



The Corporation of The Township of Bonfield

AGENDA PLANNING ADVISORY COMMITTEE MEETING TO BE HELD 4 February 2024 AT 6:00 P.M.

1. **Open Meeting**
2. **Adoption of Agenda: as prepared OR as amended**
3. **Adoption of the minutes of the regular meeting: 7 January 2025**
4. **Disclosure of Pecuniary Interests**
5. **Presentations / Public Meeting**
6. **Consent Applications: B2/2025 - Koscielny**
Application for Consent - Land Severance at the property legally described as:
CON 2 PT LOT 29 REM PCL 1233; NIP
7. **Correspondence**
8. **Adjournment**

Small Community, Big Heart



PLANNING REPORT

MEETING DATE: 4th February 2025
TO: Planning Advisory Committee
FROM: Sinon Blakeley, Planning Administrator
SUBJECT: B2/2025 Koscielny, Application for Consent - Land Severance at the property legally described as: CON 2 PT LOT 29 REM PCL 1233; NIP

RECOMMENDATIONS: The Planning Advisory Committee recommends to Council that Consent Application B2/2025, Application for Consent - Land Severance, be approved with conditions as set out.

SUBJECT LAND AND LAND USE:

The consent application seeks to sever the property legally described as CON 2 PT LOT 29 REM PCL 1233; NIP to create 2 Additional Residential Lots, plus 1 retained lot. The property currently comprises vacant residential land not on the water.

The subject property is designated as a Rural Area and is zoned Rural for planning purposes. The property is surrounded by other properties with rural like characteristics.

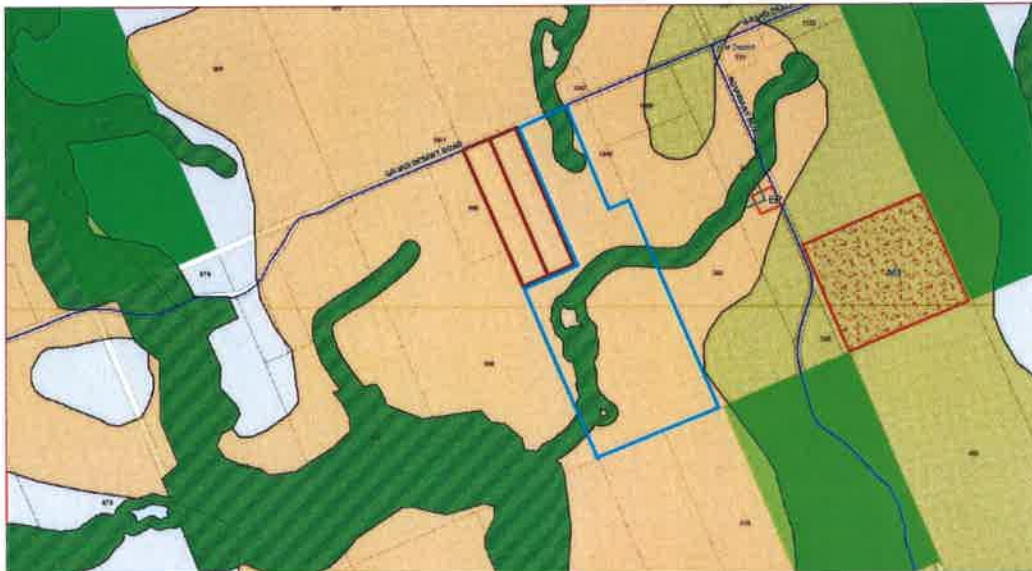


Figure 1: Extract from the Interactive Mapping System showing the OP Designation and Zoning provisions in relation to proposed Lot Boundaries



**PLANNING & DEVELOPMENT
DEPARTMENT**

Email: planning@bonfieldtownship.com

APPLICANTS PROPOSAL: The Applicant is requesting a consent to sever the property to create 2 Additional Lots of Record, plus 1 retained lot on the property legally described as: CON 2 PT LOT 29 REM PCL 1233; NIP.

Retained Lot:

Frontage: **Approx. 168.55 meters**
Depth: **Approx. 1008.58 metres**
Area: **Approx 30.03 Ha.**

Proposed Severed Lot 1:

Frontage: **Approx. 83.82 meters**
Depth: **Approx. 495.30 meters**
Area: **Approx 4.151 Ha.**

Proposed Severed Lot 2:

Frontage: **Approx. 83.82 meters**
Depth: **Approx. 495.30 meters.**
Area: **Approx 4.151 Ha.**

Figure 2: Breakdown of the proposed retained and severed lots

PLANNING HISTORY

A review of the planning history of the property confirms the land was previously severed to create one new registered lot of record (Consent file reference: B23/85). This resulted in the creation of a new municipally registered address at 1042 Grand Desert Road.

PROVINCIAL PLANNING STATEMENT (PPS) 2024:

The new Provincial Planning Statement (PPS) for the Province of Ontario came into effect on October 20, 2024. The PPS contains a series of updated policies designed to shape land use and development decisions across the province. Applicable policies are summarized as follows:

Housing

Matters related to housing are addressed in Chapter 2 of the PPS entitled *‘Building Homes, Sustaining Strong and Competitive Communities’*. Policy 2.1, Planning for People and Homes, part 4, states the need *‘to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area’*. It emphasizes the need for planning authorities to maintain a minimum of 15-year supply of land designated and available for residential development; and at least a 3-year supply of land that is suitably zoned with servicing capacity. The proposed severance to create 2 new lots will increase Bonfield’s total residential land supply.

Policy 2.2. Housing states the need to ensure a mix of housing densities and options which support the efficient use of land, resources, infrastructure, and public service facilities, in proximity to transit, corridors, and stations.

The property is not directly served by public transit; however, it is located approximately 8.6km south of the Hamlet of Rutherglen, which can be accessed relatively easily via Township maintained roads, including Grand Desert Road, Guay Road, Boxwell Road, Farmers Line, McNutt Road, Trunk Road, and Gagne Road. The Hamlet of Rutherglen is strategically located on Highway 17 (The Trans Canada Highway), and provides some existing retail, service & community uses, plus an Ontario Northland Coach Stop. Given the existing permitted residential use for the property in this rural context, low-density residential development is considered the preferred option.

Rural Areas

Policy 2.5 of the PPS relates to Rural Areas in Municipalities and states '*healthy, integrated, and viable rural areas*' should be supported by:

- a) Building upon the rural character and leveraging rural amenities and assets.*
- c) Accommodating an appropriate range and mix of housing in rural settlement areas.*
- d) Using rural infrastructure and public service facilities efficiently; and*
- g) Conserving biodiversity, and considering the ecological benefits provided by nature.*

The proposed severance to create two new lots, plus the retained lot, is considered consistent with these policy objectives.

Policy 2.6c of the PPS applies to Rural Lands, and states residential development including lot creation, is a permitted use where site conditions are suitable for the provision of appropriate sewage and water services. The proposed residential lots are consistent with the scale and character of this rural location. The proposed residential uses are intended to address the growing demand for housing in Bonfield Township.

At the time of writing this report a response has not been received from the North Bay Mattawa Conservation Authority. That said, the proposed severance will result in the creation of 2 new additional lots that are approximately four times the minimum lot size required, and the retained lands will be approximately 30 times the minimum lot size required.

Natural Assets

Chapter 4 of the PPS applies to the *‘Wise Use and Management of Resources’* including natural heritage features and areas, plus the protection, improvement, or restoration of the quality and quantity of water resource systems.

The Township’s Interactive mapping identifies 2 Development Constraint Areas (DCA) associated with small watercourses on the property. The first DCA borders the western property boundary of the neighbouring residential lot (1042 Grand Desert Road); in effect, forming a natural buffer and setback between that property and the proposed retained lands. The second relates to a larger network of tributaries which traverse the property from east to west.

The applicant has proposed the creation of 2 new lots on lands that fall outside the existing DCAs; meaning, the DCAs would not be affected by the proposed severances and/or change in land ownership that could result from the creation of 2 new lots. The DCAs will instead apply to the retained lands.

The applicant will need to obtain necessary permits from the North Bay Mattawa Conservation Authority related to any On-Site Sewage Systems proposed, and based upon past files, it is probable that a Section 28 permit would be required for any development proposed within 30 meters of the Approximate Regulated Area (ARA) Mapping which applies to the two DCAs present on the property.

The construction of new wells to serve each residential lot will need to be registered with the Ministry of Environment; and building permits obtained from the Township’s building department prior to any construction taking place.

Agriculture

Policy 4.3 of the PPS applies to the development and management of agricultural lands. A desktop review of the property did not reveal the presence of barns within investigation distance of the property, and so, the Minimum Distance Separation (MDS) formulae need not apply in this instance.

OFFICIAL PLAN (O.P) & ZONING BY-LAW REVIEW:

In this section we provide a summary of applicable policies contained within the Township of Bonfield's Official Plan and Comprehensive Zoning By-law 2013:

Township of Bonfield Official Plan 2013

Section 2 relates to Council's **Vision, Principles and Objectives**, and states under Policy 2.2.1. Sustainable Development: *'The Township shall promote sustainable development to enhance the quality of life for present and future generations.'* and *'limited residential growth'* will be permitted in the Rural Area(s) *'where private services are feasible, and where development would be compatible with surrounding land uses.'*

Section 3 relates to **General Development Policies**. Policy 3.6 applies to Watercourses and Lakeshore Development and is intended to prevent negative impacts on important natural heritage features. Part 7 states the need to ensure *'no negative impacts on the natural features or the ecological functions'* of a property due to development and site alteration; and the need to obtain approvals and permits from the North Bay-Mattawa Conservation Authority, and/or applicable agencies, prior to any development taking place.

Policy 3.9 confirms *'no building lot or parcel of land shall have more than one residential structure except in accordance with the policies of this plan.'*

Policy 3.10 applies to the Minimum Distance Separation (MDS) Formulae, and states MDS 1 formulae shall be applied within the Rural Area Designation *'at the time of planning and/or development review for proposed new development, including lot creation, building permits for development on an existing lot of record, rezoning or redesignation of rural land to permit development in proximity to existing livestock facilities on an existing or proposed separate parcel of land'*. As previously noted, the property is understood to fall outside the investigation distance required from the nearest farm, so MDS formulae need not apply in this instance.

Section 4 applies to Land Use Designations and **Policy 4.2** relates to the **Rural Area**.

Part 1 of Policy 4.2 states *'low density residential development'* may be permitted through severances and country subdivisions in appropriate locations. Part 2h confirms residential uses, including single-detached, duplex, and semi-detached dwellings, may be permitted in accordance with Rural Area policies in the Rural Area designation.

Part 4 states the character of the Rural Area shall be maintained by permitting residential development subject to the following provisions for a) consents:

- i. The severed lot(s) shall be for permanent residential use.*
- ii. New lots shall have a minimum area of 1.0 hectare, and a minimum frontage of 60 metres; and*
- iii. The lot(s) shall conform to Consent policies within the Land Division section of the OP.*

The proposed residential development is consistent with this policy.

Chapter 5 applies to **Natural Heritage Features and Cultural Heritage**. **Policy 5.1** refers to 'natural heritage systems' which include natural heritage features and areas, linked by natural corridors, important 'to maintain biological and geological diversity, natural functions, and viable populations of indigenous species and ecosystems.' The policy seeks to preserve the long-term ecological function and biodiversity of the Township's natural heritage systems, and encourages 'sustainable design concepts, such as designing with nature'.

The shown position, size, and dimensions of the proposed 2 new severed lots has been designed to optimize the use of land available, while providing setbacks which respect the existing natural heritage features on the property.

Policy 5.1.5 applies to **Wetlands**, which are not understood to be present on the property.

Policy 5.2 applies to **Development Constraint Area(s)**. This designation applies to 'lands with environmental constraints such as flood susceptibility, erosion susceptibility, or other physical characteristics severe enough to cause property damage or risk of life, and where, information regarding the extent and the severity of the hazard is only preliminary'. Part 2 of the policy refers to a minimum 45 Meter building setback from all lakes, rivers, streams, and wetlands. Part 5 clarifies the Township of Bonfield is under no obligation to compensate landowners for any increased development costs that may result from its policies.

Recent changes to the Conservation Authorities Act, and subsequent regulations, have reduced the minimum setback from 120 meters to 30 meters. As such, staff are of the opinion that development can be accommodated on the lots if positioned away from the waterbodies which relate to the northeastern and central parts of the property. A minimum 30-metre setback can be applied as a condition of consent in respect of any proposed new buildings and structures proposed in proximity to these existing waterbodies / development constraints areas. Any development proposed beyond that minimum setback may require a Section 28 permit to be issued by the NBMCA.

Section 6 applies to **Transportation**. **Policy 6.2** applies to **Township Roads** and associated entrance / access requirements. The proposed severed and retained lots can be accessed from Grand Desert Road which is maintained by the Township of Bonfield.

Chapter 7 relates to **Implementation and Interpretation**. **Policy 7.11.2.1** applies to the **Creation of New Lots**. The policy evaluates the need to ensure satisfactory technical information, and ensure the requirements of provincial Ministries, the North Bay-Mattawa Conservation Authority, and any other agencies are being met.

Bonfield's Zoning By-Law:

The subject property is zoned Rural (RU). The zoning typically allows a range of residential uses to be permitted on such lands as follows:

- Bed and breakfast
- Dwelling, duplex
- Dwelling, semi-detached
- Dwelling, single detached
- Group home
- Home occupation
- Home industry
- Secondary dwelling unit

The applicant has stated they are unsure what buildings or structures might be proposed on either the severed or retained lots at this time and is aware their proposals would need to ensure adherence to all zoning requirements affecting the property.

COMMENTS / REPORTS / STUDIES:

As required under the *Planning Act* circulation to the appropriate agencies/bodies and neighbouring landowners for comment was completed on the January 14, 2025. The agencies listed were circulated a copy of the application via email, and individual letters were mailed to neighbouring property owners within 120 metres of the applicants' landholdings.

North Bay Mattawa Conservation Authority (NBMCA):

No comments have been received from public works at the time of writing this report.

Hydro One:

A Hydro One representative responsible for *'High Voltage Facilities and Corridor Lands'* confirmed they have no comments or concerns at this time. The applicant is instead advised to consult the local area Distribution Supplier in regard to site development and servicing matters.

Ministry of Transportation (MTO):

The MTO did not raise any objections to the proposed severance as the new lots to be created would be accessed via a municipally maintained road (Grand Desert Road).

TransCanada PipeLines Limited (TCPL)

No comments have been received from public works at the time of writing this report. The property is not located within close proximity to the Trans Canada Pipeline.

Public:

No comments have been received from the public at the time of writing this report.

Township Departments

Public Works

No comments have been received from public works at the time of writing this report.

Fire Departments

No comments have been received from the Fire Department at the time of writing this report.

ANALYSIS:

The submitted consent to sever application proposes the creation of two new lots on the property legally described as: CON 2 PT LOT 29 REM PCL 1233; NIP. The existing property is currently assessed by MPAC as being *'100 - Vacant residential land not on water.'* This Property Code would also apply to the 2 new severed lots; unless or until a new permitted use is approved on either the severed or retained properties. If approved, the two new lots will also contribute to the Township of Bonfield's Housing Land Supply.

A review of the planning history of the property confirms the land was previously severed once (Consent file reference: B23 /85). This resulted in the creation of a new municipally registered address at 1042 Grand Desert Road.

Pre-application consultations took place with the applicant between October and December 2024; during which time, the proposed number and alignment of the proposed two additional lots was discussed, having regard to matters including the existing character and density of properties along Grand Desert Road; and the presence of two '*Development Constraint Areas*' on the proposed retained lands.

The Development Constraint Areas comprise narrow waterbodies, which are subject to regulatory approval by the North Bay Mattawa Conservation Authority (NBMCA). The applicant will need to consult further with the NBMCA to determine what if /any constraints to development exist on the property.

The proposed consent to sever application conforms with the overall intent of the Official Plan, and complies with Comprehensive Zoning By-law 2012-49, as adopted by the Township of Bonfield. It is also considered to be consistent with the Provincial Government's Policy Objectives specified within PPS2024; and the Ontario Planning 1990 [Amended].

If approved, in accordance with the Official Plan for the Township of Bonfield, no further severances will be permitted on either the severed or retained lands as described. The applicant and /or future property owners of either the severed or retained lots, will be required to adhere to all conditions outlined in the Notice of Decision, summarized below for reference.

RECOMMEND ACTION: The Planning Advisory Committee recommends to Council that Consent Application B2/2025 – Koscielny, for the creation of 2 new lots and 1 retained lot be approved subject to conditions.

PROPOSED CONDITIONS

1. That this approval applies to the land legally described as: CON 2 PT LOT 29 REM PCL 1233; NIP.
2. That the following documents be provided:
 - a. The original executed transfer (deed), a duplicate original & 1 photocopy for our records
 - b. A copy of the survey plan deposited in the Land Titles Office, if required
 - c. An electronic copy of the survey emailed to: planning@bonfieldtownship.com
 - d. A schedule describing the severed lands attached to the transfer for approval purposes
 - e. A schedule that provides a registrable legal description attached to the transfer for the retained land for approval purposes, if required.
3. That if there is a forced road situation a 20-metre road allowance or whatever amount is required for road purposes shall be transferred to the Municipality (at the owner's expense) across the whole lot or parcel for which the severance was taken and compensation shall be awarded as per the Compensation Grid for The Transfer of Forced Roads.
4. That the building setbacks for all buildings must meet the requirements of the Zoning By-Law for the retained and/or severed lot(s), whichever are affected at the time of survey.
5. That the fee of 5% in lieu of parkland dedication be paid to the Township of Bonfield in respect of each proposed new lot to be created.
6. That any tax arrears must be paid prior to the stamping of Transfer Documents for a new lot.
7. That the survey will apply to both the retained and proposed severed lands.
8. That no further consent to sever applications which would result in the creation of additional lots shall be considered in respect of the land and property as described.

Additional Condition

9. That the North Bay Mattawa Conservation Authority (NBMCA):
 - i) Be consulted throughout the development of individual site plan(s) associated with the proposed development of severed and/or retained lots; and
 - ii) That a vegetative buffer be maintained of at least 30 meters from the Approximate Regulated Area (ARA), including the watercourse and wetland on the property; and
 - iii) That a Section 28 permit be required should development be proposed within the ARA.



**PLANNING & DEVELOPMENT
DEPARTMENT**

Email: planning@bonfieldtownship.com

Respectfully,

S Blakeley

**Simon Blakeley
Planning Administrator**

Attached:

Notice of Application for Consent
Application for Consent
Sketch for Planning Purposes

I concur with this report,

Nicky Kunkel

**Nicky Kunkel
CAO**



THE CORPORATION OF THE TOWNSHIP OF BONFIELD

Application: B2/2025, KOSCIELNY

Lot 29, Grand Desert Road - CON 2 PT LOT 29 REM PCL 1233; NIP

Owner: Koscielny, Matthew

Agent: Owner

NOTICE

APPLICATION FOR CONSENT

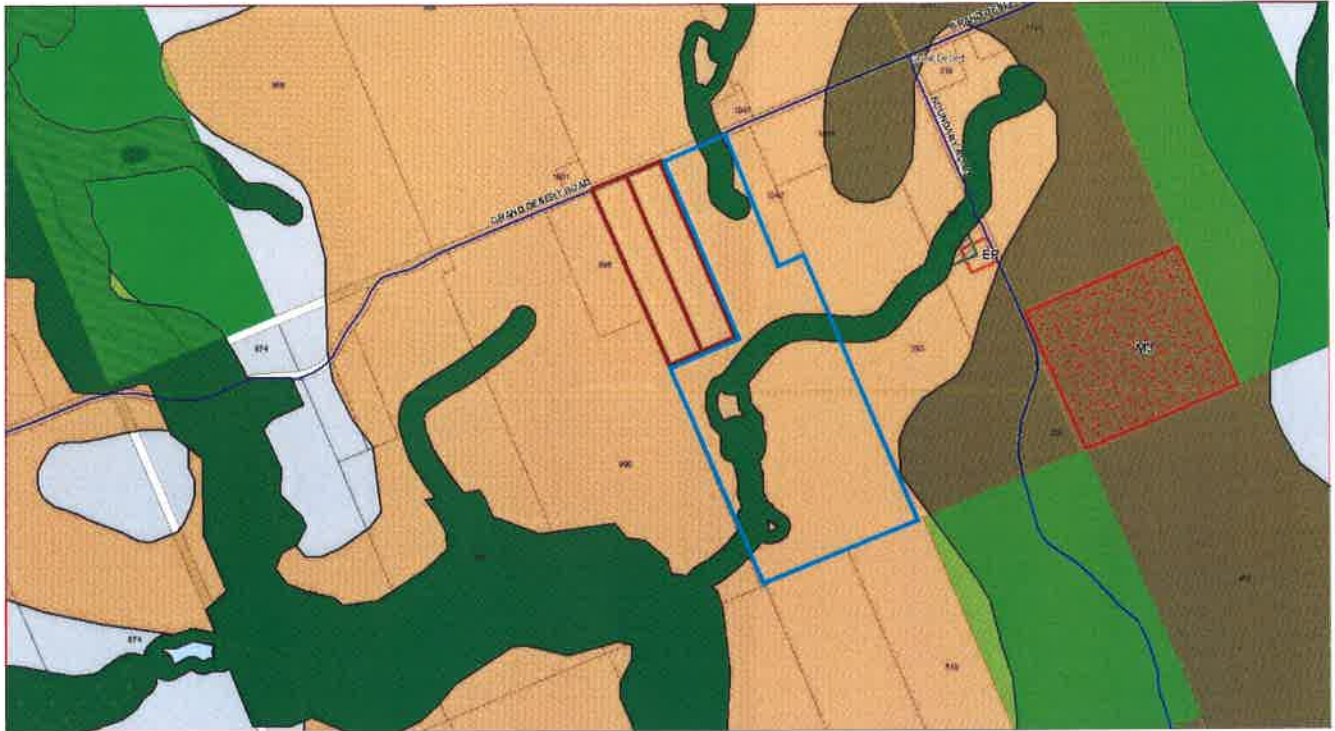
Clause 53 (5) (a) of the Planning Act

1. An Application for Consent to Sever to create two (2) new lots has been submitted under subsection 53(1) of the Planning Act, for the Creation of 3 NEW LOTS on the property legally described as: CON 2 PT LOT 29 REM PCL 1233; NIP. The proposed severed and retained lands will be an area and size as shown on the sketch attached hereto.
2. The land which is the subject of the application is not the subject of an application under the Act for an O.P., Zoning By-Law, Ministers Zoning Order amendment or a Minor Variance.
3. Comments must be submitted in writing to the Planning Administrator by NOON on Tuesday 4th February 2025.
4. If a person or public body that files an appeal of a decision of the Township of Bonfield in respect of a proposed consent does not make written submissions to the Township of Bonfield before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.
5. If you wish to be notified of the decision of the Township of Bonfield in respect of the proposed consent, you must make a written request to the; Clerk of Township of Bonfield, 365 Highway 531, Bonfield, ON. P0H 1E0.
6. ADDITIONAL INFORMATION regarding this application for consent can be obtained by contacting Simon Blakeley at 705-776-2641, Ext. 126, during regular office hours, or by email at: planning@bonfieldtownship.com subject to the Municipal Freedom of Information and Protection of Privacy Act.

Dated at the Township of Bonfield this 14th Day of January 2025.

**Simon Blakeley
Planning Administrator
Township of Bonfield**

THE CORPORATION OF THE TOWNSHIP OF BONFIELD



**Figure One: Proposed Severance showing the creation of 2 New Lots
CON 2 PT LOT 29 REM PCL 1233; NIP**