

STAFF REPORT: Sudbury District Zoning Order

DATE: August 30, 2019

Purpose

This report reviews of the Ministry of Municipal Affairs and Housing's proposal to revoke the Sudbury District Zoning Order from a land use planning perspective. It also reviews potential service level or cost impacts to the City resulting from the revoking the Order.

Background

The City has received notification from the Ministry of Municipal Affairs and Housing that it was considering revoking the Sudbury District Zoning Order and requesting comments on the revocation proposal. The letter states:

"The Ministry of Municipal Affairs and Housing is considering revoking the Sudbury District Zoning Order. This order is administered by the Ministry of Municipal Affairs and Housing and can be compared in some ways to a municipal zoning by-law. This zoning order was enacted in 1978 as a means to regulate development in areas surrounding the former Regional Municipality of Sudbury at that time. ... This proposal is being considered by the Ministry given the interest in reducing the regulatory burden imposed by the province. We also recognize that circumstances have changed since this zoning order was enacted including changes in the planning policy environment and shifting development patterns in the north."

To assist Council formulate a position on this proposal, staff conducted a review of the proposal to better understand the implications, in particular for the portion of Eden Township that abuts the City boundary near Long Lake and Cascaden Township which includes Windy and Ministic Lakes. These areas are important as they have seen some development activity in the past and are perceived as having additional development potential. As part of this process, staff consulted with colleagues at the Ministry of Municipal Affairs and Housing to understand historic development patterns and future development potential.

This report does not examine the implications of the City of Greater Sudbury "annexing" such areas. Should the Province propose such a change in the future, it will be subject to a separate review and assessment undertaken at that time.

Discussion

The Sudbury District Zoning Order applies to all or part of 25 "unincorporated" Townships adjacent to the City of Greater Sudbury (see Attachment A). Collectively, these

townships comprise 2182 square kilometers of land, which is approximately 60 percent of the current geographic area of the City of Greater Sudbury. Approximately 95.7 percent of these lands are public or crown lands, while 4.3 percent are private patent lands. The Province of Ontario plays an important role in planning within unincorporated lands across Ontario. The primary tool used to regulate land use on crown lands is the Crown Land Use Policy Atlas. Planning tools on private patent lands include the Provincial Policy Statement and any Minister's Zoning Orders, which is the case in the area covered by the Sudbury District Zoning Order.

The majority of existing development within the Sudbury District Zoning Order area consists of waterfront seasonal development. While some lots are 'water access only', other lots are accessed via roads traversing Crown land. On unpatented Crown land, land use activity consists of mine claims and logging.

Development within these townships is supported by a minimal level of service, which is to be expected in unincorporated areas. The existing road network in these townships are "rural" in nature and do not meet municipal road standards. In some of the more developed Townships, such as Long Lake, Foster, Truman and Ministic Local Road Boards maintain the roads on behalf of the residents within those local roads areas. Local Roads Boards are comprised of residents in a defined area who determine work to be completed on defined local roads and enter into contracts for the completion of the work subject to the approval of the Minister. There are no municipal services provided outside the municipal boundaries other than Emergency Medical Services (EMS). EMS receives provincial funding to compensate for the services it provides that extend past the municipal boundary of the City of Greater Sudbury, which is aligned with the objective that all citizens should have equal access to ambulance services regardless of political, administrative or other artificial boundaries.

Properties within these townships pay Provincial Land Tax to the province to fund a limited range of services (i.e. policing, land ambulance, public health and social services) to these areas. Under this system, the tax rate for residential properties in and outside of school board areas is \$250 per \$100,000 of assessed value.

With respect to recent development activity, the Ministry of Municipal Affairs and Housing provided statistics for 2011 to present. In that time period seven (7) consents were provisionally approved, with only four (4) of those being granted final approval. Approximately sixty (60) Letters of Conformity were issued. The majority of which were required in order for the property owner to obtain a septic permit from Public Health Sudbury and District, while others were for land transactions, accessory structures or replacement of cottages. A few Minister's Zoning Order Amendments (MZOAs) were

granted to recognize legal non-conforming cottages. Revoking the Zoning Order would eliminate the need for property owners to obtain a Letter of Conformity from the Province prior to obtaining a permit for a septic system which is consistent with the goal of removing the regulatory burden imposed by the Province.

In terms of potential development, the vast majority of private patent lands have been developed and there does not appear to be many parcels which would have sufficient frontage or area to support further creation of new vacant parcels with development potential. Based on a review of aerial photography, there appear to be a maximum of two (2) vacant lots in Eden Townships which could be developed and no observations of vacant lots in Cascaden Township.

The lifting of the Minister's Zoning Order would have no impact on activity occurring on crown lands. Any mining or logging activity would continue to be regulated by the Province and activity would still be subject to the crown land use policy atlas. Any development on private patent land would still be subject to the Provincial Policy Statement (PPS). Section 1.1.6.4 of the current PPS states that in areas adjacent to surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted, subject to a limited range of exemptions. With the revocation of the Sudbury District Zoning Order, the Ministry of Municipal Affairs and Housing would control development in these unincorporated townships through the Provincial Policy Statement, as they do all other unincorporated townships that are not subject to a Minister's Zoning Order or under the jurisdiction of another planning authority (i.e. planning board).

Conclusion and Recommendation

Based on the above, it is not necessary for the City of Greater Sudbury to take a position on this matter at this time. Should City Council concur, then it should direct staff to submit this report to the Ministry of Municipal Affairs and Housing, as the City of Greater Sudbury's response to the revocation of the Sudbury District Zoning Proposal.

Resources

1. Sudbury and District Zoning Order, <https://www.ontario.ca/laws/regulation/810834>
2. Provincial Policy Statement, <http://www.mah.gov.on.ca/Page215.aspx>