

## 0 Bancroft Drive, Sudbury

Presented To:	Planning Committee
Meeting Date:	April 24, 2023
Type:	Public Hearing
Prepared by:	Wendy Kauman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-25 & 780- 6/21001

## Report Summary

This report provides a recommendation regarding an application for rezoning and plan of subdivision to permit a five-lot residential subdivision.

This report is presented by Wendy Kaufman, Senior Planner.

## Resolutions

### Resolution 1:

Resolution regarding the Rezoning Application

THAT the City of Greater Sudbury approves the application by Michael McDowell to amend Zoning By-law 2010-100Z by changing the zoning classification from “R2-2”, Low Density Residential Two to “R1-5”, Low Density Residential One in order to permit the development of a eight-lot residential subdivision, on lands described as PIN 73575-0407, Parcel 39581, Parts 1-4, Plan 53R-14917, Lots 9 & 10, Concession 3, Township of Neelon, as outlined in the report entitled “0 Bancroft Drive, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 24, 2023, subject to the following conditions:

1. That the owner provide the Development Approvals Section with a registered survey plan outlining:
  - a. blocks for stormwater management purposes, including a block for the stormwater management pond and related outlets, and a block for the drainage ditch beginning at the west boundary of the site and continuing to the southerly boundary being a minimum of 18.29 meters (60 feet) wide and centred on the ditch, to the satisfaction of the Director of Planning Services. These blocks shall be rezoned from “R1-5”, Low Density Residential One or “R2-2”, Low Density Residential Two to “OSC”, Open Space Conservation;
  - b. a block comprising all the lands on the west side of the drainage ditch noted in (a), to be rezoned from “R1-5”, Low Density Residential One or “R2-2” Low Density Residential One to “OSC”, Open Space Conservation; and

- c. the portions of Part 2 and 3 Plan 53R-14917 to be rezoned from “R2-2”, Low Density Residential Two to “R1-5”, Low Density Residential One.
2. That the amending zoning by-law shall require a 75 m setback from the railway right-of-way.

**Resolution 2:**

Resolution regarding the Draft Plan of Subdivision Application

THAT the City of Greater Sudbury’s delegated official be directed to issue the draft approval for the subject plan of subdivision not sooner than fourteen (14) days following the date of the public meeting, and subject to the following conditions and note:

1. That this draft approval applies to the draft plan of subdivision of PIN 73575-0407, Parcel 39581, Parts 1-4, Plan 53R-14917, Lots 9 & 10, Concession 3, Township of Neelon, as shown on a plan of subdivision prepared by Adrian Bortolussi dated August 25, 2021.
2. That the plan be revised to provide a minimum of eight (8) residential lots with similar lot frontage, to the satisfaction of the Director of Planning Services.
3. That the street(s) shall be named to the satisfaction of the City.
4. 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 City and held in trust by the City until required for future road allowances or the development of adjacent land.
5. 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 City in effect at the time such plan is presented for approval.
6. That the subdivision agreement be registered by the City against the land to which it applies, prior to any encumbrances.
7. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
8. That the owner provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.
9. 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.
10. That the owner will be required to enter into a written agreement to satisfy all requirements, financial and otherwise, of the City, concerning the provision of roads, walkways, streetlighting, sanitary sewers, storm sewers, stormwater management facilities, watermains and surface drainage.
11. 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.

12. That a sidewalk be constructed on one side of the north/south street with a connection across Bancroft Drive to the existing sidewalk network.
13. That cash in lieu of 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) and (3) of the Planning Act.
14. That this draft approval shall lapse on (3 years from date of draft approval).
15. 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.
16. 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.
17. 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, 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 any substandard soils, the placement of any required engineered fill and the procedures for surcharging and monitoring of settlements. 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 survey prepared by an OLS Surveyor is to be submitted to indicate the extents and geodetic elevations of any required pre-engineered fill pad. 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. The geotechnical engineer will be required to address On-site and Excess Soil Management as per O. Reg. 406/19.
18. 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.
19. 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, which will include a block for the stormwater management pond and related outlets, and a block for the drainage ditch beginning at the west boundary of the site and continuing to the southerly boundary

being a minimum of 18.29 meters (60 feet) wide and centred on the ditch, to the satisfaction of the Director of Planning Services.

20. The owner shall provide a block comprising all the lands on the west side of the drainage ditch noted in Condition #19, to the satisfaction of the Director of Planning Services.
21. 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 and to meet the requirements of the Ministry of the Environment, Conservation and Parks Consolidated Linear Infrastructure Environmental Compliance Approval (MECP CLI ECA).
22. 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.
23. 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 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.
24. The owner shall obtain a Section 28 permit pursuant to the Conservation Authorities Act from the Nickel District Conservation Authority for all development within 30 metres of the wetland 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.
25. If dewatering is required, the dewatering plan must be submitted and approved to the satisfaction of 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 into 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, Enbridge, 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 4, 6, 7, 9, 10 and 15 have been complied with to their 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:
  - 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. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 2 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;
  - b. 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;
  - c. "enhanced" level must be used for the design of stormwater quality controls and 20% over-control of peak flows as defined by the Ministry of the Environment, Conservation and Parks;
  - d. Stormwater management must follow the recommendations of the Ramsey Lake Subwatershed Study;
  - e. The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan;
  - f. For any runoff generated on site which is to be conveyed through the railway culvert(s), a hydraulic analysis, pre and post, for all the storms including Regional storm event must be conducted. The hydraulic analysis must demonstrate no additional ponding or increased flows are generated under post development conditions.
  - g. 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;
  - h. Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties; and,
  - i. Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

- j. 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 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.
37. That prior to the signing of the final plan, the owner shall satisfy Canada Post with respect to mail delivery facilities for the site. Canada Post will provide mail delivery service to this subdivision through 1 Centralized Community Mailboxes (CMBs), which is recommended to be located on the side of Lot 1, across from Lot 5. The owner shall provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
38. That the subdivision agreement contain provisions whereby the recommendations of the "Noise Feasibility Study" dated March 29, 2022, prepared by HGC Engineering and outlined in the Staff Report dated March 15, 2023, will be implemented to the satisfaction of the City Solicitor and the Director of Planning Services. Should design modifications occur within the subdivision which in the opinion of the Director of Planning Services warrant a qualified engineers' review of, and/or revisions to, the noise impact study said measures shall be undertaken prior to the signing of the final plan. A sound attenuation 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.
39. That the following clauses are to be inserted in all offers to purchase, agreements of purchase and sale or lease and be registered on title or included in the lease:
  - a. Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the sound level limits of the Ministry of the Environment, Conservation and Parks.
  - b. This dwelling unit has been designed with the provision of adding central air conditioning at the occupant's discretion. The installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Ministry of the Environment, Conservation and Parks.
  - c. Purchasers are advised of the proximity of the nearby lift station, the sound from which may at times be audible.
  - d. Canadian Pacific Railways Company or its assigns or successors in interest has or have a rights-of-way adjacent to or within close proximity of the land subject hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alteration to or expansion to the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.
40. The owner must transfer a three metre (3 m) wide easement, to be registered on title to the subject property, to Greater Sudbury Hydro Inc. for that portion of the subdivision that fronts on any existing or proposed road allowances. The owner will be responsible for all legal and survey costs associated with this. The owner is also responsible for obtaining/providing a Postponement in favour of Greater Sudbury Hydro Inc's interest with respect to any and all existing Charge/Mortgage/Lien and/or Encumbrance of Land registered on title to this property. The owner will be responsible for all costs associated with obtaining said Postponement.

## Note

1. The draft plan for the subdivision includes an intersection to the north of Lot 5 as shown on the draft plan prepared by Adrian Bortolussi dated August 25, 2021. This intersection will provide a connection point to the lands to the east.

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

The applications to amend the Zoning By-law and approve a draft plan of subdivision are operational matters under the Planning Act to which the City is responding. These applications contribute to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by adding to the range and mix of housing available in this area. The applications, together with the recommended conditions, align with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

## **Financial Implications**

If approved, staff estimates approximately \$57,000 in taxation revenue, based on the assumption of eight single dwelling detached units based on an estimated assessed value of \$500,000 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 \$177,000 based on assumption of eight single family detached 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**

An application for rezoning and plan of subdivision has been submitted to resolve split zoning and permit the development of a five-lot residential subdivision. The subject land is designated as Living Area 1 in the Official Plan and is zoned R1-5, Low Density Residential One and R2-2, Low Density Residential Two.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest and represent good planning.

## Staff Report

### Proposal:

The application for rezoning proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on a portion of the subject lands from “R2-2”, Low Density Residential Two to “R1-5”, Low Density Residential One.

The application for subdivision proposes to subdivide the subject lands into five (5) single-detached dwelling lots on a cul-de-sac, as shown in the attached Draft Plan of Subdivision map. The plan proposes the continuation of the public street network with a cul-de-sac that allows for a connection to lands to the east.

The application was originally received on September 10, 2021 with limited information, and the applicant advised that required reports would be submitted when available. Notice of incomplete application was issued on September 24, 2021. Studies and technical information were received on October 6, 2022 and December 7, 2022, at which point the application was deemed complete. The following technical reports and information in support of the applications are appended to this report: Ecological Site Assessment (Environmental Impact Study); Geotechnical Report; Noise and Vibration Study; Plan Showing Regulated Features and Areas; Planning Justification Report; Preliminary Design Plans; and Stormwater Management Report.

The site is approximately 6.0 ha in size and is currently vacant with the exception of the driveway to access a City lift station to the rear of the property. The property is impacted by drainage, wetland, and railway constraints. Eugene Creek flows through the property, which is a major watercourse that serves as a regional stormwater conveyance and is the second largest tributary of Ramsey Lake. Development is proposed in the northeasterly part of the site only, which is approximately 1.5 ha in size. The proposed lots are large in order to accommodate these constraints, ranging from 0.48 ha to 1.79 ha in size, with no separate blocks of land identified for stormwater management facilities.

**Existing Zoning:** R1-5, Low Density Residential One and R2-2, Low Density Residential Two

The R1-5 Zone permits a single detached dwelling, a private home daycare, a group home type 1, and a bed and breakfast. The R2-2 Zone permits all the uses permitted in the R1-5 Zone, as well as a duplex dwelling and semi-detached dwellings.

**Requested Zoning:** R1-5, Low Density Residential One

The southern half of the subdivision lands are zoned “R2-2”, Low Density Residential Two and are requested to be rezoned to “R1-5”, Low Density Residential One. The R2-2 zone permits single detached dwellings but the zone boundary does not align with the newly-proposed lot fabric, and would result in split zoning (multiple zones on one lot). Overall, the rezoning application would resolve the split zoning.

### **Location and Site Description:**

The subject property is described as PIN 73575-0407, Parcel 39581, Parts 1-4, Plan 53R-14917, Lots 9 & 10, Concession 3, Township of Neelon. The subject lands are located on the south side of Bancroft Drive with the entrance located 77 m east of the intersection of Bancroft Drive and Levesque Street, as shown on the attached location sketch and air photo. The lands have a total area of approximately 6.0 hectares with approximately 20 m of frontage on Bancroft Drive, which is secondary arterial road in this location. This site is presently serviced with a 150 mm diameter municipal watermain, a 600 mm diameter sanitary sewer main, and a 400 mm diameter sanitary sewer forcemain along an easement on the east boundary of this property. The lands are located on a transit route with a stop located on the north side of Bancroft Drive 45 m west of the subject lands. The majority of the lands are within the Source Water Protection Area, Ramsey Lake



Intake Protection Zone 3, and Water/Wastewater staff have commented with respect to this proposal that no significant threats to the drinking water source have been identified. The site is currently vacant and except for a driveway to access the lift station to the rear of the property (easement). The site is described as having areas of meadow or field, stands of aspen and birch trees, and wetland in the form of a marsh. Eugene Creek serves as a regional stormwater conveyance and flows through the property from the northwest to the south and through a culvert below the railway. A second stormwater inlet enters the property at the proposed road connection to Bancroft Drive.

### **Surrounding Land Uses:**

The area surrounding the site includes low density residential development fronting on Bancroft Drive. Lands to the west are used for park purposes and further to the south are zoned to permit a long term care facility. The CP principal main line railway is located adjacent to the southern boundary, with vacant lands and Ramsey Lake beyond. To the east are vacant lands zoned to permit low density residential use, and an institutional property used for non-profit housing.

North: Bancroft Drive, low density residential use fronting on Bancroft Drive

South: CP principal main line railway, CGS lift station

East: vacant lands zoned to permit low density residential development

West: lands zoned "P", Park and which include the Dorsett Tot Lot; lands zoned "I(49)", Institutional Special and which permit a long term care facility.

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 site and residential use along Bancroft Drive in this area, as well as the lift station and railway to the south of the property.

### **Related Applications**

**751-6/09-12:** Rezoning application [751-6/09-12](#) proposed to rezone the current subject lands and 20 ha of land to the east to "HR4-Special", Holding Multiple Residential Special to permit the development of 242 dwelling units (similar to rezoning application 751-6/05-05). Staff recommended approval subject to a holding provision requiring a site plan control agreement to be entered into to address issues of noise and cost contributions for road improvements (\$3500 per dwelling for Bancroft Drive) and drainage. The developer's contribution towards upgrading of the lift station was \$104,100, payable through the site plan control agreement. Stormwater improvements would have included the realignment of several drainage channels and installation of additional culvert(s) under the CP railway and/or construction of new stormwater ponds and treatment facilities, as well as a \$30,000 contribution to a detailed hydraulic analysis to establish stormwater management parameters and a \$10,000 contribution to the Ramsey Lake Watershed Study. Site specific zone provisions required a minimum setback of 30 m from the south lot line and restricted the building height to a maximum of 1 storey. Open space and recreational components included a 2.1 acre private park reserve abutting the City's existing parkland off Dorsett Drive, a 30 m wide strip of land paralleling the CP rail land containing a berm and landscaping/trail system, and a 2.2 acre private recreation area containing a community centre. The application was denied for reasons pertaining to impacts on roads and infrastructure, fencing, compatibility with the character of the community and the uncertainty of the impact to the environment and the lake. This application would have resulted in potentially 54 units being established on the current subject lands.

**751-6/05-05:** Rezoning application 751-6/05-05 was conditionally approved to rezone the current subject lands and 20 ha of land to the east to R4-Special to permit the development of 242 dwelling units, subject to conditions requiring a site plan control agreement to be entered into to address matters including the recommendations of the noise impact study, a traffic impact analysis to determine required road improvements and an agreement to participate in the cost of the improvements. Site specific zone provisions required a minimum setback of 30 m from the south lot line and restricted the building height to a maximum of 10 m. Conditional approval lapsed in 2007. This would have resulted in potentially 54 units being established on the current subject lands.

**751-6/92-21 & 780-6/92005:** Rezoning application 751-6/92-21 proposed to rezone the current subject lands and 20 ha to the east to R3 and with a small commercial block to enable a total of 268 dwelling units within 67 four-plex buildings. Related subdivision application 780-6/92005 proposed to subdivide the lands into 9 blocks to accommodate the buildings and a range of amenities. These applications were withdrawn due to market conditions before being scheduled for a public hearing. Condominium tenure was also proposed though the application had not been submitted yet.

**751-6/89-02 & 780-6/89001:** Rezoning application 751-6/89-02 resulted in the current zoning of the lands, which came into effect in 1994. Related subdivision application 780-6/89001 was draft-approved to subdivide the current subject lands and 20 ha of land to the east into 120 lots for single family use, 71 R2 lots for 2-unit dwellings, one small commercial block for limited commercial uses, and one block for park purposes, but was allowed to lapse following nonpayment of the extension fee.

Several of the reports for the above files note previous applications in 1975 (condominium) and again in 1980 (subdivision lapsed in 1983) which proposed a range of unit types which did not result in any development occurring on the property.

### **Public Consultation:**

The Planning Act requires the City to provide notice of application for the rezoning and subdivision, while a public hearing and the related notice are only required for the rezoning application. However, the City's current practice as per the Official Plan is to host a public hearing prior to approval of a draft plan of subdivision.

Notice of a complete application was circulated to the public and surrounding property owners on January 9, 2023. Statutory notice of the public hearing was provided by newspaper on April 8, 2023, along with a courtesy mail out to public property owners and tenants within a minimum of 120 m of the property on April 6, 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, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

### **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 1.1.1 states that healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

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.

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.

Policy 1.1.3.6 requires that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.2.6.1 states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Policy 1.2.6.2 goes on to state that where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

Policy 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.

Policy 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

Policy 1.7.1 states that long-term economic prosperity should be supported by:

- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.

Policy 2.1.4 requires that development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E1; and
- b) significant coastal wetlands.

Policy 2.1.5 requires that development and site alteration shall not be permitted in:

- d) significant wildlife habitat; and
- e) significant areas of natural and scientific interest;

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Policy 2.1.6 states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Policy 2.1.7 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Policy 2.2.1 requires that planning authorities shall protect, improve or restore the quality and quantity of water by:

- i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

Section 3.1.1(b) states that development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

### **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. This application is considered to conform 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, and are located outside the Built Boundary. The Living Area 1 designation includes urbanized communities that are fully serviced and are to be the primary focus of residential development in the City.

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.

Policy 2.3.1 states that future growth and development will be focused in the settlement area through intensification, redevelopment and, if necessary, development in designated growth areas.

Policy 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 2.3.3 states that intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.

Policy 3.2(3) requires that new residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning Bylaw.

Policy 3.2(6) permits lot creation in Living Areas in accordance with minimum lot sizes set out in the Zoning By-law.

Policy 3.2.1(1) states that low density development permits single detached dwellings, semi-detached dwellings, duplexes and townhouses to a maximum net density of 36 units per hectare. In order to maintain existing neighbourhood character, the Zoning Bylaw may establish lower densities in certain areas of the City.

Policies 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 3.2.2 establishes policies regarding phasing and the efficient use of land. Policy 3.2.2(1) states that new development in Living Area I will occur adjacent to existing built-up urban areas. Emphasis will be placed on achieving a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Policy 3.2.2(2) establishes the following phasing policies to be considered where expansion onto vacant undeveloped lands is proposed:

- a. the intensification target identified in Section 2.3.3 is being achieved;
- b. the proposed development represents a contiguous expansion within the Living Area I designation;
- c. the proposed development represents a logical utilization of existing infrastructure and public service facilities;
- d. the proposed development completes or rounds out existing neighbourhood plans with respect to infrastructure matters such as road connections and waterline looping, and public service facilities such as schools and recreation facilities; and,
- e. the area is experiencing growth pressure as evidenced by adjoining development, and the available supply of lots/units in existing registered and draft approved plans of subdivision/condominium.

Section 8.5 regarding stormwater establishes objectives for stormwater management in the City, including ensuring that the constraints and opportunities associated with urban drainage are properly recognized and are integrated into community plans and designs, and maintaining the natural stream channel geometry as much as it is feasible. Policy 8.5.3(11) requires that stormwater management facilities for subdivisions will be on lands transferred at no cost to the City, in addition to any lands required to be dedicated for park purposes under the Planning Act.

Policy 9.2.1(1) requires the submission of an Environmental Impact Study (EIS) to demonstrate that a proposed development will not negatively impact significant natural heritage features and areas or ecological functions present on or adjacent to a proposed development site. Policy 9.2.2(3) states that development and site alteration are not permitted in the habitat of endangered and threatened species except in accordance with provincial and federal requirements.

Section 10.2 Flooding and Erosion Hazards states that it is also recognized that there are large parts of the City for which Flood Plain mapping is not available. Should Conservation Sudbury or MNRF complete Flood Plain mapping for these areas, this information will be added through an amendment to the Official Plan. Final decisions on matters related to lands affected by flooding or erosion hazards, and adjacent lands, are subject to Conservation Sudbury or MNRF approval. Development will not be permitted where there is an unacceptable risk to public health or safety or of property damage. Policy 1 states that because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury or MNRF. In addition, development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury or MNRF.

Section 11.8 regarding Rail requires through Policy 2 that conflicts between rail facilities and sensitive land uses will be prevented or mitigated, wherever possible. Policy 3 establishes triggers and requirements for the preparation of a noise study and vibration study. Policy 4 states that measures to mitigate any adverse effects from noise and vibration that are identified in the approved studies will form a condition of approval and be implemented at the applicant's expense. Policy 5 requires that any development adjacent to existing railway corridors or rail yards will ensure that appropriate safety measures such as setbacks, berms, crash walls and security fencing are provided to the satisfaction of the City and in consultation with the appropriate rail company.

Policy 19.4.3 establishes the considerations for approving subdivisions, which requires regard to the conformity of the proposed Plan of Subdivision with the Official Plan and matters listed under the Planning Act.

#### **Zoning By-law 2010-100Z:**

The development standards for the R1-5 zone require a maximum height of 11 m. The minimum required front yard along Bancroft Drive is 7.5 m given Bancroft Drive is a secondary arterial road, and a local road would require a front yard of 6 m. The minimum rear yard is 7.5 m and interior side yard is 1.8 m for two stories. The maximum lot coverage is 40%. Parking provisions require 1 space per unit. Special setbacks include a 12.0 m setback from the high water mark of a permanently flowing stream with limited clearing permitted in this area, and 30.0 m setback from any lot line abutting a railroad right-of-way.

For any lands under the jurisdiction of Conservation Sudbury, buildings or structures shall be erected or used in accordance with and regulations of and subject to the approval of Conservation Sudbury. Generally, no new buildings or structures shall be erected or used on lands subject to natural hazards (exceptions for flood or erosion control or for access purposes).

#### **Site Plan Control:**

A Site Plan Control Application is not required for this project.

#### **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. Appendix 1 with all agency comments from each circulation is attached to this report.

Building Services has no concerns and requests subdivision conditions pertaining to a soils (geotechnical) requirements, and to enable registration of a sound attenuation agreement in order to implement the Noise Feasibility Study.

Canada Post advises that one Community Mailbox is required for this development, and suggests a location.

Canadian Pacific Railway requests that a standard warning clause be included in all property and tenancy agreements and all offers of purchase and sale, due to proximity to the railway, and requests that the 2013 Proximity Guidelines be followed.

Conservation Sudbury has no concerns and advises that they accept the wetland boundary and 12 m buffer as shown on the Regulated Features and Areas sketch submitted by the applicant. The stormwater management report shows development within their regulated area adjacent to the wetland and proposes to outlet into the wetland, which will require a permit, as well as for the placement of fill for the construction of lots adjacent to the wetland. Advisory comments are provided with respect to the preliminary construction drawings and placement of excess soils. Subdivision conditions are requested pertaining to a Sediment and Erosion Control Plan, permitting pursuant to s. 28 of the Conservation Authorities Act, and a dewatering plan.

Development Engineering advises of the availability of services, and that sufficient sanitary sewer capacity and sufficient fire flows can be obtained. Regarding stormwater, a block 18.29 m (60 ft) wide is required to be transferred to the City to protect the surface drainage ditch running through the property beginning at the west boundary of the site at the City parkland, that will match the protection provided on the ditch upstream past Bancroft Drive. Any other lands for stormwater management works must also be dedicated to the City, including the proposed stormwater management pond (shown on proposed Lot 5). Advisory comments are provided regarding the preliminary design, including for the stormwater inlet at the proposed road connection to Bancroft Drive. Thirty (30) conditions are requested.

Enbridge Gas requests a condition that any necessary easements and/or agreements required for the provision of gas services are provided to their satisfaction.

Fire Services has no concerns. Advisory comments are provided regarding the preliminary design.

Greater Sudbury Hydro requests a 3 m easement for any portion of the subdivision that fronts on any existing or proposed road allowances.

Infrastructure Capital Planning advises that the plan accounts for an intersection to the north of Lot 5 to provide a connection point to the lands to the east.

Leisure Services advises that there are no parkland requirements in the area and 5% cash-in-lieu of parkland is required.

Strategic and Environmental Planning provided comments with respect to the Environmental Impact Study, and confirms that the requirements pertaining to natural heritage and species protected by the Endangered Species Act have been met. The setback/buffer setback width should be determined by Conservation Sudbury rather than following the recommendation in the study. Advisory comments are provided regarding the federal Migratory Birds Convention Act and Ontario's Endangered Species Act.

Transit Services has no concern regarding this application.

Water/Wastewater staff have commented with respect to this proposal that no significant threats to the drinking water source have been identified. The owner may undertake the activity described in their application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

### **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.

The subject lands are designated Living Area 1 and are located outside of the built boundary. The Official Plan directs that growth is to be focused in settlement areas, through intensification and redevelopment, and if necessary, in designated growth areas. Specific criteria are established for rezoning applications in the Living Area 1 pertaining to suitability, compatibility, and traffic impacts. New development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots and built form. Development outside of the Built Boundary may be

considered, and phasing criteria are established to consider when expansion onto vacant undeveloped lands is proposed.

The applications align with the requirement to locate new development within settlement areas. Technical studies submitted with the application demonstrate that the site is suitable to accommodate the proposed development. The development is compatible with the existing uses of adjacent lands in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas, which consist of single detached dwellings to the north and a long term care home to the west. Traffic is not expected to be impacted by the proposal. Staff recommends the applications are consistent with and conform to general policies pertaining to directing development to the settlement area, site suitability and compatibility with adjacent uses.

In terms of phasing criteria, the City regularly meets its intensification target, and the proposed development represents a contiguous expansion with the Living Area 1 designation and a logical utilization of existing infrastructure and public service facilities in the area. The area is experiencing growth pressure as demonstrated by development in the Hazelton Subdivision and along Birmingham Drive, and a recent 179-unit residential development proposal for lands to the north fronting on Estelle Street. The proposed development rounds out the existing neighbourhood with respect to infrastructure and public services considerations, for example, the site is presently serviced by municipal water and sanitary sewer, and public transit is available along Bancroft Drive. Phasing policies also require the consideration of density, which is reviewed separately below. Overall staff recommends that the applications conform to the phasing policies of the Official Plan.

The majority of the proposed conditions of approval are considered to be standard. The sections below provide further analysis of the planning merits of the applications with specific conditions recommended where warranted to ensure consistency with the Provincial Policy Statement and conformity with the City's Official Plan.

### Density

The PPS requires efficient development and land use patterns which sustain the financial well-being of the City over the long term. The PPS and the Official Plan require densities which efficiently use land, resources, and avoid the need for their unjustified and/or uneconomical expansion. Development in this manner is intended to minimize negative impacts to air quality and climate change, promote energy efficiency and support the use of active transportation and public transit. New development in designated growth areas should have a compact form and mix of densities. The PPS states that long-term economic prosperity is supported by optimizing the long-term availability of land, resources, infrastructure and public service facilities. The City's Official Plan emphasizes the importance of reinforcing the urban structure and making the most efficient use of infrastructure and public service facilities, and makes the link between compact form and the protection of rural and agricultural assets. The Official Plan also establishes policies regarding phasing and the efficient use of land, and achieving a mix of uses and densities. The City's Community Energy and Emissions Plan also emphasizes the importance of compact form in promoting energy efficiency and minimizing impacts to climate change. Lot creation is permitted in accordance with the minimum lot sizes established by the zoning by-law. Low density development to a maximum net density of 36 units per hectare is permitted.



While the planning framework in the City does not establish maximum lot sizes, it does establish that densities should efficiently use land and infrastructure and have an overall compact form, in order to promote long term economic prosperity and support goals related to climate change, energy efficiency and the use of alternative modes of transportation. The proposed depth of the lots currently far exceeds the minimum 30 m requirement, though staff acknowledge this large depth accommodates the constraints on the property, the exception being Lot 1 which has double the required depth and no specific constraints identified. The net density for the development as proposed is calculated as 1.1 unit per ha (5/5.56). Using a total developable area of 1.5 ha, the development results in a gross residential density of 3.3 units per ha (5/1.5).

The proposed frontages average approximately 32 m per lot (approximately 160 m of frontage available after subtracting a block for the stormwater pond inlet/City easement on Lot 5). It is recognized that lots are permitted to exceed the minimum required in the zoning by-law, and targeting the upper end of the market does contribute to the mix of housing available in the City. However, the proposed lot frontages far exceed the minimum frontage to the point of being an inefficient use of infrastructure, and uneconomical from a City asset management perspective over the long term. For example, if lots were created based on the minimum dimensions in the zoning by-law, Lot 1 itself could accommodate approximately five (5) lots for single detached dwellings. Providing approximate 20 m frontage would result in eight (8) lots and which would result in a gross residential density of 5.3 units per ha using a total developable area of 1.5 ha (8/1.5). A 20 m lot frontage would generally align with the average lot frontage of newer draft-approved residential subdivisions targeted to the upper end of the market. Staff recommend Condition #2 which would require the plan be revised to provide a minimum of eight (8) lots.

### Stormwater Management

The PPS requires municipalities to protect, improve or restore the quality and quantity of water by ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. The Official Plan establishes objectives for stormwater management, including ensuring that the constraints and opportunities associated with urban drainage are integrated into community plans and designs, and maintaining the natural stream channel geometry as much as it is feasible. Lands for stormwater management facilities will be transferred to the City at no cost.

Further to comments from Development Engineering, lands for the stormwater management pond and related outlets located on Lot 5 are required to be transferred to the City. Additionally, City ownership of a block 18.29 m (60 ft) wide from the westly boundary through the parcel to the railway culvert is required. This block is to protect Eugene Creek, which is a major watercourse that serves as a regional stormwater conveyance and is the second largest tributary of Ramsey Lake. This will match the protection provided on this watercourse upstream past Bancroft Drive, and reflects its significance for stormwater management.

Creation of a block for the watercourse known as Eugene Creek results in a large inaccessible block in the southwest corner of the property. As per policy 3.2(3) of the Official Plan and 51(24) of the Planning Act, staff must consider the dimension and shape of the proposed lots with consideration given to the size and configuration of lots. Staff recommends Condition #19 and #20 which would require that all lands for stormwater management including the lands for Eugene Creek, and the inaccessible block to the west, be transferred to the City. Staff also recommend that these lands be rezoned to "OSC", Open Space Conservation.

Staff recommends Condition #35, which requires preparation of a stormwater management report that considers the minor and major storm flows, requires enhanced level quality control, and follows the recommendations of the Ramsey Lake Subwatershed Study, and includes a hydraulic analysis to address conveyance through the railway culvert(s).

## Land Use Compatibility

The PPS and the Official Plan direct that sensitive uses and major facilities, which include the railway along the southerly boundary of the subject lands, shall be planned to avoid, minimize and mitigate any potential adverse effects from noise, minimize risk to public health and safety to ensure the long-term viability of the major facility. The PPS establishes criteria for the development of sensitive uses adjacent to major facilities. The Official Plan establishes triggers for a noise and vibration study, and that identified mitigation measures including required safety features will be implemented through a condition of approval.

The subject lands have been identified as an appropriate location for residential development in the Official Plan. The noise feasibility study submitted in support of the application has identified that the noise sources in proximity to the development include the CP railway and Bancroft Drive, with the lift station not expected to generate a significant noise impact. Overall, the study demonstrates that development is feasible subject to implementation of mitigation measures with respect to noise. Condition #38 is recommended to implement building design measures to reduce noise to satisfactory levels through the subdivision agreement and a separate sound attenuation agreement if required. Condition #39 is recommended to require warning clauses to inform future residents of sound levels, that the design of the dwelling allows for central air conditioning, and advise of the presence of the lift station and railway.

Further to comments from CP Railway staff, their guidelines are to be considered in the review of an application. Construction of a safety barrier or berm is not recommended given the significant setback between the railway and the proposed development. However, staff recommends a site-specific zone provision to require a 75 m setback from the right-of-way in absence of a vibration impact study prepared by a vibration consultant.

## Flooding and Erosion Hazards

The PPS requires avoidance of development which may cause public health and safety concerns, and development is to be directed to areas outside of hazardous lands which are impacted by flooding and/or erosion hazards. The Official Plan states that development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury.

Further to comments from Conservation Sudbury, there are no concerns with the wetland boundary and the proposed buffer as shown on the Regulated Features and Areas sketch submitted by the applicant. This setback will accommodate the 12 m building setback adjacent to streams in the City's zoning by-law. The stormwater management report shows development within their regulated area adjacent to the wetland and proposes to outlet into the wetland, which will require a permit. Advisory comments are provided with respect to the preliminary construction drawings and placement of excess soils. Staff recommend the inclusion of conditions #23, 24 and 25 as requested, requiring a Sediment and Erosion Control Plan, a permit pursuant to s. 28 of the Conservation Authorities Act where development is proposed within 30 m of the wetland, and Conservation Sudbury approval of a dewatering plan if one is required.

## Natural Heritage

The PPS requires avoidance of development which may cause environmental concerns. The Official Plan requires the submission of an Environmental Impact Study to identify any natural heritage features and habitat of endangered and threatened species that may be present on the site. Development is not permitted in significant wetlands and must not negatively impact significant natural heritage features and areas. Development is not permitted in fish habitat or habitat of endangered and threatened species, except in accordance with provincial and federal requirements.

Further to comments from Strategic and Environmental Planning, the Environmental Impact Study submitted with the application determines that the subdivision can proceed with minimal impacts to natural heritage subject to the recommended mitigation measures. There are no species protected by the Endangered

Species Act associated with this site. The requirements set out in Section 9 of the City's Official Plan have been met. The setback/buffer setback width should be determined by Conservation Sudbury rather than following the recommendation in the study. The owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the federal Migratory Birds Convention Act or the Ontario's Endangered Species Act.

#### Section 51(24) of the Planning Act

Section 19.4.3 of the Official Plan refers to matters listed under the Planning Act that the City will have regard for in considering a Plan of Subdivision. Section 51(24) of the Planning Act establishes specific criteria for consideration, which are reviewed as follows:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2: The application has regard to matters of provincial interest, particularly item (h) the orderly development of safe and healthy communities, subject to the implementation of conditions as proposed.
- (b) whether the proposed subdivision is premature or in the public interest: The application is not considered to be premature, and is in the public interest subject to implementation of the conditions as proposed.
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any: The plan will conform to the Official Plan, subject to implementation of the conditions as proposed. The plan has been designed to provide a road connection to the lands to the east which may be developed in the future.
- (d) the suitability of the land for the purposes for which it is to be subdivided: The lands are suitable, or, in some cases, conditions of development provide for further assurance of suitability through the preparation of studies and/or detailed design reports.
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them: Traffic and Transportation staff has no concerns with the proposed layout of the road within the subdivision or its connection to the surrounding road network.
- (f) the dimensions and shapes of the proposed lots: The proposed dimensions and shapes of the proposed lots are appropriate subject to implementation of the conditions as proposed. The lots will comply with the requirements of the current or requested zone.
- (h) conservation of natural resources and flood control: The proposed conditions provide for assurance of conservation of natural resources and flood control through the preparation of studies and/or detailed design reports.
- (i) the adequacy of utilities and municipal services, (j) the adequacy of school sites: Utilities and municipal services and school sites are adequate for the proposed development.
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy: The plan is not expected to affect the available supply, means of supplying, efficient use and conservation of energy.
- (d.1) regarding affordable housing, (g) regarding restrictions on the land proposed to be subdivided or the buildings and structures proposed to be erected, (k) regarding lands for public purposes, and (m) regarding site plan control: Not applicable.

## 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 and plan of subdivision:

- To rezone a portion of the lands from R2-2 to R1-5 to permit the development of eight residential lots for single detached dwellings

The development of the subject lands achieves a number of policy directives related to the provision of a range and mix of housing types. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

Staff is satisfied that the applications are consistent with the PPS and conform to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment and plan of subdivision are appropriate based on the following:

- The rezoning will resolve any split zoning that would result from the lot layout, and will facilitate the proposed residential development.
- The applications are consistent with and conform to general policies pertaining to directing development to the settlement area, site suitability and compatibility with adjacent uses.
- The applications conform to the phasing policies of the Official Plan.
- The draft plan as submitted can be revised to provide eight (8) lots to maximize the use of existing infrastructure.
- The draft plan as submitted can be revised to provide lands for stormwater management facilities and a landlocked block that will be transferred to the City.
- Development of sensitive uses is compatible with the adjacent railway subject to implementation of mitigation measures with respect to noise and vibration.
- Development adjacent to hazardous lands will be regulated.
- The development can proceed with minimal impacts to natural heritage.
- The draft plan as recommended to be revised has regard to section 51(24) of the Planning Act.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest and represent good planning.