



Planning Advisory Committee Report

Report Number: PLAN2021-018

Meeting Date: April 7, 2021

Title: Woodland Hills Community Inc. Amending Subdivision Agreement

Description: Amending Subdivision Agreement to Facilitate the Development of 35 Lots – Files: D05-31-015 and 16T-88012

Type of Report: Regular Meeting

Author and Title: Richard Holy, Acting Director

Recommendations:

That Report PLAN2021-018, **Woodland Hills Community Inc. Amending Subdivision Agreement**, be received;

That the Amending Subdivision Agreement for Woodland Hills, City of Kawartha Lakes, substantially in the form attached as Appendix C to Report PLAN2021-018 be approved by Council;

That the reduction of securities be considered based on the review by Staff of the completed works; and

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

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The Woodland Hills Community Inc. subdivision in Bethany has been developing for the past couple of decades along Ski Hill Road in the northeast portion of Bethany (see Appendix A). The initial subdivision agreement dated September 28, 1995 was for the first phase of development along Woodland Trail. Subsequent phases have been based on a subdivision agreement that was registered just prior to amalgamation on December 21, 2000. The agreement allows the developer to register subsequent plans of subdivision and develop the phases subject to conditions contained in the agreement. The agreement contains various development and engineering standards as well as requirements for payments to the City.

Subsequently, the developer had to revise the draft plan of subdivision to correspond with changes in legislation, which now require a stormwater management pond for quality and quantity control of stormwater. The commercial block along Ski Hill Road was converted into a stormwater management and three residential lots. A stormwater conveyance channel has also been included behind Lots 3 to 7. On August 20, 2020, Council approved zoning to accommodate the revised proposal along with zoning harmonization between the Oak Ridges Moraine and Township of Manvers Zoning By-laws for 5 lots on Horizon Court. On January 29, 2021, the Director of Development Services approved minor revisions to draft plan approval for the final phase consisting of 35 single detached lots and five blocks – one block for a stormwater management pond, one block for a stormwater conveyance channel, and 3 blocks for 0.3 metre reserves.

On February 16, 2010, Council directed that Subdivision Agreements shall be reviewed by the Planning Committee, for recommendation to Council (CR2010-233). The purpose of this report is to present the staff endorsed draft Amending Subdivision Agreement, attached as Appendix “C” respecting the draft plan attached as Appendix “B”. This Agreement complies with Council’s current policies and by-laws applicable to the development of land and incorporates civil engineering standards and land-use planning requirements.

Rationale:

Donald Kerr, as primary contact for Woodland Hills, has requested that the City prepare the required Amending Subdivision Agreement for the Woodland Hills draft approved plan of subdivision.

There are 31 conditions of draft plan approval and most of these have already been fulfilled and others will be fulfilled in accordance with the requirements and obligations set out in the Amending Subdivision Agreement. The Owner must sign the Amending Subdivision Agreement before the Mayor and City Clerk sign the Amending Subdivision

Agreement. The Director of Development Services will subsequently sign the final plan and each of these documents will then be sent to the City solicitor for final review and registration, and residential lots will be created with the registration of the M-Plan.

Provincial Policies:

Oak Ridges Moraine Conservation Plan, 2017 (2017 ORMCP):

These lands are located within the Rural Settlement area of Bethany within the 2017 ORMCP. Since the revised draft plan of subdivision and Amending Subdivision Agreement implements the overall natural environment goals of the Plan, the application conforms to the 2017 ORMCP.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):

As this land is designated for residential development in the City of Kawartha Lakes Official Plan and the City's Oak Ridges Moraine Policy Area, this plan and implementing Amending Subdivision Agreement conforms to the 2019 Growth Plan.

Provincial Policy Statement, 2020 (2020 PPS):

Similarly, as this land is designated for residential development in the City of Kawartha Lakes Official Plan and the City's Oak Ridges Moraine Policy Area, this plan and implementing Amending Subdivision Agreement are consistent with the Provincial Policy Statement, 2020.

Official Plan Conformity:

City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP No. 104)

The property is designated 'Rural Settlement' in City's Oak Ridges Moraine Policy Area. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designation in the City of Kawartha Lakes Oak Ridges Moraine Policy Area.

City of Kawartha Lakes Official Plan:

The property is designated 'Hamlet Settlement Area' in the City's Official Plan. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designation in the City of Kawartha Lakes Official Plan.

Zoning By-Law Compliance:

Oak Ridges Moraine Zoning By-law:

The lots along future Horizon Court within the Oak Ridges Moraine Zoning By-law 2005-133 area are zoned 'Rural Residential Type One Exception Six (RR1-S6) Zone'. Where the lots along future Horizon Court overlap with the Township of Manvers Zoning By-law, the portions of the lots within the Oak Ridges Moraine Zoning By-law 2005-133 are zoned 'Rural Residential Type One Exception Nine (RR1-S9) Zone'. The proposed residential use and subdivision layout contained in the Amending Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

Township of Manvers Zoning By-law:

The majority of lots within the development are zoned 'Rural Residential Type Two Exception Fourteen (RR2-S14) Zone' in the Township of Manvers Zoning By-law 87-06. The stormwater management and conveyance facilities are zoned 'Open Space Exception Seven (O1-S7) Zone' and the 9 lots abutting these facilities are zoned 'Rural Residential Type Two Exception Nineteen (RR2-S19) Zone'. Where the lots along future Horizon Court overlap with the Oak Ridges Moraine Zoning By-law, those portions of the lots within the Township of Manvers Zoning By-law 87-06 area are zoned 'Rural Residential Type Two Exception Eighteen (RR2-S18) Zone'. The proposed residential use and subdivision layout contained in the Amending Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered as this application conforms to the Provincial Policies, City of Kawartha Lakes Official Plan and the Oak Ridges Moraine Policy Area, Oak Ridges Moraine Zoning By-law 2005-133, and Township of Manvers Zoning By-law 87-06.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the Vibrant and Growing Economy priority by providing economic opportunities for local contractors; aligns with the Exceptional Quality of Life priority as it provides for new housing availability; and aligns with the Healthy

Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Financial/Operation Impacts:

The draft Amending Subdivision Agreement requires the owner to pay all of the City's reasonable legal costs incurred in the preparation and registration of the Agreement, together with the City Engineering Fee. The Owner is also required to provide a Letter of Credit for 100% of the Estimated Cost of Works to the satisfaction of the Director of Development Services and the Director of Engineering and Corporate Assets.

It is Staff's understanding that based on work completed through the Pre-Servicing Agreement, the owner may request a security reduction in advance of registration of the Amending Subdivision Agreement:

1. The City requires that 100% of the securities for the works contained in Schedule "D" be posted with the City as part of the execution of the Subdivision Agreement. If the owner is seeking a reduction in the securities for works that have already been completed to date through the aforementioned pre-servicing agreements, prior to supporting any reduction, the City requires the following:
 - a) Revised Schedule "D" Cost Estimate itemizing components completed and requested security reduction for each component.
 - b) Submission of engineering certification that all works have been constructed in conformity with the plans and specifications approved by the City.
 - c) Statutory declaration as per the City template that all accounts for material, labour and equipment are paid in full.
 - d) As built design drawings to be submitted and approved by the City.

Further, engineering review of the information submitted to the City supports the requested reduction as provided for in the Schedule "D" inserted in the attached draft amending agreement, Appendix "C" to this report.

Review of Accessibility Implications of Any Development or Policy:

The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

The lots will be serviced through private well and septic services. Stormwater management will be handled through roadside ditches and conveyance will occur via the central drainage channel to the stormwater management pond.

Consultations:

Consultations involved staff from the City's Engineering and Corporate Assets Department, the City Solicitor, external Legal Services, and Kawartha Conservation.

Development Services – Planning Division Comments:

The Amending Subdivision Agreement contains all necessary conditions and warning clauses that were part of the conditions of draft plan approval.

The draft M-Plan shows the street names of Tall Cedar Lane, Country Place, and Horizon Court, which were previously approved by Council.

City staff has completed their review of the draft Plan of Subdivision 16T-88012, Woodland Hills Subdivision and endorses Appendices "B" and "C". We support the recommendations set out in this Report PLAN2021-018. It is now appropriate that the matter be considered by Council.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Richard Holy, Acting Director of Development Services, (705) 324-9411 extension 1246.

Appendix "A" – Location Map



PLAN2021-018 -
Appendix A.pdf

Appendix "B" – Draft M-Plan



PLAN2021-018 -
Appendix B.pdf

Appendix “C” – Draft Amending Subdivision Agreement



PLAN2021-018 -
Appendix C.pdf

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Department File: D05-31-015 and 16T-88012