

0 Deschene Road, Hanmer

Presented To:	Planning Committee
Meeting Date:	March 20, 2023
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-7/22-004

Report Summary

This report provides a recommendation regarding an application for Official Plan Amendment in order to create three (3) additional lots in the Rural designation where six (6) lots have already been created from the parent parcel since the adoption date of the Official Plan.

This report is presented by Mauro Manzon, Senior Planner.

Letter(s) of concern from concerned citizen(s).

Resolution

THAT the City of Greater Sudbury denies the application by Rene Guenette, Paul Marleau, Richard A. Pharand & Robert Lamoureux to amend the City of Greater Sudbury Official Plan in order to provide site-specific exceptions to the rural lot creation policies of Sections 5.2.2 and 21.94 (OPA #83) on lands described as PIN 73504-3120, Part 4, Plan 53R-20867 in Lot 4, Concession 3, Township of Hanmer, as outlined in the report entitled “Deschene Road, Hanmer” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 20, 2023.

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

The application to amend the Official Plan is an operational matter under the Planning Act to which the City is responding.

The application is not consistent with the Community Energy & Emissions Plan (CEEP). The proposal to create partially serviced estate lots located just outside the urban boundary undermines a key objective of the Plan to create compact, complete communities. Existing conditions on Deschene Road do not support further residential intensification.

Further to the above, the Strategic Plan identifies the implementation of the CEEP as a strategic initiative. In regards to asset management and service excellence, the proposal will create undue pressure to upgrade infrastructure including the extension of the sanitary sewer, as additional residential intensification on Deschene Road will lead to increased demand for services. The proposal therefore does not align with the Strategic Plan.

Financial Implications

There are no financial implications for this report, as staff recommends that the application be denied.

Report Overview

An application for Official Plan Amendment (OPA) has been submitted for a vacant rural parcel located on the east side of Deschene Road in the community of Hanmer. The lands are partially serviced by municipal water and are located just outside the settlement area boundary. Portions of the property fall within vulnerable areas under the Source Protection Plan being Wellhead Protection Areas (WHPA) B and C of the Philippe Street well.

The owners are proposing the severance of three (3) additional lots in the Rural designation, where six (6) lots have already been severed from the parent parcel since the date of the adoption of the Official Plan. Site-specific exceptions to the lot creation policies of Sections 5.2.2 and 21.94 (OPA #83) are required.

Planning Services cannot support the Official Plan amendment, as there is no demonstrated need to increase the supply of non-waterfront rural lots beyond what is achievable under current policies. Existing conditions on Deschene Road are not suitable for additional rural lot creation just outside the urban boundary, including the lack of active transportation infrastructure, street lighting and sanitary sewer services.

Staff Report

Proposal:

A site-specific application for an Official Plan Amendment has been received as follows:

To amend the City of Greater Sudbury Official Plan in order to provide site-specific exceptions to the lot creation policies of Sections 5.2.2 and 21.94 (OPA #83). The draft OPA and Schedule A are attached for review.

The application has been submitted in order to permit the severance of three (3) additional lots in the Rural designation, where six (6) lots have already been severed from the parent parcel since the adoption date of the Official Plan. The amendment would therefore result in a total of nine (9) lots severed from the parent parcel where a maximum of three (3) lots are permitted based on an effective date of June 14, 2006.

The proposed lots would be partially serviced by municipal water. Sanitary sewer services are not available.

As required under Section 5.2.2 of the Official Plan, the owners provided a Planning Justification Report in support of the proposal (Tulloch Engineering – August 2022).

Existing Land Use Designation: “Rural” and “Mixed Use Commercial”

The subject parcel has a split land use designation under the Official Plan, as illustrated on the attached land use schedule. The lands subject to the proposed severances are designated Rural and are located outside the City’s settlement area boundary and the built boundary.

A smaller southerly portion of the parcel falls within the settlement area boundary and is designated as Mixed Use Commercial. The limit of the settlement area boundary aligns with the northerly limit of the approved row dwelling complex on the west side of Deschene Road.

Requested Land Use Designation:

The owners are not seeking to redesignate the subject lands. Site-specific exceptions to the above noted policies are requested in order to create three (3) additional lots in the Rural designation, where six (6) lots have already been severed from the parent parcel since the date of the adoption of the Official Plan.

The owners also require a consent referral to allow the application to proceed by way of consent, as historically there have been nine (9) severances from the parent parcel, three (3) of which pre-date the adoption of the current Official Plan.

Location and Site Description:

PIN 73504-3120, Part 4, Plan 53R-20867 in Lot 4, Concession 3, Township of Hanmer (Deschene Road, Hanmer)

The subject land comprises a vacant rural parcel located on the east side of Deschene Road north of MR80 in the community of Hanmer. Deschene Road is constructed to a rural standard and is partially serviced by municipal water. There are no paved shoulders or street lights. The closest transit stop is located approximately 438 metres from the southerly limit of the proposed southerly lot. The remaining proposed lots are beyond a 500-metre walking distance.

Total area is 9.87 ha, with 507.55 metres of frontage on Deschene Road and an approximate depth of 194 metres. The lands are relatively flat and densely vegetated with mature tree cover.

The attached Source Protection map illustrates the extent of lands that fall within vulnerable areas. Within those areas that are deemed to be critical, the majority of the lands fall within Wellhead Protection Area (WHPA) C, with a smaller southwesterly portion encroaching into Wellhead Protection Area (WHPA) B. In regards to the *Conservation Authorities Act*, there are no regulated areas within the subject land.

Rural residential uses are located to the north and west. Vacant rural land is located to the east. A commercial property being a grocery store abuts the southerly limit of the portion to be retained. The most southerly portion of the parent parcel falls within the Mixed Use Commercial designation of the Official Plan.

Surrounding Land Uses:

The area surrounding the site includes:

North: Rural residential uses

East: Vacant rural land

South: Retail use (grocery store)

West: Rural residential uses

Related Applications:

There have been nine (9) previous consents from the original parent parcel, three (3) of which precede the adoption of the current Official Plan in June 2006:

B0225/1993: Part 1, 53R-14633

B0226/1993: Part 2, 53R-14633

B0227/1993: Part 3, 53R-14633

B0125/2008: Part 1, 53R-18782

B0126/2008: Part 2, 53R-18782

B0127/2008: Part 3, 53R-18782

B0020/2017: Part 1, 53R-20867

B0021/2017: Part 2, 53R-20867

B0022/2017: Part 3, 53R-20867

The 2017 consents for an additional three (3) lots required an Official Plan Amendment (File 701-7/16-013), which was approved by Council as OPA #83 (Section 21.94 of the Official Plan). The application was not supported by Planning Services.

On the west side of Deschene Road, three (3) Official Plan Amendments were approved since the adoption date of the Official Plan. The applications were not supported by Planning Services:

OPA #58 (Section 21.80): three (3) additional lots

OPA #64 (Section 21.81): one (1) additional lot

OPA #90 (Section 21.99): one (1) additional lot

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on September 8, 2022. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 240 metres of the property on March 2, 2023.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The application form indicates that neighbourhood consultation is not proposed.

As of the date of this report, one (1) written submission has been received by Planning Services.

Policy & 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 (PPS):

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.

The subject lands are defined as rural lands under the PPS, meaning lands which are located outside settlement areas and prime agricultural areas. Growth and development may be directed to rural lands in accordance with Policy 1.1.5 as follows:

- 1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.5.2 On rural lands located in municipalities, permitted uses are:
- a) the management or use of resources;
 - b) resource-based recreational uses (including recreational dwellings);
 - c) residential development, including lot creation, that is locally appropriate;
 - d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
 - e) home occupations and home industries;
 - f) cemeteries; and,
 - g) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 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.
- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

As indicated above in Section 1.1.5.1, the relevant policies of Sections 1, 2 and 3 of the PPS shall also be applied. Most notably, Sections 1.1.1 and 1.1.3 address the importance of concentrating development within settlement areas and promoting efficient land use patterns for the long-term sustainability of the municipality, including intensification within fully serviced urban boundaries.

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

- 1.1.1 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 (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
 - avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
 - promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
 - improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
 - ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
 - promoting development and land use patterns that conserve biodiversity; and,
 - preparing for the regional and local impacts of a changing climate.

1.1.3 Settlement Areas

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 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;
 - minimize negative impacts to air quality and climate change, and promote energy efficiency;

- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and,
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
 - a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
 - b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

2.2 Water

Section 2.2.1 addresses water resources. Planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and,
2. protect, improve or restore vulnerable surface and groundwater, sensitive surface water features and sensitive groundwater features, and their hydrologic functions.

Growth Plan for Northern Ontario (GPNO):

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.

The applicable land use policies are outlined under Chapter 4 of the GPNO, which places a general emphasis on residential intensification in urban areas including existing downtown areas, intensification corridors, brownfield sites, and strategic core areas.

Under Section 4.3.3, economic and service hubs shall maintain updated official plans and develop other supporting documents which include strategies for:

- developing a diverse mix of land uses, an appropriate range of housing types, and high quality public spaces; and providing easy access to stores, services and recreational opportunities; and,
- encouraging a significant portion of future residential and employment development to locate in existing downtown areas, intensification corridors, brownfield sites, and strategic core areas.

Intensification corridors are defined as areas along major roads, arterials or transit corridors that have the potential to provide a focus for higher density mixed-use development. Under the City's Official Plan, strategic core areas are identified as the Downtown, the Town Centres, the Regional Centres, and the major public institutions listed in Section 4.4.

Official Plan for the City of Greater Sudbury:

A. Rural lot creation

The applicable policies for non-waterfront rural lot creation are set out under Policies 2 and 3 of Section 5.2.2 as follows:

2. The City will monitor the supply and demand of rural lots with a goal of avoiding an oversupply of rural lots. The policy of this plan will be reviewed and revised if it has been demonstrated that the existing policies have not had the effect of aligning the supply of rural lots not on a waterbody or watercourse with projected need. For new rural lots not on a waterbody or watercourse, the following lot creation policies apply:
 - a. 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 metres (295 feet).
 - b. Regardless of the size and frontage of the parent parcel, no more than three (3) new lots may be created from a single parent rural parcel in existence as of June 14, 2006 (2019 MMAH Mod #2b).

*Where an official plan amendment is requested for lot creation in excess of the permitted three severed lots plus a retained, a planning report shall be submitted which demonstrates conformity with the Official Plan and consistency with the Provincial Policy Statement, and which demonstrates that:

- a. That the application will not exacerbate the existing supply of available vacant rural lots.
- b. That there is a need for the proposed new lot(s) in order to accommodate projected rural unit growth over the life of the plan.
- c. Additional studies required by the Official Plan to address any negative cumulative impacts (e.g., servicing) may also be required.

For any official plan amendment to permit additional rural lots not on a waterbody or watercourse, the severed and retained parcels must meet the minimum lot size referred to in Policy 2.* (2019 MMAH Mod #2c).

B. Subdivision of land

Under Section 19.4.1 concerning the subdivision of land, it is the policy of the Official Plan to:

- a. require 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 The City's opinion a Plan of Subdivision is not necessary for the proper development of the area; and,
- b. require that proposals which would create less than four new lots to be considered as Applications for Consent to be dealt with by the Consent Official.

C. Section 21.94: Site specific policies (OPA #83)

An exception is also required from the policies of Section 21.94, which is the 2017 OPA that permitted an additional three (3) lots from the parent parcel. OPA #83 reads as follows:

Notwithstanding anything to the contrary, those lands described as Parcel 375, Part 4, Plan 53R-18782, Lot 4, Concession 3, Township of Hanmer may permit the severance of three lots, each with a minimum area of 2 hectares and a minimum frontage of 104 metres and a retained parcel with an area of 10 hectares, where the original parent parcel has already had the maximum 3 lots allowed to be severed from the property in the Rural designated since June 14, 2006.

D. Sensitive groundwater features (Source Protection Plan)

The Official Plan contains various policies related to sensitive groundwater features, which are applicable to the subject land given the proximity to a municipal well. The applicable policies are outlined under Section 8.3 of the Official Plan:

1. Development, 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.
2. Severances of lots that would require the construction of new septic systems within the WHPA A and B or the IPZ 1 areas are prohibited. Existing registered lots may be developed with an on-site individual septic system and the expansion, maintenance or replacement of existing on-site individual septic systems is allowed.
3. 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:
 - a. encouraging the implementation of a hierarchy of source, lot-level, conveyance and end of pipe controls;
 - b. encouraging the implementation of innovative stormwater management measures;
 - c. 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; and,
 - d. supporting the continued implementation of source control programs, which are targeted to existing areas that lack adequate stormwater controls.
4. The City will ensure that water takings and recharge reduction from the Valley aquifer cease to be or do not become significant threats by only permitting expansions to the settlement boundaries (as part of a comprehensive review) where a detailed hydrogeological assessment of the aquifer has been completed, including but not limited to, an update of the current Tier Three Water Budget Model. The assessment must demonstrate that an increased taking or an increase to the settlement area will not adversely impact the aquifer's ability to meet municipal and other water supply requirements. Any new information, such as updated population forecasts, results from the Groundwater Monitoring Program or infrastructure upgrades will be taken into consideration.
5. The City will work cooperatively with appropriate agencies to ensure that all abandoned, unused or 'dry' wells are properly decommissioned, especially in the vulnerable areas.
6. The City will continue to ensure that the Zoning By-law will restrict land uses that have the potential to cause contamination of groundwater resources in areas identified on Schedules 4a and 4b as WHPAs and IPZs.
7. *In other areas, the City will consider the location of highly vulnerable aquifers and significant groundwater recharge areas when making decisions on planning and development. (*2019 MMAH Mod # 4).

Zoning By-law 2010-100Z:

Zoning relief is not required for the proposed rural lots, which will retain “RU”, Rural zoning and comply with the minimum zone standards.

The significant threat policies of List A of the Source Protection Plan that apply to Wellhead Protection Areas (WHPA) B and C are implemented under the provisions of Section 4.42 of the Zoning By-law. The restricted land uses are listed in Appendix 3 to this report.

Site Plan Control:

Site plan control is not applied to rural residential uses.

Department/Agency Review:

Development Engineering advised that the lands are partially serviced by municipal water.

As a condition of approval, ICPS: Transportation and Innovation Support require that a two (2) metre-wide asphalt boulevard be constructed from the south limit of the subject parcel to the northerly limit of PIN 73504-2979 (5030 Deschene Road).

Water/Wastewater Services confirmed that a significant portion of the subject land falls within vulnerable areas under the Source Protection Plan, being Wellhead Protection Areas (WHPA) B and C of the Philippe Street Well. Certain land use restrictions apply to WHPA B and C; and further, no septic system is permitted within WHPA B.

Planning Analysis:

As outlined in the background to this report, there have been multiple consent and OPA applications on Deschene Road between MR80 and Gravel Drive. This includes nine (9) previous consents and one (1) prior Official Plan Amendment on the original parent parcel subject to this application. The cumulative effect is akin to creating a rural estate subdivision through the consent process. Existing conditions (unpaved shoulders, no street lighting, partial services) are not suitable for continued rural residential strip development located just outside settlement area boundaries.

The Planning Justification Report (PJR) submitted by the proponents addresses the supply of rural lots and the locational context of the proposal, including the “desirability” of the proposed lots. The PJR posits that the [Growth and Settlement Policy Discussion Paper](#) (June 24, 2013) on the supply of non-waterfront rural lots did not consider the “developability” of such lots including the presence of flood plains and other site constraints. The PJR sites the proximity to the urban boundary as a positive attribute that allows access to community services and aligns with the City’s goal of creating complete communities. Furthermore, a fiscal analysis is presented utilizing current value assessments on Deschene Road as an input. The PJR deems the application to be consistent with the highest tests of a Planning application, being the Provincial Policy Statement and the Growth Plan for Northern Ontario.

2020 Provincial Policy Statement

In the opinion of Staff, the proposal is not consistent with the Provincial Policy Statement:

- The development is not appropriate to the infrastructure which is planned or available. Existing conditions are not suitable to accommodate active transportation including safe access to community services.

- The development will create undue pressure for the unjustified and/or uneconomical expansion of this infrastructure, including improvements within the right-of-way and the extension of sanitary sewer services. Staff note that Deschene Road has unpaved shoulders, no street lighting, and is partially serviced.
- The development is not consistent with the settlement area policies of Section 1.1.3, whereby settlement areas shall be the focus of growth and development. The proposal perpetuates a land use pattern that was the impetus for the planning framework introduced under the Regional Official Plan in the 1970s.

2011 Growth Plan for Northern Ontario

Although the Growth Plan encourages diversification of the housing supply and identifies areas intended to be the focus of intensification, it is less specific on matters related to development on rural lands. However, it can be stated that the proposal does not provide easy access to stores, services and recreational opportunities given the lack of active transportation linkages.

City of Greater Sudbury Official Plan

The proposal reinforces a land use pattern that is not in conformity with the policies of the Official Plan and is not in alignment with the City's Strategic Plan and Community Energy and Emissions Plan.

- There is an adequate supply of potential lots under current Official Plan policies to satisfy demand for non-waterfront rural properties. The analysis prepared by Planning Services under the Growth and Settlement Policy Discussion Paper included valid criteria applied to the inventory of non-waterfront rural parcels, which excluded lands designated as Parks and Open Space (flood plains and wetlands), rural parcels owned by mining companies, the Agricultural Reserve, and the Aggregate and Mining Reserve overlays. The subsequent report to Planning Committee on November 4, 2013 indicated a 29-year supply of rural lots under existing Official Plan policies.
- Existing conditions do not support additional lot creation based on access to community services, particularly from an active transportation perspective. There is no accommodation for pedestrians, cyclists and other modes of active mobility. Accordingly, Transportation and Innovation Support are recommending that a paved shoulder be installed on the east side of Deschene Road should the Committee approve this application.
- The overall density is too low to achieve the economies of scale required for the efficient provision of municipal services, even within the context of increased property assessments.
- Rural estate lots that are partially serviced and located just outside urban boundaries are not a form of development that aligns with the objective of creating complete, compact communities.

Source Water Protection

The significant threat policies of List A of the Source Protection Plan that apply to WHPA B and C are described in Appendix 2 to this report.

Given that the proposed use is rural residential, there are no apparent conflicts with the policies applied to critical vulnerable areas, provided no septic system is installed within Wellhead Protection Area (WHPA) B.

Conclusion

Planning Services cannot support the proposed Official Plan Amendment and recommends that the application be denied.