



Environment and Land Tribunals Ontario
Local Planning Appeal Tribunal
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
 Telephone: 416-212-6349
 Toll Free: 1-866-448-2248
 Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (LPAT Office Use Only)

LPAT Case Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

To file an appeal, select one or more below *

- ☒ *Appeal of Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- ☐ Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act*, 2017, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- ☐ Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

1 A. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Reference (Section)
Planning Act Matters		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 210 days, or within 300 days if Approval Authority extended the appeal up to 90 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 210 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 150 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 210 days where the application is associated with an Official Plan Amendment	
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)

Subject of Appeal	Type of Appeal	Reference (Section)
Site Plan	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

2. Location Information

Address and/or Legal Description of property subject to the appeal *

Parts of Pins 74561-0261, 73561-0264, & 73561-0282, Parts 2,3,5,8,14,15, and part of Part 10, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon

Municipality *

City of Greater Sudbury

Upper Tier (Example: county, district, region)

Ontario, Canada

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name

Lindsay

First Name

John

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Minnow Lake Restoration Group

Email Address

info.minnowlake@gmail.com

Daytime Telephone Number *

705-525-7526

ext. 202

Alternate Telephone Number

705-507-6037

Mailing Address

Unit Number

Street Number *

1439

Street Name *

Bancroft Drive

PO Box

City/Town *

Sudbury

Province *

Ontario

Country *

Canada

Postal Code *

P3B 1R6

4. Representative Information

☐ I hereby authorize the named company and/or individual(s) to represent me

Last Name

First Name

Company Name

Professional Title

Email Address

Daytime Telephone Number

ext.

Alternate Telephone Number

Mailing Address

Unit Number

Street Number

Street Name

PO Box

City/Town

Province

Country

Postal Code

Note: If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☐ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Subject Information

Municipal Reference Number(s) *

751-6/17-26 - By-law 2018-62Z as amended by By-law 2018-71Z

For appeals of Official Plans, Official Plan Amendments, Zoning Bylaws and Zoning By-law Amendments, please see information on the LPAT website [<http://elto.gov.on.ca/tribunals/lpat/lpat-process/>] detailing the requirement to set out the nature of your appeal and the reasons for your appeal based on requirement A or B, or, for some appeal types, both A and B:

A: If you are appealing a **decision** of a Council or Approval Authority, outline which part of the decision is:*

- ☒ Inconsistent with the Provincial Policy Statement, issued under subsection 3(1) of the *Planning Act*
- ☐ Fails to conform with or conflicts with a provincial plan
- ☐ Fails to conform with an applicable Official Plan

Please explain: *

[please see notice of Appeal attached with detailed references.](#)

Oral/written submissions to council

If applicable, did you make your opinions regarding this matter known to council?

- ☒ Oral submissions at a public meeting of council
- ☒ Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/ were passed on or after July 1, 2016. (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

☐ Yes ☒ No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☒ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☒ Yes ☐ No ▼

if yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)

Municipal File number 751-6/17-27 by various parties

7. Case Information

For *Planning Act* appeals selected in Section 1A for Subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19), and 51(34):

Detail the nature and/or expertise of witnesses you will have available should the Tribunal Member require oral evidence at the proceeding. (For example: land use planner, architect, engineer, etc.)

Brad Bowman, Senior Environmental Scientist - NAR Environmental Consultants

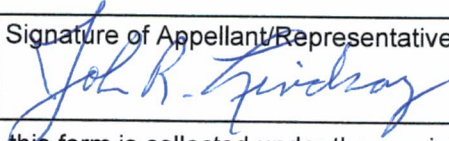
8. Required Fee

Total Fee Submitted * \$ 300

Payment Method * ► ☒ Certified cheque ☐ Money Order ☐ Lawyer's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
John Lindsay		2018/05/14

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.

LETTERS PATENT

This application constitutes the charter
of the corporation which is issued by
these Letters Patent dated this

LETTRES PATENTÉ

La présente requête forme la charte de la
compagnie constituée en personne morale
par lettres patentes datées du

SEPTEMBER 1 0 SEPTEMBRE, 1990

Minister of Consumer
and Commercial Relations

Le Ministre de la
Consommation et du Commerce

per/par

Director/Directeur

Ontario Corporation Number
Numéro de l'association en Ontario

909144

Trans Code A 18	Line No. 0 20	Stat 0 28	Comp Type B 29	Method Incorp. 1 30
Share N 31	Notice Req'd Y 32	Jurisdiction ONTARIO 33 47		

APPLICATION FOR INCORPORATION OF A CORPORATION WITHOUT SHARE CAPITAL
REQUÊTE EN CONSTITUTION D'UNE ASSOCIATION

Form 2
Corporations
Act
Formulaire
numéro 2
Loi sur les
compagnies et
associations

1. The name of the corporation is/Nom de l'association:

M	I	N	N	O	W	L	A	K	E	R	E	S	T	O	R	A	T	I	O	N	G	R	O	U	P		
I	N	C																									

2. The address of the head office of the corporation is/Adresse du siège social:

Carmichael Community Centre, 1388 Bellevue Avenue

(Street & Number or R.R. Number & if Multi-Office Building give Room No.)
(Rue et numéro ou R.R. et numéro et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

SUDBURY, Ontario

(Name of Municipality or Post Office)
(Nom de la municipalité ou du bureau de poste)

P 3 B 3 G 2
(Postal Code/Code postal)

3. The head office of the corporation is situated in/Le siège social se trouve à:

the City of Sudbury

(Name of Municipality, Geographical Township)
(Nom de la municipalité, canton)

in the
dans le

Regional Municipality of Sudbury

(County, District, Regional Municipality)
(Comté, district, municipalité régionale)

4. Address of clubhouse or similar premises (if any) is:

Adresse du local de l'association ou autre endroit utilisé aux mêmes fins, s'il y a lieu:

N/A

(Street & Number or R.R. Number & if Multi-Office Building give Room No.)
(Rue et numéro ou R.R. et numéro et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

(Name of Municipality or Post Office)
(Nom de la municipalité ou du bureau de poste)

(Postal Code/Code postal)

5. The applicants who are to be the first directors of the corporation are:

Requérants appelés à devenir les premiers administrateurs de l'association:

Name in full, including all first, middle names
Nom et prénoms au complet

Residence address, giving Street & No. or R.R. No. & Municipality or Post
Office and Postal Code
Adresse personnelle y compris la rue et le numéro ou la R.R. et le numéro,
le nom de la municipalité ou du bureau de poste et le code postal

BOWMAN, Alexander Bradley

1384 Marcel Street, SUDBURY, Ontario, P3E 4G3

LINDSAY, John Richard

1439 Bancroft Drive, SUDBURY, Ontario, P3B 1R4

LAVOIE, Lois Evelyn

1572 Weller Street, SUDBURY, Ontario, P3B 1L1

Petryna, David Hugh

25 Mooney Street, SUDBURY, Ontario P3B 3H3



May 14th, 2018

Delivered by Hand

City Clerk's Office
City of Greater Sudbury
200 Brady Street
Sudbury Ontario P3B 5P3

This is in reference to correspondence of the 25 of April 2018 to me by the Deputy City Clerk in which the notice of appeal related to the below noted to be received together with appropriate payment by the 15th day of May 2018:

By-law 2018-62Z as amended by By-Law 2018-71Z – specifically related to these by-laws the rezoning of subject lands in the “Kingsway Entertainment District” as being parts of PINS 73561-0261, 73581-0264 & 73661-0282, Parts 2,3,5,8,14,15, part of Part 10, Plan 53R-1993991, Lots 9 & 10, Con 4, Twp of Neelon, Kingsway CGS, from “M2” Light Industrial and “M3” Heavy Industrial to “M2(15) Light Industrial Special and “M3(15)” Heavy Industrial Special to permit a parking lot as a permitted land use (1916596 Ontario Ltd., Kingsway Sudbury.

This appeal is being made by the **Minnow Lake Restoration Group**, incorporated in 1990 – (909144) and recognized as a Charitable environmental entity by Revenue Canada #87663 3074 RR 001. Our organization is a member of the Ramsey Lake Stewardship Committee and Greater Sudbury Watershed Alliance. Members of these two organizations presented to the planning committee on this matter in council chambers and may be parties to the appeal as appropriate in the process.

Please accept the appeal fee of \$300 on behalf of the Minnow Lake Restoration Group

Also please note submitted USB Key with this document - receipt requested.

John Lindsay

President, Minnow Lake Restoration Group – info.minnowlake@gmail.com – 705-507-6037

Attachments and Enclosures

Local Planning Appeal Tribunal

Notice of Appeal – May 14th 2018

The Appellant: The Minnow Lake Restoration Group, represented by President, John Lindsay

The mandate of the organization is environmental restoration and protection in the Watershed of Lake Ramsey and in particular that area known as “minnow lake”, being part of ward 11 in the City of Greater Sudbury and encompassing the northern and western shore and watershed areas of Lake Ramsey. I am representing the Minnow Lake Restoration Group. I am also a member of the Ramsey Lake Stewardship Committee and the Restoration Group is a fee paying member of the Greater Sudbury Watershed Alliance. Members of these two organizations addressed the planning committee with respect to concerns outlined in this appeal and may be parties to any forthcoming aspects of this process.

The subject properties identified as future parking areas by By-law 2018-62Z as amended by By-law 2018-71Z are within the watershed of Lake Ramsey, a drinking water source for approximately 30 percent of the population of the municipality of Greater Sudbury (50-60 thousand persons) and a major recreational source.

References:

Storm water management and Water Quality: Departmental/Agency Circulation: Provincial Policy Statements: 1.6.6.7 a) and b) 2.2.1 a) e) 1 h), Source Water Protection Plan 12, 13, and Growth Plan 6.3.5, Official Plan 8 – Elaboration under these headings provided with reference to variance with the application and the appropriateness of these references.

Location – Land Use: Provincial Policy Statement 1.1.3. Rational provided under this heading with regards to the inappropriate use of the subject land for the reasons provided.

Transportation Systems – Active Transportation: Provincial Policy Statements 1.6.7.1, 1.6.7.3, 1.6.7.4 Clean Water Act part iv 2006. Detailed analysis under these headings provided to show variance,

It should be noted that while this appeal focus on parking areas and transportation issues, it is done so in recognition that parking required both within the development proposed for the Casino/Hotel and Entertainment/Arena and also on adjacent property. This appeal should be considered with reference to related appeals and the potential for future development that could pose additional environmental threats and transportation challenges..

Storm water Management and Water Quality:

Sodium and Chloride levels, largely through road salt input from roadways and other hard surface areas including parking lots in the watershed, have been increasing over time to the extent that for sodium they are almost 3 times the limit (Ontario Drinking Water Systems Regulation 170/03) at which level persons on sodium restricted diets could be at risk. The current level of chloride is approaching that at which aquatic life can be harmed which is 120mg of chloride per litre and the current Lake Ramsey level is approaching 100mg/L. The severity of this problem cannot be ignored as there are very few mitigation methods. Any additional sources of contamination must be limited

including large hard surface development within the watershed. This concern was expressed by several who spoke and submitted documents to the planning committee and has been the subject of a number of meetings held in the community where material was presented that will be made available as appropriate. Also the current Ramsey Lake Sub-Watershed Study has not been completed and could impact any decisions especially with respect to the CGS Water and Wastewater Master Plan which notes that “Ramey Lake is a vulnerable water supply and may not be sustainable in the future due to water quality threats as documented in Source Water Protection documentation described in the Water baseline Review Report (WSP, 2015)”.

While the applicant recognizes the parking area consists of “undulating bedrock” and is within “the Intake Protection Zone (IPZ) 3 of Ramsey Lake with a vulnerability score of 9 (with 1 being the lowest threat and 10 the highest) in the Greater Sudbury Source Water Protection Plan requiring an enhanced level water quality control”, it is noted that “details of storm water management for the site will be finalized as part of satisfying the servicing conditions on the draft plan of subdivision prior to registration and as part of the site plan for the subject lands” Dillon Consulting has provided the city with a Preliminary Report identifying road salt concerns but have not referenced the Ramsey Lake Sub-Watershed study as this report has not been completed or the CGS Water and Wastewater Master Plan just released. Without findings from these reports any consideration of the suitability of this site is premature. There is reference to Water Resource in part 8.0 of the Official Plan, however as this document has not been updated the reference to salt contamination, the dangers of which have only recently in the past few years been acknowledged in many affected jurisdictions in North America is lacking. This is possibly why the City has approved this development without any specific provisions to address the impact of road salt to the environment that many individuals raised during the public process including those referenced below with respect to the relevant Provincial Policy Statements:

1.6.6.7 Planning for storm water management shall:

- a) minimize, or, where possible, prevent increases in contaminant loads
- c) not increase risks to human health and safety and property damage

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- e) implementing necessary restrictions on development and site alteration to:*
 - 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
 - h) ensuring storm water management practices minimize storm water volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigated measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

Provincial Growth Plan 6.3.5 The Province will work with the federal government, municipalities and others to include measures to protect and preserve air quality, water quality and quantity and natural heritage in planning for climate change impacts and environmental sustainability.

With respect to mitigation measures there is well established scientific evidence which can be provided that indicates that salt (sodium and chloride) is not easily removed by any mitigation methods such as holding ponds. Salt quickly enters into solution and into the environment, specifically the watershed in the form of surface and ground water. Mitigation measures suggested as the removal of snow and sand from the parking area will not capture the salt to any significant extent as it has already entered into solution and become part of the surface runoff from the parking areas in place over the “undulating bedrock” of the site. As submitted, as part of the public input, it was, by our organization and others stated recognition of this established fact. Also documented, it was revealed that based on accepted parking lot contractor snow removal practice, for an area the size of that projected for the subject site(s) a substantial amount of sand containing salt would be required for each storm event of which on average could be between 30 and 50 per winter based on amounts above 2 to 4 centimetres. The salt in the mixture would melt and while the snow not melted could be removed together with the sand, it is very unlikely that any of the salt would be recovered. Over a period of time the amount of salt entering the environment from the parking areas and connecting new roadways would enter the watershed and eventually Lake Ramsey. This was not addressed by the applicant and no researched technical reports referenced as to how salt loadings to Ramsey Lake would be addressed over time. We are concerned that despite assurances by the city, we have no way of knowing what actions might be taken to address this issue as the Planning Act does not appear to permit Site Plan agreements to determine what actually may take place.

Further, the city could have considered location options other than in this environmentally sensitive area, recognized in various consultants’ reports commissioned by the city. The present Sudbury Community Arena is not in the Ramsey Lake Watershed and has sufficient existing parking available. Development of other areas would be problematic, considering again environmental concerns depending on location and traffic demands, plus planning and development costs. These are serious matters to be evaluated when in fact the present Arena location is satisfactory. .

Departmental/Agency Circulation

It is of particular and interesting concern that the Conservation Authority through the Source Protection Plan had “no comment” with respect to the application, although they identify (threats 12 and 13) as road salt being a drinking water threat when any product used to maintain roads and pedestrian areas contains sodium and or chloride.” and with specific reference to Lake Ramsey. It is further noted that the Clean water Act "requires local communities access existing and potential threats to water quality" and to ensure "appropriate land use designations to prevent threats of existing and future land use activities to drinking water sources". The watershed of Lake Ramsey is not large and every opportunity to control development should be made to protect the resource including “appropriate land use designations” and not to develop lands through changes in land use zoning within the watershed that could negatively impact the water resource. The approval of applications that could result in comprising water quality with the stated intent to incorporate what could be potentially unproven and likely inappropriate and ineffective measures is not satisfactory and is not good planning practice. Comments with respect to Infrastructure Capital Planning Services (Roads) will be dealt with under separate heading below under Transportation Systems. :

Location – Land Use

It is noted in Provincial Policy Statement 1.1.3 that “it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures” It would appear that the applicant has not addressed any of these elements particularly with respect to protecting resources, effective use of existing infrastructure and public service facilities and minimizing unnecessary public expenditures. To be more specific, other areas

outside of the Ramsey Lake Watershed for development would protect the resource. The existing Arena and parking areas and the central transportation hub in the downtown would make effective use of existing public infrastructure and minimize unnecessary public expenditure. It should be further noted that this policy statement contains reference to the promotion of “intensification, redevelopment and compact form” and specific references to “protect public health and safety and the natural environment”

Transportation Systems:

The application provides only minimal and superficial comments under the heading “Transportation Systems” and it is only in Appendix #1 is this matter examined in any detail, and our comments are compatible with those of Roads, Traffic and Engineering and we are of the opinion that there are sufficient concerns related to Provincial Policy Statements noted below:

1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods and are appropriate to address projected needs.

1.6.7.3 As part of a multimodal transportation system connectively within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Three traffic studies were carried out with respect to the application and all arrived at basically the same conclusion, which basically indicated that there will be congestion on roadways and streets serving the area with the development of just the Casino/Hotel and Arena/Entertainment venues that will be further constrained with any future development on this and adjacent property. These concerns are presented in more detail as follows:

Volume and capacity need assumptions were based primarily on projected attendance levels for OHL games at the arena and for spaces required for the casino and hotel. However, reports evaluated subsequent development of the entire property identified as the “business park” which would contribute to the total traffic volumes as would the creation of twin ice pads as considered for the future and also possibly, although not mentioned but based on community suggestions, a motorsports park and other entertainment facilities such as a watersports park. These are important elements to be considered, as while not specifically addressed in the application, there is reference to other traffic volumes as would be generated by a “business park” in the Appendix documents relating to traffic studies.

While OHL attendance is estimated to be on average not more than 4,000 spectators, attendance for other events such as concerts can approach capacity (5,800) which would substantially affect traffic volumes, and those intersections and arteries described as being at or above capacity would be more severely affected. However it was “assumed” according to the report that “these events “would be infrequent enough that the hockey analysis would govern the analysis”. This despite the fact that these sold out events would require parking space in excess of that predicted for OHL hockey events for which there does not appear to be any provision.

It is apparent in the traffic study reports that existing congestion situations and those predicted due to possible future growth will continue to exasperate the situation despite proposed changes to traffic light timings and in certain instances creation of additional turning lanes are not possible due to

“geometric constraints”. In short it would appear that what is being created in this area is similar to that at in what is called the four corners (Regent – Long Lake – Paris street intersection) in the south end of the city which the City MTP can see no practical physical solution. The congestion now experienced in the Kingsway area as noted on Saturdays will only increase with the Kingsway development.

The background traffic analysis indicates that, with some adjustments to the traffic signal timing, the intersections of the Kingsway at Falconbridge Road and the Kingsway at Barry Downe Road will operate near full capacity. The analysis indicates that the addition of the business park trips will put these intersections over capacity. No mitigation measures are recommended other than the need to accelerate construction of road links identified in the Transportation Master Plan to divert traffic away from these two intersections “. It is further mentioned that “Staff are satisfied that there is sufficient capacity in the transportation network to support the vehicle trips being generated by the arena, casino and hotel during the afternoon peak hour. However, with the volume of vehicles expected to be generated by the business park, the study has identified that the intersections of the Kingsway at Barry Downe Road and the Kingsway at Falconbridge Road do not have sufficient capacity to accommodate the expected total volume of vehicles.

It is interesting to note that the study has recommended that the capacity constraint be mitigated by accelerating the construction of new roadway links that are identified in the Official Plan, specifically, the northerly extension of Street C and westerly connection to Falconbridge Road and the bypass around New Sudbury from Highway 17 to Maley Drive”. One of these road links would be the extension of Maley Drive to the Kingsway which consultants indicate would only offer partial relief as quoted “The Kingsway intersections at Barry Downe Road and at Falconbridge Road are also both expected to be constraints during the typical weekday PM peak hour. The Maley Drive extension will reduce volumes on the eastbound left turn at both intersections and thereby increase capacity on the opposing westbound movements; however, the westbound approaches will continue to be over capacity under total future conditions. The westbound through and right turn movements at Barry Downe Road are both expected to be 9% over capacity, and the westbound through movement at Falconbridge Road is expected to be 17% over capacity. This would be a regular occurrence and would therefore be less acceptable than a similar deficiency associated with a few sold-out events per year at the arena.”

However, the construction of new roadway links are discounted in the consultant’s report and indicate there could be consequences even if and when developed “Additional road connections north of the site are envisioned in the city’s TMP, but those are identified as long-term potential links beyond the horizon of this study. Under future background conditions (i.e., without the proposed development in place), the intersections in the western part of the study area (involving Barry Downe Road and Falconbridge Road) are anticipated to have capacity, level of service and/or storage constraints on some movements. In particular, the Kingsway intersections with Falconbridge Road and Barry Downe Road are key focal points with substantial volumes on left turn movements to and from the north. An opportunity may exist for some west-oriented site traffic to divert to Bancroft Drive, which has surplus eastbound capacity available at Second Avenue. However, this would result in additional traffic pressure on residential collector roads, and also would result in the northbound direction exceeding capacity at Levesque Street and the Kingsway.

Even without “business park” traffic to any significant extent the consultant’s report indicates “During the pre-game peak hour, it is expected that approximately 2,285 vehicles will be travelling to the site to attend the event. This value considers that 5% of event goers will utilize transit and that a small percentage of event goers will be people who work within the proposed business park or are already at the casino. During the pre-game peak hour, this volume of vehicles exceeds the capacity of the intersections of the Kingsway at Barry Downe Road and the Kingsway at Falconbridge Road. Specifically, at the intersection of the Kingsway at Barry Downe Road, the southbound left turn movement and eastbound through movement have been identified as not having sufficient capacity to accommodate this expected volume of vehicles. For the southbound left turn movement, vehicle queue lengths are expected to extend to approximately Palm Dairy Road, while for the eastbound through movement, queue lengths are expected to extend just beyond the driveway entrance which serves the Keg Steakhouse and Bar and other commercial properties. In addition, each southbound left turning vehicle is expected to be delayed 110 seconds before being able to travel through the intersection, while each eastbound through vehicle is expected to be delayed 78 seconds. Similar capacity constraints are identified at the intersection of the Kingsway at Falconbridge Road. Both the southbound left turn movement and eastbound through movement have been identified as not having sufficient capacity to accommodate this expected volume of vehicles. The southbound left turn movement is expected to have vehicle queue lengths extend 4 or 5 vehicle lengths beyond the driveway entrance to the Ambassador Hotel, while the eastbound through movement will have vehicle queue lengths extend beyond the Cambrian Ford site. In addition, each southbound left turning vehicle is expected to be delayed 116 seconds before being able to travel through the intersection while each eastbound through vehicle is expected to be delayed 109 seconds. While the study has identified capacity constraints at these intersections, nevertheless city staff is of the opinion that the existing road network can sufficiently store these vehicles without impacting nearby intersections. However, as identified above, some existing business driveways may be impacted by the expected vehicles queue lengths”, an undesirable situation which will likely with future development be exasperated

With respect to parking requirements: At times when a hockey game is scheduled at the arena, the site (not including the surrounding business park) would require a parking supply of approximately 3,335 to 3,365 spaces: • 2,615 spaces for the main arena; • 520 to 550 spaces for the casino; and • 200 spaces for the hotel. The study has also identified that maintenance agreements for the parking lots may be required to ensure the appropriate standard of maintenance is provided and what type of arrangement needs to be made to facilitate shared parking once the business park is constructed. There is no consideration of what the establishment of other amenities such as a motor sports park, a water park, or other attractions would have on traffic patterns and congestion. As these other amenities have received considerable attention as distinct possibilities they need to be factored into any traffic considerations at this time and not relegated to future accommodation measures which may not be practical..

During the afternoon peak hour, it is expected that 600 vehicles will be travelling to the site and 1,575 vehicles will be leaving the site. Of these 2,175 total trips, 72% are expected to be generated by the remainder of the subdivision lands or the business park as identified in the study. While there may be, according to Staff that there is sufficient capacity in the transportation network to support the vehicle trips being generated by the arena, casino and hotel during the afternoon peak hour, however, with the volume of vehicles expected to be generated by the Business Park, the study has identified that

the intersections of the Kingsway at Barry Downe Road and the Kingsway at Falconbridge Road do not have sufficient capacity to accommodate the expected total volume of vehicles. The study has recommended that the capacity constraint be mitigated by accelerating the construction of new roadway links that are identified in the Official Plan, specifically, the northerly extension of Street C and westerly connection to Falconbridge Road and the bypass around New Sudbury from Highway 17 to Maley Drive.

The land use requires a Risk Management Plan, as identified in Part IV of the Clean Water Act, 2006 to protect existing and future sources of drinking water, to be carried out within a vulnerable area. The Risk Management Plan is required to manage the future threats related to the handling and storage of road salt, the onsite application of road salt, and the storage of snow. A Risk Management Plan must be agreed to or established before a Section 59 Notice of Clearance to proceed will be issued. A Section 59 Notice is required before the Development Application may receive final approval.

At times when a hockey game is scheduled at the arena, the site (not including the surrounding business park) would require a parking supply of approximately 3,335 to 3,365 spaces: • 2,615 spaces for the main arena; • 520 to 550 spaces for the casino; and • 200 spaces for the hotel.

The report indicates that more definition should be provided regarding the location, management and access to the temporary parking lots. The consultant should address winter maintenance (will the temporary lots be cleared of snow to facilitate parking?) and what type of arrangement needs to be made to facilitate shared parking once the business park is constructed?

Transportation improvements should be in place concurrent with the opening of the various parts of the business park. While a valid recommendation this is not within the scope of this application.

Service to and from events at the arena is being considered to be provided by express shuttles to the downtown terminal (and the New Sudbury Centre terminus). "Extra" trips on key routes serving those terminals could minimize transfer times during low-frequency periods. Spectators holding valid Arena tickets could be allowed to ride Sudbury Transit to and from the site for free or for a reduced fare. Including travel information with tickets would further attract spectators who are not frequent transit riders. The internal Site road network will also have provisions to prioritize the movement of transit and shuttle services and provide convenient pickup and drop-off areas near the arena and casino entrances, including a bus loop with a traffic signal at its exit to protect bus flows onto Street A. The functionality of this loop and signal needs to be illustrated with a bus staging/movement drawing for clarification. The Consultant notes that while this TDM measure addresses parking supply, it may result in an overall increase in traffic when considering the additional counter-peak direction trips.

Active Transportation: The Consultant sees opportunities to provide connection to the bicycle lanes on Bancroft Drive via Street C while considering extending this cycling route to the south along Levesque Street. While this may encourage some cyclists to use these facilities to reach the Site, it should be noted that the OHL season occurs throughout the fall and winter, when cycling volumes may be lower than in summer months. Moreover, the Site being situated far from the City Centre would only attract cyclists from the local neighbourhoods, which are relatively low in number. To accommodate pedestrians

The studies ask these questions: What agreements that need to be in place to address the deficiency in the parking required by forecast demand? How would the vacant lots be maintained in winter to

facilitate parking? The deficiency is proposed to be accommodated in the long term by sharing surface parking space with business park lots after work hours, however, what would happen if the lots were required by both the arena and the business parks and for future development? The financing/structure of the transit shuttles needs to be described. For instance, how will free transit passes be provided to the attendees? Will the City pay for them, or will the Arena arrange them?

Summary:

It would seem that there was not sufficient planning attention given to the many factors that make this application less attractive than what was intended and violate a number of Provincial Policy Statements and other relevant documents. It would appear that documents were prepared to support and justify the re-zoning decision without due regard to recognized Provincial Policy Statements or other relevant material and also what might be described as "common sense".

The environmental issue with respect to increased salt contamination of the watershed and Lake Ramsey of which there are few if any proven mitigation methods was not given proper evaluation especially with respect to Provincial Policy Statements, Source Water Protection and Official Plan directives, and relevant scientific documents and recognized expert opinion.

The matter of location and land use is particular relevant with regards to Provincial Policy Statement 1.1.3 which upon examination would suggest that the current downtown location of the Arena is best usage for the reasons given. This is also apparent through review of the transportation material that indicates that the Kingsway location for currently proposed and possible future use would contribute to congestion that could only possibly be alleviated by expensive and perhaps environmentally damaging new and widened road development, especially if in the watershed.

It is recognized by proponents of the downtown and by personal observation that there is sufficient and convenient parking available for Arena events. As well, again based on observation there is little congestion on city streets leading to or in the downtown when events take place at the current Arena. This is likely due to the number of access points to the downtown from various points in the city. The facility is close by public transit, the central bus terminal being only a short distance from the Arena.

Finally, last, but not least consideration must be given with respect to this appeal in relation to other appeals submitted with respect to the proposed Casino/Hotel and Arena/Entertainment Complex rezoning matters and the effects of future development in the area.

Recommendation:

Due to the reasons presented and supported by relevant Provincial Policy Statements and other documents referenced and referred to including the Official Plan of the City of Greater Sudbury and the Growth Plan for Northern Ontario it is respectfully suggested that this appeal be recognized.

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