

The Corporation of the City of North Bay

By-Law No. 2020-16

Official Plan Amendment No. 22

1670432 Ontario Ltd., 143 Birchs Road and 189 Legault Street

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 1 of 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. 22 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 this 11th Day of February, 2020.

Read a Second Time in Open Council this 11th Day of February, 2020.

Read a Third Time in Open Council and Passed this this 11th Day of February, 2020.

Mayor, Allan McDonald

City Clerk, Karen Mclsaac

**Amendment No. 22 to the
City of North Bay's Official Plan**

(1670432 Ontario Ltd., 143 Birchs Road and 189 Legault Street)

February 11, 2020

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

Amendment No. 22 to the City of North Bay's Official Plan

The attached Schedule "22-A" and explanatory text constitute Amendment No. 22 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. 2020-16 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 11, 2020.

Corporate Seal

Mayor, Allan McDonald

City Clerk Karen McIsaac

Amendment No. 22 to the City of North Bay's Official Plan

The following text and plan designated as Schedule "22-A" attached hereto constitute Amendment No. 22 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 West Ferris Planning District from “Residential” to “General Industry” and “Open Space”.

In an application deemed complete on August 28, 2019, the Applicant applied for an Official Plan Amendment in order to permit the creation of an industrial subdivision on the subject property.

B) Basis of the Amendment

The Amendment applies to PIN 49178-0399 (LT) PT LT 38 CON 14 WEST FERRIS PT 1 36R12559; NORTH BAY; DISTRICT OF NIPISSING. PIN 49178-0401 (LT) NORTH HALF OF LOT 38, CONCESSION 14, WEST FERRIS, AS IN LT42650 ('A' FIRSTLY) SAVE AND EXCEPT PART 1, PLAN 36R-12559, PARTS 1 AND 2, PLAN 36R-12489 CITY OF NORTH BAY. Combined, the properties have total lot area of 16.3 hectares (40.3 acres) and lot frontage of approximately 300 metres on Birchs Road.

The westerly edge of the property (approximately 1 hectare (2.3 acres)) is currently developed with a legal non-conforming triplex with a construction yard located in the rear yard. The remainder of the property is currently vacant.

The subject property is located between existing residential uses and the existing Gateway Industrial Park. The properties abutting the subject lands to the north, south and west are residential uses with the exception of a general institutional use at 820 Lakeshore Dr. All the properties located to the east of the subject lands are industrial uses with the exception of a residential property at 189 Birchs Rd.

The intent of this Official Plan Amendment is to create a new industrial Plan of Subdivision for general industrial use.

C) Details of the Amendment

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

Item No. 1 Schedule "1" - "Settlement Area" to the Official Plan is hereby amended by changing the designation of the lands shown on Schedule "22-A" to this Amendment from "Residential" to "General Industry" and “Open Space”.

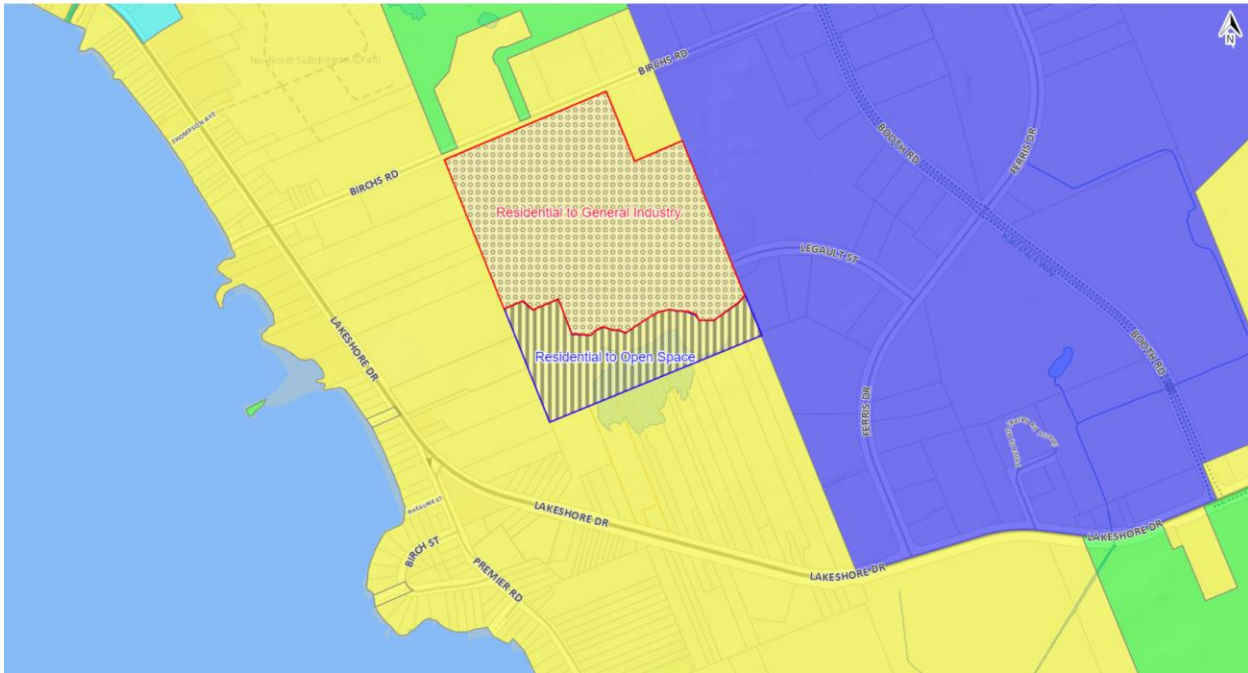
D) Implementation

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 "22-A"



APPENDICES

The following Appendix is not intended to form part of the approved Amendment No. 22, but is included only for the purpose of providing information in support of this Amendment.

Appendix No. 1

**Staff report dated December 19, 2019 and Supplemental Staff
Report dated January 17, 2020.**



City of North Bay Report to Council

Report No: CSBU 2020-05

Date: January 17, 2020

Originator: Beverley Hillier, Manager, Planning & Building Services

Business Unit:

Community Services

Department:

Planning & Building Department

Subject: Supplemental Report – Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision on behalf of DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon – 143 Birchs Road and 189 Legault Street in the City of North Bay.

Closed Session: yes no

Recommendation

- 1) That the proposed Official Plan Amendment by DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd. and Mark Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to change the Official Plan designation for the properties legally described in Appendix A and as shown on Schedule “A” to Report to Council Number CSBU 2020-05 from “Residential” to “General Industry” and “Open Space”, be approved.
- 2) That the proposed Zoning By-Law Amendment by DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd and Mark and Tammy Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to rezone the properties legally described in Appendix A and as shown on Schedule “B” to Report to Council Number CSBU 2020-05 from a “Residential Holding (RH)” zone

to a “General Industry (M2)” zone and an “Open Space (O)” zone, be approved.

- 3) That the proposed Plan of Subdivision (12 lots, 4 blocks for industrial development and 1 block for environmental protection, Subdivision File No.48T-19101) by James Dorland, OLS, on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon for portions of the lands described in Appendix A to Report to Council Number CSBU 2019-39, shown as Schedule “C” attached hereto, be given Draft Approval subject to the conditions in Appendix C to report to Council Number CSBU 2020-05 prepared by Beverly Hillier dated January 17, 2020.
- 4) That the subject properties be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Background

DeLoyde Development Solutions Ltd. has submitted an application on behalf of 1670432 Ontario Ltd. and Mark Truchon for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for two properties located at 143 Birchs Road and 189 Legault Street respectively. If approved, the subject lands would be re-designated from “Residential” to “General Industry” and rezoned from “Residential Holding (RH)” to “General Industry (M2)” and “Open Space (O)”. It would also establish a Draft Plan of Subdivision over both the subject properties, as shown on Schedule “C” attached hereto, to permit industrial development.

Planning Staff reviewed and processed these applications as per the City’s standard process. This culminated in the preparation of a Planning Report recommending approval of these applications through Report to Council No. CSBU 2019-39.

The Statutory Public Meeting held under the Planning Act occurred on January 6th, 2020. Several members of the public made presentations before City Council and asked questions about certain aspects of the proposed Plan of Subdivision. The matter remained on Committee for further discussion and information.

The Agent for the applicant has provided a letter outlining additional information for Council’s consideration and a letter from TZR Contracting indicating their commitments related to the concerns raised. These letters are attached for information purposes.

Financial/Legal Implications

No financial implications for the City of North Bay have been determined at this time.

Corporate Strategic Plan

- | | |
|---|---|
| <input 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 checked="" 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
 - Engage the business community in identifying and developing economic opportunities
 - Diversify the property tax base
-

Options Analysis

The following addresses the questions and comments that were brought forward by both City Council and members of the public during the public meeting held.

Environment/Species

Several members of the public expressed concerns about the species and their habitat on the property and how the proposed subdivision could affect this. FRI Ecological services was retained to complete an Environmental Impact Study (EIS) on the property.

FRI conducted 12 field visits within the spring and summer of 2019 to study the natural heritage features and their associated ecological functions. The natural heritage features and their associated ecological functions on or within 120 meters of the property boundary and potential impacts assessed were the following;

- a) Habitats of endangered and threatened species
- b) Significant wetlands
- c) Significant wildlife habitat
- d) Significant areas of natural and scientific interests (ANSIs),
- e) Fish habitat

Two sites of aquatic habitat, in the form of ponded water were identified on the property to the north and south of the subject lands.

- The pond to the north of the property is the result of snowmelt from residential hauled snow storage over the winter months
- The pond to the south is a large, permanent open water wetland that supports aquatic vegetation and fish. A recommended 30 meter buffer will serve to protect the fish and fish habitat

FRI Ecological Services recommended the following general mitigation measures;

“Following mitigation is recommended to ensure compliance with the Provincial Policy Statement (PPS, 2014), the Endangered Species Act (2007,) the Fisheries Act (1985), the Migratory Birds Convention Act (1994) and the Fish and Wildlife Conservation Act (1997). Many of these recommendations have already been suggested in previous sections of the

report. They are reiterated here to confirm their applicability to species groups and habitat which are found on the site.

- *Minimum 30-meter setback on the G148N wetland area to the south (Pond B and associated ecosite) to protect wetland values in addition to confirmed Blanding's turtle, snapping turtle, and fish habitat*
- *Clear delineation of setbacks on the ground to ensure consistency and avoid encroachment on recommended setback*
- *Site clearing, preparation, and vegetation removal shall occur outside April 1-September 30 (active season) of any given year which encompasses migratory birds and bats*
- *Table 2, recommended mitigation for Eastern hog-nosed snake, provides general construction migration suitable for all non-SAR turtle (including snapping turtles) and snake species found or suspected to be at site*
- *Education for site workers during construction*
- *Limit disturbance of non-developed areas (e.g. for equipment parking/storage) during construction*
- *Authorizations shall be obtained from the appropriate ministries and authorities"*

The Conditions of Draft Approval, contained in Appendix C, contain specific provisions related to the requirement to incorporate specific mitigation measures (#22) and obtain any further required approvals/clearances from any other required agency (#21).

In addition to the conditions of draft approval, if approved, each future development project would be subject to a Site Plan Control Agreement with the City of North Bay. Each one of these future Agreements will provide for site specific mitigation measures related to the proposed development.

Existing Operations and Future Noise Concerns

Presenters expressed concern over existing noise level and over the potential increase in noise levels related to industrial activities if the application is to be approved.

Specific existing noise issues were centered primarily on the trucks transporting and dumping snow at 143 Birchs Road. Several members of the public expressed that snow was being transported and dumped at all hours of the night in which tailgates were being slammed and truck operators were using hydraulic brakes.

There is an existing illegal operation occurring on a small portion of the subject application (143 Birchs Road). The representative of this company operating at this location has provided the attached letter in relation to the concerns that were raised at the public meeting. They have indicated that:

- The yard will be closed to snow removal between 12 midnight and 6:20 am

- Contactors will be required to operate in a manner that avoids the banging of tailgates.
- Contractors will be required not to use jake breaks at all times.
- Any blasting activity will take place between 7 am and 7 pm Monday to Friday.

As part of their compliance obligations, if approved, the Owners will be required to enter into a Site Plan Control Agreement with the City. These commitments will be incorporated into the Agreement.

Should Council not approve the subject applications the property owner will be required to bring their property into compliance with the City's Zoning By-law.

By-law 2014-053 – By-law to control noise

This By-law provides the municipality with the ability to “...*prohibit and regulate with respect to public nuisances, including matters that in the opinion of the municipality’s Council, are or could become public nuisances*” and the Province of Ontario also has some guidelines that provide municipalities with noise guidelines and land use compatibility standards.

Zoning By-law

Although the Zoning By-law does not address specific noise mitigation measures, it requires an ‘Industrial Landscaping Provisions’ for industrial lots that either front onto a street opposite a residential zone or directly abutting a residential zone which must have a strip of land not less than 6m in width along the side and rear lot lines. Although this type buffer might not specifically mitigate sound, it does have the ability to create a visual screen and the potential to reduce noise levels.

MOEE Noise Guidelines

The Ministry of the Environment and Climate Change (MOECC) has an Environmental Noise Guideline that can be used to further mitigate noise and limit negative impacts. This guideline is to be used in conjunction with the Ministry of the Environment D-Series Guidelines.

Section B11 of this guideline reads;

“Where a site in proximity to a stationary source is in the process of being developed or redeveloped for noise sensitive land uses (such as residential), it is considered the responsibility of the proponent/developer of the noise sensitive land use to ensure compliance with the applicable sound level limits and for this responsibility to be reflected in the land use planning decisions.

The land use planning and approval process for the new noise sensitive land use may involve several authorities and levels of approval. Involvement by the owner of the stationary source in the land use planning process is highly recommended when an adjacent new noise sensitive land use is proposed.

A cooperative effort on the part of the proponent of a new noise sensitive land use and the stationary source owner is desirable for both parties. For the proponent of the new noise sensitive land use, cooperation may result in more economical noise control measures. For the owner of the stationary source, cooperation may facilitate input into the design of the proposed new noise sensitive land use and the noise mitigation that may be appropriate for land use compatibility”.

The owners of the property have expressed that they fully intend to follow the guidelines for noise mitigation laid out within the MOECC guideline.

Land Use Compatibility

Most, if not all of the public presentations had a concern that mentioned that the proposed land use is incompatible with the area. When industrial development is planned proximity to residential uses it is important that the necessary road and lot layout and mitigation measures are incorporated. The City currently has a number of areas where residential uses are in proximity to industrial uses.

This proposed development can largely be seen as a continuation of the Gateway Industrial Park and would fulfill a much needed addition of industrial land within the City. To mitigate potential land use incompatibility, the proposed draft plan of subdivision has included a number of features and mitigation measures that would help to create a situation where little to no negative effects would likely take place.

These mitigation features include;

- 1) Environmental Protection Limit (Block E)
 - a. Protects pond at the southern edge of the property
 - b. Buffer further separates residential properties from industrial lots
 - c. No development will be permitted within this Block; and
- 2) Site Plan Control
 - a. will be used to ensure that any new development or redevelopment project is based on sound planning and design principles

The permitted uses within the proposed “General Industry (M2)” zone are the following;

- Automobile Sales, Service, and Leasing Establishments
- Automobile Service Station
- Body Shop

- Builder's Supply Yard
- Bulk Sales Establishment
- Card lock Gas Facility
- Contractor's Yard
- Courier Distribution Depot
- Data Storage and Processing Firm
- Group Home Type 3
- Industrial Equipment Sales, Service, and Leasing Establishments
- Industrial Class 1
- Industrial Class 2
- Laboratory
- Pet Daycare Facility
- Recreational Facility
- Recreational Vehicle Sales, Service, and Leasing Establishments
- Recycling Centre
- Self-Storage Use
- Transportation Terminal
- Warehouse
- Waste Transfer Station
- Wholesale Uses

Although the specific uses of the property is unknown at this time, the uses permitted through the City's Zoning By-law are not considered heavy industrial and do not typically create excessive levels of noise and other emissions. Heavy industrial uses such as refineries, foundries, chemical plants and other similar uses are not permitted within this proposed "General Industry (M2)" zone.

The Zoning By-law also requires 'Industrial Landscaping Provisions' for industrial lots that either front onto a street opposite a residential zone or directly abuts a residential zone must have a strip of land not less than 6m in width along the side and rear lot lines.

Setback and other regulations for Industrial Properties within the Zoning-Bylaw include the following;

- 7m front yard setback;
- 4.5m side yard setback;
- 15m rear yard setback;
- Outside storage permitted in the rear yard or side yard but not the front yard and shall be enclosed by adequate screening in the form of landscaping or fencing; and
- No loading space shall be located in, or open onto, any side yard adjacent to, or abutting, a residential zone.

Traffic

Several members of the public expressed concerns over the potential increase in traffic in the area, particularly on Lakeshore Drive and Birchs Road. Specific questions asked if a traffic study would be conducted to determine if there will be a significant traffic increase on Lakeshore Drive and Birchs Road and if there would be a main entrance to the subdivision.

The Conditions of Draft Approval, contained in Appendix C, contain specific provisions related to the requirement to provide a design of the Birchs Road / Legault Street intersection, including a traffic memorandum (#12)

Lakeshore Drive is identified in Schedule 5 of the Official Plan as an Arterial Road. Within the Official Plan, arterial roads are defined as;

“Arterial roads in an urban setting are designed to facilitate the movement of significant traffic volumes of all types at medium and higher speeds. Arterials are intended to connect developments in urban areas and generally are intended to provide a higher service level of mobility though measures such as limited access and greater spacing of intersections. All new and re-developed Arterial Roads shall be equipped with a sidewalk on each side of the road”.

This states that the intended purpose of Lakeshore Drive is to allow for an increased volume and variety in types of traffic.

Birchs Road is identified in Schedule 5 of the City of the Official Plan as a collector road. Within the Official Plan, collector roads are defined as;

“Collector roads provide land access as well as mobility within residential, commercial, and industrial areas and distribute traffic between other collector, local and arterial roads. These roads can be further grouped into the representative zones they serve and design features will vary mainly based on heavy vehicle usage. All new and re-developed Collector Roads shall be equipped with a sidewalk on one side of the road”.

This states that the intended purpose of Birchs Road is to “...provide land access as well as mobility within residential, commercial and industrial areas and distribute traffic between other collector, local and arterial roads”.

The final traffic-related question asked if there would be a “main” entrance to the proposed industrial subdivision. There would not be a formal “main” entrance to the development, however, in the opinion of the City’s Engineering Department having two different entrances to the subdivision would allow for more than one option to access the area and would likely reduce the concentration of traffic in one given area. One of the entrances would be located off of Birchs Road to the north of the property while the other would be located off of Legault St. to the south of the property.

Blasting

Several members of the public had questions and concerns over the blasting that would take place if the application is approved. These members of the public asked for clarification on the blasting process.

Blasting Process:

- 1) Permit for Blasting Operations
- 2) Owners Consent (if applicable)
- 3) Copy of Contractor's Liability Insurance
- 4) Pre-Blast Survey

The agent has notified the City through a letter of intent that blasting will only take place between 7 am and 7 pm Monday to Friday.

The applicant is required to apply for a blasting permit from the City of North Bay and follow the Ontario Provincial Standard Specification (O.P.S.S. 120) – General Specification for the Use of Explosives for any blasting activity on site.

Drainage

Several members of the public expressed concerns related to drainage and how the potential development of this property could modify the current flow of water on the property, different members of the public wanted to know if a drainage study would be completed for the project.

The Owner will be required to complete a Stormwater Management Plan to ensure that quantity and quality of the stormwater runoff is equal or better than the current, pre-development conditions on the site. In addition, each property, as it develops, will be required to enter into a Site Plan Control Agreement with the City. Each property will need to provide a grading plan to show how it will align with the overall Stormwater Management Plan.

The Conditions of Draft Approval, contained in Appendix C, contain specific provisions related to the requirement to provide a Stormwater Management Plan (#11) and full engineering drawing (#13).

Need for Employment Land

There were questions raised regarding the need for employment land within the community. The Growth Plan for Northern Ontario, the Provincial Policy Statement and the City's Official Plan all speak to the need for employment land within the community. Council has identified that growth, including employment and job growth, as a strategic

priority. Various initiatives have been undertaken to support this priority including the establishment of the Growth Community Improvement Plan.

Staff have undertaken a high level analysis of existing vacant serviced industrial lands within the Community. When considering development constraints such as existing Provincially Significant Wetlands there is limited serviced industrial land available for development. This is due to Provincially Significant Wetland designations, Endangered Species and their habit, poor topography, land owner unwillingness to transfer and high cost of servicing. Based on the experience of staff in Economic Development there has been an identified need for fully serviced property that can accommodate small to medium sized industrial development.

Recommended Option

- 1) That the proposed Official Plan Amendment by DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd. and Mark Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to change the Official Plan designation for the properties legally described in Appendix A and as shown on Schedule “A” to Report to Council Number CSBU 2020-05 from “Residential” to “General Industry” and “Open Space”, be approved.
- 2) That the proposed Zoning By-Law Amendment by DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd and Mark and Tammy Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to rezone the properties legally described in Appendix A and as shown on Schedule “B” to Report to Council Number CSBU 2020-05 from a “Residential Holding (RH)” zone to a “General Industry (M2)” zone and an “Open Space (O)” zone, be approved.
- 3) That the proposed Plan of Subdivision (12 lots, 4 blocks for industrial development and 1 block for environmental protection, Subdivision File No.48T-19101) by James Dorland, OLS, on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon for portions of the lands described in Appendix A to Report to Council Number CSBU 2020-05, shown as Schedule “C” attached hereto, be given Draft Approval subject to the conditions in Appendix C to report to Council Number CSBU 2020-05 prepared by Beverly Hillier dated January 17, 2020.
- 4) That the subject properties be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Respectfully submitted,

Name: Beverley Hillier, MCIP, RPP
Title: Manager, Planning & Building Services

We concur with this report and recommendation.

Name: Ian Kilgour, RPP
Title: Director of Community Development and Growth

Name: David Euler, P.Eng
Title: Chief Administrative Officer

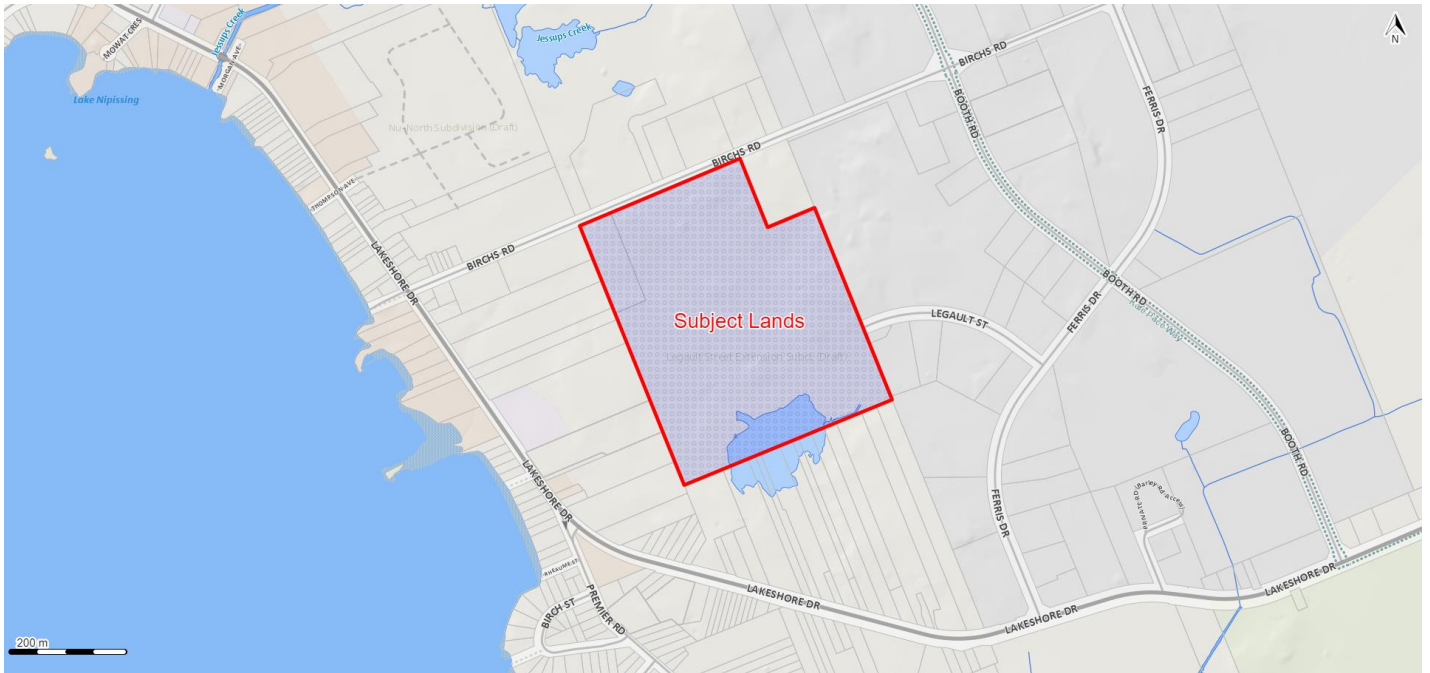
Personnel designated for continuance:

Name: Beverley Hillier, MCIP, RPP

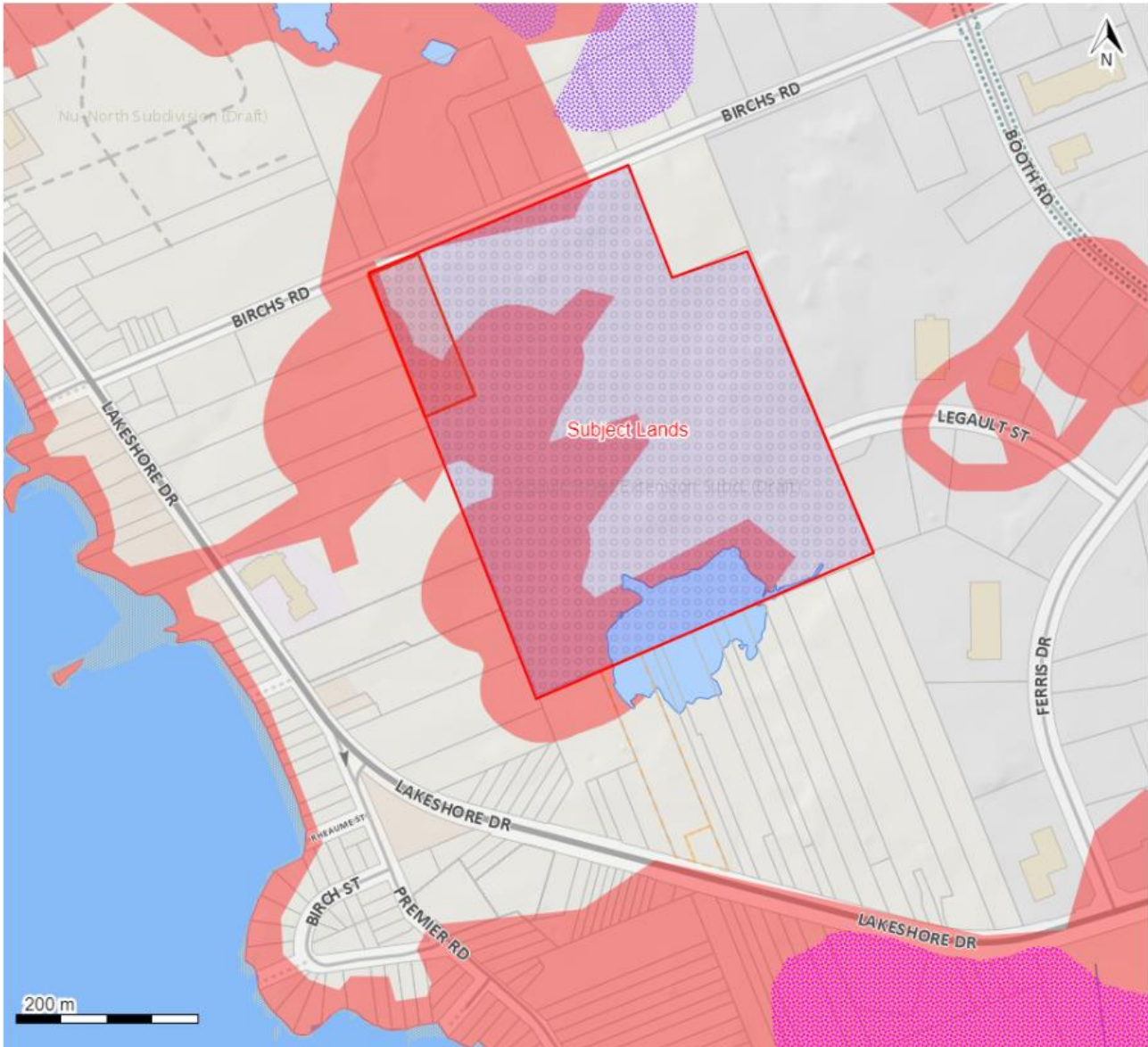
Title: Manager, Planning & Building Services

SIRE/C11/RTC CSBU 2020-05 – OPA/ZBLA/SUB- 143 BIRCHS ROAD & 189 LEGAULT STREET

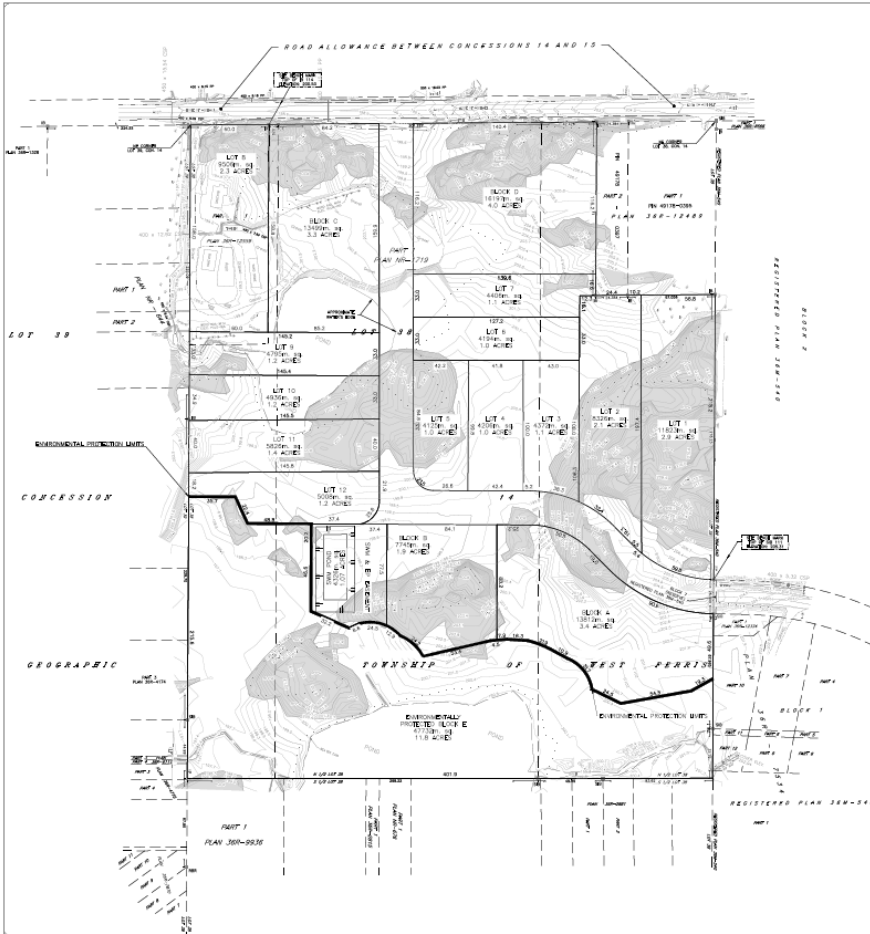
Schedule "A"



Schedule "B"



Schedule "C"



exp.
EXP Services Inc.
BULIDING - BATH & ENVIRONMENT - DESIGN -
INDUSTRIAL - INFRASTRUCTURE - SUSTAINABILITY

Delays
Professional Services

OWNER'S CERTIFICATE
I, the undersigned, being the owner of the land hereinafter described, do hereby certify that the plan hereon shown is a true and correct copy of the original plan as filed in the office of the Registrar of Deeds for the Province of Ontario.

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly qualified and licensed Surveyor for the Province of Ontario, do hereby certify that the plan hereon shown is a true and correct copy of the original plan as filed in the office of the Registrar of Deeds for the Province of Ontario.

LAND USE SCHEDULE

RE-ISSUED FOR CIRCULATION

LEGALUT SUBDIVISION
NORTH BAY, ON

DRAFT PLAN OF SUBDIVISION

Plan No: **NTB-00005235-00**

Sheet No: **001** of **4**

DRAFT

Appendix A

PIN 49178-0399 (LT)

PT LT 38 CON 14 WEST FERRIS PT 1 36R12559; NORTH BAY; DISTRICT OF NIPISSING

PIN 49178-0401 (LT)

NORTH HALF OF LOT 38, CONCESSION 14, WEST FERRIS, AS IN LT42650 ('A' FIRSTLY) SAVE AND EXCEPT PART 1, PLAN 36R-12559, PARTS 1 AND 2, PLAN 36R-12489 CITY OF NORTH BAY

Appendix B

1/14/2020

Mayor and Members of Council

c/o Ms. Beverly Hillier

Manager of Planning and Building

City of North Bay

Re: Legault Subdivision Community Benefits

Economic Development Benefits

The purpose of the Commercial Properties applications is to create a light industrial subdivision to bring jobs and prosperity to North Bay. The subdivision has been carefully designed to meet the needs of entrepreneurs ranging from start-up businesses to more established industries in need of new space tailored to meet their growing needs.

Currently, there is a lack of suitable small to medium sized vacant industrial lots that can readily accommodate industries intending to locate in North Bay. Commercial properties have arrangements with three industrial proponents to immediately proceed with building on 6 acres in Phase 1 in 2020.

Proposed Industrial Uses

The requested M1 and M2 zoning permits a range of light to medium industrial uses and compatible commercial uses. The requested zoning is identical to that in the surrounding Gateway Industrial Park. The intent is to extend the existing land use pattern in the surrounding area.

Environmental Benefits

Considerable ecological research has been completed by FRI on behalf of the owner over four seasons in 2019. Commercial Properties used the research to create a “design with nature” industrial park and is fully prepared to protect sensitive lands and species in the area surrounding the large pond. To ensure preservation of the environmentally sensitive lands and protected species, the owner will work closely with the City and Conservation Authority and dedicate 11.7 acres comprising the pond and associated buffer areas to a

public agency. The dedicated greenspace represents over 25% of the total subdivision area.

In addition, the owner is planning to include a vegetative buffer along the south easterly property boundary to provide a visual buffer for the residential properties along Lakeshore Road some of which are situated up to 900 feet away from the closest of the proposed industrial lots.

Owner's Operational Commitments

TZR is committed to working in harmony with its neighbours. To this end, TZR has signed a letter of commitment concerning snow operations and sensitive blasting operations. See attached letter from TRZ Contacting dated Jan 13, 2020.

Sincerely,

Leo DeLoyde BES, MES., MCIP RPP

DeLoyde Development Solutions Ltd.

Attachment: TZR commitment letter dated January 13, 2020



T.Z.R. Contracting

Mark Truchon

Corbeil, Ontario

POH-1K0

705-494-0751

(fax) 705-472-0789



January 13th, 2020

Mayor and Members of Council:

I represent Commercial Properties Limited and am the owner of TZR Contracting at 143 Birchs Road.

I am writing to document my commitment to resolving concerns raised by my neighbours at the public meeting January 6, 2020.

We hereby commit to the following:

1. We will close our yard to snow disposal between 12 midnight and 6:20am.
2. Contractors will be required to operate in a manner that avoids the banging of tailgates.
3. Contractors will be required not to use jake brakes at all times
4. Any blasting activity will take place between 7am and 7pm Monday to Friday.

Neighbours are invited to call me at (705)494-0751 to discuss our operations or report any concerns.

Sincerely,

Mark Truchon

TZR Contracting and Commercial Properties Ltd.

Appendix C

- 1) That this approval expires five (5) years from the date of approval shown by the “Draft Plan Approval Stamp” on the face of the draft plan. If there is an appeal to the Ontario Municipal Board 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 Local Planning Appeal Tribunal (LPAT) issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the *Planning Act*.
- 2) This Draft Approval applies to the Plan of Subdivision prepared by EXP Inc. as shown on the attached Schedule C (Drawing 001, Rev 4) dated December 13, 2019 which is comprised of 12 lots, 4 development blocks and 1 block for environmental protection.
- 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 any above ground works or below ground works occurring on the subject property the Owner is required to enter into a Pre-Servicing Agreement with the City of North Bay, to the satisfaction of the City Engineer.
- 6) That the road allowance included in this Draft Plan shall be dedicated as public highways.
- 7) That any dead ends and open sides of road allowances created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to and held in trust by the Municipality.
- 8) That prior to signing the Final Plan by the Municipality, the proposed subdivision conform with the Zoning By-law in effect for the Municipality.
- 9) 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.
- 10) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 11) 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.
- 12) The Owners agree to provide a design of the Birchs Road / Legault Street intersection by a traffic engineer including a traffic memorandum for the development detailing the trip generation rates and potential impacts. Any recommendations will be required to be implemented to the satisfaction of the City Engineer.
- 13) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, including sidewalks if required, prepared by a qualified engineer, to the satisfaction of, and at no expense to the City of North Bay.
- 14) 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.
- 15) 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.
- 16) That the owner agrees to include a notice registered on title informing future purchasers of lots within the subdivision that the roads within the subdivision may be used for future transit routes.
- 17) 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.
- 18) 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 will be required to pay Development Charges.
- 19) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 20) 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.

- 21) That the owner acknowledges that the property is in an area where Species at Risk may be present. The owner agrees to obtain an approvals required by the Ministry of Natural Resources and Forestry and/or the Ministry of Environment Conservation and Parks as may be required.
- 22) That the recommendations and requirements of the Environmental Impact Statement completed by FRICOP Ecological Services dated November 2019 be implemented to the satisfaction of the City of North Bay and the North Bay-Mattawa Conservation Authority prior to the Final Approval
- 23) 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 Conditions No. 9, 11, 12 and 13 have been satisfied.
- 24) That before City Council's Final Approval is given, the Council shall be advised in writing by the North Bay-Mattawa Conservation Authority how Condition No. 20, 21 and 22 have been satisfied.
- 25) That before City Council's Final Approval is given, the Council shall be advised in writing by the Parks Manager how Condition No. 14 has been satisfied.
- 26) That before City Council's Final Approval is given, the Council shall be advised in writing by Canada Post Corporation how Condition No. 15 has 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 Natural Resources and Forestry (MNR) 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) 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).



City of North Bay Report to Council

Report No: CSBU 2019-39

Date: December 19, 2019

Originator: Beverley Hillier, Manager – Planning & Building Services

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision on behalf of DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon – 143 Birchs Road and 189 Legault Street in the City of North Bay.

Closed Session: yes no

Recommendations

1. That the proposed Official Plan Amendment by DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to change the Official Plan designation for the properties legally described in Appendix A and as shown on Schedule “A” to Report to Council Number CSBU 2019-39 from “Residential” to “General Industry” and “Open Space”, be approved;
2. That the proposed Zoning By-law Amendment by DeLoyde Development Solutions Ltd on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to rezone the properties legally described in Appendix A and as shown on Schedule “B” to Report to Council Number CSBU 2019-39 from a “Residential Holding (RH)” zone to a “General Industry (M2)” zone and an “Open Space (O)” zone, be approved;
3. That the proposed Plan of Subdivision (12 Lots, 4 blocks for industrial development and 1 block for environmental protection, Subdivision File No. 48T-19101) by James Dorland, OLS, on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon for portions of the lands described in Appendix A to Report to Council Number CSBU

2019-39, shown as on Schedule “C” attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2019-39 prepared by Beverley Hillier dated December 19, 2019; and

4. That the subject properties be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

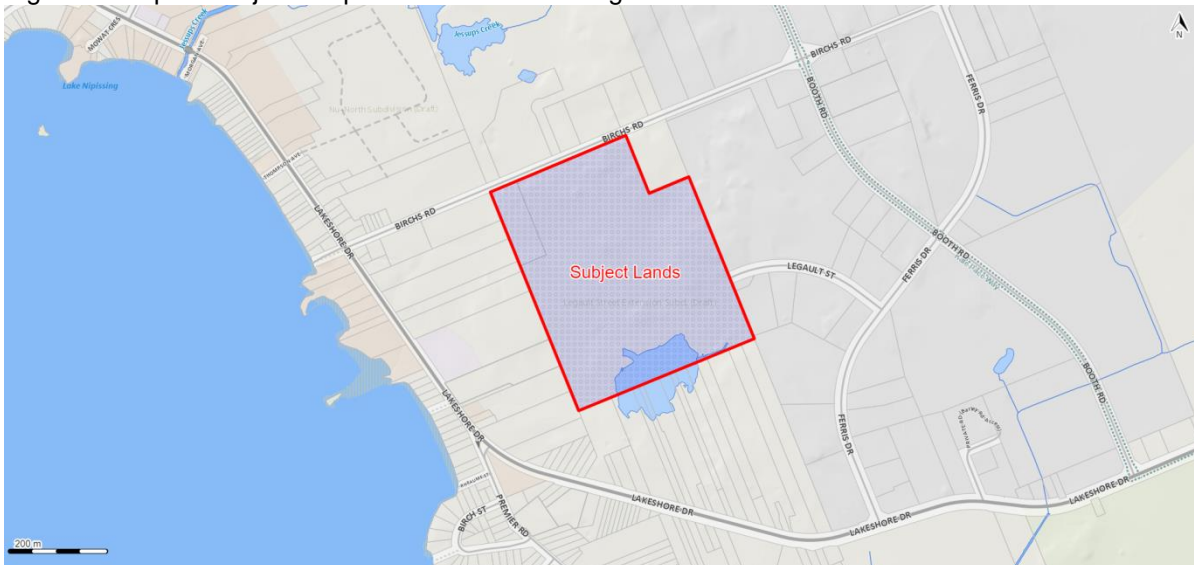
Background

Site Information

Legal Description: See Appendix A

Site Description: The lands subject to the Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision are comprised of two lots fronting onto Birchs Road, as shown below on Figure 1 and on Schedule “A” attached hereto. The property has secondary road access via Legault Street. It is designated “Residential” by the Official Plan and is zoned “Residential Holding (RH)” under the City’s Zoning By-law No. 2015-30.

Figure 1: Map of Subject Properties and surrounding Area



Combined, the properties have total lot area of 19 hectares (47 acres) and lot frontage of approximately 310 metres on Birchs Road, as shown on Schedule “B”. The westerly edge of the property (approximately 1 hectare (2.5 acres)) is currently developed with a legal non-conforming triplex with a construction yard located in the rear yard. The intent is to maintain the legal non-conforming triplex until it is decided that the property be used solely for industrial purposes or remain as a legal non-conforming triplex. The easterly lot of approximately 18 hectares (44.5 acres) is vacant and undeveloped.

Surrounding Land Uses:

The subject property is located between existing residential uses and the existing Gateway Industrial Park. The properties abutting the subject lands to the north, south and west are

residential uses with the exception of a general institutional use at 820 Lakeshore Drive. All the properties located to the east of the subject lands are industrial uses with the exception of a residential property at 189 Birchs Road.

Proposal

DeLoyde Development Solutions Ltd. has submitted an application on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for two properties located at 143 Birchs Road and 189 Legault Street respectively. If approved, the subject lands would be re-designated from “Residential” to “General Industry” and rezoned from “Residential Holding (RH)” to “General Industry (M2)” and “Open Space (O)”. It would also establish a Draft Plan of Subdivision over both the subject properties, as shown on Schedule “B” attached hereto, in order to permit industrial development.

Summary

The subject lands are comprised of two existing lots of record within North Bay’s settlement area. The proposed Official Plan and Zoning By-law amendments would allow for the industrial development of the subject lands by way of an Industrial Plan of Subdivision. The subject properties are currently designated “Residential” under the Official Plan and presently zoned “Residential Holding (RH)” by North Bay’s Zoning By-law 2015-30. The only portion of the subject property that is currently developed is at 143 Birchs Road, the remainder of the property is currently vacant and undeveloped. This lot is developed with a legal non-conforming triplex and a contractor’s yard. Section 5.1.2 of the Official Plan Reads;

“As a general rule, uses that do not conform with the policies of this Plan should, in the long run, cease to exist so that the land affected may revert to a use that conforms with the intent of this Plan and the provisions of the Comprehensive Zoning By-law”.

The request made by the applicant would change the subject lands Official Plan designation from “Residential” to “General Industry” and rezone the properties to “General Industry (M2)” zone and an “Open Space (O)” zone. These amendments would allow for the ability to create an industrial subdivision over a portion of the lot and allow the legal non-conforming triplex to function as it has been for some time now. The “Open Space (O)” zoning would be in place over Block E, the environmental protection area.

Both the Official Plan of the City of North Bay and the Provincial Policy Statement encourage the development of industrial lands in order to promote the growth and viability of the municipality where adequate buffering from incompatible uses can be achieved. Given the size of the subject lands and that the area is sparsely developed at this point in time, Planning Staff are of the opinion that the re-designation and rezoning of the subject property can be achieved, provided that vegetative buffers and screening are incorporated into the site design in order to minimize the potential adverse effects on the surrounding residential properties located all along Lakeshore Dr. as well as the abutting residential property located at 189 Birchs Road.

There are measures that are put in place to help insulate the industrial uses from the surrounding residential uses. The Provincial Government has published the D-Series Guidelines, which outlines mitigation measures that should be put in place to ensure that industrial uses do not impact residential uses. The stated purpose of the D-Series Guidelines reads;

“(t)his guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations. This guideline encourages informed decision-making and assists in determining compatible mixed land uses and compatible intensification of land uses. This guideline categorizes industrial facilities into three Classes according to the objectionable nature of their emissions, physical size and scale, production volumes and/or intensity and scheduling of operations. This guideline provides potential influence areas within which adverse effects may be experienced for each industrial class. These potential influence areas are site-specific and are based on operational aspects including plant emissions, hours of operation, traffic movement”.

Application of the D-Series guidelines requires an understanding of the specific type of industrial use that is being constructed. At this juncture, it is not yet known which specific uses may eventually be constructed on the subject lands. As a result, it is not possible to declare which specific mitigation measures should be put in place at this time. However, the proposed rezoning of the subject lands to “General Industry (M2)” will in itself limit the types of industrial uses permitted on the subject lands. For instance, heavy industrial uses such as; refineries, foundries, chemical plants and other similar uses are not permitted within this proposed “General Industry (M2)” zone. Furthermore, recommendation #4 of this report outlines that the subject lands would be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended. Section 5.1.5.3 of the Official Plan reads;

“Site Plan Control will be used to ensure that any new development or redevelopment project is based on sound planning and design principles, with particular emphasis on ensuring that such developments integrate harmoniously with the surrounding area, are attractive, safe, environmentally sound and accessible”.

Section 3.47.1 requires the implementation of a landscaping buffer when industrial uses abut residential zones. Section 3.47.1 of the Zoning-By-law reads;

“Where a lot in any industrial zone fronts onto a street opposite a residential zone, or directly abuts a residential zone the front yard and a strip of land not less than 6m in width along the side and rear lot lines, within the industrial zone which is opposite to or directly abuts the residential zone, shall be adequately landscaped except where used for entrances and exits”.

A considerable portion of the subject lands are also located within the Approximate Regulated Area, this can be seen in red on Schedule "B" attached hereto. As a result, any development within these regulated areas will necessitate a *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (DIA)* permit pursuant to Section 28 of the Conservation Authorities Act. One of the principal mandates of the North Bay-Mattawa Conservation Authority is to "*prevent the loss of life and property due to flooding and erosion and to conserve and enhance natural resources*". DIA permits serve as a key tool in achieving this principal mandate.

The applicant has completed an environmental study on the property that identified environmentally sensitive lands on the property. As a result, has revised their Draft Plan of Subdivision to include an Environmental Protection Area on the southern portion of the property. This property will remain in its natural state and not be developed. Staff are recommending that this portion of the subject property be designated "Open Space" and zoned "Open Space (O)" to help ensure its long term protection. These lands will also serve as a buffer for adjacent residential uses.

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.

The Growth Plan for Northern Ontario identifies that North Bay is an economic and service hub for Northern Ontario. Through Section 4.3.3, it identifies that "economic and service hubs shall maintain up to a 20 year supply of lands...for a variety of employment uses in appropriate locations to support economic objectives."

The subject property is directly adjacent to an existing industrial park and has access to City services.

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

Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The current Provincial Policy Statement issued by the Provincial government came into effect on April 30, 2014. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2014).

Section 1.1.3.1 – Settlement Areas reads:

“Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”.

The subject lands are located within the settlement area identified in Schedule 1 of the City of North Bay’s Official Plan.

Section 1.3.1 – Employment reads:

“Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and*
- d) ensuring the necessary infrastructure is provided to support current and projected needs.”*

This policy highlights the importance of providing employment opportunities along with a diverse economic base. This proposed development would help achieve this provincial policy as it would provide 12 lots and four (4) blocks for new industrial development. The subject lands are adjacent to an existing industrial park and new employment lands have

been identified as a strategic priority for the City of North Bay.

Section 2.1.5 – Natural Heritage reads:

“Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1 ;*
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) ;*
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) ;*
- d) significant wildlife habitat;*
- e) significant areas of natural and scientific interest; and*
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions”.

The applicant has submitted an Environmental Impact Study (EIS) by FRICORP Ecological Services with their development application. The EIS has identified that there are areas of Habitat of Endangered and Threatened Species, Significant Wildlife Habitat and Fish Habitat. As a result of this study, the applicant amended their original plan of subdivision application to include a new block (Block E) as an Environmental Protection Area. Block E also incorporates a 30m buffer to the pond that would provide appropriate mitigation measures to protect this area. In addition, there are specific construction measures that have been recommended and are incorporated in the conditions of Draft Approval to the plan of subdivision. These construction measures would be implemented at the time of the building permit and the Site Plan Control Agreement.

There are specific approvals that are required from the Ministry of Natural Resources and Forestry and/or the Ministry of Environment, Conservation and Parks as part of the development process. The applicant has initiated their request for these approvals. The requirement to obtain these approvals has also been incorporated as a condition of draft approval.

There are some additional matters that both the City and the Conservation Authority are seeking clarification on surrounding the Significant Wildlife Habitat. All aspects of development and integration of the mitigation measures included in the EIS and any subsequent information received will be incorporated into the conditions of draft approval of the plan of subdivision.

When considering all of the policies of the Provincial Policy Statement, including the need for long-term economic growth and long-term protection of the natural environment, staff is of the opinion that with the conditions included as part of the Draft Plan of Subdivision that this proposed Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision are consistent with the Provincial Policy Statement (PPS 2014).

Official Plan

The subject property is currently designated “Residential” in the City of North Bay’s Official Plan. The applicant is proposing to change the designation of the subject lands from “Residential” to “General Industry”.

The Official Plan’s general direction is to direct new development within the Settlement Area, as outlined below:

Section 2.1 – Settlement Area reads:

“It is the objective of this Plan to concentrate new growth and redevelopment within the Settlement Area and to develop new land for residential, employment area, commercial, park & open space and institutional uses. The Settlement Area is sized to meet current and future land requirements for these uses requiring full municipal services”.

The City of North Bay’s Official Plan also promotes the growth and maintenance of North Bay’s industrial employment lands, as 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.”

While the growth of the City’s industrial employment lands is vital to maintaining the strength of the local economy, the Official Plan also recognizes that these industrial lands are not especially compatible with sensitive land uses within the settlement area. Thus, the Official Plan outlines permitted uses in the industrial employment lands within North Bay’s Settlement Area as follows:

Section 2.2.2.1.4 reads:

“Within the Settlement Area, sensitive land uses should be protected from employment lands through a gradient of industrial zones and permitted uses established through the Comprehensive Zoning By-law.”

Section 2.2.2.1.5 reads:

“In general, the major uses of land in the General Industry areas shall be all forms of manufacturing, processing of goods, data and materials, warehousing, storage, builders’ yards, transportation and communication related facilities and public utilities.”

The City of North Bay’s Official Plan also provides policy to ensure that all development is undertaken with the utmost concern for public health and safety.

Section 2.2.2.1.11 reads:

“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 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.”

Considering the proximity of the proposed industrial subdivision to existing residential lands, Planning Staff is of the opinion that mitigation measures will need to be taken to ensure that both the industrial and residential lands are able to function and develop over the long term without negatively impacting one another. Given the size of the subject lands and the lot depths of the residential lots abutting the subject lands, planning staff is of the opinion that the subject lands are able to support these mitigation measures without negatively impacting the end use.

Section 4.6 of the Official Plan indicates 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 amended their Draft Plan of Subdivision to incorporate an ‘Environmental Protection’ area (Block E) at the southern extent of the subject lands, see Schedule ‘C’ attached hereto. This Environmentally Protected Limit was established using the recommendations of the FRI report completed on the subject lands. As outlined in the PPS Section all mitigation measures as outlined in the EIS have been incorporated into the conditions of draft approval of the plan of subdivision. The applicant will be required to satisfy these conditions as part of the development of the subject property.

It is my professional opinion that this proposed Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision are in conformity with the Official Plan of the City of North Bay.

Zoning By-Law No. 2015-30

The subject property is presently zoned “Residential Holding (RH)”, which permits the following uses:

- Single Detached Dwelling
- Single Detached Dwelling – Infilling
- Single Detached Dwelling – Lots of Record
- Single Detached Dwelling – Trout Lake Shoreline
- Cemetery
- Commercial Agricultural Uses
- Conservation Area
- Golf Course

- Group Home Type 1
- Hobby Farm
- Kennel
- Rural Recreational Facility
- Solar Farm
- Wind Farm

The applicant is proposing to rezone the subject properties to “General Industry (M2)” which permits the following uses:

- Automobile Sales, Service, and Leasing Establishments
- Automobile Service Station
- Body Shop
- Builder’s Supply Yard
- Bulk Sales Establishment
- Card lock Gas Facility
- Contractor’s Yard
- Courier Distribution Depot
- Data Storage and Processing Firm
- Group Home Type 3
- Industrial Equipment Sales, Service, and Leasing Establishments
- Industrial Class 1
- Industrial Class 2
- Laboratory
- Pet Daycare Facility
- Recreational Facility
- Recreational Vehicle Sales, Service, and Leasing Establishments
- Recycling Centre
- Self-Storage Use
- Transportation Terminal
- Warehouse
- Waste Transfer Station
- Wholesale Uses

The development of the subject property will be required to comply with the regulations of the City’s Zoning By-law.

In addition, staff are recommending that Block E, Environmental Protection Area, be zoned “Open Space (O)”. The Open Space zone does not permit development, which means that these lands will have long term protection.

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 below.

Of the agencies that provided comments, the City of North Bay's Economic Development Department, Public Works and Services, Parks Recreation and Leisure, Planning Services and North Bay Hydro provided no concerns or objections to the application.

The City of North Bay's Infrastructure and Operations division indicated that:

- Connections to City infrastructure for servicing the property will require a site servicing plan;
- The applicant must enter into a servicing contract for any services/work or restoration on the City property;
- Water main to be "looped" from Birchs Road;
- City Personnel must be onsite during any connections/capping to City infrastructure;
- All water main testing must be completed by a third party in compliance with Ontario Regulations;
- All excavations of City property must have compaction testing by a third party;
- A traffic control plan will have to be submitted prior to work commencing for approval; and
- A Street Work Permit will have to be taken out through Public Works prior to any work commencing on City property.
- The design of the Birchs Road / Legault Street intersection is required by a traffic engineer including a traffic memorandum for the development detailing the trip generation rates and potential impacts
- A geotechnical investigation report with recommendations for road construction is required. The proponent may want to perform some additional auger probing for location and depth of bedrock if not already completed.

Comments from the Engineering Department have been incorporated into the conditions of draft approval attached as Appendix C.

North Bay Hydro offered no objections to the development but provided the following comments:

“North Bay Hydro currently has 12.47kV distribution service (1,000 kVA and less) in the area that can be extended into the new area through a subdivision plan. 44kV sub-transmission (greater than 1,000kVA) is near the area at Booth and Birchs Rds, but not currently available to the proposed subdivision”.

Staff received correspondence from a number of surrounding property owners. A complete copy of the correspondence is included in Appendix B.

In summary, the objections addressed a variety of concerns about the application such as; increased levels of noise pollution, increased air pollution, traffic, earth/land disturbance, negative impacts on wildlife and water systems. There were specific

concerns raised about the potential negative impacts on the pond located at the southern extent of the subject lands and the potential impacts on the wildlife in which it supports. In terms of increased levels of noise pollution, the dwellings located on residential properties along Lakeshore Drive and abutting the subject lands are considerably far away from the proposed industrial lots, in most cases, multiple hundreds of metres in distance. To further mitigate this potential issue, the Zoning By-law requires industrial properties which abut residential properties to implement and maintain a minimum of 6 meters of adequate landscaping which functions as a screen for noise and sight. The subject properties will be placed under Site Plan Control to regulate the development of the property.

As for the potential negative impacts on wildlife and water systems, the applicant has modified the Draft Plan of Subdivision to include an 'Environmental Protection Limit' and an 'Environmentally Protected Block' (Block E) which covers the entire width of the subject lands and is 11.8 acres in size. These measures were added to the Draft Plan of Subdivision based on the recommendations from an Environmental Impact Study conducted by FRICORP Ecological Services. The implementation of these recommendations not only protects the integrity of the wildlife in the area and the pond itself, but it also serves as an immense buffer between the subject lands and in upwards of 30 residential properties located along Lakeshore Drive.

In terms of air pollution and earth/land disturbance, the proposed zoning change in itself limits the type of industrial development that is permitted within this area to fairly light industrial uses that are not typically heavy polluters. Furthermore, the Province of Ontario has a set of 'General Air Standards' that must be followed. Any business that releases contaminants into the air, land or water or store, transports or disposes of waste must have an environmental permission from the Ministry of the Environment, Conservation and Parks (MECP). City Staff is confident that the necessary protective measures will be implemented and will be successful in the mitigation of air pollution.

The traffic and safety concern focused on the fact that the original Draft Plan of Subdivision did not indicate primary road access on Birchs Road and only had road access on Legault Street. The concern was that only having access to the industrial subdivision from one access point would cause traffic and safety issues. The latest version of the plan indicates primary road access on Birchs Road and secondary road access on Legault Street. City Staff believes that this measure will mitigate traffic and safety issues moving forward. The Owners will be required to complete a design of the Birchs Road / Legault Street intersection by a traffic engineer including a traffic memorandum for the development detailing the trip generation rates and potential impacts. Any recommendations will be required to be implemented to the satisfaction of the City.

In terms of drainage concerns, the plan indicates the implementation of a 0.69 acre Stormwater retention pond located at the northwest extent of the 'Environmental Limit' and the southwest portion of the developable subject lands.

City Staff is of the opinion that the necessary mitigation measures will adequately address the concerns brought forth from the public.

Financial/Legal Implications

No financial implications for the City of North Bay have been determined at this time.

Corporate Strategic Plan

- | | |
|--|---|
| <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

- Proposed Development would result in the creation of new jobs and new housing within the settlement area of the City; and
- Proposed development would help to create an environment that supports entrepreneurship in North Bay.

Options Analysis

Option 1

1. That the proposed Official Plan Amendment by DeLoyde Development Solutions Ltd. on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to change the Official Plan designation for the properties legally described in Appendix A and as shown on Schedule "A" to Report to Council Number CSBU 2019-39 from "Residential" to "General Industry" and "Open Space", be approved;
2. That the proposed Zoning By-law Amendment by DeLoyde Development Solutions Ltd. on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon, 143 Birchs Road and 189 Legault Street in the City of North Bay to rezone the properties legally described in Appendix A and as shown on Schedule "B" to Report to Council Number CSBU 2019-39 from a "Residential Holding (RH)" zone to a "General Industry (M2)" zone and an "Open Space (O)" zone, be approved;
3. That the proposed Plan of Subdivision (12 Lots, 4 blocks for industrial development and 1 block for environmental protection, Subdivision File No. 48T-19101) by James Dorland, OLS, on behalf of 1670432 Ontario Ltd. and Mark and Tammy Truchon for portions of the lands described in Appendix A to Report to Council Number CSBU 2019-39, as shown on Schedule "C" attached hereto, be given Draft Approval subject to the conditions in Appendix B to Report to Council Number CSBU 2019-39 prepared by Beverley Hillier dated December 19, 2019; and
4. That the subject properties be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Recommended Option

Option 1 is the recommended option.

Respectfully submitted,

Name: Beverley Hillier, MCIP RPP
Title: Manager, Planning & Building Services

We concur with this report and recommendation.

Name: Ian Kilgour, RPP
Title: Director of Community Development and Growth

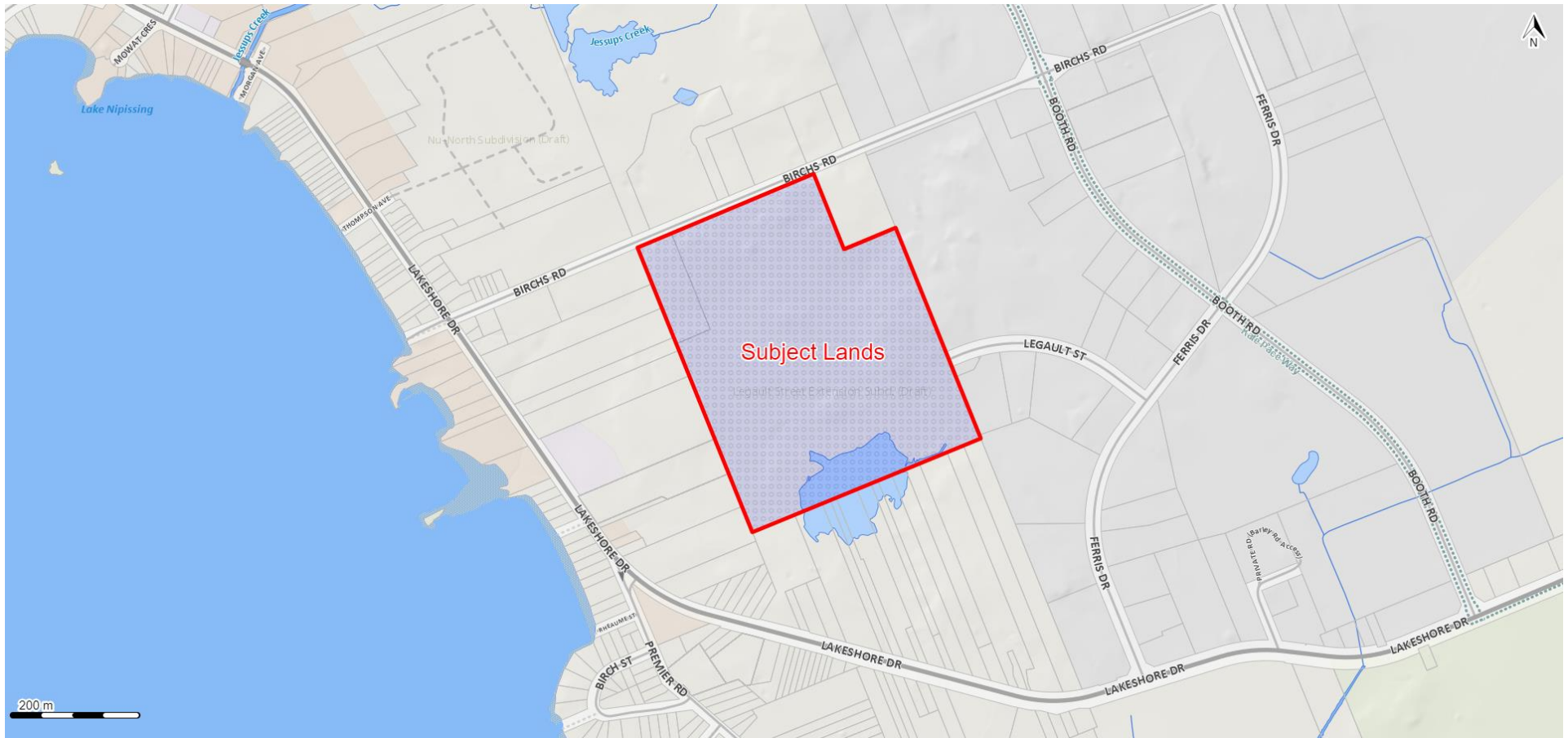
Name: David Euler, P.Eng
Title: Chief Administrative Officer

Personnel designated for continuance:

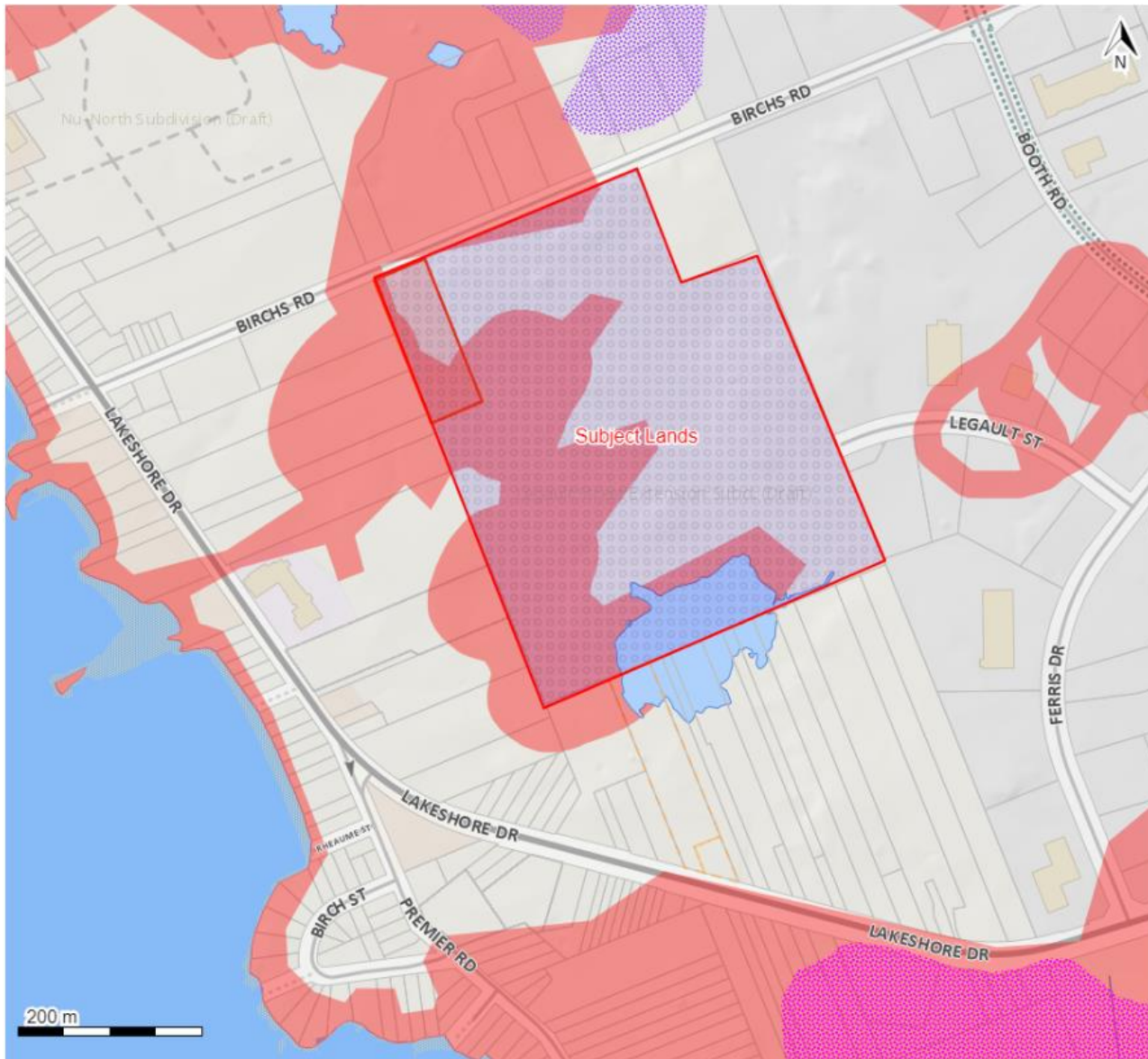
Name: Beverley Hillier
Title: Manager, Planning & Building Services

SIRE\C11\RTC CSBU #2019-39\OPA-ZBLA-SUBDIVISION-143 BIRCHS ROAD &189 LEGAULT STREET

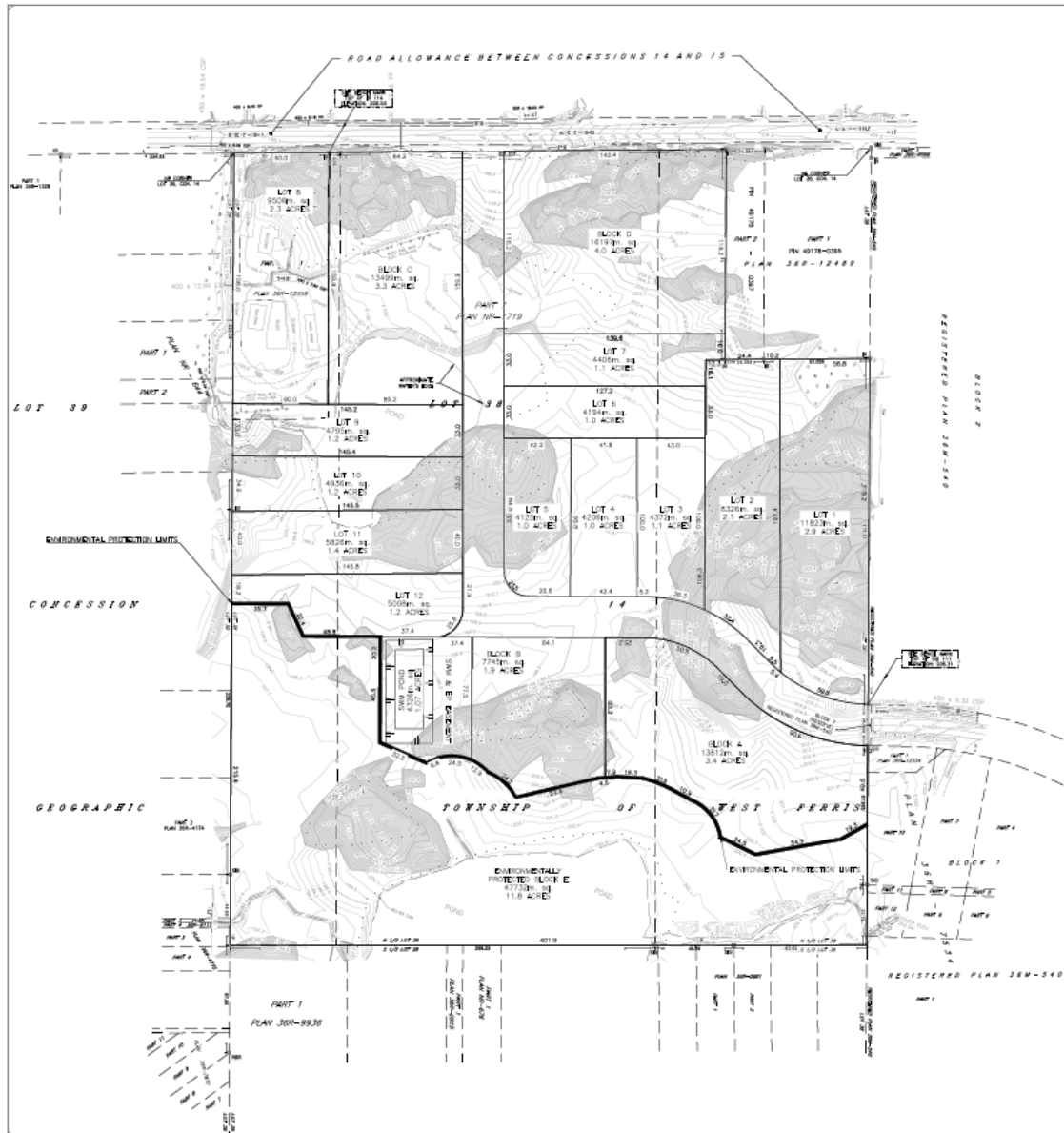
Schedule "A"



Schedule "B"



Schedule "C"



LAND USE SYMBOL	SYMBOL	AREA, LIT. NO.	AREA
IDEAL INDUSTRIAL	1	11002	11002
IDEAL INDUSTRIAL	2	8562	8562
IDEAL INDUSTRIAL	3	4352	4352
IDEAL INDUSTRIAL	4	4238	4238
IDEAL INDUSTRIAL	8	4123	4123
IDEAL INDUSTRIAL	8	4194	4194
IDEAL INDUSTRIAL	7	4434	4434
IDEAL INDUSTRIAL	8	3548	3548
IDEAL INDUSTRIAL	8	4123	4123
IDEAL INDUSTRIAL	10	4835	4835
IDEAL INDUSTRIAL	11	5835	5835
IDEAL INDUSTRIAL	12	3058	3058
IDEAL INDUSTRIAL	12	4528	4528
IDEAL INDUSTRIAL	4	13612	13612
IDEAL INDUSTRIAL	9	7743	7743
IDEAL INDUSTRIAL	2	12468	12468
IDEAL INDUSTRIAL	0	18167	18167
ENVIRONMENTAL PROTECTED LAND	6	47232	47232
TOTAL		1407	1407.00

EXP Services Inc.
 10000 104th Street, Suite 100
 Richmond, BC V6V 2G9
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 Fax: 604-273-8889
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DeLloyd
 Development Solutions

OWNER'S CERTIFICATE

I HEREBY CERTIFY TO THE RANG OF THE PLAN FOR DRAFT
 PLAN 368-540

DATE: 12/19/2019

PREPARED BY: [Signature]

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE MEASUREMENTS AND CALCULATIONS
 ON THIS PLAN HAVE BEEN MADE IN ACCORDANCE WITH THE
 SURVEY ACT AND THE SURVEY REGULATIONS.

DATE: 12/19/2019

PREPARED BY: [Signature]

LAND USE SCHEDULE

IS TABLE

NO.	REMARKS FOR CONFORMANCE	AREA	STATUS
1	FOR CONFORMANCE	AREA	STATUS

RE-ISSUED FOR CIRCULATION

Professional Seal

Date: 12/19/2019

Drawn By: J.S.P.

Checked By: [Signature]

Approved By: [Signature]

Date Printed: 12/19/2019

File Name: 1719-0000238-Plan of Subdivision-Permits and Blocks v1.rvt

Project Title: LEGAL SUBDIVISION NORTH BAY, ON

Draft Title: DRAFT PLAN OF SUBDIVISION

Project No: NTB-00005235-00

Draft No: 001

Rev No: 4

DRAFT

Appendix A

PIN 49178-0399 (LT)

PT LT 38 CON 14 WEST FERRIS PT 1 36R12559; NORTH BAY; DISTRICT OF NIPISSING

PIN 49178-0401 (LT)

NORTH HALF OF LOT 38, CONCESSION 14, WEST FERRIS, AS IN LT42650 ('A' FIRSTLY)
SAVE AND EXCEPT PART 1, PLAN 36R-12559, PARTS 1 AND 2, PLAN 36R-12489 CITY
OF NORTH BAY

Appendix B

The Corporation of the City of North Bay
200 McIntyre St., East, P.O. Box 360
North Bay ON P1B 8H8

October 30, 2019

Attention Mr. Peter Carello, Senior Planner – Current Operations, Planning Services
Dear Mr. Carello:

Re Notice of Complete Application for a Zoning By-law Amendment, Official Plan Amendment & Draft Plan of Subdivision, Legault Street Extension

I am writing **to object** the proposed amendment by Deloyde Development solutions Ltd. which has submitted an application on behalf of 1670432 Ontario Ltd. for a Draft Plan of Subdivision that would create two (2) residential lots and twenty-four (24) industrial lots, as well as an application to amend Zoning By-law 2015-30 to rezone the two properties with frontage on Birches Road from “Residential Holding (RH)” to “Residential Third Density (R3)” and to rezone the remainder of the property from “Residential holding (RH)” to General Industry (M2)”, and a further application to amend the Official Plan and change the designation of the portion of the subject property that does not front on Birches Road from “Residential” to “General Industry”.

I am in complete objection of the above-mentioned proposed zoning by-law amendment, as am already experiencing above normal noise pollution, and disruption from heavy vehicles travelling on Lakeshore Drive. As a long-time resident of this neighborhood, I have noticed and tolerated the heavy vehicles accessing Lakeshore Drive. These heavier vehicles definitely cause shaking of my house at [REDACTED], as well as increased noise from their brakes, engines running, etc. Also, these heavier vehicles often do not respect city speed limits.

I am extremely concerned about the proposed amendments, stated above, as these will surely cause an increase in noise pollution, air pollution, traffic, earth/land disturbance, as well as negatively impact surrounding wildlife and water systems (Lake Nipissing and surrounding ponds, creeks, etc.).

I am especially concerned regarding the proposal to amend the official plan to change the designation of the portion of the subject property that does not front on Birches Road from “Residential” to General Industry”. As I am sure you are aware, there is a pond located on the property which supports wildlife (migratory birds, turtles, and so on). The proposed changes would destroy and negatively affect all wildlife that depend on this pond for survival. It would be an environmental disaster for this area.

I am also concerned regarding the proposal to rezone two properties to Residential Third Density. There are already enough several multiple attached dwellings in and around the proposed above-stated area. We can no longer tolerate an increase in traffic. As well, the proposed application would surely cause health and safety concerns, as individuals would be living beside and/or close proximity to industry, which is totally unacceptable. The quality of life, safety concerns, etc. would negatively be impacted.

I respectfully, submit this letter and request total consideration of my letter in consideration of the proposed above-stated zoning by-law amendment. Thank you,

[REDACTED]

Beverley Hillier

From: Beverley Hillier
Sent: November 26, 2019 12:29 PM
To: [REDACTED]
Subject: RE: Letter of objection to Legault Street Extension
Attachments: Revised Plan.pdf

Hi [REDACTED]

Thank you for your email and your letter.

I wanted to make you aware that the applicants have provided a revised Plan of Subdivision which includes an approximate 11 acre Environmental Protection Area at the south end of the property (shown on the Plan as Block E). I have attached the revised plan for your information.

In addition, the agent for the applicant, Leo DeLoyde, is wondering if you would be interested in speaking with him regarding some of the concerns that you have raised. If yes, can let me know that you agree to me providing him your contact information?

If you would prefer to reach out to him directly his contact information is:

Leo DeLoyde
DeLoyde Development Solutions
leodeloyde@gmail.com
Cell (705) 498-9229
Office (705) 497-7980

If you have any questions or additional comments that you would like to talk to me about feel free to call me at the number below.

Thank you,

Beverley

Beverley Hillier, MCIP, RPP
Manager, Planning & Building Services
T 705-474-0626 x 2403
W www.cityofnorthbay.ca

This communication (including all attachments) is intended solely for the use of the person or persons to whom it is addressed and should be treated as confidential. If you are not the intended recipient, any use, distribution, printing, or copying of this email is strictly prohibited. If you received this email in error, please immediately delete it from your system and notify the originator. Your cooperation is appreciated.

From: [REDACTED]
Sent: October 30, 2019 4:46 PM
To: Peter Carello
Subject: Letter of objection to Legault Street Extension

I have finally had the time to completely read your letter dated August 28, 2019 regarding the Legault Street Extension. Although the date on your letter request comments by September 27, 2019, I have decided to forward my letter in response to the proposed zoning by-law amendment, and will definitely attend the public meeting in this regard.

Thank you,

Sent from [Mail](#) for Windows 10

Beverley Hillier

From: [REDACTED]
Sent: September 6, 2019 3:06 PM
To: Peter Carello
Subject: Legault street extension

Peter

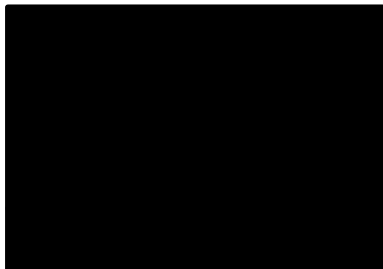
Good afternoon. I just received the notice regarding the Legault street extension. Though I am always in favour of growth, I do have some concerns regarding the new industrial subdivision.

1. Most of the existing industrial land in the area has multiple ways to exit the location and connect with various main arteries. This new proposal, with the potential on many employees and customers could cause significant traffic and safety issues. Both Cementation and our company often have large tractor-trailers waiting to access our sites for product /equipment drop-off's. Exiting this new proposed subdivision onto Birches road would greatly alleviate this issue.
2. Since we have been here at [REDACTED] the water levels around the property have gotten worse every year. This problem increased with Cementation's property across from us. The real issue is the lack of drainage around our property. One of the conditions of the purchase of property from the City of North Bay was that the City of North Bay was to match the constructed swale we created for the proper exit of water so that drainage could naturally occur into the large pond on the city's property. Will the creation of all these lots even worsen the existing condition?
3. Land Parcel Part 1, Plan 36R-12334 was removed from our land purchase to allow the City of North Bay to create a cul-de-sac for turning city snow-plow trucks. What will happen to the land parcel

On a separate note, but related to this issue, we were very disappointed with the conduct of D.S. Dorland-Limited surveyors who were conducting work on behalf of either the Owner or the developer of this project. We totally understand that surveyors have the right to cross over private property, but they do not have the right to park the vehicle on our property to conduct their work. As a place of business, we are responsible for the safety of those on our property. We also have a gated yard, and they could have actually been locked in had we not made the effort to find them doing their surveying.

Simple checking in with our front desk would have alleviated all issues, but a poor attitude from those conducting the work as well as their office in Sudbury will be remembered.

thanks



Beverley Hillier

From: [REDACTED]
Sent: November 28, 2019 11:14 AM
To: Beverley Hillier
Subject: Re: zoning by-law amendment

Hi Beverley,

Thank you for the update. Sorry for my late response. If I have some further questions, I will contact the applicant, thank you for providing the information, you've been very helpful.

Regards,

On Tue, Nov 26, 2019 at 12:14 PM Beverley Hillier <Beverley.Hillier@cityofnorthbay.ca> wrote:

Hi [REDACTED]

Thank you for your email.

I wanted to make you aware that the applicants have provided a revised Plan of Subdivision which includes an approximate 11 acre Environmental Protection Area at the south end of the property (shown on the Plan as Block E). I have attached the revised plan for your information.

In addition, the agent for the applicant, Leo DeLoyde, is wondering if you would be interested in speaking with him regarding some of the concerns that you have raised. If yes, can let me know that you agree to me providing him your contact information?

If you would prefer to reach out to him directly his contact information is:

Leo DeLoyde
DeLoyde Development Solutions
leodeloyde@gmail.com

Cell (705) 498-9229
Office (705) 497-7980

If you have any questions or additional comments that you would like to talk to me about feel free to call me at the number below.

Thank you,

Beverley

Beverley Hillier, MCIP, RPP

Manager, Planning & Building Services

T 705-474-0626 x 2403

W www.cityofnorthbay.ca

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From: [REDACTED]
Sent: September 27, 2019 3:48 PM
To: Peter Carello
Subject: RE: zoning by-law amendment

Hello

I wish to register my opposition to the Legault Street Extension, Notice of Zoning By-law Amendment. My property backs the area in question and I feel changing the Residential Holding to 24 Industrial Lots will destroy green space, animal habitats and the peace and quiet of the area. Not only is there green space there, but a medium sized pond that houses numerous species of wild life. I specifically chose this area as my home, precisely because of the aforementioned and I would really dislike seeing it destroyed. I feel if it is left as residential, there would not be near as much impact on the area and the noise levels would not change considerably. I would appreciate my concerns be taken into consideration before the zoning is changed.

Thank you,

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Wednesday, December 04, 2019 5:34 PM
To: Mark King <mark@hfreeman.ca>
Subject: 189 Legault / 143 Birchs Zone Change

Hi Mark ,

First of all Thank you for offering to speak on my behalf, at this up and coming council meeting.

This is a just a small request of a treed buffer that borders the south and west property lines, and blasting times be 8am to 4pm
no weekends.

Looks like the meeting date and time is changed to Monday January 6, 2020 @ 5:30pm.

Thanks [REDACTED]

[REDACTED]

Appendix C

- 27) That this approval expires five (5) years from the date of approval shown by the “Draft Plan Approval Stamp” on the face of the draft plan. If there is an appeal to the Ontario Municipal Board 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 Local Planning Appeal Tribunal (LPAT) issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the *Planning Act*.
- 28) This Draft Approval applies to the Plan of Subdivision prepared by EXP Inc. as shown on the attached Schedule C (Drawing 001, Rev 4) dated December 13, 2019 which is comprised of 12 lots, 4 development blocks and 1 block for environmental protection.
- 29) That all streets on the Plan of Subdivision be named to the satisfaction of the City of North Bay.
- 30) 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.
- 31) That prior to any above ground works or below ground works occurring on the subject property the Owner is required to enter into a Pre-Servicing Agreement with the City of North Bay, to the satisfaction of the City Engineer.
- 32) That the road allowance included in this Draft Plan shall be dedicated as public highways.
- 33) That any dead ends and open sides of road allowances created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to and held in trust by the Municipality.
- 34) That prior to signing the Final Plan by the Municipality, the proposed subdivision conform with the Zoning By-law in effect for the Municipality.
- 35) 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.
- 36) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 37) That the Subdivision Agreement between the owner and the Municipality contain wording acceptable to the City Engineer to ensure that:
 - d) 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
 - e) The Stormwater Management report shall also address any slope stability or any hydrogeological issues associated with this development
 - f) 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.
- 38) The Owners agree to provide a design of the Birchs Road / Legault Street intersection by a traffic engineer including a traffic memorandum for the development detailing the trip generation rates and potential impacts. Any recommendations will be required to be implemented to the satisfaction of the City Engineer.
- 39) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, including sidewalks if required, prepared by a qualified engineer, to the satisfaction of, and at no expense to the City of North Bay.
- 40) 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.
- 41) 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.

- 42) That the owner agrees to include a notice registered on title informing future purchasers of lots within the subdivision that the roads within the subdivision may be used for future transit routes.
- 43) 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.
- 44) 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 will be required to pay Development Charges.
- 45) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 46) 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.
- 47) That the owner acknowledges that the property is in an area where Species at Risk may be present. The owner agrees to obtain an approvals required by the Ministry of Natural Resources and Forestry and/or the Ministry of Environment Conservation and Parks as may be required.
- 48) That the recommendations and requirements of the Environmental Impact Statement completed by FRICOP Ecological Services dated November 2019 be implemented to the satisfaction of the City of North Bay and the North Bay-Mattawa Conservation Authority prior to the Final Approval
- 49) 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 Conditions No. 9, 11, 12 and 13 have been satisfied.
- 50) That before City Council's Final Approval is given, the Council shall be advised in writing by the North Bay-Mattawa Conservation Authority how Condition No. 20, 21 and 22 have been satisfied.
- 51) That before City Council's Final Approval is given, the Council shall be advised in writing by the Parks Manager how Condition No. 14 has been satisfied.
- 52) That before City Council's Final Approval is given, the Council shall be advised in writing by Canada Post Corporation how Condition No. 15 has 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.
- 6) Prior to any construction, the Owner should contact the North Bay Mattawa Conservation Authority to discuss specific concerns identified by the Conservation Authority.
- 7) Prior to any construction, the Owner/Developer should contact the Ministry of Natural Resources and Forestry (MNR) to determine if Species at Risk and/or their habitat is present in the general vicinity of the development area.
- 8) 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.

- 9) 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).

