

The Corporation of the City of Kawartha Lakes
Council Report

Report Number ENG2018-012

Date: May 8, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 10

Title: Barron Boulevard Sidewalk Petition Update

Description: Background and information on the Sidewalk within the Riverview Subdivision, in particular Barron Blvd

Author and Title: Juan Rojas, Director of Engineering and Corporate Assets

Recommendation:

That Report ENG2018-012, **Barron Boulevard Sidewalk Petition Update**, be received; and

That staff be directed to proceed with the installation of the sidewalk on Barron Boulevard as required in the associated subdivision agreement.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of April 24th, 2018, Council adopted the following resolutions:

CR2018-220

Moved By Councillor Stauble

Seconded By Councillor Dunn

That the deputation of Patrick O'Neill and Tammy Brumwell, regarding Barron Road Sidewalk Petition, (Item 13.1 on the Agenda), be received.

Carried

CR2018-224

Moved By Councillor Dunn

Seconded By Councillor Pollard

That the petition received from Mr. and Mrs. Brian Marritt, Mr. and Mrs. Patrick O'Neill regarding Barron Boulevard sidewalks, be received and referred to staff for report back to Council on the implications of not installing sidewalks on Barron Boulevard.

Carried

This report addresses that direction.

Rationale:

Subdivision Agreement Process:

The subdivision agreement for Riverview Estates Phase 1 was registered in September of 2008. Within the limits of the subdivision, sidewalks were included along Barron Blvd, St Peter St, and Simpson Rd.

The Engineering Department brought an assumption report forward (Report No, ENG2017-021) to the October 11th 2017 Planning Advisory Committee meeting, recommending the assumption of the subdivision.

The following is from the Meeting Minutes of the October 11th Planning Advisory Committee:

ENG2017-021

Christina Sisson, Supervisor of Development Engineering
Assumption Report for Riverview Estates Subdivision – Phase 1, City of Kawartha Lakes

Ms. Sisson provided an overview of the report submitted to the members of the committee. She noted the deficiencies with the subdivision agreement and the steps that would be taken by the various City departments to address them. Further, she listed all of the checks and balances the City currently has in place to avoid future subdivisions being registered with insufficient security, and the steps in place to provide for more City supervision of the subdivision process. She stated that they are seeking assumption of the roads and park block at this time. Ms. Sisson and Mr. Rojas responded to questions put forth by the members of the committee.

PC2017-044

Moved By Mayor Letham

Seconded By Councillor Veale

RECOMMEND THAT Report ENG2017-021, Assumption Report for Riverview Estates Subdivision – Phase 1, City of Kawartha Lakes, be received;

THAT the Assumption of Riverview Estates Subdivision - Phase 1, City of Kawartha Lakes, be approved;

THAT an Assumption By-Law, substantially in the form attached as Appendix A to Report ENG2017-021 be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

CARRIED

The Minutes of the Planning Advisory Committee was approved by Council at the October 24th, 2017 Regular Council Meeting

CC2017-29.12.1

Minutes, Planning Advisory Committee Meeting

October 11, 2017

CR2017-934

Moved By Councillor O'Reilly

Seconded By Councillor Veale

RESOLVED THAT the Minutes of the October 11, 2017 Planning Advisory Committee Meeting, be received and the recommendations be adopted.

CARRIED

Funds for the sidewalk construction were approved by Council as part of the 2018 Capital Budget Process,

Planning Development Process:

As part of the proposed Lindsay Secondary Plan, the Area to the north of Riverview Phase 1 and the area to the south of Riverview Phase 1 are designated as Residential. (Red circle below is Riverview Phase 1; yellow is Residential Designation, as per the proposed Lindsay Secondary Plan).



The City's Growth Management Plan has identified the following:

- The area directly to the south (known as the Pyle property) will have a development potential of 53 single detached homes and 17 townhomes for a total of 69 units.
- The area just north of Phase 1 (i.e. Phase 2) to have a development potential of 20 single detached homes, 6 townhomes and 54 apartments for a total of 80 units

In addition, there is residential development potential north of Phase 2.

Currently these areas remain undeveloped, however, in time; this area will accommodate an estimated 200 +/- residential units. (149-from growth plan + 51-estimated north of phase 2).

Sidewalks along all urban roads are a municipal standard, as part of new developments, and forms part of the engineering standards that went to Planning Advisory Committee at the meeting of August 16, 2017 (Report No. ENG2017-007, titled Municipal Infrastructure Design Guidelines Specific to Subdivision

Development) and was approved at the Regular Council meeting of August 22, 2017.

Planning Policy:

The City's requirement for the installation of sidewalks as part of all new development stems from a hierarchy of policy that was developed by the Province and the City of Kawartha Lakes. These policies are focused on place-making with the desire to create an active, healthy, connected and inclusive community. Below is a list of some of the policies that the City is following in order to achieve these goals.

2014 Provincial Policy Statement (PPS)

"Healthy, active communities should be promoted by:

- a) Planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling;"

2017 Greater Golden Horseshoe Growth Plan

The Greater Golden Horseshoe Growth Plan reflects the direction outlined in the PPS and states:

"The transportation system within the Greater Golden Horseshoe will be planned and managed to:...

- b) offer a balance of transportation choices that reduces reliance upon any single mode and promotes transit, cycling and walking..."

"In the design, refurbishment, or reconstruction of the existing and planned street network, a *complete streets* approach will be adopted that ensures the needs and safety of all road users are considered and appropriately accommodated."

Complete streets are planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists.

City of Kawartha Lakes Official Plan

The City's Official Plan which is required to follow the policy of the PPS and the Growth Plan contains a number of objectives and policies that promote active transportation such as:

- "Provide safe, comfortable travel for pedestrians and bicyclists within existing communities and new development
- Provide linkages between intensification areas, adjacent neighbourhoods, including dedicated land space for bicyclists on major streets network where feasible"

Integrated Community Sustainability Plan

The Integrated Sustainability Plan was developed to provide guidance to the City on ways in which it can improve the health of its citizens and their environment. A whole section of the Plan is based on “Active Communities” and provides the following recommendations:

“Adopt design standards for roads that take into account AT infrastructure (bike lanes, sidewalks, trails).”

“Establish safe walking, cycling routes to schools, playing fields, fairgrounds, downtown core and neighbourhoods.”

Trails Master Plan

The City’s Trails Master Plan states:

“Ensure new development areas are provided with sidewalks and/or trails for walking/cycling only.

The Transportation Master Plan

The Transportation Master Plan that is based on the Regional Growth Strategy identified active transportation as a key goal for the City and as part of the Transportation Strategies states:

“Planning sidewalk and cyclist facilities to new roads and widen roads to encourage use of active transportation modes.”

Council Strategic Plan

The Council Strategic Plan that identifies the present Council’s goals and objectives for the term of their office states:

“2.2.1 Improve walkability and accessibility in the City of Kawartha Lakes”

As the City continues to grow and evolve, active transportation will continue to play a larger role in our communities. Safe walking infrastructure is an important component of active transportation. The Planning Department does not recommend the removal of the sidewalk from Barron Blvd as this would be counter to all of the above goals and objectives that the Province and the City has been working towards.

Accessibility:

Accessible Ontario by 2025 is a goal set by the Province of Ontario. The Accessibility for Ontarians with Disabilities Act (AODA), 2005 is a unique piece of legislation enacted unanimously by all parties in the Legislative Assembly of Ontario.

The AODA states that we must not create barriers as we build new. We must be proactive to create people inclusive areas that are accessible for every person to

participate fully. The key strategies rooted within the Corporate Strategic Plan 2016-2019 has guided the direction of the City to create accessible, inclusive, age-friendly social and physical environments, services and programs.

The City is currently taking important steps, building the inclusion of accessibility and age-friendly principles into our planning processes, setting local priorities to create social and physical environments that allow every person that full participation. The City knows the importance of creating a community that will meet the needs of the growing numbers of people with disabilities, and our aging population. The City realizes that creating a community to compliment the needs of people with disabilities also creates healthy, safe environments for the young family unit.

Exterior paths of travel are the sidewalks and walkways intended to provide a functional route from Point A to Point B. When we leave our homes, we depend on these paths to take us to everything our community has to offer. These paths are important links between places such as our work, our schools, is our social connection with our neighbours, our recreational areas, etc. They provide us with a safe and healthy way to arrive at that preferred destination without having to use an automobile hence encouraging a healthy walk, jog or wheeled movement.

The approval of the Barron Blvd., like any other planned urban subdivision, received approval with the intent to include a pedestrian sidewalk. Information that a sidewalk would be constructed along the boulevard was public knowledge. It is known that this sidewalk will provide a link between other proposed sites of the subdivision, our trail connections and park settings.

Sidewalks are an important community feature that benefit all residents, and provide a safe and accessible environment separate from city roadways.

Legal and Risk

As part of the litigation with the developer of the Riverview Phase 1 subdivision, the City received some funds to rectify outstanding deficiencies, including the installation of all required sidewalks in this development phase.

Failing to construct a sidewalk on Barron Blvd, which was required by the subdivision agreement, would be counter to the agreed upon settlement and subdivision agreement requirements.

Providing sidewalk exemption to this project could set a precedent for reconsideration of implementing city standards in other active and future development projects.

Knowingly removing this subdivision design feature may also be grounds for future litigation or claims against the City if conflict or incident in the right-of-way. At the time of writing this report, a legal opinion was not available.

Other Alternatives Considered:

No other alternatives should be considered.

Eliminating the requirement for a sidewalk within this subdivision phase will require, among other things, an amendment to the associated subdivision agreement and revision to the tender contract for the sidewalk installation.

If Council still wishes to proceed with granting this exemption, then the following resolutions should be adopted:

That staff be instructed to cancel the planned sidewalk installation on Barron Boulevard (Riverview Subdivision, Phase 1);

That staff be instructed to implement amendments to any contracts and agreements executed that commit to this work; and

That the City Solicitor and staff be instructed to report back to Council on the costs, liability and risks, and required amendments to City policies and standards to accommodate this exemption by the end of July 2018.

Financial/Operation Impacts:

The sidewalk within the Riverview Phase 1 Subdivision was approved as part of the City's Tender No. 2018-001-CT.

Funds for this program were approved during the 2018 Capital Budget Process.

Relationship of Recommendations To the 2016-2019 Strategic Plan:

Construction of Concrete Sidewalks aligns with the Corporate Strategic Goals "A Vibrant and Growing Economy", "An Exceptional Quality of Life", and "A Healthy Environment".

This Capital Project directly aligns with these strategic goals by:

- Enabling efficient infrastructure and asset management;
- Update and execute Municipal Master Plans by implementing improvements to the road network
- Strategic Priority of creating connections within the community and externally by expanding and enhancing active transportation systems.

Review of Accessibility Implications of Any Development or Policy:

Sidewalks are critical assets to facilitate active transportation. They provide barrier free and safe movement for pedestrians, and are crucial for residents with disabilities.

Consultations:

Director of Development Services
Manager of Planning
Accessibility Office

Attachments:

N/A

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Department Head: Juan Rojas