

MEMORANDUM

To: Chair and Committee
Copy: Ms. Kristina Grondin, Dipl.M.A, Secretary to Committee
From: Chris Jones MCIP, RPP
Date: October 11, 2024
Re: Consent Application D10-24-03 (Evolution Mines)

BACKGROUND

The Municipality is in receipt of an application for consent to sever land to facilitate a lot addition from a large land holding described legally as PCL 2946 SEC DPF; Mining Claim KRL124 Balmer recorded as KRL19508 being land and land covered with water of part of Red Lake as in PA10993; except LT57370, SRO LT47499 AND PT 1, 23R10665; S/T PT 1, 23R4850 as in LT168474 amended by LT251335; T/W PT 2, 6 & 7, 23R9617 as in LT284228; S/T LT184376, LT295961.

According to Municipal records the subject lands have a lot area of approximately 670 ha (1,655 acres). The applicant proposes to sever land with an area of approximately 6.9 hectares (17 acres) for the purpose of conveying a lot addition to lands owned by 825459 Ontario Inc. and operated as Greene's Airways. The resultant lot addition would increase the area of the Greene's Airway lot from 2.8 ha to approximately 10 ha. It is noted that approximately 5 ha (12.35 acres) of the lands to be severed are comprised of a water lot.

The benefitting lot is currently accessed from Highway 125 via an easement and is occupied by a marina building with a floor area of 303 m² (3,264 ft²) as well as an area of outdoor parking and storage. The land area currently utilized in conjunction with the business encroaches onto the lands proposed to be severed which include a break-water, several in-water slips for boats and/or planes and lands used to access the water slips. For this reason, the primary purpose of the lot addition is to remedy the existing encroachment. The benefitting owner has no development objectives with the shoreline lands proposed to be acquired through this consent application.

The following maps are attached to provide context and illustrate this application:

Figure 1 is a map which generally illustrates the extent of the overall land holding as well as the severed and benefitting lands.

Figure 2 is a close-up of the lands to be severed and the benefitting lands.

Figure 3 is a close-up of the lands to be severed together with the benefitting lands overlain on an aerial photo.

Figure 1 – Location of Subject Lands

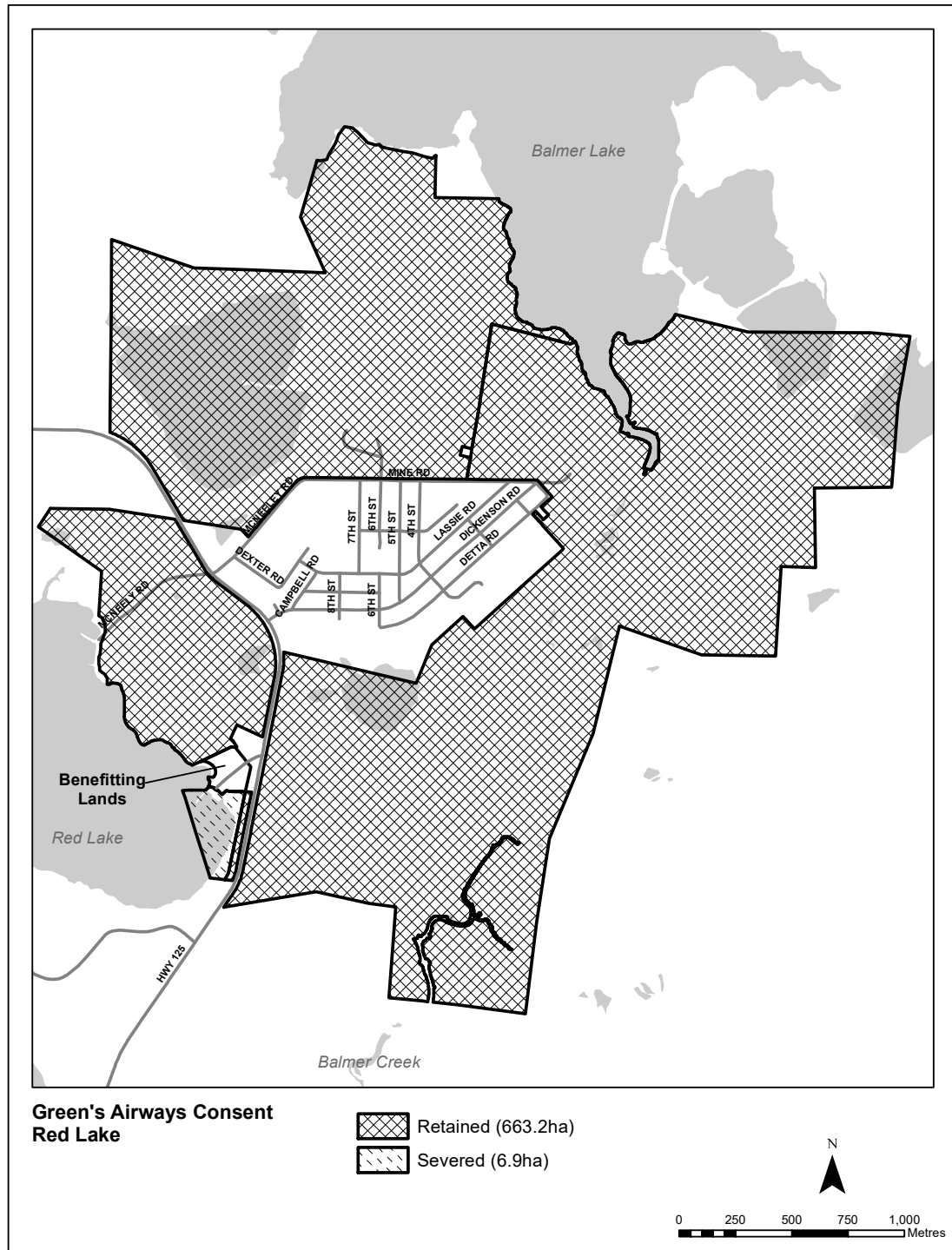


Figure 2 – Illustration of Severed and Proposed Consent for Lot Addition

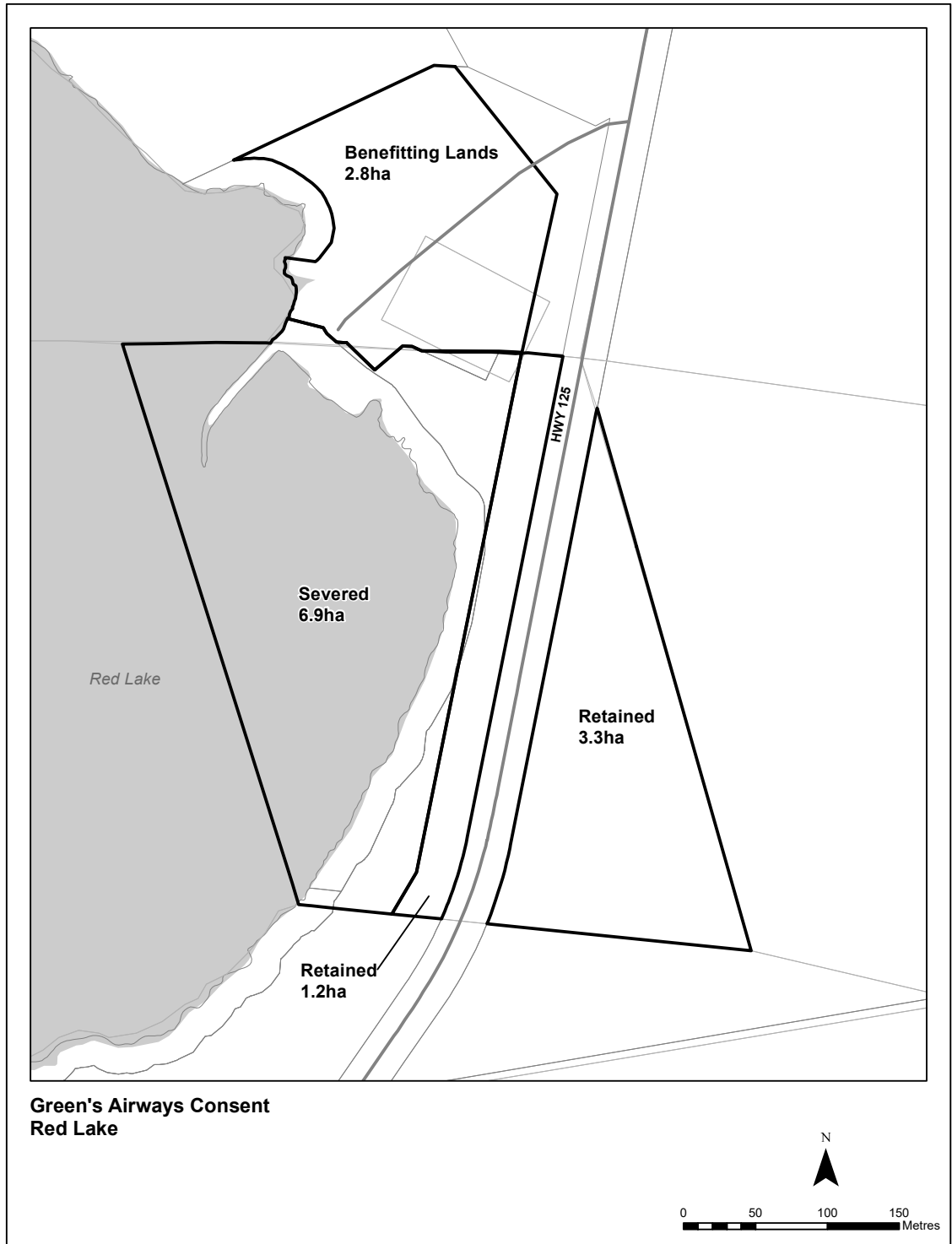


Figure 3 – Illustration of Severed and Proposed Consent for Lot Addition on Aerial



PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (PPS) is the primary policy document that Committee is required to “be consistent with” in accordance with Section 3 (5) of the Planning Act. The proposed consent appears to be generally consistent with the Provincial Policy Statement as it will accommodate a lot addition to supplement an existing rural land use that supports recreational, tourism and economic opportunity in the municipality.

PLANNING ACT R.S.O 1990

Section 51 (24) of the Planning Act requires approval authorities to consider with either plans of subdivision or consent applications:

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;*
- (c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) *the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) *the dimensions and shapes of the proposed lots;*
- (g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) *conservation of natural resources and flood control;*
- (i) *the adequacy of utilities and municipal services;*
- (j) *the adequacy of school sites;*
- (k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

The proposed lot addition is logical, orderly and appropriate and does not offend any of the above-noted criteria.

OFFICIAL PLAN

The lands proposed to be severed are located in the Natural Resources Area designation, which is generally intended to recognize and permit rural and resource uses. Again, it is noted that a substantial portion of the lands to be severed are covered by water and therefore do not have a specific land use designation. It is noted that the Natural Resources Area designation does permit marinas.

The benefitting lands are currently designated Highway Commercial. This land use designation does not appear to be aligned with the permitted uses set out in Section 4.3.1 of the Official Plan. It is noted that the plan includes a Rural Commercial Area designation which specifically permits "marinas and docking facilities for boats and airplanes".

Section 8.8 of the Official Plan establishes general policy criteria to be considered in the review of consent applications including subsection 12 which authorizes the municipality to consider applications for lot additions.

Section 5 of the Official Plan establishes policies that address natural heritage features such as wetlands and fish habitat and requires that these features be assessed for potential impacts at the time of a planning application. The subject lands include an extensive shoreline area which has the potential to function as fish habitat and/or the habitat of endangered or threatened species, however, no new development is proposed in conjunction with this application for lot addition. Furthermore, measures can be taken through the zoning of the subject lands to ensure that if future expansion of the marina operation is proposed, such expansion will be subject to a future planning approval and impact assessment.

If the consent is granted it would result in the resultant parcel having a split land use designation that is not accurately aligned with the actual extent of existing land uses. On this basis, an official plan amendment will be recommended as a condition of Provisional consent. Through the requisite amendment, it will be recommended that the existing commercial designation be re-designated to the more suitable Rural Commercial Area designation. In addition, a Special Policy is also recommended to address the portion of the benefitting lot covered by water as recent case law has made it very clear that municipalities have a role to play in the regulation of lands covered by water.

ZONING BY-LAW

The lands proposed to be severed are currently zoned Mineral Mining (MM) and the benefitting lands are currently zoned Highway Commercial (C3).

If the consent is granted the zoning of the resultant lot would require realignment to capture the actual extent of the current marina use in manner similar to the OP boundary issue.

In addition, it is also recommended that the marina-occupied area of the subject lot be alternatively zoned to a Rural Commercial (C4) Zone as this zone permits a "marina" and a "sea plane base", whereas the current use does not conform with the permitted uses of the C3 Zone.

The resultant lot would appear to be otherwise compliant with the applicable regulations of the Municipality's Zoning By-law.

ANALYSIS

In preparing this report, I was not able to conduct a site visit however I feel the mapping, surveys and aerial imagery of the subject lands has been suitable to inform the preparation of this planning report.

The proposed lot addition is logical and will help to address an existing encroachment as well as providing the marina/airway operation with additional lands to complement the potential future needs of the business.

Subject to conditions of an official plan amendment and zoning by-law amendment, I find the proposed consent to be consistent with the PPS and to conform with the Municipality's Official Plan.

RECOMMENDATION

If Committee is in agreement with the analysis of this report, the following recommendations are provided:

1. That this report be received;
2. That Application D-10-24-03 be granted Provisional approval subject to the standard conditions of consent as well as conditions that require amendments to the official plan and zoning by-law to the satisfaction of the Municipality.

Respectfully Submitted,



Chris Jones MCIP, RPP