

Request for Decision

Roy Gareau - Application for Official Plan Amendment in order to redesignate the subject land from "Mining/Mineral Reserve" to "Rural", 2099 Highway 69 North, Val Caron

Presented To:	Planning Committee
Presented:	Monday, Aug 10, 2020
Report Date	Wednesday, Jul 08, 2020
Туре:	Public Hearings

701-7/20-02

Resolution

THAT the City of Greater Sudbury approves the application by Roy Gareau to amend the City of Greater Sudbury Official Plan by redesignating the subject land from "Mining/Mineral Reserve" to "Rural" in order to permit the severance of a rural lot on lands described as PIN 73498-0267, Parcel 28779 S.E.S., in Lot 7, Concession 4, Township of Blezard, as outlined in the report entitled "Roy Gareau", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal does not conflict with the Strategic Plan, as it does not negatively impact the viability of the Mining/Mineral Reserve.

Report Summary

A site-specific application for Official Plan Amendment has been received in order to redesignate the property municipally known as 2099 Highway 69 North, Val Caron from "Mining/Mineral Reserve" to "Rural" in order to permit the creation of a rural residential lot. A Habitat Assessment submitted with the application determined that habitat for Species at Risk exists on

Signed By

File Number:

Report Prepared By

Mauro Manzon Senior Planner Digitally Signed Jul 8, 20

Manager Review

Alex Singbush Manager of Development Approvals Digitally Signed Jul 8, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Jul 10, 20

Financial Implications

Apryl Lukezic Co-ordinator of Budgets Digitally Signed Jul 22, 20

Recommended by the Department

Tony Cecutti General Manager of Growth and Infrastructure Digitally Signed Jul 26, 20

Recommended by the C.A.O.

Ed Archer Chief Administrative Officer Digitally Signed Jul 27, 20

and around the subject lands. Based on input from the Ministry of Energy, Northern Development and Mines (ENDM), Staff is satisfied that the proposal would not negatively impact the Mining/Mineral Reserve. An exception to the Official Plan is therefore recommended for approval provided the owner adheres to the recommendations of the Habitat Assessment.

Financial Implications

If approved, staff estimate approximately \$4,650 in taxation revenue based on the assumption of one single detached dwelling unit (and estimated assessed value of \$375,000) at the 2020 property tax rates.

In addition, this development would result in development charges of approximately \$13,400 based on assumption of one single detached dwelling unit (excluding wastewater services) based on rates in effect as of this report.

Date: July 3, 2020

STAFF REPORT

PROPOSAL:

An application for Official Plan Amendment has been submitted in order to redesignate the subject land from "Mining/Mineral Reserve" to "Rural" in order to permit the severance of a rural lot. The proposed 3.64 ha lot would have approximately 90 metres of frontage on MR80.

As part of a complete application, the owner provided the following background materials in support of the application:

- Planning Justification Report, Official Plan Amendment, 2099 Municipal Road 80 (Tulloch Engineering – February 2020)
- Habitat Assessment and SAR Studies (Tulloch Environmental July 23, 2018 and addendum dated May 14, 2020)

Existing Land Use Designation: "Mining/Mineral Reserve"

The Mining/Mineral Reserve is primarily geared to mineral extraction and processing. Permitted uses may include mining and mining-related uses, mineral aggregate uses, smelting and refining uses, pits and quarries and related uses, and accessory uses and structures associated with mining.

Requested Land Use Designation: "Rural"

Rural residential development consistent with the character of surrounding existing uses is permitted in Rural designations, provided no additional public services would be required. The minimum standards for a non-waterfront rural lot are 90 metres of road frontage and 2 hectares of land area.

Location and Site Description:

PIN 73498-0267, Parcel 28779 S.E.S., in Lot 7, Concession 4, Township of Blezard (2099 Highway 69 North, Val Caron)

The subject land comprises a rural parcel located in the McCrea Heights section of Valley East. The area is serviced by municipal water but there is no sanitary sewer. The road is constructed to an urban standard with a sidewalk on the west side. The closet public transit stop is located at Hubert Street, approximately 300 metres to the east.

Total area of the subject land is 6.17 ha, with approximately 291 metres of frontage. The developed portion of the parcel is occupied by a single detached dwelling, several accessory buildings including a large warehouse-type building, and associated outdoor storage. An extensive wetland area including an open water marsh encompasses the entire northerly portion of the parcel.

Disturbed lands located southeast of the existing dwelling comprise a former wetland area that has been filled subject to Conservation Sudbury approval. The filled area along the street line is the proposed location for a new dwelling on a severed lot. The remainder of the parcel, which presents a varied topography including large rock outcrops, has been left in a natural state, including a wetland feature in the southeast portion of the site described as a moderately rich fen.

Low density residential housing comprises adjacent uses to the north, east and south.

Date: July 3, 2020

Surrounding Land Uses:

The area surrounding the site includes:

North: low density residential uses

East: low density residential uses on opposite side of MR80

South: undeveloped rural lands West: undeveloped rural lands

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

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

The application indicates that notices will be mailed to adjacent property owners. As of the date of this report, no phone calls or written submissions have been received by Planning Services.

POLICY & REGULATORY FRAMEWORK:

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

- 2020 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury, 2006
- Zoning By-law 2010-100Z

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

Provincial Policy Statement (PPS):

Municipalities in the Province of Ontario are required under Section 3 of the <u>Planning Act</u> to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Section 2.4 of the PPS addresses mineral resources which shall be protected for long-term use. Known mineral deposits and significant areas of mineral potential shall be identified and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

Growth Plan for Northern Ontario (GPNO):

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.

Date: July 3, 2020

Section 2.3.8 of the GPNO contains policies related to the development of the Minerals Sector and Mining Supply and Services in Northern Ontario. The main focus relates to expanding the capacity and competitiveness of the mining sector. There are no specific land use policies related to the mineral reserve.

Official Plan for the City of Greater Sudbury:

Mining/Mineral Reserve

The core policies under Section 4.6.1 of the Official Plan essentially mirror the Provincial Policy Statement. Mining/Mineral Reserve areas will be protected from development that would preclude or hinder the establishment of new operations or access to the resource unless:

- a. the resource use would not be feasible; or,
- b. the proposed land use or development serves a greater long-term public interest; and,
- c. issues of public health, public safety and environmental impact are addressed.

New lot creation for rural residential development is not permitted. An Official Plan Amendment is therefore required.

Policies applied to Species at Risk under Section 9.2.2

Development and site alteration are not permitted in habitat of endangered species and threatened species except in accordance with provincial and federal requirements.

Development and site alteration are not permitted on lands adjacent to habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands to endangered species and threatened species may vary depending on general habitat descriptions. Habitat descriptions can be obtained through the Ministry of Natural Resources and Forestry. This area can be modified if justified by a study completed by a qualified professional.

Zoning By-law 2010-100Z:

The existing Rural zoning would permit a residential use in the form of a single detached dwelling or a mobile home on a permanent foundation.

Site Plan Control:

A single detached dwelling on a non-waterfront lot is not subject to site plan control.

PLANNING ANALYSIS:

This application is focused on two major land use considerations:

- The removal of the subject lands from the Mining/Mineral Reserve;
- The presence of potential habitat for Species at Risk (SAR).

Mining/Mineral Reserve

The application speaks directly to a matter of Provincial interest, being the Mining/Mineral Reserve identified in the City's Official Plan. Accordingly, the proposal including the Planning Justification Report was circulated to the Ministry of Energy, Northern Development and Mines (ENDM). Detailed comments and mapping are included as an attachment to this report.

Date: July 3, 2020

The property is located within the Upper Zone of the Sudbury Igneous Complex (SIC). The Metallic Mineral Potential Estimation Tool (MMPET), which is an assessment tool used to estimate metallic mineral potential, assigns a score of 100 to the subject property given the location within the SIC. However, the site itself is deemed to have lower potential for mineral extraction, and any access to mineral resources would likely be from the Lower Zone of the SIC. It is further noted that there are no Mineral Deposit Inventory (MDI) sites on or within 1000 metres of the property.

Staff is satisfied that the general assessment provided by ENDM is sufficient to support removal of the lands from the Mining/Mineral Reserve. Changing the land use designation to Rural would not have a significant impact on the cohesiveness and viability of the Mining/Mineral Reserve provided it is implemented on a site-specific basis only.

Species at Risk (SAR)

The lands have been identified as potential habitat for several Species at Risk, including Blanding's Turtle, Eastern Whip-poor-will, Bobolink and Barn Swallow. The proponents submitted a <u>Habitat Assessment and SAR Studies</u> as part of a complete application. The study results are largely focused on Blanding's Turtle and Eastern Whip-poor-will, as the lands were deemed unsuitable for Bobolinks and Barn Swallows were not found to be present.

The Ministry of Natural Resources and Forestry indicates that suitable habitat for Blanding's Turtle exists on the subject lands and within the vicinity of the site. Field surveys conducted using appropriate protocols also confirm the presence of Eastern Whip-poor-will habitat on and around the subject lands. The habitat assessment and associated field surveys can be summarized as follows:

a) Blanding's Turtles

Category 2 Blanding's Turtle habitat is identified on two parts of the parent parcel: the northerly portion of the retained lot, which contains an open water marsh located north of the existing dwelling; and, the southeasterly portion of the new lot, which contains another wetland feature identified as a moderately rich fen (flat low-lying area subject to flooding). The remainder of the lands comprise Category 3 habitat.

b) Eastern Whip-poor-will

Acoustic surveys confirmed the presence of Eastern Whip-poor-will both on and off the site. Based on these observations, it was determined that the southerly portion of the parent parcel is Category 2 habitat, with the remainder of the land functioning as Category 3 habitat.

The area proposed for development therefore comprises Category 3 habitat, which can tolerate a higher level of disturbance. The Habitat Assessment recommends that future residential development be restricted to the existing filled area located outside the core habitats of both species. Total area is approximate 0.7 hectare, which is sufficiently large to accommodate a single detached dwelling and accessory uses. The owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the *Endangered Species Act*.

A site visit revealed that fill is also being placed on adjacent land identified as PIN 73498-0474 on Wendy Street, which is also owned by the applicant. The fill is encroaching onto a wetland area located directly south of PIN 73498-0504. These lands are not subject to the current application. The owner is therefore advised of the following:

Date: July 3, 2020

- Site alteration within a regulated area of Conservation Sudbury requires a permit under Section 28 of the *Conservation Authorities Act*;
- A site alteration permit may also be required from Building Services;
- The owner is solely responsible for any contraventions of the Endangered Species Act.

CONCLUSION:

The application does not conflict with the 2020 Provincial Policy Statement given the site-specific considerations, which have determined that the proposed development does not significantly impact the Mining/Mineral Reserve. An exception to the Official Plan in order to redesignate the subject lands to Rural to permit a rural residential lot can therefore be supported provided the owner adheres to the recommendations of the Habitat Assessment, which identifies Species at Risk habitat on and around the subject lands.

Planning Services recommends that the application for Official Plan Amendment be approved.

Appendix 1

Departmental & Agency Comments

File: 701-7/20-2

RE: Application for Rezoning – Roy Gareau

PIN 73498-0267, Parcel 28779 S.E.S., in Lot 7, Concession 4, Township of Blezard

(2099 Highway 69 North, Val Caron)

Development Engineering

Municipal water is available in the road allowance. There is no sanitary sewer. Further comments will be provided at the severance application stage.

Infrastructure Capital Planning Services

Municipal Road 80 is designated as a Primary Arterial Roadway. In accordance with the policies of the Official Plan, access to this type of roadway is to be "strictly regulated and kept to a minimum."

As a condition of approval, the applicant will only be allowed an existing shared driveway with the house at 2099 Highway 69 North for access to and from the property.

Building Services

No objections.

Conservation Sudbury

Site Characteristics:

The subject parcel is partially developed with two single detached dwellings. The remainder of the parcel is generally treed. The parcel contains wetlands in the northern portions of the parcel (see attached map). As such, portions of the parcel are regulated by Ontario Regulation 156/06.

Delegated Responsibility and Statutory Comments:

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 156/06. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies.

The applicant should be aware that any development in an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Development includes, but is not limited to, the erection of a building or structure, the placement of removal of fill, or alterations to a stream.

Recommendation:

Conservation Sudbury does not object to the Official Plan Amendment. Please note that this does not confer approval for any future Planning Act applications, including consent. Additionally, the applicant should be aware that any development in an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Development includes, but is not limited to, the erection of a building or structure, the placement of removal of fill, or alterations to a stream.

Environmental Planning Initiatives

The subject lands are defined as follows: PINs 73498-0267, Parcels 28779 S.E.S., in Lot 4, Concession 7, Township of Blezard (2099 Highway 69 North, Val Caron).

The report dated July 23, 2018, from Tulloch Environmental adequately determines that the Eastern Whip-poor-will and its habitat and Blanding's Turtle habitat occur on the subject lands.

Based on surveys undertaken in spring 2018, Category 2 Eastern Whip-poor-will habitat is assumed to occur on the subject lands, mostly on the proposed parcel to be severed. In addition, Category 2 Blanding's Turtle habitat is assumed to occur on the subject lands, mostly on the parcel to be retained. For both species, Category 2 habitat is considered to have a moderate level of tolerance to alteration according to the Province of Ontario's General Habitat Description for the species. A building site on the parcel to be severed and located adjacent to Highway 69 North would be large enough to accommodate a single family dwelling, garage, driveway, and septic system and lie outside of Category 2 habitat for either species.

Category 3 habitat for both species is assumed to occupy the remainder of the subject lands. Category 3 habitat is considered to have a high level of tolerance to alteration. Category 3 Eastern Whip-poor-will habitat supports various life processes, primarily feeding and Category 3 Blanding's Turtle habitat provides essential movement corridors of up to 500 m between wetlands. Lands that are generally suitable to support the Eastern Whip-poor-will and Blanding's Turtle are extensive around the subject lands.

A letter of opinion dated May 14, 2020, prepared by Tulloch Environmental, concludes that "it appears reasonable and feasible that a lot severance, rezoning and presumed future single-family dwelling could be undertaken at the Subject Property in a manner that is compliant with the Endangered Species Act." As such, the requirements set out in Policy 9.2.2.2 and Policy 9.2.2.3 of the City of Greater Sudbury Official Plan have been met.

The following paragraph should be included in the staff report prepared for Council regarding this application:

"The owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the Endangered Species Act."

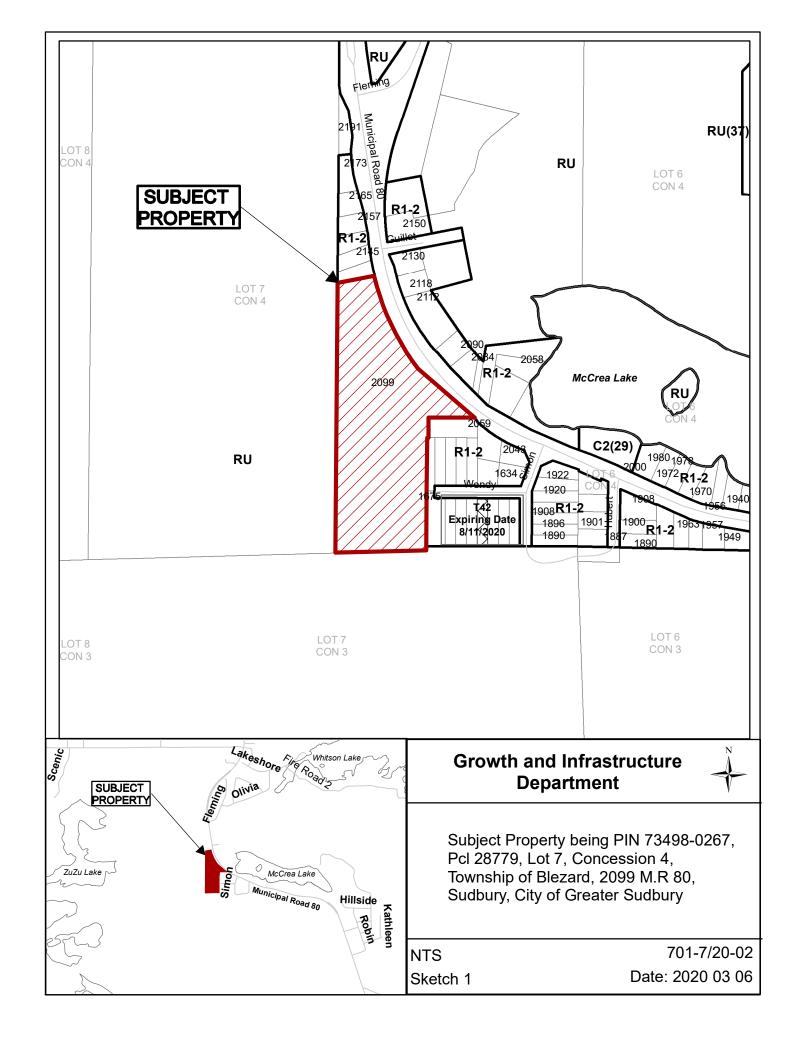
Ministry of Energy, Northern Development and Mines (ENDM)

Thank you for the opportunity to provide comments to the Official Plan Amendment application at 2099 Municipal Road 80 in Blezard Township. The intent of the application is to rezone the subject lot from "Mining/Mineral Reserve" to "Rural" in order to permit the severance of a 3.64 ha lot from a 6.2 ha privately owned lot.

The Ministry of Energy, Northern Development and Mines (ENDM) checked this property for mining land tenure, geology, mineral deposits, mineral and aggregate potential, abandoned mine sites and natural geological hazards, with the following results:

- There are no active mining claims on or within 1000m of the property, as the land in this area is patented.
- This property is within the Upper Zone of the Sudbury Igneous Complex (SIC). The nickel-copper mineralization is at the SIC- Huronian Supergroup (2.2 Ga to 2450 Ma) contact which may be accessed by mineshaft from within the Lower Zone of the SIC, or is in SIC-related rocks in the footwall, Huronian Supergroup (MRD 126-Rev 1, 1:250,000 scale Bedrock Geology of Ontario, OGS, 2011).
- There are currently no producing mines in the township. Past producing mines are all related to the Lower SIC contact or in the footwall.
- There are no Mineral Deposit Inventory (MDI) sites on or within 1000m of the property. The only Mineral Deposit Inventory record near the review area is a gravel pit, that is designated Discretionary. The nearest gold occurrence (Papineau Occurrence) is 3 km to the northwest and there is a lead, zinc, copper occurrence 2 km to the north.
- There are no known and recorded abandoned mine hazards on or within 1000m of the property.
- The Metallic Mineral Potential Estimation Tool (MMPET) is a broad scale geographic tool used for the estimation of metallic mineral potential. The MMPET score for this property is a maximum 100 out of 100, which is very high, as the property is within the SIC, which hosts numerous ore bodies. However, from a Sudbury Nickel Copper Deposit standpoint, using the common metrics of the deposit type and model, the specific area in question is likely to have a lower potential. Additionally, only one MDI gold occurrence (Papineau Occurrence) appears within the SIC, and although there are others within the Whitewater Group in the basin proper, gold in the SIC is unlikely to be significant.

Maps of bedrock geology, Mineral Deposit Inventory and Abandoned Mines Information System records are available for viewing or free download through the OGSEarth portal using the following link: http://www.mndm.gov.on.ca/en/mines-andminerals/applications/ogsearth.

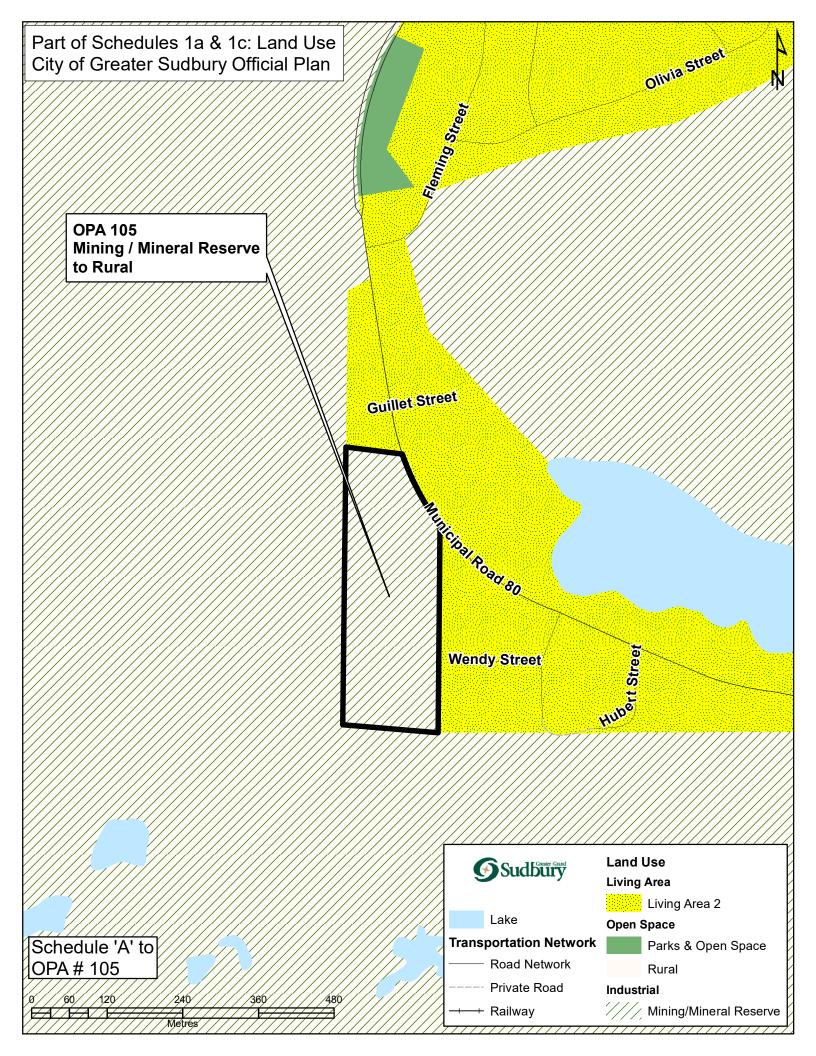


SKETCH OF EXISTING CONDITIONS ON PART OF NOTES LOT 7 THE PROPERTY BOUNDARIES ILLUSTRATED ON THIS PLAN HAVE BEEN COMPILED AND WERE NOT **CONCESSION 4** CONFIRMED IN THE FIELD. GEOGRAPHIC TOWNSHIP OF BLEZARD ALL FEATURES HAVE BEEN LOCATED USING AERIAL CITY OF GREATER SUDBURY MAPPING. NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF TULLOCH GEOMATICS. DISTRICT OF SUDBURY TERRY DEL BOSCO, ONTARIO LAND SURVEYOR © TULLOCH GEOMATICS, 2017. 2017 SCALE 1 : 2000 160 METRES 120 PIN 73498--0379** **GARAGE** GRAVEL ENTRANCE SHED HOUSE TO BE RETAINED AREA: 6± ACRES

PIN 73498--0128 PIN PIN 73498-0267 TOTAL AREA: 15± ACRES 73498--0504 3498-0472 TO BE SEVERED <u>a</u>. AREA: 9± ACRES WENDY PIIN 73498--0434 PIN PIN 73498--0548 73498--0547 1942 REGENT STREET SUDBURY, ONTARIO 705-671-2295 NOTE: DISTANCES SHOWN HEREON ARE IN METRES AND CAN

UNIT L P3E 5V5 FILE 175366 SKETCH PREPARED BY NM

BE CONVERTED TO FEET BY DIVIDING BY 0.3048.





Ministry of Energy, Northern Development and Mines

Ontario Geological Survey
Mines & Minerals Division
Resident Geologist Program
5520 Highway 101 East, Bag 3060
South Porcupine ON PON 1H0

Tel.: 705-465-5013 **Fax**.: 705-235-1620

Ministère de l'Énergie, du Développement du Nord et des Mines

Commission Géologique de l'Ontario Division des mines et des minéraux La programme du géologue resident 5520 Route 101 Est, Sac 3060 South Porcupine ON PON 1H0

Tél.: 705-465-5013 **Téléc.**: 705-235-1620

May 13, 2020

Mauro Manzon, MPL, MCIP, RPP Senior Planner Development Approvals Section Planning Services Division City of Greater Sudbury 705-674-4455 ext 4293 mauro.manzon@greatersudbury.ca via email only

Re: Official Plan Amendment application

Dear Mauro Manzon,

Thank you for the opportunity to provide comments to the Official Plan Amendment application at 2099 Municipal Road 80 in Blezard Township. The intent of the application is to rezone the subject lot from "Mining/Mineral Reserve" to "Rural" in order to permit the severance of a 3.64 ha lot from a 6.2 ha privately owned lot. The Ministry of Energy, Northern Development and Mines (ENDM) checked this property for mining land tenure, geology, mineral deposits, mineral and aggregate potential, abandoned mine sites and natural geological hazards, with the following results:

- There are no active mining claims on or within 1000m of the property, as the land in this area is patented.
- This property is within the Upper Zone of the Sudbury Igneous Complex (SIC).
 The nickel-copper mineralization is at the SIC- Huronian Supergroup (2.2 Ga to
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- (Papineau Occurrence) is 3 km to the northwest and there is a lead, zinc, copper occurrence 2 km to the north.
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Regards,

C. Daniels

Catherine Daniels, M. Sc., P. Geo. Regional Land Use Geologist – NE Region Ontario Geological Survey <u>catherine.daniels@ontario.ca</u>

Attachments: Maps AMIS Disclaimer

Ministry of Energy, Northern Development and Mines

Mineral Development and Lands

933 Ramsey Lake Road, B6 Sudbury ON P3E 6B5 Tel.: (705) 670-5798 Fax: (705) 670-5803

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Ministère de l'Énergie, du Développement du Nord et des Mines

Direction de l'exploitation des minéraux et de la gestion des terrain minier

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Tél.: 705 670-5798 Téléc.: 705 670-5803

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The maps and/or coordinates provided are not intended for navigational, survey, or land title determination purposes. Maps included may not show unregistered land tenure and interests in land including certain patents, leases, easements, right of ways, flooding rights, licences, or other forms of disposition of rights and interest from the Crown. Land tenure and land uses that restrict or prohibit free entry to stake mining claims may not be illustrated.

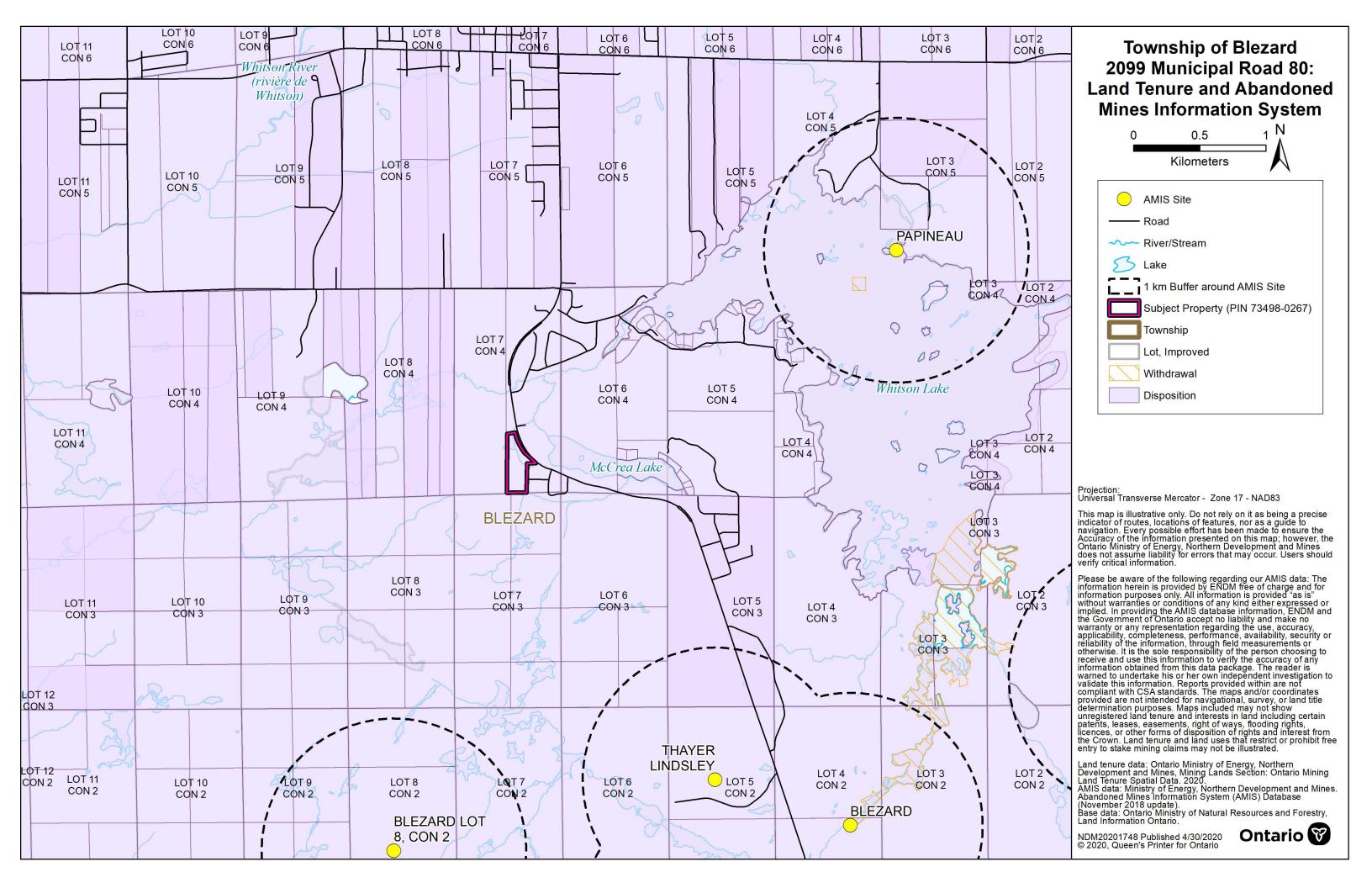
Ministry Contact Information

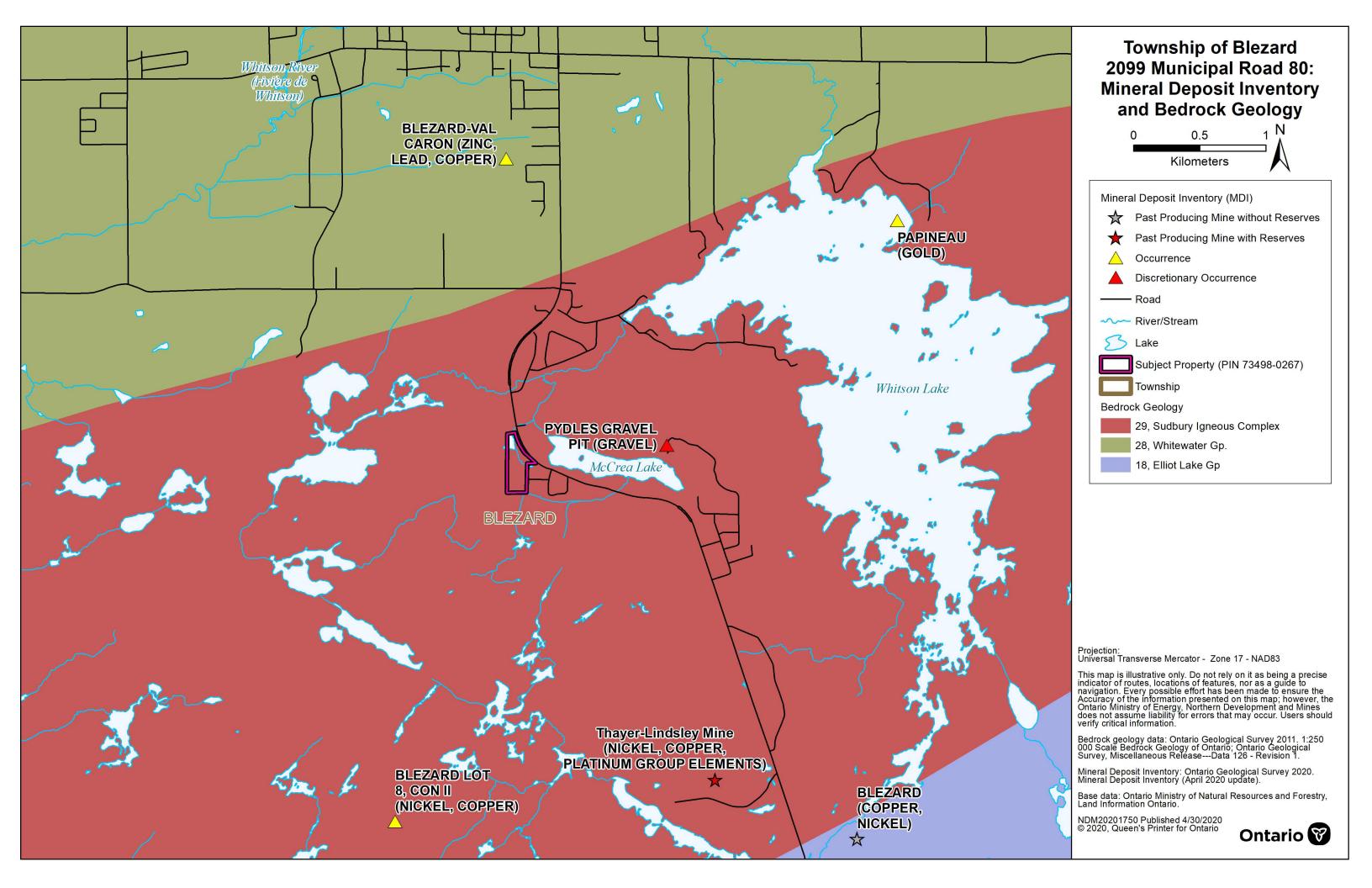
Abandoned Mines Program

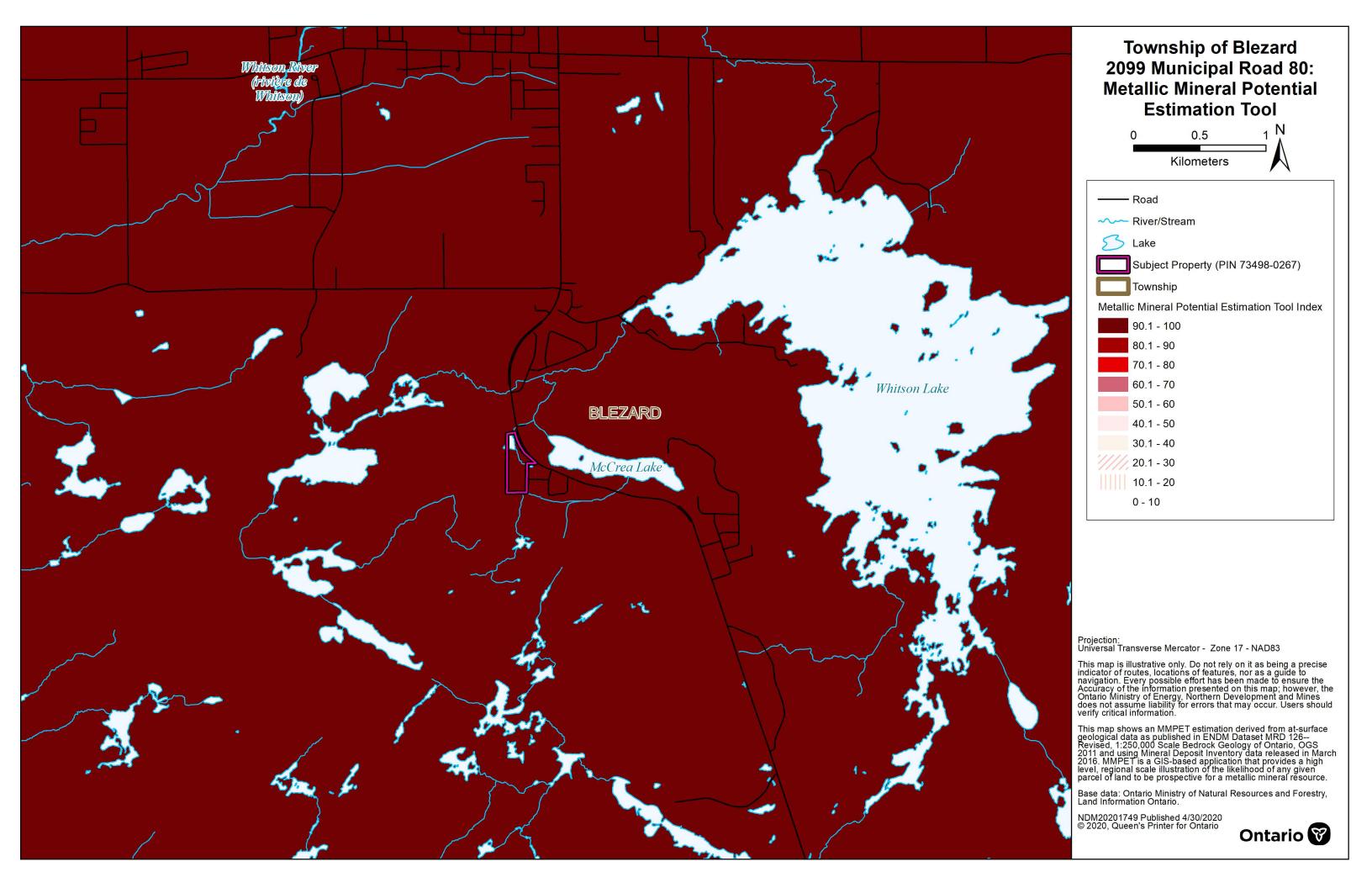
Willet Green Miller Center – Level B6 933 Ramsay Lake Road Sudbury ON P3E 6B5

Chantal Frescura Phone: 705-670-5937

Email: chantal.frescura@ontario.ca Mine Hazards Technical Specialist









PLANNING JUSTIFICATION

REPORT

OFFICIAL PLAN AMENDMENT 2099 MUNICIPAL ROAD 80 PIN 73498-0267

CITY OF GREATER SUDBURY

FEBRUARY 2020

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1. INTRODUCTION

1.1 Purpose

TULLOCH Engineering (TULLOCH) has been retained by Roy Gareau (the 'Owner') to prepare a planning justification report and assist in facilitating a *Planning Act* application to amend the City of Greater Sudbury Official Plan. This report provides both planning analysis and justification to amend the Official Plan designation from 'Mining/ Mineral Reserve' to 'Rural'. The intent of this redesignation is to lift the restriction found in Official Plan policy **5.2.2(1)** which prohibits the creation of a new lot within the 'Mining/Mineral Reserve' designation.

This report reviews the application in the context of applicable policies found within the documents noted below, to determine policy consistency/conformity of the application with:

- 2014 Provincial Policy Statement
- Growth Plan for Northern Ontario, 2011
- City of Greater Sudbury Official Plan
- City of Greater Sudbury Zoning By-law 2010-100Z

This report concludes that the proposed official plan amendment conforms to and is consistent with the City of Greater Sudbury Official Plan, 2014 Provincial Policy Statement and represents good planning.

1.2 Subject Site

The subject property is located at 2099 Municipal Road 80 in Val Caron (PIN 73498-0267). The subject lands have an area of approximately 15 hectares (39.5 acres) and have approximately 294 metres of frontage along Municipal Road 80. *Figure 2* illustrates the approximate boundary of the subject lands.

The legal description of the property is as follows:

PCL 28779 SEC SES SRO; PT LT 7 CON 4 BLEZARD AS IN LT187194, EXCEPT PT 1 53R6062; S/T LT102847, LT102848 GREATER SUDBURY



Figure 1: Approximate Boundary of Subject Lands

1.3 Proposed Development

This application proposes an official plan amendment (OPA) to amend the Official Plan (OP) designation from 'Mining/ Mineral Reserve' to 'Rural'. The intent is to facilitate a new lot being 3.64 hectares in size, to be used for residential purposes. **Section 5.2.2** of the OP deals with rural and waterfront lot creation. **Section 5.2.2.1(a)** does not permit for the creation of new lots for rural residential development within lands designated Mining / Mineral Reserve.

- 5.2.2 Rural and Waterfront Lot Creation
- 1. New lot creation for rural residential development is not permitted on those lands restricted by:
 - a. the Mining/Mineral Reserve;
 - b. the Aggregate Reserve;
 - c. the Flood Plain; or
 - d. significant natural features and areas

The new lot would have an irregular shape with an approximate lot area of 3.64 hectares (15 acres) with approximately 90 metres of frontage along Municipal Road 80 and an approximate lot depth of 183 metres. The retained lot would also have an approximate area of 2.43 hectares (6 acres) with approximately 201 metres of frontage along Municipal Road 80 and an approximate lot depth of 183 metres. See *Figure 2* for proposed severance sketch.

SKETCH OF EXISTING CONDITIONS ON PART OF LOT 7 NOTES CONCESSION 4 THE PROPERTY BOUNDARIES ILLUSTRATED ON THIS PLAN HAVE BEEN COMPILED AND WERE NOT CONFIRMED IN THE FIELD. GEOGRAPHIC TOWNSHIP OF BLEZARD CITY OF GREATER SUDBURY DISTRICT OF SUDBURY
TERRY DEL BOSCO, ONTARIO LAND SURVEYOR
2017 SCALE 1 : 2000 PIN 73498-0379 PIN 73498-0267 Z: 73498--0504 RÉGISTÉRED - WENDY STREET M-TULLOCH

Figure 2: Proposed Severance

1.5 Surrounding Context

The surrounding area is characterized by rural low-density residential land uses, with significant vacant open space to the west and south. Rural residential development is primarily located in a linear fashion along the Municipal Road 80 corridor. There is also a developed subdivision with approximately two dozen single detached dwellings located directly abutting the subject lands to the east. The subject property is bounded by the following:

North: Low density rural residential development

East: Old Highway 69/ Municipal Road 80, McCrea Lake, low density residential

South: Low density residential development, vacant open space

West: Vacant open space

2. TECHNICAL REPORTS

A endangered species habitat assessment has been prepared regarding the proposed application. A summary of findings can be found below. For further details, please consult the full report.

2.1 Habitat Assessment

TULLOCH Environmental was retained to perform a habitat assessment and targeted surveys studies for Species at Risk (SAR) on the subject property. The study area for these environmental surveys was defined as the Site and all areas within 120 metres. The Sudbury District of the MNRF identified four SAR species associated within the immediate area and requested that the site be assessed for suitability to support habitat for these species. The four species identified by the MNRF were: Blanding's Turtle (*Emydoidea blandingii*), Eastern Whip-poor-will (*Antrostomus vociferus*), Barn Swallow (*Hirundo rustica*), and Bobolink (*Dolichonyx oryzivorus*).

The MNRF has indicated that historical records exist for Blanding's Turtle within the vicinity of the site.

The study found that wetlands and areas within 30 metres of them on the property are considered Category 2 Habitat for Blanding's Turtle. Habitat assessments identified suitable habitat for nesting by Eastern Whip-poor-will within the study area. Targeted species-specific surveys were performed for this species. As a result, the southern half of the Site is considered Category 2 Habitat for Eastern Whip-poor-will. Barn Swallow habitat was confirmed present on site in association with residential buildings. A targeted search for the species did not find any evidence of recent nesting activity and the species is not believed to be utilizing habitat on the site. Presence of Bobolink habitat was not discovered. *Figure 3* demonstrates areas within the subject lands where SAR habitat exists.

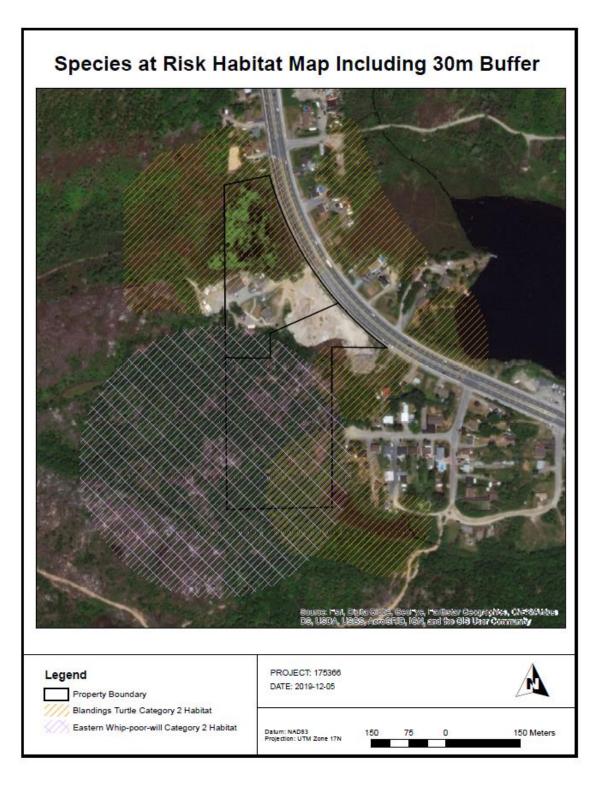


Figure 3: SAR Habitat Mapping

3. PLANNING ANALYSIS

3.1 Provincial Policy Statement (2014)

The 2014 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. All Municipal Official Plans must be consistent with the 2014 PPS. Policies applicable to the proposed development are outlined and discussed below.

Section 1.1 of the PPS manages and directs land uses to achieve efficient and resilient development and land use patterns. **1.1.1** states that 'healthy, livable and safe communities are sustained by:

c. avoiding development and land use patterns which may cause environmental or public health and safety concerns

Section 2.1.7 of the PPS goes on to state:

Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The habitat assessment report determined that a buildable envelope exists outside of the identified SAR wildlife habitat. This envelope area can be found near the frontage of the subject lands along Municipal Road 80 (See *Figure 3*). Given that a buildable envelope outside of SAR habitat exits, it is our opinion that the establishment of a new lot will have no negative impacts on the natural features and their ecological functions and is consistent with **Sections 1.1.1 and 2.1.7** of the PPS.

MOE D-Series guidelines regulate setbacks from sensitive lands uses. The D-series of guidelines were developed by the Ontario's Ministry of the Environment (now MECP) in 1995 as guidance for recommended separation distances and other control measures for land use planning proposals to prevent or minimize 'adverse effects' from the encroachment of incompatible land uses where a facility either exists or is proposed. *Table 1* outlines the D-Series guidelines for areas of influence and minimum separation distance for Class I, Class II and Class III industry.

Table 1: Guideline D-6 – Potential Influence Areas and Recommended Minimum Setback Distances for Industrial Land Uses

CLASS	AREA OF INFLUENCE	MINIMUM SEPARATION DISTANCE		
Class I- Light Industrial	70m	20m		
Class II- Medium Industrial	300m	70m		

Class III- Heavy Industrial 1000m 300m	Class III- Heavy Industrial	1000m	300m
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Operations which such as an aggregate / mineral extraction operation are classified as a *Class III Industry* per the D-Series guidelines. As such, the guidelines require that incompatible development should not take place within 300 metres of a sensitive receptor. Additionally, a 1000-metre potential influence area surrounding a Class III Industry exists.

Per **Section 1.2.1** of the D-Series guidelines sensitive land uses (receptors) include:

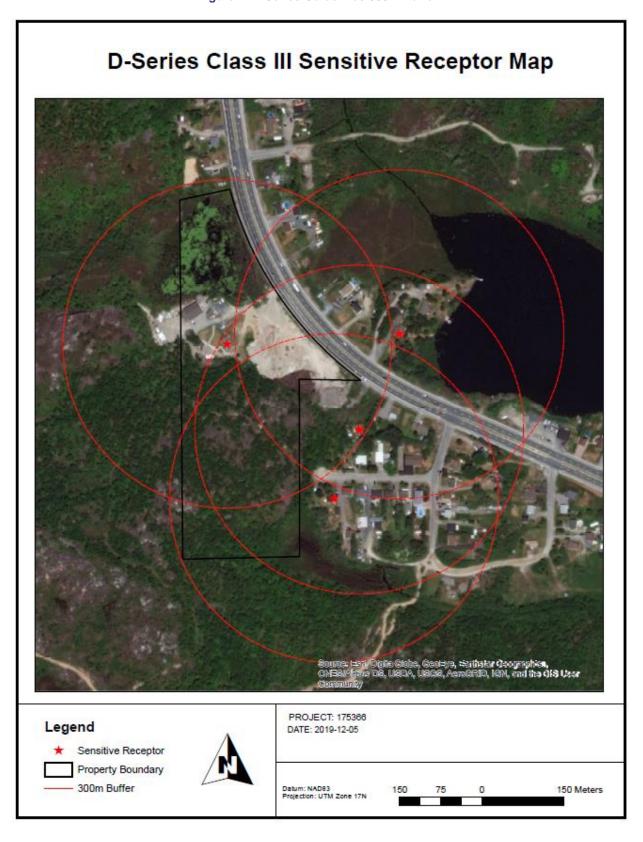
'residential recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.'

The Environmental Protection Act defines 'adverse effect' as 'one or more of impairment of the quality of the natural environment for any use that can be made of it,

- injury or damage to property or to plant or animal life,
- harm or material discomfort to any person,
- an adverse effect on the health of any person,
- impairment of the safety of any person,
- rendering any property or plant or animal life unfit for human use,
- loss of enjoyment of normal use of property, and
- interference with the normal conduct of business

An analysis of the subject lands was compared against the D-Series guidelines with nearby sensitive receptors (residential homes). It was determined sensitive receptors exist within 300 metres of the subject lands and that no area on the subject lands is located outside the 300-metre minimum distance separation. Thus, a mineral extraction operation could not operate on the subject lands without being located within the D-Series guidelines setback buffer area (See *Figure 4*). Given the existing constraints that would prevent aggregate / minerals from being extracted on the subject property, the proposed change in land use and new lot creation allows for the establishment of a more suitable use for the subject lands consistent with the intent of Section **1.1.1(c)** of the PPS.

Figure 4: D-Series Guidelines 300m Buffer



Section 1.1.4 regulates rural areas in municipalities and states that 'healthy, integrated and viable rural areas should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

The application is consistent with **Section 1.1.4(a)** as the addition of a new lot is consistent with the rural character of the community. The existing neighbourhood fabric is predominately single-detached dwellings on small lots, thus the development of a single-detached dwelling (rural residential) on the subject lands would mirror the existing development cluster. The severed and retained lots would also meet all zoning by-law minimum requirements in the Rural zone.

Section 1.1.5.2 permits the following uses on rural lands located in municipalities:

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

It is this authors opinion that the proposal is consistent with **Section 1.1.5.2** which permits for 'limited residential development' as the application proposes the creation of one new lot in an area of existing rural residential development. Per **1.1.5.4** the application is compatible with the existing rural landscape as it would be located within an existing cluster of rural residential development along Municipal Road 80, which is characterized by single-detached dwellings. The development will occur on private servicing avoiding uneconomical expansion of any infrastructure per **1.1.5.5**. Further, the application is consistent with **1.1.5(6)** given that the developable area suitable for a residence is at the lot frontage, outside the SAR habitat, and would not hinder a mineral operation opening further west of the property outside of the D-Series guidelines 300 metre buffer area given the new residence would be located closer to MR80 than other existing surrounding residences.

1.7.1 Long-term economic prosperity should be supported by:

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

Considering that a mineral extraction operation could not establish on the subject lands due to land use compatibility issues, the subject lands would remain vacant (underutilized) without amendment to the Plan. Section 1.7.1(b) of the PPS promotes optimizing the use of land in Ontario. Since the current Mineral Reserve designation would result in the land being unused it is this authors opinion that this does not provide for the optimal use of the land. The application proposes to provide a highest best use of the property by allowing for rural residential development to occur and therefore is consistent with Section 1.7.1(b) of the PPS.

2.4.2.1 Mineral mining operations and petroleum resource operations shall be identified and protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

The application is consistent with **2.4.2.1** as it does not propose to introduce any further constraints that would hinder the establishment of future mineral extraction operations to the west of the subject lands. This is due to the buildable area on the subject lands being located towards the front of the property, which would maintain/not expand the already existing 300 metre D-Series buffer generated by existing abutting residential uses.

Section 2.5.2 speaks to the protection of long-term resource supply and states that:

2.5.2.5 In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

a. resource use would not be feasible; or

It is this authors opinion that an aggregate/mineral extraction operation could not feasibly operate on the subject lands given the surrounding context and constraints. These constraints include the existence of Species at Risk on the property and the subject lands proximity to sensitive receptors per MOE D-Series guidelines for Class III industries. Thus, the applications proposal to change the Official Plan designation of the subject lands is consistent with **Section 2.5.2.5** of the PPS as resource use and extraction would not be feasible on the subject lands given existing constraints.

3.2 Growth Plan for Northern Ontario (2011)

The Growth Plan for Northern Ontario (GPNO) is a 25-year plan that provides guidance in aligning provincial decisions and investment in Northern Ontario. There are no policies applicable to this proposal in the Growth Plan, and as such this proposal does not conflict with the GPNO.

3.3 City of Greater Sudbury Official Plan

The subject lands are currently designated 'Mining/Mineral Reserve' per schedule 1C of the Plan. Relevant policies applicable to this application are outlined and discussed below.

Section 4.6 of the City of Greater Sudbury Official Plan relates to aggregate and mining reserve designations. It states that:

- **1.** Mining/Mineral Reserve areas will be protected from development that would preclude or hinder the establishment of new operations or access to the resource unless:
 - a. the resource use would not be feasible; or,
 - **b**. the proposed land use or development serves a greater long-term public interest; and,
 - c. issues of public health, public safety and environmental impact are addressed

It was determined through an evaluation of Ministry of Environment, Conservation and Parks (MECP) D-Series guidelines and the Habitat Assessment that locating a mining / mineral extraction operation on the subject lands would have significant compatibility challenges on existing surrounding sensitive receptors and at-risk species identified in the rear of the subject property. Thus, it is not feasible to locate an extraction facility on the subject lands given the existing residences require a 300 metre minimum distance separation. As discussed, the introduction of a new lot and residence on the lands would not exascerbate existing constrints to establishing a mineral/aggregate use, given the new dwelling would be located such that the 300m separation distance needed would not be further expanded west or south. This separation requirement would preclude the establishment of an aggregate or mineral extraction operation on the subject lands.

Section 9.2.2 of the Official Plan deals with habitat of Endangered Species and Threatened Species. It states that:

'3. Development and site alteration are not permitted on lands adjacent to habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands to endangered species and threatened species may vary depending on general habitat descriptions. Habitat descriptions can be obtained through the Ministry'

Section 2.1 of this report determined that a buildable envelope outside of the identified wildlife habitat exists. Thus, it is our opinion that the establishment of a new lot will have no negative impacts on the natural features and their ecological functions as a developable area outside SAR habitat for a single-detached dwelling does exist. Development (i.e. construction of a residence) could be facilitated entirely outside of species habitat, and thus no impact to the ecological function of such habitat is anticipated.

Section 10.7 of the OP pertains to Noise, Vibration and Odour. It states that:

'There are several areas in the city where sensitive land uses such as residential are in proximity to major facilities such as industrial uses or transportation corridors. The intent of this plan is to ensure that major facilities and sensitive land uses are compatible to protect human health and safety and ensure the long-term viability of major facilities.

1. 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.'

This report details the D-series guidelines regarding minimum distance separation from sensitive land use receptors. It was determined that the entirety of the subject lands is within 300 metres of a sensitive land use and therefore a mineral extraction operation would not be feasible or compatible with surrounding land uses. Per **Section 10.7.1** 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. Thus, the application proposes a land use which is more compatible with the surrounding context and the OP's intent to appropriately separate and buffer sensitive land uses.

3.4 City of Sudbury Zoning By-Law

The current subject lands are currently zoned 'Rural-RU' per the City of Greater Sudbury Zoning By-Law 2010-100Z. Permitted uses within the rural zone include, but are not limited to:

- Single Detached Dwelling
- Agricultural Use
- Animal Shelter

- Forestry Use
- Garden Nursery

Table 2: RU-Rural Zone Requirements

Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Corner Side Yard	Maximum Lot Coverage	Maximum Height
2.0ha	90.0m	10.0m	10.0m	10.0m	10.0m	10%	21.0m

The 'RU' Zone requires a minimum lot area of 2.0 hectares and a minimum lot frontage of 90.0 metres. The severed lot is proposed to be 3.64 hectares (8.99 acres) in size with a lot frontage of 90 metres on to Municipal Road 80. The retained portion of the lot will be approximately 2.43 hectares (6.0 acres) with 201 metres of frontage on to Municipal Road 80. Both the severed and retained lot satisfy the requirements of the RU Zone and therefore comply with the Zoning By-Law. The identified building envelope would be adequate for a single-detached dwelling, and no site-specific relief from RU zone provisions is required to facilitate the end-use.

4. SUMMARY AND CONCLUSION

The proposed Official Plan amendment proposes to re-designate the subject lands from 'Mining/ Mineral Reserve' to 'Rural' so as to lift the restriction found in Official Plan policy **5.2.2(1)** which prohibits the creation of a new lot within the 'Mining/ Mineral Reserve' designation.

It has been determined that the subject lands would not be feasible to support a mineral extraction facility as such operation would be located within 300 metres of sensitive residential uses, which is prohibited per MOE D-Series Class III industry guidelines and would be inconsistent with **Section 1.1.1(c)** and **1.1.5.6** of the PPS. It was determined that a buildable envelope outside of identified SARs habitat exists which is suitable for rural residential development purposes. Given the PPS's intent to optimize the use of land and leverage rural amenities, the application provides for the highest and best use of the property given the numerous constraints outlined in this report.

Given the analysis contained herein, it is the authors opinion that the subject official plan amendment is consistent with the 2014 PPS, conforms with the intent of the City of Greater Sudbury's Official Plan, and represent Good Planning.

Respectfully submitted,

Kevin J. Jarus, M.Pl., MCIP., RPP.

Senior Planner | Project Manager



Scale 1: 4,514

PIN 73498-0267



Legend

Parcel Owners

Parcel PIN

Flood Plain

Flood Fringe and Cond. Dev. A-G

Flood Plain, Floodway and Cond. Dev. H

IPZ (part IV policies)

IPZ 1 Ramsey, Wanapitei, Vermilion (Score 10)

Ramsey Lake IPZ 2 Score 9

Ramsey Lake IPZ 3 Score 6+

Wanapitei River IPZ 2 Score 8

Wanapitei River IPZ 3 score 8

WHPA (significant)

WHPA-C Vulnerability 8 Scoring

WHPA-A and B Vulnerability 10 Scoring

Subwatershed

Temporary Zoning

Zoning



Notes

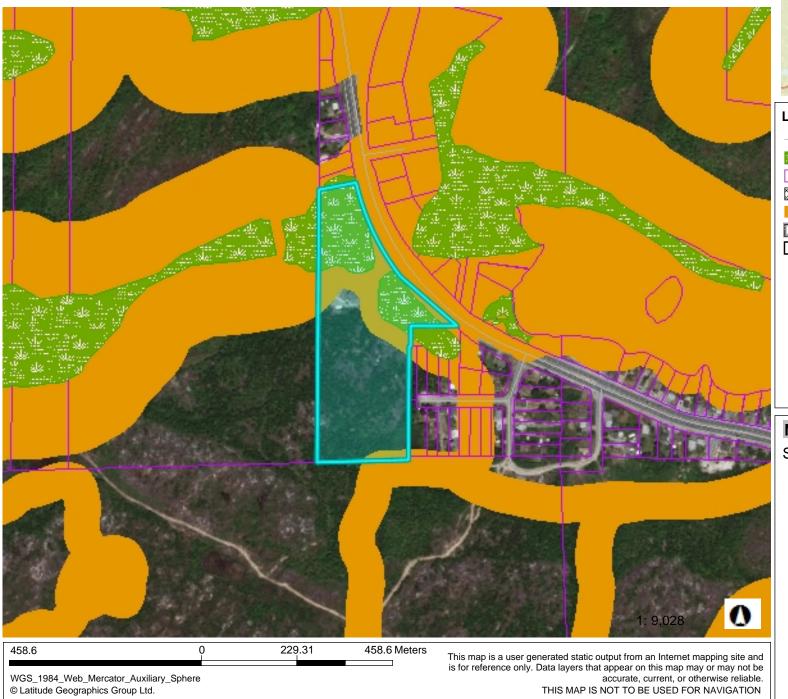
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File 701-7/20-02



701-7/20-02 - 2099 HWY 69N, Val Caron Conservation Sudbury File 39201





Legend

- Road_CGS_2019
- Wetlands
- Parcels (File Number)
- Floodplain
- Regulation Limits
- Municipal Boundary (CGS)
- NDCA Jurisdiction
 World Imagery

Low Resolution 15m Imagery
High Resolution 60cm Imagery
High Resolution 30cm Imagery
Citations

Notes

See comments



Photo 1: 2099 Highway 69 North, Val Caron View of subject land along street line facing south (filled wetland area subject to proposed development) File 701-7/20-2 Photography: June 30, 2020



Photo 2: 2099 Highway 69 North, Val Caron Wetland area located north of existing dwelling File 701-7/20-2 Photography: June 30, 2020



Photo 3: 2099 Highway 69 North, Val Caron Existing single detached dwelling, accessory buildings and outdoor storage located on northerly portion of proposed retained lot File 701-7/20-2 Photography: June 30, 2020



Photo 4: 2099 Highway 69 North, Val Caron Southerly view of proposed new lot and single detached dwelling on abutting PIN 73498-0504 File 701-7/20-2 Photography: June 30, 2020