

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

**By-Law No. 2022-062**

**Official Plan Amendment No. 27**

**Ferguson Hygiene Ltd. – 420 Ross 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. 27 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 28th Day of June 2022.**

**Read a Second Time in Open Council the 28th Day of June 2022.**

**Read a Third Time in Open Council and Passed this 28th Day of June 2022.**

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**Mayor Allan McDonald**

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**City Clerk Karen McIsaac**

Amendment No. 27 to the Official Plan  
of the Planning Area of the  
City of North Bay

Ferguson Hygiene Ltd. – 420 Ross Drive

June 2022

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

Amendment No. 27 to the Official Plan  
of the Planning Area of the  
City of North Bay

The attached Schedule "27-A" and explanatory text constitute Amendment No. 27 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. 2022-062 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 28th Day of June 2022.

Corporate Seal

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**Mayor Allan McDonald**

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**City Clerk Karen Mclsaac**

Amendment No. 27 to the Official Plan  
of the Planning Area of the  
City of North Bay

The following text and plan designated as Schedule "27-A" attached hereto constitute Amendment No. 27 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 certain property within the rural area of the Planning area from "Rural" to "Lakefront Residential".

In an application received January 1, 2022, the Applicant applied for an Official Plan Amendment in order to permit the creation of a three lot rural residential lakefront subdivision.

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

The Amendment applies to PIN 49181-0094 (LT) PCL 10266 SEC WF; PT Lakeshore RDAL in front of LT 27 & 28 CON 18 West Ferris PT 13 NR2276; North Bay; District of Nipissing and PIN 49181-0093 (LT) PCL 3373 SEC WF; PT LT 27 CON 18 West Ferris as in LT57750, S/T DEBTS, if any, of Ernest Walker Ross; North Bay; District of Nipissing, known locally as 420 Ross Drive. It is 10.38 hectares in area, with irregular frontage of Trout Lake.

The subject property is currently undeveloped.

Surrounding land uses include residential uses at a rural scale and vacant lands.

The intent of this Official Plan Amendment is to create a three lot plan of subdivision.

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 "B" - "Rural Area" to the Official Plan is hereby amended by changing the designation of the lands shown on Schedule "27-A" to this Amendment from "Rural" to "Lakefront Residential".

## **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.

## APPENDICES

The following Appendices are not intended to form part of the approved Amendment No. 27, but are included only for the purpose of providing information in support of this Amendment.

**Appendix No. 1**

**Staff report dated May 31, 2022**





## City of North Bay Report to Council

Report No: CSBU-2022-035

Date: May 31, 2022

Originator: Peter Carello, Senior Planner

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 Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. – 420 Ross Drive in the City of North Bay to amend the Official Plan Designation from “Rural” to “Rural Residential Lakefront” for the property legally described in Appendix A to Report to Council No. CSBU 2022-035 be approved; and
2. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. – 420 Ross Drive in the City of North Bay to rezone the property from a “Rural (A)” zone to a “Rural Residential Lakefront (RRL)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2022-035 be approved; and
3. That the proposed Plan of Subdivision (3 Residential Lots, Subdivision File No. 48T-21102) by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2022-035, shown as on Schedule “B” attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2022-035 prepared by Peter Carello dated May 31, 2022; and
4. That the subject property 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



## **Summary**

The subject property is an existing lot of record with frontage on Trout Lake. It gains road access via Ross Drive.

The proposed applications would subdivide the property into three lots for residential use. The overall direction from the Official Plan prevents new development and lot creation on Trout Lake and its inflowing streams. However, the Official Plan has provisions for the creation of up to twenty-three (23) new lots under restricted circumstances. Lots created under these policies are considered "Minimal Impact Lots" in the Official Plan.

The primary objective for Minimal Impact Lots from the municipality's perspective is to better gauge the level of impact human activity on the health of Trout Lake and to identify methods and technologies that might help achieve the objective of reducing the effect of residential uses on the natural environment and specifically Trout Lake. This is achieved by implementing new septic technologies, implementing restrictive development conditions and ongoing testing and monitoring of phosphorus levels in the area.

In support of the applications, the property owners submitted a "Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan" prepared by Michael Michalski, a limnologist with Michalski Nielsen Associates. The applicants also provided a Preliminary Ecological Site Assessment prepared by FRi Ecological Services.

The adjacent property owner located at 215 Ross Drive has also submitted an application for lot creation as outlined in Report to Council 2022-33. Both properties had similar consultant reports submitted. Planning Services commissioned Neil Hutchison Ph.D. of Hutchison Environmental Services to provide a peer review of the Michalski study for the Richardson Application at 215 Ross Drive. Through discussions with Hutchison Environmental Services, they indicated that given that the properties are adjacent and the general nature of their recommendations (being implementation of best management practices, septic installation requirements etc.) are appropriate to consider for this application as well. A fulsome Peer Review was not completed for this application.

The peer review for the adjacent property provided a list of nine (9) recommendations of items to be addressed or clarified prior to the development proceeding. The Conditions of Approval attached as Appendix C includes a requirement that the owner meet the recommendations made by Dr. Hutchison. Subject to the property owner meeting these recommendations, it is Planning Services' opinion that the subject property is able to meet the criteria established by the Official Plan for the creation of Minimal Impact Lots.

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

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

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

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

The Provincial Policy Statement generally seeks to direct development into a community's Settlement Area, which in turn limits the amount of development within a community's Rural Area.

The Provincial Policy Statement provides a list of permitted uses that are considered limited in scope of development and generally appropriate for a Rural Area. Section 1.1.5.2 states that:

*On rural lands located in municipalities, permitted uses are:...*

- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;...*

If approved, the proposed applications would create two additional rural residential lots. The lakefront nature of these lands would imply that the lands could also be used for recreational purposes. It is staff's opinion that the proposed development is limited in nature and as a result is consistent with Section 1.1.5.2 of the PPS 2020.

The Provincial Policy Statement also includes policies that protect water sources. Section 2.2 of the PPS 2020 is as follows:

*2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;*
- d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;*
- f) implementing necessary restrictions on development and site alteration to:
  - 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
  - 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;**
- g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;*
- h) ensuring consideration of environmental lake capacity, where applicable; and*
- i) ensuring stormwater management practices minimize*

*stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

*Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

The overall intention of these policies is to protect water sources, particularly drinking water sources. Trout Lake is both the municipal supply of drinking water for the City's public water services, as well as the source of water for many residents on Trout Lake.

In support of this application, the property owner has submitted a study by a limnologist that provides direction on steps to be taken by the owner to ensure the health of Trout Lake, should these applications be approved by City Council. It is staff's opinion that, subject to the implementation of the measures included in the conditions of draft approval contained in Appendix C the proposed development is consistent with Section 2.2 of the PPS 2020.

The Provincial Policy Statement contains policies that provide protection to habitat for species at risk. Section 2.1.7 of the PPS 2020 states that "*development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*"

The applicant has submitted a "Preliminary Ecological Site Assessment" study prepared by FRi Corp Ecological Services. The study concluded that there is potential for five different species of risk and gave recommendations for how the potential for habitat can be further examined and mitigated. The FRi study also identified the presence of fish habitat. It provides development measures that would protect the fish habitat.

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

### **Official Plan**

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

The applicants are proposing to amend the Official Plan to "Rural Lakefront Residential". This Official Plan designation permits the residential

development of properties on Trout Lake.

The protection of Trout Lake is one of the Official Plan's core objectives. There are multiple policies stating this goal. Section 3.5 of the Official Plan contains numerous policies that discuss the value of Trout Lake to the community, including strict development controls and the importance of property owners in maintaining and improving the lake water quality, lake aesthetics, fisheries etc. The Owners will be required to enter into a Site Plan Control Agreement with the City that strictly regulates lot development. The Owners of the property will also be required to enter into an ongoing monitoring program with the City to ensure the septic system is achieving the required phosphorus removal.

Section 3.5.1 and 3.5.2 provide a comprehensive summary of the reasons for the protection of Trout Lake:

*3.5.1 This Official Plan recognizes that Trout Lake is a valuable community resource in that it is the sole source of drinking water for the City of North Bay as well as for private systems which draw their water directly from the lake; that this water body is a significant recreational resource at the fringe of the urban area which offers unique opportunities not found in such close proximity to most Canadian communities; that the shoreline of this water body has a special aesthetic appeal for the development of seasonal and permanent residential uses; and that the general population of North Bay wishes to see that special care is taken through strict lake and watershed development controls to maintain or improve its existing level of water, aesthetic and fishery quality.*

*3.5.2 This Plan recognizes that all lands located within the Trout Lake watershed are connected to Trout Lake by surface and ground water drainage, and that all uses in the watershed directly or indirectly influence Trout Lake. It is the intent of this Plan to strictly control or limit the nature and extent of development along the shoreline of Trout Lake, including second tier or back lot development, development on islands in Trout Lake, development along major inflowing streams to Trout Lake, and development in the Trout Lake watershed in general. The objectives of these controls are to maintain or improve the existing level of water quality, to maintain or improve the existing level of aesthetic and recreational qualities and to improve the lake's fishery.*

Section 3.5.15 of the Official Plan goes on to state that "(t)his will be achieved by generally prohibiting the creation of new lots which front on Trout Lake or on a stream flowing into Trout Lake".

This means that, for the most part, there is to be no new lots created on Trout Lake or its inflowing streams.

The Official Plan also contains policies which allow for the creation of a limited number of new lots. These policies are as follows:

*3.5.27 As of January 8, 2001, the City may allow the creation of up to 23 new minimal impact lots within the watershed of Trout Lake to facilitate the studying of phosphorus abatement septic technology or technologies through municipal pilot testing. The City may contribute resulting information from the City's pilot testing to the Province for the Province's use, if appropriate, for the Provincial Phosphorus Removal Technology Pilot Program. The new minimal impact lots must meet other rural or lakefront residential policies as set out in this Plan and all development approvals must be obtained.*

*3.5.28 A "minimal impact" lot under this policy is defined as a conventional lot that is developed using best management practices, to the satisfaction of the City, in an effort to reduce the phosphorus impact of the development. These best management practices include, but are not limited to, the following:*

- a) A surface drainage plan that mitigates increased erosion and sedimentation for the purposes of significantly reducing phosphorus output due to increases in lot coverage, new driveways and entrances, roof drains and loss of vegetation;*
- b) installation and monitoring of phosphorus removal septic technology;*
- c) maximum available setbacks for tile beds and mantles;*
- d) provision of 30 m vegetative buffers/nutrient uptake zones;*  
*and*
- e) site plan control agreements to incorporate the best practices, including a prohibition against fertilizing lawns.*

*3.5.29 The objective of the City's best management practices is to achieve development where the total phosphorus impact of the whole development would be equivalent to or less than the total phosphorus impact if the original parcel were developed as a single lot serviced by a conventional septic system in the Rural or Lakefront Residential designation.*

The City has approved a total of 19 new lots under the Minimal Impact Lot Creation Policy. Four lots are remaining under this policy.

The above noted policies aim to allow development on Trout Lake in a highly controlled fashion. It puts the onus on the owner to demonstrate positive actions to ensure that the new residential lots have minimal impact on Trout Lake. To achieve this objective, the property owner has submitted a "Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan" prepared by Michael Michalski, a limnologist with Michalski Nielsen Associates. The applicants also provided a Preliminary Ecological Site



Assessment prepared by FRi Ecological Services.

The study by Mr. Michalski concluded that the lots could be developed as proposed with minimal impact on Trout Lake, subject to the recommendations made throughout his study. The principal recommendations from the study are as follows:

- Septic System: Mr. Michalski's study suggested that using a specific type of soil (B-horizon soils) in the construction of a new septic system greatly attenuates phosphorus.
- Monitoring: The study stated that the property owner should monitor the septic system to ensure that it is functioning as described in the report for a period of five years. The specific performance target of 93% phosphorus reduction was suggested.
- Site Design: The study made reference to specific design of the lots to reduce the impact on Trout Lake. This includes a 30 metre natural vegetative buffer, use of French drains or soakaway pits and where the septic system is located.

The adjacent property owner located at 215 Ross Drive has also submitted an application for lot creation as outlined in Report to Council 2022-33. Both properties had similar consultant reports submitted. Planning Services commissioned Neil Hutchison Ph.D. of Hutchison Environmental Services to provide a peer review of the Michalski study for the Richardson Application at 215 Ross Drive. Through discussions with Hutchison Environmental Services, they indicated that given that the properties are adjacent and the general nature of their recommendations (being implementation of best management practices, septic installation requirements etc.) are appropriate to consider for this application as well. A fulsome Peer Review was not completed for this application.

The peer review for the adjacent property provided a list of nine (9) recommendations of items to be addressed or clarified prior to the development proceeding. The Conditions of Approval attached as Appendix C includes a requirement that the owner meet the recommendations made by Dr. Hutchison. Subject to the property owner meeting these recommendations, it is Planning Services' opinion that the subject property is able to meet the criteria established by the Official Plan for the creation of Minimal Impact Lots.

The recommendations include:

- That the tile field be constructed with a minimum of 0.9 metres of imported B-horizon soils with the required characteristic for phosphorus retention.
- all soils used for the tile fields be sourced from a quarry, rather than scavenged from the subject property.
- All soil composition must be tested prior to importing to site to ensure

they meet the requirements of the MOE (a) CaCO<sub>3</sub> <1% and b) extractable iron plus extractable aluminum >1%.)

- The proponent must confirm the required setback of the septic systems from Trout Lake (30m vs 60m) and meet that requirement.

That the proponent confirm that the location of the septic system be in a location acceptable to both the City of North Bay and the Conservation Authority

In addition, staff has added the additional condition that the septic system must be a tertiary system, approved by the City and the NBMCA.

In addition to the policies related to development on Trout Lake, the City has strict rural residential lot creation policies. The Owner has applied as for a Plan of Subdivision application. Section 3.4.10 (c) of the Official Plan speaks lot creation in the rural area through a Rural Estate Plan of Subdivision. Section 3.4 of the Official Plan identifies *"this section of the Plan does not apply to lot creation on the Trout Lake Shoreline or on any major inflowing stream to Trout Lake"*. Section 3.4.10(c)(xii) states that *"any new rural estate development within the Trout Lake Watershed will be reviewed based on the lot creation policies of 3.5 Trout Lake Watershed..."*

The proposed Draft Plan of Subdivision, subject to the conditions contained in Appendix C, complies with the lot creation policies of Section 3.5.

Section 4.6 of the Official Plan speaks to Natural Heritage. The Official Plan states that *"Through the review of development applications, the City shall ensure that all pertinent policies of the current Provincial Policy Statement are considered."*

The applicant has submitted a "Preliminary Ecological Site Assessment" study prepared by FRi Corp Ecological Services. The study concluded that there is potential for five different species of risk and gave recommendations for how the potential for habitat can be further examined and mitigated. The FRi study also identified the presence of fish habitat. It provides development measures that would protect the fish habitat.

Consistent with the adjacent property, the Owners will be required to:

- Hire a qualified consultant to inventory the proposed building envelopes to:
  - Identify and mark trees that could serve as bat maternal roosts;
  - Mark and retain snags that are greater than 50cm in diameter at breast height, that are not a safety risk;
- Conduct a stick nest survey to ensure there are no Bald Eagle nests;
- To protect Fish Habitat, the recommendation was to maintain a 30m shoreline buffer. Any new dwellings be located outside of the 30m buffer.

The Owners will be required to enter into a Site Plan Control Agreement with the City of North Bay related to the individual development of each property. The Site Plan Control Agreement will address all aspects of site development including but not limited to building envelopes, setbacks, vegetative buffers, shoreline development, septic system location, septic system monitoring and all recommendations from the Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan” prepared by Michalski Nielsen Associates Limited dated November 2019 or the recommendations for the Peer Review prepared by Hutchison Environmental Services for 215 Ross Drive, at the Owners sole expense.

The City is in the process of completing a Trout Lake Watershed Study which will be presented to Council in July 2022 and may result in updated Official Plan Policies and Zoning By-law regulations which would be presented to Council in early 2023. The subject application was submitted prior to this study being undertaken and is being reviewed under the City’s existing Official Plan Policies.

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

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

The subject property is presently zoned “Rural (A)”, which permits the following land uses:

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

The applicant is proposing to rezone the property to a “Rural Residential Lakefront (RRL)” zone, which permits the following land uses:

- Single Detached Dwelling
- Group Home Type 1;
- Park, Public;
- Boat House (as an Accessory Use only);
- Structure (as an Accessory Use only); and
- Home Based Business (as an Accessory Use only).

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

## **Correspondence**

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

The Ministry of Transportation offered no objections.

There were three items of correspondence received from the public regarding the application. The following is not intended to be a comprehensive discussion of all matters raised, but rather a summary of the comments. A complete copy of the correspondence received is attached as Appendix B.

- Drainage: concerns were raised regarding managing drainage originating from the property and the new development. Staff would comment that the provision of a stormwater management report is a condition of approval and must be provided before development can proceed. This stormwater report will ensure that drainage is managed appropriately, with the goals of not allowing an increase onto neighbouring properties and to protect Trout Lake.
- Wildlife: one neighbour expressed concerns regarding wildlife in the area. As previously noted in this report, the property owner has engaged the services of Fri Corp Ecological Services, who conducted a preliminary screening for species at risk. There were recommendations forthcoming from this report, which have been incorporated into the Conditions of Approval.
- Effect on Trout Lake: One neighbour expressed concerns regarding the effect the proposed development would have on Trout Lake. As discussed throughout this report, the owner has provided a study that has the objective of protection Trout Lake. The recommendations from this study are incorporated into the Conditions of Approval.

No other correspondence was received on this file.

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## **Financial/Legal Implications**

None to the City at this time

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## **Corporate Strategic Plan**

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

## **Specific Objectives**

- Leverage the natural environment to enhance healthy living and

- recreational opportunities
- Promote and support public and private sector investment
- Facilitate the development of housing options to service the needs of the community

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## **Options Analysis**

### Option 1:

1. That the proposed Official Plan Amendment by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. – 420 Ross Drive in the City of North Bay to amend the Official Plan Designation from “Rural” to “Rural Residential Lakefront” for the property legally described in Appendix A to Report to Council No. CSBU 2022-035 be approved; and
2. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. – 420 Ross Drive in the City of North Bay to rezone the property from a “Rural (A)” zone to a “Rural Residential Lakefront (RRL)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2022-035 be approved; and
3. That the proposed Plan of Subdivision (3 Residential Lots, Subdivision File No. 48T-21102) by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2022-035, shown as on Schedule “B” attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2022-035 prepared by Peter Carello dated May 31, 2022; and
4. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

### Option 2:

To deny the requested applications. This option is not recommended for the reasons outlined throughout this report.

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## **Recommended Option**

Option 1 is the recommended option.

1. That the proposed Official Plan Amendment by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. – 420 Ross Drive in the City of North Bay to amend the Official Plan Designation from “Rural” to “Rural Residential Lakefront” for the property legally described in Appendix A to Report to Council No. CSBU 2022-035 be approved; and
2. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. – 420 Ross Drive in

the City of North Bay to rezone the property from a "Rural (A)" zone to a "Rural Residential Lakefront (RRL)" zone for the property legally described in Appendix A to Report to Council No. CSBU 2022-035 be approved; and

3. That the proposed Plan of Subdivision (3 Residential Lots, Subdivision File No. 48T-21102) by Miller and Urso Surveying Inc. on behalf of Ferguson Hygiene Ltd. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2022-035, shown as on Schedule "B" attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2022-035 prepared by Peter Carello dated May 31, 2022; and
4. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

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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, Community Development and Growth

Name: David Euler, P.Eng., PMP

Title: Chief Administrative Officer

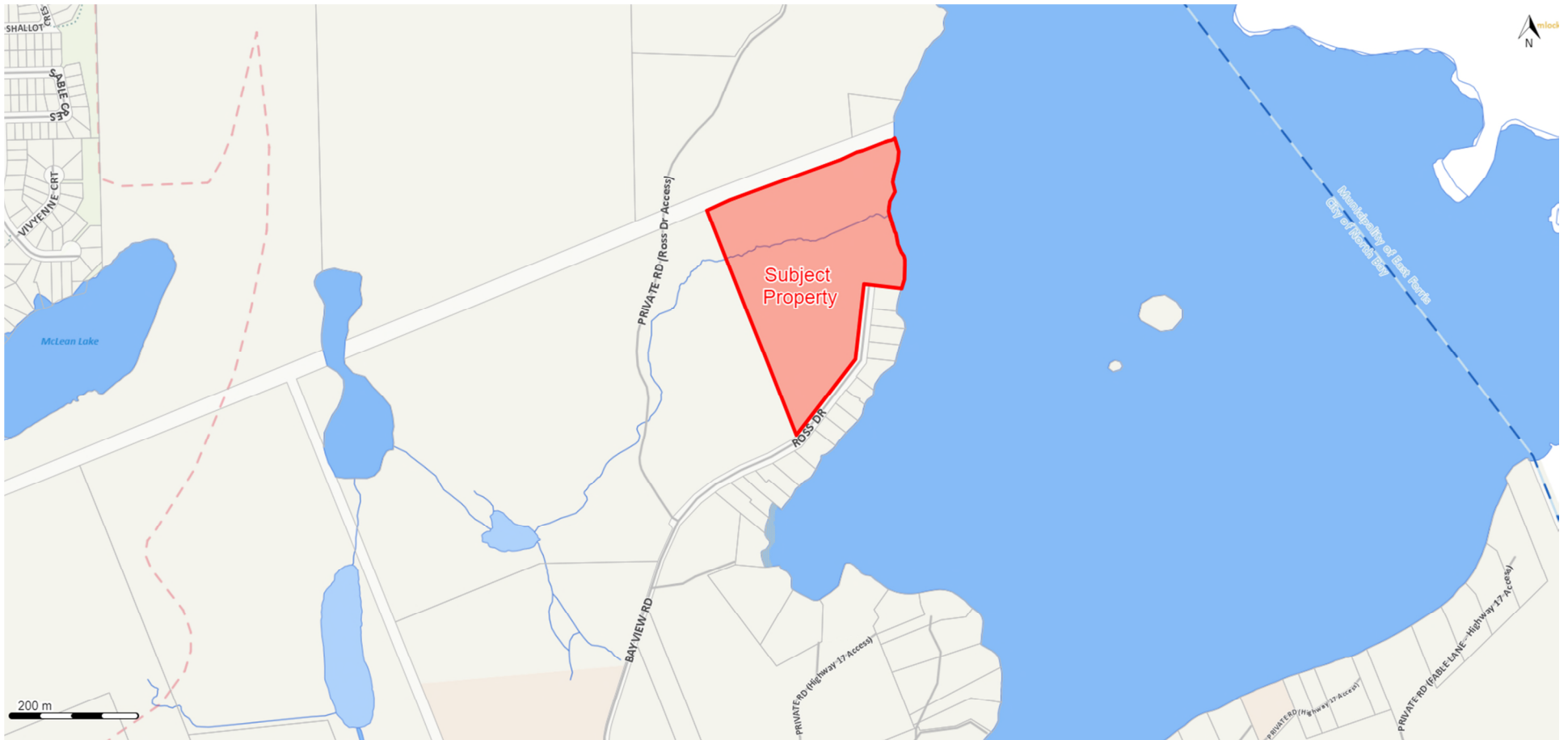
Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP

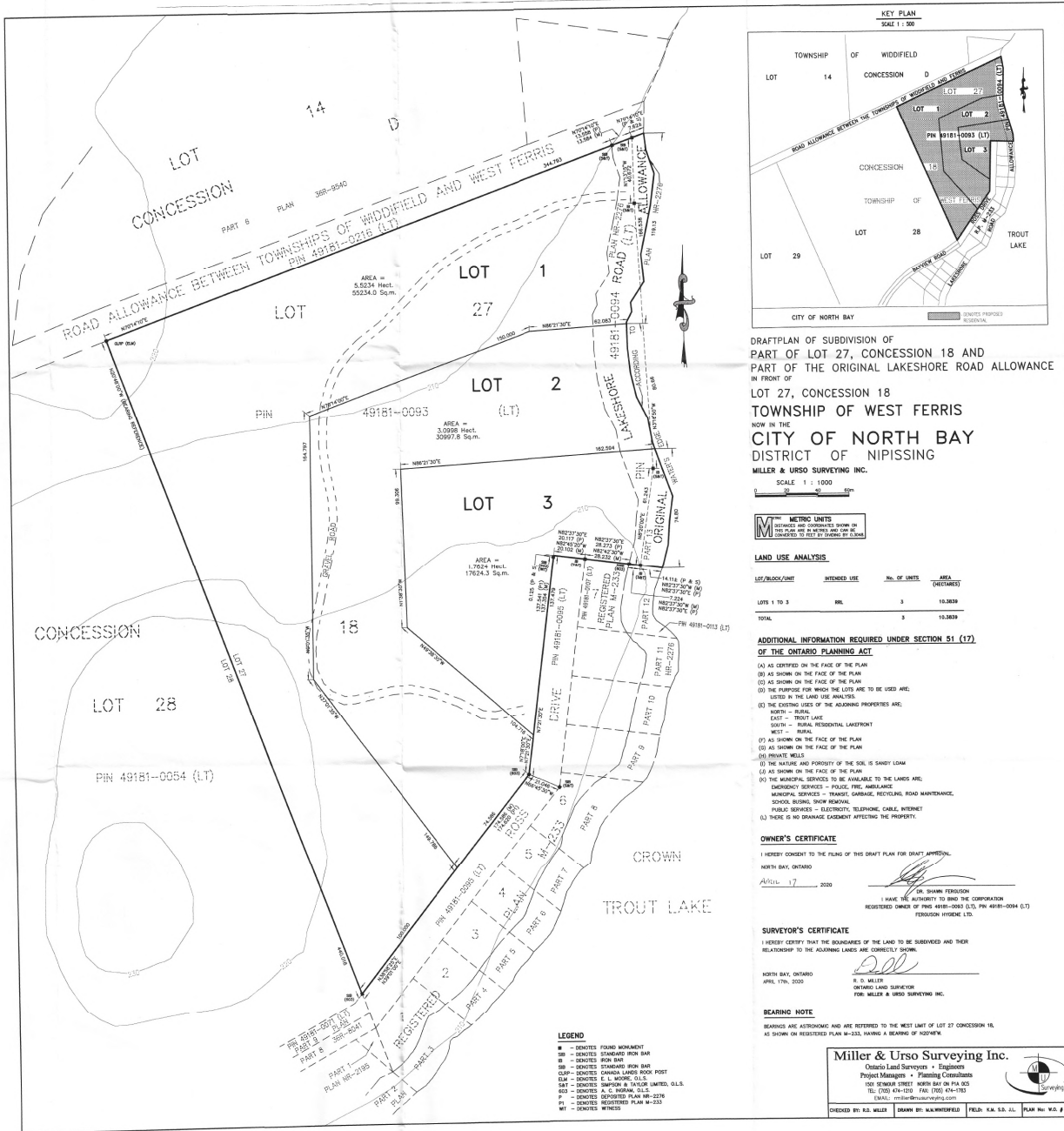
Title: Senior Planner – Current Operations

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2022\CSBU 2022-033 – ZBLA File #939 – Zoning By-law Amendment – 215 Ross Drive

# Schedule A



# Schedule B







## **Appendix A**

PIN 49181-0094 (LT)

PCL 10266 SEC WF; PT Lakeshore RDAL in front of LT 27 & 28 CON 18 West Ferris  
PT 13 NR2276I; North Bay; District of Nipissing

PIN 49181-0093 (LT)

PCL 3373 SEC WF; PT LT 27 CON 18 West Ferris as in LT57750, S/T DEBTS, if any,  
of Ernest Walker Ross; North Bay; District of Nipissing

## Appendix B – Correspondence

The Ministry of Transportation of Ontario (MTO) has reviewed the Zoning By-Law Amendment and a Draft Plan of Subdivision located at 420 Ross Drive. The subject lands are not located within MTO's permit control area, therefore, the MTO does not have any comments or concerns.

Have a great day,

Laurel

**Laurel Muldoon, MSc.Environmental  
Corridor Management Senior Project Manager**

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Operations Division, Northeast Region  
Ministry of Transportation  
447 McKeween Ave, Suite 301  
North Bay, Ontario, P1B 9S9

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Hello Peter few thoughts below on the proposed rezoning at 420 Ross Drive.

A. When 400 Ross Drive was purchased we were told by the City only one cottage could be built beside us at the Palmer cottage site at proposed Lot 1 on 420 Ross Drive. Since that time the Fergusons have built a private road allowing them to access all three proposed lots.

B. We were also told at the time of purchase Ross Drive ended at the turnaround and the path to our cottage would never be anything more. Therefore as part of this proposed rezoning we would ask that the road allowance closure be accepted abutting 400 and 420 Ross Drive.

C. With the proposed plan and the large lots sizes it appears the Fergusons are as concerned about wildlife habitat and preserving access to the lake for such as the Palmers before them. In saying that was just wondering why each lot doesn't have the same amount of lakefront - meaning why are they not all equal around 90 meters each.

D. Understand these three building lots are being permitted from a study done around 20 years ago. Are the results of this study still applicable today? We trust the City and the Fergusons on this matter.

Thank you,

Stephen

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Dear Mr. Carello,

Following our telephone conversation on Monday, February 28th, 2022 I would like to submit the following questions/concerns regarding the re-zoning and subdivision of 420 Ross Drive:

1. I would like to know where the three driveways are proposed to be for each individual residence.
2. I am concerned about the environmental impact of three additional septic systems on Trout Lake, in addition to the impact of potentially three additional water wells.

3. I am concerned about water drainage and potential flooding. There is a significant amount of wetland to the west and southwest of 420 Ross Drive which I believe drains through the property in question and into Trout Lake. Schedule B of the notice of proposed amendment indicates that there is no drainage easement affecting the property, but perhaps there should be. I would like to see some study and consideration given to this wetland and the water flow to prevent flooding on Ross Drive, Bayview Road, and the surrounding properties.

Please let me know when the Public Meeting regarding this proposed re-zoning and subdivision will be scheduled. Thank-you.

Sincerely,  
Mike Phelps  
390 Ross Drive  
North Bay

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I am writing with respect to the *Notice of Complete Application of an Official Plan Amendment, a Zoning By-law Amendment and a Draft Plan of Subdivision/ Condominium for the property identified as 420 Ross Drive*. My property at 293 Ross Drive (east side) runs contiguous to the subject property at 420 Ross for approximately 400+ meters, and shares a large marsh area on this front. I have no objection to the proposed subdivision. I do, however, wish to raise two issues.

There are two watersheds affected by any alterations on the Subject property. Looking at Schedule A of the Application, you can see a small pond west-southwest of the Subject property. That pond is a hub, with two small lakes and areas of swamp draining into it. From the pond there is drainage going in two directions. Primarily it drains northeast through a mix of swamp and marsh to Trout Lake through the subject property at 420 Ross. The surrounding area which is almost entirely forested drains into the swamp and marsh mix.

The second direction of flow appears to be southeast, through more swamp and marsh, eventually running south to the Lavase River system.

I would like suitable consideration given to the drainage issues with a view to avoiding flooding or other environmental issues.

My second comment is as to the status of "Part Lot 14 Plan 36R-3659" with waterfront that is contiguous with 420 Ross Drive at the north east corner. On MPAC's "About my Property", it is listed as "110-Vacant, residential/ recreational land on water." I understand that this Part Lot of one acre has been treated in the past as part of the larger 420 Ross lot, but does not seem to be included in the application. Assuming that the whole of the property, including Part Lot 14 is considered, does this mean that there is a fourth property here that will be separate and distinct, and subject to building? It will be helpful to have clarification at some point in the approval process.

Thank you for your attention.

*Andrew Finlay*

Mailing address: 290 Ross Drive  
North Bay, Ontario L9A0C3

## Appendix C – Conditions of Approval

- 1) That this approval expires five (5) years from the date of approval. If there is an appeal to the Ontario Land Tribunal under section 51 (39) of the *Planning Act*, the five (5) year expiration period does not begin until the date of the order of the Ontario Land Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under section 52(51) of the *Planning Act*.
- 2) This Draft Approval applies to the Plan of Subdivision prepared by Rick Miller, OLS as shown on the attached Schedule B dated April 17, 2020 which is comprised of three (3) Rural Residential Lots.
- 3) That all streets on the Plan of Subdivision be named to the satisfaction of the City of North Bay.
- 4) That no removal of trees be undertaken prior to final approval except: within the proposed road allowance; for survey purposes around the boundary of the Draft Approved Lands and for exploratory soils investigations for the purpose of estimating servicing costs.
- 5) That prior to signing the Final Plan by the Municipality, the proposed Subdivision conform with the Zoning By-law in effect for the Municipality.
- 6) That the owner agrees in writing to satisfy all requirements, financial and otherwise of the City of North Bay concerning provision of roads, installation of services, and drainage.
- 7) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 8) That the Subdivision Agreement between the owner and the Municipality contain wording acceptable to the City Engineer to ensure that:
  - a) the owner agrees that a Stormwater Management Plan shall be undertaken by a professional engineer with respect to the Subdivision describing best management practices and appropriate measures to maintain quality storm runoff, both during and after construction; and
  - b) The Stormwater Management report shall also address any slope stability or any hydrogeological issues associated with this development
  - c) Any recommendations forthcoming from the Stormwater Management Study shall be incorporated into the final Subdivision site design and implemented to the ongoing satisfaction of, and at no expense to, the Municipality.
- 9) That the owner agrees to convey up to 5% of the land included in the plan or cash-in-lieu to the Municipality for park or other public recreational purposes.
- 10) That the owner agrees to provide locations for centralized mail delivery acceptable to Canada Post Corporation or other alternative systems as may be normally required

by Canada Post.

- 11) That the Subdivision Agreement between the owner and the Municipality be registered by the Municipality against lands to which it applies once the Plan of Subdivision has been registered prior to any encumbrances.
- 12) The Subdivision agreement for the subject Subdivision application shall include a statement informing the first purchaser of a lot within the subject Plan of Subdivision that prior to the issuance of a building permit, the purchaser may be required to pay Development Charges
- 13) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 14) That the owner acknowledges that a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit may be required from the North Bay-Mattawa Conservation Authority. The subject lands are within an area regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 162/90. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario.
- 15)
  - (a) That the owner acknowledges that the property is in an area where Species at Risk may be present. The owner agrees to engage the services of a third party professional to complete a Species at Risk Assessment and that any recommendations from the study shall be incorporated into the final Subdivision site design.
  - (b) That the owner agrees to incorporate all recommendations from the "Preliminary Ecological Site Assessment" study prepared by Fri Corp Ecological Services dated August 17, 2018 and revised November 28, 2019 at the owner's sole expense.
- 16) That the owner agrees to incorporate all recommendations from the "Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan" prepared by Michalski Nielsen Associates Limited dated November 2019 at the owner's sole expense, except where the recommendations by said study are superseded by recommendations from the North Bay Mattawa Conservation Authority or the recommendations from Hutchison Environmental Services.
- 17) That the owner agrees to utilize a tertiary septic system for all private septic systems on the subject property. The owner further agrees to locate the septic system a minimum of thirty (30) metres from the shore of Trout Lake in a location approved by the North Bay Mattawa Conservation Authority.
- 18) The Owner agrees that any third party professional engaged to provide consulting services shall inspect the property following construction to confirm that their recommendations were incorporated into the built form. The third party consultant shall provide a letter to the City with this confirmation at the Owner's sole expense.
- 19) The Owner acknowledges that each of the lots of the Subdivision will be subject to Site Plan Control prior to a building permit being issued for the development and/or redevelopment of the unit(s). The Site Plan Control Agreement will address all

aspects of site development including but not limited to building envelopes, setbacks, vegetative buffers, shoreline development, septic system location, septic system monitoring and all recommendations from the Stormwater Management (Phosphorus Reduction) Study and Landscaping Plan” prepared by Michalski Nielsen Associates Limited dated November 2019 or the recommendations from Hutchison Environmental Services, at the Owners sole expense.

- 20) That before City Council's Final Approval is given, the Council shall be advised in writing by the City of North Bay's Engineering and Environmental Services how Condition No. 8 has been satisfied.
- 21) That before City Council's Final Approval is given, the Council shall be advised in writing by the Director of Parks, Recreation and Leisure Services how Condition No. 9 has been satisfied.
- 22) That before City Council's Final Approval is given, the Council shall be advised in writing by Canada Post Corporation how Condition No. 10 has been satisfied.
- 23) That before City Council's Final Approval is given, the Council shall be advised in writing by the North Bay-Mattawa Conservation Authority how Conditions No. 14, 15 and 16 have been satisfied.

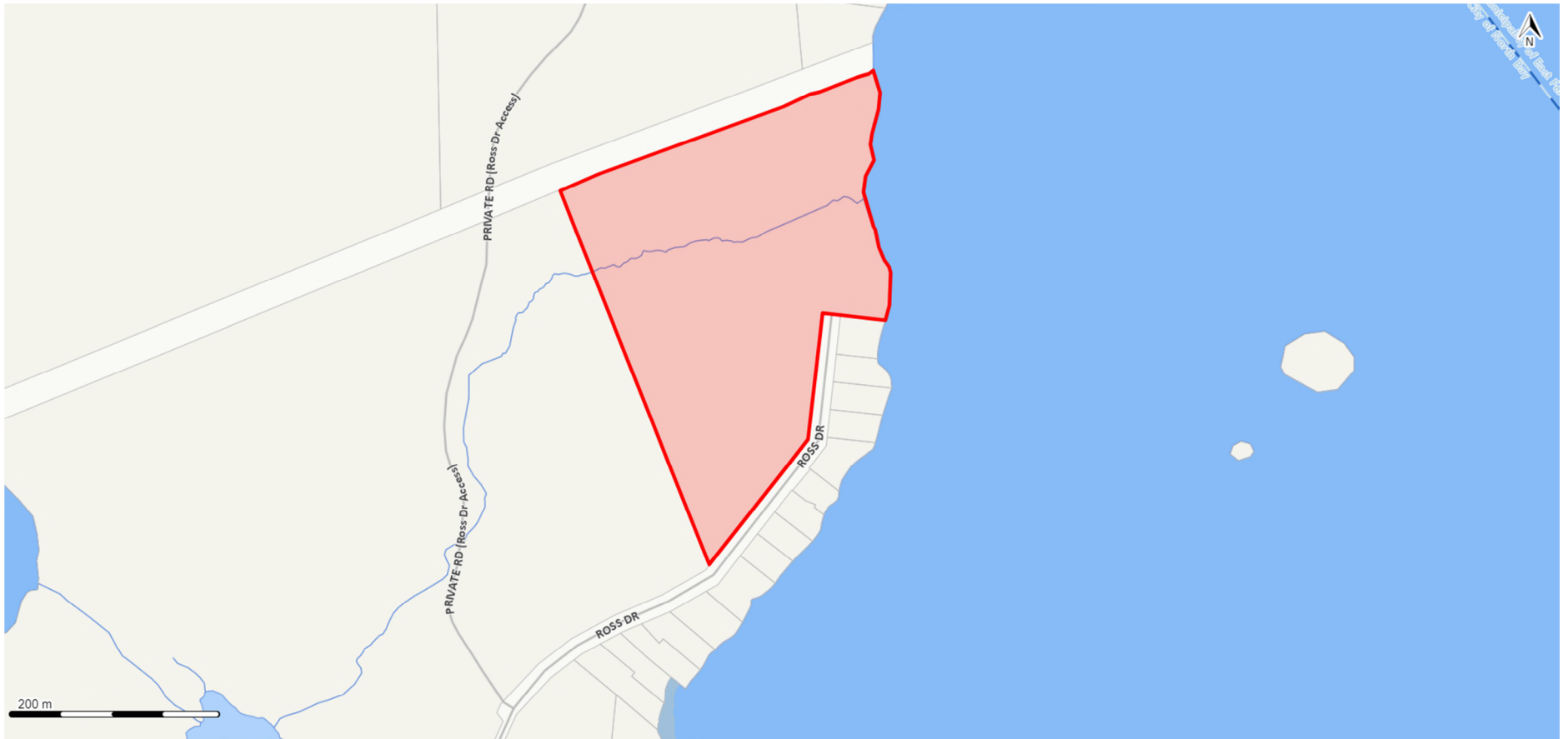
#### NOTES

- 1) We suggest you make yourself aware of the following:
  - a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
  - b) Section 143(2) allows certain exceptions.
- 2) Prior to any construction, the Owner should contact the North Bay Mattawa Conservation Authority to discuss specific concerns identified by the Conservation Authority.
- 3) Prior to any construction, the Owner/Developer should contact the Ministry of Environment, Conservation and Parks (MECP) to determine if Species at Risk and/or their habitat is present in the general vicinity of the development area.
- 4) An electrical distribution line operating below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on wood poles supporting conductors stating “*Danger – Overhead Electrical Wires*” in all locations where personnel and construction vehicles might come in close proximity to the conductors.

- 5) Private water supply and sewage disposal facilities must be approved by the Ministry of the Environment, or its agent in certain areas, in accordance with Ontario Regulations 229/74 as amended, made under the Environmental Protection Act, 1971, as amended.
- 6) We recommend you make yourself aware of applicable Federal and Provincial laws regarding construction in proximity to waterbodies.
- 7) The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).
- 8) The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with North Bay Hydro Distribution Ltd that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with North Bay Hydro policies and the Ontario Distribution System Code.



## Schedule "27-A"



### Legend



Item No. 1 - From a "Rural" designation to a "Lakefront Residential" Designation