

TOWNSHIP OF EDWARDSBURGH CARDINAL
ACTION ITEM

Committee: Committee of the Whole – Community Development

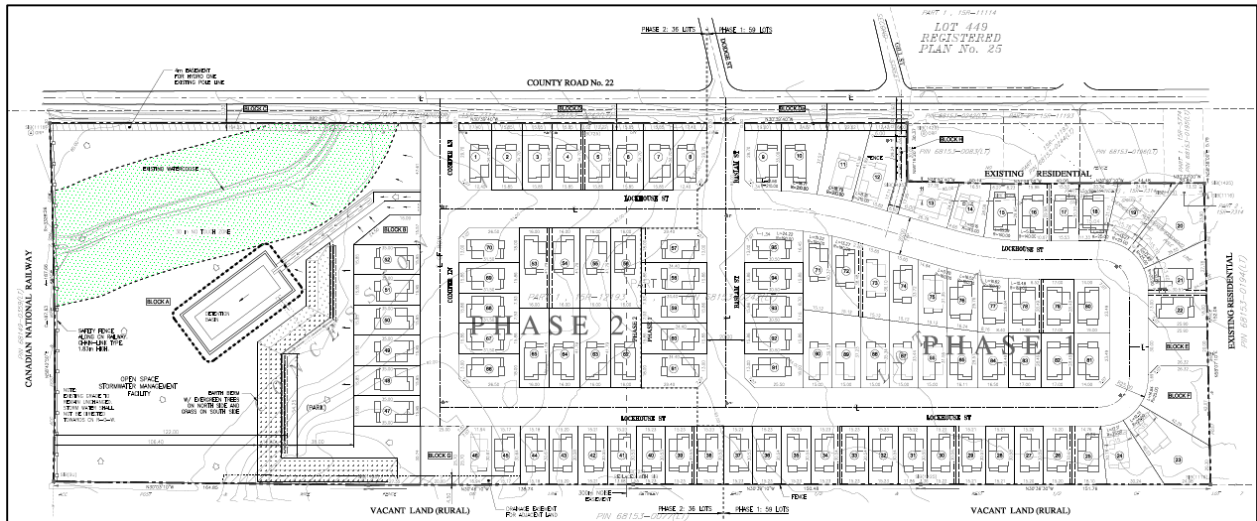
Date: October 7, 2024

Department: Community Development

Topic: Subdivision Agreement, Lockmaster Meadow Subdivision (Edwardsburgh Developments Inc.)

Purpose: To review a draft subdivision agreement.

Background: The subject lands, referred to as the Lockmaster Meadow Subdivision, are approximately 11.1 ha in land area, located on the west side of Shanly Road (County Road No. 22) and south of the CN Railway within the Village of Cardinal. The lands are currently undeveloped and are surrounded by rural properties towards the north and west and residential properties to the east and south.



Excerpt of Draft Plan of Subdivision S-1; February 6, 2024

The draft plan includes 95 lots for single detached dwellings, one stormwater/open space block, one block for parkland purposes, a block for a future road to the west, one block for a pumping station, and a treed earth berm instead of the barrier to mitigate noise from the railway. The subdivision includes three new public streets and will be accessed from two new street entrances on Shanly Road. All residential lots will be developed on full municipal services.

The draft plan approval includes 62 conditions to be cleared by the developer. The conditions are made by the Counties through recommendations from the Township and other agencies. The conditions relate to topics such as parkland dedication, zoning, servicing, water and sewer works, stormwater management, fish habitat, noise attenuation, landscaping and streetscaping, roads, traffic, and services such as hydro and gas.

Condition 7 of draft plan approval requires that the Owner enter into a subdivision agreement between the Owner and the Township to the satisfaction of the Township. A draft agreement is attached to this report. It has been reviewed by our lawyer and insurer and their recommendations have been incorporated. The Owner has received a copy of the draft agreement and staff have requested an updated development schedule.

Detailed designs and reports have been provided to the Township and have been reviewed by staff and peer reviewers on our behalf. The detailed designs and reports are included in the subdivision agreement, which requires the subdivision works to be completed in accordance with the designs.

The Township is asked to provide notice to the Counties that conditions 2 to 58 of draft approval have been satisfied. Some of these conditions relate to requirements of other agencies. The Township has received written notice from South Nation Conservation and Canada Post that they are satisfied with the designs and wording in the subdivision agreement. Staff have asked the developer to provide confirmation from Hydro One and Enbridge that their conditions are satisfied before we provide this clearance to the Counties.

Policy Implications: The Planning Act allows a municipality to enter into a subdivision agreement and enforce the provisions against the owner and subsequent owners. The agreement will be registered against the lands so that it is available to future owners.

Section 53(26) of the *Planning Act*, R.S.O., 1990, Chapter P.13.

A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land. 1994, c. 23, s. 30.

The United Counties of Leeds and Grenville is the approval authority for plans of subdivision. Final approval is given when all conditions of draft approval have been met. Once final approval has been granted, the plan of subdivision is registered and lots may be sold individually.

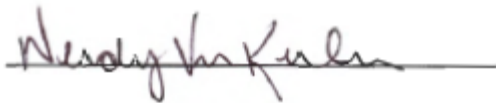
Strategic Plan Implications: The subdivision agreement is supported by the Township's Strategic Plan. The agreement ensures that infrastructure will be

constructed to support a thriving, resilient and well-connected community, while supporting growth and economic development by increasing housing availability.

Financial Considerations: The Owner addressed Council on July 22, requesting that the Township consider reduced or alternative financial securities. An estimated cost of \$3,965,054.74 (including HST) for the subdivision works were provided by the developer and included in Schedule D.

The agreement includes financial requirements in section 23, further detailed in Schedule E to include a deposit of \$2 million, plus 2 lots to be held as securities to guarantee the construction and installation of the Works withing the agreement. In the event that some Works or some part of the Works are constructed by a Municipal Official pursuant to this Agreement, or in the event that the Owner fails to pay the cost of any of the Works, or in the event of other default of this Agreement, the Municipality may draw upon the securities to correct any defect prior to assuming the Works in accordance with this Agreement.

Recommendation: That Committee recommend that Council enter into a subdivision agreement with Edwardsburgh Developments Inc., as attached, once a development schedule has been received and approved by staff.



Community Development Coordinator