



# Committee Agenda

**Committee Meeting of Council  
August 27, 2012  
at 6:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
AUGUST 27<sup>TH</sup>, 2012**

Monday, August 27, 2012

6:00 p.m.

Committee Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor

7:00 p.m.

Regular Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor

# MEETINGS

**HELD UNDER THE  
PLANNING ACT**

Monday, August 27, 2012

6:00 p.m.

Subdivision Application  
873342 Ontario Inc.  
(Kenalex Development Inc.)  
Phase II – Trillium Woods  
Subdivision – Booth Road

## COMMUNITY SERVICES COMMITTEE

Monday, August 27, 2012

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**Chairperson: Councillor Mendicino**  
**Vice-Chair: Councillor Mayne**  
**Member: Councillor Vaillancourt**  
**Ex-Officio: Mayor McDonald**

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- ▶**CS-2011-16 Plan of Subdivision application by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. (Kenalex Development Inc.) - Phase II, Trillium Woods Subdivision (Booth Road) (D12/2011/ KENAL/BOOTHRD2).**
- CS-2012-16 Report from S. Kitlar dated June 12, 2012 re Multi-Use Recreation Facility Study update (R05/2012/ MURF/GENERAL).
- CS-2012-17 Report from B. Hillier / R. Evans dated July 25, 2012 re North Bay Gambling Facility (Casino) (D06/2012/TOURI/CASINO)

# CS-2011-16

## Recommendation:

- "That 1) the proposed Plan of Subdivision (71 Lots, 2 Blocks, File #48T-09101) by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. for the property legally described as Concession 16, Part of Lot 37, in the former Township of West Ferris, shown as Lots 1 to 71 and Blocks 72 & 73, as shown on Schedule "B" attached to Report to Council CSBU 2012-63, be given draft approval subject to the conditions in Appendix "A"; and
- 2) the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address servicing, lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication."

## City of North Bay

## Report to Council

File: CSBU 2012 - 63

Date: August 16, 2012  
CLERK'S DEPT.

Originators: Beverley Hillier, Manager, Planning Services  
Steve McArthur, Senior Planner, Current Operations

Subject: Supplemental Report - Proposed Draft Plan of Subdivision  
Phase II - Trillium Woods

**Recommendations**

- 1) That the proposed Plan of Subdivision (71 Lots, 2 Blocks, File #48T-09101) by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. for the property legally described as Concession 16, Part of Lot 37, in the former Township of West Ferris, shown as Lots 1 to 71 and Blocks 72 & 73 on Schedule "B" attached hereto, BE GIVEN DRAFT APPROVAL subject to the conditions in Appendix "A" to Report to Council CSBU 2012 - 63; and
- 2) That the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address servicing, lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations and parkland dedication.

**Site**

The subject property is located east of Booth Road and south of the intersection at Marshall Avenue. The site has frontage on Turner Drive and Trillium Drive, both of which were created as part of Phase I of the Trillium Woods Plan of Subdivision. The total land area for Phase II represents approximately 6.9637 hectares (17.2 acres) as shown on Schedules 'A' & 'B' attached hereto.

To the west (across Booth Road), the site is surrounded by a fully developed low and medium density residential neighbourhood. To the north, east and south the property is surrounded by vacant land, with the exception being the first phase of the same subdivision (Trillium Woods - Phase I, 28 Lots) and a church on a lot created from a severance at the northwest corner of the subject lands.

**Proposal**

The Applicant is seeking Draft Approval of Phase II of the Trillium Woods Plan of Subdivision (71 Lots, 2 Blocks) in order to permit the residential development of the subject lands. The lands would eventually see the construction of single detached dwellings on each of the seventy-one (71) lots.

**Background**

The subject property has previously undergone a full planning process as it was subject to an Official Plan and Zoning By-law amendment in 2005. The subject property was previously designated "General Industry" and zoned for industrial purposes. The site consists of various areas of Provincially Significant Wetland (PSW) forming part of the Parks Creek Wetland Complex.

Between the previous Planning Act applications and the current Plan of Subdivision application, the Provincial Policy Statement was updated. As provided for in the transition provisions, any Planning Act application received after the new the PPS (2005) came into effect must be reviewed under the new PPS.

The previous planning applications were reviewed under the 1997 PPS. This previous version of the PPS required Planning Act applications to "have regard to" provincial policy. This standard changed under the new PPS, passed in March 2005. Any planning application received after this date is required to "be consistent with" provincial policy contained in the PPS 2005. The "be consistent with" standard is a much more rigorous test of policy.

With respect to the current Plan of Subdivision application, the implications of this change in standards between the 1997 and 2005 versions of the PPS largely relate to Provincially Significant Wetlands (PSW).

Under the 1997 PPS, the applicant was permitted to develop within the PSW providing there was no negative impact on the natural features or on the ecological functions for which the area is identified. The applicant completed various studies including a "*Full Site Impact Assessment (1999)*", "*An Analysis of the Natural Features and Ecological Functions of the Parks Creek Wetland (1999)*", a "*Scoped Site Environmental Impact Study (2005)*", and an "*Archeological and heritage Impact Assessment (2005)*" to show no net negative impact. Based on the Studies completed and the policies in place under the 1997 PPS, the Official Plan Amendment and Zoning By-law Amendment were approved.

At the time of the Official Plan Amendment and Zoning By-law Amendment the applicant did not apply for the Draft Approval of a Plan of Subdivision. Draft Approval and Final Approval of Phase I (28 Lots) of the Trillium Woods Plan of Subdivision was granted in 2009 and 2010 respectively. The approved Draft Plan of Subdivision represented the first phase of a larger subdivision development proposed for the site (Schedule 'B' attached). No portion of this first phase of development fell within the identified PSW.

The Applicant is now seeking Draft Approval of a Plan of Subdivision for 71 Lots & 2 Blocks, representing Phase II of the Trillium Woods Subdivision on Trillium Drive & Turner Drive in the City of North Bay in order to permit the full residential development of the property legally described as Concession 16, Part of Lot 37 in the former Township of West Ferris. A portion of the Phase II Subdivision Application is located within, and adjacent to, Provincially Significant Wetland.

A Public Meeting regarding this proposal was held before the Planning Advisory Committee (PAC) on April 6<sup>th</sup>, 2011. A report was prepared and brought back for the Committee's consideration on July 14<sup>th</sup>, 2011. The original planning report, attached as Appendix 'B' to this report, recommended that the application be denied, based on the fact that Planning Services is responsible for making recommendations, and ultimately City Council is responsible for making decisions, that are consistent with Provincial policy.

Provincial policy currently prohibits development or site alterations in a significant wetland. The Planning Advisory Committee (PAC) did not support staff's recommendation to deny the proposed Plan of Subdivision and unanimously put forward a recommendation to City Council to approve the application.

In the year since this application was heard before PAC, much work, study and negotiation has occurred with regards to the subject lands. Based on a variety of new information, including an updated report by FRi Ecological Services and support from the North Bay-Mattawa Conservation Authority, Planning Services staff has changed its opinion with respect to the proposed Phase 2 Trillium Woods Subdivision. The reasons for this change of opinion are outlined further in this supplemental report.

## **Analysis / Options**

### **Provincial Policy**

The Provincial Policy Statement (PPS) was updated in 2005 and the Growth Plan for Northern Ontario (GPNO) was introduced in 2010. All *Planning Act* applications must be consistent with the PPS and conform to the GPNO. The Provincial Policy Statement (PPS) is issued under the authority of the Planning Act and it provides policy direction on matters of provincial interest related to land use planning and development.

Since the original approval of the Official Plan and Zoning By-law amendments in 2005, the Natural Heritage Protection Line, which is identified as Section 5.0, Figure 1 in the PPS 2005, and attached as Schedule 'C' hereto, was modified. As a result, new and more stringent policies were established for ecoregions 5E, 6E and 7E and the following policies now apply:

*2.1.3 Development and site alteration shall not be permitted in:*

- a. significant habitat of endangered species and threatened species;*
- b. significant wetlands in Ecoregions 5E, 6E and 7E; and*
- c. significant coastal wetlands.*

*2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

The City of North Bay is located in Ecoregion 5E and the subject lands contain significant wetlands.

Although the subject property previously received an Official Plan Amendment and Zoning By-law amendment for the purpose of future residential development, the Plan of Subdivision Application for Phase I and II were not received until 2009 and 2011 respectively. Phase I was located outside of the area impacted by the PSW and was subsequently approved in 2010. Phase II encroaches into the identified Provincially Significant Wetland.

It was for this reason that Planning Services recommended against the approval of the Draft Plan in the original planning report attached hereto.

Since the original planning report was written, the Applicant has retained the services of FRi Ecological Services in order to thoroughly review the Natural Heritage features on, and adjacent to, the subject lands. FRi prepared an addendum to the Scoped-Site Environmental Impact Study that was completed as part of the Official Plan and Zoning By-law amendment applications in 2005 at the request of the North Bay-Mattawa Conservation Authority.

The addendum updated the Scoped-Site Environmental Impact Study by reviewing the potential for Species at Risk and their possible habitat in the area; recommending a site-specific erosion and sediment control plan during construction; suggesting a transition between the fill area and the wetland boundary; and recommending improved storm water management techniques.

In our opinion, the purpose of the Provincial Policy Statement is to provide a balanced approach to ensuring a wide variety of matters are reviewed in detail prior to determining if the application is "consistent with" provincial policy. These policies range from encouraging growth within the settlement area, protecting aggregate, agricultural land and natural heritage features. The preamble to the PPS states that the policies should be read in their entirety. However, with the changes seen in the PPS 2005 certain policies have become more stringent or heavily weighted than others.

Although this development, due to timing and a change in the PPS that has occurred since the original Planning Act approvals, is not consistent with Section 2.1.3 b) of the PPS, it is my opinion that, based on the information provided to date, the loss of this portion of wetland will not affect the natural features or ecological functions of the Parks Creek Provincially Significant Wetland complex.

In addition, although not technically "consistent with" the PPS, in my opinion, the development will result in good planning. The intent to develop the land was determined at the point in which the Official Plan Amendment and Zoning By-law Amendment were approved by Council. The Plan of Subdivision application is purely implementing this original intent.

#### Official Plan

The subject property is designated 'Residential' in the City of North Bay's Official Plan. The City of North Bay received approval of its new Official Plan on January 6, 2012. This application was received on March 23, 2011. As a result the application is being reviewed under the policies of the previous Official Plan which were in effect at the time the application was received.

The Official Plan sets out a wide variety of policies which are supportive of this type of development. This includes broad policy statements such as "it is the intent of this Plan to ensure that development takes place so that all available land may be realized to its fullest potential, and in such a way that the distribution of public facilities will be of greatest benefit to all members of the community."



In addition, the urban residential policies (Section 2.2) set out various forms and densities of residential development. The proposed Trillium Woods Phase II Draft Plan of Subdivision would permit the development of a seventy-one (71) lot residential subdivision along the easterly side of Booth Road. The subject property is adjacent to a newly developed residential subdivision (Trillium Woods, Phase I) and is in close proximity to other low and medium density residential subdivisions constructed along the westerly side of Booth Road. The proposed Draft Plan Subdivision complies with the residential policies contained within Section 2.2 of the Official Plan.

The Plan also speaks to environmental constraints and protection. The property has portions of "Flood Plain Two Zone" designation. Through the Zoning By-law Amendment in 2005, the Flood Plain area was zoned "Open Space Special Zone No. 4" which protects this area from development.

The Official Plan does not go into specific detail with respect to the Provincial Policy Statement and natural heritage features as the Plan was under review when the PPS 2005 was released.

#### Zoning By-law No. 28-80

The subject property is currently zoned "Residential Third Density (R3)" and "Floodplain and Erosion Special Zone No. 4 (O2 Sp. 4)".

The "Residential Third Density (R3)" zone permits the following uses:

- single detached dwelling;
- semi-detached dwelling;
- duplex dwelling;
- accessory home based business;
- parks, playgrounds and non-profit uses; and
- institutional uses

The "Floodplain and Erosion Special Zone No. 4 (O2 Sp. 4)" permits the following uses:

- public and/or private parks;
- structural works of approved design for flood or erosion and sedimentation control

The special component of the O2 zone limits the permitted uses on the property, as recommended by the North Bay-Mattawa Conservation Authority in its 2005 review. No portion of the O2 Special zone is proposed to be developed.

The proposed Plan of Subdivision will meet all other regulations of the City's Zoning By-law.

#### Considerations

This proposal has previously undergone a full planning process as it was subject to an Official Plan and Zoning By-law Amendment in 2005 and to a final approval of a Plan of Subdivision (Trillium Woods, Phase I - 28 Lots) in 2010.

The current application for Draft Approval of Phase II of the Trillium Woods Subdivision, representing seventy-one (71) low-density residential lots, was circulated to property owners within 120 meters (400 feet) of the subject lands, as well as to several municipal departments and other agencies that may have an interest in this matter.

In terms of the correspondence received the Engineering Department, Public Works Department, Economic Development Department, Building Department, Ministry of Transportation, Hydro One, Parks, Recreation & Leisure Services and the Fire Department offered no objection to the proposal.

The Applicant previously dedicated and transferred to the City of North Bay parkland in the form of Blocks 30 to 32 to accommodate the extension of the Kate Pace Way trail system. In addition to this, the Applicant transferred Block 29 to the City for a small neighbourhood park. Municipal services have been brought to the property line (Block 29) at the owner's expense as part of the conditions in the final approval of Phase 1 of the Trillium Woods Plan of Subdivision.

Canada Post offered the following comments regarding the location of Centralized Mail Box locations and requirements for installations. All of these requirements have been relayed to the applicant and are including as a condition of draft approval.

Comments were received from the Canadian Pacific Railway who requested that, as a result of the subdivision being within 300m of the CPR right of way, a clause warning such be registered on title on the subject lands. A condition to this effect has been included in the attached Appendix 'A' and will be registered on-title for all lands in Phase II of the Trillium Woods Subdivision.

The North Bay-Mattawa Conservation Authority has updated their comments provided at the time of the original circulation of the Phase 2 Trillium Woods Subdivision in 2011 (contained in the attached Planning Report) with the following:

*"This office has received and reviewed the proposed draft plan of subdivision application for Trillium Woods Phase II. The applicant is requesting Draft Approval for Phase II of the Trillium Woods subdivision to permit the creation of seventy (70) residential building lots fronting on Trillium Drive, Turner Drive and a yet to be named road. The following comments are based on a review of the application with respect to the mandate of the Conservation Authority... In my advisory capacity to the City of North Bay, I would like to state up front that this application is not consistent with Section 2.1.3b) (development and site alteration shall not be permitted in significant wetlands) of the Provincial Policy Statement 2005 (PPS 2005), however, I offer the following information for your consideration:*

*As background to this development, the Conservation Authority had commented on previous planning applications related to this development. In 2005 the Conservation Authority reviewed and commented on a Zoning By-Law and Official Plan Amendment application to rezone the lands from Light Industrial Two (M2), Light Industrial (M3) and Flood and Erosion (O2) to Residential Third Density (R3), Residential Multiple Second Density (RM2) and Flood and Erosion Special Zone (O2 Sp. 4) for lands described as Concession 16, Lot 37; Pt. 1 of 36R-7257; Pcls. 5258*

& 16951 W&F. Prior to this planning application two reports were undertaken related to this property:

- i) G. Miller, 1999. "An analysis of the Natural Features and Ecological Functions of the Parks Creek Wetland"; and
- ii) G. Miller, 1999. "Full Impact Assessment of Lot 37, Con. 16 of the Former Township of West Ferris, Located in the Parks Creek Wetland System".

The 2005 application was subject to the 1997 Provincial Policy Statement (PPS '97). At that time Section 2.3.1b) of the PPS '97 stated that "Development and site alteration may be permitted in significant wetlands in the Canadian Shield, if it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area is identified." The Conservation Authority, in its advisory capacity to the City of North Bay, recommended that the impact assessment prepared by Miller in 1999 be updated. A third study was undertaken:

- iii) R. Bilz, 2005 "Scoped Site Environmental Impact Study (EIS), Marshall Park Development."

Each of the above-mentioned reports indicated that the proposed development could proceed, subject to mitigative measures, such that there would be no negative impacts on the identified natural features or ecological functions of the Parks Creek Provincially Significant Wetland (PSW). The Conservation Authority recommended approval of the 2005 planning applications subject to the recommendations in the updated EIS. The Conservation Authority advised that the area was regulated and that a DIA permit was required for any development.

The current Provincial Policy Statement 2005 came into effect on March 1, 2005. Any planning applications submitted to an approval authority after this date "shall be consistent" with policy statements issued under the Planning Act. In this new policy, development and site alterations were no longer permitted in PSW's in the North Bay area.

A Plan of Subdivision application for Phase I of Trillium Woods was submitted to the City in 2009. This phase did not involve filling of portions of the PSW. The Conservation Authority recommended that the application be approved. Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit 16-10 was issued for the work.

Subdivision application, Phase II of Trillium Woods, was submitted to the City of North Bay approximately in March of 2011. This phase of development consisted of filling in portions of the PSW as per the recommendations in the previous EIS reports. The Conservation Authority advised the City of North Bay that the application was not consistent with the PPS 2005, as development is no longer permitted within a PSW. The subject property falls within the Parks Creek Watershed and is adjacent to and within the Parks Creek Provincially Significant Wetland.

*This property, therefore, is regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 177/06, Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA). Section 3.(1) of Regulation 177/06 states that the Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. A DIA Permit is required from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property.*

*The Conservation Authority is currently developing wetland policies for its area of jurisdiction. The regulation of development in or near "wetlands" was a new responsibility under Regulation 177/06 introduced in 2006. In the absence of a policy all wetland proposals are brought to the Board of Directors of the Conservation Authority for approval.*

*Based on the information provided to this office to date, the development of the proposed subdivision is deemed to be 'development within a wetland', 'interference with wetlands', 'development within the "other areas"' and 'development within hazardous lands'. As a result, a DIA application must be assessed with respect to the five "tests" (flooding, erosion, dynamic beaches (not applicable in the instance), pollution and conservation of land) as well as in terms of the natural features and hydrological and ecological functions of the wetland, the hydrologic function of the adjacent wetland and development in hazardous lands (organic soils).*

*The Conservation Authority has provided prior advice and approvals regarding the development. Conservation Authority staff recognize the previous wetland impact assessment studies that have been undertaken on the property. These studies form the justification for the natural features, ecological, and hydrological features and functions of the wetland and adjacent lands. In order to satisfy the requirements for a DIA permit, the following additional information must be submitted with an application:*

- *Stormwater Management Plan - a critical component in maintaining the hydrological regime of the wetland. It is our understanding that this report is currently being undertaken;*
- *Updated species at risk information. This report has been submitted.*
- *A Geotechnical Report, prepared by a qualified professional is required for lots within the PSW: Lots 5-12; 13-20; 32-37. The report should address: the suitability of existing soils; depth of groundwater; and requirements for fill and compaction;*
- *A lot grading plan, in particular, showing the details of the transition of the lots adjacent to the remaining wetland (Lots 5-12, 32-36). The transition zone between the development and the wetland should be such that there are no further impacts to the wetland; and*
- *A sediment and erosion control plan.*

*If the application and supporting documentation for Phase II demonstrate that the control of flooding, erosion, pollution, and the conservation of lands will not be affected and any interference on the natural features and hydrologic and ecological functions of the wetland are deemed to be acceptable by the Conservation Authority, staff will prepare a report to the Board of Directors, indicating that that development meets the requirements of Regulation 177/06 and recommend the issuance of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit. Further, it is CA staff's recommendation that Planning Act approval of the Plan of Subdivision be obtained from the City of North Bay prior to the issuance of a DIA permit.*

*As mentioned previously, this development is not consistent with Section 2.1.3b) of the Provincial Policy Statement 2005. It is important to note that although the Conservation Authority may allow the subject development proposal to be undertaken, it is not common practice for the NBMCA to permit development within a Provincially Significant Wetland. This is a special circumstance.*

*Previous studies have indicated that the loss of this portion of wetland, with mitigative measures, would have no negative impact on the natural features or ecological functions of the wetland. According to the Parks Creek wetland evaluation, the total wetland area is 332 hectares. Phase II of the proposed plan of subdivision will involve development of 1.8 hectares within the wetland, representing 0.5% of the total wetland area, and 3.8 hectares in the adjacent lands.*

*The Conservation Authority requested that Species at Risk information be updated. Trillium Woods Addendum Report, July 13, 2012 was prepared by FRI Ecological Services Inc. The report indicates that although there were two sightings of Blanding's Turtle in the area, the MNR has not identified any significant habitat on or within 120 meters of this development proposal. The report goes on to say that: "The thicket swamp does not exhibit the water depths that would be suitable to provide good hibernation habitat to protect from freezing. This same community is too shady and does not have any exposed sand or fine gravel that would be suitable for nesting either." The report recommended that turtle fences be installed along the lots adjacent to the wetland to direct any turtles away from the hazards in the urban development.*

*An Archaeological and Heritage Impact Assessment was undertaken for this property by Woodland Heritage Services Ltd in 2005. The report indicated that no archaeological/cultural heritage sites or features will be impacted by the residential development.*

*As per Regulation 177/06 the Conservation Authority may grant permission for development in or on hazardous lands if, in its opinion, the control of flooding, erosion, pollution or conservation of land will not be affected by the development. Due to the presence of organic soils on the property, the NBMCA has requested that a geotechnical investigation be undertaken by a qualified professional to determine the extent of the hazard. According to NBMCA floodplain mapping, the proposed development is not within the flooding or erosion hazard area for Parks Creek.*

*In conclusion, although this development, due to timing, is not consistent with Section 2.1.3 b) of the PPS, it is my opinion that, based on the information provided to date; the loss of this portion of wetland will not affect the natural features or ecological functions of the Parks Creek Provincially Significant Wetland. The application appears to be consistent with Sections 2 and 3 of the PPS, subject to the issuance of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit."*

In our opinion, the approach used by the NBMCA in review of the proposal is appropriate. It considers all relevant policies, previous and updated studies and an understanding that with the original approvals granted in 2006 for the Official Plan Amendment and Zoning By-law Amendment the intent to develop the land was established.

These recommendation and requirements have been captured in the Conditions of Approval, attached as Appendix 'A' to this report and must be addressed prior to the registration of the Plan of Subdivision or the issuance of any fill or building permit.

The Ministry of Municipal Affairs and Housing has requested a copy of the decision of Council and has provided correspondence outlining the requirements of being consistent with the Provincial Policy Statement as set out under the Planning Act.

### Summary

The subject property previously went through a Planning review for an Official Plan Amendment and Zoning By-law Amendment in 2005. Although residential uses were contemplated on the site through this amendment, the Subdivision Applications for the development of the property were not received until 2009 (Phase I) and 2011 (Phase II).

Phase I of the Subdivision was given final approval in 2010 as no part of the development was within the PSW or its adjacent lands. As discussed throughout this report, the Phase II development currently under consideration is partially located within the Parks Creek Wetland Complex and its adjacent lands. The Provincial Policy Statement 2005 does not permit development within a PSW.

As noted by the NBMCA, the subject property has found itself in a very unique circumstance within the community. The property is located in a residentially developed area within the City's settlement area. It is a property that has previously been approved for an Official Plan Amendment and Zoning By-law Amendment which set the stage for its future residential development. The implementation of which has come with Plan of Subdivision applications. The technical change in the PPS in 2005 has resulted in a Plan of Subdivision (implementation phase) which is no longer consistent with the PPS. This situation does not present itself anywhere else within our community.

Council should be aware that the Section 3(5) of the Planning Act requires that "a decision of the council of a municipality, a local board, planning board or a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board...(a) shall be consistent with the policy statement..."

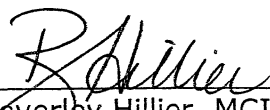
Option 1 - to deny the proposed Plan of Subdivision application.

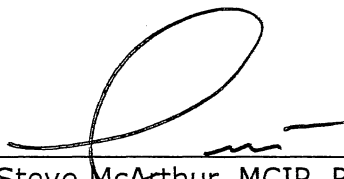
Option 2 - to approve, with conditions, the proposed Plan of Subdivision Application.

**Recommended Option**

Option 2 is recommended option. As Planning Staff, it is our responsibility to Council, to provide recommendations that in our opinion will result in a well planned community. Given all of the considerations above, it is our opinion that, although not consistent with Section 2.1.3 b) of the PPS, the proposed Plan of Subdivision should be approved subject to the conditions of draft approval contained in Appendix A.

Respectfully Submitted,

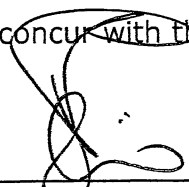
  
\_\_\_\_\_  
Beverley Hillier, MCIP, RPP  
Manager, Planning Services

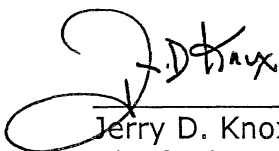
  
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Steve McArthur, MCIP, RPP  
Senior Planner, Current Operations

SM/BH  
attach.

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We concur with the recommendations contained in this report.

  
\_\_\_\_\_  
Peter Chirico  
Managing Director,  
Community Services

  
\_\_\_\_\_  
Jerry D. Knox  
Chief Administrative Officer

City of North Bay  
File No. 48T-09101

**APPENDIX "A" - TRILLIUM WOODS PLAN OF SUBDIVISION, PHASE II  
REPRESENTING LOTS 1 TO 71 AND BLOCKS 72 & 73**

The City of North Bay's Conditions to Final Approval for registration of the Subdivision File No. 48T-09101, are as follows:

- | <u>No.</u> | <u>Conditions</u>  |
|------------|--|
| 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 <i>Planning Act</i> , the five (5) year expiration period does not begin until the date of the order of the Ontario Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the <i>Planning Act</i> . |
| 2)         | That this approval applies to the Draft Subdivision Plan prepared by R. D. Miller, OLS, dated May 9, 2012 including seventy-one (71) residential lots and two (2) blocks for parkland purposes and reverse, identified as Lots 1 to 71 and Blocks 72 & 73 on the attached Schedule "B".  |
| 3)         | That prior to signing the Final Plan by the Municipality, the proposed subdivision conform with the Zoning By-law in effect for the Municipality.  |
| 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 the road allowance included in this Draft Plan shall be dedicated as public highways.   |
| 6)         | That all streets on the Plan of Subdivision be named to the satisfaction of the City of North Bay.   |
| 7)         | That such easements as may be required for utility, water, sanitary and drainage purposes shall be granted to the appropriate authority.   |
| 8)         | 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.  |



- 9) 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 the Owner, and the Owner shall hire 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;
  - b) The Stormwater Management report shall also address any slope stability or any hydrological issues associated with this development; and
  - 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.
  - d) The Owner agrees to pay a Stormwater Management fee of \$2,200 per lot at the time of the issuance of a Building Permit as recommended in the Watson Report.
- 10) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, prepared by a qualified engineer, to the satisfaction of, and at no expense to the City of North Bay.
- 11) 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, including Block 73 as shown on the Draft Subdivision Plan prepared by R. D. Miller, OLS, dated May 9, 2012 and attached hereto as Schedule 'B'.
- 12) 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. The Owner/Developer further agrees to work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision, to install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of the Community Mail Boxes, to identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of the Subdivision. Curb depression will be required, if not a roll over curb. These pads are to be installed 3 meters from any fire hydrant or transformer.
- 13) 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.

- 14) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 15) 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.
- 16) All roads and right-of-ways shall be transferred to the City of North Bay in compliance with the respective Subdivision.
- 17) The Owner agrees that the following clause shall be included in all offers to purchase, agreements of purchase and sale or lease, and in the title deed or lease of each dwelling:

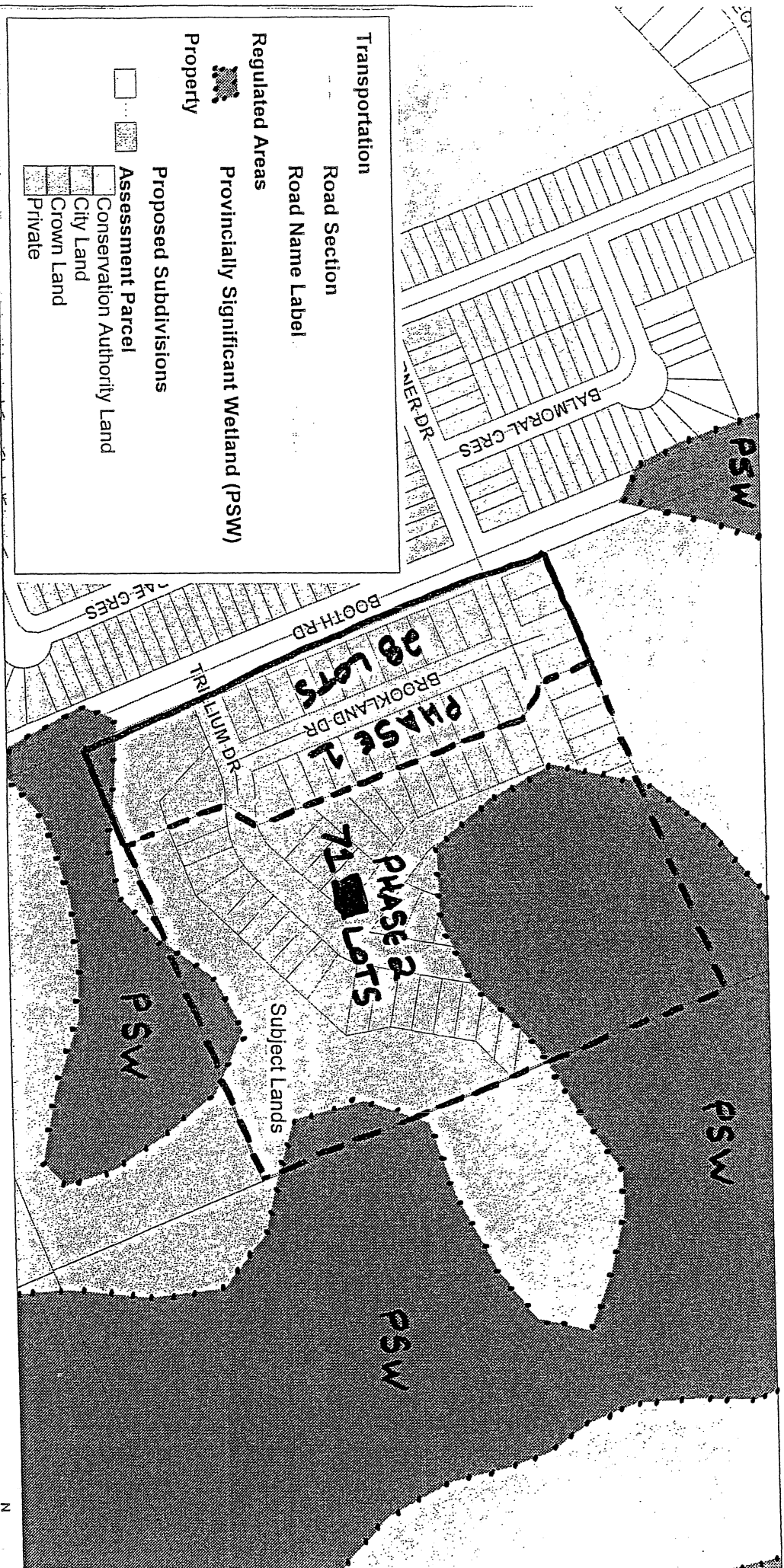
"Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way."
- 18) That the recommendations and requirements of the following documents be implemented to the satisfaction of the City of North Bay and the North Bay-Mattawa Conservation Authority prior to the Final Approval of any part of the Draft Approved Phase II Trillium Woods Subdivision:
  - i) G. Miller, 1999. "An analysis of the Natural Features and Ecological Functions of the Parks Creek Wetland";
  - ii) G. Miller, 1999. "Full Impact Assessment of Lot 37, Con. 16 of the Former Township of West Ferris, Located in the Parks Creek Wetland System";
  - iii) R. Bilz, 2005 "Scoped Site Environmental Impact Study (EIS), Marshall Park Development"; and
  - iv) R. Bilz, 2012. "Trillium Woods Addendum Report to the Scoped Site Environmental Impact Study (EIS), prepared for Marshall Park Developments (August 2005)."

NOTES:

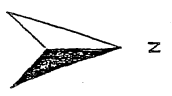
1. We suggest you make yourself aware of the following:
  - a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
  - b) Section 143(2) allows certain exceptions.

2. 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 and 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).
3. The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with North Bay Hydro Distribution Ltd that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with North Bay Hydro policies and the Ontario Distribution System Code.
4. The property is regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulations 97/04 and 177/06. These regulations are pursuant to Section 28 of the Conservation Authorities Act of Ontario. A Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA) Permit is required from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property.

# SCHEDULE A



SCALE 1 : 3,690



# SCHEDULE B

DRAFT PLAN OF SUBDIVISION FOR  
PART OF LOT 37  
CONCESSION 16  
TOWNSHIP OF WEST FERRIS  
NOW IN THE  
CITY OF NORTH BAY  
DISTRICT OF NIPISSING

0m 25m 50m  
SCALE 1: 750

**METRIC**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**BEARING NOTE**

BEARINGS ARE ASTROMONIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF PART 1, AS SHOWN ON DEPOSITED PLAN 368-12363, HAVING A BEARING OF N89°04'35"E.

**LAND USE ANALYSIS**

LOT OR BLOCK	INTENDED USE	No. OF UNITS	AREA (HECTARES)
LOTS 1 TO 71	RESIDENTIAL	71	3.8877 HA
BLOCK 72	0.3% RESERVE	1	0.0008 HA
STREETS		3	1.3408 HA
BLOCK 73	PARK	1	1.7546 HA
TOTAL			8.9637 HA

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE ONTARIO PLANNING ACT**

- (A) AS CERTIFIED ON THE FACE OF THE PLAN
- (B) AS SHOWN ON THE FACE OF THE PLAN
- (C) AS SHOWN ON THE FACE OF THE PLAN
- (D) THE PURPOSE FOR WHICH THE LOTS ARE TO BE USED ARE LISTED IN THE LAND USE ANALYSIS.
- (E) THE EXISTING USES OF THE ADJOINING PROPERTIES ARE:  
NORTH - VACANT LANDS AND RESIDENTIAL RM2  
EAST - LIGHT INDUSTRIAL LANDS  
SOUTH - WETLAND AND RESIDENTIAL R3  
WEST - RESIDENTIAL R3
- (F) AS SHOWN ON THE FACE OF THE PLAN
- (G) AS SHOWN ON THE FACE OF THE PLAN
- (H) MUNICIPALLY OWNED AND OPERATED PIPED WATER SYSTEM
- (I) THE NATURE AND POROSITY OF THE SOIL IS SANDY LOAM
- (J) 1.5 METRE CONTOUR INTERVALS SHOWN ON THE FACE OF THE PLAN
- (K) THE MUNICIPAL SERVICES TO BE AVAILABLE TO THE LANDS ARE:  
EMERGENCY SERVICES - POLICE, FIRE, AMBULANCE  
MUNICIPAL SERVICES - PIPED WATER, PIPED SANITARY, TRANSIT, GARBAGE, RECYCLING, ROAD MAINTENANCE, SCHOOL BUSING, SNOW REMOVAL  
PUBLIC SERVICES - GAS, ELECTRICITY, TELEPHONE, CABLE, INTERNET
- (L) THERE IS A DRAINAGE EASEMENT AFFECTING THE PROPERTY.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJOINING LANDS ARE CORRECTLY SHOWN.

NORTH BAY, ONTARIO  
MAY 9, 2012

R.D. MILLER  
ONTARIO LAND SURVEYOR  
FOR MILLER & URSO SURVEYING INC.

**OWNER'S CERTIFICATE**

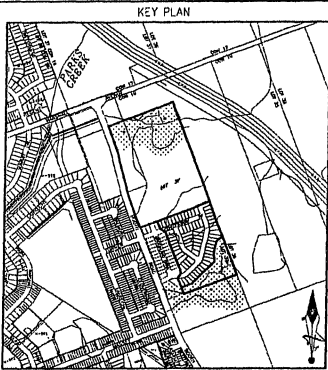
I HEREBY CONSENT TO THE FILING OF THIS DRAFT PLAN FOR DRAFT APPROVAL.

NORTH BAY, ONTARIO  
MAY 9, 2012

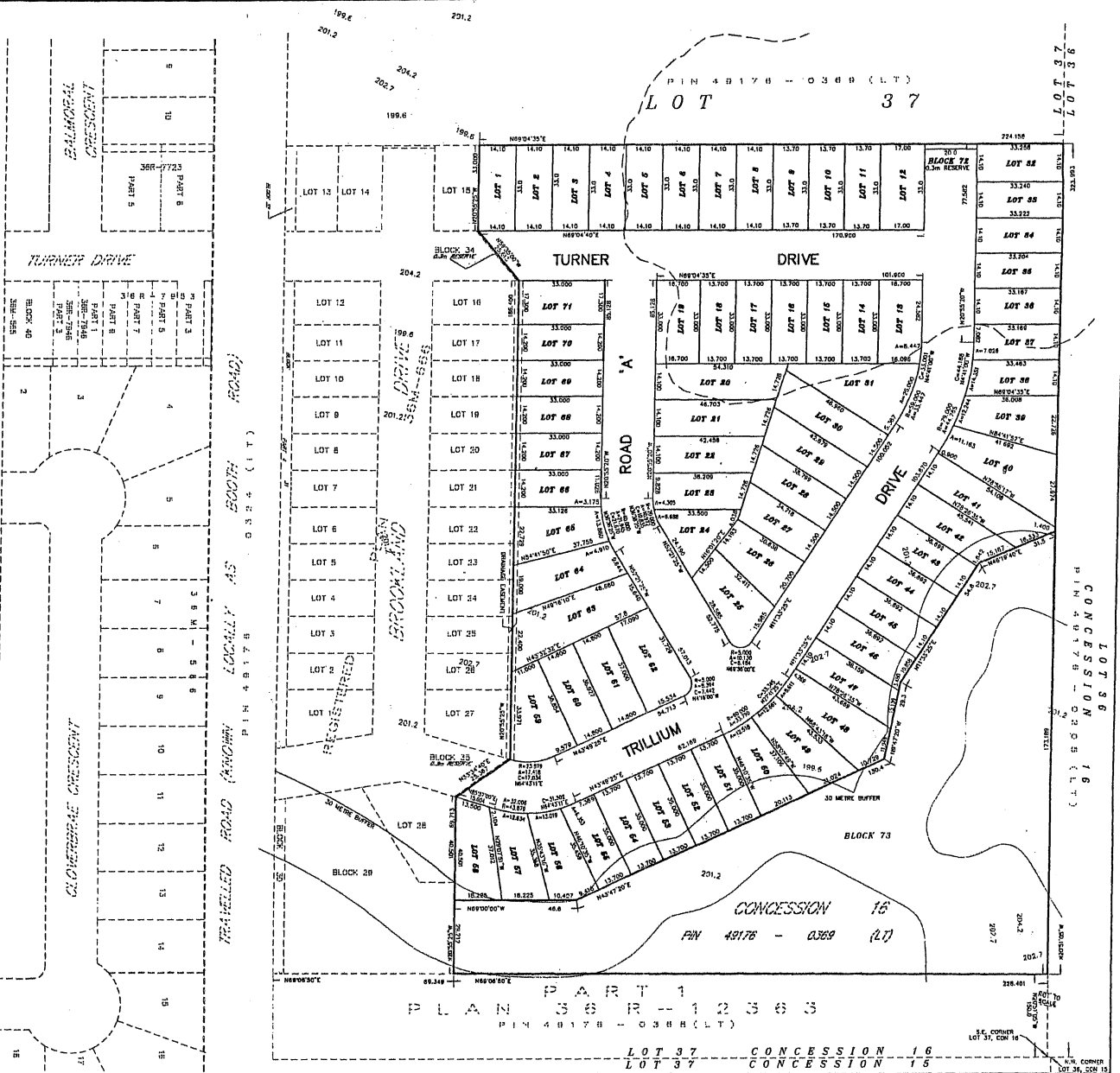
873342 ONTARIO INC.  
KEN JACKSON - SECRETARY  
I HAVE THE AUTHORITY TO BIND THE CORPORATION  
REGISTERED OWNER OF PIN 49176-0369 (L1)

Miller & Urso Surveying Inc.  
Ontario Land Surveyors & Canada Land Surveyors  
Planning Consultants

1501 SEYMOUR STREET  
NORTH BAY ON P1A 0S3  
TEL: (709) 474-1210  
FAX: (709) 474-1783  
DRAWN BY: AUC / CAL  
CHECKED BY: RWA  
W.D. 3585



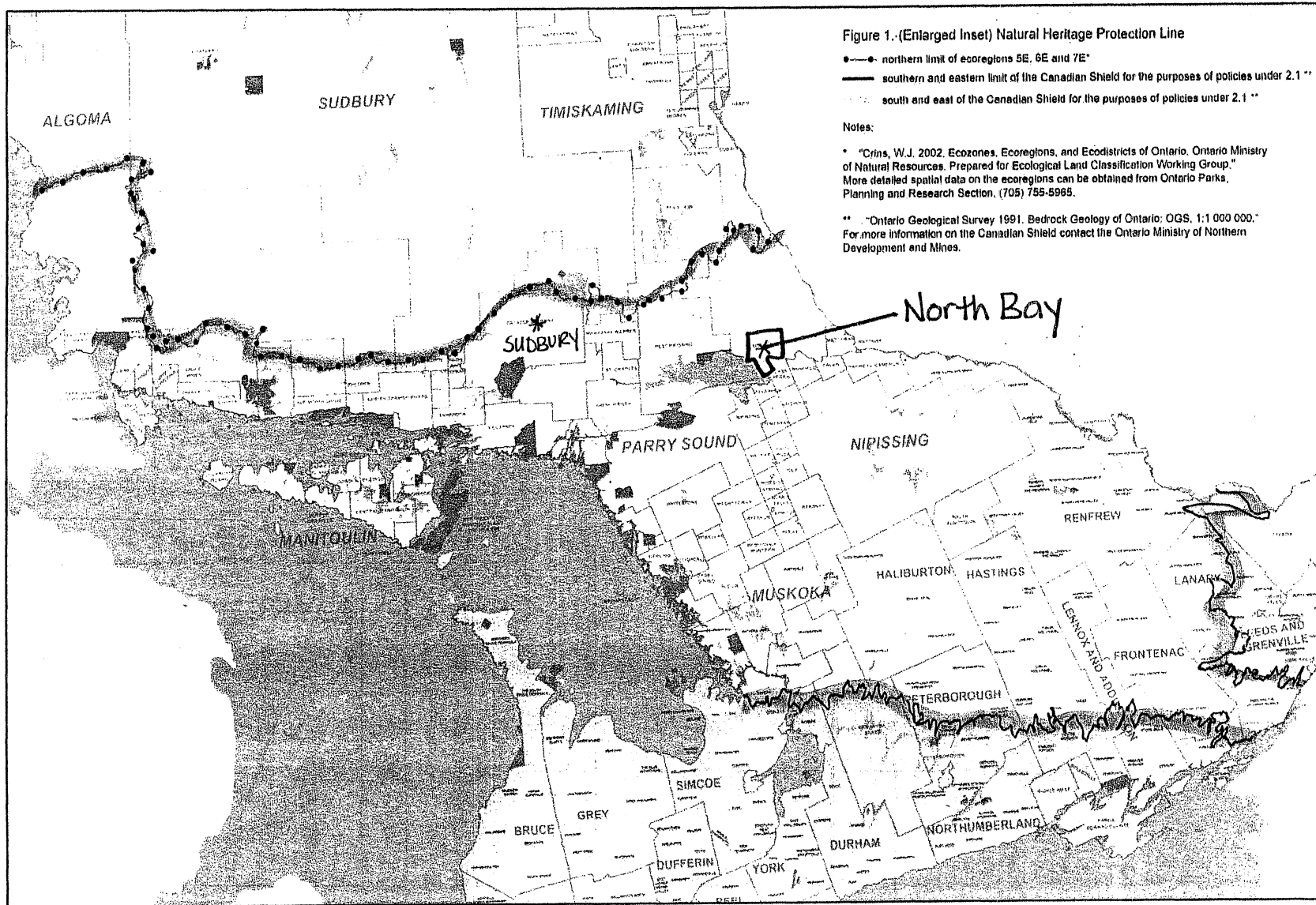
KEY PLAN NOT TO SCALE



PLAN 368 R - 1 2 3 6 3  
PIN 49176 - 0369 (L1)

LOT 37 CONCESSION 16  
LOT 37 CONCESSION 16

# SCHEDULE C



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INTER OFFICE

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## *Planning Services City of North Bay*

MEMO

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**To:** Chair and Members, Planning Advisory Committee  
**From:** Steve McArthur - Senior Planner, Current Operations  
**Subject:** Proposed Draft Plan of Subdivision (70 Lots) by Miller & Urso Surveying Inc. on behalf of Kenalex Development Inc., Concession 16, Part of Lot 37, (Phase II - Trillium Woods Subdivision)  
**Date:** July 7, 2011

### Recommendation

That the proposed Draft Plan of Subdivision (Phase II - Trillium Woods Subdivision) by Miller & Urso Surveying Inc. on behalf of Kenalex Development Inc. for the property legally described as Concession 16, Part of Lot 37, in the former Township of West Ferris, BE DENIED.

### Site

The subject property is located east of Booth Road and south of the intersection at Marshall Avenue. The site has frontage on Turner Drive and Trillium Drive, both of which were created as part of Phase I of the Trillium Woods Plan of Subdivision. The total land area for Phase II represents approximately 6.94 hectares (17.15 acres) as shown on Schedules 'A' & 'B' attached hereto.

To the west (across Booth Road), the site is surrounded by a fully developed low and medium density residential neighbourhood. To the north, east and south the property is surrounded by vacant land, with the exception being a church on a lot created from a severance at the northwest corner of the subject property.

### Proposal

The Applicant is seeking Draft Approval of Phase II of the Trillium Woods Plan of Subdivision (70 Lots) in order to permit the residential development of the property for single detached dwellings.

### Background

The subject property has previously undergone a full planning process as it was subject to an Official Plan and Zoning By-law amendment in 2004. The subject property was previously designated "General Industry" and zoned for industrial purposes. The site consists of various areas of Provincially Significant Wetland (PSW) (Parks Creek Wetland Complex).

Between the previous Planning Act applications and the current Plan of Subdivision application, the Provincial Policy Statement was updated. As provided for in the transition provisions, any Planning Act application received after the new the PPS (2005) came into effect must be reviewed under the new PPS.

July 7, 2011

Page 2

During the review of the previous planning applications in 2004, the PPS 1997 required Planning Act applications to “have regard to” provincial policy contained in the PPS. This standard changed under the new PPS, passed in March 2005. Any planning application received after this date is required to “be consistent with” provincial policy contained in the PPS.

With respect to the current Plan of Subdivision application, the implications of this change in standards between the 1997 and 2005 versions of the PPS largely relate to Provincially Significant Wetlands (PSW).

Under the 1997 PPS, the applicant was permitted to develop within the PSW providing there was no negative impacts on the natural features or on the ecological functions for which the area is identified. The applicant completed various studies including a “*Full Site Impact Assessment (1999)*”, “*An Analysis of the Natural Features and Ecological Functions of the Parks Creek Wetland (1999)*”, a “*Scoped Site Environmental Impact Study (2005)*”, and an “*Archeological and heritage Impact Assessment (2005)*” to show no net negative impact. Based on the Studies completed and the policies in place under the 1997 PPS, the Official Plan Amendment and Zoning By-law Amendment were approved.

At the time of the Official Plan Amendment and Zoning By-law Amendment the applicant did not apply for a Plan of Subdivision.

Draft Approval and Final Approval of Phase I (28 Lots) of the Trillium Woods Plan of Subdivision was granted in 2009 and 2010 respectively. The approved Draft Plan of Subdivision represented the first phase of a larger subdivision development proposed for the site (Schedule ‘B’ attached). No portion of this first phase of development fell within the PSW or its adjacent lands.

The Applicant is now seeking Draft Approval of a Plan of Subdivision for 70 Lots, representing Phase II of the Trillium Woods Subdivision on Brookland Drive, Trillium Drive & Turner Drive in the City of North Bay in order to permit the full residential development of the property legally described as Concession 16, Part of Lot 37 in the former Township of West Ferris. A portion of the Phase II Subdivision Application is located within and adjacent to Provincially Significant Wetland.

This new *Planning Act* application must be reviewed under the policies of today, which include the *Northern Growth Plan (GNP)* and the 2005 version of the *Provincial Policy Statement (PPS 2005)*.

### Provincial Policy

The Provincial Policy Statement was updated in 2005 and the Northern Growth Plan was introduced in 2010. All *Planning Act* applications must be consistent with the PPS and conform to the GNP.

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

Section 1.0 of the PPS, Building Strong Communities, provides for a wide variety of policies relating to wisely managing change and promoting efficient land use and development patterns. Section 1.1.3.3 states that: “*Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including Brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*”.



The subject property has access to existing municipal services as encouraged by Sections 1.6.2 and 1.6.4.2 of the PPS. The property is surrounded by various forms of low and medium density residential developments. The proposed development of seventy (70) single detached dwelling residential lots will maintain the existing character of the neighbourhood.

Since the original approval of the Official Plan and Zoning By-law amendments in 2004, the Natural Heritage Protection Line, which is identified as Section 5.0, Figure 1 in the PPS 2005, and attached as Schedule 'C' hereto, was modified.

As a result, new and more stringent policies were established for ecoregions 5E, 6E and 7E and the following policies now apply:

*2.1.3 Development and site alteration shall not be permitted in:*

- a. significant habitat of endangered species and threatened species;*
- b. significant wetlands in Ecoregions 5E, 6E and 7E; and*
- c. significant coastal wetlands.*

*2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

The City of North Bay is located in Ecoregion 5E and the subject lands contain significant wetlands.

Although the subject property previously received an Official Plan Amendment and Zoning By-law Amendment for the purpose of future residential development, the Plan of Subdivision Application for Phase I and II were not received until 2009 and 2011 respectively. Phase I was located outside of the area impacted by PSW and was subsequently approved in 2010. As a result, the applications are required to be reviewed under the current PPS; in my opinion the proposed Phase II Plan of Subdivision Application is not consistent with the Provincial Policy Statement 2005.

The Growth Plan for Northern Ontario was introduced on March 3rd, 2011 and all Planning Act Applications must now be evaluated with consideration to this plan.

The GPNO is broad in scope and is aimed at shaping development and land use in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, transportation / infrastructure, education, community planning, the environment and the native rights of aboriginal peoples.

With respect to the implementation of the GPNO, the Plan sets out that if there is a conflict between the GPNO and the PPS, the GPNO prevails. The exception is where there is a conflict relating to the natural environment or human health, in which case the direction that provides more protection to the natural environment or human health prevails.

In the case of this application, although supported by the GPNO, the PPS provides the greater protection to the natural environment and therefore prevails with respect to the Provincially Significant Wetland.

#### Official Plan

The subject property is designated 'Residential' in the City of North Bay's Official Plan.

July 7, 2011

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The residential policies contained in Section 2.2 of the Official plan identify that in “low density residential areas, the intent of this Plan is to provide for accommodation in relatively small buildings, in dwelling units generally suitable for families with children. In this regard, the dwelling types considered appropriate generally involve low profile buildings having an external access and outdoor privacy areas associated with each dwelling unit. The City shall ensure that the amenity of such areas are preserved, and that different types of structures shall be mutually compatible. Dwelling units considered suitable in such low density areas are:

- a) single detached and semi-detached dwellings;
- b) duplexes, triplexes;
- c) rooming houses, boarding houses; and
- d) maisonettes, townhouses, & low profile apartments”.

The proposed Trillium Woods Phase II Draft Plan of Subdivision would permit the development of a seventy (70) lot residential subdivision along the easterly side of Booth Road. The subject property is adjacent to a newly developed residential subdivision (Trillium Woods, Phase I) and is in close proximity to other low and medium density residential subdivisions constructed along the westerly side of Booth Road.

The proposed Draft Plan Subdivision complies with the residential policies contained within Section 2.2 of the Official Plan.

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

The subject property is currently zoned “Residential Third Density (R3)” and “Floodplain and Erosion Special Zone (O2 Sp.)”.

The “Residential Third Density (R3)” zone permits the following uses:

- single detached dwelling;
- semi-detached dwelling;
- duplex dwelling;
- accessory home based business;
- parks, playgrounds and non-profit uses; and
- institutional uses

The “Floodplain and Erosion Special Zone (O2 Sp.)” permits the following uses:

- public and/or private parks;
- structural works of approved design for flood or erosion and sedimentation control

The Natural Hazards on the subject lands are identified in the City of North Bay’s Zoning By-law No. 28-80 as a “Floodplain and Erosion (O2)” zone. Prior to altering the boundary of the “O2” zone, the NBMCA shall be satisfied that all lands that are subject to Natural Hazards are identified. The special component of the O2 zone limits the permitted uses on the property, as recommended by the North Bay-Mattawa Conservation Authority in its 2004 review.

The proposed Plan of Subdivision meets the regulations of the City’s Zoning By-law.

### **Considerations**

This proposal has previously undergone a full planning process as it was subject to an Official Plan and Zoning By-law Amendment in 2004 and to a final approval of a Plan of Subdivision (Trillium Woods, Phase I – 28 Lots) in 2010.

July 7, 2011

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The current application for Draft Approval of Phase II of the Trillium Woods Subdivision, representing 70 Lots, was circulated to property owners within 120 meters (400 feet) of the subject lands, as well as to several municipal departments and other agencies that may have an interest in this matter.

In terms of the correspondence received the Engineering Department, Public Works Department, Economic Development Department, Building Department, Ministry of Transportation, Hydro One, Parks, Recreation & Leisure Services and the Fire Department offered no objection to the proposal.

The Applicant previously dedicated and transferred to the City of North Bay parkland in the form of Blocks 30 to 32 to accommodate the extension of the Kate Pace Way trail system. In addition to this, the Applicant transferred Block 29 to the City for a small neighbourhood park. Municipal services have been brought to the property line (Block 29) at the owner's expense as part of the conditions in the final approval of Phase 1 of the Trillium Woods Plan of Subdivision.

Canada Post offered the following comments: *"Canada Post has reviewed the proposal for the above noted plan and has determined that the area will be serviced by centralized mail delivery provided through Community Mail Boxes. The Owner/Developer further agrees to work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision, to install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of the Community Mail Boxes, to identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of the subdivision. Curb depression will be required if not a roll over curb. These pads are to be installed 3 meters from any fire hydrant or a transformer."*

The North Bay-Mattawa Conservation Authority indicated: *"that the above-noted property is 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. It is required that the property owner obtain a Fill, Construction & Alteration to Waterway Permit prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities include the placement or removal of fill material of any kind and/or the alteration of existing grades on the subject property. As you are aware the proposed development is within the Provincially Significant Parks Creek Wetland Complex, and in the adjacent lands (120 meter buffer)."*

The comments from the North Bay-Mattawa Conservation Authority and the information related to the Provincial Policy Statement regarding Provincially Significant Wetlands have been shared and discussed with the applicant.

### Summary

The subject property previously went through a Planning review for an Official Plan Amendment and Zoning By-law Amendment in 2004. Although residential uses were contemplated on the site through this amendment, the Subdivision Applications for the development of the property were not received until 2009 (Phase I) and 2011 (Phase II).

Phase I of the Subdivision was given final approval in 2010 as no part of the development was within the PSW or its adjacent lands. As discussed throughout this report, the Phase II development currently under consideration is partially located within the Parks Creek Wetland Complex and its adjacent lands. The Provincial Policy Statement 2005 does not permit development within a PSW.

July 7, 2011

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The PPS is issued under Section 3 of the Planning act. Section 3(5) of the Planning Act requires that “a decision of the council of a municipality, a local board, planning board or a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board...(a) shall be consistent with the policy statement...”

Given the above considerations, it is my professional opinion that the Phase II Plan of Subdivision Application for Trillium Woods is not consistent with the Provincial Policy Statement 2005 and should not be approved.

Respectfully Submitted,



Steve McArthur, MCIP, RPP  
Senior Planner, Current Operations

SM/BH  
attach.

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I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP  
Manager, Planning Services

**ENGINEERING & WORKS COMMITTEE**

Monday, August 27, 2012

Page 1

**Chairperson: Councillor Vrebosch**

**Vice-Chair: Councillor Koziol**

**Member: Councillor Campbell**

**Ex-Officio: Mayor McDonald**

EW-2010-03

Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/KPWTR/WESTENDR).

# **GENERAL GOVERNMENT COMMITTEE**

Monday, August 27, 2012

Page 1

**Chairperson: Councillor Lawlor**  
**Vice-Chair: Councillor Anthony**  
**Members: Councillors Bain, Maroosis**  
**Ex-Officio: Mayor McDonald**

- GG-2011-04      Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).
- GG-2011-16      Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).
- GG-2012-04      Report from Karen McIsaac dated July 30, 2012 re Business Licencing By-Law (C00/2012/BYLA/BUSLICEN).

## ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings <b>(due September 2005)</b> .
September 21, 2009	Review, update and consolidation of Noise By-Law <b>(due June 30, 2010)</b> .
March 8, 2010	Comprehensive Long-Term Financial Plan <b>(due April 30, 2010)</b> .
May 3, 2010	Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed.
December 30, 2010	Quarterly report on progress of WSIB appeal, error corrections and cost projections for 2011.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP <b>(due July 2014)</b> .
August 2, 2011	Review of smoking at City facilities and commercial establishment patios.
August 15, 2011	Effectiveness of the Residential Rental Housing By-Law <b>(due May 2013)</b> .
July 16, 2012	Review of water and sewage rates for the dispensing facility on Patton Road <b>(due March 2013)</b> .