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QUEENSVILLE HOLLAND LANDING SERVICING TOWN OF EAST GWILLIMBURY

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, April 12, 2005, from the Commissioner of Transportation and Works and the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council authorize the Queensville Holland Landing Developers' Group to proceed, entirely at their risk, with the Class Environmental Assessment (EA) review, to address potential short and long-term sewage servicing solutions for the Queensville, Holland Landing and Sharon areas and all surrounding lands identified as "Newmarket Centre" in the provincial February 2005 Draft Growth Plan for the Golden Horseshoe.
2. Regional staff be directed to communicate back to the Queensville-Holland Landing Developers Group that York Region has no objections in principle to the developed Project Delivery Proposal (PDP). Execution of an agreement for the delivery of the projects using the PDP (with appropriate revisions) and execution of a pre-paid development charges agreement for the water and wastewater servicing of the proposed developments will be considered once:
 - The Class EA review for addressing the environmental requirements for interim and ultimate sewage servicing solutions is finalized and endorsed by Council.
 - Regional Council approves a protocol for allocation of additional capacity beyond that approved by Regional Council at its October 21, 2004 meeting.
 - All other conditions arising from the Queensville OMB Process have been satisfactorily addressed.
3. A copy of this report be forwarded by the Regional Clerk to the Office of the Clerk at the Town of East Gwillimbury.

2. PURPOSE

The purpose of this report is to update Transportation and Works Committee and Regional Council on recent issues affecting the future development and servicing of the Queensville and surrounding areas and to discuss current planning issues.

Also, this report provides Council with an update on the discussions that have taken place with the Queensville/Holland Landing Landowners' Group (Developers' Group) since the last update in November 2003, regarding the proposed alternate service delivery approach that is being considered for the municipal servicing required for the development of the areas in question.

3. BACKGROUND

The background of this report has been divided into three sections. The first section refers to the historical and current planning context for the communities of Queensville, Holland Landing and Sharon. The second section provides information regarding the long term infrastructure planning to service these communities. Lastly, a number of key changes have occurred since the last report to Committee and Council in November of 2003 that staff feel are important to consider in any decision to move forward with the servicing of these communities.

3.1 Planning Context

East Gwillimbury's Growth Management Strategy was endorsed by Regional Council with the approval of its Official Plan (OPA 95) on February 24, 1998. The Plan established that urban development will occur in the communities of Sharon, Holland Landing and Queensville and Mt. Albert. In 2001, the Green Lane West Secondary Plan community (abutting the existing urban area of the Town of Newmarket) was approved adding approximately 685 units to the inventory of urban land. On August 9, 2004 the Town of East Gwillimbury adopted a "Growth Management Review and Update," which confirmed the 25 year (2026) growth plan for the communities of Holland Landing, Sharon, Queensville, Green Lane West and Mt. Albert.

Secondary plans are in place for all of these communities, approved by York Region. The most recent secondary plan was the Sharon Community Plan (OPA 122), which was approved by Regional Council on February 17, 2005. The plans are predicated on the communities having full municipal services. The proposed services described in this report are required for growth in the communities of Holland Landing, Queensville and Sharon.

3.2 Infrastructure Planning

3.2.1 YDSS Master Plan

In 2002, York Region undertook a Master Plan update for the YDSS. In general, the Master Plan concluded that the existing YDSS has reached design capacity in some areas and that service area extensions and growth projection requirements will result in the need to ultimately double the capacity of the YDSS. The Master Plan also identified short term system capacity constraints within the existing YDSS. A number of projects were identified in this Master Plan that needed to be in place to provide this system capacity relief.

The YDSS extension to service the Holland Landing and Queensville communities was included in the Master Plan update and was based on recommended routing and system capacity improvements identified in a Class Environmental Assessment completed in 2000 and amended in 2002. Provisions for servicing the Sharon community were not included in the Master Plan since this community did not have planning status at the time of the Master Plan update. However, Sharon was identified in the YDSS Master Plan as “completing growth management studies”, as shown in *Attachment 1*.

3.2.2 Previous Council Positions

The Regional wastewater works necessary to service new growth in the communities of Holland Landing, Queensville and Sharon are not included in York Region’s 10-year Water and Wastewater Capital Program. The Queensville/Holland Landing Developers’ Group wishes to proceed with development and has therefore requested that an agreement be entered into with York Region to advance the timing of infrastructure. Furthermore, the Developers’ Group has requested that York Region consider an alternative delivery approach to complete this infrastructure. The Developers’ Group acknowledges that these developments can only proceed subject to receiving sufficient water and wastewater allocation from the Town of East Gwillimbury.

The Developers’ Group wishes to advance the construction of the planned infrastructure in order to be able to service the communities when system capacity is available.

In Report No. 6, Clause 4 of June 16, 2003 from Finance and Administration Committee, Regional Council authorized staff to negotiate terms of a prepaid development charges agreement with the Developers’ Group and the Town of East Gwillimbury, to undertake the works necessary for water and wastewater servicing. A draft agreement has been submitted to York Region and is currently being reviewed.

In Report No. 12 of the Commissioner of Transportation and Works and Works, November 20, 2003, Transportation and Works staff provided Council with an update on the status of discussions with the Developers’ Group and received direction to continue the discussions required to develop an infrastructure delivery agreement. The key highlights of that report included the identification of governing principles that will need to be followed as this alternative service delivery process moved forward.

These proposed governing principles included:

- The Developers' Group will assume all responsibilities associated with public information and responses, the preliminary design, detailed design and construction of the water and wastewater infrastructure projects.
- The infrastructure will be designed and constructed in accordance with all Regional standards and requirements.
- The infrastructure will be constructed to optimize costs and efficiency based on a life-cycle approach.
- Construction will be completed on a timely basis and will implement recommendations of the YDSS Master Plan already approved by Regional Council

3.2.3 Project Details

A brief summary of the infrastructure elements that the Developers' Group is proposing to deliver is provided below. *Attachment 2* illustrates the various elements of the YDSS extension and the water works. The proposed works include:

- A wastewater forcemain and gravity sewer within the Second Concession road allowance.
- A wastewater sewer and inverted siphon through the Rogers Reservoir and Hydro One easement.
- A wastewater forcemain within Bradford Street, Thompson Drive and Mount Albert Road.
- A replacement of the existing Bradford Street Pumping Station.
- A new Queensville Pumping Station – Second Concession.
- An elevated tank for storage of potable water – Queensville.
- Environmental Studies – Decommissioning of Existing Sewage Lagoons in Holland Landing.

3.3 Key Issues / What has Changed

From the time of the last update to Committee and Council, there has been a number of new issues that have arisen and additional work that has been done in some areas with respect to the overall planning and servicing of these communities that should be reported to Council as we consider moving forward with this alternate service delivery process. The issues that have arisen include Provincial initiatives and new conditions imposed on York Region by the MOE. Additional work has occurred on East Gwillimbury's Growth Management Plan as well as on the wastewater servicing and capacity allocation issues. These four areas will be discussed in the following sections.

As a result of the changes in the planning and servicing landscape, Regional staff need to review the implementation and delivery of its programs that ultimately provide servicing to existing and new communities. Fundamental changes that have occurred over time include:

- The increase in the extent of the area in northern York Region that will ultimately require provision of servicing.

- Ensuring the Environmental Assessment determines a strategy to provide servicing for entire area over the long term.
- The expanded scope of the EA that requires more resources and is more comprehensive compared to what was initially anticipated.

3.3.1 Provincial Initiatives

(Places to Grow - A Growth Plan for the Greater Golden Horseshoe and The Greenbelt Plan)

On February 16, 2005 the Province released the Draft Growth Plan for the Greater Golden Horseshoe. *Places to Grow*, as it is called, is intended to provide a detailed and comprehensive Provincial 30-year growth plan including a clear, long-term vision of growth management for the Greater Golden Horseshoe which covers 16 upper tier municipalities in south-central Ontario and identifies a series of Urban Centres that are in immediate need of investment to accommodate new economic and population growth.

A key aspect of the plan is the establishment of new population and employment forecasts through the year 2031. For York Region, the 2031 forecasted population is 1.5 million people (an increase of approximately 610,000 from today) and 780,000 jobs (an increase of approximately 350,000 from today). The previous set of forecasts had 1.36 million people and 734,000 jobs for the same time period. The Growth Plan provides what may be considered an ultimate urban structure for York Region.

The impact of these revised forecasts must be measured in the context of the Draft Greenbelt Plan released by the Province in October 2004. The Draft Greenbelt Plan proposes a permanent connected agricultural and environmental system to support existing communities and conserve the natural resources. Much of York Region outside of the existing Towns and Villages and Urban Areas is included within the Protected Countryside designation or the Oak Ridges Moraine portion of this proposed plan. Mapping in the Draft Plan, however shows a large area ("white" area) in East Gwillimbury generally surrounding the communities of Sharon, Holland Landing and Queensville which is excluded from the Greenbelt Plan (*see Attachment 3*).

Future planning and development in this area will be subject to existing official plan policies and Growth Management initiatives at the Provincial, Region and local level, but the contemplation of the Greenbelt Plan is that the white area is available for urban development over the course of time. The challenge for York Region and for East Gwillimbury will be to determine if the existing approved lands can be serviced in Sharon, Queensville and Holland Landing, how the new "white" area could be serviced and at what cost? It is important to consider the ultimate urban structure and build infrastructure to support complete communities.

Public consultation on the Greenbelt Draft Plan was completed in December 2004 and an approved Greenbelt Plan is expected to be released in early March 2005.

3.3.2 Ministry of Environment Conditions Letter of October 1, 2004

On October 1, 2004, the MOE provided York Region with a response to a request made by an individual to elevate all unfinished YDSS projects to Individual Environmental Assessments. In the MOE's response, a number of conditions were attached to several projects including the Holland Landing / Queensville Sanitary Sewer and Forcemain and Upper Leslie Street Trunk Sewer, both of which directly relate to the servicing of the proposed developments addressed in this report. The conditions in the October 1, 2004 letter are as follows:

1. Holland Landing / Queensville Sanitary Sewer and Forcemain

- The Regional Municipality of York shall review the study conducted under the Class EA for the proposed Holland Landing / Queensville Sanitary Sewer and Forcemain project, including the environmental and environmental conditions and assessment of alternatives. The review shall ensure that the project and the mitigation measures are still valid given the current planning context and the current environmental setting. The Ministry of the Environment Central Regional Office and all other interested stakeholders shall be consulted during this review. In the event that changes are identified, the Regional Municipality of York shall proceed in accordance with the provisions of the Class EA governing modifications to projects.*
- As part of the Regional Municipality of York's Class EA study for this project, it shall ensure that all technical studies are carried out to a level of detail and information that would be required of an application for a Certificate of Approval under the Ontario Water Resources Act.*
- The Regional Municipality of York shall submit an annual report to the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating the date that each condition was fulfilled and the results of the conditions having been fulfilled.*

2. Upper Leslie Trunk Sewer

- To provide certainty and to ensure that this commitment (that the Regional Municipality of York will conduct an Individual Environmental Assessment) is fulfilled the features of the Oak Ridges Moraine and the environment are protected, I am ordering, pursuant to subsection 16(1) of the Environmental Assessment Act, the Regional Municipality of York to comply with Part II of the Environmental Assessment Act for the proposed Upper Leslie Street Trunk in the event that it proceeds with this proposed project.*
- Pursuant to section 16(2)1 of the Environmental Assessment Act, I am setting out directions with regard to the preparation and content of the Terms of Reference that must be prepared*
- The Terms of Reference shall be prepared in accordance with subsection 6(2) (a) of the Environmental Assessment Act.*

Region staff as well as representatives of the Developers' Group met with MOE staff on January 7, 2005 to discuss the conditions contained in the October 1, 2004 letter and the plan to address the conditions.

To address the first condition of the MOE letter, in which "The Regional Municipality of York shall review the study conducted under the Class EA...", representatives of the Developers Group committed to carry out the analysis and evaluation of all servicing alternatives to the same level of degree as a new Class EA. This will include extensive public consultation. Also, all construction techniques will be thoroughly evaluated to determine ways to minimize impacts to the natural environment. All technical studies will be to a level necessary to support any regulatory approval application to minimize any unforeseen impacts. This includes the information/analysis required for any future Permit to Take Water (PTTW) required to construct the identified infrastructure.

The MOE also indicated that it will require York Region to be named as a co-applicant on any future permit. This issue needs to be explored further as there may be some concerns with being a co-applicant on a permit where an external group is assuming responsibility for the delivery of the system which will be owned by York Region. The Developers' Group's consultant is preparing a detailed work plan that will be submitted to the MOE to formalize the commitment to address these conditions.

3.3.3 Sharon Community Plan

While a revised Community Plan for Sharon has been contemplated for many years, approval of OPA 122 was granted by Regional Council on February 17, 2005. The old plan (OPA 55) contemplated estate type growth on municipal water and private sanitary disposal. OPA 122 replaces the old plan and introduces the following new policies:

- Municipal sanitary sewer through an extension to the YDSS
- Growth from 4,500 to 9,200 people based on full municipal services
- Opportunity to extend municipal services to the existing, privately serviced areas east of Leslie Street
- More compact development, introducing a broader mix of housing types
- Requirement for detailed transportation studies prior to any new development proceeding
- Requirement for developers to participate in a pre-paid development charge credit agreement for the extension of the YDSS to the Sharon Community

With the approval of the new Sharon Community Plan, Regional Council also directed staff as follows:

The Commissioner of Planning and Development Services and Commissioner of Transportation and Works and Works prepare a future report for Planning and Economic Development Committee on the timing of the provision of Regional servicing to Sharon and the timing of the preparation of a Servicing Master Plan for the extension of the YDSS to East Gwillimbury. The report will include short and long

term requirements for water and sewer infrastructure, and the impact of the timing of this infrastructure on the phasing of development for the communities of Sharon, Holland Landing, and Queensville.

Region staff has indicated to the Developers' Group that in reflection of the Minister's direction to review the original Queensville EA approved works ("the current planning context"), that this review must now also include accommodating existing and planned growth in the Sharon Community planning area. The "current planning context" also includes the community of Holland Landing; however there has been no change to the planning approvals for Holland Landing over the past 5 years.

3.3.4 Queensville Ontario Municipal Board Process

The proposed official plan amendment, zoning by-law and plan of subdivision within the Queensville community, 19T-03001, were appealed to Ontario Municipal Board (OMB).

The OMB hearing took place in two phases. The first phase approved the proposed official plan amendment and approved in principle the design of the proposed development plan. The second phase addressed details of draft plan conditions, the zoning by-law to implement the development plan, transportation capacity and external servicing. The second phase was concluded with a decision by the OMB on November 17, 2004. The proposed zoning by-law and draft plan were approved, subject to satisfying 4 pre-conditions.

A summary of Schedule 'D' - Pre-Conditions to Issuance of Order are:

1. *The extension of Highway 404 being confirmed by the execution of a Memorandum of Understanding between the Ministry of Transportation and York Region, in consultation with the Town of East Gwillimbury, that includes the following:*
 - *a commitment by the Province to extend Highway 404 to Queensville Sideroad or a point further north;*
 - *a schedule of events for the implementation of the Highway 404 extension that includes, but is not limited to, approval of all required Environmental Assessments, timing of the acquisition of all land requirements, target date for tendering of the road works to provide at least two lanes of road capacity in the Highway 404 right-of-way, and anticipated completion date(s);*
 - *a commitment to include the Highway extension in the Province's 10 year capital plan;*
 - *funding arrangements and timing of funding for the extension.*

2. *Execution of a Pre-paid Development Charge Credit Agreement between York Region, the Town of East Gwillimbury and the Developers Group for the extension of the York Durham Sewer System and provision of municipal water supply to the community of Queensville.*
3. *Award of construction contracts for the Sixteenth Avenue Trunk Sewer Phase 2, 19th Avenue, Lower Leslie and the Southeast Collector trunk sewers, or other suitable arrangements providing sewer capacity to the satisfaction of York Region.*
4. *The execution of a Financial Agreement between the applicant and the Town pertaining to the satisfaction of the financial objectives of the Queensville Community Plan.*

At this time, both York Region and landowners continue to make progress towards satisfying the four preconditions. Regarding the MOU, staff has met with Ministry of Transportation staff on two occasions in order to emphasize York Region's priority on the resolution of the MOU. A draft of the prepaid DC agreement has been prepared and is being reviewed by Regional staff. York Region is continuing to proceed with the completion of the downstream trunk sewer works, including planning, design and construction related activities. Finally, the Town and applicant are reviewing a final draft of the financial agreement to address the financial objectives of the Queensville Community Plan.

4. ANALYSIS AND OPTIONS

4.1 Planning Considerations

A strategy to provide servicing to northern York Region must include the following:

- Provision for sufficient servicing infrastructure and capacity to enable the development of complete communities with a full range of facilities, services and land use designations.
- A long term perspective that provides for the ultimate urban structure as determined by the Provincial Growth Plan and Greenbelt Plan, as implemented by Regional and area municipal Growth Management Strategies.
- Ability to convert communities to full municipal services that are currently serviced by partial services or private services.

4.1.1 Infrastructure Capacity

As stated in Section 3.3.5, there is no sanitary sewer capacity available for any growth in East Gwillimbury at this time. Once available, any new capacity must be assigned to East Gwillimbury by Regional Council. Additional capacity may be available following the completion of various critical infrastructure projects previously identified.

A protocol for apportioning available capacity is currently being developed. Should East Gwillimbury receive additional capacity following the completion of this infrastructure, East Gwillimbury will need to undergo a similar exercise to allocate capacity to specific development within the municipality.

4.1.2 Ministry of Environment Letter – “Current Planning Context”

The MOE’s letter of October 1, 2004 directed the Class EA review be done to ensure that the project and the mitigation measures are still valid given the current planning context and the current environmental setting. The 25 year planning horizon was confirmed in July 2004 through the Town’s Growth Management Strategy as Holland Landing, Queensville, Sharon, Green Lane West and Mt. Albert. The MOE letter did not impact the planning approvals, but added new layers of approvals on York Region’s ability to service the Communities of Queensville, Holland Landing and Sharon, which rely on the Upper Leslie Trunk sewer to complete the communities.

In terms of Regional priorities for growth, the existing sewage lagoons in Holland Landing are nearing the end of their lifecycle and will need to be decommissioned and is a priority.

Sharon has an established existing population of 4,500 and has a corresponding existing level of services provided for that population that could service additional growth. The approximately 1,500 homes in the Sharon community area are currently serviced with private septic services. Extending the YDSS to that community provides a potential to provide full municipal services to these privately serviced areas.

Queensville is currently a small community with an existing population of approximately 650 people. The ability to develop a complete community that includes community amenities such as commercial and recreational facilities, schools, etc. is required. Queensville is also dependent on the extension of Highway 404. While the Province has announced that the extension will be built, the timing has not been defined.

An additional consideration is the exclusion of the intervening lands among Sharon, Queensville and Holland Landing from the Greenbelt Plan (hence available for urban uses in the long term). While the current approvals in East Gwillimbury represent a 25 year supply, there needs to be a long-term servicing strategy developed for the lands north of the Oak Ridges Moraine. This strategy must be completed as the Province continues their work on the Places to Grow plan and the sub-growth strategies are advanced but does not have to be part of the EA review for the YDSS extension.

In summary, any Environmental Assessment work under taking for the Queensville should seek approvals for both short-term and long-term sewage servicing solution for Queensville, Holland Landing, Sharon and the remainder of the provincially designated growth area in the vicinity.

4.2 Infrastructure Delivery Options

The Developers' Group has submitted a draft Project Delivery Proposal (PDP) that details how the Developers' Group will generally take full responsibility for the design, approvals (environmental and others), property acquisition, public consultation, permits, certificates, financing, procurement, construction and commissioning of these Regional services to the satisfaction of York Region. The proposed process parallels closely the current subdivision process whereby municipal infrastructure is typically delivered to the appropriate municipal authority by the development industry and as appropriate, reimbursed through development charge credits. It is also similar to the methodology currently utilized by York Region with respect to development charge credits for Regional road works (latest revisions adopted by Regional Council, June 25, 1998) and other infrastructure projects such as McNaughton Road and Jefferson Sideroad watermain currently being delivered.

With its current staff and project loads, York Region would require additional staff resources in order to complete the necessary public consultation, detailed design, approvals, tendering, construction and commissioning of the works to meet the Developers' Group's development schedule for these new communities. The proposed approach brings a complete team of outside qualified professionals who will undertake these activities. This is also consistent with Transportation and Works Committee Report No. 6, Clause 23, approved by Regional Council on June 24, 2004 which indicated that outsourcing or delegation of project management responsibilities should be considered by Regional staff. This proposal is one of the options which may be used as a model for the delivery of future water and wastewater infrastructure projects. The PDP has been designed to satisfy York Region's objectives for public safety, communications, the environment, operations and financial responsibility at all times. This is assured through the term of the PDP and includes:

- Dedicated public information and liaison officer.
- Comprehensive quality assurance and quality control (QA/QC) plan.
- Rigorous and systematic design, coordination and environmental approvals approach.
- Value added design process involving key Regional staff.

This section of the report provides Council with:

- A brief outline of the proposed works and anticipated schedule.
- An update of the discussions with the Developers' Group.
- A report of the activities of the Developers' Group since the last report to Council (Report No. 12, November 20, 2003 by Transportation and Works).
- A summary of the proposal presented by the Developers' Group.
- Recommendations of Regional Staff.

4.2.1 Project Infrastructure Elements

A brief summary of the infrastructure elements is provided in section 3.2.3.

4.2.2 Delivery Agreement Governing Principles

In Report No. 12 of the Commissioner of Transportation and Works and Works, November 20, 2003, from the Transportation and Works Committee, the governing principals established with the Developers' Group for the infrastructure delivery agreement were described. These governing principles now apply to the larger servicing area identified as the "Newmarket Centre" which includes Queensville, Holland Landing, Sharon and the surrounding white area.

The PDP meets and in some cases exceeds York Region's originally stated governing principles from the November report. Specifically as revised these are:

- The Developers' Group will assume all responsibilities associated with public information and responses, the preliminary design, detailed design and construction of the water and wastewater infrastructure projects.
- The infrastructure will be designed and constructed in accordance with all Regional standards and requirements.
- The infrastructure will be constructed to optimize costs and efficiency based on a life-cycle approach.
- Construction will be completed on a timely basis and will implement recommendations of the YDSS Master Plan already approved by Regional Council.

Infrastructure discussed in the report can be delivered through two different approaches:

- York Region's Traditional Approach.
- The Developers' Group Delivery Model.

In assessing the options for the preferred delivery model, consideration is given to the objectives previously agreed upon with the Developers' Group. These included the delivery of the infrastructure to meet the proposed development schedule, in a manner that optimizes costs and efficiencies, while meeting all Regional standards and requirements. However, it is critical to keep in mind that the development schedule is dictated by the availability of the system capacity as defined by York Region and influenced by the various transmission and treatment projects identified in this report. To meet the developer proposed schedule, which gives consideration to allowing the advancement of planning, design and possibly some construction prior to finalization of system capacity and allocation, York Region's traditional delivery approach would require redeploying significant internal resources at a time when Regional resources are fully utilized and committed on other priority projects within York Region. In its role as the project manager York Region would also require input from the Developers, their designers and the local municipality to coordinate the points of connection with the adjoining developments to ensure the infrastructure would meet the future development requirements in an efficient and practical manner.

For these reasons, consideration of the Developers' Group's Delivery Model warranted further analysis.

4.2.3 The Proposed Approach

In developing its proposal, the Developers' Group has developed a project management strategy that parallels York Region's standard approach. The Developers' Group's proposal is comprehensive and addresses the key aspects of project delivery covered by York Region including:

- Public Information and Liaison.
- Quality Assurance and Quality Control (QA/QC).
- Design, Coordination and Approvals, including all Environmental Approvals.
- Value Assurance.
- Added Safeguards.

Since the November 2003 update to Council, the Developers' Group have assembled a project team and submitted a draft Proposed Delivery Proposal to Regional staff for review and approval.

4.2.4 Proposed Details

The Proposed Delivery Approach is a hybrid of the "traditional" approach (design, tender and construct) and the "design-build" approach. A brief description of the proposal is provided below.

The project team has an assigned member to act as the Public Liaison Officer for all project-related matters. The project team will coordinate with York Region through an agreed upon protocol to minimize Regional staff involvement, while at the same time ensuring that the project meets Regional objectives now and in the future.

Those project aspects which are expected to involve public consultation and notification include:

- Class EA's and Options' Studies.
- Field Investigations and surveys.
- Impact analysis of wells within the influence of the work area.
- Other environmental impacts and mitigation.
- Construction Noise and Dust Controls.
- Land or Easement Acquisition (negotiated and/or expropriated)
- Traffic controls and impacts to pedestrians, bicycles and vehicles.
- Road closures.

The project team proposes to advise the public on an ongoing basis using these methods:

- Advertisements in local papers in advance of information sessions.
- Dedicated information sessions for local residents.
- Periodic interview and advertisements in local newspapers.
- Dedicated web site providing updated information as well as an archive of past distributions.
- Other methods such as workshops and follow-up meetings with affected residents as appropriate.

Copies of information provided by the project team will be provided to the local Municipality and Region's communications' branches for potential inclusion in their web sites or public literature.

To provide a greater level of information to the public, the project team will make available sewer, forcemain and siphon routing information during the Elevated Tank EA and Lagoon Options' Study public meeting.

Also, any road closures will follow established Region and Town reporting and permitting procedures.

4.2.5 Quality Assurance and Quality Control

The proposal contains an explicit and comprehensive quality control/assurance policy covering all aspects of the project. All members of the project team will commit to the delivery of high quality engineering and construction services through a stated and explicit quality policy which includes a Quality Assurance Plan. In addition to the overall Quality Assurance Plan the project team have a Design Quality Management Plan that ensures control of the design function and design changes. The design development process will include the documentation of design functions such as design reviews, check-lists, sign-offs and involvement of Regional staff in design meetings.

York Region will require the services of an independent Project Administrator and Technical Advisor to oversee the project during both the design evolution and construction phases of the project. York Region will advise the Developers' Group of their preference for retaining this service prior to completion of the Project Delivery Agreement. These services will be engaged directly by York Region and these costs included as part of the overall project costs.

4.2.6 Project Team

A brief description of the proposed project team is provided below.

The Developers' Group's project team and responsibilities are as follows:

- The team leader will be the firm of Marshall Macklin Monaghan Limited (MMM). Additional responsibilities of MMM include Environmental Assessments, Engineering Design, Hydrogeology, Inspections and Contract Administration services. This work was awarded based on a competitive tender process and award.
- Geotechnical investigation and reporting responsibilities were awarded to the firm of Trow Consulting Engineers Ltd., also based on a competitive bid basis.
- Other team members have also been identified by the Developers' Group. These include Lloyd and Purcell Ontario Land Surveyors for legal surveys and topographic mapping and Bratty and Partners Barristers and Solicitors for the preparation of legal agreements and property related documents. These professionals have been engaged on a direct award basis. As other specialists are required by the design team, they will

- be engaged by the Developers' Group either through a competitive tender or direct award basis.
- The Developers' Group will engage directly the services of a contractor for sewers and forcemains and a Construction Manager for the pumping station works.
 - The Developers' Group will through the competitive tender process, engage other contractors for the pumping station and elevated tank construction.

The project team consultants will be paid based on a percentage of the cost of works, fixed fees or per diem rates per their individual agreements. In those cases where the consultant or contractor is engaged on the basis of a competitive process, the contract costs will be added to the overall project cost. In those cases where consultants or contractor have been engaged directly by the Developers' Group, York Region will retain the right to include only the fair market value for those services in the overall project costs.

All costs for additional services related to the review of York Region's Class EA resulting from the MOE letter of October 1, 2004 will be incurred by the Developers' Group and will be added to the overall project cost agreed upon by both parties.

Regional staff has advised the Developers' Group of the need for oversight services to be engaged directly by York Region. These services could include attendance at the design development meetings, assistance to Regional staff during reviews and full-time inspections during construction and commissioning. The costs related to the oversight services are to be added to the overall project costs.

4.2.7 Roles and Responsibilities

Below is a brief description of the roles of the team members and the method of contracting for each of the project infrastructure elements included in the Project Delivery Proposal.

For the wastewater pumping stations, the preliminary engineering, value engineering, detailed design and approvals will be completed by MMM. Construction Management services will be provided by the Developers' Group selected Construction Manager (CM). The CM's role will include participation in value engineering, procurement of long lead-time items and coordination. Construction will be tendered by the Developers' Group to three qualified contractors acceptable to York Region. The CM will not be permitted to submit a tender for the Pumping Stations.

For the forcemains, sewers and siphon, the preliminary engineering, detailed design and approvals will be completed by MMM. Contracting services will be provided by the contracting member of the project team. Their services will also include participation in value engineering stages, procurement of specialty piping or materials and staging of construction works. The construction contract will be negotiated with the Developers' Group based on documents prepared by MMM. For the forcemain, sewer and siphon the costs are to be included for development charge credit purposes and will be determined

after the design is completed, using a database of costs prepared based upon past experience.

The Queensville Elevated Tank will be completed using a “Design-Build Process” coordinated and arranged by MMM. The “Design-Build” contracting team will be selected on the basis of a competitive tender process from a list of two to three supplier-contractors pre-approved by York Region for this type of work. This is the standard approach for the specialized work involved for elevated tank design, procurement and construction.

The Holland Landing Lagoons Decommissioning Option Study will be completed by MMM. The purpose of the study is to identify, report and discuss the various options available for the future use of the lands containing the existing lagoons once the lagoons are taken out of service. This matter will be the subject of a further report to Council when the preferred land use is identified.

During the course of the project it will be necessary to acquire lands or interests in lands on which the new infrastructure envisioned by the proposal will be located. The land or easement requirements will be identified early in the design process in order to complete the necessary arrangements as early as possible. York Region will be advised when the need for acquisition or other interest is identified. The Developers’ Group will complete the necessary acquisition and transfer those lands or interests to York Region.

The costs of all lands or interest in lands acquired will be included as part of the appropriate infrastructure element and reimbursed to landowners in the same manner as other related infrastructure elements. There are expected to be acquisitions from both landowners who are participating and also those who are non-participating. In dealing with participating landowners, the acquisition will be undertaken in accordance with existing Regional policy. For those acquisitions from non-participating landowners, appraisals will be undertaken as required by York Region’s policy, or as otherwise agreed to with Regional staff. Although it is not currently anticipated, York Region may be called upon to undertake expropriation proceedings in the event appropriate agreements cannot be reached. In cases where interests in lands owned by other public agencies such as Hydro One or Lake Simcoe and Region Conservation Authority, York Region may be asked to participate and review leases or license documents required by that public agency.

Currently the proposal requires the operation of the new wastewater facilities by York Region’s staff once the works are substantially completed and meeting all regulatory requirements as applicable. The exact timing for each of the project elements will vary.

At this time the proposal is based on the formal assumption of services being completed upon the satisfactory completion of all works, the rectification of all deficiencies, the conclusion of the warranty period and issuance of all statutory declarations of payment.

All rights within the construction contracts beneficial to the owner with respect to ongoing warranties will be assigned to York Region.

Recently, the MOE has indicated that they now require that York Region must be a co-applicant on any future permit submission. York Region therefore, must review this new requirement with respect to the Project Delivery Proposal to ensure we meet our due diligence and regulatory responsibility resulting from being the permitted party.

This process will include discussions with the Developers' Group and the MOE.

4.2.8 Approvals

The PDP will be adhered to by the project team and utilized throughout the project. The PDP design and approvals general steps were developed to generally coincide with the key points of York Region's internal 'Water and Wastewater Design Review and Sign-off Processes. These include the following for each project element:

- Confirmation of Planning or Background Data.
- Review and Implementation of York Region's Dewatering Mitigation.
- Preparation of a Design Criteria Report.
- Completion of a Value Engineering Workshop.
- Preparation of a Pre-design Report.
- Preparation of Formal Drawings and Submissions.
- Securing of MOE and Other Approvals.
- QA/QC Plan – Engineering and Construction.
- Cost Control Strategy.

During each of the steps noted above, York Region's staff will be asked to provide comments prior to the design evolving further. As a minimum there will be three formal drawing submissions to Regional staff in conjunction with its advisor to comment upon during the development of formal drawing preparation for each of the project components.

The securing of approvals, including all environmentally related permits and certificates from external agencies will be the responsibility of the project team. The external agencies have indicated that they will require York Region to be the signatory to some permit applications or agreements. The details of how this would work needs to be finalized in consultation with legal and regulators.

The PDP sets out, in detail, points of contact between York Region and the project team. These have been designed to provide York Region with the opportunity to provide required input and to ensure that the infrastructure meets both short term and long term needs. They have also been designed to minimize the time to be dedicated to the project by Regional staff. All designs will be subject to the approval of York Region

4.2.9 Value Assurance

The project delivery proposal along confirms how York Region is to be assured that it will receive value for its investment in this project. These strategies include:

- The competitive tendering process for those elements as described above.
- Utilizing agreed upon benchmark costs and experience to establish development charge credits where components are to be negotiated. In this case York Region's and the project team's database for similar work will allow the credit to be agreed upon. York Region has costs from previous projects for standard items and will be able to apply them to this project.

As an additional safeguard York Region will have the option, at any time, to engage an independent third party to audit the process that has been followed by the project team for conformance with the stated agreement. The cost of this audit will be added to the overall project cost.

In the event there are concerns or unresolved matters that require action by York Region, the agreement will contain several mechanisms such as insurance, bonding, indemnities, project securities and warranties to rectify these situations. The requirements will match York Region's standard requirements.

4.2.10 Alternative Delivery Process

Advancing the project following the methodology set out in this report and the PDP is a viable strategy and offers the added advantage of showcasing and evaluating an alternative infrastructure delivery method. York Region is currently pursuing and evaluating alternative methods of infrastructure delivery Report No. 6, Clause 23 Transportation and Works Committee, approved June 24, 2004). This proposal provides an opportunity to enhance York Region's ongoing evaluation of alternatives.

4.2.11 Evaluation of Developers' Proposal

Based upon the information presented in this report and in greater detail in the draft PDP the Alternative Project Delivery strategy proposed for this project by the Developers' Group is a viable alternative that offers a number of distinct advantages including:

- Opportunity for Value Engineering during design evolution.
- Quality Assurance and Quality Control developed cooperatively with York Region.
- Minimal Regional resources required.
- Responsibility to secure all external and Regional approvals and permits is with the Developers' Group. This includes all environmental approvals and protection requirements.
- A low risk opportunity to evaluate an alternative project delivery model for water and wastewater infrastructure.

4.3 Regional Position Regarding Proposal

Regional staff continues to support the use of alternate service delivery options to help deliver infrastructure, in a timely manner, to meet the needs of our growing communities.

In this instance, the developer group has put together a comprehensive project delivery proposal which meets the requirements of Regional staff. The proposal suggests that the developer group be responsible for the three key phases of the project cycle, namely; Class EA review, detail design and construction.

Regional staff worked with the Developers' Group to refine the PDP to address typical project delivery issues and are confident that the PDP could meet such needs in a typical situation.

The Developers' Group has indicated they are prepared to proceed with the Class EA review as outlined in the MOE letter, at their risk. This Class EA review will include the communities of Queensville, Holland Landing, Sharon and surrounding areas. York Region staff therefore recommend that the Developers' Group be authorized to proceed, at their risk, with the first phase of the project delivery proposal, i.e. the review of the Class EA, in order to finalize the recommended infrastructure components that are required to address the short and long term servicing requirements of these communities. Financial consideration for the preparation of the Class EA review will be included in a subsequent financial agreement, between York Region and the Developers Group, as part of the implementation of the servicing infrastructure. Once the Class EA review is completed to the satisfaction of MOE and York Region, Regional staff will report back to Regional Council before proceeding with any other aspect of the delivery agreement.

It is the suggestion of Regional staff that further work needs to be carried out to develop/refine a strategy to satisfy environmental process requirements to address long-term sewage servicing solutions for all lands designated/considered for future growth in the "Newmarket Centre" as defined in the February 2005, *Draft Growth Plan for the Golden Horseshoe*. This work should be undertaken in full consultation with the staff of the Town of East Gwillimbury, the Minister of Environment, and the Developers Group. Furthermore, staff recommends that the allocation of water and wastewater capacity for the future development of these lands be approved by Council prior to the commitment to commence implementation of the infrastructure suggested to be build using this PDP.

5. FINANCIAL IMPLICATIONS

There are no direct costs associated with this report. The fees associated with any of the planning and design work will be part of the prepaid development charge credit agreement.

Regional staff has estimated the cost of the gravity sewer, forcemain, siphon works and two wastewater pumping stations at \$17.4 million and the cost of the elevated water storage tank is estimated at \$3.2 million. This estimate was based on the original approved preferred alternative in the previous Class EA and is subject to change depending on the outcome of the Environmental Assessment review. The Developers'

Group will be responsible for financing 100% of the delivery costs of the entire wastewater infrastructure.

6. LOCAL MUNICIPAL IMPACT

Timing of development in the Town of East Gwillimbury is dependant on the extension of the trunk water and wastewater infrastructure to Holland Landing, Queensville and Sharon. As a result, consultation with the Town's staff is essential in developing the strategy for short and long-term servicing solutions.

7. CONCLUSION

The Developers' Group has prepared a proposal to deliver the necessary infrastructure to allow development to proceed within these communities on an expedited basis using a delivery model that generally parallels the subdivision agreement process used by local municipalities within York Region and utilizing a model similar to York Region's existing road works Development Charge Credit Policy.

Since the last update to Council in November 2003, a number of key issues have arisen that relate to the servicing of Queensville and surrounding areas. These issues include new MOE conditions related to key infrastructure required to service Queensville, new Provincial initiatives, OMB conditions of approval for Queensville, an updated community plan for Sharon and additional work on the service capacity/allocation issue.

It is recommended that the Developers' Group be authorized to proceed with only the first phase of the project delivery proposal, the Class EA review, entirely at their risk, to address potential short and long-term sewage servicing solutions in the Provincial Growth Plan "Newmarket Centre".

Based on the recommendations of this report the Developer's Group will carry out the EA. It is not the intent of this report to pre-determine the Terms of Reference for the EA as it is understood that this will be done by the standard EA process; however the scope of the EA must address the following Regional interests:

- Both short and long term servicing strategies that take into consideration the direction and intent of the Provincial Growth Plan, the Greenbelt Plan and the Oak Ridges Moraine Legislation and Plan;
- Consideration of all possible servicing options, including but not limited to, all current options and any new options yet to be considered or analyzed;
- Possible Lake Simcoe based servicing solutions;
- The Upper Leslie trunk sewer, lower Leslie trunk sewer and the linkage of these sewer systems; and,

- An extensive public consultation process

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause were included in the agenda for the May 4, 2005 Committee meeting.)