Agenda – Council – May 29, 2013

Report – Standing Policy Committee on Property and Development – May 7, 2013

Item No. 12 Amendment to the Development Agreement Parameters Council Policy - Developer Reimbursement for Precinct Plan Preparation

STANDING COMMITTEE RECOMMENDATION:

On May 15, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the following to Council:

1. That Clause (2) a) under Part II - Administration and Finance of the Development Agreement Parameters Council Policy be amended as follows:

   A. Insert the words “or a precinct plan prepared” after the word “installed” in the first line thereof so the new Clause reads as follows:

      “(2) Developer Reimbursement

         a) Where the land of a third party directly benefits from services installed or a precinct plan prepared by a Developer as determined by the City, the City may covenant in the development agreement to endeavor to collect a cost recovery for the Developer being the actual cost of that benefit, as determined by the City;”

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – May 7, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 15, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Developer Reimbursement for Precinct Plan Preparation - Amendment to the Development Agreement Parameters**

Critical Path: **Standing Policy Committee on Property and Development – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	D. Joshi

RECOMMENDATIONS

1. That Clause (2) a) under Part II - Administration and Finance of the Development Agreement Parameters be amended as follows:

   A. Insert the words “or a precinct plan prepared” after the word “installed” in the first line thereof so the new Clause reads as follows:

   “(2) Developer Reimbursement

   a) Where the land of a third party directly benefits from services installed **or a precinct plan prepared** by a Developer as determined by the City, the City may covenant in the development agreement to endeavor to collect a cost recovery for the Developer being the actual cost of that benefit, as determined by the City;”

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Amendments to the Development Agreement Parameters require Council approval.

EXECUTIVE SUMMARY

This report recommends that the City’s existing Development Agreement Parameters be amended to establish an incentive for developers so that many of the costs they incur to prepare mandatory Precinct Plans for new community development can be recovered and ultimately shared equally with future benefiting developers to the area.

Since Council's adoption of OurWinnipeg, developers have been responsible for creating Precinct Plans which logically divide new communities to ensure that planning for the area is comprehensive, orderly and complete as required by the City's development parameters.

By adopting this amendment, the initial developers that prepared the Precinct Plan can recuperate their costs over time through the future developers in the area who will pay portions of those costs based on land percentage to the City on the initial developer's behalf. This creates an equitable cost-sharing mechanism for all developers while ensuring development agreement obligations are consistent across all developments, and that all development complies with City of Winnipeg construction specifications.

IMPLICATIONS OF THE RECOMMENDATIONS

The amendment to the Development Agreement Parameters will provide a mechanism for Developers to recover costs associated with the preparation of Precinct Plans.

HISTORY / DISCUSSION

The Development Agreement Parameters serve as guidelines for the Winnipeg Public Service and Development Industry in setting conditions for new and infill development for consideration by Council. The main purpose of the Development Agreement Parameters is to ensure that:

- All Developers pay for their equitable share of costs associated with development;
- Development agreement obligations are consistent across all developments;
- Development complies with City of Winnipeg construction specifications.

Complete Communities is one of four Direction Strategies supporting OurWinnipeg which took effect on August 27, 2011. Complete Communities identifies New Community areas and defines same as large land areas on the edge of the City, currently not served by a full range of municipal services, identified for future urban development. Planning Precincts divide New Communities into logical fractions to ensure that planning for New Communities is comprehensive, orderly and complete.

All Precincts will require some degree of planning, with the scope determined by several factors, including land use, area size, infrastructure constraints and surrounding context. The final scope of planning will be determined on a case by case basis, generally including but not limited to:

- Definition of the study area.
- Public engagement to identify local character and community needs.
- Assessment of parks, community facilities and service capacities.
- Assessment of infrastructure conditions and capacities.
- Vision and sustainability principles.
- Locations for intensification, transition and conservation.
- Land use diversity and development densities.
- Multi-modal transportation infrastructure, locations and connectivity.
- Development phasing, staging and public investment.
- Cultural Heritage, including buildings, sites, archaeological, or other issues or features, as applicable.
- Implementation.
- Other policies or context-specific guidelines as deemed appropriate.

- A cost/benefit analysis

For the most part, precincts are comprised of lands owned by many titleholders. In most cases, an individual land owner (or a consortium) will take on the responsibility of developing a precinct plan at their own expense. Ultimately, the plan benefits all lands within the precinct and facilitates future development to the benefit of the other land owners; lands located within planning precincts cannot be subdivided and/or rezoned until a precinct plan for the area has been adopted by Council.

This amendment to the Development Agreement Parameters will provide a mechanism for those who prepare precinct plans, to recover a share of the plan preparation costs from landowners within the precinct who file subsequent development applications.

FINANCIAL IMPACT

Financial Impact Statement Date: April 4, 2013

Project Name:

Developer Reimbursement for Precinct Plan Preparation - Amendment to the Development Agreement Parameters

COMMENTS:

There are no financial implications associated with this report.

"Original Signed By"
Mike McGinn, Ca
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

OURWINNIPEG POLICY ALIGNMENT

The information and progress outlined in this report are in accordance with the policies and programs reflected in the City's Council-adopted 25-year blueprint OurWinnipeg through "Complete Communities, Direction 2: New Communities Will Be Established through a Planning Process:

"The development of New Communities will be supported by a planning process and organized within planning precincts."

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Systems
Prepared by: Marc Pittet
Date: April 17, 2013
File No.