

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 25, 2016

FROM: Development Engineering Department PD-16-390
DATE: June 15, 2016
SUBJECT: Subdivision Agreement - Dundas-Trafalgar Inc (Minto) 24T-12013
LOCATION: Dundas Street East & Trafalgar Road
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RECOMMENDATION:

1. That a Subdivision Agreement between the Town and Dundas Trafalgar Inc. be finalized in accordance with the standard agreement format and as outlined in the report from the Development Engineering department, dated June 15, 2016;
2. That the Town Solicitor be authorized to make minor changes to the agreement, which do not affect the substance of the agreement; and
3. That the agreement with Dundas Trafalgar Inc. be executed in accordance with By-law 2013-057.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The subdivision agreement sets out the financial obligations of Dundas Trafalgar Inc. (Owner) with respect to construction maintenance and assumption of the public infrastructure (roads, storm sewers, stormwater management facilities, open space, etc.) associated with the development.
- This agreement includes conditions specifically addressing:
 - The securement of easements over external lands and elements (roads and stormwater management ponds).
 - The reservation of easements over municipal servicing blocks to support private servicing and access roads should they be necessary to support the development of adjoining blocks.
 - The Owners obligation to construct an open channel (East Morrison Creek) along the west edge of Phase 1 and a new culvert under Trafalgar Road, within 2 years of registration of the subdivision.

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BACKGROUND:

This Subdivision Agreement will be the 13th Subdivision Agreement for lands within North Oakville. Appendix A sets out the location of the subject lands within the context of North Oakville. Appendix A further depicts the status of all lands within North Oakville as at the date of this report.

The Draft Plan of Subdivision and conditions of draft approval for the subject lands were approved by the Ontario Municipal Board on October 10, 2014, Appendix B illustrates the limits of the Draft Plan. One of the conditions of draft approval requires the Owner to enter into a subdivision agreement with the Town.

COMMENT/OPTIONS:

The Owner proposes to develop the draft plan approved lands in phases. The proposed subdivision agreement being recommended within this report pertains to the Phase 1 lands as depicted in Appendix B. The public infrastructure in the Phase 1 lands include public streets and a stormwater management pond which provides stormwater management for this subdivision and as well as the adjoining subdivision to the east, known as Shieldbay. Staff are working with the Owner and Shieldbay to facilitate a concurrent registration of these two subdivisions recognizing the reliance on elements within each other's respective plans (stormwater management and roads). If concurrent registration is not possible, there are conditions within the subdivision agreement that requires the early conveyance of easements related to these elements. These easements are an interim means of securing legal interests in these elements until the land associated with these elements are conveyed through registration.

The subdivision agreement provides the Town with stormwater servicing blocks (Blocks 19, 20 and 21) in support of infrastructure associated with the stormwater management pond. These stormwater servicing blocks may also support other services such as sanitary lines, watermains, and private access roads to support the development of Blocks 14 and 15. Easements will be reserved in favour of the owners of these blocks to allow for the installation of such infrastructure, and ensure the benefitting parties are responsible for maintenance and capital replacement of infrastructure they rely on.

Conservation Halton (CH) supports the approval of Phase 1 as illustrated in Appendix B subject to the Owner agreeing to complete certain works required as a condition of approval of the full draft plan within a prescribed timeframe. As a result, a condition has been included in the subdivision agreement that obligates the Owner to construct an open channel (East Morrison Creek) along the west edge of Phase 1 and a new culvert under Trafalgar Road, within 2 years of registration of the subdivision. The subdivision agreement secures for these channel and culvert works which are located outside of Phase 1 lands. The Owner is actively pursuing CH and

Regional approvals for these works and are hopeful to commence these works within one year.

CONSIDERATIONS:

(A) PUBLIC

Not Applicable

(B) FINANCIAL

The subdivision agreement provides for the terms and conditions which set out the financial obligations and other requirements of the Owner. In particular, the agreement will provide for NHS trail works to be done on behalf of the town and funded 90% from development charges (DC) and 10% from tax levy in accordance with the approved capital projects noted in Schedule K of the agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected Departments (Parks and Open Space, Legal Services, Planning, Finance and Engineering and Construction) have been circulated. Comments received have been addressed in the Comment/Options section of this report and will be incorporated into the subdivision agreement where required.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- Be accountable

(E) COMMUNITY SUSTAINABILITY

The proposed subdivision agreement will assist in ensuring the development achieves the objectives set out in the approved draft conditions by financially securing for these obligations.

APPENDICES:

Appendix A – North Oakville Development Status Map

Appendix B - Draft Plan of Subdivision and Development Phasing Plan

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