

Request for Decision

Denis Gratton Construction Limited - Applications for Official Plan amendment and rezoning in order to permit a contractor's yard with outdoor storage on lands designated and zoned as Rural, 3160 Highway 144, Chelmsford

Presented To:	Planning Committee
Presented:	Tuesday, Aug 14, 2018
Report Date	Monday, Jun 04, 2018
Type:	Public Hearings
File Number:	751-5/17-3 & 701-5/17-10

Resolution

Resolution regarding the Official Plan Amendment:

THAT the City of Greater Sudbury approves the application by Denis Gratton Construction Limited to amend the City of Greater Sudbury Official Plan to provide a site-specific exception from the policies of Section 5.2.5 concerning Rural Industrial/Commercial uses in Rural Areas in order to permit a contractor's yard with outdoor storage on lands described as Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour, as outlined in the report entitled "Denis Gratton Construction Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018.

Resolution regarding the Rezoning Application:

THAT the City of Greater Sudbury approves the application by Denis Gratton Construction Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU", Rural to "RU(S)", Rural Special on lands described as Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour, as outlined in the report entitled "Denis Gratton Construction Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall address the following conditions:

- i) Provide the Development Approvals Section with a registered survey plan outlining the southerly lands to be rezoned to enable the preparation of an amending zoning by-law;
- ii) Enter into a Site Plan Control Agreement with the City; and,

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Jun 4, 18

Manager Review

Eric Taylor
Manager of Development Approvals
Digitally Signed Jun 4, 18

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Jul 16, 18

Financial Implications

Jim Lister
Manager of Financial Planning and
Budgeting
Digitally Signed Jul 20, 18

Recommended by the Department

Tony Cecutti
General Manager of Growth and
Infrastructure
Digitally Signed Jul 25, 18

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jul 26, 18

iii) Submit a building permit application for the existing building to the satisfaction of the Chief Building Official.

2. That the amending by-law includes the following site-specific provisions:

i) In addition to the uses permitted in the Rural zone, a contractor's yard with outdoor storage shall also be permitted;

ii) Outdoor storage shall be permitted subject to the provisions of Section 4.28, except no outdoor storage shall be located within the designated flood plain;

iii) The use of shipping containers accessory to a contractor's yard shall be permitted; and,

iv) Any additional relief required in order to implement the final site plan.

3. Conditional approval shall lapse on August 14, 2020 unless Condition 1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan / Health Impact Assessment

The applications to amend the Official Plan and Zoning By-law are operational matters under the Planning Act to which the City is responding.

Report Summary

Applications for Official Plan amendment and rezoning have been submitted in order to:

- Provide a site-specific exception from the policies of Section 5.2.5 of the Official Plan concerning Rural Industrial/Commercial uses in Rural Areas in order to permit an existing contractor's yard with outdoor storage including the use of shipping containers; and;
- Rezone the subject lands to "RU(S)", Rural Special in order to permit an existing contractor's yard with outdoor storage including the use of shipping containers.

The subject property comprises a large rural parcel municipally known as 3160 Highway 144, which is located west of the Whitson River on the north side of Highway 144. The property is serviced by municipal water and sanitary sewer. Highway 144 is under the jurisdiction of the Ministry of Transportation. An easterly portion of the property falls within a designated flood plain associated with the Whitson River.

The proposal is deemed to be consistent with the 2014 Provincial Policy Statement as it does not propose the expansion of settlement area boundaries; the subject land is fully serviced and does not require the uneconomical expansion of infrastructure to accommodate the proposed use; and, the site is located on a Provincial Highway and is integrated into the existing transportation network.

Under the Official Plan, the subject land is designated as Rural, with a portion of the property located within the flood plain designated as Parks and Open Space. Uses permitted under the Rural designation are generally resource-based and may include agriculture, dry industrial/commercial uses and forestry. Staff can support an exception based on the following considerations:

- There is a history of industrial use on the property that pre-dates land use controls;
- The site is fully serviced with municipal water and sanitary sewer;
- Access issues have been resolved and the owner has installed a new commercial driveway entrance approved by the Ministry of Transportation.

In order to address land use compatibility and ensure appropriate development of the land, a Site Plan Control Agreement is recommended prior to the adoption of the amending zoning by-law. The agreement shall address such matters as screening and buffering, the relocated driveway entrance, the location and screening of outdoor storage including shipping containers, and the restriction of development within the flood plain in order to provide an adequate buffer for the Whitson River.

Planning Services recommend that the applications for official plan amendment and rezoning be approved subject to the following conditions to be addressed prior to the adoption of the zoning amendment:

- Provide the Development Approvals Section with a registered survey plan outlining the southerly lands to be rezoned to enable the preparation of an amending zoning by-law;
- Enter into a site plan control agreement with the City; and,
- Submit a building permit application for the existing building to the satisfaction of the Chief Building Official.

Financial Implications

If approved, any change in taxation is unknown at this time as the change in zoning may increase the assessment value.

There would be development charges on the existing building when the building permit is issued but staff is unable to calculate the amount of development charges based on the information available.

Title: Denis Gratton Construction Limited

Date: July 13, 2018

STAFF REPORT

Applicant:

Denis Gratton Construction Limited (Agent: Tulloch Engineering)

Location:

Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour (3160 Highway 144, Chelmsford)

Official Plan and Zoning By-law:

[Official Plan](#)

The subject property has a split land use designation, with the majority of the lands designated as Rural. The easterly portion adjacent to the Whitson River is designated Parks and Open Space, which essentially aligns with the boundary of the flood plain. As advised by the Conservation Sudbury (NDCA), no development is permitted in the flood plain.

Under Section 5.2.5, limited rural industrial/commercial uses are permitted in Rural Areas, particularly those activities that provide rural economic benefits that are balanced with protection of the natural environment and the agricultural resource base.

1. Rural industrial/commercial uses are generally resource-based and may include agriculture, dry industrial/commercial uses, and forestry.
2. Pits and quarries are permitted in appropriately zoned areas.
3. Rural industrial/commercial sites are to be located with adequate separation distances from residential areas, and provide proper buffering and landscaping along Arterial Road frontages. Entrances are restricted to Secondary Arterial and Local Roads, and no temporary structures, outside storage or sales displays may be visible from the frontage of abutting roads. All such development is subject to rezoning and site plan control.
4. New resource-related industries should not impact the natural resource base. Rural industrial/commercial uses must generate limited amounts of wastewater and minimize land use conflicts.

The application to permit a contractor's yard with outdoor storage does not conform to the Official Plan in regards to permitted Rural Industrial/Commercial uses in Rural Areas. An Official Plan amendment is therefore required.

[Zoning By-law](#)

The lands are currently zoned Rural, which permits the following uses: single detached dwelling, mobile home dwelling, bed and breakfast establishment, group home type 1, private home daycare, agricultural use, animal shelter, forestry use, hunting or fishing camp that is a legal existing use, garden nursery, kennel, public utility and veterinary clinic.

Title: Denis Gratton Construction Limited

Date: July 13, 2018

Site Description & Surrounding Land Uses:

The subject property comprises a large rural parcel located west of the Whitson River on the north side of Highway 144. The property is serviced by municipal water and sanitary sewer. Highway 144 is under the jurisdiction of the Ministry of Transportation. The lands are located outside the settlement area boundary of Chelmsford.

The portion of the property subject to the rezoning has an area of approximately 4.5 ha, with 263 metres of frontage and a depth of 168 metres. The site is occupied by a contractor's yard with outdoor storage areas that are not screened. A 320 m² building contains office space and a maintenance garage. The property is not subject to a site plan control agreement.

An easterly portion of the property falls within a designated flood plain, as illustrated on the attached flood plain map provided by Conservation Sudbury (Nickel District Conservation Authority). The use has been expanded into the regulated area without approval from NDCA (see Photo #2).

The northerly portion of the property shows evidence of site alteration. The owner's agent advised that this area is utilized for outdoor storage.

The abutting property to the west, which is a former MTO depot, is zoned "M1", Mixed Light Industrial/Service Commercial (Bross Quick Lube & Tire Sales). Two (2) farm properties with frontage on McKenzie Road abut the northerly limit of the parent parcel. The Whitson River forms the easterly boundary of the property.

Low density residential uses are located on the opposite side of the highway, including a residential subdivision that is accessed via Bathurst Street directly opposite the relocated driveway entrance to the subject land.

Applications:

1. To amend the City of Greater Sudbury Official Plan to provide a site-specific exception from the policies of Section 5.2.5; and,
2. To amend By law 2010-100Z being the City of Greater Sudbury Zoning By-law from "RU", Rural to "RU(S)", Rural Special.

Proposal:

Applications for Official Plan Amendment and rezoning in order to:

- Provide a site-specific exception from the policies of Section 5.2.5 of the Official Plan concerning Rural Industrial/Commercial uses in Rural Areas in order to permit an existing contractor's yard with outdoor storage including the use of shipping containers; and;
- Rezone the subject lands to "RU(S)", Rural Special in order to permit an existing contractor's yard with outdoor storage including the use of shipping containers.

Title: Denis Gratton Construction Limited

Date: July 13, 2018

Departmental/Agency Circulation:

Development Engineering confirmed that the property is serviced by municipal water and sanitary sewer.

Conservation Sudbury (NDCA) advised that no development is permitted within the designated flood plain located on the easterly portion of the property. Staff further recommend that the flood plain be delineated as part of a site plan process and be rezoned as Private Open Space in order to restrict development in the regulated area.

Ministry of Transportation indicated that they have no objection but advise the owner that any change in use is subject to their permit process.

Building Services advised that a building permit for a barn was applied for in 1991 but was never issued. A building permit is therefore required for the existing building, which now comprises an office and maintenance garage.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 240 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The owner's agent prepared an information letter that was sent to adjacent property owners utilizing the City's mailing list.

As of the date of this report, one written submission has been received in opposition to the application. Two (2) phone calls were also received by Planning Services.

Background:

In 1988, applications for Official Plan amendment and rezoning were submitted by the owner in order to recognize a non-conforming truck dispatch centre, permit the renovation of an existing farmhouse into a dispatch office, and allow the construction of a truck service building. Regional Council approved the applications in October 1988 (Recommendation #88-160).

The zoning amendment, which permitted a truck dispatch centre as a site-specific exception, applied only to the southerly portion of the property and was conditional upon the owner entering into a site plan control agreement with the City.

In 1991, the owner submitted a site plan application in order to address the conditional zoning approval. The site plan process was never finalized. A building permit application was also submitted for a barn and machine shed; however, the permit was never issued (Permit 91-4028).

Official Plan Amendment #103 was adopted in 1991 in order to change the land use designation from Agricultural to Rural with a site-specific exception to permit a truck dispatch centre (By-law 91-348). The amendment required approval from the Ministry of Municipal Affairs.

Title: Denis Gratton Construction Limited

Date: July 13, 2018

In 1992, the owner's lawyer requested that the Ministry of Municipal Affairs refer OPA #103 to the Ontario Municipal Board (OMB), as the Ministry had not yet approved the amendment due to Ministry of Transportation (MTO) concerns related to a commercial driveway entrance on a controlled access highway.

In 2001, the owner withdrew the appeal to the OMB, and the Board subsequently issued an order to not approve OPA #103. As a result of the withdrawal of the appeal and the OMB order, the lands remain designated Rural and zoned as Rural, and the ongoing use of the property remains unresolved.

In 2015, MTO permitted the relocation of the driveway entrance to a location directly opposite Bathurst Street and issued a commercial driveway entrance permit subject to the following proviso: "This entrance permit recognizes the existing use of the entrance as access to a contractor's yard and is not intended to pre-empt land use regulations." The Whitson River bridge reconstruction project is currently under construction.

In January 2018, the owner submitted applications for Official Plan and zoning amendments in order to permit all General Industrial uses on the subject lands. The applications were subsequently revised in June 2018 to limit the proposed use to a contractor's yard with outdoor storage including the use of shipping containers. Draft Official Plan Amendment # 95 has been revised accordingly.

Planning Considerations:

[2014 Provincial Policy Statement \(PPS\)](#)

Under the 2014 Provincial Policy Statement, the subject property is defined as Rural Lands, which are Rural Areas located outside Settlement Areas and Prime Agricultural Areas. Under Section 1.1.5.2, the following uses are permitted on rural lands located in municipalities:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) limited residential development;
- d) home occupations and home industries;
- e) cemeteries; and,
- f) other rural land uses.

Under Section 1.1.3.8 of the PPS, 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, are financially viable over their life cycle, and protect public health and safety and the natural environment.

Section 1.6.7 of the PPS speaks to the adequacy of transportation systems to accommodate development. Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

Title: Denis Gratton Construction Limited

Date: July 13, 2018

The proposal is deemed to be consistent with the 2014 Provincial Policy Statement based on the following considerations:

- The revised application seeks an exception to the Rural policies of the Official Plan and does not propose the expansion of settlement area boundaries, which can only be considered as part of a comprehensive review of the plan and when there is a demonstrated need to designate additional lands;
- The subject land is fully serviced by municipal water and sanitary sewer and does not require the uneconomical expansion of infrastructure to accommodate the proposed use;
- The site is integrated into the existing transportation network, as there is direct access to a Provincial Highway utilizing a new commercial driveway entrance approved by the Ministry of Transportation.

2011 [Growth Plan for Northern Ontario](#) (GPNO)

The Growth Plan has no applicable land use policies for rural lands within municipalities. The Plan does identify Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses. Therefore it can be generally stated that the proposal does not conflict with the 2011 Growth Plan for Northern Ontario.

Official Plan

The subject land is currently designated as Rural, with a portion of the property located within the flood plain designated as Parks and Open Space. Although directly adjacent to the settlement area of Chelmsford, the lands are not designated for intensified development beyond those uses permitted under the Rural designation, which are generally resource-based and may include agriculture, dry industrial/commercial uses and forestry.

The owner is requesting a site-specific exception to the Official Plan in order to recognize the existing contractor's yard. Staff can support an exception based on the following considerations:

- There is a history of industrial use on the property that pre-dates land use controls;
- The site is fully serviced with municipal water and sanitary sewer;
- Access issues have been resolved and the owner has installed a new commercial driveway entrance approved by the Ministry of Transportation;
- Land use compatibility can be achieved through the implementation of a Site Plan Control Agreement, as required under Section 5.2.5 of the Official Plan.

Environmental matters

An easterly portion of the subject land falls within a designated flood plain. The owner has expanded the contractor's yard into the flood plain area without approval from Conservation Sudbury (NDCA). This is illustrated on the rezoning sketch, which shows a disturbed area encroaching beyond the flood plain boundary towards the Whitson River in a northeasterly direction. NDCA staff have attended the site and have advised the owner that the use must be pulled back from the designated flood plain area.

The proximity to the Whitson River presents additional environmental concerns. Environmental Planning Initiatives advised that operations on the site, including outdoor storage, should be restricted to the limits of the flood plain in order to protect fish habitat and address water quality concerns.

Title: Denis Gratton Construction Limited

Date: July 13, 2018

The above matters can be addressed through a Site Plan Control Agreement, which is recommended prior to the adoption of the amending zoning by-law.

Land use compatibility

The proximity to residential uses south of Highway 144 directly opposite the subject land presents concerns related to compatibility. The Ministry of the Environment and Climate Change (MOECC) provides guidelines related to adequate separation distances for industrial uses from sensitive land uses. Under [Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses](#), recommended separation distances range from 20 to 300 metres depending on the class of industrial use.

Based on the land use definitions provided under [Procedure D-1-3](#), the contractor's yard is defined as a Class II Industrial Facility based on the outdoor storage of materials and equipment, occasional nuisance factors such as noise, odour and dust, and the frequent movement of heavy trucks during daytime hours. The recommended minimum separation distance from sensitive land uses for Class II facilities is 70 metres.

In order to ensure that land use compatibility is achieved with adjacent uses, it is recommended that site plan control be implemented as a condition of approval, as was initiated under the previous 1988 approval. The 1991 site plan submission is attached for the Committee's information. The site plan control agreement could address such matters as screening and buffering, the relocated driveway entrance, the location and screening of outdoor storage including shipping containers, and the restriction of development within the flood plain in order to provide an adequate buffer for the Whitson River.

Summary

Planning Services recommends that the applications for Official Plan amendment and rezoning be approved subject to the conditions outlined in the Resolution section of this report.

Appendix 1

Departmental & Agency Comments

Files: 701-5/17-10 & 751-5/17-3

RE: Applications for Official Plan Amendment and Rezoning – Denis Gratton Construction Limited
Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour (3160 Highway 144, Chelmsford)

Development Engineering

This site is presently serviced with municipal water and sanitary sewer.

Roads and Transportation

We have no concerns with the proposed use of the subject property as long as sufficient parking spaces are provided on site to satisfy by-law requirements.

Building Services

1. The building on the property will require a building permit. A building permit was applied for but was never issued for the barn building in 1991. Prior to the rezoning, a building permit will need to be issued.
2. A Site Alteration Permit may be required for any changes to the existing grades on the property.

Environmental Planning Initiatives

The eastern edge of the disturbed, occupied area on the subject lands is quite close to the Whitson River and could be having negative impacts on fish habitat. Limiting the extent of the disturbed area to the limit of the flood plain would provide a sufficient buffer to mitigate possible negative impacts on fish habitat. There should be no storage of any kind, including temporary vehicle storage, within the limit of the flood plain to allow that area to regenerate naturally.

Conservation Sudbury (Nickel District Conservation Authority)

The subject property has some flood plain and regulated areas on the east edge of the parcel (see attached map). We would advise that the flood plain and regulated area be zoned as Open Space Private. As per the *Conservation Authorities Act*, 1990, section 28(2), it is the responsibility of the Conservation Authority to protect the flood plain and regulated area from any form of development. We would suggest that a site plan agreement be drafted between the City and the owner to define the flood plain area and the regulated area on subject property. No development shall occur on the flood plain and regulated areas.

Ministry of Transportation (MTO)

Please note that an MTO Entrance permit is required to reflect any changes in land use or land ownership, and prior to the construction of any new entrance. MTO building/land use permits are required for any proposed buildings, wells or septic systems located within 45 meters of the MTO right of way (ROW) limits.

Should the proponent intend to develop the property beyond existing uses they are recommended to contact the MTO to discuss the project. In that instance MTO permits may be required and studies (for example a traffic impact study) and plans (for example a stormwater management plan) may be required for MTO review and approval prior to this issuance of MTO permits.

DIMENSIONS ARE IN METRES
AND/OR MILLIMETRES
UNLESS OTHERWISE SHOWN

JAN 22 2018

PLANNING SERVICES

System

Ontario

C2S ENGINEERING

- CIVIL INFRASTRUCTURE • LAND DEVELOPMENT •
- ROADS & BRIDGES • BUILDINGS, WATER RESOURCES •
- PROJECT MANAGEMENT •

Project: **DENIS GRATTON CONSTRUCTION LTD.**

3160 HWY 144, CHEMILSFORD, ONTARIO

PROPOSED REZONING AREA

PRELIMINARY

105

checked on K.

Subject: _____

SUD-1216

Date: Nov. 16, 2017

Scale: 1 : 2000

Drawing No.:

1 of 1

SITE PLAN

DRAWING NOT TO BE SCALED
100 mm ON ORIGINAL DRAWING



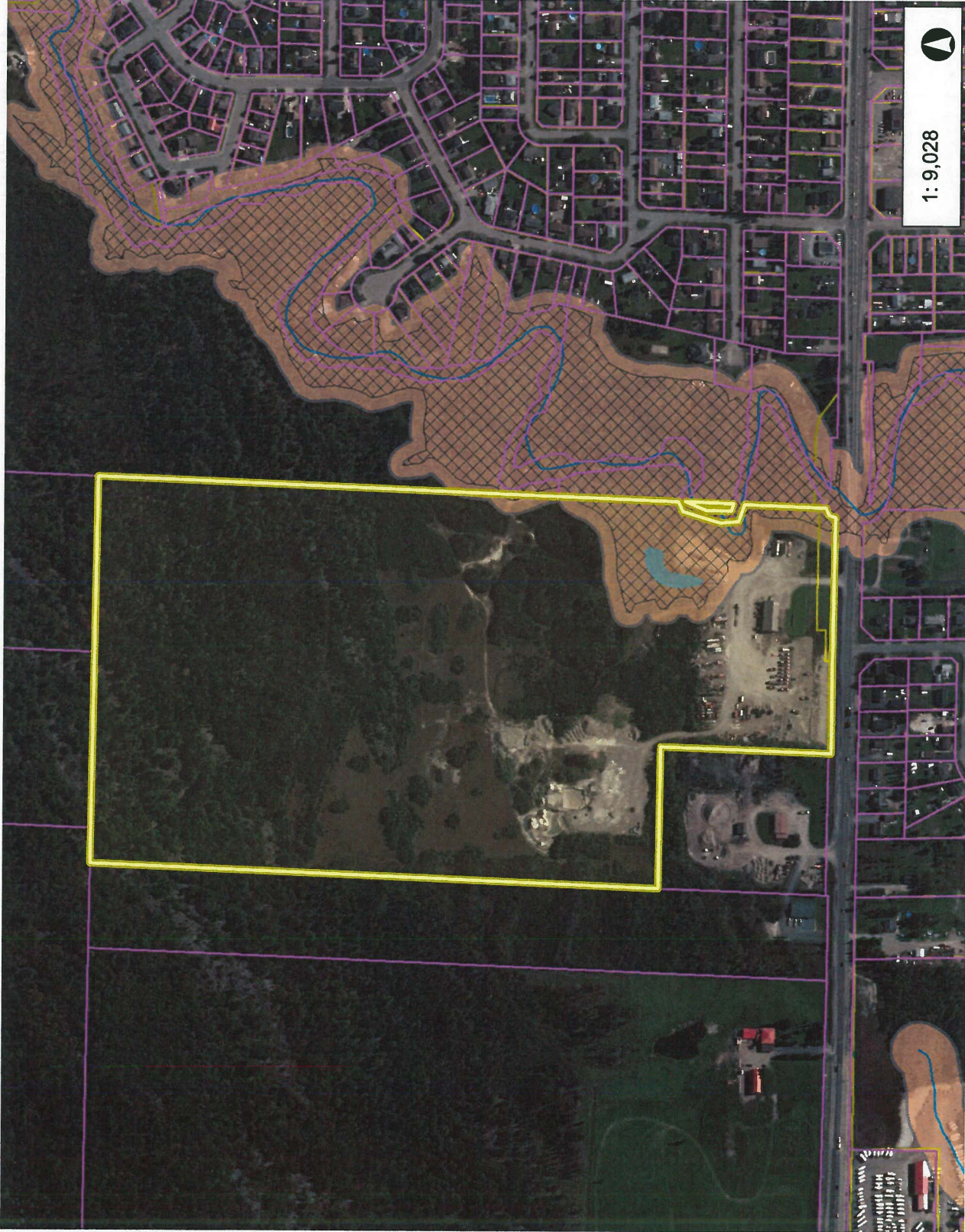
3160 Highway 144



Legend

- Parcela_DB
- Waterbody
- Wetlands
- Updated Watercourse (2017)
- Parcel Owners
- Flood Plain_UPDATED_May_2
- Regulation Limits_Updated_Se
- Municipal Boundary (CGS)
- NDCA Jurisdiction
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes



1: 9,028



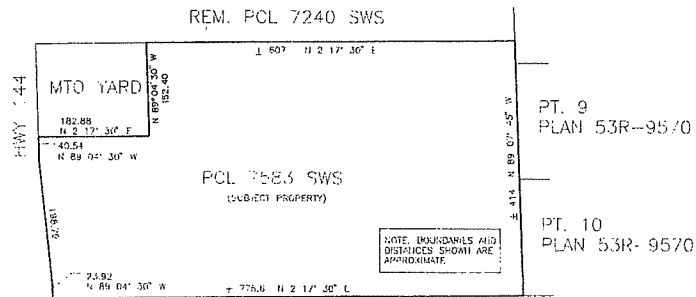
458.6 0 229.31 458.6 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1991 SITE PLAN SUBMISSION



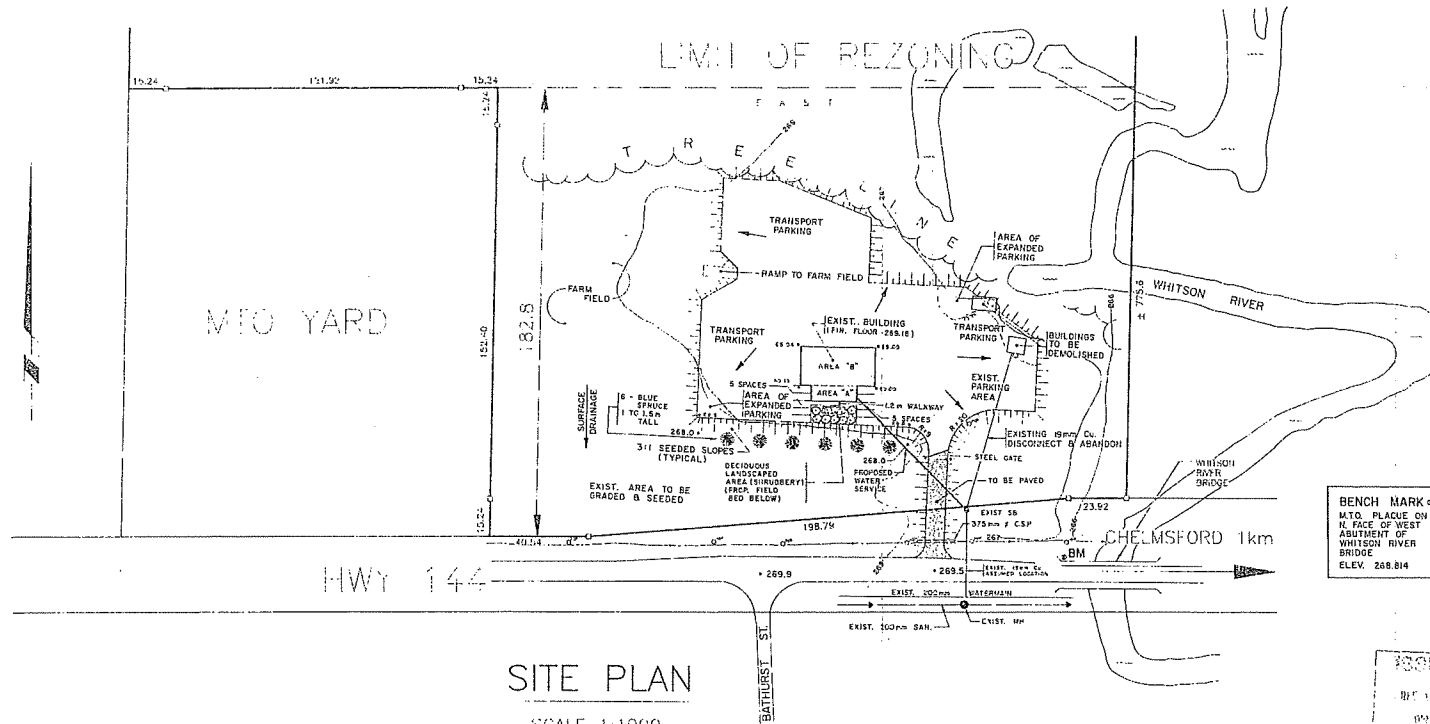
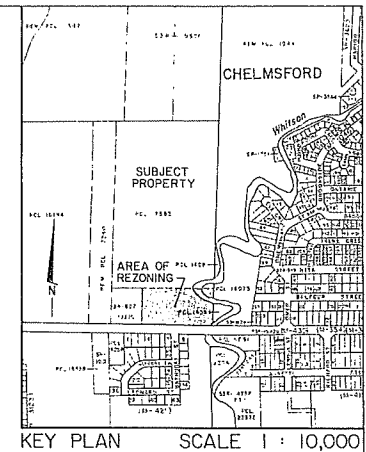
BOUNDARY SKETCH

SCALE 1:4000

NOTES

- 1) Parking areas are gravel
 - 2) Area 'A' - office area = 123 m²
Area 'B' - repair shop = 465 m²
Max Height - 7.9 m
 - 3) Area of rezoning - 4.54 ha
Total area of subject property - 29.8 ha
 - 4) Required parking -

office	123	= 4.1 spaces
repair shop	465	= 5.2 spaces
	.90	
Total		= 9.3 spaces
- Total provided - 10 spaces



LEGEND

- PROPOSED DIRECTION OF SURFACE DRAINAGE
- EXIST. CONTOUR
- PROP. FINISHED GRADE ELEVATION (200 DATUM)
- 269.0 EXIST. ELEVATION

PARCEL 7583 S.W.S.
PART OF
LOT 4, CONCESSION III
TOWNSHIP OF BALFOUR
TOWN OF RAYSIDE - BALFOUR
REGIONAL MUNICIPALITY OF SUDBURY
DISTRICT OF SUDBURY

RECEIVED

DEC 19 1991

BUILDING CONTROL
DEPARTMENT

RECEIVED
DEC 19 1991
BUILDING CONTROL
DEPARTMENT

DENNIS CONSULTANTS
CIVIL ENGINEERS
a division of B. J. Associates Limited

GRATTON TRANSPORT SITE PLAN

SCALE: AS NOTED
DATE: AUGUST, 1991
DRAWN: DAN J. M.
JOB NUMBER: 91-933



PHOTO 1 3160 HIGHWAY 144, CHELMSFORD, MAIN BUILDING ON
SUBJECT LAND CONTAINING OFFICE AND GARAGE BAYS



PHOTO 2 3160 HIGHWAY 144, CHELMSFORD, EASTERLY INTERIOR
SIDE YARD FACING NORTHEAST

701-5/17-10 & 751-5/17-3
PHOTOGRAPHY MAY 3, 2018



PHOTO 3 3160 HIGHWAY 144, CHELMSFORD, VIEW OF WHITSON
RIVER FACING EAST



PHOTO 4 3160 HIGHWAY 144, CHELMSFORD, REAR YARD BEHIND
MAIN BUILDING FACING WEST

701-5/17-10 & 751-5/17-3
PHOTOGRAPHY MAY 3, 2018



PHOTO 5 3160 HIGHWAY 144, CHELMSFORD, WESTERLY INTERIOR
SIDE YARD



PHOTO 6 3160 HIGHWAY 144, CHELMSFORD, NEW DRIVEWAY
ENTRANCE TO THE SITE OPPOSITE BATHURST STREET

701-5/17-10 & 751-5/17-3
PHOTOGRAPHY MAY 3, 2018



PHOTO 7 3160 HIGHWAY 144, CHELMSFORD, SINGLE DETACHED DWELLINGS OPPOSITE SUBJECT LAND ON SOUTH SIDE OF HIGHWAY



PHOTO 8 3098 HIGHWAY 144, CHELMSFORD, INDUSTRIAL PROPERTY ZONED M1 ABUTTING WESTERLY (FORMER MTO DEPOT)

701-5/17-10 & 751-5/17-3
PHOTOGRAPHY MAY 3, 2018

**Planning Justification Report
Official Plan Amendment &
Zoning By-law Amendment**

3160 HWY 144
PIN 73350-0625
City of Greater Sudbury

Prepared By:



November 2017
#175344

Prepared for:
Denis Gratton Construction Limited

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1.0 Introduction

Tulloch Engineering (TULLOCH) has been retained by Denis Gratton Construction Limited to complete a Planning Justification Report in support of applications for official plan and zoning by-law amendment to redesignate the subject property from Rural to General Industrial, and rezone such property from 'RU' Rural to 'M2' Light Industrial, for the property known as the E ½ of S ½ Lot 4 Concession 3, being PIN 73350-0625 in the Township of Balfour in the City of Greater Sudbury. This report provides a planning analysis and demonstrates consistency of the applications with relevant planning policy found the 2014 Provincial Policy Statement and the City of Greater Sudbury Official Plan.

2.0 Proposal

The proposed official plan and zoning by-law amendments seek to allow uses that are permitted within the General Industrial designation and M2 Light Industrial zone. At this time, no additional buildings or structures are proposed on the property. The subject applications are to facilitate the more flexible future use of the property for light industrial purposes.

The subject property is currently used as a general construction facility for the purposes of storing trucks and limited materials associated with the activities of a construction company that is involved in private construction, municipal infrastructure, and aggregate transportation projects of both a major and minor scale. An existing contractor shop and ancillary office are currently located on the property, along with a large vehicle storage area for vehicles and heavy equipment associated with the existing construction business.

Significant discussions have been held with the Ministry of Transportation (MTO) regarding access and egress to the property. In the early 1990's an application for official plan amendment and zoning by-law amendment and site plan control to permit a truck dispatch and service centre were made to the then Regional Municipality of Sudbury and Town of Rayside-Balfour. At that time, the only objection to the applications was from the Ministry of Transportation due to the proximity of the existing driveway to the adjacent Whitson River Bridge. Such applications were referred to the Ontario Municipal Board, but the associated hearing was adjourned prior to being heard.

Since that time, discussions have continued between the property owner and the Ministry of Transportation. In February 2017 the MTO provided confirmation of agreement that they had acquired lands along the frontage of the subject property to facilitate the replacement of the Whitson River Bridge on Highway 144 (Appendix 1), and as such the Ministry will issue a commercial entrance permit, construct a new commercial entrance to the property on behalf of the owner and subsequently remove the existing entrance. Given this agreement is now in place, the property owner seeks to move forward with *Planning Act* applications necessary to facilitate the best use of the property.

Property Limits, Uses & Access



3.0 Subject Lands and Surrounding Area

3.1 Subject Lands

The subject lands are located in the City of Greater Sudbury on the north side of Highway 144 directly abutting Whitson River to the east of the property. The subject property is approximately 30 hectares (74 acres) in size. The property is currently used for a contractors shop with related truck and heavy equipment storage and accessory office space.

3.2 Surrounding Area

The surrounding area is characterized by an industrial use (municipal facility), vacant land, and limited residential uses to the south. The subject property is bounded by the following:

- North: Vacant lands zoned 'RU' Rural
- South: Highway 144 and Single Detached Dwellings
- East: Whitson River and the Chelmsford Settlement Area
- West: Municipal depot (zoned M1) and vacant lands

Surrounding Lands (aerial with approximate property boundary)



4.0 Planning Analysis

4.1 Provincial Policy Statement 2014

The 2014 Provincial Policy Statement (PPS) provides provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on *Planning Act* applications. Municipal Official Plans are to be consistent with the 2014 PPS. Applicable PPS policy to this development proposal is outlined and discussed below.

- "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;*
 - ...*
 - 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 patterns and standards to minimize land consumption and servicing costs;"*

The subject applications intend to facilitate General Industrial uses on the property. As discussed below, the property currently has full municipal services at the road frontage. While the property is outside of the settlement area boundary, the enhancement of use permissions on a property that has full municipal services and is on an existing highway that is designed for significant truck/industrial traffic promotes the efficient use of a property that will result in enhanced financial wellbeing for the municipality and province. Allowing more flexible uses on the property promotes the financial well-being of the municipality by utilizing such existing services and infrastructure, while minimizing land consumption and servicing costs by enhancing the marketability and potential for further employment uses on a property already used for an employment-generating use. Given the existing situation on the property, the provision of full municipal services and adequate transportation infrastructure to serve future general industrial uses, the subject applications meet the intent of the above PPS policies.

- "1.1.4.1 Healthy, integrated and viable rural areas should be supported by:*
- ...*
 - b) promoting regeneration, including the redevelopment of brownfield sites;*
 - e) using rural infrastructure and public service facilities efficiently;*
 - f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;"*

The subject property is within the rural area (outside of the settlement area), and located on rural lands within the City of Greater Sudbury Official Plan. The establishment of General Industrial uses on the property would facilitate employment opportunities in an area with existing municipal infrastructure and full municipal services that can meet the needs of future industrial uses on the property. Industrial operations that would provide opportunities for significant employment in the rural area (while being directly adjacent to the settlement area of Chelmsford) demonstrates conformity of the applications with the intent of above PPS policies relating to the diversification of the local rural economic base, and appropriate use of existing municipal infrastructure and services. Additional use permissions on the property would also promote future regeneration and development of the property, which otherwise could become a vacant brownfield site adjacent to a settlement area if such flexibility in uses was not established if the current operation ever ceased or relocated in the future.

"1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted."

The subject development is compatible with the rural landscape found in the area of the Whitson River and Highway 144. Any future general industrial uses would be sufficiently screened from neighbouring properties by virtue of the ability to enhance existing landscaping on the property, and by virtue of the existing buffer lands surrounding the property (being the Whitson River to the East, and a property zoned M1 directly to the west). As discussed previously, existing service and infrastructure levels in the area are sufficient to meet the needs of any future General Industrial operation. As such, the subject applications meet the intent of the above PPS policy.

"1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses."

The establishment of General Industrial uses on the property will support further diversification of the local rural economic base, while being appropriate to the unique servicing situation found on the property (being the existing full municipal services in a rural area). This diversification will not impact agricultural lands or other resource-related uses in the area, as the lands have not been identified as Prime Agricultural Lands and no farm operations are in close proximity to the property.

*"1.3.1 Planning authorities shall promote economic development and competitiveness by:
a) providing for an appropriate mix and range of employment and institutional uses to meet long-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 take into account the needs of existing and future businesses;

...

d) ensuring the necessary infrastructure is provided to support current and projected needs."

As the property is currently used for a contractor/construction operation, permitting additional General Industrial uses promotes economic development and would provide for an enhanced mix of appropriate employment uses on a fully-serviced property. Providing for additional uses on the property also diversifies the economic base in and around Chelmsford, and would allow the existing and any future businesses to consider establishing diversified employment operations on a property that is in an appropriate location for such uses. As such, the subject applications meet the intent of the above PPS policy.

"1.6.6.1 Planning for sewage and water services shall:

a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:

- 1. municipal sewage services and municipal water services; and*
- 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available;*

...

d) integrate servicing and land use considerations at all stages of the planning process; and

e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5."

The subject property is fully serviced by municipal water and sewer infrastructure. Allowing additional General Industrial uses on the property would facilitate the directing of expected industrial growth and development in a manner that optimizes such existing services. As such, the subject applications meet the intent of the above PPS policies.

"1.7.1 Long-term economic prosperity should be supported by:

a) promoting opportunities for economic development and community investment-readiness;

b) optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;

...

f) providing for an efficient, cost-effective, reliable multimodal

transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;"

The subject applications seek to broaden the permitted uses on the property to allow the full range of uses permitted in the General Industrial designation and M2 zone. As stated previously, the intent of these applications is to allow flexibility for future owner/operators in locating a range of operations on a property that is currently used for a construction operation. This envisioned flexibility does by its nature promote opportunities for economic development and community investment-readiness on a property that is directly adjacent to the settlement area of Chelmsford. Such inherent economic benefit, along with the appropriate placement of such economic development opportunities on a location that is fully serviced and has existing appropriate transportation infrastructure at its frontage provides a net economic-benefit to the Municipality. Given the discussed appropriateness of the property for enhanced uses (by virtue of the infrastructure and services available to the property), allowing additional General Industrial uses on the property optimizes the use of the land and promotes investment-readiness in the City of Sudbury in an appropriate location. As such, the subject applications meet the intent of such PPS policy.

"3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

...

c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances."

As shown in Appendix 2, the subject property does have limited areas of floodplain lands as a result of its proximity to the Whitson River. Discussions have been held with the Nickle District Conservation Authority regarding the appropriateness of establishing further uses through the subject official plan and zoning by-law amendments on this property. The Authority has expressed no concern with the subject applications, and reiterated that any future structures or site alteration on the property would need to be located outside of the existing floodplain. Given that the establishment of future industrial operations would be required to go through Site Plan Control approval and such Site Plan Control would be an appropriate tool to ensure development stays outside of the regulated floodplain area, the subject applications do not conflict with the above PPS policy regarding restricting development within hazardous lands.

4.2 City of Greater Sudbury Official Plan (2010)

The subject lands are currently designated Rural per Schedule 1c of the Official Plan. However, the subject application for official plan amendment would redesignate the property to a *General Industrial* use. The appropriateness of such a General Industrial designation being applied to the subject lands and the associated Official Plan policies related to General Industrial uses are discussed below.

"4.5.1 General Industrial Policies

1. *Permitted uses may include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.*
2. *Complementary uses, such as administrative offices, which do not detract from, and which are compatible with, the operation of industrial uses are also permitted.*
3. *General Industrial uses must have minimal environmental impacts. Any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.*
4. *Where development occurs in areas that are not fully serviced, only dry industries that generate less than 4,500 litres of wastewater a day may be permitted."*

General Industrial uses are to have minimal environmental impact and must be appropriately buffered/screened from adjacent uses to which the industrial use may cause a nuisance. The surrounding land use and environmental context of the subject property serves well to provide such buffering and screening, by virtue of the Whitson River buffering the property from the settlement area of Chelmsford (and the related residential uses) to the east, while to the west an existing municipal depot (zoned M1) and vacant bush lands would provide appropriate buffering of any future industrial operation from any sensitive uses. Future site plan control applications would be required to facilitate a new operation on the property, at which time appropriate screening could be established to mitigate any impact of the new use on the existing residential lands on the south side of Highway 144.

Regarding environmental impact, there is no expansion of operations on the property proposed at this time. Any future new or expansion to the existing operation would be required to go through site plan control. At such time, City Environmental Planning Initiatives staff would have the opportunity to ensure appropriate setbacks are maintained from any natural features or areas of potential species at risk. Given the site specific ability to adequately screen future general industrial uses from neighbouring sensitive uses and the future ability to mitigate environmental impact through site plan control, the subject applications meet the intent of the above official plan policies.

"5.0 Rural Areas:

Given Greater Sudbury's vast geographic area, a significant proportion of the municipality is comprised of Rural Areas. Although some areas are partially serviced by municipal water, most rural households, businesses and farms rely on private water"

As discussed, the subject property is unique with regards to having existing full municipal services available while being in the rural area. The general intent of having lands designated as Rural is to limit developments to those uses which are appropriate given typical rural service and infrastructure standards. However, as the subject property is fully serviced and directly adjacent to the settlement area of Chelmsford, it is reasonable to conclude that the existing Rural designation on the property is inappropriate and does not meet the intent of Plan policy speaking to the appropriate use of existing municipal infrastructure. Given this conclusion, the application to redesignate the property to General Industrial meets the intent of the overall Official Plan's intent in restricting such industrial uses to areas with full municipal services.

"12.2.2 New Development

Municipal sewer and water services are the preferred form of servicing for all new developments. Municipal sewer and water systems will accommodate all new development, except in unserved or partially serviced areas where different land use and servicing policies apply."

As discussed previously, the subject applications meet the intent of the above Official Plan policy by virtue of the property having full municipal services available at the property frontage.

"16.2.3 In addition to the more detailed discussion of *Economic Development* contained in *Chapter 17.0*, the following policies will apply:

1. Have regard for the City's economic development strategic plan in assessing development applications.

...

4. Where compatible, encourage the location of wealth-creating businesses in close proximity to existing communities."

The prior analysis of Plan policies regarding appropriate buffering of industrial operations from more sensitive uses has demonstrated that the establishment of a broad range of industrial uses on the subject property meets the above compatibility test for locating wealth-creating businesses in very close proximity to an existing community (Chelmsford). No negative impact on surrounding communities or properties has been demonstrated by virtue of existing buffer lands to the east and west being either zoned M1, being vacant and the property being adjacent to the Whitson River. Given that appropriate screening of any future operation from residences to the south

can be enacted through a future site plan control application, and given that Highway 144 already acts as a buffer between the property and such residences, and given such demonstration of compatibility and ability for future operations to be screened, the subject applications meet the intent of the above Official Plan policies.

"17.1

OBJECTIVES

It shall be the objective of Council to:

b. encourage further diversification of the local economy, especially in the value-added sectors that generate new wealth for the community;

...

d. ensure that a full range of infrastructure is in place to support economic development;

...

i. continue the development of Greater Sudbury as the Centre for Northeastern Ontario."

The range of uses permitted within the General Industrial designation and M2 zone will inherently provide for further diversification of the local economy, especially in a sector that generates new wealth for the Greater Sudbury community through the potential for enhanced employment opportunities and wealth generating business expansion in close proximity to areas where such workers would live (i.e. the Chelmsford settlement area). The enhancement of such wealth generating uses on the property utilizes existing municipal infrastructure, and would prevent further expansion of such municipal infrastructure in other non-serviced areas of the City to accommodate other future employment uses. Given the unique circumstances that allow for the diversification of wealth generating uses on a property that is already serviced, and given the potential for future requested uses to continue the 'development of Greater Sudbury as the Centre for Northeastern Ontario' from an employment perspective, the subject applications meet the intent of the above Official Plan policies.

4.3 City of Greater Sudbury Zoning By-law 2010-100Z

The subject lands are currently zoned 'RU' *Rural* in the City of Greater Sudbury Zoning By-law.

The intent of the subject zoning by-law amendment is to establish the lands as an 'M2' *Light Industrial* zone, permitting the suite of uses allowed in such M2 zone. Uses permitted in the M2 zone that are particularly envisioned for the property may include (but may not be limited to):

- Automotive body, service, lube and/or repair shops;
- Building Supply and Lumber Outlets;
- A Commercial or Public Garage;
- A Commercial Self-Storage Facility;

- Contractors Yard;
- Food Processing Plant;
- Garden Centre;
- Gas Bar;
- Heavy Equipment Sales and Rental;
- Home Improvement Centre;
- Modular Building Dealership;
- Recreation Vehicle Sales and Service Establishment;
- Service Trades;
- Transport Terminal;
- Warehouse.

Uses permitted in the M2 zone are appropriate given the unique situation found on the property, such as the provision of full municipal services at the Highway 144 frontage and given that the property directly abuts the settlement area of Chelmsford. The size of the property, surrounding uses and existing extent of site alteration would also permit any new operation to have sufficient buffering from abutting sensitive uses. Any specific standards regarding outdoor storage, screening, landscaping, and buffering of light industrial operations from the existing residential development to the south can be implemented through future applications for site plan control.

5.0 Summary

Given the analysis provided herein, the proposed General Industrial designation and zoning of the property to 'M2' *Light Industrial* is consistent with the goals, objectives and intent of the Provincial Policy Statement and the City of Greater Sudbury Official Plan. The proposal would establish an appropriate form of development in the rural area that can be serviced by existing full municipal services and transportation infrastructure, while being compatible with surrounding uses and the rural landscape. Employment opportunities would be introduced to an appropriate location within the rural area, with opportunities for screening and buffering to mitigate concerns regarding land use compatibility and environmental impacts of any future light industrial operations being possible through a future site plan control application.

Given the above, it is the author's opinion that the subject applications for official plan and zoning by-law amendment represent good planning.

Respectfully submitted,



Kevin Jarus, M.Pl.
Planning Project Manager
Tulloch Engineering

Appendix 1

MTO February 2017 Correspondence

RECEIVED

FEB 24 2017

Ministry of Transportation
Engineering Office
Property Section

Ministère des transports
Bureau du génie
Section des biens immobiliers



Northeastern Region
447 McKeown Avenue, Suite 301
North Bay ON P1B 9S9
Tel (705) 497-6817
Fax (705) 497-5509

Région du Nord-est
447 avenue McKeown, bureau 301
North Bay ON P1B 9S9
Tél (705) 497-6817
Téléc (705) 497-5509

February 21, 2017

Denis Gratton Construction Limited
3160 Highway 144
Chelmsford, Ontario P0M 1L0

Dear Mr. Gratton

**Re: Your entrance to Highway 144 at
3160, Hwy. 144, Chelmsford**

This is to confirm that the Ministry of Transportation has acquired property from you at the above location to facilitate replacement of the Whitson River Bridge on Highway 144, and intends to commence associated construction in June, 2017.

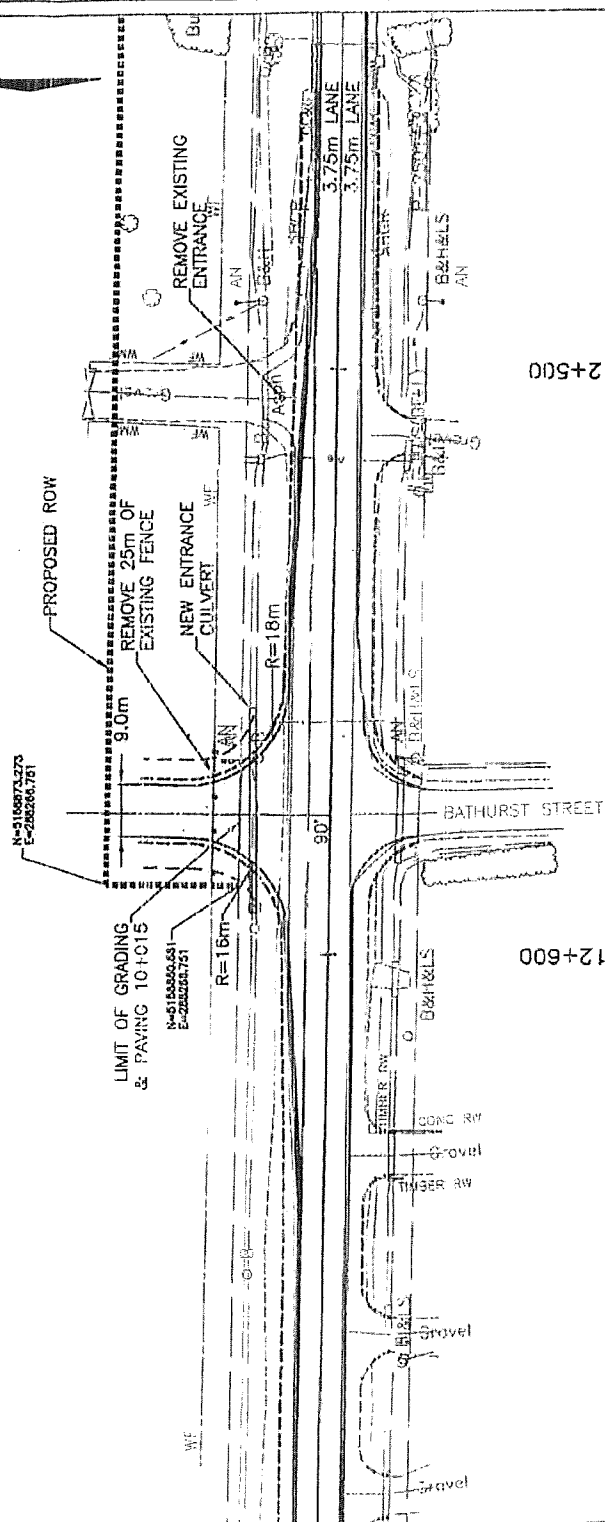
As per our property purchase agreement, as one of the first phases of construction this spring, the Ministry will construct a new commercial entrance to your property as illustrated on the enclosed drawing and will issue a commercial entrance permit for the new entrance. Once the new entrance is in place, the existing entrance will be removed.

If you have any questions, please contact me at the above number or address, or via e-mail at jeff.cole@ontario.ca

Yours truly,

Jeff Cole, Property Supervisor

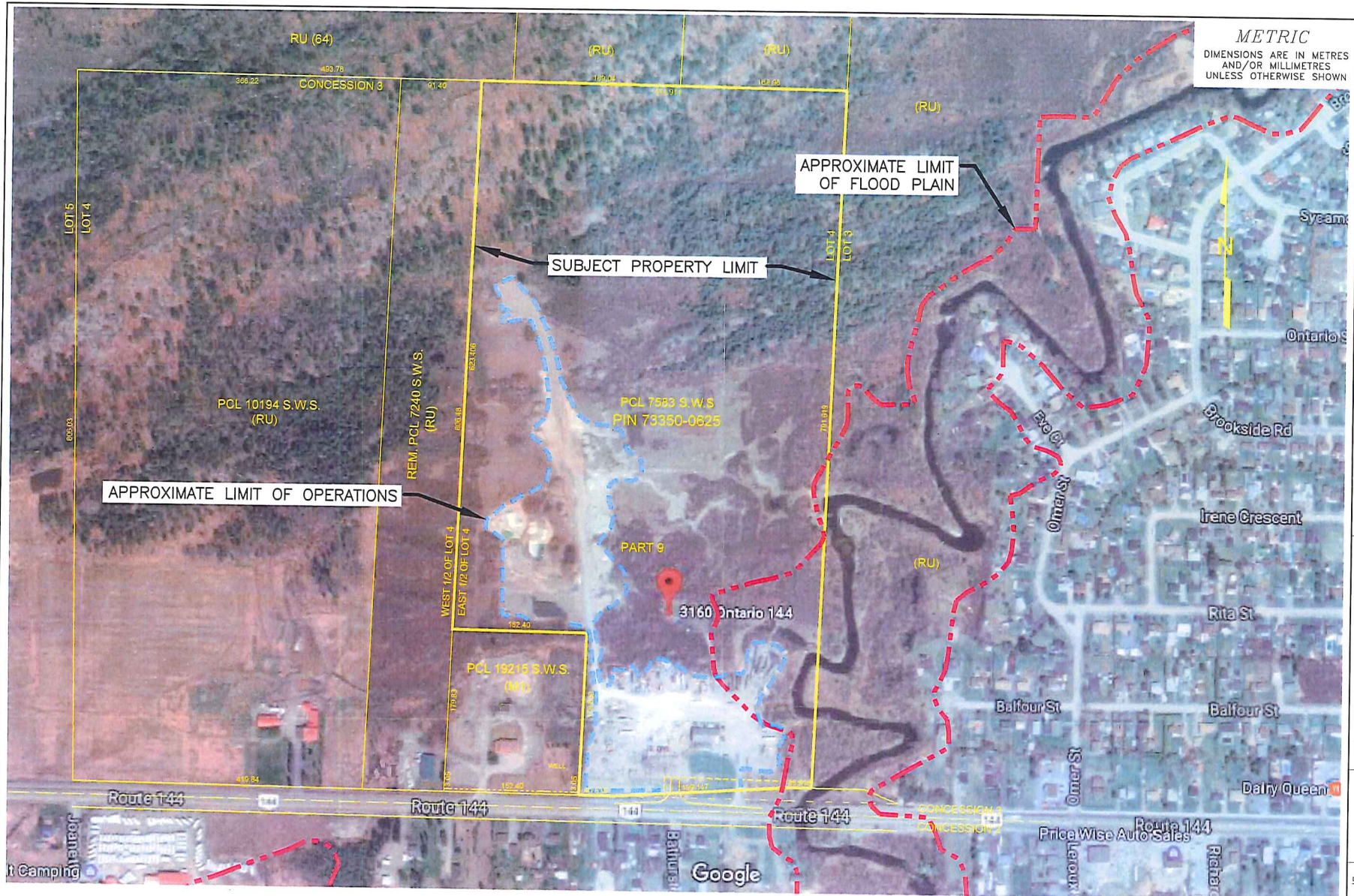
DENIS GRATTON CONSTRUCTION LTD
12+576 RT
BALFOUR TOWNSHIP
CSAS - 23



Dated at _____ this _____ day of _____, 20____		MINISTRY OF TRANSPORTATION OF ONTARIO NORTHERN REGION - PLANNING AND DESIGN OFFICE	
Print Name(s) (and position if corporation) _____		COMMERCIAL ENTRANCE CSAS - 23	
Signature(s) _____		W.P. No. 5580-04-00	HWY. No. 144
Witness (where executing party is not a corporation) _____		PROJ. MAN. O.D.	DWG. No. 144-01
		LOT 4	DATE DEC 2014
		T.W.P. BALFOUR	REV. 0
		DIST. SUDBURY	SCALE NTS

Appendix 2

Existing Conditions Plan



METRIC
 DIMENSIONS ARE IN METRES
 AND/OR MILLIMETRES
 UNLESS OTHERWISE SHOWN

APPROXIMATE LIMIT
 OF FLOOD PLAIN

SUBJECT PROPERTY LIMIT

APPROXIMATE LIMIT OF OPERATIONS

SITE PLAN

DRAWING NOT TO BE SCALED
 100 mm ON ORIGINAL DRAWING

REVISIONS	
DATE	BY

C2S ENGINEERING

- CIVIL INFRASTRUCTURE • LAND DEVELOPMENT •
- ROADS & BRIDGES • ENVIRONMENTAL RESOURCES •
- PROJECT MANAGEMENT •

DENIS GRATTON CONSTRUCTION LTD.
 3160 HWY 144, CHEMUNSFORD, ONTARIO
 Drawing

SUD-1216

Drawn by: J.D.S.
 Checked by: K.J.L.
 Project No.:
 Date: Nov. 16, 2017
 Scale: 1 : 2000
 Drawing No.:
1 of 1

751-5/17-10

701-5/17-3

RECEIVED

FEB - 7 2018

PLANNING SERVICES

February 2 2018
MARCEL BELANGER
407 Aurora Drive
Chelmsford Ontario
POM 1L0

ET ✓

mm ✓

Eric Taylor
Manager of Development Approvals
Planning Services Division
Box 5008 Station A
Sudbury Ontario P3A5P3

Dear Eric Taylor

This letter is in reference to a letter I received regarding a change of zoning requested by Alexis Gratton Construction Ltd.

My objection to this request is that future expansion to his operations will not only contribute to more noise, but also to poor air quality because of the machinery. I am totally against this change.

Yours Truly
Marcel Belanger