

0 Municipal Road 35, Chelmsford

Presented To:	Planning Committee
Meeting Date:	October 21, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/24-007

Report Summary

This report provides a recommendation regarding an application for Zoning By-law Amendment in order to permit a mining-related light industrial use in the form of an engineering and fabrication shop, accessory office, and accessory outdoor storage and repair area.

This report is presented by Wendy Kaufman, Senior Planner

Letter(s) of concern from concerned citizen(s)

Resolution

THAT the City of Greater Sudbury denies the application by 1840222 Ontario Limited to change the zoning classification on the subject lands from “RU”, Rural, to “RU(S)”, Rural Special on lands described as 73347-0193, Parcel 1584 SEC SWS SRO, Lot 9, Concession 3, Township of Rayside as outlined in the report entitled “0 Municipal Road 35, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 21, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The development proposal to permit a general industrial use in the Rural land use designation would negatively impact strategic goals and objectives associated with Climate Change and the adoption of the CEEP that are identified within the City’s Strategic Plan. The proposed development would also impact Asset Management and Service Excellence strategic goals and objectives as the development would contribute further to development that is beyond settlement area boundaries and create undue pressure to upgrade infrastructure, which undermines the City’s ability to implement cost-effective service delivery with the intent being to reduce net costs. The development proposal therefore does not align with the City’s Strategic Plan.

Financial Implications

There are no financial implications for this report, as staff recommends that the application be denied.

Report Overview:

An application for Zoning By-law Amendment has been submitted for a vacant rural parcel in order to permit a mining-related light industrial use in the form of an engineering and fabrication shop, accessory office, and accessory outdoor storage and repair area. The lands are partially serviced by municipal water services and are located outside the settlement area boundary. Staff recommends the application for Zoning By-law Amendment be denied as described in the Resolution section.

Staff Report

Proposal:

The application for Zoning By-law Amendment proposes to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law, by changing the zoning classification on the subject lands from “RU”, Rural, to “RU(S)”, Rural Special. The application would additionally permit a mining-related light industrial use in the form of an engineering and fabrication shop, accessory office, and accessory outdoor storage and repair area.

The subject land is undeveloped and contains a portion of municipal drain Soenens Drain G running generally east-west across the northerly extent of the parcel, wetlands and forested areas.

Concept Plan 1 and 2 were submitted with the application showing either one or two proposed buildings, with driveways, parking areas and areas to remain naturally vegetated.

The following materials were submitted in support of the application:

- Preliminary Servicing Options Report including Confirmation of Sewer and Water Capacity
- Planning Justification Report
- Draft Zoning By-law Amendment

The preliminary Servicing Options Report indicates that sufficient municipal water capacity and pressure exist for the proposal in question. The total expected wastewater daily flow rate is 4,423 L/day, and an on-site sewage system is proposed. The expected level of wastewater is below the threshold of 4,500 L/day for which a hydrogeological assessment would be required in support of the application.

Existing Zoning: “RU”, Rural

The permitted uses in the Rural zone include a range of residential and non-residential uses including agricultural use, animal shelter, cannabis production facility, distilling facility, forestry use, hunting or fishing camp, garden nursery, kennel, public utility, small-scale brewing facility, veterinary clinic, and winery, and accessory uses.

Requested Zoning: “RU(S)”, Rural Special

The proposed RU(S) zoning would additionally permit a mining-related light industrial use in the form of an engineering and fabrication shop, accessory office, and accessory outdoor storage and repair area. Draft By-law text was provided by the applicant, as follows:

(xxxx) RU(XXX) (RURAL LIGHT INDUSTRIAL USE – MINING-RELATED)
Rayside Township Maps Lot XX, Con XX

Notwithstanding any provision hereof to the contrary, within any area designated RU(XXX) on the *Zone Maps*, all provisions of this by-law applicable to the RU(XXX) *Zone* shall apply subject to the following modifications:

- (i) That in addition to those uses permitted in the RU *Zone*, a *rural light industrial use – mining related* shall also be permitted.
- (ii) That a *Rural Light Industrial Use – Mining Related* is defined herein ‘*An industrial use engaged in, or used for the engineered designing of mining industry-related equipment, and a light manufacturing use in the form of a fabrication shop dedicated to the assembly, repair, manufacturing and finishing of mining-related equipment, and includes an outdoor area used for the storage, maintenance and/or repair of material, equipment, and machinery used in*

connection with the light manufacturing use, along with an accessory business office, all of which does not produce wastewater in excess of 4,500 litres per day’.

- (iii) That those lands zoned RU(XXX) are hereby designated as a ‘Site Plan Control Area’, pursuant to Section 41 of the *Planning Act, R.S.O. 1990, Chapter P. 13*.

Location and Site Description:

The subject property is described as 73347-0193, Parcel 1584 SEC SWS SRO, Lot 9, Concession 3, Township of Rayside. The subject lands are located on the north side of Municipal Road 35, approximately 875 m east of the Chelmsford settlement area boundary. The lands have an area of approximately 25.5 ha (63 acres) with approximately 337 m of frontage on Municipal Road 35. Municipal Road 35 is a primary arterial road.

The lands are serviced with municipal water services and development is proposed to connect to this service. Municipal sanitary sewer services are not available, and an individual on-site septic system is proposed. The lands are located on a GOVA transit route with stops on both sides of Municipal Road 35 approximately 375 m to the west of the subject lands.

Surrounding Land Uses:

The lands are located approximately 875 m east of the Chelmsford settlement area boundary. Surrounding land uses include development along Municipal Road 35 in the form of rural residential use and agricultural use, as well as a home industry to the east.

North:	railway and other lands owned by Canadian Pacific Railway
East:	agricultural use with farm residence with special zoning to permit a carpentry shop as a home industry zoned RU(59)
South:	rural residential use, agricultural use with farm residence
West:	agricultural use with farm residence

The existing zoning & location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Orthophotography and site photos show the uses in this area.

Public Consultation:

The statutory notice of the application was provided by newspaper along with a courtesy mail-out to surrounding property owners and tenants within 240 m of the property on July 30, 2024. The statutory notice of the public hearing was provided by newspaper on September 28, 2024, and courtesy mail-out on September 26, 2024. The owner 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. At the time of writing this report, one written comment was received by the Planning Services Division with respect to this application, raising concerns regarding potential impacts on abutting residential use and agricultural use and groundwater, impacts of additional large trucks for public transit users and emergency service vehicles, and general impacts to rural character.

Policy & Regulatory Framework:

The property is subject to the following policy and regulatory framework:

- [2024 Provincial Planning Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Planning Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Planning Statement, 2024:

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 Provincial Planning Statement (PPS).

The subject lands are designated Rural and are considered rural lands under the PPS (lands located outside settlement areas and prime agricultural areas). The following policies are relevant to the application.

Policy 2.3.1(1) states that settlement areas shall be the focus of growth and development.

Policy 2.5(1) states that healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets; and
- d) using rural infrastructure and public service facilities efficiently;

Policy 2.6(1) states that on rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);
- c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

Policy 2.6(2) states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Policy 2.6(3) states that development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.

Policy 2.6(4) states that planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Policy 2.8.1.1 states that planning authorities shall promote economic development and competitiveness by:

- 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; and
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities.

Policy 3.6(5) states that partial services shall only be permitted in the following circumstances:

- a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development;
- b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts; or
- c) within rural settlement areas where new development will be serviced by individual on-site water services in combination with municipal sewage services or private communal sewage services.

Policy 3.6(6) states that in rural areas, where partial services have been provided to address failed services in accordance with policy 3.6.5.a), infilling on existing lots of record may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

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 conform with the Growth Plan for Northern Ontario. Chapter 4 of the Growth Plan speaks generally to the idea that well-planned communities will attract investment and support economic development, and recognizes the City of Greater Sudbury as an economic hub. It encourages a significant amount of future employment development to locate in areas identified for intensification and redevelopment. The application will result in site for a business, but staff are of the view that the application does not conform with the Growth Plan in that the City has not planned for this area to become a location for general industrial use, and detracts from the principle of directing development to identified employment areas.

Official Plan for the City of Greater Sudbury:

The subject land is designated Rural in the Official Plan for the City of Greater Sudbury.

Section 5.1 establishes objectives for the Rural designation, including:

- a. provide an efficient and orderly pattern of land use in Rural Areas, reducing land use conflicts and requiring minimal municipal services
- b. ensure that all development is adequately serviced and does not negatively impact the environment
- c. encourage a strong rural economy with a range of rural uses and activities;
- d. recognize the importance of agriculture, silviculture and other rural land uses to the economy;
- e. preserve the cultural and historical attributes of rural areas; and
- f. promote opportunities to support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Section 5.2(1) establishes that permitted uses in the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses and public uses including hydroelectric generation and associated facilities.

Section 5.2.5 outlines that some limited rural industrial/commercial uses are permitted in the Rural land use designation:

1. Rural industrial/commercial uses are generally resource-based and may include agriculture, dry industrial/commercial uses and forestry;
4. Rural industrial/commercial uses are to be located with adequate separation distances to 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 are to be visible from the frontage of abutting roads. All such development is subject to rezoning and site plan control; and,
5. 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.

Staff notes that the Official Plan establishes a specific designation 'Mining/Mineral Reserve' for certain rural lands in the City where the principle is established for mining industrial use to be located. Section 4.6.1 of the Official Plan establishes policies for the Mining/Mineral Reserve, and policy 2 states that lands designated Mining/Mineral Reserve may be used for a variety of uses related to the extraction of minerals. Permitted uses may include mining and mining-related uses, mineral aggregate uses, smelting and refining uses, pits and quarries and related uses, and accessory uses and structures associated with mining.

Zoning By-law 2010-100Z:

The development standards for the requested "RU(S)" zone require a minimum lot frontage of 90.0 m and lot area of 2.0 ha. The minimum required front yard is 15.0 m, rear and interior side yard is 10.0 m. The maximum lot coverage is 10%. A maximum height of 21.0 m is permitted for non-residential use.

Site Plan Control:

A site plan control agreement would be required prior to development of the site.

Department/Agency Review:

Roads, Transportation and Innovation Support, Active Transportation, Roads Operations, Drainage, and Transit have advised that they had no concerns.

Transportation & Innovation Support advises for the owner's awareness that, as part of the site plan process, a 4.5-metre strip of property along the entire frontage of Municipal Road 35 will be required by the City for future road improvements, as well as a 0.3-metre reserve across the entire frontage of the property, except for a 10-metre segment for a future driveway.

Drainage Section advises that for the owner's is advised that there is a municipal drain of significance (ie. Soenens Drain G) which traverses the subject lands. Any required alteration to the municipal drain to accommodate the proposed development would require approval from the City. The owner is encouraged to review and familiarize themselves with the Drainage Act, R.S.O. 1990, c. D.17 as the above may require an application to the City made under Sections 65 – Changes In Assessment and/or Section 78 – Improving of the Drainage Act.

Development Engineering advises that municipal water is available on Municipal Road 35, and municipal sewer is not available. A servicing options report was prepared by Tulloch Engineering dated May 7, 2024. This report shows that as proposed, this site meets the requirements for the development of the site. However, if the owner adds employees, then the on-site sewage system may not be appropriate for their development. This severely limits the future usage of the site. Staff is of the opinion that the business is better suited to an industrial area where both water and sanitary sewer are available. Any development of this site is through a Site Plan Control Agreement.

Conservation Sudbury advises of no objection. As part of the Site Plan Control Agreement, all development will be required to be located outside of the regulated area buffer. If stormwater will be outletting directly to the natural system then the stormwater management facility will need to be designed to the greater of the

100-year or Timmins storm, and a Section 28 permit from the Conservation Authority may be required. Please note that any additional development or lot grading within areas regulated by the Conservation Authority requires permission prior to development. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed.

Building Services advises that additional comments will be provided as part of the Site Plan Control Agreement process.

Strategic and Environmental Planning advises that the owner is solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not contravene the provincial Endangered Species Act, the provincial Fish and Wildlife Conservation Act or the federal Migratory Birds Convention Act.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The Provincial Planning Statement (2024), the Growth Plan (2011), and 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 in respect of the applicable policies, including issues raised through agency and department circulation.

The application would additionally permit a mining-related light industrial use in the form of an engineering and fabrication shop, accessory office, and accessory outdoor storage and repair area.

The Growth Plan for Northern Ontario speaks generally to the idea that well-planned communities will attract investment and support economic development, and recognizes the City of Greater Sudbury as an economic hub. It encourages a significant amount of future employment development to locate in areas identified for intensification and redevelopment. The application will result in site for a business, but staff are of the view that the application does not conform with the Growth Plan in that the City has not planned for this area to become a location for general industrial use, and the application detracts from the principle of directing development to identified employment areas.

The Provincial Planning Statement establishes general policy direction for the use and development of rural lands. Section 2.6(1) does not expressly permit general industrial uses on rural lands though 'other rural land uses' are permitted. This policy enables municipalities to develop locally-appropriate policy direction through the Official Plan process to define what 'other rural land uses' are and where they should be appropriately located. The PPS outlines considerations for municipalities in this process, which would include protecting resource-related uses and directing non-related development to other areas, focusing growth in settlement areas and promoting their future efficient expansion, building upon and ensuring development is compatible with existing rural character, using rural infrastructure efficiently while ensuring development can be supported by rural service levels and avoiding uneconomical expansion, and promoting the financial well-being of the municipality including economic diversification as well as a range of strategic sites for employment uses.

As recommended by the City's Employment Land Strategy, staff is in the process of working with a consultant to complete a review of the City's Commercial/Industrial Policy Framework including the Official Plan and Zoning By-law. This review will be an opportunity to consider the Provincial Planning Statement direction noted above with respect to permitting 'other rural land uses' on rural lands within the municipality. It is noted that the City has established an extensive Mining/Mineral Reserve land use designation where permitted uses may include mining and mining-related uses, mineral aggregate uses, smelting and refining uses, pits and quarries and related uses, and accessory uses and structures associated with mining.

Staff recommends that the application is not consistent with the PPS and does not conform with the City of Greater Sudbury Official Plan for the following reasons:

- 1. The development is not resource-based and should be directed to other areas:** Section 2.6(1) of the PPS permits uses related to the management or use of resources. Staff is of the opinion that the proposed uses are not resource-based. While the proposed uses are related to the mining sector, they are not proposed in proximity to nor are they necessary to be located in the vicinity of a specific mine site (unlike other resource-based industries). The uses should be considered as general industrial uses. Policy 2.6(4) of the PPS and Policy 5.1(f) of the Official Plan state that agriculture and other resource-related uses should be protected and non-related development should be directed to areas where it will minimize constraints on these uses. Further, the City's Official Plan section 5.2.5 outlines that only limited rural industrial uses are permitted in the Rural land use designation and generally are to be resource-based. Given staff is of the opinion that the proposed uses are not resource-based and do not serve the rural economy, they are not permitted under this policy section and therefore the proposal does not conform to the Official Plan. Similar to other mining service/supply sector industries, these uses are more appropriately directed to Employment Area designations such as the General Industrial land use designation. If the use was truly mineral resource-based, it would be appropriately directed to the City's Mining/Mineral Reserve designation.
- 2. There is no need for additional general industrial lands, nor is it appropriate in this rural location:** The PPS identifies in policy 2.3.1(1) that settlement areas are to be the focus of growth and development. Planning authorities are required by Policy 2.8.1.1 to provide suitable sites for employment uses and promote intensification of employment uses to support the achievement of complete communities. Appendix 1 includes an excerpt from the City's Employment Land Strategy, which illustrates the location of serviced industrial land within the City. At an aggregate level, the City has a considerable supply of over 830 gross hectares of industrial lands within settlement areas. As part of the Employment land Strategy, the City is working to ensure there is an adequate supply of serviced "shovel-ready" industrial land that meets a range of location and site needs. Approval of general industrial use in this rural location will undermine the City's goals in directing investment to strategic employment areas.
- 3. The use of partial water services for new rural development of this scale is not appropriate:** PPS policies 2.5(1)(d), 2.6(2), and 2.6(3) promote rural development that can be sustained by rural service levels and where appropriate levels of infrastructure are available. While Policy 3.6(5) does not permit partial services in rural areas except to address failed individual services, Policy 3.6(6) states that infilling on existing lots of record on existing services may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable. Section 5.1 of the Official Plan establishes that development in the Rural designation should require minimal municipal services. Development Engineering advises that, as proposed, this site meets the requirements for the development of the site. However, if the owner adds employees, then the on-site sewage system may not be appropriate for their development. This severely limits the future usage of the site. Staff is of the opinion that the business is better suited to an industrial area where both water and sanitary sewer are available, and is not appropriately serviced by the current rural infrastructure. Staff would caution that in situations such as these, where development is permitted on the basis of inappropriate infrastructure, the City may be faced with future pressure to extend municipal sewage infrastructure to this location.
- 4. The proposal does not maintain an orderly pattern of development in the Rural designation:** Permitting this development on the basis of primary arterial road access does not align with the Official Plan policies 5.1(a) regarding orderly development and policy 5.2.5(4) which states that entrances for rural industrial/commercial uses are to be restricted to secondary arterial and local roads.

In summary, staff recommends that, even though the development is reasonably compatible with surrounding uses and has been demonstrated to be technically feasible, the proposal is not consistent with the PPS and Official Plan principles pertaining to the appropriate location of general industrial use.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed Zoning By-law Amendment:

- To permit a mining-related light industrial use in the form of an engineering and fabrication shop, accessory office, and accessory outdoor storage and repair area.

The proposed development of the subject lands is not consistent with or does not conform with a number of policy directives related to the appropriate location of growth and development. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is not consistent with the PPS and does not conform to the Official Plan. Staff is of the opinion that the proposed Zoning By-law Amendment is not appropriate based on the following:

- The development is not resource-based and should be directed to other areas.
- There is no need for additional general industrial lands, nor is it appropriate in this rural location.
- The use of partial water services for new rural development of this scale is not appropriate.
- The proposal does not maintain an orderly pattern of development in the Rural designation.

Staff recommends the application for Zoning By-law Amendment be denied as described in the Resolution section on the basis that it is not consistent with the Provincial Planning Statement and does not conform to the Official Plan for the City of Greater Sudbury, does not have regard for matters of provincial interest and do not represent good planning.