

MEMORANDUM

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

Date: March 12, 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**
3268 St Laurent St, Chelmsford, Chelmsford, ON
P0M 1L0
Applicant(s): Valley Growers Inc, Justin Gaudet

PROPERTY DESCRIPTION The subject property is in Chelmsford on St Laurent Street. It is 39.7 ha in land area and bordered by the Whitson River to the north and east.

The lot to be severed (1) is 1.1 acre (0.47 ha) and has a residential dwelling, a Quonset hut and four (4) sheds. All of the existing will be removed. The lot to be severed (2) is 0.14 acre (0.06 ha) in land area and will be conveyed to the adjacent property. The retained lot is 39.1 ha (96.6 acres). It is vacant and being operated as a farm unit for cash crops.

The subject property is legally described as:

PCL 62 SEC SWS; PT LT 1 CON 5 RAYSIDE AS IN WP58 EXCEPT PT 1 53R7143, PT 1 & 2 53R7519, PT 1 53R10298, PT 1 & 2 53R13580; S/T LT182147; GREATER SUDBURY (under PIN 733450472).

APPLICATIONS

CONSENT

The application proposes to sever the existing residential dwelling, and Quonset hut to create a severed lot (1) of 1.1 acre in lot size and a frontage of 61 m on St Laurent Street. The severed lot (2) is 0.14 acre with a frontage of 9.1 m on St Laurent Street. The retained lot is 39.1 ha with a frontage of +/- 402 m on St Laurent Street. The dwelling is surplus to our client's agricultural operations.

ADDITION TO A LOT

During the process our client spoke to the abutting neighbour who asked the owner to convey a portion of the severed lot to adjust the lot boundary of both lots. While this is not necessary, it is a technical request to allow for proper operation of the existing residential dwelling and the associated outbuildings.

The intent is to convey the severed lot (2) to the adjacent property at 3260 St Laurent Street. The transaction is referred to as "addition to a lot" in the consent application form.

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 (1) be rezoned for only residential purposes.
- Retained lot be rezoned to prohibit any residential uses.

**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 approve these applications.

1.0 BACKGROUND

A pre-consultation meeting was previously held on July 12, 2023. This was held with City of Greater Sudbury staff (File No PC2023-061).

JLR followed up with the City staff to confirm the contents of the SPART on September 14, 2023 and subsequent meetings with City Staff.

The subject property is currently owned by "Valley Growers Inc, Justin Gaudet". It is being operated for farming for over 100 years and over 30 years by the applicant.

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 lot and retained lot 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 currently used for agricultural cropping and the applicant provided a secondary entrance permit (refer to Appendix B).

Our client has commissioned a draft survey plan (refer to Appendix C) which confirms that the severed lot has an individual septic and well system contained within the proposed lot boundary.

Comment on lot line adjustment

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

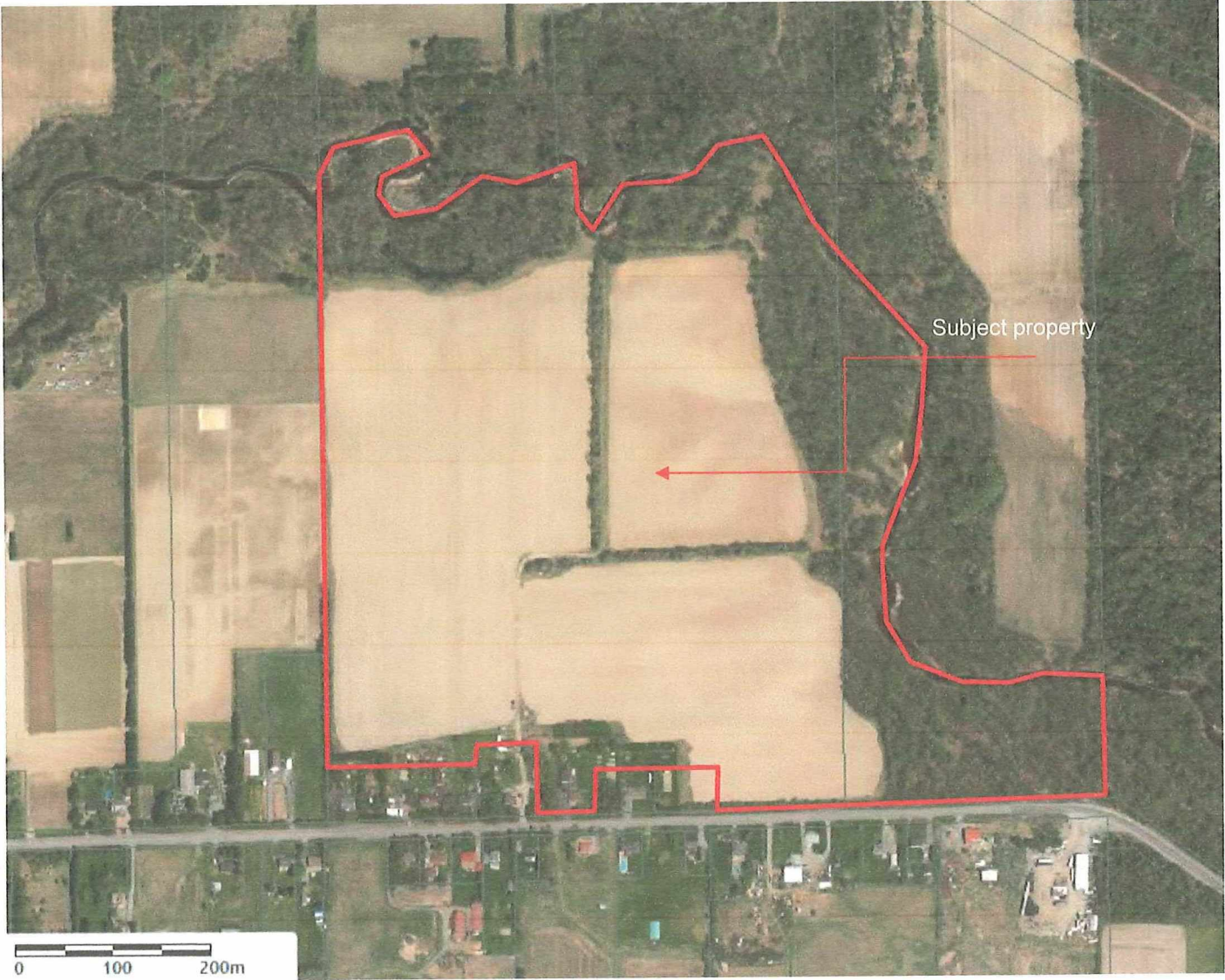


Figure 2 Subject property severance sketch

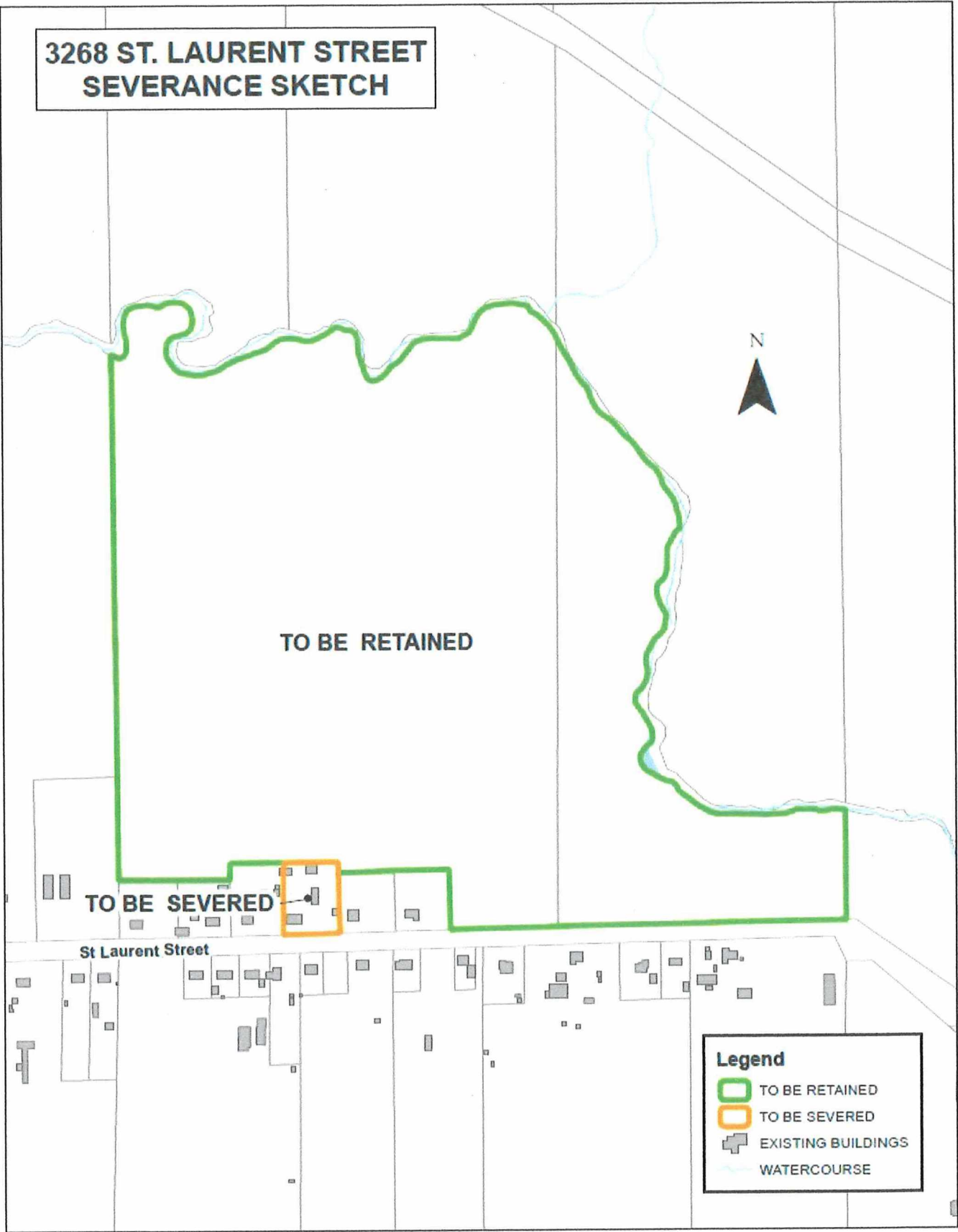


Figure 3 Proposed severed lot



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 A. The list specifies the land tenure (owned/rented), land area and whether the property is used for residential purposes.

The dwelling unit will no longer be in the ownership of (Valley Growers Inc, Justin Gaudet) as it is currently rented which supports the supply of residential units available. 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 for 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 39.1 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 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) of the OP).

We note that the proposed severed lot (1) is limited to a minimum size of 1.1 acre required to accommodate the existing residential dwelling, the individual water and sewer on-site systems are provided within the severed lot boundary. The severed lot (2) will be conveyed to the adjacent property as part of a lot adjustment.

Lot adjustments

Policy 6.2.3. states that *"Lot adjustments may be permitted for legal and technical reasons"*.

The land to be conveyed to the adjacent property located at 3260 St Laurent Street will allow for an enhanced delineation of the property line of the subject property and the adjacent property. The conveyance will increase the interior side setback of the adjacent property to better align with the ZBL standards which still complying with the requirements on the subject property.

Figure 4 Land to be conveyed to adjacent lot



Figure 5 Approximate delimitation of the land to be conveyed



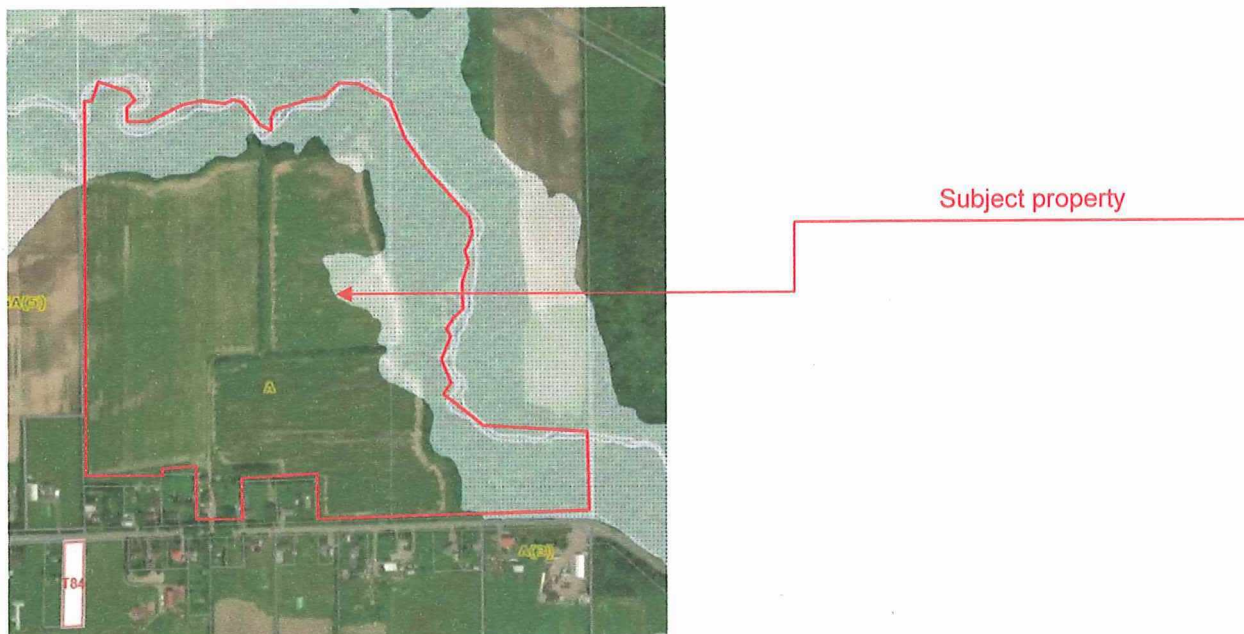
Floodplain area

We note that the subject property is located within the floodplain as depicted in the figure below. Conservation Sudbury is responsible for regulating development and site alteration on lands adjacent to the shoreline of lakes, rivers and streams impacted by flooding.

Section 10.2.1 of the OP states that development on lands adjacent to the shoreline of watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury or MNRF.

The agricultural operation is partially located within the floodplain. The proposed residence surplus is already built outside of the floodplain. Given that the applicant does not propose any future development on the retained or the severed lots, it can be stated that the agricultural severance will not have negative impacts.

Figure 6 Flood plain area within the subject property



In our professional opinion, we deem that even though the farm is not acquiring the subject property, 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.

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.

It is a policy of the OP to permit lot adjustments for legal and technical reasons (Section 6.2.3.). It is our opinion that the lot line adjustment would meet the intent of the City's Official Plan as this is a consent that is technical in nature as it alters the shared boundary to reflect the use of the land between two residential lots that both already exist within the agricultural designation and does not affect the agricultural operations.

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
 Minimum Required Rear Yard
 Minimum Required Interior Side Yard
 Minimum Required Corner Side Yard
 Maximum Lot Coverage
 Maximum Height
 Other

10.0 m
 10.0 m
 3 m
 4.5
 25%
 11 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. (By-law 2021-152Z)

Severed lot (1)

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 frontage of 45 metres.

The severed lot has a residential dwelling built in 1900 and a Quonset hut built in 1974 as shown in the figures bellow.

Figure 7 Existing dwelling on the lot to be severed (1), constructed around 1900



Figure 8 Quonset hut, accessory structure building constructed around 1974



The applicant has provided a survey plan for the severed lot (1) showing the existing setbacks and dimensions:

- a land area of 0.47 ha (1.5 acre),
- a lot frontage of 61.0 m,
- a lot depth of 78.2 m,
- a front yard of 10.6 m,
- a rear yard of 54.1 m,
- a side yard of 12 m.

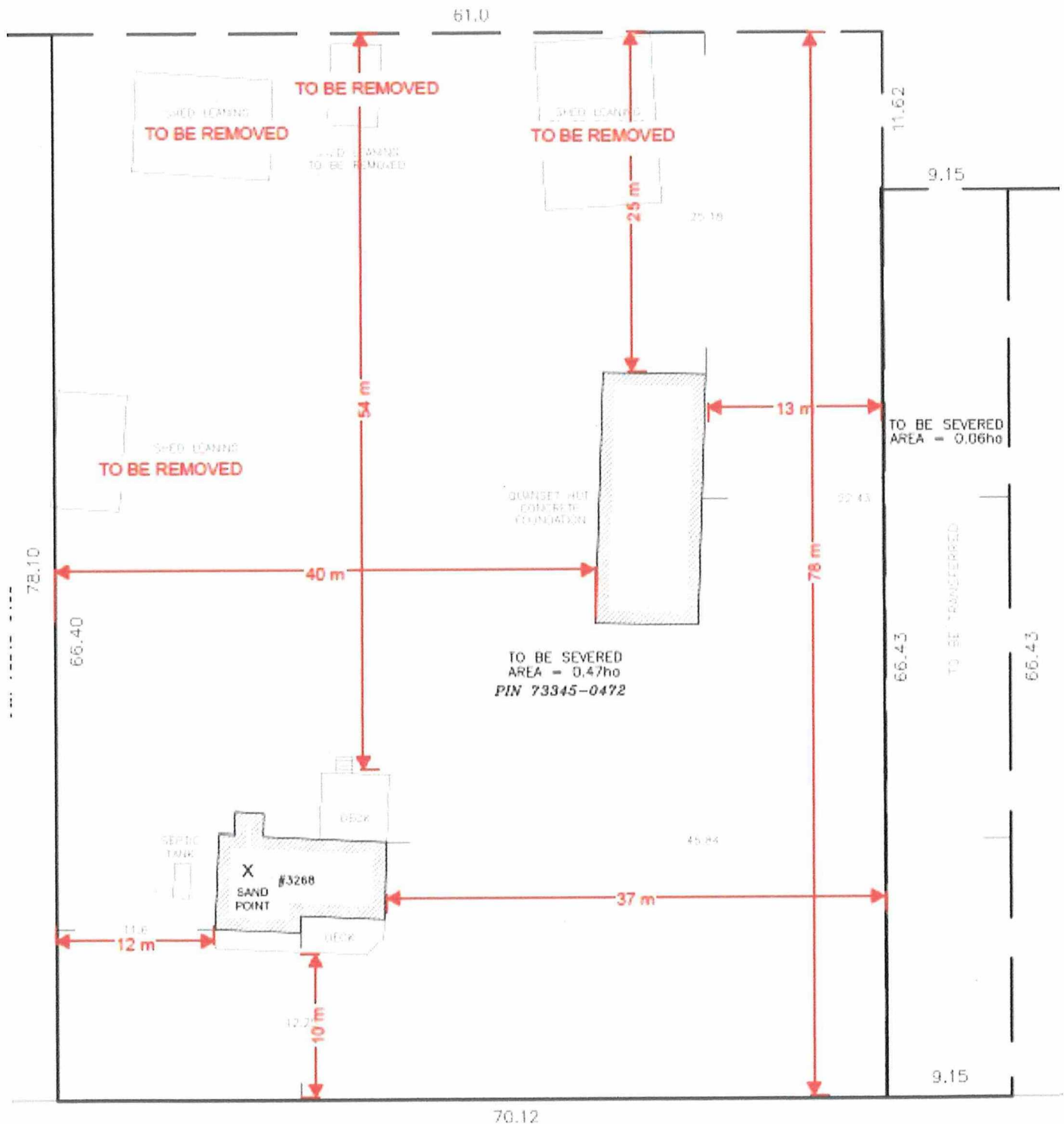
Accessory buildings or structures, which are detached from the main building, shall be erected in compliance with the yard and setback requirements of the zone in which such building or structure is located (section 4.2.2.). The maximum *height* of any *accessory building or structure* on a *residential lot* shall be 5.0 metres (section 4.2.4 (a)) which is consistent with the existing accessory buildings.

It can be confirmed that the accessory Quonset hut is compliant with the ZBL requirements of the A-zone (refer to figure 10).

Figure 9 Sheds/accessory structures to be removed



Figure 10 Existing setbacks and accessory buildings to be removed



Severed lot (2)

The severed lot (2) is 0.06 ha (0.2 acre) in land area with a frontage of 9.1 meters on St Laurent Street.

The land is vacant and will be conveyed to the adjacent property legally described as PCL 26295 SEC SWS; PT LT 1 CON 5 RAYSIDE PT 2 53R7519; S/T LT182147; GREATER SUDBURY.

The adjacent lot located at 3260 St Laurent St is 0.71 acre (0.28 ha) in land area with ± 62.5 meters of frontage on St Laurent St. The lot is currently zoned Agricultural (A).

The conveyance of land would result in a benefitting lot of 0.84 acre (0.34 ha) with a frontage of \pm 71.6 meters on St Laurent St. Based on the review of Section 4.25.3 of the Zoning By-law 2010-100Z, a rezoning of the benefitting lot, an existing lot of record is not required.

Retained lot

The retained lot has a land area of 39.1 ha (96.6 acres) and a lot frontage of \pm 402 m on St Laurent Street. The retained lot is vacant and used exclusively for farming.

A secondary entrance permit to the retained lot was issued on October 25, 2023.

Figure 11 Vacant 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 is required.

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:
 - Part of the severed lot;
 - Part for lands subject to lot line adjustment; and,
 - Lot dimensions and area in accordance with the applications.The Reference Plan should conform substantially to the sketch (Schedule 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 which recognizes the residence surplus dwelling and the retained lot used for farming only. Both lots comply with the minimum requirements for lot size and frontage. The application for such rezoning has been filed concurrently with the consent application.
3. Standard condition related to the part subject to lot line adjustment that would require consent of the committee should be conveyed separately from the lands which it is added to by this application, Section 50(3) and (5).

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:



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

Reviewed by:



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

SBM:tc

Appendix A – List of farms operated by Valley Growers Inc.
Appendix B – Secondary entrance permit, farmers field
Appendix C – Survey Plan

Appendix A – 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