

CORPORATION OF THE TOWNSHIP OF MCKELLAR

January 17, 2023 – 1:00 p.m.

AGENDA

Topic: Special Council Meeting

Time: January 17, 2023 1:00 P.M.

23-57 1st resolution

2023-10 1st by-law

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DECLARATIONS OF PECUNIARY AND/OR PERSONAL INTEREST AND GENERAL NATURE THEREOF**
- 4. ADOPTION OF AGENDA**
- 5. CLOSED SESSION**
- 6. RESPECT AND ACKNOWLEDGMENT DECLARATION**

We would like to begin by acknowledging that the land on which we gather is the traditional territory of the Anishnaabe and the Mississauga People

7. PUBLIC MEETING

7.1 Reed Zoning By-law Amendment Application

- (i) Application
- (ii) Planning Report from JL Richards
- (iii) Scoped Site Evaluation Report from Riverstone Environmental
- (iv) Draft Zoning By-law Amendment
- (v) Correspondence Received

7.2 LeBlanc Zoning By-law Amendment Application

- (i) Application
- (ii) Planning Report from JL Richards
- (iii) Draft Zoning By-law Amendment
- (iv) Correspondence Received

- 8. DELEGATIONS AND PRESENTATIONS**
- 9. COMMITTEE OF THE WHOLE**
- 10. MOTION TO REVIEW A PREVIOUS MOTION**
- 11. ADOPTION OF MINUTES OF PREVIOUS MEETING(S)**

- 12. PLANNING MATTERS**
- 13. COMMITTEE/BOARD MINUTES WITH RECOMMENDATIONS FOR APPROVAL**
- 14. STAFF REPORTS WITH RECOMMENDATIONS FOR APPROVAL**
- 15. MAYOR'S REPORT**
- 16. CORRESPONDENCE FOR CONSIDERATION**
- 17. MOTION AND NOTICE OF MOTION**
- 18. BY-LAWS**
- 19. UNFINISHED BUSINESS**
- 20. NEW BUSINESS**
- 21. PUBLIC NOTICES, ANNOUNCEMENTS, INQUIRIES AND REPORTS BY COUNCIL MEMBERS**
- 22. CONSENT AGENDA – CORRESPONDENCE**
- 23. QUESTION/COMMENT PERIOD (RELATED TO ITEMS ON AGENDA)**
- 24. CONFIRMING BY-LAW**
 - 24.1 By-law 2023-10 - Confirming the Proceedings of Council
- 25. ADJOURNMENT**

APPLICATION TO AMEND☐ **OFFICAL PLAN**☒ **ZONING BY-LAW**

| | | |
|--|--|---------------------------------|
| 1. Applicant Information | | |
| 1.1 Name of Applicant: Thomas Reed Address: 1 Islandview Drive, McKellar | Telephone Number: | Cell Phone: 647-500-3035 |
| | Fax: | Business Phone: 905-660-4000 |
| 1.2 Name of Owner(s) (if different from the applicant) Address: | Telephone Number: | Cell Phone: |
| | Fax: | Business Phone: |
| 1.3 Name of the person who is to be contacted about the application (if different from the applicant) Address: | Telephone Number: | Cell Phone: |
| | Fax: | Business Phone: |
| 2. Purpose of this Application (check appropriate box and complete applicable sections) | | |
| 2.1 Application is hereby made for a(n): <input type="checkbox"/> OFFICAL PLAN AMENDMENT <input checked="" type="checkbox"/> ZONING BY-LAW AMENDMENT For the lands hereinafter described and shown on the attached sketch | | |
| What is the existing official plan designation(s) of the subject land? | What is the existing zoning of the subject land? WF2 | |
| What is the proposed amendment to the official plan? | What is the proposed zoning of the subject land? WF2 | |
| What are the reasons for the proposed change? | What are the reasons for the proposed change? To allow an accessory building on lands where there is no Main Building | |

APPLICATION FOR ZONING AMENDMENT

| | | | |
|---|--|--------------------|--------------------|
| 3. Location of the Subject Land (complete applicable boxes in 3.1) | | | |
| 3.1 Road: 1 Islandview Drive Address: Concession Number: Lot Number: 32 Registered Plan Number: M-142 Lot(s)/Block(s): Reference Plan Number: Part Number(s): Island Number: Parcel: | | | |
| 3.2 Are there any easements or restrictive covenants affecting the subject land? <div style="display: flex; justify-content: space-around;"> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If YES, describe the easement or covenant and its effect: </div> | | | |
| 4. Description of Subject Land and Servicing Information (Complete each subsection) | | | |
| 4.1 Description | Frontage (m.) 20.1 | Depth (m.) 75.5 | Area (ha.) 0.14 |
| 4.2 Buildings or Structure (Attach Separate list if necessary) | Type | Existing Size | Proposed Size |
| | Garage/carport | | 119.4 sq m |
| | | | |
| | | | |
| 4.3 Access (check appropriate space) | Provincial Highway | Existing | Proposed |
| | Municipal road, maintained all year | x | x |
| | Other public road | | |
| | Right of way | | |
| | Water access (if so, describe below) | | |
| | Describe in section 7.2, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road. | | |
| 4.4 Water Supply (check appropriate space) | Publicly owned and operated piped water system | | |
| | Privately owned and operated individual well | | n/a |
| | Privately owned and operated communal well | | |
| | Lake or other waterbody | | |
| 4.5 Sewage Disposal (check appropriate space) | Publicly owned and operated sanitary sewage system | | n/a |
| | Privately owned and operated individual sewage tank (1) | | |
| | Privately owned and | | |

| | | | |
|---|--|--|---|
| | operated communal septic system | | |
| | Privy | | |
| | Other means | | |
| | A certificate of approval from the Director having jurisdiction under Part VII of the E.P.A. submitted with this application will facilitate the review. | | |
| 4.6 Storm Drainage (check appropriate space) | Method of Drainage: | | |
| | Surface | x | x |
| | Ditching | | |
| | Piping | | |
| 4.7 Other Services (check appropriate space) | Electricity | | x |
| | School Busing | | |
| | Garage Collection | | |
| 4.8 If access to the subject land is by private road, or if "other public road" or "right-of-way" was indicated in section 4.3, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year. | | | |
| 5. Lands | | | |
| 5.1 What are the existing uses on the subject land? Vacant - Vehicular parking What are the proposed uses on the subject land? Garage/Storage | | Date use Established: 1959 Proposed Commencement Date: 2022 | |
| 5.2 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply. | | | |
| Use or Feature | | On the Subject Land | Within 500 Metres of Subject Land, unless otherwise specified (include approx.. distance) |
| An agricultural operation, including livestock facility or stockyard | | | |
| A landfill | | | |
| A sewage treatment plant or waste stabilization plant | | | |
| A Provincially significant wetland (Class 1, 2 or 3 wetland) | | | |
| A Provincially significant wetland within 120 metres of subject land | | n/a | |
| Flood plain | | | |
| A rehabilitated mine site | | | |
| A non-operating mine site within 1 km of the subject land | | | |
| An active mine site | | | |
| An industrial or commercial use, and specify the use(s) | | | |
| An active railway line | | | |
| A Municipal or Federal airport | | | |
| 6. Current Applications | | | |

APPLICATION FOR ZONING AMENDMENT


| | |
|---|--|
| 6.1 | Is the subject land currently the subject of an application for a minor variance, consent or approval of a plan of subdivision? |
| | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown If YES and if KNOWN, specify the appropriate file number and status of the application. |
| 6.2 | Has the land ever been the subject of an Official Plan Amendment or Zoning By-Law Amendment? |
| | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown, if YES and if KNOWN, specify the number for the amendment. |
| 7. Other Information | |
| 7.1 | When was the subject land acquired by the current owners? |
| | September 2019 |
| 7.2 | If there is any other information that you think maybe useful to the Township or other agencies in reviewing this application? If so, explain below or attach a separate page. |
| <p>The owners own and occupy a seasonal residence on an island 60 metres from the shore of the Subject Property. The proposed garage would in affect, be an accessory building to the main building on the Island. The garage is required for the safe and tidy storage of property maintenance equipment, recreational vehicles, boats and vehicles.</p> | |
| 8. Plans | |
| 8.1 | Key Plan |
| <p>Every application shall be accompanied by a key plan, drawn to an appropriate scale, properly dimensioned and showing thereon:</p> <ul style="list-style-type: none"> • The boundaries and dimensions of the parcel of land that is the subject of the application, the part of the parcel that is the subject of this application, the location of all adjacent properties and/or islands, transportation routes, etc; • The distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge; • All lands within 120 metres (400 feet) of subject lands; • The nearest highway or township road | |
| 8.2 | Property Sketch |
| <p>Every application shall be accompanied by a sketch (based on a boundary survey plan of the subject land prepared by an Ontario Land Surveyor) drawn to an appropriate scale, properly dimensioned and showing thereon;</p> <ul style="list-style-type: none"> • The boundaries and dimensions of the subject land and the part that is the subject of this application; • The boundaries and dimensions of any land owned by the owner of the subject land and that abuts the subject land; • The location and dimensions of existing and proposed buildings and structures and their distance from lot lines; • The location of land previously severed from the parcel originally acquired by the current owner of the subject land; • The approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways; • The existing use(s); | |

- Use on adjacent lands
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road right-of-way;
- If access to the subject land is by water only, the location of the parking and boat docking facilities uses;
- The location and nature of any easement affecting the subject land

Additional Information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Township.

9. Affidavit/Sworn Declaration

- 9.1 The contents of the application and appendices shall be validated by the Applicant (or authorized agent) in the form of the following Affidavit/Sworn Declaration before a Commissioner or other person empowered to take Affidavits.

Dated at the Township of McKellar this 26th day of September 2022
 I, THOMAS REED of the CITY OF TORONTO in the County/District/Regional
 Municipality of Toronto solemnly declare that all the statements contained in this
 application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing
 that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**,
 DECLARED BEFORE ME at the TOWNSHIP of McKellar in the
District of Parry Sound this 26th day of
September 2022
 I, CHRISTINE WATKINSON,
 a Commissioner, etc., Province of Ontario,
 for the Corporation of the Township of McKellar.
 Expires February 6, 2024.
A Commissioner of Oaths **Signature of Applicant or Agent**

10. Authorizations

- 10.1 If the Applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or authorization set out below must be completed.

Authorization of Owner for Agent to Make the Application

I, THOMAS REED, am the owner of the land that is the subject of this
 application for an Official plan Amendment and/or Zoning By-law Amendment and I authorize
 _____ to make this application on my behalf.

Date: 26 SEPT 2022 Signature of Owner: 

- 10.2 If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning personal information set out below.

Authorization of Owner for Agent to Provide Personal Information

I, _____, am the owner of the land that is the subject of this application for an Official Plan Amendment and/or Zoning By-law Amendment and for the purposes of the Freedom of Information Act, I authorize _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date: _____ Signature of Owner: _____

11. Consent of the Owner (this section must be completed for the application to be processed)

- X 11.1 Complete the consent of the owner concerning personal information set out below.

Consent of the Owner to the Use and Disclosure of Personal Information

I, Frank Ryan, am the owner of the land that is the subject of this application and for the purpose of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Questions about this collection of personal information should be directed to the Township Clerk.

Date: 26 SEPT 2022 Signature of Owner: _____

12. Payment of Fees (this section must be completed for the application to be processed)

- X 12.1 Complete the consent of the owner concerning payment of fees set out below.

As of the date of this application, I hereby agree to pay for and bear the entire cost and expense for any engineering, legal, landscape architectural and/or external planning consulting expenses incurred by the Township of McKellar during the processing of this application, in addition to any application fee set by the Township of McKellar.

Date: 26 SEPT 2022 Signature of Owner: _____

13. Ontario Municipal Board Hearing Costs (this section must be completed for the application to be processed)

- X 13.1 Complete the consent of the owner concerning Ontario Municipal Board Hearing costs set out below.

The registered owner hereby acknowledges and agrees to pay all costs incurred by the Township of McKellar related to an appeal in the event that this application is approved and the matter comes before the Ontario Municipal Board.

Date: 26 SEPT 2022 Signature of Owner: _____

Updated January 10, 2022

MEMORANDUM



**J.L. Richards
& Associates Limited**
501-555 Oak Street E
North Bay, ON Canada
P1B 8E3
Tel: 705 495 7597
Fax: 613 728 6012

Page 1 of 6

To: Ms. Ina Watkinson, Clerk/Administrator
Corporation of the Township of McKellar

Date: October 27, 2022

JLR No.: 31960(05)

CC: David Welwood, RPP, MCIP

From: Rebecca Elphick, Planner

Re: Application for Zoning By-law Amendment
1 Islandview Drive, McKellar (PIN: 521300024)
Applicant(s): Thomas Reed

PROPERTY DESCRIPTION The property is legally described as PCL 17981 SEC SS; LT 32 PL M142; MCKELLAR. The subject lands have an area of approximately 1,397 m² and have a frontage of approximately 20.1 metres onto Manitouwabing Lake.

APPLICATION The applicant has requested a Zoning By-law Amendment from the Waterfront Residential Two (WF2) Zone to a Special Provision zone in order permit the construction of a detached garage on the subject lands where no main building has been constructed and to recognize the lot deficiencies and the proposed garage's siting within the rear yard.

RECOMMENDATION The application is consistent with the Provincial Policy Statement and conforms to the Township's Official Plan. As such, the application can be recommended for approval.

BACKGROUND

Pursuant to Section 34 of the *Planning Act*, a zoning by-law amendment is being sought from the Waterfront Residential Two (WF2) Zone to a Special Provision zone to permit the construction of a detached garage on the subject lands where no main building has been constructed and to recognize the reduced lot area and frontage and the proposed garage's siting within the rear yard. The applicant owns and occupies a seasonal residence on an island 60 metres from the shoreline of the subject lands.

The subject lands are located on the west side of Islandview Drive, a municipally owned road with year-round access. The subject lands have an area of approximately 1,397 m² with approximately 20.1 metres of frontage onto Manitouwabing Lake. The subject lands are used for parking. The property contains a small shed, which the applicant proposes to remove. The subject lands are surrounded by Lake Manitouwabing to the south and limited low density residential development to the north, east, and west, along the shoreline of Lake Manitouwabing.

The subject lands are designated Waterfront within the Township's Official Plan and zoned Waterfront Residential (WF2) in the Township's Zoning By-law.

ANALYSIS

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and is intended to provide policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The *Planning Act* requires that municipal decisions in respect to the exercise of any authority that affects a planning matter "shall be consistent" with the PPS.

Section 1.1.5.2 of the PPS states that on rural lands located in municipalities, permitted land uses include resource-based recreational uses (including recreational dwellings) and other rural land uses. This section details that development that is

compatible with the rural landscape and can be sustained by rural service levels should be promoted. Development on rural lands in municipalities shall be appropriate to the infrastructure which is planned and available and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The subject lands currently contain a small shed, which the applicant proposes to remove and construct a detached garage. A garage is typically accessory use to a residential use, a recreational dwelling or another rural land use. The subject lands are located on a year-round municipally owned road and are surrounded by limited low density residential development along the shoreline of Lake Manitouwabing. The proposed detached garage will not require sewage or water services. As such, the application is consistent with the outlined permitted uses of rural lands in municipalities, will be compatible with the surrounding rural landscape, and will be appropriate to the infrastructure that is available.

Section 2.1.5 d) of the PPS speaks to natural heritage and states that development and site alteration shall not be permitted in a significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Section 2.1.8 of the PPS states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. In regard to natural heritage features, negative impacts are defined by the PPS as “*degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple, or successive development or site alteration activities.*” Per Schedule A of the Township of McKellar’s Official Plan, the subject lands appear to be within deer wintering habitat, which is considered significant wildlife habitat in accordance with the PPS.

The applicant retained Riverstone Environmental Solutions Inc. to prepare a scoped site evaluation report (deer wintering habitat assessment) to evaluate any potential negative impacts on deer wintering habitat. The report, dated October 26, 2022, and prepared by Dr. Bev Wick, Senior Ecologist and Mr. Mike Francis, Ecologist, of Riverstone Environmental Solutions Inc. concluded that the subject property does not exhibit characteristics of deer wintering habitat, and that the proposed development will not negatively impact any potential function of a deer wintering habitat, should this function exist on the local landscape. As such, they have no recommendations for development mitigation. Given the findings of the scoped site evaluation, the application is consistent with Section 2.1.5 of the PPS.

Based on our review, the application is consistent with the relevant provisions of the PPS.

Official Plan of the Township of McKellar

The subject lands are designated ‘Waterfront’ on Schedule ‘A’ the Township’s Official Plan. This designation stems from the Township’s recognition of the need to preserve the traditional character of each of the lakes within its jurisdiction and thus has a strong component relating to the preservation of natural heritage features. The Official Plan, in recognizing the importance of the waterfront, ensures that care is taken to protect this resource when considering new development or redevelopment proposals.

Uses permitted within the ‘Waterfront’ designation are limited to a single detached residential dwelling, existing commercial and tourist commercial uses, home occupations, agricultural and farming uses, public uses, institutional uses, and existing industrial uses. Section 5.1, Accessory Uses, details that where a use is permitted in any designation, it is intended that any uses, buildings, or structures normally incidental, accessory and subordinate to the principal use will also be permitted. Given that a detached garage can be considered a building normally incidental to a residential dwelling, and that a single detached residential dwelling is a permitted use within the Waterfront designation, we can conclude that the detached garage is thus also a permitted use.

Section 7.12.1.4 defines deer yards as significant wildlife habitats. As shown on Schedule A of the Township’s Official Plan, the subject lands are located within a deer wintering yard (see Figure 1). Per Section 7.12.3.5, where development is proposed in or adjacent to other known significant wildlife habitat, a site evaluation report is required demonstrating that there will be no negative impacts to the natural heritage feature or function.

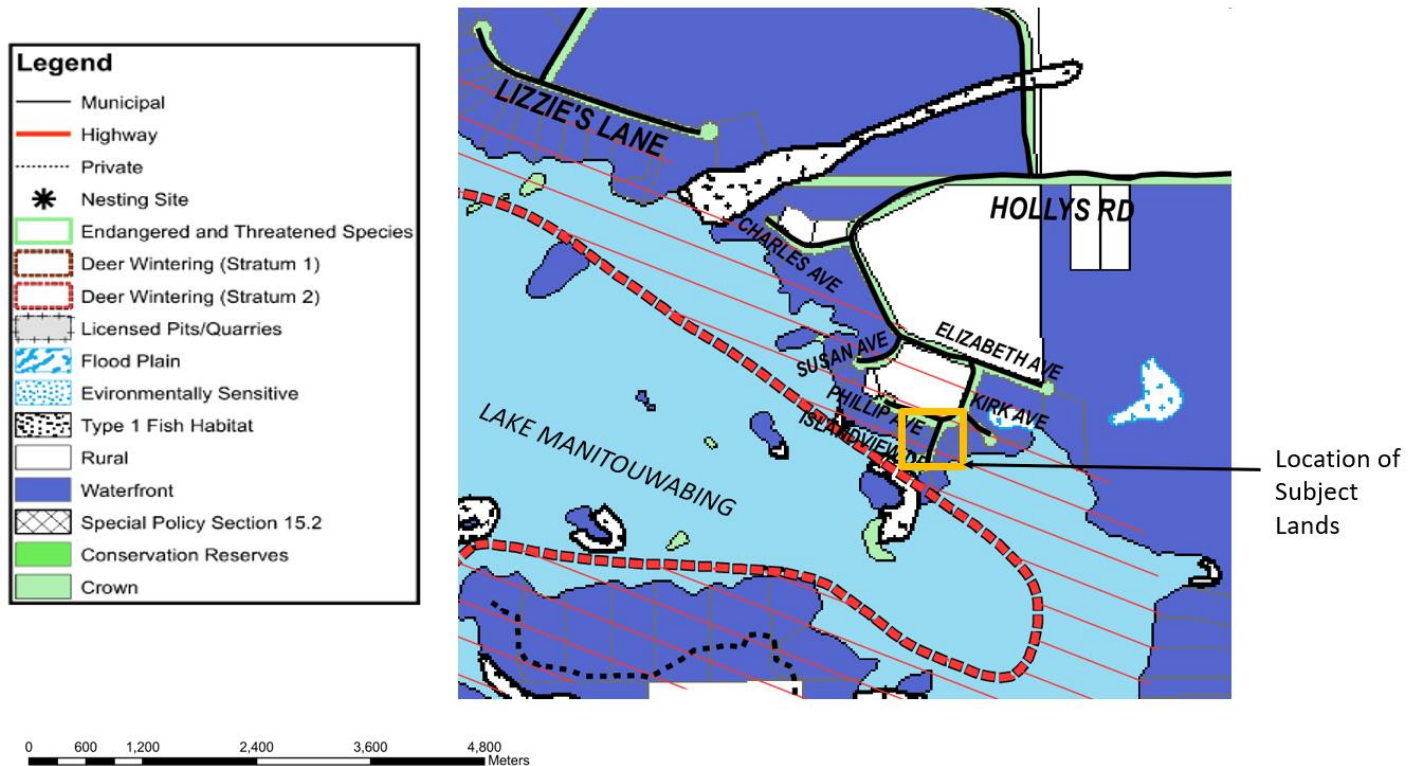


Figure 1 Excerpt of the subject lands in Schedule A of the Township's Official Plan, showing the presence of a Deer Wintering area (Stratum 2)

As previously discussed, the applicant retained River Stone Environmental Solutions Inc. to undertake a scoped site evaluation of the subject lands with respect to the potential for presence of deer wintering habitat. The evaluation concluded that the features of the subject property do not exhibit characteristics of deer wintering habitat and the proposed development will not impact any potential function of a deer wintering habitat, should this function exist on the local landscape.

Per Section 5.8.2.1, all new development must front upon a year-round, publicly maintained road. The subject lands are accessed via Islandview Drive, a municipal road that is maintained year-round.

Based on our review, the application conforms with the relevant provisions of the Township's Official Plan.

Zoning By-law for the Township of McKellar

The subject lands are currently zoned 'Waterfront Residential (WF2)' per the Township of McKellar's Zoning By-law. Permitted uses in this zone are limited to a single detached dwelling, including a home occupation, a mobile home, and one storage building.

Per Section 3.03 a), where this By-law provides that land may be used or a building or structure may be erected, altered or used for a purpose, that purpose shall be deemed to include any accessory building or structure or any use incidental thereto. Subject to the provisions of Section 3.41, an accessory building, structure or use may only be established once the main building, structure or use has been established.

The zone requirements as they relate to the proposed detached garage in the Waterfront Residential (WF2) Zone are as follows:

| Waterfront Residential (WF2) | | | Proposed Detached Garage |
|--------------------------------------|---------------|---------|----------------------------|
| Minimum Lot Requirement | Frontage | 90 m | 20.1 m |
| | Area | 1 ha | 1,397 m² |
| | Depth | 60 m | 75.5 m |
| Maximum Lot Coverage | | | 8.5% |
| Minimum Yards | Front | 10 m | 32.7 m |
| | Interior Side | n/a | 3.0 m |
| | Exterior Side | 7.5 m | n/a |
| | Rear | 7.5 m | 4.0 m |
| Minimum Building Area (Ground Floor) | | 60 sq m | 119.4 sq m |
| Maximum Building Height | | 10 m | < 10 m |

The subject lands have a frontage of approximately 20.1 metres onto Manitouwabing Lake, less than the required 90 metre minimum lot frontage as per the zone requirements for the 'Waterfront Residential (WF2)' zone. The subject lands have an area of approximately 1,397 m², less than the required 1 hectare minimum lot area requirement for the 'Waterfront Residential (WF2)' zone. Further, the proposed detached garage sits within the 7.5 metre rear yard, sited 4.0 metres from the rear lot line. The proposed detached garage meets all other zone requirements per the 'Waterfront Residential (WF2)' zone. As such, the applicant is seeking an amendment for a Special Provision to recognize the following site-specific requirements:

- The minimum lot area shall be 1,397 m²,
- The minimum lot frontage shall be 20.1 metres,
- The minimum rear yard shall be 4 metres, and
- An accessory building may be constructed on a lot with or without a main building.

RECOMMENDATION

The application to rezone the subject lands from 'Waterfront Residential (WF2)' to Special Provision 16.72 to recognize the lot deficiencies and the proposed garage's siting within the side and rear yards is consistent with the PPS and conforms to the Official Plan of the Township of McKellar. The subject application is therefore recommended for approval.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Rebecca Elphick, M. Pl
Planner

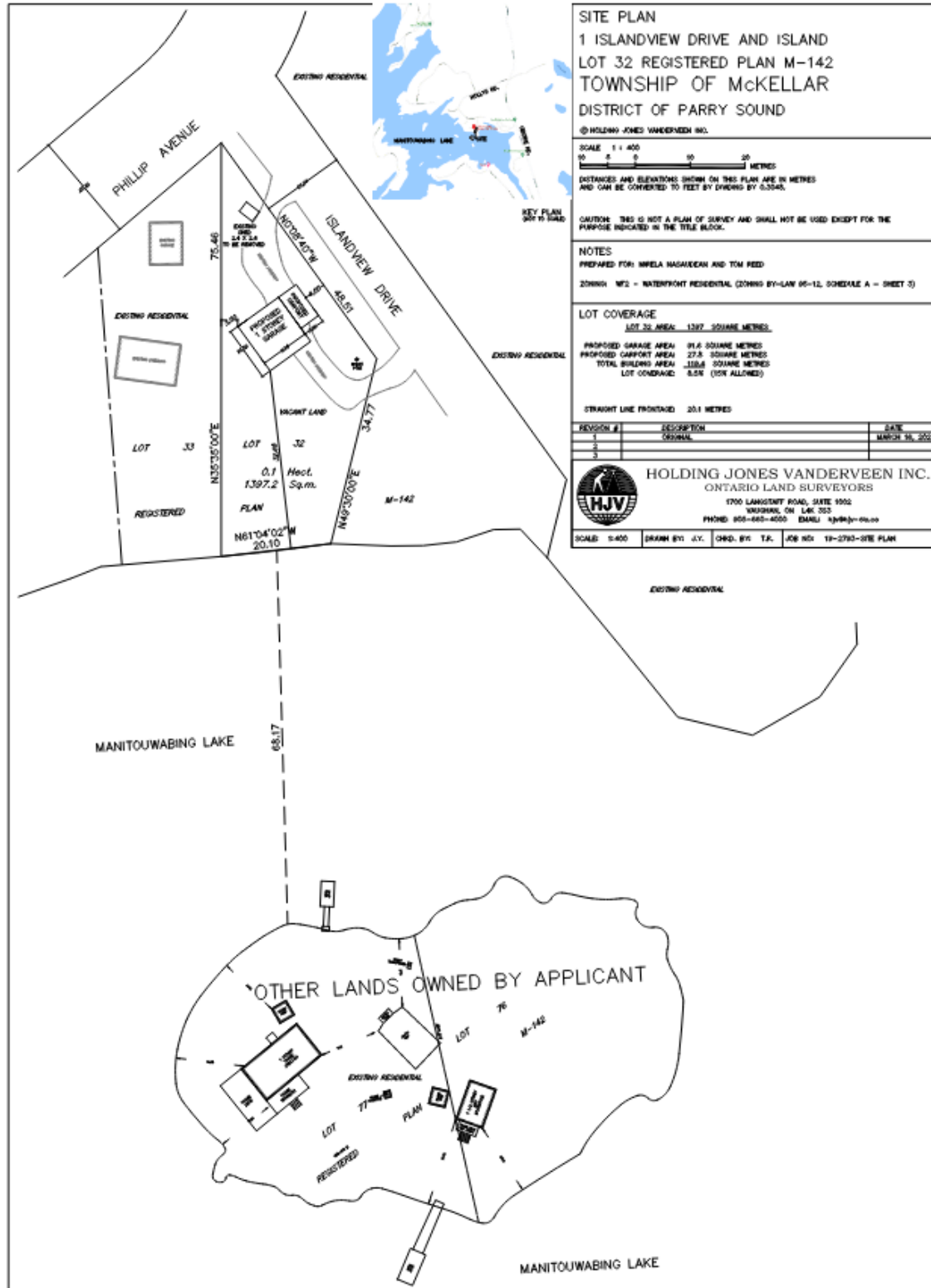
Reviewed by:



David Welwood, MES (Planning), RPP, MCIP
Planner

RE:dw

Attachment 'A'
Site Plan





RIVERSTONE

ENVIRONMENTAL SOLUTIONS INC.

Oct 26, 2022
RS#2022-300

Thomas R. Reed, O.L.S.
Holding Jones Vanderveen Inc.
1002 - 1700 Langstaff Road
Vaughan, L4K 3S3

via email: tom@hjb-ols.ca

SUBJECT: Scoped Site Evaluation Report (Deer Wintering Habitat Assessment), 1 Islandview Drive, Township of McKellar

Dear Thomas,

RiverStone Environmental Solutions Inc. is pleased to provide you with the following letter report. Please contact us if there are any questions regarding the report, or if further information is required.

INTRODUCTION

RiverStone Environmental Solutions Inc. (hereafter RiverStone) was retained to provide a scoped assessment of a property described as 1 Islandview Dr., in the Township of McKellar (hereafter subject property; see **Figures 1 and 2**). The subject property is located on Lake Manitouwabing and is divided into both an island and mainland portion, with the focus of this assessment being on the mainland portion only.

It is our understanding that the property owner (Thomas Reed) has submitted an application to construct an accessory structure (garage) on the mainland portion of the subject property. It is our further understanding that the application has triggered a requirement for Zoning Bylaw Amendment (ZBA), presumably due to the absence of a primary dwelling on the mainland portion of the parcel. Through the Township's review of the application for ZBA, the Township's reviewer has highlighted a potential natural heritage constraint as identified in the Township of McKellar Official Plan (Feb 2018 consolidation). Specifically, Schedule A to the OP identifies an overlay of 'Deer Wintering (Stratum 2)', a designation intended to reflect areas that may provide significant over-wintering habitat functions for White-tailed Deer (*Odocoileus virginianus*).

Deer Wintering Areas (DWAs) represent a form of Significant Wildlife Habitat (SWH) as defined under the provincial 'Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E'. SWH is one of several significant natural heritage features that are protected under core provincial planning policies of the Provincial Policy Statement (PPS). The PPS does not permit development within SWH unless it can be demonstrated that the development will not result in negative impact to the feature or its

functions. Local OPs are obliged to implement assessment requirements to adhere to these policies outlined in the PPS. As such, proposals for development where DWA has been identified are typically subject to site-specific assessment.

Importantly, DWAs are generally identified and delineated on a broad scale, meaning that not all areas within the assigned overlay will support the same level of habitat function, and many areas within the overlay may support no important function at all. The subject property is contained within the Stratum 2 category, which represents a supportive area around the more critical Stratum 1 wintering area. A Stratum 1 DWA is generally more significant and sensitive to disturbance, while the Stratum 2 DWA is often more generic and representative of general wintering foraging areas. The specific Stratum 2 area associated with the subject property spans a very broad area, encompassing almost the entirety of Lake Manitouwabing and large swath of the surrounding landscape (>50 km²).

Given the existing overlay of DWA Stratum 2 within the OP, the Township has requested preparation of a Site Evaluation Report (SER) that is focused on potential impacts to DWA. Our assessment is focused on answering two questions: a) whether or not the subject property supports any DWA functions, and b) if the subject property does support DWA functions, will the proposed development result in a negative impact to such functions. The following sections outline our approach, results, and conclusions in this regard, with recommendations provided where appropriate to aid the Township in their review of the application.

APPROACH AND METHODS

Guiding Environmental Legislation and Policy

The following documents guided the investigations:

- Provincial Policy Statement, 2020, pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, including:
 - Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 (OMNR 2010)
- District of Parry Sound Official Plan (April 2014)
- Township of McKellar Official Plan (consolidated to Feb 2018)

Information Sources Used to Assess Site Conditions

Information pertaining to the biophysical features and functions of the subject property and surrounding lands was obtained from the following sources:

- **MNRF Significant Wildlife Habitat Technical Guide (2000),**
- **Digital Ontario Base Maps (OBMs; 1:10,000)** to ascertain topography.
- **Colour aerial photography** of the property (digital orthophotos: leaf-off, spring 2008).
- **RiverStone's in-house databases and reference collections.**
- On-site investigation by RiverStone staff

POLICY CONTEXT

The policies and laws that govern protection of DWA in Ontario include those at the municipal and provincial levels.

The Township of McKellar OP has policies regarding DWAs, which are as follows:

- 7.08.1 *New lots in the Waterfront designation will be subject to a minimum lot frontage and a minimum lot area that responds to the particular needs for the various lakes and parts of lakes throughout the municipality. The previous standards for new lakefront properties ranged between 60 metres of frontage to 150 metres of frontage. Lake Manitouwabing generally provided for 60 metre lot frontages on the west side of the Lake and a minimum 90 metre lot frontage on the east side of the Lake in response to the presence of deer wintering habitat.*
- 7.08.3 *The minimum requirement for the size of new lots should be increased to recognize the need for larger areas when individual private services are proposed for new development and/or redevelopment and where there are important habitat features like deer wintering areas or on island properties. The new minimum lot frontage standards will be set out in the implementing Zoning By-law.*
- 7.12.3.4 *Development of fewer than three new residential lots, excluding the retained, may be permitted in or adjacent to significant deer habitat without a site evaluation report addressing deer wintering habitat if the proposed severed and retained lots have a minimum of 90 metre frontage and 90 metre depth, and any coniferous shelter and browse habitat along the shoreline is protected. Alternate lot sizes may be appropriate if an evaluation prepared by a qualified specialist has indicated that deer wintering habitat does not exist*
- 8.8.5 *Lake Manitouwabing is an important natural resource with an abundance of natural heritage features including fish habitat and deer wintering areas along its shoreline. The protection of these habitats will be a high priority and care will be required when assessing any new development or re-development on the lake.*

The District of Parry Sound Official Plan (April, 2014) contains no specific policies pertaining to DWAs. However, as noted in the introduction, DWA is considered a form of SWH under the Provincial Policy Statement (2020). The PPS notes states that:

- 2.1.5 *Development and site alteration shall not be permitted in:*
d) significant wildlife habitat;
- unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

The intent and purpose of these highlighted policies is to protect DWAs for their ecological value and prevent negative impacts from occurring through development processes.

EXISTING CONDITIONS

RiverStone staff undertook a review of site conditions on Oct 14, 2022. The review focused on general vegetation characteristics of the mainland portion of the subject property, with consideration for directly adjacent lands. A broader landscape-scale review was also undertaken using available aerial imagery to assess vegetation patterns of the local area.

The mainland portion of the subject property is very small, measuring approximately 0.13 ha. Topography across the subject property is a gentle to moderate south-facing slope from Islandview Dr. to the shoreline of Lake Manitouwabing. The property supports a manicured amenity space (*i.e.*, grassed lawn), with a gravel access driveway from Islandview Dr. A small storage shed is present, and a wooden docking structure is situated along the shoreline. Natural features are essentially absent, except for a small number of mostly mature trees concentrated near the shoreline. The grouping of trees consists primarily of Paper Birch (*Betula papyrifera*), Red Maple (*Acer rubrum*), Bur Oak (*Quercus macrocarpon*), and White Cedar (*Thuja occidentalis*). Groundcover is limited to the maintained grass area, with minimal regeneration of shrubs or low trees along the margins of the property.

While a scattered tree canopy does exist in limited portions of the parcel, no identifiable vegetation communities are present and, therefore, are not delineated. Annotations are provided on **Figure 2** to provide some additional visual context for site conditions. Photographs showing representative site conditions are provided in **Appendix 1**.

PROPOSED DEVELOPMENT

The proposed development includes construction of a single detached accessory structure (garage), which will presumably be used for parking vehicles, tool storage, etc. to service the associated water-access cottage. The proposed garage would be located in line with the existing driveway and would measure approximate 9x10 m, with an additional small carport for dry vehicle storage. An existing storage shed would be removed as part of the overall plan, as shown on **Appendix 2**.

ASSESSMENT AND RECOMMENDATIONS

As outlined in Section 4.4.1 of the provincial Significant Wildlife Habitat Technical Guide (2000), White-tailed Deer do not move well in deep snow, and they therefore move to sheltered areas for the winter months. White-tailed Deer congregate in deer wintering areas typically when snow depths reach 50 cm or greater and there are sustained cold temperatures. Deer wintering areas consist of dense conifer communities that are large enough to permit thermal regulation and have reduced snow depths to allow deer to move more easily. Deer yards consist of a core area (Stratum 1) of primarily coniferous trees (pines, hemlock, cedar, spruce) with a canopy cover of more than 60%. The core area provides shelter, ease of movement, and protection from predators. The land surrounding the core area is usually mixed or deciduous forest. Understorey shrubs and small trees, especially Eastern White Cedar, provide winter food. Deer tend to use the same yards year after year, and they make up about 10% of the summer deer range.

To confirm an area is being used for deer wintering, it requires suitable vegetation for both thermal cover and food (deciduous shrub, saplings and/or Eastern White Cedar and Eastern Hemlock) in addition to having a history of deer use. Based on our assessment, the subject property lacks any

potential thermal cover or canopy conditions which would support mitigation of snow depths during the winter months. On this basis, the subject property provides no capacity to function as Stratum 1 habitat. Similarly, the subject property lacks young tree regeneration that would support important browsing opportunities, as it is essentially limited to maintained grass lawn and gravel driveway. There is no indication that the subject property supports vegetation structure that is representative of Stratum 2 habitat, although this function is presumably represented on the broader local landscape (as mapped in the OP).

Based on a review of aerial imagery, we estimate that the nearest functional Stratum 1 habitat occurs >1 km to the north/northeast. Large swaths of deciduous and mixed forest cover occur on the local landscape; however, the subject property occurs in a small cluster of residential/seasonal dwellings where manicured areas (e.g., hedgerows, driveways, grassed lawn) appears to be the dominant condition. While it is possible and likely that White-tailed Deer may pass through this residential cluster during varying times of the year, the subject property and surrounding area would not be expected to support overwintering functions. The presence of some deer use does not constitute a deer wintering yard.

SUMMARY

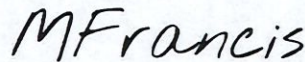
Based on the information outlined above, it is our opinion that the features of the subject property do not exhibit characteristics of deer wintering habitat. It is our opinion that the proposed development on the subject property will not impact thermal cover or browsing opportunities for deer during winter months, if this function exists on the local landscape. Given that the proposed development will not result in removal of any natural vegetation cover, and no wintering habitat is present, we have no specific recommendations for development mitigation. Should you require any further assistance in forwarding the application, we would be pleased to assist.

Best regards,

RiverStone Environmental Solutions Inc.



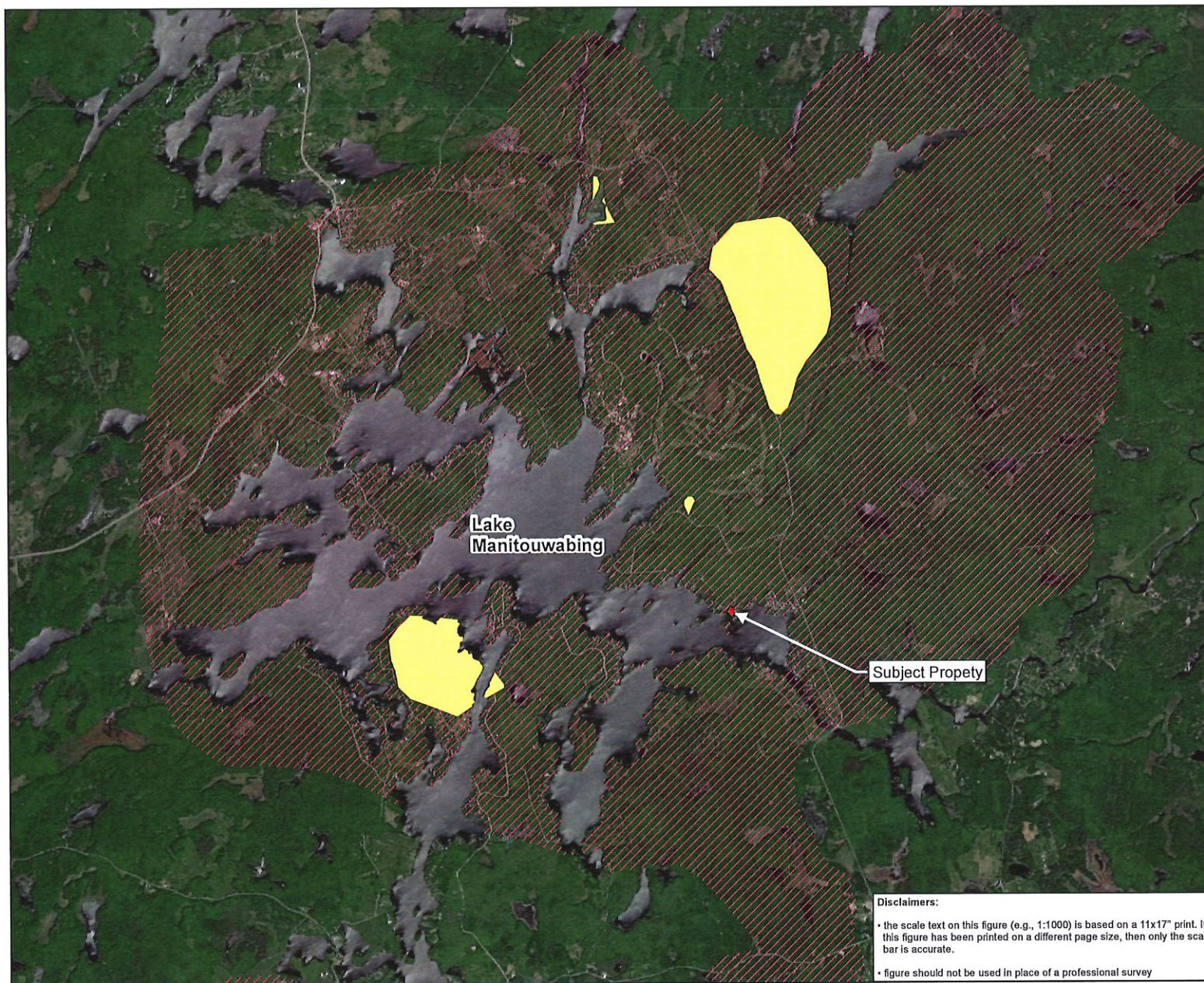
Bev Wicks, Ph.D.
Senior Ecologist/ Principal



Mike Francis, M.E.S., H.B.Sc., E.P.
Ecologist

Attached:

- Figure 1.** Property Location & Landscape Context.
- Figure 2.** Existing Conditions & Proposed Development.
- Appendix 1.** Representative Photos of Site Conditions
- Appendix 2.** Site Plan



Legend

Deer Wintering Area (Land Information Ontario)

Deer Wintering Area (Stratum 2)

Deer Yard (Stratum 1)



Orthorectified aerial photo - spring 2018


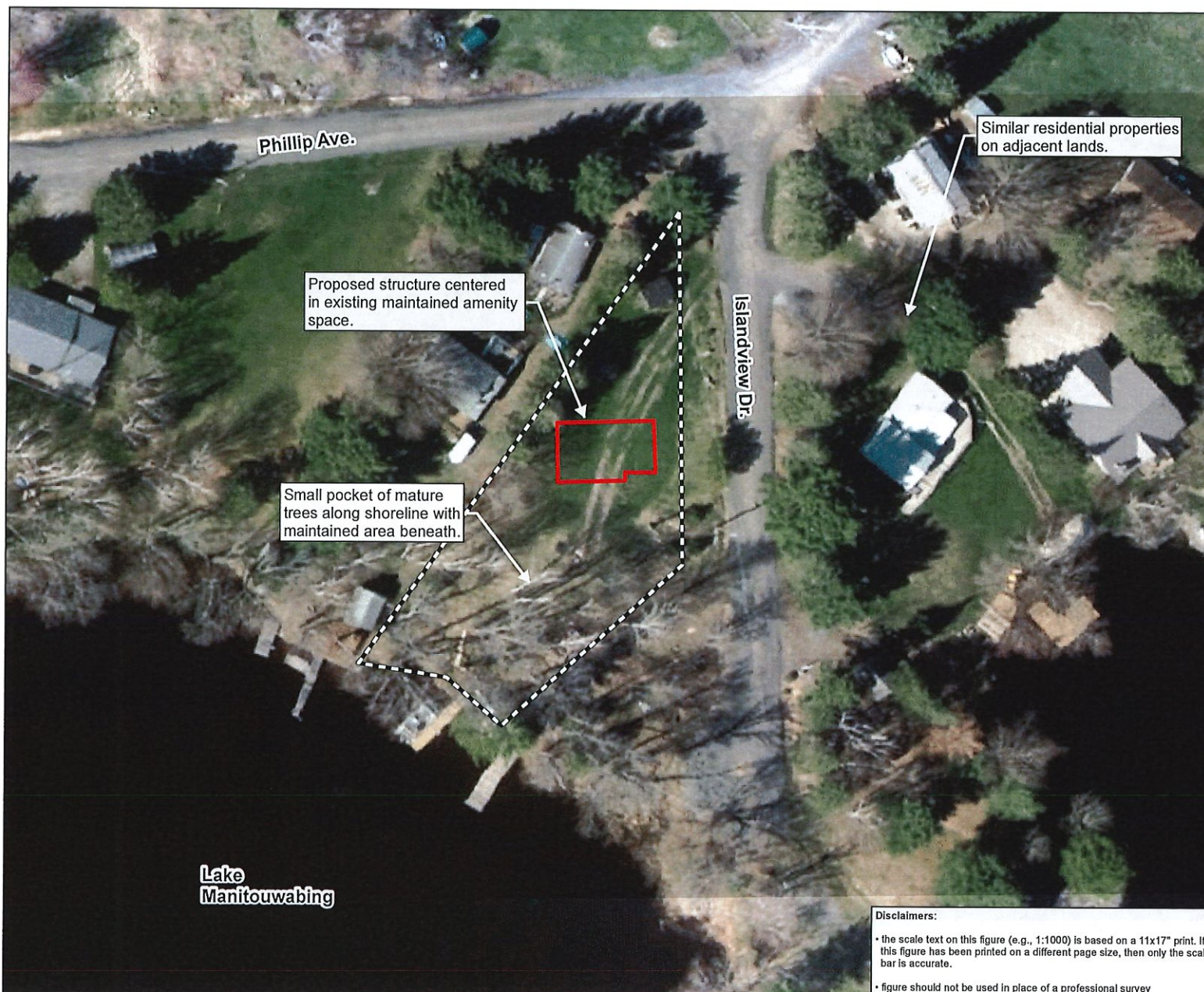
| Scale | RS Project No. | Date Last Updated | By |
|--------------------|----------------|-------------------|---|
| 1:36,713 | 2022-300 | Oct 19, 2022 | RS |
| 0 530 1,060 Metres | | |  |

Figure 1. Property Location and Context.

Prepared for: Thomas Reed

Disclaimers:

- the scale text on this figure (e.g., 1:1000) is based on a 11x17" print. If this figure has been printed on a different page size, then only the scale bar is accurate.
- figure should not be used in place of a professional survey



Legend



Subject Property



Proposed Accessory



| Scale | RS Project No. | Date Last Updated | By |
|---|----------------|-------------------|----|
| 1:500 | 2022-300 | Oct 19, 2022 | RS |
| <div>0 7.5 15 Metres</div> <div> </div> | | | |

Figure 2. Existing Conditions and Proposed Development.

Prepared for: Thomas Reed

Disclaimers:

- the scale text on this figure (e.g., 1:1000) is based on a 11x17" print. If this figure has been printed on a different page size, then only the scale bar is accurate.
- figure should not be used in place of a professional survey



Photo 1. View of gravelly driveway entry from Islandview Drive.



Photo 2. Shed and portable carport at head of driveway.



Photo 3. View across lot toward shoreline.

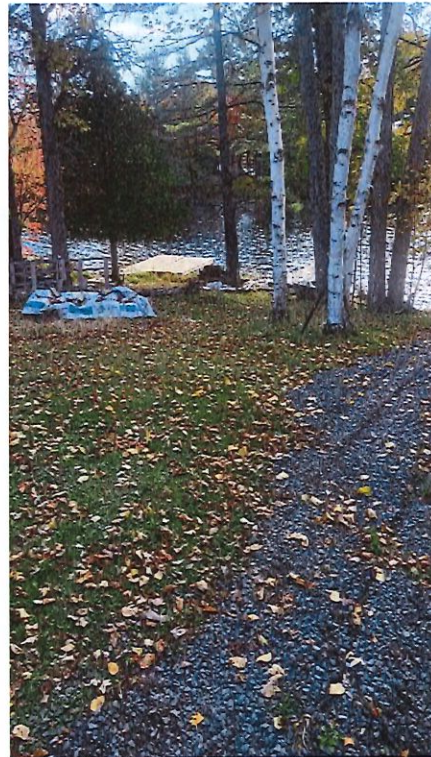


Photo 4. Shoreline with grassed area and scattered mature trees.

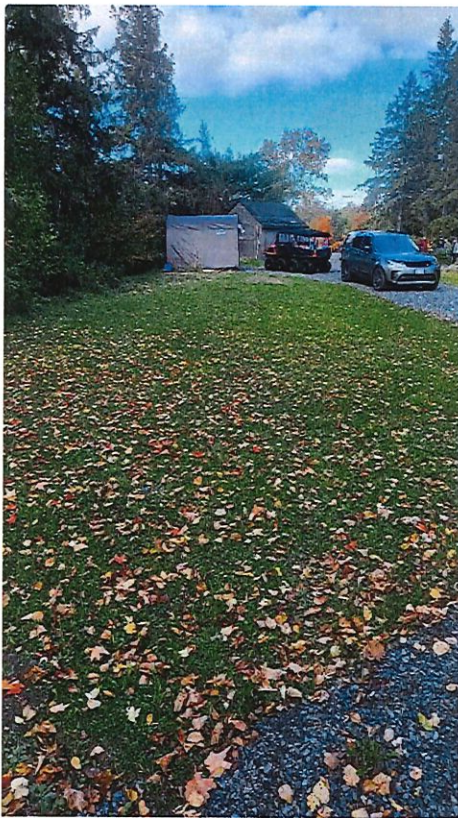


Photo 5. View across grasses area toward Islandview Dr.

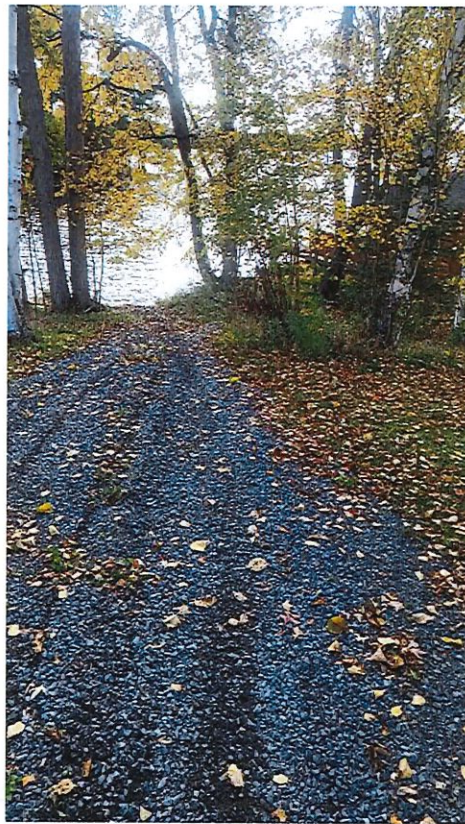
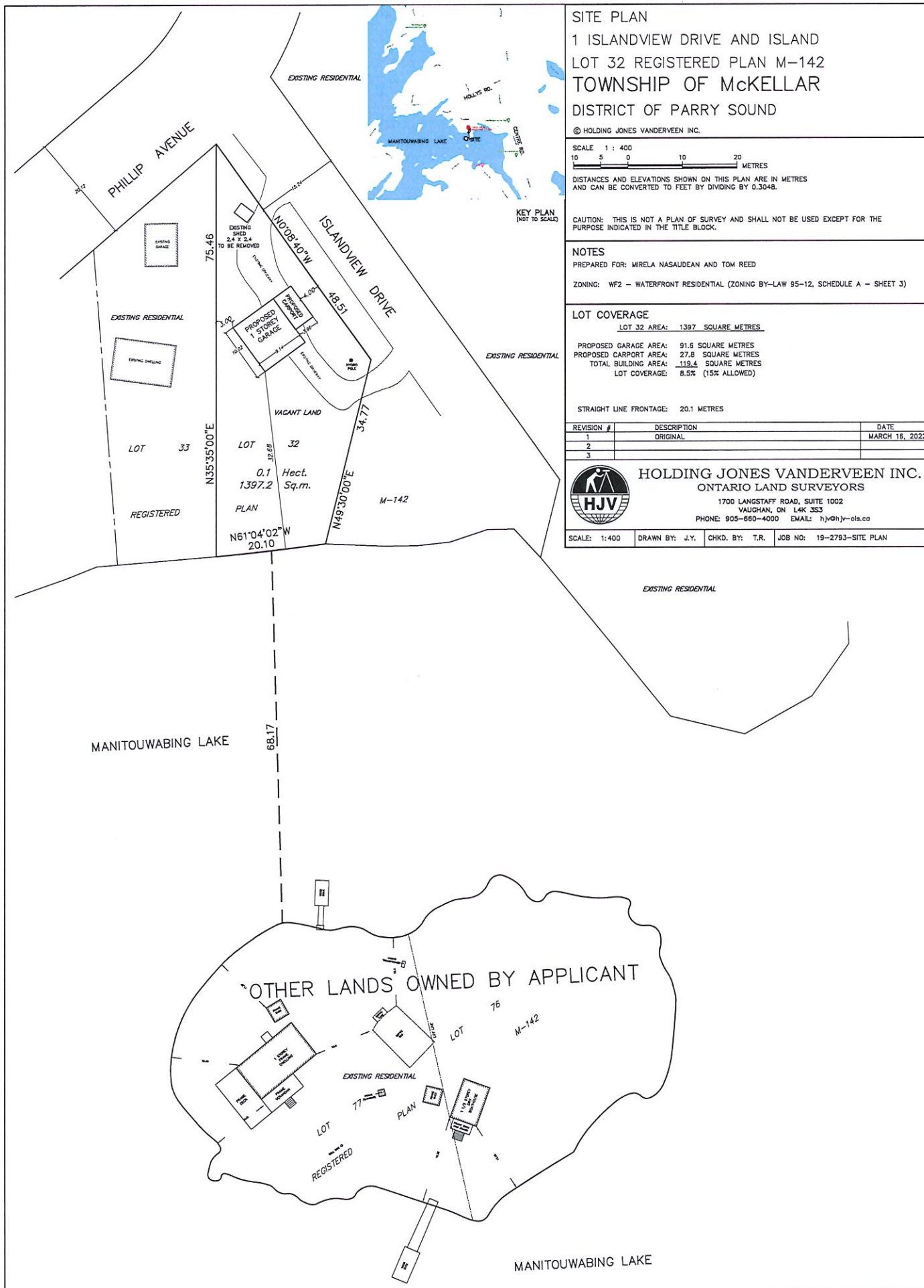


Photo 6. End of gravel driveway at shoreline.



CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 2023-__

Being a By-law to amend By-law No. 95-12, with respect to lands legally described as PCL 17981 SEC SS; LT 32 PL M142; MCKELLAR. The subject property is municipally addressed as 1 Islandview Drive (Reed)

WHEREAS By-law No. 95-12 regulates the use of land and the use and erection of buildings and structures within the Township of McKellar;

AND WHEREAS the Council of the Corporation of the Township of McKellar deems it advisable to amend By-law No. 95-12 as hereinafter set forth;

AND WHEREAS authority to pass such a by-law is provided by Section 34 of the *Planning Act, R.S.O. 1990, Chapter P.13* and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Township of McKellar enacts as follows:

1.0 THAT ZONING BY-LAW NO. 95-12 IS AMENDED AS FOLLOWS:

1.1 Schedule 'A' (Sheet 1) to Zoning By-law 95-12, is hereby further amended, by rezoning the lands legally described as PCL 17981 SEC SS; LT 32 PL M142; MCKELLAR (municipally addressed as 1 Islandview Drive) to Special Provision 16.72 as shown on Schedule 'A' attached hereto and forming a part of this By-law.

1.2 Section 16 (Special Provisions) is further amended, by adding the following paragraph at the end of the section (16.72):

"Notwithstanding the requirements of this By-law, on lands located at PCL 17981 SEC SS; LT 32 PL M142; MCKELLAR, 1 Islandview Drive as identified on Schedule 'A' attached hereto, the requirements of the Waterfront Residential Two (WF2) Zone shall apply, except:

- a) The minimum lot area shall be 1,397 square metres.
- b) The minimum lot frontage shall be 20.1 metres.
- c) The minimum rear yard shall be 4.0 metres.
- d) An accessory building may be constructed on a lot with or without a main building.

2.0 Schedule 'A' attached hereto is hereby made part of this By-law.

3.0 This By-law shall come into force and effect pursuant to the provisions of and Regulations made under the *Planning Act, R.S.O. 1990*.

READ a FIRST and SECOND time this ____ day of January, 2023.

David Moore, Mayor

Karlee Britton, Deputy Clerk

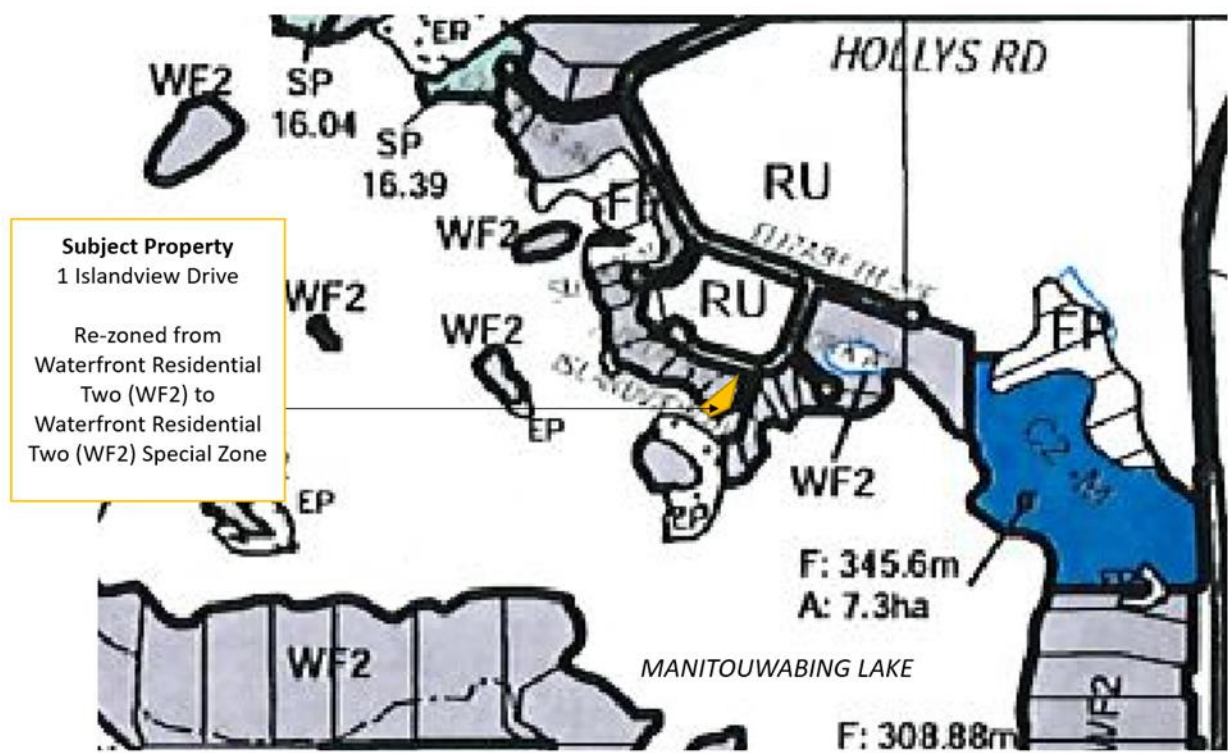
READ a **THIRD** time and **PASSED** in **OPEN COUNCIL** this ____ day of January, 2023.

David Moore, Mayor

Karlee Britton, Deputy Clerk

SCHEDULE 'A'

1.0 This is Schedule 'A' to By-law 2023-____, being a portion of 'Schedule A' to Zoning By-law 95-12, passed this ____ day of January, 2023.



David Moore, Mayor

Karlee Britton, Deputy Clerk

Karlee Britton

From: Reg Moore <[REDACTED]> on behalf of Reg Moore
Sent: December 22, 2022 11:14 AM
To: DZulak@mckellar.ca; David Moore; Karlee Britton; Mike Kekkonen; Morley Haskim; Nick Ryeland
Subject: Zoning Amendments

Good morning, the questions/comments that I had from the Public Meeting on Tue. Dec: 20th, 2022 are as follows.

- ✓ 1. All three By-Laws for the Zoning Amendments have a Schedule "A" attached that reference Map No. 129 & I asked where this number originated from. I believe the Twp. Planner is going to remove this reference?
- 2. On Pg. 3 of the Planning Report for Reeds there is a statement "per Section 5.8.2.1. all new Development must front on a year round public maintained road. The subject lands are accessed via Islandview Dr., a Municipal road that is maintained year round." Although this is a true statement it should be made clear that Islandview Dr. has not yet been assumed by the Municipality. In view of this it may have been more appropriate to reference the Policy in Section 5.8.2.2. of the O.P.?
- 3. All references to frontage on the Reports, Applications, Maps etc. indicate that the frontage for the property is 20.10metres. The Registered Plan of Subdivision for the property indicates there is 57 feet (17.374metres) of frontage & I asked why was there a difference from what is being requested in the Zoning Amendment from what is shown on the Registered Plan? The owner Mr. Reed indicated that the 20.10metres was the most accurate because it was arrived at by Surveying calculations. My response was that for the Council to accept this they should have the Applicant Survey the property & Register the Survey.
- 4. There is a Policy in Section 5.8.2.3. of the O.P. that stipulates new island properties have deeded mainland access that is Zoned exclusively for the island lot. Would it not be an appropriate time to do this & merge the two properties so the mainland garage & docking facility are accessory to the island dwelling?
- 5. There is no reference to the existing docking facility. A review of the West Parry Sound Geography Network reveals that the existing docking facility is located on Municipal property (Islandview Dr.). The location of the docking facility should be verified & legalized.
- ✓ 6. The numbering for the Special Provision Zoning on the Zoning By-Law Amendment is 16.71 & 16.72. There should only be one number & 16.71 seems to be much higher than the 16.56 indicated on the most recent version of By-Law 95-12 as amended on the Twp. Site.
- 7. I agree that the PSAPB should have dealt with the requirement for a Deeming By-Law to reconfigure the Leblanc lands, however that does not negate the fact that 50(4) of the Planning Act does require it. In view of this can or should these lands have a Site Specific Zoning until there is an accurate Survey of the reconfiguration of the properties & a Deeming By-Law passed by the Council?

Items 1 + 6 have been discussed or amended



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

APPLICATION FOR ZONING AMENDMENT

General Instructions: Read carefully before completing application.

1. Application to be completed in full.
2. **Fee: \$1,500.00**
Includes costs of photocopying, postage, holding of special meeting, and any other directly relatable expenditure over and above normal municipal staff administrative costs, and shall exclude any costs associated with the participation of professionals, such as engineers, planners or solicitors or the costs associated with the holding of Ontario Municipal Board hearings.
3. **Deposit: \$1,000.00**
The applicant shall reimburse the Township on demand for all costs incurred in the processing of the application, including but not limited to the costs of professional planning services, legal fees, costs relating to the serving of notices and advertising, survey fees and engineering fees. A deposit of \$1,000.00 shall be required to cover above costs, which shall be returned if no additional costs are incurred or a further deposit may be required to cover additional costs.
4. Application to be signed by owner or authorized agent only.
5. The consideration of this application does not make the Township liable for any of the applicant's costs for legal, surveying, or other professional costs.
6. If there are objections to the amending By-law and a hearing of the Ontario Municipal Board is to be held, the applicant should arrange to be present in person, or to be represented by legal counsel at the meeting.

To Accompany Application:

A legal survey plan or a plan of the property accurately drawn to an appropriate scale based on a true survey showing:

- Existing buildings or structures on site and their dimensions
- Location of proposed buildings including their height and dimensions
- Location, widths, and names of abutting roads
- Natural features: watercourses, wooded areas, swamps, etc., and
- Any other information which might be helpful for Council's consideration of the application

Personal information contained on the application form will be used for the purpose of considering your application for a Zoning Amendment. Questions regarding the collection of this information should be directed to the Clerk.

APPLICATION FOR ZONING AMENDMENT

APPLICATION TO AMEND

☐ OFFICIAL PLAN

☒ **X ZONING BY-LAW**

| | | | |
|--|---|--|-----------------|
| 1. Applicant Information | | | |
| 1.1 | Name of Applicant: Paul LeBlanc Address: 90 Morton Ave E Brantford, ON N3R 7J7 | Telephone Number: 519-754-6844 | Cell Phone: |
| | | Fax: | Business Phone: |
| 1.2 | Name of Owner(s) (if different from the applicant) Address: Maria LeBlanc | Telephone Number: | Cell Phone: |
| | | Fax: | Business Phone: |
| 1.3 | Name of the person who is to be contacted about the application (if different from the applicant) Address: | Telephone Number: | Cell Phone: |
| | | Fax: | Business Phone: |
| 2. Purpose of this Application (check appropriate box and complete applicable sections) | | | |
| 2.1 Application is hereby made for a(n): <input type="checkbox"/> OFFICIAL PLAN AMENDMENT <input checked="" type="checkbox"/> X ZONING BY-LAW AMENDMENT For the lands hereinafter described and shown on the attached sketch | | | |
| What is the existing official plan designation(s) of the subject land? | | What is the existing zoning of the subject land? Waterfront Lot - Special Provision 16.39 Non-waterfront Lot - Special Provision | |
| What is the proposed amendment to the official plan? | | What is the proposed zoning of the subject land? Waterfront Lot - WF2 Non-waterfront Lot - Rural Residential | |
| What are the reasons for the proposed change? | | What are the reasons for the proposed change? Condition of Consent Application B33/2022 (LeBlanc) | |

APPLICATION FOR ZONING AMENDMENT

| | | | |
|---|--|--|---------------|
| 3. Location of the Subject Land (complete applicable boxes in 3.1) | | | |
| 3.1 Road: WATERFRONT LOT Address: Concession Number: Lot Number: Registered Plan Number: Lot(s)/Block(s): Reference Plan Number: Part Number(s): Island Number: Parcel: PLAN M142 LOTS 54 AND 55 PT CHARLES AVE RP 42R17321 PARTS 1 AND 4 | | | |
| 3.2 Are there any easements or restrictive covenants affecting the subject land? <div style="text-align: center;"> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If YES, describe the easement or covenant and its effect: </div> | | | |
| 4. Description of Subject Land and Servicing Information (Complete each subsection) | | | |
| 4.1 Description | Frontage (m.) | Depth (m.) | Area (ha.) |
| 4.2 Buildings or Structure | Type | Existing Size | Proposed Size |
| (Attach Separate list if necessary) | <i>None</i> | | |
| | | | |
| | | | |
| | | | |
| 4.3 Access | Provincial Highway | Existing | Proposed |
| (check appropriate space) | Municipal road, maintained all year | ✓ | |
| | Other public road | | |
| | Right of way | | |
| | Water access (if so, describe below) | | |
| | Describe in section 7.2, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road. | | |
| 4.4 Water Supply | Publicly owned and operated piped water system | | |
| (check appropriate space) | Privately owned and operated individual well | | |
| | Privately owned and operated communal well | | |
| | Lake or other waterbody | | |
| | 4.5 Sewage Disposal | Publicly owned and operated sanitary sewage system | |
| (check appropriate space) | Privately owned and operated individual sewage tank (1) | | |
| | Privately owned and | | |

| | | | |
|---|---|--|---|
| | operated communal septic system | | |
| | Privy | | |
| | Other means | | |
| | A certificate of approval from the Director having jurisdiction under Part VII of the E.P.A. submitted with this application will facilitate the review. | | |
| 4.6 Storm Drainage (check appropriate space) | Method of Drainage: | | |
| | Surface | ✓ | |
| | Ditching | | |
| | Piping | | |
| 4.7 Other Services (check appropriate space) | Electricity | | |
| | School Busing | | |
| | Garage Collection | | |
| 4.8 | If access to the subject land is by private road, or if "other public road" or "right-of-way" was indicated in section 4.3, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year. | | |
| 5. Lands | | | |
| 5.1 | What are the existing uses on the subject land? Vacant What are the proposed uses on the subject land? Vacant | Date use Established: Proposed Commencement Date: | |
| 5.2 | Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply. | | |
| | Use or Feature | On the Subject Land | Within 500 Metres of Subject Land, unless otherwise specified (include approx.. distance) |
| | An agricultural operation, including livestock facility or stockyard | n/a | |
| | A landfill | n/a | |
| | A sewage treatment plant or waste stabilization plant | n/a | |
| | A Provincially significant wetland (Class 1, 2 or 3 wetland) | n/a | |
| | A Provincially significant wetland within 120 metres of subject land | n/a | |
| | Flood plain | n/a | |
| | A rehabilitated mine site | n/a | |
| | A non-operating mine site within 1 km of the subject land | n/a | |
| | An active mine site | n/a | |
| | An industrial or commercial use, and specify the use(s) | n/a | |
| | An active railway line | n/a | |
| | A Municipal or Federal airport | n/a | |
| | 6. Current Applications | | |

| | | | |
|---|--|---------------|---------------|
| 3. Location of the Subject Land (complete applicable boxes in 3.1) | | | |
| 3.1 Road: NON-WATERFRONT LOT Address: Concession Number: Lot Number: Registered Plan Number: Lot(s)/Block(s): Reference Plan Number: Part Number(s): Island Number: Parcel: | | | |
| PLAN M142 LOT 56,57 & PT LOT 58 INCL RP 42R11713 PART 1 REM PCL 17978 SS | | | |
| 3.2 Are there any easements or restrictive covenants affecting the subject land? <div style="display: flex; justify-content: space-around;"> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If YES, describe the easement or covenant and its effect: </div> | | | |
| 4. Description of Subject Land and Servicing Information (Complete each subsection) | | | |
| 4.1 Description | Frontage (m.) | Depth (m.) | Area (ha.) |
| 4.2 Buildings or Structure | Type | Existing Size | Proposed Size |
| (Attach Separate list if necessary) | None | | |
| | | | |
| | | | |
| | | | |
| 4.3 Access | Provincial Highway | Existing | Proposed |
| (check appropriate space) | Municipal road, maintained all year | ✓ | |
| | Other public road | | |
| | Right of way | | |
| | Water access (if so, describe below) | | |
| | Describe in section 7.2, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road. | | |
| 4.4 Water Supply | Publicly owned and operated piped water system | | |
| (check appropriate space) | Privately owned and operated individual well | | |
| | Privately owned and operated communal well | | |
| | Lake or other waterbody | | |
| | | | |
| 4.5 Sewage Disposal | Publicly owned and operated sanitary sewage system | | |
| (check appropriate space) | Privately owned and operated individual sewage tank (1) | | |
| | Privately owned and | | |

| | | | |
|---|---|-----------------------------|---|
| | operated communal septic system | | |
| | Privy | | |
| | Other means | | |
| | A certificate of approval from the Director having jurisdiction under Part VII of the E.P.A. submitted with this application will facilitate the review. | | |
| 4.6 Storm Drainage (check appropriate space) | Method of Drainage: | | |
| | Surface | | |
| | Ditching | | |
| | Piping | | |
| 4.7 Other Services (check appropriate space) | Electricity | | |
| | School Busing | | |
| | Garage Collection | | |
| 4.8 | If access to the subject land is by private road, or if "other public road" or "right-of-way" was indicated in section 4.3, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year. | | |
| 5. Lands | | | |
| 5.1 | What are the existing uses on the subject land? Vacant | Date use Established: | |
| | What are the proposed uses on the subject land? Vacant | Proposed Commencement Date: | |
| 5.2 | Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply. | | |
| | Use or Feature | On the Subject Land | Within 500 Metres of Subject Land, unless otherwise specified (include approx.. distance) |
| | An agricultural operation, including livestock facility or stockyard | n/a | |
| | A landfill | n/a | |
| | A sewage treatment plant or waste stabilization plant | n/a | |
| | A Provincially significant wetland (Class 1, 2 or 3 wetland) | n/a | |
| | A Provincially significant wetland within 120 metres of subject land | n/a | |
| | Flood plain | n/a | |
| | A rehabilitated mine site | n/a | |
| | A non-operating mine site within 1 km of the subject land | n/a | |
| | An active mine site | n/a | |
| | An industrial or commercial use, and specify the use(s) | n/a | |
| | An active railway line | n/a | |
| | A Municipal or Federal airport | n/a | |
| | 6. Current Applications | n/a | |

| | |
|-----------------------------|--|
| 6.1 | Is the subject land currently the subject of an application for a minor variance, consent or approval of a plan of subdivision? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If YES and if KNOWN, specify the appropriate file number and status of the application. B33/2022 (LeBlanc) - Approved, subject to conditions |
| 6.2 | Has the land ever been the subject of an Official Plan Amendment or Zoning By-Law Amendment? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown, if YES and if KNOWN, specify the number for the amendment. waterfront Lot only |
| 7. Other Information | |
| 7.1 | When was the subject land acquired by the current owners? July 2021 |
| 7.2 | If there is any other information that you think maybe useful to the Township or other agencies in reviewing this application? If so, explain below or attach a separate page. Land to stay vacant. No proposed buildings, septic systems or wells for both lots. |
| 8. Plans | |
| 8.1 | Key Plan Every application shall be accompanied by a key plan, drawn to an appropriate scale, properly dimensioned and showing thereon: <ul style="list-style-type: none"> • The boundaries and dimensions of the parcel of land that is the subject of the application, the part of the parcel that is the subject of this application, the location of all adjacent properties and/or islands, transportation routes, etc; • The distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge; • All lands within 120 metres (400 feet) of subject lands; • The nearest highway or township road |
| 8.2 | Property Sketch Every application shall be accompanied by a sketch (based on a boundary survey plan of the subject land prepared by an Ontario Land Surveyor) drawn to an appropriate scale, properly dimensioned and showing thereon; <ul style="list-style-type: none"> • The boundaries and dimensions of the subject land and the part that is the subject of this application; • The boundaries and dimensions of any land owned by the owner of the subject land and that abuts the subject land; • The location and dimensions of existing and proposed buildings and structures and their distance from lot lines; • The location of land previously severed from the parcel originally acquired by the current owner of the subject land; • The approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways; • The existing use(s); |

- Use on adjacent lands
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road right-of-way;
- If access to the subject land is by water only, the location of the parking and boat docking facilities uses;
- The location and nature of any easement affecting the subject land

Additional Information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Township.

9. Affidavit/Sworn Declaration

- 9.1 The contents of the application and appendices shall be validated by the Applicant (or authorized agent) in the form of the following Affidavit/Sworn Declaration before a Commissioner or other person empowered to take Affidavits.

Dated at the Township of McKellar this 4th day of November 20 22

I, Maria LeBlanc of the Township of McKellar in the County/District/Regional Municipality of Parry Sound solemnly declare that all the statements contained in this

application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing

that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**,

DECLARED BEFORE ME at the Township of McKellar in the District of Parry Sound this 4th day of

November 20 22.

Mary Elizabeth Smith
A Commissioner of Oaths

MARY ELIZABETH SMITH,
a Commissioner, etc., Province of Ontario,
for the Corporation of the Township of McKellar.
Expires August 26, 2025.

Maria LeBlanc
Signature of Applicant or Agent

10. Authorizations

- 10.1 If the Applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or authorization set out below must be completed.

Authorization of Owner for Agent to Make the Application

I, _____, am the owner of the land that is the subject of this application for an Official plan Amendment and/or Zoning By-law Amendment and I authorize _____ to make this application on my behalf.

Date: _____ Signature of Owner: _____

- 10.2 If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning personal information set out below.

Authorization of Owner for Agent to Provide Personal Information

I, _____, am the owner of the land that is the subject of this application for an Official Plan Amendment and/or Zoning By-law Amendment and for the purposes of the Freedom of Information Act, I authorize _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date: _____ Signature of Owner: _____

11. Consent of the Owner (this section must be completed for the application to be processed)

- 11.1 Complete the consent of the owner concerning personal information set out below.

Consent of the Owner to the Use and Disclosure of Personal Information

I, Mariahe Blanc PAUL LEBLANC, am the owner of the land that is the subject of this application and for the purpose of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Questions about this collection of personal information should be directed to the Township Clerk.

Date: Nov 4 / 2022 Signature of Owner: Mariahe Blanc

12. Payment of Fees (this section must be completed for the application to be processed)

- 12.1 Complete the consent of the owner concerning payment of fees set out below.

As of the date of this application, I hereby agree to pay for and bear the entire cost and expense for any engineering, legal, landscape architectural and/or external planning consulting expenses incurred by the Township of McKellar during the processing of this application, in addition to any application fee set by the Township of McKellar.

Date: Nov 4 / 2022 Signature of Owner: Mariahe Blanc

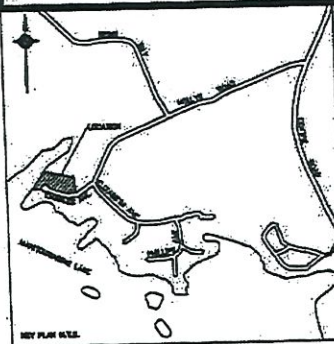
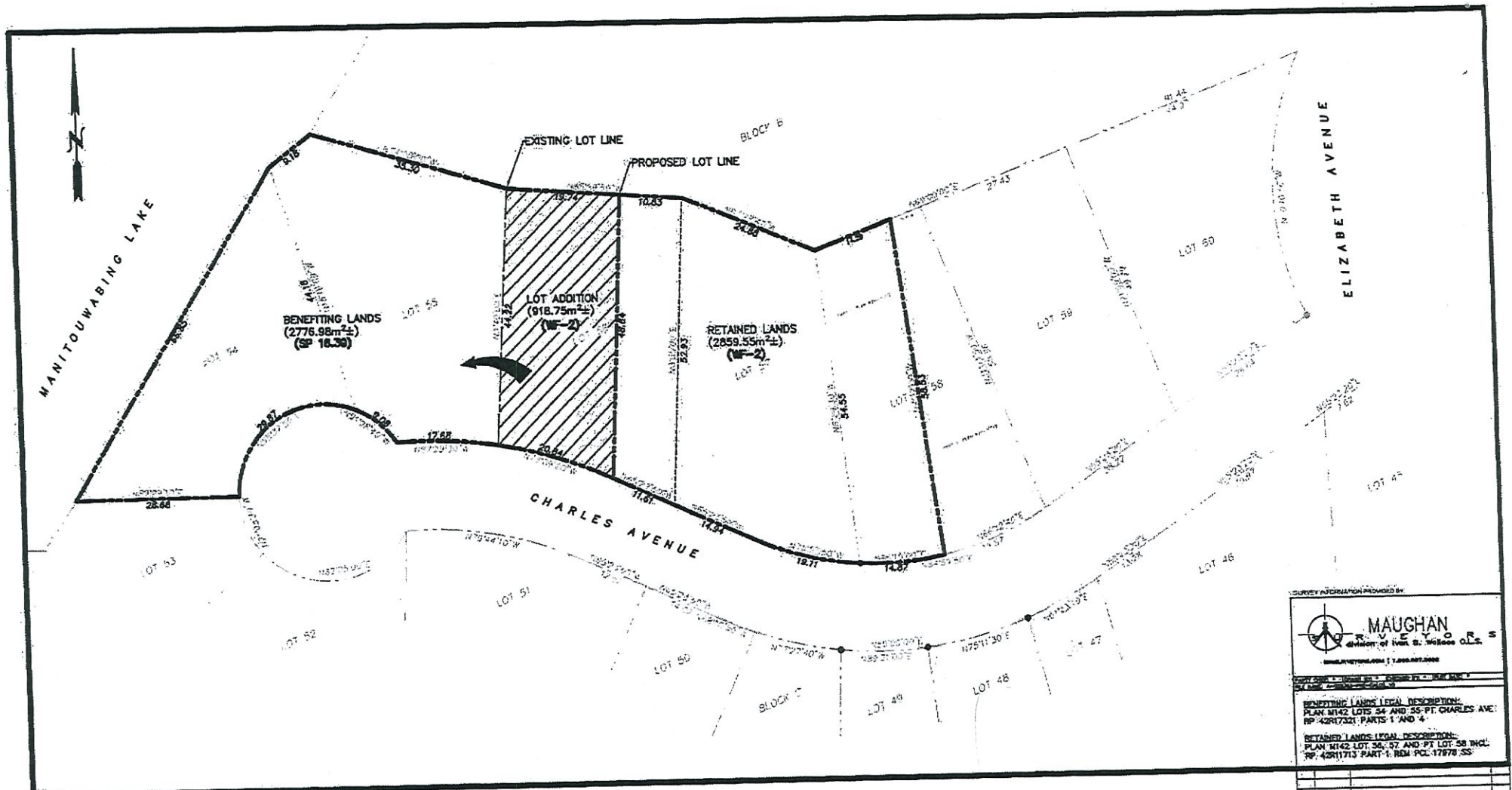
13. Ontario Municipal Board Hearing Costs (this section must be completed for the application to be processed)

- 13.1 Complete the consent of the owner concerning Ontario Municipal Board Hearing costs set out below.

The registered owner hereby acknowledges and agrees to pay all costs incurred by the Township of McKellar related to an appeal in the event that this application is approved and the matter comes before the Ontario Municipal Board.

Date: Nov 4, 2022 Signature of Owner: Mariahe Blanc

Updated January 10, 2022



LOT LINE ADJUSTMENT

CURRENT ZONING
REQUIRED
LOT AREA
LOT FRONTAGE

EXISTING
LOT AREA
LOT FRONTAGE

PROPOSED
LOT AREA
LOT FRONTAGE

BENEFITING
SPECIAL PROVISIONS (SP-16.39)

0.182ha (1820m²)
39.0m

0.278ha (2776.9m²)
56.6m

0.370ha (3695.7m²)
77.5m

RETAINED
WATERFRONT RESIDENTIAL 2 (WF-2)

1.0ha (10000m²)
90.0m

0.378ha (3778.5m²)
81.4m

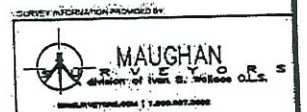
RETAINED TO BE REZONED TO
INLAND DEVELOPMENT 2 (IR)

0.4ha (4000m²)
60.0m

0.286ha (28596m²)
60.5m



PROPERTY FROM RETAINED LANDS
BEING ADDED TO BENEFITING LANDS



BENEFITING LANDS LEGAL DESCRIPTION:
PLAN M142 LOTS 54 AND 55-PT. CHARLES AVE.
RP 4281731 PARTS 1 AND 4

RETAINED LANDS LEGAL DESCRIPTION:
PLAN M142 LOT 56, 57 AND PT LOT 58 INCL.
RP 4281713 PART 1; RCM PCL 17878 SS

| SP | DATE | DESCRIPTION | BY |
|----|------|-------------|----|
| | | | |

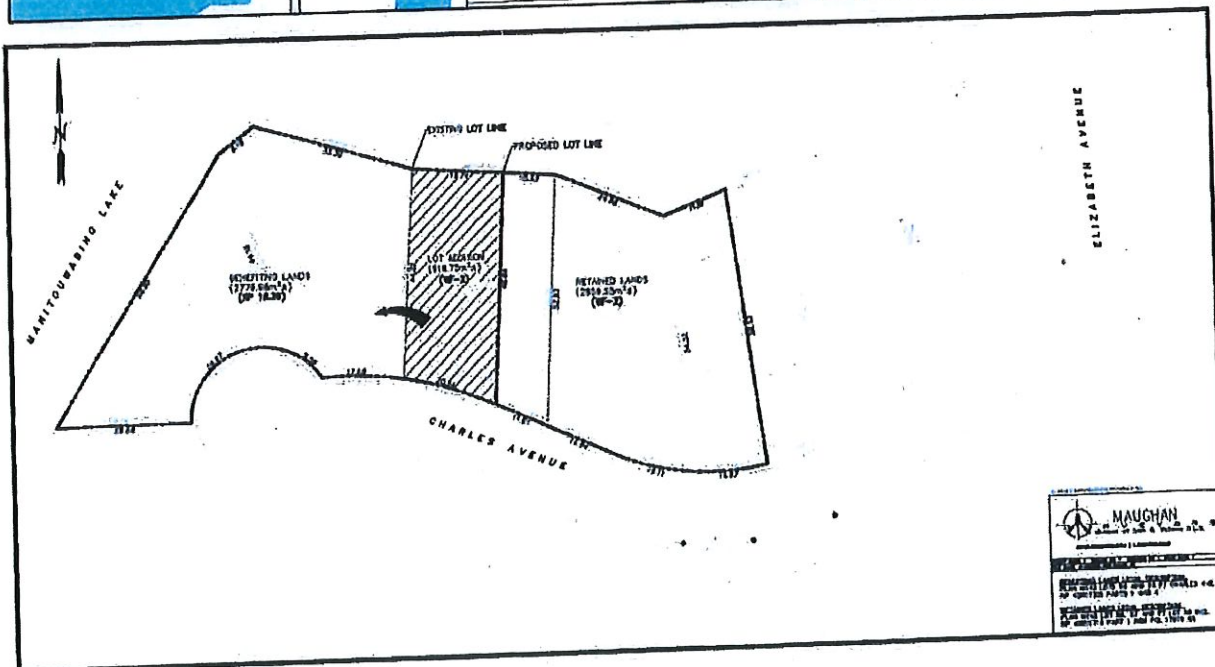
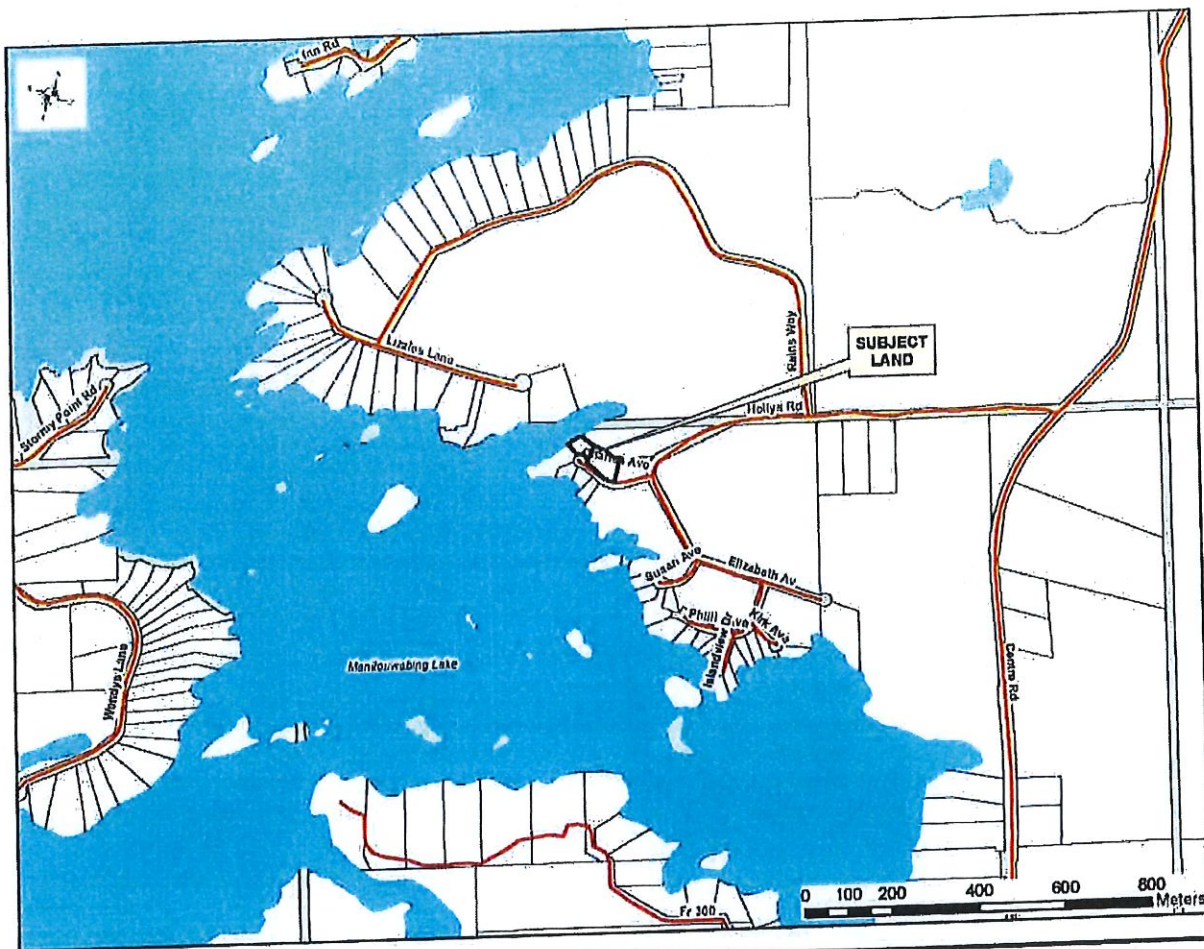
CHARLES AVENUE, MCKELLAR PDA C&A
LOTS 54, 55, 56, 57 AND PART OF LOT 58
TOWNSHIP OF MCKELLAR
DISTRICT OF PARRY SOUND

SEVERANCE SKETCH

STPTD Consulting INC.
1000 Highway 10
P.O. Box 1000
Perry, Ontario N0B 1A0
Phone: (519) 488-4888
Fax: (519) 488-4889
Email: info@stptd.com

| | |
|-------------|----------|
| PROJECT NO. | 022-682 |
| DATE | SK-1 |
| SCALE | 1:500 |
| DATE | MAY 2024 |

LAST REVISED MAY 20-2024



MEMORANDUM



**J.L. Richards
& Associates Limited**
501-555 Oak Street E
North Bay, ON Canada
P1B 8E3
Tel: 705 495 7597
Fax: 613 728 6012

Page 1 of 5

To: Ms. Ina Watkinson, Clerk/Administrator
Corporation of the Township of McKellar

Date: November 8, 2022

JLR No.: 31960(07)

CC: David Welwood, RPP, MCIP

From: Rebecca Elphick, Planner

Re: **Application for Zoning By-law Amendment**
9 Charles Avenue (PIN : 521300043)
Applicant(s): Paul LeBlanc
Owner(s): Maria LeBlanc

PROPERTY DESCRIPTION The property is legally described as PCL 17978 SEC SS; LT 56 PL M142; LT 57 PL M142; LT 58 PL M142 EXCEPT PT 2, 42R11713; MCKELLAR. The property is municipally addressed as 9 Charles Avenue (PIN: 521300043).

APPLICATION The applicant has requested a Zoning By-law Amendment to re-zone the severed lot from Consent Application B33/2022 from the Waterfront Residential 2 (WF2) Zone to the Special Provision 16.39 (SP 16.39) Zone to eliminate split zoning and to re-zone the retained lands from Consent Application B33/2022 from the Waterfront Residential 2 (WF2) Zone to the Special Provision 16.71 (SP 16.71) Zone to recognize the undersized nature of the lot. The Zoning By-law Amendment application is required to fulfill a condition of Consent Application B33/2022.

RECOMMENDATION The application is consistent with the Provincial Policy Statement and conforms to the Township's Official Plan. As such, the application is recommended for approval.

BACKGROUND

Pursuant to Section 34 of the *Planning Act*, a zoning by-law amendment is being sought to re-zone two parcels of land to fulfill a condition of Consent Application B33/2022.

The subject lands are two lots provisionally approved by the Township of McKellar through Consent Application B33/2022. The consent application severed lands from 9 Charles Avenue (PCL 17978 SEC SS; LT 56 PL M142; LT 57 PL M142; LT 58 PL M142 EXCEPT PT 2, 42R11713; MCKELLAR) to add to a neighbouring parcel of land on Charles Avenue (PT LT 55 PL M142 PT 1 42R17321; PT LT 54 PL M142 PT 4 42R17321; MCKELLAR). The subject lands are located on the north side of Charles Avenue, a municipally owned road with year-round access. Following the lot addition, the benefitting lands have an area of 0.37 ha (3695.7 m²) and frontage of 77.5 m. The retained lands have an area of 0.29 ha (2859.6 m²) and frontage of 60.5 m. The subject lands are currently vacant of any buildings or structures but will likely be developed for future residential use. The subject lands are surrounded by Manitouwabing Lake to the east, vacant lands to the north, and limited low density residential and seasonal residential development in all other directions. The applicants propose no water supply or sewage services on the subject lands, given that they are proposing for the lands to remain vacant at this time. However, future servicing of the parcel would need to occur on the basis of individual on-site sewage and water services (i.e., well and septic).

The benefitting lands are designated Waterfront within the Township's Official Plan (*Schedule A: Land Use Plan Township of McKellar*) and are zoned Special Provision 16.39 and Waterfront Residential 2 (WF2) in the Township's Zoning By-law 95-12. The retained lands and severed lands are designated Rural within the Township's Official Plan (*Schedule A: Land Use Plan Township of McKellar*) and are zoned Waterfront Residential 2 (WF2) in the Township's Zoning By-law 95-12.

ANALYSIS

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and is intended to provide policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The *Planning Act* requires that municipal decisions in respect to the exercise of any authority that affects a planning matter “shall be consistent” with the PPS.

Section 1.1.5.2 of the PPS states that on rural lands located in municipalities, permitted land uses include resource-based recreational uses (including recreational dwellings), residential development, and other rural land uses. This section details that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Development on rural lands in municipalities shall be appropriate to the infrastructure which is planned and available and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The subject lands are currently vacant but will likely be used for future residential purposes, which is a permitted use on rural lands in a municipality. The subject lands are located on a year-round municipally owned road and are surrounded by Manitouwabing Lake to the east, vacant lands to the north, and limited low density residential and seasonal residential development in all other directions (see Figure 1 for an aerial view of the subject lands). As such, the application is consistent with of the policies for rural lands in municipalities.

Figure 1: Aerial view of subject lands



Based on our review, the application is consistent with relevant provisions of the PPS.

Official Plan of the Township of McKellar (2018)

The benefiting lands are designated 'Waterfront' and the retained lands and severed lands are designated 'Rural' on Schedule A of the Township's Official Plan (OP).

The permitted uses in the 'Waterfront' designation include a single detached residential dwelling as per lot of record, existing general commercial and tourist commercial uses, home occupations, agricultural and farming uses, public uses, institutional uses, and existing industrial uses. The benefitting lands are currently vacant but will likely be used for future residential uses, as permitted in the 'Waterfront' designation.

The permitted uses in the 'Rural' designation include forestry, agricultural, resource uses, low density residential, institutional, commercial, industrial, pits and quarries licensed by the Province, home industries, home occupations, and bed and breakfasts. The retained lands are currently vacant but will likely be used for future residential uses, as permitted in the 'Rural' designation.

Per Section 5.8.2.1, all new development must front upon a year-round, publicly maintained road. The subject lands are accessed via Charles Avenue, a municipal road that is maintained year-round.

Based on our review, the application conforms with the relevant provisions of the Township's Official Plan.

Zoning By-law for the Township of McKellar (95-12)

The proposed Zoning By-law Amendment is required as a condition of Consent Application B33/2022. The proposed Zoning By-law Amendment application seeks to re-zone the severed lot from Consent Application B33/2022 from the Waterfront 2 (WF2) Zone to the Special Provision 16.39 (SP 16.39) Zone to eliminate split zoning. The proposed Zoning By-law Amendment application also seeks to re-zone the retained lands from Consent Application B33/2022 from the Waterfront Residential 2 (WF2) Zone to the Inland Development 2 (RR) Zone.

Per Section 16.39 of the Township's Zoning By-law, a single detached dwelling together with any permitted accessory uses may be erected, used, or enlarged on each of the three lots in Part of Lot 24, Concession 6 fronting Lake Manitouwabing. This section establishes a minimum lot area of 0.182 ha, a minimum frontage of 39 m, and all other applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone. The benefitting lands, including the lot addition, have a lot area of 0.370 ha and a frontage of 77.5 m, in compliance with these standards. The WF2 zone standards further establish a minimum lot depth of 60 m. The benefitting lands, including the lot addition, have a lot depth greater than 60 m, in compliance with the WF2 zone standards. The benefitting lands are currently vacant of any buildings or structures but will likely be used for future residential development, as permitted by Special Provision 16.39.

Per Section 5.01 a) of the Zoning By-law, permitted uses in the Inland Development 2 (RR) Zone include a single detached dwelling, an accessory apartment, a home occupation, a home industry, a boarding house, a nursing home, or a mobile home. The retained lands are currently vacant of any buildings or structures but will likely be used for future residential development, as permitted by the RR Zone. The zone requirements for the RR Zone establish a minimum lot area of 0.4 ha, a minimum lot frontage of 60 m, and a minimum lot depth of 45 m. The retained lands have a lot area of 0.286 ha, frontage of 60.5 m, and a lot depth of 48.64 m. While the lot frontage and lot depth meet the requirements of the RR zone, the lot is undersized per the RR zone requirements. As such, the proposed Zoning By-law Amendment seeks to instead re-zone the retained lands from Consent Application B33/2022 to the Special Provision 16.71 (SP 16.71) Zone, such that all applicable general provisions and zone requirements of the Inland Development 2 (RR) Zone are met, with the exception of minimum lot area, which shall be 0.286 ha.

RECOMMENDATION

The application to re-zone the lands severed lot from Consent Application B33/2022 from the Waterfront Residential 2 (WF2) Zone to the Special Provision 16.39 (SP 16.39) Zone and to re-zone the retained lands from Consent Application B33/2022 from the Waterfront Residential 2 (WF2) Zone to the Special Provision 16.71 (SP 16.71) Zone is consistent with the PPS and conforms to the Township of McKellar's Official Plan. The application is therefore recommended for approval.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:

Handwritten signature of Rebecca Elphick in blue ink.

Rebecca Elphick, M. Pl
Planner

Reviewed by:

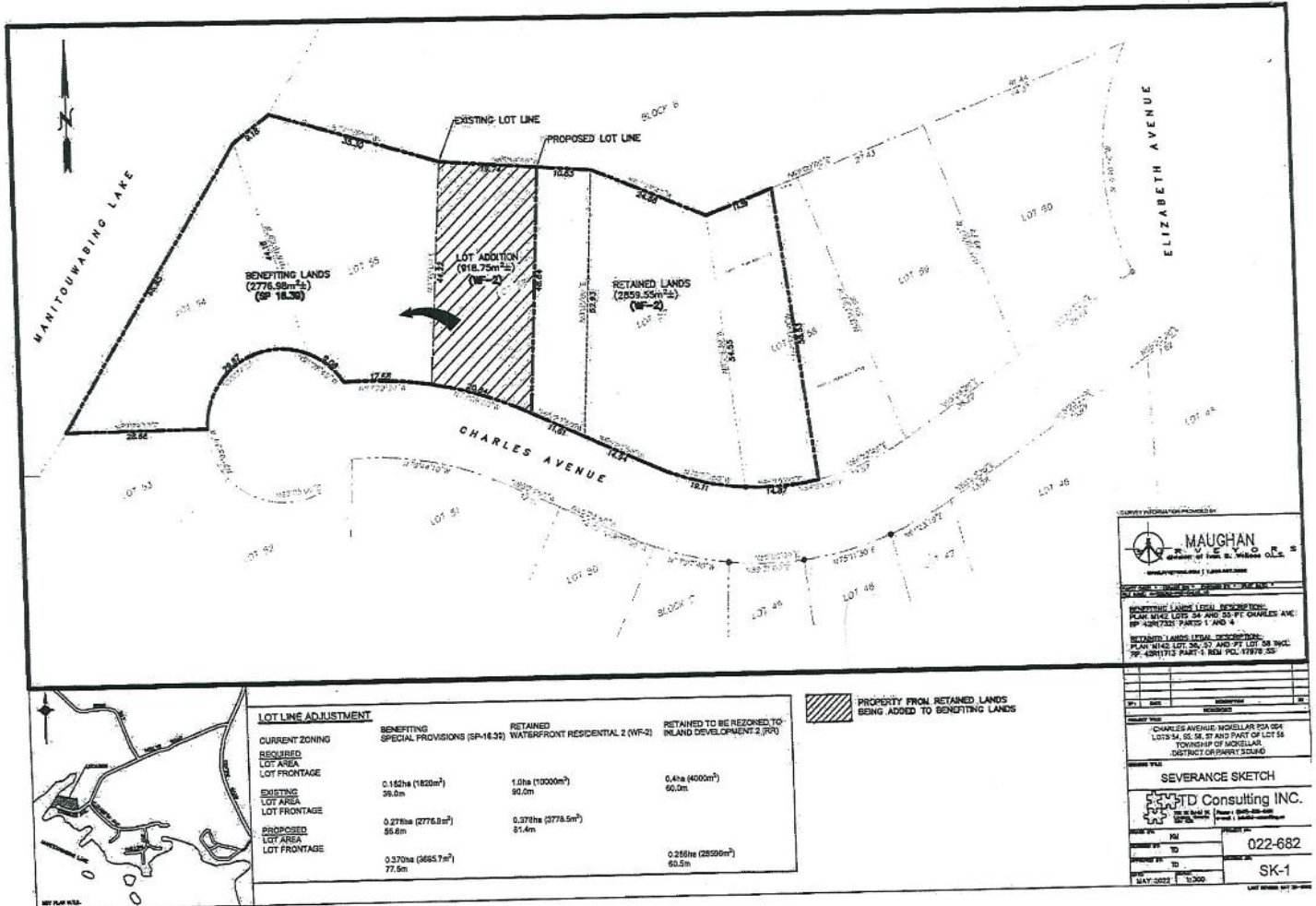
Handwritten signature of David Welwood in blue ink.

David Welwood, MES (Planning), RPP, MCIP
Planner

RE:dw

Attached: Attachment 'A'

Attachment 'A'
Severance Sketch as submitted by the Applicant



CORPORATION OF THE TOWNSHIP OF MCKELLAR
BY-LAW NO. 2023-____

**Being a By-law to amend By-law No. 95-12, with
respect to lands legally described as PCL 17978 SEC
SS; LT 56 PL M142; LT 57 PL M142; LT 58 PL M142
EXCEPT PT 2, 42R11713; MCKELLAR (LeBlanc)**

WHEREAS By-law No. 95-12 regulates the use of land and the use and erection of buildings and structures within the Township of McKellar;

AND WHEREAS the Council of the Corporation of the Township of McKellar deems it advisable to amend By-law No. 95-12 as hereinafter set forth;

AND WHEREAS authority to pass such a by-law is provided by Section 34 of the *Planning Act, R.S.O. 1990, Chapter P.13* and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Township of McKellar enacts as follows:

1.0 THAT ZONING BY-LAW NO. 95-12 IS AMENDED AS FOLLOWS:

- 1.1

Schedule 'A' (Sheet 1) to Zoning By-law 95-12, is hereby further amended, by rezoning the retained lands from Consent Application B33/2022 located at PCL 17978 SEC SS; LT 56 PL M142; LT 57 PL M142; LT 58 PL M142 EXCEPT PT 2, 42R11713; MCKELLAR to the Special Provision 16.71 (SP 16.71) Zone as shown on Schedule 'A' attached hereto and forming a part of this By-law.
- 1.2

Section 16 (Special Provisions) is further amended, by adding the following paragraph at the end of the section (16.71):

"Notwithstanding the requirements of this By-law, on lands located at PCL 17978 SEC SS; LT 56 PL M142; LT 57 PL M142; LT 58 PL M142 EXCEPT PT 2, 42R11713; MCKELLAR as identified on Schedule 'A' attached hereto, the requirements of the Inland Development 2 (RR) Zone shall apply, except:

a) The minimum lot area shall be 0.286 hectares."
- 1.3

Schedule 'A' (Sheet 1) to Zoning By-law 95-12, is hereby further amended, by rezoning the severed lands from Consent Application B33/2022 located at PCL 17978 SEC SS; LT 56 PL M142; LT 57 PL M142; LT 58 PL M142 EXCEPT PT 2, 42R11713; MCKELLAR to the Special Provision 16.39 (SP 16.39) Zone as shown on Schedule 'A' attached hereto and forming a part of this By-law.
- 2.0

Schedule 'A' attached hereto is hereby made part of this By-law.
- 3.0

This By-law shall come into force and effect pursuant to the provisions of and Regulations made under the *Planning Act, R.S.O. 1990*.

READ a FIRST and SECOND time this ____ day of January, 2023.

David Moore, Mayor

Karlee Britton, Deputy Clerk

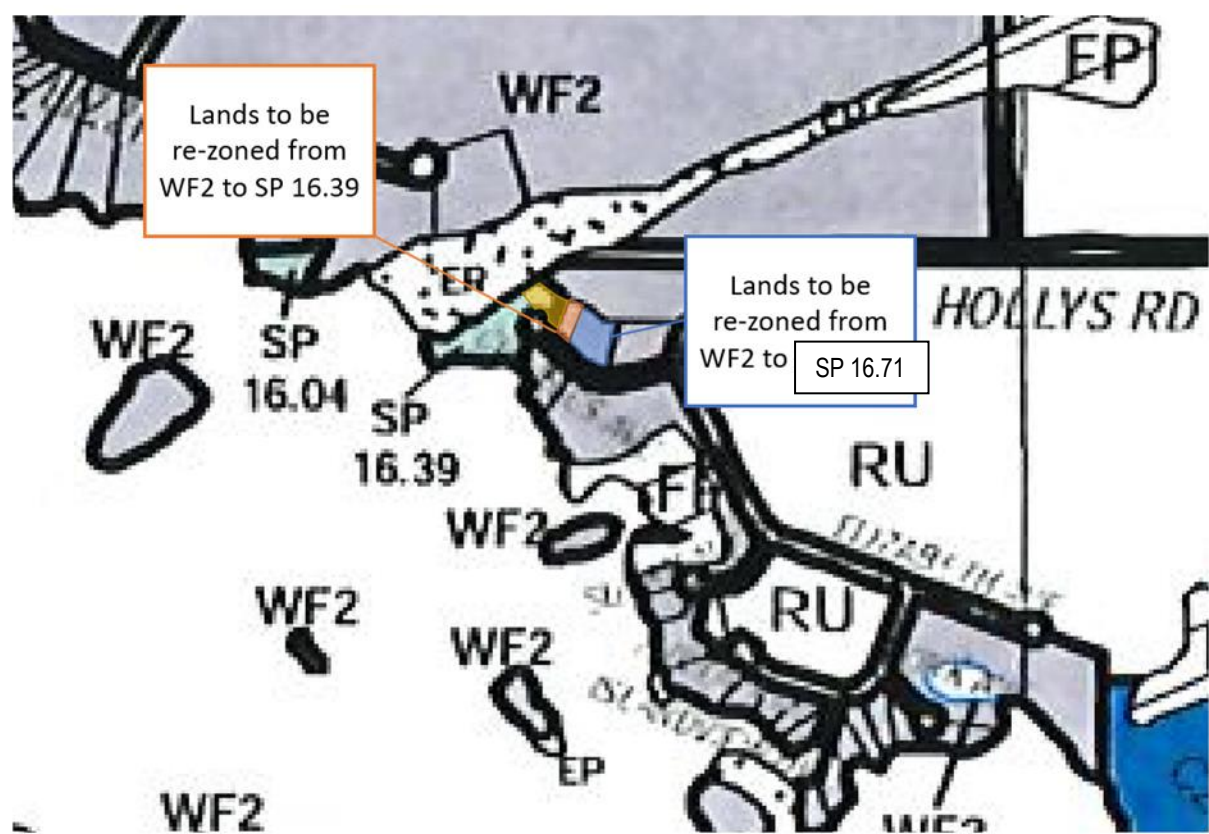
READ a **THIRD** time and **PASSED** in **OPEN COUNCIL** this ____ day of January, 2023.

David Moore, Mayor

Karlee Britton, Deputy Clerk

SCHEDULE 'A'

1.0 This is Schedule 'A' to By-law 2022-66, being a portion of 'Schedule A' to Zoning By-law 95-12, passed this ____ day of January, 2023.



David Moore, Mayor

Karlee Britton, Deputy Clerk

Karlee Britton

From: Reg Moore <[REDACTED]> on behalf of Reg Moore
Sent: December 22, 2022 11:14 AM
To: DZulak@mckellar.ca; David Moore; Karlee Britton; Mike Kekkonen; Morley Haskim; Nick Ryeland
Subject: Zoning Amendments

Good morning, the questions/comments that I had from the Public Meeting on Tue. Dec. 20th, 2022 are as follows.

- ✓ 1. All three By-Laws for the Zoning Amendments have a Schedule "A" attached that reference Map No. 129 & I asked where this number originated from. I believe the Twp. Planner is going to remove this reference?
- 2. On Pg. 3 of the Planning Report for Reeds there is a statement "per Section 5.8.2.1. all new Development must front on a year round public maintained road. The subject lands are accessed via Islandview Dr., a Municipal road that is maintained year round." Although this is a true statement it should be made clear that Islandview Dr. has not yet been assumed by the Municipality. In view of this it may have been more appropriate to reference the Policy in Section 5.8.2.2. of the O.P.?
- 3. All references to frontage on the Reports, Applications, Maps etc. indicate that the frontage for the property is 20.10metres. The Registered Plan of Subdivision for the property indicates there is 57 feet (17.374metres) of frontage & I asked why was there a difference from what is being requested in the Zoning Amendment from what is shown on the Registered Plan? The owner Mr. Reed indicated that the 20.10metres was the most accurate because it was arrived at by Surveying calculations. My response was that for the Council to accept this they should have the Applicant Survey the property & Register the Survey.
- 4. There is a Policy in Section 5.8.2.3. of the O.P. that stipulates new island properties have deeded mainland access that is Zoned exclusively for the island lot. Would it not be an appropriate time to do this & merge the two properties so the mainland garage & docking facility are accessory to the island dwelling?
- 5. There is no reference to the existing docking facility. A review of the West Parry Sound Geography Network reveals that the existing docking facility is located on Municipal property (Islandview Dr.). The location of the docking facility should be verified & legalized.
- ✓ 6. The numbering for the Special Provision Zoning on the Zoning By-Law Amendment is 16.71 & 16.72. There should only be one number & 16.71 seems to be much higher than the 16.56 indicated on the most recent version of By-Law 95-12 as amended on the Twp. Site.
- 7. I agree that the PSAPB should have dealt with the requirement for a Deeming By-Law to reconfigure the Leblanc lands, however that does not negate the fact that 50(4) of the Planning Act does require it. In view of this can or should these lands have a Site Specific Zoning until there is an accurate Survey of the reconfiguration of the properties & a Deeming By-Law passed by the Council?

Items 1 + 6 have been discussed or amended

January 12, 2023
Our File No.: 31960-000(05) & 31960-000(07)

VIA: E-MAIL [REDACTED]

Dear Mr. Moore:

Re: Applications to the Township of McKellar for Zoning By-law Amendment by (1) Mr. Reed (1 Islandview Drive) and (2) Mr. & Ms. Leblanc (Charles Avenue)

Thank you for your questions regarding the above noted Zoning By-law Amendment files. J.L. Richards & Associates Limited has been retained by the Township of McKellar to review these applications for a Zoning By-law Amendment as submitted by (1) Mr. Reed and (2) Mr. & Ms. Leblanc. We are pleased to provide the following responses to your questions posed during a meeting of Council held on December 20, 2022, to review these applications.

1. *All three By-Laws for the Zoning Amendments have a Schedule "A" attached that reference Map No. 129 & I asked where this number originated from. I believe the Twp. Planner is going to remove this reference.*

The reference to Map No. 129 on Schedule "A" of the amending by-law is an error and will be removed.

2. *On Pg. 3 of the Planning Report for Reeds there is a statement "per Section 5.8.2.1. all new Development must front on a year-round public maintained road. The subject lands are accessed via Islandview Dr., a municipal road that is maintained year-round." Although this is a true statement it should be made clear that Islandview Dr. has not yet been assumed by the Municipality. In view of this it may have been more appropriate to reference the Policy in Section 5.8.2.2. of the O.P.?*

Section 5.8.2.1 of the McKellar Official Plan (the OP) requires that all new development must front on a year-round public maintained road. The subject property has frontage on Islandview Road, a year-round public maintained road, in compliance with this policy. Section 5.8.2.2 permits a lot used for seasonal residential use may be serviced by an existing unassumed public road. The application therefore conforms with both Section 5.8.2.1 and 5.8.2.2.

3. *All references to frontage on the Reports, Applications, Maps etc. indicate that the frontage for the property is 20.10 metres. The Registered Plan of Subdivision for the property indicates there is 57 feet (17.374 metres) of frontage. I asked why was there a difference from what is being requested in the Zoning Amendment from what is shown on the Registered Plan. The owner, Mr. Reed, indicated that the 20.10 metres was the most accurate because it was arrived at by Surveying calculations. My response was that for the Council to accept this they should have the Applicant Survey the property & Register the Survey.*

The owner, Mr. Reed, provided a survey of the property, dated March 16, 2022, prepared by Holding Jones Vanderveen Inc., an Ontario Land Surveyor. This survey shows the frontage of the property along Manitouwabing Lake as 20.10 metres. This frontage should be accepted as the true frontage, as it was derived by recent survey of the property by an Ontario Land Surveyor.

4. *There is a Policy in Section 5.8.2.3. of the O.P. that stipulates new island properties have deeded mainland access that is Zoned exclusively for the island lot. Would it not be an appropriate time to do this & merge the two properties, so the mainland garage & docking facility are accessory to the island dwelling?*

Section 5.8.23 of the OP states that new water access, lakefront lots, are generally not permitted and states that no new lots may be created that require water access facilities. This section further states that exceptions may be made to this policy where large islands may be divided or mainland that may not be reasonably accessed by road, provided that the landowner has demonstrated to the satisfaction of Council that a mainland docking and parking facility has been deeded and zoned exclusively for the island lot properties. The island property in question owned by Mr. Reed is an existing lot and as such, is not subject to this policy, nor its requirements for the owner to demonstrate that a mainland docking and parking facility has been deeded and zoned exclusively for the island lot property.

5. *There is no reference to the existing docking facility. A review of the West Parry Sound Geography Network reveals that the existing docking facility is located on Municipal property (Islandview Dr.). The location of the docking facility should be verified & legalized.*

The application in question concerns the mainland property, which seeks to permit the construction of an accessory detached garage where no main use has been established. The presence of the docking facility is not relevant to the establishment of the accessory detached garage as a permitted use, where no main use has been established.

6. *The numbering for the Special Provision Zoning on the Zoning By-Law Amendment is 16.71 & 16.72. There should only be one number & 16.71 seems to be much higher than the 16.56 indicated on the most recent version of By-Law 95-12 as amended on the Twp. Site.*

Karlee Britton will be resolving this matter.

7. *I agree that the PSAPB should have dealt with the requirement for a Deeming By-Law to reconfigure the Leblanc lands, however that does not negate the fact that 50(4) of the Planning Act does require it. In view of this can or should these lands have a Site-Specific Zoning until there is an accurate Survey of the reconfiguration of the properties & a Deeming By-Law passed by the Council?*

The Parry Sound Area Planning Board is the approval authority for consents and plans of subdivision, and as such, any questions related to the process by which the lot addition was approved should be directed to the Planning Board. The application for re-zoning submitted by Mr. & Ms. Leblanc is required to fulfill a condition of Consent Application

B33/2022 and is consistent with the Provincial Policy Statement, conforms to the Township's Official Plan, and maintains the general intent and purpose of the Township's Zoning By-law.

We trust that the above responses to your questions are satisfactory. Should you have further questions or concerns regarding these applications, please contact the undersigned.

Yours very truly,

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:

Reviewed by:



Rebecca Elphick, M.Pl
J.L. Richards & Associates



David Welwood, MES (Planning), RPP, MCIP
J.L. Richards & Associates

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