

5000 Desmarais Road, Hanmer

Presented To:	Planning Committee
Meeting Date:	September 26, 2022
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	B0059/2022 to B0061/2022

Report Summary

This report provides a recommendation regarding a request to create three non-waterfront rural lots in addition to the three non-waterfront rural lots already created by way of the consent process as opposed to a plan of subdivision.

Resolution

THAT the City of Greater Sudbury approves the request by Boisvert Property Management Inc. to allow Consent Applications B0059/2022, B0060/2022 and B0061/2022 on those lands described as PIN 73504-3028, Parcel 18511, Part of Lot 6, Concession 3, Township of Hanmer, to proceed by way of the consent process, as outlined in the report entitled “5000 Desmarais Road, Hanmer” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of September 26, 2022.

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

The request to create three non-waterfront rural lots in addition to the three non-waterfront rural lots 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.

The request to create three non-waterfront rural lots by way of the consent process as opposed to a plan of subdivision does not either directly align with or negatively impact any of strategic goals and objectives that are identified within the City’s Strategic Plan.

The request to create three non-waterfront rural lots by way of the consent process as opposed to a plan of subdivision is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

Financial Implications

If the consent referral request is approved, staff estimates approximately \$15,500 in taxation revenue, based on the assumption of three single detached dwellings units at an estimated assessed value of \$400,000 per dwelling units at the 2022 property tax rates.

If there is additional taxation revenue, it 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, if three single family homes are constructed on these three lots, it would result in development charges of approximately \$45,000 based on the rates in effect as of the date of this report.

Report Overview

This report reviews a request by the owner to create a further three non-waterfront rural lots in addition to the three non-waterfront rural lots already created by way of the consent process as opposed to a plan of subdivision. Section 19.4.1 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 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

Applicant:

Boisvert Property Management Inc.

Location:

PIN 73504-3028, Parcel 18511, Part of Lot 6, Concession 3, Township of Hanmer (5000 Desmarais Road, Hanmer)

Official Plan and Zoning By-law:

[Official Plan](#)

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury.

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.

Section 5.2.2(4) of the City's Official Plan establishes criteria for the creation of new rural waterfront lots located on a lake or watercourse. Specifically, for new rural lots located on a waterbody or watercourse, the following lot creation policies apply:

1. Excluding those waterbodies or watercourses situated within an identified Special Policy Area, new lots on waterbodies or watercourses in will have a minimum lot areas of 0.8 hectare (2 acres) and have a minimum water frontage of 45 m (148 ft), unless detailed waterbody studies indicate a change in the standard;

2. New lots for permanent waterfront residential use must front onto a public road that is maintained year-round;
3. New lots for seasonal waterfront residential uses are permitted on waterbodies or watercourses with public water access with adequate off-street parking and boat docking facilities; and,
4. Residential dwellings and accessory buildings must be set back to appropriate levels based on individual waterbody or watercourse conditions and regulations set out in the City's Zoning By-law.

Further to the above noted rural lot creation policies, Section 19.4.1 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 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 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 east side of Desmarais Road and to the south of Gravel Drive in the community of Hanmer. The lands have a total lot area of approximately 14.54 ha (35.93 acres) with approximately 583 m (1,912.73 ft) of lot frontage on Desmarais Road. The lands also have approximately 194 m (636.48 ft) of frontage on Gravel Drive. The lands are well vegetated and presently vacant. Surrounding uses are predominantly rural residential in nature along Desmarais Road and Gravel Drive with several large well vegetated and vacant rural lots also being present in the general area. There is also urban residential development on smaller lots to the south of the lands having frontage on Talon Street and Fergus Street.

Application:

In accordance with Section 19.4.1 of the Official Plan, the Consent Official has referred the subject applications for consent to the Planning Committee and Council in order to determine whether the proposed lot creations should be permitted to proceed by the way of the consent process, or alternatively if a plan of subdivision is required.

Proposal:

The owners are seeking approval from the Consent Official to create three additional non-waterfront rural lots with each having a minimum lot area of 2 ha (4.94 acres) and a minimum lot frontage of 90 m (295.28 ft) onto Desmarais Road. The previous owner of the lands has previously applied for and received approval to create a total of three non-waterfront rural lots fronting onto Desmarais Road with said rural lot creations taking place prior to June 14, 2006.

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 creations 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, Conservation Sudbury, the City's Drainage Section, Environmental Planning Initiatives, Leisure Services, Operations, Roads, and Transportation and Innovation have each already reviewed and/or provided comments with respect to proposed non-waterfront rural lot creations as the applications were circulated for comment prior to identifying that a consent referral was necessary. Staff advises in this regard that the above agencies and/or departments have either provided no comments or have not identified any concerns from their respective areas of interest that would prescribe the subdivision planning process as the preferred method for lot creation in this case;
2. Building Services has no concerns with the consent referral request, but has noted that a geotechnical report for each of the resulting lots will be required at the time of building permit application for any development that is proposed on lands; and,
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.

Planning Considerations:

The lands have been the subject of three previous non-waterfront rural lot creations (Files # B0335/1979, B0336/1979 & B0337/1979) and the current applications for consent would permit an additional three non-waterfront rural lots with each having frontage on Desmarais Road. The proposed retained lands would form a corner lot at the intersection of Desmarais Road and Gravel Drive.

With respect to Section 19.4.1 of the City's Official Plan, staff has circulated the consent referral request in order to determine whether the non-waterfront rural lot creations 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 non-waterfront rural lot creations proceeding by way of the consent process. Staff further advises that no land use planning matters which would prescribe the subdivision planning process as the preferred method for 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 lot creation in this case. It is on this basis that staff recommends that it would be appropriate for the proposed new non-waterfront rural lots to be created by way of the consent process.