

**TOWNSHIP OF CHISHOLM
PLANNING REPORT**

Report Prepared for:	Committee of Adjustment	Application Number:	2024-10
Report Prepared by:	Jessica Laberge Admin. Assistant	Application Name:	Heidrun O’Brien (Owners) Tulloch (Applicant)
Location:	Lot 7&8, Con 10	1677 Chiswick Line	
Report Date:	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 Part of Lot 7 Concession 10, from Lot 8 Concession 10, down the original lot line. The subject property is located along Chiswick Line. The severed lands will be approximately 40 hectares and the retained lands will be approximately 39.9 hectares, each with more than 400 meters of frontage on Chiswick Line.

B. ZONING BY-LAW COMPLIANCE

The subject lands are designated Agriculture (Ag), under the Township of Chisholm Zoning By-law (ZB) 2014-25. In the Agriculture zone, residential uses are permitted, as per Table A1 on Page 61 of the ZB, provided they meet the appropriate setbacks and MDS calculations. The application was accompanied by six MDS 1 calculations for the barns on the subject and adjacent lands. According to the calculations the severed land meets the MDS1 calculations. The proposed retained land contains an existing dwelling and farm buildings. The severed is currently vacant.

Table B3, states that the Minimum Lot area for an Agricultural Use, intensive is 20 Ha, the definition of Agricultural Use, Intensive, is the use of land for the purpose of raising livestock such as poultry or cattle and may include a feed lot.

Both the severed and retained will allow for agriculture use to continue and expand.

Subject Property

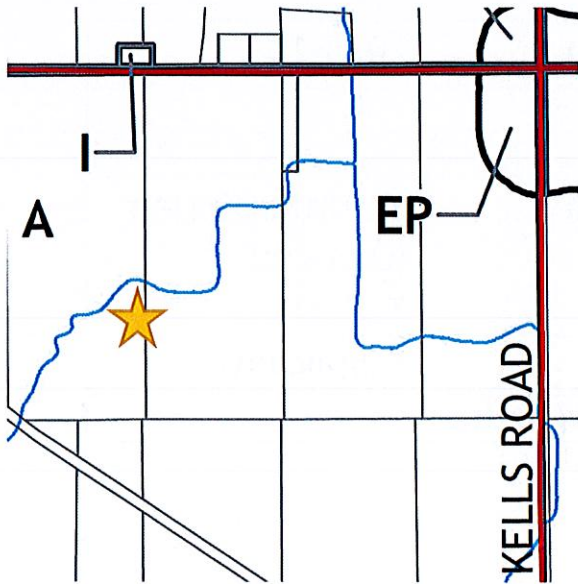


Figure 1: Zoning by-law Schedule 'B



Figure 2: CGIS

C. OFFICIAL PLAN

The property is designated **Agriculture** under the Official Plan.

Section B2.4.1 The Creation of New Lots in the Agriculture Designation

The majority of the new residential development is directed to the Rural Area and vacant building lots. However, while lot creation within the Agricultural designation is generally discouraged, a lot may be created in the Agricultural designation provided Council is satisfied of the following:

- a) That the new lot is of a size appropriate for the type of agricultural use(s) common in the area and is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) That a lot for agriculture-related uses will be limited to a minimum size needed to accommodate the use and sustain appropriate sewage and water services;
- c) That the purpose of the application is to sever a residence surplus to a farming operation as a result of a farm consolidation. Council shall ensure that a new residential dwelling will not be a permitted use on any vacant remnant parcel of farmland created by such a severance;
- d) That an infrastructure facility or corridor cannot be accommodated through the use of easements or rights-of-way;

- e) The minimum lot area for new and retained agricultural lots should be 40.0 hectares; and,
- f) The proposed lot complies with the criteria set out in Section D4 (General Consent Policies) of this Plan;

Based on these sections the proposed application complies with the intent of the Official Plan.

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:

4.3.3 Lot Creation and Lot Adjustments

1. Lot creation in *prime agricultural areas* is discouraged and may only be permitted in accordance with provincial guidance for:
 - b) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - c) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
 - d) one new residential lot per farm consolidation for a *residence surplus to a agricultural operation*, provided that:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 2. the planning authority ensures that new dwelling and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwelling or additional residential unit are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
 - e) *infrastructure*, where the facility or corridor cannot be

accommodated through the use of easements or rights-of-way.

2. Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.
3. The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

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

D. Buildings

The retained lands have an existing single family detached, and agriculture buildings. The severed property is vacant.



COMMENTS FROM THE NORTH BAY-MATTAWA CONSERVATION AUTHORITY 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 10 Pt Lots 7 & 8, 1677 Chiswick Line,
Powassan, Township of Chisholm
Roll No.: 4959-010-001-18200-00000
Our File No.: PC05-CHI-24
Your File No.: 2024-10**

This office has received and reviewed a consent to sever application for 1677 Chiswick Line 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 Genesee River subwatershed and the lot contains unevaluated wetlands and a watercourse (Genesee Creek) which may be hazards Chiswick Line. Map attached. This is not within a 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, however Genesee Creek is linked to the Well Head Protection Area for Municipality of Powassan. We would recommend that a vegetative buffer be kept back 15m from the banks of the watercourse and that best management are used for the storage and application of agricultural source materials.

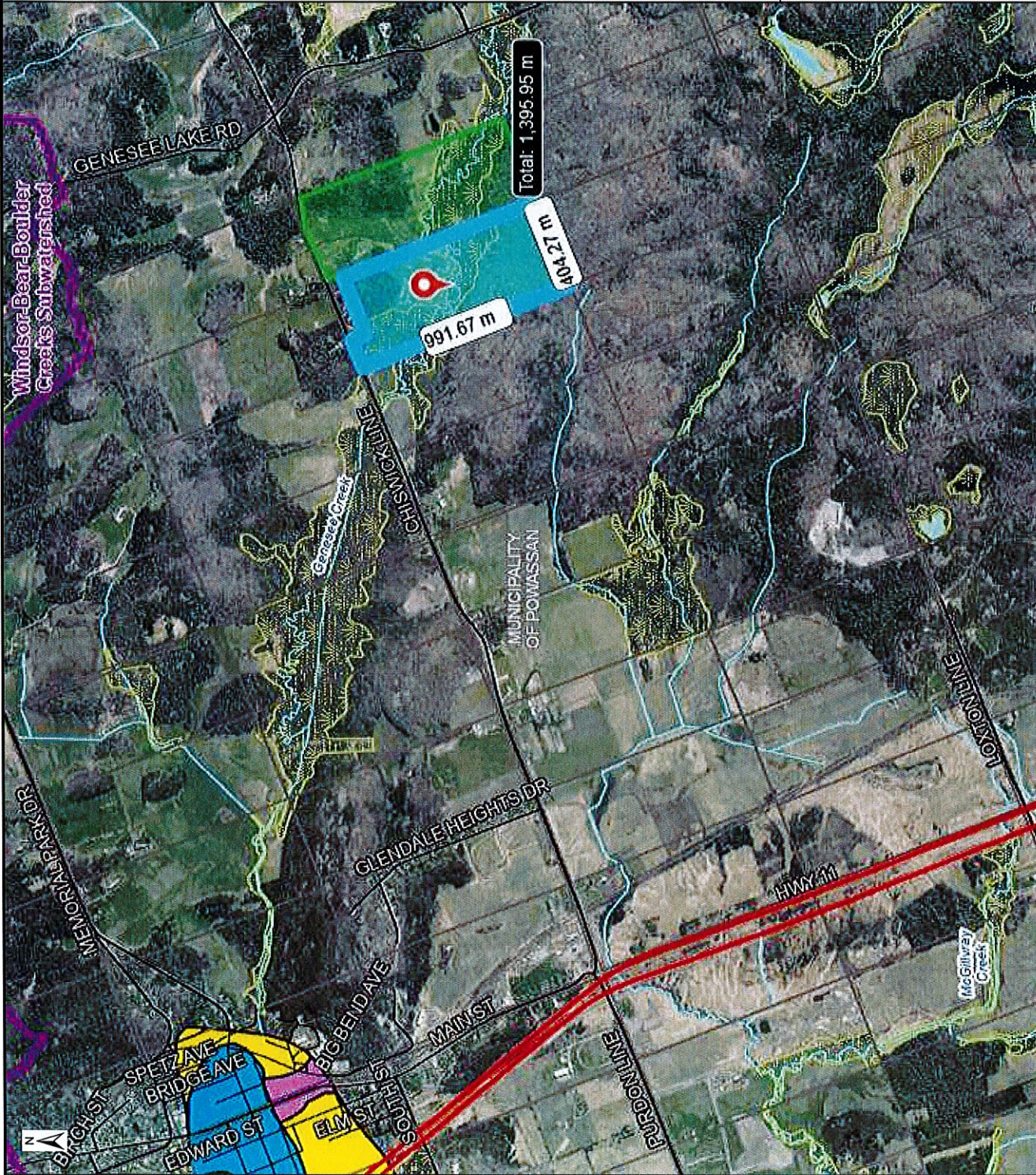
Should you have any questions, please do not hesitate to contact this office at (705) 474-5420. Thank you for the opportunity to comment.

Yours truly,



Kevin Taylor: Senior Manager Planning & Water Resources

Encl [2]



LEGEND

- Subwatershed (IVMS)
- Road
 - ROAD
 - HIGHWAY
- Lot & Concession
- Municipal Boundary
- Wetland (LIO)
 - Non Evaluated Per OWES
 - Evaluated - Other
 - Evaluated - Provincially Significant
- WHPA - Powassan Vulnerability
 - 10
 - 8
 - 6
 - 4
 - 2
- Issue Contributing Area (ICA) - Callan
- Watercourse (OHN)
- Waterbody (OHN)

NOTES
1677 Chiswick Line

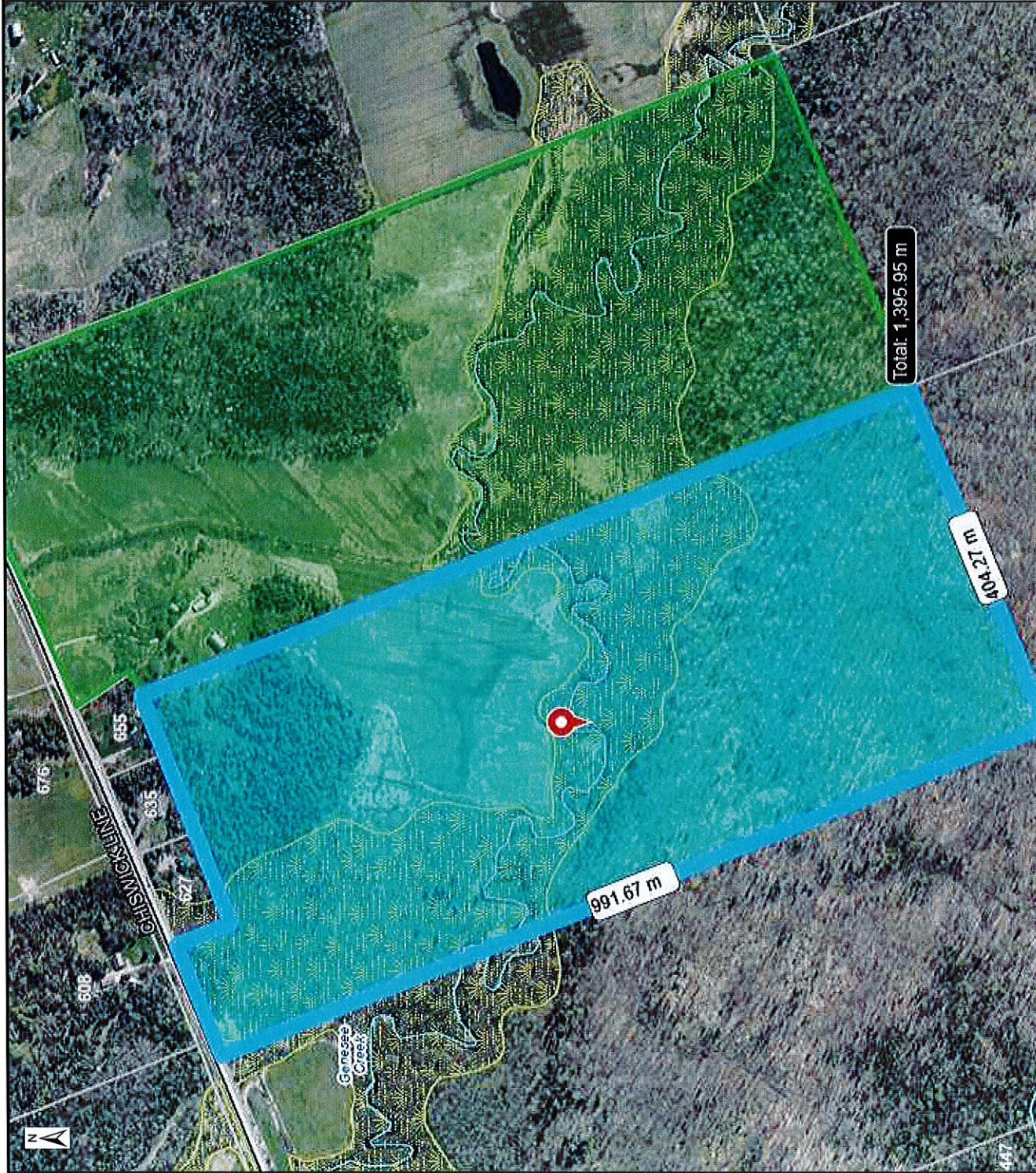


1: 36,112



15 Janey Avenue
North Bay, ON P1C 1N1
Tel: (705) 474-5420
Fax: (705) 474-9793

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LEGEND

- Subwatershed (IWMS)
- Road
 - ROAD
 - HIGHWAY
- Assessment Parcel (July 5, 2023)
- Municipal Boundary
- Wetland (LIO)
 - Non Evaluated Per OWES
 - Evaluated - Other
 - Evaluated - Provincially Significant
- WHPA - Powassan Vulnerability
 - 10
 - 8
 - 6
 - 4
 - 2
- Issue Contributing Area (ICA) - Callan
 - Watercourse (OHN)
 - Waterbody (OHN)

NOTES

1677 Chiswick Line



1: 9,028



15 Janey Avenue
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NORTH BAY - MATTAWA
**CONSERVATION
AUTHORITY**

November 29, 2024

Heidrun O'Brien
c/o Steve McArthur
e-mail: steve.mcarthur@tulloch.ca

Dear Heidrun:

Re: Township of Chisholm Severance Application # 2024-10
Lots 7&8, Con 10, PCL 15409
1677 Chiswick Line
Roll # 4831-000-001-16400-0000
Township of Chisholm, District of Nipissing

The Conservation Authority has received and reviewed your Application for Severance with the Township of Chisholm and have no objections to the granting of consent as described in your application.

Since the proposed retained and severed lots are all greater than 4 hectares (10 acres) and do not appear to have any further constraints, our office is satisfied that two sewage system locations exist on all lots.

Although the location is not specifically identified on the site plan provided, the proposed lot lines do not appear to encroach on the existing sewage system (No Permit Found) which services the dwelling on the proposed retained lot.

All comments are based on Ontario Regulation 332/12 of the Ontario Building Code for a 3-bedroom dwelling (less than 20 fixture units and less than 200 m², 4F filter bed of 21.3 m² and a 3600 L tank), soil percolation of T-50 min/cm, and a daily design sewage flow of 1600 L/day.

Please be advised that prior to any development on the above-mentioned properties a Sewage System Permit is required. Should you have any questions or require further information please contact Ella Bird of our office at 15 Janey Avenue, North Bay, Ontario P1C 1N1 or by telephone at (705) 474-5420.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ella Bird', written over a white background.

Ella Bird
DCBO - SS, Acting Manager On-Site Sewage System Program

c.c. Township of Chisholm

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)

Application Information		
**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) Heidrun O'Brien	Home Telephone [REDACTED]	Business Telephone
Address (Civic and Mailing) 1677 Chiswick Line, Powassan		Postal Code P0H 1Z0
**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 Steve McArthur (Project Manager and Senior Planner at TULLOCH)	Home Telephone	Business Telephone 705-474-1210 x.561
Address (Civic and Mailing) 1501 Seymour Street, North Bay	Postal Code P1A 0C5	Fax Number

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

**2.1 District Nipissing		Municipality Chisholm	
Concession 10	Lot Number(s) 7 and 8	Reference Plan Number none	Parcel Number 15409

**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 Creation of new lot Addition to lot An easement

Other A charge A lease Correction of title

Other purposes

**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)	402.2m	403.3m
	Depth (m)	996.3m - 996.6m	934.8 - 996.6m
	Area (m)	40.0ha	39.9ha
**4.2 Use of Property	Existing Uses	Agricultural	Agricultural
	Proposed Uses	Same	Same
**4.3 Buildings/Structures	Existing	Vacant	Dwelling and farm buildings
	Proposed	Unknown	Unknown
**4.4 Access	Provincial Highway		
	<i>Check appropriate space.</i> Municipal road maintained all year	X	X
	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		

**4.6 Sewage Disposal <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.

**4.7 Other Services	Electricity	X	X
	School Busing	X	X
	Garbage Collection		

****4.8** If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in Section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

5. Land Use

**** 5.1** What is the existing official plan designation(s) if any, of the subject land?
Agricultural

**** 5.2** 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?
Agricultural

**** 5.3** 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		X
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 checked="" 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.

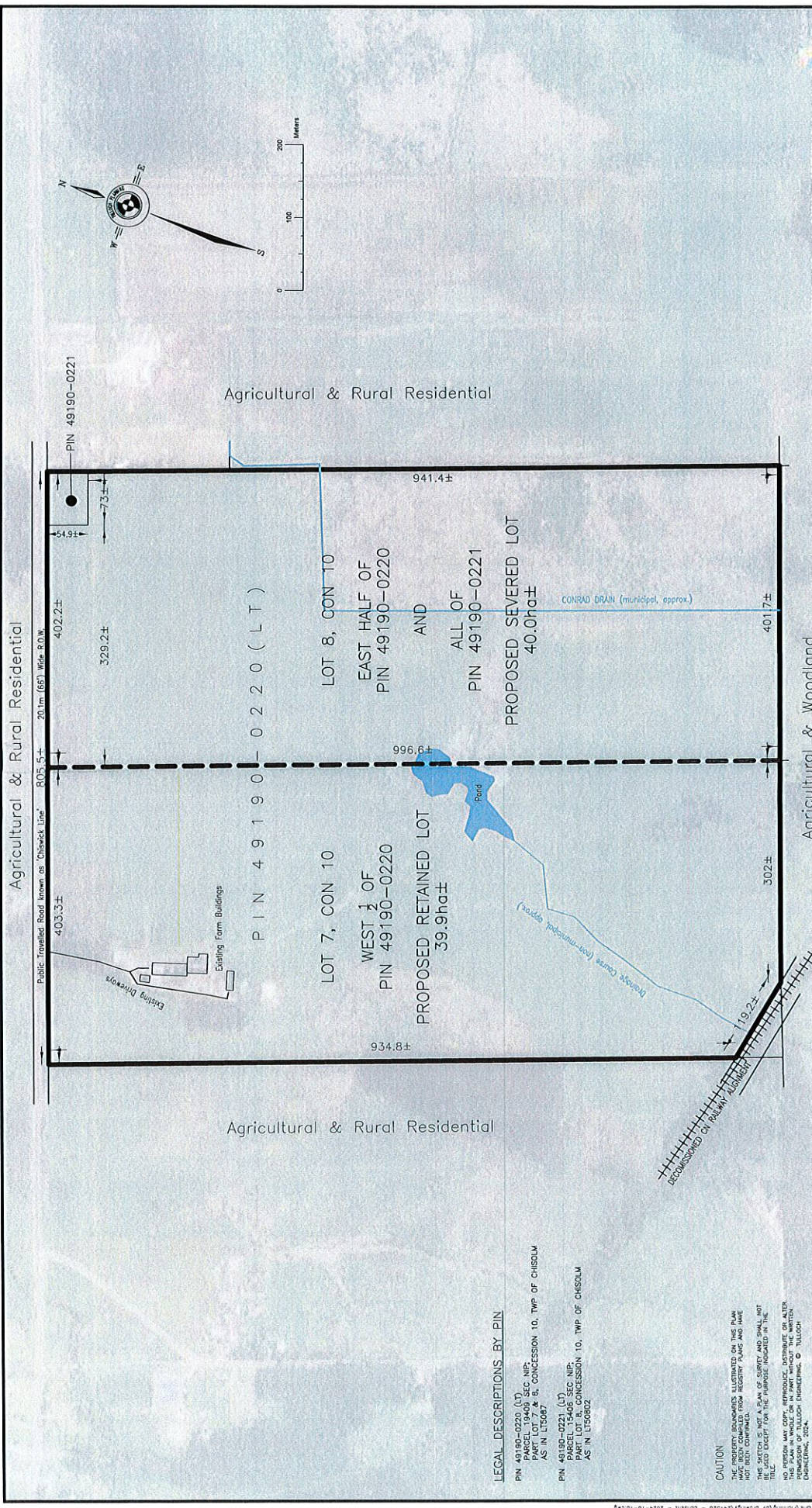
**** 8.1** The application shall be accompanied by a sketch showing the following:

- The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- The boundaries and dimensions of any land owned by the owner of the subject land and that abut the subject land.
- The distance between the subject land and the nearest township lot line or landmark, such as railway crossing or bridge.
- The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
- The approximate location of all natural and artificial features on the subject land and adherent 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.
- The existing use(s) on adjacent lands.
- The location, width and name of any roads within, or abutting the subject land, indicating whether it is an unopened road allowance, a public road, a private road or a right of way.
- If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- 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.

See attached planning report and MDS data sheet.



LEGAL DESCRIPTIONS BY PIN PIN 49190-0220 (LT) PARCEL 19409 SEC NPT PART LOT 7 & 8, CONCESSION 10, TWP OF CHISOLM AS IN LT50891 PIN 49190-0221 (LT) SEC. NPT PART LOT 8, CONCESSION 10, TWP OF CHISOLM AS IN LT50892		CAUTION THIS DRAWING IS A PRELIMINARY SKETCH AND IS NOT TO BE USED FOR CONSTRUCTION OR AS EVIDENCE IN COURT. THE PROPERTY BOUNDARIES, DIMENSIONS, AND AREA ARE APPROXIMATE AND BASED ON AVAILABLE RECORDS AND FIELD SURVEY. THE SKETCH IS NOT A PLAN OF SURVEY AND DOES NOT REPRESENT A FINAL SURVEY. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF TULLOCH ENGINEERING & TULLOCH CONSULTING, INC.	
DRAWING Consent to Sever Sketch To scale when printed at 11x17		T: 705-474-1210 north@tulloch.ca 1501 SEYMOUR ST NORTH BAY, ONTARIO P1A 0G5	
DRAWING Agricultural & Woodland		PROJECT 1677 Chiswick Line Pt Lots 7 & 8, Concession 10, Twp of Chisolm District of Nipissing	
DRAWING Agricultural & Rural Residential		DRAWN BY: MDJ	
DRAWING Agricultural & Rural Residential		CHECKED BY: MV	
DRAWING Agricultural & Rural Residential		SCALE: 1:5000	
DRAWING Agricultural & Rural Residential		DATE: Nov 5, 2024	
DRAWING Agricultural & Rural Residential		PROJECT No.: 24-1328	
No.	DATE	BY	ISSUES/REVISIONS



MDS I

General information

Application date Oct 9, 2024	Municipal file number	Proposed application Lot creation for a maximum of three non-agricultural use lots
Applicant contact information Heidi O'Brien 1677 Chiswick Line Powassan, ON POH 1Z0 705-724-3555	Location of subject lands District of Nipissing Township of Chisholm CHISHOLM Concession 10, Lot 7 and 8 Roll number: 4831000001164000000	

Calculations

Farm #1: 1677 Chiswick Line

Farm contact information Heidi O'Brien 1677 Chiswick Line Powassan, ON POH 1Z0 705-724-3555	Location of existing livestock facility or anaerobic digester District of Nipissing Township of Chisholm CHISHOLM Concession 10, Lot 7 and 8 Roll number: 4831000001164000000	Total lot size 100 ac
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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	15	15 NU	750 ft ²

Setback summary

Existing manure storage	No storage required (manure is stored for less than 14 days)		
Design capacity	15 NU		
Potential design capacity	30 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	220
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)	119 m (390 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: 51 Bellcairn Road

Farm contact information
 51 Bellcairn Road 51 Bellcairn Road
 ON

Location of existing livestock facility or anaerobic digester
 District of Nipissing
 Township of Chisholm
 CHISHOLM
 Concession 10 , Lot 6
 Roll number: 4831000001163000000

Total lot size
 78.8 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)	10	14.3 NU	3250 ft ²
Solid	Goats, Feeder Kids, Confinement	10	0.3 NU	80 ft ²
Solid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), Bedded Pack	3	4.3 NU	450 ft ²



Confirm Livestock/Manure Information (Farm #2: 51 Bellcairn 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	18.9 NU		
Potential design capacity	37.8 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	235.52
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) 127 m (417 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 #3: Pioneer Road

Farm contact information
 Pioneer Road Pioneer Road
 ON

Location of existing livestock facility or
 anaerobic digester
 District of Nipissing
 Township of Chisholm
 CHISHOLM
 Concession 9 , Lot 8
 Roll number: 4831000001144000000

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	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	3	3 NU	150 ft ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	2	2.9 NU	650 ft ²



Confirm Livestock/Manure Information (Farm #3: Pioneer 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	5.9 NU		
Potential design capacity	11.7 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	172.4
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) 93 m (305 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 #4: 1797 Chiswick Line

Farm contact information
 1797 Chiswick Line 1797 Chiswick Line
 ON

Location of existing livestock facility or anaerobic digester
 District of Nipissing
 Township of Chisholm
 CHISHOLM
 Concession 10 , Lot 9
 Roll number: 4831000001167000000

Total lot size
 97 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	3	3 NU	150 ft ²
Solid	Goats, Feeder Kids, Confinement	2	0.1 NU	16 ft ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	2	2.9 NU	650 ft ²



Confirm Livestock/Manure Information (Farm #4: 1797 Chiswick Line)

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	5.9 NU		
Potential design capacity	11.8 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	172.8
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) 94 m (308 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 #5: 353 Kells Road

Farm contact information
353 Kells Road 353 Kells Road
ON

Location of existing livestock facility or anaerobic digester
District of Nipissing
Township of Chisholm
CHISHOLM
Concession 11 , Lot 10
Roll number: 4831000001197000000

Total lot size
39 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)	2	2.9 NU	650 ft ²



Confirm Livestock/Manure Information (Farm #5: 353 Kells 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	2.9 NU		
Potential design capacity	2.9 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	150
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)			81 m (266 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 #6: 1714 Chiswick Line

Farm contact information
 1714 Chiswick Line 1714 Chiswick Line
 ON

Location of existing livestock facility or
 anaerobic digester
 District of Nipissing
 Township of Chisholm
 CHISHOLM
 Concession 7 , Lot 8
 Roll number: 4831000001194000000

Total lot size
 28 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	6	6 NU	300 ft ²
Solid	Sheep, Ewes & rams (for meat lambs; includes unweaned offspring & replacements), Outside Access	37	4.6 NU	555 ft ²



Confirm Livestock/Manure Information (Farm #6: 1714 Chiswick Line)

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	10.6 NU		
Potential design capacity	21.3 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	202.52
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)

110 m (361 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
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 North Bay, ON
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 mackenzie.vanhorn@tulloch.ca

Signature of preparer

MacKenzie Van Horn
MacKenzie Van Horn, Planner

10/10/2024

Date (mmm-dd-yyyy)

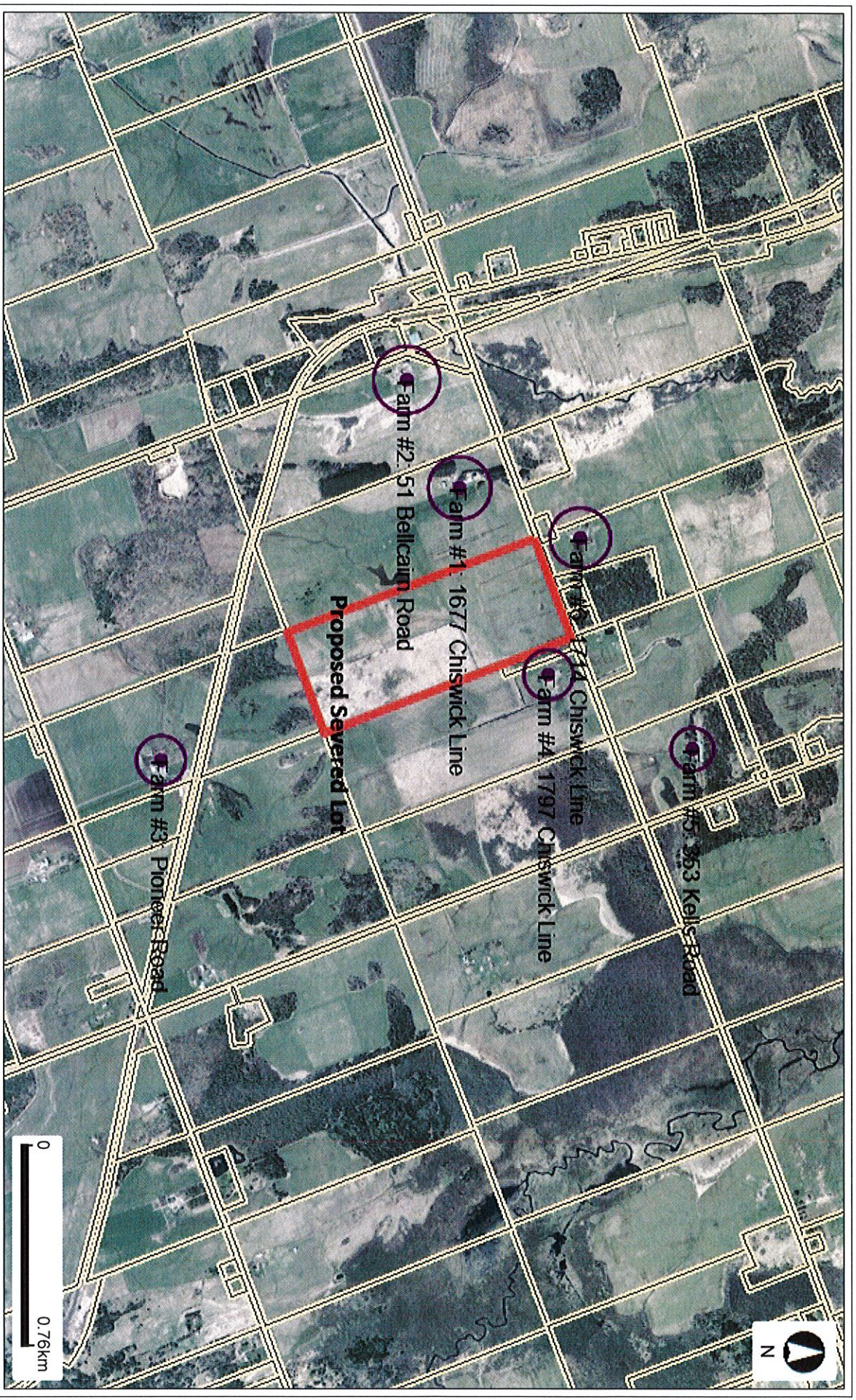
Note to the user

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.

Chiswick Line 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: 46.09338 N, -79.239 W



PLANNING JUSTIFICATION

BRIEFING

1677 Chiswick Line, Chisholm Township

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

October 2024

Prepared by: MacKenzie Van Horn, M.P.L., RPP.
Planner

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

Prepared for: Heidrun O'Brien

Contents

1.0 INTRODUCTION 1

2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT 1

3.0 PROPOSED DEVELOPMENT 2

4.0 POLICY OVERVIEW & ANALYSIS..... 3

 4.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)..... 3

 4.2 OFFICIAL PLAN OF THE TOWNSHIP OF CHISHOLM (OP) 4

5.0 TOWNSHIP OF CHISHOLM ZONING BY-LAW 2014-25..... 6

6.0 CONCLUSION 6

1.0 INTRODUCTION

TULLOCH has been retained by the owner of land with the civic address of 1677 Chiswick Line (being PINs 49190-0220 and 49190-0221) 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 applications 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 Chiswick Line. The land holding is currently 79.9 hectares in size with 854 metres of frontage. The property consists of two PINs that have merged after being put into the same ownership, being PIN’s 49190-0220 and 49190-0221. An original and broken Township lot, being Part of Lot 7 Concession 10, and Lot 8 Concession 10, were also merged, and now share the same PIN. A decommissioned Canadian National Rail Line transects the southwest corner of the property, removing approximately 0.1 hectare from the original Part 7, Concession 8 Township lot. The property can now be legally described as follows:

PART OF LOT 7 AND LOT 8, CONCESSION 10, 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 rural and agricultural uses. The immediate surrounding area can be described as follows:

NORTH: Agricultural uses, zoned Agricultural (A), and Boxwell Cemetery, zoned Institutional (I)

EAST: Agricultural uses, zoned Agricultural (A)

SOUTH: Former CN Rail Line and agricultural uses, zoned Agricultural (A)

WEST: Agricultural uses, zoned Agricultural (A)



Figure 1: Subject Property & Surrounding Context

3.0 PROPOSAL

The property owner is applying to Chisholm Township to sever Part of Lot 7 Concession 10, from Lot 8 Concession 10. The severed and retained lots will each be +/-40 hectares in size with more than 400 metres of frontage on Chiswick Line. The proposed retained lot contains the existing dwelling and farm buildings, and the severed is currently vacant. It is proposed that each lot will continue to be used for agricultural purposes in accordance with the permitted uses in the Township's Zoning By-law.

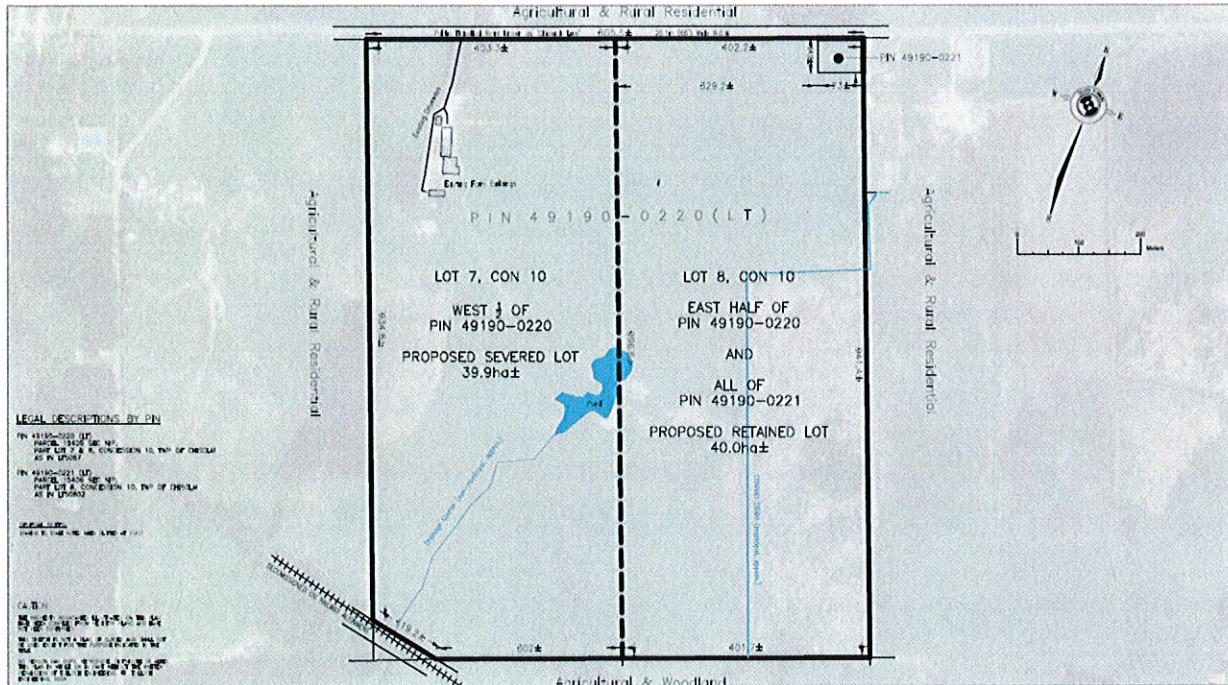


Figure 2: Proposed Consent Application to Create One (1) New Agricultural Lot

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 zoning by-law amendment 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 by the approval authorities must be consistent with the PPS. Policies applicable to the proposed consent application are outlined and analyzed below.

Chapter 4 of the PPS provides policies for the Wise Use and Management of Resources, with **Section 4.2** providing policies for Agricultural lands. The general policies for agriculture are as follows:

4.3.1.2 *As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*

Section 4.3.3 provides policies for lot creation and lot adjustments and states, in part, that:

4.3.3.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:*

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

The lands proposed to be severed are designated Agricultural in the Township's Official Plan. As per **Section 4.3.1.2** of the PPS, the subject lands are designated and protected for long-term use for agriculture. **Section 4.3.3** states that on prime agricultural lands, lot creation is discouraged. The PPS provides four situations where lot creation is permitted in **Section 4.3.3.1**. The first is lot creation for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. The purpose of the application is to sever two lots that merged once they were put into the same ownership. The lots will continue to be used for agricultural purposes. The Township's Official Plan requires a minimum lot area of 40 hectares for new and retained agricultural lots. It is reasonable to assume that this requirement is based on the comprehensive Official Plan review and that this size is appropriate for the type of agricultural uses common in Chisholm and is sufficiently large to maintain flexibility for future changes. The lot to be severed, and the lot to be retained are each +- 40 hectares in size. For this reason, the lot creation is consistent with the policies of the PPS, specifically the policies related to lot creation in prime agricultural areas.

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 within the Agricultural designation. As per **Section B2.1** of the OP, the purpose of the Agricultural designation is to:

- a) *protect land suitable for agricultural production from development and land uses unrelated to agriculture;*

Section B2.4.1 of the OP provides policies for the creation of new lots in the agricultural designation. While lot creation within the agricultural designation is generally discouraged, a lot may be created in the agricultural designation provided Council is satisfied of the following:

- a) *That the new lot is of a size appropriate for the type of agricultural use(s) common in the area and is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- ...
- e) *The minimum lot area for new and retained agricultural lots should be 40.0 hectares.*

The purpose of the proposal is to sever two lots that merged once they were put into the same ownership. The proposed retained lot is slightly smaller than 40 hectares, due to the historical conveyance of land to the Canadian National Rail Line of approximately 0.1 hectares. The size difference is negligible, and the retained lot is large enough to accommodate the same level of agricultural use as the severed lot. Thus, the proposal conforms with the Official Plan policy.

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 and retained lot both front onto Chiswick Line which is a municipal road 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 proposed retained lot. Driveway access to the severed lot can be reviewed during the consent process. The severed lot exceeds 400 metres of frontage onto Chiswick Line. 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. Each lot is approximately 40 hectares in size, and it is reasonable to assume that this size 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 39.9ha which is sufficient to accommodate agricultural 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 on the subject property. 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 re-establish two lots, which will continue to be used for agriculture. This is compatible with the surrounding agricultural 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 B2.4.1** and **D4.2**.

5.0 TOWNSHIP OF CHISHOLM ZONING BY-LAW 2014-25

The subject lands are zoned “Agricultural”. This zone permits a variety of agriculture and rural uses including intensive and specialized agricultural uses. Intensive agricultural use allows the raising livestock, while specialized agricultural uses are those where specialty crops are grown. This is mentioned as minimum lot area is based on the type of agricultural use in Table B3 of the Zoning By-law. The intensive agricultural uses require the largest lot area, at 20.0 hectares. Both the severed and retained lot can meet this requirement.

There is no minimum frontage requirement for non-residential uses in the agricultural zone. For residential uses in the agricultural zone, 60m of frontage is required as per Table B1. The retained lot currently has a dwelling on it, and a future purchaser may decide to put a dwelling on the severed lot. Both lots exceed this minimum requirement with a frontage of over 400 metres.

6.0 CONCLUSION

The property owner is applying to Chisholm Township to sever Part of Lot 7 Concession 10, and Lot 8 Concession 10. The lands are designated prime agricultural, and the proposal is consistent with the lot creation policies found within the *Provincial Planning Statement, 2024* and conform with the agricultural policies of the *Official Plan of the Township of Chisholm*. The lot is large enough to accommodate both intensive, and specialized 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 agricultural lot (plus retained), be approved by the Township of Chisholm.

Regards,



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