

OFFICIAL PLAN

for the **Sudbury East Planning Area**

Approved September 28, 2010



**Ministry of
Municipal Affairs
and Housing**

**Ministère des
Affaires municipales
et du Logement**



**Municipal Services Office
Northeastern**

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September 29, 2010

By Email and Regular Mail

Clyde Opaleychuk, Chair, and Members of Planning Board
Sudbury East Planning Board
5 Dyke Street, P.O. Box 250
Warren, ON P0H 2N0

Attention: Jeff Kolibash, Director of Planning

**Re: Decision: 5 Year Review of the Official Plan for the Sudbury East Planning Area
MAH File No.: 52-OP-5204**

We are pleased to advise you of the approval, with modifications, of the new Official Plan for the Sudbury East Planning Area, as adopted by By-laws 2010-22 (Municipality of French River), 2010-12 (Municipality of Killarney), 2010-17 (Municipality of Markstay-Warren), 2010-16 (Municipality of St.-Charles), and 10-01 (Sudbury East Planning Board) on April 27, 2010. This new Official Plan represents a Five-Year Update. We have also received Resolution #10-077 of the Planning Board, dated September 9, 2010, and supporting these modifications.

A copy of the Decision and Notice of Decision is attached for your information and use.

The last date of Appeal to the decision on this planning application is **October 18, 2010**. After the appeal period has expired, and provided no appeals have been received, we will forward you a Duplicate Original copy of the approved new Official Plan. We are also required under the Environmental Bill of Rights to post the decision, with the last date of appeal, on the Environmental Bill of Rights Registry, for additional public information.

If you have any questions on this decision, please do not hesitate to contact Bridget Schulte-Hostedde, Planner, at (705) 564-6817 or 1-800-461-1193, x46817.

Sincerely,

Dan Tovey
Manager (A), Community Planning and Development
Northeastern Municipal Services Office

Encl.

Cc: Gregory Bender, MMM Group Limited

DECISION

With respect to the Official Plan for the Sudbury East Planning Area Sections 17 and 26 of the *Planning Act*

I hereby modify and approve, as modified, all of the Official Plan for the Sudbury East Planning Area, as adopted by By-laws 2010-22 (Municipality of French River), 2010-12 (Municipality of Killarney), 2010-17 (Municipality of Markstay-Warren), 2010-16 (Municipality of St.-Charles), and 10-01 (Sudbury East Planning Board) on April 27, 2010, subject to the following modifications:

1. Page 2-12, Section 2.1.6 Rural Policy Area Policies, Item 3

Delete "*significantly*" and add "**outside of the infilling and minor rounding out of the existing cluster**" after "*an existing cluster of development*" in the 6th and 7th lines.

2. Page 2-13, Section 2-13 Rural Policy Area Policies, Items 4 and 5

Delete "*all Crown and*" in Item 4 and "*and Crown*" in Item 5.

3. Page 2-15, Section 2.2.3.1 Community and Village Residential, Permitted Uses, Item 2c) and
Page 2-20, Section 2.2.4.2 Land Use Policies, Item 3; and
Page 2-24, Section 2.2.5.1 Policies, Item 8c); and
Page 2-25, Section 2.2.5.1 Policies, Item 9a); and
Page 2-33, Section 2.2.7.2 Land Use Policies, Item 7; and
Page 2-35, Section 2.2.9.1 Policies, Item 6c);

Add "**and direct frontage on**" after "*access from*".

4. Page 2-37, Section 2.2.9.1, Waterfront Policies, Items 10a)i) and v) Site Specific Policies

In the last line of Item i), replace "*1 of this Amendment*" with "**C: Land Use, Killarney (West) Planning District**".

In the last line of Item v), delete "*and attached hereto as Appendix No 1*".

5. Page 3-4 Section 3.2.2 Economic Development, Policies, Item 1f)

Replace "*permitting without an amendment to this Plan, while conforming to the policies and the intent of the Plan, as defined within the respective land use designation,*" with "**promoting**".

6. Page 3-8 Section 3.3.2 Road Policies, Items 19c) and e).

Replace Item 19c) with **“Extending a private road is discouraged. The development of a new private road is prohibited, unless such a road is part of an internal road within a condominium development.”**

Delete “, *subject to the discretion of the local municipalities*” in Item 19e).

7. Page 4-9, Section 4.3.1 Subdivisions, Policies, Item 3

Replace “*as it deems appropriate to the approval of the plan of subdivision*” with **“to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable and have regard to the nature of the development proposed for the subdivision”**.

8. Page 4-9, Section 4.4 Condominiums

Replace first paragraph with **“The Sudbury East Planning Board has been delegated the authority to approve plans of condominium. The following policies provide guidance to the Planning Board during its review of such applications.”**

9. Page 4-10, Section 4.4.1 Condominiums, Policies, Item 2

Replace “*as it deems appropriate to the approval of the plan of condominium*” with **“to the approval of a plan of condominium as in the opinion of the approval authority are reasonable and have regard to the nature of the development proposed for the condominium”**.

10. Page 4-16, Section 4.11 Community Improvement, and Section 4.11.1 Community Improvement, Policies, Item 2

Delete “*provincial*” in the 6th line and “*the Planning Board and*” in the 9th line of Section 4.11. Delete “*Planning Board and/or the*” in the first sentence in Item 2

11. Page 4-30, Section 4.17.1 Policies, Item 1.a.iii)

Add **“3(1)”** after “*issued under subsection*”.

12. Schedule D: Development Constraints, French River Planning District and Schedule D: Development Constraints, Killarney West Planning District

Delete the “*Wilderness Area*” block from the schedules (Mason Township and Killarney Township)

13. Schedule D: Development Constraints, St.-Charles Planning District

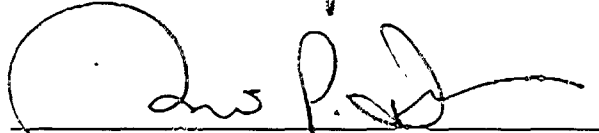
Add "*Mineral Deposit*" block to area east of Village of St.-Charles, and east of Highway 535 in Appleby Township to reflect "Mineral Mining Site" location from the 2003 Official Plan

14. Schedule C: Land Use, Killarney (West) Planning District

Place "**Waterfront**" designation on Parts 1 and 2, Plan 31R-3150, Badgeley Point, Township of Killarney.

Place "**Waterfront**" designation on Parts 1, 2, and 32, Plan 31R-3153, Badgeley Point, Township of Killarney.

Dated at Toronto this 28th of September, 2010

A handwritten signature in dark ink, appearing to read 'Rob P. Taylor', is written over a horizontal line.

Robert P. Taylor
Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing

THE SUDBURY EAST PLANNING BOARD

BY-LAW 10-01

Being a By-law to adopt an Official Plan for the
Sudbury East Planning Area

WHEREAS the Sudbury East Planning Board has recommended that the Official Plan for the Sudbury East Planning Area, as revised to April 2010, be adopted;

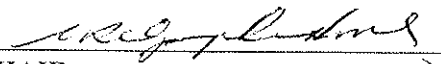
AND WHEREAS the Sudbury East Planning Board has fulfilled the requirements of Section 17 and 26 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS Official Plans may be repealed or amended in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990, Chapter P.13;

NOW THEREFORE THE SUDBURY EAST PLANNING BOARD ENACTS AS FOLLOWS:

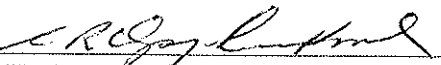
1. That the Official Plan for the Sudbury East Planning Area consisting of the attached text and schedules (schedules pertaining to the Unincorporated Townships of the Sudbury East Planning Area), is hereby adopted as the Official Plan for the Sudbury East Planning Area.
2. That the Chair and Secretary-Treasurer are hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the said Official Plan.
3. Upon approval of the Official Plan for the Sudbury East Planning Area by the Minister of Municipal Affairs and Housing, as aforesaid, By-law 02-01 passed on April 8th, 2002, as a by-law to adopt the Official Plan for the Sudbury East Planning Area, and all amendments thereto, are hereby repealed.
4. That this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME this 27th day of April, 2010.


CHAIR


SECRETARY-TREASURER

READ A THIRD TIME AND FINALLY PASSED this 27th day of April, 2010.


CHAIR


SECRETARY-TREASURER

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2010-22

**BEING A BY-LAW TO ADOPT AN OFFICIAL PLAN FOR THE
SUDBURY EAST PLANNING AREA**

WHEREAS the Sudbury East Planning Board has recommended to Council that the Official Plan for the Sudbury East Planning Area, as revised to April 2010, be adopted;

AND WHEREAS the Council for the Municipality of French River has fulfilled the requirements of Section 17 and 26 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS Official Plans may be repealed or amended in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990, Chapter P.13;

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF FRENCH RIVER ENACTS AS
FOLLOWS:**

1. That the Official Plan for the Sudbury East Planning Area consisting of the attached text and schedules (schedules pertaining to the Municipality of French River), is hereby adopted as the Official Plan for the Sudbury East Planning Area.
2. That the Mayor and Clerk are hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the said Official Plan.
3. Upon approval of the Official Plan for the Sudbury East Planning Area by the Minister of Municipal Affairs and Housing, as aforesaid, By-law No. 2002-8 passed on April 8th, 2002, as a by-law to adopt the Official Plan for the Sudbury East Planning Area, and all amendments thereto, are hereby repealed.
4. That this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 27th DAY OF APRIL 2010.


MAYOR

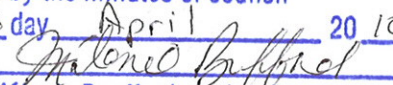

CLERK

READ A THIRD TIME AND FINALLY PASSED this 27 day of April, 2010.


MAYOR


CLERK

Mélanie Bouffard, Acting Deputy Clerk of the
Corporation of the Municipality of French River,
do hereby certify that this document is a
true copy.

As shown by the minutes of council
the 28 day April 20 10
Signed: 
Mélanie Bouffard, Acting Deputy Clerk

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

BY-LAW NO. 2010-12

Being a By-law to adopt an Official Plan for the Sudbury East Planning Area

WHEREAS the Sudbury East Planning Board has recommended to Council that the Official Plan for the Sudbury East Planning Area, as revised to April 2010, be adopted;

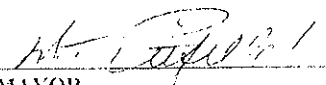
AND WHEREAS the Council for the Municipality of Killarney has fulfilled the requirements of Section 17 and 26 of the Planning Act, R.S.O. 1990, Chapter P.13;

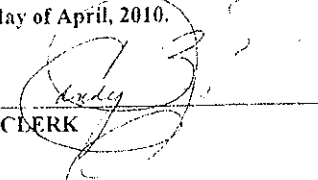
AND WHEREAS Official Plans may be repealed or amended in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990, Chapter P.13;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF KILLARNEY
ENACTS AS FOLLOWS:

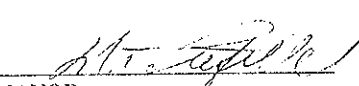
1. That the Official Plan for the Sudbury East Planning Area consisting of the attached text and schedules (schedules pertaining to the Municipality of Killarney), is hereby adopted as the Official Plan for the Sudbury East Planning Area.
2. That the Mayor and Clerk are hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the said Official Plan.
3. Upon approval of the Official Plan for the Sudbury East Planning Area by the Minister of Municipal Affairs and Housing, as aforesaid, By-law No. 2002-09 passed on April 8th, 2002, as a by-law to adopt the Official Plan for the Sudbury East Planning Area, and all amendments thereto, are hereby repealed.
4. That this By-law shall come into force and take effect on the day of the final passing thereof.

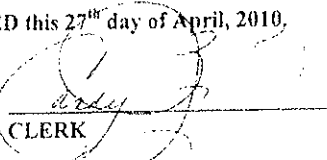
READ A FIRST AND SECOND TIME this 27th day of April, 2010.


MAYOR

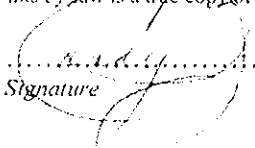

CLERK

READ A THIRD TIME AND FINALLY PASSED this 27th day of April, 2010.


MAYOR


CLERK

I, Candy K. Beauvais, Clerk-Treasurer for the Municipality of Killarney hereby certifies that this by-law is a true copy of the original document which has not been altered in any way.


Signature

Date April 28, 2010

THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN

BY-LAW 2010-17

Being a By-law to adopt an Official Plan for the
Sudbury East Planning Area

WHEREAS the Sudbury East Planning Board has recommended to Council that the Official Plan for the Sudbury East Planning Area, as revised to April 2010, be adopted;

AND WHEREAS the Council for the Municipality of Markstay-Warren has fulfilled the requirements of Section 17 and 26 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS Official Plans may be repealed or amended in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990, Chapter P.13;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF MARKSTAY-WARREN ENACTS AS FOLLOWS:

1. That the Official Plan for the Sudbury East Planning Area consisting of the attached text and schedules (schedules pertaining to the Municipality of Markstay-Warren), is hereby adopted as the Official Plan for the Sudbury East Planning Area.
2. That the Mayor and Clerk are hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the said Official Plan.
3. Upon approval of the Official Plan for the Sudbury East Planning Area by the Minister of Municipal Affairs and Housing, as aforesaid, By-law No. 2002-13 passed on April 8th, 2002, as a by-law to adopt the Official Plan for the Sudbury East Planning Area, and all amendments thereto, are hereby repealed.
4. That this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME this 27th day of April, 2010.



MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 27th day of April, 2010.



MAYOR

CLERK

**THE CORPORATION OF THE MUNICIPALITY
OF ST.-CHARLES**

BY-LAW NUMBER 2010-16

**BEING A BY-LAW
TO ADOPT AN OFFICIAL PLAN
FOR THE SUDBURY EAST PLANNING AREA**

WHEREAS the Sudbury East Planning Board has recommended to Council that the Official Plan for the Sudbury East Planning Area, as revised to April 2010, be adopted;

AND WHEREAS the Council for the Municipality of St.-Charles has fulfilled the requirements of Section 17 and 26 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS Official Plans may be repealed or amended in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990 Chapter P.13;

**NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE
MUNICIPALITY OF ST.-CHARLES HEREBY ENACTS AS FOLLOWS:**

1. That the Official Plan for the Sudbury East Planning Area consisting of the attached text and schedules (schedules pertaining to the Municipality of St.-Charles), is hereby adopted as the Official Plan for the Sudbury East Planning Area.
2. That the Mayor and Clerk are hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the said Official Plan.
3. Upon approval of the Official Plan for the Sudbury East Planning Area by the Minister of Municipal Affairs and Housing, as aforesaid, By-law No. 2002-17 passed on April 8th, 2002, as a by-law to adopt the Official Plan for the Sudbury East Planning Area, and all amendments thereto, are hereby repealed.
4. That this by-law shall come into force and take effect on the day of the final passing thereof.

**READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND
PASSED IN OPEN COUNCIL THIS 27TH, DAY OF APRIL 2010**

RECEIVED

APR 28 2010

Sudbury East
Planning Board


MAYOR


CLERK

OFFICIAL PLAN FOR THE SUDBURY EAST PLANNING AREA

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SUDBURY EAST PLANNING AREA

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OFFICIAL PLAN FOR THE SUDBURY EAST PLANNING AREA

PART I

1.0 THE SUDBURY EAST PLANNING AREA

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

The Planning Area consists of the following municipalities and unincorporated townships:

- Municipality of French River
- Municipality of Killarney
- Municipality of Markstay-Warren
- Municipality of St.-Charles
- Township of Burwash
- Township of Cox
- Township of Davis
- Township of Hawley (except north east corner)
- Township of Henry (except Con. 1 and 2)
- Township of Hendrie
- Township of Janes (west half)
- Township of Laura
- Township of Loughrin (except Con. 1-3)
- Township of Secord
- Township of Servos
- Township of Street (east of the Wanapitae River)
- Township of Waldie

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 Sudbury East Planning Area, including Official Plan amendments, rezoning applications, plans of subdivision and consents.

1.1 PURPOSE OF THE OFFICIAL PLAN

This document constitutes the Official Plan for the Sudbury East Planning Area, which is a policy document adopted under the provisions of the Planning Act. As such, it reflects matters of provincial interest in the context of local circumstances for the entire Planning Area.

The purpose of this Official Plan is to provide guidance for the physical development of the Planning Area over a 20-year period while taking into consideration important social, economic and environmental matters.

The Sudbury East Planning Area Official Plan provides the policy framework that will guide:

- where new development can locate;
- how existing urban centres and settlement clusters will be strengthened;
- how the natural environment will be protected; and
- what services, such as roads, watermains, sewers and parks, will be planned for.

Using this Plan as a guide, the Planning Board and its member municipalities may adopt more detailed planning documents to manage development across the Planning Area, such as zoning by-laws, secondary plans and community improvement plans.

The Official Plan will be reviewed at intervals of not less than once every five years in accordance with the Planning Act. This review will ensure the Plan remains relevant to changing circumstances within the Planning Area and to provincial legislation, policies and appropriate guidelines.

1.2 BASIS FOR THE OFFICIAL PLAN

The Official Plan for the Sudbury East Planning Area is based on background information concerning land use, transportation, municipal services, housing, commercial and industrial activities, as well as natural environment features. It is also based on the results of a comprehensive public consultation program that provided residents and other stakeholders with the opportunity to review and comment on background reports, policy directions and draft versions of this Plan.

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The following summarizes the key forecasts and factors considered during the preparation of this Plan.

1.2.1 Population

The population of the Sudbury East Planning Area gradually declined between 2001 and 2006 from 7,909 to 7,546 permanent residents. Over the twenty-year planning horizon of this Plan (2003 – 2023), the population level is projected to remain stable with the potential for a slight decline. However, the extension of Highway 400 to the area could bring new permanent and seasonal residents seeking larger parcels of land and pristine lakes to build upon, which could stabilize the population in the Planning Area

Accordingly, this Plan promotes services and amenities that are appropriate to meet the needs of the existing and future residents of the Sudbury East Planning Area.

1.2.2 Housing

Housing within the Sudbury East Planning Area consists of both seasonal and permanent residences. Historically, there was a higher proportion of seasonal residences (53%) than permanent residences (47%). More recently, between 2003 and 2007, there was a higher proportion of development in the Rural (46%) and Waterfront Area (48%) than in the Urban Areas (6%).

The demand for seasonal residences and development on larger tracts of land in the Rural Area and on the water are expected to remain strong considering past trends and new opportunities created by the northerly and southerly four-lane expansion of Highways 69 and 400.

The demand for permanent residences is expected to be driven largely by the aging population structure within the Sudbury East Planning Area, which has, and will continue to, lead to the creation of new households and the limited conversion of seasonal residences to permanent residences.

Consistent with the housing trends, it is projected that the Planning Area will accommodate the development of 340 permanent resident households and 400 seasonal resident households over the 20-year planning period.

Accordingly, this Plan provides for a variety of housing types on the sufficient amount of vacant land available to meet the projected housing demands in both urban and rural areas.

1.2.3 Employment

Resource and tourism based employment predominate in the Sudbury East Planning Area. Over the planning period, modest employment growth is anticipated, particularly in the resource and tourism sectors and to a lesser extent in the agricultural sector. This Plan promotes measures aimed at increasing employment within the Sudbury East Planning Area.

1.2.4 Settlement Pattern

The settlement pattern in the Planning Area is diverse. Development is largely concentrated in the communities of Alban, Hagar, Killarney, Markstay, Noëlville, St.-Charles, and Warren. In these communities, there is a mixture of residential, commercial, industrial, institutional, and open space uses.

Municipal water and sewage services are provided in the communities of Warren and Killarney. Markstay has municipal water service, while Noëlville and St.-Charles have municipal sewage services. From a servicing perspective, there is capacity in each of these communities to accommodate new development. While not having either municipal sewage or water services, Alban is a significant urban settlement area and community focal point in the Municipality of French River. Similarly, Hagar, while having neither municipal sewage nor water services, is a significant urban settlement area and community focal point in the Municipality of Markstay-Warren. Accordingly, this Plan promotes urban settlement areas as the main growth centres for permanent development.

Outside of these seven urban settlement areas, the settlement pattern consists of small existing development clusters (both seasonal and permanent development) along lakes and rivers as well as provincial and local roads. Recognizing the desire for seasonal residences and economic development, this Plan provides direction for limited growth to occur in these existing development clusters largely through the rounding out of the existing development pattern.

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1.3 HOW TO USE THE OFFICIAL PLAN

This Plan has several interrelated components that must be read in conjunction and in order to determine those components that apply to any individual parcel of land within the Sudbury East Planning Area.

The Official Plan consists of Parts II, III, IV and V text and the Part VI schedules, which are as follows:

- Schedule A – Planning Districts;
- Schedule B – Settlement and Transportation;
- Schedule C – Land Use; and
- Schedule D – Development Constraints.

By reading Schedule C, it can be determined what land use designation applies to any parcel of land and what the surrounding land use designations are. Reading the policies that apply to the corresponding land use designation will provide direction related to the development of land within that designation. If the parcel is at or near the edge of the land use designation, the policies that apply to the adjacent land use designation should also be reviewed to determine if there are policies dealing with the interface between the two designations that may have an impact on development.

The following process should be used in determining land use designations and identifying associated policies for any parcel of land:

1. Locate the subject property on Schedule C to determine its land use designation(s).
2. Locate the subject property on Schedule B to identify the nature of the settlement structure as well as the transportation facilities in the area.
3. Locate the subject property on Schedule D to identify potential constraints on or in proximity to the property.
4. Review Part II to determine the development intent for the specific land use designation policies that apply to the subject property.

5. Review Part III to determine the general policies that apply to the subject property.
6. Review Part IV to understand the planning process and required studies that may affect the development of subject property and to determine the implementation tools that might be used to guide development on the subject property.
7. Review Part V to seek guidance in interpreting the policies of the Official Plan.

In determining which land use designations, development constraints and/or policies that affect a property within the Planning Area, the Sudbury East Planning Board and the applicable municipality should be consulted.

1.4 ORGANIZATION OF THE OFFICIAL PLAN

The Official Plan for the Sudbury East Planning Area is organized into six parts:

Part I: Introduction contains the purpose of the Plan and the basis upon which it was prepared. Part I does not form part of the Official Plan

Part II: Settlement Structure provides goals and policies that are applicable to specific land use designations.

Part III: General Policies provides goals and policies that are applicable to the entire Planning Area.

Part IV: Implementation describes the mechanisms and processes to implement the policies in Parts II and III.

Part V: Interpretation indicates how the policies and schedules are to be interpreted and includes some definitions.

Part VI: Schedules contains maps (schedules) that provide a graphic representation of the information described in the policies. The schedules are intended to enhance an understanding of the Plan. These schedules complement Parts II, III and IV and assist in defining the Planning Area's settlement structure and development constraints.

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PART II

2.0 SETTLEMENT STRUCTURE

1. This Section of the Official Plan establishes the Sudbury East Planning Area's overall settlement hierarchy, as set out in Section 2.1 and depicted on Schedules A and B, and land use framework, as set out in Section 2.2 and depicted on Schedule C.
2. Regard should be had to the other policies and schedules of this Plan when considering the settlement hierarchy and land use policies of this Section in order to ensure a comprehensive understanding of the overall goals and policies of the Plan.

2.1 SETTLEMENT HIERARCHY

The Sudbury East Planning Area consists of four municipalities and all or parts of 13 unincorporated Townships. Development is largely concentrated within 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 local municipality 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 while protecting and adhering to the character of the Sudbury East Planning Area.

2.1.2 General Policies

1. For the purpose of this Official Plan, the Sudbury East Planning Area is divided into six planning districts. The planning districts are identified on Schedule A and are as follows:
 - a) Municipality of French River Planning District

- b) Municipality of Killarney Planning District.
- c) Municipality of Markstay-Warren Planning District;
- d) Municipality of St.-Charles Planning District;
- e) Northern Unincorporated Townships Planning District: consisting of the Townships of Davis, Janes (west half), Street (east of the Wanapitae River), Loughrin (except Concessions 1 through 3) and Henry (except Concessions 1 and 2); and,
- f) Western Unincorporated Townships Planning District: consisting of the Townships of Burwash, Cox, Hawley (except north east corner), Hendrie, Laura, Secord, Servos and Waldie;

Unless otherwise stated, all policies of this Plan shall apply consistently across each planning district.

2. The following settlement hierarchy is identified on Schedule B:

- a) Community Policy Area: The largest urban settlements in the Planning Area, including Warren and Killarney, with the widest range of commercial and community facilities permitted and limited range of employment uses due to the availability of vacant lands to accommodate large employment uses and potential land use compatibility conflicts as well as full municipal water and sewage services or an approved environmental assessment to provide one or both services;
- b) Village Policy Area: Smaller urban settlements than those found in the Community Policy Areas, 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.
- c) Rural Policy Area: Undeveloped rural areas and existing development clusters on private services, possibly with a limited range of commercial, community facilities, and a wider range of employment uses permitted

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that are not appropriate in the other policy areas due to land availability and the potential land use compatibility conflicts. 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; and

- d) Waterfront Policy Area: The primary focus of tourism and recreationally-oriented seasonal and limited permanent residential and commercial development on private services, primarily located along the shores of lakes and rivers in the Planning Area. It is the intent that water and sewage services will not be provided to these areas in the immediate or distant future. A more restricted range of employment uses will be permitted.
3. 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. While Community Policy Areas and Village Policy Areas shall be the primary focus of future growth and are expected to accommodate a significant portion of the projected, structured, and efficient growth over the planning period, this does not preclude growth in the Rural and Waterfront Areas.
4. 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.
5. A Village Policy Area may evolve into a Community Policy Area only by an amendment to this Plan, per Section 4.18, 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 applicable municipality, and the Province, indicating why such a change is necessary and desirable.

2.1.3 Community Policy Area Policies

1. Community Policy Areas either provide or demonstrate a strong potential to provide full municipal sewer and water services. Community Policy Areas have the highest concentration and intensity of land uses, are the primary focus for residential and commercial development, and provide the largest range of dwelling types in the Planning Area.
2. Land use designations in the Community Policy Area, subject to the provisions of Section 2.2, are:
 - a) Community Residential;
 - b) Commercial;
 - c) Employment;
 - d) Mixed-Use
 - e) Institutional; and
 - f) Open Space.
3. New development in a Community Policy Area is intended to be fully serviced by municipal water and sewage services. However, prior to approving new development applications, confirmation of adequate servicing allocations and treatment capacities shall be obtained in accordance with Ministry of the Environment D-Series Guidelines indicating that the proposed development can be appropriately serviced. In areas where there are severe constraints to servicing and issues of capacity, the applicant shall be made aware of this upfront and prior to submitting a complete application. If adequate servicing allocations and treatment capacities are not available, the development shall not be permitted. In areas where full municipal services are not currently available, will not be available in the immediate future, or is not economically feasible due to topography or other similar constraints, development may proceed provided a servicing options report is submitted by the proponent and in accordance with the provisions of Section 3.4. Such development should not preclude the efficient use of land when full municipal services become available.

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4. In considering planning applications in Community Policy Areas, the Planning Board and/or the applicable municipality shall ensure that the character of the Community Policy Area is maintained and to the extent possible, enhanced.
5. Where there is new development in the Community Policy Area, development will be accommodated through infill, intensification, and redevelopment in the built-up area. Progress towards this target will be monitored and assessed when this Plan is reviewed in accordance with the *Planning Act*. New development occurring on lands that may be available to accommodate future growth on existing vacant residential lands in the Community Policy Area will occur adjacent to the built up area and make the most efficient use of existing infrastructure.
6. Where there is vacant land between the built-up area and the Community Policy Area boundary, the Planning Board and/or the applicable municipality shall ensure that development proceeds in a logical, phased manner.
7. Infilling, rounding out or minor extensions of existing Community Policy Areas may be permitted without requiring an amendment to this Plan; however, significant outward expansion of the boundary of a Community Policy Area as determined by the Planning Board and/or the applicable municipality shall only occur at the time of a comprehensive review. The proposal for expansion shall be accompanied by a report demonstrating:
 - a) the need for expansion in relation to other lands available in the Community Policy Area;
 - b) that all opportunities through intensification, redevelopment, and greenfield and brownfield development have been exhausted or examined and determined not to be appropriate to accommodate the projected needs over the identified planning horizon;
 - c) the ability to provide appropriate sewage and water services to the expanded Community Policy Area;
 - d) the impact on the surrounding Rural Policy Area; and
 - e) other issues as determined by the Planning Board and/or the applicable municipality.

2.1.4 Village Policy Area Policies

1. Village Policy Areas are intended to serve the surrounding Rural Policy Areas as well as to provide an alternative to the higher density urban character found in the Community Policy Area. Village Policy Areas serve a community function but provide a more limited range of land uses, activities, and dwelling types (predominantly low to medium density) than Community Policy Areas due to the level of servicing that is available for new development.
2. While Village Policy Areas are intended to accommodate a smaller portion of the Planning Area's growth due to the level of servicing available, and other environmental and economic circumstances.
3. Land use designations in the Village Policy Area, subject to the provisions of Section 2.2, are:
 - a) Village Residential;
 - b) Commercial;
 - c) Employment;
 - d) Mixed Use;
 - e) Institutional; and
 - f) Open Space.
4. Where there is new development in the Village Policy Area, development will occur through infill, intensification and redevelopment in the built-up area. . New development occurring on lands that are vacant, and may be available for development in the Village Policy Area, will occur adjacent to existing development and make the most efficient use of existing infrastructure.
5. Development through the infilling and the rounding out of the existing development pattern in Village Policy Areas is intended to be connected to the existing partial municipal services available in these settlements. However, prior to approving new development applications, confirmation of adequate servicing allocations and treatment capacities shall be obtained in accordance with Ministry of the Environment D-Series Guidelines indicating

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that the proposed development can be appropriately serviced. In areas where there are severe constraints to servicing and issues of capacity, the applicant shall be made aware of this upfront and prior to submitting a complete application. If adequate servicing allocations and treatment capacities are not available, the development shall not be permitted. In areas where partial municipal services are not currently available, will not be available in the immediate future, or is not economically feasible due to topography or other similar constraints, development may proceed provided a servicing options report is submitted by the proponent and in accordance with the provisions of Section 3.4. Such development should not preclude the efficient use of land if and when full municipal services become available.

6. Where development is serviced with municipal water only and intended to be serviced with individual on-site sewage services or private communal services, the determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from the intended servicing system.
7. Where development is intended to be serviced with individual on-site or private communal services, development may only be permitted if there is confirmation of a sufficient capacity of potable water and sufficient reserve sewage system capacity for hauled sewage and the site conditions are adequate for the long term provision of such services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.
8. In considering planning applications in Village Policy Areas, the Planning Board and/or the applicable municipality shall ensure that the character of the Village Policy Area is maintained, and to the extent possible, enhanced.
9. Where there is vacant land between the built-up area and the Village Policy Area boundary, the Planning Board and/or the applicable municipality shall ensure that development proceeds in a logical, phased manner.
10. Infilling, rounding out or minor extensions of existing Village Policy Areas may be permitted without requiring an amendment to this Plan; however, significant outward expansion of the boundary of a Village Policy Area as determined by the Planning Board and/or the applicable municipality shall

only occur at the time of a comprehensive review. The proposal for expansion shall be accompanied by a report demonstrating:

- a) the need for expansion in relation to other lands available in the Village Policy Area;
- b) the ability to provide appropriate sewage and water services to the expanded Village Policy Area;
- c) that all opportunities through intensification, redevelopment, and designated growth areas have been exhausted or examined and determined not to be appropriate to accommodate the projected needs over the identified planning horizon;
- d) the impact on the surrounding Rural Policy Area; and
- e) other issues as determined by the Planning Board and/or the applicable municipality.

2.1.5 Waterfront Policy Area Policies

1. Waterfront development will continue to prevail as one of the largest opportunities for seasonal and limited permanent residential development because of the Planning Area's pristine lakes and rivers, and its beautiful scenery.
2. Waterfront Policy Areas are intended to provide the main locations for seasonal and limited permanent residential, recreational and tourism-oriented commercial uses. Development in the Waterfront Policy Area shall be placed in the appropriate zone or zones in the implementing Zoning By-laws.
3. Land use designations in the Waterfront Policy Area, subject to the policies of Section 2.2 are limited to Waterfront.
4. New development in Waterfront Policy Areas is intended to occur on private water and sewage services. However, prior to approving new development applications, confirmation of a sufficient capacity of potable water and sufficient reserve sewage system capacity for hauled sewage must be obtained and the site conditions are adequate for the long term provision of such services. The determination of sufficient reserve sewage system

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capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. If adequate servicing allocations and treatment capacities of hauled sewage are not available, the development shall not be permitted.

5. Local Councils are encouraged to institute a sewage system pump-out by-law to curb the amount of phosphorous that reaches the water body/river. Local Councils are also encouraged to institute an educational program and/or incentives related to upgrading older sewage disposal systems to curb the amount of phosphorous that reaches the waterbody/river.
6. Infilling, and the rounding out of existing Waterfront Policy Areas are permitted to continue; however the outward expansion of a Waterfront Policy Area as determined by the Planning Board and/or the applicable municipality or a proposal to designate a new Waterfront Policy Area shall require an amendment to this Plan. The amendment shall be accompanied by a report that demonstrates:
 - a) the physical suitability of the land for the proposed use(s) with respect to the susceptibility of the site to flooding or erosion and the suitability of the site for building purposes;
 - b) the appropriateness of the site considering access to existing and proposed public roads, including visibility and grade;
 - c) the ability to provide adequate potable water, sewage management/disposal facilities and other services as deemed appropriate by the Planning Board and/or the applicable local municipality;
 - d) that any archaeological or cultural heritage resources that may be identified on the subject lands are properly protected;
 - e) the environmental impact of the proposed development on significant natural features and functions both on the site and on land adjacent to the site;
 - f) the adequate provision of off-street parking, public boat docking facilities and garbage disposal for development that is to be accessible by water; and

- g) whether the proposed use would preclude future resource extraction in the area.
- h) An Official Plan amendment to expand an existing Waterfront Policy Area, to create a new Waterfront Policy Area, or to create a new lot within 300 m of a lake in the Planning Area that is:
 - i) known to be at capacity;
 - ii) located where significant development exists;
 - iii) upstream of an at-capacity lake; or,
 - iv) exhibiting signs of being near capacity,

shall, in accordance with the Province's Lakeshore Capacity Assessment Handbook, be accompanied by a study based on the Province's Lakeshore Capacity Assessment Model to predict the impact of the proposed development on water quality and to confirm the available capacity for further lake development.

7. Lake Management Plans

- a) Lake Management Plans (LMPs) are an essential planning tool to effective environmental stewardship of lakes and rivers in the Planning Area. The Planning Board and the 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, the local municipality, and the Planning Board. A cooperative and coordinated approach is necessary in developing and implementing LMPs. Technical data and information is important, but so is the process in preparing an LMP as well as public education. The public must understand the importance of lake management planning and build protection and conservation practices into their daily living.
- b) Lake Management Plans will include a number of components including:

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- v) A lake capacity assessment to determine the carrying capacity for existing and new development and the opportunities to improve or enhance water quality
- vi) An inventory of existing and proposed development by type, characteristics of sewage and water services
- vii) 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
- viii) A resource inventory of the lakes and tributaries that could be impacted
- ix) An assessment of fish habitat
- x) The nature of public access to and use of the lake for aquatic and boating activities
- xi) Road access to shoreline development
- xii) Flood plain management
- xiii) Shoreline management principles that provide for appropriate development setbacks and the retention/conservation or restoration of natural features
- xiv) Septic tank reinspection
- xv) Criteria for controlling seasonal to permanent conversions and commercial to residential conversions
- xvi) Implementation and monitoring
- xvii) Public education
- c) Lake management plans will be prepared as a partnership initiative with preference being placed on lakes and rivers experiencing development pressures.

2.1.6 Rural Policy Area Policies

1. Rural Policy Areas are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource based uses, such as forestry, mining and aggregate operations, as well as limited residential developments, where appropriate.
2. The policies of this Plan are intended to affirm that conserving the natural amenities of the Sudbury East Planning Area and providing for agricultural and resource-based employment are important to the Planning Area. Non-agricultural or non-resource based uses will be closely scrutinized and directed to a Community Policy Area, Village Policy Area or Waterfront Policy Area unless the proponent can demonstrate the activity is more appropriate in a Rural Policy Area. However, prior to approving new development applications, confirmation of a sufficient capacity of potable water and sufficient reserve sewage system capacity for hauled sewage must be obtained and the site conditions are adequate for the long term provision of such services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.
3. Infilling and the rounding out of existing clusters of development within the Rural Policy Area may be permitted without requiring an amendment to this Plan; however, these areas are not identified to grow significantly over the life of this plan and the majority of development should be directed to the Community Policy Area and, to a lesser extent, the Village Policy Area. Where development is proposed that would increase the number of dwellings within an existing cluster of development outside of the infilling and minor rounding out of the existing cluster, it shall only be permitted subject to the comprehensive review requirements of the PPS and this Plan, in addition to the requirements of Section 4.18. The proposal shall be accompanied by a report that demonstrates:
 - a) the physical suitability of the land for the proposed uses with respect to the suitability of the site for building purposes;
 - b) a planning justification report that includes, but is not limited to, how the lands are to be used and evaluates why said lands are more appropriate than other lands in the municipality;

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- c) the appropriateness of the site considering access to existing and proposed public roads, including visibility and grade;
 - d) that all opportunities for development through intensification, redevelopment, and existing settlement areas have been exhausted or examined and determined not to be appropriate to accommodate the projected needs over the identified planning horizon;
 - e) a servicing options report and a servicing feasibility report that demonstrates the ability to provide adequate potable water, sewage management/disposal facilities and other services as deemed appropriate by the Planning Board and/or the applicable municipality;
 - f) that any archaeological or cultural heritage resources that may be identified on the subject lands are properly protected; and
 - g) the environmental impact of the proposed development on significant natural features and functions both on site and on land adjacent to the site.
- 4. The Rural Policy Area comprises privately held land not designated Community Policy Area, Village Policy Area or Waterfront Policy Area.
 - 5. Land use designations in the Rural Policy Area, subject to the provisions of Section 2.2, are Rural.

2.2 LAND USE

The Sudbury East Planning Area is occupied by a variety of land uses.

2.2.1 Goal

To ensure new land uses develop in a manner that is compatible with, and appropriate for, the location where they are proposed.

2.2.2 General Policies

The following land use designations shall be identified on Schedule C:

- 1. Community Residential;

2. Village Residential;
3. Commercial;
4. Mixed-Use
5. Employment;
6. Institutional;
7. Open Space;
8. Waterfront;
9. Crown Land; and
10. Rural.

2.2.3 Community and Village Residential

1. The lands designated “Community Residential” on Schedule C are intended to be the primary focus for residential development within the Sudbury East Planning Area with some rounding out or infilling on lands designated Village Residential.
2. A variety of housing types are anticipated to be developed to meet the varying demands and characteristics of the population. Opportunities to provide housing for individuals or groups with special needs including the elderly and those with special physical, social or economic needs within the municipality will be encouraged.

2.2.3.1 Permitted Uses

Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated “Community Residential” and “Village Residential”.

1. The predominant use of land will be for a variety of residential dwelling types, including single detached dwellings, semi-detached dwellings and duplex dwellings.

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2. Medium density residential uses will be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar medium profile residential buildings, subject to the following criteria:
 - a) the density, height and character of the development will be compatible with adjacent uses;
 - b) the height and massing of the buildings at the edge of the medium density residential development will have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate transition;
 - c) the use will have direct access to and frontage on a local road maintained year round;
 - d) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the municipality provided the area of proposed development represents a logical extension and the extension has the ability to further optimize the municipal infrastructure;
 - e) the development is adequately serviced by parks and school facilities;
 - f) the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;
 - g) all required parking will be provided on the site in accordance with the policies of Section 3.3.2.33 of this Plan, and unless otherwise stated herein, cash-in-lieu of parking will not be accepted by the municipality except where appropriate and alternative arrangements have been agreed upon by all parties;
 - h) in developments incorporating walk-up apartments, block townhouse dwellings and similar medium profile residential

buildings, on-site recreational facilities or amenities such as private open space or playground equipment may be required;

- i) except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows and the adequacy of water and sewer services may be required to be prepared by the proponent and approved by the municipality; and
 - j) triplexes, fourplexes, freehold street townhouses or other similar small scale developments, may be subject to site plan control, in accordance with the policies of Section 4.7 of this Plan.
- 3. Special needs housing, senior citizens' homes or similar housing facilities for senior citizens including nursing homes will be permitted to develop in accordance with the medium density residential policies of Section 2.2.3.1.2.
 - 4. 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 buyers/renters gross annual income being used to pay rent/mortgage. Council will maintain an appropriate supply of residential land, facilitate residential intensification and redevelopment and permit all types of housing to help implement their affordable housing targets. Council will also encourage and work with the public, private and not-for-profit sectors to deliver affordable housing. Progress towards this target will be monitored on an annual basis and assessed when this Plan is reviewed in accordance with the *Planning Act*.
 - 5. Bed and breakfast establishments will be permitted in any single detached residential dwelling, provided that all the required parking is accommodated on the same lot, and subject to criteria established in the Zoning By-law.
 - 6. A garden suite will be permitted as a temporary accessory use to the principle residential use. All zone requirements must be met as defined in the implementing Zoning By-law. Any approvals and requirements for servicing shall be obtained from the appropriate authority. Upon

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expiration of the temporary use by-law or discontinue of use, whichever comes first, the garden suite shall be removed at no expense to the municipality or Planning Board. The municipality or Planning Board may impose such conditions or requirements related to the installation, location, maintenance, occupancy, and the removal of said structure. It is recommended that prior to approving the garden suite, that the neighbouring residents be informed to ensure that there is local acceptance and that all adverse impacts can be mitigated or significantly reduced.

7. Group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff) live as a unit under responsible supervision. The home is licensed or approved under provincial statute. Group homes will not be concentrated and will be generally located throughout the urban and rural settlement areas. To prevent an undue concentration of group homes, the provisions in the Zoning By-law will address the separation distances, spatial location, number, type and size of group homes. Group homes will be compatible with adjacent uses. Existing facilities that do not comply with the requirements will be allowed to continue but will not be permitted to expand without a minor variance or zoning by-law amendment. Group homes with any correctional purpose will be treated as an institutional, and not a residential use by this Plan and the Zoning By-law.
8. Elementary schools and day care centres will be permitted subject to a rezoning, provided that they have direct access to a local road, and they are compatible with the residential function of the neighbourhood.
9. Places of worship, neighbourhood community and cultural centres and institutional uses of similar scale will be permitted, provided the following criteria are met:
 - a) the use will have direct access to a local road maintained year-round;
 - b) the density, height and character of the development will be compatible with adjacent uses;

- c) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the municipality, save and except where private septic systems will be permitted;
 - d) the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;
 - e) all required parking will be provided on the site in accordance with the policies of Section 3.3.2.33 of this Plan, and unless otherwise stated herein, cash-in-lieu of parking will not be accepted by the municipality except where appropriate and alternative arrangements have been agreed upon by all parties;
 - f) driveway access will be approved by the municipality or Province, as appropriate; and
 - g) the use may be subject to site plan control, in accordance with the policies of Section 4.7 of this Plan.
10. Neighbourhood parks and trails will be permitted, whereas large-scale recreational uses will only be permitted in the Open Space Designation.
11. A home occupation in a dwelling unit will be permitted, provided the use does not change the residential character of the building and lot, and residential remains the principal use. The use will be compatible with the surrounding residential uses. Sufficient parking will be made available on-site.
12. Small scale neighbourhood convenience commercial and personal service uses to serve the daily shopping needs of the surrounding neighbourhood will be permitted, provided the following criteria are met:
- a) no more than one commercial structure or building will be permitted on any site or in any one location;
 - b) the building height will be limited to one storey unless residential apartments are located on the upper floor(s), in which case the

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maximum building height will be compatible with the surrounding residential uses;

- c) landscaping, fencing, berming and other screening will be provided adjacent to residential land uses where appropriate;
 - d) all required parking will be provided on the site in accordance with the policies of Section 3.3.2.33 of this Plan, and unless otherwise stated herein, cash-in-lieu of parking will not be accepted by the municipality except where appropriate and alternative arrangements have been agreed upon by all parties;
 - e) driveway access will be approved by the municipality and/or Province;
 - f) the commercial use will be located at or in proximity to the intersection of local roads, and will not be located mid-block within a residential area;
 - g) the commercial use will be subject to a zoning by-law amendment, in accordance with Section 4.2.2 of this Plan; and
 - h) the use may be subject to site plan control, in accordance with the policies of 4.7 of this Plan.
- 13. Mobile homes and mobile home parks are considered a suitable housing alternative in certain circumstances and will only be permitted in accordance with the policies of 2.2.11.1.7 and the implementing Zoning By-law.
 - 14. Uses accessory to any of the permitted uses in the Residential Designation are permitted.
 - 15. The specific uses permitted and accessory uses will be established in the Zoning By-law.

2.2.3.2 Land Use Policies

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

1. Development within the Residential Designation will be further subject to the policies of Sections 2.1.3 and 2.1.4 of this Plan. Servicing within the Residential Designation is dependent upon the particular Settlement Area and will be subject to the policies of Section 3.4.
2. Development within the Residential Designation will also be subject to the policies of Section 3.0 to determine if there is anything which may be a constraint to development.

2.2.4 Commercial

The lands designated “Commercial” on Schedule C are intended to be the primary focus for a wide variety of commercial activities within the Sudbury East Planning Area.

2.2.4.1 Permitted Uses

The primary permitted uses will include commercial and retail establishments that are intended to serve the commercial needs of the local and travelling public. Further detail on permitted and accessory uses shall be established in the Zoning By-law.

2.2.4.2 Land Use Policies

The following policies apply to land designated Commercial Designation.

1. Development within the Commercial Designation will be further subject to the policies of Sections 2.1.3 and 2.1.4 of this Plan. Servicing within the Commercial Designation is dependent upon the particular settlement area and will be subject to the policies of Section 3.4.
2. Development within the Commercial Designation will also be subject to the policies of Section 3.0 to determine if there is anything which may be a constraint to development.
3. Development is required to have direct access to and frontage on a local road maintained year round. If the use is to gain access from, or is in proximity to, a Provincial Highway, approval will be required from the Ministry of Transportation.

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4. Commercial Designation development will be compatible with surrounding uses and will be adequately buffered from adjacent sensitive land uses.
5. Adequate off-street parking and loading spaces will be provided in accordance with the Zoning By-law.
6. A high standard of site design and maintenance will be required through site plan control in accordance with Section 4.7.
7. Adequate off-street parking areas will be provided in accordance with the provisions of the Zoning By-law, and access to parking areas will be limited and designed to provide maximum safety for pedestrian and vehicular traffic.
8. 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.
9. Appropriate landscaping and buffers will be provided to enhance the physical separation between the use and adjacent sensitive uses, where applicable and appropriate.

2.2.5 Mixed-Use

The lands designated “Mixed-Use” on Schedule “C” are intended to be the primary focus for a wide variety of commercial, residential, institutional, and light employment uses in the Sudbury East Planning Area.

2.2.5.1 Policies

Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated Mixed Use on Schedule “C”.

1. Low density residential uses may be permitted on an existing lot of record.
2. Residential uses will be permitted provided that the uses do not negatively impact the planned function of the area and subject to the following provisions:

- a) in a building of a commercial character, residential uses will only be permitted above the ground floor or in the rear of the building; and
- b) in a building of a residential character, either single detached or multiple dwelling, residential and/or commercial uses will be permitted, provided the residential character of the building is maintained.

For the purposes of this Policy, the residential or commercial character of a building may be determined in consultation with the Planning Board and the municipality.

- 3. Existing single detached dwellings may be converted to multiple dwelling units or to commercial buildings provided the external design of the building does not substantially change and servicing capacity is available.
- 4. Conversions of vacant office and retail buildings to residential uses is encouraged provided servicing capacity is available, parking is available, it does not remove needed commercial/office space from the inventory, and if it is more than one-storey, the ground floor can remain as commercial/office. Conversions of vacant office and retail buildings will be subject to the following policies:
 - a) a planning rationale report will be completed to assess the impact of the conversion from a retail/office to a residential use in relation to the planned function of the Mixed Use Designation and impacts on adjacent uses, as well as any other matters determined by the Planning Board and municipality;
 - b) a retail market impact study will be completed in accordance with the policies of Section 4.15.5 of this Plan;
 - c) a traffic impact study will be completed in accordance with the specific requirements of the municipality, Planning Board, and the Province, as appropriate; and

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- d) a servicing and stormwater management plan will be completed in accordance with the specific requirements of the municipality, Planning Board, and the Province, as appropriate.
- 5. Commercial uses such as business and professional offices, eating establishments, service and convenience retail and similar types of uses are permitted.
- 6. Commercial and retail establishments which are destination oriented or are intended to serve the travelling public will be permitted, including automobile service stations, vehicle sales and service, public garages, repair service and rental establishments, motels, hotels, restaurants, animal hospitals, commercial recreation uses, private clubs, funeral homes, day care centres, food stores, drug stores, personal service shops, hardware, and automotive and highway commercial uses. Prior to submitting a proposal to the Planning Board for any use mentioned above, the following will be required as determined by the Planning Board:
 - e) a planning rationale report will be completed to assess the impact of the commercial use in relation to the planned function of the Mixed Use Designation and impacts on adjacent uses, as well as any other matters determined by the Planning Board and municipality;
 - f) a retail market impact study will be completed in accordance with the policies of Section 4.15.5 of this Plan;
 - g) a traffic impact study will be completed in accordance with the specific requirements of the municipality, Planning Board, and the Province, as appropriate; and
 - h) a servicing and stormwater management plan will be completed in accordance with the specific requirements of the municipality, Planning Board, and the Province, as appropriate.
- 7. 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 an unreasonable amount of deliveries.

8. Medium density residential uses will be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments, and similar medium profile residential buildings, subject to the following criteria:
 - a) the density, height and character of the development will be compatible with adjacent uses;
 - b) the height and massing of the buildings at the edge of the medium density residential development will have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate transition;
 - c) the development will have direct access to and frontage on a local road maintained year-round;
 - d) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the municipality, save and except where private water and sewage systems are proposed;
 - e) the development is adequately serviced by parks and school facilities;
 - f) the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;
 - g) all required parking will be provided on the site in accordance with the policies of Section 3.3.2.33 of this Plan, and unless otherwise stated herein, cash-in-lieu of parking will not be accepted by the municipality except where appropriate and alternative arrangements have been agreed upon by all parties;

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- h) in developments incorporating walk-up apartments, block townhouse dwellings and similar medium profile residential buildings, on-site recreational facilities or amenities such as private open space or playground equipment may be required;
 - i) except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services may be required to be prepared by the proponent and approved by the municipality; and
 - j) triplexes, fourplexes, freehold street townhouses or other similar small scale developments, may be subject to site plan control, in accordance with the policies of Section 4.7 of this Plan.
9. Places of worship, neighbourhood community and cultural centres and, institutional uses of similar scale will be permitted, provided the following criteria are met:
- a) the use will have direct access to and frontage on a local road maintained year-round;
 - b) the density, height and character of the development will be compatible with adjacent uses;
 - c) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the municipality, save and except where private water and sewage systems are proposed;
 - d) the development will be designed, landscaped, and buffered to ensure that the visual impact of the development on adjacent uses is minimized;
 - e) all required parking will be provided on the site in accordance with the policies of Section 3.3.2.33 of this Plan, and unless otherwise stated herein, cash-in-lieu of parking will not be accepted by the municipality except where appropriate and alternative arrangements have been agreed upon by all parties;

- f) driveway access will be approved by the municipality and/or Province, as appropriate; and
 - g) the use may be subject to site plan control, in accordance with the policies of Section 4.7 of this Plan.
10. Special needs housing, senior citizens' homes or similar housing facilities for senior citizens including nursing homes will be permitted to develop in accordance with the medium density residential policies of Section 2.2.5.1.9.
 11. Group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff) live as a unit under responsible supervision. The home is licensed or approved under provincial statute. Group homes will not be concentrated and will be generally located throughout the urban and rural settlement areas. To prevent an undue concentration of group homes, the provisions in the Zoning By-law will address the separation distances, spatial location, number, type and size of group homes. Group homes will be compatible with adjacent uses. Existing facilities that do not comply with the requirements will be allowed to continue but will not be permitted to expand without a minor variance or zoning by-law amendment. Group homes with any correctional purpose will be treated as an institutional, and not a residential use by this Plan and the Zoning By-law.
 12. Uses accessory to any of the permitted uses in the Mixed Use Designation are permitted.
 13. The specific uses permitted and accessory uses will be established in the Zoning By-law.

2.2.5.2 Land Use Policies

The following policies apply to land designated Mixed Use.

1. Servicing within the Mixed Use Designation is dependent upon the particular Settlement Area and will be subject to the policies of Section 3.4.

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2. Development within the Mixed Use Designation will also be subject to the policies of Sections 2.1.3 and 2.1.4 and Section 3.0 to determine if there is anything which may be a constraint to development.
3. The municipality will encourage the consolidation of land to create large and more comprehensive development blocks. Consents are not permitted for the purposes of dividing land into smaller parcels for the creation of low density residential uses.

2.2.6 Employment

The lands designated “Employment” on Schedule “C” are intended to provide the primary locations for activities which, because of their physical and operational characteristics, are ideally clustered together and separated from sensitive land uses.

2.2.6.1 Permitted Uses

Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated Employment Designation on Schedule “C”.

1. The predominant use of land will be a wide range of employment uses, subject to the policies of this Section, including manufacturing, logistics operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary service commercial uses serving the employees within the Employment Designation and the travelling public.
2. Industrial uses that require open storage of goods and materials such as manufacturing, processing, assembling, repairing, wholesaling, warehousing, trucking and storage will be permitted, however, the open storage will be screened such that it is not visible from a Provincial Highway or a local road.
3. For uses that exhibit any or all of the following characteristics, a study will be prepared in accordance with the Ministry of the Environment D-Series Guidelines to demonstrate that the proposed use is compatible with any nearby potentially incompatible or sensitive uses:

- 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) likelihood of nuisances, such as noise, odour, dust, lighting or vibration.
4. Commercial and office uses associated with and clearly ancillary to the main employment use are permitted.
 5. Institutional uses or destination-oriented commercial and shopping uses will not be permitted.
 6. Parks and open space uses will be permitted.
 7. Uses accessory to any of the permitted uses in the Employment Designation will be permitted.
 8. The specific uses permitted and accessory uses will be established in the Zoning By-law.

2.2.6.2 Land Use Policies

The following policies apply to land designated Employment Designation.

1. Development within the Employment Designation will be further subject to the policies of Sections 2.1.3 and 2.1.4. 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 3.4; however, only dry-industries generating less than 10,000 litres per day of domestic waste are permitted on individual services. Within the Rural Area, subject to Ministry of Environment B-Series Guidelines, 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 Ministry of Environment B-Series Guidelines. Where

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industrial uses are proposed on municipal sewage and private water, a reasonable use assessment should be conducted in accordance with Ministry of Environment B-Series Guidelines. Industrial uses on private septic and municipal water shall be prohibited.

2. A high standard of site design and maintenance will be required through site plan control in accordance with Section 4.7.
3. Development within the Employment Designation will also be subject to the policies of Section 3.0 to determine if there is anything which may be a constraint to development.
4. Those uses that create or potentially create extreme environmental stress as a result of air, noise, and/or vibration emissions, and/or the generation and/or handling of solid or liquid wastes will only be considered based on the submission of an impact assessment satisfactory to the Planning Board, the municipality, and the Ministry of the Environment D-Series Guidelines.
5. Uses located adjacent to a Provincial Highway will generally be limited to self-contained uses that produce and/or store a product where there is a low probability of significant emissions.
6. Development is required to have adequate access from a local road maintained year round. If the use is to gain access from, or is in proximity to, a Provincial Highway, approval will be required from the Ministry of Transportation.
7. An appropriate separation distance, based upon the Ministry of the Environment's D-Series Guidelines related to land use compatibility, will be established between that lot, an industrial land use and any sensitive land use. This separation distance will be enforced through a site specific amendment to the Zoning By-law and site plan control through the use of a minimum building setback applied to any industrial use building adjacent to an established or approved sensitive land use.
8. Deviation from established separation distances will require detailed supporting studies of the potential impacts on the sensitive land use by

the industrial use, and vice-versa, and any recommended mitigation measures subject to the approval of the Ministry of the Environment.

9. Separation distances between sensitive land uses and industrial uses, or for industrial uses abutting Provincial Highways will be implemented through the Zoning By-law, as a condition of draft plan approval and/or through site plan control and may include measures such 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.
10. Adequate off-street parking and loading facilities will be provided for all permitted uses for employees and visitors. 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.
11. The provision of appropriate and adequate 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.
12. Industrial uses will be developed in such a manner to ensure protection and screening of outdoor storage areas from all adjacent roads.

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13. Access to a Provincial Highway will require approval from the Province and the municipality. Access to a Boundary Road between adjoining municipalities will require approval from each of the municipalities.

2.2.7 Institutional

The Institutional Designation is intended to recognize those major public institutions that benefit the residents of the entire municipality 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, and include uses such as hospitals, secondary schools, post-secondary educational facilities, and government complexes. These institutional uses tend to be intensely built and attract high traffic volumes, and consequently require an independent land use designation.

2.2.7.1 Permitted Uses

Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated Institutional Designation on Schedule "C".

1. Permitted uses will include all large-scale institutional uses, such as hospitals, clinics and treatment facilities, secondary schools, post-secondary educational facilities, government offices, places of worship, cemeteries, and government-operated institutions.
2. Ancillary uses which are of an appropriate scale and intended to service the main permitted use, such as a variety store, gift shop, restaurant/cafeteria, financial institution, pharmacy, or residence will also be permitted.
3. Uses accessory to any of the permitted uses in the Institutional Designation are permitted.
4. The specific uses permitted and accessory uses will be established in the Zoning By-law.

2.2.7.2 Land Use Policies

The following policies apply to land designated Institutional Designation.

1. Servicing within the Institutional Designation is dependent upon the particular Settlement Area and will be subject to the policies of Section 3.4.
2. Development within the Institutional Designation will also be subject to the policies of Section 3.0 to determine if there is anything which may be a constraint to development.
3. Specific development standards for permitted uses and ancillary uses will be included in the Zoning By-law and may include floor space limitations, parking requirements, and limitations on signage and advertising.
4. Where an existing use in an Institutional Designation ceases, the municipality and Planning Board may consider the redesignation of the site to an appropriate alternative designation only after examination of the following options for part or all of the site:
 - a) the use of the site for a suitable alternative institutional purpose;
 - b) acquisition of the site or a portion of it by the municipality for institutional or open space use, based on the park needs of the surrounding area; and
 - c) the use of the site to meet housing targets, particularly for special needs and affordable housing.
5. Any proposal to add or enlarge an Institutional Designation will be evaluated on the basis of:
 - a) the impact on and the compatibility with the uses surrounding the proposed site; and
 - b) the adequacy of social and physical services, including roads to accommodate the proposed use.
6. Adequate off-street parking areas will be provided in accordance with the provisions of the Zoning By-law, and access to parking areas will be limited and designed to provide maximum safety for pedestrian and vehicular traffic.

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7. Institutional uses will be located where there is direct access to and frontage on a local road maintained year-round.
8. 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.
9. The site will be designed to be accessible to all persons within the community, including the elderly and those persons with physical disabilities.
10. Appropriate landscaping and buffers will be provided to enhance the physical separation between the use and adjacent sensitive uses, where applicable and appropriate.

2.2.8 Open Space

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

2.2.8.1 Policies

1. Lands designated “Open Space” shall be used primarily for open air recreational and leisure uses such as parks, fair grounds and golf courses.
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. 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.
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

a 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 support studies shall be completed in accordance with the Implementation Section of this Plan.

2.2.9 Waterfront

The lands designated “Waterfront” on Schedule “C” 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.

2.2.9.1 Policies

1. Lands designated “Waterfront” shall be used primarily for water-oriented single detached dwellings and water-oriented recreational and tourist commercial uses.
2. All islands that are privately-owned shall be designated “Waterfront” unless otherwise specified herein.
3. In addition to the uses permitted above, publicly owned open space uses are permitted in areas designated “Waterfront” without requiring an amendment to this Plan.
4. In the Waterfront land use designation, one primary dwelling is permitted on each residential lot. A single secondary sleeping cabin may also be permitted provided it complies with provisions of the implementing Zoning By-law.
5. A boat house may also be permitted on each residential lot designated Waterfront, subject to the proponent obtaining the required Land Use Permit, Lease or Patent from the Province. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the implementing 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

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accommodations, the boathouse is deemed to be a sleeping cabin for the purposes of this Section.

6. 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 in addition to those set out in Section 4. 2.2:
 - a) 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;
 - b) documentation from the appropriate authority that docking locations are suitable and appropriate;
 - 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) 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; and
 - e) 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.
7. When considering a zoning amendment that would remove a water-oriented recreational and tourist commercial uses, the application shall be subject to the following policies:

- a) the proponent shall submit a market impact study justifying the proposed use, the removal of the tourist commercial use, and its potential impact on the area and its residents;
 - b) the proposed use is desirable and complementary to the immediate and surrounding uses;
 - c) the Planning Board and municipality may require the proponent to have their sewage disposal system tested and possibly replaced to conform to newer technologies for phosphorous removal; and
 - d) that approvals are obtained to ensure that the sewage disposal system that will service the proposed use is adequate and appropriate.
8. The Planning Board and local municipality are encouraged to require the establishment and/or retention of a natural vegetation buffer on lands within proximity to the shoreline of a lake or a tributary. The size of the buffer will be established in the implementing Zoning By-law.
9. The policies of this Section shall 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. The shoreline below the

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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.

- e) No shoreline structure which will adversely impact fish habitat shall be permitted.
- f) Other shoreline structures may include a gazebo, pumphouse, utility or storage shed, stairs, deck or viewing area subject to the standards set out above.

10. Site Specific Policies

- a) Special Policies for Badgeley Point Subdivision.

In addition to the policies of this Plan, and notwithstanding any policy in the Plan to the contrary, the following policies shall apply to the lands described herein, and to any plan of subdivision on those lands:

- i) the property shall be described as the Township of Killarney, now in the now in the Municipality of Killarney, Territorial District of Manitoulin, being Mining Claims S-5561, S-4324, S5461, S-5466, S-4361, S-5465, S-4362, S-5464, S-4363, S-5459, S-4364, S-5460, S-4365, S-5458, & S-4366 (Parcel 362), and as shown on Schedule "C: Land Use, Killarney (West) Planning District";
- ii) The development of the lands described herein shall only take place by means of a registered plan of subdivision;
- iii) A maximum of fifteen (15) residential lots for seasonal dwellings and accessory uses shall be permitted;
- iv) All lots are water access only – prior to draft approval, the draft plan of subdivision shall be accompanied by documentation that establishes to the satisfaction of the Planning Board and/or the Municipality that provision has been made for the following: adequate automobile off-street parking for each lot in

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the subdivision; adequate boat docking; and adequate garbage disposal (prior to draft approval of the plan of subdivision, there is confirmation received that the Municipality's Certificate of Approval for the landfill site includes sufficient capacity for the proposed 15 lots), and that such facilities can accommodate the proposed subdivision;

- v) The subdivision shall be developed on the basis of each lot having a privately owned and operated individual septic system, as per the Development Plan and Servicing Options Study (Proposed Plan of Subdivision Badgeley Point) prepared by John Jackson Planner Inc., and dated November 21, 2001;
- vi) Prior to draft approval of the plan of subdivision a Water Quality Impact Assessment must be done in accordance with the Ministry of the Environment's D5-4 Water Quality Impact Risk Assessment Guidelines, and that it can be demonstrated to the satisfaction of the Sudbury and District Health Unit that Class 4 sewage disposal systems can be successfully installed and used for the proposed subdivision;
- vii) The draft plan of subdivision shall contain a condition requiring that confirmation must be obtained from the Sudbury District Health Unit that individual lots can be serviced by a private sewage system authorized under the *Building Code Act*.
- viii) Prior to the installation of a sewage disposal system on any of the proposed lots, a Sewage System Permit must be obtained from the Sudbury and District Health Unit;
- ix) The draft plan of subdivision shall be accompanied by a planning report that establishes to the satisfaction of the Municipality that the development will not have an undue adverse affect on the financial position of the Municipality, community facilities, and adjacent uses and developments;
- x) As a condition of draft approval of the plan of subdivision, the proponent shall ensure that the final lot configurations of the subdivision preserve as much vegetative habitat in accordance

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with the “Recommended Minimum Development Standards for the Protection of Winter Deer Habitat” of the Ministry of Natural Resources to the satisfaction of the Planning Board and/or Municipality;

- xi) The subdivision shall be developed on the basis of the determination of the baseline water quality in Portage Cove and Powderhouse Bay; the sampling program will consist of a single event (spring of 2004), whereby spring phosphorous samples will be collected using standard protocols from Potage Cove, Powderhouse Bay, and one background location, and shall be submitted to the Ministry of Environment office in Sudbury (duplicate samples should also be submitted to the Ministry of Natural Resources Dorset Laboratory and a second laboratory of the proponent's choice); these samples will aid in the establishment of baseline conditions;
- xii) The subdivision shall be developed having regard for the conservation of all significant cultural heritage resources and where this is not possible, the proponent of development is encouraged to preserve significant cultural heritage resources through documentation, removal, and mitigation;
- xiii) As a condition of draft approval of the plan of subdivision, the proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found; no grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have been adequately addressed and that all work and reports have met licensing and resource and accessory uses;
- xiv) The subdivision shall be placed in an appropriate zone in the municipal zoning by-law that shall permit seasonal dwellings and accessory uses;

SETTLEMENT

- xv) As a condition of draft approval of the draft plan of subdivision, offers of purchase and sale agreements for the proposed subdivision shall contain provisions notifying prospective purchasers of the following matters:
- The need for the disinfection/treatment of drinking water;
 - The presence of a natural small craft harbour;
 - The advice/approval required from the Ministry of Natural Resources for any shoreline work;
 - The presence of the noise operating mine on Badgeley Island and the potential for future source of noise from a future silica mine on Badgeley Point and vibration and dust or other emissions arising from associated mining operation, such as blasting, transportation and loading; and the presence of the shoreline Crown Reserve abutting the subdivision lots and that the Ministry of Natural Resources must be contacted regarding its use and acquisition however, purchase of these Reserves will be considered by the Ministry of Natural Resources, but cannot be assured.
- xvi) The developer shall enter into a subdivision agreement with the Municipality to ensure that all conditions of draft approval will be met;
- xvii) As a condition of draft approval of the draft plan of subdivision, the proponent shall provide proof of long-term leases and/or agreements for mainland vehicle and boat trailer parking and public or private boat launching facilities to the satisfaction of the Planning Board and/or Municipality.

2.2.10 Crown Land

The lands designated "Crown Land" on Schedule "C" are areas owned by the Province of Ontario. The Province has ultimate authority over the use of Crown land and the issuance of occupational authority. The Planning Board

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and its member municipalities seek to work co-operatively with the Province but cannot control its actions with regard to the use or disposition of Crown land.

2.2.10.1 Policies

Future releases of Crown land are determined by the Province and should be guided by the policies of this Plan. In this regard, the following items are viewed by the Planning Board and its member 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:

1. 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;
2. 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, transportation access, and water-oriented development;
3. 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;
4. Where lots have been created by the Ministry of Natural Resources 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

5. 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.

2.2.11 Rural

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

2.2.11.1 Policies

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 other industrial uses that are not appropriate in Community or Village Policy Area, as well as limited residential developments, where appropriate. 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.
2. In addition to agricultural and agriculturally-related uses, rural industrial/commercial uses which are resource-based, including dry industrial/commercial uses and forestry uses, may be permitted without an amendment to this Plan; however, the foregoing uses will be subject to the following requirements:
 - a) The proposed use shall meet the requirements and separations distances set out in the Ministry of the Environment D-Series Guidelines, as amended from time to time;
 - b) Any agricultural or agriculturally-related use shall meet the requirements of the Minimum Distance Separation formulae, as amended from time to time;

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- c) The proposed use shall not create or add to a negative impact on the environment, adjacent or nearby sensitive land uses, or traffic patterns;
 - d) The proponent shall demonstrate how outside storage, if applicable, and the storage and removal of on-site generated waste is to be accommodated;
 - e) The proponent shall demonstrate how the traffic generated from the proposed use will impact the existing roads and how much will be generated;
 - f) 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).
3. 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.
4. In addition to the uses permitted above, service and tourist commercial uses, publicly-owned open spaces, and limited residential development in the form of single detached dwellings may be permitted in areas designated "Rural" 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.
5. Notwithstanding the foregoing, within the lands designated "Rural," existing uses that may be zoned for waterfront residential or tourist commercial type uses are permitted to continue as such.
6. Individual mobile homes may be permitted on lands designated "Rural" 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.

7. 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 3.4, 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.

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- g) 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.
 - h) 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:
 - xviii) 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
 - xix) 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.
 - i) Existing and expanded mobile home parks shall provide year-round access to an adequate supply of water for fire protection purposes.
 - j) 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.
8. Recreational Vehicles
- a) Recreational vehicles will subject to the provisions of the implementing zoning by-law.
 - b) Definition of Recreational Vehicles

Recreational Vehicles, which are also known as travel trailers, motor homes, park model trailer, campers and trailers for the purposes of the Plan, defined as follows: means any vehicle constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for the living, sleeping or eating accommodation of

persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its' running gear is removed.

9. All farm and non-farm development will comply with the Provincial Minimum Distance Separation formulae as amended from time to time.
10. In the interest of protecting the quality of ground and surface waters, 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 animal farms are encouraged to prepare a Nutrient Management Plan.
11. Industrial uses proposed in the Rural Area shall be subject to the provisions in Section 2.2.6, in addition to provisions set out in Section 2.2.11.1.2.
12. Not all lakes have been designated to accommodate new waterfront residential and commercial uses. Subject to the other policies of this Plan guiding waterfront development and outside of the rounding out of the existing development pattern, prior to a consent or the subdivision of any lands that would permit the principle use within 300 metres of a waterbody or river, the lands will be required to be redesignated to Waterfront.

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PART III

3.0 GENERAL POLICIES

1. This Section of the Official Plan establishes general policies that apply to all lands within the Sudbury East Planning Area regardless of their land use designation and depiction, where appropriate, on Schedules B and D.
2. Reference should also be made to the other policies of this Plan when considering the general policies of this Section in order to ensure that the goals of the Plan are implemented.

3.1 HOUSING

The Sudbury East Planning Area contains a wide variety of housing forms and tenures. Over the 20-year planning period addressed by this Plan, there is projected to be a demand for both seasonal and permanent residential households.

3.1.1 Goal

Support a range of housing forms and tenures that are complementary to the needs of the residents within the Sudbury East Planning Area.

3.1.2 Policies

1. It is the intent of the Sudbury East Planning Board and its member municipalities to ensure that there is at least a 10-year supply of land designated and available to meet anticipated short and long term housing demands. It is anticipated that the majority of future demand will be for single detached residential units of both a seasonal and permanent nature. It is the policy of this Plan to direct the majority of permanent residential development to Community and Village Policy Areas, wherever feasible, to take advantage of and optimize existing municipal services and community amenities prior to permitting the extension or expansion of new services and/or amenities. It is also a policy of this Plan to direct seasonal residential development to Waterfront Policy Areas and Rural Policy Areas where there will be minimal demand for municipal services and no negative

impacts on the natural heritage features or their functions, and minimal impacts on the environment.

2. Infilling and intensification in designated Community and Village Policy Areas is encouraged prior to considering unserviced greenfield areas.
3. The member municipalities may direct the allocation of municipal resources for the development and rehabilitation of housing through:
 - a) the leasing of land;
 - b) the oversizing of infrastructure to provide for future residential development;
 - c) technical support and planning studies;
 - d) development incentives;
 - e) partnership arrangements; and
 - f) other actions as may be appropriate.
4. 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;
 - c) outside storage and display is prohibited and exterior signage is restricted;
 - d) 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; and
 - e) the home occupation is contained entirely within the dwelling unit.

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5. Home industries, including small scale fabricating and manufacturing uses and service industries such as appliance repairs, are permitted as an accessory use to a residential use in the Rural Policy Area, subject to the provisions of the implementing Zoning By-law and provided:
 - a) the home industry is clearly incidental and secondary to the principal residential use;
 - b) outside storage is restricted and confined to the rear yard and not at all visible from the road or any adjacent property that is occupied by a sensitive land use and the display and exterior signage are restricted by the municipal sign by-law or Zoning By-law, whichever is more restrictive;
 - c) the home industry is compatible with abutting and/or adjacent uses with respect to traffic generation and parking, as well as potential nuisances such as noise and odour; and
 - d) the home industry occupies no more than one accessory building on the residential lot with a square footage that cannot exceed the above-grade gross floor area of the principle dwelling.

3.2 ECONOMIC DEVELOPMENT

The Sudbury East Planning Board and its member municipalities value a strong local economy. The utilization of natural resources, agricultural lands and mineral resources, as well as cottage development, tourism development and the public travelling along Highways 17, 64, 69, 528, 535, 539, 607 and 637 when combined, represent the major components and opportunities for the local economy.

3.2.1 Goal

Support economic development initiatives consistent with the principles of good land use planning.

3.2.2 Policies

1. The Sudbury East Planning Board and its member municipalities will foster a favourable climate for economic development by:

- a) expediting planning approvals that conform with the policies of this Plan;
 - b) continuing to support local economic development initiatives;
 - c) pursuing opportunities to partner with private sector investors to create year-round jobs in the Planning Area;
 - d) pursuing opportunities afforded by the federal and provincial governments;
 - e) providing and maintaining adequate municipal infrastructure and services; and
 - f) identifying and promoting areas for specific types of development that are key to the economic base of the Planning Area. These include lands for housing, tourist facilities, commercial and employment development, as well as agriculture.
2. Most of the natural resources within the Planning Area occupy lands owned and regulated by the Province. The Planning Board and its member municipalities encourage the development of partnerships with the Province regarding initiatives to develop, use, or manage Crown land resources.
 3. Agricultural activities are encouraged within the Planning Area.
 4. The Planning Area contains deposits of minerals and aggregates that are important to support the development of the member municipalities and contribute to the local economy. The mining, extraction and local processing of minerals and aggregates is encouraged in keeping with the policies of this Plan.
 5. Commercial uses are encouraged to develop and expand to provide for the needs of the residents and tourists in keeping with the policies of this Plan.
 6. Industrial uses are encouraged to develop and expand to provide employment for residents within the Planning Area in keeping with the policies of this Plan.

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3.3 TRANSPORTATION

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

3.3.1 Goal

A sustainable, effective and efficient transportation system.

3.3.2 Road Policies

1. The following road designations are identified on Schedule B.

- a) Provincial Highways; and
- b) Local Roads.

In addition to the foregoing, there are a number of private roads within the Planning Area that are not shown on Schedule B. These roads are also subject to the policies of this Plan.

2. The Planning Board and its member municipalities will work to achieve the coordinated planning, expansion and maintenance of the road system in cooperation with other public agencies and the private sector.
3. Provincial highways within the Sudbury Planning Area include Highway 69 (Class II – Staged Freeway), Highway 17 (Class III – Controlled Access Highway), and Highways 64, 528, 535, 539, 607, and 637 (Class V – Minor Highways).
4. Ministry of Transportation'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 Ministry of Transportation's permit control area under the PTHIA is subject to Ministry of Transportation 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 Ministry of Transportation's permit control area.

5. Where development is proposed in proximity to a Provincial Highway, Ministry of Environment Noise Assessment Criteria shall be applied.
6. In general, while all existing entrances will be allowed to remain in the interim, there will be no new entrances 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.
7. Direct access to Class V Highways (64, 528, 535, 539, 607, and 637) is permitted provided that the proponent of development meets the Ministry of Transportation'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.
8. 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.
9. Where new development is abutting a provincial highway and a local road, the development is encouraged to gain access and use the local road where possible.
10. For the purpose of this Plan, Local Roads are roads that are owned and maintained by a municipality or maintained by a local roads board.

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11. Direct access to Local Roads from abutting properties is permitted provided the access point is in a location where there are adequate sight lines considering the topography and the geometric design of the road.
12. 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.
13. Standards for new Full Maintenance Local Roads will be determined by the local municipality's road standards for engineered design, layout, drainage and construction. The applicable municipality may require paving of new Full Maintenance Local Roads. Where new Full Maintenance Local Roads are constructed as part of a development, the developer will be responsible for the cost of construction.
14. 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.
15. 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.
16. 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.

17. The construction of new Seasonal Maintenance Local Roads or the extension of existing ones is discouraged, subject to the discretion of the local municipalities.
18. Member municipalities may enter into agreements with adjacent municipalities for the construction and/or maintenance of Local Roads that serve as municipal boundaries.
19. For the purpose of this Plan, Private Roads are roads that are not owned or maintained by the Province or a municipality or maintained by a local roads board that service two or more properties in separate ownership.
 - a) Private Roads within the Sudbury East Planning Area are roads that are maintained through private agreements.
 - b) 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 shall not be responsible for upgrading Private Roads.
 - c) Extending a private road is discouraged. The development of a new private road is prohibited, unless such a road is part of an internal road within a condominium development.
 - d) Direct access to existing Private Roads from existing abutting properties may be permitted provided the access point is in a location where there are adequate sight lines considering the topography and the geometric design of the road.
 - e) The creation of new lots on a private road and the creation of new lots that may precipitate the extension of a private road is discouraged.
20. Road access points will be designed to the satisfaction of the municipality and be in locations that will not create a hazard due to impaired line of sight, or any other safety, transportation or land use planning consideration.
21. Minimum right-of-way widths are determined by each municipality for each classification of road. However, in the Urban Settlement Areas, and in certain other circumstances, the municipality may consider alternative

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development standards including reduced right-of-way widths. The municipality recognizes that in some existing developed areas the reconstruction of roads to the standards required by the policies of this Plan may be economically or physically infeasible due to constraints of existing buildings, existing services, access driveways and other conditions. In order to secure needed road improvements in such cases, it will be necessary to find a realistic balance between accepted engineering standards, the disruptive effects upon existing conditions, and ensuring public safety is upheld.

22. Where additional land is required for road widenings and extensions, such land will be dedicated wherever possible, in the course of approving draft plans of subdivision or condominium, consents or site plan agreements, without amendment to this Plan. The dedication of such land will take into account the following:
 - a) the extent of the right-of-way that may be required as established in the policies of this Plan;
 - b) road widenings being taken equally on either side of the centre line of existing roads. However, unequal widenings may be required where factors, such as topography, historic building locations, grade separation, channelization, existing development or other unique conditions make the dedication of equal widenings infeasible;
 - c) the need to provide acceleration and deceleration lanes, left-turn storage lanes, medians, traffic signals or other traffic control devices, sight triangles at intersections including intersections of an arterial road and a railway line, railway grade separations and/or any other traffic or road engineering consideration. The extent of the widening will be based on specific characteristics of the intersection and will be determined in accordance with accepted traffic engineering design criteria; and
 - d) other requirements as established by the municipality.
23. Any proposals to widen, extend, realign or improve roads will consider Natural Heritage Features and Functions thereof, and cultural heritage landscape factors and attributes of adjacent land, or by views created by the

road. The municipality may require a landscape assessment prior to approval or endorsement of any proposals to widen, extend, realign or improve roads.

24. Parking

The parking management policies focus on the promotion of efficiently planned, compact and accessible development for all modes of transportation. Given that the automobile will continue to be the principal mode of transportation within the municipality and broader Planning Area, the provision of sufficient parking, in terms of size, location and quantity is an important consideration in this Plan.

- a) The following will be the policy of the municipality:
 - i) Except for small-scale commercial uses in the Mixed-Use designation, all new development and redevelopment, including re-use of existing buildings, will be required to provide adequate off-street parking and loading spaces in accordance with standards established in the Zoning By-law. Access and egress to all off-street parking or loading spaces will be limited in number and designed to minimize danger to vehicular and pedestrian traffic.
 - ii) The municipality will assess parking needs in the Mixed-Use designation in order to provide adequate on- and off-street parking.
 - iii) All new development or redevelopment in the Mixed-Use designation, except for residential uses, will be encouraged to provide sufficient parking on-site to accommodate the proposed use. If such parking cannot be provided, the municipality at its sole discretion may collect cash-in-lieu pursuant to Section 40 of the *Planning Act* to be used expressly for the provision of additional parking spaces in an appropriately defined area. Residential uses in the Mixed-Use designation will not be permitted to develop on the basis of cash-in-lieu of parking.
 - iv) Shared parking amongst residential and non-residential uses may be promoted to provide for a more efficient use of fewer parking spaces.

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- v) Efficient site design practices will be promoted which focus on compact and accessible land development to minimize land consumption.
- vi) Opportunities to provide alternative modal choices such as cycling and walking will be promoted to reduce parking demand.
- b) The municipality will review the design and layout of parking areas in accordance with the local parking guidelines.

3.3.3 Rail Policies

1. The Planning Area is traversed by numerous rail corridors as shown on Schedule “B”.
2. Proponents of new development within 300 metres of a rail corridor may be required to complete a noise study to support the proposal in accordance with Ministry of Environment Noise Assessment Criteria, and if the need for mitigation is determined by the noise study, shall identify and recommend appropriate mitigation measures.
3. All proponents of new development 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.
4. All proposed development abutting a rail corridor shall incorporate appropriate safety measures, 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.
5. All proponents of new development 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. The Planning Board and its member municipalities encourage the reuse of abandoned rail corridors for recreational trails, where appropriate.

3.3.4 Recreational Trail Policies

1. The Planning Board and its member municipalities encourage the development of a variety of trails for recreational, health and economic benefit.
2. The development and extension of the trail network should be undertaken in consultation with the applicable municipality and affected stakeholders, such as landowners, user groups and Provincial ministries. The development and extension of trails should avoid areas of significant mineral potential and abandoned mine hazards to prevent potential land use conflicts and threats to public health and safety.
3. To promote the development and/or acquisition of trails to add to the existing network, the Planning Board, in association with the local municipalities, may prepare a Recreational Trails Master Plan that indicates the location and means to acquire additional municipal and private lands for trails.

3.3.5 Air Transportation Policies

1. There are two airports (Alban and Killarney) within the Sudbury East Planning Area as identified on Schedule "B".
2. The Planning Board and its member municipalities support initiatives that would maximize and protect the economic development potential of these airports. The airports shall be protected from incompatible land uses and development in accordance with Ministry of Environment 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

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- c) discouraging land uses which may cause a potential aviation safety hazard.

3.4 PHYSICAL SERVICES

3.4.1 Goal

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

3.4.2 Policies

1. For the purpose of this Plan, physical services include sewage and water works, stormwater management, waste management systems, electric generation, communications, as well as oil and gas pipelines and associated facilities.
2. The Planning Board and its member municipalities establish as a priority the development of existing serviced, under-utilized, or undeveloped lands within the Planning Area where full, and to a lesser extent, partial municipal sewage and water services are available.
3. As a first priority and in accordance with Section 2.1.2.2 and the Provincial Policy Statement, development should occur in Community Policy Areas where full municipal water and sewage systems are available As a second priority, development in Village Policy Areas should occur on individual services and in areas with partial servicing, through infilling and the rounding out of the development pattern. As a third priority, individual on-site systems may be used for development in the Rural Policy Area and the Waterfront Policy Area subject to the proponent of development demonstrating to the Planning Board, applicable municipality and local Health Unit or the Province that the proposed servicing scheme is feasible and appropriate. The Planning Board and local municipality may require the preparation of a servicing options report to determine the most appropriate means of servicing a particular development.
4. 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.

5. Village Policy Areas that have lands available to accommodate future development currently have either a municipal water supply or sewage disposal system (partial services) or individual services, but may not secure full municipal services during the planning period. In situations where only a municipal sewage system is available, the potential environmental impacts associated with partial services are less of an issue. However, this is not the case where only a municipal water system is available. Therefore, development may occur on lands where a municipal sewage system is not provided or available subject to the proponent of development demonstrating to the Planning Board and/or the applicable municipality that the proposed servicing scheme is feasible and appropriate considering the following:
 - d) it has been established that the soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings and the installation of an appropriate sewage disposal system. Confirmation of adequate servicing allocations and capacities shall also be obtained indicating that the proposed development can be adequately serviced. In areas where partial municipal services are not currently available, will not be available in the immediate future, or are not economically feasible due to topography or other similar constraints, individual on-site sewage services will be permitted. Where individual on-site sewage services are the proposed servicing method, development may only be permitted if there is confirmation of sufficient reserve sewage system capacity for hauled sewage in accordance with Ministry of Environment D-Series Guidelines. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services; and/or
 - e) 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. Should such

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- information be inconclusive or indicate that suitable potable water would not likely be available, a well on the site shall be established and quality and quantity standards proven prior to final approval being granted; and
- f) that there are physical constraints that preclude the establishment of a municipal sewage disposal system.
6. Development in the Rural Policy Areas will occur on individual services, subject to the proponent of development demonstrating that:
- a) the soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings and the installation of an appropriate sewage disposal system. Confirmation of adequate servicing allocations and capacities shall also be obtained indicating that the proposed development can be adequately serviced. Development may only be permitted if there is confirmation of sufficient reserve sewage system capacity for hauled sewage in accordance with Ministry of Environment D-Series Guidelines. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage;
 - b) 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. Should such information be inconclusive or indicate that suitable potable water would not likely be available, a well on the site shall be established and quality and quantity standards proven prior to final approval being granted; and
 - c) that there are physical constraints that preclude the establishment of a municipal sewage disposal system.
7. The Planning Board and its member municipalities encourage the coordinated planning of future physical service routes, easements and corridors in cooperation with other physical service providers to ensure their integration with the established or anticipated development pattern.

8. The local municipalities are encouraged to prepare a Septage Servicing Plan to ensure that development in each of the policy areas can be adequately serviced over the long-term.
9. Stormwater Management
 - a) The Planning Board and/or the applicable municipality in consultation with the Province may require a proponent of development to submit studies of stormwater runoff and its impact on the water quality and quantity of receiving watercourses in accordance with the Implementation Section 4.15 of this Plan.
 - b) The Planning Board and/or the applicable municipality will require proponents of development that require stormwater management systems to:
 - i) use stormwater management measures to manage the storage and controlled discharge of water to receiving watercourses;
 - ii) use stormwater management measures which prevent siltation and erosion and do not negatively impact the water quality of receiving watercourses;
 - iii) consider, where appropriate, enhancing vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourse; and
 - iv) consider, where appropriate, providing public access to and along the stormwater management system and receiving watercourse for recreational trails.
10. The Planning Board and/or the applicable municipality encourage the use of best management practices in the planning, construction and eventual use of stormwater management systems.
11. The Planning Board and/or the applicable municipality will require sufficient setbacks and buffer zones between major physical service rights-of-way, associated facilities and adjacent land uses, in accordance with provincial standards and guidelines.

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12. Physical 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.
13. Private physical service providers are encouraged to consult with the Planning Board, its member municipalities and residents during the planning of new facilities.

3.5 NATURAL HERITAGE

The Sudbury East Planning Area contains significant and sensitive natural features and functions, such as Areas of Natural and Scientific Interest (ANSI), wetlands as well as fish, moose and elk habitat.

3.5.1 Goal

Protect significant and sensitive natural features and functions.

3.5.2 Policies

1. Natural Heritage Features and Areas are those lands identified as Provincially Significant Wetlands, Significant Habitat of Endangered Species and Threatened Species, Fish Habitat, and Significant Wildlife Habitat.
2. The Planning Board and local municipalities will work to conserve, restore and, wherever possible, enhance Natural Heritage Features and functions. The Plan divides Natural Heritage Features into four categories:
 - a) Provincially Significant Wetlands are identified by the Ministry of Natural Resources as provincially significant features. Provincially Significant Wetlands are within the Natural Heritage Designation, described in Section 3.5.2.4;
 - b) The Significant Habitat of Endangered Species and Threatened Species, are described in Section 3.5.2.5;
 - c) Fish Habitat, as described in Section 3.5.2.6; and

- d) Other Natural Heritage Features and functions include areas that are identified as containing Significant Wildlife Habitat, which is further described in Section 3.5.2.7.
 - e) Subject to Provincial and Federal statutes, the policies of this Plan will not prevent the continuation of existing agricultural uses within or adjacent to Natural Heritage Features. New agricultural uses or the expansion of agricultural uses into Natural Heritage Features will not be permitted.
3. Delineation of certain Natural Heritage Features is based on data provided by the Ministry of Natural Resources. These features will be protected for the long-term and, where possible, enhanced in the development, redevelopment and alteration of land within the identified areas. The delineation of these features may be determined and/or refined through the preparation of a detailed Environmental Impact Assessment (EIA), as described in Section 3.5.2.8.
4. Provincially Significant Wetlands

Provincially Significant Wetlands (PSWs) are designated Natural Heritage on Schedule "D". PSWs are identified and delineated by the Ministry of Natural Resources. Lands within 120 m of a PSW are considered adjacent lands. Adjacent lands are defined as the contiguous lands adjacent to a PSW and represent an area where it is likely that development or site alteration would have a negative impact on the feature or area. The following will be the policy of the Planning Board and local municipalities:

- a) Development and site alteration will not be permitted within a Provincially Significant Wetland.
- b) Development and site alteration will not be permitted on lands adjacent to a Provincially Significant Wetland, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological and/or hydrologic functions that cannot be mitigated. For the purposes of this policy, the extent of adjacent land will be defined as 120 metres. An EIA in accordance with Section 3.5.2.8 will be required for all development proposals within 120 metres identified as being a

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PSW. Prior to considering development and/or site alteration, the Planning Board and applicable municipality will be satisfied that the EIA demonstrates that there will be no negative impacts on the PSW and the sustaining ecological and/or hydrologic functions.

- c) The boundaries of PSWs are defined based on an evaluation carried out in accordance with Ministry of Natural Resources procedures, which may be amended from time to time. The boundaries of PSWs may be refined without an amendment to this Plan, subject to the approval of the Ministry of Natural Resources, will be updated on the schedules at the time of a 5-year update. The addition or removal of a PSW will require an amendment to this Plan.

5. Significant Habitat of Endangered Species & Threatened Species

In accordance with common practices to protect the features from disturbance, the Significant Habitat of Endangered Species and Threatened Species are not illustrated on the schedules of this Plan. The following will be the policy of the Planning Board and local municipalities:

- a) Significant Habitat of Endangered Species and Threatened Species are not illustrated on any Schedule and will be defined based on data from Provincial and Federal authorities. The Ministry of Natural Resources approves the identification of Significant Habitat of Endangered Species or Threatened Species.
- b) Development and site alteration will not be permitted in the Significant Habitat of Endangered Species and Threatened Species unless authorization under the *Endangered Species Act, 2007* has been obtained.
- c) Development and site alteration will not be permitted on land adjacent to the Significant Habitat of Endangered Species and Threatened Species, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be mitigated. For the purposes of this policy, the extent of adjacent land will be defined as 50 metres. An EIA in accordance with Section 3.5.2.8 will be required for all development proposals within 50 metres identified

as being the Significant Habitat of Endangered Species and Threatened Species or as prescribed by regulation or a habitat protection order. Prior to considering development and/or site alteration on lands within 50 metres or abutting areas, the Planning Board and local municipality will be satisfied that the EIA demonstrates that there will be no negative impacts on the habitat values upon which the species depend directly and indirectly, and any related ecological functions.

6. Fish Habitat

- a) The Planning Board and local municipalities recognize that the health of the aquatic environment is a fundamental indicator of the health of the overall ecosystem. Fish habitat protection and restoration opportunities throughout the Planning Area are significant due to the number of subwatersheds which outlet into Lake Nipissing, the French River, and ultimately, Lake Huron. Fish habitat restoration opportunities may be implemented through subwatershed studies, Secondary Plans, and on an individual lot basis. The harmful alteration, disruption, or destruction of fish habitat is prohibited under the *Fisheries Act*.
- b) When considering impacts to fish habitat areas, the following will be the policy of the Planning Board and local municipalities:
 - i) Development will only be permitted provided that it does not harmfully alter, disrupt or destroy fish habitat. Through a fish habitat mitigation/compensation assessment, in consultation with the Planning Board, the applicable municipality, and the Ministry of Natural Resources, it is the Planning Board and local municipalities' objective to secure no net loss of productive capacity of fish habitat, and where possible, secure a net gain of productive capacity of fish habitat.
 - ii) Development and site alteration is prohibited in Fish Habitat except in accordance with Provincial and Federal requirements. Development within adjacent lands of Fish Habitat is prohibited unless the ecologic function of said lands has been evaluated and it has been determined that there will be no negative impacts on the resource or its ecological functions.

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- iii) Any development or change in land use near or adjacent to an existing or potential fish habitat area will be reviewed by the Planning Board and applicable municipality in consultation with the Ministry of Natural Resources with respect to the potential impact. Any such proposal will be subject to an assessment to determine if it will result in a reduction of the fish habitat.
- iv) Subject to the requirements of the Ministry of Natural Resources' Natural Heritage Manual, the Planning Board and applicable municipality may determine the minimum vegetative buffer zone adjacent to existing or potential fish habitat areas where development is proposed.
- v) Where it has been determined that the development or change in land use will affect the natural functions of the fish habitat, the preparation of a fish habitat mitigation/compensation assessment will be required. The assessment will typically be required to include the following information:
 - A) identify the nature and extent of potential impacts;
 - B) determine appropriate mitigative measures to protect the affected fish habitat;
 - C) specify compensation for loss of fish habitat through near-site replacement of habitat, off-site replacement of fish habitat or an on-site increase of fish habitat capacity;
 - D) determine appropriate buffering and how such buffering will be protected in the future; and
 - E) address other matters as determined by the Department of Fisheries and Oceans.
- vi) Any requirements imposed through a fish habitat mitigation/compensation assessment will be implemented by the proponent with input from, and to the satisfaction of, the Planning Board, the local municipality, and the Ministry of Natural Resources.

- vii) Where it is determined by the Planning Board and the local municipality that any development will cause negative impacts to fish habitat, such development may not be permitted.
- viii) Subwatershed studies may be prepared to provide additional policy guidance related to the protection and enhancement of fish habitat and the specification of protective or mitigative measures.

7. Significant Wildlife Habitat

Significant wildlife habitat is one of the primary ecological functions and includes species ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Significant wildlife habitat is an area where plants, animals and other organisms live, and find adequate amounts of food, shelter, water and space needed to sustain their populations. All plants and animals have individual habitat requirements, which vary for different periods in their life cycles. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their life cycle, and areas, which are important to migratory or non-migratory.

8. Environmental Impact Assessments

The Planning Board and local municipalities will apply the following policies to the preparation and review of an EIA. Under circumstances where an EIA is required either at the preconsultation stage or as a component of the submission of a complete application, the study and specific scope of the EIA, will be prepared to the satisfaction of the Planning Board and applicable municipality.

To assist the Planning Board and local municipality in determining the adequacy of the EIA, Planning Board and local municipality may require a peer review, paid for by the proponent.

The EIA will include where applicable:

- a) A proposal description including a description of the proposed use:

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- i) current land use, existing land use regulations, and ownership of the subject land and land adjacent to the proposed location;
 - ii) the timing of construction/development, including any phasing of the development;
 - iii) alternative forms the development may take;
 - iv) activities associated with the proposal, and its alternatives that may have environmental impacts (e.g., work on stream banks, tree-cutting, removal of vegetation, earth-moving, excavation and post-construction activities);
 - v) a list of relevant reports and supporting studies that have been completed for the site; and
 - vi) a general map showing main roads, proposed lot lines, building envelopes, laneways, septic systems, wells and waterline locations, the extent of the proposed vegetation removal, surrounding Natural Heritage Features or areas, and other features as requested through the EIA pre-consultation.
- b) A biophysical inventory of the resource, including:
- i) if not specified during the EIA pre-consultation, an explanation and justification of the level of investigation undertaken whether data is gathered from existing sources, or a limited or detailed field inventory is undertaken; and
 - ii) if not specified during the EIA pre-consultation a biophysical inventory, identifying:
 - A) physical and hydrologic features including:
 - landform;
 - soil types and drainage characteristics;
 - overburden and bedrock geology;
 - areas of high water table;

- areas of groundwater recharge and discharge;
 - location and usage of wells;
 - drainage patterns;
 - basin boundaries and watercourses;
 - existing erosion sites; and
 - areas of shallow soil.
- B) native plants and animals;
- C) significant wildlife habitat;
- D) significant fish habitat
- E) the delineation and mapping of natural vegetation on the subject land, and adjacent affected lands, using the Ministry of Natural Resources Ecological Land Classification;
- F) the delineation and mapping of wetlands on the subject land, and affected adjacent lands, using the Ministry of Natural Resources Ontario Wetland Evaluation System;
- G) the environmental significance of the physical, hydrological, and natural features on the subject land, and affected adjacent lands, based on criteria outlined in the Ministry of Natural Resources “Significant Wildlife Habitat Technical Guide”;
- H) the location and presence of Species at Risk (SAR) as identified federally or provincially; and
- I) any other natural features such as hedgerows, windbreaks, isolated tree groupings, wildlife nesting or staging areas, linkages with other natural areas and wildlife corridors; and

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- J) the reasoning behind the choice of study areas within and adjacent to the proposed development site, and the seasons and times of year of the inventory.
- c) An assessment of the impacts of the proposal describing the significance of negative or positive effects on Natural Heritage Features, functions or areas, on the subject land, and affected adjacent lands. Specifically, the assessment should identify and assess:
 - i) on-site effects (e.g., elimination of habitat);
 - ii) off-site effects (e.g., sediment transported downstream);
 - iii) short-term, long-term and cumulative effects;
 - iv) effects on the use of Natural Heritage Features, functions, or areas by people (e.g., recreational or educational uses); and
 - v) an explanation of the method used to determine the effects.
- d) Identification and evaluation of impact avoidance, enhancement and mitigating measures proposed, including, but not limited to:
 - i) the identification and assessment of all feasible mitigating measures;
 - ii) the identification of effects that can be reduced or eliminated by the application of appropriate mitigating measures;
 - iii) a detailed description of the proposed mitigating measures to eliminate or reduce the negative effects;
 - iv) the relative effectiveness of implementing these mitigating measures should be estimated, and the extent and significance of any remaining impacts discussed; and
 - v) opportunities for the enhancement of the Natural Heritage Feature, function, or area resulting from positive effects.
- e) Recommendations and conclusions based on the above evaluation of impact avoidance, enhancement and mitigating measures will outline

the preferred alternative for impact avoidance, enhancement and mitigation including:

- i) modifications to the concept plan or site plan;
 - ii) construction requirements or constraints;
 - iii) integral components of detailed designs or site plans, such as surface water/stormwater management plan, erosion control plan, tree protection plan, rehabilitation/landscape management plan, or wildlife management plan;
 - iv) appropriate buffers/setbacks; and
 - v) other environmental protection measures.
- f) Summary consisting of a brief overview of the proposal, the effects on the environment and a statement of opinion from a qualified professional on whether or how the development could proceed without negatively impacting the values of the natural heritage feature, function or area.
- g) Environmental Impact Assessment Policies

The following policies will apply to the preparation of Environmental Impact Assessments:

- i) The Planning Board and local municipality will require that an EIA be carried out and completed by qualified professionals in the field of ecology, terrestrial and/or aquatic biology, environmental planning and/or relevant earth sciences.
- ii) The nature and scope of a particular development proposal will serve to define the type of EIA and review criteria to be addressed. The Planning Board and local municipality will have consideration to Ministry of Natural Resources' Natural Heritage Reference Manual to establish the specific scope of any particular EIA.
- iii) The Planning Board and local municipality will review and accept an EIA prior to scheduling a public meeting under the *Planning Act*, depending on the nature of the approval.

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- iv) If the Planning Board and local municipality are of the opinion, upon reviewing the EIA, that it has been demonstrated that the proposed use will not have a detrimental impact on the Natural Heritage Feature, and that all other planning matters will be addressed, the Planning Board and local municipality may approve the proposed use subject to conditions.
- v) If the detrimental impact of the proposed use on the Natural Heritage Feature cannot be adequately mitigated, then the development will not be permitted.

9. Sourcewater Protection

- a) 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*. Accordingly, proponents of development or site alteration adjacent to a municipal wellhead as indicated on any of the Land Use Schedules to this Plan or privately-owned wells shall be required to complete all necessary hydrogeological investigations to the satisfaction of the Planning Board and the applicable municipality prior to approvals being granted. Study requirements shall be determined by the Planning Board and the applicable municipality in consultation with the Province.
- b) It is the intent of the Planning Board and the municipality that all development and site alteration within any wellhead shall be restricted unless the proponent of development completes all necessary hydrogeological investigations to the satisfaction of the Planning Board and the applicable municipality prior to approvals being granted. The extent of the permitted uses will be delineated in the implementing Zoning By-law.
- c) It is a policy of the Planning Board and applicable municipality that pesticide use and the storage of materials that may contaminate the groundwater resource will be prohibited.

10. Watercourses

- a) Watercourses transport both water and sediment from areas of high elevation to areas of low elevation. Changes to the amount or velocity of water being transported or the amount or size of bed load being moved can have significant impacts on watercourses, which may result in increased erosion and flooding. Watercourses provide habitat for fish and other species to live as well as provide water for human consumption, wildlife and livestock. Watercourses are directly related to many hazards including flooding, erosion, slope stability and natural features such as wetlands.
- b) The following will be the policy of the Planning Board and local municipalities:
 - i. The Planning Board and applicable municipality, where possible, will require the preservation and enhancement of natural stream bank vegetation and promote suitable erosion control methods.
 - ii. The Planning Board and applicable municipality will ensure that the construction of tile outlets do not contribute to erosion along watercourses.
 - iii. The Planning Board and applicable municipality will promote tree planting along watercourses, where possible, to enhance the natural corridor function, provide for cool water temperatures and protect watercourse banks from erosion.
 - iv. The Planning Board and applicable municipality will ensure that best management practices and interim measures are utilized during construction projects adjacent to watercourses to reduce sedimentation and erosion.
 - v. The Planning Board and applicable municipality will establish an appropriate setback from the top of bank for all new development and expansions in order to prevent erosion, improve water quality, enhance wildlife corridors, and protect fish habitat in accordance with the Ministry of Natural Resources' Natural Heritage Reference Manual and the Ministry of the Environment's Lakeshore Capacity Assessment Handbook.

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- vi. The Planning Board and applicable municipality will promote the use of watercourses and adjacent lands for pedestrian movement and passive recreation areas, where feasible.

11. General Policies

- a) The following will be the policy of the Planning Board and local municipalities:
 - i. The Planning Board and local municipalities will encourage that, wherever possible and appropriate, trees be replanted to replace trees removed if a development proceeds. The Planning Board and local municipalities will encourage the conservation or replanting of roadside and fence-line shrubs and trees, and riparian area vegetation, wherever possible and appropriate in the context of new development. Financial compensation for tree loss is not considered the preferable means of appropriate mitigation for development.
 - ii. The Planning Board and local municipalities will use the Guidelines for an EIA in the Ministry of Natural Resources' Natural Heritage Reference Manual as a guideline for the completion of an EIA, referenced in Section 3.5.2.8 to ensure that development proposals are consistent with Provincial policies and the Planning Board's Natural Heritage Feature policies.
 - iii. The Planning Board and local municipalities will encourage opportunities that may arise with development proposals for creating new habitats, natural vegetation regeneration, conserving natural landforms and functions for protecting and enhancing groundwater and surface water resources, and for promoting environmental education and interpretation.
 - iv. Where components of the Natural Heritage Features are held in private ownership, nothing in this Plan will require that these features be free and available for public use, and the identification of features will not oblige the Planning Board and/or

the local municipality, or other public agencies to purchase the land.

- v. The Planning Board and local municipalities will, to the extent feasible, ensure that required maintenance of existing drains is carried out in a manner that mitigates impacts of the maintenance of existing drains on Natural Heritage Features and functions.
- vi. When considering applications or initiating projects under the *Drainage Act* or *Ontario Water Resources Act* for drainage works, the Planning Board and local municipalities, in consultation with the Province, must be satisfied that the works will be engineered and constructed to ensure no negative impact on Natural Heritage Features and functions. Such considerations may include completion of an EIA or an environmental evaluation/appraisal carried out under the *Drainage Act*.

3.6 NATURAL HAZARDS

3.6.1 Goal

Protect human life and property located within and adjacent to flood plains and unstable slopes.

3.6.2 Flood Plain Policies

1. Areas that are susceptible to flooding hazards are subject to the following policies which were determined in consultation with the Province. The general boundaries of the Flood Plain Areas are not mapped on any of the Land Use Schedules to this Official Plan.
2. 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.
3. Uses prohibited from developing within hazardous lands or hazardous sites include:

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- a) an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
 - b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
 - c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
4. Buildings, structures, or development are not permitted within a flood plain except:
- a) works and facilities related to flood and erosion control; and
 - b) in accordance with the policies set out below.

The Planning Board and/or the applicable 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:

- i) the proposed development and its occupants will be protected from the effects of a 1:100 year flood;
- ii) the potential upstream and down stream impact of the development proposal will not significantly affect the hydrology or hydraulics of the flood plain;
- iii) that adequate flood proofing measures are incorporated in the development; and
- iv) 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. The Planning Board and/or the applicable municipality may permit renovations, minor additions and alterations to existing buildings or structures in the flood plain provided:
 - a) no adverse effects on the hydraulic characteristics of flood flows are created; and
 - b) such renovations, additions or alterations are generally flood proofed to the 1:100 year flood elevation with reductions as determined appropriate and feasible.
6. Modifications to the flood plain through filling, excavation or by other means shall not be permitted.
7. Appropriate setbacks may be established in the implementing Zoning By-Law for development adjacent to a flood plain.
8. Under no circumstance shall development be permitted to locate in a floodplain or on lands that are susceptible to a flooding hazard where the use is:
 - a) an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
 - b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
 - c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

3.6.3 Unstable Slopes

1. There is land subject to hazards due to steep slopes, unstable soils and/or erosion in locations other than flood plains or the shoreline area. Development of such areas may be considered provided that the existing or

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potential hazards can be overcome by accepted engineering and resource management practices and techniques, including setbacks from the stable top of bank. The stable top of bank will be determined by a qualified professional, in consultation with the Planning Board and local municipality,. The required setback will reflect the degree, severity and extent of the hazard. The erosion hazard (slope setback) will be determined using an allowance for slope stability, an erosion allowance based upon the 100-year erosion rate, and an erosion protection allowance. The Planning Board and local municipality may require a geotechnical study or engineering analysis in order to determine the feasibility of proposed development in the above mentioned areas. A minimum setback may be included in the implementing Zoning By-law.

2. 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.

3.7 HUMAN-MADE HAZARDS

3.7.1 Goal

Protect people and their property from human-made hazards.

3.7.2 Potentially Contaminated Sites

1. The historic use of land in the Planning Area has resulted in the potential for some land to be contaminated as a result of previous activities, often known as Brownfields. While not all brownfields are contaminated, these sites, where contamination exists, represent a potential hazard to human health, ecological health and the natural environment. To the contrary, they also represent opportunities for potential redevelopment and reintegration into the local community, if they are properly remediated to suit a new use of the site.
2. The following will be the policy of the Planning Board and local municipality:
 - a) The Planning Board and local municipality encourages 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.
 - b) For land with a historic use which may have resulted in site contamination or land adjacent to known or suspected contaminated sites, Environmental Site Assessments (ESAs) will be prepared in accordance with the Environmental Procedures for Potentially Contaminated Sites policies of Section 3.7.2.1 of this Plan, as part of the development approvals process to determine whether contamination exists, its extent where it does exist, and to determine remediation requirements.
 - c) The Planning Board and local municipality will encourage owners of potentially contaminated sites to remediate their sites so that they may be reintegrated into the community.

3.7.2.1 Environmental Procedures for Potentially Contaminated Sites

1. The development or redevelopment of potentially contaminated sites will be assessed and remediated in a manner consistent with the *Environmental Protection Act* and relevant regulations, and the relevant Ministry of the Environment guidelines and procedures.

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2. Provincial regulations, as amended from time to time, establish the required criteria for site remediation and/or standards for Risk Assessments. Provincial regulations also specify the circumstances under which Records of Site Condition (RSC) are required for certain changes of land use.
3. Proponents of applications for an Official Plan amendment, Zoning By-law amendment, plan of subdivision and/or condominium or site plan approval will be required to document the previous uses of the subject property and/or any properties that may have been impacted by or have impacted the subject property, to assist in the determination of the potential for site contamination. At the Planning Board and local municipality's discretion, applications for minor variance and consent may also be required to document previous uses to assist in the determination of the potential for site contamination.
4. To demonstrate that the site is suitable for the proposed use, the Planning Board and local municipality will require a RSC, or a Phase I ESA for the land subject to the application, if in the Planning Board and local municipality's opinion (or as required by Provincial regulation) the previous uses on the subject land or in the vicinity of the subject land presents the potential for site contamination and where there is a land use change proposed to a more sensitive use. Similarly, where permitted under Provincial regulation, the RSC/ESA requirement may be waived if in the Planning Board and local municipality's opinion, the RSC/ESA is not necessary due to the previous uses on the subject land and in its vicinity do not represent a change as specified in the legislation, and that the proposed use will not result in adverse effects.
5. Proponents will submit all information related to the RSC/ESA to the Planning Board, which may be subject to a peer review, prior to the scheduling of a public meeting under the *Planning Act*. The development proponent will pay for the cost of the peer review. In the case of an application for site plan approval, the RSC or ESA will be submitted with the application.
6. The following process will be followed:

- a) The proponent will submit the RSC or the Phase 1 ESA report by a Qualified Person (as defined by the *Environmental Protection Act* and as prescribed by the Regulations), to the Planning Board for review and concurrence by a peer reviewer where applicable, who is a Qualified Person, prior to the scheduling of a Public Meeting under the *Planning Act*. If the RSC demonstrates that there is no actual contamination, or if the Phase 1 ESA demonstrates that there is no potential for contamination, then no further action is required.
- b) If the site has already been remediated, the proponent will provide the Planning Board with an RSC to provide verification to the satisfaction of the Planning Board and local municipality from a Qualified Person, that the property or properties in question do not require any further remediation in accordance with Provincial legislation and regulations, or the property or properties in question have been remediated and made suitable for the proposed use in accordance with Provincial legislation and regulations.
- c) If the site has not yet been remediated for the proposed development, the proponent will submit an RSC or a Phase I ESA report by a Qualified Person, to the Planning Board for review and concurrence by a peer reviewer where applicable, who is a Qualified Person, prior to the scheduling of a Public Meeting under the *Planning Act*.
- d) If the Phase I ESA report identifies actual or potential contamination, the proponent will submit a Phase II ESA report, prepared by a Qualified Person, to the Planning Board for review and concurrence by a peer reviewer where applicable, who is a Qualified Person, prior to the scheduling of a Public Meeting under the *Planning Act*. If the Phase II ESA report confirms actual contamination the proponent will also submit a Soil and Groundwater Remedial Plan and/or Risk Assessment prepared by a Qualified Person, to the Planning Board for review and concurrence by a peer reviewer where applicable, who is a Qualified Person, prior to the scheduling of a Public Meeting under the *Planning Act*.
- e) If an approval for Official Plan amendment is granted by the Ministry of Municipal Affairs and Housing, or a Zoning By-law amendment,

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plan of subdivision and/or condominium or site plan approval is granted by the Planning Board, conditions of approval may be imposed/established for planning applications, including but not limited to the following:

- i) Conditions of draft plan approval;
- ii) Conditions of site plan approval; or
- iii) Holding provisions of the Zoning By-law,

to ensure that satisfactory verification of suitable environmental site condition is received prior to the issuance of any Building Permits for the site.

- f) The Planning Board and local municipality will not consider an RSC as acknowledged by the Ministry of the Environment until the applicant provides evidence that either the Ministry of the Environment has confirmed that the RSC is acknowledged or if the Ministry of the Environment has confirmed the RSC is acknowledged subject to an audit that it has passed the audit.

3.7.3 Waste Disposal Sites

1. 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. Development within proximity to waste disposal sites will be carefully regulated to minimize land use conflicts and the potential for any adverse impacts.
2. The following will be the policy of the Planning Board and local municipality:
 - a) Active and closed Waste Disposal Sites are identified on Schedule “D” to this Plan. Notwithstanding the general nature of the identification of Waste Disposal Sites in this Plan, new or expanding Waste Disposal Sites will proceed by way of a site-specific Official Plan and Zoning By-law Amendment, in accordance with Section 4.18 of this Plan, and

subject to the relevant policies of this Plan. Upon receiving approval of the Official Plan Amendment from the Ministry of Municipal Affairs and Housing and the Zoning By-law Amendment from the Planning Board (for new Waste Disposal Sites or expansions) a Certificate of Approval will be obtained from the Ministry of the Environment.

- b) Development proposals within 500 metres of the perimeter of the fill areas of either an active or closed Waste Disposal Site will be accompanied by a study prepared by the proponent that satisfies the Planning Board, local municipality, and the requirements of the Ministry of the Environment guidelines related to land uses on or near landfills and dumps. The study will address any mitigation measures required.
- c) 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.
- d) Redevelopment of closed Waste Disposal Sites may be permitted by way of Official Plan and Zoning By-law amendments, upon the Planning Board and local municipality consulting with the Ministry of the Environment and/or other appropriate jurisdictions, and subject to the following policies:
 - i) written confirmation, and written approval if Section 46 of the *Environmental Protection Act* is applicable, has been received from the Ministry of the Environment or the Minister of the Environment (as applicable) and/or other appropriate jurisdiction, that the development satisfies the provisions of the *Environmental Protection Act*;
 - ii) the studies required by the Planning Board, local municipality, and the Ministry of the Environment, should Section 46 of the *Environmental Protection Act* apply, will be carried out to the satisfaction of the Planning Board, local municipality, and the Ministry of the Environment respectively should Section 46 of the

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Environmental Protection Act apply, will demonstrate that development is compatible and can proceed without negative impact;

- iii) the Planning Board and local municipality will require the construction and phasing of all development to coincide with the implementation of any recommended mitigative measures and/or monitoring identified and recommended by the engineering studies;
 - iv) the required studies of Waste Disposal Site generated gases, leachate and hydrogeology will be completed to the satisfaction of the Planning Board, local municipality and the Ministry of the Environment if Section 46 of the *Environmental Protection Act* is applicable; and
 - v) the Planning Board and local municipality will be satisfied with respect to any matter regarding structural stability, safety and integrity of any and all structures.
- e) Wherever possible, methane or other greenhouse gas emissions from waste disposal operations will be captured and used as an alternative energy source.

3.7.4 Noise and Vibration

1. Noise, vibration, odour and other contaminants resulting from industrial activity can impact adjacent land uses, and the residents, businesses and visitors of the Planning Area. Managing noise, vibration and odour levels is important to ensuring the health and well-being of the Planning Area, and in managing appropriate relationships between sensitive land uses, land uses that emit noise, vibration and/or odour, and certain elements of the transportation network.
2. The following will be the policy of the Planning Board and the local municipalities:
 - a) New residential or other sensitive uses will not be located in noise sensitive areas unless noise abatement techniques are employed to

reduce the noise to comply with the Ministry of the Environment sound level criteria/guidelines.

- b) New residential or other sensitive uses will not be permitted in any area where it is anticipated that noise, vibration, odour or other contaminants from vehicular traffic or from the nature of the use will exceed Ministry of the Environment sound level criteria and/or guidelines.
- c) Only those new commercial or employment uses that can meet the Ministry of the Environment's sound level criteria will be permitted.
- d) The development of new industrial/business park uses will adhere to the Ministry of the Environment D-Series Guidelines respecting separation distances between industrial uses and sensitive uses. In locating any sensitive land use in proximity to any established or approved employment use, the Planning Board and local municipality will adhere to the relevant Ministry of the Environment guidelines.
- e) For any proposed development of a sensitive land use in proximity to a railway right-of-way, Provincial Highway, or Local Road, a noise and vibration study may be required to be prepared by a proponent through a qualified acoustical consultant in accordance with the appropriate Provincial guideline to the satisfaction of the Planning Board and local municipality, and/or other jurisdiction prior to development approval. The recommendations of the approved noise and vibration report will be incorporated in the development agreement for implementation, as approved. The cost of noise and vibration studies and any other required supporting documentation will be borne by the proponent. Costs incurred by the Planning Board in engaging peer review consultants to evaluate the proposal and supporting submissions will be reimbursed by the proponent.
- f) The Planning Board and local municipality will support initiatives of agencies to develop standards, regulations and procedures to prevent spillage of toxic materials. The Planning Board and local municipality will support agencies and firms in the development of appropriate methods and capability to deal with spills with due speed and diligence. Additional safety measures for the storage, transportation and use of toxic materials will be encouraged.

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- g) 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.

3.7.5 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 "D".

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

- a) The Ministry of Northern Development, Mines and Forestry 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 a study, in consultation with Ministry of Northern Development, Mines and Forestry prepared by a qualified professional engineer and may include 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.

Ministry of Northern Development, Mines and Forestry 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.

3.8 MINERAL RESOURCES

The Sudbury East Planning Area contains both aggregate and mineral deposits. These resources are being, or have the potential to be, extracted.

3.8.1 Goal

Protect aggregate and mineral deposits and operations from incompatible uses and ensure their long-term availability.

3.8.2 Aggregate Resource Sites

1. For the purpose of this Plan, Aggregate Resource Sites are areas where aggregate resource extraction and/or operations are taking place, or where there is a high potential for aggregate extraction to occur due to the quality and quantity of the aggregate deposits. Aggregate Resource Sites are designated on Schedule “D”.
2. Aggregate Resource Sites shall be protected for future use except where it can be shown that:
 - a) resource extraction and/or operations would not be feasible; or
 - b) the proposed use or development serves a greater long term interest to the public; and
 - c) issues of public health, public safety, and environmental impacts have been addressed.
3. Aggregate Resource Sites shall be required to be separated and/or buffered from sensitive land uses in accordance with provincial legislation, policies and appropriate guidelines.
4. Schedule “C” designates Aggregate Resource Sites for their ultimate intended land use. Notwithstanding the foregoing, new Aggregate Resource Sites may be permitted in the Rural land use designation without requiring an amendment to this Plan provided they are in accordance with the *Aggregate Resources Act* and:

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- a) the use is in keeping with provincial legislation, policies and appropriate guidelines;
 - b) the proponent mitigates potential negative impacts of the extraction and/or operation on surrounding and/or sensitive land uses; and
 - c) a zoning by-law amendment is approved by the Planning Board and/or applicable municipality.
5. Aggregate Resource Sites shall be required to be rehabilitated and restored in accordance with the *Aggregate Resources Act* and in keeping with the land use designations identified on Schedule “C”. The Planning Board and/or applicable municipality will advise the applicant and Ministry of Natural Resources of the land use designation during the review of any application.

3.8.3 Mineral Development Sites Policies

- 1. Geological information, the number of mining claims, leases and other forms of mining land tenure, as well as previous mineral resource activity indicate the potential for mineral resource development in the Sudbury East Planning Area.
- 2. For the purposes of this Plan, Mineral Development Sites are areas where mining operations and associated facilities presently exist, have existed in the past or areas where there is a high potential for mining activities to occur due to the quality and quantity of the mineral deposits. Mineral Development Sites identified in consultation with the Province are designated on Schedule “D”.
- 3. Mineral Development Sites are permitted in the Rural Policy Area without requiring an amendment to this Plan, subject to the provisions of the *Mining Act* and the *Environmental Protection Act*, but will require an amendment to the Zoning By-law to permit mineral mining operations and ancillary uses.
- 4. Mineral Development Sites shall be protected from incompatible adjacent land uses except where it can be shown that:
 - a) resource extraction and/or operations would not be feasible; or

- b) the proposed use or development serves a greater long term interest to the public; and
 - c) issues of public health, public safety, and environmental impacts have been addressed.
- 5. Where the potential exists for a proposed land use to hinder access to a mineral mining site, the proponent will be required to ensure access to the surrounding mineral resources.
- 6. Sensitive land uses shall be required to be separated and/or buffered from Mineral Mining Sites in accordance with provincial legislation, policies and appropriate guidelines.

3.8.4 Wayside Pits and Quarries and Portable Asphalt and Concrete Plants Policies

- 1. Wayside Pits and Quarries and Portable Asphalt and Concrete Plants will be defined in the implementing Zoning By-Law in accordance with provincial policy.
- 2. The Planning Board and/or the applicable municipality shall permit Wayside Pits and Quarries and Portable Asphalt and Concrete Plants in any land use designation, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities, without requiring an amendment to this Plan or the implementing Zoning By-Law provided:
 - a) the use is in keeping with provincial legislation, policies and appropriate guidelines; and
 - b) the proponent mitigates potential negative impacts of the extraction and/or operation on surrounding and/or sensitive land uses.

3.9 CULTURAL AND HERITAGE RESOURCES

The identity and pride of the Sudbury East Planning Area is rooted in physical and cultural links to its past.

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3.9.1 Goal

Preserve the cultural and heritage resources within the Sudbury East Planning Area.

3.9.2 Policies

1. For the purpose of this Plan, cultural and heritage resources include buildings, structures, archaeological and cultural heritage sites, landscapes and landmarks, either individually or in groups, which are considered by the Planning Board and/or the applicable municipality to be of architectural or historical significance.
2. The Planning Board and local municipalities will encourage the preservation of significant built heritage resources and cultural heritage landscapes and may use the *Ontario Heritage Act* to do so.
3. The Planning Board and local municipalities will also maintain a list of properties worthy of designating under the *Ontario Heritage Act* and endeavour to have these properties designated. Signage will be erected to indicate that a property is a designated heritage property.
4. The Planning Board and local municipalities may also seek the advice of local historical societies and genealogical societies in addressing cultural heritage matters.
5. The Planning Board and local municipalities will ensure that:
 - a) New development through intensification or redevelopment in areas with historical architecture or landscape value be encouraged to develop in a manner consistent with the overall character of these areas and that it does not result in the loss of any significant heritage resources;
 - b) The Property Maintenance and Occupancy Standards By-law provisions, wherever possible and applicable, for the protection of cultural heritage resources, ensuring that the application of this by-law is not detrimental to the conservation of heritage resources;

- c) Consideration is given to the character, development impact, and future viability of cultural heritage resources when reviewing applications for severances, minor variances and/or extensions of a non-conforming use; and
 - d) Site Plan Control By-laws will be used, wherever possible and applicable, to protect cultural heritage resources by ensuring that new development is compatible with and/or does not adversely impact, those resources. This may include requiring the owner of a property with heritage significance to satisfy conditions as part of the Site Plan Control Agreement with the municipality
6. The identification, recognition, protection, enhancement and proper management of heritage resources is encouraged by the Planning Board and its member municipalities. The Planning Board, through a provincial-municipal data sharing agreement, will identify all known archaeological properties which are presently registered with the Province for land use planning purposes. This data base should be updated on an ongoing basis.
7. The Planning Board, local member municipalities and other land use approval authorities recognize that areas of archaeological potential are determined through the use of provincial screening criteria, or detailed criteria and mapping developed further by a licensed archaeologist. Such criteria can include proximity to water sources such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.
8. The Planning Board, local member municipalities and other land use approval authorities shall require an archaeological assessment and/or heritage impact assessment prepared in compliance with the Ministry of Culture's guidelines and by archaeologists licensed pursuant to the *Heritage Act*, in areas where there are known archaeological resources and/or areas exhibiting archaeological potential within the Sudbury East Planning Area. Any significant archaeological resource or property identified may be preserved in situ, to ensure that the integrity of the resource is maintained, and/or it may be systematically removed through excavation by a licensed archaeologist.

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9. Development or site alteration may be permitted on lands adjacent to a protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development approaches may be required to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

10. The Planning Board, local member municipalities and other land use approval authorities shall ensure adequate archaeological assessment and consult with appropriate government agencies when an identified historic human cemetery, or marked or unmarked human burial is affected by land use development. The provisions under the *Heritage Act* and the *Cemeteries Act* shall apply.
11. The Planning Board, local municipalities, and other land use approval authorities may utilize the *Heritage Act* to conserve, protect and enhance significant cultural heritage resources in the Planning Area with the use of designation by by-law of individual properties, heritage conservation districts and heritage landscapes, and archaeological sites. A Municipal Heritage Committee may also be appointed under Section 28 of the *Heritage Act* by the local municipality to advise the Planning Board on heritage conservation matters.
12. The Planning Board, local municipalities, and other land use approval authorities shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works. When necessary, satisfactory measures and/or impact assessments will be required to mitigate and adverse impacts to significant resources as outlined by the heritage conservation policies contained in this Plan.
13. All new development permitted under the land use provisions of this Plan shall avoid the destruction or alteration of cultural and heritage resources. Where this is not possible, development may not be permitted to proceed.
14. For the purposes of this Plan, the train station in French River and the Bigwood Cemetery are recognized as heritage resources.

3.10 ENERGY CONSERVATION & GENERATION

1. The Planning Board and local municipality will explore and promote the use of energy conservation and alternative energy generation sources.
2. The following will be the policy of the Planning Board and local municipality:
 - a) The Planning Board and local municipality will promote innovative subdivision and site plan designs that minimize energy consumption through road design and lot layouts which maximize passive solar energy opportunities and other alternative energy sources, and encourage individuals to make use of non-automotive modes of transportation for short trips and/or recreation and leisure activities.
 - b) The Planning Board and local municipality will promote building styles, designs and construction techniques which conserve energy and include high-efficiency heating/cooling and lighting systems, fixtures and appliances.
 - c) The Planning Board and local municipality will promote the landscaping and siting of buildings to provide wind shelters and maximum exposure to sunlight.
 - d) The Planning Board and local municipality will encourage public/private partnerships to finance, acquire and construct a linked open space system consisting of bikeways, trails, and walkways which promote walking, cycling and non-motorized modes of transportation between communities.
 - e) The Planning Board and local municipality will use any energy conservation grants, loans and audit services to retrofit or renovate older buildings and structures within the Planning Board and local municipality to incorporate energy saving mechanical, electrical and lighting systems.
 - f) The Planning Board and local municipality will involve local utilities and elementary and secondary schools to develop educational programs that will increase public awareness of energy conservation techniques, and will promote the utilization of energy saving fixtures, appliances and modes of transportation.

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3.10.1 Renewable Energy Systems

A renewable energy generation facility, renewable energy project, renewable energy testing facility, or a renewable energy testing project, as defined in sub-section 1(1) of the *Planning Act*, is exempt from provisions of the *Planning Act* except as set out in sub-section 62.0.2 of the *Act*.

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PART IV

4.0 IMPLEMENTATION

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.

4.1 GENERAL

This Plan shall be implemented utilizing the powers conferred on municipal councils and planning boards by the *Planning Act*, the *Municipal Act* and such other statutes as may be applicable. Implementation tools may include but not be limited to the following:

1. Zoning By-laws;
2. Holding Zones;
3. Bonus By-laws;
4. Minor Variances;
5. Temporary Use By-laws;
6. Interim Use Control By-laws;
7. Draft Plans of Subdivision and Draft Plans of Condominium;
8. Consents;
9. Site Plan Control;
10. Development Permits;
11. Issuance of Building Permits;
12. Capital Works Programs;
13. Community Improvement Programs;

14. Secondary Plans;
15. Maintenance and Occupancy Standards By-laws; and
16. Other enabling legislation including but not limited to the *Environmental Assessment Act*, the *Environmental Protection Act* and the *Ontario Water Resources Act*.

4.2 ZONING

The Planning Board and the local municipalities regulate the use and development of lands, buildings and other structures through the zoning provisions of the *Planning Act*.

4.2.1 Goal

Implement the appropriate provisions of this Plan through the use of zoning.

4.2.2 Zoning By-law Policies

1. The implementing Zoning By-law will be used to regulate the use of land, and the character, location and use of buildings and structures in the Sudbury East Planning Area in accordance with the provisions of the *Planning Act* and this Plan.
2. All implementing zoning by-laws and amendments thereto shall be in conformity with the provisions of this Plan. The Planning Board and local municipalities will, on each occasion of approving a change to the implementing Zoning By-law, specify that conformity with this Plan is maintained or that the change will be in conformity upon approval of an amendment to the Official Plan by the approval authority.
3. It is not intended to zone all lands at the outset for the use designated on Schedule "C".
4. 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) the use of land;

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- b) the type of construction, height, size, floor area, character, spacing, erection, location and use of buildings;
 - c) the construction of buildings or structures;
 - d) the minimum elevation of building openings such as doors and windows;
 - e) the percentage of the lot area that any building or structure may occupy;
 - f) minimum lot frontage on a public road of a parcel of land;
 - g) parking requirements and loading facilities; and
 - h) minimum lot area and other provisions.
5. The implementing Zoning By-law may require Certificates of Occupancy for the establishment of specified uses of land, buildings or structures and for any subsequent changes to those uses.

4.2.3 Holding Zone Policies

1. 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.
2. When passing a by-law to utilize the holding symbol, the by-law shall specify the uses that may be permitted while the '(H)' or '(h)' is in place. Generally, such uses shall be limited to existing uses and/or other uses that would not have a detrimental effect on the intended future uses of the land.
3. The holding symbol may be used anywhere in the Planning Area in situations where the specific future use of the land has been established, and the provisions of the zoning by-law, potential land use impacts, conflicts, and servicing deficiencies have been addressed, to the satisfaction of the Planning Board and local municipality, but development is premature until one or more of the following requirements are met:

- a) adequate sewage, water, and/or stormwater services and facilities are available to serve the development;
 - b) that any adverse environmental effects or constraints, or archaeological or cultural heritage resources or transportation considerations have been resolved;
 - c) the phasing and logical progression of development;
 - d) the completion of the appropriate supporting study(ies) to the satisfaction of the Planning Board and local municipality, in consultation with other agencies, as required;
 - e) confirmation that the requisite permits and approvals from external authorities have been received;
 - f) additional actions or requirements may be identified in the Official Plan through a site-specific or general amendment, at the discretion of the Planning Board, local municipality and the Ministry of Municipal Affairs and Housing; and/or
 - g) that site plan approval has been granted by the Planning Board and/or the applicable municipality and a site plan agreement has been entered into, pursuant to the provisions of the *Planning Act*.
4. A by-law to remove the holding symbol shall be passed by the Planning Board and/or the applicable municipality at such time as the relevant requirement or requirements have been met.

4.2.4 Bonusing Provision Policies

1. The Planning Board and/or the applicable municipality may use bonus provisions to allow increases in the height and intensity of a development beyond those generally permitted by the implementing Zoning By-law in exchange for facilities, services or matters of public benefit as are set out below.
2. The Planning Board and/or the applicable municipality will encourage the use of bonus provisions with regard to the following:

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- a) parkland conveyance beyond the minimum requirements of this Plan and/or parkland improvements beyond the minimum standards;
 - b) protection and enhancement of natural features and functions;
 - c) provision of public areas and trails;
 - d) provision of public parking;
 - e) provision of community facilities; and
 - f) conservation of heritage resources.
3. The Planning Board and/or the applicable municipality will only consider bonus provisions where such an increase would be in conformity with the intent of this Plan and compatible with the surrounding area.

4.2.5 Minor Variance Policies

1. When reviewing an application for minor variance the Planning Board and/or the applicable municipality will be satisfied that:
- 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.
- 2. The Planning Board and/or the applicable municipality may attach such terms and conditions as it deems appropriate to the approval of the application for a minor variance.

4.2.6 Temporary Use Policies

- 1. The Planning Board and/or the applicable municipality may pass by-laws to permit the temporary use of land, buildings or structures for a specified time period for any purpose that is otherwise prohibited by the implementing Zoning By-law, in accordance with the provisions of the *Planning Act*.
- 2. In considering a request for a temporary use by-law, the Planning Board and/or the applicable municipality will consider the following:
 - a) the proposed use is in general conformity with the intent and policies of this Plan;
 - b) the proposed use is temporary in nature and appropriate for a limited time span and can be terminated when the authorizing by-law expires;
 - c) the temporary use will not hamper the ability of the land, building or structure to subsequently be used in accordance with the provisions of this Plan;
 - d) circumstances which are unique or particular to the subject property or proposed use;
 - e) the proposed use is generally compatible with the surrounding area;
 - f) representations by the public; and
 - g) any required capital expenditures.

4.2.7 Interim Control By-law Policies

- 1. The Planning Board and/or the applicable municipality may pass Interim Control By-law in accordance with the *Planning Act* to control and restrict

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the use of land, buildings or structures within an area, which is, or will be, the subject of a planning study.

2. The Interim Control By-law shall be in force for a specified time period in accordance with the *Planning Act*, which may be amended by the Planning Board and/or the applicable municipality to extend the time period that it will be in effect.
3. The Interim Control By-law shall specify the uses to which the affected land, buildings or structures may be put during the time the by-law is in effect.
4. Where an Interim Control By-law ceases to be in effect, the Planning Board and/or the applicable municipality shall not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied, unless the by-law relates specifically to a use which was not previously affected.

4.2.8 Non-Conforming Use Policies

It is the intent of this Plan that existing uses that do not conform 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. The Planning Board will evaluate applications for the extension or enlargement of a building or structure continuing as a non-conforming use using the following criteria:

1. the scale of the proposed extension or enlargement is appropriate to the size of the existing non-conforming use;
2. adequate sewage, water and stormwater services and transportation infrastructure are or can be provided;
3. there are adequate on site parking and loading facilities and amenities to accommodate the proposed expansion or enlargement;
4. the proposed extension will not inhibit or discourage conforming development in the surrounding area; and

5. the extension or enlargement will include measures that will minimize any negative impacts on adjacent properties.

4.3 SUBDIVISIONS

Land may be divided through the subdivision process in accordance with the *Planning Act*. This is the preferred method for creating new lots within the Sudbury East Planning Area.

4.3.1 Policies

1. A plan of subdivision is required generally when more than three lots are being created, which may require a new municipal road to be created and/or when municipal water and/or sewer services will be required to be extended to service the development.
2. In considering a draft plan of subdivision, it shall be 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:
 - a) the *Planning Act* and other provincial legislation, policies, guidelines, and interests;
 - b) whether the proposed subdivision is premature or in the public interest, as determined by the Planning Board;
 - c) 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;
 - d) the dimension and shapes of the proposed lots;
 - e) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be built on it and the restrictions, if any, on adjoining land;
 - f) the proposal's feasibility 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 constraints identified on Schedule "D" and within Part III of this Plan;

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- g) the area of land that is to be conveyed or dedicated for public purposes;
 - h) the provisions of the *Planning Act* relating to subdivision control, including subdivision 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;
 - i) the timing of final approval. In recommending approval to a draft plan of subdivision, the local municipality may request that the approval lapse at the expiration of a specified period, being not less than 3 years. The Planning Board, in consultation with the local municipality may extend the approval period, prior to its expiration;
 - j) the conditions imposed on an approval by the Planning Board, which can be withdrawn or changed at any time prior to receiving the final approval of the plan of subdivision;
 - k) the local municipality which may consider passing a By-law under the provisions of the *Planning Act* deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered;
 - l) 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,
 - m) the financial impact on the applicable municipality.
3. The Planning Board and/or the applicable municipality shall attach such conditions to the approval of a plan of subdivision, as in the opinion of the approval authority, they are reasonable and have regard to the nature of the development proposed for the subdivision.

4.4 CONDOMINIUMS

The Sudbury East Planning Board has been delegated the authority to approve plans of condominium. The following policies provide guidance to the Planning Board during its review of such applications.

4.4.1 Policies

1. In considering a draft plan of condominium, it shall be consistent with the Provincial Policy Statement and regard shall be had to the following, in addition to the policies in Section 4.3.1:
 - a) the *Condominium Act* and other provincial legislation, policies, guidelines, and interests;
 - b) provision of adequate sewer and water services, amenities and public facilities;
 - c) impact on the transportation system and adjacent land uses;
 - d) the construction of the internal road is to a standard acceptable to the municipality and which would allow for the safe access by emergency vehicles;
 - e) the condominium, condominium units, and the common elements are suitable for their intended purpose and meet the requirements of the implementing Zoning By-law; and
 - f) the feasibility of the proposal 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.
2. The Planning Board and/or the applicable municipality shall attach such conditions as it deems appropriate to the approval of a plan of condominium, as in the opinion of the approval authority, they are reasonable and have regard to the nature of the development proposed for the condominium.

4.5 CONSENTS

The Sudbury East Planning Board has consent granting authority to sever patented land within the Planning Area. Applications to create new parcels on Crown Land shall proceed in accordance with the Province's planning process; however, the Planning Board encourages the Province to consider the policies of this Plan during its deliberations.

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4.5.1 Policies

1. Consents may only be granted where they support the proper and orderly development of the Planning Area and the policies of this Plan provided all other policy and legislative requirements have been met. Accordingly, 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) facilitating the disposal of a second legal dwelling;
 - e) separating existing legal uses;
 - f) providing a retirement residence on non-prime agricultural lands for a farmer who worked on the subject farm much of their adult life;
 - g) separating lots that have merged on title; and,
 - h) easements or right-of-ways.
2. Consents to sever land for the purpose of creating a new building 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 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. On non-prime agricultural lands, a consent for farm splits, a farm retirement lot, a residence surplus to a farm operation and residential infilling, 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 3.4.2;
- 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

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- m) the request, if granted, would not pose an undue financial burden on the applicable municipality.

4.6 DEEMING

The Planning Board and applicable municipality may deem any plan of subdivision, or part thereof, that has been registered for eight years or more, not to be a registered plan of subdivision pursuant to Section 50 of the *Planning Act*, where it is in the public interest.

4.7 SITE PLAN CONTROL

Site Plan Control may be used to regulate the design of a development in accordance with the provisions of the *Planning Act*.

4.7.1 Policies

1. For the purposes of this Section, development means the construction, erection or placing of one or more buildings or structures on land or making additions or alterations to a building or structure that has the effect of substantially increasing the size or usability thereof, or the change in use of a building, structure or parcel of land.
2. Some of the considerations that the Planning Board and/or the applicable municipality will have due regard for during the site plan approval process are:
 - a) the preservation of the natural viewscape and landscape;
 - b) the design of structures to ensure they are appropriate for the terrain and the area in which they are situated;
 - c) exterior design controls to regulate external building, site, and boulevard matters such as character, scale, appearance, and sustainable design. Examples include:
 - façade elements that complement adjacent buildings to better reflect community character;
 - permeable surfaces to reduce stormwater runoff;

- bicycle parking to facilitate active transportation choices;
 - active and transparent streetfront design to create accessible, safe, and attractive buildings and streetscapes; and
 - street furniture, tree planting, energy-efficient lighting and landscaping for sustainable and vibrant and public spaces.
- d) that traffic areas and parking areas are safe and convenient; and
- e) that surface water drainage will not negatively impact abutting or adjacent properties.
3. The entire area covered by this Plan is hereby designated as a site plan control area.
4. The Planning Board and/or the applicable municipality may, by by-law, define any class or classes of development to be exempted from site plan control. In this regard, the following classes of development shall be exempted from site plan control:
- a) any temporary building or structure as may be defined in the implementing Zoning By-law;
 - b) wayside pits;
 - c) single detached dwellings of either a seasonal or permanent nature; and
 - d) any building or structure on land owned or leased by the applicable municipality.
5. The Planning Board and/or the applicable municipality, as a condition of site plan approval, may require the conveyance of land to the municipality for road widening or sight triangles, at no cost to the municipality.
6. No building permits shall be issued for development subject to site plan control until a Site Plan Agreement has been executed.

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4.8 DEVELOPMENT PERMITS

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.

If it has been determined that a Development Permit System is appropriate for the Planning Area, an Official Plan Amendment, approved by the Ministry of Municipal Affairs and Housing, shall be prepared that:

1. identifies the area as a proposed development permit area;
2. 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
3. for each proposed development permit area identified:
 - a) contains a statement of the municipality's goals, objectives and policies in proposing a development permit system for the area,
 - b) 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
 - c) sets out the types of conditions that may be included in the development permit by-law in accordance with the *Planning Act*.

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.

4.9 ISSUANCE OF BUILDING PERMITS

The Council of a local municipality will not issue building permits unless the development conforms to the goals and policies of this Plan and the implementing Zoning By-law.

4.10 CAPITAL WORKS PROGRAMS

1. The Council of a local municipality will not approve capital works budgets unless the provisions of the budgets conform to the goals and policies of this Plan.
2. The Council of a local municipality may set aside funding in the capital works budgets to acquire and hold land for the purpose of developing any feature of this Plan and any lands so acquired or held may be sold, leased or otherwise disposed of when no longer required.

4.11 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 the Planning Board and local municipalities a planning 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. Under the *Planning Act*, the local municipality may designate "Community Improvement Project Areas" within which the local municipality may acquire lands, prepare improvement plans, and undertake various community improvement projects and works to implement these plans.

4.11.1 Policies

1. A specific area within the Sudbury East Planning Area may be declared a Community Improvement Area under Section 28 of the *Planning Act* in order to carry out the maintenance, construction or improvement of services or facilities. The cost for this work shall be borne by those whose lands abut the improvements or those who directly benefit from the improved service. The exact procedure for distributing costs shall be decided by the Council of the applicable municipality as permitted within the *Act*.
2. The applicable municipality may designate by by-law a Community Improvement Project Area in accordance with the *Planning Act* to revitalize

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communities, villages, corridors or any other identified area in decline or in transition from one land use to another.

3. A Community Improvement Project Area may include any community, village, corridor or other identified area of the Planning Area and shall be encouraged for:
 - a) residential areas where the housing stock is in need of maintenance, rehabilitation and/or repair;
 - b) declining commercial areas where there are a number of vacant or under utilized properties;
 - c) areas in which there are land use conflicts as a result of incompatible uses;
 - d) areas that have deficient municipal services such as parks, sewers and roads; and
 - e) areas that have the potential to be new employment areas.
4. The Planning Board and/or the applicable municipality will solicit public input on the Community Improvement Plan in accordance with the provisions of the *Planning Act* and this Plan.
5. Community improvement policies will be implemented by the Planning Board and/or the applicable municipality by the following means:
 - a) participation in senior government programs that provide financial assistance for community improvement;
 - b) encouragement of the continuation and enlargement of the business areas to enhance and maintain the viability of the community or village;
 - c) use of municipal authority granted under the provisions of the *Planning Act* to designated Community Improvement Project Areas, adopt Community Improvement Plans and acquire and develop land;
 - d) enforcement of a property standards by-law;

- e) cooperation with local agencies, businesses and residents to promote and facilitate the use of existing facilities and, where feasible, to rehabilitate these facilities to offer new and/or better service to the community;
- f) encourage the rehabilitation of private buildings by advising property owners of government subsidies and programs, and assisting where possible, the property owners obtaining grants;
- g) where conflicting land uses occur in Community Improvement Areas, endeavouring to limit the expansion of these uses and encouraging and/or assisting in the relocation of the conflicting use; and
- h) support the historic preservation of significant buildings and sites through the application of the *Ontario Heritage Act*.

4.12 SECONDARY PLANS

Secondary plans may be used to guide the development or redevelopment of urban settlement areas within the Planning Area or any other areas identified on Schedule "B". These plans are intended to provide specific schedules and policies for those areas where more detailed directions for land use, transportation, infrastructure or similar issues are required beyond the general framework provided by this Plan.

4.12.1 Policies

1. Secondary plans will be prepared as needed for Community and Village Policy Areas or any other area identified by the Planning Board and/or the applicable municipality as in need of more detailed planning direction.
2. Secondary plans shall be prepared to implement this Plan and may amend it as necessary. In the event of a conflict between a secondary plan and this Plan, the secondary plan shall prevail provided the goals of this Plan are maintained.
3. Prior to preparing a secondary plan the Planning Board and/or the applicable municipality will prepare terms of reference which will set out the need for the secondary plan, the intended scope, the process for the plan preparation and the opportunities for public participation.

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4. Secondary plans shall be adopted as amendments to this Plan and the provisions of this Plan and the *Planning Act* regarding adoption, notification and appeal of amendments shall apply.
5. Secondary plans shall be reviewed and updated in accordance with the monitoring and review provisions of this Plan.

4.13 MAINTENANCE AND OCCUPANCY STANDARDS

The local municipalities may pass by-laws establishing minimum standards of maintenance and occupancy to preserve, sustain and protect the existing and future development in the municipalities; and take advantage of federal and provincial programs designed to upgrade and improve built-up areas.

4.13.1 Policies

1. The maintenance and occupancy by-law, applicable to all properties in the applicable municipality, may contain requirements with respect to:
 - a) garbage disposal;
2. pest control;
3. structural maintenance of buildings;
4. safety of buildings;
5. cleanliness of buildings;
6. services to buildings;
7. keeping land and waterfront properties free from rubbish, debris, weeds, abandoned vehicles, trailers, boats, barges, mechanical equipment or material;
8. maintaining yards, land, parking and storage areas; and
9. maintaining fences, accessory buildings and signs.

10. In the event that a municipality passes a maintenance and occupancy standards by-law, Council will appoint a Property Standards Officer responsible for the administration and enforcement of the by-law.
11. In the event that a municipality passes a maintenance and occupancy standards by-law, the Council will appoint a Property Standards Committee in accordance with the *Planning Act* for the purpose of hearing appeals against an order of the Property Standards Officer.
12. The Planning Board and/or the applicable municipality will encourage the establishment of business associations, such as Business Improvement Areas, to improve areas of the Planning Area.

4.14 PARKLAND DEDICATION

Under the provisions of the *Planning Act*, a municipality is entitled to receive lands for park purposes as a condition of planning approval.

4.14.1 Policies

1. The applicable municipality may acquire lands for park purposes through the following methods:
 - a) conveyance as a condition of planning approval pursuant to the *Planning Act* according to the following provisions:
 - a) for residential development or redevelopment the conveyance shall be 5 percent of the land proposed for development or redevelopment where the gross density is less than 20 units per hectare or 1 hectare per 300 dwelling units of development or redevelopment where the gross density is 20 units per hectare or greater to a maximum of 25 percent of the site area;
 - b) for industrial or commercial development or redevelopment the conveyance shall be 2 percent of the land proposed for development or redevelopment; and
 - c) for mixed use development or redevelopment the conveyance shall be calculated according to the 2 percent and 5 percent of the land area as assigned above.

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2. purchase;
3. donation or bequest;
4. expropriation; and
5. other methods as appropriate.
6. The applicable municipality will only accept cash-in-lieu of all or part of the required parkland conveyance where:
 - a) the area in which the conveyance was to have been made has sufficient park in the adjacent area to accommodate the development; or
7. the land required to be conveyed is too small for park purposes , not feasible for expansion, and/or not suitable for sale or exchange at a later date for park purposes of an appropriate configuration or location; or
8. the required conveyance of land would render the remainder of the site unsuitable or impractical for development.
9. Monies received in lieu of parkland may be placed in a special account and spent only for the acquisition of land to be used for park or other recreational purposes, including the erection or repair of buildings and the acquisition of machinery for park or other recreational purposes.

4.15 SUPPORT STUDIES

The Planning Board and/or the applicable municipality may require support 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. The following policies provide guidance for some of the support studies that may be required.

4.15.1 General Policies

1. Municipalities shall pass a by-law requiring that preconsultation occur prior to the submission of any official plan amendment, zoning amendment, plan of subdivision, condominium or consent application to the Planning Board.

2. Support studies, information and materials may be required as part of the development and infrastructure approval process or as part of a more detailed planning study. The need and timing will be determined by the Planning Board and local municipality on a site or area specific basis, having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and being consistent with the PPS. Applicants seeking development approval shall be advised of the need for one or more support studies as part of the preapplication consultation process or, if subsequently deemed necessary, prior to a prescribed public meeting.
3. Where a support study is required, such a study shall be prepared having regard to relevant federal and provincial legislation, policies and appropriate guidelines and being consistent with the PPS.
4. All support studies shall be prepared by qualified professionals to the satisfaction of the Planning Board and local municipality and, where appropriate, in consultation with relevant public agencies and affected parties.
5. A public participation program may be established as part of the preparation of a support study to allow interested or affected parties to participate in the process.
6. All relevant mitigation recommendations included in a support study shall be considered as a condition of approval to be implemented by the proponent of development.
7. Council may adopt a support study by resolution.
8. During preapplication consultation or prior to the submission of an application for an Official Plan Amendment or a Zoning By-law Amendment, the Planning Board and/or local municipality may require an applicant to submit any of the following information:
 - a) Deed and/or Offer of Purchase;
 - b) Topographic Plan of Survey;
 - c) Site Plan (Conceptual);

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- d) Floor Plan and/or Elevations;
 - e) Record of Site Condition (RSC);
 - f) Storm Water Retention Scheme;
 - g) Approved Class Environmental Assessment;
 - h) Geotechnical Study;
 - i) Tree Survey; and,
 - j) Other material relevant to the development and lands affected by the application.
9. During preapplication consultation or prior to the submission of an application for a draft plan of Subdivision/Condominium or a consent, the Planning Board may require an applicant to submit any of the following information:
- a) Deed and/or Offer of Purchase;
 - b) Topographic Plan of Survey;
 - c) Site Plan (Conceptual);
 - d) Floor Plan and/or Elevations;
 - e) Draft Plan of Subdivision
 - f) Condominium Description;
 - g) Record of Site Condition (RSC);
 - h) Storm Water Retention Scheme;
 - i) Approved Class Environmental Assessment;
 - j) Tree Survey; and,
 - k) Other material relevant to the development and lands affected by the application.

10. During the pre-application consultation process for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium or a consent application, the Planning Board and/or local municipality may require an applicant to submit one or more of the following studies:
- a) Transportation Impact Study and/or Statement;
 - b) Environmental Evaluation Report;
 - c) Environmental Impact Assessment;
 - d) Stormwater Management Plan;
 - e) Lakeshore Capacity Assessments;
 - f) Sanitary and/or Storm Sewer Study;
 - g) Market Impact Assessment;
 - h) Noise and/or Vibration Study;
 - i) Urban Design Study;
 - j) Planning Rationale Study;
 - k) Natural Site Features Inventory and Preservation Study;
 - l) Built Heritage Impact Study;
 - m) Archaeological Assessment;
 - n) Lighting Study;
 - o) Environmental Site Assessment;
 - p) Micro-Climate Study; and,
 - q) Other studies relevant to the development and lands affected by the application.

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11. The Planning Board and/or local municipality shall provide the opportunity for a person or public body proposing an application for development approval to consult with administrative staff. The objective of pre-application consultation shall be to inform an applicant of the approval process, including the requirements for supporting information and material to be submitted as part of a complete application.
12. Support studies may vary in scope, depending on the size, nature and intent of the proposal and the adjacent pattern of land use. Proponents of development approval shall be advised by administrative staff of the required study contents during the pre-application consultation process.
13. When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies, the application shall not be considered complete for processing purposes until the required study or studies is prepared and submitted to the satisfaction of the Planning Board and/or local municipality. Notification of a complete application shall be given to the applicant and all other parties by the Planning Board and/or local municipality in accordance with the *Planning Act*.
14. Information and material provided by a person or public body that has submitted a complete application for development approval shall be available to the public for review

4.15.2 Stormwater Management Plan

1. The purpose of a Stormwater Management Plan is to identify measures required to control the quantity, quality and velocity of runoff associated with the development of a specific area.
2. Where a Stormwater Management Plan is required, such a study should:
 - a) assess the impacts of development on receiving waters, both before and after construction, with respect to flooding, pollution, erosion and sedimentation; and
3. describe mitigation measures which would, if necessary, prevent adverse impacts on-site, on the receiving waters, and on recreational uses.

4.15.3 Environmental Impact Assessment

1. The purpose of an Environmental Impact Assessment is to demonstrate whether a proposed development or infrastructure undertaking may proceed in or adjacent to lands designated as Natural Heritage or Natural Hazard on Schedule "D".
2. Environmental Impact Assessments may vary in scope, depending on size, nature and intent of the proposal and the environment under study.
3. Where an Environmental Impact Study is required, such a study should:
 - a) identify existing natural features of the area, such as geomorphology, drainage, flora fauna, microclimate and soils;
 - b) identify significant natural functions of the area, such as shelter habitats and natural recharge or discharge areas;
 - c) describe the proposal in detail;
 - d) identify those natural features and functions likely to be affected by the proposal;
 - e) assess the potential impacts of the proposal on key natural features and functions;
 - f) identify, explain and recommend specific actions which would be undertaken to eliminate, reduce or compensate for the expected impacts consistent with accepted ecological, planning, engineering, and resource management techniques and practices;
 - g) indicate the nature and extent of public consultation and/or input; and
 - h) demonstrate how and why the proposal may proceed such that there will be no negative impact on the natural features and functions for which the area is identified.
4. When an Environmental Assessment of a proposal is carried out under the *Environmental Assessment Act*, or other relevant federal or provincial legislation, that assessment may be considered by the Planning Board

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and/or the applicable municipality as fulfilling the Environmental Impact Study required by this Plan.

4.15.4 Transportation Impact Study and/or Statement

1. The purpose of a Transportation Impact Study and/or Statement is to demonstrate that a proposed development may proceed such that the amount of traffic generated by a proposal can be accommodated by the existing transportation network or a network expanded as part of the development and its impact on adjacent land uses is acceptable.
2. Where a Transportation Impact Study and/or Statement is required, such a study should:
 - a) include the collection and projection of traffic related data;
 - b) assess trip generation, assignment and distribution;
 - c) assess street and intersection capacity;
 - d) describe and recommend measures required to achieve the transportation goals, objectives and policies set out in Section 3.3 of this Plan; and
 - e) Identify whether any highway improvements are required as a result of development. Any highway improvements required shall be the financial responsibility of the proponent and be made in consultation with the Ministry of Transportation.

4.15.5 Market Impact Assessment

1. The purpose of a Market Impact Assessment is to identify land use problems that may arise as a result of a proposed commercial development. It is not intended to reduce or limit competition.
2. Where a Market Impact Assessment is required, such a study will address the potential impact of the proposed development on the level of service provided to residents throughout the planning district for those products offered by the proposed facility. Specifically, the study should address the extent to which market forces resulting from the proposed development may

have the effect of closing exiting facilities in the planning district in such numbers and in such concentrations that, in the opinion of the Planning Board and/or the applicable municipality, certain areas of the planning district containing residential uses may be under serviced.

4.15.6 Noise and/or Vibration Study

1. The purpose of a Noise and/or Vibration Study is to demonstrate that a proposed development may proceed in such a manner that the public is protected from unacceptable levels of noise and vibration associated with uses such as industrial operations, public highways, rail corridors and airports.
2. Where a Noise and/or Vibration Study is required, such a study should:
 - a) assess the existing and predicted noise and vibration levels on the site;
 - b) identify and recommend various abatement measures, warning clauses and other appropriate measures which can be implemented by way of zoning, site plan approval and/or development agreement; and
 - c) have regard to relevant provincial legislation, policies and appropriate guidelines.
3. In circumstances where statutory provincial approvals for noise and vibration are required, the Planning Board and/or the applicable municipality will ensure that a Certificate of Approval is sought and obtained before development proceeds.

4.16 PUBLIC PARTICIPATION

The Planning Board and/or the applicable municipality will establish a public consultation program able 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 will be developed to improve the public consultation processes as well as to facilitate the active participation of residents in the decision making process.

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4.16.1 Goal

Ensure the opportunity for public participation in the land use planning process so that a consensus on community interests and issues may be reached.

4.16.2 Policies

1. The Planning Board and/or the applicable municipality will inform the public about the planning process, development proposals and trends taking place in the Sudbury East Planning Area.
2. A variety of public participation methods may be utilized to inform the public and encourage active resident participation, including: newspaper advertisements; open houses, public meetings held in accordance with the *Planning Act*; the internet; and direct mailings.
3. The Planning Board and the applicable municipality will give due consideration to the views of the public on an application to amend this Plan and/or the implementing Zoning By-law.
4. The Planning Board recognizes that the provisions of the *Planning Act* require it to take action on a planning application within a prescribed period of time, subject to the application being complete and adequate information about the proposal being made available to the public. Accordingly, the Planning Board encourages the proponent to carry out pre-submission consultation with the Planning Board and the applicable municipality on applications to be processed under the *Planning Act*.

4.17 MONITORING

This Plan provides guidance for the physical development of the Sudbury East Planning Area over a twenty-year planning horizon. To ensure the continued relevance of this Plan in view of changing social, economic and environmental conditions during this time frame, it is important that the Plan provide a method of addressing change.

4.17.1 Policies

1. The Planning Board will, at intervals of no more than five years, revise this Plan.
 - a) This Plan will be revised to ensure that it:
 - i. conforms with provincial plans or does not conflict with them, as the case may be,
 - ii. has regard to the matters of provincial interest, and
 - iii. is consistent with policy statements issued under subsection 3(1); and
 - b) revise the official plan, if it contains policies dealing with areas of employment, including, without limitation, the designation of areas of employment in the official plan and policies dealing with the removal of land from areas of employment, to ensure that those policies are confirmed or amended.
2. The Planning Board will monitor the relevance of the goals, objectives and policies of this Plan, and will identify the need for Official Plan amendments or review where:
 - a) a section of the Plan is outdated or inconsistent with the long term direction for the Sudbury East Planning Area;
3. the information on which the section is based has changed;
4. the section is deemed to be insufficient to provide the necessary guidance for future growth and development; and
5. provincial legislation or policy has changed.

4.18 AMENDMENTS TO THE PLAN

At the time of submission, the proponent of an amendment to this Plan or the implementing Zoning By-law that would have the effect of permitting a change in land use shall demonstrate to the Planning Board and/or the applicable municipality that the proposal is:

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1. feasible, consistent with the PPS and has regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines for uses:
 - a) within or adjacent to any development constraint as identified on Schedule “D” and described in Section 3 of this Plan;
 - b) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - c) within a site of potential or known contamination; and
 - d) where traffic generation, distribution and access is a provincial or
 - e) municipal concern.
2. compatible with the surrounding land uses in terms of height, massing, setback, orientation and use in association with all provincial legislation and guidelines;
3. capable of being provided with adequate sewage, water and other infrastructure services appropriate for the area in which it will be located;
4. cognizant of any specific Official Plan amendment procedures and supporting information requirements as outlined in the policies of this Plan, which will apply in the consideration of the application and the completeness of the application, in accordance with the requirements of the *Planning Act*;
5. suitable for the land on which it will be located; and
6. appropriate, if for residential development, given the amount of land available within the urban areas of the municipalities.

4.19 PUBLIC NOTIFICATION

4.19.1 Public Meetings

Where a matter arises that requires a technical or typographical error to be corrected within this Plan or any of its Schedules, a Public Meeting will not be required if it is deemed to have no impact on the area and its residents. If the

impact is minor in nature, the residents affected will be notified by first-class mail.

4.19.2 Notification Requirements

When circulation for a Public Meeting is required, it is a policy of the Planning Board and local municipalities to only require notification by first-class mail and by posting a notice at the Planning Board and applicable municipal office.

4.20 LAND ACQUISITION

1. The Planning Board and local municipality may acquire land to implement any element of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, or any other Act. Municipal land assembly will be permitted for residential, commercial, industrial, institutional, natural heritage function or open space uses, provided such activity complies with the policies of this Plan.
2. The Planning Board and local municipality will consider all options for the acquisition of land, including:
 - a) dedication;
3. donations;
4. assistance from other levels of government, agencies and charitable foundations;
5. the bonusing provisions of the *Planning Act*, subject to the other relevant policies of this Plan;
6. density transfers;
7. land exchange;
8. long-term lease;
9. easement agreements;
10. purchase agreements;

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11. partnerships;
12. land trusts;
13. placing conditions on development approval; and
14. expropriation;
15. Where park and open space dedicated lands are insufficient in size or shape for the intended uses and needs, the Planning Board and local municipality will consider acquisition of additional lands for park and open space purposes.
16. Notwithstanding the above, the Planning Board and local municipality will not be obligated to acquire or purchase any land, save and except for where specifically required to do so in order to obtain necessary Federal and/or Provincial statutory approvals.

4.21 FINANCIAL MANAGEMENT

1. The Planning Board and local municipalities will ensure optimal service delivery and implementation of the Plan. With limited financial resources available to all levels of government, the implementation of this Plan must be financially viable. This Plan will be managed to ensure that the required capital expenditure to provide the services for development and improvement are paid in an equitable and appropriate manner. The Planning Board and local municipalities will strive to maintain financial sustainability and integrity by managing its financial resources and by undertaking development in a fiscally responsible manner.
2. The following will be the policy of the Planning Board and local municipalities:
 - a) The Planning Board and local municipalities may use the population, dwelling and employment targets in the Plan in budget planning, and to coordinate public works and related initiatives.
3. The Planning Board and local municipalities will diligently seek the maximum revenues possible from senior levels of government to compensate it for any federal or provincial responsibilities transferred to it in

relation to the provision of public infrastructure, community soft services, and land use planning.

4. Where possible, the Planning Board and local municipalities will use financial mechanisms available to it under any legislative authority, including the *Municipal Act*, *Development Charges Act*, *Planning Act* and any other applicable legislation.
5. The Planning Board and local municipalities will recover all growth-related capital costs through development charges, in accordance with Provincial legislation. The local municipalities may pass development charges by-laws that apply to the municipality, as a whole and/or that apply to specific geographic areas within the municipality.
6. The Planning Board and local municipalities reserve the right to request a Municipal Financial Impact Assessment from the proponent of any development application. The contents of such a study will be determined by the Planning Board and local municipalities at the time of the request. The Study will be prepared and may be peer reviewed at the cost of the development proponent. Development applications or proposals that otherwise comply with the relevant policies of this Plan may be refused on the basis of financial impact and burden on the Planning Board and local municipalities, if suitable mitigation measures are not available.

OFFICIAL PLAN FOR THE SUDBURY EAST PLANNING AREA

PART V

5.0 INTERPRETATION

The following policies are intended to provide guidance for the interpretation and understanding of the goals, objectives, policies and Schedules of this Plan.

5.1 POLICIES

This Official Plan shall pertain to all lands located within the Sudbury East Planning Area.

The interpretation of the policies of this Plan should allow for a limited degree of flexibility according to the following provisions:

- a) changes to the preamble, goals, objectives, policies, tables and schedules of this Plan to correct grammatical or reference errors, punctuation, or to alter formatting, numbering, sequence or arrangement provisions may be made by the Planning Board without notice and without amendment to this Plan;
- b) the boundaries between the various land use designations on Schedule C are approximate, except where they relate to some well-defined physical feature such as a road, rail corridor or watercourse. Minor adjustment to these boundaries shall not require an Official Plan amendment provided that the intent of the Plan is maintained;
- c) changes to Schedule D as a result of new or more accurate information may be made without notice and without amendment to this Plan;
- d) minor variations from the numerical requirements of the Plan may be permitted by the Planning Board and/or the applicable municipality without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained; and
- e) where lists or examples of permitted uses are provided in the policies related to specific land use designations, they are intended to indicate the possible range and type of uses to be considered. Specific uses which are not listed in the Plan, but which are considered by the Planning Board and the applicable municipalities to be similar in nature to the listed uses and

- f) conform to the general intent and objectives of the applicable land use designation, may be recognized as permitted uses in the Zoning By-law.