

# **Request for Decision**

Silver Hills Subdivision, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Tuesday, Feb 16, 2021
Type:	Routine Management Reports
File Number:	780-6/11004

# Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft plan approval for a plan of subdivision on those lands described as PIN 73580-0576 in Lot 1, Concession 4, Township of McKim, City of Greater Sudbury, File 780-6/11004, as outlined in the report entitled "Silver Hills Subdivision, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 8, 2021, upon payment of the City's processing fee in the amount of \$3,273.75 as follows:

- a) By amending the lapsing date in Condition #9 to March 27, 2024;
- b) By adding the following to Condition #19:
- "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."
- c) By adding the following to Condition #21:
- "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."
- d) By replacing "siltation control plan" with "sediment and erosion control plan" in Condition #24;

# Signed By

## **Report Prepared By**

Mauro Manzon Senior Planner Digitally Signed Feb 16, 21

## **Manager Review**

Alex Singbush Manager of Development Approvals Digitally Signed Feb 16, 21

#### **Recommended by the Division**

Stephen Monet Manager of Environmental Planning Initiatives

Digitally Signed Feb 16, 21

#### **Financial Implications**

Apryl Lukezic Co-ordinator of Budgets Digitally Signed Feb 18, 21

#### **Recommended by the Department**

Tony Cecutti
General Manager of Growth and
Infrastructure
Digitally Signed Feb 18, 21

#### Recommended by the C.A.O.

Ed Archer Chief Administrative Officer Digitally Signed Feb 24, 21

- e) That Conditions #30 through #34 related to blasting be consolidated into one Condition #30;
- f) That Conditions #35 through #37 related to Canada Post requirements be consolidated into one Condition #35;
- g) By revising Condition #38 by replacing "eco-grass, white birch and white pine" with "site-appropriate,

native plant species."

h) By adding the following as Condition #47:

"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."

- i) By adding the following as Condition #48:
- "The owner shall submit a stormwater management report to the satisfaction of Conservation Sudbury (Nickel District Conservation Authority)."
- j) That the references to "General Manager of Infrastructure Services" be replaced with "General Manager of Growth and Infrastructure."
- k) That the references to "Director of Planning" be replaced with "Director of Planning Services."

# 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.

# **Report Summary**

The owner of the subject land has requested a three-year extension of the Silver Hills draft plan of subdivision located in New Sudbury, which was granted draft approval on March 27, 2013. The draft plan comprises a mix of low and medium density housing types, as well as four (4) lots zoned C2(117), which permits a range of residential, commercial and institutional uses. No phases have been registered to date. Staff are recommending a three-year extension to March 27, 2024.

# **Financial Implications**

The amount of 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 Silver Hills road that is part of this development is included within the City's Development Charges By-law. In 2016, Council approved a cost sharing application for Silver Hills Drive where the road costs eligible for cost sharing was estimated at \$6.7 million, where the developer would fund 26%, Development Charges fund 50% and the City fund 24%. With the developer paying for the road, they would be eligible for development charge credits for the road portion of development charges that can be applied on their new buildings within this development. The amount of development charges is unknown at this time since 4 lots have a variety of development options available (retirement home, long term care home), and depending on the development charges rates when building construction commences, as well as development charge credits that may be available at that time.

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).

Title: Silver Hills Drive, Sudbury

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# Staff Report

## Background:

The owner of the subject land has requested a three-year extension for the above noted draft plan of subdivision, which was granted initial draft approval on March 27, 2013. There have been three (3) extensions since 2013, including two (2) bridging extensions in 2019 and 2020. If approved, the new lapsing date will be March 27, 2024.

The initial draft approval in 2013 comprised 45 lots for single residential use, 63 lots for semi-detached dwellings (126 units), and two (2) blocks for medium density residential use (approximately 592 units in a mix of apartments and townhouses).

In March 2016, the owner received approval to rezone the northerly portion of the lands to a revised R3-1 Special in order to add a retirement home (160 guest rooms) and a long-term care facility (275 beds) as permitted uses. The northerly lands were rezoned to "R3-1.D59(24)", Medium Density Residential Special (File 751-6/15-25).

The draft plan was subsequently amended in 2017 by adding a new Street "D." The amended draft plan dated December 6, 2016 is attached for review. The amended plan comprises 45 lots for single residential use, 63 lots for double residential use, one (1) block for medium density residential use zoned R3-1.D59, and four (4) lots zoned R3-1.D59(24) in order to permit a range of housing, including the above mentioned retirement home and long-term care facility. Various additional blocks are intended for public purposes.

In 2020, the owner submitted applications for Official Plan Amendment and rezoning in order to redesignate the northerly portion of the subject lands to Mixed Use Commercial and rezone to C2 Special in order to permit a broader range of commercial, residential and institutional uses (Files 701-6/20-01 & 751-6/20-03). The resultant "C2(117)", General Commercial Special zoning carries forward the site-specific provisions related to the retirement home and also excludes certain commercial uses deemed incompatible with the proposed development.

A copy of the most recent conditions of draft approval dated March 2020 are attached for review.

#### **Departmental & Agency Comments:**

#### **Development Engineering**

This area is presently not serviced with municipal water and sanitary sewer. We have no objection to the three-year draft plan extension.

#### Infrastructure Capital Planning Services

No comments.

## Water/Wasterwater (Source Protection Plan)

This property falls within the Ramsey Lake Watershed and would be subject to a Restricted Land Use Review under Section 59 of the Clean Water Act.

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As this property is in the Ramsey Lake Issues Contributing Area and the Ramsey Lake Intake Protection Zone 3, there may be restrictions or prohibitions concerning activities that are associated with the sodium issue in Ramsey Lake (application of road salt, handling and storage of road salt, storage of snow). Should there be any private parking lots greater than 1 ha in this parcel, a Risk Management Plan may be required.

#### **Building Services**

Please add the following to Condition #19:

"A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor."

# Conservation Sudbury

Conservation Sudbury is requesting that Condition #24 be amended as follows:

"The owner shall develop a sediment and erosion control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority."

Conservation Sudbury is also requesting that the following condition be added:

"The owner shall submit a stormwater management report to the satisfaction of the Nickel District Conservation Authority."

#### **Environmental Planning Initiatives**

There are no significant environmental concerns arising from this application that are not already addressed by Council's conditions applying to the approval of the final plan for registration of the subject subdivision.

Condition #38 should be modified to enhance flexibility in the native species selection for landscape improvements. The sentence that reads: "...repair of existing trail with wood chips and additional plantings of eco-grass, white birch and white pine,..." should be replaced to read: "...repair of existing trail with wood chips and additional plantings of site-appropriate, native plant species."

#### **Greater Sudbury Transit**

No comments.

#### Summary:

#### Proposed amendments

The recommended revisions to the draft plan conditions are considered housekeeping amendments related to updated wording and other matters. Additional clauses added to Conditions #19 and #21 in regards to lot grading and soils caution agreements and new Condition #47 related to a notice of agreement for development charges are now standard conditions of development to be applied to active draft approvals as needed.

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# 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 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 in 2013.

Although there have been no phases registered to date, there has been activity on this file including a draft plan amendment in 2017, as well as rezoning and OPA applications, which were submitted and approved in order to adjust to changing market demands. Furthermore, a cost-sharing application is in process related to infrastructure improvements required to accommodate development. Staff can therefore advise that a three-year extension is appropriate.

#### 2020 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

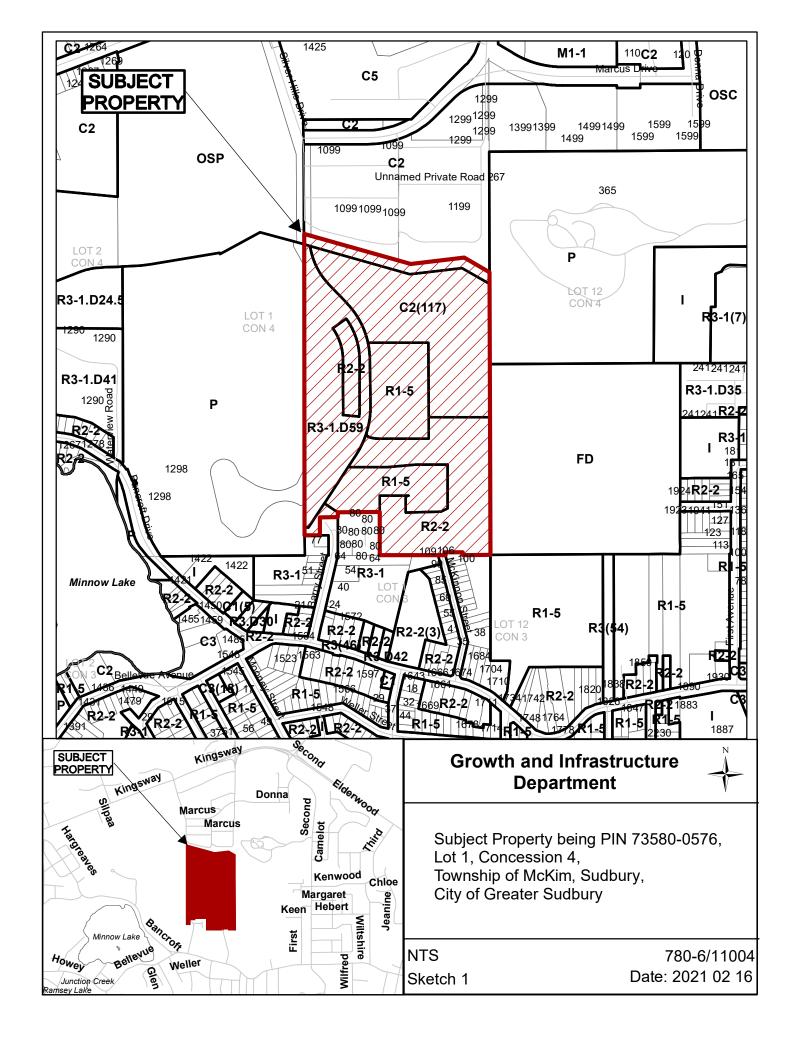
Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

In this case, the subject lands are designated Mixed Use Commercial and Living Area 1 and form part of a designated growth area. The draft plan represents a logical extension of services to accommodate future mixed-use development and is consistent with the phasing policies of the PPS. A variety of housing types and land uses are proposed. The location offers close proximity to services and is viewed as being transit-supportive. The development is incorporated into the City's transportation network including a future conceptual linkage to the Bancroft Drive/Bellevue Avenue intersection.

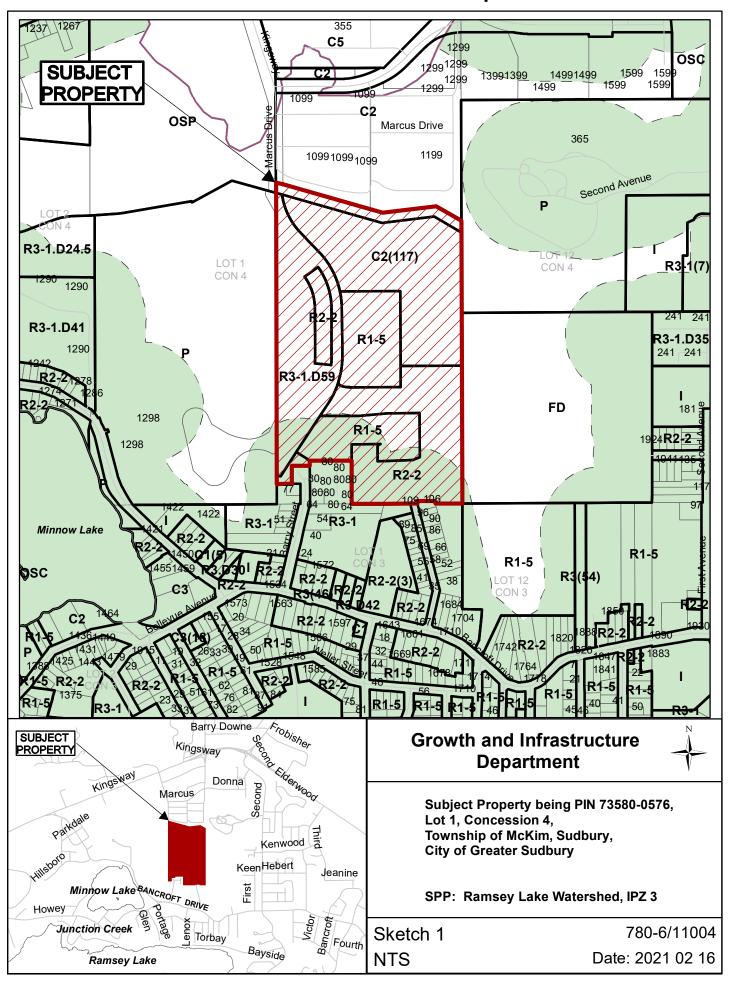
Along with other major urban centres in Northern Ontario, Greater Sudbury is identified as an Economic and Service Hub. Policy 4.3.2 of the GPNO states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario.

The application is consistent with the relevant policies of the 2020 PPS and conforms to the 2011 GPNO.

Planning Services recommends that the request to extend draft plan approval for a period of three (3) years be approved subject to the conditions outlined in the Resolution section of this report.



# **Source Protection Plan Map**



March 2020 File: 780-6/11004

# COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:

- That this draft approval applies to the draft plan of subdivision of PIN 73580-0576, Lot 1, Concession 4, Township of McKim, as shown on a plan of subdivision prepared by R.V. Anderson Associates Ltd. and dated December 6, 2016 and redlined as follows:
  - a. That the location of Block 111 be finalized in a location and configuration to the satisfaction of the Directors of Leisure and Planning Services;
  - That Lot 118 be revised to include a separate park block in a location and configuration that is to the satisfaction of Directors of Leisure and Planning Services; and,
  - That Block 113 be revised to include the portion of the walking trail which is currently shown on Lot 115 to the satisfaction of the Directors of Leisure and Planning Services; and,
  - d. That Block 114 be revised to include a separate block for storm water management purposes and for the portion of the walking trail which is currently shown at the south end of Block 114 to the satisfaction of the Directors of Leisure and Planning Services.
  - e. That the plan be revised to include a pedestrian walkway block to be transferred to the City, extending from "Street C" to Lot 118 in a location and configuration to the satisfaction of the Director of Planning Services.
- 2. 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.
- 3. 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.
- 4. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
- 5. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

- 6. That the owner/developer 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.
- 7. That the subdivision agreement contain provisions whereby the owner/developer agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
- 8. 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 Infrastructure Services, that sufficient sewage treatment capacity and water capacity exists to service the development.
- 9. That this draft approval shall lapse on March 27, 2021.
- 10. 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.
- 11. That the applicant finalize the Traffic Impact Study and agree to undertake any improvements on upgrading to the road network identified in the study to the satisfaction of the General Manager of Infrastructure Services.
- 12. That Silver Hills Drive be constructed to a collector standard with an asphalt surface width of 11 metres and sidewalks along both sides.
- 13. That 3.0 metres of Silver Hills Drive right-of-way will be set aside for appropriate paved bicycling infrastructure.
- 14. That the owner prepare a functional design for a modern roundabout at the intersection of Bancroft Drive and Bellevue Avenue/Silver Hills Drive, and agrees to participate in the cost of its construction and the construction of Silver Hills Drive from the limits of the subdivision plan south of Bancroft Drive/Bellevue Avenue in accordance with the City's cost sharing policy. The functional design shall consider the existing cycling infrastructure present on Bancroft Drive and Bellevue Avenue, and the planning cycling infrastructure on Silver Hills Drive, and safe ingress/egress and travel for cyclists through the roundabout. If a roundabout is not feasible, then a conventional signalized intersection with appropriate turn lanes will be required to the satisfaction of the General Manager of Infrastructure Services.

- 15. That a maximum of 30 single or semi-detached dwelling units or 40 multiple dwellings be permitted to use Barry Street as a temporary road connection.
- 16. A phasing plan shall be submitted to the City which shall address but not be limited to the phasing of servicing and road connections to the existing road network to the satisfaction of the General Manager of Growth and Development.
- 17. That Silver Hills Drive be constructed with traffic calming measures in accordance with the City's traffic calming policy to the satisfaction of the General Manager of Infrastructure Services.
- 18. The owner agrees to provide a 23 metre-wide right-of-way for Silver Hills Drive.
- 19. 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 any proposed 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. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
- 20. All streets will be constructed to an urban standard, including the required curbs, gutters and sidewalks.
- 21. 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, side yards, 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 and show the stormwater overland flow path.

- 22. 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 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 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 Development Approvals Section prior to commencing the stormwater management report.
- 23. The owner agrees to provide the required soils report, 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.
- 24. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority.
- 25. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
- 26. 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 lot grading 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.
- 27. 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, Canada Post, Vianet and Eastlink (where applicable). This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
- 28. The owner shall 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.

- 29. The owner shall 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.
- 30. The owner/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 years experience related to blasting.
- 31. 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.
- 32. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
  - a. Pre-blast survey of surface structures and infrastructure within affected area;
  - b. Trial blast activities;
  - c. Procedures during blasting:
  - d. Procedures for addressing blasting damage complaints;
  - e. Blast notification mechanism to adjoining residences; and,
  - f. Structural stability of exposed rock faces.
- 33. 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.
- 34. Should the developer's schedule require to commence blasting and rock removal prior to the site plan 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.
- 35. The owner/applicant shall at their expense inform all prospective purchasers, through a clause in all agreements of purchase and sale, as to those lots identified for a potential Community Mailbox and shall indicate the proposed Community Mailbox locations.

- 36. The owner/applicant shall provide curb depressions at the Community Mailbox locations. These are to be 2 metres in width and no higher than 25 millimeters.
- 37. The Lock Box Assembly is to be supplied and installed at the owner/applicants expense. The centralized mail facility is to be installed at Canada Post standards.
- 38. That the owner/developer agrees to develop and construct improvements to Blueberry Hill Park to the satisfaction of the Nickel District Conservation Authority and the Director of Leisure Services. The works to be completed include but are not limited to the provision of fixed seating at the existing lookout, repair of existing trail with wood chips and additional plantings of eco-grass, white birch and white pine, and the development of 3 metre wide crushed stone bicycle/pedestrian paths where required from the new collector road to the Carmichael arena.
- 39. That the owner/developer agrees to convey two lots on the south side of Street A to the City and develop said lands for parks purposes in accordance with Section 51.1 of the Planning Act.
- 40. That the owner/developer transfer Block 113 and a portion of Blocks 112 and 114 for the trail to the City for parks purposes in accordance with Section 51.1 of the Planning Act.
- 41. That the owner/developer agrees to develop a 3 metre wide crushed stone bicycle/pedestrian paths from the new collector road on Block 113.
- 42. That the owner/developer transfer Block 109 to the City as a park block.
- 43. That the owner/developer agrees to identify and transfer a block of land for park purposes as shown in the final approved Leisure Development Concept in part of Block 112 to the satisfaction of the Director of Leisure Services.
- 44. That the street(s) shall be named to the satisfaction of the Municipality."
- 45. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning, provided that:
  - 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.
- 46. 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 Development and the General Manager of Infrastructure Services.

