

Appendix 1

Departmental & Agency Comments

File: 751-6/20-04

RE: Application for Rezoning – Norbury (Sudbury) Limited

PIN 02123-0095, 02123-0007 and 02123-0420, Parcels 46255, 49975 & part of 573, Lot 4, Plan M-1059, Parts 1-8 Plan 53R-13785 in Lot 4, Concession 5, Township of McKim (902 Newgate Avenue, Sudbury)

Development Engineering

Development Engineering has reviewed the above noted application. This site is currently serviced with sanitary and municipal water.

Due to the nature of the proposed business, there is a concern with the quality of stormwater runoff from these lands entering Junction Creek. As such, we request that quality control of the stormwater be provided as part of an amended Site Plan Agreement for this location in compliance with the Junction Creek sub-watershed study. There is a 850mm diameter storm main that traverses the site from Newgate Avenue easterly to Junction Creek. A 5 meter wide easement must be provided for this pipe across the applicant's lands.

We have no objection to removing the 'H(47)' holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6) and adding Recreation Vehicle Sales and Service Establishment and Vehicle Sales or Rental Establishment to the list of uses permitted in the OSP(6) and M1-1(19) zone.

Infrastructure and Capital Planning Services - Roads, Traffic and Transportation, Active Transportation, Operations

No concerns.

Infrastructure and Capital Planning Services - Drainage Section

Further to Alex Singbush's email dated February 6, 2020, the Infrastructure Capital Planning Services Drainage Section has reviewed the above application and can advise we have no comments.

Building Services

We have reviewed your memo dated February 6 2020, regarding the above noted application requesting to amend *CGS Zoning By-law 2010-100Z* of the subject lands to remove the "H47" holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6), until criteria related to the protection of the adjacent provincially significant wetland are met.

The application also proposes to add the following to the list of uses permitted on the OSP(6) and M1-1(19) zone:

- Recreation Vehicle Sales and Service Establishment; and
- Vehicle Sales or Rental Establishment

Based on the information and site plan drawing provided, we can advise that Building Services has the following comments.

1. The existing shipping and storage containers are not a permitted use within an M1-1 zone, and are required to be removed.
2. As a condition of this application, the requirements of the Holding Provision "H47" are required to be satisfied.

Conservation Sudbury

Conservation Sudbury staff has reviewed the above-noted application to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law, to remove the 'H(47)' holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6) until criteria related to the protection of the adjacent provincially significant wetland are met. The application also proposes to add the following to the list of uses permitted in the OSP(6) and M1-1(19) zone:

- Recreation Vehicle Sales and Service Establishment; and,
- Vehicle Sales or Rental Establishment.

Staff has reviewed the following documents as part of this application:

- Findings of an Environmental Impact Study dated June 8, 2018 (prepared by Pinchin Ltd.); and,
- Letter detailing newly confirmed Provincially Significant Wetland – Ponderosa Wetland, Sudbury District from the Ministry of Natural Resources and Forestry dated April 5, 2019.

The subject parcel is adjacent to the Ponderosa Wetland, a Provincially Significant Wetland (PSW). As such, the entire site is regulated by Ontario Regulation 156/06. A small portion of the PSW falls within the limits of the proposed rezoning.

The subject lands are previously developed, with an existing commercial/industrial multi-tenanted business on the southern parcel and an existing driveway along the central portion. All three parcels are within the regulatory floodplain.

Conservation Sudbury has issued a permit for a new driveway, holding pond for storm water management, and an oil grit separator on site. The permit is still open. When the associated works are complete, the applicant must contact Conservation Sudbury for a final inspection and to close the permit.

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, 2014) 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.

Policy 3.1.1c. of the PPS identifies that *“development shall generally be directed to areas outside of hazardous sites”*. The PPS includes a change in land use requiring approval under the *Planning Act* as part of the definition of ‘development’. The PPS defines hazardous lands as *“property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography)”*.

Policy 20.7.1.2 of the City of Greater Sudbury’s Official Plan allows for the replacement, alteration, or expansion of existing buildings on this site, along with new development within 95 metres east of Notre Dame Avenue, provided that no development occurs closer than 25 metres to Junction Creek. However, policy 3.1.5 of the PPS states that Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

1. An institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
2. An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
3. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Conservation Sudbury would not object to the removal of the Holding Provision and the additional uses so long that as:

- The portion of the parcel that is within the Ponderosa PSW be zoned restrictively to prohibit any future development; and,
- The uses of the property do not include any of those uses listed in policy 3.1.5 of the PPS.

Should the applicant propose any additional works a permit pursuant to Section 28 of the *Conservation Authorities Act* will be required. More information regarding Section 28 permits can be found here: <https://conservationsudbury.ca/en/permits-planning.html>.

We respectfully request to receive a copy of the decision and notice of any appeals filed.

Environmental Planning Initiatives

The supporting materials submitted with this application are sufficient to meet the requirements for the removal of the ‘H(47)’ holding provision. Further, these materials satisfactorily demonstrate that the uses associated with the rezoning are not anticipated to have significant, negative environmental impacts on the Ponderosa provincially significant wetland (PSW) or the habitat of species protected under the Endangered Species Act.

The environmental impact study (EIS) prepared by Pinchin (June 8, 2018), which is based on work undertaken by Northern Bioscience Environmental Consulting (June 3, 2018), has established two key findings:

- 1) The accurate delineation of the boundary of the Ponderosa PSW that is located adjacent to the subject lands. Two City staff that are certified wetland evaluators confirmed the delineated wetland boundary in the field in the summer of 2018.
- 2) The proposed development is not expected to have significant, negative environmental impacts on the PSW.

Based on existing Blanding’s Turtle records, this species is known to inhabit the Ponderosa wetland. The Province of Ontario’s General Habitat Description for the Blanding’s Turtle identifies three categories of habitat: 1, 2, and 3, in order of increasing tolerance to disturbance.

Past practice at the provincial ministry responsible for oversight of matters relating to the Endangered Species Act has been to consider the protection of Category 1 habitat (the nest and its immediate surroundings up to 30 meters away) and Category 2 habitat (the upland area that is within 30 meters of suitable wetland) in most instances. The upland area up to 30 meters from the Ponderosa PSW is considered to be Category 2 Blanding's Turtle habitat.

The draft site plan submitted in support of this application demonstrates that site alterations will be prevented from occurring in Category 2 Blanding's Turtle habitat by a chain link fence (with reptile barrier) constructed 30 meters from the edge of the Ponderosa wetland. This fence must be constructed such that Blanding's turtles are prevented from passing under the fence and, as such, the final site plan must include details relating to the 'reptile barrier' component of the fence.