



LOT DEVELOPMENT

STAKEHOLDER FEEDBACK

March 16, 2023

Planning

LOT DEVELOPMENT – STAKEHOLDER FEEDBACK

Administration presented the following bylaws and policies to Council at the Governance and Priorities Committee Meeting on January 16, 2023:

- Bylaw No. 02-2023, Lot Grading and Drainage Bylaw;
- Bylaw No. 03-2023, Excavation Bylaw;
- Bylaw No. 04-2023, Development Fee Schedule Amending Bylaw;
- Bylaw No. 05-2023, Text Amendment to Land Use Bylaw – Protection of City Property Bylaw;
- Policy No. 610-04, Development Security Policy; and
- Policy No. 610-05, Excavation Policy.

Administration used several means to gain feedback from stakeholders and the public, including:

- Hosting a Your Voice website providing draft copies of the bylaws, policies, and supporting documents, with a Q&A feature that allowed visitors to the site to ask questions or provide comments. Two visitors did so;
- Hosting an Open House event on February 27, 2023, from 4 to 6 pm at the Lloyd Mall;
- Advertising the Open House event through social media, newspapers, newsletters, and radio, which included a link to the Your Voice website;
- Sending an invitation letter for the Open House event via email directly to developers, contractors, utility companies, and realtors that work within Lloydminster. This letter included a link to the Your Voice website, and invited comments with a deadline to provide feedback to be considered by Administration by March 7, 2023; and
- The public referral process for the Land Use Bylaw amendment. The referral period closed March 2, 2023.

Administration collected nine survey packages from the Open House.

Letters were sent via email to stakeholders February 10, 2023, and follow-up emails were sent February 20, 2023, and March 1, 2023. Four responses were received, one to state there was no comment.

The following summarizes feedback received by Administration by the deadline of March 7, 2023, and responses provided by Administration addressing that feedback.

Lot Grading and Drainage Bylaw

- A desire to allow homeowners an extension to meet their landscaping requirements.
 - The two-year period was chosen to allow time for the soil on the lot to settle before finishing landscaping, while still providing protection to the City's stormwater sewer system. Due to this, there is no provision for an extension.
- Suggestions that the current process is adequate, and that contractors work together to resolve issues in landscaping.
 - Most complaints arise between homeowners after the construction is complete, however contractors play a crucial role in establishing the rough grading. The intent of the Rough Grade Certificate is to provide proof that the contractor completed their grading work correctly, and further issues are then the responsibility of the homeowner.
- Questions regarding the requirement for sump pumps to discharge to a splash pad near the house.
 - The intent is to allow surface flows to soak into the ground before reaching property line. A sump pump may discharge to a driveway, provided the discharge point is adjacent to the house, as this still allows the flow to disperse.
- Suggestion that homeowners should be able to apply for a permit that allows them to develop or plant outside of the fence line.
 - Given the current issues caused by these plantings/developments, this is not something the City supports at this time. The largest issue with these features is they are not being maintained after the property changes owners.

Development Security Policy and Land Use Bylaw Amending Bylaw

- Suggestion to publish design specifications for homeowners/contractors who may seek to repair damages to landscape, sidewalks, curbs etc. to ensure proper materials are being used and guidelines are being followed.
 - Administration has included providing this information in the procedures supporting the Development Security Policy.
- Concern that landscaping contractors are not always available on short notice for repairs.
 - While this is likely pertinent to the Lot Grading and Drainage bylaw, it is also more broadly applicable to the Development Security process. The issue of contractor availability is addressed by the City allowing a property owner to request a reasonable extension to complete repairs. A person could, for example, inform the City that their contractor is booked in six weeks and the time to complete repairs would be extended accordingly. The intent of the process is to motivate the party responsible for repairs to have them completed in a timely fashion, not to penalize them due to contractor availability.
- Suggestions that damage repairs should be the responsibility of the builder/developer.
 - The first check for damage to City property is prior to the occupancy permit, with the intent to identify damage caused during construction while the builder/developer is still the owner of the lot. The second check, after landscaping is finished, is intended to capture damage caused by the homeowner or contractors working for the homeowner.

Land Use Bylaw Amendment Public Referral

As part of the Land Use Bylaw amendment process, referrals regarding the amendment were sent to internal and external stakeholders and published in the local newspaper. The referral period closed March 2, 2023. There were twelve responses, eleven of which were to state there was no comment. Comments and their responses included:

- To clarify, any amount owed to the City would be invoiced first and then if unpaid for 30 days would get transferred to the tax roll?
 - The proposed process is to invoice the property owner first, and if the invoice is not paid within 30 days the amount owing would be charged to the tax roll.
- Will a deposit be collected on all new developments?
 - No deposit will be collected. The purpose of the existing Letter of Credit collected for landscaping on commercial, industrial, and multifamily developments will be expanded to include damage to City property.

Excavation Bylaw and Excavation Permit Policy

During review of the comments by Administration, there appeared to be confusion on the part of some respondents as to what the proposed changes to the Excavation Permit process apply to.

- Expression that in new subdivisions there have been more extensive excavations to install sewer and utilities and there has been no concern.
 - Those excavations are covered by a Development Agreement with the City that also includes administrative fees, security, inspection by the City, and a warranty period.
- Unsure about the type of insurance that would be required.
 - The insurance requirements are included in the Conditions document and are consistent with the City's requirements for insurance from developers and the City's own contractors. In general, this is liability insurance in a minimum amount of five million dollars per occurrence for bodily injury, death, and damage to property. The City of Lloydminster must be named as an additional insured.
- Concern that these imposed regulations will fall back onto the contractor, specifically the proof of insurance.
 - Most of the regulations for Excavation Permits are currently in place, the proposed bylaws and policy add administration fees, a deposit, and penalties for non-compliance. It is anticipated most contractors already carry liability insurance.
- A telecommunications provider submitted a letter in opposition, claiming the bylaw and policy would be in conflict with the Telecommunications Act. A template for an agreement formulated by the CRTC was provided, which would be used in place of the bylaw.
 - Administration reviewed the agreement, and the process identified is very close to what will be established under the bylaw and policy. Legal reviewed the letter and indicated there should be no need to amend the bylaw to recognize the Telecommunications Act. The agreement would exempt the company from the bylaw while obligating them to follow the same process in repairing damage to City property.