



# Committee Agenda

**Committee Meeting of Council  
May 22, 2012  
at 6:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
MAY 22<sup>ND</sup>, 2012**

Tuesday, May 22, 2012

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

# MEETINGS

**HELD UNDER THE  
PLANNING ACT**

Tuesday, May 22, 2012

6:00 p.m.

Rezoning application  
The Trustees of the Laurier  
Avenue North Bay  
Congregation of the United  
Church of Canada  
449 Laurier Avenue

Rezoning application  
Brian McLean  
Concession 4, Lots 2, Parcel  
1631 – north of Hwy #63 at  
Songis Road

**GENERAL GOVERNMENT COMMITTEE**

Tuesday, May 22, 2012

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**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-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).

## COMMUNITY SERVICES COMMITTEE

Tuesday, May 22, 2012

Page 1

**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-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2011-16 Plan of Subdivision application by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. (Kenalex Development Inc.) - Phase II, Trillium Woods Subdivision (Booth Road) (D12/2011/KENAL/BOOTHR2).
- ▶ **CS-2012-10 Rezoning application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada – 449 Laurier Avenue (D14/2012/11681/LAURAVEN).**
- ▶ **CS-2012-11 Rezoning & Official Plan Amendment applications by Brian McLean – north of Highway No. 63 @ Songis Road (D14/2012/MCLEA/SONGISRD).**
- CS-2012-12 Rezoning application by Miller & Urso Surveying Inc. on behalf of Steve Crea Homes Limited – Perut Place at Giroux Street (Perut Place – Phase II) (D14/2012/PERUT/GIROUXST).

# CS-2012-10

## Recommendation:


- "That 1) the proposed Zoning By-Law Amendment application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada to rezone the property legally described as Registered Plan No. 56, Part Lot 38, from a "Residential Third Density (R3)" zone to a "Residential Third Density Special Zone No. 128 (R3 Sp. 128)", be approved; and
- 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990 as amended, in order to regulate parking, lighting, landscaping, stormwater, drainage, garbage, play space, ingress, egress and fencing as required."

INTER OFFICE

MEMO

City of North Bay  
Planning Services

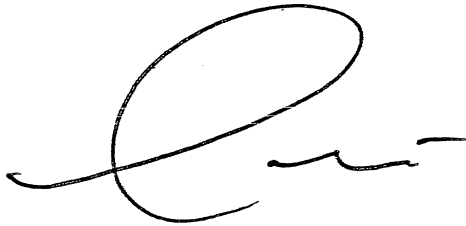
To: Cathy Conrad, City Clerk  
From: Steve McArthur - Senior Planner, Current Operations  
Subject: Resolution No. 4 - Planning Advisory Committee  
Date: April 5, 2012

Quoted below is Resolution No. 4 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, March 28<sup>th</sup>, 2012: 

Resolution No. 4

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

1. That the proposed Zoning By-law Amendment application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada to rezone the property legally described as Registered Plan No. 56, Part Lot 38, from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)', BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."



Steve McArthur, MCIP, RPP  
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 4

Date: March 28, 2012

Moved By: David Brigg

Seconded By: [Signature]

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

1. That the proposed Zoning By-law Amendment application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada to rezone the property legally described as Registered Plan No. 56, Part Lot 38, from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)', BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."

"CARRIED"

[Signature]  
Chair

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**INTER OFFICE**

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***City of North Bay***  
**PLANNING SERVICES**

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**MEMO**

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

**From:** Steve McArthur – Senior Planner, Current Operations

**Subject:** Proposed Zoning By-law Amendment by North Bay Daycare on behalf of the Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada, 449 Laurier Avenue in the City of North Bay

**Date:** March 26, 2012

**Recommendations**

1. That the proposed Zoning By-law Amendment application by North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada to rezone the property legally described as Registered Plan No. 56, Part Lot 38, from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)', BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.

**Site**

The subject lands are legally described as Registered Plan No. 56, Part Lot 38 and are located at 449 Laurier Avenue in the City of North Bay. This is the site of the soon-to-be-closed Laurier Avenue United Church.

The surrounding land uses are primarily residential and include semi-detached dwellings, single family detached dwellings and commercial properties fronting on Fisher Street. Chippewa Creek, the Kinsmen Trail and the Fisher Street Parkette are in close proximity to the subject lands, as is the North Bay Daycare main location at the corner of Haig and Fisher Streets, as shown on Schedule 'A' attached hereto.

**Proposal**

The Applicant, North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada, has submitted a Zoning By-law amendment application to rezone the subject property from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)' in order to permit the conversion of the Church into a Day Nursery. The special component of the proposed amendment will add 'Day Nursery' to the list of permitted uses and will recognize existing setbacks and lot coverage on the subject lands.



### Provincial Policy Statement (PPS 2005)

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

Section 1.1.1 of the PPS 2005 states that: *“healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.”*

The conversion of the Church into a day nursery will result in development on existing full municipal services. The conversion will trigger a review of the building and property under the Building and Fire Codes of today, thereby ensuring that public safety and security will be adequately addressed. The property will be subject to Site Plan Control, which will regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.

In my professional opinion, the proposed Zoning By-law amendment is consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

### 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.

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 3.4.3 of the GPNO 2011 states that: *“Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, public open spaces, and easy access to local stores and services.”*

The conversion of the Church into a day nursery promotes an appropriate mix of as is encouraged by the GPNO 2011. The subject lands are within safe walking distance to local stores, green spaces and services. The proposed Zoning By-law amendment conforms to the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

## Official Plan

The property is currently designated 'Residential' on Schedule "1" of the City of North Bay's Official Plan.

Section 2.1 of the Official Plan, Settlement Areas, states that: *"Infill and intensification developments will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate, and where adequate municipal services, facilities, and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses."*

The area is adequately serviced and the conversion represents an infill opportunity and continued use on what otherwise would be a vacant building. The lower level of the Church has been used as a Day Nursery for nearly two (2) decades. This use was permitted as an accessory use to the main use, which was the Laurier Avenue United Church. Now that the Church is proposed for closure and sale, the proposed rezoning and end use as a Day Nursery should not represent a significant change to the surrounding neighbourhood.

The proposal to rezone the subject property from a 'Residential Third Density (R3)' zone to a 'Residential Third Density Special Zone No. 128 (R3 Sp.128)' in order to permit the conversion of the Church into a Day Nursery on the subject lands is in conformity with the Official Plan.

## Zoning By-Law No. 28-80

The subject property is presently zoned "Residential Third Density (R3)" which permits the following uses:

- Single Detached Dwelling (minimum frontage of 13.7m)
- Duplex Dwelling
- Semi-Detached Dwelling
- Group Home Type 1
- Accessory Home Based Businesses
- Parks, Playgrounds & Non-Profit Uses
- Institutional Uses

The Applicant is proposing to rezone the subject lands to a "Residential Third Density Special Zone No. 128 (R3 Sp.128)" which would permit the above uses, will add 'Day Nursery' to the list of permitted uses, and will recognize the existing setbacks and lot coverage on the subject lands.

## 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, the Engineering Department, the Secretary-Treasurer of the North Bay Municipal Heritage Committee, the North Bay-Mattawa Conservation Authority and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

The Chief Building Official and the Chief Fire Prevention Officer advised the following: *"Despite the fact that there does not appear to be a change of use, the owners ought to have Building Services and Fire Prevention attend the site. The inspection may result in required upgrades pursuant to the OBC and Fire Code. The upgrades may require a building permit."*

A field review of the site and building was conducted by staff from Planning Services, Building Services and the Fire Department on Thursday, March 22, 2012. The Applicant and her staff were in attendance, as was the Minister of the Laurier Avenue United Church and a representative from the architectural firm hired by the Applicant to assist with the conversion.

The lower level of the Church is licensed under the *Day Nurseries Act* to provide care for a maximum of thirty (30) children in the age range from 3 to 12 years old. Some minor repairs and requirements were noted, but overall the facility was in good order. The upper level, which housed the Church vestibule and area of worship, will require a full review by qualified professional, including a licensed Architect and/or Engineer prior to occupancy and use as a Day Nursery. These requirements and observations were discussed with all in attendance and were provided in writing to the Applicant by the Chief Fire Prevention Officer in a letter dated Friday, March 23, 2012.

One (1) letter was received from a circulated property owner. The author advised that she welcomed the use of the building as a daycare rather than see to it sit vacant, but wished to offer a couple of comments for the Committee's consideration. Her comments can be summarized as follows:

- There is no outside space around the building for play. Where would the children at this location get their outside play?
- In previous summers when this site has been used by the daycare, the children were walked from location to location. What thought has been given to the increased risk to children from cars as they walk beside the road, as they cross the road, and to area residents backing in and out of driveways?
- How does the daycare propose to deal with increased parking and stopping by staff and parents?
- Will the school buses stop at two (2) or only one (1) location?

In response to these questions and comments the Applicant offered the following at the public meeting of the Planning Advisory Committee (PAC) on March 7<sup>th</sup>, 2012:

- The current day care facility is occupied during the week before school starts until the school bus picks the children up and after school until the children are picked up by their parents. The *Day Nurseries Act* does not require an outdoor playground for school age children, but if it is needed or wanted, they can use the existing play space at their Fisher Street location a couple of blocks away.
- The school buses have been coming and going from the location for twenty (20) years and the frequency of the school bus trips was not expected to change.

As for the question of increased parking and ingress/egress by staff and parents, the property will be subject to Site Plan Control in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required. Under the current proposal, no increase in traffic is expected. If a full conversion and use of the upper floor is sought, an appropriate review and amendment to the Site Plan Control Agreement (SPCA) may be required.

No further correspondence was received with regard to this proposal.

### Summary

The Applicant, North Bay Daycare on behalf of The Trustees of the Laurier Avenue North Bay Congregation of the United Church of Canada, has submitted a Zoning By-law amendment application to rezone the subject property from a 'Residential Third Density (R3)' zone to a 'Residential Third


Density Special Zone No. 128 (R3 Sp.128)' in order to permit the conversion of the Church into a Day Nursery. The special component of the proposed amendment will add 'Day Nursery' to the list of permitted uses and will recognize existing setbacks and lot coverage on the subject lands at 449 Laurier Avenue in the City of North Bay.

This is the site of the soon-to-be-closed Laurier Avenue United Church. The surrounding land uses are primarily residential and include semi-detached dwellings, single family detached dwellings and commercial properties fronting on Fisher Street. Chippewa Creek, the Kinsmen Trail and the Fisher Street Parkette are in close proximity to the subject lands, as is the North Bay Daycare main location at the corner of Haig and Fisher Streets, as shown on Schedule 'A' attached hereto.

The conversion of the Church into a day nursery will result in development on existing full municipal services. The conversion will trigger a review of the building and property under the Building and Fire Codes of today, thereby ensuring that public safety and security will be adequately addressed. The property will be subject to Site Plan Control, which will regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required. Under the current proposal, no increase in traffic is expected. If a full conversion and use of the upper floor is sought, an appropriate review and amendment to the Site Plan Control Agreement (SPCA) may be required.

It is my professional opinion that the proposed Zoning By-law amendment is in conformity with the Official Plan and the end use is consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,

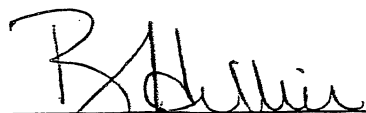


Steve McArthur, MCIP, RPP  
Senior Planner – Current Operations

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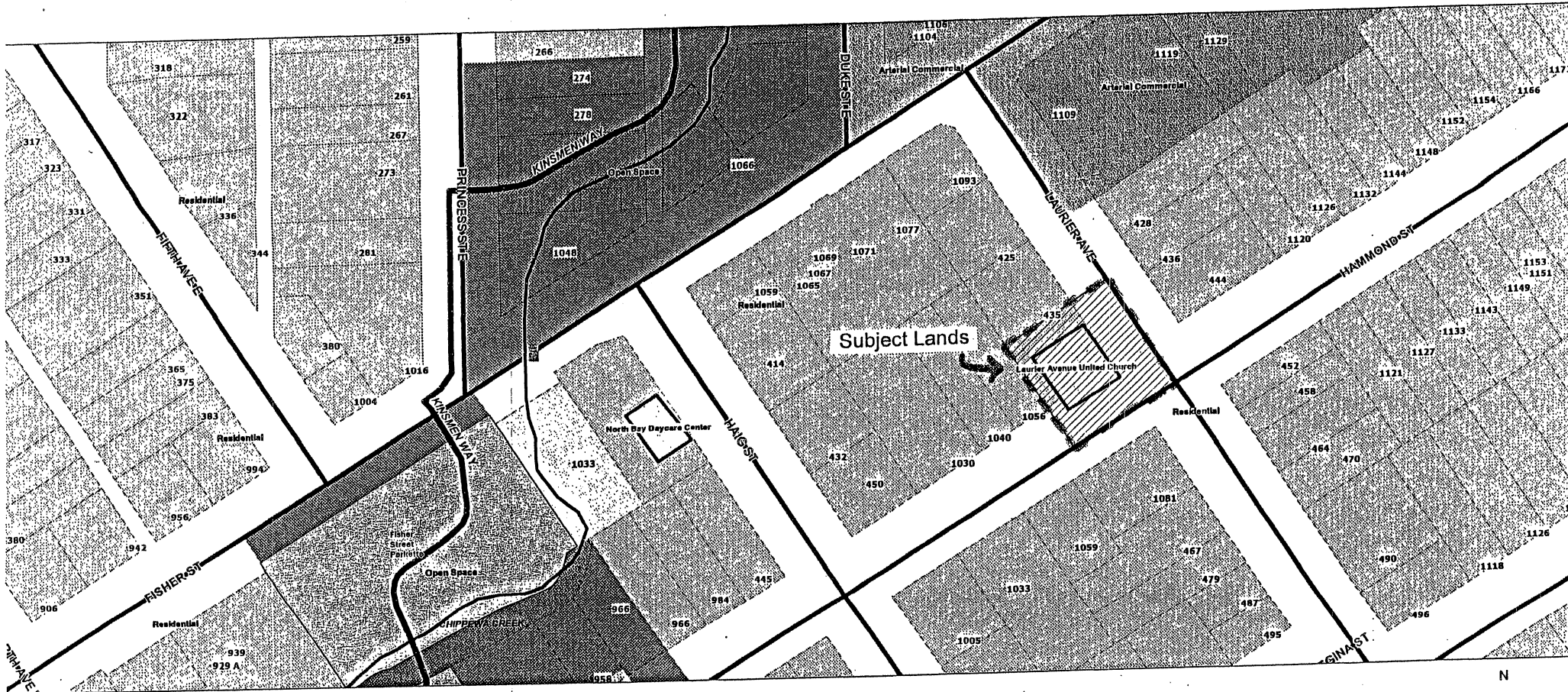
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I concur with the recommendations contained in this report.

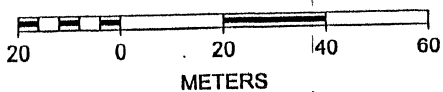


Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# SCHEDULE A



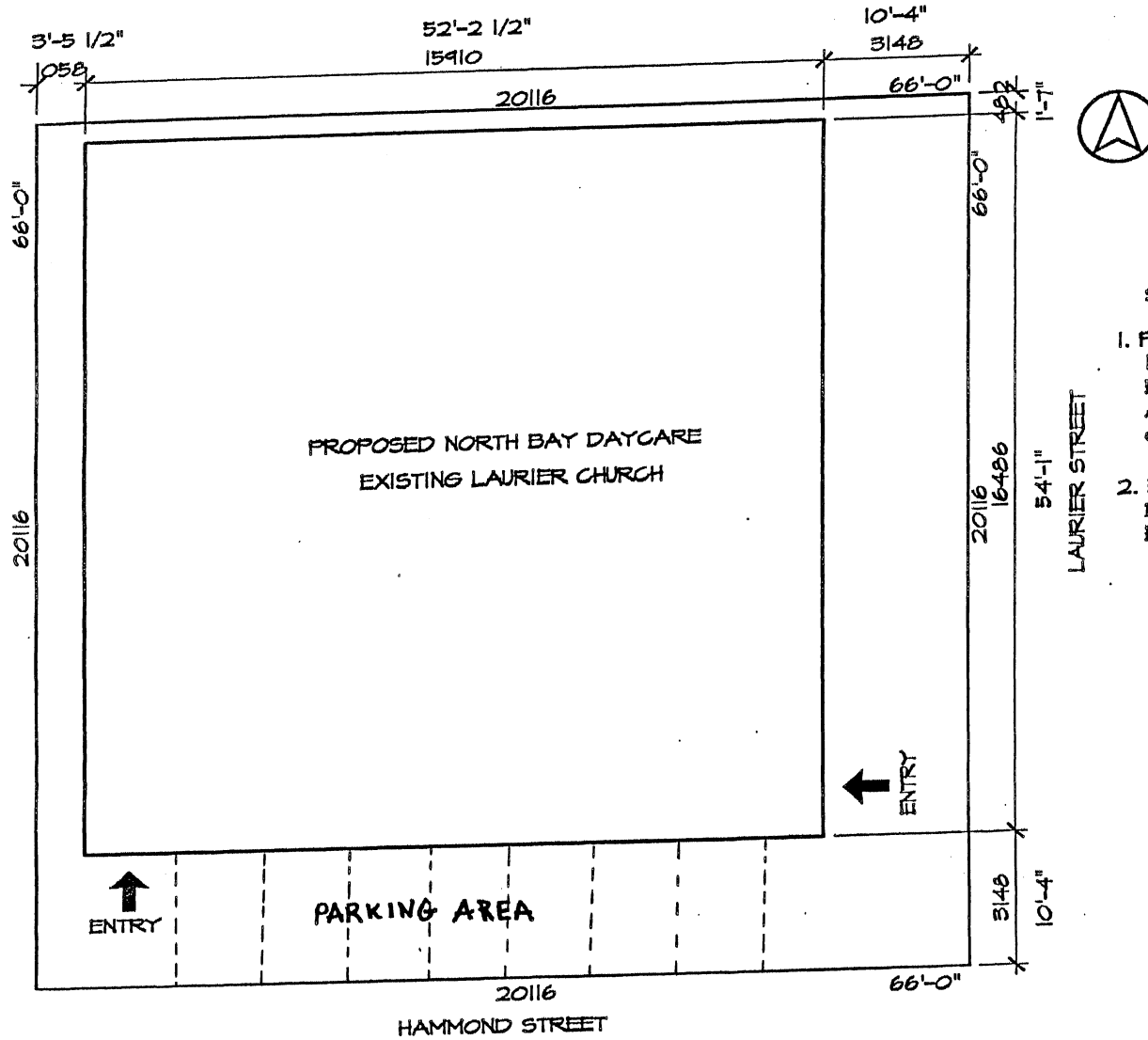
SCALE 1 : 1,510



Proposed Zoning By-law Amendment  
From: "Residential Third Density (R3)"  
To: "Residential Third Density Special  
Zone No. 128 (R3 Sp.128)"



# SCHEDULE B



## SURVEY INFORMATION

1. PROPERTY SURVEY DIMENSION INFORMATION IS APPROXIMATED FROM A DRAWING PROVIDED BY THE OWNER DATED FEBRUARY 13, 2012. ACTUAL DIMENSION SETBACKS ARE NOT CONFIRMED BY THE ARCHITECT.
2. BUILDING DIMENSIONS ARE TAKEN FROM A DRAWING DATED APRIL, 1989 PREPARED BY BRIAN R. BERTRAND ARCHITECT.

# CS-2012-11

## Recommendation:

- "That 1) the proposed Official Plan Amendment from "Rural" to "Aggregate Extraction" by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road, in the City of North Bay be approved; and
- 2) the proposed Zoning By-Law Amendment from "Rural (A)" to "Rural Industrial Extractive (RME)" by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road, in the City of North Bay be approved."

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INTER OFFICE

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MEMO

*City of North Bay  
Planning Services*

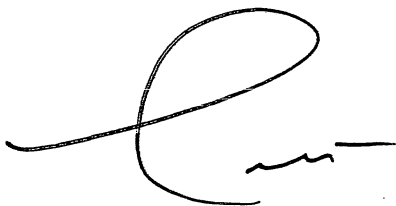
**To:** Cathy Conrad, City Clerk  
**From:** Steve McArthur - Senior Planner, Current Operations  
**Subject:** Resolution No. 5 - Planning Advisory Committee  
**Date:** April 18, 2012

Quoted below is Resolution No. 5 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, March 28<sup>th</sup>, 2012:

Resolution No. 5

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

1. That the proposed Official Plan Amendment from 'Rural' to 'Aggregate Extraction' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED; and
2. That the proposed Zoning By-law Amendment from 'Rural (A)' to 'Rural Industrial Extractive (RME)' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED."



Steve McArthur, MCIP, RPP  
Senior Planner, Current Operations



North Bay Planning Advisory Committee

Resolution No. 5

Date: March 28, 2012

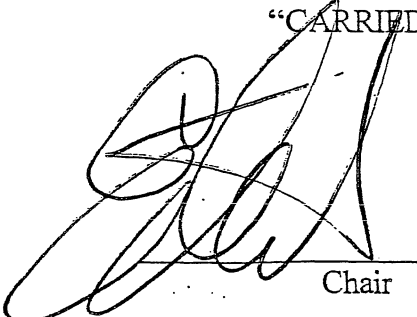
Moved By: 

Seconded By: 

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

1. That the proposed Official Plan Amendment from ‘Rural’ to ‘Aggregate Extraction’ by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED; and
2. That the proposed Zoning By-law Amendment from ‘Rural (A)’ to ‘Rural Industrial Extractive (RME)’ by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED.”

“CARRIED”

  
Chair

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**INTER OFFICE**

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**City of North Bay**  
**PLANNING SERVICES**

**MEMO**

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

**From:** Steve McArthur – Senior Planner, Current Operations

**Subject:** Proposed Official Plan and Zoning By-law Amendment by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, North of Highway #63 at Songis Road in the City of North Bay.

**Date:** March 20, 2012

**Recommendations**

- 1) That the proposed Official Plan Amendment from 'Rural' to 'Aggregate Extraction' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED; and
- 2) That the proposed Zoning By-law Amendment from 'Rural (A)' to 'Rural Industrial Extractive (RME)' by Brian McLean for the property legally described as Concession 4, North Part of Lot 2, Parcel 1631, on lands North of Highway #63 at Songis Road in the City of North Bay BE APPROVED.

**Site**

The lands subject to the proposed amendments are in the rural area of the City of North Bay near the easterly city limits, approximately 800 metres west of Phelps Township.

The property is 160 acres in total land area, with a width and depth of 800 metres. A regulated watercourse (Redbridge Creek) runs through the southwest corner of the property, as shown on Schedule 'B' attached hereto. The subject property is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides.

**Proposal**

The Applicant is proposing to re-designate and rezone the subject property in order to permit the establishment of an Aggregate Extraction and Quarry operation on the subject lands.

The Ministry of Natural Resources (MNR) application process for an Aggregate Extraction license requires that the property be appropriately designated and zoned for Aggregate Extraction by the City.

**Provincial Policy Statement (PPS 2005)**

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

Section 2.5 of the PPS 2005 contains policies related to Mineral Aggregate Resources. It states that mineral aggregate resources shall be protected for long-term use and as much of the mineral aggregate resource as is realistically possible shall be made available as close to markets as possible. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

Being that the proposed quarry is inside of the City of North Bay limits, it represents an opportunity to extract the mineral aggregate resource in an area that is relatively close to its intended market.

Section 2.5.2.2 of the PPS 2005 adds that: *“Extraction shall be undertaken in a manner which minimizes social and environmental impacts. The conservation of mineral aggregate resources should be promoted by making provision for the recovery of these resources, wherever feasible.”*

Section 2.5.2.4 further states that: *“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. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act.”*

With the exception of a regulated watercourse (Redbridge Creek) which runs through the southwest corner of the property, as shown on Schedule ‘B’ attached hereto, the subject property is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides. There is no risk to public health or safety as outlined in Section 2.5.2.4. Because this is a proposed aggregate operation, not an existing operation, an Official Plan and Zoning By-law amendment is required. Both the MNR and the North Bay-Mattawa Conservation Authority (NBMCA) have been pre-consulted with regards to this proposal and their comments have been included in the Correspondence section of this report.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

### 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.

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 2.1 of the GPNO 2011 states that the: *“forestry and the minerals sector are vital to Ontario’s economy. These sectors will continue to drive the North’s economy through innovation, value-added products and services, and sustainable resources management practices.”* Section 2.3.8 of the GPNO 2011 adds that a goal of the Plan is to: *“expand geoscience mapping and data collection and public access to resource information to expedite the discovery and development of new minerals and other resources.”*

The subject lands are not currently in an area designated by the Province or the City of North Bay for aggregate extraction. The Applicant has done his own market research and is confident that if a license can be achieved through the MNR licensing process, the extraction is economically viable.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

### Official Plan

The property is currently designated 'Rural' on Schedule "2" of the City of North Bay's Official Plan.

The Applicant has applied to re-designate the subject lands 'Aggregate Extraction'.

The Rural Area is beyond the area required for urban development and therefore the intent of the Official Plan is 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, such as but not limited to: *aggregate and mineral extraction*, limited restricted industrial, highway commercial, waterfront commercial, rural institutional and limited residential development. One third of the rural area (approximately 8,500 hectares or 21,000 acres) is Crown Land and therefore subject to Provincial approvals and permitting. The Province can undertake any activity on Crown Lands without municipal approval, such as but not limited to: *forestry, mining and aggregate operations* without Official Plan and zoning conformity. It is the intent of the Official Plan to strictly control development within the rural area and ensure that land use conflicts in the rural area are minimized.

Section 3.1.6 of the Official Plan states that Council shall: *"Designate Aggregate Resource Areas and Mineral Resource Areas to ensure they are protected for the long term."*

Section 3.2. Aggregate Extraction Designations, add that: *"Primary Aggregate Resource Areas as shown on Schedule 2 to this Official Plan were initially identified through the Ministry of Natural Resources 'Aggregate Resources Inventory' and will be protected from incompatible land uses. An Official Plan amendment will be required however, prior to the establishment of any new additional aggregate areas not shown on Schedule 2."* As the property is not designated a "Primary Aggregate Resource Area" in the Official Plan, an Official Plan amendment is required.

The City recognizes that mineral resources are a fixed location non-renewable resource found throughout the Planning Area and that their effective management is essential. It is also recognized that a balance must be struck between the competing priorities for the protection of the mineral resource and the need to address the other goals of the Official Plan, such as encouraging growth and prosperity in the City.

Lands designated Aggregate Extraction on Schedule "2" represent sites where the extraction of aggregate, as defined from time to time in the *Aggregate Resources Act* and accessory and incidental uses thereto, such as crushing, screening, blending, washing, stockpiling and recycling together with, agriculture, forestry, wildlife and fisheries management, portable asphalt plants and wayside pits and quarries will be permitted. No other use shall be permitted without amendment to the Plan. Lands currently designated Aggregate Extraction on Schedule "2" do not represent the total area of potential extraction or identified aggregate resources. However, all mining operations shall be permitted only in those areas so designated. An amendment to the Official Plan is therefore required where new extraction operations are proposed in any area not designated for that use.

Sections 3.2.2 and 3.2.4 of the Official Plan states that: *"Aggregate designations will take precedence over any land use that would prevent their future expansion and extraction, except where previous Official Plan Amendments occurred which established a new designation. In order to establish a new extractive operation or expand an existing extraction operation beyond the area currently designated Aggregate Extraction on Schedule 2, an amendment to the Official Plan and Comprehensive Zoning By-law will be required."*

The Official Plan further adds that an application to amend the Official Plan and Comprehensive Zoning By-law must be accompanied by the following information and follow the following procedures:

- a) Submission of copies of all documentation provided to the Ministry of Natural Resources as required for licensing, pursuant to the Aggregate Resources Act.
- b) Submission of a hydrogeological study demonstrating that washing and screening operations will be carried out in accordance with Provincial standards, regulations and guidelines.
- c) Submission of a traffic study demonstrating that the movement on existing streets or roads will not be unduly obstructed or interfered with by aggregate carrying vehicles during the operation of the pit or quarry.
- d) The capability of the existing road network to service the proposed new aggregate operation and the possible need to improve an existing road or construct a new municipal or private road, for the activities of the new aggregate operation.
- e) In a situation where an existing municipal road requires improvement, or a new municipal road constructed, appropriate cost sharing will be negotiated between the City and the developer.
- f) The determination for the construction of any new municipal or private roads will be required where the aggregate operations are of a scale where the transporting of the aggregate operation would have negative impacts on existing rural residential developments.
- g) In instances where new private roads, for the purpose of access to aggregate operations or haulage of aggregate, need to be constructed, the road shall be designed to accommodate the Aggregate operation. All private roads shall be constructed at no cost to the City of North Bay.
- h) Any proposed new municipal road construction shall be approved by the City and constructed to the appropriate municipal standard.
- i) Where a road is constructed for the purpose of an aggregate operation, no new residential lot creation will be permitted along the new road to ensure the viability of the aggregate operation.
- j) In instances where roads are assumed and maintained by the Municipality, new residential lot creation may be permitted along these roads in the future, the purchasers of the property shall be made aware that the road is primarily used for the haulage of aggregate.
- k) Submission of an environmental engineering study demonstrating that the effects from the proposed aggregate extraction operation or from any associated processing operations upon land uses in the surrounding area in terms of air quality through dust and particulate emissions and the potential for noise and vibration levels and quality and quantity of surface water and ground water resources will not exceed limits established by Provincial standards, regulations and guidelines.

The intent of these policies of the Official Plan is to mitigate any potential impacts on established abutting property owners. In the context of this specific application, the subject property is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides, therefore there will be no impact to directly abutting properties. The licensing process established by the MNR is stringent and comprehensive. A site plan, operations plan and rehabilitation plan are required as part of the application process and the City and North Bay-Mattawa Conservation Authority, in addition to other external agencies, are afforded the opportunity to review and comment on all aggregate license applications.

In terms of the specific requirements of the Official Plan listed above, items c) thru j) deal with the impact to the Province and City's road network. The property is currently landlocked and can only be accessed through a 'bush road/trail' that transacts the property on the east side. The Ministry of Transportation (MTO) has indicated that at this point in the process they are not concerned from a corridor Management Perspective. The MTO added that their Geotech/Aggregates section will be involved in the MNR aggregate licensing, and the MNR will solicit their input if necessary. The City's Engineering Department offered no objection and has not requested any additional studies at this time.

Items a), b) and k) as outlined above will be required by the MNR as part of the licensing process and the City and North Bay-Mattawa Conservation Authority, in addition to other external agencies, will be afforded the opportunity to review and comment. The comments submitted by the NBMCA in response to this circulation, detailed in the Correspondence section of this report, support this position.

Although the Official Plan states that the aforementioned studies must accompany the proposed Official Plan amendment, it is my opinion that based on the comments received from circulated agencies, the surrounding land uses and the stringent MNR licensing processes; it is acceptable to proceed without the hydrological or traffic studies.

In my professional opinion the proposed Official Plan amendment meets the general intent of the Official Plan.

### **Zoning By-Law No. 28-80**

The subject property is presently zoned "Rural (A)" which 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
- Accessory home based businesses in accordance with Section 3.35

The Applicant is proposing to rezone the subject lands to a "Rural Industrial Extractive (RME)" zone which permits the following uses:

- Asphalt plant
- Concrete/Block Plant
- Pit
- Quarry
- Solar Farm
- Any buildings and equipment necessary for the extraction of sand, gravel or stone

The Applicant is proposing to re-designate and rezone the subject property in order to permit the establishment of an Aggregate Extraction and Quarry operation on the subject lands. The Ministry of Natural Resources (MNR) application process for an Aggregate Extraction license requires that the property be appropriately designated and zoned for Aggregate Extraction by the City prior to application. There is no new development being proposed at this time as part of this amendment.

### **Considerations**

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, the Engineering Department, the Secretary-Treasurer of the North Bay Municipal Heritage Committee, the Chief Building Official, the Chief Fire Prevention Officer and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

The North Bay-Mattawa Conservation Authority (NBMCA) submitted the following comments:

*"This office has received and reviewed the proposed official plan and zoning by-law amendment to re-designate the subject property from Rural to Aggregate Extraction and to rezone the subject property from a Rural (A) zone to a Rural Extractive Industrial (RME) zone in order to permit the establishment of an Aggregate Extraction and Quarry operation. 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 (PPS). The Conservation Authority has no objection to this application.*

*For your information a tributary of Redbridge Creek traverses the south west corner of the property. This creek is part of the North River Watershed which empties into Lake Talon and the Mattawa River system. This creek and associated wetlands are regulated by the by the North Bay-Mattawa Conservation Authority under Ontario Regulation 177/06. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario. It is required that the property owner(s) obtain a Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property; as well as alterations to the watercourse.*

*Please note that should the application for an aggregate licence to the MNR be successful, activities under the Aggregate Resources Act are exempt from a DIA permit as per Section 28 (11) of the Conservation Authorities Act. A DIA permit would not be required in the licenced area. With respect to fish habitat, the Conservation Authority will review the aggregate licence proposal as per our Level II agreement with the Department of Fisheries and Oceans.*

*As you are aware, this property falls within the designated area as per Ontario Regulation 244/97 of the Aggregate Resources Act (ARA) of Ontario. The Ministry of Natural Resources (MNR) is the agency responsible for issuing licences under this act. The issuance of a licence serves several purposes, including the management of the aggregate resources, control and regulation of aggregate operations, requiring the rehabilitation of lands from which aggregate is removed and minimizing adverse environmental impacts from aggregate operations. Detailed technical reports are required to be submitted as part of the application package to the MNR. It is my understanding that the municipality is given the opportunity to review and comment on these documents at that time. It is assumed that the through the licencing process the MNR will highlight provincial interests, as set out in Sections 2 PPS, to be addressed in the technical studies."*

No further correspondence was received with regard to this proposal.

### Summary

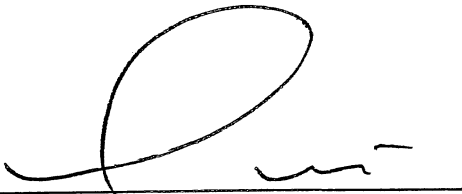
The City recognizes that mineral resources are a fixed location non-renewable resource found throughout the Planning Area and that their effective management is essential. The lands subject to the proposed amendments are in the rural area of the City of North Bay near the easterly city limits, approximately 800 metres west of Phelps Township. The property is 160 acres in total land area, with a width and depth of 800 metres and is surrounded by vacant, undeveloped Crown lands and City-owned lands on all sides.

The intent of the policies contained in the Official Plan is to mitigate any potential impacts on established abutting property owners. In the context of this specific application, there should be no impact to directly abutting properties (the Crown and the City). The licensing process established by the MNR is stringent and comprehensive. A site plan, operations plan and rehabilitation plan are required as part of the application process and the City, North Bay-Mattawa Conservation Authority and other external agencies will have an opportunity to review and comment on all the required plans and studies that will be part of the aggregate license applications.

The application to amend the Official Plan and to rezone the property allows the Applicant, if approved, to proceed with his license application. The Ministry of Natural Resources (MNR) application process for an Aggregate Extraction license requires that the property be appropriately designated and zoned for Aggregate Extraction by the City prior to application. There is no new development being proposed at this time as part of this amendment.

Both the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005) contain policies related to Aggregate Resources, stated that they shall be protected for long-term use and as much of the mineral aggregate resource as is realistically possible shall be made available as close to markets as possible. It is my professional opinion the proposed Official Plan and Zoning By-law amendments are consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,




Steve McArthur, MCIP, RPP  
Senior Planner – Current Operations

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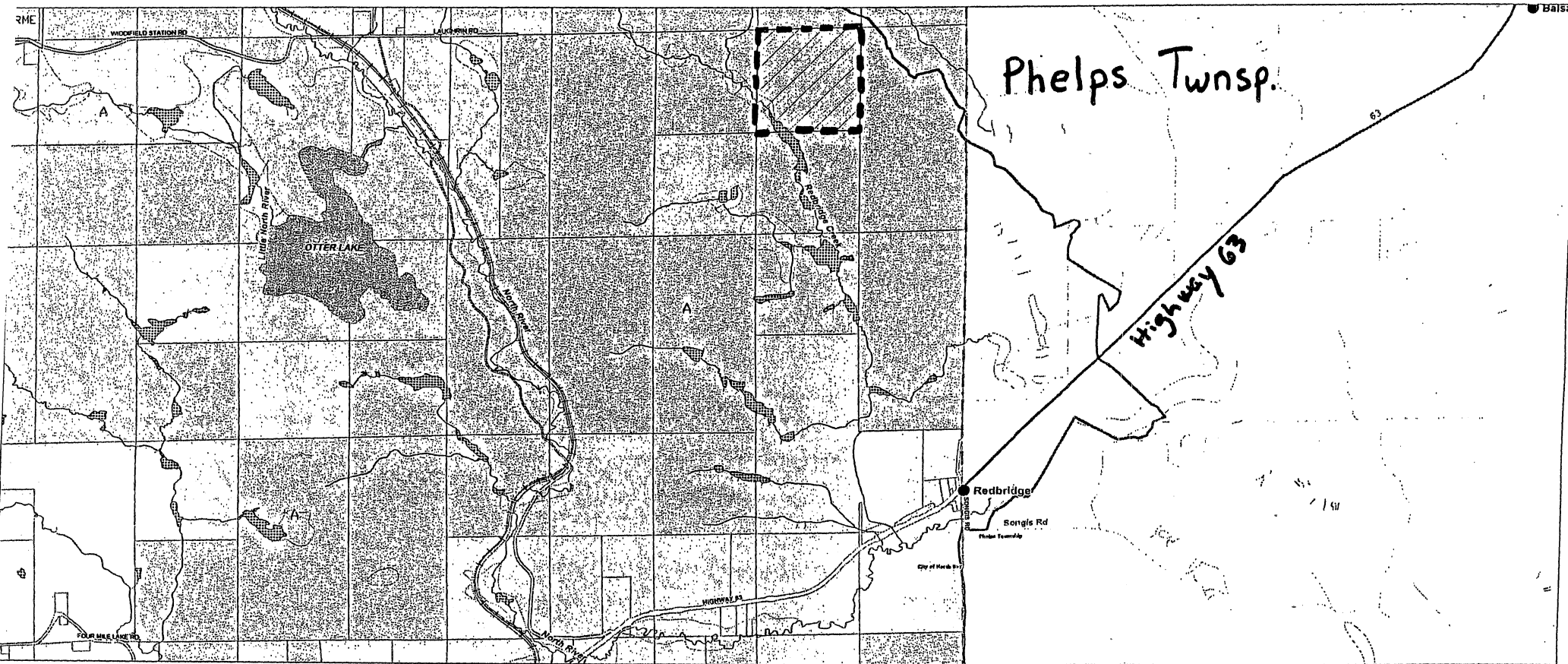
I concur with the recommendations contained in this report.



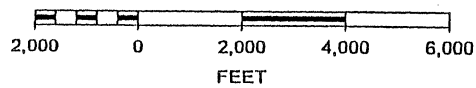
Beverley Hillier, MCIP, RPP  
Manager, Planning Services



# SCHEDULE A



SCALE 1 : 45,046



Proposed Official Plan and  
Zoning By-law Amendment  
From: "Rural (A)"  
To: "Rural Extractive Industrial (RME)"



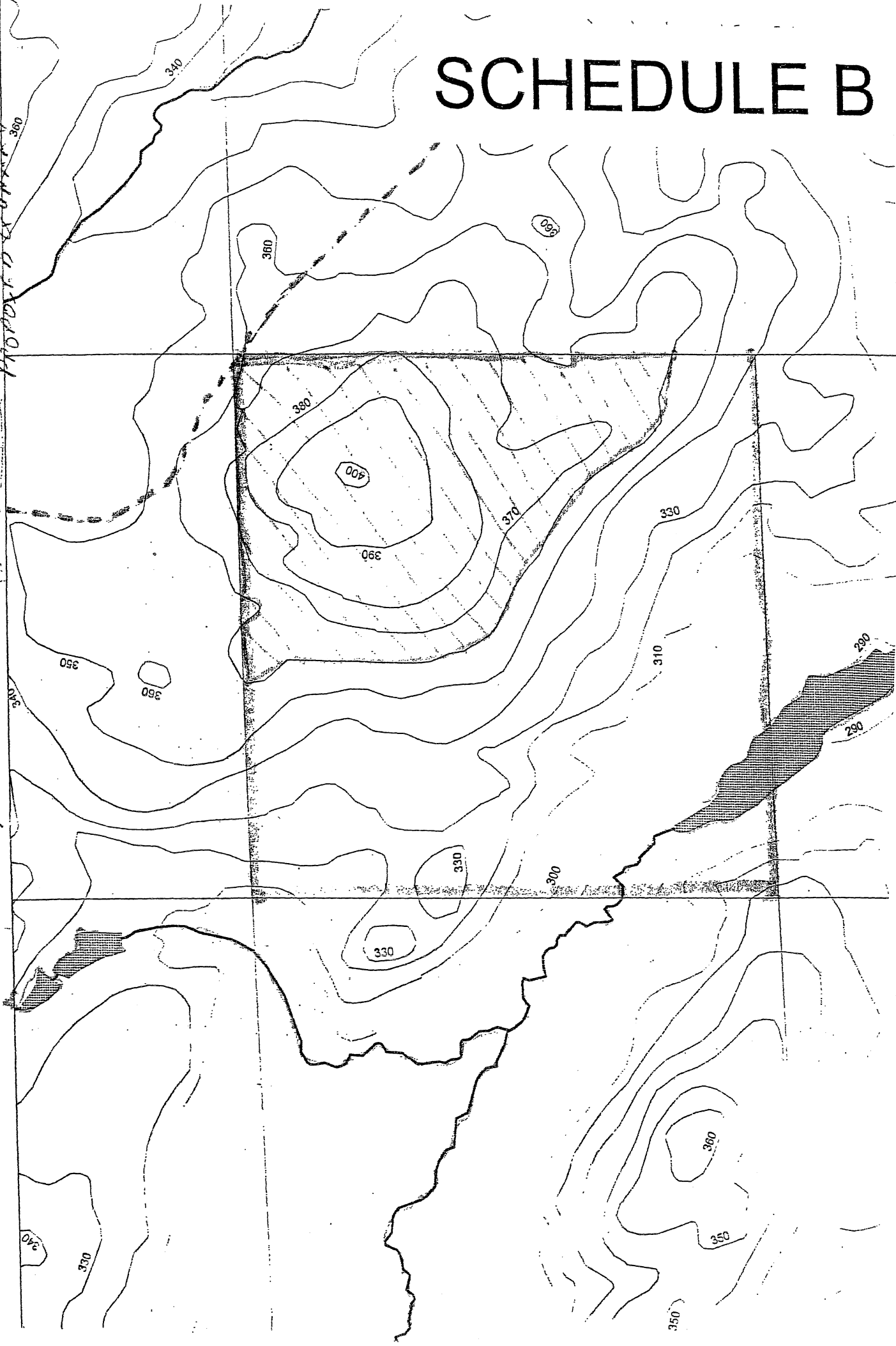
# SCHEDULE B

1 METER  
STREAM

ROAD  
PROPOSED DRAINAGE

SCALE 1:7255

METERS



**ENGINEERING & WORKS COMMITTEE**

Tuesday, May 22, 2012

Page 1

**Chairperson: Councillor Vrebosch**  
**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).

## 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> .
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.
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> .
August 2, 2011	Review of smoking at City facilities and commercial establishment patios.
August 15, 2011	Effectiveness of the Residential Rental Housing By-Law <b>(due May 2013)</b> .