

PLANNING REPORT

Proposed Plan of Subdivision – SUBD2022/03

Applicants: West Nipissing Casa Development Properties Ltd.

**Property: Vacant Land between Nipissing and Roy Street,
North of Quesnel Road, Sturgeon Falls, Ontario**

Date: March 14, 2022



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
1.1.1.....	2
1.1.2.....	3
1.1.3.....	3
5. LOCAL POLICY DOCUMENTS.....	3
5.1 Official Plan	3
Section 3.06.1.1.....	3
Section 3.06.1.4.....	4
5.2 Zoning By-Law	4
5.3 Part Lot Control By-Law	4
5.4 Site Plan Control By-Law	4
6.0 – ADDITIONAL REQUIREMENTS	5
6.1 Servicing	5
6.2 Drainage	5
6.3 Roy Street Upgrades.....	5
6.4 Parkland Dedication	6
7. CORRESPONDENCE/INFORMATION ATTACHED	6
8. SUMMARY AND RECOMMENDATIONS.....	6
Figure 1 – Aerial Imagery	7
Figure 2 – Draft Plan of Subdivision	8
Figure 3 – West Nipissing Official Plan – Land Use Schedule.....	9
Figure 4 – West Nipissing Zoning By-law No. 2014-45.....	10
Appendix 1 –Correspondence/Comments.....	11
Appendix 2-Conditions of Approval	12

1. INTRODUCTION

The purpose of this Planning Report is to address all provincial and municipal land use policies governing the proposed subdivision of the vacant property located between Nipissing and Roy Street(s) and north of Quesnel Road, Sturgeon Falls Ontario into seventy-one (71) new residential lots. The application is being put forward by the owner, West Nipissing Casa Development Properties Ltd., by Agent, Goodridge, Goulet Planning & Surveying Inc.

2. SITE AND BACKGROUND INFORMATION

The property is bounded on the east and west by Nipissing Street and Roy Street, respectively, and north of Quesnel Road. The property consists of the remaining vacant lands of which two prior plans of subdivision have been registered; one for 21 lots around the perimeter of Nipissing Street and Quesnel Road in 2013 and, most recently, for 48 lots on the King Street extension and new streets called Alexe Street, Mathieu Street, and Cameron Court. The prior subdivisions consist of both partially serviced (water only) and fully serviced lots (north of the gas pipeline). The property is currently accessed from King Street on the north and from Nipissing Street on the east side.

3. DEVELOPMENT PROPOSAL

The owner is proposing to subdivide the property into a further seventy-one (71) residential lots serviced by three new municipal roads for the purpose of single-family and two-family residential development. All of the lots will be fully serviced with municipal water and sanitary services. The owners will be required to undertake engineering investigations in order to determine how the lots will be serviced and any upgrades, alterations or additions to existing municipal infrastructure will be required to be undertaken by the developer, at his own cost. The owner will also be responsible for obtaining all regulatory approvals required with respect to the extension of the existing water and sanitary mains.

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.

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

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:

The subject property is located within the Urban Settlement Area of the Town of Sturgeon Falls (See Figure 3) and is a designated Residential in the West Nipissing Official Plan.

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.

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 - 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)

5.2 Zoning By-Law

By By-law 2017/15, Amendment to Zoning By-Law 2014-45, the owner re-zoned the lands from a Residential Holding Zone to R2 (Residential Two), permitting single family dwellings, duplex dwellings and semi-detached dwellings as principal uses.

It is recommended that unless the proponent intends to design and install sufficient infrastructure for semi-detached dwellings (two services per lot), that the zoning be amended to remove semi-detached dwellings from the permitted uses.

5.3 Part Lot Control By-Law

Assuming that design and infrastructure is appropriate, if the Owner wishes to further sever all or some of the proposed lots it is recommended that a Part Lot Control By -Law be sought. Part lot control exemption by-laws are enacted by the council of the municipality where a landowner wishes to further subdivide a lot that had been previously been created by way of a plan of subdivision. This approach avoids the necessity of obtaining consents (severances) for this lot creation. This approach is particularly appropriate where it is anticipated that the lots will be further subdivided or such purposes as service easements which are not exempt under the Act.

5.4 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 – ADDITIONAL REQUIREMENTS

6.1 Servicing

The existing Phase I and part of Phase II of the development were approved with partial servicing (water service only) with on-site services contemplated for those lots located south of the high-pressure gas main which transects the property. A Hydrogeological analysis was carried out by S. A. Kirchhefer Limited, which indicated that the property cannot accommodate a significant number of additional on-site services and, accordingly, the approval of this proposed draft plan can only be given on the condition that all of the lots are serviced with municipal water and sanitary services.

It is anticipated that the lots will be drained by road-side ditches and the lots will be graded such that the water flows to the front(s) of the property. No rear yard drainage easements will be approved by the Municipality.

A street lighting plan, satisfactory to the Municipality's Public Works Director shall be required prior to the signing of a Subdivision Agreement.

6.2 Drainage

The property naturally drains westerly. The design of the previous Phases I and II was that the storm water be directed northerly into the marsh on the owner's property. Since the construction of the Phase II, the Municipality has continued to experience difficulty with drainage on Roy Street because the water is not draining northerly, as designed, and is backing up onto Roy Street, creating wash-outs as Roy Street is not equipped to take the flow of water emanating from the subdivision. The proposed development of 71 additional lots, will significantly increase the volume of storm water emanating from the property thus exacerbating an already tenuous situation.

As a condition of approval, the Owner will be required to provide a Stormwater Management Plan, satisfactory to the Municipality of West Nipissing. In addition to the stormwater management report, the owner shall be required to obtain a sufficient and legal outlet for the stormwater. The property has historically drained northly through private property, under Third Street, onto some more private property and out into the Sturgeon River. This historic drainage has no status and the significant proposed change in land use of the property will have the effect of negating any historic right of drainage through the abutting private lands.

Option for obtaining a legal outlet for the stormwater for this subdivision include:

- (a) Design a storm sewer system in order to direct the water along municipal roadways to a legal outlet;
- (b) Negotiate privately drainage easements from the landowners between his property and the Sturgeon River;
- (c) Petition for a Municipal Drain pursuant to Section 4 of the *Drainage Act* and request the Municipality's Drainage Engineer to carry out an inspection of the area requiring Drainage and prepare a Preliminary Report providing options. A Municipal Drain would have the effect of creating legal outlet(s) for the proposed and existing development. It should be noted that a Municipal Drain would apportion the cost of the report and construction over the entire catchment area requiring drainage, such that the costs would not have to be borne solely by the Owner and the Municipality would also be assessed for its roads.

6.3 Roy Street Upgrades

The proposed development contemplates an exit onto the unmaintained portion Roy Street. Roy Street will be required to be upgraded by the Owner, at its cost, to a standard acceptable for the Municipality to assume and maintain as year-round road to be used both for ingress and egress to the subdivision and for access to any municipal infrastructure should it be installed.

6.4 Parkland Dedication

Notwithstanding the offer by the Owner to dedicated the high-pressure gas main corridor as Parkland, in the two (2) previous phases of this development, the Municipality had elected to take the 5% cash in lieu. Given that the newest phase will bring the development to an excess of 100 new dwellings, it is recommended that Council consider taking requiring the Owner to dedicate an area to be set aside for parkland. It would be my suggestion that the lands shown as Block 72 and Lot 4 be dedicated as Parkland as the lands would be accessible from Streets A and C.

7. 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.

8. 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. Subject to the recommendations contained in this report, the proposed application to subdivide the property into seventy-one (71) residential lots is recommended subject to the conditions and recommendations contained herein and as further attached hereto as Appendix 2.

Respectfully Submitted,



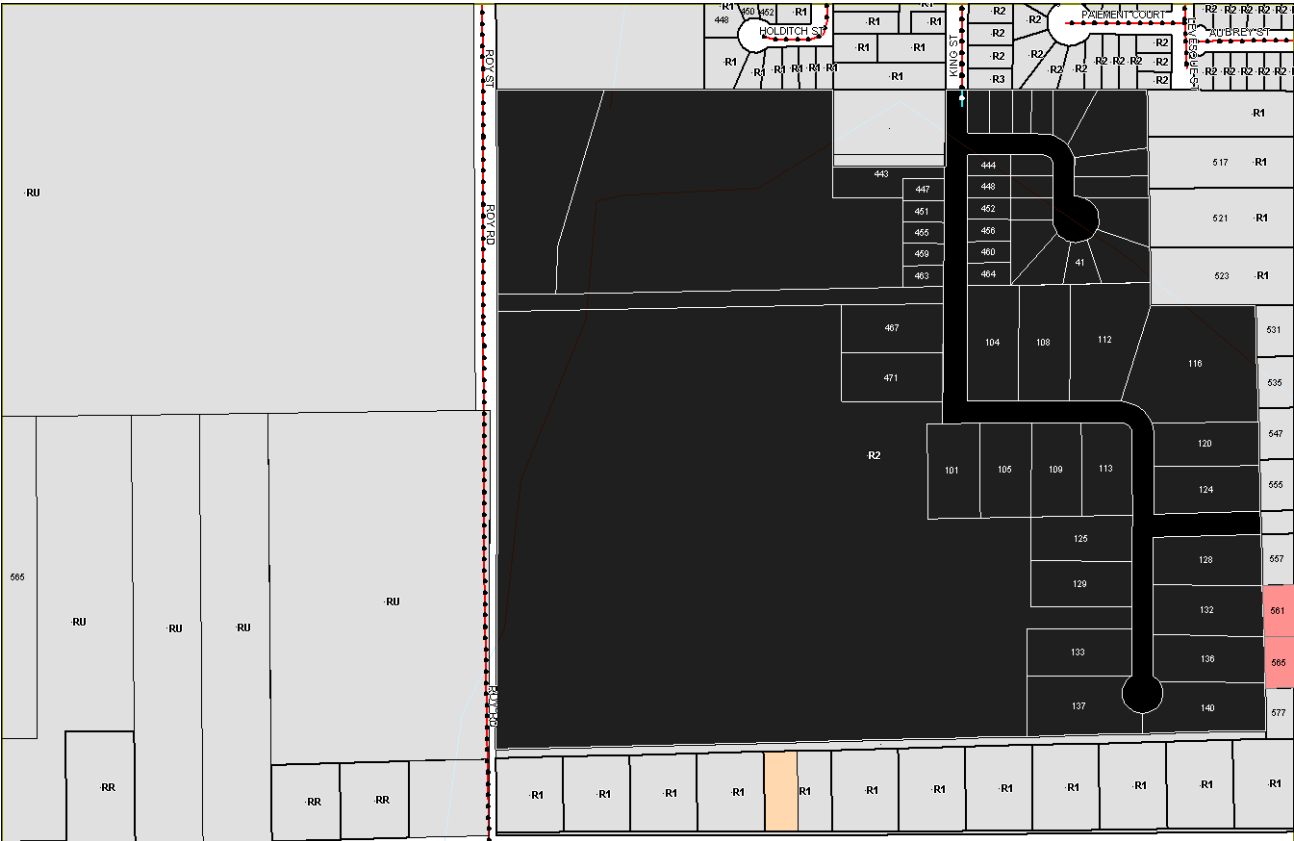
Melanie Ducharme, Planner

The map displays the Riverfront area in St. John's, with various streets and property lots. The map is divided into three main sections: Phase I (bottom right, red outline), Phase II (middle right, green outline), and Phase III & IV (middle left, blue outline). Streets shown include Riverfront Dr, Demers St, Quesnel Rd, and various residential streets like Pauley Court, Pauley St, and Pauley Ave. The map also shows a large wooded area on the left and a parking lot at the bottom left.


[illegible]

[illegible]

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



Appendix 1 –Correspondence/Comments

<div>  <div> WEST NIPISSING PLANNING ADVISORY COMMITTEE MEETING HELD MARCH 14, 2022 </div> </div>							
RECORD OF ALL COMMENTS							
APPLICATION	BELL CANADA	MTO	HYDRO ONE	GREATER SUDBURY UTILITIES	CN / CP RAILWAYS	PUBLIC WORKS DEPT.	BUILDING DEPT.
SUBD2021/03 West Nipissing Casa Development Properties Ltd.	•	• No comments	• No comments or concerns	•	•	•	•

Tanya Lelievre

From: Melanie Ducharme
Sent: March 10, 2022 12:46 PM
To: Tanya Lelievre
Subject: FW: File #SUBD2021/03 - Park land

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Marc Arseneault <marcarseneault1@gmail.com>
 Sent: March 7, 2022 11:51 AM
 To: Melanie Ducharme <mducharme@municipality.westnipissing.on.ca>
 Subject: Re: File #SUBD2021/03 - Park land

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,

As discussed for the upcoming March 14th meeting, I am proposing to have park land and would prefer to see it centralized in the whole Casa development/subdivision.

Thanks,
 Marc Arseneault
 (705) 580-2624

Appendix 2-Conditions of Approval

SCHEDULE "A"

SUBD2021/03 - 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. **SUBD2021/03** made by **WEST NIPISSING CASA DEVELOPMENT PROPERTIES LTD.** 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 Inc., dated February 22, 2022.
- 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 such location as may be agreed upon for the orderly provision of utilities and services.
- 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.
 - d) In conjunction with such stormwater Management Study, the Owner shall obtain a sufficient and legal outlet (municipal storm system, municipal drain or registered easement);

- 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, drainage and including a legal outlet;
 - 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/Greater Sudbury Utilities 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/Greater Sudbury Utilities for review and approval.
 - b. Any development in conjunction with the subdivision must not block vehicular access to any Hydro One/Greater Sudbury Utilities 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/Greater Sudbury Utilities facilities which are necessary to accommodate this subdivision will be borne by the developer.
 - d. The easement rights of Hydro One/Greater Sudbury Utilities and its legal predecessors are to be protected and maintained.

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 Hydro One/Greater Sudbury Utilities 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.