

THE TENTH MEETING OF THE COMMITTEE OF THE WHOLE - PLANNING
OF THE CITY OF GREATER SUDBURY

Council Chambers
Tom Davies Square

Tuesday, June 26, 2001
Commencement: 7:31 p.m.
Adjournment: 10:06 p.m.

CHAIR DAVE KILGOUR PRESIDING

Present Councillors Bradley, Callaghan, Courtemanche, Craig (D. 8:10), Davey, Dupuis (A. 8:45), Gainer, Lalonde, McIntaggart, Petryna, Portelance

Staff J. Rule, Chief Administrative Officer; D. Nadorozny, General Manager Economic Development and Planning Services; B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; D. Belisle, General Manager of Public Works; D. Braney, Property Negotiator/Appraiser; K. Forrester, Property Administrator; G. Clausen, Director of Engineering Services; L. Moulaison, Planning Technician; A. Haché, Deputy City Clerk; S. Hotti, Recording Secretary

Media The Box, MCTV, Sudbury Star

Declarations of Pecuniary Interest None declared.

DELEGATIONS

Sanitary Sewer Test Manholes (Maintenance Access Structures) Report dated June 14, 2001 was received from the General Manager, Public Works and the General Manager, Economic Development and Planning Services regarding sanitary sewer test manholes (maintenance access structures).

The following resolution was presented:

2001-84 Gainer-Portelance: That the requirement for the installation of sanitary sewer test manholes (maintenance access structures) be confirmed as a condition of rezoning, site plan control, and consents for severances, where the permitted uses on the property may generate hazardous wastes, and

That the City's sewer use by-law be amended with the following provisions:

- Maintenance access structures, meeting City of Greater Sudbury approved standards, may be constructed at any location in the building sewer lateral that provides suitable access for the purpose of observation and sampling. Where the installation of a suitable maintenance access structure is not possible, an alternative device or facility may be substituted with the written approval of the General Manager of Public Works.

Cont'd...

DELEGATIONS (Cont'd)

Sanitary Sewer
Test Manholes
(Maintenance
Access Structures)
(Cont'd)

Resolution 2001-84 (Cont'd)

- Persons appointed by the General Manager of Public Works may enter in or upon any land or premise at any time without warrant to observe and sample sewer discharges into municipal sewers.

CARRIED

Road Widening
Procedure
Modification

Report dated June 14, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding road widening procedure modification.

The following resolution was presented:

2001-85 Portelance-Gainer: That the City of Greater Sudbury adopt changes to its road widening procedures whereby when land is requested for road widening purposes by the City of Greater Sudbury, the City of Greater Sudbury assumes the cost for land survey, transfer costs and registration costs of the land donation requested; and

Further that these procedures be retroactive to January 1, 2001.

CARRIED

Road Levy Charges

Report dated June 14, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding road levy charges.

Road Levies Report dated June 26, 2001 on work undertaken and completed, was circulated to Members of the Committee at the meeting.

Mr. J.P. Max, President of the Sudbury & District Home Builders Association addressed the Committee stating that they have been working with the Development Liaison Advisory Committee. They are very pleased with the staff recommendations presented this evening. He indicated that further recommendations from DELAC will be presented to the Committee.

Mr. Chris Whitehead, 1241 Southview Drive addressed the Committee stating that staff have brought forth a recommendation that implies the City of Greater Sudbury is open for business. He pointed out that many business owners cannot afford to pay road levy charges and see no return on their investment. He stated that there will be many benefits with the removal of road levy charges. Business owners will reinvest in their own business, there will be more jobs, a healthier economy, etc. He stated that he feels confident in predicting an increase in development in years to come.

Cont'd...

DELEGATIONS (Cont'd)

Road Levy Charges (Cont'd) _____ The following resolution was presented:

2001-86 Gainer-Portelance: That the road levy charges be eliminated for the City of Greater Sudbury as of January 1, 2001; and

Further that Council refund those owners who have contributed to municipal road levies but who have not yet seen the required road improvements undertaken by the municipality for which the contributions are held.

CARRIED

PUBLIC HEARINGS

REZONING APPLICATION TO LEGALIZE ONE DWELLING UNIT WITHIN THE EXISTING BUILDING, 3249 ERRINGTON AVENUE, CHELMSFORD - 957396 ONTARIO LIMITED

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated June 15, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to legalize one dwelling unit within the existing building, 3249 Errington Avenue, Chelmsford - 957396 Ontario Limited.

The Director of Planning Services outlined the application to the Committee.

Ms. Michelle Mailloux, solicitor representing the applicant was present.

Ms. Mailloux addressed the Committee stating that the building permit to construct a basement apartment unit was issued in error. She explained that there was a split zoning on the property due to a roadway being closed. She advised they are in favour of the staff recommendation but requested Council to waive the rezoning application fee. She pointed out that if her client had known a basement unit was not a legal use she would not have constructed the basement apartment.

No objectors were present.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

Cont'd...

PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO LEGALIZE ONE DWELLING UNIT WITHIN THE EXISTING BUILDING, 3249 ERRINGTON AVENUE, CHELMSFORD - 957396 ONTARIO LIMITED (Cont'd)

The following resolution was presented:

Bradley-Davey: That the application by 957396 Ontario Limited to amend By-law 83-302 being the Comprehensive Zoning By-law for the (former) Town of Rayside-Balfour from "C2", General Commercial and "R1.D18", Single Residential to "C2-Special", Special General Commercial with respect to those lands described as Parcel 14218 S.W.S. being Parts 2 & 3, Plan 53R-13336 and Part 2, Plan 53R-14159 in Lot 2, Concession 3, Township of Balfour, City of Greater Sudbury be recommended for approval subject to the following conditions:

1. That in addition to all other "C2" zone uses one dwelling unit shall be permitted.
2. The location of the existing building as currently occupied be permitted.

The following amendment to the above-noted resolution was presented:

2001-87 Bradley-Lalonde: That the City of Greater Sudbury refund the applicant 50% of the application fee.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Davey, Gainer, Lalonde, Portelance, Petryna, Kilgour

NON-CONCURRING MEMBER: Councillor McIntaggart

CARRIED

The main resolution as amended was presented:

2001-88 Bradley-Davey: That the application by 957396 Ontario Limited to amend By-law 83-302 being the Comprehensive Zoning By-law for the (former) Town of Rayside-Balfour from "C2", General Commercial and "R1.D18", Single Residential to "C2-Special", Special General Commercial with respect to those lands described as Parcel 14218 S.W.S. being Parts 2 & 3, Plan 53R-13336 and Part 2, Plan 53R-14159 in Lot 2, Concession 3, Township of Balfour, City of Greater Sudbury be recommended for approval subject to the following conditions:

Cont'd...

PUBLIC HEARINGS (Cont'd)

**REZONING APPLICATION TO LEGALIZE ONE DWELLING UNIT WITHIN THE EXISTING BUILDING, 3249 ERRINGTON AVENUE, CHELMSFORD - 957396 ONTARIO LIMITED
(Cont'd)**

Resolution 2001-88 (Cont'd)

1. That in addition to all other "C2" zone uses one dwelling unit shall be permitted.
2. The location of the existing building as currently occupied be permitted.

That the City of Greater Sudbury refund the applicant 50% of the application fee.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Davey, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Kilgour

CARRIED

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT AND REZONING TO REMOVE A 35 ACRE PARCEL FROM THE SAND AND GRAVEL RESERVE AND TO RETURN IT TO A RURAL ZONING TO PERMIT THE CREATION OF FIVE (5) LOTS FOR RURAL RESIDENTIAL USE, NOTRE DAME AVENUE SOUTH OF ONWATIN LAKE, CAPREOL TOWNSHIP - MINISTRY OF TRANSPORTATION/GORD HOPE CUSTOM CRUSHING

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated June 15, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for an Official Plan amendment and rezoning to remove a 35 acre parcel from the sand and gravel reserve and to return it to a rural zoning to permit the creation of five (5) lots for rural residential use, Notre Dame Avenue south of Onwatin Lake, Capreol Township - Ministry of Transportation/Gord Hope Custom Crushing.

Letter of support dated June 25, 2001 from Councillor Ron Dupuis, Ward 3, City of Greater Sudbury, was circulated to Members of the Committee at the meeting.

Letter dated June 26, 2001 from Heather Robertson, MCIP, RPP, Senior Planner, Northeastern Municipal Services Office regarding the above-noted applications, was circulated to Members of the Committee at the meeting.

The applicant circulated the following to Members of the Committee at the meeting: letter dated May 9, 2001 from Jim Clark, Warren Bitulithic Limited regarding the subject property; petition with approximately 27 names supporting the above-noted applications; and letters of support from aggregate pit operators in the immediate area.

Cont'd...

PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT AND REZONING TO REMOVE A 35 ACRE PARCEL FROM THE SAND AND GRAVEL RESERVE AND TO RETURN IT TO A RURAL ZONING TO PERMIT THE CREATION OF FIVE (5) LOTS FOR RURAL RESIDENTIAL USE, NOTRE DAME AVENUE SOUTH OF ONWATIN LAKE, CAPREOL TOWNSHIP - MINISTRY OF TRANSPORTATION/GORD HOPE CUSTOM CRUSHING (Cont'd)

The Director of Planning Services outlined the application to the Committee explaining that the applicant has requested the Official Plan amendment and rezoning in order to permit the creation of 5 lots for rural residential use. He advised that the Ministry of Natural Resources indicate that sand and gravel is a provincial interest under the Planning Act and that the applications would result in the loss of the resource and the encroachment of non-compatible residential lots into an active aggregate extraction area. They recommend that the proposal be denied. The Ministry of Municipal Affairs and Housing also recommend that the proposal be denied in order to address the provincial interest in mineral aggregate resources and in order to have regard to the Provincial Policy Statement. He explained that the Provincial Policy Statement ensures all parts of Ontario possessing mineral aggregates share a responsibility to identify and protect mineral aggregate resources and legally existing pits and quarries to ensure mineral aggregates are available at a reasonable cost and as close to markets as possible to meet future local, regional and provincial needs. He noted that Public Works is concerned about lot grading and home locations in the abandoned pit areas of the site. They are also concerned with the incompatibility of residential lots in an active pit area and recommend that, if approved, the lots all have covenants on title to advise purchasers of the potential for noise, dust, vibration and fumes emanating from pit and asphalt plant operations. From an official plan and land use perspective the proposal is felt to be inappropriate due to the loss of the aggregate resource and the introduction of sensitive residential uses next to active pits creating land use conflicts. The existing zoning should be upheld. The highest and best use of the subject property is extraction of aggregate. He advised there would be no objection to rural development once all the aggregate has been extracted. He stated the applications are not recommended for approval.

Mr. Dave Dorland, agent and Mr. Gord Hope, applicant were present.

Mr. Dorland addressed the Committee advising that in 1996 his client, Mr. Hope, had been refused a rezoning to permit the establishment of a 22 acre pit with annual removals of up to 200,000 tonnes. Mr. Hope then submitted a new rezoning application with a reduced license capacity of up to 20,000 tonnes per year which was approved. He pointed out that the document on mineral reserves was developed primarily for southern Ontario where there is limited aggregate. He noted that there is billions of tonnes of reserve aggregate in the Sudbury area and by approving the proposed applications the resources will not be depleted. He referred to the letter circulated to Committee members from Warren Bitulithic Limited. The letter states the quality and quantity of the stone remaining within the pit is not economically feasible.

Cont'd...

PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT AND REZONING TO REMOVE A 35 ACRE PARCEL FROM THE SAND AND GRAVEL RESERVE AND TO RETURN IT TO A RURAL ZONING TO PERMIT THE CREATION OF FIVE (5) LOTS FOR RURAL RESIDENTIAL USE, NOTRE DAME AVENUE SOUTH OF ONWATIN LAKE, CAPREOL TOWNSHIP - MINISTRY OF TRANSPORTATION/GORD HOPE CUSTOM CRUSHING (Cont'd)

Mr. Dorland advised that he does not agree with the Ministry of Municipal Affairs and Housing comments that the subject property has valuable mineral aggregate, when according to Warren Bitulithic Limited and the Ministry of Transportation this particular site is not needed as a pit operation.

Mr. Dorland noted that the aggregate industry has changed and there is less demand for sand and gravel and more demand for rock, which can be mixed to make more durable cement and foundations. He explained it is cheaper to make the aggregate on the site than to haul it.

With respect to the comments from the Ministry of Municipal Affairs and Housing, Mr. Dorland noted that the Ministry has not done any detailed analysis.

With respect to the Ministry of Natural Resources comments stating that the two proposed applications would nullify the protection of the mineral resources for long term use. He stated there would be no nullification because there are 6 - 8 pits operating in the area.

He explained they only want to extend the residential use. There will not be a great change in demand that would require a billion tonnes of this resource. The subject property has not been in operation for 30 years. He pointed out that the Mineral Aggregate policy doesn't apply to this particular situation. He explained they had difficulty having the first application approved because the area residents were opposed to the pit operation. Virtually all of the area residents are in favour of this application and would like to see residential development instead of a pit. This application would result in less truck traffic, less damage to the roads and expansion of the tax base. He advised that the Ministry of Transportation has not rehabilitated the property for 30 years. If approved the property will be rehabilitated. He stated they would be agreeable to addressing the drainage and lot grading issues, as well as registering covenants on title to advise perspective purchasers of potential noise, dust, etc., from adjacent pit operations. He stressed that the resources have been extracted. The remaining resources (sand) on the subject property are not viable.

Mr. Allan Chislett, 210 Onwatin Lake Road, representing the area residents, addressed the Committee in support of the applications to develop five residential lots. He advised that in 1996 the area residents were opposed to the pit zoning. He stated that a lot of noise emanates from the gravel trucks as early as 6:00 a.m. He requested that the rural zoning be approved and community interests take precedence over economic and hauling interests.

Cont'd...

PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT AND REZONING TO REMOVE A 35 ACRE PARCEL FROM THE SAND AND GRAVEL RESERVE AND TO RETURN IT TO A RURAL ZONING TO PERMIT THE CREATION OF FIVE (5) LOTS FOR RURAL RESIDENTIAL USE, NOTRE DAME AVENUE SOUTH OF ONWATIN LAKE, CAPREOL TOWNSHIP - MINISTRY OF TRANSPORTATION/GORD HOPE CUSTOM CRUSHING (Cont'd)

Mr. Rod Fielding, pit operator and owner of the property to the west of the subject lands pointed out only 15 acres of land is extractable from the subject pit. In his opinion, it would not amount to much. He stated that Mr. Hope's property is 70 % extracted. He also explained that his pit operation has had opposition from area residents since 1975. He advised that when he reopens his pit he always receives complaints from area residents that have recently moved to the area and were unaware of the pit operation. He requested that if the application is approved that the potential purchasers be made aware of the area pit operations.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

The following resolutions were presented:

Bradley-Petryna: 1. That the application by the Ministry of Transportation/Gord Hope Custom Crushing to amend the Official Plan for the Sudbury Planning Area by changing the land use designation of Part 6, Plan 53R-14072 and Part 1, Plan SR-358, excepting Part 1, Plan 53R-14196 and excepting Part 22, Plan 53R-14194, in Lot 12, Concession 5, Capreol Township be denied.

2. That the application by the Ministry of Transportation/Gord Hope Custom Crushing to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Part 1, Plan 53R-15992 in Lot 12, Concession 5, Capreol Township from "M5", Extractive Industrial to "RU", Rural be denied.
3. That the Consent Official be advised that Council does not support Applications B0032/2001 to B0035/2001 as they are contrary to the Official Plan.

With the consent of the Committee the above-noted resolution was withdrawn.

Cont'd...

PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT AND REZONING TO REMOVE A 35 ACRE PARCEL FROM THE SAND AND GRAVEL RESERVE AND TO RETURN IT TO A RURAL ZONING TO PERMIT THE CREATION OF FIVE (5) LOTS FOR RURAL RESIDENTIAL USE, NOTRE DAME AVENUE SOUTH OF ONWATIN LAKE, CAPREOL TOWNSHIP - MINISTRY OF TRANSPORTATION/GORD HOPE CUSTOM CRUSHING (Cont'd)

The following resolutions were presented:

2001-89 Portelance-Gainer: 1. That the application by the Ministry of Transportation/Gord Hope Custom Crushing to amend the Official Plan for the Sudbury Planning Area by changing the land use designation of Part 6, Plan 53R-14072 and Part 1, Plan SR-358, excepting Part 1, Plan 53R-14196 and excepting Part 22, Plan 53R-14194, in Lot 12, Concession 5, Capreol Township be approved subject to the following:

- a) That prior to the adoption of the Official Plan Amendment the applicant provide a lot grading and home location plan to the satisfaction of the General Manager of Public Works.

CONCURRING MEMBERS: Councillors Callaghan, Davey, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Kilgour

NON-CONCURRING MEMBERS: Councillors Bradley, Courtemanche,

CARRIED

2001-90 Portelance-Lalonde: That the application by the Ministry of Transportation/Gord Hope Custom Crushing to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Part 1, Plan 53R-15992 in Lot 12, Concession 5, Capreol Township from "M5", Extractive Industrial to "RU", Rural be approved.

CONCURRING MEMBERS: Councillors Callaghan, Davey, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Kilgour

NON-CONCURRING MEMBERS: Councillors Bradley, Courtemanche,

CARRIED

Cont'd...

PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT AND REZONING TO REMOVE A 35 ACRE PARCEL FROM THE SAND AND GRAVEL RESERVE AND TO RETURN IT TO A RURAL ZONING TO PERMIT THE CREATION OF FIVE (5) LOTS FOR RURAL RESIDENTIAL USE, NOTRE DAME AVENUE SOUTH OF ONWATIN LAKE, CAPREOL TOWNSHIP - MINISTRY OF TRANSPORTATION/GORD HOPE CUSTOM CRUSHING (Cont'd)

2001-91 Portelance-Lalonde: That the Consent Official be advised that Applications B0032/2001 to B0035/2001 be allowed to proceed by the consent process subject to the following:

- a) That prior to the issuance of any certificates the applicant prove that each lot and the remainder will have an adequate supply of potable water to the satisfaction of the General Manager of Public Works.
- b) That prior to the issuance of any certificates all lots including the remainder will have a covenant registered on title to advise perspective purchasers of potential noise, dust , vibration and odours from adjacent pit and asphalt plant operations to the satisfaction of the City Solicitor.

CONCURRING MEMBERS: Councillors Callaghan, Courtemanche, Davey, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Kilgour

NON-CONCURRING MEMBER: Councillors Bradley

CARRIED

PART I CONSENT AGENDA

The following resolution was presented to adopt Items C-1 to C-3 contained in the Consent Agenda:

2001-92 Gainer-Portelance: That Items C-1 to C-3 contained in the Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1 2001-93 Bradley-Gainer: That Report #5, Vegetation Enhancement
V.E.T.A.C Technical Advisory Committee Minutes of May 2, 2001, be adopted.

Minutes of
May 2/01

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Property and
Easement
Acquisition,
Junction Creek
Waterway Park,
1050 Notre Dame
Avenue, Sudbury

Report dated June 18, 2001 was received from the Director of Legal Services/City Solicitor and the General Manager, Corporate Services regarding property and easement acquisition, Junction Creek Waterway Park, 1050 Notre Dame Avenue, Sudbury.

2001-94 Bradley-Gainer: That the necessary documents be executed authorizing the purchase of 2.6 acres of land from Her Majesty the Queen in Right of Canada, being Parts 1 - 6, Plan 53R-16927 together with an easement over Parts 7 to 10, Plan 53R-16927 in favour of the City of Greater Sudbury for a pedestrian trail as described in the Junction Creek Waterway Park Community Improvement Plan with funds from the Property Acquisition Account for Community Improvement Plans.

CARRIED

Item C-3
Sale of City
Lands, Kingsway
Boulevard,
Sudbury

Report dated March 8, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an extension to draft approval - draft plan

2001-95 Bradley-Gainer: That the City of Greater Sudbury sell to Bernal Holdings (Sudbury) Ltd. Part of Lot 11 Concession 4 being Part of Parcel 26975 Sudbury East Section for \$61,000.00 plus all survey, appraisal and legal fees under the terms and conditions outlined in the attached report; and

That the Mayor and the Clerk be authorize to execute the required documents.

CARRIED

Proceed Past
10:00 p.m.

2001-96 Bradley-Callaghan: That we proceed past the hour of 10:00 p.m.

CARRIED

Adjournment

2001-97 Portelance-Gainer: That we do now adjourn.
TIME: 10:06 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR DAVE KILGOUR