



City of North Bay Report to Council

Report No: CSBU-2024-028

Date: June 7, 2024

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan Subdivision by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road

Closed Session: yes no

Recommendation

1. That the proposed Official Plan Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road – in the City of North Bay to amend the Official Plan Designation from “Rural” to “Rural Residential Estate” for a portion of the property legally described in Appendix A to Report to Council No. CSBU 2024-028 and as shown on Schedule A be approved; and
2. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road –in the City of North Bay to rezone portions of the property from a “Rural (A)” zone to a “Rural Residential Estate (RRE)” zone and a “Rural Residential Estate Holding (RRE H.)” zone for a portion of the property legally described in Appendix A to Report to Council No. CSBU 2024-028 and as shown on Schedule A be approved; and
3. That the proposed Plan of Subdivision (5 Lots, Subdivision File No. 48T-20101) by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road in the City of North Bay for a portion of the lands described in Appendix A to Report to Council Number CSBU 2024-028, shown as on Schedule B attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2024-028 prepared by Peter Carello dated June 7, 2024.

Background

Site Information

Legal Description:

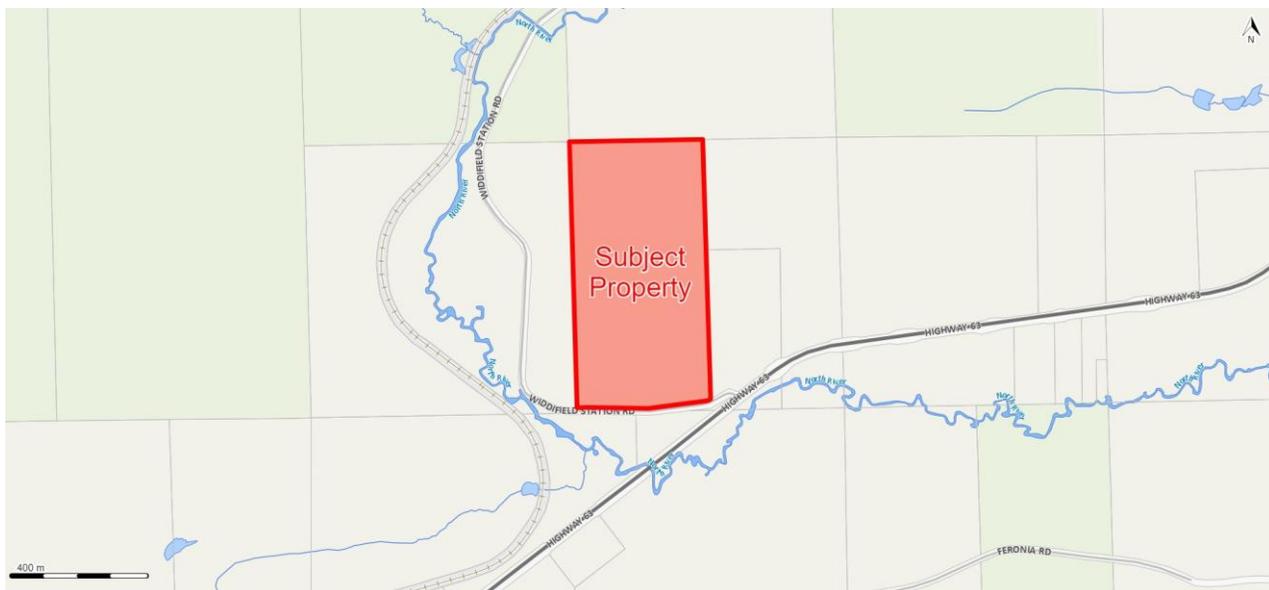
See Appendix A

Site Description:

The subject property is an existing lot of record at 4250 Widdifield Station Road. This property is just west of the intersection of Highway 63 East and Widdifield Station Road, as shown below and on attached Schedule A.

It is designated "Rural" by the Official Plan and is zoned "Rural (A)" under the City's Zoning By-law No. 2015-30.

Figure 1: Map of Subject Property and Surrounding Area



The entire property is 32.007 hectares in area and has 397.354 metres of frontage along Widdifield Station Road. The lands subject to the proposed applications measures 7.552 hectares in area.

The property is currently developed with a single detached dwelling with accessory structures. The property is densely treed and there are changes in elevation found throughout the property.

Surrounding Land Uses:

Adjacent land uses are mostly residential uses built at a rural scale or are vacant.

Highway 63 is located just south and east of the subject property. The

Ontario Northland rail line travels just to the west of the subject property.

The North River travels through the area.

Proposal

Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited, has submitted an Official Plan Amendment application, a Zoning By-law Amendment application and an application for Draft Approval of a Plan of Subdivision.

The proposed Official Plan Amendment would change a portion of the property's Official Plan designation from "Rural" to "Rural Residential Estate".

The proposed Zoning By-law Amendment would rezone a portion of the property from a "Rural (A)" zone to a "Rural Residential Estate (RRE)" zone and a "Rural Residential Estate Holding (RRE H.)" zone. The Holding Zone would prevent the creation and development of one of the lots (shown as Lot 4 on Schedule B) until such a time that a Hydrogeological Report is prepared, and its findings are accepted.

The proposed Plan of Subdivision would grant Draft Approval to five (5) rural residential estate lots subject to the Conditions of Draft Approval contained in Appendix C.

Summary

The subject property is a large lot in the rural area located in close proximity to Highway 63 (approximately 100 metres from the property's eastern limit).

The purpose of the subject applications is to enable the property to be developed with up to five (5) new Rural Residential Estate lots.

The Provincial Policy Statement and the City's Official Plan seek to limit the scale of development in rural areas. The intention of this general policy direction is to maintain as much of the rural landscape in a natural state as possible, while allowing some limited compatible forms of development that maintains the rural character of these areas. Residential development is listed within the Provincial Policy Statement and the Official Plan as being appropriate types of development in a rural area.

The City's Official Plan and Zoning By-law provide more specific guidance as to the nature of residential development in the rural area. The City's Official Plan establishes the maximum number of rural estate subdivisions developments that can be created (1 per year) and the maximum number of lots that can be in any subdivision (12). The City's Zoning By-law complements the Official Plan direction by establishing minimum frontage

and lot area requirements.

The subject applications and the proposed lots meet the above noted policies and regulations of the Provincial Policy Statement, the City's Official Plan and the Zoning By-law.

The Planning Act requires the submission of a Hydrogeological Study in order to create five or more lots on private water services. The applicant has not provided this study at this time. Should these applications be approved, one of the lots will be placed in a Holding Zone. This would prevent the creation of this lot or development on this lot until the Hydrogeological Study is completed and its findings are accepted. In addition, a Hydrogeological Study is required as a condition of Draft Approval for the creation of the fifth lot.

Should the study not be completed, the lot shall not be created and the draft approval of the fifth lot would expire in five (5) years.

Staff received several items of correspondence from members of the public in response to this application. A complete copy of correspondence received is attached as Appendix B to this report.

One of the primary concerns raised by members of the public was the safety of Widdifield Station Road and the number and placement of driveways. In response to this concern, Engineering Staff attended the property. It was suggested that Lots 1-3 on Schedule B share driveway access in order to minimize the number of entrances and to provide greater distance from the curve and hill in Widdifield Station Road. The applicant has agreed to this suggestion. Condition of Approval #10 (see attached Appendix C) provides assurances of this shared access.

It is my professional opinion that the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision 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 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision conform 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).

Excerpts of the Provincial Policy Statement (PPS 2020) applicable to this application are outlined below.

The Provincial Policy Statement's general direction to development is to direct higher levels of development in the urban area and to limit the overall scope of development in the rural area. Section 1.1.3.1 (Settlement Areas) of the PPS states that "*Settlement areas shall be the focus of growth and development*". Section 1.1.4.3 (Rural Areas) of the PPS 2020 further states that "*When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.*"

Taken in combination, the two above referenced policies of the PPS 2020 encourage greater levels of density in the urban area and would limit the amount of development in the rural area. By focussing development in this manner, land shall be used efficiently, and more spaces will be left in a natural state.

The PPS makes allowances for limited development in the rural area. Section 1.1.5.2 of the PPS reads:

1.1.5.2 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) residential development, including lot creation, that is locally appropriate;*
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) home occupations and home industries;*
- f) cemeteries; and*
- g) other rural land uses.*

Section 1.1.5.2 of the PPS specifically permits limited residential development, provided that it is “locally appropriate”. The City’s Official Plan and Zoning By-law No. 2015-30 establish policies and regulations that aims to ensure that the scale of development in the rural area is both limited and appropriate for North Bay’s rural area. These policies are discussed in more detail in the relevant sections below.

In my professional opinion, the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision are consistent with the Provincial Policy Statement (PPS 2020).

Official Plan

The property is currently designated “Rural” in the City of North Bay’s Official Plan.

Similar to the Provincial Policy Statement, the City’s Official Plan encourages greater levels of development within the urban area and limits the scope of development in the rural area of the City. One of the Guiding Principles of the Official Plan (Section 1.4.2) identifies this objective, as referenced below:

The Rural Area of the municipality within the Corporation of the City of North Bay limits is a natural setting and comprises eighty percent (80%) of the City’s land area. The Rural Area is beyond the area required for urban development and therefore the intent of this Plan will be to protect the rural nature of these lands, by directing new development to the Settlement Area, leaving the rural area largely undeveloped. Uses in the Rural Area will be those uses that are location dependent and do not require urban services.

The applicant is proposing to amend the designation of a portion of the property to "Rural Residential Estate" with the intention of creating up to five new lots.

Section 3.4 of the Official Plan discusses the manner that rural residential lots may be created. This section includes a general statement that "*Multiple lot creation for the purpose of new residential development in the rural area will be discouraged*". However, this section of the Official Plan continues on to outline policies to establish the requirements to create residential lots in the rural area. Section 3.4.10 of the Official Plan is as follows:

Recognizing that many of the existing residences in the rural area are non-farm dwellings, and because of the unsuitability of much of the land in the rural area of the City for agricultural purposes, it is the policy of the Plan to permit very limited residential development that maintains the rural character of the area and does not jeopardize the planned function of the rural area, in one of the following manners:

...

Rural Estate Subdivisions

- c) *In circumstances where new lot creation is contemplated, and the applicant does not meet the other lot creation policies of this Plan, limited development may be permitted by way of a Plan of Subdivision for Estate Development, provided that:*
- i) *the subject property is bounded on one or more sides by a road which is maintained by the Municipality or the Province on a year-round basis;*
 - ii) *such a development takes place only by Plan of Subdivision and by an Official Plan Amendment and Zoning By-law Amendment which shall designate such areas for "Estate Development";*
 - iii) *each development shall be limited to twelve (12) lots so as to maintain the rural character of an area and to ensure that existing services are not overtaxed and no new services will be required;*
 - iv) *each of the lots to be created shall be not less than 1.2 hectares in size and generally have a minimum of sixth-one (61) meters in frontage;*
 - v) *the City will permit the creation of no more than one (1) estate lot subdivision in any one (1) year period. Where no rural estate subdivision applications are received, approved and registered in a one (1) year period, the prior years' allocation will not be carried forward;*

- vi) *each lot be approved for sub-surface sewage disposal and on site water supply by the responsible agency;*
- vii) *At the time of submitting an application for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Application, in order to be deemed a complete application under the Planning Act, the following information and studies shall accompany the application:*
 - a) *A water and sewer servicing capacity study;*
 - b) *A water supply assessment report;*
 - c) *A servicing options report;*
 - d) *A Hydrogeological study and terrain analysis;*
 - e) *A drainage, lot grading plan and/or stormwater management report; and*
 - f) *A reasonable use study which establishes to the satisfaction of the Municipality that such a development will not have a detrimental environmental, economic or social effect.*
- viii) *Where applicable, the following additional studies may be required at any time during the review of the application(s):*
 - a) *An environmental impact assessment for a natural heritage feature or area;*
 - b) *A Species at Risk evaluation report;*
 - c) *A flood plain, flood proofing, protection works, restoration report;*
 - d) *An aggregate resource evaluation report to assess the residual economic value of aggregates;*
 - e) *A noise and/or vibration study;*
 - f) *A geotechnical study for slope analysis;*
 - g) *A heritage impact statement and/or archeological assessment report;*
 - h) *A traffic study; and*
 - i) *Any other studies that may be identified during the review of the application.*
- ix) *the locations chosen for rural estate development shall not infringe on lands with a potential for mineral aggregate, forestry and agricultural production, or lands with a potential for recreational development. Such sites shall also have regard for natural physical features which produce a minimal disturbance to the natural environment and ensure that such developments blend into the rural landscape. These natural physical features should generally include a varied rolling topography and adequate tree and vegetation coverage.*
- x) *when residential land uses are being proposed within 1000 m of an aggregate extraction operation (pit or quarry), technical studies are required to allow development to occur with this influence area*

and²⁴ rural estate development will not be permitted within 304 metres of a pit, quarry or aggregate operation licensed under the Aggregate Resources Act or areas;

- xi) no new estate development shall be permitted within the Airport Protection Zone, as shown on Schedule 1 and 2 of this Plan; [added by OPA 10]*
- xii) any new rural estate development within the Trout Lake Watershed will be reviewed based on the lot creation policies of 3.5 Trout Lake Watershed and;²⁵*
- xiii) all residential development located within the Restricted Residential area on Schedule 2, shall conform to the Acoustic Design Criteria set out in the Federal Guideline entitled "Aviation: Land Use in the Vicinity of Airports. In addition, the developer shall inform, in writing, all prospective purchasers and subsequent owners of the residential unit that the property in question is in an area where a possible airport noise problem may exist or develop.*

The subject property is able to meet the criteria referenced above. Some examples:

- The subject property has direct access to Widdifield Station Road;
- The maximum number of lots to be created by these applications is five (5);
- Each lot measures at least 60m in frontage and 1.398 hectares;
- This is the first and only Rural Residential Estate application in 2024;
- There are no mineral, forestry or agricultural considerations on the subject property;
- The property is not within the Airport Protection Zone or within the Trout Lake Watershed;

Staff determined that the studies listed in 3.4.10.c) vii were not provided at the time of the application submission as the intent of this list is to consider larger subdivisions (up to 12 lots) and to be consistent with Provincial requirements.

Some of the studies identified are not applicable to a development of this nature. For example, water and sewer servicing capacity study or a servicing options report are not required as there are no public services available to the property and the approval requested by this application is for four (4) lots.

Other studies are included as conditions of approval, meaning that the studies will be submitted prior to development taking place. A Hydrogeological Study is required by the Planning Act in order to create five (5) lots on private services. The proposed application would only create four (4) lots at this time. The fifth lot would receive draft approval but would be in a holding zone until such a time that the Hydrogeological study confirms

that the fifth lot can be sustained. Should this occur, the holding zone would be removed and the fifth lot could be created. This is added as a condition of approval #3 within Appendix C to this report.

The drainage, lot grading and/or stormwater management report is included as a condition of approval #8 within Appendix C to this report. This study will be submitted and accepted prior to development taking place.

In my professional opinion, the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision is appropriate and conforms to the City of North Bay's Official Plan.

Zoning By-Law No. 2015-30

The subject property is presently zoned "Rural (A)".

The "Rural (A)" zone permits the following uses:

- Single Detached Dwelling;
- Additional Rural Residential Dwelling Unit;
- Principal Dwelling Unit Short-Term Rental;
- 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 subject applications would rezone the property to a "Rural Residential Estate (RRE)" zone and a "Rural Residential Estate Holding (RRE H)" zone.

The proposed RRE zone would permit the following land uses:

- Single Detached Dwelling;
- Group Home Type 1; and
- Park, Public.

The proposed RRE H zone would not permit any development until such a time that a Hydrogeological Study is submitted.

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. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

Of the agencies that provided comments, the North Bay Fire Department, the Building Department and the North Bay Mattawa Conservation Authority each offered no concerns or objections.

The Ministry of Transportation offered no objections but did note that one of the lots was within their permit control area and may require a permit from their office at the time of development.

The Engineering Department offered no objections but did identify some specific submissions that must be provided at the time of development including private approach permits and a service contract, if required.

The City received several items of correspondence in response to the circulation of the requested Zoning By-law Amendment. A complete copy of all responses is attached as Appendix B to this report. The following is intended to summarize the main concerns that were expressed by respondents:

Traffic and Road Safety

Several individuals stated that they were concerned about additional driveways. They were most concerned about those lots on the western side of the property where there is a slight curve in the road and a small hill (Lots 1-3 on the attached Schedule B).

The City's Engineering Department was asked to consider this comment in their review of the subject applications. In response, Engineering staff conducted a site visit and, in their comments, stated the following:

Private Approaches (entrance and exits) will need to meet the City's Private Approach By-Law 2017-72. Engineering attended the portion of Widdifield Station Road fronting the proposed development and noted that sightlines with respect to the potential future private approaches to each individual lot may pose safety concerns. Please review the option of using the existing private approach to the property to access the future development lots without creating any new private approaches.

There is an existing driveway in place that provides access to the existing home. If this subdivision were to be approved, the existing dwelling would be on the "Retained" parcel. The existing driveway begins on Lot 2, travels over Lot 3 before gaining access to the Retained Lot. This existing driveway

could provide access to Lots 1-3 through a formalized shared driveway arrangement. This would minimize the number of driveways on Widdifield Station Road (removing the need for three additional driveways) and provide some separation between the driveway and the curve and hill.

Through further discussion with the agent for the applicant, the property owner has agreed to provide registered access in this arrangement, meaning that Lot 1, 2, 3 and the Retained shall all share one access point. This arrangement is included as a Condition #10 in Appendix C to this report and will be formalized and registered on title so that access cannot be removed in the future.

Rock Blasting

Some of the responses expressed concerns about the potential need to blast rock in order to develop the subject property. Specifically, respondents identified worries that the blasting of the rock could damage their property, wells or foundation.

There are Provincial Standards that are in place that regulate blasting activities as well as a permitting process administered by the City's Building Department. As part of the Blasting Permit process, the developer must provide comprehensive general liability insurance (minimum of two million dollars per occurrence), a site plan demonstrating where the blasting is to occur and must conduct a pre-blast survey that may include an inspection of neighbouring properties' foundations.

Municipal experience in previous instances of blasting has demonstrated that the above noted process provides adequate protection to neighbouring properties.

Character of Neighbourhood

A few responses discussed the scope of the development having a negative impact on the overall rural character of the area. These concerns were extended to other effects the development may have, such as impeding on residents hunting rights or the effect the development might have on the natural environment in the area.

The policies and regulations of the City's Official Plan and Zoning By-law were written in a fashion that intends to limit the overall scope of development in rural areas. For example, the City's Zoning By-law mandates that Rural Residential Estate lots must be a minimum of 1.2 hectares in size and have a minimum lot frontage of 60 metres. The Official Plan limits the number of RRE developments to one per year and the scale of development to twelve lots in any one subdivision. The proposal is within these parameters.

The proposed development will have no bearing on any other property owners' individual rights.

With respect to wildlife in the area, the Ministry of Environment Conservation and Parks regulates the protection of Species at Risk. The MECP was circulated on this application but has not provided a response indicating any concern on their behalf. The property owner will be required to ensure that any development on the property meets any provincial legislation, including the Endangered Species Act.

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

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input checked="" type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> 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
 - Facilitate the development of housing options to service the needs of the community
-

Options Analysis

Option 1:

To approve the subject applications. This is the recommended option for the reasons outlined in this report.

1. That the proposed Official Plan Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road – in the City of North Bay to amend the Official Plan Designation from “Rural” to “Rural Residential Estate” for a portion of the property legally described in Appendix A to Report to Council No. CSBU 2024-028 and as shown on Schedule A be approved; and
2. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road –in the City of North Bay to rezone portions of the property from a “Rural (A)” zone to a “Rural Residential Estate (RRE)” zone and a “Rural Residential Estate Holding (RRE H.)” zone for a portion of the property legally described in Appendix A to Report to Council No. CSBU 2024-028 and as shown on Schedule A be approved; and
3. That the proposed Plan of Subdivision (5 Lots, Subdivision File No. 48T-20101) by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road in the City of

North Bay for a portion of the lands described in Appendix A to Report to Council Number CSBU 2024-028, shown as on Schedule B attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2024-028 prepared by Peter Carello dated June 7, 2024.

Option 2:

To decline the subject applications. This option is not recommended as, in my professional opinion, the subject applications are 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)

Recommended Option

Option 1 is the recommended option.

1. That the proposed Official Plan Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road – in the City of North Bay to amend the Official Plan Designation from “Rural” to “Rural Residential Estate” for a portion of the property legally described in Appendix A to Report to Council No. CSBU 2024-028 and as shown on Schedule A be approved; and
2. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road –in the City of North Bay to rezone portions of the property from a “Rural (A)” zone to a “Rural Residential Estate (RRE)” zone and a “Rural Residential Estate Holding (RRE H.)” zone for a portion of the property legally described in Appendix A to Report to Council No. CSBU 2024-028 and as shown on Schedule A be approved; and
3. That the proposed Plan of Subdivision (5 Lots, Subdivision File No. 48T-20101) by Tulloch Geomatics Inc. on behalf of the property owner, 2498643 Ontario Limited – 4250 Widdifield Station Road in the City of North Bay for a portion of the lands described in Appendix A to Report to Council Number CSBU 2024-028, shown as on Schedule B attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2024-028 prepared by Peter Carello dated June 7, 2024.

Respectfully submitted,

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

We concur with this report and recommendation.

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

Name: Ian Kilgour, MCIP. RPP
Title: Director, Community Services

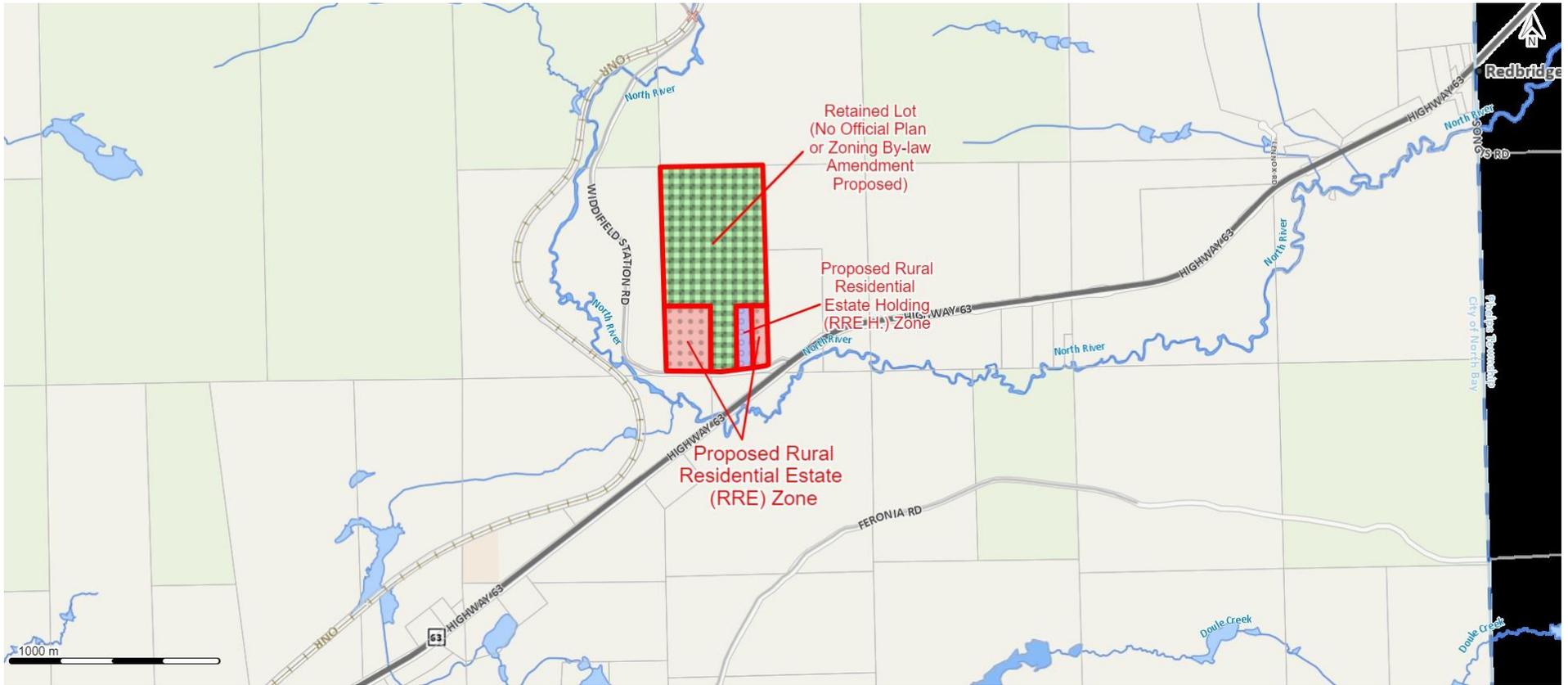
Name: John Severino, P.Eng., MBA
Title: Chief Administrative Officer

Personnel designated for continuance:

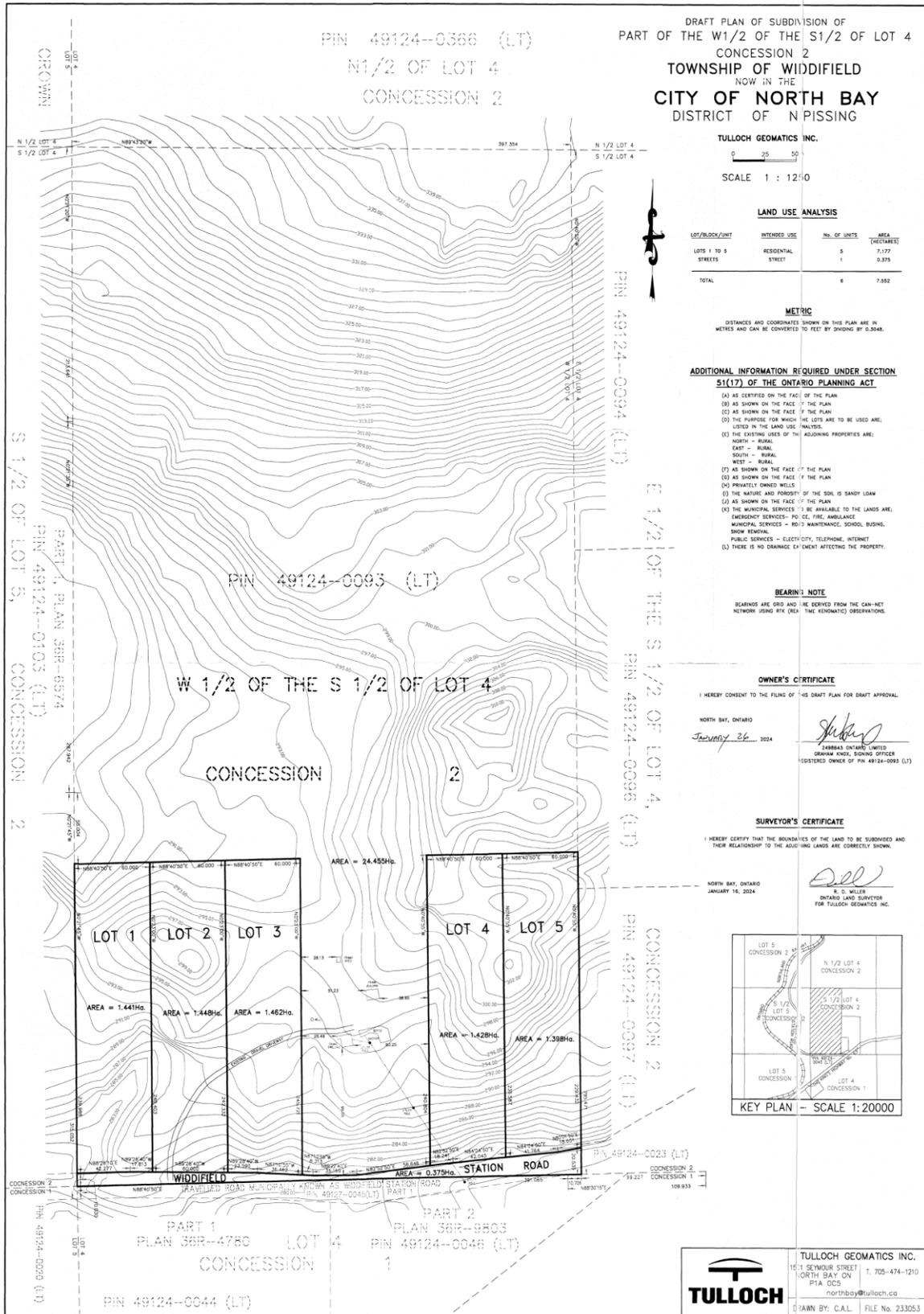
Name: Peter Carello, MCIP, RPP
Title: Senior Planner

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2024\CSBU 2024-028 – ZBLA File #962 –
Zoning By-law Amendment – 4250 Widdifield Station Road

Schedule A



Schedule B



DRAFT PLAN OF SUBDIVISION OF
 PART OF THE W 1/2 OF THE S 1/2 OF LOT 4
 CONCESSION 2
 TOWNSHIP OF WIDDIFIELD
 NOW IN THE
CITY OF NORTH BAY
 DISTRICT OF N PISING

TULLOCH GEOMATICS INC.
 SCALE 1 : 1250

LAND USE ANALYSIS

LOT/BLOCK/UNIT	INTENDED USE	Nb. OF UNITS	AREA (HECTARES)
LOTS 1 TO 5	RESIDENTIAL	5	7.177
STREETS	STREET	1	0.376
TOTAL		6	7.552

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

- ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE ONTARIO PLANNING ACT**
- (A) AS CERTIFIED ON THE FACE OF THE PLAN
 - (B) AS SHOWN ON THE FACE OF THE PLAN
 - (C) AS SHOWN ON THE FACE OF THE PLAN
 - (D) THE PURPOSE FOR WHICH THE LOTS ARE TO BE USED ARE LISTED IN THE LAND USE ANALYSIS.
 - (E) THE EXISTING USES OF THE ADJOINING PROPERTIES ARE:
 - NORTH - RURAL
 - EAST - RURAL
 - SOUTH - RURAL
 - WEST - RURAL
 - (F) AS SHOWN ON THE FACE OF THE PLAN
 - (G) AS SHOWN ON THE FACE OF THE PLAN
 - (H) PRIVATELY OWNED WELLS
 - (I) THE NATURE AND PROBABILITY OF THE SOIL IS SANDY LOAM
 - (J) AS SHOWN ON THE FACE OF THE PLAN
 - (K) THE MUNICIPAL SERVICES TO BE AVAILABLE TO THE LANDS ARE:
 - EMERGENCY SERVICES - NO. 02, FIRE, AMBULANCE
 - MUNICIPAL SERVICES - RD-3 MAINTENANCE, SCHOOL BUSING, SNOW REMOVAL
 - PUBLIC SERVICES - ELECTRICITY, TELEPHONE, INTERNET
 - (L) THERE IS NO DRAINAGE EXISTING AFFECTING THE PROPERTY.

BEARING NOTE
 BEARINGS ARE OBTAINED AND DERIVED FROM THE CAN-NET NETWORK USING RTK (REAL TIME KINEMATIC) OBSERVATIONS.

OWNER'S CERTIFICATE
 I HEREBY CONSENT TO THE FILING OF THIS DRAFT PLAN FOR DRAFT APPROVAL.
 NORTH BAY, ONTARIO
 January 26, 2024
 [Signature]
 ARMBAYK LIMITED
 GRAHAM KNIEL, SIGNING OFFICER
 REGISTERED OWNER OF PIN 49124-0092 (LT)

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJOINING LANDS ARE CORRECTLY SHOWN.
 NORTH BAY, ONTARIO
 JANUARY 16, 2024
 [Signature]
 R. C. WELLS
 ONTARIO LAND SURVEYOR
 FOR TULLOCH GEOMATICS INC.



PART 1
 PLAN 38R-4780
 CONCESSION 1
 PIN 49124-0044 (LT)

PART 2
 PLAN 38R-9803
 CONCESSION 1
 PIN 49124-0046 (LT)

TULLOCH
 TULLOCH GEOMATICS INC.
 15-1 SEYMOUR STREET
 NORTH BAY ON
 P1A 0C5
 northbay@tulloch.ca
 T. 705-474-1210
 F. 705-474-1210
 DRAWN BY: C.A.L. FILE No. 233053

© - C:\DTP\1204\DWG\LAN\233053.dwg - Thu, 25 Jun 2024 - 12:51:13 PM

Appendix A

PIN 49124-0093 (LT)

PCL 1133 SEC WF; W1/2 of S1/2 LT 4 CON 2 Widdifield; North Bay; District of Nipissing

Appendix B – Correspondence

Internal Correspondence

Ministry of Transportation

Thank you for the opportunity to comment on the proposed Official Plan Amendment that would change the property's Official Plan designation from Rural to Rural Residential Estate. In consideration of the information provided the Ministry of Transportation of Ontario (MTO) would not object to the proposed rezoning.

Please note, a portion of what is identified as Lot 5 on the Draft Plan of Subdivision is within the permit control area of the MTO and work within this area may require MTO permits. Prior to development the landowner/lot owner should confirm with the MTO if any permits are required.

Regards,
Jamie

Jamie Geuvreau

A/Corridor Management Planner
Corridor Management – North Region – Area East
Ministry of Transportation Ontario Public Service

North Bay Fire Department

I have no objections or comments pertaining to this application.

Thank you,



Joe Gardiner

Captain

Fire Prevention & Life Safety Division
North Bay Fire & Emergency Services

119 Princess Street, West
North Bay, Ontario P1B 6C2
Tel: (705) 474-0626 ext. 4841
Fax: (705) 474-6290

Building Department

No concerns from Building Services.

Thanks,

Carly Price CBCO, CPSO

Chief Building Official
Planning & Building Services

North Bay Mattawa Conservation Authority

We're reviewing all planning files to ensure nothing got missed. While the date for comments has passed, I am confirming that we did not have any comments (i.e. no concerns) on this file.

Thanks.

Chithra Gowda (she/her)
Chief Administrative Officer, Secretary Treasurer
North Bay-Mattawa Conservation Authority (NBMCA)
15 Janey Avenue
North Bay, ON P1C 1N1

Engineering Department

Hi Peter,

Our comments are largely the same from DART except for the issue of sightlines on Widdifield station road.

1. Private Approaches (entrance and exits) will need to meet the City's Private Approach By-Law 2017-72. Engineering attended the portion of Widdifield Station road fronting the proposed development and noted that sightlines with respect to the potential future private approaches to each individual lot may pose safety concerns. Please review the option of using the existing private approach to the property to access the future development lots without creating any new private approaches.
2. The developer must enter into a Service Contract with the Engineering Department for any services, restoration work or work in general on City property.
3. The security amount will be determined at the subdivision agreement stage.

At this stage, these comments are very high level and upon receiving further information and detailed plans we will have additional comments to provide

Thank you,

Jonathan

External Correspondence

Mr. Carello,

Please find attached a document containing our concerns regarding the application for the planned subdivision located at 4250 Widdifield Station Road.

In addition to this document, I would like to be informed of who, if blasting of rock is to be done in the future, will be responsible for any home foundation, or drilled well damage as well as any decrease in water quality or supply to my drilled well. I have addressed my concerns as to damage and water supply in the attached document, however did not address this concern.

I would like to be kept up to date regarding this application process as well as receive a copy of the report to be submitted.

My neighbors have submitted questions regarding this application and I would like to thank you for your quick and professional responses.

Sincerely
Randy and Gayle Guy

Peter Carello,
Senior Planner – Current Operations, Planning Services

Regarding the proposed amendments and subdivision related to the property located at 4250 Widdifield Station Road, North Bay.

The proposed Official Plan Amendment would change the property's Official Plan designation from "Rural" to "Rural Residential Estate".

As owners of the property located at [REDACTED] Widdifield Station Road, and abutting the affected property on the east side, we have several concerns.

I will break down these concerns into three categories: safety, environmental, and personal.

Safety: The lot designated as "Lot 1" has a frontage on Widdifield Station Road that is just over the crest of a rise (hill) that would make it dangerous for a vehicle to exit or slow to enter the private approach to the property. A vehicle travelling west bound, especially during the winter months when the road conditions are slippery, would be unable to stop to avoid a collision. The existing private approach, "Lot 2", has also had several near misses during the time I have lived in this area from vehicles cresting the hill in an eastbound direction being faced with a vehicle entering or exiting the private approach.

As stated in the City of North Bay By-Law No. 2017-72 (Private Approach By-Law) Part 3 – General Regulations 3.8: Despite any other provisions of this By-Law, no person shall construct a private approach that, in the opinion of the City Engineer, will create hazardous conditions due to inadequate sight lines, horizontal or vertical alignments or other considerations.

Environmental: On June 2020, I entered a Managed Forest Plan, to preserve wildlife biodiversity, and enjoy and manage the forest and all it has to offer. I stated that I would adhere to the act, policies, and regulations relating to the property, such as Species at Risk Act, Environmental Protection Act, Lakes and Rivers Improvement Act, Forestry Act, and any other Municipal Bylaws that may apply to the uses of this property. The goal of this plan is to continue to clean out/harvest diseased stems with planned personal use fuelwood activities in a goal to continue the enhancement and overall quality of the hardwoods. Maintain access trails to monitor overall health of the forest growth and see that the overall health of the managed hardwood increases over time and with low impact harvesting of fuelwood stems targeted to dead, dying or diseased trees helps in the general condition of the stand. It was also noted that there were features in this forest that supported wildlife species such as: woody debris on the forest floor, snags, conifer thickets and seeps. I have concerns that the development of the proposed subdivision would eliminate the habitat of numerous species supported by similar features.

During our time living on our property, we have observed several species of wildlife. Some of these are moose, black bear, white-tailed-deer, fox, snowshoe hare, martin, skunk, red squirrel, chipmunk, pileated woodpecker, and songbirds. The North River also runs through a section of my property in which I have knowledge of and have observed brook trout. During the inspection of my property, Joel Girard of Ridgeline Consulting found evidence based on tracks/scat/feeding of moose, white-tailed deer, wolf, black bear, fox, and pileated woodpecker.

In regard to the Pileated Woodpecker, it should be noted that this species was added to schedule 1 of the amended Migratory Bird Convention Act Regulations as a keystone species. From an article in the "Naturalist": **A keystone species is defined as "an organism that has a significant influence on the ecosystem it occupies that is disproportionately large compared to its abundance or biomass".** Renowned ecologist Daniel Simberloff demonstrated that keystone species "are functionally linked to a suite of other species; thus, management for the persistence of keystone species benefits other species by maintaining key ecosystem functions or structures." It's been defined as "a relatively uncommon species that is functionally linked to the [perseverance] of an array of other species and plays a critical role in the organization and/or functioning of the ecosystem."

For the Pileated Woodpecker, that role lies in the holes that they drill. A simple action that has multiple benefits for the ecosystem—including supporting nutrient cycling, managing insect populations, and manufacturing new niches for other species to occupy. They create opportunities for foraging, sheltering, and nesting. For example, cavities that aren't used for their own nesting are used for years thereafter by an array of different species. In this sense, the Pileated Woodpecker is engineering the ecosystem, a role that easily supports over 30 species.

One of the most noteworthy changes to the amended Regulations of the Migratory Birds Convention Act is the inclusion of the **Pileated Woodpecker on the list of species for which nesting sites are protected after active nesting.**

Brook Trout: Brook Trout are a sensitive cold-water fish native to Ontario. I have great concerns that in the development of these properties, and excavation of the soil, a significant amount of silt would be deposited into the North River, especially after any rainfall, causing harm to the Brook Trout's natural clean water environment.

The previous owner of this property was a mechanic and had numerous old vehicles, storage containers, and other such items on the property. I have concerns regarding the spilling/leaking of petroleum and other possibly toxic products into the soil. Any excavation or removal of vegetation could possibly cause these toxins to be released and flow with rainwater down the steep grade and into the North River.

As a result of the above, I would suggest it would be necessary to have an environmental impact study completed on the property affected, prior to the proposal being considered and any excavation, or construction being conducted.

Personal: We purchased our property to escape the urban areas and enjoy the peace and quiet of rural living. We are raising our 9-year-old Autistic, ADHD, FASD grandson, who enjoys, and thrives in the rural environment and walking our trails in the peacefulness of our forest. Having a subdivision immediately next to our property, would be a change that would create a notable cause of stress and anxiety to his life. The increased traffic would create an element of danger, and stress.

I am an avid outdoor person and enjoy the ability to hunt on my property while at the same time practicing animal conservation. I have concern, that with a subdivision next to my property, that the city would change the zoning, thus eliminating my ability to continue hunting.

Since this area has a base of granite bedrock, I have great concern that if/when the construction begins, there would be blasting to create entrances to the properties as well as bases for structure foundations. We have a drilled well that taps into an aquifer. Our home foundation is also built on the same granite bedrock.

I am extremely concerned that if/when blasting is conducted, that there will be damage caused to my water supply and/or my home foundation.

In addition, I have concerns about the proposed subdivision causing the quantity of our water supply to be reduced.

Another concern is that no one can guarantee that this isn't just a first step toward a larger subdivision being established behind the currently proposed one. The placement of the currently proposed subdivision allows for entry to the remainder of the property where other lots could be developed.

Sincerely,
Randy and Gayle Guy
[REDACTED] Widdifield Station Road,
North bay, ON
P1B8G4
[REDACTED]

April 14, 2024

Mr Peter Carello

Senior Planner, Current Operations, Planning Services

City of North Bay

Thank you for the letter dated April 4, 2024 advising of the application for Zoning By-law amendment for 4250 Widdifield Station Rd. Also thank you for the time you spent answering my questions and explaining some of the details concerning this application.

We have two items we would like to have considered.

1. We have a safety concern regarding Lot 1. There is not an adequate line of sight for any driveway from this Lot onto Widdifield Station Rd. Any driveway will be close to the top of the hill and close to a blind corner in the other direction at the bottom of the hill. That will be a safety hazard for traffic going either way as well as vehicles entering the road way. There are already many more cars as well as a School Bus on this road recently and this does not take into account the extra traffic from the proposed lots. (North Bay By-Law No. 2017-72 (Private Approach By-Law, Section 3.8)).

Actually, the existing driveway also has a poor line of sight. I understand that driveway is Grandfathered from the Widdifield Twp time and was constructed when there were no other houses on the road but this winter my wife almost had an accident when topping the hill and meeting the vehicle snowplowing out of the driveway.

2. We also have a concern about damage to our basement. Since the proposed lots are on very rocky granite terrain, we are concerned that the new residents might need to blast for the basement construction. A number of years ago when the pipe line was constructed near Feronia, they were blasting and we had damage to our basement requiring the raising of our house and new block work done - and that was 2 kilometers away.

Brian and Pam Hansen

 Widdifield Station Rd

Peter Carello

Senior Planner – Current Operations

City of North Bay

April 17, 2024

Dear Mr. Carello

Thank you for your letter of April 4, 2024 (Notice of Complete Application for an Official Plan Amendment, a Zoning By-law Amendment and Draft Approval of a Plan of Subdivision - Invitation of Comments – 4250 Widdifield Station Road) and subsequent email correspondence.

We have lived at [REDACTED] Widdifield Station Road for 30 years and enjoy the rural setting and lifestyle. We have trails on our property and have had a Forest Management Plan developed to allow us to best enjoy the property and insure we are working according to current environmental practices. It is our intention to follow the recommendations of the Forest Management Plan which states:

Section 2.2 - Federal, provincial and local policies The owner has knowledge of and will adhere to the act, policies and regulations relating to the property, such as; Species at Risk Act, Environmental Protection Act, Lakes and Rivers Improvement Act, Forestry Act and any other Municipal Bylaws that may apply to the uses of this property

Some of these recommendations will be difficult to maintain if this development proceeds in its current form.

We have reviewed City documents using the links you advised and have the following comments.

Official Plan Review Comments:

For regular rural residential lot development the official plan states:

Section 3.4.1 Multiple lot creation for the purpose of new residential development in the rural area will be discouraged. What has changed that this is being considered?

Section 3.4.2 In general, applications for consent to sever will be discouraged in the rural area and will only be granted when it is clearly not necessary in the public interest that a Rural Estate Plan of Subdivision be registered. Please advise what has changed

3.4.5 Lot creation shall not be permitted in areas found to have aggregate, mineral, natural heritage, cultural or archeological potential. Where study and a conservation strategy is undertaken and approved by the City and the North Bay-Mattawa Conservation Authority, limited new lot creation may occur in these areas. We see no mention of NBMCA consultation.

The lots seem to be immediately within and adjacent to the Development Constraints Area determined by NBMCA and outlined in Schedule3A of the Official Plan

Additionally, there are confirmed records of Wood Thrush a threatened species at risk under the provincial Endangered Species Act within 1km of the proposed locations and within consistent habitat as

noted from the Natural Heritage Information Centre make a map application. Although not documented several bat Species at Risk are likely to occur within the forests in this area as well. The official plan and PPS indicate no development or site alteration within these habitats. At the very least an EIS or SAR report should be completed to outline how the development of these lots would not impact these species or why/ why not they are not present within the site.

Limited lot creation may be allowed in rural areas (3.410 limited lot creation) provided the following:

- b) limited lot creation shall be permitted in the rural area, provided the following:
 - i) the applicant's principal residence is on the subject property at the time of application
 - ii) the applicant has held the original parcel of land for approximately 10 years - **no**
 - iii) the original parcel of land is 16.2 hectares – **property is 7.552 hectares?**
 - iv) maximum of two lots - **exceeded**
 - v) can't sever any more lots for 10 years

It does not appear that some of the above conditions are required of the Rural Estate Subdivisions - however, review indicates that requirements of the RREs are:

- a. A water and sewer servicing capacity study - **assume N/A since well and septic?**
- b. A water supply assessment report **Has this been completed? We have concerns about additional pressure on watertable – Terrain will very likely require blasting which could have a major impact on aquifer and existing wells, foundations and septic systems.**
- c. A hydrogeological study and terrain analysis - **we note that this HydroG study may be done on one lot but the other 4 proceed prior to any study completion – this does not seem logical at all, if issues are defined by the study, the damage will already be done**
- d. A drainage, lot grading plan and or stormwater management report – **proposed development is very close to brook trout habitat in the North River and drainage all funnels toward it.**
- e. A reasonable use study which establishes to the satisfaction of the municipality that such a development will not have a detrimental environmental, economic or social effect. **Has this study been done and can this report be provided for our review?**

The official plan also states that where applicable the following additional studies may be required:

- a) An environmental impact assessment for a natural heritage feature or area;
- b) A Species at Risk evaluation report; **Has species at risk habitat been ruled out as part of the "reasonable use study"? Based on the presence of suitable habitat for several species at risk it is unlikely that the proposed development could proceed without input from the Ministry of Environment Conservation and Parks or at least a rationale from a qualified person as to why the proposed development will not result in a damage or destruction of species at risk habitat.**
- c) A flood plain, flood proofing, protection works, restoration report;
- d) An aggregate resource evaluation report to assess the residual economic value of aggregates;

e) A noise and/or vibration study; Again concerns about impacts of blasting activity

f) A geotechnical study for slope analysis; Concerned about blasting requirements. Was this study a requirement of this proposal?

g) A heritage impact statement and/or archeological assessment report; I believe the province of Ontario requires at least a Stage 1 Archaeological Assessment for ground disturbance within 300m of a water sources. The North River is within these limits for the site.

h) A traffic study; The driveway for proposed lot 1 creates a hazardous situation on a hill.

i) Any other studies that may be identified during the review of the application

In Summary, there are many requirements in the official plan that we assume were included to allow reasonable and environmentally acceptable development of rural areas within City limits. We do not feel that these rules should be overlooked to allow expediting of a development.

If a HydroG study and other studies are required, they should be done in the proper sequence of events to insure that damage is not done to the rural environment and that there are no negative impacts on existing properties.

We request that, if this proposal moves to the next step, there be assurances that proper blasting/vibration studies and well monitoring of impacts on existing properties be done, and that any and all costs associated with any negative impacts be covered by the developer.

We also request confirmation that a new survey has been completed and that the property lines immediately adjacent to the development will be clearly delineated to eliminate any possible issues with land use by current property owners.

Can we please be provided with a copy of the report to council that will include our comments and also the date of the public meeting?

Thanks for allowing our input.

Regards,

Cam Washburn and Barb Shaw

Widdifield Station Road

North Bay ON P1B 8G4

Peter,

My partner and I, own a property on Widdifield Station Road and did not receive notice of the Plan Amendment/Zoning Amendment-4250 Widdifield Station Road.

Thankfully one of our neighbours shared the proposal with us and our comments/questions are listed below.

1. If a hydrogeological study is not needed for the first four proposed building lots, how would appropriate evaluations for septic system and storm runoff mitigation be conducted to know what phosphorus loading and other impacts could be seen to the North River and the watershed it runs into?
2. The topography and location of these proposed lots makes for challenging access and unsafe entrances potentially, specifically proposed lots #4 and #5. How will the city ensure any new entrances are designed and positioned appropriately and proper road alignments and site lines are established to ensure all vehicle traffic is given safe consideration? What stipulations will be considered to ensure the future access to these proposed lots are scrutinized for safety? Specifically winter travel as snow banks and reduced visibility are challenges that could be a contributing factor to vehicular interactions. Is there a way that the city could stipulate that all proposed lots must utilize one common entrance from Widdifield Station road to ensure vehicular interactions are kept to a minimum at the end intersecting connections from proposed new development and the existing road?
3. If the proposed lots are approved, can you please confirm that the ten year rule for future property severance is applied? It is my understanding that 3.4.10 of the city's official plan covers this "limited lot creation" would be the only one here for the next ten years?
4. What is the city's long-term plan for road improvements, hydro service upgrades and preparation for increased traffic on Widdifield Station Road? Has a traffic impact/volume study been conducted recently to gain a better understanding of the traffic levels and uses for the road as it stands today?

Thanks in advance for your review of our concerns. We look forward to responses and appreciate the opportunity to comment.

K. Mewett/T. Snarr

██████ Widdifield Station Road

City of North Bay, Planning Services
Peter Carello, Senior Planner

April 18, 2024

Dear Mr. Carello,

We hope this email finds you well.

We have recently received notice regarding the proposed rezoning of the property at 4250 Widdifield Station Road, owned by Mr. Knox, to accommodate the sale of five lots. Since Mr. Knox's acquisition of the property in 2022, the property has not served as his primary residence and is currently occupied by tenants.

As residents of [REDACTED] Widdifield Station Road for over two decades, we wish to express our concerns regarding the potential subdivision and rezoning, particularly due to its direct impact on our property.

The densely wooded nature of the lots, coupled with their hilly terrain, indicates that significant development would be required to prepare them for residential use. This could potentially involve extensive excavation, including the possibility of rock blasting, to facilitate the construction of homes, driveways, and utility services.

Our primary concern lies in the potential ramifications for our water source and septic system. The proximity of our well, situated on a hillside adjacent to our home, as well as our septic system located on the opposite side, raises apprehensions about the potential disruption caused by the development activities across the road. Any blasting or excavation work could immediately impact our groundwater and soil integrity, necessitating thorough consideration and mitigation measures.

Furthermore, the prolonged untouched status of the land has fostered a rich biodiversity, including various wildlife species and a nearby river inhabited by diverse fish populations. We are concerned about the potential disturbance to these ecological habitats and the need for comprehensive environmental assessments to safeguard their integrity.

We believe it is imperative for such adequate water and environmental assessments to be conducted thoroughly and transparently before any further steps are taken.

As long-standing residents who have chosen to embrace the quiet of our rural surroundings, we fear that this proposed development could significantly disrupt the peaceful character our neighborhood is known for and compromise our quality of life.

We trust that you will consider these concerns with the utmost seriousness and ensure that any decisions regarding this matter prioritize the well-being of all affected parties and the preservation of our community and environment's integrity.

Thank you for your attention to this matter.

Kind regards,

Paul and Tanya D'Amore (Robinson)

Appendix C – Conditions of Approval – File No. 48T-24101

- 1) That this approval expires five (5) years from the date of approval by City Council. If there is an appeal to the Ontario Land 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 R.D. Miller (Tulloch Geomatics Inc.) as shown on the attached Schedule B dated January 16, 2024, which is comprised of five (5) rural residential lots and one (1) block for municipal road.
- 3) The Owner acknowledges and agrees that Lot 4 as shown on Schedule B to this report shall be in a Holding Zone until such a time that a Hydrogeological Study is completed, and its conclusions are accepted. No development shall be permitted on Lot 4 until such a time that the Holding Zone is removed.
- 4) That no removal of trees be undertaken prior to final approval except 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 the road allowance included in this Draft Plan shall be dedicated as public highways.
- 6) That prior to signing the Final Plan by the Municipality, the proposed subdivision conforms with the Zoning By-law in effect for the Municipality.
- 7) 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.
- 8) 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;
 - b) The Stormwater Management report shall also address any slope stability, or any hydrogeological issues associated with this development; and
 - 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.
- 9) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 10) The Owner shall apply for and register an access/egress Right of Way over Lot 2 and Lot 3 in favour of Lot 1, Lot 3 and the retained parcel in order to ensure that

each of these lots shall have year-round unimpeded access to Widdifield Station Road via a shared driveway.

- 11) 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.
- 12) That the owner agrees to provide locations for centralized mail delivery acceptable to Canada Post Corporation or other alternative systems should it be required by Canada Post.
- 13) 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.
- 14) The subdivision agreement for the subject subdivision application shall include a statement informing the first purchaser of a 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
- 15) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 16) The Owner acknowledges and agrees:
 - a. to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada; and
 - b. 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.
- 17) 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. 8 and 9 have been satisfied.
- 18) That before City Council's Final Approval is given, the Council shall be advised in writing how Condition No. 10 has been satisfied.
- 19) That before City Council's Final Approval is given, the Council shall be advised in writing how Condition No. 11 has been satisfied.

NOTES

- 1) We suggest you make yourself aware of the following:
 - a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
 - b) Section 143(2) allows certain exceptions.
- 2) Prior to any construction, 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 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.
- 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).

- 8) The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with North Bay Hydro Distribution Ltd 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 North Bay Hydro policies and the Ontario Distribution System Code.