

## Request for Decision

### Rural Residential Consent Policies

Presented To:	Planning Committee
Presented:	Tuesday, Feb 16, 2010
Report Date	Wednesday, Feb 03, 2010
Type:	Referred and Deferred Matters

### Recommendation

That the Planning Committee approve Option 1, as outlined in the Report dated April 6, 2009 from the Director of Planning Services.

For the remainder of the report see attachment below.

#### Signed By

**Report Prepared By**

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**Title: Rural Residential Consent Policies**

**Date: April 6, 2009**

**Executive Summary**

On May 20, 2008, the Planning Committee agreed that Planning Staff should prepare a report *“outlining the procedures to be taken to lower the acreage, from 5 acres to 2 acres, when splitting property in the rural area”*. This report responds to this request and provides information necessary to assist with the decision making process.

Some key highlights from the report are:

For the last 30 years, growth and development in Greater Sudbury has been guided by a two-part strategy that directed the majority of new residential development to serviced areas and limit the same development in rural areas. New rural residential lot creation was guided by a comprehensive set of policies, which, in part, required that all new rural residential lots be at least 2 hectares in size and have at least 90 metres of frontage on a public road.

The two-part growth management strategy was implemented to better control a scattered pattern of residential development which had occurred up until that time and capitalize on infrastructure investments planned for serviced areas. This would then lead to the creation of a critical mass of development in serviced areas to support the provision of other services (e.g. transit), and protect rural resources, the rural character and the natural environment.

Between 1978 and 2003, this two-part growth management strategy helped direct 80 percent of all new residential lots to serviced areas across the Greater City.

Given its effectiveness, this two-part growth management strategy was revised and carried forward into the new Official Plan. As part of this process, the minimum lot size and public road frontage requirements for new rural residential lots were maintained. This approach was approved by City Council and the Ministry of Municipal Affairs and Housing. These standards are consistent with those used in other Northern Ontario cities.

Looking ahead, it is anticipated that the City of Greater Sudbury will see demand for approximately 550 new non-waterfront rural residential building lots by 2021. It is estimated that there are 475 existing, vacant legal lots of record that can be developed in the rural area, subject only to building permit approval.

If fully applied, the Official Plan’s current rural residential consent policies could create 2,050 new rural residential building lots, in addition to the supply of existing, vacant legal lots of record. This represents an additional 45-year supply of rural residential building lots. This potential additional supply is more than adequate to meet future demand and provide choice within the marketplace. Reducing the minimum lot size requirement from 2 to 0.8 hectares would significantly increase this potential lot supply beyond 45 years.

Reducing the minimum lot size requirement would be inconsistent with the 2005 Provincial Policy Statement which requires that municipalities set aside enough land to meet anticipated demand for up to 20 years, direct the majority of new residential development to settlement areas and “limit” residential development in rural areas.

Reducing the minimum lot size requirement does not fit with the intent and direction of the new Official Plan and would make it difficult to achieve other objectives in this approved policy document, such as urban residential intensification and brownfield redevelopment. The change could increase the potential for residential and resource-based land use conflicts, increase rural service pressures, continue to transform the rural character and have unknown cumulative environmental consequences.

Given the above, this report presents three options for consideration:

Option # 1: Do not proceed with this request. The existing rural residential lot creation policies would remain in the Official Plan. As outlined in this report, the current policy represents good planning, is consistent with the 2005 Provincial Policy Statement and conforms to the intent of the Official Plan. This option is recommended by staff.

Option # 2: Defer this request until the first statutory review of the Official Plan. This would permit the request to be considered as part of a full and comprehensive review of the Official Plan. This first review will begin in 2013. Subsequent reviews will occur on five year cycles. This option is supported by staff.

Option #3: Proceed with this request, by way of a Council-initiated Official Plan Amendment, according to the enhanced public process described in this report, which includes two public meetings before the Planning Committee.

## **1. BACKGROUND, PURPOSE AND OUTLINE**

The new Official Plan for the City of Greater Sudbury contains the vision, goals, objectives and policies to manage and direct long term physical change across the Greater City. The new Official Plan was developed over a four year time period involving extensive consultation with the community and other stakeholders. It was adopted by Council on June 14, 2006, approved by the Ministry of Municipal Affairs and Housing on March 7, 2007, and upheld by the Ontario Municipal Board in a April 10, 2008 Decision.

On May 20, 2008, the Planning Committee agreed that Planning Staff should prepare a report "*outlining the procedures to be taken to lower the acreage, from 5 acres to 2 acres, when splitting property in the rural area*". This report responds to this request and provides information necessary to assist with the decision making process. More specifically, the report:

- sets the stage by describing some key characteristics of the rural area;
- examines the initial impetus for the current rural residential lot creation policy;
- reviews historic patterns of lot creation, resultant form and implications;
- describes the current provincial policy framework for growth management, reviews the City's future growth prospects through to 2021, and discusses the response taken in the new Official Plan;
- discusses whether the requested change is necessary to accommodate future growth and development, whether it is consistent with provincial interests in land use planning and whether it conforms to the Official Plan;
- describes the potential implications of implementing the requested change; and,
- describes a process to amend the Official Plan.

The report concludes by presenting three options for moving forward. The first involves taking no further action, given that this change is not necessary to meet market demand, is inconsistent with the 2005 Provincial Policy Statement and does not conform to the intent of the new Official Plan. The second option involves reviewing the matter during the statutory and comprehensive review of the Official Plan, which will begin in 2013. The third option involves proceeding with the requested change by way of a Council-initiated Official Plan Amendment, according to an augmented statutory public process, involving two public meetings at Planning Committee.

## **2. GREATER SUDBURY'S RURAL AREA**

The City of Greater Sudbury is an approximate 363,000 hectare entity, making it the largest municipality in Ontario based on total land area. The City's size, together with its physical geography, natural resource base and historic settlement patterns, contribute to the array of urban, suburban, industrial, rural, agriculture and wilderness landscapes that characterize the city today.

The vast majority of Greater Sudbury is rural. For example, approximately 335,656 hectares (92.5%) of the City's land area lies outside of designated communities (i.e. fully serviced areas that offer a mix of residential and employment land uses such as Sudbury) and designated non-urban settlements (i.e. mostly privately serviced areas that offer a relatively limited range of residential land uses such as Skead). The majority of land outside of these areas are designated Rural in the new Official Plan. The amount of land designated Rural increased by approximately 25,660 hectares through the new Official Plan exercise, due to changes in the boundaries of the Agricultural Reserve. Attachment 1 shows the extent of the current Rural land use designation.

The rural area supports a wide array of uses and activities including mining, mineral aggregate, forestry, farming, recreation and residential. These uses contribute to the City's economy and way of life.

- Mining, for example, employs 6,000 people, and supports a 300-company supply and service sector that employ another 10,000 people.
- Mineral aggregate industry currently operates approximately 300 licensed pits and quarries across Greater Sudbury. Last year, the City received approximately \$200,000 in royalties from these operations.
- The City's 160 census farms generate approximately \$9.6 million in total farm receipts. It is estimated that the market value of capital invested in these farms is approximately \$67 million.

The City's mineral, aggregate and prime agricultural land resources are recognized and protected through a series of "Reserves" in the new Official Plan. Attachment 2 shows the extent of these reserves.

The rural area also contains many natural features and areas that contribute to the City's ecological integrity. These include significant habitat of endangered and threatened species, the Vermillion River provincially significant wetland, significant wildlife habitat and various areas of natural and scientific interest. The rural area also includes portions of the ground and surface water features that provide our current and long term drinking water.

Finally, the rural area also provides a living environment for those who prefer to reside in a rural setting that is familiar and can provide greater space, privacy and a greater connection to nature when properly planned.

### **3. THE HISTORIC APPROACH**

#### **3.1 The Former Growth Management Framework and Rural Consent Policy**

The history of Greater Sudbury's current rural residential consent policies begins with the creation of the former Regional Municipality of Sudbury in the 1970's. The need to better manage growth and development was a key reason for the formation of regional government. In his 1970 report on the functions and responsibilities of local government institutions, J.A. Kennedy, the Commissioner of the Ontario Municipal Board, described the Sudbury area as "*showing a sorry lack of any real planning*" and, in a reference to lot creation, reported that "*some development appears to have proceeded notwithstanding the provisions of the Planning Act*".

As a result, the subsequent *Act to Establish the Regional Municipality of Sudbury* required that Regional Council prepare and adopt an Official Plan for the Regional Area, and submit the Official Plan for provincial approval. The Official Plan for the Sudbury Planning Area (the 1978 Plan), which applied to the former Regional Municipality of Sudbury was adopted by Regional Council on January 11, 1978 and approved by the then Minister of Housing on September 14, 1978.

In terms of growth management, the 1978 Plan followed a two-part strategy.

- First, the 1978 Plan aimed to consolidate the majority of future development into urban areas where they could be appropriately serviced, as the scattered pattern of development up until that time created challenges in this regard. The 1978 Plan identified "growth centres" in each community and directed major investments in public infrastructure and services towards these areas to create the necessary platform to attract the majority of anticipated growth and development, which, in turn, would help establish the critical mass necessary to support the evolution of more and better services (public and private).
- Second, the 1978 Plan placed controls on the creation of new residential lots in the rural area. The 1978 Plan prohibited the creation of new lots in protected resource areas (e.g. the mineral mining reserve) and hazard areas (e.g. floodplain). New lots were permitted outside of these areas, provided that:

- the new lot was at least 2 hectares in size and had at least 90 metres of frontage;
- the new lot had soil conditions suitable for a private sewage disposal system and the regulations of the Ministry of the Environment regarding private sewage disposal systems were met;
- the new lot had a proven water supply both in quantity and quality which met the Ministry of the Environment regulations for private water supply systems;
- the new lot fronted on a public road maintained year round and which was not a Primary or Secondary Arterial Road ... and which could be served by school buses; and,
- provided that the lands remaining have a condition imposed by the Committee of Adjustment on title preventing further subdivision.

Separate policies were established to guide seasonal and waterfront residential development, as well as residential lot creation in the Agricultural Reserve.

### **3.2 Patterns of Growth through Lot Creation (1978-2003)**

The 1978 Plan was used to guide growth and development within the former Region and new City for approximately thirty years. Between 1978 and 2003 approximately 7,310 new residential building lots were created across Greater Sudbury. Approximately 5,845 of these lots were created in serviced areas (i.e. settlement areas), while 1,465 were created in unserviced areas (i.e. rural and waterfront areas). Of this latter amount, approximately 500 occurred on lands without any water frontage.

As shown on Attachment 3, lot creation in the rural area, and in parts of the previous agricultural reserve, has concentrated along key public roads in close proximity to the built up areas of existing communities. The result is a linear pattern of residential development that is neither suburban nor rural in character. This pattern is sometimes referred to as “rural sprawl” and can be linked to a number of issues including residential and resource-based land use conflicts, increased public service pressures and cumulative environmental impacts.

## **4. THE CURRENT APPROACH**

The current approach to rural consents is based on the provincial policy framework for local land use planning as well as the City’s future growth prospects.

### **4.1 The 2005 Provincial Policy Statement**

The provincial interest in local land use planning is expressed in the *2005 Provincial Policy Statement*, which is issued under the *Planning Act* and came into effect on March 1, 2005. The

*Planning Act* requires that municipal land use planning decisions “be consistent with” the policies in this document.

The 2005 PPS presents a comprehensive policy framework that is intended to build strong communities by managing and directing land use to achieve efficient development and land use patterns. This policy framework, which is included in Attachment 4, is based on three key overarching directions.

1. Land supplies will be based on a 20 year land need with an emphasis on intensification and redevelopment. Policy 1.1.2, for example, states that each municipality will make sufficient land available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years.
2. Settlement areas will be the focus of future growth and development. The mix and density of new land uses will efficiently use land and resources, take advantage of infrastructure and public service facilities, and minimize negative impacts to air quality and climate change. This will be accomplished through various means including the planning for intensification and redevelopment opportunities and phasing of new development relative to such opportunities, amongst others (see Policies 1.1.3.1 to 1.1.3.9).
3. Rural areas shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses. These uses are to be appropriate to the level of infrastructure that exists or is planned, and avoid the need for the unjustified and/or uneconomical expansion of such infrastructure. These uses must also comply with the minimum distance separation formula (see Policy 1.1.4.1).

These policies are important as they require municipalities to focus the majority of future growth and development to existing settlement areas where they can be serviced and specifically state that rural residential development will be “limited”. This differs from the previous Provincial Policy Statement, which permitted “other rural land uses”, including residential, in rural areas, without limitation.

#### **4.2 Future Growth and Demand for New Rural Residential Lots**

Greater Sudbury’s future population and household growth was forecasted as part of the new Official Plan exercise. Three scenarios were forecasted, using a 2009 baseline projection and several assumptions relating natural increase and net migration. The highest of these scenarios estimated that the City would grow to 169,579 people and 75,276 households to 2021, the anticipated lifetime of the new Official Plan. Using information from the 2006 Census as a baseline, if realized, these estimates would result in the addition of approximately 11,720 people and 10,335 households to the City. If historic trends continue, this level of growth would result in a demand for approximately 550 new rural, non-waterfront dwelling units.

### 4.3 The New Official Plan

Given the effectiveness of the former growth management framework, the new provincial policy statement and future growth forecasts, the new Official Plan carries forward the historic two-part growth management strategy.

The new Official Plan recognizes three forms of settlement - communities, non-urban settlements and rural areas - and establishes policies to guide future growth and development specific to each of these areas.

- The new Official Plan sees communities as the primary focus of future residential and employment growth in order to take best advantage of historic infrastructure investments in these areas, complete existing communities and protect the natural environment. The new Official Plan facilitates intensification and redevelopment in these areas. Subdivisions and severances are also permitted subject to certain conditions.
- The new Official Plan sees rural areas as an area whose special qualities, such as waterfront areas, open spaces, natural features and resource potential, should be protected for the benefit of current and future generations. The rural area policies support the policies for communities by permitting limited residential development in rural areas, subject to certain standards.

The new Official Plan permits rural residential lots to be created on lands outside of the mining/mineral reserve, the aggregate reserve, the agricultural reserve, the flood plain and significant natural features and areas, provided that:

- the severed parcel and the parcel remaining are at least 2 hectares in size and have at least 90 metres of frontage on a public road; and,
- 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 based on the date of the adoption of the Plan.

The new lots must also be able to meet all applicable policies of the Official Plan (e.g. consistent with character of surrounding uses, no additional public services would be required, compliance with the minimum distance separation formula). Separate policies are established to guide rural development on waterbodies.

These rural consent policies in the new Official Plan were determined by Council and the Ministry of Municipal Affairs and Housing to be consistent with the 2005 Provincial Policy Statement. Greater Sudbury's approach to rural residential consents is similar to the current and planned approaches taken in other Northern Ontario cities with a relatively large rural land base (see Table 1).



**Table 1. Rural Residential Lot Creation Policies**

<b>City</b>	<b>Min. Lot Area (ha)</b>	<b>Min Lot Frontage (m)</b>	<b>Other Policies</b>
Greater Sudbury	2	90	- Maximum of 3 new lots from parent parcel.
North Bay	2	61	- Applicant principal residence on parent parcel. - Applicant owned parent parcel for at least 10 years. - Parent parcel must be at least 16.2 hectares in size. - Maximum of 2 contiguous new lots from parent parcel. - Severed parcels cannot create “infilling” situations. - Severed parcels cannot be further subdivided.
Timmins	2	100	- Maximum of 2 new lots from parent parcel. - Maximum of 20 new lots in rural area annually.
Thunder Bay	2	60	- Not applicable.

## **5. THE REQUESTED CHANGE**

Reducing the minimum lot area requirement from 2 hectares to 0.8 hectares would have a number of implications.

### **5.1 The change would create an oversupply of rural residential lots**

Reducing the minimum lot area requirement would result in an oversupply of rural residential building lots. Assuming historical trends continue, it is anticipated that there will be demand for 550 new rural residential units to 2021. It is estimated that there are approximately 475 vacant parcels of land in the rural area that could be developed, subject only to building permit approval. It is also estimated that the current rural residential lot creation policies could result in the creation of approximately 2,050 new rural residential building lots. This represents a 45 year supply, which is more than adequate to meet future demand and provide for choice within the marketplace. The suggested change would significantly increase this potential supply. It is important to note that these estimates assume that, aside from the minimum lot area

requirement, the remaining aspects of the current rural consent policy remain constant. Any change to these other elements would further serve to increase the potential supply of lots.

## **5.2 The change is inconsistent with the 2005 Provincial Policy Statement**

Reducing the minimum lot area requirement is inconsistent with provincial interests in land use planning which require municipalities to set aside enough land to meet anticipated demand for up to 20 years, direct the majority of new residential development to settlement areas and “limit” residential development in rural areas.

## **5.3 The change would affect the ability to realize other aspects of the new Official Plan**

The new Official Plan is a holistic document that balances a complex set of often competing variables relating to growth and development, the natural environment and public health and safety. The current rural residential lot creation policies are part of this mix and balance. Modifying this policy will affect the ability to achieve other goals and objectives in the Official Plan. Reducing the minimum lot area requirement will deflect residential demand away from the existing communities where infrastructure is in place to accommodate new growth and development. This will affect the City’s need to capitalize on the sunk costs that these infrastructure investments represent. Reducing the standard will also affect the City’s ability to achieve its target of accommodating 10 percent of all new growth and development through intensification by 2015. Reducing the standard will also affect the emerging brownfield revitalization initiative.

## **5.4 The change would increase the potential for residential and resource-based land use conflicts**

Increasing the potential to introduce new residential uses in the rural area will increase the potential for conflicts between such uses and resource-based uses such as mining, mineral aggregate, forestry and agriculture.

Rural residential development can negatively affect the long term viability of local farming. The creation of new lots can fragment the land base and cause land values to rise, making it more difficult for farmers to acquire land. Increases in land value can also provide an attractive incentive for a farmer to sell their land for residential purposes. The introduction of new residential uses in the rural area can limit farming investment and activities. Residential uses impose a minimum distance separation on surrounding agricultural operations, with respect to the creation of new or expanded livestock facilities (e.g. barns) and manure storage facilities. The introduction of new residential uses can also cause nuisance-based complaints against certain farming activities (e.g. noise, dust, odour, visual aesthetics) to rise. These setbacks and complaints can create an unattractive environment for farmers and affect capital investment decisions.

Rural residential development can negatively affect the long term viability of mining and mineral aggregate operations. Like agriculture, residential uses impose separation distances on

surrounding mineral mining and mineral aggregate operations. As a result, such resources become “sterilized”, precluding their future extraction and use.

Historically, there have been a number of instances of such conflicts. These conflicts, which often proceed to the Ontario Municipal Board, require additional staff time and, often, outside legal counsel to come to a successful resolution. A more cost efficient approach would be to avoid such conflicts in the first instance.

#### **5.5 The change would increase pressures to improve or extend rural service levels**

Scattered rural residential development can generate demand to offer services in rural areas that are comparable to those offered in urban areas (e.g. road maintenance, garbage and recycling, emergency services and school bus services). The need to service such development can also occur when emergency environmental issues arise (e.g. the failure of private wells).

#### **5.6 The change would result in the continued erosion of rural character and amenity**

The pattern of lot creation in the rural area (and in areas of the former agricultural reserve) over the last 30 years has transformed the character of a number of public roads. The resultant form and character is something that is neither suburban nor rural. Reducing the minimum lot area requirement would facilitate additional rural residential intensification, further reinforcing this trend.

#### **5.7 The change would have an unknown cumulative impact on the natural environment.**

Scattered rural residential development can also have an unknown cumulative environmental impact on the natural resource base through the loss of habitat resulting from fragmentation. A higher concentration of septic systems in rural areas may impact ground water resources and water supply systems, especially in areas where multiple lot creation on relatively small lots has occurred.

### **6. CONCLUSION AND RECOMMENDATIONS**

Residential lot creation in the rural area is a longstanding issue in the community and is one of the initial reasons for the formation of regional government. For the last thirty years, the growth in this area of the community has been guided by a set of policies that were designed to reinforce the desire to see growth and development be directed to communities where services exist and protect the rural resources, the natural environment, as well as public health and safety. In the last thirty years, this policy framework has helped to direct 80 percent of all new lot creation to serviced areas and 20 percent to unserved areas.

Looking ahead, if this ratio is maintained, Greater Sudbury will see a demand for 550 new rural residential building lots. It is estimated that there are 475 vacant parcels of land in the rural

area that could be developed, subject only to building permit approval. It is also estimated that the current rural residential lot creation policies could result in the creation of approximately 2,050 new rural residential building lots. This represents a 45 year supply, which is more than adequate to meet future demand and provide choice within the marketplace. The suggested change would significantly increase this potential supply and is not necessary to meet future demand.

The request to reduce the minimum lot area requirement is not consistent with provincial interests in land use planning. The requested change is not consistent with the intent and direction of the new Official Plan and, if implemented, would make it difficult to achieve other objectives in the Official Plan, such as residential intensification and brownfield redevelopment. The change could increase the potential for residential and resource-based land use conflicts, increase service pressure, continue the transformation of the rural character and have unknown environmental consequences.

Typically, Official Plans are monitored and reviewed on a five year cycle, as required by provincial legislation. Given the holistic and inter-related nature of the policies in the new Official Plan, this type of request would typically be considered through the statutory review process.

Alternatively, the requested change could be implemented through a Council-initiated amendment to the new Official Plan. The process that would be followed would be very similar to the process that is followed when an Official Plan Amendment has been initiated by the private sector.

Generally, this statutory process would involve the drafting of an amendment and planning staff report, consultation with city staff, early consultation with the Ministry of Municipal Affairs and Housing, 20 day notice of a public meeting, one or two statutory public meetings at Planning Committee, ratification of Planning Committee's recommendation at Council, a 15 day notice of decision period and a 20 day appeal period. If the matter is appealed, it would proceed to the Ontario Municipal Board for determination. The Board's decision would be final and binding. If the matter is not appealed, the amendment would come into effect on the day after the last day for filing a notice of appeal.

As mentioned earlier, provincial legislation requires that the Official Plan be monitored and reviewed on a five year cycle. Given the holistic and inter-related nature of the policies in the new Official Plan, the current request would typically be considered through this five year review. The *Planning Act* and new Official Plan require that the City hold at least two public open houses prior to holding the statutory public meeting when considering amendments that result from a five year review exercise.

In light of the major nature of this request and the above legislative requirement, it is recommended that two public meetings be held with the Planning Committee, should the request proceed. The first meeting would provide the Committee with an opportunity to fully consider the requested change and draft Official Plan Amendment. It would also provide an opportunity for the public and other stakeholders an opportunity to comment on the draft Official

Plan Amendment. Staff recommendations would be presented at the second public meeting. The enhanced process is outlined in Attachment 5.

Given the above, three options are proposed for consideration.

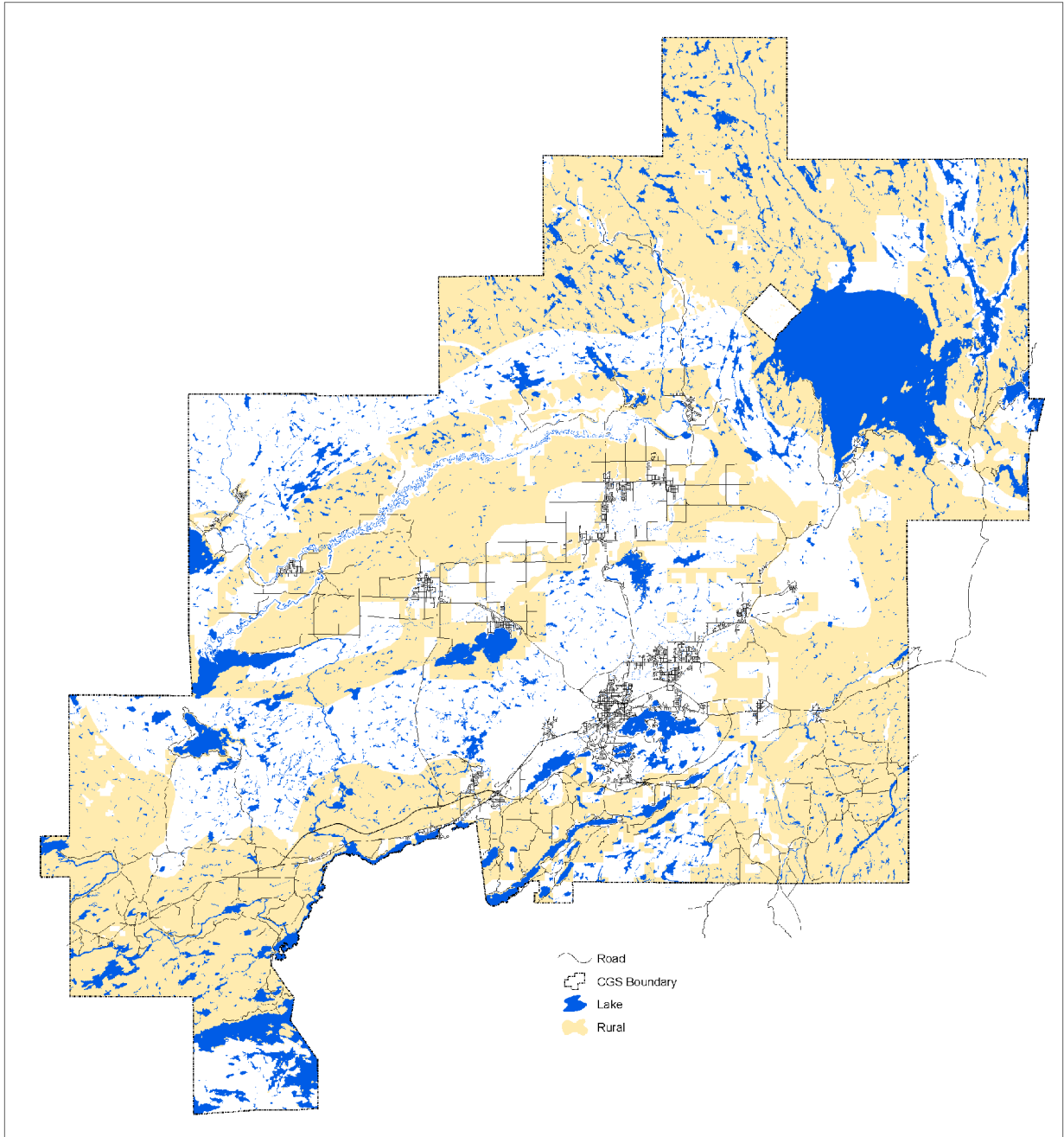
Option #1: Do not proceed with this request. The existing rural residential lot creation policies would remain in the Official Plan. As outlined in this report, the current policy represents good planning, is consistent with the 2005 Provincial Policy Statement and conforms to the intent of the Official Plan. This option is recommended by staff.

Option #2: Defer this request until the first statutory review of the Official Plan. This would permit the request to be considered as part of a full and comprehensive review of the Official Plan. This first review will begin in 2013. Subsequent reviews will occur on five year cycles. This option is supported by staff.

Option #3: Proceed with this request, by way of a Council-initiated Official Plan Amendment, according to the enhanced public process described in this report, which includes two public meetings before the Planning Committee.

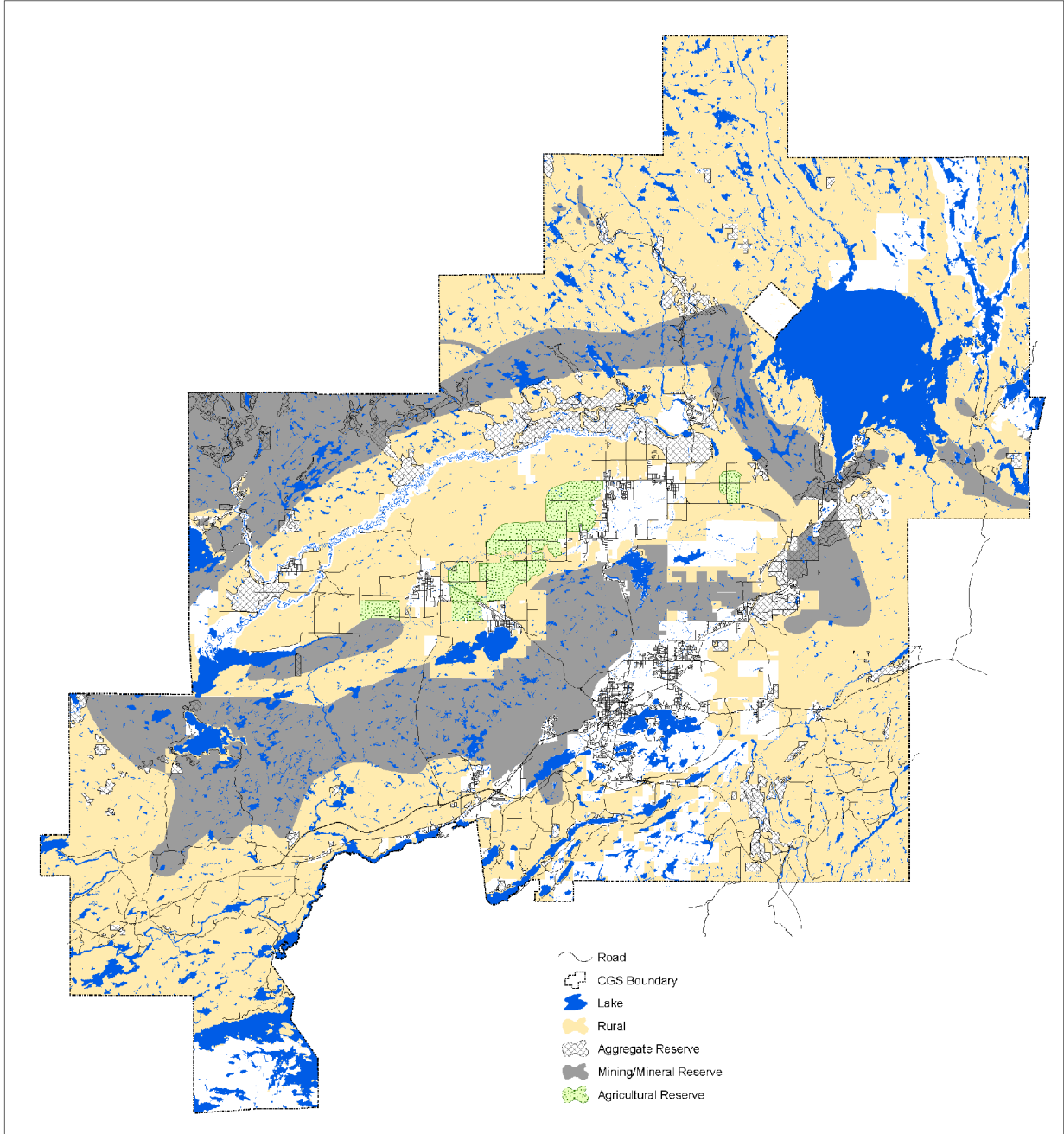
# Attachment 1

## Greater Sudbury's Rural Area



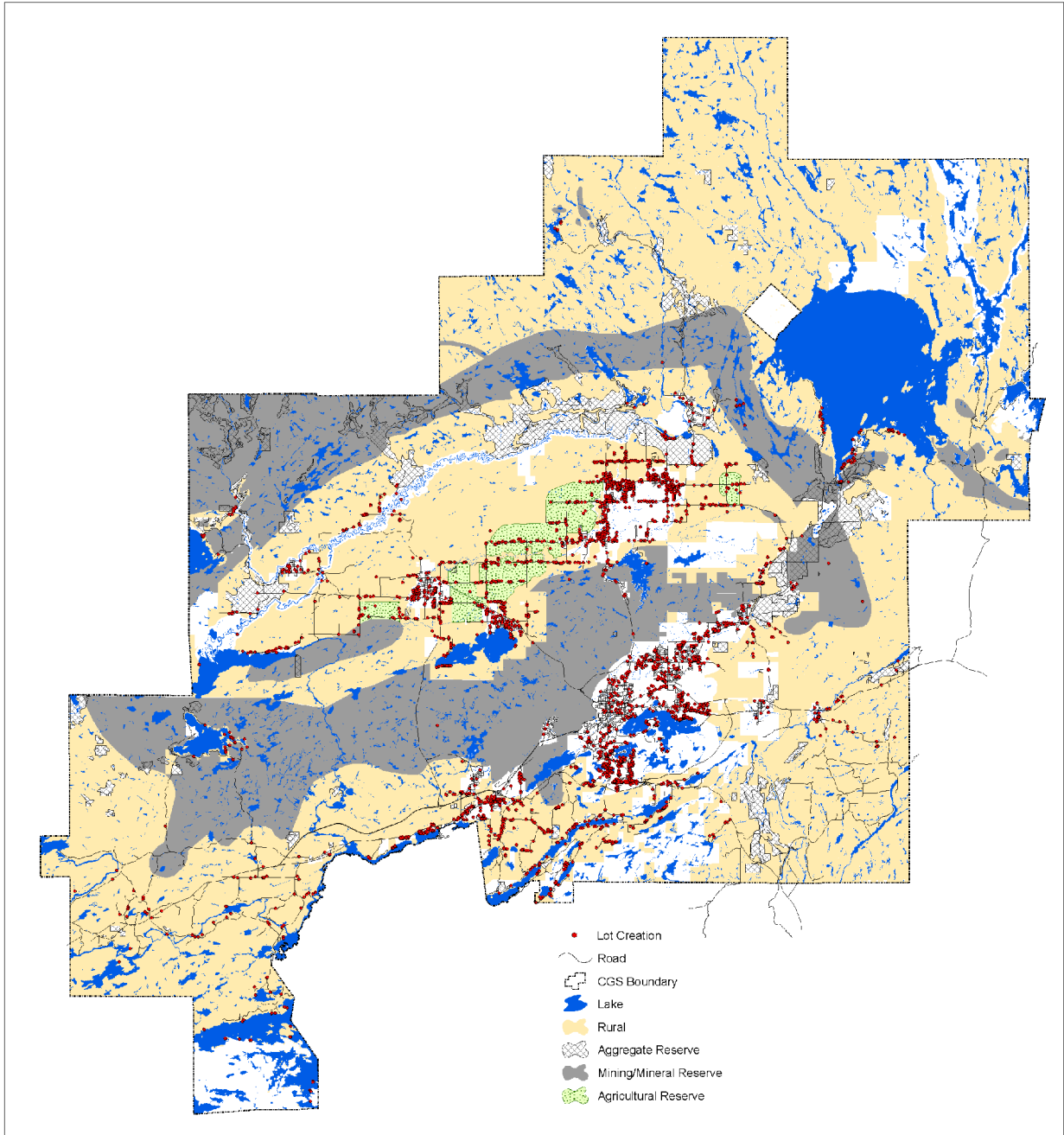
## Attachment 2

### Greater Sudbury's Protected Reserve Areas



# Attachment 3

## Rural Lot Creation (1978 to 2003)





**Attachment 4**  
**Provincial Policy Statement, 2005**  
**Relevant Excerpts**

**1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns**

1.1.1 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;
- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- 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*;
- e) promoting cost-effective development standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs.

1.1.2 Sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas* shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
  - 1. efficiently use land and resources;
  - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
  - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3.

1.1.3.3 Planning authorities shall identify and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

*Intensification* and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 Planning authorities shall establish and implement phasing policies to ensure that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*.

1.1.3.7 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.8 Planning authorities shall establish and implement phasing policies to ensure 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.

1.1.3.9 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term and protect public health and safety;
- c) in *prime agricultural areas*:
  1. the lands do not comprise *specialty crop areas*;
  2. there are no reasonable alternatives which avoid *prime agricultural areas*; and
  3. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*; and
- d) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

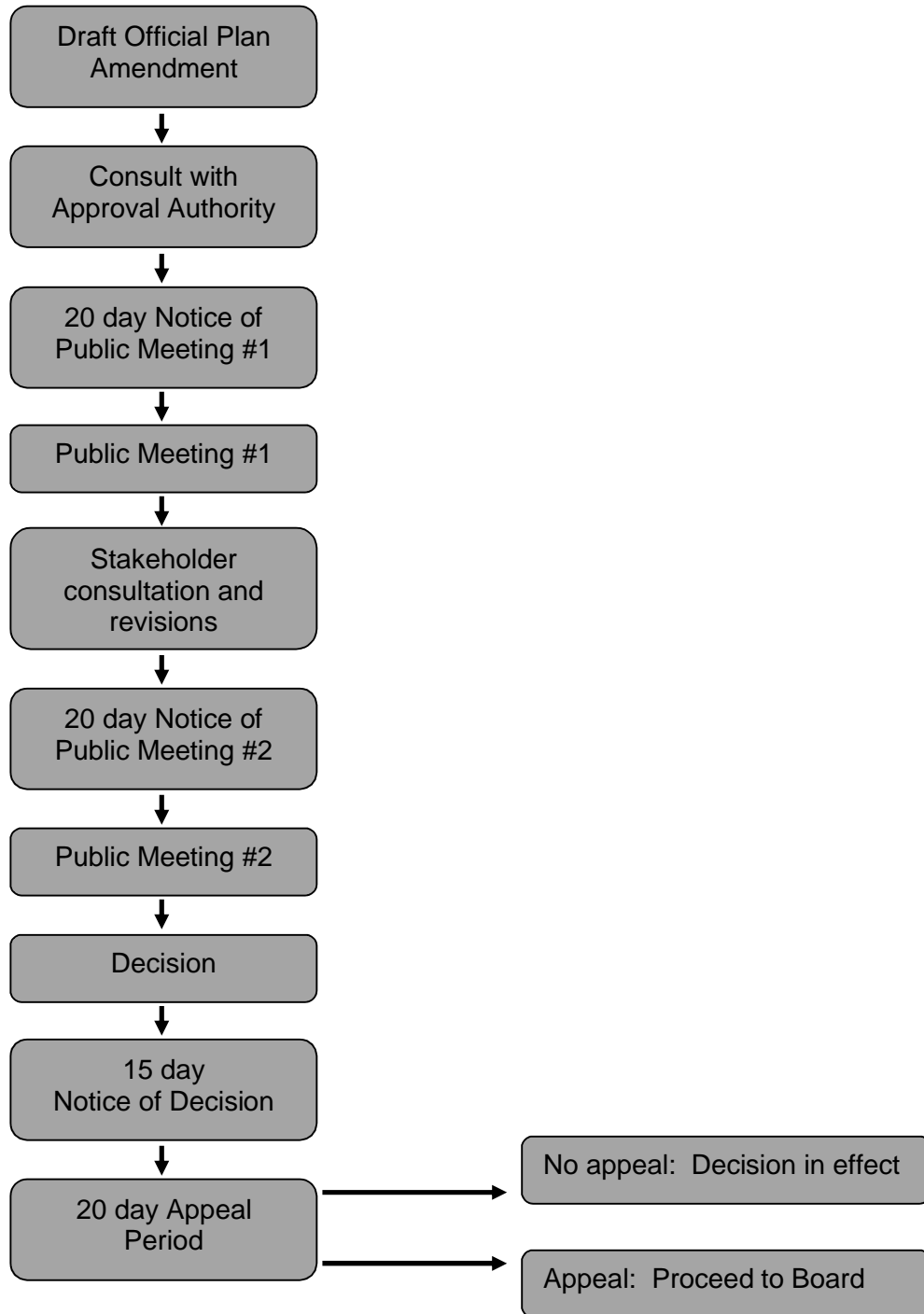
#### 1.1.4 Rural Areas in Municipalities

##### 1.1.4.1 In *rural areas* located in municipalities:

- a) permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;
- b) 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*;
- c) new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*;
- d) development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;
- e) locally-important agricultural and resource areas should be designated and protected by directing non-related development to areas where it will not constrain these uses;
- f) opportunities should be retained to locate new or expanding land uses that require separation from other uses; and
- g) recreational, tourism and other economic opportunities should be promoted.

## Attachment 5

### Augmented Statutory Public Process

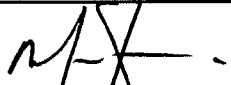
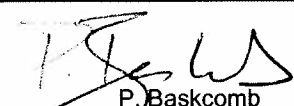



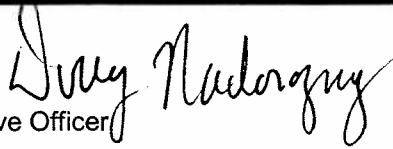
# Request for Recommendation Planning Committee



Type of Decision									
Meeting Date	Tuesday, February 16 <sup>th</sup> , 2010				Report Date	Monday, January 1 <sup>st</sup> , 2010			
Recommendation Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Rural Consent Policy Review October 15 <sup>th</sup> , 2009 Public Input Session

Section Review	Division Review	Department Review
 Mark Simeoni, Acting Manager of Community & Strategic Planning	 P. Baskcomb Acting Director of Planning Services	 W.E. Lautenbach, General Manager, Growth & Development

Policy Implication + Budget Impact	Recommendation
This report has been reviewed by the Finance Division and the funding source has been identified.	This section of the report is for information only.  The recommendation for Planning Committee's consideration appears at the beginning of the Rural Residential Consent Policies report.
<input checked="" type="checkbox"/> Background Attached	<input type="checkbox"/> Recommendation Continued
Planning Staff Report	Recommended by the C.A.O.
Report Prepared by: Jason Ferrigan	 Doug Nadorozny Chief Administrative Officer
Senior Planner	

Revised: February 28, 2006

Date: February 1, 2010

## **STAFF REPORT**

### **Background:**

On May 20, 2008 the Planning Committee directed Planning Staff to prepare a report outlining the procedures to be taken to lower the acreage, from 5 acres to 2 acres, when splitting property in the rural area.

A Manager's Report on this subject was presented to the Planning Committee at its May 5, 2009 Meeting. At this meeting, the Planning Committee agreed to defer this matter to a public meeting, which was ratified by City Council on May 13, 2009. The deferred Manager's Report is also included in the Agenda.

A public input session was held on October 15, 2009 to receive feedback on the subject of potentially lowering the rural residential consent minimum lot area requirement.

### **Purpose:**

This report provides an overview of the October 15, 2009 Public Information Session.

### **Discussion:**

#### *Public Information Session:*

The October 15, 2009 Public Input Session was held in Council Chambers beginning at 6:00 pm. Approximately 60 people attended the session, together with six Councillors and four Planning Staff. The session was facilitated by Planning Staff.

Approximately 14 people provided their views at the session. Ten people spoke in favour of the proposed change, one spoke against the proposed change, and three spoke to the Agricultural Reserve residential severance prohibition. Detailed notes on the feedback received are included in Appendix A.

#### *Agriculture and Topsoil Advisory Panel:*

This matter was also discussed by the Agriculture and Topsoil Advisory Panel at their December 3, 2009 Meeting. The Panel recommended against the proposed change. The notes from this meeting are included in Appendix B.

### **Conclusion:**

The October 15, 2009 Public Input Session was useful to receive views on the proposal to lower the rural residential consent minimum lot area requirement. The Agriculture and Topsoil Advisory Panel have also provided input on the proposed change.

**APPENDIX A**  
**Rural Consent Policies**  
**Public Input Session Notes**

October 15, 2009, 6:00 p.m.  
Council Chambers, Tom Davies Square

**City Staff:** B. Lautenbach, Manager of Growth and Development; P. Baskcomb, Manager of Strategic and Community Planning; J. Ferrigan, Senior Planner; K. Lang, Recording Secretary.

**Councillors:** R. Berthiaume; F. Caldarelli; D. Craig; E. Dutrisac; J. Landry-Altmann; A. Rivest

**Media:** Le Voyageur, Eastlink Channel 10

**1. Welcome**

City Staff welcomed those in attendance and briefly described the history of the file. This session is being hosted by the City to receive feedback on the proposal to lower the minimum lot area requirement for rural residential consents from 5 acres to 2 acres.

**2. City Staff Presentation**

City Staff delivered the attached presentation.

**3. Comments from the Public**

Members of the public were asked to comment during this portion of the meeting.

*3.1 Ms. N. Richer – Rayside Balfour*

Ms. Richer thanked Councillor Dutrisac for initiating this meeting to discuss the policy change and presented the following points:

- Current legislation relating to the rural land policy is outdated and requires review.
- 5 acres is too costly to maintain (e.g. yard maintenance, etc).
- 2 acres is more cost efficient and a comfortable alternative.
- 2 acres would increase municipal revenues (e.g. planning/building fees, assessment, and taxation).
- 2 acres would not change demand for municipal services.
- Most rural residents provide their own services.
- 2 acres is sufficient for field beds, especially with new technologies.
- Pollution from individual services is not a concern.
- The Sierra Company recently reviewed the City's sewer/water system and gave it a failing grade.
- There is a demand for smaller properties in rural areas

### 3.2 *Ms. C. Gignac - Rayside Balfour*

- Asked why we cannot go from 5 acres to 2 acres.
- Purchased the Northland building in 1963 and approximately 60 surrounding acres.
- Received approval to sever two, 1-acre parcels.
- Homes on individual services.
- Prohibited from severing further lots given concerns regarding future municipal service pressures.
- Invited Planning Committee to visit street and surrounding area.
- Noted that the proposed change would enable her to develop ten to fifteen 2 acre lots.
- New lots would be individually serviced. Would not request municipal services.

### 3.3 *Ms. L. Noble - Sudbury*

- Representing the Coalition for a Livable Sudbury.
- Does not support proposed to lower the minimum lot area requirement.
- Reducing the lot area requirement is inconsistent with Official Plan policy and Smart Growth.
- Reducing the standard would erode the historic and cultural attributes, and rural economy.
- Cited risk to natural biodiversity and rural farming.
- Would divert growth and result in higher infrastructure costs.

### 3.4 *Mr. D. Brunne - Whitefish*

- Concerned that maintaining the current standard will infringe on the rights of rural residents.
- Cited Canadian Charter of Rights and Freedoms.

### 3.5 *Mr. T. Smith - Sudbury*

- Lives on road just outside the City in Long Lake area.
- Road is in poor condition and difficult to maintain due to low number of homes and large lots sizes.
- Smaller lot sizes could result in more lots/assessment/taxation that could be directed to the road.

### 3.6 *Ms. W. Beauchamp - Rayside Balfour*

- Owns an approximately 5 acre parcel of land, with 1000 feet of public road frontage.
- Son recently returned to Greater Sudbury.
- Approached the City to sever the land so that her son could build a home.
- Was cautioned by City Staff not to apply as proposal did not conform to Official Plan.
- 5 acre land parcel costs approximately \$100,000 to \$200,000. Significant investment.
- Building costs in addition to land costs. Current policy is not affordable.
- Does not agree with City Staff Report, including oversupply argument.
- City of Greater Sudbury is large land mass. 475 lots is minimal.
- Allowing 2 acres would have a minimal impact.
- Supports reduction in minimum lot area requirement.
- Felt that it provides some land, but not too much.
- Shared that her property has its own diamond drilled well and septic services



### 3.7 *Mr. R. Poitras - Hanmer*

- Owns 32 acres of land along Radar Road.
- Spoke to urban residential development subsidizing rural residential development.
- Felt that the 5 acre lot requirement does not help this situation.
- Reducing the lot area requirement would ameliorate this situation.
- Felt that 5 acre rural residential parcels are a waste of good land.
- Suggested that people be given a choice to ensure affordability - youth looking to build.
- Frontage is way too much.
- Frontage constrains the “back portion” of rural land.
- Felt that current water and sanitary system is over capacity.
- Therefore, people should be directed to develop in rural area off of municipal service system.

### 3.8 *Mr. D. Blais - Blezard Valley*

- Owns 5 acre parcel of land.
- Designation changed from Rural to Agricultural.
- Lot is serviced (e.g. driveway, water, gas, hydro).
- Ready to develop, but can't.

### 3.9 *Mr. R. Fielding – Valley East*

- Owns property in Valley East area.
- Supports 2 acre severances, believes that it is time.
- Hopes that frontage will also be looked at.
- Believes that a 40 metre frontage would be helpful.
- Also believes an 8 to 10 metre side yard setback would be helpful to maintain rural character.
- People do not want to live in suburban environments.
- Should prevent 2 storey garages.
- Felt rural residents are subsidizing urban residents (e.g. South End Rock Tunnel).

### 3.10 *Mr. L. Lawrence - Walden*

- Owns 5 acre parcel of land.
- Parcel is divided by rock outcrop.
- Hoping to shift lot line to enable lot addition with adjoining land owner.

### 3.11 *Ms. S. Bell – Blezard Valley*

- Recently purchased 103 acre parcel in Agricultural Reserve.
- Family has been farming in area for more than 20 years.
- Would like to see the Agricultural Reserve policies changed to see some severances.
- Parts of the Agricultural Reserve include properties where topsoil has been removed.
- Existing farmers are finding it difficult to continue.
- Farmland is sitting idle and returning to brush.

### 3.12 *Unknown*

- Wants to live in rural environment.
- Don't bring Barrie to Sudbury.
- Investment in urban infrastructure is not necessary if develop to low density.
- Stressed the importance of recognizing that Northern Ontario is not Toronto.
- Citizens in rural communities continue to have the opportunity to live without pollution and waste.
- Believes in private property rights. People should use land as they see fit.
- Felt that the City should assess each severance on a case-by-case basis.

### 3.13 *Ms. M. Benvenuti – Rayside Balfour*

- Owns 64 acres of land in Agricultural Reserve.
- Retired farmer. Used to farm property for hay.
- Concerned with restriction on residential consents in Agricultural Reserve.
- Felt that City of Greater Sudbury is not Toronto.

### 3.14 *Ms. C. Piquette*

- Does not own any rural land.
- Attended meeting given interest in topic.
- Felt that compromise was required to allow 2 acre lots.
- Compromise could be achieved through other development standards (e.g. setbacks, vegetation)
- Discussed Elliot Lake example.

## 4. **Councillor E.Dutrisac Presentation**

Councillor Dutrisac delivered the attached presentation.

## 5. **Adjournment**

City Staff thanked the public for attending the meeting and for sharing their views.