv. Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of established provincial screening criteria, or qualified mapping developed based on the known archaeological record within the Town. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.

- v. Council will regularly update municipal archaeological resource mapping under the provisions of a municipal/provincial data sharing agreement, as new archaeological sites are identified from land development and on the Provincial archaeological sites database.
- vi. Council, with the advice of the Ministry of Tourism, Culture & Sport, may undertake the preparation of an Archaeological Master Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the Town having archaeological potential. The Master Plan may also outline policies, programs and strategies to protect significant archaeological sites.
- vii. The Town shall require an archaeological assessment by archaeologists licensed under the *Ontario Heritage Act*, in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the municipal boundaries of the Town. Alterations to known archaeological sites must only be performed by licensed archaeologists, as per provisions under the *Ontario Heritage Act*. Any significant archaeological resource or site identified may be preserved in situ, to ensure that the integrity of the resource is maintained, and/or may it be systematically removed through excavation by a licensed archaeologist. The integrity of archaeological resources can be maintained by adopting archaeological zoning provisions under Section 34 of the *Planning Act* or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which contains a significant archaeological resource.
- viii. The Town shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism, Culture & Sport and the Ministry of Consumer and Business Services, when an identified historic human cemetery, marked or unmarked human burial is affected by development. The provisions under the *Ontario Heritage Act* and the *Cemeteries Act* shall apply.
- ix. The Town shall take into account the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments, undertaken by a qualified heritage professional, will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this Plan.
- x. Council shall encourage local utility companies to place equipment and devices in locations which do not detract from heritage attributes and which do not have a negative impact on the architectural integrity of those resources. Council shall seek the acquisition of easements on properties with cultural heritage value or interest in order to assure the preservation of these properties in perpetuity.

- xi. Council 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 will guarantee its preservation, maintenance and use in a manner which respects its cultural heritage value or interest 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. Council shall ensure that secondary planning studies identify cultural heritage resources, which may exist in the area under study and propose means to protect and enhance any significant heritage resources.
- xii. The Town will support initiatives which enhance, expand and support existing and new arts and cultural activities in Rainy River.
- xiii. The Town encourages and supports the display of art in public places as a means of enhancing the public realm, enriching the visual experience of residents and visitors, and promoting Rainy River's northern character.
- xiv. In attaining its goal for establishing a barrier-free environment to municipal owned property, the municipality will endeavour to provide access solutions in a manner that respect the cultural heritage value or interest of a protected property. Council recognizes that standardized designs may not always suffice and that each heritage property will require unique accessibility plans to ensure that alterations do not adversely affect the heritage attributes.

4.5 Municipal Roads

4.5.1 Objectives

- i. The transportation policies of this Plan are concerned primarily with the road network because travel by means of private vehicle is the principal means of moving goods and people within the Town of Rainy River.
- ii. The road network in the Town of Rainy River shall be developed in accordance with the Roads Plan shown on Schedule "B" and the policies contained in this Plan. It is intended that the location of proposed roads shown on Schedule "B" shall be considered as approximate. Amendments to this Plan will not be required to make minor adjustments to the approximate location of proposed roads, provided that the general intent of the Roads Plan is preserved. The existing and proposed roads in the Municipality are classified on Schedule "B" according to their ultimate function. Schedule "B" establishes the general road pattern by dividing the roads into the following classifications:

- (i) Collector Roads
- (ii) Local or Town Roads

4.5.2 Collector Roads

- i. Collector Roads are designed to facilitate the movement of medium volumes of traffic, carry local traffic to provincial highways and provide access to abutting properties. This movement may be through traffic for trips that originate or terminate within the municipality.

4.5.3 Town Roads

- i. Town Roads (local roads) are under the jurisdiction of the municipality. Town Roads are typically designed to carry low volumes of local traffic and to provide access to individual properties and should not serve major traffic generating areas. The minimum right-of-way width shall be 20 metres, where practical.

4.5.4 Intersection and Crossing Improvements

- i. It is intended as traffic conditions warrant, improvements in the form of jog elimination, sight triangles, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization will be undertaken and wherever possible, such improvements will be undertaken or the costs borne by the proponent of any development that initiates the change.

4.5.5 Access To Development

- i. Development or redevelopment shall normally be permitted only if access to a public road of adequate construction and width is available or established as a condition of approval.
- ii. The location of access driveways should not create a traffic hazard because of concealment by a curve, grade or other visual obstruction. Access driveways should be limited in number and designed so as to minimize the dangers to vehicular and pedestrian traffic in the vicinity.

4.5.6 Land Acquisition for Roads Purposes

- i. Where land is required for road widening, road extensions, road rights-of-way, intersections or railway crossing improvements, such land shall be obtained by the appropriate agency in the course of approving consents for severances, plans of subdivision/condominium and development or redevelopment applications. Any proposals to widen, extend or improve roads in the municipality should take into account the scenic factors and natural attributes of the adjacent lands, particularly trees that may be on or near the road allowance.

4.6 Infrastructure and Utilities

4.6.1 Requirements for Development

- i. Before giving its approval to any development proposals, Council shall be assured by the appropriate agency that the utilities and emergency services, including fire protection and police protection, necessary to serve the proposed development will be provided without placing undue financial obligations on Rainy River taxpayers.
- ii. When small-scale development is involved, such as that resulting from land severance activity, the proposed development must be located in an area where such services already exist and are economically feasible to maintain.

4.6.2 Lands for Easements and Emergency Access

- i. Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision and condominium, or redevelopment applications.

4.6.3 Lands for Public Buildings

- i. When land is required for public buildings such as electric power substations, fire halls or police stations, the applicant may be requested to set aside appropriate sites for purchase by the relevant agency. Arrangements for the acquisition of such sites should be made conditions of development approval.

4.6.4 Communication Towers

- i. The Town of Rainy River recognizes that the installation of communication towers is required to supply, improve, and maintain the quality of modern services. Communication towers of 16.5 m in height or greater are designated as a structure under the Ontario Building Code and will be subject to building permits, as well as regulations under the Zoning By-law.
- ii. The Zoning By-law cannot prevent a telecommunication tower from being constructed because the Federal Government has the approval authority under the *Radio Communications Act*. Nevertheless, Industry Canada recognizes the importance of considering the potential impact of communication towers on the community and requires any proponent seeking to establish a communications tower to work with the municipality, seek input from the community, and meet various standards set out in the *Radio Communications Act*.

4.6.5 Power Generation Facilities and Green Energy

The Town of Rainy River will encourage and support alternative and renewable- source energy generation facilities which are developed in accordance with this Plan and the Provincial Planning Statement 2024. Proposed developments will be encouraged to locate in areas where their impacts on adjacent lands are minimized and mitigated to the greatest extent possible. Where feasible and practical, power generation and storage facilities which are primarily buildings, cogeneration plants, solar panel farms, and battery energy storage systems (BESS) will be encouraged to locate on brownfield sites. When evaluating proposals for alternative energy generation facilities the Town will consider the following:

- Location of facility in relation to firefighting access;
- Size and scale of proposed facility;
- Potential for land use compatibility issues with adjacent land uses, especially adverse effects on sensitive land uses; and
- Potential for perceived risks to human health and safety.

4.7 NON-CONFORMING USES

- i. A land use which was lawfully in existence prior to the passage of the Rainy River Zoning By-law and which continues to be utilized for such purpose may continue as a legal non-conforming use and may be deemed to conform to the intent of the this Plan.. In the latter case, such uses may be zoned in accordance with their present use and performance standards provided:
 - (i) The zoning does not permit any significant change of use or performance standards that will aggravate any situation detrimental to adjoining land uses; and
 - (ii) The use does not constitute a danger to surrounding uses by its hazardous nature or the traffic which it generates; and
 - (iii) The criteria of subsection (ii) following are satisfied.
- ii. In accordance with Section 34(10) of the *Planning Act*, and notwithstanding the Flood Plain policies of this Plan, Council may amend a By-law passed under Section 34 to permit the extension or enlargement of any land, building or structure prohibited by the Zoning By-law provided the following requirements are met. The Committee of Adjustment will be similarly guided in considering applications under Section 45 of the *Planning Act*:
 - (i) It is not possible to relocate such a use to a place where it will conform to the By-law;
 - (ii) The proposed extension or enlargement will not unduly aggravate the situation already created by the existence of the use and should, if possible, be designed to alleviate adverse effects of the use;
 - (iii) The abutting uses will be afforded reasonable protection by appropriate buffering and setbacks;
 - (iv) The proposed extension or enlargement will be in appropriate proportion to the size of the non-conforming use;
 - (v) Adequate provision will be made for safe access and adequate off-street parking and loading facilities; and
 - (vi) All services, including private sewage disposal and water supply systems, shall be or can be made adequate.

4.8 RAILWAY CORRIDOR

- i. Noise and vibration sensitive areas may be considered to be those areas of land abutting or adjacent to rail rights-of-way having a passive recreation or residential component or where sensitive land uses are permitted. Sensitive areas for noise include within 500 metres of a principal rail line, 250 metres of a secondary rail line and 100 metres of other rail lines. Development within these areas shall require studies in accordance with Ministry of the Environment, Conservation & Parks *Publication LU 131*.
- ii. Specific land use controls respecting rail impacts shall be exercised on lands abutting or adjacent to rail rights-of-way and the following policies shall apply:
 - (a) Prior to approval of applications for Official Plan amendments, zoning by-law amendments or plans of subdivision or condominium that permit sensitive land uses or the creation of new residential units or lots;
 - (i) Said applications shall be circulated to the appropriate rail company for comments with regard to the recommended noise, vibration and impact mitigation measures; and
 - (ii) The municipality may require that the owner/developer engage a consultant to undertake an analysis of noise and/or vibration and to recommend abatement measures necessary to achieve recommended limits set by the Ministry of the Environment, Conservation & Parks to the satisfaction of the Town and in consultation with the appropriate rail company.
 - (b) As a condition of approval of applications detailed in (a) preceding, provision shall be made where possible, for the registration on title and insertion in Agreements of Purchase and Sale or Lease of a warning clause with regard to potential impacts of rail operations;
 - (c) As a condition of approval of applications as detailed in (a) above preceding and as outlined hereafter, setbacks to address rail safety concerns shall be required for any new residential structure or place of public assemblage from the railway right-of-way. The appropriate safety setback will be determined in consultation with the railway company and will take into account provision for safety berms, topography and intervening structures between the railway right-of-way and the new residential dwelling or building, addition to an existing residential structure or place of public assemblage.
 - (d) As a condition of approval of applications as detailed in (a) above preceding, the developer may be required to install and maintain combined security and acoustical fencing of a minimum height necessary to prevent trespass onto the adjacent railway right-of-way and attenuate noise to acceptable levels. As a minimum requirement, chain link security fencing or 1.83 metres height will be required along the common property boundary with the railway right-of-way.

4.9 PARKS AND RECREATION

- i. Where an approval by the Town of Rainy River is required for the division of land or for the development or redevelopment of any land, the municipality shall require the owner to convey 5 per cent or 2 per cent, as the case may be, of such lands for

park purposes. Lands having environmental problems may not be acceptable. All lands conveyed for parks purposes shall be approved by the Town. Where a waterbody adjoins such lands, adequate space shall be provided for maintenance of the park and its operation.

- ii. Where the size, shape, location or condition of the lands to be divided, developed or redeveloped is unsuitable for parkland acquisition, the Town may require the owner to convey cash in lieu of such lands. The cash value of such lands will be determined by an appraisal authorized by the municipality. All such monies collected by the municipality shall be used in accordance with the provisions of the *Planning Act*.

4.10 ACCESS TO PUBLIC ROADS

- i. All uses should have safe and adequate vehicular access from a permanently maintained public road at a standard appropriate to that use. New development should only be permitted fronting onto an open public roadway or with access to such a roadway in the case of condominium developments. The roadway must be able to accommodate any increased traffic that may result from the proposed development.
- ii. New development on private roads is not permitted in the Town of Rainy River with the exception of internal roads in plans of condominium where the internal road is owned by the condominium corporation and the road is built to the fire access route specifications set out in the *Ontario Building Code*.

4.11 HOME OCCUPATIONS

- i. Home occupations are permitted in the Rural Areas and the Living Area. A wide range of activities may be permitted, provided that the use is accessory and incidental to the principal residential use and the area occupied by such a use shall be limited to a maximum of 25 per cent of the gross floor area of the dwelling.

4.12 HOME INDUSTRIES

- i. Home Industries in the Living Areas will be permitted only by Zoning By-law amendment. The activities permitted as home industries shall be established in the Zoning By-law

provided that the uses are accessory and incidental to the principal rural residential use.

- ii. The implementing Zoning by-law shall contain regulations to ensure that home industries are adequately separated from residential or other sensitive land uses, both on and off the property, in accordance with the Ministry of the Environment, Energy & Parks D- Series Guidelines for Land Use Compatibility (D-1 and D-6 as amended from time to time).
- iii. Where required by the Environmental Protection Act or the Ontario Water Resources Act, an Environmental Compliance Approval (ECA) and/or Permit to Take Water (PTTW) must be obtained prior to the commencement of the home industrial use.
- iv. Where contamination is suspected based on the past use of a property, the reuse of former home industry sites for alternative land uses shall be considered in accordance with the provisions of this plan regarding potentially contaminated sites and Records of Site Condition.

4.13 BED & BREAKFASTS

Bed and Breakfast establishments are permitted in the Rural Areas and the Living Areas based upon the following criteria:

- i. A Bed and Breakfast establishment shall be located in areas where there is convenient access to a public road;
- ii. A Bed and Breakfast establishment shall have sufficient site area to accommodate on-site recreation amenities, adequate on-site parking and provide adequate buffering for adjacent uses; and
- iii. A Bed and Breakfast establishment shall be located in an existing residential building which requires no significant external modifications to accommodate it.

4.14 GARDEN SUITES

- i. Garden Suites are temporary self-contained portable dwelling units for elderly, sick or disabled family members designed to meet the housing needs of aging parents, a handicapped family member or other similar individual(s) who may require nearby support from the occupants of the primary dwelling unit on the lot.
- ii. Zoning By-laws may be enacted pursuant to the *Planning Act* to permit the temporary use of self-contained portable dwelling units (garden suites) within yards of existing dwellings as a form of temporary accommodation.
- iii. The following criteria shall be considered when evaluating proposals for garden suites:

- (i) The lot size and layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;
 - (ii) The compatibility of the garden suite with adjacent properties and the surrounding land uses in terms of aesthetics, privacy, sun-shadowing, noise and odours;
 - (iv) Adequacy of services to accommodate the electricity, sewage treatment and potable water supply needs of the garden suite; and
 - (v) Adequacy of on-site parking.
- iv. As a condition of approval of a garden suite, Rainy River Council shall require an agreement between the Town and the owner and/or tenant addressing such matters as the installation, maintenance and removal of the suite; the period of occupancy of the suite; and the monetary or other form of security that Council may require for actual or potential costs to the municipality related to the suite.

4.15 SPECIAL NEEDS HOUSING AND GROUP HOMES

Council recognizes that group homes provide care for people with physical, social or mental handicaps. Group homes shall be permitted within those designations that permit residential uses. A group home may be defined as a single housekeeping unit in a residential dwelling in which up to six residents (excluding staff or receiving family) live as a family under responsible supervision consistent with the needs of its residents. The home must be licensed and/or approved under Provincial statutes and in compliance with municipal by-laws. The operation of, and enrolment into such homes would be limited to immediate and former residents and family members of the Town of Rainy River.

5 IMPLEMENTATION/INTERPRETATION

5.1 General

Where the Policies in this Section identify requirements or standards, they are intended to express the minimum expectations for implementation of this Official Plan and should specific land use Policies dictate higher standards elsewhere in this Plan, then those higher standards shall prevail.

5.2 Planning Studies

5.2.1 Studies, Resources and Findings

The Town may undertake planning studies from time-to-time, in order to monitor progress of planning initiatives, understand new trends, ensure an appropriate response is provided for issues which may arise, or for any other purpose deemed suitable by the Municipal Planner, Committee or Council. The Town will dedicate sufficient resources, or seek partnership funding, for planning studies so that the work can be undertaken with appropriate professional diligence. The Town may implement the findings of a planning study with a follow-up Official Plan Amendment, a Secondary Plan, a Zoning By-law Amendment, a By-law or any mechanism deemed appropriate.

5.2.2 Studies by Other Agencies

Should other agencies undertake planning studies which may have implications to Rainy River, the municipality will encourage that its interests be represented on an advisory committee, steering committee, etc. If deemed appropriate, the municipality may also contribute resources to assist with the study.

5.3 Secondary Plans

5.3.1 Impetus for Secondary Plans

The Town of Rainy River may undertake a planning study and implement a Secondary Plan in order to guide the development or redevelopment of a specified area of the municipality. The Secondary Plan provides a greater level of detail than provided by the Official Plan. Examples of situations which may warrant a Secondary Plan include, but are not limited to:

- i. Large areas for new development;
- ii. Older residential, non-residential or mixed use areas which are in transition or experiencing land use compatibility issues;
- iii. Residential, non-residential or mixed uses areas which are experiencing pressure for land use conversions or intensification; and/or
- iv. Areas which have been designated for heritage protection under the *Heritage Act*.

5.3.2 Requirements for Studies Supporting Secondary Plans

The planning study and resulting Secondary Plan will address, as appropriate:

- i. Land use;
- ii. Natural environment;
- iii. Natural and human-made risks;
- iv. Transportation;
- v. Water and wastewater servicing;
- vi. Stormwater management (and a subwatershed or scoped subwatershed study);
- vii. Mitigation of negative impacts;
- viii. Climate change adaptation impacts;
- ix. Sustainable design;
- x. Urban design;
- xi. Archaeology, built heritage and cultural heritage landscapes;
- xii. Culture;
- xiii. Utilities;
- xiv. Economics; and
- xv. Municipal finance.

5.3.3 Stakeholder Consultation

The planning study will be undertaken with appropriate stakeholder consultation. A minimum of one Statutory Public Hearing and one Public Open House will be held in advance of the Secondary Plan's adoption.

5.4 Zoning By-law

5.4.1 Conformity with Official Plan

5.4.1.1 Zoning to Conform

The Zoning By-law is one of the primary tools for implementing the Official Plan. In accordance with the Planning Act, the Zoning By-law shall be updated so that it is in conformity with the Official Plan.

5.4.1.2 Scope of Zoning Regulations

The Zoning By-law shall contain regulations to control the amount and type of development with respect to matters such as:

- i. Permitted uses;
- ii. Location of uses;
- iii. Lot areas and dimensions;
- iv. Floor areas;
- v. Siting of development relative to the lot;
- vi. The portion of the site which can be occupied by buildings or structures;

- vii. Densities of residential land uses;
- viii. Densities of non-residential land uses;
- ix. The bulk and massing character of buildings;
- x. Requirements of parking and loading areas;
- xi. Requirements for landscaping; and
- xii. Any other such regulations or requirements which may be allowed to be controlled through a Zoning By-law as enabled by the *Planning Act*.

5.4.2 Interim Control By-law

5.4.2.1 Purpose of Interim Control By-law

Where Council has, by By-law or Resolution, directed that a study be undertaken regarding its land use planning policies or Zoning regulations for the Town or any defined area or areas thereof, it may pass an Interim Control by-law prohibiting the use of land, buildings or structures within the area defined by the By-law, except for such uses as are set out in the By-law.

5.4.2.2 Time Limit of Interim Control By-law

An Interim Control By-law shall apply for a limited period of time subject to the provisions of the *Planning Act*.

5.4.3 Holding Provisions

5.4.3.1 Purpose of Holding Provisions

The Zoning By-law will incorporate provisions for Holding Zoning which may be applied on lands where the lands are pre-zoned for a use, but presently there exist a number of conditions which must be satisfied prior to development. Lands subject to Holding Zoning will be identified with an “H” symbol beside the land use symbol on the Zoning map.

5.4.3.2 Application of the Holding Provision

Holding provisions will be applied where there is a need for additional conditions which cannot be applied on a pre-zoning basis or through the Site Plan Approval process.

5.4.3.3 Interim Uses for Lands Subject to Holding

The Zoning By-law may specify interim uses which may be deemed compatible and/or permissible, even though lands are subject to a Holding Provision.

5.4.3.4 Lifting of the Holding Provision

The Zoning By-law will be amended to remove the Holding symbol when it has been determined that the conditions requiring the Holding have been satisfied. Such conditions may include, but are not limited to:

- i. Completion of special studies related to the area, or site's opportunities or constraints, or the impact of development and mitigation thereof;
- ii. The grading of the site;
- iii. The provision of road infrastructure, including, but not limited to, the road base, streetlights, signage and traffic control signals;
- iv. The provision of water, wastewater, or stormwater servicing for the lands;
- v. Satisfying certain financial requirements of the municipality;
- vi. Any other matter provided for by the provisions of the *Planning Act*.

5.4.3.5 Stakeholder Consultation

Consultation related to lifting of the Holding provision will be done in accordance with the *Planning Act*.

5.4.4 Temporary Use By-law

5.4.4.1 Purpose of Temporary Use By-law

Provided the general intent and purpose of the Official Plan are maintained, Council may pass By-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the *Planning Act*.

5.4.4.2 Considerations

In enacting a Temporary Use By-law, Council shall have regard for the following matters:

- i. Compatibility of the proposed use with surrounding land uses;
- ii. Any requirement for temporary buildings or structures in associates with the proposed use;
- iii. Any requirement for temporary connection to municipal services and utilities;
- iv. The potential impact of the proposed use on transportation facilities and traffic in the immediate area;
- v. Access requirements for the proposed use;
- vi. Parking requirements for the proposed use, and the ability to provide adequate parking on-site; and
- vii. Any potential long-term impacts associated with the proposed temporary use.

5.5 Plans of Subdivision

5.5.1 Purpose of Plans of Subdivision

Plans of Subdivision will be required for lot creation in situations where lot creation by consent is not appropriate.

5.5.2 Evaluation of Plans of Subdivision

Applications will be evaluated on the following criteria:

- i. Consistency with the Official Plan, Secondary Plan, etc.;
- ii. Availability of servicing without undue financial commitment by the Town;
- iii. Suitable provision of municipal services including but not limited to, public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;
- iv. Exposure to noise and mitigation of adverse noise impacts;
- v. Integration with surrounding land uses;
- vi. Impacts to, and mitigation of, negative impacts on the natural environment;
- vii. Optimization of the supply, means of supplying, efficient use and conservation of energy;
- viii. The provision of appropriate urban design and landscaping for the proposed development; and
- ix. Compliance with applicable Town guidelines.

5.5.3 Conditions of Approval

As a condition of draft plan of subdivision approval, the Town may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant shall be required to meet the conditions within three years, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the Town shall require the proponent to enter into a Subdivision Agreement which will be registered on title.

5.5.4 Extensions of Draft Approval

In considering a request for an extension to draft plan of subdivision approval, the Town will work with Provincial agencies to ensure that current conditions, based on new or updated policies, guidelines and community standards, are applied.

5.6 Plans of Condominium

5.6.1 Purpose of Plans of Condominium

Plans of Condominium will be required for the creation of units, common elements and exclusive use common elements through the registration of a Plan of Condominium in accordance with *the Condominium Act* and the *Planning Act*.

5.6.2 Minimum Number of Units

The condominium will be developed with a minimum number of units to ensure adequate, reasonable, and independent operation of the condominium corporation.

5.6.3 Common Elements

Common elements in condominium corporations will be permitted unless the Town requires public ownership of the lands for purposes of:

- i. Pedestrian or vehicular access, including any part of a public road allowance;
- ii. The construction, maintenance and repair of public facilities and services;
- iii. Safeguarding significant natural features;
- iv. Planned trail systems; or
- v. The proposal is not otherwise in the public interest.

5.6.4 Vacant Land Condominium

The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium.

5.6.5 Condominium Agreement

As a condition of draft plan of condominium approval, Rainy River may require proponents to satisfy certain conditions prior to final approval and registration of the plan. The applicant may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the Town shall require the proponent to enter into an Agreement which will be registered on title.

5.7 Site Plan Control

5.7.1 Site Plan Control Area

Council shall adopt a By-law to designate the entire area of the Town as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control provisions with the exception of the operation of licensed pits and quarries, single-detached, semi-detached, or duplex dwellings, and additions or renovations thereto.

5.7.2 Development or Redevelopment

For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.

5.7.3 Site Plan Requirements

Plans showing the location of all buildings, structures, and facilities to be developed, and drawings showing plan, elevation, and cross-section views for each building to be erected,

will be required as part of the Site Plan Approval process. In accordance with the *Planning Act*, the requirement for the submission of drawings shall also include residential buildings containing less than twenty-five dwelling units.

5.7.4 Evaluation of Site Plan Applications

The following will be considered in the evaluation of applications:

- i. Location, massing, and conceptual design of buildings and structures;
- ii. Location and design of vehicular and pedestrian access points;
- iii. Location and design of off-street parking and loading facilities;
- iv. Facilities for on-site pedestrian and vehicular circulation;
- v. Road widening;
- vi. Location and design of on-site exterior lighting, landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities;
- vii. Measures to minimize any loss of sunlight and privacy to adjacent properties;
- viii. Location and design of outdoor recreational areas;
- ix. Location of external facilities and works;
- x. Easements over, and grading of, lands;
- xi. Provisions for stormwater management and drainage;
- xii. Facilities designed to have regard for accessibility for persons with disabilities;
- xiii. Matters relating to exterior design including elements pertaining to character, scale, appearance and design features of buildings and their sustainable design;
- xiv. The sustainable design elements on any adjoining roadway under the Town's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- xv. Provision for the Town to enter into one or more Agreements with applicants, to ensure that development proceeds in accordance with the proposal and Town requirements.

5.7.5 Site Plan Agreement

- i. As a condition of Site Plan Approval, the Town may require proponents to satisfy certain conditions. The applicant may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the Town shall require the proponent to enter into a Site Plan Control Agreement which will be registered on title.
- ii. In accordance with Section 41(4) of the *Planning Act*, Council shall amend the Rainy River Site Plan Control By-law for areas zoned Commercial, Recreational Commercial, Public and Institutional in the Rainy River Zoning By-law, to require the owner of land proposed for development in the areas so zoned to submit plans, drawings, and any necessary elevations, cross-sections, shadow studies, conservation studies and other technical aspects as reasonably required for approval, and to enter into one or more agreements to address among other matters:

- (i) Sustainable and accessible design elements within an adjoining municipal right-of-way, including without limitations, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
 - (ii) Facilities designed to have regard for accessibility for persons with disabilities.
- iii. No Building Permit shall be issued in respect of any development in the Site Plan Control Area until the plans required have been approved by Rainy River and any agreements required to be entered into have been executed by the Town and the owners, mortgagees or other encumbrances of the land.

5.7.6 Dark Sky Policy

Night time lighting associated with commercial uses, and in particular with any development in the waterfront areas, is of special concern to Rainy River Council because it reduces the ability of people to see features of the night sky.

Unshielded night lighting contributes to light pollution which makes it harder to see stars in the night sky, thus interfering with astronomical observations and simple enjoyment of the view. Studies have revealed that about one-fifth of the world population, involving more than two-thirds of the United States and more than half of the European Union population, have lost naked eye visibility of our Milky Way Galaxy. Southern Ontario is now suffering from the same problem.

Rainy River Council intends to protect the spectacular views of clear night skies in this municipality. It is therefore the intent of Council, pursuant to Section 129 of the Municipal Act, to pass a lighting by-law to regulate new lighting fixtures through a permit process.

Directing light more accurately onto areas intended for illumination prevents the waste of energy, reduces energy costs, and lowers emissions from facilities that produce this excess energy. The lighting by-law will therefore include provisions for shielded light fixtures, mounting height specifications, use of automatic timing devices, hours of operation and state of the art guidelines for illuminating horizontal and vertical surfaces to minimize light pollution in the night skies of Rainy River.

Until the lighting by-law is passed, new or replacement outdoor lighting fixtures purchased and installed by the Town of Rainy River, on Town-owned facilities, shall all be fixtures designed to reduce and prevent light pollution in the night sky.

5.8 Consent Policy

5.8.1 Purpose of Consents

Consents may be allowed for the creation of up to three new lots in the Living Area or the Rural Areas.

5.8.2 Evaluation of Consents

Applications will be evaluated on the following minimum criteria:

- i. Consistency with the Policies of this Official Plan;
- ii. Consistency with a Secondary Plan (where appropriate), or guidelines, as well as compliance with the Zoning By-law;
- iii. A Plan of Subdivision is not required;
- iv. The size and shape of the lots;
- v. The road access of the lots;
- vi. The impact of the consent on the ability of adjacent lots to be developed;
- vii. The impact of the consent on the natural environment; and
- viii. Adequacy of municipal services and utilities.

5.8.3 Conditions of Approval

As a condition of approval, proponents may be required to satisfy certain conditions as authorized by the *Planning Act*, including but not limited to:

- i. The dedication of parkland or cash-in-lieu of such dedication;
- ii. The dedication of any road widening and one foot reserves as may be required by the Town;
- iii. Fulfillment of any financial requirements of the Town;
- iv. A servicing Agreement pertaining to any extension or upgrading of municipal services required by the Town to accommodate the development;
- v. Submission of a registered reference plan;
- vi. Any other Agreements which may be necessary and which may be registered on title.
- vii. Confirmation of available existing or planned capacity for the treatment of hauled sewage/septage will be required prior to the approval of new lots serviced by individual on-site sewage disposal systems.

5.9 Community Improvement Plans

Rainy River's Community Improvement Plan 2006 identifies the Project Area as the entire municipality. This qualifies the whole Town for potential redevelopment incentive programs as a means to maintain and stimulate the vitality of the municipality.

5.9.1 New Community Improvement Plan Areas

5.9.1.1 Criteria for New Areas or Amending the Existing Boundary

In considering a new or amended Community Improvement Plan Area, the Town will consider any or all of the following criteria:

- i. Conditions of existing buildings;
- ii. Land use issues;
- iii. Aesthetic issues;
- iv. Transportation or infrastructure issues;
- v. Natural or human-made environmental issues;
- vi. Social or community issues;
- vii. Economic issues; and
- viii. Any other relevant issues which create barriers to the repair, rehabilitation or redevelopment of underutilized or dilapidated land/buildings.

5.9.1.2 Criteria for New Community Improvement Plans

New Community Improvement Plans shall contain a statement of purpose, goals, objectives, a description of all programs and/or projects, an implementation plan, and a technical appendix justifying the delineation of the area and the need for the programs. The preparation and adoption of new Community Improvement Plans shall meet the minimum requirements of the *Planning Act* for public consultation.

5.10 Support Studies For Development Applications

Support studies may be required as part of a development application before it is deemed a complete application.

5.10.1 Requirements for All Studies

All studies submitted to the Town shall be prepared by a qualified professional. Any study or report may be subject to a peer review, the cost of which will be recovered by the Town from the proponent. Supporting studies shall be submitted in both digital and hard copy format.

5.10.2 Stormwater Management Plan

5.10.2.1 Need for Stormwater Management Plan

A Stormwater Management Plan provides for the maintenance of the stormwater functions of watercourses based on the impacts of the site-specific or area specific development. Where a Plan of Subdivision, Site Plan or applicable plan under the *Planning Act* is being undertaken, a Stormwater Management Plan may also be required, based on terms of reference developed in consultation with the Town and the MOE Stormwater Management Planning and Design Manual (2003) as amended.

5.10.2.2 Implementing the Recommendations of a Stormwater Management Plan

The findings and recommendations of a Stormwater Management Plan shall be implemented through amendments to the Official Plan and where appropriate, Secondary

Plans, Zoning By-law and other plans produced under the *Planning Act* (such as a Plan of Subdivision or Site Plan).

5.10.3 Environmental Impact Study

5.10.3.1 Need for an Environmental Impact Study

An Environmental Impact Study (EIS) is a technical assessment of a development proposal's environmental impacts on natural heritage features and functions in consideration with the Natural Heritage Reference Manual.

5.10.3.2 Preparation and Submission

An Environmental Impact Study shall be prepared and signed by a qualified biologist or environmental planner. The Environmental (EIS) shall include but not be limited to:

- i. A description of the existing natural environment, including natural features and ecological functions, that may be affected by the proposed development;
- ii. A description of the potential impacts of the proposed development on the natural features and the ecological functions for which the area is identified;
- iii. Suggested development alternatives that would avoid these impacts or, if impacts cannot be avoided, recommended mitigation measures, including proposed implementation methods; and
- iv. Recommended monitoring activities.

Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, other agencies or individuals with environmental expertise may be consulted to assist in the review of Environmental Impact Assessments.

Where significant woodlands, significant wildlife habitat, significant valley lands or other natural heritage features are not designated, development and site alterations shall not be permitted for:

- i. Any development permitted under the policies of this Plan within the feature;
- ii. Any development permitted under the policies of this Plan within 120 m of the feature; unless an EIS demonstrates that there will be no negative impacts on the natural heritage features or on its ecological functions.

5.10.3.3 Scoped EIS

In cases where the development constitutes a relatively minor undertaking (such as construction on a single residential lot), or one that barely encroaches within the adjacent lands zone, municipal planning staff can exercise some discretion and request that the proponent prepare a scoped EIS. This typically involves a simple checklist approach of planning issues that only addresses the key issues identified at the initial assessment stage.

5.10.3.4 Implementing the Recommendations of an Environmental Impact Study

The findings and recommendations of an Environmental Impact Study shall be implemented primarily through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*. Amendments to the Official Plan or other plans may also be required.

5.10.4 Traffic Transportation Impact Study

5.10.4.1 Need for a Traffic Transportation Impact Study

A Transportation Impact Study provides for the maintenance of the Town transportation system given the demands in different transportation modes generated by a proposed development. Where an Official Plan Amendment, Secondary Plan, Plan of Subdivision, Site Plan or other plans produced under the *Planning Act* are being undertaken, a Transportation Impact Study may also be required, based on terms of reference developed by the Town.

5.10.4.2 Implementing the Recommendations of a Traffic Transportation Impact Study

The findings and recommendations of a Traffic Transportation Impact Study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

5.10.5 Geotechnical Subsurface Investigation

5.10.5.1 Need for a Geotechnical Subsurface Investigation

A Geotechnical Subsurface Investigation provides for confirmation of the load-bearing capacity of soils to support development. Where a Plan of subdivision, Site Plan or other plans produced under the *Planning Act* is required, based on terms of reference developed by the Town.

5.10.5.2 Implementing the Recommendations of a Geotechnical Subsurface Investigation

The findings and recommendations of a Geotechnical Subsurface Investigation shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, Amendments to the Official Plan, Zoning By-law and/or other plans.

5.10.6 Archaeological Resource Assessment

5.10.6.1 Need for an Archaeological Resource Assessment

An Archaeological Resource Assessment provides for the documentation, protection, and conservation of the Town's archaeological resources.

5.10.6.2 Implementing the Recommendations of an Archaeological Resource Assessment

The findings and recommendations of an Archaeological Resource Assessment shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, Amendments to the Official Plan, Zoning By-law and/or other plans.

5.10.6.3 Marine Archaeology

Council recognizes that, within the boundaries of the Town, especially along the Rainy River shoreline, there may be marine archaeological remains from the pre-historic period through the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artefacts from the contents of boats and belongings of crew or passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fishing traps, dwellings, mills and other items of cultural heritage value. The remains may currently be under water or were, at one time, under water but are no longer submerged.

The approval authority may require a marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features of cultural heritage value are identified and impacted by shoreline and waterfront developments.

5.10.7 Wetland Evaluation Study

5.10.7.1 Need for a Wetland Evaluation Study

A wetland evaluation study provides for the delineation of a wetland or wetlands based on field survey of the wetland feature. A wetland evaluation study may be required, by a qualified professional, where an environmental impact study is required.

5.10.7.2 Implementing the Recommendations of a Wetland Evaluation Study

The findings and recommendations of a wetland evaluation study shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, and where required, amendments to the Official Plan, Zoning By-law and/or other plans.

5.10.8 Record of Site Condition

5.10.8.1 Need for a Record of Site Condition

A record of site condition, prepared and filed in accordance with the *Environmental Protection Act*, confirms the status of a site or lands with respect to contamination. Where any development is proposed, a record of site condition may be required.

5.10.8.2 Implementing the Recommendations of a Record of Site Condition

The findings and recommendations of a record of site condition shall be implemented through a Plan of Subdivision, Site Plan or other plans produced under the *Planning Act*, or Building Permit and, where required, Amendments to the Official Plan, Zoning By-law and/or other plans.

5.10.9 Noise and/or Vibration Study

5.10.9.1 Need for a Noise and/or Vibration Study

A noise and/or vibration study provides assurance that the proposed development meets Ministry of Environment guidelines for the protection of sensitive land uses from noise and/or vibration. Where a plan of subdivision or site plan is being undertaken, a noise and/or vibration study may also be required, based on the Ministry of the Environment's *Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation*.

5.10.9.2 Implementing the Recommendation of a Noise and/or Vibration Study

The findings and recommendations of noise and/or vibration study shall be implemented through a plan of subdivision, site plan or other plans produced under the Planning Act, and where required, Amendments to the Official Plan, Zoning By-law and/or other plans.

5.10.10 Planning Justification Report

5.10.10.1 Need for a Planning Justification Report

A planning justification report shall be required to support any proposal for development or site alteration and should demonstrate how the proposal meets the Policies and Objectives of this Plan. Where appropriate, the report should also provide a synthesis of planning and development issues for a site or area, where the proposed development requires a number of the above-noted studies. The report should synthesize and integrate the various findings and propose recommendations, particularly where the findings and recommendations of one study or report overlap or have implications for another study.

5.10.10.2 Implementing the Recommendation of a Planning Report

The findings and recommendations of a planning report shall be implemented through a plan of subdivision, site plan or other plans produced under the Planning Act, and where required, Amendments to the Official Plan, Zoning By-law and/or other plans.

5.10.11 Other Studies

The Town may require that any other special studies be undertaken in support of a development proposal. Where possible, the Town will advise of the need for special studies during pre-consultation with the proponent regarding the proposed development.

Any special study may be subject to a peer review, the cost of which will be recovered by the Town from the proponent.

5.11 Development Charges

5.11.1.1 Development Charge By-law

Council will consider development charges in the Town as a means to ensure that the costs of growth are borne by growth.

5.11.1.2 Development or Redevelopment

Development Charges shall apply to development, or the additional development created through redevelopment.

5.11.1.3 Waiver or Exemption of Development Charge

The municipality may waive some or all of the Development Charge or exempt certain development from the Development Charge as a means to promote specific redevelopment or revitalization.

5.12 Capital Budgets

5.12.1.1 Alignment of Budgets to the Official Plan

During the process of allocating capital budgets to short, medium, and long-term initiatives, Council will have regard for the policies of this Plan. Where this Plan has identified priorities for change or implementation, Council will be encouraged to dedicate appropriate capital resources to these initiatives. Additionally, Council is encouraged to seek partnership capital funding to support priorities for change or implementation of this Plan's policies.

5.12.1.2 Capital Budget for Official Plan Updates

Council will ensure that sufficient capital budget is made available to support the required five-year reviews of this Plan and any supporting special studies.

5.13 Updating the Official Plan

5.13.1.1 Comprehensive Review

In accordance with the requirements of the *Planning Act*, the Town will conduct a comprehensive review of the Plan every five years in order to keep the Plan up to date. The scope of the comprehensive review will be discussed with Council and may be discussed with stakeholders through public consultation.

5.13.1.2 Conformity with Provincial Policies and Plans

The comprehensive review will include an assessment of provincial policies and plans and identify where updates to the Rainy River Official Plan are needed to ensure conformity.

5.14 Amending the Plan

5.14.1.1 Applications to Amend the Official Plan

From time-to-time, an amendment to the Official Plan may be deemed appropriate to provide for a proposed development. In considering the suitability of the amendment, Council will consider the following criteria:

- i. Provincial policies and plans;
- ii. The vision, strategic directions and goals of this Plan;
- iii. Whether the amendment creates an inappropriate precedent; and
- iv. The Town, neighbourhood and immediate area impacts of the proposed land use change.

5.14.1.2 Amendments to Implement Comprehensive Review

Where a comprehensive review has identified that changes to the Plan's policies are necessary to maintain the currency of the Plan, then Council may adopt an amendment to this Plan.

5.14.1.3 Amendments to Implement Provincial Policies

Where revised or new Provincial policies and plans come into effect that require updates to this Plan, Council may adopt an amendment to this Plan. An amendment is not required where Ministry documents referenced in this Plan are amended.

5.14.1.4 Amendments to Implement Planning Studies

Where a planning study has been undertaken to address the needs of a specific area or recent trend, then Council may adopt an amendment to this Plan to implement the recommendations of the study.

5.15 Requirements for Pre-consultation

5.15.1.1 Statutory Required Consultation

The Town will meet all statutory requirements for public consultation in accordance with the *Planning Act*.

5.15.1.2 Pre-Consultation before Application Submission

Pre-consultation with the Town is voluntary but recommended to determine what is required to be submitted for a complete application and will provide an opportunity to discuss the nature of the application, the need for supporting studies, and the planning approvals process.

Pre-consultation By-law

The Town may pass a By-law offering applicants the right to consult with the municipality in advance of submission of an application for:

- i. An Official Plan Amendment;
- ii. A Zoning By-law Amendment;
- iii. A Plan of Subdivision;
- iv. A Site Plan;
- v. Minor Variance; and
- vi. Any other plan.

5.15.1.3 Complete Application

The Municipal Planner or designate shall be responsible for determining whether a planning application is complete. If an application is submitted without adequate supporting information and/or reports, and any application review fees required by the Town, the Application may be deemed incomplete.

In addition to the information and materials required under the *Planning Act* and any other legislation or regulation, additional information in the form of studies or assessments may be required to consider a planning application complete.

The additional information will be required as part of a complete application under the *Planning Act* in order to ensure that all the relevant and required information pertaining to a development application is available at the time of submission to enable the Town to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.

The additional information or material that may be required includes, but is not limited to the following:

- i. Planning
 - Justification report
 - Land use needs assessment
 - Financial impact study
 - Green space assessment
- ii. Environmental Assessment
 - Environmental impact statement/study
 - Soil, environmental audit, record of site condition
 - Slope stability study
 - Tree inventory and preservation study
 - Energy assessment report

- Air quality report
 - Natural features restoration plan
 - Archaeological assessments and cultural heritage assessments (built heritage and cultural heritage landscapes assessments)
- iii. Servicing/Infrastructure
- Servicing study
 - Grading and drainage plan
 - Stormwater management study
 - Hydrology, soils and/or geotechnical study
 - Sub-watershed study
- iv. Transportation
- Traffic impact study
 - Parking demand analysis
 - Pedestrian circulation plan
- v. Urban Design/Culture
- Streetscape design study
 - Building elevations
 - Heritage impact assessment

The information and material submitted shall be prepared by a qualified professional to the satisfaction of the Town, retained by and at the expense of the applicant. The Town shall review all reports and studies and may also require a peer review by an appropriate public agency or by a professional consultant retained by the Town at the applicant's expense.

5.16 Land Use Boundaries

- i. The boundaries between land use areas designated in Schedule "A", Land Use Plan, shall be considered as general only and are not intended to define the exact limits of such areas. Except in the case of roads, railways and other definite physical barriers, minor boundary adjustments may be made for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Other than such minor adjustments, no areas or zones shall be created that do not conform with this Plan in respect to Land Use.
- ii. When determining the boundary of any designation as shown on any schedule forming part of this Official Plan, the following provisions shall apply:
 - a) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane. In the event that a street or lane which forms the boundary between such designations is closed, the boundary between such designations shall be construed as the former centre line of the said closed street or lane.

- b) A boundary indicated as following a right-of-way of a railway or any electoral, gas or oil transmission line shall be the centre line of such right-of-way.
- c) A boundary associated with a Natural Heritage feature can be more accurately confirmed in the field through an Environmental Impact Study and/or through confirmation by the appropriate agency. Provided the general intent of the Plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan.
- d) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines shall follow such lines.
- e) A boundary indicated as following a closed road, land or railway shall imply that the property formerly in the said road, land or railway shall be included within the designation of the adjoining property on either side of the said closed road, land or railway. In the event that the said road, land or railway was a designation between two or more different designations, the new boundary shall be the former centre line of the said closed road, land or railway.
- f) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in policies (a) or (b) of this Subsection, and the distance from such street line or other feature is not indicated, and policies (d) or (e) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature and the distance there from shall be determined according to the scale shown on Schedule "A".
- g) A boundary indicated as following the limits of the Municipality shall follow such limits.

5.17 Road Location

- i. The location of roads as indicated on Schedule "B", Transportation Plan, shall be considered as approximate only. Amendments to this Plan, therefore, will not be required in order to make minor adjustments or deviations to the location of roads, provided that the general intent of this Plan is maintained.

5.18 Plan Intent

- i. The Plan is designed to express the general intent of the municipality and it shall be interpreted not in a narrow technical manner, but rather, from a long-term conceptual point of view. Interpretation of the intent of this Plan, or any part thereof, will be made by Council after receiving the advice of staff.

5.19 Crown Land

- i. The policies of this Plan are not binding on undertakings carried out on Crown Land by the Crown or its agents.

6 DEFINITIONS

Access standards

Methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

Adjacent lands

Those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

Adverse effects

As defined in the *Environmental Protection Act*, means one or more of:

- i. Impairment of the quality of the natural environment for any use that can be made of it;
- ii. injury or damage to property or plant or animal life;
- iii. Harm or material discomfort to any person; An adverse effect on the health of any person;
- iv. Impairment of the safety of any person;
- v. Rendering any property or plant or animal life unfit for human use;
- vi. Loss of enjoyment of normal use of property; and
- vii. Interference with normal conduct of business.

Affordable

In the case of ownership housing, the least expensive of:

- i. Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- ii. 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.

In the case of rental housing, the least expensive of:

- i. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- ii. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural Uses

The growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agriculture-related Uses

Farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Archaeological Resources

Includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of Archaeological Potential

Areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of Mineral Potential

Areas favorable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

Areas of Natural and Scientific Interest (ANSI)

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Brownfield Sites

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resources

One or more protected buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by the City, province or federal government.

Comprehensive review

An official plan review which is initiated by a planning authority, or an Official Plan Amendment which is initiated or adopted by a planning authority, which:

- i. Is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, considers alternative directions for growth, and determines how best to accommodate this growth while protecting provincial interests;
- ii. Utilizes opportunities to accommodate projected growth through intensification and redevelopment;
- iii. Confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2;
- iv. Is integrated with planning for infrastructure and public service facilities; and
- v. Considers cross-jurisdictional issues.

Conserved

The identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity

are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cultural heritage landscape

A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries trail ways and industrial complexes of cultural heritage value.

Development

The creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- i. Activities that create or maintain infrastructure authorized under an environmental assessment process; or,
- ii. Works subject to the *Drainage Act*.

Disability

Means any one of the following:

- i. Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- ii. A condition of mental impairment or a developmental disability,
- iii. A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- iv. A mental disorder, or
- v. An injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act*, 1997; (“handicap”).

Ecological function

The natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area

Those areas designated in the Official Plan defined as “Area of Employment” in Sections 1(1) and (1.1) of the *Planning Act*.

Endangered species

A species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

Erosion hazard

The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Fish

As defined in S.2 of the *Fisheries Act*, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their lifecycles.

Fish habitat

As defined in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flood plain

For river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Flooding hazard

The inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- i. Along the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave up rush and other water-related hazards;
- ii. Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 - a) the flood resulting from the rainfall actually experienced during a major storm such as the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 - b) the one hundred year flood; and
 - c) a flood which is greater than 1.or 2. Which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources.

Except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard

The combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes -St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

Ground water feature

Refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Hazardous lands

Property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes-St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites

Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [Leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances

Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes

The principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Hydrologic function

The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services

Individual, autonomous sewage disposal systems within the meaning of s. 8.1.2, O. Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services

Individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and communications/telecommunications, transit and transportation corridors and transmission, facilities, oil and gas pipelines and associated facilities.

Intensification

The development of a property, site or area at a higher density than currently exists through:

- i. Redevelopment, including the reuse of brownfield sites;
- ii. The development of vacant and/or underutilized lots within previously developed areas;
- iii. Infill development; and
- iv. The expansion or conversion of existing buildings.

Mineral aggregate operation

Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto;

- i. For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by Zoning By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- ii. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Municipal sewage services

A sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services

A municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act*, 2002.

Natural heritage system

A system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions,

viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Negative impacts

Degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities. In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity. In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

Personal Services

Personal service uses are those commercial services which provide a service to individuals, and may include uses such as dry cleaners, hair dressers and barber shops, car rental agencies, car dealerships, gas stations and auto and truck repair shops.

Portable asphalt plant

A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant

A building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Protected heritage property

Real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Protection works standards

The combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

Redevelopment

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Residential intensification

Intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- i. Redevelopment, including the redevelopment of brownfield sites;
- ii. The development of vacant or underutilized lots within previously developed areas;
- iii. Infill development;
- iv. The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- v. The conversion or expansion of existing residential buildings to create new residential units or accommodation, including additional residential units.

Sensitive

In regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses

Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, daycare centres, and educational and health facilities.

Significant

In regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources & Forestry using evaluation procedures established by the Province, as amended from time to time.

In regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources & Forestry that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.

In regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.

In regard to other features, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

In regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the

Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index.

In regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time.

In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Site alteration

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Special needs

Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

Surface water feature

Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species

A species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources & Forestry official species at risk list, as updated and amended from time to time.

Utility

All public and/or private utilities (including, but not exclusive of cable television, hydro, communications/telecommunications, Canada Post etc.) or any similar works or systems necessary to the public interest.

Vulnerable

Surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

Watershed

An area that is drained by a river and its tributaries.

Wayside pits and quarries

A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife habitat

Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

LEGEND

- LIVING AREAS
- EMPLOYMENT AREAS
- C

COMMERCIAL
- M

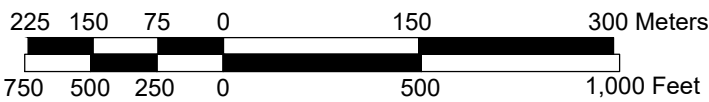
INDUSTRIAL
- Ru

RURAL AREAS
- FP

FLOOD PLAIN AREA
- EP

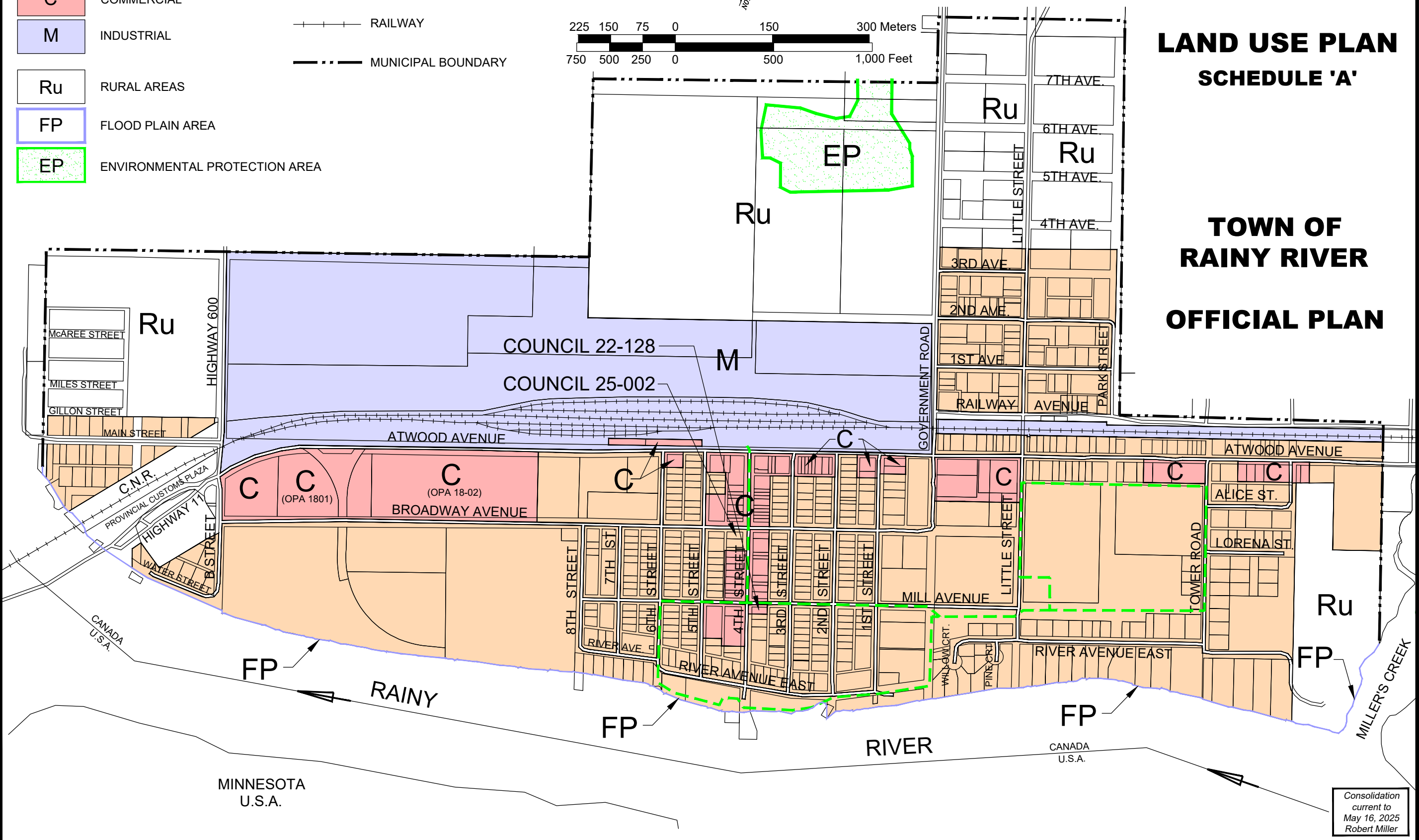
ENVIRONMENTAL PROTECTION AREA

- ROADS
- GREEN WAY WALKING PATH
- RAILWAY
- MUNICIPAL BOUNDARY



LAND USE PLAN
SCHEDULE 'A'

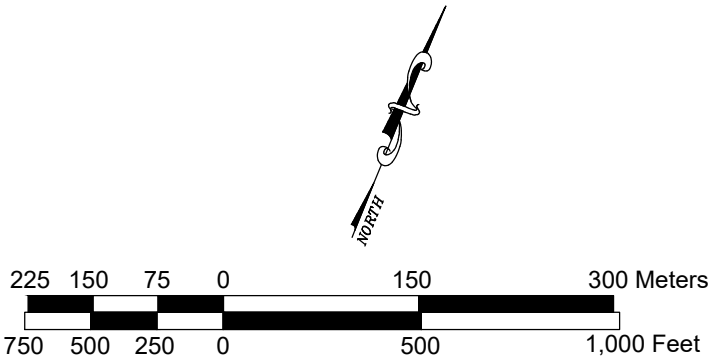
TOWN OF
RAINY RIVER
OFFICIAL PLAN



Consolidation
current to
May 16, 2025
Robert Miller

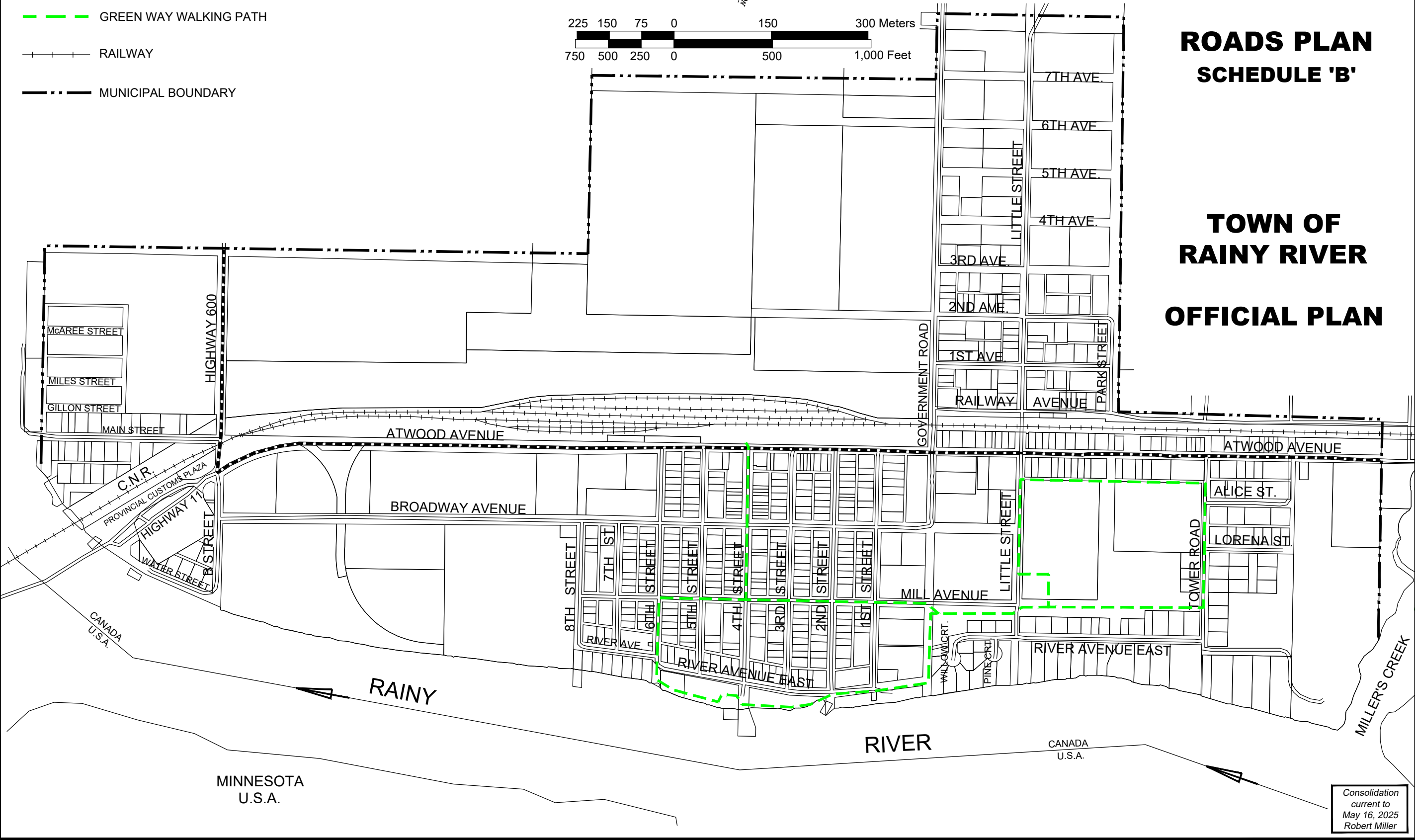
LEGEND

- COLLECTOR ROADS
- ROADS
- GREEN WAY WALKING PATH
- RAILWAY
- MUNICIPAL BOUNDARY



ROADS PLAN
SCHEDULE 'B'

TOWN OF
RAINY RIVER
OFFICIAL PLAN



Consolidation
current to
May 16, 2025
Robert Miller