

**NOTICE OF APPLICATION FOR CONSENT**  
**PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P.13**  
**AND**  
**NOTICE OF PUBLIC HEARING FOR A PROPOSED AMENDMENT TO ZONING BY-LAW 2014-26 OF THE**  
**MUNICIPALITY OF ST. CHARLES**

Respecting applications for Consent and Zoning By-law Amendment by Guy Daoust  
to the Sudbury East Planning Board  
West Part of Lot 10, Concession 6  
in the Township of Appleby  
now in the Municipality of St.-Charles  
Territorial District of Sudbury  
Being Parts 1 and 2, Plan 53R-19038  
Parcel 4362 Sudbury East Section  
(Roll No. 5204-000-003-277-00)  
**(SEPB File No. B/16/20/SC and ZBA 20-11SC)**

**TAKE NOTICE THAT** the Sudbury East Planning Board will analyze and discuss Application **B/16/20/SC** at its meeting on **September 10<sup>th</sup>, 2020 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

**AND TAKE NOTICE THAT** the council for the Municipality of St. Charles will hold a **Public Hearing Virtually on September 16<sup>th</sup>, 2020 at 4:00 p.m. at the St.-Charles Municipal Office, 2 King Street East, St.-Charles, 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, and P.O. Box 250, Warren, Ontario, POH 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 Local Planning Appeal Tribunal may dismiss the appeal.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Council for the Municipality of St. Charles before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**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 26<sup>th</sup> day of August 2020.

Matthew Dumont, MCIP, RPP  
Secretary-Treasurer

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario POH 2N0  
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372  
[www.sepb.org](http://www.sepb.org)

## **Purpose and Effect of the Proposed Consent and Zoning By-law Amendment**

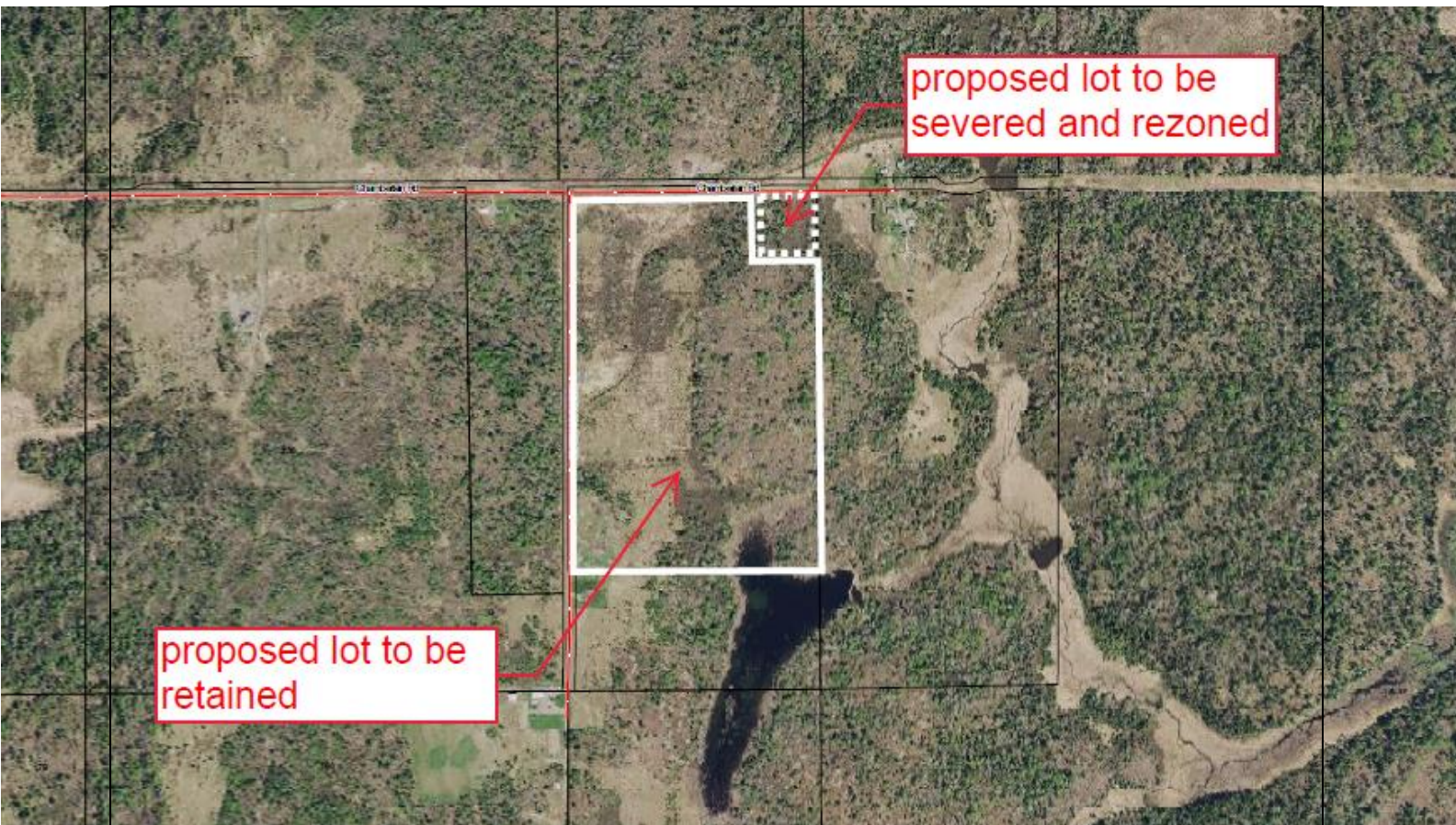
Re: Application Nos. B/16/20/SC and ZBA 20-11SC  
(Guy Daoust)  
Roll Nos. 5204-000-003-277-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-26 of the Municipality of St. Charles, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13 and a consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Lise Bedard on behalf of Guy Daoust to rezone lands described as West Part of Lot 10, Concession 6, in the Township of Appleby, now in the Municipality of St. Charles, Territorial District of Sudbury, and (Parcel 4362 Sudbury East Section).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2014-26 of the Municipality of St. Charles. The proposed Zoning By-law Amendment will rezone the lot to be severed through the consent application B/16/20/SC to Residential Rural (RR) to recognize the intended use of the lot which will have an approximate lot area of 2.01 hectares and a lot frontage of approximately 120.0 metres on Chamberlain Road. The propose retained lands will remain under the Rural (RU) zoning and have an approximate area of 23.69 hectares and a lot frontage of approximately 625.40 metres on Napran Road.

The subject property is located within the Rural Policy Area designation of the Official Plan for the Sudbury East Planning Area (adopted April 27<sup>th</sup>, 2010, approved by the Ministry of Municipal Affairs and Housing September 28<sup>th</sup>, 2010).



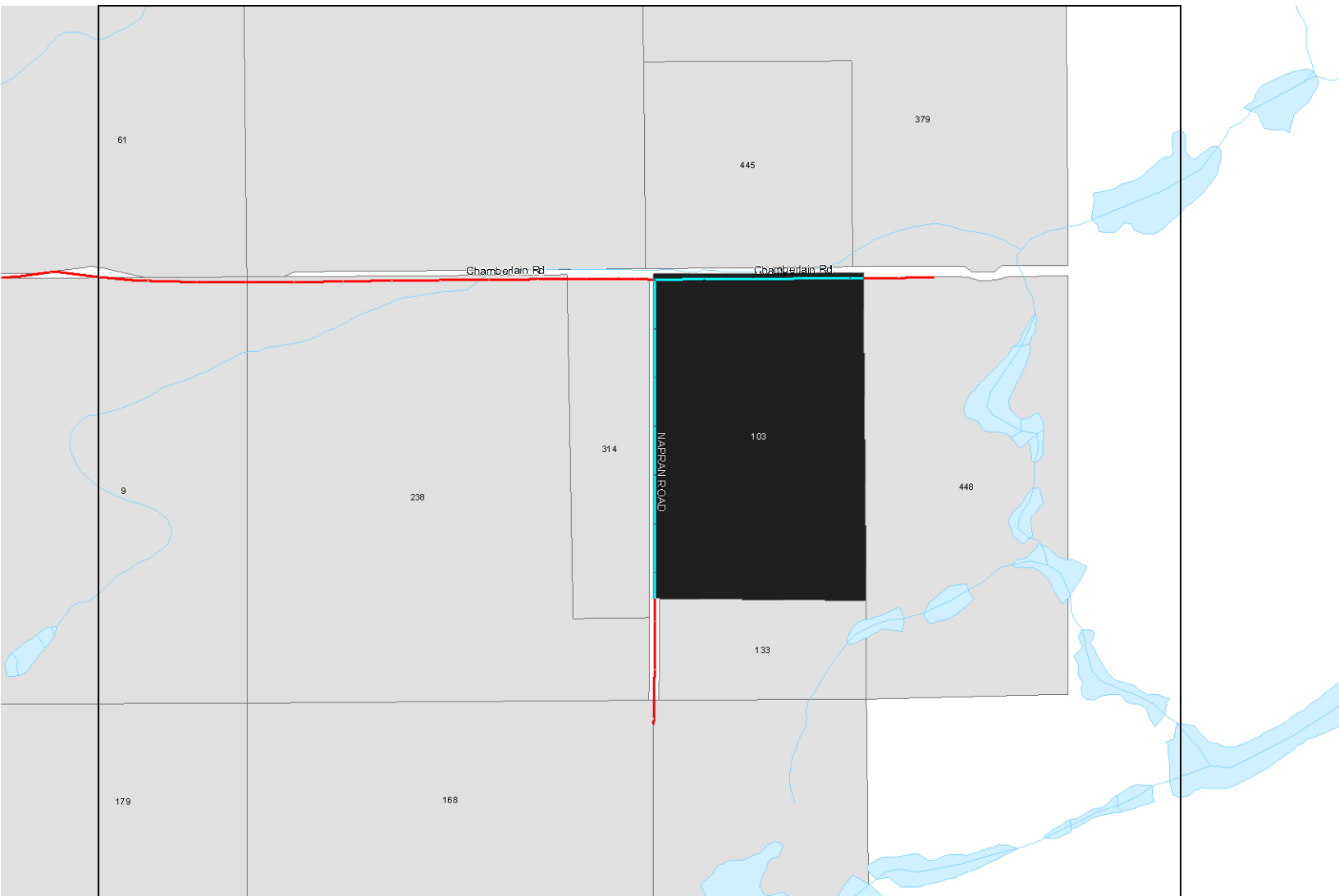
**AERIAL PHOTOGRAPHY**

Consent and Zoning By-law Amendment Applications  
(Guy Daoust)

West Part of Lot 10, Concession 6  
in the Township of Appleby  
now in the Municipality of St.-Charles  
Territorial District of Sudbury  
being Parts 1 and 2, Plan 53R-19038  
Parcel 4362 S.E.S.

(Roll No. 5204-000-003-277-00)

(SEPB File No. B/16/20/SC and ZBA 20-11SC)



**KEY MAP**

Consent and Zoning By-law Amendment Applications  
(Guy Daoust)

West Part of Lot 10, Concession 6  
in the Township of Appleby  
now in the Municipality of St.-Charles  
Territorial District of Sudbury  
being Parts 1 and 2, Plan 53R-19038  
Parcel 4362 S.E.S.

(Roll No. 5204-000-003-277-00)

(SEPB File No. B/16/20/SC and ZBA 20-11SC)



**Planning Report:** **APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT**  
**Report To:** **SUDBURY EAST PLANNING BOARD** **Meeting Date:** September 10<sup>th</sup>, 2020  
**Report To:** **COUNCIL FOR THE MUNICIPALITY OF ST. CHARLES** **Meeting Date:** September 16<sup>th</sup>, 2020  
**Report Date:** August 26<sup>th</sup>, 2020  
**Applicant/Owner:** Guy Daoust  
**Agent/Solicitor:** Lise Bedard  
**File Number:** B/16/20/SC and ZBA 20-11SC  
**Related Files:** B/36/08/SC  
**Property Description:** West Part of Lot 10, Concession 6  
in the Township of Appleby  
now in the Municipality of St. Charles  
Territorial District of Sudbury  
Being Parts 1 and 2, Plan 53R-19038  
Parcel 4362 Sudbury East Section  
(Roll No. 5204-000-003-277-00)  
103 Napran Road

**APPLICATION:**

The Sudbury East Planning Board has received applications for consent and zoning by-law amendment which proposes to create one residential rural lot from the subject lands having road frontage on Napran Road and Chamberlin Road in the Municipality of St. Charles; and to rezone such lot from 'Rural (RU)' to 'Residential Rural (RR)' to recognize the intended use of the lots. The proposed severed lot will have a lot area of 2.01 hectares and a lot frontage of 120.0 metres on Chamberlin Road and is presently vacant; while the proposed retained lot will have a lot area of 23.69 hectares and a lot frontage of 625.40 metres on Napran Road and presently contains a single detached dwelling.

The proposed Zoning By-law Amendment will rezone the lot to be severed through the consent application B/16/20/SC to Residential Rural (RR) to recognize the intended use of such lot.

**SUBJECT LANDS:**

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	2.01 hectares
	Retained Lot	23.6 hectares
Access:	Publicly maintained (Municipality of St.-Charles) year-round road (103 Napran Road).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Available.	
Garbage Collection:	Available.	
Fire Protection:	Available.	

## APPLICATION REVIEW AND ANALYSIS:

### PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (2020) 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.

The applicant's proposal seeks to create one residential rural 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 appropriate services.

Section 1.1.5.2(c) residential development, including lot creation, that is locally appropriate.

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.

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 27<sup>th</sup>, 2010, approved by the Ministry of Municipal Affairs and Housing September 28<sup>th</sup>, 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.

The Sudbury and District Health Unit provided comments stating that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system. Adequate access is provided on Chamberlain Road for the proposed severed lot. Also, the proponent provided adequate sewage and water servicing letters.



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:        Lot to be Retained – Rural (RU)  
                                  Lot to be Severed – Residential Rural (RR).

The 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The lot to be retained will continue to meet those requirements. However, the lot to be severed will have an area of 0.80 hectares which is below the minimum lot area requirement of the RU Zone. The severed lot is proposed to be rezoned to the 'Residential Rural (RR)'. The RR zones requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The proposed severed lot will continue to meet the requirements of the RR Zone once the severed lot is rezoned.

AGENCY REVIEW

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

Clerk for Municipality of St. Charles: There is a drain on this property, and it will require reassessment.

Sudbury District Health Unit: the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

Union Gas: does have service lines running within the area which may or may not be affected by the proposed severance.

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

PUBLIC CONSULTATION

Notice of the consent and zoning by-law amendment applications were sent to surrounding property owners on **August 26<sup>th</sup>, 2020** in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18 and O.REG. 73/18) thereto. As of the writing of this report, no comments or concerns had been received from neighboring 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:**

**Consent:**

Whereas the application for consent is consistent with the 2020 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.**

**Zoning By-law Amendment:**

That the Municipality of St. Charles approve application for Zone Change, File Number ZBA 20-11SC, for lands owned by Guy Daoust which proposes to change the zoning of lands described as West Part of Lot 10, Concession 6, in the Township of Appleby, now in the Municipality of St. Charles, Parcel 4362, being the severed lands from 'Rural (RU)' to the 'Residential Rural (RR) to facilitate the above noted severance from the subject site

Respectfully submitted,



Matthew Dumont, MCIP, RPP  
Director of Planning



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

**Planning Board Date of Decision:** September 10<sup>th</sup>, 2020  
**Date of Notice of Decision:** September 11<sup>th</sup>, 2020  
**Last Date of Appeal:** October 1<sup>st</sup>, 2020

**Applicants:** Guy Daoust  
**Owner:** Same as above  
**Agent/Solicitor:** Lise Bedard  
**File Number:** B/16/20/SC  
**Property Description:** West Part of Lot 10, Concession 6  
in the Township of Appleby  
now in the Municipality of St.-Charles  
Territorial District of Sudbury  
being Parts 1 and 2, Plan 53R-19038  
Parcel 4362 Sudbury East Section  
(Roll No.5204-000-003-277-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File No. B/16/20/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.

---

**B-16 CONDITIONS:**

1. This approval applies to the creation of one rural residential lot of approximately 2.01 hectares in area with approximately 120.0 metres of lot frontage, as applied for on West Part of Lot 10, Concession 6, in the Township of Appleby, now in the Municipality of St.-Charles, Territorial District of Sudbury, being Parts 1 and 2, Plan 53R10038 (Parcel 4362 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 lands), 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 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.
7. An amendment to Zoning By-law 2014-26 of the Municipality of St.-Charles for the severed lands shall be approved, to facilitate the severance application.

**B-16 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. Work on or modifications to Municipal Drains must be completed under the direction of the Municipal Drainage Superintendent.
6. The Ministry of Environment, Conservation and Parks has advised that there is potential for Threatened or Endangered Species or their habitat to be present on or adjacent to the subject lands. Prior to development, the applicant may wish to undertake surveys to determine their risk of contravening the Endangered Species Act.
7. 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*.
8. 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](http://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.
9. Should any human remains be identified during operations, all work in the vicinity of the discovery will be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the district coroner. Notification must also be made to the Heritage Operations Unit of the Ministry of Culture, Tourism & Sport and the Registrar of Cemeteries, Ministry of Government Services.
10. Should any other cultural heritage values (archaeological or historical materials or features) be identified during operations, all activity in the vicinity of the recovery will be suspended and the Ministry of Culture, Tourism & Sport's archaeologist immediately contacted at (807) 475-1632. This provides for the potential for deeply buried or enigmatic local site areas not typically identified in evaluations of potential.