

Memo

To: Mayor Burton and Members of Council
From: Jill Stephen - Director, Transportation and Engineering
Copy: Jane Clohecy, Chief Administrative Officer
Phoebe Fu - Commissioner, Community Infrastructure
Date: March 5, 2024
Subject: Grading Plan Requirements for Pool Permits

Background

Pool installations are regulated by the Site Alteration By-law (23-047), and a site alteration permit is required for the work. The Site Alteration By-law stipulates that grading plans and grading certificates signed by a registered professional engineer (P.Eng.) or registered Ontario Land Surveyor (OLS) are required for site alteration permits and permit close out.

In practice, grading plans and grading certifications prepared by a P.Eng., an OLS or a Landscape Architect, with or without their professional seals, have been accepted. The grading plan requirements set out in the Site Alteration By-law were not consistently enforced.

The inconsistency in enforcing the grading plan requirements resulted in a wide range in the quality of the grading plans submitted for site alteration permits. Multiple iterations of review and resubmission (sometimes 4 submissions or more) were required, and issues with construction and impacts to grading and drainage have been found.

For all other permit types regulated by the Site Alteration By-law, the practice change has been implemented progressively and applicants are abiding by the by-law requirements. The pool permit is the last permit type for this change to be enacted.

Comments

In order to standardize grading plan requirements and provide consistency across permit types, Staff proposed to extend the enforcement of the existing grading plan and certificate requirements to pool permits as well, as outlined in the Site Alteration By-law.

Staff notified pool contractors and frequent pool permit applicants of this planned practice change in October 2023. The feedback from pool contractors was not supportive of the changes, citing additional costs and delays, and the impact on Landscape Architects no longer eligible to complete grading plans, as concerns.

To respond to these concerns, staff moved the effective date of the process change to March 1, 2024, responded directly to questions from contractors and applicants, held meetings with pool companies, arranged an information session (held February 22, 2024) and shared an Information Sheet that addressed the questions and concerns that had been brought forward.

The Information Session was arranged to provide clarity regarding the reasons for the planned practice changes and to answer any further questions from the pool contractor community may have. Just prior to the Information Session, a request to form a working group to review this topic further was received. Staff agree that a Working Group would be beneficial and updated the Information Session content to request that attendees advise staff of their interest in participating in the Working Group with the goal of reviewing options to achieve the same objectives to improve the pool permitting process, compliance and outcomes. A copy of the presentation (Appendix A) and a statement on behalf of the pool contractors (Appendix B) are appended to this memo.

The start date for the planned practice change has been delayed pending the outcome of the working group sessions.

A number of the members of the pool contractor community have already expressed interest in participating in the Working Group. Town Staff will lead and facilitate this Working Group which will meet to review options to improve the pool permit process in ways that protect the interests of the town and the residents of Oakville with due consideration to the challenges that the pool construction industry faces. The target date to complete the working group review is the end of the 2024 construction season, so the changes can be implemented at the start of the 2025 construction season.

In summary

The town relies on the appropriate qualified professionals to be accountable and knowledgeable in their area of expertise to create quality design plans. Staff supports the proposed practice change and enforcing the Site Alteration By-law, as it is anticipated to bring consistency and standardization to the grading plan development process. This is intended to help improve the quality of the submissions, reduce the number of plan revisions, shorten review and approval time, and better protect the residents' properties from grading and drainage issues. The goal of the Working Group review is to achieve the same objectives, derive and assess feasible options, and chose the most appropriate option that protects the properties of the residents of Oakville and the town.

Appendices

- Appendix A: Information Sheet - Grading Plan Requirements for Pool Permits (issued February 8, 2024)
- Appendix B: Statement from Pioneer Pools (presented on behalf of the Consortium of Licensed Oakville Pool Builders and the Pool and Hot Tub Council of Canada at the February 22, 2024 Information Session)