



City of North Bay Report to Council

Report No: CSBU 2021-38

Date: July 12, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Zoning By-law Amendment and Draft Plan of Subdivision
Applications by Antech Design & Engineering on behalf of Golden Estates
Limited

Closed Session: yes ☐ no ☒

Recommendation

1. That the proposed Zoning By-law Amendment by Antech Design & Engineering on behalf of Golden Estates Limited – Tower Drive and Winston Drive in the City of North Bay to rezone the property from a “Residential Holding (RH)” zone to a “Residential Second Density (R2)” zone for a portion of the property legally described in Appendix A to Report to Council No. CSBU 2021-38 be approved; and
2. That the proposed Plan of Subdivision (25 Lots, Subdivision File No. 48T-21101) by Antech Design & Engineering on behalf of Golden Estates Limited – Tower Drive and Winston Drive in the City of North Bay for a portion of the lands described in Appendix A to Report to Council Number CSBU 2021-38, shown as on Schedule “B” attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2021-38 prepared by Peter Carello dated July 12, 2021.

Background

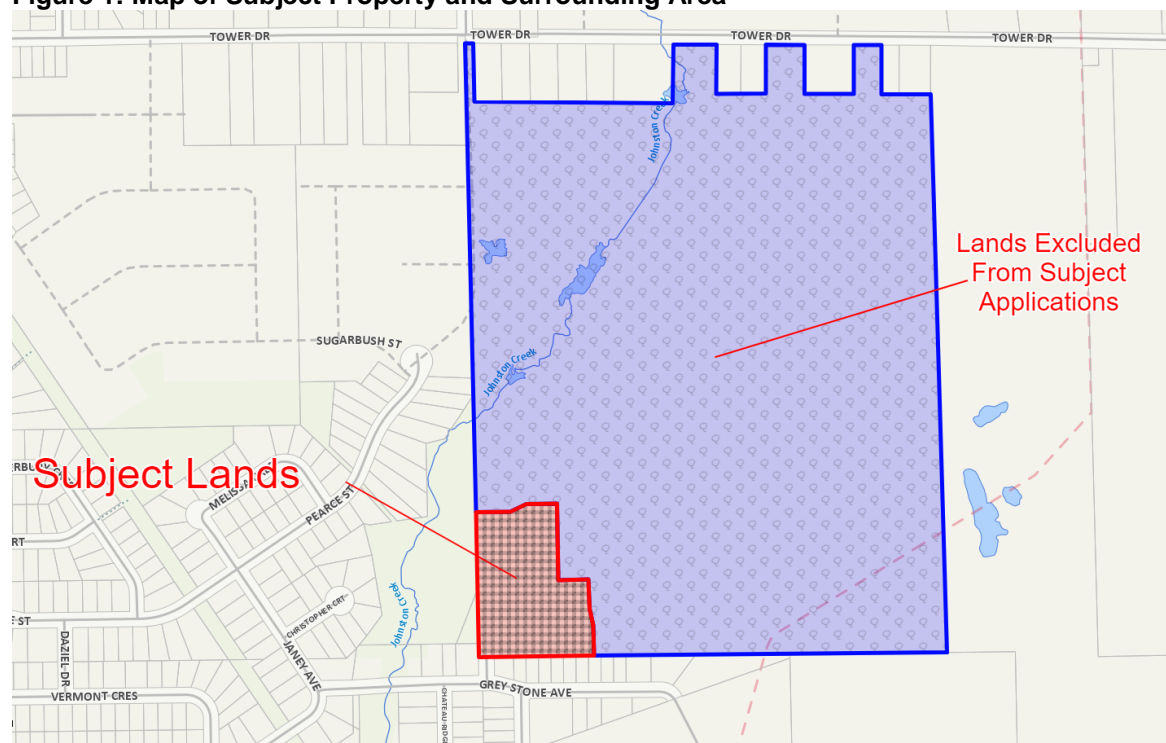
Site Information

Legal Description: See Appendix A

Site Description: The subject property is an existing lot of record on Tower Drive. The property is just north of a recently developed subdivision, which provides road access via the unconstructed Winston Drive.

The proposed applications affect only a portion of the property, as shown below in Figure 1 and on the attached Schedule A.

Figure 1: Map of Subject Property and Surrounding Area



The lands subject to the proposed applications have a total lot area of 2.4487 hectares. The property is currently designated "Residential" under the City of North Bay Official Plan and is zoned "Residential Holding (RH)" under Zoning By-law 2015-30. The lands are currently undeveloped.

The remainder of the property that is outside of the scope of these applications is designated both "Residential" and "Rural" under the Official Plan. These lands are zoned "Residential Holding (RH)" and "Rural (A)" by the Zoning By-law 2015-30. The majority of the property is within the Urban Settlement Area, with a small portion of the property in the south-east corner within the Rural Area and outside of the Settlement Area.

Johnson Creek travels over the north-west part of the property.

Surrounding Land Uses: The immediately surrounding lands are all low density residential or vacant. Laurentian Ski Hill and the North Bay Mattawa Conservation Authority are located a short distance to south west. North Bay Jack Garland Airport is a little less than a kilometre to the north of the subject property.

Proposal

Antech Design & Engineering on behalf of Golden Estates Limited has submitted a Zoning By-law Amendment application to rezone a portion of the property from a "Residential Holding (RH)" zone to a "Residential Second Density (R2)" zone. The applicant has also submitted an application to establish a draft plan of subdivision for a twenty-five (25) lot subdivision.

The purpose of the applications is to allow for the residential development of the property at an urban scale and density.

Summary

The applicant has submitted applications to rezone a portion of a property to a "Residential Second Density (R2)" zone and to establish a draft plan of subdivision to grant approval in principle to create twenty-five (25) new residential lots.

The City's Official Plan and Provincial Policy (established by way of the Provincial Policy Statement) encourage new development to take place within the City's Settlement Area where appropriate levels of services are available. Placing development in existing built up areas reduces the need for unnecessary service expansions. Both policy documents contain more specific policies outlining the benefits of placing development in these areas, some of which is discussed later in this report.

The Subject Lands are located within the City's Settlement Area, just north of the recently developed Ski Ridge Estate subdivision. The road access would be provided to the subject lands via streets created by way of this subdivision, Winston Drive and Greystone Avenue. It has access to the full range of public services, including publicly owned sewer and water, as well as all other public amenities that are expected in North Bay's urban area.

The lands are designated "Residential" by the City's Official Plan and are zoned "Residential Holding (RH)". These classifications establish the general

use of the property as residential. In staff's opinion, the proposed applications facilitate the property achieving the Official Plan and Zoning By-law's intended use of the property.

The City received one letter of objection from the developer of the Ski Ridge Estate subdivision. Their correspondence expressed concerns that the proposed subdivision might preclude the full build out of their subdivision due to the infrastructure demands of the proposed subdivision. Their concerns specifically focused on the capacity of the sanitary sewer, storm sewer and traffic network.

Their correspondence further expresses their opinion that the development should begin at the north end of the property, where the applicants have access to Tower Drive, as opposed to the south end of the property as currently proposed. Finally, the letter of objection expresses that should the applicant proceed from the south end, they should provide a financial contribution to the developer of the Ski Ridge Estates subdivision to compensate them for the costs they incurred to extend the services and the road to their property.

Planning Staff has consulted with the City's Engineering Department to discuss these comments.

The Engineering Department has reviewed the infrastructure capacity in the area a number of times through this current application and through the development of the abutting subdivision. Based on the information available at the time the Engineering Department has indicated that existing infrastructure is sized appropriately to accommodate this current development, as well as the Ski Ridge Estates Development. However, as part of the City's standard practice the developer is required to confirm infrastructure capacity prior to development taking place. This requirement is Condition 14 to the Conditions of Approval, attached as Appendix C to this report.

The Engineering Department also identified the need for a closer examination of traffic prior to the development proceeding. The requirement that the proponent submit a Traffic Impact Study has also been added as a condition of approval. Should the traffic infrastructure require upgrades to accommodate the proposed development, this shall be done at the cost of the applicant.

Regarding Ski Ridge Estates request that the current development compensate them for the service extensions that they previously made, staff would note that there was no agreement in place as part of the previous

subdivision that would require a cost share contribution from the current developer. To some extent, all new developments build off of and tie into the infrastructure that was previously put in place by other developers. Apart from the recentness of the Ski Ridge Estates development, in staff's opinion the current proposal is no different.

Staff does not agree that it is inappropriate to develop from the south side of the property, provided that services are appropriately sized for the proposed level of development. Both the north side and south side of the property have the same Official Plan designation (Residential) and the entire property is in Stage 2 of the Official Plan's Staging Plan, meaning that it is appropriate to consider the development of the subject lands at this time. The development from the north side of the property would require a lengthy extension of municipal services and a crossing of Johnston's Creek in order for this to occur. Provided that services are appropriately sized for the proposed development initiating development from the south side would be a logical sequencing for development.

There were no other comments received from the public.

The North Bay Mattawa Conservation Authority has also commented on the applications. They noted the presence of certain natural features being present in the area. They recommended that an Environmental Impact Study be completed prior to development taking place. The Conservation Authority identified the possibility of the developer encountering archaeological artefacts at the time of construction. Should this occur, development should stop and an archaeological study would be required at that time. Finally, they also recommended that a stormwater management plan be completed. Each of these three items has been added as conditions of approval.

The Conservation Authority also noted that Johnson's Creek travels over the property and onto neighbouring properties. However, the proposed lands to be developed are outside of the area of the property that would affect Johnson's Creek. As a result, the development of the proposed Plan of Subdivision will not require a DIA Permit from their office.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2020).

Provincial Policy

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and Aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion the proposed development conforms with the City's Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment and draft Plan of Subdivision conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2020)

The current Provincial Policy Statement issued by the Provincial government came into effect on May 1, 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

One of the core objectives of the Provincial Policy Statement is to encourage development to take place within a City's Settlement Area, preferably on full municipal services. Several passages outlining this objective are cited below:

Part IV (Vision for Ontario's Land Use Planning System)

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability

of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Section 1.1.3 (Settlement Area)

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;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*

Section 1.6.6 (Sewage, Water and Stormwater)

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

...

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

The subject property is located within the Settlement Area. Surrounding lands to the south and to the west are either developed or are in the process of being developed with low density residential uses. The proposed new subdivision would be generally consistent with other residential development in the area.

The development would extend municipal services and road access from a recently constructed subdivision. It would have access to municipal sewer and water, as encouraged by the PPS 2020.

If approved, implementation of a stormwater management plan shall be a requirement as part of the development. This will ensure that stormwater facilities shall be put in place as part of any new construction, consistent with the above noted policies of the PPS 2020.

Planning Services Staff are of the opinion that the proposed Zoning By-law Amendment and draft plan of subdivision are consistent with the Provincial Policy Statement (PPS 2020).

Official Plan

The property is located within the City's Settlement Area and currently designated "Residential" in the City of North Bay's Official Plan.

The Official Plan contains a number of policies that encourages development to take place within the Settlement Area, as identified below.

1.4.2 Guiding Principles

North Bay endorses the principles of "smart growth" by concentrating growth within the Settlement Area in a manner that new development has easy access to employment lands, commercial lands, residential lands, parks, trails and public transit. North Bay continue the practice of concentrating growth within the Settlement Area in a manner that allows new development to have easy and efficient access to employment, residential, commercial and park areas.

Planning Staff are of the opinion the Zoning By-law Amendment is appropriate and conforms to the City of North Bay's Official Plan....

Lands within the Settlement Area, on full municipal services, will be the focus of growth in the municipality. The majority of the Trout Lake Watershed is outside the designated Settlement Area to restrict urban development within the watershed. The settlement area has been designated with consideration given to anticipated growth over the term of this Plan, to support both new residential and employment areas. In all situations, growth and development will be encouraged to locate within existing built up areas that have existing or planned infrastructure.

2.1 Settlement Area Policies

It is the objective of this Plan to concentrate new growth and redevelopment within the Settlement Area and to develop new land for residential, employment area, commercial, park & open space and institutional uses. The Settlement Area is sized to meet current and future land requirements for these uses requiring full municipal services.

2.1.1 Infill and intensification developments will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate, and where adequate municipal services, facilities, and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses.

The above referenced policies of the Official Plan are similar in nature to the policies of the PPS 2020. By encouraging higher levels of development within the Settlement Area a municipality can make better use of existing public services and reduce the need for infrastructure expansion. It is more cost

efficient for a community to be developed this way and minimizes the overall size of a community's environmental footprint.

The Official Plan provides direction on development standards that should be in place as part of the development of new subdivisions.

2.1.11.3 In the development of new residential neighbourhoods, and as far as possible in the infilling of those already established, or in redevelopment in older neighbourhoods, high standards of residential amenity will be encouraged through the use of the following design principles:

- a) Separate pedestrian walkways or trails will be encouraged, where feasible, and designed to facilitate access to elementary schools;*
- b) Varieties of residential types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing between tall apartments and lower row houses and single detached houses to maintain privacy, amenity and value;*
- c) Sufficient land is to be assembled for residential developments to eliminate isolated parcels that would be difficult to develop or redevelop at a later date;*
- d) Prior to any zoning changes to permit residential development it shall be established that schools, parks and all other services are adequate according to the standards in this Plan, and that access points to multiple family accommodations are adequate and safe;*

The applicants are proposing a "Residential Second Density (R2)" zone, which allows exclusively for low density residential uses. Abutting lands are all developed with low density residential.

The property is a large lot (approximately 60 hectares). While not all of the lot is developable, the property owner has ample development options to ensure that they make efficient use of the land as different phases of the subdivision move forward in the future.

The property has access to several different parks and recreational opportunities. It is in reasonably close proximity to Laurentian Ski Hill (a little

under 1 kilometre, measured straight line). The City has acquired lands for a future neighbourhood park approximately 500 metres to the west from the subject property. Though this park is not developed at this time, it is anticipated to serve residents of this subdivision in the near future. There are also numerous natural walking trails throughout the area.

The property is in close proximity to an English language public school. It also has access to school bussing that would take residents to schools throughout the City.

The City's Engineering Department has commented that a traffic report is required to confirm the capacity of the road network to accommodate the proposed development. The Official Plan grants the municipality to make this requirement of the developer, as identified below:

5.2.1.15 A traffic impact assessment shall be required for amendments to the Comprehensive Zoning By-law, Plans of Subdivisions or Condominium or site plan approval, only where there is a potential impact to the municipal road network.

Condition 15 of this report requires the developer to submit a traffic report and implement any recommendations forthcoming from this study prior to development taking place.

Planning Staff are of the opinion the Zoning By-law Amendment and draft Plan of Subdivision are appropriate and conforms to the City of North Bay's Official Plan.

Zoning By-Law No. 2015-30

The subject property is presently zoned "Residential Holding (RH)". The current RH zone permits the following uses:

- Single Detached Dwelling;
- Cemetery;
- Commercial Agricultural Uses;
- Conservation Area;
- Golf Course;
- Group Home Type 1;
- Hobby Farm (as an Accessory Use to a residential use only);
- Kennel;
- Rural Recreational Facility;
- Solar Farm; and
- Wind Farm

The applicant is proposing to rezone the property to a "Residential Second Density (R2)" zone. The R2 zone permits the following uses:

- Single Detached Dwelling;
- Group Home Type 1;
- Bed and Breakfast (as an Accessory Use only);
- Home Based Business (as an Accessory Use only);
- Parks and Playgrounds;
- Day Nursery (as an Accessory Use associated with an Institutional or Public Building only); and
- Institutional Uses

The subject property is able to meet all other regulations of the Zoning By-law.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application.

Of the agencies that provided comments, Building Department, Parks Department, Ministry of Transportation, and CN Rail each expressed no concerns or objections.

Enbridge (Union Gas) had no objections to the proposal but noted that they required the necessary easements as part of final approval of the subdivision. Condition 10 of the Conditions of Approval requires the owner to grant the necessary easements to the various public utility providers.

The North Bay Mattawa Conservation Authority provided the following comments:

The Conservation Authority has no objection to this application subject to the recommendations below.

This property is in the Chippewa Creek subwatershed. Johnston Creek is found just west of this property. The property, however, is not affected by flooding or erosion hazards from Johnston Creek. According to our mapping, there are no natural hazard features associated with this property. Since this property sits well above the limits of the North Bay Escarpment, there are no concerns with respect to the Escarpment.

Due to the scope of development, it is recommended that:

- *an Environmental Impact Study be undertaken to assess the potential impacts to any Natural Heritage features,*
- *a stormwater management plan be prepared for the site, and*
- *should any artifacts be encountered during construction, work should be stopped, and a licenced archaeologist must be contacted.*

The Conditions of Approval include requirements for each of the three areas requiring further study by the Conservation Authority. Condition 11 requires a stormwater management study. Condition 22 requires an Environmental Impact Study and Condition 23 acknowledges the potential for artefacts and the potential need for further study.

The City's Engineering Department provided a detailed response to the proposed applications. They offered no objections to the proposal in general, but did identify some specific requirements that would need to be met prior to the proposal gaining final approval and entering into a subdivision agreement. This includes a full stormwater management report, the completion of a traffic impact study, a geotechnical investigation report and confirmation that sufficient infrastructure capacity is available for the proposed development. A complete copy of the Engineering Department's comments is attached as an appendix to this report.

There was one item of correspondence received from the public. The lawyer's office for the developer of the subdivision to the south, known as Ski Ridge Estates, stated their clients' objection to the proposed development. A complete copy of this letter is attached as a part of Appendix B to this report. An excerpt of their comments is as follows:

We are writing to advise that our client is opposed to both the Zoning By-law Amendment and Draft Plan of Subdivision Applications for the Subject Property, as the proposal improperly phases the Subject Property from the south to the north. The Subject Property enjoys multiple options for access at its northerly property line. We respectfully submit that it is inappropriate to phase the Subject Property in the manner proposed, which relies solely on the South Access. The proposed phasing will result in overloading of the South Access and jeopardizes the future development of the Janey Lands, including the fifty-four (54) units that are subject to the application currently under review by the City.

In the alternative, if the City approves the subject Applications, we

respectfully request that any approval is subject to the owner satisfying cost sharing obligations. The subject Applications benefit from services, including but not limited to the South Access, which were installed at the sole expense of our client. The owner of the Subject Property should be required to share in the cost of these services, which the proposal will clearly benefit from. As such, we request that any Zoning By-law Amendment approval be subject to a holding symbol which shall not be lifted until the cost sharing obligations have been satisfied and that any Draft Plan approval be subject to a cost sharing condition.

Planning Staff have reviewed these comments in conjunction with the City's Engineering Department. The Engineering Department had previously conducted a preliminary review of the sanitary sewer and water infrastructure capacity in the area that indicated that services are appropriately sized to accommodate the subject development as well as the full build out of the proposed Ski Ridge Estates subdivision. Developers will still need to confirm capacity at the time of development. However, at this moment there is no indication that infrastructure capacity shall be a concern for either development. Should the infrastructure capacity be insufficient, the developer of the proposed new subdivision shall be required to upgrade the infrastructure at their own expense.

Regarding Ski Ridge Estates' comments regarding traffic and stormwater, the City's Engineering Department has identified the need for the developer to complete a traffic study and a stormwater management report. Should the infrastructure require improvements to accommodate the proposed development, it shall be done at Golden Estates Limited's expense.

With respect to the request for the current owner to cost share, staff would note that there was no agreement at the time of the development of Ski Ridge Estates that future developers be required to contribute to their servicing costs. All subdivisions build off of and require the services that were previously extended by older developments and subdivisions.

No other correspondence was received on this file.

Financial/Legal Implications

There are no financial or legal implications to the City at this time.

Corporate Strategic Plan

☐ Natural North and Near

☐ Economic Prosperity

☒ Affordable Balanced Growth

☐ Spirited Safe Community

☐ Responsible and Responsive Government

Specific Objectives

- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community

Options Analysis

Option 1

Approve the applications as presented.

1. That the proposed Zoning By-law Amendment by Antech Design & Engineering on behalf of Golden Estates Limited – Tower Drive and Winston Drive in the City of North Bay to rezone the property from a “Residential Holding (RH)” zone to a “Residential Second Density (R2)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2021-38 be approved; and
2. That the proposed Plan of Subdivision (25 Lots, Subdivision File No. 48T-21101) by Antech Design & Engineering on behalf of Golden Estates Limited – Tower Drive and Winston Drive in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2021-38, shown as on Schedule “B” attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2021-38 prepared by Peter Carello dated July 12, 2021.

This is the recommended option for the reasons outlined in this report

Option 2

Deny the applications. This option is not recommended

Recommended Option

Option 1 is the recommended option

1. That the proposed Zoning By-law Amendment by Antech Design & Engineering on behalf of Golden Estates Limited – Tower Drive and Winston Drive in the City of North Bay to rezone the property from a “Residential Holding (RH)” zone to a “Residential Second Density (R2)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2021-38 be approved; and
2. That the proposed Plan of Subdivision (25 Lots, Subdivision File No. 48T-21101) by Antech Design & Engineering on behalf of Golden Estates Limited – Tower Drive and Winston Drive in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2021-38, shown as on Schedule “B” attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2021-38 prepared by Peter Carello dated July 12, 2021.

Respectfully submitted,

Name: Peter Carello, MCIP RPP

Title: Senior Planner – Current Operations

I concur with this report and recommendation.

Name: Beverley Hillier, MCIP RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP RPP
Title: Director of Community Development and Growth

Name: John Severino, P.Eng, MBA
Title: City Engineer – Infrastructure and Operations

Name: David Euler, P.Eng

Title: Chief Administrative Officer

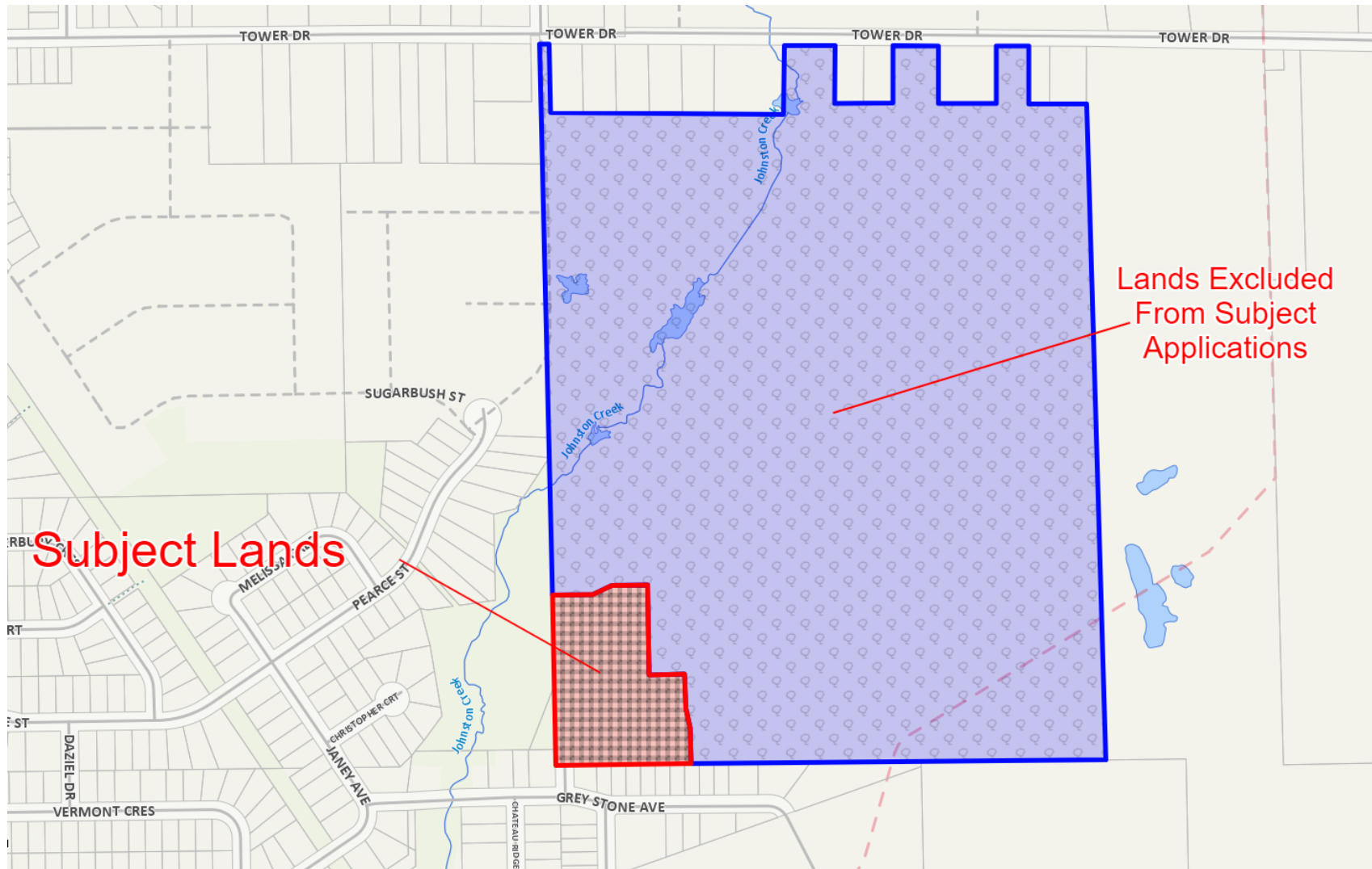
Personnel designated for continuance:

Name: Peter Carello

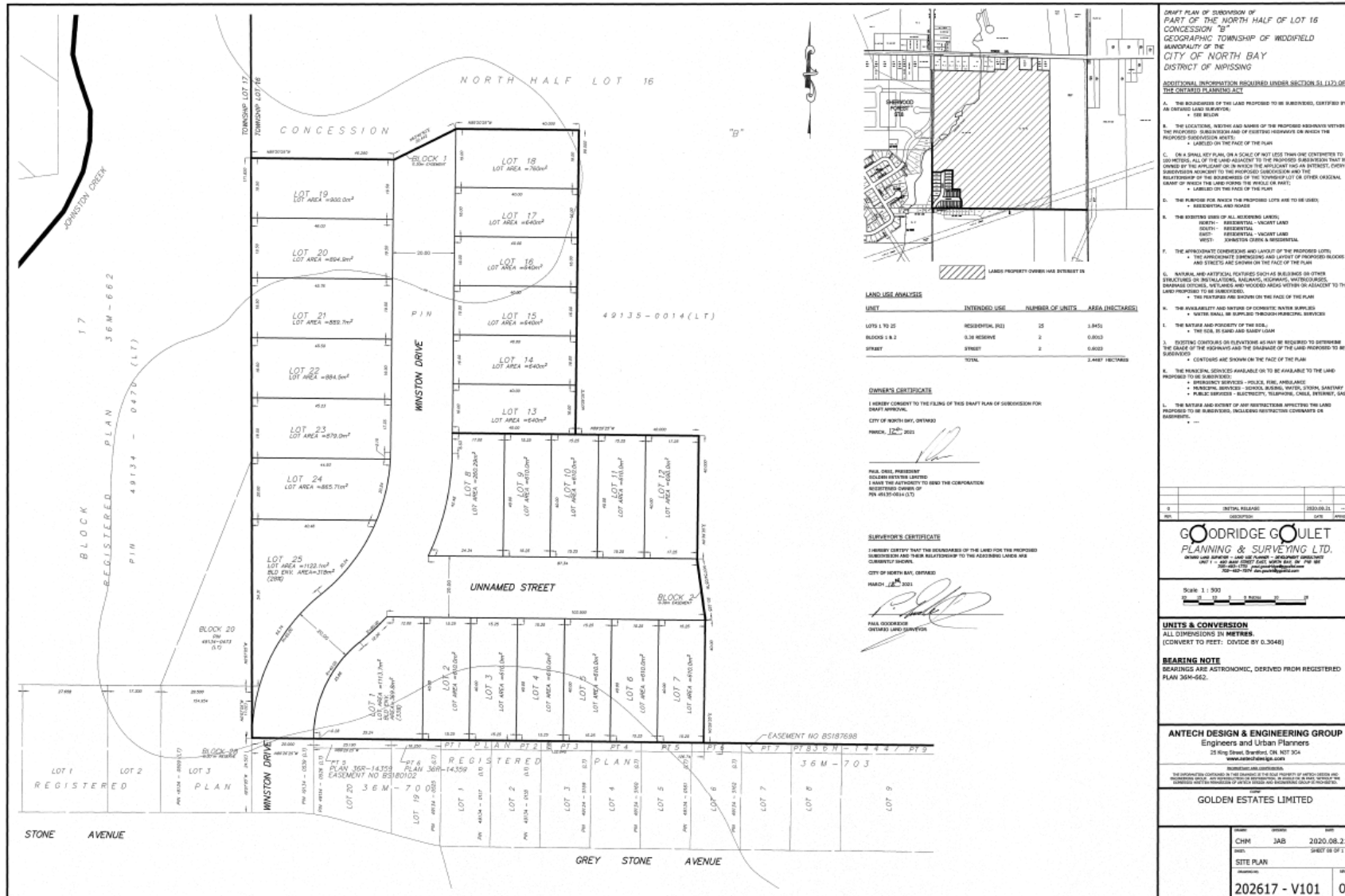
Title: Senior Planner – Current Operations

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#934 – Zoning By-law Amendment and Plan of Subdivision Applications – Golden Estates Limited

Schedule A



Schedule B



Appendix A

PIN 49135-0014(LT)

PCL 618 SEC NIP; N1/2 LT 16 CON B Widdifield Except LT62141, LT66853, PT 1 & 2 36R10538, PT 1 to 4 & 6 NR154, PT 1 NR222, PT 1 NR2301, PT 1 & 2 NR2337; S/T LT57153; North Bay; District of Nipissing

Appendix B – Correspondence

Building Department

Good Morning Peter,

The Building Services Department has no concerns with this Development. Thank you

Aaron Lott

Enbridge

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

Barbara M.J. Baranow
Analyst Land Support

Enbridge Gas Inc.
50 Keil Drive North, Chatham, ON N7M 5M1

Ministry of Transportation

Good morning,

This email is for your records. The Ministry of Transportation has no objections to the following proposals:

- Zoning By-Law Amendment & Draft Plan of Subdivision - Tower Drive/ Winston Drive

...

Regards,

Carla Riche

Corridor Management Planner
Northeast Region
Ministry of Transportation
447 McKeown Ave, Suite 301
North Bay, ON, P1B 9S9
E-mail: carla.riche@ontario.ca

Engineering Department

1. From an operational perspective, it's our preference to only have one cul-de-sac and one dead end watermain to maintain.
2. Temporary cul-de-sacs must be included at the end of the roads. We will also require easements for those temporary cul-de-sacs to ensure that we have continued access to them.
3. It is the developer's responsibility to confirm servicing requirements and to ensure that there is sufficient capacity for the new subdivision. We will require a servicing brief from an engineer indicating if the capacity is sufficient for the application.
4. A stormwater management (SWM) plan is required for the development which meets the City's technical standards for quality and quantity control.
5. The following engineered civil plans/drawings are required:
 - a. Site servicing showing the location of existing and proposed services and existing and proposed easements
 - b. Road design plans
 - c. Grading and drainage plan showing the existing and proposed elevations; - just a reminder that rear lot drainage is not permitted.
 - d. Erosion control; and
 - e. Street lighting plan.
6. A traffic impact study is required for the subdivision.
7. The developer will need to extend services to the subdivision at their own cost.
8. It will be the proponent's responsibility to confirm servicing requirements and to conduct all water pressure testing to ensure sufficient pressure for domestic use and fire protection. Existing water pressure can be tested through our Public Works Department by calling dispatch at 705-474-4340.
9. All engineering design shall be in accordance with the City's technical standards and industry guidelines.
10. Any work completed on City services and/or on City property/easements will require a Service Contract with the Engineering Department.
11. Private Approaches (entrance and exits) will need to meet the City's Private Approach By-Law 2017-72.
12. All the drawings and engineering reports must be designed and stamped by a Professional Engineer licensed to practice in the province of Ontario. Documents must be sealed prior to being submitted to the City for review.
13. A geotechnical investigation report with recommendations for road construction is required.
14. The above comments are preliminary with the limited information provided at this time. Upon receiving further details, we will provide further comments including items that may not have surfaced at this phase.
15. Engineering has no issues with the application moving forward for Draft Approval.

North Bay Mattawa Conservation Authority



May 10, 2021

Corporation of the City of North Bay
200 McIntyre St. E., P. O. Box 360
NORTH BAY, Ontario P1B 8H8

Attention: Peter Carello, Senior Planner-Current Operations

Dear Mr. Carello:

**Re: Zoning By-law Amendment and Draft Plan of Subdivision
 Tower Drive & Winston Drive
 Con. B, Pt. Lot 16
 City of North Bay
 Our File No.: PZB7-NB-21 & PPOS2-NB-21**

This office has received and reviewed the proposed zoning by-law amendment and draft plan of subdivision application for Tower Drive and Winston Drive. The property is currently designated "Residential" under the City of North Bay Official Plan and is zoned "Residential Holding (RH)" under Zoning By-law 2015-30. The applicants are seeking to amend Zoning By-law 2015-30 to rezone the property to a "Residential Second Density (R2)" zone. The applicants have also applied for a Draft Plan of Subdivision, which would result in the creation of twenty-five (25) residential lots.

The following comments are based on a review of the application with respect to our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020); and our regulatory authority under Ontario Regulation 177/06 Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA). The Conservation Authority also provides advice as per our Plan Review Agreement with the Municipality regarding Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS) 2020. The Conservation Authority has no objection to this application subject to the recommendations below.

This property is in the Chippewa Creek subwatershed. Johnston Creek is found just west of this property. The property, however, is not affected by flooding or erosion hazards from Johnston Creek. According to our mapping, there are no natural hazard features associated with this property.

Since this property sits well above the limits of the North Bay Escarpment, there are no concerns with respect to the Escarpment.

Due to the scope of development, it is recommended that:

- an Environmental Impact Study be undertaken to assess the potential impacts to any Natural Heritage features,
- a stormwater management plan be prepared for the site, and
- should any artifacts be encountered during construction, work should be stopped, and a licenced archaeologist must be contacted.

15 Janey Avenue North Bay, Ontario P1C 1N1 P: (705) 474-5420 F: (705) 474-9793 www.nbmca.ca

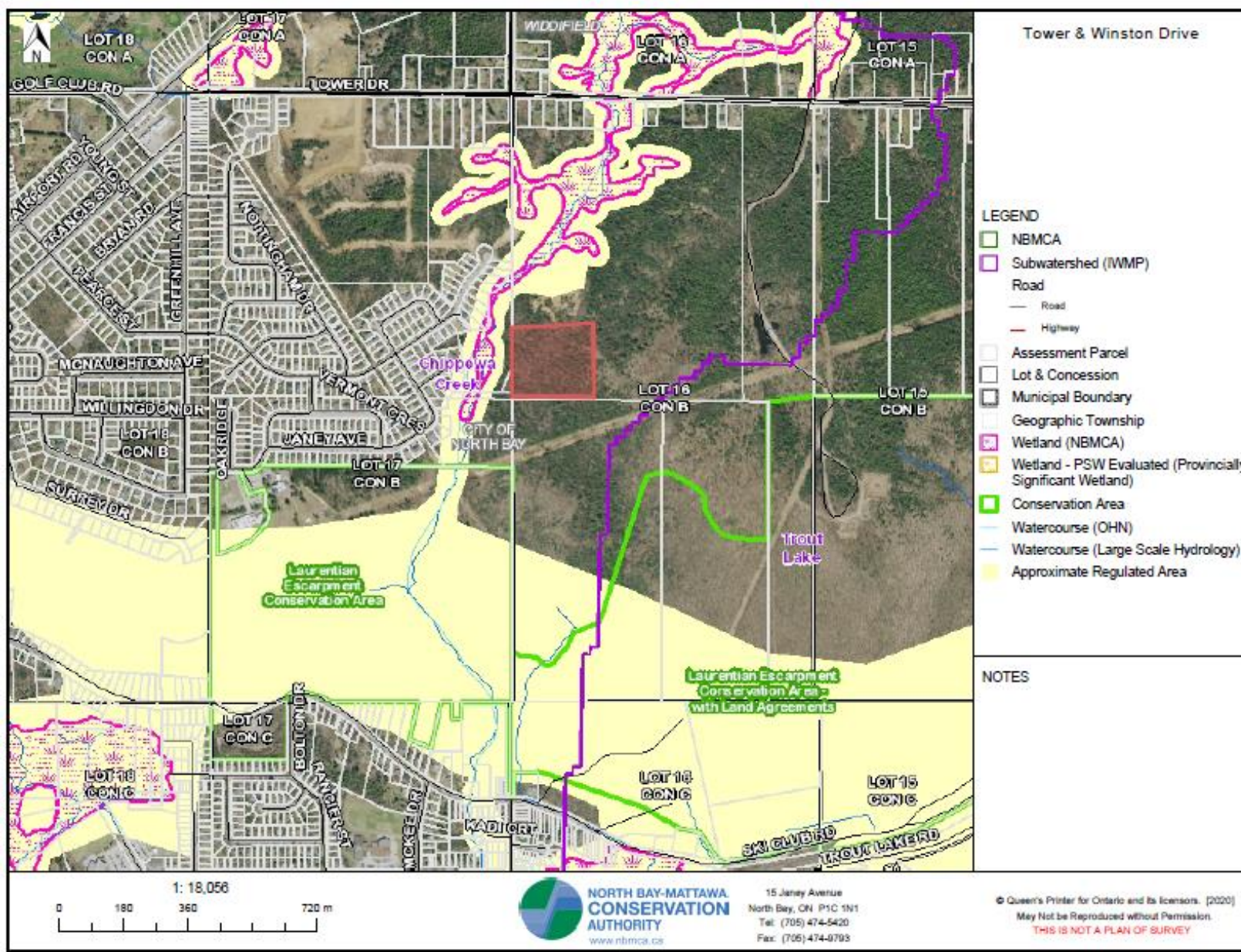
Trusting this is satisfactory. Should you have any questions, please do not hesitate to contact this office at (705) 471-7636. For administrative purposes, please forward any decisions and resolutions regarding this matter.

Yours truly,

A handwritten signature in blue ink that reads "Paula Scott". The signature is written in a cursive style with a large initial 'P'.

Paula Scott
Director, Planning and Development/Deputy CAO

Encl. (1)



Bell Canada

North Bay

North Bay, Ontario, P1B 8V6

Attention: Peter Carello

Re: Draft Plan of Subdivision - Tower Dr and Winston Dr - File No: TBD; Your File No. TBD

Our File No. 90223

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application and have no objections to the application as this time. However, we hereby advise the Owner to contact Bell Canada at planninganddevelopment@bell.ca during detailed design to confirm the provisioning of communication/telecommunication infrastructure needed to service the development. We would also ask that the following paragraph be included as a condition of approval:

“The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

It shall also be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell’s development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell’s behalf. WSP is not responsible for Bell’s responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell’s protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca.

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca



Kristie M. Jennings
Tel. 416.368.2100 x 244
Direct Fax: 416.324.4207
kjennings@ksllp.ca

File #: 18013

May 10, 2021

BY EMAIL: peter.carello@cityofnorthbay.ca

Mr. Peter Carello
Senior Planner – Current Operations
City of North Bay
200 McIntyre Street East
North Bay, Ontario
Canada P1B 8V6

Dear Mr. Carello:

Re: Comments on Zoning By-law Amendment and Draft Plan of Subdivision Application
Property Address: Tower Drive (Unaddressed) and Winston Drive (Unaddressed) [the "Subject Property"]

We are legal counsel for Janey Avenue Inc. and Ski Ridge Estates Inc., the owners of the adjacent lands south of the Subject Property (the "**Janey Lands**").

In or about 2017 and 2020 our client obtained draft plan approvals for the Janey Lands. Our client also has submitted a further application for draft plan approval of an additional fifty-four (54) units on the Janey Lands. In order to develop the Janey Lands our client spent a considerable amount of money installing infrastructure and services, including but not limited to municipal roads, water, storm and sanitary sewers, and hydro services. In particular, our client built a municipal road (locally known as Grey Stone Avenue), which provides the only existing southerly access to the Subject Property (the "**South Access**"). Greystone Avenue is labelled on Schedule "A" and the South Access off Greystone Avenue is roughly depicted with yellow highlighting.

Grey Stone Avenue was constructed over Johnson Creek, with a 2100mm culvert, spanning over 45m in length, and an 8m rise in elevation, as depicted in Schedule "B" attached hereto. Further, our client had to extend sanitary trunk main services, under both Johnson Creek and the Trans Canada Pipeline, by way of a combination of blasting and sub-directional drilling through bedrock, to connect to the city's infrastructure, as depicted in Schedule "C" attached hereto.

Page 1

We are writing to advise that our client is opposed to both the Zoning By-law Amendment and Draft Plan of Subdivision Applications for the Subject Property, as the proposal improperly phases the Subject Property from the south to the north. The Subject Property enjoys multiple options for access at its northerly property line. We respectfully submit that it is inappropriate to phase the Subject Property in the manner proposed, which relies solely on the South Access. The proposed phasing will result in overloading of the South Access and jeopardizes the future development of the Janey Lands, including the fifty-four (54) units that are subject to the application currently under review by the City.

In the alternative, if the City approves the subject Applications, we respectfully request that any approval is subject to the owner satisfying cost sharing obligations. The subject Applications benefit from services, including but not limited to the South Access, which were installed at the sole expense of our client. The owner of the Subject Property should be required to share in the cost of these services, which the proposal will clearly benefit from. As such, we request that any Zoning By-law Amendment approval be subject to a holding symbol which shall not be lifted until the cost sharing obligations have been satisfied and that any Draft Plan approval be subject to a cost sharing condition.

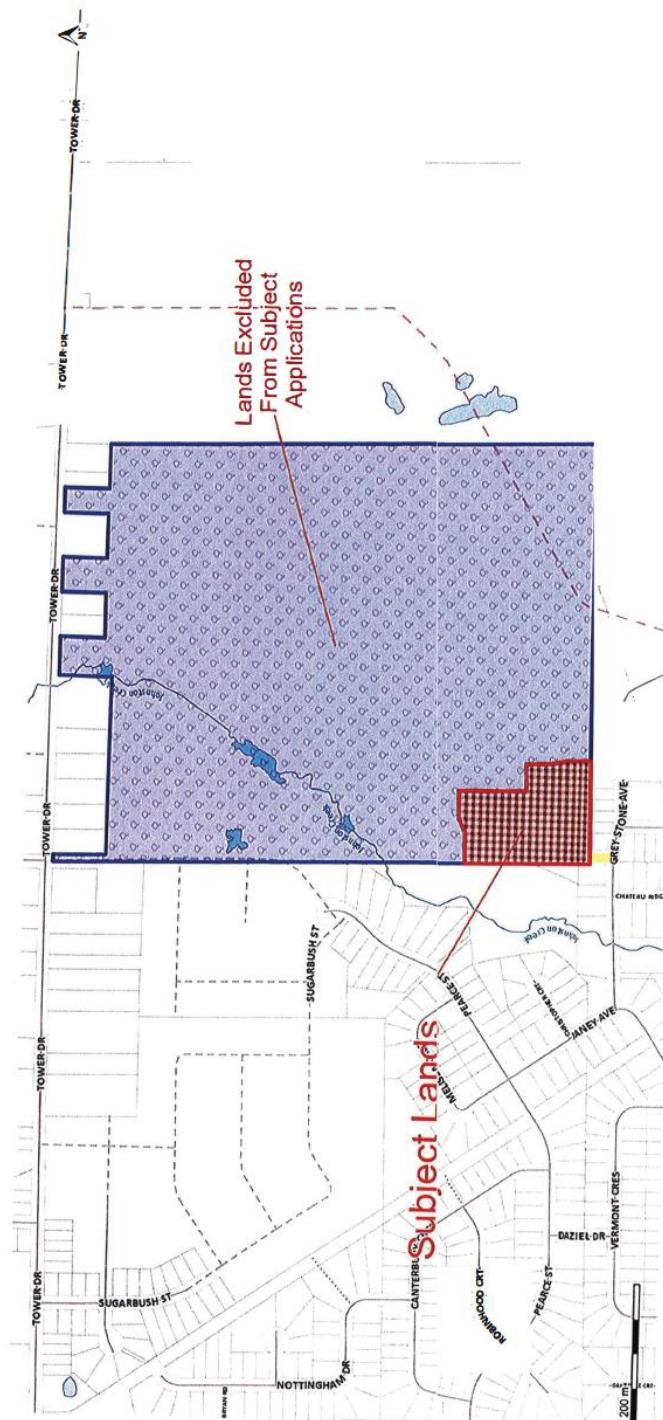
Thank you for your kind consideration.

Yours very truly,

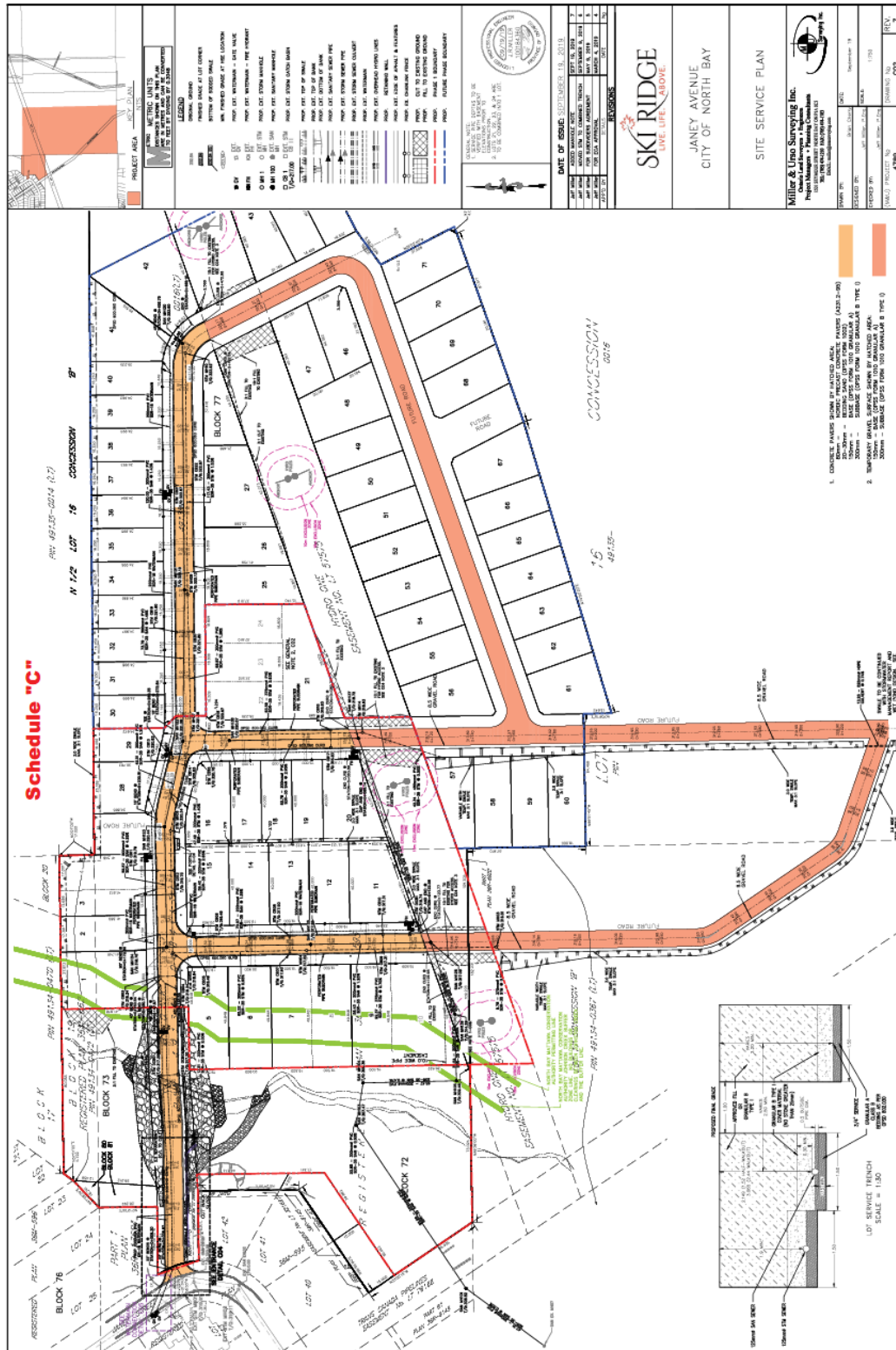
A handwritten signature in cursive script, appearing to read "K Jennings".

Kristie M. Jennings

Schedule "A"







Appendix C – Conditions of Approval

City File: 48T-21101

- 1) That this approval expires five (5) 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 Local Planning Appeal Tribunal under section 51 (39) of the *Planning Act*, the five (5) year expiration period does not begin until the date of the order of the Ontario Land Tribunal 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*.
- 2) This Draft Approval applies to the Plan of Subdivision prepared by Paul Goodridge as shown on the Schedule B to City of North Bay Report to Council No. 2021-38 dated March 12, 2021 which is comprised of twenty-five (25) residential units, two (2) blocks and lands for municipal streets.
- 3) That all streets on the Plan of Subdivision be named to the satisfaction of the City of North Bay.
- 4) That no removal of trees be undertaken prior to final approval except: within the proposed road allowance; for survey purposes around the boundary of the Draft Approved Lands and for exploratory soils investigations for the purpose of estimating servicing costs.
- 5) That prior to any above ground works or below ground works occurring on the subject property the Owner is required to enter into a Pre-Servicing Agreement with the City of North Bay, to the satisfaction of the City Engineer.
- 6) That the road allowance included in this Draft Plan shall be dedicated as public highways.
- 7) That any dead ends and open sides of road allowances created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to and held in trust by the Municipality.
- 8) That prior to signing the Final Plan by the Municipality, the proposed subdivision conform with the Zoning By-law in effect for the Municipality.
- 9) That the owner agrees in writing to satisfy all requirements, financial and otherwise of the City of North Bay concerning provision of roads, installation of services, and drainage.
- 10) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 11) 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.
- 12) The Owners agrees to pay a Stormwater Management fee of \$2,200 per Lot and that this fee be payable at the time of issuing the Building Permit for each Lot.
 - 13) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, including sidewalks if required, prepared by a qualified engineer, to the satisfaction of, and at no expense to the City of North Bay.
 - 14) That prior to any development taking place, the owner must confirm servicing requirements and to ensure that there is sufficient capacity for the new subdivision. The Owner shall provide a servicing brief from a professional engineer indicating that capacity is sufficient for both developments.
 - 15) The owner agrees to engage the services of a third party professional to complete a traffic impact study and that any recommendations from said Traffic Impact Study shall be incorporated into the final Subdivision site design and Subdivision Agreement.
 - 16) 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.
 - 17) That the owner agrees to provide locations for centralized mail delivery acceptable to Canada Post Corporation or other alternative systems as may be normally required by Canada Post.
 - 18) That the owner agrees to include a notice registered on title informing future purchasers of lots within the subdivision that the roads within the subdivision may be used for future transit routes.
 - 19) 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.
 - 20) The subdivision agreement for the subject subdivision application shall include a statement informing the first purchaser of each lot within the subject Plan of Subdivision that prior to the issuance of a building permit, the purchaser will be required to pay Development Charges.
 - 21) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.

- 22) That the owner acknowledges that the property is in an area where natural heritage features may be present. The owner agrees to engage the services of a third party professional to complete an Environmental Impact Study and that any recommendations from said Environmental Impact Study shall be incorporated into the final Subdivision site design. The owner further agrees that the author of said Environmental Impact Study shall be required to confirm by way of a site visit that the recommendations of the Environmental Impact Study were successfully implemented at the owner's expense. The author of the Environmental Impact Study shall confirm this by way of correspondence to the City of North Bay prior to the Owner entering into a Pre-Servicing Agreement or Subdivision Agreement, whichever comes first, with the City of North Bay.
- 23) The owner acknowledges that the property is in an area where artefacts may be present. The owner agrees that should they encounter should any artifacts during construction, work shall be immediately stopped, and the North Bay Mattawa Conservation Authority and a licensed archaeologist must be contacted to determine if further study is required prior to development proceeding. Should it be determined that an archeological study shall be required, the owner shall do so at their own expense prior to any work continuing on site.
- 24) That before City Council's Final Approval is given, the Council shall be advised in writing by the City of North Bay's Engineering and Environmental Services how Conditions No. 11, 12, 13, 14 and 15 have been satisfied.
- 25) That before City Council's Final Approval is given, the Council shall be advised in writing by the Director, Public Works and Parks how Condition No. 16 has been satisfied.
- 26) That before City Council's Final Approval is given, the Council shall be advised in writing by the North Bay-Mattawa Conservation Authority how Conditions No. 22 and 23 have 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, the Owner should contact the North Bay Mattawa Conservation Authority to discuss specific concerns identified by the Conservation Authority.
- 3) Prior to any construction, the Owner/Developer should contact the Ministry of Environment, Conservation and Parks (MECP) to determine if Species at Risk and/or their habitat is present in the general vicinity of the development area.
- 4) An electrical distribution line operating below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on wood poles supporting conductors stating "*Danger – Overhead Electrical Wires*" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
- 5) Private water supply and sewage disposal facilities must be approved by the Ministry of Environment, Conservation and Parks (MECP), or its agent in certain areas, in accordance with Ontario Regulations 229/74 as amended, made under the Environmental Protection Act, 1971, as amended.
- 6) We recommend you make yourself aware of applicable Federal and Provincial laws regarding construction in proximity to waterbodies.
- 7) 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).