

STAFF REPORT: Planning



REPORT TO: Mayor & Members of Council
MEETING DATE: November 5, 2007
REPORT NO.: PL.07.130
**SUBJECT: Uncommitted Reserve Capacity
- Thornbury Sewage Treatment
Plant**
Town of The Blue Mountains
**PREPARED BY: Robert Armstrong, Manager of
Development Services & IS**

A. Recommendations

THAT Council does receive Planning Staff Report #PL.07.130, “Uncommitted Reserve Capacity – Thornbury Sewage Treatment Plant” and does hereby endorse the action plan contained therein.

B. Background

The purpose of this Staff report is to provide a status with regard to the current ability of Council to endorse further Planning Approvals that require sanitary sewer capacity within the Thornbury Sewage Treatment Plant. Further, this report outlines an action plan that includes how subsequent planning approvals can be coordinated with the expansion of the Sewage Treatment Plant. This would include the financing of the plant by the benefitting development.

The Town recently approved the 2006 Year End Reports for the Waste Water Treatment Plants in Thornbury and Craigleith, as well as Water Treatment Plant for the entire Service Area of the Town. The Craigleith Sewage Treatment Plant, which services the Craigleith area, as well as Osler and Castle Glen, currently does not have any constraints on providing additional servicing capacity. The overall water capacity is constrained with regard to the current built capacity, however, based on the current agreement with the Town of Collingwood and the process to get a Design Approval for the filter replacements, there is an ability for the Town to give further Planning Approvals based on the Uncommitted Reserve Capacity for Water.

The Year End Report for the Thornbury Sewage Treatment does however indicate that there is no additional capacity available to grant further Planning Approval out of the Thornbury Sewage Treatment Plant. This includes the Camperdown, Thornbury, Lora Bay and Clarksburg Service Areas. We have attached the summary sheets from the Year End Report.

The Town’s Official Plan has a significant number of policies related to this issue. In particular there is a section on “Reservation and Allocation Limitations” and “Staging Priorities”. Any Action Plan must comply with the policies contained within the Official Plan.

To address the capacity issue, the Town has hired Stantec Consulting to commence the design of the Sewage Plant expansion. A significant component of the expansion is the ability of the Town to finance the actual expansion of the Plant. The Town has committed to proceed with the detailed design at a cost of \$970,000. The Certificate of Approval for the expansion is expected for late in 2008.

A meeting was recently held with some of the key developers affected by the constraints of the Thornbury Sewage Treatment Plant at the request of the Engineering and Public Works Department. The purpose was to discuss the current limitations of the Plant, as well as an Action Plan to address the situation. Amongst the developers included Lora Bay, the Camperdown Developers and representatives from various Thornbury developments (Wootton, Matesa and Von Teichman). The Developers of the Horse Park were invited but did not attend. We have attached a copy of the presentation that was made to the development group by Engineering and Public Works, Finance and Planning. The following is an outline of the plan:

- During the process of the detailed design of the Plant by Stantec, the Town will work with the Development Community to finalize their Planning Approvals so that once a Certificate of Approval is obtained for the expansion, Planning Approvals can be obtained.
- Prior to any approvals being given, the Developer will be required to enter into a Pre-development agreement that addresses the requirement for financing of the Thornbury Waste Water Treatment Plant.
- The Financial Services Department confirmed at the Meeting that the current **estimates** indicate that the charge should not exceed the current capital charge as contained in Development Charge By-law (approximately \$5,000).
- There will need to be a critical mass of Developer's to assist in the financing of the Plant.

In order to satisfy the issue of the Pre-development Agreement as it relates to financing of the Sewage Treatment Plant and Planning Approvals, our solicitor is working on a draft of the Agreement. We have also met with the County and based on Provincial Policy and the policies contained within the Official Plan, they concur with the action plan contained herein.

Based on the foregoing, we would recommend that Council endorse the Action Plan that will assist the Town in securing funding for the expansion of the Thornbury Sewage Treatment, while giving developers a simultaneous Planning Approval so that they can secure the necessary funding.

C. The Blue Mountains' Strategic Plan

Strategic Plan Goal 1. *Managing growth to ensure the ongoing health and prosperity of the community.*

D. Budget Impact

The impact on the Budget will be addressed as part of the detailed design of the Thornbury Sewage Treatment Plant.

E. Attachments

1. Year End Report Summaries – 2006
2. Presentation to Development Community – October 11, 2007
3. Official Plan Excerpts

Respectfully submitted,

Robert Armstrong MCIP RPP CPT
Manager of Development Planning and IS

5.3.4 Reservation and Allocation Limitations

- (1) The monitoring of servicing capacity described under Section 5.3.3 is intended to identify the availability of required municipal water and sewage services for existing and future development. The commitment of servicing capacity shall be subject to the staging plan described under Section 5.4. Development approvals shall be restricted on the basis of design capacity limitations.
- (2) The design capacity of the applicable water and sewage treatment plant facilities shall be reserved for all units within any site plan, plan of subdivision and plan of condominium development approvals, including all residential and non-residential development. Where such reservation of design servicing capacity is not available, any application for development shall be considered to be premature, and development approvals shall not be given.
- (3) The existing plant capacity of the applicable water and sewage treatment plant facilities shall only be allocated for units within any approved development, or phase of development, which is recognized as Stage 1 for municipal servicing priority purposes, as identified under Section 5.4.2. Phasing of development and allocation of existing plant capacity shall be provided under the required development agreement. Where such allocation of existing plant capacity is not available, the development, or phase of development, shall not be permitted to advance to Stage 1, and development shall not proceed.
- (4) The Town shall have regard to competing demands for servicing capacity and proposed schedules of build out when considering the commitment of plant capacity, with particular regard for appropriate servicing limitations related to phases of large developments. The allocation of existing plant capacity for Stage 1 lands shall generally be restricted to development phases of approximately one-hundred units, where practical. The remaining development potential for the lands may be placed in a deferred development or holding category, as further provided under Section 5.3.5, and reservation from the design capacity may also be deferred for some future development phases where further detailed development approvals are required. Once the current phase of development has been substantially completed, a subsequent phase may advance to Stage 1, subject to the availability of existing plant capacity at that time, the payment of applicable development charges, rezoning for the removal of any holding symbol, and any other applicable requirements. Larger phases shall generally not be permitted, except as may be provided under paragraph (5). In addition to development phasing, the commitment of plant capacity shall normally be subject to appropriate securities and time limitations.
- (5) It is recognized that larger phases of development may be necessary in some circumstances to facilitate proposed development, such as a single multiple residential building containing more than 100 units. Larger phases of development may also be considered necessary to help finance a municipal servicing project, as further provided under Section 5.3.7. Such larger phases shall only be permitted where smaller phases are not practical, and where the Town is satisfied that there will be no negative impact on the staging priorities for other existing and future development, as further provided under Section 5.4. In some cases, development approvals and the commitment of plant capacity may be more appropriately deferred for future development phases. The Town may refuse to approve large scale development proposals in excess of five-hundred units. Larger development proposals may be included under a Concept Plan with future development phases as described under Section 9.7. Lots or blocks may also be established under plan of subdivision approvals, with future detailed plan of subdivision or other applicable development approvals to be required. The commitment of plant capacity may also be deferred for such lands, including appropriate zoning as further provided under Section 5.3.5.
- (6) Draft plan of subdivision or condominium approvals and reservation of existing design capacity shall lapse after three years unless an extension is approved, as provided under Section 9.8.
- (7) Notwithstanding paragraph (6) and (7), an extended lapsing period may be allowed in relation to municipal servicing projects where a longer period of time may be required to help finance the project, the duration to be determined relative to the scale of the project. In no case shall any development approval be granted with an initial lapsing period of more than 8 years. Any extension of development approvals must be obtained during the final year prior to lapsing, and

may only be recommended for one (1) year intervals where the Town is satisfied that development will proceed.

- (8) The design capacity reservation and plant capacity allocation limitations shall be recognized in the applicable development agreement, including any appropriate conditions for development phasing, advancement to Stage 1, zoning and any other relevant matters. Where plant capacity has been transferred, any related securities held by the Town shall also be released. Where payment of development charges has already been made, associated plant capacity for the affected lands shall be allocated.

5.3.5 Holding and Deferred Development Zones

- (1) Holding and deferred development zones shall be established under the implementing Zoning By-law to recognize the commitment of design capacity, with particular regard for the development phasing and servicing limitations identified under Section 5.3.4. Appropriate zones shall also recognize the municipal staging priorities and categories, as further provided under Section 5.4.2. Advancement to Stage 1 and the allocation of existing plant capacity under development agreement shall be a condition of any rezoning.
- (2) All lots or blocks within a plan of subdivision or condominium shall generally be placed in a Holding (-h) zone under the implementing Zoning By-law until such time as all necessary approvals for development have been obtained, existing plant capacity allocation is available, and the development charges have been paid or secured by the developer, amongst any other relevant matters, as further provided under Section 11.4.

- (3) Where lots or blocks for future development are proposed under a Concept Plan or included under a plan of subdivision, and approved on the basis that design capacity is not yet available or that further detailed development approvals are required, such lands shall be placed in a Deferred Development or other appropriate zone under the implementing Zoning By-law, as further provided under Section 11.5.
- (4) Special zoning provisions may also be established to prohibit or limit private on-site or communal services for existing lots, as further provided under Section 5.6.

5.4.1 Staging Priorities

- (1) The municipal servicing strategy includes a staging plan which is intended to direct the development of priority areas within each Service District based on the availability of servicing capacity. These staging priority areas should promote infilling and the logical extension of growth in an efficient manner, which will also help promote the extension of municipal services to existing development areas. Staging priorities should recognize competing demands for limited available servicing capacity and direct development toward primary areas which are intended to be developed first. Staging priorities also recognize the deferral of development potential on certain lands under the Deferred Development designation or other similar designation.
- (2) Developers shall be required to finance the cost of municipal service infrastructure which are required in order to obtain development approvals, with suitable provisions for reimbursement of the cost for works which benefit other lands, where appropriate. Developers may also be required to participate in municipal servicing projects which are designed to expand municipal treatment plant facilities and/or extend municipal service lines, which may also require ESR approvals for additional design servicing capacity, as well as other associated works as further described under Section 5.7.

5.4.2 Staging Categories

- (1) Development approvals under the staging plan shall be dependent upon the monitoring of available design capacity, and the expansion of required municipal service infrastructure to keep pace with development needs, as further provided under Section 5.3.3. The staging priorities identified under Section 5.4.1 are to be implemented under staging categories which are intended to provide an order ranking for the commitment of available plant capacity on the basis of the development approval status.
- (2) The commitment of available plant capacity for development approvals shall be based on the following five staging categories:
 - Stage 1: Designated lands with development approvals and zoned to permit development. The allocation of existing servicing capacity is committed under a development agreement.
 - Stage 2: Designated lands with development approvals and zoned under the holding zone category. The reservation of design capacity is committed. Advancement to Stage 1 is subject to the allocation of existing plant capacity under a development agreement and rezoning for removal of the holding symbol.
 - Stage 3: Designated lands with partial development approvals to permit future development, such as a lot or block within a plan of subdivision which is subject to condominium or site plan approval. These lands should be zoned under a holding, deferred development, or other appropriate zoning category, depending upon the nature of the partial approval details. The reservation of design

servicing capacity is committed. Advancement to Stage 2 is subject to further development approvals.

Stage 4: Designated lands with no development approvals. These lands should be zoned under a deferred development or other similar zoning category. The required design capacity is recognized based on potential development approvals. Advancement to Stage 3 is subject to development approvals and the availability of plant capacity.

Stage 5: Lands designated Deferred Development, or similar deferred designation status, with no development approvals. These lands should be zoned under a deferred development or other similar zoning category. The required design capacity is not reserved. Advancement to Stage 4 is subject to redesignation and the availability of servicing capacity.

- (3) The staging categories for development approvals identified under paragraph (2) shall be applied in a like manner for existing development in order to properly recognize the commitments and availability of servicing capacity for monitoring purposes. Plant capacity for existing development shall be committed in the following manner:
- (a) Existing development that is fronting an existing service line and can connect shall be recognized as Stage 1 with allocation of existing plant capacity.
 - (b) Existing development that can connect with a service line extension which is anticipated to occur in the short term shall be identified as Stage 2 with reservation of design capacity.
 - (c) Existing development that is not likely to be connected in the short term shall be identified as Stage 3 with reservation of design capacity. This category shall include existing development which is not located along an existing service line, or a proposed service line under a local improvement project or other municipal servicing project, or otherwise not capable of connection in the near future.
 - (d) Existing development that is located within a Service District which does not yet have service lines extended shall be identified as Stage 4 with reservation of design capacity, if available.
 - (e) Vacant lots which can be developed without further development approvals shall be considered in the same manner as existing development.
 - (f) An allowance for other potential minor infilling development purposes may also be identified as existing development, as further provided under paragraph (6).
 - (g) Existing development shall automatically advance to Stage 1 if service lines are extended to permit connection, subject to the availability of existing plant capacity.
 - (h) Existing development shall have servicing priority over new development approvals within the same staging category, and may preclude the advancement of new development.
- (4) The staging of future development lands shall be subject to all necessary development approvals, including site plan, subdivision or condominium approval, and zoning. Design capacity shall be reserved once the required development approvals have been obtained. The development agreement shall include appropriate provisions for allocation of existing plant capacity, phasing of development, securities, payment of Development Charges, and any other applicable contributions toward required municipal services. Development approvals shall not be granted for proposed development which would exceed the available plant capacity.

- (5) Lands shall be identified within the applicable staging category based on the status of development approvals. Development, including the registration of any plan of subdivision or condominium, or the issuance of a building permit, and the allocation of existing plant capacity shall only be permitted for Stage 1 lands, subject to the allocation limitations provided under Section 5.3.4. Development approvals may include lands within other staging categories, subject to appropriate zoning and development phasing provisions under the applicable development agreement. Lands may advance to a higher staging category as the applicable development approval requirements are satisfied, subject to the availability of required plant capacity based on the municipal staging priorities, with particular regard for Section 5.4.1(3). The development agreement may also contain additional conditions for advancement of staging, including any further detailed development approval, phasing, required works, financing, rezoning or other applicable requirements. Advancement of staging may not be permitted if the required plant capacity is committed to other existing or future development.
- (6) The commitment of design capacity based on the staging priorities and categories shall be recognized in the annual monitoring reports and master servicing plan, as further provided under Section 5.3. In addition to the significant residential development potential, plant capacity must also be provided for commercial, industrial, recreational and other potential development. It may also be appropriate to retain a buffer amount of plant capacity for potential minor infilling development, including potential redevelopment, lot creation, bonus density development, and interim uses permitted under the Deferred Development designation.
- (7) Lands may be placed within appropriate zoning categories under the implementing zoning By-law to recognize staging priorities and categories, as further provided under Section 5.3.5. Lands which are currently zoned to permit development shall not be recognized under Stage 1 unless the required development approvals have been obtained and allocation of existing plant capacity is committed under a development agreement. Such lands may be rezoned to a holding, deferred development, or other appropriate zone until the necessary requirements have been met.
- (8) The staging of development approvals and the reservation of design capacity based on the staging priorities for all existing and future development lands, and any other relevant matters, will be determined at the sole discretion of the Town.