



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE 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: Frank Garardo	Report Date: January 22, 2020
Author's Phone: 519 736-5408 ext. 2124	Date to Council: January 27, 2020
Author's E-mail: fgarardo@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Kingsbridge Subdivision Parkland Conveyance

1. RECOMMENDATION:

It is recommended that:

1. The amended method of meeting parkland dedication requirements for the full Kingsbridge Subdivision development as outlined in the report from the Manager of Planning dated January 22, 2020 **BE APPROVED**;
2. The conveyance of Parts 5 and 12 on the draft 12R plan (2.67 hectares) to 1078217 Ontario Limited in exchange for cash in lieu of parkland in the amount of \$66,170 **BE APPROVED** and the funds be deposited into the Parkland Dedication Reserve Fund; and
3. Part 6 on the draft 12R Plan (2.02 hectares) **BE DESIGNATED** as conservation lands and Administration **BE DIRECTED** to bring related amendment to the Zoning By-law (1999-52 as amended).

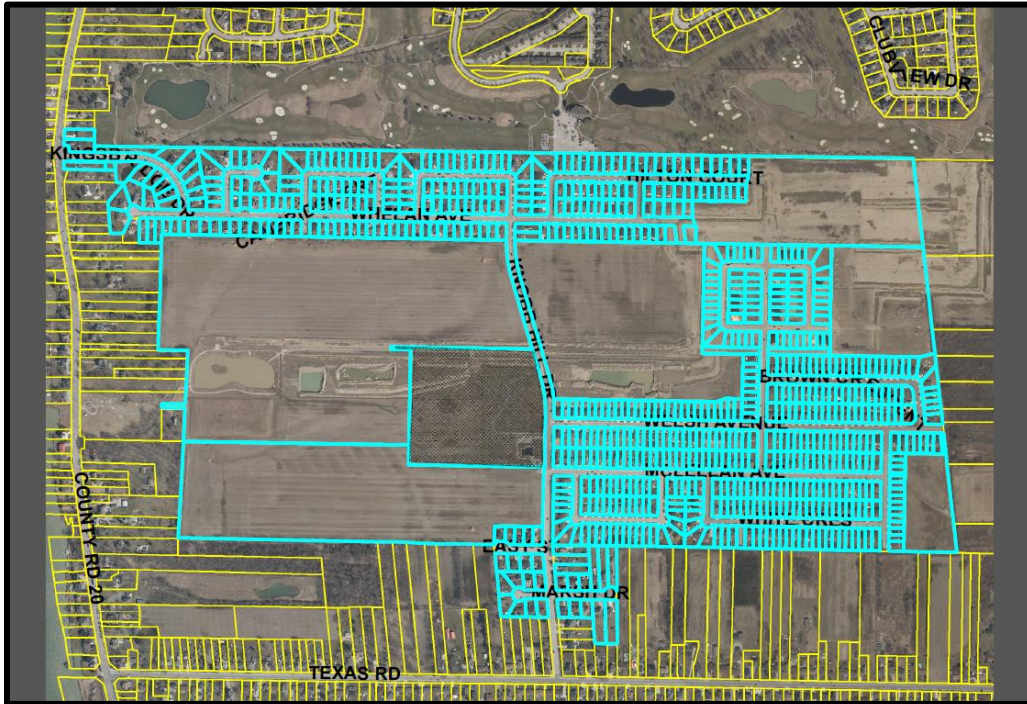
2. BACKGROUND:

The Kingsbridge Subdivision is a multi-phase development in the Town of Amherstburg consisting of 167.8 hectares for residential development. Several phases of the development have undertaken subdivision agreements with the Town (or its predecessor municipalities) dating as far back as 1996. As part of the draft Plan of Subdivision approval for the complete Kingsbridge Subdivision the developer was required to convey 5% parkland dedication as required in the Planning Act.

In the early phases of development, the developer of those phases (1078217 Ontario Ltd) remitted cash in lieu of parkland dedication to the Town in the amount of \$20,150, as a deposit until such time as the lands were conveyed.

Subsequently, the developer's obligation relating to the dedication of parkland was fulfilled through initial phases of the Kingsbridge development when the entire requirement for the 5% parkland dedication was conveyed to the Town in one Block totalling 8.39 hectares. In the Subdivision Agreement for the phase being considered at that time, the developer agreed that the cash in lieu of parkland dedication would not be refunded until such time as the conveyed lands became available for their intended use. As such, the funds remain on account with the Town and the obligations of the developer related to the lands and the deposited funds are outlined in Subdivision Agreement language for the ensuing phases.

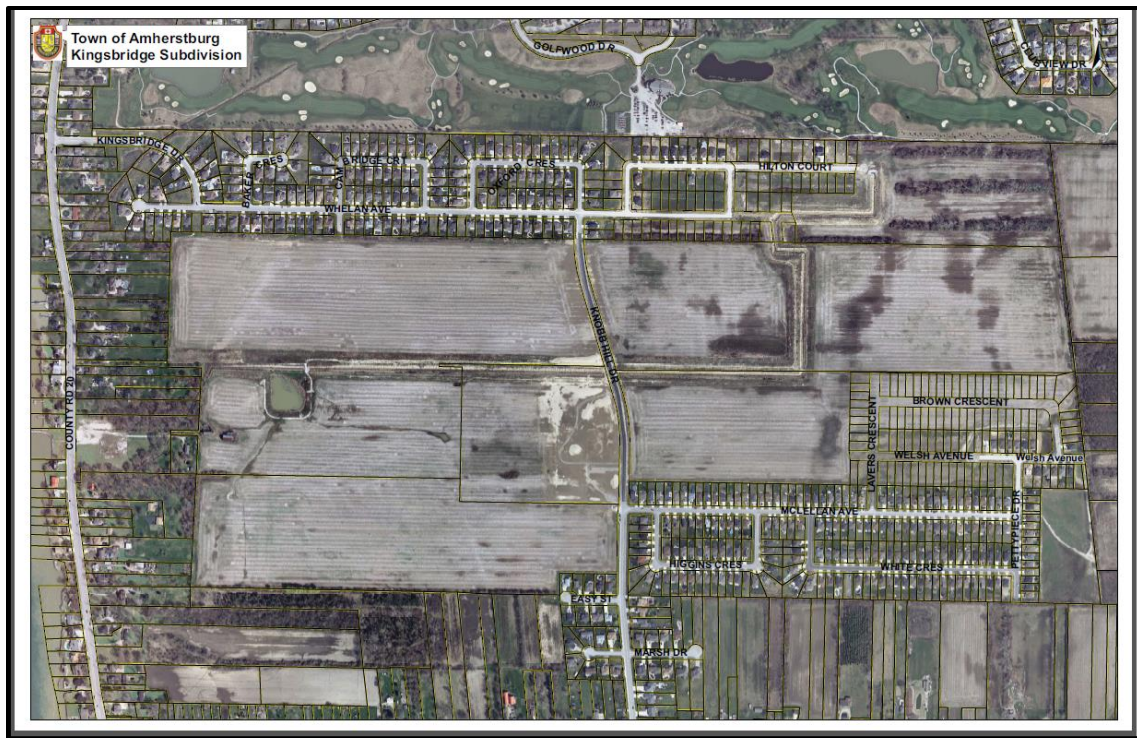
Aerial view of Kingsbridge Development lands



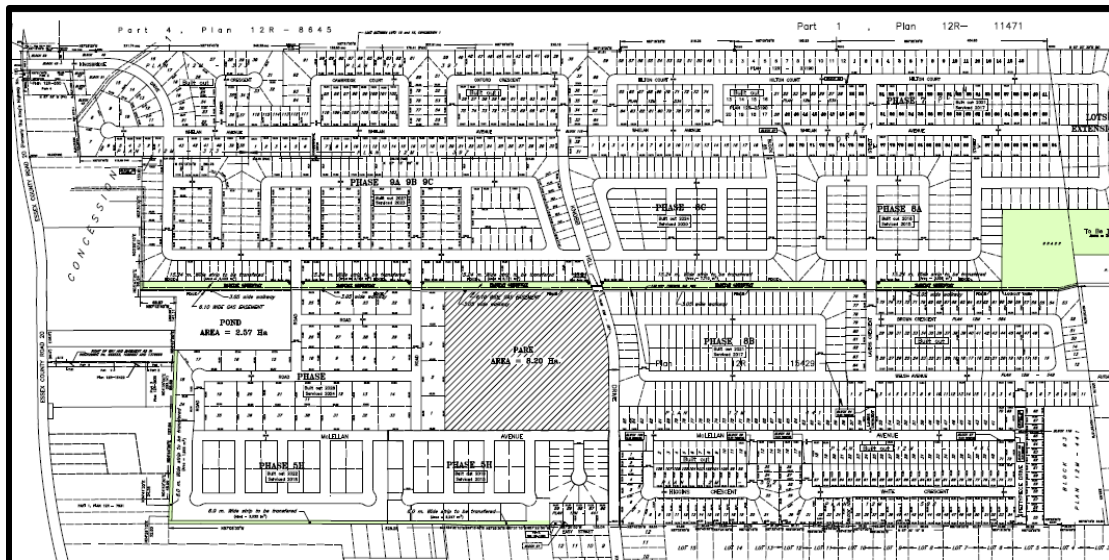
Kingsbridge map with parkland area

- 8.39 hectare block is located in centre of Kingsbridge Development including 3.7 hectares developed (Pat Thrasher Park).

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Original Parkland Dedication:



As the Subdivision evolved the proponent was required under Ontario law to complete an Environmental Impact Assessment. As a result the proponent was required to apply for an overall benefit permit from the Ministry of Natural Resources and Forestry (MNRF).

As part of the MNRF permit, the Developer's original subdivision layout was reconfigured to accommodate for a naturalized corridor, throughout the Kingsbridge Subdivision, totaling more than 21 hectares. The Developer is required to designate the lands as protected conservation lands and to transfer the lands to either the Town or the

Conservation Authority after completing the requirements of the MNRF permit. As the Essex Region Conservation Authority (ERCA) has advised they will not agree to receive the lands, the protected lands will need to be conveyed to the Town in order for the Developer to meet the MNRF requirements. Upon transfer the lands will become an asset of the Town and be added to the Town's tangible capital asset (TCA) inventory. Furthermore the Developer is required to provide a storm water management pond with amenity trail totaling an area of 2.44 hectares.

Current MNRF requirements and Parkland Dedication:

The image below shows the 8.39 hectares for parkland dedication (blue outline) is comprised of the improved park lands (Pat Thrasher Park), conservation lands required by MNRF (green shading) and currently vacant lands (grey).



The image below shows the proposed changes to the above lands, whereby the improved park lands (green outline) would be retained by the Town, the conservation lands (blue outline) are for future acceptance by the Town on full completion of the Kingsbridge Subdivision development and the excess lands (red outline) are requested to be conveyed/sold back to the Developer and replaced by cash in lieu of parkland dedication.

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3. DISCUSSION:

The Development has evolved and legislative requirements have changed since the initial phases in the mid-1990's. As noted above and shown below, the developer has currently met the parkland dedication requirements for the full Kingsbridge Subdivision. However, as the requirements for conservation lands have significantly impacted the lands available for development, the developer has requested that adjustments be made to the way in which their requirement to satisfy Planning Act requirements for parkland dedication are met. The proposed changes are outlined below.

Kingsbridge Green Space Dedication:

Development	Area	Percentage
Kingsbridge Subdivision - Total Development Area	167.8 hectares	100.00%
Required Parkland Dedication – Currently Met:		
Parkland Dedication Required – 5% (currently owned by the Town)	8.39 hectares	5.00%
Required Parkland Dedication – Proposed Changes:		
Parkland Dedication (Park lands retained by Town – Pat Thrasher Park)	3.7 hectares	2.20%

Parkland Dedication - Storm water pond with incorporated amenity space/walking trail	2.44 hectares	1.45%
Parkland Dedication – Cash in Lieu (Portion of parkland to be conveyed (returned) to Developer in exchange for cash in lieu contribution)	2.67 hectares	1.59%
Total Parkland Dedication – Proposed	8.81 hectares	5.24%

In addition to the requirements for Parkland Dedication, to be realigned as shown above, the developer is obliged by MNRF to set apart **21 hectares of conservation lands**. These lands are restricted in use and are not considered in meeting the test of parkland dedication under the Planning Act.

The amount of green space that, if conservation lands are conveyed to the Town, will be dedicated and removed from the lands for residential development is over fifteen percent of the development lands since the original concept for the Kingsbridge Subdivision was brought forward. The original subdivision included an 8.39 hectare dedicated portion of lands for parkland purposes. The proponent's original subdivision layout was reconfigured to accommodate for a 21 hectare naturalized corridor. The revised subdivision layout now includes a 3.7 hectare park, 21 hectares of conservation lands, and 2.4 hectares for storm water management pond with trail amenity space. As part of the MNRF permit a portion of the original 8.39 hectare dedicated parklands is being dissected and included with the naturalized area. The remaining portion of the dissected parkland is currently vacant.

Administration is recommending that the vacant 2.67 hectares (6.617 acres), originally conveyed to the Town as parkland dedication, be conveyed back to the Developer (1078217 Ontario Limited, which originally conveyed these lands to the Town), in exchange for cash in lieu of parkland. These lands are described as Parts 5 and 12 on the draft 12R- Plan shown in the attachment to this report.

The lands shown in Part 6 (see attached) will remain in ownership of the Town, but are required to be designated as conservation land for purposes of fulfilment of the requirements of the MNRF permit.

The Town of Amherstburg Parks Master Plan outlines a surplus of park lands. The conveyance of (2.67 hectares) 6.617 acres back to the Developer is consistent with the Town's strategy to seek cash in lieu of parkland dedication rather than transfer of lands for parks development. The proceeds from the developer for cash in lieu of parkland dedication will be held in the obligatory Parkland Dedication Reserve Fund for allowable use under the Planning Act as directed by Council in the future.

In addition to the conservation lands now set apart from the original conveyance to the Town, the Developer must to complete improvements to and conveyance of additional conservation lands as required for the MNRF permit. A Draft Reference Plan of the Parkland Conveyance is attached to this report.

4. RISK ANALYSIS:

The Developer is obligated to complete the MNRF requirements for protected, naturalized lands to be improved as a protected habitat. As noted above, the MNRF requires that conservation lands be conveyed to ERCA or to the Town. Where ERCA opts not to accept conveyance of the lands, the Town would need to accept the lands to facilitate completion of the Kingsbridge Subdivision development through enabling the developer to meet the requirements of MNRF.

The Town's acceptance of the lands attracts ongoing obligations that will have operational and financial impacts to the Town for maintaining and protecting the lands; however, if the Town did not accept the lands the developer would be unable to meet the MNRF requirements and therefore unable to complete the planned development.

5. FINANCIAL MATTERS:

Administration recommends that the lands described as Part 5 and Part 12 (see attached) comprising 6.617 acres (2.67 hectares) be conveyed to the Developer (1078217 Ontario Limited) at the cash in lieu rate of \$10,000 (ten thousand dollars) per acre. Should this conveyance be approved by Council, total funds of \$66,170 would be transferred to the obligatory Parkland Dedication Reserve Fund on receipt until their authorized use in accordance with legislation and as approved by Council in future.

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

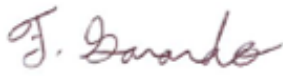
TCAs that will be transferred to the Town related to the Kingsbridge Subdivision and all related Agreements (including the subject Agreement for this report) will be reflected in the Town's TCA inventory. The Town will be obligated to maintain and renew those assets to maintain their service level. The operational and financial impacts and demands related to accepting protected, naturalized area lands, which MNRF requires be transferred, are under review and will affect future budgets.

6. CONSULTATIONS:

Todd Hewitt, Manager of Engineering
Justin Rousseau, Treasurer
Cheryl Horrobin, Director of Corporate Services

7. CONCLUSION:

Administration recommends approval of the conveyance of Parts 5 and 12 (2.67 hectares) on the draft 12R plan to 1078217 Ontario Ltd at the cash in lieu rate of ten thousand dollars per acre.



Frank Garardo
Manager of Planning Services

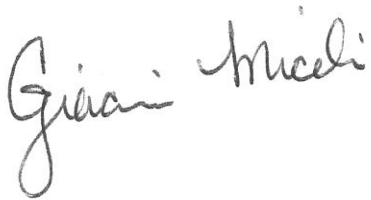
Report Approval Details

Document Title:	Kingsbridge Subdivision Parkland Conveyance.docx
Attachments:	- Report to Council-January 27-KB Parkland Conveyance-ATTACHMENT.pdf
Final Approval Date:	Jan 22, 2020

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



Cheryl Horrobin



John Miceli



Paula Parker