

## Request for Decision

**Dalron Construction Ltd. - Application to extend a draft approved plan of subdivision approval, Parcel 2205, Lot 4, Concession 5, Township of Broder (Mallard's Green Subdivision, Sudbury)**

Presented To:	Planning Committee
Presented:	Monday, Mar 04, 2019
Report Date	Friday, Feb 08, 2019
Type:	Routine Management Reports

### 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 Parcel 2205, Lot 4, Concession 5, Township of Broder, File # 780-6/88020, as outlined in the report entitled "Dalron Construction Ltd." from the General Manager of Growth and Infrastructure, presented at the meeting of March 4, 2019, upon payment of Council's processing fee in the amount of \$1,075.00 as follows:

1. By deleting the words "Infrastructure Services" and replacing them with "Growth and Infrastructure" in Condition #12, #17 and #21.

2. By deleting the references "#9" and "#10" in Condition #14.

3. By deleting Condition #16 entirely and replacing it with the following:

"16. That this draft approval shall lapse on April 19, 2022."

4. By adding the word "Services" after "Director of Planning" in Condition #17.

5. By deleting Condition #18 entirely and replacing it with the following:

"18. Deleted."

6. By adding the words "A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor." at the end of Condition #20.

7. By adding the words "A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor." at the end of Condition #22.

8. By adding a new Condition #38 as follows:

#### Signed By

**Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Feb 8, 19*

**Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Feb 8, 19*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Feb 8, 19*

**Financial Implications**

Jim Lister  
Manager of Financial Planning and  
Budgeting  
*Digitally Signed Feb 14, 19*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and  
Infrastructure  
*Digitally Signed Feb 14, 19*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Feb 20, 19*

“38. The owner is required to provide a cash contribution in-lieu of on-site storm-water quantity control and for storm-water improvements within the watershed as outlined in the Algonquin Road Storm-Water Management Study.”

9. By adding a new Condition #39 as follows:

“39. 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.”

10. By adding a new Condition #40 as follows:

“40. 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.”

11. By adding a new Condition #41 as follows:

“41. 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.”

12. By adding a new Condition #42 as follows:

“42. 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.”

## **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 Mallard's Green Subdivision (File # 780-6/88020) in Sudbury for a period of three years until April 19, 2022. The Planning Services Division is recommending approval of the application.

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. 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 estimates approximately \$64,000 in taxation revenue, based on the assumption of 10 single family dwelling units and based on an estimated assessed value of \$500,000 each unit at the 2018 property tax rates.

In addition, this would result in increased development charges of approximately \$178,000 based on the assumption of 10 single family dwelling units and based on the rates in effect as of the date of this report.

Also, this development falls within the South End Sewer Rock Tunnel project area and would be subject to Section 391 Charges relating to this growth related infrastructure in the mid-2000's. The Section 391 Charge totals approximately \$19,000 based on current rates.

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: Dalron Construction Ltd.**

**Date: February 5, 2019**

## **STAFF REPORT**

### **Applicant:**

Dalron Construction Ltd.

### **Location:**

Parcel 2205, Lot 4, Concession 5, Township of Broder (Mallard's Green Subdivision, Sudbury)

### **Application:**

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on March 16, 1989. The draft approval was most recently extended on the remaining lands within the draft plan of subdivision on April 25, 2016 following the registration of Plan 53M-1423. The lands are described as Parcel 2205, Lot 4, Concession 5, Township of Broder.

### **Proposal:**

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until April 19, 2022.

### **Background:**

The City received a written request from Dalron Construction Ltd. on December 17, 2018, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as Parcel 2205, Lot 4, Concession 5, Township of Broder. The subject draft plan of subdivision was initially approved by Council for a total of 171 urban residential lots. The current in-force zoning that is applicable to the lands remaining in the draft approved plan of subdivision allow for a mix of single-detached and double-residential built-forms. The remaining lots would be accessed from Trailview Drive.

The draft approval is set to expire again on April 19, 2019 and staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to April 19, 2022.

### **Departmental & Agency Circulation:**

Active Transportation, Canada Post, Environmental Planning Initiatives, Nickel District Conservation Authority, and Roads, Traffic and Transportation have each advised that they have no concerns from their respective areas of interest.

Building Services has requested that a standard draft approval condition addressing possible soils caution agreements as it relates to required geotechnical work to be completed on the subject lands.

Development Engineering has advised that standard draft approval conditions related to the phasing of developments and outstanding major infrastructure deficiencies should be added to the draft approval document.

The City's Drainage Section has requested a new condition to be added relating to contributions required in order to ensure storm-water quantity control and improvements to storm-water control within the Algonquin Road Watershed are achieved.

**Title: Dalron Construction Ltd.**

**Date: February 5, 2019**

## **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 16, 1989 and a number of phases have been registered since the initial draft approval was granted. The most recent phase was registered on April 19, 2016 as Plan 53M-1423, and in accordance with Council policy a three year extension was granted with a new lapsing date of April 19, 2019. The owner has advised staff that they intend to continue to pursue the development of the subdivision.

### Draft Approval Conditions

Condition #16 should be deleted entirely and replaced with a sentence referring to April 19, 2022, as the revised date on which the subject draft plan approval shall lapse. Staff advises that Condition #18 may be deleted entirely as a holding provision is no longer applicable to this portion of the draft approved plan of subdivision.

Condition #18 should be deleted entirely as the holding provision which formerly applied to Lots 11, 12 and 13 on the amended draft approved plan referenced in Section 1 (b) (c) and (d) of the draft conditions has been removed from the lands. The holding provision existed in order to maintain and provide access to a Ministry of Transportation antenna system to the north-west of the draft approved lands. The antenna system has since been removed and for a period of time was accessed from a driveway fronting Algonquin Road.

Staff advises that the City's standard soils caution agreement verbiage be added to Condition #20 and that a new Condition #38 addressing storm-water management contributions be added to the draft approval conditions. Standard conditions relating to phasing of development and completion of infrastructure works has been added as new Conditions #41 and #42. Standard draft approval conditions addressing development charges and sewer/water allocation have also been added as new Conditions #39 and #40.

Other administrative and housekeeping changes to the draft approval documents have also been included where necessary.

No other changes to the draft approval documents have been requested either by the owner 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 owner is required to pay the applicable processing fee in the amount of \$1,075.00. 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 2017-222 being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

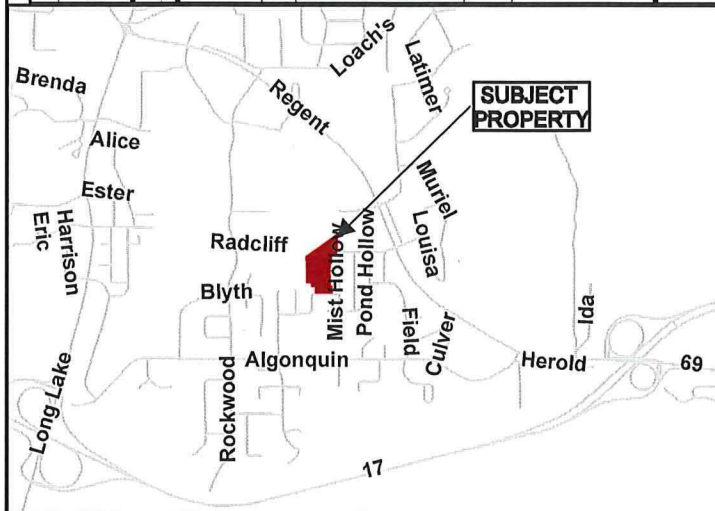
**Title: Dalron Construction Ltd.**

**Date: February 5, 2019**

**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. Appropriate changes where identified have been included in the Resolution portion of this report and will now form part of the draft plan approval if approved by Council.

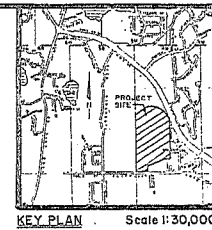
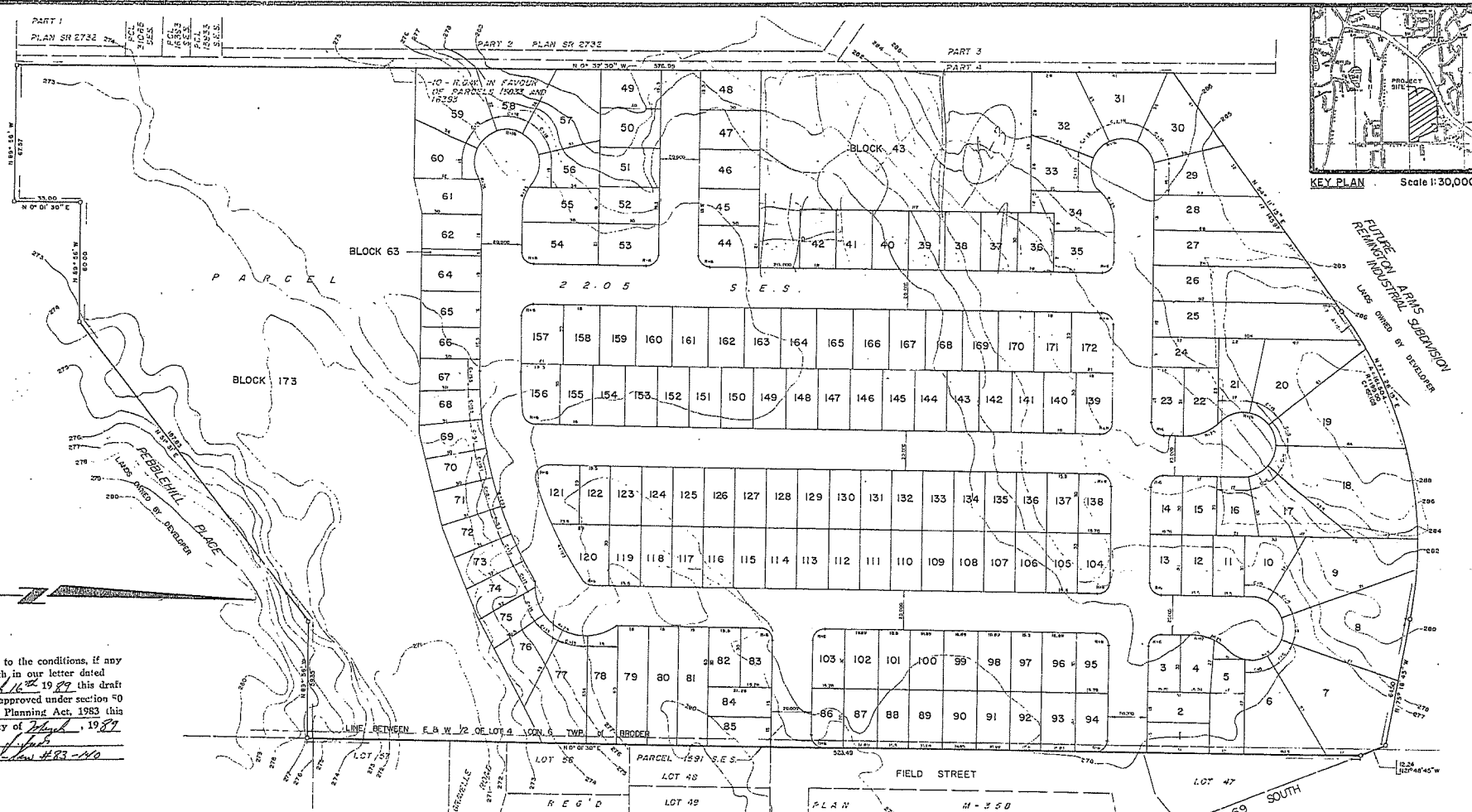
The Planning Services Division therefore recommends that the application to extend draft approval for the Mallard's Green Subdivision for a period of three years until April 19, 2022, be approved as outlined in the Resolution section of this report.



NTS  
Sketch 1

780-6/88020  
Date: 2014 09 17

5662



Subject to the conditions, if any set forth in our letter dated March 16<sup>th</sup> 1989 this draft plan is approved under section 40 of The Planning Act, 1983 (this 16<sup>th</sup> day of March, 1989)  
By-Law #83-140

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DAVE DORLAND  
 ONTARIO LAND SURVEYORS  
 230 LARCH STREET  
 SUDBURY, ONTARIO

1988-08-10  
 DATE  
[Signature]  
 DAVE DORLAND  
 ONTARIO LAND SURVEYOR

**OWNER**  
 DALRON CONSTRUCTION  
 667 ST CLAIR STREET  
 SUDBURY, ONTARIO

**PREPARED BY**  
 DENNIS CONSULTANTS LTD.  
 500 BARRYDOWN ROAD  
 SUDBURY, ONTARIO

**OWNER'S CERTIFICATE**  
 I HEREBY CONSENT TO THE MANNER IN WHICH THE LAND SHOWN ON THIS PLAN IS PROPOSED TO BE SUBDIVIDED AND REQUEST THE APPROVAL OF THE REGIONAL MUNICIPALITY OF SUDBURY.

1989-08-10  
 DATE  
[Signature]  
 RON ARNOLD

**ADDITIONAL INFORMATION**  
 AS REQUIRED BY SECTION 50 (2) OF THE PLANNING ACT

- A) AS SHOWN
- B) AS SHOWN
- C) AS SHOWN
- D) R-4 LOTS 1-24, 46-136 AT LOTS 25-42, 44-62, 64-65, 157-172 AS BLOCK 43
- E) NORTH-UNDEVELOPED LIGHT INDUSTRIAL LANDS
- F) SOUTH-UNDEVELOPED RESIDENTIAL LANDS
- G) EAST-UNDEVELOPED RESIDENTIAL LANDS
- H) WEST-RURAL LANDS
- I) AS SHOWN
- J) AS SHOWN
- K) EXISTING MUNICIPAL SUPPLY
- L) OVERBURDEN ON BEDROCK
- M) AS SHOWN
- N) AS SHOWN
- O) SEWER, WATER, FIRE, POLICE #16
- P) AS SHOWN
- Q) AREA OF APPLICATION 20.015 ha

**DRAFT PLAN**  
 OF PROPOSED SUBDIVISION OF  
 REMAINDER OF PARCEL 2205 S.E.S.  
 BEING PART OF LOT 4, CON. 6  
 TOWNSHIP OF BRODER  
 CITY OF SUDBURY  
 REGIONAL MUNICIPALITY OF  
 SUDBURY  
 DISTRICT OF SUDBURY  
 SCALE 1:1000

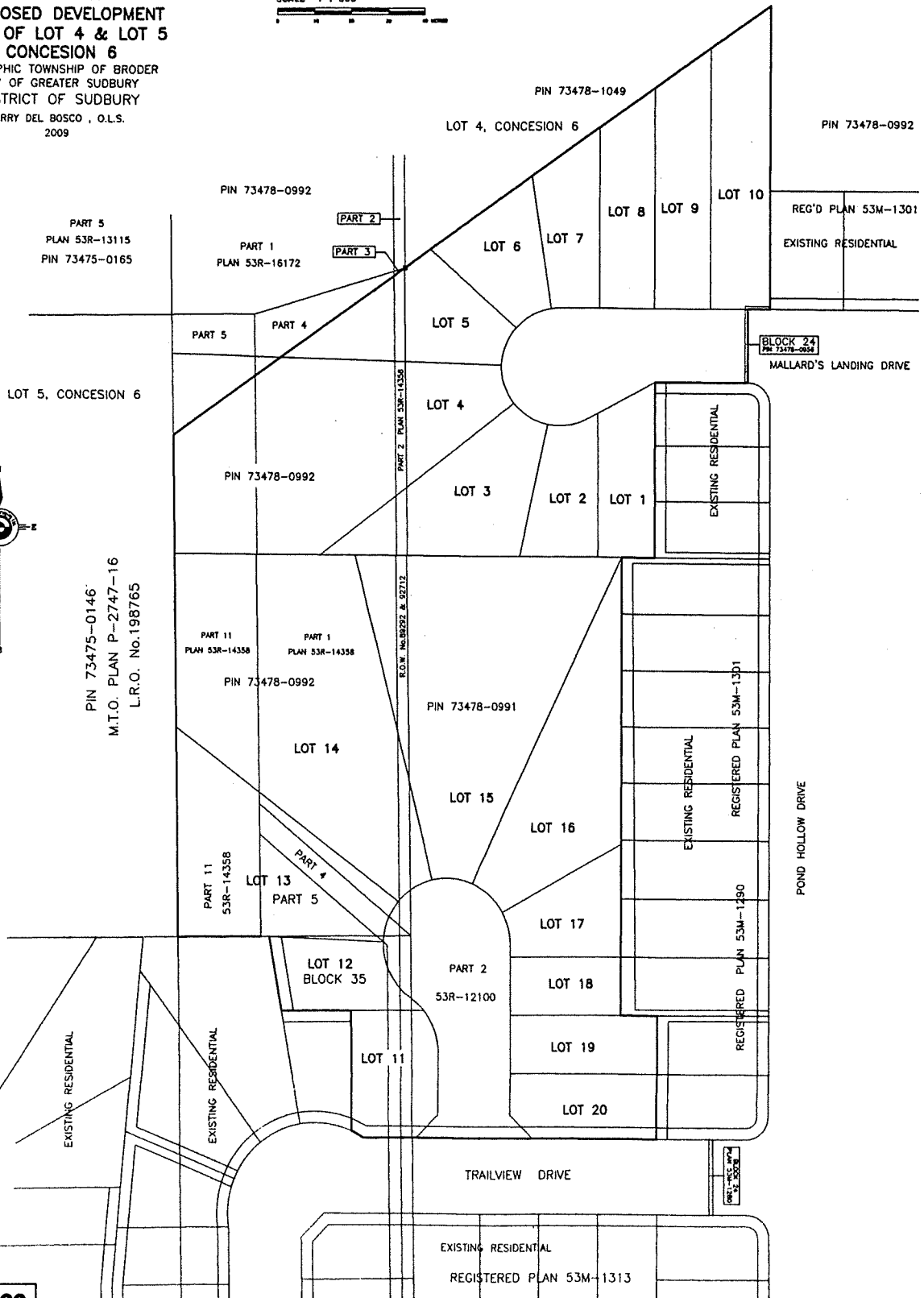
**ISSUED**  
 OCT 21 1989  
 DENNIS  
 CONSULTANTS LTD.



**SKETCH OF  
PROPOSED DEVELOPMENT  
PART OF LOT 4 & LOT 5  
CONCESSION 6**

GEOGRAPHIC TOWNSHIP OF BRODER  
CITY OF GREATER SUDBURY  
DISTRICT OF SUDBURY  
TERRY DEL BOSCO, O.L.S.  
2009

SCALE 1 : 500



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

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1.     a)     That this approval applies to the draft plan of subdivision of the remainder of Parcel 2205 S.E.S., Lot 4, Concession 6, Township of Broder, City of Sudbury, as shown on a plan prepared by D.S. Dorland, O.L.S. and dated August 10<sup>th</sup>, 1988.
- (b)     The draft plan is further amended by adding Block 35, Plan 53M-1313 and Part of Parts 1, 2, 4, 5 and 11 in Plan 53R-14358 and modifying the layout as shown on a plan prepared by Del Bosco Surveying Ltd. dated 2009 attached to the memorandum from the Director of Planning dated October 6, 2009.
- (c)     That the plan be amended to show Lots 11, 12 and 13 as a Block;
- (d)     That the portion of the lands shown and depicted as Lots 9 and 10 on the plan prepared by Del Bosco Surveying Ltd. dated 2009 which are now zoned "R3(41)" under By-law 2010-100Z be removed from this draft plan approval.
2.     That the streets 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 a 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. Deleted
10. That block 63 be increased in width to 6 metres and deeded to the City of Greater Sudbury.
11. That a 0.3 metre reserve be placed along that portion of Lot 7 which abuts Municipal Road 46 (Highway 69).
12. That the subdivision agreement contain provisions whereby Field Street will be upgraded at the expense of the developer, to the satisfaction of the General Manager of Infrastructure Services.
13. That 5% of the land included in the subdivision be deeded to the City of Greater Sudbury for park purposes pursuant to Subsection 50(5)(a) of the Planning Act.
14. That prior to the signing of the final plan, the Economic Development and Planning Services Department is to be advised by the City Solicitor that conditions 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 & 13 have been complied with to his satisfaction.
15. Deleted
16. That this draft approval shall lapse on April 19, 2019.
17. 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 Infrastructure Services, that sufficient sewage treatment capacity and water capacity exists to service the development.
18. That the subdivision agreement include a restriction on the transfer of the Block (comprised of former Lots 11, 12 and 13) until such time as the "H" Holding Provision has been lifted on the Block.
19. 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.

20. 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.
21. All streets will be constructed to an urban standard including the required curbs and gutters to the satisfaction of the General Manager of Infrastructure Services.
22. 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.
23. The owner agrees to provide the required soils report, traffic 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 Conservation Sudbury (Nickel District Conservation Authority).
25. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro 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 into 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 Inc., Canada Post, Bell, Union Gas, 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.
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 upgrades to the downstream works required to service this subdivision will be borne totally by the owner.
30. The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
31. The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
32. The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
33. The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - Any required walkway across the boulevard, per municipal standards;
  - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications); and,
  - A Community Mailbox concrete base pad per Canada Post specifications."
34. 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. ...5

35. 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.
36. The geotechnical report in Condition 34 will provide recommendations and specifications on the following activity as a minimum but not limited to:
- i. Pre-blast survey of surface structures and infrastructure within affected area;
  - ii. Trial blast activities;
  - iii. Procedures during blasting;
  - iv. Procedures for addressing blasting damage complaints;
  - v. Blast notification mechanism to adjoining residences; and,
  - vi. Structural stability of exposed rock faces.

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.”

37. 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.