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[ConservationSudbury.ca](http://ConservationSudbury.ca)

May 31, 2022

CS File no. 16075, 16078

City of Greater Sudbury  
200 Brady St  
Sudbury ON

Attn: Mauro Manzon, Senior Planner

Re: Applications for rezoning and draft plan of subdivision amendment – Vytis Lands (Kagawong) Ltd & Ronald Jacques Chevrier  
Pt of PIN 73348-0734 & 73348-005, Pts 1-3 Plan 53R20417, Errington Ave, Chelmsford  
751-5/22-001 & 780-5/12005, PC2021-84

The Nickel District Conservation Authority (Conservation Sudbury) staff has reviewed the above-noted application for rezoning and draft plan of subdivision amendment.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under *Ontario Regulation 156/06*. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies.

#### Site Characteristics

The subject lands are comprised of three adjacent parcels being 0 Errington Street (file 47966), 3441 HWY 144 (file 16075), and a landlocked parcel to the west (file 16078). There are three watercourses that traverse the subject parcel. Along the northwest the parcel is traversed by Tributary III of the Whitson River and its associated wetland, while at the eastern and southern portions of the parcel exist two municipal drains that converge on-site and drain into a wetland on the southern extent of the subject lands. As such, portions of the lands are subject to Ontario Regulation 156/06.

#### General Comments

Conservation Sudbury is currently undertaking a new floodplain study for the Whitson River watershed, and as a result the flood elevation(s) of this parcel may change. It is anticipated that the new study and associated floodplain mapping will be available later in the year, at which point development will need to be designed to conform with requirements to the new flood elevation. We recommend that the proponent contact Conservation Sudbury prior to submitting future plans to confirm the flood elevation.

The Erosion hazard of the Whitson River and its tributaries must to be identified as per [MNRF Technical Guide for Riverine System: Erosion Hazard Limit](#) and shown on the plan. No development can occur within the erosion hazard. Any development within 15 m may require additional engineering study.

Future drawings should show stormwater management blocks. Stormwater management facilities cannot be within floodplain, wetland or erosion hazard.

There are several features and hazards on this parcel which are regulated by Conservation Sudbury under Section 28 of the Conservation Authorities Act. **All features and hazards must be shown on future submissions.**

1. Watercourses (including municipal drains)
2. Wetlands
3. Floodplain hazard
4. Erosion hazard (associated with natural streams)

### **Recommendation**

The current conditions of draft plan approval were originally approved May 2013 and are scheduled to lapse on December 12, 2022. The following condition of draft plan approval pertain to Conservation Sudbury:

15. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services and Conservation Sudbury, 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 any proposed storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.
17. 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, side yards, 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 and show the stormwater overland flow path. The plan shall be submitted to the satisfaction of the Director of Planning Services and Conservation Sudbury. 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.
19. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and Conservation Sudbury.

25. The owner shall be responsible to have a stormwater management report prepared to assess how the quality and quantity of stormwater will be managed for the subdivision development, in addition to the flows generated from upstream lands. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to pre-development levels for the 1:5, 1:100 and Regional Storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The quality of the stormwater must meet an "enhanced" level of protection as defined by the Ontario Ministry of Environment. The plan shall be submitted to the satisfaction of the Director of Planning Services, Conservation Sudbury and the Ministry of Transportation. The Whitson River subwatershed study has commenced. The owner agrees to implement recommendations from the Whitson River subwatershed study into their subdivision design.
26. Development adjacent to natural watercourses located on Lots 66, 67 and 68, Lots 76 to 89, Lots 91 and 92, Lots 99 to 105, Lots 150 to 156, Lot 231, Lots 236 to 242, must be reviewed and approved to the satisfaction of the Conservation Sudbury. This requirement also applies to any other associated lots with this development which may not be listed above.
27. Development on Lots 1 to 19, Block A and Block B, adjacent to the realigned Whitson River - Tributary III, must be reviewed and approved by Conservation Sudbury. A Flood Plain Study will be required to the satisfaction of Conservation Sudbury in order to assess the impact of the realigned watercourse on the proposed lots, which may include adjusting the rear lot lines of Lots 1 to 19, Block A and Block B and to any properties upstream or downstream of this draft plan of subdivision to the satisfaction of Conservation Sudbury and the Director of Planning Services. Furthermore, the owner is required to design and construct a realigned channel through Block B to the satisfaction of Conservation Sudbury and the Director of Planning Services and in agreement with the findings of the Flood Plain Study.

Conservation Sudbury is requesting the following condition amendments:

17. 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, side yards, 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 and show the stormwater overland flow path. *The lot grading plan shall demonstrate that no fill has been added to the floodplain. A note to the lot grading plan must be added that lots containing floodplain cannot develop within the floodplain.* The plan shall be submitted to the satisfaction of the Director of Planning Services and Conservation Sudbury. 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.
26. Proposed development adjacent to natural watercourses, and within 15 metres of the watercourse, must be reviewed and approved to the satisfaction of the Conservation Sudbury. A section 28 application to Conservation Sudbury may be required.
27. Development on Lots 22-36, adjacent to the realigned Whitson River - Tributary III, must be reviewed and approved by Conservation Sudbury. A Flood Plain Study will be required to the satisfaction of Conservation Sudbury in order to assess the impact of the realigned watercourse on


the proposed lots, which may include adjusting the rear lot lines of Lots 22-36 to the satisfaction of Conservation Sudbury and the Director of Planning Services. Furthermore, the owner is required to design and construct a realigned channel through Block B to the satisfaction of Conservation Sudbury and the Director of Planning Services and in agreement with the findings of the Flood Plain Study.

Conservation Sudbury is requesting the addition of the following conditions:

1. The owner must identify the limits of the wetlands on site through wetland mapping by a qualified professional (certified under the Ontario Wetland Evaluation System or otherwise approved by Conservation Sudbury). All development must be directed outside of the wetland. Any development within 30 meters of the wetland, including lot grading and work approved through the subdivision process, will require a direct application to Conservation Sudbury under Section 28 of the Conservation Authorities Act and will be subject to the Conservation Sudbury's Wetland Guidelines and will need to demonstrate that development does not interfere with the hydrology of the wetland.
2. The erosion hazard associated with watercourses that are not designated as municipal drains, must be determined using the scientific principles and methods prescribed in the *Technical Guide to River and Stream Systems: Erosion Hazard Limit* (MNR, 2002). The hazard limit must be shown on the plans. A direct application to Conservation Sudbury under Section 28 of the Conservation Authorities Act is required for any development proposed within 15 metres of the erosion hazard.

Should you have any questions, please contact the undersigned at [Melanie.Venne@ConservationSudbury.ca](mailto:Melanie.Venne@ConservationSudbury.ca)

Sincerely,



Melanie Venne, MES

Office and Communication Coordinator