



Municipality of French River

AGENDA SPECIAL MEETING OF COUNCIL held in the Council Chambers Wednesday, July 27, 2016 at 4pm

1.0 Call to order, roll call and adoption of the agenda

2.0 Disclosure of Pecuniary Interest

3.0 Closed Session

- in relation to the recruitment of a CAO and determine role and compensation for Acting position

- personal matters that would identify an individual, including municipal employees
- labour relations or employee negotiations

3.1 Resolutions emanating from Closed Session

3.1.1 Approval of compensation for the Acting CAO

5:30pm

4.0 Public Hearing concerning a proposed amendment to the Zoning By-law

4.1 Zoning By-law Amendment Application File No. ZBA 16-16FR (Richard Quesnel)

5.0 Adjournment

**NOTICE OF APPLICATION FOR CONSENT
PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P.13
AND
NOTICE OF PUBLIC HEARING FOR A PROPOSED AMENDMENT TO ZONING BY-LAW 2014-23 OF THE
MUNICIPALITY OF FRENCH RIVER**

Respecting applications for consent and zoning by-law amendment
by Tulloch Engineering
to the Sudbury East Planning Board
Part of Lot 1, Concession 4 in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 3711 Sudbury East Section
(Roll No. 5201-050-000-178-00)
(SEPB File Nos. B/17/16/FR and ZBA 16-06FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/17/16/FR at its meeting on **July 14, 2016 at 5:30 p.m. at the Sudbury East Planning Board Office, 5 Dyke Street, Warren, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **July 27, 2016 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 15-03FR.

IF YOU WISH TO BE NOTIFIED OF THE DECISION of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 5 Dyke Street, P.O. Box 250, Warren, Ontario, P0H 2N0.**

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

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Council for the Municipality of French River before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council for the Municipality of French River to the Ontario Municipal Board and that person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office, 5 Dyke Street, P.O. Box 250, Warren Ontario, P0H 2N0. Any person or public body may attend the Public Hearing and/or make written or verbal representations either in support of or in opposition of the Proposed applications.

Dated at Warren, this 29th day of June, 2016.

Melissa Riou, MCIP, RPP
Secretary-Treasurer

5 Dyke Street P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org

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

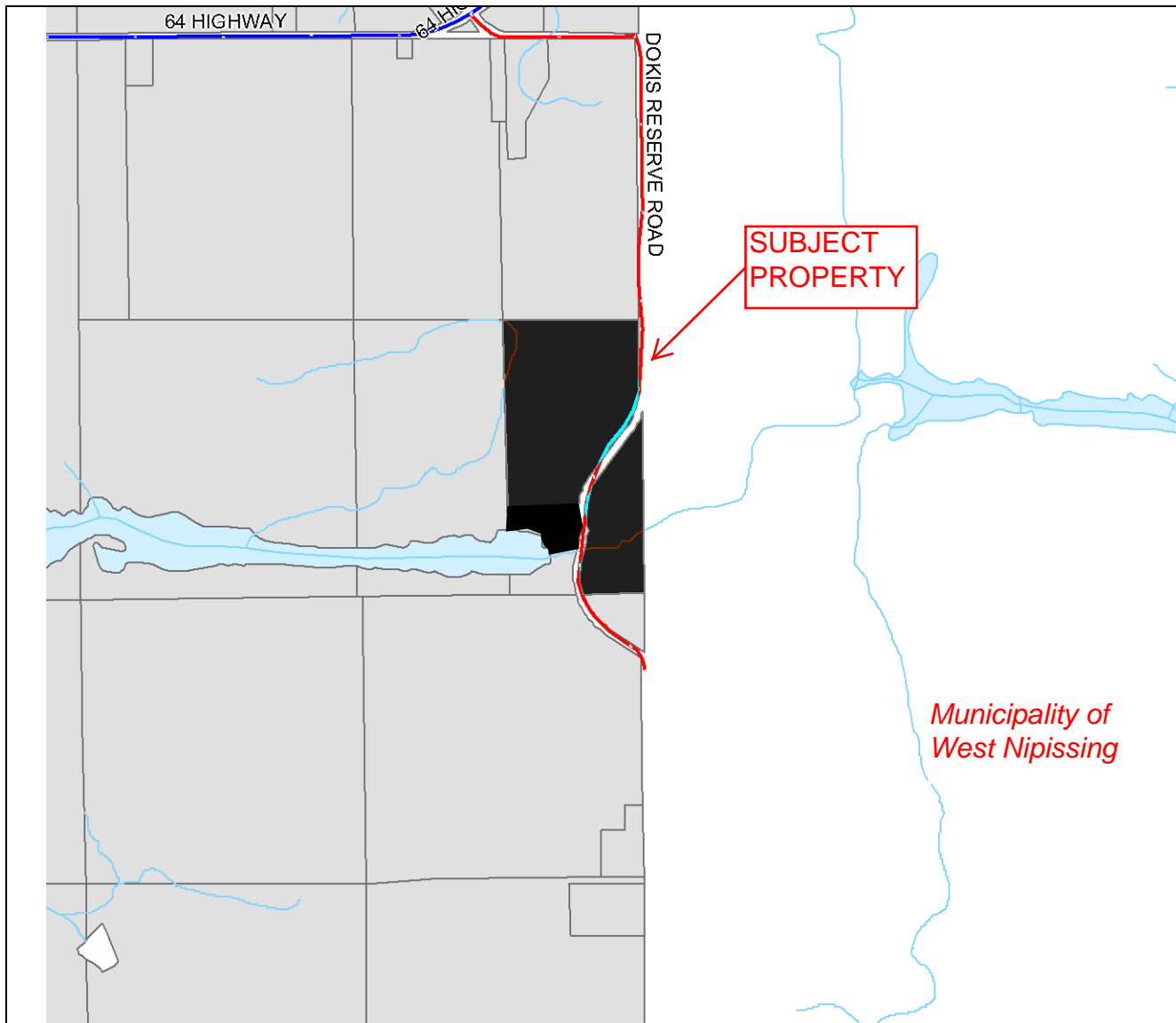
Re: Application Nos. B/17/16/FR and ZBA 16-06FR
(Richard Quesnel)
Roll Nos. 5201-050-000-178-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-23 of the Municipality of French River, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13 and a consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Tulloch Engineering on behalf of Richard Quesnel to rezone lands described as Part of Lot 1, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury (Parcel 3711 Sudbury East Section).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2014-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will rezone the lot to be severed through the consent application B/17/16/FR to Residential Rural (RR) to recognize the intended use of the lot which will have an approximate lot area of 2.4 hectares and a lot frontage of 144.6 metres. The proposed retained lands will remain under the current Rural (RU) Zoning and have an approximate area of 25.2 hectares and a frontage of approximately 526 metres.

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



KEY MAP

Consent and Zoning By-law Amendment Applications
(Richard Quesnel)
Part of Lot 1, Concession 4
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Except Part 2, 53R-19091 and Part 1, 53R-19937
REM Parcel 3711 S.E.S.
(Roll No. 5201-050-000-178-00)
(SEPB File Nos. B/17/16/FR and ZBA 16-06FR)



Planning Report: **APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT**
Report To: **SUDBURY EAST PLANNING BOARD** **Meeting Date:** July 14, 2016
Report To: **COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER** **Meeting Date:** July 14, 2016
Report Date: June 29, 2016

Applicant(s)/Owners: Richard Quesnel
Agent/Solicitor: Matthew Dumont, Tulloch Engineering
File Number: B/17/16/FR and ZBA 16-06FR
Property Description: Part of Lot 1, Concession 4
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 3711 Sudbury East Section
 (Roll No. 5201-050-000-178-00)
 Dokis Reserve Rd.

APPLICATION:

The purpose of the Application for Consent is to create one (1) residential rural lot. The proposed retained lot is to be approximately 25.2 hectares in lot area with a lot frontage of approximately 526 metres and is presently vacant. The proposed severed lands are to be approximately 2.4 hectares in lot area with a lot frontage of approximately 144.6 metres and contains an existing dwelling and accessory structures.

The purpose of the Application for Zoning By-law Amendment is to recognize the intended use of the proposed severed lot and that the severed lot will no longer meet the minimum lot area requirement of the Rural (RU) zone.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot	2.4 hectares	144.6 metres
Retained Lot	25.2 hectares	526 metres

Access: Publicly maintained (Municipality of French River) year-round road (402 Dokis Reserve Road).
Servicing: Privately owned and operated individual septic system. Privately owned and operated individual well.
School Busing: Available.
Garbage Collection: Not available.
Fire Protection: Available.
Surrounding Uses: The lands are located on the west side of Dokis Reserve Road, south of Highway 64. The subject lands are in an area of rural and limited residential rural development.

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2014

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

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

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

Section 2.5.2.5 states that in known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) Resource use would not be feasible; or
- b) The proposed land use or development serves a greater long-term public interest; and
- c) Issues of public health, public safety and environmental impact are addressed.

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

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

OFFICIAL PLAN

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

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

Consents to sever land for the purposes of creating a new building lot shall only be granted where a plan of subdivision has been determined not to be appropriate, no extension of services is required, adequate access to the severed and

retained parcels can be provided from a year-round maintained road, adequate sewage and water servicing can or will be provided, etc.

One potential development constraint was identified on Schedule D of the Official Plan. A licensed aggregate resource site is located to the immediate north of the subject lands. Section 3.8.2 of the Official Plan echoes the policies of the Provincial Policy Statement pertaining to the protection of aggregate resources for continued extraction or future use.

To address the policies of the PPS and Official Plan, the applicant submitted a report prepared by DST Consulting Engineers which concluded that the proposed severance will not impact the development of new, or expansion of existing aggregate resources in the area. Site observations of the property indicate that extraction of significant volumes of aggregate material would be limited by the surface water in the western portion of the property, bedrock to the south and east and residential development to the north. This would leave a limited area in the centre of the property where extraction of a relatively small scale would be feasible. Based on the setback of the likely extraction area from the southerly property line it is anticipated that the proposed severance will not have a negative impact on the potential future development of the aggregate resource.

ZONING BY-LAW (2014-23)

Current Zoning: **Rural (RU)**

Proposed Zoning: Lot to be Severed – **Residential Rural (RR)**
Lot to be Retained – **Rural (RU)**

The 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The lot to be retained will continue to meet those requirements. However, the lot to be severed will have an area of 2.5 hectares which is below the minimum lot area requirement of the RU Zone. The severed lot is proposed to be rezoned to the 'Residential Rural (RR)' classification which requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres.

AGENCY REVIEW

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.

PUBLIC CONSULTATION

Notice of the consent and zoning by-law amendment applications were sent to surrounding property owners on June 29, 2016, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 197/96 and O.REG 545/06) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

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

SUMMARY

The applicant proposes to create one (1) residential rural lot containing an existing dwelling and accessory structure, which is to be rezoned to recognize the intended use. The proposed retained lot is to remain under the current rural zoning.

As the proposed severance is considered limited rural development and the applicant has provided the required feasibility study addressing the adjacent licensed aggregate resource site, Planning staff are of the opinion that PPS issues have been adequately addressed and the application does not conflict with the applicable policies.

The proposal also maintains the intent and purpose of the Official Plan for the Sudbury East Planning Area. The application, as proposed, complies with the regulations of the Zoning By-law.

In light of the foregoing, it is the opinion of this Office that the proposed application is consistent with the policies of the PPS and in keeping with the general intent and purpose of the Official Plan. As such, Planning Staff are satisfied the at the applications can be supported from a planning perspective.

RECOMMENDATION:

Consent:

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

Zoning By-law Amendment:

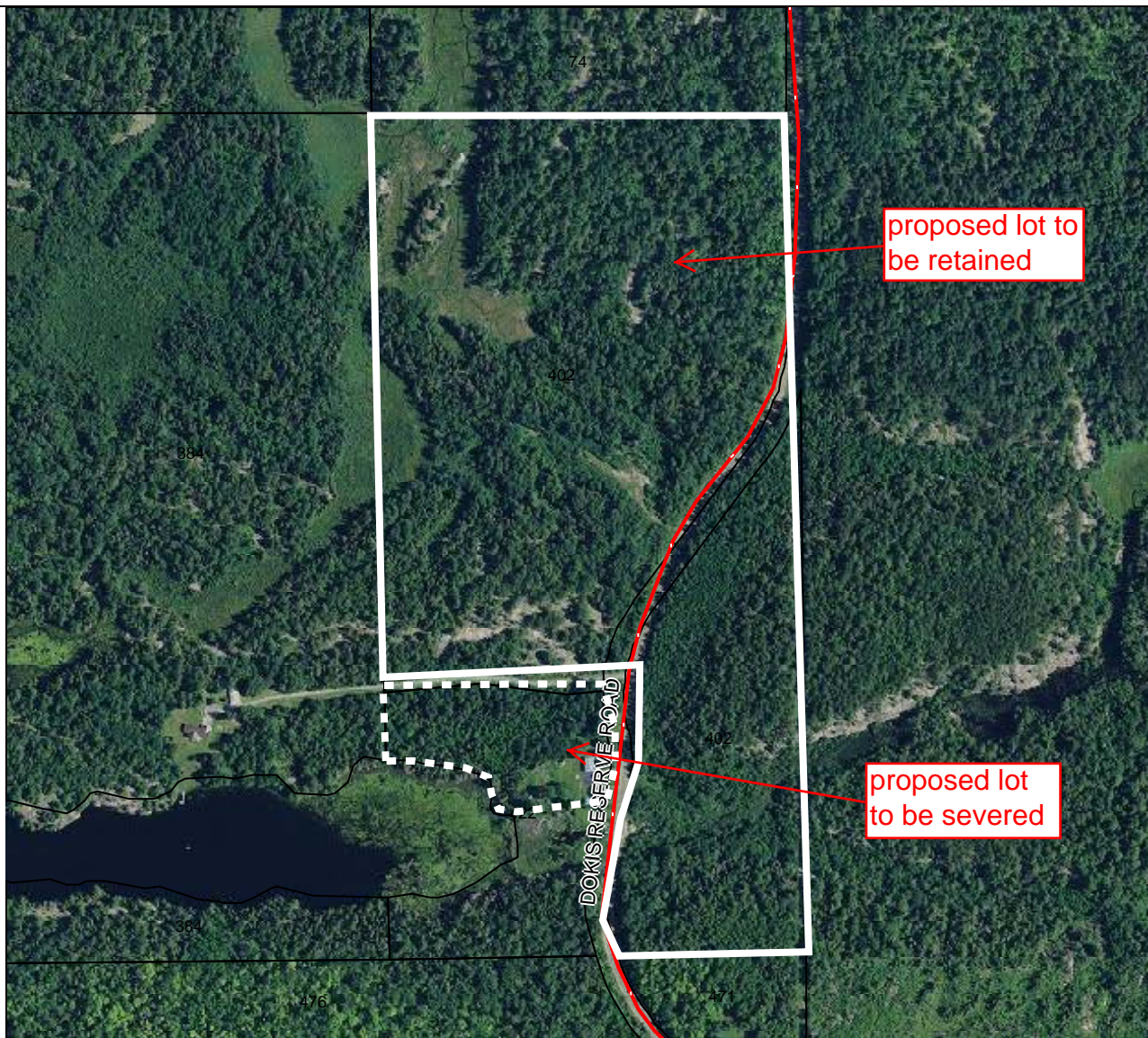
That the Municipality of French River approve application for Zone Change, File Number ZBA 16-06FR, for lands owned by Richard Quesnel, which proposes to change the zoning of lands described as Part of Lot 1, Concession 4, in the Township of Martland, now in the Municipality of French River, being the severed lands from 'Rural (RU)' to the 'Residential Rural Zone (RR)' to facilitate the above noted severance from the subject site.

That the amending by-law be referred to the By-law portion of the Municipal Council agenda for consideration.

Respectfully submitted,



Melissa Riou, MCIP, RPP
Director of Planning



FRI IMAGERY

Consent and Zoning By-law Amendment Applications
 (Richard Quesnel)
 Part of Lot 1, Concession 4
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Except Part 2, 53R-19091 and Part 1, 53R-19937
 REM Parcel 3711 S.E.S.
 (Roll No. 5201-050-000-178-00)
 (SEPB File Nos. B/17/16/FR and ZBA 16-06FR)

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

Planning Board Date of Decision: July 14, 2016
Date of Notice of Decision: **
Last Date of Appeal: **

Applicants(s): Richard Quesnel
Owner(s): Richard Quesnel
Agent/Solicitor: Matthew Dumont, Tulloch Engineering
File Number: B/17/16/FR and ZBA 16-06FR
Property Description: Part of Lot 1, Concession 4
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Except Part 2, 53R-19091 and Part 1, 53R-19937
REM Parcel 3711 Sudbury East Section
(Roll No. 5201-050-000-178-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, ***SEPB File No. B/17/16/FR and ZBA 16-06FR***, which applies to the creation of one (1) rural residential lot of approximately 2.4 hectares in area with approximately 144.6 metres of lot frontage, as applied for on Part of Lot 1, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, except Part 2, 53R-19091 and Part 1, 53R-19937 (REM Parcel 3711 Sudbury East Section).

CONDITIONS:

The following conditions must be fulfilled within one year from the date of this letter:

1. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$100.00 must be paid to the Sudbury East Planning Board.
2. The following documents shall be provided for the transaction:
 - a) the original executed Transfer/Deed of Land Form, and one duplicate original for our records;
 - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form;
 - c) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates; and
 - d) An electronic copy (.pdf) of the reference plan of survey described in subsection c above.
3. Where it is determined on drafting a reference plan of survey that an existing public road traverses the subject lands to which the consent approval applies (severed and/or retained lands), that

portion of such road which traverses the subject lands shall be laid out on the final reference plan of survey and shall be transferred to the appropriate authority. The cost of any survey shall be borne by the applicant.

4. If required, Drainage Assessment reapportionment be completed to the satisfaction of the Drainage Superintendent for the Municipality of French River. If a revised assessment schedule for the (name of drain) Municipal Drain is required, the owner(s)/applicant(s) will be required to pay the cost of any engineer's report under Section 65 of the Drainage Act 1990.
5. The Sudbury East Planning Board must be advised in writing by the Municipality of French River that the owner has conveyed up to 5% of the land to be severed to the Municipality of French River for park or other recreational purposes. Alternatively, the municipality may require cash-in-lieu of all or a portion of the conveyance.
6. An amendment to Zoning By-law 2014-23 of the Municipality of French River for the severed lands shall be approved, in order to recognize the intended use of those lands. That the amending zoning by-law pertaining to File (ZBA 16-06FR) be in full force and effect prior to the issuance of a Certificate.

NOTES:

The following notes are for the applicant's information only:

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

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

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

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

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

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2016-**

Being a By-law to amend Zoning By-law 2014-23 as amended
(Richard Quesnel)

WHEREAS By-law 2014-23 Municipality of French River has been passed, being a Zoning By-law to regulate the use of land and the character, location, and use of buildings and structures, in the Municipality of French River, under the authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of French River may amend such By-law in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of French River has received an application to amend such By-law;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:

1. Schedule A-8 (Martland Township) of By-law 2014-23 Municipality of French River, as amended, is hereby further amended by changing the Rural Zone (RU) to a Residential Rural Zone (RR), on Part of Lot 1, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, Except Part 2, Plan 53R-19091, and Part 1, Plan 53R-19937, REM Parcel 3711 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Schedule "A-1" is hereby declared to form part of this By-law.
3. This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

READ A FIRST AND SECOND TIME this 27th day of July, 2016.

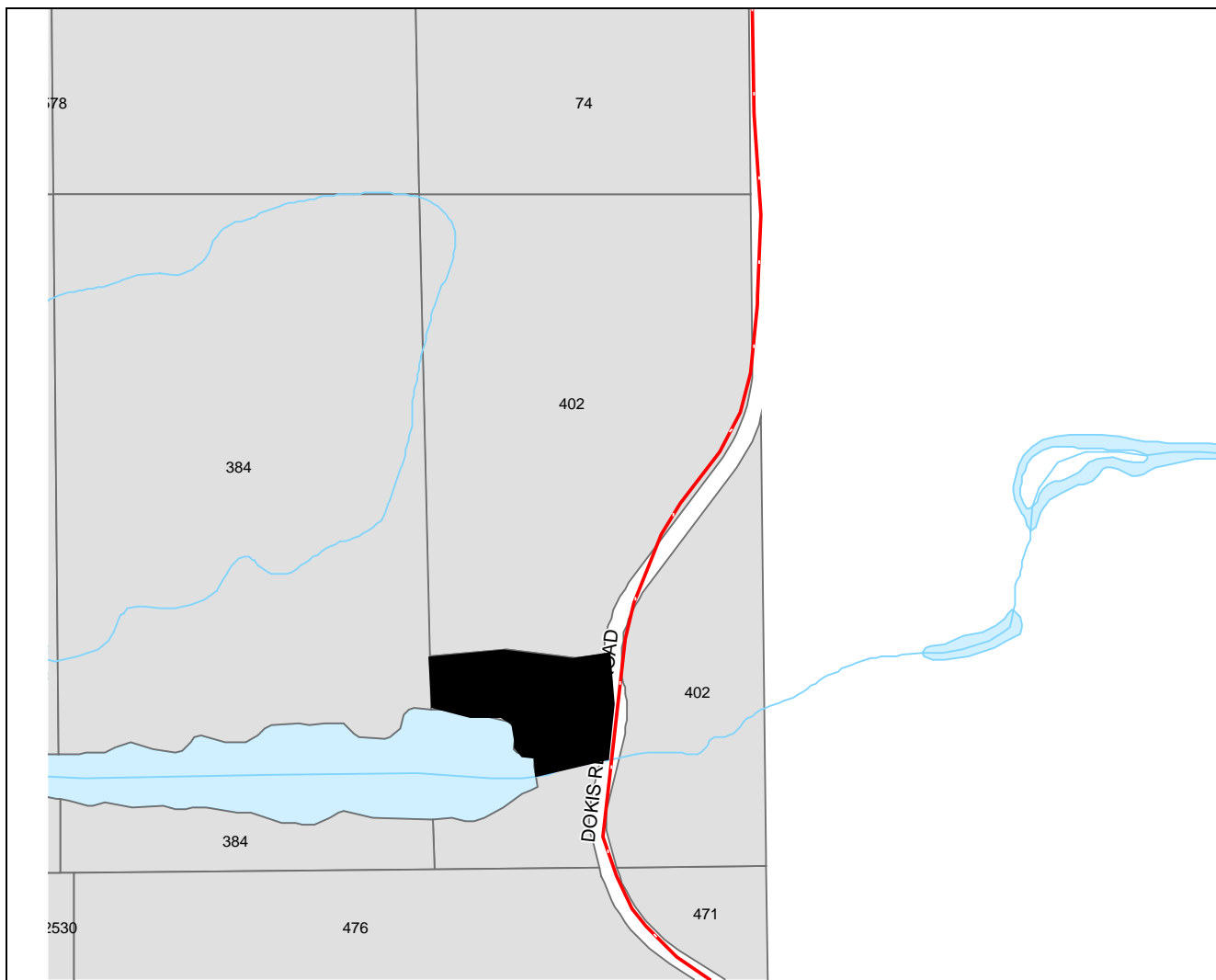
MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 27th day of July, 2016.

MAYOR

CLERK



This is Schedule "A-1" to By-law 2016- of the Municipality of French River, passed this 27th day of July, 2016.

Mayor

Clerk



Lands zoned Residential Rural (RR), on Part of Lot 1, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury; Except Part 2, Plan 53R-19091 and Part 1, Plan 53R-19937, Parcel 3711 Sudbury East Section. (Roll No. 5201-050-000-178-00)