

MEMORANDUM



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To: Ms. Stephanie Poirier
Senior Planner, Development Approvals
City of Greater Sudbury

Date: April 16, 2024

JLR No.: 32678-000

CC: Tim Chadder, MCIP, RPP
Associate, Senior Consultant

From: Soumaya Ben Miled, Planner

Re: **Application for Severance and Zoning By-law
Amendment**
3261 St Laurent St, Chelmsford, Chelmsford, ON
P0M 1L0
Applicant(s): Justin & Alicia Gaudet

PROPERTY DESCRIPTION

The subject property is legally described as PCL 17959 SEC SWS SRO; PT LT 1 CON 4 RAYSIDE AS IN LT187135 & PT 1 53R11564; S/T LT150794; GREATER SUDBURY (PIN 733450176). It is 15.5 ha (38.3 acres) in land area with a frontage of ± 51.4 m and located in Chelmsford on St Laurent Street.

Abutting western lot legally known as PCL 15846 SEC SWS; PT LT 1 CON 4 RAYSIDE AS IN LT145757; GREATER SUDBURY (PIN 733450105) is merged on title with the subject property. The lot is 0.13 ha (0.32 acre) with ± 29.9 m frontage on St Laurent Street.

The abutting lot will be merged with **the proposed retained lot resulting in lot having a land area of 15.29 ha (37.7 acres) with a frontage of ± 29.9 m**. It has an accessory shed and is being operated as a farm unit for cash crops.

The lot to be severed is 0.24 ha (0.59 acre) with a frontage of ± 51.4 m and has a residential dwelling with a private driveway access.

APPLICATIONS

CONSENT

The application proposes to sever the existing residential dwelling to have a severed lot of 0.24 ha and a frontage of ± 51.4 m. The retained lot will be merged with the abutting lot owned by the applicant. The proposed retained lot is 15.29 ha with a frontage of ± 29.9 m. Both the lots front onto St Laurent Street (collector road).

The dwelling is a residence surplus to our client's agricultural operations.

Upon completion of the process, our client will dispose of a dwelling that is rendered a surplus to the farm operation of Valley Growers.

REZONING

The subject property is designated "Agricultural" in the City of Greater Sudbury's Official Plan and zoned as "Agricultural-(A)".

The Official Plan requires that the:

- Severed lot be rezoned for only residential purposes.
- Retained lot be rezoned to prohibit any residential uses.
- Severed lot (residence) is 0.24 ha (0.59 acre) in lot area and the retained lot (farm unit) is 15.29 ha (37.7 acres).

OPINION/ RECOMMENDATION

It is our opinion that these applications are consistent with the Provincial Policy Statement 2020, are in conformity with the City's Official Plan and represent good land use planning. We would recommend that the City approves these applications.

1.0 BACKGROUND

A pre-consultation meeting was held previously, dated November 3, 2021. This was held with City of Greater Sudbury staff (File No PC2023-088).

JLR followed up with the City staff to confirm the contents of the SPART on September 14, 2023. This was followed by additional discussions prior to submission.

The subject property is currently owned by “Justin & Alicia Gaudet”. It has been operated for farming for 30-40 years.

Surrounding lands are located within an agricultural area with numerous residential lots/uses and where most of the large parcels/lands are being operated for farming. Most agricultural lands have a residential dwelling along St Laurent Street.

The applicant, through their application, has confirmed the following:

- That no future development is proposed at this time on either the severed or the retained lots;
- Both the severed and retained lots have year-round municipal road access;
- There are no proposed changes in the existing land uses;
- The severed lot has private sewer service (Septic) and water is provided on-site (Sand Point).
- The retained lot is being used for agricultural cropping with the buildings being used for storage only.

A severance sketch is presented in Schedule A illustrating the existing setbacks and servicing systems location for the severed lot.

No future development is being proposed on either the retained or severed lots. The retained lot will continue to be operated for farming.

Figure 1 Aerial View of the Subject Property



Figure 2 Subject property severance sketch

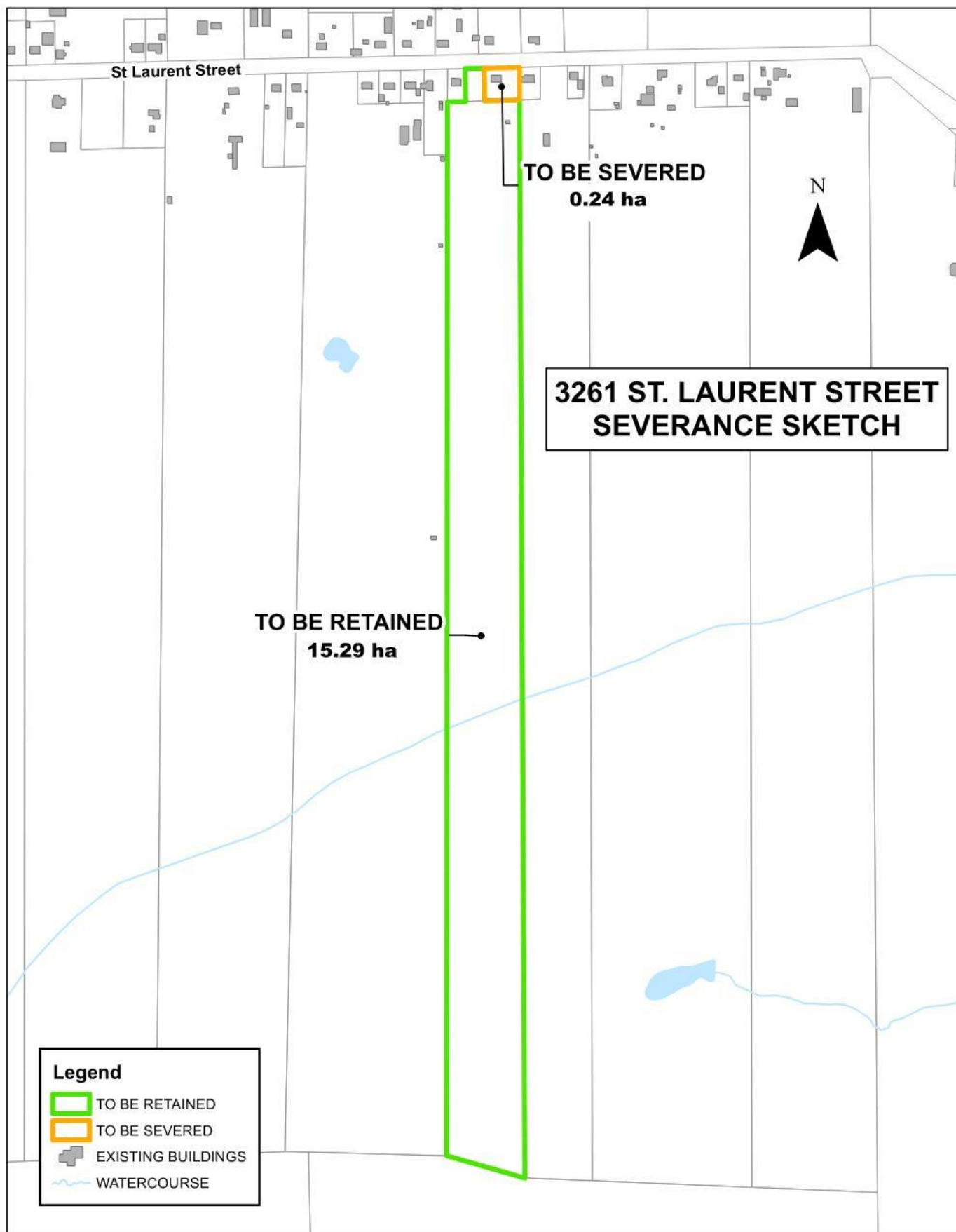


Figure 3 Lot to be severed



2.0 ANALYSIS

2.1. Provincial Policy Statement (2020)

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

2.3 Agriculture

Policy 2.3.1. specifies that *“Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority”*.

2.3.3. Permitted uses

Policy 2.3.3.1. states that *“In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses”*.

Policy 2.3.3.3. specifies that *“New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae”*.

2.3.4. Lot Creation and Lot Adjustments

Policy 2.3.4.1 states that *“Lot creation in prime agricultural areas is discouraged and may only be permitted for:*

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:*
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way”*.

Policy 2.3.4.3 specifies that *“The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c)”*.

1.3 Employment

Policy 1.3.1. states that *“Planning authorities shall promote economic development and competitiveness by providing an appropriate mix and range of employment ...to meet long-term needs and provide opportunities for a diversified economic base...”*.

A **residence surplus to a farming operation** shall mean *“an existing habitable farm residence that is rendered surplus as a result of farm consolidation”*.

Farm consolidation shall mean *“the acquisition of additional farm parcels to be operated as one farm operation”*.

The farm is currently operated by Valley Growers Inc., Justin Gaudet, a farmer that is operating several farm parcels in the area that are listed in Appendix B. The list specifies the land area and whether the property is used for residential purposes.

The dwelling unit will no longer be in the ownership of (Justin & Alicia Gaudet) as it is currently rented which supports the supply of available residential units. The farmer will continue to operate the farm unit.

Based on our assessment of surrounding lands, it can be stated that no livestock facility is being operated within 500 meters of the subject property boundary line.

In our professional opinion, as the farm parcel is being operated as part of one farm operation, the application does not contradict with the intent of lot creation in prime agricultural land policies of the PPS 2020.

The intent of this application is also consistent with strengthening the local economic base and promoting agricultural activities of an established farm operations.

2.2. Growth Plan for Northern Ontario (2011)

The Growth Plan for Northern Ontario, 2010 (Growth Plan) was prepared under the Places to Grow Act, 2005 and came into effect on March 3, 2011. The Growth Plan applies to the Northern Growth Plan Area. The Growth Plan provides specialized policies for northern Ontario which guide municipal decisions and improve coordination throughout the region related to growth and development, infrastructure planning, land use planning, housing, resource protection, and transportation.

Municipalities are encouraged to contribute to the protection of surface water features and ground water features by co-ordinating planning for potable water, stormwater, and wastewater systems with communities with which they share inland water sources and/or receiving water bodies (section 6.3.2)

The Province will work with the federal government, municipalities and others to include measures to protect and preserve air quality, water quality and quantity, and natural heritage in planning for climate change impacts and environmental sustainability (section 6.3.5).

In our opinion, the proposed agricultural severance supports the general policies of the Growth Plan for Northern Ontario and the specific policies with respect to environmental protection and the protection of agricultural operations.

2.3. Official Plan of the City of Sudbury (as amended, January 2023)

The subject property is designated “Agricultural Reserve” in schedule 1a Land Use Overview of the City’s Official Plan.

The intent of the “Agricultural Reserve” designation is to encourage all agricultural uses, agricultural related uses, on-farm diversified uses and normal farm practices.

It is a policy of the OP to permit a single detached dwelling for the owner of a farm, accessory buildings, structures and facilities “*required to accommodate the agricultural uses in the Agricultural Reserve area*” (Section 6.2.1.(3) of the OP).

Agricultural land severance and lot creation

It is the intent of the OP to preserve Agricultural Reserve lands in large parcels. Nevertheless, lot creation is permitted for a residence surplus to a farming operation as a result of a farm consolidation (Section 6.2.2.(1)).

Severances for agricultural use in “Agricultural Reserve” areas are subject to conditions defined in section 6.2.2.(2) of the OP. New and retained lots from severances are to be of an appropriate size for the type of agricultural uses common in the area and sufficiently large to maintain flexibility for future changes in the type or size of the agricultural operation (section 6.2.2. (2.a)). The retained lot of 37.4 acres (15.1 ha) will continue to be used for farming and is deemed appropriate for the current farm operation.

It is a policy of the OP that the severed and retained lots will have a minimum land area of 30 ha each (section 6.2.2.(2b)). The retained lot (15.1 ha) does not fulfill the requirement of the OP. Nevertheless, in our professional opinion, the proposed lot size meets with the intent of the policy as it will not reduce the area of land being used for agricultural purposes and the viability and long-term flexibility of the existing farming unit. Furthermore, the existing Agricultural Reserve operations will not be subdivided into smaller parcels of land.

There is a specific policy of the OP that “*the City may consider the creation of smaller lot parcels if the parcel retained is at least 30 hectares and the part severed is less than 30 hectares but is being conveyed to a neighbouring farmer for consolidation*” (section 6.2.2.(2c)).

We note that the proposed severed lot is 0.24 ha (0.59 acre) to accommodate the existing residential dwelling, the individual septic/water systems provided on-site within the severed lot boundary.

In our opinion, and in discussion with City staff, the proposed agricultural severance is consistent with the policies of the OP. The agricultural severance can be considered as a residence surplus to a farming operation and does not contradict with the general policies of the Official Plan and the specific policies 6.2.2.(1) and 6.2.2.(4) of the OP.

2.4. Zoning By-law for the City of Sudbury 2010-100z

The subject property is zoned as Agricultural (A). Single detached dwelling as a residential use is permitted in A-zone subject to a maximum of 1 dwelling per lot (section 9.2. of the ZBL).

The zoning By-law standards for Agricultural (A) Zone are the following:

Minimum Lot Area	30.0 ha
Minimum Lot Frontage	90.0 m
Minimum Required Front Yard	10.0 m
Minimum Required Rear Yard	10.0 m
Minimum Required Interior Side Yard	3 m
Minimum Required Corner Side Yard	4.5
Maximum Lot Coverage	25%
Maximum Height	11 m

Other

For a new lot created for a residence surplus to a farming operation through farm consolidation the minimum lot area shall be 0.4 ha and the maximum lot area shall be 1.0 ha and the minimum lot frontage shall be 45.0 m. (By-law 2021-152Z)

Severed lot

Zoning By-law 2021-152Z establishes that a new lot for a residence surplus to a farming operation through farm consolidation requires a minimum lot area of 0.4 ha (1 acre) and a minimum lot frontage of 45 meters.

Based on the severance sketch, the lot to be severed has:

- a land area 0.24 ha (0.59 acre)
- a lot frontage ± 51.4 m
- a lot depth ± 47 m
- a front yard ± 10 m
- a rear yard ± 26 m
- a side yard 10 m.
- lot coverage 5.5%

The severance sketch in figure 5 depicts the existing setbacks and the location the water/sewer systems on-site. Figures 6 shows the primary driveway access to the existing dwelling.

Figure 4 Existing dwelling on the lot to be severed, constructed in 1964



Retained lot

The retained lot has a land area of 15.2 ha (37.7 acres) and a frontage of ± 29.9 m on St Laurent Street. The accessory building used for storage on the retained land will be removed.

Figure 5 Access to lot to be retained



Figure 6 Accessory storage shed on the retained lot



In our opinion, a zoning by-law amendment to a Special Agricultural A(S) zone that recognizes the residence surplus to a farm operation, the reduced lot area of the severed and retained lots and no permitted residential use on the retained parcel.

3.0 RECOMMENDATIONS AND CONDITIONS OF APPROVAL

Having reviewed the requirements of the zoning by-law, we are of the opinion that the applications are consistent with the PPS 2020, the Northern Ontario Growth Plan and the Official Plan of the City of Greater Sudbury.

We are of the opinion that the rezoning of the two resulting parcels, one for a surplus dwelling and one for agricultural purposes only, would be good land use planning and we would recommend to the City that the application be supported.

Should the Committee support the approval of the consent, we would anticipate that the following conditions of provisional consent approval will be included, and we have reviewed these with our client and find them acceptable:

1. That the Owner(s) shall submit a copy of the registered Reference Plan, prepared by an Ontario Land Surveyor registered in the Province of Ontario, to include the following:
 - One Part for the severed lot (residence);
 - Lot dimensions and area in accordance with the intent of the applications.
The Reference Plan should conform substantially to the sketch (Appendix 'A') filed with the Application for Consent.

2. That the Owner(s) shall apply for and receive a zoning by-law amendment to a Special Agricultural A(S)-zone for both the retained and severed lots which recognizes the residence surplus lot as having a reduced lot area of 0.24 ha (0.59 acre) and a frontage of \pm 51.4 m and the retained lot having a lot area of 15.29 ha (37.7 acres) and a frontage of \pm 29.9 m on St Laurent Street. The application for such rezoning has been filed concurrently with the consent application.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:

Reviewed by:



Soumaya Ben Miled, M.Arch, M.Pl
Planner



Tim F. Chadder, RPP, MCIP
Associate, Senior Consultant

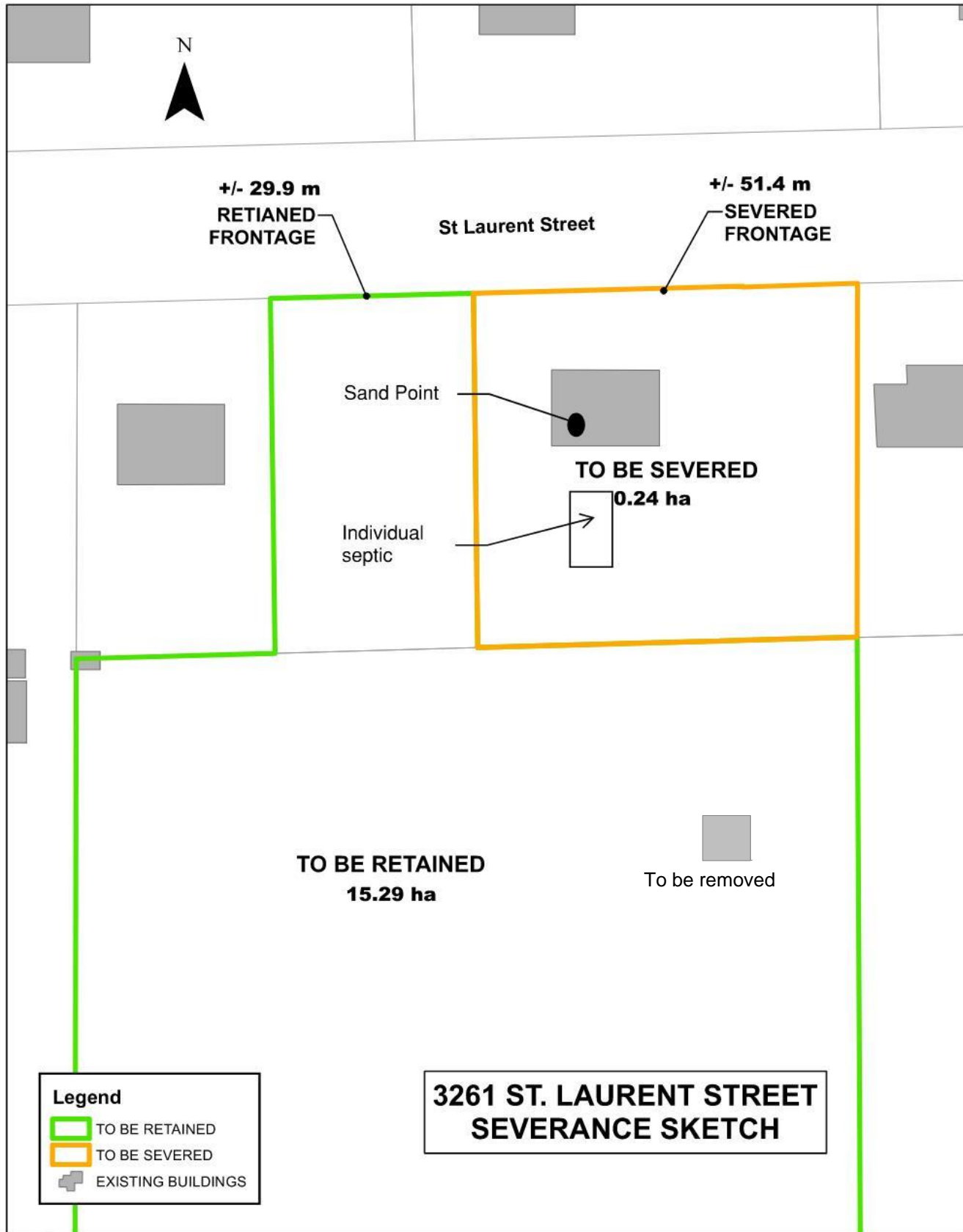
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Appendix

Appendix A – Severance Sketch

Appendix B - List of farm parcels operated by Valley Growers Inc.

Appendix A – Severance Sketch



Appendix B – List of farm parcels operated by Valley Growers Inc.

Address	Land Tenure	Owner(s)	Existing Residential use	Lot area (acres)
2960 Martin Rd, Blezard Valley, On	Owned	Valley Growers Inc	House trailer	35
Frappier Road, Blezard Concession 6 Lot 9 Part 1 & 2	Owned	Valley Growers Inc		50
Regional Road 15, Rayside Concession 4 Lot 3 Part Lot 4	Owned	Valley Growers Inc		100
3003 Main Street, Blezard Concession 5 Lot 12	Owned	Valley Growers Inc	Residential dwelling	100
2941 Main Street, Blezard Concession 5, Part Lot 12	Owned	Valley Growers Inc		55
Regional Road 15, Rayside Concession 5 Lot 2	Owned	Valley Growers Inc		35
Regional Road 15, Rayside Concession 6 Lot 1	Owned	Valley Growers Inc		20
3211 Regional Road 15, Rayside Concession 5, Lot 1	Owned	Valley Growers Inc		60
777 Montee Rouleau, Chelmsford, On P0m 110	Owned	Valley Growers Inc, Justin Gaudet		30
Montee Rouleau, Rayside Concession 4 Lot 3, Chelmsford, ON	Owned	Valley Growers Inc		45
3268 St-Laurent St., Chelmsford, ON	Owned	Valley Growers Inc, Justin Gaudet	Residential dwelling	60
3261 St-Laurent St., Chelmsford, ON	Owned	Justin & Alicia Gaudet	Residential dwelling	15
Pin 735000-0141-Pcl 513 SEC SES SRO, W 3/4 LT 12 CON 5 BLEZARD VALLEY, ON, P0M 1E0 (77 acres)	Owned	Justin Gaudet		8
203 Main Street East, Chelmsford, ON	Owned	Valley Growers Inc		40
Total farm parcels				653

