



Town of Minto

DATE: February 28, 2018
TO: Mayor Bridge and Members of Council
FROM: Bill White C.A.O. Clerk
RE: Proposed Land Trade Metzger Construction, Quality Homes, Town of Minto

STRATEGIC PLAN

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

BACKGROUND

The subject lands are the former Harriston Senior School located on George Street North and William Street as shown below:



A temporary walkway to Minto Clifford Senior School crosses the subject lands diagonally to enter the school lands, the rest of the lands in yellow are under development.

Zoning and Development Matters

June 7, 2016 Council passed a zoning amendment to allow a 23 unit townhouse project on the former Harriston Senior School Land. Public input about the project included objections about unit numbers and considerable feedback about loss of Town owned open space to be developed behind homes fronting on George Street. An appeal was filed to the Ontario Municipal Board July 11, 2016 by Rolf and Kerri Schuttel sighting a number of concerns with the rezoning. Minutes of settlement were signed by the Schuttels' and ratified by the Board

early 2017 to allow the 23 unit townhouse development to proceed. Among requirements in the minutes of settlement was that no more than 0.29 acres of the Town Storm Pond and Park be sold to the developers to accommodate the one story townhouse project.

Metzger Construction did not pursue site plan approval to proceed with the proposed townhouses or the future subdivision in 2017. They have left fill on the future subdivision and proposed townhouse property so that it can be used in the development of these lands. Residents with homes abutting the lands had concerns about finished grades in some back yards, and maintenance of the proposed townhouse parcel, the Town Storm Pond and Park, and the future subdivision.

Site Grading Issues

In 2017 Town Staff and Triton Engineering reps met numerous times with residents and the developers to correct rear yard grading of some homes that front on George Street, and seek improvements to the condition of the proposed townhouse lands, the Town Storm Pond and Park, and the future subdivision lands. Instead of restoring the lands to a maintainable condition, (required by a July 2013 pre-servicing agreement related to demolition of the former school), Metzger Construction chose to shape and contour the Town Storm Pond and Park based on a grading and drainage plan and stormwater management design brief prepared by Triton Engineering and accepted by the Maitland Valley Conservation Authority.

Through the 2017 construction season neighbours regularly “followed up” on efforts to improve site condition through email, office visits and the like. The pond and park were eventually established by Metzger Construction in very late fall, delayed by the June 23, 2017 flood, contractor availability and winter’s onset. Grading was mostly finished and a drainage outlet installed for the Town Storm Pond and Park, but grass seed was not placed on the Town lands. Piles of fill and topsoil are still present on the future subdivision and proposed townhouse lands.

Metzger Construction’s work establishing the pond and park was according to Triton Engineering’s design and stormwater management brief accepted by the Conservation Authority. During the course of the work in 2017 a resident called the Ministry of Environment alleging violations of their approval requirements for stormwater works. Town staff and Triton Engineering reviewed circumstances with the Ministry confirming there was no violation and that agency approval will be obtained as development proceeds.

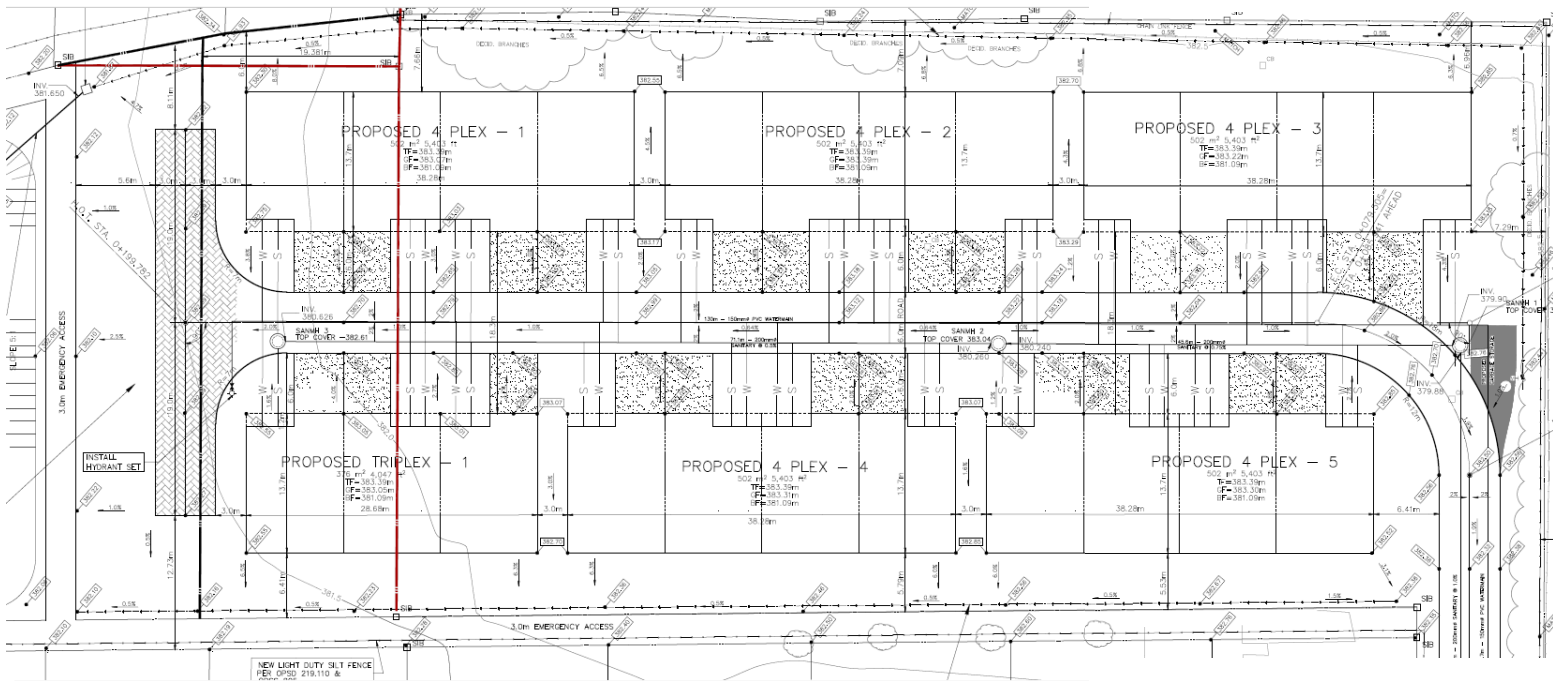
Quality Homes

In the latter part of 2017 Quality Homes signed a conditional offer to buy the proposed 23 unit townhouse development from Metzger Construction. During their own due diligence, Quality required direction from the Town on issues related to the development. At the December 19, 2017 Council meeting, Quality Homes brought forward a site plan for Council’s to review. The Schuttels’ emailed a letter that day, provided to Council at the meeting, with objections to the site plan due to certain interpretations of the zoning bylaw

and site details. During discussion of the site plan at Council, Howard Sher from Quality Homes stated the project would comply with zoning and the minutes of settlement.

The December 19 motion of Council receives the Schuttel letter and issues conditional approval to Quality Homes' site plan with multiple conditions including a requirement that the final site plan meets zoning and complies with the minutes of settlement. The resolution was emailed to Quality Homes and the Schuttels', and reflected in minutes of the meeting with commentary on Quality Homes' commitment.

Since then Quality Homes has continued with their due diligence. Work on refining the site plan is ongoing with a preliminary version below.



As the site plan currently stands, the townhouse blocks can be moved southeasterly over 2 metres reducing the amount of Town lands to convey to the Quality Homes. Discussion of final details of the site plan is on-going between the Town, Quality Homes and the Conservation Authority. The final site plan must comply with conditions in the Council resolution of December 19, 2017 including the minutes of settlement. If Quality Homes does buy the project from Metzger Construction, and conclude the land transfer with the Town, a development agreement can be signed and permits issued so work starts this year.

Proposed Transfer of part of Park and Pond

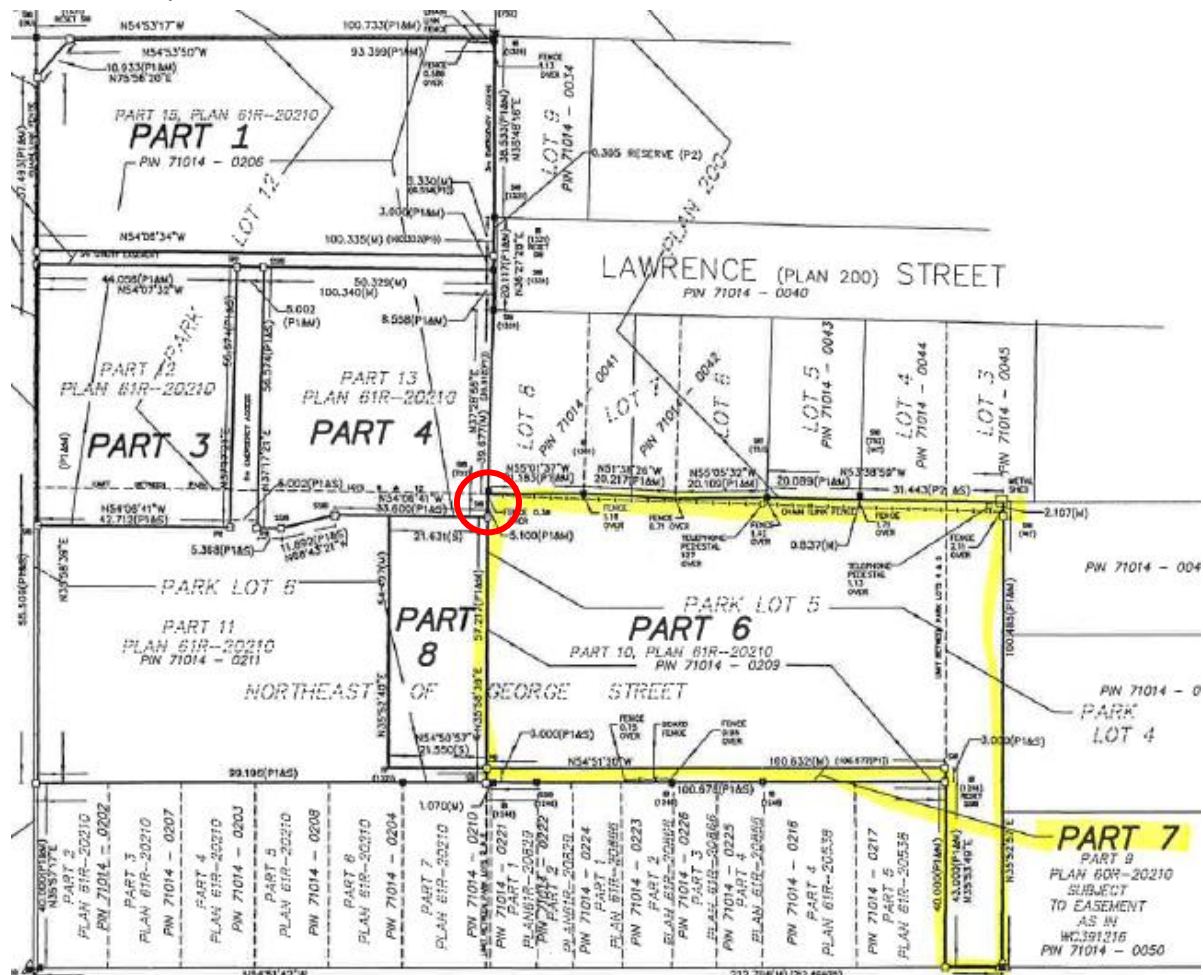
The proposed parcel to transfer to the Townhouse development agreed to by the Schuttels' in the minutes of settlement approved by the Ontario Municipal Board was a parcel less than 0.29 acres in size. Other preliminary terms for the transfer of the land were set in the December 19, 2017 Council resolution as follows:

That Quality Homes be advised that subject to the Town's Disposition of Lands Bylaw a purchase price of \$6,000 be accepted for no more than 0.29 acres of the park and pond

with the purchaser providing the necessary survey, and that funds received be retained for future use on this park and pond.

This report is part of the Town's Disposition of Lands process where Council decides if the lands are surplus to the municipality's needs. Notice was given as required by the bylaw. If the lands are deemed surplus to the Town's needs, a bylaw will come forward March 20 allowing the Mayor and CAO Clerk to sign documents to close the transaction.

As Quality Homes worked to fulfill conditions of their purchase from Metzger Construction they determined the townhouse project (Part 6) and the future 10 lot subdivision (Parts 1, 3, 4) are currently one single irregularly shaped parcel as shown on the reference plan below. Since Part 6 "abuts" Part 4 at the red circle below, a process is needed to allow the transfer of Part 6 separate from Part 4.



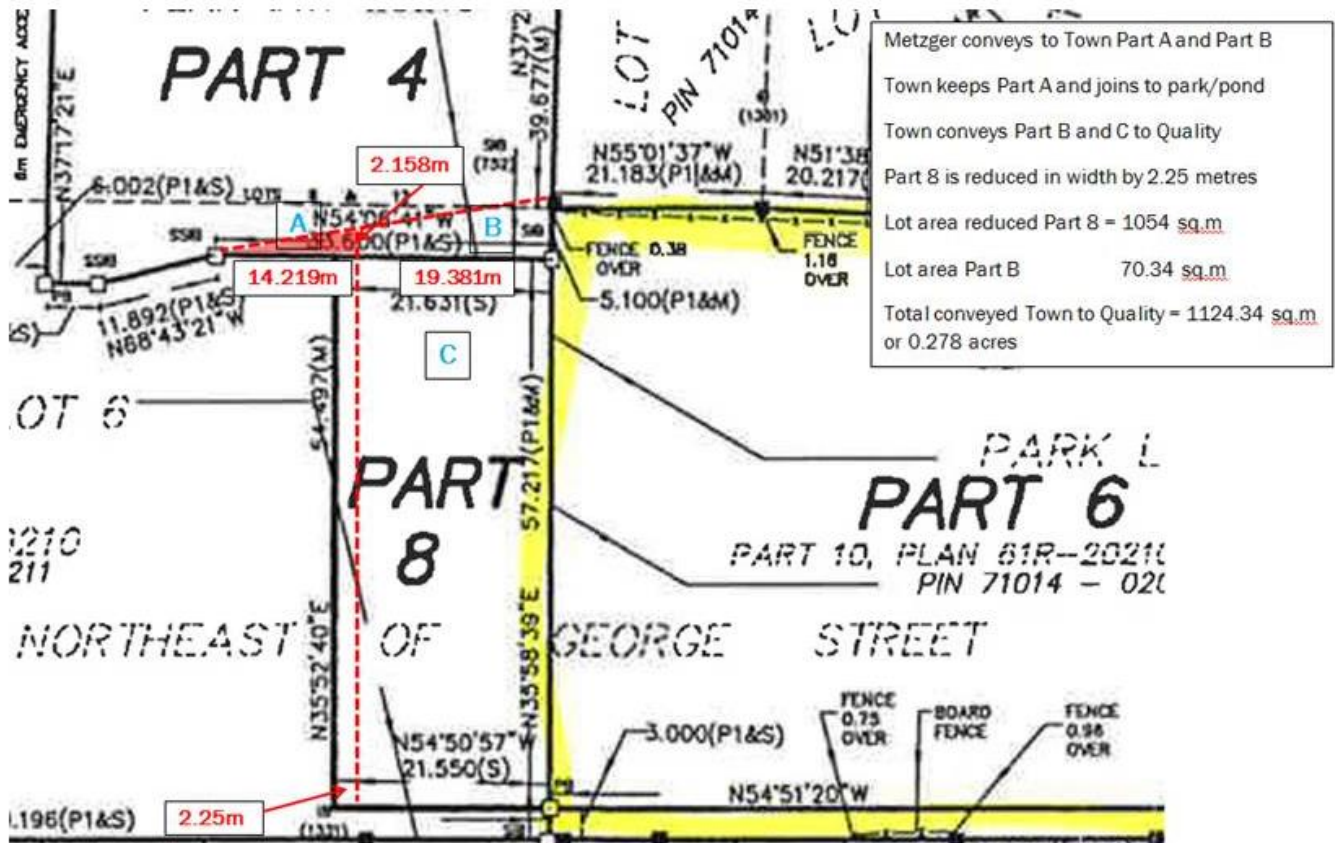
The fact that Part 4 and Part 6 "abut" each other was not an issue when Metzger Construction was developing the entire project. Quality Homes and Town staff looked at an alternative to severance that would see the Town acquire and retain more of the Pond and Park, move the development southeasterly and reduce the amount of Town land to be conveyed to Quality Homes. The conveyances were discussed in closed session February 20 since it involved land acquisition and disposition and confidential legal advice.

The resolution read in open session February 20th was the following:

MOTION: 2018-44

THAT Council direct staff to initiate procedures under the Disposition of Land Bylaw to convey to Quality Homes less than 0.29 acres of Town owned lands on the former Harriston Senior School property including giving notice in the Wellington Advertiser and Minto Express that a bylaw authorizing the Mayor and C.A.O. Clerk to execute all documents related to the transaction will be considered at the March 20, 2018 meeting, that a report come forward in open session March 6 regarding declaring the lands surplus, and that an assessment of the value of the lands to be transferred to Quality Homes be obtained.

The sketch below illustrates the proposed conveyance. Metzger Construction would convey to the Town for a nominal fee a triangular parcel (shown as **A** and **B** in sketch). The Town would add **A** to the park and pond property and convey **B** to Quality homes to be included in the townhouse project. The original 0.29 acre block to be conveyed by the Town to Quality Homes for the project (Part 8) would be 2.25 metres narrower (**C**). This reduces the lot area of the parkland to be conveyed by the Town to Quality Homes from 0.29 acres to about 0.278 acres, and makes sure Part 4 and Part 6 no longer “abut” to allow Quality to close their purchase from Metzger Construction. All dimensions are to be confirmed in a reference plan Quality supplies to the Town.



As development proceeds in the future, final design of the open space features in the Town Storm Pond and Park will be determined by Council preferably with feedback from current and future residents living nearby.

Flooding Concerns

June 23, 2017 a 1:100 year storm resulted in flood damage in over 100 homes and businesses throughout Harriston including low lying areas near the subject lands. Some older homes in this area had significant damage as a result of heavy rains that night; many of those homes have basement flooding during smaller storms, particularly if sump pumps fail or backflow prevention is not in place. February 20, 2018 a 1:10 year equivalent event resulted in localized flooding due to combined rainfall, flash snow melt and soil frost. This has caused concerns with some residents that development of the subject lands somehow contributed to basement flooding of nearby homes in low lying areas.

The drawing below shows the subject lands, part of the North Ward Drain and the Schickedanz subdivision which received draft plan approval in 1989 (updated in 2011).



At least 60 acres of land drains to the top end North Ward Drain inlet located west of William Street. Over 14 more acres drain into another arm of the North Ward Drain at the end of Maitland Street. Direction of flow is shown on the map above with the large blue arrows. The black strip on the map (Land Transfer) represents the less than 0.29 acres to be sold to

Quality Homes. That strip of land drains into the engineered storm pond. As far as the Land Transfer contemplated by the 2016 zone amendment and minutes of settlement there is no impact on flooding in the north ward, the adjacent neighbourhood or the stormwater design for the subject property.

Triton Engineering prepared the attached report characterizing the February 20 flood, the stormwater design for the subject lands including adequacy of the pond size, and confirming final development of the subject lands will not adversely impact existing conditions experienced in low lying homes in this neighbourhood. Paul Ziegler a Partner at Triton Engineering will be present March 6 to answer Council's questions about their report. In addition to his professional qualifications, he lived in this neighbourhood and has knowledge of the extent of flooding over the years. Triton Engineering assessed the North Ward Drain in 2011-12 for Council, and prepared the stormwater design applicable to the subject property. Triton assisted with the Town's response on stormwater matters when the developer of the Schickedanz subdivision was looking to re-start that project in 2011-12.

COMMENTS

Town legal counsel and Quality Homes' legal counsel were consulted independently and agree the process for the *Proposed Transfer of part of Park and Pond* is acceptable, legal and compliant with the minutes of settlement. Staff believes the approach shows benefit to the Schuttels' since buildings would be shifted over 2.0 metres southeasterly further out of their line of site and the amount of parkland sold by the Town to Quality Homes is reduced to about 0.278 acres (instead of up to 0.29 acres allowed in the minutes of settlement). Triton's stormwater design and report confirm that the pond is adequately sized for the subject lands including surface water from the Lawrence Street subdivision.

On that basis staff believes the lands outlined in the sketch with the *Proposed Transfer of part of Park and Pond* are surplus to the needs of the municipality.

Issues regarding flooding and the North Ward Drain are not related to the conveyance of Town land to the proposed townhouse project, but are addressed in this report due to the letters and emails received after the February 20, 2018 event. Throughout this entire process many frustrations were endured by residents, Town Staff, Triton Staff and the developers creating conflict and challenging conditions.

The Town, Conservation Authority, County, Province and others have continued to work positively toward up to date and more accurate flood plain mapping for all of Harriston, and a watershed plan to look at options to try and mitigate in flooding that has occurred in this community since its inception over 100 years ago.

Since the June 2017 flood an application to the National Disaster Mitigation Program was submitted to advance this work meaningfully this year. At a public meeting Tuesday May 29 at the Harriston Community Complex Conservation Authority, County, Town and consulting

engineering staff will be available to evaluate what happened June 23, 2017 (and February 20, 2018), the overall response during the event(s), and what's next. Any resident with flooding concerns should attend this meeting.

The Mayor committed to this neighbourhood to deploy a pump at the corner of William and George Street as part of the Town's flood response procedures where possible. Diverting water westerly in an emergency situation may also have provided relief further along the North Ward Drain. Town and Triton Staff offered to meet with any area resident to look at what caused basement flooding February 20. Town staff met with the owner of farmlands in the North Ward Drain to discuss ideas to temporarily re-direct or store some water in heavier storms. Restriction devices to control storm sewer back-up might help reduce surcharge into this area. These kinds of solutions should be part of an overall watershed plan to look at upstream, in Town and downstream mitigation options to try to improve flood conditions.

Triton Engineering is updating the Quality Homes site plan to show the architectural detail on buildings and final grades with the 2.0 metre plus shift to the southeast. The Conservation Authority and Quality Homes are working out final elevations to keep proposed townhouses above flood elevation, and to comply with the approved storm water management plan. Once the site plan is fully negotiated stormwater works will be submitted to the Ministry of Environment for approval.

If Council agrees with the process to date it should declare the lands described in *Proposed Transfer of part of Park and Pond* surplus. Notice has been given that Council would consider a bylaw at the March 20 meeting authorizing the Mayor and C.A.O. Clerk to sign documents to facilitate the close of the transaction. The notice is not for a "public meeting", but any person can send comments to Council about the proposed land transfer. An assessment of the value of the land will be available as information for Council March 20.

FINANCIAL CONSIDERTIONS:

Quality Homes will pay all surveying costs and a purchase price of \$6,000 as per Council's December 19, 2017 resolution.

RECOMMENDATION

That Council receives the C.A.O Clerk's report dated February 28, 2018 Proposed Land Trade Metzger Construction, Quality Homes and Town of Minto, that Metzger Construction and Quality Homes be advised the Town is prepared to accept the triangular shaped lands from Metzger Construction at a nominal fee to increase the size of the Town Park and Pond and to include with the lands to be conveyed to Quality Homes, and that Council declares the less than 0.29 acres of lands to be conveyed to Quality Homes as outlined in the February 28 report surplus to the needs of the Town.

Bill White MCIP RPP, C.A.O. Clerk