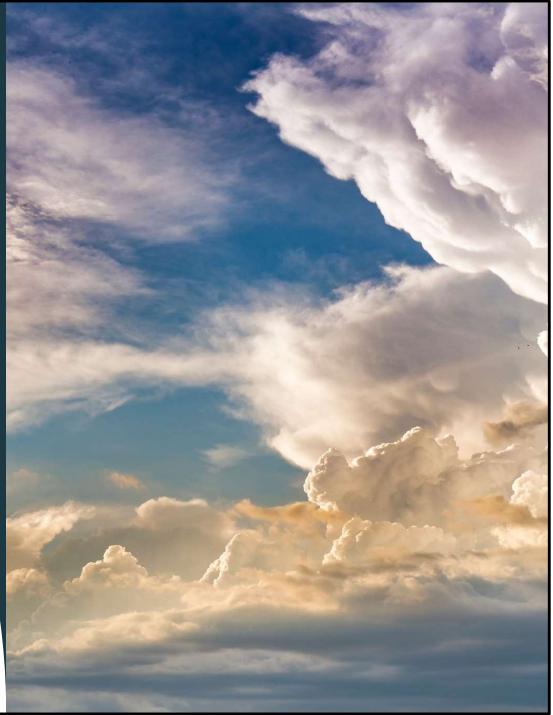


**Draft Plan of Subdivision
Island 193, Bertram Twp.,
West Nipissing**

Tim Bremner
Island #196 Bertram Twp.

Why This Proposal Must Not Be Approved



Who Are We?

We are a group of concerned citizens:

- Some of us have nearby cottages
- Many are fisherman, recreational tourists, naturalists and canoeing enthusiasts.
- All of us enjoy nature with a curiosity for history and science
- We are committed to sustainability and protection of the environment
- Some of us are indigenous
- Most of us are taxpayers.

French River Facts

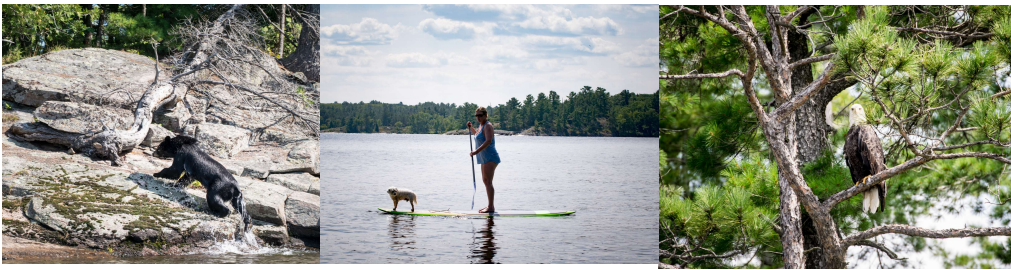
- Traditional territory for indigenous people dating back thousands of years and remains so today.
- Early French Explorers, Etienne Brule and Samuel de Champlain were the first to map the river in 1610 and 1615
- For centuries, “The French” served as host to indigenous people, fur traders, Voyageurs, travellers and the logging industry in the 1800’s.
- Its archeological significance, natural beauty, historic significance and recreational values resulted in the French River being named Canada’s *first* Heritage Waterway in 1986.
- French River Provincial Park was established 3 years later in 1989.



We are very proud to have such an asset under the shared stewardship of the Municipality of West Nipissing

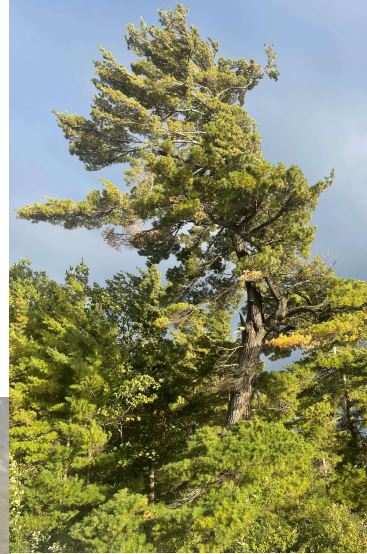
French River Today

- Renowned as a pristine natural area with a prolific fishery that supports a thriving tourism and recreational industry.
- Supports many Indigenous commercial fishing operations and dependant downstream businesses.
- French River Provincial Water Park was established to ensure the natural beauty and heritage of the river was preserved to be enjoyed by all for generations.



French River Today

- Teeming with wildlife - *including many endangered species* - such as the Golden Eagle, Blanding turtle, Brown Bat and Sturgeon – all of which are native to the French River.
- Archeologically significant with many known artifacts dating back hundreds of years have been discovered and preserved, with many more embedding in the surrounding land.
- Pristine forest with mature white pine stands over 200 years old



About Island 193

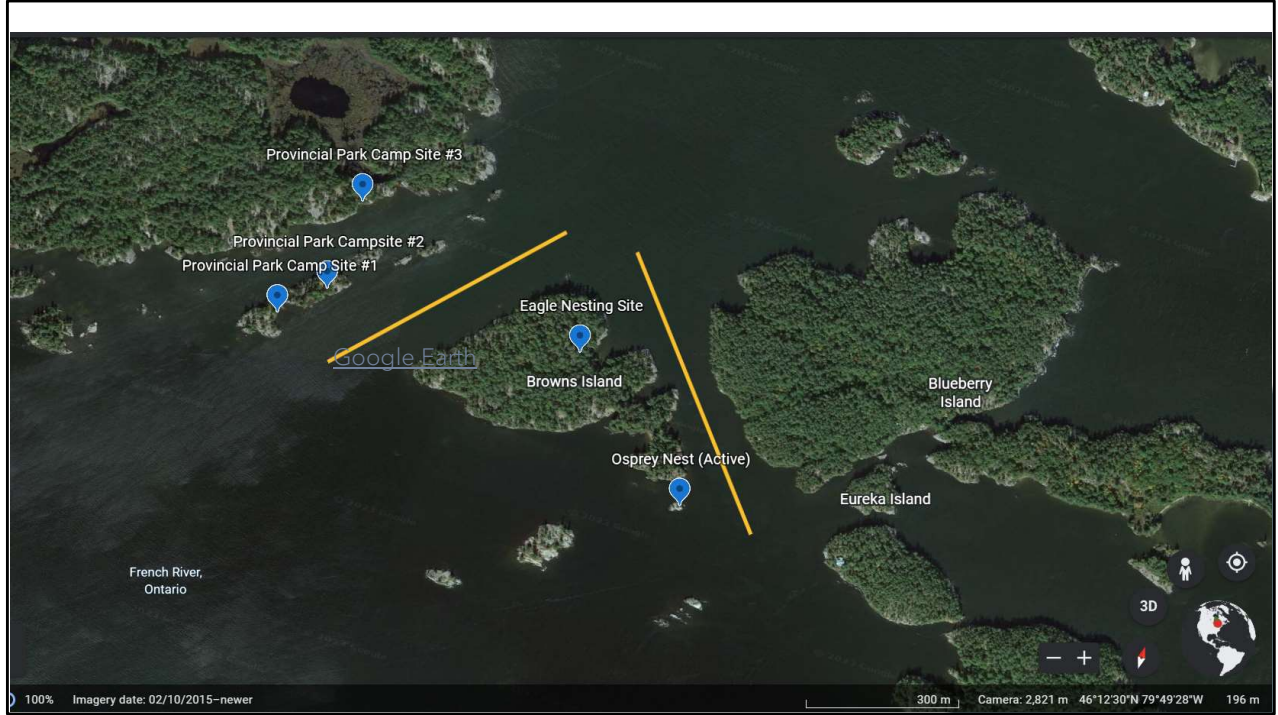
- Privately owned for almost 100 years and originally part of a larger land package that included 4 other islands.
- Safe haven for wildlife and early travellers with it's 6 sandy beaches, sheltered bays, rugged outcrops and old pine forest cover.
- Borders Provincial Park and Waterway including canoe routes and 3 provincial camp sites.
- Admired by all for the beauty of single existing cottage and boathouse in such a magnificent setting.

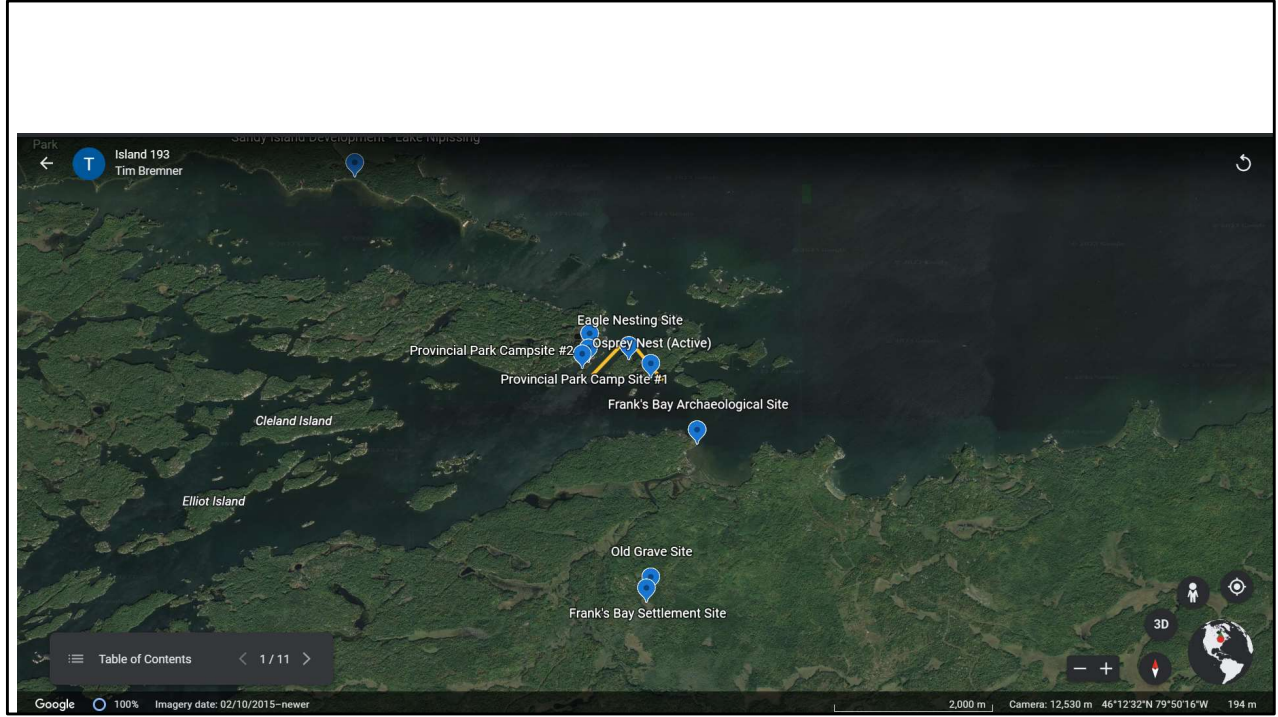


Drone Footage of Upper French River Near Island 193

Note: Video removed due to size of file







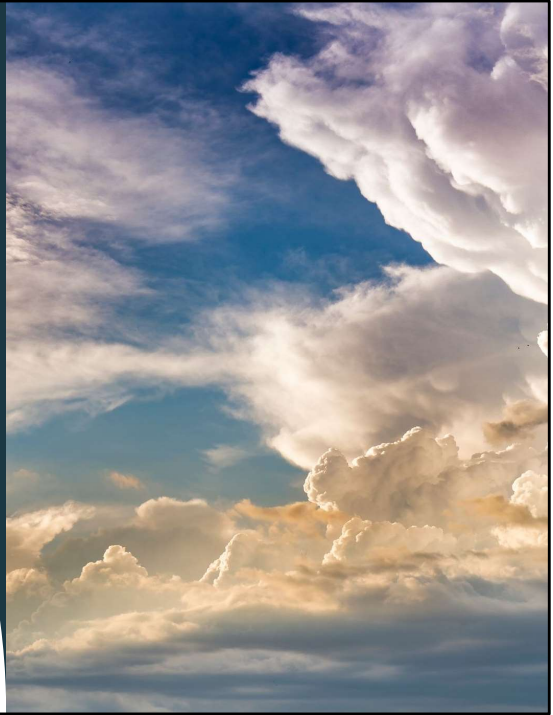
Thank you



**Draft Plan of Subdivision
Island 193, Bertram Twp.,
West Nipissing**

Mike Purcell
Island #143 Bertram Twp.

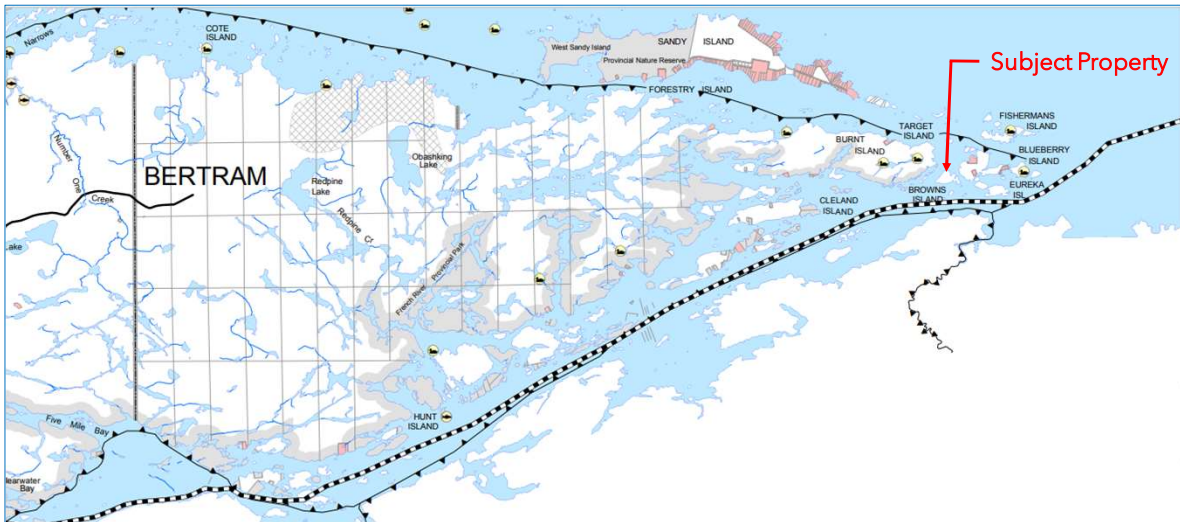
Why This Proposal Must Not Be Approved



2 Key Concerns with Draft Plan of Subdivision

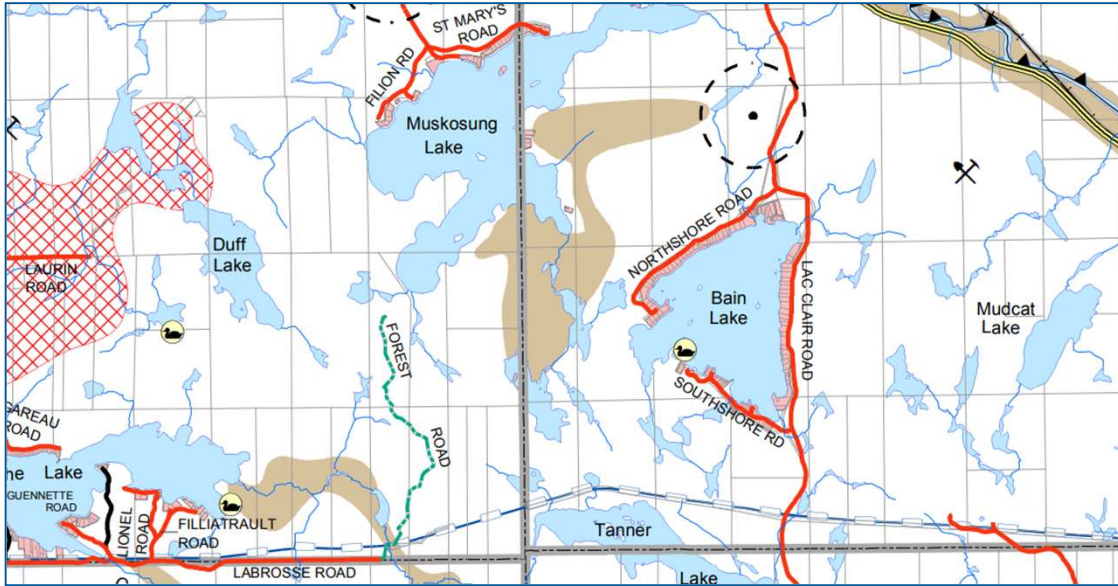
1. Proposed Use Not in Conformity With Official Plan.
2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements.

1. Proposed Use Not in Conformity With Official Plan



- This is an image of the **Land Use Plan** for Bertram Township and it forms part of West Nipissing's Official Plan.
- It shows **Browns Island** - at the headwaters of the French River.
- It shows the **Upper French River area** from Dokis First Nation (south west) to Lake Nipissing (north east).
- Lands that are designated as **Provincial Park** are highlighted in the light grey colour, and although it extends along both sides of the river, the park lands are not shown along the south shore as it is outside of the Municipality of West Nipissing.
- The land use schedule also highlights the 2 significant **canoe routes** and notice that they converge in front of Brown's Island. Also **3 backcountry campsites**.
- This schedule also shows that **Brown's Island** is within the Rural District Designation. All lands shown in white on this schedule are within the Rural District.
- And it is important to note that the majority of the private lands along the upper French River are also designated Rural District (other than a couple of **existing lots of record** that have been designated as Waterfront District).
- **Sandy Island** is Designated Waterfront District (pink colour)...

1. Proposed Use Not in Conformity With Official Plan



...And it appears that, **all** shoreline residential subdivisions throughout the municipality are within a Waterfront District Designation... Bain Lake

1. Proposed Use Not in Conformity With Official Plan

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

Land Use Category ¹	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
Scope of Permitted Residential Uses in District (see also Sections 3.06.5.1, 3.06.2, 3.06.8.2, 3.06.8.9, 3.06.10)	<u>Residential District:</u> <ul style="list-style-type: none"> • full range of low, medium and high density housing types • specialized housing types: group homes, crisis care, social assisted 	<u>Residential Uses:</u> <ul style="list-style-type: none"> • full range of low and medium density housing types • specialized housing types: group homes, crisis care, social assisted (excluding high density) 	<u>Residential Uses:</u> <ul style="list-style-type: none"> • seasonal and permanent residential uses 	<u>Rural District:</u> <ul style="list-style-type: none"> • limited low density (single and two unit housing) • specialized housing types: group homes, crisis care, social assisted (excluding high density)

- This is a table from the Official Plan, and you will note that lands within a **Rural District**, as is the case with Brown’s Island, do not allow seasonal residential uses, and only allow **“limited”** low-density housing.
- It is the **Waterfront District** where seasonal residential uses (or cottages) are permitted.
- So what is meant by **“Limited” low density housing.**”

1. Proposed Use Not in Conformity With Official Plan

3.06.3 RURAL AREA

*“...**Limited opportunities** will be provided for residential development in the **Rural District** land use designation. This will take the form of **residential infilling** within existing clusters of development, cross road settlements or shoreline areas.”*

Definition

Residential infilling is the development of underused or vacant land in **existing built up areas** in order to increase density and to place new development near existing resources and infrastructure.

- The OP states under section 3.06.3 that...
- Residential infilling is not defined in the Official Plan and this is a generic planning definition...

1. Proposed Use Not in Conformity With Official Plan

OP & Provincial Policy Statement (PPS)

- In rural areas, rural settlement areas (e.g. Field, Lavigne, Crystal Falls, River Valley) shall be the **focus of growth** and development.
- The health and financial well being of communities are sustained by **promoting** efficient land use patterns that optimize the delivery of public services and infrastructure such as police, fire, emergency services, health care, and waste management.
- PPS - Permitted uses on Rural Lands include *“Residential Development, including lot creation, that is **locally appropriate.**”*

Considering this application from the perspective of it being a “Limited residential infilling” development, the **OP and PPS contain similar policy statements** as follows:

1. Proposed Use Not in Conformity With Official Plan

Provincial Policy Statement

*The Province's vision for Ontario's land use planning system... is to ensure that natural heritage, water, cultural heritage and archaeological resources... are managed in a sustainable way to **conserve biodiversity**, protect essential ecological processes and public health and safety,... minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet the province's long-term needs.*

- The PPS vision for Ontario's Land Use Planning system is to ensure...

1. Proposed Use Not in Conformity With Official Plan



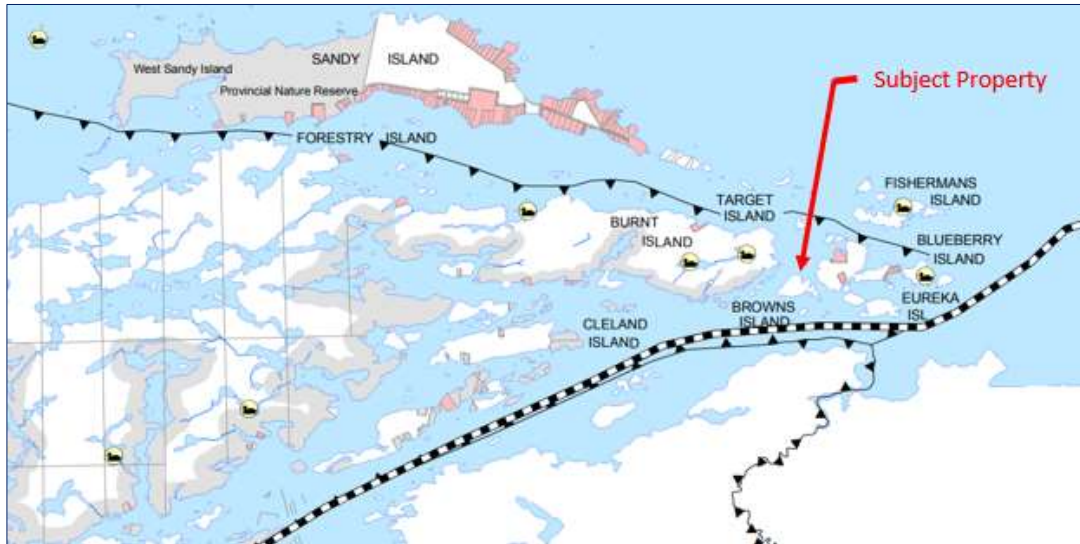
Wildlife analysis shows ‘terrifying’ decline in populations, says WWF director

“Global populations of monitored mammals, birds, amphibians, reptiles, and fish plummeted by 69% from 1970 – 2018.”

(Source: The Weather Network, October 15, 2022)

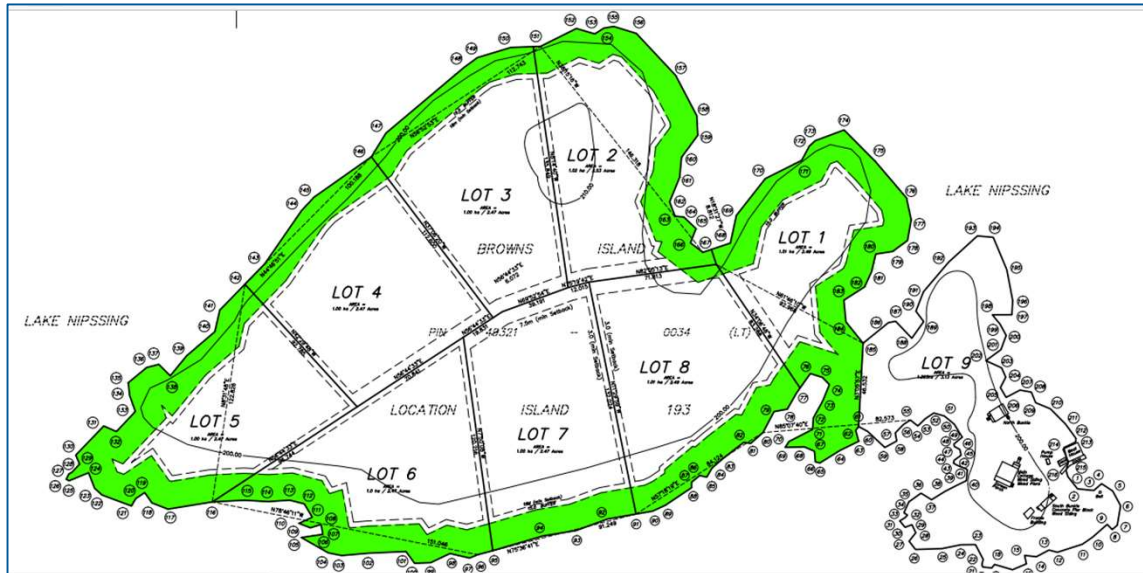
- When it comes to conserving biodiversity, we know that this is a major issue of **global concern**. The recent UN **Biodiversity Conference (COP 15)** held in Montreal is testament to this urgency.
- The **World Wildlife Fund** recently published a study that shows terrifying decline in populations:
 “Global populations of...

1. Proposed Use Not in Conformity With Official Plan



- So, as you can see, the proposed subdivision of Brown's Island does **not** appear to be **residential infilling** - as it is not development that is filling in between existing clusters of development.
- From a **public financial well being**, the development does not appear to represent an **efficient form of development** relative to the cost of delivering public services and infrastructure - such as police, fire, emergency services, health care, by-law enforcement, waste management, etc.
- Further, is locating a permanent residential housing subdivision in the middle of the French River Heritage Waterway Park **appropriate**?
- Finally, considering this location for a new housing development, does **not** appear to **manage growth in a sustainable way**; that conserves biodiversity, protects essential ecological processes and minimizes environmental and social impacts.
- ...

1. Proposed Use Not in Conformity With Official Plan



- In fact, from a conserving biodiversity perspective, the **physical damage** to the islands biodiversity and ecological processes alone is considerable, as the entire island is proposed to be subdivided into 9 residential lots and on each lot the **zoning allows**
 - **2 dwellings** (or a dwelling and a sleeping cabin... with sanitary facilities),
 - plus **3 accessory** buildings,
 - an **unlimited number** of unenclosed decks, gazebos, pumphouses & saunas
 - for an overall **total lot coverage** not to exceed 15% or approximately 16,000 sq ft.).
- Then add to that, a septic system and filter bed, docks, walkways, outdoor sitting areas, gardens, pets and humans... the **physical degradation** of nature from this development would be considerable.
- And as noted in Tim's presentation, the proposed subdivision is **not locally appropriate** given the existing density, scale, and character of the Upper French River.
- It is for **these reasons** that the proposed plan of subdivision is not in **conformity** with the Official Plan.

2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements

Section 8.13

*"The Municipality will not consider an application **complete**... where studies or other information **required by this Plan** or the Planning Act are **not submitted** as part of the application."*

2nd Key concern is with respect to **deeming the application complete** when studies that were required to be submitted at time of application were not submitted.

There are at least 5 studies that were required to be submitted and had not.

This application should therefore have not been deemed "complete".

2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements

A) Hydrogeological Study and Servicing Options Report

Section 3.06.8 (9) (A) (ii)

*...New lots are required to be 1.0 ha [2.47 acres] in size unless technical information pertaining to the **physical characteristics and hydrogeology of the site** in accordance with **MOE D-Series guidelines** or their successor documents can demonstrate that a smaller lot size can be supported..."*

Section 4.06.3 (2)

*"...Applications for lot creation on privately owned and operated individual or communal systems generating more than **4,500 litres [989.8 gal.]** of effluent per day as a result of the development **shall require** the submission of a **servicing options report** and a **hydrogeological report**..."*

- A hydrogeological study was not submitted at the time of submitting the application, despite proposing lots **less than 1 ha**. The application has since been **modified** such that all lots meet the zoning bylaw minimum lot size. And so, this requirement is no longer applicable.
- The subdivision is however expected to generate up to **14,000 litres of effluent per day** (or more if 2 dwellings/lot) which is well over the 4,500 l/day threshold) and as such...
- A **servicing options report** and a **hydrogeological study** were therefore required to be submitted prior to the application being considered complete.
- The Conservation Authority's **Inspection Report** is **not** a hydrogeological study, as per MOE D-Series Guidelines.
- This study is critical in the design of the draft plan of subdivision as it will determine if the island and surrounding water **can accommodate** the sewage effluent associated with the 9 lots, and zoning that permits up to **2 dwellings/lot** (or a dwelling unit and sleeping cabin... with sanitary facilities). The Septic inspection report based its inspection on dwellings no **larger than 2,000 sq. ft.** and note that there is no limit on the maximum size of a principal dwelling.
- The Island is largely exposed bedrock with **very little soil overburden**.

2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements

B) Environmental Impact Assessment

Section 5.06.5 (6)

*"...An Impact Assessment **shall** be prepared in support of a planning application..."*

"...where the impact of the development and/or site alteration cannot demonstrate no negative impacts, it will not be permitted..."

5.06.5 (1)

*"...Where a known natural heritage feature and area is not identified on the Land Use Schedules to this Plan, this shall not preclude the requirement for an Impact Assessment.... **all water bodies...** should be considered as potential areas for fish habitat..."*

- The submission from **Chelsey Armstrong**, PhD, Assistant Professor, Simon Fraser University (**page 53**) noted that:

"Brown's Island is uniquely situated at the intersection of Lake Nipissing and the French River – a biological hotspot that straddles mixed freshwater aquatic systems with crenulated shorelines, bays, estuaries, and multi-bar beaches. These diverse systems are supported by a broad integration of hydrological effects from both river currents and open lake upwelling."

"Small island ecosystems are some of the most challenging landscape features to adequately mitigate against land-use changes. This is especially true for dramatic land use changes, like the proposed rezoning..." There is no question that this rezoning will result in unmitigable impacts to biota throughout the region and reduce direct economic values that drive the local economy."

- Further, as Tim Bremner noted earlier, the Provincially threatened Blanding's Turtle has been sighted in the vicinity of the island.

2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements

C) Water Quality

Section 3.06.8 (9) (A) (viii)

"Applications for plans of subdivision or condominium developments shall be accompanied by an impact report which shows the impact of the proposed use on water quality."

- The Official Plan states that water is a **precious resource** that is vital to all life, and therefore protecting it from degradation is paramount.
- Residential development can contribute to **water quality degradation** through landscape and building maintenance practices, setbacks, and from spills or discharges to land and waterbodies.
- **Examples** include deteriorating/leaching paints, solvents, pressure treatments, herbicides, accidentally discarded plastics, chemical treatments for mold & mildew, and persistent chemicals such as those found in medications and cleaning products that can make their way to septic beds.

2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements

D) A Cultural Heritage Landscape Impact Assessment & Archaeological Assessment Report

Section 7.06 (1)

*"...In reviewing an application for a... subdivision; ...**consideration shall be given** to the possible effects and impacts of such works on a known heritage resource or on an **area of archaeological potential** (lands where there is a likelihood for the presence of archaeological resources based on physiographic or historical features)... e.g. site which is in proximity to a lakeshore, water body (300 m [984 ft.])."*

- It is well known that the French River has a rich history of use by indigenous peoples, French Explorers, Fur Traders, Voyageurs, Loggers, and tourism operators. It's cultural Heritage is significant and in fact, the applicants cover letter noted: *"it is well known that the Upper French River is an area of **archeological potential**."*
- Interestingly, discoveries at Franks Bay date back to **3255 BC**.
- A **heritage study** that considers impacts on both archeological and heritage resources should have therefore, been undertaken.

2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements

E) Natural Hazards

The Provincial Policy Statement, includes direction for planning authorities to:

- Consider the potential impacts of **climate change** that may increase the risk associated with natural hazards (policy 3.1.3); and
- Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of **hazardous forest types for wildland fire**, unless the risk is mitigated in accordance with **wildland fire assessment and mitigation standards**. (policy 3.1.8).

- Finally, the PPS also includes direction for planning authorities to: ...
- **Definition of: Hazardous forest types for wildland fire:** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.
- Since these mandated studies had not been submitted, the application seems **premature and not complete**.
- In fact, doing so is like putting the **cart before the horse**, as these studies will determine the total # of lots and their layout, will identify areas that should not be developed, will determine whether a park land dedication is desired and will identify the **tools** that should be used to implement their recommendations such as: special zoning requirements, subdivision conditions, subdivision agreement requirements, and the use of site plan control.
- In fact, the OP states that any lands abutting a waterbody or watercourse, **shall** be subject to Site Plan Control. And yet, Site Plan Control has not been proposed for this subdivision. A Site Plan can address matters such as the dimensions of the lots, the location of proposed principal and accessory buildings, walkways, docks, landscaping, vegetative buffers etc.



2. Application not in Compliance with the Official Plan's Mandatory Submission Requirements

The above noted studies will ensure that the draft plan of subdivision has had regard to the criteria contained in Section 51 (24) of the Planning Act, and in particular:

- (a) The effect of development of the proposed subdivision on matters of provincial interest;
- (b) Whether the proposed subdivision is premature or in the public interest;
- (c) Whether the plan conforms to the Official Plan;
- (d) The suitability of the land for the purposes for which it is proposed to be subdivided;
- (f) The dimensions and shapes of the proposed lots;
- (g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided;
- (h) Conservation of natural resources;
- (k) The area of land, if any, within the proposed subdivision is to be conveyed or dedicated for public purposes.

a) for e.g. does the proposed subdivision protect water quality or conserve biodiversity?

g) There are a number of planning tools that can be used to implement recommendations of the various studies including special zoning requirements including the zoning of lands for open space or , subdivision conditions, subdivision agreement requirements, dedication of parkland and the use of site plan control.

- In fact, the OP states that any lands abutting a waterbody or watercourse, shall be subject to Site Plan Control. A Site Plan can address matters such as the dimensions of the land, the location of proposed principal and accessory buildings, walkways, docks, landscaping, vegetative buffers etc.