



AGENDA

SPECIAL MEETING OF COUNCIL

held in the Council Chambers
French River Municipal Complex
Wednesday, November 20, 2013 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 13-09FR
(Brian & Carol O'Rawe, Sand Beach Lodge)
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 20 novembre 2013 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 13-09FR
(Brian & Carol O'Rawe, Sand Beach Lodge)
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 an applications for consent and zoning by-law amendment
by Brian and Carol O'Rawe (Sand Beach Lodge Corp)
to the Sudbury East Planning Board
Part of Lot 2, Concession 3 in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
Being Lots 15-16, Plan M550
Remnant Parcels 4091 and 51707 Sudbury East Section
(Roll No. 5201-040-000-235-00)
(SEPB File Nos. B/19-20/13/FR and ZBA 13-09FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Applications B/19-20/13/FR at its meeting on **November 14, 2013 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 **November 20, 2013 at 6:30 p.m. at the French River Municipal Office, 44 St.Christophe Street, Noelville, Ontario** for application ZBA 12-21FR.

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 October, 2013.

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

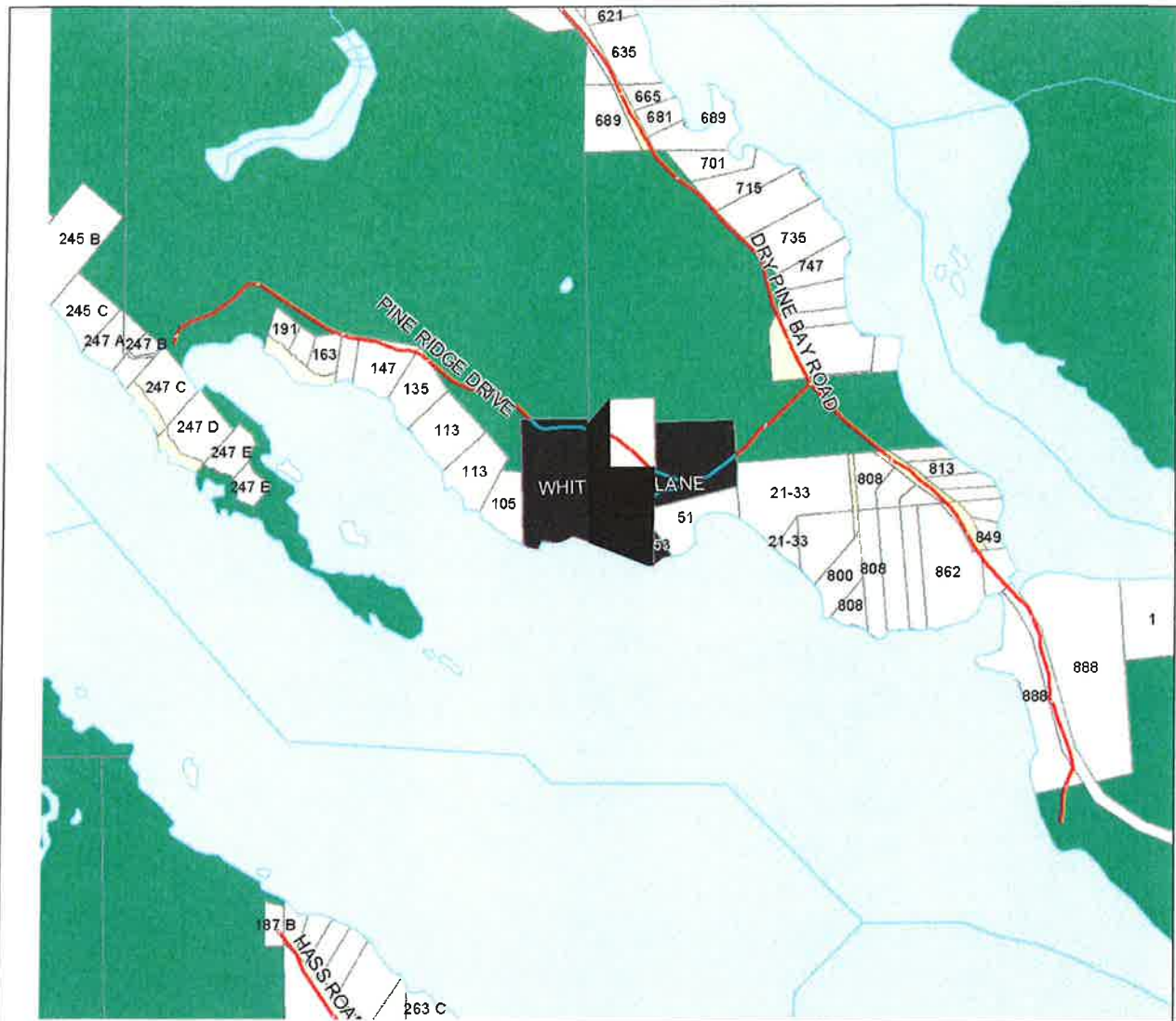
Re: Application Nos. B/19-20/13/FR and ZBA 13-09FR
(Brian and Carol O'Rawe (Sand Beach Lodge Corp))
Roll No. 5201-040-000-235-00

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 Brian and Carol O'Rawe, to rezone lands described as Part of Lot 2, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury (Parcels 4091 and 51707 Sudbury East Section).

The subject lands are presently zoned Waterfront Commercial Tourist (WCT) under Zoning By-law 2003-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will rezone both the lots to be severed through consent applications B/19-20/13/FR and the lot to be retained to Waterfront Residential (WR) to recognize the intended use of the lot. Each of the proposed lots contain existing structures, but will be limited to retaining one primary dwelling, an accessory sleep cabin and other non-habitable accessory structures in accordance with the requirements of the Waterfront Residential (WR) Zone. The current lodge use is proposed to discontinue.

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
 (Brian and Carol O'Rawe)
 Part of Lot 2, Concession 3
 in the Township of Bigwood
 now in the Municipality of French River
 Territorial District of Sudbury
 being Lot 1, Plan M-551 and Lots 15-16, Plan M-550
 Parcels 4091, 51707 and 13554 S.E.S.
 (Roll No. 5201-040-000-235-00)

SEPB File Nos. B/19-20/13/FR and ZBA 13-09FR

**SUDBURY EAST PLANNING BOARD
CONSENT AND ZONING BY-LAW AMENDMENT - PLANNING REPORT**

October 29, 2013

Applicant(s): Brian and Carol O'Rawe (Sand Beach Lodge Corp)
Owner(s): same as above
Agent/Solicitor: none
File Numbers: B/19-20/13/FR and ZBA 13-09FR
Related Files: Not applicable.
Property Description: Part of Lot 2, Concession 3
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Lots 15-16, Plan M550
Parcels 4091 and 51707 Sudbury East Section
(Roll No. 5201-040-000-235-00)

1. PROPOSAL:

To sever two (2) waterfront lots from the subject lands. The proposed severed lot A is to be approximately 0.8 hectares in lot area with a shoreline lot frontage of approximately 45 metres; proposed severed lot B is to be approximately 0.83 hectares in lot area with a shoreline frontage of approximately 64 metres; the proposed retained lands are to be approximately 1.2 hectares in lot area with a lot frontage of approximately 71.3 metres. The existing waterfront commercial operation is proposed to be discontinued and the proposed severed and retained lands are to be used as waterfront residential lots.

2. SUBJECT LANDS:

1)	Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot A	0.8 hectares	45 metres
	Severed Lot B	0.83 hectares	64 metres
	Retained Lot	1.2 hectares	71.3 metres
2)	Access:	Publicly maintained (Municipality of French River) year-round road (Pine Ridge Road).	
3)	Servicing:	Privately owned and operated individual septic system. Water supplied via river.	
4)	School Busing:	Available.	
5)	Garbage Collection:	Not available.	
6)	Fire Protection:	Available.	
7)	Shore Road Allowance:	Not applicable.	

3. OFFICIAL PLAN POLICIES:

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

Waterfront Policy Areas are intended to provide the main locations for seasonal and limited permanent residential, recreational and tourism-oriented commercial uses.

Development is intended to occur on private water and sewage services and shall be confirmed prior to approval of new development. One primary dwelling is permitted on each residential lot, as well as a single secondary sleeping cabin provided it complies with provisions of the implementing Zoning By-law.

In accordance with Section 2.2.9.1.7, when considering a zoning amendment that would remove a water oriented recreational and tourist commercial use, the application shall be subject to the following policies:

- a) The proponent shall submit a market impact study justifying the proposed use, the removal of the tourist commercial use, and its potential impact on the area and its residents;
- b) The proposed use is desirable and complementary to the immediate and surrounding uses;
- c) The Planning Board and Municipality may require the proponent to have their sewage disposal system tested and possibly replaced to conform to newer technologies for phosphorus removal; and
- d) That approvals are obtained to ensure that the sewage disposal system that will service the proposed use is adequate and appropriate.

To satisfy the above policy requirements, the applicants have submitted a ***Sewage and Water Services Assessment***, containing a Market Impact Study completed by Canadian Shield Consultants. The Assessment demonstrates that the three lots would comply with the Planning for Sewage and Water Services Guideline and the intent behind the Official Plan for the Sudbury East Planning Board under full importation of fill criteria. Requirements for the existing systems are outlined in Ministry of the Environment comments in the Agency Review section of this report.

The ***Market Impact Study*** shows that occupancy has decreased from 30% in 2008 (year purchased by Mr. O'Rawe) to 22% in 2012. Due to a number of market trends, it does not appear that the trend will be reversed and efforts to sell the entire lodge property as a commercial operation have not been successful. With regard to impact on local economy, the study indicates that minimal impact is anticipated. The former chef was employed from elsewhere, with local support staff including a housekeeper, a waitress and maintenance worker. Food supplies were not from local sources. The lodge caters to registered guests and does not provide restaurant/bar facilities for the local market.

The application, as proposed, generally conforms to the intent and the

policies of the Official Plan.

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

- 1) Current Zoning: Waterfront Commercial Tourist (WCT)
- 2) Proposed Zoning: Waterfront Residential (WR) with a special provisions.
- 3) Comments: It is proposed that both the lots to be severed and the lot to be retained be rezoned from the current ‘Waterfront Commercial Tourist (WCT)’ classification to a ‘Waterfront Residential (WR) Zone’ to recognize that none of the lots will be operated as a commercial tourist use and instead are proposed to be converted to residential use. The Waterfront Residential (WR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. In the case of waterfront lots, lot frontage is considered to be the amount of shoreline frontage.

Proposed severed lot A is proposed to have a lot area of 0.8 hectares, a shoreline frontage of 45 metres and road frontage of 63 metres. Reduced frontage will be recognized through the associated application for zoning by-law amendment. Lot A contains a single detached dwelling and two (2) sleep cabins. One sleep cabin must be removed or converted to a non-habitable use. The rationale for requesting a reduced lot frontage on Lot A is that boat house and main lodge were both original structures from the Seagram family camp and share similar design characteristics and should remain on the same lot. While there is sufficient shoreline frontage that, should it be divided equally among the proposed lots, each lot would have sufficient frontage to meet the requirements of the by-law, based on the location of the boathouse, that would not be the most desirable configuration.

Proposed severed lot B is proposed to have a lot area of 0.83 hectares, a shoreline frontage of 64 metres and road frontage of 27.4 metres. Lot B contains the current primary lodge, boat house, and 8 accessory buildings (2 staff houses, 3 storage structures, a woodshed, laundry building, and spa). One accessory building would be permitted to remain as a sleep cabin, while others would be required to be converted to non-habitable use.

The proposed retained lot will have a lot area of 1.2 hectares, a shoreline frontage of 71.3 metres and road frontage of 41 metres. The retained lot contains seven (7) structures, 6 of which are cottages, one is used as a workshop. As discussed earlier in the report, each waterfront residential lot is permitted to have a singular dwelling, one accessory sleep camp, the remaining structures must be removed or converted to non-habitable use.

Each of the proposed new lots will comply with the requirements of the ‘Waterfront Residential (WR)’ Zone, with the exception of Lot A, for which special provisions have been requested to permit a reduced lot frontage.

5. 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 expressed no concerns.

The Ministry of the Environment indicates that they will require proof from a qualified professional (either a Professional Engineer or a Professional Geoscientist or a licensed installer under the Ontario Building Code) that decommissioning of the existing septic systems has been done. The applicant must submit such proof and an application requesting the current Environmental Compliance Approval be revoked.

No other comments or concerns were received as of the date this report was authored.

6. PROVINCIAL POLICY STATEMENT:

- 1) Comments: The Provincial Policy Statement (2005) 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.

Section 1.6.4.4 states that individual on-site sewage services and individual on-site water services shall be used for new development of five or less lots or private residences where municipal services are not available and where site conditions are suitable for the long-term provision of such services.

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

7. MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT:

- 1) Comments: 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.

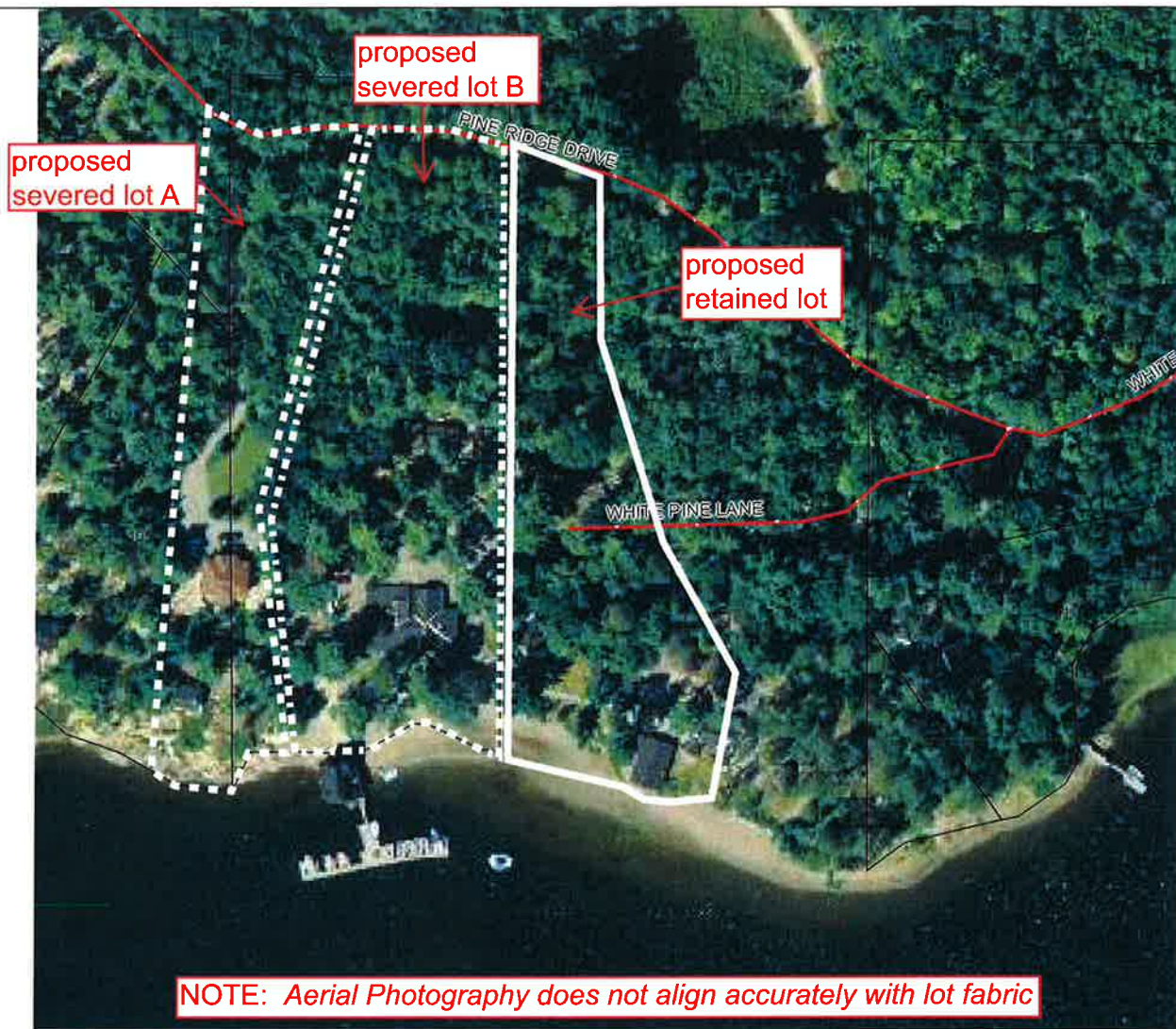
8. CIRCULATION/NOTICE OF APPLICATION:

The Notice of Application was sent on October 29, 2013, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 197/96) thereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Melissa Riou'.

Melissa Riou, MCIP, RPP
Director of Planning



AERIAL PHOTOGRAPHY

Consent and Zoning By-law Amendment Applications
 (Brian and Carol O'Rawe (Sand Beach Lodge Corp))
 Part of Lot 2, Concession 3
 in the Township of Bigwood
 now in the Municipality of French River
 Territorial District of Sudbury
 being Lots 15-16, Plan M550
 Parcels 4091 and 51707 S.E.S.
 (Roll No. 5201-040-000-235-00)
 (SEPB File Nos. B/19-20/13/FR and ZBA 13-09FR)

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2013-

Being a By-law to amend Zoning By-law 2003-23, as amended
(Brian and Carol O'Rawe)

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) 9 (Bigwood Township) of By-law 2003-23 of the Municipality of French River, as amended, is hereby further amended by changing the Waterfront Commercial Tourist Zone (WCT) to a Waterfront Residential Zone (WR), on Part of Lot 2, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Lots 15-16, Plan M550, Parcels 4091 and 51707 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Schedule(s) 9 (Bigwood Township) of By-law 2003-23 of the Municipality of French River, as amended, is hereby further amended by changing the Waterfront Commercial Tourist Zone (WCT) to a Waterfront Residential Zone (WR) and adding special provision 70, on Part of Lot 2, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Lots 15-16, Plan M550, Parcels 4091 and 51707 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
3. Section(s) 8 of By-law 2003-23 of the Municipality of French River is hereby amended by the addition of the following Special Provision:
 70. Notwithstanding any provisions to the contrary of Section(s) 7.6 of By-law 2003-23, within the lands zoned Waterfront Residential (WR), described as Part of Lot 2, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Lots 15-16, Plan M550, Parcels 4091 and 51707 Sudbury East Section, the following special provisions shall apply:
 - (i) Regulations:
 - Minimum Lot frontage – 45.0 metres

All other provisions of By-law 2003-23 as applicable to the Waterfront Residential Zone (WR) shall apply.

4. Schedule "A-1" is hereby declared to form part of this By-law.
5. 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 20th day of November, 2013.

MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 20th day of November, 2013.

MAYOR

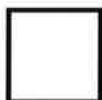
CLERK



This is Schedule "A-1" to By-law 2013- of the Municipality of French River, passed this 20th day of November, 2013.

Mayor

Clerk



Lands zoned Waterfront Residential (WR), on Part of Lot 2, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury; being Lots 15-16, Plan M550, Parcels 4091 and 51707 Sudbury East Section.
(Roll No. 5201-040-000-235-00)



Lands zoned Waterfront Residential (WR), subject to Special Provision 70 (S70), on Part of Lot 2, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury; being Lots 15-16, Plan M550, Parcels 4091 and 51707 Sudbury East Section.
(Roll No. 5201-040-000-235-00)