

3891 Hydro Road, Hanmer

Presented To:	Planning Committee
Meeting Date:	February 26, 2024
Type:	Public Hearing
Prepared by:	Eric Taylor Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-7/23-01

Report Summary

This report provides a recommendation regarding an application for Official Plan Amendment in order to create two (2) additional lots in the Rural designation where three (3) lots have already been created from the parent parcel since the adoption date of the Official Plan.

This report is presented by Eric Taylor, Senior Planner.

Resolution

THAT the City of Greater Sudbury denies the application by Nicole Doyon to amend the City of Greater Sudbury Official Plan in order to provide site-specific exceptions to the rural lot creation policies of Section 5.2.2 on lands described as PIN 73508-1381, Lot 11, Concession 1, Township of Capreol as outlined in the report entitled “3891 Hydro Road, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 26, 2024.

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 unserviced estate lots located outside of the urban area undermines a key objective of the Plan to create compact, complete communities.

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 rural parcel containing a dwelling and accessory structures located on the west side of Hydro Road near to the community of Hanmer. The lands are not serviced by water or sanitary sewers.

The owners are proposing the severance of two (2) additional lots in the Rural designation, where three (3) lots have already been severed from the parent parcel since the date of the adoption of the Official Plan (June 14, 2006). Site-specific exceptions to the lot creation policies of the Section 5.2.2 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.

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 Section 5.2.2. The draft OPA and Schedule A are attached.

The application has been submitted in order to permit the severance of two (2) additional lots in the Rural designation, where three (3) 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 five (5) lots severed from the parent parcel where a maximum of three (3) lots are permitted based on the effective date of June 14, 2006.

The proposed lots would need to be developed on wells and septic systems.

As required under Section 5.2.2 of the Official Plan, the owner provided a Planning Justification Report in support of the proposal (John Jackson – June 2023).

Existing Land Use Designation:

“Rural”

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 two (2) additional lots in the Rural designation, where three (3) lots have already been severed from the parent parcel since the date of the adoption of the Official Plan.

The owners would also require a consent referral to allow the lot creation to proceed by way of consent, as historically there have been at least 3 severances from the parent parcel.

Location and Site Description:

The subject property is described as PIN 73508-1381, Lot 11, Concession 1, Township of Capreol, 3891 Hydro Road, Sudbury. The subject lands are located on the west side of Hydro Road approximately 180 m south of Guenette Road. The lands to be rezoned have an area of approximately 6.2 ha square metres with approximately 293 m of frontage on Hydro Road. The lands are not serviced with municipal water and sanitary sewer. A dwelling and accessory structures are located on the property to be retained. A 100 m² (1080 sq. ft.) steel framed structure bolted to cement blocks with a tarp covering is located on the most northerly lot to be severed. The structure has been built without the benefit of a building permit having been applied for or issued by the City.

Surrounding Land Uses:

Rural residential uses are located to the north, south and east. The CN Railway Line abuts the property to the west.

North: rural residential lots

East: rural residential lots

South: rural residential lots

West: CN Railway Line, rural lands beyond

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the uses in this area.

Related Applications:

There have been three (3) previous consents from the original parent parcel. The consent file number and resulting Reference Plan and Part, current address for each are below:

B123/2009 Parts 1 & 2, Plan 53R19183 (3695 Hydro Road)

B124/2009 Parts 17 & 22 Plan 53R-19499 (vacant)

B125/2009 Part 19 & 20 Plan 53R-19499 (3895 Hydro Road)

Public Consultation:

The statutory notice of the application was provided by newspaper September 23, 2023, along with a courtesy mail-out to surrounding property owners and tenants within 240 m of the property on September 13, 2023. The statutory notice of the public hearing was provided by newspaper on February 3, 2024, and courtesy mail-out on February 1, 2024.

The owner 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 included that the owner would be relying upon the notices provided by the City and the public meeting as the methods of consulting with the public. At the time of writing this report, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

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:

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 (PPS).

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 locate 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 expanded 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:
- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b) 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;
 - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
 - d) 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;

- e) 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) 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:

- a) efficiently use land and resources;
- b) 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;
- c) 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.

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).

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 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:

The City's lot creation policies for the Rural designation are contained in Section 5.2.2 of the Official Plan which includes in part the following.

1. New lot creation for rural residential development is not permitted on those lands restricted by:
 - a. the Mining/Mineral Reserve;
 - b. the Aggregate Reserve;
 - c. the Flood Plain; or
 - d. significant natural features and areas.
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 *based on the date of the adoption of this Plan in existence as of June 14, 2006.
3. 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.

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.

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.

Site Plan Control:

Site plan control is not applied to rural residential uses.

Department/Agency Review:

Development Engineering advised that the lands are not serviced with municipal water or sanitary sewer.

Roads, Transportation and Innovation, Active Transportation, Roads Operations and Drainage all advised that they had no concerns.

Conservation Sudbury advised that the property contains man-made features such as ponds and canals and that development must be directed outside of these features and a permit may be required from Conservation Sudbury.

Building Services has advised that there appears to be several man-made ponds on the property and that there are no records of a site alteration permit where one would be required.

For information purposes, Strategic and Environmental Planning has advised that the owners are solely responsible for ensuring that vegetation removal, site alteration, and development undertaken does not result in a contravention of the provincial Endangered Species Act and the federal Migratory Birds Convention Act. In addition, the southernmost portion of the parcel to be severed and part of the northernmost parcel to be retained are wetlands. These wetlands and the area within 30 metres of the wetlands are considered Category 2 Blanding's Turtle habitat, a species protected by the Endangered Species Act.

Planning Analysis:

As outlined in this report there have been three previous consent applications submitted to the City in 2009 from the parent parcel since the adoption of the Official Plan in 2006.

With respect to the Official Plan, it is noted that the subject lands are not located with the mining/mineral reserve or aggregate reserve areas. Conservation Sudbury has indicated that permits may be required from them in the future. Strategic and Environmental Planning has noted that the wetland areas on the northerly retained lot and the most southerly lot to be severed are considered Category 2 Blandings Turtle habitat and the owners are responsible for ensuring that site alteration does not contravene the Endangered Species Act.

The Planning Justification Report (PJR) submitted by the proponents responds to the policy of not exacerbating the supply of vacant rural lots by stating that, "this policy was struck long before the current demand for new homes and new lots" and that "the demand seems to far exceed the current supply." The PJR also goes on to say that, "this understanding is based upon real estate trends, listing and the general population growth. Planning Services Staff notes that the PJR does not include any analysis of the current supply or demand for vacant lots or real estate data to support their understanding. The northerly lot to be severed contains a trailer and a 100 m² (1080 sq. ft.) building which has been constructed recently without the benefit of a building permit on the most northerly lot to be severed. In the event that Committee were to support the application, a condition should be imposed requiring that all buildings and structures including trailers be removed from the lands to be severed prior to the passing of the by-law adopting the Official Plan Amendment.

2020 Provincial Policy Statement

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

- 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.

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 and settlement areas. However, the proposal does not provide easy access to stores services and recreational opportunities given the lack of active transportation in the immediate area.

City of Greater Sudbury Official Plan

- Planning Staff is satisfied that there is an adequate supply of potential lots under current Official Plan policies to satisfy demand for non-waterfront rural properties. A report to Planning Committee on November 2, 2013 indicated a 29 year supply of rural lots under the existing Official Plan policies. A report to Planning Committee on April 8, 2018 respecting Rural Consents, outlined that over the period from 2008 to 2016, an average of 48 rural lots were created per year through consent with only an average of 21 lots or 37 percent proceeding to build a dwelling unit on them. The 2018 Rural Consent report noted that the City's supply was more than adequate to meet the anticipated demand under the severance framework in the Official Plan.

- The creation of addition rural estate lots on private services beyond that permitted by the current policies of the Official Plan, does not align with the policy objectives of creating complete, compact communities.

Conclusion:

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