

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number ENG2020-015

Meeting Date: December 2nd, 2020

Regular Meeting

Title: Subdivision Agreement Template Updates

Description: Engineering and Corporate Assets

Ward Number: All

Author and Title: Christina Sisson, Supervisor, Development Engineering

Recommendations:

That Report ENG2020-015, **Subdivision Agreement Template Updates – Engineering and Corporate Assets**, be received;

That the City's subdivision agreement and cost estimate schedule templates be updated and amended, as outlined in Appendix A and B, respectively, to Report ENG2020-015; and

That Staff be directed to continue to monitor for any improvements to the language in the template of the subdivision agreement to ensure there are opportunities to refine the timelines and clarity of language with the development process.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Further to updates recommended to the City's subdivision agreement template last year through Report ENG2019-017, we are recommending additional revisions this year as a result of the development pressures this year, the pandemic and the resulting financial challenges expressed by the development community. We are recommending revisions to the template from an engineering perspective to provide clarity and transparency in the implementation of the subdivision process.

The engineering review and compliance with the subdivision agreement is routinely and regularly undertaken in an effort to provide project management support for the development implementation.

This year, through the discussions with the Economic Recovery Task Force and the working group meetings, it was emphasized that the development of housing, both for new and relocated residents, is vital to our economic recovery and sustainability.

Rationale:

As part of the development process, engineering staff provide for the implementation of the subdivision development. Therefore, we recommend the proposed amendments in the engineering components of the subdivision agreement template. The development community requires support, especially during this unprecedented time. Clarity in the agreement facilitates the review of the agreement (during drafting and prior to registration) and the implementation of the agreement (security releases and expectations prior to assumption). Through these amendments, savings in both time and in communication transactions will facilitate the successful development and implementation.

Therefore, the following proposed changes reflect those areas of the agreement which can affect the approvals and the implementation of the development and are included in the attached draft subdivision agreement template, as Appendix 'A':

- The projected length of time for completion of public services has been refined to specify all public services based on some confusion experienced by the development community.
- The construction management plan will include a schedule/timelines, communication plan, and all contact information for the parties involved in the construction process (for improved communication – both internal and external customers).
- The grading deposit proposed for vacant lots remaining after assumption is being recommended to be removed from the subdivision agreement.

Typically, developers have been requesting assumption only after all of the lots have been built out. This can lead to an elongated process to assumption of the municipal services (i.e. awaiting full build out). Following assumption, the remaining lots are lots of record and are considered as infill lots. Individual grading plans will still have to conform to the overall grading plan. In addition, through the request for annual financial updates from the developer's engineer, the City will be assured of the aggregate amount of security prior to assumption.

- Further to the update last year to include the annual updates to the City (e.g. financial securities), this requirement is being recommended as one item that could lead to default under the agreement.
- The applicable H.S.T. is recommended to be included in the cost estimate for securities, specifically the H.S.T. that is in accordance with the rebate provided to the municipality.
- The Development Charge process has been outlined in the current template to align with the current practice and policies of the City.
- The warnings clauses have been updated to include the City's noise by-law and to include wording for infiltration trenches. The infiltration trenches are being incorporated into stormwater management designs to provide some Low Impact Development opportunities and to meet pre-development water balance calculations.
- In general, the language of the agreement has included references to required communication, scheduling, and updates on financials to provide for better assurance that the development process is successfully active, is being well supported by the municipality, and that the community is appropriately informed.

Other Alternatives Considered:

Council could choose to continue with the status quo and the current template of the subdivision agreement. This would not represent current and continuous support for the growth and development forecasted for the City and the needs of our residents, existing and future. The City is committed to continuous process improvement and economic recovery.

Financial/Operation Impacts:

Clarity and transparency are required to support development and growth, especially during this pandemic year. Therefore, we are making the changes to reflect the City's component of the Harmonized Sales Tax (H.S.T.) as per the attached cost estimate template, Schedule 'D' of the subdivision agreement and attached as Appendix 'B' to this report. In addition, some line items have been added to provide clarity and to ensure the City retains sufficient securities to

reflect the outstanding deficiencies (e.g. site dewatering, restoration with connection, pond planting plan, etc.).

Relationship of Recommendations to the 2020-2023 Strategic Plan:

All development is intended to support the community and to align with the City's Strategic Priorities:

- A Vibrant and Growing Economy – construction and new housing opportunities
- An Exceptional Quality of Life – assumed infrastructure in a timely manner, including accessibility and trail connectivity
- A Healthy Environment – sediment and erosion controls and water quality
- Good Government – clarity and transparency in registered agreements

Review of Accessibility Implications of Any Development or Policy:

Accessibility is an integral component of the City's review of development.

Servicing Implications:

Realistic timeframes and appropriate contract language are being promoted to facilitate the development process and provide the municipality with more current approved servicing capacities (i.e. what is built, what is connected, what is approved, what is outstanding, etc.).

Consultations:

Informal consultations for process improvement have occurred throughout the year with the various initiatives through the pandemic response and the urgency to provide housing options, specifically, the Economic Recovery Task Force, Senior Management Team members, other staff, and the development community.

Attachments:

Appendix 'A' – Draft 2021 Subdivision Agreement Template



2021 Subdivisic
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Appendix 'B' – Draft Schedule 'D' Cost Estimate Template



Appendix 'B' - D
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