

## MacMillan Drive, Val Therese Plan of Subdivision

Presented To:	Planning Committee
Meeting Date:	November 25, 2024
Type:	Routine Management Reports
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-7/09002

## Report Summary

This report provides a recommendation regarding a request to extend draft plan approval for a proposed subdivision in Val Therese.

## 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 73504-0952, Reference Plan 53R18901 Parts 1 & 2, Rem. of Parcel 764 S.E.S., in Lot 6, Concession 1, Township of Hanmer, City of Greater Sudbury, File 780-7/09002, in the report entitled "MacMillan Drive, Val Therese Plan of Subdivision", from the General Manager of Growth and Infrastructure, presented at the meeting of November 25, 2024 as follows:

- a) By amending the draft approval lapsing date in Condition #10 to "November 28, 2027."
- b) By deleting condition #12
- c) By amending condition #16 to add the words "including examining the soil conditions above the abandoned tributary of the Whitson River" after the words "Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development"
- d) By deleting condition #26 and replacing with the following:

#26 That the following conditions related to the implementation of the Paquette-Whitson Municipal Drain be addressed to the satisfaction of the General Manager of Growth and Infrastructure:

  - a) Deleted.
  - b) The owner acknowledges that the current Tributary 8A watercourse that crosses the subject subdivision was rerouted southerly to the Whitson River on lands east of the subject subdivision lands. Existing road and storm sewer drainage from MacMillan Drive and Josephine Street shall be directed westerly, as part of the subdivision design, towards the existing Municipal Road 80 and Tributary 8A cross culvert.
  - c) Deleted.
  - d) Deleted.

- e) The owner agrees to pay Paquette-Whitson Municipal Drain assessments applied to the subject subdivision lands as set out in the Engineer's Report for benefit, outlet, and stormwater management and in conformance with Finance Committee Resolution FA2012-12 (Paquette Whitson Financing Report) ratified by City Council on July 10, 2012.
  - f) Deleted.
  - g) New drainage swales are required on the owner's lots to accept drainage from the backyards of the existing lots on MacMillan Drive.
  - h) 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 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 5 year design storm. The owner is required to design the site storm sewer to meet a storm sewer elevation of 284.60 meters at the east subdivision property line on John Street. The owner shall confirm the storm sewer elevation prior to the subdivision engineering submission to the City.
  - i) Deleted.
  - j) The owner acknowledges the final built of the City pond lands area complete, and the design of the subdivision rear yard drainage swales and catch basins must be integrated with the grading of the pond and the City's lands to the satisfaction of General Manager of Growth and Infrastructure. The owner will be responsible for install any outlet storm sewers from the subdivision to connect to the constructed City stormwater infrastructure. The owner shall limit the number of storm sewers outlet to City pond to the satisfaction of the City's Drainage Engineer.
  - k) The owner agrees to transfer a 6.17 hectare tract of land on the south portion of the subdivision in consideration of the subdivision stormwater land requirement and the requirements of the Engineer's Report for the Paquette-Whitson Municipal Drain and the owner agrees to accept the land allowance payment contained in the report of \$41,000 as the financial consideration for the transfer of the 6.17 h land to the City.
  - l) Deleted.
  - m) Deleted.
  - n) The owner shall provide a 1.8 m high galvanized chain link fence, 0.05 metres inside the subdivision lot line and along the subdivision boundary with the stormwater management block from Lot 37 to Lot 21.
- e) By deleting condition #32
  - f) By adding the following condition:  
#33. A detailed lot grading plan, prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization shall be submitted to the satisfaction of Conservation Sudbury. The plan shall show that all portions of the subdivision are located at or above the flood elevation of the Paquette Whitson municipal drain, and that the lowest opening into any dwelling is located 30 cm above the flood elevation.

## **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, has access to public transit on Municipal Road 80, and represents the rounding out of existing development including the local road network. Active transportation components will be integrated into the subdivision design. The application is therefore deemed to be consistent with the goal to create compact, complete communities under the

## **Financial Implications**

If approved, staff estimates approximately \$927,000 in taxation revenue, based on the assumption of 163 single detached dwelling units based on an estimated assessed value of \$375,000 at the 2024 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.

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.

## **Report Overview:**

The owner of the subject land has requested a three-year draft approval extension for a proposed subdivision in the community of Val Therese (File 780-7/09002). The current draft plan comprises a total of 163 lots for low density residential use, including singles, semis and duplexes. If approved, the new lapsing date will be November 28, 2027.

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

# STAFF REPORT

## Applicant:

Campeau St. Development Inc.

## Location:

PIN 73504-0952, Reference Plan 53R18901 Parts 1 & 2, Rem. of Parcel 764 S.E.S., in Lot 6, Concession 1, Township of Hanmer, City of Greater Sudbury

## Application:

To extend the draft approval which was extended most recently in 2022 and is set to expire November 28 2024, for a draft plan of subdivision on those lands known as PIN 73504-0952, Reference Plan 53R18901 Parts 1 & 2, Rem. of Parcel 764 S.E.S., in Lot 6, Concession 1, Township of Hanmer, 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 November 28, 2027.

## Background:

The owner of the subject land has requested a three-year draft approval extension for a proposed plan of subdivision (File 780-7/09002). If approved, the new lapsing date will be November 28, 2027. The original draft approval date is November 28, 2012. The current draft plan approval comprises a total of 163 lots for low density residential uses, including singles, semis, duplexes and secondary dwelling units.

The current draft plan approval is described as follows:

- 25 lots zoned "H39R1-5", Holding Low Density Residential One (single detached dwellings);
- 90 lots zoned "H39R2-1", Holding Low Density Residential Two (singles & duplexes); and,
- 48 lots zoned "H39R2-2", Holding Low Density Residential Two (singles, duplexes & semis), for a total of 163 lots.

The holding provision restricts development until such time that the lands are removed from the flood plain. A six-hectare block zoned "OSC", Open Space Conservation on the southerly portion of the property will accommodate a stormwater management pond as part of the Paquette-Whitson Municipal Drain project.

The draft plan was most recently extended in 2022. No phases have been registered since the original application. The last set of construction drawings were reviewed and commented on in 2014 and would need to be resubmitted. Staff have not received any further submissions since that date. The most recent conditions of draft approval dated March 2022 are attached for review.

## 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.

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 however 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.

### **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**

It is recommended that condition #10 be amended to reflect the new lapsing date of November 28 2027.

Conservation Sudbury recommended that conditions #12, #26 I), and #32 be deleted as the works for the Paquette-Whitson municipal drain have been completed. Additionally, Conservation Sudbury recommended that condition #16 be amended to specifically require soil examination above the abandoned tributary of the Whitson River. Lastly, it was recommended that the following new condition be added:

#33 A detailed lot grading plan, prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization shall be submitted to the satisfaction of Conservation Sudbury. The plan shall show that all portions of the subdivision are located at or above the flood elevation of the Paquette Whitson municipal drain, and that the lowest opening into any dwelling is located 30 cm above the flood elevation.

The City's Drainage Engineer recommended revisions to condition #26 as a result of the completion of the Paquette-Whitson municipal drain and to reflect current standards. Detailed changes are outlined in Appendix 1 and the resolution.

### **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 MacMillan Drive Plan of Subdivision for a period of three years until November 28, 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.

### b) Conservation Sudbury

Since the last draft plan approval circulation, the works of the Paquette Whitson municipal drain have been completed. Conservation Sudbury has approved the report and as-built drawings (K. Smart Associates Limited, April 5, 2023). The report shows that the floodplain is contained within the banks of the drain. As a result the upland areas, adjacent to the drain, have been effectively removed from the floodway. However, in order to fully remove the development from the flood hazard, the grades within the subdivision must be raised to match or exceed the flood elevation of the adjacent drain. This will be verified as part of the lot grading plan in the draft plan of subdivision process.

Considering that the works of the Paquette Whitson municipal drain are completed, conditions #12, #26(I) and #32 can be deleted. Condition #20 should remain as written. The following new conditions are being suggested:

1. A detailed lot grading plan, prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization shall be submitted to the satisfaction of Conservation Sudbury. The plan shall show that all portions of the subdivision are located at or above the flood elevation of the Paquette Whitson municipal drain, and that the lowest opening into any dwelling is located 30 cm above the flood elevation.

We recommend that the municipality expand the existing condition #16 to include language explicitly related to examining the soil conditions above the abandoned tributary of the Whitson River.

### c) Development Engineering

No development of this subdivision has occurred since the original application. The last set of construction drawings were reviewed and commented on in 2014 and would need to be resubmitted. We have not received any further submission since that date. All of our conditions are included in the current Council Conditions of Draft Approval and as such, we have no objection to the draft plan extension.

### d) Fire

No comments on this extension request.

### e) Infrastructure Capital Planning

#### Roads/Traffic/Active Transportation

No concerns.

#### Drainage

Condition #26 be deleted and replaced with the following:

#26 That the following conditions related to the implementation of the Paquette-Whitson Municipal Drain be addressed to the satisfaction of the General Manager of Growth and Infrastructure:

- a) Deleted.
- b) The owner acknowledges that the current Tributary 8A watercourse that crosses the subject subdivision was rerouted southerly to the Whitson River on lands east of the subject subdivision lands. Existing road and storm sewer drainage from MacMillan Drive and Josephine Street shall be directed westerly, as part of the subdivision design, towards the existing Municipal Road 80 and Tributary 8A cross culvert.
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- e) The owner agrees to pay Paquette-Whitson Municipal Drain assessments applied to the



subject subdivision lands as set out in the Engineer's Report for benefit, outlet, and stormwater management and in conformance with Finance Committee Resolution FA2012-12 (Paquette Whitson Financing Report) ratified by City Council on July 10, 2012.

- f) Deleted.
- g) New drainage swales are required on the owner's lots to accept drainage from the backyards of the existing lots on MacMillan Drive.
- h) 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 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 5 year design storm. The owner is required to design the site storm sewer to meet a storm sewer elevation of 284.60 meters at the east subdivision property line on John Street. The owner shall confirm the storm sewer elevation prior to the subdivision engineering submission to the City.
- i) Deleted.
- j) The owner acknowledges the final built of the City pond lands area complete, and the design of the subdivision rear yard drainage swales and catch basins must be integrated with the grading of the pond and the City's lands to the satisfaction of General Manager of Growth and Infrastructure. The owner will be responsible for install any outlet storm sewers from the subdivision to connect to the constructed City stormwater infrastructure. The owner shall limit the number of storm sewers outlet to City pond to the satisfaction of the City's Drainage Engineer.
- k) The owner agrees to transfer a 6.17 hectare tract of land on the south portion of the subdivision in consideration of the subdivision stormwater land requirement and the requirements of the Engineer's Report for the Paquette-Whitson Municipal Drain and the owner agrees to accept the land allowance payment contained in the report of \$41,000 as the financial consideration for the transfer of the 6.17 h land to the City.
- l) That any required approvals or permits from the Conservation Sudbury, the Ministry of Natural Resources and Department of Fisheries and Oceans, be obtained.
- m) Deleted.
- n) The owner shall provide a 1.8 m high galvanized chain link fence, 0.05 metres inside the subdivision lot line and along the subdivision boundary with the stormwater management block from Lot 37 to Lot 21.

f) Strategic and Environmental Planning

No concerns with the application. The owner is solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not contravene the provincial Endangered Species Act, the provincial Fish and Wildlife Conservation Act, the federal Fisheries Act or the federal Migratory Birds Convention Act.

g) Source Water Protection

This property is within the Vermillion IPZ "3". This Vulnerable area is considered to be "non-critical" and does not impose any restrictions or prohibitions from the Source Protection Plan policies. There are no significant drinking water threats identified at this time.

h) Transit

No comments or concerns at this time.