

204 Kukagami Lake Road

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| Presented To: | Planning Committee |
| Meeting Date: | August 12, 2024 |
| Type: | Public Hearing |
| Prepared by: | Stephanie Poirier Planning Services |
| Recommended by: | General Manager of Growth and Infrastructure |
| File Number: | 751-3/24-02 |

Report Summary

This report provides a recommendation regarding an application to permit the construction of a single detached dwelling with site specific provisions.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Shane & Melanie Parker to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning on the subject lands from “RS” Rural Shoreline and “OSC” Open Space Conservation to the “RS(S)” Rural Shoreline Special Zone on those lands described as PIN 73519-0299 and Part PIN 73519-0148 East of Kukagami Lake Road, Township of Rathburn, as outlined in the report entitled “204 Kukagami Lake Road” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 12, 2024, subject to the following condition:

1. That the amending zoning by-law include the following site-specific provisions:
 - a) A minimum lot area of 1,380 m², whereas the minimum required is 8,000 m²;
 - b) A minimum front yard setback of 4.8 m for the single detached dwelling, whereas the minimum required is 10 m;
 - c) A minimum interior side yard setback of 1.2 m for the single detached dwelling, whereas the minimum required is 3 m;
 - d) A highwater mark setback of 12 m for the single detached dwelling, whereas the minimum required is 30 m;
 - e) A single detached dwelling and accessory building within the shoreline buffer area, whereas within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;
 - f) An accessory building located in the front yard with a 1 m setback from the front lot line, whereas accessory buildings are permitted in the rear or interior yard with a 1.2 m setback;
 - g) A highwater mark setback of 5.4 m for the accessory building, whereas the minimum required is 30 m; and
 - h) a maximum of 29% clearance of natural vegetation along the shoreline, whereas a maximum of 25%

not exceeding 23 m in length is permitted.

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 does not directly align with or negatively impact any of strategic goals and objectives that are identified within the City's Strategic Plan. The rezoning application does not directly align with or negatively impact any of the stated goals and recommendations that are contained within the CEEP.

Financial Implications

If approved, staff estimates approximately \$5,700 in taxation revenue, based on the assumption of one single detached dwelling unit based on an estimated assessed value of \$400,000 at the 2024 property tax rates.

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this would result in total development charges of approximately \$10,500 based on assumption of one single detached dwelling unit and based on the rates in effect as of the date of this report.

Report Overview:

The purpose and effect of the application is to rezone the subject lands from the "RS" Rural Shoreline and "OSC" Open Space Conservation to the "RS(S)" Rural Shoreline Special Zone in order to permit the construction of a single detached dwelling with site specific zoning standards.

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 the application is to rezone the subject lands from the “RS” Rural Shoreline and “OSC” Open Space Conservation to the “RS(S)” Rural Shoreline Special Zone in order to permit the construction of a single detached dwelling with the following special provisions:

- A minimum lot area of 1,380 m², whereas the minimum required is 8,000 m²;
- A minimum front yard setback of 4.8 m for the single detached dwelling, whereas the minimum required is 10 m;
- A minimum interior side yard setback of 1.2 m for the single detached dwelling, whereas the minimum required is 3 m;
- A highwater mark setback of 12 m for the single detached dwelling, whereas the minimum required is 30 m;
- A single detached dwelling and accessory building within the shoreline buffer area, whereas within the shoreline buffer area, whereas only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops are permitted within the shoreline buffer area;
- An accessory building located in the front yard with a 1 m setback from the front lot line, whereas accessory buildings are permitted in the rear or interior yard with a 1.2 m setback;
- A highwater mark setback of 5.4 m for the accessory building, whereas the minimum required is 30 m; and
- a maximum of 29% clearance of natural vegetation along the shoreline, whereas a maximum of 25% not exceeding 23 m in length is permitted.

The subject lands are located on the east side of Kukagami Lake Road, north of Klondike Bay Road, and are known municipally as 204 Kukagami Lake Road.

The subject lands contain a single detached dwelling and an accessory building. The lands are serviced by a private septic system and lake water, and have an existing access from Kukagami Lake Road.

The subject lands are designated ‘Rural’ within the City’s Official Plan and are zoned “RS” Rural Shoreline and “OSC” Open Space Conservation within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury.

Surrounding land uses are rural and rural shoreline in nature.

A Location Map 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. Residential development which is considered to be locally appropriate and can be adequately serviced is permitted within the Rural Land policies of the PPS.

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 does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated 'Rural' in the Official Plan for the City of Greater Sudbury. Section 5.2 states that residential uses are permitted in the rural land use designation subject to the policies below.

5.2.1 Rural Residential

Residential uses in Rural Areas typically take the form of rural strip development along municipal roads, as well as permanent and seasonal waterfront residences located along the shorelines of non-urban waterbodies and watercourses. Although some linear residential development along municipal roads is partially serviced by municipal water, most households are not connected to municipal services.

Policies

1. Rural residential development compatible with the character of surrounding existing uses is permitted, provided no additional public services, including the extension of existing or creation of new partial services would be required.
2. One single detached dwelling is permitted on any existing lot, provided that it fronts onto a public road that is maintained year-round. The lot must also have the capability to provide an individual on-site sewage disposal system and water supply with both quantity and quality suitable for domestic uses.
3. Seasonal residential uses are permitted on waterbodies and watercourses that have public water access with adequate off-street parking and boat docking facilities.
4. The conversion of existing seasonal dwellings to permanent use is permitted provided that:
 - a. the dwelling has frontage on a public road maintained year-round;
 - b. Ontario Building Code standards for permanent dwellings are met;
 - c. minimum lot size requirements for the zone category set out in the Zoning By-law have been satisfied;
 - d. approval is obtained for a Class 4 sewage system; and,
 - e. there is an adequate supply of potable water.

Zoning By-law 2010-100Z:

The subject lands are zoned "RS" Rural Shoreline and "OSC" Open Space Conservation within the City's Zoning By-law. The "RS" Zone permits a range of low density residential uses.

The development standards for the "RS", Rural Shoreline Zone are as follows:

- Minimum lot area of 8,000 m²
- Minimum lot frontage of 45 m
- Minimum front yard setback 10 m
- Minimum rear yard setback 7.5 m

- Minimum interior side yard setback 3 m
- Maximum lot coverage for *legal existing lots* having an area of 0.42 hectares or less 25 %
- Maximum height 11 m

The subject lands about Kukagami Lake and are subject to the following waterbody provisions of the zoning by-law:

- The minimum total water frontage required for all shorelines shall be equivalent to the lot frontage required for such lot in the applicable zone;
- No person shall erect any residential building, accessory building, or leaching bed closer than 30.0 metres to the high water mark of a lake or river;
- a shoreline buffer area is to remain in a natural vegetated state to a depth of 20.0 metres from the high water mark of a lake or river;
- On a residential lot a maximum of 25% of the required shoreline buffer area may be cleared of natural vegetation, but in no case shall exceed a maximum of 276 m²;
- The maximum length of the cleared area measured at the high water mark shall be 25% of the length of the shoreline of the lot but in no case shall the maximum length of cleared area measured at the high water mark exceed 23 metres in length; and
- Permitted accessory structures in the shoreline buffer area include gazebos, boathouses, docks, decks, stairs, water pumps and saunas, boat launches, marine railways, waterlines and heat pump loops.

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 June 15th, 2024. The statutory Notice of Public Hearing dated July 18th, 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 permits are required for demolition and construction. Strategic and Environmental Planning provided advisory comments on shoreline protection.

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

Planning Analysis:

The Provincial Policy Statement and City's Official Plan permit residential uses in rural areas subject to appropriate access and servicing. The subject lands have access from a year round maintained public road and will be serviced by a private septic system and lake water. The applicant has proposed one single detached dwelling which is an appropriate residential building type for the rural area. The proposed development will maintain the character of the area being low density residential.

The subject lands are an existing lot of record that are undersized and irregularly shaped. The applicant has provided a concept plan which demonstrates that most of the lands are located within the 30 m high water mark. The applicant has located the proposed septic system outside of the 30 m high water mark, however, due to lot size and irregular shape is unable to locate the proposed dwelling outside of the 30 m setback. Given the context of the subject lands, staff are of the opinion that the site specific provisions are appropriate and are in a position to support the application.

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 comments regarding the requested zoning amendment or the requested relief. Owner to be advised that a Demolition Permit will be required to demolish the existing dwelling and a Building Permit to the satisfaction of the Chief Building Official will be required for the construction of the new dwelling with attached garage as well as the new accessory building.

b) Development Engineering

This site is presently not serviced with municipal water or sanitary sewer services. No objection to changing the zoning classification in order to permit the construction of a single detached dwelling with the special provisions listed.

c) Infrastructure and Capital Planning

No concerns.

d) Conservation Sudbury

This parcel is not within the jurisdiction of Conservation Sudbury.

e) Strategic and Environmental Planning

The following advice is provided for informational purposes only.

Shoreline property owners are encouraged to continue adopting lake-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and in some cases, toxic cyanobacterial (blue-green algae) blooms. Kugagami Lake is considered to have phosphorus enrichment concerns and is categorized as Enhanced Management 2 according to the water quality model for lakes in the City of Greater Sudbury.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff nutrients and holding soil in its place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus to a site.

Shoreline and riverbank residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A natural vegetated buffer of at least 20 metres (the wider the better) from the high-water mark should be retained and supplemented with additional shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or riverbank or up to 23 metres, whichever is less, is allowable. Cleared areas are allowed up to 276 square metres.

2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake or river through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for

uptake by the turf grass.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge- the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake or river. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake or river as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encourage to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The applicant or owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or riverbank (retaining walls, etc.).

f) Source Water Protection

There are no Source Protection related concerns with the application.

g) Transit

No comments or concerns on this application.