



AGENDA
SPECIAL MEETING OF COUNCIL

held in the Council Chambers
French River Municipal Complex
Wednesday, June 18, 2014 at 6:30pm

Re: To hold a Public Hearing
concerning a proposed amendment to
Zoning By-law 2003-23

1. Call to order, roll call and adoption of the agenda
2. Disclosure of Pecuniary Interest
3. Application File No. ZBA 14-03FR (Dave Bolan)
4. Others
5. Adjournment

ORDRE DU JOUR
ASSEMBLÉE SPÉCIALE DU CONSEIL

qui aura lieu dans la salle du conseil
Complexe municipal Rivière des Français
Le mercredi 18 juin 2014 à 18h30

Sujet: Pour tenir une audience publique
concernant un amendement proposé au
règlement du zonage 2003-23

1. Appel à l'ordre, présence et l'adoption de l'ordre du jour
2. Révélation d'intérêt pécuniaire
3. Application File No. ZBA 14-03FR (Dave Bolan)
4. Autres
5. 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 2003-23 OF THE
MUNICIPALITY OF FRENCH RIVER**

Respecting applications for consent and zoning by-law amendment
by Dave Bolan

to the Sudbury East Planning Board
Part of Lot 9, Concession 6 in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 21328 Sudbury East Section
(Roll No. 5201-030-000-15)

(SEPB File Nos. B/10/14/FR and ZBA 14-03FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/10/14/FR at its meeting on **June 19, 2014 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 **June 18, 2014 at 6:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 14-03FR.

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, POH 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, POH 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 May, 2014.

Melissa Riou, MCIP, RPP
Secretary-Treasurer

5 Dyke Street P.O. Box 250 Warren, Ontario POH 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

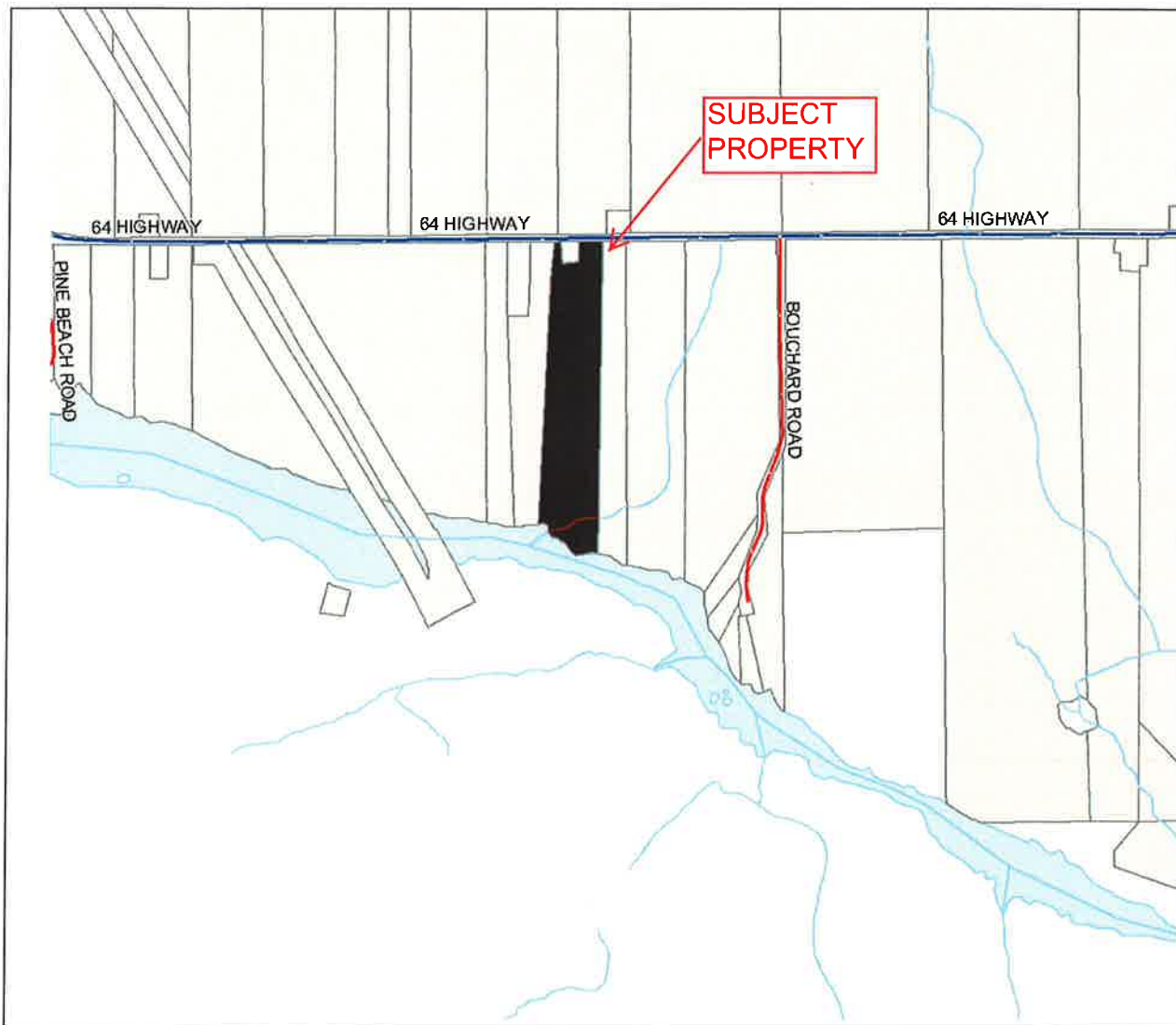
Re: Application Nos. B/10/14/FR and ZBA 14-03FR
(Dave Bolan)
Roll Nos. 5201-030-000-154-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2003-23 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 Dave Bolan to rezone lands described as Part of Lot 9, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury (Parcel 21328 Sudbury East Section).

The subject lands are presently zoned Waterfront Residential (WR) under Zoning By-law 2003-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will rezone the lot to be severed through consent application B/10/14/FR to Residential Rural (RR) to recognize the intended use of the lot. The proposed lot to be severed will have an approximate area of 1.2 hectares and frontage of 63.0 metres. The proposed lot to be severed will have an approximate area of 9.5 hectares and a frontage of 190 metres on the French River.

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
(Dave Bolan)

Part of Lot 9, Concession 6
in the Township of Mason
now in the Municipality of French River
Territorial District of Sudbury
being Parts 6-10, Plan 53R-19521
Parcel 21328 S.E.S.

(Roll No. 5201-030-000-154-00)

(SEPB File Nos. B/10/14/FR and ZBA 14-03FR)



Planning Report: **APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT**
Report To: **SUDBURY EAST PLANNING BOARD** **Meeting Date:** June 19, 2014
Report To: **COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER** **Meeting Date:** June 18, 2014
Report Date: May 29, 2014

Applicant(s): Dave Bolan
Owner(s): Dave Bolan
Agent/Solicitor: n/a
File Number: B/10/14/FR
Related Files: ZBA 14-03FR
Property Description: Part of Lot 9, Concession 6
 in the Municipality of French River
 Territorial District of Sudbury
 Parcel 21328 Sudbury East Section
 (Roll No. 5201-030-000-154-00)
 2294 Highway 64

1. PROPOSAL:

The purpose of the Application for Consent is to to sever 1.2 hectares from the subject lands. The proposed severed lot is to be approximately 1.2 hectares in lot area with a lot frontage of approximately 63 metres. The proposed retained lands are to be approximately 9.5 hectares in lot area with a lot frontage of approximately 190 metres on the French River.

The lands are located in the south side of Highway 64 west of Bouchard Road.

2. SUBJECT LANDS:

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	1.2 hectares	63 metres
	Retained Lot	9.5 hectares	190 metres
Access:	Publicly maintained Ministry of Transportation year-round road (2294 Highway 64).		
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.		
School Busing:	Available		
Garbage Collection:	Available		
Fire Protection:	Available		
Shore Road Allowance:	Not applicable.		

3. PROVINCIAL POLICY STATEMENT:

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 new rural residential lot along highway 64. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding limited rural development on appropriate services.

4. OFFICIAL PLAN POLICIES:

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.

The Ministry of Transportation has no objections to the application and the Sudbury and District Health Unit indicates that the lot is suitable for a septic system.

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

5. ZONING BY-LAW (BY-LAW 2003-23):

Current Zoning: Waterfront Residential (WR)

Proposed Zoning: Rural Residential (RR)

Comments: The Residential Rural (RR) zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60 metres. The lot to be severed meets these requirements and is presently vacant. Building/access

permits will be required as per comments from the Ministry of Transportation, notes to that effect have been included in the Consent-in-Principle conditions.

The lot to be retained will remain under the current Waterfront Residential (WR) zoning and will continue to meet the minimum requirements for lot frontage and lot area.

6. 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 comments or concerns.

Council for the Municipality of French River had no concerns with the application.

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

The Ministry of Transportation requested that notes be added to the Consent-in-Principle conditions reflecting requirements for building/land use permits.

7. PUBLIC CONSULTATION:

Notice of the consent application was sent to surrounding property owners on May 29, 2014, 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.

8. 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.

9. RECOMMENDATION:

Consent:

Whereas the application for consent is consistent with the 2005 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.

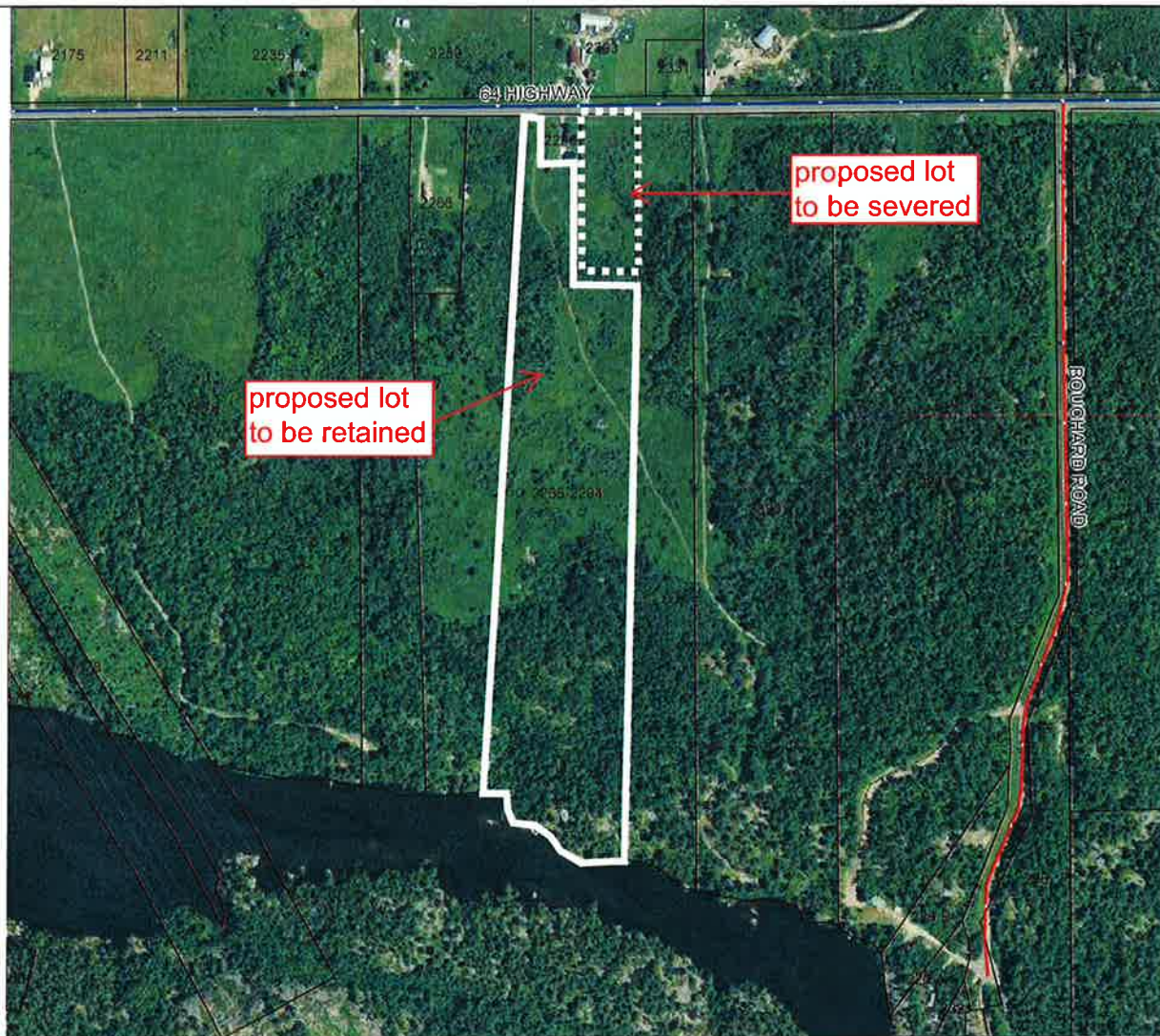
Zoning By-law Amendment:

That the Municipality of French River approve application for Zone Change, File Number ZBA 14-03FR, for lands owned by Dave Bolan, which proposes to change the zoning of lands described as Part of Lot 9, Concession 6, in the Township of Mason, now in the Municipality of French River, parts 6-10, 53R-19521, being the severed lands from 'Waterfront Residential Zone (WR)' to the 'Residential Rural Zone (RR)' to facilitate the severance of one (1) rural residential lot 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



AERIAL PHOTOGRAPHY

Consent and Zoning By-law Amendment Applications

(Dave Bolan)

Part of Lot 9, Concession 6

in the Township of Mason

now in the Municipality of French River

Territorial District of Sudbury

being Parts 6-10, Plan 53R-19521

Parcel 21328 S.E.S.

(Roll No. 5201-030-000-154-00)

(SEPB File Nos. B/10/14/FR and ZBA 14-03FR)

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

Planning Board Date of Decision: June 19, 2014
Date of Notice of Decision: **
Last Date of Appeal: **

Applicants(s): Dave Bolan
Owner(s): Dave Bolan
Agent/Solicitor: n/a
File Number: B/10/14/FR
Property Description: Part of Lot 9, Concession 6
in the Municipality of French River
Territorial District of Sudbury
Parcel 21328 Sudbury East Section
(Roll No. 5201-030-000-154-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, ***SEPB File No. B/10/14/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 a transfer of 1 residential rural lot of approximately 1.2 hectares in area with approximately 63.0 metres of lot frontage, as applied for on Part of Lot 9, Concession 6, in the Municipality of French River, Territorial District of Sudbury, (Parcel 21328 Sudbury East Section).
2. 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.
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.
5. If required by the Municipality of French River, 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 2003-23 of the Municipality of French River retained lands shall be approved, in order to recognize the intended use of the 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 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. The Ministry of Transportation advises that a building/land use permit will be required for any proposed buildings, septic systems, wells etc located within 46m of the MTO right-of-way (ROW) limits or within a 183 metre radius of intersections. New buildings, septic systems etc. must be setback a minimum of 8 metres from the limits of the MTO ROW. New wells must be setback a minimum of 30 metres from the limits of the MTO ROW.
6. The Ministry of Transportation advises that an MTO entrance permit will be required to reflect any changes in land ownership or to reflect the upgraded use of an entrance from a field entrance to a residential or shared entrance.
7. The Ministry of Transportation advises that access to the retained part will be restricted to the existing shared entrance which provides access to previously severed lots. A new shared entrance permit will be required to ensure that the owner of the retained lot is a permitted user of the existing entrance.
8. Further information with respect to MTO permit and setback requirements can be obtained by contacting Ms. Anne Poliquin-Chaput at our Sudbury Area office at (705)564-7706.

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2014-**

Being a By-law to amend Zoning By-law 2003-23, as amended
(Dave Bolan)

WHEREAS By-law 2003-23 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) 10 (Mason Township) of By-law 2003-23 of the Municipality of French River, as amended, is hereby further amended by changing the Waterfront Residential Zone (WR) to a Residential Rural Zone (RR), on Part of Lot 9, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury, being Parts 6-10, Plan 53R-19521, part of Parcel 21328 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
3. 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 18th day of June, 2014.

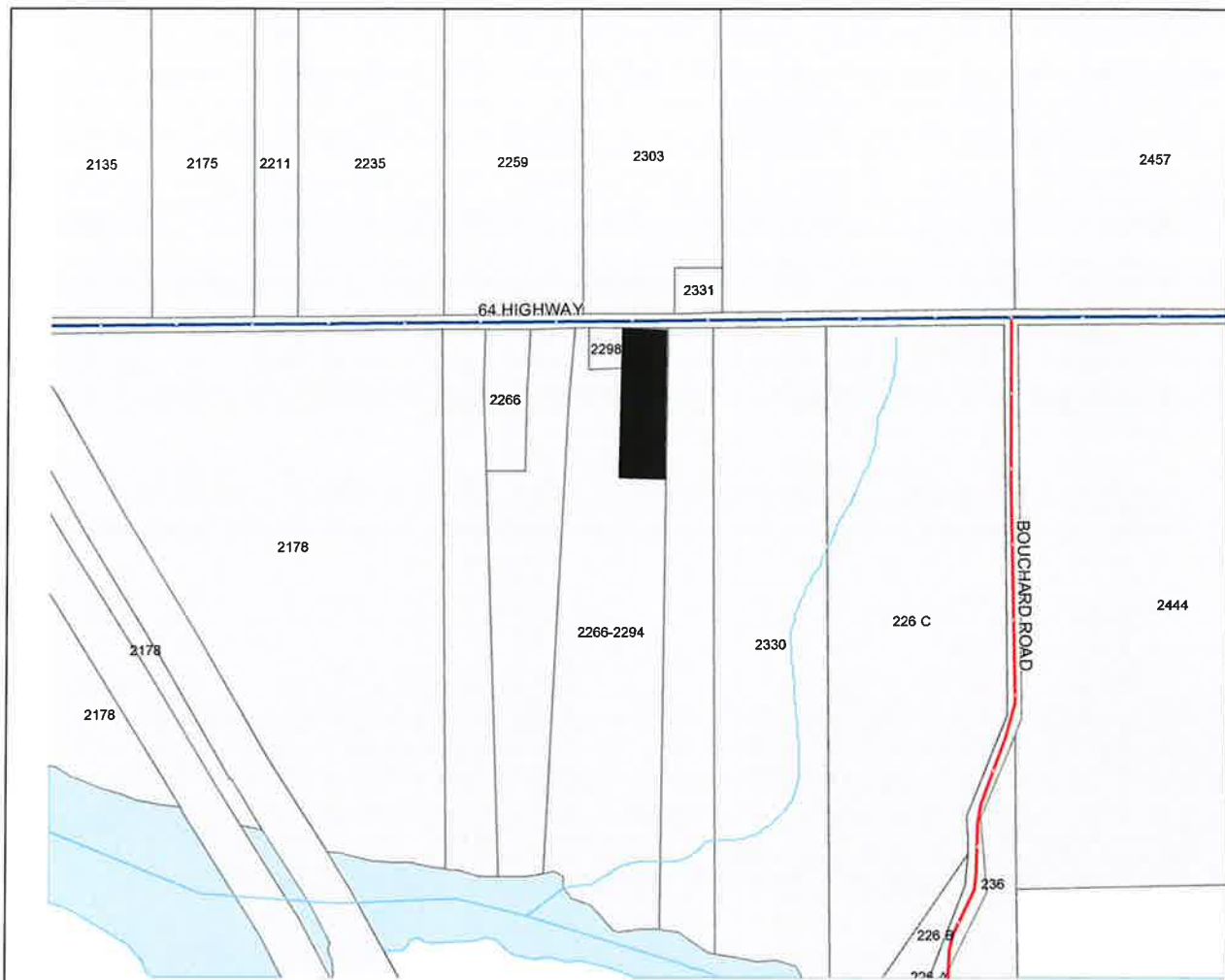
MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 18th day of June, 2014.

MAYOR

CLERK



This is Schedule "A-1" to By-law 2014- of the Municipality of French River, passed this 18th day of June, 2014.

Mayor

Clerk



Lands zoned Residential Rural (RR), on Part of Lot 9, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury; being Parts 6-10, Plan 53R-19521, Parcel 21328 Sudbury East Section.
(Roll No. 5201-030-000-154-00)