

LAND DEVELOPMENT FOR THE LAYMAN

ED NOTE: This address, by a surveyor to non-surveyors, deals in layman's terms with its subject. It is reprinted here for the benefit of our members and aspiring members who are apprentices, or who have never had occasion to prod a subdivision plan along its torturous route.

The text of an address by Ron Robertson, OLS, of Sarnia to County Assessors

LAND DEVELOPMENT

I am honored to have been asked here to speak to you on land development. I don't consider myself an expert in this field, however, I do have an advantage over some others because of being engaged in three or more of the facets of land development.

Land development as we know involves primarily new subdivisions arising from non-subdivided land. This system of dividing and parceling land was introduced by the Romans some 2,500 years ago. It evolved here in Canada from townships which still exist in most areas. The initial subdivision of land is from the township lot into the streets, blocks, lots, houses, buildings, etc., which form part of our villages, towns and cities. This evening I hope to take you on a step by step approach to a new house, on a new lot, in a new subdivision from a township lot.

Let us assume that the township of "X" has been informed by the Provincial Government that an energy plant is to be built within its rural lands.

There are consultations with the Provincial Government; the local municipal council; the prime contractor for the proposed plant; etc. A market study indicates that single family housing will be required for 100 permanent workers and their families within 2 years.

According to provincial requirements and local municipal requirements the housing area must be fully serviced. This is the responsibility of the two aforementioned governments and it appears that extension of services from a nearby town in the municipality will provide no problem.

The developer is not to be confused with the land speculator, i.e. the developer is in from beginning to end in order to put housing on the market. He is a legitimate business man who must invest much capital and take numerous risks whereas the land speculator will merely buy land, keep it in order to escalate land costs, then sell it at inflationary prices without putting any improvements into the land.

Mr. Developer acquires lot Z and part of lot A, concession Y in the township of X. The township was laid out in 1829. Lot Z is composed of 100 ACRES OF LAND. Lot A requires committee of adjustment approval.

Mr. Developer is aware that the market study indicates that 100 houses are required. He checks with the municipal office and finds that the municipality has both an **Official Plan** and a **Zoning By-Law**. (Questions) — He is told by the township clerk that the official plan designates lot Z, concession Y as residential land, however, the zoning by law designates the land as rural. **THEREFORE HIS FIRST STEP IS TO HAVE THE LAND REZONED.** He requests his solicitor to make the rezoning application. However, in this particular municipality a proposed development plan must first be submitted to the Planning Board and Council, approved by both, then a rezoning application can be made. The developer realizes that this will cause about 2 - 3 months delay, however, he has no choice in the matter. Therefore, without undue delay he must acquire a planner and submit proposed development plans as soon as possible.

The planner may be engaged primarily in the town planning or he may be an engineer or land surveyor or doing planning as part of his business. Let us assume in this instance that the planner is a town planner only. Before the planner can do any design work he must employ a land surveyor to perform the survey of the boundary of the lands to determine the shape and area of the lands to be subdivided along with a complete topo survey of the lands. This would also include that part of lot A as I mentioned previously. Also, please note that a draft plan of subdivision must have a certificate on the said plan stating that the boundaries have been confirmed with a certificate on the said plan stating that the boundaries have been confirmed by an Ontario land surveyor and signed by the said surveyor. When the surveyor submits the boundary and area data to the planner, the planner then engages an engineer to assist in the design work, i.e. road patterns based on topographical data, test holes to determine soil structure and any other preliminary engineering data that the planner would require to enable him to design a subdivision.

The planner should then contact all agencies that may have an interest in the proposed development such as the MTC; local school boards, parks board and so on. Assuming now that the planner has completed his design, his next step is a formal submission to the local planning board. The board may or may not notify local property owners, depending on the policy of the municipality. The board discusses the plan in detail with the planner and suggests some changes in the design. This usually results in a loss of some lots. However, the developer does not usually have much choice since to argue with the board will result in further

delays which are costly to the developer and hence to the future home owner. The planner resubmits his plan to the board, and if he is lucky, the draft plan is approved. His next step is a submission to the Ministry of Housing, to which he sends 35 prints for distribution to other agencies. What they do with 35 prints is a mystery to me. The government made a statement about a year ago that within 30 days of a formal submission the planner or developer will receive a reply. I would say here that 3 months is more realistic. When all of the agencies have sent in their comments to the ministry in regard to the proposal and there are no negative comments the ministry then issues a draft plan approval with a series of conditions such as 5 per cent dedication of land for park purposes, maybe additional road widening, some changes to the design and so forth. At this point the developer can decide if he wishes to proceed or not depending on many variables such as higher interest rates, or a delay in the proposed plant construction. He must time his development to coincide with demand for housing because to develop prematurely can result in a large loss in revenue due to having services in the ground or even dwellings on sites and no demand for either. It could even result in bankruptcy. At this point he has to gamble with large amounts of money. He decides to take the risk but also decides to stage his development to reduce that risk. The planner now advises the surveyor to prepare the final plan of subdivision and the engineer to prepare the servicing drawings. These 2 jobs will be done simultaneously. He will probably request the surveyor to subdivide, stake all the lots and register a plan of subdivision for the entire proposed development so that the developer does not have to go back to the Ministry of Housing for any other approvals other than approval of the final plan of subdivision. The engineer on the other hand only prepares servicing drawings for that portion of land in the first phase of development. The planner or the solicitor or the engineer at this time will prepare the document known as the subdividers agreement. Let us assume it is the solicitor, this is a document that is mutually agreed upon by council and the developer before registration of the plan. With the document are inserted unregistered prints of the plan of subdivision along with the servicing drawings. This document will cover the standards of the township in regard to roads and services along with any other items that the municipality may recommend such as the complete development of the park lands or impost fees.

The solicitor, and developer sit with council, usually in camera, to discuss the subdividers agreement. Assuming that the

OCTAL INSTEAD OF METRIC?

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Canada seems doomed to follow the metric madness of Europe and it is probably too late to raise objections which are purely logical in origin.

A number system involves three basic

council is satisfied with the agreement the council at a regular session will then pass a By-law to approve the filing of the agreement in the Registry office. The plans are now signed by the Ministry of Housing and partially forwarded on to the land registrar and the developer.

The township solicitor, after deeds and agreement are signed, registers simultaneously the subdivider's agreement, the subdivision plan, and the deeds of the lands being transferred from the developer to the corporation of the municipality.

Tenders are now sent out for servicing of Phase I. The services are installed. From tendering to installation of the services will take about 3 months for a 50 to 100 lot subdivision. The services are inspected then approved by another professional, the township engineer. When his approval is given to council the township will then issue building permits. The services do not have to be 100 per cent complete provided sanitary, storm, water, hydro and road bases are approved by the township engineer. The rest of the work such as curbs and gutters can be put in the same time as building construction. As soon as basements are in a surveyor is called to check the basement to see if it complies with the local zoning regulations, then issues a certificate of his findings. This certificate is also required for a mortgage. If any of the basement walls do not conform to the zoning regulations the builder must either demolish the basement and start construction again or apply to the committee of adjustment for a minor variance approval. This takes a minimum of 5 weeks. If the committee approves of the minor variance the builder can then proceed with construction. If the committee does not approve then he has no recourse but to demolish the basement or appeal the committee's decision to the O.M.B.

The house are now partially constructed and open to the public for sale. They are now sold. I believe at about this time the county assessor now enters the picture. The developer will be doing clean up work on the subdivision for the next year or two. As you can now see a development of about 50 lots will take about 3 years to finalize although people can be living in the new homes about 1 year after the developer has decided to create the subdivision.

ingredients, a choice of "base", a choice of fundamental unit size and choices of names. Metrication has selected 10 as the base. There is nothing sacred about 10, in fact, in this present age 10 is a very poor choice. The obvious number base is 8. Computers work in a binary system, the computer control tapes for automated machinery are punched in octal numbers, and all the countless thousands of hand-held mini calculators use electronic circuits which are binary in origin. Incidentally, all these calculators contain a chunk of circuitry which only has one function — to change numbers from binary to decimal. These circuits would be removed by a change to Base 8 arithmetic, at a considerable saving.

Base 8 arithmetic would largely resolve the fraction-decimal war, at least with regard to the important day-to-day fractions. For example 3.5 would mean three and five eighths. The process of repeated division by two, which is essentially a binary operation, is quite fundamental to human behavior. If it were not then it would be just as easy to cut a pie into five equal parts as it is to cut it into four equal parts. The metric marvel should try that on for size! If the ancients had been able to tell the difference between their fingers and their thumbs then we might already have had Base 8 arithmetic long ago.

The basic unit sizes should, as far as possible, have some meaningful relationship to the user. Humans create materials, books, houses, pint mugs and the like which are related to their own size and physical needs. That is why the ancient "body" measures made so much sense. In contrast the metric measures don't seem to fit anything nicely. The meter is too long, the centimeter too short, the kilogram is too heavy and the gram is absurdly light. The litre will make us all drunks, the decilitre will ruin the beer industry — and any metric purist who mentions a half-litre should be run out of town. In passing it should be noted that not all is nice in metric; some of the definitions of the basic units, such as the ampere and the mole, are not the easiest things to remember or work with. What is really needed is a basic unit size which is designed for use, not for computational convenience.

The question of names will prove to be the worst feature of metrication. Names should be as dissimilar as possible: like yard, foot, inch. The metric system, by using the same suffix, creates a similar euphony which blurs the distinction between the units: centimeter, millimeter, decimeter and so on. It's rather like living in Smithville: one is inclined to ask, "Which Smith?"

It seems likely that the next generation — of people or computers, whichever

comes first — will reject the metric system, base, size and name; and then adopt the more fundamental octal system.

It is foolish to be stampeded into the metric system at this time, a process which will be costly and painful. Perhaps we should lead the world by generating our own system, the Canadian Octal Rational Number System.

Peter Weygang
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LEGISLATION, PUBLICATIONS, PAMPHLETS, ETC.

"A GUIDE FOR WRITTEN DESCRIPTIONS OF LAND": the Guide first published in 1969, has now been reprinted with revisions to relate to Sections 5 and 6 of R.S.O. 1970 Reg. 780 under the Registry Act. Individual copies will be mailed free of charge on receipt of an address label or a self addressed 9" by 12" envelope plus \$0.32 in postage stamps. Requests should be directed to: "Written Descriptions", Property Rights Division
Ministry of Consumer and Commercial Relations
15th Floor, 400 University Avenue,
TORONTO M5G 1S5

A Procedural Guide on "FIRST APPLICATIONS" under the Land Titles Act (mainly for the legal profession, but of interest to surveyors) may be obtained by sending a 7½ by 14" self addressed envelope plus \$0.35 in postage stamps to:
Richard E. Priddle,
Director of Land Registration and
Acting Director of Titles
15th Floor, 400 University Avenue,
TORONTO M5G 1S5

The Registry Act and the Land Titles Act, each complete with Regulations etc. are now available at \$2.50 each from:
The Ontario Bookstore,
880 Bay Street, TORONTO.

The various publications, pamphlets, etc. mentioned in this column from time to time, will not necessarily be of interest to all members. We hope that by publishing the supplier of related literature, you may better obtain information on various matters.