

January 19, 2021

MEMORANDUM

To: Wendy Kaufman, MCIP, RPP, Senior Planner, City of Greater Sudbury

From: Eric Taylor, RPP

RE: Rezoning Application Cliff and Lily Fielding Charitable Foundation PINs 73476-0513 and 73476-0810 in Lot 5, Concession 3 and PINs 73477-0274 and 73477-0285, in Lot 4, Concession 3 and PINS 73471-0015, 73471-0016 in Lot 3, Concession 2, Broder Township, City of Greater Sudbury

On June 18, 2020, an application for pre-consultation was submitted to the City of Greater Sudbury to rezone the above-noted lands from a combination of RU, Rural, R1-2 Low Density Residential One and "SLS", Seasonal Limited Service zones to an OSP(S) Open Space Private (Special) zone to permit a private park use, (Kivi Park). The application was considered at a meeting of the Sudbury Planning Application Review Team, (SPART), held on July 8, 2020 and a pre-consultation meeting with Planning Services staff and the applicant was held on July 23, 2020.

This memorandum is being provided to the City, to respond to the information that was requested by Planning Services during the pre-consultation process.

Accompanying this memorandum is a document entitled "Overview of Kivi Park", dated December 2020, which sets out the history, facilities, programming, events and governance related to the park.

Location

The lands owned by the Cliff and Lily Fielding Charitable Foundation encompass approximately 162 ha (400 acres) in the south end of the City of Greater Sudbury generally located to the south of Long Lake and McFarlane Lake Roads and east and west of Raft Lake Road. The lands abut a mix of private and Crown owned lands. A City owned park is located immediately abutting the northwesterly portion of the property next to Long Lake Road. Most of the lands comprising Kivi Park are contiguous with the exception of a parcel located to the north side of Crowley Lake, which is separated from the balance of the Kivi Park lands by Crown Land.

Kivi Park Use

Kivi Park is a privately owned and operated multi-use sports and outdoor park which came into existence and operates as a result of the generous donation of the Fielding family and the Cliff and Lily Fielding Charitable Foundation, (The Foundation). The lands comprising Kivi Park were acquired approximately over the past five years along with the creation of over 35 kilometres of cross-country skiing, hiking, biking and snow shoeing trails, an ice-skating path, and the construction of several parking areas. The property has hosted several sporting competitions and fund-raising events. Three office trailers and other structures (including shipping containers) for storage are located on the property.

The park includes approximately 56 km of trails for snowshoeing, classic and skate cross-country skiing, fat biking, mountain biking, hiking, and walking along with a winter skating path (Nina's Way), warming facilities, change area, fireplaces, and storage facilities. The City-owned lands also includes a playground structure with a mega tower and gravity rail, being the first of its kind in Northern Ontario.

The lands at Crowley Lake offer kayaking, canoeing and paddle board rentals. Currently, Crowley Lake can be accessed by car or bike via Raft Lake Road. With private road access to this scenic lake, it provides access for swimming, day camping, portaging, and other summertime land and water adventures.

Kivi Park can be accessed twenty-four hours a day, seven days a week, however the trails are not lit, with the exception of the skating path, and signage on the parking lots on Raft Lake Road discourage use after dusk. Access to the Crowley Lake Outpost is restricted by a gate which is locked outside of the hours when it is open from 10 am to 4 pm on Saturday and Sunday. It is noted that hours of operation are subject to change and weather dependent subject to closures during storms and threats of lightning.

Kivi Park is accessible for all ages and abilities. Special considerations have been included throughout the park to ensure features are wheelchair accessible including access to the main office, washrooms and extra wide crusher dust trails.

The lands subject to the rezoning application about City-owned lands adjacent to Long Lake Road which provide parking and access to an ice rink, basketball courts, baseball diamond, field house and multi-use sports field. These amenities are owned by the City of Greater Sudbury and run by the Kivi Park Neighbourhood Association made of up local volunteers.

There are typically three people working at the park with up to five during trail grooming operations.

Agreement with the City

The City and the Foundation entered into an agreement dated December 19, 2016 allowing for the construction of temporary buildings for the storage of equipment and machinery related to the grooming of trails and warming facilities and the placement of portable washrooms on a portion of the City owned lands. The agreement provided that the Foundation is responsible for obtaining the required permits and for the cost of construction of all improvements. The agreement also provides for the use of the City owned parking lot, by Kivi park users and employees. The agreement expired at the end of 2017 and was replaced by a similar agreement dated January 2, 2018, which expires at the end of 2020. The Foundation and the City are in the process of negotiating a new agreement to cover a time period beyond the end of 2020.

Buildings and Structures

City owned lands – subject to the occupation agreement

In February 2017 a building permit was issued by the City for the 2 trailers and related access ramp and for the storage structure in which the trail groomer is stored. A third trailer is located abutting the two office trailers, which is used as a rental office by Adventure365 which provides rentals for bikes, cross country skis and snowshoes.

Three washrooms with holding tanks are located to the south of the trailers.

A gazebo is located to the east of the main parking area which dates from when Long Lake School occupied the property.

The Foundation lands - Long Lake Road

Just to the east of the City-owned lands are two warming huts located near the skating path and fire pit.

Further to the east are three structures formerly used as a dwelling and accessory garage and storage shed. These buildings are planned to be demolished. Four shipping containers and three small storage sheds, (each 7.5 m²) are also located on these lands. It is planned that the three storage sheds and shipping containers will remain on this area of the park, to continue to be used for storage purposes. Two above ground fuel storage tanks are also located on this portion of the property, just to the south of the storage sheds. The owner plans to construct a new maintenance building with an area of approximately 300 m² on this portion of Kivi Park, which would include a washroom for the use of park maintenance staff. The new maintenance building would allow for the storage of materials and equipment including the zamboni indoors.

There are also two playgrounds with play structures located on the Foundation lands just to the south of the City-owned lands. Two washrooms are located along the multi-use trails on the Foundation lands.

Foundation Lands - Crowley Lake

Two small former camp structures are located on the Crowley Lake lands. The camp structures can be accessed by park users for shelter however, no sleeping or overnight accommodation is permitted. Five shipping containers are located on these lands which are only accessible by park staff for the storage of canoes and kayaks. The shipping containers are intended to remain in their current use and location. Two washrooms with holding tanks are also located on these lands.

Parking

Parking for Kivi Park is provided through a combination of the main parking lot located on the City-owned lands and six parking lots located on the Foundation Lands adjacent to Raft Lake Road and a parking area at the Crowley Lake property. All of the parking lots are gravel surfaced. The City-owned parking lot is subject to the agreement with the City permitting park users to park their vehicles in the lot. The City-owned parking lot accommodates approximately 90 parking spaces. The six parking lots along Raft Lake Road accommodate approximately 99 parking spaces. It is noted that at one time seven parking lots were located along Raft Lake Road, however access to parking lot number 4 was blocked by the owner subsequent to being advised that the City had visibility concerns with its access location.

The number of parking spaces in each lot has been estimated based on a parking space size of 3m by 6m and minimum aisle widths of 6m. The estimates have also taken into account that the parking lots are gravel surfaced and as such the efficiency in maximizing the number of parking spaces in each is not as optimal as would be possible in paved parking lots with markings. It is also noted that the configuration of the parking lots in some cases result aisle widths greater than 6m. As such, the estimates below are considered to be conservative and reflective of what can reasonably be achieved in each lot.

The highest used parking lot is the parking lot located on the City-owned lands as it is adjacent to the park office and rental facilities, playgrounds and skating path. For all but the largest sporting events, the existing parking lots have proven over the past few years of the parks operation to be more than adequate for accommodating parking demands.

Parking Lots	Number of Spaces
Off-Site City owned lands	90
Raft Lake Road	
1	18
2	52
3	4
5	6
6	3
7	16
Crowley Lake	10*
Crowley Lake	5
TOTAL	204

1. Parking Lot 4 on Raft Lake Road no longer used.
2. Parking lots are as shown on plans prepared by Tulloch submitted to the City with the application for rezoning. Crowley Lake parking lot with 10 spaces adjacent to trail system on lands zoned Rural not delineated on Tulloch plan.

The largest sporting event that Kivi Park has hosted was the 2019 Ontario Federation of Secondary School Athletic Association, (OFSAA), cross-country running championships, which saw 1800 athletes from 300 high schools from across the province compete at the facility along with coaches, volunteers and spectators. To assist in reducing the number of vehicles at the park, shuttle services were provided by Greater Sudbury Transit (GOVA) from the Bell park, parking lots on Paris Street. A communication plan was enacted to encourage participants and spectators to access the site using the shuttle service.

For similar events in the future, that would exceed the park's ability to accommodate on-site parking, Kivi Park would seek to make arrangements with the City or other parties for use of their parking lots with a shuttle service being provided. Park volunteers could also assist as parking attendants to ensure that on-site parking is maximized in the gravel surfaced lots.

The parking lots adjacent to Raft Lake Road are not as heavily used as the main parking lot on Long Lake Road. It is noted that parking lots 5 and 6 which are located just beyond the public section of Raft Lake Road at the top of the ridge, tend to be especially well used, as they provide a convenient terminus for hikers seeking to take advantage of the nearby views which the trails in this area provide.

No heavy truck traffic is generated as part of the typical day to day operations of the park. Some limited heavy truck traffic for the delivery of construction materials is expected for a short period time during the construction of the maintenance building.

Lighting

Lighting on the site is limited with none of the parking lots lit. Motion sensor lights are located at the rear of the trailers and on the structure to the east of the trailers in which the snow groomer is stored. The 1.3 km long Nina's Way Ice Path has LED lights for evening skating with the lighting turned off at 9 pm.

The closest residential properties to the skating path are located over 50 m to the north on the north side of Long Lake Road with approximately 30 m of forested area between the path and Long Lake Road. There does not appear to be any off-site lighting impacts associated with the skating path.

The maintenance/operations yard is not currently lit. The owner does plan to install two motion sensor lights in this area. As part of the site plan process for the new maintenance building, lighting options will be reviewed in this area with the City to ensure that there are no off-site impacts.

Servicing

The main site is serviced by three washroom privies with holding tanks located on the City-owned lands, adjacent to the office and rental trailers. Another washroom with a holding tank is located on the trail system on Foundation lands. Two washrooms with holding tanks are also located on the Crowley Lake lands.

A well is located on the portion of the Foundation lands which serviced the former dwelling at 4376 Long Lake Road. The owner anticipates using this well to provide potable water to the new maintenance building for parks operations staff. An existing septic system is located to the east of the former dwelling which if possible, would also service the future maintenance building. Should it be determined that a new septic system needs to be installed, the required approvals will need to be obtained from Public Health Sudbury and District.

Requested Zoning

All of the subject lands are currently zoned "RU" Rural with the exception of 0.5 ha zoned "R1-2" Low Density Residential Two and 0.88 ha adjacent to Crowley Lake zoned "SLS" Seasonal Limited Service. The owner is requesting that all of the lands be placed in an "OSP" Open Space Private Zone with the following special provisions:

That the permitted use be for a privately owned park permitting passive and active recreational uses and associated accessory uses and structures including but not limited to those for maintenance and servicing, the provision of food and the rental and storage of sports related equipment and boats for park users and parking areas.

Shipping Containers

There are currently a total of nine shipping containers located on the Foundation lands, with five of the containers located on the Crowley Lake lands and four located just south of Long Lake Road. The owner would like to retain all of the existing shipping containers on site in their current location. The four containers located south of Long Lake Road are located in the maintenance/operations yard area for the park and are well screened and are not visible to the travelling public along Long Lake Road and are also not visible from Edward Drive or the residents to the east. It is noted that at one time, six shipping containers had been located on this portion of the property, but two containers have since been removed by the owner.

The five shipping containers located on the Crowley Lake property are set back approximately 43 m from the Lake and are well removed from any nearby residents and are screened from views from the lake and nearby Crown-lands by the existing vegetation.

An exception is requested to permit a maximum of four shipping containers on the lands comprising PIN 73476-0513 and two shipping containers on lands comprising PIN 73471-0015 and three shipping containers on lands comprising PIN 73471-0016.

Front yard setback – Long Lake Road

The shipping container at its closest to the front lot line adjacent to Long Lake Road is setback approximately 3.3 m whereas the Zoning By-law requires a setback of 10 m. It is noted that as a result of the curve in Long Lake Road and the configuration of the road allowance, there is a distance of approximately 32 m from the property to the travelled portion of Long Lake Road which is heavily vegetated with the exception of a walking trail. In addition to the treed area on the boulevard, mature evergreens are located on the Foundation lands within the approximate 3 m immediately adjacent to the front lot line. In consideration of the unique circumstances of the significant setback to the travelled portion of the road and screening provided by the vegetation, a 3 m setback to the shipping containers is considered appropriate in this case and is requested to be included as an exception to the By-law.

Building Separation

The existing shipping containers are located at distances between them which are less than the required 3 m building separation with the smallest distance between the containers being 0.5 m. As a result, the owner is requesting an exception to permit a minimum distance separation of 0.5 m between adjacent shipping containers.

The two warming huts located on PIN 73476-0810, next to Nina's Way skating path are also located less than 3 m from each other at 1.52 m. An exception to permit a minimum distance separation of 1.5 m between these existing structures is requested.

The two washrooms located on PIN 73471-0015 (Crowley Lake property), are located immediately adjacent to each other and as such a minimum distance separation of 0 m is requested for these existing structures.

Side Yard Setback

A fire pit and a small unenclosed structure used for storing firewood are located on PIN 73476-0810. These structures are located at approximately 4.8 m and 0 m from the side yard with the City-owned lands to the west, both being less than the required 10 m setback. An exception is requested to permit these structures at 4 m and 0 m setback from the interior side yard.

Landscape Strips

The dwellings located on the east side of Edward Street are the closest to the maintenance/operations area of the park. The three small storage sheds located to the south of the shipping containers are setback approximately 40 m from Edward Street. The intervening area is forested with the exception of a trail which crosses the area. In order to ensure that this area continues to be adequately screened and buffered in the future from Edward St. it is recommended that an exception be included in the By-law requiring a minimum 30 m wide landscape strip, which would also permit a trail to be located within it.

An exception to the landscaping provisions of the By-law is also requested to recognize the absence of landscaped strips adjacent to the three parking lots that abut the public portion of Raft Lake Road. It is noted that while the northerly portion of Raft Lake Road is considered to be a publicly maintained road from McFarlane Lake Road to just to the north of the entrance to parking lot 5 on the Foundation lands, it appears to be still legally in the title of the Foundation in PIN 73477-0285. As a result of there being no defined surveyed limit for Raft Lake Road in this area, and that the owners have not provided a specific landscaped treed buffer adjacent to the parking area and the travelled road, an exception to the Zoning By-law standard is being requested. Further, given the abundance of natural vegetation being preserved and maintained by the owner as a

private park and the relatively small portion of the frontage of the public road with parking lots adjacent to it, an exception is considered to be appropriate and warranted.

Building Setback – Edward Street

The minimum building setback of 10 m from Edward Street is proposed to be increased to 35 m in order to ensure compatibility with the residents to the east and the maintenance/operations area and provide for a minimum 30 m wide landscape strip as recommended above.

Statement with respect to the Official Plan for the City of Greater Sudbury, Provincial Policy Statement and Growth Plan for Northern Ontario

The private park use is considered to conform to the City's Official Plan in providing a significant recreational amenity for the use and enjoyment of the residents of the City of Greater Sudbury as well as visitors to the City. Such uses are permitted within the Rural and Living Area designations of the City's Official Plan.

The application for rezoning is also considered to be consistent with the Provincial Policy Statement. In this regard, specifically Policy 1.5.1 b) which provides that healthy active communities should be promoted by planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and where practical, water-based resources. Policy 1.51.c) of the Plan, also promotes the provision of opportunities for public access to shorelines.

The application does not appear to conflict with any aspects of the Growth Plan for Northern Ontario.

Conclusion

The information contained herein, along with the accompanying plans prepared by Tulloch respond to the items identified by the City in the pre-consultation understanding form, respecting the use, buildings and structures, parking, servicing, lighting, buffering from adjacent uses, along with exceptions being requested to the standard zone provisions.

Should you have any questions or require further clarification, please contact me.

Eric Taylor, RPP