

## 3950 Notre Dame Avenue, Hanmer

Presented To:	Planning Committee
Meeting Date:	April 15, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-7/23-02

## Report Summary

This report provides a recommendation regarding an application for Official Plan Amendment in order to permit the creation of one new lot within the Urban Expansion Reserve with both the severed and retained lands having less than the minimum required lot area of 30 hectares.

This report is presented by Wendy Kaufman, Senior Planner.

- Letter(s) of concern from concerned citizen(s) have been received.

## Resolution

THAT the City of Greater Sudbury denies the application by Rejean and Jacqueline Houle to amend the City of Greater Sudbury Official Plan in order to provide an exception to the Urban Expansion Reserve policies of Section 20.3.1 for the Valley East Policy Area on lands described as PIN 73508-0389, Part 3 & 4, 53R-6460, Parcel 42659 SEC SES SRO, Part Lot 12, Concession 2, Township of Capreol, Hanmer as outlined in the report entitled "3950 Notre Dame Avenue, Hanmer", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 15, 2024.

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

The application to amend the Official Plan is an operational matter under the Planning Act to which the City is responding.

The development proposal to create a new rural lot in the Urban Expansion Reserve would negatively impact strategic goals and objectives associated with Climate Change and the adoption of the CEEP that are identified within the City's Strategic Plan. The proposed rural lot creation would also impact Asset Management and Service Excellence strategic goals and objectives as the new rural lot would contribute further residential development that is beyond settlement area boundaries, which undermines the City's ability to implement cost-effective service delivery with the intent being to reduce net costs. The development proposal therefore does not align with the City's Strategic Plan.

The application to amend the City's Official Plan would permit the creation of one new rural lot within the Urban Expansion Reserve. The development proposal would generate negative impacts on the stated goals and recommendations that are contained within the CEEP as it would undermine a key objective of creating compact and complete communities given that the lands are designated for more intensified land uses in the future once the expansion or adjustment of the settlement area boundary occurs within the Valley East Policy Area.

## **Financial Implications**

There are no financial implications for this report, as staff recommends that the application be denied.

## **Report Overview:**

An application for Official Plan Amendment (OPA) has been submitted for a rural parcel containing a dwelling and accessory structures located on the east side of Notre Dame Avenue, south of the community of Hanmer. The lands are not serviced by water or sanitary sewers.

The application would provide for an exception from the lot creation policies within the Valley East Policy Area by facilitating the creation of an undersized new rural lot within the Urban Expansion Reserve.

With respect to both the PPS and the City's Official Plan, staff has noted that the proposed site-specific amendment would facilitate the fragmentation of lands that will eventually be required in order to properly complete the urban structure of a nearby settlement area. The importance of protecting lands within the Urban Expansion Reserve has also been highlighted in background studies associated with the now completed Phase 1 – Official Plan Review.

Staff advises that the proposal does not conform with the Official Plan for the City of Greater Sudbury. The development proposal is not consistent with the land use planning policy directions identified in the PPS.

The Planning Services Division is recommending that the application for Official Plan Amendment be denied in accordance with the Resolution section of this report.

# Staff Report

## Proposal:

A site-specific application for an Official Plan amendment has been received as follows:

To amend the city of Greater Sudbury Official Plan to provide an exception to the Urban Expansion Reserve policies of Section 20.3.1 for the Valley East Policy Area to permit the creation of one new lot within the Urban Expansion Reserve with both the severed and retained lands having less than the minimum required lot area of 30 hectares. The draft Official Plan Amendment and Schedule A are attached.

A Planning Justification Report was provided in support of the application. The submitted conceptual consent sketch which shows the proposed severed lands having a minimum lot area of approximately 3.0 hectares and a minimum lot frontage of 110 metres, with the retained lands having an area of approximately 2.0 hectares and a lot frontage of 116 metres. A dwelling and accessory structures are located on the southerly portion of the property on the proposed retained lands.

## Location and Site Description:

The subject property is described as PIN 73508-0389, Part 3 & 4, 53R-6460, Parcel 42659 SEC SES SRO, Part Lot 12, Concession 2, Township of Capreol, Hanmer. The subject lands are located on the east side of Notre Dame Avenue, with Guenette Drive along the southerly lot line and Dominion Drive at the northwest corner of the lands. The lands have an area of 5.18 ha with approximately 294 m of frontage on Notre Dame Avenue and 177 m of frontage on Guenette Drive. Notre Dame, Guenette and Dominion Drive are all collector roads in this area.

The lands are not serviced with municipal water and sanitary sewer. There is an easement for a sanitary sewer force main along the northerly boundary of the parcel that would be included on the new lot to be created. The lands are serviced by municipal garbage pick-up, and there is a community mailbox located on the west side of Notre Dame Avenue in this location.

The City continues to invest in infrastructure projects that will service the community of Hanmer. For example, the City has recently awarded the contract and initiated the Spruce Street Lift Station Project to increase the capacity of the City's sewage treatment system to support new urban development, and which is located approximately 400 m to the east of the subject lands.

## Surrounding Land Uses:

The lands are located at the southern boundary of the Living Area 1 designation in the Official Plan (formerly the southern boundary of the Residential designation in the Valley East Secondary Plan). Surrounding land uses include mainly residential use that is rural in character, though lands to the north and east are zoned to permit urban-style residential development.

North and East:	residential use, though designated Living Area 1 or Urban Expansion Reserve and zoned Rural, R2-2 and R3.D45, or P (zoning reflects previously-approved 'Bouchard Subdivision' which has lapsed)
South:	Guenette Drive, residential use designated Rural and zoned Rural
West:	Notre Dame Avenue, residential use designated Urban Expansion Reserve and zoned Rural

The existing zoning & location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

The aerial map and site photos show the uses in this area.

## **Previous Planning Applications**

There is no record of previous applications for Official Plan Amendment, Rezoning or Consent at this property, however, applications for adjacent lands to the north bear consideration. In 1995 these lands were part of the Residential area in the Valley East Secondary Plan. Variance application A0046/1995 and related Consent applications B0066/1995 and B0067/1995 were intended to create two new severed and one retained lot, with the deficient frontage for the new lots and deficient area for all lots. These applications were denied based on the recommendation of regional staff, and approved following the landowner's appeal to the Ontario Municipal Board on the basis of a revised proposal with a reduced the lot depth (rather than the long narrow lots originally proposed). This layout was intended to facilitate future residential development at the rear and align with adjacent lots to the north with the same depth.

The medium and low density residential zoning to the east of the subject lands reflects previous Official Plan Amendments and subdivision application that has now lapsed but would have enabled development of the 'Bouchard Subdivision'(CGS Files 751-7/91-10, 780-7/89021, 701-7-0/91-21, 701-92-129). The subdivision proposed a total of 287 units comprised of a mix of single detached dwellings, semi-detached dwellings, and medium-density development.

## **Public Consultation:**

The statutory notice of the application was provided by newspaper along with a courtesy mail-out to surrounding property owners and tenants within 240 m of the property on December 18, 2023. The statutory notice of the public hearing was provided by newspaper on March 23, 2024, and courtesy mail-out on March 21, 2024.

The owner was advised of the City's policy recommending that applicants consult with their neighbours, Ward Councillor, and key stakeholders to inform area residents on the application prior to the public hearing. At the time of writing this report, one written submission with respect to this application has been received by the Planning Services Division raising concern that the lot creation would block the future extension/connection of Spruce Street to Dominion Drive and jeopardize urban residential development to the east.

## **Policy & Regulatory Framework:**

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

## **Provincial 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 Provincial Policy Statement (PPS).

The subject lands are designated Urban Expansion Reserve and are intended to be part of the settlement area in the future, but are currently considered rural lands under the PPS (lands located outside settlement areas and prime agricultural areas).

Section 1.1.1 of the PPS states that healthy, liveable, and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs; and
- i) preparing for the regional and local impacts of a changing climate.

Growth and development may be directed to rural lands in accordance with Policy 1.1.5 as follows:

- 1.1.5.2 On rural lands locate in municipalities, permitted uses include (c) residential development, including lot creation, that is locally appropriate.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 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.

Policy 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted, and policy 1.1.3.2 requires densities which efficiently use land, resources and infrastructure and avoid the need for their unjustified and/or uneconomical expansion. Development in this manner is intended to minimize impacts to air quality and climate change and promote energy efficiency, while supporting the use of active transportation and public transit.

Policy 1.1.3.5 states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

Policy 1.1.3.7 states that planning authorities should establish and implement phasing policies to ensure:

- a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
- b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

Policy 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating (1) all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; and
- d) promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

### **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 (GPNO). Staff notes that the GPNO places emphasis on residential intensification within urban areas including existing downtown areas, intensification corridors, brownfield sites, and/or strategic core areas.

Staff has reviewed the planning matters contained within the GPNO and are satisfied that the application for Official Plan 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 situated within the Valley East Policy Area identified on Schedule 2a - Site and Area Specific Policies and designated Urban Expansion Reserve in the City's Official Plan. There is also a northerly portion where a watercourse traverses the lands that are also designated Parks & Open Space.

Section 20.3 of the City's Official Plan establishes the Valley East Policy Area with Section 20.3.1 further designating the lands as being within the Urban Expansion Reserve. Those lands designated as Urban Expansion Reserve are deemed to be in the path of future urban growth. Lands within the Urban Expansion Reserve are restricted to those land uses that would not prejudice or compromise the sound future urban development of the Valley East Policy Area.

Permitted uses within the Urban Expansion Reserve includes single detached dwellings on existing lots and parcels, as well as forestry, agriculture including the sale of agricultural products grown or raised by the vendor, and outdoor recreation. Other resource and resource-related uses that would not prejudice urban development in the future may also be permitted by rezoning;

Specifically, the following policies under Section 20.3.1 of the City's Official Plan with respect to lot creation within the Urban Expansion Reserve are applicable to the development proposal:

1. The subdivision of land is not permitted during the applicable time period of the City's Official Plan;
2. The severance of land is permitted under the following circumstances:
  - a. The severed and retained lands each provide for minimum lot areas of 30 ha (74.13 acres);
  - b. That any lot held under separate ownership on March 14, 1978, may be allowed one severance per each 10 ha (24.71 acres) of the land holding. Such a severance must be from 0.4 to 0.8 ha (1-2 acres) in size with a minimum lot frontage of 60 m (196.85 ft) on an existing public road. This policy applies only to the registered owner of a lot on March 14, 1978;
  - c. That a hydrogeological assessment establishes that soil conditions are suitable for a private sewage disposal system and the requirements of the Environmental Protection Act regarding private sewage disposal systems are met; and,
  - d. That there is a proven water supply in both quantity and quality suitable for domestic purposes.

Section 20.3.1(4) of the City's Official Plan provide further direction that it is Council's policy to direct development to the Valley East Urban Area. Those lands in the Urban Expansion Reserve will not be redesignated until such time that lands in the Valley East Urban Area are predominantly utilized or committed for development. Further to this, reserve lands adjacent to the urban area will be considered for redesignation first as long as development of such lands will not impede the resource and resource-related uses on the remaining portions of the Urban Expansion Reserve.

### **Zoning By-law 2010-100Z:**

Zoning relief is not required for the proposed lots, which will retain "RU", Rural zoning and comply with the minimum zone standards.

### **Site Plan Control:**

Site plan control is not applied to rural residential uses.

## **Department/Agency Review:**

Roads, Transportation and Innovation, Active Transportation, Roads Operations, Drainage, and Transit have all advised that they had no concerns.

Development Engineering advises of no objection, and that further comments will be provided at the severance application stage.

Conservation Sudbury advises of no objection. The subject property does not appear to contain any features regulated by Conservation Sudbury, such as watercourses, wetlands or valley slopes. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. It is the proponent's responsibility to identify and map all regulated features on all applications.

Building Services advises that the plan shows a 66' x 578' remainder that is located at the northern most portion of the property. Staff would clarify that this outlines an existing easement on the property and would form part of the proposed severed lands.

For information purposes, Strategic and Environmental Planning has advised that the owners are solely responsible for ensuring that vegetation removal, site alteration, and development undertaken does not result in a contravention of the provincial Endangered Species Act and the federal Migratory Birds Convention Act.

## **Planning Analysis:**

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency and department circulation.

The application proposes to permit the creation of one new lot within the Urban Expansion Reserve with both the severed and retained lands having less than the minimum required lot area of 30 hectares.

The proposed Official Plan Amendment is not consistent with the PPS for the following reasons:

1. The subject lands are not situated within an identified settlement area in the City's Official Plan. The lands are however situated within the Valley East Policy Area and designated for future urban expansion given the lands close proximity to the existing settlement area of Hanmer. Staff notes that those lot creation policies that are applicable within the Urban Expansion Reserve in the City's Official Plan are therefore intended to protect against the fragmentation of existing lot fabric ahead of the envisioned settlement area expansions. The City is investing in infrastructure projects that will service the community of Hanmer, for example, the City has recently initiated the Spruce Street Lift Station Project to increase the capacity of the City's sewage treatment system to support new urban development, and which is located approximately 400 m to the east of the subject lands. Staff advises that the development proposal would result in the fragmentation of lands that will eventually be required in order to properly complete the urban structure of the Hanmer settlement area, and will detract from the City's future ability to provide housing to future residents.
2. With respect to managing and directing land use in order to achieve efficient and resilient development and land use patterns, staff notes that the development proposal involves the fragmentation of lands identified for future urban expansion within the Valley East Policy Area. Staff further notes that the policy intent of the Urban Expansion Reserve was also reaffirmed as part of the now completed Phase 1 of the City's Official Plan Review.

The fragmentation of the subject lands would introduce a land use pattern within the Urban Expansion Reserve that would frustrate the efficient and orderly expansion of a nearby settlement area (ie. Hanmer) in the future, in contravention of policies that serve to phase development and ensure that specific targets for intensification are achieved prior to, or concurrent with new development within designated growth areas.

3. With respect to infrastructure and public service facilities, the [Comparative Fiscal Impact Analysis of Growth Study](#) outlines that servicing costs to the municipality are typically higher in rural areas and less in urban areas. The study also notes that "... the creation of one additional rural unit is not likely to have an impact on the City's finances but if the proportionate share of all new development was to dramatically shift from urban units to low density rural units it would have an impact on the City's budget." Staff would note from the perspective of cumulative impact that the current development proposal is similar in nature to a site-specific Official Plan Amendment that was approved at 770 Dominion Drive and Bodson Drive west which also allowed for the creation of a new lot within the Urban Expansion Reserve (File # 701-7/21-2 and 701-7/22-5). Staff is concerned that the development proposal would itself set a precedent and when applied cumulatively over time on other lots within the Urban Expansion Reserve is likely to be harmful to the future intended urban structure of the Valley East Policy Area.
4. On rural lands located in municipalities, permitted uses include residential lot creation that is locally appropriate, and can be sustained by rural service levels. The City has established a lot size of 30 ha as the locally appropriate size to enable future urban development. An additional small rural lot in this location would not be appropriate, given this area is intended to be fully urbanized in the future, and rural service levels are not intended in this location.
5. Planning authorities are to establish and implement minimum targets for intensification and redevelopment in built-up areas, and further rural lot creation serves to create further sprawl that detracts from intensification goals. Rural lot creation competes with development that could have occurred in the settlement area, weakening the urban structure, and reducing the cost-effectiveness of providing infrastructure and public services such as municipal water, sewer and transit.
6. Planning authorities are to provide for the housing needs of future residents by permitting all types of housing options, directing development to locations where services are available and promoting densities for new housing that efficiently uses lands, resources and infrastructure. Development of a rural lot in this location negatively impacts the City's future ability to provide for the urban housing needs of future residents, and instead prioritizes a rural lot for one owner, prioritizing their housing needs over those of the broader public.

With respect to the City's Official Plan, staff advises that the development proposal does not conform to the City's Official Plan. With respect to Section 20.3.1 of the City's Official Plan, staff would in general note that the site-specific amendment being sought would facilitate the further fragmentation of land within the Urban Expansion Reserve that are intended to be developed comprehensively in the future as part of the Valley East Urban Area (ie. Hanmer). Staff notes in particular that these lands are immediately adjacent to the Living Area 1 designation and would provide for a future extension/connection of Spruce Street and Dominion Drive. The lands are therefore of high value in terms of ensuring that any future expansions to the nearby settlement area are protected for and planned for accordingly. Staff advises in this regard that the development proposal does not represent good land use planning given that the lands are adjacent to an existing settlement area boundary.

## **Conclusion:**

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed Official Plan Amendment:

- To permit the creation of one new lot within the Urban Expansion Reserve with both the severed and retained lands having less than the minimum required lot area of 30 hectares.

The proposed development of the subject lands is not consistent with or does not conform with a number of policy directives related to the appropriate location of growth and development. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is not consistent with the PPS and does not conform to the Official Plan. Staff is of the opinion that the proposed Official Plan Amendment is not appropriate based on the following:

- The proposed site-specific amendment would facilitate the fragmentation of lands that will eventually be required in order to properly complete the urban structure of a nearby settlement area.
- Approval would encourage further applications seeking exception from the lot creation policies of the Urban Expansion Reserve and when applied cumulatively over time this could be harmful to the future intended urban structure of the adjacent settlement area of Hanmer.
- The City has established a lot size of 30 ha as the locally appropriate size to enable future urban development. An additional small rural lot in this location would not be appropriate, given this area is intended to be fully urbanized in the future, and rural service levels are not intended in this location.
- Further rural lot creation serves to create further sprawl that detracts from intensification goals and competes with development that could have occurred in the settlement area, weakening the urban structure, and reducing the cost-effectiveness of providing infrastructure and public services such as municipal water, sewer and transit.
- Development of a rural lot in this location negatively impacts the City's future ability to provide for the urban housing needs of future residents, and instead prioritizes a rural lot for one owner and their housing needs, over those of the broader public.

Staff recommends the application for Official Plan Amendment be denied as described in the Resolution section on the basis that it is not consistent with the Provincial Policy Statement and does not conform to the Official Plan for the City of Greater Sudbury, does not have regard for matters of provincial interest and does not represent good planning.