

Report

Date January 17, 2024

File: 3900-50

Subject South End Waterworks District Amendment Bylaw No, 3952, 2024, for first three readings

PURPOSE

To introduce South End Waterworks District Amendment Bylaw No. 3952, 2024, which proposes to expand the South End Water Local Area Service by connecting eight new lots along North Road [Lot 1, Section 5, Range 2, Somenos District, Plan VIP 63560 and Strata Lot 2, EPS 4528].

BACKGROUND

The developer of the referenced property petitioned the Municipality to be included in the South End Water Local Area Service as part of the wrap-up procedures for final subdivision approval. In accordance with section 212 of the *Community Charter*, the Corporate Officer certified the sufficiency and validity of the petition.

Inclusion in the South End Waterworks District was assured in the Council resolution dated November 18, 2009, and restated below:

“That Council approve recommendation one through three of the Director of Engineering and Operations July 20, 2009, letter, concerning the supply of municipal water to the proposed Averill Hills Estates’ subdivision, on the basis that this is a unique solution to service the property with municipal water which is premised on the development’s contribution to the local economy through support of viticulture.”

The three recommendations from the Director of Engineering and Operations at the time were as follows:

1. That Averill Hills build their own service line, pump station with standby power, a pressure tank in the pump station to maintain a minimum of 50 psi pressure at the proposed home sites, and that all homes be required, by covenant, to install sprinkler systems and storage tanks to meet fire flow requirements. Alternately, engineering staff would recommend that the pump station, complete with standby power, pump to a reservoir storing 72,000 gallons (800gpm 1.5hrs x 60 =72,000).
2. That a covenant be registered to ensure that the Municipality is not liable for approving this substandard water service and the Municipality is not held responsible for any future upgrading by the nine strata lot owners.
3. That Averill Hills pay the Averill Creek latecomer charge of \$17,820=-/- to Averill Creek Vineyard as their share for the watermain extension Averill Creek paid for to cross Highway 18 to North Road north.

The developer has satisfied the 3 conditions above and has met all conditions for subdivision approval creating 9 bare land strata lots, 8 residential, and 1 bare land strata lot (vineyard). Refer to Attachment

2 for the lot layout. Strata lot 1 (vineyard) will not be connected to municipal water but has been planted with vines in a partnership with Averill Estates vineyard.

DISCUSSION

Staff research has shown that the development progressed despite the long-time span since 2009. A covenant was registered on the property in 2014 ensuring that the three conditions noted in 2009 would need to be met plus seven others prior to subdivision (Attachment 3). All the covenant conditions have been met.

Staff confirmed that the requirement to pay the Averill Creek latecomer charge was not relevant given that the latecomer agreement expired in 2020 and legislation does not permit extensions. Further, the owner of Averill Creek Vineyard has confirmed that there is no expectation of latecomer fee compensation (Attachment 4).

OPTIONS

1. **(Recommended Option)** THAT Council give first, second, and third reading to South End Waterworks District Amendment Bylaw No. 3952, 2024.
 - This option is consistent with past Council resolutions, the covenant on the property and the basis of which the development proceeded.
 - While not consistent with the current OCP, the development was underway at the time of adoption and had been noted in Council's previous resolution that it is a unique solution premised on a contribution to the local economy through support of viticulture.

IMPLICATIONS

Financial

The development has been completed, including the independent pump station, supply water lines, and pressure tanks to satisfy the conditions noted in reports and covenant. The development included the paving of about a kilometer of roadway that also serves as access to the Averill Creek Vineyard, avoiding dust, inconvenience, and maintenance to the vineyard.

Local area service annual parcel tax of \$215 and residential user fee of a minimum \$194 per lot will be charged to each home and lot (January 2024 rates). There are no increased infrastructure costs for this connection and inclusion into the waterworks district.

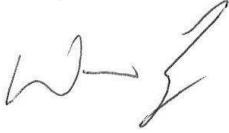
Environmental

Covenants will be in place at the time of final registration that ensure environmental protection of drainage and steep slopes. Covenants are currently in place for other protective measures including buffering of adjacent land use.

RECOMMENDATION

THAT Council give first, second, and third reading to South End Waterworks District Amendment Bylaw No. 3952, 2024.

Report prepared by:



David Conway
Director, Subdivision and Environmental Services

Report reviewed by:



George Farkas
General Manager, Planning, Development and
Community Services

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) South End Waterworks District Amendment Bylaw No. 3952, 2024
- (2) Lot Layout
- (3) Covenant Registered on Title
- (4) Latecomer Waiver