

# • Municipal Planning Services Ltd. •

## MEMORANDUM

**To:** Mayor Hall and Members of Council  
**Copy:** Ms. Nancy Austin, Clerk  
**From:** Chris Jones MCIP, RPP  
**Date:** September 23, 2022  
**Re:** Village of Sundridge Official Plan – Status Memo and Review of Written Submissions

H(A.1)  
September 28/22

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### Written Submissions Received to Date

Further to our public meeting of June 22, 2022, and in anticipation of the statutory public meeting scheduled for September 28, 2022, the Village is in receipt of the following written submissions:

- Ms. J. Newman, June 22, 2022;
- WSP on behalf of CN Rail dated September 7, 2022.

The comments provided in the submission from Ms. J. Newman have been attached at Appendix 1 and my comments, responses and recommendations have been incorporated into the same document in bold font.

The CN Rail submission is attached at Appendix 2. It will be recommended that Section D of the Official Plan, "Transportation" be modified by adding a Section D3 which would specifically recognize the CN Rail line and incorporate the suggested policies provided by CN Rail.

### Moving Forward

At the time this memo has been prepared the Village has not received comments from the MMAH coordinated one-window consultation. At the public meeting on September 28, we will discuss Council's options on how best to proceed with the Official Plan in the absence of Provincial comments. It is my hope that best efforts are being applied to allow the Plan to be finalized for Council's consideration at one of their remaining meetings in October.

Regards,



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Chris Jones MCIP, RPP

•Appendix 1•

1. Land Use Designations and Map: Land use designations and definitions need clarification to clearly identify their intended land use as some overlap in their definitions and some are not true land uses but rather what might occur within a given land use area -Inconsistencies in land use designations shown across maps in presentation and within the plan

**Response – the land use designations are designed to reflect major categories of existing or anticipated land use in the Village. The intent of the land use designations is articulated in Section A4 of the Plan.**

2. We need a "Green Space" land use designation in the OP for the Village (this is not synonymous with Open Space) - since the Village is small, it's important to identify Green Space for protection within the Official Plan now to balance/offset future development interests - Schedule A does not currently account for Green Space in the plan.

**Response – it is assumed the reference to green space in this comment is with respect to a natural heritage system, the existing tree canopy and/or potential natural corridors with a view to protection and/or mitigation of future impacts. There is merit to this suggestion which is reflected in the goals of the Plan in A3.1 1 and 5. Consideration will be given to expanding Section A3 to capture this intent.**

3. "Employment" is not really a land use designation - needs clarification - this term is deceiving as the definition says it would be primarily Industrial use - there are environmental implications with industrial land uses

**Response – Employment area is a term that has been used by the Provincial Policy Statement (PPS) for many years. It is intended to apply to lands capable of accommodating a broader mix of compatible uses which generate employment and economic opportunity.**

4. Are there future plans for the large area designated as "Employment" (Hwy 124/Commerce Court area)? There may be an opportunity to set some of this area aside under Green Space land use designation

**Response – Section B2 sets out the purpose and permitted uses for lands proposed to be designated Employment. If a green space or natural heritage designation were established it would likely function as an overlay designation that would require assessment and/or mitigation as a condition of planning approval.**

5. Land use map calls this Employment - Spatial Analysis Map refers to the same area as "Industrial" - missing Commercial as a designation

**Response – the Spatial Area analysis formed part of the Background report. Industrial uses noted on these maps were a reflection of current zoning or MPAC classification or both. The Mixed-Use and Downtown designations primarily function as commercial land use designations.**

6. Institutional needs clarification considering the locations shown on the map -Why does "residential" definition include "mixed use" when mixed use is its own designation? Needs clarification.

**Response – if the Institutional designation has been applied to lands which are not characterized by the permitted uses of Section B6.3 this can be reviewed. Established residential areas and neighbourhoods have traditionally and compatibly incorporated a variety of small-scale service and retail commercial uses.**

7. "Downtown" is not really a land use designation but more of an area or zone - some



downtown properties would fall under "residential" and other would be "commercial" or similar. Definition in OP does not reflect existing conditions.

**Response – Section A4.3 refers to the Downtown designation as the site of primarily commercial uses.**

8. Map should identify all watercourses and tributaries to Lake Bernard - consideration should be given to identification of appropriate land use designations adjacent to tributaries to Lake Bernard and Lake Bernard shoreline. Particularly where undeveloped - OP provides opportunity to protect these important buffer areas to support ongoing health of Lake Bernard

**Response – Section C2.2 and 2.3 provides the policy basis to require assessment of watercourses at the time of Planning Act approvals and also to establish regulatory setbacks from such features in the zoning by-law (as is currently the case). We will review the Provincial mapping data to see if watercourse data is available that could be utilized in the land use schedule.**

9. Municipal open ground water well should be identified in OP and protected -Spatial area analysis (in presentation) focuses on assets for development and fails to identify the importance of protecting environmental assets with the Village now to restrict development in certain areas/cases -in the spatial analysis #3 (presentation) are the green properties private or Village property? - again opportunity to protect green space

**Response – Part C of the Official Plan outlines the primary natural heritage features that require protection in the community, namely Lake Bernard, watercourses, fish habitat and areas of significant wildlife habitat. Section 2.1.5 of the PPS creates limitations on the types of natural features that may be restricted from development.**

10. Consideration should be given to protecting larger contiguous tracts of land rather than multiple small disjointed properties (i.e. two large green spaces adjacent to High St and the purple

**Response – The Village of Sundridge is a "Settlement Area" as defined by the PPS. Section 1.1.3.1 of the PPS indicates that, "Settlement areas shall be the focus of growth and development". Larger parcels of land within the settlement will require natural heritage evaluation at the time of a planning approval that may result on the protection of specific features or the establishment of buffers.**

11. "Employment/ Industrial" area adjacent to Hwy 124 behind Commercial Court) -other issues - consideration should be given to spill prevention with highway and rail line transportation running adjacent to Lake Bernard and it's tributaries and the municipal open ground water well and private wells in the Village -Allowing further development in proximity to the lake increases issues with contamination due to run off, direct storm water drainage to lake, etc

**Response – noted.**

12. Concerned about "A5.2 - "future infill and redevelopment along and adjacent to Lake Bernard" - again it is important to protect existing green space particular along and adjacent to Lake Bernard! Best to work within existing disturbed areas and focus on improving on old infrastructure, septic systems, storm sewer drainage into lake and maintain existing vegetation buffers where they exist rather than "infilling" those spaces with parking lots, stores, housing projects



**Response – Section C2.1 creates limitations on lot creation and land use changes on the Lake Bernard shoreline and encourages development that results in the decommissioning of aging septic systems. The approval of an Official Plan will enable the use of site plan control in the Village which is a legal authority to regulate lot grading, storm drainage and the maintenance of vegetation, amongst other things.**

13. A5.3 - indicates Village waste water system services properties in Strong and needs to be monitored as development occurs - what review process is available to ensure all future development in Strong (and Village) is assessed against capacity for the wastewater treatment facility prior to additional properties tying in to this system? Building code only covers so much.

**Response – Section A.5.3 indicates that the existing wastewater treatment plant can accommodate approximately 139 additional dwelling units. The building permit process and planning approvals provide a mechanism to monitor future demand being placed on the system. If measures can be assessed and implemented to reduce extraneous flows into the waterwater system, it will avail additional capacity for development.**

14. What is meant by "townhouse development"/ "townhouse dwellings"? May want to reconsider this as a permitted use in a residential area since the Village is primarily single dwelling homes. Alternatively set more parameters and/or review requirements around this permitted use to minimize the risk of large-scale low-income housing developments coming into our primarily residential community.

**Response – Residential townhomes, apartments, duplexes and accessory dwelling units are alternate housing forms that are necessary in any settlement area seeking to accommodate a range of housing need and housing affordability.**

15. PART C -C2.1 - a) -How are you going to determine if there is a net increase in phosphorus loading into the lake from a given property? This is not a feasible measurement to check for compliance. Needs clarification

**Response – the provision is a criteria utilized to manage the impacts of phosphorus loading to Lake Trout Lakes, however it may not be applicable in Sundridge if there are no existing shoreline lot occupied by two dwellings. This will be reviewed in more detail.**

16. C2.1.2 - if you want to protect Lake Bernard why would you allow exceptions to current setback requirements for new development. This undermines the intent of shoreline development setbacks, Suggest removing this flexibility from the OP that would only benefit developers and reduce opportunities to protect the health of Lake Bernard - inconsistent with section C2.2 which requires a site evaluation and EIS for new development with 120m of a watercourse. -this section should also address tributaries to Lake Bernard

**Response – not all shoreline lots are able to feasibly construct a dwelling in compliance with a 30-metre shoreline setback. Any reduction would be subject to a Planning Act approval which allows for site evaluation and the use of additional regulation and/or site plan control which can achieve benefits not otherwise attainable through as-of right zone regulations. Section C2.2 would address all natural tributaries and watercourses to Lake Bernard.**

17. C2.1.2 - bullet iii) this flexibility is making an allowance counter to the benefit to protecting existing natural shorelines with existing established vegetation - it is more difficult to restore a shoreline to "it's natural state" - trees and other vegetation can take a long time to establish - much easier and better to leave natural shorelines and established vegetation in place to filter run off and stabilize shorelines - many issues with removal including erosion and sedimentation, contamination pathway, etc

**Response – item iii) is referencing cases where natural shoreline vegetation has long ago been removed or disrupted and the planning approval is used to leverage restoration or remediation. The provision mirrors Section 4.2.4.5 of the Growth Plan for the Greater Golden Horsehoe.**

18. C2.1.3 - It is good to restrict boathouses and document this in the OP. This is a problem on a lot of lakes and could become an issue here as seasonal residents push north.

**Response – policy led zone regulation is a preferred method of implementation.**

19. C2.2 add - serve as migratory bird staging/stopover areas -add - provide habitat for species at risk -point d) needs clarification - here you say new development with 120m of a watercourse may require a site evaluation and EIS however earlier you are allowing flexibility for next development within less than 30m of the shoreline - this contradictory

**Response – agree the additional benefits of watercourses could be added to C2.2. A 120 metre setback for adjacent lands would not be feasible on the Lake Bernard shoreline given the shoreline in the Village is in a developed condition and has been zoned to permit development for many, many years.**

20. C3.1 -point b) the EIS itself doesn't "make an informed decision" but rather identifies whether or not the proposed activity would have a negative impact ... point c) requires clarification -why are forest resources specified as a purpose for EIS? -The EIS does not in itself "address how the proposed development will protect, maintain or restore the critical natural features" but rather identifies/recommends possible avoidance and mitigation measures to minimize negative impacts - enhancements would be under a site restoration plan not an EIS - similar point under C3.2 e) - similar point under C3.3f)

**Response – will add the words "assist Council" at the beginning of C3.1 b). Will replace the words "and potential forest resources" with the words "natural heritage features". Reference to avoidance is found in item 3.1 h). Depending on the complexity, site restoration and monitoring can be recommendations of an EIS that can be implemented through site plan control.**

21. C4 - any plans to address existing storm water management systems? - e.g. do manholes currently drain into Lake Bernard?

**Response – the state or condition of the existing storm water management system is not within the scope of the Official Plan. One of the intents of this section is to better understand the impact of development on the watershed and maintain pre-development water quality.**

## •Appendix 2•





2022/09/07

Village of Sundridge  
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Via email: [admin@sundridge.ca](mailto:admin@sundridge.ca)

### **Re: Village of Sundridge Official Plan Review**

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To Whom It May Concern,

WSP has been retained and is acting on behalf of Canadian National Railway Company (CN). We are pleased to have this opportunity to provide comments on the Village of Sundridge Official Plan Review. Our comments focus on policies and/or infrastructure initiatives, as they are related to existing and/or future CN facilities, operations and infrastructure.

It is our opinion, supported by the Provincial Policy Statement, 2020 (PPS) and the Ministry of Environment, Conservation and Parks' (MECP) D-6 Compatibility between Industrial Facilities Guidelines (D-6 Guidelines), that planning for land uses in the vicinity of *rail facilities* be undertaken in such a way that the economic function and long-term operation of rail systems is protected. Provincial policy sets out that sensitive land uses be appropriately designed, buffered and/or separated from rail facilities, and avoid, mitigate or minimize negative impacts on and from railway corridors.

It is our position that the Village of Sundridge should incorporate policies that reflect the provincial policies and guidelines related to rail facilities.

### **About CN, Railway Noise and other Adverse Effects**

CN is a federally regulated railway company, and is governed by various federal legislation, including the *Canada Transportation Act* (CTA) and the *Railway Safety Act* (RSA), among others. The CTA requires federally regulated railway companies to only make such noise and vibration as is reasonable. The test of reasonableness under the CTA takes into consideration the railway company's operational requirements and its level of service obligations under the Act, as well as the area where the construction or operation takes place. The Canadian Transportation Agency (Agency) is the federal body that assesses the reasonableness of noise associated with the construction or operation of a federal railway company. In its

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decisions, the Agency has concluded that municipalities have a responsibility to assess compatibility issues before approving housing developments in proximity to railway rights-of-way. The CTA also commented that where a municipality approves the development, it has a responsibility to ensure that the necessary mitigation measures are implemented. One example of such a decision is Decision No. 69-R-2014, dated February 27, 2014.

It is important to understand that there is no specific decibel limit contained in federal guidelines related to the construction or operation of rail facilities. Those federal guidelines clearly state that, while the Agency may take provincial and municipal noise and vibration guidelines into account in its deliberations, the Agency is not bound by those guidelines.

Rail Proximity Guidelines are available at the following: <https://www.proximityissues.ca/>

Guidelines for the Resolution of Complaints Over Railway Noise are available at the following: <https://otc-cta.gc.ca/eng/publication/guidelines-resolution-complaints-over-railway-noise-and-vibration/>

## **Preliminary Comments and Concerns**

CN requests that the following policies be included in the municipal land use planning policy documents:

### **1. General Acknowledgement**

The Municipality and Council acknowledge the importance of rail infrastructure and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods and people.

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

### **2. Include a definition for Major Facilities, Major Goods Movement Facilities and Corridors, Rail Facilities and Sensitive Land Uses.**

We request that the following definitions found in the PPS be included in the policy document:

**Major Facilities:** means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Major Goods Movement Facilities and Corridors:** means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight



corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Rail Facilities:** means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

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

### 3. Identify Rail Facilities and Influence Areas

We recommend identifying rail facilities and the areas of influence for sensitive land uses (300 metres for a rail line, 1 km for a rail yard) in a schedule to each policy document.

### 4. Provincial Policy Statement Requirements

The policies proposed below are recommended to be included in policy documents to address requirements for developments in proximity to rail facilities:

- a) Sensitive land uses shall not be encouraged adjacent to, or in proximity to rail facilities;
- b) All developments in proximity to rail facilities shall be developed in accordance with the FCM/RAC Guidelines;
- c) All proposed residential developments or other sensitive uses located within 300 metres of a railway right-of-way be required to undertake noise studies, to the satisfaction of the Municipality, in consultation with the appropriate railway operator, and shall undertake to implement the appropriate measures to mitigate any adverse effects from noise that were identified in the report and as may be required by CN;
- d) All proposed residential developments or other sensitive uses located within 75 metres of a railway right-of-way be required to undertake vibration studies, to the satisfaction of the Municipality, in consultation with the appropriate railway operator, and shall undertake to implement the appropriate measures to mitigate any adverse effects from vibration that were identified in the report, and as may be required by CN;
- e) All proposed building setbacks shall be in accordance with the FCM/RAC Guidelines. As a general guideline, buildings shall be setback 30 metres with an appropriate berm abutting the rail right-of-way. Reduced setbacks can be





considered in certain circumstances dependant on the proposed use and in conjunction with additional studies and alternative safety measures, to the satisfaction of the Municipality, in consultation with the appropriate railway operator;

- f) All proposed residential developments or other sensitive uses located adjacent to railways shall implement appropriate mitigation measures, including but not limited to, safety setbacks, berms, crash barriers and security fencing, in accordance with the FCM/RAC Guidelines;
- g) All proposed residential developments or other sensitive uses located adjacent to railways shall implement the applicable warning clauses provided by the appropriate railway operator;
- h) All proposed residential developments or other sensitive uses located adjacent to railways shall implement, secure and maintain any required rail noise, vibration, and safety impact mitigation measures, along with any required notices on title, such as development agreements, warning clauses and/or environmental easements, through appropriate legal mechanisms, to the satisfaction of the Municipality and the appropriate railway operator; and,
- i) All proposed residential developments or other sensitive uses located in proximity to rail facilities shall evaluate, prioritize and secure grade separation of railways and major roads, in co-operation with Transport Canada and the appropriate railway operator;

### **Conclusion**

We would like to thank you for the opportunity to participate in the Village of Sundridge Official Plan Review. We look forward to continuing to work with the municipality throughout this process.

Please forward all future communications, land development applications and documents to [proximity@cn.ca](mailto:proximity@cn.ca)

Sincerely,

*Saadia Jamil*

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Senior Planner (CN Proximity)

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