



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Sarah French	Report Date: January 27, 2023
Author's Phone: 519 736-5408 ext. 2145	Date to Council: February 13, 2023
Author's E-mail: sfrench@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Canard Valley Estates Phase II – Subdivision Agreement File No. 37-T-22010

1. **RECOMMENDATION:**

It is recommended that:

1. The Corporation of the Town of Amherstburg **ENTER INTO** a Subdivision Agreement with 1473511 Ontario Ltd. for Canard Valley Estates Phase II; and,
2. **By-law 2023-025** being a By-law to authorize the signing of a Subdivision Agreement for Canard Valley Estates Phase II be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

The Town is in receipt of a request from 1473511 Ontario Ltd. to execute a subdivision agreement for Canard Valley Estates Phase II. During the Plan of Subdivision approval process, the developer undertook the necessary background studies and work to obtain the appropriate zoning to permit the proposed residential development. The property was rezoned from Residential Type 1A (R1A) Zone to Residential First Density (R1) Zone, approved October 17, 2022 through By-law No. 2022-067.

The Subdivision Agreement applies to an 8.94 hectare (22.09 acres) vacant parcel of land generally located on the south side of Middle Sideroad (County Rd 10) and west of Walker Road (County Rd 11). An aerial map has been provided in the attachments. The draft plan of subdivision consists of lots for 69 single detached dwellings in Canard Valley Estates Phase II (County of Essex File No. 37-T-22010), one block for natural heritage protection and one block for a stormwater management facility.

County Official Plan (COP)

The application conforms to the policies of the County Official Plan. The proposed plan of subdivision is located within a Secondary Settlement Area (McGregor) as designated in the County's Official Plan.

Town of Amherstburg Official Plan (OP)

The subject lands are designated Low Density Residential in the OP which allows for residential development. Therefore, the proposal conforms to the basic land use policies of the OP. The developer's biologist has been in contact with the Ministry of Environment, Conservation and Parks (MECP) and through correspondence has determined appropriate ecological restoration opportunities. The developer will be required to implement all recommendations contained within the report provided to the Municipality by the developer's biologist.

Zoning By-law

The subject lands are zoned Residential First Density (R1) zone as approved by By-law 2022-067, approved on October 17, 2022. The zoning permits single detached dwellings. The developer has provided a certificate of lot frontages and areas confirming that all proposed lots conform to the R1 Zone.

The subject development conforms to Zoning By-law 1999-52, as amended.

Plan of Subdivision

A Plan of Subdivision is a legal survey (M-Plan) that divides a parcel of land into smaller lots or blocks and secures the developer's obligations through a Subdivision Agreement with the Town.

The developer/owner is required to sign a Subdivision Agreement with the Town prior to registration of the plan. Also, prior to registration of the plan, the owner must also fulfill all conditions provided in the County's Notice of Decision.

The recommended Subdivision Agreement under By-law 2023-025 (attached) contains the standard provisions utilized by the Town to address servicing, collection of development charges and community benefit charges, timing for the issuance of building permits, as well as special requirements unique to the Canard Valley Estates Phase II development. The attached Subdivision Agreement clearly states the developer's obligations to the Municipality including:

- Provision of appropriate securities to guarantee the developer's obligations under the Subdivision Agreement;
- Provision of a security to ensure the planting of trees by the developer to enhance the streetscape;
- Provision of public liability and property insurance during the period of construction;
- Installation of all stormwater management measures to the satisfaction the Town and the Essex Region Conservation Authority;

- Compliance with the Town's current Development Manual for the construction of roads, sewers, watermains, stormwater, sidewalks, lighting, fencing and other services in the subdivision;
- Requirement for the conveyance of easements as may be necessary for drainage and utilities;
- Developers responsibilities regarding damages;
- Provision for grass and weed maintenance until the transfer of the lots; and,
- Provision for compliance with MECP correspondence and implementation of all the recommendations provided in the report titled Ecological Restoration Notes and Details for the Woodland Buffer (Block 70) and SWM Pond (Block 80).

The developer's obligation relating to the dedication of parkland will be fulfilled by conveying the passive park comprised of trails and amenities around the retention pond identified as Block 80 as shown on Plan 12M527 (Figure 1) subject to the satisfaction of the Director of Parks, Facilities, Recreation and Culture. The cost of purchasing the Block 80 is \$379,000 and will be borne by the developer.

4. RISK ANALYSIS:

Approval of the Subdivision Agreement will form one component of the completion of requirements for final approval of the subdivision approval process under the *Planning Act*. The Subdivision Agreement must be registered against the lands to which it applies prior to the final registration of the Plan of Subdivision.

5. FINANCIAL MATTERS:

The draft Subdivision Agreement outlines responsibilities and obligations of the parties, including financial obligations of the Developer to design, construct and install services, etc. at its own expense, to provide securities, and all pay fees and charges related to the development.

The costs associated with the applications and planning processes are the responsibility of the developer. Once developed, residential taxes will be levied by the Town for each residential dwelling unit built in the subdivision.

6. CONSULTATIONS:

Todd Hewitt, Manager of Engineering and Operations
Angelo Avolio, Manager of Building Services

7. CONCLUSION:

Administration is recommending approval of the Subdivision Agreement with 1473511 Ontario Ltd. for Canard Valley Estates Phase II Subdivision. The proposed Subdivision

Agreement complies with the Town's planning documents, incorporates the conditions of draft plan approval and addresses site servicing details and other issues in accordance with the requirements of the Planning Act.



Sarah French
Planner

SF

DEPARTMENTS/OTHERS CONSULTED:

Name: Department of Engineering and Infrastructure Services

Phone #: 519 736-3664 ext. 2313

Name: Department of Building Services

Phone #: 519-736-5408 ext. 2136

Report Approval Details

Document Title:	Canard Valley Estates Phase II - Subdivision Agreement File No. 37-T-22010.docx
Attachments:	<ul style="list-style-type: none">- Draft Approval Letter 37-T-22010 Canard Valley Ph 2.pdf- Decision and Conditions 37-T-22010 Canard Valley Ph 2.pdf- Canard Valley Ph 2 Traffic Impact Study - Final Report - Stamped.pdf- Draft Plan with new street names.pdf- Certificate of Lot Frontages and Areas 19-47-130-00 May 20, 2022.pdf- Canard Valley Ph 2 SWM Report June 28 2022.pdf- Subdivision Agreement Canard Valley Phase 2 2023.pdf
Final Approval Date:	Feb 3, 2023

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Kevin Fox