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PLANNING SERVICES

PLANNING JUSTIFICATION REPORT

4360 MUNICIPAL ROAD 35
APPLICATION FOR ZONING BY-LAW AMENDMENT

JUNE 2024

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1.0 INTRODUCTION

TULLOCH has been retained by 1840222 ONTARIO LIMITED. as the owner of those lands known municipally as 4360 Municipal Road 35 in the City of Greater Sudbury to prepare a Planning Justification Report in support of an amendment to the *City of Greater Sudbury Zoning By-law 2010-100Z* in order to permit a mining-related rural light industrial use.

This report provides a planning analysis and justification for amending the City's Zoning By-law based on a full review of the following applicable provincial and municipal planning documents and policies:

- 2020 Provincial Policy Statement (PPS);
- Growth Plan for Northern Ontario (GPNO);
- City of Greater Sudbury Official Plan (CGS OP);
- City of Greater Sudbury Economic Development Strategic Plan 2015-2025 (CGS EDSP);
- City of Greater Sudbury Zoning By-law 2010-100Z (CGS ZBL);

This Planning Justification Report is structured as follows:

Section 1.0 Introduction: Introduces the proposed development and describes the purpose of this report.

Section 2.0 Subject Site and Surrounding Context: Provides a site description of the lands and surrounding land use planning context.

Section 3.0 Proposed Development and Applications: Describes the proposed development in detail.

Section 4.0 Supporting Technical Studies: Summarizes any technical studies undertaken in support of the application.

Section 5.0 Policy Overview and Analysis: Describes the land use planning policy context applicable to the lands including provincial and municipal planning documents and a review of how the proposed development conforms to these policies.

Section 6.0 Conclusion: Provides a summary of the land use planning rationale for amending the City's Zoning By-law to accommodate the proposed development. The author of this report also summarizes their professional land use planning opinion and recommendation as it relates to the development proposal.

2.0 SUBJECT SITE AND SURROUNDING CONTEXT

This section describes the subject site including its topography and other site features, the surrounding neighbourhood context, and adjacent transit and transportation network access.

SUBJECT SITE

The subject lands are located on the north side of Municipal Road 35 (MR35) between the urban communities of Azilda to the east and Chelmsford to the west in the City of Greater Sudbury. The lands have a total lot area of ± 25.4 hectares along with a lot frontage of approximately ± 337 metres on Municipal Road 35 (See *Figure 1*).



Figure 1: Location of Subject Lands

The property can legally be described as follows:

PIN 73347-0193, PCL 1584 SEC SWS SRO; PT LT 9 CON 3 RAYSIDE AS IN LT9035 EXCEPT LT7154, LT60738, LT68209, LT84824, LT85863; S/T LT126424, LT502457 CITY OF GREATER SUDBURY

The northerly and middle portions of the lands are vegetated with the southerly portion having several areas that have been cleared of vegetation. There is also an existing municipal drain (i.e., Soenens “Drain G”) that bisects the lands.

The subject lands are partially situated within an area (i.e., floodplain) that is regulated by Ontario Regulation 41/24 under the Conservation Authorities Act.

SURROUNDING NEIGHBOURHOOD CONTEXT

The immediate area is characterized by rural lands, vacant open spaces, and a range of commercial and industrial uses (e.g., service trade, auto glass shop, contractor's yard, and heavy equipment sales and rental) along Municipal Road 35. The easterly boundary of the Chelmsford urban settlement area is located approximately 0.20 kilometres to the west of the lands. The westerly boundary of the Azilda urban settlement area is further situated approximately 2.1 kilometres to the east. It is noted that the larger surrounding area further contains a more diverse range of land uses. The GOVA public transit system also operates along the Municipal Road 35 corridor thereby providing access to the larger regional area.

Surrounding land uses can be described as follows:

NORTH: Railroad right-of-way, several large tracts of rural lands containing open space and mature vegetation, and Bonin Street.

EAST: Single-detached dwellings along Municipal Road 35, several large tracts of vacant and heavily vegetated rural lots, an automotive glass shop (i.e., Thibert Auto Glass), a service trade (i.e., carpentry shop), two construction and/or forestry heavy equipment sales and rental uses (i.e., CEC Equipment, Theriault Equipment Rentals), and Notre Dame Street West (i.e., Azilda).

SOUTH: Single-detached dwellings along Municipal Road 35, and several larger rural lots further to the south containing heavy and natural, mature vegetation.

WEST: Single-detached dwellings along Municipal Road 35, Automotive Use (i.e., Al's Automotive), urban residential lands uses along Elizabeth Street, Pilon Street, and a number of other local residential streets, a Retail Store (i.e., Trapper John's Bait & Tackle) at St. Jean Baptiste Street and Municipal Road 35, a cluster of industrial uses (e.g., Belanger Construction, CarStar Collision & Glass Centre, a municipal depot and yard), and the intersection of Municipal Road 15 and Highway 144.

3.0 PROPOSED DEVELOPMENT & APPLICATIONS

This section describes the proposed use, site design and the *Planning Act* applications required to facilitate the development.

PROPOSED DEVELOPMENT

The development proposal involves the establishment of a mining-related rural light industrial use (i.e., mining equipment engineering and fabrication shop) along with an accessory business office, outdoor storage, and associated parking and loading areas.

More specifically the property owner completes engineered design and fabrication services critical to supporting the efficient extraction of ore and critical minerals from surrounding mines including the fabrication of shafts, cages, hoists, raises, manways, ventilation, ore circuit, and level infrastructure etc.

The lands would be accessed via a private driveway entrance onto Municipal Road 35. Most of the existing natural vegetation and topographical features on the lands are proposed to remain undisturbed with enhanced landscaping areas being provided on the southerly portions of the land where the proposed buildings would be situated and framing the driveway entrance.

The desired built-form of the development could take the form of either 1 or 2 buildings. The below provides a comparison of both options in addition to conceptual development designs shown in *Figures 1* and *2*.

Option 1: Two Building Design.

The mining-equipment engineering and fabrication shop building would have a gross floor area of approximately 1,100 m² with approximately 22,500m² of outdoor storage and maintenance yard.

The accessory business office would be situated to the south of the engineering and fabrication shop building closer to the Municipal Road 35 street-line and would provide a gross floor area of approximately 440 m² (See *Figure 2*). The accessory business office would be enclosed by two parking areas with 28 parking spaces. The accessory business office would also feature an outdoor courtyard area immediately to the east of the building. No site-specific zoning relief is required from the general provisions, parking and loading provisions or the development standards.

Option 2: One Building Design

The mining-equipment engineering and fabrication shop building would have a gross floor area of approximately 1,100 m² with approximately 22,500m² outdoor storage and maintenance yard. The accessory business office would be attached to the fabrication shop building and would provide a gross floor area of approximately 440 m² (See *Figure 3*). The development would feature one parking area in-front of the building with 28 parking spaces. No site-specific zoning relief is required from the general provisions, parking and loading provisions or the development standards.

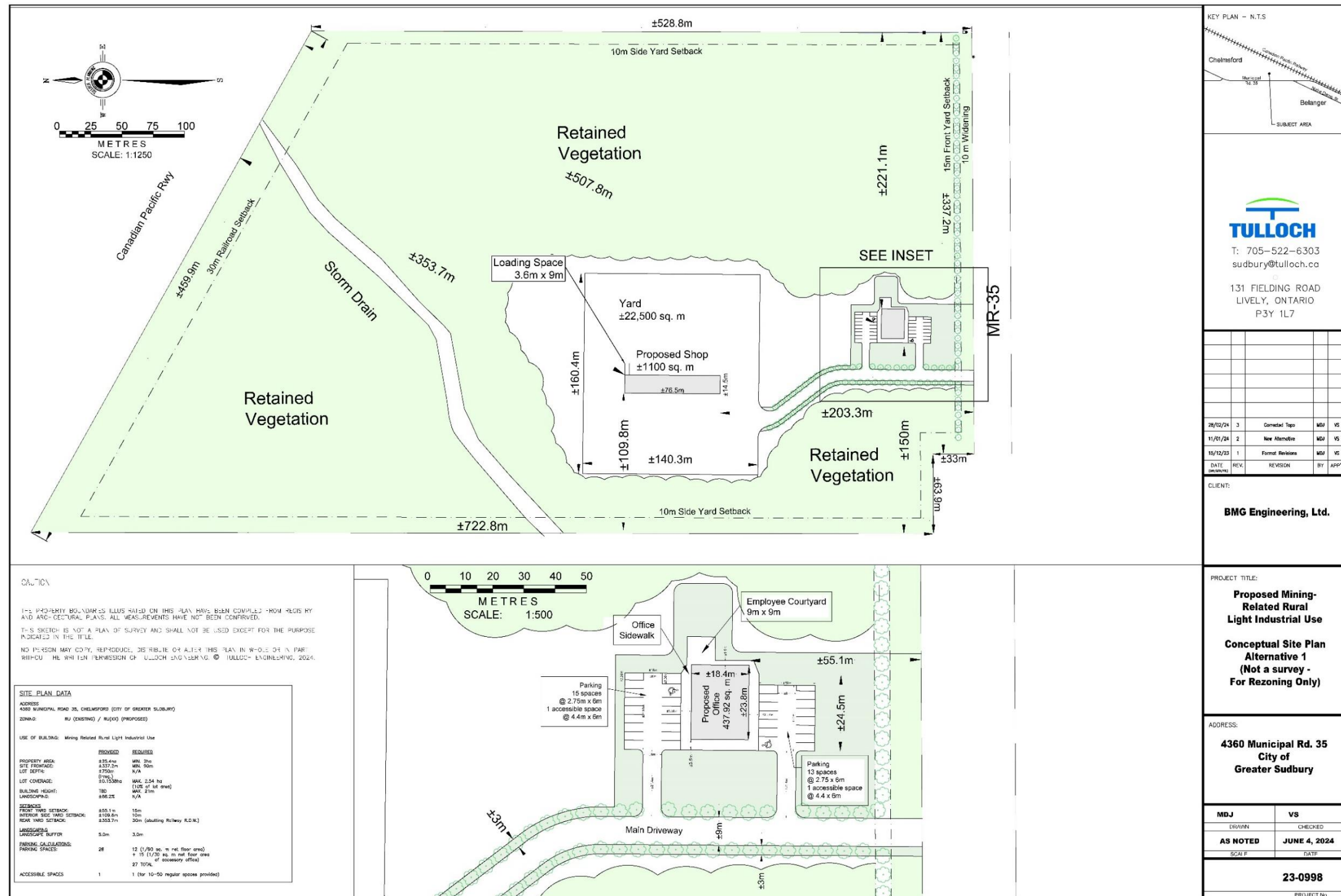


Figure 2: Two Building Concept

PLANNING ACT APPLICATIONS

The following details the various Planning Act applications necessary to facilitate the development.

ZONING BY-LAW AMENDMENT

A zoning by-law amendment application is required to rezone the lands from “RU”, Rural to “RU(S)”, Rural Special under Zoning By-law 2010-100Z in order to permit a mining-related rural light industrial use.

The proposed definition of which is provided below:

Rural Light Industrial Use (Mining-Related):

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.

The application further proposes to introduce a definition of the proposed use of the lands in the proposed zoning by-law amendment to avoid or prevent any non-mining-related industrial or commercial uses from utilizing the lands in the future for a more generalized, industrial use, should that opportunity present itself.

It is proposed that existing permitted uses within the standard “RU” zone be retained to afford future land use flexibility, including the currently permitted range of non-residential land uses. The existing non-residential rural land uses permitted in the City’s Zoning By-law would remain as viable options in the event that the defined additional land use was no longer operating on the lands

It is also proposed that the following development provision be included in the amending Zoning By-law to ensure that the defined and permitted land use proceeds in an orderly and appropriate manner:

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

It is also important to note that no site-specific relief from zoning by-law development standards are proposed to accommodate the proposed development. The balance of the development proposal is therefore anticipated to fully comply with existing “RU” Rural development standards, as well as applicable general provisions and parking and loading provisions in the City’s Zoning By-law.

SITE PLAN CONTROL

The City’s *Site Plan Control By-law 2010-220*, as amended, under Section 1(a)(v) specifically excludes the “RU” Zone from site plan control. The City’s Official Plan under Section 5.2.5(4) does however note that rural industrial/commercial uses located within a Rural Area are subject to both the rezoning and site plan

control processes. It was noted during pre-consultation with the City that site plan control would be made applicable to the proposed light industrial use (CGS File # PC2023-017). This would result in a site plan control agreement being registered on-title of the lands that addresses detailed site-specific matters, ensuring that the use is well-designed (e.g., servicing, grading, site layout, etc.), and is compatible with surrounding uses.

This method of designating properties as being subject to site plan control has been utilized by the City in many site-specific zones found under *Part 11: Exceptions of the City's Zoning By-law*, including the following examples under *Part 11, Section 4: Special Rural Zones*:

- RU(7) to permit a "Power Line Contracting Business";
- RU(15) to permit a "Landscape Contractor's Yard & Single-Detached Dwelling";
- RU(21) to permit a "Contractor's Yard";
- RU(47) to permit "Mobile Home Maintenance/Storage";
- RU(78) to permit a "Day Spa/Wellness Centre";
- RU(80) to permit a "Contractor's Yard"; and,
- RU(101) to permit a "Wrecking & Salvage Yard".

It is noted that further pre-consultation will be necessary with the City in the future to assess the detailed requirements of a Site Plan application. However, the principle of such is supported by the authors of this planning justification report as an appropriate land use planning tool for ensuring the development proceeds in an orderly manner.

4.0 SUPPORTING TECHNICAL STUDIES

The following technical studies and documents were prepared in support of the application and include information that was identified by the City as being required on the pre-consultation understanding document issued by the City of Greater Sudbury.

SERVICING OPTIONS REPORT

TULLOCH was retained to complete a Servicing Options Report (SOR), which was identified as a submission requirement for a rezoning application during pre-consultation with the City. The SOR notes that there is no known existing private sanitary sewer infrastructure on the lands and the closest municipal sanitary sewer is situated approximately 700-metres to the west along Municipal Road 35.

The SOR notes that extending municipal sanitary sewer infrastructure to the lands would be uneconomical, however, the author of this planning justification report would further note that the City's Official Plan is supportive of and permits the locating of dry industrial/commercial land uses on lands designated Rural provided that the use otherwise conforms with applicable policies for rural industrial/commercial uses. The SOR has considered the proposed uses (i.e., mining equipment fabrication shop and office use) and has calculated a total wastewater daily flow rate of 4,423 litres per day (L/d) would be

5.0 POLICY OVERVIEW AND ANALYSIS

The following section sets out the relevant land use planning policy framework to assess the appropriateness of the proposed application within the context of applicable Provincial and Municipal policies and regulations. Each sub-section will outline relevant policies and provide a planning analysis with respect to how the development is consistent with or conforms to such policies.

PROVINCIAL POLICY STATEMENT, 2020

The *2020 Provincial Policy Statement (PPS)* provides high-level provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on *Planning Act* applications. Policies applicable to the proposed development are outlined and discussed below.

Section 1.1 includes policies which seek to manage and direct land use in a manner that achieves efficient and resilient development and land use patterns.

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;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

...

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

...

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

RESPONSE

Per **Section 1.1.1**, the proposed development promotes an efficient development and land use pattern that is appropriate to the local market base, thus contributing to the financial well-being, and range and mix of employment uses in the area to meet long-term needs of the Province and the City of Greater Sudbury. The proposed development amounts to a rural light industrial use that does not require access to full municipal infrastructure services, which can otherwise be made available to heavier and more infrastructure-intensive industrial uses within fully serviced areas. The development proposal would however utilize existing municipal water infrastructure along Municipal Road 35, and sufficient water capacity to sustain the use was confirmed through the City's Development Engineering Department. Further, the development proposal does not require any upgrades or extensions to infrastructure which is further illustrative of the development meeting the intent to ensure that infrastructure and public service facilities are available to meet current and projected needs, per **Section 1.1.1(g)**.

The development supports the integration of land use planning, infrastructure, and cost-effective servicing and development patterns by locating this dry industrial use on a primary arterial road in close proximity to the markets it supports and is optimally located between two of the City's settlement areas Chelmsford and Azilda as **1.1.1(e)** promotes.

Section 1.1.4 outlines policies to support the health, integration, and viability of Rural Areas, which include the following:

- 1.1.4.1** *Healthy, integrated and viable rural areas should be supported by:*
- a) upon rural character, and leveraging rural amenities and assets;*
 - ...
 - 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;*

RESPONSE

Section 1.1.4 of the PPS outlines a policy framework for Rural Areas in municipalities, which encourages leveraging rural assets and amenities and protecting the environment as a foundation for a sustainable economy.

The proposed development is consistent with **1.1.4.1(a)** of the PPS as it is compatible with the surrounding character of the area, and leverages rural amenities and assets given that the use will be in close proximity to its supporting rural uses (i.e., mines, and mineral extraction operations), whilst still being appropriately separated from residential areas, and provides for adequate buffering and landscaping. The proposed

development provides for a more optimal use of existing infrastructure (municipal water and transit) along MR 35 while being a dry industrial use that does not require full municipal services. Also, the proposed development supports the diversification of the economic base and employment opportunities through goods and services, via the production of value-added products (equipment/materials) for the more efficient extraction of ore and critical minerals and the mining-industry related support it provides.

Section 1.1.5 of the PPS outlines policies applicable to the development of Rural Lands in municipalities, and states the following:

- 1.1.5.2** *On rural lands located in municipalities, permitted uses are:
 - a. the management or use of resources;
 - g. other rural land uses.*
- 1.1.5.4** *Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*
- 1.1.5.5** *Development shall be appropriate to the infrastructure, which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure*
- 1.1.5.6** *Opportunities should be retained to locate new or expanding land uses that require separation from other uses.*
- 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.*

RESPONSE

The development proposal seeks to establish a mining-related rural light industrial use (i.e., mining equipment and fabrication shop) along with an accessory business office, outdoor storage, and associated parking and loading areas. Given that the proposed development engages in the fabrication of value-added goods that are directly related to, and result in, the more efficient extraction of ore and critical minerals, the proposed development is a resource-related use which would be appropriately located on rural lands near its market sector.

The proposed development provides a use that is suitable in the context of the surrounding area, as was generally outlined in Section 2.0 of this report. Further the development can maintain compatibility through the ability to provide enhanced setbacks, buffering, and landscaping as seen in *Figures 2 and 3*.

Although the development will connect to the City's water servicing along MR 35, the proposed development is a dry light industrial use which has lesser demand on municipal infrastructure than heavier

industrial uses that are more appropriately directed to fully serviced urban employment lands where full services are available. Further, the development will be situated along a Primary Arterial Road with easy access to the larger primary and secondary municipal road networks, as well as a Provincial Highway network (i.e., Highway 144).

The development proposal would contribute positively toward achieving a diversified rural economy given that the proposed development will provide direct and close-to-market support to one of the City's identified main economic engines, per **Section 1.1.5.7**.

Section 1.6.6 of the PPS outlines policies related to sewage, water and stormwater infrastructure, and states in part that:

1.6.6.1 *Planning for sewage and water services shall:*

a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

1. municipal sewage services and municipal water services;

b) ensure that these systems are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;

2. prepares for the impacts of a changing climate;

3. is feasible and financially viable over their lifecycle; and

c) promote water conservation and water use efficiency;

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

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

1.6.6.7 *Planning for stormwater management shall:*

a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;

c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;

- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and;*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

RESPONSE

The development proposal will have access to municipal water infrastructure located and available within the road allowance of Municipal Road 35. Although the proposed development is a dry light industrial use, the City's By-law 2010-214 regarding the supply of water, the management and maintenance of waterworks systems in the municipality will require that an application to connect to the municipal water infrastructure. This matter will be addressed in further detail during the site plan control process. As part of a complete zoning by-law amendment application a Water Capacity Analysis has been completed, which demonstrates that capacity to service the development is currently available. Further, the on-site servicing and stormwater design for the site will be prepared in accordance with the City's Site Plan Control guideline requirements and finalized as part of the site plan approval process.

Section 1.6.7 of the PPS outlines policies regarding transportation systems, and states, in part:

- 1.6.7.1** *Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.*
- 1.6.7.4** *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

RESPONSE

The subject lands are located along Municipal Road 35, between the communities of Azilda and Chelmsford and are in proximity to the Provincial highway network (i.e., Highway 144). The location of the proposed development provides for an appropriate location for the use, close to the resource-based market that it supports (i.e., Coleman Mine, Craig Mine, Totten Mine, Fraser Mine etc.), thus enabling the more efficient movement of people and goods and decreasing the length and numbers of vehicle trips needed to deliver finished products to surrounding mining industry per **Section 1.6.7**.

The subject lands benefit from Gova Transit Route 104, and bicycle lanes along Municipal Road 35, connecting the lands to Azilda, Chelmsford, as well as the Downtown. Thus, supporting the use of transit and active transportation, per **Section 1.6.7.4**.

Section 1.7 of the PPS establishes a policy direction that ensures the longer-term economic prosperity of the Province is supported by:

- 1.7.1** *Long-term economic prosperity should be supported by:*
- a) promoting opportunities for economic development and community investment-readiness;*
 -
 - c. optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
 - ...
 - g) 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;*

RESPONSE

The proposed development supports the long-term economic prosperity of both the City of Greater Sudbury and the Province of Ontario by being a resource-related use that supports the efficient extraction of subgrade resources/ materials, one of Northern Ontario’s largest global resources. The City’s OP and related EDSP both in part identify and promote the mining and supply services cluster as being of paramount importance in the municipality with the EDSP specifically referring to this cluster as one of the “economic engines” of the City of Greater Sudbury.

The development proposal offers an opportunity to support community investment-readiness by facilitating the rezoning of the lands to permit a rural industrial land use which is optimally located to support its intended markets, appropriately optimizes services along MR 35, and the City’s/Province’s transportation network.

By nature of the use being a dry land use, the development does not require access to full municipal infrastructure services. However, it will connect to the City’s water infrastructure within the road allowance of Municipal Road 35 despite not requiring such access based on the calculated 4,423 L/d per day. The servicing capacity assessment results revealed that adequate pressure and fire flows are available within the water distribution system along the property frontage to support the proposed development.

Further, locating the development in this location will allow for general and heavy industrial land uses requiring full municipal infrastructure services to be properly directed to the City's designated serviced Employment Areas (e.g., General Industrial & Heavy Industrial) thereby protecting the available supply of lands for heavier wastewater generating uses, which contributes positively to the notion of promoting opportunities for economic development and demonstrating community-investment readiness.

Section 3.1 of the PPS establishes policies for managing natural hazards.

3.1.1 *Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:*

...

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and

c) hazardous sites.

RESPONSE

Conservation Sudbury noted that the subject lands are partially situated within an area (i.e. floodplain) that is regulated by Ontario Regulation 41/24 under the Conservation Authorities Act. The proposed development has been situated outside of the flood plain associated with Soenens Drain G and no development is proposed within regulated areas.

GROWTH PLAN FOR NORTHERN ONTARIO

The *Growth Plan for Northern Ontario* (GPNO) is a 25-year plan that provides guidance in aligning provincial decisions and investment in Northern Ontario. It contains policies to guide decision-making surrounding growth that promotes economic prosperity, sound environmental stewardship, and strong sustainable communities that offer northerners a high quality of life.

The GPNO states that:

2.3.8 Minerals Sector and Mining Supply and Services

1. *Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the minerals and mining supply and services sectors should include:*
 - a. ...
 - b. *creating new value-added resource sector opportunities through research, development and application of advanced processing and manufacturing technologies;*
 - c. *expanding the mining supply and services industry, increasing exports, and supporting particular areas of competitive advantage including deep mining techniques and clean technologies;*
 - d. ...
 - e.
 - f. *investing in research and innovation that improves the efficiency of industry operations, with an emphasis on extraction and exploration technologies, environmental technologies, and mine closure and rehabilitation processes;*
 - g. *enabling new mining opportunities;*
 - h. *facilitating partnerships among communities and industry to optimize community employment and benefits; and,*
 - i. *facilitating the entry of new participants and entrepreneurs, including Aboriginal businesses, co-operatives and commercial developers.*

RESPONSE

There are no specific policies applied to rural lands within municipalities under the GPNO. In general, the GPNO encourages a diverse mix of land uses, including those uses that service the rural economy including the mineral sector, mining supply services and valued-added resource sector as the development proposes.

Moreover, the proposed development supports many of the policies under **Section 2.3.8** of the GPNO in that the proposal enables the development of a mining-supportive use in the City of Greater Sudbury which:

- Value-adds to the resource sector and the entry of new participants by enabling the establishment of a local manufacturing business that can respond to local mining industries' needs and provide a resource competitive advantage by manufacturing extractive equipment locally (as opposed to being outsourced from outside of Northern Ontario);
 - Improves the efficiency of mining industry operations with an emphasis on supporting timely extraction through the fabrication of mining-related products near where they are needed (i.e., cages, shafts, manways, hoists etc.);
 - Enables the establishment of a business which represents a value-added resource-sector opportunity that support local employment and the resource sector;
 - Supports Ontario's Critical Minerals Strategy 2022-2027 by assisting in the creation of resilient local supply chains, building production capacity, economic development opportunities and growing a skilled labour force; and,
 - Which represents an investment in industry that is involved in the production of technologies and equipment that improves the efficiency of mining extraction and exploration operations.
-

CITY OF GREATER SUDBURY OFFICIAL PLAN

The 2006 *City of Greater Sudbury's Official Plan (OP)* is the principal land use planning policy document for the City of Greater Sudbury. The Official Plan establishes objectives and policies that guide both public and private development/decision-making.

The subject lands are designated Rural as per *Schedule 1a – Land Use Overview* and more clearly seen on *Schedule 1c – Land Use - Community Insets* (See *Figure 4*). The lands have public road frontage on Municipal Road 35, which is an identified Primary Arterial road that is intended to provide a road right-of-way width of 61-metres as per *Schedule 7 – Transportation Network* and *Schedule 8 – Road Right of Way Widths* of the City's OP. The lands are also situated along a portion of Municipal Road 35 with proposed and/or identified bicycling paths as per *Schedule 9 – Trails*. The lands are serviced by existing municipal water infrastructure within the road allowance of Municipal Road 35, which is depicted on *Schedule 10 – Sewer and Water Serviced Areas*.

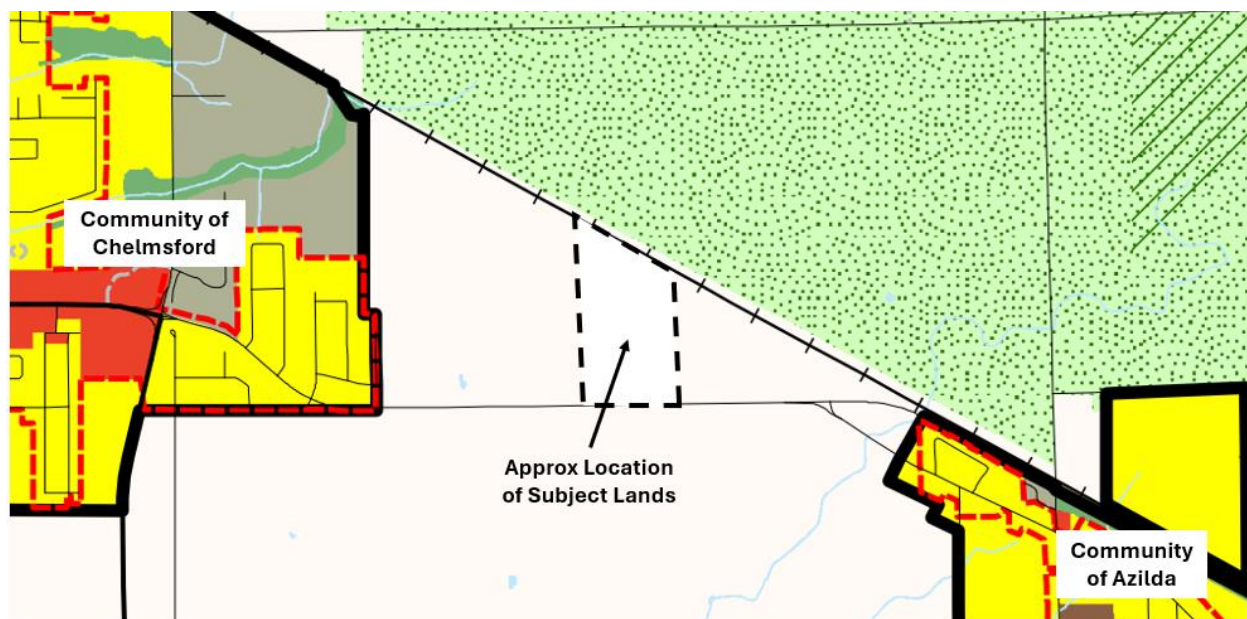


Figure 4: Subject Lands OP Designation

Section 1.3.4 of the OP notes the importance of building upon the City's strengths and recognizing where opportunities exist to improve the community. The City's *Economic Development Strategic Plan* identifies several "economic engines" as the focus of potential growth in the municipality. It is noted in the OP that the mining and supply services cluster in particular offers tremendous potential for the development of products, services and expertise that can be exported globally.

RESPONSE

The lands proposed to be developed are uniquely situated between the urban communities of Chelmsford and Azilda along a Primary Arterial. The proposed development is for that of a mining-related rural light

industrial use. The proposed amendment to the City's Zoning By-law presents an opportunity to strengthen one of the City's identified "economic engines" by permitting the establishment of a mining-related, dry industrial land use along a Primary Arterial road that will provide access to both the local mining industry and its needs, as well as having adequate access to the larger regional transportation network in a location where such rural industrial use is compatible with the surrounding context.

The proposed development in this location would involve an approximate 3.11 hectares portion of the land, which represents approximately 12% of the overall lot area. It is noted that the balance of the land accounts for approximately 22.29 hectares of the overall lot area and these lands are not proposed to be developed, which represents approximately 88% of the overall lot area.

The undisturbed land is responsive to desire to balance the protection of the natural environment while at the same time allowing for a limited and reasonable amount resource-based rural industrial development.

Section 1.4 of the City's OP includes a vision statement that the City is open to business providing an economic environment that grows industrial enterprises and acknowledges that natural resources form the basis of the local economy.

RESPONSE

The proposed dry rural industrial use takes the form of a mining-related rural light industrial use (i.e., engineering and fabrication shop with accessory office and outdoor storage). The lands provide an economic and operational advantage to the proposed mining-related land use given closer proximity to the Mining/Mineral Reserve land use designations that they support, as well as to the larger regional and provincial market. The proposed development represents an investment and commitment to both the local mining industry and the human capital that supports one of the City's most important economic engines.

Section 5.0 of the City's OP outlines that a significant portion of the municipality is comprised of Rural Areas with some areas being partially serviced by municipal water infrastructure. There is however no intention of expanding services into Rural Areas. The Rural land use designation is intended to accommodate a variety of land uses that are appropriate for a rural location, especially those that provide rural economic benefits that are balanced with protection of the natural environment and the agricultural resource base.

Section 5.1 outlines the following Rural Area policy objectives:

- 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) *...*
- 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.*

RESPONSE

With respect to **Section 5.1** of the City's OP, the proposed development does not require the extension of any municipal infrastructure into the Rural land use designation as it will utilize existing municipal water available within the road allowance of Municipal Road 35. The proposed development does not propose or require any extension or connection to municipal sanitary sewer infrastructure, which is available to both the east and the west in the urban communities of Chelmsford and Azilda.

The proposed development has not been identified as being in an area of natural heritage constraints. It is noted that the lands are partially within a regulated area governed by the Nickel District Conservation Authority (NDCA) and are subject to any requirements under Ontario Regulation 41/24 and Section 28 of the Conservation Authorities Act.

The lands are sufficiently large enough that any potential land use conflicts are minimized or mitigated and site plan control under Section 41 of the *Planning Act* can be utilized to further ensure that a good site design achieves the objective of reducing conflict and requiring minimal municipal infrastructure services. The proposed development would also not impact any identified cultural and/or historical attributes of the surrounding rural area.

With respect to the rural economy, the proposed rezoning of the lands would permit a dry resource-based light industrial use. The proposed development will contribute positively to the rural economy by utilizing a partially serviced and otherwise underutilized rural lot along a Primary Arterial road to accommodate a dry light industrial use which directly serves the needs of the local mining industry. Therefore, the proposed development should not be directed elsewhere in the municipality on the basis that it is a resource-related rural land use that will act to promote and be supportive of a diversified rural economy. This report will later outline appropriate development standards that should be included in an amending Zoning By-law to ensure that any future land uses do not negatively impact or detract from the intended objective of diversifying the rural economy.

Section 5.2.5 of the City’s OP permits for some 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. In such instances it requires that:

5.2.5 *Industrial/Commercial*

1. Rural industrial/commercial uses are generally resource-based and may include agriculture, dry industrial/commercial uses, and forestry.

4. 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.

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.

RESPONSE

Per Section 5.2.5, the City allows for the limited development of some rural industrial/commercial uses in Rural Areas. The City’s OP is supportive of new resource-related industries that do not impact the natural resource base provided that limited amounts of wastewater and minimal land use conflicts would be generated. The proposed development achieves this as it is a dry rural light industrial use, which is included in the rural industrial/commercial uses set out in **Section 5.2.5.1**. Additionally, the proposed development conforms to Rural Zone standards and all other requirements for rural industrial sites.

CITY OF GREATER SUDBURY ECONOMIC DEVELOPMENT STRATEGIC PLAN (EDSP)

Section 2.1 of the City’s EDSP refers to an economic heritage that is “rooted” underground in the extraction of ore by a few large mining companies. The EDSP acknowledges that the City is built on a foundation of natural resources with each successive generation having added value to this economic base. The mining industry continues to be a driver of the City’s success and the EDSP gives special attention to this industrial history and focuses strategically on the continued growth of the local mining economy. The “trunk” of the City’s economic vision supports the core elements of the local economy with a focus on a welcoming and open community and the fostering of a highly skilled and creative workforce. The “branches” of this economic vision acknowledge thriving sectors that have emerged to complement the City’s strength in the mining sector. The notion of “branching” out includes focusing on becoming a global leader in mining supply and service.

RESPONSE

The development proposal will strengthen the resource-based economic foundation identified in the EDSP’s vision. In particular, the development can be expected to attract or continue to support a highly skilled and creative workforce in a location close to the resource-based market it supports, as well as contribute to the continued growth of the mining supply and service sector.

CITY OF GREATER SUDBURY ZONING BY-LAW 2010-100z

The lands are presently zoned “RU”, Rural under the City’s Zoning By-law with applicable Section 9.2, Table 9.1 – Permitted Residential Uses and Table 9.2 – Permitted Non-Residential Uses establishing the range of land uses permitted in the “RU” Zone. Permitted non-residential uses are summarized and depicted as follows:

Table 9.2 – Permitted Non-Residential Uses

(By-Laws 2012-67Z, 2019-181Z, 2020-146Z)

USE	A	RU	RS	SLS
<i>Agricultural Use</i>	X (5)	X (5)		
<i>Animal Shelter</i>	X	X		
<i>Cannabis Production Facility</i>	X(10)	X(10)		
<i>Distilling Facility</i>		X		
<i>Forestry Use</i>	X (6)	X (6)		
<i>Hunting or Fishing Camp</i>		X (8)		
<i>Garden Nursery</i>	X	X		
<i>Kennel</i>	X (6)	X (6)		
<i>Public Utility</i>	X	X		
<i>Small-Scale Brewing Facility</i>		X		
<i>Veterinary Clinic</i>	X	X		
<i>Winery</i>		X		

Figure 3 – Excerpt of Permitted Non-Residential Uses from CGS Zoning By-law

The rezoning application seeks to rezone the lands from “RU”, Rural to “RU(S)”, Rural Special in order to permit a rural light industrial use in the form of a mining-related rural light industrial use (i.e., mining equipment engineering and fabrication shop) along with an accessory business office, outdoor storage and associated parking and loading areas.

With respect to the definition of land use, it is proposed that the following be included in the amending zoning by-law and added as a site-specific non-residential permitted use:

Rural Light Industrial Use (Mining-Related):

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.

It is also proposed that existing land use permissions under Tables 9.1 and 9.2 of the City's Zoning By-law be retained to ensure future land use flexibility.

While no site-specific relief is required from the general provisions, parking and loading provisions or the development standards within the standard "RU" Zone, it is proposed that the following development standard be included in the amending Zoning By-law:

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

6.0 CONCLUSION

The proposed amendment to the City's Zoning By-law presents an opportunity to support one of the City's identified 'economic engines' by permitting the establishment of a mining-related (resource-based), dry industrial use that will support mineral extraction through the value-added mining equipment it supplies.

The development will further promote the diversification of the rural economic base and employment opportunities in addition to being optimally located between two of Sudbury's settlement areas with adequate access to the larger local and provincial transportation network.

Given the analysis provided herein, it is the author's opinion that the proposed application to rezone the lands from 'Rural', to 'Rural Special' to permit the development of a mining-related rural light industrial use is consistent with the 2020 PPS, conforms with the Growth Plan for Northern Ontario, conforms with the Official Plan for the City of Greater Sudbury, and represents good land use planning.

Respectfully submitted,

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