Minutes
Planning Committee Minutes of 11/5/18

Location: Tom Davies Square
Commencement: 5:32 PM
Adjournment: 9:27 PM

Councillor Lapierre, In the Chair

Present
Councillors Lapierre, Jakubo, Landry-Altmann

City Officials
Jason Ferrigan, Director of Planning Services; Eric Taylor, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Alex Singbush, Manager of Development Approvals; Mauro Manzon, Senior Planner; Adam Kosnick, Manager of Regulated Services/Deputy City Clerk; Franca Bortolussi, Acting Administrative Assistant to the City Solicitor and Clerk; Renée Stewart, Clerk's Services Assistant

Declarations of Pecuniary Interest and the general nature thereof

None declared

Public Hearings

1. Dennis Jakab - Application for rezoning in order to add a contractor’s yard with outdoor storage as a permitted use under the existing M1 zoning, 255 Allan Street, Coniston

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application:

Report dated October 10, 2018 from the General Manager of Growth and Infrastructure regarding Dennis Jakab - Application for rezoning in order to add a contractor’s yard with outdoor storage as a permitted use under the existing M1 zoning, 255 Allan Street, Coniston.

Dennis Jakab, the applicant, was present.

Mauro Manzon, Senior Planner, outlined the report.

Eric Taylor, Manager of Development Approvals, stated that as part of the Site Plan review process they would be looking at the landscaping requirements for the site. Along all roads
there is minimum requirement for a three (3) metres wide landscaped planting strip. Typically, they would have tree planting as part of the landscaping requirements during the Site Plan Control process.

Alex Singbush, Manager of Development Approvals, stated that the Site Plan standards do contain minimum caliper sizes and heights. For example, coniferous trees would be approximately six (6) feet high. Caliper wise, they would be in the inch to an inch and a half range for new plant materials.

Mauro Manzon, Senior Planner, stated that the M-1 lands expand from the CN lands easterly to approximately 187 Allan Street. Historically, there used to be a sawmill in the area; therefore it is not unusual to see light industrial zoning along rail corridors. However, it is unusual in this area now as there is a mix of low density housing as well. In terms of the trucking regulations, they are general. It states that where the property is located is not located on a trucking route and they are required to find the quickest and most direct route to a designated truck route. Notwithstanding the fact that Allan Street is not a designated truck route, it does not constrict existing property rights. Therefore, they felt under this circumstance it was reasonable to modify the existing zoning given that it has been zoned for light industrial use since the 1960s.

Jason Ferrigan, Director of Planning Services, stated that there are seven (7) to eight (8) properties along the south side of Allan Street that have the M-1 zoning. The designated truck route in this area would include the main street coming into Coniston together with the provincial highway system.

Mr. Jakab stated that when there is an accident on Highway 17 the streets in Coniston absorb the shock of extra traffic being rerouted through the area. From Walter Street in Coniston the floats and equipment are all floated up past the property for emergency purposes for the railroad. The heavy equipment has always been there since the road has been adapted for that purpose. Whenever they need supplies for the railroad this is the only path they can take to get it as it is the shortest route.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2018-171 Jakubo/Landry-Altmann: THAT the City of Greater Sudbury approves the application by Dennis Jakab to amend Zoning By-law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to “M1(Special)”, Mixed Light Industrial/Service Commercial Special on lands described as PINs 73560-0183, 73560-0647 & 73560-1130, Parcels 4669 & 43943 S.E.S., Part 1, Plan 53R-4993, Parts 1 to 4, Plan 53R-14873 in Lots 5 & 6, Concession 3, Township of Neelon, as outlined in the report entitled “Dennis Jakab” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 5, 2018, subject to the following conditions:

a) That prior to the adoption of the amending by-law, the owner shall address the following conditions:

i) Submit a building permit application to the satisfaction of the Chief Building Official for the existing detached garage and southerly garage addition constructed without benefit of a
permit; or alternatively, remove the existing detached garage and southerly garage addition subject to a demolition permit;

ii) Remove the trailer attached to the existing garage to the satisfaction of the Chief Building Official; and,

iii) Enter into a Site Plan Control Agreement with the City.

b) That the amending by-law include the following site-specific provisions:

i) In addition to the uses permitted in the M1 zone, a contractor’s yard shall also be permitted;

ii) The minimum easterly interior side yard setback shall be nine (9) metres;

iii) A minimum five (5) metre-wide planting strip shall be provided along the easterly interior side yard;

iv) Outdoor storage shall be permitted subject to the provisions of Section 4.28 and restricted to Parts 2 and 4 of Plan 53R-14873, except no outdoor storage shall be permitted within nine (9) metres of the easterly interior side lot line abutting Parts 5 and 6 of Plan 53R 14873; and,

v) Any additional relief required in order to implement the final site plan.

c) Conditional approval shall lapse on November 20, 2020, unless Condition a) above has been met or an extension has been granted by Council.

YEAS: Councillor Lapierre, Jakubo, Landry-Altmann
CARRIED

As no public comment, written or oral, was received, there was no effect on the Planning Committee’s decision.

Ranger Wrecking and Salvage Inc. – Application for zoning by-law amendment in order to permit the construction of a new warehouse building, tent shelter, weigh scale, office trailer and accessory buildings as part of the existing salvage and wrecking yard, 265 Bodson Drive, Hanmer

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application:

Report dated October 11, 2018 from the General Manager of Growth and Infrastructure regarding Ranger Wrecking and Salvage Inc. – Application for zoning by-law amendment in order to permit the construction of a new warehouse building, tent shelter, weigh scale, office trailer and accessory buildings as part of the existing salvage and wrecking yard, 265 Bodson Drive, Hanmer.

Shayne Smith, the applicant, and Kevin Jarus, Tulloch Engineering, agent to the applicant were present.

Eric Taylor, Manager of Development Approvals, outlined the report.

Eric Taylor, Manager of Development Approvals, stated that noise is a challenge of a site like this due to the various potential sources of noise and where they can be originating from. One of the main sources of noise would be the crushing of vehicles; therefore they may want to ask the applicant how they structure that operation and where they anticipate it occurring. The abutting property is much larger, therefore there is a larger area where this work will likely take
place. The property in question is a two acre property close to Bodson Drive. It is challenging to limit this application in terms of providing a barrier high enough around all of the property since this has been an existing use on the property for many years. This wrecking and crushing is a use that has legal rights to be continued. The issue before the Committee is whether they can be allowed to have the buildings as they are being proposed, not the use. The uses legal non-conforming status is not in question; the issue is if they will be permitted to have these buildings go back in this portion of the property in the manner in which they are proposing them. He further stated that if the Committee recommends that the application be denied and the decision is ratified by City Council, the applicant would have to decide whether they would want to appeal the decision to the LPAT (Local Planning Appeal Tribunal). Due to the legal non-conforming status for the salvation/wrecking yard, it still has the right to continue without the proposed buildings. The applicant could choose to appeal any decision to deny should they want these buildings, or alternatively if they could somehow continue with the operation without the buildings. The floodplain is on the abutting parcel to the east, not on the portion before the Committee. On the abutting property there is a portion of it that is regulated by the Conservation Authority for flooding. It has been brought to the attention of the applicant that there may have been some filling in the area that was not authorized. Both the Conservation Authority and the applicant are aware of the situation but it is not on the subject land before the Committee. Just because the property is not part of this application for rezoning does not mean the Conservation Authority will not be doing anything as they can act on their own with enforcing their own regulations. The only use being permitted as part of this application is dealing with the area that is the subject land, which is the area outlined in red in the staff report. The application is to provide the subject land with the permission for a wrecking and salvage yard use with a maximum area of the buildings limited and capped at 300 square metres. If the applicant wanted any additional uses or additional building area beyond 300 square metres they would either have to return to the Planning Committee for an expanded area of buildings or go to the Committee of Adjustments for a minor variance. They would also have to come back to the Planning Committee should they want to add any additional uses other than the wrecking and salvage yard or those found under the rural designation.

Ward Councillor Lapierre stated that the Roads and Transportation department has indicated that they are not worried about the increased truck traffic. Do they provide comment about the condition of the road or how the additional weight could affect the surface of the road?

Eric Taylor, Manager of Development Approvals, stated that the Roads and Transportation department indicated that Bodson Drive is subject to reduced load restrictions during the spring every year. This information is provided so that the applicant is aware of the restriction so that they can take it into account as part of their business operations when they are using Bodson Drive with any heavy loads.

Ward Councillor Lapierre stated that Roads and Transportation staff does not provide any information as to whether the finish of the road is good enough to handle this type of truck. Are there any comments saying that the road is good for trucks, meaning they have analyzed the surface finish such as thickness of asphalt and surface treatments?

Eric Taylor, Manager of Development Approvals, stated that the Roads and Transportation department did not indicate any issues in regards to that. Knowing what the use is, they did not indicate any issues relating to the use of Bodson Drive other than it having a half-load restriction every spring.

Ward Councillor Lapierre stated that he does not see any comments from the Fire
Department. As the application is to build new buildings, are there any concerns in regards to fire flow because there is no City water readily available?

Eric Taylor, Manager of Development Approvals, stated that as part of the pre-consultation for this application, Fire Services were involved in looking at the proposed use. All of the buildings that are proposed are less than 600 square metres in size and are classified under the Building Code as part 9. Therefore there is no requirement for fire flow for those types of structures and Fire Services has indicated that there are no real concerns with respect to the buildings being on private services.

Mr. Jarus stated that this property is currently zoned as rural but the entire property including both parcels are legal non-conforming having a legal right to operate as a wrecking and salvage yard. Because the property is legal non-conforming, one of the provisions of the Planning Act for these types of properties is that you cannot apply for new building permits until the property is brought to conformity with the By-law. Previously there was a structure on the property that was approximately 400 square metres used for processing and storage of the wrecked goods. This building, which was dilapidated and an eye-sore, was brought down last year and now the new owners of the property are looking to apply for building permits for the new buildings as outlined in the staff report. It should be noted that the scale on the drawing is not subject to building permits, the scale is permitted as a right because it is accessory to the existing wrecking and salvage operation. The essence of the application is to bring the property into conformity by modern day standards in terms of the zoning and Site Plan Control standards. Due to the legal non-conforming status of this property it has been operating as it is, as seen currently, since the 1970’s. They must now bring the parcel of the property for this application into conformity with certain Site Plan standards. This would include providing appropriate landscaping buffers and landscaping strips along the front and interior side lot lines and moving the buildings further back from the Bodson Drive frontage. Another thing that the property owners will need to undertake should this application be approved is stormwater quality/quantity control. As it stands, this property has not been controlled in terms of stormwater quality or quantity since its inception in the 1960’s. This means all the water coming on or off the property is completely uncontrolled in terms of the quality of the water and the quantity of the water. However, with the Site Plan Control standards that the property owner will be held to, there will be enhanced stormwater quality control. Therefore, the water coming off of this parcel will have to be treated in terms of the quality of the water coming in and out. The property owner will also have to undertake the construction of new fencing, which will be opaque fencing to the minimum of 2.2 metres in height. In terms of noise, a wrecking and salvage yard would typically be associated with some sort of noise generation. Up until now, the processing of the parts, vehicles and scrap was either dealt with outside or in the shed that has since been demolished. Part of the intent of the new owner in constructing the warehouse and elevated tent is to bring those activities indoors in order to reduce the noise for the neighbors. The intention is to mitigate the noise nuisances to an extent, which was not previously done.

Mr. Smith stated that the hours of operation would begin at 8 am and would end around 4:30 pm. There are some occasions where it may be later. A crusher has been operating on the site; since they have owned it, they have been running a crusher. A crusher/baler will be utilized as part of the operation at the back side of the parcel behind the 2 acre parcel to limit exposure to the roadway and public.

Mr. Jarus stated that because the two (2) properties are legal non-conforming and because the baler/crusher was used on the property prior to the purchase by this new owner, it would
be part of the legal non-conforming status. If a permanent crusher or baler was ever proposed for either of the parcels, it would be a new permanent structure that would not be permitted as a right. They would also not be able to bring the equipment on the parcel permanently because they have already met the 300 square metre area limit that the Planning staff has recommended as a condition of the approval on this parcel. The temporary baler/crusher will remain as it is part of the legal non-conforming uses. The crushing of the vehicles will have to occur outdoors by its very nature. However, the technology around the balers and crushers has improved immensely in the last 5-10 years. The activity occurring in the warehouse will be removing and storing parts.

Mr. Smith stated that the proposed building will be a drastic improvement over the previous operations. The previous shed was a wood structure with zero insulating factor. The operations that will transpire within that building will be drastically reduced from a noise perspective over the previous operations. This will include the use of saws and sheers to take care of the dismantling process that happens within the structure. If there is no building then the operation will continue outdoors with zero noise reduction. The baler or car crusher would operate outdoors as it has. The largest noise portion of that process is the engine that operates the machinery. There have been many advances in engines and their ability to muffle the noises from the engines. The units are much quieter than they would have been a decade ago.

Mr. Jarus stated that the landscaping strips are currently located on the Bodson Drive frontage and on the westerly lot line. The easterly lot line for the smaller parcel is directly abutting the same operation where the storage of many wrecked vehicles is. There is no requirement for a landscaping strip because you would be screening a wrecking yard from a wrecking yard. Because the larger parcel is not part of the application, there is no need to show any landscaping anywhere else. The two (2) frontages they can deal with as part of this application have been dealt with and provided with the landscaping strips.

Jason Ferrigan, Director of Planning Services, stated that when they are dealing with an industrial use that is adjacent to sensitive residential land uses which have grown up around it over time, there are three (3) tools they can use to ensure compatibility between the industrial use and sensitive uses. The first tool is setbacks, which is the physical separation between the industrial use and the sensitive residential use. The second tool is landscaping or buffering, which would attempt to capture the noise at the point at which it is about to cross the property boundary. The third is berming, which would also attempt to capture the noise as the point where it is about to go offsite. It is standard Planning practice to implement those mitigating measures at the property lot line and not necessarily around the operation itself as they would be concerned, not being experts in the operation, about applying constraints around a business and its operation. If this is an area that the Planning Committee would like to explore further, the applicant would need to indicate their level of comfort with the constraint, at which time amendments to the resolution could be implemented. The recommendation before the Committee is in line with best practices across the province of Ontario.

Ward Councillor Lapierre stated that although this operation has been in business for many years, the staff report does not intend to change the trucking pattern. He asks if the applicant is aware of how many trucks came through two (2) or three (3) years ago compared to what he intends to do now.

Mr. Smith stated that he is unaware of how many vehicles the previous owner had as they were not tracking them in and out. He is aware that they were running tow trucks which were
bringing in vehicles on a regular basis. Further, there were also customers that were also bringing in vehicles themselves. Their plan is to hold fewer vehicles on site and have similar numbers of vehicles bringing materials in and consolidate the movements out in order to limit how many vehicles are moving vehicles in and out. They will not be loading a single vehicle on a single tow truck and dragging them in and out. They intend to condense loads and take single loads out. They run a yard on the end of Foundary Street in Sudbury where they move one load a day, Monday through Friday, out of the lot of prepared material and have a similar flow of vehicles bringing in materials for recycling. The net effect should be a reduction in the sheer number because they do consolidate loads going out rather than shipping them out in smaller batches.

Ward Councillor Lapierre asked what the hours of operation for the baler are, does it only run on certain days of the week?

Mr. Smith stated it depends on the operation at any given time. They run it in batches so not to operate it constantly. The intention would be to move a portable unit onto the site for campaigns where they would produce materials to be moved out. Their intention is not to run it on an ongoing basis.

Ward Councillor Lapierre asked if the work is going to be considered seasonal work due to the half load restriction in the spring.

Mr. Smith stated that they would run straight through the year. However, the traffic and amount of material produced on site drops dramatically during the winter months. The operations would also be reduced during half load periods as they are not going through campaigns where they would be producing materials for market.

Recess
At 6:54 p.m. the Committee recessed.

Reconvene
At 7:06 p.m. the Committee reconvened.

Dana Dumont, concerned area resident, stated that this area is a residential area where people walk their horses. Loud noises scare the horses and can cause them to run, possibly causing an accident. There are people walking their dogs and they are also concerned for the safety of their children. There will be the introduction of heavy industrial materials, environmental waste, toxins and traffic into their rural, residentially zoned area. She has lived across from the Ranger’s property for twelve (12) years. The previous owner operated a single flat bed truck with which he would bring in two (2) maybe three (3) cars a week. As far as noise, the previous owner was very respectful. There was minimal noise and a rented crusher was brought in once in the twelve years she has lived across from the property. At that time, the owner warned the area residents that he would be crushing cars for one (1) to two (2) weeks. She is concerned about the traffic and load baring on the roads and bridge. Further, there is an environmental concern as some of the material will be coming from the acid plant owned by Vale. Those materials would contain toxic chemicals that are highly damaging and could contaminate their water. The contaminated water could poison their children. She inquires if soil testing was done as she believes there may already be contamination from various fluid runoffs. She is also concerned about the possible contamination of the various bodies of water in the area due to the property’s direct connection to the flood plain. It has been stated that because the salvage yard was already...
existing it should be grand-fathered in. She does not believe the building that was dismantled
should be rebuilt because it was purchased by new owners. The new owners stated that they
do not intend to inconvenience the neighbours with noise and crushers have been running
since the time they have taken over. However, she stated that the property has been
non-operational for the last year since the new owners have taken over. At the information
session it was stated by Tulloch Engineering that the water system and fire suppression
system will be 85% effective. This leaves 15% room for error which she believes is a much too
high percentage, as they have no fire hydrants on their street and there are multiple fire
hazards on the property. Given the nature of the operation, it would be much better in an
industrially zoned area. They are also concerned about noise due to the lack of information
about how insulating qualities of the crusher are improved. On September 30, 2017, a By-law
was passed regulating that cars cannot be drained without being in a building with a roof. It
further regulated that the amount of days allotted for crushing vehicles is 60 days per year and
that the noise created requires the owners to put up a berm. She questions whether the new
owners intend to have a shredder on the property as well because this would significantly
increase the noise. So far, only automotive issues have been raised but she questions why no
one is mentioning possible issues with the scrap metal. Not only will loads of vehicles be
brought in but also loads of scrap. She would also like to bring up some concerns from the
resident of 329 Bodson Drive, the Dupuis family who live on the westerly lot line. The current
fence provides very little buffer to their property. It provides roughly four (4) feet of vision
concealment that can still be seen through. The family opposes the rezoning for the purpose
of erecting any type of building or shelters as the property value will greatly decrease for all
area residents. Without having MPAC come in and do a formal assessment they have been
quoted that their property value will decrease by approximately three (3) percent. The homes
in the area have been inhabited by many for decades and paid the taxes for the privilege of
being in a rural zone, which gives them the right to refuse this proposal. The family is also
concerned about the fire hazard as there are no fire hydrants on the roads and the business
will be dealing with highly flammable fluids and piles of tires. The family is also concerned
about water pollution as previously mentioned. Area residents rely on sandpoints and wells
therefore fluid seepages are very dangerous not only for people but their animals also. There
is also concern for air and noise pollution from fumes from exhausts, heavy diesel equipment
and large transport trucks. Their homes shake when a bus drives by, she outlines how bad it
would be if transports are continuously driving by, or a crusher/shredder is being operated
continuously. Nature’s beauty will be spoiled and the wildlife they love to see will be scared
away. They request that the Committee support their opposition as there are better areas than
a residential area and a flood zone to have this type of rezoning.

Kevin Shanahan, concerned area resident, stated that a statement that was made
continuously at the information session is that they have always been there. He said that one
statement has now replaced it, that being legal non-conforming. He stated that the trucks
coming from this property will not be the same as the previous owner as they will not be under
30-40 tonnes a load. There is oil and fuel on the property that has been leaching into the soil
and water. Water contamination is a large concern for many of the area residents as many of
the people have wells. He questions if Valley East needs another scrap yard as it already has
two (2) in the area. He questions if the Committee will allow the same mistake in allowing this
business to expand into the back land where a creek flows. Has the soil been tested for past
contamination and will they allow for future contamination? This is a rural area, farmland;
there is nature, people riding horseback and walking their dog with their families. He questions
why the Committee would allow another scrap yard to operate as it should not matter if it has
always been there. He stated we should not have to make the same mistakes that the past
Pat Robillard, concerned area resident, stated that they have 220 signatures across their region against the rezoning application. He has lived on Hydro Road and has been there since 2011. He never imagined that this type of business would be built in a residential neighbourhood. It is a beautifully landscaped area with farms, animals and senior citizens. He hopes that the Committee realizes such a project will result in many negative impacts to the community. Namely, their farm animals will no longer have a fresh environment, the elders will have to deal with loud noise, the traffic will be increased and they will no longer be able to sit outside and enjoy a fire with their families without hearing noise during the day. Horses will no longer be able to be taken for walks as they have a fear of loud noises and fast moving vehicles. He highly recommends that the City reconsider this decision. The public information session that was held with Tulloch Engineering and the representative did not have many community members present and they were placed in a small room in which they barely fit. Further, there was a lack of professionalism and there was not anyone present to answer questions. They asked many questions but did not get clear answers. There are clearly a large number of individuals that are against this application. He believes that life should not just be about money and that the environment should take precedence over money. There are other areas for entrepreneurs, such as the applicant, where the City can meet his needs in the proper business sector where no one is at risk. There are several points that need to be considered as tax payers, the first one being their drinking water. They bought their properties knowing they would be safe, clean and quiet properties to retire and raise their children. The loss of their property value is unacceptable. The roads and bridge are not suitable for this type of industry. The deterioration of the landscaping and having to look at piles of metal sit there until the market gets better is a concern, as well as the hauling of mining equipment that could cause possible hazards. A major river runs through the property which dumps into Whitson Lake, goes into Vermillion Lake and also connects to Garson Lake. He asks that the City and the applicant try to expand in an area where such businesses are already present. He is also concerned about the possibility of the railroad track being utilized to haul materials.

Stuart Mitchell, concerned area resident, stated that he lives across the road and three (3) houses down from the subject lands. They have concerns as neighbours, none of them want this or the expansion. Everyone would like to see the land cleared and house built there as industry and residential do not mix. The applicant is motivated by money and they are concerned about a possible spur line coming from the railway to facilitate bringing in heavier loads as their land abuts the rail line. They are also concerned about their drinking water; they live on well points and draw from a sand based ground atmosphere. They are concerned about oils, gasoline and other contaminants that would be coming from the wrecking yard. Further, there could be contaminants from other materials being brought in, not knowing where they are coming from. He inquired as to what the annual tonnage the applicant intends on bringing in and the annual tonnage that was hauled in from the previous owner. He does not believe the applicant is able to provide that type of information as it varies depending on business and is money driven. They currently live in a country setting and there was no noise that occurred with the previous owner of Ranger’s Wrecking; if there was, it was minimal. He does not want to hear the noises of the operating business as he is sitting on his porch in the morning having a coffee. A six (6), seven (7) or eight (8) foot fence will not stop noise pollution. A row of hedges around the property will not stop the noise; it may dissipate it, but it will not stop it. They do not want their housing market to be suppressed. The road is built on a sand base and has no ditching for the water to go. He questions what the applicant will do about the environmental contamination on the other 88 acres of land not subject to this
application. He is aware of the plan they have on the two (2) acres, but this is the parcel where very little work is being done. This area is no place for an expanding wrecking yard to take place.

Carol Leblanc, concerned area resident, stated that they purchased their property on Bodson Drive 19 years ago because it was a quiet rural area. The previous salvage yard was a small operation that did not have tow trucks running throughout the day, no weigh scale, and crushing was done with many years in between. They believe this bigger company will bring in more noise, traffic and pollution. They are extremely worried about their water source as they are all on well systems. At the neighbourhood meeting, they were advised that the company did not realize that demolishing a structure would require a zoning by-law amendment in order to permit the construction of a new warehouse. In section 25.5 4 (a), (b) and (c) of the Official Plan, it says that in reconsidering the recognition of an established non-conforming use, the proposal shall not aggravate the situation created by an existing use especially in regards to the policies to the Plan. A proposal will create minimal impact on surrounding land uses regarding smoke, fumes, odors and traffic. They do not believe that this is going to be the same operation that was there before. She would like the Committee to reconsider the application as the neighbourhood will change once this new business is open.

Christie Clarke, concerned area resident, stated that her first problem is understanding how a legal non-conforming status transfers on transfer of ownership. Her main concern is her children; all of her children are on the roads in some fashion. Her youngest son bikes to school, her middle child takes the bus and her oldest drives. They have no sidewalk and very little space to get off the road if there are two vehicles coming towards each other. Currently, they have Hydro One vehicles and school buses going up and down the road. If the large loads are done during the day she is concerned about the impact on the traffic and the safety concern for her son biking on the road. The condensing of traffic is also a concern as it increases safety hazards and wear on the road. She is also concerned about her oldest son as he is a new driver and the increase in traffic may make learning, which should be simpler on a rural road, more difficult. She is also concerned about the condensing of traffic statement made by the applicant. The applicant stated their intention to condense the traffic to have fewer smaller loads coming in and out. The size of the individual loads increasing increases safety hazards and wear and tear on the roads. She does not believe the roads are able to handle this type of stress and worries that the road will wash out causing possible missed work for those who must travel to get there. This neighbourhood has changed from the time this legal non-conforming status was given out, to the time that the by-laws came into effect. She has not seen any activity on the property from the time she moved into her home 2 years ago. Therefore, making statements saying that the level of activity on the property will be the same as before does not apply as she has previously not had to worry.

Laurier Labelle, owner of Valley Scrap Metals, was asked to attend by many of the residents in the area. There are four (4) scrap yards in the area and none of them are less than 10,000 tonnes a year capacity. 10,000 tonnes is roughly 220 transport loads and there are also customers coming in regularly. This business can expect roughly the same amount of tonnes and traffic. On Kenneth Drive, the street his business is on, the roads are in bad shape. The new By-law that came out on September 30th from the Ontario Government stipulates that there must be a roof when draining cars and many other things. His business has the legal zoning and they have neighbours trying to sell their homes and are unable to except for instances when the home is viewed on a Sunday when the business is not open. When they load a transport, it is noisy. This is where the noise comes from, machines running, back up signals, etc. They have had many complaints against their business; however, due to their
conformity they cannot be shut down and can continue their business. They went through the Nickel District Conservation Authority to get the zoning for the water and it was ten (10) times harder than the Province of Ontario to get their approval, which took a year. The noise level will be an issue; every scrap yard is open Saturdays until noon in addition to during the week. There will always be noise and there is no way to put a buffer or a fence to stop the noise.

Ward Councillor Lapierre asked if any soil testing or environmental assessments need to be completed in order to continue this process.

Jason Ferrigan, Director of Planning Services, stated that with respect to the decision that is before the Committee the answer to the question is no. The soil testing is not required for the application to permit the construction of the facility to enable the legal non-conforming use to continue.

Ward Councillor Lapierre asked what does the planning legislation state about legal non-conforming and changing of ownership on a property.

Jason Ferrigan, Director of Planning Services, stated that section 34 of the Planning Act recognizes that there are some uses across the landscape in Ontario that predate modern planning rules. The government of Ontario has decided that in instances like that they want to provide the existing uses with the flexibility to continue. The Act says that a legal non-conforming use has the right to continue subject to certain standards. The Act is specific in regards to the legal non-conforming relating to the land and not to the owner of the land.

Ward Councillor Lapierre stated there were questions asked in regards to fire coverage, who decides the amount of fire protection required for the buildings? Is it strictly Fire Services or is it done through Building Services and the building permit process?

Jason Ferrigan, Director of Planning Services, stated that the advice that is provide in the report before the Committee comes from colleagues in Fire Services and Building Services. In this particular case, the decision about fire flow is governed by the Ontario Building Code. The buildings at 300 square metres are one half of the gross floor area that is required to trigger the fire flow discussion.

Ward Councillor Lapierre asked for an explanation on the standard notification for an application to the residents and the expansion that was done on this specific file.

Eric Taylor, Manager of Development Approvals, stated that in terms of providing notice under the Planning Act, the City provides its statutory notice in the newspaper. In addition, the City also does a courtesy notice to property owners and tenants to advise them of the public hearing. The courtesy notice goes to residents in a 120 metre radius in urban areas. In rural areas, the notice goes to residents 800 feet in all direction of the subject property. In this particular instance, the ward Councillor for the area requested a larger notification area which expanded the notice to down Bodson Drive to the intersection where the curve is in Bodson Drive further to the west. They also extended the notice along Hydro Road to Radar Road and around the concession block as well. They did a considerable expansion to the typical notice.

Ward Councillor Lapierre inquired if staff is familiar with the new Ontario laws quoted for scrap metal by area residents and was it taken into consideration as far as this application.

Eric Taylor, Manager of Development Approvals, further stated that the provincial regulation legislation being referred to is not something that staff takes into consideration when looking at an application. If there are other requirements that the operators are subject to, however
they apply they would have to comply with them.

Ward Councillor Lapierre asked if there will be a shredder on site.

Mr. Smith stated that there will never be shredder on site.

Ward Councillor Lapierre asked if there will be other materials other than just vehicles brought on site.

Mr. Smith stated that there always is and has been. There were other scrap metals on the site when they purchased it, such as siding from home renovations, tin and other recyclable metals. In regards to the reference made about industrial waste from acid plants and mills, they will not be on site.

Ward Councillor Lapierre inquired if the applicant was aware of what the estimated average tonnage expected in and out will be.

Mr. Smith stated that he is not aware.

Mr. Jarus stated that he would like to ensure that the question before the Committee is not to establish the wrecking yard. The intent of the application is to allow the owners to apply for building permits to have the structures outlined in the staff report. The new structures on the property will actually help to address many of the concerns that have been outlined. The new warehouse will allow for the processing activity to be brought indoors which will reduce noise. Traffic will be reduced - the vehicles may be larger in size, but ultimately provide the same operation as the previous business. Water is another significant concerns and having to go through this process for a rezoning requires that the new owners go through the Site Plan process which allows for new works to be undertaken on the property in terms of stormwater management quality and quantity control. Previously, there was no control whatsoever. Now, the new owner will be held to having fairly rigorous standards for enhanced stormwater management. In terms of a shredder, there will be no shredder on the property. In terms of the expansion of the operation beyond what is seen through this application, it is not possible to expand the property. The reason being is that one of the conditions of the approval is that the structures have to be 300 square metres or under, and they have already hit the 300 square metres. If the owners wanted to expand further than what has been presented to the Committee, they would have to return to the Planning Committee or to the Committee of Adjustments. The current property owner will have to go through the Site Plan control process in which they will have to provide landscaping, buffering, and screening. All of these factors were not in place two (2) years ago and would not have been in place unless a rezoning application was made. Having the current owners go through this process ensures that what happened two (2) years ago is made better now.

Mr. Smith stated that the lack of putting a fixed number on the estimated tonnage is based on the success of the yard. If the material is not coming in, it will not go out. The number provided by L&L Valley Scraps was 12,000 tonnes. The estimate of one (1) load a day going out of the yard would be much higher than that. Based on the estimate provided, it would equate to less than one (1) load per day of material going out. Therefore, the traffic previously mentioned would be reduced based on the estimate provided by L&L Valley Scraps. Based on the market in the area, it would be less than one (1) load a day in a five (5) day week.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee
resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2018-172 Landry-Altmann/Jakubo: THAT the City of Greater Sudbury approves the application by Ranger Wrecking and Salvage Inc. to amend Zoning By-law 2010-100Z to change the zoning from “RU”, Rural to “RU(S)”, Rural (Special) on those lands described as PIN 73492-0242, Parcel 21875 SES, Lot 11, Concession 6, Township of Garson, as outlined in the report entitled “Ranger Wrecking and Salvage Inc.” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 5, 2018, subject to the following conditions:

1. That the amending by-law provide that:
   a. In addition to the uses permitted in a “RU”, Rural zone a salvage or wrecking yard be a permitted use;
   b. The maximum area of all buildings associated with the salvage or wrecking yard use shall not exceed 300 m²;
   c. The minimum setback from the front lot line for all buildings and structures associated with the salvage or wrecking yard use shall be 50 m;
   d. No outdoor storage shall be permitted within the front yard of the buildings associated with the salvage wrecking yard and shall not be permitted within 25 m of the westerly side lot line.
   e. An opaque fence with a minimum height of 2.2 m shall be provided along the westerly lot line extending from 10 m back from the front lot line to the rear lot line;
   f. A five metre wide planting strip shall be provided along the front lot line; and
2. That the lands be subject to site plan control pursuant to Section 41 of the Planning Act.

Recess

At 8:16 p.m. the Committee recessed.

Reconvene

At 8:33 p.m. the Committee reconvened.

Councillor Jakubo presented the following amendment:

PL2018-172A Jakubo/Landry-Altmann: THAT the resolution be amended as follows:

1. THAT in condition 1.f) “five metre” shall be replaced by “ten metre”;
2. AND THAT the following be added as condition 1.g) “g. a planting strip with a minimum width of 10 metres shall be required along the westerly lot line starting at a distance set back 40 metres from the front lot line extending to the rear of the lot.”

YEAS: Councillor Jakubo, Landry-Altmann

NAYS: Councillor Lapierre

CARRIED

Councillor Lapierre presented the following amendment:
PL2018-172A2 Lapierre/Landry-Altmann: THAT the resolution be amended to replace “approves” with “denies”, and remove all conditions.

**YEAS:** Councillor Lapierre, Landry-Altmann

**NAYS:** Councillor Jakubo

**CARRIED**

The resolution as amended was presented:

PL2018-172 Landry-Altmann/Jakubo: THAT the City of Greater Sudbury denies the application by Ranger Wrecking and Salvage Inc. to amend Zoning By-law 2010-100Z to change the zoning from “RU”, Rural to “RU(S)”, Rural (Special) on those lands described as PIN 73492-0242, Parcel 21875 SES, Lot 11, Concession 6, Township of Garson, as outlined in the report entitled “Ranger Wrecking and Salvage Inc.” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 5, 2018.

**YEAS:** Lapierre, Landry-Altmann

**NAYS:** Councillor Jakubo (Abstain)

**CARRIED**

Public comment was received and considered and has effected Planning Committee’s decision in the following manner:

- Refusal of application

3 Ile Manage Law Inc. – Application for Zoning By-law Amendment in order to add a contractor’s yard and a commercial or public garage as permitted uses, 1744 Pioneer Road, Garson.

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application:

Report dated October 11, 2018 from the General Manager of Growth and Infrastructure regarding Ile Manage Law Inc. – Application for Zoning By-law Amendment in order to add a contractor’s yard and a commercial or public garage as permitted uses, 1744 Pioneer Road, Garson.

Kevin Jarus, Tulloch Engineering, agent to the applicant, was present.

Eric Taylor, Manager of Development Approvals, outlined the report.

Mr. Jarus stated that the intent of the application is to provide flexibility in terms of the uses on the property and to add two (2) uses to what is already permitted. The property has no issues with the conditions that staff has outlined.

Maurizio Visentin, concerned area resident, stated that repurposing properties is a great thing especially when they have passed their life in terms of usage. Richard Lake Lumber is not an appealing property. The applicant has made a request in the past for 1855 Desloges Road, and they have not done anything in terms of developing that area. He inquired which property will be used as a garage, is it an existing property right next to the marsh? That area is a sensitive area as it ties into McFarland Lake followed by Richard Lake. There is an incinerator that is still being used on the property. He is in disbelief that in the City of Sudbury we would
allow someone to burn lumber and cardboard in a large incinerator. He is aware of the setback of 50 metres, but there is no mention of Desloges Road. There are homes on Desloges Road and the entire stretch is littered with old buses, machinery and old portables. If there are going to be amendments, he believes the area of Desloges Road, which is more residential than the Pioneer area, should be protected. He is concerned about how the stormwater will be managed if the garage is put in that area as most residents are on well water. Further, there is no fire flow in the area and there are no fire hydrants. Everyone draws their water from wells or Richard Lake. Planning staff stated that there are nearby residential industrial land uses along both Pioneer and Desloges Road which are sensitive to the presence of general industrial uses. He questions how we transition a place like Richard Lake, which previously was not part of the municipality of Sudbury, to fitting in industrial areas. He believes this question needs to be addressed - how can we esthetically and environmentally address a property such as the one in this application and not cause further harm. He questions how the department, having acknowledged that particular statement, intends to protect the area. When the application was made for the property adjacent to the subject property, they requested access through Desloges Road. Councillors put in an amendment to allow the application to move forward as long as the applicant ensured that he would not have access to the property through Desloges Road. He stated that there is access to the property through Desloges Road, the applicant never proceeded with the Site Plan and there is now an entrance. He asks that the Committee consider putting very stringent statements in the resolution in regards to access through Desloges Road. The statement saying that heavy traffic should be discouraged from using this road is not sufficient as it does not hold any weight. The road was never made for heavy traffic as there is a very sharp curb that does not permit it. There is no reason why the applicant should have access to the property from Desloges road. He further inquired what type of garage will be built and for what purposes. He sympathizes with the applicant as he has two (2) choices; keep the property as is or make the application that is before the Committee. He does not have any other choices and it is boxed in. The planning documents should be reviewed to change this area so that an applicant could ask for residential.

Mr. Jarus stated that as part of the application they did undertake a public information session, inviting members of the public and Councillor McIntosh did attend and had the opportunity to speak to the concerned resident. He wants to make it known to the Committee that Councillor McIntosh is aware of the application and the concerns that have been brought forward.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

Motion for Deferral

Councillor Landry-Altmann moved to defer this item to the Planning Committee meeting of November 19, 2018 for further consultation with the ward Councillor.

YEAS: Councillors Lapierre, Jakubo, Landry-Altmann
Deferred

Adopting, Approving or Receiving Items in the Consent Agenda
The following resolution was presented:

PL2018-173 Jakub/Landry-Altmann: THAT the City of Greater Sudbury approves Consent Agenda Items C-1 to C-2.

CARRIED

The following are the Consent Agenda items:

**Routine Management Reports**

**C-1** 1814752 Ontario Inc. - Application to extend draft plan of subdivision approval, PIN 73504-0952, Rem. of Parcel 764 S.E.S., in Lot 6, Concession 1, Township of Hanmer, MacMillan Drive, Val Therese (Lifestyle Homes Subdivision)

Report dated October 11, 2018 from the General Manager of Growth and Infrastructure regarding 1814752 Ontario Inc. - Application to extend draft plan of subdivision approval, PIN 73504-0952, Rem. of Parcel 764 S.E.S., in Lot 6, Concession 1, Township of Hanmer, MacMillan Drive, Val Therese (Lifestyle Homes Subdivision).

PL2018-174 Landry-Altmann/Jakubo: THAT the City of Greater Sudbury’s delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as PIN 73504-0952, Rem. of Parcel 764 S.E.S., in Lot 6, Concession 1, Township of Hanmer, City of Greater Sudbury, File 780-7/09002, as outlined in the report entitled “1814752 Ontario Inc.” from the General Manager of Growth and Infrastructure, presented at the meeting of November 5, 2018, as follows:

a) By replacing the references to “General Manager of Infrastructure Services” with “General Manager of Growth and Infrastructure” in Conditions # 9, 13, 26 and 30;

b) By amending the draft approval lapsing date in Condition #10 to “November 28, 2021.”

c) By replacing the references to “Nickel District Conservation Authority” with “Conservation Sudbury” in Conditions # 12, 20 and 26;

d) By adding the following to Condition #18:

“A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.”

e) By adding the following to Condition #19:

“A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.”

f) By amending Condition #26 as follows:

Add the following to Paragraph 26 b):

“Existing road and storm sewer drainage from MacMillan Drive and Josephine Street shall be directed westerly, as part of the subdivision design, towards the existing Municipal Road 80 and Tributary 8A cross culvert.”
Replace Paragraph 26 h) with the following:

“The owner shall provide stormwater drainage works for the internal subdivision storm sewer system including the Regional Storm overland flow path and the external subdivision stormwater works on the Paquette-Whitson Drain lands. The owner is responsible for the cost of the outlet storm sewer to the northwest pond forebay including the provision of engineering plans as outlined in the Paquette-Whitson Municipal Drain Engineer’s Report dated February 8, 2012. The owner is required to design the site storm sewer to meet a storm sewer elevation of 284.69 metres at the east subdivision property line on John Street."

Add the following at the end of the Paragraph 26 i):

“via the future John Street to meet the City designed overland flow path at surface elevation 287.94 metres at the east subdivision property line on John Street.”

Delete Paragraph 26 j) and replace with the following:

“The owner acknowledges the final design of the City pond lands is complete, and the design of the subdivision rear yard drainage swales and catch basins must be integrated with the grading of the pond lands and three 300mm diameter storm sewer leads to the City pond.

The owner understands and agrees that the City will install the 300mm diameter outlet storm sewers to the subdivision property line south of the future John Street, and the owner will be responsible for the required catch basin installation and connecting storm sewer pipe stub. The cost of the three storm sewer leads and associated pond connections will be incorporated into the City drain project. The owner will be responsible for the construction of the subdivision rear yard swales (including subdrains) and rear yard catch basins.”

Replace Paragraph 26 n) with the following:

“The owner shall provide a 1.8 metre high galvanized chain link fence, 0.05 metres inside the subdivision lot line and along the subdivision boundary with the stormwater management block from Lot 37 to Lot 21.”

g) By replacing the reference to “Growth and Development Department” with “Planning Services Division” in Condition #28.

h) By adding the following as new Condition #31:

“That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.”

CARRIED

C-2 Ztillion Holdings Ltd. - Application to extend a draft approved plan of subdivision approval, (Kastletree Subdivision, Levack)

Report dated October 11, 2018 from the General Manager of Growth and Infrastructure regarding Ztillion Holdings Ltd. - Application to extend a draft approved plan of subdivision approval, (Kastletree Subdivision, Levack).

PL2018-175 Jakubo/Landry-Altmann: THAT the City of Greater Sudbury’s delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as PIN 73342-0855, Lot 86, Plan M-1010, Lot 9, Concession 1, Township of
Levack, File # 780-4/08005, as outlined in the report entitled “Ztillion Holdings Ltd.” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 5, 2018, as follows:

1. By adding the following at the end of Condition #5:
   “A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor.”

2. By adding the following at the end of Condition #6:
   “A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.”

3. By deleting the words “, Nickel District Conservation Authority and the Department of Fisheries and Oceans.” in Condition #10 and replacing it with the words “and Conservation Sudbury.”

4. By deleting Condition #18 and replacing it with the following:
   “18. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure, that sufficient sewage treatment capacity and water capacity exists to service the development.”

5. By deleting Condition #24 and replacing it with the following:
   “24. That this draft approval shall lapse on June 23, 2021.”

6. By deleting the words “Growth & Development Department” and replacing them with “Planning Services Division” in Condition #25.

7. By adding a new Condition #26 as follows:
   “26. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
   i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
   ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.”

8. By adding a new Condition #27 as follows:
   “27. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.”

9. By adding a new Condition #28 as follows:
   “29. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.”
CARRIED

Correspondence for Information Only

C-3  Planning Committee Resolution PL2018-163 - 1791 Joe Lake Road West and 1825 Joe Lake Road West

Report dated October 11, 2018 from the General Manager of Growth and Infrastructure regarding Planning Committee Resolution PL2018-163 - 1791 Joe Lake Road West and 1825 Joe Lake Road West.

For Information Only.

Recess

At 9:20 p.m. the Committee recessed.

Reconvene

At 9:23 p.m. the Committee reconvened.

The following resolution was presented:

PL2018-176 Lapierre/Landry-Altmann: THAT Planning Committee hereby directs that no application fee shall be required associated with an Official Plan Amendment, Zoning By-law amendment and consent application to re-establish the former lot fabric for the properties known municipally as 1791 Joe Lake Road West and 1825 Joe Lake Road West.

CARRIED

Addendum

No Addendum was presented.

Civic Petitions

No Civic Petitions were submitted.

Question Period and Announcements

No Questions were asked.

Notices of Motion

No Notices of Motion were submitted.

Adjournment

Jakubo/Landry-Altmann: THAT this meeting does not adjourn. Time: 9:27 p.m.

CARRIED

Adam Kosnick, Deputy City Clerk