

**THE ELEVENTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Council Chambers
Tom Davies Square**

**Tuesday, January 21, 2003
Commencement: 7:00 p.m.
Adjournment: 9:10 p.m.**

COUNCILLOR RON BRADLEY PRESIDING

Present Councillors Dupuis, McIntaggart, Petryna, Portelance

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; D. Belisle, General Manager, Public Works; D. Nadorozny, General Manager, Economic Development and Planning Services; R. Swiddle, Director of Legal Services/City Solicitor; A. Haché, Deputy City Clerk; L. Moulaison, Technician, Planning and Development; Franca Bortolussi, Planning Committee Secretary

News Media Northern Life

Declarations of Pecuniary Interest None declared.

PUBLIC HEARINGS

BY-LAW 2002-326A, BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO DECLARE SURPLUS, STOP-UP, CLOSE AND SELL PART OF DIXON ROAD, SOUTH OF RAMSEY LAKE ROAD, ABUTTING LOT 15, PLAN M-126

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

Report dated January 13, 2003, was received from the General Manager of Corporate Services regarding By-law 2002-326A, being a by-law of the City of Greater Sudbury to declare surplus, stop-up, close and sell part of Dixon Road, South of Ramsey Lake Road, abutting Lot 15, Plan M-126.

PUBLIC HEARINGS (cont'd)

BY-LAW 2002-326A, BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO DECLARE SURPLUS, STOP-UP, CLOSE AND SELL PART OF DIXON ROAD, SOUTH OF RAMSEY LAKE ROAD, ABUTTING LOT 15, PLAN M-126 (cont'd)

The Committee Chair asked if there was anyone present in the audience who claims that his or her land would be prejudicially affected by By-law 2002-326A.

Maria Marrone, 1657 Dixon Road, Sudbury, advised that the subject property abuts Lot 15 and her property as well. She is in favour of the sale of the subject property and as an abutting property owner she is interested in purchasing part of the property. She pointed out that currently snow is being dumped on the subject property and her only concern is after the property is sold, the snow will be dumped onto her property or into the lake. She questioned whether the 40' road allowance is adequate for the storage of snow.

The General Manager of Public Works advised that the portion of Dixon Road, from Ramsey Lake Road to the subject property is privately maintained. It is the responsibility of the property owners to maintain the road and arrange for snow plowing and snow removal. Any concerns regarding the dumping of snow should be handled by the property owners. He also pointed out that a condition, for the sale of the land to the abutting property owners, will be that the City of Greater Sudbury retain property (40') for the cul de sac and an additional 10' drainage easement.

The City Solicitor advised that the other adjoining property owner was also in attendance. The City Solicitor indicated he would meet this evening with both adjoining property owners immediately following this public hearing to discuss Ms. Marrone's concern regarding snow storage.

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

The following recommendation was presented:

Recommendation #2003-1

Portelance-Petryna: That By-law 2002-326A being a By-law of the City of Greater Sudbury to declare surplus, stop-up, close and sell Part of Dixon Road, South of Ramsey Lake Road, abutting Lot 15, Plan M-126, be given third reading.

PUBLIC HEARINGS (cont'd)

BY-LAW 2002-326A, BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO DECLARE SURPLUS, STOP-UP, CLOSE AND SELL PART OF DIXON ROAD, SOUTH OF RAMSEY LAKE ROAD, ABUTTING LOT 15, PLAN M-126 (cont'd)

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Portelance, Bradley

CARRIED

OFFICIAL PLAN AMENDMENT APPLICATION TO ESTABLISH A SPECIAL EXEMPTION FROM THE POLICIES OF THE OFFICIAL PLAN FOR THE SUDBURY AREA TO PERMIT THE CREATION OF A RESIDENTIAL LOT AT 2650 DOMINION DRIVE, VAL CARON - ANDREA BLAIS

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

Report dated January 14th, 2003, from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an Official Plan Amendment to introduce a site specific policy exemption to the "Agricultural Reserve" policies as they apply to the subject 80 acre property. The exemption would permit the creation of an approximate 2 acre rural residential lot within a southerly portion of the subject property while maintaining the balance of the lands for 'agricultural' use, 2650 Dominion Drive, Val Caron - Andrea Blais

Andrea Blais was present along with Ron and Pam Blais.

Letters of support dated January 19th, 2003 were received from the following:

- Jody McChesney, 2725 Dominion Drive, Val Caron
- Maurice Fex, 2746 Dominion Drive, Val Caron
- Cathy Lemieux, 3925 Martin Road, Val Caron
- Monique Lafrenière, 2640 Dominion Drive, Val Caron
- Sandra Prokulevich, 2751 Dominion Drive, Val Caron

The Director of Planning Services outlined the application to the Committee. He stated that when the Official Plan came into effect in 1978, it permitted one severance per 25 acres of holding to the owner of the property of the time. As the applicant purchased the property in 1983, she would not qualify for a land severance under this provision.

He also stated that an application to sever the property in 1994 was denied based on the Official Plan policies which pertain to severance in the agricultural reserve. This Official Plan Amendment application seeks relief from that policy.

PUBLIC HEARINGS (cont'd)

OFFICIAL PLAN AMENDMENT APPLICATION TO ESTABLISH A SPECIAL EXEMPTION FROM THE POLICIES OF THE OFFICIAL PLAN FOR THE SUDBURY AREA TO PERMIT THE CREATION OF A RESIDENTIAL LOT AT 2650 DOMINION DRIVE, VAL CARON - ANDREA BLAIS (cont'd)

He indicated that requests to amend the Official Plan with respect to severance within the Agricultural Reserve have increased significantly and Council's inclination to approve these applications sets a precedent for subsequent requests. The fundamental objectives of the Official Plan with respect to the pattern of urban development remain valid land use planning initiatives. In order to achieve these objectives, Council must administer its land use policies in a comprehensive and consistent manner as prescribed by the policies of the Official Plan. Consent approval should not be administered by 'one official plan amendment at a time'. The former Regional Land Division Committee was criticized by the Ontario Municipal Board in their approval of an appeal by Council of a Committee agricultural consent decision which stated "it is a sense or arbitrariness in the way public policy is administered" which can be fatal to the land use objectives established by Council. For the above reasons, Planning Staff are not able to support the application.

Andrea Blais advised that the severed portion would be given to her son and daughter-in-law in accordance with the wishes of her late husband. She advised there is more rural activity in the area than agricultural. The soil on her property tested Level 4 to 5.

Ron Blais indicated he likes living in this area and wants to build a home there.

No objectors were present.

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

Recommendation #2003-2

Portelance-Petryna: That the application by Andrea Blais to amend the Official Plan for the Sudbury Planning Area by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 4693 S.E.S. in Lot 11, Concession 2, Township of Hanmer, City of Greater Sudbury to permit the creation of a 2 acre residential lot be approved.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Portelance, Bradley

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT AND REZONING ON APPROXIMATELY 80 ACRES OF LAND ON THE CENTRAL PART OF THE SOUTH SHORE OF LAKE WANAPITEI IN ORDER TO PERMIT THE FUTURE CREATION OF LOTS FOR SEASONAL RESIDENTIAL USE, PINE CONE ROAD, TOWNSHIP OF MACLELLAN, NICKEL CENTRE - NINE HOLDINGS (SUDBURY) LTD./V.O.B. EQUIPMENT LTD./996434 ONTARIO LTD./1074010 ONTARIO LTD./ NORMAN EADY/MARK AND KIM DESJARDINS

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

Report dated January 14th, 2003, from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding Secondary Plan Amendment and a rezoning application to permit seasonal residential use, Pine Cone Road, Township of Maclellan, Nickel Centre - Nine Holdings (Sudbury) Ltd./V.O.B. Equipment Ltd./996434 Ontario Ltd./1074041 Ontario Ltd./Norman Eady/Mark and Kim Desjardins

Mr. Dave Dorland, D. Dorland Limited, 298 Larch Street, Sudbury, agent for the applicant, was present.

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

Mr. Dorland advised the applicants are aware the road is a private road. They are also aware of a condition to enter into a 'No Demand For Services' Agreement with the City of Greater Sudbury and are satisfied with the staff recommendation.

The General Manager of Public Works advised that, if the road was brought up to standard by property owners, the maintenance of the road could then be assumed by the City of Greater Sudbury.

Jeff Fuller, 690 Pine Cone Road, Skead, has been a resident there for 10 years. He has no objection to further development of the land but would like a commitment from the developer to upgrade the road to a point where it will be taken over the City of Greater Sudbury. He advised that there is not much work required to upgrade the road to standard. The residents are concerned that if they allow the future subdivision, without any commitment from the developer, they will be paying extra costs in maintenance because of increased usage.

The Manager of Development Services stated this is a private road situation. Only water access to the lots to be created would be legally permitted.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT AND REZONING ON APPROXIMATELY 80 ACRES OF LAND ON THE CENTRAL PART OF THE SOUTH SHORE OF LAKE WANAPITEI IN ORDER TO PERMIT THE FUTURE CREATION OF LOTS FOR SEASONAL RESIDENTIAL USE, PINE CONE ROAD, TOWNSHIP OF MACLELLAN, NICKEL CENTRE - NINE HOLDINGS (SUDBURY) LTD./V.O.B. EQUIPMENT LTD./996434 ONTARIO LTD./1074010 ONTARIO LTD./ NORMAN EADY/MARK AND KIM DESJARDINS (cont'd)

Mr. Dave Dorland advised that the applicant had attended a meeting where the upgrading of the road was discussed with the area residents. He indicated that it only makes sense for the developer to help improve the road. He advised the applicants are interested and will participate in upgrading the lot.

The Committee noted that there was no legal instrument to ensure the developer contributes to the road upgrading.

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

Recommendation #2003-3

Portelance-McIntaggart: That the application by Nine Holdings (Sudbury) Ltd. et al to amend the Secondary Plan for the Lake Wanapitei Area by changing the land use designation of Part of Parcel 6153 Parcel 34023 "A" and Crown land described as Part 1, Plan 53R-17125 and Part 1, Plan 53R-17126, in Lots 1 and 3, Concession 5, MacLennan Township from "Rural" to "Seasonal Waterfront District" be approved.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Portelance, Bradley

CARRIED

Recommendation #2003-4

Dupuis-McIntaggart: That the application by Nine Holdings (Sudbury) Ltd. et al to amend By-law 83-304 being the Zoning By-law for the former Town of Nickel Centre by changing the zoning classification of Part of Parcel 6153, Parcel 34023 "A", and Crown land described as Part 1, Plan 53R-17125 and Part 1, Plan 53R-17126, in Lots 1 and 3, Concession 5, MacLennan Township from "RU", Rural to "R7.D2.5", Seasonal Residential be approved subject to the following:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT AND REZONING ON APPROXIMATELY 80 ACRES OF LAND ON THE CENTRAL PART OF THE SOUTH SHORE OF LAKE WANAPITEI IN ORDER TO PERMIT THE FUTURE CREATION OF LOTS FOR SEASONAL RESIDENTIAL USE, PINE CONE ROAD, TOWNSHIP OF MACLELLAN, NICKEL CENTRE - NINE HOLDINGS (SUDBURY) LTD./V.O.B. EQUIPMENT LTD./996434 ONTARIO LTD./1074010 ONTARIO LTD./ NORMAN EADY/MARK AND KIM DESJARDINS (cont'd)

Recommendation #2003-4 (cont'd)

- a) That the amending by-law contain the following special provisions:
- i) That field beds for private septic systems be set back a minimum of 45m from the high water mark of Lake Wanapitei; and
 - ii) That all main and accessory buildings, with the exception of boathouses and docks, be set back a minimum of 12m from the high water mark of Lake Wanapitei; and
 - iii) That prior to the adoption of the plan amendment the applicants enter into a “No Demand for Services Agreement” with the City to the satisfaction of the General Manager of Public Works.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Portelance, Bradley

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-4 contained in the Consent Agenda:

Recommendation 2003-5

Dupuis-McIntaggart: That Items C-1 to C-4 contained in the Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1 _____ **Recommendation 2003-6**

Report #12

VETAC Minutes
November 13,
2002

Dupuis-McIntaggart: That Report #12, Vegetation Enhancement Technical Advisory Committee Minutes of November 13, 2002, be received.

CARRIED

Item C-2 _____ **Recommendation #2003-7**

Report #13

VETAC Minutes
December 11,
2002

Portelance-Petryna: That Report #13, Vegetation Enhancement Technical Advisory Committee Minutes of December 11, 2002, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-3
New Official Plan
- Consultant

Report dated January 14th, 2003 from the General Manager, Development and Planning Services and the Director of Planning Plan regarding the new Official Plan, Consultant.

Recommendation #2003-8

Portelance-Petryna: That Meridian Planning Consultants Inc. be retained to assist staff in the preparation of a new Official Plan for the City of Greater Sudbury at an approximate cost of \$268,312.50 plus GST.

CARRIED

Item C-4
Declaration of
Surplus Property
- St. Raphael Lane

Report dated January 11th, 2003 from the General Manager, Corporate Services regarding St. Raphael Lane, east of Brady Street

Recommendation #2003-9

Dupuis-McIntaggart: That St. Raphael Lane be stopped up and closed under By-Law and conveyed to the abutting property owner in accordance with procedures governing the disposal of Real Property.

CARRIED

MANAGERS' REPORTS

Item R-1
Application for
Rezoning, Windy
Lake Marina

Report dated December 2nd, 2002 from the General Manager of Corporate Services and the Director of Legal Services/City Solicitor regarding the application for rezoning, part of Parcels 5524 and 7153 at the "Windy Lake Marina" site to recognize a parking and boat launch facility for Windy Lake Board People Inc. group who have water access only.

Recommendation #2003-10

Petryna-McIntaggart: That the City Solicitor convey to Chairman Beach of the Ontario Municipal Board the following information:

1. That it is the opinion of the City of Greater Sudbury as it was the opinion of the Town of Onaping Falls and the Township of Dowling that the roadway over Mr. McDonald's land is not a public roadway.
2. That Mr. McDonald's land is subject to a right-of-way in favour of Mr. Rychlowski providing him access to his property.
3. That Council feels that Section 5.5(b) of the Secondary Plan has been resolved by virtue of paragraph #1 above and will be satisfied whether the Board approves the severance and rezoning applications or not; and
4. That the City of Greater Sudbury is taking no action at the present time to acquire any lands to extend the public road.

CARRIED

Planning
Committee
Meeting of
February 27th,
2003

The Committee discussed cancelling the February 27th, 2003 Planning Committee Meeting due to a conflict in the schedules of the Committee Members. The Manager of Development Services advised that items set for that date could be dealt with at the earlier meeting and at later meetings. The Committee agreed that the February 27th, 2003 Planning Committee Meeting be cancelled.

Adjournment

Recommendation #2003-11

Petryna-McIntaggart: That we do now adjourn.
Time: 9:10 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR RON BRADLEY