

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
In Person & Via Electronic Participation - Teleconference
Veteran's Memorial Hall
October 18th, 2021
5:00 P.M.

PRESENT: MAYOR: Nancy Wirtz *[in person]*

COUNCILLORS: Robert Campbell *[in person]*

Jim Rook John Dimitrijevic Barbara Anne Haitse
[announced themselves on teleconference]

ABSENT: Michael Reider

DISCLOSURE: Nil *[all Council individually polled]*

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

MEMBERS OF PUBLIC: Nil

DELEGATIONS: Nil

GUESTS: Matthew Dumont, Director of Planning
Sudbury East Planning Board

**RE: Zoning By-Law Application No. ZBA 21-18KL –
Anne Margaret East**

Vanessa Smith, Tulloch Engineering
[announced herself on teleconference]

The Clerk indicated the meeting was now being recorded.

Mayor Wirtz called meeting to order at 5:01 P.M. 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 Wirtz 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 21-18KL – Anne Margaret East

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, 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 September 30th, 2021 (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 21-18KL – (Anne Margaret East)** 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 has received applications for consent and zoning by-law amendment which proposes to create one rural lot from the subject lands on Highway 637 in the Municipality of Killarney, and to rezone such lot from 'Rural (RU)' to 'Special Rural (RU)' to recognize the intended use of the lot and to recognize the reduced lot area that is being proposed which is 2.3 hectares where 5.0 hectares is required. Also, the intent of the proposal is to permit a telecommunication tower.

The purpose of the Application for Consent is to create one rural lot. The proposed retained lot is to be approximately 11.4 hectares in lot area with a lot frontage of approximately 545.0 metres and contains a telecommunication tower. The proposed severed lands are to be approximately 2.3 hectares in lot area with a lot frontage of approximately 137.0 metres and contains a telecommunication tower.

With respect to the OP:

Consents

Section 4.5 of the Plan contains policies pertaining to Consents.

Creation of rural residential lots will be evaluated using a number of criteria including:

- The size and dimensions of the severed and retained parcels are adequate to accommodate the proposed use;
- **Adequate access** can be provided from a year-round publicly maintained road;
- **Access will not create a traffic hazard;**
- The severed and retained parcels comply with MDS;
- **Adequate sewage and water servicing** can or will be provided;
- It is feasible with regard to the other provisions of the Plan, provincial legislation, policies and appropriate
- guidelines and support studies for uses within or adjacent to any development constraint; and
- The request, if granted, would not pose an undue financial burden on the applicable municipality.

In this case, proposed severed and retained lot parcel meet the requirements of the 'Rural (RU)' Zoning. Adequate access for the proposed lots to be severed and retained parcel of land are to be accessed from Highway 637 which the Ministry of Transportation had no objections (September 23rd, 2021) to the severance. Minimum Distance Separation (MDS) is not applicable in this instance, as there are no farming related activities in the area. With respect to servicing, the agent has provided previous comments obtained from the Sudbury and District Health Unit that are supportive (September 13th, 2021). Appropriate documentation with respect to availability of sewage hauling services and probability of potable water have been provided.

With respect to zoning,

The Rural (RU) Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100.0 metres. The proposed severed lot is to have 2.3 hectares in lot area, therefore the reduced lot area will be recognized in the zoning by-law amendment. The proposed retained lot will continue to meet the requirements of the RU Zone.

In addition, the zoning by-law amendment is to rezone the proposed severed lot to RU Special to permit an 80-metre telecommunication tower.

With Respect to agency comments:

Municipality of Killarney (all departments): no concerns with respect to the proposed application.

Bell Canada: no comments with respect to the proposed application.

Hydro One: no objections to the proposal

Union Gas: no concerns or comments with respect to the proposal.

Anishinabek (KL) – archaeological impact assessment is required for the lot that is to be severed and rezoned because of high archaeological potential.

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

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.

The applicant’s representative (Vanessa Smith from Tulloch Engineering) briefly summarized the zoning by-law amendment presented by the Sudbury East Planning Board.

The Mayor asked if there were any questions from members of the Public.

There were no questions or comments from the Public.

Mayor asked if Council had any questions or comments.

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.

21-322 BY ROBERT CAMPBELL – JOHN DIMITRIJEVIC

BE IT RESOLVED THAT By-Law No. 2021-30 being a By-Law to amend Zoning By-Law No. 2014-29, as amended (Anne Margaret East) be read a first and second time.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Robert Campbell		
<input type="checkbox"/> DEFEATED	John Dimitrijevic		
<input type="checkbox"/> TABLED	Barbara Anne Haitse		
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)	Michael Reider		
<input type="checkbox"/> PECUNIARY INTEREST DECLARED	Jim Rook		
<input type="checkbox"/> WITHDRAWN	Nancy Wirtz		

21-323 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT By-Law No. 2021-30 being a By-Law to amend Zoning By-Law No. 2014-29, as amended (Anne Margaret East) be considered read a third time and passed in Open Council this 18th day of October 2021.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Robert Campbell		
<input type="checkbox"/> DEFEATED	John Dimitrijevic		
<input type="checkbox"/> TABLED	Barbara Anne Haitse		
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)	Michael Reider		
<input type="checkbox"/> PECUNIARY INTEREST DECLARED	Jim Rook		
<input type="checkbox"/> WITHDRAWN	Nancy Wirtz		

21-324 BY ROBERT CAMPBELL – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Special Meeting of Council held October 18th, 2021 to consider a zoning by-law amendment to rezone lands from Rural (RU) to Rural (RU) with a special provision to permit a telecommunication tower be adjourned at 5:18 PM.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> CARRIED	Robert Campbell		
<input type="checkbox"/> DEFEATED	John Dimitrijevic		
<input type="checkbox"/> TABLED	Barbara Anne Haitse		
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)	Michael Reider		
<input type="checkbox"/> PECUNIARY INTEREST DECLARED	Jim Rook		
<input type="checkbox"/> WITHDRAWN	Nancy Wirtz		

ORIGINAL DOCUMENT SIGNED

Nancy Wirtz, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk Treasurer