



## **PRELIMINARY PLANNING REPORT**

### **FOR**

### **TOWNSHIP OF SIOUX NARROWS – NESTOR FALLS**

**November 18th, 2024**

### **Official Plan & Zoning By-Law Amendments (OPA 01-24 and ZBLA Z 03-24)**

#### **1.0 Introduction & Background**

The Township of Sioux Narrows – Nestor Falls is considering the development of Pioneer Park, a former roadside rest stop, for residential and commercial development. The Township issued an RFP, and Ayrie Development submitted a proposal for the future development of the subject property. The proposal consisted of 26 multiple residences (attached units, duplexes, triplexes, quadplexes) and an area designated for commercial development. The proposed residential project will be four (4) vacant land condominiums, and also include access roads, parking, water supply systems, septic fields and a boat docking facility.

As part of its due diligence, the Township subsequently issued an RFP for the preparation of an environmental assessment of the subject property before any development can proceed. The environmental assessment was undertaken by a qualified Biologist (Barry Corbett) to determine the environmental impacts the proposed development may have on water quality, fish and wildlife habitats on the property and adjacent Reedy Bay.

Within the general context of these objectives, several potential concerns have been identified including: negative impacts on water quality for fish and wildlife, wild rice and drinking water in Reedy Bay; loss of fish and wildlife habitats in Reedy Bay; and loss of Bald Eagle nesting, perching, and foraging in Pioneer Park and Reedy Bay. These specific concerns were addressed, and where possible mitigation measures to alleviate these concerns are included in the report.

#### **2.0 Background and Description of Proposed Development**

Pioneer Park is located between Provincial Highway 71 and Regina Bay, Lake of the Woods just north of the Sioux Narrows townsite. The property is legally

described as Registered Plan 23R - 3293 is approximately 2.3 ha. in size and is accessible by road and water (Figure 1).

## **2.1 Present Use of Property and Surrounding Area**

In the past, the subject property was used as a day use roadside rest area, while the remainder of the property was undeveloped except for a hydro corridor. The property is no longer signed or used as a day use area, but it is still maintained by the Town.

The area southwest of Pioneer Park abutting Regina Bay has four residences and there are eight residences located on the opposite side of Reedy Bay (Figure 2).

Reedy Bay is bisected by Provincial Highway 71 and is used by anglers for fishing and by the surrounding Indigenous Communities for wild rice harvesting.



Figure 1. Location of former Pioneer park

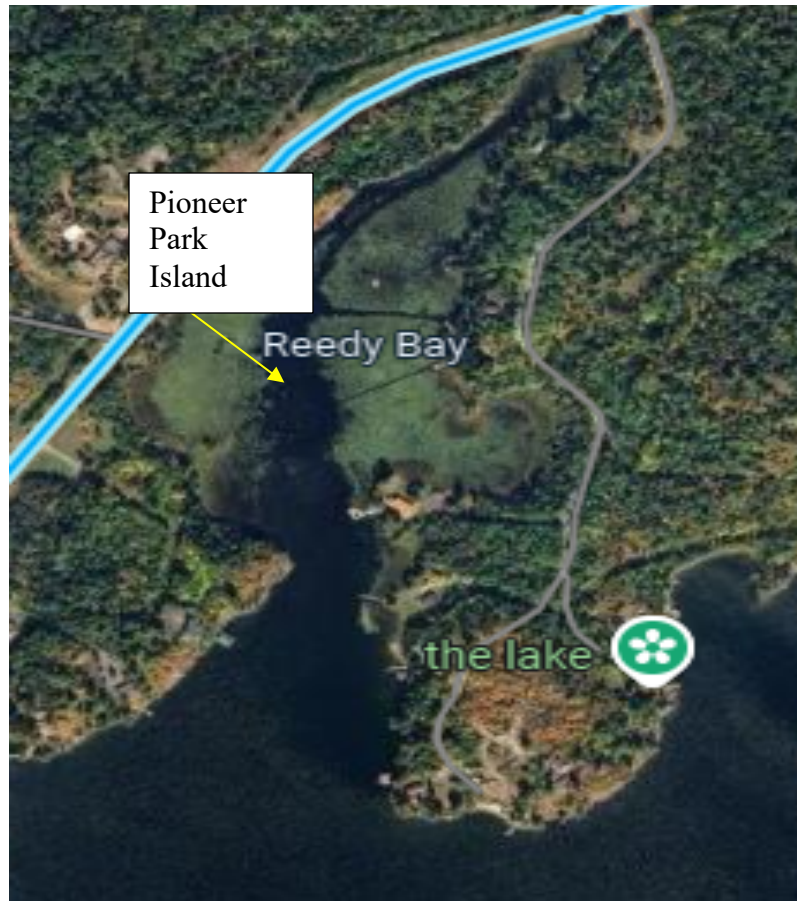


Figure 2. Developments in and adjacent to Pioneer Park (Provincial Highway 71 in blue).

## **2.2 Proposed Residential Development**

The developer, Ayrie Developments Inc., proposes a mixed-use development, subdividing the land into four vacant land condominiums and one highway commercial lot. In total, 26 housing units would be built including: six single story attached units, three duplexes, two triplexes and two quadplexes and an area designated for commercial development.

The proposed development will also include access roads, parking lots, septic systems and a multi-boat docking facility with a capacity for 26 boats (Figure 3). The development would occur over a ten-year period.

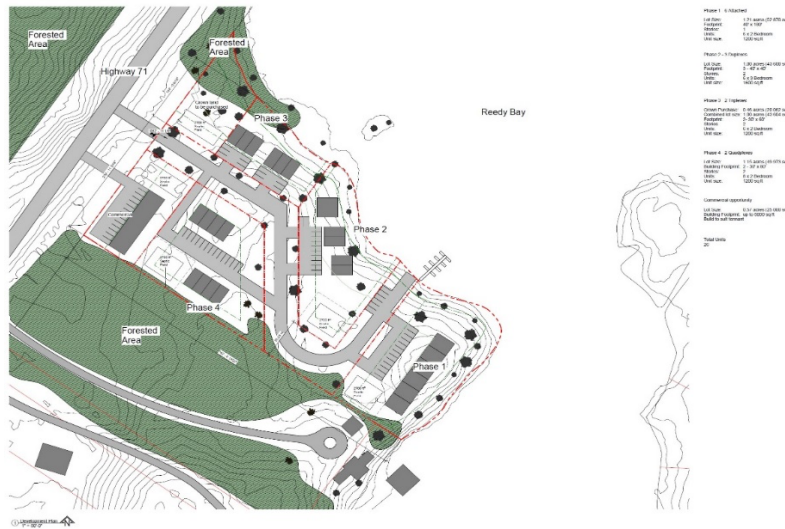


Figure 3. Initial Proposed Pioneer Park Development

However, the Environmental Assessment has identified several areas of concern. They consist of a Bald Eagle Nest (inactive), fishery spawning and nursery habitat, Wild Rice, and water quality.

As a result of the finding of the Environmental Assessment, the developer has prepared a revised concept plan for Phase I. It consists of 6 residential vacant land condominium units, and 6 – 8 docking slips. The revised development is depicted in Figure 4.

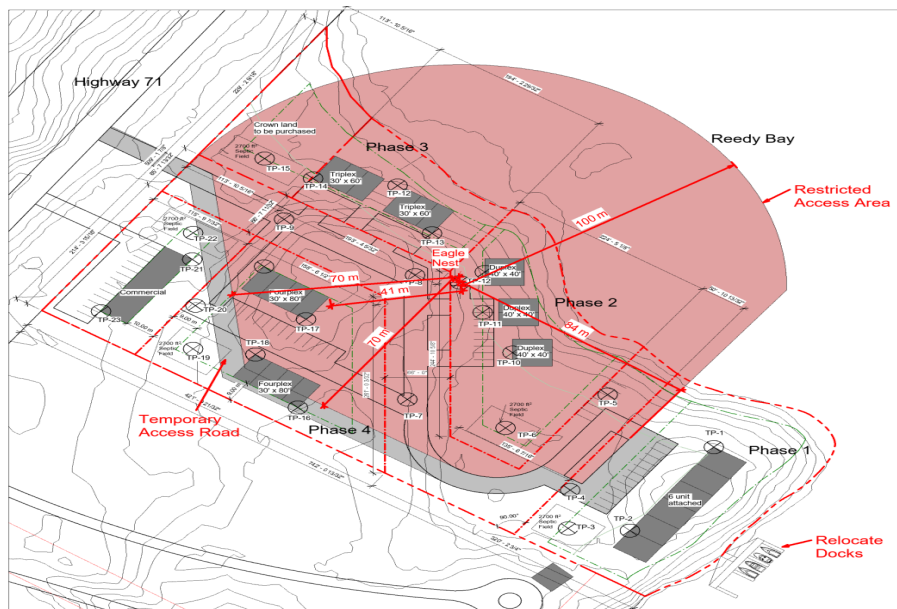


Figure 4. Revised Phase I Development with 6 Residential Units



### **3.0 Description of Proposed Amendments**

#### **3.1 Official Plan Amendment #01 24**

The Official Plan Amendment will change the land use designation of the subject property from Open Space to Rural.

The new Rural land use designation will permit the subject land to be rezoned from Open Space to Rural Residential – R2, and allow for the development of six (6) residential units.

#### **3.2 Zoning By-Law Amendment #03 24**

The zoning by-law amendment will change the land use from Open Space to Rural Residential – R2, Second Density. The new zoning will permit the development of a 6 unit housing development on the easterly portion of the subject land, while the remainder of the property will be rezoned to Rural Residential – R2 (H).

The hold symbol (H), will not permit the balance of the proposed residential development at this time, and the land use will remain open space until the (H) symbol is removed. The Hold can only be removed when it is demonstrated that all of the environmental issues outlined in the Environmental Assessment report have been adequately addressed.

### **4.0 Identification of Land Use Planning Issues**

The major land use planning issue is triggered by Section 4.12 of the Official Plan. It states that:

#### **4.12 Natural Resources and Environmental Impact**

- 4.12.1 The objectives of this Plan indicate the Township's intent to protect the municipality's resources and aesthetics. Council will act to protect identified significant and sensitive resources and areas through the use of appropriate development controls as set out in Section 6.0 of this Plan. In addition, Council and/or the Province may require investigations as to the effects of developments which are proposed.
- 4.12.2 The above-mentioned investigations shall take the form of an assessment of the impact on the environment and shall generally be required for all major or significant development projects including new roads, utilities and transmission lines, dams, and commercial, industrial, recreational, and residential developments which may be expected to have a significant or cumulative impact. In determining what is a major or significant development, consideration shall be given to the relationship to the surrounding area, traffic generation and impacts, possible effects on water quality, air quality, flora and fauna sensitive areas, the scale of the change that may be caused, the need to preserve the general amenities, and possible impacts on human health and safety.

In addressing this provision of the Official Plan, an Environmental Assessment was completed on the proposed development. The key issues cited in the Environmental Assessment are as follows:

#### **4.1 Environmental Issues and Mitigating Measures**

The key findings and recommendations in Draft Environmental Assessment Report (Draft Environmental Assessment Report – Barry Corbett, B.S., M.Sc., September 2024) are outlined as follows.

The environmental assessment examined possible impacts the proposed Pioneer Park development might have on water quality and fish and wildlife habitats in Pioneer Park and Reedy Bay. A number of specific concerns were identified including; potential negative impacts on water quality for fish and wildlife, wild rice and drinking water in Reedy Bay; loss of fish and wildlife and wild rice in Reedy Bay; and abandonment of Bald Eagle nesting, perching and foraging in Pioneer Park and Reedy Bay.

Reedy Bay is an important wetland (marsh) providing habitat for a diversity of fish and wildlife species; wild rice harvesting opportunities for Indigenous peoples; and drinking water for local residents. Recommended mitigation measures to maintain water quality at predevelopment levels and protect fish and wildlife habitats and wild rice include:

- Sediment control plan during and after construction.
- Approved and inspected septic systems.
- No discharge of surface or storm sewer water into Reedy and Regina Bays.
- Maintain a minimum 30 m. vegetation buffer between the development and adjacent water bodies.
- No developments (docks, boathouses, boat launch etc.) or alterations (dredging, aquatic vegetation removal) in Reedy Bay.
- Proposed docking facility should be located in Regina Bay.
- Implement a pre and post development water quality monitoring program.

Pioneer Park has a relatively intact forest cover with mature white pine and distinct stands of oak/iron wood, black ash, and northern white cedar. The forest provides habitat to a variety of birds and small mammals. A Bald Eagle nest is the most important wildlife feature in Pioneer Park.

On May 19, 2024 while undertaking a preliminary shoreline assessment, the Pioneer Park Bald Eagle nest was observed. The nest appeared small, partially falling apart on one side, with nest material on the ground adjacent to the white pine. No Bald Eagles were observed or heard on the nest or in the general area. It was concluded this nest is not active, and was not used this year for breeding.

Protecting some of the natural forest will preserve habitats that birds and small mammals depend on. It is recommended:

- Preserve all mature white pines (living and dead).
- Protect existing oak/iron wood, black ash and northern white cedar stands and incorporate them into future landscaping plans.
- Maintain a 30 m. minimum vegetation buffer between the development and Reedy and Regina Bays.

A precautionary approach is recommended:

- No site alteration or development should occur within the 100 m. primary zone surrounding the Pioneer Park nest tree until the status of the nest is determined – active or inactive.
- The Bald Eagles must be given time to adjust to the significant clearing and disturbances that occurred adjacent to the nest tree and within the 100 m. primary zone this summer. These areas should be allowed to revegetate naturally. No development (e.g., Phase 1) or site alterations should occur outside the primary zone this fall (2024) or winter (2025).
- The above recommendation could be reconsidered if Bald Eagles do not nest in Pioneer Park in 2025. If so, construction should be restricted to the non-critical period September 1, 2025 to February 28, 2026. No access roads should be built within the 100 m. primary zone until the nest is classified as inactive (e.g., after the 2026 breeding season).

The environmental assessment makes recommendations for best practices in terms of mitigating measures for any potential negative impacts to the environment. They follow established procedures, which are not hard and fast rules, but guidelines for future development on the site. Slight deviations for the guidelines can be tolerated as standard practice, so long as the objectives in protecting the environment is maintained.

## **4.2 Water and Sewer Servicing**

It is proposed that the development be serviced by a Class #4 septic field and treated surface water.

All water and sewer services must be approved by the respective Provincial approval authorities.

### **4.3 Access**

Vehicular access will be via Highway 71. The internal road network will be a common element in the vacant land condominium, and be constructed and maintained by the developer.

### **4.4 Docking**

At present, Phase I of the development will be for 6 – 8 docking slips, located on Regina Bay. The docking system, and its location, is subject to approval by the Township of Sioux Narrows – Nestor Falls.

### **4.5 Density and Unit Size**

In the Township of Sioux Narrows – Nestor Falls, the density of any new residential development is limited by the number of units that can be supported by private water and sewer serving. This is a natural limiting factor, as there are no municipal water and sewer services in the Township.

### **4.6 Shoreline Protection**

The Township of Sioux Narrows – Nestor Falls Official Plan and Zoning By-Law have provisions for the conservation and protection of shoreline areas. The protection of shorelines is important for the aquatic ecosystem of the Lake of the Woods.

Development should be limited to no more than 25% of the foreshore area within a minimum of 10 metres of the water's edge. Best practice is a 20 metre buffer with no more than 25% disturbance within the buffer. Development within the buffer should be limited to marine accessory structure such as docks, decks, saunas, walkways and accessory storage structures.

The developer will be required to submit a site plan, that in the opinion of Township officials, provides adequate conservation measures in protecting the water quality of Lake of the Woods.

### **4.7 Stormwater Management**

The proposed development will not increase the flow of stormwater into Reedy Bay to a level that exceeds the existing stormwater flow. The developer shall provide the Township with a Stormwater Management Plan that maintains the flow of stormwater off the subject property to existing levels.



#### **4.8 Land Use Compatibility**

The surrounding land use is residential to the south, a highway corridor and vacant Crown Land to the west, Reedy Bay to the north and Regina Bay to the east.

As the proposed development is classified as low density residential, it is considered to be compatible with the surrounding land uses. For example, high density residential such as multi-story apartments (over 3 stories), industrial, extractive industrial and multi-story commercial development would be considered to be non-compatible land uses.

#### **4.9 Highway Viewshed**

The Township of Sioux Narrows – Nestor Falls Official Plan and Zoning By-Law have provisions that protect the viewshed along Highway 71. They prohibit timber harvesting within 300 metres of the highway corridor in order to preserve the aesthetic views along the highway. Limited disturbance such as highway maintenance and fuelwood harvesting are permitted.

These provisions apply to the areas outside the two townsites of Sioux Narrows and Nestor Falls. Development along Highway 71 within the townsites of Sioux Narrows and Nestor Falls is permitted.

### **5.0 Public and Agency Consultation**

There were public meetings in May and throughout the summer and fall, 2024, to review and comment on the proposed development. The meetings were well attended, with the participants expressing concern with respect to environmental issues such as an eagle nesting site, fisheries, wild rice and water quality.

#### **Addressing Public Comments and Concerns**

There have been a considerable number of concerns raised by the residents of Reedy Bay and Regina Bay. The following is a summary of the concerns raised, and initial findings of the environmental assessment in addressing those concerns.

##### **1. Impact of proposed development on aquatic wetlands**

There will be no impact on the aquatic environment in Reedy Bay as docking and boat traffic will be limited to Regina Bay.

## 2. Drinking water quality

Drinking water quality will be protected for residents drawing drinking water from Reedy Bay, as there will be no docking or boating in Reedy Bay as a result of the proposed development.

## 3. Sewage disposal

All sewage disposal systems will be approved by either the Northwestern Health Unit or the Ministry of Culture, Environment and Parks.

## 4. Active Bald Eagle Nest

The Bald Eagle nest on the subject property is not active as confirmed by Barry Corbett, a qualified biologist, and MNRF staff.

## 5. Deforestation

The environmental assessment recommends conserving as much of the natural tree cover as possible.

There were also two meetings with representatives from local area First Nations and Treaty #3. Similar concerns were expressed about potential environmental issues, and there was a discussion regarding Treaty #3 Resource Law. At the end of the consultations, there were no objections to the proposed development.

The Statutory Public Meeting for the proposed amendments is scheduled for December 3<sup>rd</sup>, 2024.

## **4.0 Circulation to the Ministry of Municipal Affairs and Housing**

The Official Plan Amendment has been circulated to the Ministry of Municipal Affairs and Housing for review and comment. The deadline for comments from MMAH is December 31<sup>st</sup>, 2024.

To date, there have been no comments received from the Ministry.

## **6.0 Planning Analysis:**

A complete planning analysis will be included in the final planning report, once the public consultation process is complete.

## **7.0 Summary and Preliminary Recommendation:**

The preliminary recommendation is that only Phase 1 of the proposed development should proceed, and be limited to 6 housing units, subject to the adequate mitigating measures for environmental issues as set out in the environmental assessment. This is consistent with the proposed first phase of the project as outlined in the developer's proposal.

It is further recommended that the remaining phases be put on hold until such time as it can be determined that the Bald Eagle nesting site is in continual use. The hold can only be removed if it is determined that the subject property is no longer a Bald Eagle nesting site, and all other environmental concerns have been adequately mitigated.

A final recommendation will be forthcoming subsequent to the Statutory Public Meeting scheduled for December 3rd, 2024.

Respectfully Submitted;

**Jeffrey Port, MCIP, RPP**

**Director of Planning & Development**