



## Appendix A - Staff Report SRPI.20.022

### Committee of the Whole Meeting

May 2, 2016

SRCFS.16.003

Corporate and Financial Services

Office of the Clerk

**Subject: Residents' Petition for a Local Improvement – Municipal Services for Muirhead Crescent and Stouffville Road Area**

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#### **Purpose:**

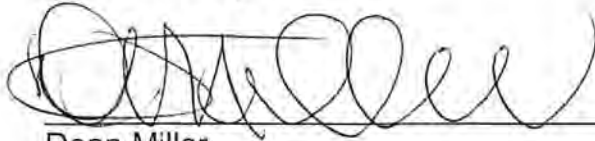
The purpose of this staff report is to report to Council on the sufficiency of the 2 petitions submitted by area residents requesting municipal services on Muirhead Crescent and Stouffville Road. The sufficiency of a petition for undertaking a work as a local improvement is determined in accordance with Ontario Regulation 586/06, as amended, Local Improvement Charges – Priority Lien Status.

#### **Recommendation(S):**

- That SRCFS.16.003 regarding confirmation by the Clerk that the 2 petitions submitted by residents requesting municipal services on Muirhead Crescent and Stouffville Road meet the requirements to consider the work as a local improvement under Ontario Regulation 586/06, as amended, Local Improvement Charges – Priority Lien Status be received;
- That direction be provided to staff regarding the inclusion of the project in the Town's Ten Year Capital Plan as a local improvement for watermain and sanitary sewer services on Muirhead Crescent and Stouffville Road.

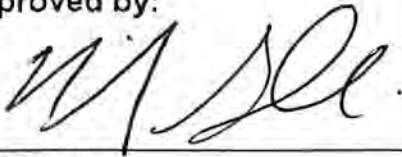
Contacts: Gloria Collier, Acting Clerk, ext. 3619

**Submitted by:**



Dean Miller  
Commissioner of Corporate and Financial Services

**Approved by:**



Neil Garbe  
Chief Administrative Officer

**Background:**

At the January 18, 2016 Committee of the Whole meeting, Council received a petition from area residents requesting that the Town install municipal services in the Muirhead Crescent and Stouffville Road area. To be considered as a local improvement, a petition in favour of undertaking such work must be signed by at least two-thirds of the owners representing at least one-half of the value of the lots liable to be specially charged for the work.

In response, Council requested that staff review the petition and report back with additional information as it relates to the requirements under the Local Improvement process.

In the report considered by Council in February 2014 (SREIS.14.004), staff advised that the petitioning for watermain services should be separate from sanitary sewer services, and two separate petitions should be formalized by the area residents. The residents of Muirhead Crescent and Stouffville Road have formalized their request and submitted 2 separate petitions to the Office of the Clerk, one requesting watermain services and one for sanitary sewer services. Twenty-five property owners have indicated their support for the proposed works.

The following chart outlines the number of valid petitions received as well as the total assessment value of the properties. The calculation shows that each petition submitted by the area residents meets the sufficiency of a petition as determined under Ontario Regulation 586/06, as amended, Local Improvement Charges – Priority Lien Status.

Total Assessment Value:	\$23,552,000
Assessment of Owners in favour:	\$17,835,000
Percentage:	75.7%
Percentage required to support project:	50%
Number of Total Owners (properties)	34
Number of Owners in favour:	25
Percentage:	73.5%
Percentage required to support project:	Two-thirds or 66.67%

### **Financial/Staffing/Other Implications:**

There are no financial, staffing or other implications associated with this report at this time. Should Council decide to undertake the work as a local improvement, the project would be added to the Town's Ten Year Capital Plan.

### **Relationship to the Strategic Plan:**

This report relates to the Town's Strategic Plan goal of Better Choice by exploring how the Town can deliver municipal servicing to a localized area. As well, the recovery of costs through a Local Improvement process is consistent with the goal of Wise Management of Resources by servicing as a model for municipal management.

### **Conclusion:**

The Town can consider the provision of municipal services to Muirhead Crescent and Stouffville Road requested by area residents as the petitions submitted have been reviewed and deemed a sufficient petition under the Local Improvement Charges – Priority Lien Status legislation. Should the works be approved as a local improvement, a by-law would need to be enacted as part of the process.

### **Attachments:**

Engineering & Infrastructure Services Staff Report SREIS.14.004 dated February 3, 2014





**COMMITTEE OF THE WHOLE MEETING**  
**February 3, 2014**  
**SREIS.14.004**

**Environment & Infrastructure Services**  
**Design and Construction Division**

**SUBJECT: Servicing of Muirhead Crescent Area**  
**(SREIS.14.004 )**

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**PURPOSE:**

To respond to Council's direction on the feasibility of providing municipal water and sanitary sewer servicing to Muirhead Crescent and vicinity.

**RECOMMENDATION(S):**

That Council receives this staff report SREIS.14.004 for information purposes.

Contact: Stephen Fick, Director Design and Construction, Ext: 3501.  
Salvatore Aiello, Manager of Development – Subdivisions, Ext: 2471.

Submitted by:

Italo Brutto, P.Eng,  
Commissioner of Environment & Infrastructure  
Services

Ana Bassios,  
Commissioner of Planning and Regulatory  
Services

Approved by:

  
M. Joan Anderton,  
Chief Administrative Officer

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## **BACKGROUND:**

At the September 3, 2013 Committee of the Whole meeting, Council received a request from a resident of Muirhead Crescent requesting the Town to install municipal water and sanitary sewer servicing to his property. Council directed staff to report back on how municipal services could be provided. This report will outline:

- The issues with providing servicing to Muirhead Crescent
- The means by which the Town can undertake this work
- How the Town can recover its costs for the work
- Timing
- High level costs associated with the work.

Muirhead Crescent is located north of Stouffville Road and west of Yonge Street (see attached sketches). There are 25 properties fronting on Muirhead Crescent with an average frontage of 30.45 m (99.9 ft.) for the regularly shaped lots. The properties are currently serviced by private wells and septic systems.

There are nine properties immediately south of Muirhead Crescent fronting on Stouffville Road and a fully serviced residential subdivision constructed within the past 5 years west of Yonge Street opposite Muirhead Crescent.

Generally there are no obstacles technically, environmentally or from a planning perspective that would hinder the opportunity to service Muirhead Crescent. For an understanding of the Planning Context related to the area see attachment "C" –Planning Context.

### **Existing Servicing**

#### **Watermains:**

Currently there is a Regional watermain on the west side of Yonge Street that was constructed within the past five years with provisions for a local watermain crossing Yonge Street, opposite Muirhead Crescent. Given the length of Muirhead Crescent and to ensure sufficient continuous flow of potable water, a single connection point to the Regional trunk watermain would have to be supplemented with a second local "looped" watermain along Stouffville Road as noted on Map 'A'.

#### **Sanitary Sewers:**

The Region's York Durham Trunk Sanitary Sewer is located on the east side of Yonge Street. This trunk system collects sewage upstream of Muirhead Crescent from the municipalities of Aurora and Newmarket including all of Oak Ridges. Based on Regional policy, the noted Regional trunk sewer cannot be utilized to service Muirhead Crescent as the Region discourages local minor connections to their trunk sewer systems.

The Town has recently undertaken an Urban Master Environmental Servicing Plan (MESP) for the growth and intensification areas defined by the Official Plan along the Yonge Street corridor. The MESP has identified that a new local trunk sanitary sewer will be required to service the growth areas established in the Official Plan as Regional Mixed-Use Corridor near Muirhead Crescent. The local

trunk sewer would be constructed within Yonge Street right of way and extend southerly to Jefferson Side Road. This future sanitary sewer could accommodate the sanitary flows from the Muirhead properties.

As this local trunk sewer supports redevelopment, the intent is to obtain funding through an appropriate Development Charge. Typically the sewer would be constructed by the first development which proceeded in the area requiring this infrastructure to service their development.

As noted the sanitary sewer servicing of Muirhead Crescent is dependent on external servicing beyond the subject area. The external servicing could proceed through two scenario's, namely, 1) the external servicing is constructed in it's entirety including the outlet to Jefferson Side Road by the residents of Muirhead Crescent as part of their servicing in advance of any development in the area, or 2) the external servicing is undertaken by development as development proceeds.

If servicing Muirhead Crescent were to proceed first in advance of development as noted in scenario 1), the cost for the noted external local trunk sanitary sewer along Yonge Street to its connection point would form part of the total servicing project cost. A proportionate share of the sewer construction (based on contributing flows) would be borne by the Muirhead Crescent residents. The balance of the costs of the local trunk sewer would be borne by the Town utilizing Development Charge funds specifically allocated for this work.

If Muirhead Crescent was serviced after development constructed the local sanitary sewer as noted in scenario 2), the Muirhead Crescent project would be allowed to connect to the existing local trunk sewer with no costs for the construction of the trunk sewer attributable to the residents.

Unlike the requirements for the looping of the watermain noted earlier in this report, Muirhead Crescent could be serviced with sanitary sewers independently of Stouffville Road. (see Map "B")

### **Local Improvements**

#### **General**

The ability for municipalities to undertake Local Improvements is provided in the Municipal Act Ontario Regulation 586/06 – Local Improvement Charges – Priority Lien Status. Last amendment 322/12.

O. Reg. 586/06 provides the ability for municipalities to recover costs associated with work performed which directly benefits a property(s). There is a relatively wide range of work that can be considered as a local improvement however, the Town typically uses this regulation to recover its cost for road reconstruction projects and the installation of municipal water and sanitary sewer servicing to existing communities with older private systems. The costs are recovered by applying a special rate per meter frontage charge to each benefiting property sufficient to defray the municipalities cost.

The amount that the municipality can recover for the work performed includes the following:

- Construction cost
- Engineering
- Land costs
- Reasonable administrative costs
- Interest in short and long term borrowing
- The estimate cost of incurring long-term debt

#### Petitions for or against a Local Improvement

There are two ways that a Local Improvement can be initiated through a process of petitioning.

1. Resident Petition: When a petition initiated by the residents is received requesting the work to be performed, at least two-thirds of the registered owners representing at least one-half of the value of the lots liable to specially charged for the work must have signed the petition in order for the Town to consider the work as a Local Improvement. A resident initiated petition is common when the Town does not already have the requested work currently planned with its Ten Year Capital Plan. Requests for the water and sanitary servicing of an area are typical in this scenario.
2. Town initiated Local Improvement: When the Town initiates a Local Improvement project the residents are afforded the opportunity to object to the project. The Town cannot proceed with the Local Improvement if there is sufficient petition against the work received comprising the majority of the owners (50% + 1), representing at least one-half of the value of the lots liable to be specially charged for the work. The Town initiates Local Improvements for those planned projects with its Ten Year Capital Plan such as road reconstruction projects.

Since the Town has received a request from a resident for the servicing of Muirhead Crescent, the appropriate arrangement would be for the residents of the street to formalize the request by petitioning the Town "Resident Petition" as noted above.

Staff notes that the petitioning for watermains should be separated from sanitary sewers (two separate petitions) since the extent of the two systems and number of benefiting properties would differ as noted earlier in this report. Specifically, for the watermain to function properly and provide consistent potable water meeting the Town's and Ministry's water quality guidelines, both Muirhead Crescent and Stouffville Road from (Muirhead to Yonge) would require a watermain to be constructed creating a looped system. This would service 34 lots (see map B). However, sanitary sewers on Muirhead can be constructed as a separate system from Stouffville Road. The number of residents affected by the sanitary servicing of Muirhead Crescent is 27 lots (see map C).



**Servicing costs and Timing**

The approximate cost to construct (including engineering) sanitary sewers and watermain to service Muirhead Crescent is as follows:

Location/Service	Estimated Cost	Resident Cost	Number of Served Lots	Approximate Average Cost per Lot
Muirhead Sanitary Sewer	\$1,004,000	\$1,004,000	27	
Yonge St. Local Trunk Sanitary Sewer cost	\$1,369,000	136,900		
<b>Sub Total Sanitary Sewers</b>	<b>\$2,373,000</b>	<b>\$1,140,900</b>	<b>27</b>	<b>\$42,256</b>
Muirhead and Stouffville Watermain	\$688,000	\$688,000	34	<b>\$20,235</b>
<b>Total Sanitary and Watermain project cost</b>	<b>\$3,061,000</b>	<b>1,828,900</b>		

The costs noted above are not based on a detailed design and are considered to be a high level estimate only which can vary by 25%+. Costs noted above assume that the road will not be reconstructed to an urban standard.

The estimated contributing sanitary flows of Muirhead Crescent are approximately 10% of the total flow anticipated to the local trunk sewer. Therefore, the costs to the residents of Muirhead Crescent would be 10% of the Yonge St. local trunk sewer cost (\$136,900).

Should the residents on Stouffville Road (7 properties) wish to petition the Town for sanitary sewers, the costs to these residents would be approximately **\$291,000 (\$41,571 per lot)**.

Should the residents petition the Town to undertake the servicing of Muirhead Crescent as a Local Improvement (in 2014) and Council agrees to undertake the work; the project would have to be added to the Town's Ten Year Capital Plan. Staff advises that the earliest the design could be completed is 2015/2016 with construction proceeding through 2016 and 2017.

**FINANCIAL/STAFFING/OTHER IMPLICATIONS:**

Since this report is for information purposes there are no financial implications at this time.

## **RELATIONSHIP TO THE STRATEGIC PLAN:**

This report outlines how the Town can deliver municipal servicing to a localized area and recover the costs through a Local Improvement process which is consistent with the Strategic Plan Goal of "Serving as a role model for municipal management".

## **CONCLUSION:**

The Town can consider the provision of municipal water and sanitary sewer servicing to Muirhead Crescent if it is the desire of the local residents. The residents can request the Town to undertake the work as a Local Improvement by submitting a sufficient petition for the work. Upon a sufficient petition being received as outlined in this report, Council could then consider the enactment of a by-law to undertake the work as a Local Improvement. A budget for the design and construction for the work would then be considered during the subsequent annual capital budget processes.

## **ATTACHMENTS:**

Map 'A' – Watermain  
Map 'B' – Sanitary Sewer  
Attachment 'C' – Planning Context

Map A

SREIS.14.004

Map 'B' - Watermain





## Attachment 'C' - Planning Context

### Oak Ridges Moraine Conservation Plan

The subject lands are located on the Oak Ridges Moraine, but the majority of the lands are located within a Settlement Area. For lands located within a Settlement Area, the Oak Ridges Moraine Conservation Plan (ORMCP) states that all uses permitted under the Official Plan are permitted subject to the environmental policies of the ORMCP. The subject lands are also within Landform Conservation Area – Category 2 and Areas of High Aquifer Vulnerability.

### Town of Richmond Hill Official Plan (2010)

#### Land Use Policies

The subject lands are designed "Regional Mixed-Use Corridor", "Neighbourhood" and "Oak Ridges Moraine Natural Core" in accordance with Schedule A2 of the Town's Official Plan (2010), (refer to Map). More particularly, properties that have frontage onto Yonge Street are designated "Regional Mixed-Use Corridor", lands that are south of Muirhead Crescent are designated "Neighbourhood" and lands on the north side of Muirhead Crescent are generally designated "Neighbourhood" and "Oak Ridges Moraine Natural Core".

A wide range of uses is permitted within the Regional Mixed-Use Corridor designation. Some of these uses include, but are not limited to, medium and high density residential, major office, major retail, commercial, automotive service commercial and live-work units. Development within the Region Mixed-Use Corridor is encouraged to provide a mix of uses integrated physically within the same building or in separate buildings that are functionally integrated on the same site. Medium density residential development in the form of ground-related units shall not be permitted to front directly onto Yonge Street. The Official Plan also requires that a minimum building height of 2 storeys and a maximum building height of 6 storeys within this section of the Regional Mixed-Use Corridor and the tallest building shall be directed to the Yonge Street frontage.

The predominant use within the Neighbourhood designation is low density residential use. Other uses such as medium density residential, neighbourhood commercial, community uses, parks and urban open spaces and automotive service commercial are also permitted subject to other policies of the Official Plan. In addition, the study area is also identified as a Priority Infill Area in accordance with policy 4.9.1.1.1(i) of the Official Plan. As such, Council may require the approval of an infill study to guide infill development in this area. Muirhead Crescent is identified as a local street in the Town's Official Plan (2010). Medium density residential uses may be permitted within the Neighbourhood designation on lands fronting onto a local street **"only in proximity to an existing medium density residential development as identified in a Tertiary Plan undertaken by the Town and approved by Council or identified as part of a priority infill area under policy 4.9.1.1.1."** Whereas, Stouffville Road is identified as an arterial street where medium density residential uses is permitted with a maximum density of 50 units per hectare (20 units per acre).



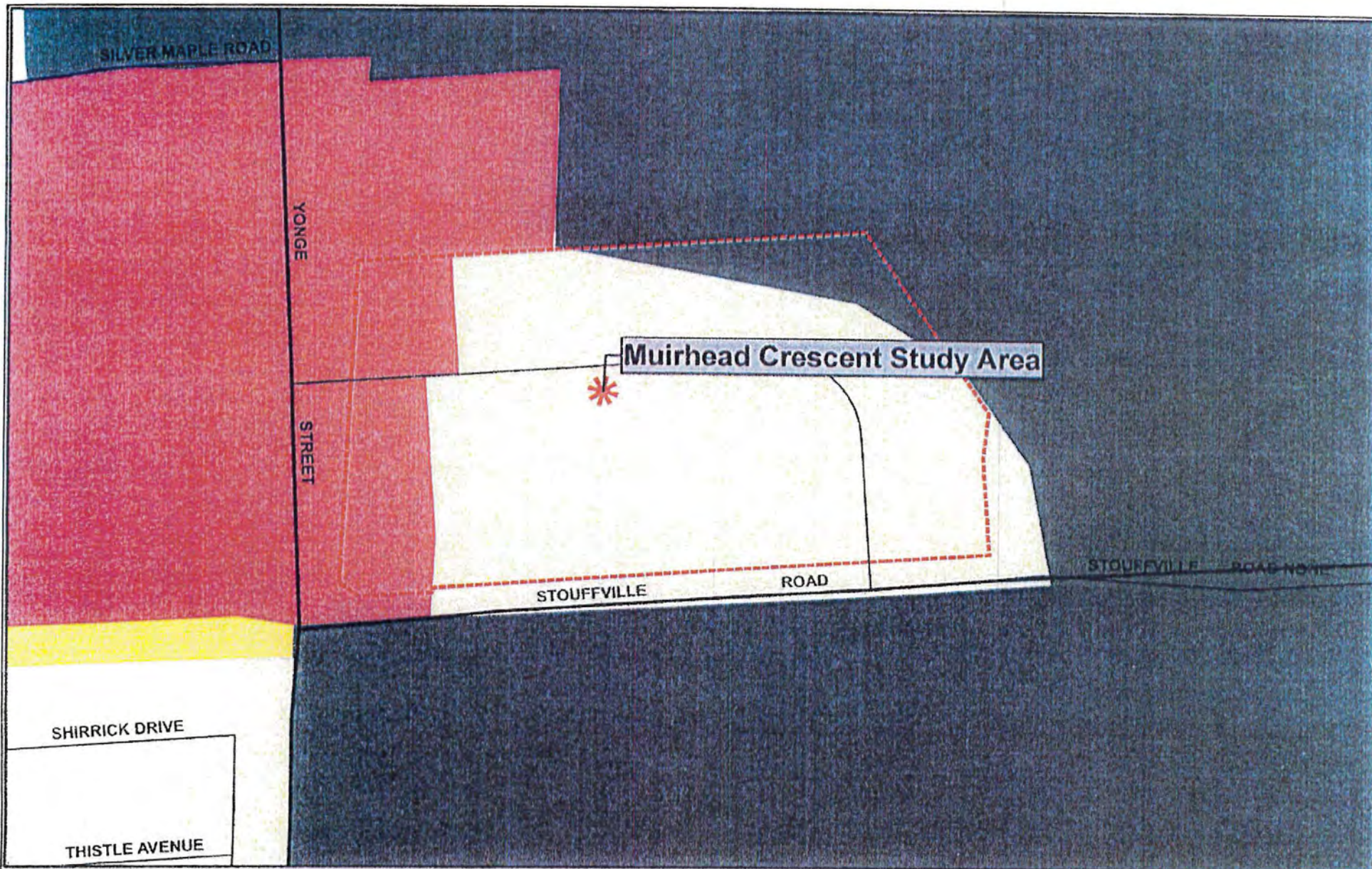
Some of the lands that are designated "Neighbourhood" appear to be located within the 120 metres Minimum Area of Influence of an Area of Natural Scientific Interest (Life Science), significant woodland and environmentally significant area. Any development within the Minimum Area of Influence of the above noted Key Natural Heritage Features will be subject to an Oak Ridges Moraine conformity exercise, which includes the preparation of a Natural Heritage Evaluation in accordance with Section 23 of the Oak Ridges Moraine Conservation Plan and Section 5.24 of the Town's Official Plan.

The rear portions of some lots on the north side of Muirhead Crescent are designated Oak Ridges Moraine Natural Core, which is outside of the Settlement Area. Generally, urban development is not permitted within the Oak Ridges Moraine Natural Core designation. However, transportation, infrastructure, and utilities, such as sewage and water service systems and lines and stormwater management facilities, are permitted subject to Section 41 of the ORMCP, if the need for the project has been demonstrated and there is no reasonable alternative.

#### Servicing Policies

Policy 3.1.9.1.1 of the Official Plan states that **"it is the policy of Council that development within settlement areas shall be on the basis of public water and wastewater services."**





## OFFICIAL PLAN (2010) - LAND USE

### LEGEND

- Natural Linkage
- ORM Natural Linkage
- Neighbourhood
- Regional Mixed Use Corridor
- ORM Natural Core
- STUDY AREA
- \* Subject Lands

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PC/SS SREIS.13.019 MAP

NOTE: The information provided in this map is a depiction of a portion of the Richmond Hill Official Plan. For accurate reference, the schedules and policies of the Richmond Hill Official Plan must be consulted. In the case of a discrepancy between the schedules and the policies of the Richmond Hill Official Plan, the policies shall take precedence.

BLOCK 07

TOWN OF RICHMOND HILL  
PLANNING AND REGULATORY  
SERVICES DEPARTMENT

