

THE CORPORATION OF THE CITY OF NORTH BAY

BY LAW NO. 71-76

The Council of The Corporation of the City of North Bay, in accordance with the provisions of The Planning Act, R.S.O. 1970, and amendments thereto, hereby enacts the following as a By-law:

1. That the attached map and explanatory text constituting Amendment No. 4 to the Official Plan of the North Bay Planning Area are hereby adopted.
2. That the appendices constitute revisions to the appendices only of the Official Plan and shall not constitute part of this Amendment.
3. That the Clerk is hereby authorized and directed to make application to the Ministry of Housing for approval of the aforementioned Amendment No. 4 to the Official Plan of the North Bay Planning Area.
4. That this By-law shall come into force and take effect on the day of final passing thereof, subject to the approval of the Minister of Housing.


READ A FIRST TIME IN OPEN COUNCIL THIS 10TH DAY OF MAY, 1976.

READ A SECOND TIME IN OPEN COUNCIL THIS 25TH DAY OF MAY, 1976.

READ A THIRD TIME AND FINALLY ENACTED AND PASSED THIS 25TH DAY OF MAY, 1976.

.....

MAYOR

.....

CITY CLERK

AMENDMENT NO. 4 TO THE OFFICIAL PLAN
OF THE NORTH BAY PLANNING AREA

DECEMBER 1975

THE CORPORATION OF THE CITY OF NORTH BAY

NORTH BAY
ONTARIO

AMENDMENT NO. 4 TO THE OFFICIAL PLAN
OF THE NORTH BAY PLANNING AREA

The attached Schedule "A" and Explanatory Text constitute Amendment No. 4 to the Official Plan of the North Bay Planning Area. It was prepared by the North Bay Planning Board and was recommended to the Council of the City of North Bay under the provisions of Section 12 of The Planning Act, on the 16th day of FEBRUARY, 1976.


Planning Board
Seal



CHAIRMAN


SECRETARY-TREASURER

This Amendment was adopted by The Corporation of the City of North Bay by By-law No. 71-76 in accordance with Sections 13 and 17 of The Planning Act, on the 25th day of May, 1976.

Corporate Seal


MAYOR


CLERK

This Amendment to the Official Plan of the North Bay Planning Area, which has been recommended by the North Bay Planning Board and adopted by the Council of The Corporation of the City of North Bay, is hereby approved in accordance with Sections 14 and 17 of The Planning Act, R.S.O. 1970.

Date: _____

MINISTER OF HOUSING

AMENDMENT NO. 4 TO THE
OFFICIAL PLAN

The following text and plan,
designated as Schedule "A,"
attached hereto constitute
Amendment No. 4 to the Official
Plan of the North Bay Planning
Area.

PURPOSE

The Amendment is required to permit some flexibility in the Rural Severance Policy as it presently exists in the Official Plan. Since the enlargement of the City in 1968, a rather strict Rural Severance Policy has been adhered to by the City. Planning Board and Council, in response to the statement made by the Honourable Donald Irvine, former Minister of Housing, in early 1975 regarding some relief in the Urban Development in Rural Areas (U.D.I.R.A.) Policy and in conformity with the Ministry of Housing's Intra-Family Severance Policy, have reviewed the local situation and have proposed the following Amendment to the Official Plan of the North Bay Planning Area. Hence, this Amendment will add a new section to the Plan through which a means of creating three (3) lots or less will be permitted by severance through the Committee of Adjustment to compliment the existing Rural Estates Policy (Section 2.9.4) which provides a means of creating four (4) lots or more in the Rural Area of the Planning Area by Plan of Subdivision. It will still be the intent of the Plan to discourage wide-spread residential growth in the Rural Area of the Planning Area by way of land severances.

LOCATION

This Amendment applies to all those areas which are marked "Rural" as shown on Schedule "A" attached hereto, being "Schedule 'A' - Urban and Rural Areas" of the Official Plan and forming part of this Amendment. The Planning Area is one hundred and twenty-eight (128) square miles in size, of which approximately three-quarters (or ninety-six square miles) is designated "Rural" and lies outside the Urban Service Boundary.

BASIS OF THE AMENDMENT

After due consideration of the present Rural Severance Policy and the effect which any change in this policy might have on the financial structure of the Municipality, Planning Board and Council have chosen the policy option which is embodied in this Amendment. It offers some relief from the strict Rural Severance Policy which is now in effect in the Planning Area. On assessing the maximum number of parcels of land potentially affected by this Amendment, it is felt that this policy will not place any undue stress on the Municipality's financial position.

- continued/

This policy will augment the "Infilling" provision contained in Section 2.9 of the Plan and the "Rural Estates" policy contained in Section 2.9.4 of the Plan.

In summary, then, the intent of the Amendment is to provide some flexibility for long-term rural dwellers who may wish to sever parcels of land for their immediate family members. Therefore, Planning Board and Council now consider it advisable to amend the Official Plan to permit the inclusion of Section 2.9.15 into the Plan, being an Intra-family Severance Policy.

POLICY

It is the intent of this Amendment to the Official Plan that a policy of Intra-family Severances be adopted and that the policies for new residential growth through "Infilling" and "Rural Estates" be unchanged and the general philosophy of grouped developments in the Rural Area be encouraged.

DETAILS OF THE AMENDMENT

Section 2.9 of the Official Plan is hereby amended by adding the following Subsection:

"2.9.15 In the Rural Area of the Planning Area, severances shall be permitted provided the following policies are adhered to:

- (a) That the provisions of Sections 2.9.12, 2.9.13 and 2.9.14 are met;
- ✓ (b) That the applicant's principal residence is on the land at the time of application;
- ✓ (c) That the applicant has held the original parcel of land for a minimum of ten (10) years;
- ✓ (d) That the original parcel of land is a minimum of forty (40) acres in size;

- continued/

- (e) That a maximum of two (2) lots, which are contiguous to each other, may be severed from the original parcel which was held under separate ownership by the registered owner at the time of the approval of this Amendment;
- (f) That the transfer can only be made to a son, daughter, grandson or grand-daughter.
- (g) That the lot created must have a minimum area of five (5) acres and have a frontage of two hundred and fifty (250) feet on a year-round, publicly-maintained road;
- (h) That any parcel(s) severed from the original parcel be located such that an infilling situation between the severed and retained parcels of land is not created. Therefore, the "Infilling" provision contained in Section 2.9 of the Official Plan will not apply to any parcel of land on which Intra-family Severance(s) has(have) been granted; and
- (i) That any parcel severed from an original holding shall not be severed or further subdivided.

IMPLEMENTATION

This Amendment to the Official Plan shall be implemented in accordance with the implementation policy of the Official Plan as contained in Section 10 thereof.

INTERPRETATION

This Amendment to the Official Plan shall be interpreted in accordance with the interpretation policy contained in Section 11 thereof.

APPENDICES

The following Appendices are not intended to form part of the approved Amendment No. 4, but are included only for the purpose of providing information in support of this Amendment.

APPENDIX NO. 1

PUBLIC MEETING

A. NOTICE

The following Public Notice was placed in the local newspaper on January 22nd, January 23rd and January 24th, 1976, to notify the public of the impending Amendment to the Official Plan:

**PUBLIC
MEETING
NORTH BAY
PLANNING BOARD**

Thursday
February 5th, 1976
at 7:30 p.m.
211 Highland Road

The North Bay Planning Board will conduct a Public Meeting at 7:30 p.m., on Thursday, February 5th, 1976, in the Board Room, 211 Highland Road, to obtain the views of concerned citizens with regard to an Amendment to the Official Plan of the North Bay Planning Area to permit some flexibility in the Rural Severance Policy as it presently exists in the Official Plan.

This Amendment would add a new Section to the Official Plan which would permit intra-family severances in the rural area of the planning area subject to a particular set of development controls.

T. Bywater
Chairman
NORTH BAY
PLANNING BOARD

APPENDIX NO. 2

MINUTES OF MEETING

MINUTES:

MINUTES
OF A PUBLIC MEETING OF THE NORTH BAY PLANNING BOARD
REGARDING AMENDMENT NO. 4 TO THE NORTH BAY OFFICIAL
PLAN, HELD IN THE BOARD ROOM, 211 HIGHLAND ROAD ON
THURSDAY, FEBRUARY 5, 1976, AT 7:30 P.M.

PRESENT:

Planning Board: T. Bywater, Chairman
E. Ricciuto
R. Lachapelle
M. Purdy
Dr. D. Anthony
M. Taylor
Alderman R. J. Moynan
S. Domanico

Planning Dept.
Staff: M. L. Daiter
W. C. Raycraft
H. R. Gale
S. W. Kidd

Interested
Citizens: Seventeen (17) interested
citizens from the Rural Area
of the Planning Area.

The meeting was opened by the Chairman at 7:30 p.m., and he called upon Mr. Gale of the Planning Department Staff to give a brief history of the reason for the Amendment and the contents of the Amendment.

No objection was made by any of the persons present to this proposed Amendment to the Official Plan. Several people did indicate a desire to see the 50-acre minimum land ownership requirement, which is one of the development criteria used in the policy, reduced to 20 or 25 acres. The Chairman of the Planning Board indicated after some discussion that the Planning Board would review the development criteria at its next meeting prior to making a recommendation to Council.

As there were no further questions concerning this matter, the meeting was adjourned at 8:30 p.m.

CHAIRMAN

APPENDIX NO. 3

SUPPORTING DATA

The City of North Bay is 128.9 square miles in area. One-quarter of this land area is "Urban" in nature, while the remaining three-quarters is "Rural" in composition. With this type of areal breakdown in landuse, the Rural policies contained within the Consolidated Official Plan are of major importance and are continually under pressure for change.

Official Plan Policies:

The City, through its Committee of Adjustment, has since 1968 been involved in a concerted effort to discourage rural residential growth by way of land severances. It is generally felt that the uncontrolled residential development of the Municipality's Rural Area could develop into a serious problem. Without proper guidance, ribbon residential growth one lot deep along secondary roads may evolve, resulting in pressure being applied to the Municipality to provide garbage collection, a higher level of road maintenance, school bus services, ambulance services, and more intensive fire and police protection. Without a sufficient tax base in the Rural Area to recoup the cost of these services, it then becomes the responsibility of the Urban ratepayers to subsidize the rural dwellers. This situation can put tremendous stress on the financial structure of a Municipality.

In Section 2.9.1, as a general statement, it is the intent of the Consolidated Official Plan approved in December of 1974 to discourage rural non-farm residential growth and ribbon commercial growth. This general statement is reinforced in Section 2.9.14 which governs the operations of the Committee of Adjustment and the criteria acceptable for Rural Area land severances. Along this same theme, Section 2.9.12 discourages the further development of Redbridge, Feronia and Nipissing Junction as "satellite communities". In time, these communities may be and should be encouraged, but presently the Municipality cannot afford the capital costs of installing emergency sub-stations or the capital costs of sewage treatment facilities or community wells, if required.

In Section 2.9.1 there is a provision, however, for infilling or the creation of a new lot by way of a severance. This policy applies only to properties located between two existing dwellings that are not further apart than four hundred (400) feet. This limited growth does allow a certain amount of continued strip development, but is used to increase the density of areas already under a general residential landuse.

Section 2.9.4 contains the "Rural Estate" policy which allows the development of new residential projects in the rural area and in part satisfies the desires of those people who are seeking a rural life-style. The "Rural Estate" concept envisages the establishment of small rural groupings of four or more individual lots; each lot being a minimum of five acres. This concept tries to promote, through grouping, lineal depth to a project for optimum property allocation, a form of community identity, and a concentration of homes that can perhaps support a store or its own recreation program. The grouped concept is one alternative in trying to avoid ribbon development and its associated high cost and low revenue per mile problem.

The method of approving Estate developments is long and costly in that Official Plan and Zoning By-law Amendments are necessary and the property can only be subdivided by Registered Plan. Incorporated into this procedure are soil and water reports and an analysis of the physical, social and economic impact of the project on the Municipality. This method of approval includes a three-system check involving the Provincial Agencies, the Municipality and the surrounding property owners.

Thus, the Official Plan clearly envisages very limited growth in the Rural Planning Area, but does allow for new residential projects if they are concentrated in groups of four lots or more, or if they are infilling to concentrate existing residential uses.

Policy Review:

In order to determine what impact might be felt in the Municipality, if the rural policies were relaxed, a review of the areas affected was undertaken. This review, as reflected on the attached map, was done very simplistically and involved only basic parameters.

The Rural Area was spatially defined by showing on the map the Urban Area, the Lakefront Residential Area, the remaining shores of Trout Lake Area (Section 2.9.8) and two areas presently designated or under review for Parklands. Within this defined area, there was a further definition on the map by showing lands in private long-term use (airport, psychiatric hospital, Dupont, etc.), lands held by the Crown and/or City, and strips of land along Provincial Highways. The remaining undefined parcels then became areas of potential residential development. Existing uses within these areas or topographic suitability were not considered.

Cost to the Municipality of servicing the Rural Area is one of the prime factors for discouraging development. Emergency services (fire, police and ambulance) are a basic form of service that cannot be denied anyone living within the corporate limits of the City. As such, the cost of these particular services was used as a base parameter. At the present time,

the Rural Area receives its emergency services from the Urban system, and any extension of this system to increase emergency response efficiency would require the creation of a rural sub-station complex.

To show the limit of the present service, the Fire Department, which experiences more difficulty in responding to emergencies (truck speed, set up time) was contacted. From discussions with them, an arbitrary line was drawn on the map representing a general response time of eight to ten minutes, or the limit to which they feel a reasonable level of service under the present situation can be offered. The remaining undefined areas were then broken into districts on either side of the arbitrary limit.

Five districts as shown on the map were identified within the emergency service line. These districts combined have a total of some 6,000 acres which could, after park and road dedications, "ideally" accommodate on five acre lots some 1,000 dwelling units (see Attachment #1). The three remaining districts are located east of the line and, if they were allowed to grow, would require some form of emergency facility. These districts combined total some 8,300 acres and could "ideally" accommodate, after parks and Municipal land dedications, some 1,400 dwelling units on five acre lots (see Attachment #1). In considering Rural Estate applications, the arbitrary line could be used as a "guide" in analyzing location.

If the policies regarding land severances were totally relaxed and the whole rural area was opened up to the creation of ribbon residential development, there are some 22 miles of secondary roads that could "ideally" accommodate some 929 dwelling units on lots having a frontage of 250 feet per dwelling unit (see Attachment #2). This situation would put tremendous pressure on the Municipality to provide higher levels of service, and would represent a very poor allocation of property resources.

Policy Changes:

The philosophy involved in creating new residential projects in the rural area is based on a grouping concept. This philosophy is clearly reflected in the "Estate Policy" and the "Infilling Policy" presently contained within the Plan. To encourage new developments on any other basis would be dangerous and condoning strip development.

The Plan is, however, very strict and inflexible in dealing with family severances. The only response to an application presently available to the Committee of Adjustment is a flat denial. It is interesting to note that in the Official Plan as adopted by both Planning Board and City Council, there is in Section 2.9.4 paragraph (c) a clause allowing intra-family severances.

This clause, however, was removed by the Minister of Housing along with several others by modification number 29. Clause (c) was, in fact, listed in the wrong area (under Estate Development) which may have explained its deletion.

Intra-family severances, if allowed by a single paragraph general sentence, could be dangerous and result in an abuse that would allow unrestricted ribbon development which the Plan clearly discourages. It could, though, provide some flexibility if properly controlled.

The people who require this flexibility most are older people who have had a long attachment of living on the land, and are no longer able to maintain the property themselves or require a relatively close neighbour for security and safety reasons. This group must now sell their property, uproot themselves, and move into the urban area. The fairness of this situation is questionable and it is a remedy to this circumstance that is being sought.

The most evident remedy is to allow another family member to purchase a severed-off parcel and move into the area, thus providing help in maintaining the land and the security of close neighbours.

The policy statement that would implement this particular remedy should be very specific and qualified to prevent its subversion or abuse. The regulations should be as follows:

- 1) The Applicant must be living on the land at the present time and must have held the original parcel for a minimum of ten (10) years.

This clause provides relief for a person already living in the area with long-term attachment to the land.

- 2) A minimum of forty (40) acres in original parcel is required to qualify.

This clause involves assurance that maintenance of the land is a problem. The forty (40) acre figure represents 1/8 of a Concession Lot in the Township of Widdifield. There have been some 216 eligible (by acreage only) lots identified in the assessment rolls.

- 3) A maximum of two (2) contiguous lots may be severed from the original parcel, and may only be transferred to members of the immediate family (father, mother, father-in-law, mother-in-law, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, brother or sister).

This clause defines the family members eligible and limits severances to provide only the companionship or maintenance help for the original owner, and does not encourage new rural growth.

- 4) A lot created by an intra-family severance is to be a minimum of five (5) acres in size, have a minimum frontage of 250 feet, and maintain a basic lot ratio of 1:3.

This clause allows five (5) acre lots, which are large enough to maintain septic and well facilities, but are not wasting property.

- 5) All other provisions of Section 2.9.14 of the Official Plan governing the criteria to be used by the Committee of Adjustment in granting severances in the Rural Area shall apply.

These policies would allow, under the provisions outlined, a limited number of severances probably to an ideal maximum of 196 lots, or approximately 590 dwelling units, 386 of these being newly created dwelling units.

Conclusion:

The policies for new residential growth through infilling and rural estates be unchanged, and the philosophy of a grouped project be encouraged. The policies governing rural severances be amended to provide some flexibility for long-term rural dwellers who wish to sever parcels for their immediate family members. Section 2.9.14 delineating severance policies should be maintained, and a new section (2.9.15) be added allowing intra-family severances where the original parcel is a minimum of forty (40) acres, the applicant lives on the land, has held the original parcel for a minimum of ten (10) years, and only two (2) lots per parcel of a minimum of five (5) acres and a minimum two hundred and fifty (250) feet frontage being allowed.

ATTACHMENT #1

DISTRICT ACREAGES AND DWELLING UNITS

DISTRICT	ACREAGE	NO. OF D.U.* ON 5 ACRE LOTS
#1	1,950	331
#2	440	74
#3	585	99
#4	436	73
#5	2,673	454
Sub-Total	6,084	1,031
#6	1,152	195
#7	5,009	851
#8	2,184	371
Sub-Total	8,345	1,417
GRAND TOTAL	14,429	2,448

* The Number of Dwelling Units were derived by deducting 15% of the acreage for parks, roads, etc., and dividing the remainder by five acres for each lot. This is an ideal figure and does not consider existing land uses or topography.

ATTACHMENT #2

RURAL SEVERANCES

1. Number of Miles of Rural Secondary Roads: 22
2. Number of Dwelling Units at 250 Feet of Frontage per Dwelling Unit: 929 *

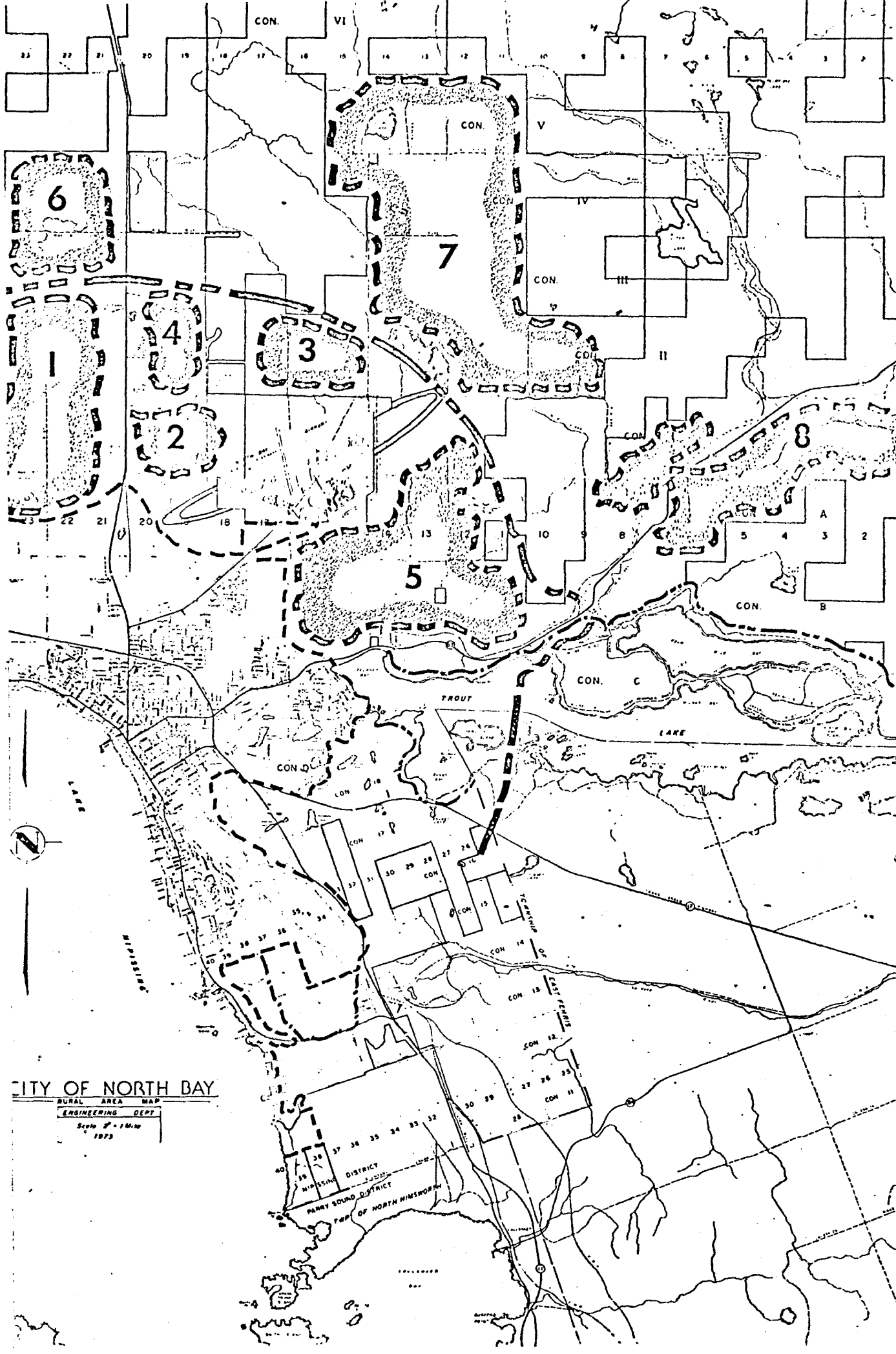
* The Number of Dwelling Units were derived by taking the number of miles of Secondary Road divided by a severance of 250 feet of frontage on both sides of the road for every mile, regardless of existing land use or topography.

ATTACHMENT #3

NO. OF PARCELS OF 25 ACRES OR GREATER *

POLL SUBS.	NO. OF PARCELS BY ACREAGE		ELIGIBLE PARCELS							
	LESS THAN MIN. REQUIREMENT		40-49	50-59	60-69	70-79	80-89	90-99	100 +	
	25-29	30-39								
64	2	2	4	1	2	9	15	0	33	
65	2	6	11	1	3	8	13	2	44	
66	3	3	2	2	2	0	7	0	15	
67	0	1	0	1	0	1	5	0	9	
69	1	1	2	3	1	4	4	0	4	
76	0	1	1	1	1	1	1	0	3	
TOTAL	8	14								
			20	9	9	23	45	2	108	216

* This chart was prepared from a review of the Assessment Rolls based on the acreages recorded. It does not consider topography location, owner's desire or time held. It does not include Crown properties, City properties or property held by companies.



CITY OF NORTH BAY

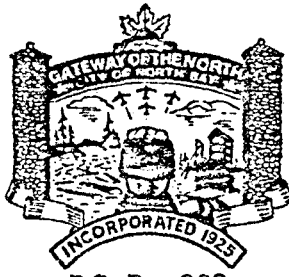
RURAL AREA MAP
 ENGINEERING DEPT
 Scale 1" = 100' W
 1973

APPENDIX NO. 4

CLAUSE No. 3 --

GENERAL GOVERNMENT COMMITTEE REPORT NO. 19-76

(APRIL 26, 1976)



P.O. Box 360

CITY OF NORTH BAY

ONTARIO, CANADA

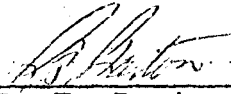
PIB 888

CLAUSE NO. 3

"That the proposal of the Planning Board to amend the Official Plan to provide for Intra-Family Severances be adopted subject to the following changes being made:

- (a) That the transfer can be made only to sons, daughters and grandchildren; and
- (b) To provide that any parcel severed from an original holding shall not be severed or subdivided further."

I, Robert F. Barton, Clerk of the Corporation of the City of North Bay, do hereby certify that the above is a true copy of Clause No. 3 of the General Government Committee Report No. 19-76 which was adopted by City Council at its regular meeting held Monday, 26 April 1976.



R. F. Barton
City Clerk

Dated at North Bay
this 30th day of
April, 1976.

.3.

- (e) That a maximum of two (2) lots, which are contiguous to each other, may be severed from the original parcel which was held under separate ownership by the registered owner at the time of the approval of this Amendment;
- (f) That the transfer can only be made to a member of the immediate family, i.e. father, mother, father-in-law, mother-in-law, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, brother or sister;
- (g) That the lot created must have a minimum area of five (5) acres and have a frontage of two hundred and fifty (250) feet on a year-round, publically-maintained road;
and,
- (h) That any parcel(s) severed from the original parcel be located such that an infilling situation between the severed and retained parcels of land is not created. Therefore, the "Infilling" provision contained in Section 2.9 of the Official Plan will not apply to any parcel of land on which Intra-Family Severance(s) has (have) been granted.

IMPLEMENTATION

This Amendment to the Official Plan shall be implemented in accordance with the implementation policy of the Official Plan as contained in Section 10 thereof.

INTERPRETATION

This Amendment to the Official Plan shall be interpreted in accordance with the interpretation policy contained in Section 11 thereof.