

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, February 11, 2016 at 5:30 p.m.
Sudbury East Planning Board Office
5 Dyke Street, Warren, Ontario**

MEMBERS PRESENT: Michel Bigras, Greg Hunt, Carol Lemmon, Heide Ralph, Ginny Rook, Jim Rook (Killarney Alternate), Paul Schoppmann, Denny Sharp, Jim Stankovich

MEMBERS ABSENT: Ned Whynott

OFFICIALS PRESENT: Melissa Riou, Director of Planning/Secretary-Treasurer

Karen Beaudette, Administrative Assistant

PUBLIC PRESENT: Paul Goodridge, Abbey Lee, Joey Monticelli

1. MEETING CALLED TO ORDER

Chairperson called the meeting to order at 5:30 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 16-001

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of February 11th, 2016 be adopted as amended.

MOVED BY: Paul Schoppmann

SECONDED BY: Ginny Rook

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No disclosure of pecuniary interest

4. ELECTIONS

Resolution: 16-002

BE IT RESOLVED THAT election term for Chair and Vice-Chair be extended to the full term of Council.

MOVED BY: Jim Stankovich

SECONDED BY: Denny Sharp

Carried

Resolution: 16-003

BE IT RESOLVED THAT the Sudbury East Planning Board confer signing authority to Mike Bigras, Chairperson or Paul Schoppmann, Vice-Chairperson and Melissa Riou, Secretary-Treasurer, in regards to all banking matters pertaining to the Planning Board's General account.

MOVED BY: Jim Rook

SECONDED BY: Heide Ralph

Carried

5. ADOPTION OF THE MINUTES

a) Sudbury East Planning Board - Regular meeting of December 10th, 2015.

Resolution: 16-004

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of December 12th, 2015 be adopted as distributed.

MOVED BY: Heide Ralph

SECONDED BY: Carol Lemmon

Carried.

6. PRESENTATIONS/DELEGATIONS

a) KPMG – Audit

Joey Monticelli from KPMG handed out finalized Financial Statements for the Sudbury East Planning Board's year ending December 31, 2015. Mr. Monticelli went through the Statements and explained each page to the Board members. Member Schoppmann asked if there was a lease for the building that houses the Planning Board office. The Director of Planning stated that there was no current lease although the building's owner, Mr. Chris Piper, has been asked for a current document.

Resolution: 16-005

BE IT RESOLVED THAT the 2015 Audited Financial Statements submitted by the accounting firm of KPMG be accepted.

MOVED BY: Heide Ralph

SECONDED BY: Ginny Rook

Carried

7. CONSENT APPLICATIONS

The Chair advised that a Consent Application be analyzed and discussed before the Planning Board decides whether or not to grant Provisional Consent. Also that the analysis and discussion of a Consent Application serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Consent; and second, to receive comments from the public and agencies before a Planning Board decision is made.

The Director of Planning advised that Notice of Application was posted in the municipal office and was sent by First Class Mail to the assessed owners within 60 metres of the properties subject to the proposed Consent Applications and to those persons and agencies likely to have an interest in the application. The Notices were sent on January 25th, 2016 (B/38/15/SC – Brenda Tunney and Russell Van Exan), (B/43/15/SCR – Giuseppina Cotesta) and January 27, 2016 (B/01/16/FR – The PPSC 3 Co. Inc.) being over fourteen (14) days prior to this evening's meeting. Included with each Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulations were provided in accordance with the provisions of The Planning Act, R.S.O. 1990, Chapter P.13. Notices were also sent on January 21st, 2016 (B/39-42/15/KL – 939668 Ontario Limited and William Pitfield), being over twenty (20) days prior to this evening's meeting. Included with each Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulations were provided in accordance with the provisions of The Planning Act, R.S.O. 1990, Chapter P.13.

a) B/38/15/SC – Brenda Tunney and Russell Van Exan

Paul Goodridge, agent, was present for questions or comments from the Board.

The Director of Planning summarized the application. The subject property is located at 77A Dumart Road, on the West Arm of Lake Nipissing in the Municipality of St.-Charles. The application is for a lot addition of approximately 37 square metres, which is to be severed from this property and added to the property to the immediate south (75 Dumart Road). The lot addition is to correct an encroachment of the existing cottage located at 75 Dumart Road.

The lot addition will ensure that the dwelling is located entirely on the appropriate lot, however given the small size of the lots it was not desirable to add so much land that the interior side yard setback would also be met. The applicants have requested a minor variance to allow a setback between the dwelling and the new property line of 1.5 metres, instead of the required 3.0 metres. That minor variance will be considered by the Committee of Adjustment for the Municipality of St.-Charles at its meeting of February 17, 2016.

With respect to agency circulation, no comments were received.

No comments were received through public consultation.

Member Schoppmann asked if there were separate driveways for each of the lots. Mr. Goodridge said that there were separate driveways.

Resolution: 16-006

BE IT RESOLVED THAT Consent application B/38/15/SC submitted by Brenda Tunney and Russell Van Exan be recommended for approval as per the report prepared by the Board's Director of Planning.

MOVED BY: Jim Rook
SECONDED BY: Denny Sharp
Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may, not later than 20 days after the giving of notice under Section 53(17) of the Planning Act, R.S.O. 1990, Chapter P.13 is completed, appeal the decision or any condition imposed by the Planning Board or appeal both the decision and any condition to the Ontario Municipal Board by filing with the Secretary-Treasurer a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act. During this appeal period, no building permit may be issued or other work commenced.

b) B/39-42/15/KL – 939668 Ontario Limited and William Pitfield

No member of the public was present for questions or comments from the Board.

The Director of Planning summarized the application. The subject lands are located on the north side of Noble Street in the Community of Killarney. The proposal is for 4 consent applications that will result in the creation of two new residential building lots and the enlargement of a third existing lot.

Application B/39/15/KL is a lot addition to an existing lot of record on the westerly side as shown on the FRI Imagery. The lot addition will provide sufficient additional land to the parcel that it can then be divided in half through application B/42/15/KL, thereby creating another building lot. Application B/40/15/KL is for a lot addition to the adjacent residential property (32 Noble Street). Application B/41/15/KL will create another vacant residential lot to the east of 32 Noble Street.

There is a concurrent application for a Zoning By-law Amendment, (ZBA 15-14KL), to ensure that the enlarged and newly created lots through the associated consent applications are under a single zone classification, avoiding split zoning. At present, portions of the subject lands that are part of the Killarney Bay Inn property are zoned Commercial Community (CC). It is proposed that those lands be rezoned from Commercial Community (CC) to Residential One (R1). The Zoning By-law Amendment was approved and passed by Council for the Municipality of Killarney at the February 10th, 2016 Council Meeting.

With respect to Official Plan policies, the property can be interpreted as being fully within the Community Residential designation which is the primary focus for residential development and can be considered infilling in this area. The amount of land being taken from the Killarney Bay Inn property is minimal and does not affect the functioning of the lands for commercial use.

No comments or concerns were raised through agency circulation. With respect to public consultation, staff did receive one phone call from a prospective purchaser. His questions pertained to finalization and advised that those questions should be directed to the current property owner.

Resolution: 16-007

BE IT RESOLVED THAT Consent application B/39-42/15/KL submitted by 939668 Ontario Limited and William Pitfield be recommended for approval as per the report prepared by the Board's Director of Planning.

MOVED BY: Jim Rook

SECONDED BY: Carole Lemmon
Carried.

The Chair advised that there is a 20 day appeal period during which time any person or public body may, not later than 20 days after the giving of notice under Section 53(17) of the Planning Act, R.S.O. 1990, Chapter P.13 is completed, appeal the decision or any condition imposed by the Planning Board or appeal both the decision and any condition to the Ontario Municipal Board by filing with the Secretary-Treasurer a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act. During this appeal period, no building permit may be issued or other work commenced.

c) B/43/15/SCR – Giuseppina Cotesta

No members of the public were present for questions or comments from the Board.

The Director of Planning summarized the application. The subject property is located on the north side of Horseshoe Lake Road in the Unincorporated Township of Secord. The application proposes to sever one (1) lot from the subject lands with an area approximately 2.0 hectares and a lot frontage of 220 metres. The proposed retained lands are to have an area of 3.0 hectares and a lot frontage of 110.7 metres.

The proposed lot is in an area characterized by rural residential development. With respect to the evaluation criteria in the official plan, pre-consultation was required with the local roads board regarding adequate access that will not create a traffic hazard. No issues with respect to MDS were identified and confirmation of adequate private water and sewer services were provided. No other constraints were identified in the Plan as affecting the property.

With respect to zoning, rezoning will be required to recognize the size of the lots and intended use as Residential Rural (RR) lots. At present, the lots are zoned Rural (RU). The agent has indicated that his client wishes to wait to apply for the associated zoning until a decision has been made on the consent. The owner does also own the abutting lands to the north of the property.

With respect to agency comments, Bell Canada requests an easement to protect the existing aerial cable. All costs of this transaction will be the responsibility of the property owner.

The local roads board advised that the location of the driveway should not impede site lines, the culvert will be the responsibility of the owner and be a minimum diameter of 18", and that

appropriate ditching should be carried out by the property owner.

With respect to public consultation, one call in opposition of the application was received. The person was advised that either a letter could be submitted or he could attend the meeting to oppose.

No other calls or correspondence were received. The agent, Matthew Dumont, Tulloch Engineering, advised that he could not attend the meeting.

Member Ralph asked if the ditching was required for the whole frontage of the lot. The Director of Planning stated that the ditching would only be in proximity of the driveway.

There were no other comments or questions from the Board.

Resolution: 16-008

BE IT RESOLVED THAT Consent application B/43/15/SCR submitted by the Giuseppina Cotesta be recommended for approval as per the report prepared by the Board's Director of Planning.

MOVED BY: Ginny Rook

SECONDED BY: Carol Lemmon

Carried.

The Chair advised that there is a 20 day appeal period during which time any person or public body may, not later than 20 days after the giving of notice under Section 53(17) of the Planning Act, R.S.O. 1990, Chapter P.13 is completed, appeal the decision or any condition imposed by the Planning Board or appeal both the decision and any condition to the Ontario Municipal Board by filing with the Secretary-Treasurer a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act. During this appeal period, no building permit may be issued or other work commenced.

d) B/01/16/FR – The PPSC 3 Company Incorporated

No member of the public was present for questions or comments from the Board.

The Director of Planning summarized the application. The subject property is located at 291 Mayer Road and also has frontage extending to Highway 64, in the Municipality of French River. The lands consist of five (5) previously separate land holdings which have merged on title at various times in the past due to the pattern of ownership. Most recently four (4) of the lots have merged on title (2 fronting on Mayer Road and 2 fronting on Highway 64). The application proposes to sever a lot of approximately 87.0 hectares, with a lot frontage of 517 metres, which contains a dwelling and agricultural accessory structures, and to retain a lot of approximately 129.5 hectares with a lot frontage of 830.0 metres, which is a mix of cropped and forested lands.

The application is consistent with Official Plan policies related to consents, and each of the

proposed lots will continue to meet the requirements of the Rural (RU) Zone.

With respect to agency review, the Ministry of Transportation indicated they have no objection, but that no new access from Highway 64 will be permitted. Any new buildings or structures within the Highway 64 Right-of-Way will require permits.

Staff of the Municipality of French River indicated that reapportionment of municipal drains would not be required, as each was previously reapportioned and the property's continue to be assessed separately for any drains.

No comments were received through public consultation.

Member Schoppmann asked if there was anything the Planning Board could do to prevent this from happening to landowners in the future. The Director of Planning stated that the Municipalities have discussed this with the Ministry of Municipal Affairs and Housing but there have been no policy changes to rectify these situations. Landowners will have to trust that the lawyers are aware of the possibility of properties merging on title and take the necessary measures to ensure that it does not happen. Properties created by a consent application after March 31, 1979 or a lot created through a Plan of Subdivision do not merge on title. Member Hunt asked if the merging on title could be flagged at the Land Registry Office. The Director of Planning stated that the merging on title is instantaneous upon registering abutting parcels that are under the same names. Member Schoppmann said that many merged parcels have separate roll numbers and separate municipal tax bills. Merging on title creates a lot of difficulties with Rural (RU) parcels. Member Ralph stated that this is a Provincial issue and not one that the Board can repair.

There were no other comments or questions from the Board.

Resolution: 16-009

BE IT RESOLVED THAT Consent application B/01/16/FR submitted by The PPSC 3 Company Incorporated be recommended for approval as per the report prepared by the Board's Director of Planning.

MOVED BY: Jim Stankovich

SECONDED BY: Greg Hunt

Carried.

The Chair advised that there is a 20 day appeal period during which time any person or public body may, not later than 20 days after the giving of notice under Section 53(17) of the Planning Act, R.S.O. 1990, Chapter P.13 is completed, appeal the decision or any condition imposed by the Planning Board or appeal both the decision and any condition to the Ontario Municipal Board by filing with the Secretary-Treasurer a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act. During this appeal period, no building permit may be issued or other work commenced.

8. NEW BUSINESS

a) Budget – 2016

The Director of Planning discussed the Draft Budget provided to the Board members in the meeting files. Although there are slight increases for some of the Municipalities, this is due to the increase in Household Counts only. There has been no increase in the apportionment fees billed to the Municipalities. There are no anticipated large purchases for 2016.

There were no further questions or comments from the Board.

Resolution: 16-010

MOVED BY: Paul Schoppmann

SECONDED BY: Ginny Rook

Carried

b) Official Plan Review – Correspondence received from Municipality of Markstay-Warren

The Director of Planning presented the Planning Board with a report concerning the 5 year review of the Official Plan (copy attached). There is no resolution required as the report is for informational purposes only.

Member Sharp asked if the Official Plan could be revised to address the increase in Solar Farm development in the area. The Director of Planning stated that the development of solar projects is administered by the Green Energy and Green Economy Act and that Planning Boards can comment on the development but have no role in the process. Member Sharp stated the solar farms cover a lot of prime farm land and the Planning Board should look into preserving this land. The Director of Planning said that there is very little prime farm land in the Sudbury East Planning Board area and soil mapping in French River is limited.

Member Jim Rook asked why the First Nations would have to be consulted on any changes to the Official Plan. He asked why we have to comply with the Official Plan while a neighbouring native reserve would not have to comply. Killarney is comprised of a village and parkland surrounded by a native reserve. Member Ralph stated that there is no way to control how the neighbouring reserve manages its planning departments as the governing body is Federal. Member Rook asked what was the point of having an Official Plan if the natives do not have to comply with the Planning Act. The Director of Planning stated that the Planning Act is a Provincial Policy and that some First Nations are moving towards developing planning procedures with more stringent regulations. The Crown is encouraged, when developing properties, to be consistent with the Planning Area. This is communicated to the Crown through the review process which gives the Planning Board opportunity to submit their responses.

Member Sharp suggested that the opportunity to address this issue would be when the

Municipalities meet with the Minister at the annual conferences attended by Council members. Member Schoppmann said that would be a Provincial Minister and not a Federal Minister.

The Director of Planning directed the Planning Board's attention to the Resolution from Markstay-Warren (copy attached) requesting that a Comprehensive Review of the Official Plan be undertaken by the Planning Board. Member Hunt asked if a Municipal Economic Development Committee could have any zoning changes completed in-house. The Director of Planning stated that when a Municipality is expanding their boundaries, the procedure is not easy. The Ministry of Municipal Affairs and Housing would have to give their approval following a Comprehensive Review Process involving many studies. Included in these studies would be a Population Projection and a Vacant Land Study. Currently, the Census is predicting a downturn in population figures. The Director of Planning stated that she is working on a number of background reports and will have a more detailed report for next month's Planning Board meeting.

Member Rook asked if money has to be set aside by the Planning Board Municipalities to fund the Official Plan Review. The Director of Planning clarified that the cost of the Official Plan Review is split equally five ways between the four Municipalities and the Unincorporated Townships. An Official Plan Review is a multi-year process depending on the scope required. If only a bare bones review is required, the time-line would be shortened. Every Municipality was informed when the Zoning By-law Review was initiated that there would be an Official Plan Review forthcoming and to budget accordingly.

Member Ralph asked that if there was no change in the municipal household counts and there was a surplus of vacant land capable of development why Markstay-Warren would need to increase the village boundaries. Member Hunt said that the Markstay boundary would have to be extended to ensure future growth in that community.

c) OMB Appeal Process

The Director of Planning provided a report regarding OMB user fees (copy attached). The report included four proposals for the Planning Board to consider. The Director of Planning recommended Option 3 as the best option. Member Rook asked if each case had to be assessed on an individual basis. The Director of Planning stated that in the case of third party appeals, Option 3 would be the most optimum. There would be a minimum of \$1,000.00 required on deposit from the third party and any other costs incurred by the Planning Board would be reimbursed. Member Schoppmann asked typically how long a hearing would last. The Director of Planning said that normally a hearing is one day but could extend to three days. Member Sharp stated that if Option 3, evaluation each case is assessed on an individual basis that leaves the Planning Board open to accusations of nepotism and favouritism. Member Ralph said that case by case assessment makes a lot of sense as some are so straight forward but others are just outrageous as shown by recent appeals in a certain municipality.

Member Schoppmann indicated that the Planning Board does not want to be out of pocket for wages incurred because staff members are attending hearings although it is wise to have the Planning Board staff attend OMB hearings. The Director of Planning stated that third party

appeals are less common.

Resolution 16-011

MOVED BY: Jim Stankovich

SECONDED BY: Greg Hunt

Carried

d) Parkland Dedication

The Director of Planning provided a report to the Planning Board (copy attached). Member Jim Rook asked if there were any possibilities of instances of the one hectare for every 500 dwelling units in the Planning Area. The Director of Planning said that there were very few instances of this type of development in the Planning Area. Member Jim Rook stated that the Municipalities would be more astute to take the cash-in-lieu. Member Hunt asked if property development such as the renovation and expansion of the Killarney Lodge could be considered appropriate for the Parkland Dedication by-law. The Director of Planning said that if the by-law provided for that condition, it would be part of the development charges.

Member Bigras indicated that the Planning Board give the Director of Planning a verbal direction only to work with the Municipalities in developing the Parkland Dedication By-laws.

e) 2016 Planning Authorities Technical Workshop

The decision of which Planning Board members will be attending will be postponed until the official agenda for the workshop.

9. BUSINESS ARISING FROM PREVIOUS MINUTES

10. NOTICES OF MOTION RECEIVED BY THE SECRETARY-TREASURER PRIOR TO THE CLOSING OF THE MEETING

There were no notices of motion received by the Secretary-Treasurer prior to the closing of the meeting.

11. PAYMENT OF VOUCHERS

a) December 2015 and January 2016

Resolution: 16-012

BE IT RESOLVED THAT the statement of disbursements for the month of December, 2015 in the amount of \$16,763.86 and January 2016 in the amount of \$23,604.36 to be distributed and is hereby approved for payment.

MOVED BY: Ginny Rook

SECONDED BY: Denny Sharp

Carried.

12. ADJOURNMENT

Resolution: 16-013

BE IT RESOLVED THAT the Meeting be adjourned at 7:06 P.M.

AND THAT the next regular meeting be held on March 10th, 2016 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: Carol Lemmon

SECONDED BY: Heide Ralph

Carried.



CHAIR



SECRETARY-TREASURER

