



Report to Council

Department: Development Services

Division: Planning

Date: March 15, 2021

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: Planning-2021-03

Subject: Subdivision Agreement for Parkland Woods (1552843 Ontario Limited)

Number of Pages: 7 including attachments

Recommendation(s)

That Planning Report 2021-03 entitled Subdivision Agreement for Parkland Woods (1552843 Ontario Limited) prepared by Rita Jabbour, RPP, Manager, Planning Services dated March 15, 2021 be received, and

That Council adopt Bylaw 1993 being a bylaw to enter into a Subdivision Agreement between the Corporation of the Town of Essex and 1552843 Ontario Limited for the lands comprising Part of Lot 12, Second Range of the Gore (former Colchester South), and

That the Subdivision Agreement be registered against the lands to which it applies by the Municipality as notice to prospective purchasers.

Purpose

To enter into a Subdivision Agreement with 1552843 Ontario Limited in accordance with the conditions of draft plan approval issued by the County of Essex on February 8, 2021

for the development of the Parkland Woods Subdivision (Part of Lot 12, Second Range of the Gore, Colchester South).

Background and Discussion

The proposed Parkland Woods subdivision is located on the East side of County Road 13, south of Pollard Drive (see **Figure 1**). The lands are legally described as Part of Lot 12, Second Range of the Gore, Colchester South. The proponent, 155284 Ontario Limited (Noah Homes), submitted an application for approval of a plan of subdivision to the County of Essex (the approval authority) on August 10, 2020. The draft plan consists of twenty-six (26) lots for single detached dwellings and twenty-three lots (23) for semi-detached dwellings (two-unit dwellings), for a total of seventy-two (72) dwelling units that will be developed in two (2) phases (see **Figure 2**).

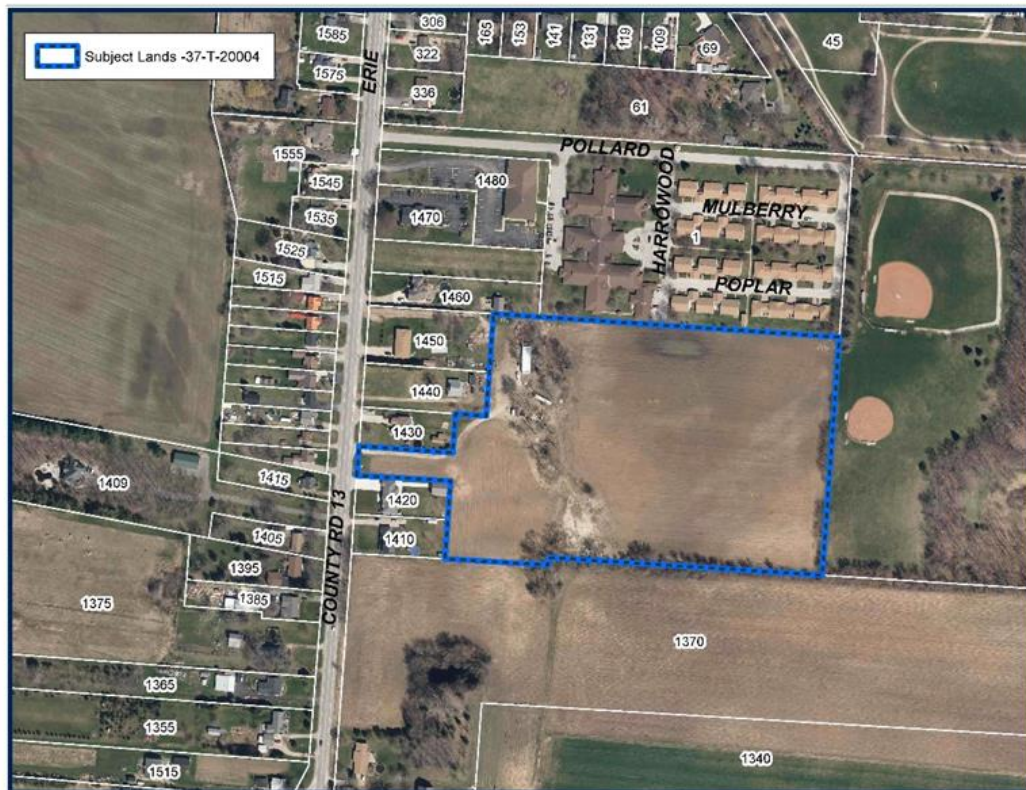


Figure 1. Location of Subject Property

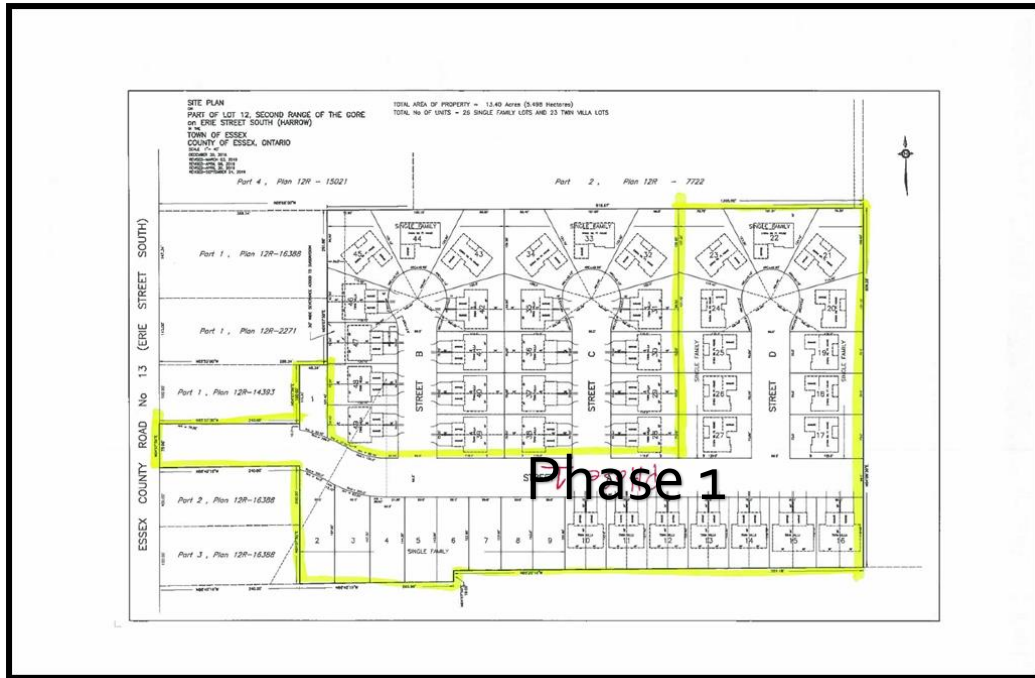


Figure 2. Draft Plan of Subdivision with Phasing Plan

On Monday November 23, 2020, Council hosted a virtual public meeting to receive public comments on the draft plan of subdivision, pursuant to subsection 51 (20) of the *Planning Act*. Subsequent to this meeting, Council passed resolution **R20-12-454** requesting that the Manager of Planning Services for the County of Essex give draft plan of subdivision approval to the proponent subject to the following:

1. That 1552843 Ontario Limited (Noah Homes) enter into a subdivision agreement with the Town for the provision of roads and other services and facilities to the subdivision;
2. Such other conditions requested by the Manager of Planning Services for the County of Essex, as a condition of draft plan of subdivision approval; and
3. That Council agrees to accept cash in lieu of a parkland dedication and to permit the construction of a storm water management pond and public parking area on Town lands, in accordance with the provisions of the subdivision agreement.

On February 8, 2021, the County of Essex issued notice of their decision to **approve** the draft plan of subdivision for Parkland Woods subject to certain conditions. **A copy of the decision and conditions are attached to this report.** The appeal period expired on March 1st. No appeal of the decision was filed with the County of Essex. **A copy of the letter confirming no appeals received is attached to this report.**

As prescribed under condition #2, the Owner must enter into a subdivision agreement with the Municipality wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the payment of development charges, provisions of roads, installation and capacity of services, including sanitary sewage collection systems, water distribution systems, private utilities and storm water management facilities for the development of the lands within the plan.

Bylaw 1993 is a bylaw to enter into a Subdivision Agreement between the Corporation of the Town of Essex and 1552843 Ontario Limited and includes all relevant conditions as issued by the County of Essex in their notice of decision. Following adoption of the Bylaw, the proponent will be responsible for registering the agreement against the subject lands and will have until **February 8, 2024** to satisfy all conditions as set out in the County's decision.

Conditions of draft plan approval may be changed at any time before final approval is given. The Municipality is entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision. It is the proponent's responsibility to fulfill the conditions of draft approval.

Financial Impact

All development charges applicable to the construction of residential dwellings per the provisions of the Act and past practice within the subdivision are due upon issuance of building permit. Development charges for the Harrow Primary Settlement Area for residential use are imposed at the following rate:

Service	August 28, 2019- August 27, 2020	August 28, 2020- August 27, 2021	August 28, 2021- December 31, 2021	January 1, 2022- December 31, 2022	January 1, 2023- December 31, 2023	January 1, 2024- August 27, 2024
Municipal Wide Services:						
Services Related to a Highway	0%	0%	0%	25%	50%	75%
Fire Protection Services	0%	0%	0%	25%	50%	75%
Policing Services	0%	0%	0%	25%	50%	75%
Outdoor Recreation Services	0%	0%	0%	25%	50%	75%
Indoor Recreation Services	0%	0%	0%	25%	50%	75%
Library Services	0%	0%	0%	25%	50%	75%
Administration	0%	0%	0%	25%	50%	75%
Area Specific Charges (Wastewater)						
Ward 4-Harrow Service Area	0%	0%	0%	25%	50%	75%

The Town is required to fund waived development charges, be it through taxation, user rates or any other form of revenue. The total amount of development charges utilizing 2021 rates for 72 single- and semi-detached dwelling units are as follows:

Municipal Wide (Hard Services)	Municipal Wide (Soft Services)	Area Specific Wastewater	Total
\$231, 912	\$383, 976	\$157, 248	\$773, 136

The total potential upset limit of waived development charges utilizing 2021 rates for the Parkland Woods development is \$773, 136 with \$615,888 funded through property tax and \$157,248 funded through the Town's sanitary sewer reserves.

In the 2021 Operating Budget, the budgeted amount for forecasted waived development charges is as follows:

2021 Development Charges Forecasted to be Waived		
Municipal Wide (Hard and Soft Services)	Area Specific Wastewater	Total
\$416,264	\$89,528	\$505,792

If all development charges for the Parkland Woods development are incurred in 2021, the budget shortfall from property taxation will therefore be \$199,624 and \$67,720 from the sanitary sewer reserve.

However, a development of this size, consisting of two phases generally takes 24 months to develop. The above depiction therefore describes the potential shortfall in relation to what was forecasted in the 2021 Budget.

All costs associated with the construction of the public parking area on the municipal recreational lands will be borne by the proponent.

Consultations

Robert Auger, Town Solicitor/Clerk

Doug Sweet, Director of Community Services/Deputy CAO

Jeffrey R. Morrison, Director, Corporate Services/Treasurer

Kevin Girard, Director, Infrastructure Services

Kevin Carter, Manager of Building Services, Chief Building Official

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Subdivision Agreement for Parkland Woods (1552843 Ontario Limited).docx
Attachments:	<ul style="list-style-type: none">- Decision and Conditions 37T20004 Parkland Estates.pdf- no appeals letter 37T20004 Parkland Woods Branco.pdf- BYLAW1993.docx- Parkland final Agreement.docx
Final Approval Date:	Mar 10, 2021

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



Lori Chadwick, Director, Development Services - Mar 10, 2021 - 9:07 AM



Chris Nepszy, Chief Administrative Officer - Mar 10, 2021 - 11:46 AM