

The Corporation of the  
**Municipality of Neebing**

AGENDA for Special Meeting of Neebing Council, Sitting as Committee of the Whole  
Wednesday, April 7, 2021 at 5:00 p.m.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/895403221>

You can also dial in using your phone.

Canada (Toll Free): [1 888 455 1389](tel:18884551389) Access Code: **895-403-221**

**1. Preliminary Matters**

- (a) Call to Order
- (b) Attendance
- (c) Request/Receive Declarations of Pecuniary Interests under the Municipal Conflict of Interest Act (if any)

**2. Public Meeting Under Section 34 of the Planning Act: Site Specific Rezoning for Wolfwood**

- 2.1 Application Z01-2021 (for a site-specific re-zoning to allow commercial tourist resort as a permitted use) 1-7
- 2.2 Report from Clerk-Treasurer Regarding Re-Zoning Application (Recommendation to Recommend that Council approve the application, with conditions) 8-20

**3. Adjourn the Meeting**

**Municipality of Neebing**  
4766 Highway 61 Neebing, ON P7L0B5  
T: 807-474-5331 F: 1-807-474-5332

**Application for Re-Zoning and/or  
Official Plan Amendment**

The Applicant consents to an inspection of the property by members of the Neebing Municipal Council and by municipal staff. The undersigned hereby applies to the Neebing Municipal Council under the Planning Act, R.S.O. 1990, c. P. 13, as amended.  
**THE INFORMATION IN THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC.**

**1. Owner/Applicant Information:**

**Name:** Wolfwood Enterprises ULC

**Tel:** 262-783-1500

**Address:** PO Box 247  
4916 North 125th Street

**Fax:** 262-783-1700

**City/Prov/PC:** Butler, WI USA 53007

**Email:**

**Name:** Lloyd Purnell

**Tel:**

**Address** Same As Owner Above  Or

**Fax:**

**City/Prov/PC:**

**Email:**

**2. Agent Information Acting On Behalf Of Owner (If Any):**

**Name:** Alan G. Jones Professional Corporation

**Tel:** 807-344-3844

**Address:** 201 - 920 Tungsten Street

**Fax:** 807-344-3888

**City/Prov/PC:** Thunder Bay, ON P7B 5Z6

**Email:** agjones@tbaytel.net

**3. If there are existing easements, rights of way, restrictive covenants, mortgages, or any other encumbrances currently on the property, please provide details including names and addresses of interested parties. If there are no encumbrances, please indicate so:**

Shared right of way over Parts 10 & 11 55R-12762

**4. Property Legal Description:**

**Assessment Roll Number:**

58-01-040-007-25530 / 25520 / 25510

**Municipal Address (Or Abutting Road Name If Property Has No Address)**

not assigned

**Registered Plan No.:**

**Mining Location No.:** Part of ML 1B and

**Reference Plan No.:** 55R-12761

**Lot No.:** Road Allowance in front of 1B

**Concession No.:**

**Part No.:** see Schedule

**Sec. No.:**

for legal description

**5. Physical description/dimensions of the parcel:**

Frontage in Meters: see Reference Plan	Depth in Meters:
Area in Square Meters: 55R-12762	Area in Hectares:
Number of Buildings and Structures	Existing: N/A Proposed: N/A
(Attach a list of the <i>existing</i> buildings/structures including the dates that each was constructed. Attach a list of <i>proposed</i> buildings/structures. If any of the building are proposed to be demolished/removed as part of the development, indicate which ones. Be sure to include both existing (including any to be removed) and proposed building/structures on the diagram, including all set back dimensions and building heights.)	
Use of the Land	Existing: vacant Proposed:
Number of years existing use has been ongoing: forever	
Year the Applicant purchase the property: 2008 / 12 / 17	
Official Plan Designation: Use Limitation	Existing Zoning: Seasonal, Use Limitation, CR-5

**6. Are you seeking a New Official Plan designation?**

YES  NO  only if necessary

If YES, please indicate what is desired (attach more pages if necessary).

**7. Are you seeking a site-specific Official Plan policy amendment?**

YES  NO  only if necessary

If YES, please indicate what is desired (attach more pages if necessary).

**8. Are you seeking a new Zone?**

YES  NO

If YES, please indicate which zone you are seeking.

Addition of resort as a permitted use

**9. Are you seeking changes to the Zone Regulations (set-backs)?:**

YES  NO

If YES, please indicate the details (attach more pages if necessary):

Frontage:	Current Requirement:	Change Sought:
Minimum front yard:	Current Requirement:	Change Sought:
Minimum rear yard:	Current Requirement:	Change Sought:
Minimum set-back from water:	Current Requirement:	Change Sought:
Maximum building height:	Current Requirement:	Change Sought:
Minimum building area:	Current Requirement:	Change Sought:

**10. Describe, in detail, what new development is being proposed on this property. If there is no new development being proposed, describe the reasons for this application.:**

Potential future development

**11. Road access to the Property:**

	Mark (X)		Mark (X)
Provincial Highway		Private Road	
Municipal Road Renshaw Drive known as Little Trout Bay Road	X	Right of Way	Parts 10 & 11 55R-12762
Water Only**			

**\*\* Where access is proposed by water only, indicate on the sketch or in the space below, the parking and docking facilities to be used and the approximate distance of these facilities as well as the nearest public road from the subject land.**

**12. Describe the parking facilities to be used and the approximate distance of these facilities between the subject land and the nearest public road.:**

Unknown. Will be provided as any necessary requirement in any building permit application.

**13. Water supply to the property:**

Mark (X)

X	Privately Owned and Maintained Individual Well
X	Lake
	Other (specify):

**14. Septic service to the retained parcel**

Mark (X)

X	Privately Owned and Maintained Individual Septic System
X	Outhouse/Privy
	Communal Septic System
	Other (specify):

**NOTE: If the application seeks development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, a Servicing Options Report and a Hydrogeological Report must be provided.**

15. Stormwater Drainage:			
Mark (X)		Mark (X)	
	Storm Sewer		Ditches
	Swales		Other (specify): Natural
<b>14. Is the subject land the subject of any other applications under the Planning Act?</b>			
YES <input type="checkbox"/>		NO <input checked="" type="checkbox"/>	
If YES, provide the file/application number(s) and the status of such applications.			
Official Plan Amendment:		Plan of Subdivision:	
Zoning By-law Amendment:		Minor Variance:	
Minister's Zoning Order:		Consent:	
<b>15. Is ANY boundary line of the Property:</b>			<b>Mark (X)</b>
...within 500 metres of an agricultural operation?			<b>YES</b>
...within 500 metres of a landfill operation?			<b>NO</b>
...within 500 metres of mineral aggregate operations or a pit or a quarry?			
If YES, will the development hinder continued operations of extraction?			
...within 125 metres of a significant wetland?			
Does any portion of the Property contain habitat of any endangered or threatened species (plant or animal)?			
<b>16. How, in your view, will the proposed development fit in with the other existing land uses in the vicinity of the property? Attach additional pages if necessary.</b>			
Other development in the area is either park land or seasonal residential.			
<b>15. Describe in detail, how your development is consistent with the Provincial Policy Statement issued under Subsection 3(1) of the Planning Act. Attach additional pages if necessary.</b>			
As far as the applicant knows, there is compliance.			

**SCHEDULE - Legal Description**

**Part of PIN 62274-0834 (LT) being Parts 6, 9 & 14 on Reference Plan 55R-12762**

**Part of PIN 62274-0835 (LT) being Parts 5, 8, 10, 12 & 15 on Reference Plan 55R12762**

**Part of PIN 62274-0836 (LT) being Parts 3, 7, 11, 13 & 16 on Reference Plan 55R-12762**

**CERTIFICATE OF THE APPLICANT**

I/We Lloyd Purnell of the ~~Municipality/Township/City~~ of

Butler in the state of Wisconsin ~~in the Province of Ontario~~, solemnly declare that the

statements contained in this application are true. I/We 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.

Jointly and severally (delete if not required) at the

~~Municipality/Township/City~~ of Butler, Wisconsin

. This 22 day of February, 2021.

MIA ACEVEDO  
NOTARY PUBLIC  
STATE OF WISCONSIN

Mia Acevedo

~~Commissioner for Taking Affidavits~~  
Notary Public in the State of  
Wisconsin

My Commission  
Expires 07/25/24

**Applicant(s) Signature:**

[Signature]  
Lloyd Purnell

If the Applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporate Seal shall be affixed – or written authorization from the Corporation signed by an individual who has authority to bind the Corporation.

**Owner's/Owners' Authorization for an Agent to make the application on his/her/their/ behalf/behaves:**

I/We authorize Alan G. Jones (name of Agent) to act on my/our behalf in submitting this application, which is filed with my/our knowledge and consent.

Wolfwood Enterprises ULC

**Owner/Owners' Signatures** Lloyd Purnell, President

**Date**



MINING TOWNSHIP OF McAREES LOCATION OF CROOKS SURVEY

MINING LOCATION 2IK  
PART I 55R-2370  
PIN 62274-0123

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
**PLAN 55R-12762**  
RECEIVED AND DEPOSITED  
DATE NOVEMBER 3, 2008  
DATE 2008-11-04  
W.E. PARSONS  
ONTARIO LAND SURVEYOR  
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF THUNDER BAY (No 55)

SCHEDULE				
PART	LOT	PLAN/CON	PIN	AREA
1				1669 sq. m.
2				327 sq. m.
3				593 sq. m.
4				53 sq. m.
5				254 sq. m.
6				114 sq. m.
7				128 sq. m.
8	MINING LOCATION 1IB		PART OF 62274-0533	444 sq. m.
9				2582 sq. m.
10				398 sq. m.
11				445 sq. m.
12				1922 sq. m.
13				1104 sq. m.
14	PART OF ORIGINAL ROAD ALLOWANCE IN FRONT OF MINING LOCATION 1IB		NO PIN	2298 sq. m.
15				1406 sq. m.
16				1275 sq. m.

THIS PLAN COMPRISES PART OF PIN 62274-0533.

PLAN OF SURVEY OF PART OF MINING LOCATION 1IB McAREES SURVEY AND 20.17 ROAD ALLOWANCE IN FRONT OF MINING LOCATION 1IB GEOGRAPHIC TOWNSHIP OF CROOKS NOW IN THE MUNICIPALITY OF NEEBING DISTRICT OF THUNDER BAY

SCALE 1:500  
J. D. BARNES LIMITED

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

- NOTES**
- BEARINGS ARE ASTROMONIC AND ARE REFERRED TO A PORTION OF THE WESTERLY LIMIT OF REGISTERED PLAN M-363, HAVING A BEARING OF N 0°00'00" W.
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - WIT DENOTES WITNESS
  - MEAS DENOTES MEASURED
  - T&A DENOTES J.C. SKRUP, O.L.S.
  - HM DENOTES HOWARD GRAHAM, O.L.S.
  - PI DENOTES REGISTERED PLAN M-363

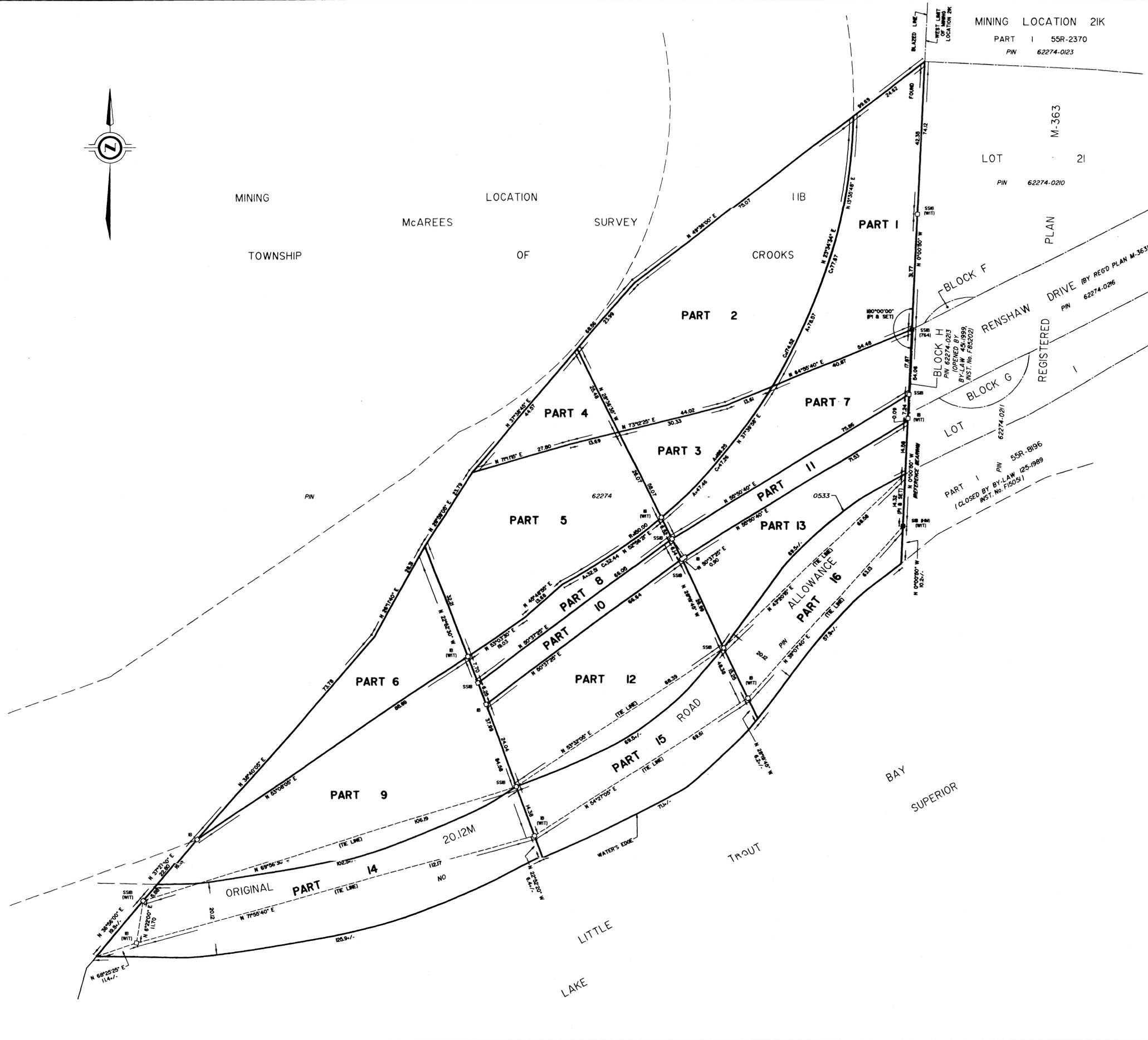
**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
1. THE SURVEY AND PLAN ARE PREPARED AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 22ND DAY OF OCTOBER, 2008.

DATE OCTOBER 30, 2008  
W.E. PARSONS  
ONTARIO LAND SURVEYOR

**J.D. BARNES** SURVEYING PLANNING MAPPING LIMITED GIS  
LAND INFORMATION SPECIALISTS  
1001 WILLIAM STREET, SUITE 102A, THUNDER BAY, ON P7B 6M1  
T: (807) 622-4277 F: (807) 626-8048 www.jdbarnes.com

DRAWN BY: K.J. CHECKED BY: W.E.P. REFERENCE NO.: 08-32-976-00  
FILE: g:\83297800\978plan-2.dgn DATED: 03 NOV 2008



**The Corporation of the Municipality of Neebing  
Administrative Report**

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**Date:** Prepared April 1, 2021, for Special Committee of the Whole Meeting on April 7, 2021

**To:** Mayor and Council, Sitting as Committee of the Whole

**For:** Public Meeting April 7, 2021

**Subject:** Application for Re-Zoning  
Property File 58-01-040-007-25510-0000  
Property File 58-01-040-007-25520-0000  
Property File 58-01-040-007-25530-0000  
Vacant Land at End of Little Trout Bay Road

**Submitted by:** Erika Kromm, Clerk-Treasurer

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**RECOMMENDATION**

With respect to the application brought by Alan G. Jones Corporation as agent for the owner, the Wolfwood Enterprises ULC, for a site-specific amendment to the Neebing Zoning By-law (#2017-030), Administration recommends that the Committee of the Whole consider deferring the review of this application until further discussions can be had with the Lakehead Region Conservation Authority.

If Committee wishes to proceed, Administration recommends that the Committee of the whole a pass a resolution recommending to Council the approval of the application, as follows:

That, a public meeting having been held with respect to the application by Alan G. Jones Corporation, as agent for the property owner, the Wolfwood Enterprises ULC, relative to property without municipal address, legally described as Part of ML 11B, Parts 1 to 16 on Reference Plan of Survey 55R-12762, in the Municipality of Neebing (geographic Crooks Township) and the District of Thunder Bay, Committee of the Whole recommends:

THAT, Schedule "C" to Neebing's Zoning By-law Number 2017-030, be amended, subject to an "H" holding symbol, so as to indicate that the zoning shown on the map for this property has a "special condition" label CR-27;

AND, FURTHER, THAT Special Condition # CR-5 be amended by adding to the text of the By-law in Section 5.4.5, that Commercial Tourist Resort is a permitted use;

AND, FURTHER, THAT Special Condition # CR-5 be amended by adding to the text of the By-law in Section 5.4.5, as follows:

The “H” holding provision would be lifted at such time as the Lakehead Region Conservation Authority and the property owner(s) agree on the following for the Subject Properties:

1. That an adequate building envelope(s) exist to support the development of a tourist commercial resort, including any required servicing outside the hazard;
2. That the development will not create new or aggravate existing hazards; and
3. That adequate access and egress is achievable considering potential erosion hazards and/or unstable soil or bedrock hazard.

AND, FURTHER, THAT the necessary by-law be presented to the Municipal Council for ratification.

Because it is important, in the event of an appeal, that Council clearly state its reasoning for the approval of the application, the Committee of the Whole further recommends that Council adopt the following as the reasons for approval of the application, being:

- Overall, the Committee is satisfied that the application represents “good planning”;
- The application will result in an opportunity for new tourism development;
- The proposed use will not result in negative impacts to any nearby residential property owners;
- The application does not impose any additional service requirements on the Municipality.

## **DISCUSSION**

### **Description of Proposal**

The Subject Property is currently zoned “Seasonal” and the entirety of all three parcels fall within the “Use Limitation” zone. These properties are also subject to Special Condition CR-5. The provisions of the special condition are attached to this report (Attachment 4).

The “Seasonal Zone” allows the following uses:

1. a recreational dwelling;
2. a recreational modular dwelling;
3. a guest cottage;
4. a bed and breakfast establishment; or
5. a boat house

However, Special Condition CR-5 provides for a different list of permitted uses.

The Applicant has not indicated in this application where on the property the commercial tourist resort is intended to be constructed.

### Description of Subject Property

Attachment One to this Report is a summary of information about the Subject Properties for Council's convenience.

The three lots are vacant forested lots with cliffs/steep slopes rising from the water's edge. One lot has frontage at the end of Little Trout Bay Road and the other two lots have access via an easement.

### Properties in the Vicinity

The property is surrounded by land owned by the Nature Conservancy of Canada. There are a series of subdivisions in cul-du-sacs along Little Trout Bay Road leading up to the subject properties. The subdivisions are a mix of seasonal and permanent residents.

### Relevant Provincial Policies

The following are relevant excerpts from the Provincial Policy Statement 2020:

- 1.1.4.1(a) Healthy, integrated and viable rural areas should be supported by:
  - a) Building upon rural character, and leveraging rural amenities and assets  
(This application creates the ability to leverage the "rural amenity" that is Lake Superior)
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.  
(This application creates a development opportunity that is compatible with the rural landscape)
- 1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.  
(This application does not require municipal or provincial infrastructure expansion)
- 1.7.1(h) Long-term economic prosperity should be supported by:
  - ...
  - b) Providing opportunities for sustainable tourism development  
(This application provides an opportunity a tourism development.)

## Relevant Policies in Neebing's 2008 Official Plan

The following are relevant excerpts from the Official Plan:

- 2.17.1 As much as possible land use conflicts should be avoided...  
(The proposed use would not be in conflict with uses on neighbouring properties)
- 3.3.5 & 3.3.6 Development, other than agriculture, conservation, forestry management, mineral exploration, public utilities, wildlife management, passive recreational uses and infrastructure, shall not be permitted in a Use  
Limitation area unless it can be demonstrated that the potential hazard for which the area has been identified will not result in public health, safety or potential property damage, that no new hazards are created or existing hazards aggravated, and no adverse environmental impacts will result from the development to the satisfaction of the Province/Lakehead Region Conservation Authority and the Municipality.
- The erection and/or construction of buildings or structures, or additions thereto, or the placement or removal of fill material within or adjacent to any inland watercourse shall only be permitted provided appropriate site mitigation against any natural hazard has occurred and there is no danger to public safety, public health or property damage to the satisfaction of the Province/Lakehead Region Conservation Authority and the Municipality of Neebing.  
(The LRCA permitting and/or other support for the development is required and is a recommended condition of approval)
- 4.3.2 The Rural area is characterized as a low density, multi-purpose area in which a variety of land uses can be accommodated in a compatible manner consistent with the rural character of the Municipality.  
(The proposed use is a low-density recreational use which meets the requirements of this policy)
- 4.4.9 Lakefront residential uses will be privately serviced and will require the approval of the Thunder Bay District Health Unit or designated authority for private sanitary sewage disposal systems.  
(The proposed commercial tourist resort would be privately serviced)
- 6.10.1 In accordance with Section 36 of the Planning Act, the Municipality may approve a by-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.  
(The recommendation in this Report includes use of a "hold" provision under Section 6.10 of the Official Plan)

## Comments Received

As at the time that this report was published, the only comments received were from the LRCA. One member of the public called with questions about the application, no formal concerns were received at that time. Comments received between the date of publication of the report and the meeting will be presented at the meeting.

## Lakehead Region Conservation Authority

Administration received comments from the Lakehead Region Conservation Authority (“LRCA”). They are appended to this Report. The LRCA does not recommend approval of the application in its current form. As at the time this report was finalized, Administration has not had time to discuss the comments from the LRCA with the applicant.

As Council is aware, our Zoning By-law has a “use limitation” layer which is administered by the LRCA. The boundaries of the “use limitation” layer can change, depending on changes in watersheds (caused by erosion, beaver activity, natural disasters, etc.). The “use limitation” layer covers the Subject Properties in their entirety. Any development in this area would require approval from the LRCA.

The LRCA requires additional information before they could approve any development. The applicant will need to work with the LRCA to satisfy their requirements

### **CONCLUSION**

Administration concludes that the proposed amendment is supported by the policies and general intent of the Neebing Official Plan and the Provincial Policy Statement, conditional upon the Applicant being able to gain approval from the Lakehead Region Conservation Authority. However, the Committee should defer review of the application pending further discussions with the Lakehead Region Conservation Authority.

### **ALTERNATE RESOLUTION**

Should Committee of the Whole wish to recommend that Council deny the application rather than approve it, the Clerk-Treasurer will develop the appropriate resolution for Committee’s consideration.

### **ATTACHMENTS**

1. Fact Sheet
2. Lot Fabric in the Vicinity of the Subject Property
3. Correspondence from Lakehead Region Conservation Authority
4. Special Condition CR-5

### **AVAILABLE FOR REVIEW UPON REQUEST AND/OR AT THE MEETING**

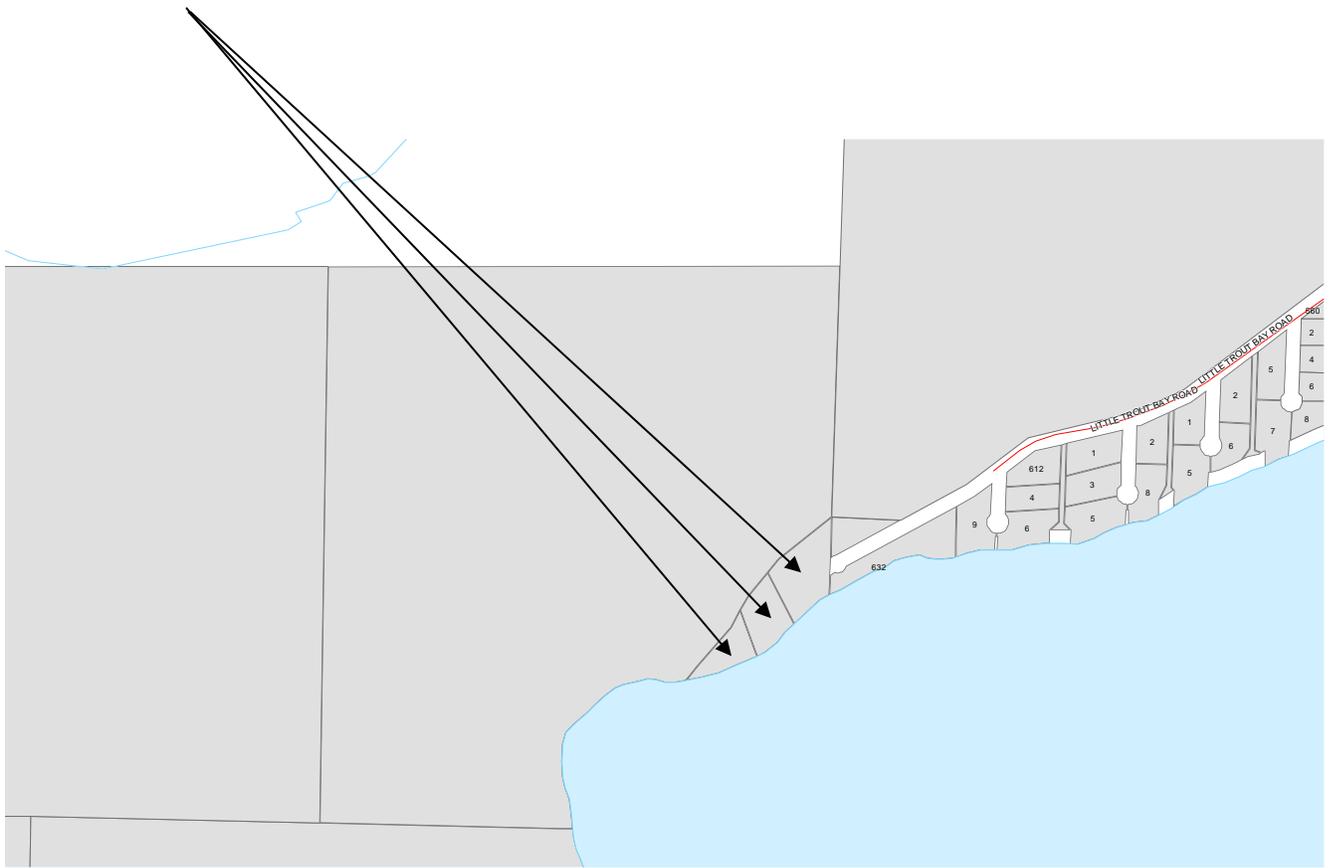
File Information – including all documents referenced in the report

**ATTACHMENT ONE: Fact Sheet**

Owner/Applicant	The Estate of Paul Thorp
Agent	Alan G. Jones Corporation
Property Location	At the end of Little Trout Bay Road
Legal Description	Part of ML 11B, Parts 1 to 16 on Reference Plan of Survey 55R-12762, in the Municipality of Neebing (geographic Scoble Township) and the District of Thunder Bay.
Municipal Address	None
Property Dimensions	Frontage on a public road: 20 meters for one lot
	There is an easement over the first two properties to allow access from the road to all three properties
	Frontage on Lake Superior: 275 meters (approx.)
	Area: 4.26 acres (approx.)
Existing Use	Vacant, forested parcel, with steep slopes
Existing Structures	None
Proposed Use	Commercial Tourist Resort
Municipal Services	None
Official Plan Designation	Rural, with use limitation
Proposed Official Plan Designation	No change
Current Zoning	Seasonal, with use limitation and Special Condition CR-5
Proposed Zoning	Seasonal, with a Special Condition which would allow construction of a commercial tourist resort
Agencies/Authorities to whom notice was sent:	Circulated: Lakehead Region Conservation Authority; Lakehead Rural Planning Board; Ministry of Natural Resources & Forestry; Ministry of Municipal Affairs and Housing; Thunder Bay District Health Unit; Hydro One (Twice: Board and Land Use Planning Section); Ontario Power Corporation; Union Gas; Fort William First Nation; Métis Nation of Ontario; and Red Sky Métis Nation.
Pre-circulation	Completed March 15, 2021
Public Comments Received	Attachment Three
Public Meeting Notice	Given, as required on March 15, 2021 via direct mail to public agencies, First Nations, and property owners of property within the prescribed distance; Sign was posted on the proposed access to the Subject Property approximately 2 days later Advertised in the Neebing News (March issue) Posted to Municipality's website
	April 2021

**ATTACHMENT TWO: Location of Subject Properties**

Subject Properties



**ATTACHEMENT THREE: Letter from Lakehead Region Conservation Authority**

130 Conservation Road, PO Box 10427  
 Thunder Bay, ON P7B 6T8  
 Phone: (807) 344-5857 | Fax: (807) 345-9156

April 1, 2021

VIA EMAIL: clerk@neebing.org

Erika Kromm  
 Clerk-Treasurer  
 Municipality of Neebing  
 4766 Highway 61  
 Neebing, Ontario P7L 0B5

Dear Ms. Kromm,

**Re: Application: Z01-2021  
 Little Trout Bay Road  
 Part of ML 11B, Parts 1 to 16 on Reference Plan of Survey 55R-12762, in the geographic  
 Crooks Township, in the Municipality of Neebing  
 Applicant: Wolfwood Enterprises ULC**

Lakehead Region Conservation Authority (LRCA) staff have reviewed the above-noted application to add tourist commercial resort as a permitted use on the subject property.

**Documents Received and Reviewed by Staff**

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020); as a regulatory authority under Ontario Regulation 180/06; related to policy applicability and to assist with implementation of the Lakehead Source Protection Plan under the *Clean Water Act*; and when applicable as a potential adjacent landowner.

**Recommendation**

The zoning by-law application is not supported by the LRCA as the application cannot be confirmed to meet the intent of Section 3.1 of the Provincial Policy Statement. The land may be unsafe for development due to the naturally occurring erosion processes and unstable soil or bedrock.

In order for staff to support adding tourist commercial zoning as a permitted use on the subject lot, further information must be provided to confirm that:

- an adequate building envelope(s) exists to support the development of a tourist commercial resort, including any required servicing outside the hazard,
- the development will not create new or aggravate existing hazards,
- that adequate access and egress is achievable considering potential erosion hazards and/or unstable soil or bedrock hazards.

### **Site Characteristics**

Existing mapping indicates that the entire subject property is within the LRCA Regulated Area. Regulated features include:

- Land zoned Hazard Land, Use Limitation or Environmental Protection.
- Hazardous lands (land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock)
- Lake Superior shoreline.

### **Delegated Responsibility and Statutory Comments:**

1. The Lakehead Region Conservation Authority has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement.
  - Application cannot be confirmed to be consistent with Section 3.1 of the PPS.
2. The Lakehead Region Conservation Authority has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 180/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. The Lakehead Region Conservation Authority also regulates the alteration to or interference in any way with a watercourse or wetland.
  - The construction of any buildings or structures, the placing or dumping of fill, site grading, interference with a wetland, or any alteration to the shoreline or existing channel of a lake or watercourse will require a permit from the Authority.

### **Summary**

Given the above comments, it is the opinion of the Lakehead Region Conservation Authority that:

1. Consistency with Section 3.1 of the PPS has not been demonstrated and that additional information would be required for a complete review of the proposal in order to determine consistency with the PPS;
2. Ontario Regulation 180/06 does apply to the subject site. A permit from Lakehead Region Conservation Authority will be required prior to any development taking place in the regulated area;
3. The subject site is not located within an area that is subject to the policies contained in the Source Protection Plan.

This information is current at the time of writing and may be amended as more accurate information becomes available. If you should have any questions, please contact Scott Drebit, GIS/Water Resources Technologist, at the Authority office.

Please forward a copy of the decision to the Conservation Authority.

Sincerely,

A handwritten signature in blue ink, appearing to be 'S. Drebit', written in a cursive style.

Scott Drebit  
GIS/Water Resources Technologist

Encl: Map

A handwritten signature in blue ink, appearing to be 'S. Drebit', written in a cursive style.



### Little Trout Bay Road Lots



**Legend**

- Subject Property
- Parcels
- Approximate Regulated Area
- Lake Superior Regulated Area
- Flood & Fill Line**
  - Regional Floodline
  - 100 Year Floodline
  - Fill Line
  - Floodplain
  - Approximate 100 Year Lake Superior Floodline
- Drainage**
  - Water Body
  - Provincially Significant Wetland
  - Evaluated Wetland
  - Wetland
- Watercourse**
  - Stream
  - River
  - Ditch
- Roads**
  - Highway
  - Road
  - Street
- 2m Contour Lines**
  - 2m Contour
  - 10m Contour

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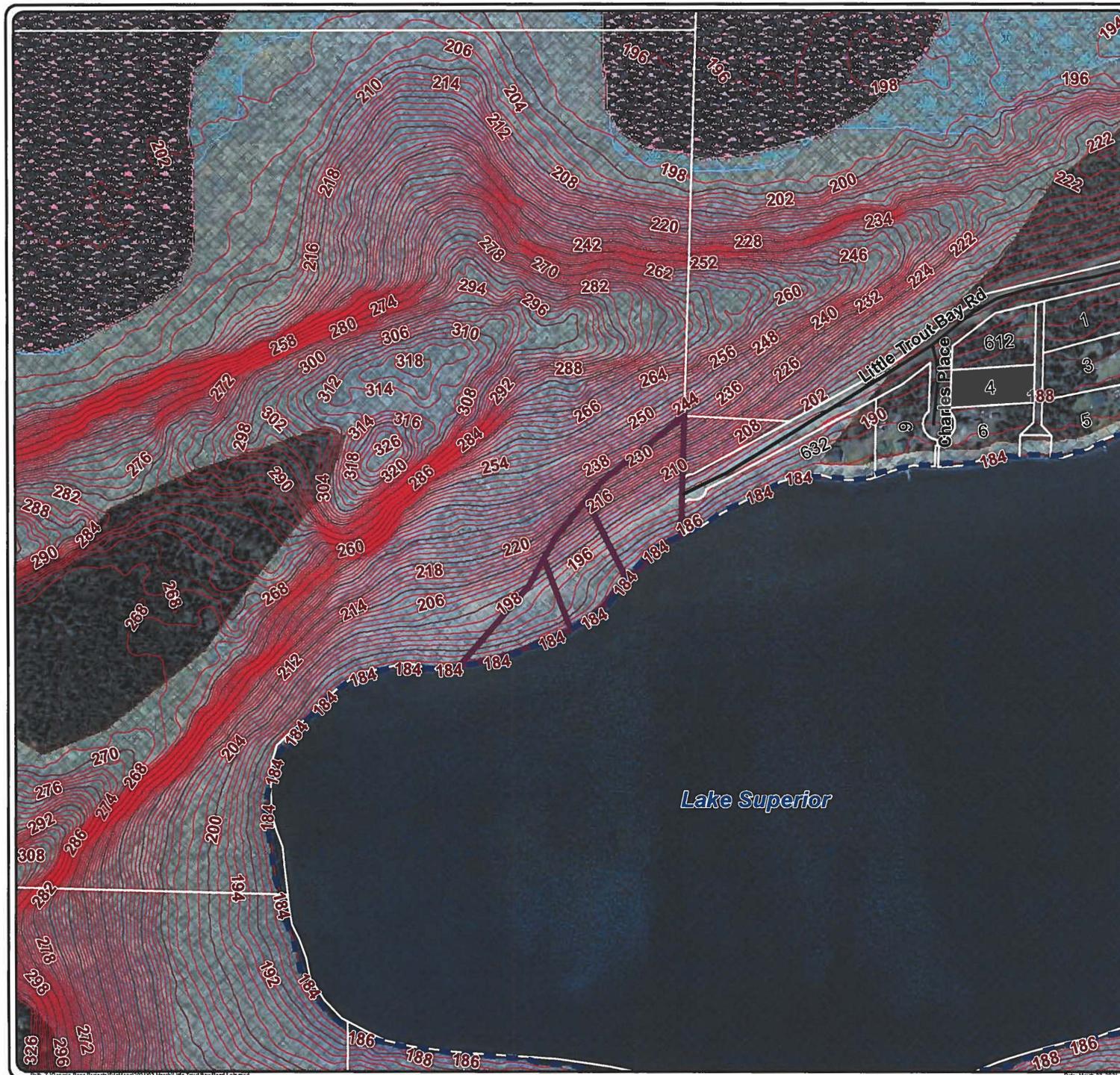
This publication was produced by:  
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Thunder Bay, ON  
P7B 6T8

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This map is illustrative only. Do not rely on it as being a precise indicator of routes or features, nor as a guide to navigation.

Datum: NAD 83  
Projection: UTM Zone 16N  
Date: March, 2021  
Created by: scott

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5.4.5 Special Condition CR-5:

Three properties (without municipal addresses) are impacted by this special condition. They are parts of Mining Location 11B and the former shoreline road allowances in front of the lots, which were severed in 2008 and re-zoned under By-law Number 790-2008.

As of September 6, 2017, the properties had the following Roll Numbers and legal descriptions:

## 1. Roll Number 58-01-040-007-25510

Part of Mining Location 11B and the former shoreline road allowance adjacent to it, now described as Parts 6, 9 and 14 on Reference Plan of Survey 55R-12762, in the geographic Township of Crooks and Municipality of Neebing.

## 2. Roll Number 58-01-040-007-25520

Part of Mining Location 11B and the former shoreline road allowance adjacent to it, now described as Parts 4, 5, 8, 10, 12 and 15 on Reference Plan of Survey 55R-12762, in the geographic Township of Crooks and Municipality of Neebing.

## 3. Roll Number 58-01-040-007-25530

Part of Mining Location 11B and the former shoreline road allowance adjacent to it, now described as Parts 1, 2, 3, 7, 11, 13 and 16 on Reference Plan of Survey 55R-12762, in the geographic Township of Crooks and Municipality of Neebing.

These properties are zoned "Seasonal" with the "use limitation" zone applied.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Seasonal Zone apply to these lots.

The only uses permitted on these lots are:

Recreational dwellings;  
Recreational modular dwellings;  
Conservation uses;  
Forestry uses; or  
Wildlife management uses.

Schedule "B" of By-law 790-2008 illustrates portions of two of the lots that have special considerations. The portions of land subject to this restriction are labelled "PT4", "PT2" and "PT1" on that Schedule. The following restrictions apply to these portions of the property:

- (a) buildings or structures are prohibited;
- (b) construction of any type is prohibited;
- (c) site alteration is prohibited;
- (d) permanent and/or temporary roads are prohibited;
- (e) access trails are prohibited; and

(f) the removal of trees and/or natural vegetation is prohibited.

Despite (f) above, trees and/or natural vegetation may be removed only in the following circumstances:

- the trees and/or vegetation are dying or dead;
- the trees and/or vegetation present a danger to health or safety; and/or
- the trees and/or vegetation need to be removed for surveying purposes, provided that such removal is kept to a minimal amount as determined by an Ontario Land Surveyor.

Any permitted development on any of these lots may only be undertaken between August 30<sup>th</sup> and March 1<sup>st</sup> of any year unless a qualified biologist determines, based on a mid- to late- June assessment, that the environmental protection zone shown on Schedule "B" of By-law 790-2008, is a non-active site for that nesting season.

The minimum lot area for the lots subject to this special condition is 0.6 hectares.

The minimum area for a recreational dwelling on the lots subject to this special condition is 45 square meters.

The lot owners acknowledge that, unless the private roads or access roads servicing the lots are passable, no emergency or protective service vehicles will traverse them.