



## TOWN OF MINTO

DATE: October 13, 2017

REPORT TO: Mayor and Council

FROM: Bill White C.A.O. Clerk

SUBJECT: Subdivision Agreements for Execution

### STRATEGIC PLAN:

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

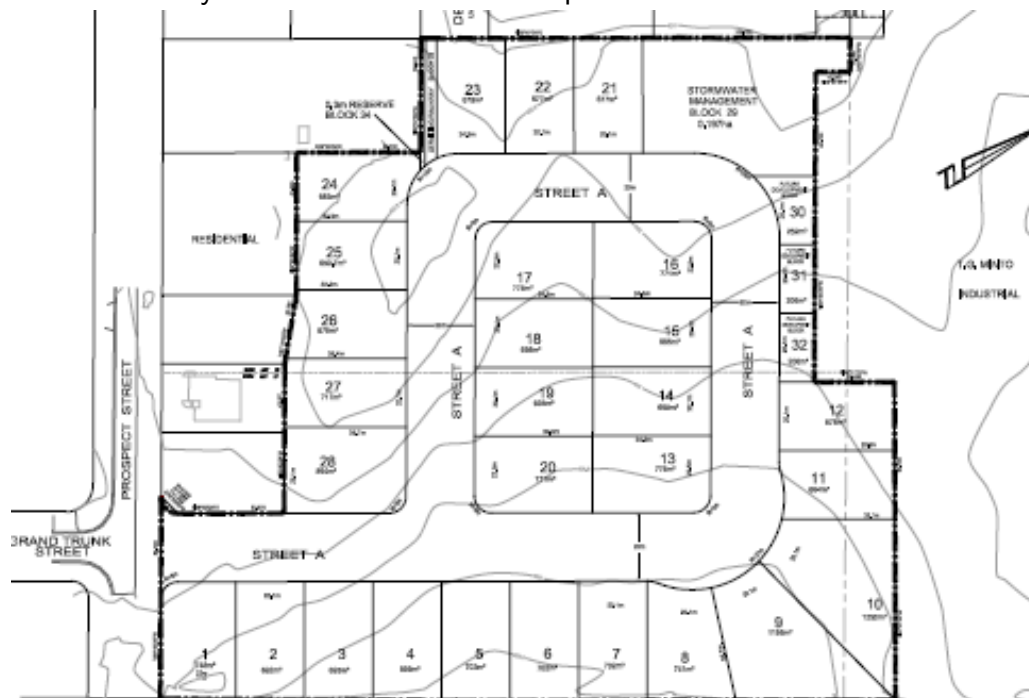
- 9.1 Establish and maintain streamlined planning approval processes that use innovative and cost effective tools to protect Town and public interest and ensure development proceeds quickly and affordably.

### BACKGROUND:

At the September 5, 2017 Council meeting staff presented separate reports on the Clair Ridge Estate Subdivision off Prospect Street in Palmerston and the Creek Bank Meadows Subdivision proposed by First G. Capital off Main Street in Palmerston. Council is asked to pass By-laws 2017-083 and 2017-084 to authorize the Mayor and C.A.O. Clerk to sign the agreements (copies provided with each By-law). This report identifies notable matters in the agreement so that Council is aware of the Town's key commitments.

#### *Clair Ridge Estates*

The final subdivision layout based on Council's September 5 resolution is shown below.



The main change to the plan is that the Town does not retain a block in the subdivision for future access to the unopened section of Derby Street as per Council's direction. There will be a servicing easement over a meter wide strip beside Lot 23 (Section 30 and Schedule G).

This easement will not be available as a public walkway (Section 35.4). The developer does not want public access through the easement, and this is supported by some neighbours who own land abutting the road allowance. The Fire Chief and Chief Building Official are satisfied that the public walkway is not needed, and Triton Engineering has confirmed that proper servicing can be provided without public access.

The subdivision will have three Phases (Schedule D) as follows:

- Phase 1        Lots 1 through 4 (to be completed within one year)
- Phase 2        Lots 17 to 20, and Lots 23 through 28
- Phase 3        Lots 5 to 16 and Lots 21 and 22

The Developer will provide 100% of the security for each phase (Section 17) and the Town will periodically reduce the security upon receiving a progress payment certificate from the Town's consulting engineer (Triton). In no case will the Town ever have less than 10% of the security for any one phase of the development (Section 20). The Developer prefers this approach where 100% of the security is available to the Town in cash and through the consulting engineer payments are made directly to the contractor.

The agreement provides for \$15,000 payment of cash in lieu parkland (Schedule E). This is a negotiated amount calculated under the Planning Act based on 5% of the value of the land the day before draft plan of subdivision approval is given. These funds go directly into a parkland reserve. Under new provisions of the Planning Act the Treasurer is required to provide a statement as to the direction of the funds used in the Parkland Reserve.

The Developer has submitted a request to construct two model units on the property which will be dealt with under a separate report. The County advises a severance application has been submitted for Lot 1 of the subdivision and Town comments will be requested by Land Division Committee at a future meeting.

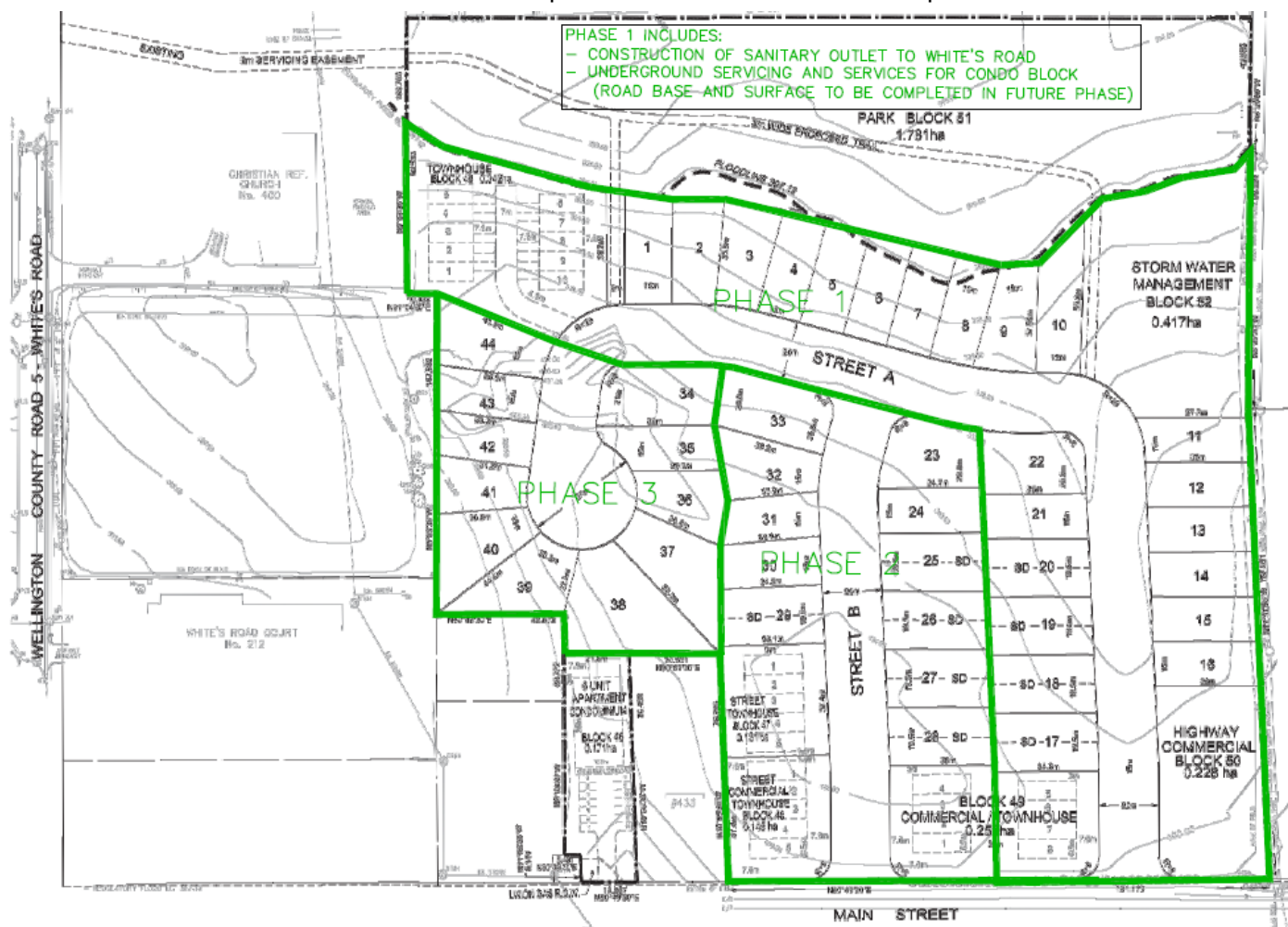
#### Creek Bank Meadows

The final subdivision layout on the following page has revised phasing based on discussions with the Developer. The proposed phasing (Schedule D) is as follows:

- Phase 1        Lots 1 through 22 Townhouse Block 43, Half Block 49
- Phase 2        Lots 23 through 33 Townhouse Block 47, Block 48, Half Block 49
- Phase 3        Lots 34 through 44

Under this subdivision agreement the Town agrees to construct a sidewalk on Main Street (Section 44) commencing from the "existing sidewalk to the west, easterly to connect to sidewalks proposed or completed within the subdivision at an appropriate time to be

determined by the parties and approved by Council”. While all or part of that sidewalk could be considered part of the work included in the subdivision, the Developer had requested the Town commit to this work in his request to Council considered September 5.



In the September 5 staff report a thorough review of each of the major sections of the subdivision agreement was provided along with analysis of the changes requested by the Developer. The key consideration was reducing the required security to 50% of the work within each respective phase of the subdivision. Staff worked out the wording of Sections 17 through 20 of the agreement to implement Council's resolution that 50% security be acceptable. Once 50% of the required work in any phase is finished, the Town will have no less than 110% of the cost of the remaining work in security (Section 20).

The Town may consent to building permits being issued when only a granular road base is installed (Section 41 f) as per the Developer's request. Normally a first lift of asphalt installed before permits are issued. This provides more flexibility depending on weather and timing of construction. The developer will provide a park Block 51 and construct a trail or walkway from White's Road through the Block to the new interior street (Section 35.4).

The Developer secured an arrangement with WrightHaven Homes of Fergus for Phase 1 of Creekbank Meadows [www.wrighthavenhomes.com/creek-bank-meadows-palmerston.html](http://www.wrighthavenhomes.com/creek-bank-meadows-palmerston.html)

**COMMENTS:**

Staff is pleased to see both subdivisions proceed and appreciates the assistance of Triton Engineering in developing final wording of servicing and security sections of the agreements.

The arrangements on the security in both cases include flexibility that is beneficial to the interests of both developers while retaining reasonable protection for the Town. This approach may not be work for the Town in all future subdivisions. The situation is helped by the Developer's track record in the community and the fact that a common engineering consultant is being used by all three parties. The Town is likely to have further subdivision development in the coming year which will be brought forward on a "case by case" basis.

**FINANCIAL CONSIDERATIONS:**

The subdivision agreements provide for the Town's financial interests.

**RECOMMENDATION:**

That Council receives the C.A.O. Clerk's October 13, 2017 report Subdivision Agreements for Execution, and that Council approve By-law 2017-083 and 2017-084 in regular session authorizing execution by the Town.

Bill White C.A.O. Clerk