

Fairlane Subdivision, Sudbury

Presented To:	Planning Committee
Meeting Date:	April 14, 2025
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-6/11006

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 #780-6/11006) in the community of Sudbury for a period of three years until May 8, 2028.

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 Part of PIN 73593-0389, Part of Parcel 15951, Lot 4, Concession 1, Township of McKim, File # 780-6/11006, as outlined in the report entitled "Fairlane Subdivision, Sudbury" from the General Manager of Growth and Infrastructure, presented at the meeting on April 14, 2025 as follows:

1. By replacing Condition #8 with the following:

"8. That this draft approval shall lapse on May 8, 2028."

2. By adding the following to Condition #10:

"The geotechnical engineer must address requirements as it relates to the development under Ontario Regulation 406/19: On-Site and Excess Soil Management."

3. By replacing Condition #21 with the following:

"21. 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 Junction Creek 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.
- If a wet pond is proposed, the wet pond is to meet the criteria of the Ministry of the Environment, Conservation and Parks Stormwater Management Planning and Design Manual latest edition, including but not limited to Table 4.6 Wet Pond – Summary of Design Guidance. Side slopes greater than 3:1 will not be permitted including retaining walls.
- The bottom of the Stormwater Management Facility/Facilities is to be at a higher elevation than the seasonal high groundwater level (i.e. water table).
- If the Stormwater Management Facility/Facilities propose infiltration, the receiving soil layer must have an infiltration rate of greater than or equal to 15 mm/hr, and underlying bedrock and seasonal high groundwater level (i.e. water table) is to be equal to or greater than 1 m below the bottom of the proposed facility.
- Capacity of all swales to be included in the Stormwater Management Report.
- Where drainage from the existing or future right-of-way is conveyed between residential properties, a block is required. Drainage easements are only permitted for the conveyance of drainage of runoff from private properties only.
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- 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."

4. By deleting Condition #28 in its entirety.

"28. That prior to the signing of the final plan, the owner/applicants shall contact the Sudbury District Ministry of Environment, Conservation and Parks (MECP), and satisfy all requirements set out of the Province of

Ontario under the Endangered Species Act, 2007. In addition, the owners/applicants shall, to the satisfaction of the Director of Planning Services, demonstrate that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied prior to any site alteration or development taking place on the subject lands.”

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 mix of 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 \$119,000 in taxation revenue in the supplemental tax year only, based on the assumption of 15 single detached dwelling units at an assessed value of \$500,000 at the 2024 property tax rates.

This 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 time of building 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 approval of the Fairlane Drive Subdivision (File #780-6/11006) in Sudbury for a period of three years until May 8, 2028. 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:

Dalron Construction Ltd.

Location:

Part of PIN 73593-0389, Part of Parcel 15951 SES, Lot 4, Concession 1, Township of McKim, Fairlane Drive

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on May 8, 2013 following successful settlement discussions and subsequent withdrawal of appeals by two residents to the Ontario Municipal Board. The draft approval was extended by Council in 2016, 2019, and 2022 for a plan of subdivision on those lands described as Part of PIN 73593-0389, Part of Parcel 15951 SES, Lot 4, Concession 1, Township of McKim.

Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until May 8, 2028.

Background:

The City received a written request from Dalron Construction Ltd. on February 5, 2025, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as Part of PIN 73593-0389, Part of Parcel 15951 SES, Lot 4, Concession 1, Township of McKim. The subject draft plan of subdivision was initially approved by Council for a total of 15 residential lots permitting single-detached dwellings and 1 block proposed for parkland access ([File # 780-6/11006](#)). The lots are to be accessed from Fairlane Drive via Virginia Drive.

The draft approval is set to expire again on May 8, 2025 and staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to May 8, 2028.

Departmental & Agency Circulation:

Transit, Conservation Sudbury, and Infrastructure Capital Planning have no concerns from their respective areas of interest.

Development Engineering has advised that construction drawings have not yet been received.

Building Services has requested the following to be added to Council Condition #10: 'The geotechnical engineer must address requirements as it relates to the development under Ontario Regulation 406/19: On-Site and Excess Soil Management'.

Drainage Section has requested Condition #21 regarding stormwater management be updated to the current standard requirements.

Strategic & Environmental Planning Initiatives advises that Condition #28 reflects that there was possible habitat of a species at risk at the property, being the Eastern Whip-poor-will (*Antrostomus vociferus*). With on-going conservation efforts across the province, the species is starting to recover. Earlier this year the Eastern Whip-poor-will, which was classified as 'Threatened' per the Endangered Species Act, 2007, was re-classified as a 'Special Concern'. Species classified as 'Special Concern' do not require the same habitat protection under the legislation as species classified as 'Extirpated', 'Endangered', or 'Threatened' and therefore Condition 28 is no longer applicable and staff are recommending it be removed. The owner is reminded that that compliance with the federal *Migratory Bird Convention Act*, 1994, the provincial *Fish and Wildlife Conservation Act*, 1997, and the provincial *Endangered Species Act*, 2007 is their sole responsibility.

Planning Considerations:

[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.

Staff notes that this draft plan was originally approved by Council on May 8, 2013 following successful settlement discussions and subsequent withdrawal of appeals by two residents to the Ontario Municipal Board. Since that time there have been no phases or lots registered. The owner has advised staff that they intend to continue to pursue the development of the subdivision and are working on the overall servicing plans and design drawings for the replacement of downstream infrastructure to provide adequate fire flow.

Staff reminds the owner of the related requirement for a plan of survey to be submitted to the City to rezone future parklands to OSC, Open Space Conservation. These lands are intended to be transferred to the City for park purposes at the time of the registration of the adjacent subdivision, as per the settlement.

Draft Approval Conditions

Condition #8 should be deleted entirely and replaced with a sentence referring to May 8, 2028, as the revised date on which the subject draft plan approval shall lapse.

Building Services has requested that Condition #10 be updated to advise that the geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg. 406/19.

Infrastructure Capital Planning has requested to replace Condition #21 such that it is updated with the current standard requirements for stormwater management.

Further to comments from Strategic and Environmental Planning Initiatives, Condition #28 which served to protect Eastern Whip-poor-will habitat can be deleted since it is no longer classified as a threatened species.

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 a sketch of the draft approved plan of subdivision for reference purposes.

Summary:

The Planning Services Division has reviewed the request to extend the subject 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 of the subdivision. Appropriate changes where identified have been included in the Resolution portion 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 draft approval for the Fairlane Drive Subdivision for a period of three years until May 8, 2028, be approved as outlined in the Resolution section of this report.