
TO: GENERAL COMMITTEE

SUBJECT: ARCHEOLOGICAL INVESTIGATIONS – HEWITT SECONDARY PLAN AREA

WARDS: WARD 10

PREPARED BY AND KEY CONTACT: B. ARANIYASUNDARAN, P. ENG., PMP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES
C. PACKHAM, LEGAL COUNSEL

SUBMITTED BY: B. ARANIYASUNDARAN, P. ENG., PMP, DIRECTOR OF INFRASTRUCTURE
I. PETERS, DIRECTOR OF LEGAL SERVICES
C. MILLAR, DIRECTOR OF FINANCE AND TREASURER

GENERAL MANAGER APPROVAL: B. ARANIYASUNDARAN, P. ENG., PMP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Chief Administrative Officer and the General Manager of Infrastructure and Growth Management be authorized to negotiate a Development Charge Credit Agreement with Hewitt's Creek Landowners Group and their Trustee for the Archeological Investigations related to Project 000458 (Hewitts Pump Station and Forcemains) generally in accordance with the principles set out in this report and in a form approved by the Director of Legal Services and the Chief Financial Officer.
2. That a budget of \$1.5M for project 000458 in 2023 be approved with funding from future Wastewater Development Charge Credits.
3. That the Mayor and City Clerk be authorized to execute a Development Charge Credit Agreement for the Archeological Investigations with the Hewitt's Creek Landowners Group and their Trustee.

PURPOSE & BACKGROUND

4. The purpose of this report is to seek authorization to negotiate a Development Charge Credit Agreement with the Hewitt Landowners Group for the archeological investigations related to Project 000458 (Hewitt's Pump Station and Forcemains).
5. Project 000458 is in the 2023 Capital Plan, starting with the predesign phase in 2029. Construction is anticipated to begin in 2033.
6. The project comprises a New Wastewater Pump Station and twinned Forcemains in the Hewitts Secondary Plan Area (south of Mapleview Drive and west of the 20th Sideroad).

7. Since the completion of the Class Environmental Assessment for the Hewitt Secondary Plan Area Transportation Improvements, the area in the vicinity of Mapleview Drive and 20th Sideroad has been the subject of additional archeological investigations within the private lands north and south of Mapleview Drive and within the Mapleview Drive Right-of-Way (ROW) lands owned by the City.
8. In 2022, burial sites were discovered as part of archeological investigations undertaken within the private lands and within the City owned ROW lands. The City and the private landowners received separate Registrar's Burial Site Investigation Orders from the Ontario Ministry of Public and Business Service Delivery, for the City owned ROW lands and the private lands to the north and south of the ROW.
9. The burial sites within the City's ROW were discovered as part of the investigations that the Landowners were undertaking in order to place new utility infrastructure within the ROW to service future developments in the area.
10. Given that the work within the City's ROW is the responsibility of the City and would be required in the future for infrastructure projects along Mapleview, City staff propose to enter into a Development Charge Credit Agreement with Hewitt's Creek Landowners Group and their Trustee. Under such an agreement, the Landowners would retain the contractors to undertake the work, defray the cost of the work and the City would reimburse the Landowners through development charge credits. An agreement is required to formalize this credit arrangement.
11. In addition to the burial site investigations, Stage 4 archeological investigations are also proposed to complete the requirements for the future construction of infrastructure.
12. The work within the ROW is to be completed by a separate consultant to keep a clear delineation between the work along the ROW and the work within the private lands.
13. City staff, the Landowners and Consultants will engage First Nations communities during the archeological work within the City's ROW.

ANALYSIS

14. The estimated cost of these investigations remains to be confirmed by the City and the Landowners. An upset limit cost of \$1,500,000 will be set out in the DC Credit Agreements including amounts already expended by the Landowners for work completed within the ROW.
15. The Agreement will contain language requiring the City to report to council to obtain approval in the event that the total estimated costs exceed the upset limit cost of \$1,500,000.
16. The DC Credit Agreement is expected to contain the following terms and conditions:
 - a) Landowners will retain an experienced Consultant to complete the archeological investigations.
 - b) Landowners will obtain all necessary approvals from the applicable authorities and sign-off from the City prior to commencing the work.
 - c) The Consultant selected by the Landowners will provide all necessary insurance and indemnification prior to commencing work.
 - d) City will have the ability to direct/stop/limit the work, as required to minimize costs and impact to City's assets and operations.
 - e) The Consultant will provide the City with reporting on the same basis they provide to the Landowners.
 - f) City is to approve contract for work prior to commencement. Contract will include ability for City to inspect/direct work.

- g) The Consulting retained by the Landowners will certify the works and submit all required documentation for City review and acceptance.
- h) Reimbursement through DC Credits for wastewater services (based on actual costs).
- i) Landowners to provide securities in the amount equal to 70% of cost of services and in a form satisfactory to the City.
- j) DC Credits will be earned and be available for use by all Hewitt's Landowners ten (10) years from date of Agreement, unless being used against credits owing for development of lands directly benefitting from Services.
- k) Credits may then be used by the Landowners at such times as DCs are otherwise payable pursuant to the City's Development Charge By-Law or the Development Charges Act.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

17. There are no environmental or climate change impact matters related to the recommendation.

ALTERNATIVES

18. The following alternatives are available for consideration by General Committee:

Alternative #1 General Committee could choose not to authorize staff to execute the agreements with the Landowners.

This alternative is not recommended as the work must be completed and the proposed arrangement will protect the City's cashflow and have the work completed in preparation for future infrastructure projects.

FINANCIAL

19. In order to reduce risk to the city's cash flow, the City's Financial Policy framework that was approved by Council in November 2021, recommended entering into front end type agreements for any capital works in later phases for the Salem & Hewitts Secondary Plan areas.
20. The recommended DC credit approach in this staff report allows the work to be front ended and paid by the Developers, who will receive credits for the work in ten (10) years to be applied against wastewater services development charges, or earlier if development is completed that benefits from the related capital works.
21. The upset limit cost for the archaeological investigations is \$1,500,000. Landowners require City approval to exceed the upset limit cost.

LINKAGE TO 2022-2026 STRATEGIC PLAN

22. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:
- Infrastructure Investments
 - Responsible Governance