

Staff Report



Development Services Department

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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: December 2, 2024

SUBMITTED BY: Chris Spere, Director, Engineering, 519-783-8897

PREPARED BY: Chris Spere, Director, Engineering, 519-783-8897
Katherine Hughes, Assistant City Solicitor, 519-783-8979
Dianna Saunderson, Manager, Council/Committee Services and Deputy Clerk, 519-904-1410

WARD(S) INVOLVED: 4

DATE OF REPORT: November 8, 2024

REPORT NO.: DSD-2024-518

SUBJECT: New Dundee Road - Local Improvement - Petition Participation

RECOMMENDATION:

That the General Manager, Infrastructure Services, be authorized to sign a local improvement petition, specifically related to a city owned property municipally addressed as 32 Ridgemount Street, which is a stormwater facility owned by the City of Kitchener and within the identified local improvement boundary, to allow staff to continue to review the feasibility of the local improvement request, as outlined in Development Services Department report DSD-2024-518.

REPORT HIGHLIGHTS:

- The purpose of this report is to grant authority to the General Manager, Infrastructure Services to sign a local improvement petition on behalf of the City of Kitchener for the stormwater management facility located within the petition boundary.
- Ontario Regulation 586/06 – Local Improvement Charges – Property Lien Status allows for residents to petition the municipality to request for new or replacement municipal infrastructure intended to upgrade or improve certain conditions within residential, commercial, and industrial areas of the municipality.
- A petition request was received from Klondike Homes for an unserved area located on New Dundee Road
- The petition will still need to be evaluated by staff for feasibility, if determined if the project is able to proceed through the local improvement process.
- This report supports the delivery of core services.

BACKGROUND:

Local Improvements are a request for new or replacement municipal infrastructure intended to upgrade or improve certain conditions within residential, commercial, and industrial areas of the municipality. This process is not applicable to infrastructure in new developments. A

Local Improvement may be requested by property owners through a petition-based process. When a Local Improvement is approved, costs are shared by all property owners who benefit from this project and the City. Local Improvement works can include noise barriers, watermains, roads, sidewalks, sanitary sewers, storm sewers, and ditch alteration (where applicable).

REPORT:

On August 20, 2024, MHBC Planning on behalf of Klondike Investments Inc. submitted a formal request to Legislated Services to initiate a Local Improvement under Ontario Regulation 586/06 - Local Improvement Charges - Property Lien Status for the purposes of extending a local sanitary sewer and water to service all the lands in the area, and for this work to be done concurrently with the Region's future reconstruction of the section of New Dundee Road from Pinnacle Drive to Robert Ferrie Drive, in 2025.

Staff will be undertaking a review of the Local Improvement request to determine if it is technically, administratively, and economically feasible, based on the following:

- a. The City will determine feasibility based on catchment wide analysis and ensure that there are no detrimental impacts to public or private property.
- b. A determination of economic feasibility will include an assessment of the economic efficiency of the project, as well as a determination of whether there is adequate funding available to complete the project.
- c. The City will determine the logical project limits (based on the system design requirements, cost benefits (entire street/sector, etc.), and this may go beyond the proposed scope, or may take a different route than what was identified the requester or that will immediately benefit the affected property owners.
- d. The feasibility should consider the number of properties that will be affected – one-off properties or groups of less than 3 distinct properties should not be considered.
- e. Where applicable, the City will circulate the Region (where regional roads are impacted) or other affected public bodies (i.e. Province, GRCA) to ensure that the City can obtain the authority to undertake the work and to assess the feasibility.
- f. The City will reserve the right to deny a local improvement it is not technically, economically or administratively feasible due to a variety of factors (i.e. topography, physical limitations, excessive cost or cost inefficiencies, authority to do the work within the road, etc.). Additionally, if there are less than three distinct properties that will benefit, then the project may not be considered.
- g. The City will consider a local improvement for an area where the proposal will be cost efficient, minimizes disruption, and provides consistent levels of service to adjacent properties.

The City has been identified as a property owner within the identified local improvement boundary, for the property municipally addressed as 32 Ridgemount Street, Kitchener, which is a stormwater facility. As a property owner, the City would be one of the affected property owners and to support final determination of the petition is being requested to sign it to confirm whether the petition receives at least 2/3 of the affected properties and representing at least 1/2 of the assessed property value. With the Local Improvement request being resident led, it will be the responsibility of Klondike Investments Inc. to approach all of the respective property owners to complete the petition and submit it back to the City Clerk's office within the prescribe timeline.

If the petition is successful and determined by Engineering to be feasible, staff will be required to report back to Council to approve the project and pass a local improvement charge by-law. Through that report, staff will provide further information related to timing and any financial impacts that may be borne on to the municipality. At this time, staff are only requesting the process be allowed to continue to move forward, which will provide greater clarity related to feasibility.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Operating Budget – The recommendation has no impact on the Operating Budget. If the Local Improvement is feasible and able to proceed, staff will be reporting back with any financial impacts at that time.

Generally, all benefiting property owners will share the costs borne by the City, including the engineering design and construction costs. The City would initially pay the cost of the Local Improvement work and then recover the required funding from the benefiting property owners based on the selected payment option, which can be over multiple years.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

CONSULT – Property owners within the Local Improvement boundary area.

PREVIOUS REPORTS/AUTHORITIES:

There are no previous reports/authorities related to this matter.

- *Municipal Act, 2001*
- *O.Reg. 586/06*

APPROVED BY: Justin Readman, General Manager, Development Services