

Request for Decision

Walden Lands Inc. - Application to extend draft plan of subdivision approval, Parcel 13763 S.W.S., thirdly, being Part 1, Plan 53R-8730 in Lot 8, Concession 4, Township of Waters, Municipal Road 55, Lively (Pineridge Subdivision)

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 13, 2019
Type:	Routine Management Reports
File Number:	780-8/04008

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 Parcel 13763 S.W.S., thirdly, being Part 1, Plan 53R-8730 in Lot 8, Concession 4, Township of Waters, City of Greater Sudbury, File 780-8/04008, as outlined in the report entitled "Walden Lands Inc.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020, as follows:

a) By replacing the references to "Nickel District Conservation Authority" with "Conservation Sudbury" in Conditions #14, 16, 22, 24 and 35.

b) By adding the following to Condition #14:

"A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

c) By adding the following to Condition #15:

"A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

d) By amending the draft plan lapsing date in Condition #20 to February 3, 2023.

e) By adding the following to Condition #21:

"A sound attenuation caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Dec 13, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 13, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 13, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

f) By adding the following as Condition #38:

“The property will require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:

- a. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
- b. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in the report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
- c. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
 - Pre-blast survey of surface structures and infrastructure within affected area;
 - Trial blast activities;
 - Procedures during blasting;
 - Procedures for addressing blasting damage complaints;
 - Blast notification mechanism to adjoining residences; and,
 - Structural stability of exposed rock faces.
- d. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
- e. Should the developer's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.”

Relationship to the Strategic Plan / Health Impact Assessment

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 application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by diversifying the supply of new housing throughout the City and expanding the range of housing options for residents.

Report Summary

The owner of the subject land has requested a three-year extension for the Pineridge draft plan of subdivision located on the north side of Municipal Road 55 in Lively, which was originally approved on November 3, 2004. If approved, the new lapsing date will be February 3, 2023. No phases have been registered to date.

No major amendments to the draft plan are proposed. Various standard conditions of draft approval require updating to reflect current-day language and practice.

Financial Implications

The financial implications previously presented have since been updated using 2019 rates.

If approved, staff estimate approximately \$75,000 in taxation revenue, based on the assumption of 22 semi-detached dwelling units at an estimated assessed value of \$300,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$310,000 based on assumption of 22 semi-detached dwelling units and based on the rates in effect as of the date of this meeting.

Date: December 13, 2019

STAFF REPORT

Background

The Pineridge subdivision received initial draft approval on November 3, 2004 in order to permit 13 lots for single residential use. Two cul-de-sacs are proposed, to be accessed directly from Municipal Road 55. The majority of the proposed lots back onto Meatbird Creek. No phases have been registered to date.

The conditions of draft approval contain various requirements to address site-specific concerns, most notably the proximity to Meatbird Creek, access from a major arterial road, and the designated flood plain on a portion of the property.

Draft plan approval was subsequently extended in 2007 and 2009.

In 2011 the owner submitted concurrent applications for rezoning and draft plan amendment in order to permit 11 lots for double residential use (22 semi-detached dwelling units). The amended draft plan was approved by Council on November 1, 2011, including an extension of the lapsing date to November 3, 2013. The zoning amendment was adopted on November 23, 2011 ([File 751-8/11-3](#)).

A further three-year draft plan extension was granted in 2017.

No major amendments to the draft plan are proposed by the owner at this time. The owner is requesting a three-year extension to the February 3, 2020 lapsing date. Draft conditions dated May 2017 are attached for review.

Departmental & Agency Comments

The following agencies and departments were asked to review the request to extend the draft plan approval and the conditions imposed by Council. Their comments are as follows:

Development Engineering

The developer has submitted construction drawings which are nearing the end of the approval process that precedes the construction phase. We have no objection to the three-year extension of this draft approval.

Infrastructure Capital Planning Services

No concerns.

Building Services

1. To be added to Condition #15: a soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.
2. To be added to Condition #21: a sound attenuation caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.

Date: December 13, 2019

3. The property will require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:
 - a. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
 - b. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
 - c. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
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 - d. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
 - e. Should the developer's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.

Environmental Planning Initiatives

The report dated May 2019, entitled "Scoped Species at Risk Assessment – Pineridge Subdivision, Lively, City of Greater Sudbury" prepared by FRi Ecological Services has been reviewed.

The report satisfactorily demonstrates that the subject lands have low inherent potential to serve as habitat of species currently protected by the [Endangered Species Act](#). The proposed development will need to implement the report's recommendations to mitigate or eliminate impacts on all animal species inhabiting the subject lands.

Date: December 13, 2019

Summary

Proposed amendments

The recommended revisions to the draft plan conditions are generally viewed as housekeeping amendments. The additional clauses added to Conditions #14, 15 and 21 related to lot grading, sound attenuation and soils caution agreements are now standard clauses to be applied to active draft approvals to ensure that such agreements may be registered on title if required. Building Services recommends that the conditions related to blasting protocols be incorporated into the draft plan conditions in the event that rock removal is required.

Official Plan

Section 20.4.2 of the Official Plan 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 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.

In this case, Development Engineering advised that the project is progressing to the construction phase based on an ongoing review of submitted construction drawings. In 2019, the owner also submitted a Scoped Species at Risk Assessment in order to address matters under the *Endangered Species Act*. The report has been reviewed to the satisfaction of the Manager of Environmental Planning Initiatives.

Based on the above considerations, a three-year draft plan extension is recommended.

2014 Provincial Policy Statement (PPS)

Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. In regards to natural hazards under Section 3.1, development shall generally be directed to areas outside of hazardous lands which are impacted by flooding hazards and/or erosion hazards.

In this case, the subject land forms part of a designated growth area within the community of Lively. The draft plan represents a logical extension of services to accommodate residential development and is consistent with the phasing policies of the PPS. The proposed semi-detached dwellings will further diversify the supply of new housing in the Walden area. Furthermore, the proposed development lands are located outside the designated flood plain based on a review by Conservation Sudbury.

The application is consistent with the 2014 Provincial Policy Statement.

2011 Growth Plan for Northern Ontario (GPNO)

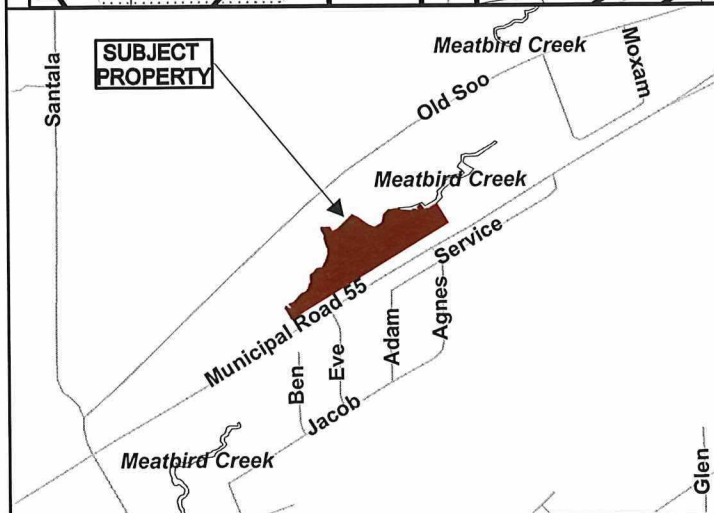
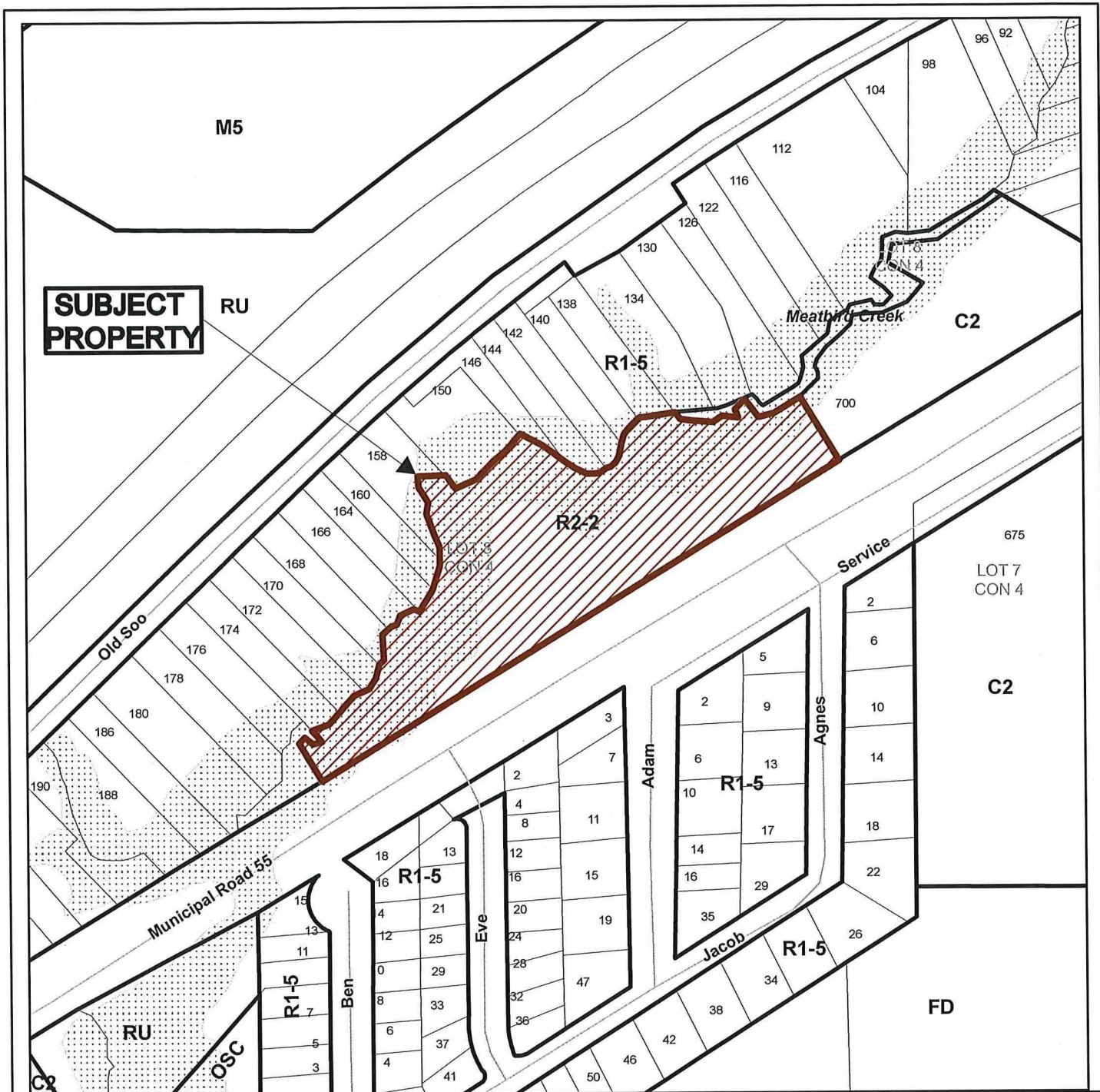
Along with other major urban centres in Northern Ontario, Greater Sudbury is identified as an Economic and Service Hub. Policy 4.3.2 of the GPNO states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario, including the provision of a range of housing.

The application conforms to the 2011 Growth Plan for Northern Ontario

Date: December 13, 2019

Summary

Planning Services Division recommends that a 3-year extension of the draft plan of subdivision be granted subject to the conditions outlined in the Resolution section of this report.



Growth and Development Department



Subject Property being PIN 73378-0338,
Pcl. 30316, Part 1, Plan 53R-8730, Lot 8,
Con. 4, Twp. of Waters, Regional Road 55,
Lively, City of Greater Sudbury

Sketch 1, NTS

751-8/04-03 & 780-8/04008

Regulated by: NDCA

Date: 2013 11 25

PREPARED BY

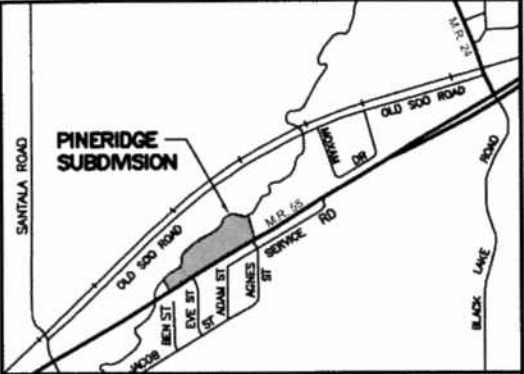


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PREPARED FOR

WALDEN LANDS INC.

PINERIDGE SUBDIVISION DRAFT PLAN AMENDMENT



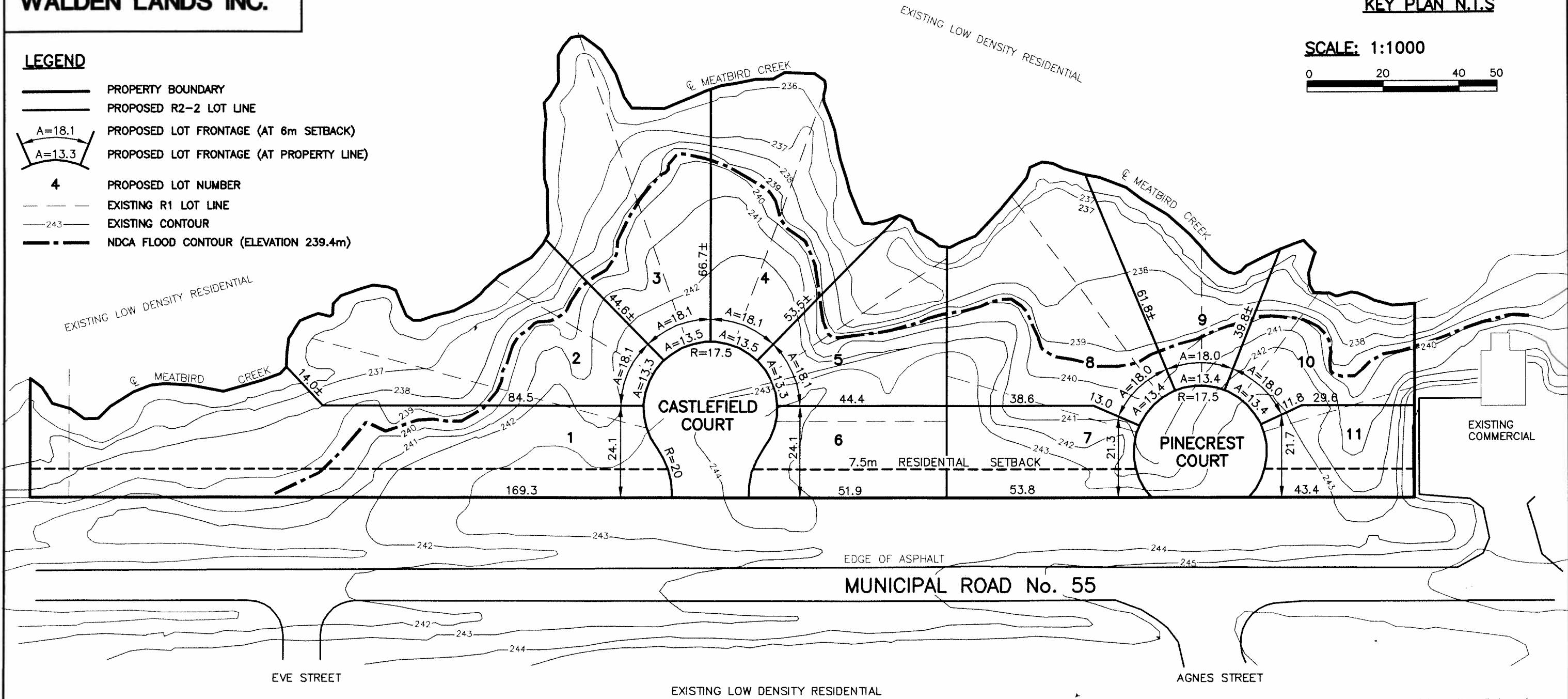
KEY PLAN N.T.S.

SCALE: 1:1000



LEGEND

- PROPERTY BOUNDARY
- PROPOSED R2-2 LOT LINE
- PROPOSED LOT FRONTAGE (AT 6m SETBACK)
 $A=18.1$
- PROPOSED LOT FRONTAGE (AT PROPERTY LINE)
 $A=13.3$
- PROPOSED LOT NUMBER
4
- EXISTING R1 LOT LINE
- EXISTING CONTOUR
-243-
- NDCA FLOOD CONTOUR (ELEVATION 239.4m)



City Council's conditions applying to the approval of the final plan for registration of the subject subdivision are as follows:

1. That this draft approval applies to the draft plan of subdivision of Parcel 13763 S.W.S., thirdly, being Part 1, Plan 53R-8730, in Lot 8, Concession 4, Waters Township as shown on a plan of subdivision prepared by A. Bortolussi, O.L.S., and dated June 3, 2004, as amended by a plan prepared by J.L. Richards & Associates Limited and dated September 13, 2011.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. That the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.
10. That 5% cash in lieu of parkland be paid to the City of Greater Sudbury in accordance with Section 51.1 (3) of the Planning Act to the satisfaction of the Director of Leisure, Community Development and Volunteer Services.

11. That the subdivision agreement contain provisions whereby the owner will construct a right turn taper/parallel lane into the subdivision in accordance with engineering plans and specifications designed to City standards to the satisfaction of the General Manager of Growth and Infrastructure.
12. That the subdivision agreement contain provisions whereby the owner will construct a pedestrian walkway between the two subdivision cul de sacs to the satisfaction of the Director of Planning Services.
13. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
14. The owner shall provide a detailed lot grading plan prepared by a consulting civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, sideyards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. The grading plan shall be based on cross-sectional sketches reviewed by the site geotechnical engineer to ensure stability of slopes to original ground and to ensure a minimum 6.0 m rear yard space to the satisfaction of the Nickel District Conservation Authority.
15. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Growth and Infrastructure, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
16. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the lot grading plans if noted as required at locations designated by the Director of Planning Services and the Nickel District Conservation Authority. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
17. The applicant will be required to dedicate lot easements to the City of Greater Sudbury for municipal purposes.

18. Deleted.
19. Deleted.
20. That this draft approval shall lapse on February 3, 2020.
21. That the subdivision agreement contain provisions whereby the recommendations of the "Road and Railway Noise Impact Study" dated December 7, 1998, prepared by HGC Engineering and outlined in the Staff Report dated October 7, 2004, as amended by an addendum dated February 23, 2005, will be implemented to the satisfaction of the Director of Planning Services.
22. That prior to the signing of the final Plan, the Planning Services Division is to be advised by the Nickel District Conservation Authority that their requirement for a soils report prepared by an engineer and dealing with issues of the placement of fill, slope stability and property owner responsibilities for dealing with future erosion and stability problems has been satisfied and that suitable provisions for the identification of suitable building locations have been incorporated into the subdivision agreement for registration on title of each lot to the satisfaction of the City Solicitor.
23. That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that Conditions # 3, 5, 6, 7, 8, 17 and 22 have been complied with to his/her satisfaction.
24. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
25. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the

control of the 1:5 year, 1:100 year, and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The Regional Storm flow path is to be set out on the plan(s). The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the stormwater management report.

26. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Hydro services, Bell, Union Gas, Canada Post and Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
27. The owner provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
28. The owner provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.
29. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
30. The proposed internal subdivision roadways are to be built to urban standards, including barrier curbs, gutters, storm sewers maximum 8% road grades and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
31. The owner agrees to provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
32. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
33. Draft approval does not guarantee the allocation of either sewer or water capacity. Prior to the signing of the final plan, clearance is required from the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity exists to service this development.

34. Engineering drawings should include barrier curb along the cul-de-sac of the road allowance, allowing only a 4.0m wide mountable curb per semi-detached unit being proposed on the wedge lots. This is the case for new subdivision development being proposed for semi-detached dwelling units at the bulb of cul-de-sacs. Furthermore, the driveways for each pair of semi-detached dwellings shall be paired along the common lot line.
35. That the following clause be required on the drawing of the Plan of Subdivision to be registered:

"The owner shall be responsible for all aspects of slope stability and erosion protection, including all costs. Where issues of slope stability occur, the owner shall employ the services of a registered Professional Engineer to ensure the safety of the occupants of the home and the structure, to ensure the long term stability of the constructed slopes. The owner shall ensure that silt mitigation measures satisfactory to the Nickel District Conservation Authority are employed during the construction phase of the home to prevent sediment escaping the site to Meatbird Creek. Any alteration to the watercourse for the purpose of slope stability and erosion protection will require an approval of the Nickel District Conservation Authority under Section 28 of the Conservation Authorities Act."
36. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
 - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
37. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.