

**The Corporation of the City of North Bay**

**By-Law No. 2023-022**

**Official Plan Amendment No. 29**

**Pioneer Construction Ltd. – 500 Marsh Drive**

**Whereas** the owner of the subject property has requested an amendment to the Official Plan of the North Bay Planning Area;

**And whereas** the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

**And whereas** it is deemed desirable to amend the land use designation shown on Schedule "2" to the Official Plan of the North Bay Planning Area pursuant to Section 17 of the Planning Act R.S.O. 1990, as amended.

**Now therefore the Council of the Corporation of the City of North Bay hereby enacts as follows:**

- 1) The attached Schedules and explanatory text constituting Amendment No. 29 to the Official Plan of the City of North Bay Planning Area are hereby adopted.
- 2) The appendices constitute revisions to the appendices only of the Official Plan and shall not constitute part of this Amendment.
- 3)
  - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of O. Reg. 543/06 as amended.
  - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day after the last day for filing an appeal.
  - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day after the last day all appeals have been finally disposed of.

Read a First Time in Open Council the 14th Day of February 2023.

Read a Second Time in Open Council the 14th Day of February 2023.

Read a Third Time in Open Council and Passed this 14th Day of February 2023.

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Mayor Peter Chirico

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Deputy City Clerk Veronique Hie

Amendment No. 29 to the Official Plan  
of the Planning Area of the  
City of North Bay

Pioneer Construction Ltd. – 500 Marsh Drive

February 2023

The Corporation of the City of North Bay  
North Bay, Ontario

Amendment No. 29 to the Official Plan  
of the Planning Area of the  
City of North Bay

The attached Schedule "29-A" and explanatory text constitute Amendment No. 29 to the Official Plan of the City of North Bay. This Amendment was adopted by The Corporation of the City of North Bay by By-law No. 2023-22 in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990 as amended by Statutes of Ontario 19101, Chapter 4, Section 9 pursuant to O. Reg. 543/06 on February 14, 2023.

Corporate Seal

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Mayor Peter Chirico

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Deputy City Clerk Veronique Hie

Amendment No. 29 to the Official Plan  
of the Planning Area of the  
City of North Bay

The following text and plan designated as Schedule "29-A" attached hereto constitute Amendment No. 29 to the Official Plan of the Planning Area of the City of North Bay.

## **A) Purpose of the Amendment**

It is the intention of this Amendment to change the designation on a portion of a property within the rural area of the Planning area from "Rural" to "Restricted Industry".

In an application accepted as complete by the City of North Bay on November 24, 2022, the Applicant applied for an Official Plan Amendment in order to permit the establishment of a Soil Management Site and sales facility.

## **B) Basis of the Amendment**

The Amendment applies to PIN 49127-0119 (LT) PCL 826 SEC WF; N ½ LT 19 CON 2 WIDDIFIELD; NORTH BAY ; DISTRICT OF NIPISSING, known locally as 500 Marsh Drive. The land owner's entire property holdings has a lot area of approximately 225 hectares and lot frontage of approximately 294 metres on Marsh Drive.

A large portion of the south part of the property currently operates as a licensed aggregate extraction operation.

Surrounding land uses include undeveloped forest and wetlands, rural estate residential uses including playground, commercial operations, aggregate extraction, and the Jack Garland Airport approximately 1km southeast from the subject lands.

City Council has indicated their support of this proposed Amendment.

## **C) Details of the Amendment**

The Official Plan is hereby amended in accordance with the following:

Item No. 1 Schedule "2" - "Rural Area" to the Official Plan is hereby amended by changing the designation of the lands shown on Schedule "29-A" to this Amendment from "Rural" to "Restricted Industry".

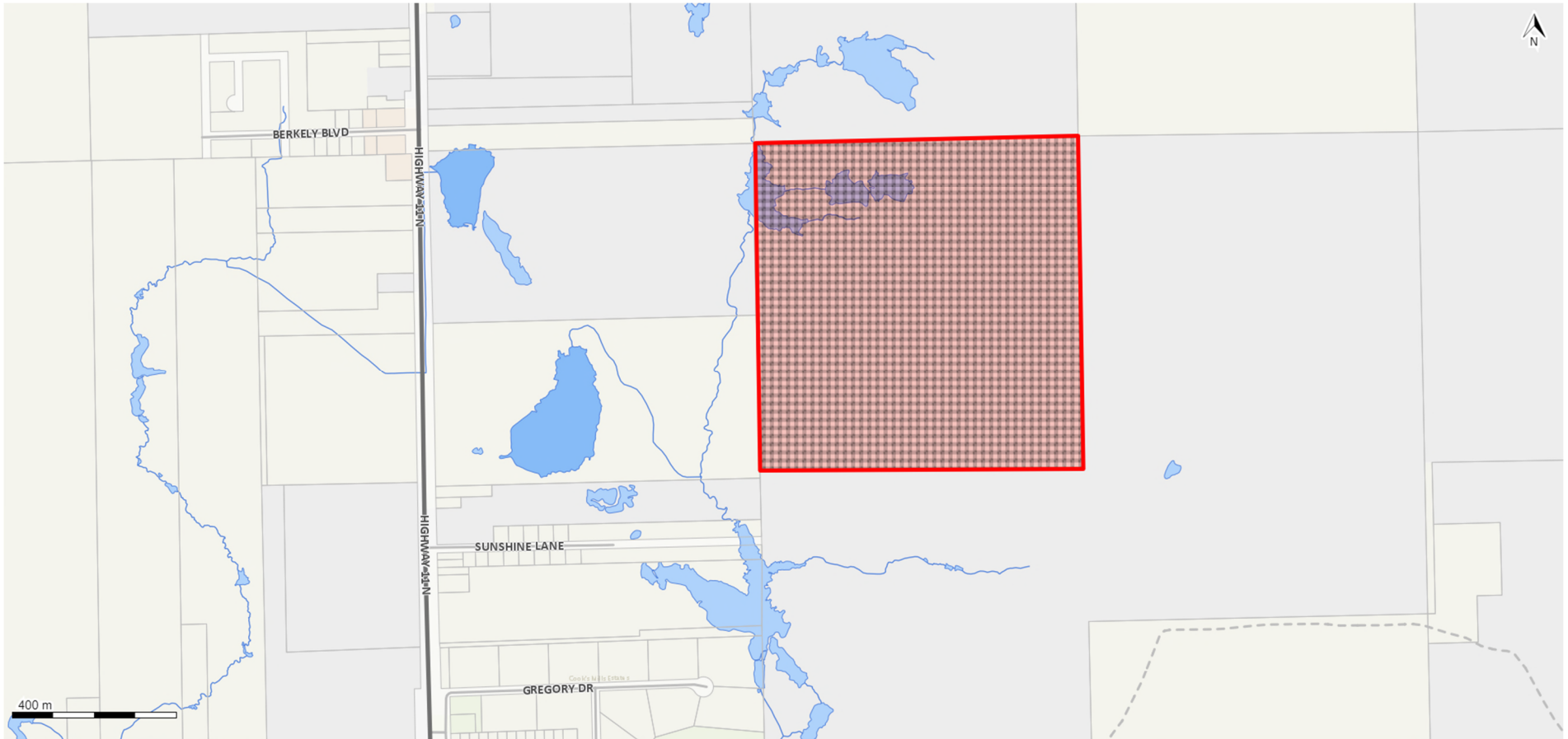
## **D) Implementation**

This Amendment to the Official Plan shall be implemented in accordance with the implementation policy contained in Part 5 of the Official Plan.

## **E) Interpretation**

This Amendment to the Official Plan shall be interpreted in accordance with the interpretation policy contained in Part 6 of the Official Plan.

## Schedule "29-A"



### **Item No. 1**



- Amend the Official Plan Designation from "Rural" to "Restricted Industry"

## APPENDICES

The following Appendices are not intended to form part of the approved Amendment No. 29, but are included only for the purpose of providing information in support of this Amendment.

**Appendix No. 1**

**Staff report dated February 2, 2023**





## City of North Bay Report to Council

Report No: CSBU-2023-005

Date: February 2, 2023

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: AMENDMENT NO

Closed Session: yes  no

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### Recommendation

1. That the proposed Official Plan Amendment by Greenstone Engineering Ltd. on behalf of Pioneer Construction Ltd. – 500 Marsh Drive in the City of North Bay to amend the Official Plan Designation from “Rural” to “Restricted Industry” for part of the property legally described in [Appendix A](#) and as shown on [Schedule 'A'](#) to Report to Council No. CSBU 2023-005 be approved; and
  2. That the proposed Zoning By-law Amendment by Greenstone Engineering Ltd. on behalf of Pioneer Construction Ltd. – 500 Marsh Drive in the City of North Bay to rezone part of the property from a “Rural (A)” zone to a “Restricted Industrial Special (M4 Sp.)” zone for part of the property legally described in [Appendix A](#) and as shown on [Schedule 'A'](#) to Report to Council No. CSBU 2023-005 be approved; and
  3. That proposed holding zone as shown on [Schedule 'A'](#) to Report to Council No. CSBU 2023-005 be approved
  4. That the subject lands be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.
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## Background

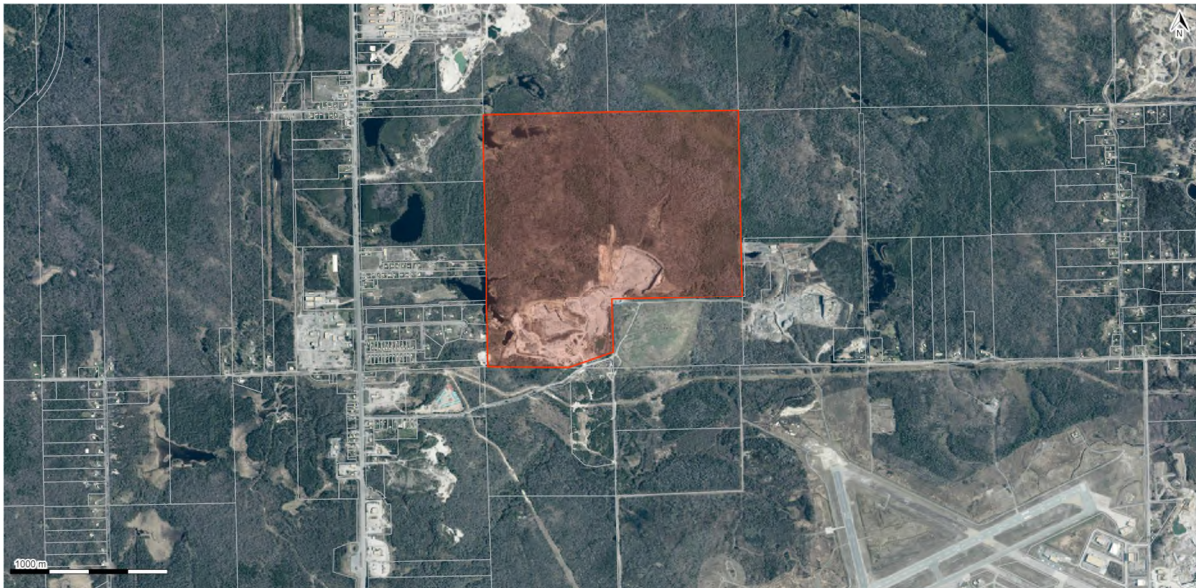
### Site Information

**Legal Description:** See [Appendix A](#)

**Site Description:** The land owner's entire property is an existing lot of record on Marsh Drive, located approximately 1km northwest of the Jack Garland Airport, as shown below and on attached [Schedule 'A'](#).

It is designated "Rural" by the Official Plan and has split-zoning of "Rural (A)" and "Rural Extractive Industrial (RME)" under the City's Zoning By-law No. 2015-30. See [Schedule 'B'](#) attached.

**Figure 1: Map of Subject Lands and Surrounding Area**



The land owner's entire property holdings has a lot area of approximately 225 hectares and lot frontage of approximately 294 metres on Marsh Drive. A large portion of the south part of the property currently operates as a licensed aggregate extraction operation.

The proposed applications pertain to the Subject Lands only. The area of the Subject Lands have a total area of 64.7 hectares in the northwest corner of the land owner's entire property holdings (See Schedule B). The remainder of the property is not subject to the proposed planning applications and will remain with the existing "Rural" designation under the Official Plan and the current "Rural Extractive Industrial (RME)" zoning.

Portions of the subject lands are within the North Bay-Mattawa Conservation Authority's *Approximate Regulated Area* and within the Chippewa Creek Provincially Significant Wetland (PSW). These, and other natural heritage features, will be addressed in greater detail throughout the report.

## **Surrounding Land Uses:**

Surrounding land uses include undeveloped forest and wetlands, rural estate residential uses including playground, commercial operations, aggregate extraction, and the Jack Garland Airport approximately 1km southeast from the subject lands. See [Schedule 'C'](#) attached.

## **Proposal**

Greenstone Engineering Ltd., on behalf of Pioneer Construction Ltd. has submitted both Official Plan and Zoning By-law Amendment applications to amend the Official Plan designation and Zoning at 500 Marsh Avenue.

Complete application details are as follows:

- The applications propose to amend the Official Plan Designation for both the "Proposed Holding Zone" lands and "Proposed Development Area" lands from a "Rural" designation to a "Restricted Industry" designation
- The applications propose to rezone the lands identified as "Proposed Development Area" from a "Rural (A)" zone to a "Restricted Industrial Special (M4 Sp.)" zone
- The special zone would permit a Soil Management Site as a permitted use within the M4 Sp. zone
- The lands identified as "Proposed Holding Zone" are proposed to be rezoned from a "Rural (A) zone to a "Restricted Industrial Special Holding (M4 Sp. H)" zone.
- If approved, the proposed "M4 Sp. H" zone would also permit a Soil Management Site as a permitted use but would not be developable until such a time that the applicant provides an Environmental Impact Study (EIS) demonstrating that development would not affect the natural heritage features on the property
- The lands identified as "Lands Under Common Ownership But Outside Subject Application" shall maintain their existing "Rural" Official Plan designation and "Rural Extractive Industrial (RME)" zone.

See [Schedule 'A'](#) attached for a visual representation of the proposal.

The purpose of these planning applications is to permit the operation of a *Class 1 Soil Management Site – Soil Bank Storage Site (SMS)* and sales facility. A SMS is a place where clean excess soil from third party construction sites is stored and managed on a temporary basis until they can be used on a construction project at a third location.

## **Summary**

The applicant has submitted an Official Plan Amendment, Zoning By-law Amendment, and request for a Holding Zone for the Subject Lands which are included within an existing lot of record constituting the land owner's entire holdings. The purpose of the amendments and Special Holding Zone is to permit the operation of a *Class 1 Soil Management Site – Soil Bank Storage Site (SMS)* and sales facility. See the 'Proposal' section directly above for complete details.

The proposed development is complementary to the existing aggregate operation and would serve to minimize the waste of clean excess soils thereby diverting materials from the landfill. It would also serve as a new economic opportunity in the area.

The Provincial Policy Statement includes policies that encourage the development of a soil management site, as proposed by the subject applications. Such a facility reuses a local resource within a community.

Both the Provincial Policy Statement and the Official Plan include policies that protect aggregate resources. In staff's opinion, the proposed development would not preclude the extraction of aggregate in the future.

There are natural heritage features present on the subject lands. The proposed Zoning of the property (as shown on the attached Schedules) would allow development to take place only in the parts of the property that are outside of both the natural heritage feature and the required buffer area.

Lands that have the natural heritage feature or the buffer area are proposed to be included in a Holding Zone. Development would only be permitted to take place upon the submission and acceptance of an Environmental Impact Study demonstrating that the natural heritage feature shall be protected and the future removal of the Holding Zone by City Council.

The property's proximity to the highway means that the applicant requires a permit from the Ministry of Transportation prior to development. The MTO has stated that a Traffic Impact Study must be accepted before the applicant can obtain a land use permit.

The Ministry of Environment Conservation and Parks has stated that a permit would be required to establish a Soil Management Site facility.

The Conservation Authority has identified the presence of natural heritage features on the property. They further observed that the development is taking place outside of their area of concern and therefore have no objections.

It is my professional opinion that the proposed Official Plan Amendment, Zoning By-law Amendment are in conformity with the Official Plan and the

Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2020).

## **Provincial Policy**

### **Growth Plan for Northern Ontario (GPNO 2011)**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be. The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years.

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

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

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

### **Provincial Policy Statement (PPS 2020)**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. It is issued under Section 3 of the *Planning Act*. Municipal land use plans and decisions must be consistent with the policy statements contained in the PPS.

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

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

Section 1.1.4 - Rural Areas in Municipalities reads, in part:

*"Healthy, integrated and viable rural areas should be supported by:...*

- e) using rural infrastructure and public service facilities efficiently;*
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;"*

Section 1.1.5 – Rural Lands in Municipalities continues, in parts:

1.1.5.2 - *"On rural lands located in municipalities, permitted uses are:  
a) the management or use of resources"...*

1.1.5.4 - *"Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted."*

1.1.5.5 – *"Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure."*

The proposed use is consistent with these policies of the Provincial Policy Statement. It would help to sustainably manage a non-renewable resource. The development would not require municipal services other than road access, which it currently has access from Marsh Drive.

Section 3.2.3 contains policies specific to soil storage sites and is directly relevant to the proposed development. This section of the PPS states:

*Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.*

The proposed Official Plan and Zoning By-law amendment applications would permit a facility that would store and reutilize excess soil. The proposed use would allow for large quantities of clean excess soils to be diverted from the landfill and would be stored on the subject lands and used for future uses.

Section 2.1 – Natural Heritage, reads in parts:

2.1.1 – *"Natural features and areas shall be protected for the long term."*

- 2.1.2 – *“The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.”*
- 2.1.4 – *“Development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E.”*
- 2.1.5 – *“Development and site alteration shall not be permitted in significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.”*
- 2.1.7 – *“Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal policy.”*
- 2.1.8 – *“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”*

The applicant has submitted detailed information regarding the protection measures that would be put in place to allow development to take place without affecting the natural heritage features. This will primarily be accomplished by only allowing development in the area outside the natural heritage features and their buffer area. The balance of the subject lands would remain in a holding zone and would only become developable should an Environmental Impact Study be completed confirming that additional lands are appropriate for development.

Section 2.5.1 – Mineral Aggregate Resources reads:

*“Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.”*

Lands under common ownership but outside the subject application (Subject Lands) currently operate as a Ministry of Natural Resources and Forestry (MNRF) licensed aggregate extraction operation (see [Schedule 'A'](#) attached). The western half of the proposed development area has also been identified under Schedule 2 of the City’s Official Plan as a known aggregate deposit. A temporary storage area for clean excess soils is proposed for the development area. Clean excess soils on the property could be removed if



the property owner wished to expand the existing aggregate operation in the future. This would require a rezoning to "Rural Extractive Industrial (RME)".

It is my professional opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement (PPS 2020).

### **Official Plan**

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

The application proposes to amend the Official Plan Designation for both the "Proposed Holding Zone" lands and "Proposed Development Area" lands from a "Rural" designation to a "Restricted Industry" designation. See [Schedule 'A'](#) attached.

Excerpts of the Official Plan applicable to this application are outlined below.

Section 2.2.2 – Employment Lands – Industrial reads:

*"The employment lands in the Official Plan include both those lands presently used for industrial purposes and other lands whose future potential is considered to be part of the industrial area."*

Subsection 2.2.2.1.3 continues:

*"This Plan divides employment land between General Industry and Restricted Industrial Uses. It is the intent of this Plan to permit fully serviced industries in the General Industrial areas and to provide for limited unserviced industrial development in the Restricted Industrial area, as provided for in 3.8."*

Subsection 2.2.2.1.11 continues:

*"To ensure that the development of new employment lands are designed in a manner to avoid public health and safety concerns and to minimize the risk to public health and safety, the Ministry of Environments D-Series Guideline for Land Use Compatibility will be used as a resource for the review of new industrial development. The same review will be undertaken where residential uses are proposed in proximity to industrial uses."*

Section 2.2.2.1.11 recognizes the possibility of the potential of land use conflict between employment lands and sensitive land uses. In this case, there are existing residential uses along Besserer Rd., Gregory Dr., and Sunshine Lane that should be taken into consideration. Use of the D-Series Guidelines is appropriate to minimize the possibility of land use conflict between the subject lands and area homes. The *Ministry of Environment D*



Series Guidelines for Land Use Compatibility was reviewed in the preparation of this report. Relevant sections of the D Series Guidelines are addressed below.

### Section 7.7 – Holding Provisions (D-1-1 - Procedure for Implementation)

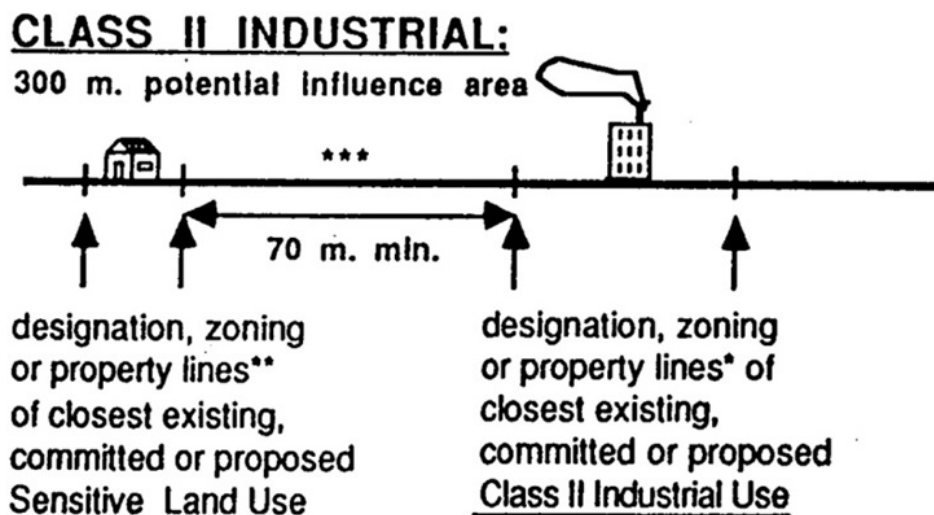
*"Where the local municipality knows precisely what uses will be developed in the future, the municipality may institute holding provisions to accommodate phased development. The holding symbol "H" freezes transition from the current use of land to a future use, until such time as certain conditions are met."*

As addressed throughout this report, the purpose of the proposed holding zone in this case is to prevent any development within any of the environmentally sensitive lands on the property unless an Environmental Impact Study (EIS) provides proof that the natural heritage features would not be affected. The proposed holding zone would also serve as a considerable buffer regarding the residential uses within the area. With the proposed holding zone, the 'Proposed Development Area' would be approximately 230m away from the nearest residential use property line which is located on Sunshine Lane. The applicant has not proposed any development outside of the identified 'Proposed Development Area', see [Schedule 'A'](#) attached.

### D-6-3 – Separation Distances

Based on the definitions provided in the D-Series Guidelines, the proposed use of storage of clean excess soils would be considered a 'Class II Industrial Use'. The guidelines state that 'Class II Industrial Uses' have a 300m potential influence area with a 70m separation distance being required, see Figure 2 below.

**Figure 2 – Separation Distance Diagram (source: D Series Guidelines)**



The approximate distance between the boundary of the 'Proposed Development Area' and the property line of the nearest residential use on Sunshine Lane is roughly 230m. The distance between the boundary of the 'Proposed Development Area' and the existing home on the property is approximately 630m. In either case, the separation distances well surpass the minimums recommended in the guidelines. If any development is proposed within the holding zone in the future, the D-Series guidelines would apply.

The Official Plan also includes policy pertaining to the management of aggregate in the community. Section 3.2 – Aggregate Extraction Designations reads:

*"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."*

Subsection 3.2.1 continues:

*"Aggregate Extraction Designations shall adhere to the following policies:*

- a) The primary use of lands designated Aggregate will be pit and quarry operations, including asphalt and concrete plants; and*
- b) Lands designated aggregate shall be protected from uses and/or activities that may hinder the future expansion and extraction of aggregates in the future."*

Subsection 3.2.2 continues:

*"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."*

The western half of the proposed development area has been identified under Schedule 2 of the Official Plan as a known aggregate deposit. The proposed use is complementary to the existing aggregate extraction operation on lands under common ownership but outside of the subject applications.

The proposed use would also not prevent potential future expansion of the existing aggregate extraction operation, since clean excess soils would be temporarily stored on the surface and could be removed in the event of expansion of current operations. The proposed use of clean excess soil storage also serves to reduce the waste of a non-renewable resource.

The Official Plan also contains policies related to the placement of Restricted Industrial areas. Section 3.8.1 – Restricted Industrial reads:

*"The Official Plan recognizes that certain industries such as transportation depots, builders' supply yards, heavy equipment, construction and maintenance and storage operations, etc. while not requiring urban services are, at the same time, not rural in character and should not be scattered indiscriminately through the rural area."*

Section 3.8.2 continues:

*"The Plan, therefore, designates an area on Schedule "2" just beyond the urban service limits within which Restricted Industrial uses would be permitted, provided they meet the following conditions:*

- a) prospective industries in the Restricted Industrial area shall clearly demonstrate to the satisfaction of the City that they do not initially or in the future require the provision of any municipal service other than public roads and electricity;*
- b) the approval of development in such areas shall be contingent upon a Site Plan Control Agreement between the prospective industry and the City that urban services will not be extended to the users of land within the time span of the Plan;*
- c) all such Restricted Industrial uses shall front on public roads and buildings shall be located close enough to such public roads, providing access to the property to allow for the extension of urban services if they are ever provided beyond the time span of the Plan; and*
- d) adequate open space shall be provided around any Restricted Industrial use so that a buffer of trees, shrubs or fencing is provided.*
- e) prospective industries in the Restricted Industrial area should be of a type that do not require large water takings. For the purposes of this section large water takings shall be defined as more than 4,500 litres per day and shall be restricted to those uses in which only the disposal of the domestic waste of the employees is permitted and treated. Industrial liquid wastes, wash or cooling water or process water in individually services areas will not be permitted. The Ministry of Environment's B-7 Guidelines titled "Incorporation of the Reasonable Use Concept into Groundwater Management Activities" will be used as a resource when reviewing restricted industrial development in the rural area.*

*f) To ensure that the development of new employment lands are designed in a manner to avoid public health and safety concerns and to minimize the risk to public health and safety, the Ministry of Environment's D-Series Guidelines for Land Use Compatibility will be used as a resource for the review of new industrial development."*

No buildings and/or structure are proposed or planned for the property. The proposed use also does not require any municipal services other than road access which it currently has from Marsh Drive. The proposed development area would be well buffered by two separate wetlands from the east and west. The applicant has also expressed that it is the intent to include either trees, shrubs and/or fencing for the northern and southern boundaries.

This buffer can be confirmed and protected by way of Site Plan Control Agreement between the City and the property owner.

#### Section 4.6 – Natural Heritage:

This section of the Official Plan addresses natural heritage features. This includes: Provincially Significant Wetlands (PSW), Significant Habitat of Endangered and Threatened Species, Significant Areas of Natural and Scientific Interest (ANSI), Significant Wildlife Habitat, and Fish Habitat.

The applicant has provided substantial documentation concerning the natural heritage features on the subject lands in the form of a planning justification report and a natural heritage report.

To summarize, there are natural heritage features on the property that must be considered prior to development. The reports and evaluations submitted by the applicant provides instruction as to how this could take place. The Reports indicate that protection shall take place by directing development outside of the natural heritage features and their buffer area.

There is the potential for Species At Risk and their habitat to be present on the subject lands. Species at Risk legislation is a proponent driven process and is a provincial matter. A representative of the Ministry of the Environment, Conservation and Parks (MECP) provided the following correspondence:

*"MECP is now responsible for the Endangered Species Act. The company seems to be aware of the requirement to assess the site for species at risk and a permit/instrument to proceed may be required.*

*The site will likely require an approval from the MECP for accepting and processing of excess soils."*

The applicant is aware of this requirement and has initiated discussions with MECP to receive the necessary approvals and permits.

Section 5.1.3 -Holding By-laws reads:

*"There are instances where the intended use and zoning is known for lands, but development should not take place until specific facilities are in place or conditions are met. The lands may require the extension of municipal services, construction of a road, transportation study, soil remediation or floodproofing before development can occur.*

*City Council may pass a "holding" Zoning By-law that places an "H" symbol over the zoning and sets out the conditions that must be met before the "H" symbol is removed and the lands can be developed."*

The lands identified as "Proposed Holding Zone" are proposed to be rezoned from a "Rural (A)" zone to a "Restricted Industrial Special Holding (M4 Sp. H)" zone, see [Schedule 'A'](#) attached. If approved, the proposed M4 Sp. H zone would not be developable until such a time that the applicant provides an Environmental Impact Study (EIS) demonstrating that development would not affect the natural heritage features (identified above) which are present on the subject lands.

Section 5.1.5 – Site Plan Control reads:

*Site Plan Control is an important means of encouraging well-designed functional and accessible development. This involves the City and commenting agencies reviewing plans that show the location, design and massing of buildings, the relationship to adjacent streets and buildings, public access areas, the layout of parking and service areas, site landscaping and other aspects of the development.*

The proposed development would be subject to Site Plan Control and would be required to enter into a Site Plan Control Agreement (SPCA). This requirement for the SPCA would ensure that the proposed development would be based on sound planning and design principles and that the development would integrate in a harmonious fashion with the surrounding area and provide for a safe, environmentally sound and accessible development.

It is my professional opinion that the Official Plan Amendment and Zoning By-law Amendment are appropriate and conform to the City of North Bay's Official Plan.

**Zoning By-Law No. 2015-30**

The property presently has a split zoning of "Rural (A)" and "Rural Extractive Industrial (RME)". See [Schedule 'B'](#) attached.

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

- Cemetery
- Commercial Agricultural Uses
- Conservation Area
- Golf Course
- Group Home Type 1
- Hobby Farm<sup>1</sup>
- Kennel
- Recreational Facility, Rural
- Solar Farm
- Wind Farm

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

- Single Detached Dwelling
- Principal Dwelling Unit Short-Term Rental
- Single Detached Dwelling- Infilling

The application proposes to rezone the Subject Lands only as described below:

- Portion of Subject Lands identified as "Proposed Development Area" on [Schedule 'A'](#) from a "Rural (A)" zone to a "Restricted Industrial Special (M4 Sp.) zone
- Portion of Subject Lands identified as "Proposed Holding Zone" on [Schedule 'A'](#) from a "Rural (A)" to a "Restricted Industrial Special Holding (M4 Sp. H)" zone

The Special Zone would permit a Soil Management Site as a permitted use within the M4 Sp. zone.

The purpose of the Special Holding Zone component is to not permit any development until such a time that the applicant provides an Environmental Impact Study (EIS) demonstrating that development would not affect the natural heritage features that exist on the subject lands.

The subject lands are able to meet all other regulations of the Zoning By-law.

### **Correspondence**

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

Of the agencies that provided comments, the Engineering Department and Building Department offered no objections or concerns.

The North Bay Mattawa Conservation Authority noted the presence of

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<sup>1</sup> Shall be permitted only as an accessory use to a residential use

natural heritage features on the property. However, they further observed that the proposed development area is outside their areas of concern and that a permit from their office is not required at this time.

The Ministry of Environment, Conservation and Parks identified the potential presence of Species at Risk or their habitat on the property. The MECP also identified the need for a permit from their Ministry for the establishment of a Soil Management Site.

The Ministry of Transportation offered no objections but stated that a traffic study and Building and Land Use Permit would be required prior to the development taking place.

There was no written correspondence from the public.

A complete copy of this correspondence is attached to this Report as [Appendix B](#).

No other correspondence was received on this file.

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### **Financial/Legal Implications**

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

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### **Corporate Strategic Plan**

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|--|---|
| <input type="checkbox"/> Natural North and Near                | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth            | <input type="checkbox"/> Spirited Safe Community        |
| <input type="checkbox"/> Responsible and Responsive Government |   |

### **Specific Objectives**

- Promote and support public and private sector investment
- Create an environment that supports entrepreneurship in North Bay
- Cultivate the growth and expansion of existing businesses in North Bay and in surrounding communities

---

### **Options Analysis**

#### **Option 1:**

To approve the proposed Official Plan Amendment, Zoning By-law Amendment and Proposed Holding Zone.

1. That the proposed Official Plan Amendment by Greenstone Engineering Ltd. on behalf of Pioneer Construction Ltd. – 500 Marsh Drive in the City of North Bay to amend the Official Plan Designation from “Rural” to “Restricted Industry” for part of the property legally described in [Appendix A](#) and as shown on [Schedule 'A'](#) to Report to Council No. CSBU 2023-005 be approved; and
2. That the proposed Zoning By-law Amendment by Greenstone

Engineering Ltd. On behalf of Pioneer Construction Ltd. – 500 Marsh Drive in the City of North Bay to rezone part of the property from a “Rural (A)” zone to a “Restricted Industrial Special (M4 Sp.)” zone for part of the property legally described in [Appendix A](#) and as shown on [Schedule ‘A’](#) to Report to Council No. CSBU 2023-005 be approved; and

3. That proposed holding zone as shown on [Schedule ‘A’](#) to Report to Council No. CSBU 2023-005 be approved
4. That the subject lands be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

This is the recommended option, as the proposed Official Plan Amendment and Zoning By-law Amendments meet all applicable policy documents.

**Option 2:**

To deny the requested Official Plan Amendment, Zoning By-law Amendment and proposed Holding Zone. This is not the recommended option for the reasons outlined in this report.

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**Recommended Option**

Option 1 is the recommended option.

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Respectfully submitted,

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

**We concur with this report and recommendation.**

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP. RPP

Title: Director of Community Services

Name: John Severino, P.Eng., MBA

Title: Interim Chief Administrative Officer

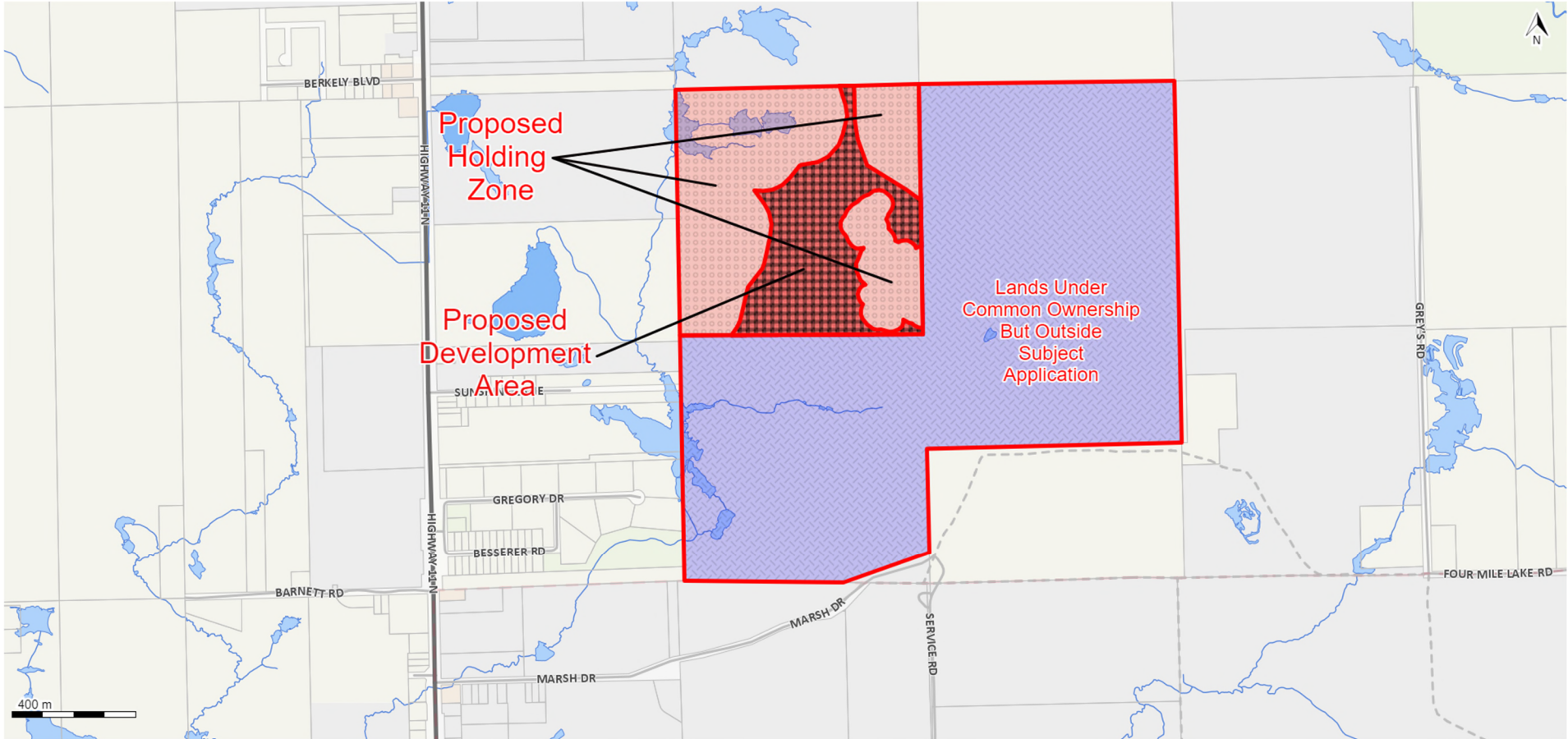
Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP

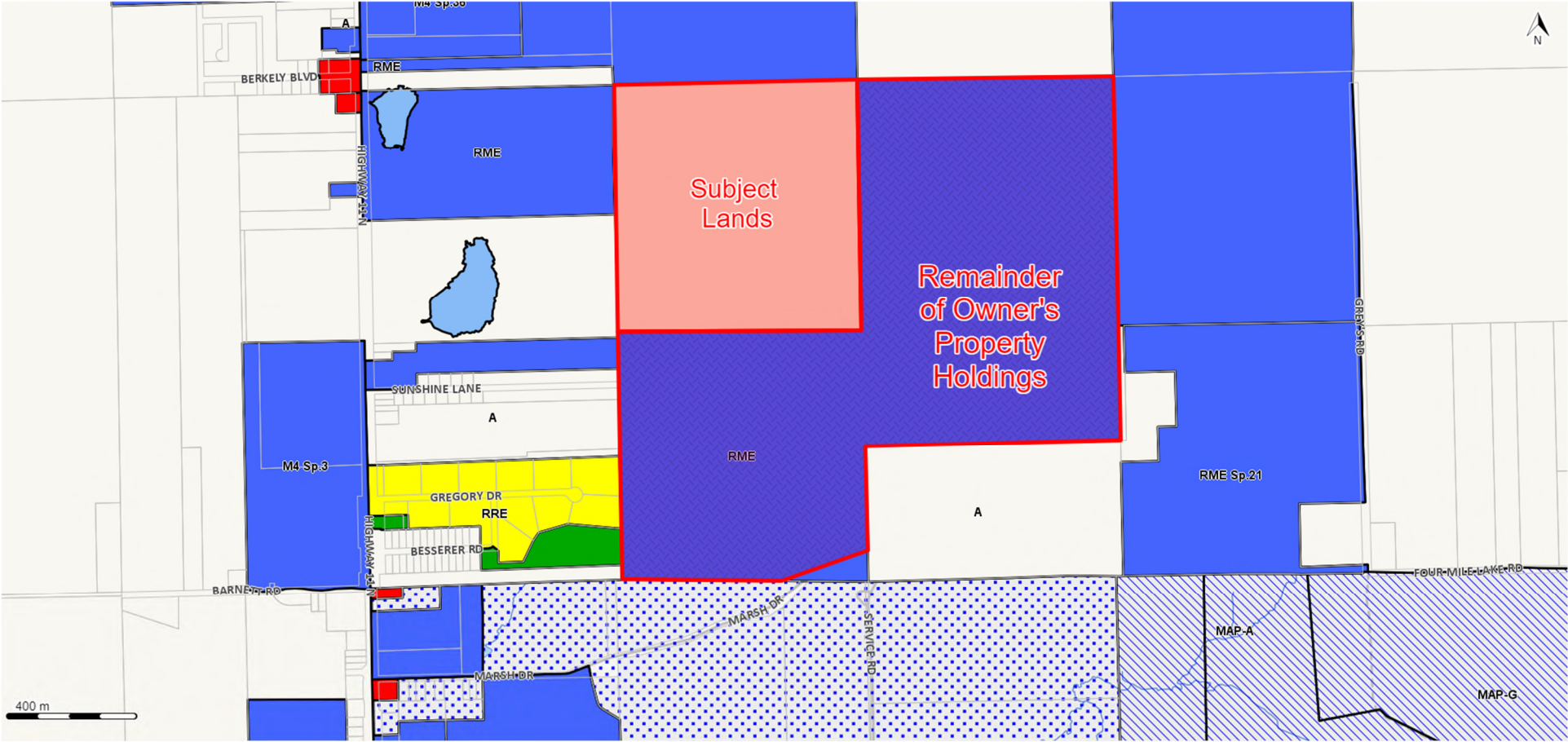
Title: Senior Planner



Schedule A

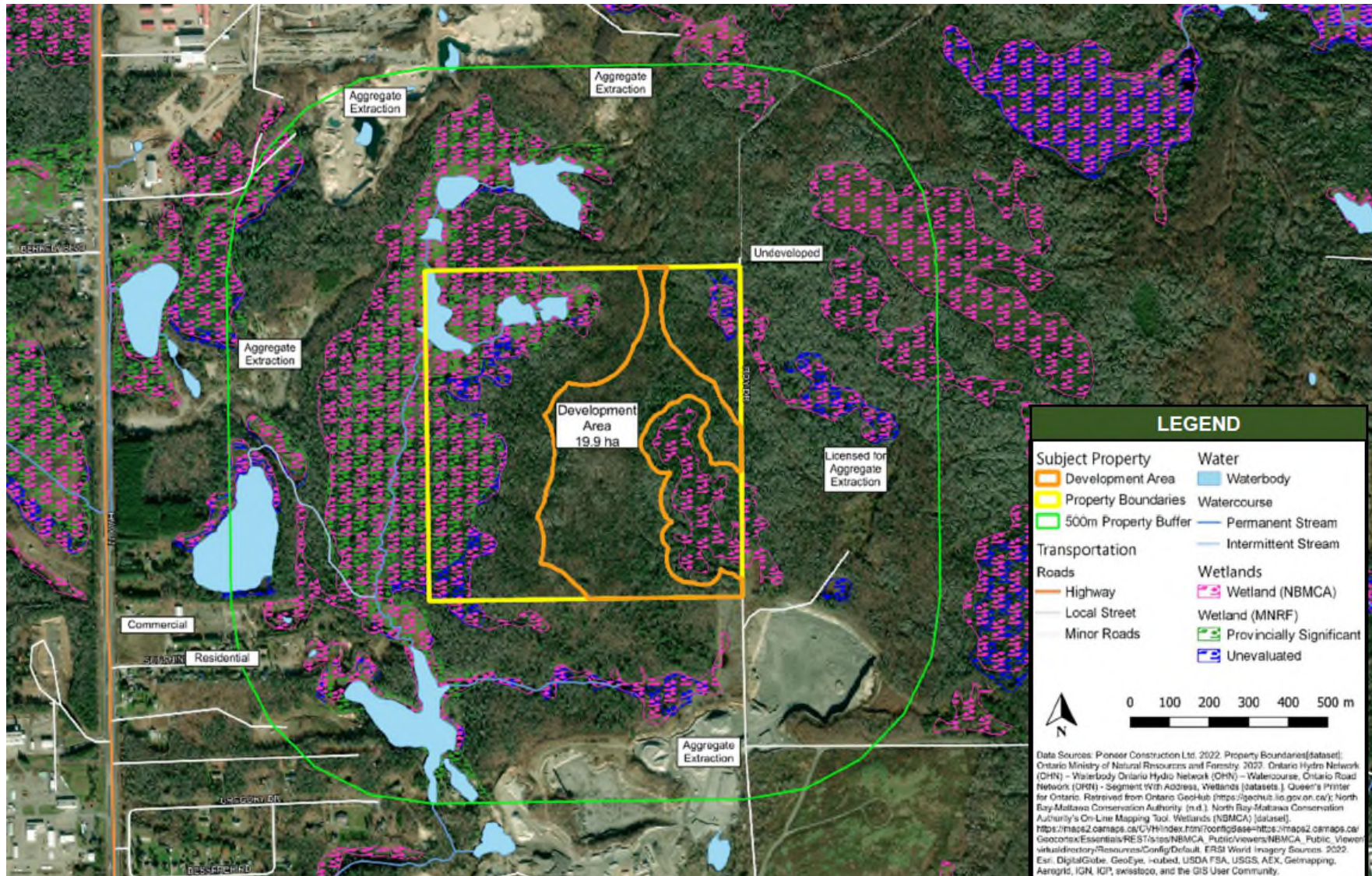


Schedule B





## Schedule 'C'



## Appendix A

**PIN 49127-0119 (LT)**

PCL 826 SEC WF; N ½ LT 19 CON 2 WIDDIFIELD; NORTH BAY ; DISTRICT OF  
NIPISSING

## Appendix B – Correspondence

### MECP

**Member:** Brent Trach, MECP

**Status:** Approved

MECP is now responsible for the Endangered Species Act. The company seems to be aware of the requirement to assess the site for species at risk and a permit/instrument to proceed may be required.

The site will likely require an approval from the MECP for accepting and processing of excess soils.

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### Building

**Member:** Carly Price

**Status:** Approved

No objections from Building Services.

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### Ministry of Transportation

The Ministry of Transportation's traffic section has determined that a traffic impact study is required for the development. Since the TIS is required the development it is now located within our permit control area it is subject for review under the *Public Transportation and Highway Improvement Act R.S.O 1990* will require proper permits with the MTO. Please see the below requirements.

#### 1. TRAFFIC IMPACT STUDY

- Submission of a full traffic impact study (TIS) for the MTO's review and approval which should consider the potential full build-out of the site for the proposed and permitted commercial uses and all phases of the development, indicate the anticipated traffic volumes and their impact upon Highway 11 intersections and the existing and proposed provincial highway network. The TIS must be completed in accordance with MTO guidelines, which can be obtained at the following web [site link](#).
- The MTO cannot accept traffic studies submitted in support of development unless the study is completed by a firm qualified by the MTO to undertake such work, and unless the report is stamped and signed by a qualified engineer. A list of consultants qualified by the MTO has been attached to this e-mail.
- The MTO requests the traffic consultant that is retained arrange for a pre-consultation meeting with the MTO prior to undertaking the TIS.
- Should highway improvements be necessary, they will be the responsibility of the developer or the municipality, and must be completed before the development opens for business. Highway improvements will typically involve preparation and execution of a legal agreement between the MTO and the proponent or the municipality before they proceed.
- Please submit the SYNCRO files with the TIS.

## 2. OTHER

In the event highway improvements are required a Legal Agreement is required between the land owner and the MTO. The Agreement would include, but is not limited to, the following terms:

- The required highway improvements must be agreed upon before Ministry permits are issued, and completed before the development opens for business.
- The land owner agreeing to assume financial responsibility for the design and construction of all associated highway improvements.
- The requirement for an irrevocable standby Letter of Credit for the full cost of the required highway works.

The '[Guideline for Highway Improvements Associated with Development](#)' outlines the respective responsibilities of MTO and proponents, where development necessitates highway improvements. In addition, the Guideline clarifies the responsibilities (financial and otherwise) and procedures to be followed by proponents who must directly or indirectly undertake the construction of highway improvements on a provincial highway right-of-way.

Applications for permits can be made [online](#).

In addition to the foregoing, the owner must meet all of the requirements of the local municipality and any other agency having jurisdiction.

Aide,

**Aide Zarkovich**  
**Corridor Management Planner**

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Operations Division, Northeast Region  
Ministry of Transportation  
447 McKeown Ave, Suite 301  
North Bay, Ontario, P1B 9S9  
T. (705) 783-3672 E. [aide.zarkovich@ontario.ca](mailto:aide.zarkovich@ontario.ca)





# North Bay Mattawa Conservation Authority



December 16, 2022

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

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

Dear Mr. Carello:

**Re: Proposed Official Plan Amendment and Zoning By-law Amendment –  
Pioneer Construction Ltd.  
Con. 2; Pt. Lot 19; Pcl. 826 W/F  
500 Marsh Drive  
City of North Bay  
Our File No.: PPOA03-NB-22 & PZB10-NB-22**

This office has received and reviewed the above official plan and zoning by-law amendment applications which propose to:

- Amend the Official Plan Designation for both the "Proposed Holding Zone" lands and "Proposed Development Area" lands from a "Rural" designation to a "Restricted Industry" designation.
- Rezone the lands identified as "Proposed Development Area" from a "Rural (A)" zone to a "Restricted Industrial Special (M4 Sp.)" zone. The special zone would permit an excess soil storing and sales facility as a permitted use within the M4 zone.
- Rezone the "Proposed Holding Zone" from a "Rural (A)" zone to a "Restricted Industrial Special Holding (M4 Sp.H)" zone. If approved, the proposed M4 Sp.H zone would not be developable until such a time that the applicant provides an Environmental Impact Study (EIS) demonstrating that development would not affect the natural heritage features.

The purpose of these applications is to permit Class 1 Soil Management Site (SMS) on the subject property.

The following comments are based on a review of the application with respect to our delegated responsibility from the province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement, 2020 (PPS, 2020) and our regulatory authority under Ontario Regulation 177/06 Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA) and Part 8 (Sewage Systems) of the Ontario Building Code. The Conservation Authority also provides advice as per our Plan Review Agreement with the Municipality regarding Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS, 2020). The Conservation Authority has no objection to these applications.

This property lies within the Chippewa Creek subwatershed. There are several natural hazard features associated with this property which are regulated by the Conservation Authority as per Ontario Regulation 177/06:

- A headwater tributary of Chippewa Creek is found in the north-west corner of the lot.

- A portion of the Provincially Significant Chippewa Creek Wetland Complex (PSW) is found on the property. Development is not permitted in a PSW. NBMCA regulates development with 120m of this feature.
- Two small unevaluated wetlands are found at the east end of the property. NBMCA regulates development in or within 30m of these wetland features. See attached mapping.

With respect to servicing, according to the Planning Justification report prepared by Greenstone Engineering Ltd. (Greenstone) buildings and structures are not planned for the subject property.

NBMCA has received and reviewed the Natural Heritage Report prepared by Greenstone. A desktop review was undertaken for potential impacts to natural heritage features and their adjacent lands. The report concluded that the proposed "Development Area" would exclude the Chippewa Creek PSW and its 120 m adjacent lands, as well as the other wetland areas and the 30m adjacent lands. The proposed "Holding Zone" would consist of these natural heritage features. See attached sketch. An EIS would be required if future development was proposed in this area. Since development is currently proposed to be outside of the Approximate Regulated Area (ARA) a DIA permit is not required for the establishment of the SMS.

It is our understanding that approval from the Ministry of Environment, Conservation and Parks (MECP) is required for a Class 1 SMS as per Ontario Regulation 406/19. It is anticipated that MECP will highlight any additional approvals/permits, if required, with respect to species at risk.

The Conservation Authority is satisfied that these applications are consistent with the policies as set out in Sections 2 and 3 of the PPS 2020.

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

Yours truly,

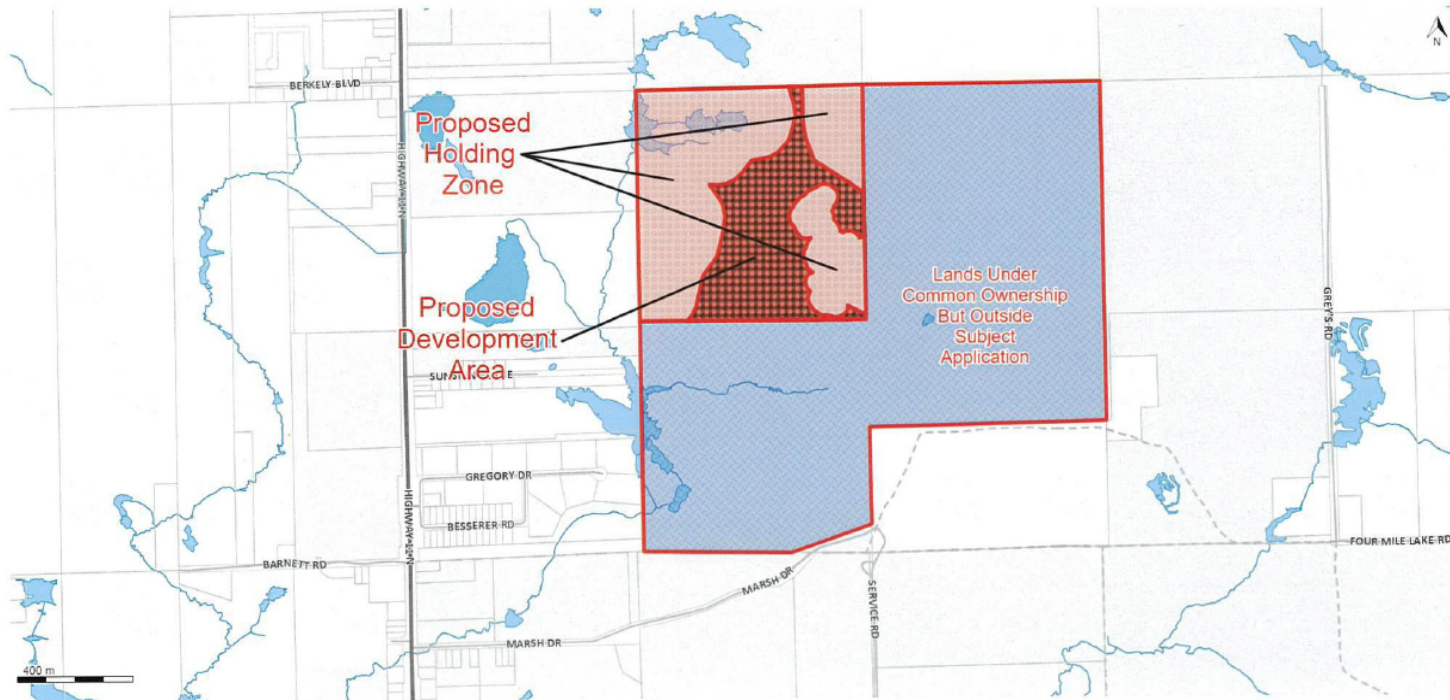


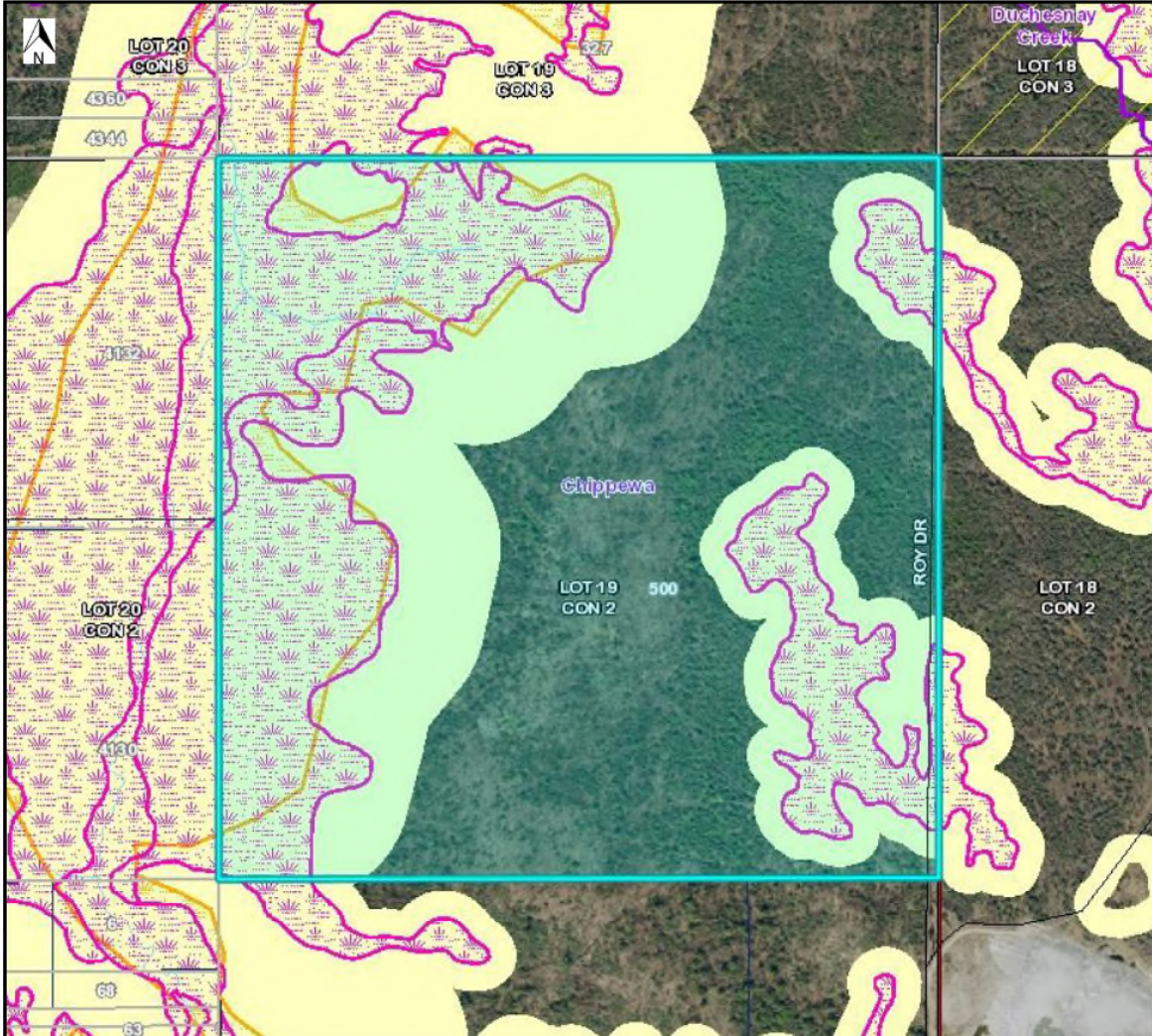
Paula Scott  
Director, Planning & Development/Deputy CAO

(3)



## Schedule A



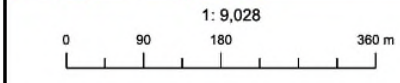


500 Marsh Drive

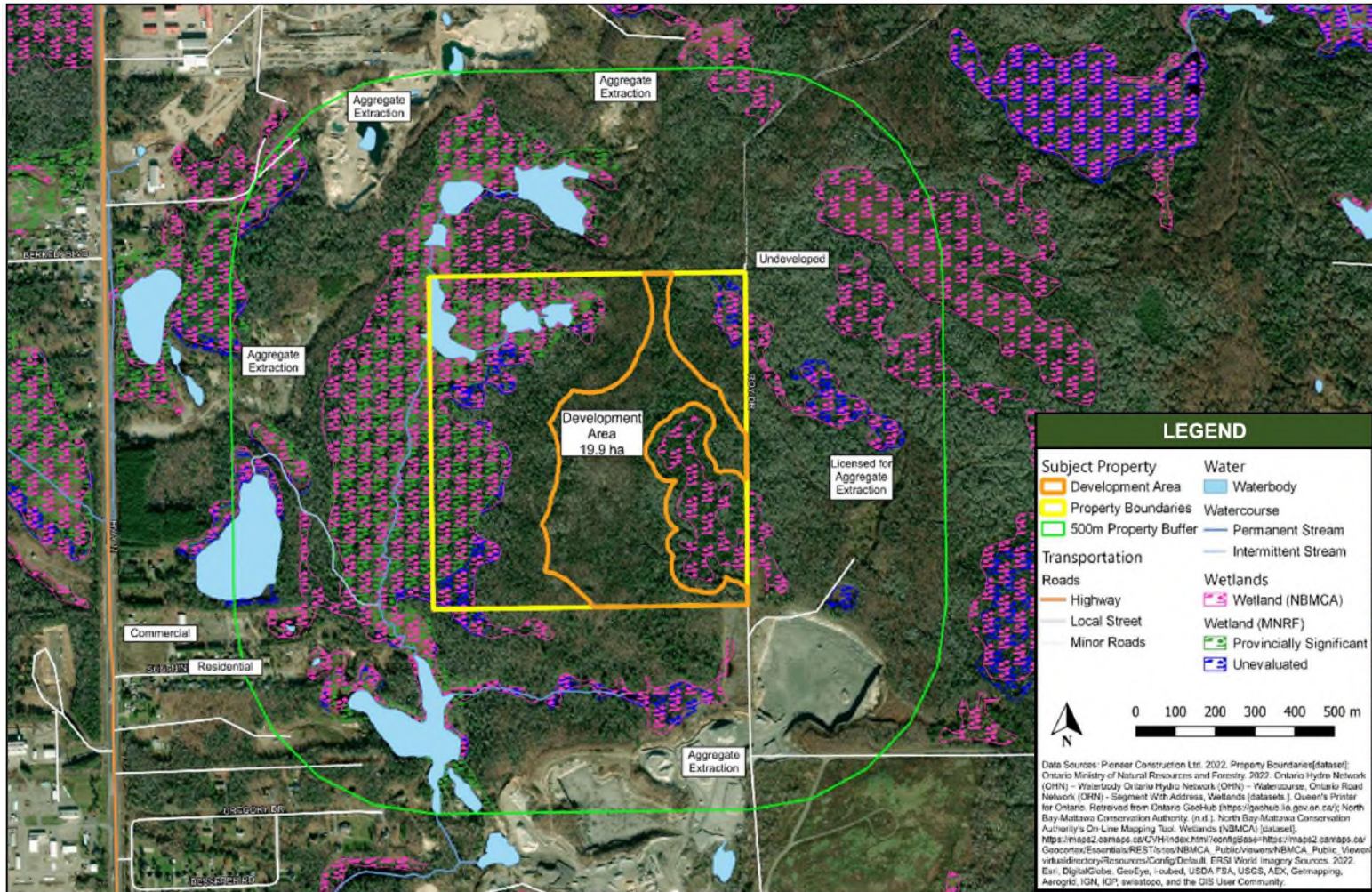
**LEGEND**

- NBMCA
- Subwatershed (IWMS)
- Road
  - Road
  - Highway
- Assessment Parcel
- CONFIDENTIAL DO NOT PRINT - MF 2009
- Ownership Parcel
- Lot & Concession
- Municipal Boundary
- Geographic Township
- Wetland (NBMCA)
- Wetland - PSW Evaluated (Provincial, Significant Wetland)
- Crown Land - Unpatented
- Crown Game Preserve
- Conservation Reserve
- Watercourse (OHN)


**NOTES**







**FIGURE 2: SUBJECT PROPERTY AND ADJACENT LANDS MAP**

	Address: 500 Marsh Dr., North Bay, ON	Scale: As Shown
	Project Number: E22001	Date: September 2022
	Project Name: Natural Heritage Report	Client: Pioneer Construction Inc.