

TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti	Application Number:	C2025-07, C2025-08, and C2025-09
Report Prepared By:	Jamie Robinson MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Tulloch Engineering c/o Stephen McArthur
Location:	89 Cedar Crescent Part Lot 25, Concession 2	Owner:	Peter Henry Aultman
Application Type:	Consent and Easements	Report Date:	July 15, 2025

A. PROPOSAL/BACKGROUND

An application for Consent, Lot Additions and Easements have been submitted for the subject lands located at 89 Cedar Crescent, which are legally described as Part Lot 25, Concession 2, in the Township of Nipissing. The owner of the subject lands is Peter Henry Aultman, and the application has been submitted by Tulloch Engineering (c/o Stephen McArthur). The general location of the subject lands are identified on Figure 1.

Figure 1: Subject Lands



The subject lands are designated as Shoreline, Rural and Environmental Protection on Schedule A of the Official Plan. A portion of the subject lands is identified as containing an unclassified wetland and there is also a bird nesting area identified on Schedule B of the Official Plan. The subject lands are located within the Rural (RU) Zone, the Shoreline Residential (SR) Zone, the Limited Service Residential (LSR) Zone and the Environmental Protection (EP) Zone. The EP Zone reflects the identified unclassified wetland on the subject lands. The surrounding land uses primarily include rural residential development and shoreline residential development on Ruth Lake.

The purpose of the applications is to create two (2) new lots on the subject lands, to complete three (3) lot additions and to register access easements. An overview of the applications that have been submitted is included below:

- C2025-07: Consent (Lot Creation)
 - The owner is proposing to create two (2) new lots on the subject lands. One of the proposed lots has lot frontage on Ruth Lake and has frontage and access on Alsace Road. The other proposed lot has lot frontage on Alsace Road. The proposed two new lots are shown on Figure 3.
- C2025-08: Consent (Lot Additions)
 - The owner is proposing a total of three (3) lot additions on the subject lands. Lots #2, #3 and #4 are proposed to be enlarged as a result of the proposed lot additions. The current lot configuration for these lots is shown on Figure 2 and the proposed lot configuration are shown on Figure 3.
- C2025-09: Easements
 - The owner is proposing easements in order to correct existing access issues for all surrounding properties and to ensure all the proposed lots have legal access. The proposed easements are shown on Figure 4.

The owners and applicant conducted pre-consultation meetings with Township staff and planning staff to review the proposed applications. Various drawings were submitted to show the existing and proposed lot configuration for the subject lands, as well as the proposed easements.

The existing lot configuration on the subject lands is shown on Figure 2. Each of the lots are assigned a Lot # that will be referenced throughout this Report.

The proposed lot configuration on the subject lands is shown on Figure 3. This figure shows the resulting lot configuration following the proposed lot creation and lot additions. The same numbering has been carried forward to identify the proposed lots. There are only two (2) new lots being created.

The proposed easements are shown on Figure 4. The purpose of the easements is to ensure that every lot on the subject lands (and adjacent properties) have legal access.

ALSAKE ROAD

NEW LOT NEW LOT

PIN 52216-0104 (LT)

NEW LOT

LOT 25 CONCESSION 2

NEW LOT CONFIGURATION

Lot #1

Lot #2

Lot #3

Lot #4

RUTH LAKE

U.S. HIGH ROUTE No. 1

SKETCH FOR CONSENT

SCALE = 1 : 1250

NOTES:

1. THIS SURVEY WAS MADE BY THE ALASKA DEPARTMENT OF NATURAL RESOURCES AND EARTH SCIENCES IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALASKA SURVEYING ACT.
2. THE BOUNDARY LINES SHOWN ON THIS MAP ARE BASED ON THE FOLLOWING DATA:
3. ALL DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF.
4. THE AREA OF THIS LAND IS APPROXIMATELY 1.5 ACRES.

LEGEND:

- SURVEYED BOUNDARY LINE
- PROPOSED BOUNDARY LINE
- EXISTING BOUNDARY LINE
- WATER BODY
- ROAD RIGHT-OF-WAY

DATE: MAY 1987
DRAWN BY: J. HARRIS
CHECKED BY: M. JONES

FILE NO.: 100-100000-000
PROJECT NO.: 100-100000-000

Severed Lot #1



Figure 4: Proposed Easements (Right of Ways)

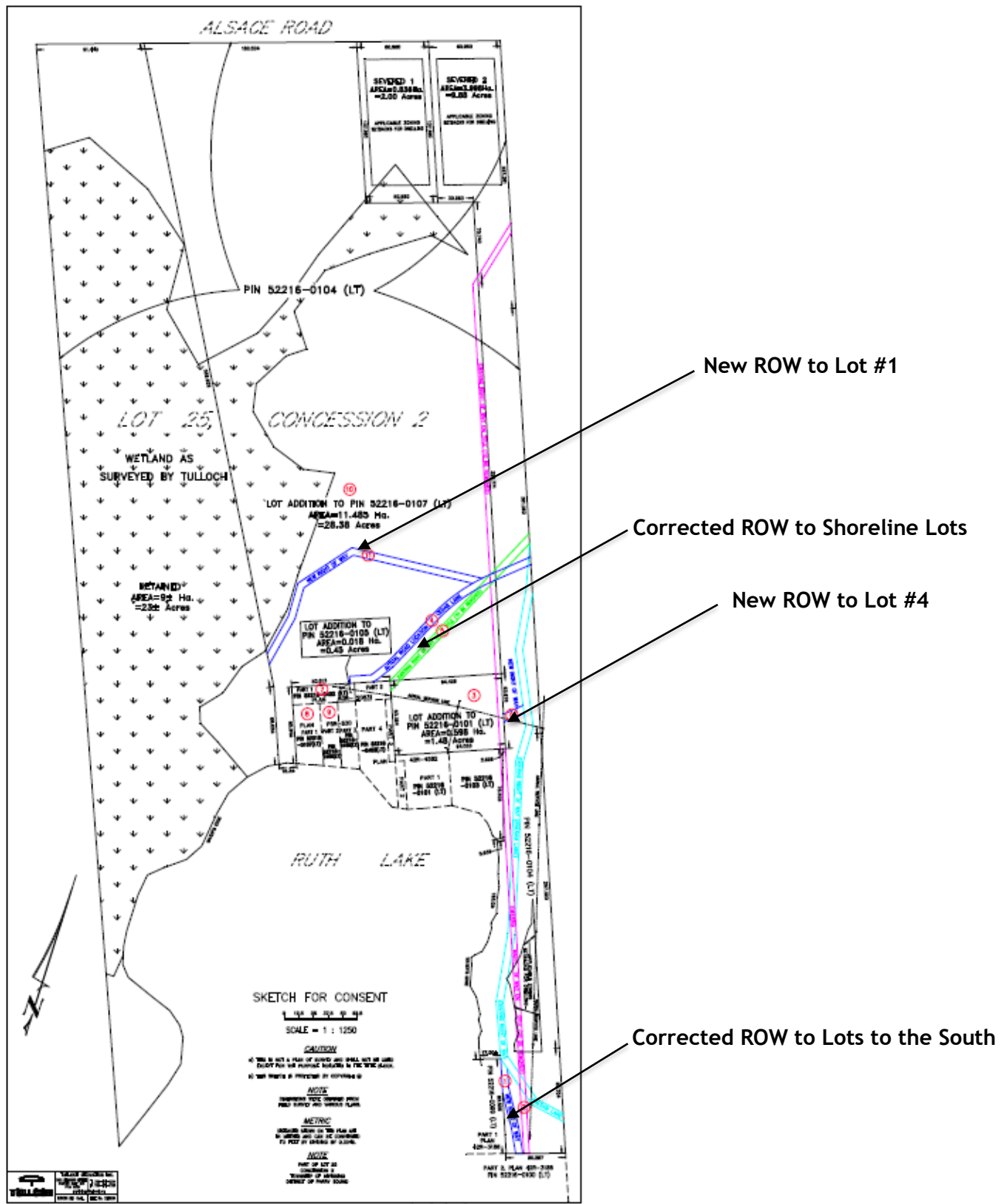


Table 1 provides a summary of the existing lot configuration and the owners of the lots subject to the applications. An estimate for the lot area and lot frontage is also provided on Table 1, based on the information that has been submitted with the applications.

Table 1: Existing Lot Configuration

Property #	Owner	Approximate Lot Area	Approximate Lot Frontage
Lot #1	Aultman	25.5 hectares	165 metres on the smallest frontage of Ruth Lake
Lot# 2	Aultman	0.2 hectares	40 metres on Ruth Lake
Lot #3	Piekarski	0.1 hectares	17 metres on Ruth Lake
Lot #4	Dooreleyers	0.26 hectares	38 metres on Ruth Lake

Following the proposed lot creation and lot additions, the approximate lot areas and lot frontages are provided on Table 2.

Table 2: Proposed Lot Configuration

Property #	Owner	Approximate Lot Area	Approximate Lot Frontage
Lot #1	Aultman	9 hectares	360 metres on Ruth Lake
Lot# 2	Aultman	11.5 hectares	55 metres on Ruth Lake
Lot #3	Piekarski	0.12 hectares	17 metres on Ruth Lake
Lot #4	Dooreleyers	0.6 hectares	38 metres on Ruth Lake
Severed Lot #1	Aultman	0.8 hectares	61 metres on Alsace Road
Severed Lot #2	Aultman	4 hectares	165 metres on Ruth Lake

The following is a summary of the resulting lot configuration:

- Lot #1 is smaller as a result of a lot addition and has lot frontage on Ruth Lake.
- Lot #2 is larger as a result of a lot addition and has an increased lot frontage on Ruth Lake.
- Lot #3 is slightly larger as a result of a lot addition and there is no change to the lot frontage on Ruth Lake.
- Lot #4 is larger as a result of a lot addition and there is no change to the lot frontage on Ruth Lake.
- Severed Lot #1 is a new lot and has lot frontage on Alsace Road.
- Severed Lot #2 is a new lot and has lot frontage on Ruth Lake.

The proposed and new easements (right of ways) are identified on Figure 4. The refinements to the existing right of ways will ensure legal access to each of the resulting lots.

B. POLICY & REGULATORY REVIEW

B1. Provincial Planning Statement

All applications made under the *Planning Act*, must be consistent with the Provincial Planning Statement (PPS). The subject lands are considered Rural Lands in the context of the PPS. Section 2.6.1 c) identifies residential development, including lot creation that is suitable for the provision of appropriate sewage and water systems, as a permitted use within Rural Lands. The creation of the lots and the existing and proposed uses on the lots are permitted in the context of the PPS. The proposed new lots that are to be vacant appear to be large enough to accommodate a well and septic system in the future.

Section 4.1 of the PPS includes policies regarding the long-term protection of Ontario's natural heritage features and areas. No Provincially significant natural heritage features are present on or adjacent to the subject lands. However, there is an unclassified wetland feature identified on the west portion of the subject lands, and there was also bird nesting habitat identified on Schedule B of the Official Plan. As a result, a Wetland Mapping and Bird Nesting Assessment was completed by Tulloch Engineering in support of the applications. It determined that there would be no impact on the features or their functions provided that the mitigation recommendations outlined in the report are implemented. These include restrictive vegetation removal windows to minimize impacts on bird nesting, maximizing vegetation retention by utilizing existing roads and trails, and minimizing damage to vegetation by delineating project boundaries. Mitigation measures will be included in the Consent Agreement which is recommended as a condition of provisional Consent.

Section 5.2 of the PPS outlines policies for natural hazards and that planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with Provincial guidance. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may, however, be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards. A Wildland Fire Risk Assessment was completed by Tulloch Engineering in support of the applications and determined that development may proceed, provided that mitigation recommendations outlined in the report are implemented. These include vegetation management practices and building materials. Mitigation measures will be included in the Consent Agreement which is recommended as a condition of provisional Consent.

The proposed applications are consistent with the PPS.

B2. Township of Nipissing Official Plan

The subject lands are designated as Shoreline, Rural and Environmental Protection on Schedule A of the Official Plan. A portion of the subject lands is identified as containing an unclassified wetland and there is also a bird nesting area identified on Schedule B of the Official Plan.

Both the Shoreline designation and the Rural designation in the Official Plan permit residential uses. The proposed lots are either already used for a residential use or are proposed to be used for a residential use.

Section 6.7.4.1 of the Official Plan identifies criteria that must be met in considering an application for Consent. The criteria and comments regarding conformity with the criteria are provided in Table 3.

Table 3: Official Plan Consent Criteria (Section 6.7.4.1)

Criteria	Comments
(a) consents may be granted only when the proposed severed and retained land fronts on a public road which is maintained on a year round basis by a public authority;	Severed Lot #1 and Severed Lot #2 have frontage on Alsace Road which is a maintained road.
(b) notwithstanding item (a) above, consents for residential uses may be considered for lands with frontage on Lake Nipissing or the navigable portion of South River between Lake Nipissing and Chapman's Chute provided that: (i) the proposed use is accessed by only water; (ii) suitable provision has been made on the mainland for public docking and public automobile and boat trailer parking or it has been confirmed that suitable docking and automobile and boat trailer parking will be provided by a private commercial marina establishment; and	Not applicable.
(c) the size of any parcel of land created by consent should be appropriate for the use and no parcel shall be created which does not conform to the policies of this plan or the requirements of the implementing Zoning By-Law;	The proposed lot areas and lot frontages are appropriate for the existing and intended uses. It is noted that following the lot additions, some of the lots will have split zones, primarily between the SR Zone and the LSR Zone. It is recommended that a Zoning By-law Amendment clean up the zoning so that each of the properties is located within one Zone.
(d) the minimum lot area and frontage shall generally be 4,000 square metres and 60 metres respectively. Lots with water frontage	Severed Lot #1 and Severed Lot #2 meet the minimum requirements referenced in this policy.

Criteria	Comments
(except water access only lots) shall also abut a public road which is maintained on a year round basis by a public road authority for a minimum continuous distance of 20 metres; except, in a Stratum 1 Deer Yard as outlined in Section 5.7.3 and Schedule 'B' of the Official Plan, the minimum lot frontage shall be 90 metres and the minimum lot size shall be 1 hectare.	Other lots that do not meet these requirements are being enlarged following the lot additions and therefore there are no concerns from a proposed lot area and lot frontage perspective for all proposed lots.
(e) for waterfront lots, consents should be granted only if it has been established by the MOECC that the water quality of the waterbody is capable of accepting further development;	Not applicable.
(f) consents should not be granted when access to the site creates a traffic hazard because of limited sight lines, curves, or grades of existing development as set out in accepted traffic engineering standards;	There are no traffic hazards anticipated as a result of the applications. The owner is applying to update existing right of ways to ensure each lot subject to the applications has legal access.
(g) consents should be granted only when it has been established by the Building Inspector or delegate that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and, where applicable, to permit the installation of an adequate means of sewage disposal;	A condition of provisional Consent has been included to require confirmation from the North Bay-Mattawa Conservation Authority that there are suitable locations for a septic system on the new proposed lots.
(h) recommendations shall be requested from all relevant agencies prior to a decision being made;	Any agency comments may be reflected in the conditions of provisional Consent.
(i) the lots should not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas;	The proposed lots would not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas.
(j) the lots should be reasonably well proportioned and of regular shape and dimension;	The configuration of the proposed lots is appropriate.
(k) the creation of the severed and retained lot(s) will not have the effect of preventing access to or land locking any other parcel of land; and	The proposed applications will not affect existing access to any other lands. The owner is applying to update existing right of ways to ensure each lot subject to the applications has legal access.

Criteria	Comments
(l) it shall be the policy of this plan to permit a maximum of two consents (i.e. the creation of two new lots plus the retained remainder of the parcel) from any parcel in existence on or before October 11, 1996. This policy shall not apply to development in Settlement Area.	Based on this policy, the creation of two (2) new lots is permitted.
(m) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.	Required as a condition of provisional Consent.
(n) New development in the vicinity of a provincial highway that does not have lot frontage on the highway may only gain access using a new or existing municipal road in a manner that is satisfactory to the MTO. A maximum of one entrance per lot shall be permitted. Back lots that do not have frontage on a provincial highway will be restricted from using the highway entrance(s) on an adjacent property.	Not applicable.
(o) New lots (severed and retained) having a lot area less than 0.8-hectare shall only be permitted if supported by a hydrogeological study demonstrating that a smaller lot area is appropriate.	Not applicable.
(p) Among the Township's goals is to make the Settlement Areas of Nipissing, Commanda, and Sunset Cove the focus of development. The total number of new lots permitted to be created by consent within the combined Rural and Shoreline designations within any calendar year shall be limited to a maximum of 10, provided that the consent(s) conform(s) to all other applicable sections of this plan.	Less than 10 lots have been created this calendar year.

Section 4.22.1 of the Official Plan include policies regarding Wildland Fire. In areas identified on Appendix 'B' as having a hazardous forest type, development application must be supported by a risk assessment that identifies mitigation measures. A Wildland Fire Risk Assessment was completed by Tulloch Engineering in support of the applications and determined that development may proceed, provided that mitigation recommendations outlined in the report are implemented. A summary of the mitigation recommendations was provided in the PPS section of this Report.

Section 5.2 of the Official Plan applies to lands adjacent to natural heritage features. Section 5.2.1 of the Official Plan provides that adjacent lands are the lands relevant to which impacts of a development must be considered. Development and site alteration on adjacent lands is not permitted unless it has been demonstrated through the completion of an Environmental Impact Study that there will be no negative impacts on the natural features and their ecological functions. The effect of a development proposal on features must be considered when the proposed development is within:

- 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 2 hectares;
- 50 metres from the boundary of a provincially or regionally significant earth Area of Natural and Scientific Interest;
- 120 metres from the boundary of a provincially or regionally significant life science Area of Natural and Scientific Interest;
- 120 metres from the boundary of a fish habitat area.

Section 5.7.1 of the Official Plan includes policies regarding significant wildlife habitat, including bird nesting sites. Section 5.7.1 states the following:

Significant Wildlife Habitat, such as bird nesting sites or deer yards, are important because of the species it supports. It is the policy of this Plan to protect significant wildlife habitat. New development or site alteration in or adjacent to significant wildlife habitat shall not be permitted unless it has been demonstrated through an EIS that the development will not result in negative impacts on the natural features or their ecological functions.

The subject lands contain a portion of an unclassified wetland which in excess of 2 hectares and a bird nesting site, and therefore a Scoped Environmental Impact Study (Wetland Mapping and Bird Nesting Assessment) was submitted with the applications. A summary of the technical reports was provided in the PPS section of this Report.

The proposed applications conform to the Official Plan.

B3. Township of Nipissing Zoning By-law 2020-20

The subject lands are located within the Rural (RU) Zone, the Shoreline Residential (SR) Zone, the Limited Service Residential (LSR) Zone and the Environmental Protection (EP) Zone. The EP Zone reflects the identified unclassified wetland on the subject lands.

The existing and proposed uses are residential and are permitted in the applicable zones. It is noted that following the lot additions, some of the lots will have split zones, primarily between the SR Zone and the LSR Zone. It is recommended that a Zoning By-law Amendment clean up the zoning so that each of the properties is located within one Zone.

The recommendations from the Wetland Mapping Assessment included an expanded and refined wetland boundary, following the field investigations on the subject lands. The boundary

of the wetland is shown on Figure 4. It is recommended that the refined boundary of the wetland be included in an expanded Environmental Protection (EP) Zone on the subject lands. This is the appropriate land use planning mechanism to restrict future development for the current and future owners in the long term, to protect the wetland feature that has been identified through the site-specific study by the applicant.

The proposed lots that are to be vacant will have an adequate building envelope, incorporating the new boundary of the wetland and the applicable setbacks of the zones. A building envelope adjacent to the shoreline location on Severed Lot #2 has been identified on Figure 4.

The new severed lots and the resulting lots following the lot additions comply to the lot standards of the Zoning By-law. The minimum lot area for the RU, SR and the LSR Zones is 0.8 hectares, and the minimum lot frontage is 60 metres.

Proposed Lots #3 and #4 do not meet the minimum standards for the LSR Zone, however the lots are getting larger in terms of lot area and therefore in accordance with Section 3.23 c) of the Zoning By-law, comply to the Zoning By-law:

Undersized Lots Resulting From Boundary Adjustment or Lot Addition Lots which have been increased in frontage or area following adoption of this By-law as a result of a Planning Act approval, but still do not comply with minimum area or frontage requirements of this By-law, may also be used in accordance with Sub-section (b) and furthermore no zoning amendment shall be necessary to legalize the undersized lot.

A Zoning By-law Amendment is recommended as a provisional condition of Consent to implement the new expanded wetland boundary to the Environmental Protection (EP) Zone and to “clean-up” the existing zoning of the existing shoreline lots to avoid properties with split zoning.

C. RECOMMENDATION

The proposed applications have been reviewed with consideration of the provisions of the *Planning Act* and the applicable policies of the PPS and Official Plan. Following a review of the applications and the material that has been submitted, the proposed applications are consistent with the PPS and conform to the Official Plan, subject to the recommended conditions of provisional Consent.

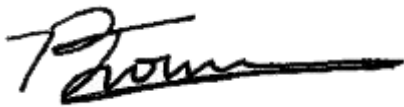
The owner and the applicant have demonstrated that each of the proposed lots are suitable for the existing and/or proposed residential use, and that there are adequate building envelopes for the proposed new/vacant lots. Further, the proposed easements will correct the right of ways that are currently established and ensure legal access to all the affected properties.

On the basis of the review and analysis contained herein, it is recommended that the Committee of Adjustment provisionally approve Consent applications C2025-07, C2025-08 and C2025-09 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 for the proposed lots and easements;
- b) The original executed transfers (deeds), both duplicate originals and one photocopy per Consent;
- c) A schedule describing the proposed new lots (Severed Lot #1 and Severed Lot #2) and the lot additions, and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- d) Any travelled road situated on the subject lands shall be transferred to the Township for road purposes (if applicable);
- e) Entrance permit from the Township (where applicable);
- f) Written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Township;
- g) Written confirmation from the North Bay-Mattawa Conservation Authority to demonstrate that there are suitable locations for a septic system on the new proposed vacant lots;
- h) Approval of a Zoning By-law Amendment to implement the new wetland boundary (to be rezoned to the Environmental Protection (EP) Zone) and to rezone the shoreline lots to avoid split zoning;
- i) Consent Agreement to be registered on title to include the recommendations and mitigation measures provided in the Wetland Mapping and Bird Nesting Assessment and the Wildland Fire Risk Assessment; and,
- j) 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).

Respectfully submitted,

MHBC PLANNING



Patrick Townes, BA, BEd
Associate



Jamie Robinson, BES, MCIP, RPP
Partner