



Planning Committee Agenda

Monday, February 6, 2023

Councillor Cormier, Chair

11:45 p.m. Closed Session Committee Room C-12 / Electronic Participation

1:00 p.m. Open Session Council Chamber / Electronic Participation

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1. **Call to Order**

2. **Roll Call**

3. **Closed Session**

Resolution to move to Closed Session to deal with one (1) Proposed or Pending acquisition or Disposition of Land Matters regarding Martindale Road, Sudbury; in accordance with the Municipal Act, 2001, par. 239(2)(c).

4. **Recess**

5. **Open Session**

6. **Roll Call**

7. **Declarations of Pecuniary Interest and the General Nature Thereof**

8. **Public Hearings**

8.1 **0 Poland Street, Copper Cliff**

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This report provides a recommendation regarding an application for rezoning to "R1-5(S)" Low Density Residential Special, to permit a parking lot.

This report is presented by Wendy Kaufman, Senior Planner.

9. **Matters Arising from the Closed Session**

At this point in the meeting, the Chair of the Closed Session, will rise and report. The Committee will then consider any resolution(s) emanating from the Closed Session.

10. **Consent Agenda**

For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.

10.1 **Routine Management Reports**

10.1.1 **Cote Boulevard, Hanmer**

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This report provides a recommendation regarding a request to extend the

draft plan approval for the Nature's Haven II subdivision in Hanmer. This report is prepared by Mauro Manzon, Senior Planner.

10.1.2 Part of Old Wanup Road, Wanup – Apply to be Registered Owner, Road Closure and Declaration of Surplus Land

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This report provides a recommendation for the City to apply to be registered as owner, to close and declare surplus part of the abandoned portion of the unopened road known as Old Wanup Road in Wanup.

11. Members' Motions

12. Addendum

13. Civic Petitions

14. Question Period

15. Adjournment

0 Poland Street, Copper Cliff

Presented To:	Planning Committee
Meeting Date:	February 6, 2023
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-17

Report Summary

This report provides a recommendation regarding an application for rezoning to “R1-5(S)” Low Density Residential Special, to permit a parking lot.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Robert Ivey to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One, to “R1-5(S)” Low Density Residential Special, on lands described as PIN 73599-0325, Parcel 40767, Lot 114, Plan M-1023, Lot 12, Concession 2, Township of McKim, as outlined in the report entitled “0 Poland Street, Copper Cliff”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 6, 2023, subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provisions:
 - a) In addition to the uses permitted in the R1-5 Zone, a parking lot shall be permitted;
 - b) a reduced southerly planting strip width of 0.97 m shall be permitted, where 3.0 m is required;
 - c) a reduced parking aisle width of 5.5 m shall be permitted, where 6.0 m is required;
 - d) a reduced driveway width of 5.18 m shall be permitted, where a minimum driveway width of 6.0 m is required for two-way traffic; and
 - e) parking shall be permitted to encroach 1 m into the required front yard.
2. That prior to the enactment of the amending by-law, the owner shall enter into a site plan control agreement with the City.
3. That conditional approval shall lapse on February 7, 2025 unless Condition 2 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

There are no financial implications associated with this report.

Report Overview

An application for rezoning has been submitted to permit a parking lot. The subject land is designated as Living Area 1 in the Official Plan and zoned “R1-5”, Low Density Residential One.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a parking lot.

The proposed parking lot is intended to supplement the parking available to the 15-unit multiple dwelling located at 4 Poland Street, which would appear to currently have enough parking for approximately 1 space per unit.

The applicant's development concept plan illustrates the proposed parking lot with 9 parking spaces, driveway extending from Poland Street, planting strips adjacent to the low density residential uses on either side, and a landscape area along the Poland Street right-of-way.

A parking lot has already been partially constructed at this location as shown in the site photos. The City has issued a notice of violation (By-law Services) and an order to acquire a site alteration permit (Building Services) given a parking lot is not a permitted use and grades have been altered on the site. Successfully completing the rezoning and site plan control agreement processes to permit the development of a parking lot is one way the owner could bring the site into compliance with the City's zoning by-law and site alteration by-law.

Existing Zoning: “R1-5”, Low Density Residential One, Flood Plain Overlay ‘Conditional Development Area D’

The R1-5 Zone permits a single detached dwelling, a home daycare, group home (type 1), and a bed and breakfast establishment.

Requested Zoning: R1-5(S), Low Density Residential Special, maintain Flood Plain Overlay ‘Conditional Development Area D’

The applicant is requesting to change the zoning to “R1-5(S)”, Low Density Residential One Special, to additionally permit a parking lot with 9 parking spaces. The following site-specific relief has been requested:

- to provide a reduced southerly planting strip width of 0.97 m, where 3.0 m is required;
- to provide a reduced parking aisle width of 5.5 m, where 6.0 m is required;
- to provide a reduced driveway width of 5.18 m, where a minimum driveway width of 6.0 m is required for two-way traffic; and,
- to provide gravel surface in the parking area and drive aisles.

Location and Site Description:

The subject property is described as PIN 73599-0325, Parcel 40767, Lot 114, Plan M-1023, Lot 12, Concession 2, Township of McKim, 0 Poland Street, Copper Cliff. The subject lands are located on the northeast side of Poland Street. The lands to be rezoned have an area of approximately 771 square metres with approximately 16 m of frontage on Poland Street, which is a local roads in this location. The lands are to be rezoned are not currently serviced with municipal water and sanitary sewer though these services are available in the Poland Street road allowance.

Surrounding Land Uses:

The area surrounding the site mainly includes lands zoned R1-5, Low Density Residential One, being a low density residential neighbourhood. There is a drainage channel zoned OSC, Open Space – Conservation to the east of the subject lands.

North and South: single detached dwellings

East: vacant lands zoned OSC, Open Space – Conservation, and containing a drainage channel

West: Poland street, multiple dwelling containing 15 dwelling units, single detached dwellings

The existing zoning & location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the residential uses along Poland Street in this area.

Public Consultation:

The statutory notice of the application was provided by newspaper along with a courtesy mail out to surrounding property owners and tenants within 122 m of the property on September 26, 2022. The statutory notice of the public hearing was provided by newspaper and courtesy mail out on Thursday, January 19, 2023. The owner was advised of the City’s policy recommending that applicants consult with their neighbours, Ward Councillor and key stakeholders to inform area residents on the application prior to the public hearing. At the time of writing this report, the City had received seven (7) phone calls of support for the application. All but one of the calls were from residents of the multiple dwelling at 4 Poland Street, stating that they support and/or need the parking. One call was received from a neighbour that can view the proposed parking lot from their back yard and has no concerns. One letter of concern was received from the abutting neighbour to the north advising that they have contacted By-law Services raising concerns with drainage onto their property from this site and are also concerned that any additional lighting would shine into their windows.

Policy & Regulatory Framework:

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

- [2020 Provincial Policy Statement](#)

- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

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

Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS). Several sections of the PPS are relevant to the application. Policy 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted, and policy 1.1.3.2 requires densities which efficiently use land, resources and infrastructure and avoid the need for their unjustified and/or uneconomical expansion. Development in this manner is intended to minimize impacts to air quality and climate change and promote energy efficiency, while supporting the use of active transportation and public transit. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff is satisfied that the application conforms to the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan.

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

Policy 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- a) the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b) the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c) adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) the impact of traffic on local streets is minimal.

Section 20.7 includes policies pertaining to hazard lands, and states that development may only be permitted if approved by Conservation Sudbury or the Ministry of Natural Resources and Forestry (whomever is the appropriate authority). The subject lands are located in an area where there may be flooding and erosion hazards, specifically Conditional Development Area 'D' in the community of Copper Cliff. Within Area D, the replacement, expansion or alteration of existing buildings and infilling on existing vacant residential lots may be permitted. Development will not be permitted where there is an unacceptable risk to public health or

safety or of property damage.

Zoning By-law 2010-100Z:

The development standards for a parking lot require no parking in the minimum 6.0 m front yard. A planting strip is required to be provided where a non-residential lot abuts a residential lot. A 6.0 m-wide driveway is required to be provided for two-way traffic, with parking spaces 2.75 m x 6.0 m in size, and parking aisles of 6.0 m in width.

Development standards for a single detached dwelling require a minimum front yard of 6.0 m, rear yard of 7.5 m and interior side yard of 1.2 m for a 1-storey dwelling. The maximum lot coverage is 50%.

The general provisions of the zoning by-law require a minimum of 50% of all required front yards to be maintained as landscaped open space.

Site Plan Control:

A site plan control agreement is required to be registered on title prior to the development of a parking lot. The applicant has completed pre-consultation with the City regarding site plan control, which is required prior to the applicant making a formal site plan control application.

The entire City is subject to site plan control, as outlined in the Site Plan Control By-Law 2010-220, excepting certain zoned areas and classes of development. However, there is a common misconception that development proposals can proceed because they have satisfied zoning requirements rather than being appropriately planned and designed in the context of site plan control. This is common for uses that do not require a building permit, such as parking lots. To address this issue, City staff recommend that a site plan control agreement be registered on title prior to a rezoning by-law being passed that would permit a parking lot.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards. Comments have been addressed to the satisfaction of reviewing department and agencies. No concerns or comments were raised by Transit.

Infrastructure Capital Planning (ICP) has concerns about the functionality of the proposed 5.18-meter driveway entrance width and the 5.5 meter wide drive aisle. Based on standard design vehicles, the proposed widths will not be able to freely accommodate two-way traffic and will likely be further reduced during the winter months unless snow removal is completed. For both proposed reduced widths, there appears there is sufficient room to construct the minimum required 6-meter width by making site alterations. ICP also notes that gravel parking surface is being proposed for the parking lot. The owner will be required to pave the driveway entrance starting from the near edge of the pavement on Poland St, to 15-meters easterly, in order to minimize the tracking of gravel onto Poland Street.

Advisory comments are provided as follows:

Development Engineering advises that the site is not currently serviced with municipal water or sanitary sewer, but it is available within the Poland Street road allowance. While service connections are not proposed at this time, all future connections and associated costs to upgrade the services would be borne entirely by the owner. This site will be subject to a Site Plan Control Agreement and detailed comments on the development will be provided at that time.

Building Services advises that parking spot #1 is located within the required front yard, as per City of Greater Sudbury Zoning By-law 2010-100Z, 5.2.4.3 Yards where Parking Areas are Permitted, parking within the front yard is not permitted. With respect to additional considerations related to this development, Building

Services reserves further comment until the time of Site Plan Agreement. A Site Alteration permit may be required for the subject property, and the owner may contact Building Services for further information.

Conservation Sudbury (CS) does not oppose Zoning By-law Amendment 751-6/22-17. The subject property is located within a floodplain regulated by CS. The floodplain elevation at this location is 259.5m above sea level (CGVD28 datum). However, parking lots are an acceptable use within a floodplain. CS will require a section 28 permit for this development. It is preferable to obtain the permit in tandem with the Site Plan Control Agreement review as it may impact final grades. CS will require a section 28 permit as a condition of the site plan control agreement if the permit has not been obtained beforehand. As part of the Section 28 permit review, CS will require additional details of stormwater management and a calculation that demonstrates no net fill will be added to the floodplain.

Strategic and Environmental Planning advises that this application does not pose an elevated risk to species protected by the Endangered Species Act (ESA) or to their habitat. The proposed development is anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are to be adequately mitigated as indicated on the relevant site plans. As such, specific environmental studies are not required beyond those that may have been requested previously. The applicant should note that compliance with the Endangered Species Act is solely the responsibility of the owner/developer.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

Staff recommends that this application is consistent with and conforms to the PPS and Official Plan direction to direct development to fully serviced settlement areas. A parking lot is not an ideal use of a residential lot, however, the proposed zoning bylaw amendment does not restrict the future development of the lot for residential use in accordance with the provisions of the R1-5 zone. In the meantime, the development of a parking lot will supplement the parking available to residents of 4 Poland.

The site is rectangular in shape and is almost large enough in size to accommodate all the required landscaping and drainage features, though reductions in driveway and drive aisle widths have been requested. Roads staff has recommended that the proposed driveway and drive aisle widths will not freely accommodate two-way traffic and will likely be further reduced during the winter with snow accumulation. The applicant has illustrated turning movements on the concept plan showing how space #1 will be entered, how space #9 will be exited, and two-way movement of vehicles. Given the scale of the parking lot and resulting low frequency of two-way traffic, planning staff recommends that the proposed widths are appropriate. Overall, traffic is not expected to be impacted by this proposal.

Adequate landscaping is provided in the front yard, and site photos depict landscaping that has been installed in this area as well as along the easterly property line. The applicant's sketch indicates an enhanced grassed swale along the westerly property boundary to direct drainage of water on the site. The required planting strip along the westerly and easterly property boundaries is proposed to include a cedar hedge.

While the planting strip is proposed to be reduced to 0.97 m where 3.0 m is required along the easterly property line, it will still serve to promote compatibility with the adjacent residential use in light of the scale of the development, and staff would recommend the requested reduction in width is appropriate.

Site lighting is addressed through site plan control. Should the proponent choose to provide additional lighting, a lighting plan will be required as part of the site plan control agreement which demonstrates that lighting levels are controlled such that are minimal off-site impacts (light cannot exceed 1 foot-candle at the property line).

Further to comments from Building Services, zoning relief is recommended to permit parking to encroach into the required front yard. This relief is required to enable flexibility in the development of the site, and while not specifically requested by the applicant, staff recommend that a 1 m encroachment would be sufficient. This approach aligns with the City's approach to permitting parking in a portion of the front yard for ground-oriented residential development.

The Official Plan requires consideration of the potential flooding hazards in this location. Conservation Sudbury has advised that the subject lands are located in a floodplain, and parking lots are an acceptable use within a floodplain. A permit will be required from Conservation Sudbury prior to the development, preferably in tandem with the site plan control agreement process. Conservation Sudbury will require additional information regarding stormwater management and a calculation that demonstrates no net fill will be added to the floodplain. Staff recommend that the proposed use conforms to the Official Plan policies pertaining to flooding hazards.

Staff do not recommend that the zoning provisions should permit the parking lot surface to be gravel as requested by the applicant. Paving will be required to stop gravel from tracking out onto Poland Street, and parking lots in residential areas with more than 6 spaces are required to be paved to prevent dust. The applicant was advised of the paving requirement during pre-consultation for the rezoning and site plan control applications.

Staff recommends that the application be approved subject to entering into a site plan control agreement with the City prior to the adoption of the amending by-law, to ensure that stormwater management, paving and other site design matters are implemented to mitigate the impacts of the development on adjacent properties.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

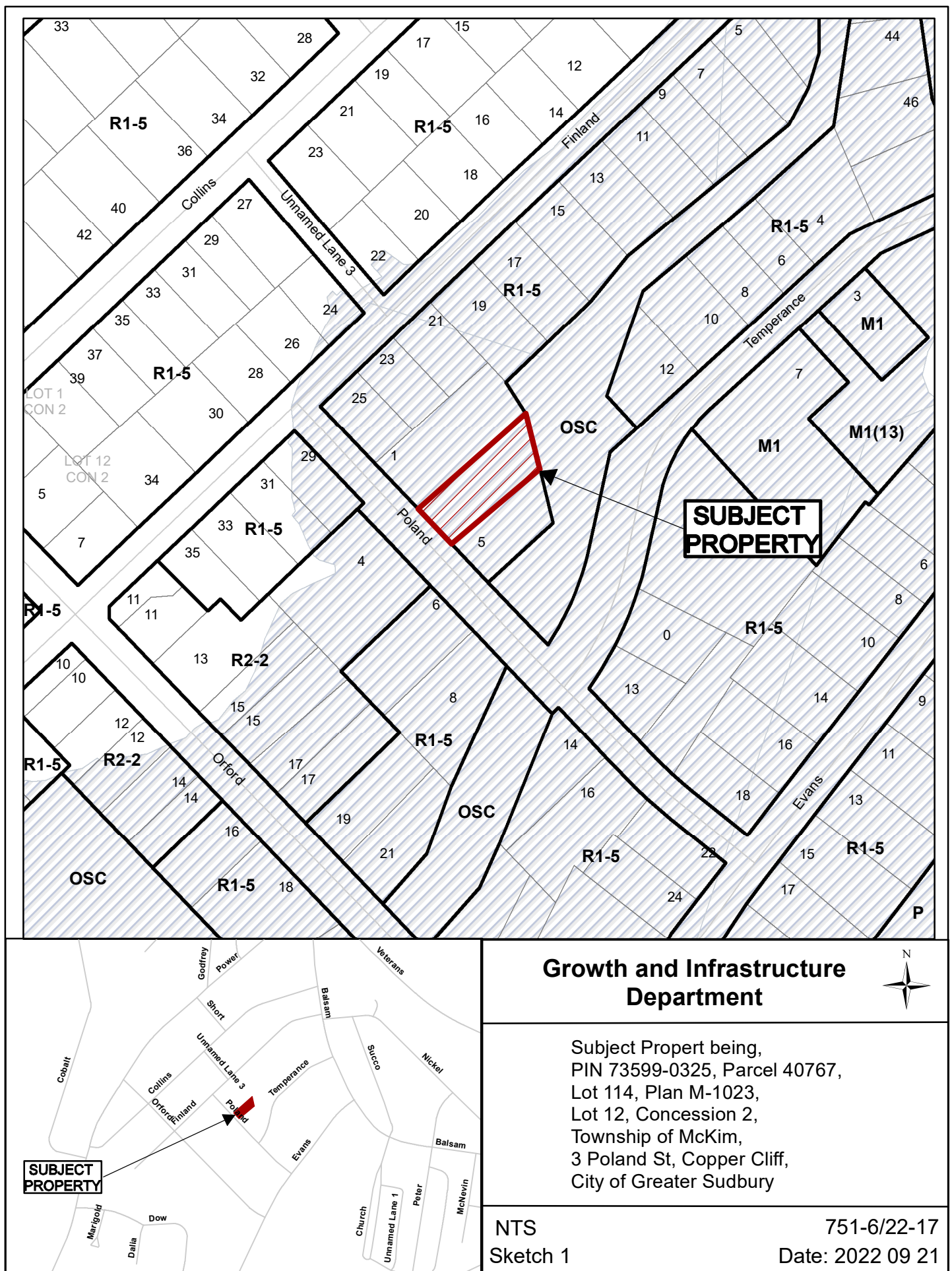
- To rezone the lands from R1-5 to R1-5(S) to permit a parking lot.

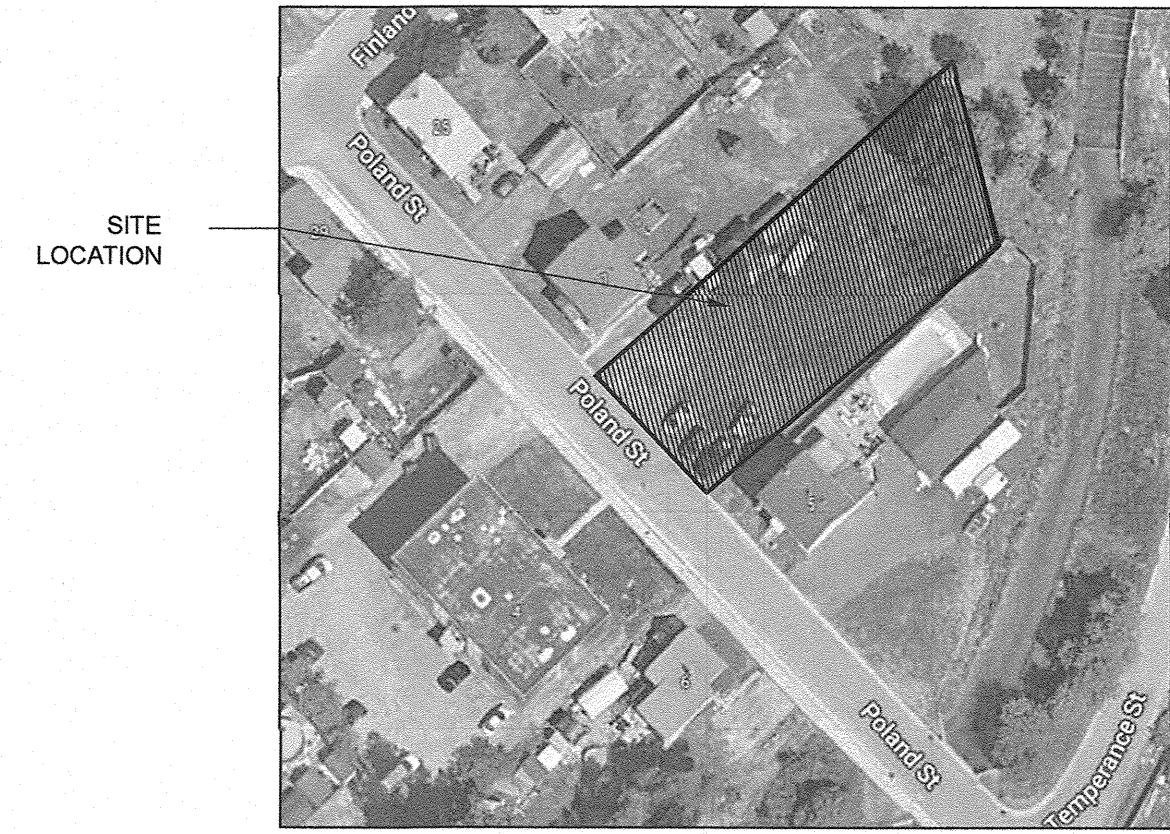
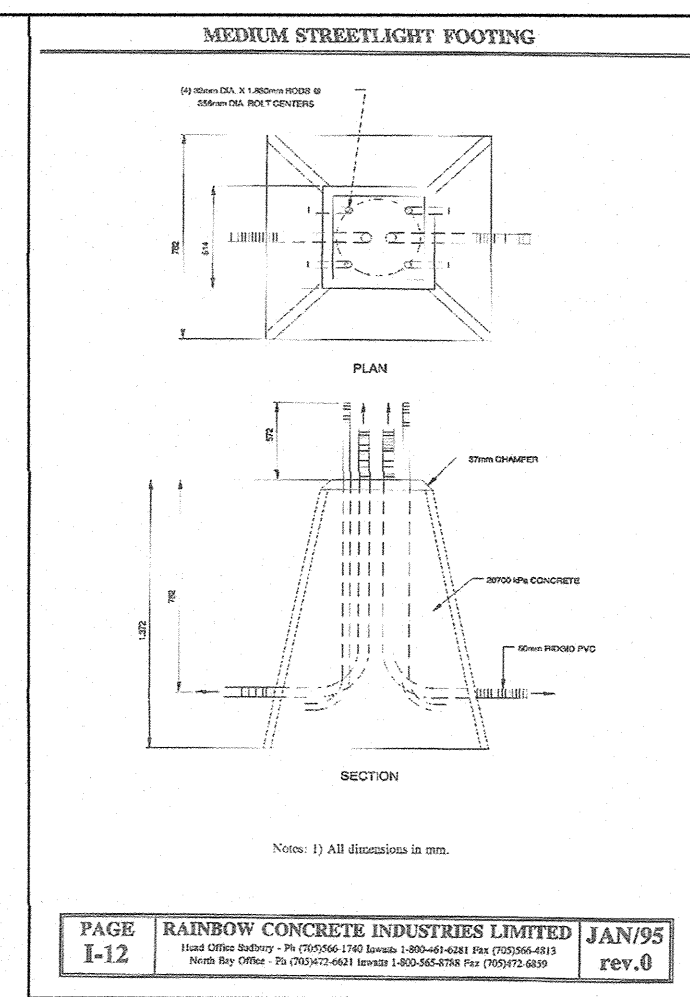
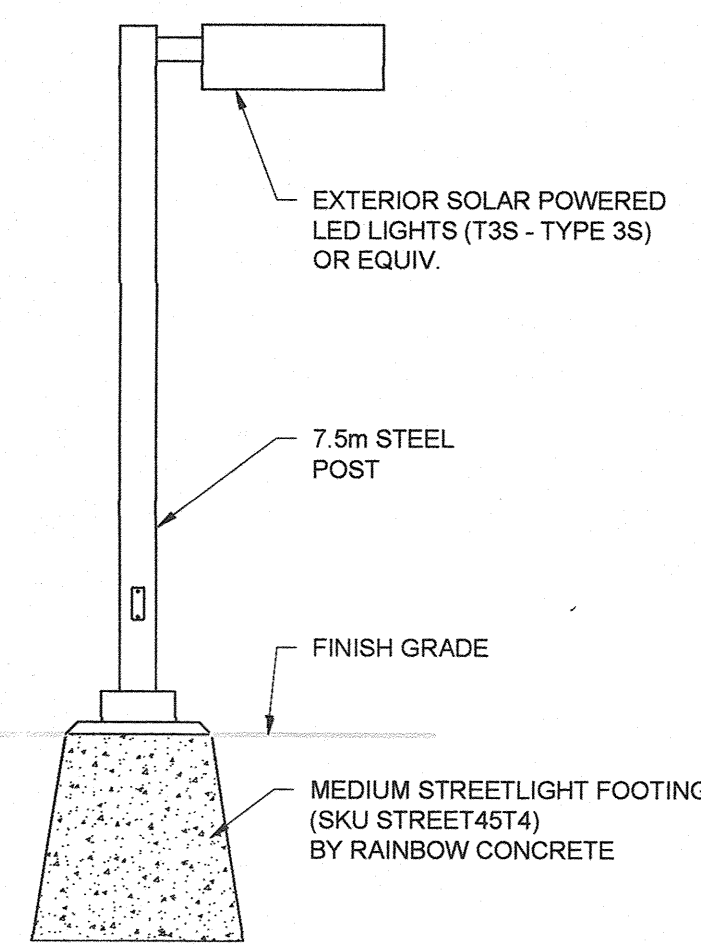
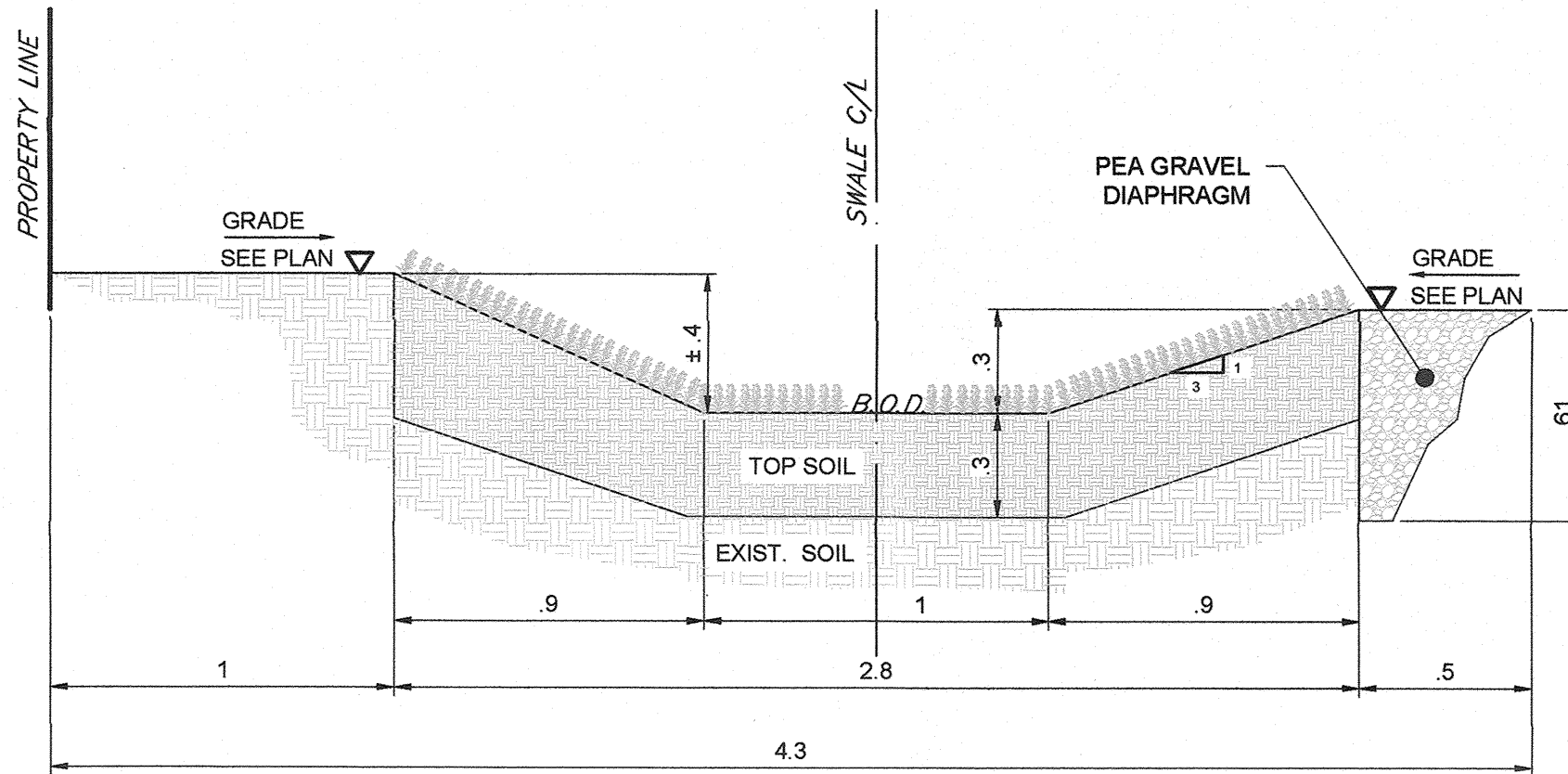
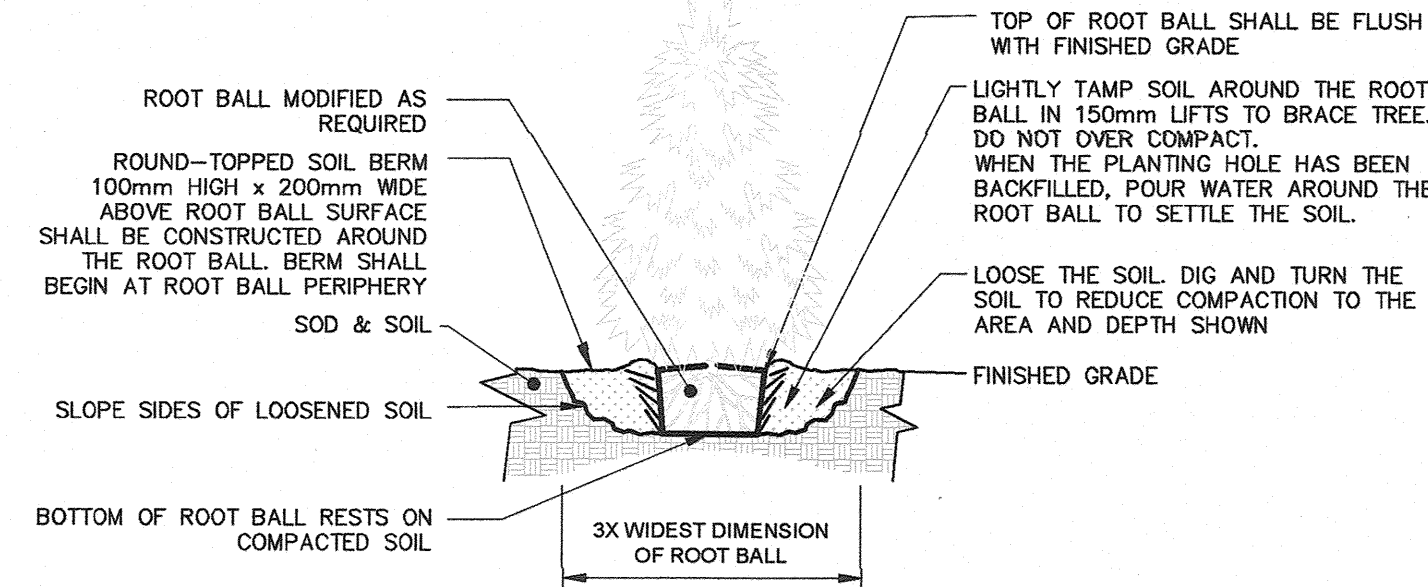
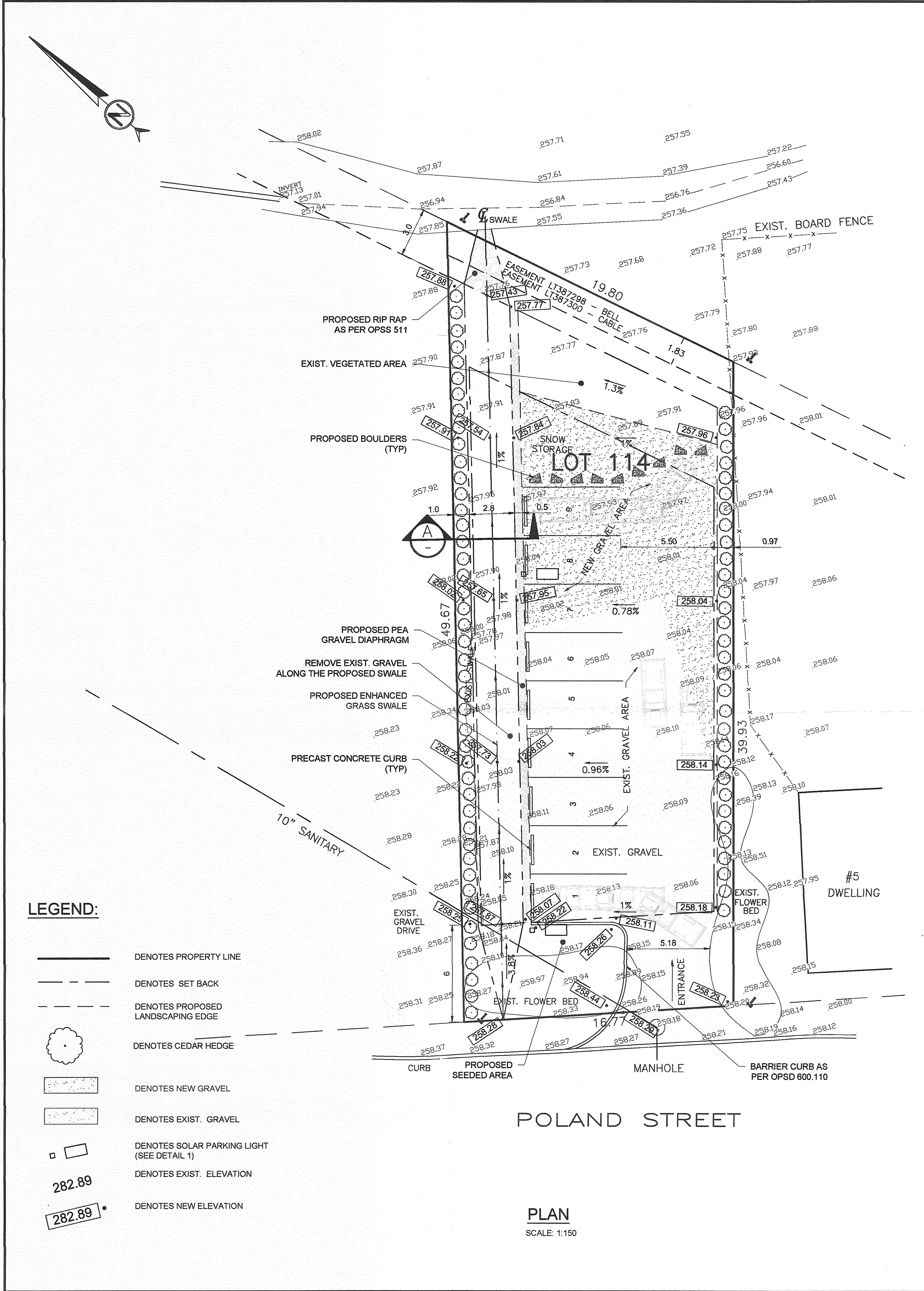
Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed parking lot will supplement the parking available to residents of 4 Poland Street and does not preclude the future development of the lot for residential use.
- The site is suitable for the proposed parking lot.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate landscaping can be provided.
- The impact on local streets will be minimal.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.





PROPERTY DESCRIPTION

MCKIM CON 2 LOT 12 PLAN M1023
LOT 114 PCL-40767
3 POLAND ST., COPPER CLIFF PDM 1N0

	REQUIRED	PROPOSED
ZONE	R1-5	R1-5 (S) - PARKING LOT
LOT AREA	771 sq m	-
LOT FRONTAGE	16.77 m	-
LOT DEPTH	39.93m / 49.66m	-
FRONT YARD	6m	-
REAR YARD	7.5 m	-
INT. SIDE YARD	1.2 m	-
PARKING	-	9 (2.75m x 6m)
LANDSCAPE	1.8m	0.97m
PARKING AISLE	6m	5.5m
DRIVEWAY WIDTH	6m	5.18m
PARKING AREA & DRIVE AISLES	PAVE	GRAVEL

GENERAL NOTES

- ALL CONTRACTORS ARE SOLELY RESPONSIBLE FOR ENSURING THAT ALL WORK CONFORMS TO THE REQUIREMENTS OF THE APPLICABLE CODES, STANDARDS AND SPECIFICATIONS, DRAWINGS AND NOTES. SITE REVIEW BY CONSULTANTS IS FOR THE SOLE PURPOSE OF OBSERVING AND REPORTING ON CONFORMANCE W/ THE DESIGN CONCEPT & CERTIFICATION OF THE WORKS TO THE MUNICIPALITY. RESPONSIBILITY FOR ERRORS & OMISSIONS IN THE CONSTRUCTION AND FOR MEETING ALL REQUIREMENTS REST'S SOLELY W/ THE CONTRACTOR. THE CONTRACTOR OWES A DUTY TO REPORT ALL INCONSISTENCIES IN WRITING BETWEEN THE DESIGN DRAWINGS AND SITE CONDITIONS TO THE CONSULTANTS IMMEDIATELY. THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR THE CONSEQUENCES OF NOT REPORTING SUCH INCONSISTENCIES PRIOR TO CONSTRUCTION.
- IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE THIS FIRM WITH A MARKED UP SITE PLAN SHOWING ALL AS-BUILT INFORMATION, BUILDING LOCATIONS AND SIZES, FINISHED FLOOR ELEV'S, GRADES, SIGN LOCATIONS, SWALES, REFUSE LOCATION ETC. FAILURE TO PROVIDE THIS FIRM WITH REQUIRED AS-BUILT INFORMATION AT THE COMPLETION OF JOB WILL MAKE THIS CONTRACTOR RESPONSIBLE FOR ALL THE COSTS RELATED TO OBTAINING THIS INFORMATION.
- ALL REFUSE SHALL BE STORED IN DESIGNATED AREAS WITH PRIVATE PICK-UP.
- ALL DISTURBED ADJACENT PROPERTIES SHALL BE RESTORED TO ORIGINAL CONDITIONS.
- PROVIDE A MINIMUM SLOPE OF 2% AWAY FROM ALL BUILDING.
- IT IS THE RESPONSIBILITY OF EACH CONTRACTOR WORKING ON THE SITE TO OBTAIN THEIR OWN RELIABLE GEODETIC BENCH MARK TO USE TO SET GRADES, SERVICES, BUILDINGS, ETC.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL UTILITIES AND SERVICES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OFF-SITE DISPOSAL OF ALL UNWANTED MATERIALS. THE CONTRACT ADMINISTRATOR SHALL FIELD DETERMINE MATERIALS SUITABLE FOR RE-USE WITHIN THE PROJECT.
- OPSS SPECIFICATIONS ARE TO BE READ IN CONJUNCTION WITH APPLICABLE GSSS SPECIFICATIONS.
- THE ENGINEER CERTIFICATION SUBMISSION FOR ALL WORK COMPLETED IN THE MUNICIPAL RIGHT OF WAY AND ALL PIPE WORK CONSTRUCTED ON PRIVATE PROPERTY SHALL BE IN CONFORMANCE WITH THE CITY'S CERTIFICATION REQUIREMENTS.
- PRIOR TO COMMENCING ANY WORK WITHIN THE MUNICIPAL RIGHT OF WAY, THE CONTRACTOR OR DEVELOPER OBTAIN ALL NECESSARY ROAD OCCUPANCY PERMIT, AND SERVICE CONNECTION PERMITS FROM THE CITY'S ENGINEERING SERVICES.
- ALL WORK WITHIN THE CITY RIGHT OF WAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH CGS DESIGN STANDARD AND SPECIFICATION, OR THE ONTARIO PROVINCIAL STANDARDS MAY, SUBJECT TO THE APPROVAL OF THE CITY OF CGS, BE USED WHERE NO STANDARD OR SPECIFICATION IS NOTED.
- ALL DISTURBED AREAS WITHIN THE MUNICIPAL RIGHT OF WAY SHALL BE RECTIFIED TO THE ORIGINAL CONDITION OR BETTER AND TO THE SATISFACTION OF THE GENERAL MANAGER OF GROWTH AND INFRASTRUCTURE.
- ENTRANCE TO BE AS PER GSSD 350.010
- LOCATION OF ALL EXISTING DETAIL SHOWN ON THE PLANS IS APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR.
- THIS SITE PLAN WAS DERIVED FROM BORTOLUSSI SURVEYING, ONTARIO LAND SURVEYORS
- ALL SITE PLAN WORK TO BE THE RESPONSIBILITY OF THE OWNER FOR INSTALLATION AND COMPLETION

-THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL INFORM THE ENGINEERS IMMEDIATELY OF ANY DISCREPANCY OR VARIATION FROM THE DRAWINGS.

-THIS DRAWING, AND THE DESIGNS AND INFORMATION IT CONTAINS, IS THE PROPERTY OF THE ENGINEERS AND MAY NOT BE REPRODUCED OR USED OTHERWISE THAN ON THE SPECIFIED PROJECT WITHOUT THEIR WRITTEN PERMISSION.

-DO NOT SCALE DRAWINGS.

SUBMISSION RECORD		
Rev	Description	Date
0	ISSUED FOR REZONING	SEPT. 9, 2022
1		
2		

NOTES	

CDOD ENGINEERING LIMITED
CONSULTING ENGINEERS

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Fax (705) 674-7839
Email info@cdodengineering.com

ROBERT IVEY

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SUDBURY, ON P3G 1M2
TELEPHONE: 705-688-8452
FAX
EMAIL: riveydesign@gmail.com

3 POLAND ST., SUDBURY

SITE PLAN

Print Date:	Sept. 9, 2022
Drawn by:	MO
Checked by:	BA
Scale:	AS NOTED
Job No.:	EQ23042
Drawing No.	Rev.
SP1	0



Photo 1. Subject lands at 3 Poland Street, looking northeast. Photo taken December 2, 2022. CGS file 751-6/22-17.



Photo 2. Subject lands at 3 Poland Street, looking north, and showing adjacent residential use. Photo taken December 2, 2022. CGS file 751-6/22-17.



Photo 3. Residential use at 1 Poland Street, to the north of the subject lands. Photo taken December 2, 2022. CGS file 751-6/22-17.



Photo 4. Residential use at 5 Poland Street, to the south of the subject lands. Photo taken December 2, 2022. CGS file 751-6/22-17.



Photo 5. Multiple dwelling across from the subject lands at 4 Poland Street, and residential use at 6 Poland Street beyond. Photo taken looking south, on December 2, 2022. CGS file 751-6/22-17.



Photo 6. Parking area to the rear of the multiple dwelling across from the subject lands at 4 Poland Street. Photo taken looking south, on December 2, 2022. CGS file 751-6/22-17.

RECEIVED

NOV 02 2022

October 24/2022

PLANNING SERVICES

Re: Alex Singbush
Manager of Development Approvals:

I am writing to voice
my concerns for the
zoning classification of
parcel 407 W7, Lot 114, Plan M-1023
Lot 12, Concession 2.
Township of McKim

This lot is right beside
our property 1 Poland Street.
We had issues last year
when he attempted to
create a parking lot
where we had to contact
by law about water draining
onto our property. He did
correct it a bit but
drain is still always got
water. I also wonder
if he will be getting more
lights as he told us
before that he might
need to. I'm opposed
to more lighting if it
shines into our house
at night with already
the additional car traffic
presently.

Sincerely Calvin + Heather Rees

October 24/22

Calvin Rees - 1 Polank St Copper Cliff
705 207 1736

Re: Decision on amending
Zoning by law
for Pin 73594-0325 Parcel 40767
Lot 114 Plan M-1023 Lot R
Concession 2, Township of McKim

I would like to be
notified of the decision
on this property and
if and when work
will be getting done
as we had issues
last year and had to
contact by law to
recity and is still often
a issue.

Sincerely,
Calvin Rees

Cote Boulevard, Hanmer

Presented To:	Planning Committee
Meeting Date:	February 6, 2023
Type:	Routine Management Reports
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-7/08006

Report Summary

This report provides a recommendation regarding a request to extend the draft plan approval for the Nature's Haven II subdivision in Hanmer.

This report is prepared by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as Part of PIN 73508-1102, Part of Parcel 698 S.E.S., in Lot 12, Concession 3, Township of Capreol, City of Greater Sudbury, File 780-7/08006, as outlined in the report entitled "Cote Boulevard, Hanmer", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 6, 2023 as follows:

- a) By deleting Condition #10 and replacing it with the following:

"That this draft approval shall lapse on September 30, 2025."

- b) By deleting the following paragraph from Condition #35:

"The underground storm sewer system within future right-of-way classified as collector, within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 10 year design storm."

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The request to extend the approval for a draft plan of subdivision is an operational matter under the *Planning Act* to which the City is responding. The proposal is consistent with the goals and objectives of the Strategic Plan by increasing the supply of new housing in a fully serviced area that is designated to accommodate future residential development.

The proposed subdivision is located within the settlement boundary of Hanmer and will round out and complete an existing neighbourhood plan, including Nature's Haven I that abuts to the east. The proposal is contiguous with an existing built-up area and aligns with the phasing policies of the Official Plan and the 2020 Provincial Policy Statement. The application is therefore deemed to be consistent with the goal to create compact, complete communities under the Community Energy & Emissions Plan.

Financial Implications

If approved, staff estimates approximately \$438,000 in taxation revenue, based on the assumption of 85 single family dwelling units based on an estimated assessed value of \$400,000 per dwelling unit at the 2022 property tax rates.

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this would result in total development charges of approximately \$1.9 million based on assumption of the 85 single family detached dwelling units and based on the rates in effect as of the date of this report.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

Report Overview

The owner of the subject lands has requested a three-year extension of the draft plan approval for subdivision File 780-7/08006 (DIN Global Investments Inc.). The draft plan comprises 85 lots for single residential use on the north side of Cote Boulevard in Hanmer. If approved, the new lapsing date will be September 30, 2025. The original draft approval date is September 30, 2008.

No major amendments to the design of the subdivision are proposed at this time. The owner is currently working towards registration of Phase 1. Staff recommend a three-year extension as requested.

Staff Report

Background:

The owner of the above noted property has requested a three-year draft approval extension for the proposed Nature's Haven II subdivision on the north side of Cote Boulevard in Hanmer. If approved, the new lapsing date will be September 30, 2025. The original draft approval date is September 30, 2008.

The plan is comprised of 85 lots for single residential use. The lands were rezoned in final form in February 2013. Draft plan approval was previously extended in 2011, 2014, 2017 and 2020. No phases have been registered to date.

No major amendments to the draft plan are proposed by the owner at this time. Draft plan conditions dated August 2022 are attached for review.

Departmental & Agency Comments:

Development Engineering

This subdivision was originally draft approved in September 2008. Since that time, the applicant has pursued development of the first phase of the subdivision. In August of 2022 they received approval of the subdivision design and pipework. They are currently obtaining approval of their stormwater management facility through the Ministry of Environment Conservation and Parks. Once that is obtained, they may proceed to construction of the first phase of the subdivision.

All conditions are present and in their proper form. We have no objection to the three-year extension.

Transportation and Innovation Support

No concerns.

Drainage Section

Original condition number 35, paragraph 2 reading:

The underground storm sewer system within future right-of-way classified as collector, within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 10 year design storm.

Water/Wastewater Services

There does not appear to be any activities that would be considered a significant drinking water threat at this time. The applicant may be subject to a Section 59 Restricted Land Use Review for future planning/building applications for construction that occurs within the WHPA C of Wells E, F, Q, R.

Building Services

No concerns.

Summary:

Proposed amendments

The owner is not proposing any major amendments to the draft plan at this time. Beyond the requested three-year extension, only one minor revision to Condition #35 is required.

Official Plan

Section 20.4.2 of the Official Plan outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications. Staff notes that this particular draft plan approval was originally approved by Council on September 30, 2008.

The subject lands were acquired by the current owner in 2019. The new owner is working towards registration of the first phase of development as per the comments from Development Engineering. Staff have also reviewed the preliminary 53M plan, which was submitted in December 2022.

2020 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Section 2.2.1 addresses water resources. Planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas.

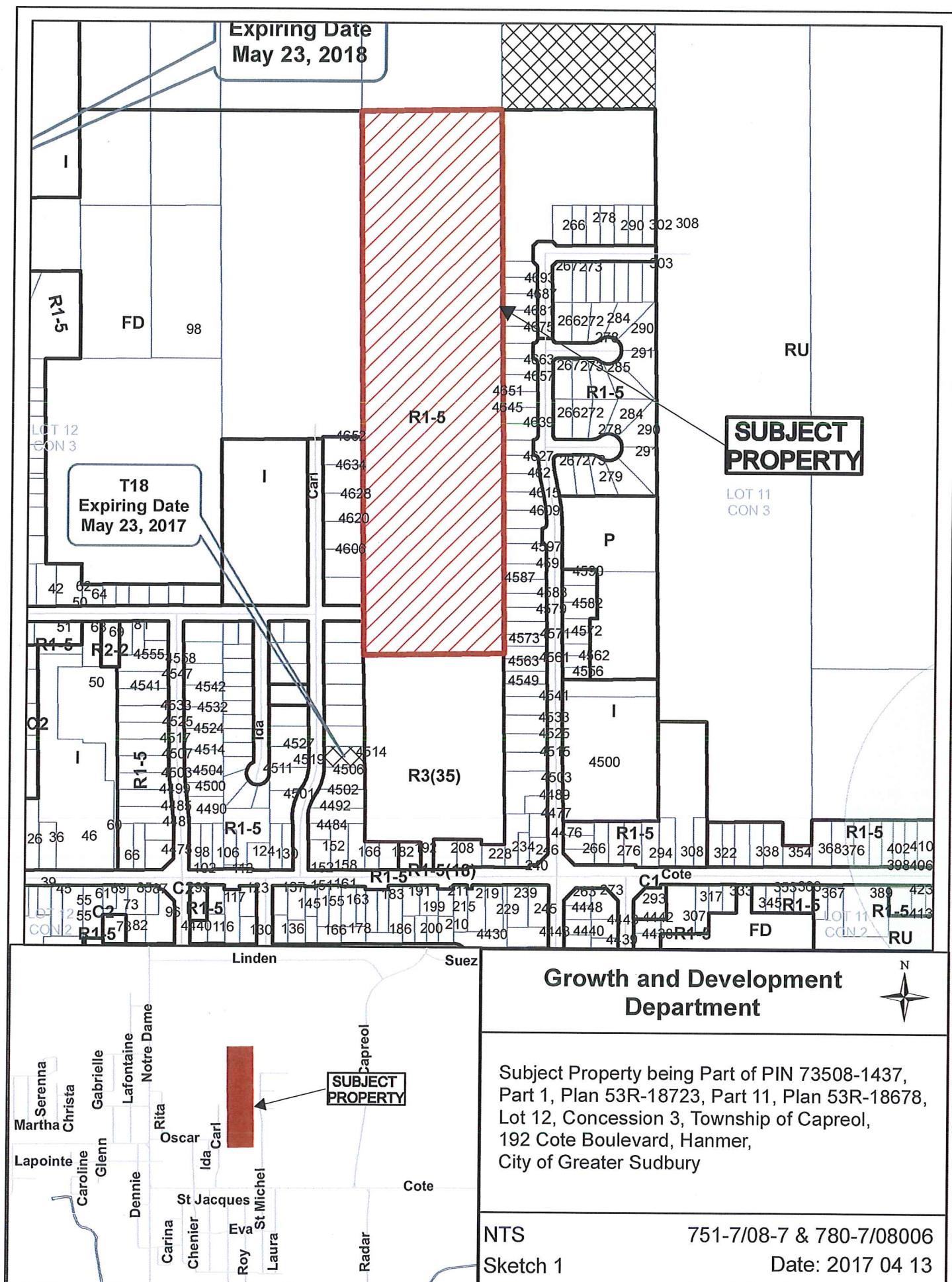
In this case, the subject lands are designated Living Area 1 and form part of a designated growth area. The draft plan represents a logical extension of services to accommodate future residential development and is consistent with the phasing policies of the PPS. The proposed subdivision is fully integrated with existing development to the east and west. Concerning the Source Protection Plan, the development will be fully serviced and does not represent a threat to the municipal wellhead protection areas.

Along with other major urban centres in Northern Ontario, Greater Sudbury is identified as an Economic and Service Hub. Policy 4.3.2 of the GPNO states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario.

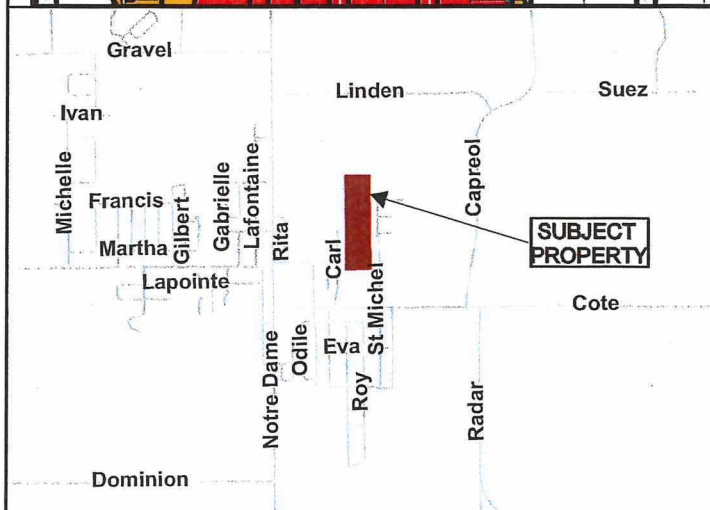
The application is consistent with the relevant policies of the 2020 PPS and conforms to the 2011 GPNO.

Conclusion:

Planning Services recommends that a 3-year extension of the draft plan of subdivision be granted subject to the conditions outlined in the Resolution section of this report.



Source Protection Plan Map



Growth and Development Department

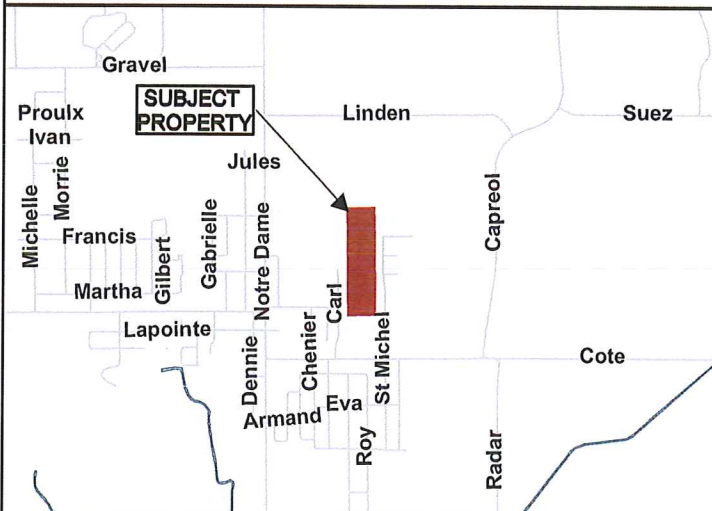
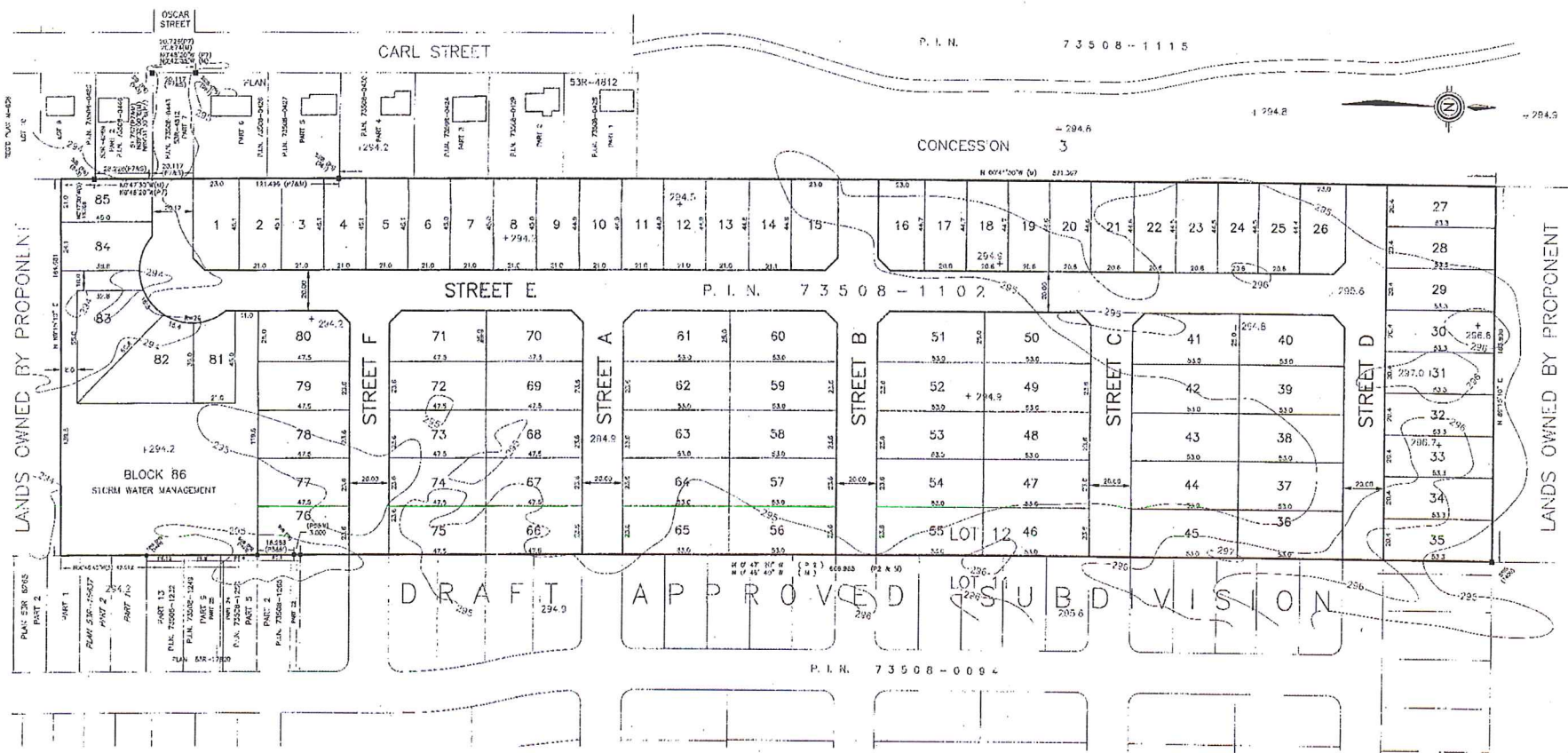


Subject Property being Part of PIN 73508-1437, Part 1, Plan 53R-18723, Part 11, Plan 53R-18678, Lot 12, Concession 3, Township of Capreol, 192 Cote Boulevard, Hanmer, City of Greater Sudbury

SPP: Well Head Protection Area - Vulnerability 8

Sketch 1
NTS

751-7/08-7 & 780-7/08006
Date: 2013-01-13



Subject Property being Part of
 PIN 73508-1437, Part 1,
 Plan 53R-18723, Part 11,
 Plan 53R-18678,
 Lot 12, Concession 3,
 Township of Capreol,
 192 Cote Boulevard, Hanmer,
 City of Greater Sudbury

Growth and Development Department



NTS
 Sketch 1

751-7/08-7 & 780-7/08006

Date: 2017 04 13

CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:

1. That this draft approval applies to the draft plan of subdivision of Part of PIN 73508-1102, Part of Parcel 698 S.E.S., in Lot 12, Concession 3, Township of Capreol as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., and dated April 25, 2008.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
8. That the owner will be required to enter into a written agreement to satisfy all requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, streetlighting, sanitary sewers, storm sewers, stormwater management facilities, watermains and surface drainage.
9. Draft Approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Planning Services Division is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exists to service the development.
10. That this draft approval shall lapse on March 30, 2023.

11. That the owner be required to undertake a Traffic Impact Study to identify any road improvements that may be required as a result of the development to the satisfaction of the General Manager of Growth and Infrastructure. The owner will be responsible to participate in the cost of any improvements identified in the Traffic Impact Study.
12. Deleted.
13. That Street E will require a sidewalk to be constructed on both sides of the roadway as it will be designated a Collector Road.
14. That traffic calming measures be included at the intersection of Street F and Street E.
15. That a sidewalk be constructed on one (1) side of each street.
16. That 5% of the land included in the plan of subdivision be dedicated to the City for parks purposes to the satisfaction of the City Solicitor in accordance with Section 51.1 (1) of the Planning Act.
17. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
18. That prior to any pre-servicing of the subdivision, the Director of Planning Services shall be advised by the City's Water/Wastewater Division that a sufficient supply of potable water is available for the proposed development.
19. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermain, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. The geotechnical engineer will be required to address On-site and Excess Soil Management when O. Reg. 406/19 comes into force. A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and the City Solicitor. The owner shall be responsible for the legal costs

of preparing and registering the agreement.

20. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, sideyards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.
21. Deleted.
22. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
23. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, sidewalks, walkways, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
24. The owner agrees to provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
25. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority.
26. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
27. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
28. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated in to the plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.

29. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas and Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
30. The owner shall provide proof of sufficient fire flow and maximum day pressures in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
31. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.
32. That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that conditions 3, 5, 6, 7, 8, and 16 have been complied with to his satisfaction.
33. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
 - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
34. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.
35. A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City. The report must address the following requirements:
 - The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 5 year design storm. The permissible minor storm discharge from the subject development must be limited to the existing

pre-development site runoff resulting from a 5 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision.

- The underground storm sewer system within future right-of-way classified as collector, within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 10 year design storm.
- The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100 year design storm or Regional storm event, whichever is greater.
- "Enhanced" level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks.
- Stormwater management must follow the recommendations of the Whitson River Subwatershed Study.
- The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan.
- The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure.
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

The owner shall be responsible for the design and construction of any required stormwater management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development.

36. That Streets F, A, B, C and D must connect to St. Michel Street as part of the development.
37. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.
38. That prior to the signing of the final plan, the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.



Part of Old Wanup Road, Wanup – Apply to be Registered Owner, Road Closure and Declaration of Surplus Land

Presented To:	Planning Committee
Meeting Date:	February 6, 2023
Type:	Routine Management Reports
Prepared by:	Tanya Rossmann-Gibson Real Estate
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

Report Summary

This report provides a recommendation for the City to apply to be registered as owner, to close and declare surplus part of the abandoned portion of the unopened road known as Old Wanup Road in Wanup.

Resolution

THAT the City of Greater Sudbury apply to the Land Registry Office to be recorded as owner, close by by-law, and declares surplus to the City's needs the abandoned portion of the unopened road known as Old Wanup Road, Wanup, legally described as part of PIN 73470-0319(LT) being Parts 1 and 2 on Plan 53R-21681, part of Lot 5, Concession 3, Township of Dill, City of Greater Sudbury;

AND THAT the unopened road allowance be offered for sale to the abutting property owner to the west, pursuant to the procedures governing the sale of limited marketability surplus land in accordance with Property By-law 2008-174, as outlined in the report entitled "Part of Old Wanup Road, Wanup – Apply to be Registered Owner, Road Closure and Declaration of Surplus Land", from the General Manager of Corporate Services, presented at the Planning Committee meeting on February 6, 2023.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report refers to operational matters.

Financial Implications

There are no financial implications associated with this report.

Background

The subject unopened road allowance is irregular in shape, measures 10 meters by an average depth of 550 metres in size and is zoned RU - Rural. The location of the subject is identified on the attached Schedule 'A'.

The Ministry of Transportation (MTO), has received a letter from the law firm of Scarfone Hawkins, representing the owners of 943 Old Wanup Road, and the owners title insurer, FCT Insurance Company. The letter advised MTO of several encroachments and access issues over a portion of abandoned Old Wanup Road.

The records of the Land Titles Office shows that the land occupied by abandoned Old Wanup Road is located within a PIN owned by the MTO. However, as a result of the *Municipal Act, 2001*, the municipality has jurisdiction over and ownership of all roads within its jurisdictional limits. There are some City roads that are not registered in the City's name at the Land Registry Office, but to which title has vested with the City pursuant to the *Municipal Act, 2001*. These paper title issues are addressed from time to time as matters arise.

There is no legal process in place by which the City can 'release' its unregistered interest in the land or convey its unregistered interest to the owners of 943 Old Wanup Road.

In order to convey the abandoned road lands to the abutting owners to resolve their title issues, the City has to be shown as a registered owner of the land in the records of the Land Registry Office. This can be accomplished by the City making an application to the Land Registry Office to be recorded as the registered owner. If the application is successful, the City can then sell the land to the owners of 943 Old Wanup Road, to resolve their title issues. MTO supports the proposed scheme.

The City's roads staff has advised that the City has no interest or claim to the unopened road allowance, it is proposed that immediately after the City becomes the registered owner of the road allowance, the City would register a road closing by-law and offer the lands to the owners of 943 Old Wanup Road, in order to resolve the encroachment and access issues.

Recommendation

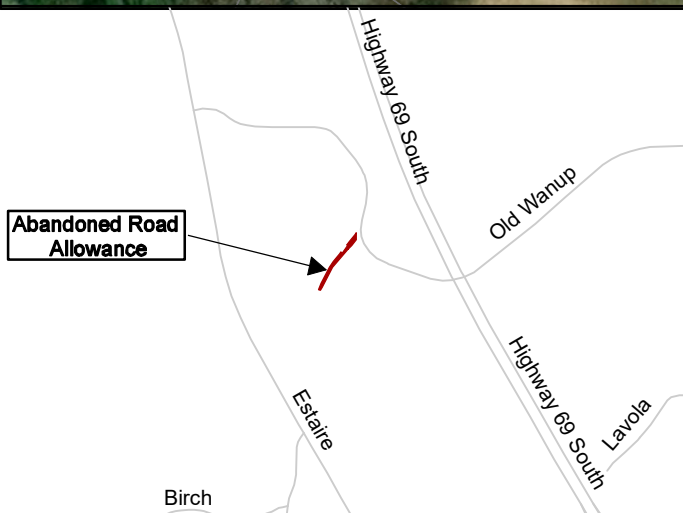
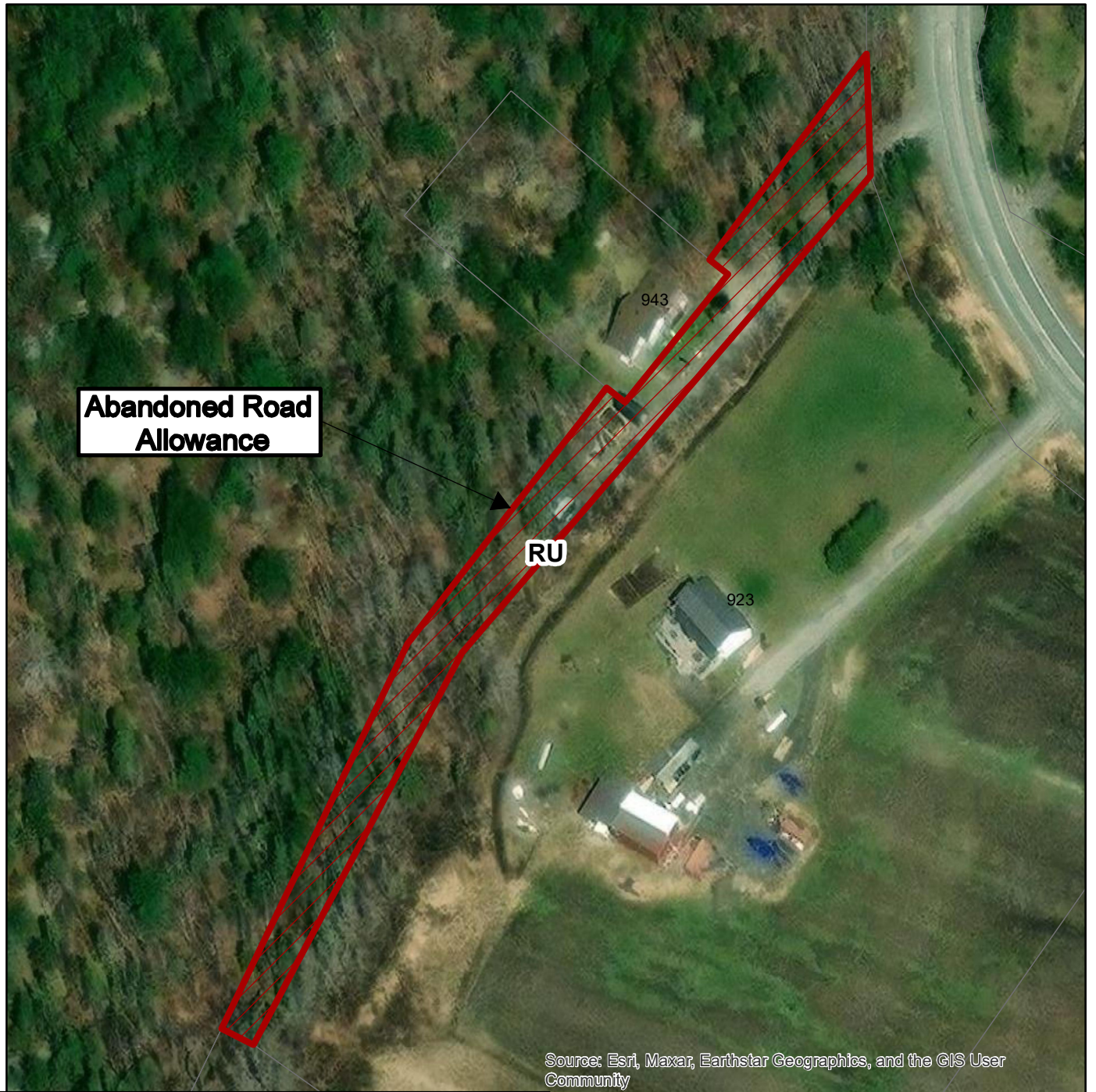
It is recommended that staff apply to the Land Registry Office to be recorded as owner of the abandoned portion of the road know as Old Wanup Road, and that it be closed by by-law, declared surplus to the City's needs and offered for sale to the abutting property owner to the west.

If approved, a further report will follow with respect to the sale transaction.

Resources Cited

1. Property By-law 2008-174
<https://www.greatersudbury.ca/do-business/available-lands-and-buildings/general-procedures/bylaw-2008-174/>

SCHEDULE 'A'



Old Wanup Road, Wanup



Part 1 and 2, Plan 53R-21681,
City of Greater Sudbury

NTS

Date: 2022-06-12