

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:

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| 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

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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.

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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

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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.