

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, December 10, 2020 at 5:30 p.m.
Sudbury East Planning Board Office
39 Lafontaine Street, Warren, Ontario**

MEMBERS PRESENT: Carol Lemmon, Ned Whynott, David Viau, Renee Carrier, Robert Campbell, Paul Branconnier, John Dimitrijevic, Jackie Lafleur, Rachelle Pigeau

MEMBERS ABSENT: Renee Germain

OFFICIALS PRESENT: Matthew Dumont, Director of Planning/Secretary-Treasurer
Nancy Roy, Administrative Assistant

PUBLIC PRESENT: None

1. MEETING CALLED TO ORDER

The Chair called the meeting to order at 5:34 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 20-044

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of December 10, 2020 be adopted as distributed.

MOVED BY: David Viau

SECONDED BY: Ned Whynott

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No disclosures of Pecuniary Interest.

4. ELECTIONS

Resolution: 20-045

BE IT RESOLVED THAT Matthew Dumont be appointed chairperson for the purpose of the ensuing elections.

MOVED BY: Paul Branconnier

SECONDED BY: Ned Whynott

Carried.

The Director of Planning opened the nominations for the Chairperson of the Sudbury East Planning Board.

Carol Lemmon Nominated by: Paul Branconnier
Seconded by: Jackie Lafleur

Ned Whynott Nominated by: Rachelle Pigeau
Seconded by: Renee Carrier

A Vote by show of hands was conducted and Carol Lemmon collected the most votes. Carol Lemmon accepted the nomination for the position of Chairperson of the Sudbury East Planning board.

The Director of Planning opened the nominations for the Vice-Chairperson of the Sudbury East Planning Board.

Ned Whynott Nominated by: Jackie Lafleur
Seconded by: Rachelle Pigeau

Ned Whynott accepted the nominations for the position of the Vice-Chairperson of the Sudbury East Planning Board.

Resolution: 20-046

BE IT RESOLVED THAT Carol Lemmon be appointed Chairperson of the Sudbury East Planning Board.

MOVED BY: David Viau
SECONDED BY: Jackie Lafleur

Carried

Resolution: 20-047

BE IT RESOLVED THAT Ned Whynott be appointed Vice-Chairperson of the Sudbury East Planning Board.

MOVED BY: Ron Campbell
SECONDED BY: Paul Branconnier

Carried

5. ADOPTION OF MINUTES

- a) Sudbury East Planning Board – Regular meeting of September 10th, 2020 be adopted as distributed.

Resolution: 20-048

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of September 10, 2020 be adopted as distributed.

MOVED BY: John Dimitrijevic

SECONDED BY: Jackie Lafleur

Carried

5. PRESENTATION/DELEGATION

6. ZONING BY-LAW AMENDMENTS

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a zoning by-law amendment. Also that the analysis and discussion serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Zoning By-law Amendment; 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 the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 120 metres of the property subject to the Zoning By-law Amendment Application and to those persons and agencies likely to have an interest in the application. The Notice was sent on October 19, 2020, being over twenty (20) days prior to this evenings meeting (ZBA 20-14SCR- Brian and Marnie Teddy). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

a) ZBA 20-14SCR – Brian and Marnie Teddy

The Director of Planning summarized the application.

The subject property is located at 1063 Horseshoe Lake Road, which is a maintained year-round road with the Secord Local Roads Board. The above related files indicate that a total of four (4) lots have been severed from the original parcel since 2002.

The purpose of the Application for Consent and Zoning By-law Amendment is to sever one residential rural lot from the subject property and rezone the lands to recognize the proposed use. The proposed severed lot is to be 3.9 hectares in lot area with a lot frontage of 167.0 metres and is presently vacant. The proposed retained land is to be approximately 8.0 hectares in lot area with a lot frontage of approximately 277.0 metres and contains an existing dwelling and detached garage.

With respect to the OP, A planning justification report was submitted by Kevin Jarus, senior planner with Tulloch Engineering regarding the 'limited residential' policy in the OP as is pertains to the past development on the subject property which included the creation of four (4) residential rural lots from the original parcel since 2002.

A development constraint (Natural Heritage - Blanding's Turtle) was identified in the Official Plan affecting this property. A Natural Heritage Assessment was conducted by Tulloch Engineering which provided a natural heritage background review, habitat assessment and targeted surveys for species at risk on their privately owned residential property. The findings states that MNRF has no records of SAR species within 1000 meters of the Site, however the Site was flagged as potential supporting habitat for four threatened species; Barn swallow, Blanding Turtle, Bobolink, and Eastern Whip-poor-will. Turtle Basking surveys were performed, and no Blanding were identified, however 10 Midland Painted Turtles were identified. As a result, this qualifies as a Significant Wildlife Habitat, therefore it is important to protect the turtle wintering area when considering the proposed severance. To do so, a 30 metres buffer of natural vegetation be retained around the turtle wintering area. Lastly, habitat assessments identified an unnamed tributary to Paddy Creek, three species of endangered bats, and breeding by migratory bird species.

Land Information Ontario stated the Site is located within a Moose Lake Wintering Area. The property included 6% of the Moose Late Wintering Area complex. Tulloch anticipates that residential development at this location can proceed with no negative impacts to the ecological function of Moose late Wanting Habitat in the vicinity or impede moose habitat access or movement.

With respect to **servicing**, the agent has provided a Servicing Options Analysis and previous comments obtained from the **Sudbury and District Health Unit are supportive**. Appropriate documentation with respect to availability of **sewage hauling services** and **probability of potable water have been provided**.

With respect to **access**, the owners provided supporting documentation regarding the propose entrances off of Horseshoe Lake Road from the Secord Local Road Board Chairperson.

With respect to zoning, The Residential Rural (RR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60 metres. The proposed lot will exceed the minimum requirements of the RR Zone and is intended to be used for residential uses as permitted by the zone. The proposed retained lot will continue to meet the requirements of the Rural (RU) Zone which requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres

Agency Comments:

Bell Canada: has no concerns with respect to the proposed application.

Hydro One: has no comments or concerns at this time.

No other comments were received, as of the date of writing this report, through agency circulation or from the public.

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-049

BE IT RESOLVED THAT By-law Number 20-03 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 20-14SCR, submitted by Brian and Marnie Teddy be read a first and second time this 10th day of December, 2020.

MOVED BY: Rachelle Pigeau

SECONDED BY: Jackie Lafleur

Carried

Resolution: 20-050

BE IT RESOLVED THAT By-law Number 20-03 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 20-14SCR submitted by Brian and Marnie Teddy be read a third and final time this 10th day of December, 2020.

MOVED BY: John Dimitrijevic

SECONDED BY: Renee Carrier

Carried

Resolution: 20-051

BE IT RESOLVED THAT Consent Application B/18/20/SCR submitted by Brian and Marnie Teddy be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: David Viau

SECONDED BY: Rob Campbell

Carried

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 120 metres of the property subject to the Zoning By-law Amendment Application and to those persons and agencies likely to have an interest in the application. The Notice was sent on October 16, 2020, being over twenty (20) days prior to this evenings meeting (ZBA 20-16BRW- Laurie Ritchie). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

b) ZBA 20-16BRW – Laurie Ritchie

The Director of Planning summarized the application.

The lands are approximately 250 metres east from the intersection of Chamberland Road and Nepewassi Lake Road, and approximately 200 metres from the intersection of Nepewassi Lake Road and Hendrie Road. The subject lands are surrounded by a mix privately owned rural and residential rural lands. The subject property back onto crown land and has road frontage on Nepewassi Lake Road.

The purpose of the Application for Consent and Zoning By-law Amendment are to sever one (1) residential rural lot from the subject lands and rezone the lands to recognize the proposed use. The proposed retained lot is to be approximately 3.66 hectares in lot area with a lot frontage of approximately 99.36 metres and is presently vacant. The proposed severed lands are to be approximately 3.63 hectares in lot area with a lot frontage of approximately 95.91 metres and contains a single-family home and a woodshed.

With respect to the OP, 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 (ie existing services);
- b) There is no extension of municipal services required;
- c) Adequate access can be provided from a year-round publicly maintained road;
- d) Access will not create a traffic hazard;

With respect to servicing, the applicant has provided the required documentation to demonstrate site suitability for a septic system from the Sudbury District Health Unit, as well as two letters addressing a reasonable expectation of potable water and capacity for hauled sewage.

Pre-consultation comments were received from the Burwash-Hendrie Local Roads Board regarding appropriate access; no concerns were raised.

With respect to zoning, The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed severed and retained lots will no longer meet the requirements of the Rural Zone and are required to be re-zoned to the Residential Rural (RR) Zone which requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Each of the proposed lots exceed the minimum requirements of the Residential Rural Zone.

With Respect to agency comments:

Bell Canada: has no concerns with respect to the proposed application.

Hydro One: have no comments or concerns at this time.

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

Resolution: 20-052

BE IT RESOLVED THAT By-law Number 20-04 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 20-16BRW, submitted by Laurie Ritchie be read a first and second time this 10th day of December, 2020.

MOVED BY: David Viau

SECONDED BY: Paul Branconnier

Carried

Resolution: 20-053

BE IT RESOLVED THAT By-law Number 20-04 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 20-16BRW submitted by Laurie Ritchie be read a third and final time this 10th day of December, 2020.

MOVED BY: Rob Campbell

SECONDED BY: Renee Carrier

Carried

Resolution: 20-054

BE IT RESOLVED THAT Consent Application B/22/20/BRW submitted by Laurie Ritchie be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Ned Whycott

Carried

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 120 metres of the property subject to the Zoning By-law Amendment Application and to those persons and agencies likely to have an interest in the application. The Notice was sent on November 19, 2020, being over twenty (20) days prior to this evenings meeting (ZBA 20-19SCR- Joe and Irene Fabiilli and Nicole and Gilles Leduc). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

c) **ZBA 20-19SCR – Joe and Irene Fabiilli and Nicole and Gilles Leduc**

The Director of Planning summarized the application.

The purpose of the Application for Consent and Zoning By-law Amendment are to sever one (1) residential rural lot from the subject lands and rezone the lands to recognize the proposed use. The proposed severed lot is to be approximately 3.70 hectares in lot area with a lot frontage of approximately 104.96 metres and is presently vacant. The proposed retained lot is to be approximately 3.67 hectares in lot area with a lot frontage of approximately 100.79 metres and is presently vacant.

History: B/39-40/08/SCR

To sever two (2) rural lots from the subject lands.

With respect to the OP, 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 (ie existing services);
- b) There is no extension of municipal services required;
- c) Adequate access can be provided from a year-round publicly maintained road;
- d) Access will not create a traffic hazard;

With respect to servicing, the applicant has provided the required documentation to demonstrate site suitability for a septic system from the Sudbury District Heal Unit, as well as two letters addressing a reasonable expectation of potable water and capacity for hauled sewage.

Pre-consultation comments were received from the Secord Local Roads Board regarding appropriate access; no concerns were raised.

With respect to zoning, the Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed severed and retained lots will no longer meet the requirements of the Rural Zone and are required to be re-zoned to the Residential Rural (RR) Zone which requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Each of the proposed lots exceed the minimum requirements of the Residential Rural Zone.

With Respect to agency comments:

Bell Canada: has existing easements rights over the above noted property being bell easement. We confirm our existing rights must be maintained, however there is no need for any additional easements at this time.

Hydro One: have no comments or concerns currently.

Union Gas: have no comments or concerns currently.

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

Resolution: 20-055

BE IT RESOLVED THAT By-law Number 20-05 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 20-19SCR, submitted by Joe and Irene Fabiilli and Nicole and Gilles Leduc be read a first and second time this 10th day of December, 2020.

MOVED BY: Rob Campbell

SECONDED BY: David Viau

Carried

Resolution: 20-056

BE IT RESOLVED THAT By-law Number 20-05 being a By-law for the purpose of amending Zoning By-law No. 14-01 of the Sudbury East Planning Board, in respect of application ZBA 20-19SCR submitted by Joe and Irene Fabiilli and Gilles and Nicole Leduc be read a third and final time this 10th day of December, 2020.

MOVED BY: Renee Carrier

SECONDED BY: Paul Branconnier

Carried

Resolution: 20-057

BE IT RESOLVED THAT Consent Application B/26/20/SCR submitted by Joe and Irene Fabiilli and Nicole and Gilles Leduc be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: David Viau

SECONDED BY: Ned Whynott

Carried

7. CONSENT APPLICATIONS

The chair advised that a Public Hearing will be held before the Planning Board makes a decision on a Consent Application. Also that the analysis and discussion serves two purposes: first, to present to the Planning Board and the public the details and background to a proposed Consent Application; 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 the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 60.0 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the applications. The Notice was sent on October 2, 2020, being over fourteen (14) days prior to this evenings meeting (B/19/20/FR – B & E Honey Fields Limited and B/20/20/FR – Megan and Andrew Rowaan). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

a) B/19/20/FR – B and E Honey Fields Limited

The Director of Planning summarized the application.

The purpose of the Application for Consent is to create two (2) access easements (right-of-way) over two parcels (Parcel 19095 and 10990) to provide continued legal access over an existing gravel driveway abutting the property to the immediate south (403 North Channel Camp Road). The benefiting lands are accessed by a private road off North Channel Camp Road and have water frontage on French River.

395 North Channel Camp Road is established as North Channel Cottages, a Tourist Establishment. The subject property is approximately 2.28 hectares (5.64 acres) in lot area with a water frontage of approximately 281.0 metres and contains eight (8) cottages built between the years of 1936 to 1960, as per MPAC comprehensive report.

365 North Channel Camp Road and contains a single-detached dwelling and accessory structures, including three sheds and two Type III uninsulated barns.

Both subject properties are surrounded by residential uses. Rural lands abut to the north of the properties. Waterfront Residential lands are located to the east and to the south of the subject properties.

With respect to the OP, as per **Section 3.3.2.19, Private Roads** are roads that are not owned or maintained by the Province or a municipality or maintained by a local roads board that service two or more properties in separate ownership. Development, i.e. lot creation on private roads is discouraged. However, there are many instances in the Planning Area where there are existing lots of record on private roads or that are accessed over crown land or via easement over private land.

In this case, 403 North Channel Camp Road was created without legal road frontage on a year-round maintained road. The nearest road maintained by the Municipality of French River is North Channel Camp Road which is approximately 285 metres from the benefitting lands. Also, there is a 'portion' of an existing right-of-way (as in Instrument LT110710) registered on title from North Channel Camp Road which provides legal property access to only 395 and most recently, 440 North Channel Camp Road.

With respect to zoning, The Waterfront Commercial Tourist Zone requires a minimum lot area of 2.0 hectares and a minimum lot frontage of 150.0 metres and the Rural Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. In this case, both subject properties meet each zone requirements respectively.

With Respect to agency comments:

Hydro One: no concerns currently.

Municipality of French River: no concerns or comments relating to both applications.

Union Gas: Does not have servicing lines running within the area,

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-058

BE IT RESOLVED THAT Consent Application B/19/20/FR submitted by B & E Honey Fields Limited be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Jackie Lafleur

Carried

b) B/20/20/FR – Megan and Andrew Rowaan

Resolution: 20-059

BE IT RESOLVED THAT Consent Application B/20/20/FR submitted by Megan and Andrew Rowaan be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: John Dimitrijevic
SECONDED BY: Ned Whynott

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Local Planning Appeal Tribunal Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 60.0 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the applications. The Notice was sent on August 26, 2020, being over fourteen (14) days prior to this evenings meeting (B/21/20/FR – 1552406 Ontario Incorporated). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

c) B/21/20/FR – 1552406 Ontario Incorporated

The Director of Planning summarized the application.

The purpose of the Application for Consent is to effect a lot addition. The lot to be severed is approximately 0.34 hectares in area with a lot frontage of approximately 24.0 metres on Green Bay Road. The proposed severed lands are to be added to the adjacent lands to the east (322 Green Bay Road). The proposed retained lands will have approximately 29.54 hectares of lot area and a road frontage of 1.44 kilometers on Green Bay Road and is presently vacant. The enlarged lot is to be approximately 0.47 hectares in lot area with a lot frontage of 57.0 metres. The enlarged lot is to be re zoned from Rural (RU) to Residential Rural (RR) to recognize the intended use of the lot and to recognize the reduced lot area and lot frontage. 322 Green Bay Road presently contains a single-family home, a detached garage, and a woodshed.

With respect to the OP, **Consent**

Section 4.5.1 of the Plan lists instances where consents are granted, including **lot boundary adjustments** such as the current proposal. The intent and purpose of the lot addition is to enlarge the subject property to allow the owners to upgrade their septic tank and leaching bed system. Presently, 322 Green Bay road is an existing lot of record that is significantly undersized. A lot of record means a parcel created by a land patent or any other distinct and separate holding, the deed to which is registered in the Land Registry office and which lot or parcel of land was **legally created prior to the date of passing of this By-law**. The subject property is approximately 0.12 hectares in area. To give perspective on the size of the current lot, the current by-law requires 0.80 hectares in area for the creation of a new lot.

With respect to zoning, 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 proposed amending Zoning By-law will establish provisions to recognize the proposed enlarged lot area and lot frontage to facilitate the severance. The 'RR' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The enlarged lot will have an area of 0.47 hectares and a road frontage of 57.0 metres which is below the minimum requirements for the RR zone.

With Respect to agency comments:

Hydro One: no concerns currently.

Municipality of French River: no concerns or comments relating to both applications.

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-060

BE IT RESOLVED THAT Consent Application B/21/20/FR submitted by 1552406 Ontario Incorporated be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: David Viau

SECONDED BY: Renee Carrier

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Local Planning Appeal Tribunal Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 60.0 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the

applications. The Notice was sent on August 26, 2020, being over fourteen (14) days prior to this evening's meeting (B/23/20/FR – Albert Duquette). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

d) B/13/20/FR - Albert Duquette

The Director of Planning summarized the application.

The lands are located on the north side of Highway 64, and are north of Monet Lake, and municipally known as 6173 Highway 64. Lands in the area are predominately rural and residential rural and have some waterfront residential to west of the subject property.

The purpose of the Application for Consent is to create one (1) waterfront residential lot with an approximate area of 0.78 hectares, having approximately 39.9 meters of water frontage on Monet Lake and approximately 87 meters of frontage on Highway 64, which is presently vacant land. The proposed retained lot is to be approximately 0.80 hectares in lot area with a lot frontage of approximately 85 metres and contains a single detached dwelling with accessory structures, including two woodsheds. Each of the proposed lands, severed and retained, have access on a provincial highway (Highway 64).

History: B/01/17/FR and ZBA 17-01FR

The Sudbury East Planning Board and the Council for the Municipality of French River approved the severance and zoning by-law amendment applications, however the conditions of severance were not cleared within the one year timeframe, therefore the by-law had to be repealed because the proposed severed lot was never created.

With respect to the OP, Single detached dwellings may be permitted in areas designated "Rural" without requiring an amendment to the Official Plan.

Municipalities will promote economic development by identifying areas for specific types of development that are key to the economic base of the Planning Area; these include lands for housing.

Section 3.5.2.5 contains policies respecting Significant Habitat of Endangered and Threatened Species. Development and site alteration are not permitted on lands adjacent to such habitat, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. A screening was required by the Sudbury East Planning Board to evaluate the Blanding's turtle habitat. The applicants submitted an ecological site assessment prepared by Fri Ecological Services which was reviewed and supported by the MNFR. It was noted by the consultants that the following measures are taken to avoid negative impacts to the species habitat:

- The proposed dock be constructed on the portion of shoreline where there is minimal aquatic vegetation and a bedrock bottom;
- The proposed dock be a floating structure or pipe design with minimal footprint on the lake bottom;

- The dock access pathway through 30-meter buffer dock meanders with natural contours of the bedrock;
- The building envelope be located within the existing built up area

With respect to zoning, The minimum lot area and the minimum lot frontage for new lot creation in the Waterfront Residential Zone (WR) is 0.80 hectares and 60.0 metres respectively; the proposed severed lot has a lot area of approximately 0.77 hectares, therefore, the lot does not meet the regulations. The reduced lot area will be recognized as a special provision under the zoning by-law amendment. In addition, it is recommended that given the habitat protection recommendations of Fri Ecological Services that the development be placed under site specific zoning, to ensure that site alteration does not adversely affect significant habitat

With Respect to agency comments:

Union Gas: no concerns.

Municipality of French River: The proposed severance with subject to the Municipalities Parkland Dedication Policy.

Ministry of Transportation: No objections to the proposed severance and rezoning, however, MTO has requested the following notes to be added:

1. *The subject lands are located within the MTO's permit control area. Any new structures, septic systems, wells or site alterations within 45 metres of the limits of Highway 64 must meet MTO setback requirements and will require permits and approvals from the MTO prior to the start of work.*
2. *Upon registration of the deeds, a new MTO entrance permit will be required to reflect any change in ownership, as well as to reflect the upgraded use of the field entrance on the severed parcel to a residential entrance.*

Bell Canada: No concerns or easement requirements for the proposed application.

Ministry of Natural Resources and Forestry: No objections with the proposed development. The recommendations that were provided in the report completed by Fri Ecological Services were deemed acceptable for Blanding turtles. In addition, the MNRF provided the follow recommendations:

1. *Should building construction extend into the active period for Blanding's Turtles (May 1st to September 30th), that exclusion fencing be established prior to May 1st and effectively maintained along the described building envelope perimeter adjacent to the lake and wetland throughout the active period, and*
2. *Leaving the "fill slope" undisturbed is appropriate*

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

One phone call from the public with a question regarding traffic on the lake and high taxes.

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-061

BE IT RESOLVED THAT Consent Application B/23/20/FR submitted by Albert Duquette be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Rob Campbell

SECONDED BY: Renee Carrier

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Local Planning Appeal Tribunal Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

The Director of Planning Advised that Notice of the Public Hearing was posted in the Planning Board office and sent by First Class Mail to assessed owners within 60.0 metres of the property subject to the Consent Applications and to those persons and agencies likely to have an interest in the applications. The Notice was sent on November 12, 2020, being over fourteen (14) days prior to this evenings meeting (B/24-25/20/FR – French River Supply Post and Marina Limited.). Included with the Notice was an explanation of the purpose and effect of the proposed Consent and a key map showing the location of the property. The circulation was provided in accordance with the provisions of the Planning Act, R.S.O., Chapter P.13.

e) B/24-25/20/FR – French River Supply Post and Marina Limited

The Sudbury East Planning Board has received an application to create one residential rural lot and an access easement on French River Supply Road which is an existing private road that continues to provide access to the waterfront commercial establishment to the east (French River Supply Post & Marina Limited). The proposed severed lot is to be approximately 3.5 hectares in area with no frontage on a public road and is presently vacant. The proposed lot to be retained is to be approximately 4.8 hectares in area with no frontage on a public road and contains a boat storage facility and accessory uses. The proposed access easement is to benefit the proposed severed lot.

With respect to the OP,

As per **Section 3.3.2.19, Private Roads** are roads that are not owned or maintained by the Province or a municipality or maintained by a local roads board that service two or more properties in separate ownership. Development, i.e. lot creation on private roads is discouraged. However, there are many instances in the Planning Area where there are existing lots of record on private roads or that are accessed over crown land or **via easement over private land**.

In this case, the French River Supply Post road is an existing private road that provides legal access (existing right-of-way LT908288) through the proposed severed/retained lot which meanders to French River Supply Post & Marina. The French River Supply Post & Marina is an existing tourist establishment and the private road also provides continued access to existing residential properties in the area. Therefore, due to the existing circumstances, the proposed development is appropriate, and an official plan amendment is not required.

One potential development constraint was identified on Schedule D of the Official Plan. French River Waste Disposal Site is located to the immediate west of the subject lands. **Section 3.7.3(2)b** of the Official Plan (OP) echoes the policies of the Provincial Policy Statement pertaining land uses near landfills and dumps. The OP states Development proposals within 500 metres of the perimeter of the fill areas of either an active or closed Waste Disposal Site will be accompanied by a study prepared by the proponent that satisfies the Planning Board, local municipality, and the requirements of the Ministry of the Environment guidelines related to land uses on or near landfills and dumps. The study will address any mitigation measures required.

The applicant retained Tulloch Engineering to complete a desktop evaluation determine appropriateness of the proposed severance in proximity to the development constraint. It was determined that the Ministry of Environment does not have record of the former waste disposal site in their small landfills or large landfills database and that the waste disposal site is no longer operational which would no longer have adverse impacts such as visual impact, noise and odor. Therefore, the new location of the single-family home is well buffered by the adjacent railways and wetland area and can be located outside of the 500.0 metres. Based on these findings, no further study is required from the applicant.

With respect to zoning, the existing zoning of Rural Special 19 permits a boat storage facility and accessory uses and recognizes frontage on a public road or street shall not be applicable to the subject lands.

The Minimum lot area and the minimum lot frontage requirements in the Residential Rural (RR) Zone Is 0.8 hectares and 60.0 metres respectively; the proposed lots will not comply with the lot frontage requirements. The proposed severed lot is to be approximately 3.5 hectares in area with no frontage on a public road and is presently vacant. The proposed lot to be retained is to be approximately 4.8 hectares in area with no frontage on a public road and contains a boat storage facility and accessory uses. The proposed zoning will recognize no frontage on a public road and recognize the existing uses located on the retained parcel of land which formed as part of Rural Special 19. Special Provision 19 is to be deleted.

With Respect to agency comments:

Hydro One: no comments or concerns currently.

Bell Canada: Will require a transfer of easement to protect our existing facilities. Bell Canada will require 3m wide easement to be measured 1.5 metres on either side of our buried facilities..

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

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

There were no questions or comments from the Board.

Resolution: 20-062

BE IT RESOLVED THAT Consent Application B/24-25/20/FR submitted by French River Supply Post and Marina Limited be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: David Viau

SECONDED BY: Jackie Lafleur

Carried

The Chair advised that there is a 20 day appeal period during which time any person or public body may appeal the decision or any condition imposed by the Planning Board by filing an appeal with the Secretary-Treasurer as prescribed by the Local Planning Appeal Tribunal Act.

The applicants have one year to fulfill the conditions of this provisional consent or the approval will lapse.

8. BUSINESS ARISING FROM PREVIOUS MINUTES

9. NEW BUSINESS

a) Signing Authority

Resolution 20-063

BE IT RESOLVED THAT the Sudbury East Planning Board confer signing authority to Carol Lemmon, Chairperson or Ned Whynott, Vice-Chairperson and Matthew Dumont, Secretary-Treasurer, in regarding to all banking matters pertaining to the board's general account.

MOVED BY: Rachelle Pigeau
SECONDED BY: David Viau

Carried

b) Central Ontario Ortho-Photography Project 2021

The director of planning presented his report regarding the upcoming Central Ontario-Photography Project 2021. The report explained the purpose behind the project and the benefits of participating.

Resolution 20-064

BE IT RESOLVED THAT the Sudbury East Planning Board authorize the Director of Planning to submit a Letter of Intent to Commit to Funding to the Ministry of natural Resources and Forestry to participate in the Central Ontario Ortho-Photography Project 2021

MOVED BY: Ron Campbell
SECONDED BY: Ned Whynott

Carried

c) Special Business Case Funding

The Director of Planning has received information from the Ministry of Municipal Affairs and Housing (MMAH) that indicates funding may be available for the Unincorporated Townships portion of the COOP 2021 project. A resolution is required from the Board in order to make application for Special Business Case Funding.

Resolution 20-065

WHEREAS the Sudbury East Planning Board, on behalf of the Unincorporated Townships, is participating in the Central Ontario Ortho-photography Project (COOP 2021) with the Ministry of Natural Resources and Forestry (MNRF).

AND WHEREAS the Ministry of Municipal Affairs and Housing provides funding through special grants for the Unincorporated Townships of the Province for special business cases;

NOW THEREFORE BE IT RESOLVED THAT the Sudbury East Planning Board hereby approves the funding application to the Ministry of Municipal Affairs and Housing for the estimated cost of \$6,981.00 associated with the Central Ontario Ortho-photography Project as it pertains to the Unincorporated Townships of the Sudbury East Planning Area.

MOVED BY: David Viau
SECONDED BY: Renee Carrier

Carried

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

11. PAYMENT OF VOUCHERS

a) September, October and November 2020

Resolution 20-066

BE IT RESOLVED THAT the statement of disbursements for the month of September 2020 in the amount of \$18,204.36 and October 2020 in the amount of \$18,805.31 and November 2020 in the amount of \$21,647.70 be distributed and is hereby approved for payment.

MOVED BY: Ned Whynott
SECONDED BY: Renee Carrier

Carried

12. ADJOURNMENT


Resolution: 20-067

BE IT RESOLVED THAT the Meeting be adjourned at 6:56 P.M.

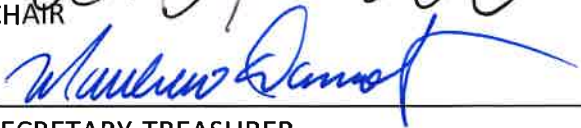
AND THAT the next regular meeting be held on February 11th, 2021 at 5:30 P.M. at the Sudbury East Planning Board Office in Warren.

MOVED BY: David Viau
SECONDED BY: Paul Branconnier

Carried.



CHAIR



SECRETARY-TREASURER