

Planning Justification Report

Dalron South Bay Road Residential Lots



Planning Justification Report

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Table of Contents

| | | |
|-----|---|----|
| 1.0 | Background | 1 |
| 2.0 | Purpose | 2 |
| 3.0 | Site and Surrounding Area | 2 |
| 3.1 | Site | 2 |
| 3.2 | Surrounding Area | 4 |
| 4.0 | Development Proposal | 6 |
| 5.0 | Planning Framework | 6 |
| 5.1 | Planning Act | 6 |
| 5.2 | Provincial Policy Statement | 7 |
| 5.3 | Growth Plan for Northern Ontario | 9 |
| 5.4 | Official Plan for the City of Greater Sudbury | 9 |
| 5.5 | City of Greater Sudbury Zoning By-law | 12 |
| 5.6 | Greater Sudbury Source Protection Area Source Protection Plan | 12 |
| 6.0 | Planning Analysis | 13 |
| 6.1 | Location of Development | 13 |
| 6.2 | Housing | 13 |
| 6.3 | Servicing | 13 |
| 6.4 | Lake Water Quality | 15 |
| 7.0 | Conclusion and Recommendation(s) | 15 |

List of Appendices

Appendix A DRAFT OFFICIAL PLAN AMENDMENT

Planning Justification Report

Dalron South Bay Road Residential Lots

1.0 Background

In 2020, Dalron Construction Limited (Dalron) submitted a pre-consultation application to the City of Greater Sudbury (City) to seek the City's feedback on a development proposal that would see the construction of new residential homes along the north and south sides of South Bay Road at Arlington Boulevard in the community of Sudbury.

The development proposal involved the creation of 14 residential lots and would require various approvals including an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBLA), the application of a Holding "H" symbol on two lots, the consolidation of two lots, the reconfiguration of six lots and land transfers between Dalron and the City. The proposal also required an application to rescind By-law 88-223 as it related to fifteen lots in the designated and deemed subdivision M-423.

In a Pre-Consultation Understanding (PCU) from the City dated March 4, 2020, City Planning Staff identified the reports and plans required to form part of a complete application for the proposed Official Plan Amendment and Rezoning under the *Planning Act*. These included:

1. Application Form (OPA and ZBLA)
2. Planning Justification Report (OPA)
3. Public Consultation Strategy (OPA and ZBLA)
4. Source Protection Plan Section 59 Application (OPA and ZBLA)
5. Concept Plan (rezoning sketch) (OPA and ZBLA)

The PCU notes that an OPA is required as the subject lands are designated and deemed not to be a registered plan of subdivision and that site specific exemptions to Section 20.5 of the Official Plan is required. The PCU also notes that a Planning Justification Report (PJR) is required as part of a complete application providing a land use rationale for lifting the deeming by-law in advance of sewer and water servicing in a vulnerable area identified in the Source Protection Plan and subject to area specific policies of the Official Plan (i.e. Section 20.5). The PCU also required that Dalron contact Conservation Sudbury directly to discuss their interests in the application.

Based on this feedback and other considerations, Dalron adjusted its development concept and now proposes to develop three new residential homes on lots 63 and 64 (to be consolidated), 203 and 204 in the designated and deemed subdivision M-423. This proposal requires an OPA, application to rescind By-law 88-223 as it relates to Lots 63, 64, 203 and 204, and other City/public agency approvals (e.g. Conservation Sudbury, Source Protection Plan), prior to construction.

In 2020, Dalron retained J.L. Richards & Associates Ltd. (JLR) to prepare a PJR in support of the applications to amend the City's Official Plan and rescind the Deeming By-law as it relates to the four lots described above. Since this time, JLR has reviewed various background materials, visited the site and surrounding area, considered the existing and planned character of the area, met with City planning staff, City water/wastewater staff with responsibility for source protection and Conservation Sudbury staff. JLR has also reviewed the *Planning Act*, *Provincial Policy Statement*, *Growth Plan for Northern Ontario*, *City of Greater Sudbury Official Plan*, *City of Greater Sudbury Zoning By-law*, *Greater Sudbury Source Protection Area Source Protection Plan* and related documents as part of our review and analysis.

Planning Justification Report

Dalron South Bay Road Residential Lots

2.0 Purpose

This report provides a professional planning opinion in support of the application to amend the Official Plan and rescind the Deeming By-law, as described in Section 1.0. It describes the site and surrounding area and development proposal, reviews the land use planning framework applicable to the site and proposal and discusses the land use planning merits of the application.

3.0 Site and Surrounding Area

3.1 Site

The subject lands are situated on the north and south side of South Bay Road at Arlington Boulevard in the community of Sudbury (see Figure 1). The subject lands are undeveloped. The lands have access to utilities (hydro, natural gas, lighting), road maintenance and waste collection. Transit services are available within approximately 600 metres to the west at Laurentian University. The lands are not serviced by municipal water and sewage services.

Figure 1: Subject Lands and Surrounding Area

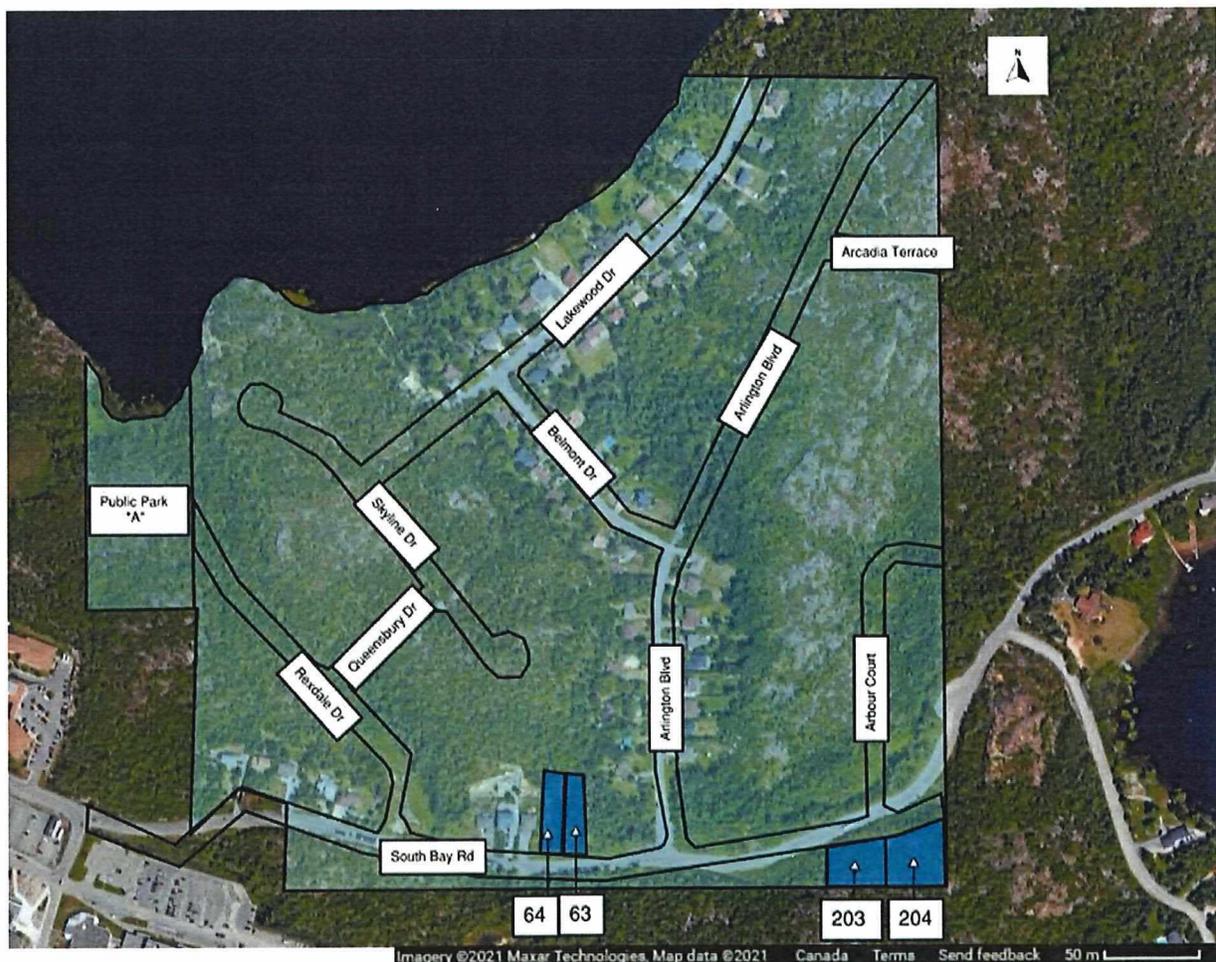


Planning Justification Report

Dalron South Bay Road Residential Lots

The subject lands formed part of a larger residential plan of subdivision for the area and registered on June 18, 1956 as Plan M-423 in accordance with the provisions of the *Planning Act* in effect at that time (see Figure 2). This plan called for the creation of a new system of streets and parks, a new public park and 204 residential lots. Over the years, a portion of the subdivision was developed including a portion of South Bay Road, Arlington Boulevard, Belmont Crescent and Lakewood Drive and 72 residential lots along these streets. A park block was also transferred to the municipality. On July 13, 1988 Council for the former Regional Municipality of Sudbury (now City of Greater Sudbury) passed By-law 88-223 to designate and deem portions of Plan M-423 not to be a plan of subdivision for the purposes of the *Planning Act*, including the subject lands.

Figure 2. Illustration of Extents of Plan M-423 showing location of subject lands



Planning Justification Report

Dalron South Bay Road Residential Lots

Using Plan M-423 as a guide, the dimensions of the lots that comprise the subject lands are shown in Table 1.

Table 1: Dimensions of the Subject Lands

| Lot | Frontage (m) | Depth (m) | Area (m ²) |
|-----|--------------|-----------|------------------------|
| 63 | 21.3 | 76.4 | 1,698.4 |
| 64 | 26.8 | 76.2 | 1,635.8 |
| 203 | 55.5 | 45.6 | 2,196.4 |
| 204 | 57.4 | 64.3 | 2,748.6 |

3.2 Surrounding Area

The subject lands are surrounded by a mix of developed and undeveloped lands, as follows:

North: Lands to the north are designated Living Area 1, zoned Low Density Residential One (R1-3) Zone and include a mix of undeveloped and developed residential uses along Arlington Boulevard, Belmont Drive and Lakewood Drive. The 51 homes along these streets are un-serviced and instead rely upon individual water and sanitary systems.

East: Lands to the east are designated Living Area 1 and 2, zoned Low Density Residential One (R1-1(6)) Zone and include a mix of undeveloped and developed residential uses along Keast Drive and South Bay Road. The 31 homes along Keast Drive and the northerly portion of South Bay Drive also rely on individual water and sanitary systems. Lands to the east also include the proposed University Park Subdivision. This proposed subdivision includes 147 residential units and will be served by municipal water and sanitary services, which is to be extended to those lands as a condition of approval of the plan of subdivision.

South: Lands to the south and extending to the west are designated Institutional, zoned Institutional (I) Zone and include the Laurentian University Campus, which is serviced by municipal water and sanitary services and hosts a substantial number of students, faculty and staff.

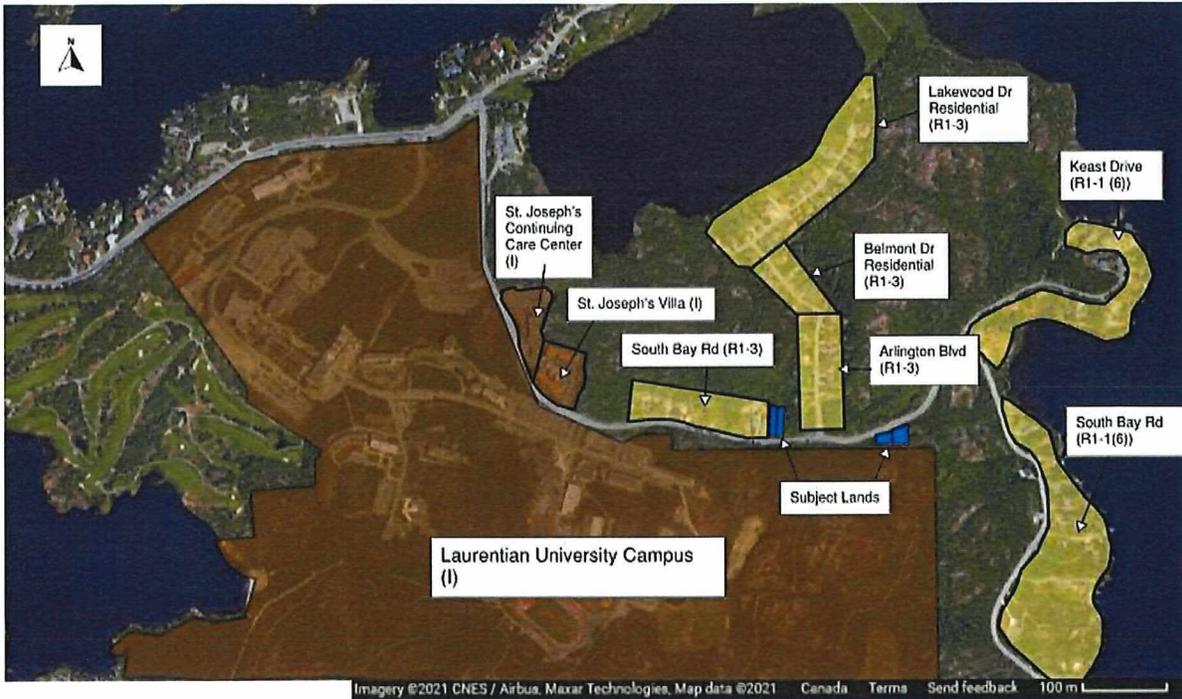
West: Lands to the west designated Living Area 1 and Institutional, are zoned I and R1-3 and are characterised by a mix of undeveloped and developed lands including Laurentian University, eight residential structures on the north side of South Bay Road, St. Joseph's Continuing Care Centre and St. Joseph's Villa. These eight single detached residential structures rely on individual water and sanitary services.

The surrounding context is illustrated in Figure 3.

Planning Justification Report

Dalron South Bay Road Residential Lots

Figure 3. Subject lands and surrounding context



Planning Justification Report

Dalron South Bay Road Residential Lots

4.0 Development Proposal

Dalron proposes to create three new residential lots from four lots in the designated and deemed subdivision. Lots 63 and 64 would be un-deemed and subsequently consolidated to create a single residential lot. Lots 203 and 204 would be un-deemed and remain as two separate residential lots.

Consistent with the 82 other homes in the area, the lots would be served by hydro, natural gas, road maintenance and waste collection. Similarly, the lots would also be served by individual water and sanitary systems.

5.0 Planning Framework

The land use planning framework for this application is formed by *Planning Act, Provincial Policy Statement, Growth Plan for Northern Ontario, City of Greater Sudbury Official Plan, City of Greater Sudbury Zoning By-law* and *Greater Sudbury Source Protection Area Source Protection Plan*. The application also engages the regulatory requirements of Conservation Sudbury.

5.1 Planning Act

The *Planning Act* (Act) is the primary piece of legislation governing land use planning in the Province of Ontario.

The purposes of the Act are,

- “(a) *to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;*
- “(b) *to provide for a land use system led by provincial policy;*
- “(c) *to integrate matters of provincial interest in provincial and municipal planning decisions;*
- “(d) *to provide for planning processes that are fair by making them open, accessible, timely and efficient;*
- “(e) *to encourage co-operation and co-ordination of various interests;*
- “(f) *to recognize the decision-making authority and accountability of municipal councils in planning.”* (ss.1.1).

Further the Act sets out various matters of provincial interest in land use planning that land use planning decision makers are required to “have regard to”, including:

- “(a) *the protection of ecological systems including natural areas, features and functions; ...*
- “(h) *the orderly development of safe and healthy communities; ...*
- “(j) *the adequate provision of a full range of housing, including affordable housing; ...*
- “(l) *the protection of the financial and economic well-being of the Province and its municipalities; ...*
- “(n) *the resolution of planning conflicts involving public and private interests; ...*
- “(p) *the appropriate location of growth and development; ...”* (s.2)

Planning Justification Report

Dalron South Bay Road Residential Lots

As discussed in Section 6.0 below, the application to amend the Official Plan and rescind the Deeming By-law to permit the creation of three new residential lots has appropriate regard to these matters of provincial interest.

5.2 Provincial Policy Statement

The Act also gives the Province of Ontario the ability to issue policy statements on matters of provincial interest in municipal planning (ss. 3(1)). The Act requires that municipal decisions in respect to the exercises of any authority that affects a planning matter “shall be consistent with” the policy statement in effect at the time of the decision (ss. 3(5)). The *Provincial Policy Statement, 2020* (PPS) came into effect on May 1, 2020.

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Policy 1.1.1 states that *“healthy, liveable and safe communities are sustained by: promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate affordable and market-based range and mix of residential types ... and other uses to meet long term needs; avoiding development and land use patterns which may cause environmental ... concerns; ... ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs ...”* (Policy 1.1.1.a, b, c, g).

Policy 1.1.3.1 states that *“settlement areas shall be the focus of growth and development.”* Further, Section 1.1.3.2 states that *“land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; ...”* (Policy 1.1.3.2.a ,b).

Policy 1.1.3.6 states that *“new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”*

Housing

Policy 1.4.3 states that *“planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents ...; directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; ...”* (Policy 1.4.3.b) 1., c)).

Planning Justification Report

Dalron South Bay Road Residential Lots

Infrastructure and Public Service Facilities

Policy 1.6.6.1 states that *“planning for sewage and water services shall: ... ensure that these systems are provided in a manner that can be sustained by the water resources upon which such services rely, ... is feasible and financial viable over their lifecycle, and protects human health and safety and the natural environment; ... be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that specific conditions are met. ”* (Policy 1.6.6.1 b) 1., 3, 4., e).

Policy 1.6.6.2. states that *“municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. ...”*

Policy 1.6.6.3 states that *“where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support the protection of the environment and minimize potential risks to human health and safety.”*

Policy 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. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.”*

Policy 1.6.6.6 states that *“subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity ... within municipal sewage services”*

Water

Policy 2.2.1 states that *“planning authorities shall protect, improve or restore the quality and quantity of water by: ... implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas, and protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive groundwater features and their hydrologic functions; ...”* (Policy 2.2.1 f).

Policy 2.2.2 states that *“development and site alteration shall be restricted in or near sensitive surface water features and sensitive groundwater features such that these features and their related hydrologic functions will be protected, improved and restored.”*

As discussed in Section 6.0 below, the application to amend the Official Plan and rescind the Deeming By-law to permit the creation of three new residential lots is consistent with all relevant PPS policies.

Planning Justification Report

Dalron South Bay Road Residential Lots

5.3 Growth Plan for Northern Ontario

The *Growth Plan for Northern Ontario, 2010* (Growth Plan) was prepared under the *Places to Grow Act, 2005* and came into effect on March 3, 2011. The Growth Plan applies to the Northern Growth Plan Area, which includes the City of Greater Sudbury. The Growth Plan provides specialized policies for northern Ontario which guide municipal decisions and improve coordination throughout the region related to growth and development, infrastructure planning, land use planning, housing, resource protection, and transportation. The *Places to Grow Act* requires that decisions under the *Planning Act* conform with the growth plan that applies to the growth plan area (s.14). This direction is expanded in the *Planning Act* which requires that land use planning decisions conform with or shall not conflict with provincial plans that are in effect on the date of decisions (s.3(5)).

The Growth Plan establishes policies that speak to communities, infrastructure and the environment. We have reviewed these policies and in our professional opinion, the application to amend the Official Plan and rescind the Deeming By-law to permit the creation of three new residential lots conforms to/does not conflict with the Growth Plan policies.

5.4 Official Plan for the City of Greater Sudbury

The Official Plan for the City of Greater Sudbury (OP) was adopted by City Council in 2006, approved by the Province of Ontario in 2007 and subsequently appealed to the Ontario Municipal Board (OMB). The Plan came into effect through a series of OMB decisions between 2007-2010. The OP recently underwent a five year review, the outcome of which was adopted by City Council in June 2018 and was modified and approved, as modified, by the Province of Ontario in April 2019. The City is currently undertaking Phase 2 of the OP Review. This report focuses on in-effect OP policy (i.e. the April 2019 OP).

The OP designates the subject lands Living Area 1 (Schedule 1b), situates Lots 63 and 64 within the South Peninsula of Ramsey Lake area (Schedule 2a) and situates the subject lands within the settlement area outside the built boundary (Schedule 3) and Intake Protection Zone 3 (Schedule 4a). Schedule 10 also indicates that the portion of South Bay Road at Arlington Avenue is not serviced by municipal water or sewer.

Reinforcing the Urban Structure

Section 2.3.2, Policy 1 states that *"future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas."*

Living Area Designations

Section 3.2, describes the Living Area 1 as *"... includes residential areas located in an urbanized Communities that are fully serviced by municipal water and sewer. Given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced development, Areas designated as Living Area 1 in Communities are seen as the primary focus of residential development."*

Planning Justification Report

Dalron South Bay Road Residential Lots

Section 3.2 states that “*Low density housing is permitted in all Living Area designations. . . . New residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of the lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law. . . .*” (Section 3.2, Policy 1, 3).

Section 3.2.1 states that “*Communities will absorb the majority of new residential development over the plan period. The Living Area 1 designation has three density levels that will be recognized in the implementing Zoning By-law: low, medium and high density residential. Low density development permits single detached dwellings . . . to a maximum net density of 36 units per hectare. In order to maintain existing neighbourhood character, the Zoning By-law may establish lower densities in certain areas of the City. . . .*” (Section 3.2.1, Policy 1).

Section 3.2.2, states that “*New development in Living Area 1 will occur adjacent to existing built up areas. . . .*” (Section 3.2.2., Policy 1).

General Protection of Water Resources

Section 8.1 states that “*Development and site alteration will be restricted in or near sensitive surface water features and sensitive groundwater features such that these features and their related hydrological functions and linkages will be protected, improved and restored. Mitigative measures and/or alternative development approaches may be required to protect, improve and restore sensitive surface water features, sensitive groundwater features and their hydrological functions.*” (Section 8.1, Policy 1, 2).

Greater Sudbury Source Protection Area Source Protection Plan

Section 8.3 states that “*Development and certain land use activities and public works within the vulnerable areas will conform with the policies on List A of the Greater Sudbury Source Protection Plan.*” (Section 8.3, Policy 1).

Section 8.3 also states that “*In the vulnerable areas, the City will reduce stormwater runoff volume and pollutant loadings from developments where stormwater management facilities could be a significant threat by: encouraging the implementation of a hierarchy of source, lot level, conveyance and end of pipe controls; encouraging the implementation of innovative stormwater management measures; considering flexibility in development standards to incorporate alternative community design and stormwater techniques, such as those related to site plan design, lot grading, ditches and curbing, driveway surfaces, and the use of open spaces as temporary detention ponds; . . .*” (Section 8.3, Policy 3, a, b, c).

Sewer and Water

Section 12.2.2 states that “*Municipal sewer and water services are the preferred form of servicing for all new developments. Municipal sewer and water systems will accommodate all new development, except in unserviced or partially serviced areas where different land use and servicing policies apply.*”

Planning Justification Report

Dalron South Bay Road Residential Lots

Section 12.2.3 states that "... While new development is primarily directed by this Plan to fully serviced areas of the City, developments in ... certain parts of the Living Areas that are ... unserviced are permitted to use individual systems subject to the policies of this Plan."

Section 12.2.3 also 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)." (Section 12.2.3, Policy 1).

Housing

Section 17.2.1 states that "to encourage a greater mix of housing types and tenure, it is a policy of this Plan to: ... encourage a wide range of housing types and forms suitable to meet housing needs of all current and future residents; ... support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities – designed to have a mix of land uses, supportive of transit development, the provision of a full range and mix of land uses, supportive transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents." (Section 17.2.1, Policy a, e).

Section 17.2.4 states that "The City of Greater Sudbury supports innovation in housing design and development that minimizes costs in the production of affordable housing. In order to achieve, this, it is the policy of this Plan to: permit alternative development standards, where appropriate" (Section 17.2.4, Policy a).

South Peninsula of Ramsey Lake Policy Area

Section 20.5 states that "Notwithstanding the policies of this Plan, the following special policies shall apply to lands designated as Living Area 1 on the South Peninsula of Ramsey Lake ... : In order to protect Ramsey Lake as a municipal water supply, no severances or subdivisions are permitted until municipal sewer and water services are available. In the interim, only single detached dwellings are permitted on legally existing lots fronting on public roads, subject to the approval of the appropriate regulatory authorities for a private sewage disposal system. In order to preserve the open space character of the neighbourhood, the net density of the South Peninsula shall not exceed 10 units/hectare (equivalent to 1,000 m² or 10,764 ft² of land per unit) even after sewer and water services are available." (Section 20.5, Policy 1 a,b).

As discussed in Section 6.0 below, the application to amend the OP and rescind the Deeming By-law to permit the creation of three new residential lots conforms to OP policies, except an area-specific policy that requires development on full municipal services in the South Peninsula area. As a result, an OP Amendment is required to provide relief from this policy requirement.

Planning Justification Report

Dalron South Bay Road Residential Lots

5.5 City of Greater Sudbury Zoning By-law

The City of Greater Sudbury Zoning By-law 2010-100Z (Zoning By-law) came into force on September 29, 2010. It applies to all lands within the City of Greater Sudbury, including the subject lands.

The Zoning By-law zones the subject lands R1-3, Low Density Residential One. This zone category permits single detached dwellings and establishes various development standards, including a minimum lot area of 1,000 m² and minimum lot frontage of 30.0 m, consistent with the OP policy direction to preserve the open space character of the South Peninsula of Ramsey Lake Area. As illustrated in Table 2, the new lots that would be created through the proposed OPA and rescindment of the Deeming By-law would meet relevant standards.

Table 2: R1-3 Zone Standards and the Subject Lands

| R1-3 Zone Standard | Standard | Lots 63+64 | Lot 203 | Lot 204 |
|--------------------------------|-----------------|-------------------|----------------|----------------|
| Min Lot Area (m ²) | 1,000 | 3,334 | 2,196 | 2,749 |
| Min Lot Frontage (m) | 30 | 48.1 | 55.5 | 57.4 |
| Min Lot Depth (m) | 30 | 76 | 45.6 | 64.3 |

The subject lands are also subject to the Ramsey Lake Watershed (RLW) Overlay Zone established in the Zoning By-law. Section 4.42.3 of the Zoning By-law, which speaks to this Overlay Zone, prohibits additional uses that represent a threat to drinking water quality on lands subject to the overlay. A single detached home and individual sewage system are not included in the list of additional prohibited uses.

5.6 Greater Sudbury Source Protection Area Source Protection Plan

The *Greater Sudbury Source Protection Area Source Protection Plan* (Source Protection Plan) was prepared under the *Clean Water Act*, 2006, approved by the Province of Ontario on September 19, 2014 and came into effect on April 1, 2015. The Source Protection Plan applies to the subject lands and development proposal.

The Source Protection Plan situates the subject lands outside of the Ramsey Lake Intake Protection Zones (IPZ) 1 and 2 and within the Ramsey Lake IPZ 3, with a vulnerability score of 9 (Map 3.7).

Table 1 of the Source Protection Plan indicates that lands within the Ramsey Lake IPZ3 with a vulnerability score of 9 or higher are subject to policies relating to fuel, pesticides, aircraft de-icing fluid and transportation, as well as the policies listed for the Ramsey Lake Issues Contributing Area. These include policies relating to agriculture, salt and snow, sewage, waste and issue monitoring.

With respect to sewage, the following policies apply S1EF-2A, S2EF-EO, S4EF-PI, S5F-LUP, S6EF-SA, S7F-LUP, S8EF-EO and S9EF-SA. These policies do not prohibit the creation of new lots on individual septic systems in the Ramsey Lake IPZ3 (with a vulnerability score of 9) or Ramsey Lake Issues Contributing Area.

Planning Justification Report

Dalron South Bay Road Residential Lots

Other Framework Elements

The subject lands are also partly located within Conservation Sudbury's "regulated area". As a result a permit under Section 28 of the Conservation Authority Act will be required prior to construction. This can be addressed at the building permit stage of development.

6.0 Planning Analysis

6.1 Location of Development

In terms of the location of development, the development proposal has regard to the Act, is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the OP.

This is an appropriate location for growth and development. The subject lands are located in the designated growth area of the community of Sudbury's settlement area, between the built up area of the community and an approved 147 unit draft plan of subdivision. The development proposal is compatible with the existing and planned character of the area, understanding the City's goal of preserving the open space character of the area. The development proposal would be served by existing and available infrastructure and public service facilities that serve the site and community. The development proposal would not increase pressure to extend infrastructure or public service facilities to the subject lands or area. Consistent with the *Comparative Fiscal Municipal Impact Analysis of Growth Study* commissioned by the City and presented to Planning Committee in January 2018 it is anticipated that the proposed development will generate positive net revenue to the City, thus supporting its financial well-being.

6.2 Housing

In terms of housing, the development proposal has regard to the Act, is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the OP.

The proposal would contribute to the range and mix of housing opportunities available within the city in a location that is appropriately served by existing and future infrastructure and public service facilities. The development would help complete this segment of South Bay Road area. The alternative water and sanitary service development standards that are proposed are appropriate, as described below. The use of an alternative service standard in this instance would also help reduce housing construction costs when compared to connecting the proposed lots to full municipal water and sewage services.

6.3 Servicing

In terms of servicing, the development proposal has regard to the Act, is consistent with the PPS, and conforms/does not conflict with the Growth Plan.

The portion of South Bay Road, east of Laurentian University is not serviced by municipal water or sewage services. The PPS establishes a servicing hierarchy involving full municipal services, communal services, individual services and partial services. The PPS gives municipalities the ability to consider individual service arrangements in instances such as this when municipal

Planning Justification Report

Dalron South Bay Road Residential Lots

services are not “available” or “feasible”. The PPS allows individual on-site water and sewage services provided that site conditions are suitable for the long-term provision of such services with no negative impacts and, in settlement areas, to facilitate infilling of existing development. The proposed development is consistent with these policies. The long term suitability of the site for individual water and sewage services can be determined in accordance with the City’s standard business practices for lot creation through the consent process.

The sewer and water policies of the OP establish a similar servicing hierarchy and also provide flexibility to consider the use of individual services, where appropriate. The OP acknowledges that while new development is primarily directed to serviced areas of the City, certain parts of the Living Area are un-serviced and such areas are permitted to use individual systems, subject to the policies of the OP. The OP 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. The proposed development is consistent with these policies. The long term suitability of the site for individual water and sewage services can be determined in accordance with the City’s standard business practices established for such purposes.

The South Peninsula of Ramsey Lake Policy Area policies establish area specific policies for servicing, which take precedence over the general sewer and water policies of the OP. These area specific policies state that in order to protect Ramsey Lake as a municipal water supply, no severances or subdivisions are permitted until municipal sewer and water services are available. The proposed OPA would provide relief from this area specific policy. The proposed OPA would conform to the City’s general sewer and water OP policy, as previously discussed, and meet the requirements of the Source Water Protection Plan, as discussed below, which is designed to protect against threats to the municipal drinking water supply, including Ramsey Lake. The proposed lots would exceed the 1,000 m² of land per unit requirement established in the OP and maintain the open space character of the neighbourhood.

The proposed OP Amendment included in Attachment A, permits the proposed development on private services, subject to demonstrating the suitability of the site for the long term provision of such services as permitted in the PPS and OP. This approach is consistent with the approach taken to other comparable site specific amendments that have been approved the City.

The City’s *Water Wastewater Master Plan* does not recommend that the City extend municipal water or sewage services along South Bay Road. Instead, the plan envisages the extension of municipal services in conjunction with the development of the adjacent University Park subdivision to the east of the subject land. It is our understanding that a high pressure sanitary force main will need to be installed along South Bay Road and in front of the subject lands in order to appropriately service the University Park subdivision. Connecting individual homes to sanitary force mains is generally not recommended given the risk associated with the failure of private check valves/service connections, which would result in subsequent damage to the home.

Planning Justification Report

Dalron South Bay Road Residential Lots

6.4 Lake Water Quality

In terms of lake water quality, the proposed development has regard to the Act, is consistent with the PPS, conforms/does not conflict with the Growth Plan, conforms to the OP and complies with the Source Protection Plan.

The subject lands are situated inland from Lake Ramsey within the Ramsey Lake Intake Protection Zone 3, with a vulnerability score of 9, defined in the Source Water Protection Plan. Sewage is identified as a drinking water threat in the Source Protection Plan. Sewage policies for the Ramsey Lake IPZ 3 with a vulnerability score of 9 lands do not prohibit the creation of new lots on individual sewage systems. Instead, the policies require a mandatory septic system inspection program to appropriately manage the risk associated with individual sewage systems in this area.

In meeting the requirements of the Source Protection Plan, the development proposal meets provincial and local policies that require that require the protection of water quality and quantity, municipal water supplies, designated vulnerable areas and vulnerable surface water features.

7.0 Conclusion and Recommendation(s)

Based on the above, it is our professional planning opinion that the proposed development is appropriate and should be approved. We recommend that the Official Plan for the City of Greater Sudbury be amended, substantially in accordance with the draft Official Plan Amendment included in Attachment A, and that Deeming By-law 88-223 as it relates to Lots 63, 64, 203 and 204 be rescinded to facilitate the proposed development.

Planning Justification Report Dalron South Bay Road Residential Lots

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Planning Justification Report

Dalron South Bay Road Residential Lots

ATTACHMENT A:

"21.xx Notwithstanding anything to the contrary, the following policies shall apply to the lands described as Part of Parcel 49532, Lots 63 and 64 and Part of Parcel 49530, Lots 203 and 204, Lot 2, Concession 1, Township of McKim:

- a) The owner may apply to consolidate Lots 63 and 64 into a single consolidated lot.
- b) Development may be permitted on the consolidated Lots 63 and 64, and Lots 203 and 204 in accordance with the Zoning By-law, provided that the owner demonstrates that the lots are suitable for individual on-site water and sewage services.
- c) No severances that would result in the creation of any additional lots shall be permitted.



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