



**THE CORPORATION OF THE MUNICIPALITY OF
MARKSTAY-WARREN
SPECIAL COUNCIL MEETING
AGENDA**

April 24, 2025

5:00 pm

Markstay-Warren Council Chambers

21 Main Street South

Markstay, Ontario

	Pages
1. Opening remarks and call meeting to order	
2. Land acknowledgment	
3. Roll Call	
4. Approval of the Agenda	
5. Disclosure of Pecuniary Interest and General Nature Thereof	
6. New Business	
6.a Sudbury East Planning Board	
6.a.1 SEPB - B1125MW Notice of Application MW_20250408	3
6.a.2 By-Law 2025-13 (SEPB file ZBSA2506MW for E & J Albrecht)	20
7. Adjournment	

LA CORPORATION DE LA MUNICIPALITÉ DE
MARKSTAY-WARREN
RÉUNION EXTRAORDINAIRE DU CONSEIL
ORDRE DU JOUR

le 24 avril 2025

17 h 00

Salle du Conseil Markstay-Warren

Pages

1.	Remarques préliminaires et ouverture de la réunion	
2.	Reconnaissance des terres	
3.	Appel nominal	
4.	Approbation de l'Ordre du jour	
5.	Divulgence des intérêts pécuniaires	
6.	Affaires nouvelles	
6.a	Sudbury East Planning Board	
6.a.1	SEPB Notice of Application - Emily and Jonathan Albrecht	3
6.a.2	By-Law 2025-13 (E&J Albrecht)	20
7.	Levée de la réunion	

**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 2014-27 OF THE
MUNICIPALITY OF MARKSTAY-WARREN**

Respecting an application for consent and zoning by-law amendment by Jonathan and Emily Clare Albrecht
to the Sudbury East Planning Board
Part of Lot 9, Concession 6
in the Township of Dunnetnow in the Municipality of Markstay-Warren
Territorial District of Sudbury, Parcel 28643 Sudbury East Section
(Roll No. 5208-000-001-196-10)
(SEPB File Nos. B/11/25/MW and ZBA 25-06MW)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze **Virtually** and discuss **Application B/11/25/MW** at its meeting on **April 17th, 2025, 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 Markstay-Warren will hold a **Public Hearing** on **April 24th, 2025, at 5:00 p.m. at the Markstay-Warren Municipal Office, 21 Main Street South, P.O. Box 79, Markstay, Ontario, P0M 2G0.**

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, P.O. Box 250, Warren, Ontario, P0H 2N0.** The subject land is also subject to an application for a zoning by-law amendment (**SEPB File No. ZBA 25-06MW**).

IF THE APPLICANT, THE MINISTER, A SPECIFIED PERSON, OR ANY PUBLIC BODY THAT FILES AN APPEAL of a decision of the Sudbury East Planning Board in respect of the proposed consent does not make written submissions to the Sudbury East Planning Board before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

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, P0H 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 kmorris@markstay-warren.ca ahead of the meeting or by mail.

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

IF THE APPLICANT, THE MINISTER, A SPECIFIED PERSON, OR ANY PUBLIC BODY does not make written submissions to the Council for the Municipality of Markstay-Warren 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.

Dated at Warren, this 3rd day of April 2025

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org

Matthew Dumont, MCIP, RPP
Secretary-Treasurer

Purpose and Effect of the Proposed Consent and Zoning By-law Amendment

Re: Application Nos. B/11/25/MW & ZBA 25-06MW
(Jonathan and Emily Clare Albrecht)
Roll nos. 5208-000-001-196-10

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-27 of the Municipality of Markstay-Warren, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13 and a consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Jonathan and Emily Clare Albrecht to rezone lands described as Part of Lot 9, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Parcel 28643, Territorial District of Sudbury.

The Sudbury East Planning Board has received applications for both severance and zoning by-law amendments from Tulloch Engineering, representing the property owner. Below is a summary of the applications:

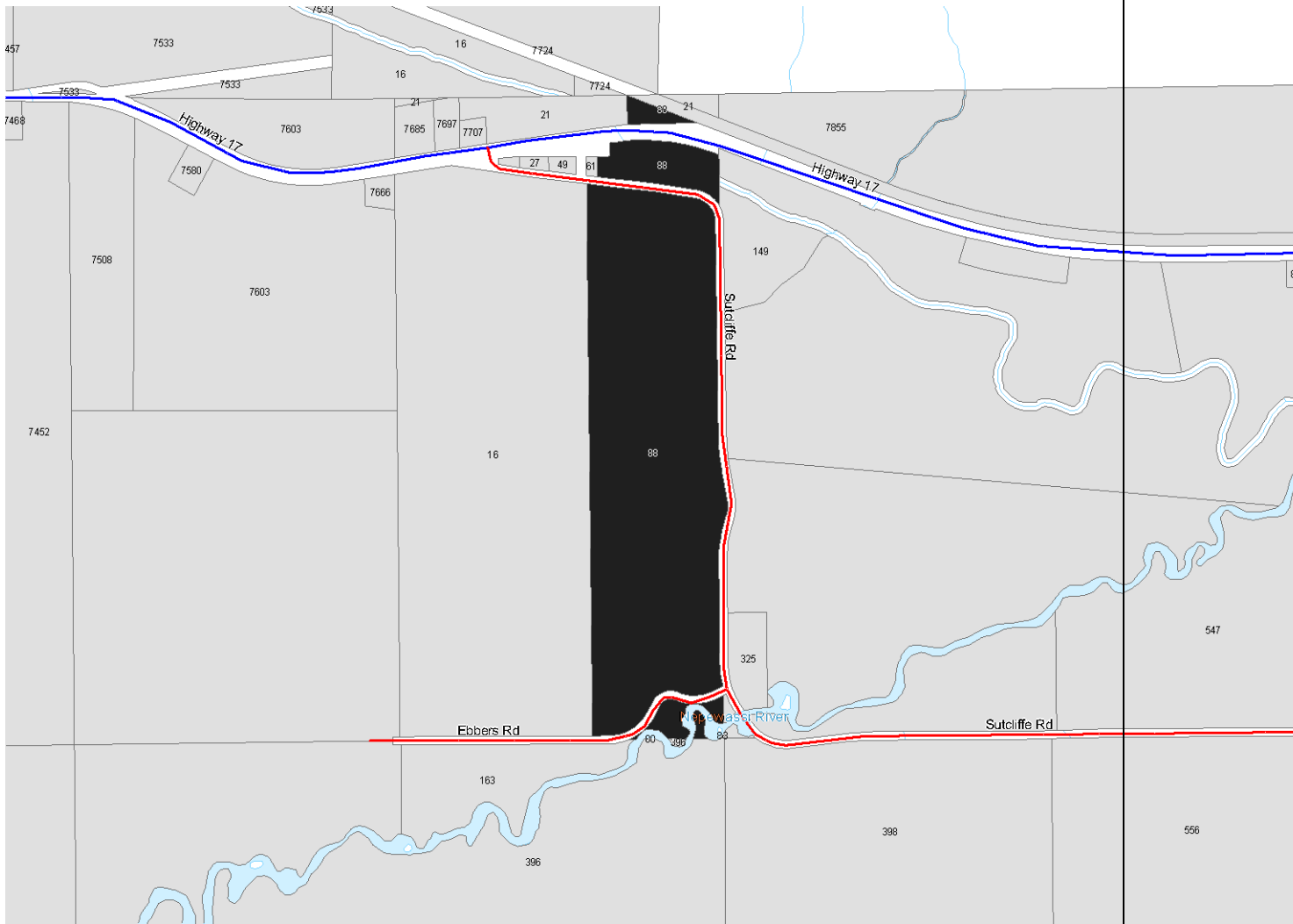
1. Severance Application:

- The applicant proposes to create one Rural (RU) lot with an approximate area of 5.7 hectares. The lot will be divided as follows: the north side of Sutcliffe Road (1.6 hectares), the south side of Sutcliffe Road (3.5 hectares), and Sutcliffe Road itself (0.6 hectares). The total frontage along Sutcliffe Road is approximately 395 metres. This parcel currently contains a single detached dwelling and a Type III Uninsulated Barn (Municipal Property Assessment Corporation, MPAC).
- The proposed retained lands will have an approximate area of 39.2 hectares and a frontage of approximately 1430 metres along Sutcliffe Road. A culvert and entrance have already been installed to provide access to the site. Although the MPAC comprehensive report lists these lands as vacant, a site visit revealed that there is a single detached dwelling with an attached garage and an accessory structure, which was constructed in 2024.

2. Zoning By-Law Amendment:

- The zoning amendment aims to restrict future construction on the north side of Sutcliffe Road, near the Veuve River, due to frequent flooding in the area. As a result, the lands on the north side of Sutcliffe Road will be rezoned from Rural (RU) to Open Space (OS).
- The Open Space zoning will prevent any future development on this property, thereby safeguarding the Municipality from potential issues related to construction in a flood-prone area.
- A Special Rural zoning is to be included in the proposed by-law to recognize the 3.5-hectare lot area once the road is transferred to the Municipality of Markstay-Warren.

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org



KEY MAP

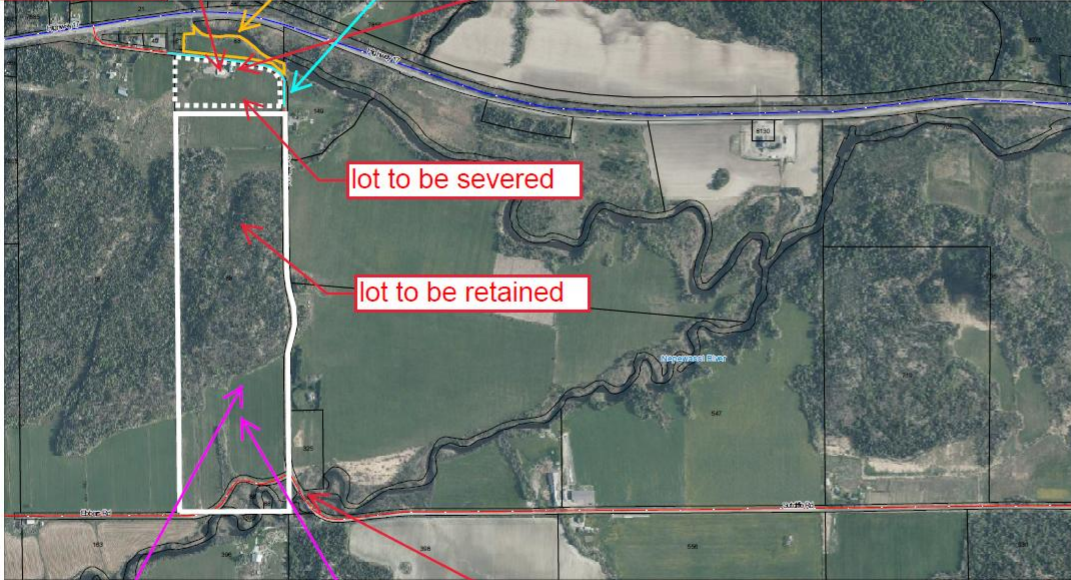
Consent and Zoning By-law Amendment Applications
 (Jonathan and Emily Clare Albrecht)
 Part of Lot 9, Concession 6
 in the Township of Dunnet
 now in the Municipality of Markstay-Warren
 Territorial District of Sudbury
 Parcel 28643 Sudbury East Section
 (Roll No. 5208-000-001-196-10)
 (SEPB File Nos. B/11/25/MW and ZBA 25-06MW)

rezoned from RU to OP and natural severance due to transfer of road

sutcliffe road to be surveyed and transferred to municipality

barn building

single detached dwelling unit



lot to be severed

lot to be retained

single detached dwelling unit
- constructed in 2024

sutcliffe bridge closed

barn building - constructed in 2024



SITE PLAN

Consent and Zoning By-law Amendment Applications
(Jonathan and Emily Clare Albrecht)
Part of Lot 9, Concession 6
in the Township of Dunnet
now in the Municipality of Markstay-Warren
Territorial District of Sudbury
Parcel 28643 Sudbury East Section
(Roll No. 5208-000-001-196-10)
(SEPB File Nos. B/11/25/MW and ZBA 25-06MW)



Planning Report: APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT
Report To: SUDBURY EAST PLANNING BOARD **Meeting Date:** April 17th, 2025
Report To: COUNCIL FOR THE MUNICIPALITY **Meeting Date:** April 24th, 2025
OF MARKSTAY-WARREN
Report Date: April 5th, 2025

Applicants/Owners: Jonathan and Emily Clare Albrecht
Agent/Solicitor: Tulloch Engineering – Steve McArthur
File Number: B/11/25/MW & ZBA 25-06MW
Property Description: Part of Lot 9, Concession 6
in the Township of Dunnet
now in the Municipality of Markstay-Warren
Territorial District of Sudbury
Parcel 28643 Sudbury East Section
(Roll No. 5208-000-001-196-01)
88 Sutcliffe Road

APPLICATION:

The subject lands are situated on the south side of Highway 17, west of Sutcliffe Road, and north of Ebbers Road. The area is characterized by large rural properties, with some properties actively engaged in farming-related activities. Notable examples of these properties include those located at 547 Sutcliffe Road, 556 Sutcliffe Road, and 398 Sutcliffe Road.

To the north, near the intersection of Sutcliffe Road and Highway 17, the predominant land use is residential rural, with an institutional use in the vicinity. Additionally, the Veuve River flows through the area, contributing to the natural landscape.

The Sudbury East Planning Board has received applications for both severance and zoning by-law amendments from Tulloch Engineering, representing the property owner. The applicant's agent has submitted several studies for review, including an environmental impact assessment, a planning justification report, and a minimum distance separation report. A summary of the proposed severance and zoning by-law amendment applications is outlined below.

Severance Application

The applicant seeks approval to sever a portion of the property, creating one Rural (RU) lot with an approximate area of 5.7 hectares. The proposed severed lands will be divided as follows:

- North Side of Sutcliffe Road: 1.6 hectares
- South Side of Sutcliffe Road: 3.5 hectares
- Sutcliffe Road itself: 0.6 hectares

The total frontage along Sutcliffe Road for the severed lands will be approximately 395 metres. The severed parcel currently contains a single detached dwelling and a Type III Uninsulated Barn (as recorded by the Municipal Property Assessment Corporation, MPAC).

The retained lands will consist of approximately 39.2 hectares, with a frontage of approximately 1430 metres along Sutcliffe Road. Access to the retained lands has already been established through a culvert and entrance. Despite MPAC listing the retained lands as vacant, a site visit confirmed the presence of a newly constructed single detached dwelling with an attached garage and accessory structure, completed in 2024.

Zoning By-Law Amendment Application

The zoning by-law amendment application seeks to rezone the lands on the north side of Sutcliffe Road, near the Veuve River, from Rural (RU) to Open Space (OS). This change is proposed due to frequent flooding in the area, with the aim of restricting future construction and development in this flood-prone zone.

Additionally, the proposed by-law includes a Special Rural zoning designation for the 3.5-hectare lot located on the south side of Sutcliffe Road, which will be recognized once the road is transferred to the Municipality of Markstay-Warren.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	395 metres
	Retained Lot	1430 metres
Access:	Publicly maintained (Municipality of Markstay-Warren) year-round road (Sutcliffe Road).	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Not applicable.	
Garbage Collection:	Available.	
Fire Protection:	Available.	

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL PLANNING STATEMENT, 2024

The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the Planning Act and came into effect on **October 20th, 2024**. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after **October 20th, 2024**.

In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be

consistent with the Provincial Planning Statement.

The applicant's proposal seeks approval to sever a portion of the property, creating one Rural (RU) lot with an approximate area of 5.7 hectares. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding:

2.1 Housing

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

2.5 Rural Areas in Municipalities

1. Healthy, integrated and viable rural areas should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

2.6 Rural Lands in Municipalities

1. On rural lands located in municipalities, permitted uses are:

c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.

g) other rural land uses

2. Development that can be sustained by rural service levels should be promoted.

5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae (MDS). A MDS report was completed and findings are noted in the Official Plan section of the report.

3.6 Sewage, Water and Stormwater

4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used if site conditions are suitable.

7. Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.

4.1 Natural Heritage

1. Natural features and areas shall be protected for the long term.
2. 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.

An Environmental Impact Assessment (EIA) was conducted by Tulloch Engineering's Senior Environmental Specialist. The assessment concluded that the proposed development would not have a negative impact on the species (Blandin Turtle, etc.) identified in the report. Additionally, the development is expected to comply with the relevant environmental acts outlined in the report.

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

GROWTH PLAN FOR NORTHERN ONTARIO, 2011

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario.

The Growth Plan for Northern Ontario (GPNO) is a 25-year plan that provides guidance in aligning provincial decisions and investment in Northern Ontario. It contains policies to guide decision-making surrounding growth that promotes economic prosperity, sound environmental stewardship, and strong, sustainable communities that offer northerners a high quality of life.

Section 4.2 Long-range planning for all communities

4.2.2 Municipalities and planning boards are encouraged to:

- a. Align their official plan policies with their long-term community strategies developed in accordance with Policy 4.2.1

OFFICIAL PLAN

Official Plan Designation: **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 in the **Rural Policy Areas** are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource-based uses, such as forestry, mining, and aggregate operations, as well as limited residential developments, where appropriate.

3.5 Natural Heritage contains significant and sensitive natural features and functions, such as Areas of Natural and Scientific Interest (ANSI), wetlands as well as fish, moose and elk habitat. The goal is to protect significant and sensitive natural features and functions.

4.5 Consent Policies

Consents to sever land for the purposes of creating a new building lot shall only be granted where a plan of subdivision has been determined not to be appropriate, no extension of services is required, adequate access to the severed and retained parcels can be provided from a year-round publicly maintained road, adequate sewage and water servicing can or will be provided, etc.

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

- 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.

The proposed severance and rezoning applications conform to the requirements of the **Official Plan** and the **4.5.1 Consent Policies**. Initially, both the proposed severed lot and retained parcel meet the requirements of the **Rural (RU)** Zone.

A **Special Rural zone** is proposed for the 3.5-hectare lot located on the south side of Sutcliffe Road. This zoning will be **recognized through this process**, as the severance will create two separate properties once the portion of Sutcliffe Road is transferred to the Municipality of Markstay-Warren. This transfer will effectively separate the two properties, allowing the new zoning to take effect. Additionally, the lands on the north side of Sutcliffe Road, near the Veuve River, are proposed to be rezoned from **Rural (RU)** to **Open Space (OS)** due to frequent flooding in the area. The rezoning will restrict future construction and development in this flood-prone zone.

Access: The proposed severed lot will have access via **Sutcliffe Road**, which is maintained year-round by the Municipality of Markstay-Warren. A site visit confirms that access to the retained lands has already been established through a culvert and entrance, ensuring no issues with access. The **Ministry of Transportation (MTO)** has reviewed the application, as Sutcliffe Road intersects with **Highway 17**. In principle, MTO had no objections, but they provided some comments for consideration by the applicant and agent.

Servicing: The agent has submitted the necessary documentation to demonstrate the availability of potable water and capacity for hauled sewage. Additionally, the **Sudbury District Health Unit** has approved the site for a sewage system, with a **Class 4 filter bed system** approved on **April 16, 2024**.

Environmental Impact: An **Environmental Impact Assessment (EIA)** conducted by Tulloch Engineering's Senior Environmental Specialist concluded that the proposed development would not negatively impact the species identified in the report. The development is expected to comply with the relevant environmental regulations and acts outlined in the EIA.

Minimum Distance Separation (MDS): The MDS report indicates that the barn on the retained lot has a required setback of **107 meters**, which does not extend into the severed lot. As a result, the creation of the severed lot

comply with MDS requirements. For the proposed retained lands, a **dwelling unit** exists on the property. The **MDS I setback** has been calculated and confirms that the dwelling is located outside the required barn setback for **Barns #1-3** and for the barn on the severed lot. Therefore, once the severance is completed, the retained lot will continue to conform to **MDS** requirements.

In conclusion, the application, as proposed, generally conforms to the intent and policies of the **Official Plan** and complies with the **4.5.1 Consent Policies**, ensuring that all necessary considerations, including access, servicing, environmental impact, and compatibility with surrounding land uses, have been addressed.

ZONING BY-LAW (2014-27)

Current Zoning: **Rural (RU) Zone**

Proposed Zoning:

Severed lot - Open Space (OS) Zone - North Side of Sutcliffe Road: 1.6 hectares/395 m of lot frontage
Severed lot - Special Rural (SRU) Zone - South Side of Sutcliffe Road: 3.5 hectares/395 m of lot frontage
Retained lot – Same as Above which is Rural (RU) Zone.

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

The Open Space(OP) Zone requires a minimum lot area of 0.4 hectares and a minimum lot frontage of 30.0 metres.

The zoning by-law amendment application seeks to rezone the lands on the north side of Sutcliffe Road, near the Veuve River, from Rural (RU) to Open Space (OS). This change is proposed due to frequent flooding in the area, with the aim of restricting future construction and development in this flood-prone zone.

Additionally, the proposed by-law includes a Special Rural zoning designation for the 3.5-hectare lot located on the south side of Sutcliffe Road. This zoning will be recognized through this process, as the severance will create two separate properties once the portion of Sutcliffe Road is transferred to the Municipality of Markstay-Warren. This transfer will effectively separate the two properties, allowing the new zoning to take effect

AGENCY REVIEW

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

Ministry of Transportation (MTO): MTO has no objections to the proposed rezoning and severance in principle, with the following comments to consider:

Severed Lot 1 (Pt. 3, 4, 5, 6, 9 Plan SR-3399):

- No direct access to Highway 17 will be permitted. All access must come exclusively from Sutcliffe Road.
- It is MTO policy to not allow direct highway access where access from a public road is available.

Severed Lot 2 (Travelled Rd known as Sutcliffe Rd):

- No concerns from the ministry for the transfer of the travelled road to the municipality.

Severed Lot 3 (PIN 734660282 South of Sutcliffe Rd):

- All Access must remain from Sutcliffe Rd.

Retained Lot:

- All Access must remain from Sutcliffe Rd.

Fire Department: no concerns.

Sudbury East Building and By-law Services (SEBBS): no issues.

The Sudbury & District Health Unit approved the site for a sewage system, with a **Class 4 filter bed system** approved on **April 16, 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 April 5th, 2025, 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 2024 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 Markstay-Warren approve application for Zone Change, File Number ZBA 25-06MW, for lands owned by Emily and Jonathan Albrecht, which proposes to change the zoning of the severed lands described as Part of

Lot 9, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Parcel 28643, from 'Rural (RU)' to 'Open Space (OP)' Zone for the lands north of Sutcliffe Road and from 'Rural (RU)' to 'Special Rural (SRU)' Zone for the lands south portion of Sutcliffe Road.

That the amending by-law refers to the By-law portion of the Municipal Council agenda for consideration.

Respectfully submitted,

'Matthew Dumont'

Matthew Dumont, MCIP, RPP
Director of Planning

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

Planning Board Date of Decision: April 17th, 2025
Date of Notice of Decision: April 25th, 2025
Last Date of Appeal: May 15th, 2025

Applicants: Jonathan and Emily Clare Albrecht
Owners: Same as Above
Agent/Solicitor: Tulloch Engineering (Steve McArthur)
File Number: B/11/25/MW
Property Description: Part of Lot 9, Concession 6
in the Township of Dunnet
now in the Municipality of Markstay-Warren
Territorial District of Sudbury
Parcel 28643 Sudbury East Section
(Roll No. 5208-000-001-196-01)

The Sudbury East Planning Board's conditions to granting consent for this transaction, **SEPB File No. B/11/25/MW, 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.

B11 CONDITIONS:

1. This approval applies to the creation of one rural lot of approximately 3.5 hectares in area with approximately 395 metres of lot frontage, as applied for on Part of Lot 9, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, (Parcel 28643 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$250.00 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. 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 and retained 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.

5. An amendment to Zoning By-law 2014-27 of the Municipality of Markstay-Warren Zoning for the severed and retained lands shall be approved, **to facilitate consent application B/11/25/MW.**

B11 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 with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.

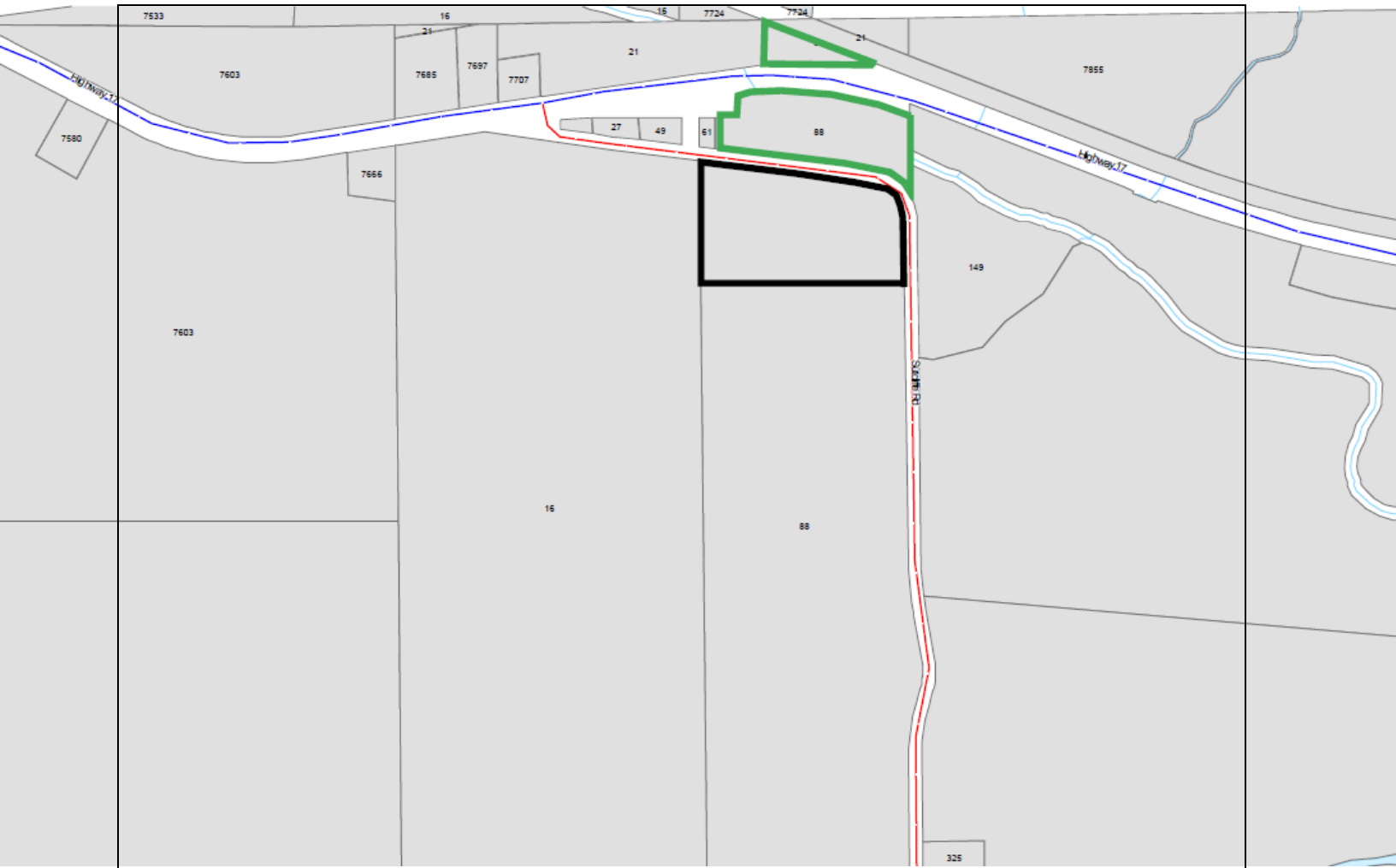
2. **It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval pursuant to Section 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13 within two years of the date that the Notice of Decision to grant Provisional Consent was given pursuant to Section 53(17) of 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. 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*.
6. 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.

7. 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.
8. 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.

DRAFT



This is Schedule "A-1" to By-law 2025-13 of the Municipality of Markstay-Warren, passed this 24th day of April 2025.

Chair / Mayor

Secretary-Treasurer / Clerk



Lands zoned Open Space (OS), on Part of Lot 9, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury; Parcel 28643 Sudbury East Section. (Roll No. 5208-000-001-196-01)



Lands zoned Rural (RU), subject to Special Provision 45 (S45), on Part of Lot 9, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury; Parcel 28643 Sudbury East Section. (Roll No. 5208-000-001-196-01)

3. Schedule "A-1" is hereby declared to form part of this By-law.
4. This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

READ A FIRST AND SECOND TIME this 24th day of April 2025.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this 24th day of April 2025.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK