



Municipality of Port Hope
56 Queen Street
Port Hope, ON
L1A 3Z9

REPORT TO: Community Development Committee

FROM: Sonia Tam, Planner

SUBJECT: Draft Plan of Subdivision (SU02-2018)
Osaca Subdivision – County Road 65
Applicant: D.M. Wills Associates Ltd. on behalf of 2564669 Ontario Inc.

DATE: July 6, 2021

RECOMMENDATIONS:

That a By-law be presented to Council to authorize execution of a Draft Subdivision Agreement with Michael Battaglia Enterprises Inc.; and further,

That following the registration of the Subdivision Agreement with Michael Battaglia Enterprises Inc, staff be authorized to approve the subject Plan of Subdivision, as Final Approved and then proceed with the necessary arrangements to have the Plan Registered in accordance with Section 51(58) of the *Planning Act*.

BACKGROUND:

Subject Lands & History:

The subject lands are located on the west side of County Road 65, north of 5th Line, in the Hamlet of Osaca in the Rural Area of the Municipality of Port Hope (see **Figure 1**). The irregularly shaped lands have a total lot area of approximately 9.38 ha (23.19 ac) with a lot frontage of 237.36 m along County Road 65.

The lands proposed for development are currently vacant. The site is primarily an agricultural field with an unevaluated wetland feature located on the west side of the property. Another natural heritage feature (a creek) is present along the northern boundary of the subject lands. The creek is likely hydraulically connected to Graham Creek.

The subject lands were severed from the larger parcel (5280 County Road 28) in 2010 by Consent Application B08/09. They are legally described as Parts 1 and 3 of 39R12373 except Part 1 of 39R-13528.

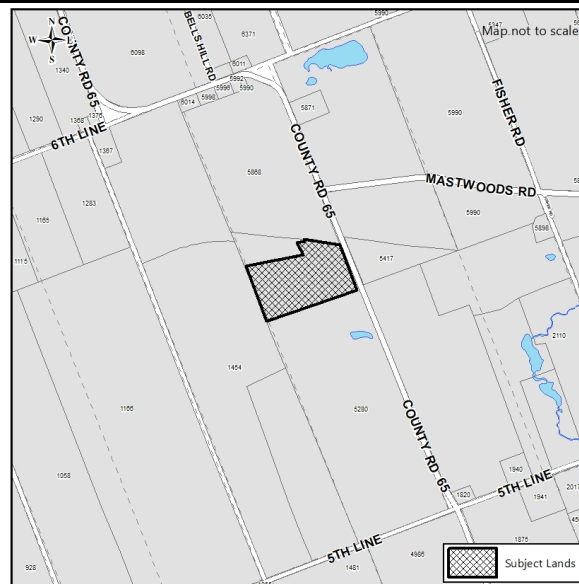
The subject lands were subject to Zoning By-law Amendment (ZB09-2018) and Draft Plan of Subdivision (SU02-2018) applications approved by Council (subject to Conditions of Draft Approval) on May 21, 2019.

Surrounding Land Uses

The subject lands are surrounded by:

- Agricultural field, Rural Residential (Hamlet of Osaca), to the north;
- Agricultural fields, to the east;
- Agricultural fields and a creek (tributary to Graham Creek) to the south; and
- Agricultural fields and wetlands, to the west.

Figure 1: Subject Lands
Address: Parts 1 and 3 of 39R12373 except Part 1 of 39R-13528



Proposal:

As illustrated on the following page (see Figure 2: Plan of Subdivision), in its final form, the 9.37 ha Plan includes elements as follows:

Proposed Land Use	Area (Hectares/ Acres)
20 Residential Lots for 20 single detached dwellings (Blocks 1-20)	7.91 ha/19.47 ac
Block 21 – <i>To be conveyed to the Municipality</i>	0.414 ha/ 1.02 ac
0.3 m Reserve (Block 22) – <i>To be conveyed to the County</i>	0.0008 ha/ 0.002 ac
Public Road (Winfield Drive)	1.09 ha/ 2.69 ac
TOTAL	9.42 ha/ 23.28 ac

Figure 2: Draft Plan of Subdivision, revised June 22, 2021



ANALYSIS

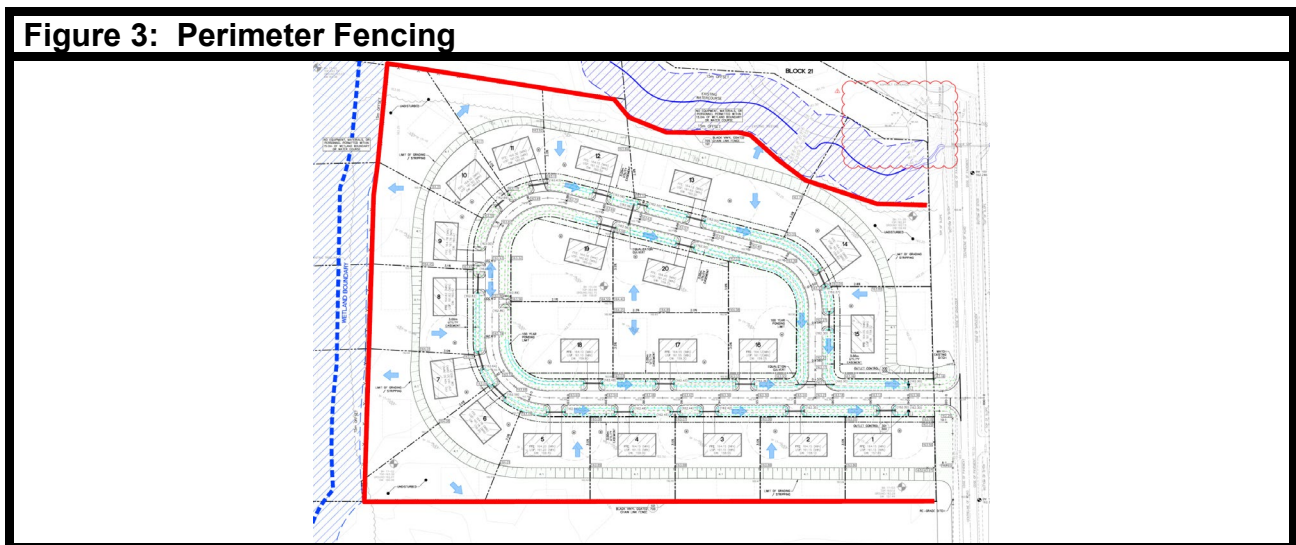
This section will briefly review matters that were considered by Council during the Draft Plan Approval process that either have been revised or are further discussed due to public interest during Draft Plan approval process in 2019.

Change in Ownership

At the time of Draft Plan of Subdivision, the subject lands were owned by 2564669 Ontario Inc. The current owner has advised the Municipality that the subject lands are to change ownership to Michael Battaglia Enterprises Inc. who will also develop the lands. Prior to passing the by-law, staff will confirm the ownership details.

Perimeter fencing and protection of trees

As per the Draft Conditions, 1.2-metre-tall continuous black metal fencing will be installed along rear lots and between the developable and environmental protection areas as depicted in **Figure 3**. The subdivision agreement also includes a clause requiring homeowners acknowledge and agree in writing that no alterations to watercourses or wetlands are permitted. No buildings, structure, or site alteration will be permitted in the designated environmental protection areas.



Removal of Water Tank

The Draft Plan approved by Council in 2019 showed the location of the proposed underground water storage tank and dry hydrant on Block 21. Block 21 would be conveyed to the Municipality.

Fire and Emergency Services (FES) has reviewed the submission for Final Approval and has determined that the storage tank is not necessary. There is an existing dry hydrant on 7th Line approximately 5 km away and the FES department is presently completing a dry hydrant installation program looking to locate additional dry hydrants in the rural area, including at least one dry hydrant specifically to service the proposed development and other developments in the area. Block 21 will still be conveyed to the Municipality. No municipal maintenance will occur; the parcel will remain in its natural state.

Clearance of Conditions of Draft Approval

As summarized in **Table 1**, the required Subdivision Agreement is the main tool by which the developer agrees to the majority of the various Conditions of Draft Approval as issued by Council. The Subdivision Agreement is a critical document which helps to direct development as approved by Council, as well as the long-term maintenance of the subject lands. The subject Draft Subdivision Agreement has been prepared based on extensive discussions with municipal staff and the developer.

Table 1: Clearance of Conditions of Draft Approval		
#	Description	Clearance
1	Recognition of Draft Plan	Final Draft M Plan Prepared
2	Road allowances shown & dedicated	Incl. in Sub. Agreement
3	Street named by Municipality	Completed
4	Wording in agreement: Cash-in-lieu of parkland	Incl. in Sub. Agreement
5	Utility Coordination Plan (or Composite Utility Plan), to the satisfaction of the Municipality	Completed
6	Conveyance of Block 21	Incl. in Sub. Agreement
7	Bio swales detailed design, to the satisfaction of the Director, Works and Engineering	Completed
8	Hydrogeological assessment reports peer review, to the satisfaction of Northumberland County and the Municipality of Port Hope	Completed (see attached letters)
9	Additional water samples, to the satisfaction of the Ganaraska Region Conservation Authority and the Director, Works and Engineering	Completed
10	Detailed stormwater management plan, to the satisfaction of the Northumberland County	Completed (see attached letter)
11	Reconfiguration of 0.3 m reserve	Completed (see attached letter)
12	GRCA approvals	Completed (see attached letter)
13	Approval of community mail box locations, to the satisfaction of Canada Post	Completed (see attached letter)
14	Canada Post warning clauses	Incl. in Sub. Agreement
15	Aerodrome	Incl. in Sub. Agreement
16	Water tank, to the satisfaction of the Director, Fire and Emergency Services	Not required (see attached letter)
17	Fencing, to the satisfaction of the Director, Works and Engineering	Incl. in Sub. Agreement
18	Natural heritage features acknowledgement letter	Incl. in Sub. Agreement
19	Natural heritage features warning clause	Incl. in Sub. Agreement
20	Electrical design	Incl. in Sub. Agreement.
21	Easements	Incl. in Sub. Agreement
22	Hydro One confirmation letter	Incl. in Sub. Agreement (see attached letter)
24	Servicing design and costs	Incl. in Sub. Agreement
25	Subdivision agreement	Incl. in Sub. Agreement
26	Agricultural Area warning clause	Incl. in Sub. Agreement

FINANCIAL IMPACT:

The development of the proposed residential Plan of Subdivision is anticipated to yield approximately \$40,000 in Building Permit fees, \$168,080 in Port Hope Development Charges, \$58,620 in Northumberland County Development Charges, and \$33,750 from cash-in-lieu of parkland (all on a one-time basis) and provide the Municipality with an initial estimated annual municipal property tax contribution of approximately \$40,000.

CONCLUSION:

The proposed development would create a new subdivision (20 lots for 20 single detached dwellings) with internal roadways and serviced by private water and sewage disposal systems.

Staff recommends that the attached By-law and Subdivision Agreement (**Attachment 1**) be endorsed and forwarded to Council for consideration. The proposed development represents an opportunity for 20 new dwellings within the Hamlet of Osaca, adding to the existing housing supply within the rural settlement area.

It is anticipated that the home builder (Michael Battaglia Enterprises Inc.) plans to build the road and 2 model homes in summer 2021 and building to remaining single detached dwellings in fall 2021.

Respectfully submitted,

Sonia Tam, M. Pl., RPP, MCIP
Municipal Planner

Approved by:

Theodhora Merepeza, M.C.P., RPP, MCIP

Attachment 1: By-law to Authorize Execution of Draft Subdivision Agreement

Attachment 2: Conditions of Draft Approval Clearance Letters

