

Billiard's Green Subdivision, Sudbury

Presented To:	Planning Committee
Meeting Date:	August 16, 2021
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-6/12002

Report Summary

This report provides a recommendation regarding an application for an extension to the draft plan of subdivision approval for the subject lands (File #780-6/12002) in the community of Sudbury for a period of three years until November 7, 2024.

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as Part of PIN 73478-0607, Parcel 2877, Parts 1 & 2, 53R-18053, Lot 4, Concession 5, Township of Broder, File 780-6/12002, as outlined in the report entitled "Billiard's Green Subdivision, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 16, 2021 as follows:

1. In Conditions #2, 3, 4, 5, 7, 28 by replacing 'Municipality' or 'City of Greater Sudbury' with 'City'.
2. In Conditions #9 and 32, by replacing 'Director of Planning' with 'Director of Planning Services'.
3. By deleting Condition #10 and replacing it with the following:
 - "10. That this draft approval shall lapse on November 7, 2024."
4. In Condition #12, by adding the following:
 - To the end of the last sentence: ", and the Nickel District Conservation Authority."
 - New last sentence: "A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor. The geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg. 406/19."
5. In Condition #14, by adding the following:
 - To the end of the first sentence: ", to the satisfaction of the Director of Planning Services and

the Nickel District Conservation Authority.”; and

- New last sentence: “A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.”

6. By deleting Condition #16 and replacing it with the following:

“#16. The owner shall provide to the City, as part of the submission of servicing plans a Sediment and Erosion Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.”

7. By deleting Condition #24, 25 and 31 in their entirety and adding new Condition #34:

“34. A stormwater management report and associated plans must be submitted by the Owner’s Consulting Engineer for approval by the City and the Nickel District Conservation Authority. The report must address the following requirements:

- a) 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 2-year design storm. Any resulting post development runoff in excess of the 2-year design storm must be conveyed through overland flow system within the City’s right-of-way.
- b) There is a wetland on the subject parcel. The flood retention capacity of the lost wetland must be identified, and it must be demonstrated that the flood retention capacity of the lost wetland has been accommodated.
- c) “Enhanced” level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks.
- d) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan.
- e) 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.
- f) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- g) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.
- h) The owner is required to provide a cash contribution in lieu of onsite stormwater quantity controls and for stormwater improvements within the watershed as outlined in the Algonquin Road Watershed Stormwater Management Study.

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.”

8. In Conditions #26 and 27 by replacing ‘developer’, or ‘developer/owner’ with ‘owner’.
9. In Condition #33, by replacing ‘General Manager of Growth and Development and ‘General Manager of Infrastructure Services with ‘General Manager of Growth and Infrastructure’.
10. By adding new condition #35:

“35. Draft approval does not guarantee completion of stormwater improvements within the watershed as outlined in the Algonquin Road Watershed Stormwater Management Study. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Infrastructure Services, that sufficient off-site stormwater quantity control(s) exist to service any resulting post development runoff in excess of the 2-year design storm, under the regulatory storm scenario. The regulatory storm is the greater of the 100-year or Timmins storm.”

11. By adding new Condition #36:

“ 36. That the owner obtain approval from the Nickel District Conservation Authority for the placement of fill, the alteration of existing grades or any construction activity at this location under the Authority’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 156/06) prior to undertaking the proposed works. Following the completion of these works, the Owner shall agree to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications as approved by the Nickel District Conservation Authority and the City. The owner shall agree to carry out or cause to be carried out the recommendations and measures contained within the plans and reports approved by the Nickel District Conservation Authority and the City.”

12. By adding new Condition #37:

“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.”

By adding the following note to the conditions of draft approval:

“1. Please be advised that the Nickel District Conservation Authority regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although the Nickel District Conservation Authority makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.”

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

The application to extend this draft plan of subdivision approval 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 by adding to the housing available in this area. The application aligns with the Community Energy and Emissions Plan (CEEP) by supporting the strategy of compact, complete communities.

Financial Implications

If the application for an extension to the draft plan of subdivision is approved, staff estimates approximately \$345,000 in taxation revenue in the supplemental tax year only, based on the assumption of 22 semi-detached dwelling units and 66 row dwelling units at an estimated assessed value of \$300,000 per dwelling unit and \$275,000 per dwelling unit respectively at the 2021 property tax rates.

This additional taxation revenue 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 development would result in total development charges of approximately \$1,055,000 based on the assumption of 22 semi-detached dwelling units and 66 row dwelling units based on the rates in effect as of this report.

Also, this development falls within the South End Sewer Rock Tunnel project area and would be subject to Section 391 Charges relating to this growth related infrastructure in the mid-2000's. The Section 391 Charge totals approximately \$168,000 based on current rates.

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 has requested an extension to the draft plan of subdivision approval for the subject lands (File #780-6/12002) in the community of Sudbury for a period of three years until November 7, 2024. The Planning Services Division is recommending approval of the application.

The Planning Services Division has reviewed the request to extend the draft approval and has no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

Staff Report

Applicant:

Dalron Construction Ltd.

Location:

Part of PIN 73478-0607, Parcel 2877, Parts 1 & 2, 53R-18053, Lot 4, Concession 5, Township of Broder

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on April 10, 2013 and subsequently extended in 2016. The plan includes 154 residential units consisting of 32 semi-detached dwelling and 122 row dwelling. A first phase of the subdivision was registered in 2018, with one block for 22 semi-detached and 66 row dwelling units and one block for parkland remaining.

Proposal:

The owner is requesting that the draft approval for the above noted lands be extended for a period of three years until November 7, 2024.

Background:

The City received a request from Dalron Construction Ltd. on March 19, 2021 to extend draft approval on a plan of subdivision for a period of three years on those lands described as Part of PIN 73478-0607, Parcel 2877, Parts 1 & 2, 53R-18053, Lot 4, Concession 5, Township of Broder. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to November 7, 2024.

The plan of subdivision was draft approved initially on April 10, 2013. Conditional approval was extended in 2016, and again in 2018 as a result of registering the first phase. The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on November 7, 2021.

The lands within the plan of subdivision are designated Living Area 1 in the Official Plan and are zoned 'H40R2-2', Hold – Low Density Residential Two, and 'H40R3-1', Hold - Medium Density Residential. Until such time as the "H40" symbol has been removed through a zoning by-law amendment, a maximum of 55 dwelling units are permitted. The "H40" symbol may only be removed if a public road connection exists from the subject lands to Maurice Street or Tuscany Trail.

Owners are advised to contact the Planning Services Division a minimum of four months prior to the lapsing date in order to facilitate the processing time associated with draft plan of subdivision approval extension requests. Applicants must reapply for subdivision approval if a draft plan approval has lapsed as there is no other avenue for relief.

Departmental & Agency Circulation:

Infrastructure and Capital Planning Services, Building Services, Development Engineering, Environmental Planning Initiatives, Conservation Sudbury, and Transit Services have each advised that they have no concerns from their respective areas of interest. In some cases, they have recommended technical updates or revisions.

Planning Considerations:

Official Plan

Section 20.4.2 of the Official Plan for the City of Greater Sudbury addressing draft plan of subdivision approvals 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.

The owner has advised that they look forward to development continuing in this location, however, are requesting an extension to provide for additional time to negotiate the construction of a second entrance with an adjacent landowner.

Development Engineering has advised that the most recent phase of the subdivision was registered in November 2018. While there is currently no submission of drawings for an additional phase of this subdivision, the owner is working to develop the lots approved through registration of the first phase. Staff is satisfied that the owner is making reasonable efforts towards developing the subdivision.

Draft Approval Conditions

Departmental and agency comments are included with this report as Appendix 1.

Condition #10 should be deleted entirely and replaced with a sentence referring to November 7, 2024, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Building Services has requested an update to require the geotechnical engineer to address on-site and excess soils management in accordance with the applicable provincial regulation.

Infrastructure and Capital Planning Services, Drainage Section, has requested updates to the stormwater management conditions requiring the owner to design and construct stormwater management works for quality control and to dedicate these to the City, and to provide a cash contribution in lieu of onsite stormwater quantity controls in accordance with the City's Algonquin Road Watershed Stormwater Management Study. Comments from Conservation Sudbury would require the owner to demonstrate that post-development discharge matches the pre-development discharge under the regulatory storm scenario given the off-site quantity controls do not yet exist. The approach recommended by Conservation Sudbury would conflict with the approach outlined in the Stormwater Management Study recommendations. It is recommended that a new condition #35 be added to address Conservation Sudbury comments, which would require confirmation that sufficient off-site stormwater quantity control(s) exists prior to registration of the final plan.

Other comments from Conservation Sudbury include a request to be added as a review party for the lot grading plan, stormwater management plan, and geotechnical (soils) report; ensure the stormwater management plan accounts for the stormwater retention of a wetland that will be lost; update the wording for the siltation and erosion control plan requirements; and add a condition and a note regarding the requirement for their approval under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (O. Reg. 156/06).

Housekeeping changes are recommended to ensure consistency in terminology when referring to the City, the Director of Planning Services, the Department of Fisheries and Oceans, the General Manager of Growth and Infrastructure, and the owner.

Condition #12 and #14 are recommended to be updated to enable registration of a soils caution agreement or lot grading agreement, respectively. A new Condition #34 is recommended to require a notice of agreement to be registered on title to ensure that first purchasers are informed of all development charges.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments. The draft conditions are attached to this report along with the draft approved plan of subdivision for reference purposes.

The applicant has paid the applicable processing fee in the amount of \$1950.00 This amount is calculated as per By-law 2017-24 being the Miscellaneous Use Fees By-law.

Conclusion:

The Planning Services Division has reviewed the request to extend the subject draft approval and has no objections to the requested extension. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Appropriate changes, where identified, have been included in the Resolution section of this report and will now form part of the draft plan approval if approved by Council. The Planning Services Division therefore recommends that the application to extend the draft approval for the subject lands for a period of three years until November 7, 2024, be approved as outlined in the Resolution section of this report.