

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.

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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:
 - 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.

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.

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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

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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.