Council Direction:

As it relates to PED10091(b), Planning Committee, at its meeting of June 7, 2011, directed staff to report back to the Committee on several items in the Report related to proposed changes to the City’s Lot Grading Policy and a potential pilot program for dealing with grading problems related to existing development, generally based on the City of Burlington’s Drainage Assistance Program. Specifically:

Lot Grading Policy and Site Alteration

(i) That sub-sections (a) through (e) of Report PED10091(b) be referred back to staff for further review; and,

(ii) Staff was directed to have further consultation with the Hamilton-Halton Home Builders Association respecting the Lot Grading, Drainage and Site Alteration Comprehensive Policy Review to resolve the issues related to the development fee structure and inspections.
Potential Pilot Project

(i) Staff was directed to determine the estimated costs associated with the pilot project to address the drainage issues related to the existing development; and,

(ii) The General Manager of Planning and Economic Development Department was directed to prepare a terms of reference for a pilot project for grading problems related to existing development, generally based on the City of Burlington's Drainage Assistance Program, attached as Appendix “G” to Report PED10091(b), and report back to Planning Committee by the end of September 2011.

Information:

Lot Grading Policy and Site Alteration

The Committee referred sub-sections (a) through (e) of Report PED10091(b) back to staff for further review; specifically, consultation with the Hamilton-Halton Home Builders Association respecting the Lot Grading, Drainage and Site Alteration Comprehensive Policy Review to resolve the issues related to the development fee structure and inspections.

Staff scheduled a meeting with representatives of the Hamilton-Halton Home Builders Association (HHHBA) for June 14, 2011; however, due to scheduling conflicts, vacation schedules, etc. the two sides have not yet been able to meet with the appropriate staff for meaningful discussion. As a result, HHHBA through the City Clerk, requested additional time to allow for adequate discussion and possible resolution to their issues. Staff is in agreement with this approach and advise that with the Summer schedule, September would be a more appropriate time to report back to Committee to give more time for vetting and potentially finding a satisfactory resolution to their issues.

Potential Pilot Project

The Committee also directed staff to determine the estimated costs associated with a pilot project to address the drainage issues related to the existing development. To determine estimated costs, staff corresponded with City of Burlington staff involved with their Residential Drainage Assistance Program (RDAP) which is similar to what is being considered in Hamilton.

To provide context of the work (costs) involved, the following describes the process/protocol being used in the City of Burlington’s RDAP pilot project:
1. Burlington’s RDAP is used to address drainage issues for clusters of homes in a problem area. The chosen areas of the pilot project were based on known drainage issues and complaints reported by home owners.

2. In order for a property to be eligible for the RDAP the following criteria is required to be met:

   (a) A storm drainage issue must affect multiple properties within a designated residential area;

   (b) Unless otherwise directed by City Council, there must be 100% agreement from all property owners in the affected area to participate in the program;

   (c) The age of the affected properties will be taken into consideration. Older areas developed prior to 1970 will be given priority; and,

   (d) Properties will be deemed ineligible for consideration in the RDAP if site alterations (e.g. grade changes, elimination of overland drainage swales) have taken place in contravention of City By-laws 56-2007 “Maintenance of Private Drains”, formerly 21-1997 and 6-2003 “Site Alteration By-law”.

3. There are two distinct phases to the Burlington RDAP. Phase 1 involves a study and preparation of an engineering report of the problem area and Phase 2 is the implementation of recommended drainage improvements detailed in the Phase 1 engineering report.

   (a) In Phase 1 the City will retain a professional engineer to undertake a study of the affected area to determine the cause of the drainage problems and to recommend possible solutions. The City of Burlington funds the full cost of a topographic survey, public meeting and engineering assessment and report.

   Solutions to improve drainage could include works on private property and/or works on public property. Drainage works on public property are intended to be funded by the municipality and works on privately owned lands is to be the responsibility of one or more property owners.

   The initial phase consists of a detailed photographic and topographic survey of the area to obtain accurate information about the general lot grading, low points on each lot, locating obstructions to drainage flows (e.g. sheds, trees, raised gardens, patios, pools, etc.) locating flat areas (swampy) on each lot and locating any existing swales or watercourses on individual lots. Meetings, as required, between staff and the consultant take place to analyze and evaluate problem areas as part of the process.
At the end of Phase 1 an engineering report is prepared with recommended mitigation measures and discussed with the affected residents in a public meeting setting.

(b) Phase 2 work involves implementation of the recommendations in the Phase 1 report; i.e. grading enhancements, swales, catch basin installations, etc. within the municipal right of way and/or on private property, as required. As noted above, the City of Burlington will fund the cost of any works required in the municipal R.O.W. including the cost to install a private rear yard catch basin lead from the property line to the municipal storm sewer; however, the municipality only completes the works within the right-of-way after the property owner has completed the necessary works on their property. If a private rear yard catch basin is required, the City does not take an easement over the catch basin and it remains fully private and the responsibility of the property owner.

**Costing**

Burlington is currently undertaking studies for six problem areas as a pilot project. As an example for costing purposes, the first area completed in 2009 included 38 properties and the City incurred the following costs:

<table>
<thead>
<tr>
<th>Phase 1 Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey</td>
<td>$5,700</td>
</tr>
<tr>
<td>Public Meeting</td>
<td>$600</td>
</tr>
<tr>
<td>Engineering assessment and report</td>
<td>$12,400</td>
</tr>
<tr>
<td>Disbursements</td>
<td>$2,000</td>
</tr>
<tr>
<td>Total Cost (excluding taxes)</td>
<td>$20,700</td>
</tr>
</tbody>
</table>

**Phase 2 Costs**

Recommendations from the Phase 1 report in the above example project indicated that 22 of the 38 properties require changes which consisted primarily of regrading and the installation of private rear yard catch basins on private property. The estimated cost to complete the works is $198,000 with the City’s contribution to works in the right-of-way being approximately $54,000.

This cost added to the cost of the Phase 1 study will bring Burlington’s cost to approximately $75,000 plus taxes for this one study area if it is implemented.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

Costs to Deliver Pilot Project in Hamilton

Properties within Hamilton, in particular within the older areas of the City, where a significant number of drainage issues occur, are generally smaller in overall size, having minimal sideyards and/or no side yard whatsoever. Access to properties such as these may be restricted and could result in increased labour costs to implement recommended drainage solutions as compared to the Burlington example.

Based on the Burlington example, staff has estimated the costs to deliver a similar program in Hamilton assuming a pilot program limited to four (4) study areas; two smaller areas (<15 properties) and two larger area (> 15 properties).* Rough cost estimates to deliver the projects through Phase 1 (engineering study) and Phase 2 (implementation) would be as follows:

Phase 1 (all City cost):
- two small projects ($10-15,000 each)
- two larger projects ($15-25,000 each)

Phase 2:
- two small projects ($25-150,000 each); includes City cost of $15-50,000
- two larger projects ($100-250,000 each); includes City cost of $35-100,000

* Note: the project sizes above are just examples for the purposes of estimate costs. The criteria used to determine types of projects, what would qualify, cost recoveries etc. is subject to further analysis and reporting to Council.

For estimating purposes, the total capital expenditures for the four projects could range between $300,000 and $900,000. If the City were to assume costs of the works within the right-of-way (e.g. connection of drains to the sewer system), costs to the municipality could range from $100,000 to $300,000.

Staffing Costs

It is assumed that to deliver 4 projects through the Phase 1 work, it could be completed in one (1) year; implementation would be hard to predict because it would be predicated on owner’s agreeing to proceed with the project; the solution might be too costly to get agreement from owners. If the City considers undertaking the works on private property on behalf of the residents, or if there is a need for homeowners to share the costs equally, then a Municipal Act cost recovery by-law would need to be enacted. The timing for community buy-in and implementation could take as little as 6 months but could easily take up to two years depending on: the type of works to be completed, the timing in the year to undertake the works, as well as the time to acquire approvals through Council.
Staff have investigated having the roles and responsibilities fit into an existing employee's purview. However, it is concluded that the time and effort required to facilitate the projects, including ancillary support from other divisions within the City, as well as administrative support, would require adding at least one (1) FTE at a cost of approximately $100,000 annually.

CU;ra