

Request for Decision

Extension to draft plan of subdivision approval, Sugarbush Subdivision, Lively - Dalron Construction Ltd

Presented To:	Planning Committee
Presented:	Monday, Jun 22, 2015
Report Date	Monday, Jun 08, 2015
Type:	Routine Management Reports
File Number:	780-8/08011

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 those lands known as PIN 73377-1463, Part of Parcel 22159 A S.W.S., Lot 8, Concession 5, Township of Waters, File #780-8/08011, upon payment of Council's processing fee of \$1,965.75 as follows:

a) By deleting the words "and the Department of Fisheries and Oceans" in Condition #11;

b) By replacing the word "Persona" with "East Link Cable" in Condition #15;

c) By deleting Condition #16 and replacing it with the following:

"16.The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced."

d) By deleting Condition #21 and replacing it with the following:

"21.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."

e) By deleting Condition #24 and replacing it with the following:

"24.That the owner agrees in writing to satisfy all the requirements, financial and otherwise of the City of

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Jun 8, 15

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Jun 8, 15

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Jun 8, 15

Recommended by the Department

Paul Baskcomb
General Manager of Growth & Development
Digitally Signed Jun 8, 15

Recommended by the C.A.O.

Bob Johnston
Interim Chief Administrative Officer
Digitally Signed Jun 8, 15

Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers, installation of services and surface drainage facilities.”

f) By replacing the words “General Manager of Public Works” with “General Manager of Infrastructure Services” in Condition #26;

g) By deleting Condition #29 and replacing it with the following:

“29. That this draft approval shall lapse on May 8, 2018.”

h) By adding a new Condition #30 as follows:

“30. Prior to any vegetation removal or other site alteration on the subject lands, the owner shall consult with the Ministry of Natural Resources and Forestry (MNR) with respect to species regulated under the Endangered Species Act. The owner shall demonstrate to the satisfaction of the Director of Planning Services that all requirements set out by MNR under the Endangered Species Act have been satisfied.”

i) By adding a new Condition #31 as follows:

“31. The Owner 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.”

j) By adding a new Condition #32 as follows:

“32. The blasting consultant shall be retained by the Owner 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.”

k) By adding a new Condition #33 as follows:

“33. The geotechnical report referred to in Condition 31 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.”

l) By adding a new Condition #34 as follows:

“34. The geotechnical report referred to in Conditions 31 and 33 shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.”

m) By adding a new Condition #35 as follows:

“35. Should the Owner’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.”

STAFF REPORT

Applicant:

Dalron Construction Ltd.

Location:

PIN 73377-1463, Part of Parcel 22159 A S.W.S., Lot 8, Concession 5, Township of Waters (Sugarbush, Lively)

Application:

To further extend the draft approval conditions which were approved and extended most recently by Council previously on May 8, 2012 and are set to expire on August 8, 2015 following a temporary extension that was granted, for a draft plan of subdivision on those lands known as PIN 73377-1463, Part of Parcel 22159 A S.W.S., Lot 8, Concession 5, Township of Waters.

Proposal:

The applicant is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until May 8, 2018.

Background:

The City received a request from Dalron Construction Ltd. on December 12, 2014 to extend draft approval on a plan of subdivision for a period of three years on those lands described as PIN 73377-1463, Part of Parcel 22159 A S.W.S., Lot 8, Concession 5, Township of Waters. The plan of subdivision was draft approved on March 18, 2009 for a total of 69 single and double residential dwelling lots. At the time of writing this report, 22 lots have been registered and 47 single and double residential dwelling lots remain subject to this draft approval. The lots are to be accessed from Chinaberry Drive and Sugarbush Drive in Lively.

The previous draft approval extension was granted on May 8, 2012 and was set to expire again on May 8, 2015. A temporary extension was granted by the delegated official (Acting Director of Planning Services) to August 8, 2015 in order to have comments from agencies and departments for this report. The request from Dalron Construction Ltd. is to extend their draft approval for a period of three years until May 8, 2018. Staff has circulated the application to relevant agencies and departments for comment and is now bringing forward this report to extend the draft approval to May 8, 2018.

Departmental & Agency Comments:

Building Services

Building Services has the following comments:

- a) The Owner 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 Owner 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 Owner'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.

Canada Post

No comments.

Development Engineering

No concerns. Please amend the following conditions:

- Condition #15 – replace “Persona” with “Eastlink”;
- Condition #24 – Delete and replace with “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, installation of services and surface drainage facilities”; and,
- Condition #26 – replace the words “General Manager of Public Works” with “General Manager of Infrastructure Services.”

Drainage

No concerns.

Environmental Initiatives

The subject lands have a high potential of serving as habitat for the eastern whip-poor-will, a species designated as ‘Threatened’ in Ontario by the Ontario Ministry of Natural Resources and Forestry (OMNRF).

It is recommended that the following condition be applied to the approval of this application:

“Prior to any vegetation removal or other site alteration on the subject lands, the owner shall consult with the Ministry of Natural Resources and Forestry (MNR) with respect to species regulated under the Endangered Species Act. The owner shall demonstrate to the satisfaction of the Director of Planning Services that all requirements set out by MNR under the Endangered Species Act have been satisfied.”

Finance

No concerns.

Nickel District Conservation Authority (NDCA)

No concerns. Condition #11 should be revised to delete the reference to the Department of Fisheries and Oceans.

Operations

No concerns.

Roads, Traffic and Transportation

No concerns.

Planning Considerations:

Draft Approval Conditions

Condition #29 should be deleted entirely and replaced with a sentence referencing May 8, 2018, as the revised date on which the subject draft plan approval shall lapse. Building Services has requested that standard conditions related to blasting be added to the draft approval. Development Engineering has requested minor changes to several conditions. Environmental Initiatives has identified that species at risk and their habitat may be present on the lands and have requested their standard condition relating to this be added to the draft approval. NDCA has requested a minor edit to Condition #11. No other changes to the draft approval documents have been requested either by the applicant 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.

Processing Fees

The applicant will be required to pay the applicable processing fee in the amount of \$1,965.75. It is recommended that the draft approval extension be granted upon receipt of Council's processing fee from the applicant. This amount is calculated as per Schedule "G & D-A" of By-law 2015-8 being the User Fees By-law:

2015 Application Fee

Base Fee	\$2,740.00
47 lots x \$109.00	\$5,123.00
Total Fee	\$7,863.00

25% of Application Fee (3 year extension)	\$1,965.75
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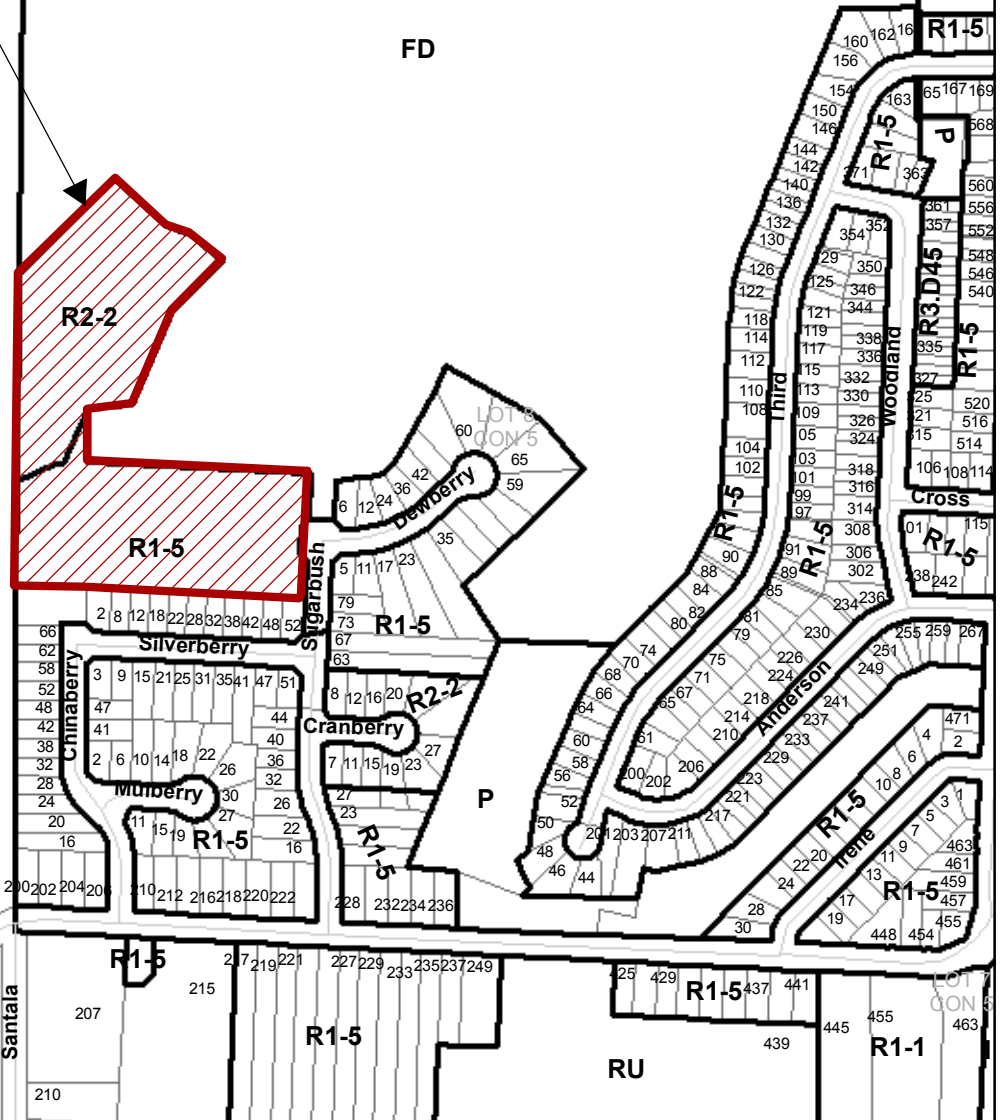
Summary:

Planning Services Staff have reviewed the request to extend the subject draft approval and have no objections to the requested extension for a period of three (3) 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 recommendation portion of this report and will form part of the draft plan approval if approved by Council.

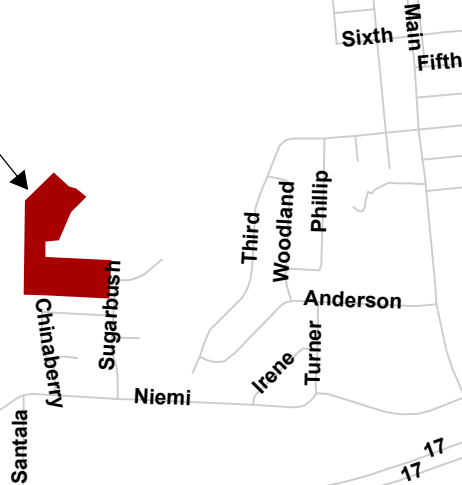
The Planning Services Division therefore recommends that the application to extend draft approval for a period of three (3) years until May 8, 2018, be approved subject to the applicant paying the appropriate processing fee in the amount of \$1,965.75.

**SUBJECT
PROPERTY**

LOT 9
CON 5
RU



**SUBJECT
PROPERTY**



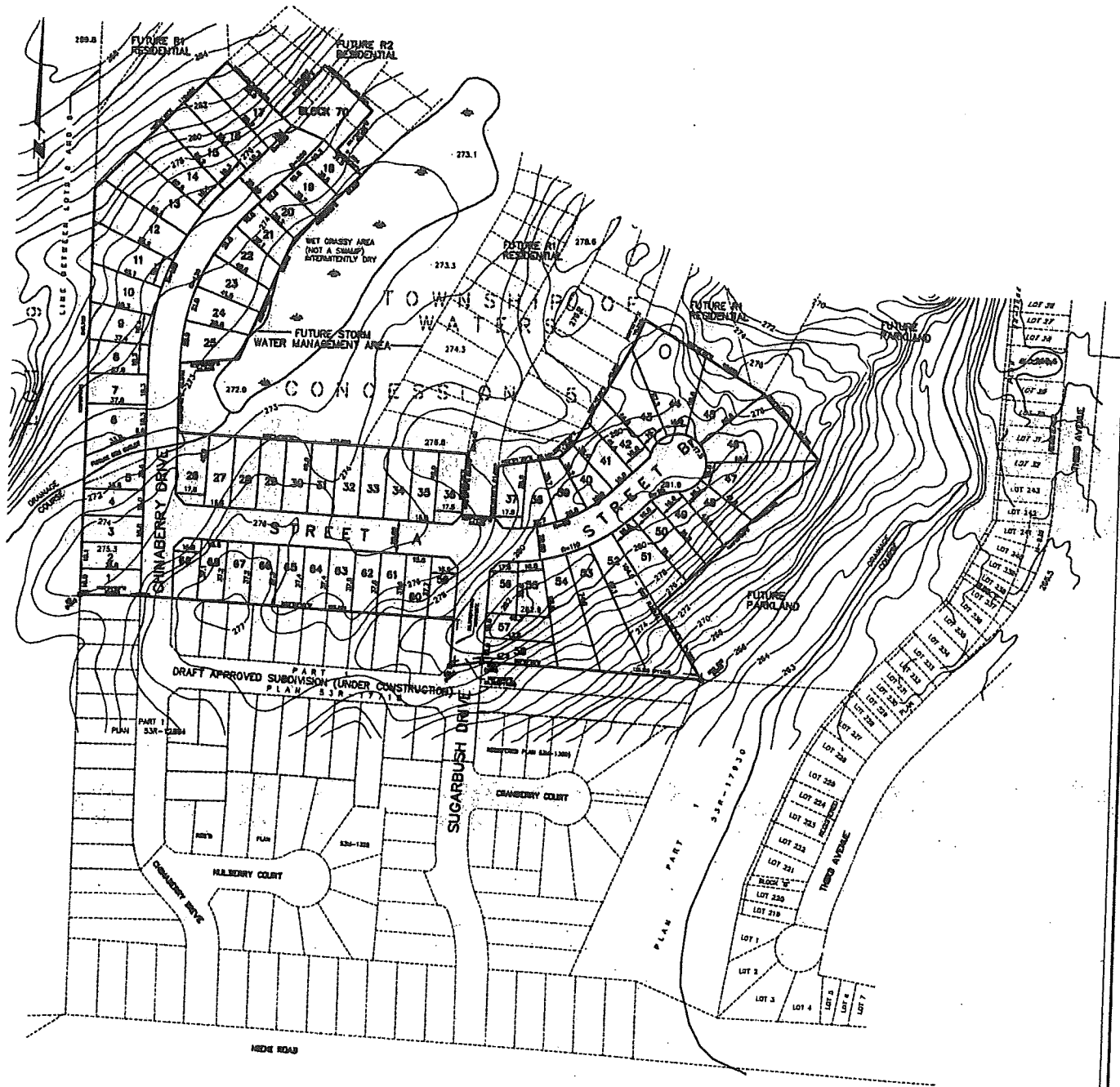
Growth and Development Department



Subject Property being part of PIN 73377-1544,
part of Part 1 & Part 2, Plan 53R-19056, Lot 8,
Con. 5, Twp. of Waters, Lively, City of Greater
Sudbury

NTS
Sketch 1

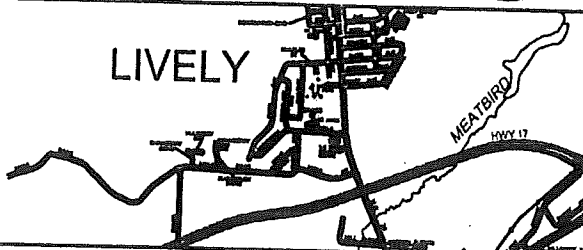
751-8/08-1 & 780-8/08011
Date: 2015 06 03



Growth and Development
Department



LIVELY



Subject Property being Part of PIN
73377-1463, Lot 8, Con 5, Twp of
Waters, Lively, City of Greater
Sudbury

Not to Scale

751-8/08-1 & 780-8/08011
Date: 2008 11 13

THE CITY OF GREATER SUDBURY 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 PIN 73377-1463, Part of Parcel 22159 A SWS, Lot 8, , Concession 5, Township of Waters as show on a plan of subdivision prepared by Terry Del Bosco, O.L.S., dated October 22, 2008.
2. That the street(s) be named to the satisfaction of the City.
3. That 5% of the land included in the plan of subdivision be deeded to the City of Greater Sudbury for parks purposes in accordance with Section 51.1 (1) of the Planning Act.
4. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, 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, watermain, 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.
5. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional 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.
6. 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 both 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 Regional Storm flow path is to be set out on the plan(s).

7. Stormwater quality control shall be based on 85 percent removal of suspended solids based on a particle size of 50 microns, with a minimum design storm target of the 1 in 2 year storm event. The civil engineering consultant shall meet with Development Engineering prior to commencing the stormwater management report.
8. 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.
9. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
10. 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.
11. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services, Nickel District Conservation Authority and the Department of Fisheries and Oceans.
12. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
13. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
14. 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 in to the plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
15. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.

16. 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.
17. 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 will be borne totally by the owner
18. 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
19. The subdivision agreement contain provisions for the owner to pay 50% of the cost to construct Niemi Road to full urban collector standard from Municipal Road #24 to the western property line of Cranberry Drive to the satisfaction of the Director of Planning.
20. 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.
21. That prior to the signing of the final plan, the Economic Development and Planning Services Department 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.
22. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
23. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
24. 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, installation of services and drainage.

25. 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.
26. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning is to be advised by the General Manager of Public Works, that sufficient sewage treatment capacity and water capacity exists to service the development
27. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
28. That Street B be extended northerly to connect with street six as shown on the future plan of subdivision.
29. That this draft approval shall lapse on August 8, 2015.