



The Regional Municipality of Durham

Works Committee Agenda

Lower Level Boardroom (LL-C)
Regional Headquarters Building
605 Rossland Road East, Whitby

Wednesday, December 12, 2018

9:30 AM

1. Declarations of Interest

2. Election of the Works Committee Vice-Chair

3. Statutory Public Meetings

There are no statutory public meetings

4. Delegations

There are no delegations

5. Presentations

5.1 Presentation on The Power of Public Works – Meet your Works Department by:

- Susan Siopis, Commissioner of Works
- John Presta, Director, Environmental Services
- Ramesh Jagannathan, Director, Transportation and Field Services
- Jenni Demanuele, Director, Business Services
- Mirka Januszkiewicz, Director, Waste Management Services

6. Waste

6.1 Correspondence

6.2 Reports

There are no Waste Reports to consider

7. Works

7.1 Correspondence

7.2 Reports

- A) Relief from Certain Requirements of the Seaton-Specific Subdivision Agreement for Seaton Plans of Subdivision Located South of Taunton Road (Regional Road 4) ([2018-W-1](#))

3 – 9

8. Advisory Committee Resolutions

There are no Advisory Committee Resolutions to be considered

9. Confidential Matters

There are no confidential matters to be considered

10. Other Business

11. Date of Next Meeting

Wednesday, January 9, 2019 at 9:30 AM

12. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2018-W-1 December
Date: 12, 2018

Subject:

Relief from Certain Requirements of the Seaton-Specific Subdivision Agreement for Seaton Plans of Subdivision Located South of Taunton Road (Regional Road 4)

Recommendations:

That the Works Committee recommends to Regional Council:

- A) That relief be provided from certain requirements of the Seaton-Specific Standard Subdivision Agreement to allow plans of subdivision, located south of Taunton Road (Regional Road 4), to proceed by:
 - i) Providing the Landowners with the required sanitary sewer and water connection permits for the lots and blocks located within these plans of subdivision and indicated in the schedules provided by the Landowners for closings prior to the end of May 2019, on the condition that the Landowners agree to not submit or request a review by the Region of any of the Alexander Knox Drive designs until such time as the remainder of the Whites Road (Regional Road 38) project is in an executed construction contract.
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Report:

1. Purpose

- 1.1 The purpose of this report is to seek approval to provide relief from certain requirements contained in the subdivision agreements for plans of subdivision (Attachment #1) located south of Taunton Road (Regional Road 4).

2. Background

- 2.1 Works Committee Report 2016-W-62 approved the original Seaton-Specific Standard Subdivision Agreement. This agreement has since been revised twice

at the request of the Landowners Group. First, through report 2017-COW-143 and then again through Report 2018-COW-72. In each case, the recommendations contained in the reports lessened the restrictions placed on the Landowners.

- 2.2 The Landowner's group are now asking for further relief from certain requirements contained in the revised Seaton-Specific Subdivision Agreements for the lands south of Taunton Road.

3. Whites Road (Regional Road 38) Landowner Constructed Works Contracts

- 3.1 The Seaton Phase 1 Regional Infrastructure Front Ending Agreement (RFEA) requires that the identified Employment Lands Works must be in executed construction contracts prior to certain subdivision approvals being provided. These requirements are enforced through the Seaton-Specific Standard Subdivision Agreement. All of these Employment Lands Works are now in construction contracts with the exception of the road construction works required within Whites Road, from Taunton Road to the 407 Interchange.
- 3.2 Based on the detailed design and approvals completed to date, the RFEA Landowners have proceeded with the Whites Road project through several construction contracts.
- 3.3 The first construction contract for the required tree clearing along Whites Road was completed earlier this year.
- 3.4 The second construction contract for the sanitary sewer and water supply works, up to the north side of Highway 407, and all of the earthworks required for the road construction works is nearing completion.
- 3.5 A final contract will be required to construct the balance of the works, which is primarily the construction of the Whites Road extension being approximately 4 km in length, with a 6-lane urban road south of Whitevale Road and a 4-lane rural road north of Whitevale Road.
- 3.6 The Landowners Group continues to experience challenges to produce an acceptable design of these remaining works, and the projected tendering date has been extended several times over the life of the project. The current schedule estimates that this contract will be tendered in January 2019 and in an awarded contract by February 2019. However, there is significant doubt by all parties that this schedule will be met given the outstanding design and approvals required, including Conservation Authority approval.

4. Specific Subdivision Agreement Revisions

4.1 The current Seaton-Specific Standard Subdivision Agreement requires that:

- i) The sanitary sewer and water supply works required to service the Employment Lands be in an executed construction contract prior to the registration of any plan of subdivision, and;
- ii) The construction of required road works be in an executed construction contract prior to the issuance of Regional connection permits for the lots within the registered Plans of Subdivision.

4.2 The first criterion has now been met and there are 6 plans of subdivision either already registered or soon to be registered using the current Seaton-Specific Standard Subdivision Agreement.

4.3 Through Report 2018-COW-72, a letter of credit was posted by Mattamy Homes for 100 per cent percent of all of the remaining estimated Whites Road construction costs in exchange for providing Regional connection permits for the first phase of the Mattamy Homes development. This letter of credit is, however, of limited use to the Region because without a complete design, the Region cannot use these funds to commence construction in a timely manner. Finally, this Landowner request included a specific commitment that no further requests for relief from the terms would be forthcoming.

4.4 Despite this commitment, the Landowners Group are now asking for removal of the second criterion entirely and replaced with a renewed commitment that they will continue to work toward the completion of the design, tender and award of the remaining contract.

4.5 Staff are sympathetic to the situation the home purchasers are in and, therefore, recommend that a replacement criterion be considered to ensure that the completion of this remaining contract remains a priority for the Landowners Group.

4.6 The construction of realigned Whitevale Road (Alexander Knox Drive) from Brock Road (Regional Road 1) to the western limit of Phase 1 of Seaton is a Landowner Constructed Regional road project contained in the RFEA, which is needed by all of the Seaton Landowners. The design of this road is in the early stages, with 30 per cent design submissions expected soon. In order to ensure that completion of this contract remains a priority, the Seaton Landowners Group has requested, through a letter from their Trustee (Attachment #2), to agree to not submit or request a review by the Region of any of the Alexander Knox Drive designs until such time as the remainder of the Whites Road project is in an executed construction contract in exchange for the release of the required connection permits for the lots located in the plans of subdivision located south of Taunton Road with closings dates prior to the end of May 2019.

5. Financial Implications

- 5.1 The Region holds a letter of credit from Mattamy Homes for the remaining Whites Road road construction works required to service the Phase 1 Seaton Employment Lands.

6. Conclusion

- 6.1 It is recommended that the specific relief from the requirements of the Seaton-Specific Subdivision Agreement as detailed in this report be provided for plans of subdivision, located south of Taunton Road in Seaton.
- 6.2 The recommended replacement criteria will allow new home purchasers to close and occupy their homes while maintaining the pressure on all parties to meet the original goal of Council, that being the early servicing of the employment lands
- 6.3 This report has been reviewed by the Legal Services Division of the Corporate Services Department and the Finance Department.

7. Attachments

Attachment #1: Key Plan

Attachment #2: Trustee Request Letter dated December 4, 2018

Respectfully submitted,

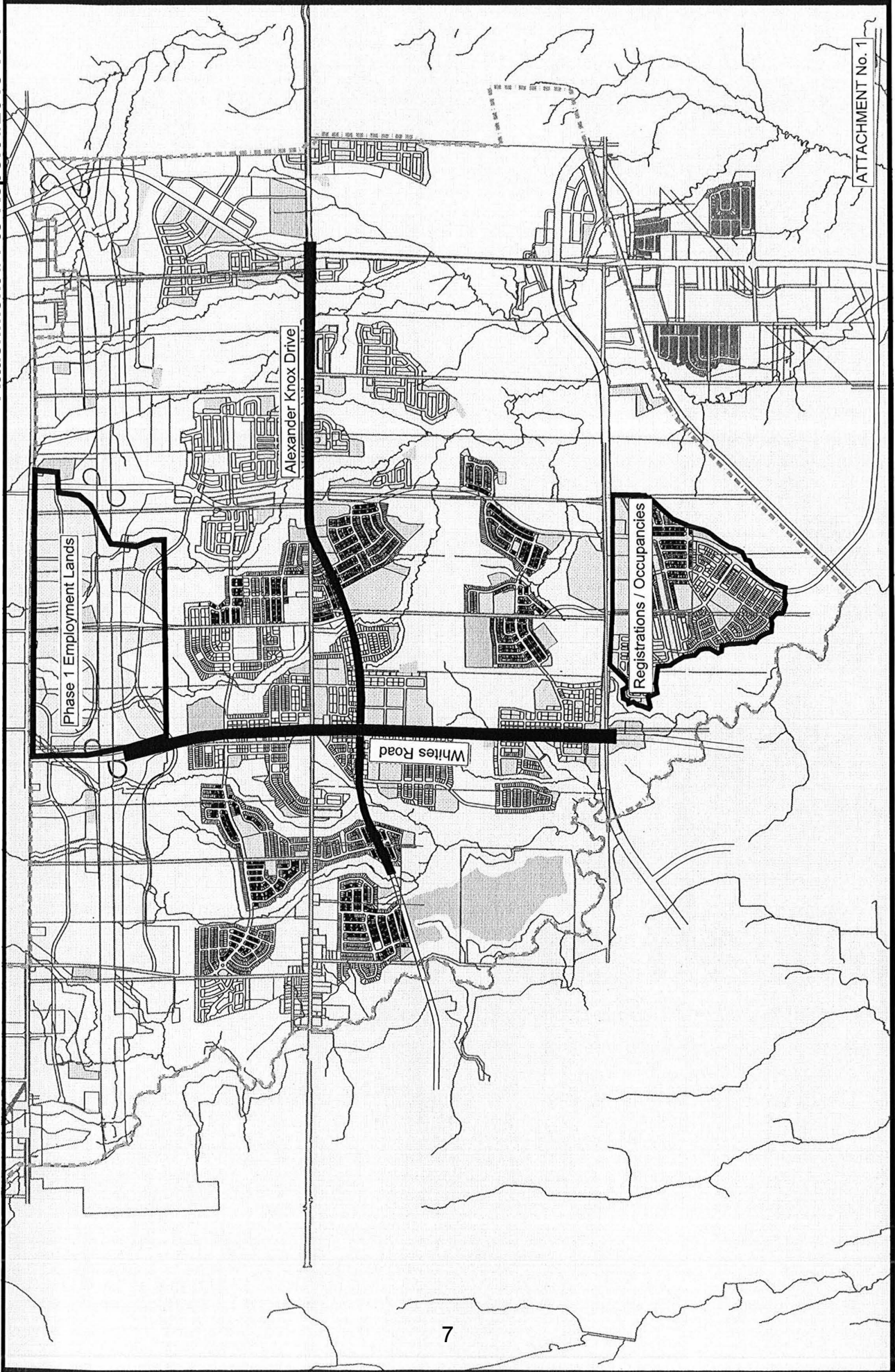
Original signed by:

Susan Siopis, P.Eng.
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer



NORTH PICKERING COMMUNITY MANAGEMENT INC.

ORIGINAL

December 4, 2018

Regional Municipality of Durham
Works Department
Development Approvals Division
Regional Headquarters – 4th Floor
605 Rossland Rd. E.
Whitby, Ontario
L1N 6A3

Attention: Ms. Susan Siopis, P. Eng.,
Commissioner of Works

Dear Madam:

**RE: Seaton Phase 1 Regional Infrastructure
Front Ending Agreement dated November 26, 2015
City of Pickering
Region of Durham**

I am the President of and an Authorized Signing Officer for North Pickering Community Management Inc. ("NPCMI"), the Trustee appointed pursuant to the provisions of the Seaton Phase 1 Regional Infrastructure Front Ending Agreement dated November 26, 2015 (the "RFEA"). For the purposes of the RFEA, NPCMI acts on behalf of various landowners in the Seaton Community (the "Seaton Landowners Group").

As per the RFEA, the landowners are not permitted to connect to the water and sanitary system until such time that 4B design is in an awarded contract. The 4B design has progressed to a point where the tendering process is to occur shortly. With the winter season approaching and occupancies scheduled for the early part of 2019, Mattamy and DG Group have recently approached the Region of Durham to amend the RFEA.

Oak Ridges Seaton Inc and Zavala Development Inc ("DG Group") and Mattamy (Seaton) Limited ("Mattamy") are seeking approval from the Region of Durham that relief be provided from certain requirements of the Seaton-Specific Standard Subdivision Agreement to allow plans of subdivision, located south of Taunton Road (Regional Road 4), to proceed by:

- Providing DG Group and Mattamy with the required sanitary sewer and water connection permits for the lots and blocks located within these plans of subdivision and indicated in the schedules provided by the landowners for closings prior to the end of May 2019, on the condition that the Seaton Landowners Group agrees to not submit or request a review by the Region of any of the Alexander Knox Drive designs until such time as the remainder of the Whites Road (Regional Road 38) project is in an executed construction contract

The units subject to connection permits would also be granted occupancy once the City of Pickering has provided such permission.

These requests are to be made at the Works Committee Meeting on December 12th as well as at the Council Meeting on December 19th.

Please be advised that the Seaton Landowners Group has reviewed the above conditions and hereby agrees to them.

I trust the above is satisfactory. Should you require anything further please do not hesitate to contact the undersigned.

Thank you.

Yours truly,

NORTH PICKERING COMMUNITY MANAGEMENT INC.

A handwritten signature in dark ink, appearing to read 'Andrew Orr', with a long horizontal flourish extending to the right.

Andrew Orr
President/Trustee

- cc. Seaton Project Manager/Group Engineer – Mr. Glenn Pitura (via email only)
CSA Assistant Group Engineer – Ms. Julie Bottos (via email only)
CSA Solicitor – Mr. Daniel Steinberg (via email only)
CSA Accountant – Mr. Joseph Di Ilio (via email only)
North Pickering Landowners (via email only)