

MEMORANDUM

To: Chair and Committee
Copy: Ms. Kristina Grondin, Dipl.M.A, Secretary to Committee
From: Chris Jones MCIP, RPP
Date: February 10, 2023
Re: Consent Application D10-23-01 (Hall)

BACKGROUND

The municipality is in receipt of an application for consent to create one new lot from a vacant parcel of land described legally as Part of Mining Claim KRL-21755 – Part 2, Balmertown located at 76 Sandy Bay Road.

According to the application the subject lands are currently vacant and have a lot area of 1.5 ha (3.7 acres) with a frontage of approximately 231 metres (758 feet) on Sandy Bay Road. The applicant proposes to sever one new lot with an area of approximately 0.75 hectares and a road frontage of 155 metres. The retained lot would also have a lot area of 0.75 ha and a road frontage of 85 metres. A map illustrating the location of the subject lands is provided in Figure 1 and a sketch of the severed and retained lot is provided in Figure 2.

Figure 1 – Location of Subject Lands

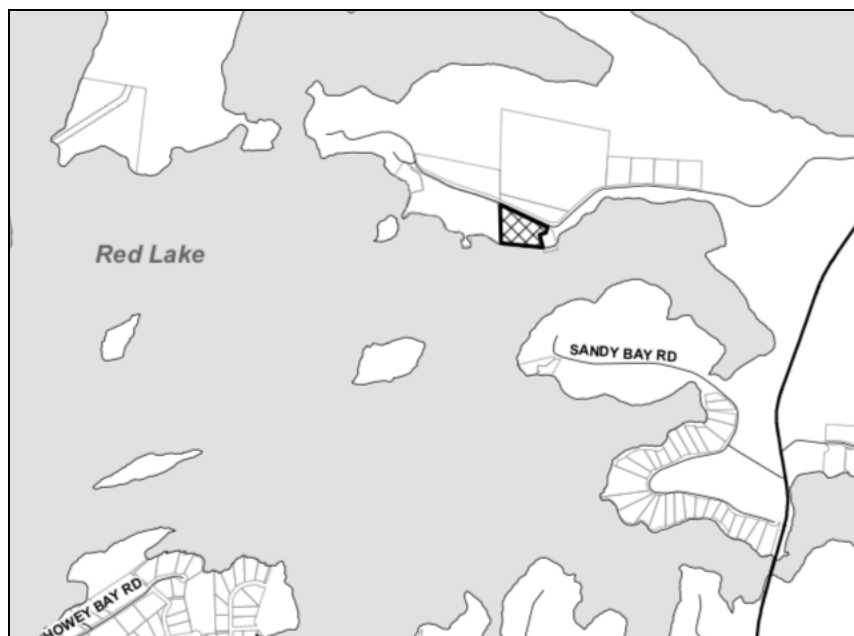
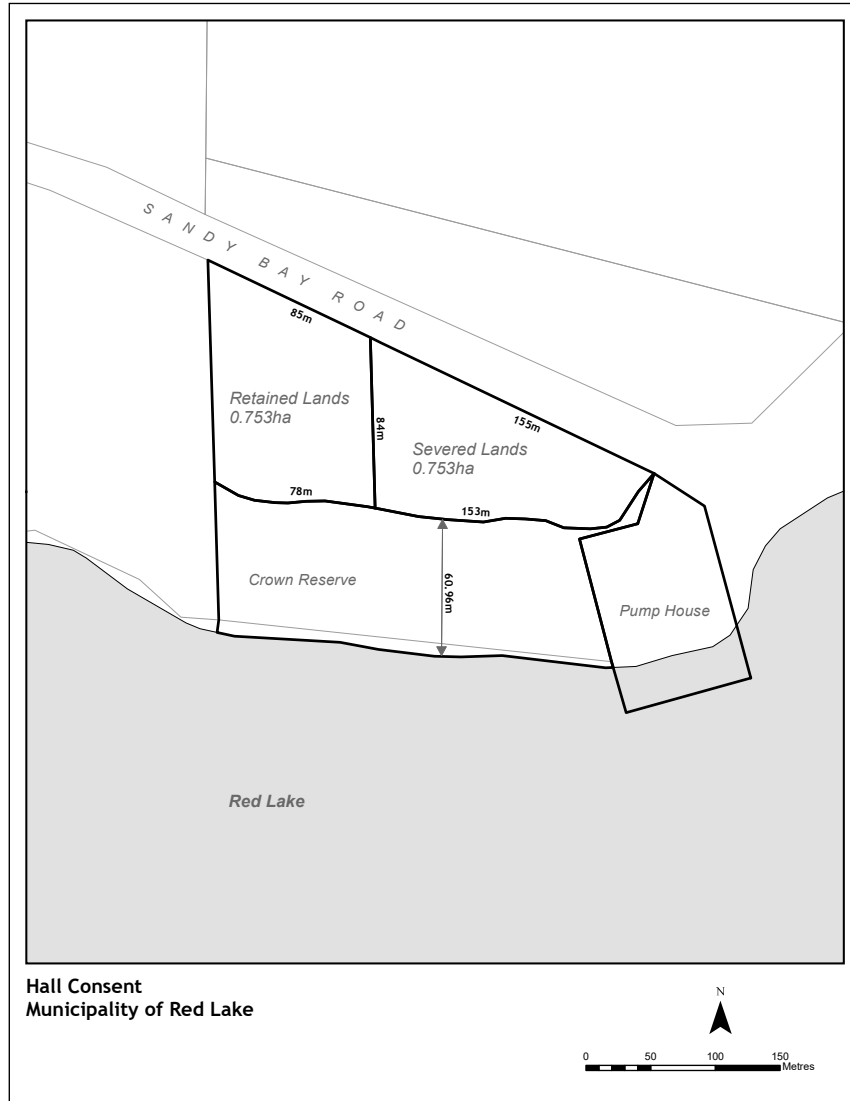


Figure 2 – Illustration of Severed and Retained Lots



It is noted that the subject lands do not have shoreline frontage as there is an intervening 200' Crown Reserve located between the shoreline and the applicant's parcel. It is also noted there is an existing easement or Crown land use permit for an existing pump house facility on the Crown Reserve, the location of which is also illustrated in Figure 2. It is understood the pumphouse serves a local mining operation.

PRIOR AGREEMENT REGARDING PROPERITES ON SANDY BAY ROAD (BY-LAW 48-2018)

On June 19, 2018, the Municipality entered into an agreement with the owners of the subject lands. The purpose of the agreement was to prohibit further lot creation on Sandy Bay Road until upgrades to the road were completed.

I understand staff have reviewed this agreement and are of the opinion that upgrades to Sandy Bay Road are not necessary at this time. If Council or committee has questions with respect to this agreement, it is recommended the consent application be deferred to allow any discussion surrounding this agreement to occur.

If Council or committee are of the opinion the 2018 agreement is no longer necessary, it should be repealed by By-law.

MNRF COMMENTS

MNRF was consulted by municipal staff during pre-consultation with respect to the lot creation proposal and the MNRF was also asked if an easement or land use permit would be warranted to ensure the severed and retained lands would have the ability to install a water line, a formal access to the lake, a dock, or amenity space on the abutting Crown reserve.

MNRF's comments are summarized below:

- Red lake is a lake trout lake;
- The Ministry does not object to the proposed severance; and,
- The Ministry will not support a LUP or sale of the Crown reserve in whole or in part.

PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (PPS) is the primary policy document that Planning Board is required to "be consistent with" in accordance with Section 3 (5) of the Planning Act.

The proposed consent appears to be generally consistent with the Provincial Policy Statement as it will accommodate the lot creation that for a residential use in a rural area that is locally appropriate.

PLANNING ACT R.S.O 1990

Section 51 (24) of the Planning Act requires approval authorities to consider with either plans of subdivision or consent applications:

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;*

- (c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) *the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) *the dimensions and shapes of the proposed lots;*
- (g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) *conservation of natural resources and flood control;*
- (i) *the adequacy of utilities and municipal services;*
- (j) *the adequacy of school sites;*
- (k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

OFFICIAL PLAN

The subject lands are located in the Rural Residential designation, which is intended to accommodate residential uses.

The Plan requires a minimum lot size for lots in the Rural Residential designation to be 1 hectare with a minimum lot frontage of 45 metres. The policy also indicates that smaller lot sizes may be permitted where a hydrogeological study has been prepared to confirm an adequate groundwater quantity and quality.

The Plan also indicates that lot creation should be subject to agency review and consultation and any new lot shall abut a year-round maintained public road.

ZONING BY-LAW

The subject lands are currently zoned Rural Residential (R4). The R4 Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 45 metres.

ANALYSIS

The proposed consent would accommodate the creation of one new rural residential lot. Upon review of the Provincial Policy Statement, the Planning Act criteria and the local Official Plan policy requirements, it would appear, on balance that the proposed consent is consistent with Provincial policy requirements and generally conform with the Official Plan, however the following specific items are raised for Committee's consideration:

1. The severed and retained lots are not shoreline lots by virtue of the fact that they do not own to the water's edge, nor does the MNR appear prepared to allow the lots to have any formal use of the shoreline. On this basis, it will be recommended that as a condition of consent the Crown reserve be zoned in manner that does not permit any land use, building or structure.
2. The severed lots will not conform with the minimum lot area requirement of the Official Plan or the Zoning By-law. As a measure to address the Official Plan policy it will be recommended that a drilled well be installed on both lots which yield water quantity and quality that meets or exceeds with Provincial standards.
3. On the issue of the minimum lot area required by the R4 Zone, it is recommended that a zoning by-law amendment be made a condition of consent to recognize the resultant lot areas.
4. It is also recommend the severed lot be the subject of a consent agreement to provide a notification on title of the adjacent pump house which may create noise and will be subject to periodic maintenance requirements.
5. It is also recommended Council repeal By-law 48-2018 if the agreement it formalized is no longer applicable.

RECOMMENDATION

If Committee is in agreement with the analysis of this report, the following recommendations are provided:

1. That this report be received;
2. That Application D-10-23-01 be granted Provisional approval subject to the standard conditions of consent and items 1 to 4 from the analysis of this report shall also be stipulated as conditions.

Respectfully Submitted,



Chris Jones MCIP, RPP