

**TOWNSHIP OF CHISHOLM  
PLANNING REPORT**

<b>Report Prepared for:</b>	Committee of Adjustment	<b>Application Number:</b>	2024-09
<b>Report Prepared by:</b>	Jessica Laberge Admin. Assistant	<b>Application Name:</b>	Heidrun O'Brien (Owners) Tulloch (Applicant)
<b>Location:</b>	Lot 10, Con. 7	411 Maple Road	
<b>Report Date:</b>	November 26, 2024		

**A. PROPOSAL/BACKGROUND**

An application to sever has been submitted by Tulloch on behalf of Heidrun O'Brien. The application proposes to sever one rural lot from Broken Lot 10, Concession 7. The subject property is located along Maple Road and Wasing Road. The property has a total area of approximately 62.23 Acres. The severed property will have a total lot area of approximately 5.059 Acres, being 138 meters frontage on Wasing Road and approximately 162.5 meters in depth. The retained portion will have a total area of approximately 57.17 Acres.

**B. ZONING BY-LAW COMPLIANCE**

The subject lands are designated Rural (RU) and Shoreline (S), under the Township of Chisholm Zoning By-law (ZB) 2014-25. The proposed severance is fully within the Rural Zone. In the Rural Zone, residential uses are permitted, as per Table A1 on Page 61 of the ZB. The severed lot conforms to the Zoning By-law minimum lot area and frontage requirements.

Figure 1 is an excerpt from Schedule B of the Zoning By-law. Figure 2 is from CGIS.

## Subject Property

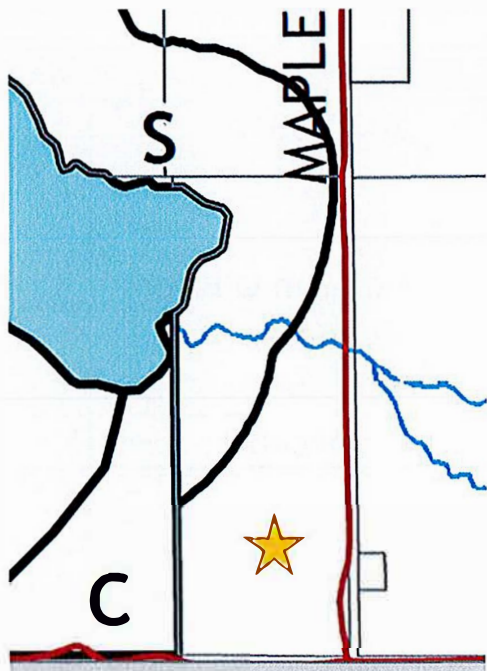


Figure 1

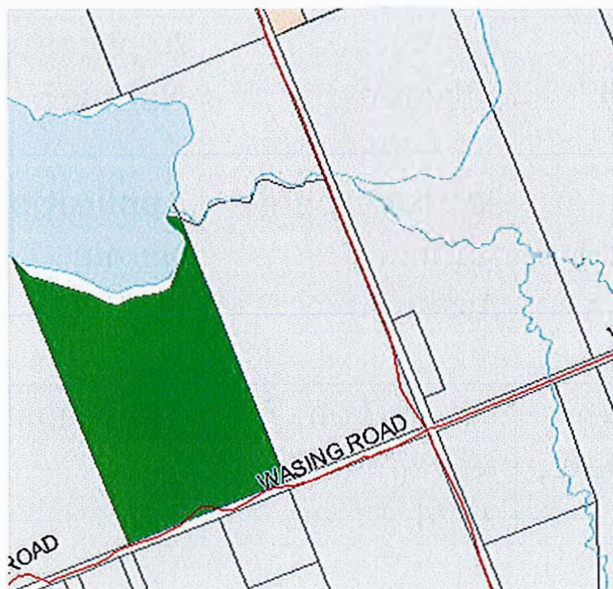


Figure 2

### C. OFFICIAL PLAN

The property is designated ***Rural and Shoreline*** under the Official Plan of the Township of Chisholm.

#### Section B1.3 – Rural

Within the rural designation, single detached dwellings are a permitted use. The location of the proposed severance is in the *Rural* designation.

Section B1.4.1(b) allows for the severance of a maximum of 3 new lots that may be severed from an original Township lot having a lot area of 20 hectares. According to our records, a technical severance was completed in 2008 which divided the original lot using the stream that crosses through it.

Section B1.4.1(g) the boundary of the severed lot complies with the minimum distance required by the Minimum Distance Separation 1 Formula. The application was accompanied with two MDS1 Calculations for the barn on the subject land (MDS1 of 111m) and the barn to the south across the road (MDS1 of 130m). The proposed lot complies with the MDS1 calculations.

Section D4.2.1(a) requires that the proposed lot fronts on and will be directly accessed by a public road that is maintained on a year-round basis. The proposed lot has frontage on Wasing Road.

### **Provincial Planning Statement**

All decisions under the Planning Act are required to be consistent with the Provincial Planning Statement.

The province released a new Provincial Planning Statement which came into effect on October 20, 2024. This Planning Report was considered from the perspective of this new Provincial Planning Statement, 2024

According to the Provincial Planning Statement:

- Growth and development may be directed to rural lands in accordance with section 2.6, including where a municipality does not have a settlement area – (Section 2.5.3);
- On rural lands located in municipalities, permitted uses are: residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services (Section 2.61. c)
- Development that can be sustained by rural services levels should be promoted. (Section 2.6.2)
- Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure. (Section 2.63)

In reviewing the Provincial Planning Statement, and applying relevant policies, it is my opinion that the proposed application is consistent with the Provincial Planning Statement, 2024.

### **D. Buildings and Uses**

#### **Retained Land:**

The retained lands have a dwelling and some farm outbuildings. It also has some hayfields that are farmed. The severed land is a mix of bush and field.

**Comments from Public Works:**

An entrance has been proposed on the new lot. Public works commented that the driveway location is suitable and noted that there is a hill that could cause an issue. Wasing Road is a low volume road.

**COMMENTS FROM THE NORTH BAY-MATTAWA CONSERVATION FOLLOW THIS REPORT**

November 25, 2024

Corporation of the Township of Chisholm  
2847 Chiswick Line  
RR# 4  
Powassan, ON P0H 1Z0

**Attention: Jessica Laberge, Administrative Assistant**

**Re: Consent Application – O'Brien  
Con 7 Lot 10, PL 36R-12765, 411 Maple Rd,  
Wasing Rd, Township of Chisholm  
Roll No.: 4831-000-001-10810-00000  
Our File No.: PC04-CHI-24  
Your File No.: 2024-09**

This office has received and reviewed a consent to sever application for 411 Maple Rd/ Wasing Rd in the Township of Chisholm. The following comments are based on a review of the application with respect to 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) and our regulatory authority under Ontario Regulation 41/24, Section 28 and the Clean Water Act, 2006. The Conservation Authority has no objection to this application and offers the following comments.

The subject property is located in the Wistiwasing River subwatershed and the lot contains wetlands which are hazards further north on the retained lot. Map attached. The proposed lot for severance along Wasing Rd does not contain any hazards and would not be within the Approximate Regulated Area under O. Reg 41/24..

The proposed lot for severance is located outside of the Intake Protection Zone and Issue Contributing Area for Safe Drinking Water. The retained lot would be within the IPZ and ICA. We would ask that best management are used for the storage and application of agricultural source materials. There are no issues with respect to the North Bay-Mattawa Source Protection Plan that would prevent the proposal from proceeding.

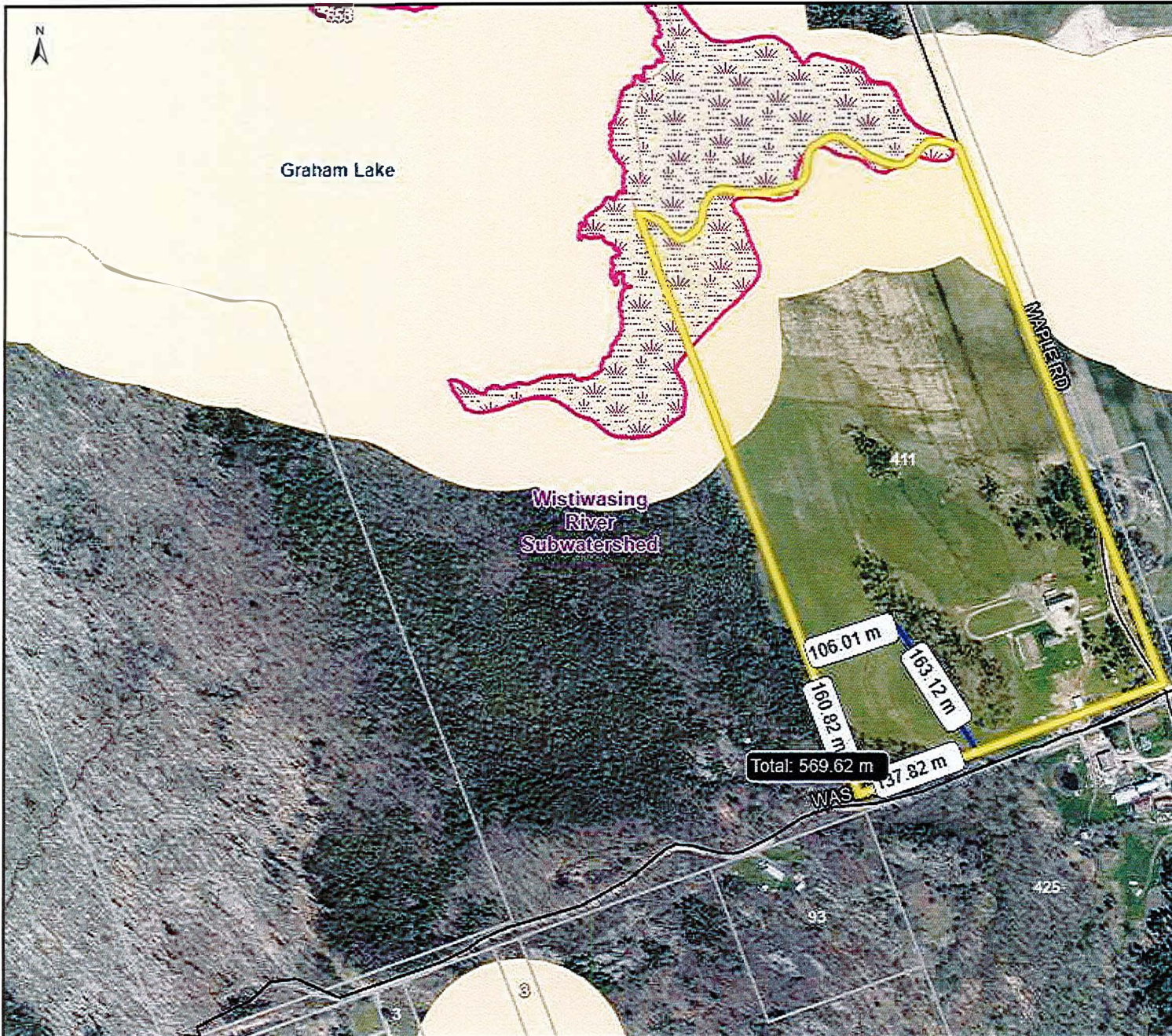
Should you have any questions, please do not hesitate to contact this office at (705) 474-5420. Thank you for the opportunity to comment.

Yours truly,












Kevin Taylor: Senior Manager Planning & Water Resources

Encl [1]

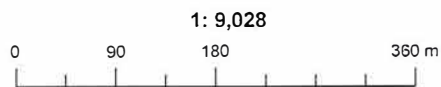


**LEGEND**

-  Subwatershed (IWMS)
- Road
  -  ROAD
  -  HIGHWAY
-  Assessment Parcel (July 5, 2023)
-  Municipal Boundary
-  Wetland (NBMCA)
-  Issue Contributing Area (ICA) - Callan
-  Watercourse (OHN)
-  Waterbody (OHN)

**NOTES**

Wasing Rd



**TOWNSHIP OF CHISHOLM**

**Application for Consent Under  
Section 53 of the Planning Act**

**Note to Applicants:** In this form the term "subject" land means the land to be severed and the land to be retained.

**Completeness of the Application:**

The information in this form that must be provided by the applicant is indicated by black asterisks on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulations 41/95 made under the Planning Act. The mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided, the Township of Chisholm will return the application or refuse to further consider the application until the information and fee have been provided.

The application form also sets out other information that will assist the Township of Chisholm and others in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

**Submission of the Application**

- \* One application form is required for each parcel to be severed.
- \* The applicable fee is \$550 per severance, plus \$137.50 (Conservation Authority) plus costs in processing application, i.e. planning consultant fees, etc.
- \* Measurements are to be in metric units.

**For help**

To help you understand the consent process and information needed to make a planning decision on the application, refer to the "Application Guide Q & A". For more information on the Planning Act, the consent process or provincial policies please see the "Guide to Planning Applications" and the "Comprehensive Set of Policy Statements".

**Please Print and Complete or (x) Appropriate Box(es)**

<b>Application Information</b>		
**1.1 Name of Applicant	Home Telephone	Business Telephone
Address (Civic and Mailing)		Postal Code
**1.2 Name of Owner(s) (If different from the applicant).		
An owner's authorization is required in Section 11.1 if the applicant is different from the owner.		
Name of Owner(s) <b>Heidrun O'Brien</b>	Home Telephone	Business Telephone
Address (Civic and Mailing) <b>1677 Chiswick Line, Powassan</b>		Postal Code <b>P0H 1Z0</b>
**1.3 Name of the person who is to be contacted, if different from the applicant (ie. Firm acting on the applicant's behalf)		
Name of Contact Person <b>Steve McArthur, Senior Planner and Project Manager at TULLOCH</b>	Home Telephone	Business Telephone <b>705-474-1210 x 561</b>
Address (Civic and Mailing) <b>1501 Seymour Street, North Bay</b>	Postal Code <b>P1A 0C5</b>	Fax Number

**2. Location of Subject Land (Complete applicable boxes in 2.1)**

**2.1 District Nipissing		Municipality Chisholm	
Concession 7	Lot Number(s) 10	Reference Plan Number PLAN 36R-12765	Parcel Number PIN 49190-0489

\*\*2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If yes, describe the easement or covenant and its effect.

**3. Purpose of this Application**

\*\*3.1 Type and Purpose of proposed transaction (check appropriate box).

Transfer	<input checked="" type="checkbox"/>	Creation of new lot	<input type="checkbox"/>	Addition to lot	<input type="checkbox"/>	An easement	<input type="checkbox"/>
Other	<input type="checkbox"/>	A charge	<input type="checkbox"/>	A lease	<input type="checkbox"/>	Correction of title	<input type="checkbox"/>
		Other purposes	<input type="checkbox"/>				

\*\*3.2 Name of person(s), if known, to whom land is to be transferred, leased or charged.

\*\*3.3 If a lot addition, identify the lands to which the parcel will be added.

**4. Description of Subject Land and Servicing Information. (Complete each subsection.)**

**4.1 Description		Severed	Retained
	Frontage (m)	138m	237.303m
	Depth (m)	162.5 - 164.63m	483.42m - 636.10m
	Area (m)	5.059 acres (2.047ha)	57.166 acres (23.13ha)
**4.2 Use of Property	Existing Uses	Vacant	Rural
	Proposed Uses	Residential	Same
**4.3 Buildings/Structures	Existing	None	Residential and farm buildings
	Proposed	Single Detached Dwelling	Same
**4.4 Access	Provincial Highway		
<i>Check appropriate space.</i>	Municipal road maintained all year	X - Wasing Road	X - Wasing Road and Maple Road
	Municipal road maintained seasonally		
	Other public road		
	Right of way		
	Water access (if so describe below)		

Describe in Section 9.1, the parking and docking facilities to be used, and the approximate distance of these facilities from the subject land and the nearest public road.

**4.5 Water Supply	Publically owned and operated piped water system		
	Privately owned and operated individual water system	X	X
	Privately owned and operated communal well		
	Lake or other water body		
	Other means		



<b>**4.6 Sewage Disposal</b> <i>Check appropriate space.</i>	Publically owned and operated Sanitary sewage system		
	Privately owned and operated Individual septic tank (1)	X	X
	Privately owned and operated Communal septic system		
	Other means		
(1) A certificate of approval from the North Bay-Mattawa Conservation Authority submitted with this application will facilitate the review.			
<b>**4.7 Other Services</b>	Electricity	X	X
	School Busing	X	X
	Garbage Collection		
<b>**4.8</b> If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in Section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.			
<b>5. Land Use</b>			
<b>** 5.1</b> What is the existing official plan designation(s) if any, of the subject land? Rural and Shoreline			
<b>** 5.2</b> What is the zoning, if any, of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Rural (RU) and Shoreline (S)			
<b>** 5.3</b> Are any of the following uses or features on the subject land or within 500 meters 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. (Indicate distance.)	
An agricultural operation, including livestock facility or stockyard within 1000 metres of the subject land	X	X	
A landfill			
A provincially significant wetland (Class 1,2 or 3)			
A provincially significant wetland within 120 meters of the subject land			
Flood Plain			
A rehabilitated or active mine site			
A non-operating mine site within 1 km of the subject land			
Industrial or commercial use (specify the use(s))			
An active railway line			
An existing quarry operation			
An existing pit within 300 metres			
A municipal or federal airport			

**6. History of the Land**

**\*\* 6.1** Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?

<input type="checkbox"/>
<input checked="" type="checkbox"/>

Yes  
No

If yes and if known, provide the Ministry's application file No. and the decision made on the application.

**\*\* 6.2** If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

**\*\* 6.3** Has any land been severed from the parcel originally acquired by the owner of the subject land?

<input type="checkbox"/>
<input type="checkbox"/>

Yes  
No

If yes, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

**7. Current Applications**

**\*\* 7.1** Is the subject land currently the subject of a proposed official plan amendment that has been submitted to the Minister for approval? No

**\*\* 7.2** Is the subject land the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance consent or approval of a plan of subdivision?

<input type="checkbox"/>
<input checked="" type="checkbox"/>

Yes  
No

If yes and if known, specify the appropriate file number and status of the application.

**8. Sketch** (use the attached sketch sheet) To help you prepare a sketch, refer to the attached Sample Sketch.

**\*\* 8.1** The application shall be accompanied by a sketch showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The boundaries and dimensions of any land owned by the owner of the subject land and that abut the subject land.
- c) The distance between the subject land and the nearest township lot line or landmark, such as railway crossing or bridge.
- d) The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- e) 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 buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- f) The existing use(s) on adjacent lands.
- g) The location, width and name of any roads within, or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right of way.
- h) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- i) The location and nature of any easement affecting the subject land.

**9. Other Information**

**\*\* 9.1** Is there any other information that you think may be useful to the Township or other agencies in reviewing this application? If so, explain below, or attach on a separate page.

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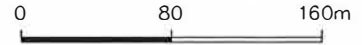
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SKETCH FOR CONSENT



SCALE 1 : 4000

CAUTION

- a) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- b) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

METRIC

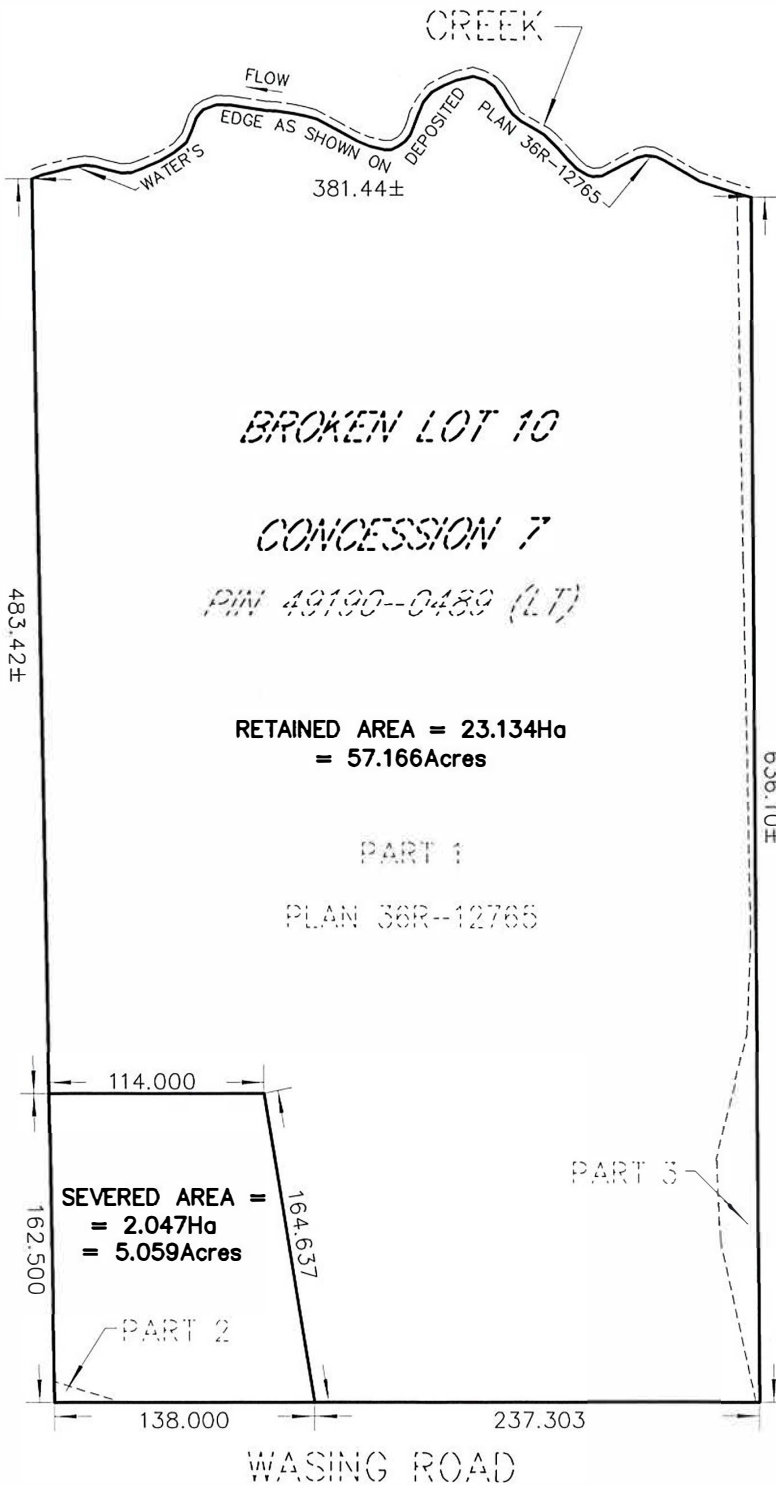
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE


DIMENSIONS WERE OBTAINED FROM VARIOUS PLANS.

NOTE

PART OF BROKEN LOT 10  
CONCESSION 7  
TOWNSHIP OF CHISHOLM  
DISTRICT OF NIPISSING



CLIENT: HEIDI O'BRIEN

	<b>TULLOCH GEOMATICS INC.</b>	
	1501 SEYMOUR STREET NORTH BAY ON P1A 0C5 northbay@tulloch.ca	T. 705-474-1210 F. 705-474-1783
DRAWN BY: D. D.	FILE No. 243085	

Calculations

Farm #1: 411 Maple Road

Farm contact information  
Heidi O'Brien  
ON

Location of existing livestock facility or anaerobic digester  
District of Nipissing  
Township of Chisholm  
CHISHOLM  
Concession 7, Lot 10  
Roll number: 4831000001108100000

Total lot size  
60 ac

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	8	11.4 NU	2600 ft <sup>2</sup>



Confirm Livestock/Manure Information (Farm #1: 411 Maple Road)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

Existing manure storage	No storage required (manure is stored for less than 14 days)		
Design capacity	11.4 NU		
Potential design capacity	22.9 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	205.72
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			111 m (364 ft)
Actual distance from livestock barn			NA
Storage base distance 'S' (minimum distance from manure storage)			No existing manure storage
Actual distance from manure storage			NA

Farm #2: 432 Maple Road

Farm contact information  
432 Maple Road 432 Maple Road  
ON

Location of existing livestock facility or  
anaerobic digester  
District of Nipissing  
Township of Chisholm  
CHISHOLM  
Concession 6 , Lot 10  
Roll number: 4831000001088000000

Total lot size  
100 ac

### Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	20	20 NU	1000 ft <sup>2</sup>



#### Confirm Livestock/Manure Information (Farm #2: 432 Maple Road)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

### Setback summary

Existing manure storage	No storage required (manure is stored for less than 14 days)		
Design capacity	20 NU		
Potential design capacity	40 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	240
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1

Building base distance 'F' (A x B x D x E)  
(minimum distance from livestock barn) 130 m (427 ft)

Actual distance from livestock barn NA

Storage base distance 'S'  
(minimum distance from manure storage) No existing manure storage

Actual distance from manure storage NA

### Preparer signoff & disclaimer

Preparer contact information  
MacKenzie Van Horn  
1501 Seymour Street  
North Bay, ON  
P1A 0C5  
705-474-1210 x563  
mackenzie.vanhorn@tulloch.ca

Signature of preparer

*Mackenzie Van Horn*  
Mackenzie Van Horn, Planner

10/9/2024

Date (mmm-dd-yyyy)

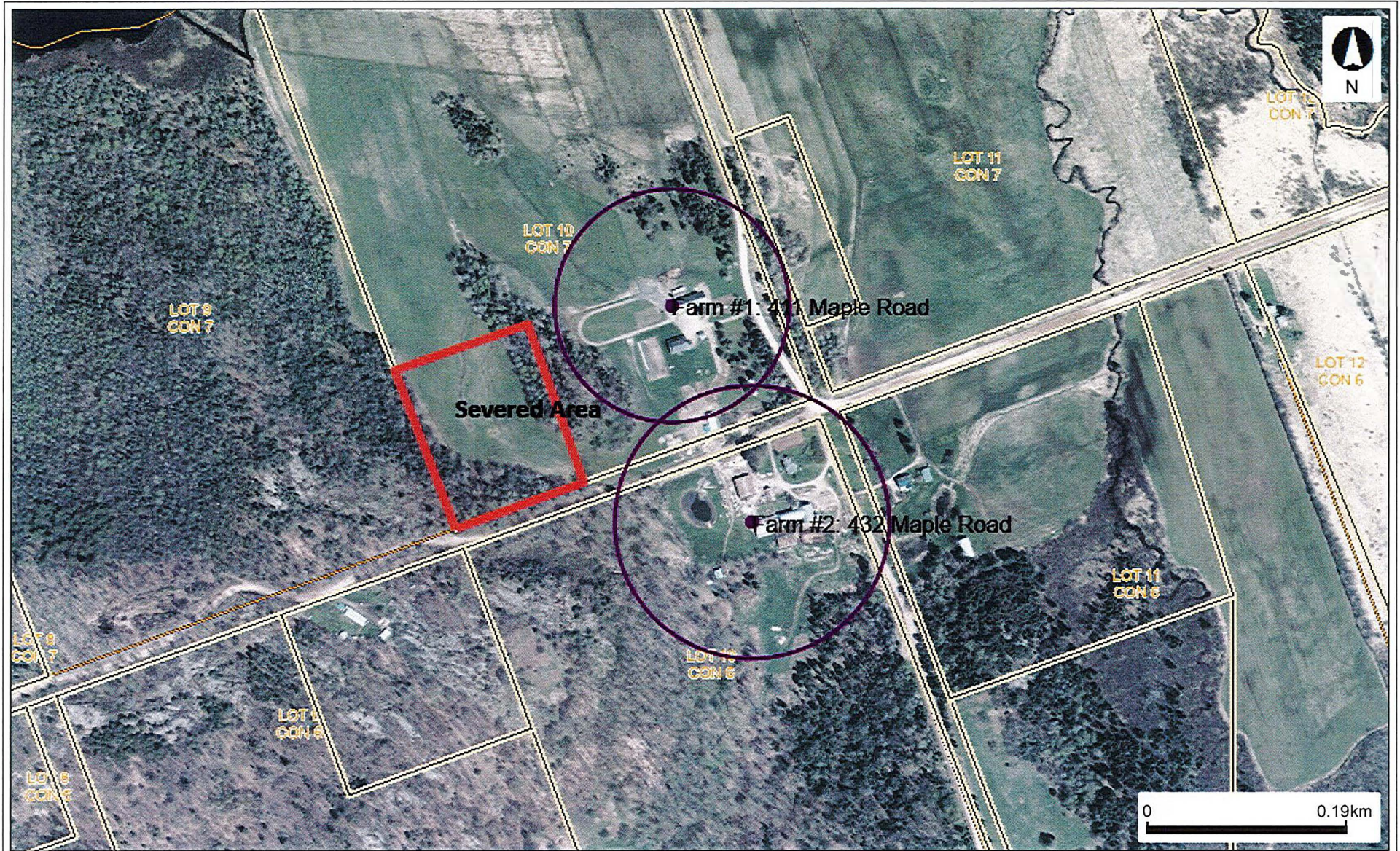
**Note to the user**

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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**Note: Barn information has not been confirmed with property owners. Information provided by Heidi O'Brien.**

# Wasing Road Severance (Heidi O'Brien) MDS Map



Prepared By:

MacKenzie Van Horn

Notes:



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THIS IS NOT A PLAN OF SURVEY.

Map Created: 10/9/2024

Map Center: 46.06671 N, -79.21555 W



# PLANNING JUSTIFICATION

## BRIEFING

411 Maple Road, Chisholm Township

Proposed Consent to Sever Application for the  
Purpose of Creating One (1) New Lot

November 2024

**Prepared by:** MacKenzie Van Horn, M.PL., RPP.  
Planner

**Reviewed by:** Steve McArthur, MCIP., RPP.  
Senior Planner – Project Manager

**Prepared for:** Heidrun O'Brien



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## 1.0 INTRODUCTION

TULLOCH has been retained by the owner of land with the civic address of 411 Maple Road (being PIN 49190-0489) in Chisholm Township to prepare a Planning Justification Briefing as part of a complete application package to support their proposal to create one (1) new lot via consent.

This report reviews the consistency and conformity of the application in the context of the applicable policies and direction found within the following documents and plans:

- *2024 Provincial Planning Statement (PPS)*
- *Official Plan of the Township of Chisholm (OP)*
- *Township of Chisholm Zoning By-law 2014-25*

Overall, the author finds that the proposed consent application conforms to the Township's Official Plan, is consistent with the 2024 Provincial Planning Statement and represents good planning.

## 2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT

The subject property is in the Township of Chisholm, with frontage on Wasing Road to the south, and Maple Road to the east. The lands are a broken lot of record due to the presence of Graham Lake and a creek flowing into Graham Lake, both within the regulated area of North Bay-Mattawa Conservation Authority. The creek runs along the northern lot line of the subject property. The land holding is currently 25.2 hectares in size with 375 metres of frontage. The property contains a dwelling and agricultural buildings, including a livestock facility. The lands experience various levels of topography. Generally, the lot is highest in elevation at the southwest corner and lowers going northeast towards the creek. The property is legally described as follows:

*PART OF BROKEN LOT 10, CONCESSION 7, IN THE GEOGRAPHIC TOWNSHIP OF CHISHOLM NOW IN THE TOWNSHIP OF CHISHOLM, IN THE DISTRICT OF NIPISSING*

The surrounding area is largely comprised of a mix of rural and agricultural uses. There is a livestock facility across the road at 432 Maple Road that our client conveyed is currently unoccupied but once housed cattle. The immediate surrounding area can be described as follows:

**NORTH:** Graham Lake with adjacent lands in a Shoreline (S) zone, and rural and agricultural uses zoned Rural (RU)

**EAST:** Rural and agricultural uses, zoned Rural (RU)

**SOUTH:** Rural and agricultural uses, zoned Rural (RU)

**WEST:** Crown land in a Crown (C) zone, and vacant rural land in a Rural (RU) zone



*Figure 1: Subject Property & Surrounding Context*

### 3.0 PROPOSAL

The property owner is applying to Chisholm Township to sever one new rural residential lot. The severed lot will be 2.05 hectares (5.16 acres) in size with 138.00 metres of frontage on Wasing Road. The new lot will be vacant and is proposed for rural residential use. The retained lot is proposed to be 23.13 hectares (57.17 acres) in size with 237.30 metres of frontage on Wasing Road, and 636.10 metres of frontage on Maple Road. The retained lot will contain the existing dwelling and farm buildings and will continue to be used for rural/ agricultural purposes in accordance with the permitted uses in the Township's Zoning By-law.

Figure 2 below shows the consent sketch to be submitted with the application. The sketch was prepared based on PLAN 36R-12765. Part 2 on the underlying plan picks up the limit of Wasing Road in the southwest corner of the property, while Part 3 picks up the limits of Maple Road. We anticipate that the Township may request Part 2 and Part 3 to be conveyed to the Township as a condition of consent. With the conveyance of Part 2, the new lot remains over 2 hectares (5 acres) in size as Part 2 is approximately 0.05 acres in size. The retained lot will remain over 20 hectares (49 acres) if Part 3 is conveyed as Part 3 is 0.5 (1.22 acres) in size.

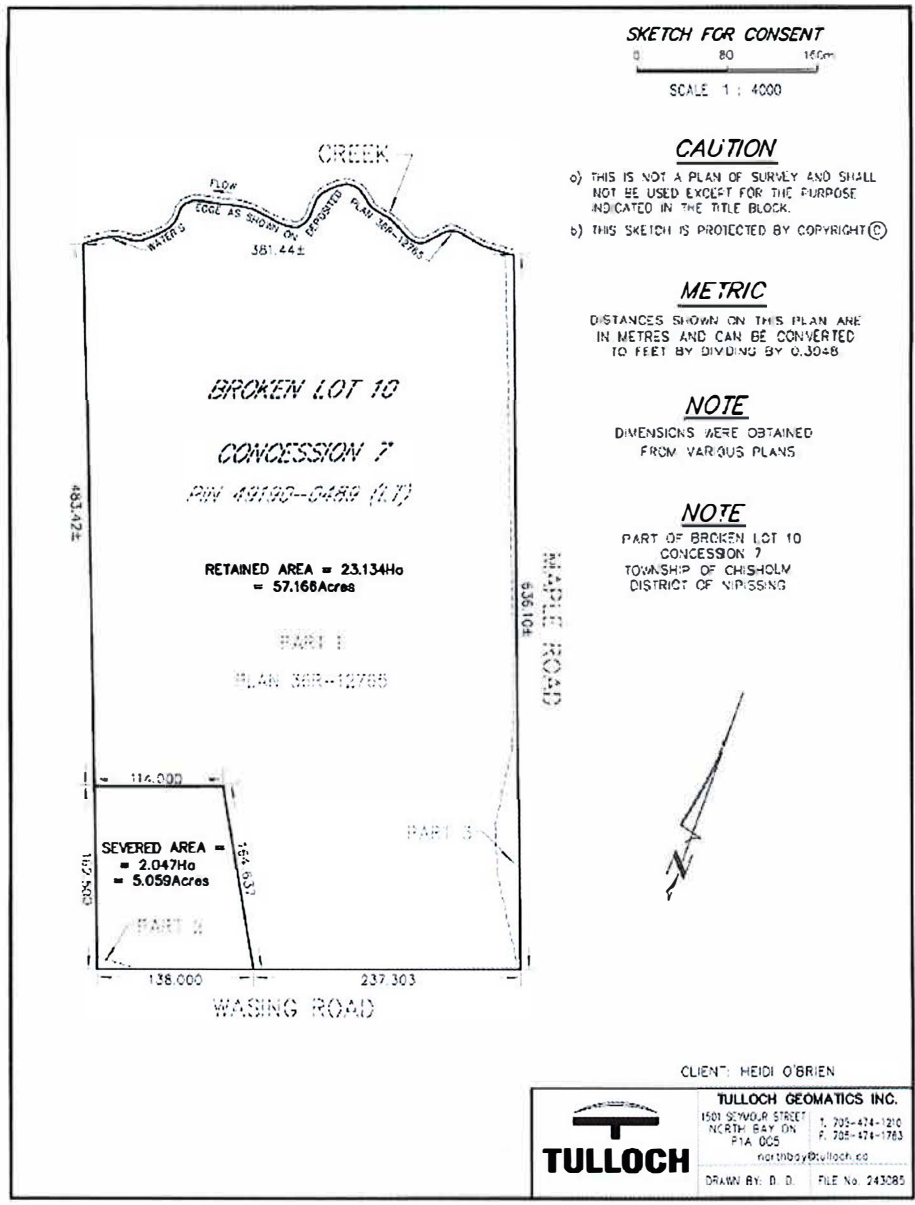


Figure 2: Proposed Consent Application to Create One (1) New Rural Residential Lot

### 4.0 POLICY OVERVIEW & ANALYSIS

The following section sets out the relevant planning policy framework to assess the appropriateness of the proposed application in the context of Provincial and Municipal policies and regulations. Each subsection will outline relevant policies and provide a planning analysis with respect to how the consent application is consistent with or conforms to such policy.

#### 4.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)

The *Provincial Planning Statement, 2024* (PPS) provides high-level provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on *Planning Act*

applications. Municipal Official Plans and decisions made by the approval authorities must be consistent with the PPS. Policies applicable to the proposed consent application are outlined and analyzed below.

**Section 2.5** of the PPS provides policies for rural areas in municipalities. Chisholm is a rural township with no defined settlement areas. As per **Section 2.5.3** of the PPS "... growth and development may be directed to rural lands in accordance with Section 2.6, including where a municipality does not have a settlement area". **Section 2.6** of the PPS provides policies for rural lands in Municipalities and states that:

**2.6.1.** *On rural lands located in municipalities, permitted uses are:*

...

*c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;*

...

**2.6.2.** *Development that can be sustained by rural service levels should be promoted.*

**2.6.3.** *Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.*

**2.6.4.** *Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

**2.6.5.** *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

The application would facilitate the creation of one new lot which is proposed to be used for rural residential development, permitted as per **Section 2.6.1**. As part of the circulation process, the North Bay-Mattawa Conservation Authority will review the application and confirm whether a sewage system can be accommodated on the new lot. It is reasonable to assume that the 2-hectare lot can accommodate private water and sewage services, meeting **Section 2.6.2** of the PPS as the development can be sustained by rural service levels. The severed and retained parcel will have frontage on year-round, publicly maintained roads. Thus, no new road creation or servicing would be required. This represents efficient development and use of existing land use patterns by utilizing existing hard and soft roads and services and infrastructure and avoiding the need for unjustified or uneconomical expansion of infrastructure, as supported by **Section 2.6.3** of the PPS. The retained lot is currently used for agricultural purposes. **Section 2.6.4** states that the rural economy should be supported by protecting agricultural uses and directing non-related development to areas where it will minimize constraints on these uses. It is important to note that the lands are not designated prime agricultural, so residential lot creation is permitted. However, the lot creation should be compatible with the existing agricultural use. **Section 2.6.5** identifies the Minimum Distance Separation Formulae, which is a land use planning tool used to ensure that development is compatible with nearby livestock facilities. MDS calculations were completed for two barns within 750m of the proposed new lot. The required setback from the two barns does not reach the limit of the proposed new lot. Thus, no land use compatibility impacts are anticipated, and the existing agricultural operations can continue to operate without conflicts from the new lot creation and eventual land use as a rural residence.

This application has been reviewed in the context of policies contained within the Provincial Planning Statement, 2024, and has been found to be consistent with all matters of Provincial interest.

## 4.2 OFFICIAL PLAN OF THE TOWNSHIP OF CHISHOLM (OP)

The *Official Plan of the Township of Chisholm* (OP) is the principal land use planning policy document for the Municipality. The OP establishes objectives and policies that guide both public and private development/decision-making.

The lands are designated 'Rural' except for part of the property adjacent to Graham Lake which is in the 'Shoreline' designation. The lands proposed to be severed are located entirely within the rural designation. **Section B1** speaks to lands within the Rural designation, with **Section B1.4.1** provides policies for the creation of new lots for rural residential purposes. The OP states that there is an established target of 15 new lots per calendar year. It is our understanding that this target has not been met this year. On this basis, lot creation shall be guided by the following criteria:

- a) *a maximum of 4 new lots may be severed from an original Township lot having a lot area of 40 hectares;*
- b) *a maximum of 3 new lots may be severed from an original Township lot having a lot area of 20 hectares;*
- c) *a maximum of 2 new lots may be severed from an existing lot having a lot area of at least 10 hectares;*
- d) *a maximum of 1 new lot may be severed from an existing lot having a lot area of at least 5 hectares;*
- e) *the terms "original" and "existing" shall refer to a lot that existed in its current configuration on August 21, 1978;*
- f) *the severed and retained lands must maintain a minimum frontage on a public road of 60 metres and a minimum lot area of 1 hectare;*
- g) *the boundary of the severed lot complies with the minimum distance required by the Minimum Distance Separation I Formulae;*
- h) *the proposed lot(s) comply with the criteria set out in Section D4.2.1 (General Consent Policies) of this Plan;*
- i) *the proposed lots(s) are appropriately designed, buffered and/or separated from any industrial or other incompatible land use in accordance with Provincial guidelines to prevent adverse effects from odour, noise and other contaminants and to minimize risk to public health and safety.*

**Section B1.4.1a to B1.4.1d** provide eligibility criteria to determine how many new lots can be created from a landholding. The subject lands are a broken original Township lot with an area of less than 40 hectares. As the lands are less than 40 hectares, but more than 20 hectares, **B1.4.1b** applies and a maximum of 3 new lots can be severed from the property. The proposal is within this maximum requirement as only one new lot is proposed. As per **B1.4.1f**, the severed and retained lots maintain a minimum frontage of 60 metres on Wasing Road and a minimum lot area of 1 hectare. As per **B1.4.1g**, MDS calculations were completed for two barns within 750m of the proposed new lot. The barn setbacks do not encroach into the new lot. Thus, no land use compatibility impacts are anticipated due to the nearby barns. The next section of this report provides the criteria set out in **Section D4.2.1** (General Consent Policies) and demonstrates how the criteria are met with the proposal. Lastly, as per **B1.4.1i**, there are no industrial or other incompatible uses adjacent to the subject property that would require consideration of Provincial guidelines.

**Section B3** provides policies for the Shoreline designation. As mentioned, a portion of the subject property adjacent to Graham Lake is in the Shoreline designation. There are policies specific to lot creation on Graham Lake found in **Section B3.4.2**, but these parameters apply to new lots with water frontage. The proposed lot will not be located within the Shoreline designation, nor will it have water frontage.

**Section D4.2** of the OP provides policies for creating new lots by consent and provides a set of criteria that must be applied to create a new lot for any purpose. As per **Section D4.2.1**, “prior to considering an application to create a new lot for any purpose, Council shall be satisfied that the proposed lot:

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

The proposed severed lot fronts onto Wasing Road while the retained lot fronts onto Wasing Road and Maple Road. Both roads are municipal roads maintained year-round.

- b) notwithstanding (a), a lot may be created on an existing private road as shown on Schedule C with a registered right-of-way extending 500 metres or less from an assumed municipal road;*

Not applicable.

- c) will not cause a traffic hazard as a result of its location on a curve or a hill;*

There is an existing driveway that provides access to the retained lot. Driveway access to the severed lot can be reviewed during the consent process. The severed lot is proposed with 138m of frontage onto Wasing Road. It is reasonable to assume that this amount of frontage can accommodate a suitable entrance.

- d) can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal;*

The severed and retained lot will be serviced by private water and wastewater systems. The North Bay-Mattawa Conservation Authority will review the application and confirm whether a sewage system can be accommodated or replaced on the lots. The severed lot meets the minimum size required in the rural area with a lot area of 2 hectares. The retained lot is 23 hectares in size. It is reasonable to assume that the severed and retained can accommodate a private sewage system.

- e) will not have a negative impact on the drainage patterns in the area;*

The severed and retained lot both meet the minimum lot size requirements and can accommodate sufficient building sites large enough to direct and manage stormwater on-site.

- f) will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;*

The retained lot will remain large at 23ha which is sufficient to accommodate the existing rural use. Access to the site will not be impacted because of the proposed development.

- g) will not have a negative impact on the features or their ecological functions of any environmentally sensitive feature in the area or as identified in Schedule B;*

There are watercourses located adjacent to the subject property, but are hundreds of metres away from the proposed new lot. The new lot can accommodate future development outside of this area.

- h)** *will be compatible with surrounding land use and natural features; and,*  
*The consent application proposes to create one new lot which will be used for rural residential use. This is compatible with the surrounding rural uses.*
- i)** *considers proximity to natural and man made hazards.*  
Not applicable.

Overall, the application conforms with the policies of the *Official Plan of the Township of Chisholm*, specifically the policies found in **Section B1** and **D4.2**.

## 5.0 TOWNSHIP OF CHISHOLM ZONING BY-LAW 2014-25

The subject lands are zoned “Rural” except for lands adjacent to Graham Lake that are in a “Shoreline” zone. The lands proposed to be severed are entirely within the “Rural” zone. The proposed severed lot meets the minimum lot area of 1 hectare and minimum lot frontage of 60m required for residential uses in the rural zone. The retained lot will remain over 20.0 hectares in size which will allow intensive agricultural use (raising of livestock) to continue. For residential uses in the Rural zone, 60m of frontage is required as per Table B1. The retained lot currently has a dwelling on it, requiring road frontage. The retained lot meets this minimum requirement with a frontage of 237.30 metres.

## 6.0 CONCLUSION

The property owner is applying to Chisholm Township to sever one new lot for rural residential use. The proposal is consistent with the rural lands policies found within the *Provincial Planning Statement, 2024* and conforms with the rural lot creation policies of the *Official Plan of the Township of Chisholm*. It is not anticipated that the current agricultural operation will be impacted by the creation of the new lot as the retained lot is large enough to accommodate intensive agricultural use, as defined by the Township’s Zoning By-law. In addition, Minimum Distance Separation (MDS) calculations will be submitted as part of a complete application to demonstrate that a future dwelling on the severed lot meets required setbacks from nearby livestock facilities.

Thus, it is respectfully requested that the proposal to create one (1) new rural residential lot (plus retained), be approved by the Township of Chisholm.

Regards,

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