

Request for Decision

0 Gravel Drive, Hanmer

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Monday, Nov 02, 2020
Type:	Public Hearings
File Number:	701-7/19-2 & 751-7/19-7

Resolution

Resolution Regarding Official Plan Amendment:

THAT the City of Greater Sudbury denies the application by Michael and Carole Leblanc to amend the Official Plan for the City of Greater Sudbury in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 metres of lot frontage onto a public road, on those lands described as PINs 73504-3070 & 73504-3071, Parcel 18575, Part 1, Plan 53R-20725, as outlined in the report entitled “0 Gravel Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020.

Resolution Regarding Rezoning:

THAT the City of Greater Sudbury denies the application by Michael and Carole Leblanc to amend By law 2010-100Z being the Zoning By law for the City of Greater Sudbury by changing the zoning classification on a portion of the lands from “RU”, Rural to “RU(S)”, Rural Special, on those lands described as PINs 73504-3070 & 73504-3071, Parcel 18575, Part 1, Plan 53R-20725, as outlined in the report entitled “0 Gravel Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Nov 2, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Nov 2, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 12, 20

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

This report reviews applications for Official Plan Amendment and Zoning By-law Amendment, that together

would facilitate the creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft), along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required under both the non-waterfront rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the City’s Zoning By-law. Both of the existing parcels of land that together frame the applications are presently vacant.

The application to amend the City’s Official Plan seeks an exception from the rural lot creation policies contained within the City’s Official Plan under Section 5.2.2(2), in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 m (300 ft) of lot frontage onto Gravel Drive. The proposed rezoning would facilitate the creation of said new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft) along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required in the standard “RU” Zone. No changes to any permitted land uses or any other development standards applicable under the standard “RU” Zone have been requested.

Staff advises that the development proposal does not represent good rural land use planning and does not represent limited and reasonable rural residential development, given the rural land use planning policy directions identified in the PPS and the applicable rural lot creation policies contained in the City’s Official Plan.

The Planning Services Division is therefore recommending that the applications for Official Plan Amendment and Zoning By-law Amendment be denied in accordance with the Resolution section of this report.

Financial Implications

This report has no financial implications.

Staff Report

Proposal:

The applications for Official Plan Amendment and Zoning By-law Amendment together would facilitate the creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft), along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required under both the non-waterfront rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the City’s Zoning By-law. Both of the existing parcels of land that together frame the applications are presently vacant.

The applications for Official Plan Amendment and Zoning By-law Amendment were originally submitted by the owners to the City on June 18, 2019. The applications were deemed incomplete on June 28, 2019, and it was noted that the submission of a Planning Justification Report (PJR) prepared by a qualified professional would be required in order to deem the applications complete. The owners then prepared a PJR themselves and submitted it to the City on February 4, 2020. The applications were later deemed to be complete on September 25, 2020, following discussion with the owners with respect to the PJR not having been prepared by a qualified professional. The owners at that time advised staff that they wished to proceed with the applications, despite the PJR not having been prepared by a qualified professional.

The application now includes a PJR that was prepared by the owners and a Concept Plan in support of the Official Plan Amendment and Zoning By-law Amendment requests and these items have both been attached to this report for reference purposes.

Existing Official Plan Designation: Rural

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. Rural Areas contain a variety of land uses such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities. Rural lot creation is permitted subject to certain minimum development standards as set out in the Official Plan.

Requested Official Plan Amendment: Exception from Rural Lot Creation Policies

The development proposal seeks an exception from the rural lot creation policies contained within the City’s Official Plan under Section 5.2.2(2) in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 m (300 ft) of lot frontage onto Gravel Drive.

Existing Zoning: “RU”, Rural

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, hunting or fishing camp, 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 “RU” Zone requires minimum lot areas of 2 ha (5 acres) and minimum lot frontages of 90 m (300 ft).

Title: Michael & Carole Leblanc

Date: October 20, 2020

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

The proposed rezoning would facilitate creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft) along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required in the standard "RU" Zone.

Location and Site Description:

The subject lands are located on the south side of Gravel Drive and to the east on Desmarais Road in the community of Hanmer. The applications involve two separate parcels of rural land held under separate title with the westerly lot held under the name of Michael Leblanc and the easterly lot under Carole Leblanc. The westerly lot has a total lot area of approximately 2.4 ha (5.93 acres) with approximately 91.98 m (301.77 ft) of frontage onto Gravel Drive. The easterly lot has a total lot area of approximately 12.87 ha (31.80 acres) with approximately 98.56 m (323.36 ft) of frontage onto Gravel Drive. Both existing lots are vacant and well vegetated.

Surrounding Land Uses:

- | | |
|--------|---|
| North: | Rural residential land uses, temporary uses in the form of garden suites and several larger and vacant rural parcels of land. |
| East: | Rural residential land use and several larger and vacant rural parcels of land. |
| South: | Low density urban residential land uses accessed from Municipal Road #80. |
| West: | Rural residential land uses, temporary uses in the form of garden suites, former Desmarais Subdivision Park deemed in 1971 to not be a plan of subdivision (ie. Plan M-517), and several larger and vacant rural parcels of land. |

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

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 240 m (800 ft) of the subject lands on September 25, 2020. The statutory Notice of Public Hearing dated November 5, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 240 m (800 ft) of the subject lands.

The owners were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The owners did indicate to staff that they would be speaking with immediate neighbours regarding their development proposal. At the time of writing this report, no telephone calls, emails or written submissions have been received by the Planning Services Division.

Policy and Regulatory Framework:

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

- [2020 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2020 Provincial Policy 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 2020 Provincial Policy Statement (PPS). The following PPS policies are applicable to the application for Official Plan Amendment and Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development. In particular, a rural settlement area is described as being a rural area within a municipality that are built-up areas where development is concentrated and which have a mix of land uses and lands which have been designated in an Official Plan for development over the longer term planning horizon;
2. With respect to Rural Areas policies, Section 1.1.4.1 outlines that healthy, integrated and viable rural areas should be supported by:
 - a) Building upon rural character, and leveraging rural amenities and assets;
 - b) Promoting regeneration, including the redevelopment of brownfield sites;
 - c) Accommodating an appropriate range and mix of housing in rural settlement areas;
 - d) Encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
 - e) Using rural infrastructure and public service facilities efficiently;
 - f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - g) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - h) Conserving biodiversity and considering the ecological benefits provided by nature; and,
 - i) Providing opportunities for economic activities in prime agricultural areas, in accordance with applicable policies in the PPS 2020.
3. Section 1.1.4.2 outlines that in rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted;
4. Section 1.1.4.3 outlines that growth and development may be directed to rural lands in accordance with Section 1.1.5 (see below), including where a municipality does not have a settlement area;

5. Section 1.1.5.2 states that residential development, including lot creation, that is locally appropriate is permitted on rural lands;
6. Section 1.1.5.4 outlines that rural development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;
7. Section 1.1.5.5 outlines that rural development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure; and,
8. Section 1.1.5.8 outlines that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the applications for Official Plan Amendment and Zoning By-law Amendment conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. Rural Areas contain a variety of land uses such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities.

Rural lot creation policies are intended to mitigate the pressures inherent to un-serviced development and the environmental impact of private septic systems. Development is intended to be concentrated in fully serviced communities and limits on location, size and the number of lot creations in the Rural designation have therefore been established.

Rural lot creation for new lots not located on a lake or watercourse is permitted under Section 5.2.2(2) subject to the following policies:

1. The severed parcel and the parcel remaining must have a minimum size of 2 ha (5 acres) and a minimum public road frontage of 90 m (300 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 that was in existence on June 14, 2006.

Zoning By-law 2010-100Z:

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.

Title: Michael & Carole Leblanc

Date: October 20, 2020

For the purposes of the proposed rezoning, the “RU” Zone requires individual lots to have a minimum lot area of 2 ha (5 acres) and minimum public road frontage of 90 m (300 ft).

Department/Agency Review:

The applications including relevant accompanying materials were circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the applications and to inform the content of Official Plan Amendment and Zoning By-law Amendment enactment documents should the applications be approved.

During the review of the development proposal, comments provided by circulated agencies and departments included the following:

1. Active Transportation, the City’s Drainage Section, Operations, and Roads, Traffic and Transportation, and Transit Services have each advised that they have no concerns from their respective areas of interest; and,
2. Building Services has noted that should the applications be approved that the amending zoning by-law will need to recognize a reduced minimum lot frontage of 63 m (206.69 ft) whereas 90 m (300 ft) is required in the standard “RU” Zone;
3. Conservation Sudbury has noted that a wetland on a south-easterly portion of the subject lands and therefore approximately half of the lands are regulated by [Ontario Regulation 156/06](#) (OReg . Any development in an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the [Conservation Authorities Act](#)). Development includes, but is not limited to, the erection of a building or structure, the placement of removal of fill, or alterations to a watercourse or stream. Approval is not guaranteed;
4. Development Engineering has noted that the subject lands are not presently serviced with municipal water or sanitary sewer infrastructure; and,
5. Environmental Planning Initiatives have noted that the owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the [Endangered Species Act](#).

Planning Analysis:

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a land use planning analysis of the applications with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed Official Plan Amendment and Zoning By-law Amendment is not consistent with the 2020 PPS for the following reasons:

1. The subject lands are not located within a designated settlement area in the City’s Official Plan. The owner seeks to create an additional rural lot outside of a settlement area with both the proposed severed and retained parcels having less than the required 90 m (300 ft) of public road frontage onto Gravel Drive. The City’s Official Plan identifies Living Areas, which are intended to be the focus of growth and development in the City of Greater Sudbury. The closest identified settlement area is situated immediately to the south of the subject lands and along the Municipal Road #80 corridor. It is also noted by staff that the subject lands are also not within a designated rural settlement area as defined in the PPS;

2. With respect to general rural areas policies, staff would advise that the development proposal would not build upon the existing rural character that exists along Gravel Drive and would not accommodate rural lot creation within an identified rural settlement area. The creation of one additional rural lot in this location would result in further private infrastructure demands of this particular rural area;
3. The subject lands are not situated within a designated rural settlement area, which are to be the focus of growth and development in rural areas. The development proposal does not properly focus on or contribute positively to the vitality and regeneration that is to be promoted within existing rural settlement areas. Staff would also note that the dispersing of residential development outside rural settlement areas can cause problems related to increased demands on the land for private infrastructure services, as well as difficulties around providing those living in rural areas with efficient and cost-effective access to services such as education, child care and medical services. The dispersing of rural area development may also create fiscal challenges for municipalities when delivering services such as snow removal, garbage collection and emergency management services;
4. Rural growth and development on rural lands, including residential development and rural lot creation, is permitted on rural lands provided it is both limited and locally appropriate. Staff is of the opinion that the City's Official Plan allows for and has placed reasonable limits on rural lot creation. This approach to limiting rural lot creation is consistent with the PPS. Staff is of the opinion that the proposed development is not in keeping with good rural lot creation principles and that reasonable limited rural residential development opportunities exist under Section 5.2.2(2) of the City's Official Plan;
5. Staff has concerns around the compatibility of the proposed new rural lot with respect to sustainable rural servicing levels. Staff is concerned that allowing for the creation of a new rural lot in this location will contribute negatively to the quality of the rural landscape and the sustainability over the long term of rural servicing levels;
6. Staff are of the opinion that the proposed new rural lot is not appropriate within the context of the rural servicing infrastructure that is planned or available along Gravel Drive. Development Engineering has advised that the lands are not serviced with municipal water or sanitary sewer infrastructure. Those existing lots along Gravel Drive are privately serviced (e.g. well water and septic system). Staff would note that continued rural lot creation outside of those rural lot creation policies set out in the City's Official Plan could at some point lead to negative environmental impacts, resulting in having new and additional private infrastructure services on newly created undersized rural lots. Staff would therefore advise that the new rural lot would result in the unjustified expansion of private infrastructure services in an identified rural area; and,
7. The owners did prepare a Minimum Distance Separation (MDS) calculation dated June 17, 2019, in support of the development proposal to create one additional rural lot having frontage on Gravel Drive. The calculation examined a total of eight farms in close proximity to the subject lands and concluded that in two cases (i.e. 1372 Gravel Drive & 1794 Gravel Drive), a minimum distance separation of 81 m (265.75 ft) would be necessary between the existing livestock barns, associated manure storage areas and the proposed lot lines associated with the proposed new rural lot. Staff would advise that in both instances the proposed new rural lot would appear to be in excess of 81 m (265.75 ft) from the existing livestock barns and associated manure storage areas identified in the owner's MDS calculation. However, staff would note that in both cases the owners have indicated that the livestock and manure information has not been confirmed with the farm operators in question.

Date: October 20, 2020

With respect to the City's Official Plan, staff is not supportive of the proposed Official Plan Amendment. Those policies relevant to the development proposal that would provide for an exception to Section 5.2.2 of the City's Official Plan in order to facilitate the creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft) along with two retained portions having approximately 63 m (206.69 ft) of lot frontage, are discussed below.

The applicable policies relating to rural lot creation are intended to mitigate the pressures that result from unlimited and unserved rural development, including but not exclusively limited to the environmental impacts of having additional private infrastructure services (e.g. private wells and private septic systems) on undersized rural lots.

At the same time, staff would advise and is of the opinion that the parameters for rural lot creation with respect to minimum lot areas and minimum lot frontages currently provides for reasonable and limited rural residential lot creation and development as identified in the PPS. The rural lot proposed to be created and the retained lots would each be undersized from a minimum lot frontage perspective whereas currently the rural lots as they exist both maintain in excess of 90 m (300 ft) of public road frontage onto Gravel Drive.

Staff also has concerns that continued and subsequent planning applications could result in the creation of further undersized rural lots that would create additional demand for private infrastructure services in this particular area.

Further to the above, staff notes that the City's [Growth and Settlement Policy Discussion Paper](#), that was completed as part of the City's Phase 1 – Official Plan Review, concluded that there is currently an ample supply of vacant rural lots and rural lots with the ability to be severed under the current rural lot creation policy framework to meet the projected demand over the twenty year planning period, to which the City's Official Plan applies. Specifically, the Growth and Settlement Policy Discussion Paper identified that there are an estimated 475 existing vacant rural lots that could be developed, provided that a building permit is obtained. It was also estimated that the current non-waterfront rural lot creation policies in the City's Official Plan could result in the creation of approximately 1,438 new rural lots. This potential overall supply of approximately 1,913 rural lots is more than adequate to demand within the planning period of the City's Official Plan.

Staff is therefore not supportive of the request to provide for an exception to Section 5.2.2 of the City's Official Plan in order to facilitate the creation of one new rural lot between two existing parcels of land in this particular rural setting. Furthermore, staff is of the opinion that the development proposal does not conform with the rural lot creation policies contained within the City's Official Plan. The development proposal does not represent nor would it demonstrate good and responsible rural land use planning.

As noted previously in this report, the owners are requesting that the subject lands be rezoned from "RU", Rural to "RU(S)", Rural Special. The proposed rezoning would recognize a reduced minimum lot frontage for both the newly severed and two retained lots whereas the standard "RU" Zone would require that both the severed and retained lands each provide for a minimum lot frontage of 90 m (300 ft) onto Gravel Drive. The owners are seeking to rezone the lands in order to facilitate the creation of one new rural lot between two existing parcels of land with each of the resulting lots having a minimum lot frontage of approximately 63 m (206.69 ft) onto Gravel Drive. Staff notes that the rezoning being sought would therefore amount to a 27 m (88.58 ft) reduction in minimum lot frontage for each of the resulting lots (ie. one severed and two retained lots). Staff cannot support the application to rezone the lands, as the proposed development is not consistent with the PPS and would not conform to the rural lot creation policies of the City's Official Plan.

Title: Michael & Carole Leblanc

Date: October 20, 2020

Conclusion:

Staff has reviewed the applications to amend the City's Official Plan and Zoning By-law and is of the opinion that the development proposal does not conform with those rural lot creation policies established in the Official Plan for the City of Greater Sudbury. The development proposal is also not consistent with the rural land use planning policy directions identified in PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Staff cannot support the applications, as the development proposal does not represent good rural land use planning and it does not represent limited and reasonable rural residential development given the rural land use planning policy directions identified in the PPS and the applicable rural lot creation policies contained in the City's Official Plan.

The Planning Services Division therefore recommends that the applications for Official Plan Amendment and Zoning By-law Amendment be denied in accordance with the Resolution section of this report.

Files: 751-7/19-7
and 701-7/19-2
Gravel Drive,
Hanmer
2016 COOP Orthophotography



Gravel Drive

Subject Property

Desmarais Road

Talon Street

Robert Drive

Fergus Avenue



GRAVEL

301.18 (91.98)

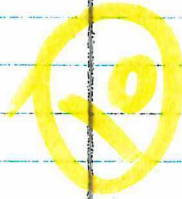
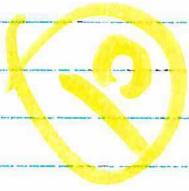
323.36 (98.56m)

208.18 feet
(63.45m)

63.45m

63.45m

869.42 (265)



6 ACRES

12.33 acres
(4.98 hectares)

12.33 acres
(4.98 hectares)

12.33 acres
(4.98 hectares)

ACRES

Planning Justification Report

Official Plan Amendment and Rezoning By-Law Amendment

TOWNSHIP OF HANMER PINS 73504-3070 & 73504-3071 PARCEL 18575

PART 1 PLAN 53R-20725 LOT 6 CONCESSION 3

CITY OF GREATER SUDBURY

PREPARED BY MICHAEL AND CAROLE LEBLANC

FEBRUARY 4, 2020

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6.0 SUMMARY

1.0 INTRODUCTION

As part of the review process associated with this proposal, City of Greater Sudbury Planning Services has requested a planning justification report be submitted as part of a complete application. This report provides a planning analysis and justification for the official plan amendment and zoning by-law amendment needed to facilitate the development. We do not claim to be registered professionals or qualified in any way whatsoever. This document is created to the best of our ability.

2.0 PROPOSAL

The proposed official plan amendment and zoning by-law amendment intends to amalgamate two (2) existing rural parcels of land on Gravel drive in Hanmer, and to create two (2) new parcels with a remaining parcel. This will facilitate the creation of three (3) separate lots where only (2) lots currently exist. Our proposal would create three (3) rural lots with approximately 63 meters (206 feet) each and approximately 4.9 hectares (12 acres) each.

The bylaw presently allows for a rural lot to have a minimum lot frontage of 90 meters and a minimum lot area of 2.0 hectares.

The official plan requires that “the severed parcel and parcel remaining must have a minimum size of 2 hectares (5 acres) and minimum public road frontage of 90 meters (295 feet) The official plan also states “regardless of the size and frontage of the parent parcel, no more that three (3) new lots may be created from a single parent rural parcel in existence as of June 14, 2006.

3.0 SUBJECT LANDS AND SURROUNDING AREA

3.1 SUBJECT LANDS

The subject properties are located approximately 740 meters east of the corner of Gravel Drive and Desmarais Road in Town of Valley East. The subject properties consist of an approximate 12.5 hectare (31 acres) parcel of land and a approximate 2.4 hectare (6 acre) parcel of land. The properties consist of flat wooded land with a mixed variety of trees. There are presently no buildings on the properties and does not appear to have been any in the past. The parcels are fronting on the south side of Gravel drive. The far rear of the 12.5 hectare parcel does include a marshy area according to the zoning maps. The properties are zoned Rural on the zoning map. The subject lands would be serviced with private sewage systems and private wells.

3.2 SURROUNDING AREA

The surrounding area has a rural residential character with single detached dwellings on large lots. The majority of the lots are .80 Hectare (2 acres) in size. The majority of these lots have 60 metre (200 feet) lot frontages. Our proposal would blend in easily with the neighbourhood fabric. See attached (figure 1). The whole neighbourhood is zoned Rural and encompassed residential homes and small hobby farms. All surrounding lands are serviced with private sewage systems and private wells.

4.0 SUPPORTING DOCUMENTS

- 1. A Pre-Consultation Understanding**
- 2. Proposed sketch (figure 1)**
- 3. Neighborhood sketch (figure 2)**

5.0 PLANNING ANALYSIS

5.1 Provincial Policy Statement 2014

The 2014 Provincial Policy Statement (PPS) provides provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on Planning Act applications. Municipal Official Plans are to be consistent with the 2014 PPS. Applicable PPS policy to this development proposal is outlined and discussed below.

“1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural house stock on rural lands.

Our proposal would see the construction of 3 new residential homes similar to the neighbourhood fabric. Opportunities for garden suites or secondary suites are

Pre- Consultation Understanding

Planning Services

200 Brady Street, Tom Davies Square
Sudbury, ON P3A 5P3
T: (705) 674-4455 Ext. 4295
F: (705) 673-2200

January 10, 2019

PRE-CONSULTATION UNDERSTANDING

Requirements (Senior Planner to confirm reports/plans required on OPA, ZBL, SUB and CONDO)
(Subdivision/Site Plan Engineer to confirm reports/plans required on Site Plan)

PRE-CONSULT FILE: PC 2019-048					
OWNER: MICHAEL & CAROLE LEBLANC					
SPART MEETING: JUN 12/19					
PROPERTY DESCRIPTION/ADDRESS: PINS 73504-3070 & 73504-3071 (GRAVEL DR., HANMER)					
REPORTS AND PLANS	OPA	ZBL	SITE PLAN	SUB	CONDO
REPORTS					
Application Form	X				
Arborist Report					
Archaeological Assessment					
Draft Official Plan Amendment					
Draft Zoning By-law Amendment					
Environmental Impact Study (Full-Site)					
Environmental Impact Study (Scoped)					
Functional Servicing Study					
Geotechnical/Soils Report					
Heritage Impact Assessment					
Hydrogeologic Study					
Mine Hazard Study					
Noise Study					
Parking Study					
Phase I Environmental Site Assessment					
Planning Justification Report	X				
Public Consultation Strategy	X				
Risk Management Plan					
Servicing Options Report					
Source Protection Plan Section 59 Application					
Stormwater Management Report					
Sun/Shadow Study (6 storeys or greater)					
Traffic Impact Study					
Transportation Demand Management Plan					
Vibration Study					
Wind Study (6 storeys or greater)					
PLANS					
Comprehensive Development Plan					
Concept Plan	X				
Construction Erosion and Sediment Control Plan					
Draft Plan of Condominium					
Draft Plan of Subdivision					
Elevation Plans					
Grading Plan					
Landscape Plan					
Legal Survey Plan					
Off-Site Servicing Plan					
Photometric Exterior Lighting Plan					
Site Plan					
Servicing Plan					
Other Reports/ Plans(s) – Specify					
1. MINIMUM DISTANCE SEPARATION CALCULATION	X				
2.					
Agencies to be Contacted by Applicant					
	OPA	ZBL	SITE PLAN	SUB	CONDO
Canada Post					
Canadian National Railway					
Canadian Pacific Railway					
Greater Sudbury Utilities					
Hydro One					
Ministry of Municipal Affairs					
Ministry of Natural Resources and Forestry					
Ministry of the Environment and Climate Change					
Ministry of Transportation Ontario					
Nickel District Conservation Authority	X				
Sudbury District Health Unit (SDHU)					
Sudbury East Planning Board					
Others – Specify					
1.					

PRE-CONSULTATION UNDERSTANDING

Planning Services Notes

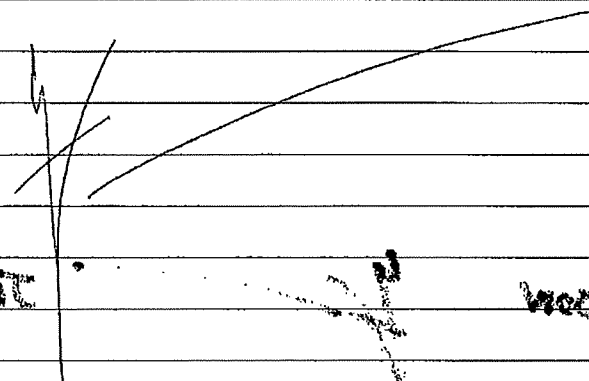
PLANNING - a rezoning application should accompany the
SERVICES application to amend the City's Official Plan
DIVISION (ie. to recognize relief from the "RU" Zone).

- an MDS calculation is to be completed by the owner (given to PSD to review) given the potential proximity of agricultural uses in the area. New lots must comply with MDS II formulae as developed by Ontario's Ministry of Agricultural and Rural Affairs.

- Planning Justification Report is required which demonstrates that the lot creations will not exacerbate the existing supply of available and vacant rural lots and that there is a need for the proposed new rural lots in order to accommodate projected rural unit growth.

NDCA - southerly portion of the lands are within a regulated area and are within a floodplain. A permit from NDCA is required prior to any development in this area.

BUILDING - at building permit stage, geotechnical & hydrogeological
SERVICES assessment may be required given presence of floodplain.
- site alteration permit may also be required.


JUN 11 2019
GLEN FERGUSON

Name: GLEN FERGUSON

Date: JUN. 12 / 19

PRE-CONSULTATION UNDERSTANDING

1. Official Plan Designation: RURAL

Conformity with Official Plan designation ☐ YES ☒ NO

If "No" what is the nature of the amendment needed?

to permit creation of 2 rural lots (with a remainder)
having approximately 64m of frontage where 90m is required.

2. Existing Zoning: RU

Compliance with the City's Zoning By-law? ☐ YES ☒ NO

If "No" what is the proposed zoning or amendment required?

if OPA approved, a rezoning is required to recognize reduced frontage.

3. Related File No.(s): N/A

4. Additional Information: N/A

Acknowledgement by Owner/Agent

The owner acknowledges that this form in no way confirms support or non-support by the City of the presented proposal, is based on the agreed processing and submission requirements discussed.

By signing below, I acknowledge that, subject to any appeals, the drawings, report(s) and other information requirements indicated on the above chart, must be submitted along with a completed application form, any information or materials prescribed by statute, the required application fees and this executed Pre-consultation Application Form to be considered complete. All comments and direction offered by City staff and outside agencies is preliminary and based solely on the information available at the time of the meeting, and is only applicable for up to one year from the date of the Pre-consultation meeting. Once an application has been submitted, deemed complete and circulated for comments additional information or consultation meetings may be required during the processing of the application. In addition, I have read, understood, and agreed to all of the notes listed on this form.

Carole Leblanc
MICHAEL LEBLANC
Owner/Agent
(Print)

Carole Leblanc
Owner/Agent
(Signature)

06/15/19
Date

Greater Sudbury Planning Services Staff
(Print)

Greater Sudbury Planning Staff
(Signature)

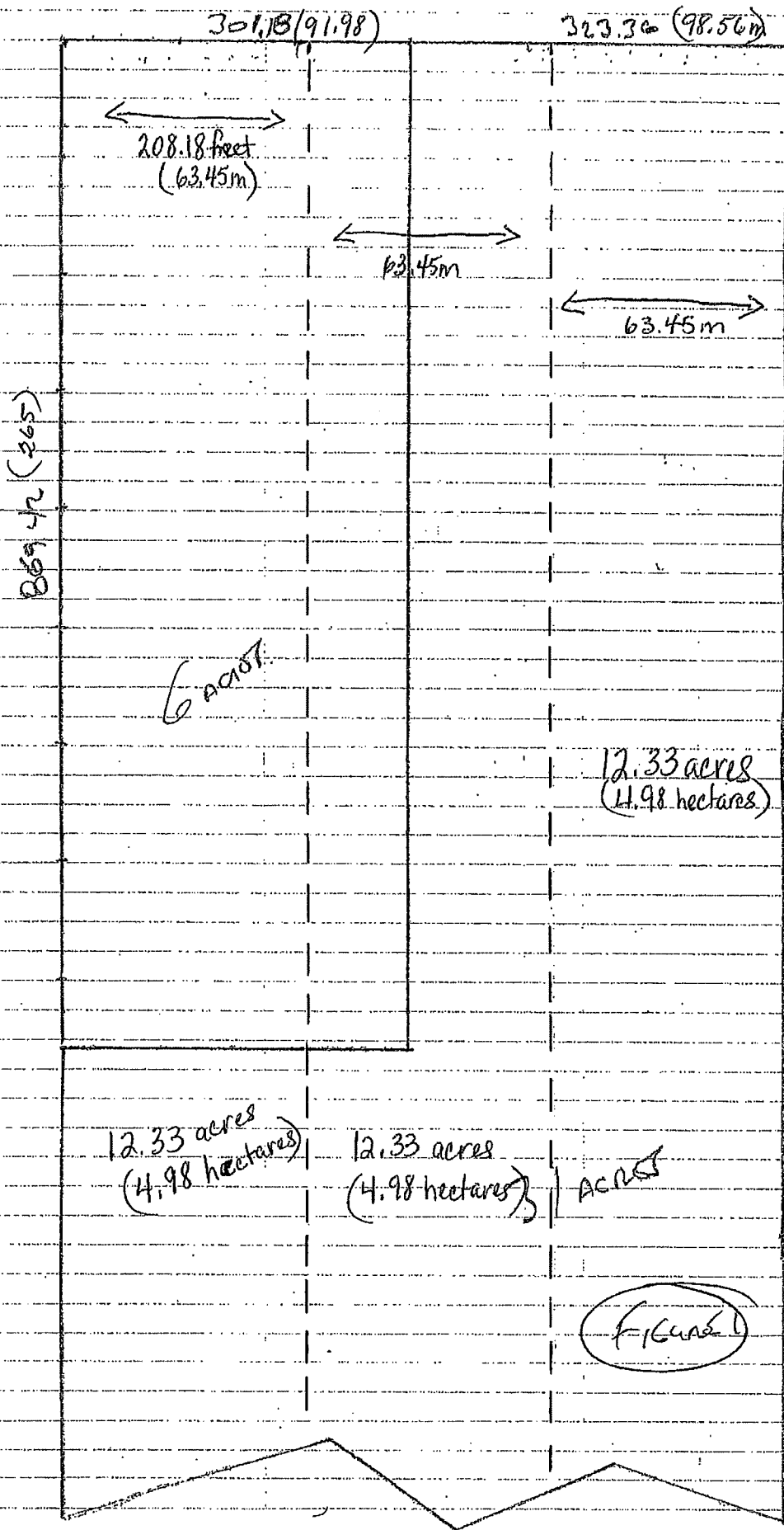
Date

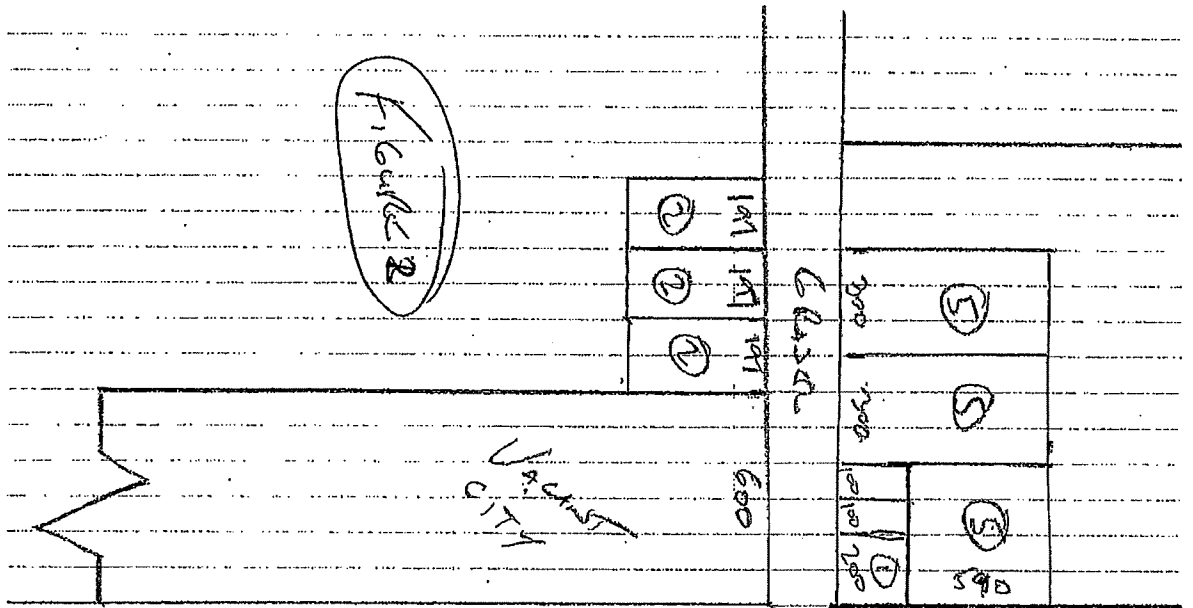
GLEN FERGUSON

[Signature]

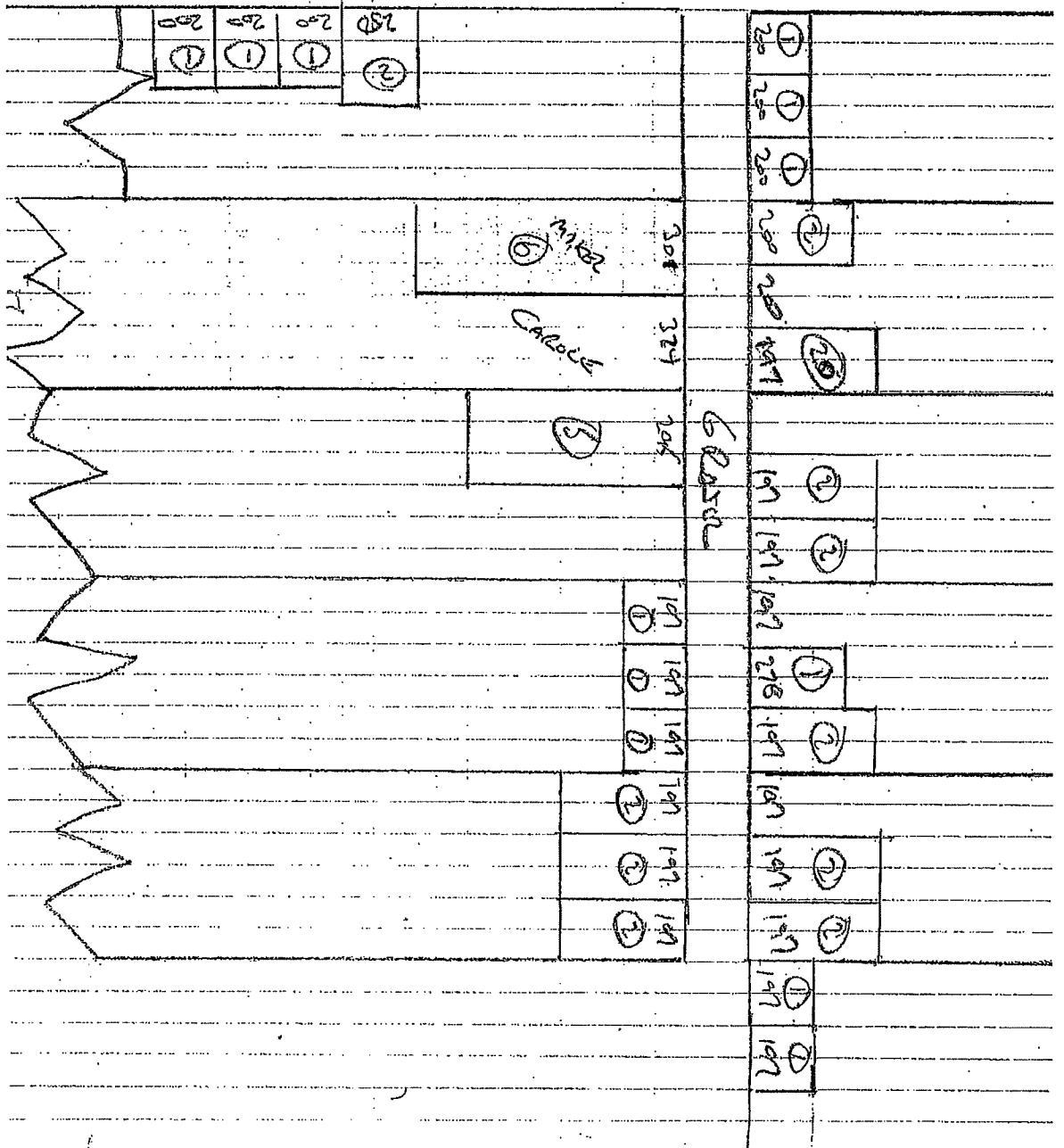
JUN. 17/19

GRAVEL





DESMAIS ROAD



possible with the new builds, where it may be difficult to accommodate on an existing site. These forms of housing meet the social, health and wellbeing requirements of our ageing population.

1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

The reasoning for our proposal is to add the one lot to the two we already have to allow for both our two children to build homes beside us in the near future. Our families have grown up in the neighbourhood and we want our immediate family to have those same opportunities.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The lots will be serviced with private septic beds and private wells. Natural gas, hydro, and internet are all available at the lot line. The mail box is located a block away. There is no need for expansion of infrastructure.

5.2 CITY OF GREATER SUDBURY OFFICIAL PLAN

The subject lands are included in the Rural Areas of the official plan. The amendment would facilitate the creation three (3) rural lots with a minimum frontage of 63 meters (206 feet) where the by-law requires 90 meters (295 feet).

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.

5.1 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;
- b. ensure that all development is adequately serviced and does not negatively impact the environment;
- c. encourage a strong rural economy with a range of rural uses and activities;
- d. recognize the importance of agriculture, silviculture and other rural land uses to the economy; and,
- e. preserve the cultural and historical attributes of rural areas.
- f. promote opportunities to support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

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.

Policies

1. The following uses are permitted within the Rural Areas designation:
 - a. residential uses;

- b. agricultural uses, agriculture-related uses and on-farm diversified uses;
- c. conservation, open space and natural resource management activities;
- d. mineral exploration;
- e. rural industrial/commercial uses;
- f. resort and shoreline commercial uses;
- g. public uses including hydroelectric generation and associated facilities; and
- h. community hubs.

2. Waterfront development in Rural Areas must also comply with the policies of Section 8.4.

3. All new farm and non-farm development in the Rural Areas designation will comply with the Minimum Distance Separation (MDS) formulae established by the Province in order to minimize conflicts between livestock facilities and surrounding development.

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.

Policies

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.

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.

3. Seasonal residential uses are permitted on waterbodies and watercourses that have public water access with adequate off-street parking and boat docking facilities.

4. The conversion of existing seasonal dwellings to permanent use is permitted provided that:

- a. the dwelling has frontage on a public road maintained year-round;
- b. Ontario Building Code standards for permanent dwellings are met;
- c. minimum lot size requirements for the zone category set out in the Zoning By-law have been satisfied;
- d. approval is obtained for a Class 4 sewage system; and,
- e. there is an adequate supply of potable water.

5. This Plan contemplates a seasonal residential zone in the implementing Zoning By-law. New lots proposed for seasonal residential use may be permitted in the Rural Areas designation on waterbodies and watercourses subject to rezoning.

6. Based on watershed and lake studies, the Zoning By-law may set different density standards for waterfront developments on different lakes according to their lake and watershed development capacity and ecological sensitivity to development.

7. An individual mobile home unit is allowed where a single detached dwelling would be permitted, provided that it is built in accordance with the Ontario Building Code.

8. A Garden Suite is allowed in accordance with Section 2.3.5. Despite these policies a Garden Suite may be served by its own individual on-site sewage and water services, where appropriate. Also, despite these policies a mobile home may be used as a Garden Suite if it is built on its own foundation and in accordance with the Ontario Building Code. None of these policies are intended to result in the creation of new residential lots in the Rural Area.

9. A Second Suite is allowed in accordance with Section 2.3.6. Despite these policies a Second Suite may be served by its own individual on-site sewage and water services, where appropriate. Also, despite these policies a mobile home may be used as a Second Suite if it is built on its own foundation and in accordance with the Ontario Building Code. None of these policies are intended to result in the creation of new residential lots in the Rural Area.

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.

Policies

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. *For new lots not on a waterbody or watercourse, the following lot creation policies apply. 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:*(2019 MMAH Mod #2a)
 - 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 *based on the date of the adoption of this Plan 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.

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)

4. For new lots located on a waterbody or watercourse, the following lot creation policies apply:

a. Excluding those waterbodies or watercourses covered by Chapter 20.0, Special Policy Areas, new lots on waterbodies or watercourses in Rural Areas will be a minimum 0.8 hectare (2 acres) in size and have a minimum water frontage of 45 metres (148 feet), unless detailed waterbody studies indicate a change in the standard. The appropriate regulations will be set out in the Zoning By-law.

b. New lots for permanent waterfront residential use must front onto a public road that is maintained year-round.

c. 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.

d. Dwellings and accessory buildings must be set back to appropriate levels based on individual waterbody or watercourse conditions and regulations set out in the Zoning By-law (see additional water resource policies in Section 8.4).

5. Where applicable, all rural residential severances must also comply with the Minimum Distance Separation (MDS) formulae established by the Province in order to minimize conflicts between residential development and adjacent livestock facilities.

5.3 CITY OF GREATER SUDBURY ZONING BY-LAW

The subject lands are included in the Rural Zones of the by-law. The amendment would facilitate the creation three (3) rural lots with a minimum frontage of 63 meters (206 feet) where the by-law requires 90 meters (295 feet).

PART 9:

RURAL ZONES

9.1 GENERAL PROHIBITION

No *person* shall, within any *Rural Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building or structure* for any *use* other than as permitted in Tables 9.1 and 9.2, in accordance with the standards contained in Table 9.3 the General Provisions contained in Part 4 and the Parking and Loading provisions contained in Part 5 of this By-law.

9.2 PERMITTED USES

Uses permitted in a *Rural Zone* are denoted by the symbol 'X' in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Tables 9.1 and 9.2. A number(s) following the symbol 'X', *zone* heading, or identified permitted *use*, indicates that one or more special provisions apply to the *use* noted or, in some cases, to the entire *Zone*. Special Provisions are listed below the Permitted Use Tables 9.1 and 9.2 below: (By-law 2012-67Z)

Rural Zones

Agricultural	A
Rural	RU
Rural Shoreline	RS
Seasonal Limited Service	SLS

Note: Wherever a zone symbol on the Schedules to this By-law is followed by a period, a letter "D" and a number, please also refer to Section 2.2 of this By-law with respect to the maximum number of dwelling units permitted on a lot.

Table 9.1 - Permitted Residential Uses (By-law 2012-67Z) (By-law 2014-235Z)

USE	A	RU	RS	SLS
<i>Single Detached Dwelling</i>	X(1)	X(1)	X(1)	
<i>Mobile Home Dwelling</i>	X (1)(2)	X (1)(2)	X (1)(2)	
<i>Bed and Breakfast Establishment</i>	X (7)	X (7)	X (7)	
<i>Group Home Type 1</i>	X(9)	X(9)	X(9)	
<i>Seasonal Dwelling</i>		X (1)(3)	X (1)(3)	X (1)
<i>Private Cabin</i>		X (4)	X (4)	X (4)
<i>Private Home Daycare</i>	X	X	X	

Table 9.2 – Permitted Non-Residential Uses (By-law 2012-67Z)

USE	A	RU	RS	SLS
<i>Agricultural Use</i>	X (5)	X (5)		
<i>Animal Shelter</i>	X	X		
<i>Forestry Use</i>	X (6)	X (6)		
<i>Hunting or Fishing Camp</i>		X (8)		
<i>Garden Nursery</i>	X	X		
<i>Kennel</i>	X (6)	X (6)		
<i>Public Utility</i>	X	X		
<i>Veterinary Clinic</i>	X	X		

SPECIAL PROVISIONS FOR TABLES 9.1 AND 9.2

1. Maximum number of *dwelling units* permitted on a *lot* – 1.
2. If mounted on a permanent foundation.
3. If on a *legal existing waterfront lot*.
4. Maximum number of *private cabins* – 1. *Maximum gross floor area* of 30.0 m² on any *lot accessory* to a permitted *seasonal dwelling* only.
5. *Buildings* housing *livestock* and *manure handling facilities* are subject to the Special Setback Provisions in Section 4.37.1
6. No *non-residential building* or *structure* directly associated with a *kennel* or with the cutting or sawing of *timber* shall be established or erected closer than 300.0 metres to a *residential building* or Residential (R) Zone.
7. Permitted within a *single detached dwelling* only. Maximum number of *guest rooms* – 2.
8. Only where such use constitutes a *legal existing use*.

9. Only within a permitted *single detached dwelling*. – Maximum number of beds
-10. (By-law 2014-235Z)

9.3 ZONE STANDARDS

No person shall within any Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards in Table 9.3. A number(s) following the zone standard, zone heading or description of the standard, indicates an additional Zone requirement. These additional standards are listed as Special Provisions at the end of Table 9.3 below: (By-law 2011-49Z)

Table 9.3 – Standards for All Rural Zones

	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Corner Side Yard	Maximum Lot Coverage	Maximum Height	Other
A	30.0 ha	90.0 m	10.0 m (1)	10.0 m (1)	10.0 m (3)	10.0 m (2)	10% (4)(8)	21.0 m (5)	(6)
RU	2.0 ha	90.0 m	10.0 m (1)	10.0 m (1)	10.0 m (3)	10.0 m (2)	10% (4)(8)	21.0 m (5)	(6)
RS	8,000 m ²	45.0 m	10.0 m (1)	7.5 m (1)	3.0 m	4.5 m (7)	10% (8)	11.0 m	
SLS	8,000 m ²	45.0 m	10.0 m	10.0 m	3.0 m	10.0 m (2)	10% (8)	11.0 m	

SPECIAL PROVISIONS FOR TABLE 9.3

1. *Abutting a primary arterial road* – 15.0 metres.
2. (i) *Legal existing lots* having an area of 0.8 ha or less:
 - a) For *lots abutting a primary arterial road* – 15.0 metres;
 - b) For *lots abutting a secondary or tertiary arterial road* – 7.5 metres;
 - c) For *lots abutting any other road* – 4.5 metres.
 (ii) *All other lots*:
 - a) For *lots abutting a primary arterial road* – 15.0 metres.
3. On a *legal existing lot* having an area of 0.8 ha or less – 3.0 metres
4. This provision shall not apply with respect to any greenhouse constructed primarily of translucent materials and uses solely for growing plants in conjunction with an *agricultural use* or a *garden nursery*.
5. *Residential uses* – 11.0 metres.
6. *Building separation* – 3.0 metres.
7. (i) For *lots abutting a primary arterial road* – 15.0 metres;
- (ii) For *lots abutting a secondary or tertiary arterial road* – 7.5 metres.
8. Maximum *lot coverage* for *legal existing lots* having an area of 0.42 hectares or less – 25 percent.

6.0 SUMMARY

Our proposed severance represents an opportunity to maintain the existing neighborhood fabric without altering the rural landscape of the area. The extra lot will maintain a rural residence and therefore help maintain the rural housing stock and rural character of the area. The relief from the official plan and bylaw is quite minor in nature as the proposed lot will blend in with the rest of the homes on Gravel drive.

In consideration of the foregoing, it is our opinion the proposed amendments are consistent with the 2014 Provincial Policy Statement, and represents good planning. It is understood the property will be subject to a site specific amendment to recognize the proposed frontage.

Although we understand that past decisions do not guarantee future results, we have found numerous planning committee decisions that have favored reduced frontages on rural lands including files 751-5/18-4 (RR15-Chelmsford), 751-7/16-5 & 701-7/16-2 (Gravel drive, Hanmer), and 751-7/15-6 & 701-7/15-6 (Gravel drive, Hanmer)

Our ultimate goal is to gift our two boys with lots so that they could afford to build their future homes and that we can all be together in our ageing years.

Michael and Carole Leblanc