1. Meeting called to Order;

2. Declarations of Pecuniary Interest;

3. Approval of Agenda for July 8, 2019;

4. Adoption of Minutes of June 10, 2019 meeting;

5. ZONING BY-LAW AMENDMENT APPLICATIONS:

   ZBLA 2019/06-SHANK, YVON & SYLVAIN
   110 O’Brien Road, Caldwell Twp.

6. a) SUBD 2016/03-HLDABI FAMILY
    Request for Amendment to Draft Subdivision

   b) CONDO 2016/01- HLDABI FAMILY
    Request for withdrawal of Draft Plan Approval

6. Camping Trailers
   a) Proposed Licensing By-Law;
   b) Amendment to Zoning By-Law.

7. Adjournment.
MINUTES

Municipality of West Nipissing
Meeting for the Planning Advisory Committee
On June 10, 2019 at 06:00 PM
Chair: Denis Sénécal

| PRESENT:       | Chris Fisher   |
|               | Fernand Pellerin |
|               | Normand Roberge |
|               | Denis Sénécal   |
|               | Dan Roveda      |
| ABSENT:        | Yvon Duhaime    |
|               | Joanne Savage   |

1. CALL TO ORDER

2. DECLARATION OF PECUNIARY INTEREST

3. APPROVAL OF AGENDA

RESOLUTION #2019/020
Moved by: Fernand Pellerin  Seconded by: Christopher Fisher
That the Agenda for the meeting of June 10, 2019, be approved, as presented.  CARRIED

4. MINUTES

RESOLUTION #2019/021
Moved by: Christopher Fisher  Seconded by: Fernand Pellerin
That the Minutes of meeting held on May 13, 2019 be adopted, as presented.  CARRIED

5. SUBDIVISION APPLICATION ZBLA 2019-03- NIEDZWIESKI, STEVE

RESOLUTION #2019/022
Moved by: Fernand Pellerin  Seconded by: Christopher Fisher

WHEREAS a public meeting was held on June 10, 2019 for draft plan approval of a plan of Subdivision in the Township of Bertram, Municipality of West Nipissing;

AND WHEREAS written concerns and objections were received:  Yes  No

BE IT RESOLVED THE WEST NIPISSING PLANNING ADVISORY COMMITTEE
Draft approval of the Application for Subdivision Approval made by Steve Niedzwieski for Plan of Subdivision located on Island 14, Township of Bertram, Municipality of West Nipissing.  

CARRIED

6. ZONING AMENDMENT APPLICATION ZBLA 2019-05- ARCAND, GEORGE AND MARIE

RESOLUTION #2019/023

Moved by: Normand Roberge  
Seconded by: Christopher Fisher

WHEREAS a public meeting was held for the purpose of amending Zoning By-law 2014-45; 

AND WHEREAS written concerns and objections were received:  

BE IT RESOLVED THE WEST NIPISSING PLANNING ADVISORY COMMITTEE

RECOMMENDS

DOES NOT RECOMMEND

that the Council for the West Nipissing Municipality adopts the proposed zoning by-law to rezone the property known on Lac Clair Road, Legally described as Part of Lots 11 and 12, Concession 6, Parts 2 and 9, 36R-13788, Township of Springer Municipality of West Nipissing, District of Nipissing, to amend the zoning designation of the lands from RU (Rural) to SR-8 Special (Shoreline Residential).

Lot 1 to recognize the lot area of 0.571 Ha.
Lot 2 to recognize the front yard set-back of the existing cottage being 12.1m instead of the required 18m.
Lot 3 to recognize the front yard set-back to the existing cottage being 12.6m instead of the required 18m.
Lot 4 to recognize the road frontage of 30m instead of the required 60m.
Lot 5 to recognize the road frontage of 32.06m instead of the required 60m, the interior side yard of the existing cottage of 1.65m instead of the required 3m and the existing front yard set-back of 9.9m instead of the required 18m.
Lot 6 to recognize the road frontage of 30m instead of the required 60m.  

CARRIED

7. DISCUSSION RE: PROPOSED LICENCE BY-LAW TO REGULATE CAMPING TRAILERS

The Municipal Clerk/Planner provided member of the Committee with a Draft Licensing By-Law concerning the regulation of camping trailers in the Municipality of West Nipissing. The Committee considered the document and subsequently agreed to receive comments from members of the public who were present.

Public comments were as follows:

- Marcel Rivest – does not agree with proposed set-backs from water’s edge;
- Paul Legault – stated that proposed by-law will impede camping with family and friends which is a way of life;
• Pierre Leblanc – disagrees that licenses be required for family members camping on residential lots;
• Robin Frazer & Thea Sebastiany – new to the area; purchased their property with no trailers in sight and now living next to a trailer park; also asks what are the lines differentiating storing of trailers and active camping;
• Shelby Van Nood – stated that all of these trailers are having a harmful effect on the environment and that actively protecting the lakes and the natural environment should be a priority;
• Denis Laferriere – paid for property, did construction with permits and required inspections and now pays significant taxes; lake water quality is deteriorating rapidly; blue-green algae blooms; municipality needs to take care of the air and water;
• Councillor Larabie – mentioned that the province has agencies responsible for policing environmental issues; can’t blame all environmental issues on campers;
• Mme. Nicole Laferriere; reiterated comments made by Mr. Laferriere concerning deterioration of lake quality and responsibility of the municipality to ensure development proceeds with a view of protecting the environment;
• Linda Hutchinson – mentioned that several lots in direct proximity to her property have between 3 and 5 trailers on each; have cleared the entire shorelines and are improperly disposing of septage;
• Jeff Van Nood – has been watching the problem increase for a long time; has brought illegal trailer park issues to the municipality; feels that provincial ministries are “passing the buck” with regard to the issue; irresponsible people are spoiling it for those who are using their land responsibly;
• Heather Robertson – stated that the Municipality is not getting fair value for the assessment on lands which are assessed as vacant but on which structures, trailers, etc., are being built and properties are being used as “cottages”; need to protect water quality from development;
• Denis Laferriere stated that the North Bay Mattawa Conservation Authority and the MOE do not care about septic tanks in West Nipissing;
• John Robertson questioned why West Nipissing is less restrictive than other communities which strictly limit trailers; stated he has no difficulty with weekend camping but objects to trailers being set up year-round and used as cottages

8. ADJOURNMENT

RESOLUTION #2019/024

Moved by: Normand Roberge Seconded by: Christopher Fisher

That the West Nipissing Planning Advisory Committee meeting be adjourned to July 8, 2019 in the Library Auditorium (Lower Level) of the West Nipissing Municipal Building.  CARRIED
PLANNING REPORT

Proposed Plan of Zoning Amendment File No. ZBLA2019/06

Applicants: Yvon and Sylvain Shank

Date: July 8, 2019
Table of Contents

1. INTRODUCTION ..................................................................................................................................... 2
2. SITE AND BACKGROUND INFORMATION .............................................................................................. 2
3. DEVELOPMENT PROPOSAL ................................................................................................................... 2
4. POLICY CONTEXT ................................................................................................................................... 2
   4.1 Provincial Policy Statement .................................................................................................................. 2
      4.1.1 Section 1.1.5 – Rural Areas in Municipalities .............................................................................. 2
      4.1.2 Section 1.6.6 – Sewage, Water and Storm Water ....................................................................... 3
      4.1.3 Natural Heritage .......................................................................................................................... 3
5. LOCAL POLICY DOCUMENTS ................................................................................................................. 3
   5.1 Official Plan .......................................................................................................................................... 3
       6.1.1 3.06.3 Rural Area ...................................................................................................................... 3
       6.1.2 Table 3.1 – Permitted Land Uses .............................................................................................. 3
       6.1.3 5.06.5 - Natural Heritage Features and Areas – Fish Habitat ................................................ 4
   6.1 Zoning By-Law ...................................................................................................................................... 4
       6.3 Site Plan Control By-Law .............................................................................................................. 5
7. PRIVATE ROAD/RIGHT OF WAY ............................................................................................................. 5
8. CORRESPONDENCE/INFORMATION ATTACHED ................................................................................... 5
9. SUMMARY AND RECOMMENDATIONS ................................................................................................. 5
   Figure 1 – Aerial Imagery ........................................................................................................................ 6
   Figure 2 – Proposed Severance/Zoning Amendment Sketch .................................................................. 7
   Figure 3 – West Nipissing Official Plan – Land Use Schedule ............................................................... 8
   Figure 4 – West Nipissing Zoning By-law No. 2014-45 ......................................................................... 9
   Appendix 1 – Agency Comments ........................................................................................................... 10
1. **INTRODUCTION**

The purpose of this Planning Report is to address all provincial and municipal land use policies governing the proposed re-zoning of the property located at 110 O’Brien Road, Verner, Ontario.

2. **SITE AND BACKGROUND INFORMATION**

The property is located on O’Brien Road, a portion of which is now municipally owned and maintained and a portion of which remains accessed by private rights of way. This property is located on the portion of the road which is private.

3. **DEVELOPMENT PROPOSAL**

The owner is proposing to re-zone the property from SR (Shoreline Residential) to SR-9 (Shoreline Residential) exception zone 9 to permit a secondary dwelling within an accessory building and, due to the property being on a point where, to reduce the minimum set-back from 18m to 14m.

4. **POLICY CONTEXT**

Land use policies and regulations affecting the subject lands include the Planning Act, R.S.O., 1990 and the associated 2014 Provincial Policy Statement at the Provincial Level. At the municipal level, the West Nipissing Official Plan, the Municipality of West Nipissing Zoning By-law 2014-45 and Site Plan Control By-Law No. 2015-63 affect the subject lands.

4.1 **Provincial Policy Statement**

The Provincial Policy Statement 2014 (PPS) provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authority(s), in this case the Municipality of West Nipissing, to uphold the policies of the PPS, pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests.

4.1.1 Section 1.1.5 – Rural Areas in Municipalities

The subject lands are not located within a settlement area and are therefore subject to Section 1.1.4 and 1.1.5 of the PPS. Specifically, Section 1.1.5.2 states that “on rural lands located in municipalities, permitted uses are: (a) the management or use of resources; (b) resource-based recreational uses (including recreational dwellings); (c) limited residential development; (d) home occupations and home industries; (e) cemeteries and; (f) other rural land uses”. These uses (including agricultural uses) are considered to be the only uses permitted within rural areas.

Resource-based recreational uses, including recreational dwellings are uses that are related to a natural recreational resource such as a lake, river, or ski hill. In this case the development of lots for recreational dwellings adjacent to the waterfront would be consistent with Section 1.1.5 of the PPS. The proposed development is consistent with the guidelines published in “An Introduction to the Provincial Policy Statement, 2014: Rural Ontario”, released by the Province in August 2016.
4.1.2 Section 1.6.6 – Sewage, Water and Storm Water
Section 1.6.6.4 of the 2014 PPS requires that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The subject property is located in a rural area where no municipal sewage and water services are available and therefore individual on-site servicing for the development is the most appropriate method of servicing a low-density residential development on the subject lands.

4.1.3 Natural Heritage
The property is located in proximity to areas which have been identified as having natural heritage features; however the lot on which the proposed garage has not been identified as having any heritage features located directly on it. In addition, the property is already cleared and there is no anticipated disturbance to the shoreline areas proposed.

5. LOCAL POLICY DOCUMENTS

Local policy documents include the West Nipissing Official Plan, Zoning By-law and Site Plan Control By-Law.

5.1 Official Plan

The Municipality of West Nipissing is guided by the West Nipissing Official Plan which was adopted by Council on April 15, 2008 and approved by the Ministry of Municipal Affairs and Housing on December 7, 2011. The policies of the Rural District are included for the Committee’s consideration. The following provides a summary of the existing Official Plan policies and relevant considerations for the site:

6.1.1 3.06.3 Rural Area
The Official Plan states that lands which are not located within a designated urban or rural settlement area shall be considered to be part of the Rural Area. This area is characterized by its wide open spaces or country-side setting where the make-up of development consists of farms, cross road settlements, scattered residential uses, pits and quarries and a variety of other rural-type uses. The Rural Area, is classified in this Plan by several Land Use Districts and Resource Lands. Each of these districts and type of resource lands constitute a separate land use designation.

Development is typically serviced by individual on-site water supply and sewage disposal systems.

6.1.2 Table 3.1 – Permitted Land Uses
The proposed residential use is consistent with the policies of the West Nipissing Official Plan.
Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Urban Settlement Area</th>
<th>Rural Settlement Area</th>
<th>Rural Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope of Permitted Residential Uses in District (see also Sections 3.06.5.1, 3.06.2, 3.06.8.2, 3.06.9, 3.06.10)</td>
<td>Residential District: • full range of low, medium and high density housing types • specialized housing types: group homes, crisis care, social assisted</td>
<td>Residential Uses: • full range of low and medium density housing types • specialized housing types: group homes, crisis care, social assisted (excluding high density)</td>
<td>Residential Uses: • seasonal and permanent residential uses</td>
</tr>
</tbody>
</table>

6.1.3 5.06.5 - Natural Heritage Features and Areas – Fish Habitat

It is a policy to protect identified fish habitat areas (see description in Section 5.06.5.1) for their fish habitat values in compliance with the Fisheries Act. All water bodies are considered as areas for fish habitat. Wherever possible, the Municipality should work towards a net gain of productive capacity of the fishery. More specifically, development and/or site alteration in and adjacent to fish habitat shall not result in:

- Net loss of fish habitat
- The harmful alteration, disruption, degradation or destruction of fish habitat; or
- Restriction of fish passage

Development and/or site alteration in and on adjacent lands to fish habitat shall be as set out in Table 5.1. For areas identified as a spawning area or Type 1 or 2 habitat, a full site assessment shall be required under the Impact Assessment provisions of this Plan (see Section 5.06.5.6).

The Municipality is encouraged to require the retention of natural vegetation or the revegetation of shorelines as a condition of the approval of development.

Notwithstanding the provisions of the Official Plan as they relate to Natural Heritage Features and, in particular, areas identified for fish spawning, the proposed development, provided that the property remains buffered in accordance with a recommended Site Plan Control Agreement, will not result in any negative impact.

6.2 Zoning By-Law

The proposal is to re-zone the property from SR (Shoreline Residential) to SR-9 (Shoreline Residential) exception zone 9. The lot is currently less than the required 1 hectare provided; however it is a legal non complying undersized lot. The proposed development is within the minimums for lot coverage.
6.3 Site Plan Control By-Law

The West Nipissing Site Plan Control By-Law No. 2015-63 was enacted as a tool to establish areas of Site Plan Control in order for the municipality to ensure that development in specifically designated zones will proceed in accordance with certain standards. In the Municipality of West Nipissing areas within the Hazard Zone are designated within the Site Plan Control Area.

Section 1B(g) of the Site Plan Control By-Law provides that any lands abutting a waterbody or water course or human made hazard or natural heritage features shall be subject to the provisions of the By-Law. The property herein is within an area of Site Plan Control due to the Hazard Zone Overlay and the Natural Heritage Features (Fish Spawning Area). Accordingly, the committee may wish to consider requiring the proponent to enter into a Site Plan Control Agreement.

7. PRIVATE ROAD/RIGHT OF WAY

The property is located beyond the municipally maintained and travelled portion of O’Brien Road.

Development on the property will be subject to the provisions of Section 4.23.3 of By-law No. 2014-45 as it relates to development on Private Roads.

8. CORRESPONDENCE/INFORMATION ATTACHED

Notice was circulated to property owners within 120 meters (400 feet) of the subject lands and public bodies and utilities as required by Regulation. Copies of those comments are attached as Appendix 2. In addition, comments of the West Nipissing Chief Building Official are also attached as Appendix 3.

9. SUMMARY AND RECOMMENDATIONS

In accordance with the provisions of the Planning Act, the undersigned has reviewed the proposal having regard to matters of provincial interest and for consistency with the Provincial Policy Statement 2014. In addition, the application has been reviewed within the context of the West Nipissing Official Plan and Zoning by-law No. 2014-45. The proposed subdivision application to re-zone the property from SR (Shoreline Residential) to SR-9 (Shoreline Residential) exception Zone 9 to permit a secondary dwelling within an accessory building and to reduce the minimum front yard set-back from 18m to 14m is in conformity with the West Nipissing Official Plan and the Provincial Policy Statements.

Respectfully Submitted,

_______________________________________
Melanie Ducharme, Planner
Figure 1 – Aerial Imagery
Figure 2 – Key Map
Appendix 1 – Agency Comments

PLANNING ADVISORY COMMITTEE
CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

NOTICE OF PUBLIC MEETING

TAKE NOTICE that the West Nipissing Planning Advisory Committee will hold a public meeting in the Library Auditorium of the West Nipissing Municipal Office, 225 Holditch Street, Sturgeon Falls, in order to consider a proposed amendment to the Zoning By-law under Section 34 of the Planning Act, RSO 1990.

Date and Time: July 8, 2019 at 6:00 p.m.
File No.: ZBLA 2019/06
Registered Owner(s): Yvon and Sylvain Shank
Purpose of Application: To amend the zoning designation of the lands from SR (Shoreline Residential) to SR-9 (Shoreline Residential) exception zone 9 to permit a secondary dwelling within an accessory building and to reduce the minimum front yard setback from 18m to 14m.
Agent(s): N/A
Address: 110 O’Brien Road, Verner ON
Legal: Lot 3, Concession C, Parts 4 to 6, 3R4-4754, Twp. of Caldwell, Municipality of West Nipissing

SKETCH/KEY MAP: Please refer to the sketch/key map attached for the location of the land which is the subject of this application.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

PUBLIC ADVISORY If a person or public body does not make oral submissions at the public meeting or make written submissions to the Municipality of West Nipissing in respect of the proposed zoning amendment before the approval authority gives or refuses to give a approval to the zoning amendment, the person or public body is not entitled to appeal the decision of the Municipality of West Nipissing to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

IF YOU WISH to be notified of the decision of Committee and possible LPAT Hearing in respect to the proposed zoning amendment, you must make a written request to the West Nipissing Municipality c/o Melanie Ducharme at 225 Holditch Street, Suite 101, Sturgeon Falls, P2B 1T1.

ADDITIONAL INFORMATION related to the proposed Zoning By-law amendment is available during regular hours at the offices of the West Nipissing Planning Committee, 225 Holditch Street, Sturgeon Falls or by email to mducharme@westnipissing.ca

Dated at the Municipality of West Nipissing this 18 day of June, 2019.

Melanie Ducharme, Municipal Clerk/ Planner

Municipality of West Nipissing
Public Works Department

☐ No Concerns
☐ Concerns/see below comments

No Municipal Road Access.
PLANNING ADVISORY COMMITTEE
CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

NOTICE OF PUBLIC MEETING

TAKE NOTICE that the West Nipissing Planning Advisory Committee will hold a public meeting in the Library Auditorium of the West Nipissing Municipal Office, 225 Holditch Street, Sturgeon Falls, in order to consider a proposed amendment to the Zoning By-law under Section 34 of the Planning Act, RSO 1990.

<table>
<thead>
<tr>
<th>Date and Time:</th>
<th>July 8, 2019 at 6:00 p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>ZBIA 2019/06</td>
</tr>
<tr>
<td>Registered Owner(s)</td>
<td>Yvon and Sylvain Shank</td>
</tr>
<tr>
<td>Purpose of Application</td>
<td>To amend the zoning designation of the lands from SR (Shoreline Residential) to SR-9 (Shoreline Residential) exception zone 9 to permit a secondary dwelling within an accessory building and to reduce the minimum front yard set-back from 18m to 14m.</td>
</tr>
<tr>
<td>Agent(s)</td>
<td>N/A</td>
</tr>
<tr>
<td>Address:</td>
<td>110 O'Brien Road, Verner ON</td>
</tr>
<tr>
<td>Legal:</td>
<td>Lot 3, Concession C, Parts 4 to 6, 36R-4754, Twp. of Caldwell, Municipality of West Nipissing</td>
</tr>
</tbody>
</table>

SKETCH/KEY MAP: Please refer to the sketch/key map attached for the location of the land which is the subject of this application.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

PUBLIC ADVISORY If a person or public body does not make oral submissions at the public meeting or make written submissions to the Municipality of West Nipissing in respect of the proposed zoning amendment before the approval authority gives or refuses to give a approval to the zoning amendment, the person or public body is not entitled to appeal the decision of the Municipality of West Nipissing to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

IF YOU WISH to be notified of the decision of Committee and possible LPAT Hearing in respect to the proposed zoning amendment, you must make a written request to the West Nipissing Municipality c/o Melanie Ducharme at 225 Holditch Street, Suite 101, Sturgeon Falls, P2B 1T1.

ADDITIONAL INFORMATION related to the proposed Zoning By-law amendment is available during regular hours at the offices of the West Nipissing Planning Committee, 225 Holditch Street, Sturgeon Falls or by email to mducharme@westnipissing.ca

Dated at the Municipality of West Nipissing this 18 day of June, 2019.

Melanie Ducharme, Municipal Clerk/Planner
PLANNING REPORT

Request for Amendment to Draft Subdivision File No. SUBD2016/03 and Request for withdrawal of Draft Plan Approval File No. CONDO 2016/01

Applicants:  Hladki Family

Date:  July 8, 2019
1. INTRODUCTION

The purpose of this Planning Report is to address a request made by the Consultant for the Hladki family for an amendment to the Draft Plan Approval given under File No. SUBD2016-03 concerning the proposed development of a five (5) lot plan of residential subdivision on Part of Lot 6, Concession 5, Township of Grant, in the Municipality of West Nipissing. The request is being submitted by Goodridge, Goulet Planning & Surveying (Paul Goodridge, OLS) on behalf of the members of the Hladki family.

2. SITE AND BACKGROUND INFORMATION

The subject property is located on Tomiko Road, in Grant Township, in the Municipality of West Nipissing. The entire property owned by the Applicant is approximately 100 hectares. The area proposed to be subdivided into five (5) new residential lots, each of which is proposed to have a lot area in excess of one hectare (1 Ha) and a minimum frontage of 60m.

The subdivision lots were proposed to POTL’s (Parcels of Tied Land) to a Common Element Plan of Condominium which was concurrently draft approved under file no. CONDO2016-01.

4. DEVELOPMENT PROPOSAL

Since the date of the Draft Approvals, the applicants have sought legal advice and assistance in order to register the required Plans of Subdivision and Condominium. Recent changes to the Condominium Act and its accompanying regulations have created impediments to the applicants both in terms of being able to find qualified legal representation to assist with the required condominium documents and in terms of making the entire project cost prohibitive with respect to the required legal and accounting fees as the condominium act requires significant accounting studies to be carried out as well. After more than two (2) years of frustration dealing with several legal firms, the applicants and their agents met with me to seek a solution which would assist them in achieving their goals but at a lesser legal cost while at the same time meeting the municipality’s policies with respect to private roads.

What is being proposed is to withdraw the previously approved Plan of Condominium Application and to request a Redline Amendment to the originally approved draft plan in order to create a Block on the Subdivision for the road. What is proposed is that the road, instead of being part of a separate Plan of Condominium, will be part of the Plan of Subdivision. The ownership of the Block shall be by each of the lot owners as well as the owners of the retained lands. All of the rights and responsibilities of the road will be included in the Subdivision Agreement which will be registered on title to the lands.

5. SUMMARY AND RECOMMENDATIONS

In accordance with the provisions of the Planning Act, the undersigned has reviewed the proposal having regard to matters of provincial interest and for consistency with the Provincial Policy Statement 2014.
In addition, the application has been reviewed within the context of the West Nipissing Official Plan and Zoning by-law No. 2014-45. It is my opinion that the proposed redline amendment with the road being a Block on the Plan of Subdivision, with the rights and responsibilities appurtenant thereto being registered on title to each of the subject lands, will have the identical effect as if the road were a common element condominium without the necessity of the owners being place under an unnecessary financial and legal burden in order to do so.

Respectfully Submitted,

______________________________
Melanie Ducharme, Planner

Attachments:
Figure 1 – Aerial Imagery of Property
Figure 2 – Proposed Redline Amendment Plan
Goodridge Goulet Planning & Surveying Ltd.
ONTARIO LAND SURVEYOR
LAND USE PLANNERS & DEVELOPMENT CONSULTANTS

July 5, 2019

Ms. Melanie Ducharme
Planner & Clerk
Municipality of West Nipissing
200 Holditch Street
Sturgeon Falls, Ontario

Dear Melanie,

Reference: Red Line Subdivision Amendment Application
Owners: Hladki Family
Part of Lot 6, Concession 5, Geographic Township of Grant
Municipality of West Nipissing, District of Nipissing
Our file: 264-17

Further to our discussion last week with representatives of the Hladki family, we are requesting consideration of a red line amendment to the draft plan of subdivision. Our proposal is to withdraw the draft plan of condominium application and to replace the proposed common elements condominium for the access road with a block on the plan of subdivision. Block 6 will be essentially centered on the existing access drive providing vehicular access to all five subdivision lots plus the retained lands.

As the driveway is currently in existence to the cottages on the point of the retained lands and there is also an access drive along the existing unregistered hydro corridor (also encompassed within Block 6) at the rear of the proposed five subdivision lots, lot creation can occur without extension of the private road and therefore will be in conformity with the Municipality’s Official Plan. The Hladkis have recently made improvements to the access drives but they have always been capable of supporting large vehicles such as Hydro One maintenance trucks.

Final ownership of Block 6 is still being researched by a lawyer with specific expertise in cottage developments. We are considering whether the ownership will be constituted by a one-sixth share of each of the five subdivision lots and the retained lands or whether it will be a one-fifth share each of the subdivision lots with the retained lands having a registered right-of-way over the Block. It is our intent to have whatever access and maintenance agreements necessary for the protection of all parties to be detailed in the Schedule E – Special Provisions section of the Subdivision Agreement.

We are respectfully requesting that this proposal be brought to the Planning Advisory Committee for their review and input and that it then be brought to your Council with any recommendations of the Committee.

Thank you for your consideration,

Paul Goodridge

Unit 1, 490 Main Street East, North Bay, ON P1B 1B5
Paul Goodridge, BSc, CLS, OLIP (705) 493-1770 paul.goodridge@ggpsltd.com
Don Goulet, Survey Consultant (705) 493-7974 don.goulet@ggpsltd.com
WHEREAS at a meeting of the West Nipissing Planning Advisory Committee held on November 21st, 2016, the West Nipissing Planning Advisory Committee recommended draft plan approval of Subdivision Application No. SUBD 2016/03 made by James Hladki, Donna Sevein, Robert Hladki, Jane Hladki, Roger Hladki, Michael Hladki and Karen Hladki for subdivision of 6 lots on lands legally described as Part of Lot 6, Concession 5, Township of Grant, now Municipality of West Nipissing, District of Nipissing, subject to the imposition of certain conditions set-out on Schedule “A”.

BE IT THEREFORE RESOLVED THAT draft plan approval be given for the Subdivision Application No. SUBD 2016/03 made by James Hladki, Donna Sevein, Robert Hladki, Jane Hladki, Roger Hladki, Michael Hladki and Karen Hladki for subdivision of 6 lots on lands legally described as Part of Lot 6, Concession 5, Township of Grant, now Municipality of West Nipissing, District of Nipissing, subject to the imposition of certain conditions set-out on Schedule “A”.

<table>
<thead>
<tr>
<th>YEAS</th>
<th>NAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRISON, Denise</td>
<td></td>
</tr>
<tr>
<td>DUHAIME, Yvon</td>
<td></td>
</tr>
<tr>
<td>FORTIER, Guy</td>
<td></td>
</tr>
<tr>
<td>LARABIE, Roland</td>
<td></td>
</tr>
<tr>
<td>MALETTE, Léo</td>
<td></td>
</tr>
<tr>
<td>RESTOULE, Jamie</td>
<td></td>
</tr>
<tr>
<td>ROBERGE, Normand</td>
<td></td>
</tr>
<tr>
<td>TESSIER, Guilles</td>
<td></td>
</tr>
<tr>
<td>SAVAGE, Joanne (MAYOR)</td>
<td></td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: West Nipissing Planning Advisory Committee
FROM: Melanie Ducharme, Municipal Clerk/Planner
DATE: July 4, 2019
RE: Proposed Licensing By-Law for Camping Trailers
And amendment to By-Law 2014-45

On May 7, 2019 this Committee was provided with a Staff Report and a presentation by the By-Law Enforcement officer with regarding to the ongoing concerns relating to the proliferation of camping trailers in the Municipality of West. For your convenience, copies of those materials are being included in this package as well.

At the meeting of June 10, 2019, the Planning Advisory Committee considered a draft Trailer Licensing bylaw (attached) and received some public feedback from local residents who attended the meeting. A summary of the public comments is attached to this memo. For ease, I have highlighted the areas of the proposed by-law which were the subject of discussion at the meeting.

Following the meeting, some additional correspondence was received, copies of which are also attached for your information.

At this time, I am seeking the following from this Committee:

1. A Resolution recommending Council to consider enacting a Trailer Licensing By-Law; and

2. A Resolution recommending that Council undertake amendments to the Comprehensive Zoning By-Law pursuant to Section 34 of the Planning Act, with respect to camping trailers (locations where permitted, numbers on a lot, set-backs, etc.)

Thank you,
PLANNING ADVISORY COMMITTEE MEETING
JUNE 10, 2019
GENERAL SUMMARY OF PUBLIC COMMENTS

- Marcel Rivest – does not agree with proposed set-backs from water’s edge;
- Paul Legault – stated that proposed by-law will impede camping with family and friends which is a way of life;
- Pierre Leblanc – disagrees that licenses be required for family members camping on residential lots;
- Robin Frazer & Thea Sebastiany – new to the area; purchased their property with no trailers in sight and now living next to a trailer park; also asks what are the lines differentiating storing of trailers and active camping;
- Shelby Van Nood – stated that all of these trailers are having a harmful effect on the environment and that actively protecting the lakes and the natural environment should be a priority;
- Denis Laferriere – paid for property, did construction with permits and required inspections and now pays significant taxes; lake water quality is deteriorating rapidly; blue-green algae blooms; municipality needs to take care of the air and water;
- Councillor Larabie – mentioned that the province has agencies responsible for policing environmental issues; can’t blame all environmental issues on campers;
- Mme. Nicole Laferriere; reiterated comments made by Mr. Laferriere concerning deterioration of lake quality and responsibility of the municipality to ensure development proceeds with a view of protecting the environment;
- Linda Hutchinson – mentioned that several lots in direct proximity to her property have between 3 and 5 trailers on each; have cleared the entire shorelines and are improperly disposing of septage;
- Jeff Van Nood – has been watching the problem increase for a long time; has brought illegal trailer park issues to the municipality; feels that provincial ministries are “passing the buck” with regard to the issue; irresponsible people are spoiling it for those who are using their land responsibly;
- Heather Robertson – stated that the Municipality is not getting fair value for the assessment on lands which are assessed as vacant but on which structures, trailers, etc., are being built and properties are being used as “cottages”; need to protect water quality from development;
- Denis Laferriere stated that the North Bay Mattawa Conservation Authority and the MOE do not care about septic in West Nipissing;
- John Robertson questioned why West Nipissing is less restrictive than other communities which strictly limit trailers; stated he has no difficulty with weekend camping but objects to trailers being set up year-round and used as cottages.
Dear Ms. Ducharme,

This e-mail is in follow up to our attendance at the June 10, 2019 Planning Committee meeting and our June 15, 2019 e-mail addressed to you, also attached. We plan on attending the Planning Committee meeting of July 8, 2019. In addition to yourself and Mr. Pilon, this e-mail, containing our comments which follow, is intended for the attention of the Chair and members of Planning Committee. We ask that you please provide the Committee members with our comments in advance of the meeting and/or as part of your Planning Report to the Committee.

Comments Provided by John Robertson and Heather Robertson:

1) We do not support the unregulated location or use of trailers in the municipality. Thus, we applaud the first attempts by staff to draft a document towards the control of and licensing of trailers in the municipality.

2) We feel that such a bylaw is necessary in order for Council, Planning Committee and Staff to conform with and implement the existing policy direction of the West Nipissing Official Plan, more specifically the direction contained in Section 3, Growth and Settlement, pages 42 & 43 (excerpt below), as well as in Section 5.06.6, which speaks to water as being a "precious resource", reference to "wise management" of the water resource, "ensure land use policies provide for protection and enhancement of the quality and quantity" of water, and a statement that "stewardship of water resources depends on a co-operative approach". OP Page 42 & 43 excerpt:

Council recognizes that inland lakes and other water bodies within the Municipality of West Nipissing are valuable recreational and environmental resources and as such should be protected from development that might cause further deterioration of their water quality. This Plan further recognizes that the Municipality also has an obligation to adjacent municipalities who share the lakes with them as well as the existing residents and tourist camp operators located on these lakes, to protect the lakes by advocating a sensible land use policy for the use of the waterfront and surrounding environment.

Council also recognizes that many residents depend on these lakes as the sole source of drinking water, that the shoreline of these water bodies has a special aesthetic appeal for the development of seasonal and permanent residential uses; and that the general population wishes to see that special care is taken through strict lake and watershed development controls to maintain or improve the existing level of water quality, aesthetics and fishery quality.

Further, Council recognizes that the ecology of lakes is an intricate system of living and non-living components which represents a highly valued community resource and that
wetlands and riparian vegetation are part of the make-up of that ecology. Some lakes or watercourses have already been identified as fragile and are highly sensitive to disturbances in the watershed due to human activity. It is imperative that individuals living near or using lakes such as Deer Lake, Cache Lake, Tomiko Lake, Bain Lake, Chebogomog Lake, Lake Nipissing and the French River, as well as potentially other lakes, continue to act responsibly to minimize the impact of their activities on the shoreline, lake water quality and the fishery.

Respectfully Submitted,
John Robertson and Heather Robertson

On Jun 15, 2019, at 11:32 AM, Heather Robertson > wrote:
Hello Melanie,
I just wanted to follow up from the Planning Committee meeting that John & I attended on June 10, 2019. Thank you for presenting the draft proposals etc. for discussion at the meeting and for answering questions that we had. In addition to the verbal comments we provided, we hope to follow up with any additional comments before July 8th.

We understand that the next Planning Committee meeting will be on July 8th at 6pm at the municipal office building, though in the basement auditorium? Would you please advise us by e-mail if that changes in any way. Also, since neither the Agenda nor its attachments for the June 10th meeting were posted on the municipal website in advance of the meeting, we would like to request, by e-mail, advance copies of the July 8th Planning Committee Agenda and any accompanying documents.

Lastly, we asked about receiving all future proposed zoning and/or minor variance notices under the Planning Act as related to trailers in the municipality as well as any proposed non-Planning Act notices related to trailers and the specific licensing of trailers in the municipality. The notices etc. may be sent to us electronically at the two e-mail addresses above. If you are required to send anything by mail, our postal address is:

Sincerely,

Heather Robertson and John Robertson
Merci de nous avoir acheminé l’ébauche des amendements concernant les roulottes dans le Nipissing Ouest. Une rétro plus détaillée suivra sous peu. Nous avons par contre constaté qu’il n’y a aucune référence aux zones inondées.

Veuillez prendre connaissance de la lettre ci-jointe ainsi que des photos récentes de la propriété inondée de [Nom de la propriété].

Merci pour votre appui dans ce dossier.

Denis et Nicole Laferrière
Bonjour Joanne, Mélanie et Robert,


En faisant une première lecture, nous n’avons rien vu au sujet des zones à risque d’inondation. Est-ce que des roulettes pourraient se retrouver sur ces terrains ? Comment pouvons-nous assurer que leur système d’égouts soit efficace et reflète bien les normes de l’environnement ? Aussi, en allouant 4 roulettes dans une section rurale, vous donner la permission d’abattre plusieurs arbres et de nuire aux rôles qu’ils jouent dans l’absorption de l’eau et la prévention d’érosion du sol. Dans certaines régions, on parle de reforestation pour contrer les inondations. Le chemin O’Brien (section publique) a été inondé cette année à 85% et parfois plus. Grâce aux forêts de chaque côté, nous pouvions toutefois utiliser le chemin. Nous sommes présentement 5 résidents à temps plein entre le chemin O’Brien et Riddle ainsi que plusieurs chalets. Nous ne voulons définitivement pas vivre les situations comme des régions où les gens ont dû être évacués ou encore relocaliser en perdant leur résidence. Pouvons-nous mettre à jour les zones à risques d’inondation puisqu’il semble que selon Mrs. Alisa Craddock vous n’auriez pas en archives l’inondation de 1979 ?

Pouvons-nous être proactif et assurer que ces zones soient protégées afin d’éviter des désastres ? Nous joignons à ce courriel des photos de la situation actuelle de Trois ans déjà, ces roulettes furent installées à l’intérieur du 30 mètres et toujours sans système d’égouts ou de vidange efficace aux normes de l’environnement. Nous devons vous avouer notre inquiétude. Si ces amendements au sujet des roulettes sont acceptés, comment allez-vous nous assurer de les mettre en vigueur ? Présentement, l’application de deux lois : aucune structure à l’intérieur du 30 mètres et 90 jours pour les roulettes sur le terrain, ne sont pas respectées. Nous considérons que cette situation est urgente pour notre environnement. Afin de répondre à nos préoccupations nous avons dû avoir recours auprès de ces Ministères : North Bay Mattawa Conservation Authority pour la vérification des système d’égouts ; Ministère de l’environnement pour les déchets retrouvés sur le bord de la rive et la coupe des arbres ; Ministère des ressources naturelles pour certaines espèces en voie d’extinction tels que la Blanding Turtle et le Hog Nose dû à l’enfouissement des déchets de fossés sur ce terrain ; North Bay-Parry Sound Health Unit pour connaître les effets néfastes sur la santé du Blue-Green Algea.

Aujourd’hui suite à toutes ces démarches, nous vivons toujours les mêmes inquiétudes et les mêmes préoccupations. Il nous semble, suite à cette expérience que personne ne veut rectifier cette situation. Puisque la Municipalité du Nipissing Ouest s’est engagée dans la déclaration d’état d’urgence dû aux changements climatiques, ne pourrions-nous pas « Matcher nos babines avec nos bottines? »

Cette citation résume bien l’état d’urgence actuelle de notre environnement:
“Unless someone like you cares a whole awful lot,
Nothing is going to get better. It's not.” — Dr. Seuss, The Lorax
hello good morning,
we are happy we attended the meeting on Monday night
it is encouraging that the planning advisory committee appears to be in favor of some kind of a licensing system

if you could please keep us posted on upcoming meetings with regards to the trailers we could appreciate it so we can once again attend

also could you help us understand the reason why we do not want to be similar to other municipalities, with the same rules and regulations to avoid the overabundance of trailers in our area, is this something to take into consideration?

look forward to hearing from you

Jeff and Julie van Nood
WHEREAS Section 10(2) of the Municipal Act, 2001 authorizes municipalities to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS Sections 164(1) of the Municipal Act, 2001 authorizes municipalities to prohibit or license trailers within a municipality;

AND WHEREAS Council for the Municipality of West Nipissing deems it necessary to pass a by-law to license trailers within the Municipality of West Nipissing;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

SECTION 1 - TITLE

1.1 This By-law shall be cited as the “Trailer License By-law”.

SECTION 2 - DEFINITIONS

2.1 “Assessed Trailer” means any trailer legally located on a property and that is assessed under the Assessment Act.

2.2 “Camping Establishment” means lands designated in the Zoning By-Law as C-3 (Tourist Commercial) or established as legal non-conforming thereunder and used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreation vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

2.3 Legal Non-Conforming Camping Establishment means lands which are not zoned C3 (Tourist Commercial), but are used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles, accessory uses and facilities such as administrative offices and sanitary facilities, recreational facilities and accessory conveniences stores, but which have been established as legal non-conforming by virtue of their existence prior to the passing of the West Nipissing Zoning By-Law.

2.4 “Licensee” shall mean the Corporation of the Municipality of West Nipissing;

2.5 “Municipality” shall mean the Corporation of the Municipality of West Nipissing and shall be defined as the lands and premises within the corporate limits.

2.6 “Property” shall mean any separately assessed parcel of land which is legally owned, in fee simple.

2.7 “Stored Trailer” means any trailer located on the property only for the purpose of sale or storage but shall not include any trailer being used at any time for living, sleeping or eating accommodations of persons while located on that property.

2.8 “Trailer” shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for the living, sleeping or eating accommodation of persons on a temporary, transient or short-term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a tent trailer, a camper trailer, a recreational trailer, a fifth wheel, a bus converted into a motor home and park model trailer.

2.9 “Zoning By-Law” shall mean the Municipality of West Nipissing Zoning By-Law No. 2014-45, as
SECTION 3 - PROHIBITIONS

3.1 No person shall use nor shall an owner of land permit a person to use and/or keep a trailer on any property within the Municipality for more than 30 days in any given year, except in a designated Camping Establishment without purchasing an annual license.

3.2 No person shall use or permit a person to use, store or keep a trailer on any property which is zoned Residential One (R1), Residential Two (R2), Residential Three (R3) or Residential Four (R4) except as provided in the Zoning By-Law.

3.3 Other than in a Camping Establishment or Legal Non-Conforming Camping Establishment, no person shall locate more than two (2) trailers, which shall include a stored trailer on a property which is zoned Rural Residential (RR) or Shoreline Residential (SR) unless an amendment to the Zoning By-Law has been granted pursuant to Section 34 of the Planning Act.

3.4 Other than in a Camping Establishment or Legal Non-Conforming Camping Establishment, no person shall locate more than four (4) trailers, which shall include a stored trailer on a property which is zoned RU (Rural) or A1 (Agriculture) unless an amendment to the Zoning By-Law has been obtained pursuant to Section 34 of the Planning Act.

3.5 No owner of a Legal Non-Conforming Camping Establishment as of the date of this by-law, shall increase the number of existing trailers without obtaining an Amendment to the Zoning By-law pursuant to Section 34 of the Planning Act.

3.6 Other than in a Camping Establishment, no person shall have a trailer without a license unless defined in Section 2.5, even if the trailer was legally placed on the property prior to the date of implementation of this By-law. Campers located in a Legal Non-Conforming Camping Establishment shall require a license.

3.7 No person shall occupy a trailer from December 1st to April 30th of any given year.

3.8 No person shall add additions to a trailer such as sunrooms, porches, roofs or decks without obtaining a building permit from the Municipality, regardless of whether such structures have been previously constructed or moved from a different location.

3.9 The owner of the land, other than an established Camping Establishment within the Municipality, upon which a legally non-conforming trailer is located, shall be responsible for obtaining a license from the Municipality or the Municipality’s By-Law Enforcement Officer. No license shall be issued unless the prescribed fee has been paid.

3.10 Where a trailer, that is located on a property in the Municipality, other than on land used as an established Camping Establishment, has been established to a legally non-conforming use and where such trailer has only been used occasionally for living, sleeping or eating accommodation of persons, such trailer shall not be deemed to be a stored trailer as defined in Section 2.5 and shall be subject to an annual license.

3.11 No license shall be issued under this By-law if the application for the license would be in contravention of any other By-law of the Corporation or of any Federal or Provincial law or regulation.

3.12 This By-law shall not apply to a trailer where such a trailer is located on an existing lot for the sole purpose of storage or for the sole purpose of the sale of the trailer. Where a trailer is being stored or offered for sale no person shall use or occupy the trailer.

3.13 No person shall locate a mobile home on their property, except as provided in the Zoning By-Law;

3.14 No trailer for which a license is required under this By-law shall be located on land except in conformity with the set-back requirements for a dwelling unit as prescribed by the Zoning By-law, as amended, for the zone in which the lands are located.

3.15 No person shall locate a trailer on a property unless the trailer is connected to a sewage system that is operated and maintained as per Part 8 of the Ontario Building Code and enforced by the North Bay Mattawa Conservation Authority, unless the unit contains an integral holding tank to be emptied at a
facility licensed by the Ministry of the Environment. In the event that the owner has entered into a contractual arrangement for pump-out services, the Municipality reserves the right to request proof of such arrangement.

SECTION 4 - LICENSE EXEMPTIONS

4.1 A stored trailer, as defined in Section 2.7, does not require a license.

4.2 An assessed trailer, as defined in Section 2.1, does not require a license.

4.3 A trailer located within a legally recognized Camping Establishment on lands which are recognized within the Zoning By-Law as permitting such use shall not require a license.

4.4 Where a building permit for a single family dwelling unit has been issued by the Municipality’s Chief Building Official, the permit holder shall enter into an agreement for the placement of a trailer on the property where the unit is being constructed or reconstructed solely for the purpose of the construction and only if any applicable building permit fees are paid and the trailer is promptly removed prior to the expiration of said building permit.

SECTION 5 - LICENSE FEE

5.2 The License fee for a trailer shall be as set out in Schedule “A” attached to this by-law.

5.3 The license fee is payable for the current fiscal year upon receipt of an application. Every license obtained in this paragraph shall expire on the 31st day of December in that year of which it was issued, regardless of the date of issue.

5.4 Applications for licenses shall be made to the Municipality Office and/or the By-Law Enforcement Officer and duly signed by the owner of the property on which the trailer is to be located. The owner to whom a license has been issued shall display the license on the trailer in a place that can be seen easily from the outside of the trailer.

5.5 All applications for such license shall be made in the prescribed form attached to this By-law as Schedule “B”. The license fee is imposed upon the owner of the property on which the trailer is located. If the owner fails to make payment of the license fee in any year, the fee shall be deemed overdue and as such, the full license fee shall be collected under the Provincial Offences Act.

5.6 Any license issued under this By-law shall not be transferable.

5.7 No trailer shall be licensed unless the location of the trailer complies with the following:
   i) All provincial statutory and regulatory requirements including but not limiting the generality of the foregoing, any license or permit required by the Ministry of the Environment.
   ii) All federal statutory and regulatory requirements.
   iii) The Municipality Zoning By-Law, as amended from time to time.

5.8 A license issued pursuant to this by-law authorizes the use and maintenance of an existing trailer on existing lots for temporary accommodations only. The issuance of a license does not grant the licensee the authority to occupy the trailer on a permanent basis. The issuance of a license is not intended and shall not be construed as permission or consent by the Municipality for the holder of the license to contravene or to fail to observe or comply with any law of Canada, Ontario or any by-law of the Municipality.

SECTION 6 - ADMINISTRATION AND ENFORCEMENT

6.1 Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and shall be liable, for each contravention and each day of contravention shall constitute a separate offence.

6.2 No person being the registered owner of any lot or parcel of land within the Municipality shall permit any person to locate a trailer on his or her property except in accordance with the provision of this by-law.
6.3 The administration of this by-law is assigned to the Clerk who may delegate the performance of his or her function under this by-law from time to time as occasion requires.

6.4 Every applicant shall provide in full, at the time the application is submitted, all of the information required on the application form attached as Schedule “B”, as well as payment of the prescribed license fee as set out in this By-law and any other document or information as may be required in any other part of this By-law.

6.5 Any application, comment, recommendation, information, document or thing in possession of the Clerk pursuant to the provisions of this By-law shall be made available by the Clerk for inspection:

i) By any person employed in the administration of the enforcement of this by-law.

ii) By any other person upon the consent, satisfactory to the Clerk, of the person, civic department, board commission authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing.

Subject only to the limitations imposed by the Municipal Freedom of Information and Protection of Privacy Act.

6.6 The enforcement of the By-law is assigned to the By-law Enforcement Officer for the Municipality of West Nipissing.

6.7 Any trailers used, maintained or located in contravention of this By-law shall be removed from the lot, at the expense of the Owner of the lot. Failure to remove any trailers from a lot within the time prescribed by the By-law Officer may result in the removal of said trailer by the Municipality of Strong, at the expense of the Owner of the lot.

SECTION 7 - INSPECTIONS

7.1 Any person designated by Council to enforce this By-law may, at any reasonable time and upon producing proper identification, enter and inspect any property licensed under or in contravention of the provisions of this By-law.

7.2 No person shall obstruct, hinder or in any way interfere with any person designated to enforce this By-law.

SECTION 8 - PENALTY

8.1 Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and, upon conviction, shall be liable to a fine pursuant to Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, for each contravention and each day of contravention shall constitute a separate offence. Schedule “C” attached.

8.2 Upon registering a conviction for a contravention of any provision of this By-law, the Ontario Court, Provincial Division, may, in addition to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

SECTION 9 - VALIDITY

9.1 If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provision of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

SECTION 10 - EFFECTIVE DATE

10.1 This By-law shall come into effect on the date it is passed.
ENACTED AND PASSED THIS DAY OF , 2019 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

__________________________
JOANNE SAVAGE
MAYOR

__________________________
MELANIE DUCHARME
CLERK
<table>
<thead>
<tr>
<th>PERMIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FEE FOR TRAILERS LOCATED IN THE RURAL RESIDENTIAL (RR) AND SHORELINE RESIDENTIAL (SR) ZONE AS SET OUT IN THE MUNICIPALITY OF WEST NIPISSING ZONING BY-LAW:</strong></td>
</tr>
<tr>
<td><strong>Trailer License Fee</strong></td>
</tr>
<tr>
<td>and each year thereafter until such time the fee is amended by council</td>
</tr>
</tbody>
</table>

| **FEE FOR TRAILERS LOCATED IN THE RURAL ZONE AS SET OUT IN THE MUNICIPALITY OF WEST NIPISSING ZONING BY-LAW** |
| **Trailer License Fee** | $50.00 per year |
| and each year thereafter until such time the fee is amended by council |
# APPLICATION FOR A TRAILER/CAMPER PERMIT

**Name:**

**Address:**

**Telephone:**

<table>
<thead>
<tr>
<th>Site Address:</th>
<th>Property Roll No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant’s Interest in land:</strong></td>
<td>Owner  Tenant Leasee</td>
</tr>
<tr>
<td>Dimensions of land:</td>
<td>Frontage: Depth:</td>
</tr>
<tr>
<td>Area: Zoning:</td>
<td></td>
</tr>
</tbody>
</table>

**Detailed description of Recreational Vehicle:**

<table>
<thead>
<tr>
<th>Length:</th>
<th>Colour:</th>
<th>Model:</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIN #:</td>
<td>License Plate:</td>
<td></td>
</tr>
</tbody>
</table>

**What provisions have been made for:**

- Septic/Black Water:
- Grey Water:
- Drinking Water:
- Garbage Disposal:
- Landfill Access #:
- Electricity (if applicable):

**Expected dates of occupancy:**

---

**A Site Plan of property should be attached showing the following (where applicable):**

- Property dimensions
- Location of Septic system
- Parking spaces
- Fire pit
- The position of the recreational vehicle of site including setbacks from all lot boundaries, roadways and waterbody courses as set out the Municipality of West Nipissing Zoning By-law
- Location of well
- Driveway

**SUPPORTING DOCUMENTS**

- Attach approved permit from the North Bay Mattawa Conservation Authority (if applicable)
- Attach Sketch of property/trailer location.

---

**BY SIGNING BELOW, I CONFIRM THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

**BY SIGNING BELOW, I AGREE TO COMPLY WITH THE PROVISIONS OF BY-LAW 2019/___:**

**DATE:**

**SIGNATURE OF APPLICANT:**

---

**RESERVED FOR THE MUNICIPAL OFFICE:**

Reviewed by the Municipality of West Nipissing on the ______ day of ____________________, 20_____

**SIGNATURE OF MUNICIPAL OFFICIAL:**
Municipality of West Nipissing

TRAILER LICENSING BY-LAW
SCHEDULE “C” TO BY-LAW 2019/___

PART I – PROVINCIAL OFFENCES ACT
PENALTY PROVISION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SHORT FORM WORDING</th>
<th>PROVISION CREATING OR DEFINING OFFENCE</th>
<th>SET FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** The general penalty provision for the offences listed above is section 8.1 of By-Law 2019/___, a certified copy of which has been filed.
PLANNING MEMORANDUM

Topic: Use of Camping Trailers in West Nipissing

May 10, 2019
1. INTRODUCTION
The purpose of this report is to provide the West Nipissing Planning Advisory Committee with information which will enable them to make recommendations to Council to address ongoing concerns by residents relating to camping trailers being installed in ever increasing numbers on properties in West Nipissing.

2. BACKGROUND
On July 8, 2014, the Municipality of West Nipissing adopted Zoning by-law No. 2014-45; however, in order to regulate land use and use of structures in the Municipality of West Nipissing. The By-law followed a year of public consultation and extensive meetings and discussion by the West Nipissing Planning Advisory Committee. The matter of regulation of camping trailers was discussed at length and, you may recall, there was a public presentation made by a resident who was in favour of limiting/regulating campers in West Nipissing.

Notwithstanding, the Planning Advisory Committee did not recommend placing restrictions on the number of camping trailers which can be used or stored on lots in the rural and shoreline areas. The only limitation was the duration of time which a trailer may be occupied, which was limited to 90 consecutive days. In the urban areas trailer storage is more regulated due to lot size constraints (one per lot). The relevant sections of the By-law are attached hereto.

3. RELEVANT CONCERNS
In 2017, Council was presented with a Petition, signed by residents in the Lake Chebogomog area, requesting Council to amend the Zoning By-law in order to regulate camping trailers. At a meeting on March 14, 2017, council discussed the matter and it was decided that the by-law be left as is and that specific areas of concern be dealt with by proper enforcement agencies.

In 2018 a local campground closed its business displacing more than 200 trailers which has exacerbated an already tenuous situation. Small “campgrounds” have been popping up all over the municipality on vacant rural lots and the number of complaints the Municipality has received from residents has increased exponentially. These concerns center around the environment, in particular, concerns regarding the water quality of the lake, due to the lack of regulation of camping trailers and their improper disposal of septage. In addition, concerns regarding air quality were also brought forward due to excessive burning of materials (garbage) on these unregulated sites.

In addition to environmental interests, residents voiced concerns with respect to Crown Lands camping, over which the Municipality of West Nipissing has no jurisdiction or control. There is a regulation for crown lands occupation which is limited to 21 days; however, policing this regulation is difficult given the quantity of Crown Lands in the area and the lack of MNR enforcement staff.

The use of environmentally sensitive zones for camping has also been raised as a concern, for example, camping in the Cache Bay Wetlands. There are currently several historical family type camping areas along the Veuve River and the Sturgeon River. The disposal of septage and burning of materials on these lands must be undertaken with the utmost consideration to the surrounding environment, therefore, regulations must be put in place in order to monitor the camping trailers which occupy this property. In
particular, these areas need to understand that expansion or further encroachment into the protected areas cannot occur.

The increasing number of camping trailers on vacant and Crown Lands is also problematic as, in many cases, accessory structures, decks, gazebos, porches, fences and other structures are being constructed around the camping trailer. Trailer owners have constructed these structures without the appropriate consultation or building permits.

Finally, the economic loss to local campgrounds by allowing camping trailers to be installed in the municipality without regulation is significant. Local campgrounds are expected to adhere to local bylaws and pay appropriate licensing fees, however, with no regulation, the trailers which are installed on private and crown land in the municipality unfairly avoid such regulations and fees.

4. CURRENT POLICY

Current policies in the West Nipissing Zoning By-Law relating to Camping Trailers are as follows:

4.22.1 Prohibited Uses in all Zones

g) No recreational vehicle or travel trailer shall be used within the Municipality for a period of more than 90 days within a 12-month period for living, sleeping or eating accommodation unless it is in a recognized trailer park.

5.5.2 Parking of Boats and Trailers

a) A maximum of one (1) boat, one (1) travel or tent trailer and one (1) other non-travel (utility) trailer are permitted to be stored outside on a lot in a Residential One (R1), Residential Two (R2), Residential Three (R3) or Residential Four (R4) Zone only as an accessory use to a dwelling, provided the boat or trailer is licensed, in good repair and in serviceable condition and is owned by an occupant of the dwelling unit.

b) There is no maximum to the number of personal use boats or trailers stored on a lot in the Shoreline Residential (SR), Rural Residential (RR), Rural (RU) or Agricultural One Zone (A1) Zones provided the boats or trailers are licensed, in good repair and in serviceable condition.

c) The parking or storage of a boat, travel or tent trailer or other non-travel (utility) trailer may be permitted in all required yards in the R1-R4 zones, but no closer than 1.5 metres to any lot line provided the boat or trailer is licensed, in good repair and in serviceable condition.

d) In the Residential One, Residential Two, Residential Three and Residential Four Zones, such boat, travel trailer, tent trailer or non-travel (utility trailer) if parked in the front yard, must be located in the driveway of the dwelling.

e) In all other zones, the minimum distance from the boat, travel trailer or tent trailer or non-travel (utility) trailer to the lot line shall be 3m.
5. BY-LAW ENFORCEMENT
During the summer of 2018 the By-Law Enforcement Officer visited dozens of properties, both alone and accompanied by Brent Trach of the Ministry of the Environment as well as employees of the North Bay - Mattawa Conservation Authority. The conclusion of these inspections was that there is a problem which will only increase over time unless some measures are undertaken to better regulate the situation. Mr. Pilon’s memo is attached to this memorandum as Schedule “A” and Mr. Pilon will be in attendance at Monday’s meeting to present a visual presentation of his findings.

6. ZONING PROVISIONS - OTHER MUNICIPALITIES
I have taken the liberty of investigating the zoning by-laws of some municipalities which are close to West Nipissing. These findings are summarized in the table below.

Table 1 – Zoning Provisions – Other Municipalities

<table>
<thead>
<tr>
<th>Municipalities</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sudbury East Planning Area, French River,</td>
<td>Prohibited in all zones, except Tourist Commercial</td>
</tr>
<tr>
<td>Markstay-Warren, Killarney, St. Charles</td>
<td></td>
</tr>
<tr>
<td>Espanola</td>
<td>One (1) camper per lot to a maximum of 6 months unless located in</td>
</tr>
<tr>
<td></td>
<td>Commercial Campgrounds.</td>
</tr>
<tr>
<td>Elliot Lake</td>
<td>One (1) camper per lot, provided that a Temporary Use By-law has been</td>
</tr>
<tr>
<td></td>
<td>obtained or</td>
</tr>
<tr>
<td>Huntsville</td>
<td>Occasional accommodation only provided that a dwelling already exists on</td>
</tr>
<tr>
<td></td>
<td>the property or during new construction with a permit and in trailer parks.</td>
</tr>
<tr>
<td>Sudbury</td>
<td>Prohibited except in Tourist Commercial Zone (Trailer Parks).</td>
</tr>
<tr>
<td>Callander</td>
<td>Prohibited except in Trailer Park or construction uses – 1 year maximum.</td>
</tr>
<tr>
<td>Timmins</td>
<td>Permitted in rural areas.</td>
</tr>
<tr>
<td>Central Manitoulin</td>
<td>Prohibited in all zones but Tourist Commercial.</td>
</tr>
<tr>
<td>North Bay</td>
<td>Prohibited in all zones but Tourist Commercial.</td>
</tr>
</tbody>
</table>

7. LICENSING
Council has always indicated that there is no wish to be as restrictive as most municipalities currently are with respect to camping trailers. However, the current proliferation of trailers should not continue without some regulation. In that regard, it appears that some municipalities have taken the avenue of creating a licensing system which allows the municipality to control the situation. Some of these and their relevant regulations are shown in the Table below.

Table 2 – Licensing Provisions – Other Municipalities

<table>
<thead>
<tr>
<th>Municipalities</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>McMurrich/Monteith</td>
<td>Trailers which are not licenced may not be kept on a property within the Township for more than 21 days. A licence authorizes the use and maintenance of a trailer for temporary accommodation only. An uncovered deck not exceeding 10 square metres not attached to the trailer is allowed, but the construction of other structures within 5 metres of the trailer are prohibited. No more than one occupied trailer</td>
</tr>
<tr>
<td>Location</td>
<td>Regulations</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lake of Bays</td>
<td>Only one trailer shall occupy any lot or site. One additional temporary trailer license may be granted within the same calendar year for a period not exceeding 6 months. Every application for a license to occupy a trailer shall include: a site plan describing the location of the trailer, provisions for heat, hydro, water, sewage, garbage disposal and access to property, confirmation of the entrance permit and civic address number, copies of all approvals required, expected length of occupation, details of trailer, property owner’s name, photograph of trailer. No person shall camp on vacant land within the Township.</td>
</tr>
<tr>
<td>Armour</td>
<td>A maximum of one (1) trailer or park model trailer licenced under this by-law is permitted on a single vacant parcel of land. A trailer for which such license is issued must be located within the prescribed setback requirements for a dwelling unit as prescribed by the Municipal Zoning By-law for the zone in which it is located. The Township may issue the following class of licenses: An annual license which authorizes the placement of the trailer for a complete calendar year and its occupancy between May 1 and November 30 in the calendar year and a Short-Term License which authorizes the placement of the trailer upon a property for a period of up to three months between May 1 and November 30 in the calendar year.</td>
</tr>
</tbody>
</table>
8. RECOMMENDATION

Given the culture of camping and outdoor recreation which is intrinsic to the West Nipissing lifestyle, I would not recommend that West Nipissing prohibit camping trailers, nor would I support the imposing of restrictions which are so onerous as to be impossible for persons to adhere to. We must, however, be cognisant that the current lack of regulation is putting our lakes, rivers and natural heritage features at risk. Since it is well known that a state of Climate Emergency is upon us, it is up to this municipality to ensure that we remain stewards of our natural resources by seeking opportunities to ensure the preservation of our natural heritage features.

In order to address the issue(s) above described, I am suggesting the following two-pronged approach:

- That this Committee consider recommending an Amendment to the West Nipissing Zoning By-Law to limit the numbers of trailers to be permitted on a lot. An amendment to the By-Law will require that the municipality hold a public meeting which will allow all residents of West Nipissing as well as public agencies such as the North Bay Mattawa Conservation Authority the opportunity to provide their input.

- That this Committee recommend a stand-alone Trailer Licensing By-Law which would allow the municipality to ensure that campers on any lot are in compliance by requiring them to obtain an annual license. The licensing process would require proof of adequate septic facilities and would be inspected by the by-law officer prior to issuance of the license. This licensing by-law would extend to all camping trailers in West Nipissing which are not located within properly zoned trailer parks.

I am submitting this memo for consideration by the West Nipissing Planning Advisory Committee.

Respectfully,

Melanie Ducharme
Municipal Clerk/Planner
SCHEDULE “A”

Date: April 18th, 2019

TO: Municipal Clerk
   West Nipissing

Re: Travel Trailers

ISSUE – The proliferation of travel trailers on vacant lots as well as other properties in West Nipissing.

As you are well aware, I have only been the Bylaw Officer for about one year. During the last summer, I was faced with the investigation of several complaints about travel/fifth wheel trailers being set up or existing on vacant lots or other locations within the Municipality.

Complaints range from environmental, safety, aesthetic, to zoning issues. In some cases, it is a single trailer and in others it is multiple units. The locations vary, however the practice is rampant in all corners of the Municipality.

During these investigations, it has become very clear that our community does not regulate these situations and as a result, problems have multiplied dramatically. Last year, a large local trailer park closed. As a result, the tenants have sought alternate accommodations. That, in turn has caused a lot of trailers being relocated within West Nipissing. Some are responsible people and have found locations at other trailer parks but others have chosen to set up on vacant lots or at friend/relatives’ homes.

These situations have caused a ripple effect which directly affects the environmental and economic health of our community.

When a trailer is set up on a lot near a waterway, it can adversely affect the environment. I have witnessed sewage pipes running into the ground! In another location, several trailers have been set up in a Provincially Significant Wetland.

When trailers are set up near permanent residences, they tend to be unsightly and to adversely affect the resale values of area homes. At times the homes affected are on waterways and they pay significant taxes while the trailer owner pays taxes on what appears to be vacant land. This cause disparity and hard feelings.
When trailers are set up without regard to safety, the results could be catastrophic. In a few instances people have installed wood stoves in travel trailers! In one case a person lives in a travel trailer year round.

As well, the Ministry of Environment is embarking on a plan to address the issues surrounding existing trailer parks (sewage treatment and potable water). This, in turn, may cause many more trailer owners to seek relocation to areas of the Municipality.

I believe that it is important for our community to devise a plan of action which would address these issues in partnership with the Ministry of Environment, North Bay Mattawa Conservation Authority, MNRF as well as others. I ask for your support.

ROBERT PILON
By-Law Officer
PLANNING ADVISORY COMMITTEE MEETING
MONDAY MAY 13, 2019

West Nipissing Ouest
Quantity of Trailers
Improper Disposal of Septage
Improper Hydro Installation
Improper Hydro Installation
Porches/Decks
Structures
Property Standards