

Date: July 8, 2020

Report To: Mayor & Council

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Site Plan Control Discussion

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The Planning and Development Executive Committee recalled that at their June 15, 2020 session it was asked for administration to investigate land use planning alternatives that may be used in replacement of a Site Plan Control Agreement. The intent of this investigation is to investigate various options that may be available that may reduce the cost of developing within the Town of Fort Frances.

This matter was brought to the Town's land use planning consultant, Jeff Port, for discussion with the following notes being made:

- There are no other specific land use planning tools that Jeff is aware of that provide the municipality with the control over a project that a Site Plan Control Agreement provides.
- Jeff believes that in smaller northern municipalities Site Plan Control should be utilized only when necessary and that each Site Plan Control application or development should be considered on its own merit and decided upon on a case by case basis.
- Jeff is not personally aware of, in his experience, any alternatives that may be utilized to enforce stormwater management.

Some of our neighbouring municipalities have even passed site plan control by-laws which automatically designate a variety of projects to require site plan control, additionally the facilitation of these agreements in some cases have been transferred to members of administration rather than subject to council decision. A sample of these by-laws are attached to this report. However, in the Town of Fort Frances we bring through each development proposal individually, outside of single/semidetached residential, for decision on whether to utilize site plan control or not. This allows council to decide if it should be used rather than automatically stating it shall be used.

The importance of stormwater management is critical in the realm of development. Through my research I have found that some municipalities have passed stormwater management by-laws supported by master stormwater management plans. This may be an alternative that council may seek, however, this may actually create further intensive restrictions on developing within the municipality where most developments shall prepare stormwater management plans rather than subject to case by case decision in a site plan control agreement.

By alleviating use of site plan control on various developments we may run the risk of reducing the cost of development for one group, but further increasing the cost to the larger tax paying body as any repairs or associated works with improper management of stormwater would be at the tax payers dollar. Town stormwater infrastructure is designed for specific loadings, and when a development is proposed on property which will significantly alter the rate of infiltration of stormwater it is important for that development to manage their stormwater to a specific level such that the runoff does not overload the municipal systems.

I have attached a copy of the Town's site plan control agreement template for review. Some of the primary associated costs with the site plan agreement are as follows:

- Engineered site grading plan, stormwater management plan, site and external servicing plan
- Surveyor's Real Property Report
- Pay any outstanding taxes (including arrears, interest and penalties) and local improvement charges
- Pay to the Municipality the Municipality's building permit fee and any other fees and otherwise payable pursuant to the Municipality's User Fees By-law.
- Historically, a 5% of project value refundable letter of credit which may be drawn upon by the municipality
- The developer may be liable for any of the following costs associated with the agreement
  - o Application for site plan;
  - o Preparation of this agreement;
  - o Registration of this Agreement on title and preparation of any and all land titles documentation in relation thereto, all such documentation to be provided to the Municipality for approval prior to registration thereof;
  - o All legal / lawyer fees and disbursements;
  - o Engineer / engineering fees and disbursements;
  - o Planning / planner fees and disbursements;
  - o Municipal staff time;
  - o All Land title fees and charges;
  - o Any other costs or charges in any way related to the application, the development, or this agreement; and
  - o HST and any other taxes applicable on or to any of the above.
- The following are typically requested to release/reduce the letter of credit:
  - o letter of application for reduction/release;
  - o the consultant's certificate confirming that services completed;
  - o as-constructed drawings;
  - o satisfactory evidence of no construction liens filed;
  - o workplace safety certificate;
  - o statutory declaration as to accounts;
  - o surveyor's certificate and real property report(s); and
  - o composite utility plan.

Each agreement is reviewed for the specific project at hand with terms of the agreement being altered to suit the specific development.

Respectfully submitted



Cody Vangel, EIT  
Chief Building Official & Municipal Planner

<b>Council approval of this report is not required as it is for informational purposes only.</b>
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