

STAFF REPORT: Planning



REPORT TO: Mayor & Members of Council

MEETING DATE: July 23, 2007

REPORT NO.: PL.07.97

**SUBJECT: Development Agreement
Execution Authorization**

**PREPARED BY: Robert Armstrong
Manager of Development
Planning**

A. Recommendations

THAT Council does receive Staff Report #PL.07.97, “Development Agreement Execution Authorization”; and

THAT Council endorse the execution of any of the following Agreements by the Mayor or Deputy Mayor and Clerk based on the comments contained in the Staff Report:

- 1 Peaks Meadows - Subdivision Agreement**
- 2 Keepers Cove – Condominium Agreement**
- 3 Trailwoods - Subdivision Agreement**
- 4 Georgian Ridge Development – Subdivision Agreement and Condominium Agreement**
- 5 Mill Pond Homes - Condominium Agreement**
- 6 Riverwalk Phase II – Condominium Agreement**
- 7 Georgian Bay Estates – Development Agreement**
- 8 Lora Bay Phase 3 – Subdivision Agreement**

Subject to approval by the Town Solicitor, Director of Engineering and Public Works, Manager of Development Planning and Director of Finance; compliance with all current Town polices and any applicable Planning Approval, and; “Accepted for Construction” drawings being issued by the Director of Engineering and Public Works.

B. Background

Town Staff are in the process of finalizing a number of Subdivision, Condominium and Development Agreements for various projects. It is anticipated that a number of these agreements will be finalized shortly and

require authorization for execution by the Town so that matters may proceed. With the summer recess by Council, there is concern that certain projects may be delayed.

The following is a list of the developments that may present a problem:

- 1 Peaks Meadows - Subdivision Agreement
- 2 Keepers Cove – Condominium Agreement
- 3 Trailwoods - Subdivision Agreement
- 4 Georgian Ridge Development – Subdivision Agreement and Condominium Agreement
- 5 Mill Pond Homes - Condominium Agreement
- 6 Riverwalk Phase II – Condominium Agreement
- 7 Georgian Bay Estates – Development Agreement
- 8 Lora Bay Phase 3 – Subdivision Agreement

Planning Staff would like to request that Council authorize the Clerk and Mayor or Deputy Mayor to execute these agreements subject to the following:

- 1 Approval by the Town Solicitor, Director of Engineering and Public Works, Manager of Development Planning and Director of Finance.
- 2 Agreement is consistent with all current Town polices and any applicable Planning Approval.
- 3 “Accepted for Construction” drawings being issued by the Director of Engineering and Public Works.

In the event that there is any proposed deviation from Town policies, approval will be withheld until such time as the subsequent report can be brought forward to Council. In addition, Council will receive a delegation report of all approvals given under this approval.

In addition to the execution of the agreement, there is one additional issue that requires consideration by Council. Under the Minutes of Settlement for Camperdown and Lora Bay, the Town required the Developers to provide 100% of the Development Charges at the time of execution of the applicable agreement. This was done when the old By-law did not differentiate between hard (water, sewer and roads) and soft services. As determined as part of an OMB hearing, the Town could not require the DC's earlier unless agreed to by the Developer. The MOS constituted this agreement. Since the MOS, the Town has now passed a new DC By-law (2005) which now requires the payment of the hard services at the execution of the agreement, while the soft services are due at the time of building permit. This is the standard to which all other developments are subject too. For the basis of consistency, Planning Staff, in consultation with the Director of Finance and the CAO, would support this deviation to the Minutes of Settlement for the Peaks Meadows, Georgian Ridge and Lora Bay Phase 3 development on the basis that it is consistent with current Town policy with regard to the collection of Development Charges. It should also be noted that this exemption is only required for Plans of Subdivision in that Site

Plan and Condominium agreements usually occur simultaneously with Building Permits.

C. Strategic Plan

D. Budget Impact

Nil

E. Attachment

Respectfully submitted,

Robert Armstrong MCIP, RPP
Manager of Development Planning