

0 Bodson Drive West, Hanmer

Presented To:	Planning Committee
Meeting Date:	April 24, 2023
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-7/22-05

Report Summary

This report provides a recommendation regarding an application to amend the City's Official Plan in order to facilitate the creation of one new rural lot within the Urban Expansion Reserve.

This report is presented by Glen Ferguson, Senior Planner.

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

Resolution

THAT the City of Greater Sudbury denies the application by 1650939 Ontario Ltd. to amend the City of Greater Sudbury Official Plan to provide for a site-specific exception to the lot creation policies within the Urban Expansion Reserve of the Valley East Policy Area on those lands described as PIN 73503-1660, Part 1, Plan 53R-20676, Lot 1, Concession 1, Township of Hanmer, as outlined in the report entitled "0 Bodson Drive West, Hanmer" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of April 24, 2023.

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

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

The development proposal to create a new rural lot in the Urban Expansion Reserve does not align with and would negatively impact strategic goals and objectives associated with Climate Change and the adoption of a CEEP that are identified within the [City's Strategic Plan](#). The proposed rural lot creation would also impact Asset Management and Service Excellence strategic goals and objectives as the new rural lot would contribute further residential development that is beyond settlement area boundaries, which undermines the City's ability to implement cost-effective service delivery with the intent being to reduce net costs. The development proposal therefore does not align with the City's Strategic Plan.

The application to amend the City's Official Plan would permit the creation of one new rural lot within the Urban Expansion Reserve. The development proposal would generate negative impacts on the stated goals

and recommendations that are contained within the [CEEP](#) as it would undermine a key objective of creating compact and complete communities given that the lands are designated for more intensified land uses in the future once the expansion or adjustment of the settlement area boundary occurs within the Valley East Policy Area.

Financial Implications

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

Report Overview

This report reviews an application for Official Plan Amendment that would provide for an exception from the lot creation policies within the Valley East Policy Area by facilitating the creation of an undersized new rural lot within the Urban Expansion Reserve. One of the resulting lots on Bodson Drive West would also provide for a reduced minimum lot frontage based on applicable zoning requirements. The proposed lots would provide for lot frontages of approximately 73 m (239.50 ft) and 109 m (357.61 ft) on Bodson Drive West and Dominion Drive respectively with both having lot areas of approximately 14.9 ha (36.82 acres).

With respect to both the PPS and the City's Official Plan, staff has noted that the proposed site-specific amendment would facilitate the fragmentation of lands that will eventually be required in order to properly complete the urban structure of a nearby settlement area. The importance of protecting lands within the Urban Expansion Reserve has also been highlighted in background studies associated with the now completed Phase 1 – Official Plan Review. The lands have also already been severed three times in accordance with the lot creation policies of the Urban Expansion Reserve and further fragmentation by way of a site-specific exception to applicable lot creation policies is not considered to be good land use planning.

Staff therefore is advising that the development proposal does not conform with the Official Plan for the City of Greater Sudbury. The development proposal is also not consistent with the land use planning policy directions identified in the PPS.

The Planning Services Division is recommending that the application for Official Plan Amendment be denied in accordance with the Resolution section of this report.

STAFF REPORT

PROPOSAL:

The application for Official Plan Amendment would provide for a site-specific exception within the Valley East Policy Area under Section 20.3.1 of the City's Official Plan in order to facilitate the creation of one new rural lot within the Urban Expansion Reserve. In order to accommodate the above-described lot creation, the proposed amendment to the City's Official Plan would specifically provide for a site-specific exception from the lot creation policies within the Valley East Policy Area by facilitating the creation of one new rural lot within the Urban Expansion Reserve with both the severed and retained lands having a reduced minimum lot area. The resulting lot having frontage on Bodson Drive West would also provide for a reduced minimum lot frontage given the applicable zoning classification of the lands.

The owner's agent submitted an application for pre-consultation on July 18, 2022, that was considered by the Sudbury Planning Application Review Team (SPART) on July 27, 2022 (File # PC2022-071). The owner's agent was issued a Pre-Consultation Understanding Agreement (PCUA) following the SPART Meeting on July 29, 2022, and they have since returned an unsigned copy of their PCUA to the Planning Services Division.

The application to amend the City's Official Plan in order to facilitate that creation of a new rural lot in the Urban Expansion Reserve was submitted to the City on December 5, 2022 and deemed to be a complete application on January 3, 2023. The application included the submission of a Concept Plan along with a Planning Justification Report (PJR) in support of the request to amend the City's Official Plan. Details with respect to the owner's public consultation strategy ahead of a public hearing at the City's Planning Committee was also provided.

Requested Official Plan Amendment: Valley East Policy Area - Urban Expansion Reserve - Lot Creation

The requested amendment to the City's Official Plan would provide for a site-specific exception within the Valley East Policy Area under Section 20.3.1 of the City's Official Plan in order to facilitate the creation of one new rural lot within the Urban Expansion Reserve with both the severed and retained lands having less than the required minimum lot area of 30 ha (74.13 acres). The resulting lot having frontage on Bodson Drive West would also provide for a reduced minimum lot frontage and would require relief from applicable zoning requirements.

Existing Zoning: "RU", Rural Zone

The "RU" Zone permits a range of residential and non-residential land uses that can be found under Section 9.2, Tables 9.1 and 9.2 of the City's Zoning By-law. Permitted residential uses include a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guestrooms, group home type 1 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. There is a special provision applicable in the "RU" Zone which permits a maximum of one dwelling unit per rural lot (eg. cannot situate a single-detached dwelling and a seasonal dwelling on the same rural lot). Those development standards that are applicable to the "RU" Zone can be found under Section 9.3, Table 9.3 – Standards for All Rural Zones of the City's Zoning By-law.

Location and Site Description:

The subject lands are located on the north side of Bodson Drive West and on the south side of Dominion Drive in the community of Hanmer. The lands have a total lot area of approximately 29.87 ha (73.80 acres) along with lot frontages of approximately 73 m (239.50 ft) on Bodson Drive West at the south end of the parcel and 109 m (357.61 ft) at the north end of the parcel on Dominion Drive. The lands are well-vegetated and contain several visible trails which traverse the lands. There is a municipal drain (ie. Hanmer Drain) traversing a northerly portion of the lands. The lands are presently otherwise vacant.

Surrounding Land Uses:

- North: Rural residential land uses on larger lots, Centennial Arena, and the fully urbanized (ie commercial and residential uses) community of Hanmer situated along Municipal Road #80.
- East: Rural residential land uses on larger rural lots, a garden suite at 111 Dominion Drive and a cluster of small rural lots at the intersection of Dominion Drive and Notre Dame Avenue, and a small cluster of urban residential development at the corner of Bodson Drive West and Notre Dame Avenue.
- South: Rural residential land uses, several larger and vacant rural lots, and the Whitson River.
- West: Rural residential land uses, a municipal drain (ie. Hanmer Drain), larger and actively farmed agricultural lots, and several large tracts of vacant rural land.

The existing zoning and location map along with an aerial photograph are attached to this report indicating the location of the subject lands that are subject to the Official Plan Amendment request, as well as the applicable zoning in the immediate area. The submitted Concept Plan is also attached to this report for reference purposes.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on . The statutory Notice of Public Hearing was provided by newspaper on April 8, 2023 along with a courtesy mail out to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on April 6, 2023.

The owner's agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. The PJR submitted in support of the development proposal advises that the owner would not be conducting any public consultation beyond the statutory public meeting held before the City's Planning Committee.

At the time of writing this report, numerous phone calls and one email submission with respect to the development proposal have been received by the Planning Services Division. Most of the phone calls received were from nearby residents expressing interest in pursuing similar planning approvals to create further lots within the Urban Expansion Reserve. Several of the phone calls also involved nearby residents wanting clarification around the development proposal and the number of new rural lots that would result should the application be approved. There was one phone call from a nearby resident that expressed concern over the number of lots being created in the area and wanted to ensure that a trend was not emerging where an incremental rural subdivision was being created. The email submission that was received sought clarification around the application and some concern was expressed over availability of potable water, increased traffic, increased property taxes and the impact that further rural lot creation would have on the rural character that exists in the area.

POLICY AND REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2020 Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2020 PPS. The following PPS policies are pertinent to the application for Official Plan Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development;
2. With respect to Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns policies, Section 1.1.1 outlines that healthy, livable and safe communities are to be created in part by 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;
3. With respect to Land Use Patterns within Settlement Areas, Section 1.1.3.8 outlines that a planning authority may identify a settlement area or allow for the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:
 - a. Sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon; and,
 - b. The infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario (GPNO). Staff notes that the GPNO places emphasis on residential intensification within urban areas including existing downtown areas, intensification corridors, brownfield sites, and/or strategic core areas. Staff has reviewed the planning matters contained within the GPNO and are satisfied that the application for Official Plan Amendment conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are situated within the Valley East Policy Area identified on [Schedule 2a - Site and Area Specific Policies](#) and designated Urban Expansion Reserve in the City's Official Plan. There is also a northerly portion where a watercourse traverses the lands that are also designated Parks & Open Space.

Section 20.3 of the City's Official Plan establishes the Valley East Policy Area with Section 20.3.1 further designating the lands as being within the Urban Expansion Reserve. Those lands designated as Urban Expansion Reserve are deemed to be in the path of future urban growth. Lands within the Urban Expansion Reserve are restricted to those land uses that would not prejudice or compromise the sound future urban development of the Valley East Policy Area.

Permitted uses within the Urban Expansion Reserve includes single detached dwellings on existing lots and parcels, as well as forestry, agriculture including the sale of agricultural products grown or raised by the vendor, and outdoor recreation. Other resource and resource-related uses that would not prejudice urban development in the future may also be permitted by rezoning;

Specifically, the following policies under Section 20.3.1 of the City's Official Plan with respect to lot creation within the Urban Expansion Reserve are applicable to the development proposal:

1. The subdivision of land is not permitted during the applicable time period of the City's Official Plan;
2. The severance of land is permitted under the following circumstances:
 - a. The severed and retained lands each provide for minimum lot areas of 30 ha (74.13 acres);
 - b. That any lot held under separate ownership on March 14, 1978, may be allowed one severance per each 10 ha (24.71 acres) of the land holding. Such a severance must be from 0.4 to 0.8 ha (1-2 acres) in size with a minimum lot frontage of 60 m (196.85 ft) on an existing public road. This policy applies only to the registered owner of a lot on March 14, 1978;
 - c. That a hydrogeological assessment establishes that soil conditions are suitable for a private sewage disposal system and the requirements of the [Environmental Protection Act](#) regarding private sewage disposal systems are met; and,
 - d. That there is a proven water supply in both quantity and quality suitable for domestic purposes.

Section 20.3.1(4) of the City's Official Plan provide further direction that it is Council's policy to direct development to the Valley East Urban Area. Those lands in the Urban Expansion Reserve will not be redesignated until such time that lands in the Valley East Urban Area are predominantly utilized or committed for development. Further to this, reserve lands adjacent to the urban area will be considered for redesignation first as long as development of such lands will not impede the resource and resource-related uses on the remaining portions of the Urban Expansion Reserve.

Zoning By-law 2010-100Z:

The owner's agent is not requesting that any portion of the subject lands be rezoned at this time as part of the development proposal to create one new rural lot within the Urban Expansion Reserve. Staff notes however that the proposed severed lot having frontage on Bodson Drive West would not provide for the required minimum lot frontage of 90 m (295.28 ft) in the applicable "RU" Zone. Both resulting lots would however comply with the required minimum lot area of 2 ha (4.94 acres) in the "RU" Zone. Staff notes for the purposes of clarity that lot creation policies for lands within the Urban Expansion Reserve establish more stringent minimum lot area requirements than what is required under the applicable "RU" Zone. With respect to the proposed severed lot having less than the minimum lot frontage that is required in the "RU" Zone, staff notes that typically a rezoning application would accompany a request to amend the City's Official Plan where zoning compliance is not demonstrated. Staff advises that in the absence of a rezoning application that Planning Committee and Council are unable to address the reduced minimum lot frontage that would result on the severed lot along Bodson Drive West. Staff further advises that if the owner's agent intends on applying for a minor variance as opposed to a rezoning in the future that the overall development proposal would be subject to another public hearing process and another decision-making body. Staff do not recommend this approach from a risk management and good land use planning perspective.

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 application and to inform and identify appropriate policies with respect to the site-specific rural lot creation exception being sought under the City's Official Plan should the application be approved.

During the review of the development proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Operations, Roads, Strategic and Environmental Planning, and Transportation and Innovation were circulated the applications and have no concerns from their respective areas of interest.

Building Services has no concerns with the Official Plan Amendment and advise that zoning compliance will be reviewed in further detail should a consent application be submitted to create the proposed lot.

Conservation Sudbury advises that at the time of a consent application the owner will need to demonstrate that the northerly portion of the lands has sufficient area outside of the wetland features for a building envelope. The wetlands must be mapped by a qualified professional that is OWES-certified with adequate experience in wetland mapping. These plans must show the wetland boundary including 12 m (39.37 ft) and 30 m (98.43 ft) setbacks. The owner is also advised that any development within 30 m (98.43 ft) of the wetland requires a permit from Conservation Sudbury. The owner is further advised that Conservation Sudbury is currently in the process of completing a new floodplain study for the Whitson River Watershed and results are expected within the next year. The extent of the regulated areas on the lands may change once the above noted study is completed. The owner is encouraged to consult with Conservation Sudbury prior to proceeding with any further development as it relates to requirements for development within and adjacent to the flood hazard and other hazards related to the watercourse.

Development Engineering advises that the lands are not serviced with municipal water and sanitary sewer infrastructure.

The City's Drainage Section has noted that there is a municipal drain (ie. Hanmer Drain) crossing a northerly portion of the subject lands. The owner is advised that any proposed alteration to the watercourse must be reviewed through as required under the [Drainage Act](#).

PLANNING ANALYSIS:

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed Official Plan Amendment is not consistent with the PPS for the following reasons:

1. The subject lands are not situated within an identified settlement area in the City's Official Plan. The lands are however situated within the Valley East Policy Area and designated for future urban expansion given the lands close proximity to the existing settlement area of Hanmer. Staff notes that those lot creation policies that are applicable within the Urban Expansion Reserve in the City's Official Plan are therefore intended to protect against the fragmentation of existing lot fabric ahead of the envisioned settlement area expansions. Staff advises that the development proposal would result in the fragmentation of lands that will eventually be required in order to properly complete the urban structure of the Hanmer settlement area. Staff is concerned that the development proposal would itself set a precedent and when applied cumulatively over time on other lots within the Urban Expansion Reserve is likely to be harmful to the future intended urban structure of the Valley East Policy Area;
2. With respect to managing and directing land use in order to achieve efficient and resilient development and land use patterns, staff notes that the development proposal involves the fragmentation of lands identified for future urban expansion within the Valley East Policy Area. Staff further notes that the policy intent of the Urban Expansion Reserve was also reaffirmed as part of the now completed Phase 1 of the City's Official Plan Review. The fragmentation of the subject lands would introduce a land use pattern within the Urban Expansion Reserve that would frustrate the efficient and orderly expansion of a nearby settlement area (ie. Hanmer) in the future;
3. With respect to land use patterns and the expansion of settlement areas, staff would note that the need for expansions to existing settlement areas was considered during the recently completed Phase 1 of the City's Official Plan Review. Staff further notes that expansions to existing settlement area boundaries (eg. Hanmer) to accommodate new residential development was determined to not be necessary at this time given the ample supply of land within existing settlement areas and the presence of adequate lot creation policies on lands situated outside of a settlement area. Staff notes

in particular that the [Growth and Settlement Policy Discussion Paper](#) that was completed as part of the City's Phase 1 – Official Plan Review identified that the Urban Expansion Reserve policies are, "... working as intended and should not be changed at this time"; and,

4. With respect to infrastructure and public service facilities, the [Comparative Fiscal Impact Analysis of Growth Study](#) outlines that servicing costs to the municipality are typically higher in rural areas and less in urban areas. The study also notes that "... the creation of one additional rural unit is not likely to have an impact on the City's finances but if the proportionate share of all new development was to dramatically shift from urban units to low density rural units it would have an impact on the City's budget." Staff would note from the perspective of cumulative impact that the current development proposal is similar in nature to a site-specific Official Plan Amendment that was approved at 770 Dominion Drive which also allowed for the creation of a new lot within the Urban Expansion Reserve (File # 701-7/21-2).

With respect to the City's Official Plan, staff advise that the development proposal does not conform to the City's Official Plan. Those policies contained within the City's Official Plan that are relevant to the development proposal that would provide for a site-specific exception within the Valley East Policy Area under Section 20.3.1 of the City's Official Plan in order to facilitate the creation of one new rural lot within the Urban Expansion Reserve are discussed below.

With respect to Section 20.3.1 of the City's Official Plan, staff would in general note that the site-specific amendment being sought would facilitate the further fragmentation of land within the Urban Expansion Reserve that are intended to be developed comprehensively in the future as part of the Valley East Urban Area (ie. Hanmer). Staff notes in particular that the northerly portion of the lands are situated approximately 230 m (754.59 ft) to the west of lands designated Living Area 1 at the intersection of Dominion Drive and Notre Dame Avenue. The lands are therefore of high value in terms of ensuring that any future expansions to the nearby settlement area are protected for and planned for accordingly. Staff advises in this regard that the development proposal does not represent good land use planning given that the lands are in close proximity to an existing settlement area boundary.

With respect to the Section 20.3.1(2) of the City's Official Plan, staff notes that both the severed and retained lands would not provide for minimum lot areas of 30 ha (74.13 acres). Staff also notes that the current owner did not own the lands on March 14, 1978. The original parcel of land was however owned by Vale Canada Ltd. on March 14, 1978, and as such three fragmented lots have already been created from said original parcel in accordance with the applicable lot creation policies of the Urban Expansion Reserve (Files # B0094/2015, B0095/2015 & B0096/2015). Staff was supportive of the previous consent applications given that the lot creation policies applicable within the Urban Expansion Reserve were being utilized properly. Staff notes that the former owner then transferred the balance of the original parcel to the current owner following the creation of the above noted three lots within the Urban Expansion Reserve. Staff advises that the lot creation policies within the Urban Expansion Reserve have already been utilized on the lands to the fullest extent that is considered to be reasonable from a good land use planning perspective. For reference purposes, the survey plan describing the three lots already created previously by Vale Canada Ltd. is attached to this report (ie. Parts 2, 3 & 4, Plan 53R-20676).

Based on the above, staff is not supportive of the request to provide for a site-specific exception to Section 20.3.1 of the City's Official Plan in order to facilitate the creation of one new residential lot within the Urban Expansion Reserve of the Valley East Policy Area.

CONCLUSION:

Staff has reviewed the development proposal and advises that the development proposal does not conform with the Official Plan for the City of Greater Sudbury. The development proposal is also not consistent with the land use planning policy directions identified in the PPS.

With respect to both the PPS and the City's Official Plan, staff has noted that the proposed site-specific amendment would facilitate the fragmentation of lands that will eventually be required in order to properly complete the urban structure of a nearby settlement area. The importance of protecting lands within the

Urban Expansion Reserve has also been highlighted in background studies associated with the now completed Phase 1 – Official Plan Review. Staff is also concerned that the development proposal would itself encourage further applications seeking exception from the lot creation policies of the Urban Expansion Reserve and when applied cumulatively over time this could be harmful to the future intended urban structure of an adjacent settlement area (ie. Hanmer). The lands have also already been severed three times in accordance with the lot creation policies of the Urban Expansion Reserve and further fragmentation by way of a site-specific exception to applicable lot creation policies is not considered to be good land use planning.

The Planning Services Division therefore recommends that the application for Official Plan Amendment be denied in accordance with the Resolution section of this report.