

AGENDA

WEST NIPISSING PLANNING ADVISORY COMMITTEE

VIRTUAL MEETING

Planning Advisory Committee
October 18, 2021, 6:00 PM Eastern Time

Join Zoom Meeting

<https://www.westnipissing.ca/town-hall/council/council-meetings/>

Dial by your location

1 647 558 0588 Canada

Meeting ID: 265 014 1204

Participant: #

Passcode: 654321

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 October 18, 2021,
 4. Adoption of Minutes: Meeting of September 13, 2021
 5. **SUBD2021/04** – Subdivision Application
Applicant: Gerald and Diane Gagnon
Property: Vacant Lands on Deer Lake, Hugel Township
 6. **ZBLA2021/11**
Applicant: Andre Coutu
Property: 12 Principale Street East, Caldwell Township
 9. Adjournment.

Joie de vivre



www.westnipissingouest.ca

MINUTES

**Municipality of West Nipissing
Meeting for the Planning Advisory Committee
On September 13, 2021 at 06:00 PM
Chair: Denis Sénécal**

PRESENT: Yvon Duhaime
Christopher Fisher
Fernand Pellerin
Normand Roberge
Dan Roveda
Denis Sénécal
Joanne Savage

ABSENT:

1. CALL TO ORDER

2. DECLARATION OF PECUNIARY INTEREST

3. APPROVAL OF AGENDA

RESOLUTION #2021/029

Moved by: Yvon Duhaime

Seconded by: Christopher Fisher

That the Agenda for the meeting of September 13, 2021, be approved as presented.

CARRIED

4. MINUTES

RESOLUTION #2021/030

Moved by: Christopher Fisher

Seconded by: Normand Roberge

That the Minutes of meeting held on July 12, 2021 be adopted, as presented.

CARRIED

5. DEEMING BY-LAW APPLICATION - Cathy Jodouin and Marc St. Louis

RESOLUTION #2021/031

Moved by: Christopher Fisher

Seconded by: Denis Sénécal

WHEREAS the Owner of Lots 15, 16, and 17 Registered Plan 49, (the "Lands") has applied to the Municipality to have the Lands deemed not to be lots on a Registered Plan of Subdivision pursuant to Section 50(4) of the *Planning Act*, R.S.O., c. P. 13.

THEREFORE BE IT RESOLVED that the West Nipissing Planning Advisory Committee recommends that Council for the Municipality of West Nipissing pass a By-law deeming lots 15, 16, and 17,

Registered Plan 49 not to be a lot on a plan of Subdivision.

CARRIED

6. ZONING AMENDMENT APPLICATION NO. ZBLA2021/10

RESOLUTION #2021/032

Moved by: Christopher Fisher

Seconded by: Fernand Pellerin

WHEREAS a public meeting was held for the purpose of amending Zoning By-Law 2014-45 for the property located at 28 Fortin Road, Verner, Ontario;

AND WHEREAS written concerns and objections were received:

☐ YES or ☒ NO

BE IT RESOLVED THE WEST NIPISSING PLANNING ADVISORY COMMITTEE

☒ RECOMMENDS

or

☐ DOES NOT RECOMMEND

1. that the Council for the West Nipissing Municipality adopts the proposed zoning by-law to rezone the property located at 28 Fortin Road, from SR (Shoreline Residential) and RU (Rural) to SR-13 (Shoreline Residential Exception Zone 13).
2. Schedule H3-4 of By-Law No. 2014/45 shall be amended by changing the zoning designation of the properties shown on Schedule 'A' attached hereto, which properties are more particularly described as PCL 19393, NIP, Part Lot 2, Concession C, and Part 3, 36R14500, Caldwell Township, Municipality of West Nipissing, shown on Schedule 'A', attached hereto from SR (Shoreline Residential) and RU (Rural) to SR-13 (Shoreline Residential Exception Zone 13).

CARRIED

7. The Committee discussed the proposed Consultation Process for the proposed changes to the Comprehensive by-law concerning the regulation of camping trailers. The committee generally agreed that the consultation consist of 3 in-person consultations and one electronic format, however several members raised concerns about other communities not being included. The Committee also briefly discussed the proposed by-law content; however, it was stated by a member that a starting point for discussion is needed and suggested that the current draft be used for the purposes of giving of notice.
8. The Committee was discussed a number of housekeeping changes to the West Nipissing Comprehensive Zoning By-Law. The Committee supported the proposed changes to the by-law but recommended that the consultation for these changes be kept separate and apart from the changes proposed for the trailer regulation.

9. ADJOURNMENT

RESOLUTION #2021/033

Moved by: Yvon Duhaime

Seconded by: Normand Roberge

BE IT RESOLVED that the West Nipissing Planning Advisory Committee meeting of September 13, 2021 be adjourned to October 18, 2021.

CARRIED

PLANNING REPORT

Proposed Plan of Subdivision

Applicants: Gerald and Diane Gagnon

Property: Vacant Lands on Deer Lake, Hugel Township

Date: October 18, 2021



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	3
	Section 1.1.5 – Rural Areas in Municipalities.....	3
	Section 1.6.6 – Sewage, Water and Storm Water	3
	Section 2.1 - Natural Heritage:.....	3
5.	LOCAL POLICY DOCUMENTS	3
5.1	Official Plan	3
	3.06.3 Rural Area.....	4
	Table 3.1 – Permitted Land Uses	4
	3.06.8 Waterfront Development	4
	4.06.6(3) Transportation	5
5.2	Zoning By-Law	5
5.3	Site Plan Control By-Law	5
6.	PRELIMINARY ECOLOGICAL SITE ASSESSMENT	6
7.	LAKESHORE CAPACITY ASSESSMENT REVIEW HANDBOOK	6
7.	CORRESPONDENCE/INFORMATION ATTACHED	7
8.	SUMMARY AND RECOMMENDATIONS.....	7
	Figure 1 – Aerial Imagery	9
	Figure 2 – Proposed Draft Plan of Subdivision.....	10
	Figure 3 – West Nipissing Official Plan – Land Use Schedule.....	11
	Figure 4 – Natural Heritage Mapping	12
	Figure 5 – West Nipissing Zoning By-law No. 2014-45	13
	Figure 6 – Preliminary Ecological Site Assessment – Sept 2015	14
	Appendix 1 - Comments.....	15
	Appendix 2 – Conditions of Draft Approval	16

1. INTRODUCTION

The purpose of this Planning Report is to address all provincial and municipal land use policies governing the proposed development of a six (6) lot plan of residential subdivision, Part of Lot 6, Concession 1, Geographic Township of Hugel in the Municipality of West Nipissing. The Development is being proposed by Goodridge, Goulet Planning & Surveying Ltd., (Paul Goodridge, OLS) on behalf of Gerald and Diane Gagnon.

2. SITE AND BACKGROUND INFORMATION

The subject property is located on Bear Lake Road at the southwest corner of Deer Lake in the Geographic Township of Hugel in the Municipality of West Nipissing. The property owned by the Applicant is approximately 55 hectares. The Subdivision lands are comprised of approximately 15.5 hectares with each of the proposed lots being in excess of 2.5 hectares in size. The lands consist primarily of wooded area fronting on the southwest shore of Deer Lake. There is a creek located at the rear (west boundary) of the properties which serves as the outlet of Deer Lake and flows downstream into the Veuve River. This creek is dammed by beavers on an ongoing basis, which dams naturally restrict the flow of water from Deer Lake and which create lake level fluctuation as well as maintenance issues on Deer Lake Road. The Municipality of West Nipissing will be requiring a minimum 15m easement along the creek in order to provide ongoing beaver control.

This property was the subject of a previous approval under the *Condominium Act* for a Vacant Land Condominium granted on November 19, 2015. The approval was granted subject to conditions similar to those attached to a subdivision approval, some of which have yet to be satisfied and will be addressed in this report as it relates to the proposed subdivision. It is intended that this application will supersede the previous approval, however the matters of provincial and local concern raised at the time will continue to be addressed.

In the previous application, the intent was to create a road which would be wholly owned by the condominium lot owners as a common element. The intent of this new application is to create six lots which will be accessed from Deer Lake Road by a private right-of-way through the developer's retained lands. A concurrent application for Consent to grant the right of way is being considered by the West Nipissing Committee of Adjustment.

3. DEVELOPMENT PROPOSAL

The owner is proposing to develop a six-lot plan of subdivision off of Deer Lake Road. The proposed plan is shown on Figure 1. Access to the site will be by way of a registered easement/right of way. All of the lots have an area in excess of 2.5 hectares and frontages which exceed the 60m minimum, as is required in the West Nipissing Comprehensive Zoning By-Law Table 6.3 – Residential Zone Requirements. The lots are proposed to be serviced by on-site water (wells) and waste water systems (septic beds).

4. POLICY CONTEXT

Land use policies and regulations affecting the subject lands include the Growth Plan for Northern Ontario, the Planning Act, R.S.O., 1990 and the 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.

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.

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.

It was determined that individual on-site servicing for the development should be is the most appropriate method of servicing a low-density recreation based residential development on the subject lands. Conditions of Subdivision will include the requirement for a Drainage Plan to demonstrate how the individual lots will drain in order to mitigate negative effects which may be caused by site alteration for development. The individual lots will be subject to lot grading.

Section 2.1 - Natural Heritage:

As evidenced in the Natural Heritage Map attached, the property contains significant amounts of unevaluated wetlands. As a result, in 2015 a Preliminary Ecological Site Assessment was undertaken by the developer. The results and recommendations arising from the PESA will be further discussed below.

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:

3.06.3 Rural Area

Lands which are not located within a designated urban or real 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 settlement, scattered residential uses, pits and quarries and a variety of other rural type uses.

Limited opportunities will be provided for residential development in the Rural Area land use designation. This will take the form of residential infilling within existing clusters of development, cross road settlements or shoreline areas. Scattered development will be discouraged. Subdivisions shall not generally be permitted in the Rural District except for areas along the shoreline of waterbodies or in association with a recreational commercial development.

Table 3.1 – Permitted Land Uses

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

3.06.8 Waterfront Development

In May of 2007, the Municipality of West Nipissing was notified by the Ministry of the Environment (now Ministry of Environment and Climate Change) of the water quality assessment and development status of various lakes, including Deer Lake. At that time, the Total Phosphorus Level of Deer Lake categorized it as a level 3 water body and therefore, closed to development. The West Nipissing Official Plan recognizes this and the following policy for development has been approved by MMAH:

The Municipality is characterized by a landscape with many lakes and rivers. The policies of this section of the Plan generally apply to lands within the first 300 m (984 ft.) of the shoreline of these water bodies.

The design and development or redevelopment of shoreline properties shall include provision for the establishment and/or retention of the natural features and shoreline (riparian) vegetation and shall be in addition to any provision imposed by a conservation agency as part of a shoreline management plan or flood or erosion control. Development setbacks shall be implemented as a measure to conserve shoreline features, protect the ecological functions of the shorelines and water bodies and protect property from damage from natural hazards.

Development, except on existing lots of record on lakes identified to be at or near capacity may be permitted where an impact report indicates that such development will not result in a decline in the water

quantity or quality of the lake or water body i.e. through increased phosphorus loading enrichment, a reduction in oxygen levels or water taking. This may be achieved through the preparation of a lake development plan which uses provincially acceptable modelling techniques for determining lake capacity. **New lot creation will not be permitted on lakes which are determined to be at capacity unless:**

- **The sub-surface sewage disposal bed for each lot is set back at least 300 m [984 ft] from the shoreline of the lake or such that drainage from the sewage disposal bed would flow at least 300 m [984 ft] from the lake;**
- **The sub-surface sewage disposal bed for each lot are located such that they would drain into the drainage basin or watershed of another water body which is not at capacity; and**
- To separate existing habitable dwellings, each having a separate sewage disposal system, provided the land use would not change.

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.

4.06.6(3) Transportation

The prior approval for a Vacant Land Condominium was consistent with the Transportation policies of the West Nipissing Official Plan. The new proposed development with the lots being accessed by a private road which is not within a plan of condominium is inconsistent with the Transportation policies of the Official Plan, which provides:

No new lot creation will be permitted on a private road other than for a condominium development or a mobile home park or for infill development.

5.2 Zoning By-Law

The property is zoned Rural and the permitted uses and lot standards in the Rural Zone can be found in Tables 9.1m 9.2 and 9.3 of the West Nipissing Zoning By-Law 2014-45.

If approved, it is recommended that the subdivision lands be re-zoned to a **Shoreline Residential Exception Zone** as the lots are intended for residential development and a number of the permitted uses in the current Rural Zoning would not be suitable on the proposed lots. It is also recommended that the Exception Zone lot requirements address set-backs which will be consistent with lands on lakes which are considered to be at capacity as well as the recommendations of the Environmental Assessment.

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;

As the proposed lots front on Deer Lake which has been identified to be at capacity and, further, areas of the property have been identified in the PESA requiring specific set-backs, the subdivision 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. Site Plan Control will ensure that development proceeds, taking into account the specific challenges of the property and ensuring that the natural features of the lands, including Deer Lake, remain unaffected by the development.

6. PRELIMINARY ECOLOGICAL SITE ASSESSMENT

A Pre-submission consultation was held in the spring of 2015 regarding the previously proposed draft Plan of Condominium. It was determined that the applicant would carry out a Preliminary Ecological Site Assessment (PESA) in accordance with the provisions of the Natural Heritage Reference Manual. A copy of the PESA is included with and forms part of this Report. The PESA indicates the following Endangered Species/Species at Risk have been identified as being present or having potential to be present on the subject lands:

- Barn Swallow
- Little Brown Bats

The property also indicates significant wildlife habitat for a number of species as well as fish habitat and fish spawning areas.

There are no Provincially Significant Wetlands located on the subject property; however unevaluated wetlands do exist and the PESA recommends a 30m setback from all wetlands on the property.

It is recommended that the Applicant shall obtain an updated PESA to confirm the findings of the 2015 study to evaluate the potential impacts on the identified Natural Heritage Features and all recommendations forthcoming from the study shall form part of the Special Provisions of the Subdivision Agreement and shall, as required, be included in the Zoning Amendment and/or Site Plan Control Agreement to be entered into.

7. LAKESHORE CAPACITY ASSESSMENT REVIEW HANDBOOK

In 2010 the Lakeshore capacity Assessment Review Handbook was prepared in cooperation with the Ministry of the Environment, Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing. While the handbook is not legislation, it is used by Municipalities in ensuring that development occurs which will ensure the quality of water in Ontario's inland lakes. The handbook also provides useful information for municipalities in making planning decisions for lakes which are at or near capacity.

The handbook defines shoreline development as "the total number of units to be situated within 300m or the shoreline of any lake or any inflowing stream of the lake". Section 4.3 indicates that for management purposes, the 300m distance from the shoreline of the lake or any inflowing stream of the lake will be considered the primary influence area.

Any proposed septic system will have to be placed 300 m from the shoreline or demonstrate, through topographic survey, a flow path of at least 300m.

In 2015 concerns were by residents raised about the out the-flowing creek and I confirmed at the time with staff at MOECP through the Biologist at the Ministry of Natural Resources and Forestry, that there are no development restrictions on the out-flowing stream of at capacity lakes, unless the there is another body of water downstream which has been identified at capacity.

7. CORRESPONDENCE/INFORMATION ATTACHED

Notice of this application was circulated to all properties located within 120m of the property as required by the Planning Act, including the Hugel Lakeside Property Owners Association, who have requested to be notified of all development on Deer Lake. Notice was also circulated to all public bodies and agencies, whose comments are attached.

See Appendix 1

8. SUMMARY AND RECOMMENDATIONS

The proposed subdivision application by Gerald and Diane Gagnon to divide the property described as Part of Lot 6, Concession 1, Township of Hugel, Municipality of West Nipissing, into six (6) residential lots is in general conformity with the West Nipissing Official Plan as it relates to limited residential development in the Rural areas and development of Shoreline areas, however the West Nipissing Official Plan does not support the creation of new private roads (unless within a Plan of Condominium), which is being proposed by this application.

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.

If an approval is forthcoming by the West Nipissing Planning Advisory Committee, it is recommended that the following Special Conditions be imposed on the Owner in addition to the Conditions of Draft Approval included in Schedule "A" hereto:

1. That an updated Environmental Impact Study be carried out and that the recommendations of the study be included as special provisions to the Subdivision Agreement to be entered into with the Applicant including, buffering, setbacks from wetlands, endangered species, etc.;
2. That the Owner provide a detailed Site Plan of the property, considering the recommendations of the Environmental assessment. The property shall be placed under Site Plan Control, as authorized by By-Law 2015-63 and the Owner shall enter into a Site Plan Control Agreement with the Municipality to ensure that development on the lands shall occur in accordance with the recommendations herein. The Site Plan Control Agreement shall be registered on title to each lot immediately following the Subdivision Agreement and any required municipal easements;
3. That a site inspection be carried out by the North Bay Mattawa-Conservation Authority, in order to determine site suitability for the installation of on-site sanitary services and that any recommendations of the Conservation Authority shall be incorporated into and form part of the Site Plan Control Agreement.
5. That the proposed Right-of-Way be inspected by the West Nipissing Fire Service (also a condition of concurrent severance approval) to ensure that the right of way meets the standards for provision of emergency services. The owner shall be responsible for installation of 911 signage at the entrance to the subdivision from Deer Lake road (Right of Way) as well as at each individual lot.
6. That a Right of Way Agreement be registered on title to the subdivision lots and the retained lots (also a condition of concurrent severance approval). The Right-of-Way agreement shall set out the

responsibilities (including financial contributions) of the dominant and servient tenements with regard to ongoing road maintenance and responsibilities. The Right of Way Agreement shall also include acknowledgement by all parties that the Right of Way is not up to municipal standards and shall be privately maintained in perpetuity and that no request for assumption by the municipality shall be made.

7. That the owner shall grant a 10m easement along the east boundary of the creek to the Municipality of West Nipissing for the purpose of access to the creek for beaver/dam control and removal.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Melanie Ducharme', with a long horizontal line extending to the right.

Melanie Ducharme, Planner

Figure 1 – Aerial Imagery



[illegible]

Figure 3 – West Nipissing Official Plan – Land Use Schedule

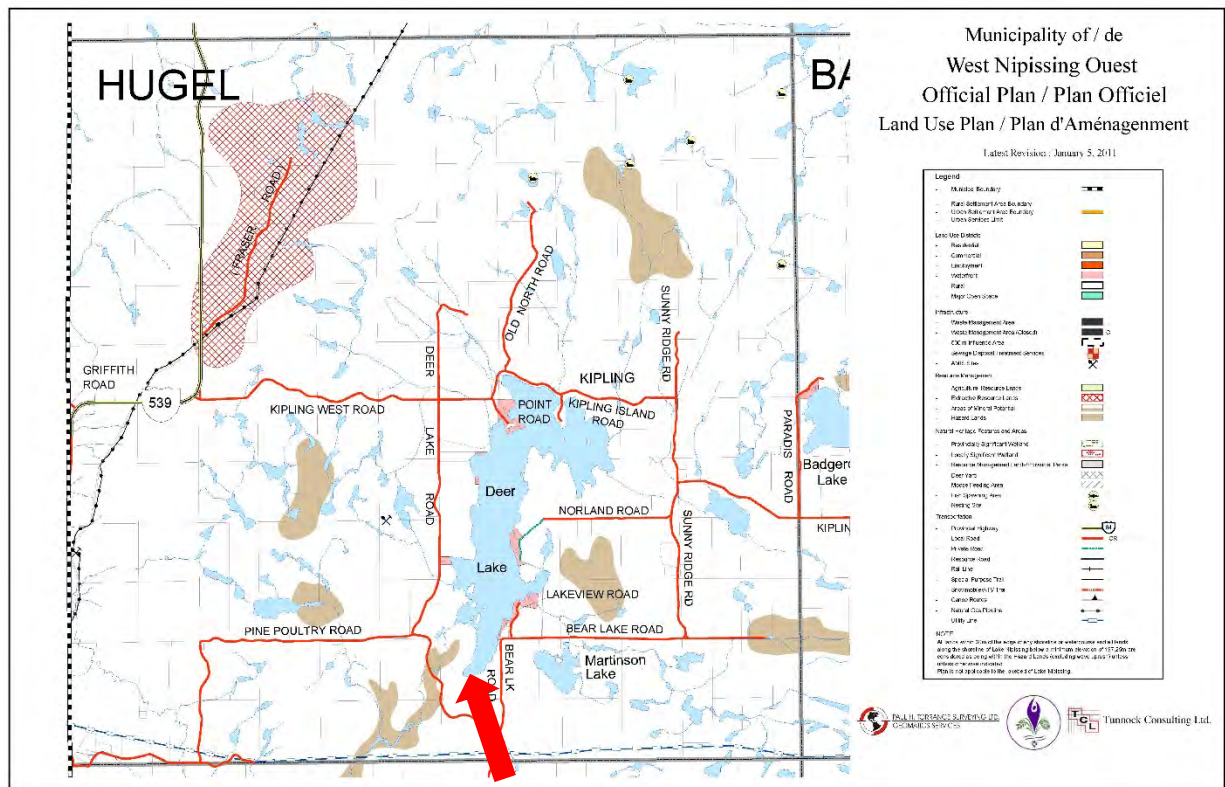


Figure 4 – Natural Heritage Mapping

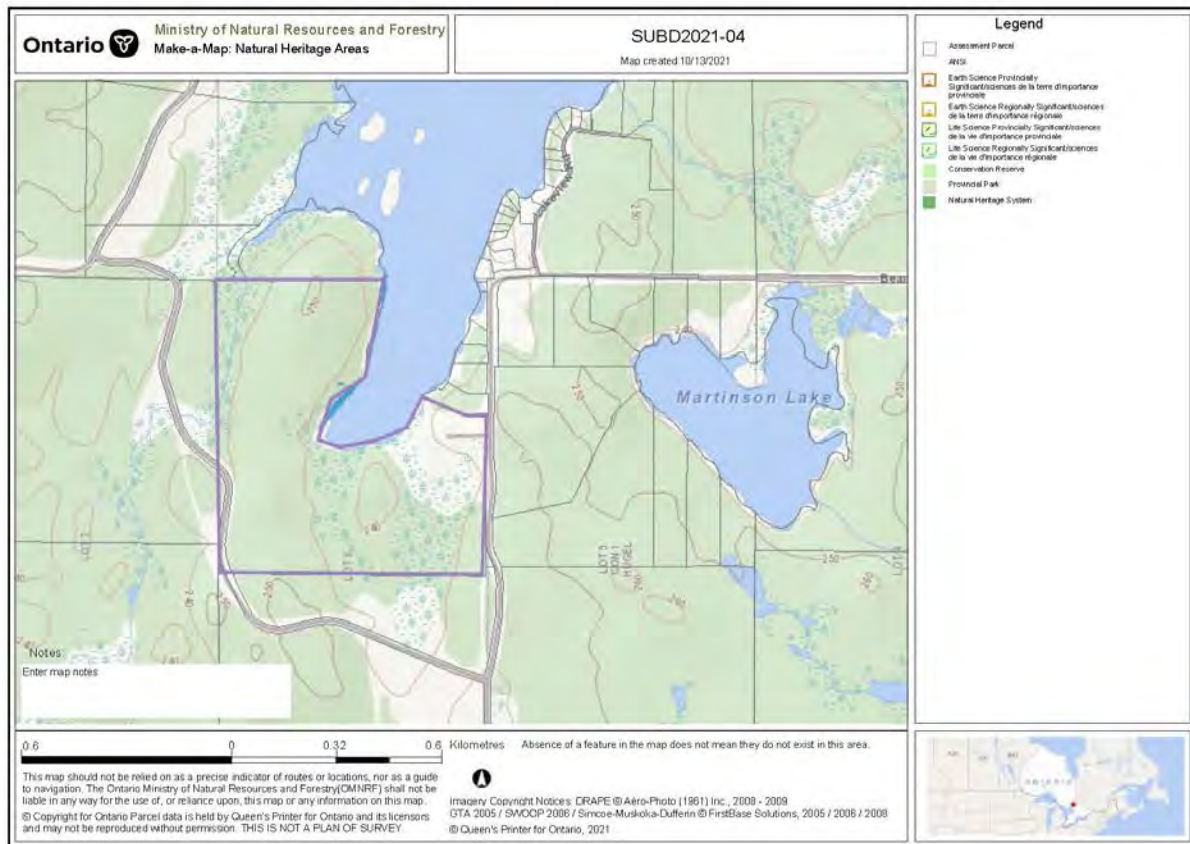
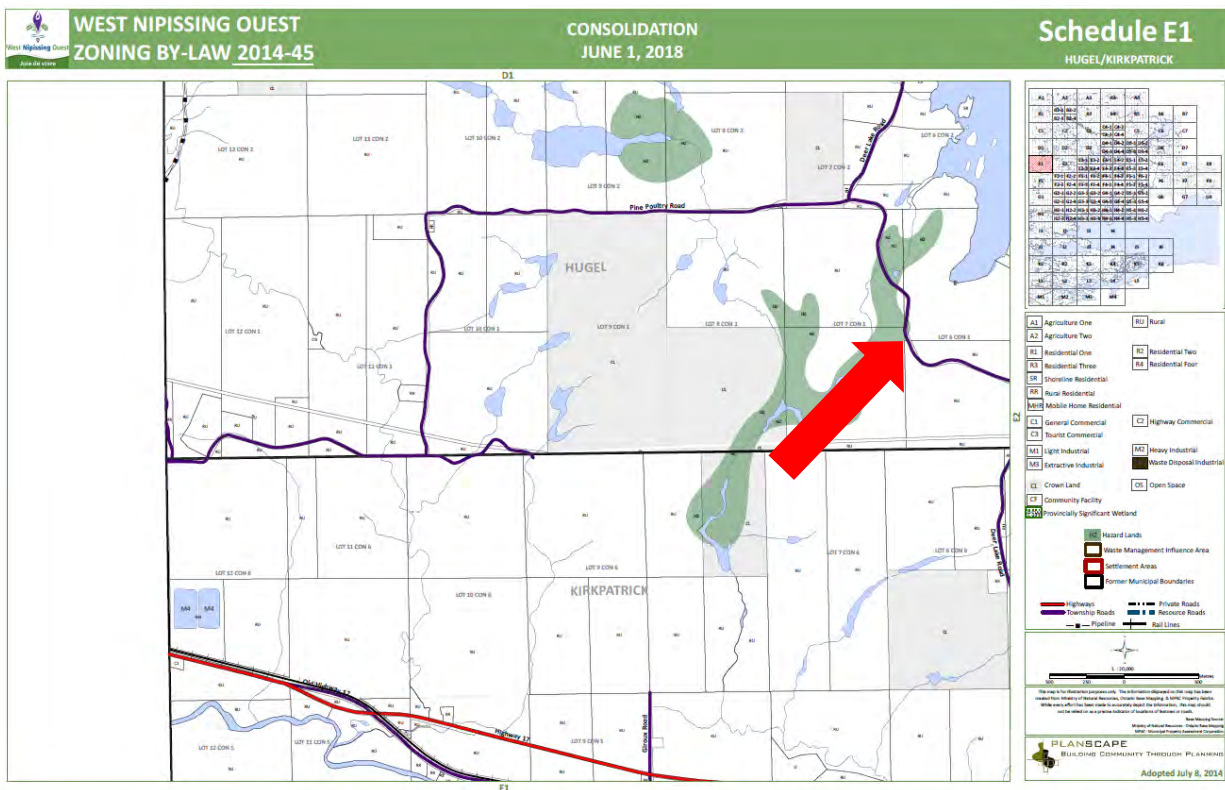


Figure 5 – West Nipissing Zoning By-law No. 2014-45



Preliminary Ecological Site Assessment

Part Lot 6, Concession 1, Geographic Township of Hugel

Municipality of West Nipissing

September 2015

A desktop review of the available information related to natural heritage values on or within 120 metres of the proposed development was conducted prior to field investigations on July 15th, 2015. A specific written information request to the MNRF was consulted as well as the following sources of information:

- District Species At Risk Tool, Ministry of Natural Resources
- Fish ON-Line, Ministry of Natural Resources and Forestry
- Make-a-Map, Ministry of Natural Resources and Forestry, Natural Heritage Values
- Municipality of West Nipissing Official Plan
- Significant Wildlife Habitat Ecoregion 5E Criterion Schedule
- Significant Wildlife Habitat Technical Guide

Five natural heritage categories were considered in order to complete an ecological site assessment that is consistent with the Provincial Policy Statement (2014) considerations including: Significant Habitat of Endangered and Threatened Species, Significant Wetlands, Significant Wildlife Habitat, Significant Areas of Natural and Scientific Interest, and Fish Habitat.² A summary of the findings for each value is included below.

Ecological Land Classification

To assess the presence of potential habitat, the ecosites on the property were determined during field investigations. The following six ecosites are located on the property, all of which are found within the proposed severed lots:

- G054Tt Dry to Fresh, Coarse: Red Pine – White Pine Mixedwood
- G048Tt Dry to Fresh, Coarse: Red Pine – White Pine Conifer
- G151N: Open Water Marsh: Mineral
- G134S: Mineral Thicket Swamp
- G130Tt: Intolerant Hardwood Swamp
- G142N: Mineral Meadow Marsh

The Red Pine – White Pine Mixedwood ecosite comprises the majority of the property. It also contains several pockets of Balsam Fir throughout. There are several wetland ecosites as well, including both swamps and marshes. **Figure 2** shows the ecosite locations and the proposed lot arrangement.

² Ministry of Municipal Affairs and Housing. April 2014. Provincial Policy Statement. Second Edition. Toronto: Queen's Printer for Ontario. 50 pp.

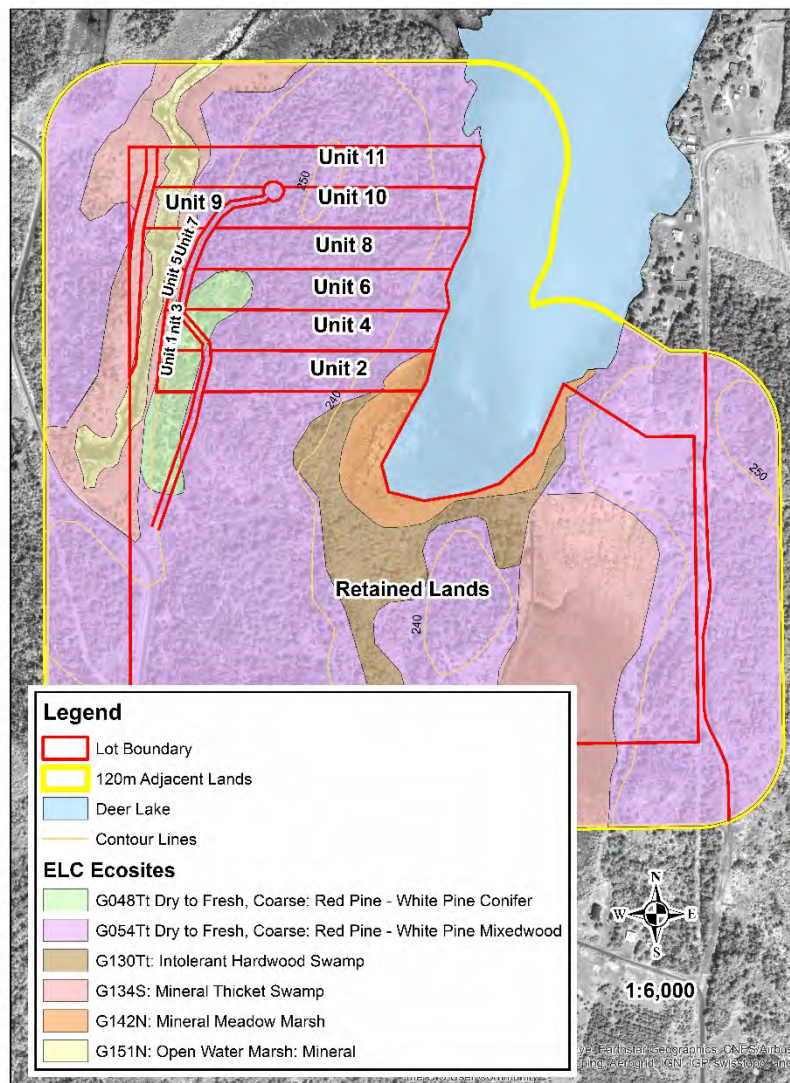


Figure 2: ELC ecosites determined for the property and adjacent 120 metres.

Significant Habitat of Endangered and Threatened Species

Based on a review of the available information, the following six species at risk and their habitats were considered during the site visit:

- Barn Swallow
- Bobolink
- Eastern Meadowlark
- Eastern Small-footed Bat
- Little Brown Bat
- Northern Long-eared Bat

The presence of suitable habitat was assessed on and adjacent to the property. Acoustic monitoring for Eastern Small-footed Bat, Little Brown Bat, and Northern Long-eared Bat was performed using a Wildlife Acoustics SM3 Ultrasonic Bat Recorder. Given the time of year, other species-specific assessments were not possible.

While Blanding's Turtle were not identified in the desktop review of suitable habitat for endangered and threatened species, they are known to occur in areas surrounding Hugel Township such as Kirkpatrick, Caldwell, and Badgerow Townships. Potential habitat may need to be investigated in the future.

Barn Swallow (Hirundo rustica)

Barn Swallows are an aerial insectivore that utilize habitats such as water bodies, wetlands, and fields. They nest primarily on man-made structures such as barns, bridges, and other buildings. Rough, unpainted ledges best support their cup-shaped mud nests. They are also known to use the same nests in subsequent years.^{3 4} While there are several structures on the east side of the property that could provide nesting opportunities (**Figure 3 & 4**), there are none within the proposed lot severance. No impacts are expected. In the future, should these structures need to be removed, species specific surveys are recommended.



Figures 3 and 4: Potential Barn Swallow structures on the east side of the property, adjacent to Deer Lake.

Bobolink & Eastern Meadowlark (Dolichonyx oryzivorus & Sturnella magna)

Bobolink and Eastern Meadowlark are considered together because of their similar preferences for nesting habitat. They nest on the ground in grasslands such as pastures, meadows, and abandoned fields, generally avoiding habitats with tall woody vegetation. Small trees, shrubs, and fence posts may

³ <http://www.ontario.ca/environment-and-energy/species-risk>.

⁴ Ontario Ministry of Natural Resources. 2013. General Habitat Description for the Barn Swallow (*Hirundo rustica*). http://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_ghd_brn_swllw_en.pdf.

be used for perching.^{5 6 7} None of the ecosites present on the property provide suitable habitat for Bobolink or Eastern Meadowlark. The ground cover in the meadow at the southern tip of Deer Lake is too wet for nesting. No further study is recommended.

Northern Long-eared, Eastern Small-footed, & Little Brown Bat (Myotis septentrionalis, Myotis leibii, & Myotis lucifugus)

During the summer season, bats feed on insects at night and roost during the day in warm elevated spaces. They often choose human-created roosts like attics and abandoned buildings or hollow trees with loose bark.⁸ During field investigations, several mature deciduous snags with a diameter at breast height greater than 25cm were located on the property. Acoustic monitoring was performed using a Wildlife Acoustics SM3 Ultrasonic Bat Recorder every night from July 22nd to July 28th. A number of bat species were recorded, including the endangered Little Brown Bat.

A complete bat habitat survey was conducted on August 21st. All potential bat roosts within the proposed lot severance were photographed, marked with paint, and geographically referenced (**Figure 5 and Appendix B**). An avoidance approach is recommended moving forward. A 15 metre radius should be left around all potential bat roosts indicated in **Figure 5**.

Significant Wetlands

There are no provincially significant wetlands as defined by the Provincial Policy Statement (2014) or indicated by MNRF on or within 120 metres of the property. There are however, Hazard Lands associated with the outlet riverine wetland as per the Land Use Schedules for Hugel Township.⁹ In addition, ecosite determinations included four wetland types on or within 120 metres of the property: Open Water Marsh (mineral), Mineral Thicket Swamp, Mineral Meadow Marsh, and Intolerant Hardwood Swamp (tall-treed). All six of the proposed lots overlap the open water marsh and mineral thicket swamp on their western edge. In addition, Lots 1 and 2 also overlap the intolerant hardwood swamp and mineral meadow marsh. The remaining wetland areas are either within the retained lot or on the adjacent private property.

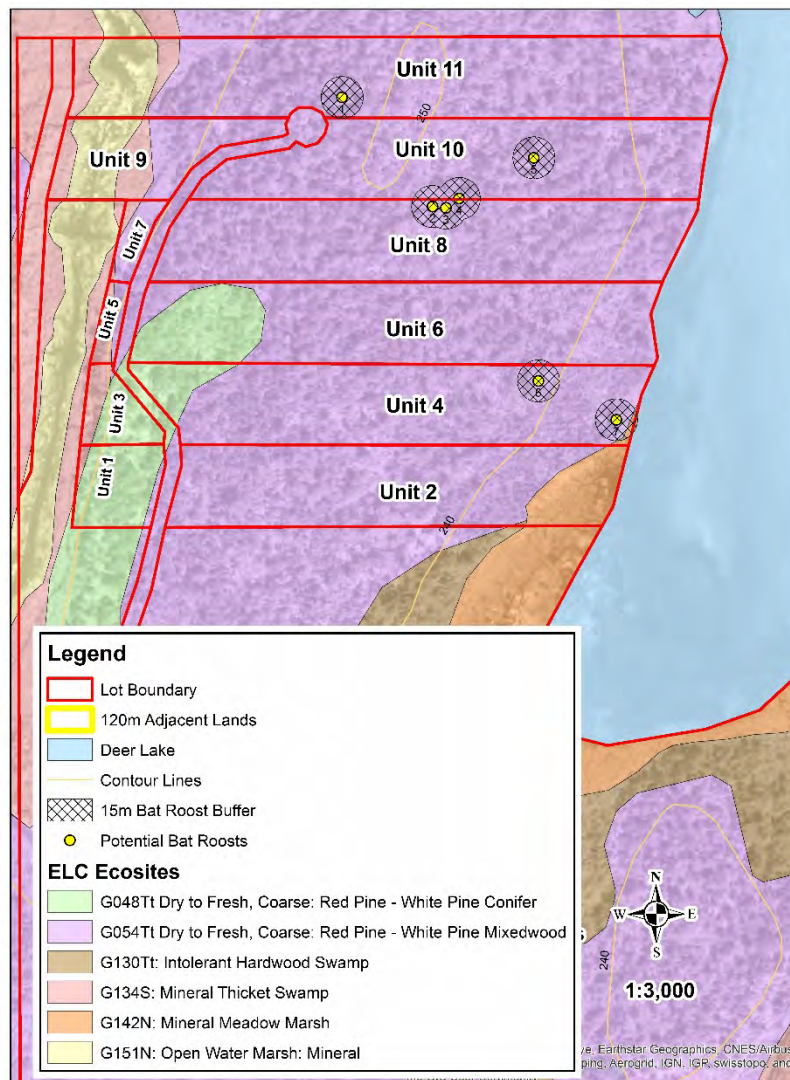
⁵ <http://www.ontario.ca/environment-and-energy/species-risk>.

⁶ Ontario Ministry of Natural Resources. 2013. General Habitat Description for the Bobolink (*Dolichonyx oryzivorus*). http://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_ghd_bblnk_en.pdf.

⁷ Ontario Ministry of Natural Resources. 2012. General Habitat Description for the Eastern Meadowlark (*Sturnella magna*). http://files.ontario.ca/environment-and-energy/species-at-risk/mnr_sar_ghd_est_mdwrk_en.pdf.

⁸ <http://www.ontario.ca/environment-and-energy/species-risk>.

⁹ Municipality of West Nipissing. January 2011. Official Plan – Land Use Plan.



Figures 5: Potential bat roosts located within proposed lot severance.

A minimum 30 metre setback is recommended on all wetland areas within and adjacent to the five proposed lots, measured from the existing edge. No development or site alteration should occur in this setback. The access road where it traverses Units 4, 6 and 8 is closer than 30m from the wetland edge. However, there is a well-defined ridge that approximates the 240m contour line that provides a physical separation from the wetland. In all other areas the 30m buffer is respected. This buffer is expected to protect the habitat values for all species within the wetland areas.

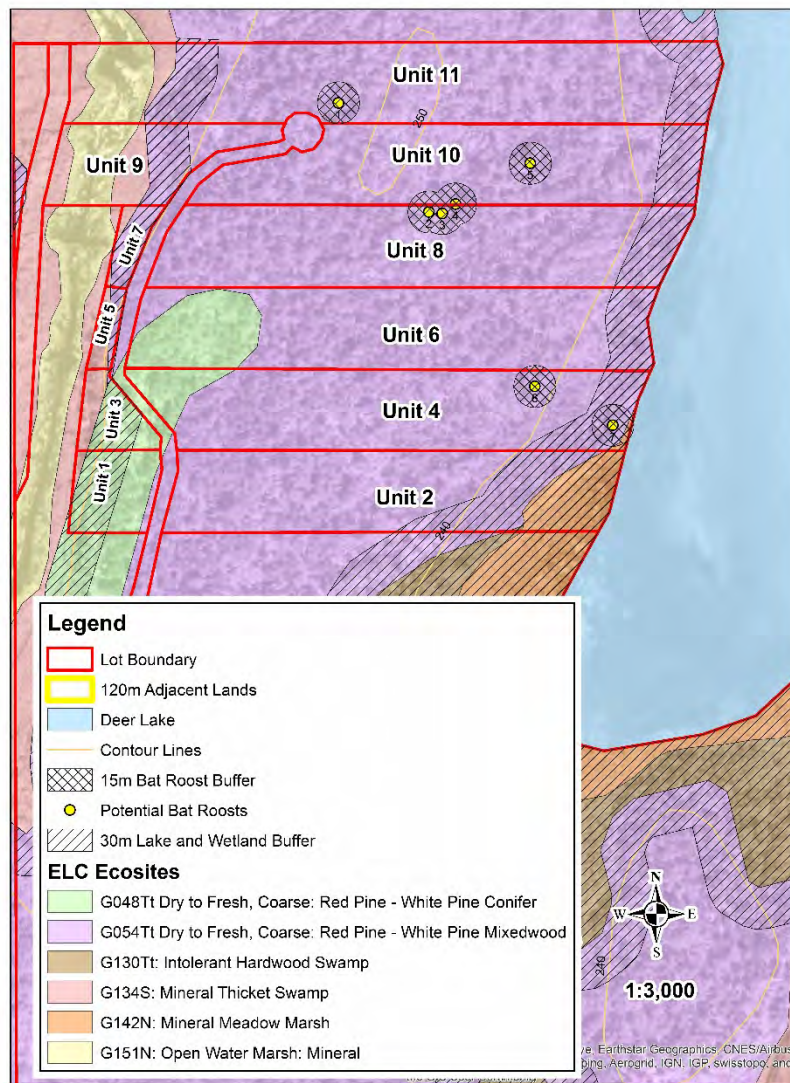


Figure 6: 30m Lake and Wetland Buffer

Significant Wildlife Habitat

No significant wildlife habitat was identified during the desktop review of available information or indicated by MNRF. The site was surveyed for significant wildlife habitat including seasonal concentration areas, rare vegetation communities and specialized habitats for wildlife, habitat for species of conservation concern, and animal movement corridors. The process outlined in the Ministry of Natural Resources Natural Heritage Reference Manual (2010) was used to guide field investigations.

The habitat of special concern species is also considered significant wildlife habitat where it exists. According to the Significant Wildlife Habitat Technical Guide (2000) and the newer Significant Wildlife Habitat Ecoregion 5E Criterion Schedule (2012), there is potential for Snapping Turtle,

Canada Warbler, Olive-sided Flycatcher, and Monarch. Recently added species of special concern which may be present include Eastern Wood-pewee and Wood Thrush.^{10 11}

Table 1: Potential Significant Wildlife Habitat

Significant Wildlife Habitat		Type	Ecosite
1	Turtle Wintering Areas (Hibernacula)	Seasonal Concentration Area	G151, G134, G130, G142
2	Turtle Nesting Area	Specialized Habitat for Wildlife	G142
3	Deer Yarding Areas	Seasonal Concentration Area	G054, G048
4	Aquatic Feeding Habitat (Moose, White-tailed Deer)	Specialized Habitat for Wildlife	G151, G142
5	Waterfowl Stopover/Staging Areas (Aquatic)	Seasonal Concentration Area	G142
6	Waterfowl Nesting Area	Specialized Habitat for Wildlife	G151, G134, G130, G142
7	Raptor Wintering Area	Seasonal Concentration Area	G054, G048
8	Woodland Raptor Nesting Habitat	Specialized Habitat for Wildlife	G130
9	Colonially – Nesting Bird Breeding Habitat (Tree/Shrubs)	Seasonal Concentration Area	G134, G130
10	Marsh Bird Breeding Habitat	Habitat for Species of Conservation Concern	G151, G134, G130, G142
11	Colonially – Nesting Bird Breeding Habitat (Ground)	Seasonal Concentration Area	G142
12	Shrub/Early Successional Bird Breeding Habitat	Habitat for Species of Conservation Concern	G134
13	Amphibian Breeding Habitat (Wetlands)	Specialized Habitat for Wildlife	G151, G134, G130, G142
14	Old Growth Forest	Rare Vegetation Community	G054, G048
15	Shallow Atlantic Coastal Marsh	Rare Vegetation Community	G151

1/2. Turtle Wintering (Hibernacula) and Nesting Areas – It is unknown if there is a presence of turtles on the site. While no turtles were observed during field investigations, Deer Lake and G151 do provide potential habitat to turtle species, including snapping turtles which are known to occur in the area. Nevertheless, the 30 metre buffer required around Deer Lake and the outlet stream would allow this potential SWH to continue to function.

¹⁰ Ontario Ministry of Natural Resources. October 2000. Significant Wildlife Habitat Technical Guide. Toronto: Queen's Printer for Ontario. 151 pp.

¹¹ Ontario Ministry of Natural Resources. February 2012. Draft Significant Wildlife Habitat Ecoregion 5E Criterion Schedule. 46 pp.

3/4. Deer Yarding Areas and Aquatic Feeding Habitat (Moose, White-tailed Deer) – The tall-treed forest and swamp ecosites present on the property could be suitable for deer yarding. In addition, aquatic feeding habitat is typically located in wetlands and shallow bays of lakes, such as that located within 120 metres of the site. However, no deer yards or feeding sites are indicated on the Municipality of West Nipissing Official Plan. They were also not identified through correspondence with the MNRF. All of the wetland units have been protected and buffered to maintain current functions.

5/6. Waterfowl Stopover/Staging Areas (Aquatic) and Nesting Areas – It is unknown if there is a significant presence of waterfowl species on the site. There is potential for this SWH in the upland areas adjacent to G151, G142, G130, and G134. No nesting habitat was indicated on the Municipality of West Nipissing Official Plan or through correspondence with the MNRF. Forest Bird Monitoring surveys are recommended and a 30m buffer has been applied to all wetlands and lakes to preserve any available near shore nesting habitat.

7/8. Raptor Wintering Area and Woodland Raptor Nesting Habitat – It is unknown whether Red-tailed Hawk, Great Horned Owl, Broad-winged Hawk, Sharp-shinned Hawk, Merlin, Barred Owl, Red-shouldered Hawk, Cooper Hawk, or Northern Goshawk are present on the site. No stick nests were observed during field investigations and no nesting habitat is indicated on the Municipality of West Nipissing Official Plan. Although ecosites G054 and G048 have the potential to have raptor wintering areas present, they were not present in combination with a field or meadow ecosite. These observations suggest that it is very unlikely that raptors winter in this area. However, further investigation may be required during the leaf-off season to confirm that no stick nests are present.

9/10. Colonially – Nesting Bird Breeding Habitat (Trees/Shrubs) and Marsh Bird Breeding Habitat – Both of these SWH are defined by the presence of Green Heron. No heronries were noted on the site. Marsh Monitoring could be conducted to definitively rule out the presence or absence of these SWH.

11. Colonially – Nesting Bird Breeding Habitat (Ground) – Nesting colonies of gulls and terns are found on islands and peninsulas, of which there are none within 120 metres of the property. Therefore, it is very unlikely that this SWH exists on the site.

12. Shrub/Early Successional Bird Breeding Habitat – This SWH is characterized by large field areas succeeding to shrub and thicket habitats that are greater than 30 hectares in area. The ecosite G134 is less than 30 hectares. Therefore, it is very unlikely that this significant habitat exists on the site.

13. Amphibian Breeding Habitat (Wetlands) – This SWH is located in wetlands that both lack fish and are separate from forest habitat. There is potential in any of the wetland ecosites on the property to be significant Amphibian Breeding Habitat. As a result, all wetlands and a 30m buffer have been protected to maintain that function if it exists.

14. Old Growth Forest – Although ecosite G054 does contain 30 hectares of undisturbed forest, the tree stands are not mature enough to be classified as old growth.

15. Shallow Atlantic Coastal Marsh – This type of habitat is defined by the presence of Virginia Meadow Beauty (*Rhexia virginica*) and more than four other associated species. None of the species

were observed within the wetlands of the study area during field investigations, and the nearest regional representation of this feature is west of Huntsville and well south of Lake Nipissing.

Snapping Turtle (Chelydra serpentina)

Snapping Turtles are a semi-aquatic turtle associated with wetlands, rivers, lakes, and ponds. They prefer swallow water and nest in gravelly or sandy areas along the water's edge.¹² While no turtles were observed during the field visit, Deer Lake does provide potential Snapping Turtle habitat. The potential for turtle nesting and wintering habitat was also recognized through ecosite identification. However, the required 30 metre buffer should prevent any impact to the function or use of the lake and outlet stream by turtles.

Canada Warbler (Cardellina canadensis)

Canada Warblers breed in wet, dense coniferous and deciduous forest types. They nest on mossy logs or roots along stream banks. A dense understory helps to conceal nests.¹³ There is potentially suitable habitat in the G130Tt: Intolerant Hardwood Swamp ecosite. Only a small portion of this ecosite is present in Lot 1 and it will have a 30 metre buffer on it. Therefore there is no impact expected to any potential Canada Warblers or their habitat as a result of the lot creation.

Olive-sided Flycatcher (Contopus cooperi)

Olive-sided Flycatcher are most often found along the edges and opening of coniferous and mixed forests adjacent to rivers or wetlands. They prefer conifers such as White Pine, Black Spruce, Jack Pine, and Balsam Fir for nesting and require tall stands for foraging perches.¹⁴ Although there are some aspects of preferred habitat on site, it is unknown whether Olive-sided Flycatcher are present. Forest Bird Monitoring surveys would be able to confirm presence.

Monarch (Danaus plexippus)

Monarchs rely on milkweed to lay their eggs and their caterpillars eat milkweed leaves exclusively. Common milkweed is most often found on disturbed sites, particularly alongside roads. Adult butterflies are found in a greater variety of habitats where they fed on the nectar of numerous wildflower.¹⁵ Because no milkweed was identified on the site, it is very unlikely that there is significant Monarch habitat present.

Eastern Wood-pewee & Wood Thrush (Contopus virens & Hylocichla mustelina)

Eastern Wood-pewee are found in a variety of forested habitats, but typically reside along the edges of deciduous and mixed forests. Wood Thrush are found in mature deciduous and mixed forests with

¹² Ontario Ministry of Natural Resources. 2009. Snapping Turtle (*Chelydra serpentina*). <http://www.ontario.ca/environment-and-energy/species-risk>.

¹³ Ontario Ministry of Natural Resources. 2009. Canada Warbler (*Wilsonia canadensis*). <http://www.ontario.ca/environment-and-energy/species-risk>.

¹⁴ Ontario Ministry of Natural Resources. 2009. Olive-sided Flycatcher (*Contopus cooperi*). <http://www.ontario.ca/environment-and-energy/species-risk>.

¹⁵ Ontario Ministry of Natural Resources. 2008. Monarch (*Danaus plexippus*). <http://www.ontario.ca/environment-and-energy/species-risk>.

tall stands and well-developed undergrowth.¹⁶ There is potential for both species on the property, although slightly more so for Eastern Wood-pewee. Forest Bird Monitoring surveys would be able to confirm presence.

Significant Areas of Natural and Scientific Interest (ANSI)

According to mapping and email correspondence from the MNRF during the pre-consultation, there are no significant areas of natural and scientific interest on or within 120 metres of the site.

Fish Habitat

Deer (Hugel) Lake is a cool water lake including walleye, Northern pike, smallmouth bass, yellow perch, white sucker, rock bass, largemouth bass, and burbot. The lake is approximately 267ha in area with an average depth of 3.7m.¹⁷ An outlet creek also runs from Deer Lake through the northwest corner on the property. It can be assumed that the creek is at a minimum indirect fish habitat. Both Deer Lake and the associated outlet creek will have a 30 metre buffer to protect fish habitat. No fish spawning habitat is indicated in the Municipality of West Nipissing Official Plan. Field investigations indicated that there is some potential spawning habitat for largemouth bass, smallmouth bass, and yellow perch along the waterfront of the proposed lot severance. The required 30 metre setback on Deer Lake should prevent any impact to potential fish spawning habitat. We would recommend the placement of only floating or pipe dock installations to minimize any potential impacts.

Summary

Given the timing of field investigations, FRi Ecological Services was limited to a preliminary assessment of the natural heritage features and use by specific species. The following table summarizes the findings and provides recommendations to move forward while ensuring the intent of the 2014 PPS is met.

Table 2: Summary of Recommendations

Natural Heritage Feature	Species / Feature	Present	Recommendations
Significant Habitat of Endangered Threatened Species	Barn Swallow	Potential	No impacts expected from lot creation.
	Little Brown Bats	Yes	15 metre radius on all potential bat roosts marked in the field and on Figure 5 .

¹⁶ <http://www.ontario.ca/environment-and-energy/species-risk>.

¹⁷ http://www.web2.mnr.gov.on.ca/fish_online/fishing/fishingExplorer_en.html.

Natural Heritage Feature	Species / Feature	Present	Recommendations
Significant Wetlands	None	n/a	30 metre setback on non-significant wetlands where appropriate.
Significant Wildlife Habitat	Snapping Turtles	Potential	30 metre setback on lake and outlet stream.
	Canada Warbler	Potential	Forest Bird/Marsh Monitoring surveys.
	Olive-sided Flycatcher		
	Eastern Wood-pewee & Wood Thrush		
	Waterfowl Stopover/ Staging Areas (Aquatic)		
	Waterfowl Nesting Areas		
	Woodland Raptor Nesting Habitat		
	Colonially – Nesting Bird Breeding Habitat (Trees/Shrubs)		
	Marsh Bird Breeding Habitat		
Significant Areas of Natural and/or Scientific Interest	None	n/a	n/a
Fish Habitat	Direct Fish Habitat	Yes	30 metre setback on lake and outlet stream.
	Fish Spawning Habitat	Potential	Use of floating and pipe docks only.

This preliminary ecological site assessment meets or exceeds the requirements outlined in the Natural Heritage Reference Manual (2010) sections 5.3 and 9.3.

Respectfully submitted,



Rod Bilz
Environmental Specialist

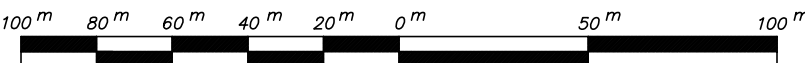
APPENDIX A: Draft Plan of Vacant Land Condominium

DRAFT PLAN OF
VACANT LAND CONDOMINIUM
PART OF LOT 6, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF HUGEL
MUNICIPALITY OF WEST NIPISSING
DISTRICT OF NIPISSING

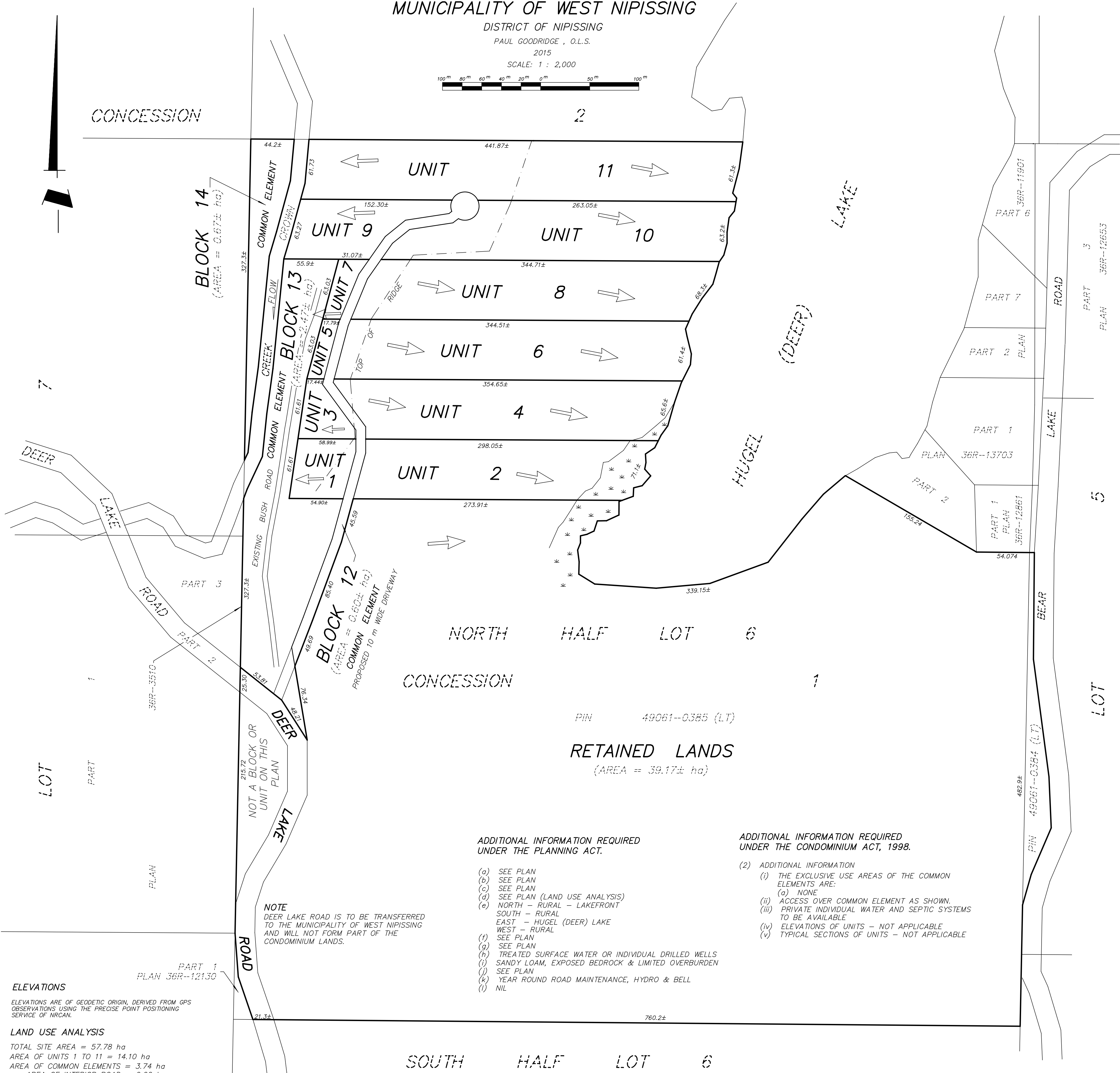
PAUL GOODRIDGE, O.L.S.

2015

SCALE: 1 : 2,000



METRIC
DISTANCES AND ELEVATIONS
SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048.



NOTE
DEER LAKE ROAD IS TO BE TRANSFERRED
TO THE MUNICIPALITY OF WEST NIPISSING
AND WILL NOT FORM PART OF THE
CONDOMINIUM LANDS.

**ADDITIONAL INFORMATION REQUIRED
UNDER THE PLANNING ACT.**

- (a) SEE PLAN
- (b) SEE PLAN
- (c) SEE PLAN
- (d) SEE PLAN (LAND USE ANALYSIS)
- (e) NORTH - RURAL - LAKEFRONT
SOUTH - RURAL
EAST - HUGEL (DEER) LAKE
WEST - RURAL
- (f) SEE PLAN
- (g) SEE PLAN
- (h) TREATED SURFACE WATER OR INDIVIDUAL DRILLED WELLS
- (i) SANDY LOAM, EXPOSED BEDROCK & LIMITED OVERBURDEN
- (j) SEE PLAN
- (k) YEAR ROUND ROAD MAINTENANCE, HYDRO & BELL
- (l) NIL

**ADDITIONAL INFORMATION REQUIRED
UNDER THE CONDOMINIUM ACT, 1998.**

- (2) ADDITIONAL INFORMATION
 - (i) THE EXCLUSIVE USE AREAS OF THE COMMON ELEMENTS ARE:
 - (a) NONE
 - (ii) ACCESS OVER COMMON ELEMENT AS SHOWN.
 - (iii) PRIVATE INDIVIDUAL WATER AND SEPTIC SYSTEMS TO BE AVAILABLE
 - (iv) ELEVATIONS OF UNITS - NOT APPLICABLE
 - (v) TYPICAL SECTIONS OF UNITS - NOT APPLICABLE

ELEVATIONS

ELEVATIONS ARE OF GEODETIC ORIGIN, DERIVED FROM GPS
OBSERVATIONS USING THE PRECISE POINT POSITIONING
SERVICE OF NRCAN.

LAND USE ANALYSIS

TOTAL SITE AREA = 57.78 ha
AREA OF UNITS 1 TO 11 = 14.10 ha
AREA OF COMMON ELEMENTS = 3.74 ha
AREA OF INTERIOR ROAD = 0.60 ha
AREA OF DEER LAKE ROAD TO BE TRANSFERRED
TO THE MUNICIPALITY OF WEST NIPISSING = 0.77± ha
AREA OF REMAINDER = 39.17 ha

A TOTAL OF SIX INDIVIDUAL PROPERTIES WILL BE CREATED
RELYING UPON SECTION 118, LAND TILES ACT, R.S.O. 1990
APPLICATIONS TO JOIN UNITS 1 & 2; UNITS 3 & 4;
UNITS 5 & 6; UNITS 7 & 8; AND UNITS 9 & 10.
UNIT 11 WILL CONSTITUTE THE SIXTH PARCEL NOT REQUIRING
A SECTION 118, LAND TILES ACT, R.S.O. 1990 APPLICATION.

I AUTHORIZE THE SUBMISSION OF THIS DRAFT PLAN
OF VACANT LAND CONDOMINIUM.

DATE: _____

GERALD GAGNON
OWNER OF PIN 49061-0384 (LT)
AND OF PIN 49061-0385 (LT)

NORTH BAY, ONTARIO
AUGUST 24, 2015

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS
TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE
ADJACENT LANDS ARE ACCURATELY AND CORRECTLY
SHOWN ON THIS PLAN.

PAUL GOODRIDGE, OLS

GOODRIDGE GOULET
PLANNING & SURVEYING LTD
ONTARIO LAND SURVEYOR - LAND USE PLANNER

UNIT 1 - 490 MAIN STREET EAST, NORTH BAY, ON P1B 1B5
T: 705-493-1770 E: PAUL.GOODRIDGE@GGSLSLTD.COM

FIELD	OFFICE	FILE
AS PG	P. GOODRIDGE	13-15

APPENDIX B: Photographs of Potential Bat Habitat Snags

1. Large White Pine (no images).
2. White Pine, cavities and loose bark.



Top



Bottom

3. Pine, cavities and loose bark.



Top

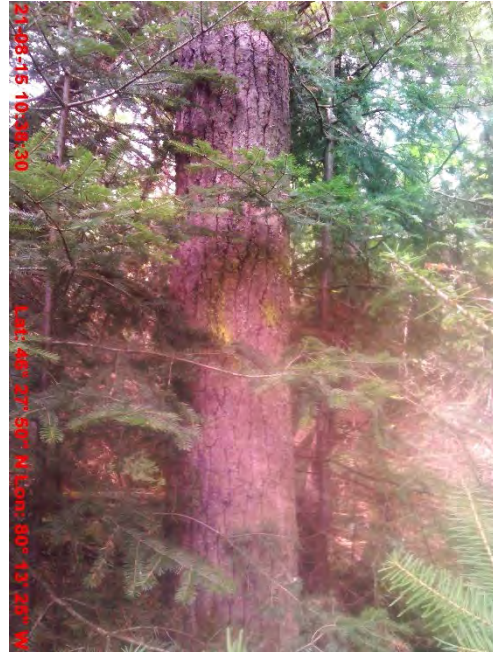


Bottom

4. Large tooth aspen, declining.



Top



Bottom

5. Poplar, active cavities.



Top



Bottom

6. Poplar.



Top



Bottom

7. Pine, dead on the top.



Top



Bottom

Appendix 1 - Comments

<div>  <div> WEST NIPISSING PLANNING ADVISORY COMMITTEE MEETING HELD OCTOBER 18, 2021 </div> </div>							
RECORD OF ALL COMMENTS							
APPLICATION	BELL CANADA	MTQ	HYDRO ONE	GREATER SUDBURY UTILITIES	CN / CP RAILWAYS	PUBLIC WORKS DEPT.	BUILDING DEPT.
SUBD2021/04 Gerald and Diane Gagnon	•	• No comments	• No comments or concerns	• No comments	•	<ul style="list-style-type: none"> • No water • No sewer • ROW to be privately owned and privately maintained • Would require a 10m easement along east edge of creek if municipality is to address beaver dams potentially affecting Deer Lake Road cross culvert and water levels 	• No concerns

Appendix 2 – Conditions of Draft Approval

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 included in Schedule “A” hereto:

- 1) The Corporation of the Municipality of West Nipissing’s conditions and amendments to final plan of approval, for registration of Subdivision File No. SUBD2021/04 made by Gerald and Diane Gagnon 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 Goodridge, Goulet Planning & Surveying dated August 10, 2021 which is comprised of 15.5 hectares.
- 4) That prior to signing the Final Plan by the Municipality, the proposed subdivision conforms to the Zoning By-law in effect for the Municipality or with respect to any zoning conditions contained herein;
- 5) That the owner agrees in writing to satisfy all requirements, financial and otherwise of the Municipality of West Nipissing concerning provision of roads, installation of services, and drainage.
- 6) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 7) 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.
- 8) 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) if 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.
- 9) 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.
- 10) That the Subdivision Agreement between the owner and the Municipality contain a Special Provision with wording acceptable to Greater Sudbury Hydro Utilities (GSU) 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 GSU or Hydro One for review and approval.
 - b. Any development in conjunction with the subdivision must not block vehicular access to any GSU/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 GSU/Hydro One facilities which are necessary to accommodate this subdivision will be borne by the developer.
 - d. The easement rights of GSU/Hydro One and its legal predecessors are to be protected and maintained.
- 11) 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.
- 12) 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

- 1) 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.
- ~~2) 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.~~
- ~~3) 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.~~
- 4) We recommend you make yourself aware of applicable Federal and Provincial laws regarding construction in proximity to waterbodies.
- 5) 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).

- 6) The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with Greater Sudbury Hydro or 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 Greater Sudbury Hydro policies or Hydro One and the Ontario Distribution System Code.

PLANNING REPORT

Zoning Amendment File No. ZBLA2021/11

Applicants: Andre Coutu

Property: 12 Principale Street East, Caldwell Township

Date: October 18, 2021



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
Settlement Areas	2
5. LOCAL POLICY DOCUMENTS	3
5.1 Official Plan	3
5.1.1 Section 3.06.1 - Urban Settlement Areas.....	3
5.1.2 Table 3.1 – Permitted Land Uses	4
5.1.3 Section 4.06.3 Servicing Capacity and Servicing Allocation	4
5.2 Zoning By-Law	4
5.3 Site Plan Control By-Law	4
6. CORRESPONDENCE/INFORMATION ATTACHED	5
7. 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 12 Principale East, Verner, Ontario. The application is being put forward by the owner, Andre Coutu, who has purchased the property with the intent of renovating and turning all of the building into residential apartment dwellings.

Note: Since the application was received and notice circulated, it has been determined that the structure on the property cannot be renovated due to safety issues and will need to be torn down. In addition to amending the zoning to Residential Three (R3), the within application will address reduced side and front yard set-backs for the proposed new construction as it is the wish of the owner to construct in the same location. It is proposed that this application be amended to rezone the property to R3-4 (Residential Three Exception Zone 4).

2. SITE AND BACKGROUND INFORMATION

The property is located at 12 Principale East in the Town of Verner. The property is 40m x 21m (132'x72'). Over the years the property has housed a variety of commercial uses, most recently a hair salon and there has always been residential apartments on the upper levels. The property also housed a chip stand on the east side, which has since been torn down. The area previously occupied by the chip stand will be used for parking.

3. DEVELOPMENT PROPOSAL

The owner is proposing to re-zone the property from C1 (General, Commercial) to R3-4 (Residential Three Exception Zone 4) in order to construct a building which will house 4 residential apartments.

4. POLICY CONTEXT

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.

Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote

efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

The within proposal is consistent with the Provincial Policy Statement as it relates to Urban Settlement Areas.

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 Residential 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:

5.1.1 Section 3.06.1 - Urban Settlement Areas

Urban Settlement Areas are characterized as urban communities with a well-developed built-form, a diverse mix of land uses and which have full municipal sewage and water services or partial services. These communities are considered to be the primary settlement areas for future development. The subject property is located within the Urban Settlement Area of the Town of Sturgeon Falls and is fully serviced with municipal water and sanitary services.

5.1.2 Table 3.1 – Permitted Land Uses

Scope of Permitted Commercial Uses in District (see also Sections 3.06.5.1, 3.06.8.3, 3.06.8.9, 3.06.11)	<u>Commercial District:</u>	<u>Commercial Uses:</u>	<u>Commercial Uses:</u>	<u>Rural District:</u>
	<ul style="list-style-type: none"> • full range of retail, service commercial, automotive, recreational and resort commercial and personal service uses • residential uses (mixed or stand alone) 	<ul style="list-style-type: none"> • retail, service commercial, automotive and personal service uses in keeping with the character and scale of a rural settlement area • residential uses (mixed or stand alone) • recreational and resort commercial uses serving the tourism and leisure industries 	<ul style="list-style-type: none"> • recreational commercial uses such as campgrounds, • recreational vehicle parks, marinas, tourist lodges, golf courses and restaurants. 	<ul style="list-style-type: none"> • -resource related and rural service commercial uses • -recreational and resort commercial uses serving the tourism and leisure industries • -highway commercial uses on major roads • -residential uses

5.1.3 Section 4.06.3 Servicing Capacity and Servicing Allocation

B. All proposed development within the Urban Service Limits shall be connected to full or partial services where such services are available and where there is sufficient capacity in the existing system to accommodate the proposed development.

5.2 Zoning By-Law

The property is currently zoned C1, which permits a variety of commercial uses as shown on Tables 7.1 and 7.2. Residential units are permitted in all commercial zones as long as they are above or behind the main commercial use. As the property will no longer have any commercial use, the change to Residential Three (3) will permit the entire property to be used for a residential apartment dwelling.

As noted in the preamble, the original intention was to renovate the existing structure, that has been determined to be impossible due to the unsafe nature of the structure. Notwithstanding that the West Nipissing Zoning By-Law permits reconstruction in the same location if the building is demolished as result of being declared unsafe, this by-law will reduce the front and exterior side yard set-backs to zero (0) which is the same as all buildings in the downtown core of Sturgeon Falls.

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. Section 1C (i) of the Site Plan Control By-Law provides that any lands which are the subject of a development approval, including a zoning amendment, shall be subject to the provisions of the By-Law.

No Site Plan Control Agreement is recommended at this time.

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 2. In addition, comments of the West Nipissing Chief Building Official and the Manager of Public Works are attached.

7. 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 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 re-zone the property located at 12 Principale East, Verner from C1 (General, Commercial) to R3-4 (Residential Three Exception Zone 4) is recommended.

Respectfully Submitted,



Melanie Ducharme, Planner

Figure 1 – Aerial Imagery

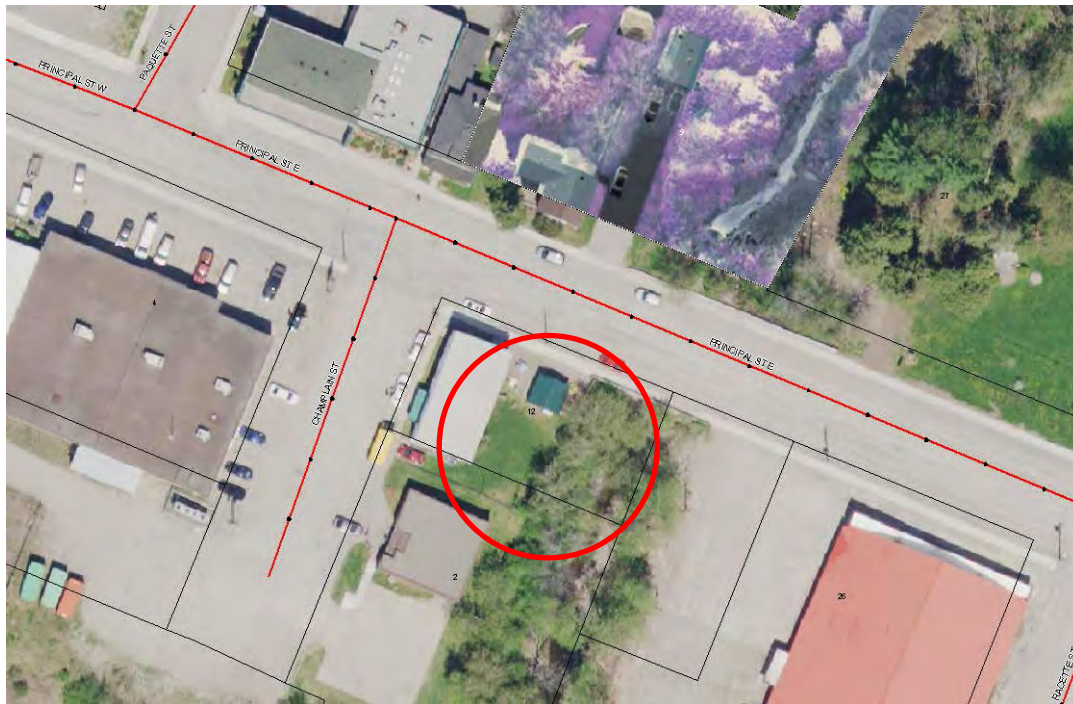
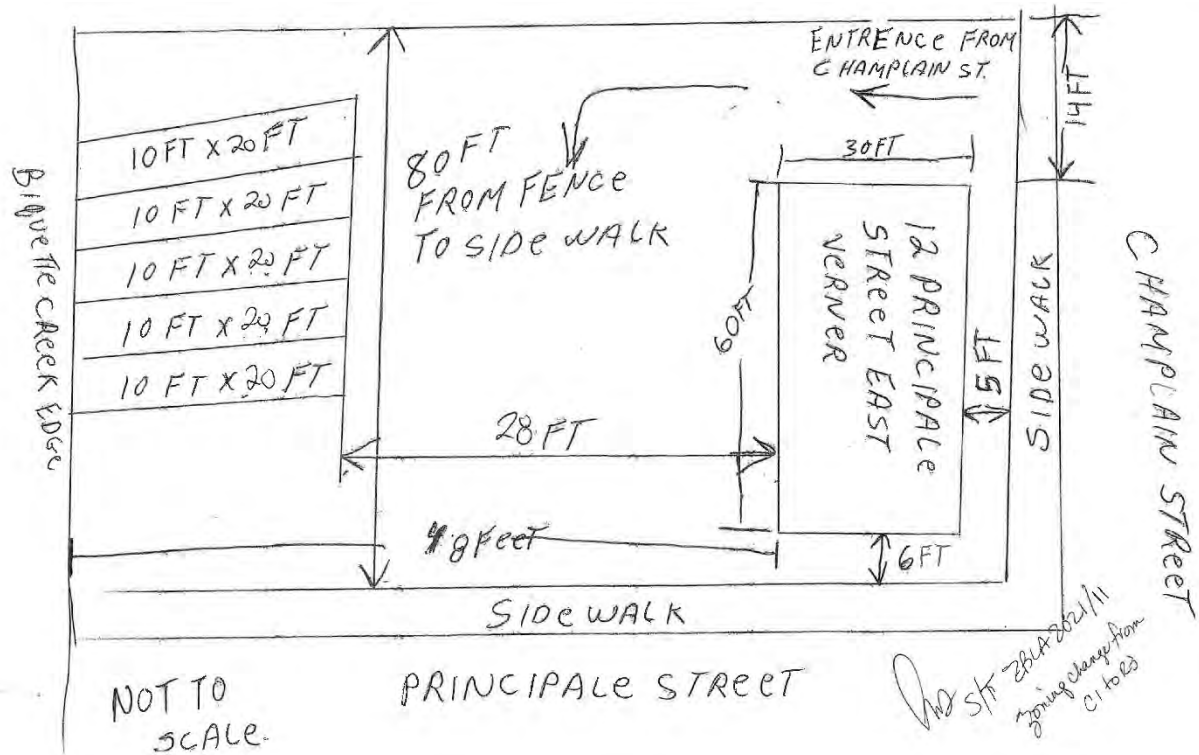
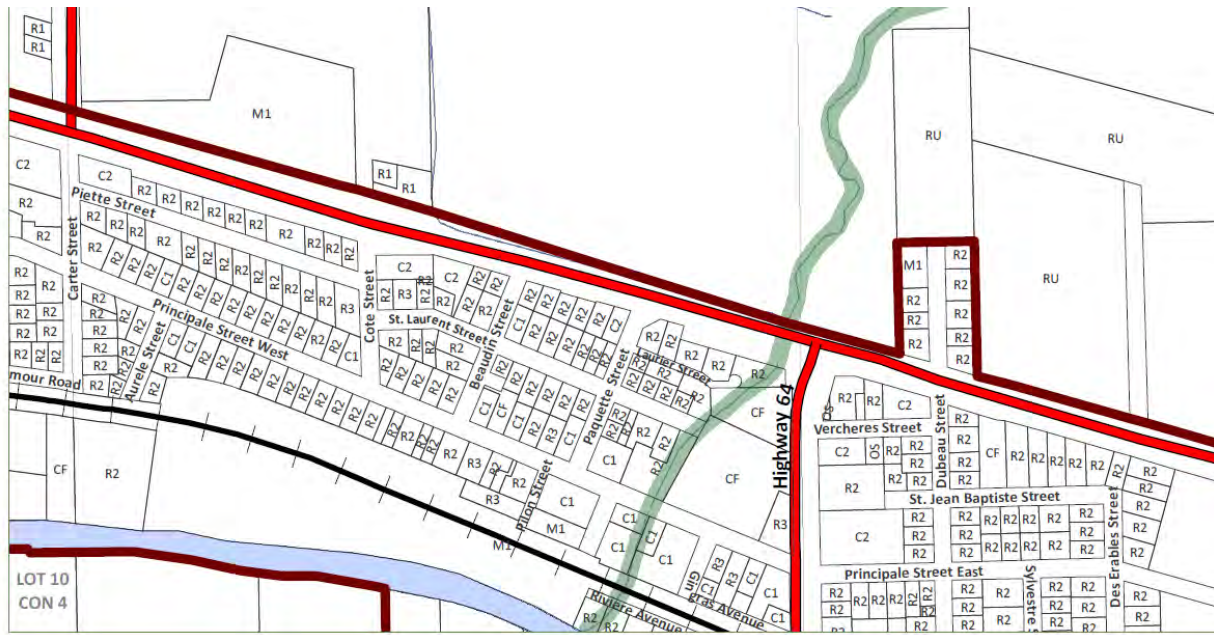


Figure 2 – Proposed Severance/Zoning Amendment Sketch



[illegible]

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



Appendix 1 – Agency Comments

<div>  <div>WEST NIPISSING PLANNING ADVISORY COMMITTEE</div> <div>MEETING HELD OCTOBER 18, 2021</div> </div>							
RECORD OF ALL COMMENTS							
APPLICATION	BELL CANADA	MTQ	HYDRO ONE	GREATER SUDBURY UTILITIES	CN / CP RAILWAYS	PUBLIC WORKS DEPT.	BUILDING DEPT.
ZBLA2021/11 Andre Coutu	•	• No comments	•	• No comments	<ul style="list-style-type: none"> Should the captioned rezoning proposal receive approval, CP respectfully requests that the recommended guidelines be followed with any planning and construction on the site: http://www.proximityissues.ca/ 	<ul style="list-style-type: none"> Water and sanitary should be upgraded accordingly No foreseeable roads <u>issues</u> Recommend ample parking on site 	• No concerns