

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, March 10, 2022 at 5:30 p.m.
Municipality of French River
Virtual Meeting**

MEMBERS PRESENT VIRTUALLY: Rob Campbell, Ned Whycott, Renee Carrier
Renee Germain, Paul Branconnier, John Dimitrijevic, Rachelle Pigeau

MEMBERS PRESENT: Carol Lemmon

MEMBERS ABSENT: Dave Viau, Jackie Lafleur

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

PUBLIC PRESENT VIRTUALLY: Manon Harrison, Bryan Dorland, Vanessa Smith

1. MEETING CALLED TO ORDER

The Chair called the meeting to order at 5:32 p.m.

2. ADOPTION OF THE AGENDA

Resolution: 22-07

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of March 10th, 2022 be adopted as distributed.

MOVED BY: Rachelle Pigeau

SECONDED BY: John Dimitrijevic
Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

4. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of February 10th, 2022 be adopted as distributed.

Resolution: 22-08

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of February 10, 2022 be adopted as distributed.

MOVED BY: Rob Campbell

SECONDED BY: Paul Branconnier
Carried

5. PRESENTATION/DELEGATION

6. 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 February 16th, 2022, being over fourteen (14) days prior to this evenings meeting (B/03/22/BRW – Carrie Jean and John Falls). 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/03/22/BRW - Carrie Jean and John Falls** **ZBA 22-04BRW – Carrie Jean and John Falls**

The Director of Planning summarized the application.

The purpose of the Application for Consent and Zoning By-law Amendment is to create one (1) rural lot from the above note property and rezone the lands to recognize the proposed use. The proposed lot to be severed is to be approximately 2.29 hectares in area with a road frontage of 136.77 metres and is presently vacant. The proposed lot to be retained is to be approximately 2.76 hectares in area with a road frontage of 39.6 metres and contains a single-family home and detached garage. The proposed severed lot is to be rezoned from Rural (RU) to Rural Special (RU) to recognize a lot area of 2.29 hectares where 5.0 hectares is required. The proposed retained lot is to be rezoned from Residential Rural (RR) & Rural (RU) to Residential Rural Special (RR) to prohibit split zoning and to recognize an existing lot frontage of 39.6 metres where 60.0 metres is required on Whippoorwill Road.

Section 4.5 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria where consents are generally limited to:

In this case, proposed severed lot and retained parcel will require site specific zoning to recognize reduced lot area, prohibit split zoning, and to recognize an existing lot frontage on the retained parcel. Adequate access for the proposed lot to be severed is to be accessed from Highway 7285 which is a **maintained year-round** by the Ministry of Transportation (MTO). Laurel Muldoon, Corridor Management Senior Project Manager for MTO, did not have any concerns with the proposal from an email dated on November 8th, 2021. Pre-consultation comments were not required from the Secord Local Roads Board regarding appropriate access on Whippoorwill Road because there is an existing driveway at 26 Whippoorwill Road. Minimum Distance Separation (MDS) is **not applicable** in this instance, as there are no farming related activities in the area. With respect to servicing, the agent has provided previous comments obtained from the **Sudbury and District Health Unit that are supportive (December 14th, 2021)**. Appropriate documentation with respect to

availability of sewage hauling services and probability of potable water will be implemented as conditions of provision consent.

With respect to zoning;

Lot to be severed – Site Specific Rural Zone - Special Provision 33 (S33)

Lot to be retained – Site Specific Residential Rural Zone – Special Provision 32 (S32)

The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed lot to be severed is to be zoned to a site-specific Rural Zone to recognize the reduced lot area of 2.29 hectares where 5.0 hectares is required

The Residential Rural (RU) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The proposed retained lot to be rezoned from Residential Rural (RR) & Rural (RU) to Residential Rural Special (RR) to prohibit split zoning and to recognize an existing lot frontage of 39.6 metres where 60.0 metres is required on Whippoorwill Road.

Agency Comments:

The Sudbury & District Health Unit concluded that the proposed severed and retained parcels are capable of development for installation of a septic tank and leaching bed system.

Ministry of Transportation Laurel Muldoon, Corridor Management Senior Project Manager for MTO, did not have any concerns with the proposal from an email dated on November 8th, 2021.

Bell Canada: has no comments or concerns regarding this circulation.

Hydro One: no comments or concerns currently.

As of the writing of this report, one comment had been received from neighboring property owner regarding clarification on the proposal and access to the proposed severed lot.

The application for consent and zoning by-law amendment are 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.

No questions were brought forward from the board members.

Resolution: 22-09

BE IT RESOLVED THAT Consent Application B/03/22/BRW submitted by Carrie Jean and John Falls be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Renee Germain

Carried

Resolution: 22-010

BE IT RESOLVED THAT By-law Number 22-01 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 22-04BRW,

submitted by Carrie Jean and John Falls be read a first and second time this 10th day of March, 2022.

MOVED BY: Rachelle Pigeau

SECONDED BY: Renee Carrier

Carried

Resolution: 22-011

BE IT RESOLVED THAT By-law Number 22-01 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 22-04BRW submitted by Carrie Jean and John Falls be read a third and final time this 10th day of March, 2022.

MOVED BY: Rob Campbell

SECONDED BY: Renee Germain

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 Ontario Land Tribunal.

The applicants have two years 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 February 16, 2022, being over fourteen (14) days prior to this evenings meeting (B/04-05/22/VDS – Anita and Richard Larabie). 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) B/04-05/22/DVS - Anita and Richard Larabie**
- ZBA 22-05DVS – Anita and Richard Larabie**
- B/06/22/DVS- Anita and Richard Larabie**

Consent(s):

B04 – The application for consent is to effect a lot addition of approximately 2567 sq. m. (0.25 ha) in area from 201 Ashigami Lake Road and add such lands to the adjacent lands known municipally as 203 Ashigami Lake Road. An existing accessory building (detached garage without benefit of a

zoning conformity permit) is partially or entirely located on 201 Ashigami Lake Road. The intent of the proposed lot addition is to resolve the encroachment and to ensure the waterfront residential lot conforms to zoning by-law for the unorganized township of Davis.

Once the lot has been enlarged through B04, the benefiting property will have a lot area of 0.81 hectares and 307.5 metres of water frontage respectively, which exceeds the requirements of the WR Zone for lot area and lot frontage.

B05 – The application for consent is to create access easement (right-of-way) over the above noted parcel of land to provide continued legal access over an existing driveway on 201 Ashigami Road East and to provide legal access in favor of 203 Ashigami Lake Road. The access easement is approximately 446.0 square metres (total square metres (242.0 + 204.0 sq. m)).

B06 - The purpose of the Application for Consent proposes right of ways, B06 over the above noted property to provide continued access to the adjacent property (201 Ashigami Lake Road) as well as for future private hydro services to the adjacent property (201 Ashigami Lake Road) once file B/04/22/DVS is approved (effect a lot addition to 203 Ashigami Lake Road). The proposed access easement is approximately 233.0 square metres in area while the proposed 2.0 metres wide private utility easement for hydro is approximately 129.0 square metres.

Zoning By-law Amendment(s)

ZBA 22-05DVS - The application for zoning by-law amendment will maintain the current Waterfront Residential (WR) Zone, however a special provision will be implemented to recognize the reduced lot area and lot frontage of the proposed retained lot. The proposed retained lot will be approximately 0.37 hectares in lot area with a lot frontage of approximately 42.8 metres and is presently vacant.

With respect to the OP;

Section 4.5.1 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria that shall be considered when creating new buildings lots:

- a) new lots that represent minor infilling;
- b) the mortgaging of land beyond 21 years;
- c) lot boundary adjustments;**
- d) facilitating the disposal of a second legal dwelling;
- e) separating existing legal uses;
- f) providing a retirement residence on non-prime agricultural lands for a farmer who worked on the subject farm much of their adult life;
- g) separating lots that have merged on title; and,
- h) easements or rights-of-way.**

The proposed lot to be severed is currently an undersized lot of record in terms of lot area. The lot addition is to resolve the encroachment issue (detached garage on a vacant WR lot) and to ensure the waterfront residential lot conforms to the current zoning by-law in terms of permitted uses for the unorganized township of Davis.

The intent of the access easement application is good planning because it is establishing continued legal access to the adjacent property to the north (201 Ashigami Lake Road).

The intent of this application is good planning because it is providing continued legal access to the adjacent property to the south and is keeping in mind the future of the adjacent property to the south in terms of constructing a dwelling unit which will require the availability of hydro.

With respect to zoning;--

The Waterfront Residential (WR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The subject lands have an area of 0.63 hectares and water frontage of 186.3 metres and contains a detached garage that is not presently assessed through MPAC.

Once the proposed severed lot (0.25 hectares) has been added to 203 Ashigami Lake Road, the enlarged and benefiting property will have a lot area of 0.81 hectares and 307.5 metres of water frontage respectively, which exceeds the requirements of the WR Zone for lot area and lot frontage.

The proposed lot to be retained will be approximately 0.37 hectares in lot area with a lot frontage of approximately 42.8 metres and is presently vacant. A regulation will be implemented to recognize the reduced lot area and lot frontage resulting from this proposed conveyance of land.

Agency Comments:

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

The application for consent and zoning by-law amendment are 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.

No questions were brought forward from the board members.

Resolution: 22-012

BE IT RESOLVED THAT Consent Application B/04-05/22/DVS submitted by Anita and Richard Larabie be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Paul Branconnier

SECONDED BY: Renee Carrier

Carried

Resolution: 22-013

BE IT RESOLVED THAT By-law Number 22-02 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 22-05DVS, submitted by Anita and Richard Larabie be read a first and second time this 10th day of March, 2022.

MOVED BY: Rachelle Pigeau
SECONDED BY: Ned Whynott

Carried

Resolution: 22-014

BE IT RESOLVED THAT By-law Number 22-01 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 22-0DVS submitted by Anita and Richard Larabie be read a third and final time this 10th day of March, 2022.

MOVED BY: Rob Campbell
SECONDED BY: John Dimitrijevic

Carried

Resolution: 22-016

BE IT RESOLVED THAT Consent Application B/06/22/DVS submitted by Anita and Richard Larabie be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: New Whynott
SECONDED BY: Rob Campbell

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 Ontario Land Tribunal.

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

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 February 16th, 2022, being over fourteen (14) days prior to this evenings meeting (B/02/22/MW – Michel Boivin). 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/02/22/MW – Michel Boivin

The Sudbury East Planning Board has received an application for consent and zoning by-law amendment which proposes to create one residential rural lot. The proposed lot to be severed is to be approximately 4.88 hectares in area with a road frontage of 61.00 metres and is presently vacant. The proposed lot to be retained is to be approximately 27.36 hectares in area with a road frontage of 342.38 metres and contains a single-family home.

The proposed severed lot is to be rezoned from Rural (RU) to Residential Rural (RR) to recognize the intended use of the lands.

With respect to the OP, Section 4.5 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria where consents are generally limited to:

The proposed severed and retained lots are of adequate size for their respective proposed zones (rural and residential rural) and it is anticipated that the proposed residential rural use will be compatible with the surrounding rural uses. With respect to servicing, the applicant has provided the required documentation to demonstrate reasonable expectation of potable water and capacity for hauled sewage. With respect to Sudbury District Health Unit (site suitability for a septic system), the applicants agreed to having this requirement attached as a Conditions-in-principle for the severance so they could fast track the application. The applicants are aware that supportability is required from SDHU to support the proposed severance. No development constraints have been identified that would require support studies and municipal staff have expressed no concern with respect to access or other municipal considerations. The Public Works Superintendent for Markstay-Warren advised the Planning Board by email that the proposed entrance on MacLean Road can be supported. The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

With respect to zoning,

The 'Rural (RU)' zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres. The proposed lot to be retained will continue to meet these requirements.

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 to be severed will conform to these requirements, once the rezoning has been approved by Council for the Municipality of Markstay-Warren.

With Respect to agency comments:

Chief Administrative Officer – no issues with proposal.

Chief Building Official: no issues with application.

Public Works Superintendent: no issues with proposed driveway location.

Fire Department: no issues.

Park and Recreation Department and Economic Development Officer: had no issues with the proposal.

Hydro One – no comments.

Bell Canada has no comments or concerns regarding this circulation.

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: 22-015

BE IT RESOLVED THAT Consent Application B/02/22/MW submitted by Michel Boivin be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: New Whynott

SECONDED BY: John Dimitrijevic

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 Ontario Land Tribunal.

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

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 February 16th, 2022, being over fourteen (14) days prior to this evenings meeting (B/07/22/FR – Denise and Robert Pitre). 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/07/22/FR – Denise and Robert Pitre

The lands are located within the Village of Noelville, west of St. David Street South, south of Mayer Road and north of Highway 528. Along St. David Street South corridor, which comprises of the Village of Noelville, the lands are predominately residential with limited commercial uses. Lands that fall outside of the corridor are predominantly rural land uses.

The Sudbury East Planning Board has received an application to create one residential one lot on St. David Street South. The proposed severed lot is to be approximately 0.55 hectares in lot area with approximately 89.9 metres of lot frontage and contains a single-family home and woodshed. The proposed retained lot is to be approximately 40.87 hectares in lot area with approximately 57.45 (north) and 31.39 (south) metres of lot frontage and is presently vacant.

With respect to the OP,

Creation of rural residential lots will be evaluated using several criteria including:

In this case, proposed severed residential lot will meet the requirements of the 'Residential One (R1)' Zoning. The balance of the lands will have split zoning due the corridor along St. David Street South which comprises a portion of the retained lands which are included with the Village of Noelville. Those lands will continue to be zoned 'Residential One' whereas the lands that fall outside the corridor/Village of Noelville, will continue to be zoned 'Rural'. Adequate access for the proposed lot to be severed and retained lands are to be accessed from St. David Street South which is publicly assumed and maintained by the Ministry of Transportation (MTO). MTO had **no objections** to the severance (November 10th, 2021). Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities in the area. With respect to Sudbury District Health Unit (site suitability for a septic system), the applicants agreed to having this requirement attached as a Conditions-in-principle for the severance so they could fast track the application. The applicants are aware that supportability is required from SDHU to support the proposed severance. Appropriate documentation with respect to availability of sewage hauling services was provided to the SEPB office. No development constraints have been identified that would require support studies and municipal staff have expressed no concern with respect to access or other municipal considerations.

With respect to zoning,

The 'Rural (RU)' zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres. The proposed lot to be retained will continue to meet these requirements.

The 'Residential One (R1)' zone requires a minimum lot area of 0.4 hectares (without municipal services) and a minimum lot frontage of 30.0 metres (without municipal services). The proposed lot to be retained will continue to meet these requirements.

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

With Respect to agency comments:

The Building Department: no concerns regarding outstanding building permits.

Bell Canada: has no comments or concerns regarding this circulation.

Municipality of French River: is not subject to any conditions relating to Municipal drains, Parkland Dedication or any road transfers. The Chief Building Official states that there is currently an open building permit that was issued from 1999 that she would like to have closed.

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: 22-017

BE IT RESOLVED THAT Consent Application B/07/22/FR submitted by Michel Boivin be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: John Dimitrijevic

SECONDED BY: Rachelle Pigeau

Carried

7. BUSINESS ARISING FROM PREVIOUS MINUTES

8. NEW BUSINESS

a) Special Business Case Funding – Unorganized Townships, New official Plan

Resolution: 22-018

BE IT RESOLVED THAT the Sudbury East Planning Board hereby approves the allocation of the funding received by the Ministry of Municipal Affairs and Housing for the Official Plan Project as it pertains to the Unincorporated Townships of the Sudbury East Planning Board Area in the amount of \$5,280.00 as per the report provided by the Director of Planning.

MOVED BY: Ned Whynott

SECONDED BY: Rob Campbell

Carried

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

10. PAYMENT OF VOUCHERS

a) February 2022

Resolution 22-019

BE IT RESOLVED THAT the statement of disbursements for the month of February 2022 in the amount of \$ 29,525.29 to be distributed and is hereby approved for payment.

MOVED BY: Rachelle Pigeau

SECONDED BY: Renee Germain

Carried

12. ADJOURNMENT

Resolution: 22-20

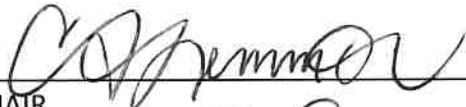
BE IT RESOLVED THAT the Meeting be adjourned at 6:38 P.M.

AND THAT the next regular meeting be held on April 14th, 2022 at 5:30 P.M. at the Municipality office in French River, Virtually.

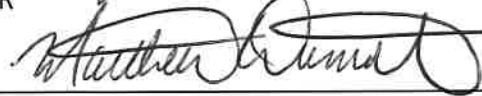
MOVED BY: Paul Branconnier

SECONDED BY: Rob Campbell

Carried.



CHAIR



SECRETARY-TREASURER