

**THE EIGHTEENTH MEETING OF THE COMMITTEE OF THE WHOLE - PLANNING
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11
Tom Davies Square**

**Tuesday, December 11, 2001
Commencement: 7:31 p.m.
Adjournment: 10:34 p.m.**

CHAIR RON BRADLEY PRESIDING

Present Councillors Callaghan, Courtemanche, Craig, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Petryna, Portelance

Staff J. Rule, Chief Administrative Officer; B. Lautenbach, Director, Planning Services; A. Potvin, Manager of Development Services; P. Baskcomb, Manager of Community and Strategic Planner; L. McKinnon, Lake Water Quality Program Co-ordinator; T. C. Wu, Senior Planner; R. Swiddle, Director of Legal Services/City Solicitor; D. Bélisle, General Manager of Public Works; G. Clausen, Director of Engineering Services; R. Norton, Co-Ordinator of Technical Services; N.D.C.A.; L. Moulaison, Planning Technician; A. Haché, Deputy Clerk; S. Hotti, Planning Secretary

Media The Box, MCTV, Northern Life

Declarations of Pecuniary Interest None declared.

DELEGATION

Sudbury's 2001 Lake Water Quality Initiative Report dated December 4, 2001 was received from the Director of Planning Services and the General Manager, Economic Development regarding City of Greater Sudbury's 2001 Lake Water Quality Initiative.

Information Package that was distributed at the Living with Lakes Forum on November 22, 2001, was circulated to Committee Members under separate cover.

Mr. Paul Baskcomb, Manager of Community and Strategic Planner and Ms. Lana McKinnon, Lake Water Quality Program Co-ordinator were present and gave a power point presentation on the Sudbury's 2001 Lake Water Quality Initiative.

The Manager of Community and Strategic Planner addressed the Committee explaining that in response to concerns regarding the quality of water in city lakes and the mandate of various government agencies to protect lake water quality, Planning staff prepared a report on the broad issue of lake water quality. This report was presented to the Planning and Development Committee on July 21, 2000. It recommended that lake experts in the community and concerned citizens be invited to a meeting to discuss the many issues surrounding lake water quality and to be provided with information on future municipal involvement in this important issue.

DELEGATION (Cont'd.)

Sudbury's 2001 Lake Water Quality Initiative (Cont'd.)

In September 2000, a Lake Water Quality Workshop was held with water quality experts, public agencies and citizens having an interest in water quality issues. Based on the input from the meeting, a report was prepared for the Region's Planning and Development Committee. The Committee adopted the following recommendations:

- initiate a municipal lake water quality monitoring program
- hire a Lake Water Quality Co-ordinator
- establish a city-wide Lake Improvement Advisory group
- facilitate establishment of watershed-based Lake Stewardship Committees
- obtain start-up funding of \$120,000 for the first year

He briefly highlighted the 2001 Lake Water Quality Program accomplishments which included entering into a partnership with Co-operative Freshwater Ecology Unit to undertake a Spring Phosphorus Sampling Program. Forty-six city lakes were sampled as well as more than one thousand smaller water bodies. Of the forty-six lakes sampled in the spring, sixteen priority lakes were re-sampled this past summer.

He advised that a Lake Water Quality Co-ordinator was hired. Advertisements were placed for public involvement in the Greater Sudbury Lake Improvement Advisory Panel. The selection of this Advisory Panel will be made by the Committee of the Whole-Planning at its meeting on January 15, 2002.

The Lake Water Quality Co-ordinator addressed the Committee highlighting some of the major accomplishments of the Lake Water Quality Initiative. She advised that a Living with Lakes Forum was held in November 2001 at Science North with a high level of public interest (200 people in attendance). She gave a live demonstration of the website (www.city.greatersudbury.on.ca/lakewaterquality/) that has been established to provide historical and current lake data, and to update the community on the activities of the Lake Water Quality Initiative. The website has an interactive watershed map and lake water quality data, as well as a designated area for lake stewardship news. She advised currently there are 15 lake stewardship groups that have been formed in the City of Greater Sudbury.

Looking ahead to 2002, she advised that they plan to organize the 2001 summer data; pilot snow-melt runoff sampling for Ramsey Lake; catalogue stewardship activities; update the website; be more interactive with stewardship groups; hold an annual Living With Lakes Forum; and do more spring phosphorus sampling.

Cont'd...

DELEGATION (Cont'd)

Sudbury's 2001
Lake Water Quality
Initiative (Cont'd)

The following resolution was presented:

2001-184 Gainer-Davey: That the City of Greater Sudbury's 2001 Lake Water Quality Initiative Report be received.

YEAS

Callaghan
Courtemanche
Craig
Davey
Dupuis
Gainer
Lalonde
McIntaggart
Petryna
Portelance
Bradley

NAYS

CARRIED

PUBLIC HEARING - DRAINAGE ACT

NEW COBDEN ROAD MUNICIPAL/AGRICULTURAL DRAIN

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated December 3, 2001 was received from the General Manager of Public Works regarding New Cobden Road Municipal/Agricultural Drain, City of Greater Sudbury.

Engineering Report dated October 31, 2001 from K. Smart Associates Limited, Consulting Engineers and Planners regarding the New Cobden Road Municipal/Agricultural Drain, City of Greater Sudbury, was circulated to Committee Members under separate cover.

Chair Bradley addressed the Committee stating that anyone who signed the petition for the New Cobden Road Municipal/Agricultural Drain has the right to withdraw his or her name from the petition. This withdrawal must be in writing and must be submitted to the Clerk this evening prior to the Committee completing its discussions on the matter.

As well, other property owners in the area requiring drainage have the right to sign the petition. Anyone whose names are not on the petition may come to the Clerk's desk this evening and sign the petition.

Cont'd . . .

PUBLIC HEARING - DRAINAGE ACT (Cont'd.)

NEW COBDEN ROAD MUNICIPAL/AGRICULTURAL DRAIN (Cont'd.)

It was noted that Albert and Gisele Daoust, 466 New Cobden Road and Neil and Hazel Wiebe, 766 New Cobden Road, added their names to the petition.

Mr. Ken Smart, P. Eng, author of the Engineering Report for the New Cobden Road Municipal/Agricultural Drain addressed the Committee. He stated that the proposed project was initiated by a petition of six landowners on both the north side and the south side of New Cobden Road in Lots 9 and 10, Concessions 1 and 2 (former Dowling Township).

The works propose to provide for beaver dam control and brushing. The work recommended is to improve an existing channel that commences in Simmons Lake, that angles through the Alfarano, M.N.R., Mintenko and Wiebe properties on the south side of New Cobden Road, that then runs across New Cobden Road, and that then carries across the Wiebe and Fechner properties. The work of improvement will commence approximately 300 m upstream of Simmons Lake. The project also includes the improvement of one main tributary ditch to this channel to construct three new short branch drains. The total estimated cost of the project is \$239,000. The project is subsidized two-thirds by the Province and the majority of the lands are agricultural.

Mr. Neil Wiebe, 766 New Cobden Road, addressed the Committee stating that he owns two parcels of land (160 acres) on opposite sides of New Cobden Road. He noted that some of his neighbours suffer from seasonal flooding and that proper beaver control is needed. He advised that he is very much in favour of the project.

Mr. Jim Little, 1767 Wallace Road, addressed the Committee stating that his property is located at the end of New Cobden Road, adjacent to Simmons Lake. He advised that he is not adverse to the proposed drain. There have been flooding issues and they have to be rectified. He referred to the Engineer's Report which states, "beaver dams contain stagnant waters with some pollutants and the removal of such will assist in downstream water quality improvements". He questioned that statement as the whole area is wetlands, which in his opinion, are good in getting rid of pollutants.

Being the downstream landowner in the watershed he expressed concern regarding the alteration of the water quality to Simmons Lake with the use of spraying chemicals to control brush growth in the drain. He requested a letter saying that the water quality of Simmons Lake would not be affected if chemicals were used.

Mr. Smart advised that in his participation in various other drains, beaver dams have been discussed. The general consensus has been when water is standing still behind a dam, the quality of water will deteriorate. It has been generally acknowledged that beaver dams contain stagnant waters with some pollutants and the removal of such will assist in downstream water quality improvements. The provision of a continuous channel will also promote fish habitat.

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PUBLIC HEARING - DRAINAGE ACT (Cont'd.)

NEW COBDEN ROAD MUNICIPAL/AGRICULTURAL DRAIN (Cont'd.)

With respect to shrub/brush control, Mr. Smart advised that not all municipal drains are sprayed. He stated that the Drainage Engineer's Association's position for spraying is there will be no downstream damage if spraying is done on the shoots of new growth during the months of July and August when there is minimal water movement. To-date they are not aware of any problems associated with spraying. He indicated that if a landowner does not wish to have the brush sprayed then they should forward a letter requesting no spraying.

Mr. Little stated that he would be satisfied if the whole drainage ditch and area were not sprayed at all. A suitable option for controlling the brush would be by a mechanical means. There is a potential of problems downstream if sprayed upstream.

The Committee Chair advised Mr. Little to forward a letter to the City of Greater Sudbury requesting no spraying

Mr. Little also pointed out that the area encompassing the bottom half of Simmons Lake down to the North shore of Vermillion lake is deemed a Provincially Significant Wetland by the Ministry of Natural Resources and thus a protected area from any future development or alteration by human activities. With the alteration of landscape of property, he questioned if it is in contravention to any policies with the Ministry of Natural Resources.

Mr. Smart advised that this particular process has involved the Ministry of Natural Resources and the Department of Fisheries and Oceans. They have both received a copy of the Engineer's Report and have not expressed any concerns.

Mr. Charlie Annett, 797 New Cobden Road, addressed the Committee stating that he has resided in the area since 1965. He advised that they have had flooding problems since 1975 when the beavers moved in. He pointed out that their road has been flooded three times this year and bush on his property has been destroyed because of the beaver. He stated that he enjoys farming and hopes the Committee will approve the proposed drain.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

The following resolution was presented:

2001-185 McIntaggart-Petryna: That the Committee of the Whole - Planning recommend that the Council of the City of Greater Sudbury give first and second reading to By-law 2001-301 to provide for the New Cobden Road drainage works in the City of Greater Sudbury.

CONCURRING MEMBERS: Councillors Callaghan, Courtemanche, Craig, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Bradley

CARRIED

PUBLIC HEARINGS - PLANNING ACT

REZONING APPLICATION TO PERMIT OVERFLOW PARKING FOR 319 LASALLE BOULEVARD - DANEDCO LAND DEVELOPMENT INC.

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated December 3, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit overflow parking for 319 Lasalle Boulevard - Danedco Land Development Inc.

The Director of Planning Services outlined the application to the Committee.

Mr. Stephen Watt, solicitor, representing Danedco Land Development Inc., was present and indicated he was satisfied with the staff recommendation.

No objectors were present.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

2001-186 Davey-Gainer: That the application by Danedco Land Development Inc. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Lot 56 and Part of Lot 55, Plan M-164 in Lot 4, Concession 5, McKim Township from "PS", Private Open Space to "PS-Special", Private Open Space Special be approved subject to the following:

- a) That the only permitted use shall be overflow parking for the property municipally known as 319 Lasalle Boulevard.

CONCURRING MEMBERS: Councillors Callaghan, Courtemanche, Craig, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Bradley

CARRIED

REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A FOURPLEX AT 170 TURNER AVENUE, SUDBURY - KIM NGUYEN AND HANH NGUYEN AND HOA TRAN

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated November 30, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the construction of a fourplex at 170 Turner Avenue, Sudbury - Kim Nguyen and Hanh Nguyen and Hoa Tran.

Cont'd...

PUBLIC HEARINGS - PLANNING ACT (Cont'd.)

REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A FOURPLEX AT 170 TURNER AVENUE, SUDBURY - KIM NGUYEN AND HANH NGUYEN AND HOA TRAN (Cont'd.)

The Director of Planning Services outlined the application to the Committee.

Ms. Kim Nguyen, applicant was present and advised she was satisfied with the staff recommendation.

No objectors were present.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

2001-187 Gainer-Dupuis: That the application by Kim Nguyen & Hanh Nguyen & Hoa Tran to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R2", Double Residential to "R3.D50", Mixed Multiple Residential with respect to those lands described as Parts 8 and 9, Plan 53R-11180 in Lot 4, Concession 6, Township of McKim, be approved subject to the following condition:

1. Prior to the passage of an amending zoning by-law the applicant/owners shall have a grading and drainage plan completed and registered on the title of the property to the satisfaction of the General Manager of Public Works which details the proposed site entrance, grades of adjacent properties and standard grading elements.

CONCURRING MEMBERS: Councillors Callaghan, Craig, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Bradley

CARRIED

REZONING APPLICATION TO PERMIT AN EXISTING SEASONAL DWELLING TO BE USED AS A PERMANENT DWELLING AT 290 BOUNDARY ROAD, WHITEFISH - JOHN CORSI

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated December 3, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit an existing seasonal dwelling to be used as a permanent dwelling at 290 Boundary Road, Whitefish - John Corsi.

Cont'd...

PUBLIC HEARINGS - PLANNING ACT (Cont'd.)

REZONING APPLICATION TO PERMIT AN EXISTING SEASONAL DWELLING TO BE USED AS A PERMANENT DWELLING AT 290 BOUNDARY ROAD, WHITEFISH - JOHN CORSI (Cont'd.)

The Director of Planning Services outlined the application to the Committee. He explained that the applicant submitted this rezoning application in order to permit an existing 'seasonal dwelling' to be used as a permanent dwelling where there is no public road access to the subject property. This proposal would conflict with the intent of the Official Plan for the Sudbury Planning Area "Rural Residential Development" policies. The Public Works - Technical Services Section confirms that Big D Road is not a publicly maintained roadway, and the Traffic and Transportation Section indicates that they cannot support the application as presented. He pointed out that the creation of permanent residences from seasonal residences in outlying areas and the creation of permanent residences not serviced by a public roadway has other hidden costs that Council should be made aware of as part of their deliberations. He advised that a Building Permit was issued in 1994 for a seasonal dwelling. He stated that in view of the conflict which exists with respect to the Official Plan, status of land access to this property and the building permit history, the Planning Services Division is unable to support this application.

Mr. Dave Dorland, agent and Dr. Carolyn and Roch Lariviere, occupants of the property were present.

Mr. Dorland addressed the Committee explaining that the occupants of the property have recently returned to the community and wish to use this property as their permanent residence.

He explained that the proposed application warrants consideration because Mr. and Mrs. Lariviere cannot acquire a mortgage through CMHC if the dwelling is not a permanent dwelling.

With respect to the road issue he pointed out that access is obtained to the public road through a registered right-of-way. He noted that Big D Road and the adjoining properties were patented in the 1950s. An important fact that relates to the proposed application is that the subject property was patented in 1952 as a farm. In 1968 the property was sold to another party and used as a permanent residence. Mr. Corsi purchased the property in 1982 and had to rebuild the residence in 1994 because of a soil condition that existed. At that time he felt there was no need to pursue whether the property was a permanent or seasonal residence. He noted that Mr. Corsi pays permanent residential farm taxes for the subject property.

He explained that the current occupants want to use the property as a hobby farm. They are very aware of the resolution approved by City Council with respect to the City assuming private roads. Mr. Lariviere wishes to maintain the private road status. There is no additional requirement for services. They like the rural residential lifestyle.

Cont'd...

PUBLIC HEARINGS - PLANNING ACT (Cont'd.)

REZONING APPLICATION TO PERMIT AN EXISTING SEASONAL DWELLING TO BE USED AS A PERMANENT DWELLING AT 290 BOUNDARY ROAD, WHITEFISH - JOHN CORSI (Cont'd.)

He stated that approval of this application will not increase the demand for the delivery of services. It will not contribute to an urban sprawl because it is not a large waterfront development. The building is located 500' from the water and the river flows to the west, toward Espanola. There is very little demand for more development. He stated the concerns brought forth in the staff report are not warranted. The proposed application would not create a precedent and will uphold the previous existing use. He requested the Committee to approve the application.

No objectors were present.

Proceed
Past the
Hour of
10:00 p.m.

2001-188 Callaghan-Courtemanche: That we proceed past the hour of 10:00 p.m.

CARRIED

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

2001-189 McIntaggart-Petryna: That the application by John Corsi to amend By-law 83-303 being the Zoning By-law for the (former) Town of Walden from "RU", Rural to "RU-Special", Special Rural in order to permit all "RU" zone uses on a lot which does not have public road frontage, where access is obtained to the public road by way of a registered right-of-way, with respect to those lands described as being Parcel 12308 S.W.S. in Lot 11, Concession 5, Township of Louise be denied.

CONCURRING MEMBERS: Councillors Callaghan, Courtemanche, Craig, Davey, Dupuis, Lalonde, Petryna,

NON-CONCURRING MEMBERS: Councillors Gainer, McIntaggart, Portelance, Bradley

CARRIED

PART I CONSENT AGENDA

The following resolution was presented to adopt Items C-1 to C-2 contained in the Consent Agenda:

2001-190 Dupuis-Gainer: That Items C-1 to C-2 contained in the Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
V.E.T.A.C
Minutes of
Nov. 7/01

2001-191 Portelance-McIntaggart: That Report #9, Vegetation Enhancement Technical Advisory Committee Minutes of November 7, 2001, be adopted.

CARRIED

Item C-2
Declaration of
Surplus Property
4 Joseph Ave.
Walden

Report dated December 5, 2001, was received from the Director of Legal Services/City Solicitor and the General Manager, Corporate Services regarding declaration of surplus property, 4 Joseph Avenue, Walden.

2001-192 Portelance-McIntaggart: That the property located at 4 Joseph Avenue be declared surplus to the City's needs and sold in accordance with the procedures governing the disposal of Real Property.

CARRIED

PART II REGULAR AGENDA

MANAGERS' REPORTS

Item R-1
Appointments to
the Lake Ramsey
Advisory Panel
Advisory Panel

Report dated December 4, 2001 was received from the General Manager, Corporate Services regarding appointments to the Lake Ramsey Advisory Panel.

2001-193 Callaghan-Courtemanche: That the following be nominated for the positions on the Ramsey Lake Advisory Panel:

1. Donald M.T. Corcoran
2. Peter Dopson
3. Marilyn Harper
4. Ron Kivikink
5. Jacques Lacapelle
6. Leo LaSorsa
7. Martin Litchfield
8. Dan MacTaggart
9. Steve May
10. Kevin Murphy
11. Bob Rogers

CARRIED

Cont'd...

PART II REGULAR AGENDA (Cont'd.)

MANAGERS' REPORTS (Cont'd.)

Item R-1 The Committee agreed that the appointment vote be done by paper ballot
Appointments to and that each ballot be read out in its entirety.

The Lake Ramsey

Advisory Panel Following an election process, the following resolution was presented:

(Cont'd.)

2001-194 Courtemanche-McIntaggart: That the following be appointed to the
Lake Ramsey Advisory Panel for the term ending November 30, 2003:

- Councillors Petryna and Davey
- Herb Grubber, Bell Park Stewardship Advisory Panel; and

the following five (5) citizens:

1. Peter Dopson
2. Ron Kivikink
3. Jacques Lachapelle
4. Bob Rogers
5. Leo LaSorsa

CARRIED

Adjournment 2001-195 Dupuis-Gainer: That we do now adjourn. TIME: 10:34 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR RON BRADLEY