Schedule "A"

Land Use Plan

Atikameksheng Anishnawbek

Land Use Law No. 2020-01

1 Introduction

This Land Use Plan (or Plan) is a vision or blueprint for guiding growth and development for the next 20 years in a manner that is appropriate for the people of Atikameksheng Anishnawbek. This Plan sets out what land uses should be permitted in the Village such as residential, commercial, industrial, institutional, and open space uses, as well as what land uses should be permitted in parts of the Reserve located outside of the Village (the Natural Area). This Plan will help the community decide what improvements to infrastructure and services may be required to support growth. This Plan is also intended to ensure that natural resources are used wisely, that land use conflicts are avoided and that the natural environment is protected. This Plan will help Atikameksheng Anishnawbek ensure that future growth and development can be sustained for the benefit and enjoyment of future generations.

This Plan will be implemented by the Land Use Law and the Zoning Regulation. As an example, this Plan will establish where residential development is permitted, while the Zoning Regulation will specify the types of dwellings and the standards for development such as lot size, lot frontage, setbacks for buildings and parking requirements.

This Land Use Law, Land Use Plan, and Zoning Regulation have been developed through the collaborative efforts of the Lands Committee, Chief and Council, and through consultation with the community. The Atikameksheng Anishnawbek membership played a large role in drafting the policies that inform this Plan. This plan should be a living document for the community – thus there are processes in place to amend these regulatory documents if needed.

1.1 Scope and Purpose of this Land Use Plan

Atikameksheng Anishnawbek is a signatory to the *First Nations Land Management Act* (1999), which provides signatory First Nations the authority to make laws related to reserve lands, resources and the environment. The *First Nations Land Management Act* provides Atikameksheng Anishnawbek with the authority to create its own system for allotting land to First Nation members and to make land use decisions through a Land Management Code, and, once a Land Management Code is in place, the *Indian Act* land use provisions will no longer apply.

The *Atikameksheng Anishnawbek Land Management Code, 2008* (the "*Land Management Code*") was adopted in accordance with the Atikameksheng Anishnawbek Community Ratification Process in 2009. The *Land Management Code* sets out the principles and administrative structures that apply to Atikameksheng Anishnawbek lands. The *Land Management Code* permits the Atikameksheng Anishnawbek to make laws respecting the development, conservation, protection, management, use and possession of Atikameksheng Anishnawbek lands and interests and licenses in those lands. This Land Use Plan was developed to assist Atikameksheng Anishnawbek regulate land use and development on its reserve lands over which this Land Use Plan applies.

The purpose of this Land Use Plan is to establish goals, objectives and policies to manage lands and resources as permitted by the *Land Management Code.* This Plan's goal is to formulate policies that will

be consistently applied throughout the community when new development or redevelopment is proposed. This Plan also aims to promote a high quality of life for members by 'setting the bar' for not just development and redevelopment, but also for First Nations initiatives aimed at promoting First Nations culture, the environment, and social well-being.

1.1.1 Vision

The creation of a Land Use Plan provides a "roadmap" for making land use decisions in Atikameksheng Anishnawbek. This Plan contains goals, objectives and policies regarding the use of land resulting in greater certainty for the development of the community.

This Land Use Plan is intended to implement the vision of Chief and Council and the elders, youth and children of the community as identified in the vision statement and to promote the social, cultural and economic well-being of existing and future residents of Atikameksheng Anishnawbek.

Vision Statement

Atikameksheng Anishnawbek will thrive together as a strong and proud Nation by honouring our gifts of Anishinabemowin and the Life of the Land

Consultation with the Atikameksheng Anishnawbek's community generated a one-hundred-year vision for the community which includes the following principles:

1. **Self-sufficiency in community service delivery**
   Members expressed the desire to be able to use Atikameksheng Anishnawbek generated resources to pay for services for the community, including using revenues from rent and own sources of revenue.

2. **Embrace potential of Atikameksheng Anishnawbek's land base for sustainable economic development**
   The Village takes up a very small portion of the reserve's land base. Desire was expressed to utilize Atikameksheng Anishnawbek lands and resources to their fullest potential and to the benefit of all members by encouraging economic development activities such as tourism while maintaining harmony with Mother Earth and the Life of the Land.

3. **Continue to protect land and water**
   While economic development is important, it should not be at the expense of a pristine natural environment. Protecting land and water is a critical factor in maintaining a high quality of life for band members. At least 50% of the land base should be kept in its natural condition.

4. **Promote sustainable harvesting of trees, fish and vegetables**
   More effort should be taken to promote gardening and small-scale agriculture, as well as sustainable development of fish and forest resources, as well as the harvesting

of natural medicines.

The Atikameksheng Anishnawbek people are descendants of the Ojibway, Algonquin and Odawa Nations. The Anishnaabe (Ojibwe) peoples are a major component group of the Anishnabemowin-speaking peoples, a branch of the Algonquian language family which includes the Algonquin, Nipissing, Oji-Cree, Odawa and the Potawatomi. The Anishnaabe peoples have long occupied their ancestral lands in this area. The archaeological history, although believed to date back over 10,000 years is limited to three sites viewed on the current surveyed reserve for which archaeological work has been carried out. This does not include the two Hudson Bay Posts which represent post-European contact. The three sites on which archaeological work has been undertaken confirmed settlement in this area dating to 1300 A.D while oral histories of human settlement along the North Shore extend much further into the past.

1.1.2 Basis

The traditional teachings of the Atikameksheng Anishnawbek people oblige the people to care for and respect the land. Atikameksheng Anishnawbek has done this by enacting a *Land Management Code*, which rightfully gives the authority of Atikameksheng Anishnawbek to govern its lands and resources, resources that flow from the Creator to the people, and from the people to the Chief and Council according to the culture, traditions and customs of Atikameksheng Anishnawbek.

The purpose of this Plan is thus to establish a framework for managing land use decisions in accordance with the *Land Management Code*.

1.1.3 Objectives

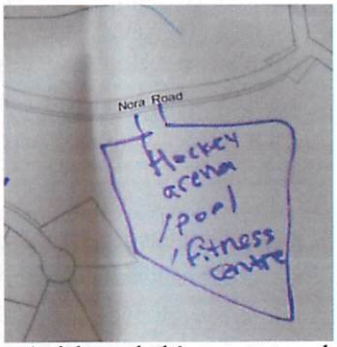
1. To preserve and conserve the natural environment by adopting land use and development policies which ensure the protection and enhancement of the natural environment including the air, water and land;
2. To plan for an adequate supply and mix of housing types and housing densities needed to meet current and projected housing demands, and to provide a safe and affordable living environment for members;
3. To develop housing and neighbourhoods that are safe and inclusive;
4. To promote health and well-being through planning and developing a healthy community that fosters opportunities for economic, educational, spiritual, health, recreation and social development;
5. To support local food production and food security through provisions for community gardens, providing for agricultural uses. Providing for farmer's markets, healthy food retailers, greenhouses and local food production, roof-top gardens and encouraging agricultural activities in the rural area;
6. To restore, conserve and promote Atikameksheng Anishnawbek cultural heritage resources through education and community initiatives as well as through land use planning;
7. To prioritize the importance of youth through land use decision making;
8. To ensure that an adequate level of infrastructure, electricity generation facilities and transmission and distribution systems, and community services are or will be available to meet current and future projected needs in a safe, efficient and environmentally sustainable manner

within the financial capacity of Atikameksheng Anishnawbek;

9. To promote an efficient development pattern that sustains the financial well-being of Atikameksheng Anishnawbek;
10. To promote opportunities for energy conservation and especially alternative energy generation;
11. To avoid land use patterns and development which may cause environmental or public health and safety concerns;
12. To avoid development patterns which would prevent the efficient expansion of the Village;
13. To promote an efficient and sustainable land use pattern through land use decision making;
14. To give youth a voice in the decisions that affect the use of land;
15. To improve accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
16. To ensure that land use decisions reflect our duties and responsibilities as keepers of the land and to respect and protect Mother Earth and the Life of the Land;
17. To make the health of the land a priority in land use decisions and to continue to raise broad awareness of our commitment to environmental protection;
18. To ensure that there are clear policies and practices to ensure that the land base is sustainably managed for the benefit of the whole community;
19. To foster long-term and pro-active community responsibility for the land;
20. To ensure that land use decisions conform with the *Land Management Code*.

1.1.4 Planning for the Future: Youth Voices

Atikameksheng Anishnawbek has a young and growing population, but it is important not to take youth for granted given that it is the youth who will be the key to Atikameksheng Anishnawbek's future. Therefore, as part of this Land Use Plan process it was critical to ensure that a voice be given to youth in the development of land use policy. As a result of engaging with Atikameksheng Anishnawbek youth, the following themes have been incorporated into this Land Use Plan:



1.1.4.1 Need for Improved Recreational Facilities

While the Community Centre and existing local playgrounds serve an important function, the youth of the community will require new recreational services as the population of Atikameksheng Anishnawbek grows. Ensuring that there is adequate space for new recreational facilities is critical to ensuring a high quality of life for Atikameksheng Anishnawbek's current and future youth. Some of the ideas shared by youth include examining opportunities to have recreational facilities such as a fitness centre, a swimming pool, or a hockey arena. Two potential locations for new recreational facilities were identified with one on Nora Road and another to the rear or the existing community centre. Therefore, the policies for land uses in the Village will permit a wide range of institutional or community service type uses. New recreational facilities will be permitted in the Residential Area without any change in designation required. New neighbourhoods will be planned in

a way that ensures that adequate recreational amenities and facilities are available to new residents. This is discussed in greater detail in the policies of the Residential Area. New hiking trails were also identified as desirable, with a particular area noted between Wakemi Lake and Whitefish Lake further to the west of the new subdivision.

1.1.4.2 Wider Range of Commercial Uses

A broader range of commercial services was desired by the youth of the community. Some of the ideas generated included a shopping centre capable of accommodating chain restaurants. The proposed location for new commercial development is consistent with the Atikameksheng Anishnawbek's plans to establish a business park in the north end of the Village. It is therefore the intent of this Plan to permit a wide range of commercial land uses and to work towards the improvement of services in the community. A potential location for a grocery store was also identified at the intersection of Nora Road and Reserve Road.

1.1.4.3 New Institutional Uses

The desire for a new school was highlighted by the youth in the community. A potential location for a new school was identified near the new subdivision.

1.1.4.4 Sacred Grounds Facilities

Additional facilities at the Sacred Grounds were suggested such as a sweat lodge and a healing lodge. The policies of the Culturally Significant Areas designation facilitate developments which enhance the cultural heritage significance and integrity of the Sacred Grounds. This would include the type of enhancements suggested by Atikameksheng Anishnawbek's youth.



1.1.5 Relationship to Other Documents

All plans developed by Atikameksheng Anishnawbek are related to each other in order to provide a holistic approach to managing affairs on Atikameksheng Anishnawbek's territory. Other documents should be referred to in order to understand Atikameksheng Anishnawbek's vision. These include:

- Atikameksheng Anishnawbek GChi Naaknigewin
- Atikameksheng Anishnawbek Forest Management Plan 2007-2027 and forestry guidelines as developed;
- Atikameksheng Anishnawbek *Land Management Code*, 2008
- Atikameksheng Anishnawbek Community Plan, 2013
- Capital Planning Update Final Report, 2001
- Fisheries Management Plan
- Environmental Management Action Plan
- Atikameksheng Anishnawbek Land Use Law

- Atikameksheng Anishnawbek Zoning Regulation
- First Nation Sustainable Development Standards
- Community Comprehensive Plan

1.1.6 Interpretation

The following principles apply to the interpretation of this Land Use Plan:

1. This Land Use Plan does not create rights or interests in the Reserve. The designation of permitted uses in this Plan does not relieve a person from complying with applicable laws, including the Land Use Law, and obtaining all necessary authorizations prior to undertaking any activity or use identified in this Plan.
2. Any decision referenced in this Land Use Plan will be undertaken in accordance with the *Land Management Code,* all applicable Atikameksheng Anishnawbek laws and policies, and all applicable federal or provincial laws.
3. A Land Use Law and Zoning Regulation enacted by Atikameksheng Anishnawbek may restrict the scope of a use permitted in this Land Use Plan. For example, if this Plan provides that specific uses are permitted within a land use designation, e.g. residential zone, Council may limit the zones within which some uses are permitted in the Zoning Regulation.
4. The costs associated with proposing and undertaking a development on Reserve, including commissioning necessary studies and surveys, are the responsibility of the development proponent.
5. The term "includes" or "including" means "includes [or including] but is not limited to".
6. A grammatical variation of a word or expression defined or used has the same meaning.

1.1.7 Coordination

Atikameksheng Anishnawbek is an autonomous political entity subject to the constraints of the *Indian Act*. The Atikameksheng Anishnawbek Reserve is clearly delineated on the schedules of this Land Use Plan. Nevertheless, it is the intent of this Land Use Plan that land use decisions affecting land use matters both within the Atikameksheng Anishnawbek Reserve boundaries and on the traditional territory outside of those boundaries, are coordinated with adjacent municipalities, other First Nations, and Provincial and Federal ministries, boards and agencies where appropriate. Notable examples include the recognition that environmental issues know no boundaries, and collaboration with the City of Greater Sudbury and the Province of Ontario on addressing issues related to environmental pollution is critical to the long-term health of Atikameksheng Anishnawbek. In addition, Atikameksheng Anishnawbek will work with the City and the Province to assist in the identification of culturally and archaeologically significant areas, and areas with archaeological potential, which may be located outside of Atikameksheng Anishnawbek Reserve. Another example of the need for collaborative relationships is in the realm of economic development. Given Atikameksheng Anishnawbek's strategic location close to a major urban centre, a collaborative relationship will be sought with the City of Greater Sudbury regarding economic development planning that might benefit Atikameksheng Anishnawbek while providing services to the surrounding region.

2 Atikameksheng Anishnawbek Today

2.1 Culture and Heritage

Culture and heritage are broad terms which are often difficult to define and discuss. This is because culture is so inextricably woven into the lives and everyday activities of the Atikameksheng Anishnawbek people. The preservation of culture is a factor of utmost importance in the daily lives of members. The landscape of Atikameksheng Anishnawbek has evolved over time, and its residents have evolved and continue to evolve with it. Therefore this Land Use Plan is grounded in the explicit knowledge of and appreciation for the past that has helped to make Atikameksheng Anishnawbek the Nation that it is today.

Anishnaabe oral histories speak of settlement on the north shore of Lake Huron since time immemorial. Lands throughout Atikameksheng Anishnawbek's territory have been used for resource harvesting for centuries. The region's waterways have served as travel routes for the Atikameksheng people, and have provided for the pursuit of traditional activities such as hunting and fishing. This Plan recognizes the archaeological and cultural importance of such waterways in the 1883 surveyed reserve and acknowledges the high archaeological potential of those waterways even outside Atikameksheng Anishnawbek's current boundaries. This is especially important since archaeological work that has been done in the region speaks to about 10,000 years of settlement along the North Shore. One archaeological report [1] indicates that there "is no doubt that other archaeological sites are present on Whitefish Lake" [First Nation]. The prevalence of water bodies and proximity of Indigenous trade routes along the North Channel is a signature of potential rich archaeological past in this area and alludes to the merit of further archaeological investigations to learn more about the history of human settlement at Whitefish Lake. Early village settlements appear to have occurred on Lake Panache and other lakes in the late 1700's. The people moved to Whitefish Lake where Second Beach and Sacred Grounds are now located. The village consisted of about 35 log cabins (wigwams). A segment or part of the wider Nation was located on Makada (Black) Lake. A cemetery was established between these two areas and is maintained to this day. With movement from the Atikameksheng village in the 1940's, the pre-European contact villages have disappeared except for the buildings and structure remnants which are part of the Second Beach and Sacred Grounds.

The first Hudson Bay Post on Atikameksheng Anishnawbek lands appears to have been constructed in 1824 on the west shore of Whitefish Lake and operated until 1896 when it was closed. No records exist which specify this Plan or how many buildings were constructed on this Post. Whitefish Hudson's Bay Post No. 2 was established at Naughton probably in 1887. The Post was moved from Whitefish Lake to 2.5 miles north-east to be near the Canadian Pacific Railway and was operated commercially as late as 1985.

A Land Use Plan is first and foremost a plan for the people of a given community. For Atikameksheng Anishnawbek's people, it is an opportunity to specifically state what is important and which areas must be preserved for the benefit of future generations.

[1] Devereux, H.E. *The Archaeology of Whitefish Lake, District of Sudbury, Report No. 14,* Sudbury, 1986, p.9

In terms of policy, the Land Use Plan sets out objectives for the protection of landscapes and features which are historically important to the Atikameksheng Anishnawbek people in terms of their relation to culture, archaeology and spirituality. A specific "Culturally Significant Areas" designation is used to identify such sites on a land use schedule and to ensure their protection. This designation includes land uses such as the cemetery, the former village site, the Sacred Grounds and Pow-wow site, Pigeon Mountain and other specific features identified by the community throughout the public consultation process as warranting special protection due to reasons related to cultural and historic significance.

In recognition that the whole of the landscape of Atikameksheng Anishnawbek is integral to the identity and well-being of the Atikameksheng Anishnawbek peoples, any lands outside of the Village not designated for resource extraction or recreational land uses (i.e., the Shoreline Area or a park designation) are considered to be a part of the "Natural Areas" land use designation. Such lands should be preserved in a natural state, which will permit traditional land use and land management activities including conservation, hunting, trapping and harvesting. Specific land use policies governing the use of land in the various land use designations are found in Section 3 and 1. General provisions that apply across all land use designations are found in Section 6.

2.2 Robinson Huron Treaty

In 1850, Chief Shawenekezhik signed the Robinson-Huron Treaty giving the Crown authority to enter and share the use of the traditional territory of Atikameksheng Anishnawbek. Through the Treaty each First Nation set aside lands unto themselves for their community. Traditional resource harvesting (i.e. hunting and fishing) would also be guaranteed on shared lands. To compensate for the loss of lands used by Indigenous peoples in the area, the federal government committed to the annual payment of annuities. [2] The Atikameksheng Anishnawbek (Whitefish Lake First Nation) itself was established prior to 1850 as one of several reserves arising out of the signing of the Treaty and has remained since as the home of the Atikameksheng Anishnawbek peoples.

Robinson-Huron Treaty



2.1 Traditional Territory

It is acknowledged that lands outside the Indian Act Reserve boundaries are considered to be Atikameksheng Anishnawbek's traditional lands. This Land Use Plan does not apply to lands beyond the Reserve boundary; however, this does not limit Atikameksheng Anishnawbek's claim to those lands.

[2] Surtees, Robert J., *Treaty Research Report, The Robinson Treaties, 1850,* Ottawa, 1986

2.1 Atikameksheng Anishnawbek Today

Atikameksheng Anishnawbek is a thriving and successful community that is proud of its history and excited about its future. The on-reserve population included approximately 475 persons approximately 33% of population. There is also a population of 818 persons who are registered band members who reside off-reserve, resulting in 67% of the total population of 1,293 band members. Although the majority of band members reside off of the reserve, it is the intent of this Plan that land use decisions serve to benefit all members, many of whom regularly participate in community life and who would consider moving to the reserve upon the availability of new housing choices. Furthermore, demand for new on-reserve housing from off-reserve members makes up 67% of demand for new housing units, meaning there is a desire amongst off-reserve members to live on the reserve when circumstances permit. Most off-reserve residents seeking housing on the reserve currently reside in the nearby City of Greater Sudbury.



Atikameksheng Anishnawbek has experienced a moderate population growth rate over the previous two decades with an annual population growth rate of 3.52%. Using a low-high population growth projection it is expected that the population of Atikameksheng Anishnawbek's membership could increase between 1,377 and 1,768 members by 2032. Atikameksheng Anishnawbek benefits from a sizeable number of young families and working age persons. The population on the reserve is on average younger than the neighbouring City of Greater Sudbury and the Province of Ontario as a whole.

The young and growing population means the community needs to ensure it has adequate land needs to support a projected population increase of between 46 and 141 new housing units by 2032. For example, and if you were to use a high growth scenario, it is estimated that approximately 7 new housing units per year are required to meet this demand.

As part of the preparation of this Plan it was noted that there are seven vacant building lots which are considered potentially buildable that are located within the existing Village site. There is also a 23-lot subdivision which is currently being developed on a ridge to the south of the existing village. It is expected that it will only take two years for this subdivision to be "built out". There are another 60 residential units that could be constructed on a future phase of the Whitefish Lake Hill subdivision further to the west of the homes under construction at the time of writing. Under the high growth scenario, these would be built-out by 2026. There would still be a need to provide another 41 housing units outside of the 100-unit Whitefish Lake Hill subdivision by 2032.

Some of this may be accommodated through waterfront residential development along the community's waterbodies, while others may include the construction of multiple residential developments in appropriate locations. Following a complete build-out scenario, expansion to the Village would be required.

It is therefore the intent of this Plan to ensure that sufficient lands are available to meet a projected population growth of 420 persons over the next twenty years. Meaning there is a need to ensure a significant supply of land to provide an estimated 141 housing units over the same period. Based on background research undertaken for this Plan (contact the Lands Manager to see document entitled "Community Profile") it is suggested that approximately 85% of demand will be for single-detached dwellings, while the balance will be made up of a mix of medium and higher density multiple-residential units (approximately 21 units). This will include semi-detached dwellings, duplex dwellings, and low-rise apartment dwellings where appropriate and in conformance with the policies of the Land Use Law including this Plan, and the Zoning Regulation.

The water supply for the community has a capacity to accommodate a population of up to 700; consequently, the growth projections to 2032 may exceed the servicing capacity. The Capital Planning program must consider the potential requirement for increasing the water supply capacity for the Reserve.

It is the intent of this Land Use Plan that population and housing projections will be monitored and revised on a regular basis, and that this Plan should be adjusted accordingly approximately every five years.

3 Land Use Designations

The settlement pattern of Atikameksheng Anishnawbek consists of a compact urban centre (Village) and a largely undeveloped and pristine natural environment. Development in the Village dates from the 1940s when a previous urban centre located near the Sacred Grounds was relocated. The area where 'urban' development is focused is referred to in this Plan as the "Community Development Zone" while the lands located outside of the Community Development Zone are referred to as the "Natural Areas Zone". The land use designations are divided up between each zone, with the understanding that some designations such as Environmental Protection and Culturally Significant Areas may be found in both the Community Development Zone and the Natural Areas Zone. The land use designations include:

1) **The Community Development Zone**
   1. The Residential Area
   2. Business Area
   3. Environmental Protection

2) **The Natural Areas Zone**
   1. Shoreline Area
   2. Environmental Protection
   3. Biodiversity Zone and Blackwater Creek Conservation Area
   4. Culturally Significant Areas

The policies of Section 4 and Section 1 contain policies specific to each land use designation.

The Land Use Schedules will also show overlay designations referring to other features requiring identification in this Land Use Plan. Where not discussed as specific land use designations, these features are identified and addressed as part of the General Development Policies found in Section 6 of this Plan.

4 Land Use Policies for the Community Development Zone

There are only three land use designations in the Community Development Zone, including a Residential Area where housing and institutional development will occur, a Business Area which is the focus for new commercial or industrial growth, and an Environmental Protection Area designation to recognize features in the community upon which land should not be developed due to development hazards or environmental features. It is intended that this Plan will be implemented under the Land Use Law alongside the Zoning Regulation.

The Community Development Zone includes the Village portion of Atikameksheng Anishnawbek and the area immediately surrounding the Village where future urban development will be concentrated. The Village has a compact settlement pattern with several constraints to expansion such as Simon Lake, the Vermillion River, several wetlands, and steep topography. The original Village has been recently expanded with the development of the Whitefish Lake Hill residential subdivision which follows the height of a ridge running east-west towards the southwest of the Village. The vast majority of development in Atikameksheng Anishnawbek is restricted to the Village. This land use pattern is

supported by infrastructure including a network of roads and a communal water system. Although there are no communal sewage disposal services available on Atikameksheng Anishnawbek territory at this time, the policies of this Land Use Plan are intended to facilitate and make use of such services if they are created in the future.

Development in the Community Development Zone will be planned carefully to ensure that an efficient development pattern is promoted, which protects natural resources, promotes green spaces, and ensures the effective and efficient use of infrastructure and community service facilities thereby minimizing unnecessary community expenditures.

The intent of this Plan is to ensure that sufficient properly serviced land is available in the Community Development Zone to accommodate future development and that there will be safe, pedestrian-friendly streets with easily accessible services and recreational opportunities available to meet current and future needs. It is the intent of the Land Use Plan that a variety of housing types will be permitted, while an appropriate range of services and employment opportunities should be made available close to home.

Land use patterns in the Community Development Zones should be based on densities and a mix of land uses that use land and resources efficiently, that are appropriate for and efficiently use this Planned and available infrastructure and community service facilities, and that avoid the need for their unjustified and/or uneconomical expansion. In addition, land use patterns should minimize negative impacts to air quality and climate change, and promote energy efficiency.

It is the intent of this Land Use Plan that active transportation modes such as walking and cycling be considered when approving new development.

1. **Principles for Growth**
   a. Growth should be carefully managed and planned for to ensure it can be sustained in a financially responsible manner over the long term;
   b. Development should uphold a compact and energy efficient design which makes efficient use of the land base;
   c. Potential land use conflicts should be managed in a manner that prioritizes the health and safety and quality of life of residents including the separation of industrial and high traffic commercial uses from residential and institutional land uses;
   d. Important features of the natural landscape should be preserved and where possible integrated into plans for development, including vegetative cover, conservation of wetland areas and wildlife corridors.

2. **Policies for All Designations in the Community Development Zone**
   a. Development in the Village will be on the basis of communal water services (which are provided by the City of Greater Sudbury) and individual on-site sewage disposal systems wherever possible until such time as a communal sewage disposal system is available. Development will only be permitted where there is a sufficient supply of water and the lot is suitable for an individual on-site sewage treatment system. (Note: current water supply projected to service up to a population of 700 and the business area);
   b. All development will be built to meet standards set out in the *National Building Code*

of Canada;

c. Frontage for new development will be on a roadway with year-round maintenance;
d. New plans of subdivision or division of land by severance are the appropriate methods of creating new lots for development where required and where appropriate;
e. New development should be planned to be compact, contiguous and cost-effective to service, and so that it maximizes the use of existing infrastructure (e.g. communal water, roads, utilities);
f. Appropriate development standards should facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
g. Where development must occur on the basis of private individual on-site sewage disposal (Class 4) septic systems, Council must be satisfied that the use of such systems is in accordance with the policies of Section 6.15 of this Plan.

4.1 Residential Area

In order to ensure the development of a healthy community, this Plan's policy is to ensure that there is an appropriate mix of housing types and densities required to meet projected requirements of current and future residents.

An objective of this Land Use Plan is to accommodate projected residential growth by using the available existing supply of residential lots first, and, secondly, by expanding outward in a contiguous fashion onto lands which are undeveloped and designated for future residential development.

Community facility and institutional land uses are also permitted in the Residential Area.

4.1.1 Objectives

1. To maintain and enhance the character and identity of existing residential areas;
2. To encourage and facilitate the development and provision of an appropriate range of dwelling types, densities and forms of tenure (i.e. owner-occupied and rental).
3. To encourage a high quality of urban design in residential development;
4. To encourage infill on existing lots as a first priority;
5. To provide an adequate supply of housing that is considered affordable by Council;
6. To ensure that an adequate supply of land is available and designated for projected growth over a twenty-year time horizon (2015-2035);
7. To provide for a mix and range of housing types and densities including planning for higher density housing forms such as low-rise apartments and multiple-unit dwellings;
8. To monitor population growth and housing demand and to revise growth projections every five years, if required;
9. To provide an adequate range of community services and facilities including recreational facilities such as parks, playgrounds and open spaces to meet the needs of current and future residents.

4.1.2 Permitted Residential Uses

There are a variety of housing types and densities within the Residential Area designation that will meet the residential needs of Atikameksheng Anishnawbek members. The following is a list of residential uses that are permitted in the Residential Area in accordance with the policies of this Plan:

1. Low-density single detached dwellings and two-unit dwellings (i.e. duplex, semi-detached dwelling);
2. Medium density housing including row-housing and low-rise apartments or multiple dwellings;
3. Secondary rental units will be permitted in single, semi-detached and row housing where occupied by a single residential unit (i.e. basement apartment or apartment-in-a-house);
4. Group homes and garden suites;
5. Home occupations as an accessory use subject to Section 6.9;
6. Bed and breakfast establishments as an accessory use subject to Section 6.2; and-
7. Accessory uses may also include swimming pools, agricultural uses such as vegetable gardens, fruit trees, and backyard small animal husbandry (*examples: raising chickens for egg production, rabbits*) (see Section 6.8);

This Plan is based on providing up to 141 units of new housing by 2032 or approximately an estimated 7 new dwellings per year.

4.1.3 Permitted Community Facility Uses in Residential Area

1. Schools and day care centres;
2. Spiritual centres;
3. Community and cultural centres and institutional uses of a similar scale;
4. Atikameksheng Anishnawbek government buildings and offices;
5. Library;
6. Parks, beaches, community gardens, passive and active recreation, playgrounds, trails, and recreational facilities;
7. Farmer's market;
8. Special needs housing, senior citizens housing or similar facilities for senior citizens including nursing homes must be developed in accordance with the medium density residential policies of Section 4.1.4.9 and 4.1.4.10 in addition to the other policies of this Plan.

4.1.4 Policies

4.1.4.1 Access to Development

All new development in the Residential Area shall have direct access and frontage on a road maintained year-round by Atikameksheng Anishnawbek.

4.1.4.2 Change of Use from Commercial to Residential

It is a policy of this Plan to permit the change in use from current commercial land uses within

the Residential Area to either residential land uses or community facility land uses.

4.1.4.3 Commercial Uses Not Permitted in Living Area

While there are existing commercial uses found in the Residential Area designation, it is the intent of this Plan not to permit new commercial land uses in the Residential Area except home occupations (see Section 6.9) and Bed and Breakfasts (see Section 6.2).

4.1.4.4 Existing Commercial Uses

Existing commercial uses in the Village are permitted to continue to exist and may be recognized in the Zoning Regulation; however, it is the intent of this Plan that there will be no further expansion of commercial activity in the Residential Area. Proposals to expand an existing commercial use will only be considered in accordance with Section 6.7 – Existing Uses.

At the time of sale of a commercial use within the Residential Area, the lot should be redeveloped for a residential or community facility use.

Existing businesses in the Residential Area will be encouraged to relocate to the Business Area.

4.1.4.5 Infill and Intensification

Priority will be given to development applications which are proposed on the basis of infill on existing lots within the built-up area. Development proposals will be judged on how efficiently they use the land.

4.1.4.6 Land Use and Built Form Policies

1. Building heights and the massing of buildings should be consistent with the height and density of the surrounding area and existing structures. For medium and higher density housing the maximum height must be 10.05 metres [33 feet] or three storeys;
2. New lots shall have an adequate lot area for the proposed use considering building setbacks, parking, access, on-site sewage disposal and any accessory uses;
3. New residential development will be built to a high-quality design aesthetic (see urban design policies in Section 6.21);
4. New neighbourhoods and subdivisions will be developed with a high quality of community amenities including parks, community facility uses, infrastructure, community art, and pedestrian and bike paths;
5. When reviewing proposals for development of new housing, consideration will be given to housing design which promotes energy and water conservation, and which promotes walkability to nearby parks, commercial and other community services and facilities. Higher density housing should be designed so that it is compatible with surrounding lower density housing forms.

4.1.4.7 Linkages

It is the intent of this Land Use Plan to continue to develop a system of recreational trails and pathways that will link residential areas, business areas, the waterfront and other natural areas.

New recreational linkages will be designed to ensure privacy and security for abutting residential dwellings by maintaining building setbacks and vegetation buffers or other forms of screening.

4.1.4.8 Low Density Residential Uses

Low density residential building forms may include single detached dwellings, semi-detached dwellings, linked semi-detached dwellings and duplexes. The density of low-density residential development will be determined based on the capacity of a lot to sustain private individual on- site sewage disposal (septic) services until such time as a communal sewage disposal service is available in the community. Of the projected 141 new housing units by 2032, an estimated 120 (85%) dwelling units should be low density.

4.1.4.9 Medium and Higher Density Housing

Medium density residential uses should be developed at a density of 25 to 42 units per hectare. Such uses are permitted in the Residential Area but will require a Zoning Regulation Amendment. Medium and higher density forms of housing may include triplexes, townhouses, low rise apartment buildings (up to three stories) and similar multiple residential buildings. Of the projected 141 new housing units by 2032, an estimated 21 (15%) dwelling units should be medium and high density.

The density figures set forth in this section are maximum figures. In all instances of development or redevelopment to medium or higher density development, the capacity of community services and facilities will be considered in establishing the density levels at which the proposals are approved. Council may require development to take place at densities lower than those set forth in this Section if it is found that the capacity of community services are inadequate to serve any proposals developed at maximum density. Community services and facilities include sanitary water and sewer services, the capacity of the land to be developed on individual on-site sewage disposal services, water mains, and stormwater management facilities. Community facilities include the capacity of local roads, schools, and parks. Council may require the proponent of development to pay part or all of the cost of extending community services or bringing any substandard services up to a standard or capacity appropriate for the development proposed.

The following criteria will guide any consideration of medium and higher density housing proposals:

1. All required parking will be provided for on-site;
2. On-site recreational facilities or amenities such as private open-space or playground equipment may be required to be incorporated in small-scale apartments, block townhouse dwellings or similar medium profile residential buildings;

3. A traffic impact assessment may be required for multiple unit housing developments to identify required improvements to the road network to address traffic impacts. Any required improvements may be required prior to approval;
4. An analysis of the capacity of the water and sewage services may be required for multiple housing developments.

4.1.4.10 Locational Criteria for Medium and Higher Density Housing

1. Medium and higher density housing such as townhouses or small block apartments will only be permitted on lots large enough to accommodate such housing or through consolidation of existing lots, provided the development is designed to meet the required setbacks and density standards set out in the Zoning Regulation.
2. Proponents of medium and higher density housing shall demonstrate that public parks, schools, and other community services are adequate to service the proposed development.
3. Council may require proponents of medium and higher density housing to include community parks, playgrounds, bicycle parking facilities or other amenities as part of a proposed development.
4. In evaluating applications for higher and medium density housing, consideration will be given to the urban design policies of Section 6.21.
5. The height, density and character of medium and higher density residential uses will be compatible with adjacent uses and shall not exceed three storeys.

4.1.4.11 Meeting Projected Needs

1. It is a policy of this Plan that Atikameksheng Anishnawbek will ensure that the Residential Area designation contains sufficient lands to provide for an estimated 141 housing units by 2032, and to plan for a mix of housing types which includes 85% low density singles and two-unit dwellings (120 units), and 15% medium and high density housing types (21 units) as defined in Section 4.1.4.9 of this Plan; and
2. Atikameksheng Anishnawbek will monitor population growth and housing demand and revise population projections set out in the background document to this Land Use Plan (the "Community Profile") every 10 years in order ensure that planning for housing meets future needs.

4.1.4.12 Parks and Recreational Facilities

It is the intent of Council to retain beaches and parks and other open spaces and recreational areas owned by the Atikameksheng Anishnawbek and to use these lands for community recreation purposes.

Existing parks will be maintained as open space with facilities that meet the needs of residents and tourists. Any new recreational facilities will be buffered from adjacent land uses in order to minimize impacts.

Objectives for the use and development of parks and recreational land uses include:

1. To ensure the provision of parks and recreational facilities meet the needs of the population. Consideration will be given to the needs of all generations;
2. To provide physical and visual access to waterfront areas throughout the Reserve, and recognize the significance of the natural environment as an open space amenity;
3. To provide a system of open spaces that can adapt to community needs and preferences and which provide a diversity of recreational and leisure opportunities for all residents and which encourage a healthy lifestyle;
4. To provide convenient and accessible linkages for pedestrian and bicycle use between activity areas (e.g. home and school, home and work; home and community facilities).

4.2 Business Area

Business Areas include industrial, commercial and business land uses. Most of the Business Area lands are currently vacant however it is the intent of this Land Use Plan that these lands will be the focus of future industrial and commercial development.

The policies of this Land Use Plan envision the mixing of some forms of commercial and light industrial land uses in the Business Area without an amendment to this Plan. Examples of light industrial land uses include warehousing and light-duty manufacturing. Heavier industries that are considered Class III Industries as defined by the Ontario Ministry of the Environment's *Guideline D-6* that have significant land use compatibility impacts may require an amendment to this Land Use Plan where a land use compatibility study finds that the impacts may be significant on public health and the environment.

4.2.1 Objectives

1. To encourage the development of a range of business opportunities to meet the needs of the local labour force;
2. To prevent or minimize adverse effects of incompatible land uses;
3. To develop an adequate supply of serviced land for business uses;
4. To encourage a live, work, play environment;
5. To ensure access to business uses via roads that are maintained year-round by Atikameksheng Anishnawbek;
6. To ensure that development of new business uses occurs in a manner that respects and protects public health and the natural environment.

4.2.2 Permitted Uses

Permitted commercial uses in the Business Area may include:

1. Retail stores;
2. Business, and professional offices;
3. Medical clinic;
4. Tourist accommodation uses such as a motel, inn or hotel including convention facilities;
5. Restaurants and eateries (example: chip stand);
6. Service and personal commercial uses (examples: computer repair, shoe repair, hair

dresser, photocopy services, fitness facility);
7. Banks and financial services;
8. Entertainment and recreational uses (examples: arcade, bingo hall, pool room, theatre);
9. Automobile oriented uses (examples: service station, body shop, car rental, body shop);
10. Light Industrial Uses (examples: pharmaceutical manufacturing, welding shop, glass fabrication);
11. Existing residential use.

Permitted industrial uses on lands designated Business Area on Schedule "A" and "B" to this Plan are those uses which are entirely contained within a building, except for accessory vehicle parking and limited outdoor storage and uses that do not emit noise, dust or air emissions that are considered to affect public health and safety. Light industrial may be situated in proximity to commercial and where they have been determined to be compatible and provided that the appropriate buffering measures are undertaken to minimize impacts on public health and the environment.

4.2.3 Policies

4.2.3.1 Access to Development

All new development in the Business Area must have direct access and frontage on a road maintained year-round by Atikameksheng Anishnawbek.

4.2.3.2 Adequacy of Community Services

1. All development in the Business Area must be serviced on communal water services (and sewer services once available). In the interim, individual on-site sewage services will be permitted where the lot is determined to be suitable to sustain sewage services;
2. Proponents of commercial or industrial development shall demonstrate that there is adequate capacity in the communal water supply system to service the proposed development;
3. Proponents of development shall demonstrate that adequate stormwater management measures have been addressed and that utilities can be provided;
4. All new development must be designed with adequate parking, loading areas, areas for storage, sewage disposal and display and other on-site amenities in accordance with the Zoning Regulation;
5. Atikameksheng Anishnawbek may control the types of signs and lighting used for new businesses.

4.2.3.3 Change of Use

1. The policies of this Land Use Plan permit a wide range of uses in the Business Area, however, applications may be made to permit the conversion of a commercial use to an industrial use or vice-versa subject to meeting the following criteria:
   a. Compatibility with surrounding land uses;
   b. Making efficient use of under-used or vacant land or building space;
   c. Adequacy of community services and facilities;
   d. Suitability of transportation infrastructure and on Atikameksheng Anishnawbek roads;

e. Adequacy of parking and loading spaces; and
f. Compatibility of urban design (see Section 6.21).

2. Conversions from Business Area uses to uses other than industrial or commercial uses will not normally be considered.
3. Conversion of existing residential uses to commercial uses in the Business Area will be encouraged.

4.2.3.4 Form of Development

1. New lots for employment uses can be created preferably by a Plan of Subdivision or by consent to sever, provided issues relating to servicing and access are adequately addressed prior to or concurrent with approval. The size of the lot should be designed to accommodate the proposed use and any accessory uses, lot servicing requirements, access and parking, snow storage and merchandise storage and outdoor display.
2. New industrial developments will be evaluated based on potential impacts related to noise, vibration, odours, ground and surface water and air quality. Technical studies will be required to demonstrate that any proposed industrial use will not have a negative impact on surrounding land uses.
3. New buildings should be designed to a high environmental standard such as LEED or another comparable environmental standard.
4. Buildings may be up to three storeys in height.
5. The layout of a business park east of Reserve Road should be designed with lots having an average of 1 ha [2.47 acres]. Lots may be further subdivided depending on the type of commercial or industrial use and the land area required for that use. Lots may also be consolidated to create a larger lot for multiple uses such as a strip mall or industrial or commercial condominium.
6. Council may offer financial or other incentives to encourage the development of the Business Area.

4.3 Environmental Protection

Atikameksheng Anishnawbek recognizes the important contribution of natural systems to the creation of a liveable community. The Environmental Protection designation applies to lands in both the Community Development and the Natural Areas zones and is intended to protect these natural areas and the significant ecological features within them. The Environmental Protection designation includes wetlands, river corridors, flood plains and other identified environmentally sensitive lands in Atikameksheng Anishnawbek. The Environmental Protection designation also includes areas with special significance due to unique biological and/or other natural heritage features or functions or areas which may pose negative impacts to development due to unsafe site conditions such as flood or erosion hazards. The policies in this Plan place a high priority on maintaining and enhancing the ecological function of natural features and encourage restoration and enhancement of ecological functions where possible.

4.3.1 Objectives

1. To achieve a balanced relationship between development and nature by preserving natural features and ecological systems, conserving natural resources and protecting people and property from environmental hazards;
2. To maintain and enhance the ecological integrity of the natural heritage system; and
3. To minimize the loss or fragmentation of wetlands and the habitats and ecological functions provided by the natural heritage system.

4.3.2 Permitted Uses

Permitted uses in the Environmental Protection designation will include conservation uses, parks and playgrounds, passive recreational opportunities and other similar open space recreational opportunities. Depending on the nature of the underlying natural heritage feature or other environmental element, these permitted uses may be further restricted as per the policies of this Land Use Plan, particularly where lands within the Environmental Protection designation are impacted by significant portions of the habitat of endangered or threatened species, culturally important species, the presence of significant wetlands and flooding hazards.

4.3.3 Boundaries

The boundaries of the Environmental Protection designation are approximate and it is the intent of this Plan that the precise location be determined at the time that a development is proposed. An amendment to this Plan is not required to make modifications to the boundaries of the Environmental Protection designation provided that the modification is in accordance with the policies of this Plan. Where features are located that are determined to require protection for their environmental qualities, they will be considered as included within the Environmental Protection designation.

4.3.4 Adjacent Lands

For the purposes of this Section, it is necessary to pay particular attention to the adjacent lands' distances to natural heritage features (e.g. wetlands, wildlife and fish habitat) identified in Section 6.12.1 of this Plan.

4.3.5 Policies

4.3.5.1 Development Approach

The establishment of any permitted use shall occur in a manner that minimizes disturbance to the natural environment.

4.3.5.2 Buildings and Fill

No buildings or structures nor the removal or placing of fill of any kind whether originating on site or elsewhere will be permitted in the Environmental Protection designation areas except with the approval of Atikameksheng Anishnawbek. Buildings or structures required for flood control or other conservation or Atikameksheng Anishnawbek projects will be permitted where necessary and subject to all other policies in this Plan.

4.3.5.3 Applications to Redesignate

It is important that Environmental Protection areas be protected from future development to preserve the Atikameksheng Anishnawbek's natural resources and to protect development from natural hazards. Therefore, applications to redesignate lands from Environmental Protection to other purposes may be considered only if demonstrated to the satisfaction of Council that:

1. The remedial works proposed to overcome the environmental hazards will not transfer those hazards to other areas;
2. The proposed methods by which the hazard(s) are to be overcome are consistent with accepted engineering techniques, resource management practices, and applicable legislation; and
3. The entire cost of the proposed remedial works will be borne by the proponent of the development.

The demonstration of the factors provided at 1, 2 and 3 will require the submission of appropriate technical studies prepared to the satisfaction of Council by professionals qualified in the relevant field (see also Section 6.16 - Supporting Studies and Technical Information Required).

Council is under no obligation to redesignate any land if there is an existing or potential hazard that would be difficult or excessively costly (financially, socially, or environmentally) to overcome.

4.3.5.4 Natural Corridors

Where appropriate, Atikameksheng Anishnawbek shall consider the identification, protection and enhancement of natural wildlife and fish corridors and connections between lands within the Environmental Protection designation and other natural heritage features and areas located elsewhere in the Atikameksheng Anishnawbek and within other areas of jurisdiction.

If development is proposed in such a corridor/connection or in an area within which Council believes such a corridor/connection exists, Council will not authorize the development unless Council is satisfied that the corridor/connection will be protected or enhanced as a result of the development. In assessing risks to corridors/connections, Council may require technical studies prepared by qualified professionals.

Where these corridors and connections have been identified, or where Council is concerned that there may exist a corridor or connections and development is proposed within such corridor or connection or suspected corridor or connection, Council will receive and be satisfied with appropriate technical studies prepared by qualified professionals which demonstrate that the corridor or connection will be protected or enhanced as a result of the development proposal.

4.3.5.5 Implementation

It is the intent of this Land Use Plan that the boundaries of the Environmental Protection areas shown on Schedule "A" and "B" be used as a guide in preparing the Zoning Regulation, and that appropriate setbacks from any creek, stream or wetland be established in the Zoning Regulation.

As new natural heritage features are identified by Atikameksheng Anishnawbek or through a development application submitted to Atikameksheng Anishnawbek (e.g. habitat of an endangered or threatened species or other sensitive habitat), Atikameksheng Anishnawbek will review the new data to determine the appropriateness of including the new feature into this Plan. Where this data has not yet been incorporated into this Land Use Plan, and development proposals come forward which may be impacted by this data, Council will not authorize a development unless, upon consideration of the potential impacts of the proposed development on the newly-identified feature, Council is satisfied that any impact to the feature is acceptable in accordance with all applicable laws and policies. In assessing impacts to a feature, Council may require technical studies prepared by qualified professionals.

Passive outdoor recreational uses such as walking trails are permitted provided they are sensitively designed and where Council is satisfied that the policies of this Land Use Plan are respected. Proposed walking trails through Environmental Protection areas are also subject to the policies of this Plan in order to protect environmentally significant features.

4.4 Culturally Significant Areas

The Culturally Significant Areas designation applies to lands in both the Community Development Zone and the Natural Areas Zone. For land use policies for the Culturally Significant Areas designation in the Community Development Zone shown on Schedule "B" of this Land Use Plan, reference should be made to the policies of Section 5.2 - Culturally Significant Areas

5 Land Use Policies for the Natural Areas Zone

The Natural Areas Zone includes all of those lands within Atikameksheng Anishnawbek boundaries located outside of the Community Development Zone. The Natural Areas Zone is critical to the quality of life for Atikameksheng Anishnawbek members. The Natural Areas Zone is where natural resources, cultural heritage features and natural heritage features are concentrated. Like the Community Development Zone, the Natural Areas Zone is divided into a number of different land use designations that are represented on Schedule 'A' of this Land Use Plan.



5.1 Natural Areas Zone

The policies of the Natural Areas Zone designation accommodate a range of land uses such as forestry, resource extraction and harvesting, open space and conservation, and passive and outdoor recreation. The use of land for residential uses, recreational and hunt camps (i.e., for hunting or harvesting) is also permitted subject to the objectives and policies below.

5.1.1 Objectives

1. To preserve and conserve the ecology and biodiversity of the natural environment;
2. To permit the development and integration of trail systems into the natural environment for the benefit of members and tourists; and
3. To recognize existing and permit new remote and resource related camp lot development (non-waterfront).
4. To recognize, protect, and conserve sensitive cultural and wildlife features which are classified as areas of significance.

5.1.2 Permitted Uses

Permitted uses in the Natural Areas designation include:

1. Remote and resource-related camps (e.g. cottages, recreational camp lots and hunt/fish camps);
2. Recreational trails and off-road trails for snowmobiles and ATVs;
3. Forestry and commercial timber harvesting in compliance with an approved Forest Management Plan;
4. Forest resource-related activities (e.g., portable sawmill, log preparation);
5. Existing permitted mineral aggregate extraction operations and new operations where they conform with this Plan;
6. Fuel wood harvesting;
7. Commercial fur harvesting;
8. Traditional land uses such as hunting, gathering, medicinal plant harvesting, fishing

and commercial food and medicinal plant harvesting;
9. Renewable energy facilities;
10. Communications facilities and towers;
11. Agricultural uses;
12. Outdoor recreational activities (e.g., nature appreciation, camping, snowmobiling, hiking, trail riding); and
13. Renewable and alternative energy projects in compliance with Section 6.1 of this Plan.

5.1.3 Policies

This Land Use Plan recognizes the importance of Natural Areas in providing for traditional land use activities such as hunting, fishing, and harvesting of resources.

1. It is a policy of this Plan to permit the development of remote recreational camp lot and cottage development if Council is satisfied that no negative environmental impacts or impacts to archaeological or culturally significant sites will occur (see Section 6.5);
2. Prior to developing a recreational camp lot, Council must be satisfied that suitable arrangements for sewage disposal have been made which will not negatively impact the environment;
3. Resource harvesting activities are permitted in accordance with the policies of this Plan. Regard should be had to the policies of Section 6.13 - Natural Resources.

5.2 Culturally Significant Areas

The Culturally Significant Areas designation includes the Sacred Grounds are where traditional and ceremonial activities take place on the Reserve such as the annual pow wow. The Culturally Significant Areas designation also includes the adjacent recreational areas surrounding the Sacred Grounds, the former Whitefish Lake village, as well as other culturally significant areas in Atikameksheng Anishnawbek such as Pigeon Mountain. Culturally Significant Areas also include cemeteries and burial sites. All of these features will be shown on this Land Use Plan schedule.

5.2.1 Objectives

1. To identify and protect sites and structures having historic, architectural, spiritual, cultural or archaeological significance;
2. To encourage community awareness, understanding and appreciation of these historic, spiritual and cultural sites;
3. To meet periodically with community elders and/or other relevant cultural groups to ensure that the heritage, cultural and spiritual artifacts are protected for the benefits of future generations; and
4. To conserve significant cultural heritage sites, built heritage, and archaeological resources.

5.2.2 Policies

1. Culturally Significant Areas will be shown on the land use schedule and include:
   a. The Sacred Grounds;

b. Pigeon Mountain;
c. Portage Trails;
d. Spiritual Area;
e. Old Village Site;
f. Whitefish Lake Hudson's Bay Post;
g. Gail site;
h. Doseum Component;
i. Arbour site;
j. Burial sites and cemeteries;
k. Sugar Bushes; and
l. Pow Wow Grounds.

2. No development is permitted on or near any site considered to have significant cultural or archaeological significance unless the development receives community approval by ratification as per the *Land Management Code*. Some sites or features are designated as Areas of Significance on the Land Use Schedules in order to protect the integrity of the site.

3. Any permitted development shall conform to the policies for preserving archaeological and cultural heritage resources (see Section 6.5.1).

5.2.3 Sacred Grounds Policies

This Sacred Grounds policy includes the Sacred Grounds, the former village siteand the pow-wow grounds. It is the intent of this Plan to protect this site from any changes in land use that would negatively impact the integrity of the Sacred Grounds. Development may include enhancements to the site that have the impact of contributing to the overall cultural significance and integrity of the Sacred Grounds.

5.2.4 Pigeon Mountain Policies

Pigeon Mountain has had significance for Atikameksheng Anishnawbek's people since time immemorial. It is the intent of this Land Use Plan that the integrity of this site as a spiritually and culturally significant area be preserved for the benefit of future generations. Therefore, in addition to the policies of Section 6.5.1 above it is a policy of this Land Use Plan to restrict all development and site alteration within one (1) kilometre of Pigeon Mountain. Pigeon Mountain and the 1-kilometre setback are shown on the schedules of this Land Use Plan.

Development proposed within viewing distance from the top of the mountain must be undertaken in such a way that respects the integrity and wholeness of Pigeon Mountain. It is the intent of this policy that views from the top of Pigeon Mountain as well as views of the mountain should appear as they would have for our ancestors.

5.2.5 Burial Sites

There are several known burial sites located in several areas of Atikameksheng Anishnawbek, and also likely many unknown burial sites. It is the intent of this Plan that a 30 metre [98.4 feet] buffer be maintained surrounding known burial sites. Within these 30 metres [98.4 feet] no development or site alteration is permitted. An amendment to the Land Use Plan will be required when new burial sites are discovered.

5.2.6 Culturally Significant Areas Outside of Atikameksheng Anishnawbek Boundaries

Given the original settlement patterns of Atikameksheng Anishnawbek people, there are also burial sites and other culturally significant areas that are located outside of the present day Indian Act reserve boundaries. Therefore, while such features may not necessarily be shown on this Land Use Plan Schedules, the policies of this Plan are considered to apply to these sites located outside the current Atikameksheng Anishnawbek boundaries. It is the intent of this Plan that neighbouring municipalities will partner with Atikameksheng Anishnawbek and share information in order to protect the integrity of culturally significant sites located outside the Atikameksheng Anishnawbek boundaries.

5.3 Shoreline Area

The Shoreline Area designation represents the existing shoreline areas in the reserve that have been developed for low density shoreline residential dwellings and recreational dwellings (also referred to as waterfront or recreational camp lots) as well as accessory shoreline recreational uses. The intent of this Plan is to recognize existing shoreline development and to provide opportunities for additional development on specified undeveloped lands as an economic development opportunity, while ensuring that development respects all policies for protecting the natural environment and the water quality of our water bodies. The Shoreline Area land use designation generally applies to lands within 300 m [984 feet] of the high water mark of a lake.

5.3.1 Objectives

1. To protect, enhance or restore natural features and the ecology of the shoreline areas and the riparian and littoral zones in their natural state wherever possible;
2. To ensure that existing development is appropriately serviced with water and sewage disposal services;
3. To maintain the existing character of the predominantly low-density shoreline residential area;
4. To maintain the aesthetic qualities and treeline profile of shorelines; and
5. To protect the quality of lake water and lake ecosystem health of all water bodies in the reserve.

5.3.2 Permitted Uses

Permitted uses in the Shoreline Area designation include single detached dwellings and seasonal dwellings (i.e. recreational camp lots and cottages) fronting on a lake or river. Permitted non-residential uses may include a park, or a boat launch area. In addition, tourist oriented commercial uses such as a tourist resort, commercial campground, and marina may be permitted by Council.

5.3.3 Policies

1. Approval of a permitted use on lands designated Shoreline Area listed at section 5.3.2 will be subject to the following development criteria this Land Use Plan:

a) New shoreline lots must have a minimum lot area of 1 hectare [2.47 acres] and a minimum shoreline lot frontage of at least 61 metres [200 feet].

b) Development may be permitted on individual lots or by a plan of subdivision. Development will generally be limited to a single tier along the shoreline. Council may permit backlot development (i.e. second tier) provided residents will have access to the lake or river and provided the lake or river has the biological capacity to support the development (see Section 6.14.2).

c) Lots must be accessed by a Primary Reserve Road maintained year-round by Atikameksheng Anishnawbek for permanent development or a seasonally maintained road or Secondary Reserve Road or Trail for seasonal development. However, lots on islands, or that only have water access, may be developed for a seasonal residential use provided the lot has adequate mainland parking preferably on the same water body. For a water access only lot or island, parking must be available at a community (public) access point accessible by a maintained road provided there is legal access to the parking lot and provided that fire protection services are or can be made available. All lots that do not have frontage on a year-round maintained road, lots on islands, or that only have water access, will be placed in a Limited Service Residential Zone in the implementing Zoning Regulation to recognize the limited nature of service delivery provided to these lands

d) Development will only be permitted where the lots have the capability to be serviced with on-site sewage disposal systems. Council may require a hydrogeological assessment or study carried out by a qualified professional as a condition of approval (see Section 6.16). Development must not be permitted unless site conditions are suitable for the long-term provision of on-site sewage disposal systems without negative impacts on the water quality of the abutting lake. Where deemed appropriate to protect water quality, Council may require the installation of an advanced sewage treatment system (see also Sections 6.15). All sewage disposal systems must be designed and installed to meet the requirements of the applicable building code.

e) Development will be limited to one dwelling unit per lot; however, a guest cabin may be permitted where the sewage disposal system is shared with the main dwelling.

f) All development must be appropriately serviced with a potable water supply. Council may require a certificate from a licensed well driller attesting to the adequacy of the quantity and quality of the well water as a condition of approval and may impose conditions on the design of the well and treatment of the water in achieving water quality that meets Ontario's drinking water standards.

g) New Shoreline lots should have slopes of less than 6% grade with a mature tree cover and which are deemed suitable for servicing with an individual on-site Class 4 septic system at a minimum or an advance treatment system that meets the requirements of the national building code.

h) New shoreline lots must not be approved on lakes unless the lake in question has the biological capacity to support the development. Council may require a lake capacity study to be undertaken in accordance with Section 6.14.2 prior to the approval of any new lots.

i) All development in the Shoreline Area designation must conform to the setback and natural vegetative buffers policies as set out in Section 6.14.3 and 6.14.4. Council may authorize a lesser setback than 30 m [98.4 feet] by an amendment to the Zoning Regulation where Council is satisfied that there will be no negative impacts on water quality or the ecological functions of the shoreline or that measures will be undertaken to mitigate any negative environmental impacts (examples: installing an advanced sewage treatment system; a planting program to revegetate a shoreline to its natural state) and that the requirements of Section 6.14.3 are met.

j) Lands proposed for shoreline development that are not designated Shoreline Area on this Land Use Plan Schedule must not be permitted except by amendment to this Plan and only where Council is satisfied that all of the applicable policies of Section 5.3.3.1 above are met. Council may also require supporting studies to be undertaken (see Section 6.16) prior to approving an amendment (examples: lake capacity, hydrogeological, water quality and quantity, drainage/stormwater, archaeological).

k) All lands designated for shoreline development must be placed in an appropriate Zone category (see Section 5.3.3.5).

2. Many of the waterfront residential lots in the reserve were designed for seasonal occupancy (i.e. recreational camp lots and cottages) and as a result may be serviced by sewage disposal (septic) systems which are not designed or maintained in accordance with current standards.

Therefore, the intent of this Plan is to ensure that existing sewage disposal systems in the Shoreline Area designation are upgraded to current building code standards wherever possible and that an appropriate water supply (e.g. lake water or water well) is available for each dwelling unit. In order to implement this, prior to undertaking any improvements listed below in the Shoreline Area, a person will obtain approval that the sewage disposal system servicing their dwelling unit or lot conforms to current standards:

a) The enlargement, renovation or addition to an existing dwelling unit requiring a license or permit;
b) The development of an accessory building or structure requiring a license or permit;
c) The development of an in-ground swimming pool;
d) The development of a deck in the same yard as a sewage disposal tile field or septic system; or
e) The conversion of a seasonal dwelling to a permanent or year-round dwelling.

3. Confirmation of the above must be received prior to the issuance of a building permit for the above improvements that indicates that the well servicing the dwelling (if there is a well supplying water to the dwelling) is located on the same lot as the dwelling;

4. Council may create lots, develop and/or lease shoreline lots to non-residents for seasonal residential (i.e. cottage) development subject to meeting the development requirements of this Section of this Plan. The intent is to also recognize existing non-

resident seasonal dwellings on Lake Panache and may require improvements designed to improve water quality (i.e. replacement or upgrading of sewage disposal systems, relocating dwellings and buildings to meet shoreline setback requirements).

5. Zoning of lands in a Waterfront Limited Service Residential Zone or a Waterfront Residential (RW) Zone or other zone:

a) Lands for seasonal residential use and water access only lots must be placed in a Waterfront Limited Service Residential Zone.
b) Lands used for permanent or year-round residential occupancy must be placed in a Waterfront residential (RW) Zone.
c) Non-residential shoreline development must be placed in a Recreational Commercial (RC) Zone.

6. The re-zoning of lands within the Waterfront Limited Service Residential (LSR) Zone to a Waterfront Residential (RW) Zone or for a non-residential use zone may be considered by Council provided the following criteria are met:

a) The lot(s) being re-zoned shall have frontage on and direct access to an improved road maintained year-round by the community;
b) The dwelling(s) on the lot(s) to be re-zoned shall comply with all building and construction standards that apply to permanent homes;
c) The use(s) on the lot(s) to be re-zoned must be serviced by a private well on the same lot or with an appropriate water supply that meets the requirements of the national building code;
d) The use(s) on the lot(s) to be re-zoned must be serviced by an appropriate means of sewage disposal that complies with the building code;
e) fire department and the appropriate police department confirm that the use(s) on the lot(s) to be re-zoned can be serviced year-round by police and fire vehicles; and,
f) The lot(s) to be re-zoned complies with all applicable Zone provisions in the implementing Zoning Regulation and the provisions in Section 6.5 - Cultural Heritage and Archaeological Resources for cultural heritage and archaeological resources.
g) The lake has biological capacity to support the conversion of any seasonal dwelling to a year-round dwelling.

7. Non-Residential Uses in the Shoreline Area Designation

Tourist-oriented commercial uses may be provided for in the Shoreline Area Designation including marinas, cabin resorts, lodges and other similar uses that serve shoreline users. New tourist-oriented commercial uses within the Shoreline Area designation may be considered by an amendment to the implementing Zoning Regulation and may be subject to site plan control policies. Before considering an amendment to the Zoning Regulation to permit a commercial use in the Shoreline Area designation, Council must be satisfied that:

a) The proposed use is compatible with the character of the shoreline area and any adjacent residential uses;

b) The lot(s) being re-zoned shall have frontage on and direct access to an improved road-maintained year round by the Atikameksheng Anishnawbek unless the lot has water access only [see paragraph d) below];
c) Sewage disposal, water and waste disposal arrangements are adequate to meet the needs of the proposed use and without negative environmental impacts and can be provided in conformance with this Plan (see also Section 1.1.1 - Site Plan Control and/or On-Site Phosphorous Management and Section 6.15 - Servicing Policies);
d) Adequate parking and loading facilities and landscaping can be provided on site. For a water access only lot, parking must be available at a community (public) access point accessible by a maintained road provided there is legal access to said parking and provided that fire protection services are or can be made available.
e) The shoreline will be left in its naturalized state or provisions are made through site plan control for establishment, restoration or improvement of the shoreline condition to a naturalized condition except for a designated activity area, (i.e., beach/recreational area, boat house, boat launch or dock). For a marina, it is recognized that the required 30 metre [98.4 feet] setback and vegetation buffer may not always be possible, however the proponent shall provide for a shoreline management plan that makes provision for the marina while retaining as much of the shoreline in its natural state as possible.

8. A bed and breakfast establishment may be permitted in the Shoreline Area through an amendment to the implementing Zoning Regulation and subject to the site plan control policies of this Plan. A bed and breakfast may only be permitted where Council considers that there is safe access to the lot.

5.4 Environmental Protection

The Environmental Protection designation applies to lands in both the Community Development Zone and the Natural Areas Zone. For land use policies for the Environmental Protection designation in the Natural Areas Zone shown on Schedule "A" of this Land Use Plan, reference should be made to the policies of Section 4.3 - Environmental Protection.

5.5 Biodiversity Zone and Blackwater Creek Conservation Area

The Biodiversity Zone refers to an area of 14.3% of the land base of the Atikameksheng Anishnawbek and is reserved as a pristine ecological reserve. The Blackwater Creek Conservation Area protects a 200 metre [656 feet] buffer along the watercourse connecting Blackwater Lake and Round Lake. No development or site alteration is permitted within either the Biodiversity Zone or the Blackwater Creek Conservation Area.

5.5.1 Permitted Activities

Council may approve the development of trails within the Biodiversity Zone or the Blackwater Creek Conservation Area provided they are designed in such a manner as to ensure that there is no negative environmental impact. An environmental impact study may be required to justify any proposed trail development.

5.5.2 Prohibited Activities

Prohibited activities in the Biodiversity Zone and the Blackwater Creek Conservation Area include harvesting, mining, hydroelectricity development and any other development or site alteration within 200 metres [656 feet] of the watercourse connecting Blackwater Lake and Round Lake.

6 General Development Policies

6.1 Alternative and Renewable Forms of Energy

Alternative and Renewable forms of energy may have impacts on public health, public safety and the natural environment. All class 3 wind facilities with an electrical power output of 50kW or greater and a sound power level equal to or greater than 102 dBa shall comply with O. Reg. 359/09 (Renewable Energy Approvals under Part V.0.1 of the Environmental Protection Act, 1990) with respect to setbacks from property, road and railways, and any other features designated by Council. All renewable energy projects with an electrical power output which does not require a provincial approval will be permitted provided they are compatible with surrounding land uses, minimize or avoid the clearance of mature tree/canopy cover, and meet any prescribed setback and buffering requirements established by the Council in the Zoning Regulation. Alternative energy systems and renewable energy projects will be encouraged in support of reducing greenhouse gases. Projects may be sponsored by the private sector or by Atikameksheng Anishnawbek.

Council supports the development of alternative and renewable forms of energy generation.

Large scale alternative and renewable energy generation projects will be permitted anywhere in the Community Development Zone or the Natural Area designation provided that the specific location is compatible with surrounding land uses and where negative impacts such as noise or vibration can be overcome. A land use compatibility study in accordance with Section 6.10 of this Plan may be required to justify the location of a future renewable energy development.

Such a study is not normally required for small scale private renewable energy technologies such as rooftop solar panels or backyard wind generators where there are no negative land use impacts on neighbours. The Zoning Regulation may be used to establish setbacks for such structures.

6.2 Bed and Breakfasts

This Land Use Plan recognizes the important role that tourism may have for the future of Atikameksheng Anishnawbek. Bed and breakfasts may be permitted as an accessory use to a single detached dwelling in the Residential Area and the Shoreline Area land use designations, respectively, provided that they are compatible with surrounding land uses and that they do not change the residential or cottage character of the main use. The Zoning Regulation will be used to ensure that bed and breakfasts will not become a public nuisance due to noise, noxious odours, traffic, parking or signage.

6.3 Certificates of Possession

Certificates of Possession (CPs) are issued by Council to convey rights of occupation of lands in the Reserve. Certificates of Possession are issued under the authority of the *Indian Act* or the *Land Management Code* and permit members holding them to:

1. Permanent possession of the land;
2. Benefit from the resources arising from the land;
3. Grant subsidiary interests and licenses in the land; including leases, permits, easements and

right- of-ways;
4. Transfer, devise or otherwise dispose of the land to another member;
5. Grant permits to take resources from the land, including cutting timber or removing stone, sand, gravel, clay, soil or other substances; and
6. Any other rights, consistent with the *Land Management Code* that is attached to certificates of possession issued under the *Indian Act*.

Council may allocate a lot(s) to members in accordance with the *Land Management Code* and procedures established by Council or issue a Certificate of Possession provided the proposed land use complies with the policies of this Land Use Plan and the Zoning Regulation.

6.4 Community Benefits

Developers of property, including Atikameksheng Anishnawbek members, will be expected to dedicate rights of way for community amenities including roads, parks, community art, and pedestrian/bike trails.

Atikameksheng Anishnawbek's objective is to build a distinctive community that members feel proud to call home. Atikameksheng Anishnawbek has many outstanding attributes including a beautiful natural setting of lakes, rivers and wild lands. The Atikameksheng Anishnawbek also has a deep and long-lasting attachment to the lands and waters of the area.

In order to build upon community pride, it is a policy of this Land Use Plan to encourage the installation of public art on or within community buildings and property, including waterfronts, parks and streets. Public art may include permanent and temporary installations of statutory, murals and other visual art displays reflecting local culture.

Atikameksheng Anishnawbek may use a portion of the fees generated from development applications to be put toward the installation of public art.

6.5 Cultural Heritage and Archaeological Resources

The preservation of cultural heritage and archaeological resources is fundamental to members of Atikameksheng Anishnawbek. Having existed on the land since time immemorial, members have a special attachment to lands and waters. It is the intent of this Land Use Plan to prevent the loss of cultural heritage resources to development, and to ensure that any future development is respectful of Atikameksheng Anishnawbek heritage and culture.

Cultural heritage resources include significant built heritage resources, significant cultural heritage landscapes, archaeological resources and marine archaeological resources or sites.

Any cultural heritage resource may be identified as an Area of Significance on the Land Use Schedules to this Plan.

6.5.1 Policies

1. Development and site alteration must not be permitted on lands containing archaeological resources or areas of archaeological potential unless the development incorporates the

resources to preserve and maintain the character and integrity of the resource for the benefit of community members. Development and site alteration may be considered on lands containing archaeological resources or areas of archaeological potential if the archaeological resources can be conserved by removal and documentation or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the integrity of the archaeological resource will be permitted;

2. While any lands in Atikameksheng Anishnawbek's territory may contain archaeological potential, lands located alongside lakes, rivers and other waterways (i.e. within 300 m [984 feet]) are especially notable for their potential to contain archaeological resources;

3. Development and site alteration must not be permitted on lands considered to be adjacent (i.e. within 50 m [164 feet]) to cultural heritage resources unless the proposed development or site alteration has been evaluated and it has been demonstrated that the heritage attributes and integrity of the protected cultural heritage resource will be conserved.

4. A 30 metre [98.4 feet] setback shall apply to any development adjacent to cultural heritage resources. In addition, Council will consider potential negative impacts to lands within a 100 metre [328 feet] distance from the proposed development in accordance with the policy at section 5.4.1.2, with the exception of Pigeon Mountain where Council will consider impacts to lands within 1 kilometre [0.6 miles] from the proposed development.

5. Anyone discovering or uncovering artifacts during excavation or site works is required to immediately suspend such activity and report the occurrence to the appropriate authority;

6. Any person or corporation who disturbs or alters an archaeological site or removes any artifact from a site may be subject to prosecution;

7. Atikameksheng Anishnawbek may keep a register of all known historic, architectural, spiritual, cultural or archaeological resources within the Reserve;

8. Atikameksheng Anishnawbek encourages the mapping of archaeological resource potential of the community in order to better determine where an archaeological impact assessment needs to be conducted by an Ontario licensed archaeologist. Until such mapping is available, development applications will be screened for archaeological potential in accordance with Atikameksheng Anishnawbek's guidelines. Where it is identified that an archaeological impact study is required, the Atikameksheng Anishnawbek will retain archaeological services at the cost of the proponent. Disturbance of a known archaeological site is prohibited.

6.6 Energy Conservation

1. Atikameksheng Anishnawbek believes strongly in the principles of sustainability. It is therefore a policy of this Land Use Plan to wisely manage and conserve energy resources

through land use decision making. The Atikameksheng Anishnawbek promotes an orderly and compact development pattern that minimizes the need for automobile trips.

2. Atikameksheng Anishnawbek may investigate ways in which development standards can include considerations for energy conservation measures and energy efficient design.

3. Atikameksheng Anishnawbek promotes the use of alternative energy sources and the use of landscaping including shade tree plantings and building orientations that reduce energy costs.

4. Atikameksheng Anishnawbek -owned buildings will be a leader in the use of alternative energy sources and alternative development standards (e.g., LEED, ISO).

6.7 Existing Uses

It is a principle of this Land Use Plan that all existing land uses that are in place at the time this Land Use Plan is approved that do not comply with this Plan be phased out. To that end, if an existing non-conforming use of land is discontinued, a person must not resume that use.

Council will not approve a permit extension or enlargement of a non-conforming use unless:

1. Council determines that withholding the approval will lead to unnecessary hardship;
2. Council determines the non-conforming use will not result in negative impacts to public health, safety or land use compatibility, as demonstrated by a land use compatibility study; and
3. Council amends the Zoning Regulation.

6.8 Food Security

It is the intent of this Land Use Plan to encourage opportunities for food harvesting. Policies to promote urban agriculture include:

1. Specifying plants for landscaping design that produce food or herbs where possible in planters, hedges, shrub beds or trellises;
2. Locate productive plants in areas that receive an appropriate amount of sun where possible;
3. Promote tidy and attractive urban agriculture opportunities in the Residential Area in highly visible public or semiprivate



spaces

4. Create urban agriculture opportunities in places of education such as schools and community centres so that urban agriculture may foster a connection between children and the process of growing, harvesting and eating fresh and healthy produce.
5. Design urban agricultural spaces so that they are accessible to all people.
6. Design urban agricultural spaces so that they enhance natural habitat for beneficial insects, birds and natural predators of garden pests.
7. Permit food to be grown on roofs, balconies and in private and common yards, community gardens and parks.

6.9 Home Occupations

Home occupations are permitted in association with a residential use where they provide services to the community and where they do not create a nuisance. Home occupations are small in size with limited employment (i.e. 1-2 employees including the occupant of the dwelling) and must not change the character of the main residential use. A home occupation may only be permitted if such use is secondary to the main residential use of the land. These uses will be strictly regulated to ensure their compatibility with the residential use. The Zoning Regulation may regulate the number and type of home occupations, the floor area occupied by a home occupation, signage/advertising, lighting, hours of operation, parking and servicing. Outdoor storage will not be permitted if associated with a home occupation except for firewood sales.

Home occupation shall generally be restricted to the main residential dwelling; however, they may be permitted in an accessory building where the type of home occupation is compatible with neighbouring residential uses. Home occupations will not be permitted except for on lots with frontage on a year-round maintained road.

Categories of home occupations may include:

a) Professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, teleworking);
b) Instructional services (examples: music lessons, dance, art and academic tutoring);
c) Home craft businesses (examples: quilting, pottery, jewellery, visual arts, woodworking);
d) Day nursery or private home day care;
e) Distribution sales offices or mail order sales of cosmetics, clothing or small household supplies;
f) Offices for contractors and trades (examples: plumbing, heating, electrician);
g) Repair services (examples: small appliance, computers);
h) Technology uses (examples: internet services, office call centre services, desk top publishing, hardware and software development); Outfitting services including bait sales for recreational fishing;
i) Personal care services including but not limited to a hairdresser, barber, massage therapist, aesthetician.
j) Pet grooming establishment, but not including overnight keeping of animals.
k) A catering establishment.
l) Seed sales
m) Gun repairs
n) A studio

6.10 Land Use Compatibility

It is a policy of this Land Use Plan to maintain compatibility and to minimize potential conflict between sensitive land uses (i.e., residential, institutional) and potentially conflicting land uses such as industrial, commercial, and waste disposal related land uses. Separation distances will be used to provide adequate separation between incompatible land uses. The industrial categories, definitions and recommended influence areas and separation distances set out in the *Guideline D-6* published by the Ontario Ministry of the Environment and Climate Change will be used to evaluate development in Atikameksheng Anishnawbek.

A sensitive land use is considered any use, including any building or associated amenity area not directly associated with the industrial, commercial or waste disposal related uses, deemed by the Atikameksheng Anishnawbek to be sensitive based on the potential for humans or the natural environment to be adversely affected by noise and odour emissions generated by the operation of a nearby industrial, commercial or waste disposal related facility. For example, the sensitive land uses may include residences, senior citizen homes, schools, day care facilities, hospitals, places of worship and similar institutional uses, or campgrounds.

A land use compatibility study may be required to support applications in order to demonstrate how development may occur without resulting in negative impacts to public safety, human health or the environment due to noise, dust, odours or vibration. A separation or buffer area may be used which is made of open space, berms, walls, fences, vegetation, plantings, or other acceptable forms of buffers identified or recommended by a study.

6.10.1 Human-Made Hazards

Human-made hazards consist of mine hazards or former mineral and mineral aggregate resource operations, as well as sites which are potentially contaminated.

Brownfield sites means lands, buildings and structures where the environmental condition of the property and the quality of the soil or groundwater, or sediment as a result of current or past land use practices is contaminated and may have the potential for adverse effects to human health or the natural environment. Brownfield sites are usually but not exclusively, former industrial or commercial properties.

The following policies apply to development proposals which may be impacted by the presence of human-made hazards:

1. Atikameksheng Anishnawbek will identify and inventory any lands that are suspected to be or that are known as being contaminated and will advise applicants or proponents of development of the inventory.

   Where development is proposed on or near a known or suspected brownfield site identified on the inventory provided at 1), or otherwise communicated by Council, the proponent will submit technical evidence such as a study prepared by a qualified professional that outlines how development may occur. Any study will outline measures that should be taken to ensure the development will not cause a negative impact, such as any rehabilitation

measures that are required before development can proceed.

2. Atikameksheng Anishnawbek will encourage and facilitate the remediation and redevelopment of brownfield sites and may provide for the cleanup and remediation of brownfield sites. The Atikameksheng Anishnawbek may consider offering financial incentives for the remediation and cleanup of brownfield sites.

3. No development is permitted on or near a brownfield sites unless the proponent can demonstrate with technical evidence (e.g. a study prepared by a qualified professional) that the proposed development will not cause a negative impact to human health or the environment; the proponent's proposal will outline the necessary steps to ensure there will be no negative impact , e.g. rehabilitation measures will be completed before development can proceed.

4. An area located along the shoreline of Long Lake and Round Lake is suspected to contain a brownfield site and waters from arsenic used in area mining operations in the past. A constraint area within 300 metres [984 feet] of the shoreline will be identified on the schedule of this Land Use Plan. No development is permitted in the constraint area except in accordance with point 4.

5. Where development is proposed within 1,000 metres [3,280 feet] of a former hazard associated with mineral extraction or mineral aggregate extraction, development only be permitted if the proponent has completed or begun rehabilitation measures to address and mitigate known or suspected hazards, the status of such rehabilitation measures will be supported by the necessary documentation; or the proponent can demonstrate with technical evidence (e.g. a study prepared by a qualified professional) that the proposed development will not cause a negative impact to human health or the environment, and the proponent's proposal will outline the necessary steps to ensure there will be no negative impact (e.g. rehabilitation measures will be completed before development can proceed).

6. Atikameksheng Anishnawbek recognizes that measures to remediate lands surrounding Long Lake and Round Lake that have been contaminated by mining operations requires the collaboration and cooperation of several parties including the City of Greater Sudbury, the Ministry of Northern Development and Mines, and land owners. The intent of this Plan is to achieve a coordinated approach among the affected parties towards the design and implementation of a remediation plan for contaminated sites and waters in and around Long Lake and Round Lake.

6.10.2 Waste Management Facility

1. Atikameksheng Anishnawbek has a solid waste management facility and provides waste disposal services to the residents of the Atikameksheng Anishnawbek; however, the current site has limited capacity and is slated to be closed, but may operate as a transfer site. Waste disposal may be provided through a waste transfer agreement with the City of greater Sudbury.

2. Council intends to work towards the establishment of a new waste management facility. An environmental assessment should be undertaken to ensure that any future site is appropriate.

3. Prior to development within an influence area of 500 metres [1,640 feet] of an existing or former waste management facility, studies must be undertaken to consider potential impacts on proposed land uses such as:
   a. Ground water quality;
   b. Drainage from the waste management facility;
   c. Subsurface gases; or
   d. Animal pests.

4. Where such hazards are identified, development will not be approved unless effective remedial measures are available and will be undertaken.

6.11 Natural Hazards

6.11.1 Flood Hazards

1. Engineered Flood Line

There is no engineered floodplain mapping for most of the Atikameksheng Anishnawbek's waterbodies. Floodplains identified on the land use schedules are estimates. The 30 metre [98.4 feet] development setback requirement of this Land Use Plan should generally be sufficient in ensuring that development will avoid any areas that may be subjected to flooding. Where there are concerns that a development proposal may be negatively impacted by flood hazards, Council must request the proponent to determine the actual flood elevation prior to approving the development. The determination of any flood elevation must be based on the 100 year flood and any associated wave uprush.

It is a policy of this Plan that any engineered flood line that becomes known through future investigation will be deemed to be the flood elevation line for the purposes of this Plan.

2. Permitted Uses

Permitted uses in the floodplain will be restricted to docks, non-habitable boat houses, flood or erosion control structures, facilities which by their nature will be located near water or traverse water and ancillary passive non-structural facilities of adjacent land uses which do not adversely affect the ability of the flood plain to pass flood waters.

6.11.2 Steep Slopes and Erosion Hazards

Areas have been identified on the Schedule as steep sloped areas. Development is not permitted on any steep sloped area that would exacerbate or create soil loss, erosion, excessive stormwater runoff, degradation of surface water or that would modify natural topography or drainage patterns.

Development on steep slopes (between 10% and 15% grades) will not be considered unless Council is satisfied through appropriate studies that no on-site or off-site erosion hazards will occur as a result of the development, that the site has safe access and the risks of public safety are minor and can be managed or mitigated in accordance with best practices. Development must not occur on slopes above 15%.

6.12 Natural Heritage Features and Areas



The Atikameksheng Anishnawbek is endowed with a pristine and healthy natural environment. A variety of natural heritage features contribute to the ecological well-being of community members. It is a policy of this Land Use Plan to protect natural heritage and areas features for the long term. The diversity and connectivity of natural features in an area and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or improved where possible. Natural heritage features and areas for the purpose of the Plan include wetlands, significant wildlife habitat, habitat of endangered and threatened species (using criteria established by Ontario and the Federal government), and significant fish habitat. The policies below also establish how development occurs on lands *adjacent* to these natural heritage features and areas.

6.12.1 Development on or Adjacent Lands to Natural Heritage Features and Areas

Development and site alteration must not be permitted in significant wetlands, in significant wildlife habitat, in the habitat of endangered or threatened species or in significant fish habitat. Development and site alteration must not be permitted on adjacent lands to natural heritage features and areas described in Section 6.12 except according to the policies of this Plan. Significant wetlands will be determined though the application of the Northern Ontario Wetland Evaluation Manual of the Ministry of Natural Resources and Forests. Significant wildlife habitat will be determined through an Environmental Impact Study conducted by a qualified professional. The habitat of endangered and threatened species will be determined through an Environmental Impact Study conducted by a qualified professional in reference to any species identified under the Endangered Species Act (2007) or the Species at Risk Act (2002).

For the purposes of this Plan, the following are considered adjacent lands to natural heritage features and areas:

1. Significant Wetlands 120 metres [394 feet]
2. Significant wildlife habitat 120 metres [394 feet]
3. Habitat of endangered or threatened species 120 metres [394 feet]
4. Significant fish habitat (Type 1, and Type 2) 120 metres [394 feet]

5. Other feature designated Environmental Protection 30 metres [98.4 feet]

Development and site alteration is not permitted on adjacent lands to the natural heritage features and areas identified above unless Council is satisfied that the ecological function of the adjacent lands has been evaluated and it has been demonstrated, pursuant to an Environmental Impact Study completed by a qualified professional, that there will be no negative impacts on the natural features or on their ecological functions. Development adjacent to natural heritage features and areas is subject to the policies below.

6.12.2 Policies

1. Natural heritage features and areas (e.g. habitat of endangered or threatened species, wildlife and fish habitat, wetlands) may be identified during the development process and the review of development applications, or through other inventories or evaluations. The policies of this Land Use Plan must apply to these areas. As an initial step, an appropriate level of ecological site assessment must be conducted prior to accepting an application for development as complete or prior to approval of a development application to determine if significant natural heritage features and areas, including species at risk, are present on or adjacent to the development lands. Where the initial assessment determines that one or more natural heritage features is present, no development or site alteration is permitted unless an Environmental Impact Study is completed which demonstrates that no negative impacts will result on the natural features or their ecological.

2. The use of natural heritage features and areas for education, interpretation and conservation is encouraged and permitted where feasible and desirable. Educational and recreational activities should be accommodated in these areas provided that there is no negative impact on the natural heritage feature or area or its ecological function.

3. Where natural vegetation has been altered in a manner that is not environmentally sustainable, the regeneration of vegetation cover or buffers using native species will be encouraged and, in some cases, required.

4. Atikameksheng Anishnawbek supports the development of a community educational program that educates the wider community on the importance of protecting the natural environment.

5. Connecting natural heritage features and areas through a corridor concept is encouraged.

6. Atikameksheng Anishnawbek recognizes the importance and value of wildlife and supports the protection of habitat of endangered or threatened species.

7. Development shall not be permitted in significant wildlife habitat or in habitat of endangered

or threatened species or species which are at risk of becoming endangered or threatened ("species at risk"). Significant wildlife habitat may include nesting sites for raptors, habitat of species at risk (SAR), wetlands, deer wintering areas, calving areas for moose and deer, bear winter dens, and other features as may be identified;

8. A specific site assessment of potential significant wildlife habitat will be required before new planning approvals are given to lands located beyond the boundary of the settlement area shown on the Schedules to this Land Use Plan where one or more of the following triggers apply:
   a) the creation of more than three lots through either consent or plan of subdivision;
   b) a change in land use, not including the creation of a lot;
   c) the creation of a shoreline consent along a lake or river that is within 120 metres [394 feet] of the shoreline;
   d) the construction of any land use that requires large scale modification of terrain, vegetation or both (e.g. golf courses, serviced campgrounds).

9. Development is not permitted in fish habitat except in accordance with federal requirements;

10. Atikameksheng Anishnawbek supports the evaluation of wetlands using criteria established by the Ontario Ministry of Natural Resources for northern Ontario in order to find out whether particular wetlands merit greater protection than others. In the interim of any classification evaluation, development must be directed away from any wetland area.

6.13 Natural Resources

Atikameksheng Anishnawbek lands have an area of approximately 20,307.4 hectares [50,179 acres], with approximately 646.2 kilometres [401.5 miles] of shorelines along lakes and rivers. The land has been traversed by members of the community in order to harvest timber, to hunt, fish, and to collect plants since time immemorial. The natural wealth of Atikameksheng Anishnawbek is a critical factor in maintaining the traditional ways of the community.

The policies in this section relate to the use and management of natural resources including fish and wildlife, minerals, mineral aggregate resources, and forests.

6.13.1 Our Fish and Wildlife

Wildlife on Atikameksheng Anishnawbek includes moose, deer, beaver, muskrat, otter, fox, lynx, porcupine and many other species of mammals, birds and reptiles. It is the intent of this Plan to protect wildlife habitat across the Reserve and to identify specific areas that should be preserved for the benefit of wildlife. Fish habitat abounds across the Reserve and includes several species such as walleye, northern pike, yellow perch, lake herring, white sucker, brown bullhead, pumpkinseed, rock bass, small mouth bass, rainbow smelt, and whitefish.

6.13.1.1 Policies

1. Development on lands with fish and wildlife habitat, or adjacent to these lands, must not

be undertaken except in accordance with the policies of Section 6.12 (Natural Heritage Features and Areas).

2. Development and site alteration must not be permitted where Council determines the development may disrupt trap lines or areas that are considered significant for hunting.
3. This Land Use Plan recognizes the importance of aquatic ecosystems in providing a healthy fishery and in supporting life in the community.
4. This Land Use Plan supports the ongoing collection of data related to phosphorous and other water quality parameters (see also Section 6.14.2 - Lake Development Capacity).
5. Hunting and trapping activities should be protected from encroachment of potentially conflicting land uses;
6.

6.13.2 Our Minerals and Mineral Aggregates

Given the location of Atikameksheng Anishnawbek on the southwestern edge of the Sudbury Basin, there are several favourable areas for the discovery of mineral resources. In addition, there are several pockets of known mineral aggregate resources (i.e., sand and gravel) which are found on the Reserve; eight sand and gravel deposits are set out as schedules to this Plan.

Minerals and mineral aggregate resources are recognized for the current and potential future economic benefits they may provide to Atikameksheng Anishnawbek. Mineral aggregate deposits are utilized for the benefit of construction as well as road maintenance on the Reserve. Therefore, the policies of this Land Use Plan designate known mineral and mineral aggregate reserves and limit non-resource related development in areas with these valuable resources.

6.13.2.1 Policies for Mineral and Mineral Aggregate Resources

1. The following features are identified on this Land Use Plan schedules:
   a) Areas of mineral potential
   b) Existing Sand and Gravel Pits
   c) Gravel deposits

2. Minerals and mineral aggregate resources will be protected for their long-term use.

3. In areas with mineral potential, and on lands adjacent to existing sand and gravel pits and gravel deposits, (i.e. aggregate resources) development or activities in these resources or on adjacent lands will be permitted (i.e. 300 m [984 feet] to a gravel pit or gravel deposit) that would preclude or hinder the establishment of new operations or access to the resource except where Council is satisfied that:
   a) the resource use would not be feasible;
   b) the proposed land use or development serves a greater long-term public interest; and
   c) issues of public health, public safety and environmental impact are addressed.

4. For the purposes of this Plan, mineral aggregate resources are considered to be a "Class III"

Industrial use as defined in the Ontario Ministry of the Environment's *Guideline D-6*. Therefore, a 1-kilometre [0.6 miles] influence area applies from the borders of the area authorized for mineral aggregate extraction to any sensitive land use. Within this influence area, development may be permitted where a land use compatibility study is undertaken that establishes the actual influence area and setback distances for the mineral aggregate extraction operation using the *Guideline D-6*. The influence area applies reciprocally to new sensitive land uses in the vicinity of a mineral aggregate extraction operation, and to the establishment of any new mineral aggregate operation in the vicinity of sensitive land uses (see also Section 6.10 - Land Use Compatibility).

5. Any extraction of mineral aggregate resources must be undertaken in a manner that minimizes social, economic and environmental impacts;

6. Progressive and final rehabilitation will be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation must account for surrounding land uses and approved land use designations;

7. Comprehensive rehabilitation planning is encouraged where there is a concentration of several mineral aggregate operations;
8. Mineral aggregate resource conservation must be undertaken including through the use of accessory aggregate recycling facilities within operations where feasible;

6.13.3 Our Forests

Atikameksheng Anishnawbek territory is covered with a diverse range of forest types. The Forest Management Plan that was undertaken for Atikameksheng Anishnawbek focuses on the need to manage forests more sustainably given that our forests are a key cultural and economic strength for the community. It is the intent of this Land Use Plan that forests be managed sustainably for the benefit of future generations and in a manner that respects Mother Earth and the Life of the Land.

1. Atikameksheng Anishnawbek may limit development and site alteration where it would jeopardize timber harvesting, silviculture and reforestation efforts;

2. Sugar bush areas are significant to the Atikameksheng Anishnawbek Nation and will be protected from incompatible land uses. Sugar bushes will be shown on the Schedule to this Land Use Plan;

3. It is a policy of Atikameksheng Anishnawbek to promote the reforestation of those parts of the territory which have been logged in the past;

4. Forestry activities should be undertaken in a manner that protects the ecological, archaeological and cultural integrity of Atikameksheng Anishnawbek land. Council may require the submission of technical information such as an environmental impact study or an archaeological impact assessment if Council is concerned that proposed forestry activities

could have a negative impact on these features;

5. Atikameksheng Anishnawbek supports the development of forestry guidelines with clear responsibilities for forest producers. Land use decisions must be consistent with such guidelines once developed.

6.14 Protecting our Lakes and Water

6.14.1 Boat Capacity

Atikameksheng Anishnawbek may limit or prohibit the use of motorized boats on certain lakes where they are considered detrimental to the environmental, social and aesthetic qualities of a particular lake. A boating capacity study may be required to justify developments that Council considers could have a significant impact on the use and enjoyment of a water body.

6.14.2 Lake Development Capacity

1. It is a policy of this Plan to ensure the maintenance of a high quality of water in the community's lakes and rivers. Before development is approved adjacent to a lake, Council must be satisfied that the lake has the necessary biological carrying capacity to support the development.

2. It is a policy of this Plan that no new lots may be created within 300 metres [984 feet] of the shores of lakes that have been identified as being at its biological carrying capacity. Exceptions may be made for the following circumstances:
   a) To separate existing habitable dwellings each of which is capable of supporting a Class 4 sewage disposal system, provided the land use would not change and there would be no net increase in phosphorous loading;
   b) Where all new septic tile fields are located so that they drain into a drainage basin that is not at capacity;
   c) Where all new tile fields would be set back at least 300 m [984 feet] from the shoreline, or
   d) Where the natural drainage from the tile field would flow at least 300 metres [984 feet] to the lake.

   In the above circumstances, a report by a qualified geoscientist may be required to justify that these criteria can be complied with. In addition, Atikameksheng Anishnawbek may impose conditions on land division or the application of site plan control for waterfront development. These conditions may pertain to the establishment of vegetative buffers.

3. Council may require a lake capacity study on any lake or water body for development proposed within 300 metres [984 feet] of the water body where there is a concern over the biological carrying capacity of that body of water. Where a lake is found to be at capacity, no new development will be permitted except as provided for in Section 6.14.2.2

6.14.3 Shoreline Setback Requirement

A minimum setback of 30 metres [98.4 feet] from the high-water mark of any waterbody is required for all development with the exception of permitted accessory shoreline structures and marine and marina facilities. For some lakes as determined through environmental or lake capacity studies, a greater setback may apply. Notwithstanding this, all development and site alteration, including the use of individual on- site sewage disposal systems except for uses otherwise permitted in this Land Use Plan, is required to take place above the flood limit. Where the 30 metre [98.4 feet] setback cannot be met, a lesser setback may be considered through a variance to the Land Use Law where the following criteria are satisfied:

1. Demonstration that sufficient lot depth is not available (i.e. lesser lot depth, configuration of the lot are physical barrier such as a rock outcrop);
2. The terrain or soil conditions on the lot make other locations on the lot more suitable and/or soil conditions make it such that the siting of the individual on-site sewage disposal system takes precedence over the siting of the building;
3. The proposal is for redevelopment of an existing lot and an increase to the existing setback is achieved;
4. The lot is located within the Residential Area designation and a net improvement to the environment over the existing situation is achieved;
5. Where the proposal is for an addition to an existing building or replacement of an individual on-site sewage disposal system, the individual on-site sewage disposal system may be replaced in its current location or where the setback is not further reduced; and
6. A reduced setback is compensated through the replanting and/or renaturalization of the shoreline or replanting of other areas of the lot.

Any site alteration, replacement of a sewage disposal system, replanting or renaturalization or other improvement may be subject to site plan control as set out in Section 6.14.5 of this Plan.

6.14.1 Shoreline Vegetation Buffers

Vegetation along the shoreline is critical for protecting water quality. Preservation or restoration, where appropriate, of the shoreline buffer is required for all development approvals along Atikameksheng Anishnawbek's waterbodies. A minimum target of 75% of the linear shoreline of a lot will be maintained in a natural state to a targeted depth of 30 metres [98.4 feet] back from the high-water mark of the shoreline for any development or redevelopment. Where a lot is currently developed and further development is proposed, these targets should be achieved to the extent feasible. Where the targets cannot be met, a net improvement over the existing situation is required or at a minimum must conform to any specific policies within this Land Use Plan.

Clearing of the natural shoreline vegetation buffer is permitted for the following:

1. safety purposes around buildings;
2. pruning to maintain healthy vegetation;
3. to create a pathway constructed of permeable materials to provide an access to the

shoreline from the proposed development or redevelopment; or
4. to improve the viewscape of the lake.

6.14.2 Site Plan Control and/or On-Site Phosphorous Management

Site plan control is a land use planning tool that may be used to guide or improve the development or redevelopment of a lot and may address matters such as drainage, stormwater management, landscaping, installation of sewage disposal and water services, lighting, screening and buffering, access including water access. Site plan control usually applies to one property and requires the owner to enter into a legal agreement with Council to ensure that the proposed development is carried out in accordance with the requirements of this Land Use Plan and the Zoning Regulation. Site plan control requires the submission of drawings and in some cases, a written report setting out the details and illustrations of how the land is to be developed or redeveloped.

For site plan control and where on-site phosphorous management or improvement to the shoreline or lot is required, the following criteria must be met:

1. Appropriate location of all buildings, structures and sewage disposal systems including setbacks from property lines and the highwater mark of the shoreline;
2. The retention or restoration of a natural vegetation buffer to prevent erosion, siltation and nutrient migration;
3. Maintenance or establishment of native tree and vegetation cover on the lot wherever possible and as per the policies of this Land Use Plan including Section 6.14.4 (Shoreline Vegetation Buffers). Details include specifications on the type, species and density of planting materials, a planting scheme or layout and provisions for maintenance;
4. Appropriate location and construction of roads, driveways and pathways including use of permeable materials;
5. Implementation of stormwater management and construction mitigation techniques including proper contouring, discharging of roof leaders, use of soak away pits, other measures to promote infiltration, and consideration of tertiary systems where appropriate; and
6. Specifications for the sewage disposal system to be installed and the location and installation requirements.

6.15 Servicing Policies

It is the intent of this Land Use Plan that sewage and water services be directed to accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing communal water services as well as municipal sewage services if available in the future.

Currently, the Village is serviced with a communal water supply system. No communal sewage service currently exists, although this Plan contains policies that ensure proper servicing should such a communal sewage system be created in the future.

The following policies apply to the provision of water and sewage services in the Reserve:

1. Water and sewage services should be provided in a manner that:

a. Can be sustained by the water resources upon which such services rely,
b. Is feasible, financially viable, and complies with all regulatory requirements, and
c. Protects human health and the natural environment;

2. Council intends to ensure that sewage disposal (septic) systems on Atikameksheng Anishnawbek territory are installed and maintained to a high standard and are pumped out regularly to prevent the discharge of environmental contaminants. Council may undertake a sewage disposal system (septic) re-inspection program and require the upgrading or replacement of any poorly functioning systems;

3. Water conservation and water use efficiency will be promoted;

4. Infill on lots serviced by existing communal water services will be promoted as a priority prior to permitting extensions of the communal water system to service new areas;

5. Private on-site individual water services (wells) may be used for development outside of the Community Development Zone where site conditions are deemed to be suitable for the long- term provision of such services with no negative impacts;

6. Lot creation is permitted only if there is confirmation of available capacity for hauled sewage from individual on-site sewage disposal systems;

7. Prior to approving new development on the basis of individual on-site sewage disposal systems, Council must be satisfied that the proposed sewage disposal system will not create any negative impacts to public health and safety or to the environment;

8. Sewage disposal systems must be designed to maximize the removal of phosphorous. Advanced systems such as biofilter systems will be strongly encouraged provided they are permitted by the building code;

9. Planning for stormwater management must:
   a. Minimize, or where possible, prevent increases in contaminant loads;
   b. Minimize changes in water balance and erosion;
   c. Not increase risks to human health and safety and property damage;
   d. Maximize the extent and function of vegetative and pervious surfaces; and
   e. Promote stormwater management best practices, including stormwater attenuation and re-use; and low impact development (see also Section 6.17 – Stormwater Management).

10. All individual on-site sewage disposal systems must be set back at least 30 metres [98.4 feet] from any lake or other water body.

6.16 Supporting Studies and Technical Information Required

Prior to filing an application for an amendment to this Plan or a Zoning Regulation amendment or in support of a site plan control application, applicants will be required to meet with Atikameksheng Anishnawbek staff to ascertain the requirements for the submission of applications (e.g. required studies and information, fees, peer review, agency and public consultation etc.)

Studies or information which may be required in support of an application will depend on the type of application and the circumstances. Studies or information may include, but is not limited to:

1. Source water protection study including surface and groundwater impacts;
2. Lake Capacity study;
3. Geotechnical study for unstable slopes;
4. Flood hazard study;
5. Drainage/stormwater report;
6. Archaeological Assessment;
7. Financial impact assessment;
8. Heritage Impact Assessment;
9. Noise and Vibration Study;
10. Blast impact study;
11. Traffic Impact Study;
12. Air Quality Study;
13. Land Use Compatibility Study;
14. Environmental Impact Study;
15. Servicing Capacity Study;
16. Hydrogeological Study;
17. Water Quality and Quantity Assessment;
18. Septage Haulage Report;
19. Mine Hazard Rehabilitation;
20. Mineral Aggregate Resource Assessment;
21. Odour Study; or
22. Other studies that may be required to ensure conformance with this Land Use Plan.

Applicants are responsible for the cost of any study and any required peer review.

6.17 Stormwater Management

Future development decisions should carefully consider the impacts of development on water and drainage. Development in both the Community Development Zone and the Natural Areas can change existing conditions such that quantity and quality of stormwater runoff is altered. Stormwater management considers both water quantity and quality aspects of stormwater runoff where artificial drainage improvements or practices become necessary. The protection and rehabilitation of stream corridors and erosion control along water courses are best approached through an integrated strategy and best management practices. The policies below are intended to ensure that vegetation and natural infiltration are maximized as key measures for mitigating storm water impacts and groundwater

quality. Protecting and improving natural hydrological features also assists in managing water flows. The following policies apply to the design of all new development in Atikameksheng Anishnawbek territory.

6.17.1 Policies

1. The natural infiltration of water must be maximized on lands to be developed;

2. Natural hydrological characteristics must be maintained, and where possible, enhanced as a means to protecting the base flow of watercourses;

3. Storm water management must incorporate an ecosystem approach through the design, construction and post-construction phases. Ecological functions, particularly fish habitat, will be conserved or enhanced;

4. Discharges of surface and groundwater must be controlled through the application of best management practices for stormwater;

5. Post-development flows, particularly in receiving streams, must be maintained at pre-development levels and that the cumulative impacts of development are considered part of storm water infrastructure design;
6. The natural characteristics and quality of water of the receiving streams must be maintained or enhanced including sediment control, riparian vegetation and thermal conditions;

7. A proponent must demonstrate that there will not be any new or increased downstream flooding or erosion;

8. A construction mitigation plan must be implemented to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the ecological functions or other impacts on receiving waters during construction;

9. A post construction phase must include rehabilitation, continued maintenance or infrastructure, and a monitoring program is encouraged;

10. Storm water management infrastructure may be incorporated into parks and open space or green space within and between communities or may be integrated with a wetland complex;

11. Storm water management must incorporate consideration for groundwater recharge and discharge and ensure that groundwater is not negatively impacted.

6.18 Tourism

6.19 Lands Outside of Current Atikameksheng Anishnawbek Boundaries

The boundaries of Atikameksheng Anishnawbek [the Reserve] as they stand today do not fully encompass all of the lands to which Atikameksheng Anishnawbek has an interest.

6.20 Transportation

The road network of Atikameksheng Anishnawbek is divided into two categories:

1. Primary Reserve Road
2. Secondary Reserve Road or Trail

6.20.1 Policies

1. New roads should be constructed to the minimum Provincial Ministry of Transportation (MTO) Standards as follows:
   a) Right-of-way: 20 metres [66 feet]
   b) Land Width: 3 metres [10 feet]
   c) Overall Travel Surface: 6 metres [20 feet]
   d) Shoulder: 1 metre [3.3 feet]
   e) Shoulder Rounding: 0.5 metres [1.6 feet]

   The form of surface treatment should be determined based on the volume of traffic that is expected.

   Roadside drainage should be provided in a manner consistent with contemporary standards and practices.
2. A setback will be established in the Zoning Regulation between new land uses and a road;
3. The design and construction of roads will be undertaken in accordance with best practices such as are set out in the Ontario Provincial Standards for Roads and Public Works including drawings and specifications for the design standards and materials for constructions of roads, sidewalks and utilities such as streetlights;
4. All new development in the Community Development Zone must front upon and access a year-round maintained Primary Reserve Road;
5. Prior to approving new development, the proponent must demonstrate that entrances to new parcels of land will not cause a traffic hazard due to hills, curves or limited sight lines;
6. Council may undertake improvements to the pedestrian realm of residential streets such as the undertaking of a sidewalk construction program and installing pedestrian walkways and trails;
7. Sidewalks must be included in the design of new residential streets to maximize

pedestrian safety;

8. It is the intent of Atikameksheng Anishnawbek to maintain the transportation network to a high standard.

9. Atikameksheng Anishnawbek may initiate a clean-up program of Reserve roads in order to be environmentally friendly and to promote a high aesthetic standard.

6.21 Urban Design Guidelines

6.21.1 Growth Management

A "smart growth" concept will be applied to future development in Atikameksheng Anishnawbek. Principles to be applied to new development in the Reserve include:

1. Prioritize development of compact and complete communities;
2. Enable Atikameksheng Anishnawbek to grow while preserving open space areas;
3. Encourage development that promotes a 'live, work, play' concept that minimizes commuting and promotes pedestrian travel and cycling;
4. Encourage multiple unit residential development such as duplexes, triplexes, fourplexes, townhouses and apartment buildings where they can be appropriately serviced;

6.21.2 Form and Character

Quality urban design dramatically helps to shape a sense of place in the community. To this end, it is the intent of this Plan to:

1. Ensure that new buildings are designed to integrate into the height and character of the surrounding area, to provide a compatible dynamic between adjoining sites, and to create a relationship with the street;

2. Strive to keep neighbourhoods compact in order to encourage people to walk or bicycle to and from common destinations thereby reducing reliance on cars;

3. Ensure that scale, size, massing and design features of development are harmonious and in character with existing development in the area, while supporting creativity in design;

4. Ensure development addresses issues of transportation, services, utilities, and environmental protection;

5. Ensure sidewalks and street lighting are a component of all new development;

6. Ensure that landscaping designs for new developments incorporate native vegetation.

7 Our Economy

7.1 Economic Development

Atikameksheng Anishnawbek espouses an open for responsible business attitude. Atikameksheng Anishnawbek has a strong tradition in supporting members who are developing their own businesses in the community. A land use designation is shown on Schedule "A" of this Plan for the Business Area designation.

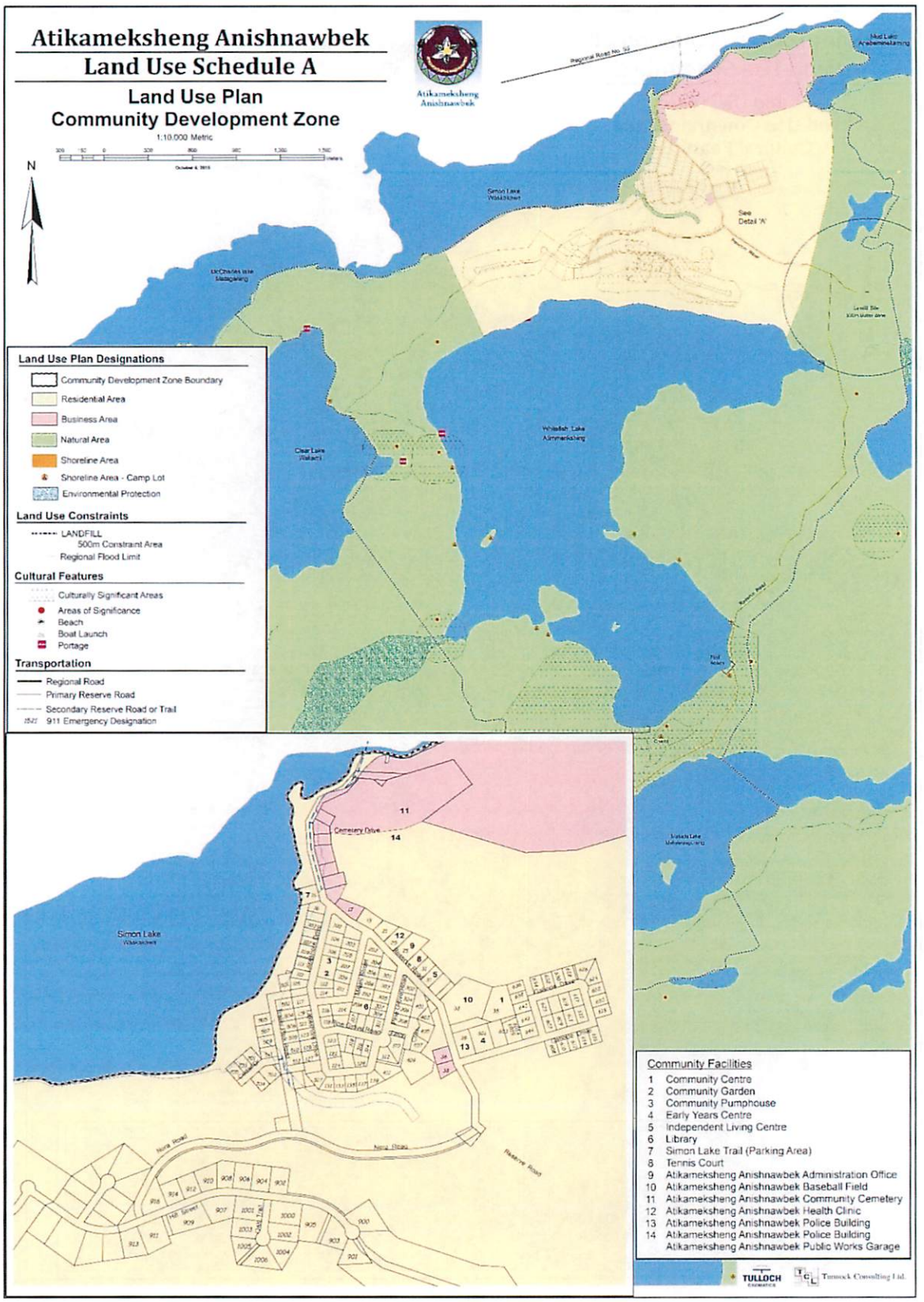
This designation includes the proposed business park in the Junction Creek area of the Reserve. It is the intent of this Plan that connectivity with the City of Greater Sudbury will provide a competitive option for new industrial or commercial development. It is also the intent that employment uses be concentrated in the proposed business park in order to reduce vehicular traffic in the existing developed areas of the Village.

It is the intent of this Plan that future economic development initiatives will focus on how to make Atikameksheng Anishnawbek a greener and more sustainable economy.

8 Our Community and its Services

8.1 Education

Currently there is no public school on the Reserve, and students must attend schools elsewhere. It is the intent of this Land Use Plan to facilitate development initiatives which provide the community with greater control over education. Therefore, the policies of the Residential Area designation provide sufficient flexibility to permit the future siting of a school.


Atikameksheng Anishnawbek
Land Use Schedule A
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Community Development Zone
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Land Use Plan Designations
Community Development Zone Boundary
Residential Area
Business Area
Natural Area
Shoreline Area
Shoreline Area - Camp Lot
Environmental Protection
Land Use Constraints
LANDFILL
500m Constraint Area
Regional Flood Limit
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Culturally Significant Areas
Areas of Significance
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Boat Launch
Portage
Transportation
Regional Road
Primary Reserve Road
Secondary Reserve Road or Trail
911 Emergency Designation
Simon Lake
Cemetery Drive
Community Facilities
1 Community Centre
2 Community Garden
3 Community Pumphouse
4 Early Years Centre
5 Independent Living Centre
6 Library
7 Simon Lake Trail (Parking Area)
8 Tennis Court
9 Atikameksheng Anishnawbek Administration Office
10 Atikameksheng Anishnawbek Baseball Field
11 Atikameksheng Anishnawbek Community Cemetery
12 Atikameksheng Anishnawbek Health Clinic
13 Atikameksheng Anishnawbek Police Building
14 Atikameksheng Anishnawbek Police Building
Atikameksheng Anishnawbek Public Works Garage
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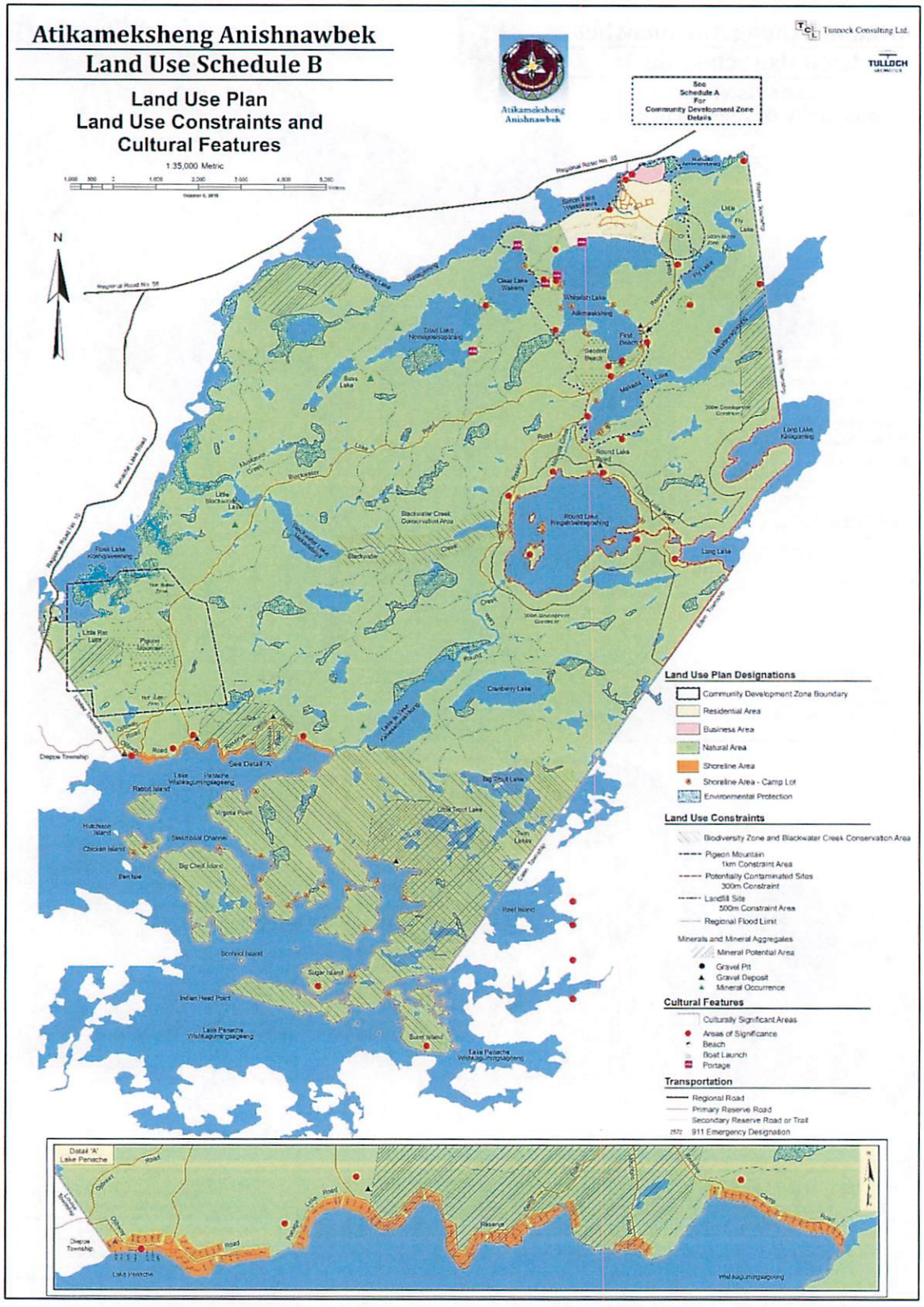
Atikameksheng Anishnawbek
Land Use Schedule B
Land Use Plan
Land Use Constraints and
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See Schedule A For Community Development Zone Details
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Shoreline Area - Camp Lot
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Biodiversity Zone and Blackwater Creek Conservation Area
Pigeon Mountain
1km Constraint Area
Potentially Contaminated Sites
300m Constraint
Landfill Site
500m Constraint Area
Regional Flood Limit
Minerals and Mineral Aggregates
Mineral Potential Area
Gravel Pit
Gravel Deposit
Mineral Occurrence
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Areas of Significance
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Primary Reserve Road
Secondary Reserve Road or Trail
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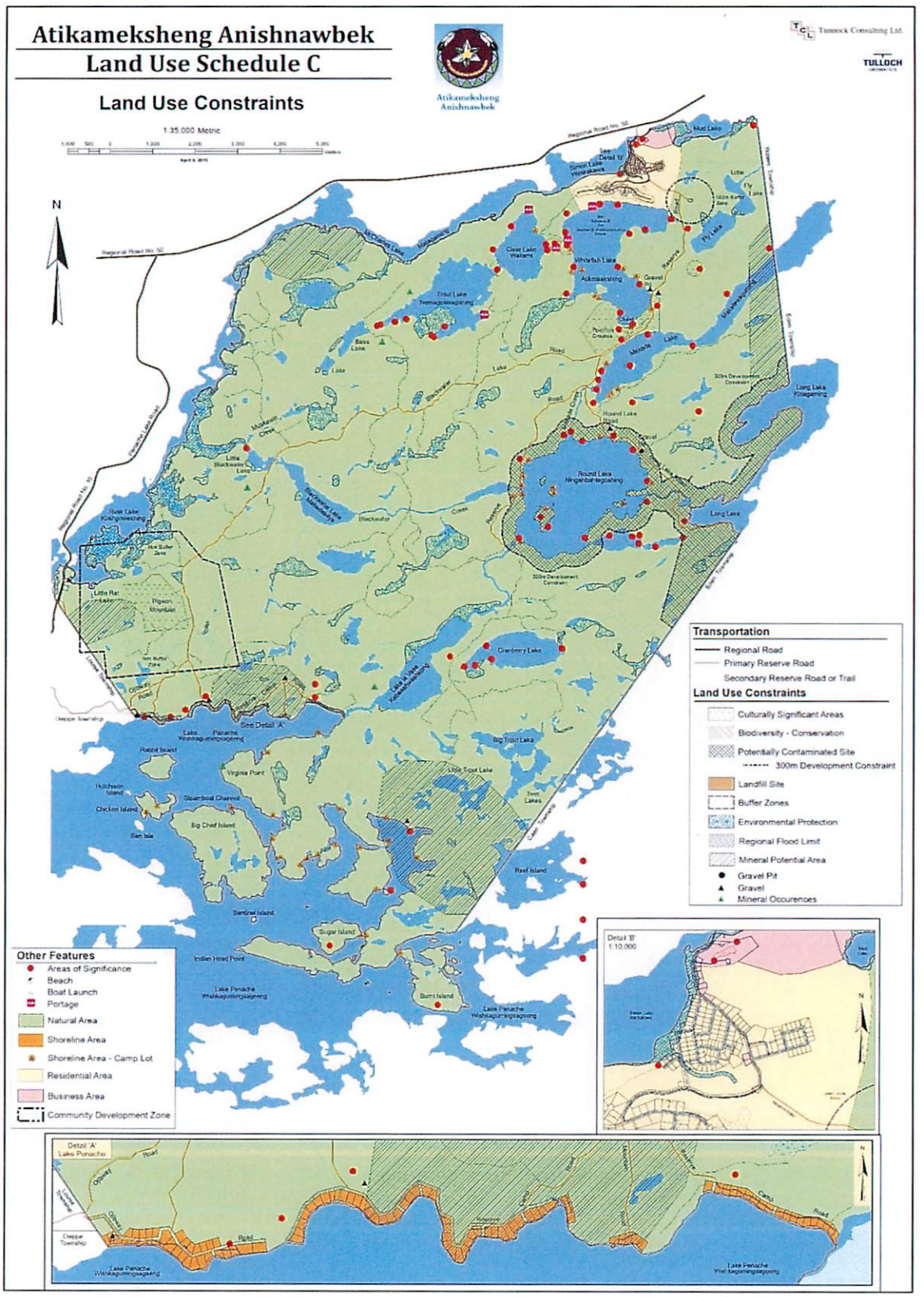
Atikameksheng Anishnawbek
Land Use Schedule C
Land Use Constraints
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Detail 'A'
Lake Penache
Detail 'B'
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