

1434 Gennings Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	January 20, 2025
Type:	Public Hearing
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/24-08

Report Summary

This report provides a recommendation regarding an application for an Official Plan Amendment in order to permit the creation of one (1) new residential lot on Gennings Street in Sudbury, where Official Plan policies of section 20.5 South Peninsula of The Ramsey Lake Policy Area do not permit lot creation without municipal water and wastewater.

This report is presented by Bailey Chabot, Senior Planner.

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

Resolution

THAT the City of Greater Sudbury approves the application by Julie Cleming and Jean Charles to amend the City of Greater Sudbury Official Plan by permitting a site specific exemption to section 20.5 South Peninsula of the Ramsey Lake Policy Area allowing the creation of one (1) residential lot without the benefit of municipal wastewater on lands described PIN 73581-0026, Parcel 47303 SEC SES, Part Lot 11, Plan M-14, Parts 2 to 8, SR-3242, Lot 2, Concession 3, Township of McKim, Sudbury as outlined in the report entitled “1434 Gennings Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 20, 2025 subject to the following:

That staff be directed to amend Zoning By-law 2010-100Z to include a holding provision prohibiting development on the proposed severed lot. The holding provision shall be lifted upon the implementation of the recommendations identified in the hydrogeological report entitled “Hydrogeological Feasibility Study, 1434 Gennings Street, Sudbury, Ontario” prepared by Cambium Inc. and dated June 12, 2024 to the satisfaction of the Director of Planning Services.

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

The application to amend the Official Plan is an operational matter under the Planning Act to which the City is responding. The proposal represents intensification and is therefore consistent with the goals and objectives of the Strategic Plan. As the proposal promotes an increased density in a built-up area the proposal aligns with the recommendations of the Community Energy & Emissions Plan.

Financial Implications

If approved, staff estimates approximately \$7,900 in taxation revenue, based on the assumption of one single detached dwelling unit based on an estimated assessed value of \$500,000 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.

The amount of development charges will be based on final review of the property by the Building Services department at the time of permit issuance.

Report Overview:

An application for an Official Plan Amendment for a site specific exemption to section 20.5 South Peninsula of the Ramsey Lake Policy Area allowing the creation of one (1) residential lot without the benefit of municipal wastewater has been submitted. The subject lands are designated Living Area 1, zoned R1-3, Low Density Residential 1, and lack municipal wastewater. The site contains an existing dwelling to the east.

Staff recommends the application for Official Plan Amendment be approved as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, conforms to the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Staff Report

Proposal:

A site-specific application for an Official Plan Amendment has been received which proposes to provide an exemption to the policies of section 20.5 South Peninsula of the Ramsey Lake Policy Area to permit the creation of one (1) residential lot without the benefit of municipal wastewater. The proposed lot configuration is shown on the attached site plan.

In support of the application, the following reports, studies, and drawings were submitted:

- Planning Justification Report;
- Hydrogeological Report;
- Site Plan; and,
- Section 59 - Restricted Land Use Review Application.

Existing Land Use Designation: “Living Area 1”

The lands subject to the Official Plan Amendment are designated Living Area 1, are located within the City's settlement area boundary and built boundary, and are subject to the South Peninsula of the Ramsey Lake Policy Area policies.

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 20.5 is requested to permit the creation of one (1) new residential lot by way of consent. Policy 20.5.1.a. prohibits the creation of lots until such time as municipal water and wastewater and available in order to protect Ramsey Lake as a municipal drinking water supply.

Existing Zoning: “R1-3”, Low Density Residential One

The “R1-3”, Low Density Residential One” zone permits single detached dwelling units. No relief has been requested from the uses or standards permitted within the zone.

Location and Site Description:

The subject property is legally described as PIN 73581-0026, Parcel 47303 SEC SES, Part Lot 11, Plan M-14, Parts 2 to 8, SR-3242, Lot 2, Concession 3, Township of McKim and known municipally as 1434 Gennings Street, Sudbury. The subject lands are located at the northeast corner of the intersection of Gennings Street and Lake Point Court. The parcel has 93.08 metres of frontage along Gennings Street and 82.86 metres of frontage along Lake Point Court. The parcel is approximately 7,772 square metres (0.78 ha) in area and is generally square-shaped. Ramsey Lake is located to the north and east of the site, with shoreline approximately 120 metres to the north and approximately 185 metres to the east.

The site currently contains a single detached dwelling that is serviced by a private water (well) and wastewater (septic system). The dwelling and private services are located on the eastern portion of the site.

The applicant is proposing to sever the western portion of the subject site to permit one (1) additional lot. The proposed severed lot would have 32 metres of frontage along Gennings Street with 82.86 metres of frontage along Lake Point Court and a proposed lot area of approximately 3,038 square metres (0.30 ha) in area. The proposed retained lot would have 61.08 metres of frontage along Gennings Street and a lot area of 4,734 square metres (0.47 ha) in lot area. The parcel would be serviced by municipal water and private wastewater (septic). The proposed development appears to be consistent with the standards of the “R1-3”, Low Density Residential One zone.

Surrounding Land Uses:

The surrounding lands are all designated Living Area 1 and contain low density residential development.

North: Low density residential development

East: Low density residential development

South: Low density residential development

West: Low density residential development

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 November 25, 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 120 m of the property on October 18, 2024. The statutory notice of the public hearing was provided by newspaper on December 28, 2024 (Sudbury Star) and January 8, 2025 (Voyageur) and courtesy mail-out to those who received Notice of Application on December 17, 2024 (pending resolution of the Canada Post labour disruption).

At the time of writing this report, one written submission with respect to this application have been received by the Planning Services Division voicing opposition.

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 Planning Statement (PPS).

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

Chapter 2 of the PPS includes policies surrounding development within settlement areas. Policy 2.3.1 General Policies for Settlement Areas directs as follows:

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned infrastructure and public service facilities;
 - c) support active transportation;
 - d) are transit-supportive, as appropriate; and
 - e) are freight-supportive.
3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Chapter 3 includes policies relating to infrastructure and facilities, including private on-site septic systems. Policy 3.6 Sewage, Water and Stormwater requires that all sewage services:

- 1.b) protects human health and safety, and the natural environment, including the quality and quantity of water;
- 1.c) promote water and energy conservation and efficiency
2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.
4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- 5.b) Partial services shall only be permitted 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.

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.

Official Plan for the City of Greater Sudbury:

Section 3.1 establishes objectives for the Living Area designations, including:

- a. meet Greater Sudbury's housing needs, including the special needs of the elderly, handicapped, low-income individuals and families, and students, by encouraging the provision of an adequate supply of affordable, ownership, rental, and special needs housing in Living Areas; and,

- f. promote good community design that provides a balance between the natural environment and urban development.

Policy 3.2.1 low density housing in all Living Area designations, while 3.2.2 permits medium density housing in Living Area 1 designations where full municipal services are available. Policy 3.2.3 requires that new residential development be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions. Finally, policy 3.2.10 permits lot creation in accordance with the minimum lot sizes set out in the Zoning By-law.

Specific to Living Area 1, the Official Plan permits low and medium density residential development. Policy 3.2.1.1. permits low density development, such as single detached and semi-detached dwellings, duplex, and townhouses to a maximum net density of 36 units per hectare. Policy 3.2.2.1. requires that new development occur adjacent to existing built-up urban areas. Finally, applications for intensification in established Living Area 1 lands are also subject to Section 2.3.3.

Section 2.3.3 Intensification contains policy directing development of a property at a higher density than currently exists through redevelopment, the development of vacant or underutilized lots, infill and the expansion or conversion of existing buildings. Policy 2.3.3.1. allows all forms of intensification, while policy 2.3.3.5. permits intensification in Living Area 1 lands in accordance with the policies of the Official Plan. Policy 2.3.3.7. encourages intensification on sites with suitable or planned infrastructure, while policy 2.3.3.8. requires intensification be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal. Policy 2.3.3.9. includes criteria for evaluating intensification and include matters such as the suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage (2.3.3.9.a.) and impacts of the proposed development of surrounding natural features and areas and cultural heritage resources (2.3.3.9.i.). Finally, residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced (2.3.3.10.).

Section 8.3 Greater Sudbury Source Protection Area Source Protection Plan includes policy that protection the drinking water sources against threats, being activities or conditions that adversely affect or have the potential to adversely affect the quality or quantity of the drinking water source. The subject lands fall within Intake Protection Zone 3. Policy 8.3.6. requires that land uses that have the potential to threaten drinking water sources be restricted.

Section 12.2.3 Individual Systems includes policies for development where there is reliance on privately owned water and wastewater systems. Policy 12.2.3.1. requires the proponent to prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available. A hydrogeological assessment is required where the minimum lot size is less than 0.8 hectare (2 acres).

Section 20.5 South Peninsula of the Ramsey Lake Policy Area includes site-specific policies for the area. Policy 20.5.1.a. prohibits any lot creation until municipal sewer and water services are available. In the interim, only single detached dwellings are permitted on legally existing lots fronting on public roads, subject to the approval of the appropriate regulatory authorities for a private sewage disposal system. Policy 20.5.1.b. requires that the net density of the South Peninsula not exceed 10 units per hectare, equivalent to 1,000 metres squared of land per residential unit.

Zoning By-law 2010-100Z:

The proposed severed and retained lots appear to comply with the R1-3 zone standards.

Site Plan Control:

Site plan control is not applied to development with fewer than 10 residential dwellings.

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.

Building Services, Transit, Conservation Sudbury, Drainage, Roads, Transportation and Innovation, Active Transportation, Roads Operations, and Strategic and Environmental Planning have all advised that they did not object to the application or that they had no concerns.

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 the site is not presently serviced with municipal water nor municipal wastewater. However, municipal water service exists approximately 60 metres from the proposed severed lot and will be required to connect. They do not object to the proposed Official Plan Amendment.

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.

While all relevant policy and regulations have been reviewed and analyzed, the critical policies of both the PPS and Official Plan relate to the protection of Ramsey Lake as a drinking water source and the potential for a private septic system to contaminate potable water. To address these concerns, and as required by Official Plan policy, the proponent submitted a hydrogeological assessment in support of the proposed development. The report found that there is no risk to drinking water sources, being Ramsey Lake and surrounding private wells, pending the implementation of recommendations of the report. The report has been accepted by Source Water Protection staff, who do not object to the proposed development on the basis of the report and its recommendations. This addresses the policies of Chapter 3 of the PPS and policies in Sections 8.3 and 12.2.3, as well as policy 20.5.1.a. of the Official Plan. To ensure the recommendations of the report are implemented, staff are recommending a holding provision that prohibits development on the proposed lot until such a time as the recommendations are enacted.

The proposed development complies with the policies surrounding residential development and intensification of the PPS, the GPNO, and the Official Plan as the proposed land is within the settlement area and the proposed residential lot would utilize existing road infrastructure. The proposed development is consistent with existing development patterns, meets the minimum lot size of the R1-3, Low Density Residential 1 zone, has a proposed density of 2.56 units per hectare, and does not pose a threat to the natural environment.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed. Given the reliance on the recommendations and mitigation measures identified in the hydrogeological report are necessary to comply with relevant policy, staff are including a holding provision on the zoning that prohibits development on the proposed lot until such a time as the recommendations are enacted. This will ensure that the recommendations and mitigation measures relied on for the Official Plan Amendment are implemented appropriately.

With the above noted analysis, staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, conforms to the Official Plan for the City of Greater Sudbury, has regard

for matters of provincial interest and represents good planning.