

The Corporation of the
Municipality of Neebing

AGENDA for Special Meeting of Neebing Council, Sitting as Committee of the Whole
Wednesday, October 2, 2019 at 5:00 p.m.

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

<https://global.gotomeeting.com/join/125461197>

You can also dial in using your phone.

Canada (Toll Free): [1 888 455 1389](tel:18884551389) Access Code: **125-461-197**

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 53 of the Planning Act: Consent (Severance) for Andre Agarand and Deborah Park

- | | | |
|-----|---|------|
| 2.1 | Application B01-2021 (for a severance to create a lot) | 1-5 |
| 2.2 | Report from Clerk-Treasurer Regarding Consent Application
(Recommendation to Recommend that Council approve the application, with
conditions) | 6-15 |
| 2.3 | Debate Recommendation for Council | - |

3. Public Meeting Under Section 53 of the Planning Act: Consent (Severance) for Linda Christiansen

- | | | |
|-----|---|-------|
| 3.1 | Application B02-2021 (for a severance to create a lot) | 16-20 |
| 3.2 | Report from Clerk-Treasurer Regarding Consent Application
(Recommendation to Recommend that Council approve the application, with
conditions) | 21-27 |
| 3.3 | Debate Recommendation for Council | - |

4. Adjourn the Meeting

Municipality of Neebing
4766 Highway 61 Neebing, ON P7L 0B5
T: 807-474-5331 F: 1-807-474-5332

Application for Consent

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: Andy Agaranda Deborah Park Tel: 577 4306

Address: 35 Nicholson Rd Fax:

City/Prov/PC: Neebing, On Email:

Name: Tel:

Address Same As Owner Above ☐ Or Fax:

City/Prov/PC: Email:

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

Name: Tel:

Address: Fax:

City/Prov/PC: Email:

3. Indicate the type of transaction for which the severance is required (Mark x):

To sell/transfer property ☒ To approve a lease with a term over 21 yrs.

To add property to another (consolidate) ☐ For a mortgage over part of the land ☐

To provide an easement/right of way ☐ Other (specify): ☐

Provide the names of other parties involved, if known. (i.e. purchaser, mortgagor, tenant, person requiring easement, etc.)

4. If there are existing easements, rights of way, restrictive covenants, mortgages, or any other encumbrances currently on the property, please provide details. If there are no encumbrances, please indicate so.:

5. Property legal description:			
Assessment Roll Number:	58-01- 630 000 - 046 000 - 0000		
Municipal Address (Or Abutting Road Name If Property Has No Address)	35 Nicholson Rd 2 Cameron Rd		
Registered Plan No.:			Mining Location No.:
Reference Plan No.:	55R 14653		Lot No.:
Concession No.:	3	Part No.:	Part of North 1/2 1st Sec. 7
6. Physical description/dimensions of the parcel that will be RETAINED after severance:			
Frontage in Meters:	~ 664.5		Depth in Meters: 396 varies to 266m
Area in Square Meters:	258,000		Area in Hectares: 25
Number of Buildings and Structures	Existing: 3	Proposed: 3	
Use of the Land	Existing: Residential	Proposed: no change	
Official Plan Designation:	Rural	Zoning: Rural same use limitation	
7. Physical description/dimensions of the parcel(s) that will be SEVERED:			
FIRST PARCEL:			
Frontage in Meters:	220		Depth in Meters: 134
Area in Square Meters:	40,000		Area in Hectares: 4
Number of Buildings and Structures	Existing: 0	Proposed: 0	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:	Zoning:		
SECOND PARCEL (if applicable):			
Frontage in Meters:			Depth in Meters:
Area in Square Meters:			Area in Hectares:
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:	Zoning:		
THIRD PARCEL (if applicable):			
Frontage in Meters:			Depth in Meters:
Area in Square Meters:			Area in Hectares:
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:	Zoning:		

8.(a) Road access to retained parcel	Mark (X)	(b) Road access to severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Provincial Highway		Provincial Highway	✓		
Municipal Road	✓	Municipal Road			
Private Road		Private Road			
Right of Way		Right of Way			
Water Only**		Water Only**			

**** (c) 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 lands.**

N/A

9.(a) Water supply to the retained parcel	Mark (X)	(b) Water supply to the severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Privately Owned & Maintained Well	✓	Privately Owned & Maintained Well			
Lake		Lake			
Other (specify):		Other(specify): Purchaser to drill well			

10.(a) Septic service to the retained parcel	Mark (X)	(b) Septic service to the severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Privately Owned & Maintained Septic System	✓	Privately Owned & Maintained Septic System			
Outhouse/Privy		Outhouse/Privy			
Other (specify):		Other (specify): Purchase to install septic			

11. Has the land ever been the subject of an application for a plan of subdivision under the Planning Act or a prior consent under the Planning Act?

YES ☐

NO ☒

If YES, provide the File/Application Number, date of application, and the result and decision with respect to the application.

12. Were any land parcels severed from this property since October 4, 1972?

YES ☒

NO ☐

If YES, advise how many times the property has been severed and when this happened.

Part 2 Plan SR 6369 was created in 1986
No subsequent or prior severances

13. Have any land parcels been severed from the original parcel that was acquired by the Applicant?

YES ☐

NO ☒

If YES, advise how many times the property has been severed and when this happened.

one

14. Is the subject land the subject of any other applications under the Planning Act?

YES ☒

NO ☐

Previous consent application approved in 2019

If YES, provide the file/application number and the status of such applications.

Official Plan Amendment:

Plan of Subdivision:

Zoning By-law Amendment:

Minor Variance:

Minister's Zoning Order:

Consent:

15. Is this application consistent with the Provincial Policy Statement issued under the Planning Act?

YES ☒

NO ☐

CERTIFICATE OF THE APPLICANT

I/We Howard Paul Accrario of the Municipality/Township/City of

NEEBING 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 Neerby

This 13 day of May, 2021.

[Signature]

Commissioner for Taking Affidavits

Applicant(s) Signature:

[Signature]
[Signature]

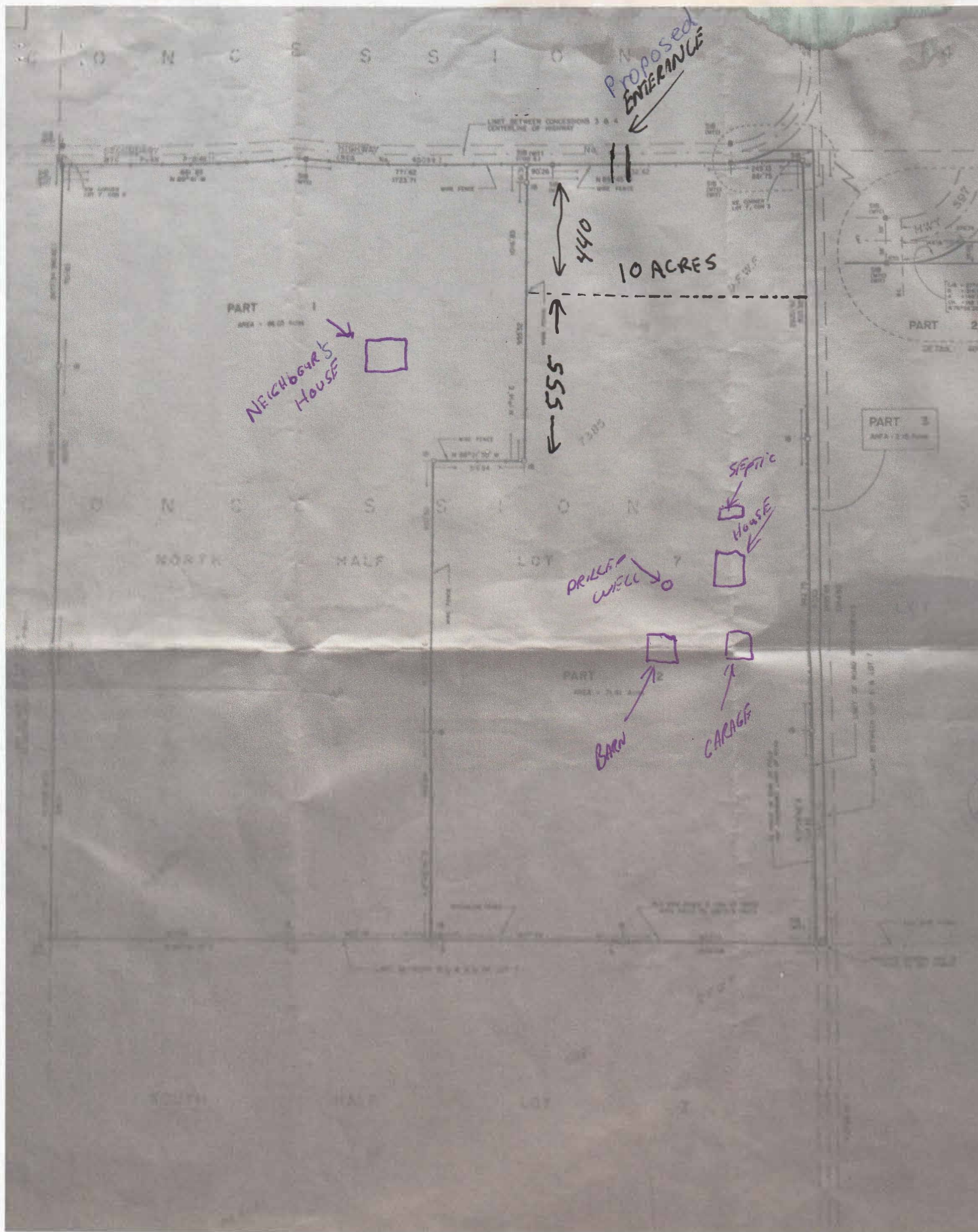
If the Applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporate Seal shall be affixed – or written authorization from the Corporation signed by an individual who has authority to bind the Corporation.

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

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

Owner/Owners' Signatures

Date



Sketch Provided by Applicant



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

Date: Prepared June 11, 2021, for Special Committee of the Whole Meeting on June 16, 2021

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

Subject: Application B01-2021 for Consent (Severance) to Create a Lot Property File 58-01-630-000-04600
35 Nicolson Road, Geographic Pearson Township

Submitted by: Erika Kromm, Clerk-Treasurer

RECOMMENDATION

With respect to the application brought by the property owners, Andre Agarand and Deborah Park, for a severance to create a new lot, Administration recommends that the Committee of the Whole pass a resolution recommending to Council the approval of the application, with the same conditions as outlined in the attached report.

DISCUSSION

Council originally approved the severance for this property on October 2, 2019. The conditions of the approval were required to be met within 12 months. All of the conditions were met with the exception of the registration of the new lot. This is due to a misunderstanding of the process to register the new lot. The property owner has resubmitted the application for severance for re-approval.

Notices of the resubmission were sent to surrounding property owners, agencies and First Nations on May 21, 2021. No concerns were received relating to the application.

Both Hydro One and Lakehead Region Conservation Authority responded to the notice to state that their previous comments were still relevant. Neither agency have concerns related to the application.

ATTACHMENTS

1. Report to Council from October 2, 2019 Meeting

AVAILABLE FOR REVIEW UPON REQUEST AND/OR AT THE MEETING

File Information – including all documents referenced in the report

ATTACHMENT ONE: Report to Council from October 2, 2019 Meeting**The Corporation of the Municipality of Neebing
Administrative Report**

Date: Prepared August 29, 2019, for Special Committee of the Whole Meeting on September 4, 2019
Re-presented (Without Amendment) for Special Committee of the Whole Meeting on October 2, 2019

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

For: Public Meeting October 2, 2019

Subject: Application B04-2019 for Consent (Severance) to Create a Lot Property File 58-01-630-000-04600
35 Nicolson Road, Geographic Pearson Township

Submitted by: Rosalie A. Evans, Solicitor-Clerk

RECOMMENDATION

With respect to the application brought by the property owners, Andre Agarand and Deborah Park, for a severance to create a new lot, Administration recommends that the Committee of the Whole 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 Andre Agarand and Deborah Park relative to property with municipal address 35 Nicolson Road, Neebing, and legally described as Part of the North Half of Lot 7, Concession 3, in the Municipality of Neebing (geographic Pearson Township), no described as Part 2 on Reference Plan of Survey 55R-6369, Municipality of Neebing and the District of Thunder Bay, Committee of the Whole recommends:

THAT the consent requested in Application B04-2019, as submitted by the owners to sever a lot from their property, be approved, subject to the following conditions:

- a) A survey is finalized and registered;
- b) A driveway entrance for the severed lot is approved by the Ministry of Transportation for Ontario and/or the Working Roads Foreman, as applicable;
- c) Satisfactory approval from the Thunder Bay District Health Unit relating to adequacy of the severed and retained lots for septic services is obtained;

- d) If it is not already in Municipal Ownership, that portion of Nicolson Road that is adjacent to the Severed Lot is transferred to the Municipality, free of encumbrances, and at no cost to the Municipality; and
- e) Conveyance of the road allowance and the lot must occur within twelve (12) months of the date that this decision becomes final and binding.

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 proposed locations for the severed and retained lots will not result in negative impacts to any nearby residential property owners; and
- The application does not impose any additional service requirements on the Municipality.

DISCUSSION

Description of Proposal

The Subject Property is located at the southwest intersection of Highway 597 and Cameron and Nicolson Roads.

As it existed on October 4, 1972, the Subject Property was part of a larger parcel. The Subject Property was created by severance in 1986. If this severance is granted, it will be the second-to-last severance permitted for the Subject Property, together with its westerly neighbour (with which it was held in unity of ownership on October 4, 1972).

The Subject Property is the severed parcel created in 1986. The adjacent property to the West, with Municipal address 422 Highway 597, is the retained parcel from that severance.

Description of Subject Property

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

Properties in the Vicinity

Attachment Two shows the lot fabric in the vicinity of the Subject Property.

Immediately south and east (across Nicolson Road) of the Subject Property is vacant land which is farmed.

Immediately to the west of the Subject Property is a large, residential lot with frontage on Highway 597.

Highway 597 is north of the Subject Property. North of Highway 597 are rural residential lots, mainly occupied with one or two vacant.

Relevant Provincial Policies

The following are relevant excerpts from the Provincial Policy Statement 2014:

- 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 building site 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; conditions ensure septic viability)

Relevant Policies in Neebing's 2008 Official Plan

The following are relevant excerpts from the Official Plan:

- 2.2.1 Consents shall only be granted that conform with the policies of this Plan, provided that:
 - (a) The retained and severed lot(s) can be adequately and safely serviced;
 - (b) The soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and the installation of private septic disposal systems;
 - (c) The lands front onto a public road that is maintained by the Municipality or the Province and is of an acceptable standard of construction;
 - (d) Where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to consent approval being given to obtain input and support regarding access and entrance permit requirements;
 - (e) No traffic hazard is created by the consent, and safe access/egress to the retained and severed lot(s) is feasible;
 - (f) The consent does not result in land use conflicts with existing nearby uses;
 - (g) The lot size and configuration are suitable for the proposed use and, where possible, consistent with adjacent development;
 - (h) The requirements of the Minimum Distance Separation Criteria 1 are adhered to when a consent for residential purposes is being proposed in proximity to existing livestock operations;
 - (i) The consent does not result in land locked parcels being created;
 - (j) The proposed use can be safely located away from and outside of floodways of rivers and streams, use limitation areas, mine hazards

and areas designated Environmental Protection;

(k) ...

- (l) Subject to all other policies of this plan, not more than 4 lots, inclusive of the retained part shall be permitted from a parcel of land held under unity of ownership as of October 4, 1972.

The proposed severance falls within all of the above relevant paragraphs. With respect to the MDS Criteria 1, there is no new residential use proposed near livestock-based farming operations. With respect to (d), see comments from the Ministry of Transportation.

- 2.4.1 In addition to the requirements of the Municipality of Neebing, all development adjacent to provincial highways is subject to the safety and geometric requirements, and permits of the Ministry of Transportation prior to any construction or grading taking place.

See comments from the Ministry of Transportation.

- 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 severance, while marginally increasing density, does not detract from the low density characteristics of the Rural area.

- 4.3.5 While land in the rural designation may be developed for a variety of uses, regard shall be given to ensure that development is compatible with surrounding land uses and appropriate for the site before development approval is given.

The development is compatible with surrounding land and appropriate for the Subject Property

- 4.3.6 Rural residential uses shall be permitted in the Rural designation on existing lots of record and on lots created through the consent and subdivision process in accordance with the policies of this Plan (Section 2.2) and provided that:

- (a) New lots for rural residential uses must be a minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the Thunder Bay District Health Unit or designated authority, however, now new residential lot shall be smaller than 1.0 hectare;
- (b) New rural residential uses should be a reasonable distance and are oriented away from industrial uses ...
- (c) New rural residential uses should not conflict with existing agricultural operations and will comply with the Minimum Distance Separation Criteria I, as amended from time to time; and
- (d) In the Rural area a maximum of 4 residential lots per holding can be created by consent from a parcel of land held under unity of ownership as of October 4, 1972, inclusive of the retained part provided all of the above matters and other policies of this Plan can be suitably addressed.

The proposed severance falls within all of the above relevant paragraphs. With respect to the MDS Criteria 1, there is no new residential use proposed near livestock-based farming operations.

Comments Received

Lakehead Region Conservation Authority

Administration received comments from the Lakehead Region Conservation Authority (“LRCA”) on August 15th. The LRCA noted the existence of the “use limitation” areas, but because the severed and retained lots have the capability to be developed without encroaching into these areas, there is no objection.

Hydro One

Hydro One sent its comments on August 13th, and again on August 19th. It expressed no concerns from a corridor perspective.

Fort William First Nation

Fort William First Nation (“FWFN”) commented on August 20th indicating it has no issues with the proposed severance.

Ministry of Transportation

The MTO responded on August 13th. Among other things, the response states:

In accordance with the Public Transportation and Highway Improvement Act (PTHIA), Entrance Permits are required for any access onto a provincial highway. A new entrance permit is required for any change of property ownership, property description, entrance/land use or of entrance construction. Entrance Permits do not run with the land. Where a property has frontage along a highway and along a public road, the property to will (sic) access the public road and no direct access to the highway is permitted.

The application proposes the severed lot will access Hwy 597. As stated above, property access is to be to a public road when available. As the property abuts Nicolson Road, the Ministry will not permit an entrance to Highway 597.

The Working Roads Foreman met with the Applicant on site on August 28th to see whether an access from Nicolson Road made sense. An access point is available, which falls within the area of control of MTO, and would thus require MTO approval in addition to Municipal approval.

Unfortunately, most of the frontage on Nicolson Road is swampy. Further, the very best building site (high and dry, with lovely views) would best be accessed by the driveway which the Applicant originally proposed. To access that site from Nicolson would be cost-prohibitive, both from an initial driveway construction viewpoint, and an ongoing driveway maintenance view point.

In the circumstances, the Applicant is looking at other options, and may decide not to complete this application and/or to amend it.

If the 10 acre proposed parcel was reconfigured along the property line of the adjacent parcel, with the short end of the proposed rectangular parcel at the highway, this would result in a parcel that does not front on both a provincial highway and a municipal road. The aerial photography appears to make that look feasible.

An amendment may be allowed at the hearing should Council believe that it is not substantively different from the original application. If it is substantively different, either a re-circulation or a fresh application would be required.

General Public

No members of the general public have commented on the application.

Other

Other feedback and/or responses to circulation notices that is received between the time this report was published and the time of the meeting will be made available at the meeting.

CONCLUSION

Administration concludes that the proposed severance, subject to agreement by MTO on an entrance location, is supported by the policies and general intent of Neebing's Official Plan and the Provincial Policy Statement, 2014.

ALTERNATE RESOLUTION

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

ATTACHMENTS

2. Fact Sheet
3. Lot Fabric in the Vicinity of the Subject Property
4. Excerpt from Zoning By-law Schedule "F" showing Use Limitation layer on the Rural Zoning for the Subject Property

AVAILABLE FOR REVIEW UPON REQUEST AND/OR AT THE MEETING

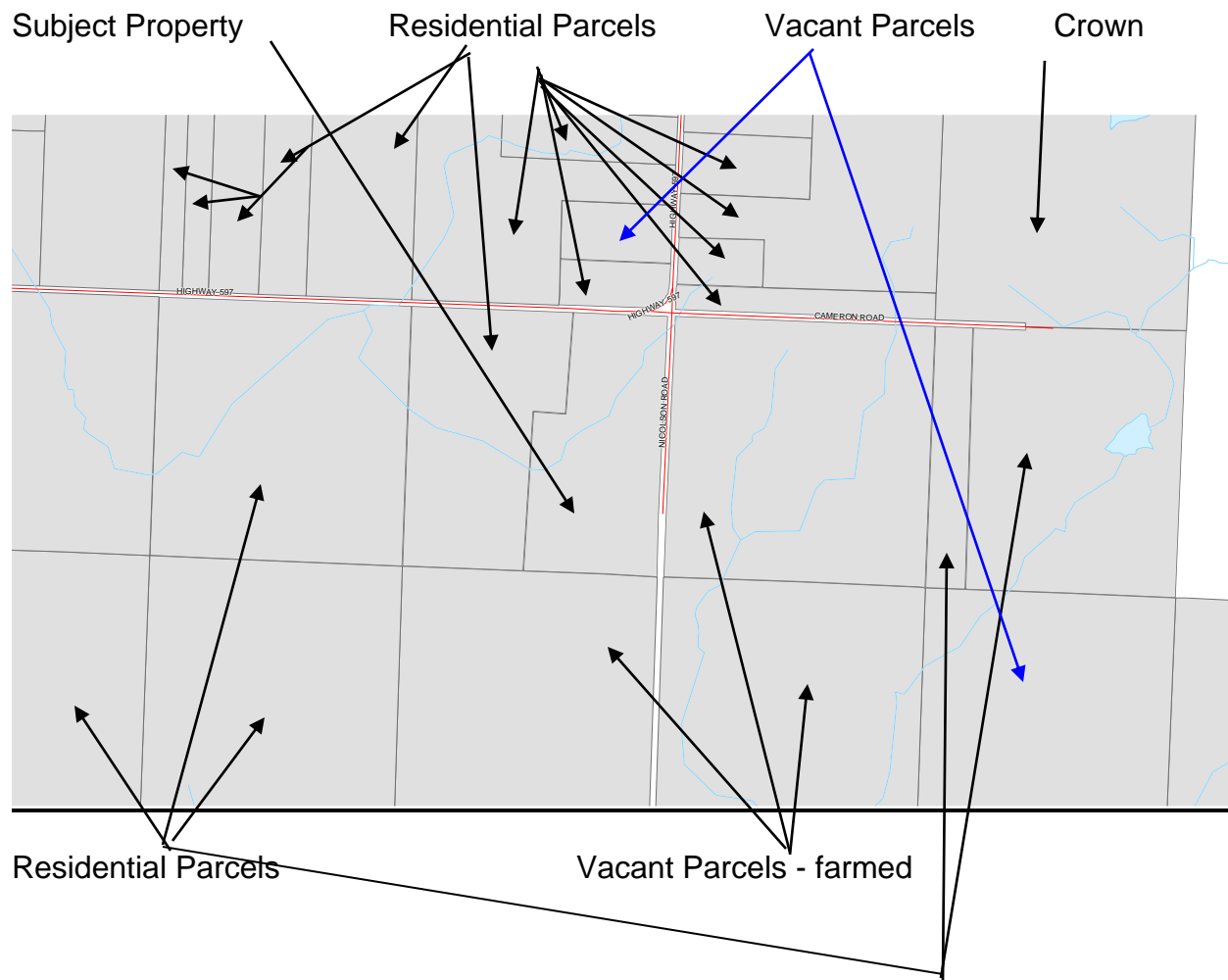
File Information – including all documents referenced in the report

ATTACHMENT ONE: Fact Sheet

Owner/Applicant	Andre Agarand & Deborah Park
Agent	N/A
Property Location	Geographic Township of Pearson At the Southwest corner of the intersection of Highway 597 and Cameron/Nicolson roads
Legal Description	Part of the North Part of Lot 7 Concession 3 Geographic Pearson Township Now described as Part 2 on Reference Plan of Survey 55R-6369.
Municipal Address	35 Nicolson Road
Property Dimensions	Frontage on Highway 597 to the north is approximately 220 meters.
	Frontage on Nicolson Road to the east of the Subject Property is approximately 623 meters.
	Depth varies between approximately 310 and approximately 415 meters from the Nicolson frontage
	Depth is approximately 800 meters from the Highway 597 frontage
	Area: 71.41 acres
Existing Use	Residential & farm
Existing Structures	Residence, garage, one outbuilding
Proposed Use	Residential on severed lot (residence to be constructed by purchaser); farming and residential uses to continue on retained lot
Municipal Services	Some frontage on Nicolson Road (swampy)
Official Plan Designation	Rural; some use limitation
Proposed Official Plan Designation	No change
Current Zoning	Rural; some use limitation – See Attachment Three
Proposed Zoning	No change.
Proposed Severance	To create a lot across the north frontage of the Subject Property, approximately 4 hectares in size
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; Ministry of Transportation; 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

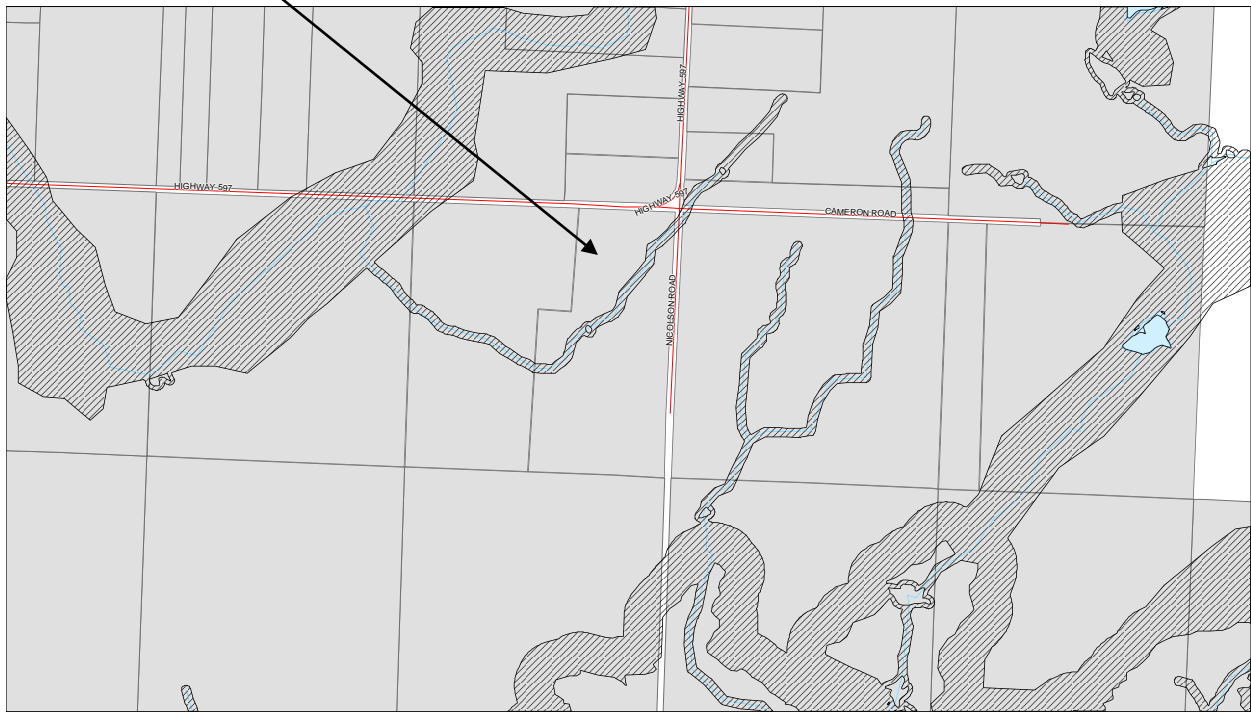
	Red Sky Métis Nation.
Pre-circulation	Completed August 2, 2019
Comments Received	Ontario Hydro, MTO, LRCA, Fort William First Nation
Public Meeting Notice	Given, as required on August 2, 2019 via direct mail to public agencies, First Nations, and property owners of property within the prescribed distance. Signs were posted on the Subject Property approximately 10 days later Posted to Municipality's website
	August, 2019

ATTACHMENT TWO: Map of Lot Fabric in Vicinity of Subject Property



ATTACHMENT THREE: Excerpt from Schedule “D” to the Zoning By-law

Subject Property



Grey shading is the “Rural” zone. Red hatches mark the “use limitation” layer.

Municipality of Neebing
4766 Highway 61 Neebing, ON P7L 0B5
T: 807-474-5331 F: 1-807-474-5332

Application for Consent

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: LINDA CHRISTIANSEN

Tel: 807-622-1544

Address: 111 E MARY ST

Fax:

City/Prov/PC: THUNDERBAY ON P7E4G6

Email: HOCKEYICE 72 @MSN.COM

Name:

Tel:

Address Same As Owner Above ☐ Or

Fax:

City/Prov/PC:

Email:

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

Name:

Tel:

Address:

Fax:

City/Prov/PC:

Email:

3. Indicate the type of transaction for which the severance is required (Mark X):

To sell/transfer property

☒

To approve a lease with a term over 21 yrs.

To add property to another (consolidate)

☒

For a mortgage over part of the land

To provide an easement/right of way

Other (specify):

Provide the names of other parties involved, if known. (i.e. purchaser, mortgagor, tenant, person requiring easement, etc.) CURTIS COULSON RR 1-75 COULSON ROAD

4. If there are existing easements, rights of way, restrictive covenants, mortgages, or any other encumbrances currently on the property, please provide details. If there are no encumbrances, please indicate so.: NONE

5. Property legal description:			
Assessment Roll Number:		58-01- 050 008 02300	
Municipal Address (Or Abutting Road Name If Property Has No Address)		HIGHWAY 595 / COULSON ROAD	
Registered Plan No.: CON, NPT LOT 11		Mining Location No.:	
Reference Plan No.:		Lot No.: 11	
Concession No.: 1		Part No.: NORTH	Sec. No.:
6. Physical description/dimensions of the parcel that will be RETAINED after severance:			
Frontage in Meters: 684		Depth in Meters: 579.4	
Area in Square Meters: 396,310		Area in Hectares: 39.631	
Number of Buildings and Structures	Existing: 0	Proposed: 0	
Use of the Land	Existing: VACANT	Proposed: VACANT	
Official Plan Designation:		Zoning:	
7. Physical description/dimensions of the parcel(s) that will be SEVERED:			
FIRST PARCEL:			
Frontage in Meters: 264 FT / 80.5 MET		Depth in Meters: 2640 FT / 804.6 METERS	
Area in Square Meters: 64,400		Area in Hectares: 6.45 HECTARES	
Number of Buildings and Structures	Existing: 4	Proposed: 0	
Use of the Land	Existing: LIVING ON	Proposed: SAME	
Official Plan Designation:		Zoning:	
SECOND PARCEL (if applicable):			
Frontage in Meters:		Depth in Meters:	
Area in Square Meters:		Area in Hectares:	
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:		Zoning:	
THIRD PARCEL (if applicable):			
Frontage in Meters:		Depth in Meters:	
Area in Square Meters:		Area in Hectares:	
Number of Buildings and Structures	Existing:	Proposed:	
Use of the Land	Existing:	Proposed:	
Official Plan Designation:		Zoning:	

8.(a) Road access to retained parcel	Mark (X)	(b) Road access to severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Provincial Highway	X	Provincial Highway			
Municipal Road		Municipal Road	X		
Private Road		Private Road			
Right of Way		Right of Way			
Water Only**		Water Only**			

**** (c) 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 lands.**

9.(a) Water supply to the retained parcel	Mark (X)	(b) Water supply to the severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Privately Owned & Maintained Well		Privately Owned & Maintained Well	X		
Lake		Lake			
Other (specify): <i>VACANT</i>		Other(specify):			

10.(a) Septic service to the retained parcel	Mark (X)	(b) Septic service to the severed parcel(s)	Mark (X) SEVERED PARCEL		
			1	2	3
Privately Owned & Maintained Septic System		Privately Owned & Maintained Septic System	X		
Outhouse/Privy		Outhouse/Privy			
Other (specify): <i>VACANT</i>		Other (specify):			

11. Has the land ever been the subject of an application for a plan of subdivision under the Planning Act or a prior consent under the Planning Act?

YES ☐

NO ☒

If YES, provide the File/Application Number, date of application, and the result and decision with respect to the application.

12. Were any land parcels severed from this property since October 4, 1972?

YES ☐

NO ☒

If YES, advise how many times the property has been severed and when this happened.

13. Have any land parcels been severed from the original parcel that was acquired by the Applicant?

YES ☐

NO ☒

If YES, advise how many times the property has been severed and when this happened.

14. Is the subject land the subject of any other applications under the Planning Act?

YES ☐

NO ☒

If YES, provide the file/application number and the status of such applications.

Official Plan Amendment:

Plan of Subdivision:

Zoning By-law Amendment:

Minor Variance:

Minister's Zoning Order:

Consent:

15. Is this application consistent with the Provincial Policy Statement issued under the Planning Act?

YES ☒

NO ☐

CERTIFICATE OF THE APPLICANT

I/We LINDA CHRISTIANSEN of the Municipality/Township/City of

THUNDERBAY 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 Neebing.

This 6 day of MAY, 2021.

Applicant(s) Signature:

L. Christiansen



Commissioner for Taking Affidavits

Erika Kromm
Clerk - Treasurer
Municipality of Neebing

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 _____ (name of Agent) to act on my/our behalf in submitting this application, which is filed with my/our knowledge and consent.

Owner/Owners' Signatures

Date

NORTH ↑

HIGHWAY 595

595 METERS

595

181 M

120 M

ABLO CREEK

RETAINED
PARCEL

579.4
METERS

80.5
METERS

← 804.6 METERS →
AREA TO BE
SEVERED

SEVERED

COULSON PROPERTY

COULSON RD.

502.9 M

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

Date: Prepared June 11, 2021, for Special Committee of the Whole Meeting on June 16, 2021

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

Subject: Application B02-202 for Consent (Severance) to Create One Lot (for a total of two, including the Retained Parcel)
Property File 58-01-050-008-02300-0000
SW corner of Coulson Road and Highway 595
Geographic Pardee Township

Submitted by: Erika Kromm, Clerk-Treasurer

RECOMMENDATION

With respect to the application brought by the property owner, Linda Christiansen, for a severance to create one new lot (plus the retained parcel), Administration recommends that the Committee of the Whole 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 Linda Christiansen, relative to property with no municipal address, located at Highway 595 and Coulson Road, and legally described as the Concession 1 North Part Lot 11, within geographic Pardee Township, Municipality of Neebing, in the District of Thunder Bay, Committee of the Whole recommends:

THAT the consent requested in Application B02-2021, as submitted by the owner to sever two lots from their property, be approved, subject to the following conditions:

- a) A survey is finalized and registered;
- b) If it is not already in Municipal Ownership, those portions of Coulson Road that are adjacent to the Severed Lot are transferred to the Municipality, free of encumbrances, and at no cost to the Municipality; and
- c) Conveyance of the road allowance and the two severed lots must occur within twelve (12) months of the date that this decision becomes final and binding.

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 proposed locations for the severed and retained lots will not result in negative impacts to any nearby residential property owners;
- The severed lot will correct an encroachment of the neighbouring property; and
- The application does not impose any additional service requirements on the Municipality.

DISCUSSION

Description of Proposal

The Subject Property is located at the southwest corner of the intersection of Highway 595 and Coulson Road.

No other lots have been severed from this property since October 4, 1972. If this severance is granted, additional severances can still be granted for the Subject Property (subject the Province’s severance limitation rules).

Description of Subject Property

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

Properties in the Vicinity

The application (Item 3.1 on the agenda) contains a diagram showing the lot fabric in the vicinity of the Subject Property.

Relevant Provincial Policies

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

- 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 corrects a property line encroachment that will keep the property 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; conditions ensure septic viability)

Relevant Policies in Neebing's 2008 Official Plan

The following are relevant excerpts from the Official Plan:

- 2.2.1 Consents shall only be granted that conform with the policies of this Plan, provided that:
Consents shall only be granted that conform with the policies of this Plan, provided that:
- (a) The retained and severed lot(s) can be adequately and safely serviced;
 - (b) The soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and the installation of private septic disposal systems;
 - (c) The lands front onto a public road that is maintained by the Municipality or the Province and is of an acceptable standard of construction;
 - (d) ...
 - (e) No traffic hazard is created by the consent, and safe access/egress to the retained and severed lot(s) is feasible;
 - (f) The consent does not result in land use conflicts with existing nearby uses;
 - (g) The lot size and configuration are suitable for the proposed use and, where possible, consistent with adjacent development;
 - (h) The requirements of the Minimum Distance Separation Criteria 1 are adhered to when a consent for residential purposes is being proposed in proximity to existing livestock operations;
 - (i) The consent does not result in land locked parcels being created;
 - (j) The proposed use can be safely located away from and outside of floodways of rivers and streams, use limitation areas, mine hazards and areas designated Environmental Protection;
 - (k) ...
 - (l) Subject to all other policies of this plan, not more than 4 lots, inclusive of the retained part shall be permitted from a parcel of land held under unity of ownership as of October 4, 1972.

The proposed severance falls within all of the above relevant paragraphs. With respect to the MDS Criteria 1, there are no livestock operations in the vicinity of the Subject Property.

- 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 severance, does not detract from the low density characteristics of the Rural area. The proposed severed and retained lots meet Zoning By-law frontage, depth and overall size requirements.

- 4.3.5 While land in the rural designation may be developed for a variety of uses, regard shall be given to ensure that development is compatible with surrounding land uses and appropriate for the site before development approval is given.

The development is compatible with surrounding land and appropriate for the Subject Property

- 4.3.6 Rural residential uses shall be permitted in the Rural designation on existing lots of record and on lots created through the consent and subdivision process in accordance with the policies of this Plan (Section 2.2) and provided that:

- (a) New lots for rural residential uses must be a minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the Thunder Bay District Health Unit or designated authority, however, now new residential lot shall be smaller than 1.0 hectare;
- (b) New rural residential uses should be a reasonable distance and are oriented away from industrial uses ...
- (c) New rural residential uses should not conflict with existing agricultural operations and will comply with the Minimum Distance Separation Criteria I, as amended from time to time; and
- (d) In the Rural area a maximum of 4 residential lots per holding can be created by consent from a parcel of land held under unity of ownership as of October 4, 1972, inclusive of the retained part provided all of the above matters and other policies of this Plan can be suitably addressed.

The proposed severance falls within all of the above relevant paragraphs. With respect to the MDS Criteria 1, there are no livestock operations in the vicinity of the Subject Property.

Comments ReceivedLakehead Region Conservation Authority

Administration received comments from the Lakehead Region Conservation Authority (“LRCA”) on May 31 2021. The LRCA noted the existence of the “use limitation” areas, but because the severed and retained lots have the capability to be developed without encroaching into these areas, there is no objection.

Hydro One

Hydro One sent its comments on June 3, 2021. It expressed no concerns from a corridor perspective.

General Public

As at the time this report was prepared, no members of the general public had commented on the application.

Other

Other feedback and/or responses to circulation notices that are received between the time this report is published and the time of the meeting will be made available at the meeting.

CONCLUSION

Administration concludes that the proposed severance is supported by the policies and general intent of Neebing’s Official Plan and the Provincial Policy Statement, 2020.

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. Excerpt from Zoning By-law Schedule “B” showing Use Limitation layer on the Rural Zoning for the Subject Property

AVAILABLE FOR REVIEW UPON REQUEST AND/OR AT THE MEETING

File Information – including all documents referenced in the report

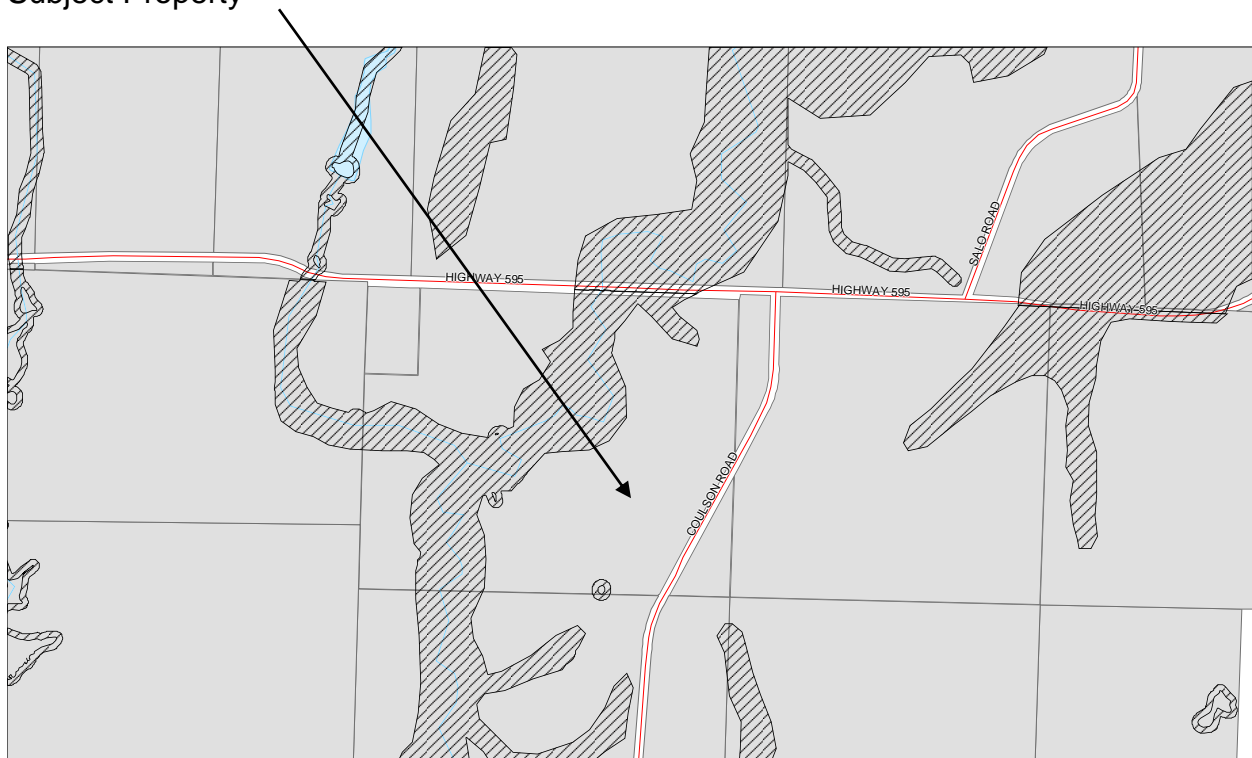
ATTACHMENT ONE: Fact Sheet

Owner/Applicant	Linda Christiansen
Agent	N/A
Property Location	Geographic Township of Pardee Southwest Corner of the Intersection of Highway 595 and Coulson Road
Legal Description	Concession 1 North Part Lot 11, within geographic Pardee Township, Municipality of Neebing, in the District of Thunder Bay
Municipal Address	none
Property Dimensions	Subject Property: 46.5 hectares, with approximately 684 meters of frontage on Highway 595 and 660 meters on Coulson Road. Proposed Retained Lot: 40 hectares with approximately 684 meters of frontage on Highway 595 and 580 meters of frontage on Coulson Road. Proposed Severed Lot: 6.5 hectares, with approximately 80 meters frontage on Coulson Road.
Existing Use	Residential
Existing Structures	Four
Proposed Use	Residential
Municipal Services	Retained Lot has frontage on Highway 595 and Coulson Road. Proposed Severed Lot has frontage on Coulson Road.
Official Plan Designation	Rural; some use limitation
Proposed Official Plan Designation	No change
Current Zoning	Rural; some use limitation – See Attachment Two
Proposed Zoning	No change.
Proposed Severance	To create a total of two lots – with the Retained Lot having 40 hectares, and one severed lot having 6.5 hectares. The severed lot will be consolidated with the neighbouring property to correct a property line encroachment.
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 May 21, 2021
Comments Received	LRCA

Public Meeting Notice	Given, as required on May 21, 2021 via direct mail to public agencies, First Nations, and property owners of property within the prescribed distance. Signs were posted on the Subject Property approximately 3 days later Posted to Municipality's website
	June 16, 2021

ATTACHMENT TWO: Excerpt from Schedule "B" to the Zoning By-law

Subject Property



Grey shading is the "Rural" zone. Red hatches mark the "use limitation" layer.