

Jeanne D’Arc/Dugas Street Subdivision, Val Therese

Presented To:	Planning Committee
Meeting Date:	May 27, 2024
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-7/08001

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 #780-7/08001) in the community of Val Therese for a period of three years until June 23, 2027.

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 PIN 73504-2823, Parcel 22436 'A' SES, Lot 6, Concession 2, Township of Hanmer, File 780-7/08001, in the report entitled “Jeanne D’Arc/Dugas Street Subdivision, Val Therese”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 27, 2024 as follows:

1. By replacing Condition #11 with the following:

“11. This draft approval shall lapse on June 23, 2027.”

2. By replacing Condition #35 with the following:

”35. The applicant must demonstrate, to the satisfaction of Conservation Sudbury how the development will continue to convey stormwater from upstream properties currently reporting to the site, including an overland flow route for the regulatory storm event, without increasing the risk of flooding to upstream or adjacent properties.”

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

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 approved, staff estimates approximately \$366,600 in taxation revenue, based on the assumption of 68 single detached dwelling units based on an estimated assessed value of \$375,000 at the 2023 property tax rates.

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City. In addition, this would result in total development charges of approximately \$1.5 million based on assumption of 68 single detached dwelling units and based on the rates in effect as of the date of this report.

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

Report Overview:

The owner has requested an extension to the draft plan of subdivision approval for the subject lands (File #780-7/08001) in the community of Val Therese for a period of three years until June 23, 2027. 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:

Dominion Park Developments Corp.

Location:

PIN 73504-2823, Parcel 22436 'A' SES, Lot 6, Concession 2, Township of Hanmer

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on June 5, 2008 and subsequently extended in 2012, 2015, 2018 and 2021. The plan includes 116 single detached lots. A first phase of the subdivision consisting of 48 lots was registered in 2009, with 68 lots remaining.

Proposal:

The owner is requesting that the draft approval for the above noted lands be extended for a period of three years until June 23, 2027.

Background:

The City received a request on February 7, 2024 to extend draft approval on a plan of subdivision for a period of three years on those lands described as Part of PIN 73504-2823, Parcel 22436 'A' SES, Lot 6, Concession 2, Township of Hanmer. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to June 23, 2027.

The plan of subdivision was draft approved initially on June 5, 2008. Following the registration of the first phase of the plan on June 22, 2009, the draft approval was extended for a period of three years to June 23, 2012. Additional draft plan approval extensions were requested in 2012, 2015, 2018 and 2021. The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on June 23, 2024.

The lands within the plan of subdivision are designated Living Area 1 in the Official Plan and are zoned 'H13R1-5', Hold – Low Density Residential One. The "H13" symbol pertains to water services and may only be removed upon the owner entering into an agreement to carry out any improvements to the municipal water supply system that may be required to provide adequate flows for domestic and fire protection.

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, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Development Engineering has advised that the most recent phase of this development was registered in 2009 and there have been no additional engineering submissions since that time.

Conservation Sudbury has requested that Condition #35 respecting the preparation of a flood analysis of the realigned watercourse be deleted and be replaced with a condition respecting the conveyance of stormwater flows from upstream properties which has been included in the Resolution section of this report.

Planning Considerations:

Planning Act

Section 51 of the Planning Act has established two land use planning principles with respect to the initial approval of a draft plan of subdivision and how extensions to an existing draft approved plan of subdivision are to be addressed.

First, Section 51(32) allows for a municipality to provide a lapsing date on a draft approved plan of subdivision of not less than three years and the draft approval is considered to have lapsed at the end of the specified time period. Section 51(33) allows for a municipality to extend draft approval beyond the initial period for a time specified by the municipality.

In practice, where a draft plan of subdivision has lapsed, a landowner may request the subdivision be deemed not to have lapsed if the criteria listed in Section 51(33.1) can be met. Additionally, there is nothing preventing a landowner from filing another draft plan of subdivision application for consideration. The re-application is treated as a new application and all requirements under Section 51 are applicable (e.g., a public hearing would be required).

Lapsing conditions are imposed by a municipality to ensure that development once approved will proceed in an expeditious manner. The municipality is most typically concerned that development takes place within the current policy and regulatory framework and especially where scarce services or capacity to service development have been committed to the draft approved plan of subdivision. Three years is generally considered to be sufficient time to clear conditions of draft approval and proceed to registering a plan of subdivision. Section 51(33) allows for some flexibility whereby some additional time can be afforded to a landowner where they are actively pursuing the clearing of draft approval conditions.

Second, Section 51(44) on the other hand allows for a municipality to withdraw draft approval of a plan of subdivision at its discretion or to change the conditions of a draft approval at any time before the registration of a plan of subdivision.

Appeal rights in both cases noted above are found under Section 51 of the Planning Act should a landowner wish to appeal a refusal to extend a lapsing date, a change of conditions or the complete withdrawal entirely of a draft approval by a municipality.

2020 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 PPS. Settlement areas, employment areas, housing and housing supply, provision of public spaces, sewage and water capacities, transportation, natural heritage areas, natural hazards and human-made hazards are some examples of areas of provincial interest that a draft approved plan of subdivision may impact and should be considered when an initial approval is granted as well as when an extension to an existing draft approval is granted. The PPS is updated from time-to-time by the Province, and any draft approval extension should be considered within the context of the in-force PPS at the time an extension request is made.

Official Plan

Section 19.4.2 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 the subdivision has not progressed to registration as they are currently developing another phase of the Dominion Park subdivision, located to the southeast of the subject lands and that the current market demand is sufficient to address their current development requirements.

Planning Analysis:

With respect to the City's Official Plan, staff advises that Phase 2 of the City's Official Plan Review is in part examining issues related to water and waste-water capacities and demands. Section 19.4.2 of the City's Official Plan in particular has been identified as being a policy requiring an update to address municipal infrastructure capacities and demand issues. Staff through this process will consider the embedding of criteria into this section to strengthen the policy position and to better clarify what constitutes reasonable effort on behalf of a landowner when they seek to extend a draft approved plan of subdivision. Internal procedures and application requirements for extension requests are also under review and a stronger "landowner onus" approach will be applied to extension requests in the future once said procedures are established.

The owner is cautioned that future draft approval extensions may be subject to review under strengthened criteria embedded in the Official Plan through the City's Phase 2 Official Plan Review.

Draft Approval Conditions

Condition #11 should be deleted entirely and replaced with a sentence referring to June 23, 2027, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Conservation Sudbury has requested that Condition #35 be deleted and be replaced with new wording respecting the conveyance of stormwater from upstream properties.

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.

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 June 23, 2027, be approved as outlined in the Resolution section of this report.