



AGENDA
Strategic Priorities Committee

July 17, 2018

9:00 am

Council Chambers, Town Hall

Pages

1. CALL TO ORDER

2. DECLARATIONS OF PECUNIARY INTEREST

3. AMENDMENTS AND APPROVAL OF THE AGENDA

RECOMMENDATION

THAT the July 17, 2018 Strategic Priorities Committee agenda be accepted as presented.

4. DELEGATIONS AND PRESENTATIONS

None.

5. STRATEGIC PRIORITIES REVIEW

5.1 CAO 25-2018 Revised Community Grant Policy

4

RECOMMENDATION

THAT CAO 25-2018 Revised Community Grant Policy be received by the Strategic Priorities Committee for review and discussion.

RECOMMENDATION

THAT be received for discussion; and

THAT the Strategic Priorities Committee recommends to Council:

THAT Staff be directed to develop a draft Forestry Management by-law based on feedback from the Strategic Priorities Committee; and

THAT Staff be directed to seek community engagement on a proposed Forestry Management by-law as detailed in PW 43-2018; and

THAT Staff be directed to maintain quadrant pruning independent of storm events; and

THAT procuring a tree inventory be referred to the 2019 Budget as a capital project consideration.

5.3 DEV 29-2018 Site Alteration By-law

RECOMMENDATION

THAT DEV 29-2018 Site Alteration By-law report be received for discussion; and,

THAT the Strategic Priorities Committee recommend to Council:

THAT Staff consult with the local development industry regarding the proposed Site Alteration By-law; and

THAT Staff be directed to bring forward the final by-law to Council after consultation with the local development industry.

6. NEXT MEETING

August 21, 2018 * - 9:00am, Council Chambers

*Due to a number of anticipated absences, Council may wish to reschedule this meeting

Planned Topics: Fire Capital Plan, AMP Annual Update, Town Hall HVAC Report

7. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Strategic Priorities Committee adjourn at _____ pm.

FORMAL REPORT

To:	Chair Strathtdee and Members of Strategic Priorities Committee
Prepared by:	Brent Kittmer, CAO/Clerk
Date of Meeting:	17 July 2018
Subject:	CAO 25-2018 Revised Community Grant Policy

PURPOSE

The purpose of this staff report is to facilitate a Council discussion in regards to the annual Community Grant Program. Council is first asked to consider if the Town should retain control over the Community Grant process, or delegate that authority to a third-party like the Stratford Perth Community Foundation. Council is next asked to give consideration to a number of criteria that will frame the program. Those criteria are outlined in a draft policy that is attached to this report.

RECOMMENDATION

THAT CAO 25-2018 Revised Community Grant Policy be received by the Strategic Priorities Committee for review and discussion.

BACKGROUND

In the fall of 2015 during the development of the Strategic Plan, Council identified concerns with the Town's Community Grant Program. Council's observations at the time were that the granting criterial were loose and rarely followed. Council also identified that many groups viewed the Town as the sole source of funds for their planned project, and that not always were the projects submitted in line with the Town's strategic focus.

Out of this discussion Council adopted the following priority area within the current strategic plan:

Pillar #4 Culture and Recreation

- Priority: **Develop a Comprehensive Granting Policy** - Given limited financial resources, a granting policy will ensure that those seeking Town funds will be subject to a process that will assist Council in making key decisions on selecting granting priorities
- Tactic(s):
 - Investigate best practices in grant policy standards, such as partnering with the Stratford Perth Community Foundation.
 - Develop and formalize the new granting process for readiness in the next budget cycle.
 - Ensure compliance with the granting policy on an ongoing basis.
 - Review the granting policy at least three to five years after implementation.

The purpose of this staff report is to facilitate a Council discussion in regards to the annual Community Grant Program.

REPORT

To bring forward a revised Community Grant Policy, Council needs to give consideration to two strategic questions:

- Will the Town continue to administer the Community Grant Program OR will this responsibility be delegated to a third party?
- What criteria should a revised Community Grant Policy include?

This report is designed to provide the Strategic Priorities Committee with the information necessary to deliberate on both of these Questions.

Town Administered Program vs. Third-Party Administered Program

As directed by the Strategic Plan, the CAO met with the Stratford Perth Community Foundation (SPCF) to better understand how the Foundation's granting process works, and to learn if the Foundation would consider administering the Town's Community Grant Program.

This idea is something that the Foundation would consider. Their suggestion would be for the Town's annual budget for the Community Grant Program to become a funding source for the St. Marys specific Smart and Caring Community fund that the Foundation holds. Granting approvals would follow the Foundation's normal process for eligibility, and award of funding would be overseen by the existing grant review team at the Foundation.

Another option would be for the Town to set up a specific fund using the Community Grant Program's annual budget as the funding source. In this option, the Town could establish the specific funding criteria that it wished to have the Town's contribution be directed to. In addition, the Town could assign a Councillor liaison to the grant review team to participate in the granting award process.

In regards to eligibility, the SPCF awards funding in community projects and programs, and not to provide day to day operating funding for organizations. Typically, the Foundation prefers to spread funding amongst many organizations and projects, and does not normally provide multi-year funding awards for the same organization and the same project. The application window for the SPCF is December 1 to February 28, and only eligible organizations must:

- Be registered as a charity with Canada Revenue Agency (CRA), or sponsored by same
- Be a registered charity for at least one (1) year AND have filed at least one (1) T3010 with CRA, or be sponsored by same
- Provide services for or within Perth County, Stratford and / or St. Marys
- Provide services without discrimination

The question for Council to consider is whether or not the Town should retain administration of the Community Grant Program, or if the Town should delegate administration to a third-party like the SPCF.

The primary advantage of continuing to self-administer the Community Grant Program is control and flexibility. By keeping the program in-house, Council retains the flexibility to approve application as they see fit. The challenge, as we have today, is maintaining budget control if the annual requests exceed the annual budget.

The primary advantage with delegation is budget control. The debate for Council each year would be confined to how much of the annual budget should be directed for Community Grants. This would eliminate Council's process of deliberating each individual grant application. The primary disadvantage with third-party administration is loss of control of where grant funds are distributed. Based on the SPCF criteria, there would be an impact to some of the current grant recipients who receive Community Grant funds year over year for the same project.

Revised Policy Criteria:

Regardless of the program design and administration approach that is chosen, Council will need to define the criteria for the Community Grant Program.

Over the 2017 and 2018 budget cycles staff have reviewed the current Community Grant Program to further identify gaps that exist. Staff have also researched other municipalities with more robust granting programs to learn best practises. Through research, a number of gaps were identified in the existing Community Grant Program when compared to the sample programs.

Below, the gaps are described along with how a revised Community Grant Policy could close the gaps. To facilitate the discussion, staff have prepared a revised Community Grant Policy which is attached to this report.

Strategic Plan Alignment:

- Although there are areas of funding identified in the current Policy, there is no clear alignment between the award of grants and the Town's strategic priorities. Many other municipalities use their grant program as a way to promote their identified strategic priorities and clearly set out what priority areas they will fund.
 - The revised policy sets out four areas of strategic focus for Community Grant funds: Culture and Recreation, Balanced Growth, Economic Development, and Housing. The specifics for the areas of focus are drawn directly from the 2017 Strategic Plan, the 2018 Recreation and Leisure Master Plan, and the 2018 PRC Strategic Business Plan.
 - The Strategic Plan pillars of infrastructure and communication were not included in the policy. Each of the tactics listed in these pillars are tactics that need to be delivered by the Town and not through a third-party using grant funds. The exception to this is Community Events, and these do qualify for grant funds under both Culture and Recreation and Balanced Growth & Economic Development.

Eligible Applicants:

- The current Policy identifies "community groups, non-profit organizations, and local community groups" as eligible groups. This is a very open ended approach, and the best practice identified is to build structure around these definitions. Many municipalities also limit grant funding only to projects that take place in the municipality or can show a clear direct benefit to the community.
 - The revised policy includes a section that clearly details "Eligible Applicants". This list is an area that Council should focus on in their deliberations.
 - New to the policy is a requirement that an organization must be located in St. Marys or provide services for St. Marys, and that the project receiving grant funds is located in Town. The policy allows for external organizations to apply if they can demonstrate a clear benefit to St. Marys.
- Many current applicants list the Town of St. Marys as the sole funder of the project, other than their own source funding. This was flagged by Council in 2015 as a concern with the program. Research has identified that most other municipal granting programs require applicants to prove they have searched out other funding and sources of support.
 - To address Council's concerns with being the sole funder of a project, the Community Grant Policy now includes language that requires applicants to demonstrate financial need, and to demonstrate they have tried to secure other funding sources in addition to the Town.
- In the current approach, larger projects are introduced to Council during the grant review process and it can confuse the deliberation on the smaller grants. A best practice identified is to have these requests not eligible for support through the Community Grant Stream, and to have them referred to the appropriate staff and raised to Council through a dedicated staff report.

- The revised policy instructs staff to bring these applications forward separate of the Community Grant Program via a staff report that demonstrates the external project will advance Council's strategic priorities.
- The current Community Grant Program allows applicants to apply and have funding approved year over year. Research showed that some programs follow this approach, and other programs put limitations on applicants (i.e. can only apply once for "seed" funding, or every other year).
 - The revised policy maintains the current practice of allowing applicants to apply for Community Grant funds each year.

Ineligible Applicants:

- The current Community Grant Policy does not set out who are considered to be "ineligible applicants". Sample policies that were reviewed take this approach to add clarification to the process.
 - The revised policy sets out a defined list of ineligible applicants to the Community Grant Program. This list is an area that Council should focus on in their deliberations.
 - The revised policy also specifically prohibits external organizations and projects from applying to the program. Despite this restriction, the policy also allows Council the opportunity to consider funding projects that are external to the Town. The policy instructs staff to bring these applications forward separate of the Community Grant Program via a staff report that demonstrates how the external project will advance Council's strategic priorities.

Eligible Costs:

- The current Community Grant Policy does not set out what is considered to be "eligible costs". Sample policies that were reviewed take this approach to add clarification to the process.
 - The revised policy sets out requirements for eligible costs under the Community Grant Program. This list is an area that Council should focus on in their deliberations.
- Under the Town's current approach, more often than not the value of the grant requests exceeds the budget allocation. A contributing factor to requests exceeding budget is that each year there are a few large requests that consume a good portion of the budget. An approach to limit the effect of large requests is to set a firm cap on the total available funding for any one applicant.
 - The revised policy establishes a funding cap of 25% of the program budget to a firm cap of \$2500. This cap is set in an effort to ensure that at least some funds can be distributed to as many groups as possible.
 - When reviewing the chart attached to this report which shows how the new policies affect former grant recipients, it is the \$2500 cap which seems to have the most impact. Over the past three years, the total number of grant recipients in any one year has not been overly large. Council could consider establishing a higher cap to limit its effect (i.e. \$3500 or \$4000).
 - The revised policy also establishes a \$2000 cap on "in-kind" fee waivers. This approach was noted in a few of the sample grant policies that were reviewed. The goal of this approach is to limit the impact of waived revenue on Town operations.
- Under the current approach, to meet budget some grants have been denied even if they meet all eligibility criteria. An alternative approach used by some municipalities is to approve eligibility first, and then to prorate all grant awards to ensure all eligible applicants receive at least some funding.
 - The revised policy allows for the Town to prorate grant awards to spread the approved funding budget over all of the eligible applications. The result would be that some groups may receive less funding than they requested, but more groups in total would receive

funds. Under this approach, prorating would occur on either the requested amount or on the \$2500 cap if the original request exceeded \$2500.

Ineligible Costs:

- The Community Grant Policy does not set out specifically what is considered to be “ineligible costs”. Currently, the Community Grant Policy’s only commentary on ineligible costs is that capital costs are not normally considered to be eligible. Despite this provision, it is common for capital costs to be approved for Community Grant Funds. Sample policies that were reviewed take this approach to add clarification to the process.
 - The revised policy sets out specific costs that are not eligible to be funded under the Community Grant Program. This list is an area that Council should focus on in their deliberations.
 - Regular day to day operating costs are listed as being ineligible. The intent of the Community Grant Program is to support projects, programs, activities and events that advance Council’s strategic priorities. The Community Grant program should not be viewed as a core source of funding for an organization’s day to day existence.
 - Town Building and Planning fees are not included as eligible costs under the program. Despite this restriction, the policy instructs staff to bring these applications forward separate of the Community Grant Program via a staff report that demonstrates how the proposed fee waiver will advance Council’s strategic priorities.
 - Per the current Community Grant Policy, the revised policy continues to consider capital costs as being ineligible for a Community Grant. Despite this restriction, the policy instructs staff to bring these applications forward separate of the Community Grant Program via a staff report that demonstrates how the proposed capital project will advance Council’s strategic priorities.

Application Schedule and Review Process:

- The current deadline for grant applications is November 30. Many applications are received that are not fully completed. Despite staff’s efforts to follow-up, the necessary information is not received. These applications are still forwarded to Council, and sometimes these applications are approved.
 - The revised policy establishes a 5 day grace period for late and incomplete applications to be submitted. After the 5 day grace period, the new policy sets out that late and incomplete applications are deemed to be ineligible, and staff are directed to not include them in the summary for Council’s review.
- Currently, the November 30 deadline is loose, and often times Council is receiving grants in the middle of the budget process even after grants have been deliberated and approved. There have been instances where late grants have been approved which causes a budget variance. There have also been instances where a late grant is approved, but another eligible applicant who applied on time was denied in an effort to trim the budget. Reviewing other sample municipal grant programs has shown that the deadline is treated as firm, and all late applications are considered to be ineligible.
 - As currently written, the revised policy sets out that late applications will not be considered. Under this approach, staff would inform the applicant that they are not eligible, and would inform the applicant to apply in the following granting year.
 - An alternative approach would be to have multiple intakes for the Community Grant Program. Under this approach, the annual \$40,000 could be divided up into two or more approval processes, or a portion of the annual program budget could be set aside for mid-year applications. This would protect against budget variances when late or mid-year applications are received. The difficulty in this approach would be distributing funding

equitably so that no applicant who applies under the November 30th intake receives less funding than an application for the same amount under the mid-year program.

- The current process of evaluation is time consuming given that most grant applicants provide a presentation to Council. Most other municipal granting programs have staff evaluate the merits of the application based on the submission received, with Council receiving a summary of the evaluation for final approval.
 - The revised policy does not envision that Council will replicate the current practice where one budget date is set aside to review grants and have applicants make presentations. This has been eliminated to avoid situations where an applicant makes compelling presentation and has their grant approved despite it not being eligible, or has their eligible grant approved at a cost to another eligible applicant who chose not to make a presentation.
 - In place of the above, the revised policy puts in place requirements for staff to complete a detailed review of the applications and to present a detailed summary and recommendations for Council to review and approve. Despite staff's recommendation, the policy sets out that Council has the ability to approve any grant application.

Obligations of Grant Recipients:

- The current Community Grant Policy does not set out what happens to grant funds if a project is cancelled and/or if an applicant wants to transfer approved funds. Sample policies that were reviewed take this approach to add clarification to the process and to protect public funds.
 - The revised policy establishes a new requirement that if a project is cancelled or cannot move forward, the funds must be returned to the Town.
 - The revised policy sets out that Council approval is required to transfer any funds that may not be spent.
 - The policy requires all funds to be spent within the year they are approved, and to be returned to the Town if not spent. Applicants are not allowed to hold unused funds for a future use because we would not be able to prove they were spent in accordance with the policy.
- Rarely does the Town receive the final financial report or report of outcomes from the project that is required in the current policy. The result is that we have no way to prove how and where grant funds were spent.
 - To make this process more robust the new policy provides an incentive for applicants to file these reports. An applicant who does not file their report by November 30 of the following year is considered to be ineligible for a future grant.

SUMMARY

Staff is seeking direction from Council on each of the areas of discussion for the proposed revisions to the Community Grant Policy. To demonstrate how these proposed revisions would affect traditional grant applications, a summary chart has been appended to this report to show the disposition of the Community Grant applications from 2016, 2017, and 2018 had the revised policy been in effect.

Once Council has given direction on the various revisions to the Policy, it is staff's intent to return the revised policy for approval at either the July 24 or August 28 Council meeting.

Once the policy is approved, the plan is for it to be implemented for the 2019 Budget year. Because a number of the proposed changes are fundamental changes to the Community Grant Program staff will ensure that the revised program is publicized well in advance of the November 30th deadline. In addition, all former grant applicants will be contacted directly.

FINANCIAL IMPLICATIONS

The Community Grant Program is funded from the annual interest gained on the PUC fund. The draft budget generally sets aside \$40,000 per year for the Community Grant Program.

The actual amount of grants approved in the in the past three years is:

2016: \$41,334

2017: \$44,514

2018: \$44,987

Not included in \$40,000 Community Grant Program budget is the value of other municipal grants and Capital Facility Grants that Council has approved. This includes the \$50,000 that is provided to the St. Marys Memorial Hospital Foundation each year for physician recruitment, and includes the capital facility costs that the Town absorbs as a part of the Municipal Capital Facility Agreement with the Canadian Baseball Hall of Fame and Museum.

STRATEGIC PLAN

☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.

- **Pillar #4 Culture and Recreation**

- Priority: **Develop a Comprehensive Granting Policy** - Given limited financial resources, a granting policy will ensure that those seeking Town funds will be subject to a process that will assist Council in making key decisions on selecting granting priorities
- Tactic(s):
 - Investigate best practices in grant policy standards, such as partnering with the Stratford Perth Community Foundation.
 - Develop and formalize the new granting process for readiness in the next budget cycle.
 - Ensure compliance with the granting policy on an ongoing basis.
 - Review the granting policy at least three to five years after implementation.

OTHERS CONSULTED

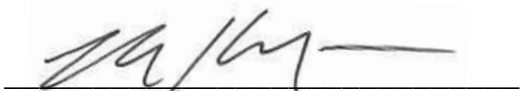
This report and the revised policy were circulated to the Town's Senior Management Team prior to approval.

ATTACHMENTS

1. Revised Community Grant Policy
2. Summary chart showing the impact of the revised policy to 2016-2018 grant applicants.

REVIEWED BY

Recommended by the CAO



Brent Kittmer
CAO / Clerk

Community Grant Policy

Policy Statement

The Town of St. Marys has adopted the “Community Grant Policy” to establish the Community Grant Program which provides limited financial assistance to eligible applicants within the Town whose programs, projects, activities and community events work to advance Council’s strategic priorities. The Community Grant Program exists to recognize the value these organizations add to the creation of a robust and vibrant community.

Scope

Eligible applicants may apply for a Community Grant that demonstrates alignment with one of the following priority areas as identified in Council’s Strategic Plan:

Culture and Recreation: Council has identified creating scale appropriate recreational services and positioning culture as a key economic driver as preferred strategies. The goals of grants approved under this priority area are to:

- Support projects, programs, activities and events and other opportunities that contribute to providing a choice of active, creative and passive recreation and leisure opportunities in order to promote active, engaged, and healthy St. Marys residents.
- Support projects, programs, activities and events and other opportunities that increase patronage and revenues, and that reduce vacancies at the Pyramid Recreation Centre.
- Support projects, programs, activities and events and other opportunities that revitalize St. Marys’ Downtown as a safe, central, and culturally vibrant gathering area.
- Support projects, programs, activities and events and other opportunities that position St. Marys’ parks as a safe, and culturally vibrant gathering area.

Balanced Growth & Economic Development: Council has identified two specific demographic groups that will further the vibrancy and culture of the Town: Youth and Newcomers. Council has identified further priorities to position culture as a key economic driver, including focusing on a revitalized Downtown, new or re-branded signature events, and activities that provide a continuum between the Downtown and the riverfront. The goals of grants approved under this priority area are to:

- Support projects, programs, activities and events and other opportunities that assist with the attraction and retention of youth and newcomers.
- Support projects, programs, activities and events and other opportunities which promote or create the community fabric of St. Marys, and that provide more and better opportunities for interactions and involvement between members of the community to promote St. Marys as positive, pleasant place to live.

- Support projects, programs, activities and events and other opportunities that promote tourism, that celebrate and promote the Town's key amenities and unique offerings, and that tie in with the reactivation of the Downtown and riverfront.
- Support projects, programs, activities and events and other opportunities that promote and expand local arts, theatre and other cultural offerings including public art.
- Support projects and other opportunities that help to create an attractive and well-functioning streetscape and that leverage the downtown architecture to enhance the cultural experience in the Downtown.

Housing: In an effort to attract and retain youth and newcomers, Council has identified a priority to create the conditions that encourage housing options that are affordable and attainable, including rentals. The goal of grants approved under this priority area is to:

- Support projects, programs, activities and events and other opportunities that promote a flexible housing stock that is attractive for youth, workers, and immigrants, and persons of all abilities.

Eligible Applicants

Eligible applicants include:

- Charitable organizations and foundations registered as a charity with the Canada Revenue Agency
- Organizations incorporated as not-for-profits
- Sports groups and associations where the majority of members are minors.
- Clubs, groups and associations where the majority of members are minors.
- Volunteer groups and Community Clubs/Groups providing services in the Town of St. Marys
- Service Clubs providing services in the Town of St. Marys

Eligible applicants must be located in or provide services to the St. Marys community. Eligible applicants must be able to demonstrate that any Community Grant funding received will directly support a St. Marys-based projects, programs, activities or event that will benefit the community of St. Marys.

Applicants who are located outside the Town of St. Marys will only be considered if they can demonstrate a clear benefit to the St. Marys community within their grant application.

Eligible applicants must be able to demonstrate financial need, and how denial of grant assistance would impact their ability to carry out the planned projects, programs, activity or event.

The Community Grant Program is intended to provide funding that is supplemental to the overall financial requirements to carry on a planned project, program, activity, or event. The Community Grant Program is not intended to be the sole source of funding for a project, program, activity or event.

Eligible applicants must be able to demonstrate that they have thoroughly explored grants and funding from other sources, including fundraising, sponsorships, donations, and/or Federal/Provincial grant programs. Applicants who have, or will have, funding from alternate sources must disclose this funding as a part of the budget submitted in support of the Community Grant Program Application. If no other sources of funding have been pursued, applicants are required to provide information on the reasons why other opportunities were not explored.

Special projects, programs, activities and events that are of regional significance and that the Town may wish to be a partner in shall be brought directly to Council through a staff report that outlines how such a partnership will support the strategic priorities of the Town.

Ineligible Applicants

The following applicants are considered to be ineligible for a community grant:

- Previous Community Grant recipients who are in default of the grant reporting requirements. These entities are considered to be ineligible until all required documentation is submitted.
- Government organizations, including municipalities, the Federal Government, and the Provincial Government.
- Town employees, members of Council, or any Town lead project.
- Entities whose primary focus or mandate is of a political nature, including lobby groups and groups focused on special interests. Funds will not be provided to groups who are attempting to further a political agenda.
- Private clubs, groups, and organizations with exclusive membership, except in cases where the group plans to use grant funds for a community project, program, activity, or event.
- Residents Associations and Neighborhood Associations/Groups, except in cases where the group plans to use grant funds for a community project, program, activity, or event.
- Adult recreation and leisure groups, associations and teams, except in cases where the group plans to use grant funds for a community project, program, activity, or event.
- For-profit entities, individuals and commercial ventures. Organizations that provide a share or membership which may be held or disposed of for personal gain.
- Individual-specific projects (for example a single artist exhibition where art is sold for a profit)
- Religious organizations, activities or instruction*

* Religious organizations are permitted to apply if they can demonstrate that their proposed use of grant funds is for a non-secular community based project. Grants cannot be used for religious programming or projects focused on a religion, including renovations to a place of worship unless the facility is also used for open access community activities.

Private programs, activities and events that are not open and inclusive to the general public, including but not limited to; club member events for families & friends, club membership recruitment, etc. are not considered to be eligible for a Community Grant.

Any project, program, activity, or event that is not in compliance with all Federal and Provincial laws and regulations and all municipal by-laws is not eligible for a Community Grant unless all necessary exemptions have been received in writing from the applicable agency.

Projects, programs, activities and events that are deemed to fall under the scope or jurisdiction of another municipality, the Province, or the Federal Government do not qualify for a Community Grant. These requests will be considered by Council directly through a staff report outlining how the proposed project will support the strategic priorities of the Town.

Projects, programs, activities and events that occur outside of the Town of St. Marys are not eligible under the Community Grant program. These requests will be considered by Council directly through a staff report outlining how the proposed project will support the strategic priorities of the Town.

Eligible Costs

Each year as a part of the annual budget process Council will determine the financial commitment to the Community Grant Program. Grant funding or assistance is not guaranteed, and providing financial assistance in any year is not to be regarded as a commitment by the Town to provide financial assistance in future years. The Community Grant Program is subject to funding availability and conditional upon approval of the annual operating budget by Council. Council reserves the right to cancel or alter grant programs as needed.

The Community Grant program will fund up to **25%** percent of the budget for the planned project, programs, activity or event to a maximum of **\$2,500**. Applicants must provide a budget with their application to demonstrate that this requirement has been met, and to clearly show how Community Grant funds will be used.

Through the Community Grant Program Council may approve the provision of “in-kind” fee-waivers to a maximum of **\$2,000** per applicant. For clarification, building and planning fees are not eligible to be waived under the Community Grant Program.

Approved grant funding can only be used for projects that will be open and accessible to all community members and that satisfy the requirements of the Ontario Human Rights Code, the Charter of Rights and Freedoms, and the *Accessibility for Ontarians with Disabilities Act*.

In the event that the total approved annual grant requests exceed the budget approved by Council, the Town reserves the right to place a further cap on the individual grants that are awarded. In this situation, all grants awarded will be reduced on a prorated basis in an effort to distribute grant funds to all approved applications.

Ineligible Costs

The following specific costs are not eligible for a Community Grant:

- Costs that are part of the applicant's normal day to day operating costs (including but not limited to: staffing, utilities, rent, taxes, office equipment and supplies, etc.) and are not directly related to the proposed project, program, activity or event.
- Remuneration, wages, or honorariums, including consultant fees, whether paid to an individual or a professional firm.
- Attendance at conferences, workshops, and seminars.
- Accumulated deficits, annual operating losses or debt and/or debt servicing costs.
- Donations to third-parties and charitable organizations.
- Travel, accommodation, uniforms, or personal equipment.
- Expenses associated with alcohol (including expenses related to the sale of alcohol), legalized substances, or tobacco.
- Costs of political events, rallies and demonstrations.
- Scholarships and bursaries.

Costs directly related to the provision of a Town service or program are not eligible for a Community Grant, unless it can be demonstrated that there will be no duplication of services or situations where a conflict of interest may exist.

Costs associated with any project, programming, activity, or event that are located or are being held outside of the Town of St. Marys are not eligible costs.

Town building and planning fees are not eligible costs under the Community Grant program. Requests to waive building and planning fees must be submitted on a case by case and without precedent basis. These requests will be considered by Council directly through a staff report outlining how the proposed waiver of building and planning fees will support the strategic priorities of the Town.

Municipal Capital Facility grants, as defined in the *Municipal Act*, are not eligible for a Community Grant. In addition, capital expenses are not eligible for a Community Grant. This includes the construction, erection, or rehabilitation of a capital asset and the purchase of capital equipment, as defined by the Town's Public Sector accounting rules. Applicants who are requesting a Municipal Capital Facility grant or propose to construct or rehabilitate a Town asset will be referred to the appropriate Town department. These requests will be considered by Council directly through a staff report outlining how the proposed project will support the strategic priorities of the Town.

Application Schedule and Review Process

Application packages are available through the Municipal Clerk's office. Applicants must use the form attached to this policy, but are not restricted from submitting supplemental information that may support their grant request. Eligible applicants are restricted to one

application on an annual basis. All programs, projects, activities, and events should be consolidated under one request.

Completed applications must be received by the Municipal Clerk's office by November 30 to be considered for a Community Grant in the following fiscal year. Applications received after November 30 will be deemed ineligible for a Community Grant within the current granting year.

After the close of the application period on November 30 of each year staff will complete a preliminary scan of all applications for completeness and accuracy. If an incomplete application has been received, the applicant will be notified and will be provided a five (5) business day "grace period" to submit all missing information.

Applicants who have failed to satisfy all reporting requirements for a previously approved grant may, within the grace period, submit all required information to become eligible for a Community Grant within the current granting year.

Staff are responsible for reviewing all submitted applications against the criteria established in the Community Grant Policy. Staff are required to prepare a summary that compares each application to the eligibility criteria, program rules, and strategic priority funding areas established by this policy. Staff are required to finalize the summary document with recommendations for awarding Community Grants to those grant requests that meet all eligibility requirements.

Council is responsible for reviewing and approving the Community Grant recommendations prepared by staff. Nothing contained in this policy shall preclude Council from approving a grant application at their sole discretion.

Obligations of Grant Recipients

Applicants awarded a grant will be held accountable for the expenditure of the funds in accordance with the stated objectives/plans. Grants in future years will be reviewed based on past demonstrated fiscal responsibility of the applicants.

In the case of a project's cancellation, repayment of the entire amount of the Community Grant will be required. Funds granted are not transferable between projects or groups without prior Council approval. Community Grant funds must be used for the specific purposes outlined in the application. Misuse of funds may result in the applicant being disqualified from receiving a grant for a period of **two years**.

Successful applicants must provide a report on the program no later than 90 days following completion of the program, or by November 30 of the granting year, whichever comes first. The final report must certify that funds were spent on activities described in the grant application and must also include:

- A complete and accurate financial report for the program, outlining the detailed project budget compared to the actual income and the actual expenses.
- The final report should clearly indicate those specific expenses that Community Grant funds were used to offset.

- The financial report must be signed and authorized by a representative with legal or financial signing authority for the organization.
- A description of the outcome of the project and an evaluation of the success of the project.

Grant funds must be spent in the year that they are awarded. Any unused funds must be returned to the Town if they are not spent. Applicants are not permitted hold any unused funds for future use.

Grant recipients must acknowledge the Town's contribution to the program in all related public information, printed material and media coverage. The Town's logo is available through the Municipal Clerk's office.

End of Document

Rev #	Date	Reason	Initiated	Reviewed	Approved

Organization	Grant Description	Approved under Current Program				Approved Under Revised Program				Comments
			2016	2017	2018		2016	2017	2018	
Canadian Baseball Hall of Fame and Museum	Induction Weekend festivities	Cash:	\$5,900	\$5,500	\$5,700	Cash:	\$2,500	\$2,500	\$2,500	Granting cap affects this application. In-kind requests - includes waiving building permit fees. This waive would nee dot be considered outside of the Community Grant Program. Under the revised policy, this event has the opportunity to be considered for funding outside of the Community Grant Program
		In Kind:	TBD	TBD	TBD	In Kind:	TBD	TBD	TBD	
St. Marys Goals Program	School breakfast program.	Cash:	\$6,000	\$5,000	N/A	Cash:	\$2,500	\$2,500	N/A	Granting cap affects this application.
		In Kind:	-	-	-	In Kind:	-	-	-	
Canada Day Parade		Cash:	\$425	\$500	\$1,200	Cash:	\$425	\$500	\$2,500	2018 request was for \$3,000.
		In Kind:			\$500	In Kind:			\$500	
Holy Name of Mary	Various grants requested for playground upgrades and outdoor learning space.	Cash:	\$0	-	\$0	Cash:	\$0	-	\$0	\$9,200 requested in 2016. \$4,425 requested in 2018. Ineligible costs - capital costs.
		In Kind:	-	-	-	In Kind:	-	-	-	
Kinsmen Club of St. Marys	Support for Kinsmen Summerfest	Cash:	-	-	\$0	Cash:	-	-	\$2,500	Request was \$5,000. Granting cap affects this application.
		In Kind:			TBD	In Kind:			TBD	
Stonetown Quilter's Guild	PieceMaker's Quilt show to be held at the PRC.	Cash:	-	-	\$0	Cash:	-	-	\$0	2018 request was for \$6,700 in waived fees. Ineligible applicant. The event is profit making/. Proceeds benefit members by reducing annual membership fees.
		In Kind:	-	-	\$4,000	In Kind:	-	-	\$0	
Quilt Squared	Quilt exhibit at the St. Marys Museum	Cash:	-	-	\$576	Cash:	-	-	\$576	
		In Kind:	-	-	TBD	In Kind:	-	-	TBD	
All Aboard St. Marys	Advocacy efforts to retain VIA services in St. Marys	Cash:	\$13,000	\$4,425	\$4,425	Cash:	\$0	\$0	\$0	Application ineligible for several reasons: Late in 2018, funding requests are for core operating costs. Council would also need to make a determination if this is an ineligible group with a political mandate, or an eligible group focused on retention and attraction strategies.
		In Kind:	-	-	-	In Kind:	-	-	-	
St. Johns Ambulance, St. Marys Division	First aid courses for youth.	Cash:	-	\$625	-	Cash:	-	\$625	-	Approved on the basis that this is an initiative that supports youth.
		In Kind:	-	-	-	In Kind:	-	-	-	
St. Marys Community Players	Purchase of sound equipment for productions	Cash:	-	-	\$2,571	Cash:	-	-	\$0	Application in eligible - capital costs.
		In Kind:	-	-	\$0	In Kind:	-	-	\$0	
Stratford Perth Shelterlink	Living Options for Youth and Emergency Community Placement	Cash:	-	-	\$0	Cash:	-	-	\$0	Request was for \$2500. Ineligible organization - external to St. Marys and unable to demonstrate direct benefit of grant funds in St. Marys. Ineligible costs - core operations funding requested.
		In Kind:	-	-	-	In Kind:	-	-	-	
Family Services	Counselling services	Cash:	-	-	\$4,750	Cash:	-	-	\$2,500	Request was for \$9500. Granting cap applies to this application.
		In Kind:	-	-	-	In Kind:	-	-	-	
Stratford Perth Community Foundation	St. Marys mart and Caring Community Fund	Cash:	\$2,500	\$3,000	\$3,000	Cash:	\$2,500	\$2,500	\$2,500	Annual request for \$5,000. Granting cap affects this application.
		In Kind:	-	-	-	In Kind:	-	-	-	
St. Marys Beautification Committee	Flower purchases for Downtown.	Cash:	\$2,500	\$2,500	\$2,500	Cash:	\$2,500	\$2,500	\$2,500	
		In Kind:	-	-	-	In Kind:	-	-	-	

River Rock Festival	Festival support	Cash:	\$2,500	\$3,009	\$10,000	Cash:	\$0	\$0	\$2,500	2017/2016: Ineligible Applicant - Event is external to St. Marys 2018 - request was for \$10,000. Granting cap affects this application. Under the revised policy, this event has the opportunity to be considered for funding outside of the Community Grant Program
		In Kind:	TBD	TBD	TBD	In Kind:	\$0	\$0	TBD	
St. Marys Lincolns	Waived fees throughout the season.	Cash:	-	\$10,800	-	Cash:	-	\$0	-	Ineligible costs - day to day operating costs.
		In Kind:	-	-	\$15,028	In Kind:	-	-	\$0	
Front Porch Show	Purchase of sound equipment for productions	Cash:	-	-	\$0	Cash:	-	-	\$0	Ineligible costs - capital costs. Under the revised policy, this event has the opportunity to be considered for funding outside of the Community Grant Program
		In Kind:	-	-	-	In Kind:	-	-	-	
St. Marys Station Galleries	Support for multiple exhibits throughout the calendar year.	Cash:	-	-	\$10,000	Cash:	-	-	\$2,500	Granting cap affects this application. Under the revised policy, this event has the opportunity to be considered for funding outside of the Community Grant Program
		In Kind:	-	-	-	In Kind:	-	-	-	
St. Marys Skating Club	2016-2017 season ice rate reduction	Cash:	\$0	-	-	Cash:	-	\$0	-	Request was for \$5,000. Ineligible costs - day to day operating costs.
		In Kind:	-	-	-	In Kind:	-	-	-	
St. Marys Ringette Association	Referee Clinic	Cash:	\$0	-	-	Cash:	\$0	-	-	Ineligible costs - day to day operating costs.
		In Kind:	-	-	-	In Kind:	-	-	-	
Little Falls Public School	Forest School Program	Cash:	\$0	-	-	Cash:	-	-	-	Ineligible costs - day to day operating costs, organization falls under provincial responsibility.
		In Kind:	-	-	-	In Kind:	-	-	-	

Approved under Current Program				Approved Under Revised Program			
	2016	2017	2018		2016	2017	2018
	\$32,825	\$35,359	\$48,722		\$10,425	\$11,125	\$18,076

TOTAL CASH PROVIDED THROUGH GRANT PROGRAM

(Excluding Town initiative grants like United Way, Hospital Foundation, Hichschool sholarship, and Community Meal)

FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Jed Kelly, Director of Public Works
Date of Meeting:	17 July 2018
Subject:	PW 43-2018 Forestry Management By-Law

PURPOSE

To facilitate discussion and receive guidance regarding a forestry management by-law's goals, objectives and criteria. The Town is required to have forestry management structures in place by March 1, 2019 as per Bill 68, Modernizing Ontario's Municipal Legislation Act.

This report does not present a draft by-law for review. The report presents the background research that is required for the Committee to have an informed discussion on a forestry management by-law. Staff's plan for deliberating this report is for the Committee to review the report section by section and to provide any input that the Committee has in regards to the proposed approaches that will be captured in a draft forestry management by-law. Once this information is received, staff will draft a by-law and bring it back for Council's approval.

RECOMMENDATION

THAT PW 43-2018 Forestry Management By-Law be received for discussion; and

THAT the Strategic Priorities Committee recommends to Council:

THAT Staff be directed to develop a draft Forestry Management by-law based on feedback from the Strategic Priorities Committee; and

THAT Staff be directed to seek community engagement on a proposed Forestry Management by-law as detailed in PW 43-2018; and

THAT Staff be directed to maintain quadrant pruning independent of storm events; and

THAT procuring a tree inventory be referred to the 2019 Budget as a capital project consideration.

BACKGROUND

The Modernizing Ontario's Municipal Legislation Act, 2017 (Bill 68) received Royal Assent on May 30, 2017. The Act, among other necessities, requires municipalities adopt a policy with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

The term urban forest is used to describe the Town's tree canopy. Urban forest is a collective term that refers to all trees within the municipal boundary, regardless of land use type or ownership. Therefore, trees along Town streets, in parks, natural areas, in the front or backyards of homes, and in landscapes and open spaces all belong to the urban forest. The call for urban forestry management plans stems from increasing threats to urban forests and therefore the loss of the benefits that they provide.

Across Ontario, three threats to the urban forest have been identified.

1. Urban intensification;

2. Insects and diseases, such as the Chestnut Blight, Dutch Elm Disease, Asian Long-horned Beetle, and the current threat to ash trees posed by Emerald Ash Borer (EAB); and
3. Climate change and severe weather events, this issue is the most detrimental to the St. Marys urban forest as demonstrated by the 2018 ice and wind storms.

A forestry management plan would be designed to address those issues by implementing processes that protect, maintain and grow the urban forest. The protection, maintenance and growth of an urban forest is crucial for the community as it provides significant benefits to the community, and is often considered an essential component of urban infrastructure. Numerous studies have identified the benefits of an urban forest, and have classified them into three streams:

Table 1.0: Tree Benefits

Environmental	Community	Economic
Trees moderate temperature	Improve social connection	Lower energy costs
Trees moderate storm water runoff	Enhance walkable communities	Increase property values
Trees reduce air pollution	Reduce sun exposure and heat related illness	Improve retail business
Trees provide habitat	Improve mental well-being	Market a community

The implementation of a forestry management plan by-law will formalize and refine current policies while also developing sustainable solutions for other identifiable issues to ultimately comply with provincial legislation requirements.

REPORT

Introduction:

The urban forest encompasses both private and public land; therefore the forestry management plan needs to address both. Preliminary drafts of a forestry management by-law divide the content into three sections:

1. Public Trees (Inspection process, removal conditions, replacement and replacement locations, approved species and tree inventory)
2. Naturalized Areas (Sparling Bush, Old fishing Quarry, Sections of Grand Trunk Trail, Riverview walkway and Loop trail network)
3. Private Trees (tree removal permits, diameter and circumference limitations, replacement trees)

Several urban centers have engaged consultants to create Forestry Management Plans. Staff have reviewed the plans and have extracted some ideas from those plans that may be adoptable in St. Marys. Please note, many plans available for review are not reflective of St. Marys as the Town is significantly smaller than other municipalities.

The following plans were a part of the review:

- The City of Stratford's "Urban Forestry Plan, 2001" (Revised 2007)
- The Town of Newmarket "Tree Preservation, Protection, Replacement and Enhancement Policy, 2005" (Revised 2018)
- City of London "Urban Forestry Strategy – Enhancing the Forest City, 2014"
- City of Ottawa "Putting Down Roots for the Future – City of Ottawa – Urban Forest Management Plan, 2018-2037"

In addition to the Forestry Management Plans, Staff has also visited other municipalities' websites to research how they maintain public trees and respond to removal requests.

While the Town is mandated to implement policies to protect and enhance the tree canopy and natural vegetation, it is at the Town's discretion to determine the degree of regulation. Staff understand that the protection and enhancement of trees are crucial as they provide various benefits, but some practices may prove difficult to enforce and practice due to limited financial and personnel resources.

PART 1 - Public Trees:

In September 2017, Staff presented PW 14-2017 Quadrant Tree Pruning, outlining current informal municipal forestry practices. The current management approach is four-pronged:

1. **Planting:** either through direct replacements for removed trees or development of new lands. When the Town removes a tree, the Town plants two or three trees as replacements.
2. **Pruning & Shaping of Younger Trees:** Light ground-based pruning activities to ensure tree growth is directed up and away from the road allowance and sidewalk clearances.
3. **Heavy Quadrant Pruning & Inspection:** Removal of awkward and dead limbs to reduce overall loading on a tree. Pruning and inspection can reduce loads on a root system and wind storm damage.
4. **Removals:** Removal of hazardous trees at their end of life.

Unfortunately, the department has not rigorously followed this approach for the past decade. Staff estimate that proactive quadrant pruning was discontinued around 2009, most likely due to staff turnover and large volumes of ash tree removals. Reactive pruning/removals on a complaint basis were the service standard for 8 to 9 years. This created a program deficit that needs to be retroactively solved.

Staff are proposing a revised three-pronged approach to address forestry needs. The new approach aligns with the provincial mandate and is comparable to other municipalities' procedures. The components of the program will encourage program sustainability, risk mitigation and accurate budget management. There are a number of revolutionary forestry management practices that the Town could adopt from other municipalities; however, the Town should ensure its forestry efforts are achievable and sustainable. The inclusion of public tree policies in the by-law crystallizes the process to ensure consistency.

The three-prong approach will be as follows:

1. Maintain Better:

Maintaining existing public trees will remain the top priority of the department and its contractors. The Town has a wealth of what is called green infrastructure. These are trees in manmade environments including street trees, manicured park and yard trees, and trees in hard surface environments like parking lots. These trees grow in significantly developed areas, and as such management costs are relatively high. The department will implement better inspection and maintenance processes to reduce costs. The overall goal is to employ several methods to "maintain better":

A. Quadrant Pruning

Quadrant Pruning was a legacy program used by the department to manage Town trees; it was eventually discontinued to address immediate difficulties like diseased trees and bug infestations. The Town renewed quadrant pruning efforts in 2016. The method includes dividing the Town into four sections, similar to the waste, recycling, and yard waste collection areas. Inspectors (contractors) review each section on a four-year rotation. If the inspectors identify a tree that is dead, dying or overhanging branches, the inspector will remove the tree or prune the tree accordingly. Initial results indicate that the program is successful in the southeast ward as there have been fewer fallen limbs and property damage from Town trees after storm events. The program is currently in its first rotation in the north ward.

The first rotation has incurred high expenses, as more trees need to be removed or maintained during the initial inspection after the 8 - 9 year reactive strategy. Staff expect that the increased costs will decrease during the second and third rotation as the trees are progressively better maintained. A significant detriment to the inspection program and quadrant pruning is the increased threat of severe weather events, as demonstrated by this spring's separate ice storm and wind storm which injured or destroyed many trees. Sections of the Town that have had recent quadrant pruning did not experience the same level of aftermath from the storm events. Due to the storms, Staff re-allocated tree resources to clean-up rather than maintain inspection practices. Many trees that were injured or destroyed during the weather events were healthy trees that were impacted by the weather events further diminishing the tree canopy.

Staff would prefer to adopt a plan that financially address's the inspections and storm response, so that a backlog of dead and dying trees is not continual.

B. Inspection Requests

The maintenance program will also include requests from Town residents. The Town receives numerous tree requests from members of the public regarding trees in the road allowance. When staff receive an inspection request, staff input the request into the Town's work-order system. Parks staff then receive the work order to perform an inspection. The Park's Operator will determine if the tree is on Town land, the health of the tree, and if any actions are necessary. If the tree requires additional works, staff will either perform the remedial work or have the contracted forestry pruning contractor perform the tasks.

The work-order process has been intermittently used in the past, but starting in 2018 the work-order software has tracked all tree requests. Please see **Table 2: Tree Inspection Requests**, to know the number of requests received from April 2018 to June 2018:

Table 2.0: Tree Inspection Requests

Work Order Sub-Type	Number of Requests
Total Number of Requests:	33
Number of Requests Completed:	24 (73%)

The requests that have not been completed either because they've been made in the past two weeks, or the actions to be undertaken are not an immediate threat and resources have been allocated to trees that are greater hazards. Issues that do not represent a significate hazard are pooled together to save on contractor mobilization costs.

The forestry management plan should address the response time for inspection requests, but also acknowledge that requests will be prioritized based on hazard concerns.

Utilizing better maintenance practices will ensure maximum benefits from the Town's green infrastructure, the department will need to strictly follow the processes and policies in place to establish a healthy and low-risk urban forest.

2. Plant More and Smarter:

The urban forest provides significant benefit, although due to urban intensification, insects and diseases and severe weather events the tree canopy is reducing. Planting more is an effective method to increase the tree canopy but planting more efficiently is also necessary. There are several mechanisms to plant more and smarter:

A. Replacement Strategies:

Adopt policies where if a tree is removed, additional trees are planted, ratios could include:

- 1:2
- 1:3

- 1:4

The greater the ratio of replacement the higher the likelihood of increase tree survival numbers. This is an important approach because new tree loss occurs even though care and maintenance is performed during the initial few months after planting.

When determining replacement ratios, the forestry management plan must also consider the maintenance cost and time required to sustain the tree until significant root development has occurred. Watering costs can become elevated until new trees are established.

B. Tree Placement

If staff remove a tree, they also plant replacement trees. Placement policies currently state that a replacement tree may not be planted in the original tree's location but on public land elsewhere. Other policies could include the development of planting plans, where locations are chosen for all new trees. Consolidating the planting areas improves watering efficiency, as the Operators would have a more systematic watering plan that would ensure trees are not missed. Encouraging residents to water boulevard trees would also help new trees. Staff would need to determine the new planting areas. Furthermore, planting practices should focus on making sure suitable tree species are selected to match their intended function and available growing space conditions including soil conditions.

C. Species

The existing species list is outdated, and some trees can no longer be procured or are unsustainable as green infrastructure due to current environmental concerns. Consultation with Upper Thames River Conservation Authority (UTRCA) and local landscaping businesses will be necessary to curate a new species list that will include trees that are sustainable in Town boulevards and parks thus contributing to the overall tree canopy.

The individual act of planting more trees to increase the overall tree canopy is essential, but practices that ensure the sustainability of the trees are also imperative. The placement of the tree in areas that support efficient management and suitable species for locations determine the viability of the tree and are smarter planting practices that will help reduce maintenance efforts.

3. Protect More:

As mentioned above, the tree canopy is decreasing due to external forces. Because of this, policies that protect the trees are imperative. Town trees that are dying, dead or present hazards should be removed to mitigate risk. Staff recommend implementing a policy where Town trees are removed under specific circumstances, for example the tree is:

- A. Dead or dying;
- B. Hazardous;
- C. Emergency Work; and
- D. Impedes utility construction.

Under this policy trees would not be removed if it is a nuisance (for example the property owner abutting the boulevard tree does not want to clean the leaves). This policy would tighten the tree removal process. This policy is currently being followed informally and would not likely cause any operational problems. The current informal policy is to not remove any healthy trees on public property for any nuisance complaints.

Protection policies would also state that residents shall not remove public trees and shall consult the Town before any pruning activities of public trees over hanging private property. The protection policies are necessary to mitigate risk and manage the tree canopy.

- Tree Inventory

Council should consider directing staff to complete a tree inventory because a tree inventory would assist the three-prong approach. The proposed inventory audits all trees on public land, providing reliable information on all trees, including location, species, and health assessments. A tree inventory can provide a baseline of data to assist in refining maintenance costs and risks. The inventory can help determine short-term and long-term urban forest management practices. A short-term benefit is the tree inventory can identify urgent and high priority works or trees that may need attention in the future. Furthermore, an inventory better delineates private and public road allowance trees. Additionally, it can provide the number of tree species and what species thrive in certain environments. Also, if a species-oriented disease occurs, the Town knows how many trees are at risk and their locations. A tree inventory is multi-use and can assist with long-term planning by identifying areas that lack high tree canopy and areas that do, to determine tree planting locations, but also to deter monoculture to combat species specific disease. For more accurate tree planning, an inventory is beneficial.

The policies above promote the enhancement, protection and better maintenance of public trees. Other municipalities have significantly more robust management for trees on public land, however, many of those practices may prove difficult to enforce due to limited financial and personnel resources. The proposed three-prong approach is considered to be manageable but also complies with the legislation to protect and enhance the tree canopy. Please see **Attachment A: Public Tree Forestry Management**, for a visual breakdown of the intended public tree forestry management plan.

PART 2 - Naturalized Areas

A portion of the forestry management plan should speak to policies for naturalized areas. Since 2016 staff have followed the UTRCA's established management practices with Town owned naturalized areas.

See report PW 34-2017 Sparling Bush Management and Information:

"Annual inspection of trees adjacent to internal trails. Only trees that represent a significant risk to users of the internal trail will be removed and waste wood material placed along existing trails to deter users from creating additional paths which future damage the interior."

Since this report was presented Staff have further expanded to include that no wood is removed from these naturalized areas regardless of purpose; fallen trees are left to decompose and regenerate the forest floor. Trees that represent hazards to walkways or private property are downed with waste wood material left in place to decompose. It should be noted that significant improvement to the health of Sparling Bush has been noted in recent months. This can be attributed to revised management of naturalized areas.

Further consultation with the UTRCA would be recommended to finalize specifics of management of naturalized areas.

PART 3 - Private Trees

Staff have reviewed other by-laws of local municipalities that regulate the destruction and injury of trees to determine common practices. Existing local by-laws address the removal of trees on woodland and woodlot properties, with very few referencing urban forest tree removals. The County of Perth and its member municipalities abide by County by-law 3557-2016, which manages the destruction of private trees in woodlands or woodlots. The definitions of woodlands and woodlots place a minimum of 50 trees on a property. The member municipalities of the County of Huron adhere to a similar policy. Additionally, Oxford County lower-tiers also have identical regulations including the City of Woodstock. Many individual municipalities have older by-laws that prohibit the planting or removal of trees on public property but do not speak to non-woodland or woodlot tree removal.

Large municipalities have enacted urban forest private tree removal processes that are separate from woodland and woodlot removals. Please see **Attachment B: Private Tree Removal Comparison**, for more detail.

Across municipalities, the requirements for a permit vary. The table below is an overview of permit requirements.

Table 3.0 Private Tree Removal Requirements Overview

City	London	Guelph	Brampton	Toronto	Oakville	Vaughn	Mississauga
Diameters Not Requiring Permit (centimeters)	<50cm	<10cm	<30cm	<30cm	<15cm	<20cm	<15cm
Diameters Not Requiring Permit (Inches)	<19.6"	<3.9"	<11.8"	<11.8"	<5.9"	<7.9"	<5.9"
Permit Requires Arborist Report	Yes	Sometimes	Sometimes	Yes	Sometimes	Yes	Sometimes
Permit Requires Re-planting	Sometimes	Sometimes	Yes	Yes	Yes	No	Sometimes

Staff are requesting direction on the following topics for private tree removals permits:

A. What are the minimum metrics requiring a permit?

There are several options that may be considered for permit requirements:

Option 1: Minimum metric permit

While all the by-laws differ, they all share minimum metric characteristics within the permit system. If a tree is of a certain size under all circumstances if the tree is to be injured or destroyed the Town requires a permit.

In most tree injury and destruction by-laws, the size of a tree is determined based on its Diameter at Breast Height (DBH). "DBH" means the diameter of a tree, outside the bark, at breast height, where breast height is measured from the existing grade of the ground adjoining the base of the trunk. As demonstrated in **Table 3.0: Private Tree Removal Requirements Overview**, most municipalities dictate that a permit be required for a tree if that tree exceeds a specific size. The minimum metric size requiring a permit ranges from 10cm to 50cm or 4" to 20", the average being 24cm or 9.5".

Staff have reviewed the above metrics and after internal discussions are recommending the size: 60cm or 24".

Option 2: # of trees to be removed

Another option would require that a permit is necessary when a property owner wants to remove a specific quantity of trees. This method is not in practice in other municipalities based on staff research.

Option 3: # of Tree's to be removed and metric based permit

A final option includes a minimum metric and number of trees. In some cases, a municipality allows a certain number of removals per year without requiring a permit. After a certain amount, the property owner needs a permit. A permit is still required for trees that are larger than the minimum metric.

Recommendation: Ensuring residents acquire a permit as the by-law requires will be difficult. Allowing an annual allowance system up to a certain number of trees similar to Option 2 and 3 could be difficult as it heavily relies on an honour system, and staff having knowledge of how many trees are on a property. Option 3 also relies on an honour system but it is much easier to detect the removal of larger trees. Ultimately, Option 3 would also have less impact on the

required resources to administer and enforce the by-law while also complying with provincial legislation to protect trees.

Staff recommend that a permit be required for trees that are removed with trunks with a minimum trunk of 24", which is larger than the comparators, however it will ease the implementation process, and it can be adjusted at a later time. Staff have also discussed option #2 & #3 internally and are recommending that the total number of trees that are permitted to be removed in a year are those with aggregate of 24" or 60cm of tree trunk. This means that 2 trees with a combined trunk DBH of 24" or under could be removed without a permit.

B. Are arborist reports necessary?

A component of the permit application to injure or destroy a tree includes disclosing the reason for injury or destruction.

Arborist reports can help identify the health of a tree and the necessary steps to remove the tree. Under certain by-laws trees may only be removed if the tree is dead or dying, in which case an arborist report is necessary to confirm the health of the tree. In other circumstances, the arborist report is requested to accurately determine if a tree is dead if that is the reasoning for the removal.

Option 1: Yes

An arborist report detailing the health of a tree, to reason why a tree may be injured or destroyed and provide a removal process. Under this circumstance, trees can only be removed if it is unhealthy.

Option 2: Sometimes

Arborist reports may be requested by Staff under circumstances to better understand the health of a tree and removal processes. Under this, trees may be removed in circumstances where the tree is not dead or dying, but for construction and landscaping purposes or to address access issues.

Recommendation: To keep the process simpler and less regulatory, staff recommend Option 2. This allows more freedom for property owners to remove trees without significant administrative oversight or outside contractors.

C. If trees are removed by permit, should a condition of permit be the property owner replace the tree?

Under Bill 68, the Town is obligated to design policies that enhance the Town's tree canopy. The onus of expanding the tree canopy can be both the Town and property owners. If trees are removed and are not replaced, the tree canopy will slowly be reduced.

Option 1: No

If a tree is removed by permit, the property owner does not need to re-plant a tree.

Option 2: Sometimes

At the discretion of the Town, under some circumstances, staff may request the property owner plant additional trees. The decision could be based on the number of trees being removed or the size of the tree and how the removal affects the overall tree canopy.

Option 3: Always

If a tree is removed by permit, a condition of the permit requires that the property owner replace the injured or destroyed tree. Based on the size of the tree, varying numbers of replacement trees could be planted by the property owner. If the property owner cannot replace the tree on their property, the property owner can pay the costs of a tree to the Town to be planted on public land.

Recommendation: The greatest opportunity to increase overall tree canopy is to plant on private land, reducing the enhancement pressure on public land, resources and personnel. Ideally Option 2 ensures the maintenance and enhancement of the tree canopy.

Staff have noticed the current practice is most residents are very proactive in replacing trees that have been removed on private property. Option 1 or 2 would allow for residents to self-govern and in turn reduce the amount of Town resources required to administer the by-law. Staff have discussed internally and feel that option 1 or 2 would be sufficient as residents have a general high regard for the urban canopy and work to enhance it without town intervention.

D. Other Considerations:

- i. **Species at Risk** - All tree removals, even those not requiring a permit will be subject to *Ontario Regulation 240/08* under the *Endangered Species Act, 2007*, S.O. 2007, c.6 and species listed in Schedules of the *Species at Risk Act*, S.C. 2002, c.29. removal policies.
- ii. **Permit Exemptions** - Other than size and number of trees being removed, nearly all other by-laws reviewed had standardized exemptions. They are as follows:
 - Pruning and maintenance of tree that is necessary to maintain the health and condition of a tree;
 - The tree is hazardous;
 - Emergency works (needs to be clearly defined in the by-law);
 - Tree is identified as causing structural damage to a drain, load-bearing structure or roof;
 - Trees located in nursery's or orchards; and
 - Rooftop or indoor trees.

Other exemptions that are not standard across by-laws include:

- Fruit trees;
- Golf courses; and
- Trees located within 2 metres of an occupied building.

Other sections that Staff will include in the private section of the by-law are entry and inspection, orders and remedial actions, penalties and enforcement. If the permit system is accepted, Staff will need to do an analysis of appropriate fees. The permit fees would be reasonable and likely re-allocated to Town forestry budgets that would help protect, enhance and maintain the Town's urban forest.

The injury and destruction of private trees requires considerable discussion as there are little to no local comparators to assist in the decision making process. Numerous larger municipalities have been chosen to help determine common practices, however, due to their size their methods may not be applicable to St. Marys based on personnel and financial constraints. It is at Council's discretion to determine the level of regulation that the Town should apply to the injury and destruction of private trees.

PART 4 - Community Engagement:

Community engagement will be fundamental in implementing a forestry management plan. To have a successful plan all stakeholders including government and residents need to be involved. Staff are requesting that Council direct Staff to consult with service clubs, UTRCA, local businesses and residents to develop a forestry management plan.

The planned steps in the engagement process include:

Step 1: Receive Council Direction

Step 2: Forestry Stakeholders Consultation

- Consult with green stakeholders like UTRCA, local landscapers and foresters to help determine best practices
- Develop draft by-law based on Council direction and consultation

Step 3: Community Engagement

- Surveys to the public to determine public perception of by-law
- Open House/Public Information Night

Step 4: Draft to SPC

- Present draft by-law

SUMMARY

The Town is required to have a by-law that enhances and protects the Town's tree canopy adopted by March 1, 2019. The tree canopy encompasses both private and public lands. The proposed policies addressing public and private trees are intended to strike a balance between what is achievable with existing resources and being compliant with the provincial mandate.

FINANCIAL IMPLICATIONS

Presently, forestry and tree management policies for smaller municipalities are for the most part reactive in nature and budget impacts are difficult to project accurately. The urban canopy can be divided into public and private lands.

Public Lands:

Staff are working to improve management of publicly owned trees, with risk management mitigation as the primary budget driver at the moment. Staff are committed to shift the existing programs from reactive to proactive programs, which should assist to provide greater budget stability and projections. Unfortunately with recent irregular weather events, often cleanup costs take priority over maintenance tasks such as pruning and inspection. Already in 2018 weather events such as flooding, ice & wind storms have had a noticeable impact to the forestry operational budget.

One component that has been identified that would assist with budget development is a comprehensive inventory of publicly owned trees. Currently the Town has no inventory of trees on public lands, with no metric details such as location, age or health to derive expected maintenance costs. Staff are recommending Council consider a contractor led inventory of trees within the road allowance during the 2019 budget process. Ideally the inventory would be compatible with the town's existing GIS Mapping, Asset Management & Work order system. This compatibility would also assist in understanding the financial commitments present and future to manage the urban canopy. Depending on datasets and mapping requested the estimated cost could range from \$25,000 to \$40,000.

Private Lands:

Bill 68 requirements for a policy to protect and enhance the tree canopy and natural vegetation in the municipality is a new initiative. It can be expected complete budget impacts would be directly affected by the level of regulation the municipality chooses for trees located on private lands. Staff have discussed internally and are of the opinion that greater regulation will ultimately result in increased operational costs. In theory, operational costs would be offset by any permit fees collected and fines laid. As this would ultimately be a service level increase the expected work load is not currently allocated to any specific position within the current staff complement. Staff feel that a relatively relaxed level of regulation that allows the majority of residents to carry on as historically done would be prudent at this time. The policy could be revised after 2-3 years of operation for any improvements are discovered.

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.

- Pillar #4 Culture and Recreation:
 - Outcome: A focused parks strategy
 - Tactic(s): Investigate implementing a forestry and tree management policy for the Town.

OTHERS CONSULTED

John Hahn, Operator A

Todd Thibodeau, Public Works Supervisor

ATTACHMENTS

A. Public Tree Forestry Management Information

B. Private Tree Removal Comparison

REVIEWED BY

Recommended by the Department

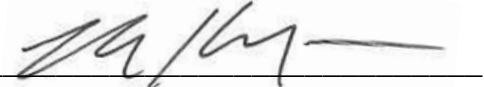


Jed Kelly
Director of Public Works



Morgan Dykstra
Public Works Coordinator

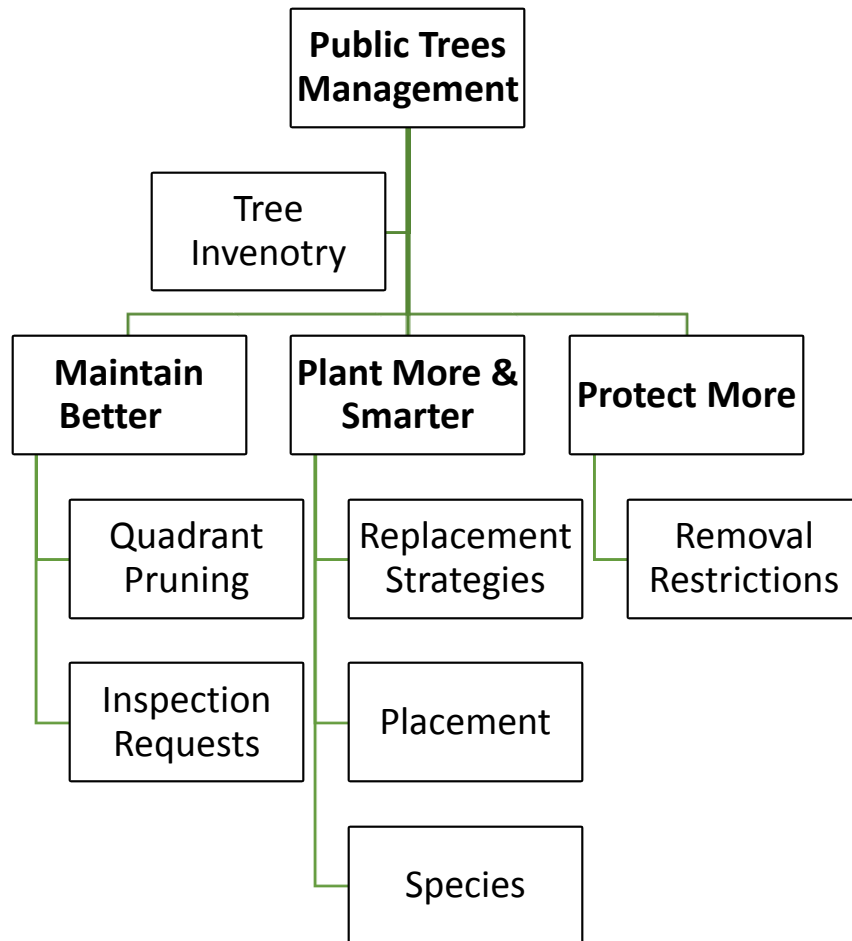
Recommended by the CAO



Brent Kittmer
CAO / Clerk



Forestry Management – Public Tree Practices





PW 43-2018 Forestry Management Plan Discussion

Attachment A: Private Tree Removal Comparison

As mentioned in PW 43-2018, very few smaller centres or other local municipalities have enacted by-laws that address the removal of private trees on land not designated as woodlands or woodlots. Therefore, for comparison purposes and review of alternative processes, 7 urban centres have been reviewed. The implementation date of the by-laws range from 2005 until 2017. The degree of regulation varies across the municipalities.

City	London	Guelph	Brampton	Toronto	Oakville	Vaughn	Mississauga
Diameters Not Requiring Permit	<50cm	<10cm	<30cm	<30cm	<15cm	<20cm	<15cm
Diameters Not Requiring Permit	<19.6"	<3.9"	<11.8"	<11.8"	<5.9"	<7.9"	<5.9"
Permit Requires Arborist Report	Yes	Sometimes	Sometimes	Yes	Sometimes	Yes	Sometimes
Permit Requires Re-planting	Sometimes	Sometimes	Yes	Yes	Yes	No	Sometimes

CITY OF LONDON (2016/2017)

C.P. – 1515-228 – Enacted August 30, 2016

The City of London passed a private tree cutting by-law in 2007, that by-law was then updated in 2016 and amended in 2017 to further address tree canopy concerns.

- “Distinctive Tree” means a Tree that has attained a trunk diameter of 50cm or greater measured from Natural Ground Level to 1.4m above Natural Ground Level that is located on a property within the geographic area of the Urban Growth Boundary excluding the Tree Protection Area.

Nature of Application for a Permit	Fee for Permit
Injure or Destroy any Tree that the City Planner accepts as hazardous	No Fee
Injure or Destroy any Tree where that Injury or Destruction is required under any Court Order or an Order issued under in accordance with an Act or Regulation or other By-Law	No Fee
Remove any Tree that is fallen, falling, or dead or dying, from natural causes	No Fee
Injure or Destroy one Distinctive Tree	\$100/Tree
Injure or Destroy one to three living Trees within a Tree Protection Area	Less than 50cm diameter: \$75/Tree More than 50cm diameter: \$100/Tree
Injure or Destroy four or more living Trees within a Tree Protection Area	Less than 50cm diameter: \$75/Tree More than 50cm: \$100/Tree Up to a maximum of \$1000

Permit Exemptions	Permit Requirements
-------------------	---------------------



<ul style="list-style-type: none"> • Pruning is necessary to maintain the health and condition of the tree • The Tree is not a Distinctive Tree and is located outside of the Tree Protection Area • The tree is located in a building, or rooftop garden • Tree is located in an orchard, tree farm or plant nursery • The tree is an immediate threat to public health and safety • Is a Normal Farm Practices as defined in the <i>Farming and Food Production Protection Act, 1998, S.O. 1998, c.1</i> 	Tree Protection Area & Distinctive Trees <ul style="list-style-type: none"> • Arborist Contact Information • Tree Removal Contractor information • Purpose of tree protection area permit • Description of proposed injury or destruction (site drawing) • Off-site tree planting that may be proposed to mitigate tree canopy loss • Report: site typography, hydrological functions, sensitive environmental features, the flood plain, sustainability of remaining trees
--	--

The By-law also contains a unique section titled “Protection of Forest Health”, which enables the City Planner to enter inspect or survey a property in which the City Planner believes on reasonable grounds there may be a pest or threats to forest health.

CITY OF GUELPH (2010)

By-Law Number (2010) – 19508

NECESSARY DEFINITIONS

- “Regulated Tree” means a specimen of an species of deciduous or coniferous growing woody perennial plant, supported by a single root system, which has reached, could reach or could have reached a height of at least 4.5 metres from the ground at a physiological maturity, is located on a Lot larger than 0.2hectares (0.5 acres) in size and has a DBH of at least 10cm;
- “DBH” means diameter of a tree, outside the bark, at breast height, where breast height is measured from the existing grade of the ground adjoining the base of the trunk;

Permit Exemptions	Permit Requirements
<ul style="list-style-type: none"> • If not considered a “Regulated Tree”, the tree may be removed without a permit • If a “Regulated Tree” the tree may be removed under the following circumstances without a permit: <ul style="list-style-type: none"> ○ No living tissues or 70% of more of its crown is dead or infected ○ The tree is hazardous ○ For Emergency Works ○ Identified as causing structural damage to a drain, load-bearing structure or roof structure ○ Rooftop tree ○ Fruit tree ○ Growing in contaminated soil 	<ul style="list-style-type: none"> • A plan and photograph, showing the location, species, size and condition of each Regulated Tree to be destroyed or injured • Purpose for which the Permit is being sought • Where there is a discrepancy in the health assessment of the Regulated Tree – an Arborist report is required • A tree protection plan if necessary • Where three or more trees are proposed for destruction, a landscaping, replanting and replacement plan



CITY OF BRAMPTON (2012)

By-Law 317-2012

Permit Exemptions	Permit Requirements
<ul style="list-style-type: none"> • Woodlots • Hazardous Trees • Injury to Trees that are necessary for Emergency Work • Trees located within 2 metres of an occupied building; • Trees with a DBH of less than 30 centimeters; • Trees located on rooftop gardens, interior courtyards or solariums; • Trees located on a Nursery or Orchards 	<ul style="list-style-type: none"> • Justification for removal • The species, size, number and location of replacement trees • Measures to mitigate the direct and indirect effects on the natural environment from the injuring Trees

The by-law has previously allowed the exemptions to include 5 metres of an occupied building and the diameter exemption was formerly 40 cm. No requirement for an arborist letter, but it may be requested from time to time.

CITY OF TORONTO (2015)

Toronto Municipal Code Chapter 813, Trees

Permit Exemptions	Permit Requirements	Permit Terms And Conditions
<ul style="list-style-type: none"> • Trees with a DBH of 30 centimeters; • Terminally diseased, dead or imminently hazardous tree • Pruning of a tree • Emergency Work as certified by the General Manager • Rooftop Gardens • Trees in ravine protections areas 	<ul style="list-style-type: none"> • Name, address and telephone number of the applicant • The purpose for which the permit is required • A tree survey showing the location of trees on the property • An arborist report • A tree protection plan • Landscaping and replanting plans 	<ul style="list-style-type: none"> • Replacement trees shall be planted and maintained in good condition for a period of two years after planting • Where replacement planting is not physically possible on site, the General Manager may: <ul style="list-style-type: none"> • Require replacement planting at another suitable location; or • Accept a cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two year • Destruction shall only be carried out by or under the supervision of an Arborist



TOWN OF OAKVILLE (2017)

By-Law 2017-038

The Town of Oakville's by-laws is considered highly more regulatory in comparison to the other sampled municipalities.

Permit Exemptions	Permit Requirements
<ul style="list-style-type: none"> Trees with a DBH less than 15cm Emergency Work – notification required Pruning, maintenance or removal of branches or limbs of any tree where they interfere with existing utility conductors, building or structures Rooftop gardens Nursery Satisfying a condition of a site plan, a plan of subdivision, a plan of condominium etc. To permit a the construction or a building or structure, where required under a building permit 	<ul style="list-style-type: none"> Non-refundable fee Arborist Report for high risk trees Consent Replacement Tree

The Town of Oakville's permit fees are as follows:

- \$50 – non-refundable fee for the first tree removed (15 to 24 cm DBH) in a 12-month period.
- \$325 – non-refundable fee for each additional tree, and trees that are larger than 24 cm DBH.
- No fee – dead and high risk trees, ash trees, and buckthorn require a permit but are exempt from fees.
- Security deposit – tree replacement and security deposit may be a condition of removal.

As per Schedule A of the by-law, if a tree is removed under a permit, the City of Oakville requires that a condition of the permit require that the property owner plant replacement trees. A \$300 security deposit is required for each tree to be planted. The security deposit will be refunded once a final inspection of the replacement planting is complete. Replacement trees must be planted on the same property as those removed. Where it is not possible to properly grow replacement trees on site, the security deposit may be donated to the town to plant on nearby town property. The minimum tree replacement size is a 3cm width deciduous tree, or at 150-cm high coniferous tree in a five-gallon container, balled in burlap, or in a wire basket. The number of trees is based on the DBH of the tree removed:

Tree Replacement As the Condition of the Private Tree Removal Permit	
Diameter at Breast Height (DBH) in cm	Number of Replacement Trees
First tree 15-24	1
15-24	2
25-34	3
35-44	4
45-54	5
55-64	6
65-74	7
75-84	8
85-94	9



PW 43-2018 Forestry Management Plan Discussion

Attachment A: Private Tree Removal Comparison

95-104	10
105-114	11
>115	12

CITY OF VAUGHN (2007)

By-Law 185-2007

Permit Exemptions	Permit Requirements
<ul style="list-style-type: none"> Trees with a DBH less than 20cm Emergency Work Pruning of a tree Removal of dead branches Rooftop trees Nursery or golf course 	<ul style="list-style-type: none"> Plan or drawing of the lot Fees Arborist report Tree protection plan identifying location, species and size of trees on the property illustrating details of protection measures including protective barriers and hoarding to be implemented to protect trees that are to be retained Landscaping and replanting plans (doesn't explicitly address replanting requirements)

The City of Vaughn has multiple applications forms based on varying reasons for removal. There is a residential form for the removal of 5 or less trees, and a construction or infill form for the removal of more than 5 trees. An application form, for dead and hazardous trees or Emerald Ash Boere and infected Ash trees purely for the documentation of deceased trees.

CITY OF MISSISSAUGA (2005)

By-Law 0474-2005

Permit Exemptions	Permit Requirements
<ul style="list-style-type: none"> 4 trees with a DBH greater than 15cm Trees that have a DBH 15cm or less Emergency work Matters undertaken by government authority or school board Pruning a tree Rooftop gardens Tree on land used for the purpose of a nursery gold course 	<ul style="list-style-type: none"> Plan and location of trees to be removed and distance from property lines and buildings Fees Arborist report may be required

FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	17 July 2018
Subject:	DEV 29-2018 Site Alteration By-law

PURPOSE

The purpose of this report is to provide Committee with an overview of a proposed Site Alteration By-law and provide recommendations for Council consideration.

RECOMMENDATION

THAT DEV 29-2018 Site Alteration By-law report be received for discussion; and,

THAT the Strategic Priorities Committee recommend to Council:

THAT Staff consult with the local development industry regarding the proposed Site Alteration By-law; and

THAT Staff be directed to bring forward the final by-law to Council after consultation with the local development industry.

BACKGROUND

There are growing concerns with unregulated site alteration through large-scale placing, removal and dumping of fill, the alteration of existing grades, and/or the removal of vegetation cover which can have detrimental impacts on adjacent properties (drainage, erosion, dust, etc.) and on groundwater, rivers and other water resources. Prior to construction or development approvals and/or agreements, there are limited tools to permit and regulate such works. Grading and filling may be regulated by the Conservation Authority however, there is a gap in controls for lands outside of the regulated areas of the Authority.

On August 22, 2017, Council approved an agreement with Meadowridge Properties to allow site alterations as part of Phase 2 of the development. As noted in DEV 24-2017 staff report, the Town has historically allowed developers to enter upon lands (sometimes prior to draft approval) without proper safeguards in place. The agreement entitled the owner to excavate material, process and stockpile fill, remove fill, and grade the property, subject to the terms of the agreement including a construction management plan attached to the agreement. The agreement also required the owner to comply with a number of conditions including maintaining erosion and siltation control devices, and monitoring soil and water quality.

Section 142 of the Municipal Act allows local municipalities to pass by-laws prohibiting or regulating the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of the land. A site alteration by-law provides a regulatory tool to enable the Town to regulate indiscriminate and/or inappropriate placing or dumping of large amounts of fill on private property, and will assist in preventing grading and drainage issues that may impact nearby properties, and protect ground water from contaminated substances.

REPORT

The draft site alteration by-law is attached to this report. The by-law applies to all lands in the Town of St. Marys and states that no person shall cause or permit a site alteration without a site alteration permit (Section 3.1). The 'Designated Officer' for the purposes of administering the By-law is the Town's Chief Building Official (CBO) or person designated by the CBO. Section 3.4(d) of the by-law requires that all fill used is clean and free of rubbish, rubber, plastics, metals, glass, garbage, termites, organic material, liquid or solid and/or toxic chemicals, and other contaminants or related waste.

Section 3.2 of the by-law prohibits site alteration on any lands zoned in the Town's Zoning By-law as Environmental Constraint Zone (EC), Flood Plain Zone (FP), Development Zone (D or RD) or Special Policy Area Constraint Zone (SPA) unless such site alteration is directly associated with a building permit issued by the Town, any development agreement with the Town, or such site alteration is directly associated with activities described in Section 4.0 of the by-law.

Section 4.1 states that the provisions of the by-law do not apply to:

- (a) properties less than 0.8 hectares in size, unless the lot includes or is adjacent to a body of water;
- (b) activities or matters undertaken by the Town or a local board of the Town;
- (c) site alteration in accordance with plans approved in conjunction with a site plan, a plan of subdivision or a consent under Sections 41, 51, or 53 respectively, of the Planning Act or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (d) site alteration undertaken on land described in a licence for a pit or quarry or permit for a wayside pit or quarry issued under the Aggregate Resources Act;
- (e) site alteration undertaken as an incidental part of drain construction under the Drainage Act, or the Tile Drainage Act;
- (f) activities or matters of a Ministry of the Provincial Government, Corporation of the County of Perth, or a Conservation Authority;
- (g) any minor works on a residential property which are a minimum of 0.3 metres from any lot line, and involves the placing or dumping of no more than fifteen (15) cubic metres per year of topsoil for the purpose of lawn dressing, constructing a fence, pool or other accessory structure, landscaping or adding to flower beds or vegetable gardens, provided that there is no alteration to the volume, direction, intensity or form of storm water run-off to adjacent properties or where the works are permitted under the Town's Building Permit process. Additional soil depth shall not exceed 100 mm above the existing grade; or,
- (h) the removal of soil as an incidental part of a normal agricultural practice, provided however that this provision shall not exempt from the provisions of the by-law the removal of topsoil for sale, exchange or other disposition.

Section 6.2 sets out submission requirements with a completed site alteration permit application including fees and securities as set out in Schedule A of the By-law, a site alteration [lan conforming to requirements set out in Schedule B of the by-law, and supporting reports or studies as deemed necessary by the Designated Officer. Fees in the proposed by-law are provided in the following chart.

FEE TYPE	FEE	RENEWAL FEE
Applications for quantities of Fill and/or Topsoil less than 500 cubic metres	\$250	\$150
Applications for quantities of Fill and/or Topsoil of 500 cubic metres or greater	\$500	
Additional inspections	\$150 per inspection	

Specific requirements and specifications for site alteration plans are set out in Schedule B of the by-law.

In accordance with Section 8.1, the Designated Officer must consider specified conditions for any permit, including:

- permits shall be valid for a period of one (1) year from the date of issuance but permits shall expire six (6) months after the date of issuance if no work has been commenced under the permit during the six (6) preceding months
- the Designated Officer may renew a permit for one additional period of one (1) year upon the submission of a new application and the payment of a renewal fee
- the applicant shall notify the Designated Officer at least five (5) business days in advance of the commencement of any site alteration

Section 18 sets out penalties for contraventions of the By-law.

A draft site alteration permit application is also attached to this report for consideration.

SUMMARY

It is recommended that the Town consider the passage of a site alteration by-law to regulate and/or prohibit the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of a site. Such a by-law will help ensure existing drainage patterns and water quality are maintained, prevent erosion and sedimentation, prevent the use of hazardous or improper fill, and protect natural heritage features and areas.

FINANCIAL IMPLICATIONS

Not known at this time.

STRATEGIC PLAN

☒ Not applicable to this report

OTHERS CONSULTED

Brent Kittmer, CAO/ Clerk
Susan Luckhardt, Planning Coordinator
Jeff Wolfe, Asset Management/Engineering Specialist
Dave Blake, Environmental Services Supervisor

ATTACHMENTS

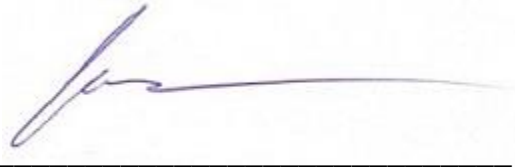
- 1) Draft Site Alteration By-law
- 2) Draft Site Alteration Permit Application
- 3) Town of St Marys Parcel Map

REVIEWED BY

Recommended by the Department

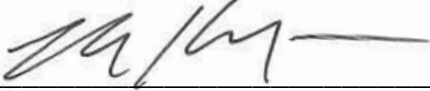


Mark Stone
Planner



Grant Brouwer
Director of Building and Development

Recommended by the CAO



Brent Kittmer
CAO / Clerk

BY-LAW ____ OF 2018

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to prohibit or regulate the removal of topsoil, the placing or dumping of fill and, the alteration of grade of land within the Town of St. Marys.

- WHEREAS:** Section 142 of the *Municipal Act*, S.O. 2001 c. 25, as amended authorizes local municipalities to pass by-laws prohibiting or regulating the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of the land;
- AND WHEREAS:** Section 142 of the Act further authorizes local municipalities to pass by-laws requiring that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land within the Town and may prescribe the fees for such Permit, the circumstances under which a permit may be issued, and the conditions that may be attached to such Permit;
- AND WHEREAS:** Council considers it to be in the public interest to enact a by-law for prohibiting or regulating the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of a site in order to ensure that:
- (a) existing drainage patterns are maintained;
 - (b) interference and damage to watercourses or other bodies is limited;
 - (c) water quality is maintained;
 - (d) erosion and sedimentation are prevented;
 - (e) changes to drainage or grade are appropriate to protect natural heritage features and areas;
 - (f) the use of hazardous or improper fill is prevented; and
 - (g) unanticipated drainage and site alteration changes are prevented;
- NOW THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows;

1.0 DEFINITIONS

1.1. For the purpose of this By-law:

“Application” means an application for Permit in the form prescribed by the Designated Officer.

“Adverse Effect” means one or more of,

- (a) Impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;

- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of property; or,
- (h) interference with the normal conduct of business.

“Applicant” means the Owner, or a Person authorized by the Owner, who submits an Application to the Town for Permit.

“Council” means the Council of the Town.

“Designated Officer” means the Town’s Chief Building Official, or Person designated by the Town’s Chief Building Official.

“Drainage” means the movement of water, whether by way of natural characteristics of the ground surface or by artificial means.

“Dumping” means the depositing of Fill in a location on a property or the movement and depositing of Fill from location on a property to another location on the same property.

“Fill” means any type of imported or relocated material deposited or placed on a property and includes, but is not limited to, soil, stone, concrete, aggregate, brick, sod or turf, or any combination thereof.

“Grade” means the elevation of the surface of the land.

“Grade, Existing” means the Grade as it exists at the timing of filing an Application.

“Grade, Finished” means the Grade after a Site Alteration.

“Inspector” means the Designated Officer, or Person designated by the Designated Officer, to enforce the provisions of this By-law on behalf of the Town.

“Owner” means the legal registered owner(s) of the property as shown by the records of the Land Registry Office where the property register for the property is situated.

“Permit” means an authorization to perform a Site Alteration, which is granted in writing by a Designated Officer.

“Person” means any individual, corporation, partnership, company, association or party.

“Placing” means the distribution of Fill on a property to establish a Finished Grade higher or lower than Existing Grade.

“Qualified Person” means a Person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, an environmental consultant, a geoscientist or other professional approved by the Designated Officer who possesses expert or special knowledge with respect to matters contained within this By-law.

“Removal” means excavation or extraction of any Fill which lowers the Existing Grade.

“Retaining Wall” means a concrete or concrete product wall or other material, approved by the Designated Officer, designed to contain and support Fill which has a Finished Grade higher than that of adjacent lands.

"Site Alteration" means the Placing, Dumping or Removal of Fill or Topsoil, the alteration of the Existing Grade of land by any means including the removal of vegetation cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities.

“Site Alteration Area” means the total area of the property on which Site Alteration will occur.

“Site Alteration Plan” means a plan prepared by a Qualified Person on behalf of an Applicant in connection with an Application and pursuant to the requirements of this By-law.

“Soil” means any material commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel.

"Topsoil" means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

“Town” means the Corporation of the Town of St. Marys.

2.0 APPLICATION OF BY-LAW

2.1. This By-law applies to Site Alteration within the geographical area of the Town.

3.0 GENERAL PROVISIONS

3.1. No Person shall cause or permit a Site Alteration within the Town without a Site Alteration Permit issued under this By-law.

3.2. The issuance of a Permit under this By-law does not excuse the Owner or Applicant from complying with other applicable federal, provincial, and municipal laws, and it does not warrant or guarantee that the Owner or Applicant will obtain any other permit or authorization from the Town or other government entity.

3.3. Notwithstanding any other provision of this By-law, no person shall cause, permit or perform a Site Alteration on any lands zoned in the Town of St. Marys Zoning By-law as Environmental Constraint Zone (EC), Flood Plain Zone (FP), Development Zone (D or RD) or Special Policy Area Constraint Zone (SPA) unless such Site Alteration is directly associated with a building permit issued by the Town, any development agreement with the Town, or such site alteration is directly associated with activities described in Section 4.0 of this By-law.

3.4. Notwithstanding any other provision of this By-law, no person shall cause, permit or perform a Site Alteration on any lands within any wellhead protection area, significant ground water recharge area or high aquifer vulnerability area as identified in an approved source water protection plan or the Town Official Plan, unless approved by the risk management official in accordance with the Clean Water Act.

3.5. Any Person who causes or permits a Site Alteration within the Town shall ensure that:

- (a) no slope is constructed steeper than 3:1, and no Fill shall encroach upon adjacent lands, either above or below Existing or Finished Grade, and which is not so high as to cause an Adverse Effect on adjacent and other lands;
- (b) the Finished Grade surface is protected by sod, turf, seeding of grass, greenery, asphalt, concrete or such other material as the Designated Officer may approve, either singly or in combination;
- (c) the Fill is not placed around the perimeter of any existing building to an elevation higher than the elevation specified by the Ontario *Building*

Code Act or regulations thereunder, as amended, below the top of foundation of such building, unless such building and its foundation walls are altered in a manner satisfactory to the Designated Officer;

- (d) all Fill used is clean and free of rubbish, rubber, plastics, metals, glass, garbage, termites, organic material, liquid or solid and/or toxic chemicals, and other contaminants or related waste and for this purpose the Designated Officer may require contaminant testing of the fill to be placed or dumped; and,
- (e) the Dumping or Placing of Fill is conducted in such a manner that no ponding is caused on the property, abutting properties and other lands, and provided that there is no alteration to the volume, direction, intensity or form of storm water run-off to adjacent properties.

4.0 EXEMPTIONS

4.1. The provisions of this By-law shall not apply to:

- (a) properties less than 0.8 hectares in size, unless the lot includes or is adjacent to a body of water;
- (b) activities or matters undertaken by the Town or a local board of the Town;
- (c) Site Alteration in accordance with plans approved in conjunction with a site plan, a plan of subdivision or a consent under Sections 41, 51, or 53 respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (d) Site Alteration undertaken on land described in a licence for a pit or quarry or permit for a wayside pit or quarry issued under the *Aggregate Resources Act*;
- (e) Site Alteration undertaken as an incidental part of drain construction under the *Drainage Act*, or the *Tile Drainage Act*;
- (f) activities or matters of a Ministry of the Provincial Government, Corporation of the County of Perth, or a Conservation Authority;
- (g) any minor works on a residential property which are a minimum of 0.3 metres from any lot line, and involves the placing or dumping of no more than fifteen (15) cubic metres per year of Topsoil for the purpose of lawn dressing, constructing a fence, pool or other accessory structure, landscaping or adding to flower beds or vegetable gardens, provided that there is no alteration to the volume, direction, intensity or form of storm water run-off to adjacent properties or where the works are permitted under the Town's Building Permit process. Additional soil depth shall not exceed 100 mm above the Existing Grade; or,
- (h) the Removal of Soil as an incidental part of a normal agricultural practice, provided however that this provision shall not exempt from the provisions of this By-law the Removal of Topsoil for sale, exchange or other disposition.

5.0 PLANNING AND DEVELOPMENT PROCESS

5.1. The provisions of this By-Law, as amended from time to time, may form part of the development approval process governed by the *Planning Act*.

- 5.2. Where there is a development application involving approval in accordance with the Planning Act, there shall be no Site Alteration as a result of any site preparation until the issuance of a Permit and/or the receipt of the final approval of the applicable *Planning Act* applications.

6.0 APPLICATION REQUIREMENTS

- 6.1. Any person intending to undertake a Site Alteration within the limits of the Town, through their own actions or through the actions of any other Person, shall submit a completed Application and obtain a Permit in accordance with the provisions of this By-law, unless otherwise exempted by Section 4.0, prior to undertaking any Site Alteration.
- 6.2. A Person applying for a Permit shall submit a completed Application and the following to the Designated Officer:
- (a) payment of the prescribed fee as set out in Schedule “A” of this By-law, which fee may be changed from time to time by Council;
 - (b) provision of security, if required, in a form and amount to be determined in accordance with Schedule “A” to this By-law, to secure performance of the Applicant’s obligations under this By-law and any Permit that is issued hereunder;
 - (c) a Site Alteration Plan conforming to the requirements set out in Schedule “B” of this By-law;
 - (d) any requirements of any other permit or approval that may be required by an external agency or governmental agency having jurisdiction regarding the property or the proposed works;
 - (e) confirmation of permission, in writing, from all property owners that will be receiving Fill generated in accordance with the Permit;
 - (f) provision of any report or study deemed necessary by the Designated Officer, Town department or any external agency/governmental agency having jurisdiction including, but not limited to, an environmental impact assessment, archaeological study, vegetation analysis, stormwater management plan, environmental or geotechnical report;
 - (g) the proposed haul routes to and from the site, determined so as to minimize damage to roads and interference and/or disturbance to the residents and businesses of the Town, together with the estimated number of trucks required to transport the Fill or Topsoil;
 - (h) confirmation of any existing Official Plan designations, zoning, and the status of any *Planning Act* applications on the property as determined after pre-consultation with the Town.
- 6.3. The Designated Officer may, in writing, waive the requirements for any Application items listed above or any Site Alteration Plan items listed in Schedule “B”, after taking into consideration the nature and scale of the proposed works and the anticipated impact on the site and surrounding environment.

7.0 CRITERIA FOR ISSUING A SITE ALTERATION PERMIT

- 7.1. In accordance with Section 23.1 of the *Municipal Act*, the Designated Officer is delegated the authority to review Applications and issue Permits under this By-law.

- 7.2. The Designated Officer shall review all Applications and shall issue a Permit if the Designated Officer is satisfied that:
- (a) the Applicant has submitted a complete Application;
 - (b) all work performed shall be done in accordance with this By-law and proper engineering practice;
 - (c) the Site Alteration will likely not result in:
 - (i) uncontrolled soil erosion;
 - (ii) blockage, siltation or pollution of a watercourse;
 - (iii) blockage of a storm drainage system;
 - (iv) flooding or ponding caused by a watercourse overflowing its banks;
 - (v) flooding or ponding on neighboring properties;
 - (vi) an Adverse Effect on the natural environment of the area;
 - (vii) public safety concerns;
 - (viii) negative drainage impacts on existing pool enclosures on abutting properties;
 - (ix) disruption to groundwater aquifers, water tables, or flows; or,
 - (x) the spread or migration of contaminated soil, groundwater sediment or air to other areas of the site or to adjacent properties, municipal infrastructure, roads and sidewalks;
 - (d) the Site Alteration is for a use or purpose permitted in accordance with the Town's Zoning By-law; and,
 - (e) the land will be restored to the same or better condition than it was prior to the Site Alteration.

8.0 CONDITIONS OF PERMIT ISSUANCE

- 8.1. The Designated Officer shall consider the following conditions for any Permit issued:
- (a) Permits under this By-law shall be valid for a period of one (1) year from the date of issuance.
 - (b) Notwithstanding Section 8.1(a), permits issued under this By-law shall expire six (6) months after the date of issuance if no work has been commenced under the Permit during the six (6) preceding months.
 - (c) The Designated Officer may renew a Permit for one additional period of one (1) year upon the submission of a new Application and the payment of a renewal fee in accordance with Schedule "A".
 - (d) The Applicant shall notify the Designated Officer at least five (5) business days in advance of the commencement of any Site Alteration.
 - (e) Once Site Alteration commences, and until the rehabilitation of the site is complete, the Applicant shall provide weekly reports to the Designated Officer to confirm that the works are implemented in accordance with the By-law and that it is achieving adequate performance. The Designated Officer has the power to enter upon and examine the site at

any reasonable time or times. A Designated Officer may be accompanied on his or her inspection duties by such other person or persons as he or she deems necessary in order to properly carry out his or her duties under this By-law.

- (f) The Applicant shall provide characterization and analytical records of the quality of soil being brought to the site prior to receiving any material, as confirmed by a Qualified Person, that the soil is appropriate based on the site location/ sensitivity, anticipated land uses, groundwater use/sensitivity, pre-existing site concentrations or other factors to ensure that there is no likelihood of Adverse Effect based on the importation of the soil to the site.

8.2. The Designated Officer may attach such other conditions to a Permit that, in the opinion of the Designated Officer, are reasonably required to protect the public and the natural environment from Adverse Effects associated with erosion and sedimentation from or at the Site, including but not limited to the imposition of insurance requirements.

8.3. The Designated Officer may require the Owner to enter into a Site Alteration Agreement as a condition of the Permit. Said Agreement shall be in the form approved by the Town Solicitor.

9.0 REFUSAL TO ISSUE PERMIT

9.1. The Designated Officer shall refuse to issue a Permit when the requirements of this By-law have not been satisfied. In the event that the Designated Officer refuses to issue a Permit, the Applicant shall be informed in writing of the refusal by the Designated Officer and the reasons for such refusal. The Designated Officer may reconsider the Application if additional information or documentation required by the Designated Officer is submitted by the Applicant.

10.0 POWERS OF INSPECTION

10.1. An Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this By-law;
- (b) a direction or order of the Town made under this by-law; or
- (c) an order made under s. 431 of the *Municipal Act*.

10.2. For the purpose of conducting an inspection pursuant to Section 10.1 of this By-law, an Inspector may, in accordance with the provisions of Section 436 of the *Municipal Act*:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies of extracts;
- (c) require information from any Person concerning a matter related to the inspection; and,
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

11.0 TRANSFER OF SITE

11.1. If the registered ownership of the property for which a Permit has been issued is transferred while the Permit remains in effect and outstanding, the new Owner shall, prior to the commencement or continuation of any work:

- (a) Provide the Town with a written undertaking to comply with all of the conditions and provisions of the Permit; and
- (b) Provide security in a form and amount acceptable to the Designated Officer, at which time any security previously provided by the prior Permit holder pursuant to this by-law shall be released.

And failing which, the Permit shall be deemed to be cancelled as of the date of the transfer of ownership.

12.0 CEASE AND DESIST ORDER

12.1. Where an Inspector is satisfied that a contravention of this By-law has occurred, the Inspector may make an order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.

12.2. A cease and desist order under Section 12.1 of this By-law shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
- (b) the date by which there must be compliance with the order.

12.3. Any person who contravenes an order under this By-law is guilty of an offence.

13.0 WORK ORDER

13.1. Where the Designated Officer or an Inspector is satisfied that a contravention of this By-law has occurred the Inspector may make an order requiring the person who contravened this By-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.

13.2. An order under Section 13.1 of this By-law shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
- (b) the work to be completed and the date by which the work must be completed.

13.3. An order under Section 13.1 of this By-law may require work to be completed even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

13.4. Any Person who contravenes an order under this By-law is guilty of an offence.

14.0 REVOCATION OF A PERMIT

14.1. A Permit may be revoked by the Designated Officer or Inspector under any of the following circumstances:

- (a) If it was issued on mistaken, misleading, false or incorrect information;
- (b) If it was issued in error;
- (c) If the Owner or Applicant requests, in writing, that it be revoked;
- (d) If the terms of an agreement under this By-law are not complied with;
or,
- (e) If an Owner fails to comply with any provision of the Permit or this by-law or any other applicable statute, regulation or policy regarding the property, the Permit or the work.

14.2. When a Permit is revoked, the Owner and Applicant shall immediately cease all operations and work being conducted under the authority of the revoked Permit and shall immediately rehabilitate and stabilize the land so as to prevent the causing of Adverse Effects from erosion and sedimentation.

15.0 ORDER FOR REMOVAL

15.1. Where a Permit has not been issued and a Person is in contravention of this By-law, the Designated Officer or Inspector may issue an order for removal requiring the Person to restore the property to the same condition as it was in prior to the commencement of such work, to the satisfaction of the Designated Officer, within a period of time as set out in the Order.

16.0 REMEDIAL ACTION

16.1. If a person failed to do a matter or thing, including comply with an order under this By-law, as directed or required by this By-law, the Town may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense. The Town may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

16.2. The costs outlined in Section 16.1 of this By-law shall include interest calculated at a rate of fifteen (15) per cent annum, calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are paid in full.

16.3. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the Town shall register a discharge of the lien in the proper land registry office.

17.0 ENFORCEMENT

17.1. The administration and enforcement of this By-law, including all Permits issued hereunder, shall be performed by the Designated Officer, as may be amended from time to time.

17.2. The Designated Officer may, at any reasonable time, enter and inspect any land to determine whether this by-law, a cease and desist order, a work order or an order for removal, a condition to a Permit issued pursuant to this By-law, or a court order relating to this By-law is being complied with.

- 17.3. For the purposes of an inspection under Section 18.2 of this By-law, the Designated Officer or Inspector may:
- (a) require the production for inspection of documents of things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any Person concerning a matter related to the inspection; or,
 - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 17.4. No Person shall obstruct the Designated Officer or Inspector in carrying out an inspection or exercising any powers or duties under this By-law.
- 17.5. No Person shall fail to produce any information required by the Designated Officer or Inspector pursuant to Section 18.3 of this By-law.

18.0 OFFENCE AND PENALTY

- 18.1. Every Person who contravenes this By-law is guilty of an offence.
- 18.2. Every contravention of this By-law is hereby designated as a continuing offence.
- 18.3. Every Person who is convicted of an offence under this By-law is liable:
- (a) on first conviction, to a fine not more than \$10,000.00; and
 - (b) on any subsequent conviction(s), to a fine of not more than \$25,000.00 for each subsequent conviction.
- 18.4. Despite Section 18.3 of this By-law, where the Person convicted is a corporation the maximum fines are \$50,000.00 for a first conviction and \$100,000.00 for any subsequent conviction(s).

Schedule “A” – Fees and Security Deposit

Fees

The following fees shall be paid to the Town at the time of submitting a Site Alteration Permit Application pursuant to this By-law.

FEE TYPE	FEE	RENEWAL FEE
Applications for quantities of Fill and/or Topsoil less than 500 cubic metres	\$250	\$150
Applications for quantities of Fill and/or Topsoil of 500 cubic metres or greater	\$500	
Additional inspections	\$150 per inspection	

Schedule “A” – Fees and Security Deposit

Security Deposit

A security deposit in favour of the Town based on \$5000.00 per hectare of Site Alteration Area is required to cover the total estimated cost of erosion and sediment control measures or site control measures for the duration of the Permit is required. The Town will also require a security deposit of \$5,000.00 for damages to roads such as mud tracking and dust control. The security deposit shall be in a form acceptable to the Town.

- (a) The security deposit must remain in effect for the full duration of the permit. Any security deposit and its subsequent renewal forms shall contain a clause stating that thirty (30) days written notice must be given to the Town prior to its expiry or cancellation; and
- (b) In the event that the Town receives notice that a security deposit is expiring and will not be renewed, or, if further or additional securities are not provided within the said thirty (30) days, the Town may draw on the current security deposit at the discretion of the Designated Officer. The Permit holder agrees that any interest accruing on the realized security shall belong to the Town and not the Permit holder.
- (c) It is the responsibility of the Permit holder to:
 - (i) provide proof satisfactory to Designated Officer that the property has been adequately reinstated and stabilized in accordance with the requirements of this By-law and the Site Alteration Plan accompanying the Permit; and,
 - (ii) to request in writing that the Town carry out a final inspection to confirm that all relevant terms of this By-law have been complied with.
- (d) When the security deposit provisions of this Schedule have been fully complied with to the satisfaction of the Designated Officer, the Designated Officer shall release the Applicant's security deposit or the remaining amount of any reduced security deposit.

Schedule “B” – Requirements for Site Alteration Plans

The Applicant shall ensure that the information required for Site Alteration Plans are provided by a Qualified Person. Two (2) certified paper copies and one (1) digital version copy of the Site Alteration Plan are required to be submitted to the Designated Officer. All plans are to be in metric units and printed from the original drawings with all information provided legible and clear. All plans are to be folded to 8.5 x 11" size with the title blocks visible. Digital copies are to be submitted in original software format (ACAD/ARC GIS) along with PDF versions.

GENERAL REQUIREMENTS

The Site Alteration Plan shall be at a scale of 1:500 (or 1:1000 if accepted by the Designated Officer) and shall include the following requirements:

- (a) A key map showing the location of the property, property boundaries, property size, the Site Alteration Area, the property address and legal description, plan numbers, easements, a legend and a north arrow.
- (b) The current and intended future use of the property and the location and use of adjacent properties.
- (c) The location, dimensions and use of existing and proposed buildings and structures on the property.
- (d) The location of lakes, streams, wetlands, channels, ditches, other water courses, other water bodies and environmental protection areas on and within thirty (30) metres of the Site Alteration Area.
- (e) The location of the Regional storm flood line and the Conservation Authority Fill regulation lines.
- (f) The location of any wellhead protection area, significant ground water recharge area or high aquifer vulnerability area as identified in an approved source water protection plan or the Town Official Plan.
- (g) The location and identification of predominant Soil types.
- (h) The location and species types of existing vegetative cover, including the species and size of all trees and shrubs.
- (i) The location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within thirty (30) metres of the Site Alteration Area.
- (j) The location and dimensions of utilities, structures, roads, highways and paving within thirty (30) metres of the Site Alteration Area.
- (k) The identification of the Existing Grades and Finished Grades of the property.
- (l) The location and dimensions of all proposed temporary stockpiles for Fill, Soil and other materials.
- (m) The location and dimensions of all proposed land disturbance activities, including construction of access roads.
- (n) A schedule of the anticipated starting and completion dates of each land disturbance or land development activity.

- (o) The location, dimensions, design details and design calculations of all site control measures, including plan and profile drawings of erosion and sediment controls and storm water management devices, necessary to meet the requirements of this By-law.

In accordance with Section 6.3 of this By-law, any of the above requirements may be waived at the sole discretion of the Designated Officer after taking into consideration the nature and scale of the proposed works and the anticipated impact on the site and surrounding environment.



Site Alteration Permit Application

PROPERTY INFORMATION	
Street Address:	Postal Code:
Town of St. Marys	Lot:
Concession:	Registered Plan No.:
Lot(s)/Block(s):	Reference Plan No.:
Part Number(s):	Assessment Roll Number:

GENERAL OWNERSHIP INFORMATION		
Registered Property Owner (Full Name):		
Street Address:		
Municipality:	Province:	Postal Code:
Telephone:	Ext.	Fax:
Contact Name & Email:		
APPLICANT/AGENT INFORMATION (required if Applicant/Agent is NOT the Owner)		
Applicant/Agent Name (If Applicable):		
Applicant/Agent is:		
<input type="checkbox"/> Engineer <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Other		
Street Address:		
Municipality:	Province:	Postal Code:
Telephone:	Ext.	Fax:
Contact Name & Email:		

QUALIFIED PERSON INFORMATION (required if Qualified Person is NOT the Applicant)		
Company Name & Contact Person:		
Street Address:		
Municipality:	Province:	Postal Code:
Telephone:	Ext.	Fax:
Contact Name & Email:		

CONTRACTOR INFORMATION		
Company Name & Contact Person:		
Street Address:		
Municipality:	Province:	Postal Code:
Telephone:	Ext.	Fax:
Contact Name & Email:		

EXISTING PROPERTY INFORMATION	
Current Use: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial – retail <input type="checkbox"/> Commercial – office <input type="checkbox"/> Institutional <input type="checkbox"/> Industrial <input type="checkbox"/> Rural / Agricultural <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____	Please describe existing buildings, structures and natural features on the property:

EXISTING PROPERTY INFORMATION CONTINUED	
Heritage Designated or Listed?: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Current Official Plan Designation(s):	Current Zoning:
Lot Area (Hectares):	Lot Frontage (Metres):
	Lot Depth (Metres):
Are there any encumbrances on the property? (e.g. easements) <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, list encumbrances: _____ _____ _____	

DESCRIPTION OF PROPOSED WORK
Please describe the proposed work:

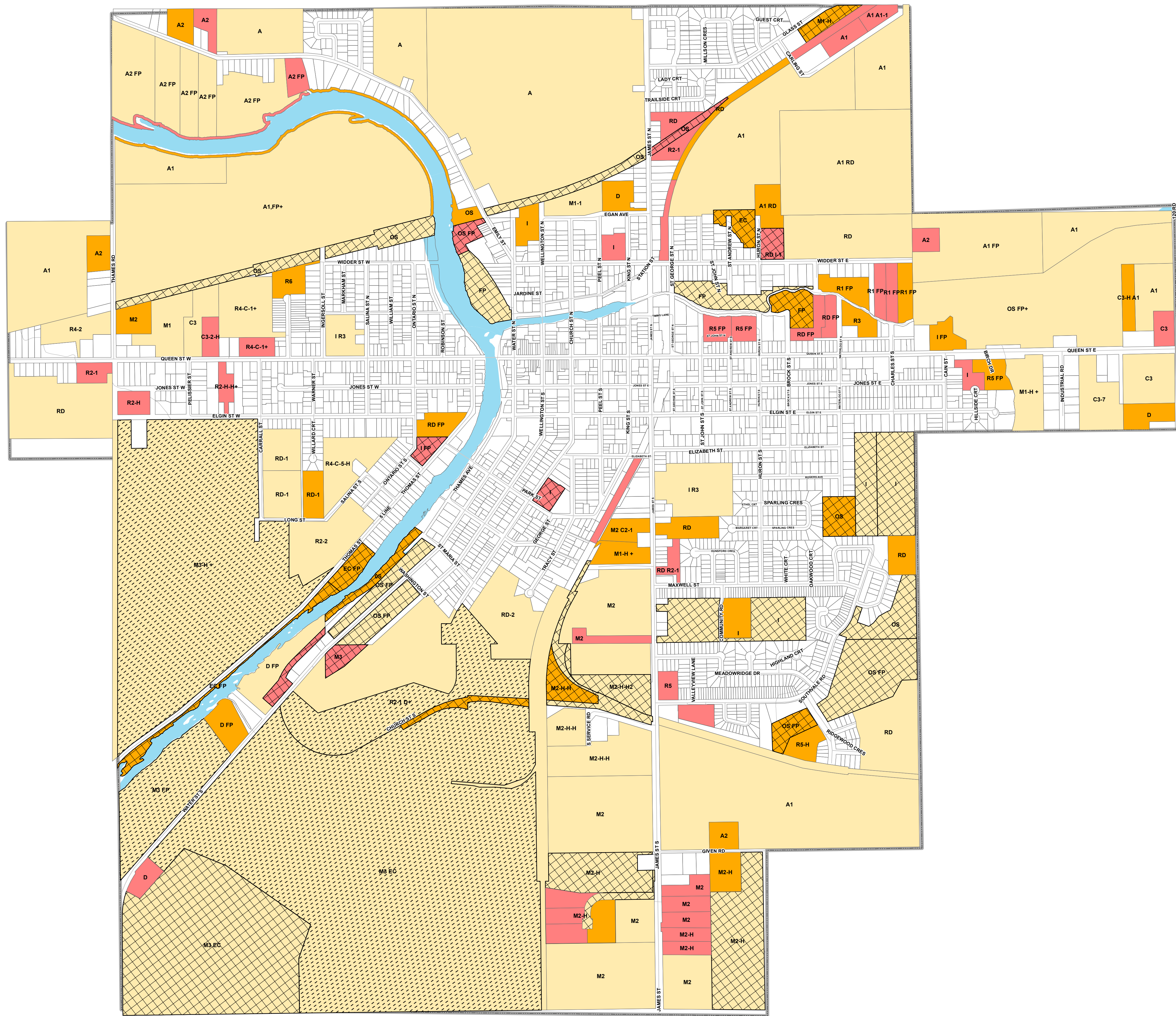
APPLICATION REQUIREMENTS - CHECKLIST
Please checkmark below to identify all documents that have been provided with this completed form.
<input type="checkbox"/> Completed Application Form <input type="checkbox"/> Application Permit Fee
<input type="checkbox"/> Securities <input type="checkbox"/> Site Alteration Plan
<input type="checkbox"/> Fee <input type="checkbox"/>

OWNER'S AUTHORIZATION (if Applicant/Agent is used)			
<p>I, _____, being the registered owner of the subject property hereby authorize _____, to submit this Site Alteration Permit Application to the Town of St. Marys for approval thereof. I acknowledge that I have read the Town of St. Marys Site Alteration By-law and Schedules and agrees to abide by all requirements and conditions therein. I also hereby grant employees and agents of the Town of St. Marys permission to enter and inspect the property or properties subject to this Site Alteration Permit Application .</p>			
<table border="0"> <tr> <td>Owner Name (Please Print)</td> <td>Owner Signature</td> <td>Date</td> </tr> </table>	Owner Name (Please Print)	Owner Signature	Date
Owner Name (Please Print)	Owner Signature	Date	

APPLICANT/AGENT CERTIFICATION			
<p>I, hereby make this Site Alteration Permit Application, declaring that all information contained herein is true and correct, and acknowledging the Town of St. Marys will process the application based upon the information provided. I also acknowledge that I have read the Town of St. Marys Site Alteration By-law and Schedules and agrees to abide by all requirements and conditions therein.</p>			
<table border="0"> <tr> <td>Owner/Agent (Please Print)</td> <td>Owner/Agent (Signature)</td> <td>Date</td> </tr> </table>	Owner/Agent (Please Print)	Owner/Agent (Signature)	Date
Owner/Agent (Please Print)	Owner/Agent (Signature)	Date	

ADDITIONAL INFORMATION
Should you need to provide any additional information regarding the proposal, please do so in this section.

For any additional questions or concerns, please contact the **Building & Development Department** at **519-284-2340 ext. 243**. Should you require assistance in person, please visit the **Building & Development Department** counter located at the Municipal Operations Centre, 408 James Street South.



Town of St. Marys
Parcel Size and
Zoning

Legend

- Parcels between 2 and 3 acres
- Parcels between 3 and 5 acres
- Parcels greater than 5 acres
- St. Marys Cement
- St. Marys Town