



# **AGENDA MATERIAL**

## **CITY COUNCIL (Public Meeting)**

**MEETING DATE:** MONDAY, MARCH 21, 2022

**LOCATION:** S. H. BLAKE MEMORIAL AUDITORIUM  
(Council Chambers)

**TIME:** 6:30 P.M.



**MEETING:** City Council (Public Meeting)

**DATE:** Monday, March 21, 2022

*Reference No.* CCP - 4/53

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**OPEN SESSION in the S.H. Blake Memorial Auditorium at 6:30 p.m.**

City Council (Public Meeting)  
Chair: Mayor Bill Mauro

***DISCLOSURES OF INTEREST***

***CONFIRMATION OF AGENDA***

Confirmation of Agenda - March 21, 2022 - City Council (Public Meeting) **(Page 3)**

WITH RESPECT to the March 21, 2022 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

***PUBLIC MEETING PROCEDURES***

***CITY COUNCIL (PUBLIC MEETING)***

**Plan of Subdivision & Zoning Amendment - 1811 Mountain Road**

Report R 38/2022 (Development & Emergency Services - Planning Services presenting an application from Shore Bay Estates Limited seeking approval of a Plan of Subdivision and a Zoning By-law Amendment at 1811 Mountain Road being Part of Lots 17 and 18, Concession 3 SKR. The subject lands are approximately 54.40 hectares in size and located southeast of Highway 61 and north of Mountain Road. The plan is comprised of sixty-nine lots for single detached dwellings, two stormwater blocks, two walkway blocks, new streets, and four open space blocks. **(Pages 4 – 24)**

Administration supports the approval of the proposed plan of subdivision and zoning amendment.

THAT a Public Meeting having been held with respect to the application by SHORE BAY ESTATES LIMITED relative to PART OF LOTS 17 & 18 CONCESSION 3, S.K.R.; GEOGRAPHIC TOWNSHIP OF NEEBING; CITY OF THUNDER BAY; DISTRICT OF

THUNDER BAY, municipally known as 1811 Mountain Road, we recommend that the Zoning By-law be amended as follows:

1. That the portion of the lands shown as “PROPERTY LOCATION ONE”, be rezoned from the “R5” – Residential Future Zone to “R1” – Residential One Zone.
2. That the portion of the lands shown as “PROPERTY LOCATION TWO”, be rezoned from the “R5” – Residential Future Zone to “R1-H” – Residential One Zone – Holding.
3. That the “H” symbol be removed from the lands when the Owner demonstrates that these lots can be developed without the use of tertiary treatment systems for the individual septic systems, to the satisfaction of the City’s Engineering & Operations Division and the Thunder Bay District Health Unit.
4. That any temporary turning circle blocks be deemed to form part of the abutting lot for the purpose of calculating area, frontage, depth, coverage, and yard setbacks;
5. That the Minimum REQUIRED LOT FRONTAGE is 30.0 metres in the “R1” Zone.
6. That the Minimum REQUIRED LOT AREA is 2,100.0 square metres in the “R1” Zone.

AND THAT the necessary By-laws are presented to City Council for ratification.

ALL as contained in Report R 38/2022 (Planning Services), as submitted by the Development & Emergency Services Department.

### ***ADJOURNMENT***



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**MEETING DATE**     03/21/2022 (mm/dd/yyyy)

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**SUBJECT**             Confirmation of Agenda

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***SUMMARY***

Confirmation of Agenda - March 21, 2022- City Council (Public Meeting)

***RECOMMENDATION***

WITH RESPECT to the March 21, 2022 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development & Emergency Services - Planning Services	<b>REPORT NO.</b>	R 38/2022
<b>DATE PREPARED</b>	03/07/2021	<b>FILE NO.</b>	58T-00501 Z-09-2020
<b>MEETING DATE</b>	03/21/2021 (mm/dd/yyyy)		
<b>SUBJECT</b>	Zoning By-law Amendment and Draft Plan of Subdivision – 1811 Mountain Road (Shore Bay Estates Limited)		

## **RECOMMENDATION**

### Zoning By-law Amendment

**(For consideration by Council on March 21<sup>st</sup>, 2022)**

THAT a Public Meeting having been held with respect to the application by SHORE BAY ESTATES LIMITED relative to PART OF LOTS 17 & 18 CONCESSION 3, S.K.R.; GEOGRAPHIC TOWNSHIP OF NEEBING; CITY OF THUNDER BAY; DISTRICT OF THUNDER BAY, municipally known as 1811 Mountain Road, we recommend that the Zoning By-law be amended as follows:

1. That the portion of the lands shown as “PROPERTY LOCATION ONE”, be rezoned from the “R5” – Residential Future Zone to “R1” – Residential One Zone.
2. That the portion of the lands shown as “PROPERTY LOCATION TWO”, be rezoned from the “R5” – Residential Future Zone to “R1-H” – Residential One Zone – Holding.
3. That the “H” symbol be removed from the lands when the Owner demonstrates that these lots can be developed without the use of tertiary treatment systems for the individual septic systems, to the satisfaction of the City’s Engineering & Operations Division and the Thunder Bay District Health Unit.
4. That any temporary turning circle blocks be deemed to form part of the abutting lot for the purpose of calculating area, frontage, depth, coverage, and yard setbacks;
5. That the Minimum REQUIRED LOT FRONTAGE is 30.0 metres in the “R1” Zone.
6. That the Minimum REQUIRED LOT AREA is 2,100.0 square metres in the “R1” Zone.

AND THAT the necessary By-laws are presented to City Council for ratification.

ALL as contained in Report No. R 32/2022 (Planning Services), as submitted by the Development & Emergency Services Department.

Draft Plan of Subdivision

**(For consideration by Council on April 11<sup>th</sup>, 2022)**

THAT a Public Meeting having been held with respect to the application by SHORE BAY ESTATES LIMITED to create sixty nine (69) lots, seven (7) blocks, and new streets, as shown on the plan in Attachment "C" to Report No. 32/2022 (Planning Services) on PART OF LOTS 17 & 18 CONCESSION 3, S.K.R.; GEOGRAPHIC TOWNSHIP OF NEEBING; CITY OF THUNDER BAY; DISTRICT OF THUNDER BAY, municipally known as 1811 Mountain Road (58T-00501), draft plan approval is hereby issued for a period of 3 years, subject to the conditions outlined in Attachment "A" and on the plan dated November 27<sup>th</sup>, 2020 Draft Plan of Subdivision prepared by J.D. BARNES LIMITED in Attachment "C" to Report No. R 32/2022 (Planning Services);

AND THAT the plan of subdivision proceeds to final approval to the satisfaction of the Engineering & Operations Division, Parks & Open Spaces Section, and Planning Services Division;

That prior to the passing of the By-law for Draft Plan Approval:

1. The proposed amendments to the zoning by-law that would facilitate the proposed plan of subdivision for the subject lands, receives approval from City Council.

Unless otherwise rescinded or extended, this approval in principle shall be valid for a period of six (6) months from the date of ratification by City Council. Thereafter, the file shall be considered closed and a new application will be required if the condition to be fulfilled prior to the passing of the by-law for draft plan approval has not been completed.

AND THAT the necessary By-laws be presented to City Council for ratification;

ALL as contained in Report No. 32/2022 (Planning Services), as submitted by the Development & Emergency Services Department.

***EXECUTIVE SUMMARY***

Applications have been received to amend the Zoning By-law and subdivide land to facilitate creation of a partially serviced residential plan of subdivision. The subject lands are approximately 54.40 hectares in size and located southeast of Highway 61 and north of Mountain Road. The plan is comprised of 69 lots for single detached dwellings, two stormwater blocks, two walkway blocks, new streets, and four open space blocks.

With regard to Section 51(20) of the Planning Act, no decision can be made on the application for draft plan approval of this subdivision until at least 14 days have elapsed from the holding of the public meeting. The recommendation for approval of the draft plan will be presented to Council for consideration on April 11<sup>th</sup>, 2022.

Planning Services is recommending approval of the proposal, since it is appropriate and will allow for infilling and minor rounding out within the Rural Settlement Area. The Applicant's request is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, and conforms to the Official Plan. For these reasons, Administration supports the approval of the proposed plan of subdivision and zoning amendment.

## ***DISCUSSION***

### **Description of Proposal**

The Applicant proposes to develop the lands for a plan of subdivision that is serviced with municipal piped water, storm sewers, and individual private septic systems. The plan of subdivision is comprised of 69 lots for single detached dwellings, two stormwater blocks, two walkway blocks, new streets, and four open space blocks.

The plan of subdivision would be primarily accessed from Highway 61, with secondary access from Mountain Road for future stages. The Applicant has proposed that the plan of subdivision would be built in four stages as shown on Attachment "D".

The Applicant also seeks to amend the Zoning By-law to establish the necessary regulatory framework for the lands. The associated amendment to the Zoning By-law would rezone the "R5" Zone portion to the "R1" Zone and "R1-H" Zone – Holding, and reduce the minimum lot area and frontage from 10,000 m<sup>2</sup> and 60.0 m to 2,100 m<sup>2</sup> and 30.0 m to facilitate the creation of the proposed plan of subdivision.

To support the proposed development, the applicant has submitted an Environment Impact Statement (EIS) including a hydrogeological, groundwater, and natural heritage assessment. This report contains several recommendations which are reflected as conditions of approval shown on Attachment "A" of this report. The EIS concluded that the development of 69 lots would require the use of Advanced (Tertiary) Treatment Systems, in place of conventional septic systems, to comply with the Ministry of Environment, Conservation and Parks guidelines and the Ontario Drinking Water Quality Standards.

The Thunder Bay District Health Unit (TBDHU) was circulated for comment and strongly objected to the use of Advanced (Tertiary) Treatment Systems, citing past issues with homeowners in other suburban areas of the City, who were not adhering to their maintenance agreements. In response, the Applicant has provided a revised calculation which proposes to reduce the overall density of the development in order to eliminate the need for Advanced (Tertiary) Treatment Systems on all proposed lots. The revised calculation confirms that by reducing the number of lots, the total nutrient discharge would be decreased. Thus, allowing all

of the remaining lots to be developed with conventional septic systems, while still satisfying the Provincial guidelines and standards.

As a result, four lots (35, 36, 57, and 58) will be temporarily restricted from development and zoned “R1-H” – Residential One Zone – Holding, until it can be demonstrated that these lots can be developed without the use of Advanced (Tertiary) Treatment Systems. This assessment would be conducted once the subdivision has achieved full build-out and further environmental monitoring has been completed. The TBDHU has since reviewed the revised calculation and no longer objects to the proposed development on this basis.

The layout of the draft plan of subdivision is shown on Attachment “C” to this Report.

#### Description of Subject Property and Surrounding Area

The subject lands are approximately 54.40 hectares in size and located on the north side of Mountain Road, approximately 1.1 kilometres east of the intersection at Mountain Road and Highway 61, as shown on Attachment “B”. The subject property is currently vacant.

The western portion of the lands are generally flat and consists of open fields and forested areas. The Mosquito Creek watercourse traverses the lands south to north along the eastern boundary of the site, and lands can be characterized as consisting of steeper slopes and vegetated flood plain.

Surrounding land uses are comprised of low-density rural residential development, the South Neebing Community Centre, and the Nor’wester View School.

The subject lands are currently zoned “R1” – Residential Zone One, “R5” – Residential Future Zone, and “EP” – Environmental Protection Zone with an associated “EO” – Environmental Overlay over the Mosquito Creek watercourse. The property is designated Rural Settlement Area and Natural Heritage in the Official Plan.

#### Neighbourhood Comments

A Notice of Application for the proposed plan of subdivision and zoning by-law amendment was mailed to surrounding property owners on August 12<sup>th</sup>, 2020. Twenty letters and several phone calls were received from members of the public. The comments have been summarized into two main groups: i. Concerns related to Infrastructure; and, ii. Concerns related to the natural environment

##### i. Concerns related to infrastructure

Several residents have voiced their concerns with existing infrastructure in the surrounding neighbourhood and the increased pressure that would result from the proposed development. Residents describe Mountain road as being too narrow for the current levels of traffic and assert that the paved shoulder is in disrepair. Furthermore, because there are no sidewalks pedestrians and cyclists are forced onto the road causing safety issues. Concerns in regards to

traffic levels on Highway 61 were also noted as being high for a one-lane highway causing congestion and unsafe passage.

Concerns with increased enrolment and resultant capacity issues at the Nor'wester View School were also raised.

ii. Concerns related the natural environment

Residents raised concerns that the proposed development would be harmful to the natural environment due to increased automotive emissions, removal of greenspace for additional homes, and overland flooding, as a result of raising the water table through the use of partial services. Several residents also noted concerns in relation to the proximity of the proposed development to the Mosquito Creek watercourse.

To date, no comments have been submitted in response to the Public Meeting Notice, which was mailed March 1<sup>st</sup>, 2022.

Planning Services Division comments on Neighbourhood feedback

i. Response to concerns related to infrastructure

The City has recently completed traffic counts along Mountain Road and 15<sup>th</sup> Side Road. Evaluation of the results conclude that traffic levels are within the established limits for local roads. The majority of new vehicle traffic resulting from the proposed development would be bound for Highway 61. Other trips via Mountain Road would be negligible and would not increase traffic levels beyond the current level of acceptable levels.

As a result of a traffic study prepared by the applicant and submitted to the Ministry of Transportation, it was concluded that improvements to Hwy 61 are required. As such, any improvements required will be the responsibility of the Owner.

Neither sidewalks or cycling lanes are typically provided for in the Rural Settlement areas of the City. The 2019 Official Plan (as well as previous plans) do not require sidewalks to be constructed in these low density areas. The City's Transportation Master Plan and Active Transportation Master Plan also don't envision sidewalks or cycling lanes in this area.

The Lakehead Public School Board commented on the Notice of Application and indicated the school is not operating at full capacity, and should not be overwhelmed as a result of the approval for new lots.

ii. Response to concerns related to the natural environment

The Applicant has submitted an Environmental Impact Statement (EIS) including a hydrogeological assessment, a groundwater impact assessment, and a natural heritage assessment for the proposed development. The report concludes that the proposed development will have no negative impact on the environment.

### Applicant Open House

In response to the neighbourhood concerns raised, after circulating the notice of application, the Applicant hosted an Open House to receive questions and provide further information. The event was held at the Nor'wester Hotel on August 25<sup>th</sup>, 2021, from 4:00 p.m. to 7:00 p.m. Approximately fifty people attended. Official Plan, Zoning, and draft plan maps were available on display, as well as copies of the technical reports. The Applicant's consultant as well as staff from Stantec Consulting were available to answer questions.

The Applicant, Stefan Huzan, acting as agent for the proposal, gave a 20 minute presentation followed by answers to questions. A summary of the points made by Stefan Huzan are as follows:

- The Owner intends to proceed in stages, with the first stage including 21 lots accessed solely from Highway 61. The first stage of the plan of subdivision would have no impact on Mountain Road or 15<sup>th</sup> Side Road.
- The subject lands are currently designated for low-density residential development (and have been since the 2002 Official Plan).
- The proposed development represents infill and rounding out as set fourth in the Official Plan.
- Development standards have significantly improved over the years to ensure that the natural environment is protected, and in particular, to ensure that partially serviced development does not have a detrimental impact upon the water table, adjacent creeks, or streams.
- The Owner has been working in consultation with the Ministry of Transportation and the Lakehead Regional Conservation Authority to ensure that all necessary studies and permits are received and adhered to.

### Agency Comments

In response to the Notice of the Applications for Draft Plan of Subdivision and Zoning By-law amendment, comments received from agencies including their requirements, are summarized and discussed below, together with recommendations from the Planning Services Division.

The following agencies offered no objections relating to the proposed subdivision and amendment:

- Hydro One Networks Inc.
- Ministry of Energy, Northern Development and Mines

### **Synergy North**

Synergy North requested that the following conditions be imposed on a draft plan approval:

- Synergy North requires a 3.0 metre easement on all road fronting lots.

- Final easement requirements for all expansion facilities and connection assets to be determined and approved by Synergy North.
- Developer is required to enter into a subdivision agreement with Synergy North.

### **Ministry of Heritage, Sport, Tourism, and Culture Industries**

There has been no correspondence received from the Ministry, however, Planning Services Division notes that the property exhibits high archaeological potential based on the Ministry's evaluation criteria. As such, a minimum Stage 1 Archaeological Assessment by a licensed archaeologist is recommended as a condition of draft plan approval to be completed prior to the subdivision agreement.

### **Thunder Bay District Health Unit – Sewage Systems (Land Development Program)**

The Thunder Bay District Health Unit (TBDHU) did not support the previous plan of subdivision application that was submitted in the early 2000's, due to a number of concerns related to the method of servicing proposed, in particular partial servicing.

The TBDHU has since reviewed the revised reports and no longer objects to the proposed development on this basis.

### **Thunder Bay District Health Unit – Healthy Living**

The Thunder Bay District Health Unit – Healthy Living section does not support the proposal for draft plan of subdivision for the following reasons:

- There are no trail or sidewalk connections for residents to allow for walkability or active transportation
- Distance from commercial areas has potential of food inaccessibility
- Distance from commercial areas will promote an automobile dependant lifestyle
- Infill and intensification in the urban area should be the focus for new housing

### **Lakehead Public Schools**

Based on current information, Lakehead Public Schools anticipates that the Nor'wester View school maintains an 84% utilization capacity and that space is available for more than 60 additional students. Nor'wester View is not operating at max capacity and should not be overwhelmed with the approval of a new subdivision.

### **Lakehead Region Conservation Authority**

The Lakehead Regional Conservation Authority (LRCA) did not support the previous plan of subdivision application due to a number of concerns related to outdated studies and missing information. The applicant has since provided additional information and updates to the required studies. LRCA does not object to the proposed development.

## **Enbridge Gas Inc.**

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

## **Engineering & Operations Division**

The Engineering & Operations Division confirms the applicant has provided or obtained the following studies to their satisfaction which have outlined the overall development and servicing requirements for the development. These studies include:

1. January 2021 – Mosquito Creek Meander Belt and Erosion Hazard Assessment
2. January 2021 – Shore Bay Estates Subdivision Water Distribution Model
3. December 2020 – Environmental Impact Statement, including Hydrogeological Assessment, Groundwater Impact Assessment, and Natural Heritage Assessment.
  - a. January 2022 Memorandum updating the Hydrogeological Assessment to eliminate the need for advanced (tertiary) sewage treatment systems.
4. December 2016 – Highway 61 Residential Developments Traffic Impact Study
5. October 2014 – Stormwater Management Plan
  - a. April 2021 Memorandum updating the Stormwater Management Plan

The Engineering & Operations Division supports the approval of the proposed development in conjunction with the Draft Plan Conditions that are included within Appendix “A” of this report.

## **Planning Services Division Comments**

- Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario (GPNO) is a Provincial document that directs growth and economic development in Northern Ontario. Planning Services has determined the application does not conflict with GPNO.

- Provincial Policy Statement 2020 (PPS)

The PPS defines “*Settlement Area*” as designated urban and rural areas within municipalities where development is concentrated with a mix of land uses. New development in rural areas, are to be focused within rural settlement areas and planning authorities must ensure that the scale of development and the provision of appropriate service levels exist.

The PPS states development requiring the use of partial services in rural settlement areas may only be permitted to allow for infilling and minor rounding out of existing development. Site conditions must also be suitable for the long-term provision of such services with no “*Negative Impacts*”. The PPS defines “Negative Impacts” as degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. The PPS further states that “Negative Impacts” should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards.

The phrase “infilling and minor rounding out” is not defined in the PPS. The Planning Services Division believes that the intent of this policy is to provide opportunities for development that will finish the balance of development existing within a “*Settlement Area*”. The proposed development is located within a rural settlement area and is adjacent to an existing built up area that contains low-density residential uses. As such, the Planning Services Division is of the opinion that the proposed development is considered infilling and minor rounding out of existing development and therefore consistent with the PPS.

As required, the applicant has demonstrated that the site conditions are suitable for the long-term provision of partial services with no “*Negative Impacts*”, the applicant has submitted an Environmental Impact Statement that concludes the proposed development will have no negative impacts.

The Planning Services Division is satisfied that the development proposal is consistent with the PPS.

- Official Plan

The subject property is designated “Rural Settlement Area” on Schedule “C” of the Official Plan. Lands designated as “Rural Settlement Area” are intended to provide a low-density form of residential development appropriately served by schools, places of worship, and recreational facilities.

The proposed development would consist of single-detached dwellings at a low-density that is consistent and in keeping with the surrounding area. The subject lands are located approximately 1.1 kilometres east of the Mountain Road and Highway 61 intersection, where a recreation facility, hotel, restaurant, and gas bar are also located. Furthermore, the lands are adjacent to the Neebing Community Centre and across the road from the Nor’wester View School.

The Official Plan directs that new development in the rural settlement area shall be a minimum lot size of one hectare unless justified by a hydrogeological assessment or a study completed by a qualified professional in accordance with Provincial Guidelines. To support the reduction in lot size, the applicant has submitted an Environmental Impact Statement including a hydrogeological assessment. Administration as well as the Lakehead Regional Conservation Authority and Thunder Bay District Health Unit accepts the conclusion of the report and supports the justification for reduced lot size, as the development will have no negative impact as

defined by the PPS. Planning Services is therefore of the opinion that the development proposal is consistent with the Official Plan.

- Zoning By-law

The subject lands are currently zoned “R1” – Residential Zone One, “R5” – Residential Future Zone, and “EP” – Environmental Protection Zone with an associated “EO” – Environmental Overlay. The amendment to the Zoning By-law would rezone the “R5” Zone portion to the “R1” Zone and “R1-H” Zone – Holding, and reduce the minimum lot area and frontage from 10,000 m<sup>2</sup> and 60.0 m to 2,100 m<sup>2</sup> and 30.0 m to facilitate the creation of the proposed plan of subdivision.

Consistent with Official Plan policy, the “R1” and “R5” Zones permit the development of single detached dwellings where there is a minimum lot area and frontage of 10,000 m<sup>2</sup> and 60.0 m. Because a reduction in lot size is supported by a hydrogeological assessment and consistent with the existing built fabric of nearby subdivisions, Planning Services is of the opinion that the proposed amendment is appropriate.

The intent of the “H” – Holding symbol is to restrict development on Lots 35, 36, 57, and 58. The “H” – Holding symbol would be removed if the Owner can demonstrate that these lots can be developed without the use of tertiary sewage treatment systems, to the satisfaction of the City Engineering and Operations Division and the Thunder Bay District Health Unit.

- Draft Zoning-Bylaw

Under the draft Zoning By-law, the subject lands would be zoned “RS1” – Rural Settlement Zone and “EP” – Environment Protection with an associated “EO” – Environmental Overlay. The established criteria for the “RS1” – Rural Settlement Zone would be similar to the current zoning provisions.

New wetland mapping provided by the LRCA is expected to reduce the current “EP” Zone boundaries on the subject lands and expand the “EO” area. Development that falls within the “EO” area will require a permit from the Conservation Authority prior to construction.

Administration will be presenting the 2<sup>nd</sup> draft of the new Zoning By-law to Council on March 22<sup>nd</sup>, 2022.

### ***FINANCIAL IMPLICATION***

All of the costs associated with the proposed development will be the responsibility of the applicant. In addition, increased capital and operating costs are expected to service and maintain the development. There is no verifiable evidence that the increased assessment on the lands will defray these additional costs. Based on an assessment of \$400,000 per lot, this development would result in the receipt of municipal taxes, approximately \$400,000 annually.

Staff estimates that the proposed plan of subdivision will result in an additional 5.2 kilometers (2-lane) road and associated infrastructure (storm sewers, watermain and hydrants, street lights, street trees, etc.), up to six new stormwater management facilities, and two large diameter structural culverts. All will require maintenance at the expense of the water / sewer rate and tax base.

It is challenging to determine the actual on-going maintenance and lifecycle renewal costs of a specific development area in isolation. Based on current services levels and costs, it can be expected that the proposed subdivision would require a minimum of \$53,000 annually to be allocated from the tax base for on-going maintenance of the new roads, street lighting, stormwater management facilities and associated infrastructure. This represents approximately 13% of the expected municipal taxes projected for this subdivision. In addition, it can be expected that the proposed subdivision would require a minimum of \$23,000 to be allocated annually from the water / sewer rate, for the on-going maintenance of the water distribution and storm collection systems.

These costs do not include capital rehabilitation and future replacement costs. There would be additional costs attributable to this proposed development associated with a variety of soft services like police and fire protection, community centres and waste collection.

## ***CONCLUSION***

In conclusion, Administration recommends that the Zoning By-law be amended and that Draft Plan Approval be granted, subject to the conditions set out in Attachment "D" to this Report. The proposed development is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, conforms to the Official Plan, and represents good planning.

## **Background**

The first draft plan of subdivision application for the subject lands was submitted in the early 2000's. To support the application, several studies were conducted and submitted to the City including the following: preliminary storm water management report, meander belt and erosion hazard assessment study, environmental impact study including natural heritage assessment and hydrogeological and groundwater studies, and a traffic impact study. Review agencies provided comments and requested additional information. The previously completed studies have all been updated and the outstanding information has been provided to the satisfaction of the City and other commenting agencies.

## ***REFERENCE MATERIAL ATTACHED:***

Attachment A – Draft Approval Conditions for file no. 58T-00501  
Attachment B – Property Location  
Attachment C – Draft Plan of Subdivision  
Attachment D – Phasing Plan  
Attachment E – Lots under Holding provision

***PREPARED BY:*** *Jamie Kirychuk, Planner II*

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)  Karen Lewis, General Manager – Development & Emergency Services	DATE:  March 11, 2022
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**ATTACHMENT A - Draft Approval Conditions for File 58T-00501**

DRAFT APPROVAL CONDITIONS FOR 58T-00501 apply for a period of 3 years, ending on April 11, 2025 for the plan, shown on Attachment "C" of Report R 32/2022 (Planning Services) being the draft plan prepared by J.D. BARNES LIMITED dated November 27<sup>th</sup>, 2021, which provides a total of 69 lots for single detached dwellings, two stormwater blocks, two walkway blocks, new streets, and four open space blocks.

**STANDARD CONDITIONS:**

1. That the proposed Zoning By-law amendment, file no. Z-09-2020, for the subject lands shall be approved by City Council.
2. That the streets shall be named to the satisfaction of the City of Thunder Bay.
3. That Blocks 70, 71, 72, 73, 74, 75, 76, and 77 be conveyed to the City of Thunder Bay.
4. That the owner shall satisfy itself that all lots conform to the requirements of By-law 100-2010, as amended.
5. Easements and Easement Agreements as may be required for utility or drainage purposes shall be granted by the appropriate Authority and that the City is to be advised in writing, by the appropriate authority, as to how this condition has been satisfied.
6. That a 0.3 metre reserve be dedicated to the City at the limits of any streets abutting neighbouring lands, and at the limit of the streets at the end of each stage of development.
7. That the owner shall enter into a general subdivision agreement satisfactory to the City of Thunder Bay to satisfy all the requirements, financial, insurance, and otherwise, concerning the dedication of lands, provision of roads, walkway, parkland, fencing, signage, street lighting, and the installation of services and drainage facilities.
8. That prior to final approval, the owner conduct an archaeological assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism, and Culture Industries and that any recommendations be included in Subdivision Agreement between the City and the owner.
9. That the Owner shall provide a final servicing study prepared by a Professional Engineer, to the satisfaction of the City Engineer, and that any requirements are included in Subdivision Agreement between the City and the Owner.

**ATTACHMENT A - Draft Approval Conditions for File 58T-00501**

10. That the Owner shall provide a final hydrogeological and geotechnical study prepared by a Professional Engineer for the design of the subdivision, including the road system, stormwater management facilities, and individual septic systems, which shall include an appraisal of the groundwater conditions in the area with recommendations for permanent groundwater control measures, to the satisfaction of the City Engineer. This final study shall include confirmation that the Provincial Policy Statement that site conditions are suitable for the long-term provision of partial services with no *negative impacts*, to the satisfaction of the City Engineer, Planning Services Division, and the Thunder Bay District Health Unit, and that any requirements are included in Subdivision Agreement between the City and the Owner.
11. That the Owner shall prepare a final lot grading, drainage, servicing, stormwater, and erosion control plans prepared by a Professional Engineer, to the satisfaction of the City Engineer, and that any requirements are included in Subdivision Agreement between the City and the Owner.
12. That the Owner shall provide a final stormwater management report prepared by a Professional Engineer and a stormwater facility landscaping plan prepared by a Landscape Architect, addressing the stormwater management quantity and quality control requirements, to the satisfaction of the City Engineer and the Lakehead Region Conservation Authority, and that any requirements are included in Subdivision Agreement between the City and the Owner.
13. That the Owner shall provide a final flood study and hydraulic analysis, including a cut-fill analysis prepared by a Professional Engineer for any water crossings or works proposed in the flood plain, to the satisfaction of the City Engineer and the Lakehead Region Conservation Authority, and that any requirements are included in Subdivision Agreement between the City and the Owner.
14. That the Owner shall provide a final meander belt analysis and erosion hazard assessment, in conjunction with the final geotechnical design and a fluvial geomorphological assessment all to be prepared by a qualified professional, to the satisfaction of the City Engineer and the Lakehead Region Conservation Authority, and that any requirements are included in the Subdivision Agreement between the City and the Owner.
15. That the Owner shall provide a final traffic impact study, prepared by a Professional Engineer, showing the proposed street classifications within the development, the anticipated effects from the development on existing streets and highways that abut or serve the development, staging recommendations including temporary access

**ATTACHMENT A - Draft Approval Conditions for File 58T-00501**

requirements, and recommendations for any on-site or off-site traffic related improvements to be completed, to the satisfaction of the City Engineer and the Ministry of Transportation, and that any requirements are included in the Subdivision Agreement between the City and the Owner.

16. That the Owner shall, for each stage of the development, satisfy the City Engineer that the servicing and access requirements for each proposed stage are acceptable, and that any requirements are included in the Subdivision Agreement between the City and the Owner.
17. Specifically related to lots 51 to 56, that the Owner shall demonstrate through an assessment completed by a qualified biologist, that the active broad-winged hawk nest has ceased to be used, otherwise, these lots shall not be developed and a minimum 100 m radius be protected (left undisturbed) around the nest, as long as the nest is occupied.

**CONDITIONS TO BE INCLUDED IN A SUBDIVISION AGREEMENT:**

18. That the Subdivision Agreement between the City and the Owner contain a provision:
  - a. For the construction of fences along all park blocks, open space, walkway blocks, and stormwater management facilities, to the satisfaction of the Parks & Open Spaces Section and the City Engineer.
  - b. Wherein the Owner agrees to provide and install street, parks, and stormwater facility signage to the satisfaction of the City Engineer and the Parks & Open Spaces Section.
  - c. Wherein the Owner agrees to provide and install a barrier and a “no trespassing” sign at the western limit of the new street abutting the private lands to advise the general public that the lands to the west are privately owned.
  - d. Wherein the Owner agrees to maintain the natural condition of Blocks 70 and 71, and to complete any additional improvements to these lands as may be required, to the satisfaction of the City Engineer, Parks & Open Spaces Section, and the Ministry of Transportation.
  - e. Wherein the Owner agrees to complete any vegetation clearing between late August and mid-April to avoid the migratory bird nesting season, due to the potential for migratory birds to establish nests in the vegetation on-site.
  - f. Wherein the Owner agrees, that for the area of the identified bat roosting habitat, vegetation removal should be avoided, however, if it cannot be avoided, the Ministry of Natural Resources and Forestry timing restrictions for clearing vegetation of May 15 to July 31 (to be confirmed with the MNRF) will be followed.

**ATTACHMENT A - Draft Approval Conditions for File 58T-00501**

19. That the Subdivision Agreement contain a provision wherein the Owner agrees to include in all offers of purchase and sale the following notices:
- a. For all lots, notice that the adjacent lands to the west of the subdivision are identified for future development.
  - b. For all lots, notice that homeowners should utilize water conservation features and techniques as the lands are serviced with an unlimited supply of City water that will ultimately discharge into the natural environment through their private septic systems.
  - c. For all lots, notice that these lots may be subject to higher than normal water pressures, and the dwellings on these lots shall be equipped with a pressure regulating device to maintain water pressure in the dwelling at less than 550KPa (80 psi).
  - d. For all lots, notice that there is potential for migratory birds to establish nests in the vegetation on site. Any vegetation clearing should be completed between late August and mid-April to avoid the migratory bird nesting season, however, timing restrictions should be verified with the Ministry of Natural Resources and Forestry prior to any vegetation removal.
  - e. For certain lots (to be determined as part of the detailed design for each stage), notice that raised septic beds may be required.
  - f. For certain lots (to be determined as part of the detailed design for each stage), notice that these lots are discouraged from including basements due to the presence of high groundwater and the potential for groundwater elevations to increase over time, or that the basements be constructed above an elevation to be identified by the subdivision developers' Professional Engineer.
  - g. For lots 9, 12 to 16, 33, 34, 37, 38, 48 and 49, notice that a stormwater management facility may be constructed on the adjacent lands, and these facilities will be subject to fluctuating water levels.
  - h. For lots 1 to 16, 21, 22, 29, 30, 33 to 43, 45 to 54, 56, 57, and 61 to 60, notice that a fence may be constructed along the limits of the lots abutting all park blocks, open space, walkway blocks, and stormwater management facilities.
  - i. For lots 21, 22, 29, and 30, notice that these lands abut a public walkway block.
  - j. For lots 10, 13, 35, 37, 41, 49, 57, and 62, notice that these lots may require additional slope stabilization measures or works as they encroach into the stable slope and / or 6m wide access allowance for access to the stable slope.
  - k. For lots 8 to 19, 21 to 23, 26 to 30, 32 to 54, 57, 61, and 62, notice that a permit from the Lakehead Region Conservation Authority may be required prior to the

**ATTACHMENT A - Draft Approval Conditions for File 58T-00501**

issuance of any building permits and prior to any modifications or grading works to the lots.

- l. For lots 1 to 42, and 62 to 69, notice that a permit from the Ministry of Transportation may be required prior to the issuance of any building permits and prior to any modifications or grading works to the lots.

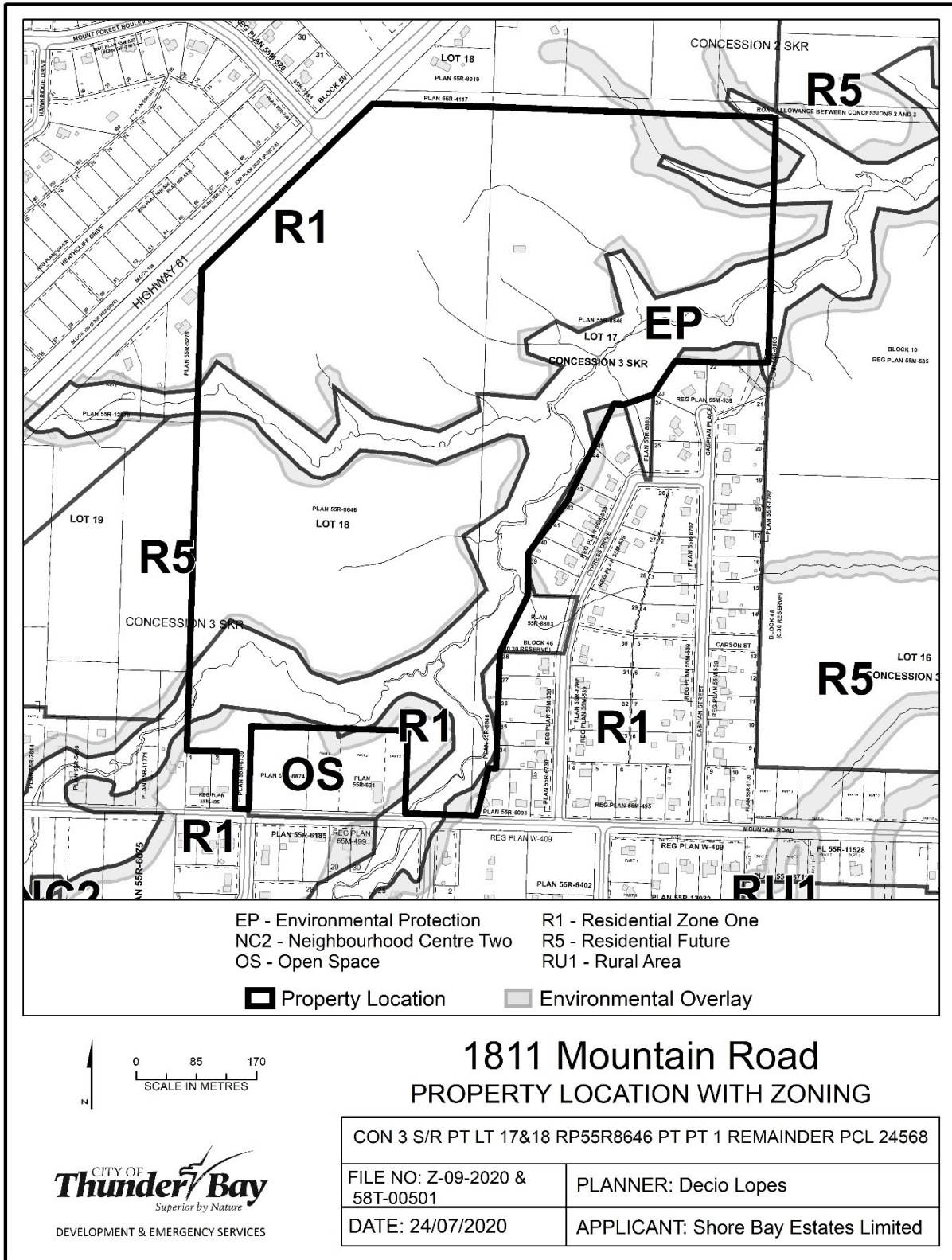
**CONDITIONS TO BE COMPLETED AT REGISTRATION OF THE SUBDIVISION:**

20. The Owner shall:

- a. Satisfy the City Engineer that the applicable requirements of the *Environmental Assessment Act* have been met.
- b. Satisfy the City Engineer with respect to the dedication of land for drainage and stormwater management purposes.
- c. Satisfy the City Engineer with respect to servicing the subdivision and providing all required easements for drainage, servicing, access, temporary turning circles, or otherwise, and for releasing or modifying any existing easements.

21. The agreement shall be registered against the title of the lands to which it applies.

# ATTACHMENT B - Property Location



TITLE: <b>Property Location</b>			Date: <b>March 2022</b>
PREPARED BY <b>JK</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-09-2020 / 58T-00501</b>	

**KEY PLAN** SCALE: 1" = 250.000'

**DRAFT PLAN OF SUBDIVISION**  
**PART OF LOTS 17 & 18**  
**CONCESSION 3, S.K.R.**  
 GEOGRAPHIC TOWNSHIP OF WEEBING  
 CITY OF THUNDER BAY  
 DISTRICT OF THUNDER BAY  
 SCALE 1:2000

**LAND USE**

LOTS 1-48	RESIDENTIAL	31.23 +/- Ha
STREETS	OPEN SPACE	3.27 +/- Ha
BLOCKS 70, 71, 74, 75	STORM WATER MANAGEMENT	2.78 +/- Ha
BLOCKS 72 & 73	WILDLIFE	24.83 +/- Ha
BLOCKS 76 - 77		5.08 +/- Ha
<b>TOTAL</b>		<b>54.25 +/- Ha</b>

**NOTES**  
 LOT FRONTAGES SHOWN ON THE ULTRACAM ARE BASED ON THE CITY OF THUNDER BAY CITY-LAND FRONTAGE SURVEY USING A 9.0 METER ULTRACAM.

**ADDITIONAL INFORMATION**  
 REQUIRED UNDER SECTION 3.1(1) OF THE PLANNING ACT

(1)	AS SHOWN ON DRAFT PLAN
(2)	AS SHOWN ON DRAFT PLAN
(3)	AS SHOWN ON DRAFT PLAN
(4)	RESIDENTIAL
(5)	AS SHOWN ON DRAFT PLAN
(6)	AS SHOWN ON DRAFT PLAN
(7)	AS SHOWN ON DRAFT PLAN
(8)	STORM WATER MANAGEMENT
(9)	STORM WATER MANAGEMENT
(10)	STORM WATER MANAGEMENT
(11)	STORM WATER MANAGEMENT
(12)	STORM WATER MANAGEMENT
(13)	STORM WATER MANAGEMENT
(14)	STORM WATER MANAGEMENT
(15)	STORM WATER MANAGEMENT
(16)	STORM WATER MANAGEMENT
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(47)	STORM WATER MANAGEMENT
(48)	STORM WATER MANAGEMENT
(49)	STORM WATER MANAGEMENT
(50)	STORM WATER MANAGEMENT
(51)	STORM WATER MANAGEMENT

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT PROPERTIES ARE ACCURATELY AND CORRECTLY SHOWN.

**DATE** \_\_\_\_\_

**OWNER'S AUTHORIZATION**  
 I AUTHORIZE J.D. BARNES LIMITED TO PREPARE THIS DRAFT PLAN OF SUBDIVISION.

**SHOREBAY ESTATES**

**DATE** \_\_\_\_\_

**ZONING:** R1 - RESIDENTIAL ZONE 1  
 EP - ENVIRONMENTAL PROTECTION ZONE  
 RS - FUTURE RESIDENTIAL ZONE

**J.D. BARNES LIMITED**  
 LAND INFORMATION SPECIALISTS  
 100 WILLOW STREET, SUITE 100, THUNDER BAY, ONT. N6A 1K1  
 TEL: (807) 627-8700 FAX: (807) 627-8701 WWW.JDBARNES.COM

Date: March 2022

FILE NO. Z-09-2020 / 58T-00501

# ATTACHMENT D – Phasing Plan



Stantec Consulting Inc.  
 150 Innovation Office  
 Toronto, ON M7S 1A9  
 Tel: (877) 624-5646  
 www.stantec.com

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 The Consultant is not responsible for any errors or omissions in this document.

Consultant

Notes

PHASE 1 - 21 LOTS  
 PHASE 2 - 17 LOTS  
 PHASE 3 - 19 LOTS  
 PHASE 4 - 12 LOTS

Issued	By	Appr	Rev	Rev

Date: 2020-09-09  
 Time: 10:00 AM  
 User: JK

Permit/Seal  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Client/Project Logo  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Client/Project  
 SHOREBAY ESTATES  
 MOUNTAINVIEW TERRACE SUBDIVISION  
 HWY 61 AND MOUNTAIN ROAD, THUNDER BAY  
 Title  
 MOUNTAINVIEW TERRACE  
 PHASING PLAN

Project No.  
 12910263  
 Scale  
 \_\_\_\_\_

Revision  
 00 of 1  
 Drawing No.  
 01

TITLE: <b>PHASING PLAN</b> PREPARED BY <b>JK</b>	SCALE <b>As Noted</b>		Date: <b>March 2022</b>
	FILE NO. <b>Z-09-2020 / 581-</b> <b>00501</b>		

## H – Lots subject to Holding Provision

TITLE: <b>Lots subject to Holding provision</b>			Date: <b>March 2022</b>
PREPARED BY <b>JK</b>	SCALE <b>As Noted</b>	FILE NO. Z-09-2020 / 58T-00501	