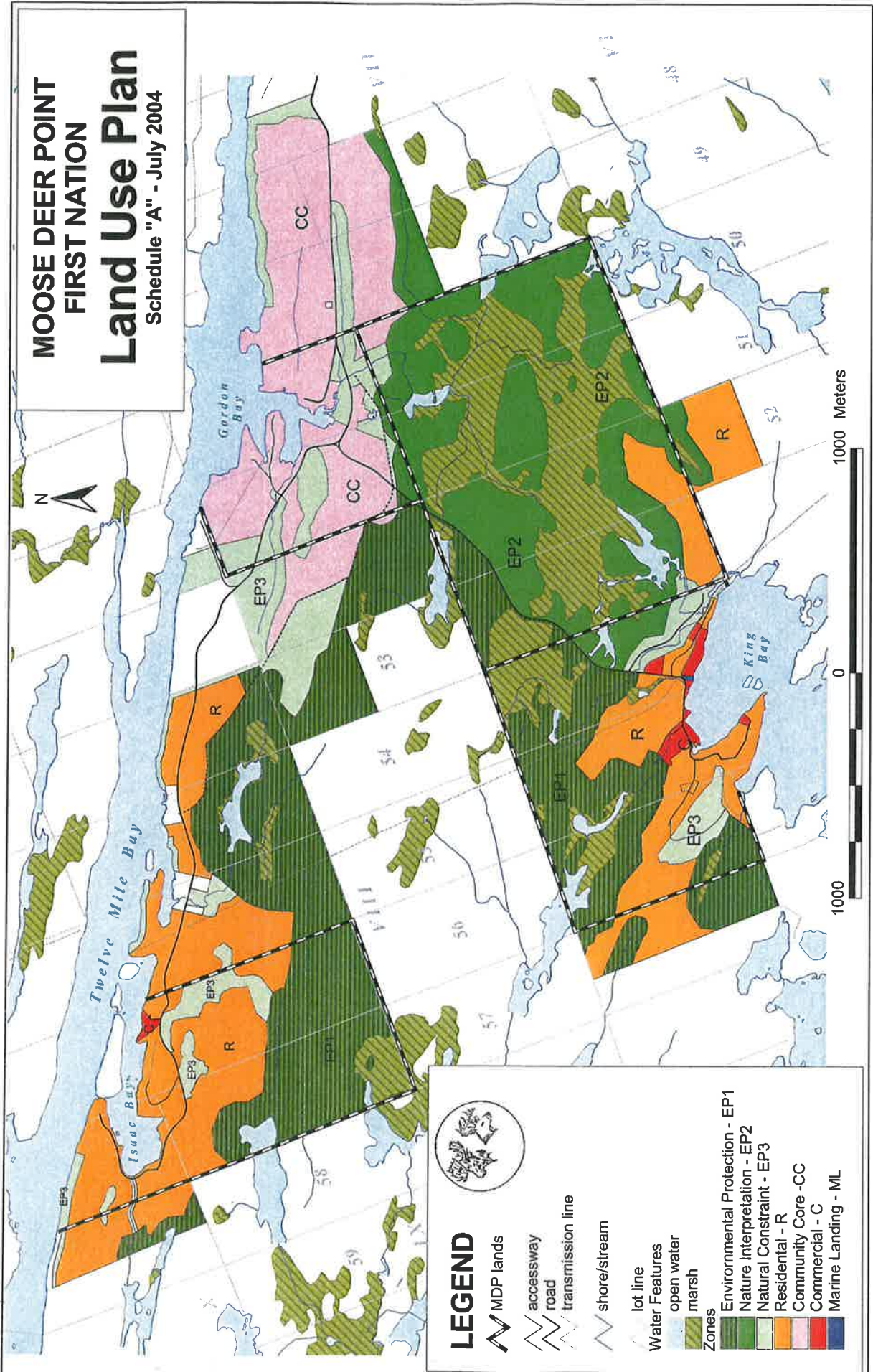


**MOOSE DEER POINT  
FIRST NATION  
Land Use Plan**  
Schedule "A" - July 2004



**LEGEND**

- MDP lands
- accessway
- road
- transmission line
- shore/stream
- lot line

- Water Features
- open water
- marsh

- Zones
- Environmental Protection - EP1
- Nature Interpretation - EP2
- Natural Constraint - EP3
- Residential - R
- Community Core - CC
- Commercial - C
- Marine Landing - ML



**MOOSE DEER POINT  
FIRST NATION**

**LAND USE PLAN**

## SECTION I PREAMBLE

### DECLARATION OF POTTAWATOMI PRINCIPLES

*We*, the Pottawatomi Nishnabe of the Moose Deer Point First Nation, solemnly declare that the Creator placed us here, on this Earth, and we carry the truth of this land in our hearts. The knowledge of Mother Earth flows through our veins.

*We* are Mgizi (Eagle clan), Nme (Sturgeon clan), Nmebin (Sucker Fish clan) and Mkwa (Bear clan); descendants of the sovereign Pottawatomi Nation whose traditional territories include parts of the current American states of Wisconsin, Michigan, Indiana, Illinois and Ohio and the Canadian province of Ontario.

*As Pottawatomi Nishnabe* we are the 'Keepers of the Sacred Fire' for the Council of Three Fires Confederacy, and as such have special sacred responsibilities to preserve our culture and our lands.

*Our Creator* and the memory of our ancestors dwell in all the places of our homelands, as they always have and will for time immemorial.

*Our ancestors* teach us through our oral traditions that all things on earth are connected in the web of life and these sacred teachings will guide all of our activities, now and in the future.

*We* were placed on this earth by the Creator to live in balance and harmony with our world and to act as stewards and custodians of the land and the natural environment. We know that our survival is dependent on our coexistence with the other species and we recognize that crimes against our environment are crimes against us as a people.

*Our children* have a right to a healthy, sustainable future, free of environmental degradation. In the spirit of our ancestors, we call upon all the inhabitants of Mother Earth to sustain themselves in a respectful manner, to ensure the survival of future generations.

*We* reaffirm our commitment to live under the natural laws of the Creator that govern Creation and maintain balance between all forms of life. We are thankful to the will of the Creator and to the sustenance of Mother Earth that we have survived.

*The protection* of Earth's vitality, diversity, and beauty is our sacred trust.

## **PRINCIPLES TO GUIDE SUSTAINABLE DEVELOPMENT**

*"This we know. The earth does not belong to man; man belongs to the earth. This we know. All things are connected like the blood which unites one family. All things are connected; whatever befalls the earth befalls the sons of the earth. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself."*

*Chief Seattle, 1854*

*"Sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs."*

*Brundtland Commission, United Nations, 1987*

We advocate the following principles in all our initiatives:

1. Protect biological, social, and entrepreneurial diversity.
2. Respect all living beings and care for the community of life.
3. Restore integrity of nature with truth, sincerity, goodness, and beauty.
4. Build institutions on participatory democracy, non-violence, and peace.
5. Integrate intentions with behaviour, cultural customs with social systems.
6. Develop economic innovations that make creative, rather than destructive, use of the earth's ecological abundance.
7. Foster natural, cultural, and spiritual growth through traditional wisdom and modern knowledge.
8. Enhance human potential through self-determination, self-sufficiency, equal opportunity, and social justice.

## **SECTION II COMMUNITY PRIORITIES**

### **A. VISION STATEMENT**

*"Proudly working together to build a prosperous and healthy environment that promotes independence, honours and respects our values, and enhances our way of life."(1998)*

### **B. COMMUNITY DEVELOPMENT GOALS**

We strive to accomplish the following purposes:

1. Respect and care for the Earth.
2. Honour our culture while enhancing our quality of life.
3. Foster healing and wellness through holistic health.
4. Encourage education and life long learning.
5. Reinforce self-determination and cultivate self-sufficiency.
6. Promote pride and community participation in all aspects of development.
7. Develop a diversified and integrated, sustainable economy.

### **C. LAND MANAGEMENT OBJECTIVES**

We aim to achieve the following ends for our lands:

1. Full self-government on First Nation lands.
2. Exclusive inter-jurisdictional agreements with neighbouring governments.
3. Comprehensive plan for community sustainability.

### **D. LAND USE PLAN**

Our traditions are consistent with modern planning principles of integrated sustainable development. This Land Use Plan is an attempt to codify common practice and traditional understandings of land use through the contemporary terminology of zoning, architectural standards, servicing requirements, environmental assessments, etc. It is one of the means by which the previous objectives will be implemented on those lands reserved for Moose Deer Point First Nation.

## SECTION III ESTABLISHMENT OF LAND USE POLICY

### A. TITLE

The title of this policy document is the Moose Deer Point First Nation Land Use Plan.

Short Title: Land Use Plan.

### B. INTENT

The intent of this Land Use Plan is to:

1. Develop a policy framework for land and resource management as the basis for social development, economic growth and the long-term protection of the natural environment.
2. Uphold our traditions through the use of sustainable practices.
3. Preserve our tradition of holding land in common. All interests and rights in land and resources will continue to be held in a collective manner. Nothing in this Land Use Plan is meant to derogate or abrogate our collective traditional land holding system. For further clarity, nothing in this Plan, in whole or in part, creates any individual interest or rights in our lands or resources.

### C. PRE-EXISTING USES

1. This Land Use Plan recognizes that there are pre-existing traditional uses on the date this Plan comes into force. These may include the care of Sacred Spaces, hunting, trapping, and the collection of medicinal plants. All members of the community have the responsibility to ensure the sanctity of these spaces, to respect the traditions surrounding these uses, and to honour collective decisions regarding any changes to them.
2. Where traditional &/or non-traditional pre-existing uses **do not conform** to this Plan, they will be allowed to continue as long as they do not threaten the natural features or ecological functions of this territory. If such uses **do pose** a threat (e.g., restricted use of an (EP) zone), those responsible will be allowed 1 year to remove the use or the use will be removed at their expense.
3. Pre-existing buildings or structures, whose use **does not conform** to this Plan, will not be allowed exterior extension. However, interior alterations and restorations to a safe condition are allowed provided the height, size, or allowed use is not changed. If such a use ceases to exist, due to no fault of the user, it may be re-established within 1 year of ceasing, up to the extent it previously existed.
4. Pre-existing uses that **do conform** to the zones of this Plan, but whose buildings or structures **do not comply** with specific provisions of this Plan, will be allowed exterior extensions, interior alterations, restorations to a safe condition, and reconstruction after damage, provided that it will not increase the level of non-compliance with this Plan. However, where non-compliance **does pose a threat** to the natural features or ecological functions of this territory, (e.g.: inadequate setback of septic systems from shorelines, streams, and wetlands, excess removal of mature trees during construction, docks that do not comply with the Fisheries Act, violations of a management policy from any zone that directly address environmental concerns, etc.); those responsible will be allowed 1 year to meet environmental standards or the use will be rectified at their expense.

**D. COMPLIANCE WITH ZONE BOUNDARIES**

1. No person shall occupy, or change the use, of any land, structure, or building; or locate, erect, or use any structure, or building, except:
  - a) In accordance with the zoning requirements of this Land Use Plan; and
  - b) Shall not render the occupation or use of other lands, structures, or buildings, non-compliant with the zoning requirements of this Land Use Plan.
2. A zone boundary shown approximately at an environmental transition area is considered to be at the environmental transition area.
3. A zone boundary shown approximately at the shoreline of a body of water is considered to be at the h.w.m. \*
4. A zone boundary shown to generally follow a trail or road\* is considered to be at the trail or road\*.

**E. ZONES**

Environmental Protection	(EP-1)
Nature Interpretation	(EP-2)
Natural Constraint	(EP-3)
Residential	(R)
Community Core	(CC)
Commercial	(C)
Marine Landing	(ML)

The zones and zone boundaries are shown on Schedule "A".

## **SECTION IV ZONE PROVISIONS**

### ***A. ENVIRONMENTAL PROTECTION ZONE (EP-1)***

The purpose of this zone is to protect the functions of important geological, ecological, and cultural features, including the rich species diversity of this region.

Objectives:

1. To allow the ecosystem to function with minimum disturbance.
2. To limit human activities to ensure the protection of the ecosystem.

Permitted Uses:

1. Infrequent visitation for spiritual and cultural purposes.
2. Infrequent visitation for scientific research by qualified individuals, which contributes to knowledge of natural and cultural history, as well as environmental management.
3. Paths or trails needed for spiritual or scientific purposes.

Restricted Uses:

1. No constructed roads\* or built structures.
2. No motorized vehicles.
3. No recreational use.

Management Policies:

1. A Moose Deer Point First Nation Ekwaapshe\* will patrol EP-1, EP-2, and EP-3 zoned land and surrounding parkland to ensure compliance of applicable environmental restrictions.

### ***B. NATURE INTERPRETATION ZONE (EP-2)***

The purpose of this zone is primarily to allow for high quality eco-tourism, recreation, and cultural activities based on ecosystem education.

Objectives:

1. To allow the ecosystem to function with minimum disturbance.
2. To allow for ecologically compatible tourist, cultural, recreational, and educational uses.

Permitted Uses:

1. Essential watershed and forest management activities deemed to be important to the preservation and strengthening of the natural environment.
2. Environmental &/or Cultural Interpretation Centre.
3. Nature Trails, footbridges, and interpretive signs.
4. Tourist activity that does not harm the ecosystem, and is complementary to the ecological and cultural resources.

\* see Definitions



5. Scientific research by qualified individuals, which contributes to knowledge of natural and cultural history, environmental and recreational management, education and life-long learning.

**Restricted Use:**

1. No motorized vehicles.

**Management Policies:**

1. A Moose Deer Point First Nation Ekwaapshe\* will patrol EP-1, EP-2, and EP-3 zoned land and surrounding parkland to ensure compliance of applicable environmental restrictions.
2. Major Projects\* will be subject to the conditions outlined in Section III (*Administration*), provision F (*Approvals*), point 9.
3. Approval of all new recreational trails will be subject to the findings of an environmental review.
4. Limits on the size of user groups, and number of parties permitted to use designated areas may be established.

### **C. NATURAL CONSTRAINT ZONE (EP-3)**

The purpose of this zone is to allow for the continued integration of cultural activities into the sensitive natural system.

**Objectives:**

1. To preserve environmental features, scenic vistas, and aesthetic buffers between uses.
2. To provide corridors for human activity into the dynamics of the natural systems.

**Permitted Uses:**

1. Essential watershed and forest management activities deemed to be important to the preservation and strengthening of the natural environment.
2. Outdoor recreation.
3. Motorized vehicle use.
4. Scientific research by qualified individuals that contribute to knowledge of natural and cultural history, as well as the management of human use of the environment.
5. Roads\*, trails, and servicing.
6. Docks and other associated shoreline structures that are accessory to principle uses in adjacent zones.

**Management Policies:**

1. A Moose Deer Point First Nation Ekwaapshe\* will patrol EP-1, EP-2, and EP-3 zoned land and surrounding parkland to ensure compliance of applicable environmental restrictions.
2. Approval of all new roads\*, trails, and services will be subject to the findings of an environmental review.

## **D. RESIDENTIAL ZONE (R)**

The purpose of this zone is to provide for single-family dwellings, multiple residential units and related community services and infrastructure.

### Objectives:

1. To allow residential development.
2. To provide for community parkland.

### Permitted Uses:

1. Single Family Dwellings
  - a) Minimum distance between houses, measured outside wall to outside wall 20m.
  - b) Maximum building height from finished grade 10m, 2 1/2 storeys.
  - c) Minimum distance between houses and shorelines, streams, & wetlands 20m.
  - d) Maximum dock length from water's edge 15m.
  - e) Maximum yards, lawn, and gardens must be no more than residents can demonstrate care of and landscaping for.
  - f) Septic system minimum:
    - (i) distance to stream 15m;
    - (ii) distance to h.w.m. \* 30m;
    - (iii) elevation at shoreline 1m above h.w.m. \*
2. Multiple Family Dwellings
  - a) Minimum distance between buildings will be 20m, measured from outside wall to outside wall.
  - b) Maximum building height from average finished grade 11m, 3 storeys.
  - c) Minimum distance between houses and shorelines, streams, & wetlands 20m.
  - d) Maximum number of units:
    - (i) 2 side by side;
    - (ii) 4 in a square;
    - (iii) 8 in a row;
    - (iv) 12 in a block.
  - e) Septic system minimum:
    - (i) distance to stream 15m;
    - (ii) distance to h.w.m. \* 30m;
    - (iii) elevation at shoreline 1m above h.w.m. \*
3. Home based businesses

- a) Retail trade, eating establishments, professions, crafts, minor manufacturing, child care, tutoring, personal services, garden nurseries, private dockage, Bed & Breakfast, etc. are allowed.
  - b) The business shall be secondary to the principle residence and occupy no more than 25% of the gross floor space of the dwelling unit. An accessory building may also be used, provided the gross floor space, including that used for business in the dwelling unit, is no more than 100 m<sup>2</sup>.
  - c) Maximum of 5 (2.6m x 5.8m) parking spaces.
  - d) Maximum of 5 slips for private dockage.
  - e) No more than 2 people, who do not live in the dwelling unit, may be employed.
  - f) No outside storage of goods, materials, articles, are allowed.
  - g) No noxious, offensive, or dangerous activities due to odour, dust, refuse matter, wastes, vapours, smoke, gas, vibration, noise, radiation, or risk of explosion are allowed.
  - h) No sign larger than 3 m<sup>2</sup>, used to advertise the business, is allowed.
  - i) All home-based businesses must carry adequate liability insurance.
4. Keeping of animals
- a) Raising, rearing, breeding, or caring of animals is allowed, if:
    - (i) they are properly fed, adequately sheltered from the elements, and humanely restrained at all times;
    - (ii) they are provided water, fresh air, daylight, and sanitation;
    - (iii) they can comfortably get up, lie down, groom, turn around, and stretch their limbs;
    - (iv) they are allowed to fulfill their physiological and ethological needs;
  - b) Larger animals must be fenced securely enough to hold them:
    - (i) 50m away from shorelines, wetlands, and streams; and
    - (ii) in an area capable of receiving the composted bedding & manure.
5. Elder's Lodge.
6. Parkland such as parkettes, playgrounds, village greens and squares.
7. Accessory buildings, structures, and driveways that support residential use.
8. Infrastructure such as roads\*, water, sewer, and utilities.

#### Management Policies:

- 1. Space between homes, and along shorelines, is to be naturalized for privacy, aesthetic, and environmental reasons (e.g., reduce storm water runoff, provide wildlife corridors, etc.).
- 2. Exceptions to previous restrictions can only be made with the following:
  - a) A plan illustrating more than one dwelling and use of design and layout standards, and
  - b) Density calculations are:
    - (i) consistent with the overall density calculations of this provision, or;
    - (ii) where greater than overall density calculations of this provision, they must be justified on environmental and/or aesthetic considerations;

- c) Approval will be subject to the findings of an environmental impact statement.
3. All septic systems must be pumped every 3 years. A visual inspection is to be done at the same time, and a report of the system's condition is to be sent to the Land Management Co-ordinator\*. The system must be upgraded, if it is found to be sub-standard.
4. All private fuel handling will be subject to current or succeeding legislation, such as: the *Technical Standards and Safety Act, R.S.O. 2000 - Ontario Regulation 213/01 & 217/01; Installation Code for Oil Burning Equipment CAN/CSA-B139; the Ontario Fire Code, 1997 - Ontario Regulation 388/97.*

## ***E. COMMUNITY CORE ZONE (CC)***

The purpose of this zone is the aesthetic, environmental, civic, and business integration of public service, commerce, industry, professions, residents, and nature.

### Objectives:

1. To optimize the use of infrastructure.
2. To provide residential opportunities adjacent to services.
3. To provide a focus for community services and community identity.
4. To encourage commerce and industry that is supportive of the culture and the ecosystem.

### Permitted Uses:

#### 1. Residential

- a) Upper-storey Dwellings.
- b) Multi-Family Dwellings.
- c) Single Family Dwellings.

#### 2. Institutional

- a) Government offices.
- b) Emergency Services, such as a fire station, ambulance station, or police station.
- c) Sacred Places, such as a house of worship, church, or cemetery.
- d) Health Facilities, such as a nursing station, health centre, or clinic.
- e) School and day nursery.
- f) Library and Museum.
- g) Community centre, arena, and recreational facilities

#### 3. General Commercial

- a) Retail stores.
- b) Banks and financial institutions.
- c) Business and professional offices.

- d) Personal service: shoe repair, barbershop, and beauty salon.
  - e) Grocery and convenience stores.
  - f) Entertainment: theatre, cinema, billiard hall, bowling alley, arcade.
  - g) Restaurants.
  - h) Gas or Service Stations.
  - j) Garage for vehicle or boat repair.
3. Marina
- a) Landing, mooring and dockage facilities.
  - b) Fuel & service centre.
  - c) Boat storage.
  - d) Public washroom, shower, and Laundromat facilities.
  - e) Accessory retail and food sales.
  - f) Staff accommodation.
  - g) Water taxi.
4. Tourist Operations
- a) Hotels, motels, and cottages.
  - b) Resorts, and convention facilities.
  - c) Outdoor recreation: vehicle & trailer park, miniature golf, driving range, riding stable.
  - d) Restaurants, snack bars, and gift shops.
5. Industrial
- a) Light manufacturing & Warehouses.
  - b) Public works & Contractors yards.
  - c) Indoor & Outside storage facilities.
  - d) Fuel depot.
  - e) Telecommunication towers.
  - f) Power generating stations & Hydro sub-stations.
  - g) Solid waste transfer station, recycling depot, and composting facility.
6. Accessory buildings, structures, and parking lots required to support principal uses.

Regulations for Permitted Uses:

1. Maximum height of buildings from average finished grade 15m, 4 storeys;
  - a) Cupolas, clock towers, flagpoles, belfries 15m;
  - b) Steeples, spires, 23m;
  - c) Water pressure towers 51m.
2. Minimum distance of buildings & outdoor recreation to shorelines, streams, & wetlands 20m.

3. Minimum distance of marina structures to streams and wetlands 10m.
4. Marinas and tourist operations must provide proof of proper septic facilities and licensed sewage pump-out to the Land Management Co-ordinator\*.
5. Maximum Density of trailer-sites 1 in 500 m<sup>2</sup>.
6. All outside industrial uses shall be enclosed by a berm or solid fence, not less than 2.5m in height, set at least 6 m back from the road\*. Landscaping, including the planting of trees, shall be done on all berms, &/or on the outside of all fences.
7. Minimum distance of industrial buildings to road\* 15m.
8. Minimum distance to industrial buildings or structures, measured outside wall to outside wall, 1.5x height of tallest.
9. Septic system minimum:
  - a) distance to stream 15m;
  - b) distance to h.w.m. \* 30m;
  - c) elevation at shoreline 1m above h.w.m. \*

#### Management Policies:

1. All boat launching ramps, marine railways, or docks erected adjacent to a navigable waterway, will be subject to current or succeeding legislation, such as the *Fisheries Act, R.S.C. 1985*.
2. All marinas will be certified under the "Clean Marine", or succeeding programme.
3. All commercial operations will carry adequate liability insurance.
4. All commercial and industrial operations will be subject to current or succeeding legislation, such as: the *Occupational Health and Safety Act, R.S.O. 1990*; and the *Workplace Hazardous Materials Information System Regulation 860*.
5. No hazardous materials may be used in any commercial or industrial activity without the express approval of the First Nation Government. All industries given such approval will be subject to current or succeeding legislation, such as: the *Ontario Environmental Protection Act - Ontario Regulation 347*; the *Ontario Dangerous Goods Transportation Act, R.S.O. 1990 - Ontario Dangerous Goods Transportation Act General Regulations 261; Part 7, Division 8 of the Canadian Environmental Protection Act, 1990 - Federal Hazardous Waste Regulations*; the *Hazardous Products Act, 1985 - Controlled Product Regulations, SOR/88-66*; the *Transportation of Dangerous Goods Act, 1992 - Transportation of Dangerous Goods Regulations, SOR/2001-286*.
6. No hazardous waste materials may be disposed of on First Nation lands.
7. All fuel handling will be subject to current or succeeding legislation, such as: the *Technical Standards and Safety Act, R.S.O. 2000 - Ontario Regulation 213/01 & 217/01; Installation Code for Oil Burning Equipment CAN/CSA-B139*; the *Ontario Fire Code, 1997 - Ontario Regulation 388/97*; the *Occupational Health and Safety Act, R.S.O. 1990 - Ontario Regulation 851/94 & 213/91*; the *Environmental Management Protocol for Operating Fuel Handling Facilities in Ontario GA1/99*; the *Canadian Environmental Protection Act, 1999 - Part 7, Division 4 & Registration of Storage Tank Systems for Petroleum and Allied Petroleum Products on Federal Lands Regulations, SOR/97-10*; the *Canadian Council of Ministers of the Environment Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products, 1994*.

8. No underground fuel storage tanks will be allowed. All aboveground fuel storage tanks will be properly setback and diked. They may also be screened or finished according to community standards\*.
9. No landfills or refuse dumps are allowed.
10. Noise generating uses shall employ the services of an acoustical engineer to design the space for such activities so that the noise level, averaged over any 24-hour time period, shall not exceed 50 decibels measured at a distance of 15m from the use or structure that contains it.
11. All power generating, conveying, and producing uses shall employ the services of an electrical engineer to design such uses so that the triple-axis, frequency-weighted, electromagnetic field, measured at a distance of 15m from the use, shall not exceed 1 milligauss (mG).

## **F. COMMERCIAL ZONE (C)**

The purpose of this zone is to allow for commercial ventures outside of the Community Core Zone.

Objectives:

1. To provide entrepreneurial opportunities for community members.
2. To encourage commerce that is supportive of the ecosystem.

Permitted Uses:

1. Business-based homes
2. All uses permitted under the “General Commercial”, “Marina”, and “Tourist Operations” provisions of the Community Core Zone.

Management Policies:

1. All management policy provisions of the Community Core Zone.

## **G. MARINE LANDING ZONE (ML)**

The purpose of this zone is to provide marine access.

Objectives:

1. To provide safe water access for community members, businesses, and visitors.
2. To allow for the unimpeded movement of people and materials to and from the water.

Permitted Uses:

1. Marine launching ramp

Management Policies:

1. All boat launching ramps, marine railways, or docks erected adjacent to a navigable waterway, will be subject to current or succeeding legislation, such as the *Fisheries Act, R.S.C. 1985*.

## **SECTION V      GENERAL PROVISIONS**

### **A.      ACCESSORY BUILDINGS, STRUCTURES, AND USES**

#### Permitted Uses

Where this Plan allows for the construction of a building or structure for a specific purpose, that purpose shall include any accessory building or structure or accessory use, provided:

1. The principle building, structure or use has already been approved or is already in existence.
2. Any occupation for gain or profit is conducted as specifically provided for in this Land Use Plan.
3. It is not used for human habitation, except in accordance with this Land Use Plan.
4. The height of accessory buildings shall not exceed 5m, except for those associated with an industrial use, where the height shall not exceed the restrictions of the Community Core (CC) zone.
5. Accessory buildings will be a minimum of 20 m from shoreline, streams and wetlands.
6. That landscaping, gardens, drop awnings, clothes line poles, flag poles, trellises, retaining walls, fences, tool sheds, signs, radio & satellite antennas, or similar uses comply with community standards\* and compliment the natural ecosystem.
7. That unenclosed gazebos, verandahs, porches, balconies, decks, and patios project a maximum of 4m from any principle building, and no closer than 5m from h.w.m.\*; except docks, which may be connected to these structures.
8. Docks are only an accessory use; if not, they must be specifically identified as a principle use.

### **B.      BUILDING OPENINGS AND FILL ELEVATIONS**

On all land adjacent to the shoreline, no building shall have an opening lower than 1m above h.w.m.\*

### **C.      CONSTRUCTION STANDARDS**

All projects granted permission to build must abide by the *Ontario Building Code Act, R.S.O. 1992* and R2000 specifications, or succeeding legislation, regulations, and guidelines. Design principles, sensitive to the natural environment, are to be used. Environmentally friendly technologies, sustainable energy sources, energy efficient layout, innovative septic systems, renewable materials, architecture complementary to the nature of the ecosystem, history of the region, and culture of the community, etc. is encouraged.

### **D.      DWELLING IN NON-RESIDENTIAL BUILDINGS**

No dwelling unit shall be located in a portion of a commercial or industrial building that stores bulk flammable fluids or hazardous materials, or is used for motor vehicle or marine repairs and servicing.

\* see Definitions



### ***E. ENVIRONMENTAL IMPACT***

The opening of an area previously undeveloped for residential, commercial, institutional, or industrial use will require an environmental impact statement.

### ***F. MUNICIPAL ROADS***

All new entrances onto a Township or District road\* will require a permit from the respective municipality.

All roads\* that intersect with Township or District roads\* shall have a sight triangle, such that at 9m from the intersection a vehicle operator will have a clear view of any approaching traffic on the other road\* at least 9m in either direction. On such corners no shrubs/grasses, higher than 0.6 m, may be grown, no vehicles parked, nor any buildings erected, within the sight triangle. (See Schedule "C")

### ***G. PROVINCIAL NATURE RESERVE***

No built structures shall be erected within 20 of the O'Donnell Point Provincial Nature Reserve boundary.

### ***H. SCIENTIFIC RESEARCH***

All research programmes (biological inventories, ecological studies, environmental assessments, archaeological assessments, sociological studies, etc.) will require the approval of the Moose Deer Point First Nation. Approved research activities must comply with this Land Use Plan. Sites altered by research activities will be rehabilitated as closely as possible to their previous condition.

The Life Sciences Inventory, that functioned as the basis for this Land Use Plan, will serve as a baseline for monitoring those functions and features of natural heritage that are critical to the health of the greater O'Donnell Point ecosystem and to the maintenance of E-naadziyang\*.

### ***I. SHORELINE NATURALIZATION***

Spaces that have previously been cleared, particularly along shorelines, are to be naturalized for privacy, aesthetic, and environmental reasons (e.g., reduce storm water runoff, provide wildlife corridors, etc.).

### ***J. TRAILERS, TRAVEL TRAILERS, MOBILE HOMES, AND CAMPERS***

One trailer, travel trailer, mobile home, or camper may be allowed beside or behind the owner's home provided enough space exists to park or store it there. Any such vehicles shall not be used as a permanent residence and, when in use, be connected to inspected services.

### ***K. COMMUNITY USES***

Chief and Council may determine that communal uses such as cemeteries, water and sewage infrastructure, wayside pits and telecommunication towers designed for the benefit of the entire community shall be allowed, provided they are subject to the approval process of this plan. All such uses shall be permitted without amendment in the Residential (R) or Community Core (CC) zones provided they are setback 50m from shorelines, other permitted uses, or 1.5 times the height of the built structure, whichever is greater.

\* see Definitions

## SECTION VI ADMINISTRATION

### A. GENERAL

1. This Plan will be interpreted consistent with E-naadziyang\*, the *Land Code*\*, and the Gchi-naaknigewin\* of the Pottawatomi of Moose Deer Point First Nation.
2. Until such time as First Nation laws are enacted, Canadian environmental legislation, including the Canadian Environmental Assessment Act will apply on First Nation lands.
3. For greater clarity, First Nation laws will maintain or exceed the intent of all relevant Federal and Provincial environmental regulations, whichever is greater.
4. This plan applies to all Moose Deer Point First Nation lands.
5. The Land Resource Board\*, established under the *Land Code*\*, is responsible for the implementation of this Land Use Plan.

### B. ENFORCEMENT

1. According to E-naadziyang\*, Eniigaanzijig\* will appoint an Ekwaapshe\* to assist the Land Resource Board\* in the enforcement of this Land Use Plan.
2. The use of First Nation lands that contravenes any provision, zoning requirement, management policy, or Schedule "A" designation of this Land Use Plan must be remedied immediately and made consistent with this Land Use Plan at the contravener's expense. There may be pre-existing uses and specific zone exemptions.
3. The Land Resource Board\* will work with those in contravention of this Land Use Plan, to bring them into compliance. However, a persistent contravener will be dealt with under the provisions of the *Land Code*\*.

### C. APPEALS

1. Any disputes arising from regulations contained in this Land Use Plan shall be resolved according to the Dispute Resolution provisions of the *Land Code*.
2. This Plan shall come into force and effect on the day it is duly adopted by a Motion of Eniigaanzijig\*, where there are no appeals filed by E-dbendaagzijig\*; or where appeals are filed, they are all finally disposed of by the Dispute Resolution provisions of the *Land Code*\*.
3. A decision according to the Dispute Resolution provisions of the *Land Code*\*, that one or more provisions, zoning requirements, management policies, or Schedule "A" designations of this Land Use Plan are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of any other part of this Land Use Plan.

## **D. APPROVALS**

The requirements of this Land Use Plan must be met before permission to build on First Nation lands will be granted. Development proposals will be reviewed according to the following process (See Schedule "B"):

### **Step 1: Preliminary Consultation**

1. All proponents of a major or minor project\* must:
  - a) Visit the Land Management Co-ordinator\*;
  - b) Submit an application consisting of:
    - (i) a letter outlining their reasons for building, and a preferred location;
    - (ii) a statement of how they will comply with any applicable management policies;
    - (iii) a resource map for site analysis;
  - c) Discuss the requirements of the Land Use Plan;
  - d) Schedule further meetings and submissions.
2. A resource map must be prepared by all applicants, showing:
  - a) The location of the proposed development and all areas within 150m of the site, including the following essential features:
    - (i) topography, including ridgelines and rock outcrops;
    - (ii) soils;
    - (iii) water & h.w.m. \*, wetlands & floodplain;
    - (iv) vegetative cover & mature trees;
    - (v) man-made structures;
    - (vi) historical/cultural sites;
    - (vii) easements;
    - (viii) extent of the view into, and out of, the site from the road\* and any open area.
  - b) Minor Project\* applicants may obtain a base map from the Land Management Co-ordinator\*;
    - (i) size 8 1/2" x 11";
    - (ii) scale 1:2000;
  - c) Major Projects\* may require a map done by the appropriate professional;
    - (i) size 24" x 36";
    - (ii) scale 1:2000.
3. A Site Visit shall be conducted by the Land Management Co-ordinator\* with the applicant, &/or their agent or consultant, and any member of the Land Resource Board\*. Further site visits may be required involving the community's planner, &/or engineer, &/or building inspector, &/or health inspector to examine the existing conditions, special features, management policy issues, design constraints, and development potential of the site.
4. A Pre-Sketch Conference, held concurrently or separately from any of the Site Visits, by all who attended the Site Visits, will discuss the findings of the Site Visits and establish a mutual

understanding of how to proceed. The Land Management Co-ordinator\* will write a letter, within 7 days, outlining these recommendations.

## Step 2: Site Plan Application and Review

5. A Site Plan Sketch of the proposed development is to be submitted to the Land Management Co-ordinator\* based on the analysis of the resources map and recommendations from the Pre-Sketch conference. It may be drawn on the resource map or done as an overlay, i.e., tracing paper or electronic layering, and include:
  - a) Name and complete contact information of the applicant;
  - b) Name and complete contact information of any professional architect, landscape architect, site designer, engineer, planner, or surveyor responsible for preparing the Sketch Plan, if one was used;
  - c) Graphic scale, or scale bar, and a North arrow;
  - d) Location indicator and zoning;
  - e) Schematic layout of proposed buildings, major structures, parking areas, preservation of the essential features outlined on the resource map, and parks;
  - f) General description of existing and proposed services, such as: water, sewage, storm water management, and utilities.
6. The Land Resource Board\* will review the Site Plan Sketch within 14 days of the Land Management Co-ordinator\* receiving it, with regard to:
  - a) The Vision, Principles, Goals, and Objectives of Moose Deer Point First Nation, as stated in this Land Use Plan;
  - b) All provisions, zoning requirements, management policies, and Schedule "A" designations of this Land Use Plan;
  - c) Preservation of the essential features outlined on the resource map;
  - d) Ease of access to current road\* system;
  - e) Ease of connection to current services;
  - f) Comments from staff, advisors, or external agencies;
  - g) Any other relevant policy or law of Moose Deer Point First Nation.
7. The Land Management Co-ordinator\* will inform the applicant, in writing, within 14 days of the Land Resource Board\* reviewing the Site Plan Sketch, of the extent to which it conforms to both the letter and spirit of the Land Use Plan, and may suggest ways to increase conformity. Applicants for major development may be required to provide further layout design, management policy, and architectural details. The Land Management Co-ordinator\* will continue to work with willing applicants to bring their application into conformity with the Land Use Plan.
8. Once the applicant has submitted the last revision of their Site Plan Sketch, whether in conformity with the Land Use Plan or not. The Land Resource Board\* will:
  - a) Review it within 14 days;
  - b) Within 28 days of review, report to Eniigaanzijig\*;
    - (i) a recommended course of action;

- (ii) reasons for their findings, including comments from staff, advisors, or external agencies;
  - (iii) appropriate citations from the Land Use Plan, or other relevant policies or laws;
  - (iv) include a copy of the applicant's sketch as a Preliminary Site Plan;
- c) Provide a copy of the report to the applicant.

### Step 3: Council Approval

9. After reviewing the report, Eniigaanzijig\* will grant or deny the application, or grant tentative approval pending fulfilment of conditions placed on the application, such as:
- a) Sanction of the proposed development during at least one community meeting, called to discuss the development;
  - b) An environmental impact statement, or full environmental assessment;
  - c) Calculations for servicing water, sewer, utility connections, and road\* alignments;
  - d) A storm water management plan;
  - e) Construction mitigation to preserve mature trees, protect special habitat, prevent erosion, etc.;
  - f) Revision of the Preliminary Site Plan, &/or amendment to the Land Use Plan.

The Land Management Co-ordinator\* will inform the applicant, in writing, within 14 days of the decision, along with their rationale, &/or conditions for approval.

10. Eniigaanzijig\* must review evidence that all conditions placed on the application have been fulfilled before granting permission to build. Once approved, the applicant's sketch is a Final Site Plan.

### Step 4: Construction and Monitoring

- 11. The construction foreman must receive a copy of the Final Site Plan before site preparation begins, including any details of environmental concern, servicing, storm water management, and construction mitigation.
- 12. The Land Management Coordinator &/or the community's planner, &/or engineer, &/or building inspector, &/or health inspector will monitor construction to ensure compliance with all provisions of the Final Site Plan.

## E. AMENDMENTS

- 1. Amendments to this Land Use Plan will follow the procedure outlined in the *Land Code*\*
- 2. In addition, the Land Management Co-ordinator\* will, if necessary:
  - a) Receive a resource map for site analysis;
  - b) Schedule a site visit;
  - c) Inform other governments under the *Notification Protocol*\*

## **F. COMPREHENSIVE REVIEW OF LAND USE PLAN**

1. This Land Use Plan will receive a comprehensive review every 5 years, entailing:
  - a) Inspection of the record for issues, problems, and success of any amendments;
  - b) Requests for comments from pertinent First Nation staff, advisors, or consultants;
  - c) Solicitation of opinions from E-dbendaagzijig\* regarding their level of satisfaction;
  - d) Convening at least one Land Use Plan community workshop to:
    - (i) assess its Vision, Principles, Goals, and Objectives;
    - (ii) examine all provisions, zoning requirements, management policies, and Schedule "A" designations;
2. If necessary, this Land Use Plan will be amended as outlined in the *Land Code*.\*.

## **G. CORRESPONDENCE WITH OTHER GOVERNMENTS**

All approvals under, amendments to, or appeals of this Plan that are of interest to other governments are identified in the *Notification Protocol*\* and will be addressed through the provisions of the *Protocol*.

## **H. DEFINITIONS**

1. Community Standards - communal aesthetics established by common practice and E-naadziyang.
2. E-dbendaagzijig - the people who belong (members) to the Moose Deer Point First Nation.
3. Ekwaapshe - the one who looks to ensure enforcement.
4. E-naadziyang - the culture, practices, and customs of e-dbendaagzijig.
5. Eniigaanzijig - the Council of the Moose Deer Point First Nation.
6. *Framework Agreement (on First Nation Land Management)* - the government-to-government accord signed by 13 First Nations and Canada on the 12<sup>th</sup> of February 1996. Other First Nations, including Moose Deer Point, have since signed this agreement. It outlines a process to opt out of the land management sections of the *Indian Act* (specifically: 18 to 20, 22 to 28, 30 to 35, 37 to 41, 49, 50(4), 53 to 60, 66, 69, 71, 93, regulations made under sections 57, and any regulations under section 42 & 73 that are inconsistent with the *Framework Agreement* or *Land Code*). The First Nation takes over responsibility for all interests, rights, and resources that belong to that First Nation's land, including forestry & agriculture. Excluded is fishing, migratory birds, species at risk, oil & gas, uranium & radioactive minerals. Specific Federal legislation &/or negotiations governing these areas still apply.
7. Gchi-naaknigewin - the constitution of the Moose Deer Point First Nation.
8. H.W.M. - the high water mark of Georgian Bay; 177.4m (Canadian Geodetic Datum, 177.38m, recorded 1986).
9. *Land Code* - the Moose Deer Point First Nation law governing land management; as instituted in accordance with the *Framework Agreement*.
10. Land Management Co-ordinator - the position established by the *Framework Agreement* to administer the *Land Code* and any law or policy developed under it; Secretary to the Land Resource Board.

\* see Definitions

11. Land Resource Board - the committee established under the *Land Code* to implement the *Land Code* and any law or policy developed under it; including the examination of compliance of all applications, enforcement of all violations, and the study all amendments, made under this Land Use Plan.
12. Major Project - proposed development consisting of institutional, commercial, industrial, &/or mixed uses, or 2 or more homes.
13. Minor Project - proposed house by an individual or family who have accepted an offer of new housing, or wish build their own home or home-based business.
14. *Notification Protocol* - the agreement between Moose Deer Point First Nation, the Township of Georgian Bay, the District Municipality of Muskoka, the Township of the Archipelago, and the Ministry of Natural Resources to inform each other regarding pre-determined land use & planning changes and major emergencies.
15. Road - formal allowance surveyed, opened, and assumed by the municipality; or a right-of-way, surveyed or un-surveyed, opened, and assumed by the First Nation.

## **SECTION VIII SCHEDULES**

**“A” ZONING MAP**

**“B” APPROVAL FLOW CHART**

**“C” SIGHT TRIANGLE DIAGRAM**

**“D” LIFE SCIENCES COMPILATION MAP**

**“E” SOURCES**



## SECTION VII ENACTMENT

### A. LAW MAKING AUTHORITY:

1. On the 31st of March 2003 Moose Deer Point First Nation became a signatory to the *Framework Agreement\* on First Nation Land Management*, as ratified by Canada in the *First Nation Land Management Act, 1998*. Moose Deer Point ratified the *Framework Agreement\** by using E-naadziyang\* to draft the *Moose Deer Point First Nation Land Code\**, create a community consultation process, and conduct a community vote. Under the *Land Code\**, Eniigaanzijig\* has the authority to adopt any policy to protect, manage, or control First Nation lands and resources. This Land Use Plan is one such policy.
2. To become a policy of Moose Deer Point First Nation, this Land Use Plan must be ratified at a community meeting called for the purpose of discussing the Land Use Plan.
3. After E-dbendaagzijig\* have ratified this Land Use Plan, it shall be duly adopted by a Motion of Eniigaanzijig\*, a quorum of whom will sign an original copy, to be retained at the First Nation Administration Office, available to E-dbendaagzijig\* upon request.

### B. FORCE AND EFFECT:

This Land Use Plan shall come into force and effect on the date it is duly adopted by a Motion of Eniigaanzijig\*

THIS LAND USE PLAN READ AND ADOPTED ON THE



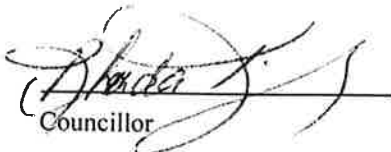
Councillor



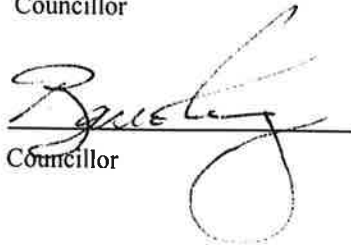
Councillor



Chief



Councillor



Councillor

### CERTIFICATION

I hereby swear that the foregoing is a true copy of the Land Use Plan as enacted by the Council, on the 13th day of OCTOBER, 2004.

  
First Nation Administrator