



# PLANNING JUSTIFICATION REPORT

Rutherglen Subdivision, Township of Bonfield

Draft Plan of Subdivision and Zoning By-law Amendment  
Application

May 2025

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## 1.0 INTRODUCTION

TULLOCH has been retained by 1000328150 Ontario Inc. to represent their property interests for a landholding located within the Hamlet of Rutherglen, in the Township of Bonfield. This Planning Justification Report has been prepared in support of a complete application for a Draft Plan of Subdivision and a Zoning By-law Amendment. The application applies to a 12.7-hectare portion of the subject property. The remaining lands are not included in this application.

The proposed development seeks to establish 18 residential lots within a Residential First Density (R1-X) Special Zone. The proposed special zone seeks to permit a minimum lot size of 0.5 hectares and a minimum frontage of 30 metres.

This Planning Justification 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:

- *Growth Plan for Northern Ontario (GPNO 2011)*
- *Provincial Planning Statement (PPS 2024)*
- *Township of Bonfield Official Plan*
- *Township of Bonfield Zoning By-law*

Overall, the author finds that the proposed Draft Plan of Subdivision and Zoning By-law Amendment conforms with the policies and direction provided by the *Growth Plan for Northern Ontario (GPNO 2011)*; is consistent with the *Provincial Planning Statement (PPS 2024)*; is in conformity with the *Township of Bonfield Official Plan*; and therefore, represents good planning.

## 2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT

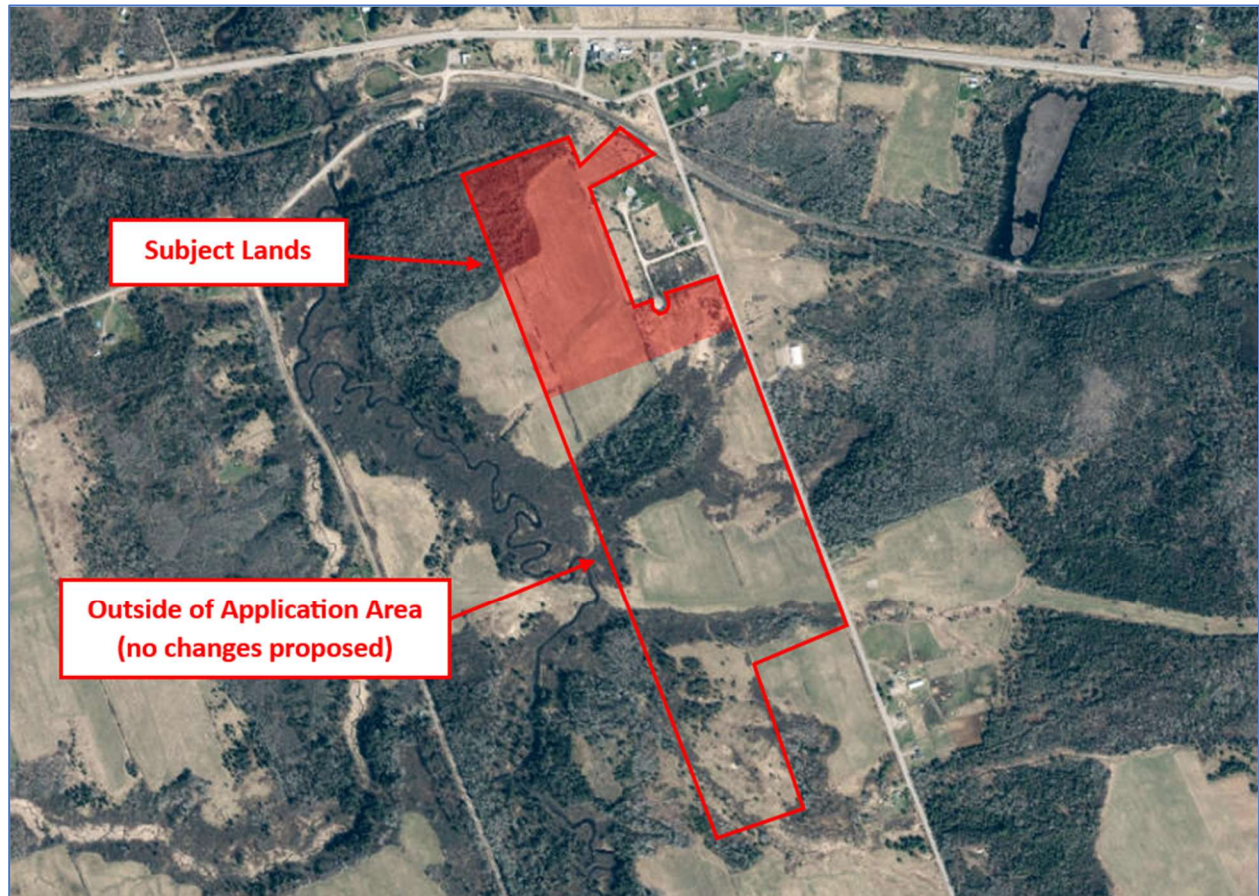
The subject lands, 12.7 hectares included in the current Planning Act applications, form part of a larger 47-hectare landholding. The lands have frontage on Rutherglen Line to the east and connect to the turning circle at the end of the Talon Crescent subdivision.

The lands subject to this application are located within the West Half of Lot 32, Concession 8, in the Township of Bonfield, District of Nipissing. They are legally described as being within Part of the West Half of Lot 32, Concession 8, in the Township of Bonfield in the District of Nipissing and identified by Parcel Identification Numbers (PINs) 49115-0272 (LT) and 49115-0053 (LT). Although the property has not yet been assigned a civic address, it is recognized under Assessment Roll Number 4826-000-002-04205.

The lands are currently vacant, relatively flat, and are characterized by open agricultural fields and forested areas. An unevaluated wetland is located in the southeastern corner of the site. No watercourses have been identified on the property. The site lies within and along the periphery of the Hamlet of Rutherglen, an area characterized by a mix of residential, commercial, institutional, and parkland uses. Surrounding land uses are described in detail below and summarized in Table 1.

*Table 1: Surrounding Uses*

<b>NORTH</b> <b>(southside of Highway 17)</b>	<p>Highway and Service Commercial (C2) Zone</p> <ul style="list-style-type: none"> <li>● Automobile Service Station (Esso)</li> <li>● Building Supply Store (Home Hardware)</li> <li>● Convenience Store (Gagne's and LCBO)</li> </ul> <p>Special (SZ-20) Zone</p> <ul style="list-style-type: none"> <li>● Restaurant (Tricker's Treats)</li> </ul> <p>Multiple Family Residential (RM) Zone</p> <ul style="list-style-type: none"> <li>● Multiple Dwelling Unit</li> </ul> <p>First Density Residential (R1) Zone</p> <ul style="list-style-type: none"> <li>● Vacant</li> </ul> <p>First Density Residential (R1) and Environmental Protection (EP) Split Zone</p> <ul style="list-style-type: none"> <li>● Place of Worship (St. Margaret's Anglican Church)</li> </ul>
<b>EAST</b>	<p>Special Zone No.3 (SZ-3)</p> <ul style="list-style-type: none"> <li>● Residential Subdivision on Talon Crescent (Single Detached Dwellings)</li> </ul> <p>Canadian Pacific Rail line</p> <p>First Density Residential (R1) Zone</p> <ul style="list-style-type: none"> <li>● Single Detached Dwellings with frontage on Park Street</li> </ul> <p>First Density Residential (R1) Zone</p> <ul style="list-style-type: none"> <li>● Mostly Vacant Property with frontage on Rutherglen Line</li> </ul>
<b>SOUTH</b>	<p>Rural (RU) Zone</p> <ul style="list-style-type: none"> <li>● Undeveloped land in same landholding</li> </ul>
<b>WEST</b>	<p>Rural (RU) Zone</p> <ul style="list-style-type: none"> <li>● Undeveloped land</li> </ul>



*Figure 1: Subject Lands and Surrounding Land Uses*

### **3.0 PROPOSAL**

TULLOCH has been retained by 1000328150 Ontario Inc. to assist in the preparation of a Draft Plan of Subdivision and concurrent Zoning By-law Amendment for a proposed residential development. The plan proposes the creation of eighteen (18) lots within a Residential First Density (R1-X) Special Zone designation. The R1 zoning permits single-detached dwellings with the option for a secondary dwelling unit. The special zone is being applied for to permit a minimum area of 0.5 hectares and at least 30 metres of frontage for the proposed lots.

Access to the subdivision will be provided by a new municipal street and cul-de-sac, connecting to the existing Talon Crescent. The proposed Draft Plan of Subdivision is shown in Figure 2 below.

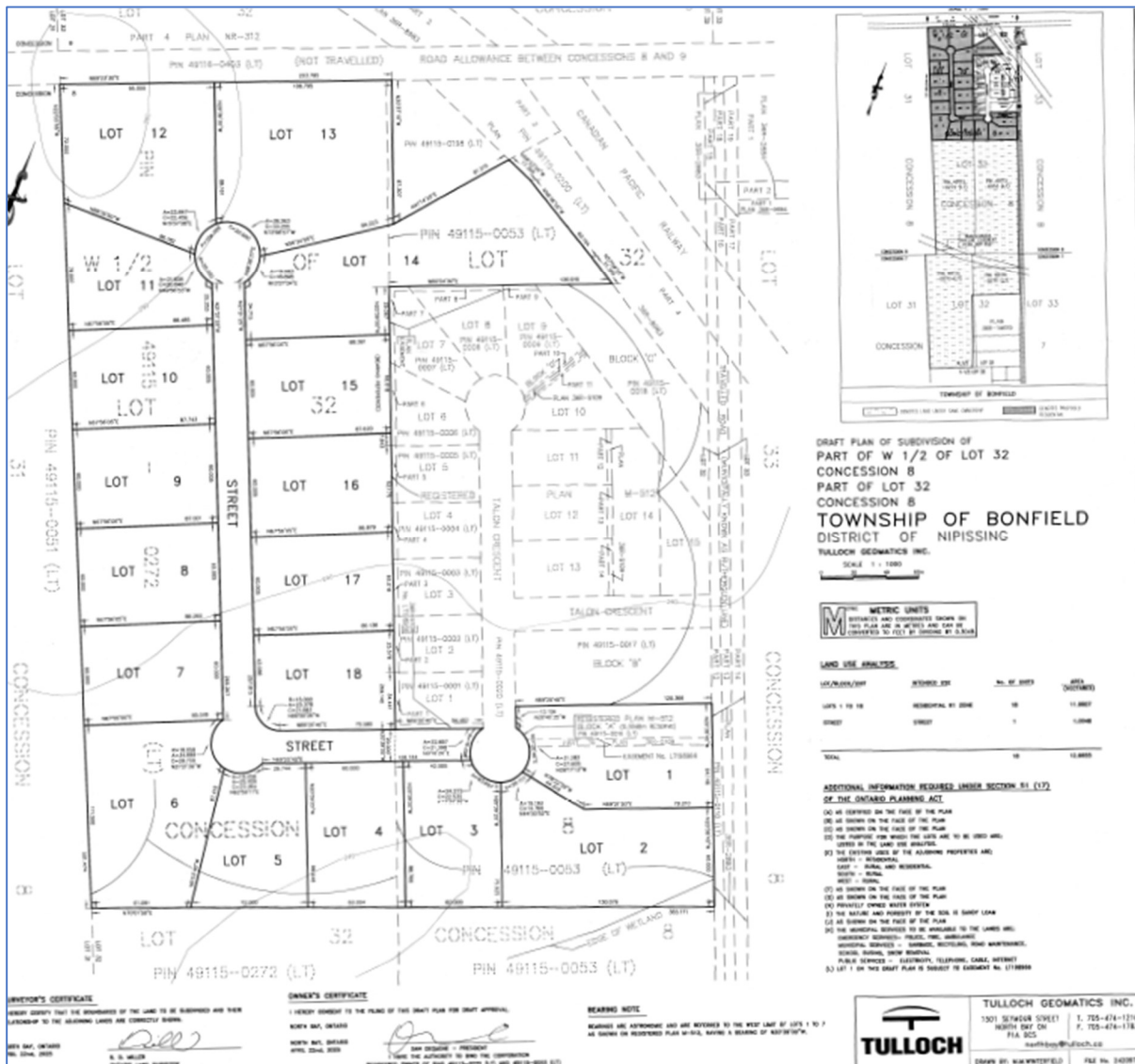


Figure 2: Draft Plan of Subdivision

## 4.0 POLICY OVERVIEW & ANALYSIS

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

### 4.1 GROWTH PLAN FOR NORTHERN ONTARIO (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning,



transportation/infrastructure, environment, and Aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the province or incorporated into the Official Plan.

In our professional opinion, the proposed Draft Plan of Subdivision and Zoning By-law Amendment conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

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## 4.2 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)

The 2024 Provincial Planning Statement (PPS) provides high-level provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on Planning Act applications. Policies applicable to the proposed Draft Plan of Subdivision and Zoning By-law Amendment are discussed below.

**Section 2.2** provides specific polies related to housing and states, in part:

**2.2.1**            *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

...

*b) permitting and facilitating*

...

*2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

*c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*

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## PLANNING ANALYSIS

The proposed subdivision will contribute to increasing the supply of housing within the Township of Bonfield. If approved, the application would result in the creation of eighteen (18) new single-detached dwellings, with the potential for additional residential units through the inclusion of secondary suites. The proposed subdivision will be developed by a local contractor with experience in both custom-built and modular homes. While the specific development of each lot will ultimately reflect the preferences of future purchasers, the subdivision can accommodate different market-based price points. Additionally, the custom-built option provides purchasers with the flexibility to include a secondary dwelling unit, if desired. This supports a broader range and mix of housing types within the Township and helps address the needs

of both current and future residents, in accordance with **Section 2.2.1** of the PPS. In addition, the development represents residential intensification by developing a currently vacant site within a built-up area, as supported by **Section 2.2.1(b)** of the PPS.

The proposal also represents an efficient use of land by introducing an appropriate level of density on a site well-suited for this scale of development. Located within the Hamlet of Rutherglen, the Subject Lands are connected to the existing public road network, thereby optimizing existing investments in infrastructure and public services (i.e. emergency services, road maintenance, garbage collection etc). The site's proximity to local amenities—including retail, institutional uses, and recreational areas—also promotes active transportation options, consistent with the objectives of **Section 2.2.1(c)** of the PPS.

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**Section 2.3.1** outlines general policies for development within settlement area, and states, in part:

- 2.3.1.1**        *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*
- 2.3.1.2**        *Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
  - a) efficiently use land and resources;*
  - b) optimize existing and planned infrastructure and public service facilities;*
- 2.3.1.3**        *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*
- 2.3.1.4**        *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*

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## PLANNING ANALYSIS

Per **Section 2.3.1**, the proposed development of the subject lands supports growth and development within one of the Township's designated settlement area boundaries, being the Hamlet of Rutherglen. The proposed land use allows for:

- Efficient use of land and resources through the development of a vacant property within an established built-up area, optimizing the use of existing and planned infrastructure and public service facilities in Rutherglen, as supported by **Section 2.3.1.2(a)** and **2.3.1.2(b)**;
- Intensification of the subject lands contributing to a more complete community by introducing new housing options within the existing residential area of Hamlet of Rutherglen, in accordance with **Section 2.3.1.3**;
- Assisting the Township of Bonfield in achieving its goal of intensification within the built-up area of Rutherglen, in accordance with **Section 2.3.1.4** of the PPS.



**Section 3.4** of the PPS provides policies for planning for land uses in the vicinity of airports, rail facilities and marine facilities, and states, in part, that:

**3.4.1** *Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*

*b) airports, rail facilities and marine facilities, and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.*

**Section 3.5** of the PPS provides policies speaking to Land Use Compatibility and states, in part, that:

**3.5.1** *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

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## PLANNING ANALYSIS

The Subject Lands are located in proximity to the Canadian Pacific (CP) Railway. CP Rail will be circulated as part of the formal application process. Should CP rail have any requirements these can be undertaken prior to final approval of the subdivision or before the issuance of building permits for individual lots. It is important to note that the Subject Lands are already designated for residential use.

No other "major facilities" as defined by the PPS were identified in the vicinity of the site that would necessitate consideration under **Section 3.5** of the PPS.

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**Section 3.6** of the PPS provides policies that pertain to Sewage, Water and Stormwater. This section states, in part, that:

**3.6.4** *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

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## PLANNING ANALYSIS

The Hamlet of Rutherglen is serviced by private water and sewage systems. Since municipal sewage and water services, as well as private communal systems, are neither available, planned, nor feasible, the development can be serviced by individual onsite sewage and water services, provided that site conditions are suitable. To confirm this, TULLOCH Engineering conducted a desktop Hydrogeological Study to assess the suitability of drilled wells for water supply and to evaluate any potential impacts on surrounding properties resulting from groundwater extraction and onsite sewage disposal. Based on a review of available background information and site investigations, including a review of well records in vicinity of the property, it was concluded that this indicates that the supply of water needed to support single family

dwelling is highly likely, and that there will be more than adequate domestic water supply for the proposed single-family dwellings. A copy of this desktop hydrogeological study has been submitted with the planning applications. Accordingly, the proposal aligns with the policies outlined in **Section 3.6** of the Provincial Policy Statement (PPS).

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**Section 4.1** of the PPS provides policies for protecting Natural Heritage and states, in part, that:

**4.1.4**                    *Development and site alteration shall not be permitted in:*

*a) significant wetlands in Ecoregions 5E, 6E and 7E1; and*

*...*

**4.1.7**                    *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

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## PLANNING ANALYSIS

TULLOCH Environmental, a division of TULLOCH Engineering (TULLOCH), was retained to undertake a scoped Natural Heritage Assessment. A copy of this assessment will be submitted as part of a complete application package. An unevaluated wetland was identified along the southern boundary of the subject lands. Without confirmation of the significance (or lack thereof) of the wetland, the author of the Natural Heritage Assessment prepared avoidance and mitigation measures as though the wetland is significant. The large lot sizes are intended to allow sufficient building areas beyond the wetland to support future residential development. The lot sizes, coupled with the avoidance and mitigation measures ensure that the ecological function of this wetland will be safeguarded. Thus, **Section 4.1.4** of the PPS is met.

The property was also screened for habitat of endangered and threatened species. The Natural Heritage Assessment provides that the site is suitable habitat for Bobolink (threatened) and Eastern Meadowlark (threatened). These species were observed and heard on site. Multiple avoidance and mitigation measures have been recommended, including the identification of an enhancement habitat for the bobolink or eastern meadowlark outside of the development area that will be managed and maintained in each of the five years following its creation. With the proponent meeting the requirements of Ontario Regulation 242/08, the proposed development is in accordance with provincial requirements, as per **Section 4.1.7** of the PPS.

The entirety of **Section 4**, which speaks to the Wise Use and Management of Resources, and **Section 5**, which provides policies for Protecting Public Health and Safety, speaking to Natural and Human Made Hazards, has been reviewed. No other matters of provincial significance regarding these sections of the PPS were identified during the preparation of the subject applications.

It is our professional opinion that the proposed Draft Plan of Subdivision and concurrent Zoning By-law Amendment is consistent with the policies found within the Provincial Planning Statement, 2024.

## 4.3 TOWNSHIP OF BONFIELD OFFICIAL PLAN

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

The subject lands are designated 'Residential Focus Area' as per Schedule A1 of the Township's Official Plan. The lands are also located within the Hamlet of Rutherglen which is designated as a 'Hamlet Settlement Area' on Schedule A.

There are various passages within the Official Plan which speak to development in the Hamlet area including:

**Section 1.4** which provides the Basis of the Plan and states, in part, that:

- 1.4.5**                      *Urban development will be encouraged to locate in the present Hamlets of Bonfield and Rutherglen, shown as Settlement Areas on Schedules A, A1, and A2. Development in Settlement Areas will occur primarily by registered Plans of Subdivisions where practicable...*

**Section 2.2** which provides the Plan's Guiding Principles and Objectives and states, in part, that:

- 2.2.1**                      *Principle 1 – Sustainable Development*
- The Township shall promote sustainable development to enhance the quality of life for present and future generations.*
- Objectives:*
- ...
- *To support and encourage infill and intensification in built up areas within the two settlement areas of Bonfield and Rutherglen*

**Section 3.1** which provides general development policies for lands within the Settlement Area and states, in part that:

- 3.1.1**                      *Growth and development shall generally be directed to the settlement areas of Bonfield and Rutherglen, and the vitality and regeneration of these areas shall be encouraged.*

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### PLANNING ANALYSIS

Per **Section 1.4.5**, the Subject Lands are located within the Hamlet of Rutherglen, and the proposed development is proposed to proceed through a registered Plan of Subdivision. Furthermore, the proposal represents intensification by developing a vacant lot within the existing built-up area of Rutherglen, aligning with **Section 2.2.1** of the Official Plan. The proposed residential development is anticipated to contribute to the vitality and regeneration of the Hamlet as the introduction of new housing opportunities will help sustain and enhance the existing small businesses in the community as supported by **Section 3.1.1**.

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**Section 3.7** of the OP provides policies that pertain to Private Services, and states that:

### 3.7

*No development shall be permitted unless the applicant has obtained a Sewage Permit from the North Bay-Mattawa Conservation Authority, and it can be shown to the satisfaction of the Township that there is an adequate water supply and public road access to service the development. In addition, no development shall be permitted unless Council is satisfied that the development will not adversely impact on neighbouring wells and sewage disposal systems. In considering impacts on ground water quality and quantity, the Township shall consider the cumulative impacts of development on the sustainability of ground water resources. In order to assess the ability of an area to meet the requirements of individual servicing (i.e. supply of water and sewage systems) within lot boundaries, proponents shall follow the Ministry of Environment's "Procedure D-5-4 Technical Guideline for Individual Onsite Sewage System: Water Quality Impact Risk Assessment" and "Procedure D-5-5 Technical Guideline for Private Wells: Water Supply Assessment".*

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## PLANNING ANALYSIS

Lands within the Hamlet of Rutherglen are serviced by private water and sewage systems. TULLOCH Engineering completed a desktop Hydrogeological Study to ensure that there will be suitable water supply from drilled wells, and that any potential impacts to the surrounding properties from the new development due to groundwater extraction and on-site sewage disposal will be acceptable. Based on a review of available background information and site investigations, including a review of well records in vicinity of the property indicated that the supply of water needed to support single family dwellings is highly likely, and that there will be more than adequate domestic water supply for the proposed single-family dwellings. Thus, the proposal conforms with **Section 3.7** of the Official Plan.

At the time of developing the lots, the developer or future purchasers will be required to obtain a Sewage Permit from the North Bay-Mattawa Conservation Authority. The subdivision has been designed to accommodate private servicing, as informed by the hydrogeological analysis.

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**Section 3.8** of the OP provides policies that pertain to the TransCanada Pipeline, and state, in part, that:

#### 3.8.1

*TransCanada is regulated by the National Energy Board, which, in addition to TransCanada, has a number of requirements regulating development in proximity to the TransCanada Pipeline as illustrated on Schedule A. The TransCanada Pipeline shall also be zoned in the Township's Zoning By-law. Any development adjacent to the TransCanada Pipeline facilities shall conform to the following policies:*

*a. Pre-consultation with the Township and with TransCanada or its designated representative is required for any development proposal within 200 m of the TransCanada Pipeline;*

...

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## PLANNING ANALYSIS

The lands proposed for the Draft Plan of Subdivision are part of a larger 47-hectare property that contains a TransCanada Pipeline Easement. However, the proposed development is located more than 200 metres

from the easement, with the nearest lot situated approximately 360 metres away. As such, and in accordance with **Section 3.8.1(a)** of the Official Plan, TULLOCH did not engage in pre-consultation with TransCanada or its designated representative for this proposal.

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**Section 3.21** of the Official Plan provides policies for lands near Railway Corridors and states, in part, that:

- 3.21.1**        *Development along the railway corridor should generally be limited to industrial and commercial uses. Where planning approvals are required to allow for development or redevelopment near a railway corridor, consideration shall be given to the impacts of noise and vibration.*
- 3.21.2**        *Feasibility or detailed noise studies may be required prior to development. A proponent should pre-consult with the Municipality and the Ministry of Environment's publication, Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation" to determine which type of study is required. The type of study is based on the sound levels resulting from surface transportation noise and its impact on a site and the site's location to a railway corridor. Applications for planning approvals to allow for residential or other sensitive land uses shall be accompanied by a feasibility or detailed noise study, to the satisfaction of Council in consultation with CP Rail, demonstrating that applicable provincial policies and guidelines with respect to noise and land use compatibility have been addressed. Such applications shall be permitted only where Council is satisfied that appropriate noise mitigation measures will be implemented at the time of development.*
- 3.21.3**        *Where development is proposed within 100 metres of a primary railway corridor, or 50 metres of a secondary railway corridor, submission of a vibration study, prepared to the satisfaction of Council in consultation with CP Rail, and addressing the potential impacts of vibration and recommended mitigation measures, may be required. Where potential adverse impacts are identified, appropriate mitigation measures shall be implemented at the time of development.*

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## PLANNING ANALYSIS

The subject lands are located in proximity to a Canadian Pacific (CP) Railway line but are separated from it by municipally owned property and therefore do not directly abut the rail corridor. As part of the circulation process, CP Rail will be notified and invited to provide comments regarding any specific requirements they may have. Should CP rail have requirements, these can be dealt with prior to final approval of the subdivision or before the issuance of building permits for individual lots. We note that a vibration study will not be required as building envelopes on the new lots are located 100 metres from the railway corridor, as shown in Figure 3, in accordance with **Section 3.21.3** of the Official Plan.



Figure 3: 100m Setback from CP Rail Corridor

**Section 4.1** of the Official Plan provides policies for lands within the Hamlet Settlement Area, and states, in part, that:

...

**4.1** *The two Hamlet Settlement Areas of Bonfield and Rutherglen are shown on Schedules A and B and in greater detail on Schedules A1, A2, B1 and B2. Both Hamlets are to be developed as the residential and commercial focal points for the Township. Development within each Hamlet is expected to proceed on private water and sewerage services; however the Township will consider proposals for communal servicing arrangements.*

...

*2. New development shall be located in proximity to existing uses to provide for a logical progression of growth.*

*3. This Plan does not anticipate a need for piped municipal water and sewer services. Accordingly, development will be assessed on its ability to function on individual private services. However, the Township will consider proposals for communal services where technically and economically feasible. The use of communal services shall be supported by a Servicing Options Report.*

*4. The following uses are permitted in the Hamlet Settlement Areas:*

*a. Residential uses, subject to the following provisions:*

*i. Development adheres to the Ministry of the Environment and/or North Bay Mattawa Conservation Authority policies regarding private water supply and private sewage disposal, including any requirements to obtain permits or Environmental Compliance Approvals.*



...

*6. New lots shall have a minimum area of 1.0 hectare and a minimum frontage of 60 metres along a public road, unless a hydrogeological study demonstrates that a smaller lot size is appropriate. Regardless of the results of a hydrogeological study, new lots shall not be less than 0.4 hectares in size. All existing lots in Bonfield and Rutherglen are to be recognized at their present sizes and standards, subject to the provisions of the implementing Zoning By-Law.*

#### **4.1.1 Residential Focus Area**

*1. Within the Bonfield and Rutherglen Settlement Areas, the Plan identifies Residential Focus Areas. The primary uses permitted in these Residential Focus Areas will be residential uses including all forms of housing.*

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## **PLANNING ANALYSIS**

The lands proposed for the Draft Plan of Subdivision are located within the Hamlet Settlement Area of Rutherglen. In accordance with **Section 4.1** of the Official Plan, Hamlets are intended to serve as the residential and commercial focal points of the Township. The Subject Lands are located in proximity to existing commercial and institutional uses to the north and represent the logical extension of the existing residential subdivision along Talon Crescent. As such, the proposed development supports a logical progression of growth.

The subdivision will be serviced by individual private water and sewage systems. The lots are proposed to have a minimum land area of 0.5 hectares. This proposed lot size is supported by a desktop Hydrogeological Study, which confirmed the suitability of the site for private servicing on half-hectare lots.

Each lot is proposed to have a minimum frontage of 30 metres. While this is less than the 60-metre requirement, it reflects the unique configuration of the lots on the cul-de-sac. Due to the circular nature of cul-de-sacs, the lots have narrower frontages but widen significantly toward the rear, creating pie-shaped parcels. The proposed design efficiently utilizes the available land and allows for a greater number of lots around the cul-de-sac, while still providing sufficient lot area, building envelopes, usable backyard space, and suitable setbacks to adjacent building sites. Further, the lot sizes and frontages are in character with the existing Talon Crescent subdivision where lots are on average 0.2 hectares in size with frontages that range between 15 – 40 metres. A Zoning By-law Amendment is being applied for to recognize the reduced lot frontages.

In accordance with **Section 4.1.1** of the Official Plan, the proposed subdivision will be developed by a local contractor with experience in both custom-built and modular homes. The Residential First Density (R1) zoning permits single-detached dwellings, with the option for a secondary dwelling unit. While the specific development of each lot will ultimately reflect the preferences of future purchasers, the contractor's range of options helps address the diverse housing needs and preferences of both current and future Township residents. By offering both custom-built and modular homes, the subdivision can accommodate different market-based price points. Additionally, the custom-built option provides purchasers with the flexibility to include a secondary dwelling unit, if desired.

**Section 5.1** of the Official Plan provides policies that pertain to Natural Heritage Features, with **Section 5.1.2** providing policies for Endangered and Threatened Species, and states, in part, that:

- 5.1.2.1** *The presence of Species at Risk (extirpated, endangered or threatened species) shall be identified through the use of the Natural Heritage Information Centre (NHIC) provincial database, and through consultation with Ministry of Natural Resources staff.*
- 5.1.2.2** *The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture, or taking of a species at risk, and the damaging or destroying of their habitat. As a result, an ecological site assessment should be carried out during the planning of development and site alteration projects to determine whether a listed species or its habitat may be present before carrying out an activity that may contravene the ESA. Proponents should prepare an Environmental Impact Statement (EIS), in accordance with the Environmental Impact Statement policies of this Plan, which demonstrates that there will be no negative impacts on the habitat of endangered and threatened species or its ecological function. The EIS must be completed by a qualified professional to address potential impacts on the habitat of endangered and threatened species. Some activities may need to be modified to accommodate endangered and threatened species and their habitats, and to minimize any adverse effects on these species. Current best management practices may help to mitigate the impacts resulting from an activity on the land. On a case-by-case basis, additional actions may be required to address specific impacts on a species at a particular site or location.*

**Section 5.2** of the Official Plan provides policies that pertain to the Development Constraint Area, as shown on Schedule B of the Official Plan. This section states, in part, that:

- 5.2.2** *Development shall be controlled within the Development Constraint Area designation by the Township through a 45 m building setback from all lakes, rivers, streams and wetlands, and by the North Bay-Mattawa Conservation Authority through the North Bay-Mattawa Conservation Authority Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulations. The Development Constraint Area designation may be extended or deleted without formal amendment to this Plan based on written notification by the North Bay-Mattawa Conservation Authority.*
- 5.2.3** *Development proponents must obtain a Development Interference with Wetlands, Alterations, Shoreline and Watercourses Permit from the Conservation Authority to enable any construction or site alteration within the Development Constraint Area. The Township in conjunction with the North Bay-Mattawa Conservation Authority and/or the Ministry of Natural Resources shall undertake detailed floodplain mapping from time to time for areas experiencing development pressures. New detailed floodplain information shall be incorporated into this Plan utilizing the appropriate Environmental Protection Policy.*
- 5.2.4** *Development Constraint Areas shall be zoned in the implementing Zoning By-Law. A general Zoning By-Law provision shall be set out requiring that all buildings be set back from the margin of a lake, river, stream or wetland by a minimum distance of 45 metres. This setback provision may be reduced based on written notification by the North Bay-Mattawa Conservation Authority without an amendment to this Plan or the implementing Zoning By-Law. Zoning schedules shall be shaded to provide appropriate notice of those areas which are influenced*

## PLANNING ANALYSIS

In accordance with **Section 5.1**, TULLOCH Environmental screened the property for habitat of endangered and threatened species. The submitted Natural Heritage Assessment finds that the site is suitable habitat for Bobolink (threatened) and Eastern Meadowlark (threatened). These species were observed and heard on site. Multiple avoidance and mitigation measures have been recommended, including the identification of enhancement habitat for the bobolink or eastern meadowlark outside of the development area that will be managed and maintained in each of the five years following its creation. With the proponent meeting the requirements of Ontario Regulation 242/08 (Endangered Species Act), the proposed development conforms with **Section 5.1.2.2** of the OP.

**Section 5.2.2** of the Official Plan states that development shall be controlled within the Development Constraint Area through a 45-metre building setback from all lakes, rivers, streams and wetlands, and by the North Bay-Mattawa Conservation Authority Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulations.

**Section 5.2.4** allows a reduction of the 45-metre setback without requiring an amendment to the Official Plan or Zoning By-law, provided written confirmation is obtained from the NBMCA.

There is an identified Development Constraint Area located south of the lands proposed for the subdivision due to the presence of an unevaluated wetland. OP Schedule B shows the Development Constraint Overlay entirely outside of the area proposed for the subdivision. Based on fieldwork, the actual edge of the wetland encroaches slightly into proposed Lot #2. Should the Township interpret that a 45-metre building setback is required from this wetland we respectfully request that this setback be reduced to 30 metres. Conservation Authorities can only comment on development and alterations within their regulated areas, which includes areas within 30 metres of wetlands. Thus, the NBMCA would be unable to comment on an area beyond 30 metres. Since the NBMCA's regulatory authority applies only within 30 metres of an unevaluated wetland, we recommend that development on Lot #2 be subject to a 30-metre wetland setback.

**Section 5.2.4** allows a reduced setback without requiring a Zoning By-law Amendment. This 30-metre setback should be recognized at the time of building permit issuance, without the need to incorporate this request into the current Zoning By-law Amendment. However, if the Township requires us to include the 30-metre setback into the Zoning By-law Amendment request, it is our professional opinion that this amendment is supported by the findings of the Natural Heritage Assessment, which recommends that no future development occur within 30 metres of the wetland's mapped boundary. Further, the setback is consistent with the regulatory authority of the NBMCA, as well as common practice in nearby municipalities.

With these considerations, it is our professional opinion that the subject applications are in conformity with the Township of Bonfield Official Plan.

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## 4.4 ZONING BY-LAW 2012-49

The lands proposed for the draft plan of subdivision are presently zoned “Residential First Density (R1)”. This zone permits single detached dwellings with a secondary dwelling unit. As mentioned, the lots will be developed with single detached dwellings, with the option of a secondary dwelling unit, if a future purchaser desires this use.

As part of the requested Zoning By-law Amendment, the following site-specific provisions for the subject lands are sought:

### LOT AREA

The R1 Zone requires a minimum lot area of 1.0 hectare. However, the Official Plan permits smaller lots where a hydrogeological study demonstrates that a reduced lot size is appropriate, provided no lot is smaller than 0.4 hectares. The desktop Hydrogeological Study reviewed nitrogen loading and well supply concluded that 0.5 hectare lots can provide sufficient lot area to attenuate nitrogen levels. Accordingly, it is proposed that the site-specific zoning reduce the minimum lot area to 0.5 hectares per lot.

### LOT FRONTAGE

Proposed Lots #5–6 and #11–14 have reduced frontage due to their location on a cul-de-sac. The smallest frontage among these is Lot #12, with a frontage of 32 metres. We are requesting that the minimum required frontage for these lots be reduced from 60 metres to 30 metres. The circular nature of a cul-de-sac limits the amount of street frontage available, as only a portion of each lot fronts the road. However, these lots are pie-shaped, widening toward the rear. This shape allows for an efficient use of land, maximizing the number of homes that can be accommodated while still providing sufficient lot area, functional building envelopes, usable backyard space, and adequate setbacks from adjacent building envelopes, and room for driveways and vehicular access.

### WETLAND SETBACK

As previously noted in this report, it is our opinion that a 30-metre wetland setback can be recognized on Lot #2 at the time of building permit without the need to include this in the Zoning By-law Amendment request. This is our preference. However, if this setback is to be included in the Zoning request, we are of the professional opinion that such an amendment is fully supported by the findings of the Natural Heritage Assessment, which recommends that no development occur within 30 metres of the wetland’s mapped boundary. Further, the setback is consistent with the regulatory authority of the NBMCA, as well as common practice in nearby municipalities.

## 5.0 CONCLUSION

The proposed Draft Plan of Subdivision and Zoning By-law Amendment would facilitate the development of 18 new residential lots in the Rutherglen Hamlet.

Overall, the proposed development aligns with both provincial and municipal planning policies and contributes to an increase of housing in the Hamlet. It also promotes the efficient use of underutilized lands optimizing the use of existing municipal infrastructure and represents intensification in an area built up with commercial, institutional, and residential uses.

More specifically:

- The development represents a logical extension of Talon Crescent
- The creation of the new lots will facilitate the variety of housing options in the area
- The development is compatible with surrounding residential uses

- The residential development will contribute to the vitality and regeneration of Rutherglen and to the tax base of the Township of Bonfield
- The lot sizes proposed are supported by a desktop Hydrogeological Study
- The proposed development meets the requirements of the ESA regulations after avoidance and mitigation measures take place
- The lot sizes proposed allow sufficient areas beyond the unevaluated wetland to support future residential development

Given the analysis provided herein, it is the author's opinion that the proposed Zoning By-law Amendment and Draft Plan of Subdivision is consistent with the *2024 Provincial Planning Statement*, conforms with the *Growth Plan for Northern Ontario* and the intent of the *Township of Bonfield Official Plan*, and represents good planning.

Respectfully Submitted,

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