

Presented To:	Planning Committee
Presented:	Monday, Apr 08, 2019
Report Date	Monday, Mar 18, 2019
Type:	Public Hearings
File Number:	751-5/18-4

## Request for Decision

### Luc Soenens – Applications for Official Plan Amendment and Zoning By-law Amendment in order to facilitate the creation of a rural lot, 4292 Municipal Road #15, Chelmsford

#### Resolution

Resolution regarding Official Plan Amendment Application:

THAT the City of Greater Sudbury denies the application by Luc Soenens to amend the Official Plan for the City of Greater Sudbury to provide for a site-specific exception from Section 5.2.2 in order to facilitate the creation of one new rural lot on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled “Luc Soenens” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

Resolution regarding Zoning By-law Amendment Application:

THAT the City of Greater Sudbury denies the application by Luc Soenens to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the lands from “RU”, Rural to “RU(S)”, Rural Special on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled “Luc Soenens” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

#### Signed By

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Mar 18, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Mar 18, 19*

##### **Financial Implications**

Jim Lister  
Manager of Financial Planning and Budgeting  
*Digitally Signed Mar 19, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Mar 25, 19*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Mar 26, 19*

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

The application to amend the Official Plan and Zoning By-law is an operational matter under the Planning Act to which the City is responding.

#### Report Summary

This report reviews applications for Official Plan Amendment and Zoning By-law Amendment intended to facilitate the creation of one new rural lot having a minimum lot frontage of approximately 63 m (206.69 ft)

along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the Zoning By-law. Staff advises that the development proposal does not conform to the rural lot creation policies of the Official Plan for the City of Greater Sudbury and further it is not consistent with the rural land use policy directions as set out under the 2014 Provincial Policy Statement. The Planning Services Division is therefore recommending that the Official Plan Amendment and Zoning By-law Amendment applications be denied as outlined in the resolution section of this report.

The subject lands are not serviced with municipal water or sanitary sewer infrastructure. Public transit does not run along Municipal Road #15. Both Handi-Transit and TransCab services are also not provided along this portion of Municipal Road #15. Garbage collection and snow removal services are provided along Municipal Road #15.

### **Financial Implications**

This report has no financial implications as staff recommends that this Official Plan amendment and rezoning request be denied.

**Title: Luc Soenens**

**Date: March 7, 2019**

## **STAFF REPORT**

### **Applicant:**

Luc Soenens

### **Location:**

PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside (4292 Municipal Road #15, Chelmsford)

### **Official Plan and Zoning By-law:**

#### [Official Plan](#)

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities.

Rural lot creation policies are intended to mitigate the pressures inherent to unserviced development and the environmental impact of private septic systems. Development is intended to be concentrated in fully serviced communities and limits on location, size and the number of lot creations in the Rural designation have therefore been established.

Rural lot creation for new lots not located on a lake or watercourse is permitted under Section 5.2.2(2) subject to the following policies:

1. The severed parcel and the parcel remaining must have a minimum size of 2 ha (5 acres) and a minimum public road frontage of 90 m (300 ft); and,
2. Regardless of the size and frontage of the parent parcel, no more than three new lots may be created from a single parent rural parcel based on the adoption date of the Official Plan.

#### [Zoning By-law](#)

The subject lands are presently zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "RU" Zone generally permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment, group home type 1, seasonal dwelling, private cabin and private home daycare. Permitted non-residential uses generally include an agricultural use, animal shelter, forestry use, hunting or fishing camp, garden nursery, kennel, public utility and veterinary clinic. The minimum lot area for lands zoned "RU" is 2 ha (5 acres) along with a minimum lot frontage requirement of 90 m (300 ft).

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the north side of Municipal Road #15 between Fire Route U to the west and Montee Principale to the east in the community of Chelmsford. The lands have a total lot area of approximately 30.98 ha (76.56 acres) along with approximately 133 m (436.35 ft) of frontage onto Municipal Road #15. The lands presently contain a single-detached dwelling on the easterly portions. The single-detached dwelling is accessed via an existing driveway on the easterly portions of the lands out to Municipal Road #15. There are a number of unlicensed motor vehicles located on the lands.

**Title: Luc Soenens**

**Date: March 7, 2019**

Surrounding uses are rural residential in nature with the predominant built-form being single-detached dwellings. There is a veterinary clinic located immediately to the south. There are also a number of large vacant agricultural and rural lots in the area and further there is an existing extractive use in the form of a pit located further to the east on Municipal Road #80. The lots along the north side of Municipal Road #15 are deep rural lots and are generally well vegetated. There are a number of large and deep agricultural lots located to the south of the subject lands along Municipal Road #80.

**Applications:**

1. To amend the Official Plan for the City of Greater Sudbury in order to provide for a site-specific exception to Section 5.2.2(2) in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 metres of lot frontage onto a public road; and,
2. To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "RU", Rural to "RU(S)", Rural Special.

**Proposal:**

The applications together would facilitate the creation of one new rural lot having a minimum lot frontage of approximately 63 m (206.69 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the "RU", Rural Zone of the Zoning By-law. The lands to be severed presently contain a single-detached dwelling and the retained lands are presently vacant.

**Departmental/Agency Circulation:**

The City's Drainage Section, the Nickel District Conservation Authority, Operations, Roads, Traffic and Transportation have each advised that they have no concerns from their respective areas of interest.

Development Engineering has noted the lands are not presently serviced with municipal water or sanitary sewer infrastructure.

Building Services has noted that the lands have been altered in contravention of [By-law 2009-170](#) being a by-law to regulate the removal of topsoil, the placing or dumping of fill and the alteration of grades of land. It is recommended that the owner be required to obtain a site alteration permit to the satisfaction of the Chief Building Official prior to an amending zoning by-law being passed. Building Services has also noted that a number of unlicensed vehicles are located on the lands and further that said unlicensed vehicles should be removed prior to passing of an amending zoning by-law.

**Neighbourhood Consultation:**

The statutory notice of the public hearing was provided by newspaper along with an initial courtesy mail-out to landowners and tenants within a minimum of 240 m (800 ft) of the subject lands. The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The agent for the owner advised at the time of submission that no neighbourhood consultation would take place beyond the statutory notice requirements under the Planning Act. At the time of writing this report, several phone calls related to the application have been received by the Planning Services Division.

**Title: Luc Soenens**

**Date: March 7, 2019**

**Planning Considerations:**

[2014 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 2014 (PPS). The proposed Official Plan Amendment and rezoning is not consistent with the PPS for the following reasons:

1. Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The subject lands are not located within a designated settlement area in the City's Official Plan. The owner seeks to create an additional rural lot outside of a settlement area with both the proposed severed and retained parcels having less than the required 90 m (300 ft) of public road frontage onto Municipal Road #15. The City's in-force Official Plan identifies Living Areas which are intended to be the focus of growth and development in the City of Greater Sudbury. The subject lands are also not within a designated rural settlement area as described in the PPS;
2. Section 1.1.5.2 states that limited residential development is permitted on rural lands. Staff is of the opinion that the City's Official Plan allows for and has placed reasonable limits on rural lot creation. This approach to limiting rural lot creation is consistent with the PPS. Staff is of the opinion that the proposed development is not in keeping with good rural lot creation principles and that reasonable limited rural residential development opportunities exist under Section 5.2.2(2) of the current in-force Official Plan; and,
3. Section 1.1.5.9 states that new land uses, including the creation of lots, shall comply with the minimum distance separation (MDS) formulae established by the Ministry of Agriculture, Food and Rural Affairs. Staff notes that the agent for the owner did prepare and submit an MDS report and calculation in support of the application. Staff did review the MDS report and calculation and identified no areas of concern with respect to distance separation between the new lot proposed to be created and the nearest agricultural use.

[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 with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to amend the Official Plan and rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

[Official Plan](#)

With respect to the rural lot creation policies set out under Section 5.2.2(2) of the Official Plan, staff notes that both the severed and retained lands would not provide for the minimum required 90 m (300 ft) of lot frontage onto a public road being that of Municipal Road #15. The policies relating to rural lot creation are intended to mitigate the pressures that result from unlimited and unserved rural development including but not limited to the environmental impacts of having additional private infrastructure services on undersized rural lots. At the same time, staff would advise that the parameters for rural lot creation with respect to minimum lot areas and minimum lot frontages provides for reasonable and limited rural residential lot creation and development as directed under the PPS. The rural lot proposed to be created and the retained lot would both be undersized from a minimum lot frontage perspective, whereas currently the lot as it exists maintains in excess of 90 m (300 ft) of public road frontage on Municipal Road #15. Staff has concerns that continued and subsequent applications could result in the creation of further undersized rural lots that would create additional demand for private infrastructure services. Staff cannot support the application and is of the opinion that the proposed rural lot creation does not conform to the rural lot

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creation policies under Section 5.2.2(2) of the Official Plan.

### Zoning By-law

The applicant is requesting that the subject lands be rezoned from "RU", Rural to "RU(S)", Rural Special. The proposed rezoning would recognize a reduced minimum lot frontage for both the severed and retained lots whereas the parent "RU" Zone would require that both the severed and retained lands provide for a minimum lot frontage of 90 m (300 ft) onto Municipal Road #15. The owner is seeking to rezone the lands in order to recognize a resulting lot fabric having approximately 63 m (206.69 ft) on the severed portion along with a retained portion having approximately 72 m (236.22 ft) of lot frontage. The relief being sought would amount to a reduction in the minimum lot frontages of 27 m (88.58 ft) and 18 m (59.06 ft) respectively. Staff does note that the existing single-detached dwelling as shown on the submitted sketch appears to comply with all applicable "RU" Zone development standards otherwise. Staff cannot support the application to rezone the lands as the proposed development would not conform to the rural lot creation policies of the Official Plan for the City of Greater Sudbury.

Staff would also note that under Section 4.39 of the Zoning By-law the parking of any unlicensed motor vehicle(s) only as an accessory use to an automotive repair shop, automotive sales establishment, automotive body shop, vehicle repair shop, a vehicle sales or rental establishment or a recreation vehicle sales and service establishment located on the same lot as said uses. Aerial photography and site visits have indicated that a number of unlicensed vehicles are situated on the lands and staff would advise the owner that this is not permitted as none of the above noted land uses are permitted on the lands presently zoned "RU" under the Zoning By-law.

### Summary

Staff has reviewed the development proposal and is of the opinion that the development proposal does not conform with rural lot creation policies in the Official Plan for the City of Greater Sudbury. The development proposal is also not consistent with the rural land use planning policy directions identified in PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff cannot support the applications as the development proposal does not represent good rural land use as it does not represent limited and reasonable rural residential development given the rural land use planning policy directions in the PPS and the applicable rural lot creation policies contained in the Official Plan. The Planning Services Division therefore recommends that both the applications for Official Plan Amendment and Zoning By-law Amendment be denied in accordance with the resolution section of this report.

# Appendix 1

## Departmental & Agency Comments

**Files: 701-5/18-4 & 751-5/18-4**

**RE: Application for Official Plan Amendment & Rezoning – Luc Soenens – PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside (4292 Municipal Road #15, Chelmsford)**

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### Building Services

It appears that a portion of the site has been altered in contravention of CGS By-law 2009-170 for the Removal of Topsoil, the Placing or Dumping of Fill, and the Alteration of Grades of Land, as a Site Alteration Permit was not obtained. Prior to the passing of an amending zoning by-law, a Site Alteration Permit will be required to the satisfaction of the Chief Building Official.

Unlicensed motor vehicles and salvage or wrecking yards are not permitted uses in the “RU”, Rural Zone. All unlicensed motor vehicles must be removed from the retain portion.

### Development Engineering

No concerns. The lands are not presently serviced with municipal water or sanitary sewer.







SKETCH OF PROPOSED SEVERANCE AT  
**4292 REGIONAL ROAD #15**  
**PIN 73345-0193**  
CITY OF GREATER SUDBURY  
2018

FILE COPY

SCALE 1 : 1000  
0 10 20 30 40 METRES

CROWN

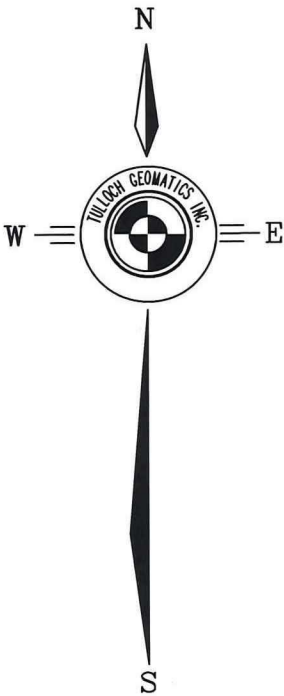
NOT TO SCALE

CONCESSION 6  
CONCESSION 5

LOT 9  
CON.

LOT 10  
LOT 9  
NOT TO SCALE  
1248±

LOT 9  
CON.



LOT 10  
CON.

NOT TO SCALE

1540±

PIN 73345-0759

**PROPOSED RETAINED  
66± ACRES**

**PROPOSED SEVERANCE  
5.00± ACRES**

PIN 73345-0193

POOL

HOUSE

PART 1  
53R--8063  
PIN 73345-0309

PIN 73345-0650

PART 1  
53R--10401

71.63±

**NOTES**

THE PROPERTY BOUNDARIES ILLUSTRATED ON THIS PLAN HAVE BEEN COMPILED FROM REGISTRY PLANS AND HAVE NOT BEEN CONFIRMED.

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF TULLOCH GEOMATICS. ©TULLOCH GEOMATICS, 2018.

REGIONAL ROAD #15

NOTE : DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**TULLOCH**

1942 REGENT STREET SUDBURY, ONTARIO  
UNIT L P3E 5V5 705-671-2295

FILE 185312 SKETCH PREPARED BY NM



**Photo #1 – Subject lands as viewed from Municipal Road #15 looking north.**



**Photo #2 – Approximate location of new rural lot as viewed from subject lands looking west.**





**Photo #3 – Existing single detached dwelling located on the subject lands.**



**Photo #4 – Existing single-detached dwelling located to the west of the proposed new rural lot.**



**Photo #5 – Existing single-detached dwelling located between the existing road frontages of the subject lands.**





**Photo #6 – Existing residential dwellings to the south of the subject lands.**

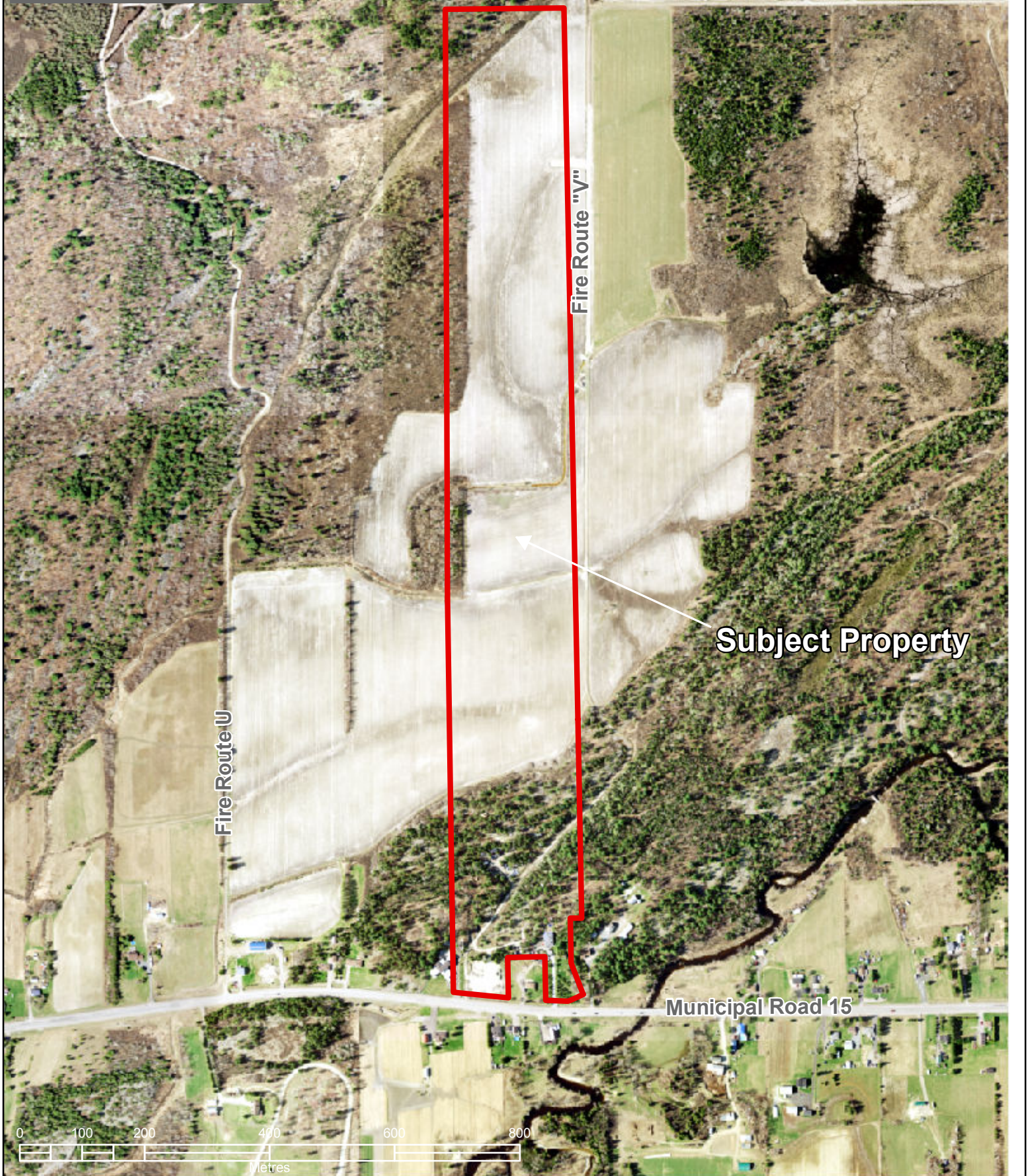




***Photo #7 – Existing veterinary clinic located to the south of the subject lands.***



Files: 751-5/18-4,  
701-5/18-4.  
4292 M.R. 15,  
Chelmsford  
2016 COOP Orthophotography



Fire Route "V"

Fire Route U

Subject Property

Municipal Road 15

