

TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti	Application Number:	C2025-06
Report Prepared By:	Jamie Robinson MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Tulloch Engineering c/o Stephen McArthur
Location:	1096 Pilgers Road, Part Lot 3, Concessions 11 and 12	Owner:	Reginald (Reg) John Adams
Application Type:	Consent	Report Date:	July 15, 2025 Deferred from June 10, 2025

A. OVERVIEW

An application for Consent has been submitted for the subject lands located at 1096 Pilgers Road for the creation of one new lot on the subject lands. At the request of the applicant, a decision at the June 10, 2025 Public Hearing was deferred by the Committee of Adjustment in order to provide time to negotiate recommended condition of provisional Consent "D" and to provide an opportunity for planning staff and Committee members to complete a site visit on the subject lands.

In response to the recommended conditions of provisional Consent, specifically Condition D, the applicant provided a subsequent submission dated July 7, 2025. The planning report that was prepared for the June 10, 2025 Committee of Adjustment meeting is included in this Report as Attachment #1 and the subsequent submission from the applicant is included as Attachment #2.

The applicant is requesting a change to Condition D, which is included below:

- d) *A Zoning By-law Amendment to rezone a portion of the proposed Severed Lot to the Environmental Protection (EP) Zone to include lands within 120 metres of the unclassified wetland feature;*

The applicant is suggesting a revision to Condition D, to avoid the requirement to apply for a Zoning By-law Amendment application to rezone the adjacent lands surrounding an unclassified wetland feature, to the Environmental Protection (EP) Zone. The applicant is suggesting the following measure to replace Condition D:

- d) *That a Notice be placed On-Title with Land Registry that states that a qualified environmental professional must identify an appropriate building location on the subject lands prior to the issuance of a building permit and, at minimum, that the building location be at least 120m from any identified wetland feature [...For the proposed Severed Lot].*

The justification that was provided for the requested change to Condition D is to remove the costly and time-consuming requirement for a Zoning By-law Amendment; and that the Notice On-Title is a better alternative as prospective purchasers of the property are made aware of the condition through the legal process of a purchase and sale agreement.

B. ANALYSIS

Following a review of requested change to Condition D, planning staff remain satisfied that the original Condition D is satisfactory to demonstrate the proposed Consent application conforms to the Official Plan.

A summary of our review and responses are provided below:

Conformity to the Official Plan:

1. Section 5.2.1 of the Official Plan requires an Environmental Impact Study where development is proposed within 120 metres of an unclassified wetland that is greater than 2 hectares. A Consent application to create a new lot is considered development.
2. In order to avoid the need for an Environmental Impact Study, it was recommended to rezone the lands within 120 metres of the unclassified wetland feature to the Environmental Protection (EP) Zone.
3. This recommendation would ensure that development is not permitted within 120 metres of the unclassified wetland feature, where the potential impacts on the feature has not been evaluated.
4. This approach would conform to the Official Plan as 120 metres is the extent of adjacent lands as provided in Section 5.2.1.
5. If the owner does not want to rezone the lands within 120 metres of the wetland feature, then an Environmental Impact Study needs to be completed.
6. If an Environmental Impact Study was completed, it is likely that the recommendations of the Study would include refinements to the boundary of the unclassified wetland feature, recommended buffer areas and potential mitigation measures for future development on the subject lands. In this case a Zoning By-law Amendment would be necessary to implement any refinements to the Environmental Protection (EP) Zone to implement the refined boundaries and/or buffer areas and a Consent Agreement (registered on title under Section 53 of the *Planning Act*) may be required to implement specific recommendations and mitigation measures that cannot be implemented through zoning.
7. The most appropriate planning tool to regulate uses and regulate the location of buildings and structures is zoning as legislated under Section 34(1) of the *Planning Act*.

Comments on the Recommended Notice On-Title:

1. We do not support the suggested option to include a Notice On-Title on the lot. It is also unknown if the registry office would support such approach.

2. It is our experience that a Consent Agreement is a common condition that can be included to require something be registered on title. This is permitted under Section 53 of the *Planning Act*.
3. It is anticipated that the preparation and registration of a Consent Agreement would be more costly than a Zoning By-law Amendment.
4. The Notice On-Title would also require a review from a qualified environmental professional for all future building permits on the lot.

Comments on the Process/Timeline:

- 1. It was noted that the recommended Zoning By-law Amendment application would result in a lengthy and costly process.
 2. There would have been no planning report required from the owner/applicant for this application.
 3. It is our understanding it would take approximately 1 – 1.5 months to register a document on title – completed through the Township’s solicitor.
 4. A Zoning By-law Amendment application is not a long process and is not expensive. This process likely would be less expensive and less time-consuming than preparing an agreement and registering an agreement on the title on the lot as suggested.
 5. If a Zoning By-law Amendment had been submitted following the Committee of Adjustment meeting on June 10, 2025, there could have been a public meeting and a decision at the July 15, 2025 meeting on the Zoning By-law Amendment.
 6. Zoning is also a public process and the Environmental Protection (EP) Zone would be included in the Zoning By-law which is a public document. All future development would be required to be outside the Environmental Protection (EP) Zone with no further reviews from a qualified environmental professional.

C. RECOMMENDATION

The proposed Consent has been reviewed with consideration of the provisions of the *Planning Act* and the applicable policies of the PPS and the Official Plan. Subject to the recommended conditions of provisional Consent, the proposed Consent application is consistent with the PPS and conforms to the Official Plan.

As indicated in the previous planning report that was prepared for the June 10, 2025 Committee of Adjustment meeting, it is recommended that the Committee of Adjustment provisionally approve Consent application C2025-06 subject to the following conditions, to be completed to the satisfaction of the Township:

- a) A copy of the Reference Plan(s) to be deposited in the Land Registry office that is substantially in compliance with the application sketch;
- b) The original executed transfers (deeds), both duplicate originals and one photocopy per Consent;

- c) A schedule describing both the Retained and Severed Lot and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- d) A Zoning By-law Amendment to rezone a portion of the proposed Severed Lot to the Environmental Protection (EP) Zone to include lands within 120 metres of the unclassified wetland feature;
- e) Any travelled road situated on the Retained or Severed Lot shall be transferred to the Township for road purposes (if applicable);
- f) Entrance permit from the Township where applicable;
- g) Written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Township; and,
- h) A Certificate in the appropriate Form prescribed in O.Reg. 197/96, Schedule 1, for signature of the Township of Nipissing Committee of Adjustment Official (Secretary-Treasurer or Chairperson).

In accordance with the request provided by the applicant, planning staff have provided two alternative options for Condition D. Staff are in support of Alternative Option #1 but are not in support of Alternative Option #2 for the reasons discussed in this Report.

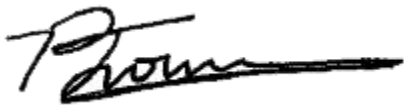
Alternative Option #1 – Environmental Impact Study

- d) An Environmental Impact Study be completed to evaluate the unclassified wetland feature on the proposed Severed Lot in accordance with Section 5.2.1 of the Official Plan; and that any recommendations of the Environmental Impact Study be implemented through a Zoning By-law Amendment or Consent Agreement as required, to the satisfaction of the Township.

Alternative Option #2 – Notice On-Title

- d) That a Notice be placed On-Title, or prescribed instrument such as a Consent Agreement, be registered on title with Land Registry that states that a qualified environmental professional must identify an appropriate building location on the subject lands prior to the issuance of a building permit and, at minimum, that the building location be at least 120 metres from any identified wetland feature or Environmental Protection (EP) Zone on the proposed Severed Lot.

Respectfully submitted,
MHBC PLANNING



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