

Presented To:	Planning Committee
Presented:	Monday, Oct 16, 2017
Report Date	Monday, Sep 25, 2017
Type:	Public Hearings
File Number:	701-7/17-5

Request for Decision

Roch and Sandra Mailloux - Application for Official Plan Amendment in order to permit one additional rural lot, Deschene Road, Hanmer

Resolution

THAT the City of Greater Sudbury denies the application by Roch and Sandra Mailloux with respect to those lands described as Part of PIN 73504-3056, Lot 5, Concession 3, Township of Hanmer to amend the Official Plan for the City of Greater Sudbury to provide an exception to Section 5.2.2 in order to permit one additional rural lot to be created beyond the seven rural lots that are permitted to be created from a single parent parcel since the adoption date of the Official Plan on June 14, 2006 as amended by OPA # 58 and OPA # 64.

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

The owner is requesting an amendment to the Official Plan to permit the creation of one rural lot in addition to the seven rural lots that have been permitted to be created from the parent rural parcel since the adoption of the Official Plan on June 14, 2006. The development proposal is not consistent with the Provincial Policy Statement and does not conform to rural lot creation policies contained within the Official Plan for the City of Greater Sudbury. There does not appear to be any land use planning rationale that would serve as a basis to provide for another lot to be created. Planning Staff are recommending that the application be denied.

Financial Implications

This report has no financial implications as staff recommends that this Official Plan Amendment request be denied.

Signed By

Report Prepared By

Eric Taylor
Manager of Development Approvals
Digitally Signed Sep 25, 17

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Sep 25, 17

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Sep 25, 17

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Sep 26, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Oct 2, 17

Title: Roch & Sandra Mailloux

Date: September 25, 2017

STAFF REPORT

Applicant:

Roch and Sandra Mailloux

Location:

Part of PIN 73504-3056, Lot 5, Concession 3, Township of Hanmer (4705 Deschene Road, Hanmer)

Official Plan and Zoning By-law:

Official Plan

The subject lands are designated Rural in the [Official Plan](#) for the City of Greater Sudbury. Official Plan Amendments #58 and #64 were adopted by Council in September 2015 and November 2015 to permit an additional three and one rural lot, respectively from the parent parcel, for a total of seven rural lots since the date of the adoption of the Official Plan (June 14, 2006). Rural lot creation policies are intended to mitigate the pressures inherent to unserviced development and the environmental impact of private septic systems. Development is to be concentrated in fully serviced communities and limits on location, size and the number of lot severances in the Rural designation have therefore been established. For new lots in the Rural designation that are not on a lake or watercourse, 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 (295 ft).

The application does not conform to the Official Plan for the City of Greater Sudbury as it is proposing an eighth lot to be created from the parent parcel existing at the time of the adoption of the Official Plan on June 14, 2006. As such, an amendment to the Official Plan is required in order to permit the proposed additional rural lot.

Zoning By-law

The subject lands are zoned "RU", Rural under [By-law 2010-100Z](#), being the Zoning By-law for the City of Greater Sudbury. The Rural Zone permits lots with a minimum lot area of 2ha and minimum frontage of 90 m. An amendment to the Zoning By-law is not required in order to permit the proposed lot.

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Deschene Road and to the north of Municipal Road 80 and to the south of Gravel Drive in the community of Hanmer. The lands presently have a total lot area of 8.6 ha (21.2 acres) with approximately 392 m (1286 ft) of lot frontage on the west side of Deschene Road. The lands presently contain a single-detached dwelling and detached garage on the lot proposed to be retained. Surrounding uses are predominantly rural in nature with a number of large rural residential and vacant rural lots being located in the immediate surrounding area. General commercial development exists to the south along Municipal Road 80. Urban residential development also exists along the south side of Municipal Road 80 at Deschene Road.

Application:

To amend the Official Plan for the City of Greater Sudbury to provide an exception to Section 5.2.2 in order to permit one additional rural lot to be created beyond the seven rural lots that are permitted to be created from a single parent parcel since the adoption date of the Official Plan on June 14, 2006 as amended by OPA #58 and OPA #64.

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The applicant also seeks permission from Council to proceed through the consent process as opposed to a plan of subdivision as set out in Section 20.4.1 of the Official Plan.

Proposal:

The application proposes the creation of one additional rural lot beyond the seven rural lots that have been permitted to be created from the single parent parcel with the proposed additional rural lot having a minimum lot area of 2 ha (5 acres) and minimum lot frontage of approximately 104.5 m (342 ft) on Deschene Road. The retained lot is to have an area of 6.6 ha (16.3 acres) and a lot frontage of approximately 297 m (976 ft.)

Departmental & Agency Circulation:

Road and Transportation Services and Building Services have advised that they have no concerns from their respective areas of interest. Development Engineering has noted that the site is not presently serviced with municipal water or sanitary sewer, however municipal water is available within the roadway of Deschene Road. If the application is approved detailed comments will be provided as part of the consent process. The Risk Management Official has noted that in the [Greater Sudbury Source Protection Plan](#), septic systems are prohibited by Policy S5F-LUP within the Wellhead Protection Area (WHPA) B (Vulnerability Score 10), and Dense Non-aqueous Phase Liquids (DNAPLs), and organic solvents are prohibited over 25 litres in the WHPA C and B areas.

Planning staff note that the lot proposed to be created is located in the WHPA C area and as such there is no issue with respect to septic system being located on the lot to be severed. The retained lot includes an existing dwelling and the septic system has been located outside of the WHPA B (Vulnerability Score 10) area.

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 240 metres of the property. 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, no written submissions with respect to this application have been received by the Planning Services Division.

Planning Considerations:

Background

The parent parcel to which the subject lands relate have been the subject of seven previous rural lot creations (File #'s B0197/2008, B0198/2008 & B0199/2008, B0072/2015, B0073/2015, B0074/2015 and B0144/2015), since the adoption date of the Official Plan on June 14, 2006. Most recently, the subject lands formed the retained lot in consent files B0072/2015, B0073/2015 and B0074/2015). OPAs 58 and 64 were approved by Council in 2015 to permit three additional lots and one additional lot respectively where the Official Plan provides for a maximum of three rural lots to be created from a parent parcel existing on the date of the adoption of the Official Plan.

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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 [2014 Provincial Policy Statement](#) (PPS 2014). The proposed Official Plan Amendment is not consistent with the PPS for the following reasons:

- a) Section 1.1.5.2 states that residential development within rural areas is to be limited. The Official Plan for the City of Greater Sudbury has allowed for and placed limits on rural lot creation. A report to the Planning Committee on November 4, 2013 regarding rural consent policy options identified that the potential supply of new rural lots under the current policies of the Official Plan would yield 29 years worth of rural lot creation supply which is more than adequate to meet demand. This approach to limiting rural lot creation under the current Official Plan is consistent with the PPS. The applicant's proposal is not in keeping with good rural lot creation principles; and,
- b) Section 1.1.5.4 states that development should be compatible with the rural landscape and sustaining adequate rural service levels should be promoted. The current rural lot creation policies limit the number of lots that can be created based on the adoption date of the Official Plan. Staff is concerned that allowing more than three lots to be created from a single-parent parcel based on the adoption date of the Official Plan could over time threaten the quality of the rural landscape and rural service levels.

To summarize, the proposed Official Plan Amendment is contrary to a key rural land use planning principle with respect to municipalities placing reasonable limits on rural lot creations. The applicant's proposal is therefore not consistent with the PPS 2014.

Official Plan

The development proposal to sever the existing approximate 8.6 ha (21.2 acres) parcel into one additional rural residential lot beyond the seven which have already been created onto the west side of Deschene Road is not supported from the perspective of relevant Official Plan policy.

The Official Plan contains policies with respect to lot creation in rural areas in order to mitigate the pressures that result from unserviced development and the environmental impact of private services. The intent of these policies is to allow for limited rural residential development. The lands have already been severed seven times since the adoption date of the Official Plan and the continued severance and creation of another rural lot would create additional development on a private septic system and therefore cannot be supported.

Summary

The development proposal is not consistent with the PPS and does not conform to rural lot creation policies contained within the Official Plan for the City of Greater Sudbury. It should be noted that the Official Plan does allow for limited rural lot creation provided that certain parameters are satisfied. There have already been two amendments to the Official Plan (OPA 58) to permit the creation of three additional lots and (OPA 64) to create one additional lot from the parent parcel as it existed on the date that the Official Plan was adopted. There does not appear to be any land use planning rationale that would serve as a basis to provide for another lot to be created. Therefore the lot creation as proposed cannot be supported by the Planning Services Division. Staff would therefore recommend that the application to amend the Official Plan for the City of Greater Sudbury be denied as the development proposal does not represent good rural land use planning.

Appendix 1

Departmental & Agency Comments

File: 701-7/17-5

**RE: Application for Official Plan Amendment – Roch & Sandra Mailloux
Part of PIN 73504-3056, Lot 5, Concession 3, Township of Hanmer**

Building Services

Building Services has no objections, however, for the applicant's information, the property is within the Source Water Protection Area.

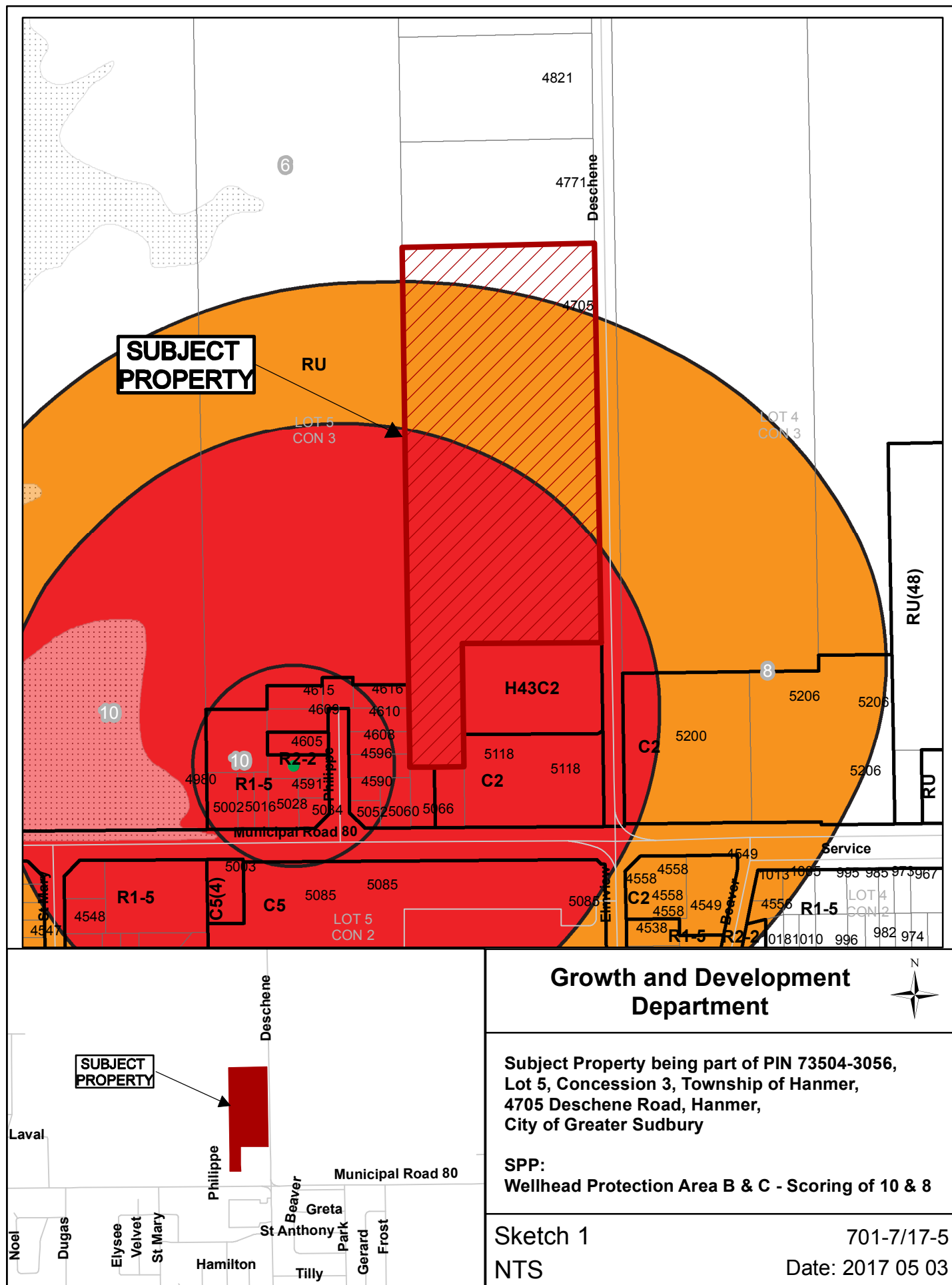
Development Engineering

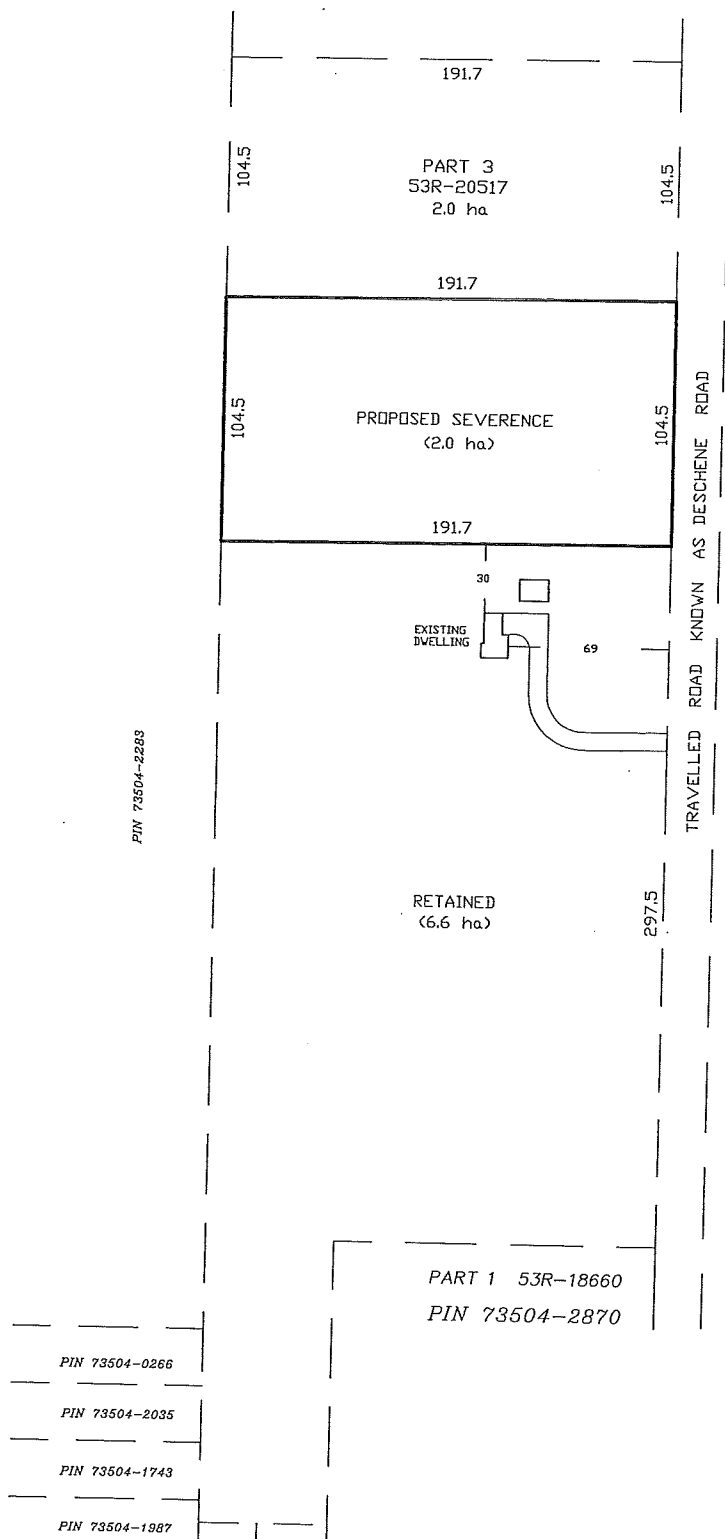
The site is not presently serviced with municipal water or sanitary sewer, however municipal water is available within the roadway of Deschene Road. Based on the requested amendment to the Official Plan, Development Engineering has no objection. If the application proceeds, detailed comments will be made as part of the Consent process.

Roads and Transportation

No concerns.

Source Protection Plan Map





SKETCH
PART OF LOT 5
CONCESSION 3
 GEOGRAPHIC TOWNSHIP OF HANMER

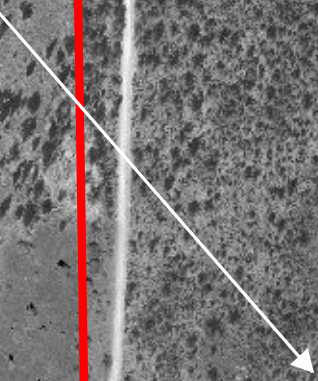


SCALE: 1 2000 metric

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Deschene Road,
Hanmer
2012 Orthophotography



Subject Property



DESCHENE ROAD

PHILIPPE STREET

MUNICIPAL ROAD 80 (OLD HIGHWAY 69) HIGHWAY

ELMVIEW DRIVE

