

## Kivi Park, Sudbury

Presented To:	Planning Committee
Meeting Date:	April 26, 2021
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/20-27

## Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit a privately owned park permitting passive and active recreational uses and associated accessory uses including but not limited to maintenance and servicing of the park, the provision of food for park users, the rental and storage of sports related equipment and boats for park users, and parking areas for park users, Kivi Park, Sudbury – Clifford and Lily Fielding Charitable Foundation

This report is presented by Wendy Kaufman, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by the Clifford and Lily Fielding Charitable Foundation, to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-2”, Low Density Residential One, “SLS”, Seasonal Limited Service, and “RU”, Rural, to “OSP(S)”, Open Space Private Special on those lands described as PINs 73477-0274, 73477-0285, 73471-0015, 73471-0016, 73476-0513 & part of PIN 73476-0810, Parcels 1352, 13863, 1659, 1095, 39067, 29357 & 29680, Part 11, Plan 53R-6151, Part 1, Plan 53R-5370, Parts 1 & 2, Plan 53R-12323, Part 1 & 2, Plan 53R-20876, Lots 4 & 5, Concessions 2 & 3, Township of Broder, as outlined in the report entitled “Kivi Park, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 26, 2021, subject to the following conditions:

1. That the amending zoning by-law for the “OSP(S)”, Open Space Private Special zoning include the following site-specific provisions:
  - i. the only permitted use shall be a privately owned park permitting passive and active recreational uses and associated accessory uses including but not limited to maintenance and servicing of the park, the provision of food for park users, the rental and storage of sports related equipment and boats for park users, and parking areas for park users;
  - ii. permit a maximum of four shipping containers on lands comprising PIN 73476-0513, two shipping containers on lands comprising PIN 73471-0015, and three shipping containers on lands comprising PIN 73471-0016, for storage only, where shipping containers would not be permitted;
  - iii. permit a minimum front yard setback of 3 m for a shipping container on lands comprising PIN 73476-

0513 where a 10 m setback would be required;

- iv. permit a minimum 0.5 m building separation between shipping containers where a 3.0 m separation distance would be required;
  - v. permit a minimum 1.5 m building separation between two warming hut buildings located on lands comprising PIN 73476-0810, where a separation distance of 3 m would be required;
  - vi. permit a minimum 0 m building separation between two washroom buildings on lands comprising PIN 73471-0015 where a separation distance of 3 m would be required;
  - vii. permit buildings on the basis of private road access on lands comprising PINs 73476-0015 and 73476-0016 where buildings shall not be erected on a lot that does not have frontage on an assumed road;
  - viii. permit a shelter structure to be located within the shoreline buffer area on lands comprising PIN 73471-0016 where a 12 m setback would be required;
  - ix. permit a minimum westerly interior side yard setback of 0 m for a fire pit and firewood storage structure on lands comprising PIN 73476-0810, where a 10 m setback would be required;
  - x. no landscaped area shall be provided adjacent to a public road for a parking lot, where a 3.0 m landscaped area would be required;
  - xi. require a minimum 30 m landscaped area, which shall be permitted to include cleared areas for trails, adjacent to the west side of Edward Avenue where a 3.0 m landscaped area would be required; and
  - xii. require a minimum exterior side yard setback of 35 m adjacent to Edward Avenue where a 10 m setback would be required.
2. That prior to the enactment of the amending by-law, that the owner apply for all required building permits for existing structures to the satisfaction of the Chief Building Official.
  3. That prior to the enactment of the amending by-law, that the owner provide sewage system permits issued by Public Health Sudbury & Districts for each of the four existing washrooms with holding tanks, to the satisfaction of the Director of Planning Services.
  4. That prior to the enactment of the amending by-law, that the owner provide confirmation that there is an adequate source of potable water available to the satisfaction of the Director of Planning Services.
  5. Conditional approval shall lapse on May 11, 2023 unless Conditions 2, 3, and 4 above have been met or an extension has been granted by Council.

## **Relationship to the Strategic Plan / Health Impact Assessment**

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application aligns with the 2019-2027 City of Greater Sudbury Strategic Plan goal to create a healthier community by investing in infrastructure to support community recreation with a focus on quality of life.

## **Financial Implications**

Based on the information available, staff is unable to quantify the financial implications relating to property taxes and development charges as there would be a demolition credit available towards development charges on the new building to be constructed from the existing buildings to be demolished, and the

assessed value would be determined by MPAC (Municipal Property Assessment Corporation).

## Report Summary

An application for rezoning has been submitted to change the zoning classification on the subject lands from “R1-2”, Low Density Residential One, “SLS”, Seasonal Limited Service, and “RU”, Rural, to “OSP(S)”, Open Space Private Special in order to permit a privately owned park permitting passive and active recreational uses and associated accessory uses including but not limited to maintenance and servicing of the park, the provision of food for park users, the rental and storage of sports related equipment and boats for park users, and parking areas for park users. Site-specific provisions are required to enable the development, or have been specifically requested to promote land use compatibility. The subject lands are designated Rural Area and Living Area 2 in the Official Plan.

Staff recommends approval of the application on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest, and represent good planning.

## Staff Report

### Proposal:

Kivi Park is a unique facility comprised of both municipal parkland and private recreational land. The municipal parkland owned by the City is not subject to this rezoning application.

The application proposes to amend By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, for approximately 162 ha (400 acres) of land owned by the Clifford and Lily Fielding Foundation, to permit a privately owned park permitting passive and active recreational uses and associated accessory uses including but not limited to maintenance and servicing of the park, the provision of food for park users, the rental and storage of sports related equipment and boats for park users, and parking areas for park users. Site-specific provisions are required to enable the development, or have been specifically requested to promote land use compatibility.

An existing dwelling, garage and shed on PIN 73476-0513 are intended to be demolished. A new 300 square metre maintenance/storage building with staff washroom is intended to be constructed in this area (using the existing septic system and well associated with the existing dwelling if possible).

Existing buildings and structures that are intended to remain include:

- two warming huts
- nine shipping containers used for storage (four at Long Lake Road and five at Crowley Lake)
- three small storage sheds
- two above-ground fuel storage tanks
- two playgrounds with play structures
- two small shelter structures (Crowley Lake lands)
- four washrooms with holding tanks (two on Crowley Lake lands)

Six parking lots providing 99 parking spaces are provided along Raft Lake Road on the subject lands, and 15 spaces are provided at Crowley Lake.

The subject lands include approximately 56 km of trails for snowshoeing, classic and skate cross-country skiing, fat biking, mountain biking, hiking, and walking, and a winter skating path. Beach access as well as kayak, canoe and paddleboard rentals are available at Crowley Lake.

The municipal parkland owned by the City in this location consists of the former Long Lake Public School site and approximately seven acres of land adjacent to the former Long Lake Playground. The City purchase of the school and seven acres of land in the fall of 2015 was achieved through a donation from the Foundation. The Foundation buildings currently on these lands include two office trailers with an access ramp, a third trailer that is used as a rental office for sports equipment), a storage structure, and three washrooms with holding tanks (permitted through a Right of Occupation agreement with the City). The City is responsible for the operation and maintenance of the outdoor rink, sport fields, field house (in coordination with the Neighbourhood Association), parking lots and basketball court on this property.

A 2019 report prepared by Leisure Services for the Community Services Committee is available online: <https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=2&id=1357>. This report provided an update regarding Kivi Park operations, an overview of operating costs, responsibilities and considerations relating to Kivi Park and municipal support.

**Existing Zoning:** “R1-2”, Low Density Residential One, “SLS”, Seasonal Limited Service, and “RU”, Rural

The current R1-2 zoning is limited to PIN 73476-0513 being 0.5 ha in size and fronting on Long Lake Road. The residential zoning of these lands prevents their use for park purposes. The existing dwelling, garage and shed in this area are intended to be replaced with a new 300 square metre maintenance/storage building with staff washroom (3-5 staff at the park at once).

The current SLS zoning is limited to PIN 73471-0016 being 0.88 ha in size and fronting on Crowley Lake. The only uses permitted in the SLS zone include a seasonal dwelling and accessory private cabin. The sketch illustrates the existing structures on these lands, being two shelter structures and three shipping containers. No new structures are proposed in this area.

The RU zone applies to the majority of the lands and permits a range of residential and rural uses.

**Requested Zoning:** “OSP(S)”, Open Space Private Special

The requested OSP(S) zoning would permit a privately owned park permitting passive and active recreational uses and associated accessory uses including but not limited to maintenance and servicing of the park, the provision of food for park users, the rental and storage of sports related equipment and boats for park users, and parking areas for park users. Site-specific provisions are required to enable the development, or have been specifically requested to promote land use compatibility.

**Location and Site Description:**

The subject property is described as PINs 73477-0274, 73477-0285, 73471-0015, 73471-0016, 73476-0513 & part of PIN 73476-0810, Parcels 1352, 13863, 1659, 1095, 39067, 29357 & 29680, Part 11, Plan 53R-6151, Part 1, Plan 53R-5370, Parts 1 & 2, Plan 53R-12323, Part 1 & 2, Plan 53R-20876, Lots 4 & 5, Concessions 2 & 3, Township of Broder. The subject lands are generally located to the south of Long Lake and McFarlane Lake Roads and east and west of Raft Lake Road. Most of the lands comprising Kivi Park are contiguous with the exception of a parcel located to the north side of Crowley Lake, which is separated from the balance of the Kivi Park lands by Crown Land.

The lands are not serviced with municipal sewer or water services. Access to one portion of the subject lands is via Long Lake Road and the municipally maintained portion of Raft Lake Road. The portion of the site adjacent to Crowley Lake is accessible via Raft Lake Road and Kasten Lake Road, which are not maintained by the City and are considered to be private access roads. Maintenance of the private access road that the applicant advises has been completed include, for Raft Lake Road, drilling and blasting to widen and straighten the road at the top of the hill (in the vicinity of parking lot 5), installation of culverts and recycled

asphalt pavement, drainage and ditching, and grading. Planned improvements for Kasten Lake Road in the spring of 2021 include adding three pull over stops, 6-10 new culverts, grading and re-gravelling.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North:	low density residential, landscape contractor's yard, and vacant rural land (Long Lake Road, McFarlane Lake Road, Edward Drive)
East:	low density residential, vacant rural land, Crown land (Ristimaki Road, Raft Lake Road, Kasten Lake Road)
South:	Crown land, Crowley Lake
West:	City-owned Park, low density residential, Crown land

The existing zoning & location map indicate the location of the subject lands to be rezoned and the zoning in the immediate area. Aerial photography is also included to show the site in context with the surrounding uses.

Site photos show the existing recreational and storage facilities, parking areas, location of the proposed maintenance building, adjacent uses on City-owned lands, and low density residential uses along Long Lake Road and Edward Avenue.

### **Public Consultation:**

Notice of the application was circulated to the public and surrounding property owners on January 27, 2021. Notice of Public Hearing was circulated to the public and surrounding property owners on April 15, 2021. The applicant hand-delivered notices to residents of the Pennala subdivision, and along Long Lake Road, Edward Drive & McFarlane Lake Road.

As of the date of this report, five phone calls and one letter have been received. Comments range from general support, to questions about the maintenance of the private access road, and specific concerns with the volume, noise and speed of traffic along the curve of Long Lake Road in the area of the main parking lot, as well as overflow parking onto Long Lake Road.

### **Policy and Regulatory Framework:**

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Section 1.1.5 of the PPS includes policies for rural lands in municipalities, and permits resource-based recreational uses. Recreational, tourism and other economic opportunities should be promoted.

Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Development shall be appropriate to the infrastructure, which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

Section 1.5.1(b) and (c) state that healthy, active communities should be promoted by planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources, and providing opportunities for public access to shorelines.

Section 1.6.6.4 states that 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 on-site sewage services and individual on-site water services may be used, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 1.6.7.1 states that transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

### **Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform to the Growth Plan for Northern Ontario. There are no applicable land use planning policies that would be relevant to the current application, though the application aligns with policies support the development of the tourism sector.

### **Official Plan for the City of Greater Sudbury:**

A small portion of the subject lands along Long Lake Road is designated Living Area 2 in the Official Plan. The objectives for the Living Area designations, as listed in Section 3.1 of the Official Plan, include item (d) to ensure that Communities and Non-Urban Settlements permit a variety of complementary and compatible land uses, including community facilities, small-scale commercial uses and open space areas. Section 3.2 states that the Living Area II designation is comprised of several residential clusters in non-urban areas that evolved based on the City's historical pattern of settlement. While some of these Non-Urban Settlements are partially serviced by municipal water, most households rely on private systems. There is no intention to expand services to these areas. Policy 3.2(4) states that parks and open space are permitted in all Living Area designations.

The majority of the lands are designated Rural Area in the Official Plan. Section 5.2 states that Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. These areas also provide for outdoor recreation opportunities such as snowmobiling, skiing, hiking, canoeing, and other activities in natural areas. Policy 5.2(1)(c) lists conservation, open space and natural resource management activities as permitted uses within the Rural Areas designation.

Section 5.2.4 states that Rural Areas can accommodate a number of uses that are compatible with the natural setting and extensive open space areas, as well as existing uses such as farming. Activities related to outdoor recreation, agriculture, and natural resource management are considered appropriate within a rural setting. Policy 5.2.4(1) states that Rural Areas may be used for recreational purposes that are primarily outdoor-oriented.

While the use that is being proposed is not considered to be a resort or shoreline commercial resort use, the criteria used to evaluate these types of developments are listed in Section 5.2.6, and are considered relevant in that they guide the consideration of private uses that are permitted in rural and waterfront areas as a means of expanding the tourism sector and providing increased recreational opportunities. These uses are controlled through rezoning and site plan control processes, which confirm the following:

a) the site is suitable for the use proposed in terms of density, intensity, location of buildings and structures,

- and type of facilities;
- b) where development occurs in areas not fully serviced, resort and shoreline developments are to be serviced by an adequate sewage disposal system;
- c) a hydrogeological assessment may be required to assess the impacts of development and ensure an adequate supply of potable water;
- d) access routes can accommodate additional traffic if required;
- e) the proposed use is compatible with surrounding properties and will provide adequate buffering if required; and,
- f) impacts on the lake that result from the year-round activities associated with the resort development are considered and mitigated.

Policy 12.2.3(1) regarding sewer and water systems, states that where development is proposed outside fully serviced areas, the proponent must prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available. A hydrogeological assessment is required where the minimum lot size is less than 0.8 hectare (2 acres).

### **Zoning By-law 2010-100Z:**

Development standards for the requested 'OSP' zone include a maximum height of 10 m, maximum lot coverage of 5%, and minimum landscaped open space of 40%. The minimum required yard on all sides is 10 m. A 3 m building separation is required between buildings. The parking rate is 1/20 square metres net floor area.

### **Site Plan Control:**

A site plan control agreement will be required to be registered on title to the lands owned by the applicants prior to issuance of any required building permits. The site plan will focus on the portions of the site with buildings and structures, and will also plan for the City-owned lands used by the applicant through a Right of Occupation agreement (though will not be registered on title to lands owned by the City). The applicant has completed pre-consultation with the City regarding site plan control, which is required prior to the applicant making a formal site plan control application.

The entire City is subject to site plan control, as outlined in the Site Plan Control By-Law 2010-220, excepting certain zoned areas and classes of development. Generally, detached homes, semi-detached homes, duplexes, seasonal dwellings such as a camps and cottages, buildings with four units or less and accessory buildings (sheds or garages) are not subject to site plan control. A property can be rezoned for a use without requiring a site plan control agreement to be registered on title. The trigger for a site plan control agreement is tied to the building permit stage of development. In this manner, a property owner has certainty that a site can be used for their intended purpose prior to investing in the detailed design required for site plan control. However, a common misconception remains that development proposals can proceed simply because they have satisfied existing zoning requirements rather than being appropriately planned and designed in the context of site plan control. This is especially common for uses that either do not require a building permit or where the property owner has failed to obtain a building permit, given a building permit is the typical trigger for site plan control. To address this issue, City staff may recommend that that a site plan control agreement be registered on title prior to a rezoning by-law being passed. The legislative authority for municipalities to implement the site plan control process is found in Section 41 of the Planning Act.

### **Department/Agency Review:**

Planning staff circulated the development application to all appropriate internal departments and external agencies. Responses received are included as Appendix 1 and have been used to assist in evaluating the application.

Building Services has provided comments regarding additional site-specific zoning provisions that should be added to the bylaw, the buildings and structures that will require building permits (shipping containers,

warming huts, washroom structures, and shelter structures at Crowley Lake) and technical comments regarding fuel storage tanks.

Conservation Sudbury has advised that they do not have records permitting works on-site to date, and that any future works within their regulated area will require a permit pursuant to Section 28 of the Conservation Authorities Act.

Development Engineering has confirmed that the site is not presently serviced with municipal water or sanitary sewer. Any concerns regarding servicing, lot grading and stormwater management will be reviewed through the site plan process.

Infrastructure Capital Planning Services has advised that road and road drainage requirements will be reviewed through the site plan process.

Environmental Planning Initiatives has commented that there is a high potential for portions of the subject lands to serve as habitat for species that are protected under the Endangered Species Act, including but not necessarily limited to the Eastern Whip-poor-will. The owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the Endangered Species Act.

Public Health Sudbury & Districts has advised that the lands are suitable for installation of a septic tank and leaching bed system.

### **Planning Analysis:**

The PPS (2020), the Growth Plan (2011), and the Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

The applicant is proposing a park with passive and active recreational uses, and associated accessory uses including but not limited to maintenance and servicing of the park, the provision of food for park users, the rental and storage of sports related equipment and boats for park users, and parking areas for park users. The applicant has characterized the use as a significant recreational amenity for the use and enjoyment of the residents of the City of Greater Sudbury as well as visitors to the City.

The application aligns with Growth Plan for Northern Ontario policies that support the development of the tourism sector. The proposed use is consistent with PPS policies 1.5.1(b) and 1.5.1(c), which strive to promote health and active communities, by providing opportunities for recreation including the use of facilities, parklands, trails and water-based resources, as well as access to shorelines.

The Official Plan designates the majority of the subject lands as Rural Area, and a small portion along Long Lake Road are designated Living Area 2. Official Plan policies for the Living Area 2 designation, and particularly Policy 3.2(4), specifically permit park and open space uses. Section 1.1.5 of the PPS includes policies for rural lands in municipalities, and permits resource-based recreational uses. It states that recreational, tourism and other economic opportunities should be promoted while considering compatibility with the rural landscape and rural service levels. The Official Plan policies for Rural Areas (Section 5.2 and 5.2.4) permit outdoor-oriented recreational opportunities. The proposed location of the use is consistent with PPS and Official Plan policies that establish the permitted uses in this rural area.

The subject lands can be characterized as mainly vacant rural lands with trails, varying in topography. The subject lands are considered to be suitable in terms of accommodating the number of existing and proposed buildings and structures, which are considered to be minimal considering the size of the lands.

Staff recommends that the requested "OSP", Open Space Private zone is the appropriate base zoning for the proposed use. Staff also recommends that the proposed uses contemplated by the application be expressly permitted in the site-specific zoning provisions given the only use permitted in that zone is a public park.



A number of minor requests to accommodate existing structures have been requested and are recommended to be appropriate:

- The requested reduced building separation between shipping and storage containers, warming huts, and washroom facilities, which will be further addressed through the building permit process.
- The requested setback of 4 m and 0 m setback from the City-owned for a fire pit and a small wood storage structure (located on PIN 73476-0810) is not expected to have a negative impact on the adjacent lands.

### Shipping Containers

The City's approach to shipping containers, as articulated in the zoning by-law, is based on prohibiting them in certain zones in order to protect the quality and character of residential areas and other areas that define our community image. Shipping and storage containers are permitted in most industrial zones and in the Agricultural and Rural zones as an accessory structure in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use. They are also permitted for the purposes of rental, sale, or distribution in a Light Industrial or Heavy Industrial Zone for use off site. Shipping and storage containers are permitted on a temporary basis to support construction activities, or for up to 14 days to support moving activities. By contrast, shipping and storage containers are not permitted on Residential, Commercial, Business Industrial and Mixed Light Industrial/Service Commercial zoned lots. These zones are associated with the areas of our City where residents live, shop and work, in our higher profile locations such as key nodes and corridors that define our community.

Staff recommends that the use of shipping and storage containers for practical storage purposes, as an accessory structure to a private park use in a rural area is appropriate. The existing containers are considered to be compatible with the character of the park, and, if limited to the existing structures, will not have a negative impact on the surrounding rural residential uses. The four containers located south of Long Lake Road are well screened and are not visible from Long Lake Road or from Edward Drive or the residential use to the east. It is recommended that the requested 3 m front yard setback (where 10 m is required) and number of containers requested be permitted in the site-specific zoning for the property. This would be in keeping with the City's approach to permitting shipping and storage containers on certain lands.

Shipping containers are designed to be in motion and used for the transport of good and materials. The application requests them to be permitted as permanent structures for storage purposes only. Given the containers have an area over 10 square metres they require a building permit which will address snow and wind loading, the foundation, and other Building Code requirements related to fire and life safety.

### Parking

Parking for Kivi Park is provided through a combination of the main parking lot located on the City-owned lands, six parking lots located on the Foundation Lands adjacent to Raft Lake Road and a parking area at Crowley Lake. The City-owned parking lot accommodates approximately 90 parking spaces. The six parking lots along Raft Lake Road accommodate approximately 99 parking spaces, and 15 spaces are available at Crowley Lake.

The applicant has indicated that the parking lot with the highest usage is the parking lot located on the City-owned lands, as it is adjacent to the park office and rental facilities, playgrounds and skating path. Parking lots 5 and 6, which are located just beyond the public section of Raft Lake Road at the top of the ridge, are also well-used given the proximity to trails and scenic views.

The existing parking lots have proven over the past few years of the parks operation to be adequate for accommodating parking demands. The applicant has indicated that, as has been done in the past, parking for a large sporting event will be reduced by providing alternative parking location(s) with shuttle service. It is recommended that the existing parking facilities are adequate for the proposed use.

## Servicing

The site is not serviced by municipal water or sanitary sewer. When development is proposed on the basis of individual systems, the Official Plan requires the proponent to demonstrate that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available.

In terms of waste sewage disposal, Public Health Sudbury & Districts (PHSD) conducts inspections and issues sewage system permits in the City. PHSD has confirmed that the site, in general, is suitable for the installation of a private sewage system. The new maintenance building with staff washroom facility is proposed to use the existing septic system associated with the former residential dwelling on the property. The applicant has indicated that if a new septic system needs to be installed, the required approvals will be obtained from PHSD. There are also four existing washrooms with holding tanks on the subject lands for park users. A permit from PHSD is required to install this type of septic system (called a 'Class 5' system). Holding tanks are only allowed under certain circumstances as directed by the PHSD. Overall, while PHSD has confirmed site suitability, no sewage system permits have been provided with the application to confirm the appropriateness of the four existing washrooms with holding tanks.

In terms of potable water, the owner anticipates using the existing well associated with the former residential dwelling on the property to provide potable water to the new maintenance building for park staff. The applicant has not provided confirmation that there is an adequate supply of potable water available for this, which is required by Section 12.2.3(1) of the Official Plan and is necessary to confirm the suitability of the site. Though not proposed at this time, should the applicant decide to make drinking water available to the public, the water system may be considered to be a small drinking water system. These systems are under the jurisdiction of PHSD, whose role is to assess the system and determine what owners and operators must do to keep their drinking water safe, including requirements for water testing, treatment options and training.

## Access

Traffic to the site results mainly from staff and park users. The applicant has indicated that no heavy truck traffic is generated as part of the typical day-to-day operations of the park. Limited heavy truck traffic is expected during the construction of the proposed maintenance building.

Access to the main portion of the subject lands via Long Lake Road and the municipally maintained portion of Raft Lake Road can accommodate the anticipated level of traffic and is considered to be appropriate for the proposed development. It is acknowledged that staff has provided a number of comments with respect to road and road drainage requirements that will be addressed through the site plan control process.

Section 1.6.7.1 of the PPS identifies that transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. The zoning by-law states that no buildings can be erected on a lot unless it fronts on a road that has been assumed and is maintained year round by either the City or the Province in the case of provincial highways, with some exceptions e.g. for seasonal dwellings.

Access to the portion of the subject lands at Crowley Lake, which is open 10 a.m. – 4 p.m. on weekends, is on the basis of a private access road via Raft Lake Road and Kasten Lake Road which are not maintained by the City. The applicant has provided information regarding completed and planned maintenance activities in this area. The uses contemplated for this area by the applicant, and which are restricted through the proposed zoning, are expected to result in relatively low vehicle traffic volumes. It is expected that given the level of maintenance of the road in this area that emergency vehicles would be able to use the private access road. It is recommended that the proposed private road access is appropriate for the uses proposed, and that the site-specific zoning provisions include provisions for development on the basis of private road access.

## Land Use Compatibility

The main area of the subject lands with the most use is located adjacent to the main parking area, and is set back a significant distance from Long Lake Road. In general, the park use is considered compatible with the surrounding uses, which include low density residential use as well as vacant rural/Crown land.

A new maintenance building is proposed to be located at the northeast portion of the subject lands on PIN 73476-0513. Staff agrees with the applicant's request that the site-specific zoning provisions include the requirement to provide a 30 m wide landscape strip including a trail on the east side of PIN 73476-0513, as well as required a 35 m building setback (rather than 10 m) in order to promote compatibility with the adjacent residential uses along Edward Avenue to the east.

The applicant has requested to eliminate the requirement for a 3 m landscaped area to be provided adjacent to a public right-of-way for the three parking lots that abut the public portion Raft Lake Road. There is no surveyed road allowance for Raft Lake Road, which makes it difficult to define the boundary between the road and the parking lots. The request is recommended to be appropriate given the majority of the lands are being maintained in a natural state.

## Impacts on Crowley Lake

The City has developed an approach to the management of lakes, and the Official Plan establishes policies for lakes with phosphorous enrichment concerns. Crowley Lake is not a lake with phosphorous concerns, and is categorized as a 'standard' management lake from a phosphorous management perspective. This means that it has a low responsiveness to phosphorous and relatively low phosphorous loading. For all lakes in the City, the zoning by-law requires a 12 m development setback and vegetative buffer, except for some limited clearing and accessory shoreline structures (e.g. sauna, gazebo, boathouse), in order to protect water quality and shoreline habitat.

The application proposes limited development of the lands adjacent to Crowley Lake, including two shelter structures, 5 shipping and storage containers and two washrooms. This level of development is not expected to have significant impact on Crowley Lake. The applicant has requested relief to permit an existing 4x5 m shelter structure within the 12 m buffer area. It is understood that this existing structure was placed on the foundation of a previous structure on the lands that did not benefit from a building permit. Given the relatively low level of development overall, and that the shelter structure could be considered to be similar in nature to shoreline structures that would be permitted in the shoreline buffer area, this request is recommended to be appropriate and should be included in the site-specific zoning provisions.

## Conditions

Staff has considered in this case whether it would be appropriate to require the site plan control agreement to be registered on title prior to enactment of the amending by-law. Staff does not recommend that that this would be necessary given the applicant's plans to construct a maintenance building, which will require a building permit. The building permit for the maintenance building cannot be issued until a site plan control agreement has been registered on title for the entire site.

The following conditions are recommended prior to the enactment of the amending by-law:

- The existing shipping and storage containers, warming huts, and shelter structures at Crowley Lake have been placed on the property without the benefit of a building permit to address matters including structural integrity and life safety. It is recommended that prior to the enactment of the amending by-law, that the owner apply for all required building permits for existing structures to the satisfaction of the Chief Building Official.

- The application indicates that there are four existing washrooms with holding tanks, which are only allowed under certain circumstances, as directed by Public Health Sudbury & Districts. At this time, it has not been confirmed that these sewage disposal systems are adequate. It is recommended that prior to the enactment of the amending by-law, that the owner provide sewage system permits issued by Public Health Sudbury & Districts for each of the four existing washrooms with holding tanks, to the satisfaction of the Director of Planning Services.
- The applicant has not provided confirmation that there is a proven source of potable water available for the new maintenance building with washroom for parks operations staff, as required by the Official Plan. It is recommended that prior to the enactment of the amending by-law, that the owner provide confirmation that there is a source of potable water available (e.g. in the form of a report from a qualified professional engineer or hydrogeologist), to the satisfaction of the Director of Planning Services.

## **Conclusion:**

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific Zoning By-law Amendment:

- To permit a privately owned park permitting passive and active recreational uses and associated accessory uses including but not limited to maintenance and servicing of the park, the provision of food for park users, the rental and storage of sports related equipment and boats for park users, and parking areas for park users.
- To include site-specific provisions to enable the development, or to promote land use compatibility with adjacent uses.

The development of the subject lands achieves a number of policy directives, including the promotion of healthy and active communities, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is of the opinion that the proposed amendment is appropriate based on the following:

- The proposed use is permitted in Rural Areas and will provide opportunities for outdoor-oriented recreational activities.
- The site is suitable for the use proposed in terms of the intensity, types and location of buildings and structures.
- The existing parking facilities and road access are appropriate and can accommodate the expected demand.
- Adequate sewage waste disposal and water services can be provided.
- The use is compatible with surrounding properties and adequate buffering will be required.

Staff recommends approval of the application, subject to the conditions identified in the resolution, on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest, and represents good planning.