

90 National Street, Garson

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-3/20001

Report Summary

This report provides a recommendation regarding an application for draft plan of subdivision in order to subdivide five lots for mixed light industrial/service commercial and heavy industrial purposes, 90 National Street, Garson – 1558782 Ontario Inc.

This report is presented by Glen Ferguson, Senior Planner.

Resolution

THAT the City of Greater Sudbury's delegated official be directed to issue draft plan approval for a plan of subdivision on those lands described as PINs 73496-0651 & 73496-0689, Blocks A & C, Part of Block B, Lots 11 to 18, 20 to 23 & Part of Lots 24 & 25, Plan M-1049, Lot 10, Concession 1, Township of Garson, as outlined in the report entitled "90 National Street, Garson", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021, not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51(20) of the Planning Act, subject to the following conditions:

1. That this approval applies to a draft plan of subdivision on lands described as PINs 73496-0651 & 73496-0689, Blocks A & C, Part of Block B, Lots 11 to 18, 20 to 23 & Part of Lots 24 & 25, Plan M-1049, Lot 10, Concession 1, Township of Garson, as shown on the draft plan of subdivision plan prepared by S.A. Kirchhefer Ltd. and dated September 15, 2020, and signed by the owner on November 5, 2020;
2. That the street(s) shall be named to the satisfaction of the Municipality;
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land and to the satisfaction of the City Solicitor;
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval to the satisfaction of the Director of Planning Services;
5. That the subdivision agreement be registered by the Municipality against the land to which it applies,

prior to any encumbrances to the satisfaction of the City Solicitor;

6. That 2% of the land, or alternatively 2% of the cash value of the land, included in the plan of subdivision be deeded or provided to the City for parks purposes in accordance with Section 51.1 of the Planning Act to the satisfaction of the Director of Leisure Services and the City Solicitor;
7. That the owner shall provide to the satisfaction of the General Manager of Growth and Infrastructure, the Director of Planning Services and Conservation Sudbury, a detailed lot grading and drainage plan prepared, signed, sealed, and dated by a professional civil engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new buildings, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of Director of Planning Services and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the associated lot grading agreement;
8. That the owner provide a utilities servicing plan designed by a consulting engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario for the proposed lots to the satisfaction of the Director of Planning Services. The utilities servicing plan at a minimum shall show the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, Eastlink and Canada Post. This plan must be provided prior to construction of any individual phase. The owner shall be responsible for all costs associated with the installation of said services;
9. That the owner shall provide master servicing plans for both the sanitary and storm sewer as well as water-mains as they pertain to the new subdivision layout to the satisfaction of the General Manager of Growth and Infrastructure. Said plans are to show general alignment details, number of units and area serviced by individual runs, pipe diameter and flow direction. Said plan shall ensure that pipe diameters and alignments are established in order to support all phases of development;
10. That streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner and to the satisfaction of the General Manager of Growth and Infrastructure;
11. That prior to the submission of servicing plans, the owner shall provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario to the satisfaction of the Director of Planning Services. Said report shall provide information on the soils and groundwater conditions within the proposed development. In addition, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, storm-water management facilities, water mains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of the buildings;
12. That as part of the submission of servicing plans the owner shall have any required slope treatments designed by a geotechnical engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario incorporated into the plans at locations required by the General Manager of Growth and Infrastructure. Suitable provisions shall be incorporated in the subdivision agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure;
13. That a storm-water management report and associated plans be prepared and submitted by qualified professional engineer for approval and to the satisfaction of both Conservation Sudbury and the General Manager of Growth and Infrastructure. The Storm-water Management Report shall address the following requirements:

- a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 5-year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 5-year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;
 - b) The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing predevelopment runoff resulting from a 100 year design storm or Regional storm event, whichever is greater;
 - c) "Enhanced" level must be used for the design of storm-water quality controls as defined by the Ministry of the Environment, Conservation and Parks;
 - d) Storm-water management must follow the recommendations of the Junction Creek Sub-watershed Study;
 - e) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any storm-water management plan;
 - f) The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure;
 - g) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties;
 - h) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted;
 - i) The owner shall be responsible for the design and construction of any required storm-water management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for storm-water management works as a condition of this development; and,
 - j) The storm-water management report must address the sizing of any culverts to be installed on the watercourse traversing the site;
14. That an erosion and sediment control plan be prepared and submitted by qualified professional engineer for approval and to the satisfaction of both Conservation Sudbury and the General Manager of Growth and Infrastructure. The erosion and sediment control plan shall detail the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the subdivision. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed;
15. That all natural hazards that are regulated by Ontario Regulation 156/06 be identified by a qualified professional, including wetlands, watercourses, waterbodies, floodplains, and valley slopes and demonstrate that each proposed lot has sufficient developable area to the satisfaction of Conservation Sudbury;

16. That the owner demonstrate how the northern portion of Lot 1 in the approved draft plan of subdivision will be accessed to the satisfaction of Conservation Sudbury and the General Manager of Growth and Infrastructure. If the intent is to access by crossing the watercourse then a permit application and approval pursuant to Section 28 of the Conservation Authorities Act will be required;
17. That the owner obtain approval from Conservation Sudbury for the placement of fill and/or the alteration of existing grades or any construction activity on the lands as required under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (i.e. Ontario Regulation 156/06) prior to undertaking the proposed works. Following the completion of any required works, the owner shall agree to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications as approved by Conservation Sudbury and the City of Greater Sudbury;
18. That a traffic impact study be prepared and submitted by qualified professional for approval and to the satisfaction of the General Manager of Growth and Infrastructure. The traffic impact study shall identify any road improvements that would be required in order to properly accommodate the development of the lands. The owner will be responsible for participating in the cost of any road improvements that are identified in the traffic impact study to the satisfaction of the General Manager of Growth and Infrastructure;
19. That the proposed internal subdivision roadways are to be built to urban industrial standards, including curb and gutters, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission and to the satisfaction of the General Manager of Growth and Infrastructure;
20. That the owner agrees to provide the required soils report, storm-water, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to or concurrently with the submission of servicing plans for the first phase of the subdivision;
21. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority to the satisfaction of the City Solicitor and the Director of Planning Services;
22. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, water-mains, storm sewers and surface drainage facilities to the satisfaction of the Director of Planning Services and the City Solicitor;
23. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration to the satisfaction of the City Solicitor;
24. That draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure and satisfied that sufficient sewage treatment capacity and water capacity exists to service the development;
25. That the owner is to provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction to the satisfaction of the General Manager of Growth and Infrastructure. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner;
26. That the owner is to provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction to the satisfaction of the General Manager of Growth and Infrastructure. If it found that capacity is unavailable, the developer will be required to share in the costs of upgrading the downstream system in order to provide sufficient capacity;
27. That the final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in

content, form and format and properly geo-referenced;

28. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - a) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
 - b) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered;
29. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure;
30. That in accordance with Section 59(4) of the Development Charges Act, a notice agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development; and,
31. That this draft approval shall lapse three years from the date of draft approval having been issued.

Relationship to the Strategic Plan / Health Impact Assessment

The application to approve a Draft Plan of Subdivision is an operational matter under the Planning Act to which the City is responding.

Financial Implications

This report relates to an application for a draft plan of subdivision to subdivide the subject lands for five mixed light industrial/service commercial and heavy industrial lots. Two of the proposed lots contain existing buildings.

Based on the information available, staff is unable to quantify the financial implications relating to property taxes and development charges for any potential buildings on the remaining three proposed lots as total square footage of the buildings is not available, and the assessed value would be determined by MPAC (Municipal Property Assessment Corporation).

Report Summary

This report reviews an application for a Draft Plan of Subdivision that would subdivide the subject lands for mixed light industrial/service commercial and heavy industrial purposes. The development proposal seeks to facilitate the creation and development of five mixed light industrial/service commercial and heavy industrial lots and would be accessed from National Street in the community of Garson. Two of the proposed industrial lots would contain existing buildings. There is a previous and now lapsed draft plan of subdivision (File # 780-3/07004) applicable to the lands that was comprised of 23 industrial lots and it is noted that the current application therefore represents a new draft plan of subdivision request.

Staff is satisfied that the development proposal conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Those standard and site-specific draft approval conditions that would be appropriate from the perspective of accommodating the development of five industrial lots fronting National Street has been identified in this

report. Staff in general has no concerns with the proposed draft plan of subdivision and are of the opinion that the development proposal represents good land use planning within an identified employment area in the City.

The Planning Services Division is recommending approval of the application for a Draft Plan of Subdivision in accordance with the Resolution section of this report.

Staff Report

Proposal:

The application for a Draft Plan of Subdivision seeks to subdivide the subject lands for mixed light industrial/service commercial and heavy industrial purposes. The development proposal seeks to facilitate the creation and development of five mixed light industrial/service commercial and heavy industrial lots and would be accessed from National Street in the community of Garson.

Two of the proposed industrial lots would contain existing buildings. Staff notes that a previously approved draft approved plan of subdivision for a total of 23 industrial lots (File # 780-3/07004) was allowed to lapse by the owner and therefore the current development proposal for five industrial lots represents a new draft plan of subdivision that would be applicable on the lands should the current application be approved.

The owner's agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on May 13, 2020 (File # PC2020-044). The owner's agent consulted with staff by telephone and email following the SPART Meeting and has since returned their Pre-Consultation Understanding Agreement (PCUA) to the Planning Services Division. The owner's agent has subsequently now submitted a Draft Plan of Subdivision application to the City for consideration.

The above noted application was submitted to the City on November 6, 2020, and deemed to be complete on December 1, 2020, following the submission of additional required information. The application included the submission of a Concept Plan, Draft Plan of Subdivision, Geotechnical/Soils Report, Offsite Servicing Plan, Service Options Report and a Storm-water Management Report. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

Location and Site Description:

The subject lands are located at the north end of National Street and to the north of Maley Drive with Falconbridge Road being further to the east in the community of Garson. The lands have a total lot area of approximately 36.21 ha (89.48 acres) with an existing lot frontage of approximately 26.77 m (87.83 ft) at the existing northerly end of National Street. The lands contain two existing industrial buildings on the southerly portions of the lands. The balance of the lands are presently vacant. There is an existing cleared area on the north-easterly portions of the lands while the north-westerly portions appear to be vacant and well vegetated.

Surrounding Land Uses:

North:	Rural residential land uses and parks and open space lands owned by Conservation Sudbury on the south side of O'Neil Drive West along with mining industrial lands on the north side of O'Neill Drive West.
East:	Cedar Green Golf Course, and a low density residential estate subdivision having frontage on Donnelly Drive.
South:	Industrial land uses fronting National Street and on the south side of Maley Drive, and a railway right-of-way/corridor.
West:	Railway right-of-way/corridor, Timberwolf Golf Club, and several large tracts of parks and open space lands owned by Conservation Sudbury.

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Draft Plan of Subdivision request, as well as the applicable zoning on other parcels of land in the immediate area.

Site photos depict the subject lands containing two existing industrial buildings as well as the rear vacant portions that include an existing temporary cul-de-sac turnaround. Photos of the immediately surrounding industrial development are also included and illustrate the generally industrial nature of the general area.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on December 1, 2020. The statutory Notice of Public Hearing dated March 25, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff understands that the owner's agent distributed a one-page summary describing the development proposal to the local ward councilor and to all landowners on National Street.

At the time of writing this report, the Planning Services Division has not received any emails or letter submissions with respect to the development proposal. Staff has received several phone calls from area residents seeking clarification as it relates to the development that is being proposed by the owner.

Policy & Regulatory Framework:

The application that has been submitted is subject to the following policy and regulatory framework:

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

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2020 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 2020 Provincial Policy Statement (PPS). The following PPS policies are applicable to the application for a Draft Plan of Subdivision:

1. With respect to Employment policies, Section 1.3 generally outlines that municipalities shall promote economic development and competitiveness by:
 - a) Providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet longer term needs;
 - b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and to take into account the needs of existing and future businesses; and,
 - c) Ensuring that the necessary infrastructure is provided to support current and projected needs.
2. With respect to Employment Areas policies, Section 1.3.2 in general requires municipalities to plan

for, protect and preserve employment areas for current and future uses and to ensure that the necessary infrastructure is provided to support current and projected needs;

3. Section 1.3.2.2 outlines that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses in order to maintain the longer term operational and economic viability of the above noted industrial and manufacturing uses;
4. Section 1.3.2.3 outlines that within employment areas planned for industrial and manufacturing uses, municipalities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility;
5. Section 1.3.2.6 requires municipalities to protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require these locations;
6. With respect to Land Use Compatibility policies, Section 1.2.6.1 outlines that major facilities (eg. manufacturing) and sensitive land uses shall be planned and developed to avoid, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the longer term operational and economic viability of major facilities;
7. With respect to Long-Term Economic Prosperity policies, Section 1.7.1 outlines that longer term economic prosperity is to be supported by:
 - a) Promoting opportunities for economic development and community investment-readiness; and,
 - b) Optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.
8. With respect to Natural Hazards policies, Section 3.1.2 outlines that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and erosion hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and,
9. Section 3.1.3 outlines that municipalities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conforms with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application for a Draft Plan of Subdivision conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated General Industrial in the Official Plan for the City of Greater Sudbury. Section 4.5.1(1) of the City's Official Plan notes that permitted uses in the General Industrial land use designation include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.

Section 4.5.1(2) also permits complementary uses such as administrative offices, hotels and restaurants, which do not detract from and which are compatible with the operation of industrial uses. Section 4.5.1(5) further notes that heavy industrial land uses may also be permitted through the rezoning process.

Section 4.5.1(3) of the City's Official Plan outlines that General Industrial land uses must have minimal environmental impacts. Further to this, any land use, which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.

Section 2.3.2 of the Official Plan generally notes that the City's land supply consists of land at different

stages in the land use planning process. This supply is intended to accommodate an appropriate range and mix of employment opportunities in the short, medium and longer term. In particular, Section 2.3.2 notes that the subject lands are within a Settlement Area and immediately about the Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary.

Section 2.3.2 also outlines that Settlement Area land use patterns are to be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

Section 2.3.2 further notes that the Settlement Area and Built Boundary of the Official Plan is more than adequate for the purposes of meeting short, medium and long term land use needs. Intensification and development within the Built Boundary is encouraged, however, development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 10.2(1) of the City's Official Plan notes that because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury. In addition, development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury.

Section 10.2(2) outlines that notwithstanding the above policy, development and site alteration is not permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Development and site alteration is not permitted in areas that would be rendered inaccessible to people and vehicles during times of a hazard, unless it has been demonstrated that the site has safe access appropriate to the nature of development and hazard.

Zoning By-law 2010-100Z:

The subject lands are zoned "M1(37)", Mixed Light Industrial/Service Commercial Special and "M3", Heavy Industrial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "M1(37)" Zone permits an automotive body shop and a business office in addition to those land uses permitted in the standard "M1" Zone. The standard "M1" Zone permits a range of land uses as identified under Section 8.2, Table 8.1 – Permitted Uses for Industrial Zones of the City's Zoning By-law. The standard "M3" generally permits heavier industrial uses as identified under Section 8.2, Table 8.1 – Permitted Uses for Industrial Zones of the City's Zoning By-law, but excludes some of the lighter industrial/service commercial land uses that are otherwise permitted in the "M1" and "M1(37)" Zones.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform the content and appropriateness of conditions that should be imposed through the issuance of a draft plan of subdivision approval document.

During the review of the development proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Fire Services, Leisure Services and Operations has each advised that they do not have any concerns from their respective areas of interest.

Bell Canada has indicated that normally a 3 m (9.84 ft) wide easement corridor over the frontage of the proposed lots within the draft plan of subdivision is required. Bell Canada has also noted that further investigation is required with respect to their easement requirements in this particular industrial subdivision setting. Bell Canada has therefore advised that they will be contacting the owner's agent to further discuss

easement requirements. Since the easements are required in order to provide service and access to this development, all costs associated with this transfer will be the responsibility of the owner and compensation will be set at a nominal fee for the acquisition of the easement rights.

Building Services notes that the owner will be required at the building permit stage to prepare and submit a Geotechnical Report and/or Hydrogeological Report demonstrating that the lands are safely developable lots. The owner is further cautioned that should blasting be required that a Blasting Report will also be required at the building permit stage. The owner is required to demonstrate that sufficient fire flow is available to service each lot within the proposed draft plan of subdivision. Building Services also notes that there is no record of a building permit for the existing building shown on Lot 5 of the proposed draft plan of subdivision.

Conservation Sudbury notes that portions of the subject lands contain a watercourse and a pond that are regulated by [Ontario Regulation 156/06](#). Conservation Sudbury has requested a number of draft conditions be included that address development matters related to the regulated area noted above.

Conservation Sudbury has also noted that standard conditions relating to storm-water management and erosion and sediment control are recommended to be included in the draft plan conditions should the application be approved. The following comments were also provided by Conservation Sudbury:

1. The proposed industrial lots include unmapped regulated natural hazards, including a wetland and watercourse. These features need to be identified and accommodated within the overall development proposal. This will act to ensure that the proposed lots are each capable of supporting development;
2. The storm-water management report that was submitted in support of the proposed draft plan of subdivision will need to be expanded to address quality control in addition to quantity control;
3. There is an existing permit obtained by the owner pursuant to Section 28 of the [Conservation Authorities Act](#) for the placing of fill on the lands. It has been noted that said permit expires on April 5, 2021;
4. There appears to have been material placed and graded near the watercourse that bisects Lot 1 on the proposed draft plan of subdivision and there is no record of this work having been permitted by Conservation Sudbury; and,
5. The watercourse that traverses the northern-most portion of Lot 1 and the submitted materials do not appear to demonstrate how this portion of Lot 1 would be accessed by a future landowner.

Development Engineering advises that there is a 250 mm (9.84 inches) diameter water-main located within the existing portion of National Street that is situated on the subject lands. This existing portion of National Street terminates at Lot 4 within the proposed new draft plan of subdivision. The fire flow analysis that was conducted at this location indicates that 166 l/s (43.95 gallons/s) is available to service the proposed subdivision and the minimum maximum hour and maximum day pressures are adequate. The proposed municipal gravity sanitary system for this subdivision will discharge to the existing system at the 250 mm (9.84 inches) diameter sanitary sewer main on the existing portion of National Street.

The existing municipal gravity sanitary system does not have the downstream capacity to serve the proposed subdivision. With the development of this subdivision, the owner will be required to cost share in addressing the surcharging of the sanitary sewer pipes downstream of this subdivision. When each lot is proceeding towards development, the water and sanitary capacities must be reviewed to determine what water and sanitary sewer capacities may be available. If it found that capacity is unavailable, the owner will be required to share in the costs of upgrading the downstream system in order to provide sufficient capacity.

Development Engineering also notes that there is a drainage channel traversing the site from east-to-west that the owner proposes to contain within a proposed ditch within proposed Lots 1 to 3. The submitted plan shows an existing culvert on this ditch within Lot 2. Development Engineering has no record of the hydraulic analysis that went into sizing of this culvert. The storm-water management report submitted in support of the application will need to be modified to address the sizing of any culverts to be installed on this watercourse.

Development Engineering has further provided comments that the existing roadway of National Street was reviewed with the owners' consulting civil engineer. Based on their recommendation and accompanying geotechnical report, we can advise that the existing granular base is acceptable provided that the Granular "A" material is bulked up to meet the City's minimum standard of 150 mm (5.91 inches) at the time of road construction. The proposed asphalt structure will have to meet the standards for an industrial road. Development Engineering will require a comprehensive soils report including a pavement design for 20-year lifespan for an industrial subdivision road. The soils report and comments on infrastructure construction for this subdivision must be submitted in conjunction with or prior to the submission of engineering drawings.

The City's Drainage Section has provided technical comments relating to the submitted and preliminary Storm-water Management (SWM) Report. These comments will be utilized on a going forward basis as the subdivision proceeds through subdivision agreement and construction phases. The Drainage Section has noted that the current SWM Report proposes to construct a storm-water facility via the expansion of an existing pond that is within lands regulated by Conservation Sudbury. It is anticipated that Conservation Sudbury will review and provide comments on the proposed storm-water management facility. The City's standard conditions relating to storm-water management are otherwise to be imposed in the draft approval document.

Environmental Planning Initiatives notes that from a review of aerial photography, there appears to be a wetland on the westerly portion of the subject lands and would be considered Blanding's Turtle habitat given that there are known records of Blanding's Turtles occurring within 2 km (1.24 miles). This is unlikely to interfere with the proposed subdivision, but the owner is to be cautioned that this may interfere with future development on the north-westerly portions of the subject lands. The owner is also cautioned that they are solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the lands do not result in a contravention of the [Endangered Species Act](#). To this end, the owner is advised to consult accordingly with the Ministry of the Environment, Conservation and Parks (MECP). Environmental Planning Initiatives also note that it is now clear that a storm-water management area is proposed for the westerly portion of the subject lands. It is therefore recommended that a draft approval condition be included requiring the completion of an Ecological Site Assessment in order to determine the extent of the wetland on the westerly portion of the lands and, if determined to be a wetland, to determine if the wetland serves as suitable habitat for Blanding's Turtles. Any requirements of the MECEP shall be satisfied prior to any site alteration or development taking place if Blanding's Turtle habitat is located on the subject lands.

Roads, Transportation and Innovation note that the extension of National Street will be required and said extension is to be constructed to the City's urbanized road standards, which includes but is not limited to the road itself, driveway entrances and the necessary cul-de-sac turnaround where National Street would terminate in the future. The owner is advised that a temporary turnaround must be provided during construction phases and should be depicted on the Concept Plan. It is further noted that the required width for a right-of-way on National Street will be between 20-26 m (65.62-85.30 ft). The owner is also required to undertake a Traffic Impact Study (TIS) to identify any road improvements that may be required as a result of the development to the satisfaction of the General Manager of Growth and Infrastructure. The owner will also be required to participate in the cost of any improvements identified as being required in the TIS.

Transit Services advises that public transit services are not provided in this area and there are no future plans to service the area. It is noted that adding transit services to this area would require increased service levels and therefore approval from Council would be necessary. Transit Services further noted that future site plan control approvals pertaining to the subdivided lots would include a technical review with respect to ensuring that GOVA Plus vehicles are able to access each of the lots as they develop.

Planning Analysis:

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed draft plan of subdivision is consistent with the PPS for the following reasons:

1. With respect to general Employment policies in the PPS, staff is of the opinion that the creation of five industrial lots in this location will optimize the range and mix of employment opportunities to meet the longer term needs of the City. The availability of five additional industrial lots in this location can also be expected to contribute positively to the range and choice of available and suitable industrial lots in the City. The lands would permit a range of industrial uses and ancillary uses that takes into account the needs of existing and future businesses that might otherwise not be attracted to this particular industrial area in Garson. Development Engineering has also reviewed the application and has not expressed any areas of concern with respect to the lands being serviced by municipal infrastructure that already exists within the National Street right-of-way;
2. With respect to Employment Area policies in the PPS, staff has the following comments:
 - a) The subject lands are situated within an identified and designated employment area in the City's Official Plan (i.e. General Industrial) and the draft plan of subdivision application would not detract from the viability of industrial development in this location. The protection and preservation of valuable employment lands within the City that are capable of being serviced by municipal infrastructure would remain intact. The proposed five industrial lots can reasonably be expected to be supportive of both current and future projected needs for developable employment lands within the City;
 - b) Staff is satisfied that the five industrial lots are capable of providing for adequate separation and buffering from existing residential land uses situated to the north and to the east of the subject lands. Staff notes that the rural residential land uses situated along O'Neil Drive West to the north contain mature vegetation and sloping topography in their rear yards that provides for a natural buffer to the proposed draft plan of subdivision. Staff further notes that the rear portions of subject lands are within a regulated area that traverses the lands in an east to west direction. Staff is satisfied that this in part also provides for additional buffering to the existing residential uses along O'Neil Drive West;
 - c) Staff notes that the existing zoning applicable to the lands that would form a draft approved plan of subdivision are already zoned to permit industrial land uses and further to this the existing zoning does not permit any residential land uses. Staff notes that both of the existing "M1(37)" and "M3" Zones do not permit any sensitive land uses that are not ancillary to the primary employment (i.e. industrial) land uses. Staff has no concerns with respect to land use compatibility should the draft plan of subdivision be approved; and,
 - d) Staff notes that National Street is situated in close proximity to both Falconbridge Road and Maley Drive, which are designated respectively as a Primary Arterial and Secondary Arterial in the City's Official Plan. It is noted that both Falconbridge Road and Maley Drive provide direct access to the wider network of transportation corridors in the City, including Provincial Highways that connect to the wider regional area;
3. With respect to Land Use Compatibility policies in the PPS, staff notes that the existing "M1(37)" and "M3" Zone does permits certain types of manufacturing land uses. However, staff is generally satisfied that these land uses and nearby permitted rural residential land uses along O'Neil Drive West are sufficiently buffered, and no adverse effects are anticipated from odour, noise and other contaminants. Staff would also note that the longer term operational and economic viability of the proposed draft plan of subdivision would not be impacted by the nearby residential land uses which are not connected directly to the road network;
4. With respect to Long-Term Economic Prosperity policies in the PPS, staff are of the opinion that approval of the proposed draft plan of subdivision would promote opportunities for economic development and would represent a step forward for the owner in terms of having lands zoned for industrial purposes that would also have an established industrial lot fabric that can be considered to

the be “shovel ready” for industrial development; and,

5. With respect to Natural Hazards policies in the PPS, staff notes. Staff would also note that the draft approval conditions requiring that natural hazards be identified and development that is in proximity to these features is to be properly buffered, mitigated and addressed appropriately through conditions of draft approval. Conservation Sudbury has also reviewed the development proposal and while not in opposition to the application, there are a number of conditions that have been recommended in order to properly address natural hazard matters. Staff would also note the importance of good land use planning as it relates to natural hazard features given the impacts of a changing climate that may act to increase risks associated with natural hazards.

With respect to the City’s Official Plan, staff in general are supportive of the proposed draft plan of subdivision request. Those policies relevant to the development proposal which proposes to subdivide the subject lands for mixed light industrial/service commercial and heavy industrial purposes along National Street in Garson are discussed below.

With respect to General Industrial policies under Section 4.5.1 of the City’s Official Plan, staff has the following comments:

1. Staff notes that the subject lands are already at present zoned to permit a range of mixed light industrial, service commercial and heavy industrial land uses, includes certain types of complementary uses (e.g. hotel and restaurant). These land uses generally include those uses permitted in the General Industrial land use designation, including manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities. Staff further notes and would clarify that the proposed draft plan of subdivision would facilitate the creation of five industrial lots fronting National Street without altering the existing mix of permitted land uses;
2. Staff is generally satisfied that the proposed draft plan of subdivision would have minimal environmental impact. Conservation Sudbury has reviewed the application and are generally supportive of the development proposal and has recommended that a number of draft approval conditions be utilized to ensure that natural hazard matters are properly addressed as the subdivision planning process proceeds through to construction phases. Staff is further satisfied that draft approval conditions requiring proper storm-water management and lot grading design will ensure that environmental matters and impacts are minimized. Staff notes that those lots closest to the rural residential land uses along O’Neil Drive West are of sufficient lot area that it is anticipated that any potential nuisances associated with future industrial development can be appropriately buffered and screened. There are also existing topographical features and mature vegetation on the subject lands, as well as said abutting rural residential lots, providing natural buffering and screening between future industrial uses and existing rural residential uses along O’Neil Drive West; and,
3. However, staff notes that site plan control would not be applicable to the industrial lots as they are not situated within 152.4 m (500.00 ft) of a Residential Zone as defined in the City’s Zoning By-law or within the same distance from the nearest Municipal Road (e.g. Municipal Road #86 being Falconbridge Road) or a Provincial Highway. However, the nearest residential use are rural residential uses fronting O’Neil Drive West and as noted above there are topographical features and mature vegetation providing buffering and screening to the proposed industrial lots. It is further noted that the rear of the subject lands, being the rear portions of both Lots 1 & 2 on the proposed draft plan of subdivision, contain a watercourse and a pond that are regulated by [Ontario Regulation 156/06](#) and development in these areas would require approvals from Conservation Sudbury.

With respect to Settlement Area policies, the subject lands are already zoned for industrial development; however, the owner is seeking to create a lot fabric fronting National Street that would be comprised of separately transferrable as freehold industrial lots. The lands also immediately about the established built boundary identified on Schedule 3 – Settlement Area and Built Boundary of the City’s Official Plan. Staff has no concerns with respect to applying freehold tenure to the proposed industrial lots. Staff also have no concerns with respect to the proposed densities and industrial land uses that would be permitted on the

individual lots that are proposed. Staff would also further note that National Street is in close proximity to both Maley Drive and Falconbridge Road thereby offering an opportunity to make the most efficient use of industrially zoned land, to utilize planned and/or existing municipal infrastructure and to be supportive of the efficient movement of industrial goods and services.

The draft plan of subdivision would create five industrial lots and in summary is supported by applicable Official Plan policies noted in this report.

The application for a draft plan of subdivision would not have the effect of expanding urban-related land use designations into an area that is outside of the above noted and identified Settlement Area and the proposed use of the land and freehold tenure that would be applied to the lots is otherwise permitted under the applicable policies of the City's Official Plan.

With respect to Flooding and Erosion Hazard policies, staff notes that the application for a draft plan of subdivision on the lands has been circulated for comment to Conservation Sudbury and appropriate draft approval conditions have been incorporated into the Resolution section of this report. Staff would reiterate that the recommended draft approval conditions would require that natural hazards be identified and any development that is in proximity to these features is to be properly buffered, mitigated and addressed appropriately through conditions of draft approval. Staff is satisfied that flooding and erosion hazards can be appropriately dealt with through the inclusion of draft approval conditions and has no concerns with the draft plan of subdivision being approved in this context.

Based on the above comments, staff is therefore of the opinion that the proposed draft plan of subdivision as an overall development proposal conforms to the Official Plan for the City of Greater Sudbury.

With respect to the proposed draft plan of subdivision, staff has the following comments:

1. Staff notes that each of the proposed lots would each appear to comply with the minimum lot area, minimum lot frontage and minimum lot depth requirements of the "M1(37)" and "M3" Zones;
2. Staff notes that the two resulting industrial lots that would contain existing buildings would not appear to create any areas of non-compliance with respect to minimum yard setbacks, maximum lot coverage, minimum landscaped open space, and other applicable development standards within the "M1(37)" and "M3" Zones;
3. Staff notes that the submitted draft plan of subdivision has utilized a lotting pattern that could potentially accommodate for future additional industrial lots in the future should the owner choose to do so. The owner is cautioned that a further pre-consultation application to the Sudbury Planning Application Review Team (SPART) would be necessary in order to move forward with additional industrial lots beyond the current development proposal as there are a number of servicing and construction-related matters that would need to be further explored;
4. Staff notes that the draft plan of subdivision is in general configured in a lotting pattern and manner that is appropriate from the perspective of extending National Street in a northerly direction to facilitate additional industrial development having frontage on National Street;
5. Staff advises that the City's standard draft approval conditions have been incorporated into the Resolution section of this report. In addition, the following observations are provided for clarification purposes with respect to the recommended draft plan of subdivision approval conditions:
 - a. The request from Bell Canada to secure easements across the frontages of the proposed lots is addressed in recommended Conditions #8 and #21;
 - b. Those comments provided by Conservation Sudbury are provided for in recommended draft approval Conditions #7 and #13 to #17 inclusively;
 - c. Those comments provided Development Engineering and the City's Drainage Section with respect to servicing the proposed draft plan of subdivision are provided for in the City's standard draft approval conditions; and,
 - d. No further site-specific draft plan approval conditions were requested by any of the circulated agencies and departments.

Conclusion

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Those standard and site-specific draft approval conditions that would be appropriate from the perspective of accommodating the development of five industrial lots fronting National Street have been identified in this report. Staff advises that the recommended draft approval conditions included in this report have been formulated and take into account those comments received from all agencies and departments that were circulated the draft plan of subdivision application. Staff in general has no concerns with the proposed draft plan of subdivision and are of the opinion that the development proposal represents good land use planning within an identified employment area in the City.

The Planning Services Division therefore recommends approval of the application for Draft Plan of Subdivision in accordance with the Resolution section of this report.