

OFFICIAL PLAN

SUDBURY EAST PLANNING AREA

As adopted by the Sudbury East Planning Board, Municipality of French River, Municipality of Markstay-Warren, and Municipality of St.-Charles – April 2023

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SUDBURY EAST PLANNING AREA

1 INTRODUCING THE SUDBURY EAST PLANNING AREA

1.1 Sudbury East Planning Area

The Sudbury East Planning Area (Planning Area) is situated northeast of Georgian Bay and is well-known for its natural beauty; many lakes and rivers; French River, Killarney and Mashkinonje Provincial Parks; farming areas; and small communities. These communities include Alban, Estaire, Hagar, Killarney, Markstay, Noëlville, St.-Charles and Warren that are known for their small-town charm. The Planning Area is strategically located between Sudbury, North Bay and Parry Sound, along both the Trans-Canada Highway (Highway 69) connecting northern and southern Ontario, as well as Highway 17 connecting northern and eastern Ontario.

The Sudbury East Planning Area spans approximately 4,300 km² consisting of the Municipalities and Unincorporated Townships listed at right.

Many First Nations or Indigenous communities' traditional territories, lands, and reserves are located in or near the Planning Area, including Atikameksheng Anishnawbek, Dokis, Henvey Inlet First Nation, Magnetawan First Nation, Nipissing First Nation, Shebahonaning Anishinabek, Wahnapiatae First Nation, Whitefish River First Nation, and Wikwemikong. The Planning Area is located in the Robinson-Huron Treaty area and Williams Treaties Area.

The Minister of Municipal Affairs created the Sudbury East Planning Board (Planning Board) under the provisions of the Planning Act on December 20, 1990. The purpose of the Planning Board is to manage planning matters within the Planning Area, including Official Plan amendments, rezoning applications, plans of subdivision and consents.

1.2 Basis of the Plan

1.2.1 PURPOSE OF THE PLAN

The purpose of this Plan is to provide guidance and direction for development and planning decisions within the Planning Area to the 2040 planning horizon.

SUDBURY EAST PLANNING AREA

MUNICIPALITIES:

- French River
- Killarney
- Markstay-Warren
- St.-Charles

UNINCORPORATED TOWNSHIPS:

- Burwash
- Cox
- Davis
- Hawley (except northeast corner)
- Henry (except Concessions 1 and 2)
- Hendrie
- Janes (west half)
- Laura
- Loughrin (except Concessions 1-3)
- Secord
- Servos
- Street (east of the Wanapitae River)
- Waldi

Decisions that affect an area’s growth and development have long-lasting impacts. Ultimately, such decisions should result in liveable communities that are economically and environmentally sustainable.

The Plan is meant to enable development that contributes to the long-term enhancement of the Planning Area’s land base and prosperity and to direct development to where it poses the least risk to areas of local and provincial significance.

The goal is to formulate policies that are easy to interpret and apply and that logically guide development. This Plan will be implemented through Zoning By-laws and other Planning Act tools and will provide a basis for other municipal by-laws and Plans to regulate the development and use of land.

All planning decisions are required to conform to the Official Plan as per Section 24(1) of the Act.

1.2.2 LEGISLATIVE CONTEXT

The Planning Act requires that municipalities have Official Plans which contain goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment of the municipality. The Act also identifies matters of provincial interest, which are further defined by the 2020 Provincial Policy Statement (PPS). This Plan was drafted, reviewed, and adopted in conformity with the requirements of the Act and is consistent with the 2020 PPS and other policy statements issued under the Act.

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

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

1.2.3 BACKGROUND REPORTS AND CONSULTATION

The Planning Board has prepared several background reports which were based on public consultation sessions, reviewed the local planning context, set out a low-growth population projection for the Planning Area, and provided recommendations for the Plan. Throughout the development of this Plan there has been involvement by Planning Area residents and stakeholders.

1.3 Planning Area Vision, Goals and Objectives

Through the consultation process, Visioning statements were drafted that identified how each community saw itself in 2043. There were some common themes that emerged for the Planning Area:

Sudbury East Planning Area will be experiencing growth and development; support family and seniors housing; be well-connected with other communities and the Region; promote ecotourism opportunities; and protect its wilderness areas and natural and cultural heritage features.

Priority goals and objectives for the Planning Area include but are not limited to the following:

- Provide for appropriate areas for growth in all Settlement areas
- Provide increased seniors housing and supports
- Support commercial areas and retail on main streets
- Appropriately designate Rural / Waterfront Policy Area in waterfront areas
- Protect lands of natural, cultural, and historical significance
- Maintain consistent neighborhood character in some parts of the Planning Area (Killarney)
- Address servicing limitations in some Settlement areas

The Planning Area development priorities are identified throughout the Economic Development Strategic Plan for Municipality of French River (2012), Municipality of Killarney Economic and Development Plan (2014), Municipality of Markstay-Warren Economic Development Strategic Plan (2014), and the Municipality of St.-Charles Strategic Plan (2014). These plans outline the issues, goals, and objectives of each municipality, and serve to guide and inform future land use planning decisions. This Plan will provide the land use planning policy to support the municipalities' strategic objectives found in these various plans, outlined below.

French River

- Identify waste management options, educate on diversion options; identify options with respect to lagoon capacity.
- Emphasize municipal input regarding the Official Plan and enact policies that attract and support reasonable development.
- Enhance the community, including enforcement of property standards, clean-ups, and outdoor space beautification.
- Allow and promote all reasonable uses on municipally administrated roadways (farm machinery, ATV, bicycles, snowmobile, horses, etc.).
- Encourage the tourism industry to create higher-end accommodation; expand tourist related services/amenities; support agri-tourism.
- Explore uses for vacant or underutilized agricultural land.
- Encourage local industry to create lumber biomass waste products.
- Position community as optimal location for mining equipment suppliers and related industries; Target businesses that serve mining equipment and supply firms.
- Assess the availability of aggregate material.
- Revisit zoning for the industrial park with planning officials; target clean-industry businesses.

Killarney

- Address seasonal workers' housing challenge - Encourage private homeowners to develop secondary housing within their existing house, and identifying private owners willing to sever lots for new construction.

- Encourage seniors housing and assisted living; Explore reuse of existing school.
- Improve trail connections throughout the municipality, linking trails to regional and national networks.

Markstay-Warren

- Identify suitable lands for new residential development.
- Promote municipal growth to the east.
- Promote agriculture through agri-tourism, Mennonite farms, niche agriculture opportunities, small-scale and hobby farms, and freeing up unused agricultural land.
- Review restrictions for home-based businesses.
- Upgrade storefronts, signage, landscaping, and maintenance.
- Address barriers to seasonal residential development along waterfront areas.
- Identify land to be developed for industrial and commercial uses; potential of developing an industrial park.

St.-Charles

- Encourage population growth.
- Develop current vacant and underutilized properties and stabilize commercial properties in town.
- Provide building, permitting and temporary tax relief.
- Develop the agriculture sector.
- Develop the various waterfronts; acquire lands (crown lands) within the municipality for recreational real estate and economic development purposes.
- Ensure that public buildings and assets present a nice image to the community and visitors.
- Improve waste management, promotion of recycling and composting and monitoring.

SUDBURY EAST PLANNING AREA OFFICIAL PLAN

2 GENERAL POLICIES

2.1 Settlement Hierarchy

The Planning Area consists of large and small urban settlement areas within each of the four municipalities. These settlement areas have varying types of uses and community facilities, as well as varying levels of water and sewage services and other municipal services. Outside of the urban settlement areas are scattered areas of water-oriented seasonal and permanent residential development, as well as agricultural and resource-based uses in the rural areas within the municipalities and unincorporated townships.

2.1.1 GOAL

Ensure that future growth is accommodated within an area that is most appropriate for the type of development proposed while protecting and adhering to the character of the Sudbury East Planning Area.

2.1.2 COMMUNITY AND VILLAGE AREAS

The largest urban settlements (Communities) in the Planning Area, including Warren and Killarney, have the widest range of commercial and community facilities permitted and range of employment uses with full municipal water and sewage services. The availability of vacant lands to accommodate large employment uses and potential land use compatibility conflicts will need to be addressed when reviewing development proposals.

Smaller urban settlements (Villages), including Alban, Noelville, St.-Charles, Markstay, and Hagar, provide a more modest range of commercial, community facilities, and employment uses. Noelville, St.-Charles, and Markstay have either municipal water or sewage services, or an approved environmental assessment to provide one of these services. Alban and Hagar, however, are without any form of municipal servicing.

2.1.2.1 *Notwithstanding the requirement to have either municipal water or sewage services or an approved environmental assessment to provide one of the services in a Village Policy Area, Alban and Hagar shall be designated Village Policy Areas on Schedule B as they are considered significant urban settlements and community focal points in their respective municipalities.*

2.1.2.2 *Where a municipality has both a Community and Village area, greater growth and development is anticipated in the Community area, based on levels of service. Where a municipality only has a Village area, these areas are appropriate for the focus of growth and development in the municipality.*

2.1.2.3 *A Village Policy Area may evolve into a Community Policy Area only by an amendment to this Plan, provided the criteria for a Community Policy Area can be satisfied, and subject to the completion of a study, prepared to the satisfaction of the Planning Board, the local municipality, and the Province, indicating why such a change is necessary and desirable.*

2.1.2.4 *The unincorporated areas are not meant to be the focus of development in the Planning Area and therefore have neither Community nor Village areas.*

2.1.3 RURAL AND WATERFRONT AREAS

The Rural Area consists of undeveloped rural areas and existing development clusters on private services, possibly with a limited range of commercial, community facilities, and a restricted range of employment uses that are not appropriate in the other policy areas due to land availability and the potential land use compatibility conflicts.

A primary focus of the rural area is for locally appropriate residential use, tourism and recreationally oriented seasonal residential use, and tourist commercial development on private services, located in the rural areas and along the shores of lakes and rivers in the Planning Area.

2.1.3.1 *Municipal sewage and water services are not provided, nor are they planned, in these areas and therefore limited future growth will be commensurate with that level of service.*

2.1.3.2 *Waterfront Policy Areas and Rural Policy Areas are expected to accommodate a limited amount of the projected growth; however, of the two Policy Areas, the majority of the projected demand for seasonal residential growth will occur in the Waterfront Policy Area.*

2.2 Growth Management

Growth management in the Planning Area is based on accommodating most of the growth to the year 2046 in the Urban Settlement Areas through:

- a) Land use intensification, where possible, and having regard for the timely and efficient use of existing infrastructure;
- b) The evaluation of growth-related infrastructure costs and financial implications of proposed works;
- c) Directing development to areas suitable for the provision of hard and soft municipal services;
- d) Encouraging a mix of housing types and tenures; and
- e) Maintaining an adequate supply of vacant designated land to enable choice and flexibility, while recognizing the growth projected for the planning horizon and the need to develop in an orderly, efficient, timely, and affordable manner.

Based on the Background Report, the Planning Area is projected to have modest population growth over the 25-year planning period (2021-2046), attributed to the projected increase in the Planning Area's share of the Sudbury District's population to 2046. Overall, this provides for a modest population growth for the Planning Area during the planning period. This population projection coincides with the low-growth scenarios projected for the Sudbury District and Northern Ontario by the Ontario Ministry of Finance.

While the projection based on a share of Sudbury District indicates a modest growth, the municipalities in the Planning Area would generally like to plan for greater gradual growth and development.

The primary means for reviewing the adequacy of the Planning Area's supply of land and expansions to the Urban Settlement Area will be the 10-year review process. Proposed amendments to the Plan to expand the Urban Settlement Area in advance of the 10-year review process will be evaluated for public benefit on the basis of the following criteria:

- a) Sufficient opportunities for growth are not available through intensification, redevelopment, and designated growth areas to accommodate the projected needs over the identified planning horizon;
- b) The infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- c) The need for growth at the proposed location, based on the rationale outlined in a comprehensive review;
- d) The costs and benefits of permitting growth at the proposed location; and
- e) The implications for municipal servicing and other services.

Notwithstanding the above, the Planning Board may adjust an Urban Settlement Area boundary outside of a comprehensive review provided that there is no net increase in settlement area lands, the adjustment supports intensification and redevelopment, and the lands are appropriately serviced.

2.3 Economic Development

The Sudbury East Planning Board and local municipalities value their strong local economies. The economy of the Planning Area is diverse, driven by tourism, agriculture, and natural resource development. However, nearly half of the Planning Area's population commutes to areas outside of the Planning Area for employment.

Promoting the strengths of the local economy through this Plan establishes clear policy direction to provide for economic investment and job creation in the Planning Area.

2.3.1 GOAL

The intent of this Plan is to support economic development initiatives consistent with the principles of good land use planning.

The following are key economic objectives during the planning period:

2.3.2 TOURISM

The Sudbury East Planning Board and local municipalities recognize the tourism potential of the planning area and support the promotion of existing features and amenities to develop of high-quality attractions and recreational facilities which are primarily oriented to the waterfront and rural areas. This plan supports the establishment of new tourism and business development opportunities, including short term rentals, particularly those related to local and regional tourism and the travelling public. There are eight highways throughout the Sudbury East Planning Area, most notably Highways 69 and 17 which allow for the travelling public to access tourism opportunities within the Sudbury East Planning Area. Planned improvements to these highways provide for development opportunities around new infrastructure. Tourist and recreational amenities should build on existing features and highlight natural and historic features in the communities, villages, and rural and waterfront areas of the Planning Area.

2.3.3 INDUSTRY

Several municipalities have identified the need for industrial land and/or industrial park areas. Resources will be directed to support investment in attracting industrial development as a means to diversify the economic base, including, for example, the agricultural-related, mining supply, and other rural industries. Through ensuring

appropriately designated and zoned lands, adequately servicing the expansion and retention of existing industrial uses, attraction and establishment of new industrial uses shall be supported.

2.3.4 AGRICULTURE

The Planning Area contains large areas of vacant rural land that may be suitable for agricultural activities. Agriculture, agriculture-related uses, and on farm diversified uses and normal farm practices are encouraged within the Rural area. In addition to traditional agricultural practices, micro farming is encouraged on undersized rural lots provided MDS standards and applicable provisions in the zoning by-law are met, to support self-sustaining properties and economic diversification.

2.3.5 COMMERCIAL AREAS

Each area municipality contains commercial areas which contain vacant buildings and lands providing opportunities for increased commercial and mixed-use development. To ensure that the commercial areas remain the centres of business within the planning area, retail, office, and service industry investment shall be encouraged in the existing commercial areas. The Sudbury East Planning Areas strives to be a place to live, work, and play and future commercial investment can add to and benefit from what is offered.

2.4 Home Occupations

Home occupations provide the opportunity for small scale professional and personal businesses to be established within a primary residence.

2.4.1.1 *Home-based businesses are permitted in Community and Village Residential Areas provided that the occupation is secondary to the main residential use and does not change the residential character of the property or neighbourhood.*

2.4.1.2 *The implementing by-laws may place limits on the size, location, and proportion of the property and building used as a home occupation, among other matters.*

2.4.1.3 *Home occupations providing professional or personal services are permitted as an accessory use to a residential use without requiring an amendment to this Plan, provided:*

- a) the home occupation is incidental and secondary to the residential use;
- b) there are no visible changes to the residential character of the building; and
- c) the home occupation is compatible with abutting and/or adjacent dwelling units and other sensitive land uses with respect to traffic generation and parking, as well as potential nuisances such as noise and odour.

2.5 Housing

The Sudbury East Planning Area contains a wide variety of housing forms and tenures. Over the planning period, there is projected to be a demand for both seasonal and permanent residential households.

2.5.1 GOAL

It is the intent of the Plan to support a range of housing forms and tenures that are complementary to the needs of the residents within the Sudbury East Planning Area.

2.5.2 POLICIES

- 2.5.2.1 *The Planning Board and local municipalities will monitor population projections and development trends to ensure adequate housing is available.*
- 2.5.2.2 *Infill and housing intensification is encouraged in designated Community and Village Policy Areas prior to considering un-serviced greenfield development. This may be achieved through the conversion of single detached dwellings to multiple units, through redevelopment at higher densities, and through infill on vacant lots.*
- 2.5.2.3 *A variety of housing types and densities are promoted within the Community and Village Policy Areas, including housing that is affordable and appropriate to low-income groups and people with special needs and senior citizens.*
- 2.5.2.4 *The conversion of underutilized or vacant buildings for seniors housing or assisted living homes is encouraged through Community Improvement priorities*
- 2.5.2.5 *Each municipality's housing stock should provide acceptable levels of health and safety, and maintain a balanced mix of ownership and rental housing.*
- 2.5.2.6 *The creation of additional residential units is supported, where appropriate servicing is available, in accordance with Section 2.5.4.*

2.5.3 AFFORDABLE HOUSING

Appropriate and affordable housing forms the foundation of a community. By providing a full range of housing types and densities to meet projected demographic and market requirements of current and future residents affordable housing will be provided.

- 2.5.3.1 *Each municipality will maintain an appropriate supply of residential land, facilitate residential intensification and redevelopment, and permit all types of housing to help meet affordable housing targets.*
- 2.5.3.2 *Councils will encourage and work with the public, private and not-for-profit sectors to deliver affordable housing.*
- 2.5.3.3 *Each municipality will ensure that 35% of new housing be affordable to low and moderate income households. Canada Mortgage and Housing Corporation defines affordability as no more than 30% of a home buyer's/renter's gross annual income being used for housing costs. Progress towards this target will be monitored on an annual basis and assessed when this Plan is reviewed in accordance with the Planning Act.*

2.5.4 ADDITIONAL RESIDENTIAL UNITS

Additional Residential Units (also known as accessory apartments, basement apartments, or in-law suites) are self-contained dwelling units with a separate entrance, located within and subordinate to an existing dwelling unit or within an accessory building.

The *Planning Act* authorizes the use of additional residential units by permitting:

- a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all ancillary buildings and structures contain no more than one residential unit;
- b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no ancillary building or structure contains any residential units; or
- c) one residential unit in an ancillary building or structure on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other ancillary building or structure contains any residential units.

2.5.4.1 *Additional dwelling units will be permitted throughout the Planning Area in any land use designation that permits a residential use, provided that:*

- a) they comply with the Ontario Building and Fire Codes;
- b) and they can be accommodated with the proper servicing;
- c) in the Rural Area only one additional residential unit is permitted;
- d) in the Waterfront Area additional residential units are not permitted.

2.5.4.2 *Additional dwelling units shall be prohibited from being severed from the lot containing the primary residential use.*

2.5.4.3 *In the Rural Area, additional dwelling units must be located no more than 30 metres from the main house at their closest.*

2.5.4.4 *The Zoning By-laws will provide regulations for additional dwelling units in accordance with the Planning Act.*

2.5.5 GROUP HOMES

A group home is a single housekeeping unit in a residential dwelling in which people (excluding supervisory staff or the receiving body) live together under responsible supervision consistent with the particular requirements of its residents. The home is licensed or approved under provincial statutes and in compliance with municipal by-laws.

2.5.5.1 *Group homes shall be permitted in all land use designations which permit residential uses and shall be encouraged to locate in proximity to community services and facilities that may serve residents. Appropriate performance standards for group homes will be included in the Zoning By-laws and Councils will provide input to the provincial licensing or approval authorities on any applications for group homes*

in the Planning Area.

2.5.5.2 *Group homes with any correctional purpose will be treated as an institutional, and not a residential use by this Plan and Zoning By-laws.*

2.6 Short Term Rentals

Short term rentals are all or part of a dwelling unit or an accessory structure that is used to provide temporary sleeping accommodation for a rental period that is generally less than 30 days. This excludes bed and breakfasts and motels/hotels. Short term rentals are considered to be a commercial use and can support tourism opportunities in the planning area by providing a wider selection of accommodations, allowing a visitor to live like a local, and can make travel more affordable.

2.6.1.1 *Each local municipality will address short term rentals in their Zoning By-laws, including determination of Zones where such uses are permitted and provisions to regulate placement and other site-specific features.*

2.6.1.2 *Local municipalities may regulate short term rentals through other tools such as Site Plan Control and Licensing By-laws under the Municipal Act.*

2.7 Community Improvement

The Community Improvement provisions of the Planning Act provide the opportunity to plan for, and co-ordinate, comprehensive physical improvements to existing communities, villages, corridors or any identified area in decline or in transition from one land use to another in Planning Area.

Community Improvement Policies are intended to give local municipalities a mechanism and access to a variety of cost-sharing programs to address deficiencies within designated areas in a coordinated and comprehensive fashion, and to encourage private investment activity in these areas.

2.7.1.1 *Each municipality in the Sudbury East Planning Area will maintain a municipal-wide “Community Improvement Project Area” designation.*

2.7.1.2 *A local municipality may by by-law identify a specific Community Improvement Project Area in accordance with the Planning Act to revitalize communities, villages, corridors or any other identified area in decline or in transition from one land use to another. Local Municipalities are encouraged to implement Community Improvement Plans which prioritize improved streetscape and surrounding area.*

2.7.1.3 *Community Improvement Plans within the Planning Area shall be encouraged for:*

- a) Encourage assisted living seniors housing to allow for aging in place;
- b) The need to improve the streetscape or aesthetics of an area;
- c) Areas that have potential to serve as tourist attractions;
- d) Stimulate private property maintenance and reinvestment;
- e) Facilitate the cleanup and redevelopment of brownfield properties;
- f) Encourage the creation of Affordable Housing by considering any municipally-owned, undeclared surplus land for Affordable Housing before any other use is considered;
- g) Promote Industrial uses and activities; and/or

- h) Other community goals established by the local municipality.

2.8 Quality of Place and Accessibility

Land use decisions supported by this Plan promote a natural and built environment that support an excellent quality of life for residents and quality of place.

2.8.1.1 *The Planning Board and local municipalities support development that encourages a sense of place, promotes well-designed built form and cultural planning, and conserves features that help define character, including built heritage resources and cultural heritage landscapes.*

2.8.1.2 *The Planning Board and local municipalities will support accessibility within all aspects of land use planning, including by:*

- a) encouraging housing providers to design and develop barrier-free housing; and
- b) working with community-based accessibility organizations to improve accessibility in the Planning Area.

3 LAND USE DESIGNATIONS

3.1 Community and Village Residential

The lands designated Community Residential and Village Residential on Schedule B are intended to be the primary focus for residential development within the Planning Area. These designations allow for a variety of housing types and densities, in addition to facilities and services such as parks and local neighbourhood-oriented commercial uses which are integral to and supportive of a residential environment.

The Community Residential and Village Residential areas permit a variety of housing types and accommodates and encourages a variety in size, design, tenure, accessibility, and affordability to meet the housing needs of the Planning Area. The implementing Zoning By-laws will provide zones that are categorized by dwelling type and include performance standards.

3.1.1 GOAL

It is the intent of this Plan to support a variety of housing types and tenures to provide for the housing needs of the Planning Area, as well as support accessory uses and complementary neighbourhood uses.

3.1.2 POLICIES

The following policies apply to lands designated Community Residential and Village Residential.

- 3.1.2.1 *Low density residential uses are permitted including single detached dwellings, semi-detached dwellings, and duplex dwellings.*
- 3.1.2.2 *Additional residential units, garden suites, and group homes are considered residential uses and are permitted in accordance with the policies of Section 2.5.4 and 2.5.5 of this Plan.*
- 3.1.2.3 *Medium to high density buildings (i.e. triplex, fourplex, row or block townhouses, apartments, and multi-residential buildings) are also permitted, subject to the following considerations:*
- a) The type and size of the development;
 - b) The adequate provision of services. Should services need to be extended, the proponent will commit to extending services at no cost to the municipality provided the development represents a logical extension and the extension has the ability to further optimize the municipal infrastructure;
 - c) The adequate provision of community facilities including parks and schools. On-site recreational facilities or amenities such as private open space or playground equipment may be required;
 - d) The adequacy of the road network to accommodate the expected traffic flows and adequate provision of on-site parking;
 - e) Proposed buffering provisions that shall serve to minimize any potential adverse effects on adjacent properties;
 - f) The design of the development in relation to the density, character, scale, massing, height, and streetscape features of adjacent buildings. Additional setbacks or landscaping may be required;

- g) The use will have direct access to and frontage on a local road maintained year round;
- h) Site plan control may be required.

3.1.2.4 *Multi-residential development that is designed for occupancy by seniors, including seniors' apartment buildings, assisted living facilities, and long-term care facilities is permitted. Related commercial uses may also be permitted. The development of any new seniors' facility and related commercial uses, will be in accordance with the medium density residential policies.*

3.1.2.5 *Affordable housing is promoted in accordance with the policies of this Plan.*

3.1.2.6 *Complementary land uses may be permitted in the Community Residential and Village Residential areas where they are compatible with the residential environment, including neighbourhood parks and open space and institutional and community facility uses, provided the following criteria is met:*

- a) The use will have direct access to and frontage on a local road maintained year round;
- b) They are compatible with the residential function of the neighbourhood;
- c) Site plan control may be required.

3.1.2.7 *Home occupations and bed and breakfasts are permitted, subject to the policies of this Plan, and may require approval of a site-specific Zoning By-law Amendment.*

3.1.2.8 *Local commercial uses and personal services uses may be permitted in the Community Residential and Village Residential areas, where they are compatible with the surrounding residential area, and may require a site-specific Zoning By-law Amendment. The Zoning By-law will set out additional performance standards including floor area, height, parking, and landscaping requirements. Local commercial uses may be subject to Site Plan Control. Compatibility will be assessed based on the following:*

- a) Potential affects to the character of the surrounding residential area;
- b) Noise and traffic generation; and
- c) Overall number of local commercial uses, location, and design.

3.2 Mixed Use Commercial

Mixed Use Commercial areas are generally located on main streets, and described as “Downtowns” in the Communities and Villages throughout the Planning Area. This area permits a variety of commercial uses in addition to medium density residential uses.

3.2.1 GOAL

It is the intent of this Plan to encourage growth of the business function of Mixed Use Commercial Areas by promoting the expansion of retail, office, medium density residential uses, and public uses and encourage investment in community improvements. Re-development of vacant and underutilized property within the commercial areas is encouraged.

3.2.2 POLICIES

3.2.2.1 *The primary permitted uses will include commercial and retail establishments that are intended to serve the needs of the local and travelling public, business and professional offices, residential, institutional, and light employment uses. Further detail on permitted and accessory uses shall be established in the*

Zoning By-law.

- 3.2.2.2 *In recognition of the existing character of the area, existing low density residential development shall be permitted. Home-based businesses may be permitted, accessory to an existing residential use. Secondary dwelling units may be permitted in the Employment area when accessory to a commercial or institutional use.*
- 3.2.2.3 *Low density residential uses may be permitted on an existing lot of record and may be subject to a zoning by-law amendment.*
- 3.2.2.4 *Intensification and redevelopment to higher density residential uses or more intense commercial uses is supported, subject to servicing capacity and provision of adequate parking. A traffic impact study may be required.*
- 3.2.2.5 *Light employment uses are permitted, exclusive of industrial-related uses such as manufacturing, warehousing, processing, assembly, trucking, and storage uses or any uses that require outdoor storage and frequent deliveries.*
- 3.2.2.6 *The Board and local municipalities will encourage the consolidation of land to create comprehensive development blocks. Consents are not permitted for the purposes of dividing land into smaller parcels for the creation of low-density residential uses.*
- 3.2.2.7 *Medium density residential, seniors and special needs housing, and institutional uses, shall be permitted subject to the following considerations:*
- a) *The type and size of the development;*
 - b) *The adequate provision of services. Should services need to be extended, the proponent will commit to extending services at no cost to the municipality provided the development represents a logical extension and the extension has the ability to further optimize the municipal infrastructure;*
 - c) *The adequate provision of community facilities including parks and schools. On-site recreational facilities or amenities such as private open space or playground equipment may be required;*
 - d) *The adequacy of the road network to accommodate the expected traffic flows and adequate provision of on-site parking;*
 - e) *Proposed buffering provisions that shall serve to minimize any potential adverse effects on adjacent properties;*
 - f) *The design of the development in relation to the density, character, scale, massing, height, and streetscape features of adjacent buildings. Additional setbacks or landscaping may be required;*
 - g) *The use will have direct access to and frontage on a local road maintained year round;*
 - h) *Site plan control may be required.*
- 3.2.2.8 *Servicing is dependent upon the particular Settlement Area and will be subject to the policies of Section 6.2.*

3.2.3 SPECIAL POLICY AREA – CHANNEL STREET, KILLARNEY

The Channel Street area of Killarney is designated as an Area Specific Policy Area to afford better regulation of character of development. Channel Street is described by the community as having a quaint, neighbourhood feel, complete with local amenities and tourist businesses, anchored by the General Store on the east end and Inn and Marina on the west end. The following policies apply:

- 3.2.3.1 *Development and redevelopment shall be compatible with the building types, setbacks, size, materials of the area. Parking shall be accommodated on site and shall be set back or screened from the street where possible. A central parking area may be explored.*
- 3.2.3.2 *New residential uses or expansions to existing residential use are not permitted on the south side of Channel Street.*
- 3.2.3.3 *Redevelopment of existing single detached dwellings to higher density residential use or commercial use is encouraged in a manner that respects the character of the area.*
- 3.2.3.4 *Opportunities for physical pathways and viewscape connectivity to the water and public space shall be encouraged.*
- 3.2.3.5 *Heritage buildings and features shall be conserved and emphasized, including the façade of the General Store and the Church.*
- 3.2.3.6 *The municipality may use a Community Improvement Plan to assist with development and redevelopment of the area and public space improvements.*
- 3.2.3.7 *Site Plan Control will apply to new development and redevelopment.*

3.3 Institutional

3.3.1 GOAL

The Institutional Designation is intended to recognize those major public institutions that benefit municipal residents and broader Planning Area and occupy large and prominent sites. These institutional uses are important sources of both specialized services and employment for the entire Planning Area. Some institutions are in transition due to changing demographic trends and other factors and the plan also establishes policies to guide the transition of these institutional uses through intensification and redevelopment.

3.3.2 POLICIES

- 3.3.2.1 *Permitted uses will include all large-scale institutional uses, such as hospitals, clinics and treatment facilities, schools, postsecondary educational facilities, government offices, places of worship, cemeteries, and government-operated institutions. Ancillary uses which are of an appropriate scale and intended to service the main permitted use are also permitted. The specific uses permitted and accessory uses will be established in the Zoning By-law.*
- 3.3.2.2 *Development is dependent on the adequate provision of services in accordance with Section 6.2. Should*

services need to be extended, the proponent will commit to extending services at no cost to the municipality provided the development represents a logical extension and the extension has the ability to further optimize the municipal infrastructure.

- 3.3.2.3 *Institutional uses will be located where there is direct access to and frontage on a local road maintained year-round.*
- 3.3.2.4 *The profile of the development will relate to the adjacent buildings and uses and result in a gradual transition in terms of the profile of buildings, where applicable and appropriate.*
- 3.3.2.5 *The site will be designed to be accessible to all persons within the community, including the elderly and those persons with physical disabilities.*
- 3.3.2.6 *Appropriate landscaping and buffers will be provided to enhance the physical separation between the use and adjacent sensitive uses, where applicable and appropriate.*
- 3.3.2.7 *The conversion of surplus institutional buildings and lands held by institutions to other uses can be facilitated through a rezoning application without the need to amend this plan. Such applications will be considered based on the following criteria:*
- a) The need for such lands or buildings for other public uses, and their long-term value to the community;
 - b) The compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Plan with respect to the proposed use;
 - c) For conversion to residential uses, the appropriateness of the proposed density; and,
 - d) The adequate provision of services and access for the proposed use; and
 - e) Other relevant sections of this Plan.

3.4 Employment

Each municipality within the planning area has designated Employment lands to be used for manufacturing, production, warehousing, and associated highway commercial, office, retail, and ancillary facilities. The nature of each municipality's employment areas may be different depending on access, servicing, location, and area resources. The location of the planning area, proximate to the City of Greater Sudbury, lends itself in particular to mining and mining-supply industry. Agricultural-related industry and the development of industrial parks supporting clean-industry businesses will also be encouraged. Other rural industries are also supported.

3.4.1 GOAL

Employment areas will be designated and protected for current and future uses, building upon their proximity to goods movement corridors, and shall allow for a variety of commercial and industrial uses which provide employment in the local municipalities. It is the intent of this Plan to encourage growth of the business function of this area by promoting the expansion of commercial and industrial uses and by encouraging investment in community improvements.

3.4.2 POLICIES

- 3.4.2.1 *The predominant use of land will be a wide range of employment uses, including manufacturing, logistics*

operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary service commercial and office uses serving the employees within the Employment Designation and the travelling public.

- 3.4.2.2 *Open storage of goods and materials is permitted and will be screened such that it is not visible from a Provincial Highway or a local road.*
- 3.4.2.3 *A study prepared in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines to demonstrate compatibility with nearby sensitive uses will be required for uses with the following characteristics:*
- a) *outdoor storage of goods and materials;*
 - b) *frequent shipment of products and/or materials;*
 - c) *long production hours and shift operations/unusual hours of operation;*
 - d) *large volumes of traffic at off-peak hours; and/or*
 - e) *nuisances, such as noise, odour, dust, lighting or vibration.*
- 3.4.2.4 *An appropriate separation distance, based upon the MECP's D-Series Guidelines for land use compatibility, will be established between an industrial land use and a sensitive land use. This separation distance will be enforced through a site specific amendment to the Zoning By-law and site plan control to implement such measures as:*
- a) *building orientation, design and setbacks;*
 - b) *landscaping and screening;*
 - c) *access controls;*
 - d) *road improvements and widenings;*
 - e) *restrictions on the range of permitted uses; and*
 - f) *restrictions on outside storage.*
- 3.4.2.5 *Adequate off-street parking and loading facilities will be provided. Vehicle access will be oriented such that industry-related traffic will be discouraged from using local roads which are predominantly occupied by residential and other sensitive land uses. Loading facilities and service areas will be located to avoid conflict between pedestrian circulation, service vehicles and movement along the public rights-of-way and visibility from roadways.*
- 3.4.2.6 *The provision of landscaping and/or other forms of buffering will be provided to:*
- a) *enhance all parking lots, and outdoor loading, storage and service areas; and*
 - b) *provide separation between the use and any adjacent use, where appropriate.*
- 3.4.2.7 *Servicing within the Employment Designation is dependent upon the particular Settlement Area or location within the Rural Area, and will be subject to the policies of Section 6.2; however, only dry-industries generating less than 10,000 litres per day of domestic waste are permitted on individual services. Any large water use shall be directed to the Community Policy Area. New development on partial services is generally discouraged; however, uses that are considered to be appropriate shall be subject to a reasonable use assessment conducted in accordance with MECP's B-Series Guidelines.*
- 3.4.2.8 *Development is required to have adequate access from a local road, maintained year-round. Access to a*

Boundary Road between adjoining municipalities will require approval from each of the municipalities. If the use is to gain access from, or is in proximity to, a Provincial Highway, approval will be required from MTO.

- 3.4.2.9 *Improvements to Employment areas will be encouraged by such means as CIPs, business improvement areas, redevelopment, renovation, and land assembly programs, and by the construction of new commercial and industrial buildings.*

3.5 Open Space

3.5.1 GOAL

The lands designated Open Space are intended to provide the main locations for recreational and leisure activities within the Sudbury East Planning Area.

3.5.2 POLICIES

- 3.5.2.1 *Lands designated Open Space shall be used primarily for open air recreational and leisure uses such as parks, fair grounds and golf courses.*
- 3.5.2.2 *In addition to the uses permitted above, ancillary residential, commercial or institutional uses may be permitted in areas designated Open Space without requiring an amendment to the Plan, provided such a use is incidental and secondary to the primary open space use.*
- 3.5.2.3 *When siting new parks, consideration should be given to ensuring the park is within an easy walking distance of the persons who will use it on a regular basis; visible and accessible to the community; and, where possible, connected to trails.*
- 3.5.2.4 *The development of a golf course requires a site-specific application to amend the Official Plan and Zoning By-law. Such an amendment must be supported by the submission of a storm water management plan and pesticide and fertilizer management plan, as well as any other study determined to be required by the Planning Board having considered the other policies of this Plan. Such supporting studies shall be completed in accordance with the Implementation Section of this Plan.*

3.6 Rural Area

The majority of the planning area is comprised of Rural Lands that are designated on Schedule B.

3.6.1 GOAL

The lands designated “Rural” are intended to protect the natural amenities of the Sudbury East Planning Area and provide opportunities for rural, agricultural and resource-based activities.

3.6.2 POLICIES

- 3.6.2.1 *Lands designated Rural shall be used primarily for agriculture, farm related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, and rural commercial and industrial uses that are not appropriate in Community or Village Policy Area, as well as locally-appropriate residential developments. Farm-related commercial and farm related industrial uses shall*

include such uses that are small in scale, directly related to the farm operation required in proximity to the farm operation. Secondary uses shall include uses that produce value added agricultural products from the farm operation on the property.

3.6.2.2 *Rural commercial and industrial uses including but not limited to dry commercial and industrial uses, resource-based, and forestry uses, are permitted without an amendment to this Plan, subject to the following requirements:*

- a) The proposed use shall meet the requirements and separation distances set out in MECP's D-Series Guidelines, as amended from time to time;
- b) The proponent shall demonstrate how outside storage, if applicable, and the storage and removal of on-site generated waste is to be accommodated;
- c) The proponent shall demonstrate how the traffic generated from the proposed use will impact the existing roads and how much will be generated;
- d) For a use that may have the ability to compromise or contaminate the subject lands, the proponent shall submit a remediation plan to be used upon the discontinuation of use to the satisfaction of the municipality, Planning Board, and the applicable Ministry(ies).
- e) Upon filing an application for a rezoning, the proponent shall submit a study that not only justifies the proposed use of land, but also demonstrates how the foregoing and any other requirements set out in this Plan will be met. If a study or studies have not been submitted at the time of filing an application for rezoning, as indicated in Section 4.15, the Planning Board may not accept the application and deem it incomplete.

3.6.2.3 *Service and tourist commercial uses, open space and recreational uses, and locally appropriate residential development in the form of single detached dwellings may be permitted without requiring an amendment to this Plan, but may be subject to a rezoning, provided the proposed use meets the criteria established herein for Minimum Distance Separation formulae, separation distances from incompatible land uses, etc.*

3.6.2.4 *Specific provisions regarding lot sizes will be addressed in local Zoning By-laws.*

3.6.3 RURAL ESTATE LOT DEVELOPMENT

This plan contemplates permitting residential lots on large lots in the Rural area through Rural Estate Lot Development.

3.6.3.1 *Rural Estate Lot subdivisions shall be permitted within the Rural designation where they do not conflict with the protection or use of resources and where the natural setting (e.g. topography, vegetation cover) is appropriate for the design and development of such subdivision.*

3.6.3.2 *Rural estate development should be directed to locations where the natural landscape can assimilate the residential structures without the loss of the natural features of the site. Sites should contain wooded areas, special landforms and interesting topography. Building location and landscaping should complement existing topography and vegetation and ensure privacy between dwelling units. The design should ensure that unique qualities of the landscape are preserved for the visual enjoyment of the entire community.*

- 3.6.3.3 *Rural Estate Lot subdivisions shall only be permitted in a municipality and shall be prohibited adjacent or close to Settlement Areas if the proposed subdivision would prevent the efficient expansion of the settlement area.*
- 3.6.3.4 *Development shall be located in compliance with minimum distance separation from agricultural uses and setbacks from aggregate extraction.*
- 3.6.3.5 *The principle of low density rural estate type development shall be maintained by establishing a minimum lot area consistent with the natural characteristics of the site having particular regard for tree cover, topography and a sense of privacy on individual lots. Lot sizes will be implemented in the zoning by-law.*
- 3.6.3.6 *A minimum of five lots shall be permitted in a Rural Estate development.*
- 3.6.3.7 *Development shall only be permitted with the adequate provision of servicing. Hydrogeology and Terrain Assessment and*
- 3.6.3.8 *The proposed development should be located where there is direct access to a local road maintained year-round, and should be serviced by an internal road network. The internal road may be private, developed under agreement. A traffic impact analysis may be required.*
- 3.6.3.9 *The development of a site should not produce an undesirable impact on a local municipality by increasing the demand for local services beyond an acceptable level.*

3.6.4 MOBILE HOMES

- 3.6.4.1 *Individual mobile homes may be permitted on Rural lands provided that the lands are not adjacent to existing urban centres or settlement clusters and the same standards established for all developments can be met.*
- 3.6.4.2 *Mobile home parks may be maintained as a single entity (property) provided that ownership and maintenance rests with the management of the park. New mobile home parks will not be permitted. Proposals to expand existing mobile home parks shall meet the requirements set out in the Zoning By-law provided that the lands are not adjacent to existing urban centres or settlement clusters and are subject to the same standards established for all other low density residential uses in addition to the following:*
- a) *Internal road systems shall be built to a standard acceptable to the municipality, the Fire Chief, and anyone else that may require access to said lands for emergency purposes.*
 - b) *Expansions to a mobile home park development should be limited to the size of its existing land holdings as of the date of approval of this Plan.*
 - c) *The maximum density of mobile homes within a mobile home park shall not exceed 20 units per hectare.*
 - d) *Expansions to existing mobile home parks shall only be permitted if the existing mobile home park has direct access to an opened, publicly owned road which is maintained on a year-round basis, and served by school buses; and furthermore, shall not create the need*

for additional municipal services beyond those currently provided by the applicable municipality.

- e) Expansions to existing mobile home parks shall be provided with an on-site communal water supply and sewage disposal systems and are subject to the servicing policies in Section 6.2, and will enter into a default agreement with the applicable municipality regarding their use and maintenance.
- f) All existing and expansion areas of mobile home parks shall be serviced by existing municipally owned waste disposal sites. Adequate parking for any expansion shall be provided on-site for both the residents of, and visitors to, any mobile home located within the expansion area of an existing mobile home park.
- g) Expansions to mobile home parks shall be landscaped according to good design principles in order to complement the residential nature of the development. The following design guidelines shall be adhered to:
 - 1. Expansions to a mobile home park shall have a landscaped buffer area around its boundary, on which no lots, buildings or structures shall be permitted; and
 - 2. Expansions to mobile home parks shall have an area of the expansion set aside for passive and active recreation uses, in addition to the above-mentioned landscaped buffer.
- h) Existing and expanded mobile home parks shall provide year-round access to an adequate supply of water for fire protection purposes.
- i) The maintenance of new internal roads, parks, and soft services (including garbage collection, snow removal, etc.) shall be the responsibility of the mobile home park management or by an agreement with the applicable municipality.

3.6.5 AGRICULTURAL AND AGRICULTURAL-RELATED USES

- 3.6.5.1 *Agricultural uses, including farm operations, agriculture-related uses, on-farm diversified uses, and normal farm practices, are permitted in the Rural designation. For clarity, the growing of cannabis is considered to be an agricultural use and shall be done in accordance with federal and provincial regulations and licenses. Agriculture-related uses are farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as primary activity.*
- 3.6.5.2 *Agriculture-related uses shall maintain the agricultural/rural character of the area.*
- 3.6.5.3 *Agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.*
- 3.6.5.4 *Small-scale agricultural uses such as microfarms and hobby farms and the adaptive re-use of rural and agricultural properties are encouraged. Microfarms typically occur on less than 2 hectares, though the area required is based on the principles of efficiency, sustainability and productivity.*
- 3.6.5.5 *All farm and non-farm development will comply with the Provincial Minimum Distance Separation formulae as amended from time to time.*

3.6.5.6 *New intensive farms for raising animals and existing farms expanding to the scale of an intensive farm for the raising of animals shall prepare a Nutrient Management Plan in accordance with a municipal by-law, if applicable, enacted under the Municipal Act and/or the Nutrient Management Act and other applicable provincial requirements for nutrient management planning. Such Nutrient Management Plan will require the approval of agencies having jurisdiction. Existing farms are encouraged to prepare a Nutrient Management Plan.*

3.6.6 AGGREGATE RESOURCES

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

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

Aggregate resources may be developed anywhere in the Rural Area of the Planning Area, subject to proper permitting and the following policies:

3.6.6.1 *Aggregate resources shall be considered and protected when making all land use planning decisions.*

3.6.6.2 *Aggregate resources and aggregate extraction shall be protected from development that may preclude or hinder their extraction or expansion of continued use, and the resources shall be utilized in accordance with proper controls.*

3.6.6.3 *The implementing Zoning By-laws will zone existing pits and quarries and may include performance standards not addressed by the ARA.*

3.6.6.4 *Proposed new or expanding pits and quarries will be subject to a Zoning By-law Amendment. The supporting information from the applicant shall include, but not necessarily be limited to, the following:*

- a) The location, nature, and extent of the aggregate resource;
- b) The nature and location of adjacent land uses;
- c) The location of access and haulage routes;
- d) Reports from qualified professional regarding traffic, haulage routes, separation distances, noise, blasting, hydrogeology, drainage, environmental impact, archaeological assessment, heritage impact assessment, and any other relevant matters;
- e) Mining or quarry plans and supporting information related to site development, landscaping and buffering, operations, decommissioning, and progressive and final site rehabilitation; and
- f) Initiatives proposed to be undertaken for mineral aggregate resource conservation such as the use of accessory aggregate recycling facilities within operations.

3.6.6.5 *Where there is not existing development, the minimum influence area for an aggregate operation is intended to offer mutual protection from encroachment by incompatible uses for both sensitive uses and extractive activities. In the absence of detailed studies the minimum influence area is generally:*

- *Pits above the water table: 150 metres;*
- *Pits below the water table: 300 metres; and*
- *Quarries: 1,000 metres.*

The influence area may be reduced following submission and acceptance of appropriate studies and mitigation plans to the Board and local municipality showing how compatibility is to be achieved between the potentially conflicting uses.

3.7 Waterfront Area

The Waterfront Designation is shown on Schedule B and shall be defined as those lands, extending inland 300 metres from any standing waterbody greater than 8 hectares in area or any substantive river, except as further provided herein:

- a) The Waterfront Designation and its policies shall not extend within any limit of a Settlement Area;
- b) Lands, which physically or functionally relate to the Waterfront area, although extending beyond 300 metres from the waterbody, shall be deemed to be within the Waterfront Designation; and
- c) Lands, which do not physically or functionally relate to the Waterfront area, although within 300 metres of the waterbody, shall be deemed not to be within the Waterfront Designation.

When determining whether lands physically or functionally relate to the Waterfront, the following criteria shall be considered:

- a) The extent to which the lands or the existing or proposed use of the lands are associated with the Waterfront area;
- b) The existence of topographic features or other terrain constraints (e.g. wetlands, hazard lands) which would limit or orient the proposed use of the land toward or away from the waterbody; and
- c) The presence of man-made features (e.g. highways, railway rights-of-way) which would orient the proposed use of the land toward or away from the waterbody.

3.7.1 GOAL

The lands designated “Waterfront” are intended to provide the main locations for seasonal and limited permanent residential and recreational and tourism oriented commercial uses within the Sudbury East Planning Area.

3.7.2 POLICIES

3.7.2.1 *Lands designated “Waterfront” shall be used primarily for water-oriented single detached dwellings and water-oriented recreational and tourist commercial uses. Publicly owned open space uses are also permitted.*

3.7.2.2 *One primary dwelling, one sleeping cabin and one boat house are permitted on each residential lot, subject to the Zoning By-law, and any required Land Use Permit, Lease or Patent from the Province. Other accessory structures may be permitted in accordance with the Zoning By-law. The specific siting of structures shall be in accordance with the Zoning By-law.*

- a) In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial) and sleeping accommodations. If the boathouse contains sleeping accommodations, the boathouse is deemed to be a sleeping cabin for the purposes of this Section.

3.7.2.3 *When considering a Zoning By-law amendment to permit a new tourist commercial use, the Planning Board and the applicable municipality shall consider the following criteria:*

- a) The type and size of the development;
- b) The proponent shall have obtained from the appropriate approval authority the necessary approvals for the water supply and sewage disposal systems and indicate the location of these facilities on the site;
- c) Adequate access to and direct frontage on a Provincial Highway or a local road, maintained year-round or, in the case of a water access only development, from an approved public access point that has adequate vehicular parking and garbage collection facilities;
- d) Proposed buffering provisions that shall serve to minimize any potential adverse effects on adjacent properties;
- e) A study that includes an inventory of all existing natural and cultural heritage features and landscapes both on the site and in the water adjacent to the site, the anticipated impact of the proposed development and any measures proposed to mitigate the anticipated impacts of the development on the features;
- f) A preliminary site plan indicating the location of vegetation (including vegetation to be retained or removed), topography, drainage characteristics, soils and the location of all proposed buildings, docks, boathouses, water intake points and sewage disposal areas.
- g) That the Lake Capacity and Recreational Carrying Capacity of the waterbody are not exceeded.
- h) Site plan control may be required.

3.7.2.4 *The Waterfront areas are composed of significant natural features, wilderness landscapes, and characterized by limited development. Development is encouraged to occur in a responsible manner while protecting and preserving the significant natural heritage features and ecological functions of the shoreline. The following measures will be implemented in municipal zoning by-laws:*

- a) All buildings, structures, and tile fields will be set back at least 20 metres from the high-water mark.
- b) When replacing existing buildings, structures, and tile fields, a 20-metre setback should be maintained. A reduction in the 20-metre setback may be considered through a Minor Variance to the Zoning By-law.
- c) Natural vegetation within the 20-metre setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation.

3.7.2.5 *In order to implement these policies and to protect the natural shoreline, Councils and the Board may*

use the policies of this Plan, the provisions and standards in the Zoning By-law, and Site Plan Control.

3.7.2.6 *The following policies apply to shoreline structures abutting any lake or water body:*

- a) With the exception of docks and (wet) boathouses, all shoreline structures shall be constructed within the confines of the property boundaries of a lot.
- b) Shoreline structures including single storey boathouses, boat ports and float plane hangars shall be limited to a maximum width as regulated by the zoning by-law.
- c) Construction of a second storey addition for any shoreline structure shall not be permitted.
- d) The type of docks shall generally be limited to floating, cantilevered or post dock construction. Other types of docks may be permitted where it is demonstrated that they will not have a negative impact on fish habitat. Docks shall be built of non-toxic building materials. The size of docks may be regulated by the zoning by-law and in no case shall limit or restrict safe navigation. Dock length shall not impact line of sight and use of the waterbody.
- e) The shoreline below the high-water mark shall not be permanently altered through the construction of shoreline structures except to accommodate the placement or use of docks as approved by the authority having jurisdiction.
- f) No shoreline structure which will adversely impact fish habitat shall be permitted.
- g) Other shoreline structures may include a gazebo, pumphouse, utility or storage shed, stairs, deck or viewing area subject to the standards set out above.

3.7.3 LAKE MANAGEMENT PLANS

Lake Management Plans (LMPs) are an essential planning tool for effective environmental stewardship of lakes and rivers in the Planning Area. The Planning Board and local municipalities recognize the need to develop LMPs for all lakes experiencing development pressures. It is also recognized that there are a number of stakeholders who have a role to play, i.e. property owners, cottage associations, environmental partnerships, agencies, local municipalities, and the Planning Board. A cooperative and coordinated approach is necessary in developing and implementing LMPs to gather and understand the technical data, coordinate the process, and communicate the results and goals to the public. The public must understand the importance of LMPs and build protection and conservation practices into their daily living.

3.7.3.1 *Lake Management Plans will include:*

- a) A Lake Capacity Assessment to determine the carrying capacity for existing and new development and the opportunities to improve or enhance water quality
- b) An inventory of existing and proposed development by type, characteristics of sewage and water services
- c) A shoreline capability assessment to determine lands which are suitable for development given such features as slope, vegetation cover, depth of overburden, the presence sensitive natural heritage features and areas
- d) A resource inventory of the lakes and tributaries that could be impacted
- e) An assessment of fish habitat
- f) The nature of public access to and use of the lake for aquatic and boating activities
- g) Road access to shoreline development
- h) Flood plain management

- i) Shoreline management principles that provide for appropriate development setbacks and the retention/conservation or restoration of natural features
- j) Septic tank reinspection
- k) Criteria for controlling seasonal to permanent conversions and commercial to residential conversions
- l) Implementation and monitoring
- m) Public education

3.7.3.2 *Lake management plans will be prepared as a partnership initiative with preference being placed on lakes and rivers experiencing development pressures.*

3.7.4 LAKES AT OR NEARING CAPACITY / SENSITIVE LAKES

The Province of Ontario prepared the Lakeshore Capacity Assessment Handbook as a tool to provide guidance to municipalities, decision makers, and stakeholders for responsible management of shoreline development. The most significant impact on recreational lake water quality is the increased level of nutrients, specifically phosphorus, that enter a lake. Waterbodies with high levels of phosphorus can result in the loss of habitat for species of cold-water fish (i.e. lake trout), excessive plant and algae growth, loss of water quality, etc. While there are many ways for phosphorus to enter waterbodies, the primary human source is septic systems. The Lakeshore Capacity Assessment addresses some aspects of water quality and can be used to predict the level of development that can be sustained along the shoreline of an inland lake.

At this time no lakes in the Planning Area have been identified as being at-capacity.

There are several lake trout lakes in the Planning Area. Only approximately one percent of Ontario's lakes contain lake trout, but this represents one-quarter of all lake trout lakes in the world. Lake trout are a sensitive species that is adapted to a narrow range of environmental conditions, specifically oligotrophic lakes with low levels of nutrients, high dissolved oxygen levels, and typically deep, cold water. Lake trout lakes have been assessed by the Province with respect to a provincially defined dissolved oxygen criterion for the protection and sustainability of lake trout populations.

The following lakes in the Planning Area are Lake Trout Lakes:

- Davis Township: Kukagami Lake
- Municipality of French River: Trout Lake
- Municipality of Killarney: Acid Lake, Bear Lake, Bell Lake, Broker Lake, Burke Lake, David Lake, George Lake, Great Mountain Lake, Johnnie Lake, Kakakise Lake, Killarney Lake, Lumsden Lake, Millerd Lake, Norway Lake, O.S.A. Lake, Lake Panache, Peter Lake, Ruth-Roy Lake, Teardrop Lake, Threenarrows Lake, Tyson Lake

3.7.4.1 *No new lots will be created by consent or plan of subdivision, nor any rezoning permitted to a more intense use, on a lake at capacity, except in accordance with the Lake Capacity Assessment Handbook (2010).*

3.7.4.2 *Notwithstanding that the province has not identified any lakes at capacity, a capacity assessment in*

accordance with the Lake Capacity Assessment Handbook may be required prior to development on a waterbody that has been identified as having local concern.

3.7.4.3 *A Lake Capacity Assessment shall be required prior to the consideration of all development applications on all cold water lake trout lakes, including Trout Lake in the Municipality of French River.*

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

3.7.4.4 *Development applications should only be allowed if the following circumstances exist:*

- a) Lot creation is to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- b) Where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity; or
- c) Where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake.

3.7.4.5 *If a lake is identified by the Province or through local study as at capacity or no longer at capacity, this Plan shall be updated without requiring an Amendment to this Plan.*

3.7.5 RECREATIONAL CARRYING CAPACITY

Waterbodies provide an important recreational amenity throughout the Planning Area, and function as common or shared spaces among a variety of users. It is critical that these features do not become overdeveloped with dwellings, tourist facilities, and related on-lake activities which may then decrease their inherent value.

Recreational Carrying Capacity (RCC) is a measure of the number of users that can be accommodated on the surface of a lake while maintaining the recreational amenity of the waterbody. RCC works to preserve a lake's social capacity by preventing crowding and indirectly limiting boat traffic and is calculated as the ratio of residential and recreational units on a lake to the lake surface area, with adjustments made for shoreline shape and tourist development, including public access points.

3.7.5.1 *Guidelines for the calculation of recreational carrying capacity are as follows:*

- a) Net surface area is calculated by reducing the total lake surface area by the surface area within 30 metres of the shoreline.
- b) A density of one residential unit or one tourist accommodation unit for every 1.6 hectares net lake surface area shall be permitted.
- c) Distinct bays having connections to a larger portion of a waterbody less than 60 metres wide shall be considered as a separate waterbody for the purposes of the capacity calculation.

3.7.5.2 *Development applications that would result in a lake being over capacity in accordance with the RCC*

calculation shall not be permitted.

3.7.5.3 *In order to minimize the impact of development on the recreational carrying capacity of a lake, municipalities may impose limitations on the size of docks and public access points or seek voluntary restrictions on the power of boats using the lake.*

3.7.6 SPECIAL POLICY AREA – TROUT LAKE, MUNICIPALITY OF FRENCH RIVER

Trout Lake in the Municipality of French River supports a lake trout population as well as use by permanent and seasonal residents, campground facilities, and public recreational access. Trout Lake has been identified as having local concern with respect to the amount of development around the lake. There is a need to understand the lake's environmental and recreational capacity prior to further development.

3.7.6.1 *A Lake Capacity Assessment regarding the environmental quality and Recreational Carrying Capacity assessment shall be required for any development applications, on Trout Lake. Such study shall be peer reviewed to the satisfaction of the Planning Board and Municipality of French River.*

3.8 Crown Land

A significant portion of land within the Planning Area is Crown Land, administered by NDMNRF. Crown Land is shown on the schedules, but it does not represent a land use designation.

While the Crown is not bound by the policies or land use designations of this Plan in its determinations of the issuance of occupational authority, the Planning Board and local municipalities will work with the Province to determine the future use and development of Crown Lands. The Province is encouraged to consult with the Planning Board and local municipalities when making land use decisions concerning Crown Lands.

Mineral exploration and mining are approved activities on Crown Lands. Under the *Mining Act*, NDMNRF is responsible for the administration of mineral rights.

3.8.1.1 *This Plan shall be binding on any lands that cease to be Crown Lands, either by sale or transfer into private ownership, or tenanted development via leases or land use permits. Lands that cease to be Crown Lands will be treated as the Rural Designation or the Waterfront Designation, if located within 300m of a waterbody in accordance with Section 3.6, without the need to amend the Plan.*

3.8.1.2 *The following items are viewed by the Planning Board and local municipalities as critical to the long-term implementation of the policies of this Plan. The Province is encouraged to consider the following when disposing of Crown land:*

- a) Proposed new lots or use areas created through Patents, Land Use Permits, Leases or Letters of Authority should meet the minimum standards of this Plan and the implementing Zoning By-law;

- b) Proposed new uses should be consistent with the intent of the settlement hierarchy and land use policies of this Plan, particularly as they relate to servicing, access, and water-oriented development;
- c) Where new lots or use areas obtain access from roads across Crown land, the Province should enter into an agreement with the lot owner permitting the use of Crown land for access and long-term road maintenance and should advise the user of the applicable municipal policy that the municipality will not provide, or be responsible for, access, nor will the Province be responsible for the maintenance of any new rights-of-way;
- d) Where lots have been created by the NDMNRF and accessed over Crown Land, the municipality will not be obligated to assume any road accessing said lot(s), or provide any services thereto, unless it has been negotiated between all parties. If the municipality chooses to assume the road, it must not create a financial burden on the municipality and the road must be brought up to the standard applicable to the individual municipality; and
- e) Where new lots or use areas obtain access from water only, the proponent shall ensure that publicly-owned boat launching, docking and parking facilities exist and are sufficient to accommodate the proposed use in proximity to new lots or new use areas. The municipality is not obligated to provide any new facilities unless otherwise negotiated between all parties.

4 PRESERVING THE NATURAL ENVIRONMENT AND CULTURAL HERITAGE

4.1 Natural Heritage Features

The long-term protection and enhancement of natural heritage features and areas is encouraged. Natural heritage features and areas are lands that represent the legacy of the natural landscape of the area and as a result have important environmental and social value. This Plan identifies natural heritage features by way of overlays.

4.1.1 NATURAL HERITAGE SYSTEMS

Natural heritage features and the linkages between them provide connectivity for species and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable population of native species and ecosystems.

The following features constitute the natural heritage system within the Planning Area:

- Significant wetlands;
- Significant coastal wetlands and other coastal wetlands;
- Fish habitat;
- Habitat of endangered species and threatened species;
- Significant wildlife habitat;
- Significant areas of natural and scientific interest (ANSIs);
- Provincial parks;
- Conservation reserves;
- Lands that have been restored or have the potential to be restored to a natural state;
- Areas that support hydrologic functions;
- Working landscapes that enable ecological functions to continue; and
- Connections between the above features.

4.1.1.1 *Development and site alteration with the potential to affect natural heritage systems should maintain, restore or, where possible, improve linkages between and among natural heritage features and areas, surface water features and ground water features that form the natural heritage system.*

4.1.2 SIGNIFICANT WETLANDS AND SIGNIFICANT COASTAL WETLANDS

Wetlands are areas of swamps, bogs, marshes, or fens which are valuable in their natural state for biological, social, or hydrological reasons. Provincially Significant Wetlands have been evaluated based on wetland functions and features, classified according to their significance. The significance of wetlands is confirmed by NDMNRF.

Coastal wetlands are defined as those which are located on a Great Lake, or on a tributary to a Great Lake and lie wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up).

Provincially Significant Wetlands in the Planning Area include Muskrat Creek Wetland in St.-Charles and Sucker Creek Wetland in French River as of the date of adoption of this Plan.

It is possible for other Provincially Significant Wetlands or significant coastal wetlands to exist in the Planning Area. Should any Provincially Significant Wetlands be identified in the future through an amendment to this Plan or through any EIS without the need for an amendment to this plan identifying the Provincially Significant Wetland, the policies of this section shall apply.

4.1.2.1 *Development and site alteration within Provincially Significant Wetlands or significant coastal wetlands is not permitted. The only permitted uses shall be:*

- a) Open space and passive recreational uses which do not involve site alterations and do not adversely affect the natural features or ecological functions of the wetland;
- b) Conservation uses which improve the ecological functions of the wetland; and
- c) Uses of a scientific or educational nature.

4.1.2.2 *Development and site alteration shall also not be permitted within a coastal wetland or on adjacent lands within 120 metres of a Provincially Significant Wetland or coastal wetland unless an EIS, which is carried out by a qualified professional in accordance with Section 4.2 of this Plan, has evaluated the ecological function of the adjacent lands and has demonstrated that there shall be no negative impact on the adjacent lands natural features or their ecological function.*

4.1.3 FISH HABITAT

The Planning Area's shorelines, streams, and lakes support a variety of fisheries. However, these habitats are vulnerable to degradation from a variety of sources. NDMNRF is the provincial fisheries manager and shall be consulted to determine what fish community information may be available for a specific location prior to development. Known fish spawning areas and significant fish habitat are indicated on the Schedules to this Plan.

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

4.1.3.1 *Development and site alteration shall not be permitted in identified fish habitat except in accordance with provincial and federal requirements.*

4.1.3.2 *Development and site alteration shall not be permitted within 30 metres of fish habitat, except in accordance with relevant provincial and federal requirements. Development that proposes a decrease to the 30 metre setback shall only take place where it has been demonstrated, through a fish habitat assessment, that a net environmental gain of the productive capacity of the area will be achieved. In this assessment, a fish habitat biologist shall be required to provide a detailed impact analysis exploring development design and location options for the purpose of clearly demonstrating avoidance of any predicted harmful impacts.*

4.1.3.3 *Development in areas within 120 metres of fish habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with Section 4.2 of this Plan, has demonstrated that*

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

4.1.4 HABITAT OF ENDANGERED AND THREATENED SPECIES

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

4.1.4.1 *Proposals for development and site alteration shall be screened for areas of documented occurrences of endangered and threatened species including general and regulated habitats and shall be required to demonstrate compliance with the Endangered Species Act. In order to protect the exact location of such habitat or species, these areas are not mapped and MECP may be consulted for further information.*

4.1.4.2 *Where there is potential habitat of endangered and/or threatened species, an ecological site assessment (ESA) will be required in support of a planning application. Development and site alteration may be permitted in the Significant Habitat of Endangered or Threatened Species subject to the authorization under the Endangered Species Act.*

4.1.5 SIGNIFICANT WILDLIFE HABITAT

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

Significant wildlife habitat identified in the Planning Area includes:

- a) Nesting sites;
- b) Deer and moose wintering areas; and
- c) Aquatic feeding areas.

4.1.5.1 *Development in areas of significant wildlife habitat or within 120 metres of significant wildlife habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with Section 4.2 of this Plan, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.*

4.1.5.2 *Mitigation measures beyond 120 metres of the feature may be required to ensure no negative impact on the habitat or its ecological function.*

4.1.5.3 *Planning applications that would result in site alteration for lands outside the boundary of a settlement area and where there is potential for significant wildlife habitat to be present, shall be required to submit a preliminary ecological site assessment to determine if there is significant wildlife habitat present on the site as part of a complete application.*

4.1.6 AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI)

ANSIs are areas of land and water containing natural landscapes or features, which have been identified as having life science or earth science values related to protection, appreciation, scientific study, or education. These areas have been identified by NDMNRF.

There is a candidate life sciences ANSI located in Janes Township.

4.1.6.1 *Development and site alteration shall not be permitted within significant ANSIs or on adjacent lands within 120 metres of significant ANSIs unless an EIS, which is carried out in accordance with Section 4.2 of this Plan by a qualified professional, has demonstrated that there shall be no negative impact on the natural features or their ecological functions.*

4.1.7 LAND STEWARDSHIP

4.1.7.1 *The importance of land stewardship in the Planning Area is recognized and the Board and local municipalities shall:*

- a) Encourage, support, and initiate, as appropriate, public education and awareness initiatives for the protection, rehabilitation, and enhancement of natural heritage features;
- b) Encourage innovative development patterns and techniques that support and strengthen natural heritage features; and
- c) Encourage land stewardship options, including protecting private lands through easements, purchase, tax incentives, and dedication to land trusts to preserve and enhance natural heritage features.

4.2 Environmental Impact Studies

Requirements for Environmental Site Assessment and Environmental Impact Studies are provided in Appendix A to this Plan.

4.3 Water Resources

Among other resources, lakes, streams, and rivers support the natural environment and vibrant aquatic communities. Water resource issues arise from various forms of human activity. Demands on water resources can contribute to degraded aquatic communities, the loss of well water supply, aquifer contamination, deteriorating lake water quality, flooding, and erosion, which all impact the quality of life in the Planning Area.

The protection of water resources from contamination and degradation associated with certain land uses and activities is an important element to maintaining the quality of life experienced by existing residents and businesses and supporting future growth. Integrating land management and the protection of water resources allows for the continuance of a clean environment, solid tourism and economic development, and healthy community.

Water resources are addressed from a number of perspectives in this Plan. Natural heritage policies address water quality and quantity through the protection of natural heritage features and areas such as lakes, rivers,

streams, waterway corridors, and fish habitat. Water resources are also protected through stormwater, water supply, and sewerage policies.

- 4.3.1.1 *The Planning Board and local Councils will seek to protect, improve, and/or restore groundwater and surface water resources through its planning approval processes. The efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality are promoted.*
- 4.3.1.2 *Development and site alteration will be restricted, and development approaches may be required in or near sensitive surface water features and sensitive groundwater features in order to protect, improve, and/or restore these features and their related hydrologic functions.*
- 4.3.1.3 *Shoreline development shall follow the policies of this Plan that aim to protect, improve, and restore water quality and quantity.*

4.4 Sourcewater Protection

Each municipality has its own sources of drinking water. Source water protection plans identify potential threats to drinking water quality and quantity and recommend appropriate protection measures including, where warranted, restrictions on development within the watershed.

- 4.4.1.1 *Local municipalities are encouraged to participate in the preparation and implementation of source protection plans under the provisions of the Clean Water Act and the Plan will be amended, as required, to conform to relevant policies set out in an approved source protection plan.*
- 4.4.1.2 *New development must ensure that the quality and quantity of groundwater used by municipal wells is protected and maintained for the long-term, in accordance with the Clean Water Act.*
- 4.4.1.3 *Intake protection zones restricting development may be implemented through Zoning By-laws to protect source water. Uses and activities proposed within the intake protection zone may be prohibited unless the proponent demonstrates that the proposed use or activity will not have a negative impact on water resources.*
- 4.4.1.4 *Development or site alteration adjacent to a municipal wellhead or privately-owned wells shall be required to complete a hydrogeological study to the satisfaction of the Planning Board and local municipality.*
- 4.4.1.5 *Local municipalities will cooperate with provincial agencies to ensure that:*
 - a) *Water quality and quantity goals and objectives identified in a source protection plan are achieved; and*
 - b) *All abandoned, unused, or 'dry' wells are properly decommissioned.*
- 4.4.1.6 *New development that will be serviced by private wells will be supported by a hydrogeological study as required by the Planning Board or local municipality.*

4.5 Cultural Heritage

4.5.1 CULTURAL HERITAGE RESOURCES

Cultural heritage landscapes refer to a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. Several individual heritage features such as structures, spaces, archaeological sites, and natural elements, together form a significant landscape, distinctive from that of its constituent elements or parts. Built heritage resources include significant buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community.

Heritage resources in the planning area have been identified to include the train station in French River and the Bigwood Cemetery. The Killarney East Lighthouse, Killarney West Lighthouse, Badgeley Island Rear Range Tower, and Bustard Islands Lighthouses have been submitted to Parks Canada to be designated as Heritage Lighthouses under the Heritage Lighthouse Protection Act.

Cultural heritage sites include built heritage resources and cultural heritage landscapes that relate to the presence of First Nations and Indigenous communities.

The Board recognizes the importance of cultural heritage resources and will encourage the identification, conservation, restoration, and enhancement of these resources. The Board supports awareness and participation with the public and First Nations surrounding heritage resources, through the implementation of the following policies.

- 4.5.1.1 *All new development permitted by this Plan shall conserve significant 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 which preserves and enhances the context in which cultural heritage resources are situated.*
- 4.5.1.2 *Where development or site alteration is proposed on a property containing a designated heritage building or heritage conservation district (Parts IV and V of the Ontario Heritage Act), or on a property fronting on or directly abutting a property that is designated as a heritage building, a Heritage Impact Assessment (HIA) shall be required. The HIA shall be conducted by a qualified professional with expertise in cultural heritage resources to:*
- a) Identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development;
 - b) Describe mitigation measures that may be required to prevent, minimize, or mitigate the adverse impacts; and
 - c) Demonstrate that the proposed development will not adversely impact the defined cultural heritage value of the property, and/or its streetscape/neighbourhood.
- 4.5.1.3 *A HIA may be required when a proposed development appears to impact cultural heritage resources which are not designated but which have the potential for cultural heritage value or interest, including adjacent lands contiguous to a protected heritage property.*

- 4.5.1.4 *The Ontario Heritage Act may be utilized to conserve, protect, and enhance significant cultural heritage resources within the Planning Area through the designation, by by-law, of individual properties, heritage conservation districts, and/or landscapes sites. Local Councils may establish a Municipal Heritage Committee (MHC) pursuant to Section 28 of the Ontario Heritage Act to advise and assist on cultural heritage matters.*
- 4.5.1.5 *Applicants shall consult First Nations where cultural heritage resources involve First Nations heritage sites or burial grounds. The applicant shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with.*
- 4.5.1.6 *Local municipalities shall consider and support preservation of cultural heritage and carefully consider future development and redevelopment of these resources.*

4.5.2 ARCHAEOLOGICAL RESOURCES

Archaeological potential is determined through criteria established by the province. Such criteria include known archaeological sites, proximity to water, current or ancient shorelines, cemeteries, sandy soils, rolling topography, unusual landforms, historic transportation features such as portage routes, places of past human settlement, or places significant to history and understanding of a people or place. Significant First Nations and non-First Nations cemeteries or unmarked burial sites may also be considered as archaeological resources.

There are over 60 archaeological sites documented for the Killarney area demonstrating archaeological potential, in particular in the area between Killarney Provincial Park and the urban area of Killarney. There are numerous archaeological, burial, and sacred sites located in this region.

The checklist "Criteria for Evaluating Archaeological Potential" prepared by the Ministry of Tourism, Culture and Sport (MHTCS) is included in this Plan as Appendix "B".

- 4.5.2.1 *Any development or severance application in the Municipality of Killarney will require completion of a screening checklist to determine if an archaeological assessment is required prior to approval.*
- 4.5.2.2 *Where a development proposal or waterfront development or site alteration is located on lands with significant archaeological resources or is within an area considered to have archaeological potential, a licensed archaeologist, through archaeological fieldwork, shall determine which stages of assessment are required.*
- 4.5.2.3 *A Phase I Archaeological Assessment in accordance with requirements of the MHTCS shall be required to determine the nature and extent of the resources on the site. The study shall be conducted by an archaeologist licensed under the Ontario Heritage Act and shall be submitted to Council and the MHTCS prior to development approval.*
- 4.5.2.4 *Where resources are found on site, further investigations through a Phase II and potentially Phase III Archaeological Assessment may be required. The study may identify the need for archaeological preservation in situ or rescue excavation of significant archaeological resources as a result of development proposals. In situ preservation is preferred to ensure that the integrity of the resource is*

maintained. If the site is determined to be significant the development may be prohibited.

- 4.5.2.5 *In the event that human remains or cemeteries are encountered during site assessment or development, all work shall cease and the site shall be secured. The appropriate authorities shall be notified and the required provisions under the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall be followed. All relevant First Nations communities shall be consulted for input where any burial site or remains is considered to be of potential First Nations origin. The applicant and/or Board shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with. The Board may require that the development proponent retain archaeologists licensed under the Ontario Heritage Act to assess or monitor the site and recommend conservation strategies.*
- 4.5.2.6 *Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the Ontario Heritage Act.*
- 4.5.2.7 *The Board and local Councils shall consider the interests of First Nations and Indigenous communities in conserving cultural heritage and archaeological resources.*

4.5.3 MARINE HERITAGE RESOURCES

- 4.5.3.1 *A marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act may be required if partially or fully submerged marine features or items of cultural heritage value are identified and impacted by shoreline and waterfront developments.*
- 4.5.3.2 *Any marine archaeological resource that is identified must be reported to the MHTCS immediately. MHTCS shall determine whether the resource shall be left on location or may be removed, through excavation, by licensed marine archaeologists.*

SUDBURY EAST PLANNING AREA OFFICIAL PLAN

5 PROTECTING PUBLIC HEALTH AND SAFETY

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

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

5.1 Natural Hazards

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

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

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

5.1.2 FLOOD PLAIN POLICIES

For the purposes of this Plan, a flood plain shall mean low lying lands and watercourse corridors defined by the 1:100 year flood plus wave up-rush where applicable or defined by specific right-to-flood levels. Flood plains for the Municipality of Killarney are included in Appendix B, but otherwise are not identified in the schedules to this Plan.

5.1.2.1 *In areas where 1:100 year flood information is unavailable, a report, prepared by a qualified engineer in support of a development application, may be required to determine the boundaries of the flood plain.*

5.1.2.2 *Development shall not be permitted within the flood plain except for:*

- a) Flood and/or erosion control structures;
- b) Shoreline stabilization;
- c) Minor additions and/or renovations to existing structures;
- d) Minor recreational facilities which, by their nature, must locate near watercourses; or

- e) Uses such as agriculture, forestry, conservation, wildlife management, and similar activities, provided that no associated buildings and structures are located on the flood plain.

5.1.2.3 *The Planning Board and/or local municipality may permit development on existing lots of record in a flood plain provided sufficient information accompanies the application in the form of a report prepared by a qualified engineer demonstrating that:*

- a) the proposed development and its occupants will be protected from the effects of a 1:100 year flood;
- b) the potential upstream and down stream impact of the development proposal will not significantly affect the hydrology or hydraulics of the flood plain;
- c) that adequate flood proofing measures are incorporated in the development; and
- d) that the development is limited to uses which by their nature must locate within the floodplain, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

5.1.2.4 *Modifications to the flood plain through filling, excavation, or by other means shall not be permitted.*

5.1.2.5 *Appropriate setbacks may be established in the implementing Zoning By-Laws for development adjacent to a flood plain.*

5.1.3 UNSTABLE SLOPES

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

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

5.1.3.1 *Land uses that are in conformity with the underlying land use designation may be permitted, subject to satisfying the policies of this Section, except for those uses that are explicitly prohibited. The following will be considered in the review of development proposals within hazard areas associated with unstable slopes, and the Planning Board and local municipality may consult the Province on technical aspects in this regard:*

- a) the existing physical hazards;
- b) the potential impacts of these hazards;
- c) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering and resource management practices and techniques;
- d) the costs and benefits in economic, social, and ecological terms of any engineering works or resources management practices needed to overcome these impacts; and
- e) protection of Natural Heritage Features.

5.1.3.2 *Existing buildings and structures shall be recognized as permitted uses.*

5.1.4 WILDLAND FIRES

Wildland fire hazard and associated risks are created when human activity and development intersect with forested areas. NDMNRF has reviewed and classified hazardous forest types for wildland fire that are associated with the risk of high to extreme wildland fire.

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

5.2 Human-Made Hazards

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

5.2.1 POTENTIALLY CONTAMINATED SITES

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

- 5.2.1.1 *Contaminated sites are not mapped as part of this Plan. The Planning Board and local municipalities encourage the identification and creation of an inventory of contaminated sites, or land adjacent to known or suspected contaminated sites, their remediation, and appropriate redevelopment, in accordance with Provincial regulations and procedures and the policies of this Plan.*
- 5.2.1.2 *Prior to development on a site that is known or suspected to be contaminated, a Phase I Environmental Site Assessment (ESA) will be required.*
- 5.2.1.3 *Where a Phase I ESA reveals that a site may be contaminated, a Phase II ESA will be required, in*

accordance with the relevant provincial regulations, to be prepared by a qualified professional to determine the location and concentration of one or more contaminants on the proposed development site.

- 5.2.1.4 *The Planning Board and local municipality will encourage owners of potentially contaminated sites to remediate their sites to the appropriate MECP standards so that they may be reintegrated into the community.*
- 5.2.1.5 *A Record of Site Condition (RSC) may be required prior to, or as a condition of, development approval on a site which may be or is contaminated in accordance with the Environmental Protection Act and relevant provincial legislation or their successors. The RSC details requirements related to site assessment and cleanup and must be acknowledged by the MECP and uploaded to the Brownfields Environmental Site Registry, confirming that the site has been made suitable for the proposed use. The RSC and MECP acknowledgment will be provided to the Planning Board Council prior to final development approval and issuance of building permits.*
- 5.2.1.6 *All contaminated lands may be subject to Site Plan Control and/or holding provisions in the Zoning By-law.*
- 5.2.1.7 *Planning Board Council may consider financial and other incentives through a CIP to promote the redevelopment and reuse of brownfield properties that are subject to environmental constraints.*

5.2.2 WASTE DISPOSAL SITES

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

The following are the existing landfill sites listed in the MECP landfill sites database in the Planning Area as part of the Landfill Inventory Management Ontario (LIMO):

Location	Site Name / Owner	Location	Certificate of Approval (COA) and Issuance	Status
Municipality of French River	Cosby Landfill The Municipality of French River	West 1/2 of Lot 1, Concession 4; Hwy 535	A541503 22-Mar-71	Closed
Municipality of French River	Chartrand Waste Disposal Site H & R Chartrand Lumber Company	Lots 11 & 12, Concession 2	A541504 25-Apr-73	Closed
Municipality of French River	Noelville Landfill The Municipality of French River	Lot 10, Concession 1, Martland Twp, Houle Rd	A541506 16-May-73	Open
Municipality of French River	Murdock River Landfill Ministry of Natural Resources	Lot 5, Concession 4, Bigwood Twp	A7013901 27-Aug-87	Closed
Municipality of French River	Ministry of Natural Resources	North 1/2 of Lot 4, Concession 4, Delamere Twp	A7038401 29-Mar-72	Closed
Municipality of French River	Gro-Bark Alban Wood Waste Landfill Gro-Bark (Ontario) Limited	Plan M-763, Lot 4, Concession 1, Delamere Township	A7038402 26-Nov-74	Closed
Municipality of French River	Ministry of Natural Resources	Lot 1, Conc 2, Haddo Township; Harmony Point Rd	A7065101 Sept 20, 1971	Closed

Municipality of French River	Ministry of Natural Resources	W 1/2 of Lot 10, Conc 5, Scollard Township; Hwy 528A	A7131301 1971	Closed
Municipality of French River	Ministry of Natural Resources	E 1/2 of Lot 2, Conc 4, Cherriman Township; Shaw Rd	A7292701 Aug 20, 1971	Closed
Municipality of Killarney	Key River Landfill The Corporation of the Municipality of Killarney	West side of Highway 69, North of Key River	A7108301 28-Mar-72	Open
Municipality of Killarney	Killarney Landfill The Corporation of the Municipality of Killarney	Channel St; Southeast 1/4 of Section 29, parcel 1420, Parts 1 and 2, and Part of the N.E. 1/4, Section 32 (part of parcel 257) & part of N.W. 1/4 Section 33	A551101 10-Aug-71	Open
Municipality of Killarney	Hartley Bay Ministry of Natural Resources	South 1/2 of Lot 10, Concession 2	A7013902 29-Mar-72	Open
Municipality of Killarney	Murray Lake Disposal Site Ministry of Natural Resources	1/2 Mile from Highway 637	A7073501 20-Dec-72	Closed
Municipality of Markstay-Warren	Hagar Landfill The Corporation of the Municipality of Markstay-Warren	South 1/2 of Lot 2, Concession 2	A541603 31-Dec-85	Closed
Municipality of Markstay-Warren	Warren Landfill The Corporation of the Municipality of Markstay-Warren	Lot 2, Concession 3, Dunnet Township.	A541901 22-Mar-71	Open
Township of Ratter and Dunnet - now part of Municipality of Markstay-Warren	Ministry of Natural Resources	South 1/2 of Lot 12, Concession 2	A541902 28-May-73	Closed
Municipality of Markstay-Warren	Former Isidore Roy Woodwaste Site 570888 Ontario Limited	Roy Property on Highway 17 East; Lot 12, Concession 2	A541905 28-May-75	Closed
Municipality of Markstay-Warren	Ministry of Natural Resources	North 1/2 of Lot 8, Concession 6	A7005801 28-Mar-72	Open
Municipality of St. Charles	St. Charles Landfill The Municipality of St. Charles	515 Beaparlant Road; West 1/2 of Lot 3, Concession 6	A541302 22-Mar-71	Open
Municipality of St. Charles	Illegal Cottager Site The Municipality of St. Charles	Part of Lot 9, Concession 1, Casimir Township	A541303 25-Jul-72	Closed
Township of Burwash	Estaire Landfill Ministry of Natural Resources	South 1/2 of Lot 9, Concession 2	A7021003 04-May-87	Closed
Laura Township-unorganized	Burwash Correctional Facility Her Majesty the Queen as represented by Management Board Secretariat	Part of Lot 4, Concession 4, Parcel 857, and part of Lot 3, Concession 4, Laura Township	A740010 30-May-94	Closed

5.2.2.1 *Development proposals within 500 metres of any open, closed, or inactive Waste Management Site will be accompanied by a study prepared by the proponent that meets the requirements of the MECP Guideline D-4: Land Use on or Near Landfills and Dumps. The study will address any mitigation measures required.*

5.2.2.2 *Use of any closed Waste Management Sites, including buffer areas, will be in accordance with the Certificate of Approval.*

5.2.3 MINE HAZARDS

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

5.2.3.1 *Lands which are occupied by a mine hazard are subject to the following policies:*

- a) NDMNRF will work with proponents to assess whether hazards under investigation on the property require rehabilitation and will advise as to the proper reclamation protocols, if necessary.
- b) Any development on, abutting, or adjacent to lands affected by mine hazards must be supported by consultation with NDMNRF, and may require a study prepared by a qualified professional engineer including topics such as:
 - i. current ownership and rehabilitation status;
 - ii. nature and extent of the mine features;
 - iii. physical stability;
 - iv. chemical stability;
 - v. contamination;
 - vi. other possible hazards; and
 - vii. risk to public health and safety.
- c) NDMNRF will work with the Planning Board and local municipalities to confirm whether a mine hazard is present prior to requiring a proponent of development to undertake a study as identified above.

5.2.4 LAND USE COMPATIBILITY / NOISE AND VIBRATION

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

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

5.2.4.2 *Influence areas and minimum separation distances between industrial land uses and sensitive land uses will be determined in accordance with MECP Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses. Proponents may be required to provide supporting technical studies, prepared by qualified individuals in accordance with MECP guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures.*

5.2.4.3 *In the absence of technical studies, prepared according to MECP Guideline D-6 which identify an actual influence area, the minimum separation distances required between industrial uses and residential or other sensitive land uses shall be:*

- a) Class I Industries: 70 metres;
- b) Class II Industries: 300 metres; and

- c) Class III Industries: 1,000 metres.

5.2.4.4 *With the support of technical studies, prepared under MECP Guideline D-6, the following minimum separation distances in accordance with MECP guidelines shall apply between industrial uses and residential or other sensitive land uses:*

- a) Class I Industries: 20 metres;
- b) Class II Industries: 70 metres; and
- c) Class III Industries: 300 metres.

5.2.4.5 *Separation distances between sensitive land uses and sewage treatment facilities shall be measured in accordance with MECP Guideline D-2.*

5.2.4.6 *Where residential or other sensitive land uses are proposed in proximity to aggregate operations or lands zoned to permit future aggregate operations, the standards for Class III Industries shall apply.*

5.2.4.7 *New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with MDS Formulae, as amended from time to time.*

5.2.4.8 *Separation distances or appropriate remedial measures use will be established in the Zoning By-law or through development approval processes.*

5.2.4.9 *For any proposed residential development or other sensitive land use, such as hospitals and nursing homes, in close proximity to a major source of noise, vibration, or emissions, such as a provincial highway, an airport, a railway or aggregate operation, or where a development which could be a major source of noise proposes to locate in close proximity to existing residential development or other sensitive land use, the proponent may be required to conduct a noise, vibration, emissions study, or other technical study. The study shall be prepared in accordance with Provincial guidelines, including MECP Environmental Noise Guideline NPC-300 or its successors, satisfactory to Planning Board and local municipality. The recommendations may be incorporated into a development agreement.*

5.2.4.10 *Development proposals for uses that involve the storage or processing of hazardous materials must demonstrate, to the satisfaction of the Planning Board and local municipality, that they will comply with all relevant Provincial and/or Federal regulations.*

5.2.5 UNIDENTIFIED HAZARDS

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

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

SUDBURY EAST PLANNING AREA OFFICIAL PLAN

6 PLANNING FOR INFRASTRUCTURE

6.1 Asset Management

Growth and development area serviced in the Planning Area through a system of infrastructure, which includes, but is not limited to, water and sewage services, roads and trail systems, and waste management. These systems play an important role in defining the Planning Area and ensuring its sustainability, in terms of community health, economic competitiveness, and environmental awareness.

6.1.1.1 *The local municipalities will utilize municipal asset management plans to guide the replacement of infrastructure through the use of life cycle costing.*

6.2 Sewage, Water, and Stormwater

The Planning Area contains areas which are fully serviced, partially serviced, and privately serviced by sewer and water.

6.2.1.1 *The Planning Board and local municipalities shall ensure that water and sewage services are provided in a manner that:*

- a) Protects human health and the natural environment;
- b) Is financially stable and complies with all applicable legislation or approvals; and,
- c) Is sustainable from the perspective of the water resources upon which services rely.

6.2.1.2 *Municipal water and sewage services are permitted in all land use designations without an amendment to this Plan, providing the planning of such facilities is approved under the provisions of relevant federal and/or provincial legislation.*

6.2.1.3 *Private water and sewage service providers shall consult with the Planning Board and local municipalities during the planning of new facilities.*

6.2.2 GOAL

Coordinate the provisions of physical services to the Sudbury East Planning Area.

6.2.3 FULL MUNICIPAL SERVICES

The preferred form of servicing for all development is full municipal sewer and water services. In the Planning Area, the communities of Warren and Killarney are on full municipal water and sewage services.

6.2.3.1 *Creation of a new sewage treatment facility or expansions shall comply with MECP Guideline D-2.*

6.2.3.2 *Community Policy Areas that have lands available to accommodate future development shall connect to full municipal water and sewage services. Development may only occur if there is confirmation of adequate water and sewage capacity.*

6.2.3.3 *Prior to development approval involving significant lot creation and/or development, the Planning Board*

and local municipalities shall require the preparation and approval of a functional servicing report. Notwithstanding any land use designation, limitations on the capacity or operating performance of the municipal water and sewage systems will be a constraint to further development. The Planning Board and local municipalities will continue to monitor treatment capacities and operational effectiveness of these municipal systems.

- 6.2.3.4 *Where the servicing of new urban development requires extensions and/or improvements to the existing public piped systems, such servicing will generally be financed, constructed, and maintained by the proponent before being turned over to the Planning Board and local municipalities. Where the servicing of new urban development requires improvements to an existing substandard public piped system, the proponent will generally contribute their share towards the total costs of improving the system. Prior to construction, water distribution or sewer collector systems must be approved by the responsible authorities. New lot/unit creation will be subject to the availability of adequate reserve servicing capacity, as determined by the Planning Board and local municipalities.*
- 6.2.3.5 *When unallocated servicing capacity does not exist for a proposed development, the Planning Board and local municipality may refuse the application or zone the property with a holding symbol not to be removed until such time as adequate servicing capacity becomes available.*

6.2.4 PARTIAL SERVICES

Parts of the Planning Area are serviced with either municipal water and private sewage services or municipal sewage and private water services. The smaller urban settlements which include Noelville (sewage), St.-Charles (sewage), and Markstay (water) have partial services. These areas are planned for continued partial servicing.

- 6.2.4.1 *Continued use of existing partial services is permitted within the Village Policy Areas to allow for infilling and minor rounding out of existing development on partial services, where site conditions are suitable for the long-term provision of such services with no negative impacts.*
- 6.2.4.2 *The development of existing undersized lots on partial services may be permitted in accordance with the relevant provisions of the Zoning By-law and this Plan, provided that the lot is of an adequate shape and size for partial services and approved by the appropriate authority.*
- 6.2.4.3 *Local municipalities are encouraged to explore opportunities for providing full municipal services.*

6.2.5 PRIVATE SERVICES

The primary means of servicing the area beyond the existing service limits are private services of a variety of types and technologies. The Village Policy Areas of Alban and Hagar do not have municipal services and are permitted to develop on private services. The Rural and Waterfront areas are permitted to develop on private services.

- 6.2.5.1 *The extension of municipal water services to areas outside of the Urban Settlement Area will only be considered to address an existing water quality problem associated with an existing development or lot of record. A servicing report may be required to identify the most appropriate form of servicing to ensure*

environmental protection.

- 6.2.5.2 *Where development is proposed outside fully serviced areas, the proponent must prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available.*
- 6.2.5.3 *The installation of septic systems is subject to the approval of Sudbury and District Health Unit provided septage capacity has been confirmed and where site conditions are suitable for the long term. The Health Unit may require a servicing report prior to approval.*
- 6.2.5.4 *As a result of evolving technology in the field of private sewage disposal systems, the Planning Board does not wish to limit the types of sewage systems that may be considered. However, the Planning Board must be satisfied that any proposed sewage disposal system has the approval of the Health Unit and/or the Province and that sufficient data exists to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.*
- 6.2.5.5 *Evaluation of new development will be undertaken using MECP's Procedure D-5-5 to ensure that drinking water will meet treatable drinking water quality standards for the health parameters.*
- 6.2.5.6 *Where subdivisions are proposed with an average lot size below 1.0 hectare on private services a hydrogeological study shall be required to demonstrate the proposed lots can safely accommodate sewer and water services.*
- 6.2.5.7 *For consent applications, in certain circumstances, where concerns are identified, the Planning Board may require the proponent to undertake a hydrogeological study or assessment, prior to approval of the severance.*
- 6.2.5.8 *Where well water is proposed as the source for potable water, the proponent shall provide a report prepared by a qualified professional indicating there is a reasonable expectation that suitable water will be available for the proposed development based on an examination of the water quality and quantity in existing surrounding wells.*

6.2.6 SEPTAGE

Septage is the liquid and solid material pumped from a septic tank, cesspool, or other primary sewage treatment source. The Township has an organic waste site that receives this material.

- 6.2.6.1 *Prior to approving creation of a new lot on private services by plan of subdivision or consent, Council shall require that proponents demonstrate adequate septage treatment capacity by providing a letter, signed by the holder of the Environmental Compliance Approval (ECA) for a treatment facility, indicating that capacity for the development's septage exists.*

6.2.7 STORMWATER

- 6.2.7.1 *Development in urban and rural areas can change the quantity and quality of stormwater runoff. Stormwater management considers water quantity and quality where artificial drainage improvements or practices are necessary.*
- 6.2.7.2 *Stormwater management assists in protecting and improving water quality. The Planning Board will ensure that consideration is given to stormwater management, the quality and quantity of stormwater runoff, and off-site impacts for proposed development.*
- 6.2.7.3 *Best Management Practices such as low impact development and erosion control are encouraged to be implemented through an integrated stormwater management approach to reduce cost and infrastructure requirements, reduce maintenance for local Municipalities, and protect natural watercourses.*
- 6.2.7.4 *Development of any property should include consideration for surface and stormwater management respecting the rights of existing properties to enjoy continued drainage. The result of the new development should minimize the rate at which surface water is directed away from the proposed development.*
- 6.2.7.5 *Prior to development approval, the Planning Board may require a stormwater management plan and shall be satisfied that adequate stormwater management and drainage to a suitable outlet (i.e. stormsewers, ditches, etc.) are provided. The Planning Board may require detailed stormwater design plans completed in accordance with guidelines of the current MECP Stormwater Planning and Design Manual for all commercial, industrial, and institutional development, and residential development of five units or more. Council may recommend additional specific requirements on a case-by-case basis. Council will protect water intake areas.*
- 6.2.7.6 *Stormwater management plans for development adjacent to and in the vicinity of a provincial highway must be prepared in accordance with MTO guidelines and must be reviewed and approved by MTO.*
- 6.2.7.7 *The Planning Board and/or the local municipality will require proponents of development that require stormwater management systems to:*
- a) *use stormwater management measures to manage the storage and controlled discharge of water to receiving watercourses;*
 - b) *use stormwater management measures which prevent siltation and erosion and do not negatively impact the water quality of receiving watercourses;*
 - c) *consider, where appropriate, enhancing vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourse; and*
 - d) *consider, where appropriate, providing public access to and along the stormwater management system and receiving watercourse for recreational trails.*

6.3 Transportation

The Sudbury East Planning Area is served by an integrated transportation network of public and private roads, rail corridors, airports, and recreation trails.

6.3.1 GOAL

Support an integrated transportation system that safely and efficiently incorporates all types of transportation.

6.3.2 PROVINCIAL ROADS

Highways 17 and 69 are classified as King’s Highway. Highway 17 is a controlled access highway and 69 is a controlled access, four lane divided highway for the extents of the Planning Area. Highway 64 is a minor collector highway that serves the area, connecting with Highway 69 at the west and Highway 17 at the east. Highways 528, 535, 539, 607, and 637 are local secondary highways.

6.3.2.1 *Right-of-way widths and setbacks will be determined by the Ministry of Transportation (MTO).*

6.3.2.2 *MTO’s statutory authority for its permit control system, including highway access control, is set out in Sections 31, 34 (King’s Highway) and 38 (controlled-access highway) of the Public Transportation and Highway Improvement Act (PTHIA). Any development located within MTO’s permit control area under the PTHIA is subject to MTO review and approval prior to the issuance of entrance, building and land use permits. These permits must be obtained prior to any construction being undertaken within MTO permit control area. MTO’s Permit Control Area for entrances, buildings, and land use applies around Highway 631 as follows:*

An MTO permit is required if you want to ...	Within this distance ...
Place a building, structure, entrance, or any road	45 metres of the limit of any highway 180 metres of the centrepont of an intersection with the highway
Place a sign	400 metres of the limit of the highway
Major developments or uses (i.e. shopping centre, stadium, fair ground, race track, drive-in theatre, or any other purpose) that cause persons to congregate in large numbers	800 metres of the limit of the highway

6.3.2.3 *Where development is proposed in proximity to a Provincial Highway, MECP Noise Assessment Criteria shall be applied.*

6.3.2.4 *No new entrances will be permitted on Highway 69. On Highway 17 no new commercial entrances will be permitted nor will the upgrading of existing residential/farm entrances for commercial/industrial uses be permitted. Existing entrances will remain.*

6.3.2.5 *Direct access to Class V Highways (64, 528, 535, 539, 607, and 637) is permitted provided that the proponent of development meets the MTO’s access management practices and principles and*

demonstrates to the satisfaction of the Planning Board, the applicable municipality and the Province that direct access is appropriate considering the settlement structure and land use policies of this Plan and the following:

- a) The location of proposed access with respect to sight lines, topography, and the geometric design of the highway; and
- b) The effect of turning movements on through traffic taking into consideration the volume of traffic generated by the proposed land use, other existing direct accesses onto the highway within the immediate vicinity and the need for turning, acceleration and/or deceleration lanes.

6.3.2.6 *Certain Class V highways serve a main street function within various urban centres and settlement clusters in the Planning Area. Within these centres and clusters, particular attention should be given to the orientation and design of any proposed development along the Class V highway to ensure it complements and contributes to the character of the main street. Similarly, streetscaping elements such as special lighting, landscaping and street furniture are encouraged outside the right-of-way of the Class V highway to reinforce and enhance the character of the main street.*

6.3.2.7 *Where new development is abutting a provincial highway and a local road, the development is encouraged to gain access via the local road.*

6.3.3 MUNICIPAL ROADS

For the purposes of this Plan, Local Roads are roads that are owned and maintained by a municipality or maintained by a local roads board. There are two different classes of Local Roads within the Planning Area:

- a) Full Maintenance Local Roads that provide year-round access to abutting properties; and
- b) Seasonal Maintenance Local Roads that provide access to abutting properties on a seasonal basis as winter maintenance and plowing are not provided.

6.3.3.1 *Proponents shall consult with the Planning Board and local municipality prior to establishing an entrance or access to a municipal road. Direct access to these roads will only be permitted in locations which can accommodate traffic in a safe manner. Where sight deficiencies exist because of curves or grades, no new access will be permitted unless the deficiency is corrected in a manner acceptable to the local municipality, at the proponent's expense.*

6.3.3.2 *Standards for new municipal roads will be based on engineering standards for design, layout, drainage, and construction. Where new municipal roads are constructed as part of a development, the developer will be responsible for the cost of construction.*

6.3.3.3 *Existing Full Maintenance Local Roads having substandard widths or engineering standards and when scheduled for reconstruction, may be reconstructed to currently accepted standards as determined by the municipality.*

6.3.3.4 *The Municipality may consider alternative development standards, including reduced right-of-way widths for development within the Urban Settlement Area or other established areas.*

- 6.3.3.5 *Development proposals adjacent to a municipal road shall be designed such that outdoor storage and loading areas are visually screened and appropriately located.*
- 6.3.3.6 *Existing Full Maintenance Local Roads having substandard widths or engineering standards and when scheduled for reconstruction, may be reconstructed to currently accepted standards as determined by the municipality.*
- 6.3.3.7 *Seasonal Maintenance Local Roads may be reclassified to Full Maintenance Local Roads provided they are upgraded to currently accepted standards and it will not create a financial burden on the municipality. The costs for upgrading a Seasonal Maintenance Local Road will be financed through local improvement, development charges, or other means of financing which shall be borne by the abutting owners of the reclassified road.*
- 6.3.3.8 *In circumstances where development is proposed at or near the terminus of a Seasonal Maintenance Local Road, the municipality may require the benefiting landowner(s) to upgrade and/or construct the road as a condition of development approval.*
- 6.3.3.9 *The construction of new Seasonal Maintenance Local Roads or the extension of existing ones is discouraged, subject to the discretion of the local municipalities.*
- 6.3.3.10 *Local municipalities may enter into agreements with adjacent municipalities for the construction and/or maintenance of Local Roads that serve as municipal boundaries.*
- 6.3.3.11 *Where additional land is required for road widenings and extensions, such land will be dedicated wherever possible, when approving draft plans of subdivision or condominium, consents or site plan agreements, without amendment to this Plan.*

6.3.4 PRIVATE ROADS

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

- 6.3.4.1 *Private Roads may be assumed by the applicable municipality once they have been upgraded to municipal standards; however, the municipality is not obligated to assume any road even if it has been brought up to a municipal standard. Municipalities or Local Roads Boards shall not be responsible for upgrading Private Roads.*
- 6.3.4.2 *New private road construction will be limited to minor extensions to existing private roads where public road frontages cannot be provided, to facilitate Rural Estate Lot Subdivision, or as part of a condominium or in a park, campground, mobile home park or on the land of a public authority.*
- 6.3.4.3 *New or extended private roads must have a legal right-of-way established over the full length of the private road.*

6.3.4.4 *The creation of new lots on a private road or a Rural Estate Lot Subdivision as set out in Section 3.6.3 may occur so long as the private road is developed under joint use agreement and must be registered against the benefitting lands, which is binding on all assigns and successors in title, setting out the following:*

- a) Procedures and standards for maintenance of the road, acknowledging that the local municipality or Local Roads Board will not be responsible for the repair or maintenance of private roads or the provision of services to any development located on a private road;
- b) Agreement amongst all owners for establishment and collection of fees for construction and maintenance of the road;
- c) A dispute resolution protocol, should owners disagree with respect to fees, construction, maintenance, standards, or other matters pertaining to the private road;
- d) Acknowledgment and agreement that the municipality or Local Roads Board does not have any liability or responsibility for maintenance of the road or the provision of services;
- e) Acknowledgment and agreement that the municipality or Local Roads Board will not assume any private road unless it has been built to municipal/Local Roads Board standards, and notwithstanding its construction to an acceptable municipal/Local Roads Board standard, the municipality/Local Roads Board is under no obligation to assume ownership and/or responsibility for the maintenance of the road; and
- f) Any other matters that the municipality or Local Roads Board may consider relevant.

6.3.5 ACTIVE AND RECREATIONAL TRANSPORTATION

A shift towards active lifestyles, accessible communities, and increasing demands for sustainable modes of transportation presents a need for a useful and accessible walking, cycling, and skiing network in the Planning Area. This Plan recognizes that pedestrian, bicycle, and ski trails and paths contribute to healthy communities and support sustainable modes of travel.

The Planning Board and local municipalities encourage the development, expansion, and improvement of pedestrian and shared use of non-motorized trails and bicycle routes for local, regional, and national trail networks.

6.3.5.1 *Pedestrian and cycling networks and infrastructure shall be promoted within and connecting the Communities and Villages.*

6.3.5.2 *All development shall be designed in a manner that is sensitive to existing trail routes and new development and redevelopment should support active transportation linkages between uses, adjacent sites, and existing trail networks.*

6.3.5.3 *The maximum level of separation of pedestrians and bicyclists from motor vehicle traffic shall be supported through good road design practices.*

6.3.5.4 *Barrier-free design of pedestrian facilities will be required through site plans.*

6.3.5.5 *The Board and local municipalities may require the conveyance of land for active and recreational transportation pathways to expand and enhance the existing trail networks in accordance with Section 51 of the Planning Act.*

6.3.6 PUBLIC TRANSPORTATION

While none of the local municipalities have a public transportation system, it is noted that transportation between Villages and Communities in the Planning Area, as well as transportation to the nearby Regional Centre of Sudbury could benefit from an organized public or quasi-public transportation system.

6.3.7 RAIL TRANSPORTATION

The Planning Area is traversed by numerous rail corridors as shown on Schedule “B”. The Planning Board and member municipalities acknowledge the importance of rail infrastructure and recognize its critical role in long-term economic growth and the efficient and effective movement of goods and people.

6.3.7.1 *Development in proximity to rail facilities shall be developed in accordance with the Guidelines for New Development in Proximity to Railway Operations prepared by the Federation of Canadian Municipalities and the Railway Association of Canada (FCM/RAC Guidelines).*

6.3.7.2 *Proponents of new residential developments or other sensitive uses within 300 metres of a rail corridor may be required to complete a noise study to support the proposal in accordance with MECP Noise Assessment Criteria, and if the need for mitigation is determined by the noise study, shall identify and recommend appropriate mitigation measures.*

6.3.7.3 *All proponents of new residential developments or other sensitive uses within 75 metres of a rail corridor shall complete a vibration study to support the proposal, and if the need for mitigation is determined by such a study shall, identify and recommend appropriate mitigation measures.*

6.3.7.4 *All proposed development abutting a rail corridor shall incorporate appropriate safety measures in accordance with the FCM/RAC Guidelines, such as setbacks, berms and security fencing, to the satisfaction of the Planning Board and/or the applicable municipality in consultation with the Province and the appropriate railway company.*

6.3.7.5 *All proposed residential developments or other sensitive uses located adjacent to railways shall implement the applicable warning clauses, notices on title, development agreements, and/or environmental easements, through appropriate legal mechanisms, to the satisfaction of the Planning Board and/or the applicable municipality and the appropriate railway operator.*

6.3.7.6 *All proponents of new residential developments or other sensitive uses within 300 metres of a rail corridor will consult the appropriate railway company prior to finalizing any noise or vibration study required by this Plan.*

6.3.7.7 *The Planning Board and its local municipalities encourage the reuse of abandoned rail corridors for*

recreational trails, where appropriate.

6.3.8 AIR TRANSPORTATION

The Killarney Airport is identified on Schedule “B”.

6.3.8.1 *The Planning Board and local municipalities support initiatives that would maximize and protect the economic development potential of airports. The airport shall be protected from incompatible land uses and development in accordance with MECP requirements and by:*

- a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and
- c) discouraging land uses which may cause a potential aviation safety hazard.

6.4 Waste Management

Section 5.2.2 lists the existing open and closed waste management sites within the Planning Area.

6.4.1.1 *Where existing Waste Disposal Sites are nearing capacity, as determined by a periodic review, local municipalities are encouraged to undertake the process to obtain either a new site or additional land to expand the existing site. Local municipalities are also encouraged to make a collaborative effort and undertake a Master Waste Servicing Plan to determine how waste will be managed over the life of this and subsequent Plans.*

6.4.1.2 *The expansion of existing sites will be permitted subject to the appropriate MECP approvals in accordance with the Environmental Assessment and Environmental Protection Acts and implemented through amendments to the Zoning By-law, if necessary.*

6.4.1.3 *Coordination between the Planning Board, the local municipalities, the unincorporated area, and Indigenous communities is encouraged regarding the location of new waste disposal sites and/or expansion of an existing waste disposal site.*

6.4.1.4 *The location of new waste disposal sites (including transfer sites, recycling facilities, and organic/compost handling/storage facilities) and the expansion of existing waste disposal sites (including transfer sites, recycling facilities, and organic/compost handling/storage facilities) will require an amendment to this Plan.*

6.4.1.5 *The redevelopment of Waste Management Sites or new Waste Management Sites will be in accordance with MECP requirements, and depending on the volume, shall require approvals under the Ontario Environmental Assessment Act, following Ontario Regulation 101/07, as amended from time to time. When considering a new or expanding landfill site, the Planning Board shall review the following:*

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

6.4.1.6 *The Planning Board will consider the implications of land use patterns on waste generation, management, and diversion.*

6.4.1.7 *Wherever practical and feasible, methane or other greenhouse gas emissions from waste management operations will be captured and used as an alternative energy source. Additional opportunities for other renewable energy undertakings on any of the waste disposal sites will be supported.*

6.4.1.8 *Council understands the role that waste reduction and diversion efforts play in increasing the life expectancy of the existing waste disposal site and promoting a sustainable community. The Planning Board encourages recycling and composting programs in local municipalities and will continue to encourage initiatives aimed at waste reduction and diversion.*

SUDBURY EAST PLANNING AREA OFFICIAL PLAN

7 IMPLEMENTATING THE PLAN

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

7.1 Monitoring the Plan

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

7.1.1 REVIEW PROCEDURE

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

7.1.1.1 *The Planning Board and local municipalities will determine the need to amend the Plan to ensure that the policies:*

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

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

7.1.2 AMENDMENTS TO THE PLAN

Amendments may be made to the Plan when such changes are warranted. The Planning Board and local municipalities are responsible for adoption of Official Plan amendments. The provisions of the Planning Act with respect to the Official Plan apply similarly to amendments, including the approval of the Minister or the Ontario Land Tribunal as the case may be.

7.1.2.1 *The Planning Board will consider all complete applications to amend this Plan, and will notify the public, the Ministry of Municipal Affairs and Housing (MMAH), and other agencies in accordance with the*

requirements of the Planning Act.

- 7.1.2.2 *When amendments are made to the Plan, appropriate amendments may also be required to the implementing by-laws so that any such by-law is in conformity with the Plan.*
- 7.1.2.3 *Applications to amend the Plan may require a planning rationale to demonstrate consistency with Provincial policy and the need for such amendment to the Plan.*

7.1.3 CROSS-JURISDICTIONAL COORDINATION

- 7.1.3.1 *The Planning Board may choose to work with the Province, area municipalities, First Nations and Indigenous communities, and other agencies when dealing with planning matters that go beyond the boundaries of the Planning Area.*

7.2 Planning Administration

7.2.1 ZONING BY-LAW

- 7.2.1.1 *The Planning Board and the local municipalities shall regulate the use and development of lands, buildings and other structures through the zoning provisions of the Planning Act.*
- 7.2.1.2 *Zoning by-laws reflect the principles, policies and land use descriptions in this Plan and shall be in conformity with this Plan. The By-laws shall zone land and establish regulations to control the use of land and the character, location and use of buildings and structures (e.g. retaining walls, fences, signs, communication towers, sewage disposal systems, recreation vehicles, swimming pools, docks, wharves, manure storage facilities etc.) and recognize existing legal non-conforming uses in accordance with this Plan.*
- 7.2.1.3 *The implementing Zoning By-law shall specify the uses permitted in all areas of the Planning Area and shall contain regulations with respect to matters such as:*
- a) Establish any number of zones to classify and control land uses that may be required to implement this Plan;
 - b) Regulate the type of construction, height, size, floor area, character, spacing, erection and location and use of buildings;
 - c) Regulate the minimum elevation of building openings such as doors and windows;
 - d) Require minimum lot frontage on a public road of a parcel of land, parking requirements and loading facilities; and
 - e) Establish provisions for the percentage of the lot area that any building or structure may occupy, minimum lot area and other provisions.

7.2.1.4 Holding Symbol

In accordance with the provisions of the Planning Act, the Planning Board and the local municipality may zone lands to a specific zone category and include as a suffix, the holding symbol '(H)' or '(h)'. This identifies the

specific uses of the lands at such time as the holding symbol is removed by an amendment to the appropriate implementing Zoning By-law.

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

- a) When certain details of development have not yet been determined, or where certain conditions of development have not yet been met, such as, but not limited to, development or servicing agreements with the Planning Board and local municipalities;
- b) When the level of community services and/or infrastructure is not yet adequate to support the proposed use;
- c) Where environmental conditions or constraints temporarily preclude development or redevelopment; and
- d) Where required studies have not yet been approved by the Planning Board and Local Municipality.

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

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

7.2.1.5 *Temporary Use By-law*

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

- a) A temporary use shall be deemed to conform to the policies of this Plan, and an Amendment to this Plan shall not be required. Notwithstanding, temporary uses shall not be permitted in areas subject to hazards or containing significant natural features.
- b) The Planning Board may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by the Planning Board to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation are not practical.
- c) Council shall consider the following in evaluating temporary uses:
 - i. The proposed use will be of a temporary nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;
 - ii. The proposed use will not negatively impact the surrounding land uses and character of the surrounding area;
 - iii. The proposed use will be properly serviced and not require the extension or expansion of existing municipal services;

- iv. The proposed use will not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the area's roads;
- v. The proposed use will provide parking facilities entirely on-site; and
- vi. The proposed use will generally be beneficial to the surrounding community.

7.2.2 INTERIM CONTROL BY-LAW

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

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

7.2.3 MINOR VARIANCE

A minor variance is a change or permission from the specific requirements of the Planning Board and/or local municipality zoning by-law. The minor variance process allows a property owner the opportunity to seek permission or relief from a specific provision of the Planning Board's or local municipality zoning by-law by applying to the Committee of Adjustment.

Through a by-law passed under section 34 or predecessor of such section the Planning Board may by by-law constitute or and appoint a committee of adjustment with at least three (3) locals, for the Planning Board, as advisable by the Planning Board considers advisable.

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

- a) the general intent and purpose of this Plan is maintained;
- b) the general intent and purpose of the implementing Zoning By-law being varied is maintained;
- c) the variance is minor in nature;
- d) the variance is desirable for the appropriate use of the land, building or structure such that:
 - i. the resulting development would be compatible with adjacent uses and in character with the established or planned development in the area;
 - ii. adequate provision is made for vehicular access and off-street parking on the lot;
 - iii. adequate buffering, screening and landscaping can be provided; and
 - iv. the application deals with circumstances particular to the site in which design of the building or structure in conformity with the by-law is not feasible or possible.

The Planning Board and/or the applicable municipality may attached such terms and conditions as it deems appropriate to the approval of the application for a minor variance.

7.2.4 SITE PLAN CONTROL

Each entire municipality is designated for Site Plan Control pursuant to the Planning Act, and local Councils may specify types of development and/or exceptions in the Site Plan Control By-law. Notwithstanding, Council may impose Site Plan Control on exempted properties during the development application review process where warranted.

Site plan control may be applied to the exterior design of new buildings including the character, scale, appearance, design features, and sustainable design features, where appropriate. Site plan control may also be applied to the sustainable design elements on any public road immediately adjoining a property being developed including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, and bicycle parking facilities.

- a) Where a Site Plan Control By-law is in effect, the proponent will submit for approval such plans or drawings as required by Council. Additional studies may also be required to support the Site Plan application. The proponent may also be required to enter into an agreement with the Planning Board to provide and maintain those facilities required on the site plan. Such agreements may be registered against the land to which it applies.
- b) As noted in this plan, the following uses should be subject to Site Plan Control:
 - i. Mobile home parks
 - ii. RV and trailer parks, including park model trailers
 - iii. Marinas
 - iv. Wayside pits and quarries, portable asphalt plants, and portable concrete plants
Multi-residential development
 - v. Local commercial uses
 - vi. Mixed Use Commercial Designation
 - vii. Employment Designation
 - viii. Rural commercial uses
 - ix. Rural Industrial Designation
 - x. Outdoor recreation uses
 - xi. Waterfront Designation
 - xii. Lands that have high to extreme risk for wildland fire
 - xiii. Contaminated sites

7.2.5 DEVELOPMENT PERMIT SYSTEM

The Council of a local municipality may, at an appropriate time, choose to enact a by-law to implement the Provincial Development Permit System, relating to the streamlining of zoning by-law amendments, minor variances, and site plan control.

7.2.5.1 *If it has been determined that a Development Permit System is appropriate for the Planning Area, an Official Plan Amendment, approved by MMAH, shall be prepared that:*

- a) identifies the area as a proposed development permit area;

- b) sets out the scope of the authority that may be delegated and any limitations on the delegation, if the local municipality intends to delegate any authority under the development permit by-law; and
- c) for each proposed development permit area identified:
 - i. contains a statement of the municipality's goals, objectives and policies in proposing a development permit system for the area,
 - ii. sets out the types of criteria that may be included in the development permit by-law for determining whether any class of development or any use of land may be permitted by development permit, and
 - iii. sets out the types of conditions that may be included in the development permit by-law in accordance with the Planning Act.

7.2.5.2 Upon approval of the official plan amendment, a by-law shall be passed for any area in the Planning Area outlining where the development permit system shall be applied.

7.2.6 EXISTING USES

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

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

7.2.7 NON-CONFORMING & NON-COMPLYING USES

It is the intent of this Plan that existing uses that do not conform or comply to the provisions and/or land use designations of this Plan shall cease to exist in the long term. However, this Plan is not necessarily intended to prevent the continuation, expansion or enlargement of uses that do not conform to this Plan.

7.2.7.1 Non-Conforming Uses

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

- a) Where an existing non-conforming use is discontinued, any rezoning may only take place in conformity with this Plan.
- b) Council will use the following guidelines when assessing any application for an extension or enlargement of a use that is considered to be a legal non-conforming use:
 - i. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses;
 - ii. The extension or enlargement should be in reasonable proportion to the existing use and land on which it is to be located;
 - iii. The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lights, and traffic generation will be examined;
 - iv. Adequate buffering, setbacks, and any other measures necessary to reduce the nuisance will be required and, where possible, will be extended to the existing use;

- v. Proper access to the site will be provided to ensure that no traffic hazards are created;
 - vi. Adequate on-site parking and loading space will be provided;
 - vii. Applicable services, such as storm drainage, water supply, sewage disposal, and roads are adequate or will be made adequate; and
 - viii. Neighbouring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.
- c) An existing building or structure that is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure are generally not changed.

7.2.7.2 *Non-Complying Uses*

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

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

7.2.8 MAINTENANCE AND PROPERTY STANDARDS

Local Municipalities are encouraged to adopt Property Standards By-law or administer an existing by-law for all or part of the local municipality with the objective of maintaining buildings, structures, and properties in the municipality in a good state.

7.2.9 PRE-CONSULTATION

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

7.2.9.1 *The Planning Board and local Councils may pass a by-law requiring pre-consultation for certain types of applications.*

7.2.10 COMPLETE APPLICATIONS

7.2.10.1 *When the pre-application consultation process for a proposed development approval application identifies the need for one or more supporting studies, the application shall not be considered complete for processing purposes until the required supporting studies, information, and materials are submitted to the satisfaction of the Planning Board.*

7.2.10.2 *Notification of a complete application shall be given to the applicant and all other parties in accordance with the Planning Act.*

7.2.11 PUBLIC CONSULTATION

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

7.2.11.1 *The Planning Board and/or local municipality may establish a public consultation program to deal with the matters before it, recognizing that there are many non-permanent residents in the Planning Area. Innovative methods to overcome the challenges faced by seasonal and tourist residents may be developed to improve the public consultation processes as well as to facilitate the active participation of residents in the decision-making process.*

7.2.12 INDIGENOUS CONSULTATION

The Planning Board and local municipalities recognize the importance of working together with First Nation and Indigenous community neighbours and learning from each other and will continue to work on these relationships.

7.2.12.1 *As appropriate, the Sudbury East Planning Board and local municipalities shall consult with Indigenous communities and Metis of Ontario on Planning Act Applications, and as directed by the Planning Act and all relevant regulations.*

7.2.13 SUPPORTING STUDIES

The Planning Board and local municipality may require supporting studies as part of the planning approval process or as part of a more detailed planning study in order to satisfy certain goals, objectives, and policies of this Plan.

These studies could include, but are not limited to any of the following:

- Hydrogeological and terrain analysis report
- Servicing capacity / feasibility / options study
- Groundwater / source water / surface water impact assessment and/or mitigation plan Stormwater management report / drainage plan
- Environmental impact study
- Flood plain assessment
- Slope stability study
- Transportation / traffic impact assessment
- Archaeological or Heritage Assessment
- Natural heritage evaluation
- Noise / dust / vibration / odour study
- Market study
- Concept plan showing planned land use
- Geotechnical assessment of an abandoned mine
- Lakeshore capacity assessment
- Recreational carrying capacity study
- Record of site condition
- Erosion and sediment control plan
- Any other study identified in the Plan or by Council Public consultation strategy

7.3 Land Division

7.3.1 PLAN OF SUBDIVISION AND CONDOMINIUM

Applications for approval of a draft plan of subdivision or condominium will be considered on the basis of the underlying land use designation and the associated policies of this Plan. The Planning Board will process applications for draft plan approval in accordance with the relevant provisions of the *Planning Act* and the

Provincial Policy Statement. Applications that do not conform to the policies of this Plan will not be approved by the approval authority.

A plan of subdivision is required generally when more than five lots are being created, which may require a new municipal road to be created and/or when municipal water and/or sewer services are required to be extended to service the development.

7.3.1.1 *As part of the Draft Plan approval, the following provisions apply:*

- a) The applicant shall pre-consult with the Planning Board, and any other person or agency deemed appropriate prior to applying.
- b) The applicant shall pay all required application fees when applying for draft plan approval as part of the complete application.
- c) The Planning Board shall ensure that the draft plan of subdivision or condominium is consistent with the Provincial Policy Statement and regard shall be had, among other matters, to the health, safety, and welfare of the present and future inhabitants of the Planning Area and to:
 - i. Determine whether the proposed subdivision or condominium is premature or in the public interest, as determined by the Planning Board;
 - ii. the suitability of the land for the purposes for which it is to be used considering the land use and environmental policies of this Plan;
 - iii. the dimensions and shapes of the proposed lots;
 - iv. the area of land that is to be conveyed or dedicated for public purposes;
 - v. the Planning Board and local municipality which will consider the policies of this Plan in totality to determine the information required by an applicant to form a complete application for approval of a plan of subdivision; and,
 - vi. the provisions of the Planning Act relating to subdivision control and condominium's, including agreements and part-lot control, will be used by the Planning Board to ensure that the land use designations and policies of this Plan are complied with and that a high standard of design is maintained in all development.
- d) The Planning Board and local municipality shall provide input on conditions of approval for plans of subdivision and condominium.
- e) Prior to approval of an application for plan of subdivision or condominium, the Planning Board or local municipality will confirm the availability of adequate servicing infrastructure and allocation, waste management, roads/access, and other amenities in accordance with the policies of this Plan.
- f) Lots within a plan of subdivision will either have frontage on a public road or a private road in accordance with Sections 3.6.3 and 6.3.4 of this Plan with joint use agreement, to the satisfaction of the Planning Board and local Council. The Planning Board will consider a plan of subdivision which has only private road access. Plans of condominium will have access to a public road maintained on a year-round basis or have legal access granted

over an existing private road; however, it is recognized that development within the condominium plan may occur on private roads.

- g) Where a plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that lots back onto the provincial highway and front onto a local internal street.
- h) Plans of subdivision or condominium will be appropriately phased to ensure orderly and staged development.
- i) All plans of subdivision or condominium will be subject to a subdivision or development agreement between the Planning Board, local municipality, and the development proponent.
- j) The Planning Board may adopt standards for the development, design, servicing, roads, financing, and other conditions under the subdivision agreement.
- k) Parkland dedication will be provided pursuant to Section 7.3.3 of this Plan.
- l) In approving a draft plan of subdivision, it may be required that the approval lapses at the expiration of a specified time period, being not less than 3 years. The approval time period may be extended, prior to its expiration in accordance with provisions of the Planning Act.
- m) The Planning Board or local municipality may consider passing a by-law under the provisions of the Planning Act to deem registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access, or undesirable location, not to be registered.
- n) The proposed development will be serviced in accordance with the policies of Section 6.2.

7.3.2 CONSENTS

A consent shall only be considered where a plan of subdivision is deemed to be unnecessary, where the application conforms with the policies of this Plan, is consistent with the Provincial Policy Statement, and the consent will generally not result in the creation of more than five new lots (i.e. 5 severed and 1 retained) on a lot that existed prior to the date of September 28th, 2010 and it does not necessitate the creation of a new municipal road, or the extension of municipal services. In the Waterfront designation no more than 3 new lots are permitted (3 severed and 1 retained).

7.3.2.1 *Consents are generally limited to:*

- a) new lots that represent minor infilling;
- b) the mortgaging of land beyond 21 years;
- c) lot boundary adjustments;
- d) separating existing legal uses;
- e) separating a surplus farm dwelling from agricultural lands;
- f) separating lots that have merged on title; and,
- g) easements or right-of-ways.

7.3.2.2 *Consent to sever land for the purpose of creating a new lot shall only be granted where:*

- a) A Plan of Subdivision has been determined not to be appropriate for the proper and orderly development of the land (i.e., existing water and sewer services, if applicable, roads, garbage collection, school bussing, etc, currently exist);

- b) the intended use of the severed and retained parcels conform with the intent and policies of this Plan and the regulations of the implementing Zoning By-law unless appropriate zoning by-law amendments or minor variances are granted concurrently;
- c) the proposed use of the severed parcel(s) is compatible with the abutting land uses;
- d) there is no extension of municipal services required, unless addressed through a development agreement;
- e) the application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands;
- f) under limited circumstances in the Rural Policy Area, where the severed parcel(s) are intended for infilling within existing development clusters, the first priority shall be to locate the severed parcel(s) between existing residential lots that form part of the cluster. As a second priority, the severed parcel(s) may be located beyond the last existing residential lot but across the road from an existing residential lot or lots. As a third priority, the severed parcel(s) may be located beyond the last existing residential lot but only where all services available in the cluster such as electricity, telephone, garbage collection, school bus service are available to the lot and where the development of the lot will not represent a long term increase in municipal costs. Consent for a residence surplus to a farm operation is also permitted in the Rural Policy Area;
- g) the size and dimensions of the severed parcel(s) and the retained parcel are adequate to accommodate the proposed use or uses;
- h) adequate access to the severed and retained parcel(s) can be provided from a year-round publicly maintained road in keeping with the transportation policies of this Plan;
- i) access will not create a traffic hazard;
- j) the severed and retained parcels comply with the Minimum Distance Separation (MDS) formulae;
- k) adequate sewage and water servicing can or will be provided in accordance with Section 6.2;
- l) it is feasible with regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses within or adjacent to any development constraint; and
- m) the request, if granted, would not pose an undue financial burden on the applicable municipality.

7.3.2.3 *Technical Consents*

Despite the above, consent may be granted in addition to the consent policies outlined above for a technical severance as follows:

- a) To correct lot boundaries;
- b) To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized lot for the purpose for which it is being or will be used;
- c) To correct title to the land;
- d) Where the effect of the consent does not create an additional lot;
- e) To permit an easement; or
- f) To permit a consent for municipal or other public purposes.

7.3.3 PARKLAND DEDICATION

Council is entitled to a dedication of land for park purposes as a condition on any division of land in accordance with the Planning Act.

7.3.3.1 *The dedication represents a percentage of land area or market value of land, and is calculated at 5% for residential development and 2% for commercial/industrial development. Where land in a draft plan of subdivision or condominium is used for any other purpose, the Planning Board may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of 5% of the gross area of the land proposed for development.*

7.3.3.2 *A conveyance of land may be required in accordance with Section 51 of the Planning Act for the following purposes:*

- a) for pedestrian and bicycle pathways;
- b) fronting a waterbody for public access to water;
- c) improvements be completed to sidewalks and road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles; or
- d) to expand and enhance the existing trail network in accordance with Section 6.3.5.

7.3.3.3 *Where lands are dedicated for park purposes, the Council will use the following criteria to determine acceptability:*

- a) The parcel should be well proportioned and usable for either passive or active recreation or for multi-function sites for a variety of users;
- b) Council may refuse to accept land if the parcel is considered too small and there are no opportunities to acquire adjacent parcels to create an open space area of acceptable size;
- c) Every attempt shall be made to integrate existing parks and recreational facilities through a system of open space linkages;
- d) The parcel should be well drained, of gentle slope, easily maintained, and not subject to periodic flooding. More rugged terrain or preservation areas (i.e., flood plains or wetlands) may, however, be incorporated into the park system as an additional contribution if the area is to fulfill a natural, passive, or historical function; and
- e) Every attempt shall be made to prevent the unnecessary removal of trees in the development of playgrounds.

7.3.3.4 *The decision of whether to accept a parkland dedication or the alternative cash-in-lieu shall be based on the need to acquire as much parkland as required in the area to meet a variety of needs. These funds shall then be placed in a park reserve fund to be applied toward the purchase of other parkland or to improve and maintain existing parks. Cash-in-lieu of land may be requested by the Planning Board in the following situations:*

- a) Where there is a public park in the area which is adequate for existing and future population;
- b) Where the required land dedication fails to provide an area of suitable shape, size or location for development as public; parkland;
- c) Where the required dedication of land would render the remainder of the site unsuitable or impractical for development; and/or

- d) Where the Planning Board is undertaking broader land acquisition strategies for larger parks and it is preferable to have consolidated parkland of a substantial size servicing a wide area.

7.4 Interpretation of the Plan

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

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

7.4.1.2 *Defined terms and words used in this Plan are consistent with those as defined in the 2020 PPS and shall be interpreted as such.*

- a) Specifically, development means lot creation, change in land use or change to a greater intensity of use, or the construction of buildings and structures required approval under the Planning Act, including Site Plan Control.

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

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

- a) Changing the numbering, cross-referencing, and arrangement of the text, tables, schedules, and maps;
- b) Altering punctuation or language for consistency;
- c) Correcting grammatical, dimensional, and boundary, mathematical, or typographical errors; and
- d) Adding technical information to maps or schedules.

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

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

SUDBURY EAST PLANNING AREA OFFICIAL PLAN

Appendix A - Environmental Impact Study Requirements

A ENVIRONMENTAL SITE ASSESSMENT AND ENVIRONMENTAL IMPACT STUDIES

A preliminary ESA which identifies significant features that may be affected by development may be required prior to development approval, depending on available background information. The ESA, if required, will be used to determine whether an EIS is required.

An EIS will be required for development in or adjacent to natural heritage features. An EIS will evaluate the ecological function of natural heritage features and adjacent lands and assess potential impacts on the features and/or adjacent lands. Development and site alteration is not permitted unless the EIS demonstrates that there will be no negative impacts on the natural features or their ecological functions.

The terms of reference and guidelines for an ESA and/or EIS will be determined by the Planning Board in accordance with the Natural Heritage Reference Manual. Generally, an EIS, when required, will be considered required for a “complete” planning application. Studies will be completed at the expense of the development proponent.

A.1 Scoped Environmental Impact Study

A.1.1 *The Planning Board and/or Council may consider reducing an EIS to a scoped study if the proposal is:*

- a) Minor in nature (construction of small accessory buildings or a minor addition to an existing building); or
- b) Located in an area where previous municipal studies are sufficient to provide the necessary technical information to assess a proposal; or
- c) Located in an area where there is intervening development within the adjacent lands.

A.1.2 *A scoped EIS will involve a checklist that can be completed by the proponent in consultation with the Planning Board or other appropriate approval authority.*

A.1.3 *If the scoped study indicates that there may be potential impacts that warrant greater review, a full EIS shall be prepared.*

A.2 Full Environmental Impact Study

A.2.1 *Where a full site EIS is required, the study must be prepared by a qualified professional with expertise in environmental science. Terms of Reference will be prepared to guide the development of an EIS, and will generally:*

- a) Define and assess the nature and the boundaries of any significant features and ecological functions on or adjacent to the site;
- b) Describe the location, extent, and nature of the proposed development;

- c) Describe the relationship of adjacent lands to any significant features or ecological functions;
- d) Assess areas within the development site and in a landscape context supporting ecological function and biodiversity of natural heritage systems;
- e) Outline potential impacts and assess potential negative impacts;
- f) Describe any mitigation or compensation proposals designed to alleviate or eliminate impacts and identify residual impacts;
- g) Identify whether residual impacts are “negative impacts”; and
- h) Include any other requirements as identified by the Planning Board.

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Appendix B - Checklist for Evaluating Archaeological Potential

Ministry of Tourism, Culture and Sport (MHTCS)

The **purpose of the checklist** is to determine:

- if a property(ies) or project area may contain archaeological resources i.e., have archaeological potential
- it includes all areas that may be impacted by project activities, including – but not limited to:
 - the main project area
 - temporary storage
 - staging and working areas
 - temporary roads and detours

Processes covered under this checklist, such as:

- *Planning Act*
- *Environmental Assessment Act*
- *Aggregates Resources Act*
- *Ontario Heritage Act* – Standards and Guidelines for Conservation of Provincial Heritage Properties

Archaeological assessment

If you are not sure how to answer one or more of the questions on the checklist, you may want to hire a licensed consultant archaeologist (see page 4 for definitions) to undertake an archaeological assessment.

The assessment will help you:

- identify, evaluate and protect archaeological resources on your property or project area
- reduce potential delays and risks to your project

Note: By law, archaeological assessments **must** be done by a licensed consultant archaeologist. Only a licensed archaeologist can assess – or alter – an archaeological site.

What to do if you:

- **find an archaeological resource**

If you find something you think may be of archaeological value during project work, you must – by law – stop all activities immediately and contact a licensed consultant archaeologist

The archaeologist will carry out the fieldwork in compliance with the *Ontario Heritage Act* [s.48(1)].

- **unearth a burial site**

If you find a burial site containing human remains, you must immediately notify the appropriate authorities (i.e., police, coroner's office, and/or Registrar of Cemeteries) and comply with the *Funeral, Burial and Cremation Services Act*.

Other checklists

Please use a separate checklist for your project, if:

- you are seeking a Renewable Energy Approval under Ontario Regulation 359/09 – [separate checklist](#)
- your Parent Class EA document has an approved screening criteria (as referenced in Question 1)

Please refer to the Instructions pages when completing this form.

Project or Property Name

Project or Property Location (upper and lower or single tier municipality)

Proponent Name

Proponent Contact Information

Screening Questions

1. Is there a pre-approved screening checklist, methodology or process in place? Yes No

If Yes, please follow the pre-approved screening checklist, methodology or process.

If No, continue to Question 2.

2. Has an archaeological assessment been prepared for the property (or project area) and been accepted by MTCS? Yes No

If Yes, do **not** complete the rest of the checklist. You are expected to follow the recommendations in the archaeological assessment report(s).

The proponent, property owner and/or approval authority will:

- summarize the previous assessment
- add this checklist to the project file, with the appropriate documents that demonstrate an archaeological assessment was undertaken e.g., MTCS letter stating acceptance of archaeological assessment report

The summary and appropriate documentation may be:

- submitted as part of a report requirement e.g., environmental assessment document
- maintained by the property owner, proponent or approval authority

If No, continue to Question 3.

3. Are there known archaeological sites on or within 300 metres of the property (or the project area)? Yes No

4. Is there Aboriginal or local knowledge of archaeological sites on or within 300 metres of the property (or project area)? Yes No

5. Is there Aboriginal knowledge or historically documented evidence of past Aboriginal use on or within 300 metres of the property (or project area)? Yes No

6. Is there a known burial site or cemetery on the property or adjacent to the property (or project area)? Yes No

7. Has the property (or project area) been recognized for its cultural heritage value? Yes No

If Yes to any of the above questions (3 to 7), do **not** complete the checklist. Instead, you need to hire a licensed consultant archaeologist to undertake an archaeological assessment of your property or project area.

If No, continue to question 8.

8. Has the entire property (or project area) been subjected to recent, extensive and intensive disturbance? Yes No

If Yes to the preceding question, do **not** complete the checklist. Instead, please keep and maintain a summary of documentation that provides evidence of the recent disturbance.

An archaeological assessment is not required.

If No, continue to question 9.

Yes No

9. Are there present or past water sources within 300 metres of the property (or project area)?

If Yes, an archaeological assessment is required.

If No, continue to question 10.

Yes No

10. Is there evidence of two or more of the following on the property (or project area)?

- elevated topography
- pockets of well-drained sandy soil
- distinctive land formations
- resource extraction areas
- early historic settlement
- early historic transportation routes

If Yes, an archaeological assessment is required.

If No, there is low potential for archaeological resources at the property (or project area).

The proponent, property owner and/or approval authority will:

- summarize the conclusion
- add this checklist with the appropriate documentation to the project file

The summary and appropriate documentation may be:

- submitted as part of a report requirement e.g., under the *Environmental Assessment Act*, *Planning Act* processes
- maintained by the property owner, proponent or approval authority

Instructions

Please have the following available, when requesting information related to the screening questions below:

- a clear map showing the location and boundary of the property or project area
 - large scale and small scale showing nearby township names for context purposes
- the municipal addresses of all properties within the project area
- the lot(s), concession(s), and parcel number(s) of all properties within a project area

In this context, the following definitions apply:

- **consultant archaeologist** means, as defined in Ontario regulation as an archaeologist who enters into an agreement with a client to carry out or supervise archaeological fieldwork on behalf of the client, produce reports for or on behalf of the client and provide technical advice to the client. In Ontario, these people also are required to hold a valid professional archaeological licence issued by the Ministry of Tourism, Culture and Sport.
- **proponent** means a person, agency, group or organization that carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking.

1. Is there a pre-approved screening checklist, methodology or process in place?

An existing checklist, methodology or process may be already in place for identifying archaeological potential, including:

- one prepared and adopted by the municipality e.g., archaeological management plan
- an environmental assessment process e.g., screening checklist for municipal bridges
- one that is approved by the Ministry of Tourism, Culture and Sport under the Ontario government's [Standards & Guidelines for Conservation of Provincial Heritage Properties](#) [s. B.2.]

2. Has an archaeological assessment been prepared for the property (or project area) and been accepted by MTCS?

Respond 'yes' to this question, if all of the following are true:

- an archaeological assessment report has been prepared and is in compliance with MTCS requirements
 - a letter has been sent by MTCS to the licensed archaeologist confirming that MTCS has added the report to the Ontario Public Register of Archaeological Reports (Register)
- the report states that there are no concerns regarding impacts to archaeological sites

Otherwise, if an assessment has been completed and deemed compliant by the MTCS, and the ministry recommends further archaeological assessment work, this work will need to be completed.

For more information about archaeological assessments, contact:

- approval authority
- proponent
- consultant archaeologist
- Ministry of Tourism, Culture and Sport at archaeology@ontario.ca

3. Are there known archaeological sites on or within 300 metres of the property (or project area)?

MTCS maintains a database of archaeological sites reported to the ministry.

For more information, contact MTCS Archaeological Data Coordinator at archaeology@ontario.ca.

4. Is there Aboriginal or local knowledge of archaeological sites on or within 300 metres of the property?

Check with:

- Aboriginal communities in your area
- local municipal staff

They may have information about archaeological sites that are not included in MTCS' database.

Other sources of local knowledge may include:

- property owner
- [local heritage organizations and historical societies](#)
- local museums
- [municipal heritage committee](#)
- published local histories

5. Is there Aboriginal knowledge or historically documented evidence of past Aboriginal use on or within 300 metres of the property (or property area)?

Check with:

- Aboriginal communities in your area
- local municipal staff

Other sources of local knowledge may include:

- property owner
- [local heritage organizations and historical societies](#)
- local museums
- [municipal heritage committee](#)
- published local histories

6. Is there a known burial site or cemetery on the property or adjacent to the property (or project area)?

For more information on known cemeteries and/or burial sites, see:

- Cemeteries Regulation Unit, Ontario Ministry of Consumer Services – for [database of registered cemeteries](#)
- Ontario Genealogical Society (OGS) – to [locate records of Ontario cemeteries](#), both currently and no longer in existence; cairns, family plots and burial registers
- Canadian County Atlas Digital Project – to [locate early cemeteries](#)

In this context, ‘adjacent’ means ‘contiguous’, or as otherwise defined in a municipal official plan.

7. Has the property (or project area) been recognized for its cultural heritage value?

There is a strong chance there may be archaeological resources on your property (or immediate area) if it has been listed, designated or otherwise identified as being of cultural heritage value by:

- your municipality
- Ontario government
- Canadian government

This includes a property that is:

- designated under *Ontario Heritage Act* (the OHA), including:
 - individual designation (Part IV)
 - part of a heritage conservation district (Part V)
 - an archaeological site (Part VI)
- subject to:
 - an agreement, covenant or easement entered into under the OHA (Parts II or IV)
 - a notice of intention to designate (Part IV)
 - a heritage conservation district study area by-law (Part V) of the OHA
- listed on:
 - a municipal register or inventory of heritage properties
 - Ontario government’s list of provincial heritage properties
 - Federal government’s list of federal heritage buildings
- part of a:
 - National Historic Site
 - UNESCO World Heritage Site
- designated under:
 - *Heritage Railway Station Protection Act*
 - *Heritage Lighthouse Protection Act*
- subject of a municipal, provincial or federal commemorative or interpretive plaque.

To determine if your property or project area is covered by any of the above, see:

- Part A of the MTCS Criteria for Evaluating Potential for Built Heritage and Cultural Heritage Landscapes

Part VI – Archaeological Sites

Includes five sites designated by the Minister under Regulation 875 of the Revised Regulation of Ontario, 1990 (Archaeological Sites) and 3 marine archaeological sites prescribed under Ontario Regulation 11/06.

For more information, check [Regulation 875](#) and [Ontario Regulation 11/06](#).

8. Has the entire property (or project area) been subjected to recent extensive and intensive ground disturbance?

Recent: after-1960

Extensive: over all or most of the area

Intensive: thorough or complete disturbance

Examples of ground disturbance include:

- quarrying
- major landscaping – involving grading below topsoil
- building footprints and associated construction area
 - where the building has deep foundations or a basement
- infrastructure development such as:
 - sewer lines
 - gas lines
 - underground hydro lines
 - roads
 - any associated trenches, ditches, interchanges. **Note:** this applies only to the excavated part of the right-of-way; the remainder of the right-of-way or corridor may not have been impacted.

A ground disturbance does **not** include:

- agricultural cultivation
- gardening
- landscaping

Site visits

You can typically get this information from a site visit. In that case, please document your visit in the process (e.g., report) with:

- photographs
- maps
- detailed descriptions

If a disturbance isn't clear from a site visit or other research, you need to hire a licensed consultant archaeologist to undertake an archaeological assessment.

9. Are there present or past water bodies within 300 metres of the property (or project area)?

Water bodies are associated with past human occupations and use of the land. About 80-90% of archaeological sites are found within 300 metres of water bodies.

Present

- Water bodies:
 - primary - lakes, rivers, streams, creeks
 - secondary - springs, marshes, swamps and intermittent streams and creeks
- accessible or inaccessible shoreline, for example:
 - high bluffs
 - swamps
 - marsh fields by the edge of a lake
 - sandbars stretching into marsh

Water bodies not included:

- man-made water bodies, for example:
 - temporary channels for surface drainage
 - rock chutes and spillways
 - temporarily ponded areas that are normally farmed
 - dugout ponds
- artificial bodies of water intended for storage, treatment or recirculation of:
 - runoff from farm animal yards
 - manure storage facilities
 - sites and outdoor confinement areas

Past

Features indicating past water bodies:

- raised sand or gravel beach ridges – can indicate glacial lake shorelines
- clear dip in the land – can indicate an old river or stream
- shorelines of drained lakes or marshes
- cobble beaches

You can get information about water bodies through:

- a site visit
- aerial photographs
- 1:10,000 scale [Ontario Base Maps](#) - or [equally detailed and scaled maps](#).

10. Is there evidence of two or more of the following on the property (or project area)?

- elevated topography
- pockets of well-drained sandy soil
- distinctive land formations
- resource extraction areas
- early historic settlement
- early historic transportation routes

• **Elevated topography**

Higher ground and elevated positions - surrounded by low or level topography - often indicate past settlement and land use.

Features such as eskers, drumlins, sizeable knolls, plateaus next to lowlands, or other such features are a strong indication of archaeological potential.

Find out if your property or project area has elevated topography, through:

- site inspection
- aerial photographs
- [topographical maps](#)

• **Pockets of well-drained sandy soil, especially within areas of heavy soil or rocky ground**

Sandy, well-drained soil - in areas characterized by heavy soil or rocky ground - may indicate archaeological potential

Find out if your property or project area has sandy soil through:

- site inspection
- [soil survey reports](#)

- **Distinctive land formations**

Distinctive land formations include – but are not limited to:

- waterfalls
- rock outcrops
- rock faces
- caverns
- mounds, etc.

They were often important to past inhabitants as special or sacred places. The following sites may be present – or close to – these formations:

- burials
- structures
- offerings
- rock paintings or carvings

Find out if your property or project areas has a distinctive land formation through:

- a site visit
- aerial photographs
- 1:10,000 scale [Ontario Base Maps](#) - or [equally detailed and scaled maps](#).

- **Resource extraction areas**

The following resources were collected in these extraction areas:

- food or medicinal plants e.g., migratory routes, spawning areas, prairie
- scarce raw materials e.g., quartz, copper, ochre or outcrops of chert
- resources associated with early historic industry e.g., fur trade, logging, prospecting, mining

Aboriginal communities may hold traditional knowledge about their past use or resources in the area.

- **Early historic settlement**

Early Euro-Canadian settlement include – but are not limited to:

- early military or pioneer settlement e.g., pioneer homesteads, isolated cabins, farmstead complexes
- early wharf or dock complexes
- pioneers churches and early cemeteries

For more information, see below – under the early historic transportation routes.

- **Early historic transportation routes** - such as trails, passes, roads, railways, portage routes, canals.

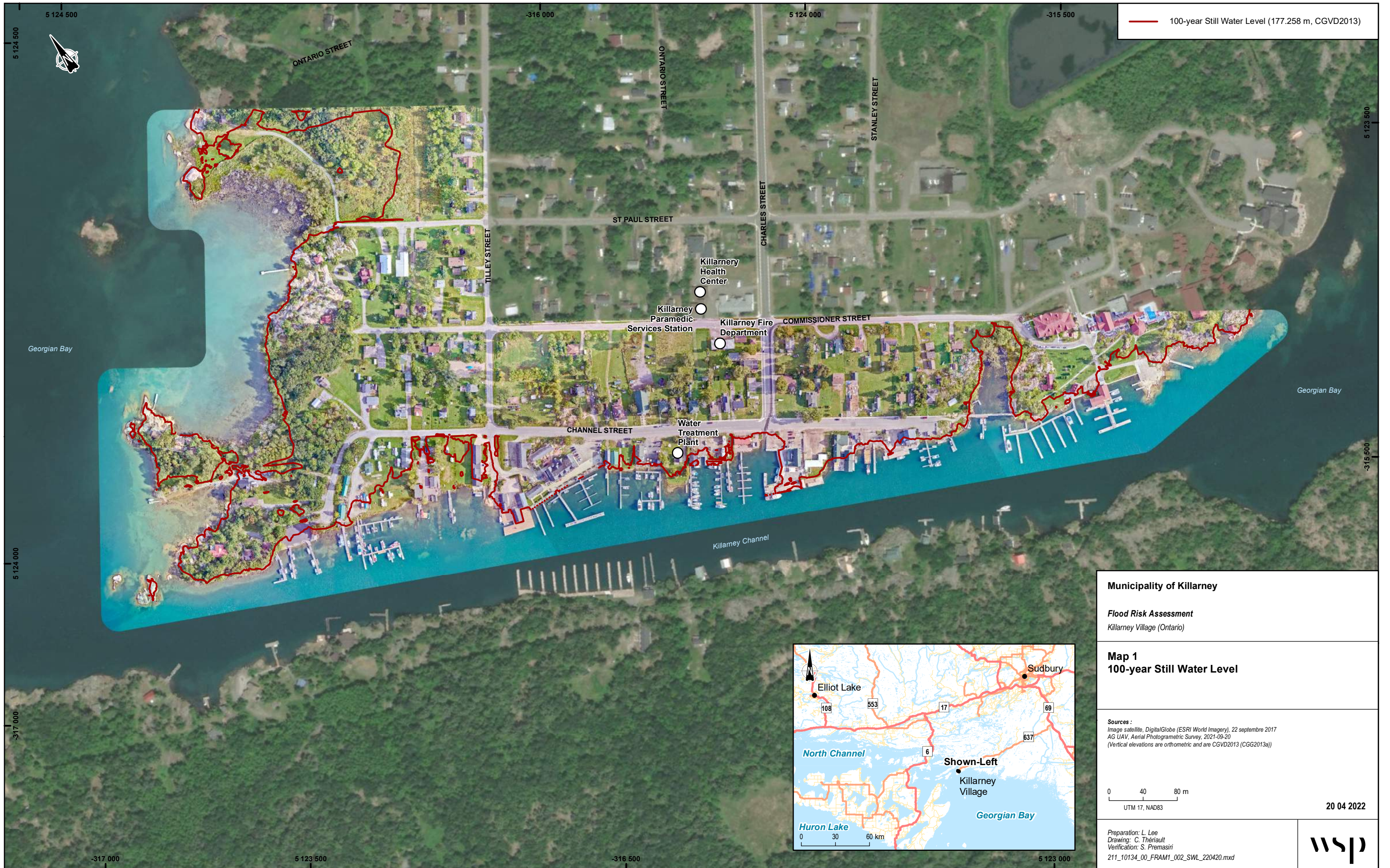
For more information, see:

- historical maps and/or historical atlases
 - for information on early settlement patterns such as trails (including Aboriginal trails), monuments, structures, fences, mills, historic roads, rail corridors, canals, etc.
 - [Archives of Ontario](#) holds a large collection of historical maps and historical atlases
 - digital versions of historic atlases are available on the [Canadian County Atlas Digital Project](#)
- commemorative markers or plaques such as local, [provincial](#) or [federal](#) agencies
- [municipal heritage committee](#) or other [local heritage organizations](#)
 - for information on early historic settlements or landscape features (e.g., fences, mill races, etc.)
 - for information on commemorative markers or plaques

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Appendix C - Flood Plain Mapping – Municipality of Killarney

prepared by WSP, dated April 20, 2022



— 100-year Still Water Level (177.258 m, CGVD2013)

Municipality of Killarney
Flood Risk Assessment
 Killarney Village (Ontario)

Map 1
100-year Still Water Level

Sources :
 Image satellite, DigitalGlobe (ESRI World Imagery), 22 septembre 2017
 AG UAV, Aerial Photogrammetric Survey, 2021-09-20
 (Vertical elevations are orthometric and are CGVD2013 (CGG2013a))

0 40 80 m
 UTM 17, NAD83
 20 04 2022

Preparation: L. Lee
 Drawing: C. Thériault
 Verification: S. Premasiri
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