

# AGENDA

## WEST NIPISSING PLANNING ADVISORY COMMITTEE VIRTUAL MEETING

Topic: Planning Advisory Committee & Committee of Adjustment

Time: Mar 8, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82127469261?pwd=cXNjUiticEXCeGlqZ1pJbUgvZ2J1dz09>

Dial by your location

1 647 558 0588 Canada

Meeting ID: 821 2746 9261

Participant #

Passcode: 715773

YouTube Link: <https://www.youtube.com/channel/UCG6HWMXnA-RBiH-UdZVCIHg>

- 
1. Meeting called to Order
  2. Declarations of Pecuniary Interest;
  3. Approval of Agenda for March 8, 2021, 2021
  4. Adoption of Minutes of January 18, 2021, 2020 meeting
  5. **SUBD2021/01 & ZBLA2021/03**  
Applicant: 2682213 Ontario Limited  
Principale Street, Verner, ON
  6. **ZBLA2021/04**  
Applicant: ED SEGUIN & SONS TRUCKING AND PAVING LIMITED  
Villeneuve Court, Sturgeon Falls
  7. Adjournment.

# Joie de vivre



[www.westnipissingouest.ca](http://www.westnipissingouest.ca)

**SUBD2021/01 & ZBLA2021/03**

# PLANNING REPORT

**Zoning Amendment File No. ZBLA2021/03**

**Subdivision File No. SUBD2021/01**

**Applicant: 2682213 ONTARIO LIMITED**

**Property: RUE PRINCIPALE STREET, ON**

**Date: MARCH 8, 2021**



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## **1. INTRODUCTION**

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The purpose of this Planning Report is to address all provincial and municipal land use policies governing the proposed re-zoning and subdivision of the property located at the west end of Principal Street (rue Principale), Verner Ontario. The application is being put forward by the owner, 2682213 Ontario Limited (Yves Brouillette), and its Agent, Miller & Urso Surveying Inc.

## **2. SITE AND BACKGROUND INFORMATION**

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The property is located at the west limit of the Town of Verner. The property was previously subdivided into 46 lots by Subdivision Plan No. 36M496. The subdivision was never developed and the property was purchased by the current owner on July 31, 2015 from the Municipality of West Nipissing who vested the property in 2013 following a failed tax sale. As a condition precedent to purchase, the Owner requested that the Municipality register a Deeming By-Law pursuant to S.50(4) of the Planning Act in order to deem the lots on the Plan of Subdivision no longer within a plan of subdivision in order that he may amalgamate the lots into one parcel. In addition, the Municipality passed a by-law to close all of the streets shown on the plan of subdivision and the undeveloped streets were included as part of the sale transaction.

There also exists on the property a water line which extends from Cartier Street, under a portion of the RL Equipment building and across the vacant property leading to a house and a motel, both located on Highway 17. This infrastructure was installed without the benefit of an easement and the current owner was unaware of its existence which is why the addition to the building is constructed on top. The proposed subdivision, by extending the water main down rue Principale, will enable the municipality to abandon the existing waterline and to service the house and motel from the new extension of Principale street. An easement will be granted to the Municipality over a portion of the Block 10, as may be agreed upon between the owner and the municipality, for the waterline.

## **3. DEVELOPMENT PROPOSAL**

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The owner is proposing to subdivide the property into seven (7) lots, three (3) blocks and one new street. The intention is to construct fully municipally serviced multi-unit dwellings on each of the new lots. Three of the lots will front on and be accessed by the new proposed street and three will front on and be accessed from Old Highway 17. Concurrent with the Application for Subdivision, the owner is proposing to re-zone the property from R-2 (Residential, two) to R2-3 (Residential, three) to allow the construction of the multi-unit dwellings. In addition, one of the blocks is proposed to be added to the existing RL Equipment commercial property and is required to be re-zoned to C1 (Highway Commercial). The remaining Block 10 will be placed in a Holding Zone, and no development shall take place thereon until a further application by the Owner to remove the "H" zone designation.

See Figure 2 and Figure 3 attached.

## **4. POLICY CONTEXT**

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Land use policies and regulations affecting the subject lands include the Planning Act, R.S.O., 1990 and the associated 2020 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 2020 \(PPS\)\*](#) 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.

The within proposal is consistent with of the PPS 2020 which provides:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b. accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- c. avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d. avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e. promoting cost-effective development standards to minimize land consumption and servicing costs;
- f. improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and
- g. ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

1.1.2 Sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that timeframe may be used for municipalities within the area.

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a. densities and a mix of land uses which:
  1. efficiently use land and resources;
  2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
  3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and
- b. a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.

1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas. However, where provincial targets are established

through provincial plans, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 Planning authorities shall establish and implement phasing policies to ensure that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas.

1.1.3.7 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

## **5. LOCAL POLICY DOCUMENTS**

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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 Reside 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:

The subject property is located within the Urban Settlement Area of the Town of Verner (See Figure 4) and is a designated Employment District in 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. Employment Lands are primarily intended for industrial development and expansion of commercial uses. Notwithstanding the foregoing, the West Nipissing Official Plan contains the following provision:

#### **1.09 INTERPRETATION**

##### **1. Boundaries**

It is intended that the boundaries of the land use designations shown on the Land Use Plan Schedules are to be considered as approximate. Boundaries are to be considered absolute only where clearly bounded by roads, railways, rivers or streams or other distinctive geographical barriers. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the Land Use Plan Schedules.

It is recommended that Council for the West Nipissing municipality consider adjusting the boundary of the Employment area such that Block 9 (future development) and Block 10 (the lands to be added to the existing RL Equipment) property shall remain Employment, while the balance of the lands be designated Residential without the requirement for an Official Plan Amendment.

#### **Section 3.06.1.1 Urban Settlement Area**

Urban Settlement Areas are characterized as urban communities with a well-developed built form, a diverse mix of land uses, which have full municipal sewage and water service or partial services. These communities are considered to be the primary settlement areas for future development.

#### **Section 3.06.1.4 Urban Service Limits**

Development shall be directed first and foremost to lands within the designated Urban Service Limits.

Permitted Residential Uses within the Urban Settlement area are as follows:

Table 3.1

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area				
Land Use Category <sup>1</sup>	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
<b>Scope of Permitted Residential Uses in District</b> (see also Sections 3.06.5.1, 3.06.2, 3.06.8.2, 3.06.8.9, 3.06.10)	<b><u>Residential District:</u></b> <ul style="list-style-type: none"> <li>• full range of low, medium and high density housing types</li> <li>• specialized housing types: group homes, crisis care, social assisted</li> </ul>	<b><u>Residential Uses:</u></b> <ul style="list-style-type: none"> <li>• full range of low and medium density housing types</li> <li>• specialized housing types: group homes, crisis care, social assisted (excluding high density)</li> </ul>	<b><u>Residential Uses:</u></b> <ul style="list-style-type: none"> <li>• seasonal and permanent residential uses</li> </ul>	<b><u>Rural District:</u></b> <ul style="list-style-type: none"> <li>• limited low density (single and two unit housing)</li> <li>• specialized housing types: group homes, crisis care, social assisted (excluding high density)</li> </ul>

## 5.2 Zoning By-Law

The proposal is to re-zone Lots 1 – 6 from R2 (Residential, two) to R3 (Residential, three) in order to construct multiple dwellings (up to 8 units per building) on each lot of the proposed subdivision. The current zoning (R2) permits up to two family dwellings per lot (See Figure 5). Each of the proposed new lots will consist of sufficient area to meet the requirements of By-Law No. 2014-45 for the R3 zone.

Block 9 is proposed to be re-zoned from R2 (Residential Two) to C2 (Highway Commercial) in order to add the lands to the existing property known as RL Equipment Ltd. Located at the corner of Highway 17 and Cartier Street.

Block 10 shall be designated R2-H (Residential two – Holding) zone such that no development shall take place on the said Block 10 until such time as the Holding designation is removed in accordance with the provisions of the Zoning By-Law, Official Plan and Planning Act, as amended.

## 5.3 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.

Notwithstanding that the property is subject to site plan control, being the subject of an application under the Planning Act, it is not anticipated that a Site Plan Control Agreement will be required, given the location, nature and scope of the proposed development.

## 6. 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 1 and Appendix 2.

## 7. SUMMARY AND RECOMMENDATIONS

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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 2020.

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 application to subdivide the property into six (6) lots and three (3) blocks and to re-zone a portion of the property from R2 (Residential Two) to R3 (Residential 3) in order to permit the construction of multi-family dwellings and to re-zone a portion of the property to C2 (Highway Commercial) for the purpose of adding those lands to the existing commercial uses at 10402 Highway 17, Verner is recommended subject to the conditions attached hereto as Appendix 3.

Respectfully Submitted,



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Melanie Ducharme, Planner

Figure 1 – Aerial Imagery





Figure 2 – Draft Plan of Subdivision

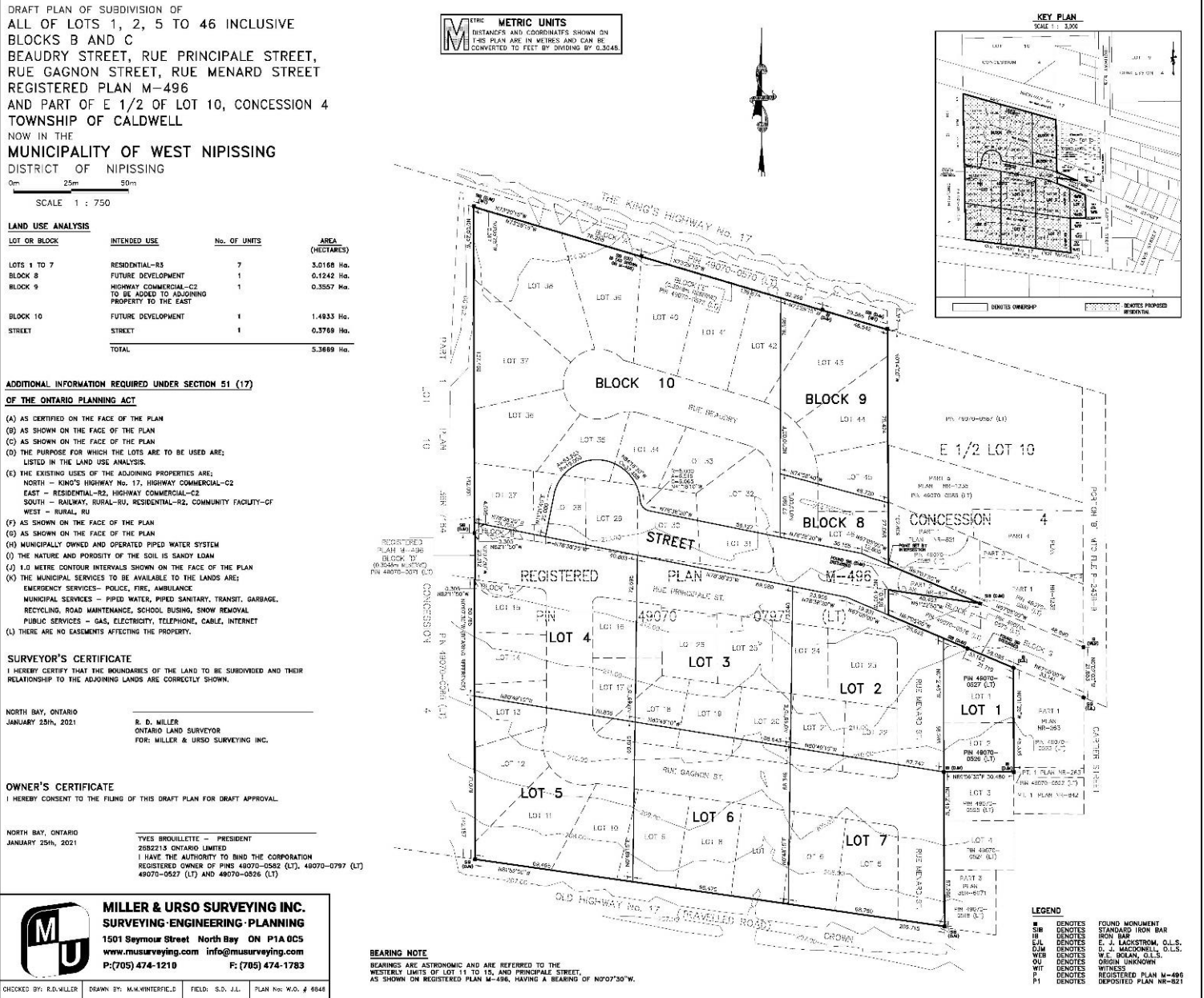


Figure 3 – Sketch for Proposed Zoning Amendment

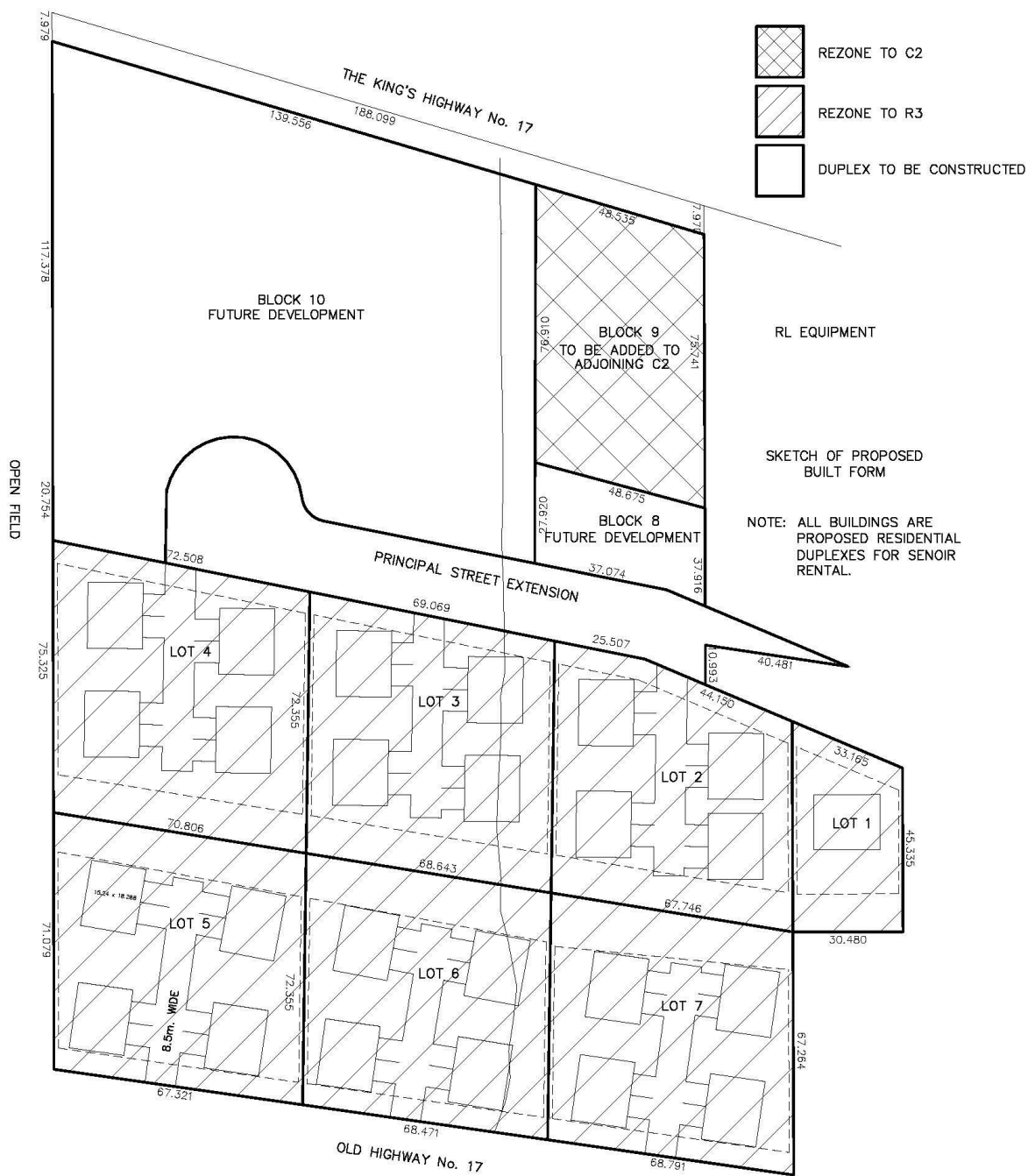




Figure 4 – West Nipissing Official Plan – Land Use Schedule

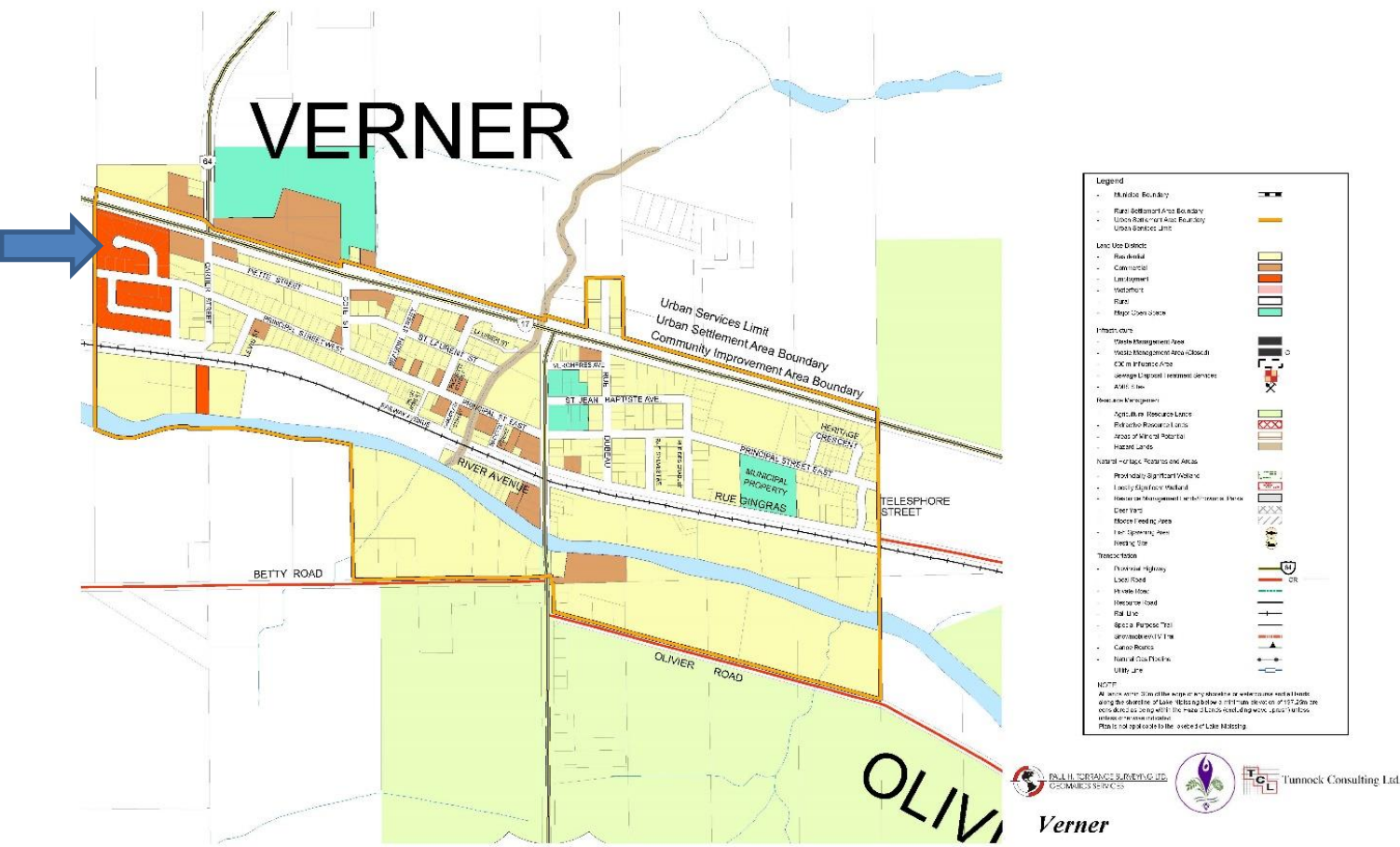
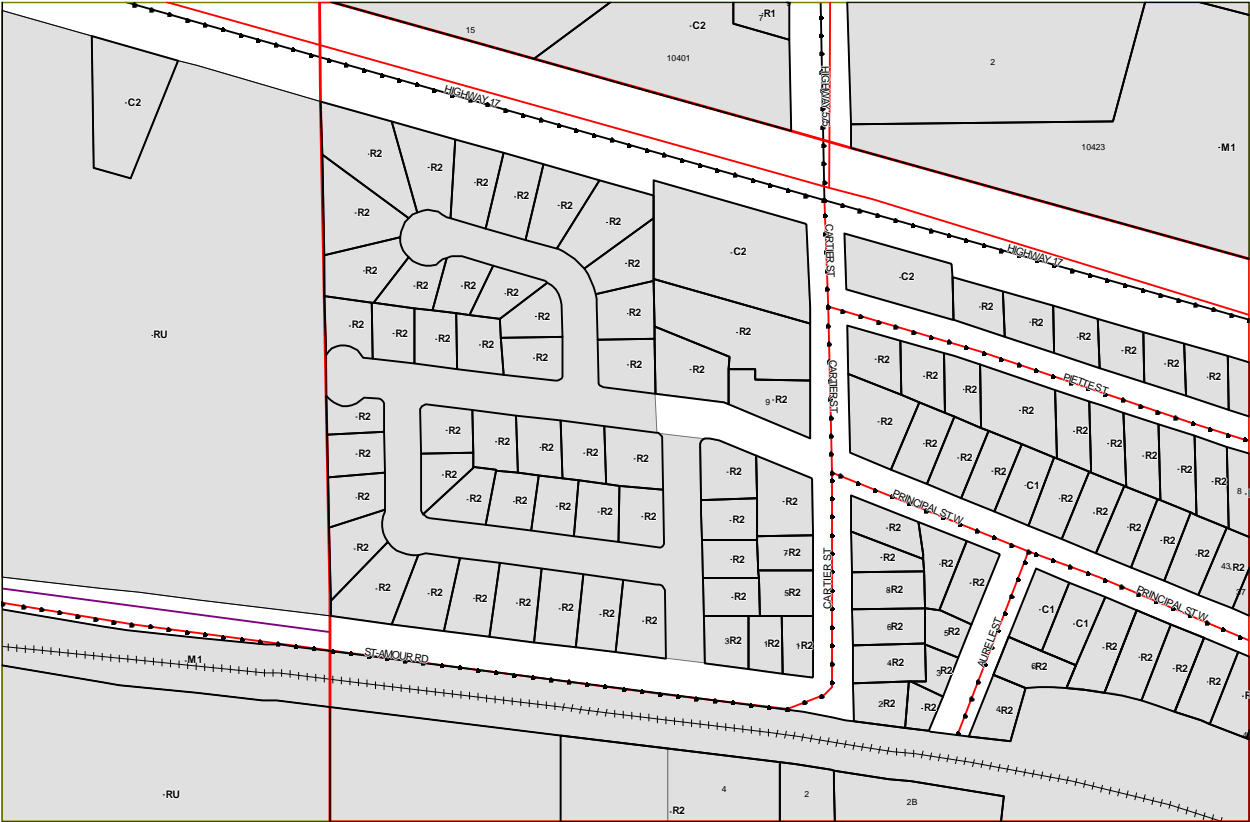


Figure 5 – West Nipissing Zoning By-law No. 2014-45



Appendix 1 –Correspondence/Comments

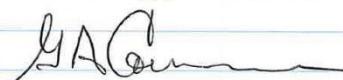
February 25, 2021

West Nipissing Municipality  
C/o Melanie Ducharme, Municipal Clerk/Planner

Proposed Zoning amendment for vacant lands  
at the west limit of Principale Street and also  
fronting on St-Amour Road in Verner  
File No. ZBLA 2021/03

Resident of 10 Cartier Gilbert and Carole  
Cousineau refuse to give an approval to  
the zoning amendment.

Carole Cousineau vote NO Carole Cousineau

Gilbert Cousineau vote NO 

We would also wish to be notified of  
the decision of Committee.

10 Cartier Street (new Road)

February 25, 2021

West Nipissing Municipality  
C/o Melanie Ducharme, Municipal Clerk/Planner

Proposed Zoning amendment for vacant lands  
at the west limit of Principale Street and also  
fronting on St-Amour Road in Verner  
File No. ZBLA 2021/03

Resident of 7 Cartier Street  
Jeannine Pilon refuse to give approval  
to the zoning amendment

Jeannine Pilon vote NO Jeannine Pilon

I also wish to be notified of the decision  
of Committee

7 Cartier Street

Box 117

Verner, Ontario

R0H 2M0

## Appendix 2 – Agency Comments

### Melanie Ducharme

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**From:** CP Proximity-Ontario <CP\_Proximity-Ontario@cpr.ca>  
**Sent:** February 12, 2021 1:48 PM  
**To:** Melanie Ducharme  
**Subject:** RE: SUBD2021-01 & ZBLA2021-03 Principale St. Verner

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

**RE: SUBD2021-01 & ZBLA2021-03 Principale St. Verner**

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

<http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



**CP Proximity Ontario**  
**CP\_Proximity-Ontario@cpr.ca**  
7550 Ogden Dale Road SE, Building 1  
Calgary AB T2C 4X9

---

**From:** Melanie Ducharme <mducharme@municipality.westnipissing.on.ca>  
**Sent:** Friday, February 12, 2021 8:42 AM  
**To:** Alain Bazinet <abazinet@municipality.westnipissing.on.ca>; Bell Canada <jacqueline.moyle@bell.ca>; Bell2 <rowcentre@bell.ca>; CP Proximity-Ontario <CP\_Proximity-Ontario@cpr.ca>; Greater Sudbury Hydro <ESsupply@gsuinc.ca>; Hydro One <LandUsePlanning@HydroOne.com>; NBMCA <crystal.barnes@nbmca.ca>; Peter Ming <pming@municipality.westnipissing.on.ca>; Riche, Carla (MTO) <Carla.Riche@ontario.ca>; Shawn Remillard <sremillard@municipality.westnipissing.on.ca>



**Melanie Ducharme**

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**From:** Hurd, Terry <terry.hurd@bell.ca>  
**Sent:** February 12, 2021 12:07 PM  
**To:** Moyle, Jacqueline; Melanie Ducharme; jmiller@musurveying.com  
**Cc:** Hinds, Nolan  
**Subject:** FW: SUBD2021-01 & ZBLA2021-03 Principale St. Verner  
**Attachments:** Notice of Application for Subdivision (FINAL) \_ Feb-11-2021.pdf; Key Map (both).pdf; Notice of Application for Zoning Amendment (FINAL) \_ Feb-11-2021.pdf; Key Map.pdf

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Melanie, Jeff,  
How are you doing today. Thanks for the proposed development info.

If this progresses could we please get an autocad file of the development from you or the developer so we can add it to our base map.

Thanks /terry.

---

**From:** Moyle, Jacqueline <jacqueline.moyle@bell.ca>  
**Sent:** Friday, February 12, 2021 11:34 AM  
**To:** Hurd, Terry <terry.hurd@bell.ca>  
**Subject:** FW: SUBD2021-01 & ZBLA2021-03 Principale St. Verner

Hi Terry,

FYI, Notice of Application for Subdivision and Zoning Amendment for Municipality of West Nipissing

Thanks  
Jacquie

*Jacqueline Moyle*  
**External Liaison**  
**Bell Canada Right of Way**



140 Bayfield St. FL 2  
Barrie, ON, L4M 3B1  
P: 705-722-2636  
F: 705-726-4600  
[jacqueline.moyle@bell.ca](mailto:jacqueline.moyle@bell.ca)

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**From:** Melanie Ducharme <[mducharme@municipality.westnipissing.on.ca](mailto:mducharme@municipality.westnipissing.on.ca)>  
**Sent:** February-12-21 10:42 AM  
**To:** Alain Bazinet <[abazinet@municipality.westnipissing.on.ca](mailto:abazinet@municipality.westnipissing.on.ca)>; Moyle, Jacqueline <[jacqueline.moyle@bell.ca](mailto:jacqueline.moyle@bell.ca)>; ROWCC <[rowcentre@bell.ca](mailto:rowcentre@bell.ca)>; CPR <[CP\\_Proximity-Ontario@cpr.ca](mailto:CP_Proximity-Ontario@cpr.ca)>; Greater Sudbury Hydro <[ESsupply@gsuinc.ca](mailto:ESsupply@gsuinc.ca)>; Hydro One <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; NBMCA <[crystal.barnes@nbmca.ca](mailto:crystal.barnes@nbmca.ca)>; Peter Ming

**Melanie Ducharme**

---

**From:** Alain Bazinet  
**Sent:** February 12, 2021 10:50 AM  
**To:** Melanie Ducharme  
**Subject:** RE: SUBD2021-01 & ZBLA2021-03 Principale St. Verner

No comments at this time,

Regards,

Alain Bazinet, CBCO  
Chief Building Official  
225 Holditch Street  
Sturgeon Falls, ON  
P2B 1T1  
705-753-6906

---

**From:** Melanie Ducharme  
**Sent:** February 12, 2021 10:42 AM  
**To:** Alain Bazinet <abazinet@municipality.westnipissing.on.ca>; Bell Canada <jacqueline.moyle@bell.ca>; Bell2 <rowcentre@bell.ca>; CPR <CP\_Proximity-Ontario@cpr.ca>; Greater Sudbury Hydro <ESsupply@gsuinc.ca>; Hydro One <LandUsePlanning@HydroOne.com>; NBMCA <crystal.barnes@nbmca.ca>; Peter Ming <pming@municipality.westnipissing.on.ca>; Riche, Carla (MTO) <Carla.Riche@ontario.ca>; Shawn Remillard <sremillard@municipality.westnipissing.on.ca>  
**Cc:** Natasha Liard <nliard@municipality.westnipissing.on.ca>  
**Subject:** SUBD2021-01 & ZBLA2021-03 Principale St. Verner

Good morning,

Please see attached Notices of Application for Subdivision and Zoning Amendment for property located at the west limit of Principal Street, in Verner, for your comment.

The meeting is scheduled for March 8, 2020 and your comments would be appreciated prior to March 5, 2020, if possible.

Thank you

**Melanie Ducharme**  
**Municipal Clerk/Planner**  
**Municipality of West Nipissing**  
**101-225 Holditch Street**  
**Sturgeon Falls, ON P2B 1T1**  
**705-753-6926**  
**705-753-3950 (facsimile)**  
[mducharme@westnipissing.ca](mailto:mducharme@westnipissing.ca)

**Melanie Ducharme**

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**From:** ROWCC <rowcentre@bell.ca>  
**Sent:** February 12, 2021 10:43 AM  
**To:** Melanie Ducharme  
**Subject:** Automatic reply: SUBD2021-01 & ZBLA2021-03 Principale St. Verner

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Due to the Covid-19 pandemic our team is working remotely and response time to your e-mail may be delayed. Please be patient and we will respond to your e-mail as soon as possible.

Thank you,  
Right of Way Control Centre

**Melanie Ducharme**

---

**From:** Riche, Carla (MTO) <Carla.Riche@ontario.ca>  
**Sent:** March 5, 2021 12:10 PM  
**To:** Melanie Ducharme  
**Subject:** RE: SUBD2021-01 & ZBLA2021-03 Principale St. Verner

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Melanie,

The Ministry of Transportation has no objection in principle to Municipality of West Nipissing Application # SUBD2021-01 and ZBLA2021-03 in Lot 10, Concession 4, Geographic Township of Caldwell subject to the following:

It is the understanding the ministry that Block 9 will be added to the existing adjacent commercial development to the east and will not require any new access.

Further, it is the understanding of the ministry that all other lots will have direct access to the municipal road/s extension/s. Please note that direct highway access will not be permitted for any of the highway lots. In addition, the MTO will not issue MTO Building and Land Use permits for construction on the lots adjacent to the highway prior to the construction of the municipal road extensions to service these lots.

The applicant should be made aware that the properties are located within the MTO's permit control area and as such MTO permits will be required in the following circumstances.

- Ministry of Transportation of Ontario (MTO) building/land use permit(s) are required for any proposed buildings, septic systems, wells etc. located within 45 metres of the limit of the highway, within 395 metres of any intersections along Highway 17, and within 800m from Highway 17 for large traffic generators
- MTO Sign permit(s) are required for the placement of any signs within 400 m of the limit of the highway.
- MTO Entrance permits will not be issued for the pre-severance property, or the post severance severed and retained properties as direct access to Highway 17 will not be permitted as all properties have access to existing municipal roads or proposed municipal road extensions.

Prior to the issuance of MTO permits the following may be required:

- An updated, detailed, to scale, site plan complying with MTO's setback requirements as per the "Building and Land Use Policy."
- A Traffic Impact Study or Brief subject to MTO review and approval. The Traffic Impact Study or Brief must be completed by a RAQS qualified traffic consultant, and detail the implications of the proposed residential subdivision and commercial developments to Highway 17 and the



Highway 17/ Cartier Street intersection. A listing of RAQS qualified traffic consultants can be found online at <https://www.raqs.merx.com/public/main/whatsNew.jsf>.

Following the granting of a permit, that if it is determined that traffic from the development is adversely affects the travelling public, the developer will be required to address the problem at their own expense, and to the satisfaction of the ministry.

- A Stormwater Management plan (SWMP) subject to MTO review and approval. The SWMP must identify if the new development (including residential subdivision and any commercial developments will have any drainage into the highway drainage system and if so must detail amounts and potential impacts, additional information can be obtained online at <http://www.mto.gov.on.ca/english/publications/drainage/stormwater/>.

Following the granting of a permit, that if it is determined that stormwater from the development is beyond the amount identified in the stormwater management plan reviewed by the MTO and is negatively impacting the provincial highway infrastructure, the developer will be required to address the problem at their own expense, and to the satisfaction of the ministry.

- An illumination plan: for developments adjacent to a provincial highway that includes area or architectural lighting, the developer must provide the following:
  - To-scale site plan showing the site location and the highway
  - Lighting layout showing pole/luminaire locations and orientation
  - Luminaire installation info such as mounting height, orientation angle, shielding info, etc.
  - Luminaire material info including catalog info and photometric data file
  - Lighting calculation plan showing horizontal luminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum
  - The goal is to have zero light trespass onto MTO right-of-way, calculations should be provided that demonstrate that the Threshold Increment (TI).

Following the granting of a permit, that if it is determined that light glare from the installation adversely affects the travelling public, the developer will be required to address the problem at their own expense, and to the satisfaction of the ministry.

If there are any questions on the above, please contact me.

Regards

**Carla Riche**  
Corridor Management Planner  
Northeast Region  
Ministry of Transportation  
447 McKeown Ave, Suite 301  
North Bay, ON, P1B 9S9  
E-mail: [carla.riche@ontario.ca](mailto:carla.riche@ontario.ca)



## SCHEDULE "A"

### SUBD2021-01 - SPECIAL CONDITIONS OF DRAFT APPROVAL

If an approval is forthcoming by the West Nipissing Planning Advisory Committee, it is recommended that the following conditions be imposed on the Owner along with the Conditions of Draft Approval include:

- 1) The Corporation of the Municipality of West Nipissing's conditions and amendments to final plan of approval, for registration of Subdivision File No. SUBD2021/01 made by **2682213 Ontario Limited** are as follows:
- 2) That this approval expires three (3) years from the date of approval shown by the "Draft Plan Approval Stamp" on the face of the draft plan. If there is an appeal to the Ontario Municipal Board under section 51 (39) of the *Planning Act*, the three (3) year expiration period does not begin until the date of the order of the Ontario Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the *Planning Act*.
- 3) This Draft Approval applies to the Plan of Subdivision prepared by **Miller & Urso Surveying Inc.**, dated January 25, 2021 which is comprised of 5.3669 Hectares (13.2 Acres).
- 4) That the owner agrees in writing to satisfy all requirements, financial and otherwise of the Municipality of West Nipissing concerning provision of services.
- 5) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority. In particular, the Owners shall grant to the Municipality of West Nipissing an easement for water over the property shown as Block 10, in such location as may be agreed upon for the orderly provision of water to properties located to the west of the subject property.
- 6) That the Subdivision Agreement between the owner and the Municipality contain wording acceptable to the City Engineer to ensure that:
  - a) the owner agrees that a Stormwater Management Plan shall be undertaken by a professional engineer with respect to the Subdivision describing best management practices and appropriate measures to maintain quality storm runoff, both during and after construction; and
  - b) The Stormwater Management report shall also address any slope stability or any hydrogeological issues associated with this development
  - c) Any recommendations forthcoming from the Stormwater Management Study shall be incorporated into the final Subdivision site design and implemented to the ongoing satisfaction of, and at no expense to, the Municipality.
- 7) That the Owner provides full engineering drawings showing the provision of full municipal services prepared by a qualified engineer, to the satisfaction of, and at no expense to the

Municipality of West Nipissing to address the following:

- a. Road design
  - b. Storm water and drainage
  - c. Sidewalk
  - d. Water mains and services
  - e. Sanitary mains and services
  - f. Fire hydrant and spacing
  - g. Entrances to lots;
  - h. Street lighting
  - i. CMB location;
  - j. Location of other services (telephone, gas, hydro, etc.).
- 8) That the owner agrees to convey up to 5% of the land included in the plan or cash-in-lieu to the Municipality for park or other public recreational purposes as council may determine.
- 9) The owner covenants and agrees to provide the municipality with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation. The owner further agrees to provide notice to prospective purchaser of the locations of the CMB and that home/business mail delivery will be provided by CMBs provided by the owner, provided that the owner has paid for the activation and equipment installation of the CMB's.
- 10) That the Subdivision Agreement between the owner and the Municipality be registered by the Municipality against lands to which it applies once the Plan of Subdivision has been registered prior to any encumbrances.
- 11) That the Subdivision Agreement between the owner and the Municipality contain a Special Provision with wording acceptable to or Hydro One to ensure that:
- a. Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted to Hydro One for review and approval.
  - b. Any development in conjunction with the subdivision must not block vehicular access to any Hydro One facilities located on the right-of-way. During construction, there will be no storage of materials or mounding of earth or other debris on the right-of-way.
  - c. The costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this subdivision will be borne by the developer.
  - d. The easement rights of Hydro One and its legal predecessors are to be protected and maintained.
- 12) That before Municipal Council's Final Approval is given, the Council shall be advised in writing by the Director of Community Services how Condition No. 8 has been satisfied.
- 13) That before City Council's Final Approval is given, the Council shall be advised in writing by Canada Post Corporation how Condition No. 9 has been satisfied.

## NOTES

We suggest you make yourself aware of the following:

- a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
- b) Section 143(2) allows certain exceptions.

~~Prior to any construction, a Fill, Construction and Alteration to Waterways Permit is required from the North Bay Mattawa Conservation Authority. The subject lands are within an area regulated by the North Bay Mattawa Conservation Authority under Ontario Regulation 162/90. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario.~~

~~Private water supply and sewage disposal facilities must be approved by the Ministry of the Environment, or its agent in certain areas, in accordance with Ontario Regulations 229/74 as amended, made under the Environmental Protection Act, 1971, as amended.~~

We recommend you make yourself aware of applicable Federal and Provincial laws regarding construction in proximity to waterbodies.

The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with Hydro One that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with Hydro One and the Ontario Distribution System Code.

**ZBLA2021/04**

# PLANNING REPORT

**Proposed Zoning Amendment File No. ZBLA2021/04**

**Applicants: ED SEGUIN & SONS TRUCKING AND PAVING LTD.**

**Property: VILLENEUVE COURT, STURGEON FALLS, ON**

**Date: MARCH 8, 2021**



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## 1. INTRODUCTION

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The purpose of this Planning Report is to address all provincial and municipal land use policies governing the proposed re-zoning of the vacant property located at on Villeneuve Court, Sturgeon Falls, Ontario. The property is owned by the Municipality of West Nipissing. The Municipality of West Nipissing has entered into an Agreement of Purchase and Sale with Ed Seguin & Sons Trucking and Paving Ltd. for the sale of a portion of the property and, as a condition of an Agreement of Purchase and Sale, the Applicant/Purchaser is requesting to change the zoning of the application to re-zone the property from R1 (Residential One) to M1 (Light Industrial) through its agent, Goodridge Goulet Planning & Surveying.

## 2. SITE AND BACKGROUND INFORMATION

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- 2.1 Site Location** The subject property is vacant land located on the east side of Villeneuve Court in the Town of Sturgeon Falls. The property is bounded on the north by a warehouse and residential uses to the south. The property, though zoned for residential use, is located within the Employment District set out in the West Nipissing Official Plan.
- 2.2 Physiography** The property is largely wooded with mixed bush and contains a natural watercourse which has historically drained a watershed area to the west and north which empties into a large ditch on the east side of Villeneuve Court on property also owned by the Municipality of West Nipissing. This report will make recommendation that the historic drainage patterns be addressed through the implementation provisions of the West Nipissing Official Plan.
- 2.3 Services:** Municipally supplied water and sanitary services are available as well as electricity and natural services (through local providers) are available to the subject property.

## 3. DEVELOPMENT PROPOSAL

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The Applicant is proposing to re-zone the property from R1 (Residential One Zone) to M1 (Light Industrial Zone). The property is intended to be used for industrial warehousing/cold storage. If re-zoned, the property may be used for any use set out in Table 8.1 and 2.2 of Zoning By-law 2014-45, subject to the Lot standards, parking and general provisions of the Zoning By-Law.

The Municipality will retain a buffer of 15m along the north side of the residential properties along Villeneuve Court to ensure visual and sound attenuation from the proposed Industrial Uses. The Applicant shall also be required to provide for buffering on the subject property along the south and west boundaries of the property as provided for in the Zoning By-Law.

## 4. POLICY CONTEXT

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Land use policies and regulations affecting the subject lands include the Planning Act, R.S.O., 1990 and the associated [2020 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.

### 1.3 Employment

#### 1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

#### 1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs

1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

1.3.2.4 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- the proposed uses would not adversely affect the overall viability of the

- employment area; and
  - existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.
- 1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.
- 1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

## 5. LOCAL POLICY DOCUMENTS

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Local policy documents include the, [West Nipissing Official Plan](#) , [West Nipissing Zoning By-law 2014-45](#) 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 6 April 15, 2008 and approved by the Ministry of Municipal Affairs and Housing on December 7, 2011. The following provides a summary of the existing Official Plan policies and relevant considerations for the site:

#### 3.06(7) Economic Development Policies

This Plan recognizes the social and environmental benefits of living and working within the same community. However, it is recognized that the majority of the resident labour force of West Nipissing works outside of the community. The majority of these “commuters” work in nearby Sudbury and North Bay. With the growth in the retail sector in the two larger Cities, West Nipissing faces significant challenges in retaining and expanding its retail economic base.

Promoting the strengths of the local economy and the challenges which exist, this Plan establishes a clear policy direction which will provide a positive climate for economic investment and job creation.

In addition to the following economic development policies, individual land use policies relating to commercial and industrial development are intended to provide entrepreneurs with a clear set of policies on which to make investment decisions.

There are four main themes to West Nipissing’s economic development strategy:

- Position West Nipissing as a family-oriented wilderness destination;
- That the retention and expansion of existing businesses and economic sectors within the community represent the best way in which to expand the Municipality’s economy;
- Strengthen and expand the Municipality’s base for health and education;
- Redevelop and intensify lands which have been abandoned and which offer great opportunities for development.

#### 3.06.8(4) Industrial Areas

*Industries should be located to take advantage of existing or planned **infrastructure** or transportation services (rail, road); in proximity to natural resources where there is a dependency on such materials for processing or manufacturing; or where they can optimize the use of the labour market or can take advantage of new technologies. Locations shall be avoided which will create land use conflicts or where the type of industry has the potential to pollute groundwater or surface water resources (e.g. sensitive aquifers, recharge areas or well head protection areas) (see also **Section 3.06.6.5** for land use compatibility guidelines and requirements).*

Mixed use business parks and employment areas are encouraged and should be designed through zoning and site plan control to facilitate the integration of complementary industrial and commercial land uses.

The Municipality may establish specifically designated areas for industrial uses through zoning. Such areas should be designed to cluster industrial uses in one area of the community i.e. **Employment District**. Access should be controlled through such measures as definable and curbed access points, shared access or service roads for multiple developments, prescribed spacing and number of access points to each other and to intersections. Access to industrial areas shall not be permitted through a residential area.

Areas for outdoor storage, parking, loading, and waste receptacles should be visually screened or appropriately located in such a way as to not detract the traveling public or negatively affect other nearby land uses, particularly **sensitive land uses**.

Water supply and sewage disposal systems shall be installed in conformity with **Section 4.06.3** of this Plan.

Controls will be exercised to avoid excessive or distractive signage in or adjacent to industrial areas.

Where the intensification, expansion or conversion of/to an industrial uses(s) occurs, the planning review shall ensure that the lot size is adequate for all requirements of the intended use including parking, water supply and sewage disposal systems, that access will be safe and that the change will be compatible with adjacent uses.

Table 3.1 – Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

Land Use Category <sup>1</sup>	Urban Settlement Area	Rural Settlement Area	RURAL AREA	
			Waterfront District	Rural District
<b>Scope of Permitted Industrial Uses in District</b> (see also <b>Sections 3.06.6.5, 3.06.8.4</b> )	<p><b><u>Employment District:</u></b></p> <ul style="list-style-type: none"> <li>Class I, II and III industrial uses (see reference documents i.e. Guideline D-6 for description of industrial classes)</li> <li>-Commercial uses which compliment or are compatible with any permitted industrial use or commercial uses which are deemed suitable by a the Municipality. *These provisions shall apply in the vicinity of Sturgeon Falls/Cache Bay, Verner and Field.</li> <li>-mineral exploration and prospecting except where prohibited by provincial law</li> </ul>	<p><b><u>Employment Uses:</u></b></p> <ul style="list-style-type: none"> <li>Class I and II industrial uses (see reference documents i.e. Guideline D-6 for description of industrial classes)</li> <li>Commercial uses which compliment or are compatible with any permitted industrial use</li> <li>Mineral exploration and prospecting except where prohibited by provincial law</li> </ul>	<ul style="list-style-type: none"> <li>No industrial use is permitted within the Waterfront Area. Any industrial uses shall require an amendment to this Plan.</li> </ul>	<p><b><u>Employment District:</u></b></p> <ul style="list-style-type: none"> <li>Class I, II and III industrial uses and resource related industrial uses</li> <li>transportation and distribution industries</li> </ul> <p><b><u>Salvage Yard District:</u></b></p> <ul style="list-style-type: none"> <li>salvage yards</li> <li>(see reference documents i.e. Guideline D-6 for description of industrial classes)</li> <li>mineral exploration and prospecting except where prohibited by provincial law</li> </ul>

## 5.2 Zoning By-Law

The proposal is to re-zone the property from R1 (Residential One) to M1 (Light Industrial). The permitted uses for the Industrial Zones are attached as Figure 5. Any new development on the lands will be required to be in conformity with Tables 8.1, 8.2 and 8.3 of the West Nipissing zoning By-Law 2014-45.

In addition to the permitted uses, the property will be required to be in conformity with the provisions of the by-law relating to buffering, landscaping, parking, outdoor storage, Outdoor display.

## 5.3 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 Industrial zones as well as properties which are the subject of planning approvals are designated within the Site Plan Control Area.

A Site Plan is required to address, among other things, dimensions of the land, location of proposed buildings, the relationship of proposed structures and buildings to adjacent publicly and privately owned properties, elevations and cross sections to determine surface drainage patterns and the general location of all services to the property;

Any proposed development on this property will be subject to Site Plan Control and the Applicant will be required to enter into a Site Plan Control Agreement with the Municipality, which agreement will be registered on title and run with the property.

## 6. CORRESPONDENCE/INFORMATION ATTACHED

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Notice was circulated to property owners within 120 meters (400 feet) of the subject lands and public bodies and utilities as required by Regulation. Comments and concerns received are attached Appendix 1.

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## 7. SUMMARY AND RECOMMENDATIONS

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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 application to re-zone the property from R1 (Residential One) to M1 (Light Industry) is in general conformity with the West Nipissing Official Plan.

It is recommended that the property be rezoned from R1 (Residential 1) to M1 (Light Industry) subject to the following:

1. The property be placed under Site Plan Control pursuant to S. 4 of By-Law No. 2015-63, which Agreement will address the matters contained in S. 3 of the By-law,

2. The Applicant will provide a drainage plan for the subject property, taking into account adjacent lands and historic drainage patterns prior to any development of the property or issuance of a building permit.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Melanie Ducharme', written over a horizontal line.

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Melanie Ducharme, Planner

Figure 1 – Sketch

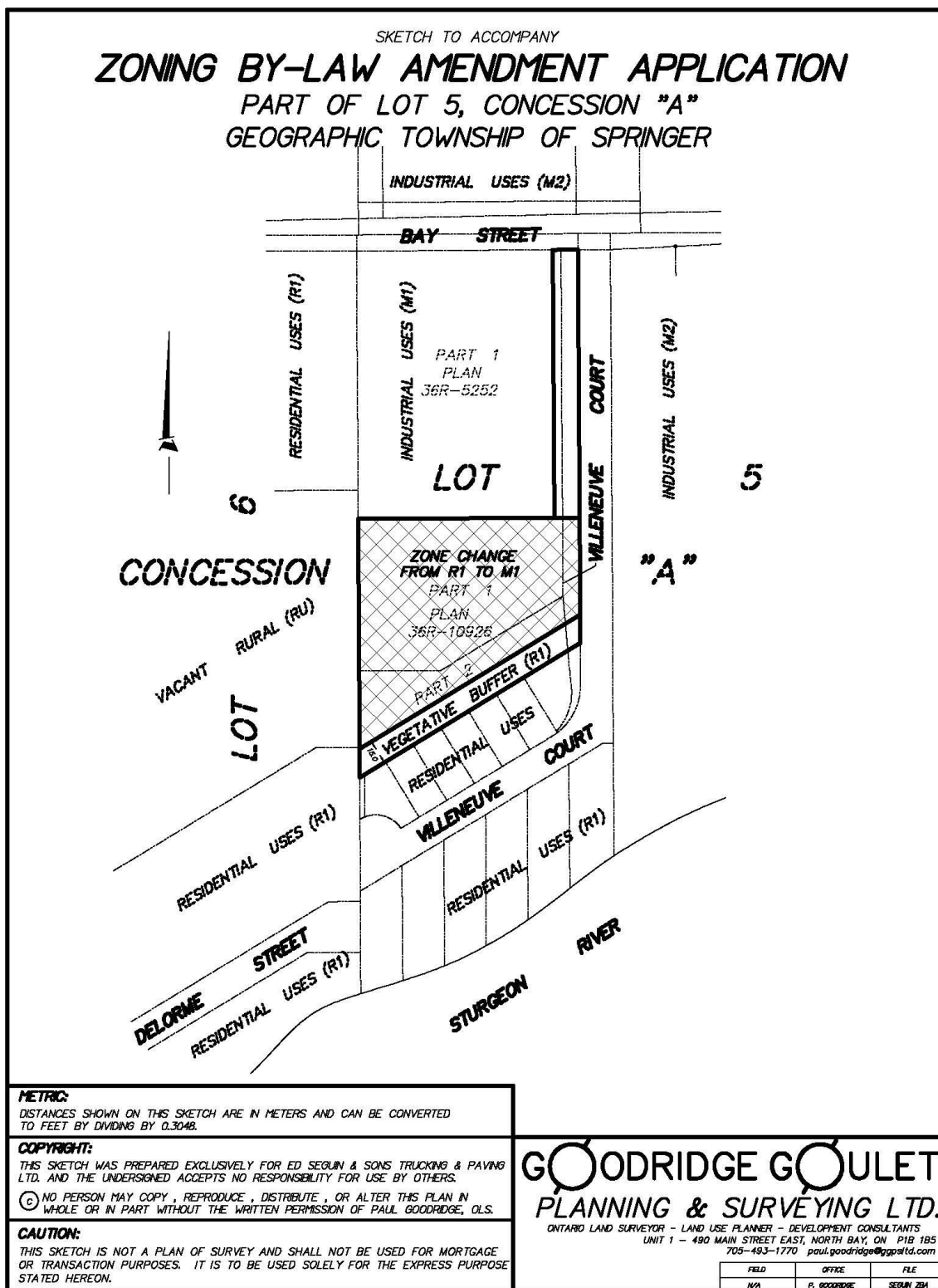


Figure 2 – Aerial Imagery





**Figure 3 – West Nipissing Official Plan – Land Use Schedule**

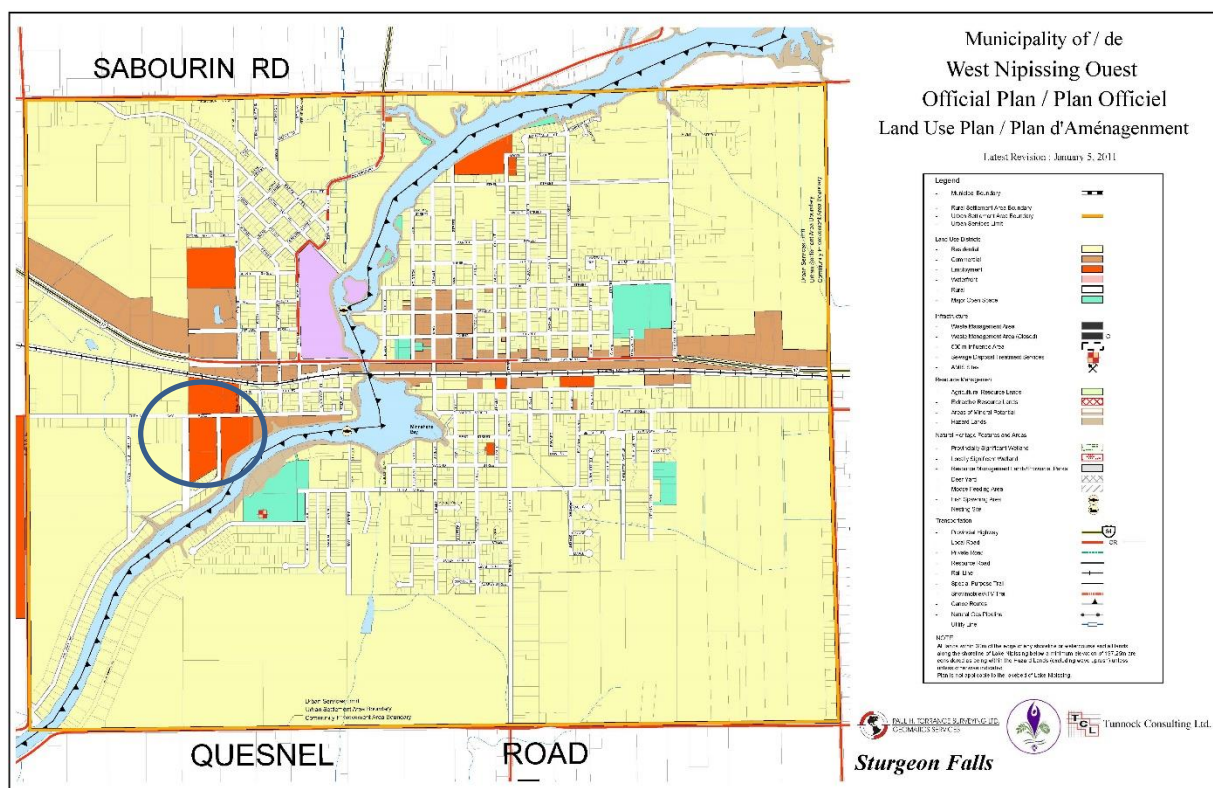
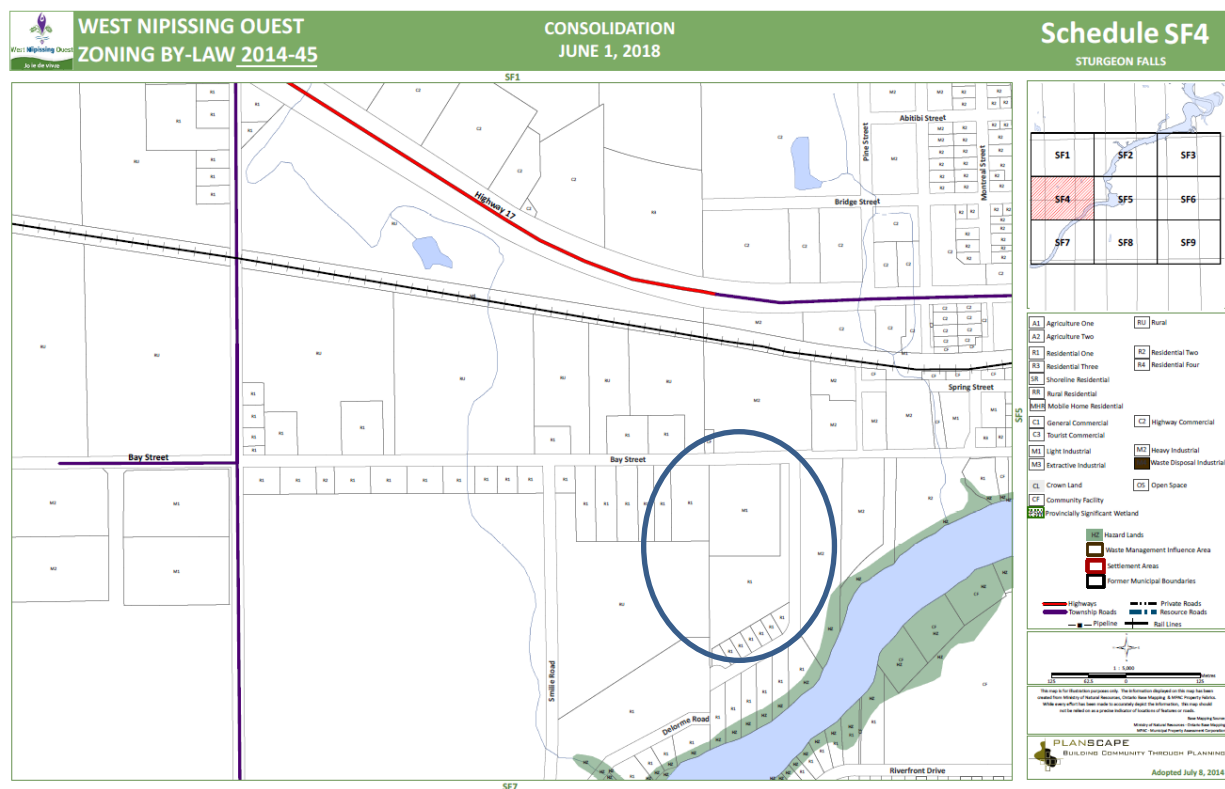




Figure 4 – West Nipissing Zoning By-law No. 2014-45



## Appendix 1 –Correspondence/Public Comments

February 25, 2021

To the West Nipissing Planning Advisory Committee and Council,

Re: Zoning By-Law Amendment Application

Please accept this letter as an official notification of opposition to the rezoning of the property mentioned on the letter dated February 11, 2021. (Part of Lot 5, Concession A, Parts 1 and 2, 36R-10926, Springer Twp).

We feel strongly to share our opposition to this proposal due to the direct impact that this plan would have on our personal lives. Villeneuve Court is a beautiful residential area that has been home for 12 families. This neighborhood has been home for some of us for 20-30 years. This area of town can be described as a calm, quiet and friendly neighborhood, which is home for young families, as well as retired homeowners. The zoning amendment application poses many worries to all of us. We believe that when we purchased our properties, we were purchasing land surrounded by residential land and not heavy industrial land. For this reason alone, we feel that it should not proceed. We have a number of other reasons for our concerns. These include noise pollution, environmental concerns, and appearance to the area around our homes, safety for our loved ones, not to mention the value of our properties, which will decrease due to such a change in the beautification of our surroundings.

Presently, you can find 12 homes with individuals who pay taxes in this municipality for the beautiful neighborhood that we have called our home. We would strongly ask that you do not permit this zoning change.

Sincerely Concerned Villeneuve Court Residents,

Stacey Malette    André Malette    Evina Malette    Brooke Malette  
 Kérelle Blais-Rivest    Samiara Rivest    Claude Malette  
 Michèle Lavigne    Danika Lavergne    Elaine Malette  
 Angèle Lavergne    Valérie Lavergne    HENRY KRAFT    W. Kraft  
 John Lamb    Jammy Lamb    Christine Kraft  
 Garnet Hill    Nancy Hill    Christine Kraft  
 Russell Edmunds    Chantal Edmunds    Pauline Brouse  
 Jason Edmunds    Gilles LeDuc  
 Kevin Lavigne  
 Lisa Lavigne  
 Don Malette  
 Yvon Puzo  
 Karen Calvez

March 5, 2021

Dear Members of the Planning Advisory Committee,

**RE: ZBLA2021/04 - Proposed Zoning By-Law Amendment at Villeneuve Court**

This message is sent on behalf of my mother, Helene Leblanc, owner of the residential property at 120 Bay ST.

This letter serves as our written submission to the Municipality of West Nipissing in respect to the rezoning amendment application ZBLA2021/04 submitted by Ed Seguin and Sons Ltd. I plan to attend the meeting on March 8 to communicate our concerns to the Planning Advisory Committee.

We are supportive of economic development in West Nipissing. However, the rezoning process needs to consider the impacts and interests of neighbouring properties. Our concerns with the application pertain to surface water drainage. In this letter, we will touch on some context on the area's historic water drainage patterns, highlight some exiting drainage issues, offer a recommendation for ensuring good drainage practices, and then articulate our position on this application.

***1. Context on Historic Drainage System (40+ years)***

The lot under the rezoning application, is a critical part of the drainage system for surrounding properties. That system has been effective at draining water of neighbouring properties to the Sturgeon River for over 40 years. The lot subject to rezoning is a vacant lot that naturally drains towards the river and also includes a drainage ditch dug by the former town of Sturgeon Falls in 1994. See orange arrows in Appendix document slides 2 and 3.

Surrounding properties rely on this drainage system. Over the years it has been particularly beneficial for the property located at 106 Bay ST, currently owned by the applicant - Ed Seguin and Sons Ltd. This property consists of two large warehouse-style buildings that have a roof with a surface area of approximately 90,000ft<sup>2</sup> (or two acres). Half of the roof surface water drains on the property line shared with 120 Bay ST. and flows south towards the Sturgeon River.

Please refer to Appendix document for more details.

***2. Highlight of Existing Drainage Issues on Neighbouring Properties***

Some drainage issues currently exist due to a recent land development that has obstructed the historic draining system established by the former Township of Springe and town of Sturgeon Falls. In fall 2018, a grading change and a raise in elevation at the south end of property at 106 Bay ST, has blocked the south flowing ditch that traditionally drained towards the Sturgeon River. As a result, a significant amount of surface water drains and accumulates on the south end of 120 Bay ST and the northeastern portion of the lot owned by the Delorme Family. This is are

separate but highly related issue that demonstrates the impact of development without a clear drainage plan. See appendix document for a diagram and photos depicting the drainage issue.

### ***3. Recommendation for Ensuring Good Draining Practices***

We feel that additional land development downstream will generate additional drainage issues and will exacerbate current drainage issues.

Excerpt from the Ontario Ministry of Agriculture, Food and Rural Affairs website: *“Good drainage makes for good neighbours. Unfortunately, drainage of water is one of the most common areas of dispute between rural neighbours.”*

For the purposes of this application, an integrated drainage plan should be required to ensure good drainage practices. Such a drainage plan should apply to the applicant’s adjoining lot at 106 Bay ST. and include consideration for adjacent properties.

This drainage plan would benefit all neighbouring properties including: residents of Villeneuve Court, residents on Bay ST, owners of the Delorme Family lot, as well as the applicant’s current industrial property at 106 Bay ST. and its future lot under this application.

A drainage plan would provide clarity on roles and obligations in addressing any future drainage issues and will help resolve existing drainage issues. Additionally, a drainage plan would provide fairness and a level playing field to all taxpayers regardless of status (residents vs. corporations who may have more capacity to retain lawyers and hire experts such as planning consultants). In the end, it would minimize disputes and ultimately free-up time and critical resources for the Municipality.

A drainage plan as mentioned above, would be an important consideration to be included as a condition of rezoning.

### ***4. Our Position on the Proposed Zoning Application***

As mentioned above, we support economic development in West Nipissing and wish the applicant well in possible future business opportunities. However, we are deeply concerned that existing drainage issues will be exacerbated by development on the lot (subject to this application if drainage is not adequately considered. As such, we are unable to support this application unless some conditions regarding drainage are met.

**We therefore oppose the proposed Zoning By-law amendment, unless the agreement of purchase and sale includes a condition to have a drainage plan that applies to the subjected property and its adjoining property at 106 Bay ST, which is also owned by the applicant (Ed Seguin and Sons Ltd). Furthermore, the condition should have regards for drainage from adjacent properties.** We are prepared, if necessary, to appeal any decision that does not include an appropriate drainage plan.

We would like to be notified of the decision by the Committee and possible Local Planning Appeal Tribunal Hearing in respect to this proposed zoning amendment.

We think these comments will be echoed by neighbouring property owners. We are confident our written submissions will be considered by the committee.

Warm regards,

Pierre Leblanc, on behalf of H  l  ne Leblanc  
120 Bay Street  
613-898-1007  
[pierre.j.leblanc@gmail.com](mailto:pierre.j.leblanc@gmail.com)

**Appendix Document:** Includes diagrams and photos that support this written submission.

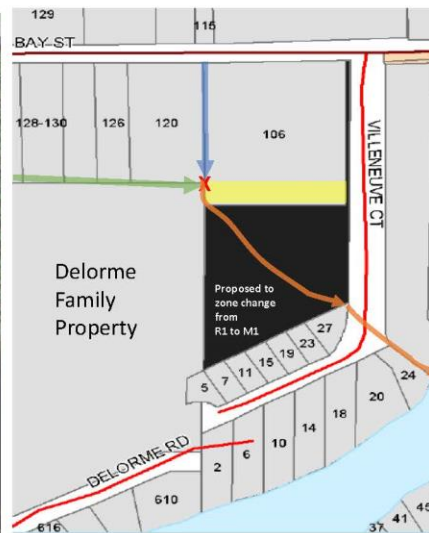
# Appendix to support written submission for ZBLA2021/04 - Proposed Zoning By-Law Amendment at Villeneuve Court

By Pierre Leblanc,  
on behalf of H  l  ne Leblanc  
120 Bay ST.

Planning Advisory Committee Meeting  
March 8, 2021

1

## Historical Water Drainage System

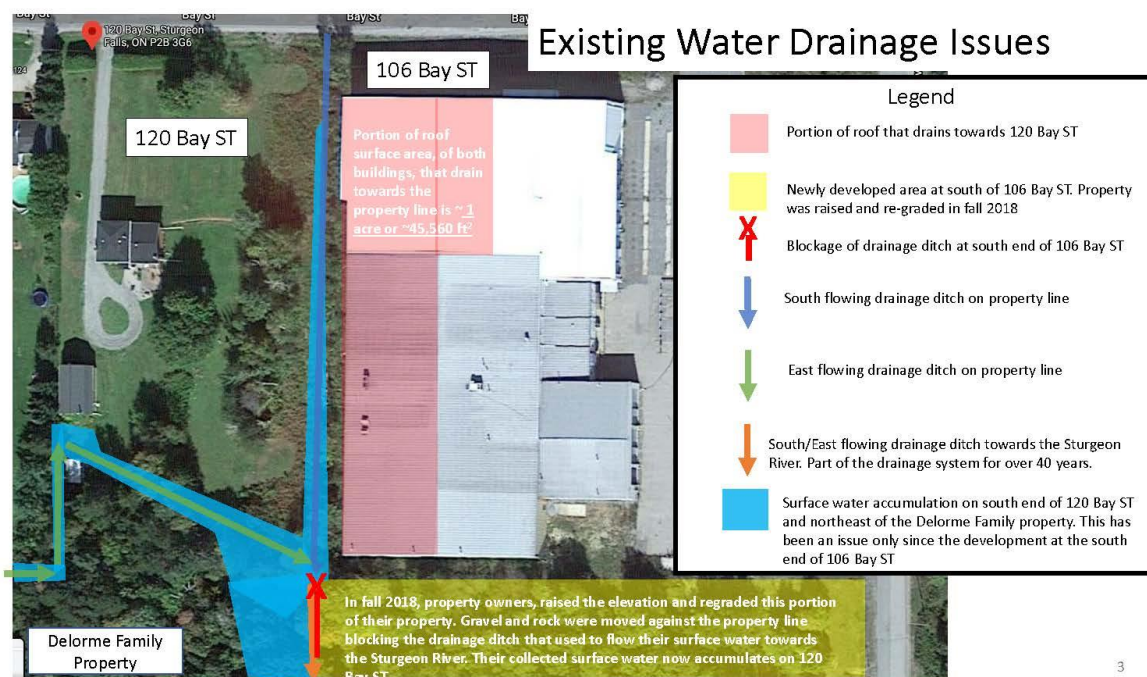


- The orange arrows in both images represents the approximate path of the south/east drainage ditch that flows water to the Sturgeon River.
- This drainage is blocked at the red "X".
- A drainage plan for adjoining properties 106 Bay ST and proposed lot should have a drainage as effective as historic drainage system in place for over 40 years.

Google Satellite image was taken before development at south end of 106 Bay ST. Slide 7 provides a current view of this portion of the property.

2





3



4

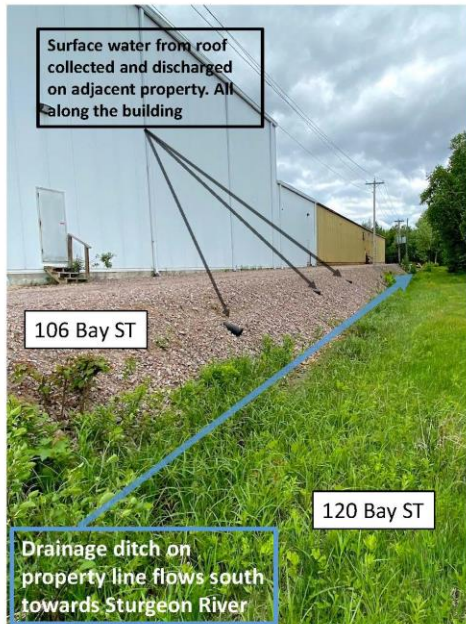


Photo Taken on June 6, 2020

- Owners of 106 Bay ST have back filled their portion of the drainage ditch on property line. They are essentially draining their surface water 120 Bay ST.
- Portion of roof surface area, of both structures, that drains towards the property line is ~1 acre or ~45,560 ft<sup>2</sup>
- By-Law 2001/71 - Property Standards – West Nipissing
  - 3.3 Sewage and Drainage - 3.3.3 *No roof drainage or sump pump shall be discharged on sidewalks or stairs of the premises or neighbouring property.*
- Ontario – Ministry of Agriculture, Food and Rural Affairs
  - Property owners that collect surface water (e.g. roof or downspouts) have an obligation to discharge that water where it will not cause problems to downstream property owners.

5

- Impact of one single storm demonstrates the significant quantity of collected surface water being discharged from the large roof surface area towards neighbouring property at 120 Bay ST.
- Older building with no downspouts.
- Slide 5 depicts condition of slope in photo taken earlier the same month.



Photos were taken on June 28, 2020 after a single storm.

6



## Recent Development on Industrial Property

South end of 106 Bay ST as described on slide 3— area highlighted in yellow. Satellite photo on slide taken before property owners raise the elevation of this portion of their land.



Photo taken in April 2019

7

Development at south end of 106 Bay ST blocks traditional southeast drainage ditch (see slides 2 and 3). This blockage causes surface, mainly from 106 Bay ST, to accumulate on the south end property of 120 Bay ST and Delorme family property.

Yellow lines represent the property lines.

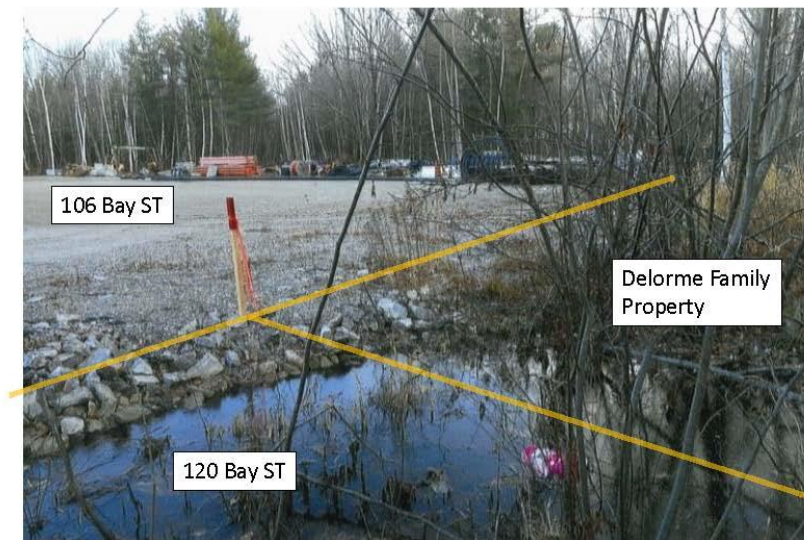


Photo was taken in fall 2020

8

Photo depicts surface water accumulating on the south end property of 120 Bay ST. and Delorme family property.

For over 40 years, water never accumulated like this.

Yellow lines represent the property lines.

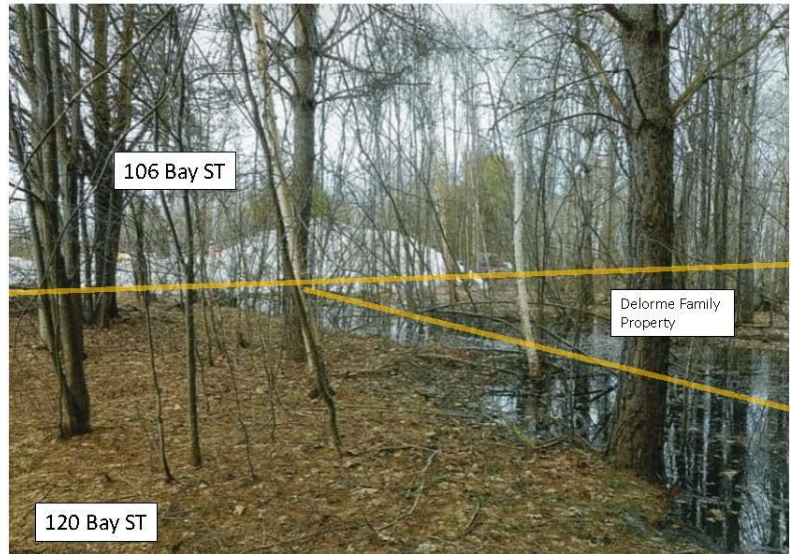


Photo were taken in spring 2020

9

Photo depicts surface water accumulating on the south end property of 120 Bay ST. and Delorme family property.

For over 40 years, water never accumulated like this.

Yellow lines represent the property lines.

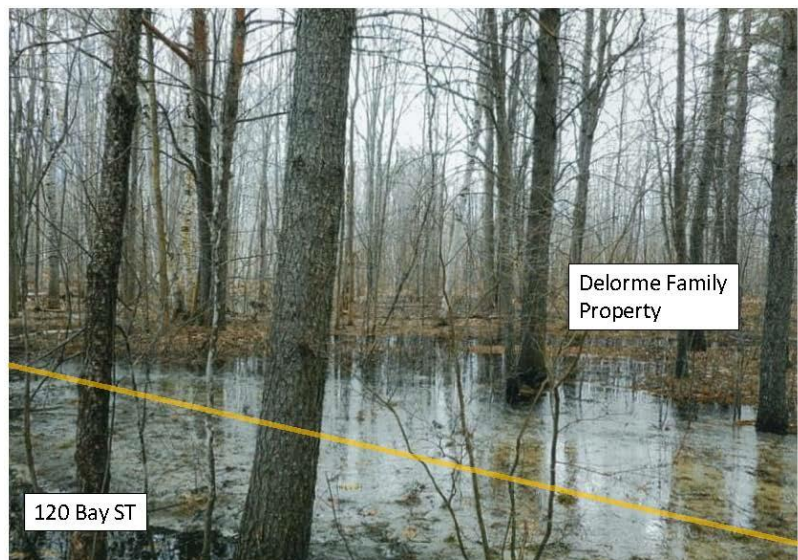


Photo were taken in spring 2020

10



South end of 120 Bay ST  
looking towards 126 Bay  
ST



Photo taken in fall 2020

11

South end of 120 Bay ST and  
neighbouring property 126 Bay  
ST



Photos taken at various times in spring 2020

12