

0 Dominion Drive, Hanmer

Presented To:	Planning Committee
Meeting Date:	November 13, 2024
Type:	Public Hearing
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/24-007

Report Summary

This report provides a recommendation regarding an application for Official Plan Amendment and Zoning By-law Amendment in order to permit the creation of six (6) new residential lots on Dominion Drive in Hanmer, with reduced frontage, lot area, and interior side yard setback.

This report is presented by Bailey Chabot, Senior Planner.

Letter(s) of concern from concerned citizen(s).

Resolutions

Resolution 1:

Resolution Regarding the Official Plan Amendment

THAT the City of Greater Sudbury denies the application by Pauline & Raymond Quesnel to amend the City of Greater Sudbury Official Plan to permit the creation of six (6) new residential lots by way of consent within the Rural land use designation on lands described as PIN 73505-0360, Parts 1 & 2, Parcel 37310, Plan 53R-4322, Lot 7, Concession 2, Township of Hanmer, Sudbury as outlined in the report entitled “0 Dominion Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 13, 2024.

Resolution 2:

Resolution Regarding the Zoning By-law Amendment

THAT the City of Greater Sudbury denies the application by Pauline & Raymond Quesnel to change the zoning classification on the subject lands from “RU”, Rural to “RU(S)”, Rural Special on lands described PIN 73505-0360, Parts 1 & 2, Parcel 37310, , Plan 53R-4322, Lot 7, Concession 2, Township of Hanmer, Sudbury as outlined in the report entitled “0 Dominion Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 13, 2024.

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

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

The development proposal to create six (6) new residential lots in the Rural land use designation would negatively impact strategic goals and objectives associated with Climate Change and the adoption of the CEEP that are identified within the City's Strategic Plan. The proposed lot creation would also impact Asset Management and Service Excellence strategic goals and objectives as the new lots would contribute further residential development that is beyond settlement area boundaries and create undue pressure to upgrade infrastructure, which undermines the City's ability to implement cost-effective service delivery with the intent being to reduce net costs. The development proposal therefore does not align with the City's Strategic Plan.

The development proposal would also negatively impact the stated goals and recommendations that are contained within the CEEP by enabling residential lots on the edge of the settlement area, thereby undermining the City's key objective of creating compact and complete communities.

Financial Implications

If approved, staff estimates approximately \$34,500 in taxation revenue, based on the assumption of six single detached dwelling units based on an estimated assessed value of \$400,000 at the 2024 property tax rates.

Additional taxation revenue 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 \$133,000 based on assumption of six single detached dwelling units and based on the rates in effect as of the date of this report.

Report Overview:

Applications for Official Plan Amendment and Zoning By-law Amendment have been submitted to permit the creation of six (6) new lots by way of consent rather than plan of subdivision on a Rural designated property in Hanmer. The site is vacant and treed save a telecom tower at the southwest corner. The applicants have requested a site-specific zoning to permit reduced lot frontages, lot area, and interior side yard setbacks.

Staff recommends the applications for Official Plan Amendment and application for Zoning By-law Amendment be denied as described in the Resolution section on the basis that they do not have regard for matters of provincial interest as identified in the Planning Act, are not consistent with the Provincial Planning Statement, do not conform to the Official Plan for the City of Greater Sudbury, and do not represent good planning.

Staff Report

Proposal:

A site-specific application for an Official Plan Amendment has been received which proposes to provide an exception to the lot creation policies of Section 5.2.2. to permit the creation of six (6) new rural residential lots by way of consent within the Rural land use designation. The concurrent rezoning application proposes to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law, by changing the zoning classification on the subject lands from "RU" Rural, to "RU(S)", Rural Special. Site specific relief has been requested for the following:

- Reduced lot frontage to 16.0 metres, where 90.0 metres of frontage is required;
- Minimum lot size of 0.21 hectares, where a 2.0 hectares in lot size is required; and,
- Minimum interior side yard setback of 1.2 metres plus 0.6 metres for each full storey above the first storey abutting an interior side yard, where 10.0 metres interior side yard setback is required.

The subject land is part of a larger parcel approximately 21.7 hectares in size. The majority of the lands are vacant with the exception of a telecom tower at the southwest portion of the lands. The submitted conceptual consent sketches show the proposed severed lots, with the retained lands.

A Water and Wastewater Capacity Analysis, a Section 59 – Restricted Land Use Review Application, and Planning Justification Report were provided in support of the applications. The water and wastewater capacity analysis indicates that sufficient municipal capacity and pressure exist for the proposal in question.

Existing Land Use Designation: "Rural"

The lands subject to the proposed severances are designated Rural and are located outside the City's settlement area boundary and the built boundary.

Requested Land Use Designation:

The owners are not seeking to redesignate the subject lands. Site-specific exception to the to the lot creation policies of Section 5.2.2 is requested to permit the creation of six (6) new rural residential lots by way of consent within the Rural land use designation.

Existing Zoning: "RU", Rural

The Rural zone permits single detached dwelling units as proposed. However, the Rural zone requires that parcels have a minimum frontage of 90 metres, a minimum lot area of 2.0 hectares, and an interior side yard setback of 10.0 metres.

Requested Zoning: "RU(S)", Rural Special

To address the development standards of the Rural zone, the applicant is proposing the lands be rezoned to permit lots with 16.0 metres of frontage, 0.21 hectares in lot area, and an interior side yard setback of 1.2 metres plus 0.6 metres for each full storey above the first storey abutting an interior side yard.

Location and Site Description:

The subject property is legally described as PIN 73505-0360, Parts 1 & 2, Parcel 37310, Plan 53R-4322, Lot 7, Concession 2, Township of Hanmer and known municipally as 0 Dominion Drive in Hanmer. The subject lands are located on the north side of Dominion Drive, west of Larocque Avenue and at the northerly terminus of Velma Street. The parcel has frontage along Dominion Drive of 268.88 metres and a lot area of 21.7 hectares.

The area proposed for development is at the southeastern corner of the subject lands, where six (6) lots are proposed. The lots are proposed to have 16 metre frontages along Dominion Drive, lot depths of 129.92 metres, and lot areas of approximately 0.21 hectares.

Dominion Drive is a collector road and currently constructed to a rural standard. The lands are serviced with municipal water and wastewater and are serviced by municipal garbage pick-up.

The lands to the south of the subject lands comprise low density residential use, and are designated Living Area 1, and are within the settlement area in the City's Official Plan. The water and wastewater service was installed to enable the creation of the lots on the south side of Dominion Drive, which rounded out the development to the current boundary of the Living Area 1 designation. This is consistent with the City's Official Plan.

Surrounding Land Uses:

The lands located to the west and north of Living Area 1 designated areas and are also outside of the settlement area boundary.

North: Rural and agricultural lands

East: Low density urban residential development

South: Low density urban residential development and rural and agricultural lands

West: Rural and agricultural lands

The existing zoning and location map are attached to this report and together indicate the location of the parcel subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

A site visit was conducted October 6, 2024. Attached site photos show the subject lands as well the surrounding area.

Public Consultation:

The statutory notice of the application was provided by newspaper along with a courtesy mail-out to surrounding property owners and tenants within 240 m of the property on September 5, 2024. The statutory notice of the public hearing was provided by newspaper and to nearby landowners and tenants on October 17, 2024.

At the time of writing this report, three written submissions and two phone calls with respect to these applications have been received by the Planning Services Division voicing opposition. Concerns include lack of compatibility with the character of the neighbourhood and increased rural density, drainage of the property and adjacent parcels, and servicing implications.

Policy & Regulatory Framework:

The property is subject to the following policy and regulatory framework:

- [2024 Provincial Planning Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Planning Statement:

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 Provincial Policy Statement (PPS).

The subject lands are designated Rural and are on the edge of the City's settlement area, so are considered rural under the PPS.

Chapter 1 of the PPS prioritizes the growth and development within urban and rural settlements.

Chapter 2 of the PPS includes policies surrounding rural development. Policy 2.5 Rural Areas in Municipalities directs as follows:

- 1.a) Healthy, integrated and viable rural areas should be supported by building upon rural character, and leveraging rural amenities and assets.
2. In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.
3. When directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

Policy 2.6 Rural Lands in Municipalities directs development of rural lands:

- 1.c) On rural lands located in municipalities, permitted uses are residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.
2. Development that can be sustained by rural service levels should be promoted.
3. Development shall be appropriate to the infrastructure which is planned or available, and void the need for the uneconomical expansion of this infrastructure.

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.

The applicable land use policies are outlined under Chapter 4 of the GPNO, which place a general emphasis on residential intensification in urban areas including existing downtown areas, intensification corridors, brownfield sites, and strategic core areas.

Intensification corridors are defined as areas along major roads, arterials or transit corridors that have the potential to provide a focus for higher density mixed-use development. Under the City's Official Plan, strategic core areas are identified as the Downtown, the Town Centres, the Regional Centres, and the major public institutions listed in Section 4.4.

Official Plan for the City of Greater Sudbury:

Section 5.1 establishes objectives for the Rural designation, including:

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

Section 5.2 of the Official Plan states that residential uses are permitted in the Rural designation. Policy 5.2.1 (2) permits 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 applicable policies for non-waterfront rural lot creation are set out under Policies 2 and 3 of Section 5.2.2 as follows:

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 in existence as of June 14, 2006 (2019 MMAH Mod #2b).
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.
 - d. For any official plan amendment to permit additional rural lots not on a waterbody or watercourse, the severed and retained parcels must meet the minimum lot size referred to in Policy 2.* (2019 MMAH Mod #2c)

Under Section 19.4.1 concerning the subdivision of land, it is the policy of the Official Plan to:

- a. require that all proposals which have the effect of creating more than three new lots be processed as applications for a Plan of Subdivision, unless in The City's opinion a Plan of Subdivision is not necessary for the proper development of the area; and,
- b. require that proposals which would create less than four new lots to be considered as Applications for Consent to be dealt with by the Consent Official.

Zoning By-law 2010-100Z:

The existing Rural zone would not permit the creation of the proposed lots. The rezoning is required to address the proposed reduced lot frontage, lot area, and interior side yard setback.

Site Plan Control:

Site plan control is not applied to rural residential uses.

Department/Agency Review:

The application, including relevant accompanying materials, has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application.

Roads, Transportation and Innovation, Active Transportation, Roads Operations, and Strategic and Environmental Planning have all advised that they had no concerns.

Building Services does not object to the proposed applications. However, they note that additional site-specific relief may be required at the time of building permit application. They also note that there may be geotechnical requirements at the time of building permit application.

Drainage notes that the property is within the Whitson River watershed where stormwater improvements are required within the watershed. The applicant is required to provide a contribution in the amount of \$6,000.

Source Water Protection has identified that there are no activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats at this time.

Development Engineering advises that there are available and sufficient municipal water and wastewater capacity within the Dominion Drive road allowance available to service these proposed severances.

Conservation Sudbury advises of no objection. They note that the parent parcel contains some floodplain which has been shown on the concept plan submitted by the applicant. They also note that they are currently completing a new floodplain study for the Whitson River watershed and results are expected within the next year. The floodplain elevation at this location may change. The landowner is encouraged to consult with our office prior to the planning of future development for an update, and for direction regarding required approvals from our office.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The Provincial Planning Statement (2024), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency and department circulation.

The Growth Plan for Northern Ontario encourages diversification of the housing supply and identifies areas intended to be the focus of intensification, however, it is less specific on matters related to development on rural lands and settlement areas. However, staff is of the opinion that the proposal does not conform to the Growth Plan in that it proposes excessive rural lot creation in an area that is not intended to be the focus of intensification.

The proposal would enable the creation of urbanized, low density residential lots on the edge of the settlement area, thereby undermining the City's key objective of creating compact and complete communities. The proposed Official Plan Amendment and Zoning By-law Amendment do not have regard for matters of provincial interest as outline in the Planning Act, are not consistent with matters of provincial interest as outlined in the Provincial Planning Statement, and do not conform with the City of Greater Sudbury Official Plan for the following reasons:

1. The proposed lots are urbanized, low density lots and are not rural in nature.

The applications would permit the creation of six (6) new residential lots on Dominion Drive, with frontages of 16 metres, lot areas of 0.21 hectares, and interior side yard setbacks of 1.2 metres. Rural lots are required to have 90 metres of frontage, a minimum lot area of 2.0 hectares, and interior side yard setbacks of 10.0 metres while the applicant is requesting a reduction in frontage of 76 metres, a reduction in lot area of 1.79 hectares, and a reduction in the side yard setback of 8.8 metres. These represent reductions from the minimum standards of 84% for frontage, 90% for lot area, and 88% for interior side yard setbacks. The Rural standards are to ensure that there is sufficient area on each lot to support private water and septic, to maintain the rural character of an area, and to ensure that development is truly rural in order to protect urbanized growth areas from sprawl and inefficient and costly servicing.

An urbanized "R1-5", Low Density Residential 1 lot has a minimum requirement of 15 metres of frontage, with an interior side yard setback of 1.2 metres, while the standards for other urbanized lots, such as the "R1-4", Low Density Residential 1 require minimum frontages of 18.0 metres and interior side yard setbacks of 1.2 metres. This is further supported by PPS policy 2.1.a) that requires that "Healthy, integrated and viable rural areas should be supported by building upon rural character, and leveraging rural amenities and assets." while PPS policy 2.6.2 states that "Development that can be sustained by rural service levels should be promoted." The proposed development is not rural in nature nor is it proposing rural service levels. It is, in effect, an attempt to expand the settlement area boundary to permit urbanized lots, without providing the required studies to demonstrate a need for such an expansion.

2. There is no demonstrated need for rural lots.

Policy 2.2 of the PPS identifies settlement areas to be the focus of growth in rural areas. The City's Official Plan establishes that when an Official Plan Amendment proposes greater than three severed lots, a planning report shall be submitted which demonstrates that the application will not exacerbate the existing supply of available vacant rural lots and that there is a need for the proposed new lots. Staff notes that there is an adequate supply of potential lots under current Official Plan policies to satisfy demand for non-waterfront rural properties. The analysis prepared by Planning Services under the Growth and Settlement Policy Discussion Paper included criteria applied to the inventory of non-waterfront rural parcels, which excluded lands designated as Parks and Open Space (flood plains and wetlands), rural parcels owned by mining companies, the Agricultural Reserve, and the Aggregate and Mining Reserve overlays. The [subsequent report](#) to Planning Committee on November 4, 2013 indicated a 29-year supply of rural lots is available under existing Official Plan policies. Staff recommends that the proponent has not demonstrated that there is a need for the proposed new lots in accordance with the Official Plan in a comprehensive manner, and the proposal is not consistent with the fundamental principle of the PPS being that settlement areas are to be the focus of growth and development.

2. The existing water and wastewater services exist to support the development of urban residential development within the settlement area.

Policy 2.6.2 states that "development that can be sustained by rural service levels should be promoted". Rural service levels include private well and septic systems, while municipal water and wastewater systems are to support the development of urban lots to ensure that these municipal services remain financially viable. Additionally, allocation of water and wastewater service to lands outside of the settlement area have the effect of reducing capacity for development within the settlement area. This is reflected in Section 5.1 of the Official Plan which establishes the objectives of requiring minimum municipal services in the Rural designation and the adequacy of services. Policy 5.2.1(1) permits rural residential development provided no additional public services including the extension of existing partial services are required. This policy framework establishes that rural lots are not intended to be serviced by municipal water and wastewater, even though the existing services are available. Staff advise that this form of servicing is not consistent with the Provincial Policy Statement, nor does it conform with the Official Plan.

3. Rural development is not cost-effective over the long term.

Policy 2.3.1.2.b) states that “land use patterns in settlement areas should be based on densities and mix of land uses which optimize existing and planning infrastructure and public service facilities”. As noted elsewhere in the report, the existing services are intended for development within the settlement area to ensure service optimization and long-term viability of infrastructure. With respect to infrastructure and public service facilities, the [Comparative Fiscal Impact Analysis of Growth Study](#) outlines that servicing costs to the municipality are typically higher in rural areas and less in urban areas. The study also notes that “... the creation of one additional rural unit is not likely to have an impact on the City’s finances but if the proportionate share of all new development was to dramatically shift from urban units to low density rural units it would have an impact on the City’s budget.” Staff is concerned that the development proposal would set a precedent and when applied cumulatively over time on other lots will result in demand for increased services in the rural area. Staff advise that the proposed pattern of development is not consistent with the need to sustain the financial well-being of the municipality over the long term.

4. Resources are used most wisely when development is directed to settlement areas.

Policy 2.3.1.1. and 2.3.1.2. of the PPS promotes densities which efficiently use resources and support the use of active transportation and transit. Planning authorities are to establish and implement minimum targets for densities and intensification/redevelopment in built-up areas. Rural lot creation competes with development that could have occurred in the settlement area, weakening the urban structure, and reducing the cost-effectiveness of providing infrastructure and public services. Staff recommends that the proposed development is not consistent with the PPS and weakens the City’s ability to provide for the urban housing needs of future residents by permitting rural estate lots that may cost comparatively more than urban-style development.

6. The proposed development is not consistent with matters of provincial interest as outlined in the Planning Act.

The Planning Act requires that municipalities have regard for matters of provincial interest, including the orderly development of safe and healthy communities. Allowing the creation of urbanized lots through consent, rather than a plan of subdivision, while utilizing rural policies to create urbanized lots and without the benefit of study to demonstrate the need for an urban boundary expansion, does not promote orderly development and will limit further orderly development as the municipality grows.

In summary, staff recommends that, even though the development has been demonstrated to be technically feasible, the proposal is not consistent with matters of provincial interest, the PPS, and Official Plan principles pertaining to the appropriate location of growth and development and does not align with the CEEP objective of creating complete, compact communities. Further, development of greater than three (3) lots should be by way of plan of subdivision.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The proposed development of the subject lands is not consistent with or does not conform with a number of policy directives related to the appropriate location of growth and development. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is not consistent with the PPS and does not conform to the Official Plan. Staff is of the opinion that the proposed Official Plan Amendment is not appropriate based on the following:

- The proposal would enable the creation of urbanized lots outside of the settlement boundary thereby undermining the City's key objective of creating compact and complete communities.
- There is no demonstrated need for additional rural lots in this location.
- The existing water and wastewater services exist to support the urban residential development to the south of the subject lands and allotting service to the proposed lots would reduce capacity for other development within the settlement boundary.
- Rural development is not cost-effective over the long term.
- Resources are used most wisely when development is directed to settlement areas.
- The proposed development does not represent the orderly development of the City.

Staff recommends the applications for Official Plan Amendment and application for Zoning By-law Amendment be denied as described in the Resolution section on the basis that they do not have regard for matters of provincial interest as identified in the Planning Act, are not consistent with the Provincial Planning Statement, do not conform to the Official Plan for the City of Greater Sudbury, and do not represent good planning.