

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
In Person – No Electronic Participation
Municipal Council Chambers
June 14th, 2023
4:30 P.M.

PRESENT: MAYOR: Michael Reider

COUNCILLORS: Nikola Grubic Robert Campbell (*joined meeting at 4:33PM*)
Mary Bradbury Dave Froats Peggy Roque

ABSENT: Nil

DISCLOSURE: Nil

STAFF: Deputy Clerk-Treasurer – Gilles Legault
Administrative Assistant – Angie Nuziale

MEMBERS OF PUBLIC: 3

GUESTS: 1. Matthew Dumont, Director of Planning - Sudbury East Planning Board
2. Bob Prevost, Chair – Sudbury East Planning Board
3. Kevin Jarus, Tulloch Engineering Consultant

RE: Zoning By-Law Application No. ZBA 23-06KL
Jean Joy, Trustee for the Estate of Margaret Roque
Roll No. 5136-000-001-25800-0000

Mayor Reider called meeting to order at 4:30 P.M., proceeded with roll call and acknowledged meeting on aboriginal land.

The Mayor proceeded to ask Council if there were any declarations of pecuniary interest. Each councillor announced they had no disclosure.

Mayor Reider presented the procedure for public hearing as indicated below:

The Mayor stated that this Special Meeting was scheduled in order to hold a Public Hearing to discuss a proposed Zoning By-Law Amendment:

Application No. ZBA 23-06KL – Jean Joy, Trustee for the Estate of Margaret Roque

The Planning Act requires that a Public Hearing be held before Council decides whether or not to pass a Zoning By-Law Amendment. The Public Hearing serves two purposes: first, to present to Council and the public the details and background to a proposed rezoning; and second, to receive comments from the public and agencies before a Council decision is made.

Mr. Dumont will provide a summary of the application. From there, the applicant will be requested to make a presentation virtually, followed by questions or presentations from the public, either in favour or against the proposal. Council will then have the opportunity to question the applicant, Director of Planning, or anyone giving presentations. The Zoning By-Law Amendment will then be considered by Council later this evening.

The Mayor asked Mr. Dumont to advise how notice was provided.

Mr. Dumont stated that the Notice of the Public Hearing was posted in the Municipal Office and was sent by Mail to the assessed owners within 120 metres of the property subject for the proposed Zoning By-law Amendment, and to those persons and agencies likely to have an interest in the application. The Notice was sent on May 25th, 2023 (being over twenty (20) days prior to this evening's meeting).

Included with the Notice was an explanation of the purpose and effect of the proposed Zoning By-law Amendment and a key map showing the location of the property.

The Mayor then declared this portion of the Hearing to be a Public Hearing to deal with **Application No. ZBA 23-06KL – Jean Joy, Trustee for the Estate of Margaret Roque** and requested Mr. Dumont to summarize the purpose and effect of the proposed Zoning By-law Amendment and provide any additional information and correspondence relevant to the application.

Mr. Dumont stated the Sudbury East Planning Board conditionally approved on May 19th, 2022, a draft plan of subdivision to facilitate the development of a 15-lot draft plan of subdivision on the south side of Perry Avenue. Each lot is to have an approximate lot area exceeding 0.8 hectares and lot frontages of approximately 50.0 metres. An approximate 1.2-hectare block of land is being proposed to be transferred to the Municipality for parkland purposes which is identified as 'Block A' as part of the plan. Also, a portion of Lot 15 is to be rezoned from Residential Rural (RR) to Open Space (OP) to recognize the findings from the Stage 1 and 2 Archaeological Assessment report that was conducted: A portion of Lot 15 to be partially cleared that does not contain the 50 metres monitoring buffer for archaeological site BIHj-4. Block A be set aside as a "park" lot with restrictions on construction and none within 20 metres buffer of site BIHj-4.

Condition number five requires that Block A to be transferred to the Municipality of Killarney to satisfy Section 42 of the Planning Act requirement for parkland purposes and condition number two requires a portion of Lot 15 is to be rezoned to Open Space (OS) to protect archaeological site BIHj-4.

The rezoning is being requested to fulfill a condition of Draft Plan of Subdivision of the Sudbury East Planning Board (SEPB File No. 52T-22001-KL).

With respect to the Official Plan:

Section 3.5 Natural Heritage

The goal is to protect significant and sensitive natural features and functions. As part of a complete application, the consultants retained Patrick Julig to conduct a Stage 1 and 2 Archaeological Assessment of a proposed subdivision along Perry Avenue. Since the proposed development is located within proximity to the Killarney Bay Site, contains ancient beaches and likely contains portions that were historically farmed, a Stage 2 was conducted. Archaeological site BIHj-4 was identified. It is located within Block A. Since a large well known, and well researched Middle Woodland site already exists nearby and based on the considerations of Indigenous input, it is believed that protection of the newly identified site is the best course of action.

Recommendation:

- A portion of Lot 15 to be partially cleared does not contain the 50 metres monitoring buffer for archaeological site BIHj-4.
- Block A be set aside as a "park" lot with restrictions on construction and none within 20 metres buffer of site BIHj-4.
- A stage 3 archaeological assessment is recommended for BIHj-4 if any construction is to take place within 50 monitoring buffers of the site.
- A request to the Ministry of Heritage, Sports, Tourism and Culture Industries (MHSTCI) to provide a letter confirming there are no further concerns about alterations to archaeological sites for the specified area contained within Lot 15 of the proposed subdivision.

Section 4.3 Subdivisions

In considering a draft plan of subdivision, it shall be consistent with the Provincial Policy Statement and regard shall be had, among other matters, to the health, safety, and welfare of the present and future inhabitants of the Planning Area and to:

- the area of land that is to be conveyed or dedicated for public purposes. *The development is proposing a 1.2-hectare block for parkland dedication purposes.*

Zone Requirements:

Current Zoning: Residential Rural (RR) with a special provision 16. (S16)

Proposed Zoning: Same as above for Lots 1 to 15.
Open Space (OP) – Block A and a portion of lot 15

The 'Residential Rural (RR)' Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Each of the proposed lots have a lot area of 1.10 to 1.93 hectares and frontages of 50.0 to 65.3 metres respectively.

At present, lots 1 to 15 have been re-zoned through by-law no. 2021-08 and approved by Council.

The 'Open Space (OS)' Zone requires a minimum lot area of 0.4 hectares and a minimum lot frontage of 30.0 metres. Proposed Block A, once rezoned, will meet the requirements of the OS Zone. The proposed lot area is 1.63 hectares with a lot frontage of 50.0 metres and is presently vacant.

Re-zoning of Block A and a portion of Lot 15 is being addressed through this process.

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 had no concerns with the proposed development.
- Chief Building Official: No issues.
- Public Works Superintendent: No issues.
- Fire Department: No concerns.
- Cameron Hoepp emailed our office and has issues with notices, LCBO property and a garage built in 2005.

The application for consent is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

The Mayor invited presentations from the applicant.

Kevin Jarus, a Consultant from Tulloch Engineering provided Council with the process surrounding this zoning by-law amendment.

Other than the Planning Board representatives and the consultant, there was 3 members of public present.

Members of the public stated they did not receive any notice prior to this meeting. Nothing was posted on the municipal website or the Planning Board website. It needs to be more transparent. The Planner responded stating notices were mailed from his office and were posted on the website as is required by the Planning Act. The Planner mentioned he would forward the correspondence to the ratepayers indicating so.

Mayor asked if Council had any questions or comments.

Council asked if the lot would be sellable in the future and is the Municipality expected to be responsible for the roads.

Since there were no further comments or questions, the Mayor declared the Public Hearing to be concluded and the amendment would be considered by Council later in the evening.

The Mayor advised that there is a 20 day appeal period during which time any person or public body may, not later than 20 days after the day that the giving of written notice as required by Section 34(18) of the Planning Act is completed, appeal to Ontario Lands Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under Ontario Lands Tribunal. During this appeal period, no building permit may be issued or other work commenced.

23-199 BY PEGGY ROQUE – MARY BRADBURY

BE IT RESOLVED THAT the Special Meeting of Council held June 14th, 2023 to consider a zoning by-law amendment for the Plan of Subdivision (Jean Joy) application number ZBA23-06KL be adjourned at 5:09 P.M.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Mary Bradbury		
<input type="checkbox"/> DEFEATED	Robert Campbell		
<input type="checkbox"/> TABLED	Dave Froats		
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)	Nikola Grubic		
<input type="checkbox"/> PECUNIARY INTEREST DECLARED	Michael Reider		
<input type="checkbox"/> WITHDRAWN	Peggy Roque		

ORIGINAL DOCUMENT SIGNED

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Michael Reider, Mayor

ORIGINAL DOCUMENT SIGNED

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Gilles Legault, Deputy Clerk-Treasurer