

Council Policy No.:	CP2018-009
Council Policy Name:	Pre-Servicing of Subdivision Lands
Date Approved by Council:	May 27, 2003
Date revision approved by Council:	November 8, 2023 November 21, 2023 PAC2023-071/CR2023-581
Related SOP, Management Directive, Council Policy, Forms	

## Policy Statement and Rationale:

It is the purpose of this policy to establish the requirements for pre-servicing of vacant lands prior to the execution of a subdivision agreement throughout the City of Kawartha Lakes. This policy is providing a financial incentive for development by permitting pre-servicing prior to the finalizing of the required details in the Subdivision Agreement (i.e. the landscape plan, composite utility plan, full securities, etc.). It is noted that pre-servicing requests routinely include separate requests for earthworks only under pre-servicing followed by a second request later for pre-servicing for all underground infrastructure, servicing, and placement of base asphalt.

## Scope:

This policy shall apply to all requests for pre-servicing of vacant lands which have been granted draft plan of subdivision approval.

## Definitions:

In reading and interpreting the Pre-Servicing of Subdivision Lands policy, the following definitions apply:

- a) "City" means The Corporation of the City of Kawartha Lakes.
- b) "Owner" means the party who wishes to proceed with pre-servicing as a requirement of draft plan approval.
- c) "Pre-servicing" for the purposes of this policy shall distinctly mean:
  - (i) the activity of completing earthworks, with all of the expectations and requirements for this activity as outlined in this policy; or
  - (ii) the activity of servicing the lands with underground infrastructure and the placement of base asphalt with all of the expectations and requirements for this activity as outlined in this policy
- d) "Engineer" means an individual who is a professional engineer or P.Eng. and must be licensed by Professional Engineers Ontario (PEO).
- e) "Municipal Drain" means a system to move water that is created pursuant to a bylaw passed by the local municipality. The drainage system removes excess

water from agricultural land, ditches, residential lots and commercial and industrial properties.

e)f) “Director” means the Director of Engineering and Corporate Assets.

## Policy:

### 1.0 Request for Pre-Servicing Agreement

- 1.01 Staff of the Engineering and Corporate Assets Department shall review the requests for pre-servicing submitted by Owners.
- 1.02 The Owner shall acknowledge in writing the request for pre-servicing and that they understand that the pre-servicing work will be completed solely at their peril, and the City will assume no responsibility for any work that has commenced or proceeded.
- 1.03 The Owner shall acknowledge in writing with the request for pre-servicing that they understand that the pre-servicing agreement will not permit any connections to any existing sewers or water services. In addition, the Owner shall acknowledge that there will be no installations of any services within the City’s road right-of-ways or municipal property.
- 1.04 The only exception to this acknowledgement is where the Owner and the City confirm that the municipal property is within the Draft Plan of Subdivision approval and/or where the proposed Draft Plan of Subdivision approval is predicated on servicing works on external municipal property.
- 1.05 The Owner shall acknowledge in writing to provide a minimum of 100% security for the Works proposed on any municipal property (vacant, unassumed, improved, or assumed) that the City and Owner confirm meets condition 1.04.
- 1.06 The Owner shall covenant and agree to retain a competent engineer experienced in the municipal engineering field. All of the future Public Services shall be installed under the supervision and inspection of the engineering firm, and the Owner shall not retain the services of another engineering firm or change firms without the prior written consent of the Director.

### 2.0 Requirements

- 2.01 The following items must be submitted formally with all pre-servicing requests:
  - A copy of the approved Draft Plan of Subdivision and Draft Plan Conditions
  - A copy of the confirmation of the drainage area/catchment area for the municipal drain, specific to Section 65 of the Drainage Act, as applicable

- A draft copy of the pre-servicing agreement prepared by the Owner and Engineer, specific to the request for pre-servicing (i.e. earthworks or underground infrastructure, servicing, and placement of base asphalt);
- A copy of the Conservation Authority written confirmation of clearance and/or any required permits;
- A copy of any other required permit, clearance, or access approval for the activity (e.g. Ontario Ministry of Transportation access/entrance permit);
- A written acknowledgment in the form of a Letter of Undertaking from the Engineer addressed to the City stating that the Engineer understands the obligations to the City of the pre-servicing agreement;
- A letter of indemnity and undertaking to the City identifying that the Composite Utility Plan and Landscaping Plans are still outstanding from the engineering submission and that the Owner is proceeding at the Owner's sole risk on that basis;
- A certificate of public liability insurance in the amount not less than the following. Refer to the pre-servicing Agreement for further insurance requirements:
  - \$10,000,000.00 - Commercial General Liability Insurance
  - \$5,000,000.00 - Standard Form Automobile Liability Insurance
  - \$52,000,000.00 - Professional Liability Insurance (for each professional retained)
  - \$5,000,000.00 - Environmental Impairment Liability Insurance
- A Construction Management Plan addressing and including, but not limited to:
  - Project team and contact information
  - Erosion and sediment control plan
  - Detailed grading plan confirming earthworks activity
  - Removals plan, including trees, infrastructure, drains, etc.
  - Protection plan for all natural features, wetlands, areas not to be disturbed, areas proposed for natural compensation, and areas proposed for Low Impact Development as outlined in the Draft Plan of Subdivision
  - Buffer plan delineating protection of existing residences, businesses, City infrastructure, and natural areas adjacent to the Draft Plan of Subdivision,

not limited to noise barriers, dust mitigation, debris mitigation, protective vegetation, runoff controls, traffic controls, fencing, and so forth

- Blasting plan in conformity with OPSS.MUNI 120 – General Specification For The Use of Explosives, noting design, submission, construction, notification, and monitoring
- Engineering Condition Assessment of all streets abutting the Lands to be developed identifying the condition of the streets prior to any pre-servicing
- Construction traffic routing plan and measures for construction access, signage, regular maintenance and cleaning of adjacent streets, traffic and safety plan, and site security – all in compliance with the approved, adjacent road condition written assessment that is required for all municipal streets abutting the Lands
- Detailed construction schedule noting all proposed milestones and timelines, sequence of proposed works, and committing to monthly updates of said schedule acceptable to the City
- Coordination of the preconstruction meeting with the City staff, Engineer, the Contractor and all other agencies, as applicable;
- A Construction Cost Estimate, Schedule ‘D’, all construction related costs, as per the approved City of Kawartha Lakes template; and
- One hard copy and one electronic copy of the complete “issued for pre-servicing for earthworks” or “issued for pre-servicing for underground infrastructure, servicing, and placement of base asphalt” set of detailed engineering design drawings; specific to the pre-servicing request.

2.02 The following items must be submitted with all formal pre-servicing requests, specific to underground infrastructure, servicing, and placement of base asphalt:

- Confirmation of City endorsement of all required Ministry of the Environment, Conservation and Parks (MECP) approval for municipal services (water, sanitary, storm and stormwater management facilities), in compliance with the City’s Consolidated Linear Infrastructure Environmental Compliance Approval (CLIECA);
- Confirmation of City approval of the Form 1 required by the City and MECP for expansion of municipal water services;
- Written acknowledgement from the City’s Planning Division and Development Services Department for intent to pre-service and confirmation that the following have been submitted and are to the satisfaction of the City’s Planning Division:
  - Record of Site Condition

- Draft M-Plan
  - Archeological Study
  - First Nations Consultation
  - Zoning supports Model Homes or Early Construction Homes (if applicable)
- 2.03 The Engineering and Corporate Assets Department must approve the servicing proposal prior to the execution of the pre-servicing agreement.
- 2.04 The Owner will submit security in the amount of 50 percent of the total estimated cost of engineering design along with an executed Pre-Servicing Agreement. The security will be used to secure the site with any required fencing, vegetative cover, or grading, if the Owner does not enter into a subsequent subdivision or development agreement. The security is to be increased to a minimum of 100% for any approved works on any municipal owned property within the limits of the Draft Plan of Subdivision and/or for any approved works on any municipal owned property required in support of the Draft Plan of Subdivision.
- 2.05 Cash, a letter of credit or certified cheque for the securities (details noted [here](#) and in 2.043 above), and letters of credit are to be irrevocable, be issued to “The Corporation of the City of Kawartha Lakes”, be issued from a Canadian banking institution with a branch location in Ontario, allow partial drawings, be specific to the type and scope of the agreement, and be subject to automatic renewal absent advance notification of at least 90 days;
- 2.06 No reductions in security will be granted throughout the term of the pre-servicing agreement.
- 2.07 Model Homes or Early Construction Homes will only be permitted within the pre-servicing agreement, if the appropriate zoning is in place, and will need to be confirmed with the City’s Planning Division.

### 3.0 Procedures

- 3.01 If an Owner wishes to pre-service a property, ~~they or she~~ will make a written request to the Director of Engineering and Corporate Assets or designate.
- 3.02 A template of the pre-servicing agreement is available on the City’s website.
- 3.03 The Owner shall submit the draft pre-servicing agreement along with all of the required items listed in Section 2.0 to the Director of Engineering and Corporate Services or designate for review by the City.

### 4.0 Delegated Authority

4.01 For the purpose of permitting pre-servicing, the authority to execute a pre-servicing agreement is hereby delegated to the Director of Engineering and Corporate Assets.

## Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	May 27, 2003	Initial Release as 071 EPW 004	Wayne Hancock
0.1	March 27, 2012	Delegation Authority	Juan Rojas
1.0	June 28, 2016	Updated and renumbered to Ensure Current Requirements and Reporting Structure	Juan Rojas
2.0	June 2022	Updated and renumbered to Ensure Current Requirements and Reporting Structure	Christina Sisson
3.0	March 2023	Updated for pre-servicing proposal of earthworks only and for pre-servicing for underground infrastructure and base asphalt and updated requirements	Christina Sisson
<u>4.0</u>	<u>Nov. 2024</u>	<u>Updated for consistency with subdivision agreement and current practice</u>	<u>Christina Sisson</u>