

Algonquin Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	November 13, 2024
Type:	Routine Management Reports
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-6/12004

Report Summary

This report provides a recommendation regarding a request to extend draft plan approval for the proposed Algonquin Road Subdivision.

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as PIN 73478-1121, Parcel 11257, Parts 1-3, Plan 53R-19865 in Lot 3, Concession 5, Township of Broder City of Greater Sudbury, File 780-6-12-004, in the report entitled "Algonquin Road, Sudbury", from the General Manager of Growth and Infrastructure, presented at the meeting on November 13, 2024 as follows:

- a) By amending the draft plan lapsing date in Condition #10 to December 23, 2027;
- b) By amending condition #20e) by adding the words "as amended" after By-law #2009-170;
- c) By amending condition #21 by removing the words "when the regulation comes into effect"; By deleting condition #36 and replacing with the following:

#36. Development on any lots that contain floodplain must be reviewed and approved by Conservation Sudbury. The plans must show that there is sufficient storage capacity to compensate for the fill placed on the affected lots for floodproofing purposes.

- d) By deleting condition #41 and replacing with the following:

#41 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 Algonquin Road 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.
 - 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.

- e) That condition #45 be deleted and replaced with the following:

#45 The applicant/owner obtain a permit from Conservation Sudbury, under Section 28.1 of the *Conservation Authorities Act*, for any grading within the flood hazard (floodplain) or within 15 metres of the hazard. Submitted plans must be authored, signed, and sealed by a qualified professional licensed in the Province of Ontario.

- f) That condition #46 be deleted and replaced with the following:

#46. The applicant/owner obtain a permit from Conservation Sudbury, under Section 28.1 of the *Conservation Authorities Act*, for the realignment of the watercourse. In addition to the realignment details, the owner/applicant must demonstrate:

- i. The channel capacity is equal in the realignment channel to the existing channel
- ii. The extent of the erosion hazard; and
- iii. The details of any crossings.

- g) That the following condition be added:

#48. The applicant/owner submit plans showing the extent of wetland on the property. Mapping must be completed by a qualified professional (OWES-certified) and be accompanied by a report. If no wetlands are present, a report by a qualified professional is required. If wetlands are present, the following apply:

- i. The hydrologic impact of wetland loss must be quantified by a qualified professional. Any loss of hydrologic or hydraulic function must be mitigated, such there is no negative impacts to flooding and/or erosion to adjacent, upstream or downstream properties.
- ii. The applicant/owner must obtain a permit from Conservation Sudbury, under Section 28.1 of the Conservation Authorities Act, for any development proposed within 30 m of the wetland.

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

The request to extend the approval for a draft plan of subdivision is an operational matter under the Planning Act to which the City is responding. The proposal is consistent with the goals and objectives of the Strategic Plan by diversifying the supply of new housing and providing a range of housing options to accommodate future demand.

The proposed development is located within a designated growth area that is serviced by municipal sewer and water, offers proximity to services including public transit and schools, and represents the rounding out of existing development within settlement area boundaries. The application is therefore deemed to be consistent with the goal to create compact, complete communities under the Community Energy & Emissions Plan.

Financial Implications

If approved, staff estimates approximately \$465,700 in taxation revenue, based on the assumption of eight single detached dwelling units and 92 semi-detached dwelling units based on an estimated assessed value of \$500,000 and \$275,000, respectively, at the 2024 property tax rates.

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 and South End Rock Tunnel section 391 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 of the subject land has requested a three-year extension for the draft plan of subdivision located on the south side of Algonquin Road, which was originally approved on December 23, 2013. The draft plan was amended in 2017 in order to reconfigure the road layout and permit 10 lots for single residential use and 44 lots for double residential use.

Planning Services recommends that the request to extend draft plan approval for a period of three (3) years be approved.

STAFF REPORT

Applicant:

Sitiri Investments Ltd.

Location:

PIN 73478-1121, Parcel 11257, Parts 1-3, Plan 53R-19865 in Lot 3, Concession 5, Township of Broder City of Greater Sudbury.

Application:

To extend the draft approval which was extended most recently in 2021 and is set to expire December 23 2024, for a draft plan of subdivision on those lands known as PIN 73478-1121, Parcel 11257, Parts 1-3, Plan 53R-19865 in Lot 3, Concession 5, Township of Broder City of Greater Sudbury.

Proposal:

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

Background:

The owner of the subject land has requested a three-year extension for the above noted draft plan of subdivision, which was originally approved on December 23, 2013. No phases have been registered to date. If approved, the new lapsing date will be December 23, 2027. As part of the extension request, the agent provided a status update on the progress of current conditions advising that the applicant is working with the City to address stormwater management.

The draft plan was amended in 2017 in order to reconfigure the road layout and permit 10 lots for single residential use and 44 lots for double residential use. Lots 9 and 10 were subsequently rezoned in 2018 to permit semi-detached dwellings (File 751-6/18-3). The most recent conditions of draft approval dated March 2022 are attached for review.

Surrounding uses are residential, institutional, industrial, 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 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 should be deleted entirely and replaced with a sentence referring to December 23, 2027, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Condition #20e) has been requested by Building Services to be amended to add the words “as amended” after By-law #2009-170.

Condition #21 has been requested by Building Services to be amended to remove the words “when the regulation comes into effect”.

Condition #36 has been requested by Conservation Sudbury to be deleted and replaced with the following:

#36. Development on any lots that contain floodplain must be reviewed and approved by Conservation Sudbury. The plans must show that there is sufficient storage capacity to compensate for the fill placed on the affected lots for floodproofing purposes.

Condition #41 has been requested by Infrastructure Capital Planning to be deleted and replaced with the following:

#41 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 Algonquin Road 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.
- 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.

Condition #45 has been requested by Conservation Sudbury to be deleted and replaced with the following:

#45 The applicant/owner obtain a permit from Conservation Sudbury, under Section 28.1 of the *Conservation Authorities Act*, for any grading within the flood hazard (floodplain) or within 15 metres of the hazard. Submitted plans must be authored, signed, and sealed by a qualified professional licensed in the Province of Ontario.

Condition #46 has been requested by Conservation Sudbury to be deleted and replaced with the following:

#46. The applicant/owner obtain a permit from Conservation Sudbury, under Section 28.1 of the *Conservation Authorities Act*, for the realignment of the watercourse. In addition to the realignment details, the owner/applicant must demonstrate:

- i. The channel capacity is equal in the realignment channel to the existing channel
- ii. The extent of the erosion hazard; and
- iii. The details of any crossings.

Conservation Sudbury has requested that the following new condition be added:

#48. The applicant/owner submit plans showing the extent of wetland on the property. Mapping must be completed by a qualified professional (OWES-certified) and be accompanied by a report. If no wetlands are present, a report by a qualified professional is required. If wetlands are present, the following apply:

- i. The hydrologic impact of wetland loss must be quantified by a qualified professional. Any loss of hydrologic or hydraulic function must be mitigated, such there is no negative impacts to flooding and/or erosion to adjacent, upstream or downstream properties.
- ii. The applicant/owner must obtain a permit from Conservation Sudbury, under Section 28.1 of the *Conservation Authorities Act*, for any development proposed within 30 m of the wetland.

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 Algonquin Subdivision for a period of three years until December 23, 2027, be approved as outlined in the Resolution section of this report.

Appendix 1: Departmental & Agency Comments

a) Building Services

No objections to the extension. Please amend the following conditions:

#20.e) Please add “as amended” to the By-law #2009-170.

#21. Please remove “when the regulation comes into effect”

b) Conservation Sudbury

The municipality, in partnership with Conservation Sudbury, is currently undertaking a new floodplain study of the Algonquin watershed. While results are not currently available, it is expected that they will be published in advance of the expiration of the draft plan approval, should the extension be granted. We highly recommend that the proponent show the new floodplain on future submissions related to this file. The Provincial Policy Statement (2020) and the Provincial Planning Statement (2024, in effect as of October 20, 2024) contain policies related to development within natural hazards, including flood hazards. It is not possible to provide meaningful comments related to compliance with PPS policies without understanding the location of the hazards on the property.

The current conditions of draft plan approval were initially approved on December 23, 2013 and are currently set to lapse on December 23, 2024, and includes nine conditions related to Conservation Sudbury. We recommend that conditions #21, #23, #25, #43, #44, and #47 remain as written. We recommend that condition #36 be amended to the following:

#36. Development on any lots that contain floodplain must be reviewed and approved by Conservation Sudbury. The plans must show that there is sufficient storage capacity to compensate for the fill placed on the affected lots for floodproofing purposes.

We recommended that condition #45 be amended to:

#45 The applicant/owner obtain a permit from Conservation Sudbury, under Section 28.1 of the *Conservation Authorities Act*, for any grading within the flood hazard (floodplain) or within 15 metres of the hazard. Submitted plans must be authored, signed, and sealed by a qualified professional licensed in the Province of Ontario.

We recommended that condition #46 be amended to:

#46. The applicant/owner obtain a permit from Conservation Sudbury, under Section 28.1 of the *Conservation Authorities Act*, for the realignment of the watercourse. In addition to the realignment details, the owner/applicant must demonstrate:

- iv. The channel capacity is equal in the realignment channel to the existing channel
- v. The extent of the erosion hazard; and
- vi. The details of any crossings.

We recommend that the following condition be added:

1. The applicant/owner submit plans showing the extent of wetland on the property. Mapping must be completed by a qualified professional (OWES-certified) and be accompanied by a report. If no wetlands are present, a report by a qualified professional is required. If wetlands are present, the following apply:

- iii. The hydrologic impact of wetland loss must be quantified by a qualified professional. Any loss of hydrologic or hydraulic function must be mitigated, such there is no negative impacts to flooding and/or erosion to adjacent, upstream or downstream properties.

- iv. The applicant/owner must obtain a permit from Conservation Sudbury, under Section 28.1 of the Conservation Authorities Act, for any development proposed within 30 m of the wetland.

c) Development Engineering

Development Engineering has reviewed the above application. There have been no submissions for any phases for development of this subdivision since the last draft extension in 2021.

We reviewed the conditions and can confirm that all conditions required by Development Engineering are present and satisfactory.

We have no objection to the requested extension of this draft plan of subdivision.

d) Fire

Fire Services has no comments on the requested extension.

e) Infrastructure Capital Planning

Roads

No concerns.

Transportation & Innovation Support

No concerns.

Active Transportation

No concerns.

Roads Operations

No concerns.

Drainage

Condition #41 be deleted and replaced 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 Algonquin Road 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.
- 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.

f) Strategic and Environmental Planning

No edits, deletions or additions to recommend for the conditions. The owner is solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the federal Migratory Birds Convention Act, the federal Fisheries Act, the provincial Endangered Species Act and the provincial Fish and Wildlife Conservation Act.

g) Transit

No comments or concerns at this time.