

1871 Morgan Road, Chelmsford

Presented To:	Planning Committee
Meeting Date:	June 14, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	B0027/2021

Report Summary

This report provides a recommendation regarding the consent referral for property at 1871 Morgan Road, Chelmsford – Don Rouleau.

Resolution

THAT the City of Greater Sudbury approves the request by Don Rouleau to allow Consent Application B0027/2021 on those lands described as PIN 73351-0047, Parcel 1181, Lot 9, Concession 6, Township of Balfour, to proceed by way of the consent process, as outlined in the report entitled “1871 Morgan Road, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 14, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The request to create one rural lot in addition to the three rural lots that are proposed or already created by way of the consent process as opposed to a plan of subdivision is an operational matter under the Planning Act to which the City is responding.

Financial Implications

If the consent referral is approved, staff estimates approximately \$4,800 in taxation revenue in the supplemental tax year only, based on the assumption of one single family detached dwelling unit, at an estimated assessed value of \$400,000 respectively per dwelling unit at the 2020 property tax rates.

This additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this development would result in total development charges of approximately \$12,000 based on the assumption of one single family detached dwelling unit based on the rates in effect as of this report.

Report Summary:

This report reviews a request by the owner to create one new rural lot having public road frontage on Morgan Road in Chelmsford by way of the consent process as opposed to the subdivision planning process. The owner has also applied concurrently for approval from the City's Consent Official to create another new rural lot having public road frontage on Morgan Road (File # B0026/2021). There have been two previous consent approvals that resulted in two rural lots having already been created from the single parent parcel of land (Files # B0082/2020 & B0287/1978).

Section 20.4.1 of the Official Plan requires that all proposals which have the effect of creating more than three new lots be processed as applications for a plan of subdivision unless in Council's opinion a plan of subdivision is not necessary for the proper development of the area. The proposed new rural lot that is the subject of this report would be the fourth lot created from the original parent parcel of land.

The Planning Services Division is recommending that the request be approved to proceed through the consent process as a plan of subdivision is not recommended.

STAFF REPORT

Applicants:

Don Rouleau

Location:

PIN 73351-0047, Parcel 1181, Lot 9, Concession 6, Township of Balfour (1871 Morgan Road, Chelmsford)

Official Plan and Zoning By-law:

[Official Plan](#)

The subject lands are primarily designated Rural in the Official Plan for the City of Greater Sudbury. There is also a small and southerly portion of the lands forming a buffer along the Vermilion River that are designation Parks and Open Space.

Section 5.2.2(2) of the City's Official Plan establishes criteria for the creation of new non-waterfront rural lots that are not situated on a waterbody or watercourse. Specifically, for new rural lots not located on a waterbody or watercourse, the following lot creation policies apply:

1. The severed parcel and the parcel remaining must have a minimum size of 2 hectares (5 acres) and a minimum public road frontage of 90 m (295 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 date of the adoption of this Plan in existence as of June 14, 2006.

Further to the above noted rural lot creation policies, Section 20.4.1 of the Official Plan outlines that, "... all proposals which have the effect of creating more than three new lots shall be considered as applications for a plan of subdivision, unless in Council's opinion a plan of subdivision is not necessary for the proper development of the area."

Zoning By-law

The subject lands are presently zoned “RU”, Rural and “H3RU”, Holding – Rural under By-law 2010-100Z being the Zoning By-Law for the City of Greater Sudbury.

The “RU” Zone permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, seasonal dwelling on a legal existing waterfront lot, private cabin accessory to a seasonal dwelling and a private home daycare.

Permitted non-residential uses include an agricultural use, animal shelter, forestry use having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, hunting or fishing camp provided it is a legal existing use, garden nursery, kennel having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, public utility and a veterinary clinic.

The portion of the lands zoned with the “H3” holding provision form a buffer along the Vermilion River, which are identified as being a Provincially Significant Wetland (PSW). The “H3” holding provision places certain limitations on development unless necessary approvals are obtained from Conservation Sudbury, the Sudbury and District Health Unit and provided that the proposed development will not have a negative impact on the PSW and its associated ecological functions. For example, legal existing buildings and structures may be altered in accordance with the City’s Zoning By-law and any new buildings and structures may only be constructed if accessory to a legal existing uses and provided that said new buildings and structures are limited to a maximum gross floor area of 38 m² (409.03 ft²).

The request from the owner would not change the zoning classification of the subject lands.

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Morgan Road and to the south of Fire Route “G” in the community of Chelmsford. The lands have an approximate total lot area of 10 ha (24.71 acres) with approximately 676 m (2,217.85 ft) of lot frontage on Morgan Road. The lands are vacant. There is an existing municipal drain (ie. Montpellier “A” Municipal Drain) traversing the northerly end of the lands in an east-to-west direction.

The proposed rural lot that is the subject of this report is the middle portion as depicted on the submitted sketch having an approximate lot area of 2.02 ha (4.99 acres) along with approximately 105 m (344.49 ft) of lot frontage on Morgan Road.

Surrounding uses are predominantly rural in nature with a number of rural residential lots varying in terms of lot area and lot frontage along with several large and vacant rural lots being located in the immediate vicinity of the subject lands.

Application:

In accordance with Section 20.4.1 of the Official Plan, the Consent Official has referred the subject application for consent to the Planning Committee and Council in order to determine whether the proposed rural lot creation should be permitted to proceed by the way of the consent process, or alternatively if a plan of subdivision is required.

Proposal:

The owner is seeking approval from the City's Consent Official to create one new rural lot having public road frontage on Morgan Road in Chelmsford. The owner has also applied concurrently for approval from the City's Consent Official to create another new rural lot having public road frontage on Morgan Road (File # B0026/2021). There have been two previous consent approvals that resulted in two rural lots having already been created from the single parent parcel of land (Files # B0082/2020 & B0287/1978).

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the consent referral request and to formulate a resolution with respect to whether or not the proposed rural lot creation should proceed by way of the consent process, or in the alternative if a plan of subdivision should be required.

During the review of the consent referral request, comments provided by circulated agencies and departments included the following:

1. Active Transportation, Building Services, Environmental Planning Initiatives, Fire Services, Leisure Services, Operations, Roads, Transportation and Innovation, and Transit Services have each advised that they have no comments or have no concerns from their respective areas of interest;
2. Conservation Sudbury has no concerns and has noted that there appears to be developable area on the lands that are outside of hazard lands that are situated on the lands;
3. Development Engineering has noted that the subject lands are not serviced with municipal water or sanitary sewer infrastructure. Development Engineering further advises that the owners must provide sufficient proof that adequate quantity of potable water is available for each of the lots being created;
4. The City's Drainage Section has noted that the subject lands are within the Vermillion Watershed and is a part of the Montpelier "A" Municipal Drain system. The municipal drain as constructed under the provincial [Drainage Act](#) can only be altered through applicable statutory processes and with the City's approval.

Planning Considerations:

Staff notes that the lands have been the subject of two previous rural lot creations (Files # B0082/2020 & B0287/1978) and the current rural lot creation development proposal involves two applications for consent that would permit the creation of an additional two rural lots with each having public road frontage on Morgan Road. Staff would further note that one of the current applications for consent (File # B0026/2021) has been permitted to proceed outside of the consent referral process as it is being treated as the third rural lot that would be created from the original parent parcel. It should also be noted that there is no Official Plan Amendment associated with the current development proposal because one of the previously approved rural lots that have been severed from the original parent parcel took place prior to the adoption date of the City's Official Plan on June 14, 2006.

With respect to Section 20.4.1 of the Official Plan, staff has circulated the consent referral request in order to determine whether the proposed rural lot creation should be permitted to proceed by way of the consent process, or alternatively, if a plan of subdivision should be required. Staff advises that in general those agencies and departments circulated on the request have not identified any concerns with respect to the proposed rural lot creation proceeding by way of the consent process. With respect to those comments received from the City's Drainage Section, staff notes that the proposed new rural lot that is the subject of this report is the middle portion while the Montpelier "A" Municipal Drain is located further to the north and on the proposed rural lot that is not the subject of this report.

Staff further advises that no land use planning matters which would prescribe the subdivision planning process as the preferred method for rural lot creation in this case have been identified during the review of the request.

Summary:

Staff has reviewed the consent referral request and advises that in general there are no land use planning matters which would prescribe the subdivision planning process as the preferred method for rural lot creation in this case. It is on this basis that staff recommends that it would be appropriate for the proposed new rural lot that is the subject of this report to be created by way of the consent process.