

Appendix 1

Departmental & Agency Comments

File: 751-6/20-1

RE: Application for Rezoning – Lacroix Construction Co (Sudbury) Limited
PINs 73568-0019 & 73568-0040, Parcels 46128 & 38729 S.E.S., Lots 34 to 43, Plan M-439 in Lot 9, Concession 5, Township of Neelon (Lapointe Street, Sudbury)

Development Engineering

This site is not presently serviced with municipal water or sanitary sewer. It is noted that the water supply in the Lapointe Street area is undersized and does not provide sufficient supply for firefighting purposes. As such, if any upgrading to the water supply infrastructure is required for firefighting purposes, the developer must perform the required upgrades for their development.

We are in receipt of design drawings for the construction of Lapointe Street to service the property. These drawings include provision of a water supply that does not meet minimum firefighting requirements and a sanitary sewer service that appears oversized for these lands. Prior to finalization of approvals for these drawings, the City requires proof of firefighting capabilities for the site and an explanation as to why the sanitary sewer service is sized larger than required.

Traffic and Transportation

Based on a preliminary plan submitted by the owner, the future north/south road will connect to the Kingsway at the south limit of Lapointe Street. We will require that the alignment of the future north/south road connection be based on the conceptual road linkage as indicated in Official Plan Schedule 6 - Transportation Network. While we do not require any construction of the north/south road as part of this application, it will be required in conjunction with any future development of the property.

Prior to the enactment of the amending by-law, the owner shall enter into an agreement with the City to dedicate on demand the future road allowance extending from Lapointe Street to the southerly limit of Parcel 38729.

The owner will be required to construct a turnaround at the south end of Lapointe Street and will be required to enter into a servicing agreement with the City prior to extension of Lapointe Street.

Building Services

We have reviewed the memo dated January 28, 2020 and can advise that Building Services has the following comments:

- 1) A Site Alteration Permit will be required for the property.
- 2) Shipping containers, unless compliant with Section 4.34 of Zoning By-law 2010 100Z, are not permitted on the property.

3) A condition of approval will be the extension of Lapointe Street to comply with the required 30 metres of road frontage.

Conservation Sudbury

Conservation Sudbury staff has reviewed the above noted application to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "M3", Heavy Industrial and "FD", Future Development to "M3(S)", Heavy Industrial Special in order to permit a contractor's yard on lands designated for industrial use.

Site Characteristics:

Existing mapping indicates that the subject parcel is within the area regulated under Ontario Regulation 156/06 (see attached Regulated Areas Map) due to the presence of wetlands along the north and south of the subject property. The subject property appears to be partially developed.

Delegated Responsibility and Statutory Comments:

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2014) and as a regulatory authority under Ontario Regulation 156/06. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board-approved policies.

Policy 3.1.1c of the PPS identifies that "development shall generally be directed to areas outside of hazardous sites." The PPS includes a change in land use requiring approval under the Planning Act as part of the definition of development. The PPS defines hazardous lands as "property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography)."

Recommendation:

Given the above, Conservation Sudbury is requesting that:

1. The applicant satisfactorily demonstrates that the wetlands will not be disturbed;
2. The applicant satisfactorily demonstrates that the wetlands can be disturbed in accordance with the Conservation Authorities Act; OR,
3. The wetlands be zoned restrictively, such as Open Space Private (OSP).

Any works in the regulated area will require a permit pursuant to Section 28 of the Conservation Authorities Act. More information regarding Section 28 permits can be found here: <https://conservationsudbury.ca/en/permits-planning.html>.

We respectfully request to receive a copy of the decision and notice of any appeals filed.

Environmental Planning Initiatives

The letter report dated December 6, 2019, from Environmental Ecosystems Inc. adequately demonstrates that the Eastern Whip-poor-will did not occur on the subject lands at the time of the survey (Spring 2019).

An Eastern Whip-poor-will was recorded, however, adjacent to the subject lands. The nearest edge of the Category 2 Eastern Whip-poor-will habitat (i.e., area within a circular, 9-ha presumed territory) was estimated to occur within about 60 metres of the eastern boundary of the subject lands. Correspondingly, Category 1 Eastern Whip-poor-will habitat is then at least 230 m from

the eastern boundary of the subject lands. Category 1 habitat is considered to have the lowest level of tolerance to alteration, whereas the tolerance level for Category 2 is considered moderate according to the Province of Ontario's General Habitat Description for the Eastern Whip-poor-will.

Based on the above report's findings, Category 3 Eastern Whip-poor-will habitat (i.e., suitable habitat between 170 m and 500 m of the nest site or centre of approximated defended territory) occurs on most of the subject lands. This area supports various life processes, primarily feeding, and is considered to have a high level of tolerance to alteration based on the Province of Ontario's General Habitat Description for the Eastern Whip-poor-will. Lands that are generally suitable to support the Eastern Whip-poor-will are extensive around the subject lands.

The owner is solely responsible for ensuring that the proposed development does not contravene the Endangered Species Act. Prior to any vegetation removal or other site alteration on the subject lands, the owner is advised to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied.