

**NOTICE OF APPLICATION
FOR CONSENT
PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT,
R.S.O. 1990, CHAPTER P.13**

Respecting an application for consent by Gary Isenor
to the Sudbury East Planning Board
Part of Lot 10, Concession 4
in the Township of Casimir
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 11043 Sudbury East Section
(Roll No. 5204-000-001-293-00)
(SEPB File No. B/21/17/SC)

THE PURPOSE AND EFFECT of the application is to create one (1) Rural (RU) lot with an approximate area of 25.0 hectares and an approximate lot frontage of 402.0 metres on Labre Road. The proposed retained lot is to have an approximate area of 40.0 hectares and an approximate lot frontage of 402.0 metres on Musky Bay Road.

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/21/17/SC at its meeting on **October 12th, 2017 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, P0H 2N0.**

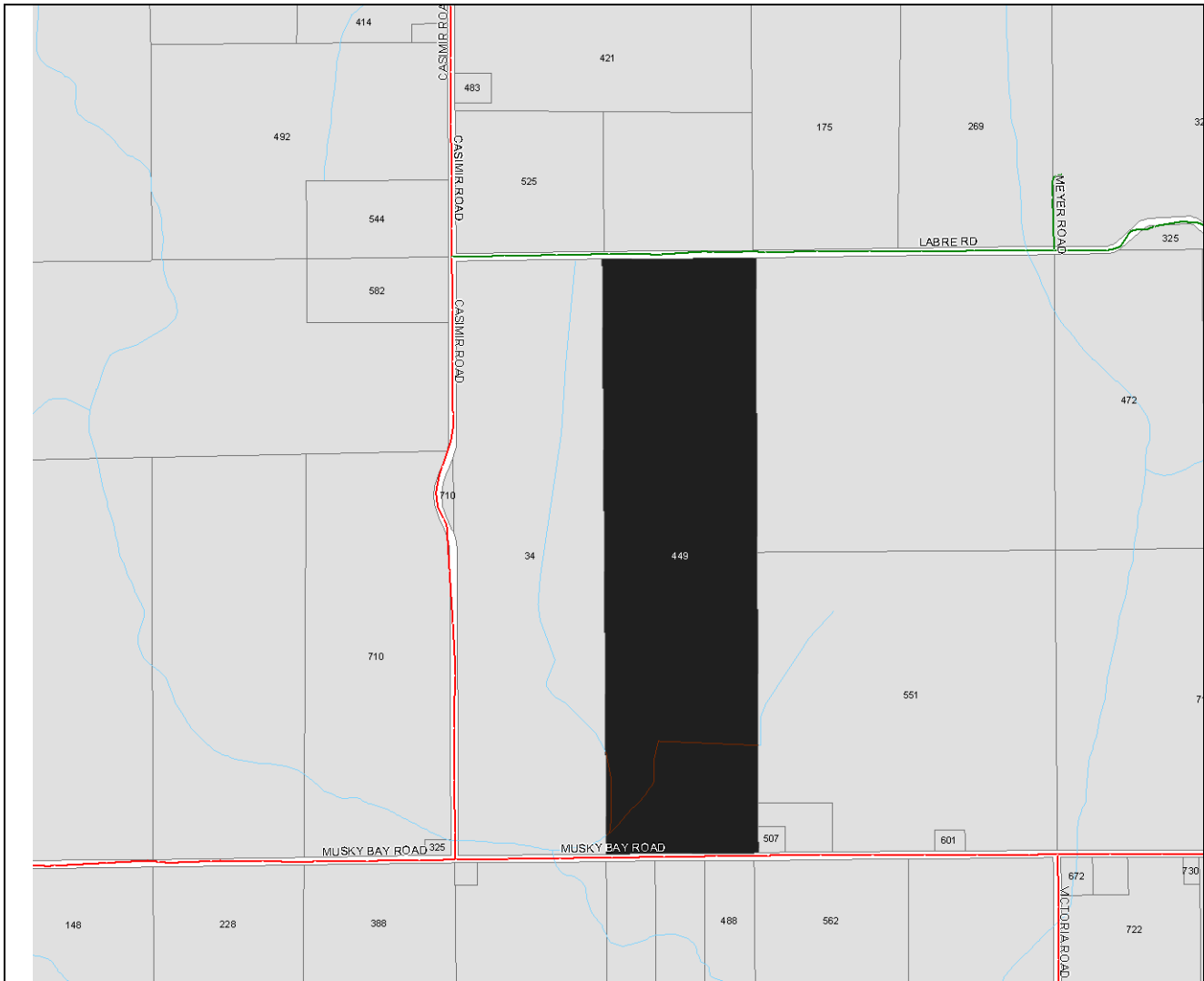
IF A PERSON OR PUBLIC BODY THAT FILES AN APPEAL of a decision of the Sudbury East Planning Board in respect of the proposed consent does not make written submissions to the Sudbury East Planning Board before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office.

Dated at Warren, this 26th day of September, 2017.

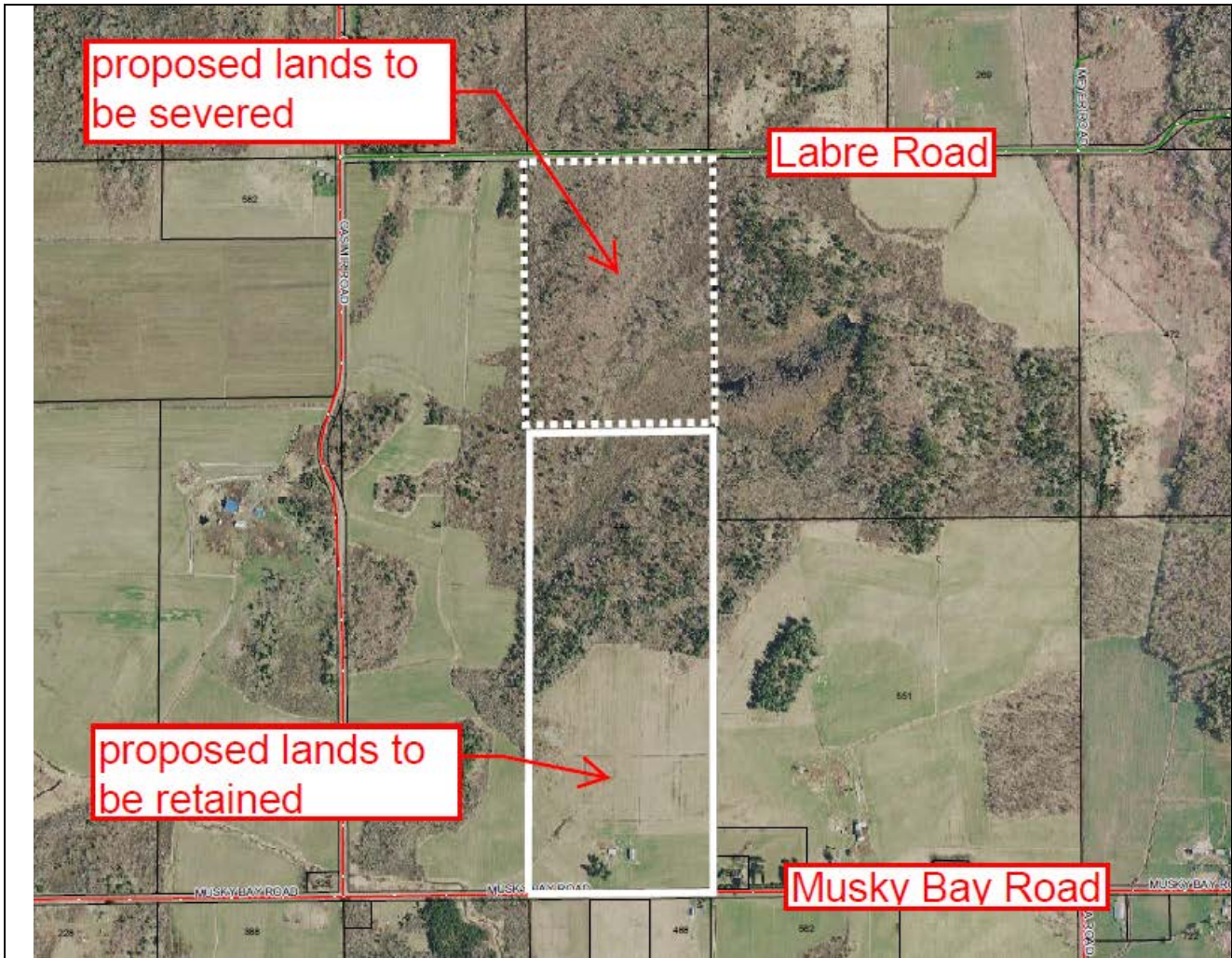
Matthew Dumont, MCIP, RPP
Secretary-Treasurer

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
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KEY MAP

Consent Application
(Gary Isenor)
E Part of Lot 10, Concession 4
in the Township of Casimir
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 11043 S.E.S.
(Roll No. 5204-000-001-293-00)
(SEPB File No. B/21/17/SC)



AERIAL PHOTOGRAPHY

Consent Application
(Gary Isenor)

E Part of Lot 10, Concession 4
in the Township of Casimir
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 11043 S.E.S.
(Roll No. 5204-000-001-293-00)
(SEPB File No. B/21/17/SC)



Planning Report: APPLICATION FOR CONSENT
Report To: SUDBURY EAST PLANNING BOARD
Meeting Date: October 12th, 2017
Report Date: September 26th, 2017

Applicant(s)/Owners: Gary Isenor
Agent/Solicitor: Same as above
File Number: B/21/17/SC
Property Description: Part of Lot 10, Concession 4
 in the Township of Casimir
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 11043 Sudbury East Section
 (Roll No. 5204-000-001-293-00)
 449 Musky Bay Road

APPLICATION:

The purpose of the Application for Consent is to create one (1) Rural(RU) lot. The proposed retained lot is to be approximately 40.0 hectares in lot area with a lot frontage of approximately 402.0 metres and contains a single detached dwelling and an accessory structure including a Type II barn. The proposed severed land is to be approximately 25.0 hectares in lot area with a lot frontage of approximately 402.0 metres and is presently vacant.

SUBJECT LANDS:

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	25.0 hectares	402.0 metres
	Retained Lot	40.0 hectares	402.0 metres
Access:	Publicly maintained (Municipality of St.-Charles) year-round road (Musky Bay Road and Labre Road).		
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.		
School Busing:	Available.		
Garbage Collection:	Available.		
Fire Protection:	Available.		
Surrounding Uses:	The lands are located on the north side of Musky Bay Road, west of Highway 535 and south of Labre Road. The Village of St. Charles is approximately 2.17 kilometers from the subject property. The subject lands abut to the east residential rural lands and to the north, south, and west abut rural lands.		

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2014

The Provincial Policy Statement (2014) directs that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managed change and promoting efficient land use and development patterns. Efficient land use and development patterns supporting strong, liveable and healthy communities, protect the environment and public health and safety and facilitate economic growth. Under Section 3 of the Planning Act, where a municipality exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

Section 1.1.5 limited residential development is permitted on rural lands located in municipalities, provided that such development is compatible with the rural landscape and sustained by rural service levels.

Section 1.6.6 contains policies with respect to the level of sewage and water services provided in certain circumstances. Where municipal sewage services and municipal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that the site conditions are suitable for the long-term provision of such services with no negative impacts

The applicant's proposal seeks to create one (1) Rural (RU) lot on a municipal road. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding limited development on appropriate services and that the adjacent aggregate resource will not be negatively impacted.

No provincial interests, as expressed in the Provincial Policy Statement, are adversely affected by this application

OFFICIAL PLAN

Official Plan Designation: **Rural Policy Area**, as identified in the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010)

Lands designated "Rural" shall be used primarily for agriculture, farm related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, etc. Service and tourist commercial uses, publicly – owned open spaces and limited residential development in the form of single detached dwellings may be permitted in areas designated "Rural" without requiring an amendment to this Plan, but may be subject to rezoning.

Consents to sever land for the purposes of creating a new building lot shall only be granted where a plan of subdivision has been determined not to be appropriate, no extension of services is required, adequate access to the severed and retained parcels can be provided from a year-round maintained road, adequate sewage and water servicing can or will be provided, etc.

Section 4.5 of the Plan contains policies pertaining to Consents. Subsection 2, outlines criteria that shall be considered when creating a new building lot:

- a) Plan of subdivision not appropriate (i.e. existing services);
- b) Intended uses of the parcels conform with the Plan and Zoning By-law;

- c) Proposed use of parcels is compatible with abutting uses;
- d) There is no extension of municipal services required;
- e) Represents orderly and efficient use of land (would not hinder development of retained lands);
- f) Limited circumstances in the rural policy area (on non-prime agricultural lands, farm splits, farm retirement lots, residence surplus to farm operations and residential infilling are permitted. As a lesser priority, the severed parcel(s) may be located beyond the last existing residential lot, but only where all services available in the cluster such as electricity, telephone, garbage collection, school bus service are available to the lot and where the development of the lot will not represent a long term increase in municipal costs.);
- g) Size and dimension of proposed lots are adequate for the proposed use;
- h) Adequate access can be provided from a year-round publicly maintained road;
- i) Access will not create a traffic hazard;
- j) The severed and retained parcels comply with Minimum Distance Separation (MDS);
- k) Adequate water and sewage servicing can be provided;
- l) It is feasible with regard to other provisions of this Plan, provincial legislation, policies and appropriate guidelines for uses within or adjacent to a development constraint; and

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

ZONING BY-LAW (2014-26)

Current Zoning: **Rural (RU)**

Proposed Zoning: Same as above.

The 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. Both the lot to be retained and severed will continue to meet those requirements.

The proposed retained lot is to be approximately 40.0 hectares in lot area with a lot frontage of approximately 402.0 metres and the proposed severed land is to be approximately 25.0 hectares in lot area with a lot frontage of approximately 402.0 metres.

The proposal involves no new land use or change in land use.

AGENCY REVIEW

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

The Municipality of St.Charles had no concerns.

No Comments were received as of the date this report was written.

PUBLIC CONSULTATION

Notice of the consent application was sent to surrounding property owners on September 27th, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 197/96) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

Those matters under Section 51(24) have been reviewed and considered; there is no adverse effect expected from the proposed consent with respect to the listed criteria.

RECOMMENDATION:

Whereas the application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, and the subject property is appropriately zoned, we are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the appended conditions.

Respectfully submitted,

NR For Matthew Dumont

Matthew Dumont, MCIP, RPP
Director of Planning

**SUDBURY EAST PLANNING BOARD
CONSENT-IN-PRINCIPLE - CONDITIONS**

Planning Board Date of Decision: October 12th, 2017
Date of Notice of Decision: ***
Last Date of Appeal: ***

Applicants(s): Gary Isenor
Owner(s): Same as above
Agent/Solicitor: n/a
File Number: B/21/17/SC
Property Description: Part of Lot 10, Concession 4
in the Township of Casimir
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 11043 Sudbury East Section
(Roll No. 5204-000-001-293-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File No. B/21/17/SC**, which must be fulfilled within one year from the date of this letter, are set out below. These conditions must be fulfilled prior to the granting of consent.

CONDITIONS:

1. This approval applies to the creation of one (1) Rural (RU) lot of approximately 25.0 hectares in area with approximately 402.0 metres of lot frontage, as applied for on Part of Lot 10, Concession 2, in the Township of Casimir, now in the Municipality of St.-Charles, Territorial District of Sudbury, (Parcel 11043 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$200.00 must be paid to the Sudbury East Planning Board.
3. The following documents shall be provided for the transaction described in Condition 1:
 - a) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
 - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
 - c) a reference plan of survey (***a paper copy and an electronic copy***), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates.
4. Where it is determined on drafting a reference plan of survey that an existing public road traverses the subject lands to which the consent approval applies (severed), that portion of such road which traverses the subject lands shall be laid out on the final reference plan of survey and shall be transferred to the appropriate authority. The cost of any survey shall be borne by the applicant.

5. If required, Drainage Assessment reapportionment to be completed to the satisfaction of the Drainage Superintendent for the Municipality of St.-Charles.
6. The Sudbury East Planning Board must be advised in writing by the Municipality of St.-Charles that the owner has conveyed up to 5% of the land to be severed to the Municipality of St.-Charles for park or other recreational purposes. Alternatively, the municipality may require cash-in-lieu of all or a portion of the conveyance.

NOTES:

The following notes are for the applicant's information:

1. The required Transfer/Deed of Land Form and Schedule shall contain a complete and accurate legal description. The Planning Board's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.

2. ***It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval pursuant to Section 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13 within one year of the date that the Notice of Decision to grant Provisional Consent was given pursuant to Section 53(17) of the Planning Act. The Planning Board will issue no further notice or warning of the expiration of the one-year period.***

If the conditions to consent approval are not fulfilled within one year of the date of the Notice of Decision and the applicant is still interested in pursuing the proposal, a new application will be required. New applications must be accompanied by a fee.

3. An approved Building Permit must be obtained from the Municipality of St.-Charles prior to any demolition, new construction, addition, expansion, or alteration to buildings, structures, or changes in use, including the installation of private sewage disposal systems.
4. Prior to the installation of a subsurface sewage disposal system, a Certificate of Approval must be obtained from the Sudbury and District Health Unit.
5. If a well is used as the drinking water source, it must be constructed in accordance with Ontario Regulation 903 made under the *Ontario Water Resources Act*.
6. The Endangered Species Act, 2007 applies to species listed on the Species at Risk in Ontario List (available here: www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). If any protected species and/or habitats are observed, please contact the Ministry of Natural Resources and Forestry, Sudbury District Planner as soon as possible.