

**Title: Ron & Lise Gosselin**

**Date: November 26, 2020**

## **Staff Report**

### **Applicants:**

Ron & Lise Gosselin

### **Location:**

PIN 73368-0328, Part 5, Plan 53R-20628, Part 3, Plan 53R-21130, Lot 12, Concession 6, Township of Creighton (1381 Vermilion Lake Road, Chelmsford)

### **Official Plan and Zoning By-law:**

#### [Official Plan](#)

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury.

Section 5.2.2(2) of the City's Official Plan establishes criteria for the creation of new non-waterfront rural lots that are not situated on a waterbody or watercourse. Specifically, for new rural lots not located on a waterbody or watercourse, the following lot creation policies apply:

1. 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 m (295 ft); and,
2. Regardless of the size and frontage of the parent parcel, no more than three new lots may be created from a single parent rural parcel based on the date of the adoption of this Plan in existence as of June 14, 2006.

Section 5.2.2(4) of the City's Official Plan establishes criteria for the creation of new rural waterfront lots located on a lake or watercourse. Specifically, for new rural lots located on a waterbody or watercourse, the following lot creation policies apply:

1. Excluding those waterbodies or watercourses situated within an identified Special Policy Area, new lots on waterbodies or watercourses in will have a minimum lot areas of 0.8 hectare (2 acres) and have a minimum water frontage of 45 m (148 ft), unless detailed waterbody studies indicate a change in the standard;
2. New lots for permanent waterfront residential use must front onto a public road that is maintained year-round;
3. New lots for seasonal waterfront residential uses are permitted on waterbodies or watercourses with public water access with adequate off-street parking and boat docking facilities; and,
4. Residential dwellings and accessory buildings must be set back to appropriate levels based on individual waterbody or watercourse conditions and regulations set out in the City's Zoning By-law.

Further to the above noted rural lot creation policies, Section 20.4.1 of the Official Plan outlines that, "... all proposals which have the effect of creating more than three new lots shall be considered as applications for a plan of subdivision, unless in Council's opinion a plan of subdivision is not necessary for the proper development of the area.

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### Zoning By-law

The subject lands are presently zoned "RU", Rural under By-law 2010-100Z being the Zoning By-Law for the City of Greater Sudbury. The "RU" Zone permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, seasonal dwelling on a legal existing waterfront lot, private cabin accessory to a seasonal dwelling and a private home daycare.

Permitted non-residential uses include an agricultural use, animal shelter, forestry use having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, hunting or fishing camp provided it is a legal existing use, garden nursery, kennel having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, public utility and a veterinary clinic.

The request from the owner would not change the zoning classification of the subject lands.

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the south side of Vermilion Lake Road and to the north of the Vermilion River in the community of Chelmsford. The lands have a total approximate lot area of 11.01 ha (27.21 acres) with approximately 351 m (1,151.57 ft) of lot frontage on Vermilion Lake Road. The lands are vacant. Surrounding uses are predominantly rural in nature with a number of large rural residential lots and vacant rural lots being located in the immediate vicinity of the subject lands.

### **Application:**

In accordance with Section 20.4.1 of the Official Plan, the Consent Official has referred the subject applications for consent to the Planning Committee and Council in order to determine whether the proposed lot creations should be permitted to proceed by the way of the consent process, or alternatively if a plan of subdivision is required.

### **Proposal:**

The owners are seeking approval from the Consent Official to create two additional new rural waterfront lots with each having a minimum of 45 m (147.63 ft) of water frontage onto the Vermilion River and approximately 30 m (100 ft) of public road frontage on Vermilion Lake Road. The third rural lot that is proposed to be created is a non-waterfront lot and would have a minimum lot area of 2 ha (5 acres) along with approximately 90 m (295 ft) of public road frontage on Vermilion Lake Road. The owners have previously applied for and received approval to create fourteen rural waterfront lots fronting onto Vermilion Lake Road since January 2009.

### **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 consent referral request and to formulate a resolution with respect to whether or not the proposed rural lot creations should proceed by way of the consent process, or in the alternative if a plan of subdivision should be required.

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During the review of the consent referral request, comments provided by circulated agencies and departments included the following:

1. Active Transportation, Conservation Sudbury, the City's Drainage Section, Environmental Planning Initiatives, Fire Services, Leisure Services, Operations, Roads, Traffic and Transportation, and Transit Services have each advised that they have no comments or have no concerns from their respective areas of interest;
2. Building Services has no concerns with the consent referral request, but has noted and cautions the owners that a geotechnical report will be required at the time of building permit application;
3. Development Engineering has noted that the subject lands are not serviced with municipal water or sanitary sewer infrastructure. Development Engineering further advises that the owners must provide sufficient proof that adequate quantity of potable water is available for each of the lots being created; and,
4. Water/Wastewater notes that the subject lands are located in the "non-critical" Vermilion Intake Protection Zone 3 with a Vulnerability Score of 7. Concerning the proposed creation of new lots at 1381 Vermilion Lake Road, there is no significant threat to the drinking water source identified at this time.

#### **Planning Considerations:**

The lands have been the subject of fourteen previous rural lot creations (Files # B0184/2008 to B0186/2008, B0125/11 to B0127/11, B0086/15 to B0088/15, B0127/2015 to B0129/2015 & B0037/2018 to B0039/2018) and the current applications for consent would permit an additional two rural waterfront lots and one non-waterfront rural lot with each having public road frontage on Vermilion Lake Road and two of the above noted lots also having water frontage on the Vermilion River.

With respect to Section 20.4.1 of the Official Plan, staff has circulated the consent referral request in order to determine whether the rural waterfront lot creations should be permitted to proceed by way of the consent process, or alternatively, if a plan of subdivision should be required. Staff advises that in general those agencies and departments circulated on the request have not identified any concerns with respect to the proposed rural waterfront lot creations proceeding by way of the consent process. Staff further advises that no land use planning matters which would prescribe the subdivision planning process as the preferred method for lot creation in this case have been identified during the review of the request.

#### **Summary:**

Staff has reviewed the consent referral request and advises that in general there are no land use planning matters, which would prescribe the subdivision planning process as the preferred method for lot creation in this case. It is on this basis that staff recommends that it would be appropriate for the proposed new rural waterfront lots to be created by way of the consent process.