



AGENDA / ORDRE DU JOUR
SPECIAL COUNCIL MEETING / RÉUNION SPÉCIALE DU CONSEIL

Wednesday, June 21, 2017 at 5:30pm / mercredi le 21 juin 2017 à 17:30
Council Chambers / Salle du conseil

1. **Call to Order and Roll Call / Ouverture de la réunion et présence**
2. **Adoption of Agenda / Adoption de l'ordre du jour**
3. **Disclosure of Pecuniary Interest / Déclarations d'intérêts pécuniaires**
4. **Public Hearings for Zoning By-law Amendment Applications / Audiences publiques**
 - 4.1 **File No.:** 17-04FR - B & E Honey Fields Ltd. **p.2**
Request: Rezone the lot to be severed through the consent application from 'RU' to 'WR' to recognize the intended waterfront residential use
Location: North Channel Camp Rd, Noëlville
 - 4.2 **File No.:** 17-08FR - Vincent and Tammy Seguin **p.15**
Request: Rezone the lot to be severed through the consent application from 'RU' to 'RR' to recognize the intended residential use
Location: North Channel Rd, Noëlville
5. **Adjournment / Ajournement**

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
Respecting an application for consent and zoning by-law amendment
by B & E Honey Fields Ltd.
to the Sudbury East Planning Board
Part of Lot 23, Concession 4
in the Township of Scollard
now in the Municipality of French River
Territorial District of Sudbury
Parcel 19095 Sudbury East Section
(Roll No. 5201-050-000-377-00)
(SEPB File No. B/10/17/FR & ZBA 17-04FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/10/17/FR at its meeting on **June 15th, 2017 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **June 21st, 2017 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 17-04FR.

IF YOU WISH TO BE NOTIFIED OF THE DECISION of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, P0H 2N0**. The subject land is also subject to an application for a zoning by-law amendment (**SEPB File No. 17-04FR**).

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.

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office.

Dated at Warren, this 24th day of May, 2017.

Matthew Dumont, MCIP, RPP
Secretary-Treasurer

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
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Purpose and Effect of the Proposed Consent and Zoning By-law Amendment

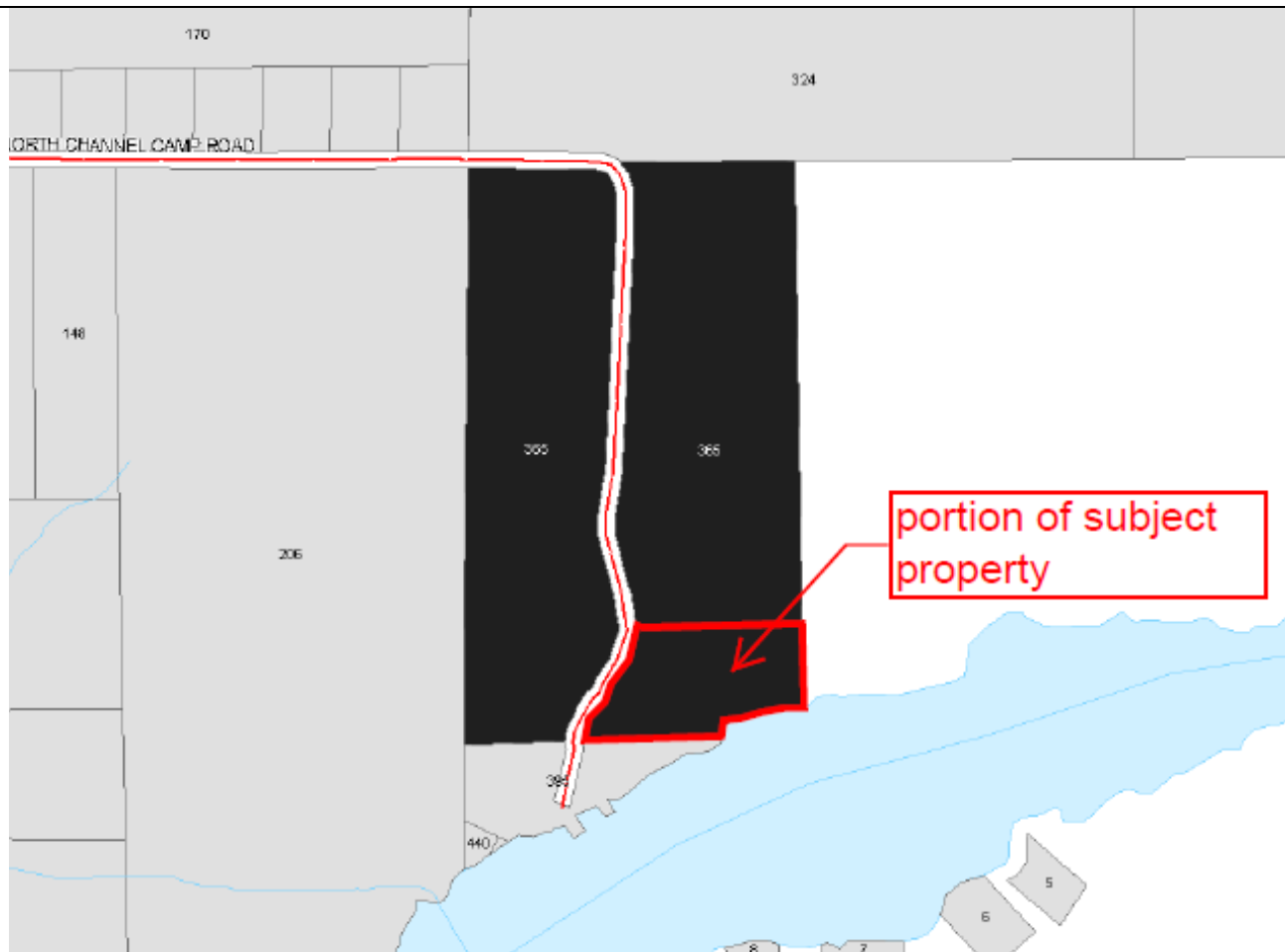
Re: Application Nos. B/10/17/FR and ZBA 17-04FR
(B & E Honey Fields Ltd.)
Roll Nos. 5201-050-000-377-00

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 consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from B & E Honey Fields Ltd. to rezone lands described as Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury (Parcel 19095 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/10/17/FR to Waterfront Residential (WR) to recognize the intended use of the lot which will have an approximate lot area of 2.94 hectares and a lot frontage of 112.0 metres. The proposed retained lands will remain under the current Rural (RU) Zoning and have an approximate area of 23.0 hectares and a frontage of approximately 735.0 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

Zoning By-law Amendment Application
 (B & E Honey Fields Ltd)
 Part of Lot 23, Concession 4
 in the Township of Scollard
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 19095 S.E.S.
 (Roll No. 5201-050-000-377-00)
 (SEP File No. ZBA 17-04FR)



Planning Report: **APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT**
Report To: **SUDBURY EAST PLANNING BOARD** **Meeting Date:** June 15th, 2017
Report To: **COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER** **Meeting Date:** June 21st, 2017
Report Date: May 25th, 2017
Applicant(s)/Owners: B & E Honey Fields Ltd.
Agent/Solicitor: same as above
File Number: B/10/17/FR and ZBA 17-04FR
Property Description: Part of Lot 23, Concession 4
in the Township of Scollard
now in the Municipality of French River
Territorial District of Sudbury
Parcel 19095 Sudbury East Section
(Roll No.5201-050-000-377-00)
365 NORTH CHANNEL CAMP RD

APPLICATION:

The purpose of the Application for Consent is to create one (1) Waterfront Residential (WR) lot. The proposed retained lot is to be approximately 23.0 hectares in lot area with a lot frontage of approximately 735.0 metres on North Channel Camp Road and contains a single-detached dwelling and accessory structures, including three sheds and two Type III uninsulated barns. The proposed severed lands are to be approximately 2.94 hectares in lot area with a lot frontage of approximately 112.0 metres on the French River and are presently vacant.

The purpose of the Application for Zoning By-law Amendment is to recognize such Waterfront Residential (WR) use through appropriate zoning.

The lands are located on the east side of North Channel Camp Road, north of the French River, and municipally known as 365 North Channel Camp Road. Southwest of the subject lands is a waterfront commercial tourist lot known as North Channel Cottages. Lands to the far west of the subject property are waterfront residential lots and to east is predominantly crown land. An active aggregate pit is located north of the subject lands.

SUBJECT LANDS:

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	2.94 hectares	112.0 metres
	Retained Lot	23.0 hectares	735.0 metres
Access:	Publicly maintained (Municipality of French River) year-round road (North Channel 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		

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 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.

Section 2.1.6 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with the provincial and federal requirements.

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

The applicant's proposal seeks to create one (1) new waterfront residential 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 for rural lands within Municipalities with respect to permitting limited residential development on appropriate services and that the adjacent aggregate resources, to the north, will not be negatively impacted. Regarding species at risk, the Ministry of Natural resources and Forestry stated that there are no records of species at risk associated with the subject property.

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 are to be used primarily for agriculture, farm-related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, and other industrial uses not appropriate in settlement areas, as well as limited residential developments. Section 4.5.1 provides for instances when consents may be granted, including the separation of existing uses and new lots that represent minor infilling.

Section 2.2.11 of the Official Plan states that single detached dwellings may be permitted in areas designated "Rural" without requiring an amendment to the Official Plan provided the proposed use meets the criteria established in the Plan, but may be subject to a rezoning.

Section 3.2 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 3.8.2 of the Official Plan echoes the aggregate resource policies of the PPS, indicating that aggregate resource site shall be separated or buffered from sensitive lands uses. In this case, the proposal to sever a lot fronting on the French River which is approximately 550 meters from the aggregate pit and where the retained land contains an existing dwelling will not impact the development of new, or expansion of existing aggregate resources in the area, as per the Ministry of Natural Resources comments in Section 6 of this report.

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

ZONING BY-LAW (2014-23)

Current Zoning:	Rural (RU)
Proposed Zoning:	To be Retained: Rural (RU)
	To be Severed: Waterfront Residential (WR)

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.

The lot to be severed will have an area of 2.94 hectares and a lot frontage of approximately 112.0 metres. That said, the severed lot will no longer be intended for a rural use. The proposed severed lot will be recognized as waterfront residential which requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. The proposed severed lot will meet the requirements of the Waterfront Residential (WR) Zone. The proposal involves no new land use or change in land use.

AGENCY REVIEW

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

Staff of the Municipality of French River had no objections or concerns. Parkland Dedication and road transfer would be applicable prior to issuing final consent.

The Ministry of Natural Resources and Forestry (Prabin Sharma, Aggregate Technical Specialist) stated that the mineral aggregate resource, license #612461, abutting the property to the north should have no impact on the proposed severance because the land is being used as residential/agriculture, and secondly, there is an existing entrance located on Highway 528, which protects the public safety and health, accessing the second potential entrance on North Channel Road. With respect to Species at Risk, The Ministry (Eric Cobb, District Planner) stated that other than Lake Sturgeon, no records of species at risk are associated with the subject property.

Bell Canada had no concerns with the application.

Hydro One had no concerns with the application.

The Sudbury District Health Unit: supportive of the consent application.

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

PUBLIC CONSULTATION

Notice of the consent application was sent to surrounding property owners on May 25th, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 197/96) 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) Waterfront Residential (WR) lot, presently vacant, which will be rezoned to recognize the intended use of the property. The retained lot will remain under the current Rural (RU) Zoning and have an approximate area of 23.0 hectares and a frontage of approximately 735.0 metres.

As the proposed severance is considered limited residential, planning staff is of the opinion that there are no PPS issues that would directly apply to this proposal.

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 Planning Staff 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.

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 17-04FR, for lands owned by B & E Honey Fields Ltd, which proposes to change the zoning of lands described as Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, being the severed lands from 'Rural (RU)' to the 'Waterfront Residential Zone (WR)' 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,



Matthew Dumont, MCIP, RPP
Director of Planning



FRI IMAGERY

Zoning By-law Amendment Application
 (B & E Honey Fields Ltd)
 Part of Lot 23, Concession 4
 in the Township of Scollard
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 19095 S.E.S.
 (Roll No. 5201-050-000-377-00)
 (SEPB File No. ZBA 17-04FR)

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

Planning Board Date of Decision: June 15th, 2017
Date of Notice of Decision: **
Last Date of Appeal: **

Applicants(s): B & E Honey Fields Ltd.
Owner(s): same as above
Agent/Solicitor: n/a
File Number: B/10/17/FR & ZBA17-04FR
Property Description: Part of Lot 23, Concession 4
in the Township of Scollard
now in the Municipality of French River
Territorial District of Sudbury
Parcel 19095 Sudbury East Section
(Roll No. 5201-050-000-377-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, ***SEPB File No. B/10/17/FR, which must be fulfilled within one year from the date of this letter***, are set out below. These conditions must be fulfilled prior to the granting of consent.

CONDITIONS:

1. This approval applies to the creation of one (1) waterfront residential lot of approximately 2.94 hectares in area with approximately 112 metres of lot frontage, as applied for on Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury (Parcel 19095 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$200.00 must be paid to the Sudbury East Planning Board.
3. The following documents shall be provided for the transaction described in Condition 1:
 - a) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
 - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
 - c) a reference plan of survey (***a paper copy and an electronic copy***), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates.
4. Where it is determined on drafting a reference plan of survey that **an existing public road traverses the subject lands** to which the consent approval applies (**severed 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.

5. If required, Drainage Assessment reapportionment be completed to the satisfaction of the Drainage Superintendent for the Municipality of French River.
6. 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.
7. 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.

NOTES:

The following notes are for the applicant's information:

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

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

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

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

3. An approved Building Permit must be obtained from the Municipality of 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.
7. Should any human remains be identified during operations, all work in the vicinity of the discovery will be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the district coroner. Notification must also be made to the Heritage Operations Unit of the Ministry of Culture, Tourism & Sport and the Registrar of Cemeteries, Ministry of Government Services.
8. Should any other cultural heritage values (archaeological or historical materials or features) be identified during operations, all activity in the vicinity of the recovery will be suspended and the Ministry of Culture, Tourism & Sport's archaeologist immediately contacted at (807) 475-1632. This provides for the potential for deeply buried or enigmatic local site areas not typically identified in evaluations of potential.

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2017-**

Being a By-law to amend Zoning By-law 2014-23, as amended
(B & E Honey Fields Ltd.)

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(s) A11 (Scollard Township) of By-law 2014-23 of the Municipality of French River, as amended, is changing the Rural Zone (RU) to a Waterfront Residential Zone (WR), on Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury, Parcel 19095 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 21st day of June, 2017.

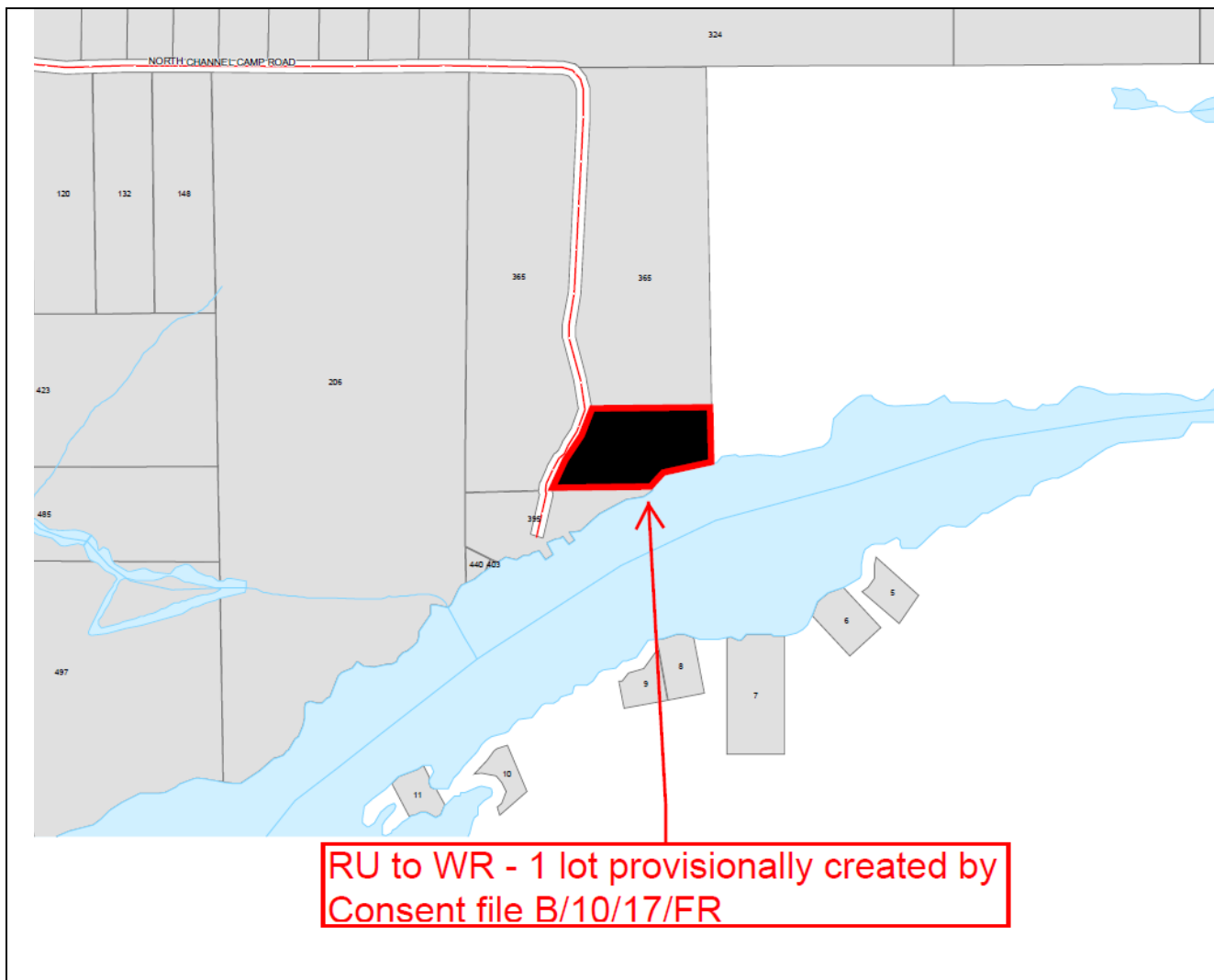
CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this 21st day of June, 2017.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK



This is Schedule "A-1" to By-law 2017-** of the Municipality of French River, passed this 21st day of June, 2017.

Chair / Mayor

Secretary-Treasurer / Clerk



Lands zoned Waterfront Residential (WR), on Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French, Territorial District of Sudbury, Parcel 19095 Sudbury East Section. (1 lot provisionally created by Consent file no. B/10/17/FR (Roll No. 5201-050-000-377-00)

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 Vincent and Tammy Seguin
to the Sudbury East Planning Board
Part of Lot 24, Concession 4
in the Township of Scollard
now in the Municipality of French River
Territorial District of Sudbury
Parcel 4922 Sudbury East Section
(Roll No. 5201-050-000-384-00)
(SEPB File No. B/14/17/FR and ZBA 17-08FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/14/17/FR at its meeting on **June 15th, 2017 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **June 21st, 2017 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 17-08FR.

IF YOU WISH TO BE NOTIFIED OF THE DECISION of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, P0H 2N0**. The subject land is also subject to an application for a zoning by-law amendment (**SEPB File No. ZBA 17-08FR**).

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.

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office.

Dated at Warren, this 24th day of May, 2017.

Matthew Dumont, MCIP, RPP
Secretary-Treasurer

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
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Purpose and Effect of the Proposed Consent and Zoning By-law Amendment

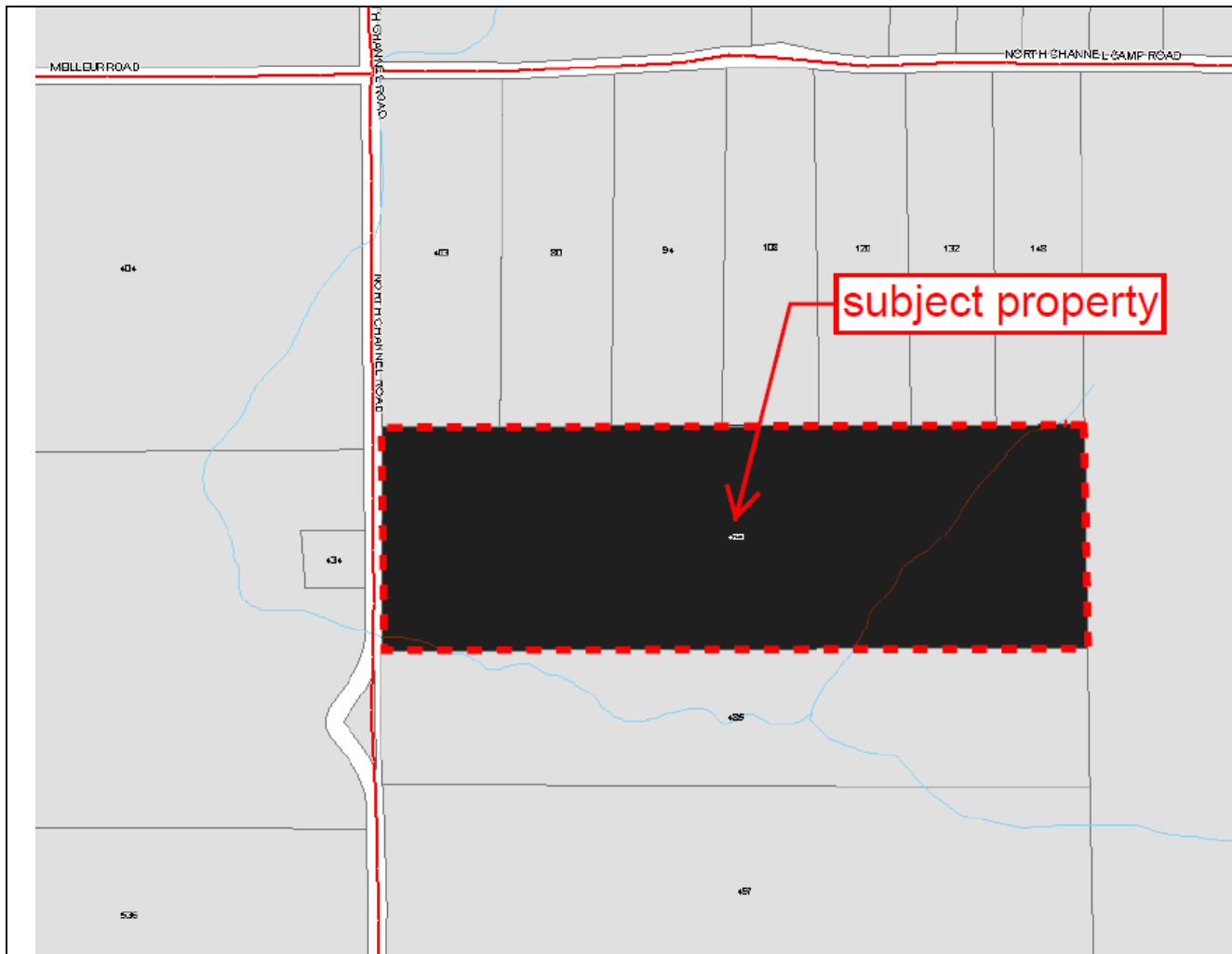
Re: Application Nos. B/14/17/FR and ZBA 17-08FR
(Vincent and Tammy Seguin)
Roll Nos. 5201-050-000-384-00

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 consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Vincent and Tammy Seguin to rezone lands described as Part of Lot 24, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury (Parcel 4922 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/14/17/FR to Residential Rural (RR) to recognize the intended use of the lot which will have an approximate lot area of 1.25 hectares and a lot frontage of 137 metres. The proposed retained lands will remain under the current Rural (RU) Zoning and have an approximate area of 19 hectares and a frontage of approximately 112 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
 (Vince and Tammy Seguin)
 Part of Lot 24, Concession 4
 in the Township of Scollard
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 4922 S.E.S.
 (Roll No. 5201-050-000-384-00)
 (SEPB File No. B/14/17/FR and ZBA 17-08FR)



Planning Report: **APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT**
Report To: **SUDBURY EAST PLANNING BOARD** **Meeting Date:** June 15th, 2017
Report To: **COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER** **Meeting Date:** June 21st, 2017
Report Date: May 24, 2017

Applicant(s)/Owners: Vincent & Tammy Seguin
Agent/Solicitor: Same as above
File Number: B/14/17/FR and ZBA 17-08FR
Property Description: Part of Lot 24, Concession 4
 in the Township of Scollard
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 4922 Sudbury East Section
 (Roll No. 5201-050-000-384-00)
 423 North Channel Road

APPLICATION:

The purpose of the Application for Consent is to create one (1) residential rural lot. The proposed retained lot is to be approximately 19.0 hectares in lot area with a lot frontage of approximately 112.0 metres and contains a single-detached dwelling and an accessory structure (detached garage), as per MPAC Comprehensive report. The proposed severed lands are to be approximately 1.25 hectares in lot area with a frontage of approximately 132.0 metres, and are presently vacant.

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 requirements of the Rural (RU) zone.

SUBJECT LANDS:

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	1.25 hectares	132.0 metres
	Retained Lot	19.0 hectares	112.0 metres
Access:	Publicly maintained (Municipality of French River) year-round road (423 North Channel 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 east side of North Channel Road, south of North Channel Camp Road and north of the French River. 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

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.

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 (i.e. existing services);
- b) Intended uses of the parcels conform with the Plan and Zoning By-law;
- c) Proposed use of parcels is compatible with abutting uses;

- d) There is no extension of municipal services required;
- e) Represents orderly and efficient use of land (would not hinder development of retained lands);
- f) Limited circumstances in the rural policy area (on non-prime agricultural lands, farm splits, farm retirement lots, residence surplus to farm operations and residential infilling are permitted. As a lesser priority, the severed parcel(s) may be located beyond the last existing residential lot, but only where all services available in the cluster such as electricity, telephone, garbage collection, school bus service are available to the lot and where the development of the lot will not represent a long term increase in municipal costs.);
- g) Size and dimension of proposed lots are adequate for the proposed use;
- h) Adequate access can be provided from a year-round publicly maintained road;
- i) Access will not create a traffic hazard;
- j) The severed and retained parcels comply with Minimum Distance Separation (MDS);
- k) Adequate water and sewage servicing can be provided;
- l) It is feasible with regard to other provisions of this Plan, provincial legislation, policies and appropriate guidelines for uses within or adjacent to a development constraint; and

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

ZONING BY-LAW (2014-23)

Current Zoning: **Rural (RU)**

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

The 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The lot to be retained will continue to meet those requirements. However, the lot to be severed will have an area of 1.25 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

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

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 agency comments were received as of the date this report was written.

PUBLIC CONSULTATION

Notice of the consent application was sent to surrounding property owners on May 24th, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 197/96) thereto. As of the writing of this report, no comments or concerns had been received from neighboring property owners.

MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

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

SUMMARY

The applicant proposes to create one (1) residential rural lot, presently vacant, which is to be rezoned to recognize the intended use. The proposed retained lot will remain under the current rural zone and contains an existing single-detached dwelling and an accessory structure (detached garage).

As the proposed severance is considered limited rural residential, planning staff is of the opinion that there are no PPS issues that would directly apply to this proposal.

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 that the applications can be supported from a planning perspective.

RECOMMENDATION:

Consent:

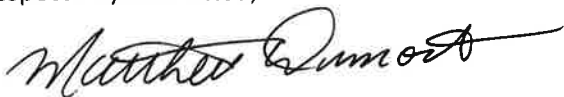
Whereas the application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, and the subject property is appropriately zoned, we are of the opinion that the application is acceptable from a planning perspective, and should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

Zoning By-law Amendment:

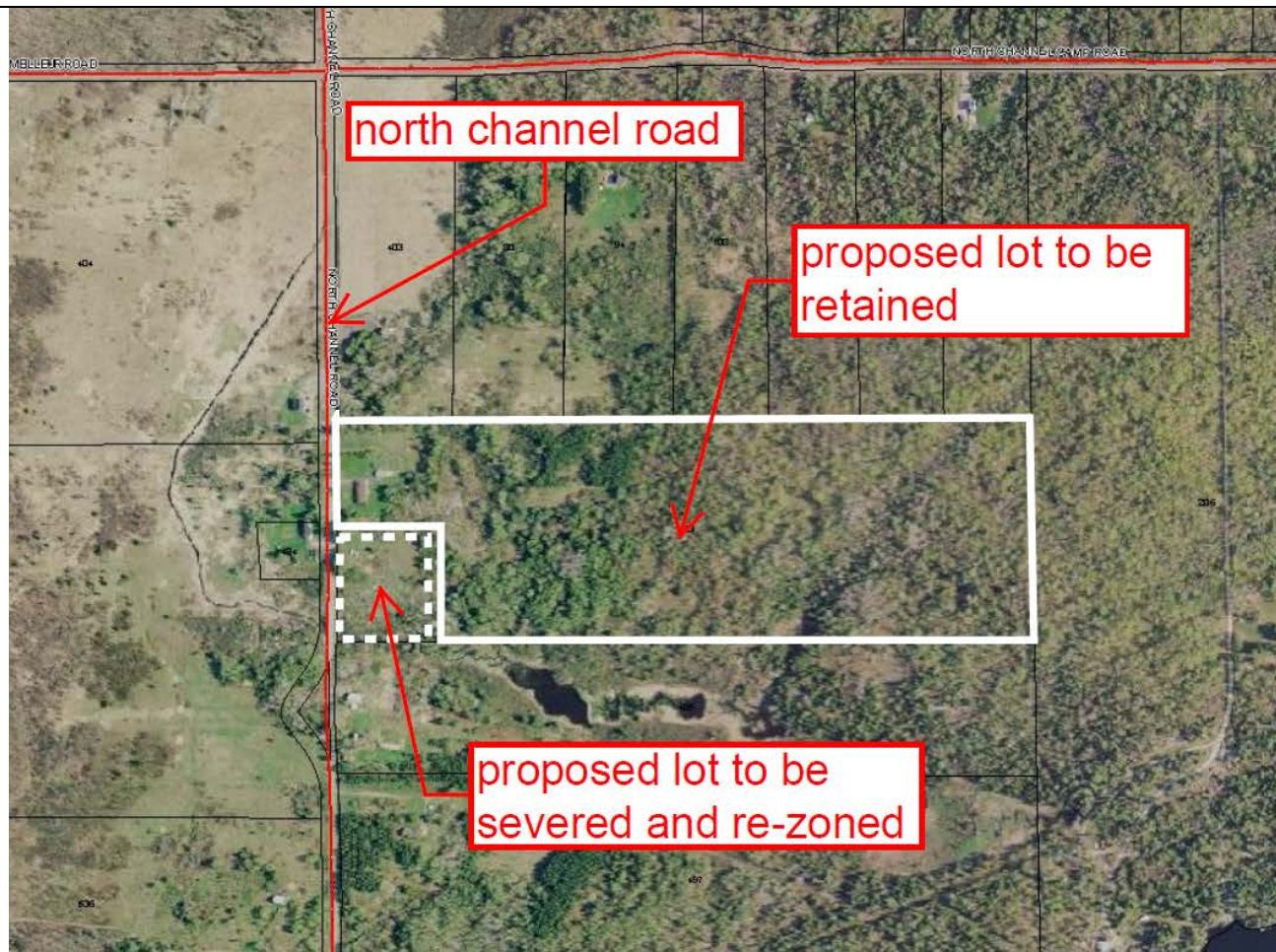
That the Municipality of French River approve application for Zone Change, File Number ZBA 17-08FR, for lands owned by Vincent and Tammy Seguin, which proposes to change the zoning of lands described as Part of Lot 24, Concession 4, in the Township of Scollard, now in the Municipality of French River, 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,



Matthew Dumont, MCIP, RPP
Director of Planning



AERIAL PHOTOGRAPHY

Consent and Zoning By-law Amendment Applications
 (Vince and Tammy Seguin)
 Part of Lot 24, Concession 4
 in the Township of Scollard
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 4922 S.E.S.
 (Roll No. 5201-050-000-384-00)
 (SEPB File No. B/14/17/FR and ZBA 17-08FR)

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

Planning Board Date of Decision: June 15th, 2017
Date of Notice of Decision: **
Last Date of Appeal: **

Applicants(s): Vincent and Tammy Seguin
Owner(s): Same as above
Agent/Solicitor: n/a
File Number: B/14/17/FR & ZBA 17-08FR
Property Description: Part of Lot 24, Concession 4
in the Township of Scollard
now in the Municipality of French River
Territorial District of Sudbury
Parcel 4922 Sudbury East Section
(Roll No. 5201-050-000-384-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, ***SEPB File No. B/14/17/FR and ZBA 17-08FR, which must be fulfilled within one year from the date of this letter***, are set out below. These conditions must be fulfilled prior to the granting of consent.

CONDITIONS:

1. This approval applies to the creation of one (1) rural residential lot of approximately 1.25 hectares in area with approximately 137 metres of lot frontage, as applied for on Part of Lot 24, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 4922 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$200.00 must be paid to the Sudbury East Planning Board.
3. The following documents shall be provided for the transaction described in Condition 1:
 - a) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
 - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
 - c) a reference plan of survey (***a paper copy and an electronic copy***), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates.
4. Where it is determined on drafting a reference plan of survey that an existing public road traverses the subject lands to which the consent approval applies (severed 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.

5. If required, Drainage Assessment reapportionment be completed to the satisfaction of the Drainage Superintendent for the Municipality of French River.
6. 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.
7. 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.

NOTES:

The following notes are for the applicant's information:

1. The required Transfer/Deed of Land Form and Schedule shall contain a complete and accurate legal description. The Planning Board's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance. Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.
2. ***It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval pursuant to Section 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13 within one year of the date that the Notice of Decision to grant Provisional Consent was given pursuant to Section 53(17) of the Planning Act. The Planning Board will issue no further notice or warning of the expiration of the one-year period.***

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

3. An approved Building Permit must be obtained from the Municipality of 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. 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*.
5. 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 2017-**

Being a By-law to amend Zoning By-law 2014-23, as amended
(Vincent and Tammy Seguin)

WHEREAS By-law 2014-23 of the 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(s) A11 (Scollard Township) of By-law 2014-23 of the Municipality of French River, as amended, is changing the Rural Zone (RU) to a Residential Rural Zone (RR), on Part of Lot 24, Concession 4, in the Township of Scollard, now in the Municipality of French, Territorial District of Sudbury, Parcel 4922 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.
4. 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 21st day of June, 2017.

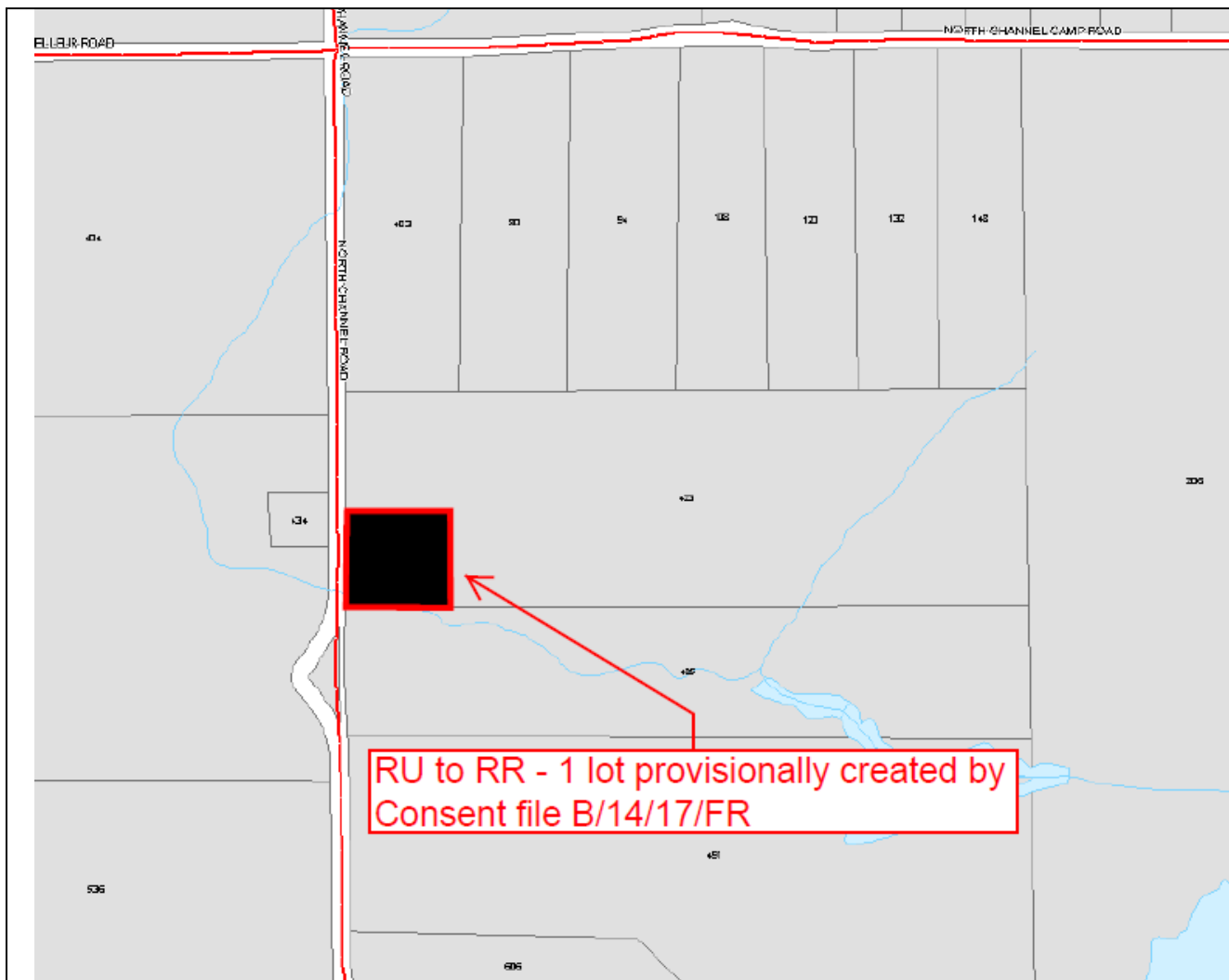
CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this 21st day of June, 2017.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK



This is Schedule "A-1" to By-law 2017-** of the Municipality of French River, passed this 21st day of June, 2017.

Chair / Mayor

Secretary-Treasurer / Clerk



Lands zoned Residential Rural (RR), on Part of Lot 24, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury; Parcel 4922 Sudbury East Section. (1 lot provisionally created by Consent file no. B/14/17/FR (Roll No. 5201-050-000-384-00)).