July 19, 2019

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Sent via Email

Laura Moy, Director of Corporate Services & Clerk
For: Mayor and Member of Council
Town of Tecumseh
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RE: Development Charges Background Study dated June 13, 2019

Thank you for the opportunity to review and comment on the subject Study. The comments provided during the Public Meeting of July 09, 2019 are formally submitted below with some additional post-meeting input.

It is our understanding that the Development Charges By-law (DC By-law) is scheduled to be adopted on August 13, 2019. Receipt of a response to the inquiries contained in this letter in advance of this meeting is greatly appreciated.

The DC By-law is proposing a **25%** [$13,936 to proposed $17,472] increase on single detached dwelling units and **57%** [$4.27/sqft to proposed $6.72/sqft] increase on non-residential development.

1. A recent article in the Windsor Star "Windsor Area among nation's construction hot spots" July 10, 2019 highlights the 4th highest region for "growth in the value of building permits issued over the last year".

   As noted in the DC report, the DC bylaw remains in effect for a 5year period which has to account for variations in both expenditures and new growth.

   a. A post-meeting question we would like to pose is to inquire if the historical analysis has been done to confirm that the approach being proposed rings true over the previous 5years. Simply put – how representative are the projected values for **Total Gross Expenditures** and **Net Costs to be recovered from Development Charges** over the life of the previous DC By-

law and has this analysis been used to inform the % increase in the Development Charges being recommended.

b. The Essex Region Conservation Authority has responded to the global impacts of our changing natural environment. This has resulted in relatively overnight amendments to the approach to stormwater management and severely increased newly imposed restrictions. These unanticipated impacts are being felt not only by municipal governments, but are also being addressed at great additional cost by Developers who are at various stages of development proposals.

   It is our request that not only the magnitude but also the timing of the DC increase take into consideration this unexpected expense by evaluating opportunities for a reduction and/or staged approach to the Development charges.

2. The **Reduction for Benefit to Existing Development** is explained at a high level on p 4-10 of the Development Charges Background Study document. On this basis, we had anticipated a greater Benefit to Existing Development for new facilities within existing/fully built-out areas of our Town. I've included a GoogleMaps image of the example provided during the public meeting for ease of reference. The surrounding area appears to be fully built-out.

Manning Road -St Gregory's Road to Riverside Drive E.

As an example, when referring to the tables of Infrastructure Costs Included in the Development Charges Calculation, the following information is presented:

- p5-12. *Active Transportation/* Project No. 1 - Manning-St Gregory's to Riverside (Bike Lanes) A Gross Capital Cost Estimate of $331,300 has a **10%** deduction for Benefit to Existing Development.
- p5-11 *Roads, Sidewalks and Streetlighting* - This same road segment appears again as Project No. 1 with a deduction of **84%** for Benefit to Existing Development.
- p5-3 *Indoor and Outdoor Recreation Services/* Project No. 5 - Lakewood Park Master Plan Improvements A Gross Capital Cost Estimate of $2,150,000 has **0%** deduction for Benefit to Existing Development.

We appreciate the offer to investigate this allocation in advance of the meeting scheduled to adopt the bylaw. We further request that if an alternate approach to identifying the reduction for benefit to existing development is subsequently recommended, that this be considered for application across the full list of projects contained within the tables of the report.

3. **Appendix E: Local Service Policy** outlines infrastructure that is included as a development charge project vs those that are the funded through a development agreement. Our root concern with this Appendix is its inappropriate use as a tool for the reallocation of direct developer responsibility. We are proposing that Appendix E be replaced with a document that matches existing practices. The amendments being proposed merit the transparency afforded by direct public engagement. An example opportunity may be during the process to adopt the upcoming Draft Development Manual which we understand to be currently in progress.

   A more detailed/section-by-section outline of our immediate concerns is appended to this letter.

   i. Of separate concern and as communicated at the public meeting, under the **Parkland Development** Section of Appendix E, bullet 3 states:

      "Runoff from the development property shall not drain into the park unless approved by the Director of Public Works and Environment Services."

      This statement limits the flexibility of engineering designs in addressing the new and challenging stormwater management criteria.

      As the recipients of the Wege Small Cities Sustainability Best Practices Award from the Great Lakes and St Lawrence Cities Initiative (media article attached) for incorporating a major stormwater protection resource hidden within Lakewood Park, it is counterintuitive to now layout policies within the DC Study that deter future designs which would demonstrate the same successful environmental stewardship and sustainability practices.

      Furthermore, we would like to confirm at this time that this statement does not restrict or prohibit future developments from including the MRSPA from benefiting from a similar type of design.

4. **Bill 108** – It is our understanding that since the Town of Tecumseh DC by-law will be passed after May 02, 2019, it will be affected by the proposed changes. Of particular interest is the **Payment in Installments over Five Years** as described on p1-6 in the Development Charges Background Study document. This is viewed as a tremendous benefit for developers with the Town of Tecumseh to be able to immediately leverage the use of 6 annual installments for the payment of development charges.

Thank you for the opportunity to provide input and for the timely response in advance of the planned meeting so that we may be prepared to speak to the topic if required.

Sincerely,

James and Jeannette Sylvestre

James Sylvestre Developments Ltd.

Tecumseh wins award for stormwater system improvements

Lakewood North in Tecumseh, Ont. (Courtesy Town of Tecumseh)

CTV Windsor
Published Wednesday, June 26, 2019 11:03AM EDT
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The Town of Tecumseh won a sustainability award.

Director parks and recreation services Paul Anthony presented council with the Wege Small Cities Sustainability Best Practices Award from the Great Lakes and St. Lawrence Cities Initiative at the council meeting Tuesday night.

The Award for Stormwater System Improvements in Lakewood Park was presented in person to Anthony and councillor Tania Jobin at the Annual General Meeting in Sheboygan, Wisconsin, June 4-7.

"When we purchased the land for Lakewood Park we had a vision for what it could be for the Town," said Tecumseh mayor Gary McNamara. "Many people don't realize the dual purpose the Park has. Here we have a major stormwater protection resource hidden in one of our beautiful parks. This award recognizes the work we have done to protect the environment, implement sustainable practices and demonstrate stewardship in everything we do."

The Wege Small Cities Sustainability Best Practices Award recognizes a small Cities Initiative member city in Canada or the U.S. working to protect the Great Lakes and St. Lawrence and improve the quality of the water resource for future generations.

The award encourages environmental stewardship for projects that balance economic, social and environmental aspects within the community that could be used as a best practice for other cities.

The project submitted by the Town was 'Lakewood Park and Stormwater System Improvements'. It resulted in the creation of a natural and sustainable stormwater management solution for Lake St. Clair within the boundaries of the Park.

Lakewood is a naturalized park area that incorporated construction of a new stormwater pumping station, improvements to the existing shoreline, revitalization of approximately 70 acres of park land and construction of a 640 m natural stormwater channel.

Town officials say the end result is a unique place for the community that protects the surrounding area from overland flooding from the lake and during high volumes of rainfall.

"Lakewood Park is not just a jewel for the Town with respect to recreation opportunities and facilities," said Anthony. "It serves double duty as a place to store excess water during high volume rain events as it is released in the surrounding ground and pumping station. This project allowed us to respond to the effects of climate change with a beautiful natural area that can be used year round."

The award includes a $5,000 prize which will be used to fund dedicated benches along the multi-use trails in the park. Within the Park itself, the Town has also used grant funding to install a Disc Golf Course, Adult Exercise Equipment, a climbing rock and paved multi-use trails.

Letter ITEM 3

Appendix E: Local Service Policy

a. The previous DC Report Appendix for Local Service Policy contained the following essential statement that is no longer included:
"Note: for any and all of the above the Town may facilitate cost sharing agreements."

We question the removal of this statement and are requesting its reinsertion.

b. We would like clarification regarding **Section A. Services Related to a Highway 6) b)**. The full clause is copied below for ease of reference:

> b) Sidewalks, multi-use trails, cycle tracks, and bike lanes, inclusive of all required infrastructure, **located within or linking to non-arterial road corridors internal to development**: direct developer responsibility under s.59 of D.C.A (as a local service).

The language in clause a) is clear for arterials, County roads and provincial highways and similarly clear for non-arterials external to the development in clause c).
Please provide clarification for Clause b).

c. **Section B. Stormwater Management** contains new and amended clauses that create points requiring further discussion.
   i. Clause 1) allocates responsibility for the design and construction of stormwater management facilities that fulfill the municipal objective for larger, regional facilities to the "developing land owners".

      By their description – a larger, regional facility is likely to cross multiple land owners. Municipalities that take a leadership role for the design and construction responsibility are more likely to create an environment of progress for development and avoid stagnation. While it is agreed that cost sharing across benefiting developing land owners is appropriate, allocating the responsibility for design and construction to developers is likely to result in immense red tape and delay.

   ii. Previous versions of the Local Service Policy committed to invoking "best efforts clauses" for oversizing. Clause 2) states the municipality "...**may facilitate** cost recovery from other benefitting developments/landowners..."

      This clause in conjunction with the requirement for a regional facility gives rise to equity concerns and reservations regarding the Developer's role in front-ending regional municipal infrastructure.

We would like to request to maintain status quo on this item and defer these important discussions to the Draft Development Manual and/or individual Subdivision Agreements.

d. We would like to draw particular attention to **Section C. Parkland Development** 2) Parkland a) Parkland Development for parks internal to development.

   i. The Planning Act Section 51.1(1) provides guidelines for the upset limits for rate of parkland conveyed or dedicated that may be imposed by the approval authority. These vary between 2% and 5% of the land included in the plan and are the current approach to Parkland requirements within Development Agreements.

   Items 1-9 outline new base conditions to be imposed on the Developer within a development agreement that greatly exceed the current standard for the region and obligate the Developer to maintain a fully graded, grassed and (when deemed appropriate by the Municipality) fenced park facility "until construction commences".

   It is unclear what the liability to the Developer is in a pseudo-completed greenspace that has not yet been assumed by the Municipality.

   It is our most sincere request to have these conditions removed from this document. More appropriate opportunities exist to negotiate these terms such as within the Development Manual currently being drafted, within an individual Subdivision Agreement, or as part of the future adoption of a Communities Benefits Charge when the legislation receives royal assent.

   This is consistent with neighbouring communities, keeps development within the Town of Tecumseh regionally competitive and preserves the separation between private and public operation of public spaces.

   ii. [reiterated from letter] Of separate concern and as communicated at the public meeting, **bullet 3.** under this same section states "Runoff from the development property shall not drain into the park unless approved by the Director of Public Works and Environment Services." This statement limits the flexibility of engineering designs in addressing the new and challenging stormwater management criteria.

   As the recipients of the Wege Small Cities Sustainability Best Practices Award from the Great Lakes and St Lawrence Cities Initiative (media article attached) for incorporating a major stormwater protection resource hidden within Lakewood Park, it is counterintuitive to now layout policies within the DC Study that deter future designs which would demonstrate the same successful environmental stewardship and sustainability practices.

Furthermore, we would like to confirm at this time that this statement does not restrict or prohibit future developments from including the MRSPA from benefiting from a similar type of design.

e. **Section E Water and Sanitary Sewers 2) Sanitary Sewer**

i. Clause b) marginal costs for sewers exceeding 375mm and/or 5m depth were previously covered by DC's. The current proposal has removed the limits of 5m depth or greater. This is more appropriately considered on an individual basis since the reason necessitating the increased depth can vary and may include servicing requirements for surrounding lands. An adjustment is recommended to preserve this flexibility.

ii. Clause e) addresses Pumping Stations by differentiating between those within or external to the Water and Wastewater Master Plan.

In previous versions minor pump stations were a direct developer responsibility vs major pumping stations were covered by DCs.

It is agreeable that a pump station that serves multiple developments owned by the same developing land owner would be the direct developer responsibility however when the pump station is serving lands for more than one developing land owner – coordinating involvement by the municipality is typically crucial to the process.