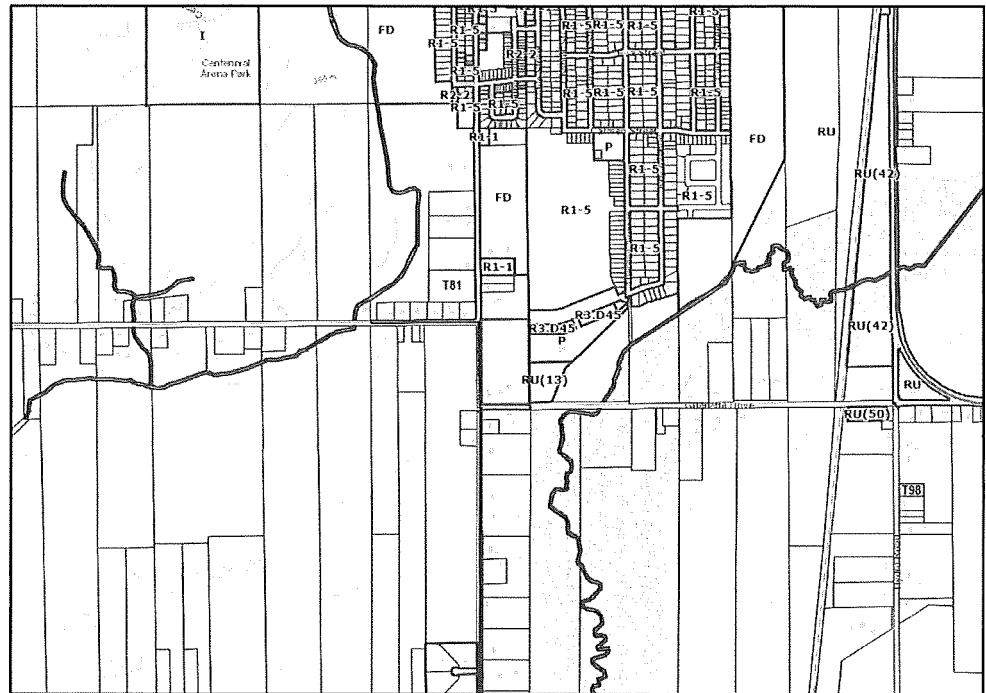


3950 NOTRE DAME AVENUE OFFICIAL PLAN AMENDMENT



10/4/2023

PLANNING JUSTIFICATION REPORT

PREPARED BY:

Plan Muskoka
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APPENDICES

Appendix 'A' – Draft Official Plan Amendment By-law

VERSION	DESCRIPTION	DD/MM/YYYY
1	Issued for Submission	04/10/2023

1.0 INTRODUCTION

Plan Muskoka has been retained by Ryan Vis, on behalf of Rejean and Jacqueline Houle, to assist with an application to the City of Greater Sudbury for an Official Plan Amendment. Plan Muskoka has been asked to review the proposal and prepare a Planning Justification Report outlining how the proposal measures against the Provincial Policy Statement (2020) through to the local Comprehensive Zoning By-law. Therefore, this Planning Justification Report will analyze the proposal and provide a professional opinion on the matter.

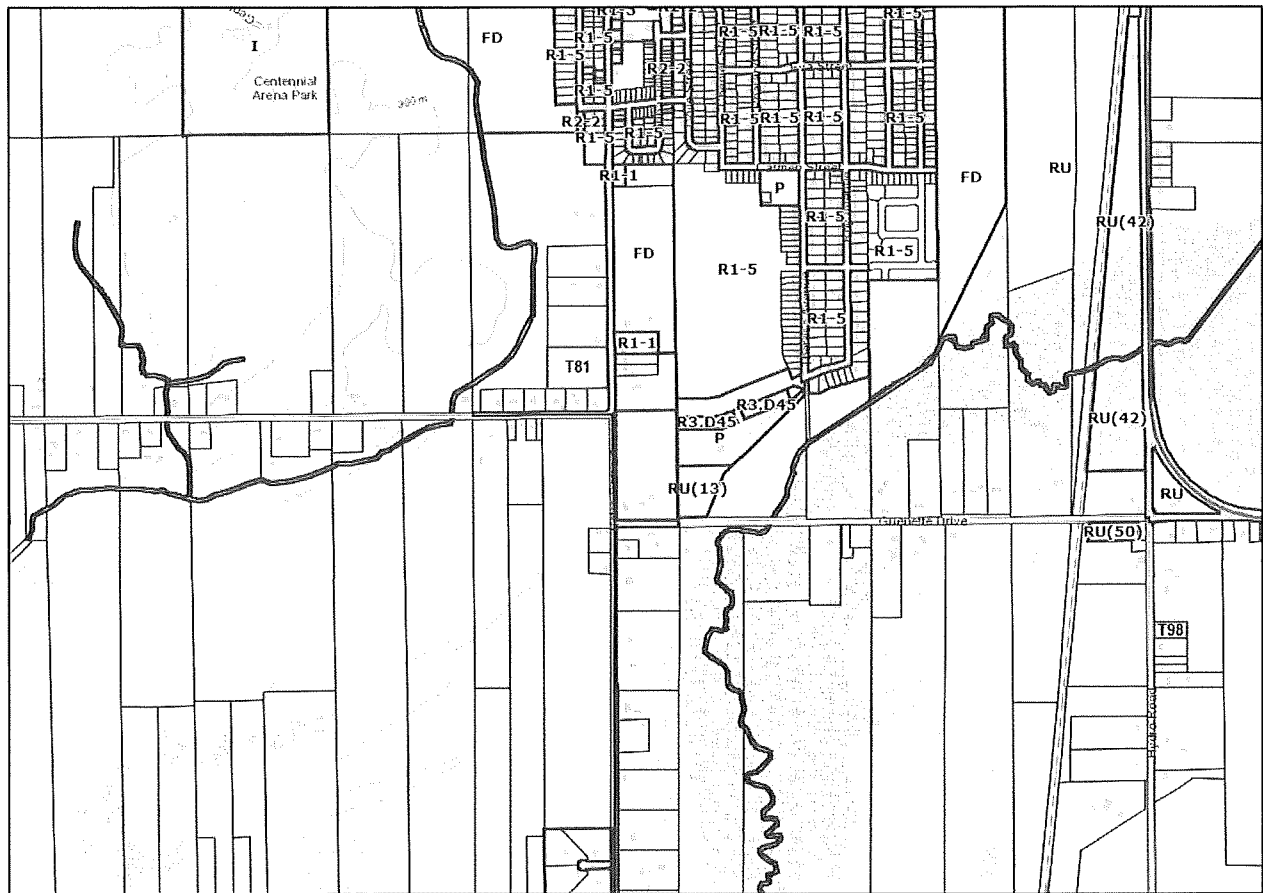


Figure 1: Key Map Showing Subject Lands (City of Greater Sudbury Interactive Map)

2.0 SITE CHARACTERISTICS

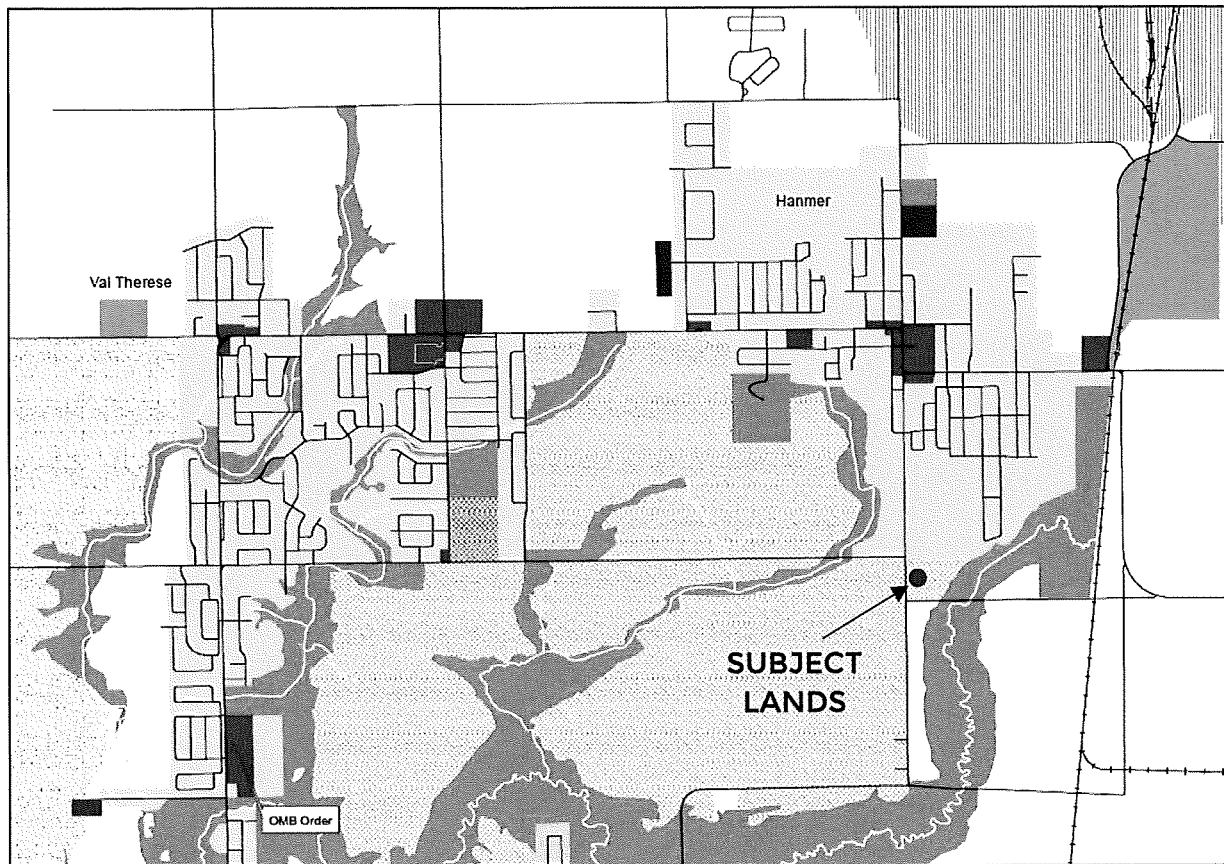
The subject lands are located at 3950 Notre Dame Avenue in the City of Greater Sudbury. The property is legally described as Part of Lot 12, Concession 2, in the Township of Capreol, being Part 4 on Plan 53R-6460. The lands are approximately 5.18

hectares in lot area with 293.5 metres of frontage on Notre Dame Avenue and 176.9 metres of frontage on Guenette Drive and are developed with a detached dwelling, detached garage and workshop. The immediate surrounding area consists of predominantly rural and rural residential land uses to the east, south and west. Low-density residential and employment uses are located north and northeast in the community settlement area of Hanmer, which is immediately adjacent to the north of the subject lands.



**Figure 2: Aerial View of Subject Lands with Illustrating Severed and Retained Lots
(City of Greater Sudbury Interactive Map)**

The subject lands are located within the Valley East Policy Area and are designated "Urban Expansion Reserve" on Schedules 1a and 1c of the City of Greater Sudbury Official Plan. The subject lands are zoned Rural (RU) by City of Greater Sudbury Comprehensive Zoning By-law 2010-100Z.



**Figure 3: Excerpt of Schedule 1c Showing Lands Designated Community Living Areas in Yellow
(City of Greater Sudbury Official Plan)**

3.0 PROPOSAL

The applicant wishes to create one new rural lot with an area of approximately 3.1 hectares and 178 metres of frontage on Notre Dame Avenue. The retained lands would have an area of approximately 2.0 hectares with 116 metres of frontage on Notre Dame Avenue, maintaining the existing ± 177 metres of frontage on Guenette Drive.

The Official Plan of the City of Greater Sudbury generally prohibits the subdivision of land within the Urban Expansion Reserve land use designation but does allow limited lot creation, provided the following criteria are met under Section 20.3.1, Policy 3:

- a. *The parcel to be severed and the parcel remaining after severance are individually at least 30 hectares (74 acres).*
- b. *Any parcel of land held under separate ownership on March 14, 1978, may be allowed one severance per each 10 hectares (25 acres) of the holding. Such a severance must be*

from 0.4 to 0.8 hectare (1 – 2 acres) in size with a minimum frontage of 60 metres (197 feet) along an existing public road. This policy applies only to the registered owner of the parcel on March 14, 1978.

- c. 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.*
- d. There is a proven water supply in both quantity and quality suitable for domestic purpose.*

Through pre-consultation with planning staff, it was determined that an Official Plan Amendment would be required as the severed and retained lots would not meet the minimum area requirement of 30 hectares, nor was the applicant the registered owner of the parcel on March 14, 1978.

Therefore, the purpose and effect of the Official Plan Amendment is to provide a site-specific exception from Sections 20.3.1.3 a. and b. of the City of Greater Sudbury Official Plan to permit the severance of a 3.0 hectare parcel with a frontage of 170 metres and to permit the retained lands to have an area of 2.0 hectares and a frontage of 110 metres, where the minimum area for new lots in the Urban Expansion Reserve designation is 30 hectares. The minimum lot frontage and area requirements included in the amendment are slightly below the proposed lot sizes in order to provide a small amount of flexibility should variations arise when the lots are surveyed. The draft Official Plan Amendment wording is attached to this report as Appendix 'A'.

4.0 PLANNING FRAMEWORK

To come to a professional opinion regarding the consistency and conformity of the proposed development and if the proposal represents good planning, a review of all relevant planning documents is required. These documents consist of:

- i. the Provincial Policy Statement (2020),
- ii. the Growth Plan for Northern Ontario (2011),
- iii. the City of Greater Sudbury Official Plan, and
- iv. the City of Great Sudbury Zoning By-law 2010-100Z.

A review of each of these documents is found in the sections below.

4.1 PROVINCIAL PLANS

Section 3 (5) of the *Planning Act* states:

"A decision of a council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
- b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be."*

Furthermore, Section 51 (24) a) requires that regard shall be had to the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the *Planning Act*. As such, the determination must be made that the proposed development is consistent with the Provincial Policy Statement (2021) and conforms to the Growth Plan of Northern Ontario (2011) in order for the City of Greater Sudbury Council to make the decision to approve the proposed Official Plan Amendment.

4.1.1 PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (2020) (the 'PPS') replaced the 2014 PPS and came into effect on May 1, 2020, subsequent to the adoption of the amended Official Plan for the City of Greater Sudbury. Below is a review of the relevant sections of the PPS against the proposed development.

Section 1.1.1 of the PPS provides that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns; accommodating an appropriate range and mix of uses; avoiding development which may cause environmental or public health and safety concerns; and promoting cost effective development patterns to minimize land consumption and servicing costs.

As the subject lands are within the Urban Expansion Reserve, an area of the City that is anticipated to ultimately form part of a settlement area, Section 1.1.1 d) of the PPS is of

particular relevance, which states that healthy, safe and liveable communities are sustained by *"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."* While the subject lands are adjacent to the community settlement area boundary of Hanmer, the creation of one additional lot as proposed will not prevent the efficient expansion of the settlement area. The severed and retained lots each have sufficient area (~2.0 to 3.0 hectares) to allow for more intensive urban development should the settlement area boundaries be expanded or adjusted in the future to include the subject lands. As an example, the City of Greater Sudbury Official Plan permits a maximum of 36 units per hectare for low density residential development and a maximum of 90 units per hectare for medium density residential development in community settlement areas. Based on this, the retained lands could theoretically still accommodate up to 72 low density or 180 medium density residential units, while the severed lot could accommodate up to 108 low density or 270 medium density residential units if developed at the maximum density permitted.

Being located outside of any settlement area in the City of Greater Sudbury, the subject lands are considered to be within the Rural Area of Ontario, as defined in the PPS. Furthermore, being located outside any Prime Agricultural Area of Ontario, the subject lands are deemed to be 'Rural Lands' within the policy framework of the PPS.

Section 1.1.4.1 states, in part, that *"healthy, integrated and viable rural areas should be supported by:*

- a) building upon rural character, and leveraging rural amenities and assets; ...*
- e) using rural infrastructure and public service facilities efficiently;...*

The proposed lot sizes, as well as the proposed land use, reflect the rural character of the area while optimizing the use of existing municipal infrastructure and services. The subject lands are within an area of the municipality where rural lot creation has long been established; further, the proposed lots have sufficient area to provide opportunities for a range of uses, including increased residential density, should the settlement area boundaries be expanded in the future to include the subject lands. Lastly, the proposed lots will make use of existing infrastructure and public service facilities, with no need for expansion of services to accommodate the lots.

While rural settlement areas are the focus of growth and development in rural areas, Section 1.1.4.4 of the PPS states that *"growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area."* Section 1.1.5.2 states that *"on rural lands located in municipalities, permitted uses are: ...residential development, including lot creation, that is locally appropriate"*

It should be acknowledged that the above-noted policy was amended from the 2014 PPS which permitted only *"limited residential development"* on rural lands. The inclusion of this policy suggests that although there is a hierarchy for development, with settlement areas at the top of the hierarchy, residential development on rural lands is also anticipated. The updated language in the 2020 PPS allows for broader opportunities for residential development on lands outside of settlement areas and clarifies that rural lot creation is permitted provided it is *"locally appropriate."* Further, while not yet in effect, the policy direction in the April 6, 2023, draft of the new Provincial Planning Statement supports increased development on rural lands, stating that permitted uses on rural lands include *"residential development, including lot creation and multi-lot residential development, where site conditions are suitable for the provision of appropriate sewage and water services"* (Section 2.6 c)).

As illustrated in Figures 1 and 2 above, existing development in the area is characterized by a mix of lot sizes and uses along both Notre Dame Avenue and Gunette Drive. The subject lands are in an area with existing services and infrastructure and the creation of one additional lot is in keeping with the character of the surrounding area while making use of existing underutilized road infrastructure and introducing a new dwelling in a time where the need for housing is great. This lends itself well to the phrase *"locally appropriate"*, as coined in the above noted section of the PPS 2020.

Section 1.1.5.4 states that *"development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted,"* while Section 1.1.5.5 states that *"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."* Likewise, Section 1.6.3 a) states that *"before consideration is given to developing new infrastructure and public service facilities...the use of existing infrastructure and public service facilities should be optimized...."* The proposed lots are consistent with the surrounding form of land use, being primarily rural and residential development. As both the severed and retained lots are located on an existing year-round maintained collector road with existing utilities, waste collection and emergency services, there is no expansion of services required to

accommodate the proposed development, and the development can be sustained by existing rural service levels.

Section 1.4.3 states *"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:*

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- b) permitting and facilitating:*
 - i. 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; and*
 - ii. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- 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;*
- 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;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The proposed lot creation provides new housing in an area with existing infrastructure and public service facilities available to accommodate additional development. The

PPS is supportive of these opportunities as infrastructure efficiencies increase through additional users being added to the existing systems.

Section 1.6.6.4 of the PPS states that *"where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts."*

The subject lands are not serviced by municipal water and sewer services, nor are there any private communal sewage and water services available for the lands. The severed lot is proposed to be serviced by private individual water and sewage systems, consistent with the existing services on the retained lot and the surrounding properties in the area, which is common for the rural areas of Sudbury. Should a hydrogeological assessment be required, it can be provided at the time of consent application to demonstrate that soil conditions are suitable for a septic system and that there is a proven water supply suitable for residential uses. As the proposal does not affect the existing permitted use of the subject lands, there is no expected negative impact to the sustainability of private services on the property in the long-term.

Section 1.6.7.4 states that *"a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation."* Being adjacent to the settlement area boundary of Hanmer and less than 3 kilometres from the settlement area of Val Therese, the subject lands have convenient access to the services and facilities of these communities, including municipal parks and recreation facilities, a library, grocery stores, restaurants and employment opportunities. The proximity of these services to the subject lands will minimize the length and number of required vehicle trips while also encouraging active transportation and supporting existing and future transit systems.

Section 1.7.1 of the PPS states that *"long-term economic prosperity should be supported by:*

...

- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*

- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; ...*

The proposal seeks to bring additional housing to an area of Greater Sudbury that is near the existing community settlement areas of Val Therese, Val Caron and Hanmer. The businesses and public service facilities in this area of Sudbury are supported, in part, by the presence of rural land uses in close proximity.

Section 2.0 of the PPS provides policies to address the wise use and management of resources. A review of the available natural heritage mapping from the Ministry of Natural Resources and Forestry (MNRF) and the City of Greater Sudbury Official Plan does not indicate any natural features or areas on the subject lands, nor did Conservation Sudbury identify any regulated features such as watercourses or wetlands. Further, should it be required, a hydrogeological assessment can be provided for the consent application to demonstrate that soils are suitable for the provision of a private septic system. As such, any potential impacts on surface water features will be addressed through subsequent planning approvals to ensure consistency with Section 2.2 of the PPS.

Lastly, the subject property does not contain any identified human-made or natural hazards. As such, the proposal is consistent with Section 3 ("Protecting Public Health and Safety") of the PPS.

Based on the above analysis, it is my professional opinion that the proposed development is consistent with the Provincial Policy Statement (2020).

4.1.2 GROWTH PLAN FOR NORTHERN ONTARIO (2011)

The Growth Plan for Northern Ontario (2011) (the 'Growth Plan') is described as, in part, an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan. Section 1.4 of the Growth Plan states several guiding principles for growth in northern Ontario, the most relevant being *"1. Creating a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents"* and *"5. Demonstrating leadership in sustainable growth and environmental management."* This application, which seeks to provide additional housing opportunities in the City of Greater Sudbury conforms to the above-noted guiding principles.

Section 4.2.1 of the Growth Plan states that all municipalities should prepare long-term community strategies that are designed to achieve

- a. economic, social and environmental sustainability*
- b. accommodation of the diverse needs of all residents, now and in the future*
- c. optimized use of existing infrastructure*
- d. a high quality of place*
- e. a vibrant, welcoming and inclusive community identity that builds on unique local features*
- f. local implementation of regional economic plans, where such plans have been completed.*

The proposed lot creation provides a wider range of residential tenure choice and more affordable rural housing options while utilizing existing municipal infrastructure.

Section 5.2.1 states that *"infrastructure planning, land-use planning, and infrastructure investments will be co-ordinated to implement this Plan. Infrastructure includes, but is not limited to: transportation systems, water and wastewater infrastructure, waste management systems, energy infrastructure, community infrastructure, and information and communications technology infrastructure."* Further, Section 5.2.4 states that *"infrastructure planning and investments will contribute to a culture of conservation by, wherever feasible, utilizing approaches and technologies that reduce energy and water use, increase efficiencies, and promote intensification and brownfield site redevelopment."* The proposed lot creation would permit the construction of two dwellings, where only one is permitted today, thereby increasing efficiencies and optimizing the use of existing services.

Considering the above analysis, it is my professional opinion that the proposed development conforms with the policies of the Growth Plan for Northern Ontario (2011).

4.2 CITY OF GREATER SUDBURY OFFICIAL PLAN

The City of Greater Sudbury Official Plan (the 'Official Plan') is a document that implements the Provincial Policy Statement (2020) and the Northern Ontario Growth Plan (2011), establishing broad policies to guide economic development, environmental protection, and land development within the City. More specific to the development proposal, the document seeks to establish a framework for the continued growth and development of Communities and Non-Urban Settlements, along with appropriate

development in the Rural and Waterfront Areas. Overall, its primary purpose is to provide the basis to manage and direct physical change and its effects on the social, economic and natural environment for the next 20 years (Section 1.2).

Schedules '1a' and '1c' of the Official Plan indicate that the subject lands are within the Urban Expansion Reserve land use designation, while Schedule '2a' indicates that the lands are within the Valley East Policy Area. Section 20.3 of the Plan contains policies that apply to the Valley East Policy Area, including the Urban Expansion Reserve designation.

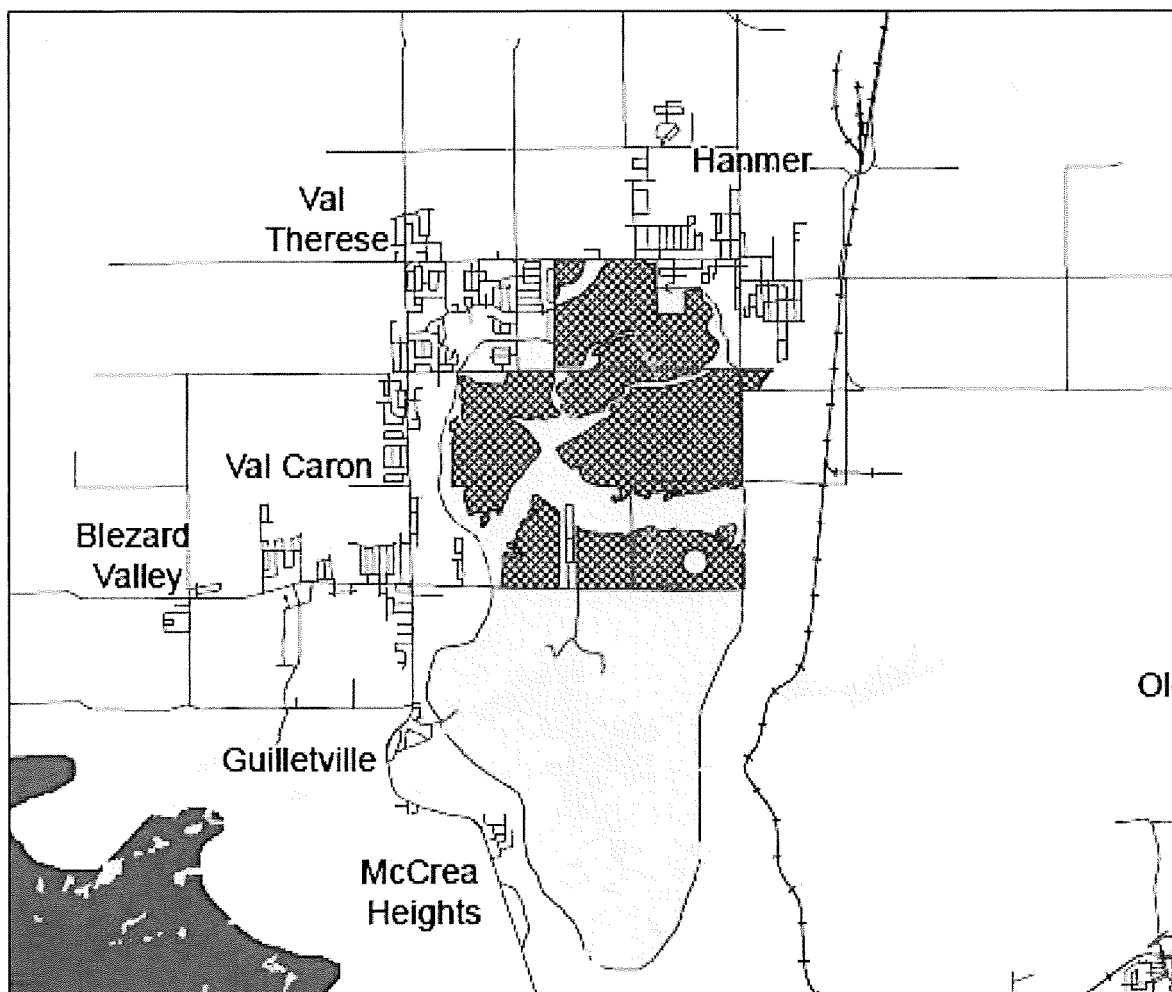


Figure 4: Excerpt of Schedule '2a' with Crosshatching Showing Extent of Urban Expansion Reserve (City of Greater Sudbury Official Plan)

Section 20.3.1 of the Official Plan explains that the Urban Expansion Reserve is intended to preserve lands that are needed to complete the urban structure but are not required

during the Plan period to accommodate population growth. Future uses are not indicated as the lands are not intended for development, but the use of the lands is restricted to uses that would not impact the development and expansion of settlement areas in the future. Section 20.3.1 concludes that *"lands designated as Urban Expansion Reserve are deemed to be in the path of urban growth. As such, these lands are restricted to those uses that would not prejudice the sound urban development of this area in the future."*

The proposed lot area and frontages are large enough to permit future intensification and redevelopment of the lands at such time as the settlement area boundaries are expanded or adjusted to include the subject lands. As there are no immediate plans to expand the boundary of Hanmer at this point in time, the proposed consent aims to make better use of the lands to meet immediate needs while leaving lot sizes without jeopardizing future urban expansion.

Section 20.3.1.1. states, in part, that *"single detached dwellings on existing lots and parcels are permitted"* in the Urban Expansion Reserve, which is consistent with the existing use of the retained lot and the proposed use of the severed lot. This low-density use will not impede future intensification and redevelopment at the time of urban expansion.

Section 20.3.1.2. states that within the Urban Expansion Reserve designation *"the subdivision of land is not permitted during the Plan period."* The proposed land division, being the creation of one new lot by way of consent, is supported by existing infrastructure and services, is not a substantial or major development proposal, and does not require a plan of subdivision for the proper and orderly development of the municipality.

Section 20.3.1.3. of the Official Plan states that *"the severance of land is permitted under the following circumstances:*

- a. *The parcel to be severed and the parcel remaining after severance are individually at least 30 hectares (74 acres).*
- b. *Any parcel of land held under separate ownership on March 14, 1978 may be allowed one severance per each 10 hectares (25 acres) of the holding. Such a severance must be from 0.4 to 0.8 hectare (1 – 2 acres) in size with a minimum frontage of 60 metres (197 feet) along an existing public road. This policy applies only to the registered owner of the parcel on March 14, 1978.*

- c. *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.*
- d. *There is a proven water supply in both quantity and quality suitable for domestic purpose."*

Although the Official Plan anticipates limited lot creation in the Urban Expansion Reserve, the severed and retained parcels do not meet the minimum lot area of 30 hectares. While the minimum lot area is not met, the intent behind that policy is to permit land division that results in parcels of property that can accommodate comprehensive development proposals. The proposal, while lesser in area, can still accommodate high densities of development if and/or when urban expansion occurs. As a result, an Official Plan amendment has been submitted to reduce the required lot area requirement, which in our opinion continues to meet the intent of Section 20.3.1.3.

As it pertains to the remaining tests, being the site servicing suitability of these lands, these items can be addressed when the future consent application is submitted or at the building permit stage of development.

Section 20.3.1.4. states that *"it shall be the policy of Council to direct development to the Valley East Urban Area. 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. 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 Urban Expansion Reserve."*

The proposed Official Plan amendment will not redesignate the subject lands or permit additional uses beyond the low-density residential uses already anticipated in the Urban Expansion Reserve designation and development of the severed lot will not impede the resource and resource-related uses of the Urban Expansion Reserve. In addition, a review of Schedule '2a' of the Official Plan indicates that several similar amendments have been adopted by Council of the City of Greater Sudbury to permit limited lot creation within the Urban Expansion Reserve, suggesting that the existing policies do not align with the City's vision for this area and thus do not provide for the flexibility intended by Council.

Section 17.2.1 states that *"to encourage a greater mix of housing types and tenure, it is policy of this Plan to:*

- a. encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;*
- b. encourage production of smaller (one and two bedroom) units to accommodate the growing number of smaller households;*
- c. promote a range of housing types suitable to the needs of senior citizens;*
- d. discourage downzoning to support increased diversity of housing options; and.*
- e. support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities – designed to have a mix of land uses, supportive of transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents."*

The proposed lot creation would provide additional housing to the City that is supported by existing infrastructure and the public service facilities available in the nearby settlement areas.

Section 12.2.3.1. states that *"where development is proposed outside fully serviced areas, the proponent must prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available. A hydrogeological assessment is required where the minimum lot size is less than 0.8 hectare (2 acres)."* As the proposed lot sizes are significantly greater than 0.8 hectares, being 2.0 and 3.0 hectares, it is not anticipated that there will be any issues with accommodating private services on each lot. However, a hydrogeological assessment can be provided at the time of consent application should staff deem it necessary to demonstrate conformity with Official Plan policies.

Lastly, the pre-consultation memo prepared by staff states that *"there is pressure for urban residential development in this area as evidenced by demand for upgrades to the Spruce Street lift station to the east, which further establishes the potential for the Urban Expansion Reserve lands to be developed in the future, and maintaining the lands in large lots will help to preserve it for that purpose as intended by the applicable policies."* While this may be true, a plan for expansion is not proposed or in place yet. As it has been explained already throughout this report, the resulting lot sizes of the proposed consent would still allow

for high densities of development should urban expansion occur sooner rather than later.

It is my professional opinion that the proposed amendment is appropriate for the development of the subject lands.

4.3 CITY OF GREATER SUDBURY ZONING BY-LAW 2010-100Z

The City of Greater Sudbury Zoning By-law 2010-100Z (the 'Zoning By-law') implements the Official Plan with provisions and regulations that control development form and function. The subject lands are zoned Rural (RU).

Table 9.1 of the Zoning By-law indicates that the only permitted residential uses of the RU zone applicable to the subject lands are a Single Detached Dwelling, a Mobile Home Dwelling, a Bed and Breakfast Establishment, a Group Home Type 1, and a Private Home Daycare. Therefore, the proposed residential use of single detached dwellings complies with the permitted uses of the RU zone.

The table below indicates the relevant required provisions of the RU zone and how the proposed severed and retained lots measure against those provisions.

RU ZONE	PERMITTED/REQUIRED	SEVERED LOT	RETAINED LOT
Minimum Lot Area (Table 9.3)	2.0 hectares	3.1 hectares	2.0 hectares
Minimum Lot Frontage (Table 9.3)	90.0 metres	178 metres	116 metres
Maximum Lot Coverage (Table 9.3)	10%	n/a	~4%
Minimum Required Front Yard (Table 9.3)	10.0 metres	n/a	~13.3 metres
Minimum Required Rear Yard (Table 9.3)	10.0 metres	n/a	~71.4 metres
Minimum Required Interior Side Yard (Table 9.3)	10.0 metres	n/a	~27.7 metres

As indicated in the table above, the proposed severed and retained lots both comply with the provisions of the Zoning By-law.

As such, it is my professional opinion that the resulting development possible via the adoption of the proposed Official Plan Amendment complies with the City of Greater Sudbury Zoning By-law.

4.4 PUBLIC CONSULTATION STRATEGY

The Official Plan outlines the requirement for a public consultation strategy that satisfies the requirements of the Official Plan (2019 MMAH Mod #9 & #10) as well as the *Planning Act*.

Due to the relatively minor nature of the proposed amendment and the additional public consultation that will be required should the applicant move forward with a consent application, consultation with neighbouring property owners and the ward Councillor appears to be appropriate. In addition to the statutory public notification requirements under the *Planning Act*, the proposed strategy will provide interested parties the opportunity to comment on the proposed development.

5.0 SUMMARY AND CONCLUSIONS

The subject lands are located at 3950 Notre Dame Avenue in the City of Greater Sudbury. The property is legally described as Part of Lot 12, Concession 2, in the Township of Capreol, being Part 4 on Plan 53R-6460. The lands are approximately 5.18 hectares in lot area with 293.5 metres of frontage on Notre Dame Avenue and 176.9 metres of frontage on Guenette Drive and are developed with a detached dwelling, detached garage and workshop. The immediate surrounding area consists of predominantly rural and rural residential land uses to the east, south and west. Low-density residential and employment uses are located north and northeast in the community settlement area of Hanmer, which is immediately adjacent to the north of the subject lands.

The applicant wishes to create one new rural lot with an area of approximately 3.1 hectares and 178 metres of frontage on Notre Dame Avenue. The retained lands would

have an area of approximately 2.0 hectares with 116 metres of frontage on Notre Dame Avenue, maintaining the existing ± 177 metres of frontage on Guenette Drive.

Through pre-consultation with planning staff, it was determined that an Official Plan Amendment would be required as the severed and retained lots would not meet the minimum area requirement of 30 hectares, nor was the applicant the registered owner of the parcel on March 14, 1978.

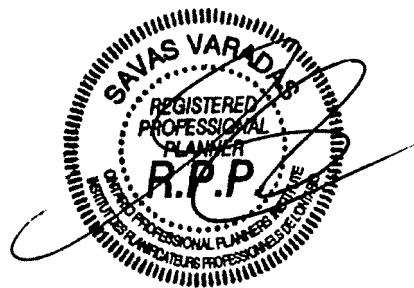
Therefore, the purpose and effect of the Official Plan Amendment is to provide a site-specific exception from Sections 20.3.1.3 a. and b. of the City of Greater Sudbury Official Plan to permit the severance of a 3.0 hectare parcel with a frontage of 170 metres and to permit the retained lands to have an area of 2.0 hectares and a frontage of 110 metres, where the minimum area for new lots in the Urban Expansion Reserve designation is 30 hectares. The minimum lot frontage and area requirements included in the amendment are slightly below the proposed lot sizes in order to provide a small amount of flexibility should variations arise when the lots are surveyed. The draft Official Plan Amendment wording is attached to this report as Appendix 'A'.

Based on the analysis within this report; it is my professional opinion that the proposed development:

- i. is consistent with the Provincial Policy Statement (2020),
- ii. conforms to the Growth Plan of Northern Ontario (2011), and
- iii. maintains the goals, objectives and intent of the City of Greater Sudbury Official Plan and Zoning By-law.

Furthermore, in my professional opinion, the proposal represents good planning.

PLAN MUSKOKA



Savas Varadas, MCIP, RPP
Principal

CURRICULUM VITAE OF

SAVAS VARADAS

ACADEMIC BACKGROUND

SEPTEMBER 1999 – MAY 2003

UNIVERSITY OF WATERLOO

Bachelor of Environmental Studies

Honours Planning – Geography Minor

PROFESSIONAL EXPERIENCE

SEPTEMBER 2015 – PRESENT
(~8 YEARS)

PLAN MUSKOKA

Planning and Development Consulting

Huntsville, Ontario

Principal

Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Site Plan Approvals, Consents, and Development Permits. Also, consulting services have been provided for Project Management, FIT Application Zoning Certificates, Professional Evidence at the Ontario Land Tribunal (previously LPAT/OMB), and Zoning Analysis Reporting

APRIL 2004 – AUGUST 2015
(11 YEARS, 5 MONTHS)

WAYNE SIMPSON AND ASSOCIATES

Planning and Development Consultants

Huntsville, Ontario

Planner – Senior Planner

Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Consents, Development Permits, Project Management, FIT Application Zoning Certificates, Professional Evidence at the Ontario Municipal Board, and Zoning Analysis Reporting

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APPENDIX 'A'
DRAFT OFFICIAL PLAN
AMENDMENT BY-LAW

Schedule "A"
to By-law 2023-xxP of the City of Greater Sudbury

Amendment Number XX
to the City of Greater Sudbury Official Plan

**Components of
the Amendment**

Part A, the Preamble, does not constitute part of this Amendment.

Part B, the Amendment, which consists of the following map entitled Schedule "A", constitutes Amendment #XX to the City of Greater Sudbury Official Plan.

Part A - The Preamble

**Purpose of the
Amendment:**

The proposed amendment is a site specific amendment to provide for an exception to Section 20.3.1 of the Official Plan in order to permit the creation 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.

Location:

Part Lot 12, Concession 2, Township of Capreol, designated as Part 4 on Plan 53R-6460

Basis:

Application for Official Plan Amendment has been submitted for consideration by Planning Committee and Council in order to permit the severance of the existing approximate 5.18 ha (12.8 acres) resulting in one new lot with both the severed and retained having less than the required minimum lot area of 30 ha (75 acres).

Recommendation xxx approved the application, which included amending the Official Plan for the City of Greater Sudbury in order to add a policy permitting the severance of the subject lands.

Part 8 - The Amendment

1) By adding to Part 22, Site Specific Policies the following Section:

22.xx Notwithstanding anything to the contrary on lands described as Part Lot 12, Concession 2, Township of Capreol, designated as Part 4 on Plan 53R-6460, the severance of one lot 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, is permitted.

2) Schedule 2c Site Specific Policies of the Official Plan for the City of Greater Sudbury is hereby amended by adding a site specific policy on Part Lot 12, Concession 2, Township of Capreol, designated as Part 4 on Plan 53R-6460, City of Greater Sudbury as shown on Schedule "A" attached to this amendment.