



**Date:** November 25, 2024

**To:** Mayor and Council

**Author:** Sahar Jamshidi, MUP, RPP, MCIP, C.E.T.  
Manager of Planning

**RE:** 1478 Road 2 East and part of 0 Road 2 East (Vacant lot)  
Draft Plan of Subdivision (SUB-2022-02) – Mivita Estates  
County of Essex File No.: 37-T- 24002

---

## **RECOMMENDED ACTION**

That Council **DIRECTS** Administration to advise the County of Essex that the Town of Kingsville supports the proposed Draft Plan of Subdivision by 552843 Ontario Ltd. & Mivita Holdings Inc., in principle and subject to the required Zoning By-law Amendment and Consent Application for land exchange and granting of required easement, as described in this Report presented at the November 25, 2024 Regular Meeting of Council.

## **BACKGROUND**

The County of Essex, the approval authority under the *Planning Act* for plans of subdivision in Town of Kingsville, has received and deemed complete an application for a Draft Plan of Subdivision (County of Essex File No. 37-T-24002). The subject properties (municipally known as 1478 Road 2 East and 0 Road 2 East) are currently vacant (agricultural use) and are located on the north side of Road 2 East, between Peterson Lane and Woodfern Avenue in Ruthven as shown in the attached Key Map (see Appendix “A”) and the Draft Plan of Subdivision (see Appendix “B”).

The portion of the lands which is being considered for the Draft Plan of Subdivision is within Ruthven’s secondary settlement area (through Kingsville’s OPA 15 - By-law 56-2023 and County of Essex’s OPA 4 – By-law 2023-45). The lands are designated Hamlet in Kingsville Official Plan, and zoned General Agricultural Zone (A1) in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville.

The applicant has applied for Draft Plan of Subdivision Approval for:

- thirty (30) single detached dwelling lots;
- thirty-one (31) lots for sixty-two (62) semi-detached dwelling units;
- two (2) blocks for Townhouse Dwellings, containing a total of ten (10) townhouse units;

- one (1) block for a multi-residential townhouse complex, containing a total of twenty-four (24) units;
- one (1) block for a stormwater management facility; and,
- one (1) block for stormwater access.

The new lots and blocks will have access from the proposed Virginio Avenue, which will connect to Road 2 East and the future extension of Peach Drive, as well as three (3) proposed cul-de-sacs named Amelia Court, Igino Court and Fiorina Court, which will all be dedicated as public roads.

The County of Essex is the approval authority for plans of subdivision as the upper-tier municipality. It is part of the County of Essex process to request a resolution of support from the local municipal Council for a plan of subdivision approval. As a result of the changes imposed under Bill 23, public meetings pursuant to a Draft Plan of Subdivision applications are no longer a legislated requirement. The County of Essex has requested that the Town of Kingsville give notice of application to the public on its behalf, in accordance with Subsection 4 of Ontario Regulation 544/06, for information purposes to the public (see Appendix “C”). A copy of the public notice which was sent out by Town of Kingsville to the public is attached (see Appendix “D”), as well as photos of the public notice signs which were placed on public highways/streets (see Appendix “G”).

The notice encourages any questions or concerns regarding the proposed plan of subdivision from the public to contact **Rebecca Belanger, Manager, Planning Services**, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M1Y6, or via email at [rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca), indicating the **County of Essex file number, No. 37-T-24002 – Mivita Residential Subdivision**, in the subject of the email.

To allow the proposed subdivision for residential development, it is required that the lands be properly zoned for Rural/Urban Residential use. The applicant is requesting a site-specific Residential Zone (R2.2-12), to allow for the construction of Single Detached Dwellings, Semi-Detached Dwellings and units, as well as Townhouse Dwellings and units and Multi-Residential Townhome Complex, which will all have reduced lot area, lot frontage, setbacks and increased lot coverage, when compared to R2.2 zone. Likewise, that portion of the lands in the Draft Plan of Subdivision which will be used for the stormwater management facility and stormwater access will be zoned from General Agricultural Zone (A1) to Public Utilities/Facilities Zone (MG).

Furthermore, in 2023, Council for the Town of Kingsville and the County of Essex approved Official Plan Amendments to both Kingsville OP and County OP, which allowed for a 1:1 swap of lands between the subject properties and a corresponding adjustment to the Secondary Settlement Area. The land swap conformed to the Official Plan for the County of Essex. However, the ownership of the swapped lands were never transferred prior to the County’s notice of the complete Draft Plan of Subdivision. To that end, a consent application is required for land exchange (boundary adjustments) between 1478 Road 2 East and 0 Road 2 East, as well as granting a 3m wide easement in favour of the Town of Kingsville, for placement of water services.

The Town of Kingsville is the approval authority for Zoning By-law Amendments as well as Consent Applications, as the lower-tier municipality. Additionally, the required Zoning By-law Amendment, as well as the required Consent Application are both subject to statutory public meetings, therefore the two applications are brought forward in a separate report (ZBA-2024-19 and B-2024-27) to Council on November 25, 2024, prior to this report requesting endorsement of the draft plan of subdivision.

## **DISCUSSION**

The Planning Act sets the ground rules for land use planning in Ontario. It gives upper-tier and lower-tier municipalities the authority to make local planning decisions which shall be consistent with the minimum standards set in the Provincial Planning Statement 2024 (“PPS 2024”), to ensure we are growing responsibly and sustainably.

The following provides the key pieces of information, to Kingsville municipal council, which corresponds to the proposed draft plan of subdivision being consistent with PPS 2024, as well as the County of Essex Official Plan (“OP”) and Town of Kingsville Official Plan (“OP”).

### **Provincial Planning Statement 2024, County of Essex Official Plan and Town of Kingsville Official Plan**

The proposed residential draft plan of subdivision for 1478 Road 2 East and part of 0 Road 2 East is located on the western edge of Kingsville’s secondary settlement area in Ruthven, designated Hamlet in schedule A-3 of Kingsville Official Plan.

The vacant parcels abut existing residential land uses to the east and the proposed draft plan of subdivision implements planned growth within the Ruthven secondary settlement area according to both the County of Essex OP and Town of Kingsville OP. This development proposal will make efficient use of existing municipal services consistent with the policies of the PPS 2024. Although it can be stated that the proposal supports and implements many of PPS 2024 policies, the proposed draft plan of subdivision supports the following important policies which are specifically highlighted:

#### Settlement Area/Land Use Patterns

- Section 2.3.1.1 – Settlement Areas - Settlement areas shall be the focus of growth and development;
- Section 2.3.1.2 – Land use patterns within settlement areas should be based on densities and a mix of land uses which:
  - a) efficiently use land and resources;

- b) optimize existing and planned infrastructure and public service facilities;
- Section 2.3.1.6 – Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.

### Rural Areas in Municipalities

Section 2.5.1 – Healthy, integrated and viable rural areas should be supported by:

- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) using rural *infrastructure* and *public service facilities* efficiently;

Section 2.5.2 – In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Section 2.5.3 – When directing development in rural *settlement areas* in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

### Natural Heritage

Section 4.1 of PPS 2024 requires that natural features and areas shall be protected for the long term. Kingsville Official Plan, as well as the County of Essex Official Plan, do not identify any natural features on or adjacent to the subject lands.

The protection of matters of provincial interest, namely natural features in this instance, fall under the responsibilities of the upper-tier municipality (the “County of Essex”) as the approval authority for a draft plan of subdivision. Accordingly, the County of Essex required a Species at Risk (SAR) Preliminary Screening Memo, which was prepared by Goodban Ecological Consulting Inc. (“GEC”), dated February 14, 2023, and submitted to the Ministry of the Environment, Conservation and Parks (“MECP”). MECP reviewed the information provided in the preliminary screening memo and provided confirmation that based on the findings of the preliminary screening memo an *Endangered Species Act* (“ESA”) permit will not be required.

### Minerals and Petroleum

Section 4.4 of PPS 2024 requires that minerals and petroleum resources shall be protected for long-term use, and that any development (which would) hinder the establishment of new operations or access to the resources shall only be permitted if the proposed land use or development serves a greater long-term public interest.

Both the Kingsville Official Plan and the County of Essex Official Plan do not identify any natural resources within or near the proposed draft plan of subdivision, which is consistent with the information publicly available at the province's Geospatial Data (<https://geohub.lio.gov.on.ca/datasets/lio::petroleum-well/about>)

Adherence to this regulation falls under the responsibilities of the upper-tier municipality (The County of Essex) as the approval authority for a draft plan of subdivision. According to the information provided above, the proposed development is permitted on the subject lands as there are no identified natural resources on or adjacent to these lands.

### Cultural Heritage and Archeology

Section 4.6 of PPS 2024 requires that planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.

Before approving a development project regulated by legislation, an approval authority may require an archaeological assessment of all lands that are part of the project. Assessments are required when the land has either a known archaeological site or the potential to have archaeological sites. The assessment must be carried out by licensed archaeologists and is based on a 'checklist' to help identify areas of archaeological potential on lands being developed.

As a matter of provincial interest, archaeology and cultural resources fall under the authority of the County of Essex as the approval authority for a draft plan of subdivision. The County required an archaeological assessment study to be provided as part of the supporting documents for Draft Plan of Subdivision application, which resulted in the completion of Stage 1-2 Archaeological Assessment, by Archeoworks Inc., dated August 5, 2021. The Stage 1-2 Archaeological Assessment report was submitted to the Ministry of Heritage, Sport, Tourism, and Culture Industries, and has been entered into the Ontario Public Register of Archaeological Reports without technical review. This satisfied the County of Essex's requirements for protecting provincial interest for the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

In conclusion, the proposed draft plan of subdivision meets the policy directions of PPS 2024, the County of Essex Official Plan and the Kingsville Official Plan.

### **Municipal Zoning By-law and Consent Application for Land Exchange**

The lands subject to the proposed Draft Plan of Subdivision are currently zoned General Agricultural Zone (A1) in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville. To allow the proposed subdivision for residential development it is required

that the lands be properly zoned for Rural/Urban Residential use. The applicant is requesting a site-specific Residential Zone (R2.2-12), to allow for the construction of Single Detached Dwellings, Semi-Detached Dwellings and units, Townhouse Dwellings and units and a Multi-Residential Townhome Complex, which will all have reduced lot area, lot frontage, setbacks and increased lot coverage, when compared to R2.2 zone. Likewise, that portion of the lands in the draft plan of subdivision which will be used for the stormwater management facility and stormwater access will be zoned from General Agricultural Zone (A1) to Public Utilities/Facilities Zone (MG).

Furthermore, since the subject lands are not serviced for the proposed development, as the lands go through the process of being rezoned from Agricultural Zone (A1) to Residential Zone (R2.2-12) and Public Utilities/Facilities Zone (MG), a holding provision will be placed on the entirety of the subject lands indicating the following in the corresponding By-law:

“The Holding Provision applies to the entirety of the subject lands, and the holding provision shall not be removed from these lands, and no development shall occur until the following has been completed to the satisfaction of the Town of Kingsville:

- a. Confirmation of availability and allocation of Municipal Water and Sanitary Sewage Treatment and conveyance capacity to the satisfaction of the Town of Kingsville;
- b. Execution of a Subdivision Agreement for specified phase(s), where the holding provisions will be removed only on those phase(s) included in the Subdivision Agreement; and
- c. Collection of all required securities by the Town of Kingsville according to the executed Subdivision Agreement.

The above holding provision will still allow the servicing to commence, however no building permits can be issued until the Hold is removed from the lands.

Furthermore, a consent application is required for land exchange (boundary adjustments) between 1478 ROAD 2 EAST and 0 ROAD 2 EAST, as well as granting a 3m wide easement in favour of the Town of Kingsville, for placement of water services.

The Town of Kingsville is the approval authority for Zoning By-law Amendments as well as Consent Applications, as the lower-tier municipality. Additionally, the required Zoning By-law Amendment, as well as the required Consent Application are both subject to statutory public meetings, therefore the two applications are brought forward in a separate report (ZBA-2024-19 and B-2024-27) to Council on November 25, 2024, prior to this report requesting endorsement of the draft plan of subdivision.

## Development Standards

The Draft Plan of Subdivision will also have to comply with municipal development standards related to functional servicing, stormwater management, lighting, road and cul-de-sac design, linear infrastructure and other requirements. These details will be included within the Subdivision Agreement to achieve compliance with municipal development standards and will collect appropriate securities. The Subdivision Agreement, once finalized, will be brought forward to a future Council meeting.

## **CONSULTATIONS**

The County of Essex, as the approval authority for plans of subdivision, has conferred with the persons or public bodies which they consider may have an interest in the approval of the proposed subdivision (see appendix E), according to section 51 (23) of the *Planning Act*.

Furthermore, in accordance with section 51 (19) of the Planning Act and Subsection 2 of Ontario Regulation 544/06, the County of Essex requested that the Town of Kingsville give public notice of the application on its behalf. Town of Kingsville provided public notice (see appendix D) by:

- a. ordinary mail, to every owner of land within 120 metres of the subject land; and
- b. posting notice signs, clearly visible and legible from a public highway or other place to which the public has access, namely on Road 2 East frontage of the subject land, and at the end of Peach Drive.

In addition to the above required ordinary mail and signposting notices, additional notice has been placed on Kingsville's municipal webpage at the following link:  
<https://www.kingsville.ca/en/news/planning-items-for-review-at-the-november-25-2024-committee-of-adjustment-and-appeals.aspx>  
(see appendix F.)

Public comments received to date are attached (see Appendix H.)

## **FINANCIAL CONSIDERATIONS**

The town of Kingsville will be collecting subdivision securities in accordance with requirements and conditions which will be stipulated in the development/subdivision agreement. At the appropriate time release of the collected securities will be managed by the Town of Kingsville.

Upon completion of servicing the subdivision, once building permits can be issued on each block, development charges and building permit fees will be collected, which ultimately will contribute to additional taxation, water, and wastewater revenue for Town of Kingsville.

**PREPARED BY:**

*Sahar Jamshidi*

---

Sahar Jamshidi, RPP, MCIP, C.E.T  
Manager of Planning

**REVIEWED BY:**



---

Richard J.H. Wyma CSLA  
Director of Planning and Development



---

John Norton, CAO

Appendix A – Key Map  
Appendix B – Draft Plan of Subdivision  
Appendix C – County of Essex Request to Notify  
Appendix D – Notice of Application for Draft Plan of Subdivision  
Appendix E – County of Essex Request for Comments  
Appendix F – Website Notice Nov 14, 2024  
Appendix G – Notice Signs Placed on Public Highways  
Appendix H – Public Comments