

Summary of Changes 2017-2021

Neebing has published a new version of its proposed Official Plan. Changes from the 2017 approved text are shown in either blue font or green font.

The blue font shows changes that Council adopted, based on comments by various provincial ministries. The green font shows changes that Council adopted independently of provincial ministry comments.

This document is intended as a summary of the changes to the text and maps, which Council has approved or directed since it adopted a revised Official Plan in 2017.

This explanatory document addresses most of the changes between the 2017 Official Plan and the 2021 proposed Official Plan. Not every minor change (considered self-explanatory) was addressed. Questions not expressly addressed in this document should be referred to the Clerk-Treasurer.

Changes

Text

General

The Province requested that Neebing update the language in its Official Plan to recognize changes in labels to Provincial policies. One example is that “Criteria 1” (referenced in Section 2.2.1, paragraph (h)) is now known as “Formulae 1”. There are other changes throughout the document that are similar.

The Province also requested that Neebing update the language in the Official Plan to recognize new departmental and/or ministerial titles. For example, the historic “Ministry of the Environment and Climate Change” is now known as the “ministry of the Environment, Conservation and Parks”. These changes were adopted in the 2021 draft document.

The Province publishes documents (from time to time) to provide both requirements and guidelines for municipalities to follow when considering development applications. Neebing’s 2017 Official Plan included a list of published provincial documents as a “Schedule X” to the plan. This schedule would be amended (as required) when new documents were published, without formal amendment to the plan. The Province raised several objections to this listing, which Neebing Council considered to be unreasonable. The schedule has been re-labelled as “Schedule 1.9” – in reference to Section 1.9 of the Official Plan, which describes it.

Some of the studies that the Province may require include archaeological and cultural/heritage assessments. Language was introduced in the new draft to recognize these requirements.

Section 1 - Introduction

The terms “cultural heritage resources” and “natural heritage resources” were added to paragraph 1.2.1 (e) – recognizing elements the Municipality considers important when considering development applications. The terms “fisheries and wildlife resources” were deleted, given that the term “natural heritage resources” encompass this.

Climate change considerations were included as paragraph 1.2.1 (g).

Accessibility (and other) considerations were included as paragraph 1.2.1 (h).

Cultural heritage considerations were included as paragraph 1.2.1 (i).

Water resource protection was included as paragraph 1.2.1 (j).

Section 1.3

Provincial law requires that, once an Official Plan is adopted by a municipality, no applications to amend it will be considered for 2 years. This is recognized in the new Section 1.3.3.

Section 2

Subdivision of land by the consent (also known as “severance”) process was of primary importance to Neebing’s municipal Council in its consideration of the Official Plan amendments. In the 2009 Official Plan, the Province imposed limitations on how often a piece of property could be sub-divided through this process (as opposed to a “subdivision approval” process – which is different). In the 2009 Official Plan (currently in effect) Neebing property owners are limited to having a maximum of 3 (for a total of 4, including an original lot) new lots approved through the consent (or “severance”) process from the lot configuration that existed in October of 1972.

Neebing Council felt this to be too restrictive – and also unfair. (For example – if a 1972 configured property had been divided into 3 lots – it would depend on “who applied first” to determine whether any further divisions would be allowed. If all geographical considerations were equal, the “first person” to apply for the additional severance would be allowed, and the other 2 would be stymied by that first person’s application. Neebing Council feels that the actual site configuration, servicing and other requirements should govern severance applications – not some arbitrary date.

Scoble and Pearson Townships, amalgamated into Neebing in 1999, had not, historically had this date-related restriction, and, as such, many property owners had had the benefit of more severances than those allowed in the balance of the municipality. Property owners in these areas, inquiring about severances, found themselves unfairly hampered by the date restriction, based on the historic (relatively) unlimited permissions.

Much of Neebing’s geography involves wetlands and cliffs, which further limit the ability for property owners to sub-divide their lands. If buildable lots can be achieved without creating un-developable property, Council felt that this should be allowed.

For all of these reasons, the original 2017 Official Plan suggested that the number of severances for any property be “unlimited”. That statement, of course, is otherwise “controlled” by reasons of road access and other geographical considerations. Neebing Council would not, for example, approve a severance where the remaining “lot” was basically an un-developable cliff, or a marsh, or a land-locked parcel.

Feedback from the Province to Neebing’s 2017 proposal, is that it will *not* allow Neebing to have “unlimited” severance approvals. Neebing proposes instead, in this new draft, to be considered in the same way that unincorporated townships are considered – to have a limit on the number

of severances allowed over a time period. Neebing's proposal is to have no more than 200 lots created in the ten years following the approval of the new Official Plan. This is reflected in proposed paragraph 2.2.1 (l).

Neebing Council considers this a far more equitable application of rules which will also promote and consider the Province's concerns relating to "urban sprawl".

Section 2.7

Language related to "group homes" was updated to reflect current common law. The 2009 language (which had not originally been proposed to change) is now considered unlawful.

Section 2.9

The Province requested that the Official Plan include a policy on "affordable housing". This was included in Section 2.9.

Section 2.12 – Mobile Home Parks (Per the 2017 approved plan)

The Municipality had formerly prohibited mobile home parks. The Council determined to remove this prohibition.

Section 3.2.3

The province has now formally identified four "areas of natural and scientific interest" in Neebing. These areas are of provincial interest and require special protection. They are identified and prescribed in new section 3.2.3 and will also be identified on the map schedules.

These are:

1. Russel Point-Minong Foreland
2. Spar Island
3. Pearson Township Wetland; and
4. Squaretop Mountain Maple Stand.

Section 3.4

Archaeological and cultural heritage resource policies required some language tweaking by the province. Now recognized for protection are both "cultural heritage landscapes" and "areas and viewsheds of cultural heritage value or interest".

Section 3.6

Aggregate resource areas are recognized by the Province as important natural resources. Although many people oppose "gravel pits" or other pit/quarry operations, gravel resources are an important part of development in Ontario, providing material for roads, cement, and other building and development source material. Language in the amendments to the 2017 Official Plan reflect the Provincial requirements for licencing and other approvals – and built-in protections for new development near existing operations, the conservation of archaeological and cultural heritage resources, as well as requirements for the rehabilitation of pits/quarries once their assets have been exhausted.

Section 3.10

As constituents are aware, through public articles and Council considerations, Neebing's landfill sites are at or approaching life expectancy. Language is introduced into Section 3.10 to recognize this reality.

Neebing Council continues to investigate and consider alternatives to landfill for responsible waste management. However, in the meantime, language in the Official Plan needed updating to reflect current realities.

Sections 4.2 and 4.3

Section 4.2 involves policies related to the Agricultural Areas identified in Neebing. Section 4.3 involves Rural Areas.

Language has been updated in Section 4.2 to reflect current policies and realities associated with farming in 2021 and beyond. In particular, in keeping with the Provincial Policy Statement, recognition is given to "agri-tourism" and other value-retaining operations that work together with traditional farming operations to help support and encourage agricultural retention and development.

Similar amendments occur in Section 4.3, related to the "rural" area.

New language is introduced in Section 4.2 to reflect the importance of the preservation of agricultural land by reducing opportunities for other development.

Section 4.3

This section deals with Industrial Development. While Neebing needs to encourage economic development (industrial, commercial and institutional), it is recognized that the environment will not be sacrificed in this encouragement. Language is introduced in Section 4.3 to demonstrate this policy/principle.

Section 4.4

This section deals with lakefront residential development. Recognition of provincial approval requirements for private servicing have been added.

Special recognitions – currently in place for Cloud Lake and Oliver Lake – are continued. Additional language recognizes that further controls for development on these (or other) lakes could be considered and implemented. Management and protection of water quality is recognized as extremely important.

New sections (4.4.15 through 4.4.22) have been introduced to control and provide policy background for the development of properties where the proposed access is by water-only.

Section 4.7

This is a proposed new section to deal with "provincially significant wetlands".

Section 4.8

This is a proposed new section to deal with “significant wildlife habitat”

Section 4.9

This is a proposed new section to deal with “fish habitat and “lake trout” lakes”.

Section 5.3

Water supply studies are required if a proponent intends to apply to develop 5 or more lots. Proposed new provisions address these requirements.

Section 6.2

Language was introduced to recognize the importance of indigenous consultation for land development proposals.

Section 6.16

The Province requested that the Municipality list the studies that a proposed land developer “may” have to provide. The studies are listed, together with cross-references to the relevant policies in the balance of the Official Plan.

Maps

The Ministry did not recommend any changes to the mapping changes proposed by Neebing in its 2017 Official Plan adoption, except for the identification of the 4 sites of natural and scientific interest, identified in the discussion of the text at Section 3.2.3.

The mapping changes in the 2017 adoption involved removal of “Environmental Protection” designations to some privately-owned properties, leaving those designations on Crown-owned properties. The designation had been imposed in 2009 based on Peregrine Falcon nesting habitats, and the fact that, in 2009, Peregrine Falcons were an endangered species. Since then, Peregrine Falcons have flourished, and are no longer on the “endangered species” listing. Council considered that the Crown-owned property environmental protection areas were sufficient to protect the species.

Changes Independent of Ministry Comments

Text

New Section 2.12 - Property Standards

During the 2015-2017 consultation process, the (then) Council heard from some constituents that they would like to see Neebing adopt a property standards by-law. (In order to adopt a property standards by-law, the municipality’s Official Plan must expressly allow that. The 2009 Official Plan did not contain the language to allow property standards implementation.)

The Municipal Council in Neebing heard these comments, but decided that its rural constituents were better served, over all, without property standards by-laws. Accordingly, a decision was made not to include property standards by-law permissions in the 2017 Official Plan.

Since 2017, the Provincial government downloaded its residential tenancy standard enforcement to municipalities. The provincial residential tenancy regulations supplement what some municipalities already regulate in their property standards by-laws. The current Council of Neebing considers that its obligations to enforce provincial residential tenancy standards would be enhanced and assisted through a property standards by-law incorporating the provincial residential tenancy standards.

Accordingly, the current Council asked administration to include enabling language in the new Official Plan that would allow the Council to pass a property standards by-law – but only for the health and safety protection of residential tenants. Council is not interested in a general property standards by-law for exterior, aesthetic purposes, given Neebing’s rural and agricultural history and continuing character.

New Section 2.12 was added to the proposed Official Plan, which will allow Council to pass a property standards by-law for residential tenancy standards. A property standards by-law cannot be passed by the Municipality unless the Official Plan is approved with this change included.

The enabling language in the new Official Plan *does not* allow the Council to pass a property standards by-law for the purpose of regulating exterior property standards (yard cleanliness, unsightliness, etc.) It is restricted to the regulation of standards that deal with the health and safety protection of residential tenants. Council is not interested in a general property standards by-law for exterior, aesthetic purposes, given Neebing’s rural and agricultural history and continuing character.

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Maps

In 2019, an application was processed (and approved) by the Municipal Council to have a property removed from the “agricultural” designation, and instead, designated “rural”. This would allow for the development of a proposed medical clinic on property located on the southwest corner of Highway 61 and Boundary Drive (opposite the Thunder Bay Farmers’ Co-operative operations). Because the 2017 Official Plan had not yet been approved, the Council adopted an amendment to the 2009 Official Plan, which approved the owner’s request to re-designate the property.

That amendment has not been approved, but given the passage of time and the dove-tailing of the 2017 Official Plan amendment processes, Administration and Council consider that it makes sense to include the 2019 amendment to the 2009 Official Plan, into the proposed 2021 Official Plan.

Council recognizes significant opposition to this change from the agricultural community, however, Council continues to feel that the re-designation of this small portion of property for the

purposes of a medical clinic to benefit all rural residents, to outweigh the agricultural community's concerns.