

**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 2014-26 OF THE
MUNICIPALITY OF ST. CHARLES**

Respecting an application for consent and zoning by-law amendment by Deborah and Kenneth Owen
to the Sudbury East Planning Board
West Part of Lot 6, Concession 3
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 1623 Sudbury East Section
(Roll No. 5204-000-003-185-00)
(SEPB File No. B/22-23/24/SC and ZBA 24-17SC)

TAKE NOTICE THAT the Sudbury East Planning Board will hold a **Public Hearing Virtually** to analyze and discuss **Application B/22-23/24/SC** at its meeting on **October 10th, 2024, at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of St. Charles will hold a **Public Hearing** on **October 16th, 2024, at 5:30 p.m. at the** at the Municipal Office, 2 King Street East, PO Box 70, St. Charles, Ontario, POM 2W0.

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, 39 Lafontaine Street, Unit 4, Warren, Ontario.

IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of the Council for the Municipality of St. Charles to the Ontario Land Tribunal but the person or public body does not make written submissions to the Council for the Municipality of St. Charles before the by-law is passed, the person or public body is not entitled to appeal the decision.

IF A PERSON OR PUBLIC BODY does not make written submissions to the Council for the Municipality of St. Charles before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, 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, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, POH 2N0. Any person or public body may make written or verbal representations either in support of or in opposition to the Proposed Zoning By-law Amendment. If you wish to submit comments on this application, they are required to be submitted in writing to the Clerk at tgodden@stcharlesontario.ca ahead of the meeting or by mail.

Dated at Warren, this 19th day of September 2024

Matthew Dumont, MCIP, RPP
Secretary-Treasurer

39 Lafontaine Street, Unit 4, 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 Zoning By-law Amendment

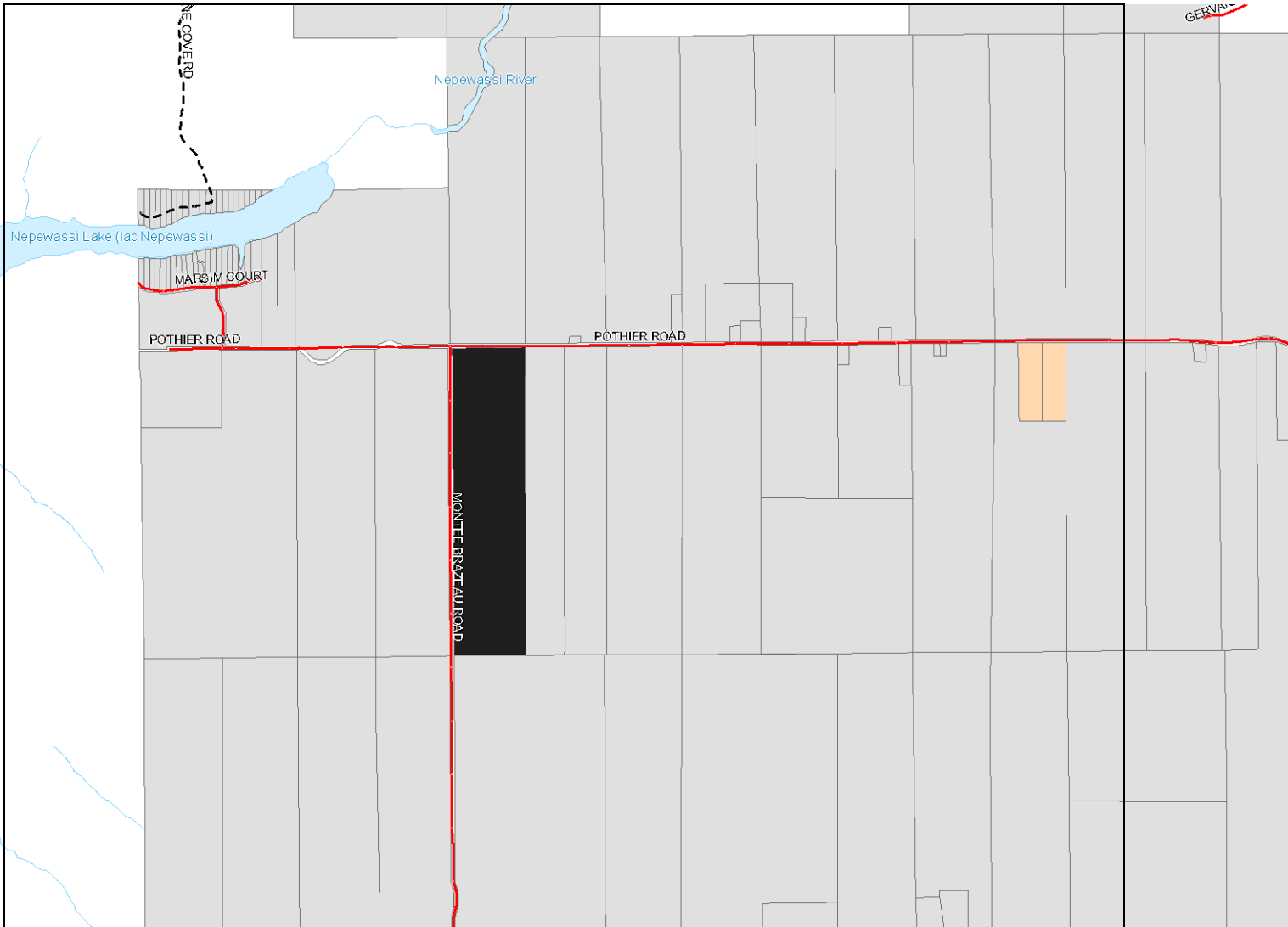
Re: Application Nos. B/22-23/24/SC & ZBA 24-17SC
(Kenneth and Deborah Owen)
Roll no. 5204-000-003-185-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-26 of the Municipality of St. Charles, pursuant to the provisions of Section 34 of the Planning Act and a consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Kenneth and Deborah Owen to rezone lands described as West Part of Lot 6, Concession 3, in the Township of Appleby, now in the Municipality of St. Charles, Territorial District of Sudbury, Parcel 1623 (Sudbury East Section).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2014-26 of the Municipality of St. Charles. The Proposed Zoning By-law Amendment will rezone the lots to be severed through consent applications (B/22-23/24/) from Rural (RU) to Special Rural (SRU) Zone.

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).

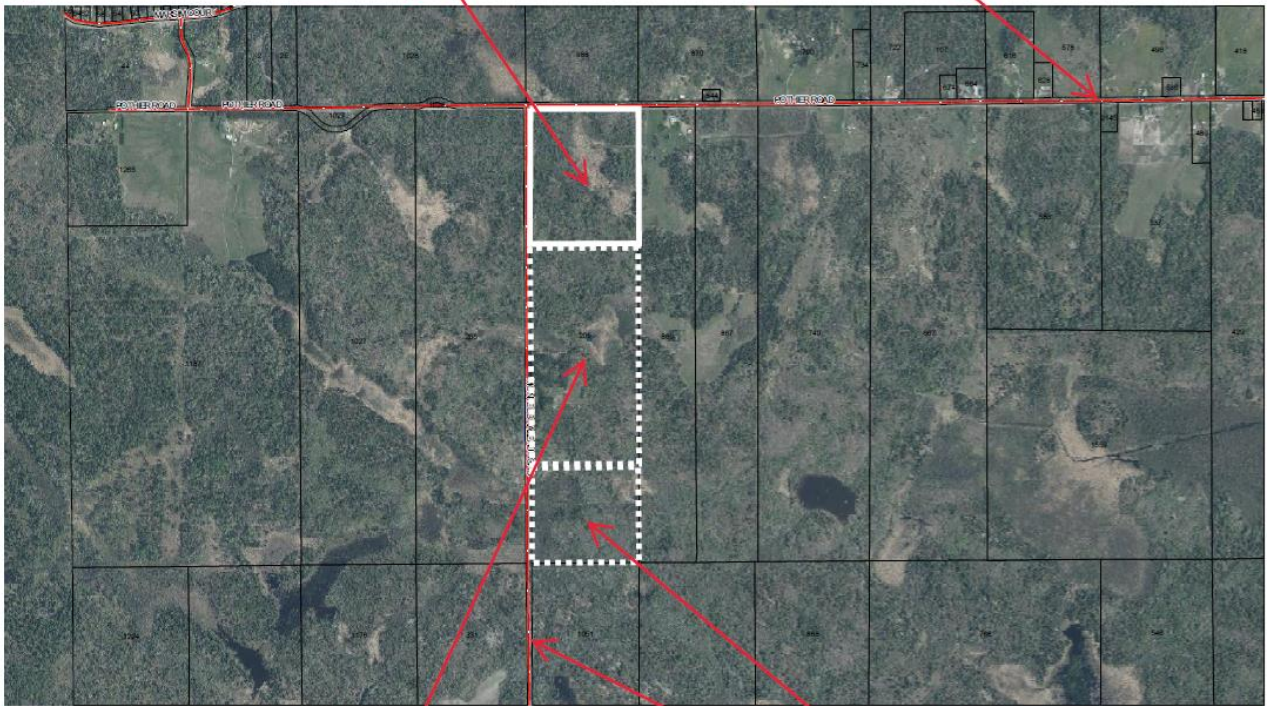


KEY MAP

Consent and Zoning By-Law Applications
 (Deborah and Kenneth Owen)
 West Part of Lot 6, Concession 3
 in the Township of Appleby
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 1623 S.E.S.
 (Roll No. 5204-000-003-185-00)
 (SEPB File No. B/22-23/24/SC)

proposed lot to be retained

pothier road



lot 2 - proposed lot to be severed

montee brazeau road

lot 1 - proposed lot to be severed



AERIAL PHOTOGRAPHY
Consent and Zoning By-Law Applications
(Deborah and Kenneth Owen)
West Part of Lot 6, Concession 3
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 1623 S.E.S.
(Roll No. 5204-000-003-185-00)
(SEPB File No. B/22-23/24/SC)



Planning Report: APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT
Report To: SUDBURY EAST PLANNING BOARD **Meeting Date:** October 10th, 2024
Report To: COUNCIL FOR THE MUNICIPALITY OF ST. CHARLES **Meeting Date:** October 16th, 2024

Report Date: September 18th, 2024

Applicants/Owners: Deborah and Kenneth Owen
Agent/Solicitor: None
File Number: B/22-23/24/SC and ZBA 24-17SC
Property Description: West Part of Lot 6, Concession 3
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 1623 Sudbury East Section
(Roll No. 5204-000-003-185-00)
205 Montee Brazeau

APPLICATION:

The Sudbury East Planning Board has received applications for consent and zoning by-law amendment to create two rural lots on Montee Brazeau Road. A zoning by-law amendment application is required to rezone Lot 1 and Lot 2 from ‘Rural’ to ‘Special Rural’ to recognize the environmental impact study recommendations.

The proposed severed Lot 1 is to be approximately 12.97 hectares in lot area with approximately 343.0 metres of lot frontage on Montee Brazeau Road and is presently vacant.

The proposed severed Lot 2 is to be approximately 24.23 hectares in lot area with approximately 537.0 metres of lot frontage on Montee Brazeau Road and is presently vacant.

The proposed retained lot is to be approximately 23.77 hectares in lot area with a lot frontage of approximately 617.0 metres Montee Brazeau Road and 393.51 metres on Pothier Road and is presently vacant.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot 1	12.97 hectares	343 metres
Severed Lot 2	24.23 hectares	537 metres
Retained Lot	23.77 hectares	617/393.51 metres
Access:	Publicly maintained (Municipality of St.-Charles) year-round road (Montee Brazeau Road and	

Pothier Road)
Servicing: Privately owned and operated individual septic system. Privately owned and operated individual well.
School Busing: Available.
Garbage Collection: Available.
Fire Protection: Available.

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (2020) 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 rezone and create two rural lots. Planning staff are of the opinion that the applicant’s proposal would appear to be consistent with the Provincial policies regarding promoting efficient development and land use patterns which sustain the financial well-being of the Municipality of St. Charles over the long term. Also, rural lands in municipalities, permit residential development, including lot creation, that is locally appropriate, therefore, the above noted application conforms to the provincial interests.

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. **PINCHIN conducted an Environmental Impact Study** to address the above noted policy which will be **addressed** in the Official Plan Section of the report.

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

OFFICIAL PLAN

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 are to be used primarily for agriculture, farm-related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, and other industrial uses not appropriate in settlement areas, as well as limited residential developments.

Section 4.5.1 provides for instances when consents may be granted, including criteria for the creation of a new building lot:

- a) Plan of subdivision not appropriate (ie existing services);

- b) Intended uses of the parcels conform with the Plan and Zoning By-law;
- c) Proposed use of parcels is compatible with abutting uses;
- d) There is no extension of municipal services required;
- e) Represents orderly and efficient use of land (would not hinder development of retained lands);
- f) Limited circumstances in the rural policy area (on non-prime agricultural lands, farm splits, farm retirement lots, residence surplus to farm operations and residential infilling are permitted);
- g) Size and dimension of proposed lots are adequate for the proposed use;
- h) Adequate access can be provided from a year-round publicly maintained road;
- i) Access will not create a traffic hazard;
- j) The severed and retained parcels comply with Minimum Distance Separation (MDS);
- k) Adequate water and sewage servicing can be provided;
- l) It is feasible with regard to other provisions of this Plan, provincial legislation, policies and appropriate guidelines for uses within or adjacent to a development constraint; and
- m) The request, if granted, would not pose an undue financial burden on the applicable municipality.

The proposed severed and retained lots are adequate for their respective proposed zones (rural and rural special) and it is anticipated that the proposed rural uses will be compatible with the surrounding rural uses. With respect to servicing, the applicant has provided the required documentation to demonstrate reasonable expectation of potable water (Houle Well Drilling Limited) and capacity for hauled sewage (West Nipissing Sanitation INC.). With respect to Sudbury District Health Unit (site suitability for a septic system), the applicants received approval (letter dated June 25th, 2024) from SDHU.

With respect to section 3.5, Natural Heritage, it is the goal of the Planning area to protect significant and sensitive features and functions. PINCHIN Environment completed an environmental impact study to address the concerns regarding existing wetlands (Great Lakes St. Lawrence Mineral Meadow Marsh (2.72 ha in size) and Great Lakes St. Lawrence Organic Thicket Swamp (9.31 ha in size)) across the site and species at risk associated with the wetlands. The findings in the report determined that the severance will not impact the watercourse, waterbodies and wetlands throughout the Site. However, mitigation measures relating to the protection of setbacks and buffers during onsite works must be implemented prior to the commencement of the proposed works – such a fencing, sediment control fencing or equivalent is to be established a minimum 15 metres setback from the wetlands, waterbodies and watercourses.

Site Plan Control for the purposes of this Section, development means the change in use of a parcel of land. Some of the considerations that the Planning Board and/or the applicable municipality will have due regard for during the site plan approval process is a) the preservation of the natural views cape and landscape; entrance permit areas and parking areas are safe and convenient; surface water drainage will not negatively impact wetlands. No building permits shall be issued for development subject to site plan control until a Site Plan Agreement has been executed.

ZONING BY-LAW (2014-26)

Current Zoning: **Rural (RU)**

Proposed Zoning: Severed Lot 1 - Special Rural (RU) with a Special Provision 27 (SP27).
Severed Lot 2 – Special Rural (RU) with a Special Provision 27 (SP27).
Retained Lot – Special Rural (RU) with a Special Provision 27 (SP27).

The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres.

Each of the proposed severed lots and proposed retained lot conform to the standards under the RU Zone are intended to be used for residential uses as permitted by the zone.

Several mitigation measures were recommended by PINCHIN which will be addressed and implemented through a by-law. The proposed by-law is to include Site Plan Control requirement for the future development of each lot. These measures will ensure there will be no negative impacts on the watercourse, waterbodies, and wetlands.

AGENCY REVIEW

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Chief Administrative Officer/Clerk/Treasurer:

Property subject to municipal drains and may require apportionment. Please advise the Applications to Contact the Clerk to request re-apportionment as fees are applicable.

Zoning by-law amendment for Special Rural – Municipality must still be able to maintain municipal drains.

Chief Building Official: no issues per email.

Fire Department: no issues per email.

Public Works Superintendent:

Road allowance on Pothier Road and Montee Brazeau to be transferred to the Municipality of St. Charles.

Sudbury District Health Unit:

It appears that the proposed severed and retained lots are capable of development for installation of a septic system and leaching bed system. June 25th, 2024.

No other comments were received as of the date this report was written.

PUBLIC CONSULTATION

Notice of the consent and zoning by-law amendment applications were sent to surrounding property owners on September 19th, 2024, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18 and 73/18) thereto. As of the writing of this report, no comments or concerns have been received from neighboring property owners.

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.

RECOMMENDATION:

Consent:

Whereas the application for consent is consistent with the 2020 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 St. Charles approve application for Zone Change, File Number ZBA 24-17SC, for lands owned by **Deborah and Kenneth Owen**, which proposes to maintain the 'Rural (RU)Zone', however the addition of Special Provision 27 is to be implemented for the proposed **Severed Lot 1 and Lot 2** lands described as West Part of Lot 6, Concession 3, in the Township of Appleby, now in the Municipality of St. Charles, Parcels 1623, to protect significant and sensitive features and functions of the watercourse, waterbodies, and wetlands.

Respectfully submitted,

Matthew Dumont

Matthew Dumont, MCIP, RPP

Director of Planning

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

Planning Board Date of Decision: October 10th, 2024
Date of Notice of Decision: October 11th, 2024
Last Date of Appeal: October 31st, 2024

Applicants: Deborah and Kenneth Owen
Owners: Same as Above
Agent/Solicitor: None
File Number: B/22-23/24/SC
Property Description: West Part of Lot 6, Concession 3
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
Parcel 1623 Sudbury East Section
(Roll No. 5204-000-003-185-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File Nos. B/22-23/24/SC, which must be fulfilled within two years from the date of this letter**, are set out below. These conditions must be fulfilled prior to the granting of consent.

B22 & B23 CONDITIONS:

1. This approval applies to the creation of Two Special Rural Lots: **Lot 1** is to be approximately 12.97 hectares in lot area with approximately 343 metres of lot frontage and **Lot 2** is to be approximately 24.23 hectares in lot area with approximately 537 metres of lot frontage, as applied for on West Part of Lot 6, Concession 3, in the Township of Appleby, now in the Municipality of St.-Charles, Territorial District of Sudbury, (Parcel 1623 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$500.00 must be paid to the Sudbury East Planning Board.
3. 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.
4. Drainage Assessment reapportionment may be required to the satisfaction of the Drainage Superintendent for the Municipality of St.-Charles. Please contact the Clerk to request

reapportionment as fees are applicable.

5. 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 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.
6. An amendment to Zoning By-law 2014-26 of the Municipality of St. Charles for the severed and retained lands shall be approved, to recognize the intended use of the lands.

NOTES:

The following notes are for the applicant's information:

1. The required Transfer/Deed of Landform 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 regarding the legal description in the Transfer/Deed of Landform, 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 two years 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 two-year period.***

If the conditions to consent approval are not fulfilled within two years 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 Markstay-Warren 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. Work on or modifications to Municipal Drains must be completed under the direction of the Municipal Drainage Superintendent.
6. The Ministry of Environment, Conservation and Parks has advised that there is potential for Threatened or Endangered Species or their habitat to be present on or adjacent to the subject

lands. Prior to development, the applicant may wish to undertake surveys to determine their risk of contravening the Endangered Species Act.

7. If a well is used as the drinking water source, it must be constructed in accordance with Ontario Regulation 903 made under the *Ontario Water Resources Act*.
8. The Endangered Species Act, 2007 applies to species listed on the Species at Risk in Ontario List (available here: www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). If any protected species and/or habitats are observed, please contact the Ministry of Natural Resources and Forestry, Sudbury District Planner as soon as possible.
9. Should any human remains be identified during operations, all work in the vicinity of the discovery will be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the district coroner. Notification must also be made to the Heritage Operations Unit of the Ministry of Culture, Tourism & Sport and the Registrar of Cemeteries, Ministry of Government Services.
10. Should any other cultural heritage values (archaeological or historical materials or features) be identified during operations, all activity in the vicinity of the recovery will be suspended and the Ministry of Culture, Tourism & Sport's archaeologist immediately contacted at (807) 475-1632. This provides for the potential for deeply buried or enigmatic local site areas not typically identified in evaluations of potential.