

3268 St. Laurent Street, Blezard Valley

Presented To:	Planning Committee
Meeting Date:	June 24, 2024
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/24-03

Report Summary

This report provides a recommendation regarding an application to facilitate a surplus farm dwelling severance through farm consolidation.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Valley Growers Inc. and Justin Gaudet to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the severed and retained lands of Consent B0013/2024 from “A”, Agricultural to “A(S)”, Agricultural Special on those lands described as PIN 73345-0472, Parcel 62, Part Lot 1, Concession 5, Township of Rayside, as outlined in the report entitled “3268 St. Laurent Street, Blezard Valley” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of June 24, 2024, subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provisions for the lands to be retained:
 - a. That residential land uses shall be prohibited on the subject lands.
2. That the amending zoning by-law include the following site-specific provisions for the lands to be severed:
 - a. That residential land uses and accessory uses are the only permitted uses on the subject lands.
3. That prior to the enactment of the amending by-law, the owner shall have prepared and submitted a registered survey of the lands to be rezoned to the satisfaction of the Director of Planning Services.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The application to amend the City's Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The rezoning application would fulfill a condition of a severance application and does not either directly align with or negatively impact any of strategic goals and objectives that are identified within the City's Strategic Plan.

The rezoning application is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

Financial Implications

There are no financial implications associated with this report.

Report Overview:

The purpose and effect of the Zoning By-law Amendment application (751-7/24-03) is to implement a condition of Consent B0013/2024, which conditionally severed a lot with an area of approximately 0.47 ha (1.1 ac) in order to accommodate the disposal of a surplus farm dwelling.

Staff recommends approval of the application as described in the resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Staff Report

Proposal:

The purpose and effect of Zoning By-law (751-7/24-03) is to rezone the severed lot of Consent B0013/2024 from “A”, Agricultural to “A(S)”, Agricultural Special to recognize the residential use of the lands.

Additionally, the application also proposes to rezone the retained lands of Consent B0013/2024 from “A”, Agricultural to “A(S)”, Agricultural Special to prohibit the establishment of new dwellings on the remnant farm parcel.

The subject lands are located on the north side of St. Laurent Street, between Montee Rouleau and Valleyview Road, and are known municipally as 3268 St. Laurent Street, Blezard Valley.

The lands are subject to Consent Application B0013/2024, which was conditionally granted by the City of Greater Sudbury Consent Official on May 6th, 2024. The consent proposal is summarized below.

	‘Lands to be severed’ 3268 St. Laurent Street	‘Land to be retained’ Remnant Agricultural Land
Lot Frontage	61 m (200 ft)	+/- 402 m (1,319 ft)
Lot Depth	78.2 m (256.56 ft)	Irregular
Lot Area	0.47 ha (1.1 ac)	39.17 ha (96.94 ac)

The lands to be severed contains a single detached dwelling and five accessory buildings (4 have been identified by the applicant as being removed). The lands to be severed are serviced by private well and septic system and have an existing access from St. Laurent Street.

The lands to be retained contains agricultural lands in crop production and is vacant of any buildings or structures. The farmland is accessed from an existing driveway from St. Laurent Street.

The subject lands are designated ‘Agriculture Reserve’ within the City’s Official Plan, are zoned “A”, Agricultural within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, and are regulated by the Nickel District Conservation Authority (NDCA).

Surrounding land uses are agricultural in nature.

A Location Map illustrating the proposed zone changes is attached to this report.

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 (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 PPS 2020. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. Section 2.3.4.1 outlines that lot creation is discouraged and may only be permitted in the following circumstances:
 - a. For agricultural uses provided that the lots are of a size appropriate for the type of agricultural use(s) that are common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - b. For 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. For a residence surplus to a farming operation as a result of a farm consolidation provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services and that 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 of Ontario or based on municipal approaches which achieve the same objective; and,
 - d. For infrastructure where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
2. With respect to creating new residential lots on prime agricultural lands, Section 2.3.4.3 also outlines that the creation of new residential lots shall not be permitted except in accordance with the policy direction established under Section 2.3.4.1 c) of the PPS 2020.

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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and is satisfied that the application for Zoning By-law 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 designated 'Agricultural Reserve' in the Official Plan for the City of Greater Sudbury.

Those lands within the 'Agricultural Reserve' are intended to be preserved as large parcels of land and therefore protected from lot creation. Section 6.2.2(1) of the City's Official Plan does however outline that lot creation within the Agricultural Reserve is only permitted for agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of a farm consolidation, and infrastructure purposes.

Section 6.2.2(4) further outlines that in the case of a farm consolidation the creation of a new lot may be created for a residence surplus to a farming operation subject to the following criteria:

1. That new lot will be limited to a minimum size required to accommodate the dwelling and appropriate sewage and water services;
2. The new lot is separated from agricultural uses in accordance with the Minimum Distance Separation formulae; and,
3. New residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Zoning By-law 2010-100Z:

The subject lands are zoned “A”, Agricultural within the City’s Zoning By-law. The development standards for the “A”, Agricultural zone are as follows:

- Minimum lot area of 30 ha*
- Minimum lot frontage of 90 m*
- Minimum front yard setback 10 m
- Minimum rear yard setback 10 m
- Minimum interior side yard setback 10 m
- Maximum lot coverage 10%
- Maximum height 21 m**

* 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

** Maximum height for residential uses 11 m

Consultation:

Public Comments:

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 April 10th, 2024. The statutory Notice of Public Hearing dated May 30th, 2024 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

At the time of writing this report, no oral or written submissions were received from members of the public.

Department/Agency Comments:

The application including relevant accompanying materials have 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 development standards in an amending zoning by-law should the application be approved. Comments received from agencies and departments did not contain any concerns with the application. Building Services advised that demolition permits would be required for the accessory buildings identified as being removed from the severed lands.

Detailed comments can be found in Appendix 1 to this report.

Planning Analysis:

The Provincial Policy Statement and City’s Official Plan permit surplus farm dwelling severances subject to criteria, including that the remnant farm parcel be rezoned to prohibit future residential use. Therefore, a rezoning application was required as a condition of Consent B0013/2024 to prevent a residence from being constructed on the remnant agricultural lands. Additionally, it was required that the severed lands be rezoned to reflect the residential nature of the lands that would no longer be suitable to accommodate agricultural and other non-residential uses by limiting permitted uses to the residential uses permitted in the “A” Agricultural zone.

All other criteria from the Provincial Policy Statement and City’s Official Plan for surplus farm dwelling severances have been demonstrated to be met through the Consent process.

The applicant has applied to rezone the retained lands to "A(S)", Agricultural Special zone to prohibit the establishment of new dwellings on the remnant farm parcel. The proposed lot to be retained meets all other zoning requirements of the "A", Agricultural zone. Staff is satisfied that the application of the "A(S)", Agricultural Special zone to prohibit the establishment of new dwellings is appropriate, and as such, staff supports this proposed zone change.

The applicant has applied to rezone the severed lands from "A", Agricultural to "A(S)", Agricultural Special to recognize the residential use of the lands. The proposed lot to be severed meets all other zoning requirements of the "A" Agricultural zone. Staff is satisfied that the application of the "A(S)", Agricultural Special is appropriate for the proposed residential use of the lands, and as such, staff supports this proposed zone change.

Conclusion:

Staff recommends approval of the application as described in the resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Appendix 1:

Departmental & Agency Comments

a) Building Services

No concerns with the proposal. Applicant to be advised that the existing accessory structures subject to removal on the severed lot will require a demolition permit to the satisfaction of the Chief Building Official.

b) Enbridge Gas

No concerns with this proposal.

c) Fire

Fire services has no comments.

d) Infrastructure and Capitol Planning

No concerns.

e) Conservation Sudbury

Subject property includes both a flood hazard and a meander belt erosion hazard for the Whitson River. Conservation Sudbury has no objection with the rezoning with the condition that the retained farm lands are rezoned as to not permit future residential development on this property.

f) Strategic and Environmental Planning

Strategic and Environmental Planning do not have concerns with this application.

g) Development Engineering

The site is not serviced with municipal water or sanitary sewer. No objection to the zone change.