

Request for Decision

Dalron Construction Ltd. - Application to extend a draft approved plan of subdivision approval, PIN 73377-1463, Part of Parcel 22159 A SWS, Lot 8, Concession 5, Township of Waters (Sugarbush Subdivision, Lively)

Presented To:	Planning Committee
Presented:	Monday, Jun 22, 2020
Report Date	Friday, May 08, 2020
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 a plan of subdivision on those lands described as PIN 73377-1463, Part of Parcel 22159 A SWS, Lot 8, Concession 5, Township of Waters, File #780-8/08011, as outlined in the report entitled "Dalron Construction Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 22, 2020, upon payment of Council's processing fee in the amount of \$2,273.00 as follows:

1. By adding the following words "The owner shall be responsible for the legal costs of preparing and registering any required lot grading agreement." at the end of Condition #5;
2. By deleting Conditions #6, #7, #8 and #30 entirely;
3. By deleting Condition #29 and replacing it with the following: "29. That this draft approval shall lapse on May 8, 2023."; and,
4. By adding a new Condition #39 as follows:
 "39. A storm-water 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:

a) 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 two 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 two 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;

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed May 8, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed May 11, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed May 11, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Jun 4, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Jun 5, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jun 8, 20

- b) 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;
- c) "Enhanced" level must be used for the design of storm-water quality controls as defined by the Ministry of the Environment, Conservation and Parks;
- d) Storm-water management must follow the recommendations of the Junction Creek Sub-watershed Study;
- e) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any storm-water management plan; f) 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;
- g) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties;
- h) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted; and,
- i) The owner shall be responsible for the design and construction of any required storm-water 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 storm-water management works as a condition of this development."

Relationship to the Strategic Plan / Health Impact Assessment

The application to extend this draft plan of subdivision approval is an operational matter under the Planning Act to which the City is responding.

Report Summary

The owner has requested an extension to the draft plan of subdivision approval of the Sugarbush draft approved plan of subdivision (File # 780-8/08011) in the community of Lively for a period of three years until May 8, 2023. The Planning Services Division has reviewed the request to extend the draft approval and have 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.

Development Engineering has outlined that there has been a submission of construction drawings for the northerly extension of Chinaberry Drive known as "Sugarbush Subdivision Phase 4," which was filed with the City in September 2018, but said construction drawings has not yet obtained approval. The City's Drainage Section has requested that a condition be added which will reflect current standard draft approval condition practices in terms of the infrastructure that will be required to facilitate development of the Sugarbush subdivision. Environmental Initiatives notes there are no significant environmental concerns that are not already addressed in the draft approval conditions. Further to this, the owner has now been advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied.

The Planning Services Division is recommending approval of the application to extend the draft approved plan of subdivision. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

Financial Implications

If approved, staff estimate approximately \$215,000 in taxation revenue based on the assumption of 47 single dwelling units (and estimated assessed value of \$400,000 per unit) at the 2019 property tax rates.

In addition, this would result in increased development charges of approximately \$830,000 based on assumption of 47 single dwelling units based on rates in effect as of this report.

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).

Date: May 5, 2020

STAFF REPORT

Applicant:

Dalron Construction Ltd.

Location:

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

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on March 18, 2009. The draft approval was most recently extended by Council until May 8, 2020 for a plan of subdivision on those lands described as PIN 73377-1463, Part of Parcel 22159 A SWS, Lot 8, Concession 5, Township of Waters (ie. Sugarbush Subdivision). The most recent administrative extension was granted by the Director of Planning Services in order to afford staff the opportunity to schedule the item to a meeting of Planning Committee that is appropriate given the emerging and changing best practices for scheduling meetings due to the Covid-19 global pandemic. The draft approval therefore has a current lapsing date of September 8, 2020.

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, 2023.

Background:

The City received a written request from Dalron Construction Ltd. on January 7, 2020, to extend the 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 SWS, Lot 8, Concession 5, Township of Waters. The draft approved plan of subdivision was initially approved by Council for a total of 69 urban residential lots to the north of Niemi Road and Santala Road in the community of Lively. The remaining lots are to be accessed from Chinaberry Drive and Sugarbush Drive.

The draft approval is set to expire again on September 8, 2020, following one administrative extension that was issued due to the Covid-19 global pandemic. 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, 2023.

Departmental & Agency Circulation:

Active Transportation, Building Services, Conservation Sudbury, Operations, Roads, Traffic and Transportation, and Transit Services have each advised that they have no concerns from their respective areas of interest. Leisure Services was also circulated and have no comments.

Canada Post has not requested any changes to the draft approval conditions. Canada Post did however note in an emailed letter their requirements and expectations for providing mail service to the subdivision. The above noted letter is attached to this report for the owner's information and reference purposes.

Date: May 5, 2020

Development Engineering has no concerns with the requested extension, but has noted that the phase of the subdivision known as “Sugarbush Subdivision Phase 6” being the Dewberry Court cul-de-sac was registered in May 2012. There has also been a submission of construction drawings for the northerly extension of Chinaberry Drive known as “Sugarbush Subdivision Phase 4” was filed with the City in September 2018, but said construction drawings has not yet obtained approval.

The City’s Drainage Section has requested that a new and comprehensive condition addressing the requirement for a storm-water management report and associated plans be added to the draft approval conditions. The comprehensive condition will act to provide clarity in the draft approval document in terms of what is required from a storm-water management perspective. Conditions #6, #7 and #8 are therefore recommended to be deleted in favour of the above noted comprehensive and standardized condition that is fully described in the Resolution section of this report.

Environmental Initiatives notes there are no significant environmental concerns that are not already addressed in the draft approval conditions. Condition #30 is recommended to be removed and the owner is advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks (MECP) to ensure that all requirements set out by the Province of Ontario under the [Endangered Species Act](#) have been satisfied.

Planning Considerations:

[Official Plan](#)

Section 20.4.2 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 particular draft plan approval was originally approved by Council on March 18, 2009, and since that time 22 urban residential lots have been registered as Plan 53M-1401. At the time of writing this report, 47 urban residential lots remaining within the draft approved Sugarbush Subdivision.

The owner did not provide a status update with respect to pursuing the finalization of any future phases of the draft approved Sugarbush Subdivision in their letter to the City dated January 7, 2020.

Development Engineering has however noted in their review of the extension request that the submission of construction drawings for the northerly extension of Chinaberry Drive known as “Sugarbush Subdivision Phase 4” was filed with the City in September 2018, but said construction drawings has not yet obtained approval.

[Draft Approval Conditions](#)

Condition #29 should be deleted entirely and replaced with a sentence referring to May 8, 2023, as the revised date on which the subject draft plan of subdivision approval shall lapse.

The City’s Drainage Section has requested that Conditions #6, #7 and #8 be deleted and replaced with one comprehensive conditions addressing the requirement for a storm-water management report and associated plans. The comprehensive condition will act to provide clarity in the draft approval document in terms of what is required from a storm-water management perspective. This new Condition #39 is included in the Resolution section of this report.

Date: May 5, 2020

Environmental Initiatives has noted that there are no significant environmental concerns that are not already addressed in the draft approval conditions. It is also noted that the owner is hereby advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied. The recommended deletion of Condition #30 relating to the above is included in the Resolution section of this report.

Other housekeeping changes are also incorporated into the Resolution section of this report.

No other administrative and housekeeping changes to the draft approval documents are required at this time. No other changes beyond those described in this report to the draft approval documents have been requested either by the owner or by circulated agencies and departments.

The draft approval conditions are attached to this report along with a sketch of the draft approved plan of subdivision dated October 22, 2008, for reference purposes.

Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$2,273.00. It is recommended that the draft approval extension be granted upon receipt of Council's processing fee from the owner. This amount was calculated as per [By-law 2020-26](#) being the Miscellaneous User Fees for Certain Services By-law that was in effect at the time the request was made.

Summary:

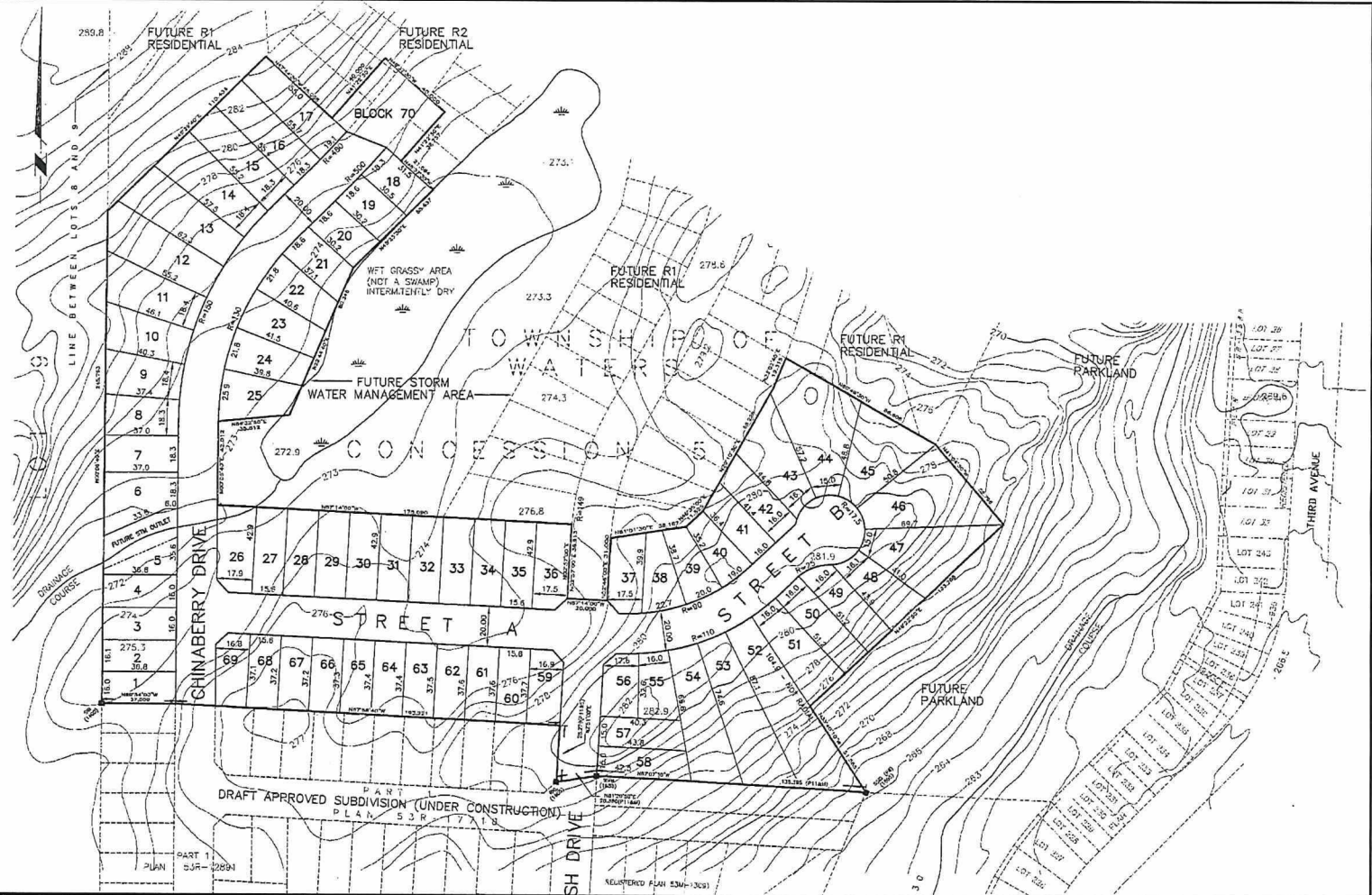
The Planning Services Division have reviewed the request to extend the subject draft approval and have no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision.

Development Engineering has outlined that there has been a submission of construction drawings for the northerly extension of Chinaberry Drive known as "Sugarbush Subdivision Phase 4," which was filed with the City in September 2018, but said construction drawings has not yet obtained approval.

The City's Drainage Section has requested that a condition be added which will reflect current standard draft approval condition practices in terms of the infrastructure that will be required to facilitate development of the Sugarbush subdivision.

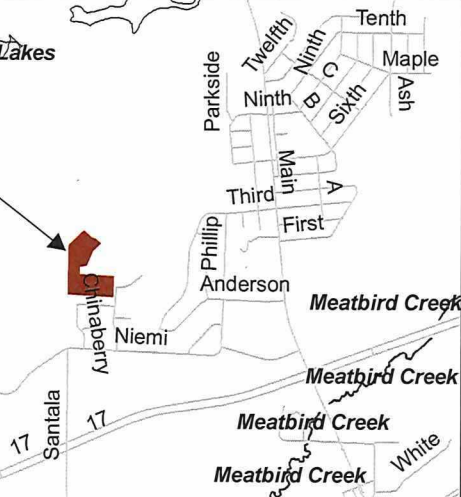
Environmental Initiatives notes there are no significant environmental concerns that are not already addressed in the draft approval conditions. Further to this, the owner has now been advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied.

Appropriate changes where identified have been included in the Resolution section 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 the draft approval for the Sugarbush Subdivision for a period of three years until May 8, 2023, be approved as outlined in the Resolution section of this report.



Twin Lakes Twin Lakes

**SUBJECT
PROPERTY**



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

Growth and Infrastructure Department



NTS
Sketch 1

751-8/08-1 & 780-8/08011
Date: 2018 01 31

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. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor.
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. A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.
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 and Nickel District Conservation Authority.
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 Eastlink Cable. 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. 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.
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 Services.
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 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.
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, walkways, street lighting, sanitary sewers, watermains, storm sewers, installation of services and surface drainage facilities.

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 Services is to be advised by the General Manager of Growth and Infrastructure, 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. Deleted.
29. That this draft approval shall lapse on September 8, 2020.
30. That prior to the signing of the final plan, the owners/applicants shall contact the Ministry of Natural Resources and Forestry (MNRF), Sudbury District Office, and satisfy all requirements set out by the MNRF under the Endangered Species Act. In addition, the owners/applicants shall, to the satisfaction of the Director of Planning Services, demonstrate that all requirements set out by the MNRF under the Endangered Species Act have been satisfied prior to any site alteration or development taking place on the subject lands.
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.
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.
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.

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.
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.
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.
38. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.