

PLANNING REPORT

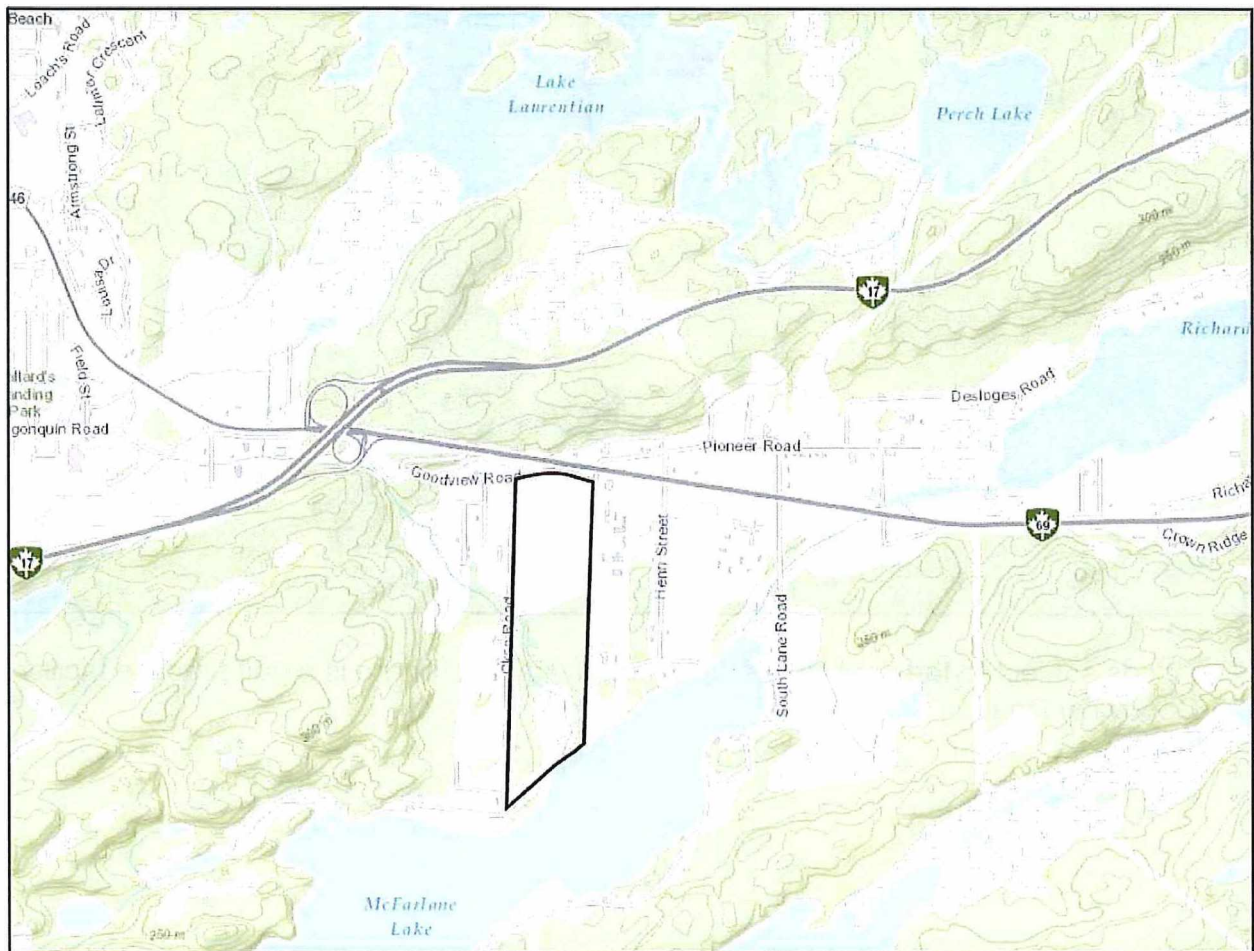
CKSO ROAD

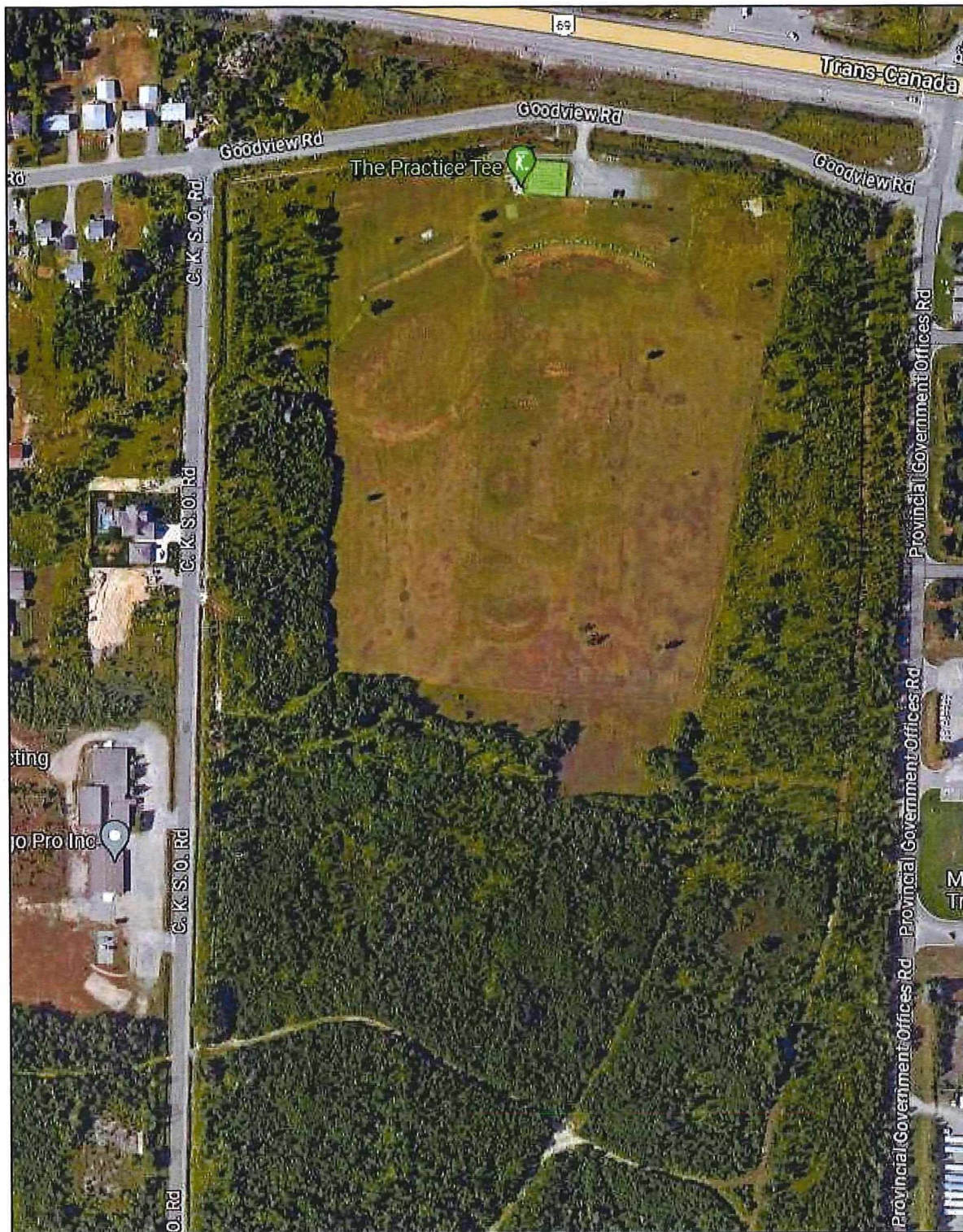
PART LOT 5, CONCESSION 1, BRODER

June 1, 2023

BACKGROUND

The Wicker Image (Mario Simonato) owns a 52 hectare site at the corner of Goodview Road and CKSO Roads.





The property is long and narrow and fronts on McFarlane Lake. The proposed consents are well back from any natural heritage feature on the property including any flood plain issues.

PREVIOUS PROPOSAL

An earlier proposal was presented to the planning department to create the seven (7) CKSO Road lots and four (4) commercial lots fronting on Goodview Road.



This proposal was presented to the planning department in the fall of 2021. It was presented as a possible rezoning application only, hoping to interpret sufficient flexibility in the policy of the official plan to allow a presentation to the city's planning committee.

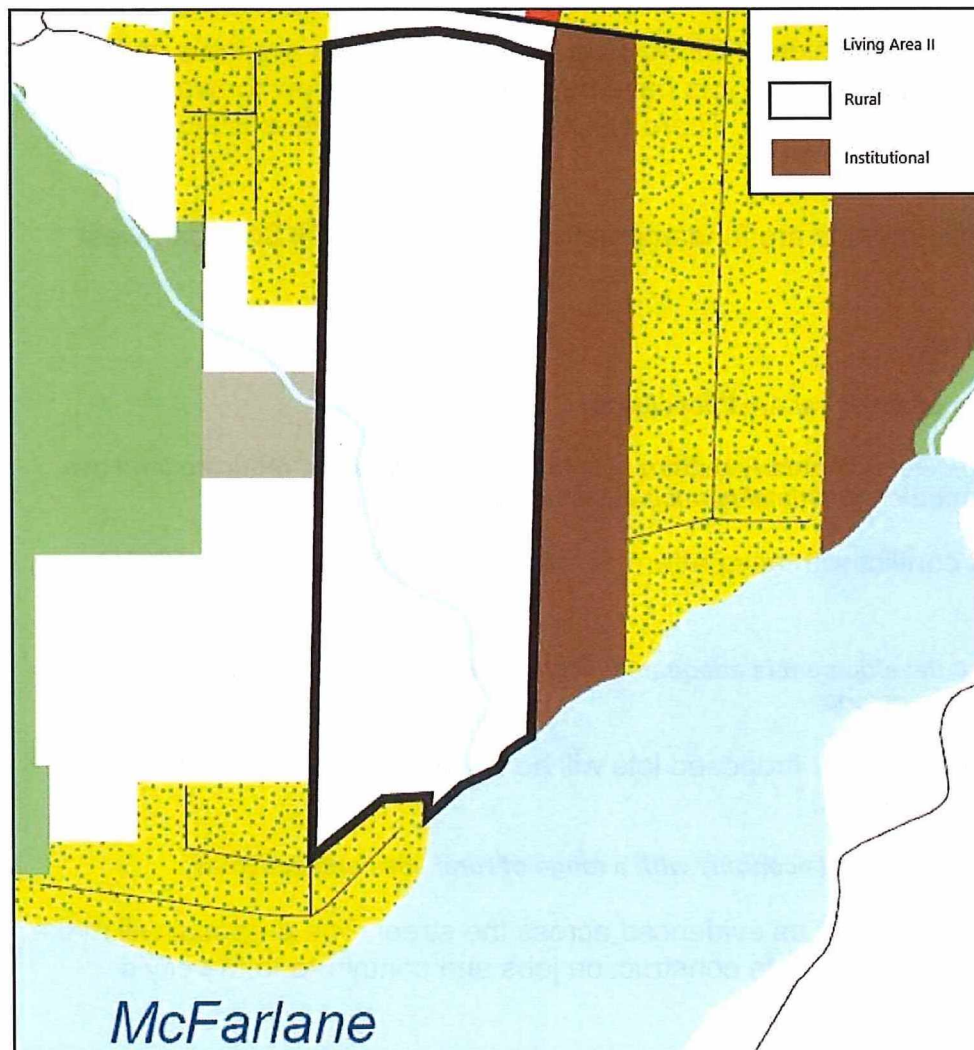
Planning staff refused to interpret official plan compliance and the matter could not be considered complete.

It has been decided to set aside the commercial component of the proposed project and simply put forward a site-specific zoning and official plan amendment to allow for a seven lot consent in the Rural designation.

It is hoped that this revised approach will allow for a complete application allowing it to come before the planning committee.

OFFICIAL PLAN

The subject lands are designated Rural.



In the preamble, the policy states:

“5.0 Rural Areas

Given Greater Sudbury’s vast geographic area, a significant proportion of the municipality is comprised of Rural Areas. Although some areas are partially serviced by municipal water, most rural households, businesses and farms rely on private water and sewage disposal systems. There is no intention to expand services to these areas.

Due to these constraints, Rural Areas require well-defined policies that protect existing uses while recognizing that the focus of future development will be fully serviced areas within Communities. The Rural Areas designation supports this overall concept, while also striving to protect those qualities that make Rural Areas special for their waterfront areas, open space, natural features, and resource potential.

The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location, especially those that provide rural economic benefits that are balanced with protection of the natural environment and the agricultural resource base. Intensive development of these lands is not desired, as more suitable locations within Communities have been identified for urban growth. Rural Areas are shown on Schedules 1a, 1b and 1c, Land Use Map.

The proposed lots on the east side of CKSO Road have a waterline available, installed by the proponent at its expense. The lots have been designed to allow for water hook ups to each of the newly created lots. There are no extensions to the existing water service.

The proposed lot configurations are fundamentally identical to the CKSO Road west side lots.

“5.1 Rural Objectives

It is the objective of the Rural Area policies to:

a) provide an efficient and orderly pattern of land use in Rural Areas, reducing land use conflicts and requiring minimal municipal services;

The proposal will not conflict with any pattern of existing development along CKSO Road.

b) ensure that all development is adequately serviced and does not negatively impact the environment;

Similar to the west side lots, the proposed lots will be on municipal water and serviced by conventional septic systems.

c) encourage a strong rural economy with a range of rural uses and activities;

There is a demand for housing as evidenced across the street. The proposal will make use of the existing waterline, create construction jobs and contribute to the city’s taxbase.

e) preserve the cultural and historical attributes of rural areas.

There is no evidence that there will be any adverse impacts on the cultural and historical attributes of the rural community.

“5.2 Rural Area Designation

Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. These areas also provide for outdoor recreation opportunities such as snowmobiling, skiing, hiking, canoeing, and other activities in natural areas.

a) residential uses;

Residential uses are permitted in the Rural designation.

There are no nearby agricultural uses requiring minimum distance separation.

“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.

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.

No extension of public services are proposed.

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.

The applicant is proposing to provide a report from a qualified consultant to confirm servicing adequacy and suitability.

“5.2.2 Rural and Waterfront Lot Creation

Policies on lot creation in Rural Areas are required to mitigate the pressures inherent to unserviced development and the environmental impact of private septic systems. Consistent with the objective to concentrate development within fully serviced Communities, limits on the location, size and number of lot severances in Rural Areas are established.

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

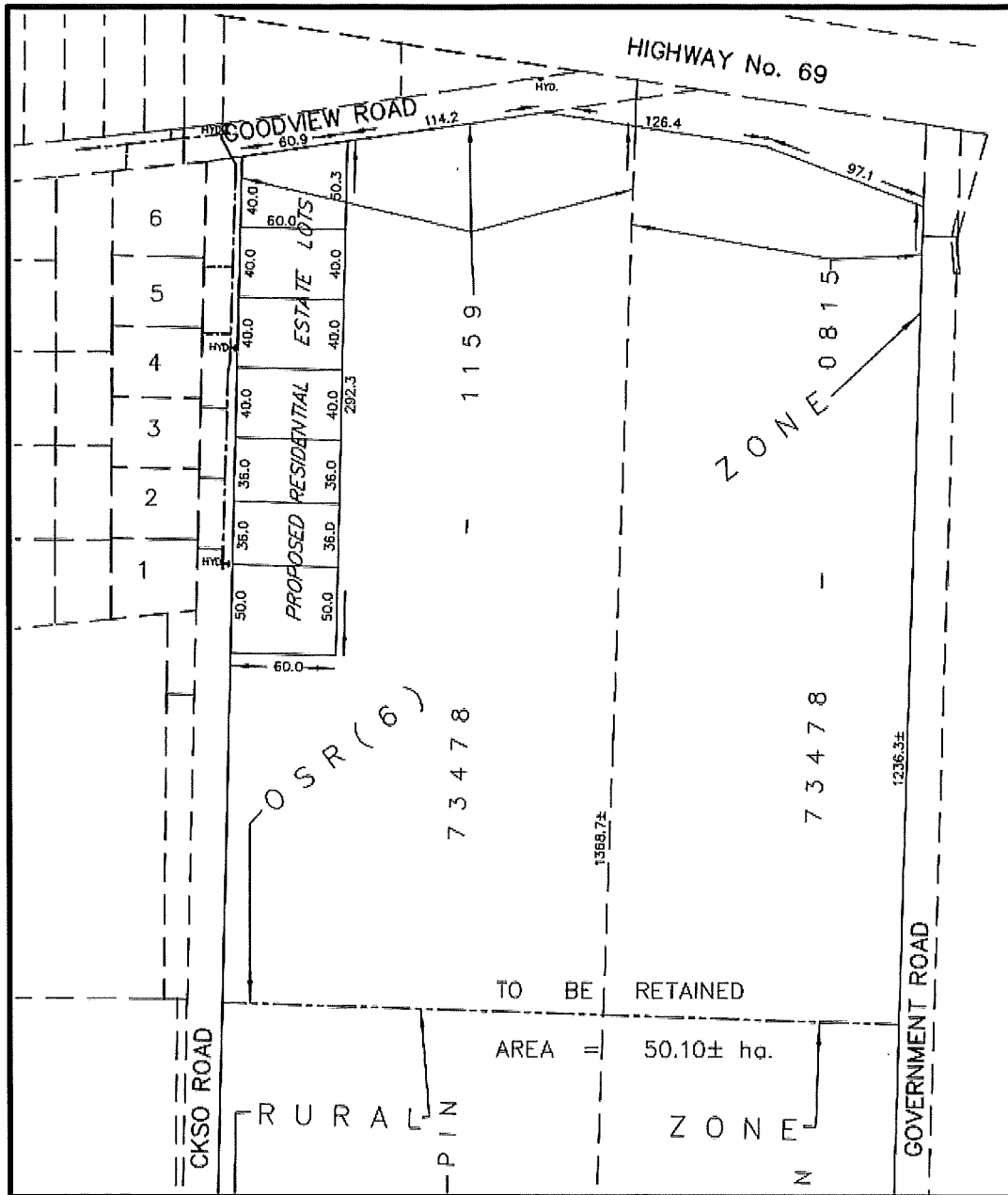
3. Where an official plan amendment is requested for lot creation in excess of the permitted three severed lots plus a retained, a planning report shall be submitted which demonstrates conformity with the Official Plan and consistency with the Provincial Policy Statement, and which demonstrates that:

- 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.

This planning report is forming the basis for filing a site-specific official plan amendment that hopes to vary the above policies based upon other relevant information including the matters set out in this policy. A concurrent site-specific zoning By-Law amendment is being filed.

- There are no constraints to developing the proposed lots;
- The proposed lots will not meet the minimum areas and frontages prescribed in the policy.

LOT	FRONTAGE (M)	AREA (HA)
SEVER LOT 1	40	0.27
SEVER LOT 2	40	0.24
SEVER LOT 3	40	0.24
SEVER LOT 4	40	0.24
SEVER LOT 5	36	0.22
SEVER LOT 6	36	0.22
SEVER LOT 7	50	0.33
RETAIN		50.14



The site-specific policy exception will need to recognize the lesser lot sizes as set out in the chart and sketch above.

While the exceptions being requested appear significant, this part of the Municipality shares a pattern of development consistent with the proposed lots. The lots are also buffered by large open spaces without conflicts to any adjoining rural uses.

It is clear that there may be expectations where site-specific official plan amendments are likely to be proposed for rural lot creation beyond the limits prescribed in section 5.2.2.

- Consistency with the P.P.S.- see below;
- Supply of available vacant rural lots – the proposed lots are all spoken for;
- Need – again, the lots are all spoken for;
- Additional studies – applicant has retained an engineering firm to provide an assessment on water supply (capacity), hydrogeology in terms of septic suitability and any relevant geotechnical information.

PROVINCIAL POLICY STATEMENT – 2020 (P.P.S.)

The land use planning system in Ontario is intended to be a policy led system with a set of provincial policies around environmental, economic and social factors. The P.P.S. is a set of policies authorized under section 3 of the Planning Act.

Any planning authority is required to make decisions on planning matters that are “consistent with” policies issued under the Planning Act.

It is recognized that the P.P.S. are not to be read as individual policies. Only those relevant policies may be considered in any particular context.

Within urban areas, as an example, one would not expect that natural heritage protection policies are particularly relevant. If urban infrastructure is in place, the hierarchy of relevance is for urban serviced development over the protection of natural heritage features.

For the purposes of understanding the relationship between the Growth Plan For Northern Ontario and the P.P.S, the Growth Plan takes priority should there be a conflict between the instruments.

“1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diverse in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario’s long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

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;***

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;

The use of CKSO Road for estate residential lots on city water is believed to be an efficient use of the over-sized line (an eight inch water main) that was required a number of years ago by the city to serve lots on the west side of the street. This component of the project is clearly sensible in terms of making efficient use of resources.

The proposed uses represent general "rounding out" of development in this area and can be considered "infilling".

INFRASTRUCTURE

The subject lands are located on City water but are to be serviced by private septic systems.

Under the P.P.S.

"1.6.6.5 Partial services shall only be permitted in the following circumstances:

b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts."

The use of lands where only water services are available exist in many circumstances currently in the Municipality (and throughout the northern part of the province).

While the general thrust of the P.P.S. would seem to discourage partial services, in practical terms, it would see sensible and necessary to service with municipal water and use private septic's. The use of city water greatly reduces any possible groundwater issues that may occur.

It is unlikely that there are any added storm water management matters that need to be addressed during site plan preparations. The street patterns are established and there are not likely to be extreme changes in any post development flows. There is an existing ditch through the property to allow drainage from CKSO Road.

LONG TERM ECONOMIC PROSPERITY

The P.P.S. include a strong emphasis on ensuring economic prosperity.

“1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;**
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;**
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;”**

Sudbury is an important regional centre that needs constant upgrades in opportunities to allow it to sustain its economy from the “ups and downs” of some of its mining sector fluctuations.

This can be achieved in part by ensuring a practical and welcoming response to new developments that do not create conflicts and where the need is clearly available. It is my opinion that this is the case with the subject application where few alternatives are available in this area of the city. The fact that these properties will be purchased as soon as they become available for sale is conclusive evidence of need.

NATURAL HERITAGE FEATURES

The P.P.S. has a section relating to the Wise Use and Management of Resources.

“2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.

2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E1; and**
- b) significant coastal wetlands.**

2.1.5 Development and site alteration shall not be permitted in:

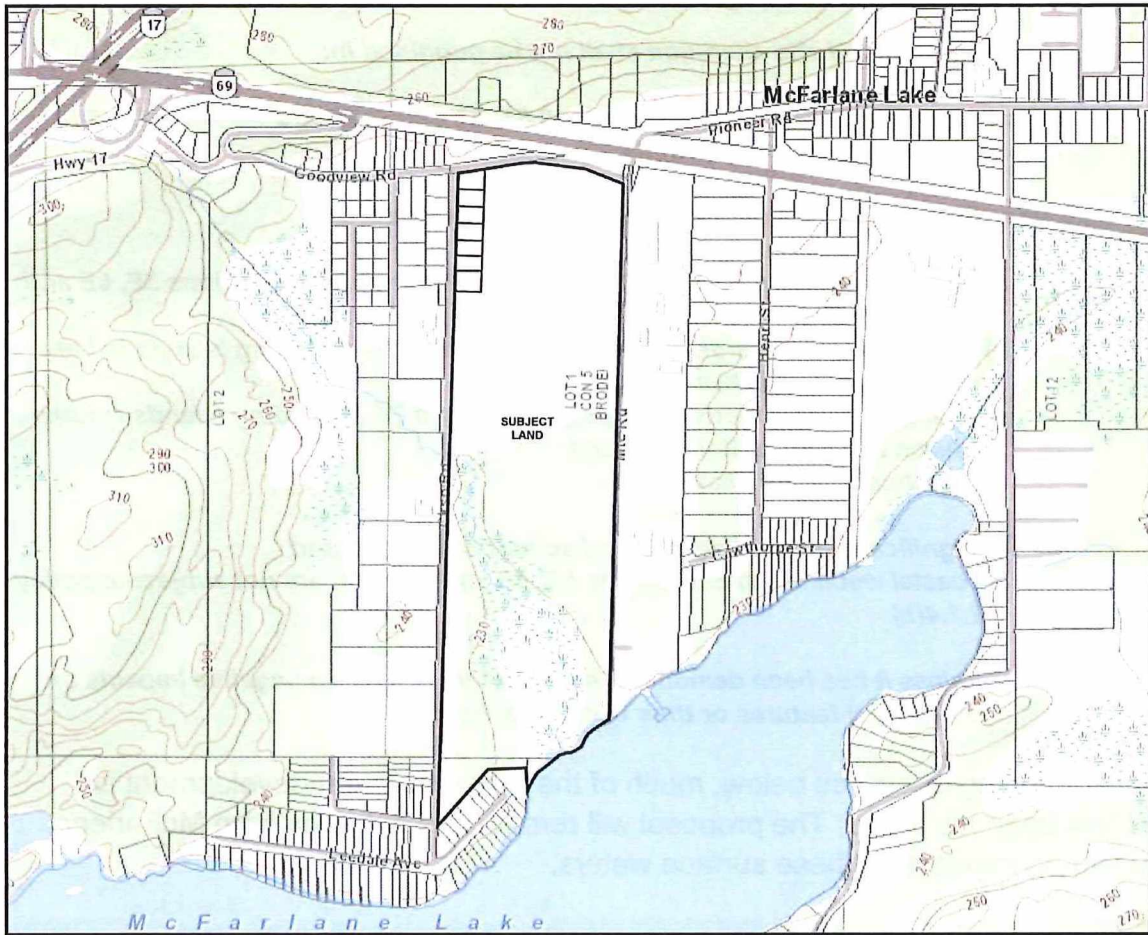
- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;**
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;**
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;**
- d) significant wildlife habitat;**

- e) significant areas of natural and scientific interest; and**
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)**

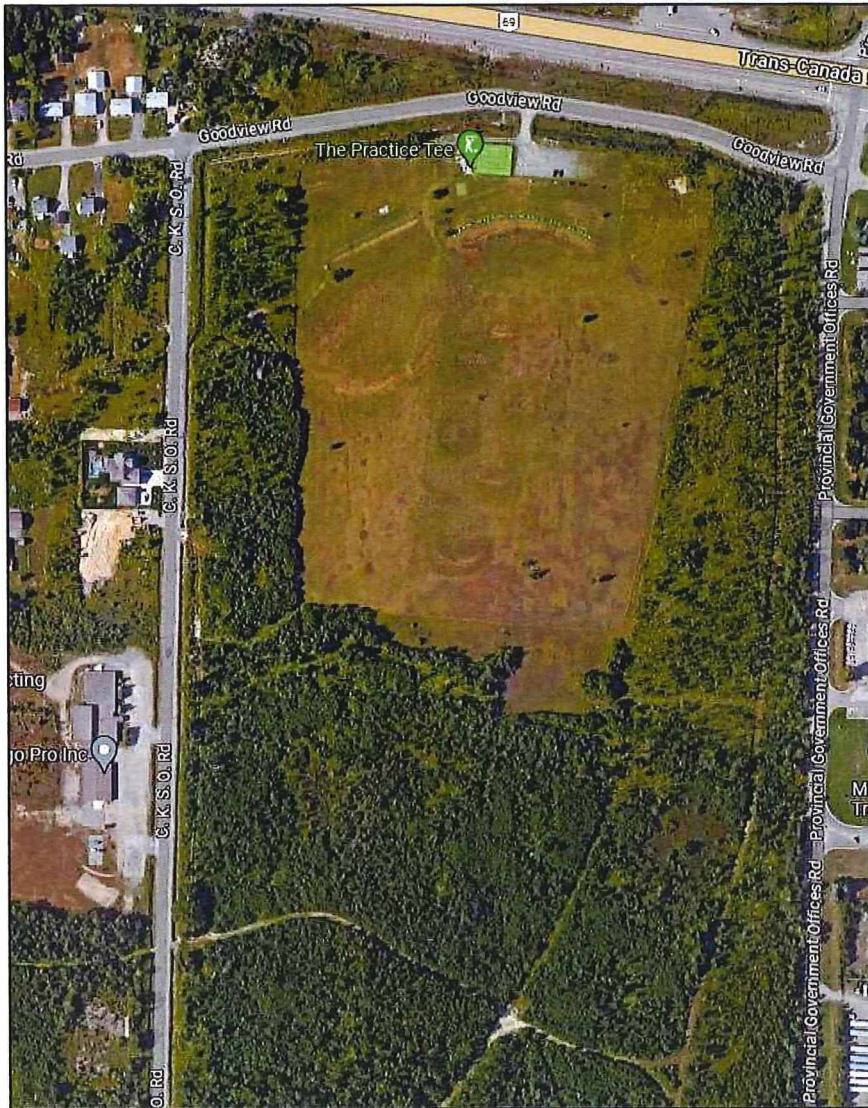
unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.”

As the base mapping illustrates below, much of the land where the development is proposed has been disturbed. The proposal will remain well set back from McFarlene Lake causing no impacts on these surface waters.

The development proposal is well within the general pattern of development.



The air photo further illustrates the extensive cleared area on the lands to be divided.



There are no wet lands being affected by the proposed land division.

THREATENED AND ABANDONED SPECIES

Section 2.1.7 states:

“2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. “

The process of dividing land does not trigger any assessment by the Ministry of Environment, Conservation and Parks for the purposes of determining impacts on habitats of such species. These assessments, and authorizations, if required, are to be completed at the time of the development of the lands. No work is required at the time of land division.

CONCLUSIONS

The provincial policies are intended to be regarded in their entirety. Some policies are to be considered based upon their relevance to a specific project.

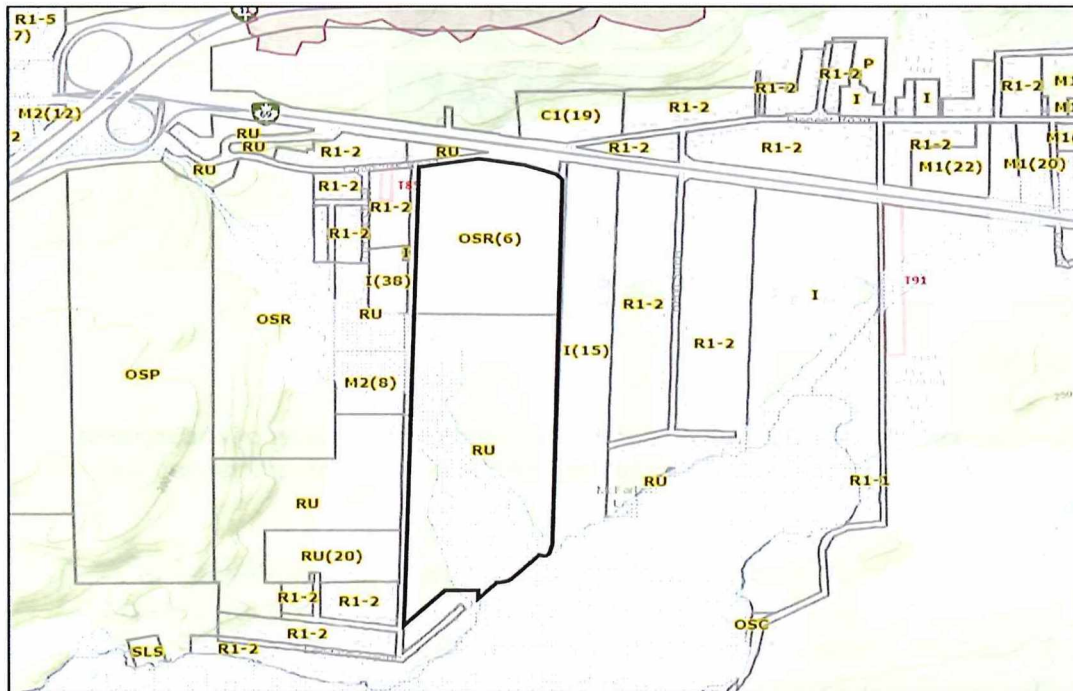
In the case of the subject lands, one can conclude that the proposal for new lots along CKSO and Goodview Roads.

- Represent efficient use of the lands;
- Are compatible with adjoining lands;
- Will be positive contributions to the housing supply;
- Have a positive impact on the local economy;
- Respond to a specific need in the community;
- Will have no adverse impacts on the natural environment;
- Will be able to be considered natural rounding out and infilling.

The proposed development is consistent with the provincial policy statements. A site-specific official plan amendment for a Rural Exception will not conflict with the general policy intent for Rural lands in this area.

ZONING BY-LAW NO 2010-1002

The subject lands are zoned in the Rural (RU) and the Open Space – Recreation (OSR (6)) Zone.

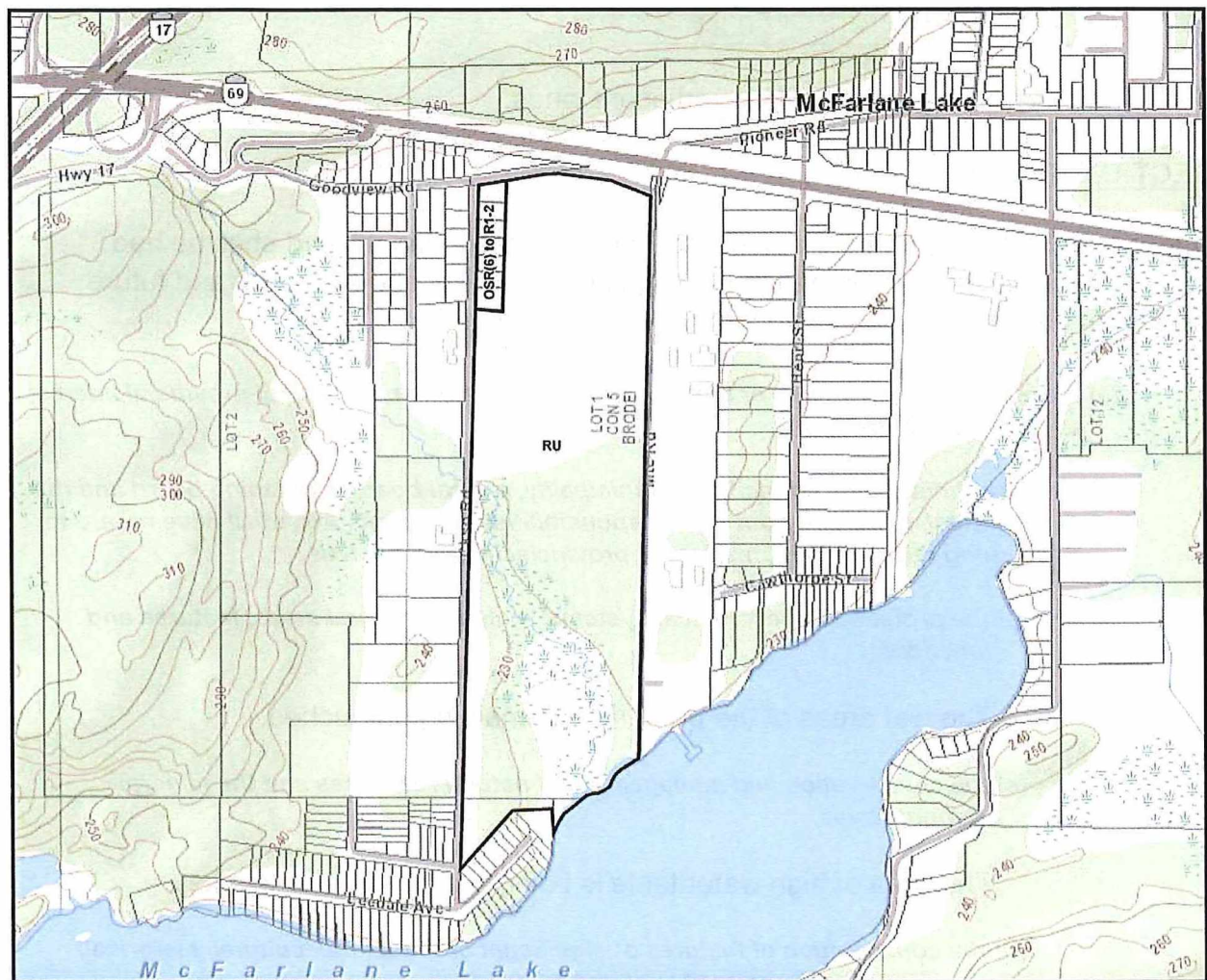


The permitted uses in the OSR (6) Zone permits camping and recreation – type uses. The (6) suffix would seem to prohibit commercial uses?

The Rural (RU) Zone appears to allow a simple detached dwelling. Although the lands are split-zoned, very limited uses are permitted under this zoning.

Proposed Zoning

It is expected that the appropriate zoning for the lands would include Residential 1 (R1) along CKSO Road for the estate lots.



These zoning changes would permit the proposed uses and continue to protect the heritage features under the Rural (RU) Zone.

The new lots proposed to be created would have the following lot frontages and areas.
Residential (R1)

LOT	FRONTAGE (m)	AREA (ha)
1	50	0.33
2	36	0.22
3	36	0.22
4	40	0.24
5	40	0.24
6	40	0.24
7	40	0.24

These lots are to be zoned similar to adjacent lands.

SECTION 51 (24)

Under section 51(24) of the Planning Act, when dividing land, regard shall be had, among other matters, to the health, safety, convenience [] of the present and future inhabitants of the Municipality and to:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

2 The Minister, the council of a Municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(a) the protection of ecological systems, including natural areas, features and functions;

The wet areas of the property is remaining untouched.

(c) the conservation and management of natural resources and the mineral resource base;

The area of high water table is being preserved next to lake.

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

Not applicable.

(e) the supply, efficient use and conservation of energy and water;

Not applicable.

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

Project uses existing infrastructure.

(g) the minimization of waste;

(j) the adequate provision of a full range of housing, including affordable housing;

The lands are not likely to be affordable given the high cost of real estate and building. Experience has shown that added housing to the existing stock, will have a positive trickle down impact.

(l) the protection of the financial and economic well-being of the Province and its municipalities;

New business opportunities will benefit the community;

(p) the appropriate location of growth and development;

It is believed that this proposed lot creation project is appropriate;

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

There will be a slight bump up in the density of the neighbourhood which is believed to be a positive impact'

(r) is well designed;

b) whether the proposed subdivision is premature or in the public interest;

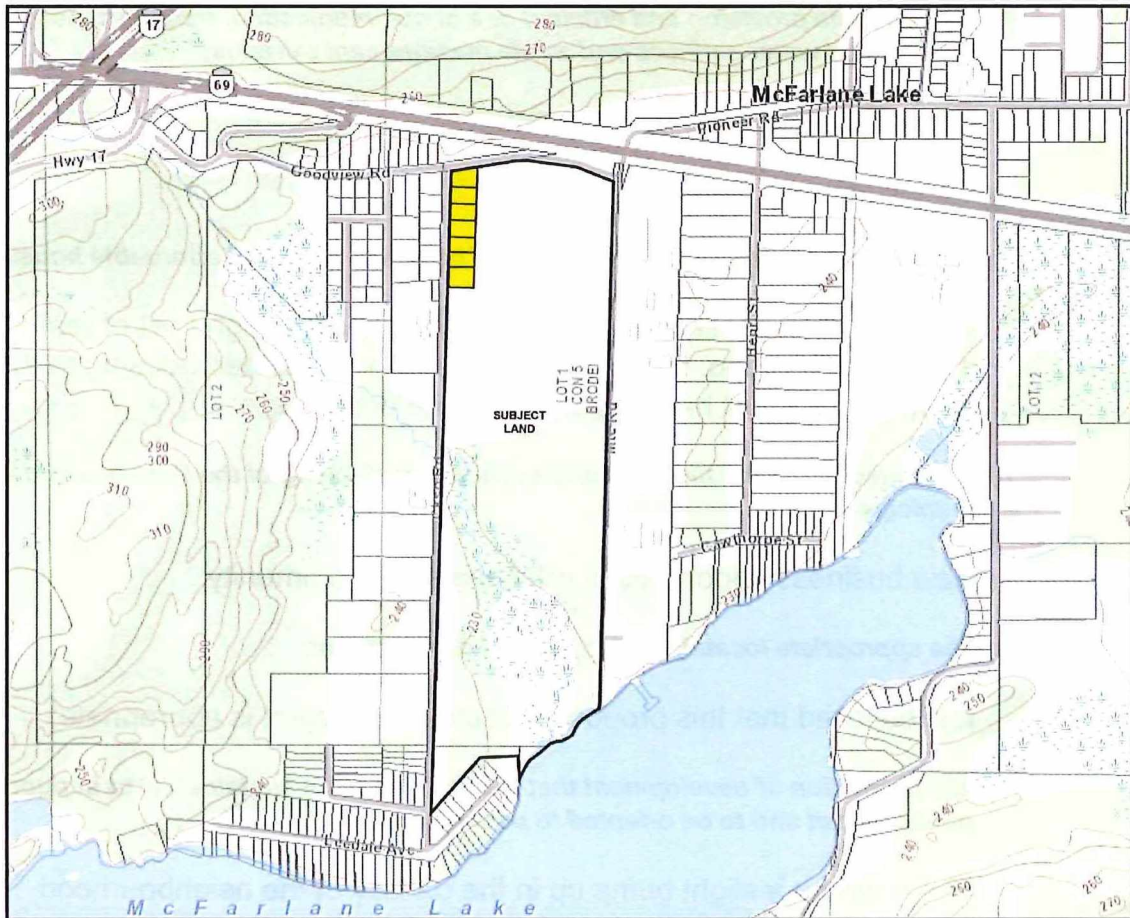
This criteria are intended to question the demand for the lot creation and whether there needs to be any extension to public services to accommodate the development.

It has been indicated that all of the lots, both residential and commercial are in high demand and have prospective purchasers.

No extensions to the services will be required to allow for the development.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

As can be seen from the general pattern of development in this part of the city, the proposed lot configurations are in keeping with the adjoining lot patterns.



d) the suitability of the land for the purposes for which it is to be subdivided;

The portion of the land proposed to be developed is similar to adjacent lands with no constraints to development.

d.1) Affordable Housing

There is no specific affordable housing component in the project. However, once the dwellings are built, each unit will be eligible for two additional rental units the owners wish to exercise those rights. There are to be no appeals to such conversions.

e) Adequacy of Roadways

The project is adjacent to two municipally maintained roads. There are no issues with the adequacy of public highways.

f) Dimension and Shape of the Lots.

The lots have all been sized and configured to meet their intended need.

g) Restrictions

The lands are proposed to be rezoned to comply with their proposed uses. A rezoning application will be filed concurrently with the OPA Application.

h) Conservation of Natural Resources

There are no areas within the proposed lots that fall within the jurisdiction of the conservation authority.

i) Adequacy of Utilities and Municipal Services

There are services on the entire perimeter of the subject lands. There will not be any service extensions required to facilitate this project.

j) Adequacy of School

There are no school enrollment issues.

k) Parkland

It is presumed that the Municipality will apply its standard parkland policy respecting this project.

In general it is the opinion of the writer that the proposed consent(s) will have regard to the criteria set out in Section 51(24) of the Planning Act.

PRECONSULTATION SUMMARY

An original preconsultation with Sudbury planning staff took place on September 8, 2021.

The direction from the consultation session indicated that both an official plan and zoning By-Law amendment application would be required. The pre-consultation understanding was primarily directed at the absence of any support for an expanded settlement area boundary. This position was confirmed on May 17, 2023.

LAND USE COMPATIBILITY

There are no compatibility issues with the proposal and adjoining lands.

The proposal simply allows a similar type of residential uses on the adjacent lands.

There are no sensitive uses that will be impacted.

PUBLIC CONSULTATION

The OPA and zoning amendment will require the statutory public meeting under the Planning Act.

The agent and owners have already spoken to City Staff, councillors and planning committee members.

There is new legislation introduced (Bill 23) that is likely to remove third party appeals for some applications. Given this eventuality, there can be no “down side” to the residential consents.

SERVICING OPTIONS

There is City water available to the proposed lots.

The proponents will complete all of the necessary servicing assessments.

The policy for the City restricts the current level of services to those that exists. This is not proposed to change.

CONCEPT PLAN

The plan is for 7 new residential lots as illustrated in this report.

WATER SYSTEM CAPACITY

It is understood that City engineers will address the question of water capacity.

Because it was engineering people that required the over-sized watermain (8”) down CKSO Road, it would be expected that this pipe would service the lots on either side of the street.

Any water capacity issues for the general marginal nature of the development may be dealt with as part of site planning.

MINISTRY OF TRANSPORTATION (M.T.O)

The rezoning application will allow the M.T.O. to engage with any relevant future highway plans. These can often be difficult matters since M.T.O. seldom responds in a timely manner.

In todays difficult communication environment, the responsibility for these agency planning matters will rest with the agency.

MISCELLANEOUS ITEMS

- i. Drainage and lot grading issues can be dealt with during consent application approvals.
- ii. Any specialty design matters may be incorporated in to a consent agreement if required.
- iii. The project will not include any lands that are under the authority of the conservation authority.
- iv. Consultation with the fire department can determine any special measures or design criteria. There are three fire hydrants installed by the applicant on CKSO road adjoining the land subject of the application.

In general, one could conclude that the May 2023 meeting with staff revealed no challenging assessments for the proposed consent(s).

In the writers opinion, the proposed consent is reasonable, can easily be supported and represents good planning.

As discussed with staff, a site-specific official plan amendment for a Rural Exception is attached together with a zoning By-Law amendment for seven undersized rural lots.

Given, the background to this file, it is hoped that the subject applications may be considered complete.

A further technical assessment on engineering matters is to follow.

The M.T.O. will be contacted to confirm that it has no objection to the applications as presented. These applications will also require formal circulation to this agency.

Respectfully submitted,



John Jackson, M.C.I.P., R.P.P.
JJ;jc