

ISSUE DATE:

DEC. 17, 2007



PL070279

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P.13, as amended

Appellant: Mart Kivistik
Appellant: Paul D.N. Temelini
Appellant: Loris Cecchetto Construction Limited
Appellant: Pentti Laakso
Subject: Proposed Official Plan
Municipality: City of Greater Sudbury
OMB Case No.: PL070279
OMB File No.: O070039

APPEARANCES:

Parties

Counsel

City of Greater Sudbury

G. S. Watt

Ministry of Municipal Affairs and Housing

R. Boxma

Paul Temelini

L. Roslyn (agent for R.D. Cheeseman)

Mart Kivistik

Loris Cecchetto Construction Limited

Pentti Laakso

G. E. McAndrew

**AMENDING DECISION DELIVERED BY G. C. O'CONNOR
AND ORDER OF THE BOARD**

The Board's Decision/Order No. 2708 issued October 15, 2007 is amended in accordance with a request received from the City of Greater Sudbury.

The fourth paragraph on page two is deleted and replaced with the following:

As agreed by all Parties, the proceedings to begin on April 21st, 2008 for the Pentti Laakso appeal, will be governed by the Procedural Order to be provided by the Ministry of Municipal Affairs and Housing on or before February 8th, 2008.

The Board's decision is further amended to add the following items, which were addressed at the hearing.

1. The Board received a request to bring the parts of the Official Plan not under appeal into force with the exception of a site currently before another panel of the Board (OMB Case No. PL061127). Mart Kivistik has provided confirmation of the portions of the Plan that make up his appeal (Exhibit "5"). The Ministry of Municipal Affairs and Housing has confirmed the parts of the Plan affected by the appellants Loris Cecchetto Construction Ltd., Paul Temelini and Pentti Laakso (Exhibit "3"). No spokesperson took part in the prehearing on behalf of the appeal filed by a group known as Appeal Group from Municipal Road 35.

Pursuant to Section 17(27) of the *Planning Act*, the Board hereby approves the Official Plan for the City of Greater Sudbury adopted by By-law 2006-200, with the exception of the following portions:

Part II Section 3.0 Living Areas

Part II Section 5.2 Rural Area Designation sub-section 5.2.1

Part VII Section 20 Implementation

- a) Sub-section 20.3 Detailed Development Plans
- b) Sub-section 20.5 Zoning
- c) Sub-section 20.7 Comprehensive Planned Unit Developments

The Rural land use designation shown on Schedules 1a, 1b and 2c as they apply to the lands known locally as the Richard and McFarlane Lake Flats.

The Parks and Open Space land use designation shown on Schedules 1a, 1b and 2c as they apply to the lands south of Main Street, west of Somers and Mae Streets and east of the Pioneer Manor and the Sudbury Tax Services Office in the community of Sudbury.

The Existing and Proposed Trails land use designation shown on Schedule 5 of the Official Plan as it applies to the lands known locally as the Ponderosa.

Policy 20.7.1 a) iii) of the Official Plan

The Agricultural Reserve land use designation shown on Schedules 1a, 1c and 2c, as they apply to the lands south of the railway tracks between the communities of Chelmsford and Azilda.

2. The Board received a request to approve the following map changes and a text addition, which resulted from site-specific Official Plan amendments recently passed by City Council on the basis of the new Official Plan. These changes are hereby approved and the Official Plan is modified as noted in Exhibit 7 and attached hereto as Attachment "1".

3. The Board received a housekeeping request to correct an error on Schedule 6 - Transportation Network. The Board approves the request and Schedule 6 is modified to delete the conceptual road link between Algonquin Road and Remington Road as noted in Exhibit 8.

In all other respects, the Board's order dated October 15, 2007 remains as issued.

"G. C. O'Connor"

G. C. O'CONNOR
MEMBER