



Municipality of French River / Municipalité de la Rivière des Français

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

Wednesday, January 17, 2018 at 5:30pm / mercredi le 17 janvier 2018 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.:** 17-15FR - Benoit Pitre
Request: Rezone the proposed severed lot through the consent application from 'RU' to 'RR' to recognize the intended use of the lot
Location: Boisvert Road, Monetville
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
MUNICIPALITY OF FRENCH RIVER**

Respecting an application for consent by Benoit Pitre
to the Sudbury East Planning Board
Part of Lot 6, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 1681 Sudbury East Section
(Roll No. 5201-060-000-309-00)
(SEPB File No. B/27/17/FR & ZBA 17-15FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/27/17/FR at its meeting on **February 8th, 2018 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 **January 17th, 2018 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 17-15FR.

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 zoning by-law amendment **(SEPB File No. ZBA 17-15FR)**.

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 18th day of December, 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
www.sepb.org

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

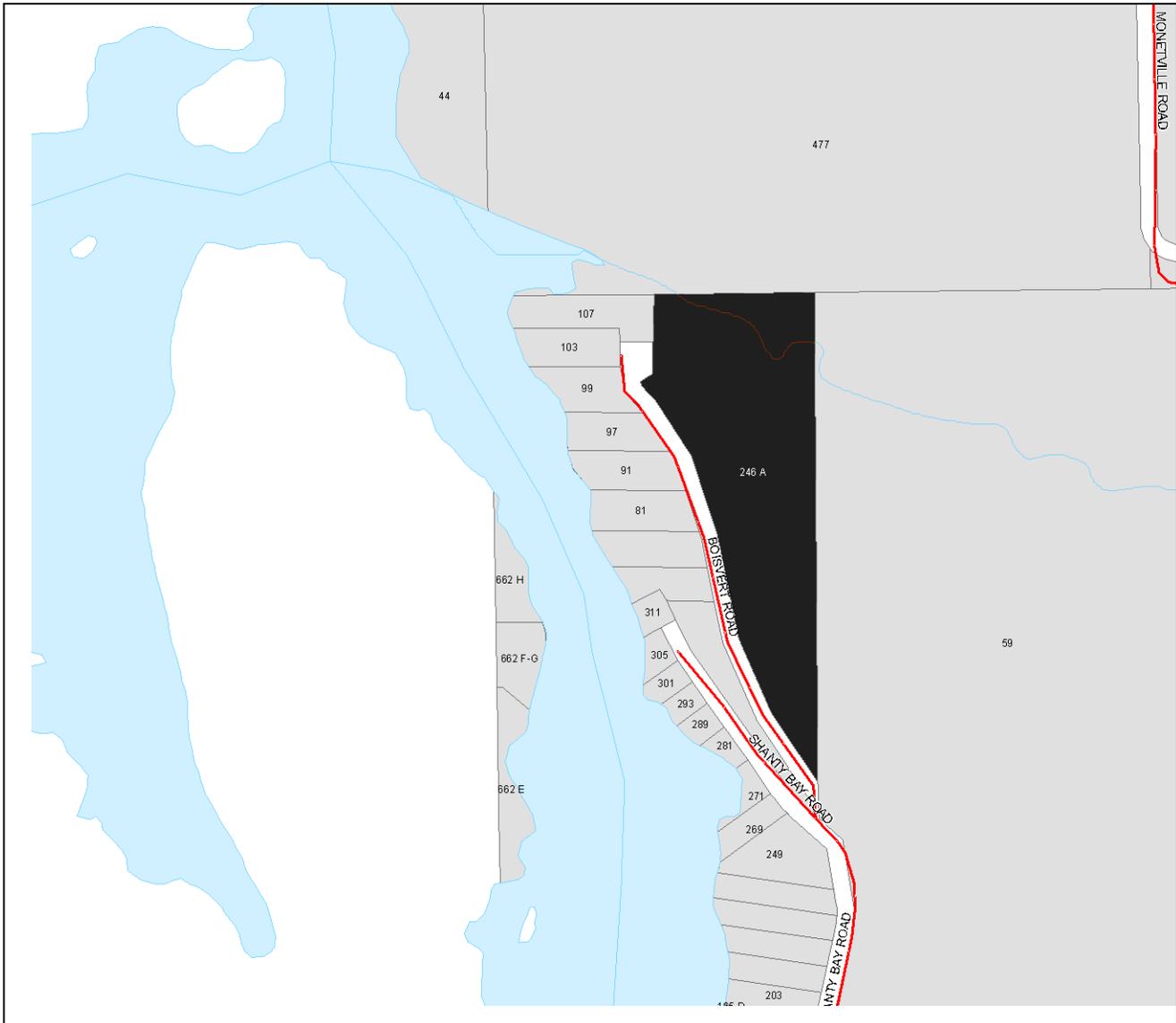
Re: Application Nos. B/27/17/FR and ZBA 17-15FR
(Benoit Pitre)
Roll Nos. 5201-060-000-309-00

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 Benoit Pitre, to rezone lands described as Part of Lot 6, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury (Parcel 1681 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 and retained through consent application B/27/17/FR to Residential Rural (RR) to recognize the intended use of the lot.

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
(Benoit Pitre)

Lot 6, Concession 5

in the Township of Martland

now in the Municipality of French River

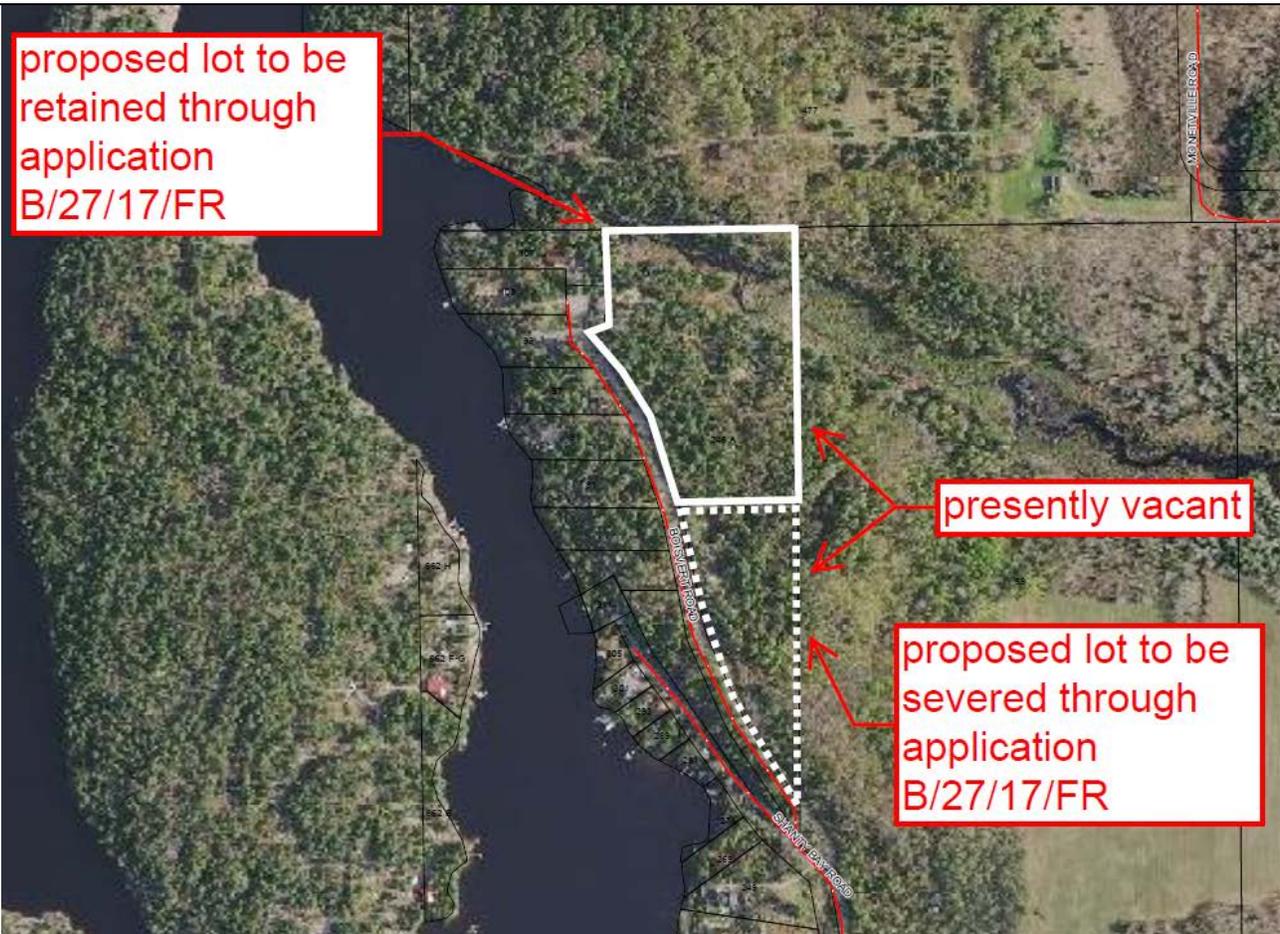
Territorial District of Sudbury

Parcel 1681 S.E.S.

(Roll No. 5201-060-000-309-00)

(SEPB File No. B/27/17/FR and ZBA 17-15FR)

proposed lot to be retained through application B/27/17/FR



presently vacant

proposed lot to be severed through application B/27/17/FR



AERIAL PHOTOGRAPHY

Consent and Zoning By-Law Amendment Applications
(Benoit Pitre)

Lot 6, Concession 5

in the Township of Martland

now in the Municipality of French River

Territorial District of Sudbury

Parcel 1681 S.E.S.

(Roll No. 5201-060-000-309-00)

(SEPB File No. B/27/17/FR and ZBA 17-15FR)



Planning Report: APPLICATION FOR CONSENT AND ZONING BY-LAW AMENDMENT
Report To: SUDBURY EAST PLANNING BOARD Meeting Date: February 8th, 2018
Report To: COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER Meeting Date: January 17th, 2018
Report Date: December 14th, 2017
Applicant(s)/Owners: Benoit Pitre
Agent/Solicitor: D.S Dorland Limited
File Number: B/27/17/FR and ZBA 17-15FR
Property Description: Part of Lot 6, Concession 5
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 1681 Sudbury East Section
 (Roll No.5201-060-000-309-00)
 246 A Shanty Bay Road

APPLICATION:

The purpose of the Application for Consent is to create one (1) residential rural lot with an approximate area of 2.20 hectares, having 319.0 metres of frontage on Shanty Bay which is publicly maintained, year-round road. The proposed severed lot is presently vacant. The proposed retained lot is to be approximately 4.94 hectares in lot area with a lot frontage of approximately 160.0 metres and is presently vacant.

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 property (both the retained and severed lands) to Residential Rural (RR) Zone, in order to recognize the reduced lot area for both the severed and retained lot. Both proposed lots are intended to be developed for residential purposes.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot	2.20 hectares	319.0 metres
Retained Lot	4.94 hectares	160.0 metres
Access:	Publicly maintained (Municipality of French River) year-round road (Shanty Bay 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 Shanty Bay Road. West of Shanty Bay Road, the area	

predominately consists of waterfront residential properties which have frontage on Shanty Bay and to add, a small portion of land is designated open space in the area. To the far north of the subject property includes a portion of an evaluated wetland (MNRF has indicated in their correspondence with the consultant) that will be further discussed in the report, and lastly, the subject property abuts rural lands which do not have further access from Shanty Bay road because the road comes to an end with a cul-de-sac.

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.

The applicant's proposal seeks to create one (1) Residential Rural lot. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding limited development in rural areas that is appropriate for private services.

Section 1.1.4.1(a) of the PPS provides that limited residential development is permitted in rural area in municipalities. The creation of one (1) new lot in the rural area appears to be appropriate in the context of "limited residential".

Section 2.1 of the PPS contains policies which aim to protect natural features and areas for the long term. *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with provincial and federal requirements. The zoning by-law amendment with a special provision will provide a buffer zone where no development with 50 metres of the edge of the wetland. The purpose of this provision is to protect the Blanding's Turtle habitat.

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 criteria for the creation of a new building lot:

- a) Plan of subdivision not appropriate (ie 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);
- 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
- m) The request, if granted, would not pose an undue financial burden on the applicable municipality.

The proposed residential rural use will be compatible with the surrounding rural and residential uses east of Shanty Bay road. With respect to servicing, the applicant has provided the required documentation to demonstrate site suitability for a septic system, reasonable expectation of potable water and capacity for hauled sewage. No development constraints have been identified that would require support studies and municipal staff have expressed no concern. 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 Severed – Residential Rural (RR)
Lot to be Retained – Residential Rural (RR)

The 'Residential Rural (RR)' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60 metres. The proposed lot to be severed will have an area of 2.20 hectares and the retained will have an area of 4.94 hectares and both lots have sufficient frontage on Shanty Bay road. Both the proposed lots will meet these requirements of the Residential Rural (RR) Zone.

The application, as proposed, complies with the regulations of the Zoning By-law.

AGENCY REVIEW

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

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

Bell Canada had no concerns or easement requirements.

Hydro One had no concerns or comments.

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 December 18th, 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.

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 approves application for Zone Change, File Number ZBA 17-15FR, for lands owned by Benoit Pitre, which proposes to change the zoning of the subject lands described as Part of Lot 6, Concession 5, in the Township of Martland, now in the Municipality of French River, from 'Rural (RU)' Zone to 'Residential Rural (RR)' Zone.

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

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

Planning Board Date of Decision: February 8th, 2018
Date of Notice of Decision: February 9th, 2018
Last Date of Appeal: February 28th, 2018

Applicantss: Benoit Pitre
Owners: Same as above
Agent/Solicitor: D.S. Dorland Limited
File Number: B/27/17/FR
Property Description: Part of Lot 6, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 1681 Sudbury East Section
(Roll No. 5201-060-000-309-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File No. B/27/17/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 transfer of one (1) residential rural lot(s) of approximately 2.20 hectares in area with approximately 319 metres of lot frontage, as applied for on Part of Lot 6, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 1681 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/ Killarney/ Markstay-Warren/St.-Charles.
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 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 and retained lands shall be approved, in order to recognize the intend use of such lands.

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.***

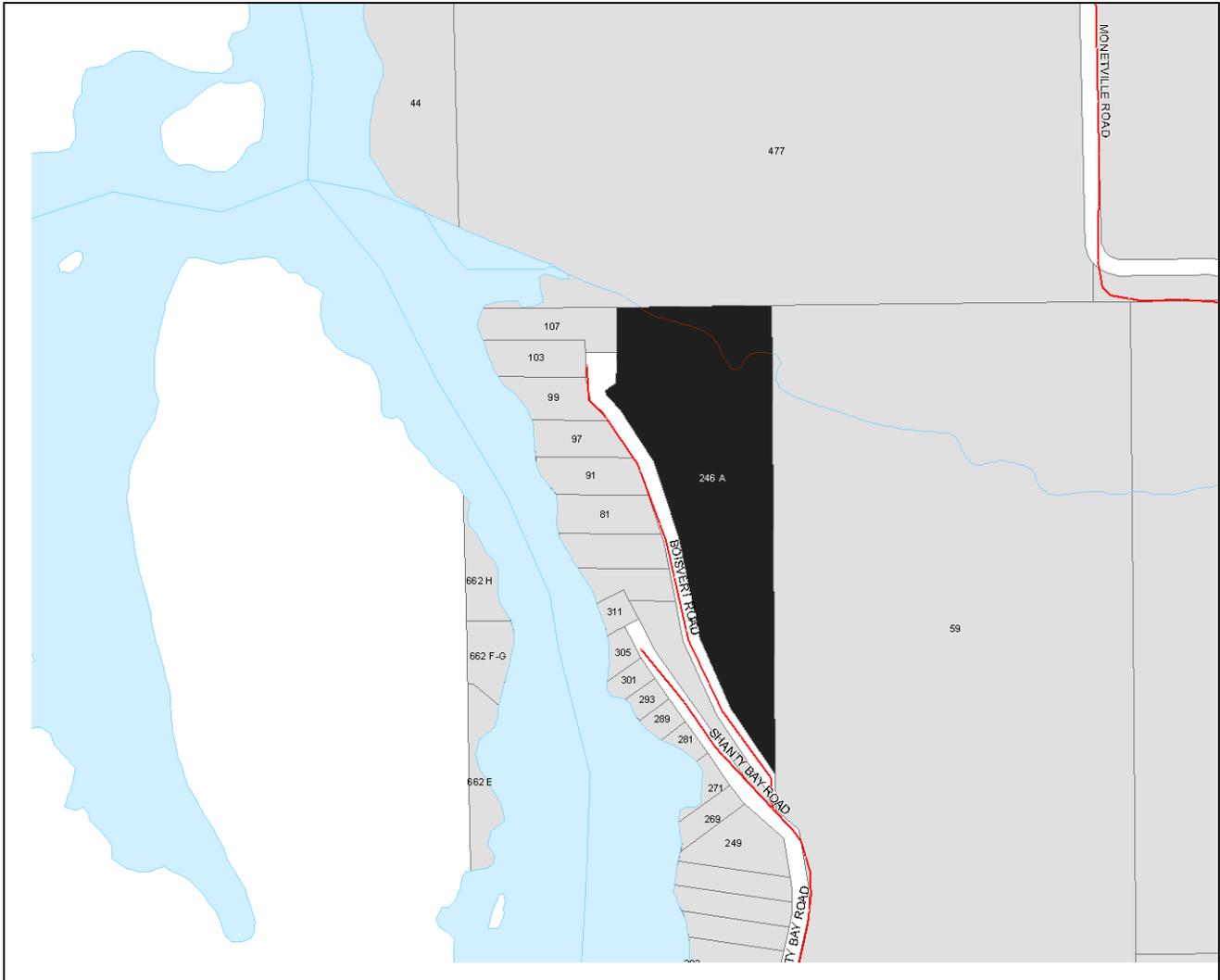
If the conditions to consent approval are not fulfilled within one year of the date of the Notice of Decision and the applicant is still interested in pursuing the proposal, a new application will be required. New applications must be accompanied by a fee.

3. An approved Building Permit must be obtained from the Municipality of French 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. The Ministry of Natural Resources and Forestry has advised that there is potential for Threatened or Endangered Species or their habitat to be present on or adjacent to the subject lands. Prior to development, the applicant may wish to undertake surveys to determine their risk of contravening the Endangered Species Act.
6. 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*.
7. 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.

DRAFT



This is Schedule "A-1" to By-law 2018-** of the Municipality of French River, passed this 17th day of January, 2018.

Chair / Mayor

Secretary-Treasurer / Clerk



Lands zoned Residential Rural (RR), on Part of Lot 6, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury; Parcel 1681 Sudbury East Section.
(Roll No. 5201-060-000-309-00)