



# Committee Agenda

**Committee Meeting of Council  
July 18, 2011  
at 6:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
JULY 18<sup>TH</sup>, 2011**

Monday, July 18, 2011

6:00 p.m.

Committee Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor

7:00 p.m.

Regular Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor

# PUBLIC MEETING

**HELD UNDER THE  
PLANNING ACT**

Monday, July 18, 2011

6:00 p.m.

Official Plan Amendment, Rezoning  
and Plan of Subdivision applications  
Jack and Helen Norman  
Four Mile Lake Road

## COMMUNITY SERVICES COMMITTEE

Monday, July 18, 2011

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**Chairperson:** Councillor Lawlor  
**Vice-Chair:** Councillor Mendicino  
**Member:** Councillor Vaillancourt  
**Ex-Officio:** Mayor McDonald

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- **CS-2010-21 Official Plan Amendment, Rezoning & Plan of Subdivision applications by Goodridge Planning Solutions on behalf of Jack & Helen Norman - Four Mile Lake Road (D09/D14/D12/2010/NORMN/FOURMILE).**
- CS-2010-24 Report from S. McArthur dated September 14, 2010 re Municipal Heritage Committee - Annual Award Proposal (R01/2010/NBMHC/GENERAL).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2011-08 Report from M.B. Burke / B. Hillier dated February 28, 2011 re Rental Housing Licensing By-Law (C00/2011/BYLAW/ RENTHOUS).

# CS-2010-21

Draft recommendation:

“That the proposed Official Plan Amendment, Zoning By-Law Amendment and Rural Residential Estate Subdivision Application (22 Lots) by Goodridge Planning Solutions on behalf of Jack & Helen Norman for the property legally described as Concession 2, Part of the North Half of Broken Lot 13, Parcel 716 W/F, PIN 49127-0758 (LT) (Four Mile Lake Road), be denied.”

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**INTER OFFICE**

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**City of North Bay**  
**Planning Services**

**MEMO**

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**To:** Cathy Conrad, City Clerk  
**From:** Peter Carello, Senior Planner, Current Operations  
**Subject:** Resolution No. 3 - Planning Advisory Committee  
**Date:** July 22, 2010

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, July 21<sup>st</sup>, 2010:

Resolution No. 3

"That the Planning Advisory Committee recommend the following to City Council:

That the proposed Official Plan Amendment, Zoning By-law Amendment and Rural Residential Estate Subdivision Application (22 Lots) by Goodridge Planning Solutions on behalf of Jack & Helen Norman for the property legally described as Concession 2, Part of the North Half of Broken Lot 13, Parcel 716 W/F, PIN 49127-0758 (LT) (Four Mile Lake Road), be DENIED."



Peter Carello  
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 3

Date: July 21, 2010

Moved By: Mark King

Seconded By: Walter King

“That the Planning Advisory Committee recommend the following to City Council:

- 1) That the proposed Official Plan Amendment, Zoning By-law Amendment and Rural Residential Estate Subdivision Application (22 Lots) by Goodridge Planning Solutions on behalf of Jack & Helen Norman for the property legally described as Concession 2, Part of the North Half of Broken Lot 13, Parcel 716 W/F, PIN 49127-0758 (LT) (Four Mile Lake Road), be DENIED.”

“CARRIED”

R. Davis  
Chair

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## INTER OFFICE

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# City of North Bay

## MEMO

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**To:** Chair and Members, Planning Advisory Committee

**From:** Peter Carello, Senior Planner

**Subject:** Proposed Official Plan Amendment, Zoning By-law Amendment and Draft Approval of a Rural Residential Estate Subdivision Application (22 Lots) by Goodridge Planning Solutions on behalf of Jack & Helen Norman - Four Mile Lake Road, City of North Bay

**Date:** July 20<sup>th</sup>, 2010

### Recommendation

That the application to amend the Official Plan and the Zoning By-law and the application for Draft Approval of a Rural Residential Estate Subdivision Application (22 Lots) by Goodridge Planning Solutions on behalf of Jack & Helen Norman for Concession 2, Part of the North Half of Broken Lot 13, Parcel 716 W/F, PIN 49127-0758 (LT) in the former Township of Widdifield BE DENIED.

### Site

The subject property is located along Four Mile Lake Road (see Schedule "A" attached), north-east of the North Bay Jack Garland Airport. The site has 810.0 metres (2,657.48 feet) of frontage on Four Mile Lake and an area of 39.53 hectares (97.67 acres).

The property is designated "Rural Area" in the City of North Bay's Official Plan and is zoned "Rural (A)" under the City of North Bay's Zoning By-law No. 28-80.

The property lies outside the City's Settlement Boundary and municipal services are not available to the property.

The property fronts onto Four Mile Lake and is within the Trout Lake Watershed. Four Mile Lake is identified as a major inflowing watercourse to Trout Lake, which is North Bay's source of drinking water.

Adjacent properties are mixed use. There is considerable residential development near the subject property. A large aggregate operation is in close proximity to the subject property, approximately 300 metres to the south. Jack Garland Airport, a Rural-Commercial property and a second large aggregate operation are also in close proximity.

### Proposal

The applicants are requesting approval for a Draft Plan of Subdivision in order to permit the development of a twenty-two (22) lot Rural Residential Estate subdivision. The applicants are proposing to re-designate the property under the Official Plan from "Rural Area" to "Estate Development". The Applicants also propose to rezone the property from "Rural (A)" to "Rural Residential Estate (RRE)" under the City of North Bay's Zoning By-law No. 28-80.

### Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005), the document which provides policy direction on matters of provincial interest related to land use planning and development.

#### Airports

The subject property is located near North Bay's Jack Garland Airport. Section 1.6.7 of the PPS 2005 provides direction regarding development near airports. This section of the PPS 2005 states that:

- 1.6.7.1 *Planning for land uses in the vicinity of airports shall be undertaken so that:*
- a) *the long-term operation and economic role of airports is protected; and*
  - b) *airports and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.*
- 1.6.7.2 *Airports shall be protected from incompatible land uses and development by:*
- a) *prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada; and*
  - b) *considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport;*

The majority of the subject property is situated above the 35 NEF and all of the proposed new lots to be created through this application are situated above the 30 NEF, as established by Transport Canada. The proposed development would be in direct conflict with Section 1.6.7.2 of the PPS 2005, which prohibits the creation of new residential lots above the 30 NEF Contour.

#### Aggregate

Mapping provided by the Ministry of Northern Development and Mines identifies the subject property as being an aggregate resource area. Section 2.5.2 of the PPS 2005 discusses the protection of the mineral aggregate resources.

*"In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*

- a) *resource use would not be feasible; or*
- b) *the proposed land use or development serves a greater long-term public interest; and*
- c) *issues of public health, public safety and environmental impact are addressed."*

The applicants have claimed the subject property would not be a feasible source for aggregate extraction. The applicants' agent has provided some justification for his determination aggregate extraction is not feasible. The calculations utilized to estimate the value of the aggregate are based on a test pit drilled by the owner, with the results being evaluated by his agents. Further, the level of analysis provided by the applicants' agent is not of sufficient detail to adequately demonstrate the lack of feasibility.

As such, the applicants have not met Section 2.5.2.5 of the PPS 2005.



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Section 2.5.2.4 of the PPS 2005 states "*Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact*".

As mentioned, there is a well established aggregate operation in short proximity to the subject property.

A property to the south was once subject to a Zoning By-law Amendment to permit aggregate extraction and they have indicated their intention to expand their operations in this area in the future. Though this application was ultimately abandoned, due in part to the opposition of neighbouring residential property owners, owners of the aggregate operation have stated that it is their intention to expand their operations on this property.

Further residential development in the area would be incompatible with any future development or expansion of the aggregate operations to the south of the subject property. The proposal is inconsistent with Section 2.5.2.4 of the PPS 2005.

### Water

Section 2.2 of the PPS 2005 provides direction to developments that will impact water sources. As this proposal will impact a watercourse that flows to Trout Lake, this Section of the PPS 2005 is pertinent to this application.

Section 2.2.1 of the PPS 2005 states that "*Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) *using the watershed as the ecologically meaningful scale for planning;*
- b) *minimizing potential negative impacts including cross-jurisdictional and cross-watershed impacts; ...*
- d) *implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies"*

The proposed development would result in a 22-lot rural residential estate subdivision on Four Mile Lake within the Trout Lake Watershed. The North Bay Mattawa Conservation Authority comments on Sections 2 and 3 of the PPS 2005 as part of their review of Planning Act applications on behalf of the City of North Bay. Both the City's and the North Bay Mattawa Conservation Authority's review of the applicants' proposal and accompanying studies conclude that this development is not consistent with this section of the PPS 2005. Their full comments are attached as Appendix A to this report.

### Official Plan

The subject property is designated "Rural Area" in the City of North Bay's Official Plan, within the Trout Lake watershed. It has frontage on Four Mile Lake, a major inflowing watercourse to Trout Lake, the source of North Bay's drinking water supply.

Section 2.7.11 of the Official Plan is consistent with the Provincial Policy Statement with regard to the protection of lands surrounding an Airport Industrial Park. The current Official Plan as well as the new Official Plan for the City of North Bay adopted by Council and before the Ministry of Municipal Affairs recognizes the need to protect the Airport and its Noise Exposure Forecast contour for the future economic development for the City of North Bay.

The City of North Bay's Official Plan clearly states its intention to limit development in the Trout Lake Watershed. Section 2.10.7.2 states "*It is the intent of this plan to strictly control or limit the nature and extent of development along the shoreline of Trout Lake, including second-tier or backshore development, development on islands in Trout Lake, development along streams flowing into Trout*

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*Lake, as identified by the North Bay-Mattawa Conservation Authority on the schedule to the City of North Bay Fill, Construction and Alteration to Waterways Regulations and development in the Trout Lake Watershed in general. This will be achieved by generally prohibiting the creation of new lots which front on Trout Lake or on a stream flowing into Trout Lake, enforcing larger setback distances from the shoreline of Trout Lake or a stream flowing into Trout Lake, by discouraging the removal of natural vegetation within the setback zone, by enforcing appropriate stormwater management policies which minimizes flows, erosion, siltation and nutrients, by strictly regulating lot design features through environmental education. The general intent of these measures is to minimize the disturbance of shoreline ecosystems and where they are affected by development, to restore natural ecosystem functions. It is the objective of these controls to maintain or improve the existing level of water quality, to maintain or improve the existing level of aesthetic and recreational qualities and to improve the lake's fishery."*

The proposed 22-lot rural residential estate subdivision is in contravention of the general intent of this policy.

As Trout Lake is the source of North Bay's drinking water, protecting its water quality is one of the fundamental objectives of the Official Plan. Section 2.10.8.3 is integral to achieving this goal, restricting the creation of new lots within 300 metres of Trout Lake and inflowing watercourses. This Section of the Official Plan states "*it will be the policy of Council to continue to prohibit the creation of new lots or dwelling units by consent, Plan of Subdivision or Plan of Condominium along the un-serviced shoreline of Trout Lake over the next five (5) year review period. The prohibition on lot creation also applies to lands within 300 metres of the One Mile Bay and Four Mile Bay basins, major inflowing streams and watercourses flowing into Trout Lake*"

The property is currently one parcel that is developed with a single detached dwelling unit. The proposed rural residential estate would result in a net increase of 21 new lots (for a total of 22 lots), each within 300 metres of Four Mile Lake. This would be in direct conflict with Section 2.10.8.3 and its stated intent of prohibiting new lot creation within 300 metres of major inflowing watercourses that flow into Trout Lake.

Section 2.10.8.7 of the Official Plan permits limited lot creation in the Trout Lake watershed when it can be determined that the new lots will be "non-impact lots".

This section states non-impact lots are those that are in excess of 300 metres from the shoreline of any major inflowing watercourse. New development proposals that are within 300 metres it must be accompanied by technical justification studies that demonstrate that the lots will not have a negative impact on the watershed.

Each of the proposed lots are within the 300 metre setback. The applicants did submit a Site Evaluation Report (SER), written by Michalski Nielsen Associates Limited. The report recommends standard septic technology and endeavours to identify appropriate locations for the placement of all the septic systems required to accommodate the 22 new lots.

The City of North Bay's Environmental Services Department reviewed the Site Evaluation Report in a memo dated January 29, 2010. The memo states the Michalski Nielsen Associates report is based on "*a conventional rural development approach on the subject lands with no special controls based on the presence of an iron rich B soil horizon soil observed at 14 soil probe sites of which 3 were subject to limited chemical analysis. This report describes the unconsolidated surface cover (in Section 4.2) as "the majority of the property and adjacent lands are dominated by bedrock with shallow discontinuous mantle of tills and/or sediments". Ten of fourteen soil sample sites hit refusal (interpreted as reaching bedrock) at an average depth of 0.55m. The Northern Ontario Engineering Terrain Study Septic*

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*System Capability Map (5044) suggests that this type of surface geology is rated as poor for siting septic systems. The Michalski Nielsen Report reference obscure literature and reaches general conclusions that are not accepted by the City as scientifically valid.*

All of the proposed new lots are situated within 300 metres from Four Mile Lake's shoreline. Based on the applicants' inability to meet the 300 metre minimum setback from the Four Mile Lake and the City's and the North Bay Mattawa Conservation Authority's rejection of the Michalski Nielsen Associates' Site Evaluation Report, the proposal does not meet the test to be considered "non-impact lots" as described in Section 2.10.8.7 of the Official Plan.

Section 2.10.4 of the Official Plan discusses the establishment of Rural Residential Estates. Subsection c) states "*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*".

The proposed Rural Residential Estate would create a twenty two (22) lot subdivision. This would alter the rural character of the neighbourhood by considerably increasing the population of the neighbourhood, which could result in an increase in demand for services. As such, the proposal is contrary to Section 2.10.4 of the Official Plan.

Schedule A2 of the Official Plan identifies the property as being a "Primary Aggregate Resource Deposit". Subsection i) of Section 2.10.4 of the Official Plan discourages locating Rural Residential Estates in close proximity to pits and quarries, stating that "*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. In addition, rural estate development will not be permitted within 304m of legally existing pits and quarries*".

The subject property is approximately 300 metres from a property that has a long-standing use as an aggregate operation. There have previously been incidents of conflict between the rural neighbourhood that surrounds Four Mile Lake and the aggregate operation. Creating a new 22-lot Rural Residential Subdivision would further compound this situation. As such, the subject application is contradictory to Section 2.10.4 i) of the Official Plan.

Based on the information provided, it is my professional opinion the proposed development is not in conformity with the Official Plan.

### **Zoning By-law**

The subject property is currently zoned "Rural (A)". A "Rural (A)" zone permits the following uses:

- agricultural and forestry uses;
- cemeteries;
- commercial agricultural uses;
- conservation areas;
- hobby farm;
- public and private recreational uses;
- existing single detached dwellings and new single detached dwellings on a lot created pursuant to Section 50 or 53 of the Planning Act, R.S.O. 1990 as amended;
- accessory uses to the above; and
- accessory home based businesses in accordance with Section 3.35.

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The applicants are proposing to rezone the subject lands to a "Rural Residential Estate (RRE)" zone.

The "Rural Residential Estate (RRE)" zone permits the following uses:

- single detached dwellings;
- local park and playground;
- accessory uses to the above; and
- accessory home based businesses in accordance with Section 3.35.

The proposed rural estate subdivision is able to meet all regulations of the Zoning By-law No. 28-80.

### 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 other agencies that may have an interest in this matter.

In terms of the correspondence received the Ministry of Transportation, Chief Building Official, Fire Prevention Officer, and the Secretary-Treasurer of the Municipal Heritage Committee offered no objections to the proposal.

The Director of Parks, Recreation and Leisure Services advises that the proposed parkland dedication is unacceptable as it is a low lying wetland area with a watercourse. It is unsuitable for future parkland development. The amount of proposed parkland dedication is less than half of the required 5% parkland dedication.

Engineering Design and Approvals stated that prior to the proposed Plan of Subdivision being approved; the applicants would be required to complete a Stormwater Management Plan. Also, the road width as shown would need to be extended to 26 metres.

The Manager of Environmental Services reviewed the proposed Plan of Subdivision from the perspective of meeting the general compliance with the City's Trout Lake watershed management policies, focusing primarily on the report completed by Michalski Nielsen Associates. The Manager of Environmental Services rejected the conclusions made in the Michalski Nielsen Associates' report. A copy of the memo outlining the Manager of Environmental Services' concerns is attached as Appendix A to this report.

The North Bay Mattawa Conservation Authority's Director of Planning and Development has stated they have been in consultation with the applicants since 2007 and have consistently stated they would be unable to support the subject application for numerous reasons. The Conservation Authority's primary concerns pertain to the proposed placement of the septic systems associated with this application. The NBMCA states "*All of the proposed 22 lots are within 300 meters of the shoreline of Four Mile Lake.*

*The proposed location for the sewage disposal systems is generally 30-40 meters from Four Mile Lake. This proposal, similar to previous proposals, is not consistent with the Trout Lake policies and is not supported by the Conservation Authority. It is for this reason that the Conservation Authority is recommending that the City deny the application."*

The NBMCA also rejected some of the conclusions made by the Michalski Nielsen Associates' report and the proposed impact the subdivision would have on the Lakeshore Capacity Model in place on Four Mile Lake. The NBMCA states "*The Lakeshore Capacity Model takes into account the phosphorus load from conventional sewage disposal systems. The model does allow for the phosphorus load to be*

*varied if phosphorus abatement or phosphorus removal technologies are used. The handbook states that, "Currently the Ontario Government hasn't acknowledged any technologies (including phosphorus removal technologies) as being suitable to be installed with, or instead of small-scale subsurface sewage treatment systems for individual dwellings, cottages or other small buildings.*

*The Michalski Nielsen report "Site Evaluation Report – 1000 Four Mile Lake Road, City of North Bay" (August 2009) suggests that phosphorus will be retained in the native "B" Horizon soils and thus there will be zero to near-zero impact to Trout Lake. I would suggest it is premature to make such a statement of zero to near-zero impact in the absence of a Lakeshore Capacity Assessment and the detailed studies required for such an assessment. Due to the complex, scientific requirements of such an analysis, if the application were to proceed, it is recommended that the report be reviewed by a qualified professional and/or the Ministry of Municipal Affairs and Housing, through the one-window plan review process."*

The NBMCA also noted concerns regarding the presence of an existing barn and its lack of conformity with Minimum Distance Separation Calculations. The NBMCA wrote "Section 2.3.3.3 of the PPS, 2005 states "New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation (MDS) formulae." As you are aware, there is a small barn on the property which houses 1-2 horses. MDS calculations indicate a separation distance of 85 meters. The site plan submitted with the application did not indicate the distance from the barn to proposed lot lines; however, it would appear that the proposed easterly lot line of Lot #2 encroaches into this 85 meter setback, and thus would be in contravention of Section 2.3.3.3 of the PPS."

The NBMCA also expressed concerns regarding the natural hazards on the subject property, including "Four Mile Lake and its floodplain (359.85 meters C.G.D.); the noted areas of steep slopes; an intermittent tributary; and associated wetland areas."

The entirety of the North Bay-Mattawa Conservation Authority's comments is attached to the report as part of Appendix A to this report.

The City of North Bay received considerable correspondence from citizens regarding the proposed subdivision. The majority of the correspondence was opposed to the proposed Plan of Subdivision. The following summarizes the concerns expressed:

- Water Quality of Four Mile Lake: Residents of the area stated that they were concerned about the proximity of the proposed septic systems to Four Mile Lake's shoreline and the impact this would have on the water quality and phosphorus levels of Four Mile Lake.
- Trout Lake Watershed: As Four Mile Lake is part of the Trout Lake Watershed, many expressed concerns about the impact that this development would ultimately have on Trout Lake and the City's source of drinking water.
- Character of the Neighbourhood: Several individuals stated that the proposed development would be inconsistent with the rural character of the neighbourhood and were concerned that it would have a negative impact on their privacy.
- Nature/Wildlife: Several individuals expressed their concern that the proposed development would have a negative impact on wildlife located within the area.
- NEF Contours: One neighbour stated that she was concerned that the proposed development would negatively impact the community's economic base.

Two neighbours submitted letters in support of the proposed application. One neighbour was of the opinion people should have access to lakes within the municipality. Both expressed their opinion the proposed Plan of Subdivision would make use of state of the art technology that would mitigate any potential negative impacts on the neighbourhood, such as water quality, noise and light pollution.

The Planning Advisory Committee meeting was held on May 19, 2010 and was attended by a large proportion of neighbourhood residents. Ten members of the public made a formal presentation that evening, with eight of the presenters in opposition to the proposed development and two in favour. Most of the individuals that presented also submitted written correspondence. The opinions expressed at PAC are similar to the written correspondence and have been appropriately summarized in the bulleted list above.

### Summary

The applicants pre-consulted with municipal Staff on several occasions over the last decade. The applicants were advised that their proposed Official Plan Amendment, Zoning By-law Amendment and Rural Residential Estate Subdivision would be in direct contravention to numerous policies contained in the Provincial Policy Statement (PPS 2005) and the City of North Bay's Official Plan and could not be supported. Formal rejection in the form of written correspondence was provided to the applicants on two separate occasions.

Despite this information, the applicants chose to proceed with the full knowledge that Planning staff could not recommend approval, based on existing policies.

The proposed 22-lot Plan of Subdivision would result in the creation of 21 new lots, each of which would be located above the 30 NEF. The applicants' agent stated "*Appropriate mitigative methods are recommended to ensure conformity with Section 1.6.7*". However, Section 1.6.7 of the PPS 2005 does not provide the opportunity for mitigation measures. The Provincial Policy Statement explicitly prohibits the creation of new lots above the 30 NEF contour. As the City of North Bay is investing considerable resources to establish a new aviation industrial park within the 1,000 acres of vacant land at North Bay Jack Garland Airport, protection of the integrity of the 30 NEF from incompatible residential land use has been addressed in the new Official Plan that was adopted by City Council and is before the Ministry of Municipal Affairs and Housing for approval.

Mapping provided by the Provincial government shows that the subject property potentially contains aggregate. The applicants' proposal is also not in conformity with policies under both the Provincial Policy Statement (PPS 2005) and the Official Plan regarding the protection of aggregate resources.

The subject property is situated near a large aggregate operation. The owners of the aggregate operation have purchased additional lands close to the subject property with the intent of expanding their operations in the future. Further residential development in the area would be incompatible with any future development or expansion of the aggregate operations to the south of the subject property that are protected by Section 2.5.2.4 of the PPS 2005.

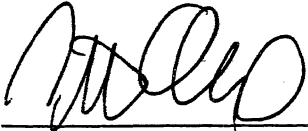
The proposed subdivision is inconsistent with several policies in the Official Plan that focus on the protection of North Bay's source of drinking water, Trout Lake. Specifically, the proposed Plan of Subdivision is in direct conflict with 2.10.8.3, which prohibits new lot creation within 300 metres of a major inflowing watercourse, which includes Four Mile Lake and its tributaries.

The Site Evaluation Report submitted by the applicants recommends standard septic system technologies. Based on the applicants' inability to meet the 300 metre minimum setback from the Four Mile Lake and the City's and the North Bay Mattawa Conservation Authority's rejection of the Michalski Nielsen Associates' Site Evaluation Report, the proposal does not meet the test to be considered "non-impact lots" as described in Section 2.10.8.7 of the Official Plan.

The proposed development exceeds the maximum of twelve (12) lots that can be created by rural

residential estate subdivision, as outlined by Section 2.10.4 c) of the Official Plan. The intent of the policy to limit the number of lots created is to ensure that the rural character of the neighbourhood is maintained. The proposed twenty-two (22) lot subdivision is in excess of this policy and again is inconsistent with the intent of the Official Plan.

In reviewing the proposal, it is my professional opinion the application is not in conformity with the Official Plan and the end use is inconsistent with the Provincial Policy as set out in the Provincial Policy Statement (PPS 2005).



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Peter Carello  
Senior Planner, Current Operations

PC/dlb

attach.

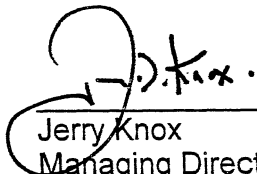
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I concur with the recommendations contained in this report.



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Steve McArthur  
Senior Planner



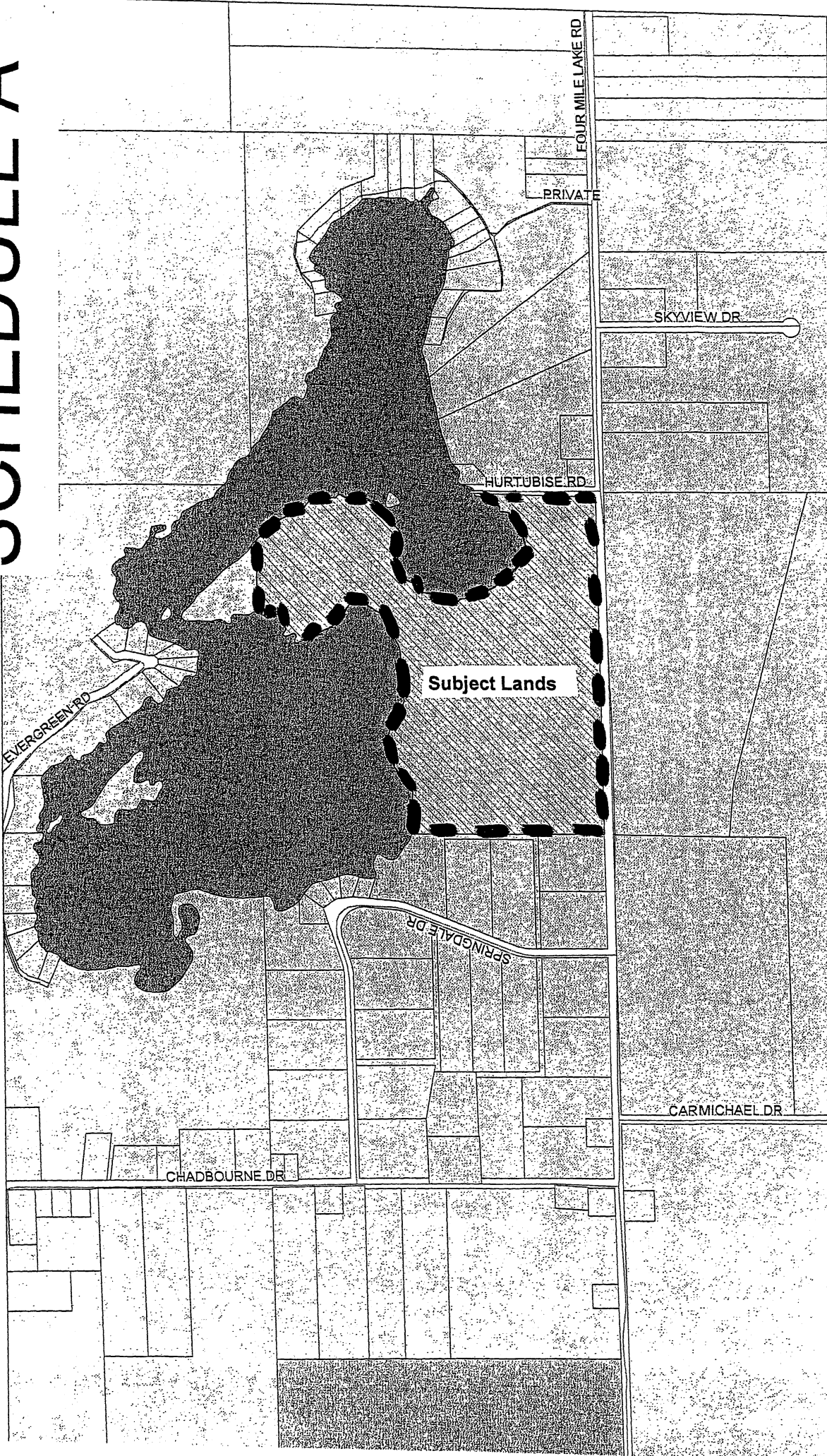
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Jerry Knox  
Managing Director Community Services

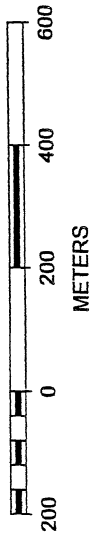


# SCHEDULE A

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SCALE 1 : 12,377





# SCHEDULE B

DRAFT PLAN OF SUBDIVISION  
 PART OF THE NORTH HALF OF  
 BROKEN LOT 13, CONCESSION 2  
 GEOGRAPHIC TOWNSHIP OF WIDDIFIELD  
 CITY OF NORTH BAY  
 DISTRICT OF NIPISSING  
 GOODRIDGE PLANNING SOLUTIONS



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

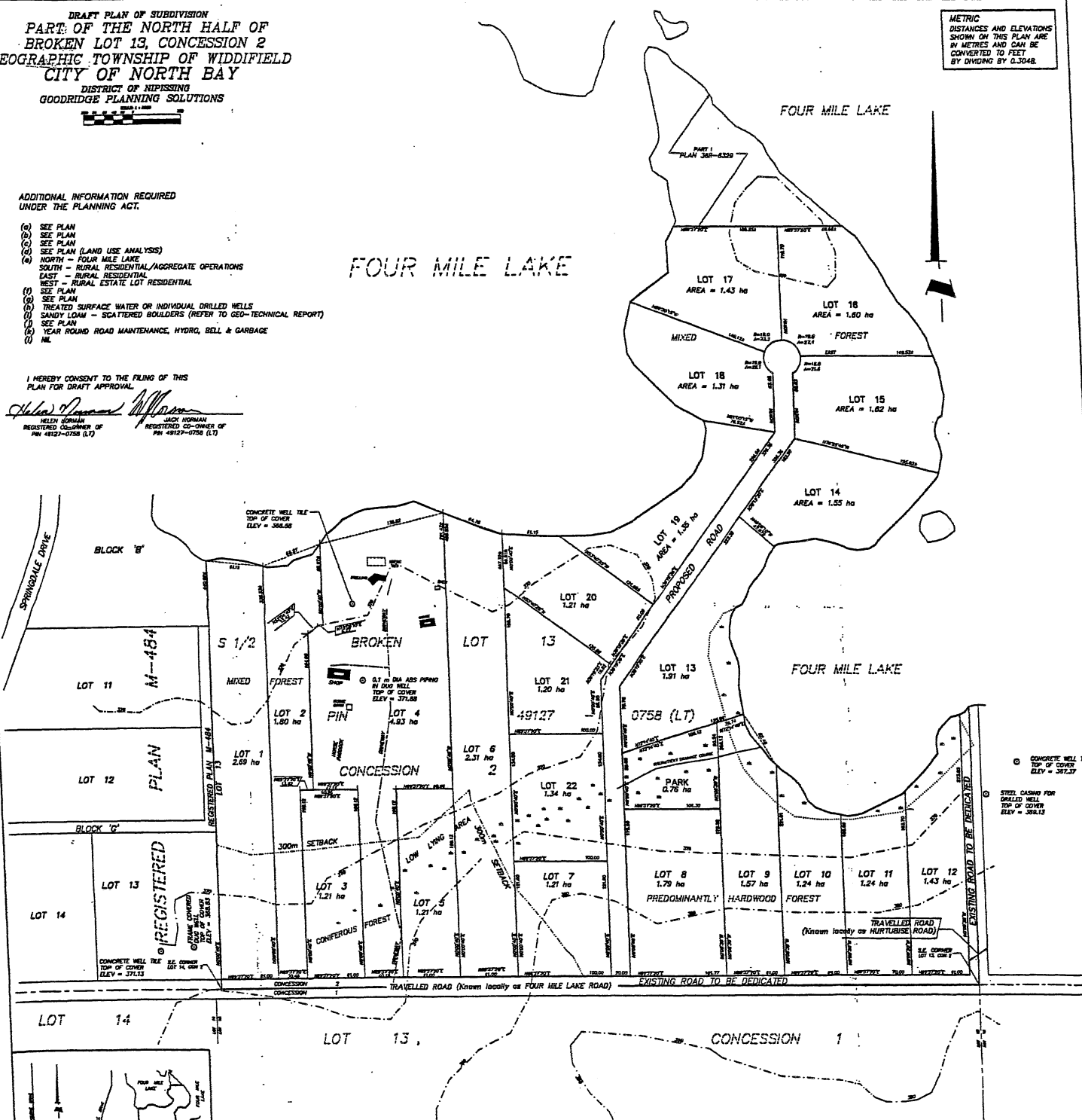
ADDITIONAL INFORMATION REQUIRED  
 UNDER THE PLANNING ACT.

- (a) SEE PLAN
- (b) SEE PLAN
- (c) SEE PLAN
- (d) SEE PLAN (LAND USE ANALYSIS)
- (e) NORTH - FOUR MILE LAKE
- (f) SOUTH - RURAL RESIDENTIAL/AGGREGATE OPERATIONS
- (g) EAST - RURAL RESIDENTIAL
- (h) WEST - RURAL ESTATE LOT RESIDENTIAL
- (i) SEE PLAN
- (j) SEE PLAN
- (k) TREATED SURFACE WATER OR INDIVIDUAL DRILLED WELLS
- (l) SANDY LOAM - SCATTERED BOULDERS (REFER TO GEO-TECHNICAL REPORT)
- (m) SEE PLAN
- (n) YEAR ROUND ROAD MAINTENANCE, HYDRO, BELL & GARBAGE
- (o) NIL

I HEREBY CONSENT TO THE FILING OF THIS  
 PLAN FOR DRAFT APPROVAL.

*Helen Norman*  
 HELEN NORMAN  
 REGISTERED CO-OWNER OF  
 PIN 49127-0758 (L7)

*Jack Norman*  
 JACK NORMAN  
 REGISTERED CO-OWNER OF  
 PIN 49127-0758 (L7)



**BEARING NOTE**  
 BEARINGS ARE ASTROMONIC, DERIVED FROM THE WEST LANT  
 OF LOT 13, CONCESSION 2, SHOWN ON PLAN 368-6326  
 HAVING A BEARING OF N102°40'12"E

**ELEVATIONS**  
 ELEVATIONS ARE OF PHOTOGRAMMETRIC ORIGIN, DERIVED FROM  
 MINISTRY OF NORTHERN WILDS & DEVELOPMENT WEBSITE

**LAND USE ANALYSIS**

LOTS 1 TO 22 - RURAL ESTATE LOT RESIDENTIAL - 37.15 ha  
 PARK - 0.76 ha  
 ROADS - 2.60 ha  
 TOTAL AREA OF SUBDIVISION = 40.51 ha

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

NORTH BAY, ONTARIO  
 OCTOBER 19, 2008

*Paul Goodridge*  
 PAUL GOODRIDGE, OLS  
 GOODRIDGE WALKER LIMITED

GOODRIDGE PLANNING SOLUTIONS  
 LAND USE PLANNING AND DEVELOPMENT ENGINEERING  
 20 RIVER WALK COLLINGWOOD, ONT L9Y 4L9

GPS

**Appendix A – City of North Bay’s and  
North Bay Mattawa Conservation  
Authority’s Analysis of the Site  
Evaluation Report By Michalski Nielsen  
Associates**

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**INTER OFFICE**

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**MEMO**

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*City of North Bay*  
*Engineering, Environmental Services & Works*

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**To: Steve McArthur, Senior Planner**

**From: Peter Bullock, Manager of Environmental Services**

**Subject: Site Evaluation Report, 1000 Four Mile Lake Road, City of North Bay prepared for Helen and Jack Norman (in support of a Plan of Subdivision to Create 22 Lots)**

**File:**

**Date: January 29, 2010**

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I have reviewed the above report from the perspective of meeting the general compliance with the City's Trout Lake watershed management policies. The City of North Bay has established restrictive development policies within Trout Lake basin to protect the quality of water within levels deemed acceptable to the community and to protect aquatic habitat. These policies are part of a coordinated approach that is both comprehensive and inter-jurisdictional. The City's strategy relies on the Provincial Lakeshore Capacity Model which models enrichment impacts from development on lakes. The applicant has not properly modelled the impact of the proposed development on the receiving aquatic environments (both Four Mile Lake and Trout Lake) and offers no mitigation strategy to compensate for impacts that will result if the development is approved. The technical arguments that suggest that this assessment is not relevant are rejected. Should these arguments be accepted or imposed the impact to the City's ability to protect its natural resource features would be significantly affected.

Michalski Nielsen Associates predicates a conventional rural development approach on the subject lands with no special controls based on the presence of an iron rich B soil horizon soil observed at 14 soil probe sites of which 3 were subject to limit chemistry analysis. This report describes the unconsolidated surface cover (in Section 4.2) as "the majority of the property and adjacent lands are dominated by bedrock with a shallow discontinuous mantle of tills and/or sediments". Ten of fourteen soil sample sites hit refusal (interpreted as reaching bedrock) at an average depth of 0.55 m. The Northern Ontario Engineering Terrain Study Septic System Capability Map (5044) suggests that this type of surficial geology is rated as poor for siting septic systems. The Michalski Nielsen Report references obscure literature and reaches general conclusions that are not accepted by the City as scientifically valid.

The purpose of the submitted document is to force a confrontation with the City to give the developer an opportunity to challenge the Lakeshore Capacity Model approach to managing nutrient impacts from shoreline development on lakes and streams. In order for the City to defend its management approach and to protect Trout Lake and its contributing watersheds it will need to mount a proper defence supported with expert opinions. It is recommended that the City seek an independent review of this Site Evaluation Report prepared by Michalski Nielsen Associates so that a comprehensive defence strategy is properly defined and implemented.

DATE:

TIME:

**NORTH BAY-MATTAWA CONSERVATION AUTHORITY**



July 16, 2010

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

**Sent by Fax: 474-5928**

**Attention: Peter Carello, Senior Planner, Current Operations**

Dear Mr. Carello:

**Re: Proposed Plan of Subdivision, Official Plan Amendment & Zoning  
By-Law Amendment - Norman  
Con. 2, Pt. N ½ Lot 13; Pcl. 716 W/F  
1000 Four Mile Lake Road  
City of North Bay  
Our File No.: P31-33/NB/10**

This office has received and reviewed the proposed application for a proposed Plan of Subdivision, Official Plan Amendment & Zoning By-Law Amendment for the above-mentioned property. The following comments are based on a review of the application with respect to the mandate of the Conservation Authority: Ontario Regulation 177/06 (*Development, Interference with Wetlands & Alteration to Shorelines & Watercourses*) as per Section 28 of the Conservation Authorities Act of Ontario and Part 8 (Private Sewage Disposal Systems) of the Ontario Building Code. In addition to those comments, the Conservation Authority provides advice to the municipality with regard to Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement 2005, as well as conformity to the Official Plan and Zoning By-Law.

The Conservation Authority has pre-consulted with the applicants regarding development of this property since 2007. At that time the Conservation Authority stated that they would not support the creation of new lots on Four Mile Lake that were not consistent with the Trout Lake policies in the City of North Bay's Official Plan. Our position has not changed.

The Conservation Authority conducted site inspections on the property on June 10 and July 15, 2010. As you are aware, the property has frontage on Four Mile Lake which is part of the Trout Lake watershed. Four Mile Lake and creek would be considered an "inflowing" stream of Trout Lake. The main relevant sections of the Official Plan, in my opinion, are:

**Section 2.10.8.3:**

"Therefore, it will be the policy of Council to continue to prohibit the creation of new lots or dwelling units by consent, Plan of Subdivision or Plan of Condominium along the un-serviced shoreline of Trout Lake over the next five (5) year review period. The prohibition on lot creation also applies to lands within 300 metres of the One Mile Bay and Four Mile Bay basins, major inflowing streams and watercourses flowing into Trout Lake as identified by the North Bay-Mattawa Conservation Authority and to further prohibit the creation of any new lot within 300 linear metres of the un-serviced shoreline of Trout Lake on lands deemed to constitute "second tier" or "back lot"; and

**Section 2.10.8.4:**

"New lots may be created in keeping with the policies contained within Subsections 2.10.1, 2.10.4 and 2.10.24 of this Plan from existing Parcels that are considered "second tier" or that have a portion of the original parcel falling within 300 metres of the un-serviced portion of the Trout Lake shoreline or a major inflowing stream, provided that no portion of the lot to be created falls within 300 m of the un-serviced shoreline of Trout Lake or a major inflowing stream."

The City of North Bay adopted these and other policies to protect the water quality of Trout Lake, the source of the City's drinking water, and to ensure consistency with Section 2.2 of the Provincial Policy Statement (PPS), 2005.

All of the proposed 22 lots are within 300 meters of the shoreline of Four Mile Lake. The proposed location for the sewage disposal systems is generally 30-40 meters from Four Mile Lake. This proposal, similar to previous proposals, is not consistent with the Trout Lake policies and is not supported by the Conservation Authority. It is for this reason that the Conservation Authority is recommending that the City deny the application.

Although the Conservation Authority cannot support the application based on the Trout Lake Policies it is felt that it was important to note other concerns with the application. The Ministry of the Environment is the agency responsible for protecting water quality. The Ministry, in partnership with the ministries of Natural Resources and Municipal Affairs and Housing developed a Lakeshore Capacity Handbook to assist municipalities with assessing development on inland lakes and meeting their obligations under the PPS to protect water quality. The assessment is consistent with watershed management in that it considers upstream sources and downstream receptors when assessing the development capacity of a lake. All lakes have to be taken into consideration and modeled to make accurate predictions. To my knowledge a Lake

Capacity Assessment has not been undertaken for the subject application.

The Lakeshore Capacity Model takes into account the phosphorus load from conventional sewage disposal systems. The model does allow for the phosphorus load to be varied if phosphorus abatement or phosphorus removal technologies are used. The handbook states that, "Currently the Ontario Government hasn't acknowledged any technologies (including phosphorus removal technologies) as being suitable to be installed with, or instead of small-scale subsurface sewage treatment systems for individual dwellings, cottages or other small buildings.

The Michalski Nielson report "*Site Evaluation Report – 1000 Four Mile Lake Road, City of North Bay*" (August 2009) suggests that phosphorus will be retained in the native "B" Horizon soils and thus there will be zero to near-zero impact to Trout Lake. I would suggest it is premature to make such a statement of zero to near-zero impact in the absence of a Lakeshore Capacity Assessment and the detailed studies required for such an assessment. Due to the complex, scientific requirements of such an analysis, if the application were to proceed, it is recommended that the report be reviewed by a qualified professional and/or the Ministry of Municipal Affairs and Housing, through the one-window plan review process.

Section 2.3.3.3 of the PPS, 2005 states that "*New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation (MDS) formulae.*" As you are aware, there is a small barn on the property which houses 1-2 horses. MDS calculations indicate a separation distance of 85 meters. The site plan submitted with the application did not indicate the distance from the barn to proposed lot lines; however, it would appear that the proposed easterly lot line of Lot #2 encroaches into this 85 meter setback, and thus would be in contravention of Section 2.3.3.3 of the PPS.

Schedule A2 (Aggregate Resource Protection Areas) of the City of North Bay's Official Plan indicates prime aggregate resource deposits on the property. Section 2.5.2.5 of the PPS states that "In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; b) the proposed land use or development serves the greater long-term public interest; and c) issues of public health, public safety and environmental impact are addressed. To my knowledge, the applicant has not addressed this issue.


Other points, for your information, are that the property is regulated by the Conservation Authority under Ontario Regulation 177/06, *Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA)*. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario. There are natural hazard areas on this property including: Four Mile Lake and its floodplain (359.85 meters C.G.D.); the noted

areas of steep slopes; an intermittent tributary; and associated wetland areas. The Conservation Authority is the approval authority, in this area, for Part 8 of the Ontario Building Code (private on-site sewage disposal systems).

In summary, the Conservation Authority recommends refusal of the application as it is not consistent with: the Trout Lake Policies in the City of North Bay's Official Plan; and Section 2 of the PPS.

Trusting this is satisfactory. Should you have any questions, please do not hesitate to contact this office at 474-5420. For administrative purposes, please forward any decisions and resolutions regarding this matter.

Yours truly,



Paula Scott

Director, Planning & Development

**MINUTES OF THE PUBLIC MEETING OF  
CITY COUNCIL HELD UNDER THE *PLANNING ACT*  
HELD MONDAY, AUGUST 23, 2010**

**PRESENT:** Mayor Fedeli, Councillors Chirico, Campbell, Vaillancourt, Vrebosch-Merry, Mayne, Bain, Koziol, Mendicino, Anthony

1. Jack & Helen Norman - Four Mile Lake Road

Councillor Anthony explained the purpose of the meeting.

The Deputy City Clerk advised that notice of the meeting was given by prepaid first class mail on the 3<sup>rd</sup> day of July, 2010 to all owners of property within 120 metres of the subject property and by the posting of a placard on the subject property.

Peter Carello explained the purpose of the applications.

Councillor Anthony asked for public presentations in support of or objecting to the rezoning.

Brenda McLay - 1300F Four Mile Lake Road

- opposed to development
- support of reports from North Bay-Mattawa Conservation Authority and City staff
- primary concern for lake (spring fed lake)
- presentation provided to Council

William Parfitt - 1800 Four Mile Lake Road

- protection of the lake should be the responsibility of the people that live on the lake
- these lots would pay waterfront taxes
- could not provide aggregate
- proposed development would have state of the art septic systems
- why protect these lands and take from other parks?

Al Sage - 1300 Four Mile Lake Road

- summer resident
- taught geology and geography for 30 years
- err on the side of caution
- unreliable water levels this summer - nothing is reliable

Paul Goodridge - 116 Byers Road

- agent for the applicants
- recognizes that there are a number of studies against this proposal
- requested that staff report not be accepted at this time
- have additional reports being prepared
- City has approved in excess of 130 lots within the NEF Contour Area
- provided copy of *Draft* Assessment Report from the North Bay-Mattawa Conservation Authority
- introduced Mr. Michael Michalski
  - 42 years of lake experience
  - Sr. Environmental expert
  - well recognized for his expertise

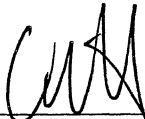
Michael Michalski - 16 Robert Boyer Lane, Bracebridge

- Michalski Nielsen Associates Limited
- spoke re: his report
- disagrees with Peter Bullock's memorandum

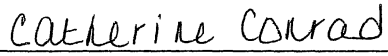


Jack & Helen Norman  
Four Mile Lake Road  
Page 2

- disagrees with North Bay-Mattawa Conservation Authority - Lake Capacity Model not done
- soils conditions
- lakeshore capacity has been criticized, should rely on practical measures (Bracebridge uses this model)
- 300m is not scientifically justifiable, but it is the Ministry of the Environment's position
- this a warm water lake



MAYOR VIC FEDELI



CITY CLERK CATHERINE CONRAD

**ENGINEERING & WORKS COMMITTEE**

Monday, July 18, 2011

Page 1

**Chairperson: Councillor Vrebosch-Merry**

**Vice-Chair: Councillor Mayne**

**Member: Councillor Bain**

**Ex-Officio: Mayor McDonald**

EW-2010-03

Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/KPWTR/WESTENDR).

**GENERAL GOVERNMENT COMMITTEE**

Monday, July 18, 2011

Page 1

**Chairperson: Councillor Chirico**  
**Vice-Chair: Councillor Koziol**  
**Members: Councillors Anthony, Maroosis**  
**Ex-Officio: Mayor McDonald**

GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).

GG-2011-15 Report from C.M. Conrad dated June 7, 2011 re Amendments to Procedural By-Law (C00/2011/BYLAW/PROCEDUR).

## ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings <b>(due September 2005)</b> .
April 28, 2008	Ways to assist the hospitals with making further appeals to the Province for financial assistance with the infrastructure cost increases.
September 21, 2009	Review, update and consolidation of Noise By-Law <b>(due June 30, 2010)</b> .
March 8, 2010	Comprehensive Long-Term Financial Plan <b>(due April 30, 2010)</b> .
May 3, 2010	Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed.
June 28, 2010	On completion of Tender 2010-74 (Lakeshore Drive Outdoor Sports Complex Phase V - Completion of fields and associated appurtenances), a summary of the total cost of the project and funding sources.
December 30, 2010	Quarterly report on progress of WSIB appeal, error corrections and cost projections for 2011.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP <b>(due July 2014)</b> .
July 4, 2011	Restriction of election campaign sign on municipal property.