



Planning Advisory Committee Report

Report Number: ENG2022-001
Meeting Date: November 30, 2022
Title: 2023 Subdivision Agreement Template Updates
Description: Additional revisions being recommended to the Subdivision Agreement Template by Engineering and Corporate Assets
Type of Report: Regular Meeting
Author and Title: Christina Sisson, Manager, Development Engineering

Recommendation(s):

That Report ENG2022-001, **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 ENG2022-001; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Further to updates recommended to the City's subdivision agreement template through Report ENG2020-015, we are recommending additional revisions this year as a result of the development pressures and the circulation of the draft agreements for significant new development (e.g. Lindsay 2017 Developments – Craft Phases 1 and 2). Extensive legal review was undertaken by the corporation prior to the registration of the Craft Phase 1 Agreement in April of this year.

Therefore, we are recommending revisions to the template from an engineering perspective and have incorporated commentary and amendments based on internal and external review. The template was circulated internally this year, and input has been incorporated, where applicable.

These amendments are recommended for the 2023 Subdivision Agreement Template to provide clarity and transparency in the implementation of the subdivision process. Through the registration process, there are additional reviews of each agreement, specific to each subdivision that occur through external legal resources.

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.

Rationale:

As part of the development process for the City, the Development Engineering Division provide templates for the implementation of the subdivision development process. Therefore, we recommend the proposed amendments to the engineering components of the subdivision agreement template for clarity and to avoid numerous submissions/iterations of the draft subdivision agreements. In addition, we have incorporated the input from the internal circulation and external legal review.

The proposed draft template includes the recommended and required inputs to the template for each individual subdivision. Therefore, it is further recommended that this template be used to assist with the creation of a Standard Operating Procedure (SOP) for the completion of input to any subdivision agreement.

The development community requires support, especially with the demand for housing, and the municipality requires streamlining to find efficiencies with time and resources. Including the 'who', 'what', and 'when' into the agreement template will provide advanced notice to developers and their teams.

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':

- Conversion to Tahoma font for accessibility
- Confirmation of the insertions and parties to insert for guiding the development community and for future City SOP
- Insertion of legal recitals as per the registered agreement for Lindsay 2017 Developments – Craft Phase 1 (for developments with multiple phases)
- Confirmation of the public services and clarification of the obligations/expectations throughout the process of the Owner and Engineer
- Maximum three year timeline between placement of base asphalt and top course (increase incentive to proceed in a timely manner)
- All deficiencies within the ROW to be rectified prior to top course (strengthened in language)
- Requirement for Engineer of Record letter of reference, providing municipal engineering design experience as was noted in the agreement (PEO registration automatic requirement)
- Insertions of references for phasing
- Confirmation of requirements for road condition assessment adjacent to the proposed subdivision
- Confirmation of soils requirements (in line with legislation from the Ministry)
- Inclusion of both school boards
- Clarification with respect to both sidewalks and roads “use at own risk”
- Clarification with conditions for assumption – need to ensure the template matches the draft plan condition expectations/requirements
- Revision to Liability/Indemnity/Insurance section, including moving it to its own location within the agreement as a separate section/clause as requested by Risk Management
- Clarification of the Lot Grading and Drainage Plan – simplified and clarified the title to be consistent with the Building By-Law/Lot Grading and Drainage Guidelines
- Confirmation of the Ministry language - The City is in receipt of both the sanitary and storm and stormwater Consolidated Linear Infrastructure Environmental Compliance Approvals (CLI ECA) from the Ministry of Environment, Conservation and Parks (MECP). The requisite references and numbers have been inserted in the draft template.
- Confirmation of the tree preservation and streetscape requirements and tree planting requirements

- Confirmation of the language around severability of the Agreement (and all supporting materials and security)
- Confirmation and clarification with servicing details/specifications
- Confirmation and clarification of the sump pump details (as per Ontario Building Code)
- Clarification of the driveway design and location
- Confirmation of no encroachments into the municipal boulevard
- Confirmation of the governing drawings – detailed engineering design drawings approved and executed by the City (Director of Engineering and Corporate Assets, Mayor, and Clerk)
- Confirmation of the obligation of the Developer’s Engineer to complete a Construction Management Plan and to provide monthly updates to said plan
- Confirmation of the timing of all underground servicing, including the rectifying of deficiencies – to be at time of occupancy/acceptance which is prior to the placement of top course of asphalt – therefore, fewer impacts to residents
- Confirmation within the warning clause for stormwater management facilities of additional emphasis of danger and hazard associated with them
- Confirmation within the warning clause for landscaping, fencing, etc. – no activity until maintenance is initiated for the subdivision
- In general, clarification of 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, growth, and economic recovery.

Alignment to Strategic Priorities:

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 in a timely manner
- 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, consistent across the City

Financial/Operation Impacts:

Updates to the Development Application Approval Process fee were conducted earlier this year for implementation in 2023 (PAC2022-065). This fee is included in the cost estimate template attached as Appendix 'B' and reflects the requirements of the municipality for engineering technical review, including the MECP CLI ECA.

Servicing Comments:

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:

Circulation of the 2022 Subdivision Agreement Template and review and registration of the Craft Lindsay 2017 Developments Agreement (registered April 11th, 2022) resulted in some comments from the following divisions:

Building Division
Corporate Assets
Legal Services
Public Works

Attachments:

Appendix 'A' – Draft 2023 Subdivision Agreement Template


2023 DRAFT
Subdivision Agreement

Appendix 'B' – 2023 Schedule 'D' Cost Estimate Template


Appendix 'B' 2023
Schedule 'D'.xlsx

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Department Head: **Juan Rojas**

Department File: