

**SUDBURY EAST PLANNING BOARD
MINUTES
Thursday, December 07, 2023 at 5:30 p.m.
Virtual Meeting/ Municipal Office of French River**

MEMEBERS PRESENT

VIRTUALLY: Renee Germain, Dave Froats

MEMBERS PRESENT: Josh Lachance, Bob Prevost, Paul Branconnier, Dave Viau, Mary Bradbury, Steve Olsen, Rachelle Poirier

MEMBERS ABSENT: Carol Lemmon

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

PUBLIC PRESENT

VIRTUALLY: None

1. MEETING CALLED TO ORDER

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

2. ADOPTION OF THE AGENDA

Resolution: 23-093

BE IT RESOLVED THAT the agenda for the Sudbury East Planning Board regular meeting of December 07, 2023 be adopted as distributed.

MOVED BY: Paul Branconnier

SECONDED BY: Dave Viau

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No disclosures of Pecuniary Interest.

4. ADOPTION OF MINUTES

a) Sudbury East Planning Board – Regular meeting of October 12th, 2023 be adopted as distributed.

Resolution: 23-094

BE IT RESOLVED THAT the minutes of the Sudbury East Planning Board's regular meeting of October 12, 2023 be adopted as distributed.

MOVED BY: Josh Lachance

SECONDED BY: Steve Olsen

Carried

5. PRESENTATION/DELEGATION

6. BUSINESS ARISING FROM PREVIOUS MINUTES

- Consent (Severance) Process Report

Board Members all agreed that they had the proper time to review the information presented at the October 12th, 2023 Board Meeting and had no further questions.

- Sudbury East Planning Board's Operating Reserve

Member Branconnier further explains Motion #2

- the operating reserve is set at \$60, 000.00 to be adjusted every January, payments will be made (by or to) supporting municipalities to correct any surplus or shortfalls in the operating reserve, and
- also in January, an initial payment equaling 50% of last year's budget will be made by supporting municipalities, and
- a second payment will be made in August, after audit, to complete payment as per the current year's budget to be calculated as (Current year budgeted municipal contribution - 50% of previous years contribution already made in January)

Member Viau commented that there also is no guarantee of when payments are received. Chair Prevost added that he spoke to Financial Department for Municipality of French River and they have no issues remaining as status quo, one yearly payment. Member Viau also pointed out that there is no way of knowing the exact amount of applications the Planning Board will receive each year.

The Administrative Assistant advised the board she felt it would still be in the best interest of the Planning Board to get a legal opinion regarding the Planning Act and payments. Member Bradbury questions what the Board would be gaining by changing the payment process in which it is functioning well with at the moment? Member Branconnier states the goal would be to deplete the reserve and questions why would Sudbury East Planning Board be holding on to his municipality's funds? Member Viau reminded the board that SEPB does not have a line of credit and can not borrow funds if anything was to occur. The Director of Planning reminds the board that KPMG had stated the reserve was not large and that it was reasonable and to keep in mind the rising daily costs and future budgets.

Member Olsen states that he felt the board is capable of making the discission regarding Motion #2. Director of Planning reminds the members that they are not financial advisors and that it is crucial to get KPMG's advice. Member Poirier stated she prefers not KPMG as her municipality states they have been having issues but agrees that SEPB should reach out to a Financial Advisor regarding motion #2.

Member Germain recommends that staff reach out to other Planning Boards to see if they have a surplus and if so the amount and if they remain to keep it in their account. The Director of Planning reminds the board that budget process is coming in the new year and to not forget that the Administrative Assistant will now be full time which will add the cost of wages, CPP, EI, benefits and so on.

Director of planning also stated that the Province had not yet paid their portion and that should be taken into consideration. Chair Prevost recommends that the Board stays status quo and wait to see what is presented at budget/audit time and that will allow for the proper questions to be asked to KPMG.

Member Branconnier states he would like to have concrete numbers as to what the reserve is set aside for and the different projects it will consist of.

Resolution: 23-099

BE IT RESOLVED that the Sudbury Eats Planning Board instruct staff to contact other Planning Boards regarding amount of reserves and to produce reserve numbers (expenses such as website, computer, OP, ZBA) to the board and refer after Audit/KMPG.

MOVED BY: Rachelle Poirier

SECONDED BY: Mary Bradbury

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 November 22, 2023, being over fourteen (14) days prior to this evenings meeting (B/48/23/SC – Monique and Marcel Viau, B/49/23/SC- james Bertoia). 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/48/23/SC – Monique and Marcel Viau

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for consent (severance) which proposes to create one residential rural lot from the subject lands on Northern Central Road in the Municipality of St. Charels. The proposed severed lot is to be 0.80 hectares in lot area with approximately 70 metres of lot frontage on Northern Central Road and is presently vacant. The proposed retained lot is to be 3.31 hectares in lot area with approximately 266 metres of lot frontage on Northern Central Road and contains a mobile home.

On November 8th, 2018, SEPB approved a B/27/18/SC to separate two lots which have inadvertently merged on title due to the pattern of ownership. The proposed severed lot is to be approximately 4.10 hectares in lot area with a lot frontage of approximately 335.0 metres and is presently vacant. The proposed retained lot is to be approximately 2.19 hectares in lot area with a lot frontage of approximately 167.0 metres and is presently vacant.

SUBJECT LANDS:

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	0.80 hectares	70.0 metres
	Retained Lot	3.31 hectares	266 metres
Access:		Publicly maintained (Municipality of St.-Charles) year-round road (Northern Central Road).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.		
School Busing:	Available.		
Garbage Collection:	Available.		
Fire Protection:	Available.		

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. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding residential development, including lot creation, that is locally appropriate.

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

Rural Policy Areas are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource-based uses, such as forestry, mining and aggregate operations, as well as limited residential developments, where appropriate.

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 publicly maintained road, adequate sewage, and water servicing can or will be provided, etc.

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

- The size and dimensions of the severed and retained parcels are adequate to accommodate the proposal
- Adequate access can be provided from a year-round publicly maintained road;
- Access will not create a traffic hazard;
- The severed and retained parcels comply with MDS;
- Adequate sewage and water servicing can or will be provided;
- It is feasible with regard to the other provisions of the Plan, provincial legislation, policies and appropriate
- guidelines and support studies for uses within or adjacent to any development constraint; and
- The request, if granted, would not pose an undue financial burden on the applicable municipality.

In this case, the proposed severed lot conforms to the requirements of the 'Residential Rural (RR)' Zoning. The proposed retained lot will continue to conform to the requirements of the 'RR' Zoning. 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 – October 27th, 2023. 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. Appropriate documentation with respect to availability of sewage hauling services and probability of potable water has been provided (September 8th and September 12th, 2023).

ZONING BY-LAW (2014-26)

Current Zoning: **Residential Rural (RR) Zoning**

Proposed Zoning: Proposed severed lot - Same as above.

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; both the proposed severed and retained lots are to comply with the 0.8 hectares and the minimum lot frontages of 60.0 metres.

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

Hydro One has no concerns with respect to the proposed application.

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

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

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

Notice of the consent application was sent to surrounding property owners on November 20th, 2023, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

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.

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.

Resolution: 23-095

BE IT RESOLVED THAT Consent Application B/48/23/SC submitted by Monique and Marcel Viau be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Josh Lachance

SECONDED BY: Paul Branconnier

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 two years to fulfill the conditions of this provisional consent or the approval will lapse

b) B/49/23/SC – James Bertoia

The Director of Planning summarized the application.

The Sudbury East Planning Board has received an application for consent which proposes a lot addition of approximately 2.71 hectares to be severed from the subject lands (218 Decosse Road) and added to the adjacent parcel (roll number 5204-000-002-178-00). The intent of the lot addition is to add land to the existing farmland. The proposed retained lands will have an approximate area of 88.04 hectares and a lot frontage of 425.35 metres on Decosse Road and contains a single-family home and barn.

SUBJECT LANDS:

<u>Lot Dimensions:</u>	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot	2.71 hectares	none
Retained Lot	88.04 hectares	425.35 metres
Lot to be enlarged (after lot addition)	95.13 hectares	247.50 metres
Access:	Publicly maintained (Municipality of St.-Charles) year-round road (Decosse Road).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Available.	
Garbage Collection:	Available.	
Fire Protection:	Available.	

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 effect a lot addition. Planning staff are of the opinion that 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
 Planning Area
 Housing
 (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and
 September 28th, 2010).

Rural Policy Areas are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource-based uses, such as forestry, mining, and aggregate operations, as well as limited residential developments, where appropriate.

Section 4.5.1 of the Plan lists instances where consents are granted, including lot boundary adjustments such as that currently proposed.

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 right-of-ways

Current Zoning: **Rural (RU)**

Proposed Zoning: Same as above.

The 'Rural (RU)' permits a wide range of uses under section 7.22.1 and other accessory structures in accordance with the applicable provisions. The minimum lot area requirement is 5.0 hectares, and the minimum lot frontage requirement is 100.0 metres. After the lot addition, the proposed lot to be enlarged will have an area of approximately 95.13 hectares and a lot frontage of 247.50 metres, therefore the enlarged lot will exceed the minimum requirements of the RU zone. The proposed severed and retained lots will continue to meet the minimum requirements of the RU zone as well.

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

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

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

Notice of the consent application was sent to surrounding property owners on November 20th, 2023, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

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.

Resolution: 23-096

BE IT RESOLVED THAT Consent Application B/49/23/SC submitted by James Bertoia be recommended for approval as per the report prepared by the Director of Planning.

MOVED BY: Dave Viau

SECONDED BY: Mary Bradbury

Carried

8. NEW BUSINESS

a) Certificate Of Cancellation Application and Application Fee Report

That the development application and fee outlined in this staff report be accepted and incorporated into a revised **Tariff of Fees By-law** as part of the fiscal year for 2023.

Important amendments to the Planning Act came into force on January 1, 2022. The amendments mostly affect the Act's subdivision control rules. Some highlights include

Owners can request to cancel consents:

Under the new section 53(45), landowners will be able to apply to the municipality for a "certificate of cancellation" canceling prior consents. Only the owner can initiate the cancellation process, but the Planning Board has discretion to refuse to cancel a consent.

Introducing a New Development Application - Certificate of Cancellation.

This is an application for an owner to request a certificate of cancellation of a previous Consent (i.e. a lot created by severance consent approval given by the Planning Board. The certificate would provide that subsection 50(12) of the Planning Act, R.S.O 1990, C.P. 13 as amended does not apply to the subject land. The result of the Certificate would allow for the merging of the subject land with an adjacent parcel or parcel of land.

For reference: Section 50(12) states: Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 53, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction. R.S.O. 1990, c. P.13, s. 50 (12).

A review of the Tariff of Fees By-laws for various other Planning Authorities was undertaken for comparison with the Planning Board's current fee structure. The table indicates that there are a range of application fees established by the various municipalities.

Resolution: 23-097

BE IT RESOLVED THAT By-Law No. 23-05, being by-law to establish a tariff of fees be read a First and Second time the 07th day of December, 2023

MOVED BY: Josh Lachance

SECONDED BY: Dave Viau

Carried

Resolution: 23-098

BE IT RESOLVED THAT By-Law No. 23-05, being by-law to establish a tariff of fees be read a Third and Final time the 07th day of December, 2023

MOVED BY: Steve Olsen

SECONDED BY: Mary Bradbury

Carried

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

10. PAYMENT OF VOUCHERS

a) October 2023

Resolution 23-100

BE IT RESOLVED THAT the statement of disbursements for the month October 2023 in the amount of \$23,038.93 to be distributed and is hereby approved for payment.

MOVED BY: Paul Branconnier

SECONDED BY: Mary Bradbury

Carried

11. ADJOURNMENT

Resolution: 23-101

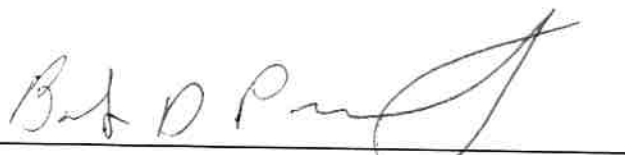
BE IT RESOLVED THAT the Meeting be adjourned at 7.03 P.M.

AND THAT the next regular meeting be held on February 08th, 2024 at 5:30 p.m. at the Municipality of French River Municipal Office Virtually and in person.

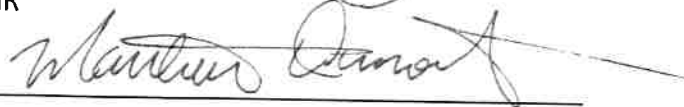
MOVED BY: Renee Germain

SECONDED BY: Dave Froats

Carried.



CHAIR



SECRETARY-TREASURER

