

STAFF REPORT: Engineering & Public Works Department

REPORT TO: Council
MEETING DATE: May 25, 2011
REPORT NO.: EPW.11.055
SUBJECT: Development Agreement Template
Modifications – Stakeholder
Engagement
PREPARED BY: Reg Russwurm, Director of Engineering and
Public Works

A. Recommendation

THAT Council receives Staff Report EPW.11.055 entitled “Development Agreement Template Modifications – Stakeholder Engagement”; and

THAT Council endorse Staff initiating a public stakeholder engagement process to address the eight issues outlined in Staff Report EPW.11.030 along with other issues that may arise during the process; and

THAT Council endorse Staff undertake the engagement process in two phases with the first phase focused on Issue 1 – Assumption Criteria and Issue 2 – Rough Grading Tolerance as listed in Staff Report EPW.11.030, and the second phase focused on the remaining issues.

B. Background

In 2006 the Town adopted new Development Agreement Templates. In the interim time period, Staff and the area development community have gained experience with the templates and the unique challenges of development within the Town. Staff prepared Report EPW.11.030 to address the key issues and initiate discussion. The Report resolution as recommended to Council by the Infrastructure and Recreation (I&R) Committee May 10, 2011 is provided as Attachment 1. During the I&R meeting, it was felt the development community and public engagement process should be better defined, and that the engagement process must be inclusive of all stakeholders. This Report (EPW.11.055) is provided to outline the range of engagement options and the preferred methodology.

The issues raised within EPW.11.030 impact both the development proponents and the general taxpayer. For this reason, Staff recommend that the engagement process to present, discuss and receive comment on the contemplated changes, or lack thereof, be inclusive of both the development community and general taxpayer. There are several means by which this can be accomplished ranging from the preparation of an issue paper and soliciting comment to holding workshops on the various issues.

It is felt that preparing an issue paper and requesting comment will not suffice to enable stakeholders to adequately understand the issues and be able to comment in an interactive manner or propose alternate solutions to achieve the intended goals. Therefore, Staff recommend a Public Information Centre (PIC) with Staff presentation followed by a round table discussion. The Staff presentation will consist of the issues, options and conclusions set out in Report EPW.11.030. Afterward, an opportunity for two weeks will be provided to submit written comments. To ensure the greatest opportunity to participate, the same PIC will be held on a Thursday evening and a Saturday morning.

The PIC will be advertised in the local newspapers and on the Town's website and through email notifications. In particular, local groups that may have an interest such as the Georgian Triangle Development Institute (GTDI), Chamber of Commerce, Rate Payers Association, etc will be invited to enable wide participation. In addition, Developers known to have, or potential to have, development projects within the Town will be invited specifically. The Staff presentation will be placed on the Town's website for those who were unable to attend the PIC or wish to refresh themselves of the points raised. Consideration will also be given to the preparation of a summary Q&A document depending on the type of inquiries that are received.

If three weeks are allowed for notification, the PIC can be held in late June and a findings report prepared after the two week commenting period for the August 8 meeting of Council.

At the discretion of Council, additional research can be undertaken to study an issue even further as warranted to provide more information to aid in the decision making process. Since there is a Staff commitment, perhaps significant, to coordinate and undertake additional analysis work and which will divert resources from other priority work; Staff recommend that Council identify which issues are deemed controversial or central enough to warrant additional study in more depth. Although this direction to Staff can be provided at any time, Council may wish to make this determination once the summary findings report is returned to Council. There are two developer-driven issues among the eight identified in EPW.11.030: Issue 1 – Assumption Criteria and Issue 2 – Rough Grading Tolerance. Since statements have been made that certain development projects will not proceed without relaxing these requirements, in particular the Assumption Criteria, primary focus of additional research be placed on these points.

Staff have considered how to best phase the review of the issues to give early attention to Issues 1 and 2. To avoid the inconvenience to stakeholders of attending two sessions, and to avoid concerns that may arise by separating the issues, Staff suggest the PIC include the presentation and discussion of all issues, however that the focus of the findings report to Council on August 8 be around Issues 1 and 2. Furthermore, if Council wishes additional research be undertaken, that the first such work focus on these two issues.

To enable the development community engagement process to move quickly, Staff are arranging a meeting between key Staff and development proponents who have already demonstrated an interest in the issues under consideration with the goal being to continue the discussion of issues and perhaps find alternative and solutions not already contemplated prior to the planned PIC.

C. The Blue Mountains' Strategic Plan

This report furthers the Town's Strategic Goal #2 "Addressing the Town's municipal infrastructure needs" and Strategic Goal #6 "Providing a strong well managed municipal government".

D. Environmental Impacts

none

E. Financial Impact

The costs related to holding the PIC will be borne within the operational budget of the Engineering Division of the Engineering and Public Works Department.

F. Attached

1. Resolution of Report EPW.11.030 as recommended by the Infrastructure and Recreation Committee on May 10, 2011.

Respectfully submitted,

Reg Russwurm

Reg Russwurm
Director of Engineering & Public Works

For more information, please contact:
Reg Russwurm
rrusswurm@thebluemountains.ca
(519) 599-3131 x260

**RESOLUTION AS CARRIED BY INFRASTRUCTURE AND RECREATION COMMITTEE
MAY 10, 2011**

C.1 REVISED EPW.11.030 Consideration of Modifications to Development Agreement Templates

THAT Council receive Staff Report EPW.11.030 entitled "Consideration of Modifications to Development Agreement Templates"; and,

THAT Council direct staff to discuss items 1 to 8 further with the area development community and stakeholders and provide council with comments.

1. THAT Council endorse maintaining the status quo with respect to the criteria for the assumption of municipal works, being 75% of the buildings permitted to be constructed on lots within the Plan by the Town's zoning by-law have been substantially completed; and,
2. THAT Council endorse maintaining the current rough grading tolerance, being 300mm for lot grades and 50mm for drainage swales, within the Subdivision Agreement, or that the development proponent be given the option to submit a rough grading plan to demonstrate that building construction upon any one lot will not impede drainage on another; and,
3. THAT Council increase the works security held for developments from 100% to 125% of outstanding work plus 10% of completed works with the understanding that outstanding works includes known deficiencies and that the cost of work includes an allowance of 6% for engineering services; and,
4. THAT Council require, prior to final approval of a Plan of Subdivision for registration, agreements be entered into between the Developer and the utility providers for the installation of the utility services for the plan, and the agreement with the electrical utility (Hydro One, Collus) for the installation of the electrical distribution system shall be fully secured, and that the electrical distribution system be included in the definition of Basic Services; and,
5. THAT Council set the works security for Pre-Servicing Agreements at the greater of 25% of the works being constructed under the Pre-Servicing Agreement or \$25,000; and,
6. THAT Council require a deposit be established with the Town in an amount equal to 5 years of street lighting costs from which the Town will pay related electrical costs; and,
7. THAT Council require the security allowance held for erosion and sediment control not be reduced to below 100% of the actual cost of original installation of the erosion and sediment controls until the area of concern is fully vegetated; and,
8. THAT Council endorse maintaining the status quo with respect to the provision of snow removal on roads and sidewalks, being that the Developer shall be responsible for snow removal in subdivisions until assumption.