

PLANNING REPORT

Proposed Plan of Subdivision

Applicants: PRJ Electric Ltd

Property: Vacant Lands on Lalande Road, Springer Township

Date: March 14, 2022



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1. INTRODUCTION

The purpose of this Planning Report is to address all provincial and municipal land use policies governing the proposed development of a thirteen (13) lot plan of residential subdivision, Part of Lot 8, Concession B, Geographic Township of Springer in the Municipality of West Nipissing. The Development is being proposed by Goodridge, Goulet Planning & Surveying Ltd., (Paul Goodridge, OLS) on behalf of PRJ Electric Ltd. (owner: Gilles Clement).

2. SITE AND BACKGROUND INFORMATION

The subject property is located on the south side of Lalande Road at the corner of Lalande and Fort Roads, Township of Springer in the Municipality of West Nipissing. The Subdivision lands are comprised of approximately 15 hectares with each of the proposed lots being in excess of 1.0 hectares in size. The lands are bounded on the north by chemin Lalande Road, chemin du Fort Road on the West and chemin Concorde Road on to the south.

The property has been the subject of a previous subdivision application for eight (8) residential lots and several severances along chemin Concorde. The owner has carried out extensive ditching and drainage work on the property and the proposed new road is already in existence as shown on the attached aerial imagery. The road will be upgraded in accordance with the engineering plans which have been prepared by the owner's consultants which have been approved by the Municipality's Manager of Public Works.

3. DEVELOPMENT PROPOSAL

The current proposal is for thirteen (13) new residential building lots on a cul-de-sac to be accessed from Lalande Road. 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.

As the property is located within the Sturgeon River Flood Plain, the owner has carried out a hydrogeological analysis of the lands to determine the suitability of installation of on-site sanitary and water services, which report's conclusions will be further detailed in this report.

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. No rear yard drainage easements will be accepted by the municipality and it is recommended that the

Section 2.1 - Natural Heritage:

As evidenced in the Natural Heritage Map attached, there is a small portion of Provincially Significant Wetland located at the south west corner of the proposed subdivision. In 2013 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)

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 **Rural Residential Exception Zone** which zone will include provisions for any recommended set-backs or other recommendations arising from the Environmental Assessment Report.

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;

6.0 SITE SPECIFIC STUDIES

6.1 Preliminary Ecological Site Assessment

In 2013 it was identified that a small portion of the property is overlapped by the Provincially Significant Wetland which is largely located on the west side of Fort Road. 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. The report recommendation with regard to the PSW is that further

investigation be carried out prior to development to ensure that the proposed development will not have any adverse impact on the PSW.

In 2015 the Ministry of Natural Resources and Forestry advised the Municipality of West Nipissing that they would be carrying out an evaluation of the Cache Bay Wetland areas in West Nipissing in order to provide a boundary refinement which will identify the areas within the PSW which are no longer functioning as wetland. That study has not yet been completed however recent discussions with MNRF staff have indicated that it remains a priority at the provincial level.

It is recommended that the Applicant shall obtain an evaluation of the portion of the property which is designated as PSW and/or an updated PESA to address the findings of the 2013 study and to evaluate the potential impacts of the proposed development and to make recommendations in particular with regard to the PSW, which may or may not be functioning wetland. 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.

6.2 Hydro-Geological Analysis

The property is located within the Sturgeon River Floodplain, with all lots having an elevation of slightly below the regulatory flood level of 197.25m. As a result, the Owner was required to obtain a hydro-geological analysis of the terrain in order to determine suitability for the installation of private water and sanitary services and to provide recommendations for the. The report's conclusions indicate that there is sufficient surcharge of raw potable water to supply all of the proposed lots. Further, the report recommends that all of the lots shall be serviced with raised septic systems.

6.3 Stormwater Management

The owner has commissioned a Stormwater Management report for the proposed development in order to address the proposed drainage of the site post-development. The conclusions of the report indicate that although that the lands are located within the flood plain and have relatively flat land conditions, the proposed low-density development will not have any adverse effect on the receiving body of water (Sturgeon River).

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. 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 PRJ Electric Ltd. to divide the property described as Part of Lot 8, Concession B, Township of Springer, Municipality of West Nipissing, into thirteen (13) residential lots is in general conformity with the West Nipissing Official Plan as it relates to limited residential development in the Rural Area.

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/and or evaluation of the area of the property noted as PSW be carried out and that the recommendations of the study/report 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, taking into consideration 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;

Respectfully Submitted,

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

Melanie Ducharme, Municipal Clerk/Planner

Figure 1 – Aerial Imagery



Figure 2 – Proposed Draft Plan of Subdivision



Figure 3 – West Nipissing Official Plan – Land Use Schedule

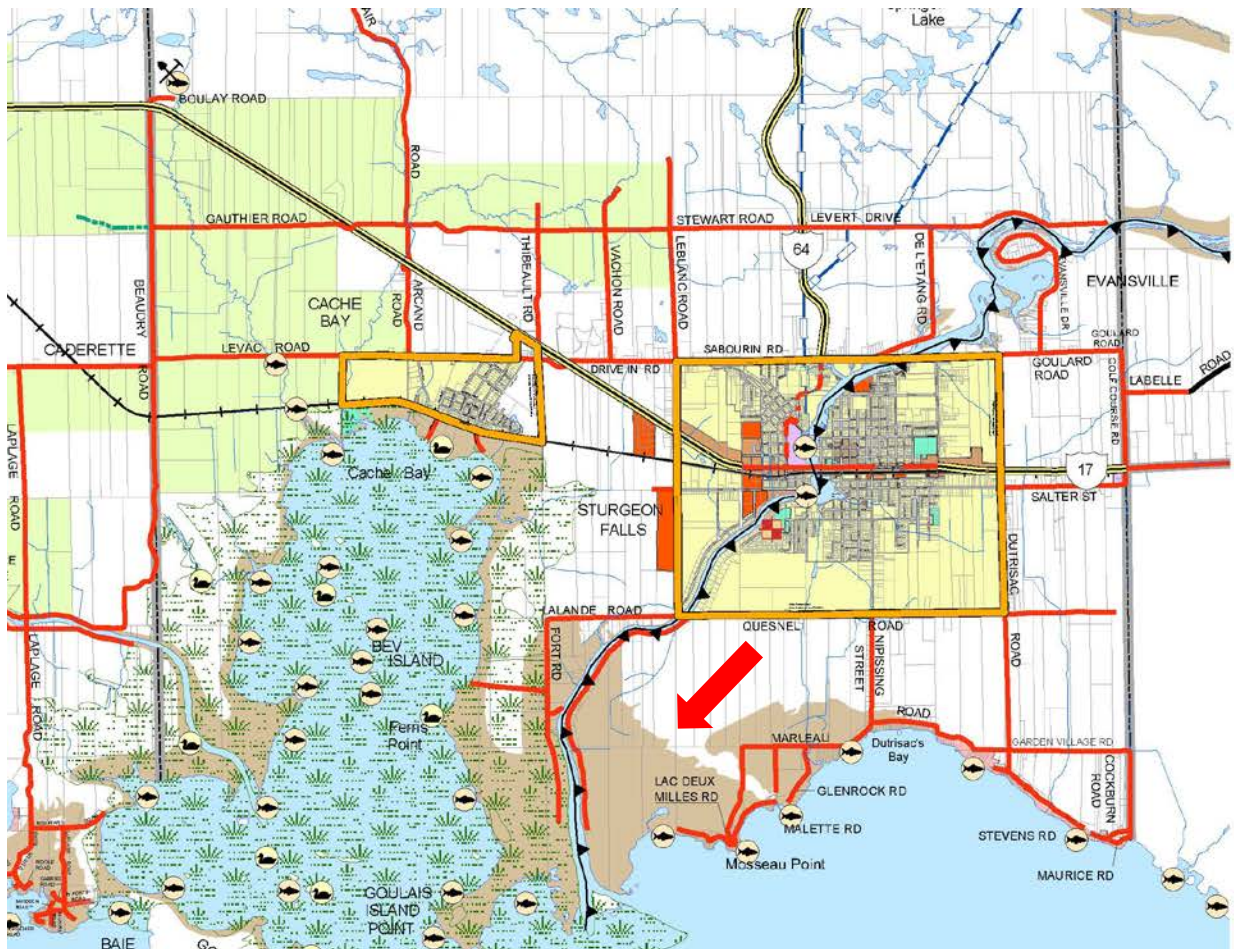


Figure 4 – Natural Heritage Mapping

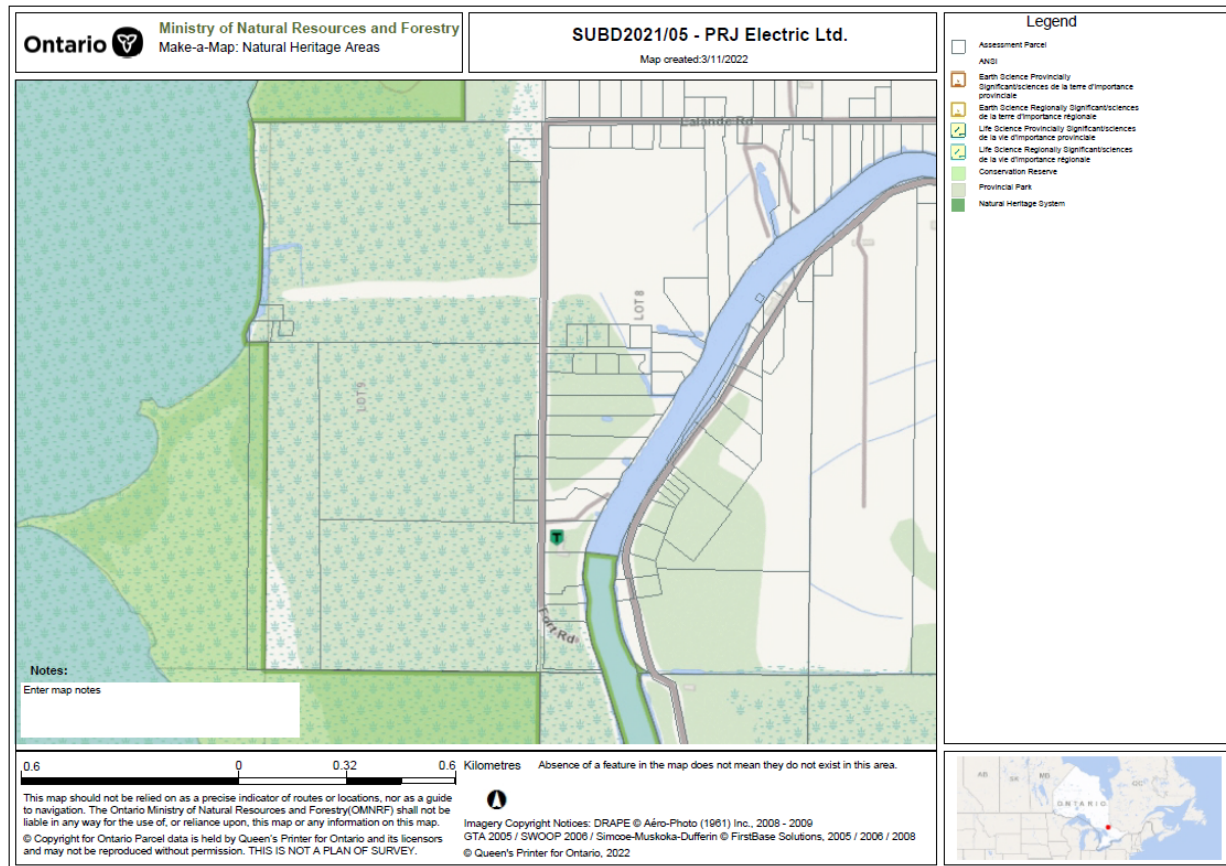
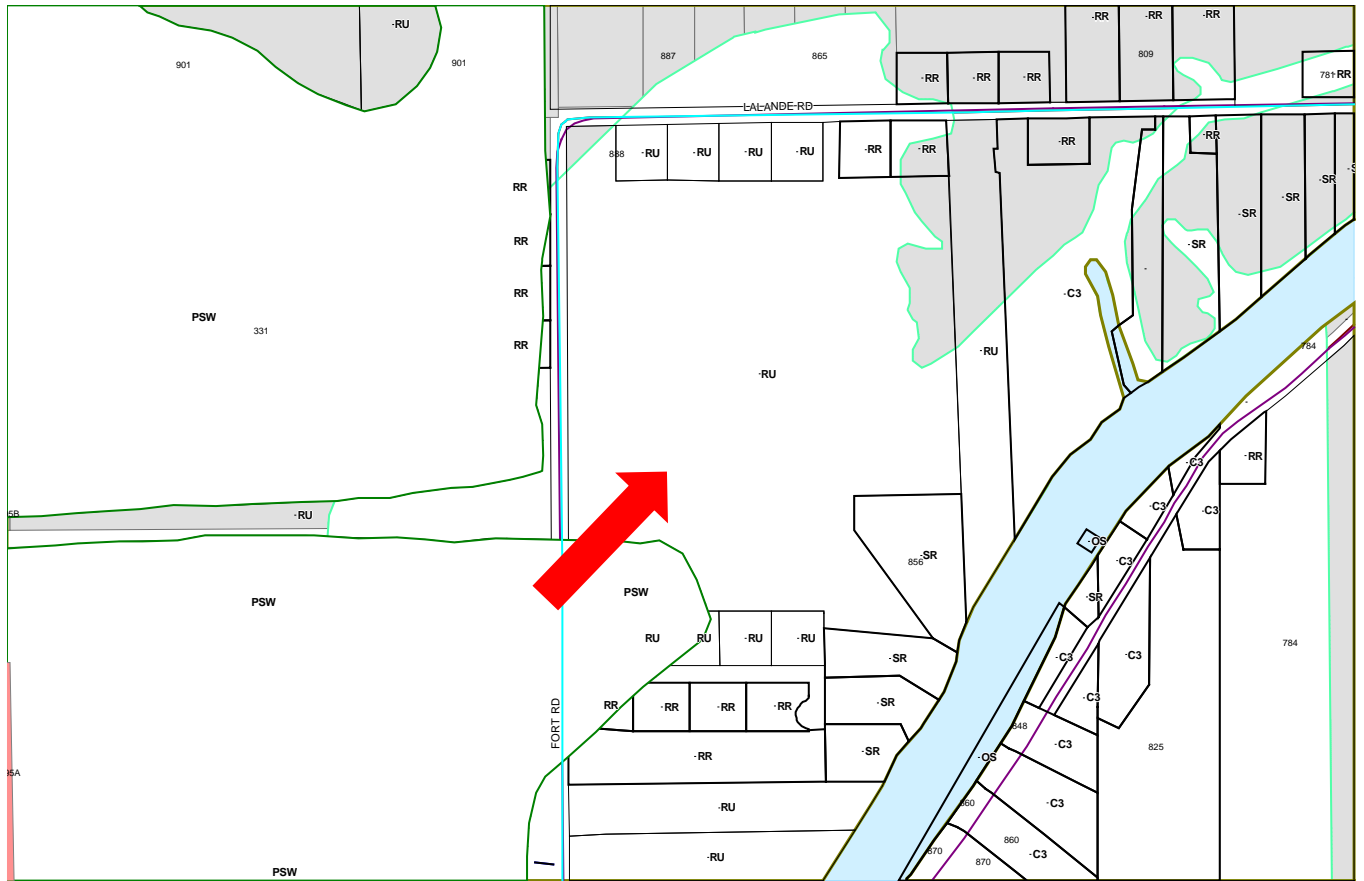



Figure 5 – West Nipissing Zoning By-law No. 2014-45



Appendix 1 - Comments

<div>  <div>WEST NIPISSING PLANNING ADVISORY COMMITTEE</div> <div>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.
SUBD2021/05 PRJ Electric Ltd	•	• No comments	•	•	•	<ul style="list-style-type: none"> • No water • No sewer • Drainage shall be roadside, and only easement along lot 8 will be accepted by municipality for a drainage outlet. 	<ul style="list-style-type: none"> • No issues • Note that that building plans for the new homes in the hazard land designation will need to conform to the requirements of Section 9.1.1.8 Div B of the Ontario Building Code.

Tanya Lelievre

From: Melanie Ducharme
Sent: March 11, 2022 2:46 PM
To: Tanya Lelievre
Subject: FW: Comment for file no. SUBD2021/05- Meeting March14, 2022
Attachments: 842Lalanderdditch.jpeg

From: Michael Horner
Sent: March 11, 2022 10:36 AM
To: Melanie Ducharme <mducharme@municipality.westnipissing.on.ca>
Subject: Comment for file no. SUBD2021/05- Meeting March14, 2022

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,

We spoke earlier on the telephone last September concerning potential water issues I had with the planning of the new subdivision adjacent to our property of 842 Lalande Rd, Sturgeon Falls.

I don't oppose the project even though the reduction of green space and the creation of five new neighbors will potentially reduce the value of our property. I do believe in the growth of our community.

The problem at hand is that the natural ditch depression that provides drainage from our properties to the river goes through the middle of the proposed Lot 10. I do not see a drainage easement on the proposed plan to address this issue. If this area is simply blocked off it will definitely cause flooding to my driveway and property during spring run off.

I have included the satellite imagery which clearly shows this natural ditch. Hoping my concerns can be addressed and that this has simply been overlooked.

For any further clarification please feel free to contact me.

Michael Horner

March 3, 2022

Dear Planning Advisory Committee,

I am writing this letter in reference to file number SUBD2021/05. I simply want to ensure the Planning Advisory Committee takes into consideration drainage requirements for these 13 new un-serviced residential building lots and 1 block.

It is my understanding that the current ditches on the property are unregistered. The red line in the areal view below is what I believe to be the ditches that are on the reference plan. However, the orange line is an additional ditch that is currently on this land that is not reflected in the plan. When the snow melts, these ditches are full, and I am worried if they are not recognized on these plans that they can be filled in causing flooding issues for the surrounding neighbours.

My intentions are not to delay and impeded any development of the land. However, given this is a low-lying land I want to make sure drainage is one of the main considerations of this committee.

I assume that my comments above will be addressed at the upcoming meeting on March 14, 2022.

Kind regards,



Alexandre Laferrière

888 Lalonde Road



Appendix 2

SCHEDULE 'A'

FILE SUBD 2021-05 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. SUBD 2021/05 made by PRJ ELECTRIC 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 dated February 22, 2022.
- 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 or in the Staff Report to which this is appended;
- 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 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. Entrances to lots;
 - d. Street lighting;
 - e. CMB location;
 - f. 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.
- 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) 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.
- 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 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.
- 12) 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.;
- 13) 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;
- 14) The owners shall undertake an update of the Environmental Assessment which was carried out in 2013 in particular relating to the portion of the lands located in and adjacent to the Provincially Significant Wetlands. Any recommendations arising from the said report shall be incorporated into and form part of the required Zoning By-Law Amendment and/or Site Plan Control Agreement, as applicable.
- 15) That the Owner shall re-zone the property to a Rural Residential Exception Zone, which Zone shall include any recommended set-backs arising from the updated PESA.

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.