

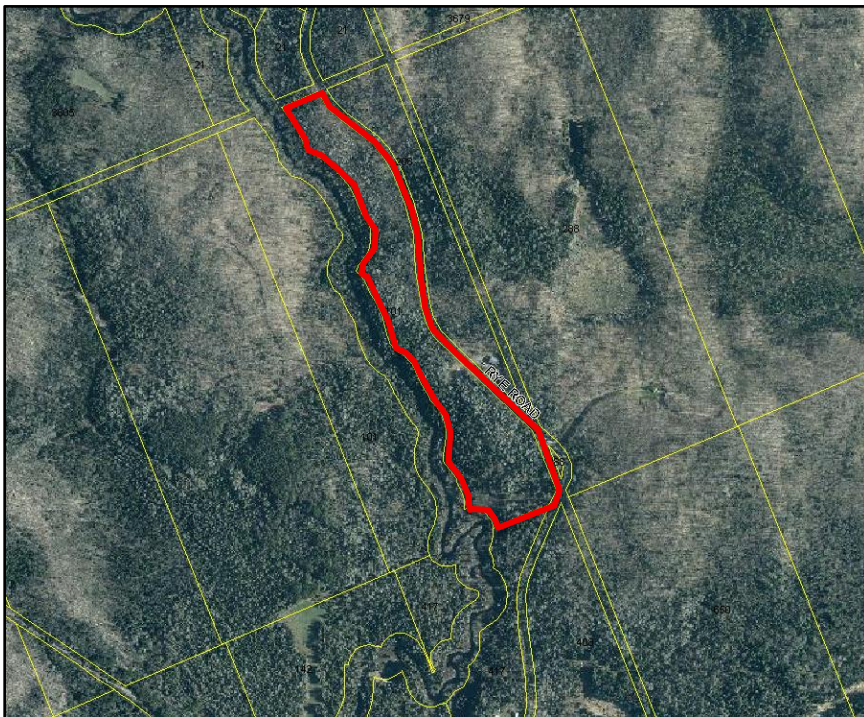
TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti, Land Planning and Technology Administrator	Application Number:	C2026-04
Report Prepared By:	Jamie Robinson MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Tulloch Engineering c/o Stephen McArthur
Location:	Part of Lot 5, Concession 4, PLAN 42R-22984 (Rye Road)	Owner:	James Michael
Application Type:	Consent	Report Date:	July 14, 2026

A. PROPOSAL/BACKGROUND

An application for Consent has been submitted for the subject lands located on Rye Road and are generally located to the south of Highway 522. Commanda Creek borders the western portion of the subject lands. The subject lands are legally described as Part of Lot 5, Concession 4, PLAN 42R-22984 and there is currently no municipal address assigned to the subject lands.

The owner of the subject lands is James Michael, and the application has been submitted by the agent Stephen McArthur (Tulloch Engineering). The subject lands are outlined in red on Figure 1.

Figure 1: Subject Lands

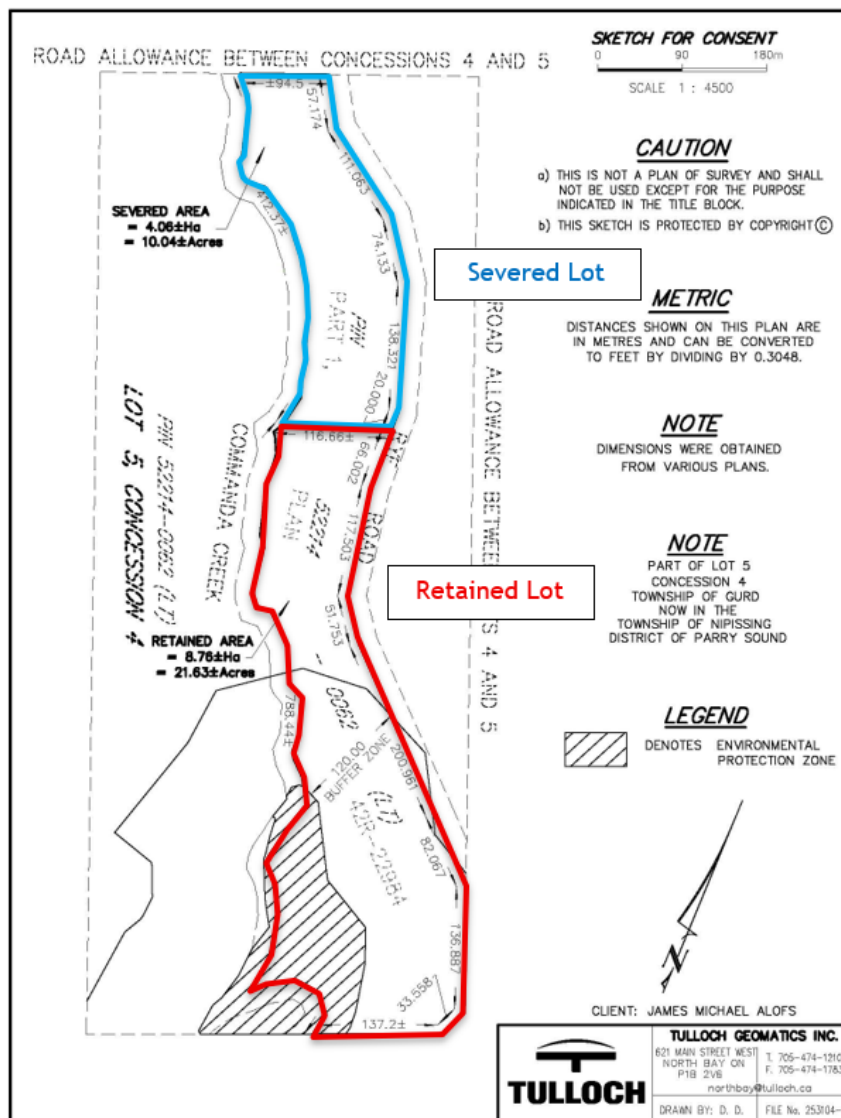


The purpose of the application is to create one (1) new lot on the subject lands for a total of two (2) lots, including the following:

- The proposed Retained Lot is to have a lot area of approximately 8.76 hectares (21.63 acres), a lot frontage of approximately 700 metres on the Commanda Creek, and a frontage of approximately 700 metres on Rye Road.
- The proposed Severed Lot is to have a lot area of approximately 4.06 hectares (10.04 acres), a lot frontage of approximately 400 metres on the Commanda Creek, and a frontage of approximately 400 metres on Rye Road.
- The subject lands are currently vacant.

A copy of the sketch submitted with the Consent application is included in Figure 2. The proposed Retained Lot is outlined in red, and the proposed Severed Lot is outlined in blue.

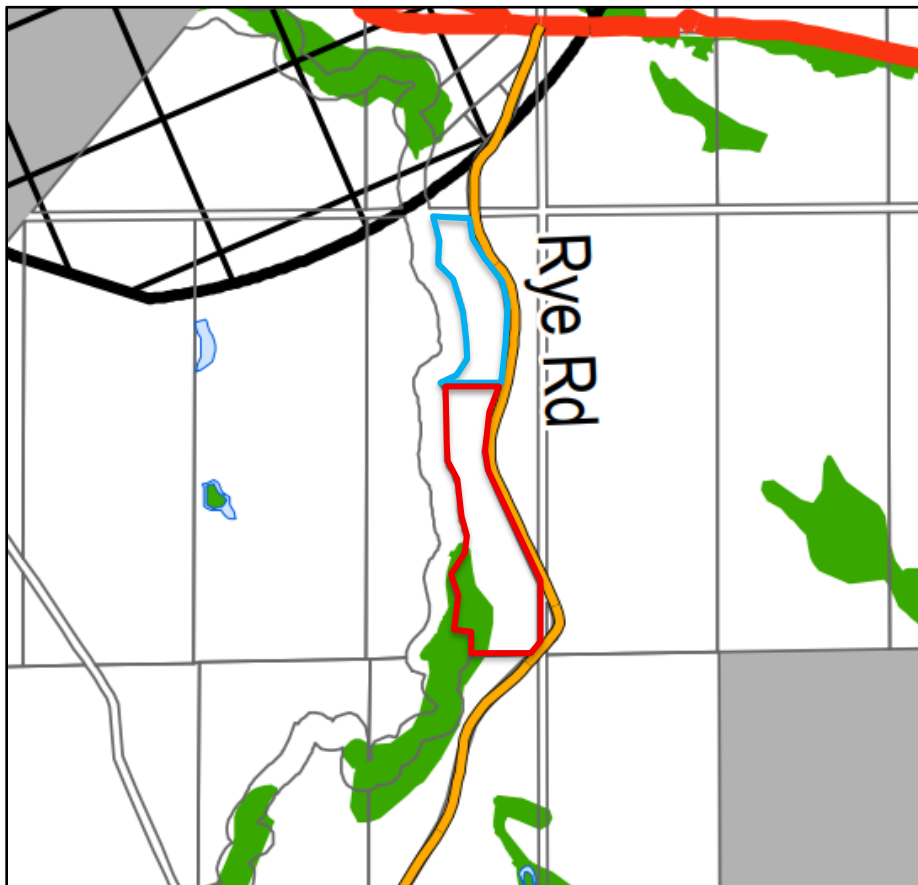
Figure 2: Proposed Lot Configuration



The surrounding land uses primarily include rural residential and rural land uses, including forested areas and Commanda Creek.

The subject lands are designated as Rural and Environmental Protection in the Official Plan. The Environmental Protection designation includes an area that is identified as an unclassified (Other) Wetland. The subject lands are also located within a Deer Yard (Stratum 1). The subject lands are located within the Rural (RU) and Environmental Protection (EP) Zone in the Zoning By-law. The current EP Zone on the subject lands is representative of the unclassified (Other) Wetland on the southern portion of the subject lands. The unclassified (Other) Wetland is shown in green on Figure 3.

Figure 3: Unclassified (Other) Wetland



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 new lot and the future uses on the lots are permitted in the context of the PPS.

Section 4.1 of the PPS includes policies regarding the long-term protection of Ontario's natural heritage features and areas. There is an unclassified (Other) Wetland feature identified on the southern portion of the subject lands and is located on the proposed Retained Lot. The size of the Wetland exceeds a size of 2 hectares and therefore the adjacent lands policies of the Official Plan apply.

The Official Plan requires an Environmental Impact Study to evaluate proposed development within 120 metres of an unclassified (Other) Wetland. The owner has not submitted an Environmental Impact Study, and therefore a Zoning By-law Amendment application is recommended as a condition of provisional Consent to restrictively zone the lands within 120 metres of the unclassified (Other) Wetland to prohibit development and site alteration within this area on the proposed Retained Lot.

Section 5 of the PPS contains policies that address natural and human-made hazards. Hazardous lands mean lands, including that covered by water, along stream systems to the furthest landward limit of the flooding hazard or erosion limits. Commanda Creek, an identified cold-water stream/waterbody, borders the subject lands and the required minimum setbacks for future development in the Zoning By-law require development to be located at least 30 metres from the creek.

The proposed Consent application is consistent with the PPS.

B2. Township of Nipissing Official Plan

The subject lands are designated as Rural and Environmental Protection on Schedule A of the Official Plan, and there is an unclassified (Other) Wetland and a Deer Yard (Stratum 1) identified on Schedule B of the Official Plan. Schedule B of the Official Plan also identifies Commanda Creek as a cold-water stream/waterbody.

Section 2.2.2 of the Official Plan permits residential uses in the Rural designation. It is understood that the lots are to be used for residential purposes in the future which are considered a permitted 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 1.

Table 1: 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	Both the proposed Severed and Retained Lots have frontage on Rye Road which is a

Criteria	Comments
a public road which is maintained on a year-round basis by a public authority;	public road that is maintained on a year-round basis.
(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. The proposed Severed and Retained lots front Commanda Creek.
(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 size of the proposed Severed and Retained Lots comply with the applicable policies of the Zoning By-law.
(d) the minimum lot area and frontage shall generally be 4,000 square metres and 60 metres respectively. Lots with water frontage (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.	The proposed Severed and Retained Lots have lot frontage on Commanda Creek, and frontage on Rye Road. The proposed Severed and Retained Lots have a lot area greater than 1 hectare and a lot frontage greater than 90 metres (as required in a Stratum 1 Deer Yard).
(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;	There are no water quality issues associated with Commanda Creek in terms of capacity.
(f) consents should not be granted when access to the site creates a traffic hazard because of limited sight lines, curves, or	Based on the frontages of the proposed lots, there appears to be adequate locations for

Criteria	Comments
grades of existing development as set out in accepted traffic engineering standards;	entrances that are not expected to cause a traffic hazard.
(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;	Based on the proposed lot areas, there appears to be adequate space for a septic system. Future approvals are required from the North Bay-Mattawa Conservation Authority.
(h) recommendations shall be requested from all relevant agencies prior to a decision being made;	Any agency comments may be reflected in 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 Consent does not affect existing access to any lands.
(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 one (1) new lot is permitted.
(m) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.	This requirement has been included as a recommended 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.

Criteria	Comments
(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 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.

The subject lands contain an unclassified (Other) Wetland in excess of 2 hectares. The wetland is located on the southern portion of the subject lands and are to be located on the proposed Retained Lot. The Official Plan requires an Environmental Impact Study to evaluate proposed development within 120 metres of this type of environmental feature. The owner has not submitted an Environmental Impact Study, and therefore a Zoning By-law Amendment application is recommended as a condition of provisional Consent to restrictively zone the lands within 120 metres of the unclassified (Other) Wetland to prohibit development and site alteration, on the proposed Retained Lot. This measure is to ensure that new development on the proposed Retained Lot will be more than 120 metres from the unclassified (Other) Wetland. The proposed Severed Lot does not contain any mapped wetland features and is located more than 120 metres from the wetland identified on the southern portion of the subject lands and therefore is not subject to the same rezoning requirement.

Section 5.7.3 of the Official Plan includes policies regarding the creation of new lots within a Deer Yard (Stratum 1) areas shown in the Official Plan. New lots should avoid areas of dense conifer cover or be of sufficient size to provide a suitable development area outside most significant deer wintering habitat area. The minimum lot frontage shall be 90 metres, and the minimum lot size shall be 1 hectare. The proposed Retained Lot and Severed Lot meet these size requirements outlined in the Official Plan for new lot creation. For new lots located within a Deer Yard, a common mitigation measure is to create lots with a minimum lot size and minimum lot area, as reflected in the Official Plan. There also appears to be adequate forest cover on the subject lands and on adjacent properties to provide a natural forested connection.

Section 4.6.1.1 of the Official Plan identifies hazard lands associated with watercourses shall extend 15 metres of the edge of a watercourse. Commanda Creek, an identified cold-water stream/waterbody, borders the subject lands and the required minimum setbacks for future development in the Zoning By-law require development to be located at least 30 metres from the creek.

The proposed Consent application conforms to the Official Plan.

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

The subject lands are located within the Rural (RU) Zone and Environmental Protection (EP) Zone. The subject lands are currently vacant. Future uses on the proposed Severed and Retained Lot would need to comply with the permitted uses and the provisions of the Rural (RU) Zone.

It is recommended that the Environmental Protection (EP) Zone be expanded on the proposed Retained Lot to include 120 metres around the feature to ensure conformity to the Official Plan policies regarding unclassified (Other) Wetlands and adjacent lands.

In accordance with the proposed lot statistics shown in Table 2, the proposed lots exceed the minimum requirements for the Rural (RU) Zone in regard to minimum lot size and lot frontage. The lot frontage for each of the lots is located on the Commanda Creek and each lot also has a similar frontage in terms of length on Rye Road.

Table 2: Zoning Review

Provision	RU Zone Minimum	Retained Lot	Severed Lot
Minimum Lot Frontage	60 metres	700 metres	400 metres
Minimum Lot Area	0.8 hectares	8.76 hectares	4.06 hectares

RECOMMENDATION

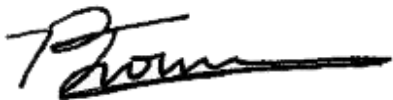
The proposed Consent has been reviewed with consideration of the provisions of the *Planning Act*, the PPS, applicable Official Plan policies, and the relevant Zoning By-law regulations. The proposed Consent application to create one (1) new rural residential lot is consistent with the PPS and conforms to the Official Plan.

On the basis of the review and analysis contained herein, it is recommended that the Committee of Adjustment provisionally approve Consent application C2026-04 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 Retained Lot to the Environmental Protection (EP) Zone to include lands within 120 metres of the unclassified (Other) 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) Written confirmation from the North Bay Mattawa Conservation Authority to demonstrate that there is the ability to install an adequate means of sewage disposal on both the Retained and Severed Lot;
- g) Entrance permit from the Township (where applicable);
- h) Written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Township; and,
- i) 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



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Associate



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Partner