

**THE TENTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11
Tom Davies Square**

**Tuesday, May 18, 2004
Commencement: 6:30 p.m.
Adjournment: 12:03 a.m.**

ANGIE HACHÉ PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis,
Staff D. Braney, Property Negotiator / Appraiser; Angie Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary
Declarations of Pecuniary Interest None declared.
Appointment of Chair **Recommendation #2004-97:**
Bradley-Dupuis: That Councillor Caldarelli chair the In-Camera portion of the Planning meeting.

CARRIED

COUNCILLOR CALDARELLI PRESIDING

"In Camera" **Recommendation #2004-98:**
Dupuis-Bradley: That we move "In Camera" to deal with property matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess At 6:40 p.m., the Planning Committee recessed.
Reconvene At 7:05 p.m., the Planning Committee reconvened in the **Council Chambers** for the regular meeting.

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds
Councillors Callaghan, Craig

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; G. Clausen, Director of Engineering Services; A. Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary; M. Burtch, Licensing & Assessment Clerk

News Media MCTV; Sudbury Star

Declarations of Pecuniary Interest None declared

MATTERS ARISING FROM THE “IN CAMERA” SESSION

Rise and Report Councillor Caldarelli, reported the Committee met in closed session to deal with property matters and the following resolutions emanated therefrom:

Sale of Property -190 Church Street, Garson (former municipal office) Report dated May 12th, 2004, was received from the General Manager, Corporate Services regarding Sale of Property - 190 Church Street, Garson (former municipal office).

The following recommendation was presented:

Recommendation #2004-99:

Bradley-Dupuis: That the property known as 190 Church Street, Garson, be sold to 1264156 Ontario Inc. under the terms and conditions of the report dated May 12, 2004 from the General Manager of Corporate Services; and

That the Clerk and Property Negotiator/Appraiser be authorized to execute the required documents.

CARRIED

Declaration of Surplus Property - 61 First Avenue, Coniston Medical Centre Report dated May 12th, 2004, was received from the General Manager, Corporate Services regarding Declaration of Surplus Property - 61 First Avenue, Coniston Medical Centre.

The following recommendation was presented:

Recommendation #2004-100:

Dupuis-Bradley: That the property owned by the City, municipally known as 61 First Avenue, Coniston (Coniston Medical Centre) legally described as Part of Parcel 40319 S.E.S., Part 2, Plan 53R-8591, Lot 3, Concession 3, Township of Neelon, be declared surplus to the City's needs and offered for sale to the general public pursuant to the procedures governing the disposal of full marketability property as set out in By-law 2003-294.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING TO SUBDIVIDE THE SUBJECT PROPERTY INTO 13 LOTS FOR SINGLE RESIDENTIAL USE, LAFONTAINE STREET/NOTRE DAME AVENUE, HANMER - GINETTE & JACQUES SONIER

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

Report dated May 6th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to subdivide the subject property into 13 lots for single residential use, Lafontaine Street/Notre Dame Avenue, Hanmer - Ginette & Jacques Sonier

Letter dated May 4th, 2004, was received from Gerard and Lise Gascon, Hanmer, in opposition to the above-noted application.

The applicant, Jacques Sonier, and agent for the applicant, Mr. Dave Dorland, 298 Larch Street, Sudbury, were present.

The Director of Planning Services outlined the application to the Committee.

Mr. Dave Dorland indicated that he has reviewed the staff recommendation and is satisfied with the exception of some of the conditions from Engineering which require further negotiation. He advised that the subdivision may go through in 2 phases. The subject property was part of the Boivin Farm and this application allows for filling in lots deemed suitable for an R1 subdivision. He stated that all lots will meet minimum requirements in the final plan of subdivision.

Councillor Dupuis, Ward Councillor, advised that there were numerous meetings held with Public Works and Planning Staff in order to arrive at a plan which would be acceptable to staff and the applicant. He pointed out that the subject property was part of a past proposed plan of subdivision for 20 lots, which now has been reduced to 13. He stated that they are not creating new lots as these lots are part of a previously proposed subdivision which they would now like to complete. He pointed out that Mr. Sonier's property has been used by public works vehicles and buses to turn around. He has not received any calls objecting to the application but one call in favour. He was surprised to see a letter of objection and has not spoken to Mr. and Mrs. Gascon but will be contacting them to see if some of their concerns can be alleviated. He requested Members of the Planning Committee to support the application.

No objectors were present.

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

PUBLIC HEARINGS

APPLICATION FOR REZONING TO SUBDIVIDE THE SUBJECT PROPERTY INTO 13 LOTS FOR SINGLE RESIDENTIAL USE, LAFONTAINE STREET/NOTRE DAME AVENUE, HANMER - GINETTE & JACQUES SONIER (cont'd)

The following recommendation was presented:

Recommendation #2004-101:

Dupuis-Bradley: That the City of Greater Sudbury Council's delegated official be directed to issue the draft plan approval for the subject subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act, and subject to the following conditions:

1. That this draft approval applies to the draft plan of subdivision of P.I.N. 73503-0205 (formerly Parcel 51191 S.E.S.) being Part 1, Plan 53R-14713 in Lot 1, Concession 3, Township of Hanmer as shown on a plan of subdivision prepared by D.S. Dorland, O.L.S., dated December 30th, 2003.
2. That the standard conditions of draft approval be imposed.
3. Prior to the signing of the final plan the owner shall provide, to the satisfaction of the Director of Planning Services, a plan of survey and written confirmation from an Ontario Land Surveyor which indicates that the dwelling constructed on Lot 1 of the draft plan of subdivision will conform with all requirements of the "R1.D18", Single Residential zone provisions applicable to the subject lands upon registration of a final plan of subdivision.
4. That 5% of the cash value of the land, included in the plan of subdivision be provided to the City of Greater Sudbury for parks purposes in accordance with Section 51.(1) of The Planning Act.
5. That the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.
6. Prior to the submission of servicing plans, the owners shall, to the satisfaction of the General Manager of Public Works and the Chief Building Official, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario, as described in the staff report of May 6th, 2004.
7. The applicants will be required to enter into a written agreement to satisfy all requirements of the City of Greater Sudbury concerning the provision of roads, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.

PUBLIC HEARINGS

APPLICATION FOR REZONING TO SUBDIVIDE THE SUBJECT PROPERTY INTO 13 LOTS FOR SINGLE RESIDENTIAL USE, LAFONTAINE STREET/NOTRE DAME AVENUE, HANMER - GINETTE & JACQUES SONIER (cont'd)

Recommendation #2004-101 (cont'd):

8. The owners shall provide a detailed lot grading plan for all the proposed lots as part of the submission of servicing plans as described in the staff report of May 6th, 2004. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that treatment is undertaken to the satisfaction of the General Manager of Public Works.
9. The owners shall design and construct the extension of Lafontaine Street as described in the staff report of May 6th, 2004 to the satisfaction of the General Manager of Public Works. The City of Greater Sudbury shall contribute a maximum of \$10,000.00 toward the construction of the extension of Lafontaine Street.
10. The owner shall undertake to reconstruct Notre Dame Avenue as described in the staff report of May 6th, 2004, to the satisfaction of the General Manager of Public Works.
11. If final approval is not granted within three years of the date of draft approval, the draft approval shall lapse in accordance with Section 51 (32) of The Planning Act, unless an extension is granted by Council pursuant to Section 51 (33) of The Planning Act.
12. Draft approval does not guarantee an allocation of water or sanitary sewer capacity. Prior to the signing of the final plan, the Planning and Development Services Division is to be advised by the General Manager of Public Works that sufficient water and sanitary sewer capacity exists to service the development.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

APPLICATIONS FOR AMENDMENT TO SECONDARY PLAN FOR RAYSIDE-BALFOUR AND REZONING TO PERMIT A WELDING SHOP AND RELATED ACCESSORY USES, 4590 REGIONAL ROAD 15, CHELMSFORD - 441223 ONTARIO LTD. (LESSARD WELDING)

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

Report dated May 4th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for amendment to Secondary Plan for Rayside-Balfour and rezoning to permit a welding shop and related accessory uses, 4590 Regional Road 15, Chelmsford - 441223 Ontario Ltd. (Lessard Welding).

Letter dated May 13th, 2004, from Normand Lauzon, in opposition to the above-noted application was distributed to Committee members at the meeting.

PUBLIC HEARINGS (cont'd)

**APPLICATIONS FOR AMENDMENT TO SECONDARY PLAN FOR RAYSIDE-BALFOUR AND REZONING TO PERMIT A WELDING SHOP AND RELATED ACCESSORY USES, 4590 REGIONAL ROAD 15, CHELMSFORD - 441223 ONTARIO LTD. (LESSARD WELDING)
(cont'd)**

_____ Letter dated May 14th, 2004, from the Ministry of Municipal Affairs and Housing, in opposition to the above-noted application was distributed to Committee members at the meeting.

_____ Petition from area residents in favour of the application along with 2 copies of a full-sized version of the Site Plan were distributed to Committee members at the meeting.

_____ The applicant, Steve Lessard, and agent for the applicant, Mr. Dave Dorland, 298 Larch Street, Sudbury, were present.

The Director of Planning Services outlined the application to the Committee. He advised that comments from the Ministry of Municipal Affairs and Housing were received following the preparation of the agenda. A copy of the Ministry's letter dated May 14, 2004 was distributed to Members of the Committee at the meeting. The Ministry indicates that the use being proposed is generally not considered compatible with residential uses and on that basis the Ministry has a Provincial interest in the application. They state that Council should consider orderly development of safe and healthy communities, protection of public health and safety and appropriate location of growth and development as part of their decision. The City should also have regard to the Provincial Policy Statement when considering this application. As well, there are buffer zone requirements between industrial and residential uses which should be examined.

Councillor Bradley, Ward Councillor, questioned how many years this property has been non-conforming and questioned fence requirements on the rear lot line.

The Manager of Development Services advised that the property has been legal non-conforming since 1976. The industrial use on this property predates the zoning by-law. The applicant wishes to change to a conforming use since with a legal non-conforming use, a new building cannot be constructed.

The Director of Planning Services stated that a fence is required along the rail line but not to the west.

Mr. Dave Dorland submitted a petition signed by area residents in favour of the application along with 2 copies of a full-sized version of the Site Plan. He said that there will be an additional 6 foot opaque fence between the lots they are seeking to legalize and R1 lots to the west. There is an existing opaque fence on the north boundary and there is a requirement to plant trees in the Site Plan. The Site Plan and application have been reviewed by the neighbours in the area and with the exception of Mr. Norm Lauzon (204 Main Street, Chelmsford), they have unanimous endorsement of the proposal. The storage building is being constructed to provide inside storage and to make the site clean and attractive. This business employs many people and has been in operation for many years. The applicant is willing to meet all the terms of a very strict Site Plan Agreement and are satisfied with the staff recommendation.

PUBLIC HEARINGS (cont'd)

**APPLICATIONS FOR AMENDMENT TO SECONDARY PLAN FOR RAYSIDE-BALFOUR AND REZONING TO PERMIT A WELDING SHOP AND RELATED ACCESSORY USES, 4590 REGIONAL ROAD 15, CHELMSFORD - 441223 ONTARIO LTD. (LESSARD WELDING)
(cont'd)**

In response to a question from Councillor Caldarelli regarding helicopters landing on the subject property, Mr. Lessard advised that they have a contract with Domtar and helicopters do land on their property approximately 20 times per year.

Mr. Dorland stated that helicopters landing on the property is a matter of convenience and if there are concerns, Mr. Lessard will make other arrangements.

Councillor Bradley, Ward Councillor, said that Mr. Lessard is highly respected by the neighbourhood whose property is neat and well kept. He operates his business 40 hours a week and is closed on weekends. He has been working with Mr. Lessard and every time there is a change it is always for the better. When the neighbours need something, Mr. Lessard is there to help and helps the community.

_____ No objectors were present.

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

The following recommendations were presented:

Recommendation #2004-102:

Bradley-Dupuis: That the application by 441223 Ontario Ltd. to amend the Rayside-Balfour Secondary Plan by introducing a site specific policy to the "Low Density Residential" designation that applies to Parcel 31411 SWS, being Parts 1 to 3, Plan 53R-11821 and Part 1, Plan 53R-17097, in Lot 1, Concession 3, Balfour Township in order to restrict the use of the property to that of a welding shop and related accessory uses be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

Recommendation #2004-103:

Bradley-Dupuis: That the application by 441223 Ontario Ltd. to amend By-law 83-302 being the Zoning By-law for the former Town of Rayside-Balfour by changing the zoning classification of Parcel 31411 SWS, being Parts 1 to 3, Plan 53R-11821 and Part 1, Plan 53R-17097, in Lot 1, Concession 3, Balfour Township from "RU", Rural and "R1.D18", Single Residential, as the case may be, to "M2-Special", Light Industrial Special be approved subject to the following:

PUBLIC HEARINGS (cont'd)

**APPLICATIONS FOR AMENDMENT TO SECONDARY PLAN FOR RAYSIDE-BALFOUR AND REZONING TO PERMIT A WELDING SHOP AND RELATED ACCESSORY USES, 4590 REGIONAL ROAD 15, CHELMSFORD - 441223 ONTARIO LTD. (LESSARD WELDING)
(cont'd)**

Recommendation #2004-103 (cont'd):

- a) That the only permitted uses shall be a welding shop and related accessory uses.
- b) That prior to the adoption of an amending zoning by-law the applicant complete the necessary amendments to the existing Site Plan Control Agreement on the subject property to the satisfaction of the Manager of Development Services.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

APPLICATION FOR REZONING AND REFERRAL OF CONSENT APPLICATION B37/2004 TO B42/2004 TO PERMIT THE CREATION OF 6 LOTS FOR SINGLE RESIDENTIAL USE, NORTH END OF LAROCQUE AVENUE, HANMER - JEAN BRASSARD & 844367 ONTARIO INC.

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

Report dated May 10th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application and referral of Consent Application B37/2004 to B42/2004 to permit the creation of 6 lots for single residential use, north end of Larocque Avenue, Hanmer - Jean Brassard & 844367 Ontario Inc.

The applicant, Jean Brassard, and agent for the applicant, Daniel Bouchard, Hanmer, were present.

The Director of Planning Services outlined the application to the Committee.

Mr. Bouchard indicated that he worked on the applications with Planning Services and Technical Services.

Councillor Dupuis, Ward Councillor, indicated that this is another application where there was a lot of communication between staff and the applicant. He has not received any calls in opposition to this application and that the people who live on the streets nearby are very happy with this development as the street will be extended and cul-de-sacs installed providing an area for public works and school buses to turn around.

No objectors were present. _____

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING AND REFERRAL OF CONSENT APPLICATION B37/2004 TO B42/2004 TO PERMIT THE CREATION OF 6 LOTS FOR SINGLE RESIDENTIAL USE, NORTH END OF LAROCQUE AVENUE, HANMER - JEAN BRASSARD & 844367 ONTARIO INC. (cont'd)

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

The following recommendations were presented:

Recommendation #2004-104:

Dupuis-Bradley: That Consent applications B37/2004 to B42/2004 inclusive by Jean Brassard and 844367 Ontario Inc. be allowed to proceed through the consent process.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

Recommendation #2004-105:

Dupuis-Bradley: That the application by Jean Brassard and 844367 Ontario Inc. to amend By-law 83-300, being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Part of Parcel 16001 S.E.S., Lot 7, Concession 2, Township of Hanmer from "RU", Rural Zone to "R1.D18", Single Residential Zone be approved subject to the following condition:

- a) That prior to the passing of an amending by-law, the owner shall provide a plan of survey, describing the property to be rezoned.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

Recess At 8:15 p.m., the Planning Committee recessed.

Reconvene At 8:25 p.m., the Planning Committee reconvened.

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD.

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

Report dated May 6th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the establishment of a pit, east of Regional Road 84 and north of Suez Drive - OCL Custom Crushing & Quarrying Ltd.

____ Presentation from Arthur and Rhea Michalak in opposition to the application was distributed to Committee Members at the meeting.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD. (cont'd)

Letter dated April 22, 2004, from J. Bechamp, President, Omega Industries, in favour of the application, was distributed to Committee Members at the meeting.

Letter dated May 14, 2004, from Gary Gray in opposition to the above application was distributed to Committee members at the meeting.

The applicant, Jack Odnokon, and agent for the applicant, Dave Dorland, were present.

The Director of Planning Services outlined the application to the Committee. He advised that the rezoning application is only the first step of a two-step process since the applicant will also require a license under the Aggregate Resources Act. He said that the municipality receives royalties for aggregate tonnage which goes to Public Works for the roads. He advised that additional comments were received from the Public Works Department after the report had been written and that the following condition has been added to the conditions of approval:

“That prior to the passing of an amending by-law, all requirements of the General Manager of Public Works with respect to the protection of the neighbouring municipal wells shall be satisfied.”

The Director of Engineering Services advised that a hydrogeological report received today indicates that the gravel pit is in an influence area and may have an impact on the existing three wells. Due diligence and precautionary measures have to be taken into consideration and included in the conditions of approval. The additional condition ensures that the concerns of the General Manager of Public Works are addressed. Items which may be included are the monitoring of the wells, maintenance and operating protocols, which procedures will be reviewed with the MOE and MNR to ensure all the regulations are fulfilled. They would like the applicant to abide by the new MOE regulations even though they are not currently in effect.

Mr. Dorland indicated that they realize there are social implications to adjoining residences and they will make every effort to address their concerns. He pointed out that this pit is infilling between existing pits which have existed for a long time. With respect to the licensing under the Aggregate Resources Act, this is one step in a process that will be ongoing. There will be further public notification and further public hearings. Two meetings have already been held. He advised that matters have arisen and indicated the first measure which was taken was to move the setback limit for the operation of the pit from the Provincial minimum of 30 m to 150 m. As well, a Noise Study was conducted which is not a Provincial requirement. Noise mitigation measures will be incorporated into this pit operation which are not there for the pit which is operating to the east of the subject property.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD. (cont'd)

With respect to water, Mr. Dorland pointed out that the well closest to the pit is 500 m from the north boundary of the pit. He stated that there have been no problems with the water because of the operation of the existing pit which has been operating for 20 years. The well itself is located in an area of former pit excavation. They realize the concern about the impact on the water table and the additional condition that has been imposed is acceptable to them.

Mr. Dorland advised that they are restricted from excavating to 1.5 m above the water table which is the provincial standard. He stated that this operation will have no effect on the water table or quality of water. The whole area around the property has been subject to previous pit excavation and there are no problems with the water. He advised that they did an Environmental Impact Study which concludes that there will be no negative environmental impacts. The applicant is agreeable to putting into place whatever measures are suitable to ensure no impact on the water table. The applicant is required to rehabilitate the pit after pit operations are completed. With respect to traffic, he pointed out that 100,000 tons are currently being removed and hauled from the Omega pit. They have opened another road to take traffic from Suez Drive. There will not be any significant increase in traffic as a result of the application. He pointed out that traffic has been reduced as Whistle Mine is no longer in operation. There will be no blasting and the buffer of trees that is there will not be removed. The hours of operation are from 7:00 a.m. - 8:00 p.m. Monday to Saturday.

Mr. Odnokon stated that the crusher operates from 7:00 a.m. - 6:00 p.m. and is only in operation for 1 month. Water suppression is used to control dust. The entrance to the pit will be paved and dust suppressants will be applied again this year.

Recess At 9:32 p.m., the Planning Committee recessed.

Reconvene At 9:40 p.m., the Planning Committee reconvened.

Mr. Gary Grey addressed the Committee regarding the water issue. There are plans for the City of Greater Sudbury to sink a fourth well by Green Lake. He indicated that if the water in one well becomes contaminated, the water in all three wells will be contaminated. By removing the gravel, you are removing the filter source. Much of the filter source has already been removed and if you remove too much you are removing the filtration system. How the water will be affected may require further study.

Mr. Mike Lepage, Valley East, was present in favour of the application. He indicated that his family has owned land which abuts the proposed pit since the 1920's and there are a lot of controls as to what can and can't be done. He is in agreement with the rezoning since there are many controls. The rezoning falls into line with the Official Plan and he supports the application.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD. (cont'd)

Mr. Eric Lekuy, Suez Drive, was present in opposition to the application. He advised that he purchased a lot in the area and will build a home. He indicated that if this application is approved, property values will decrease. He indicated there are no reports regarding water and this does not provide much confidence for the project. This water also supplies Valley East, Hanmer, Chelmsford, etc. They have the best drinking water and it is being jeopardized for gravel. If the gravel is removed, the water is not being filtered and his water will probably be affected. Suez Drive is a rough road and if royalties are received for gravel, they do not go to fix the road. He stated that the roads in the area will only become worse with this proposal. The land in the area is blueberry bushes, not dense bush. There is no sound control. If you remove the bushes you will have major dust problems. He would not have bought this property had he known there would be a megapit in his backyard.

Recommendation #2004-106:

 Dupuis-Bradley: That we proceed past the hour of 10:00 p.m.

CARRIED

Arthur and Rhea Michalak were present in opposition to the above application. They have concerns with water quality, air quality and noise. They referred to an article in the Sudbury Star - "Well Water Focus of Study" and indicated there are concerns that current regulations for water quality are not adequate and with a review expected this fall, it may have a tremendous impact on the current proposal. They stated that they have spoken with some of the older residents in Capreol who pointed out that septic tank effluent from the Townships of Hanmer and Capreol were discharged onto this proposed site several years ago. They questioned if disturbing this site would create problems for both air and water quality. They pointed out that current plans indicate excavation to within 300 m of the community well and within 1.5 m of the actual water table and questioned if there was definitive proof that these would be adequate limitations to protect the community's water supply. They indicated that their daughter suffers from asthma and wife's sister, who lives with them, has cerebral palsy and is extremely susceptible to respiratory infection. They believe this proposed gravel pit will adversely affect the health of every resident living along the perimeter of the proposed pit. They pointed out that Respirable Crystalline Silica in recent studies has shown to be a human carcinogen and causes lung cancer, asthma, etc. It is prevalent in mining, quarrying and related milling operations. Noise is a big concern for residents in the area. However, they are more concerned because they live immediately adjacent to the entrance of the proposed pit and will be closest to the processing section. The current regulations state a 30 m distance from residential homes must be provided, however OCL is providing a 150 m setback. In their opinion, both are unacceptable. They further indicated that the first time they heard about the pit was two months ago. They only received the notice of the public meeting four days before the hearing and that did not allow them much time to prepare their presentation.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD. (cont'd)

Mr. and Mrs. Michalak stated that when they were looking to purchase their home in the area they were told by their real estate agent that the sand pit was far back in the bush. They want peace and quiet and do not want dust and noise from a gravel pit operation.

Mr. Bob Dymont, R.R.84, was present in opposition to the development. He stated that he opposes the application for rezoning along with everyone else in attendance. If this application is approved it will be devastating to their properties and their lifestyle. He wondered how much in royalties the City receives for aggregate tonnage for this pit. He believes it is 6 cents a ton, for all the damage OCL is doing to our highways. Suez Drive has been ruined by trucks from the OMEGA pit. He pointed out that it is just 300m from property to property and not 500m. The OMEGA pit is staying above the water table while OCL is going below. There is 300,000 tons on the subject property and if the applicant takes 100,000 tons a year, the pit will be in operation for 30 years not 10 years. In 1978 Council designated this area as gravel resource. In 1995, the City allowed houses to be built in the area. He asked if this was a gravel resource, why were these houses allowed. Today there is approximately \$35,000 in property taxes being collected from the area around the pit. He indicated that all this money they are paying the City should give them a say in who their neighbours will be. If the rezoning is approved, properties will need to be reassessed because property values will decrease. Out of 15 properties severed, only one owner was alerted that it was gravel resource. The property owner was reassured by Planning that this would most likely never become a gravel pit because of the opposition. He advised that the applicant will make \$1 million a year for 30 years. None of the 14 property owners that abut the land knew that this was a gravel resource area. If Planning wants to preserve gravel resource why have they allowed residential properties. They purchased their properties with clean titles. When the applicant purchased the property he knew the land was not zoned for a gravel pit. Mr. Dymont showed a sign which was originally posted on the proposed pit property which read "Farm For Sale, approximately 90 acres". He indicated that grease and oil will enter the ground and water from the proposed development and questioned who will be responsible for problems that arise in the future regarding water? The City is spending 3 ½ million dollars to improve the water quality for Capreol by building a 4th well in this area and now with this development the filtration system is being taken away. The City is also implementing a healthy living plan. What defines a healthy living community and does it exclude property owners on R.R. 84? He questioned how a 150m setback could help and stated that the site is too close to residences. He questioned how the area residents could win if the applicant has a contract with the City to supply them with aggregates? There will be 25,000 trucks entering and leaving the highway from the pit. He said that he liked to leave his windows open all night to hear the songbirds but now it will be haunting for he will hear OCL crushers and equipment operating. If the pit had been operating prior to purchasing his property, he probably would never have bought in this area. He concluded by playing a tape recording of the sound coming from a gravel pit and indicated that this would be the noise he will be hearing for the next 30 years.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD. (cont'd)

Mr. Rob Savoie, employee of OCL Construction and a resident of the area, was present in favour of the application. He advised that the pit is 900 feet wide and 3/4 of a mile long and that he can't see how the watertable could be affected. There are also regulations in place to control dust. There is a 150 foot buffer which is sufficient. He said that he works around crushers all day long and that there are laws regulating everything.

Mr. Wayne O'Neil who lives close to the pit was present regarding the above application. He indicated that there is no mention in any reports of people living north of the proposed pit who get the southwest winds in the summer. He has a bit of concern with respect to dust. In 1997, he was given 36 hours to live because of dust ingestion from working underground. He questioned why people are not informed of potential uses when they apply for a building permit. When he moved to this location it was a downsizing venture which was affordable. He indicated that something needs to be done about dust control on the north side of the pit. He stated that if the applicant keeps everything green it will not be too bad. He would rather not have a pit but if it is approved he requested the Committee ensure they put all conditions in place and something be done for the north side of the pit.

Ms. Claire Beaulieu, Suez Drive, was present in opposition to the above application. She advised that she echoes the comments made earlier by the area residents. She believes that Planning erred by permitting single family residences to be built in the area.

Councillor Callaghan, Ward Councillor, indicated due to the lateness of the hour, he would keep his comments brief. He was very troubled that people were allowed to build in this area. He advised that there is no mention of water in the staff report even though Council spends a lot of time talking about water. He stated that he has no intention of supporting this application.

Recommendation #2004-107:

_____ Caldarelli-Dupuis: That we proceed past the hour of 11:00 p.m.

CARRIED UNANIMOUSLY

Mr. Dorland advised that Councillor Callaghan attended the public meeting. This application states that they must provide assurances that they will deal with water. MOE has no problem with the application. We use 40 tonne trucks at 100 trucks per week. Only 5 properties about this application. Onwatin Lake Road is in a similar situation wherein the pit is mined out but was rehabilitated. This pit will also be rehabilitated. A 10 year forecast for the life of this pit is reasonable. The OMEGA pit has been at this site for a long while but OCL has only been at their site for a short time.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD. (cont'd)

Mr. Dorland stated that the proponent has made every effort. When the pit is finished in 10 years, buffers of 500 feet will remain. He stated that they have regard for the Provincial Policies and to the staff recommendations. This application is supportable at a higher authority.

The Director of Planning Services advised that the Official Plan for this area was done in 1978 and that it was designated as IMREA - Industrial Mineral Resource Extraction Area. Each lot would have received consent from the former Land Division Committee and people would have been given information to this effect.

Councillor Thompson, Ward Councillor, advised that he and Councillor Callaghan have discussed this application quite a bit and share similar views. He stated that his biggest concern was water and was amazed to see that there was no mention of it in the staff report. He indicated that he would have liked to have seen something in the report regarding water. He said that he has a discomfort with the proximity of the proposed pit to area residences. He stated that the applicant has done his homework but that he would not want a pit in his backyard. He advised that he would not support this application.

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

The following recommendation was presented:

Recommendation #2004-108:

Dupuis-Bradley: That the application by OCL Custom Crushing & Quarrying Ltd. to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Parcel 51141 SES, being Part 1, Plan 53R-15615, Part of Parcel 5202 SES and Part of Parcel 2678 SES, in Lots 9 and 10, Concession 4, Capreol Township from "RU", Rural to "M5-Special", Extractive Industrial Special be approved subject to the following:

- a) That the amending by-law require a minimum 150m setback from the nearest residential dwelling for any pit excavation.
- b) That the applicant provide the Development Services Section with a registered survey plan of the subject property to enable the preparation of an amending by-law.
- c) That prior to the passing of an amending by-law the applicant agree to undertake the necessary entrance improvements to the satisfaction of the General Manager of Public Works.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF A PIT, EAST OF REGIONAL ROAD 84 AND NORTH OF SUEZ DRIVE - OCL CUSTOM CRUSHING & QUARRYING LTD. (cont'd)

Recommendation #2004-108 (cont'd):

- d) That prior to the passing of an amending by-law, all requirements of the General Manager of Public Works with respect to the protection of the neighbouring municipal wells shall be satisfied.

____NON-CONCURRING MEMBERS: Councillors Caldarelli, Thompson

CONCURRING MEMBERS: Councillors Bradley, Dupuis, Reynolds

CARRIED

Recess _____ At 11:30 p.m., the Planning Committee recessed.

Reconvene At 11:40 p.m., the Planning Committee reconvened.

APPLICATION TO AMEND THE RAYSIDE-BALFOUR SECONDARY PLAN TO PERMIT THE CREATION OF THREE (3) HOBBY FARM LOTS BEING 3.6 TO 4 HECTARES IN SIZE, JOANETTE ROAD, CHELMSFORD - DERIMAINE & JEAN BERTHIAUME

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

Report dated May 10th, 2004, from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application to amend the Rayside-Balfour Secondary Plan to permit the creation of three (3) hobby farm lots being 3.6 to 4 hectares in size, Joannette Road, Chelmsford - Derimaine & Jean Berthiaume.

The applicant, Mr. Berthiaume, agent for the applicant, Marty Kivistik, Planning Assistant and Mr. Sig Kirchhefer, were present.

The Director of Planning Services pointed out that in 1983 fifteen homes on Joannette Road were provided with water service because arsenic was found in the groundwater at the time. The Ministry of Municipal Affairs and Housing has advised that this proposal for rural residential development is not in conformity with the official plan as it is in the Agricultural Reserve and is outside the settlement boundary. In addition, the Ministry advised that the application does not have regard to the Provincial Policy Statement. As the property is outside the settlement boundary, the applicant must provide a private system. He indicated that based on the high concentrations of arsenic which were found in the area wells in 1982, Planning Services cannot support the application unless they are provided with a report saying the groundwater is an acceptable source of drinking water. In view of the foregoing comments, Planning Services are recommending that the application be denied.

PUBLIC HEARINGS (cont'd)

APPLICATION TO AMEND THE RAYSIDE-BALFOUR SECONDARY PLAN TO PERMIT THE CREATION OF THREE (3) HOBBY FARM LOTS BEING 3.6 TO 4 HECTARES IN SIZE, JOANETTE ROAD, CHELMSFORD - DERIMAINÉ & JEAN BERTHIAUME (cont'd)

Mr. Kirchhefer submitted sketches to the Committee. He indicated that in order to get to the bottom of the arsenic problem, four shallow wells were installed on the subject property. In addition, they analysed the deep water well of a neighbour to the south. Arsenic was below detection limit in three wells and the deep well, however borehole #1 showed arsenic concentrations of 10% of the allowable acceptable concentrations. He indicated there is no problem with respect to arsenic and does not think water quality will be a problem.

Mr. Kivistik pointed out surrounding land uses in the area include a garage with welding shop, sale of motor homes, single family residential, pit operation, etc. The Ministry of Municipal Affairs and Housing comments that the application is non compliant and he takes exception to that. New lots in the Agricultural Reserve may be permitted for agricultural hobby farms as agriculturally related uses and therefore the intent and purpose of the Official Plan is maintained. Hobby farms do comply and do not contravene. They are not proposing anything that is not permitted and the application allows for an agricultural type use. In support of this application, he pointed out that the approval authority in 1989 granted consent to sever three lots, two to three acres in size at that location. He indicated this is honouring that proposal only the lots are of a larger size.

Councillor Bradley, Ward Councillor, advised that he spoke to neighbours who advised that they have good water. Three new homes in the area were given building permits within the last 6 or 7 years, so the water must be satisfactory. He is also aware that this area was topsoil stripped and it is no longer agricultural. He advised that when Highway 144 was reconstructed, four to five feet of gravel was dumped on the subject property and farming in that area is now out of the question. He asked Committee Members to support this application since nothing else can be done with this property.

Recommendation #2004-109:

_____ Dupuis-Caldarelli: That we proceed past the hour of 12:00 midnight.

CARRIED UNANIMOUSLY

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

_____ The following recommendations were presented:

PUBLIC HEARINGS (cont'd)

APPLICATION TO AMEND THE RAYSIDE-BALFOUR SECONDARY PLAN TO PERMIT THE CREATION OF THREE (3) HOBBY FARM LOTS BEING 3.6 TO 4 HECTARES IN SIZE, JOANETTE ROAD, CHELMSFORD - DERIMAINÉ & JEAN BERTHIAUME (cont'd)

Recommendation #2004-110:

Bradley-Dupuis: That the application by Derimaine & Jean Berthiaume to amend the Rayside-Balfour Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 21812 S.W.S. in Lot 4, Concession 2, Township of Balfour, City of Greater Sudbury to permit the creation of three (3) hobby farm lots being not less than 3.6 hectares in lot area be denied.

NON-CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

DEFEATED

Recommendation #2004-111:

Bradley-Caldarelli: a) That the application by Derimaine & Jean Berthiaume to amend the Rayside-Balfour Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 21812 S.W.S. in Lot 4, Concession 2, Township of Balfour, City of Greater Sudbury to permit the creation of three (3) hobby farm lots being not less than 3.6 hectares in lot area be approved subject to the following condition:

1. Prior to the passage of the above noted Secondary Plan Amendment the applicant shall prepare to the satisfaction of the General Manager of Public Works and the Director of Planning Services a hydrogeological study to determine the suitability of the subject lands for the proposed hobby farm development. Specifically, the quality and availability of potable water for domestic purposes and the requirements for septic sewage system implementation shall be addressed. This study shall include a determination of the geodetic elevation of the water table.
- b) That subdivision of the lands described in Item a). of these Recommendations be allowed to proceed by way of the Consent Process.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Item C-1 to C-3 contained in Part 1 of the Consent Agenda:

PART I - CONSENT AGENDA (cont'd)

Recommendation #2004-112:

Bradley-Dupuis: That Item C-1 to C-3 contained in Part 1, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report #4
VETAC Minutes
April 7th, 2004

Recommendation #2004-113:

Dupuis-Bradley: That Report #4, Vegetation Enhancement Technical Advisory Committee Minutes of April 7th, 2004, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2 _____ Report dated May 12th, 2004, was received from the General Manager, Declaration of Corporate Services regarding Declaration of Surplus Property & Grant of Surplus Property Land, Part of Parcel 5640 S.E.S., being Parts 2 and 3, Plan 53R-17307 & Grant of Land - Skead Road. Part of Parcel 5640 S.E.S., being Parts 2 & 3, Plan 53R-17307 - Skead Road

Recommendation #2004-114:

Bradley-Dupuis: That the lands described as part of Parcel 5640 S.E.S., being Parts 2 and 3, Plan 53R-17307, Skead Road, be declared surplus;

That the lands be granted to the Skead Recreation Committee, subject to the terms and conditions in the report dated May 12, 2004 from the General Manager of Corporate Services;

That Council of the City of Greater Sudbury pass the necessary By-laws; and

That the Clerk and Property Negotiator/Appraiser be authorized to execute all documents required to complete the grant.

CARRIED

Item C-3
Declaration of
Surplus Property
191 Church Street,
Garson Medical
Centre

Report dated May 12th, 2004, was received from the General Manager, Corporate Services regarding Declaration of Surplus Property, 191 Church Street, Garson - Garson Medical Centre.

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-3

Recommendation #2004-115:

Declaration of
Surplus Property
191 Church Street,
Garson Medical
Centre

Dupuis-Bradley: That the property owned by the City, municipally known as 191 Church Street (Garson Medical Centre) legally described as Lot 7 & 8, Plan M-50, Lot 5, Concession 2, Township of Garson, be declared surplus to the City's needs and offered for sale to the general public pursuant to the procedures governing the disposal of full marketability property as set out in By-law 2003-294.

CARRIED

Adjournment

Recommendation #2004-116:

Bradley-Dupuis: That we do now adjourn.
Time: 12:03 a.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING