

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special Meeting of Council
Via Electronic Participation
Location: Municipal Council Chambers

March 10th, 2021

4:30 P.M.

PRESENT: MAYOR: Nancy Wirtz

COUNCILLORS: Barbara Anne Haitse Michael Reider Jim Rook
John Dimitrijevic Robert Campbell

ABSENT: Nil

DISCLOSURE: Nil *[all Council individually polled]*

STAFF: Clerk-Treasurer – Candy Beauvais
Deputy Clerk-Treasurer – Gilles Legault
Public Works Superintendent – Tony Nuziale
Administrative Assistant – Angie Nuziale
Tax/UB Clerk – Julie Solomon
Project Manager – Kelly Champagne (joined at 4:50 PM)

MEMBERS OF PUBLIC: 3 *[announced themselves on teleconference]*

DELEGATIONS: Nil

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

The Clerk indicated the meeting was now being recorded.

Mayor Wirtz called meeting to order at 4:42 P.M. and read the following statement.

On March 19, 2020, Bill 187, *Municipal Emergencies Act, 2020* came into force. This legislation amended the *Municipal Act, 2001* to permit municipalities to amend their procedural bylaws to provide that, during emergencies, members of Councils, local boards, and committees who participate in meetings electronically may be counted for the purposes of determining quorum. Further, on July 21, 2020, the COVID-19 Economic Recovery Act, 2020 was passed to further amend the Municipal Act, 2001 such that a Municipality's procedure by-law may permit Councillors to participate electronically in both open and closed meetings and for those Councillors to be counted in determining quorum when participating electronically. Therefore, the Municipality of Killarney has determined to further amend its procedural bylaw. Accordingly, meetings of the Municipality's Council, local boards, and committees will be conducted via teleconference or via in person meetings. The public will also be able to participate in such meetings in the same manner.

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

Note: All motions are recorded votes in order to ensure the public is aware of how councillors are voting since they are unable to view the meeting proceedings.

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 21-03KL – Jean Joy

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 February 17th, 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 meeting to be a Public Hearing to deal with **Application No. ZBA 21-03KL (Jean Joy)** 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 subject lands are surrounded by approximately 28 waterfront residential properties to the north. Highway 637 abuts to the east, Crown land and Georgian Bay to the west, and open space (golf course) to the south.

The subject lands are approximately 22.10 hectares in lot area with a lot of frontage of approximately 782.10 metres on the south side of Perry Avenue in Killarney and is presently vacant. Also, a Hydro One power line runs along the central and easterly frontage of the subject property.

The Proposed Amending By-law will rezone the land from Rural (RU) to Residential Rural (RR) with regulations(s) under By-law 2014-29 of the Municipality of Killarney, as amended, to facilitate the development of a 15-lot draft plan of subdivision on the south side of Perry Avenue. In addition, relief is being requested to permit frontages along Perry Avenue of 50.0 metres whereas 60.0 metres is required. Lastly, a 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. The intent of the transfer of land is to link the lands with the existing municipal beach and park area which is north of Perry Avenue.

With respect to the Provincial Policy Statement, 2020:

1.1.1(b) Settlement accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons),

1.1.5.2 c) residential development, including lot creation, that is locally appropriate;

1.6.6 regarding sewage, water, and stormwater,

2.1.5 regarding natural heritage.

With respect to the Official Plan:

Section 2.1.6.3 Rural Policy Area

Infilling and the rounding out of existing clusters of development within the Rural Policy Area may be permitted without requiring an amendment to this Plan; Where development is proposed that would increase the number of dwellings within an existing cluster of development outside of the infilling and minor rounding out of the existing cluster, it shall only be permitted subject to the comprehensive review requirements of the PPS and this Plan, in addition to the requirements of Section 4.18. The proposal shall be accompanied by a report that demonstrates:

- the physical suitability of the land for the proposed uses with respect to the suitability of the site for building purposes. The proposed lots which will form part of the plan of subdivision exceed to the lot area requirements of 0.8 hectares for the Residential Rural (RR) zone. This generous lot area will provide suitability for building purposes.
- a planning justification report that includes, but is not limited to, how the lands are to be used and evaluates why said lands are more appropriate than other lands in the municipality. The planning justification report addresses that lot creation enables development of housing to meet the need for housing both short and long term of the Municipality. The Municipality has a shortage of housing in the area.
- the appropriateness of the site considering access to existing and proposed public roads, including visibility and grade. Perry Avenue is currently serviced via the municipality.
- that all opportunities for development through intensification, redevelopment, and existing settlement areas have been exhausted or examined and determined not to be appropriate to accommodate the projected needs over the identified planning horizon. A planning justification report was conducted and concluded that due the existing lots along Perry Avenue would represent an existing development cluster.
- a servicing options report and a servicing feasibility report that demonstrates the ability to provide adequate potable water, sewage management/disposal facilities and other services as deemed appropriate by the Planning Board and/or the applicable municipality. Consultants demonstrated that individual private services are appropriate and sustainable because a Hydrological Study was completed which provided supportive recommendations.
- that any archaeological or cultural heritage resources that may be identified on the subject lands are properly protected. Study is required and will form as a condition of approval of the draft plan of subdivision.
- the environmental impact of the proposed development on significant natural features and functions both on site and on land adjacent to the site. The consultants completed an evaluation of significant wildlife habitat in order to determine if the proposed applications would impact the species that were identified through pre consultation with the Planning Board. The report concluded that no suitable habitat within the subject property with respect to Alga Pondweed and that Deer yarding area was not located within or contained on the subject property.

Section 3.1 Housing

It is the intent of the Sudbury East Planning Board and its member municipalities to ensure that there **is at least a 10-year supply of land designated and available to meet anticipated short- and long-term housing demands.**

Section 3.5 Natural Heritage

The goal is to protect significant and sensitive natural features and functions.

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 dimension and shapes of the proposed lots. The proposal is compatible with the existing neighborhood character.
- the proposal's feasibility about the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses within or adjacent to any development constraints identified on Schedule "D" and within Part III of this Plan. The proposal provided favorable recommendations with respect to the natural heritage features as well as services (hydrogeology report).
- 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.
- the financial impact on the applicable municipality. The addition of housing will benefit the municipality in the long term by increasing tax revenue and most importantly, by stimulating economic development in Killarney.

With respect to zoning;

The minimum lot area and the minimum lot frontage requirements in the Residential Rural (RR) Zone Is 0.8 hectares and 60.0 metres, respectively. The proposed amending Zoning By-law will establish relief to permit lot frontages of 50.0 metres. Special Provision 16 (S16) is to form part of the by-law to ensure the requested relief is implemented. The reduced lot frontages align directly across Perry Avenue. The proposed individual lots are to exceed the minimum lot area requirement of 0.8 hectares.

With Respect to agency comments:

Municipality of Killarney: Would the current road need to be upgraded? This would include the width, ditching, culverts, movement of hydro poles etc. and upgrade drainage from properties.

Anishinabek (KL): very high archaeological potential. Killarney Bay 1 site located on Perry Avenue, another burial site and a petroglyphs site. An impact assessment is required for all severances.

With respect to comments from the public, the Planning Board received two phone calls from the neighboring owners regarding if municipal services are being provided along Perry Avenue and the proposed acreages of the lots to be severed in the future.

The ZBA application 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 any presentations from the applicant.

The applicant's representative 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 and if so, please give your name to the Clerk and follow with your comments.

A member of public asked if Council had any issues surrounding landfill capacity and lagoon septic services.

The Public Works Superintendent indicated that no company has requested to use the lagoon for dumping in the last few years. The septic company requires approval from Ministry of the Environment to haul such waste. The Public Works Superintendent also indicated a company from Sudbury has been providing this service to ratepayers and hauling the material out of town.

Regarding the landfill capacity, the Mayor stated this has been an ongoing issue for quite some time. The municipality is making progress with regards to the landfill expansion program. The Clerk indicated the Municipality had recently received approval from Ministry of the Environment to proceed with the expansion design. Wood Environmental will be working on the application to be submitted to Ministry of the Environment.

The applicant’s representative briefly mentioned that the revenues generated through the extra tax base should the zoning by-law amendment be passed, could be used to offset costs at the landfill and Perry Avenue.

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.

Therefore, please be advised that there is a 20 day appeal period once the Emergency has ended (to be determined) 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 LPAT 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 LPAT. During this appeal period, no building permit may be issued or other work commenced.

21-069 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Special Meeting of Council held March 10, 2021 to consider a zoning by-law amendment to rezone lands from Rural (RU) to Residential Rural (RR) to facilitate the development of a 15-lot draft plan of subdivision on the south side of Perry Avenue be adjourned at 5:25 P.M.

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

ORIGINAL DOCUMENT SIGNED

Nancy Wirtz, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk Treasurer