

## 0 Kingsway Boulevard and Levesque Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	November 13, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/24-04 & 751-6/24-06

## Report Summary

This report provides a recommendation regarding applications for Official Plan Amendment and Rezoning, and related authorization under the City's Waste Management By-law 2006-280 to permit the development of a waste transfer facility, office and commercial garage.

This report is presented by Wendy Kaufman, Senior Planner.

## Resolutions

### Resolution 1:

#### Resolution #1 Regarding the Official Plan Amendment:

THAT the City of Greater Sudbury approves the application by Kingsway Entertainment District Inc. to amend the City of Greater Sudbury Official Plan by confirming the designation of the portion of the subject lands outside of the Ramsey Lake Watershed is "Heavy Industrial" on those lands described as PIN 7356-10293 and Part of PIN 73561-0300, Part 13 and part of Part 15, Plan 53R-20983, Part of Lot 9, Concession 4, Township of Neelon, as outlined in the report entitled "0 Kingsway Boulevard and Levesque Street, Sudbury" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 13, 2024, subject to the following conditions:

1. That the Official Plan Amendment be enacted concurrently with the zoning by-law amendment.
2. That prior to the enactment of the Official Plan Amendment the owner shall submit a registered survey plan describing the lands subject to the amendment to the satisfaction of the Director of Planning Services.
3. That conditional approval shall lapse on November 26, 2026, unless Condition #1 above has been met or an extension has been granted by Council.

## **Resolution 2:**

### Resolution #2 Regarding the Rezoning:

THAT the City of Greater Sudbury approves the application by Kingsway Entertainment District Inc. to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from “M3(15)”, Heavy Industrial Special and “M2(15)”, Light Industrial Special to an amended “M3(S)”, Heavy Industrial Special Zone and an amended “M2(S)”, Light Industrial Special Zone on those lands described as PIN 7356-10293 and Part of PIN 73561-0300, Part 13 and part of Part 15, Plan 53R-20983, Part of Lot 9, Concession 4, Township of Neelon, as outlined in the report entitled “0 Kingsway Boulevard and Levesque Street, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 13, 2024, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services.
2. That the amending zoning by-law include the following site-specific provisions:
  - i. “M3(S)”, Heavy Industrial Special to additionally permit a waste transfer facility on the portion of the subject lands outside of the Ramsey Lake Watershed, and that a litter abatement fence shall be provided to enclose the site;
  - ii. “M3(S)”, Heavy Industrial Special to permit a 0 m setback to a zone boundary and additionally permit office use limited to a total gross floor area of 420 sq m, and that a litter abatement fence shall be provided to enclose the site; and
  - iii. “M2(S)”, Light Industrial Special to permit a 0 m setback to a zone boundary and additionally permit office use limited to a total gross floor area of 420 sq m; and that a litter abatement fence shall be provided to enclose the site.
3. That conditional approval shall lapse on November 26, 2026, unless Condition #1 above has been met or an extension has been granted by Council.
4. That an “H”, (Holding) symbol be applied to the zoning to prohibit the waste transfer facility use until the following conditions are satisfied:
  - i. The owner shall enter into a Site Plan Control Agreement with the City to the satisfaction of the Director of Planning Services.
  - ii. An Environmental Compliance Approval has been issued by the Ministry of the Environment, Conservation and Parks.

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

The applications to amend the City’s Official Plan and Zoning By-law are operational matters under the Planning Act to which the City is responding. The applications generally align with Goal # 2 - Business Attraction, Development and Retention in the City’s Strategic Plan insofar as they would facilitate business development in an industrial park. The applications are not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

## **Financial Implications**

If approved, staff are unable to estimate taxation revenues as the assessment value of the proposed buildings would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to

be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by the Building Services department.

Also, this development falls within the Kingsway Sewer and Water project area and would be subject to Section 391 Charges relating to this growth related infrastructure in the mid-2000's.

## **Report Overview:**

This report reviews applications for Official Plan Amendment and Zoning By-law Amendment to permit the development of a waste transfer facility, office and commercial garage. The lands are designated General Industrial and Heavy Industrial in the Official Plan.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Planning Statement, and conform to the Growth Plan for Northern Ontario, have regard for matters of provincial interest and represent good planning.

# STAFF REPORT

## PROPOSAL:

The applications propose to amend the City's Official Plan and Zoning By-law 2010-100Z to permit the development of a waste transfer facility on the portion of the subject lands located outside of the Ramsey Lake Watershed. The applications would also additionally permit an office use and a 0 m setback to a zone boundary to permit the construction of a commercial garage, office, and associated employee parking areas. A related authorization is also required under the City's Waste Management By-law 2006-280.

The concept plan illustrates the proposed 880 sq m waste transfer station, 1530 sq m commercial garage, 420 sq m office, bin storage area for approximately 100 bins of various sizes, truck parking area for approximately 50 commercial vehicles and 7 light duty pick-up trucks, parking for approximately 100 spaces, and stormwater management facilities. The site is to be operated by Waste Management Inc. and will enable the consolidation of their operations in Greater Sudbury. Waste Management's current operations employ approximately 85 people.

The waste management facility will receive approximately 150-200 tonnes of non-hazardous solid waste to be loaded for transfer to the approved disposal facility. Sorting, when required, will be completed indoors. There is no outdoor storage. The facility is anticipated to operate from 5 a.m. to 5 p.m. to accept materials, and sorting and loading may also occur during evening hours depending on the acoustic assessment. The commercial garage will service Waste Management's vehicle fleet and include four maintenance bays, a wash bay, and related parts, tool, equipment and oil rooms. The office will serve the operations of the site and include 5 dedicated offices and space for route managers and operations specialists, meeting rooms, and locker areas.

The waste transfer facility and potentially the commercial garage (noise) will be subject to an Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks, which will include an acoustic assessment which will model potential noise impacts on sensitive receptors. The Environmental Compliance Approval requires completion of detailed design of the facility and can include a range of conditions/restrictions including type of waste, hours of operation, maximum tonnage received, maximum on-site storage, disinfection procedures, site security, inspection and maintenance standards, staff training, record keeping, compliant response protocol, emergency response, stormwater management, reporting, and closure practices.

The applications included the submission of the following documents and technical studies:

- Concept Plan
- Planning Justification Report, J.L. Richards & Associates Limited, May 30, 2024
- Source Water Protection S. 59 Application (see Source Water Location Map)
- Conceptual Stormwater Management Plan, R.V. Anderson Associates Limited, March 28, 2024
- Draft Official Plan Amendment, J.L. Richards & Associates Limited
- Draft Zoning By-law Amendment, J.L. Richards & Associates Limited

**Existing Land Use Designation:** "General Industrial", "Heavy Industrial", Waste Disposal Assessment Areas Overlay Designation

The Official Plan establishes two broad industrial designations, General Industrial and Heavy Industrial, to support economic activity in the industrial sector. General Industrial includes activities such as manufacturing and processing facilities, while the Heavy Industrial designation encompasses core infrastructure needs such as water and wastewater treatment plants and landfill sites.

Waste Disposal Assessment Areas are shown on Schedule 6, Hazard Lands as an overlay designation. The existing or prior use of the lands for the disposal of waste may have an effect on future uses of these lands and possibly adjacent lands. In recognition of this, Waste Disposal Assessment Areas identify lands that are within the 500 metre area of influence from the property boundary of an open site or the fill area of a closed

site. These areas are regulated in order to protect public health and safety and ensure land use compatibility.

### **Requested Land Use Designation:**

The proposed amendment would confirm the designation of the portion of the subject lands outside of the Ramsey Lake Watershed is “Heavy Industrial”, and based on a survey of the lands.

**Existing Zoning:** “M3(15)”, Heavy Industrial Special and “M2(15)”, Light Industrial Special, Ramsey Lake Watershed Overlay Zone

The “M3(15)” and “M2(15)” zones were established through a previous application (CGS file 751-6/17-26) and permit a parking lot in addition to the uses permitted in the respective zones. Both of these zones already permit a commercial garage, which is part of the proposal. Of the four general industrial zone categories spanning from M1-1 to M3, the M3 zone permits the most heavy industrial uses including an abattoir, aggregate transfer site, fuel depot, and salvage or wrecking yard while excluding certain business industrial or commercial uses. These heavy industrial uses are not permitted in the M2 zone, which is intended to permit light industrial uses. Certain less noxious industrial or service commercial uses are excluded from both the M3 and M2 zones in order to preserve the use of these lands for uses that are general not compatible with sensitive uses. The remaining M4, M5 and M6 industrial zones are intended for mining, aggregate extraction and waste disposal, respectively.

Section 4.42.2 establishes that certain uses are prohibited within the Ramsey Lake Watershed overlay zone, including a waste disposal area.

### **Requested Zoning:**

The subject lands are proposed to be rezoned in three horizontal sections across the property from north to south as follows:

- “M3(S)”, Heavy Industrial Special to additionally permit a waste transfer facility;
- “M3(S)”, Heavy Industrial Special to permit a 0 m setback to a zone boundary and additionally permit office use; and
- “M2(S)”, Light Industrial Special to permit a 0 m setback to a zone boundary and additionally permit office use.

### **Related Applications**

Subdivision File 780-6/10002: The subject lands generally comprise Lots 4 and 5 on the draft-approved Jack Nicholas Business and Innovation subdivision. This 12 ha subdivision was draft approved on October 26, 2010 to enable development of an industrial/business park comprising 33 blocks of land, and accessible via two proposed roads from Kingsway Boulevard. The plan lapses on October 26, 2026.

Rezoning File 751-6/17-26: Rezoned the subject lands to “M3(15)” and “M2(15)” to additionally permit a parking lot.

### **Location and Site Description:**

The subject lands are described as PIN 7356-10293 and Part of PIN 73561-0300, Part 13 and part of Part 15, Plan 53R-20983, Part of Lot 9, Concession 4, Township of Neelon (0 Kingsway, Sudbury). The subject lands are located approximately 400 m north of Kingsway Boulevard opposite Levesque Street. The subject lands are approximately 5 ha in size. The subject lands currently have no road frontage, though would be accessible via collector road upon development of a first phase of the related Jack Nicholas plan of subdivision (CGS File 780-6/10002). A hydro line crosses the northeastern portion of the property.

Development Engineering advises that this location is presently not serviced with water or sanitary sewer. A phase of the related Jack Nicholas plan of subdivision would need to be constructed prior to the development of this lot proceeding as the subdivision road, water supply, sanitary sewer, and utilities are required to create and develop this lot.

The southerly portion of the subject lands is identified in the Greater Sudbury Source Water Protection Plan as being within the Ramsey Lake Watershed. The Ramsey Lake Intake Protection Zone 3 is currently located to the south of the subject lands, though a very small portion of the subject lands (approx. 800 sq m) within the Ramsey Lake Watershed is pending being located within the Ramsey Lake Intake Protection Zone 3 as a result of mapping updates expected to be completed by the end of 2024.

### **Surrounding Land Uses:**

North: lands owned by the City and zoned restrictively (either “EP”, Environmental Protection or “FD”, Future Development with a Holding Provision to acknowledge proximity to the Sudbury landfill)

East: lands owned by the City for the Sudbury landfill, and zoned “M6”, Disposal Industrial

South and west: vacant lands owned by the applicant and part of the Jack Nicholas Business and Innovation subdivision

The location map is attached to this report and indicates the location of the subject lands (red hatching), the zoning on other parcels of land in the area, and the location of the Ramsey Lake Watershed (purple line) and Intake Protection Zone 3 (green fill).

Orthophotography shows the subject lands and surrounding uses. Site photos show only the intersection of Levesque Street and Kingsway Boulevard south of the subject lands, and surrounding institutional, commercial and residential uses at this intersection.

### **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 122 m of the subject lands on August 7, 2024. The statutory Notice of Public Hearing dated October 17, 2024, was provided to the public by newspaper and to nearby landowners and tenants located within 122 m of the subject lands.

The applicant was advised of the City’s policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. At the time of writing this report, no phone calls, letters or emails with respect to the development proposal have been received by the Planning Services Division.

### **POLICY AND REGULATORY FRAMEWORK:**

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

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

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

### **2020 Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2020 PPS. Several sections of the PPS are relevant to the applications.

The lands are included in the City's settlement area, are outside the built boundary and are designated "General Industrial" and "Heavy Industrial".

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

Policy 3.5(1) states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. Major facilities are defined as facilities which may require separation from sensitive land uses, including waste management systems.

Section 2.8.1 of the PPS establishes policies for employment and requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs, and maintaining a range and choice of suitable sites, which take into account the needs of existing and future businesses. Policy 2.8.2(3)(c) states that planning authorities shall designate, protect and plan for all employment areas in settlement areas by prohibiting retail and office uses that are not associated with the primary employment use.

Section 1.6.10.1 states that waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Waste management systems are defined as sites and facilities to accommodate waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Policy 4.2(1) states that planning authorities shall protect, improve or restore the quality and quantity of water by:

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential negative impacts, including cross-jurisdictional and crosswatershed impacts;
- e) implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions.

### **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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and is satisfied that the applications conform to and do not conflict with the Growth Plan for Northern Ontario in that they align with the general economic policies.

### **Official Plan for the City of Greater Sudbury:**

The lands are included in the City's settlement area, are outside the built boundary and are designated "General Industrial" and "Heavy Industrial". The proposed amendment would confirm the designation of the portion of the subject lands outside of the Ramsey Lake Watershed is "Heavy Industrial", and based on a survey of the lands.

Section 1.3.2 of the Official Plan regarding Economic Development acknowledges the link between planning, design and economic development, such as by providing a framework to reinforce the urban structure and achieve efficient urban form and use of infrastructure.

Policy 2.3.2(1) states that future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas.

Policy 2.3.2(3) states that intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.

Section 4 of the Official Plan regarding employment areas identifies these areas as lands where people presently work and lands where employment opportunities will be provided in the future. It establishes the General Industrial and Heavy Industrial designations to support economic activity in the industrial sector. General Industrial includes activities such as manufacturing and processing facilities, while the Heavy Industrial designation encompasses core infrastructure needs such as water and wastewater treatment plants and landfill sites.

Section 4.1 Objectives states that it is the objective of the Employment Area policies to:

(f) ensure that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites.

Section 4.5.1 General Industrial, Policy 1 states that 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. Policy 2. States that complementary uses, such as administrative offices, hotels and restaurants, which do not detract from, and which are compatible with, the operation of industrial uses are also permitted.

Section 4.5.2 Heavy Industrial, Policy 1 states that within areas designated Heavy Industrial, all industrial uses are permitted, including sanitary landfill sites, salvage yards, quarrying, and sewage treatment facilities. Mining and related smelting, refining and processing operations are generally not permitted in Heavy Industrial areas, as the Mining/Mineral Reserve designation applies to those uses. Policy 3 states that drainage runoff will be controlled such that the water quality of groundwater or downstream watercourses/waterbodies is not impaired.

Section 8.1 General Protection of Water Resources, states that the following general policies apply to protect water resources in the City:

1. Sensitive surface water features, sensitive groundwater features, and their hydrologic functions and linkages will be determined through a watershed-based planning approach. Sensitive surface water and groundwater features are defined as areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Policy 8.5(3), Stormwater, Site-Specific Policies states that applications for industrial development in areas where there are no municipal stormwater services will require a Stormwater Management Report.

Policy 10.6(1) states that no new development will be permitted on or within 300 metres of active or closed waste disposal sites. For lands between 300 metres and 500 metres of active or closed waste disposal sites, new development may be permitted provided the following requirements are met:

- a. studies of gas, leachate, hydrogeology and structural stability, soil and surface and groundwater contamination, presence of hazardous wastes and safety are completed which show that the development is compatible and can safely take place;
- b. written approval is received from the Province that the provisions of the relevant legislation are met; and,
- c. measures are taken to the satisfaction of the Province in consultation with the City to control and mitigate any problems identified in the study.



Policy 10.6(2) states that in areas subject to these policies, only uses compatible with the identified potential impacts may be permitted by an amendment to the Zoning By-law.

Policy 10.7(1) states that major facilities and sensitive land uses will be appropriately designed, separated or buffered from each other in order to prevent or mitigate adverse effects from noise, vibration, odour and other contaminants.

### **Zoning By-law 2010-100Z:**

Development standards for the “M2(15)” zone include a maximum height of 15 m. The minimum required front yard is 9.0 m, the minimum required rear yard to the east is 6.0 m, and the minimum required interior side yard to the north and south is 3.0 m on at least one side of the lot. The maximum lot coverage is 50%. The minimum landscaped open space required is 5%.

Development standards for the “M3(15)” zone include no maximum height given the property is more than 150.0 m from a residential zone. The minimum required front yard is 9.0 m, the minimum required rear yard to the east is 6.0 m, and the minimum required interior side yard to the north and south is 3.0 m on at least one side of the lot. The maximum lot coverage is 60%. The minimum landscaped open space required is 5%.

### **Site Plan Control**

A site plan control agreement is not automatically required prior to development of the subject lands, though staff is recommending this be required prior to development through use of a holding provision.

### **Department/Agency Review:**

The applications including relevant accompanying materials have been circulated to all appropriate agencies and departments. Responses received have been used to assist in evaluating the applications.

Infrastructure Capital Planning, and Strategic & Environmental Planning Services advises that they have no concerns from their respective areas of interest.

Building Services advises they have no objection and that a Building Permit to the satisfaction of the Chief Building Official will be required for all buildings and structures, at which time Building Services will provide any further comments.

Conservation Sudbury advises they have no objection and offer the following comments:

- The submitted concept plan depicts a wetland at the northeast corner of the parcel matching Conservation Sudbury's current mapping. However, a review of aerial imagery suggests that this wetland may have been historically filled and the current extent may not match the depicted limits.
- The proponent should note that for future regulatory review and approvals the wetland(s) both within the property and 30 m surrounding the property must be mapped by a qualified professional (OWES-certified with experience in wetland mapping). All mapping must include the wetland boundary, a 12-metre setback, a 30-metre setback and, where wetlands are greater than 2 ha in size, a 120-metre setback. Wetlands greater than 0.5 ha in size are subject to the development restrictions listed within Conservation Sudbury's Wetland Guidelines (Direction on the Administration of O.Reg 156/06 – Wetlands, available on our website).

Development Engineering advises they have no objection to the rezoning and offer the following comments:

- This location is presently not serviced with water or sanitary sewer.

- The most recent submission of subdivision construction drawings was received August 8, 2024, and is currently under review with comments pending. A phase of the subdivision would need to be constructed prior to the development of this lot proceeding as the subdivision road, water supply, sanitary sewer, and utilities are required to create and develop this lot.
- Stormwater management is intended through the subdivision development to only be provided for the subdivision roadways rather than on a universal basis. As such, the stormwater approach for this site would require on-site stormwater controls. MECP approval of all on-site stormwater works will be required.

Water/Wastewater advises that no activity or activities engaged in or proposed to be engaged in on the subject lands are considered to be significant drinking water threats at this time. The Waste Transfer Facility is proposed to be developed outside the Ramsey Lake Watershed (RLW). The commercial garage is to be developed within the RLW; however, outside of the boundary of the Intake Protection Zone “3” and Issue Contributing Area. The Intake Protection Zone “3” will be expanded in this location upon the next mapping amendment due to the transport pathways to Ramsey Lake. The activities of Handling and Storage of DNAPLs and Fuel, and Application of Road Salt and Storage of Snow will require a Risk Management Plan at that time. Road salt storage in excess of 0.5 tonnes is prohibited.

Operational Comments from Environmental Services Regarding Authorization under the City’s Waste Management By-law 2006-280

Environmental Services staff is concerned with locating a private waste transfer site in this area given the proximity to the landfill site and residential area. Environmental Services advises the following cautionary notes need to be considered when determining if this property is suitable for the proposed use of a waste transfer facility:

- The property being proposed for use as a waste transfer facility is located directly adjacent to the Sudbury Landfill site. Wind directions at the Sudbury Landfill is continually monitored and the wind direction is frequently towards the south. It is reasonable to anticipate that the prevalent wind direction at the proposed waste transfer facility will also be southwards. Residential neighborhoods to the south of the proposed waste transfer facility are already sensitive to exposure of odours emanating from the landfill. Waste transfer stations also generate odours from waste. The proposed waste transfer facility operation will be in closer proximity to residential neighbourhoods than the active disposal area at the landfill site. The property surrounding the proposed waste transfer facility may not provide a natural treeline/forested area buffer zone that would normally act as a barrier to trap odours that would otherwise travel directly towards the residential community. A waste transfer facility in this location has the potential to create additional nuisance odours and consequently, increased complaints from residents and/or businesses. Due to the close proximity to the existing landfill site, it may be difficult to determine if the source location of the odour is the landfill site or the waste transfer facility. Without the ability to clearly identify the source of the odour, taking appropriate actions to resolve complaints becomes difficult, and may require that both the City and waste transfer facility operator take mitigation action. Additional measures and/or technologies may need to be put in place to mitigate nuisance odours.
- With the exception of Atikameksheng Anishnawbek and Wahnapiatae First Nations, Council approved service levels and provincial Environmental Compliance Approvals for the City’s landfill and waste diversion sites, and transfer stations do not allow for the acceptance of waste from outside the City of Greater Sudbury boundary. Accepting waste from outside Greater Sudbury boundaries would decrease the lifespan of the City’s landfill sites and accelerate the need for the City to invest in new disposal capacity. Waste from outside Greater Sudbury boundaries may not be deposited at a City facility unless expressly permitted by the City in writing. The intended operator of the waste transfer facility currently provides waste collection services for the City as well as private customers within and outside Greater Sudbury boundaries. The transfer station proposes to apply for provincial approval to

accept waste from Ontario. It is recommended that the operator of the waste transfer facility be required to clearly document the source of any waste being delivered to a City site to the satisfaction of the General Manager of Growth & Infrastructure.

- Waste haulage, dumping, sorting, loading and transfer can create litter on City roads and roadways as well as on City or private property. The operator of the site should be required to provide regular litter avoidance education and training for staff and customers, and this education and training should be document to the satisfaction of the General Manager. Litter abatement and recovery methods should be required at the site, and litter created by the operation of the site must be collected by the waste transfer facility operator to the satisfaction of the General Manager.
- Waste transfer facilities attract vector, vermin and other wildlife including raccoons and bears. A waste transfer facility in the proposed location may increase nuisance wildlife in the area and may result in increased citizen complaints to the City. Due to the proximity to the City's Landfill site, an increased nuisance wildlife population may require additional control mechanisms at the City's landfill site and the waste transfer facility.
- Improperly stored waste can exacerbate nuisance odours, litter and wildlife. It is recommended that the operator of the proposed waste transfer facility be prohibited from storing waste on the ground or in open containers. It is recommended that the proposed waste transfer facility operator be required to store the waste in enclosed buildings or in hard covered or enclosed bins/containers.
- The access to both the proposed waste transfer facility and the landfill site will be from the Kingsway and the distance between each site entrance will be approximately 0.46 kilometers. The close proximity of the facility entrances could cause confusion for customers of each site. This confusion could be further exacerbated if the operator of the proposed waste transfer facility allows public use of the facility. The operator should be required to clearly post the facility name, operator name and facility address visible to traffic traveling both directions on the Kingsway.

## **PLANNING ANALYSIS:**

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

The applications propose to amend the City's Official Plan and Zoning By-law 2010-100Z to permit the development of a waste transfer facility, office, and commercial garage. A related authorization is also required under the City's Waste Management By-law 2006-280, a request which is assessed separately below.

The subject lands are located in the City's settlement area in an employment area that has been identified for industrial use through development of the Jack Nicholas Business and Innovation Park subdivision. Staff recommends that the applications conform with the Growth Plan for Northern Ontario in that they align with the general economic policies. Broadly, the applications are consistent with PPS policies and conform with Official Plan policies that direct development to settlement areas and acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide employment opportunities. The proposal would also contribute positively to providing for an appropriate mix and range of employment-related uses within the settlement area to allow for efficient use of planned infrastructure.

While a commercial garage is already a permitted use, the applications request permission to additionally permit a waste transfer facility and office in this location to enable the consolidation of Waste Management Inc. operations in Greater Sudbury. Regarding the appropriateness of the additional waste management facility use, the applications conform to the Official Plan policies in Section 4 regarding employment, by enabling economic activity in the industrial sector. Staff recommends approval of the requested Official Plan

Amendment which will confirm the extent of the Heavy Industrial designation, which permits waste management facilities, as being located on the portion of the subject lands outside the Ramsey Lake Watershed.

Regarding the appropriateness of the proposed additional office use, the PPS only permits office uses within employment areas where they are associated with a primary employment use. The current 'M3(15)' and 'M2(15)' zone permit accessory office use where, for example, a supervisor and/or manager of the commercial garage operation would have an office. The General Industrial designation in the Official Plan permits offices which are compatible with and do not detract from the operation of industrial uses. In other words, the intent of the restriction on offices is to preserve the use of industrial lands for uses that are not compatible with sensitive uses. Staff supports the proposed use of the lands for office purposes, limited to the proposed 420 sq m illustrated in the concept plan. In this manner, the site can be developed as a consolidated location along with the related industrial uses.

Staff recommends that the proposed location in at the north end of an industrial subdivision and adjacent to the Sudbury Landfill is consistent with the PPS and conforms with Official Plan policies that require compatibility with the Sudbury landfill and for waste management facilities to be appropriately separated from sensitive land uses, such as residential use. While provincial guidelines regarding the separation between industrial facilities and sensitive lands uses do not strictly apply to a waste management facility, generally a Class 3 industrial use requires a minimum separation distance of 300 m from a sensitive use, and the closest residential use is approximately 350 m to the southeast at the intersection of Yollie Street and Kingsway Boulevard. The Planning Justification Report proposes that the waste transfer facility and commercial garage could be considered a lesser Class 1 industrial use with a 70-metre potential influence area and 20-metre minimum separation distance. It is noted that the Environmental Compliance Approval requires an acoustical assessment and enables the Ministry of Environment, Conservation and Parks to apply conditions or restrict operations accordingly. Further, the City's Waste Management By-law enables the City to maintain their operation in conformity with specific conditions to mitigate potential issues, with conditions to promote compatibility. Further to comments from Environmental Services, staff recommends that the requirement for a litter abatement fence be included in the site-specific zone standards, to help ensure litter is contained on the site.

Both the PPS and the Official Plan require the protection of water resources, and the location of the Ramsey Lake Watershed boundary through the middle of the parcel is acknowledged. The City's zoning by-law does not permit a 'waste disposal area' within the Ramsey Lake Watershed. Comments provided by Water/Wastewater staff confirm that the proposal as structured with the waste management facility outside the boundary of the Ramsey Lake Watershed and with the commercial garage outside of the Intake Protection Zone "3" and Issue Contributing Area to the south does not result in development of any significant drinking water threats. In future, the development of the Jack Nicholas subdivision will result in changes to transport pathways to Ramsey Lake, the risks of which will be managed through the development of a Risk Management Plan for this property under the Clean Water Act to address the commercial garage use, application of road salt and storage of snow. The conceptual stormwater management report provides an approach for managing the quality and quantity of stormwater on the site. Staff recommends that the proposal is consistent with the PPS and conforms to Official Plan policies pertaining to the protection of water resources.

Development of the proposed use will proceed following completion of a phase of the Jack Nicholas plan of subdivision. Staff notes that the lands will need to form one lot on a registered plan of subdivision to align with the concept with one sanitary sewer/water service connection, stormwater concept, and requested zone standards which refer to a 0 m setback to a zone boundary (rather than a lot line). Development of the parcel as a single lot is also necessary to limit the future development of stand-alone office use. Alternatively, site plan control can be used to tie the two lots together such that they are developed as one project as illustrated on the concept plan.

Staff recommends the official plan amendment be approved subject to a condition that it be enacted concurrently to the zoning by-law amendment and subject to a survey being provided to ensure that the requested official plan amendment and rezoning are in alignment.

Staff recommends the zoning by-law amendment be approved subject to a condition requiring a survey be provided in order to implement the rezoning by-law.

Staff recommends that an “H”, (Holding) symbol be applied to the zoning to prohibit the waste transfer facility use until two conditions are met, being entering into a site plan control agreement with the City and that an Environmental Compliance Approval be issued by the Ministry of the Environment, Conservation and Parks. Regarding a Site Plan Control Agreement, staff recommends this is required for the orderly development of the site. The requested official plan amendment and rezoning are premised on a survey intended to limit certain uses to certain locations, and site plan control can be used to require site features (e.g. curbing, bollards) to identify zone boundaries and ensure these boundaries are respected during site operations. Stormwater management is implemented through the site plan control process, and which also needs to reflect the Ramsey Lake Watershed boundary within the site. Overall, site plan control is a necessary tool to ensure that the boundary of the Ramsey Lake Watershed is clearly identified and protected. Further, site plan control can be used to tie the lots together such that they are developed as one project as illustrated on the concept plan. Lastly, the site plan control agreement process could be used to implement or partially implement conditions of the related approval under the City’s Waste Management By-law to address operational concerns.

Regarding the need for an Environmental Compliance Approval, staff recommends that this needs to be issued by the Ministry of the Environment, Conservation and Parks, to confirm that the site can be designed and operated appropriately for a waste transfer facility. The Environmental Compliance Approval application to the Ministry will include detailed design a range of operational details, and the Ministry will complete a review of the design and site operations and specify conditions of approval. This review and approval is recommended to be required prior to permitting the use under the City’s zoning by-law.

#### **AUTHORIZATION UNDER THE CITY’S WASTE MANAGEMENT BY-LAW 2006-280**

A related authorization is required as per Section 26 of the City’s Waste Management By-law 2006-280, which is delegated to the General Manager of Growth and Infrastructure. The By-law also enables the City to impose conditions as it may deem fit, and the applicant shall thereafter maintain their operation in conformity with the conditions. The authorization will include conditions to address the operational concerns raised by staff from Environmental Services.

#### **CONCLUSION:**

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

The following are the principles of the proposed official plan amendment and zoning by-law amendment:

- to permit the development of a waste transfer facility on the portion of the subject lands located outside of the Ramsey Lake Watershed, as well as an office and commercial garage.

The development of the subject land achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

Staff is of the opinion that the proposed amendments are appropriate based on the following:

- The additional waste management facility and office use, proposed in the City’s settlement area in an area identified for industrial use, will enable economic activity in the industrial sector in an appropriate location.
- The proposed office use is considered to be compatible with the industrial uses and will enable the site to be operated as a consolidated location.
- The proposed waste management use is considered to be adequately separated from sensitive land uses.

- Water resources can be protected through the Clean Water Act, related Environmental Compliance Approval, and the use of site plan control.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Planning Statement, conform to the Growth Plan for Northern Ontario, have regard for matters of provincial interest and represent good planning.