

## Bayside Estates Subdivision, Azilda

Presented To:	Planning Committee
Meeting Date:	October 21, 2024
Type:	Routine Management Reports
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-5/06004

## Report Summary

This report provides a recommendation regarding an application for an extension to the Bayside Estates draft plan of subdivision (File #780-5/06-004) located in Azilda for a period of three years until November 10, 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 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, File # 780-5-06-004, in the report entitled "Bayside Estates Subdivision, Azilda Extension" from the General Manager of Growth and Infrastructure, presented at the meeting of October 21, 2024, as follows:

1. Revise Condition #10 to state:

The proposed roadways are to be built to urban standards, including curbs, gutters, sidewalk, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of Submission. This includes the allowance for a 13.5-meter radius on the Cul-de-Sac with a 17.5-meter radius to the property line.

2. By deleting Condition #29 and replacing it with the following:

#29. That this draft approval shall lapse on November 10, 2027.

3. By deleting Condition #32 and replacing with the following:

#32. The existing natural watercourse on Blocks 72 and 73 shall be rerouted to the Drain to Block 71 to the satisfaction of the General Manager of Infrastructure Services and Conservation Sudbury. A permit pursuant to Section 28.1 of the Conservation Authorities Act is required prior to undertaking any work on the watercourse.

4. By deleting Condition #34 and replacing with the following:

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:

- i. 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;
- ii. 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;
- iii. A hierarchical approach to stormwater management must be followed as described by the Ministry of the Environment, Conservation and Parks and as amended by City of Greater Sudbury most recent Storm Water Management Guide and Engineering Design Standards;
- iv. "enhanced" level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks;
- v. Stormwater management must further follow the recommendations of the Whitewater Lake Subwatershed Study;
- vi. The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan;
- vii. 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;
- viii. Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties; and,
- ix. Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

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.

5. By adding the following to the end of Condition #41:

"That the geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg. 406/19."

6. By adding the following new condition:

#45 The wetland(s) must be mapped by a qualified professional (OWES-certified with experience in wetland mapping) to the satisfaction of Conservation Sudbury. The wetlands must be mapped within

the location of the proposed subdivision and within 30 metres of the proposed subdivision. All mapping must include the wetland boundary and areas of potential interference shown at 12 metres and 30 metres from the wetland boundary. Development must comply with Conservation Sudbury's Wetland Guidelines and proponent must demonstrate that loss of wetlands will not aggravate flooding or erosion to downstream parcels to the satisfaction of Conservation Sudbury.

7. By adding the following new condition:

#46 That the owner complete a Traffic Impact Study and agree to participate in the cost of any upgrades or improvements identified in the study to the satisfaction of the General Manager of Growth and Infrastructure.

## **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 \$632,400 in taxation revenue, based on the assumption of 110 single detached dwelling units based on an estimated assessed value of \$400,000 at the 2024 property tax rates. This excludes any potential development from remaining vacant medium density block as units to be developed are unknown at this point.

Additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by the Building Services department at the time of permit issuance.

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 (File #780-5/06-004) located in Azilda for a period of three years until November 10, 2027. Planning Services Division is recommending approval of the extension request.

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 and Planning Analysis sections of the report.

# STAFF REPORT

## Applicant:

Walden Lands Inc.

## Location:

PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside (Bayside Estates)

## Application:

To extend the draft approval which was extended most recently in 2021 and is set to expire November 10 2024, for a draft plan of subdivision on those lands known as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside (Bayside Estates)

## Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until November 10, 2027.

## Background:

The City received a letter from the agent on August 7, 2024, requesting to extend the draft approval on the plan of subdivision for a period of three years on those lands described as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside (Bayside Estates). As part of the extension request, the agent provided a status update on the progress of current conditions advising that the applicant is working diligently towards registration of the subdivision in phases.

The draft plan approval is for a total of 133 single detached dwelling lots and 2 medium density blocks. 23 of the 133 draft plan approved lots have been registered to date and 40 townhome units have been established by way of plan of condominium in one of the two medium density blocks. Access to the subdivision is to be provided via two accesses with one being from St. Agnes Street and the other from Brabant Street.

Surrounding uses are residential, park, institutional, open space conservation, and rural in nature.

A location map is attached for reference.

## Policy & Regulatory Framework:

The extension request is subject to the following applicable policy and regulatory framework:

- [Planning Act](#);
- [2024 Provincial Planning Statement](#); and,
- [Official Plan for the City of Greater Sudbury, 2006](#).

The Planning Act, Provincial Planning Statements, and 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.

## **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.

## **2024 Provincial Planning 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.

## **Departmental & Agency Circulation:**

The extension request including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the extension request and to inform and identify appropriate revisions to the draft plan conditions should the extension request be approved. Comments received from departments generally had no concerns with the extension request, however, a few modifications to the draft plan conditions were requested.

Detailed comments can be found in Appendix 1 to this report.

## **Planning Analysis:**

Staff are of the opinion that the draft plan approval remains consistent with the Provincial Planning Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning. The following modifications are proposed to the draft plan conditions based on department and agency comments and are largely intended to reflect current standards as a result of policy changes.

### **Draft Approval Conditions**

Condition #10 is recommended to be updated to reflect current draft plan condition, including the installation of sidewalks, consistent with policy direction and City's engineering standards.

Condition #29 should be deleted entirely and replaced with a sentence referring to November 10<sup>th</sup>, 2027, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Condition #41 should be updated to add 'that the geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg. 406/19' at the end of the existing condition in order to reflect current standards.

Condition #32 is recommended to be updated to add Conservation Sudbury as a clearance agency and to require a permit pursuant to Section 28.1 of the Conservation Authorities Act prior to undertaking any work on the watercourse.

Condition #34 is recommended to be deleted and replaced with the current stormwater management requirements for plans of subdivision. Previous condition no longer complies with legislation.

It is recommended that the following new condition to address wetlands be added. This new condition would be to the satisfaction of Conservation Sudbury and would ensure that development meets NDCA'S Wetland Guidelines.

#45. The wetland(s) must be mapped by a qualified professional (OWES-certified with experience in wetland mapping) to the satisfaction of Conservation Sudbury. The wetlands must be mapped within the location of the proposed subdivision and within 30 metres of the proposed subdivision. All mapping must include the wetland boundary and areas of potential interference shown at 12 metres and 30 metres from the wetland boundary. Development must comply with Conservation Sudbury's Wetland Guidelines and proponent must demonstrate that loss of wetlands will not aggravate flooding or erosion to downstream parcels to the satisfaction of Conservation Sudbury.

It is recommended that the following new condition to address traffic be added.

#46 That the owner complete a Traffic Impact Study and agree to participate in the cost of any upgrades or improvements identified in the study to the satisfaction of the General Manager of Growth and Infrastructure.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments.

The existing draft approval conditions are attached to this report for reference purposes.

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.

**CONCLUSION:**

The Planning Services Division has reviewed the request to extend the subject draft approved plan of subdivision 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 approved plan of subdivision. Appropriate changes where identified and explained within this report have been included in the Resolution section of this report and would 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 Bayside Estates Subdivision for a period of three years until November 10, 2027, be approved as outlined in the Resolution section of this report.

## Appendix 1:

### Departmental & Agency Comments

#### a) Building Services

To further condition #41, a Geotechnical Engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg 406/19.

#### b) Development Engineering

Development Engineering has reviewed the above noted application. Since the extension of draft approval that occurred with the registration of phase 3 in 2021, we have had no additional submissions of construction drawings for subsequent phases. However, in July of 2022, the developer's agent submitted an application for cost sharing on Brabant Street with respect to Condition 26 of Council's conditions of draft approval. This application was deemed premature and will be resubmitted with the submission of construction drawings that will include the works required on Brabant Street. We have no objection to the three year draft plan extension.

#### c) Infrastructure Capital Planning

##### Drainage

*Original condition number 34 reading:*

The Owner provide stormwater quality control to an enhanced level of protection on the stormwater outlet at the south limit of the draft plan of subdivision. For the outlet on the east limit of the subdivision, the Owner shall provide the City with a cash contribution in lieu of onsite stormwater management quality and quantity controls. The cash contribution is to be applied towards the communal stormwater management facilities to be implemented by the City downstream of the subdivision.

*is deleted and replaced with the following condition:*

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:

- 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;
- 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.
- A hierarchical approach to stormwater management must be followed as described by the Ministry of the Environment, Conservation and Parks and as amended by City of Greater Sudbury most recent Storm Water Management Guide and Engineering Design Standards.
- "enhanced" level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks;
- Stormwater management must further follow the recommendations of the Whitewater Lake Subwatershed Study;
- The drainage catchment boundary including external tributary catchments and their respective area



must be clearly indicated with any stormwater management plan;

- 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;
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties; and,
- Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

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.

Roads

No Concerns

Traffic

A preliminary review of the amount traffic that may be generated by this new proposed layout indicates that approximately 50 more vehicle trips could be generated from the site during the afternoon peak hour.

We require that the owner undertake a traffic impact study and agree to contribute towards the cost of any improvements or upgrades identified in the study to the satisfaction of the General Manager of Infrastructure Services.

Revise Council's Condition #10 to state:

The proposed roadways are to be built to urban standards, including curbs, gutters, sidewalk, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of Submission. This includes the allowance for a 13.5-meter radius on the Cul-de-Sac with a 17.5-meter radius to the property line.

Active Transportation

No Concerns

Roads Operations

No Concerns

d) Nickel District Conservation Authority

The current conditions of draft plan approval were initially approved on June 26th, 2008 and are currently set to lapse on November 10th 2024, and includes on condition related to Conservation Sudbury.

Conservation Sudbury would like condition #15 to remain. Conservation Sudbury would like to be added as an approval agency for the following condition and suggests the following additional wording (see italic):

#32. The existing natural watercourse on Blocks 72 and 73 shall be rerouted to the Drain to Block 71 to the satisfaction of the General Manager of Infrastructure Services and Conservation Sudbury. A permit pursuant to Section 28.1 of the Conservation Authorities Act is required prior to undertaking any work on the watercourse.

Since the last circulation Conservation Sudbury has adopted Wetland Guidelines and would like the following to be added as a new condition:

1. The wetland(s) must be mapped by a qualified professional (OWES-certified with experience in wetland mapping) to the satisfaction of Conservation Sudbury. The wetlands must be mapped within the location of the proposed subdivision and within 30 metres of the proposed subdivision. All mapping must include the wetland boundary and areas of potential interference shown at 12 metres and 30 metres from the

wetland boundary. Development must comply with Conservation Sudbury's Wetland Guidelines and proponent must demonstrate that loss of wetlands will not aggravate flooding or erosion to downstream parcels to the satisfaction of Conservation Sudbury.

Note- Wetlands and historic watercourse alignments may have unstable soils and appropriate technical analysis must be considered prior to construction. These areas must be considered in the geotechnical report required as part of condition #11.

In accordance with the provisions of Section 28 of the Conservation Authorities Act permission must be obtained prior to any site grading and the temporary or permanent placing, dumping, or removal of any material whether originating in the site or elsewhere; straightening, changing, diverting, or interfering in any way with the existing channel of a river, creek, stream, or watercourse, interference in any way with a wetland; or, development, defined as the construction, erection or placing of a building or structure of any kind or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof.

Please note that Conservation Sudbury is currently completing a new floodplain study for the Whitson River and Whitewater Lake watersheds and results are expected within the next year. The floodplain elevation at this location may change. The landowner is encouraged to consult with Conservation Sudbury prior to the planning of future development for an update.