

Request for Decision

François & Lucie Savoie – Applications for Official Plan Amendment and rezoning in order to create two (2) waterfront lots on Whitson Lake for permanent residential use with no public road frontage and lot areas of approximately 0.67 ha and 0.43 ha, 1193 Main Street, Val Caron

Presented To:	Planning Committee
Presented:	Monday, Jan 08, 2018
Report Date	Friday, Dec 15, 2017
Type:	Public Hearings
File Number:	751-7/17-7 & 701-7/17-7

Resolution

Resolution regarding Official Plan Amendment:

THAT the City of Greater Sudbury denies the application by François & Lucie Savoie to amend the City of Greater Sudbury Official Plan to provide site-specific exceptions from Section 21.3.3 concerning Area-Specific Policies for Whitson Lake in order to permit two (2) waterfront lots with no public road frontage for permanent residential use and lot areas of approximately 0.67 ha and 0.43 ha where a minimum lot area of 0.8 ha is required on lands described as PIN 73502-0759, Parts 1 to 3, Plan 53R-17784 in Lot 5, Concession 5, Township of Blezard, as outlined in the report entitled “François & Lucie Savoie”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 8, 2018.

Resolution regarding the Rezoning Application:

THAT the City of Greater Sudbury denies the application by François & Lucie Savoie to amend Zoning By law 2010-100Z by changing the zoning classification from "RU", Rural to "RU(S)", Rural Special on lands described as PIN 73502-0759, Parts 1 to 3, Plan 53R-17784 in Lot 5, Concession 5, Township of Blezard, as outlined in the report entitled “François & Lucie Savoie”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 8, 2018.

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Dec 15, 17

Manager Review

Eric Taylor
Manager of Development Approvals
Digitally Signed Dec 15, 17

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 15, 17

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 17

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 22, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 22, 17

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

Report Summary

Applications for Official Plan Amendment and rezoning have been submitted in order to create two (2) waterfront lots on Whitson Lake for permanent residential use. The property is accessed via Fire Road 7, which is a private road with no municipal services. Site-specific exceptions are requested for lot areas of approximately 0.67 ha and 0.43 ha where a minimum lot area of 0.8 ha is required and no public road frontage for the proposed lots where a minimum 45 metres is required. Furthermore, the zoning amendment proposes the use of five (5) shipping containers for storage purposes. A detached garage has also been converted to a dwelling unit without benefit of a building permit.

It is Planning Staff's opinion that the application is not consistent with the 2014 Provincial Policy Statement based on the following considerations:

- Lot creation on a private road represents a future financial liability to the municipality based on potential demand for services and pressure by current and future owners to assume the road. The proposal is not an efficient use of existing infrastructure and municipal services.
- Undersized lots on a sensitive waterbody should not be supported. The private road is not maintained by a public body, which may compromise emergency services response. This raises health and safety concerns and is also a liability to the municipality.
- No municipal infrastructure or services are provided in this area, making it inappropriate for permanent residential development.
- As set out in the Official Plan, limited residential development does not encompass lot creation on private roads, which is not considered good land use planning.
- No municipal infrastructure is planned or available for this site. The approval may result in future demand for services including municipal assumption of the private road and associated costs.

Concerning environmental matters, vegetative buffering of the shoreline should be enhanced to extend 15 metres from the high water mark as required under Official Plan policies applied to Whitson Lake, not five (5) metres as recommended by the Shoreline Assessment submitted by the owner. Water quality sampling provided acceptable results. The geotechnical information submitted was limited to a soil percolation test. No on-site investigation was conducted and there were no recommendations related to private sewage disposal servicing.

The use of shipping containers for storage on a residential lot is not supported by Staff. The installation of the illegal dwelling unit must be rectified to the satisfaction of the Chief Building Official.

Staff recommend that the applications for Official Plan Amendment and rezoning be denied.

Financial Implications

There are no financial implications associated with this report as staff recommends that these applications be denied.

Title: François & Lucie Savoie

Date: December 8, 2017

STAFF REPORT

Applicant:

François & Lucie Savoie

Location:

PIN 73502-0759, Parts 1 to 3, Plan 53R-17784 in Lot 5, Concession 5, Township of Blezard (1193 Main Street, Val Caron)

Official Plan and Zoning By-law:

Official Plan

The lands are subject to the Area-Specific Policies for the Whitson Lake Area, as outlined in Section 21.3.3 and delineated on Schedule 2a of the [Official Plan](#). The following policies are applied:

1. Waterfront lands not designated as the Mining/Mineral Reserve shall continue to be designated as Rural; however, permanent residential waterfront development may be permitted, provided that:
 - a. the lot or parcel created by consent has frontage along a public road maintained year-round, a minimum size of 0.8 hectare and a minimum frontage of 45 metres;
 - b. a hydrogeological assessment establishes that soil conditions are suitable for a private sewage disposal system and the requirements of the *Environmental Protection Act* regarding private sewage disposal systems are met;
 - c. there is a proven water supply in both quantity and quality suitable for domestic purposes;
 - d. the proposed development will not degrade the water quality of Whitson Lake to exceed its current Level I water quality status; and,
 - e. fish and/or wildlife habitats are not adversely affected.
2. Due to the proximity of these lands to existing settlements, no seasonal waterfront development shall be permitted.
3. For the protection of the shoreline, a minimum 15-metre vegetation buffer shall be maintained.
4. For non-waterfront lands, policies related to Rural Areas or the Mining/Mineral Reserve, as the case may be, shall apply.

The application does not conform to the Official Plan as follows:

- The proposed lots are on a private road and do not have any public road frontage;
- The proposed lots do not meet the minimum lot area required.

Site-specific exceptions to applicable Official Plan policies are therefore required.

Title: François & Lucie Savoie

Date: December 8, 2017

Zoning By-law

The lands are currently zoned "RU", Rural under [Zoning By-law 2010-100Z](#). Residential uses are permitted in the form of a single detached dwelling or a mobile home on a permanent foundation.

Site Description & Surrounding Land Uses:

The subject property comprises a rural parcel extending from Main Street to the northwesterly shore of Whitson Lake. Vehicular access is via Fire Road 7, which is a private road owned by the applicant. The distance from Main Street to the northerly limit of the proposed waterfront lots is approximately 1.28 km. There are no municipal services provided on the private road, including sanitary sewer, municipal water, public transit, curbside garbage collection, street lighting or road maintenance.

Total area of the parent parcel is 15 ha, with 91 metres of frontage on Main Street and an approximate depth of 1 400 metres. There is approximately 156 metres of frontage on Whitson Lake. A designated flood plain extends along the shoreline, as delineated by a flood elevation of 291 metres on the rezoning sketch.

There are a number of buildings and structures on the site. A single detached dwelling and a detached garage built in the 1970s are located approximately 240 metres from Main Street on Part 1, Plan 53R-17784. The dwelling appears to be unoccupied as the windows are boarded up. Further south on the parcel closer to the lake, the land is occupied by a steel garage built in 2009 and a detached garage with a raised patio constructed in 2012. A field bed has been installed on the southeasterly portion of the land.

The building identified as "existing garage" on the rezoning sketch contains a dwelling unit that was installed without benefit of a permit. The dwelling unit is serviced by the septic system on the southeasterly portion of the property. Furthermore, there are five (5) shipping containers on the property being utilized for storage, which are located on Part 1, Plan 53R-17784.

Adjacent waterfront properties to the east and west have no public road frontage and are for seasonal residential use. The island opposite the subject land contains four (4) seasonal properties. The large parcels abutting the subject land to the east and west are both zoned Rural and assessed as a farm with residence (1155 and 1243 Main Street).

Application:

1. To amend the City of Greater Sudbury Official Plan to provide a site-specific exception from the policies of Section 21.3.3 of the Official Plan concerning Area-Specific Policies for Whitson Lake, in order to permit the creation of two waterfront lots for permanent residential use with no public road frontage.
2. To amend By law 2010-100Z being the City of Greater Sudbury Zoning By-law from "RU", Rural to "RU(S)", Rural Special, permitting reduced lot areas for two lots to be created with no public road frontage, and the use of shipping containers for storage purposes.

Proposal:

Applications for Official Plan Amendment and rezoning in order to:

Title: François & Lucie Savoie

Date: December 8, 2017

- Create two (2) waterfront lots for permanent residential use with no public road frontage and lot areas of approximately 0.67 ha and 0.43 ha where a minimum lot area of 0.8 ha and a minimum public road frontage of 45 metres are required;
- Permit the use of shipping containers for storage purposes.

Departmental/Agency Circulation:

Building Services advise that the garage was converted to a dwelling without benefit of a building permit, and further, that shipping containers were installed in contravention of the Zoning By-law and without benefit of a permit. An Order to Comply has been issued. These matters need to be rectified regardless of the decision on this application.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 240 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The applicants indicated that adjacent residents would be canvassed prior to the hearing.

As of the date of this report, no written submissions or phone calls have been received.

Background:

In 2008 a building permit application was submitted in order to construct a single detached dwelling on the southerly portion of the property (B08-1983). The permit was subsequently cancelled at the request of the applicant. However, a sewage septic system was installed on the southeasterly portion of the property.

In 2009 a building permit was issued for a detached steel garage, identified as the "hut on concrete pad" on the rezoning sketch (B09-1421).

In 2012 a building permit was issued for a detached garage on the southerly portion of the property, which is identified as "existing garage" on the rezoning sketch (B12-0034). It has been determined that the garage was converted to a dwelling unit without benefit of a permit.

Planning Considerations:

The land use issues concerning this application are summarized as follows:

- Lot creation with no public road frontage for permanent residential use on a private road;
- Development on a sensitive waterbody subject to area-specific policies including enhanced vegetative buffering;
- Proposed lots do not have the minimum lot area required for unserviced waterfront lots in a rural area;

- A detached garage was converted to a dwelling unit without benefit of a building permit and in contravention of the Zoning By-law; and,
- Shipping containers have been installed without benefit of a building permit and in contravention of the Zoning By-law.

2014 Provincial Policy Statement (PPS)

Within the context of the [2014 Provincial Policy Statement](#), the subject property is defined as Rural Lands, which are Rural Areas located outside Settlement Areas and which are outside Prime Agricultural Areas. It is Planning Staff's opinion that the application is not consistent with the PPS as follows:

- Policy 1.1.1. a: *"Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term."*

Lot creation on a private road represents a future financial liability to the municipality based on potential demand for services and pressure by current and future owners to assume the road. The proposal is not an efficient use of existing infrastructure and municipal services.

- Policy 1.1.1. c: *"Avoiding development and land use patterns which may cause environmental or public health and safety concerns."*

Undersized lots on a sensitive waterbody should not be supported. The private road is not maintained by a public body, which may compromise emergency services response. This raises health and safety concerns and is also a liability to the municipality.

- Policy 1.1.1. g: *"Ensuring that necessary infrastructure...and public service facilities are or will be available to meet current and projected needs."*

No municipal infrastructure or services are provided in this area, making it inappropriate for permanent residential development.

- Policy 1.1.5.2: *"On rural lands located in municipalities, permitted uses are: c) limited residential development."*

As set out in the Official Plan, limited residential development does not encompass lot creation on private roads, which is not considered good land use planning.

- Policy 1.1.5.4: *"Development that is compatible with the rural landscape and can be sustained by rural service levels is promoted."*

No municipal services are provided at this rural location.

- Policy 1.1.5.5: *"Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of infrastructure."*

No municipal infrastructure is planned or available for this site. The approval may result in future demand for services including municipal assumption of the private road and associated costs.

Development on private roads: local context

As reviewed above, permanent residential development on private roads is a matter of Provincial and municipal interest. The potential supply of new rural lots under the current policies would yield a twenty-nine (29) year supply, which is more than adequate to meet demand. Given the lot creation potential that already exists in rural areas within Greater Sudbury, there is no land use rationale to support this proposal.

- Rural service levels do not support lot creation on private roads. There is no garbage collection, transit service, municipal road maintenance, snow plowing or street lighting.
- Winter maintenance of the private road cannot be guaranteed and may impact emergency services response.
- Council should consider the long-term capital and operating costs associated with assuming a private road and the impact on municipal finances.
- Private roads are not constructed to a municipal standard and are inappropriate for permanent residential use.
- Approval may incentivize current and future landowners to create even more lots on Fire Road 7, which extends more than 1 km from the serviced public road.

Environmental considerations

a. Shoreline assessment

Whitson Lake is subject to site-specific policies in the Official Plan in order to protect water quality and assess the potential impact of development on fish and/or wildlife habitats. As part of the pre-consultation process for this file, it was determined that in lieu of a full-site Environmental Impact Study, the owner shall provide a Letter of Opinion from a qualified person with a particular focus on shoreline conditions.

As part of a complete application, the owner subsequently submitted a Letter of Opinion - Summary of Shoreline Assessment prepared by FRi Ecological Services and dated July 10, 2017.

The conclusions and recommendations are summarized as follows:

- Suitable fish habitat is located within 5 to 10 metres of the westerly shoreline based on the aquatic vegetation present in this area;
- Sandy portions of the shoreline, which are extensive, may be used for nesting by snapping turtles;
- No significant wildlife habitat is present on the property;
- Rock protection should be added along the shoreline to prevent further erosion, particularly along the westerly portion;
- Native tree and shrub species should be planted within 5 metres of the shoreline along the westerly section of the land and on exposed soils on the easterly portion;
- Any new dock should be placed where there is limited aquatic vegetation and installed outside of turtle nesting season; and,
- Silt fencing during construction and eavestrough outlets directed away from the lake and into soakaway pits are recommended.

Date: December 8, 2017

Staff have reviewed the report and agree with the recommendations with the exception of the proposed shoreline buffering. The recommended 5-metre buffer is deemed insufficient and is not consistent with Official Plan policies applied to Whitson Lake, which require a minimum 15-metre vegetative buffer.

Environmental Planning Initiatives advise that the development of a functional vegetation buffer can be achieved by ceasing to mow within 15 meters of the shoreline and planting some native tree and shrub seedlings. Over time the buffer would develop sufficient vegetation cover to mitigate erosion and create wildlife habitat. A maximum 25% of the shoreline not exceeding 23 metres in length may remain cleared of vegetation in order to accommodate water access and shoreline structures as per the provisions of Section 4.40 of the Zoning By-law.

If this application is approved, the Committee may wish to impose Site Plan Control as a condition of approval in order to ensure that shoreline buffering is implemented in an appropriate manner.

b. Private servicing

The owner provided two (2) documents in support of private servicing:

- Bacteriological Analysis of Drinking Water, which tests private drinking water systems for E. coli and total coliforms (Public Health Ontario – August 3, 2017); and,
- Estimation of Soil Percolation Rate, which analyzed grain size distribution of a soil sample from the site (Terraprobe – July 29, 2017).

The water sampling results were acceptable. Concerning the geotechnical information, only a soil percolation test was conducted based on a hand-delivered sample. There was no on-site investigation by the consultant and no test pits were conducted. There is no description of the geological setting, groundwater levels, or depth of bedrock. As a result, there are no recommendations related to the installation of a private sewage disposal system.

Other land use issues

a. Dwelling unit installed without benefit of a permit

In 2012 a building permit was issued to construct a garage. As part of the review of this application, Building Services attended the site and noted that a dwelling unit has been installed in the garage. An Order to Comply was subsequently issued in November 2017.

Sudbury & District Health Unit advised that a sewage system permit was issued in 2008 for a single detached dwelling. The dwelling was not constructed and the building permit was cancelled. However, the septic system was installed on the southeasterly portion of the property. The owner confirmed that the dwelling unit in the garage is tied into this system.

Building Services advised that the owner has since submitted plans to rectify the matter. If the Committee approves this application, a building permit application to the satisfaction of the Chief Building Official should be required prior to the adoption of the amending by-law.

b. Shipping containers

There are five (5) shipping containers on the property being utilized for storage. The containers were installed in contravention of the Zoning By-law and without benefit of a building permit. The owner advised that four (4) of the containers were purchased approximately 8 years ago and that the fifth shipping container was purchased and installed July 2017.

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Shipping containers are intended for the shipment of goods, not to function as a type of storage building, which presents public safety concerns. Shipping containers have been proliferating throughout the City because the units are inexpensive and easy to install. There are aesthetic concerns due to the negative visual impact.

Planning Services does not support the use of shipping containers on residential properties. An accessory building in the form of a shed or detached garage is the more appropriate form of storage.

Summary

The application to create undersized lots for permanent waterfront residential use on a private road is not consistent with the 2014 Provincial Policy Statement and does not represent good land use planning.

Staff recommend that the applications for Official Plan Amendment and rezoning be denied.

Appendix 1

Departmental & Agency Comments

Files: 701-7/17-7 and 751-7/17-7

RE: Applications for Official Plan Amendment and Rezoning – François & Lucie Savoie
PIN 73502-0759, Parts 1 to 3, Plan 53R-17784 in Lot 5, Concession 5, Township of
Bleazard (1193 Main Street, Val Caron)

Development Engineering

The site is not in an area serviced with municipal water or sanitary sewer.

Building Services

1. Health Unit approval and a new field bed on the property are required for the existing garage converted into a house.
2. The detached garage has been converted to a single family dwelling without benefit of a building permit. A building permit is required and an Order to Comply has been issued.
3. Building permits and professional engineer's reports will be required for the sea containers, if they are to be permitted by the new zoning.
4. The site plan should be revised to accurately reflect the existing garage as a single family dwelling and to delete the proposed dwelling, if so intended.

Environmental Planning Initiatives

A report entitled "Letter of Opinion – Summary of Shoreline Assessment" prepared by FRi Ecological Services was submitted to the Planning Services Division for review. This report was prepared in support of two (2) proposed severances on the subject lands.

- 1) Overall, the report satisfies the Planning Services Division's request for a letter of opinion for the purposes of determining whether or not the proposed development would degrade the water quality of Whitson Lake or adversely affect fish and/or wildlife habitat. The report concludes that if the recommended mitigation measures are implemented and maintained, the proposed severances are not expected to result in adverse effects to fish and fish habitat, wildlife habitat or changes to water quality including increased nutrient levels.
- 2) The recommendation for planting native tree and shrub species within 5 meters along the shoreline at the western section of Parcel 3 that is to be severed is insufficient. Policy 21.3.3.3 requires that a minimum 15-meter vegetation buffer be maintained for the protection of the shoreline. This requirement applies to both of the proposed parcels to be severed. Policy 8.5.2.1a) permits a maximum cleared area of 25% of the shoreline or stream bank frontage or up to 23 meters, whichever is the lesser. This requirement also applies to both of the proposed parcels to be severed.

The development of a functional vegetation buffer can be achieved by simply ceasing to mow within 15 meters of the shoreline and planting a few native tree and shrub seedlings. These measures would help ensure that over time the buffer develops sufficient vegetation cover to mitigate erosion and create wildlife habitat.

Nickel District Conservation Authority

No concerns.

Supporting evidence

Without going through the Official Plan Amendment (OPA), our lakefront property could have been approved for a split down the middle as there is 500 feet of lakefront. This split would make 2 lots at approximately 50 meters (150' wide) for 1.2 kl (1 mile) in length. This is not a favorable idea as it seems illogical to divide this property this way.

We want to conserve part 1 at 30.79 acres as it is a natural and mature forest with an area with an old farm house and garage remaining.

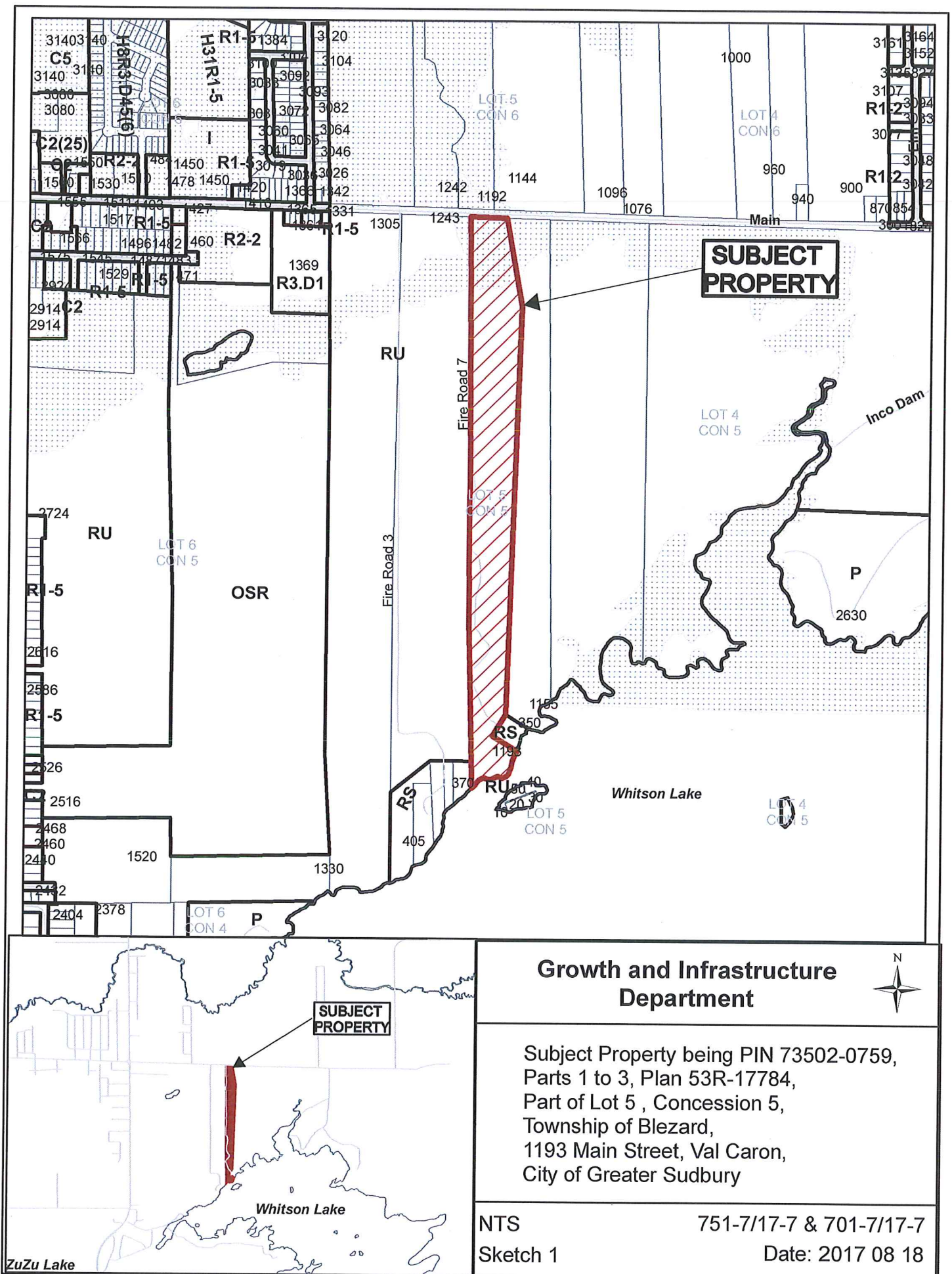
Part 2 has to remain as is since it is an easement road for 7 neighbors.

Part 3 has 500' of lakefront divided by the easement road from part 1. It has ample room to accommodate 2 houses with septic systems.

We are suggesting splitting part 3 in 2 parts. We understand that the suggested split of part 3 does not conform to the requirements of 0.8 ha per lot. We want to prevent interfering with parts 1 and 2 to eliminate complications from further surveying.

To extend the 2 suggested lakefront properties to conform with 0.8 ha. It would necessitate using a section of part 1, but the easement road would divide the properties making complications and uselessness for all property owners.

By creating 3 residential properties, the city could also benefit from property taxes.

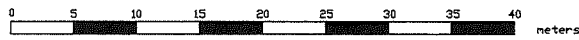


SKETCH OF PROPOSED SEVERENCE

PART OF LOT 5 CONCESSION 5

GEOGRAPHIC TOWNSHIP OF BLEZARD
CITY OF GREATER SUDBURY

SCALE: 1 : 600 METRIC



RECEIVED

SEP 21 2017

PLANNING SERVICES

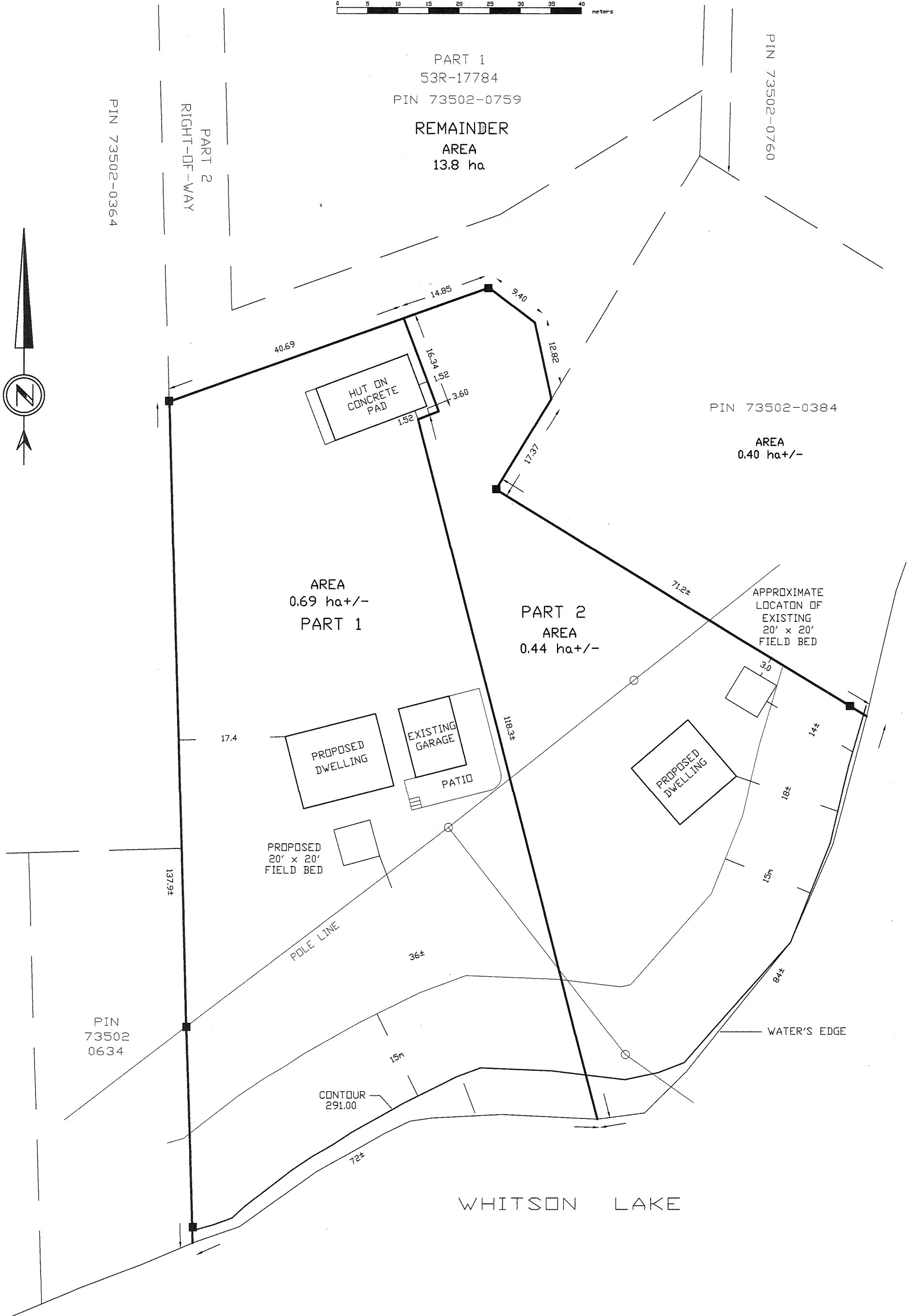




PHOTO 1 1193 MAIN STREET, VAL CARON – UNOCCUPIED SINGLE
DETACHED DWELLING AND DETACHED GARAGE LOCATED
SOUTH OF MAIN STREET ON PART 1, PLAN 53R-17784



PHOTO 2 1193 MAIN STREET, VAL CARON – SHIPPING CONTAINERS
LOCATED SOUTH OF MAIN STREET ADJACENT TO
UNOCCUPIED DWELLING

701-7/17-7 & 751-7/17-7
PHOTOGRAPHY DECEMBER 1, 2017



PHOTO 3 1193 MAIN STREET, VAL CARON – VIEW OF FIRE ROAD 7
FACING NORTH (PRIVATE ROAD)



PHOTO 4 1193 MAIN STREET, VAL CARON – SHIPPING CONTAINERS
LOCATED ON SOUTHERLY PORTION OF PART 1,
PLAN 53R-17784 AND QUONSET HUT ON PART 3, PLAN 53R-17784

701-7/17-7 & 751-7/17-7
PHOTOGRAPHY DECEMBER 1, 2017



PHOTO 5 1193 MAIN STREET, VAL CARON – DETACHED GARAGE
CONVERTED TO DWELLING UNIT ON PART 3, PLAN 53R-17784



PHOTO 6 1193 MAIN STREET, VAL CARON – GAZEBO AT SHORELINE
WITH ISLAND COTTAGES IN BACKGROUND

701-7/17-7 & 751-7/17-7
PHOTOGRAPHY DECEMBER 1, 2017



PHOTO 7 1193 MAIN STREET, VAL CARON – LOCATION OF PROPOSED SINGLE DETACHED DWELLING ON EASTERLY PORTION OF SITE



PHOTO 8 1193 MAIN STREET, VAL CARON – VIEW OF DOCK AND SHORELINE CONDITIONS FACING EAST

701-7/17-7 & 751-7/17-7
PHOTOGRAPHY DECEMBER 1, 2017



PHOTO 9 1193 MAIN STREET, VAL CARON – VIEW OF GAZEBO AND SHORELINE CONDITIONS FACING WEST



PHOTO 10 1193 MAIN STREET, VAL CARON – SANDY BEACH AREA AND GRASSED SLOPE ON WESTERLY PORTION OF SITE

701-7/17-7 & 751-7/17-7
PHOTOGRAPHY DECEMBER 1, 2017



PHOTO 11 1193 MAIN STREET, VAL CARON – VIEW OF EXISTING DWELLING FROM SHORELINE



PHOTO 12 1193 MAIN STREET, VAL CARON – LOCATION OF PROPOSED SINGLE DETACHED DWELLING ON WESTERLY PORTION OF SITE

701-7/17-7 & 751-7/17-7
PHOTOGRAPHY DECEMBER 1, 2017



PHOTO 13 WHITSON LAKE, VAL CARON – SEASONAL DWELLINGS
LOCATED WEST OF SUBJECT LAND (ACCESSED VIA
FIRE ROAD 7)



PHOTO 14 350 FIRE ROAD 7, VAL CARON – SEASONAL DWELLING
LOCATED EAST OF SUBJECT LAND (PIN 73502-0384
ON SKETCH)

701-7/17-7 & 751-7/17-7
PHOTOGRAPHY DECEMBER 1, 2017

Letter of Opinion - Summary of Shoreline Assessment

To: Francois and Lucie Savoie

From: April McCrum

Date: July 10, 2017

Subject: Savoie Proposed Severance – 1193 Main Street, Val Caron, Whitson Lake
(Part of Lot 5, Concession 5, Blezard Township)

Introduction

The property is located off Main Street in Val Caron on Whitson Lake (Figure 1). The applicant wishes to sever the existing parcel 3 of their property into 2 separate lots that will include a new septic and dock. The new septic and dock is proposed at the western portion of parcel 3 that is to be severed. FRi Ecological Services was retained to provide a letter of opinion to include: a shoreline assessment to determine the potential for fish spawning beds or the presence of special habitat for semi-aquatic wildlife; recommendations for site alterations to accommodate any new buildings and the dock; and to provide any recommendations for shoreline remediation measures.

According to the City of Greater Sudbury Official Plan (Section 21.3.3), permanent residential waterfront lots can be developed on Whitson Lake provided that:

- a) Lot or parcel has frontage along a public road that is maintained year round and has a minimum size of 0.8 hectares and a minimum frontage of 45m
- b) a hydrogeological assessment that establishes soil conditions are suitable for private sewage disposal
- c) there is enough quality and quantity of water suitable for domestic purposes;
- d) development will not degrade water quality of Whitson Lake to exceed its current Level I water quality status; and,
- e) fish and/or wildlife habitats are not adversely affected.

In addition, the Official Plan states in Section 21.3.3; for the protection of the shoreline a 15m vegetated buffer shall be maintained.



Figure 2: Approximate location of Parcel 3 and proposed property severance.

Existing Conditions

Eastern Portion of Parcel 3

This section of the property had a manicured lawn with some shrubs that bordered the eastern limits of the parcel (Photo 1). The driveway led to the lake that consisted of sand and gravel which bordered where parcel 3 is to be severed (Photo 2). At the shoreline, a small section of exposed bedrock was present to the east of the dock (Photo 3). There was a concrete walkway leading to the dock with some sections of exposed soil that appeared to be from recent landscaping activities (Photo 4). Shoreline substrate at this location consisted of boulders and cobbles. It was observed that some clear stone was also placed along either sides of the dock to prevent erosion of soils. While walking further west a vegetated buffer was present with some boulders installed along the edge of the shoreline (Photo 5). The shoreline substrate here was predominately sandy at this location. No aquatic vegetation was observed along this section of shoreline.

Western Portion of Parcel 3

This section of the property consisted of an existing cottage, driveway and manicured lawn with some scattered trees, and shrubs that bordered the western edge of the parcel (Photo 6). The property was sloped towards the shoreline and appeared to be recently graded and seeded with grasses (Photo 7). The shoreline was predominately sand with some gravel and some scattered boulders and cobbles were present along the shoreline. Within 5-10m of the shoreline, aquatic vegetation consisted of tape grass (*Vallisneria americana*), white water lily (*Nymphaea odorata*) and yellow pond lily (*Nuphar lutea*) (Photo 8). These aquatic plants likely provide fish habitat especially at the western limits by providing cover and a forage area. The lake substrate was mainly sand with gravel at the western portion of parcel 3. Areas of erosion was observed along the banks of the shoreline.

Wildlife Habitat

No known significant wildlife habitat is present on the property. From reviewing the Ontario Reptile and Amphibian Atlas, Ontario Breeding Bird Atlas and Ministry of Natural Resources and Forestry Make a Natural Heritage Map application and examining habitat availability at the property, there is the potential for the following species of special concern to be present: common nighthawk and snapping turtle.

Common Nighthawk

The common nighthawk prefers areas with little or no vegetation and nests in a wide range of open habitats such as rock barrens, rocky outcrops, forest clearings, grasslands, cultivated fields, marshes, cultivated fields, pastures and recently logged areas, riverbanks, marshes and lakeshores.¹

² From examining aerial imagery, preferable habitat for common nighthawk was observed outside

¹ Government of Canada. 2017. Species at Risk Public Registry, Species Profile, Common Nighthawk. http://www.registrelep-sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=986

² Ontario Ministry of Natural Resources and Forestry. 2015. Species at Risk in Ontario. Common Nighthawk. <https://www.ontario.ca/page/common-nighthawk>



Photo 2. Driveway leading to lake that bordered the proposed severance. Facing southwest. June 28, 2017.



Photo 3. Dock and shoreline at the eastern limits of parcel 3. Facing northeast, June 28, 2017.

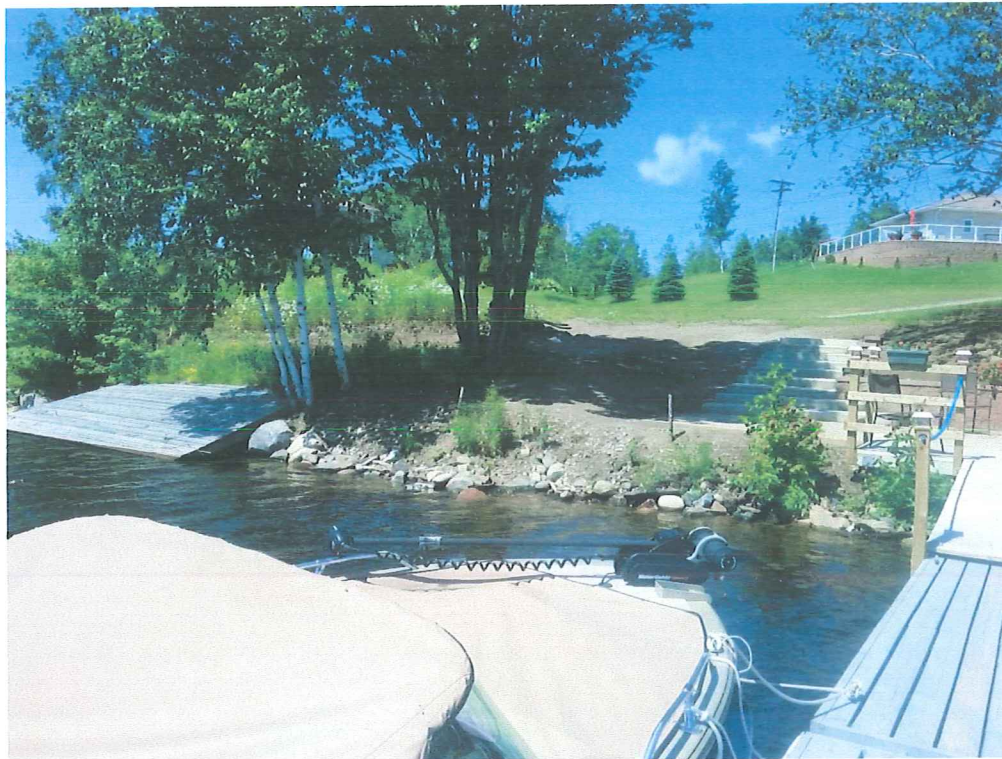


Photo 4. West of the existing dock. Facing west, June 28, 2017.



Photo 5. To the west of the existing dock, a vegetated buffer with boulders was present. Facing east, June 28, 2017.



Photo 6. Manicured lawn with some trees and shrubs at the western section of parcel 3 to be severed. Facing north, June 28, 2017.



Photo 7. Shoreline along the western side of parcel 3. Facing east, June 28, 2017.



Photo 8. Aquatic vegetation present along the western edge of the shoreline. Facing west, June 28, 2017.

Conclusions and Recommendations:

Based on the field investigations, suitable fish habitat for foraging and cover is present at the western limits of Parcel 3 and suitable snapping turtle nesting habitat is present along the sandy shoreline. If the following mitigation measures are followed it is expected that there will be no adverse effects to fish and fish habitat, wildlife habitat or changes to water quality including increased nutrient levels.

- Rock protection that includes boulders and cobbles should be added along the shoreline to prevent further erosion, especially at the western section of Parcel 3 (see Photo 7). There is some rock protection that has been placed at this location already, however further rock protection would prevent any further erosion of the shoreline.
- Native tree and shrub species should be planted within 5 m along the shoreline at the western section of Parcel 3 that is to be severed (minimum of 1 per 4 square meters).

Recommended trees and shrub plantings may include any or all of the following native species:

- Red osier dogwood (*Cornus stolonifera*)
- Willow (*Salix* sp.)
- Sandbar willow (*Salix exigua*)
- Shining willow (*Salix lucida*)
- Slender willow (*Salix petiolaris*)
- Eastern white cedar (*Thuja occidentalis*)
- Speckled alder (*Alnus incana*)
- Nannyberry (*Viburnum lentago*)
- Elderberry (*Sambucus canadensis*)
- Highbush cranberry (*Viburnum trilobum*)

The above listed tree and shrub species can also be planted along with any or all of the native herbaceous species:

- Spotted joe-pye weed (*Eutrochium maculatum*)
- Blue flag iris (*Iris versicolor*)
- Sensitive fern (*Onoclea sensibilis*)
- Lady fern (*Athyrium filix-femina*)
- Canada anemone (*Anemone canadensis*)
- Solomon's seal (*Polygonatum pubescens*)
- Pearly everlasting (*Anaphalis margaritacea*)
- Tall flat-topped aster (*Aster umbellatus*)
- Evening primrose (*Oenothera biennis*)
- Fireweed (*Epilodum angustifolium*)
- Canada lily (*Lilium canadensis*)
- Wild columbine (*Aquilegia canadensis*)

- It is also recommended that plantings of any of the following above listed species are completed on the eastern portion of parcel 3; where some exposed soils by the dock were observed.
- It is suggested that the new dock be installed where there is currently a road leading down to the shoreline (Photo 2) and away from the aquatic vegetation on the western limits of parcel 3. If a dock is installed, a floating or pole dock is recommended and that no native aquatic species be removed during the dock installation. The dock should be placed where there is limited aquatic vegetation.
- If the dock is installed within the sandy portion of the shoreline it is recommended that it be installed outside of the turtle nesting season (June 1 to September 31).
- Silt fencing should be in place during construction activities when there is exposed soil. This should be installed on the downgradient slope to prevent sediment and increased nutrients entering the lake. All sediment fencing should remain in place until all exposed soil areas are stabilized.
- If any cottages are constructed in the future, eavestrough outlets should be directed away from the lake and outlet into soak away pits.
- Any shoreline structures, including the dock will require reviews and potentially permits from the Ministry of Natural Resources and Forestry and possibly the Department of Fisheries and Oceans Canada;
- Additional permits or approvals may be required by other agencies for construction activities

Respectfully Submitted By:

July 10, 2017



April McCrum
Biologist

QUALIFICATIONS

Professional Profile

April has over 10 years of experience in the environmental field which has involved working for various non-profit organizations and private environmental consulting companies. Her experience includes completing species at risk (SAR) surveys, vegetation, wetland, as well as reptile, amphibian, fisheries and migratory bird surveys for MTO detail design projects, as well as for private companies and landowners. She also has over 5 years of experience working with Contractors and Contract Administrators on Ministry of Transportation projects to ensure compliance with environmental regulations and contract documents. This has involved providing guidance and recommending mitigation measures for the protection of SAR, fish and fish habitat, migratory birds and other wildlife.

RELATED PROJECTS

Environmental Impact Studies (EIS):

Field investigations completed to assess significant habitat for species at risk, significant wildlife habitat, areas of natural and scientific Interest, fish habitat and significant wetlands in accordance with the Provincial Policy Statement (2014) and Endangered Species Act (2007).

- Degagne Carpentry, North Bay
- Dalron Construction Limited, City of Greater Sudbury
- Diamond View Muskoka Inc.
- KGHM International, Sudbury Area
- Private landowners in the Parry Sound and Sudbury Area

Aggregate Licence and Permit Applications, Natural Environment Level 1 & 2:

Field investigations completed to assess significant habitat for species at risk, significant wildlife habitat, areas of natural and scientific Interest, fish habitat and significant wetlands in accordance with the Provincial Policy Statement (2014) and Endangered Species Act (2007).

- Bacher Construction (Category 9 Aggregate Permit)

MTO Class Environmental Assessments:

Background research and field work was completed during the Detail Design Phase for MTO projects. Environmental components included assessment of species at risk and associated habitat, fisheries and aquatic habitat, as well as field surveys completed for resident birds, mammals and other herpetofaunal species. Impacts were evaluated and mitigation measures were provided along with Natural Science Technical Reports, Fish and Fish Habitat Impact Assessment Reports, Environmental Screening Documents and Existing Conditions Reports.

- New Interchange and Extension of existing 4-laning, Highway 17 at the west junction of Sudbury Municipal Road 55, from 20.5 km west of Highway 144, easterly for 6.5 km, Sudbury Area (G.W.P. 156-98-00)
- Culvert replacements along Nepewassi Lake Road at Highway 69 and Onaping Lake Road, Sudbury Area (G.W.P. 5022-10-00 & 5023-10-00)
- Bridge replacements at Prune Creek and Obijou River, Hearst Area (G.W.P. 5033-07-00 & 5044-11-00)

- Rehabilitation of 5 structures on Highway 17 and Highway 6, Sudbury Area (G.W.P. 5561-04 & 5107-05-00)
- Rehabilitation of Highway 7 from Highway 115 north to Peterborough County Road 15/North Monaghan Parkway (G.W.P. 4053-06-00)

MTO – Construction Supervision and Inspection:

SAR Compliance and Effectiveness Monitoring:

- Highway 69 from 3.1 km North of Highway 64 northerly for 11.2 km - Species at Risk Qualified Member and Qualified Professional.
- Highway 17 Batchewana River Bridge, 4.7 km south of Highway 563 – Species at Risk Specialist
- Highway 17 Carp River Bridge, 0.2 km south of Highway 563 – Species at Risk Specialist

Fisheries Inspections and Monitoring:

- Highway 17 from 0.3 km east of Highway 94 easterly for 12.3 km – Environmental Specialist
- Highway 69 from 3.1 km North of Highway 64 northerly for 11.2 km – Environmental Specialist
- Highway 60, Oxtongue Narrows Bridge Replacement – Environmental Inspector
- Highway 144, Mollie River Culvert Replacement, 2.7 km North of Highway 560 – Environmental Specialist
- Highway 69 Expansion and 4-laning from 12.2 km North of Hwy 64 for 14.6 km to Estaire – Environmental Inspector

Additional Relevant Experience:

- CFB Petawawa (2009) – Species at Risk surveys
- Ducks Unlimited Canada (2004-2008) – Waterfowl and shorebird nesting surveys in Alberta and Saskatchewan in various habitat types.
- Canadore College, Part time Instructor (2013 and 2014) – Environmental Auditing, Impact and Risk Assessment Course

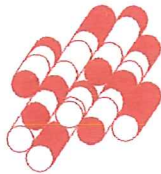
EDUCATION

Bachelor of Science Degree, Biology Major – Trent University (2010)

Terrain and Water Resources Technology Diploma – Sir Sandford Fleming College (2000)

Courses and Certificates

- Ontario Ecological Land Classification Certification
- Ontario Wetland Evaluation Certification
- Ontario Certified Inspector of Sediment and Erosion Control (CISEC) Course and Certification
- MTO/MNR Highway 69 Species at Risk Training and Certificate
- Fisheries Specialist Training and Certificate (MTO/MNR/DFO Protocol)
- Class 2 Backpack Crew Leader Electrofishing Course and Certificate



Terraprobe

*Consulting Geotechnical & Environmental Engineering
Construction Materials Inspection & Testing*

July 29th, 2017

Our File No. 5-16-0001-24
Sudbury Office

Francois Savoie
1193 Main Street
Val Caron, Ontario
PP3N 1E5

Attention: Francois Savoie

**RE: Estimation of Soil Percolation Rate
1193 Main Street
Val Caron, Ontario**

As requested, Terraprobe Inc. (Terraprobe) has performed a grain size distribution analysis on the soil sample delivered to our laboratory on July 25th, 2017. Terraprobe provides the attached estimated percolation rate ("T"-time) for the soil sample that was received from the subject property.

A grain size distribution curve was plotted for the sample tested and is presented on the attached T-time sieve analysis test report (Lab No. 6602). The results indicate the soil predominately consists of a Gravelly Silty SAND. Based on the grain size distribution, the material is classified as an SP - SW (poorly graded sands & gravelly sand with little or no fines to well-graded sands, gravelly sands) under the Unified Soil Classification System. The Supplementary Standard to the Ontario Building Code 2012 document *Percolation Time and Soil Descriptions* (SB-5) assigns percolation rates from 2 to 12 min/cm for soils within this classification. Considering the grading of the soil and a 32% silt & clay fraction, a percolation rate of 6 to 7 min/cm is considered appropriate for the sample submitted.

It should be noted that Terraprobe did not conduct a field investigation in conjunction with the sample collection, or witness the collection of the sample tested. Terraprobe assumes no responsibility for the application of the above-noted percolation rate ("T"-Time) for use in design of an on-site sewage disposal system. The design of an on-site sewage system must be conducted by a qualified professional with due regard for a number of site-specific conditions in addition to the percolation rate of the soil.

Francois Savoie
Estimation of Soil Percolation, 1193 Main St., Val Caron, Ontario

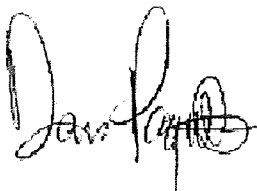
July 29th, 2017
File No. 5-17-0001-24

Terraprobe does not present the estimated percolation rate given in this report as a warranty of performance for the soil tested. The client or any third party using this information as a basis for tile field design assumes all risk associated with their evaluation of this report and all other criteria used in the design of any private sewage disposal system. This report is based entirely on the grain size distribution curve of the soil sample submitted for analysis. Additional analyses may be required following any future processing of the subject material or following supply of the material to individual sites for use in any tile bed construction.

We trust this information is sufficient for your present purposes. Should you have any questions concerning this or any related matter, please do not hesitate to contact the undersigned at our Sudbury office.

Respectfully submitted,

Terraprobe Inc.



Denis Paquette, P. Eng.
Principal, Sudbury Branch Manager





Terraprobe

T-TIME SIEVE ANALYSIS TEST REPORT

PROJECT: **Estimation of Soil Percolation**
LOCATION: **Val Caron, Ontario**
CLIENT: **François Savoie**
RE: **1193 Main Street**

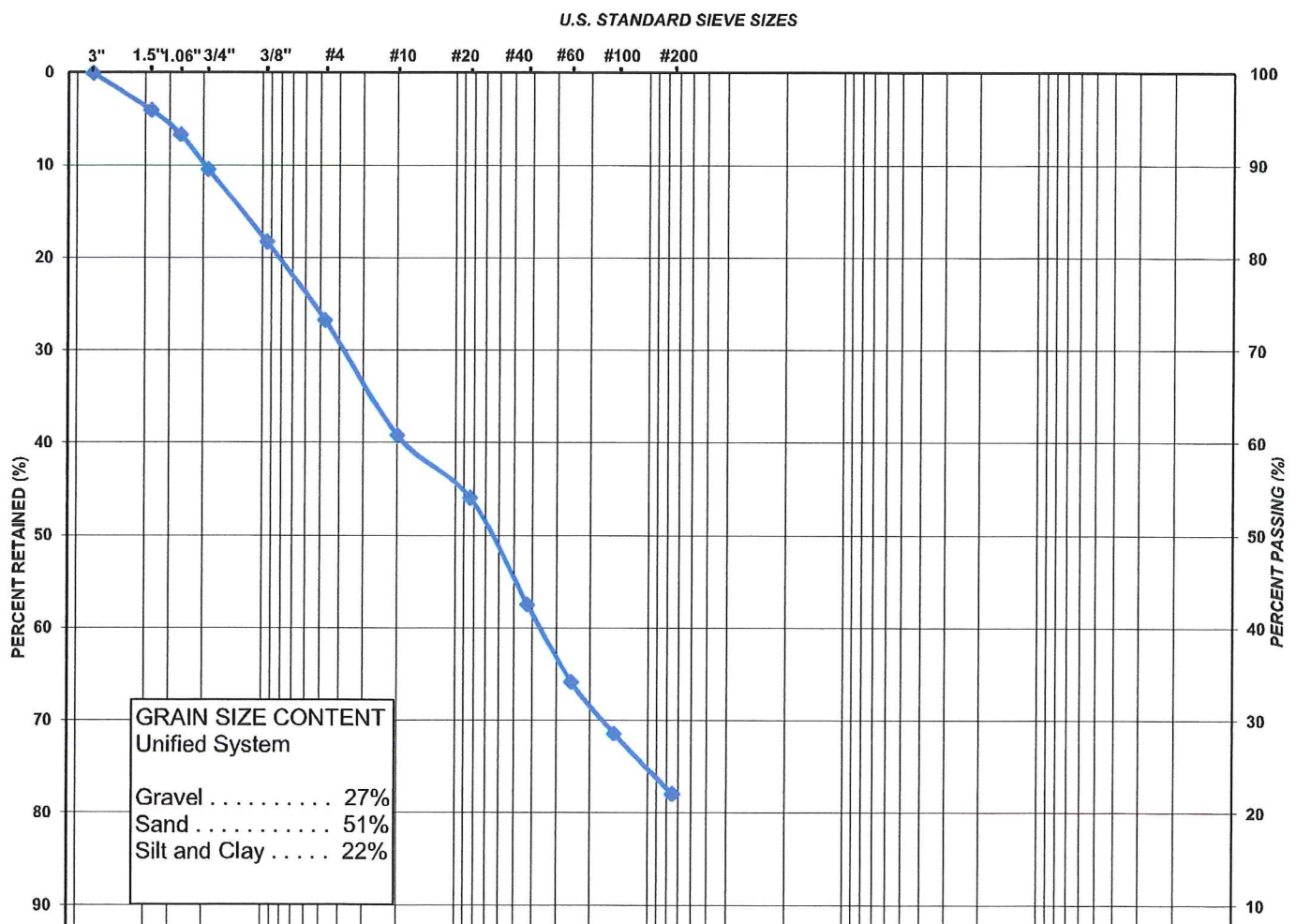
FILE NO.: **5-17-0001-24**
SAMPLE DATE: **July 25, 2017**
SAMPLED BY: **Client**
TEST DATE: **July 26, 2017**
TESTED BY: **T.E.**
LAB NO.: **6602**

SAMPLE DESCRIPTION: **Gravelly Silty SAND**

** To be read in conjunction with cover letter only **

Estimated rate of Percolation = 6 -7 min/cm

GRAIN SIZE DISTRIBUTION



X SingleSampleOPHL WATPRIVATE.rpt