



## **AGENDA**

### **Regular Council Meeting**

September 8, 2020

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

**Pages**

1. **CALL TO ORDER**
2. **DECLARATIONS OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF AGENDA**

#### **RECOMMENDATION**

**THAT** the September 8, 2020 regular Council meeting agenda be accepted as presented.

#### **4. PUBLIC INPUT PERIOD**

(Public input received by the Clerk's Department prior to 5:00 pm on the day of the meeting will be read aloud by the Mayor during this portion of the agenda.

Submissions will be accepted via email at [clerksoffice@town.stmarys.on.ca](mailto:clerksoffice@town.stmarys.on.ca) or in the dropbox at Town Hall, 175 Queen Street East, lower level.)

#### **5. DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS**

##### **5.1 Retirement Presentation to Jo-Anne Lounds**

##### **5.2 Ontario Clean Water Agency - 2nd Quarter Reports and Annual Drinking Water Report**

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\*The drinking water report will be considered by Council under Staff Reports.

## **RECOMMENDATION**

**THAT** the delegation from Ontario Clean Water Agency regarding second quarter water and wastewater reporting be received.

### **5.3 Public Meeting - 465 & 481 Water Street South**

Virtually join the public meeting by selecting the Zoom Webinar link below to be an "attendee" and observe or participate in the meeting.

Alternatively, an attendee may choose to join by telephone access by dialing the toll-free number below.

Video Participation:

<https://zoom.us/j/98589790563?pwd=V252WUZFVEUvRnM0R0JiZlFmY2t1QT09>

Telephone Participation: 1 855 703 8985

Webinar ID: 985 8979 0563

Password: 098782

\*See Staff Report DEV 56-2020 for further information.

## **RECOMMENDATION**

**THAT** the September 8, 2020 regular Council meeting be adjourned at \_\_\_\_\_ pm to hold a statutory public meeting as required under the *Planning Act*; and

**THAT** a Public Meeting to consider a planning application for 465 & 481 Water Street South be opened at \_\_\_\_\_ pm.

## **RECOMMENDATION**

**THAT** this Public Meeting be adjourned at \_\_\_\_\_ pm; and

**THAT** the September 8, 2020 regular Council meeting reconvene at \_\_\_\_\_ pm.



## **6. ACCEPTANCE OF MINUTES**

### **6.1 Regular Council - August 25, 2020 27**

#### **RECOMMENDATION**

**THAT** the August 25, 2020 regular Council minutes be approved by Council and signed and sealed by the Mayor and the Clerk.

## **7. CORRESPONDENCE**

### **7.1 Jaden Cubberley re: Wellington Street North 42**

#### **RECOMMENDATION**

**THAT** the correspondence from Jaden Cubberley regarding Wellington Street North be received; and

**THAT** the correspondence be directed to staff for review.

### **7.2 St. Marys Minor Hockey Association re: Return to Play Programming Plan 43**

#### **RECOMMENDATION**

**THAT** the correspondence from St. Marys Minor Hockey Association regarding the Return to Play Plan be received; and

**THAT** the request from St. Marys Minor Hockey Association to have a second ice pad be operational be referred to staff for a report back at the September 15, 2020 Special Council meeting.

## **8. STAFF REPORTS**

### **8.1 Building and Development Services**

- 8.1.1 DEV 56-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2020 and Z04-2020) by the Corporation of the Town of St. Marys for 465 and 481 Water Street South (Part of Lot 35, Thames Concession) 45**

#### **RECOMMENDATION**

**THAT** DEV 56-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2020 and Z04-2020) by the Corporation of the Town of St. Marys for 465 and 481 Water Street South (Part of Lot 35, Thames Concession) be received;

**THAT** Council approve the Official Plan and Zoning By-law Amendment Applications for part of 465 and 481 Water Street South provided no significant concerns are raised by the public or members of Council at the statutory public meeting;

**THAT** Council consider By-law 77-2020 to adopt Official Plan Amendment No. 34; and,

**THAT** Council consider Zoning By-law Amendment No. Z137-2020.

- 8.1.2 **DEV 57-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2019 and Z04-2019) by R. Warkentin 665 James Street North Part Lot 15, Concession 18 Blanshard Being Part 2 on 44R-4789**

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**RECOMMENDATION**

**THAT** 57-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2019 and Z04-2019) by R. Warkentin for 665 James Street North be received;

**THAT** Council approve the Official Plan and Zoning By-law Amendment Applications for 665 James Street North;

**THAT** Council consider By-law 79-2020 to adopt Official Plan Amendment No. 35;

**THAT** Council determine that no further public notice and / or public meeting is required for the Application for Zoning By-law Amendment (Z04-2019) in accordance with Section 34(17) of the Planning Act since a public meeting was held in accordance with the Planning Act and the modifications to the proposed By-law are minor in nature; and,

**THAT** Council consider Zoning By-law Amendment No. Z138-2020.

**8.2 Finance**

- 8.2.1 **FIN 28-2020 Business Economic Support and Recovery Task Force**

197

**RECOMMENDATION**

**THAT** FIN 28-2020 Business Support and Recovery Task Force report be received; and

**THAT** Council support staff's option # \_\_\_\_\_

**THAT** term of the Business Support and Recovery Task Force end on \_\_\_\_\_.

### **8.3 Public Works**

#### **8.3.1 PW 55-2020 Annual Water System Inspection 203**

**RECOMMENDATION**

**THAT** Report PW 55-2020, Water System Inspection be received for information.

#### **8.3.2 PW 56-2020 Lead Water Service Replacement Policy 231**

**RECOMMENDATION**

**THAT** Report PW 56-2020, Lead Water Service Replacement Policy be received; and

**THAT** Policy PW4305, being a policy regarding Lead in Drinking Water within the Town of St. Marys be approved.

#### **8.3.3 PW 57-2020 Waste Reduction Week Proclamation 240**

**RECOMMENDATION**

**THAT** PW 57-2020 Waste Reduction Week Proclamation report be received;

**THAT** Council proclaim October 19 to October 25, 2020 as Waste Reduction Week in the Town of St. Marys; and

**THAT** Council direct staff to craft a media campaign to highlight waste reduction activities and advertise existing waste diversion programs in St. Marys.

### **8.4 CAO and Clerks**

#### **8.4.1 CAO 51-2020 Code of Conduct Complaint and Integrity Commissioner Report 246**

**RECOMMENDATION**

**THAT** CAO 51-2020 Code of Conduct Complaint and Integrity Commissioner Report be received.

<b>8.4.2</b>	<b>CAO 52-2020 Update on Staffing Adjustment</b>	<b>285</b>
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**RECOMMENDATION**

**THAT** CAO 52-2020 Update on Staffing Adjustments be received for information; and

**THAT** Council consider By-law 75-2020, being a by-law to appoint Jenna McCartney as the Clerk for the Town of St. Marys.

<b>8.4.3</b>	<b>CAO 53-2020 Municipal Law Enforcement Officer By-Law Repeal for Park Patrollers</b>	<b>288</b>
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**RECOMMENDATION**

**THAT** CAO 53-2020 Municipal Law Enforcement Officer By-Law Repeal for Park Patrollers report be received; and

**THAT** Council consider By-Law 76-2020 within the by-law section of this agenda.

<b>8.4.4</b>	<b>CAO 54-2020 Animal Control Service Provider Update</b>	<b>292</b>
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**RECOMMENDATION**

**THAT** CAO 54-2020 Animal Control Service Provider Update report be received; and

**THAT** Council consider By-Law 78-2020 for the purpose of entering into an interim service agreement with Humane Society of Kitchener Waterloo and Stratford Perth.

## **9. COUNCILLOR REPORTS**

### **9.1 Operational and Board Reports**

**RECOMMENDATION**

**THAT** agenda items 9.1.1 to 9.1.6 and 9.2.1 to 9.2.16 be received.

**9.1.1 Bluewater Recycling Association - Coun. Craigmile**

**9.1.2 Library Board - Coun. Craigmile, Edney, Mayor Strathdee**

**9.1.3 Municipal Shared Services Committee - Mayor Strathdee, Coun. Luna**

9.1.4	Huron Perth Public Health - Coun. Luna	
9.1.5	Spruce Lodge Board - Coun. Luna, Pridham	
9.1.6	Upper Thames River Conservation Authority	309
	June 23, 2020 Minutes	
9.2	Advisory and Ad-Hoc Committee Reports	
9.2.1	Accessibility Advisory Committee - Coun. Hainer	
9.2.2	Business Economic Support and Recovery Task Force	316
	August 19, 2020 Minutes	
9.2.3	Business Improvement Area - Coun. Winter	320
	August 17, 2020 Minutes	
9.2.4	CBHFM - Coun. Edney	
9.2.5	Committee of Adjustment	325
	August 5, 2020 Minutes	
9.2.6	Community Policing Advisory Committee - Coun. Winter, Mayor Strathdee	
9.2.7	Green Committee - Coun. Pridham	330
	August 19, 2020 Minutes	
	FYI to Council - Recommendation regarding Waste Reduction Week to be considered in staff report PW 57-2020 in this agenda.	
9.2.8	Heritage Advisory Committee - Coun. Pridham	
9.2.9	Huron Perth Healthcare Local Advisory Committee - Coun. Luna	
9.2.10	Museum Advisory Committee - Coun. Hainer	

9.2.11	Planning Advisory Committee - Coun. Craigmile, Hainer	335
	August 4, 2020 Minutes	
9.2.12	Recreation and Leisure Advisory Committee - Coun. Pridham	
9.2.13	Senior Services Advisory Committee - Coun. Winter	
9.2.14	St. Marys Lincolns Board - Coun. Craigmile	
9.2.15	St. Marys Cement Community Liaison Committee - Coun. Craigmile, Winter	
9.2.16	Youth Council - Coun. Edney	

**10. EMERGENT OR UNFINISHED BUSINESS**

**11. NOTICES OF MOTION**

**12. BY-LAWS**

**RECOMMENDATION**

**THAT** By-Laws Z137-2020, Z138-2020, 75-2020, 76-2020, 77-2020, 78-2020 and 79-2020 be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Mayor and the Clerk.

12.1	Zoning By-Law Amendment Z137-2020 465 an 481 Water Street South	343
12.2	Zoning By-Law Amendment Z138-2020 665 James Street North	346
12.3	By-Law 75-2020 Appointment of Clerk and Deputy Clerk	349
12.4	By-Law 76-2020 Municipal Law Enforcement Officer By-law Repeal	350
12.5	By-Law 77-2020 Official Plan Amendment No. 34 - 465 and 481 Water Street South	351
12.6	By-Law 78-2020 Agreement with Humane Society of Kitchener Waterloo Stratford Perth	358
12.7	By-Law 79-2020 Official Plan Amendment No. 35 - 665 James Street North	359

**13. UPCOMING MEETINGS**

September 15, 2020 - 9:00 am, Strategic Priorities Committee, YouTube Live Stream

September 15, 2020 - 6:00 pm, Special Meeting of Council - Public Meetings for Planning -

Video

Participation: <https://zoom.us/j/95647890431pwd=QzZGOWp1QU9PQ0ZTWmFsR29JY3lUZz09>

Webinar ID: 956 4789 0431

Password: 947084

September 22, 2020 - 6:00 pm, Regular Council, YouTube Live Stream

**14. CONFIRMATORY BY-LAW**

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**RECOMMENDATION**

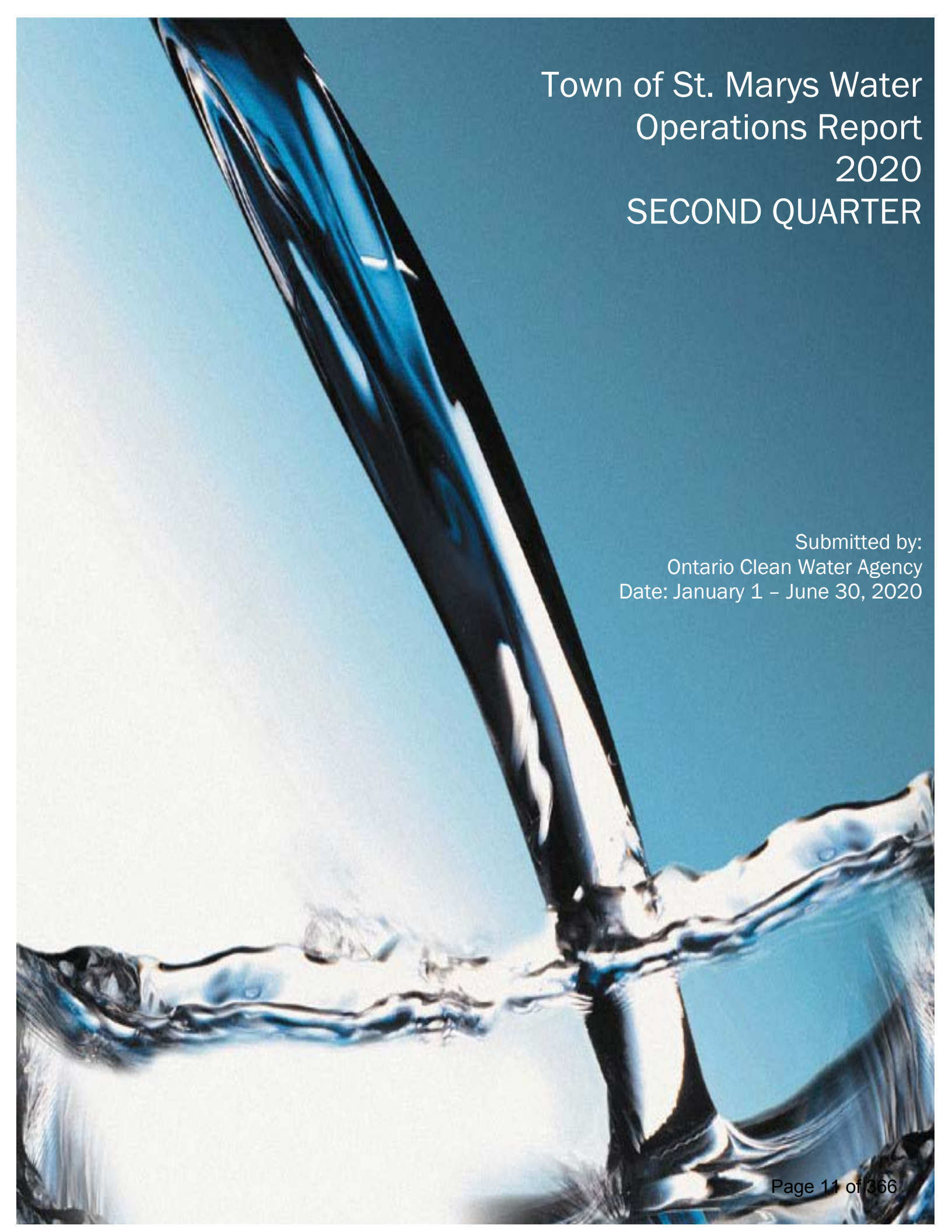
**THAT** By-Law 80-2020, being a by-law to confirm the proceedings of September 8, 2020 regular Council meeting be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Mayor and the Clerk.

**15. ADJOURNMENT**

**RECOMMENDATION**

**THAT** this regular meeting of Council adjourn at \_\_\_\_\_ p.m.





# Town of St. Marys Water Operations Report 2020 SECOND QUARTER

Submitted by:  
Ontario Clean Water Agency  
Date: January 1 – June 30, 2020

### **Facility Description**

Facility Name: St. Marys Water Distribution and Supply  
Senior Operations Manager: Adam McClure (519) 274-2156  
Business Development Manager: Jackie Muller (519) 643-8660  
Facility Type: Municipal  
Classification: Class 2 Water Distribution and Supply  
Title Holder: The Corporation of the Town of St. Marys

### **Service Information**

Area(s) Serviced: Separated Town of St. Marys  
Population Serviced: 7,200

### **Capacity Information – Well No. 1**

Total Design Capacity: 5,184 (m<sup>3</sup>/day)  
Total Annual Flow (2019 Data): 368,489.86 (m<sup>3</sup>/year)  
Average Day Flow (2019 Data): 1,393.93 (m<sup>3</sup>/day)  
Maximum Day Flow (2019 Data): 3,691.54 (m<sup>3</sup>/day)

### **Capacity Information – Well No. 2A**

Total Design Capacity: 5,184 (m<sup>3</sup>/day)  
Total Annual Flow (2019 Data): 419,958.30 (m<sup>3</sup>/year)  
Average Day Flow (2019 Data): 1,503.03 (m<sup>3</sup>/day)  
Maximum Day Flow (2019 Data): 3,546.18 (m<sup>3</sup>/day)

### **Capacity Information – Well No. 3**

Total Design Capacity: 5,184 (m<sup>3</sup>/day)  
Total Annual Flow (2019 Data): 348,693.34 (m<sup>3</sup>/year)  
Average Day Flow (2019 Data): 1,305.84 (m<sup>3</sup>/day)  
Maximum Day Flow (2019 Data): 3,312.94 (m<sup>3</sup>/day)

### **Capacity Information – Ground Level Reservoir**

Total Design Capacity: 1,600 m<sup>3</sup>

### **Capacity Information – Elevated Tower (37.9 m)**

Total Design Capacity: 1,820 m<sup>3</sup>

### **Flow Comparisons (Total monthly flows of Wells 1, 2A and 3 - m3):**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2020	97,779	84,805	95,150	87,706	97,038	107,482						
2019	101,858	84,672	92,745	91,445	90,808	93,813	113,032	101,930	87,478	92,661	92,862	93,805

### **Operational Description**

Each of the Pump Houses No. 1, 2A and 3 houses a vertical turbine pump, each rated at 60L/s capacity. These draw water from the three wells. Water passes through the air release valves, a backflow check valve, pressure gauges, the primary UV light disinfection unit, flow meter, the chlorine gas injection point, and actuator control valve and then into the contact chamber piping located underground.

## **COMPLIANCE AND EXCEEDANCES SUMMARY:**

There have been no compliance or exceedance issues to date.

## **OCCUPATIONAL HEALTH & SAFETY:**

The COVID-19 Pandemic Issue was corporately brought to the attention of all OCWA staff; precautionary protection measures were implemented at all facilities.

- Additional PPE and supplies were sourced as applicable
- The frequency of facility and vehicle cleaning and surface disinfection was increased.
- Staff re-organization was implemented to meet social distancing requirements where applicable
- Facility access to required contractors or delivery personal is closely monitored.

There have been no other health and safety issues reported to date.

## **GENERAL MAINTENANCE AND PLANT ACTIVITIES:**

General maintenance includes monthly generator tests, greasing equipment and preventative maintenance.

### **FIRST QUARTER**

#### **January**

06: Well #2A – Annual maintenance of chlorine regulators  
09: Well #1 – Reference sensor in for calibration  
15: Well #1 – Replaced bulb in UV system  
16: Booster Station – Testing with Shur-Gain  
25: Well #1 – Chlorine gas leak, changed cylinder  
28: Sommers on-site for annual generator testing

#### **February**

19: Well #2A – Pierce Services on-site to troubleshoot turbidity analyser issues  
20: Well #2A – Installed temporary turbidity meter while waiting for new one  
21: Tower – Communication failure  
24: Well 3 – Communication failure  
28: Well #2A – Installation of new mixing valve for eyewash

#### **March**

02: Booster Station – Generator failure, Sommers on-site to troubleshoot  
02: Well 3 – Install new air valve on chamber at exit as per design line  
04: Well #2A – Installed new thermostat in heater  
16: Well 3 – Replace broken valve and section of pipe  
16: Well #1 – Computer failed, SCADA group fixed program

### **SECOND QUARTER**

#### **April**

07: Fibre Line Repair  
22: Booster Station testing in coordination with industries  
28: Reservoir inspection for internal wall leaks  
30: Well #2a cl2 analyzer fitting repair

#### **May**

07: Reservoir Inlet valve issues adjustments  
09: Well #3 reference sensor calibration  
11: Well #1 HMI computer frozen causing SCADA issues  
12: All facilities backflow preventer testing  
12: All facilities chlorine gas sensor bi-annual calibrations  
22: Reservoir chlorine gas detector replacement pump room  
26: Well #3 additional garage door lock installation

27: Reservoir packing adjustments on HLP #1, HLP #2, Check valve #1, Check Valve #2  
 27: Fibre line repair  
 28: Well #1/Well#2a backflow preventer replacements

#### **June**

04: Well #3 chlorine gas sensor replacement and calibration  
 10: All facilities MCC and VFD electrical panel cleaning  
 10: Well #1 VFD cooling fan replacement  
 11: Reservoir pH probe removal from the chlorine analyzer  
 11: All facilities and handheld devices annual calibrations  
 15: Well #1 reference sensor eye cleaning  
 17: Reservoir knife gate valve leak repair and reservoir disinfection  
 18: All wells bi-annual UV sensor maintenance  
 19: Reservoir chlorine analyzer feed line repair  
 23: Well #2 chlorine injector repair  
 30: Reservoir crack seal injection between HLP cell walls and reservoir disinfection

PREVENTATIVE MAINTENANCE WORK ORDERS GENERATED												
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
53	42	39	36	34	43							247

All work orders were completed on schedule.

#### **DISTRIBUTION WORK:**

Location	Date
Service Repair, 214 Elgin Street (Planned/Emergency)	January 20,2020
Water main Repair, 256 Jones Street East (Emergency)	January 20,2020
Water main Repair Jones Street/Ontario Street (Emergency)	February 3, 2020
Water main Repair, 34 Cain Street (Emergency)	March 22, 2020
Hydrant Repair St. George St N	April 8, 2020
Fire Flow Testing St. Marys Hospital	April 29, 2020
Annual Leak Detection, West Side of The Town of St. Marys	April 29,2020
Spring Hydrant Flushing	May 3-22, 2020
Water Service Installation 100 Water St S	May 12, 2020
Fire Flow Testing Vet Purchasing	May 14, 2020
Watermain Break, Egan Ave/ James St N	May 21, 2020

Watermain commissioning Egan Ave, King St N to James St N	May 25-28, 2020
6" Watermain Service Tap for 275 James St S subdivision	May 27, 2020
Watermain Cap Installation Church St N/ Egan Ave	May 28, 2020
Watermain Tie In King St N/ Egan Ave	June 1, 2020
Watermain Tie In James St N/ Egan Ave	June 3, 2020
Service Repair 98 Ingersoll St	June 3, 2020
Watermain Commissioning Egan Ave, Wellington St N to Peel St N	June 2-5, 2020
Watermain Tie in Wellington St N/ Egan Ave	June 8, 2020
Watermain Tie In Church St N/ Egan Ave	June 10, 2020
Watermain Tie In Peel St N/ Egan Ave	June 10, 2020
Water Valve replacement James St N/ Egan Ave	June 11, 2020
Service Repair 104 Robinson St	June 15, 2020
Lead Service Replacements 379 Queen St E/ 383 Queen St E	June 17, 2020
Service Repair 80 Wilson Crt	June 22, 2020
Fire Flow Testing 485 Queen St W	June 26, 2020

## **ALARMS / CALL-INS:**

### **FIRST QUARTER**

#### **January**

05: Well 3 – Panel alarm  
07: Reservoir – Door security alarm  
20: 265 Jones St. E. – Watermain break  
20: 214 Elgin St. E. – Possible service leak  
25: Well 1 – Gas leak alarm

#### **February**

05: Well 3 – High turbidity alarm  
24: Tower – Communication loss alarm

#### **March**

03: Well 3 – Turbidity alarm  
15: Well 3 – Low Cl2 alarm

20: 34 Cain Street, water turn on  
20: Well 2 – Discharge valve override alarm, pump fault  
21: Reservoir and Tower – Door security alarm  
23: 34 Cain Street, watermain break  
27: Well 2 – Turbidity analyzer alarm  
29: Well 3 – Overhead door alarm  
30: Tower – Door security alarm

## **SECOND QUARTER**

### **April**

No Alarms/Call-Ins reported

### **May**

15: All Water facilities communication loss

### **June**

13: Power Failure Well#1 and Well#2A  
13: All Water facilities communication loss  
23: Emergency locate, cable replacement 343 Queen St W  
28: All Facilities communication loss

## **COMPLAINTS & CONCERNS:**

There have been no complaints or concerns reported to date.

## **DWQMS UPDATE:**

Management Review – August 13, 2019  
Internal Audit – June 13, 2019  
External Audit – October 18, 2019  
Annual Risk Assessment Review – March 11, 2020  
36 Month Risk Assessment – March 11, 2020  
Accreditation Status – Full Scope Entire Accreditation Expires November 3, 2020

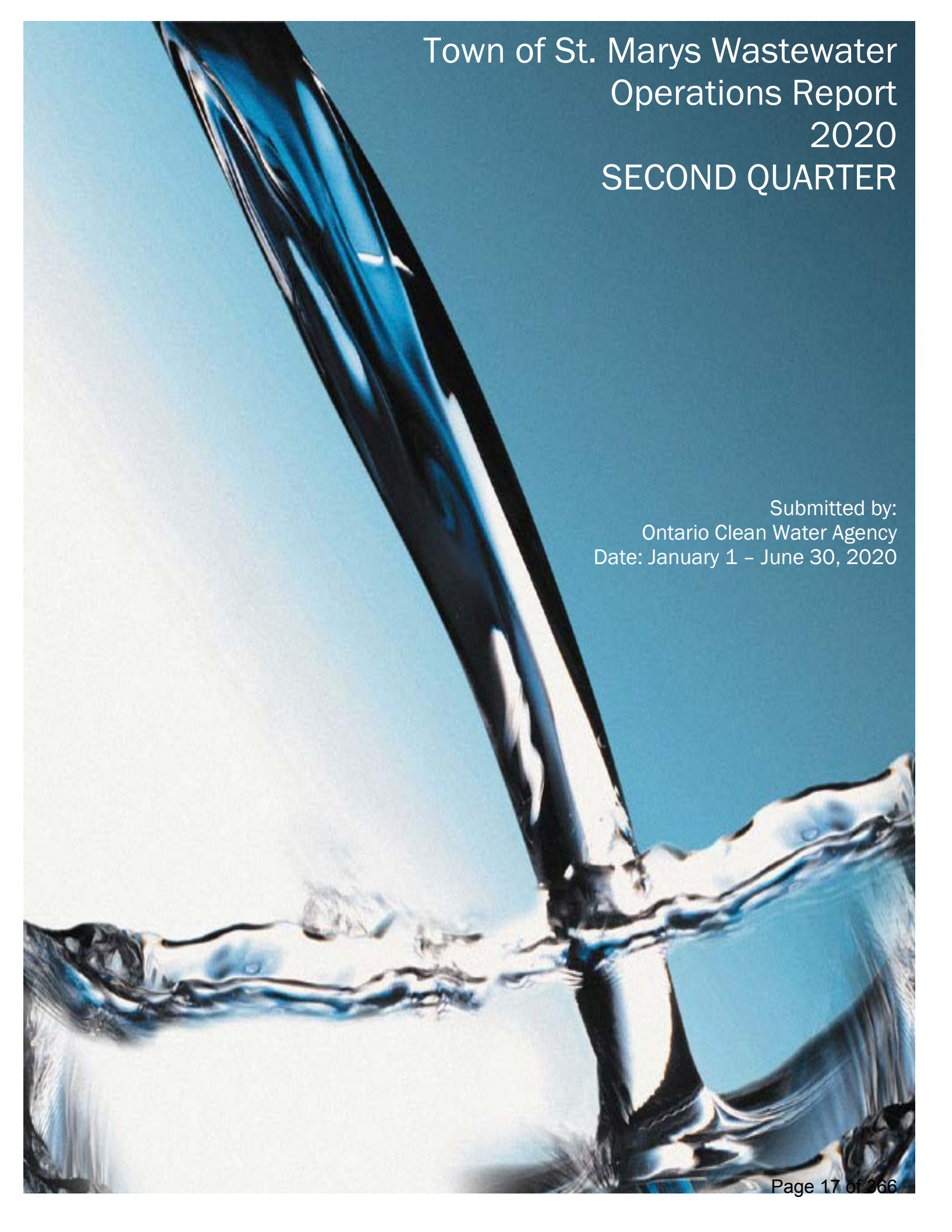
## **REGULATORY INSPECTIONS:**

The last MECP Inspection occurred on June 2, 2019.  
Information has been sent for 2020 MECP inspection; MECP inspector is scheduled to come onsite July 17, 2020 to complete facility inspection.

## **APPENDIX A – PERFORMANCE ASSESSMENT REPORT:**

See attached.





# Town of St. Marys Wastewater Operations Report 2020 SECOND QUARTER

Submitted by:  
Ontario Clean Water Agency  
Date: January 1 – June 30, 2020

### Facility Description

Facility Name: St. Marys Wastewater Treatment Plant & Collection System  
Regional Manager: Adam McClure 519-284-1354  
Business Development Manager: Jackie Muller 519-643-8660  
Facility Type: Municipal  
Classification: Class 3 WWT & Class 2 WWC  
Environmental Compliance Approval: ECA #4934-AH9598 Issued February 24, 2017

### Service Information

Population Served: 7,200

### Capacity Information

Total Design Capacity: 5,560 m<sup>3</sup>/day

	Design Values	2016 Flow Data	2017 Flow Data	2018 Flow Data	2019 Flow Data	2020 Flow Data To Date
Average Daily Flow (m <sup>3</sup> /d)	5,560	3,986.99	4,228.26	4,373.87	4,416.46	4,670.75
% of Average Daily Design Flow	-	72%	76%	79%	80%	84%

	Design Flow (m <sup>3</sup> /d)	2020 Average Daily Flow (m <sup>3</sup> /d)	2020 % Capacity	2020 Maximum Daily Flow (m <sup>3</sup> /d)	2020 Design Peak Flow (m <sup>3</sup> /d)	2020 % Peak Capacity
January	5,560	6,162.71	110	17,885	14,250	126
February	5,560	4,421.31	79	5,970	14,250	42
March	5,560	5,383.71	97	8,325	14,250	58
April	5,560	4514.37	81	5793.00	14,250	41
May	5,560	4027.45	72	5101.00	14,250	36
June	5,560	3514.93	63	4207.00	14,250	30
July	5,560				14,250	
August	5,560				14,250	
September	5,560				14,250	
October	5,560				14,250	
November	5,560				14,250	
December	5,560				14,250	
Annual Average	5,560					

### Operational Description:

#### Treatment Process

Raw sewage flows by gravity throughout the system to the wastewater treatment plant. Where gravity flow is not possible due to elevation restrictions, raw sewage flows to one of the three pump stations.



#### Inlet Works:

Sewage flows from the collection system and pump stations into the wet well through automatic bar screens then through a grit tank and comminutor, the grit is conveyed to a bin which is then sent to a landfill. Sewage then flows by gravity to the anoxic tanks.

#### Anoxic Tanks:

Sewage is split between two circular tanks with submersible mixers.

#### Aeration Tanks:

Sewage enters an inlet chamber where flows are split to three distribution chambers which feed three aeration basins operating in parallel.

#### Phosphorus Removal:

Aluminum sulphate is added to the channel of the outlet of the aeration tanks in order to reduce the phosphorus.

#### Secondary Clarifiers:

Sewage is split in to four centre feed round clarifiers. Waste activated sludge collected here can be transferred from the clarifiers to the aeration, anoxic tanks or waste activated equalization tanks.

#### Disinfection and Discharge:

Effluent passes through two ultraviolet banks containing a total of 112 lamps. A sodium hypochlorite liquid feed system is provided for backup chlorination in the event of UV failure.

Final effluent is discharged via pipe to a concrete structure on the bank of the Thames River.

#### Sludge Handling:

Waste activated sludge is transferred to one of the two sludge storage tanks on site. Currently one of the storage tanks is out of service. Digester supernatant can be directed to the aeration or anoxic tanks inlet.

The sludge is dosed with polymer and passes through a rotary drum thickener prior to transfer to the sludge storage tank. The sludge storage is the holding tank for the centrifuge. The dewatered sludge produced by the centrifuge is then run through the Lystek process. Sludge is mixed with potassium hydroxide in a heated mixing tank and processed. Product from the mixing tank is pumped to a sludge storage tank equipped with an odour control system. Sludge is then loaded to a tanker from an overhead fill pipe.

### **CLIENT CONNECTION MONTHLY CLIENT REPORT**

Facility Name: St. Marys Wastewater Treatment Plant & Collection System

ORG#: 5520

#### **COMPLIANCE SUMMARY**

There have been no compliance or exceedance issues to date.

#### **OCCUPATIONAL HEALTH & SAFETY**

The COVID-19 Pandemic Issue was corporately brought to the attention of all OCWA staff; precautionary protection measures were implemented at all facilities.

- Additional PPE and supplies were sourced as applicable
- The frequency of facility and vehicle cleaning and surface disinfection was increased.
- Staff re-organization was implemented to meet social distancing requirements where applicable
- Facility access to required contractors or delivery personal is closely monitored.

There have been no other health and safety issues reported to date.

## INSPECTIONS

The last MECP Inspection occurred on December 7, 2017.

## GENERAL MAINTENANCE & PLANT ACTIVITIES

### FIRST QUARTER

#### January

- 06: Fire extinguisher inspections.
- 07: Replaced tubing for auto samplers.
- 17: Replaced waterlines in TWAS building.
- 21: Hetek on-site to replace H2S sensor and O2 sensor.
- 27: Sommers generator bi-annual maintenance.

#### February

- 02: Queen Street PS – pulled pump #2 to remove rags; pump overloading.
- 10: Issues with raw sewage pump #2.
- 10: Check valve sent away to be prepared.
- 21: Raw sewage pump #1 ground fault, sent pump away for re-build.

#### March

- 04: Repaired leaky conduit that was damaging Lystek control panel.
- 13: Re-installed re-built raw sewage pump #1.
- 24: Took clarifier #2 out of service and replaced caulking around wire plate.
- 24: Repairs to RAS pump #2, out of service for repairs until March 25.
- 25: Replaced main water valve in the aeration basement potable waterline.
- 27: Troubleshoot centrifuge issues with supplier, all good.

### SECOND QUARTER

#### April

- 04: Blower building heater mount repair
- 08: Drained, cleaned and inspected clarifier #4
- 15: Drained, cleaned and inspected clarifier #3
- 20: Lifting device inspections
- 21: Queen St PS door painted
- 21: Air de-fuser repair WAS tank T-308
- 21: Anoxic tank mixer MX 303 cable replacement
- 24: WAS tank T-309 mixer repair/maintenance
- 29: Drum Thickener poly pump repair/maintenance

#### May

- 01: 4 Lystek Storage Lids replaced
- 05: Fitting replacements on the drum thickener polymer mixer
- 12: Gas sensor bi-annual calibrations
- 12: Electric Steam boiler/ Gas steam boiler annual inspections
- 19: Final effluent Weir repair
- 21: Camera inspection 621 Queen St E
- 25: Sewer flushing 621 Queen St E

#### June

- 02: Alum pump discharge hose replacement
- 03: Drained, Cleaned and inspected clarifier #1
- 04: Raw sewage building H2S and O2 sensor replacements
- 10: Turbo blower health check

- 11: All facilities instrumentation calibrations
- 22: Check valve replacement on the RAS building potable water line
- 23: Steam boiler preheat tank water level float replacement
- 25: Wet well conditions assessments at all SPS
- 29: Lystek building smoke detector replacement
- 29: UPS replacement CP-4
- 29: Lystek building CP-7 communication issues

## ALARMS/CALL-INS

### FIRST QUARTER

#### January

- 11: Robinson Street – High level alarm, made process adjustments at WPCP to accommodate high flows
- 12: WPCP – High level alarm
- 16: WPCP – Power outage

#### February

No Alarms/Call-ins

#### March

No Alarms/Call-ins

### SECOND QUARTER

#### April

No Alarms/Call-ins

#### May

No Alarms/Call-ins

#### June

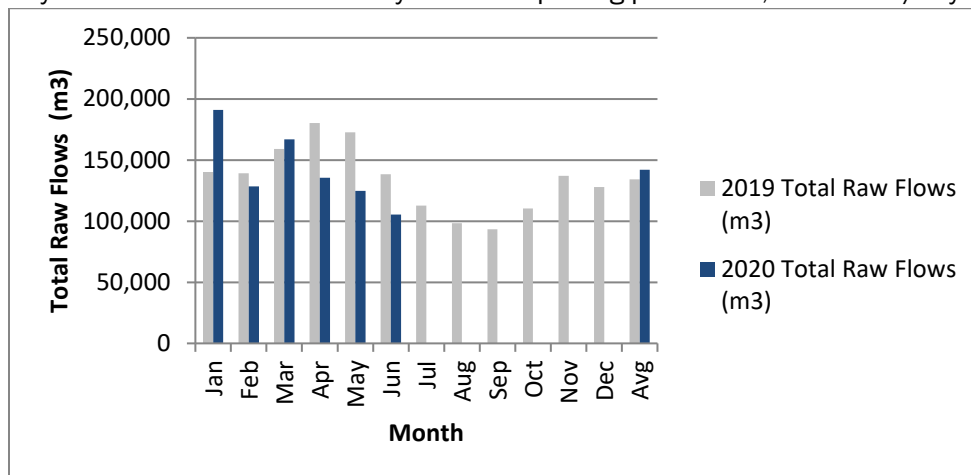
- 20: Power Outage WPCP
- 27: Industrial waste spill into collection system operator on-site to ensure no WPCP upsets

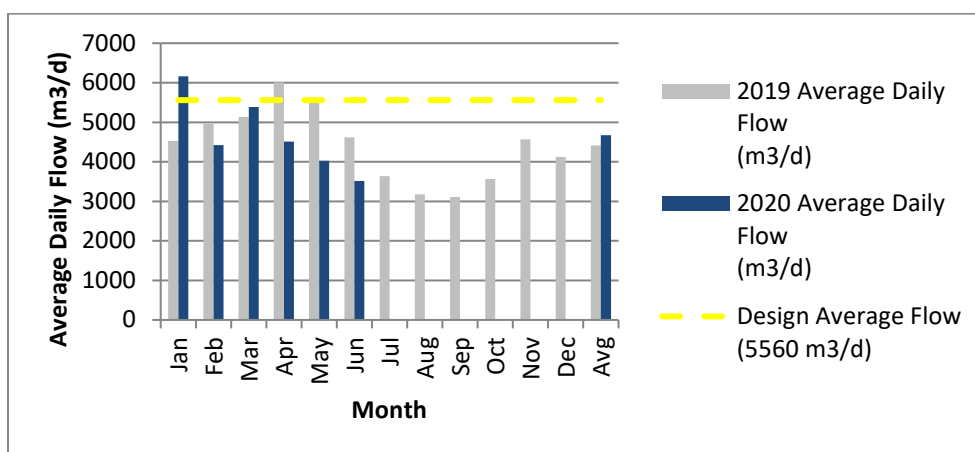
## COMPLAINTS & CONCERNS

June 26 an odor complaint was received for the WPCP from a new resident on Wilson Crt.

## PERFORMANCE ASSESSMENT REPORT

The average daily flow in 2020 for the January to June reporting period is 4,670.75 m<sup>3</sup>/day.





Raw sewage samples are collected on a monthly basis following the ECA requirements. The table below shows the raw sewage sample results for 2020. The ECA does not stipulate raw sewage compliance values.

Table 1. Raw Sewage sample results for 2020.

	BOD5 (mg/L)	TSS (mg/L)	TP (mg/L)	TKN (mg/L)
January	281.25	644.5	3.108	25.125
February	353.75	450	3.8	27.375
March	236.4	196.4	2.51	18.54
April	304.500	219.750	2.927	21.175
May	315.250	312.500	3.473	24.175
June	302.500	296.000	4.445	26.675
July				
August				
September				
October				
November				
December				

The effluent is sampled on a weekly basis following the requirements of the ECA. The table below summarizes the monthly average results compared against the objectives and limits identified in the ECA. There were no limit exceedances to date for 2020; the dissolved oxygen objective was not consistently met in the month of May of 2020.

Table 2. Effluent sample results for 2020.

	CBOD5 (mg/L)	TSS (mg/L)	TP (mg/L)	TAN (mg/L)	***E. coli (cfu/100mL)	pH	Dissolved Oxygen Min. (mg/L)
January	3.25	9	0.063	0.325	146.87	6.93- 7.88	4.63
February	4	8.5	0.093	0.200	26.054	6.76- 7.68	4.65
March	3	9	0.094	0.220	38.968	6.89- 8.08	4.91
April	4	5	0.445	0.1	8.663	7.12- 7.80	5.32
May	2.25	6.25	0.2	0.1	3.191	7.09- 7.53	3.63
June	3.75	7.50	0.558	0.1	5.264	6.87- 8.50	4.53
July							
August							
September							
October							
November							
December							
Annual Average							
ECA Objective	10	10	0.7	2.5	100 / **200	6.0-8.5	4.0
ECA Limit	15	15	1.0	6.0	200	6.0-9.5	NA

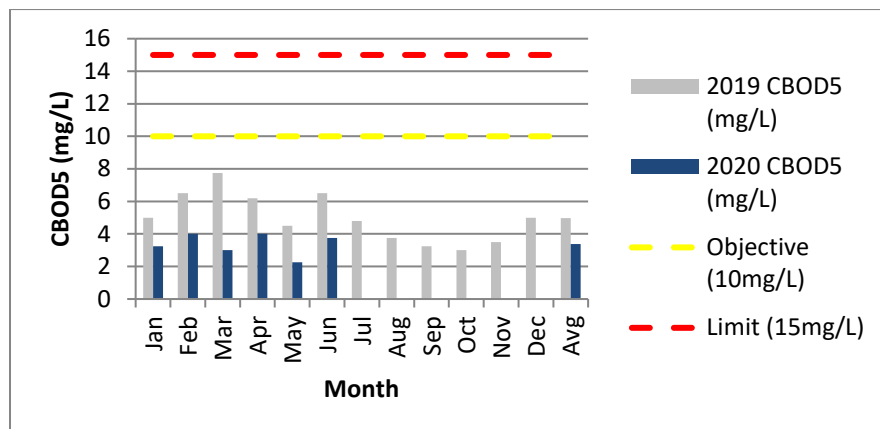
\*Non-freezing months

\*\*Freezing months

\*\*\*Expressed as geometric mean density

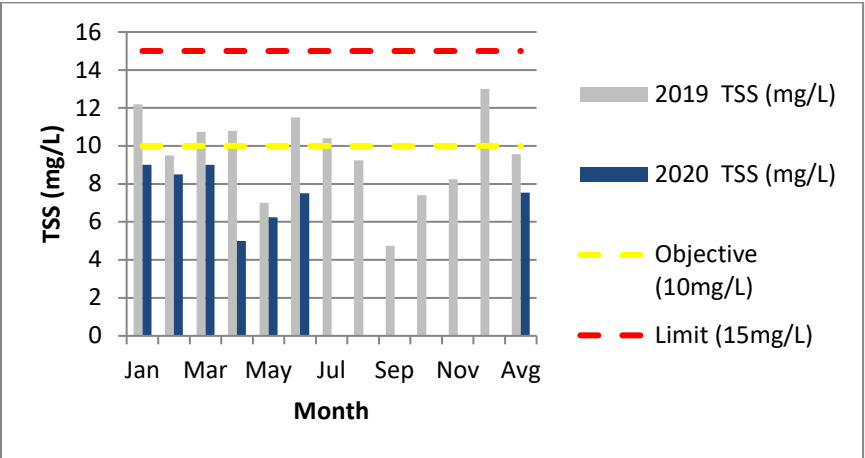
Effluent Carbonaceous Biochemical Oxygen Demand (CBOD5) monthly average for January to June of 2020 was < 3.375 mg/L. The maximum monthly CBOD average value of 9 mg/L was recorded for the months of January and March. Monthly averages met the effluent objective and limit identified in the ECA; see Chart 2 below.

Chart 2. Average Monthly Effluent CBOD5 results for 2020 compared to 2019.



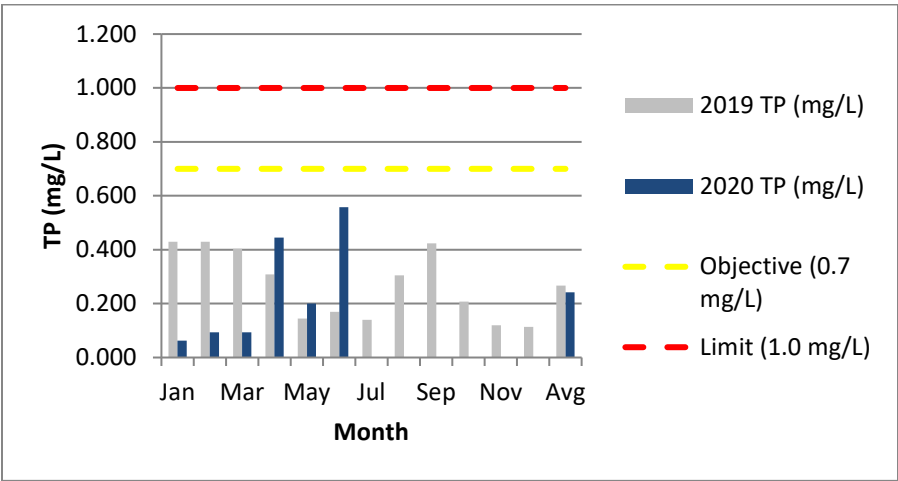
Effluent Total Suspended Solids (TSS) Monthly Average for January to June was 7.542 mg/L. The maximum monthly TSS average value of 9.0 mg/L was recorded for the months of January and March. Monthly averages met the effluent objective and limit identified in the ECA; see Chart 3 below.

Chart 3. Average Monthly Effluent TSS results for 2020 compared to 2019.



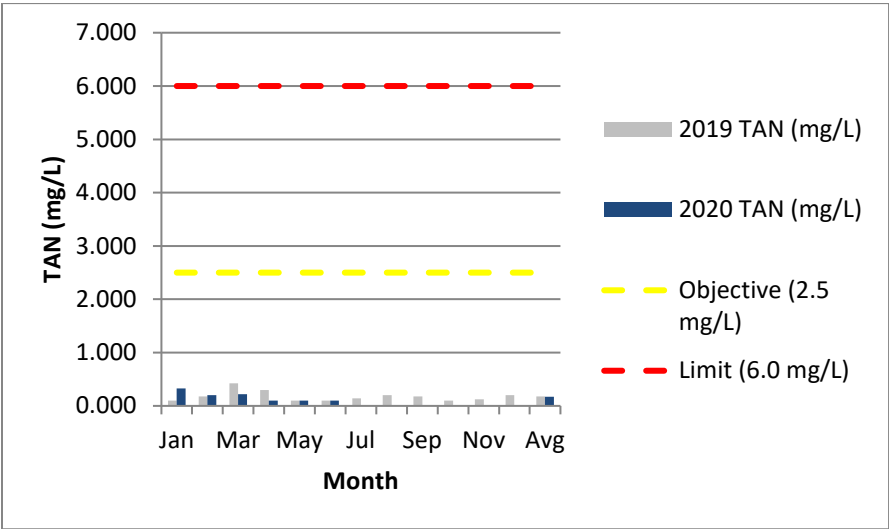
Effluent Total Phosphorus (TP) Monthly Average for January to June was 0.242 mg/L. The maximum monthly TP average value of 0.558 mg/L was recorded for the month of June. Monthly averages met the effluent objective and limit identified in the ECA; see Chart 4 below.

Chart 4. Average Monthly Effluent TP results for 2020 compared to 2019.



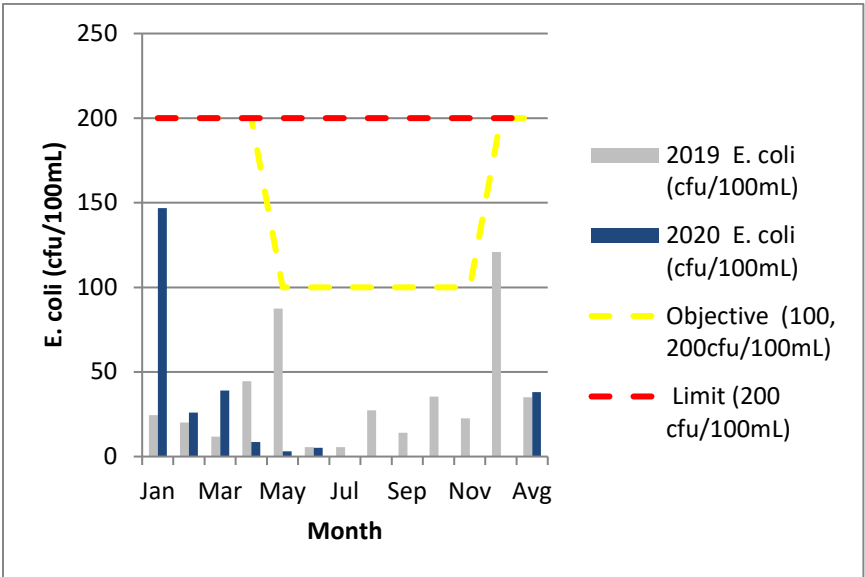
Effluent Total Ammonia Nitrogen (TAN) Monthly Average for January to June was < 0.174 mg/L. The maximum monthly TAN average value of 0.325 mg/L was recorded for the month of January. Monthly averages met the effluent objective and limit identified in the ECA; see Chart 5 below.

Chart 5. Average Monthly Effluent TAN results for 2020 compared to 2019.



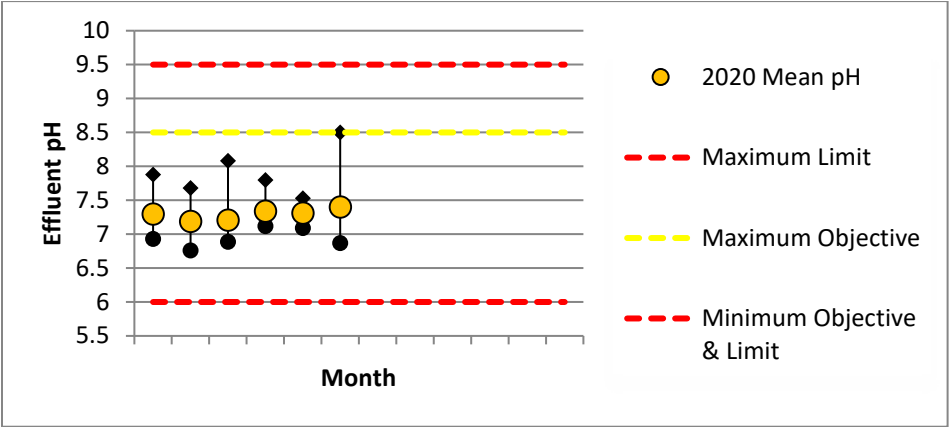
Effluent E. coli 2020 monthly Geometric Mean Density (GMD) for January to June was 38.169 cfu/100 mL. The maximum monthly GMD value of 146.81 cfu/100 mL. was recorded for the month of January. Monthly averages met the effluent objective and limit identified in the ECA; see Chart 6 below.

Chart 6. Effluent E. coli GMD results for 2020 compared to 2019.



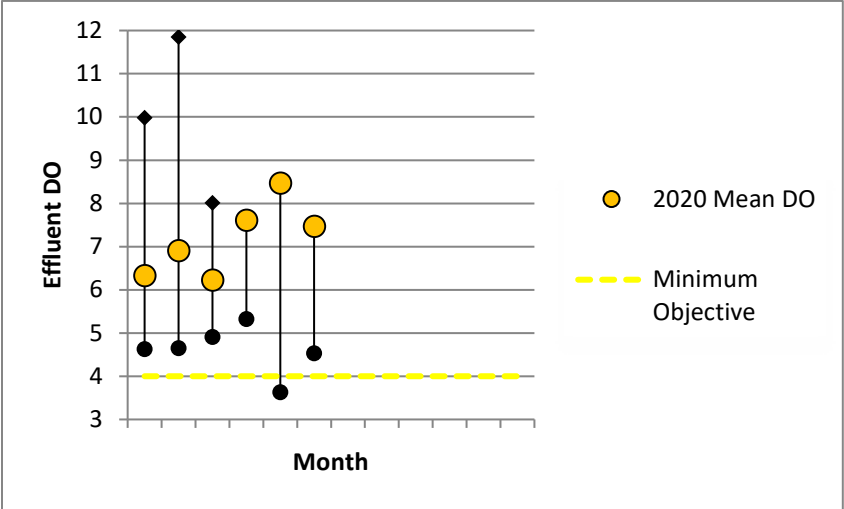
Effluent pH values for January to June met the objectives and limits identified in the ECA. A minimum pH value of 6.76 was recorded in the month of February; a maximum pH value of 8.50 was recorded in the month of June; see Chart 7 below.

Chart 7. Final Effluent pH results for 2020.



Effluent Dissolved Oxygen (DO) values for January to June met the limit identified in the ECA. A minimum DO value of 3.63 mg/L was recorded on May 04<sup>th</sup>, this value exceeded the objective identified in the ECA; see Chart 8 below.

Chart 8. Final Effluent DO minimum results for 2020.







## **MINUTES Regular Council**

August 25, 2020  
6:00pm  
Town Hall, Council Chambers

Council Present: Mayor Strathdee (in-person)  
Councillor Craigmile (videoconference)  
Councillor Edney (videoconference)  
Councillor Luna (videoconference)  
Councillor Hainer (videoconference)  
Councillor Pridham (videoconference)  
Councillor Winter (in-person)

Staff Present: **In-Person**  
Brent Kittmer, CAO / Clerk  
Jenna McCartney, Deputy Clerk

**Conference Line**  
Stephanie Ische, Director of Community Services  
Jed Kelly, Director of Public Works  
André Morin, Director of Finance / Treasurer  
Jeff Wolfe, Asset Management and Engineering Specialist  
Ciaran Brennan, Recreation and Youth Services Supervisor

### **1. CALL TO ORDER**

Mayor Strathdee called the meeting to order at 6:00 pm.

### **2. DECLARATIONS OF PECUNIARY INTEREST**

None.

### **3. AMENDMENTS AND APPROVAL OF AGENDA**

Mayor Strathdee acknowledged the recent heartbreaking tragedy that occurred at the St. Marys Quarry on August 23, 2020 and thanked all staff that have been involved in the search efforts for their commendable work. A moment of silence was given for the victim and his family.

Mayor Strathdee noted the amended agenda which was distributed on August 24, 2020 that included a closed session for the purpose of a proposed land acquisition matter.

**Resolution 2020-08-25-01**

**Moved By** Councillor Pridham

**Seconded By** Councillor Edney

**THAT** the August 25, 2020 regular Council meeting agenda be accepted as amended.

**CARRIED**

**4. PUBLIC INPUT PERIOD**

Mr. Frank Doyle of St. Marys Independent provided the following correspondence in advance of the meeting.

"A recent report on CBC said that only 9% of recycled plastics were actually recycled. It said the remainder were buried, burned or sent overseas to be dumped. What is the situation in St. Marys? How much of our recycling materials are recycled?"

Councillor Craigmile stated that all material being picked up by Bluewater Recycling Association continues to be sorted and processed.

Lori Black of the St. Marys Ringette Association provided the following correspondence in advance of the meeting.

"My name is Lori Black. I am the Ice Scheduler for St Marys Ringette, a parent and a taxpayer in the town of St. Marys.

I have some input with respect to the Return to Ice proposal.

The recommendation includes a 30 hours per pad guideline. If I forget that AAA Lakers, Jr B Lincolns and Ringette had that for ice in September, by the time you factor in our ice requests for October: 16 (ringette) + 45 (minor hockey) + 6 (Lincolns) and 9 (AAA Lakers) = 76 hours which exceeds the 60 hour threshold. Those numbers do not include Figure Skating at this point either.

So I guess my follow up question is "Why has a third option: Installing both ice pads, not been presented to council?". As all of the ice partners have school aged users, we will all be seeking the same prime time ice (outside the school hours) and it would seem impossible to generate a schedule that meets our commitment to ice without the second pad. I appreciate the fee adjustment that

allows for an increase from last year's fees but allows for less of a deficit and does not reflect the increase of an additional 50% once dressing rooms are available. That seems to be a compromise that reflects the needs of both parties. I would hope that the same creative thinking could be used to see everyone access the ice in a timely and safe fashion.

Under the cloud of COVID, with so many unknowns perhaps we should be thankful for the opportunity to get on the ice at all. On the other hand, if we can do more, safely, then shouldn't we advocate for that too?"

Mayor Strathdee stated that the reopening plan is a cautious attempt to bring users back into the facility and the Town is prepared to open the second ice pad when the demand is present. Staff will monitor sport organization's reopening guidelines, track the ice use demand and respond accordingly.

## **5. DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS**

### **5.1 St. Marys Youth Council re: Stay at Home Showcase**

Sam Truax, Co-Chair of the St. Marys Youth Council, presented a report on the Stay at Home Showcase that was implemented by the Youth Council during the pandemic.

**Resolution 2020-08-25-02**

**Moved By** Councillor Luna

**Seconded By** Councillor Edney

**THAT** the delegation from St. Marys Youth Council regarding the Stay at Home Showcase be received.

**CARRIED**

## **6. ACCEPTANCE OF MINUTES**

### **6.1 Strategic Priorities Committee - July 21, 2020**

**Resolution 2020-08-25-03**

**Moved By** Councillor Craigmile

**Seconded By** Councillor Pridham

**THAT** the July 21, 2020 Strategic Priorities Committee meeting minutes be approved by Council and signed and sealed by the Mayor and the Clerk.

**CARRIED**

## **6.2 Regular Council - July 28, 2020**

Council noted that page 8 of the July 28, 2020 minutes should be amended to state that Councillor Winter's inquiry of changing the position of the proposed building should be in a north-south direction rather than an east-west direction.

### **Resolution 2020-08-25-04**

**Moved By** Councillor Edney

**Seconded By** Councillor Luna

**THAT** the July 28, 2020 regular Council meeting minutes be approved as amended by Council and signed and sealed by the Mayor and the Clerk.

**CARRIED**

## **6.3 Strategic Priorities Committee - August 18, 2020**

Page one of the minutes will be amended to include Councillor Hainer as being absent rather than present.

### **Resolution 2020-08-25-05**

**Moved By** Councillor Craigmile

**Seconded By** Councillor Hainer

**THAT** the August 18, 2020 Strategic Priorities Committee meeting minutes be approved as amended by Council and signed and sealed by the Mayor and the Clerk; and

**THAT** minute items 4.1 and 4.2 be raised for further discussion.

**CARRIED**

### **Resolution 2020-08-25-06**

**Moved By** Councillor Winter

**Seconded By** Councillor Luna

**THAT** Council approve the following St. Marys Museum policies as presented:

Collections Management

Community

Conservation

Education and Outreach

Exhibition

Human Resources

Physical Plant; and

Research; and

**THAT** Council approves the St. Marys Museum Strategic Plan as presented.

**CARRIED**

**Resolution 2020-08-25-07**

**Moved By** Councillor Edney

**Seconded By** Councillor Luna

**THAT** Council direct staff to negotiate a service agreement with the Humane Society of Kitchener Waterloo Stratford Perth commencing January 1, 2021; and

**THAT** staff be directed to draft necessary changes to the animal control by-law pursuant to the needs of the service agreement and report back to Council at a future date.

**CARRIED**

**7. CORRESPONDENCE**

**7.1 Northridge Condominium Corporation re: 665 James Street North Proposed Development**

**Resolution 2020-08-25-08**

**Moved By** Councillor Hainer

**Seconded By** Councillor Pridham

**THAT** the correspondence from Northridge Condominium Corporation regarding the 665 James Street North proposed development be received; and

**THAT** the correspondence be forwarded to staff for inclusion in the anticipated 665 James Street North proposed development report back to Council.

**CARRIED**

**7.2 Minister of Municipal Affairs and Housing re: Safe Restart Agreement**

**Resolution 2020-08-25-09**

**Moved By** Councillor Craigmile

**Seconded By** Councillor Winter

**THAT** the correspondence from the Minister of Municipal Affairs and Housing regarding Safe Restart Agreement be received.

**CARRIED**

**7.3 Minister of Transportation re: Safe Restart Agreement**

**Resolution 2020-08-25-10**

**Moved By** Councillor Luna

**Seconded By** Councillor Pridham

**THAT** the correspondence from the Minister of Transportation regarding the Safe Restart Agreement be received.

**CARRIED**

**7.4 Stratford and District Chamber of Commerce re: Canada United**

**Resolution 2020-08-25-11**

**Moved By** Councillor Edney

**Seconded By** Councillor Craigmile

**THAT** the correspondence from the Stratford and District Chamber of Commerce regarding Canada United be received; and

**THAT** Council proclaims August 28 to 30, 2020 as the Canada United Weekend in the Town of St. Marys.

**CARRIED**

**7.5 Minister of Transportation re: Community Transportation Program**

**Resolution 2020-08-25-12**

**Moved By** Councillor Edney

**Seconded By** Councillor Craigmile

**THAT** the correspondence from the Minister of Transportation regarding Community Transportation program be received.

**CARRIED**

**8. STAFF REPORTS**

**8.1 Building and Development Services**

**8.1.1 DEV 53-2020 August Monthly Report (Building and Development)**

Brent Kittmer, on behalf of Grant Brouwer, presented DEV 53-2020 report.

**Resolution 2020-08-25-13**

**Moved By** Councillor Pridham

**Seconded By** Councillor Craigmile

**THAT** DEV 53-2020 August Monthly Report (Building and Development) be received for information.

**CARRIED**

**8.1.2 DEV 54-2020 – Encroachment Agreement for 120 Church Street South, St. Marys (2398315 Ontario Limited)**

Mark Stone presented DEV 54-2020 report.

**Resolution 2020-08-25-14**

**Moved By** Councillor Pridham

**Seconded By** Councillor Luna

**THAT** DEV 54-2020 Encroachment Agreement for 120 Church Street South, St. Marys (2398315 Ontario Limited) be received; and,

**THAT** Council approve By-law 73-2020 for an encroachment agreement with the property owner, and authorize the Mayor and Clerk to sign the associated agreement respecting 120 Church Street South, St. Marys.

**CARRIED**

**8.2 Finance**

**8.2.1 FIN 26-2020 August Monthly Report (Finance)**

André Morin presented FIN 26-2020 report.

**Resolution 2020-08-25-15**

**Moved By** Councillor Edney

**Seconded By** Councillor Craigmile

**THAT** FIN 26-2020 August Monthly Report (Finance) be received for information.

**CARRIED**

**8.2.2 FIN 27-2020 Provincial Gas Tax Agreement**

André Morin presented FIN 27-2020 report.

**Resolution 2020-08-25-16**

**Moved By** Councillor Winter

**Seconded By** Councillor Luna

**THAT** FIN 27-2020 Provincial Gas Tax report be received; and

**THAT** Council approve By-law 72-2020 authorizing the Mayor and the Director of Finance/Treasurer to execute the Letter of Agreement for Provincial Gas Tax Funds for Public Transportation Program.

**CARRIED**

**8.2.3 FIN 28-2020 COVID-19 Financial Relief – August Update**

André Morin presented FIN 28-2020 report.

**Resolution 2020-08-25-17**

**Moved By** Councillor Hainer

**Seconded By** Councillor Craigmile

**THAT** FIN 28-2020 COVID-19 Financial Relief – August Update be received for information.

**CARRIED**

**8.3 Community Services**

**8.3.1 DCS 20-2020 August Monthly Report (Community Services)**

Stephanie Ische presented DCS 20-2020 report.

**Resolution 2020-08-25-18**

**Moved By** Councillor Craigmile

**Seconded By** Councillor Pridham

**THAT** DCS 20-2020 August Monthly Report (Community Services) be received for information.

**CARRIED**

**8.3.2 DCS 21-2020 Pyramid Recreation Centre Reopening Plan**



Stephanie Ische presented DCS 21-2020 report.

**Resolution 2020-08-25-19**

**Moved By** Councillor Edney

**Seconded By** Councillor Craigmile

**THAT** DCS 21-2020 Pyramid Recreation Centre Reopening Plan report be received; and

**THAT** Council approve the following options as presented in staff report DCS 21-2020:

Option 1 for the Ice Operations;

Option 1 for Aquatics Operations;

Option 2 for Senior Services;

Option 1 for Recreation Services; and

Option 3 for Recreation Services to run the before and afterschool care should the Childcare centre not be able to offer it; and

**THAT** ice users be informed that the COVID hourly rate for ice rentals will be charged at a rate equivalent to the current adult rate of \$169.58 per hour (plus taxes) for the 2020/2021 ice season.

**CARRIED**

**8.3.3 DCS 22-2020 Perth4Youth Final Report**

Ciaran Brennan presented DCS 22-2020 report.

**Resolution 2020-08-25-20**

**Moved By** Councillor Luna

**Seconded By** Councillor Edney

**THAT** DCS 22-2020 Perth4Youth Final Report be received for information.

**CARRIED**

**8.4 Fire and Emergency Services**

Council took a brief recess at 8:26 pm.

Mayor Strathdee called the meeting back to order at 8:33 pm.

**8.4.1 FD 08-2020 August Monthly Report (Emergency Services)**

In Chief Anderson's absence, Brent Kittmer presented FD 08-2020 report.

**Resolution 2020-08-25-21**

**Moved By** Councillor Luna

**Seconded By** Councillor Edney

**THAT** FD 08-2020 August Monthly Report (Emergency Services) be received for information.

**CARRIED**

**8.5 Human Resources**

**8.5.1 HR 08-2020 August Monthly Report (Human Resources)**

In the absence of Lisa Lawrence, Brent Kittmer presented HR 08-2020 report.

**Resolution 2020-08-25-22**

**Moved By** Councillor Winter

**Seconded By** Councillor Luna

**THAT** HR 08-2020 August Monthly Report (Human Resources) be received for information.

**CARRIED**

**8.6 Public Works**

**8.6.1 PW 54-2020 August Monthly Report (Public Works)**

Jed Kelly presented PW 54-2020 report.

**Resolution 2020-08-25-23**

**Moved By** Councillor Luna

**Seconded By** Councillor Edney

**THAT** PW 54-2020 August Monthly Report (Public Works) be received for information.

**CARRIED**

**8.6.2 PW 50-2020 Landfill Cover Removal**

Jed Kelly presented PW 50-2020 report.

**Resolution 2020-08-25-24**

**Moved By** Councillor Hainer

**Seconded By** Councillor Craigmile

**THAT** Report PW 50-2020 Landfill Cover Removal be received;  
and

**THAT** Council approves landfill cover removal work up to a maximum value of \$25,000.00, to be billed on a time and material basis.

**CARRIED**

**8.6.3 PW 51-2020 SCADA System Updates**

Jed Kelly presented PW 51-2020 report.

**Resolution 2020-08-25-25**

**Moved By** Councillor Winter

**Seconded By** Councillor Pridham

**THAT** Report PW 51-2020, SCADA System Upgrades be received;  
and

**THAT** Council approve the unbudgeted amount of \$37,400.00 + HST, to be funded from the Water and Wastewater Reserves; and

**THAT** a sole source to Ontario Clean Water Agency for the necessary SCADA System upgrades be approved.

**CARRIED**

**8.6.4 PW 53-2020 Grand Trunk Trail Staircase Capital Project - Update**

Jeff Wolfe presented PW 53-2020 report.

**Resolution 2020-08-25-26**

**Moved By** Councillor Luna

**Seconded By** Councillor Pridham

**THAT** PW 53-2020 Grand Trunk Trail Staircase Capital Project – Update Report be received; and

**THAT** the Grand Trunk Trail Staircase remain open; and

**THAT** Staff are directed to monitor the wall and if sections of the wall fail to a point where they are 15% off-plumb, that those sections of the staircase be cordoned off; and

**THAT** the Town turn the Grand Trunk Trail Staircase into a Community Project and solicit monetary and in-kind donations from local community groups, contractors and individuals to help reduce the overall project budget; and

**THAT** the construction material be changed from steel to pressure treated wood.

**CARRIED**

## **8.7 CAO and Clerks**

### **8.7.1 CAO 49-2020 August Monthly Report (CAO and Clerks)**

Brent Kittmer and Jenna McCartney presented CAO 49-2020 report.

Council discussed the current ban on yard sales.

#### **Resolution 2020-08-25-27**

**Moved By** Councillor Pridham

**Seconded By** Councillor Craigmile

**THAT** Council removes the previous ban on yard sales effective immediately.

**CARRIED**

#### **Resolution 2020-08-25-28**

**Moved By** Councillor Edney

**Seconded By** Councillor Craigmile

**THAT** CAO 49-2020 August Monthly Report (CAO and Clerks) be received for information.

**CARRIED**

## **9. COUNCILLOR REPORTS**

### **9.1 Operational and Board Reports**

Each Council member reported on the minutes of recent Committee and Board meetings.

**Resolution 2020-08-25-29**

**Moved By** Councillor Luna

**Seconded By** Councillor Craigmile

**THAT** agenda items 9.1.1 to 9.1.6 and 9.2.1 to 9.2.16 be received.

**CARRIED**

**9.1.1 Bluewater Recycling Association - Coun. Craigmile**

**9.1.2 Library Board - Coun. Craigmile, Edney, Mayor Strathdee**

**9.1.3 Municipal Shared Services Committee - Mayor Strathdee,  
Coun. Luna**

**9.1.4 Huron Perth Public Health - Coun. Luna**

**9.1.5 Spruce Lodge Board - Coun. Luna, Pridham**

**9.1.6 Upper Thames River Conservation Authority**

**9.2 Advisory and Ad-Hoc Committee Reports**

**9.2.1 Accessibility Advisory Committee - Coun. Hainer**

**9.2.2 Business Economic Support and Recovery Task Force**

**9.2.3 Business Improvement Area - Coun. Winter**

**9.2.4 CBHFM - Coun. Edney**

**9.2.5 Committee of Adjustment**

**9.2.6 Community Policing Advisory Committee - Coun. Winter,  
Mayor Strathdee**

**9.2.7 Green Committee - Coun. Craigmile**

**9.2.8 Heritage Advisory Committee - Coun. Pridham**

**9.2.9 Huron Perth Healthcare Local Advisory Committee - Coun.  
Luna**

**9.2.10 Museum Advisory Committee - Coun. Hainer**

**9.2.11 Planning Advisory Committee - Coun. Craigmile, Hainer**

**9.2.12 Recreation and Leisure Advisory Committee - Coun. Pridham**

**9.2.13 Senior Services Advisory Committee - Coun. Winter**

**9.2.15 St. Marys Cement Community Liaison Committee - Coun.  
Craigmile, Winter**

**9.2.16 Youth Council - Coun. Edney**

**10. EMERGENT OR UNFINISHED BUSINESS**

None.

**11. NOTICES OF MOTION**

None.

**12. BY-LAWS**

**Resolution 2020-08-25-30**

**Moved By** Councillor Pridham

**Seconded By** Councillor Winter

**THAT** By-Laws 72-2020 and 73-2020 be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Mayor and the Clerk.

**CARRIED**

**12.1 By-Law 72-2020 Authorize an Agreement with the Province of Ontario  
for Provincial Gas Tax Funding**

**12.2 By-Law 73-2020 Authorize an Encroachment Agreement with  
2398315 Ontario Ltd. for 120 Church Street South**

**13. UPCOMING MEETINGS**

Mayor Strathdee reviewed the upcoming meetings as presented on the agenda and made note that September 15, 2020 has been added to the schedule for the purpose of two public meetings related to planning applications.

**14. CLOSED SESSION**

**Resolution 2020-08-25-31**

**Moved By** Councillor Luna

**Seconded By** Councillor Craigmile

**THAT** Council move into a session that is closed to the public at 9:28 pm as authorized under the *Municipal Act*, Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

**CARRIED**

**14.1 CAO 50-2020 CONFIDENTIAL Proposed Acquisition of Land – Widder Street East**

**15. RISE AND REPORT**

**Resolution 2020-08-25-32**

**Moved By** Councillor Luna

**Seconded By** Councillor Craigmile

**THAT** Council rise from a session that is closed at 9:47 pm.

**CARRIED**

Mayor Strathdee reported that a closed session was held where one matter related to a proposed land acquisition was considered. Staff were given direction in closed session. There is nothing further to report.

**16. CONFIRMATORY BY-LAW**

**Resolution 2020-08-25-33**

**Moved By** Councillor Edney

**Seconded By** Councillor Pridham

**THAT** By-Law 74-2020, being a by-law to confirm the proceedings of August 25, 2020 regular Council meeting be read a first, second and third time; and be finally passed by Council and signed and sealed by the Mayor and the Clerk.

**CARRIED**

**17. ADJOURNMENT**

**Resolution 2020-08-25-34**

**Moved By** Councillor Luna

**Seconded By** Councillor Pridham

**THAT** this regular meeting of Council be adjourned at 9:49 pm.

**CARRIED**

---

Al Strathdee, Mayor

---

Brent Kittmer, CAO / Clerk

From: Jaden Cubberley <[jaden\\_cubberley@hotmail.com](mailto:jaden_cubberley@hotmail.com)>  
Date: 2020-08-21 2:22 p.m. (GMT-05:00)  
To: Al Strathdee <[astrathdee@town.stmarys.on.ca](mailto:astrathdee@town.stmarys.on.ca)>  
Subject: Parking on Wellington St. N.

[EXTERNAL]

Good Afternoon Al.

I would like to make a recommendation for town council. It is my belief that the town should review the parking allowance on Wellington St. N. across from Home Hardware for at least the duration of the bridge construction on Church St. The construction has led to a large increase in traffic through Station St. to Wellington. There are now a multitude of conditions that will lead to traffic accidents including: the newly created blind spot at the corner of Wellington St. N and Parkview DR. due to the new bridge design (I also believe this should be investigated separately), the steep hill, the quick "left, right" turn around the hardware store, Home Hardware customers backing on to the road way, ETC. The parking allowance across from Home Hardware is just adding to the other problems at this point.

Thanks,

- Jaden Cubberley



**ST. MARYS MINOR HOCKEY ASSOCIATION  
RETURN TO PLAY PROGRAMMING PLAN  
SEPTEMBER 2020**



SMMHA Executive has been busy reviewing the OHF Return to Hockey Framework recently released as well as other guidelines sent out by Hockey Canada, OHF, OMHA, OWHA, the Town of St. Marys, and our local health authorities. We are looking forward to welcoming back all players and remain committed to providing a safe and enjoyable experience for everyone.

Based on the OHF Return to Hockey Framework, we will be offering a **12-week program** which will focus on skill development, group training, practices, and eventually 3x3 game play for most divisions (**only U9 teams and up**). After this period, we will re-assess the program, what stage(s) we are at, and what other opportunities we can and will be permitted to offer to our players.

This 12-week program will begin on **October 1st, 2020** and continue until the end of **December 2020**. The program will provide a minimum of **2 ice times per week for each team in the U8-U18 divisions and one ice time per week for each team in the U7 division**. In order to meet the needs of all of our players, this program will require the full use of both ice pads to ensure we can provide enough ice time for each team.

Registration for this program will begin on **September 3rd** and continue until **September 17th**. **No** late registrations will be accepted. This is a new registration and is open to all SMMHA players as well as new players in our area. More information for the online registration process will be sent out via email to all families and posted on our website.

The cost of registration is based on an increase in ice costs during this time period and also includes the required insurance fees for each player. **Due to physical distancing restrictions in place, we will require that all players are able to stand and skate on their own (including U7 divisions).**

More details about the program and how it will be organized will be sent out via email once the registration is closed. In the meantime, please contact the registrar or any member of the Executive if you have any questions.

We look forward to welcoming all of our members, players, and families back to the arena as soon as possible.

***SMMHA Executive and Registration Committee***

**Registration Rates for 12-Week Program (starting October 1st, 2020):**

<b>Level</b>	<b>Rate + \$50.00 for Insurance</b>	<b>Program Outline</b>
U7 Jr. Initiation (2016 and 2017)	$\$150.00 + 50.00 = \$200.00$	One session of skill development per week
U7 Sr. Initiation (2014 and 2015)	$\$150.00 + 50.00 = \$200.00$	One session of skill development per week
U8 Minor Novice (2013)	$\$300.00 + 50.00 = \$350.00$	Two sessions per week (skills & training, then eventually 3x3 games)
U9 Novice (2012)	$\$300.00 + 50.00 = \$350.00$	Two sessions per week (skills & training, then eventually 3x3 games)
U11 Atom (2010 and 2011)	$\$300.00 + 50.00 = \$350.00$	Two sessions per week (skills & training, then eventually 3x3 games)
U13 Peewee (2008 and 2009)	$\$300.00 + 50.00 = \$350.00$	Two sessions per week (skills & training, then eventually 3x3 games)
U15 Bantam (2006 and 2007)	$\$300.00 + 50.00 = \$350.00$	Two sessions per week (skills & training, then eventually 3x3 games)
U18 Midget (2003, 2004 & 2005)	$\$300.00 + 50.00 = \$350.00$	Two sessions per week (skills & training, then eventually 3x3 games)

## FORMAL REPORT

<b>To:</b>	Mayor Strathdee and Members of Council
<b>Prepared by:</b>	Mark Stone, Planner
<b>Date of Meeting:</b>	8 September 2020
<b>Subject:</b>	<b>DEV 56-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2020 and Z04-2020) by the Corporation of the Town of St. Marys for 465 and 481 Water Street South (Part of Lot 35, Thames Concession)</b>

### PURPOSE

The purpose of this report is to: review the Applications; consider information and comments provided by the Applicant, Town staff and the public; and consider recommendation(s) to Council with respect to the further processing of these Applications

### RECOMMENDATION

**THAT** DEV 56-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2020 and Z04-2020) by the Corporation of the Town of St. Marys for 465 and 481 Water Street South (Part of Lot 35, Thames Concession) be received;

**THAT** Council approve the Official Plan and Zoning By-law Amendment Applications for part of 465 and 481 Water Street South provided no significant concerns are raised by the public or members of Council at the statutory public meeting;

**THAT** Council consider By-law 77-2020 to adopt Official Plan Amendment No. 34; and,

**THAT** Council consider Zoning By-law Amendment No. Z137-2020.

### BACKGROUND

The subject properties front onto the east side of Water Street South, south of Washington Street. The Alexander McDonald House is located on 481 Water Street South and was designated by the Town under the *Ontario Heritage Act* in 2008. The Alexander McDonald House is a 1½ storey stone building and was constructed in the early 1850's. In 2019, the Town declared 481 Water Street South surplus.

In February of 2019, Town Council approved Official Plan Amendment No. 33 (OPA 33) to redesignate 481 Water Street South from Recreational to Highway Commercial and passed Zoning By-law No. Z132-2019 to rezone 481 Water Street South from Institutional (I-4) to Highway Commercial (C3-12) to permit a range of commercial and light industrial uses. By-law No. Z132-2019 also reduced certain standards in the C3 Zone (5 metre minimum front yard, 2.5 metre minimum interior side yard and 2.5 metre minimum rear yard).

The Town now intends to convey approximately 0.25 hectares (0.62 acres) of land from the west part of 465 Water Street South and merge these lands with 481 Water Street South.

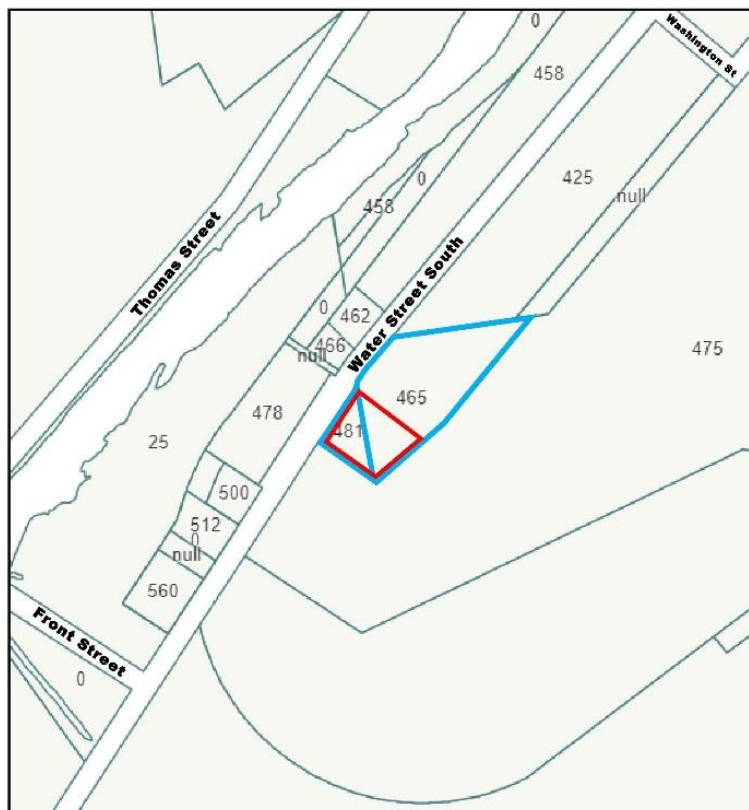
The prospective purchaser of these lands intends to use the existing house for office space, establish a parking area for staff and customers, and construct a 148.6 m<sup>2</sup> (1,600 ft<sup>2</sup>) shop building as shown on the proposed concept site plan (see Attachment 3 of this report).

At the August 17, 2020 meeting, the Planning Advisory Committee (PAC) passed a motion endorsing, in principle, the Applications for Official Plan and Zoning By-law Amendments and recommended that Council proceed to a public meeting to consider the Applications.

## REPORT

The purpose and effect of the Applications is to amend the land use permissions for 481 Water Street South and extend these permissions to the lands to be conveyed from 465 Water Street South. Approval of the Applications would allow for the following uses on the subject lands (in addition to those uses already permitted by OPA 33 and Z132-2019: contractor's yard or shop; office; business office; support office; repair shop; and retail store including the sale of cannabis and related products and vitamins.

Approval of the proposed Zoning By-law Amendment would also amend the site specific zoning provisions for lands zoned C3-12 by changing the interior side yard minimum to 1.5 metres (from the east property line) and removing the 2.5 metre minimum rear yard requirement, reverting back to the applicable rear yard minimum requirements under the C3 Zone.



Property Details		
Municipal Address	465 and 481 Water Street South	
Lot Area	465 Water	1.1 ha (area subject to applications: 0.25 ha)
	481 Water	0.15 ha
Official Plan		
	Current	Proposed
465 Water *	Recreational	Highway Commercial
481 Water	Highway Commercial	
Zoning By-law		
	Current	Proposed
465 Water *	Extractive Industrial (M3)	Highway Commercial (C3-12)
481 Water	Highway Commercial (C3-12)	

Surrounding Land Uses	
North	• Recreational uses and open space/wooded areas
South	• Open space/wooded areas and vacant lands
East	• Open space/wooded areas and vacant lands
West	• Water Street South, and commercial, residential and vacant uses

\* Only applies to western triangular portion of 465 Water Street South (approximately 0.25 hectares)

## PLANNING CONTEXT

### Provincial Policy Statement

Section 3 of the *Planning Act* requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment. The purpose of this section is to identify policies in the PPS relevant to these Applications.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

- promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs

Sections 1.3.1 (a) and (b) of the PPS state, in part, that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs and by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses.

### Official Plan

The Recreational designation that applies to 465 Water Street South identifies lands used or intended for active and/or passive recreation uses. 481 Water Street South was redesignated from Recreational to Highway Commercial by Official Plan Amendment No. 33 and applied site specific policies [Section 3.3.3(f)].

The purpose of this Official Plan Amendment application is to amend the site specific policies of Section 3.3.3(f) as shown in red below and extend these policies to the portion of 465 Water Street South to be merged with 481 Water Street South:

- 3.3.3 f) Within the lands described as 481 Water Street South, Part of Lots 21 and 35, Thames Concession, in the Town of St. Marys, permitted uses are limited to the following:
- Business or professional office
  - Contractor's yard or shop
  - Convenience store or variety store
  - Equipment sales and rental business
  - Laboratory or research facility
  - Office
  - Office, business

- Office, support
- Private club
- Production studio (premises used for producing motion pictures, or audio or video recordings or transmissions)
- Repair shop
- Restaurant
- Retail store including the sale of cannabis and related products and vitamins
- Accessory uses, buildings, and structures

Section 7.17.4 of the Official Plan states, that in considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as certain criteria. The following discussion addresses the criteria in Section 7.17.4.

a) the need for the proposed use;

Staff response: *The proposed permitted uses will provide additional opportunities for commercial and industrial uses and the redesignation and rezoning of the subject lands will allow for the revitalization of the Alexander McDonald property.*

b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;

Staff response: *There are other lands designated Highway Commercial in the Town however, the proposal will provide opportunities to use the underutilized Alexander McDonald property.*

c) the compatibility of the proposed use with conforming uses in adjoining areas;

Staff response: *The area surrounding the subject property is predominantly zoned for industrial and commercial purposes. There are several properties on the west side of Water Street South that are zoned Highway Commercial (C3). Prior to any development of the site, approval of a Site Plan Application will be required to ensure the appropriate layout and design of the site including the location of parking areas, landscaping and buffering.*

d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;

Staff response: *See response to (c) above.*

e) the potential effects of the proposed use on the financial position of the Town;

Staff response: *No negative effects are anticipated.*

f) the potential suitability of the land for such proposed use in terms of environmental considerations;

Staff response: *Any potential environmental considerations will be assessed at the site plan approval stage.*

g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;

Staff response: *The existing road system in the area is adequate to accommodate the proposed uses.*

h) the adequacy and availability of municipal services and utilities; and,

Staff response: *Existing services and utilities are available to service the property.*



- i) the adequacy of parks and educational facilities and the location of these facilities.

Staff response: Policy relates to the adequacy of parks and educational facilities where new residential uses are proposed – not applicable.

A copy of proposed Official Plan Amendment No. 34 is provided in the September 8, 2020 Council agenda.

## Zoning By-law

465 Water Street South is zoned Extractive Industrial (M3) while 481 Water Street South is zoned Highway Commercial (C3-12). The purpose of this Zoning By-law Amendment application is to amend the site specific C3-12 regulations of Section 17.4.12 as shown in red below and extend this zoning to the portion of 465 Water Street South to be merged with 481 Water Street South:

### 17.4.12 C3-12

- a) Location: 481 Water Street South, Part of Lots 21 and 35, Thames Concession, Key Map 19
- b) Notwithstanding the provisions of Section 17.1, permitted uses are limited to the following on those lands zoned “C3-12”:
- (i) business or professional office;
  - (ii) contractor’s yard or shop;
  - (iii) convenience store or variety store;
  - (iv) equipment sales and rental business;
  - (v) laboratory or research facility;
  - (vi) office;
  - (vii) office, business;
  - (viii) office, support;
  - (ix) private club;
  - (x) production studio;
  - (xi) repair shop;
  - (xii) restaurant;
  - (xiii) retail store including the sale of cannabis and related products and vitamins;
  - (xiv) accessory uses, buildings, and structures.
- c) For the purpose of those lands zoned “C3-12”, a production studio means premises used for producing motion pictures, or audio or video recordings or transmissions.
- d) Notwithstanding the provisions of Sections 17.2 D and 17.2 E, the following provisions shall apply to those lands zoned “C3-12”:
- (i) Front Yard, Minimum 5 metres (Alexander McDonald House)  
8.5 metres (new buildings)
  - (ii) Interior Side Yard, Minimum (from east property line) 1.5 metres
  - (iii) ~~Rear Yard, Minimum 2.5 metres~~

With the merger of the lands, a reduced minimum rear yard is no longer required.

A copy of proposed Zoning By-law Z137-2020 is provided in the September 8, 2020 Council agenda.

## COMMUNICATIONS

Notice of Public Meeting for the Official Plan Amendment and Zoning By-law Amendment Applications was circulated by first class mail to all land owners within 120 metres of the subject properties, to those agencies as prescribed by Regulation and notice signage was also posted on the properties. Information, notices and other documents related to these Applications have been provided on the Town’s Current Planning / Development Applications webpage throughout the review process.

Katharine Papoff of 111 Thamesview Crescent made two written submissions to the Town (copies provided in Attachment 4 of this report). Ms. Papoff's comments are discussed in the Planning Comments section of this report.

## PLANNING COMMENTS

As noted, Katharine Papoff provided two written submissions regarding these Applications. The following is a summary of these comments and staff responses:

### 1. Parkland

- As population grows, parkland becomes increasingly important
- Concerned that Council is considering reducing the size of Centennial Park
- "But there is no evident need for parkland to be conveyed and rezoned to permit the 'contractor's yard or shop; office; business office; support office; repair shop' for which non-parkland properties in town could be purchased by the business owner"
- Concerned that the remainder of 465 Water Street South could be used for commercial purposes

*Staff response: According to the Town's Recreation and Leisure Services Master Plan (November 2017), Centennial Park is considered a neighbourhood park. The required size of neighbourhood parks generally ranges between 0.5 and 4 hectares. After the proposed conveyance of land, the size of Centennial Park will fall within this range.*

*The combination of the size of 481 Water Street South, the need to provide a parking area and grading constraints prevents the construction of any additional buildings without an enlargement of the property.*

*The proposed redesignation and rezoning only applies to the proposed lands to be conveyed from 465 Water Street South.*

### 2. Proposed Site Plan

- Could the site plan be modified so that the front elevation of the new structure is aligned with the rear wall of McDonald House.

*Staff response: An increased setback of the proposed new building would help maintain the visibility of the Alexander McDonald House from the north however, there are constraints limiting the location of any new building including the grades at the rear of the property. In consultation with Heritage staff, it is recommended that any new buildings be setback a minimum of 8.5 metres (27.9 ft) from the front lot line (as compared to the current setback of the McDonald House of 5.46 m / 17.9 ft).*

## FINANCIAL IMPLICATIONS

Not known at this time.

## SUMMARY

The proposed permitted uses will provide additional opportunities for commercial and industrial uses in the Town, and the redesignation and rezoning of the subject lands will allow for the revitalization of the Alexander McDonald House lands. The area surrounding the subject property is predominantly zoned for industrial and commercial purposes. There are several properties on the west side of Water Street South that are zoned Highway Commercial (C3).

Prior to any development on the property, site plan approval will be required to ensure the appropriate layout and design of the site including the location of parking areas and landscaping.



It is recommended that Council approve the proposed Official Plan and Zoning By-law Amendments if no significant concerns are raised by the public or members of Council at the statutory public meeting.

## **STRATEGIC PLAN**

Not applicable to this report.

## **ATTACHMENTS**

- 1) General and Specific Location Maps
- 2) Applications for Official Plan and Zoning By-law Amendments
- 3) Concept Site Plan
- 4) Comments received

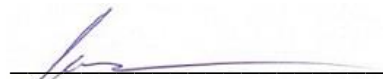
## **REVIEWED BY**

### **Recommended by the Department**



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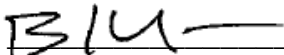
Mark Stone  
Planner



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Grant Brouwer  
Director of Building and Planning

### **Recommended by the CAO**

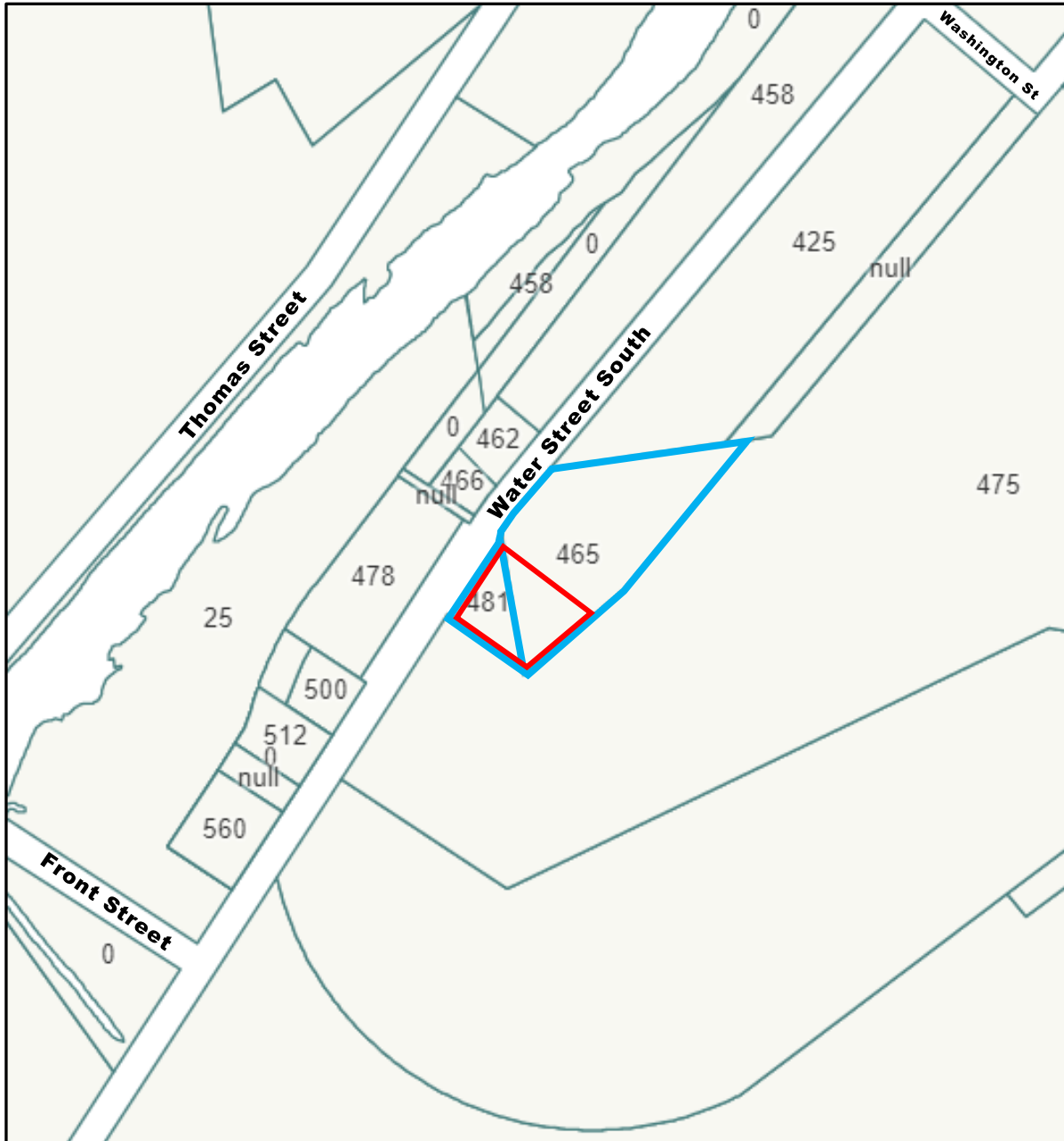


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Brent Kittmer  
CAO / Clerk

# GENERAL LOCATION MAP

465 and 481 Water Street South  
Part of Lot 35, Thames Concession  
Town of St. Marys



Subject Properties



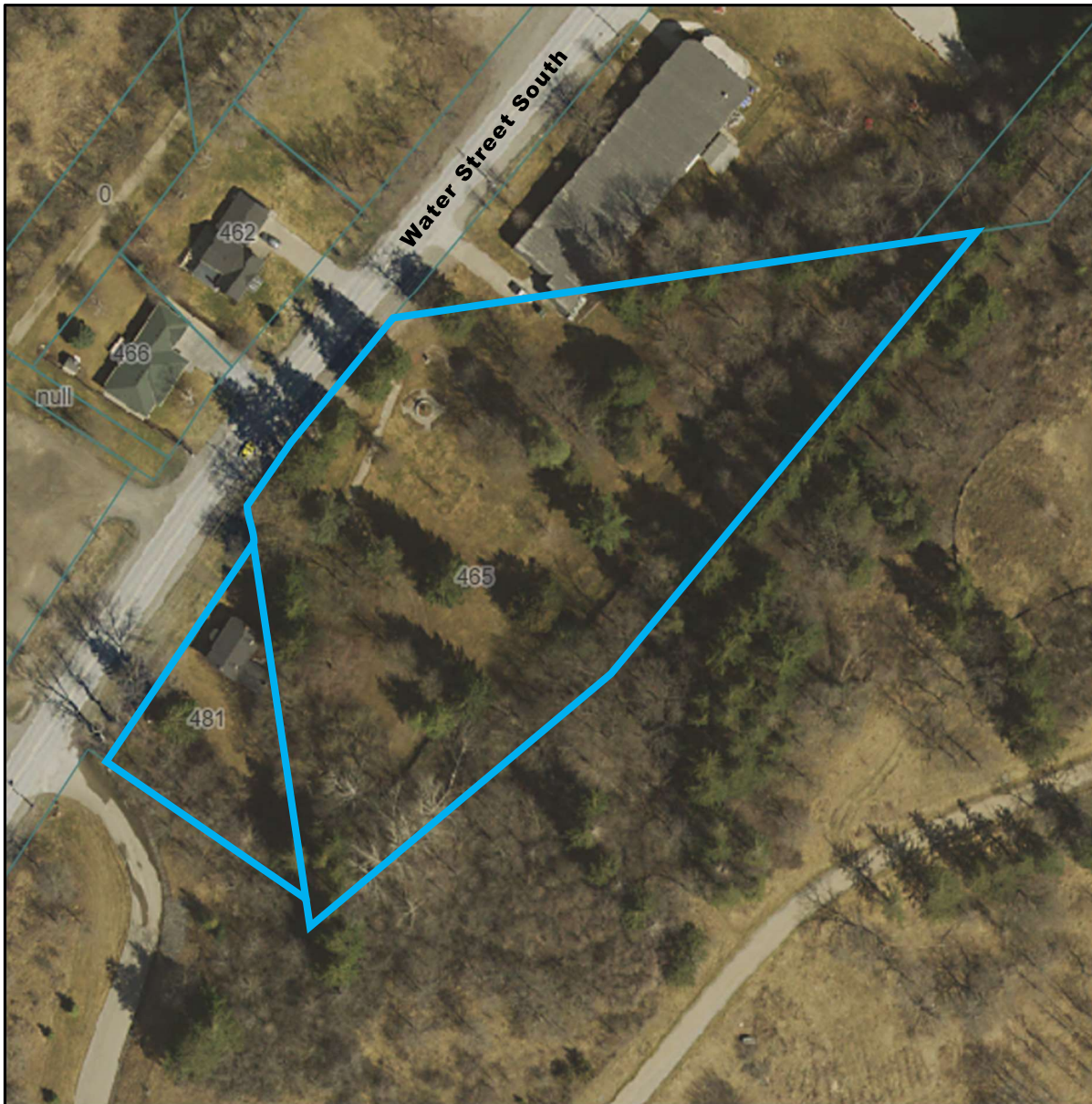
Lands Subject to Official Plan  
and Zoning By-law Amendment  
Applications



July 27, 2020

# SPECIFIC LOCATION MAP / AERIAL

465 and 481 Water Street South  
Part of Lot 35, Thames Concession  
Town of St. Marys



Subject Properties



July 27, 2020



Corporation  
of the Town of St. Marys



Application for Approval of a **Official Plan**  
Amendment

(Under Section 22(4) of the Planning Act)



Application for Zoning By-law Amendment  
(Under Section 34 or 39 of the Planning Act)



Application to Remove a Holding Symbol  
(Under Section 34 and 36 of the Planning Act)

**Instructions**

Each application must be accompanied by the application fee in the form of either cash or a cheque payable to the Town. An accurate scaled drawing of the subject land must be submitted.

If the applicant is not the owner of the subject land, a written statement by the owner which authorizes the applicant to act on behalf of the owner as it relates to the subject application, must accompany the application See Section 13.0).

Please bear in mind that additional information may be required by the Town, local and provincial agencies in order to evaluate the proposed Amendment. The required information may include studies or reports to deal with such matters as impacts on: the environment; transportation network; water supply; sewage disposal; and storm water management.

In addition, the applicant may be required to submit a more detailed site plan in accordance with Section 41, of the Planning Act.

**Completeness of the Application**

The information in this form that must be provided by the applicant is indicated by black arrows (➤) on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 198/96 made under the Planning Act. The mandatory information must be provided with the appropriate fee and draft plan. If the mandatory information is not provided, the municipality will return the application or refuse to further consider the application.

The application form also sets out other information (eg. technical information or reports) that will assist the approval authority and others in their planning evaluation of the development proposal. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

**Approval Process**

Upon receipt of an application, the required fee and other information (as required) Council will determine whether there is sufficient merit in processing the application further (i.e. circulation of notice and the holding of a public meeting as required by the Ontario Planning Act). The applicant is encouraged to attend a public meeting, to present the proposal. The applicant will be provided notice of any decision made by Council concerning the application. Official Plan Amendments and Zoning By-law Amendment are adopted by St. Marys Council. If no notice of appeal is received within twenty days, the Official Plan Amendment and/or Zoning By-law Amendment is in force.

**For Help**

To help you complete the application form, please consult the Building Department in the Town Hall. You can also call the Building Department at (519) 284-2340.

**Please Print and Complete or (✓) Appropriate Box(es)**

**1.0 Application Information**

➤ 1.1 Name of Owner(s) An owner's authorization is required if applicant is not the owner (See Section 12.0)		
Name of Owner(s) The Corporation of the Town of St. Marys	Home Telephone No.	Business Telephone No.
Address 175 Queen Street East	Postal Code N4X 1B6	Fax No.
➤ 1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner. (This may be a person or firm acting on behalf of the owner.)		
Name of Contact Person (and Firm) Brent Kittmer, CAO/Clerk	Home Telephone No.	Business Telephone No. 519-284-2340 x216
Address 175 Queen Street East	Postal Code N4X 1B6	Fax No. 519-284-3881

**➤ 2.0 Location and Size of the Subject Land**

Street No. 465 and 481	Name of Street/Road Water Street South	Registered Plan No.	Lot(s)/Block(s)
Reference Plan No.	Part Number(s)	Concession Number(s) Thames Concession	Lot Number(s) Part Lots 21 and 35
Lot Frontage 58.8 metres	Average Width 59.7 metres	Average Depth 63.6 metres	Lot Area 3,984.7 square metres

➤ 2.1 Is there a mortgage or charge in respect of the subject land? ☐ Yes ☒ No If yes, give the names and addresses of any mortgages or charges

➤ 2.2 Are there any easements or restrictive covenants affecting the subject land? ☐ Yes ☒ No If yes, describe the easement or covenant and its effect.

➤ 2.3 When were the subject lands acquired by the current owner?  
August 5, 2014

**➤ 3.0 Proposed and Current Land Use**

➤ 3.1 What is the proposed use of the subject land? Commercial and light industrial uses - see attachment for additional information
➤ 3.2 What is the current use of the subject land? Single detached dwelling and vacant lands
➤ 3.3 How is the subject land currently designated in the Official Plan? Recreational
➤ 3.4 How is the subject land currently zoned in the applicable Zoning By-law? 481 Water South: Highway Commercial (C3-12) 465 Water South: Extractive Industrial (M3)



	Existing Buildings	Proposed Buildings		Existing Buildings	Proposed Buildings
3.5.1 Front yard	5.42 m	none proposed at this time	3.5.5 Height	2.5 storeys	none proposed at this time
3.5.2 Rear yard	2.64 m		3.5.6 Dimensions	+/- 11.4 x 14.9 (irregular)	
3.5.3 Side Yard	3.56 m (north)		3.5.7 Gross Floor Area		
3.5.4 Side Yard	27.4 m (south)		3.5.8 Date Constructed	early 1850's	

➤ **4.0 Official Plan Amendment (proceed to Section 5.0 if a Official Plan Amendment is not proposed)**

<b>4.1 Does the Proposed Official Plan Amendment:</b>	<b>Yes</b>	<b>No</b>
4.1.1 Add a Land Use designation to the Official Plan?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.1.2 Change a land use designation in the Official Plan?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.1.3 Replace a policy in the Official Plan?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.1.4 Delete a policy from the Official Plan?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.1.5 Add a policy to the Official Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If applicable, please provide the policy section number to be changed, and suggested policy wording on a separate page.

See attachment for additional information

4.2 What is the purpose of the Official Plan Amendment and land uses that would be permitted by the proposed Official Plan Amendment?

See attachment for additional information

4.3 Explain how this proposal has regard to the principles of the Provincial Policy Statement issued under the Planning Act (attach a separate page if necessary).

See attachment for additional information

➤ **5.0 Zoning By-law Amendment (proceed to Section 6.0 if a Zoning By-law Amendment is not proposed)**

<b>5.1 Does the Proposed Zoning By-law Amendment:</b>	<b>Yes</b>	<b>No</b>
5.1.1 Add a Zone Category to the Zoning By-law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1.2 Change a Zone Category in the Zoning By-law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.1.3 Replace a zoning provision in the Zoning By-law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1.4 Delete a zoning provision from the Zoning By-law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1.5 Add a zoning provision to the Zoning By-law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If applicable, please provide the provision section number to be changed, and suggested provision wording on a separate page.

See attachment for additional information

5.2 What is the purpose of the proposed Zoning By-law Amendment and what are the land uses proposed?

See attachment for additional information

**6.0 Previous Industrial or Commercial Uses**

6.1 Has there previously been an industrial or commercial use on the subject land or adjacent land? If Yes, specify the uses and dates. ☐ Yes ☒ No  
Railway line transecting the central portion of the property. Refer to Phase 1 and Phase 2 Environmental Site Assessments

6.2 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No

6.3 What information did you use to determine the answers to the above questions? See Section 6.4 below. Knowledge of the historic use of the property

6.4 If Yes, to (6.1), (6.2) or (6.3), a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed.  
Is the previous use inventory attached? ☐ Yes ☒ No

➤ **7.0 Status of Other Applications under the Planning Act**

Is the subject land also the subject of an application for a consent, approval of a site plan, minor variance, Zoning By-law Amendment or Zoning Order Amendment? ☐ Yes ☒ No If Yes, indicate the type of application, the file number and the status of the application.

➤ **8.0 Servicing**

8.1 Indicate the existing/proposed servicing type for the subject land.

Sewage Disposal	Existing	Proposed	Water Supply	Existing	Proposed
a) Public piped sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	a) Public piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Public or private communal septic			b) Public or private communal well(s)		
c) Individual septic system(s)			c) Individual well(s)		
d) Other			d) Other		

Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers	X	X	a) Arterial Road	X	X
b) Ditches or swales			b) Collector Road		
c) Other			c) Local Road		

#### 9.0 Justification

9.1 Indicate how the proposed use(s)/ zone complies with the relevant portions of the Official Plan - or complete an Official Plan Amendment Application.

See attachment for additional information

9.2 Indicate how the proposed use(s) will be compatible with the surrounding land uses.

See attachment for additional information

#### 10.0 Other Information

#### 11.0 Application Drawing

Please submit an accurate, scaled drawing of the proposal showing the following information:

- The subject land, including its boundaries and dimensions, and the location, and nature of any easement or restrictive covenants which affect the subject land;
- The uses of adjacent and abutting land;
- The location of all existing as well as proposed buildings and their dimensions, uses, and setbacks from lot lines;
- The location of all natural and man-made features on the land and the location of these features on adjacent and abutting lands; and
- Scale and north arrow.

#### 12.0 Affidavit or Sworn Declaration

I, Brent Killmer of the St. Marys in the County/Region of Perth

make oath and say (or solemnly declare) that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the Town of St. Marys

In the County/Region of Perth

this 29<sup>th</sup> day of July, 2020

Anna McCarney  
Commissioner of Oaths

B Killmer  
Applicant

#### 13.0 Authorization of Owner for Agent to Make the Application

I (we), \_\_\_\_\_ of the \_\_\_\_\_ in the County/Region of \_\_\_\_\_

am the owner of the land that is the subject of this application for an Official Plan Amendment/Zoning By-law Amendment and I hereby

authorize \_\_\_\_\_ to act as my agent in the application.

Date

Signature of Owner

#### 14.0 Acknowledgement

##### ACKNOWLEDGEMENT

With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the St. Marys for legal counsel and other associated costs to represent the Corporation of the St. Marys in defending the decision before the Ontario Municipal Board will be solely the responsibility of, and paid for by the applicant.

Dated at the Town of St. Marys

in the County/Region of Perth

this 29<sup>th</sup> day of July, 2020

B Killmer  
Applicant

## Additional Supporting Information for Official Plan and Zoning By-law Amendment Applications for 465 and 481 Water Street South, St. Marys

### Current Planning Summary

The subject properties are owned by the Corporation of the Town of St. Marys. In February of 2019, the Town approved Official Plan Amendment No. 33 redesignating 481 Water Street South from Recreational to Highway Commercial with site specific policies, and Zoning By-law Amendment No. Z132-2019 rezoning 481 Water Street South from Institutional (I-4) to Highway Commercial (C3-12) with site specific provisions.

	Official Plan	Zoning
<b>465 Water Street South</b>	Recreational	Extractive Industrial (M3)
<b>481 Water Street South</b>	Highway Commercial	Highway Commercial (C3-12)

### Purpose and Intent of Applications

The purpose and intent of the proposed Official Plan and Zoning By-law Amendment Applications is to amend the land use permissions for 481 Water South and extend these permissions to approximately 0.25 hectares of land to be conveyed from 465 Water Street South and merged with 481 Water South (the subject lands).

### Proposed Official Plan Amendment

The Highway Commercial designation with amended site specific policies [Section 3.3.3(f)] would apply to the subject lands. Section 3.3.3(f) with proposed amended policies (in red) are provided below:

3.3.3 f) Within the lands described as 481 Water Street South, Part of Lots 21 and 35, Thames Concession, in the Town of St. Marys, permitted uses are limited to the following:

- Business or professional office
- Contractor's yard or shop
- Convenience store or variety store
- Equipment sales and rental business
- Laboratory or research facility
- Office
- Office, business
- Office, support
- Private club
- Production studio (premises used for producing motion pictures, or audio or video recordings or transmissions)
- Repair shop
- Restaurant
- Retail store including the sale of cannabis and related products and vitamins
- Accessory uses, buildings, and structures

## Proposed Zoning By-law Amendment

The Highway Commercial (C3-12) Zone with amended regulations [Section 17.4.12] would apply to the subject lands. Section 17.4.12 with proposed amended regulations (in red) are provided below:

### 17.4.12 C3-12

- a) Location: 481 Water Street South, Part of Lots 21 and 35, Thames Concession, Key Map 19
- b) Notwithstanding the provisions of Section 17.1, permitted uses are limited to the following on those lands zoned “C3-12”:
  - (i) business or professional office;
  - (ii) contractor’s yard or shop;
  - (iii) convenience store or variety store;
  - (iv) equipment sales and rental business;
  - (v) laboratory or research facility;
  - (vi) office;
  - (vii) office, business;
  - (viii) office, support;
  - (ix) private club;
  - (x) production studio;
  - (xi) repair shop;
  - (xii) restaurant;
  - (xiii) retail store including the sale of cannabis and related products and vitamins;
  - (xiv) accessory uses, buildings, and structures.
- c) For the purpose of those lands zoned “C3-12”, a production studio means premises used for producing motion pictures, or audio or video recordings or transmissions.
- d) Notwithstanding the provisions of Sections 17.2 D, 17.2 E and 17.2 G, the following provisions shall apply to those lands zoned “C3-12”:
  - (i) Front Yard, Minimum 5 metres
  - (ii) Interior Side Yard, Minimum (from east property line) 1.5 metres
  - ~~(iii) Rear Yard, Minimum 2.5 metres~~

With the merger of the lands, a reduced minimum rear yard is no longer required.

## Justification

- The proposed amendments are consistent with the policies of the Provincial Policy Statement. The proposed uses contribute to the Town’s ability to provide for an appropriate mix and range of employment uses, and a diversified economic base to meet long-term needs of the community. The proposal contributes to a sense of place by conserving built heritage resources while integrating employment uses on the property.
- As noted in the August 28, 2018 report to Council (DEV 35-2018) regarding the Town’s Official Plan review project, the Town is considering the establishment of a new Highway Commercial – Light Industrial designation to “support the Town’s goals with respect to economic development” and provide “additional opportunities to provide a mix of and range of employment options and a range of suitable sites”. As further noted in the report, “this new designation would be based on the Highway Commercial designation and would also permit smaller scale light manufacturing, processing and storage/warehouse uses, wholesale establishments, recreational uses, institutional uses, and business offices that are compatible with the surrounding neighbourhood. A requirement of this



*designation would be that all uses are located indoors and the designation would only apply to lands currently designated Highway Commercial and not abutting residential lands". The proposed Highway Commercial designation to be applied to this property will allow for a mix of employment uses in keeping with the proposed new Highway Commercial – Light Industrial designation.*

- Section 7.17.4 of the Official Plan states, that in considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as certain criteria. The following discussion addresses the criteria in Section 7.17.4.
  - a) the need for the proposed use;  
*the proposed permitted uses will provide additional opportunities for commercial and industrial uses and the redesignation and rezoning of the subject lands will allow for the revitalization of this property*
  - b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;  
*there are other lands designated Highway Commercial in the Town however, the proposal will provide opportunities to use this underutilized property*
  - c) the compatibility of the proposed use with conforming uses in adjoining areas;
    - *The area surrounding the subject property is predominantly zoned for industrial and commercial purposes. There are several properties on the west side of Water Street South that are zoned Highway Commercial (C3).*
    - *Prior to any development of the site, approval of a Site Plan Application will be required to ensure the appropriate layout and design of the site including the location of parking areas, landscaping and buffering.*
  - d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;  
*see response to c) above*
  - e) the potential effects of the proposed use on the financial position of the Town;  
*no negative effects are anticipated*
  - f) the potential suitability of the land for such proposed use in terms of environmental considerations;  
*any potential environmental considerations will be assessed at the site plan approval stage*
  - g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;  
*the existing road system in the area is adequate to accommodate the proposed uses*
  - h) the adequacy and availability of municipal services and utilities; and,  
*existing services and utilities are available to service the property*
  - i) the adequacy of parks and educational facilities and the location of these facilities.  
*not applicable*

CAUTION:

- IT IS THE RESPONSIBILITY OF THE PLAN USER TO INFORM THEMSELVES OF THE EXACT LOCATION OF ALL UTILITIES AND STRUCTURES PRIOR TO ANY CONSTRUCTION WORK. THE PLAN IS NOT A SUBSTITUTE FOR A FIELD SURVEY AND THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND STRUCTURES PRIOR TO ANY CONSTRUCTION WORK. THE PLAN IS NOT A SUBSTITUTE FOR A FIELD SURVEY AND THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND STRUCTURES PRIOR TO ANY CONSTRUCTION WORK.
- THIS PLAN IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR SURVEY PURPOSES.
- STEP FOOTINGS AS REQUIRED TO PROVIDE FIRST PROTECTION.



LAND SURVEYOR AND  
SIGNED BY THE PROFESSIONAL

LEGEND & NOTES:

BENCHMARK:  
ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM THE CANSEL  
CAN-NET REAL TIME NETWORK UTM ZONE 17 NAD83 (CSRS-2010)  
CONTOUR INTERVALS:  
CONTOUR INTERVALS OCCUR EVERY 0.50m  
BEARINGS ARE GRID, UTM, ZONE 17 NAD83 (CSRS-2010) FROM THE  
REFERENCE POINTS A AND B, SHOWN HEREON.

AREA OF BLDGS - 188 m<sup>2</sup>  
AREA OF LOT - 3959 m<sup>2</sup>  
LOT COVERAGE - 4.6%

PROPOSED ELEVATION  
PROPOSED SURFACE RUN-OFF  
PROPOSED HOUSE  
ZONING SETBACKS

1. TYPE OF BUILDING COMMERCIAL
2. INVERT ELEVATION OF SANITARY SEWER: ---  
SATISFACTORY FALL TO BE VERIFIED BY BUILDER PRIOR TO FOOTING POUR.
3. FOOTINGS TO BE 4 FEET (1.2 METRES) MINIMUM BELOW FINISHED GRADE (SEE ONTARIO BUILDING CODE FOR CLEARANCE TO TOP OF WALL AND OTHER REQUIREMENTS)
4. THIS PLAN WAS PREPARED FOR GRADING DESIGN ONLY.
5. ALL DIMENSIONS AND ELEVATIONS ARE IN METRES UNLESS OTHERWISE NOTED.

BENCHMARK: ELEVATIONS ARE GEODETIC, AND ARE DERIVED FROM THE CANSEL CAN-NET REAL TIME NETWORK UTM ZONE 17 NAD83 HT2-0 AND IS RELATED TO THE SIB WIT AT THE WEST CORNER OF THE PROPERTY WITH AN ELEVATION OF 302.26.

No.	REVISIONS	DATE	BY

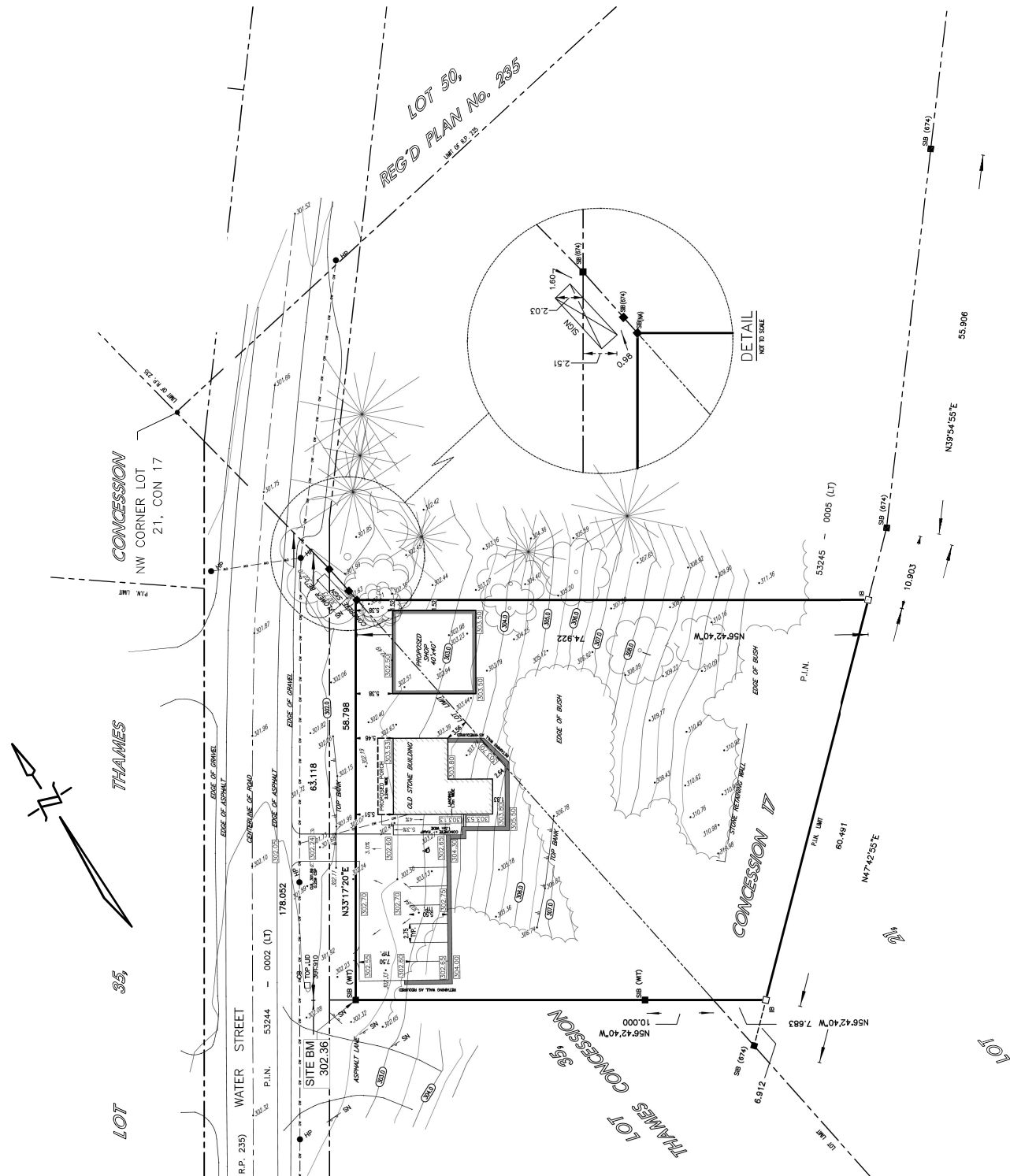
NA GEOMATICS INC.  
ONTARIO LAND SURVEYORS  
107 FINE STREET, STRATFORD, ON, N5A 2M5  
TEL: 519-273-3205  
TEL: 519-557-6672

CLIENT  
ANDY FORMAN - FORMAN ELECTRIC

LOT GRADING PLAN  
475 WATER STREET  
TOWN OF ST. MARYS

DRAWN: S. CULLTON  
CHECKED: D. RATHBY  
DATE: 20-AUG-20  
SCALE: 1:400

FILE NO.  
20-6029



DETAIL  
NOT TO SCALE

METRIC  
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Katharine Papoff  
111 Thamesview Crescent  
St. Marys

#### Conveying Public Parkland to Commercial Enterprise

The Riverview Walkway and Centennial park are public treasures that I've enjoyed for years, moreso since moving to St. Marys in 2018. Parkland becomes increasingly important with town population increasing, and keeping every square foot of current parks is vital.

I am therefore concerned that Council is considering a smaller Centennial Park. "The Town intends to convey approximately 0.25 hectares (0.62 acres) of land from the west part of 465 Water Street South and merge these lands with 481 Water Street South."

From the site plan, it appears that 481 Water St South does not require additional land to use the stone house for retail. and rezoning of 481 was completed in February 2019 for retail to proceed. But there is no evident need for parkland to be conveyed and rezoned to permit the "contractor's yard or shop; office; business office; support office; repair shop" for which non-parkland properties in town could be purchased by the business owner.

What is the meaning of "convey" in this case: to sell, or to give title to a private person as part of recompense for heritage renovation or service to town?

Susan McMaster made clear (Aug 17 PAC) her concern that if Council approves the merging of 481 Water Street South with 465, and the rezoning of the merged land, the remainder of the park could be taken for commercial purposes.

This conveyance is for private interests, through taking away public recreational land. I am deeply concerned about this consideration.

Yours sincerely,  
Katharine Papoff  
111 Thamesview Crescent  
St. Marys, ON N4X 1E1

----- Original message -----

From: KMP <REDACTED>

Date: 2020-08-28 1:16 p.m. (GMT-05:00)

To: Al Strathdee <[astrathdee@town.stmarys.on.ca](mailto:astrathdee@town.stmarys.on.ca)>

Cc: Brent Kittmer <[bkittmer@town.stmarys.on.ca](mailto:bkittmer@town.stmarys.on.ca)>, Grant Brouwer <[gbrouwer@town.stmarys.on.ca](mailto:gbrouwer@town.stmarys.on.ca)>

Subject: site plan change request for conveying parkland 465 Water St. South

[EXTERNAL]

Mayor Strathdee,

Thank you for your clear summary and explanation, touching some new points for me. I totally agree that Heritage structures are important. I am an ACO volunteer, researching house history for the plaque program. I know Council is doing the best it can to save them.

Yes, restoration of Macdonald House is important, and the retail use is reasonable.

My big concern is the precedent for building a contractor's shop on what is now parkland. For this use to be enabled, Council is voting to give away parkland, to change the official plan, and to rezone the "merged" property.

Your email mentions giving away "unused parkland" and that is a contradiction in terms. The point of parkland is that it is not used for anything except green space and enhancement of areas to stroll or rest, for children to scamper up and down hills.

The complexity of the Macdonald House deal makes it perhaps immutable at this point, regrettably. In that case:

1. Could the site plan could be modified so that the front elevation of new structure ("shop") would be aligned with the rear wall of Macdonald House? Essentially, the shop gets pushed to the rear of the lot by some 40 feet (or at least 25). This configuration privileges Macdonald House at the front of the land, and reduces the visual weight of the new construction from Centennial Park and from Water Street. It also gives good sight-lines and green space around the St. Marys welcome garden.

2. Can council make a motion to ensure that the remainder of Centennial Park is zoned Recreational?

Yes, many thanks to the Green Committee for its work to save Sparling Bush. I'd be pleased to assist that Committee.

Mayor Strathdee, I would like to send this email thread of correspondence to PAC and to Council, though I don't have all the email addresses. May I go ahead with the sending through Jenna McCartney?

I really appreciate your taking time to write me a thorough and considerate reply this morning.  
Best regards,

Katharine Papoff  
K. M. Papoff

111 Thamesview Crescent  
St. Marys, ON N4X 1E1

> On Aug 28, 2020, at 8:38 AM, Al Strathdee <[astrathdee@town.stmarys.on.ca](mailto:astrathdee@town.stmarys.on.ca)> wrote:

>

> Ms. Papoff,

> Thank you for your email. I also thank you for your concern, and for following our meetings. This was not an easy decision, as there are many "legacy" issues here which involve the St Marys Cement Company gifting the Macdonald House to the Town. The house sat unused for many years, as it was controlled by the Baseball Hall of Fame, which leases the property from the Town. In an effort to save one of the original St Marys homes, the Town negotiated to gain control of this designated property, from the Hall of Fame. After that, the Town had to negotiate with the Cement plant to allow uses which they previously had been restricted as part of the "gift".

> Unfortunately , we were not able to negotiate as many uses as we would like. The Cement plant still has restrictions for use on title. It was therefore necessary that we gave a small area of unused parkland to the buyer of the Macdonald House so they could make parking and other uses work. I agree that this is not an ideal situation, but one we felt necessary to make the deal work. Council feels that Heritage structures are also an important part of our community. We are committed to doing the best we can to save them.

> Council is committed to maintaining and expanding our trail and park system. We have formulated a Green Committee that has done a lot of work in order to save Sparling Bush, and improve our trail system. I encourage you to contact the committee with your concerns and suggestions that you have. I have copied our CAO Brent Kittmer, as you can contact him with specific questions about our development and parks policy if you like.

> Thank you again for contacting me. Should you have any further questions or concerns please do not hesitate to reach out.

>

> Stay Safe.

>

> Al Strathdee

>

> Al Strathdee

> Mayor

> Town of St. Marys

> Office (519)284-2340 ext# 246

> Cel# (519)276-978

# FORMAL REPORT

<b>To:</b>	Mayor Strathdee and Members of Council
<b>Prepared by:</b>	Mark Stone, Planner
<b>Date of Meeting:</b>	8 September 2020
<b>Subject:</b>	<b>DEV 57-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2019 and Z04-2019) by R. Warkentin 665 James Street North Part Lot 15, Concession 18 Blanshard Being Part 2 on 44R-4789</b>

## PURPOSE

This report follows the statutory public meeting held on July 28, 2020 and provides an update on additional information provided by the applicant and revised plans to address concerns raised by the Council, the community and Town staff, including concerns with respect to the amount of on-site parking provided, the overall height of the building and potential shadow impacts.

In response, the applicant has:

- shifted the apartment building closer to Glass Street to allow for six additional on-site parking spaces, for a total of 50; and,
- modified the building design to reduce the massing of the proposed roof by replacing the fully pitched roof with a combination of flat and pitched roof design.

The applicant has also provided a shadow study to help with the assessment of potential impacts on nearby properties.

The purpose of this report is to: review the Applications; discuss the development proposal including modifications; consider information and comments provided by the Applicant, Town staff and the public; and consider recommendation(s) to Council with respect to the further processing of these Applications.

## RECOMMENDATION

**THAT** 57-2020 Applications for Official Plan and Zoning By-law Amendments (OP02-2019 and Z04-2019) by R. Warkentin for 665 James Street North be received;

**THAT** Council approve the Official Plan and Zoning By-law Amendment Applications for 665 James Street North;

**THAT** Council consider By-law 79-2020 to adopt Official Plan Amendment No. 35;

**THAT** Council determine that no further public notice and / or public meeting is required for the Application for Zoning By-law Amendment (Z04-2019) in accordance with Section 34(17) of the Planning Act since a public meeting was held in accordance with the Planning Act and the modifications to the proposed By-law are minor in nature; and,

**THAT** Council consider Zoning By-law Amendment No. Z138-2020.

## BACKGROUND

The 0.42 hectare subject property is located at the northeast corner of James Street North and Glass Street (refer to Attachment 2 of this report for location maps), and is currently designated “Highway Commercial” according to the Town’s Official Plan and zoned “Highway Commercial (C3-9)” according to the Town’s Zoning By-law Z1-1997.

Property Details	
Municipal Address	665 James Street North
Lot Area	0.37 hectares (based on reduced land area due to required road widenings)
Surrounding Land Uses	
North	Townhouse dwellings
South	Glass Street and semi-detached dwellings
East	Semi-detached dwellings
West	Vacant lands draft approved and zoned for residential development

In December of 2019, the owner submitted applications to amend the Town’s Official Plan and Zoning By-law in order to redevelop the property by demolishing the existing L-shaped, single storey commercial building and to construct an apartment building with parking area. In the December 2019 submission, the applicant was proposing to construct a 46 unit, 5-storey apartment building with ground floor commercial space and 56 parking spaces (36 at grade and 20 underground). The original proposed Site Plan (Drawing #A1.1) and Elevations (Drawings #A3.1 and A3.2) prepared by GB Architect Inc. and dated November 26, 2019 are provided as Attachment 3 of this report.

A single vehicular access point is proposed from James Street North via a driveway located at the north end of the site. Road widenings to be conveyed to the Town are shown on the proposed site plan along the James Street North (5 metres wide) and Glass Street (3 metres wide) frontages.

### Planning Advisory Committee Meetings and May 2020 Resubmission

On February 18, 2020, the Town’s Planning Advisory Committee (PAC) considered an introductory staff report respecting these Applications. There were a number of questions and concerns raised by members of PAC and the public in attendance, and PAC determined that the applicant should consider the feedback and refine their proposal. PAC passed the following motion:

**THAT** DEV 11-2020 be received for information; and,

**THAT** the Planning Advisory Committee refers planning applications OP02-2019 and Z04-2019 for 665 James Street North to the Town's Building and Development Department for further review and consideration, and to report back to the Committee respecting:

1. Density
2. Height
3. Parking
4. Setbacks with respect to privacy
5. Commercial uses
6. Such other matters that have been discussed.

Following the PAC meeting, Town staff met with the applicant to discuss the comments and concerns received. In May, the applicant filed a resubmission package consisting of a revised site plan, elevations, colour elevations and colour 3D renderings. A cover memorandum from Zelinka Priamo

Ltd. (dated May 20, 2020) was also provided. Copies of the memorandum and resubmission plans are provided in Attachment 6 of this report.

In summary, the proposal was revised to:

- Remove the ground floor commercial space
- Reduce the height of the building from five to four storeys
- Reduce the number of residential units from 46 to 35
- Add doors and patios for all ground floor units
- Remove the underground parking and access ramp (all parking will be provided at grade/surface)
- Reduce the length of the building by approximately 3.5 metres (11.5 feet)
- Increase the setback of the building from the east property line by 2.65 metres (8.7 feet) for a total setback of 7.03 metres (23.1 feet)
- Relocate the location of the garbage room and external garbage pick-up to the west side of the building entrance

On June 15, 2020, the PAC received a follow-up staff report, endorsed the revised Applications in principle and recommended that Council proceed with the statutory public meeting under the Planning Act.

### **Public Meeting and August 2020 Resubmission**

On July 28, 2020, the Town held the statutory public meeting for these Applications. A number of written and verbal comments have been received throughout the review process. Copies of all written public submissions are provided in Attachment 5 of this report, and a discussion of issues is provided in the Discussion section of this report. Following the public meeting, Town staff met with the applicant to discuss comments and questions raised at the public meeting. In response, the applicant revised the proposal to:

- shift the apartment building 2.08 metres closer to Glass Street to provide the opportunity to increase the amount of onsite parking; and,
- modified the building design to reduce the massing of the proposed roof by replacing the fully pitched roof with a combination of flat and pitched roof design

To allow for the shifting of the building, upper floor balconies will slightly project into the daylight triangle however this is permitted by the Town's Zoning By-law and the Town's Engineering and Public Works Department has no objections.

### **Summary of Submissions**

The following chart provides a summary comparison of the December 2019, May 2020 and August 2020 submissions.



	DECEMBER 2019	MAY 2020	August 2020
<b>UNITS</b>	46	35	35
<b>GROSS FLOOR AREA</b>	5,275 m <sup>2</sup>	3,946 m <sup>2</sup>	3,946 m <sup>2</sup>
<b>DENSITY (units/ha)</b>	124.7	94.9	94.9
<b>PARKING</b>	56 (36 surface + 20 underground)	44 surface	50 surface
<b>PARKING RATIO (per unit)</b>	1.2	1.26	1.43
<b>NUMBER OF STOREYS</b>	5	4	4
<b>DEFINED BUILDING HEIGHT</b> (Zoning By-law definition: vertical distance measured from the finished grade level of the building to the mean height between the eaves and the ridge)	17.85 m (flat roof)	15.74 m (peaked roof)	15.04 m (peaked and flat roof)
<b>OVERALL BUILDING HEIGHT</b> (vertical distance measured from the finished grade level of the building to the highest point of the roof surface)	17.85 m (flat roof)	17.1 m to peak	14.157 to top of high parapet 15.924 to peak
<b>LOT COVERAGE (%)</b>	28.6	26.75	26.75
<b>FLOOR SPACE INDEX</b>	1.43	1.07	1.07

Floor space index (FSI) is calculated by dividing the gross floor area of a building or building(s) by lot area. FSI can provide an indication of the scale and massing of development.

Refer to the Town Zoning By-law section of this report for a summary comparison of the proposed development and the Residential Zone Five (R5) in the Town's Zoning By-law.

A copy of the submitted Planning Justification Report prepared by Zelinka Priamo Ltd. (dated December 23, 2019) is provided as Attachment 4 of this report and includes a copy of the proposed Official Plan Amendment and Zoning By-law Amendment.

The applicant also submitted the following additional documents in support of the proposed development:

- Preliminary Servicing Report prepared by MTE Consultants (dated December 12, 2019)
- Phase One Environmental Site Assessment prepared by Rubicon Environmental (dated April 15, 2019)
- Phase Two Environmental Site Assessment prepared by Rubicon Environmental (dated September 25, 2019)

# REPORT

## PLANNING CONTEXT

### Provincial Policy Statement

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment. The purpose of this section is to identify policies in the PPS relevant to these Applications.

Section 1.1.1 of the PPS states, in part, that “healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs”.

Section 1.1.3.2 states, in part, that “land use patterns within settlement areas shall be based on:

- densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
- land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated”.

Section 1.1.3.3 states that “planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”.

Section 1.1.3.4 states that “appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”.

Section 1.4.3 states, in part, that “planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;

and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety”.

The applicant’s Planning Justification Report states that the proposed development is consistent with the PPS in that it will provide a redevelopment opportunity for underutilized lands, efficiently uses available land and existing infrastructure, provide an appropriate and compatible form and mix of residential and commercial uses, and contributes to the supply of affordable housing.

### **Town Official Plan**

The subject property is designated Highway Commercial according to the Town’s Official Plan. The Highway Commercial designation is intended to “provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which compliments the role and function of the central commercial area” (Objective 3.3.1.1). Uses permitted in the Highway Commercial designation are set out in Section 3.3.2.2 of the Official Plan:

- Uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted.
- Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3.

Lands surrounding the subject property are designated Residential and are generally not reflective of an area that is targeted to service the travelling public. In addition, through the ongoing Official Plan review, vacant or underutilized properties designated Highway Commercial, including the subject property, were identified as potential sites for residential intensification in the land inventory.

The primary use of land in the Residential designation is for a range of dwelling types from single detached dwellings to walk-up type apartments, parks and open spaces, and institutional uses subject to the policies of the Plan. With the revised submission, the applicant is proposing to redesignate the subject property to Residential with a site-specific exception to permit a 4-storey residential apartment building with a maximum density of 95 units per hectare.

The following identifies and discusses relevant Official Plan policies.

SECTION	POLICY
<b>Section 2 – Goals and General Principles</b>	
2.1.1	Residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes.
2.1.2	The Town will endeavour to provide stable, attractive residential areas for all its residents.

The proposed development would contribute to the supply and choice of available housing in the Town in terms of form and affordability.

SECTION	POLICY
<b>Section 2.6 – Healthy Communities</b>	
2.6	Council encourages actions/initiatives that support a healthy community in the Town of St. Marys and healthy living by the residents of the Town. While the ability of an Official Plan document to achieve a healthy community and healthy living in the Town is limited, this Official Plan supports and encourages actions/initiative such as:  a) the development of a compact development form in order to encourage and facilitate active transportation (i.e. walking, cycling, etc.);

The proposed development does represent a compact form of development.

SECTION	POLICY
<b>Section 3.1.1 – Residential Objectives</b>	
3.1.1.1	To encourage the provision of an adequate supply and choice of housing for the existing and future residents of St. Marys in terms of quality, type, location and cost.
3.1.1.2	To promote creativity and innovation in new residential development in accordance with current design and planning principles and constantly evolving energy-saving measures and construction techniques.
3.1.1.3	To maintain and improve the existing housing stock and character of residential areas.
3.1.1.4	To prevent the location of non-compatible land uses in residential areas.
3.1.1.5	To continue to provide an attractive and enjoyable living environment within the Town.
3.1.1.6	To promote housing for Senior Citizens; the handicapped and low income families.
3.1.1.7	To encourage and promote additional housing through intensification and redevelopment.
3.1.1.8	To encourage a diversification and inter mixing of different housing types and forms.

The applicant's Planning Justification Report states that the "proposed redesignation is supportive of the objectives for the Residential' designation, including that the proposed designation is more compatible with the surrounding residential uses (Section 3.1.1.4), allows for an adequate supply and choice of housing through intensification in an area with a diverse built form (Sections 3.1.1.1, 3.1.1.7, 3.1.1.8, and 3.1.1.9), will realize an innovative and attractive built form through contemporary planning principles (Sections 3.1.1.2 and 3.1.1.5)".

The applicant is proposing to provide two electric vehicle charging stations for the use of future residents.

SECTION	POLICY
<b>Section 3.1.2 – Residential Policies</b>	
3.1.2.2	Within the "Residential" designation on Schedule "A", the primary use of land shall be for a range of dwelling types from single-detached dwellings to walk-up type apartments, parks and open spaces, as well as the institutional uses.
3.1.2.3	Residential infilling type development is generally permitted throughout the "Residential" designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). In cases where one or more of the existing zone provisions are not met, an amendment or a minor variance to the zone provisions may be

SECTION	POLICY
	considered to permit the proposed development provided that the spirit of this Section is maintained.
3.1.2.4	Council will favour residential intensification and redevelopment over new green land residential development as a means of providing affordability and efficiencies in infrastructure and public services.
3.1.2.5	<p>When reviewing development or redevelopment proposals, Council shall consider following density targets:</p> <ul style="list-style-type: none"> <li>a) Single-detached dwellings 10-15 units per hectare;</li> <li>b) Semi-detached, duplex dwellings 15-25 units per hectare;</li> <li>c) Townhouse dwellings 25-40 units per hectare;</li> <li>d) Low rise apartments 40-75 units per hectare.</li> </ul> <p>Council may moderately increase or decrease these densities dependent upon specific site circumstances, provision of on-site amenities, and capabilities of municipal servicing systems to accommodate any increase.</p> <p>Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development.</p>
3.1.2.7	<p>In reviewing proposals for residential development with a net density of more than 18 units per hectare, Council shall consider the impact on municipal capacity, hard services and utilities including sanitary sewer, municipal water supply, storm drainage, service utilities and roadways. Council shall take the following into account prior to enacting an amendment to the Zoning By-law:</p> <ul style="list-style-type: none"> <li>a) That the development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area;</li> <li>c) That the net density of development shall not exceed 75 units per hectare;</li> <li>d) That the development is serviced by municipal water supply and sewage disposal facilities and that the design capacity of these services can accommodate such development;</li> <li>e) That the proposed development is within 100 metres of an arterial or collector road as defined in Schedule "B" of this Plan; and</li> <li>f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing.</li> </ul>
3.1.3.8	Proponents of townhouse and apartment developments are encouraged to provide on-site recreational facilities in keeping with the proposed development.
3.1.2.12	Council intends to monitor the need and demand for various types of housing, including the need for additional senior citizen facilities and those with special needs through bi-annual review of relevant statistical information related to demographics, building permits and types of dwellings constructed.
3.1.3.13	<p>If sufficient demand is demonstrated, Council may endeavour to encourage the provision of senior citizen and assisted family housing through participation in various programs of the senior governments.</p> <p>Council, seeking to provide a balanced mix of housing types, has established targets of 60% lower density single-detached dwellings, 20% medium density attached dwellings and 20% higher density dwellings. These targets are holistic to the Town and it is not Council's intention that every development will meet these objectives.</p>
3.1.2.14	Council will encourage the development of affordable housing with 30% of the new housing units created being considered by Council as affordable to households with incomes in the lowest 60 per cent of income distribution for Perth County households.
3.1.2.17	Institutional uses of land such as hospitals, churches, schools, parks, senior citizen homes etc. are permitted in the "Residential" designation on Schedule "A" of this Plan except where prohibited by the policies of Section 3.8 of this Official Plan.
3.1.2.22	Neighbourhood commercial type uses may be permitted in the "Residential" designation provided that such uses service the immediate neighbourhood, are located and have access on an Arterial or Collector Road, are small scale in nature, and take a form which is compatible to the character of the areas. An Amendment to the implementing Zoning By-law that shall

SECTION	POLICY
	regulate matters such as scale of use, parking, and building locations shall be required along with a Site Plan Agreement pursuant to Section 41 of the Planning Act, RSO 1990 prior to any neighbourhood commercial uses being established.
3.1.2.23	The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various forms of housing types. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

A range of residential uses, ranging from single-detached dwellings to walk-up type apartments, are permitted in accordance with Section 3.1.2.2. The proposed site-specific Official Plan Amendment is required to permit low rise apartments.

The applicant's Planning Justification Report suggests that:

- The proposed development is in keeping with the attributes of the existing community, which is generally a mix of dwelling types, and has respect for the existing lot fabric and built form characteristics of the surrounding area (Section 3.1.2.3);
- The application represents infill, which is a form of intensification encouraged for the subject lands by the in-effect Official Plan (Section 3.1.2.4), as well as the new draft Official Plan;
- The proposed development achieves a residential density....in excess of the density permissions contemplated for this type of use (between 40 and 75 units per hectare), however the Official Plan does provide opportunity for Council to increase the permitted densities based on site specific circumstances, provision of on-site amenities, and servicing capacity. The subject lands have good access, being located at a primary intersection, which will help mitigate any potential traffic congestion for the surrounding neighbourhood. As described in Section 3 of this Report, there is sufficient servicing capacity for the proposed development (Section 3.1.2.5) (Section 3.1.2.22);

When considering Section 3.12.3, it should be noted that compatible development, or development that is 'in keeping' with a neighbourhood, does not mean that such new development must be identical to what exists in a neighbourhood. However, new development should be able to exist in unison or harmony with other uses, and respect and enhance the existing character of a neighbourhood. The existing context and character of a neighbourhood can be considered while allowing for an evolution in built form and style.

Existing development east and south of the subject property on streets such as Millson Crescent and Trailside Court consist of single detached dwellings. There is a transition and increased density in residential building forms in areas closer to James Street North and Glass Street with semi-detached and townhouse buildings. The transition continues with the existing commercial development and as-of-right permissions through current zoning on the subject property.

As noted above, many of the residential units in close proximity to the subject property are attached units and spatial separations between semi-detached units and townhouse units have been limited. The lot coverage of the proposed apartment development is under 27 percent, and over 28 percent of the property would be considered landscaped open space.

All existing residential lots in close proximity to the subject property either back onto or have side yards facing James Street North and Glass Street. The design and location of the proposed building on the subject property will contribute to the enhancement of the streetscape in this area.

SECTION	POLICY
<b>Section 5 – Transportation and Services</b>	
5.3.1.1	Arterial Roads are the major routes in the road network that are designed to carry high volumes of traffic from one area of Town to another. (Schedule “B” illustrates the roads that are classified as Arterial Roads.) Arterial Roads connect to other Arterial Roads, Collector Roads, and some Local Roads. As a principal route in the road network, an Arterial Road has the capacity to carry the largest amounts of traffic and acts as a connector to the residential, industrial and commercial centres. All types of vehicles travel along Arterial roads with a larger amount of transports using these roads over Local or Collector. The right-of-way for Arterial Roads is generally 30 metres, with direct access limited and on street parking prohibited, except within the Downtown Core. Generally, sidewalks are provided on both sides of the road.
5.3.1.2	The Collector Roads collect traffic from the Local Roads and distribute it to the other Local Roads and to the Arterial Roads. (Schedule “B” of the Official Plan illustrates the roads that are currently classed as Collector Roads.) Collector roads connect to all other roads. All types of traffic utilize these roads although trucks are typically service types. Traffic flow is interrupted by stop conditions and turning at land access points. The right-of-way for Collector Roads is generally 26 metres, with direct access and on street parking regulated. Generally, sidewalks are provided on both sides of the road.
5.3.8	All new developments must front on and have access to a public road, which is constructed to meet the minimum standards established by Council. New development or redevelopment proposals of more than thirty (30) dwelling units shall incorporate at least two points of public road access. Council will not approve infilling development in areas served by only one public road if those areas currently exceed thirty (30) dwelling units or where such infilling development will increase the number of dwelling units beyond thirty (30) dwelling units.
5.3.9	Access driveways should not create traffic hazards. The driveways should be limited in number and designed to minimize dangers to pedestrians and vehicles. Council may regulate the number of driveway access as a function of the road classification.
5.3.12	To meet the needs for the growing community, Council may need to extend existing roads or construct new roads or bridges. The location of new or extended roads and proposed roads are shown on Schedule “B”. The locations shown on Schedule “B” are to be considered as approximate and not absolute.
5.3.13	In consideration of pedestrian safety, Council had developed guidelines for sidewalk development in the Town. Generally, sidewalks are included on both sides of Arterial and Collector Streets and on one side for Local Streets and cul-de-sacs with higher lot/unit counts.

According to Schedule “B” of the Official Plan, James Street North is classified as an Arterial Road and Glass Street is classified as a Collector Road. The Town will require the provision of sidewalks in accordance with the Official Plan and Town development standards.

The policies of the Official Plan state that direct access to arterial roads should be limited. The applicant states that driveway access to Glass Street instead of James Street North was considered as part of the site design but it was determined that locating the access onto James Street North would provide for the most efficient use of the property.

SECTION	POLICY
<b>Section 7.17 – Review of Official Plan and Amendments</b>	
7.17.4	In considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as the following criteria: a) the need for the proposed use; b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature; c) the compatibility of the proposed use with conforming uses in adjoining areas;

SECTION	POLICY
	<p>d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;</p> <p>e) the potential effects of the proposed use on the financial position of the Town;</p> <p>f) the potential suitability of the land for such proposed use in terms of environmental considerations;</p> <p>g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;</p> <p>h) the adequacy and availability of municipal services and utilities; and</p> <p>i) the adequacy of parks and educational facilities and the location of these facilities.</p> <p>If it is necessary for Council to request information relating to any or all of the foregoing criteria from the applicant, the proposal will not be considered or proceeded with before this requested information is provided in full by the applicant, and/or if special consulting reports are required they shall be at the cost of the applicant.</p>

The applicant's Planning Justification Report suggests that:

- The proposed development will make efficient use of the subject lands, and will contribute to a mix of built forms in this area, providing an enhanced range of housing and commercial opportunities for residents (Section 7.17.4a);
- The proposed built form is in an appropriate location that will be generally compatible with surrounding land uses. The building has been sited to the southwest of the subject lands so as to maximize separation distances, and help mitigate any significant undue impacts to surrounding residential uses (Section 3.1.2.7 f, 7.17.4b, c, & d);
- The subject lands provide appropriate vehicular access, servicing capacity is appropriate for the proposed use (Section 3.1.2.7d, 7.17.4g & h).
- The site has good access to surrounding recreational areas (Section 7.17.4i). The local school board will be circulated as part of the application review process to confirm adequate capacity for the future residents (Section 7.17.4i).

With respect to urban design and land use compatibility, the Planning Justification Report notes that:

- There are a mix of built forms and dwelling types and densities, including single detached dwellings, semi-detached dwellings, and townhouses in the area;
- Dwellings in the surrounding area are generally newer construction;
- Many of the buildings contain similar characteristics, including light brick main floors and/or vinyl siding;
- The apartment style building is appropriately located at the main access points to this neighbourhood, being James Street North and Glass Street. The proposed development is scaled to act as a gateway to this neighbourhood;
- It is acknowledged that the proposed built form varies in scale to the surrounding lands, but is appropriately positioned (adjacent to townhouse and semi-detached dwellings), and will provide a transition to the surrounding single detached dwellings. Considerable efforts have been made during the design of the project to ensure that the building is located and orientated appropriately;
- The proposed building will be adequately set back to frame adjacent streets, and provides sufficient setbacks to property lines to allow buffering (i.e. mature vegetation and/or fencing), which will be detailed through the site plan approval process. The building is oriented along



Glass Street, allowing surface parking to the north to provide buffer space to existing residential uses, and to minimize the built form imposed to those uses to the east; and,

- The proposed development is located with frontages onto an Arterial Road and a Collector Road, a context in which locating a higher density form of development with good access is appropriate, and provide opportunities to mitigate potential traffic congestion on local streets.

A copy of proposed Official Plan Amendment No. 35 is provided in the September 8, 2020 Council agenda.

## Town Zoning By-law

The subject property is currently zoned Highway Commercial (C3-9) in the Town's Zoning By-law Z1-1997. A wide range of uses are permitted in the C3-9 Zone however, residential uses are not permitted. For context, it is noted that the current zoning (C3-9) permits a wide range of uses as-of-right including assembly hall, auction establishment, bus depot, funeral home, hotel, commercial parking lot, restaurants, and automobile repair, service and washing.

The applicant is proposing to change the zoning of the subject property to Residential Zone Five (R5-13) with site specific regulations. The following chart summarizes the requirements of Section 12.2 of the R5 Zone and identifies regulations requiring an exception to facilitate the proposed development.

Regulation	Requirement	Proposed / Provided	Exception Required
Lot area minimum	3,960.0 m <sup>2</sup> (900 m <sup>2</sup> for 1 <sup>st</sup> unit + 90 m <sup>2</sup> for each additional unit)	3,680 m <sup>2</sup>	✓
Lot frontage minimum	25.0 m	57.96 m	
Lot depth minimum	37.0 m	63.03 m	
Front yard minimum	7.5 m	5.75 m	✓
Interior side yard minimum	6.0 m	30.29 m	
Exterior side yard minimum	7.5 m	2.42 m	✓
Rear yard minimum	12.0 m	7.03	✓
Building height maximum	13.5 m	15.924 m	✓
Number of stories maximum	3	4	✓
Lot coverage maximum	35%	26.75%	
Landscaped open space minimum	35%	28.67%	✓
Planting strip minimum	Required along interior side lot line	To be provided at Site Plan Approval	
Driveway requirements	No ingress or egress driveway shall be located closer than 1.5 m to any side or rear lot line	18.5	

In support of the proposed increase to the maximum height requirement in the R5 Zone, the applicant contends that “the subject lands are located at the intersection of an Arterial and Collector Road, and are supportive of redevelopment for an intensified form with additional height. The subject lands are in an area characterised by recent developments that are generally at a medium density, such as townhouses. Council has endorsed policy direction that would increase the permitted heights throughout the Town. Emerging land use policies are seeking to direct greater heights and densities to key areas, including the subject lands”.

In support of the proposed reduced setbacks, the applicant notes that reduced setbacks to public areas (streets) to better frame and animate these spaces and will make efficient use of the lands for intensification. The applicant also suggests that “appropriate separation will be achieved for future residents of the development and for adjacent existing residents. The proposed rear setback will allow sufficient space for buffering, including fencing and landscaping. Specific site design matters, including desired buffering opportunities, will be established through a future Site Plan Approval process”.

A copy of proposed Zoning By-law Z137-2020 is provided in the September 8, 2020 Council agenda.

### **Preliminary Servicing Report**

The Preliminary Servicing Report presents the following main findings from the analysis of the proposed development and servicing requirements:

- The development can be adequately serviced through the extension of existing gravity sanitary sewers and municipal watermain
- Stormwater management for the development can be accommodated in the proposed storm sewer servicing and oil-grit separator
- Overall site grading will provide for major overland flow conveyance to the James Street right-of-way, provide adequate cover over municipal services and generally match existing road and boundary grades with appropriate slopes or retaining walls
- The proposed development can be adequately serviced through the extension of existing utilities

### **Environmental Site Assessments**

The Phase 1 and Phase 2 Environmental Site Assessments (ESA) were prepared due to previous use of the subject property including an automobile repair garage. The Phase 1 ESA revealed three areas of potential concern: fill material of unknown quality on west/southwest part of property; previous automobile garage on the property; and previous aboveground fuel storage tanks. On this basis, preparation of a Phase 2 ESA was recommended. The Phase 2 ESA included five boreholes and the monitoring of six on-site monitoring wells. Based on a soils and groundwater analyses, the Phase 2 ESA concluded that there are no known environmental conditions in land or water that warrant further investigation.

### **COMMUNICATIONS**

Notice of Public Meeting for the Official Plan Amendment and Zoning By-law Amendment Applications was circulated by first class mail to all land owners within 120 metres of the subject properties, to those agencies as prescribed by Regulation and notice signage was also posted on the property. In addition, any residents asking to be notified of meetings and decisions respecting these Applications have been added to a mailing list and notified. Lastly, information, notices and other documents related to these Applications have been provided on the Town’s Current Planning / Development Applications webpage throughout the review process.

The following is a summary of comments received from Town Departments and agencies.

Department/ Agency	Date	Summary of Comments
<p><b>Town Engineering and Public Works Department</b></p>	<p>January 13 and May 25, 2020 (May 25 comments summarized)</p>	<p><b><u>Water</u></b></p> <p>1. Public Works reviewed the water supply and distribution system as it relates to the current proposal. Based on the review, it was determined that at this time, the Town's water supply and distribution system is adequately sized to accommodate the proposed land use. Assumptions on flow volumes and pressures required at the site will need to be verified prior to site plan approval when the proponent can submit anticipated water demand volume data for the development and verify system capacity with flow testing. System capacity will not be guaranteed or assigned to this development until the time of site plan approval.</p> <p><b><u>Sanitary</u></b></p> <p>2. Public Works reviewed the sanitary treatment and conveyance system as it relates to the current proposal. Based on the review, it was determined that at this time, the Town's sanitary treatment and conveyance system is adequately sized to accommodate the proposed land use. Assumptions on sewage volumes generated from the site will need to be verified prior to site plan approval when the proponent can submit anticipated sewage volumes from the development. System capacity will not be guaranteed or assigned to this development until the time of site plan approval.</p> <p><b><u>Storm</u></b></p> <p>3. Public Works did not complete a downstream storm system capacity review as it relates to the proposal. The developer will be required to submit their plan for storm water management as per the Town's development standards at the time of site plan approval.</p> <p><b><u>Road</u></b></p> <p>4. Public Works reviewed the Town's road system as it relates to the current proposal. Based on the review, it was determined that at this time, the adjacent roads and the Town's road network are adequately sized to accommodate the proposed land use. Assumptions on traffic generation from the site will need to be verified prior to site plan approval when the proponent can submit anticipated traffic trip generation.</p> <p>5. Public Works notes that the site fronts James St. N. and Glass St. which are Arterial and Collector roads, respectively, as per the Town's Official Plan and road allowance widening requirements from the OP are applicable on property lines adjacent to both roads.</p> <p>6. Road improvement requirements such as sidewalk and curb and gutter will be required of this</p>

Department/ Agency	Date	Summary of Comments
		<p>development along the roads adjacent to the development.</p> <p>7. The proponent is proposing the driveway entrance off James St. N and provides detail on this in their letter. The Town's Official Plan provides descriptions of the various class road allowances and specifically indicates a desire to reduce the number of driveway entrances on Arterial Roads. As such, it would be preferable to have the driveway entrance off Glass Street instead of James Street. However, it is understood that there are other influencing factors related to site layout a driveway entrance off Glass may not be possible.</p>
Upper Thames River Conservation Authority	February 12, 2020	<ul style="list-style-type: none"> <li>No objection to applications</li> </ul>

Copies of the above referenced correspondence are provided in Attachment 5. In addition, all public submissions are provided in Attachment 5 and issues or concerns raised are discussed in the following section.

## DISCUSSION

The following is a preliminary discussion of specific issues raised to date.

### Density and Height

At the February 18, 2020 meeting, some members of PAC and residents expressed concern with a five-storey building on this property. Some members of PAC indicated that a four-storey building would more closely align with the Town's density and parking requirements. The number of proposed units and storeys proposed have been reduced from 46 to 35 units and five to four storeys. The density of the proposal has been reduced from 124.7 to 94.9 units per hectare.

With the most recent resubmission, the applicant has also reduced the height of the proposed building from 15.74 metres to 15.04 metres (based on the definition of 'height' in the Town's Zoning By-law) and from 17.1 metres to 15.924 metres (to peak) and 14.157 metres (to top of high parapet).

From a building height perspective, the current C3-9 zoning would allow for a building height of 10.5 metres as-of-right and 13.5 metres if the property was slightly larger in size.

With respect to density, it is noted that the Town's road widening requirements for James Street North and Glass Street are reducing the size of the property (5 m along James Street North + = 497.76 m<sup>2</sup>). Based on the number of units proposed and if the size of the property was not reduced due to road widenings, the density of the proposed development would be 83.6 units per hectare.

### Transition and Compatibility

Town staff requested that the applicant consider and address the question of transition as it relates to the proposed development and surrounding uses and built form. In the May 20, 2020 memorandum, Zelinka Priamo indicates that the "proposed apartment building has been positioned as close as possible to the James Street North and Glass Street road allowances. Thereby creating a vibrant street wall and a strong street edge, while providing appropriately sized areas for on-site surface parking, loading and landscaping, and maximizing the separate distances from the neighbouring properties. These separation distances will help maintain privacy levels for the surrounding properties, as well as allow appropriate opportunity for boundary fencing, and/or landscaping to create visual separate. The future Site Plan Approval process will provide the opportunity to consider and address detailed matters with respect to landscaping and fencing, amongst other matters".

It is also noted in the memorandum that “it is acknowledged that the proposed built form varies in general scale to the surrounding lands which contain a mix of building types and scales. It is our opinion that it is appropriately positioned and sized for this corner lot fronting an Arterial Road, and will provide a transition to the surrounding two-storey townhouses, semi-detached properties, and single detached dwellings beyond. The proposed low-rise apartment building is generally regarded as a compatible form of infill development within a low-density residential context”.

Concerns were expressed with respect to loss of indoor and outdoor privacy due balconies overlooking backyards, patios and bedrooms. The reduction in the height of building and setbacks are intended, in part, to respond to these concerns. Appropriate buffering will be required at the site plan approval stage.

### **Neighbourhood Character**

Concern was expressed that the development is not in keeping with the ‘small-town’ feel of St. Marys and the property is not an appropriate location for an apartment development. There is a need to increase and improve housing options in the Town in terms of form, location and affordability. Apartment type development can help meet this need, and buildings with a limited number of units and appropriate massing and height can provide development that fits into the St. Marys context. Generally speaking, larger sites located along arterial roads (and in this case, at the intersection with a collector road) are appropriate sites for intensification.

### **Traffic**

Concern was expressed regarding increased traffic on James Street North. The Public Works Department has indicated that because James Street North is an arterial road, a proportionally higher volume of traffic is expected, as compared to collector and local roads.

The applicant submitted a letter from F.R. Berry and Associates dated July 26, 2020 (a copy of which is provided with this report as Attachment 9) addressing potential traffic impacts and parking requirements related to the proposed development. Based on a review of traffic impact reports related to the Thames Crest Farm lands west of James Street North and the Institute of Transportation Engineers (ITE) Trip Generation Manual, estimated vehicle trips generated by the new development were provided as follows:

- 18 vehicle trips in the morning peak hour (4 in and 14 out)
- 23 vehicle trips in the afternoon peak hour (15 in and 8 out)

In the letter it states that “future peak hour traffic volumes on James Street north of Glass Street are estimated to be about 200 vehicles in the morning peak hour and about 260 vehicles in the afternoon peak hour” and “at these levels, gaps in the traffic flow are frequent and are lengthy enough to permit easy access to and from a driveway”. The consultant also concludes that “turning lanes would not be justified” and “sight distances in both directions at the proposed access is unrestricted”.

### **Parking**

Comments were received expressing concern with the lack of visitor and customer parking (to the commercial units). The applicant has removed the commercial component and has reduced the number of dwelling units. As a result, the site will provide the required number of parking spaces according to the Town’s Zoning By-law (i.e. 1.25 spaces per unit).

Concerns have also been raised with the Town’s minimum requirement for parking associated with apartment buildings. As summarized in the chart below, a survey of other municipal zoning by-laws reveals that parking standards for apartments generally range from 1 to 1.5 spaces per unit. The third column in the chart shows the number of parking spaces that would be required for 35 apartment units.

Municipality	Apartment Parking Standard	Parking Required for 35 Apartment Units IF the proposed Development was in the Subject Municipality	Parking NOW Provided by Proposed Development
Centre Wellington	First 20 units – 1.5 per unit Additional units – 1.25 per unit	49	1.43 per dwelling unit Total = 50
Collingwood	1 per dwelling unit + 0.25 per unit for visitor parking	44	
London	1.0 to 1.25 per unit	35 to 44	
North Perth	1.5 per unit	53	
Perth South	1.5 per unit	53	
Stratford	1.5 per unit	53	
St. Marys	1.25 per unit	44	
Strathroy-Caradoc	1.25 per unit	44	
West Perth	1.5 per unit	53	

The demand for residential parking is influenced by a number of factors and parking standards for apartment buildings/units are generally lower when compared to other lower density forms of housing. The determination of appropriate parking standards is based on a number of factors such as unit size, location, etc. and in addition to ensuring that there is sufficient on-site parking, the need to promote the efficient and cost effective use of land and infrastructure should also be a consideration.

The F.R. Berry and Associates July 26, 2020 letter was prepared based on the previous proposed site plan with 44 parking spaces and indicated that the “ITE Parking Manual indicates a peak parking demand of 1.23 vehicles per dwelling unit for suburban apartment developments” and includes parking for residents and visitors. On this basis, the consultant concluded that “the parking supply provided on site will be sufficient to meet demand”. Since the May submission, the applicant has increased the number of proposed parking spaces from 44 to 50, and this has increased the parking ratio per unit from 1.26 to 1.43.

### **Commercial Component**

The original proposal included commercial space on the first storey of the building in recognition of the existing Highway Commercial designation. PAC considered the need for commercial space on this property and determined that there would likely not be the market for space in this part of Town, in part due to the historic issues with occupying space in the existing commercial building.

### **Extent of Relief Requested**

There were questions and concerns raised respecting the number of and extent of required reductions to zoning standards however, it is noted that such a request does not necessarily mean that the Application for Zoning By-law Amendment is inappropriate. The provisions in the Zoning By-law, including the R5 Zone regulations, are somewhat dated and did not contemplate new development with apartments built close to street lines. The proposed reductions to the minimum front and exterior side yard requirements are required to allow for the efficient use of lands.

## Accessibility and Affordability

The applicant has indicated that six of the seven ground floor units will be larger two-bedroom units and as such, can be designed to meet accessibility standards. The applicant has indicated that although they can not confirm the expected unit rental rates at this time, an estimate in the range of \$1,200 per month was provided. Based on data from CMHC, the average rent for a 2-bedroom apartment in Stratford in 2019 was \$875 per month.

The applicant has indicated that the simple addition of rental units into the local market will increase choice and affordability options.

## Lighting Impacts

Some concern was raised respecting potential lighting impacts (from parking lot and vehicle headlights). The Town's Property Standards By-law requires that lighting not be positioned so as to cause any impairment to the use or enjoyment of neighbouring properties, and Section 5.9 of the Town's Zoning By-law states that "the type, location, height, intensity, and direction of exterior lighting on a lot shall be designed so as to ensure illumination does not glare onto adjacent properties or onto an adjacent street". In addition, potential lighting impacts will be addressed as the site plan approval stage.

## Runoff/Drainage Impacts

Some questions and concerns were raised regarding onsite storm water management and potential drainage impacts on other properties. Storm water management and drainage will be reviewed by the Town as part of the Site Plan Application.

## Shadow Impacts

The applicant provided a shadow study in support of the proposed development. In general, such studies are provided to demonstrate that proposed development will not cause undue shade on the subject property and surrounding lands, including private and public outdoor amenity areas, parkland and sidewalks.

The Town of St. Marys does not have any criteria for the assessment of potential shadow impacts however for reference, the City of Waterloo typically requires shadow studies for development over six storeys (18 metres) in height and has developed the following criteria for assessing such studies:

Shadow tests are required for the following dates and times:

Date(s)	Times
• Spring shadows, March 21 (equinox):	10am, 12 pm, 2 pm, 4 pm, 6 pm
• Summer shadows, June 21 (solstice):	10am, 12 pm, 2 pm, 4 pm, 6 pm
• Autumn shadows, September 21 (equinox):	10am, 12 pm, 2 pm, 4 pm, 6 pm
• Winter shadows, December 21 (solstice)	10 am, 12 pm, 2 pm

To be considered compatible, a shadow study must demonstrate:

- As a principle, at least 50% or more of any property should not be shaded for more than two interval times (a four hour equivalency); or,
- As a principle, at least 50% of any property should be in full sun for at least two interval times (a four hour equivalency).

The applicant's planning consultant provided an analysis of the shadow study as summarized below:

- Shadow impacts were examined for the dates of March 21<sup>st</sup>, June 21<sup>st</sup>, September 21<sup>st</sup>, and December 21<sup>st</sup>, at the times of 10:00 am, 12:00 pm, 2:00 pm and 4:00 pm. The shadow impact analysis provides visual representation of shadows expected at certain times of the day (morning, noon and afternoon) created by the proposed development.

- It is our opinion that the proposed building will maintain reasonable access to sunlight for adjacent properties.
- In March, there are no shadow impacts on the adjacent properties until approximately 2:00 pm when shadow falls on 44 Edison Court to the east. It is noted that this property is set further back from the road than is typical, and has no meaningful rear yard. A grouping of existing boundary trees (that maybe retained) also casts shadow in this location.
- In June, shadows are typically shortest in summer. In this case, the shadow impacts are minimal until the mid/late afternoon when the sun begins to set in the west, casting shadows on 44 Edison Court to the east.
- In September, similar shadows are cast as in March.
- In December, shadows are longest in the winter, when the sun is low in the sky. Typically residents are not outdoors during December. The shadows also move quickly at this time of year. There are limited shadow impacts on the adjacent properties until approximately 2:00 pm when shadow falls on 44 and 50 Edison Court to the east. These properties enjoy full sun until that time. From approximately 2:00 pm, shadow is cast on other properties further to the east. What is important to note that the shadow study does not illustrate that all existing buildings also cast shadow in this direction. At this time of year the sun typically sets at approximately 4:45 pm.

The planning consultant also indicated that “considerable efforts have been made to position the building as close to the intersection as possible, and orientate the building to minimise any significant impacts, including over shadowing, on neighbouring properties. It is our professional opinion that a building utilizing as-of-right zoning permissions on this site could generate shadows far in exceedance to those illustrated in the attached Study”.

Based on the result of the shadow study, the proposed building appears to generally comply with the Waterloo guidelines. Shadowing onto adjacent residential properties does not occur or is minimized during the summer months when residents typically spend the most time outside. While instances of shadowing does increase during winter months in particular, typically there is limited usage of outdoor amenity areas.

### **Environmental Assessments**

A member of PAC suggested the environmental assessments may be incomplete as no samples were taken from where the existing building is located, and there may be some contamination from its previous use as an auto repair shop.

In the May 20, 2020 memorandum, Zelinka Priamo states that the Phase One and Two Site Assessments were prepared in accordance with Provincial regulations and when contaminants of potential concern were identified, the Phase Two Assessment was prepared. Specifically, the memorandum states that the soil and groundwater analyses completed as part of the Phase Two met all Provincial requirements and it was the conclusion of Rubicon Environmental (2008) Inc. “that there is no known environmental conditions in the land or the water on, in or under the subject property to warrant further environmental investigation. It is Rubicon’s professional opinion that the Site is suitable for the filing of a Record of Site Condition (“RSC”) with The Ministry of the Environment, Conservation and Parks (MECP). The RSC is currently with the MECP for review and ultimate approval”.

### **East Interface**

Although the Town’s Zoning By-law requires a planting strip or alternative fencing, the area between the proposed building and the east property line is 7.0 metres in width and can provide a sizable area for landscaping buffer with sufficient depth and intensity in relation to existing residential directly to the east. On this basis, staff is recommending the inclusion of a policy in the Official Plan Amendment, to be implemented at the site plan approval stage, requiring additional landscape treatment to address the east interface. Measures to incorporate in the design include, but are not limited to:



- Ensuring there is a mix of coniferous and deciduous trees to ensure there is continuous landscape screening throughout the year
- Raised planters or grades to increase the actual height of the landscape screening, along with more mature/taller tree plantings at the development stage

## **FINANCIAL IMPLICATIONS**

Not known at this time.

## **SUMMARY**

The proposed development supports Provincial and Town policies with respect to encouraging development that efficiently uses land, infrastructure and public service facilities, and that provides a range and mix of housing types and densities to meet the needs of current and future residents. The proposal also encourages a diversification and intermixing of different housing types and forms.

The design, scale and height of the proposed development provides an appropriate transition from existing residential areas. In general, higher order roads (such as arterial roads) are good locations for intensification, higher density type development. The property is located on the periphery or edge of the neighbourhood east of James Street North and fronts onto an arterial road.

The design and location of the proposed building on the subject property will contribute to the enhancement of the streetscape in this area. Street level amenity area (patios, sitting areas etc.) are proposed along the Glass Street frontage to animate the streetscape.

On the basis of the above, it is recommended that Council approve the proposed Official Plan and Zoning By-law Amendments.

Lastly, it is recommended that Council determine that no further public notice and/or public meeting is required for the Application for Zoning By-law Amendment since a public meeting was held in accordance with the Planning Act and the modifications to the originally proposed amendments to the By-law are minor in nature.

## **STRATEGIC PLAN**

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
  - Pillar #6 Housing:
    - Outcome: In order to get the 'right demographic mix' for St. Marys, it will be essential to ensure housing stock is flexible and attractive for youth, workers, immigrants and persons of all abilities.

## **ATTACHMENTS**

- 1) Official Plan and Zoning By-law Amendment Application Form
- 2) General and Specific Location Maps
- 3) Proposed Site Plan and Elevations (December 2019 submission)
- 4) Planning Justification Report
- 5) Correspondence Received
- 6) Proposed Site Plan and Elevations (May 2020 submission)
- 7) Proposed Site Plan and Elevations (August 2020 submission)
- 8) Shadow Study
- 9) Traffic Impact / Parking Letter

## **OTHERS CONSULTED**

J. Wolfe (Engineering and Public Works)

## **REVIEWED BY**

### **Recommended by the Department**

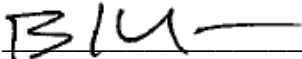


Mark Stone  
Planner



Grant Brouwer  
Director of Building and Planning

### **Recommended by the CAO**



Brent Kittmer  
CAO / Clerk



**Corporation  
of the Town of St. Marys**

- ☒ **Application for Approval of a Official Plan Amendment**  
(Under Section 22(4) of the Planning Act)
- ☒ **Application for Zoning By-law Amendment**  
(Under Section 34 or 39 of the Planning Act)
- ☐ **Application to Remove a Holding Symbol**  
(Under Section 34 and 36 of the Planning Act)

**Instructions**

Each application must be accompanied by the application fee in the form of either cash or a cheque payable to the Town. **An accurate scaled drawing of the subject land must be submitted.**

If the applicant is not the owner of the subject land, a written statement by the owner which authorizes the applicant to act on behalf of the owner as it relates to the subject application, must accompany the application See Section 13.0).

Please bear in mind that additional information may be required by the Town, local and provincial agencies in order to evaluate the proposed Amendment. The required information may include studies or reports to deal with such matters as impacts on: the environment; transportation network; water supply; sewage disposal; and storm water management.

In addition, the applicant may be required to submit a more detailed site plan in accordance with Section 41. of the Planning Act.

**Completeness of the Application**

The information in this form that **must** be provided by the applicant is indicated by **black arrows (➤)** on the left side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 198/96 made under the **Planning Act**. The mandatory information must be provided with the appropriate fee and draft plan. If the mandatory information is not provided, the municipality will return the application or refuse to further consider the application.

The application form also sets out other information (eg. technical information or reports) that will assist the approval authority and others in their planning evaluation of the development proposal. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

**Approval Process**

Upon receipt of an application, the required fee and other information (as required) Council will determine whether there is sufficient merit in processing the application further (i.e. circulation of notice and the holding of a public meeting as required by the Ontario Planning Act). The applicant is encouraged to attend a public meeting, to present the proposal. The applicant will be provided notice of any decision made by Council concerning the application. Official Plan Amendments and Zoning By-law Amendment are adopted by St. Marys Council. If no notice of appeal is received within twenty days, the Official Plan Amendment and/or Zoning By-law Amendment is in force.

**For Help**

To help you complete the application form, please consult the Building Department in the Town Hall. You can also call the Building Department at (519) 284-2340.

**Please Print and Complete or (✓) Appropriate Box(es)**

**1.0 Application Information**

➤ <b>1.1 Name of Owner(s)</b> <small>An owner's authorization is required if applicant is not the owner (See Section 12.0)</small>		
Name of Owner(s)	Home Telephone No.	Business Telephone No.
Randy Warkentin		(519) 851-2216
Address	Postal Code	Fax No.
RR1, Fullarton	N0K 1H0	
➤ <b>1.2 Agent/Applicant - Name of the person who is to be contacted about the application, if different than the owner. (This may be a person or firm acting on behalf of the owner.)</b>		
Name of Contact Person (and Firm)	Home Telephone No.	Business Telephone No.
Zelinka Priamo Ltd C/o -Dave Hannam		(519) 474-7137
Address	Postal Code	Fax No.
318 Wellington Rd, London	N6C 4P4	

**➤ 2.0 Location and Size of the Subject Land**

Street No.	Name of Street/Road	Registered Plan No.	Lot(s)/Block(s)
665	James St N		Part Lot 15
Reference Plan No.	Part Number(s)	Concession Number(s)	Lot Number(s)
44R-4789	2	18	
Lot Frontage	Average Width	Average Depth	Lot Area
60.96 m	69.32 m	60.67 m	0.47 ha

➤ 2.1 Is there a mortgage or charge in respect of the subject land? ☐ Yes ☒ No If yes, give the names and addresses of any mortgages or charges

➤ 2.2 Are there any easements or restrictive covenants affecting the subject land? ☐ Yes ☒ No If yes, describe the easement or covenant and its effect.

➤ 2.3 When were the subject lands acquired by the current owner? August 2019

**➤ 3.0 Proposed and Current Land Use**

➤ 3.1 What is the proposed use of the subject land? Mixed use - residential apartments + commercial

➤ 3.2 What is the current use of the subject land? Paint and flooring business

➤ 3.3 How is the subject land currently designated in the Official Plan? Highway Commercial

➤ 3.4 How is the subject land currently zoned in the applicable Zoning By-law? Highway Commercial C3-9

► 3.5 Provide the following details for all buildings, both existing or proposed, (Should be shown on the Site Plan submitted with this Application).

	Existing Buildings	Proposed Buildings		Existing Buildings	Proposed Buildings
3.5.1 Front yard James st	+/- 10.0 m	+/- 5.0 m	3.5.5 Height	1-storey	5-storey
3.5.2 Rear yard	+/- 22 m	+/- 4.38 m	3.5.6 Dimensions		
3.5.3 Side Yard Glass st	+/- 17 m	+/- 4.5 m	3.5.7 Gross Floor Area	+/- 700 sqm	+/- 5,300 sqm
3.5.4 Side Yard	+/- 8.5 m	+/- 27.94 m	3.5.8 Date Constructed	unknown	

► 4.0 Official Plan Amendment (proceed to Section 5.0 if a Official Plan Amendment is not proposed)

4.1 Does the Proposed Official Plan Amendment:	Yes	No
4.1.1 Add a Land Use designation to the Official Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1.2 Change a land use designation in the Official Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.1.3 Replace a policy in the Official Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1.4 Delete a policy from the Official Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1.5 Add a policy to the Official Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If applicable, please provide the policy section number to be changed, and suggested policy wording on a separate page.

see enclosed draft OPA wording

4.2 What is the purpose of the Official Plan Amendment and land uses that would be permitted by the proposed Official Plan Amendment?

see enclosed planning report

4.3 Explain how this proposal has regard to the principles of the Provincial Policy Statement issued under the Planning Act (attach a separate page if necessary).

see enclosed planning report

► 5.0 Zoning By-law Amendment (proceed to Section 6.0 if a Zoning By-law Amendment is not proposed)

5.1 Does the Proposed Zoning By-law Amendment:	Yes	No
5.1.1 Add a Zone Category to the Zoning By-law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1.2 Change a Zone Category in the Zoning By-law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.1.3 Replace a zoning provision in the Zoning By-law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1.4 Delete a zoning provision from the Zoning By-law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1.5 Add a zoning provision to the Zoning By-law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If applicable, please provide the provision section number to be changed, and suggested provision wording on a separate page.

see enclosed draft ZBA wording

5.2 What is the purpose of the proposed Zoning By-law Amendment and what are the land uses proposed?

see enclosed planning report

6.0 Previous Industrial or Commercial Uses

6.1 Has there previously been an industrial or commercial use on the subject land or adjacent land? If Yes, specify the uses and dates. ☒ Yes ☐ No  
Paint and flooring business

6.2 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? ☒ Yes ☐ No

6.3 What information did you use to determine the answers to the above questions? see enclosed ESA's

6.4 If Yes, to (6.1), (6.2) or (6.3), a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed. Is the previous use inventory attached? ☒ Yes ☐ No

see enclosed ESA's

► 7.0 Status of Other Applications under the Planning Act

Is the subject land also the subject of an application for a consent, approval of a site plan, minor variance, Zoning By-law Amendment or Zoning Order Amendment? ☒ Yes ☐ No If Yes, indicate the type of application, the file number and the status of the application.

— combined OPA/ZBA —

► 8.0 Servicing

8.1 Indicate the existing/proposed servicing type for the subject land.

Sewage Disposal	Existing	Proposed	Water Supply	Existing	Proposed
a) Public piped sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	a) Public piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Public or private communal septic			b) Public or private communal well(s)		
c) Individual septic system(s)			c) Individual well(s)		
d) Other			d) Other		

Storm Drainage	Existing	Proposed	Road Access	Existing	Proposed
a) Sewers	X	X	a) Arterial Road (James St N)	X	X
b) Ditches or swales			b) Collector Road (Glass St)	X	X
c) Other			c) Local Road		

### 9.0 Justification

9.1 Indicate how the proposed use(s)/ zone complies with the relevant portions of the Official Plan - or complete an Official Plan Amendment Application.

see enclosed planning report

9.2 Indicate how the proposed use(s) will be compatible with the surrounding land uses.

see enclosed planning report

### 10.0 Other Information

### 11.0 Application Drawing

Please submit an accurate, scaled drawing of the proposal showing the following information:

- The subject land, including its boundaries and dimensions, and the location, and nature of any easement or restrictive covenants which affect the subject land;
- The uses of adjacent and abutting land;
- The location of all existing as well as proposed buildings and their dimensions, uses, and setbacks from lot lines;
- The location of all natural and man-made features on the land and the location of these features on adjacent and abutting lands; and
- Scale and north arrow.

### 12.0 Affidavit or Sworn Declaration

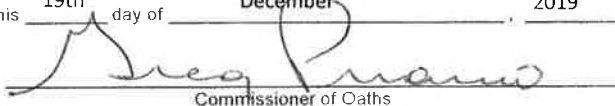
I, Dave Hannam of the City of Stratford in the County/ of Perth

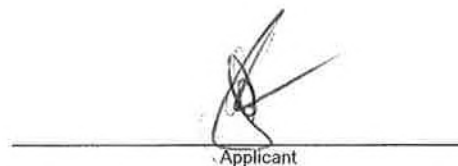
make oath and say (or solemnly declare) that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the City of London

in the County/ of Middlesex

this 19th day of December, 2019

  
Commissioner of Oaths

  
Applicant

### 13.0 Authorization of Owner for Agent to Make the Application

I (we), see attached agents authorization form in the County/Region of \_\_\_\_\_

am the owner of the land that is the subject of this application for an Official Plan Amendment/Zoning By-law Amendment and I hereby

authorize \_\_\_\_\_ to act as my agent in the application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

### 14.0 Acknowledgement

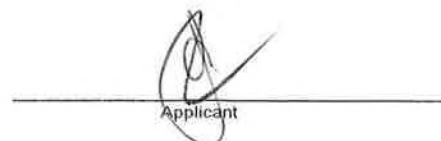
#### ACKNOWLEDGEMENT

With the filing of this application, the applicant is aware of, and agrees, that if the decision of the Council of the Town of St. Marys regarding this application is appealed by a third party (a party other than the applicant), all costs incurred by the Corporation of the St. Marys for legal counsel and other associated costs to represent the Corporation of the St. Marys in defending the decision before the Ontario Municipal Board will be solely the responsibility of, and paid for by the applicant.

Dated at the City of London

in the County/ of Middlesex

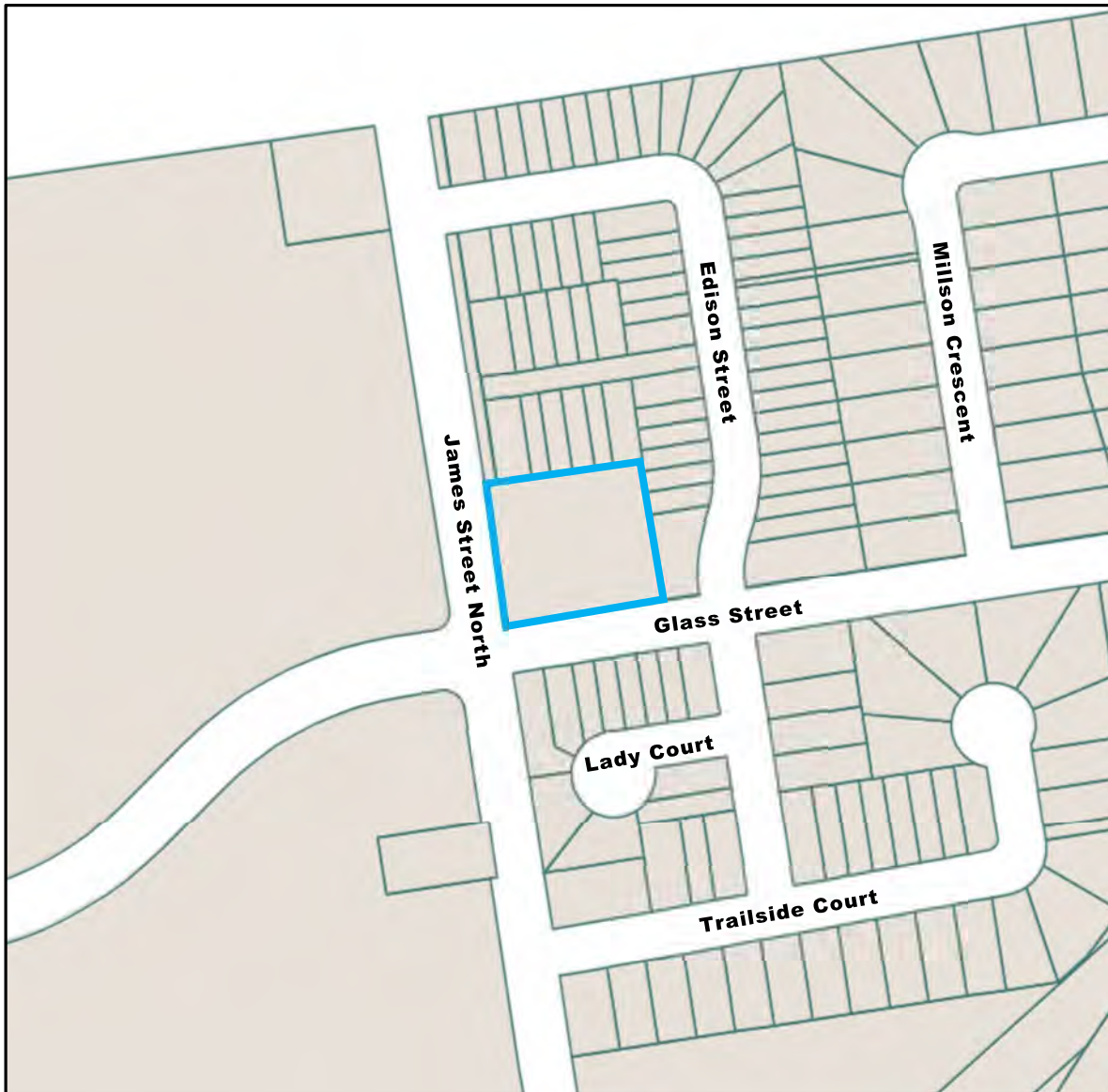
this 19th day of December, 2019

  
Applicant



# GENERAL LOCATION MAP

665 James Street North  
 (Part Lot 15, Concession 18 Blanshard  
 Being Part 2 on 44R-4789)  
 Town of St. Marys



Subject Property



January 29, 2020

# SPECIFIC LOCATION MAP

665 James Street North  
 (Part Lot 15, Concession 18 Blanshard  
 Being Part 2 on 44R-4789)  
 Town of St. Marys



Subject Property



January 29, 2020







gb

SOUTH AND EAST  
ELEVATIONS

A3.1

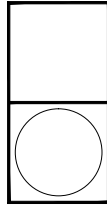
<b>RESIDENTIAL MIXED USE DEVELOPMENT</b> 665 JAMES STREET, NORTH ST. MARYS, ONTARIO	
PRINT DATE:	November 26, 2019
DATE:	November 26, 2019
DRAWN BY:	---
CHECKED BY:	G.R.B.
SCALE:	1:100
PROJECT No.:	19477

NO.	DATE	REVISION

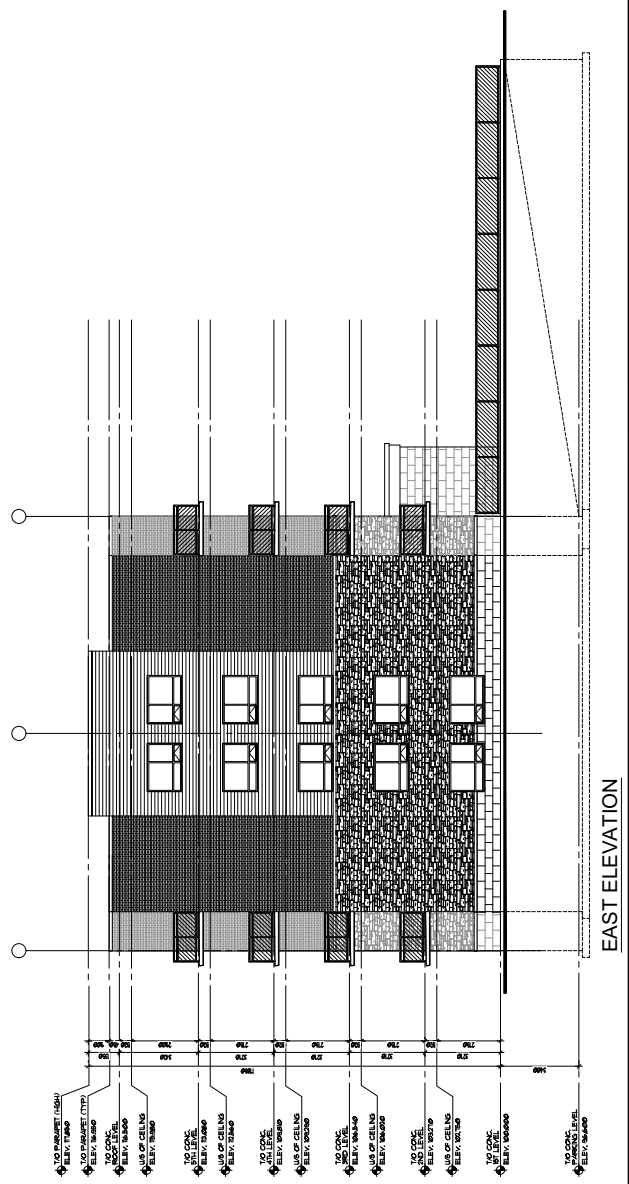
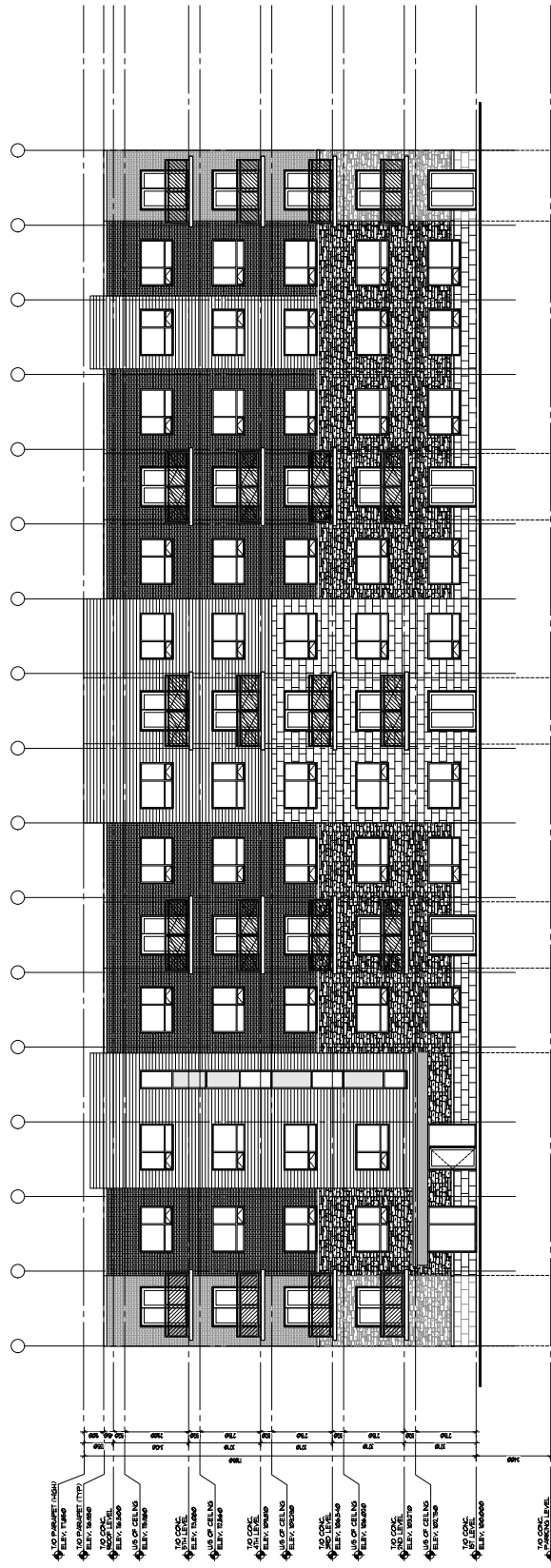
Copy R. Bill Manning, P. Eng., O.A.S. 3683 (P)  
Principal Architect of GB ARCHITECT INC. is the  
designer for this project with respect to all architectural  
work. The Architect is a member of the Ontario  
Association of Architects and has assigned  
Copy R. Bill Manning, P. Eng., O.A.S. 3683 (P) to  
design this project.  
GB ARCHITECT INC.  
1000 SHEPPARD AVENUE EAST  
SUITE 400  
ATLANTA, ONTARIO L9T 9P7  
as per requirements of the Ministry of Municipal  
Affairs & Housing (MMA)

The Architect does not warrant or accept any  
liability for the design of the project, or for any  
work or design activities. The Architect will  
not be responsible for the design of the project.

gb architect inc.  
1000 SHEPPARD AVENUE EAST  
SUITE 400  
ATLANTA, ONTARIO L9T 9P7  
PHONE (519) 272-0077 FAX (519) 272-1433

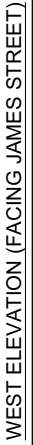
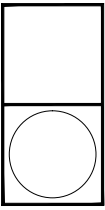


DO NOT SCALE DRAWINGS. DIMENSIONS MUST BE READ BY COMPARISON WITH WRITTEN SPECIFICATIONS. ALL WORK SHALL BE CARRIED OUT ACCORDING TO LATEST EDITIONS OF THE CANADIAN BUILDING CODE, OTHER APPLICABLE CODES, OTHER APPLICABLE STANDARDS, AND ALL APPLICABLE LAWS AND REGULATIONS. CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL DISCREPANCIES OR AMBIGUITIES TO THE PROJECT TEAM TO RESOLVE OR CORRECT.



No.	DATE	REVISION

*gb architect inc.*  
430 ONTARIO STREET  
STRATHFORD, ONTARIO, N5A 3J2  
PHONE (519) 272-0073 FAX (519) 272-1433



gb

## PLANNING JUSTIFICATION REPORT

Proposed Residential Development

665 James Street North

PREPARED FOR

Randall Warkentin

PREPARED BY



**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*

December 23, 2019

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**ATTACHMENT 1:** Draft Official Plan Amendment

**ATTACHMENT 2:** Draft Zoning By-law Amendment

## **1.0 INTRODUCTION**

### **1.1 OVERVIEW**

On behalf of Randall Warkentin, Zelinka Priamo Ltd. is pleased to submit a Planning Justification Report in support of applications submit to the Town of St. Marys for Official Plan Amendment and Zoning By-law Amendment applications for the lands located at 665 James Street (subject lands).

The applications propose to demolish the existing commercial building and develop the subject lands with a five-storey mixed-use building comprising a total of 46 apartment units and partial grade-level commercial unit(s), with associated areas of parking and landscaping.

The purpose of the following land use assessment is to provide planning justification for the proposed development.

### **1.2 DESCRIPTION OF THE SUBJECT LANDS**

The approximately 0.47 ha subject lands are a corner lot located at the northeast of the intersection of Glass Street and James Street North St. Marys Junction (see Figure 1). The lands are municipally known as 665 James Street North, and are legally known as Part of Lot 15 Concession 18 (Geographic Township of Blanshard) now in the Town of St. Marys County of Perth.



**Figure 1**  
**Subject Lands – 665 James Street**



Location and boundaries are approximate

The subject lands are currently developed with a single-storey paint and flooring business, with a large associated paved parking area in the front. The subject lands are relatively flat in nature, and do not contain any known significant features that would constrain development.

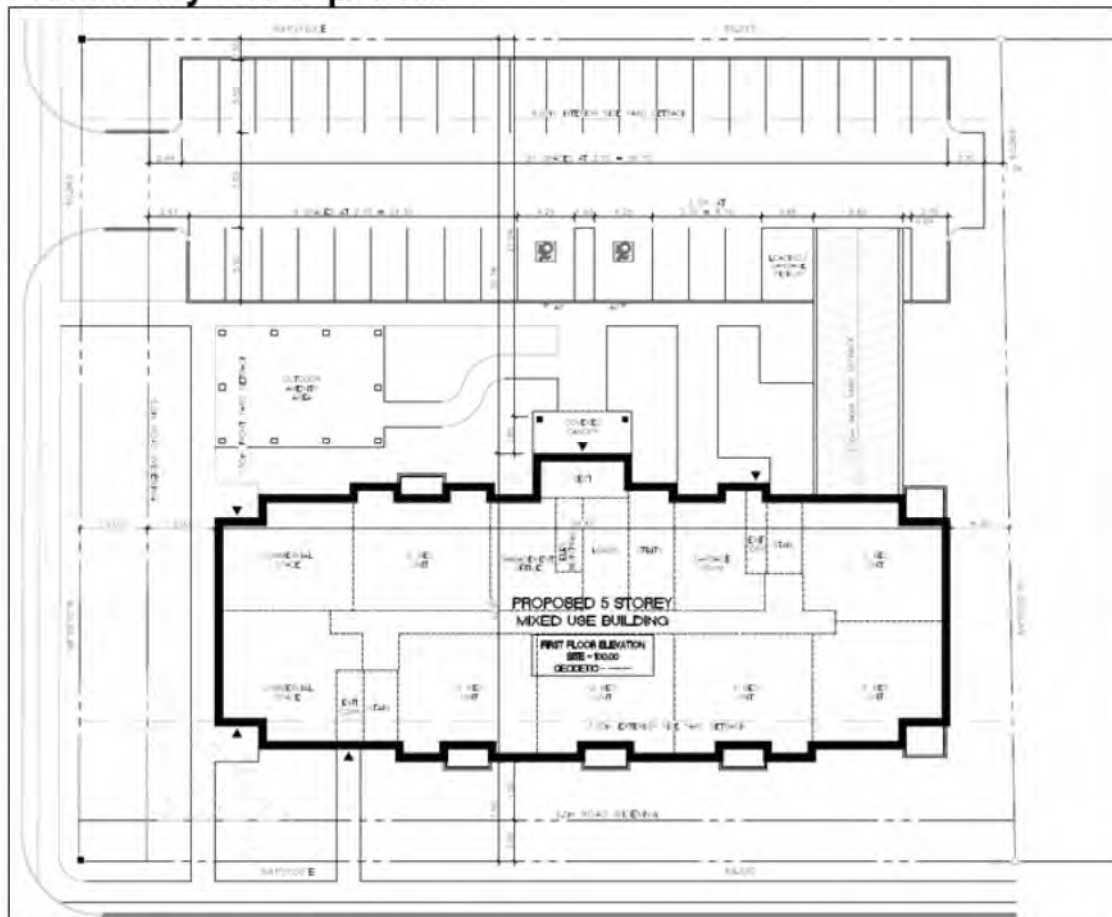
There is a small patch of trees located in the south easterly corner of the site that will be retained if possible. However, if it is determined that they need to be removed to make way for the proposed development, compensatory planting (in discussion with Town staff) will be provided elsewhere on the Site.

Surrounding land uses include (see Figure 1): medium density residential dwellings (townhouses) to the north; semi-detached dwellings to the east; agricultural lands to the west (future residential subdivision); and semi-detached dwellings to the south (across Glass Street).

### 1.3 THE PROPOSAL

Randall Warkentin is proposing a five-storey mixed-use building consisting of commercial and residential uses at grade, with residential apartment dwellings on the remaining storeys above (see Figure 2). The building has been positioned to frame the adjacent streets, while minimizing the visual impact of surface parking.

**Figure 2**  
**Preliminary Concept Plan**



Location and boundaries are approximate

The proposed mixed use building will provide 46 apartment units, with a mix of one and two-bedroom units. The preliminary floorplates anticipate one bedroom units with a



minimum unit size of approximately 60 sq. m, and two bedroom units with a minimum unit size of approximately 89 sq. m.

At grade commercial unit(s) measuring approximately 173 m<sup>2</sup> GFA are provided on part of the ground floor with frontage along both James Street North and Glass Street, maximizing exposure to the travelling public.

A total of 56 parking spaces are provided to service the proposed development. Parking is accommodated at grade (34 standard and 2 accessible parking spaces) and underground (19 standard and 1 accessible). The grade level parking and the underground ramp are positioned away from public view to the rear of the proposed building.

#### **1.4 SERVICING**

A Preliminary Servicing Report was prepared by MTE Consultants for the proposed development. The findings of the Report conclude that the proposed development can be adequately serviced through the extension of existing gravity sanitary sewers and municipal watermains, and the extension of other existing utilities including hydro, gas, cable TV and telephone. Further, that stormwater management can be accommodated in the proposed storm sewer servicing oil and grit separator.

#### **1.5 ACCESS**

One vehicular access point is proposed, located at the north end of the James Street North frontage. The vehicular access provides connection to surface parking and loading/waste collection areas of the site, as well as to the access ramp for the underground parking.

A 5.0 m road widening dedication will be provided along the James Street North frontage, as well as a 3.0 m road widening dedication along Glass Street. Pedestrian access to the site is provided from both James Street North and Glass Street, with a future public sidewalk to be provided along James Street North.

## **2.0 PROPOSED APPLICATIONS**

### **2.1 PROPOSED OFFICIAL PLAN AMENDMENT**

The Official Plan Amendment would amend the land use designation for the subject lands from “Highway Commercial” to “Residential” and apply a site specific Official Plan policy, to permit a five-storey building height, and a maximum density of 124 units per hectare.

A copy of the draft Official Plan Amendment is included as Attachment 1 to this Report.

### **2.2 PROPOSED ZONING BY-LAW AMENDMENT**

A concurrent Zoning By-law Amendment will rezone the subject lands to a site-specific Residential Zone Five (R5-\_\_) zone that adequately addresses the requirements of the proposed development while implementing the policies of the City OP.

The proposed site specific regulations (Draft Zoning By-law) are included as Attachment 2. The proposed regulations are to be confirmed subject to a review of the preliminary concept site plan by Town Staff and through the approvals process.

### 3.0 PLANNING DOCUMENTS AND ANALYSIS

#### 3.1 PROVINCIAL POLICY STATEMENT

The 2014 Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, “provides policy direction on matters of provincial interest related to land use planning and development” in order to ensure efficient, cost-effective development and the protection of resources.

The PPS under Policy 1.1.1 states that healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

The Subject Lands are located in St. Marys, which is identified as a settlement area. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which: 1. efficiently use land and resources.

#### ***Planning Analysis***

The proposed development is consistent with the 2014 Provincial Policy Statement, including the following policies:

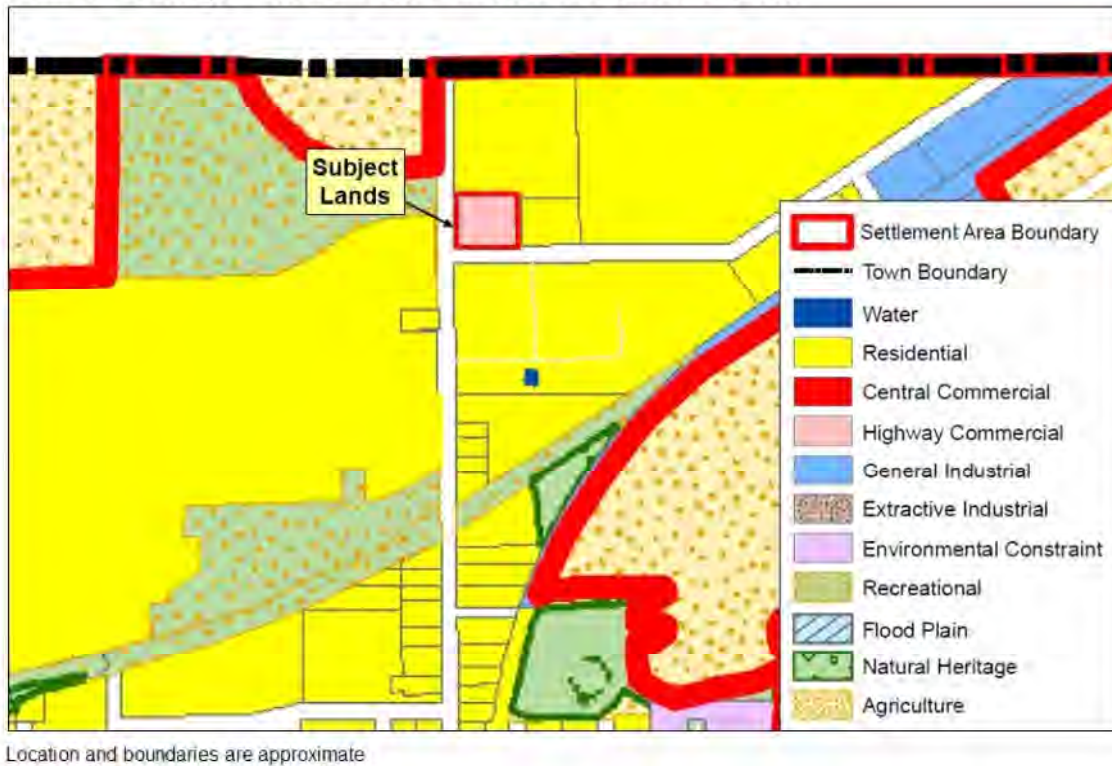
- The proposal provides redevelopment opportunity for underutilized lands, making efficient use of land that minimizes land consumption, is cost effective and efficient, and reduces servicing costs (Policies 1.1.1a and 1.1.1e);

- An appropriate form and mix of residential (apartment) and commercial use is proposed, which will be compatible with the land uses in the general vicinity and contribute to a mixed use community. The proposed apartment dwellings will also help contribute to the supply of affordable and alternative housing options in the area (Policy 1.1.1b);
- The Subject Lands are located within St. Marys, which is identified as an existing settlement area where growth and development is to be focused (Policy 1.1.3.1); and
- The proposed development contemplates a land use pattern with a mix of uses that efficiently uses land within the settlement area boundary at an appropriate density in relation to the existing community, and is appropriate for planned infrastructure to service this area (Policy 1.1.3.2a).

### **3.2 TOWN OF ST. MARYS OFFICIAL PLAN**

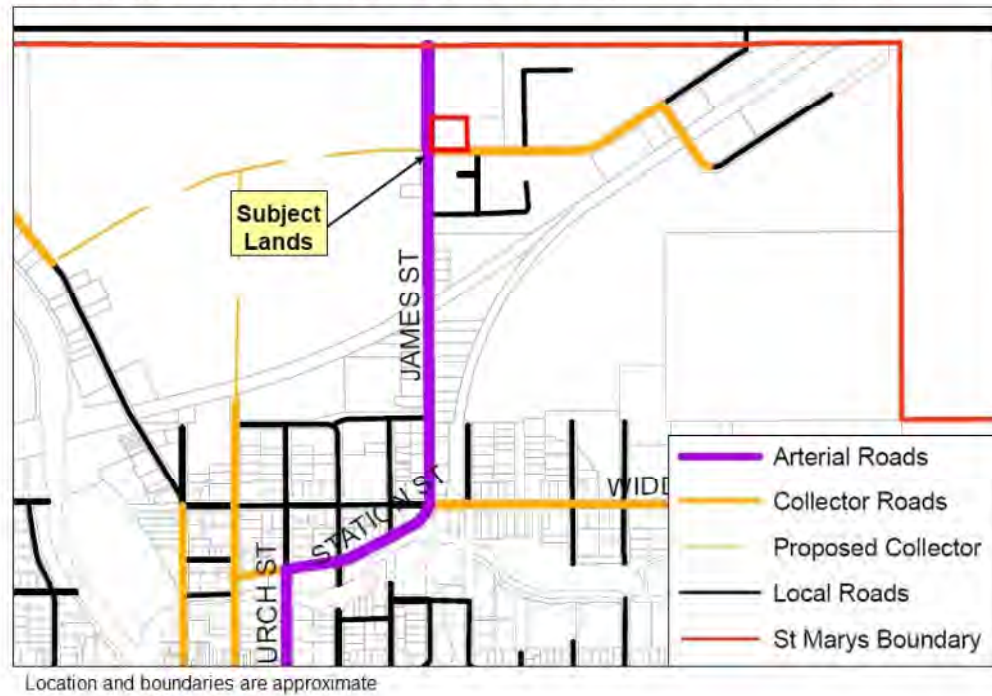
The Subject Lands are designated “Highway Commercial” on “Schedule ‘A’ Land Use Plan” of the Town of St. Marys Official Plan (“OP”) (see Figure 3). The subject lands are surrounded by lands designated “Residential” in the OP.

**Figure 3**  
**Town of St. Marys Official Plan Schedule A Land Use Plan**



According to “Schedule B Road Classifications” of the OP, James Street North is identified as an “Arterial Road” and Glass Street is identified as a “Collector Road” (see Figure 4).

**Figure 4**  
**Town of St. Marys Official Plan Schedule B Road Classifications**



The “Highway Commercial” designation is generally found in the peripheral areas of the Town with the uses focused along Queen Street, both east and west of the commercial core of St. Marys and James Street South. It is intended that the “Highway Commercial” areas will provide a supportive and complementary role to the commercial core area (Section 3.3.2.1). The Highway commercial designation provides for uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards are permitted in the “Highway Commercial” designation. Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted (Section 3.3.2.2).

The proposed development comprises apartments with commercial uses at grade. The subject lands would be redesignated to “Residential”. Key objectives of the Residential designation include:

- To encourage the provision of an adequate supply and choice of housing for the existing and future residents of St. Marys in terms of quality, type, location and cost (Section 3.1.1.1);
- To promote creativity and innovation in new residential development in accordance with current design and planning principles and constantly evolving energy-saving measures and construction techniques (Section 3.1.1.2);
- To prevent the location of non-compatible land uses in residential areas (Section 3.1.1.4);
- To continue to provide an attractive and enjoyable living environment within the Town (Section 3.1.1.5);
- To encourage and promote additional housing through intensification and redevelopment (Section 3.1.1.7);
- To encourage a diversification and inter mixing of different housing types and forms (Section 3.1.1.8); and
- To maintain at least a 10 year supply of land that is designated and available for residential uses and land with servicing capacity to provide a 3 year supply of residential units zoned to facilitate residential intensification and redevelopment, and in draft and registered plans (Section 3.1.1.9).

Within the Official Plan, applicable “Residential” policies include:

- Within the “Residential” designation on Schedule “A”, the primary use of land shall be for a range of dwelling types from single-detached dwellings to walkup type apartments, parks and open spaces, as well as the institutional uses provided for in Section 3.1.2.17 of this Plan. The various types of residential uses shall be controlled through the application of the Town’s implementing Zoning By-law (Section 3.1.2.2);
- Residential infilling type development is generally permitted throughout the “Residential” designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and



- spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height) (Section 3.1.2.3);
- Council will favour residential intensification and redevelopment over new green land residential development as a means of providing affordability and efficiencies in infrastructure and public services (Section 3.1.2.4);
  - When reviewing development or redevelopment proposals, Council shall consider following density targets (Section 3.1.2.5): d) Low rise apartments 40-75 units per hectare. Council may moderately increase or decrease these densities dependent upon specific site circumstances, provision of on-site amenities, and capabilities of municipal servicing systems to accommodate any increase. Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development;
  - In reviewing proposals for residential development with a net density of more than 18 units per hectare, Council shall consider the impact on municipal capacity, hard services and utilities including sanitary sewer, municipal water supply, storm drainage, service utilities and roadways. Council shall take the following into account prior to enacting an amendment to the Zoning By-law (Section 3.1.2.7):
    - a) That the development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area;
    - b) That the physical condition of land proposed for development will not present a hazard to buildings structures and residents;
    - c) That the net density of development shall not exceed 75 units per hectare;
    - d) That the development is serviced by municipal water supply and sewage disposal facilities and that the design capacity of these services can accommodate such development;
    - e) That the proposed development is within 100 metres of an arterial or collector road as defined in Schedule “B” of this Plan; and



- f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing.
- Proponents of townhouse and apartment developments are encouraged to provide on-site recreational facilities in keeping with the proposed development (Section 3.1.3.8).

Neighbourhood commercial type uses may be permitted in the “Residential” designation provided that such uses service the immediate neighbourhood, are located and have access on an Arterial or Collector Road, are small scale in nature, and take a form which is compatible to the character of the areas (Section 3.1.2.22).

Section 5 of the Official Plan relates to Transportation and Services, which notes the following:

- All new developments must front on and have access to a public road, which is constructed to meet the minimum standards established by Council. New development or redevelopment proposals of more than thirty (30) dwelling units shall incorporate at least two points of public road access. Council will not approve infilling development in areas served by only one public road if those areas currently exceed thirty (30) dwelling units or where such infilling development will increase the number of dwelling units beyond thirty (30) dwelling units (Section 5.3.8).

In considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of the Official Plan as well as the following criteria (7.17.4):

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;
- c) the compatibility of the proposed use with conforming uses in adjoining areas;

- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;
- h) the adequacy and availability of municipal services and utilities; and
- i) the adequacy of parks and educational facilities and the location of these facilities.

### **Planning Analysis**

The proposed redesignation to “Residential” is appropriate and desirable for the use of the subject lands, and conforms with the relevant policies of the Official Plan, as follows:

- The current use of the subject lands is for a flooring and paint store, which does not serve the primary intended function of the “Highway Commercial” designation. It is our opinion that it is appropriate to contemplate other potential functions/designations for the subject lands to better align with the existing neighbourhood, as well as growth needs of the Town of St. Marys;
- The proposed development contemplates a mix of residential and commercial uses. The existing “Highway Commercial” designation does not note residential uses as a permitted use in the Official Plan. The “Residential” designation is reflective of the type of use contemplated (Section 3.1.2.2);
- The proposed development is in keeping with the attributes of the existing community, which is generally a mix of dwelling types, and has respect for the existing lot fabric and built form characteristics of the surrounding area (Section 3.1.2.3);
- The proposed redesignation is supportive of the objectives for the “Residential” designation, including that the proposed designation is more compatible with the

surrounding residential uses (Section 3.1.1.4), allows for an adequate supply and choice of housing through intensification in an area with a diverse built form (Sections 3.1.1.1, 3.1.1.7, 3.1.1.8, and 3.1.1.9), will realize an innovative and attractive built form through contemporary planning principles (Sections 3.1.1.2 and 3.1.1.5);

- The application represents infill, which is a form of intensification encouraged for the subject lands by the in-effect OP (Section 3.1.2.4), as well as the new draft OP;
- The proposed development achieves a residential density of approximately 124 units per hectare. The density is in excess of the density permissions contemplated for this type of use (between 40 and 75 units per hectare), however the Official Plan does provide opportunity for Council to increase the permitted densities based on site specific circumstances, provision of on-site amenities, and servicing capacity. The subject lands have good access, being located at a primary intersection, which will help mitigate any potential traffic congestion for the surrounding neighbourhood. Additionally, commercial uses at grade will provide an enhanced neighbourhood function for this area. As described in Section 3 of this Report, there is sufficient servicing capacity for the proposed development (Section 3.1.2.5) (Section 3.1.2.22);
- The subject lands have frontage along two public roads, being James Street North and Glass Street, an Arterial and Collector Road respectively. While the development proposes a single access point from James Street North, it is important to note that the Strategic Priorities Committee heard and endorsed Report “DEV 37-2019 Secondary Access Requirements for Development in the Town of St. Marys”, which as part of the OP Review process, will seek to remove the secondary public road access policy requirement for new development or redevelopment proposing more than 30 dwelling units or infilling in areas that currently exceed 30 units (Sections 3.1.2.7e & 5.3.8);
- The proposed development will make efficient use of the subject lands, and will contribute to a mix of built forms in this area, providing an enhanced range of housing and commercial opportunities for residents (Section 7.17.4a);

- The proposed built form is in an appropriate location that will be generally compatible with surrounding land uses. The building has been sited to the southwest of the subject lands so as to maximise separation distances, and help mitigate any significant undue impacts to surrounding residential uses (Section 3.1.2.7 f, 7.17.4b, c, & d); and
- The subject lands are existing developed lands. As mentioned in Section 4.3.2 of this report, Environmental matters have been considered through the completed Phase 1 and 2 ESA's. (Section 7.17.4f).
- The subject lands provide appropriate vehicular access, servicing capacity is appropriate for the proposed use as noted in Section 3 of this Report (Section 3.1.2.7d, 7.17.4g & h).
- As shown in Figure 3 of this Report, the site has good access to surrounding recreational areas (Section 7,17.4i). The local school board will be circulated as part of the application review process to confirm adequate capacity for the future residents (Section 7.17.4i).

As noted in Section 2.1 of this Report, the proposed Official Plan Amendment will add a site specific policy applicable to the subject lands for a building exceeding three storeys in height (Section 3.1.2.7a) and with a density in excess of 75 units per hectare (Section 3.1.2.7c). This site specific designation to permit increased height and density is considered appropriate, and will assist the town in achieving growth targets in an appropriate manner. The subject lands are located at a key intersection towards the north of the Town, along the primary north/south corridor. This is an appropriate location for intensification. The proposed mix of uses would be complimentary and supportive of the north end of St Marys. There is a lack of housing mix (particularly apartment dwellings) and small-scale commercial uses for residents that are readily accessible in this area. There is a shortage of areas outside of the downtown that are suitable for intensification. The subject lands are an excellent candidate site for intensification, as this proposal contemplates, and would help to reduce growth pressures on the existing stable residential lands.

### **3.3 TOWN OF ST. MARYS OFFICIAL PLAN REVIEW**

The Town of St. Marys has initiated a review and update of the Official Plan, to support new strategic goals and community priorities with respect to development. In part, the review includes a reexamination of the policies pertaining to height and density.

On June 18, 2019, the Strategic Priorities Committee heard and endorsed Reports “DEV 36-2019 Building Height in St. Marys” and “DEV 40-2019 Town of St. Marys Official Plan Review Population Projections and Residential Land Demand/Supply”.

Regarding Staff Report DEV 36-2019, which relates to how building heights are to be addressed in the new Official Plan, the Strategic Priorities Committee endorsed a staff recommendation (Option 2) to increase the maximum permitted height for all Residential Areas from 3 to 4 storeys.

Staff Report DEV 40-2019 related to the Town’s land inventory and requirements for future growth projections. The Staff Report identifies the lands needs for future growth, and identifies specific properties that have potential to accommodate this growth. The Report identifies underutilized Highway Commercial lands with the potential for residential intensification, including the subject lands (identified as “HC-7”). Accordingly to the report, the subject lands are targeted for intensification for up to approximately 47 units over four storeys.

Furthermore, in May 2019 the Strategic Priorities Committee heard and endorsed Report “DEV 37-2019 Secondary Access Requirements for Development in the Town of St. Marys”. The endorsed Report confirms that as part of the OP Review process, the Town will seek to remove the secondary public road access policy requirement for new development or redevelopment proposing more than 30 dwelling units or infilling in areas that currently exceed 30 units (OP Policy 5.3.8).

#### ***Planning Analysis***

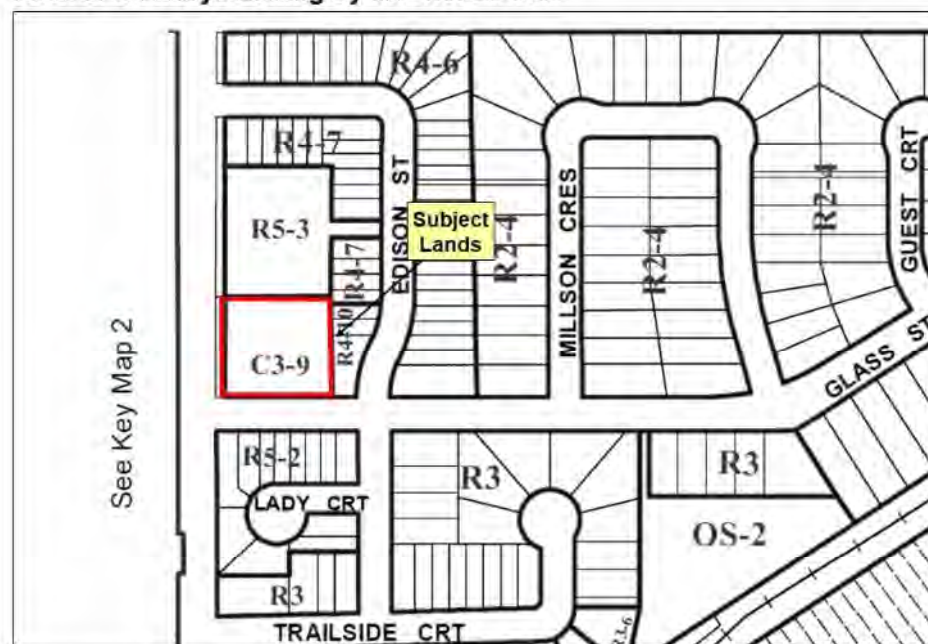
The subject lands have been identified for residential intensification and are considered to form an important part of the future residential supply of the Town of St. Marys.

The proposed development seeks to establish the growth targets and respect the policy direction provided for in Staff Reports DEV 36-2019, DEV 40-2019 and DEV 37-2019. As noted, the subject lands have been included in the Town's land supply to provide approximately 47 dwelling units. The planning applications would seek to establish 46 dwelling units on the subject lands, over five storeys including commercial uses at grade to service the community. The mix of 1-and 2-bedroom units with generous floorplates will provide housing opportunities for a range of family sizes. Based on the desire to provide appropriately sized units with essential commercial functions at grade level, it has been established that the density of 47 units targeted by the Town cannot be achieved over four storeys.

### 3.4 TOWN OF ST. MARYS ZONING BY-LAW NO. Z1-1997, AS AMENDED

The Subject Lands are zoned "Highway Commercial (C3-9)" under the Town of St. Marys Zoning By-law No. Z1-1997, as amended, as shown on "Map 3" (see Figure 5).

Figure 5  
 Town of St. Marys Zoning By-law No. Z1-1997



Location and boundaries are approximate

Uses permitted in the Highway Commercial (C3-9) zone include a range of commercial/business uses. Special provision 9 permits additional uses on the subject lands, including a business and professional office, police station, specialty store (catalogue sales), and a taxi stand/office. Special provision 9 also applies a site specific setback provision. Residential uses are not listed as permitted uses in the C3-9 zone.

A site-specific Residential Zone Five (R5) zone is proposed as part of the ZBA to permit the apartment and an enhanced range of small-scale neighbourhood commercial uses.

### ***Planning Analysis***

The Zoning By-law Amendment is required to adequately address the requirements of the proposed development while implementing the policies of the Town of St. Marys OP.

The proposed site specific provisions would ensure efficient use of the subject lands in an appropriate and compact manner. The requested provisions are considered appropriate, and are not anticipated to have significant impacts on the surrounding uses. As mentioned, a draft Zoning By-law has been prepared, and is included to this Report as Attachment 2, with some of the proposed exceptions discussed further below.

### **Permitted uses**

In addition to the apartment dwelling use permitted within the R5 Zone, the inclusion of a range of small-scale convenience commercial uses will allow the landowner to respond more flexibly to changing market conditions. The additional uses are generally compatible with the surrounding land uses.

### **Setbacks**

Relief is sought to permit a minimum front yard (James Street North) setback of 5 m (whereas 7.5 m is required); a minimum exterior side yard (Glass Street) setback of 4.5 m (whereas 7.5 m is required); and a minimum rear yard (easterly) setback of 4.38 m (whereas 12 m is required).

The Site is subject to a 5m wide land dedication for road widening purposes along the James Street North frontage, as well as a 3m wide land dedication along the Glass Street frontage. In addition, an approximate 11 m by 11 m unobstructed daylight sight triangle is required at the corner of Site at the intersection of the James Street North and Glass Street. Without the requirement to provide these elements the proposed building would exceed the R5 zone minimum front and exterior side yard setbacks regulations. Moreover, collectively, these elements significantly impair the opportunity for the Site to achieve other positive aspects of the OP, by taking up space that could otherwise be used for development in support of area intensification.

Current planning theory/standards generally encourage reduced setbacks to public areas (streets) to better frame and animate these spaces. Reduced front yard and exterior side yard setbacks will make efficient use of the lands for intensification, and appropriately frame the public street. It is not anticipated that the minor relief sought from the minimum front and exterior yard setbacks will result in significant impacts to surrounding uses.

Appropriate separation will be achieved for future residents of the development and for adjacent existing residents. The proposed rear setback will allow sufficient space for buffering, including fencing and landscaping. Specific site design matters, including desired buffering opportunities, will be established through a future Site Plan Approval process.

#### Building Height

The proposed 5-storey building will have a maximum height of 17.85 m; whereas 13.5 m is permitted in the R5 zone.

The subject lands are located at the intersection of an Arterial and Collector Road, and are supportive of redevelopment for an intensified form with additional height. The subject lands are in an area characterised by recent developments that are generally at a medium density, such as townhouses. Council have endorsed policy direction that would increase the permitted heights throughout the Town. Emerging land use policies are seeking to direct greater heights and densities to key areas, including the subject



lands. It is our submission that the proposed five (5) storey building is of a height, scale and massing that is consistent with the Town's anticipated development parameters and policies.

As mentioned, collectively elements such as land dedications and the daylight sight triangle is taking up space that could otherwise be used for development in support of area intensification. As such, the proposed height (and density) of the building is needed to maintain the viability of the proposed development.

#### Parking spaces

The proposed mixed-use development will provide a total of 56 on-site parking spaces (36 surface spaces and 20 underground spaces), whereas a minimum of 67 spaces are required (i.e. a shortfall of 11 spaces).

For the residential component of the proposed development, a parking rate of approximately 1 space per unit is provided; whereas 1.25 spaces per unit is required. A parking rate of 1 space per 20 square metres has been used to calculate the required parking for the proposed 173 sq. m. ground floor commercial space. This is the rate applied to office uses. However, if the future use of this space was to be a retail store or personal service shop, a higher rate of 1 space per 30 sq. m would apply, and the total required number of parking spaces would be further reduced.

All required standard and accessible spaces are provided, with all of the proposed parking stalls complying with the minimum stall size requirements in the zoning by-law. Sufficient on-site manoeuvring areas are provided for residents, customers and service vehicles.

The total number of parking spaces is considered appropriate and desirable for the proposed development, and will make efficient use of the land. The subject lands are located at intersection of an Arterial Road and Collector Road, and have good access to the surrounding street network, which will help mitigate potential traffic congestion in the surrounding area.

## 4.0 ADDITIONAL ANALYSIS

### 4.1 URBAN DESIGN

The Town of St. Marys has not adopted urban design guidelines that would be applicable to the proposed development.

The Official Plan contains policies that are to be applied during the urban design evaluation of proposals through the development application process. The OP policies provide direction primarily for the compatibility of the proposed use with the existing attributes of the neighbourhood in terms of building type, building form, and spatial separation. Specific reference is made to lot fabric and built form. Policies 3.1.2.3 and 7.17.4 c) and d) of the OP (referenced in Section 3.2 of this Report) are considered relevant, and further discussed below.

The subject lands are located in the St. Marys Junction, which can generally be described in its current condition as a neighbourhood that is relatively isolated in the north end of St. Marys, connected to the broader Township by James Street North, and to a smaller extent Glass Street. Within this community, there are a mix of built forms and dwelling types and densities, including single detached dwellings, semi-detached dwellings, and townhouses. Dwellings in the surrounding area are generally newer construction. Many of the buildings contain similar characteristics, including light brick main floors and/or vinyl siding. Sidewalks are located on one side of the street in this neighbourhood, and large driveways dominate the landscape, being located at the front yard of dwelling units. The surrounding street layout includes a number of cul-de-sac occurrences. Buildings across Glass Street are rear lotted, with a fence along the extent of Glass Street in proximity to the subject lands.

There is a dearth of convenience commercial uses in the St. Marys Junction, requiring longer trips (generally in a private automobile) for everyday use items or services.

With the above neighbourhood context as a basis, the proposed development is considered to be compatible with the existing attributes of the neighbourhood as follows:

- 
- The proposed ground floor commercial uses are compatible with surrounding lands, offering immediate and convenient access where currently none exist within a walking distance. The commercial uses will have a positive impact and improve the experience of the existing community;
  - The apartment style building is appropriately located at the main access points to this neighbourhood, being James Street North and Glass Street. The proposed development is scaled to act as a gateway to this neighbourhood;
  - The proposed apartment dwellings will contribute to the mixture of unit types existing in the neighbourhood;
  - It is acknowledged that the proposed built form varies in scale to the surrounding lands, but is appropriately positioned (adjacent to townhouse and semi-detached dwellings), and will provide a transition to the surrounding single detached dwellings. Considerable efforts have been made during the design of the project to ensure that the building is located and orientated appropriately; and
  - The proposed building will be adequately set back to frame adjacent streets, and provides sufficient setbacks to property lines to allow buffering (i.e. mature vegetation and/or fencing), which will be detailed through the site plan approval process. The building is oriented along Glass Street, allowing surface parking to the north to provide buffer space to existing residential uses, and to minimize the built form imposed to those uses to the east.

It is important to also consider the existing built form, use and land use permissions of the subject lands. As noted, the lands are currently developed and used for highway commercial purposes. These uses generally cater to the travelling public, and for the most part are not complimentary to residential uses in the immediate proximity. The proposal would provide an enhanced condition with respect to the existing use and built form. The existing built form is dominated by a large surface parking area at the main intersection, between the main face of the single storey building occupying the remainder of the site. The proposed development would result in a building that frames the adjacent streets, and provide a sense of place through street activated pedestrian orientated at-grade commercial uses, while screening parking areas from public areas.

## **4.2 LOCATION AND COMPATIBILITY**

The Subject Lands are well suited for the proposed residential development, and the proposed development is compatible with the surrounding land uses, for the following reasons:

- The Subject Lands are located within the boundary of an existing urban area (Town of St. Marys) where residential uses are contemplated. As part of the current Official Plan Review the subject lands are identified for residential intensification for up to approximately 47 units;
- The subject lands are surrounded on three sides by existing residential uses, generally of a medium density scale of relatively recent construction. The existing neighbourhood generally contains a mix of dwelling types, which the proposal will effectively contribute towards;
- The proposed development will provide small-scale neighbourhood commercial use(s) that will help service the existing surrounding community, where currently there is a lack of neighbourhood commercial type uses;
- The proposed development is located with frontages onto an Arterial Road and a Collector Road, a context in which locating a higher density form of development with good access is appropriate, and provide opportunities to mitigate potential traffic congestion on local streets; and
- The proposed development is adequately set back from adjacent streets, while also buffering surface parking areas.

## **4.3 TECHNICAL STUDIES**

The proposed development is supported by the following technical reports.

### **4.3.1 Preliminary Servicing Report**

A Preliminary Servicing Report was prepared by MTE Consultants for the proposed development. The findings of the Report conclude that the proposed development can be adequately serviced through the extension of existing gravity sanitary sewers and municipal watermains, and the extension of other existing utilities including hydro, gas,

cable TV and telephone. Further, that stormwater management can be accommodated in the proposed storm sewer servicing oil and grit separator.

#### **4.3.2 Environmental Site Assessments**

Phase 1 and Phase 2 ESA's were completed by Rubicon Environmental (2008) Inc. to determine if there were any environmental concerns on the subject property related to any onsite or offsite potentially contaminating activities.

Given the historical nature of the previous use on the subject lands, which included an automobile repair garage, and other potential environmental concerns identified in the Phase 1 ESA, it was recommended that a Phase 2 ESA be prepared.

The Phase 2 ESA investigation completed on the subject property included the advancement of five (5) boreholes (BH) and the monitoring of six (6) existing monitoring wells was completed on-site. The locations of the boreholes were strategically placed to fully investigate and identify any contaminants of concern which may be present on, in or under the Phase 2 ESA property. As a result of the findings of the Phase Two ESA, it is the opinion of Rubicon Environmental (2008) Inc. there is no known environmental conditions in the land or the water on, in or under the Phase Two property to warrant further environmental investigation at this time. The Site is suitable for the filing of a Record of Site Condition with the MECP.

## 5.0 CONCLUSIONS

Given the findings of this Report and the supporting materials, it is concluded that the Subject Lands are well suited for the proposed mixed residential and commercial development as follows:

- The proposed development is consistent with the Provincial Policy Statement;
- The Town has identified the subject lands for residential intensification as part of a comprehensive review of policies relating to height and density;
- The proposed Official Plan Amendment will redesignate the subject lands to “Residential” while applying site specific policies that permit grade related commercial uses and allow for site specific height and residential density considerations;
- The proposed Zoning By-law Amendment will facilitate the mixed use residential and commercial development by applying site specific provisions that are appropriate and allow the development to make efficient use of the lands;
- The proposed development contributes a dwelling type not commonly found in the Town of St. Marys, adding to the range of choices available to residents.
- The redevelopment of the subject lands provides opportunity for desirable intensification in St. Marys, including a mix of 1- and 2-bedroom units that provide livable space for families to remain and grow;
- The proposed development makes more efficient use of the subject lands while still retaining their planned general commercial function; and
- The Subject Lands are well located for the proposed mixed use development and are compatible with surrounding existing land uses.

AMENDMENT NO. \_\_\_\_  
TO THE  
TOWN OF ST. MARYS OFFICIAL PLAN

Prepared by:  
Council of the Corporation of the Town of St. Marys  
MONTH YEAR

DRAFT

**THE CORPORATION OF THE TOWN OF ST. MARYS****BY-LAW NO. \_\_-20****TO ADOPT AMENDMENT NO. \_\_ TO THE TOWN OF ST. MARYS OFFICIAL PLAN**

The Council of the Corporation of the Town of St. Marys in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990 hereby enacts as follows:

1. Amendment No. \_\_ to the Town of St. Marys Official Plan, consisting of the attached explanatory text and schedule, is hereby adopted.
2. That the Clerk is hereby authorized and directed to proceed with the giving of written notice of the Town's decision in accordance with the provisions of the Planning Act, R.S.O. 1990.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**Al Strathdee, Mayor**

\_\_\_\_\_  
**Brent Kittmer, CAO-Clerk**



## THE CONSTITUTIONAL STATEMENT

**PART A - THE PREAMBLE** does not constitute part of this Amendment.

**PART B - THE AMENDMENT**, consisting of the following text and map (designated Schedule "A-\_\_"), constitutes Amendment No. \_\_ to the Town of St. Marys Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I through V inclusive) contain the background data, planning considerations, and public involvement associated with this Amendment

DRAFT

## PART A - THE PREAMBLE

### Purpose

The purpose of this Amendment is to redesignate the lands affected by this Amendment from the existing “Highway Commercial” designation to the “Residential” designation on Schedule “A” Land Use Plan of the Official Plan. Further, this Amendment is intended to set forth specific policies within the “Residential” designation that will only apply to the area affected by this Amendment.

### Location

The land that is affected by this Amendment is known municipally as 665 James Street North, and legally described as Part of Lot 15, Concession 18, (Geographic Township of Blanshard) now in the Town of St. Marys, County of Perth, as shown in bold outline on the attached Schedule “A-\_\_\_”.

### Basis

The subject property is approximately 0.42 hectares in size and is at the northeast corner of the intersection of James Street North and Glass Street, at the north end of the Town of St Marys. The property is currently occupied by flooring and paint store.

The proponent is seeking to redevelop the subject property as a mixed-use building with on-site surface and underground parking for the proposed uses.

The subject property is designated “Highway Commercial” in the Town of St. Marys Official Plan, a designation intended to serve the travelling public in private automobiles. The surrounding lands are designated “Residential”, and are generally not reflective of an area that is targeted to service the travelling public. Residential uses are not permitted in the “Highway Commercial” designation. The “Residential” designation is considered a more appropriate designation for the mix of uses contemplated for these lands, as well as meeting the following Official Plan objectives:

- encourage the provision of an adequate supply and choice of housing for the existing and future residents (Section 3.1.1.1);
- prevent the location of non-compatible land uses in residential areas (Section 3.1.1.4);
- encourage and promote additional housing through intensification and redevelopment (Section 3.1.1.7);
- encourage a diversification and inter mixing of different housing types and forms (Section 3.1.1.8); and
- maintain at least a 10 year supply of land that is designated and available for residential uses and land with servicing capacity to provide a 3 year supply of residential units zoned to facilitate residential intensification and redevelopment, and in draft and registered plans (Section 3.1.1.9).

The height and density of the proposed development do not conform with Section 3.1.2.7 of the Official Plan. To develop the property as proposed, the owner has made application to amend the policies of the Town’s Official Plan.

## **PART B - THE AMENDMENT**

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-\_\_\_” (Land Use Plan), constitutes Amendment No. \_\_\_ to the Town of St. Marys Official Plan.

### **DETAILS OF THE AMENDMENT**

The Town of St. Marys Official Plan is hereby amended as follows:

Item 1:

Schedule “A”, being the Land Use Plan for the Town of St. Marys Official Plan, is hereby amended by labelling the land use designation of 665 James Street North, legally described as Part of Lot 15, Concession 18, (Geographic Township of Blanshard) now in the Town of St. Marys, County of Perth, as shown in bold outline on “Schedule A-\_\_\_” attached hereto as “Residential” and subject to the polices of Section 3.1.3\_\_.

Item 2:

By adding a new clause to Section 3.1.3 - Exceptions to the Town of St. Marys Official Plan which reads as follows:

“\_\_\_) The property described as 665 James Street North, legally described as Part of Lot 15, Concession 18, (Geographic Township of Blanshard) now in the Town of St. Marys, County of Perth may be developed for a 5-storey mixed-use building with at-grade commercial uses and for apartment units above to a maximum density of 124 units/ha, with a single access point off James Street North.

## **PART C - THE APPENDICES**

The following appendices do not constitute part of Amendment No. \_\_\_ to the Town of St. Marys Official Plan, but are included as information supporting the Amendment.

### **APPENDIX I - BACKGROUND TO THE AMENDMENT**

The owner of the subject property has made application to amend the Official Plan in order to develop the subject property as a mixed-use residential and commercial development in the form of a multi-storey apartment type building.

### **APPENDIX II - LAND USE SURVEY**

Land uses in the vicinity of the subject property are described in the attached Town Staff Reports.

### **APPENDIX III - SERVICES**

The Town will require that proposed developed be serviced by municipal water and sanitary services.

### **APPENDIX IV - PLANNING CONSIDERATIONS**

Refer to planning considerations in attached the Town Staff Reports.

### **APPENDIX V - PUBLIC PARTICIPATION**

Includes the following:

- a) Notices of Planning Advisory Committee meetings;
- b) Agency comments summarized in attached Town Staff Reports; and,
- c) Notice of Public Meeting at Council.

DRAFT



## THE CORPORATION OF THE TOWN OF ST. MARYS

## BY-LAW NO. XXX-20XX

BEING a By-law pursuant to the provisions of Section 36 of the Planning Act to amend By-law No. Z1-1997, as amended, which may be cited as "The Zoning By-law of the Town of St. Marys", to rezone the lands located at 665 James Street North from C3-9 to R5-XX.

WHEREAS the Council of the Corporation of the Town of St. Marys deems it necessary in the public interest to pass a By-law to amend By-law No. Z1-1997, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:

1. The entirety of the lands known municipally as 665 James Street North, as shown on the attached map, Schedule "A", shall be removed from the "Highway Commercial Zone – C3-9" of By-law No. Z1-1997 and shall be placed in the "Residential Zone Five – R5-XX" of By-law No. Z1-1997. The zoning of this land shall be shown as "R5-XX" on Key Map 3 of Schedule "A" to By-law No. Z1-1997, as amended.
2. That Section 12.9 of By-law No. Z1-1997 is hereby amended by adding the following special provision:  
12.9.XX                      R5-XX
  - a) Location:
  - b) Notwithstanding the provisions of the Zoning By-law to the contrary, the following shall apply to those lands zoned "R5-XX":
    - i. Permitted Uses, Buildings, and Structures shall also include those uses noted by provision 15.1.1;
    - ii. The minimum front yard setback shall be 5 m;
    - iii. The minimum exterior side yard setback shall be 4.5 m;
    - iv. The minimum rear yard setback shall be 4.38 m;
    - v. The maximum number of storeys permitted shall be 5 storeys;
    - vi. The maximum building height permitted shall be 18 m;
    - vii. The minimum number of parking spaces required shall be 56.
  - c) All other provisions of this By-law, as amended, shall apply.
3. Schedule "A", attached hereto, shall form part of this By-law.
4. All other provisions of By-law No. Z1-1997, as amended, shall apply.
5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act, as amended, and to Regulations thereunder.
6. This By-law shall come into force on the day it was passed pursuant to the Planning Act, and to the Regulations thereunder.

Read a first and second time this \_\_ day of \_\_\_\_\_, 20XX.

Read a third and final time and passed this \_\_ day of \_\_\_\_\_, 20XX.

\_\_\_\_\_  
Mayor Al Stratthdee

\_\_\_\_\_  
Brent Kittmer, CAO / Clerk

THIS IS **SCHEDULE “A”**

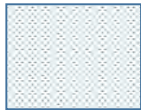
TO **BY-LAW NO. Z1-1997**

OF THE **TOWN OF ST. MARYS**

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

Al Stratthdee, Mayor

Brent Kittmer, CAO/Clerk



Shall be removed from the “Highway Commercial (C3-9) Zone” of By-law No. Z1-1997 of the Town of St. Marys and shall be placed in the “Residential Five (R5) Zone”, subject to the provisions of Section 12.9.XX (R5-XX) of Z1-1997 of the Town of St. Marys





## Memo

### Engineering & Public Works

To: Grant Brouwer

Date: January 13, 2020

File: 665 James St. N.

From: Jeff Wolfe

☐ For Your Information

☐ For Your Approval

☐ For Your Review

☒ As Requested

**Subject:** 665 James St. N. Official Plan and Zoning Bylaw Amendment Application  
- Submission #1 - Comments

### Summary

We are in receipt of information related to an Official Plan and Zoning Bylaw Amendment for 665 James St. N to allow the land to be used for a mid-rise residential development with a highway commercial aspect. The proposed changes to the OP and Zoning would allow for a forty-six unit apartment building. We offer the following comments based on the OP and Zoning Bylaw Amendment Application:

### Water

1. Public Works reviewed the water supply and distribution system as it relates to the current proposal. Based on the review, it was determined that at this time, the Town's water supply and distribution system is adequately sized to accommodate the proposed land use. Assumptions on flow volumes required at the site will need to be verified prior to site plan approval when the proponent can submit anticipated water demand volume data for the development and verify system capacity with flow testing. System capacity will not be guaranteed or assigned to this development until the time of site plan approval.

### Sanitary

2. Public Works reviewed the sanitary treatment and conveyance system as it relates to the current proposal. Based on the review, it was determined that at this time, the Town's sanitary treatment and conveyance system is adequately sized to accommodate the proposed land use. Assumptions on sewage volumes generated from the site will need to be verified prior to site plan approval when the proponent can submit anticipated sewage volumes from the development. System capacity will not be guaranteed or assigned to this development until the time of site plan approval.

### Storm

3. Public Works did not complete a downstream storm system capacity review as it relates to the proposal. The developer will be required to submit their plan for

## MEMO

665 James St. N. Official Plan and Zoning Bylaw Amendment Application - Submission #1 – Comments

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storm water management as per the Town's development standards at the time of site plan approval.

**Road**

4. Public Works reviewed the Town's road system as it relates to the current proposal. Based on the review, it was determined that at this time, the adjacent roads and the Town's road network are adequately sized to accommodate the proposed land use. Assumptions on traffic generation from the site will need to be verified prior to site plan approval when the proponent can submit anticipated traffic trip generation.
5. Public Works notes that the site fronts James St. N. and Glass St. which are Arterial and Collector roads, respectively, as per the Town's Official Plan and road allowance widening requirements from the OP are applicable on property lines adjacent to both roads.
6. Road improvement requirements such as sidewalk and curb and gutter will be required of this development along the roads adjacent to the development.

Respectfully submitted,



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Jeff Wolfe, C.Tech.  
Asset Management/Engineering Specialist





*"Inspiring a Healthy Environment"*



February 12, 2020

Town of St. Marys  
175 Queen Street East  
P.O. Box 998  
St. Marys, Ontario N4X 1B6

**Attention: Mark Stone, MCIP, RPP, Planner (via e-mail: [mark@mlsplanning.ca](mailto:mark@mlsplanning.ca))**

Dear Mr. Stone,

**Re: Applications for Official Plan & Zoning By-law Amendment (OP02-2019 & Z04-2019)**  
**Owner(s): Randy Warkentin**  
**Property: 665 James St. North, in the Town of St. Marys, County of Perth**

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for policies contained within the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act. We offer the following comments:

### **PROPOSAL**

The purpose of the application for Official Plan Amendment is to change the designation of the property to "Highway Commercial". The associated zoning would also be amended to "Highway Commercial Zone (C3)" with changes also being proposed to allow site specific provisions in the Official Plan and Zoning By-law.

### **CONSERVATION AUTHORITIES ACT**

The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

### **DRINKING WATER SOURCE PROTECTION**

#### **Clean Water Act**

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

UTRCA Comments  
OPA & ZBA – 481 Water St. South  
Corporation of the Town of St. Marys

**RECOMMENDATION**

The UTRCA has no objection to the above noted applications for Official Plan Amendment and Zoning By-law Amendment. The foregoing is provided for the information of the applicant, the Planning Department, and the Committee.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 228.

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY



Spencer McDonald, MCIP, RPP  
Land Use Planner  
SM/sm



## Memo

### Engineering & Public Works

To: Grant Brouwer  
Date: May 25, 2020  
File: 665 James St. N.

From: Jeff Wolfe  
☐ For Your Information  
☐ For Your Approval  
☐ For Your Review  
☒ As Requested

**Subject:** 665 James St. N. Official Plan and Zoning Bylaw Amendment Application  
- Submission #2 - Comments

### Summary

We are in receipt of information related to an Official Plan and Zoning Bylaw Amendment for 665 James St. N to allow the land to be used for a low-rise residential development. We offer the following comments based on the OP and Zoning Bylaw Amendment Application:

### Water

1. Public Works reviewed the water supply and distribution system as it relates to the current proposal. Based on the review, it was determined that at this time, the Town's water supply and distribution system is adequately sized to accommodate the proposed land use. Assumptions on flow volumes and pressures required at the site will need to be verified prior to site plan approval when the proponent can submit anticipated water demand volume data for the development and verify system capacity with flow testing. System capacity will not be guaranteed or assigned to this development until the time of site plan approval.

### Sanitary

2. Public Works reviewed the sanitary treatment and conveyance system as it relates to the current proposal. Based on the review, it was determined that at this time, the Town's sanitary treatment and conveyance system is adequately sized to accommodate the proposed land use. Assumptions on sewage volumes generated from the site will need to be verified prior to site plan approval when the proponent can submit anticipated sewage volumes from the development. System capacity will not be guaranteed or assigned to this development until the time of site plan approval.

### Storm

3. Public Works did not complete a downstream storm system capacity review as it relates to the proposal. The developer will be required to submit their plan for

## MEMO

665 James St. N. Official Plan and Zoning Bylaw Amendment Application - Submission #1 – Comments

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storm water management as per the Town's development standards at the time of site plan approval.

**Road**

4. Public Works reviewed the Town's road system as it relates to the current proposal. Based on the review, it was determined that at this time, the adjacent roads and the Town's road network are adequately sized to accommodate the proposed land use. Assumptions on traffic generation from the site will need to be verified prior to site plan approval when the proponent can submit anticipated traffic trip generation.
5. Public Works notes that the site fronts James St. N. and Glass St. which are Arterial and Collector roads, respectively, as per the Town's Official Plan and road allowance widening requirements from the OP are applicable on property lines adjacent to both roads.
6. Road improvement requirements such as sidewalk and curb and gutter will be required of this development along the roads adjacent to the development.
7. The proponent is proposing the driveway entrance off James St. N and provides detail on this in their letter. The Town's Official Plan provides descriptions of the various class road allowances and specifically indicates a desire to reduce the number of driveway entrances on Arterial Roads. As such, it would be preferable to have the driveway entrance off Glass Street instead of James Street. However, it is understood that there are other influencing factors related to site layout a driveway entrance off Glass may not be possible.

Respectfully submitted,



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Jeff Wolfe, C.Tech.  
Asset Management/Engineering Specialist

Northridge Condominiums  
 Perth Vacant Land Condominium Corporation No. 49  
 10 – 74 Edison Street  
 St. Marys, ON

14 February, 2020

Mr. Grant Brouwer, Director of Building and Development  
 St. Marys – Municipal Operations Centre  
 408 James Street South  
 St. Marys, ON

**SUBMISSION IN REGARD TO PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS  
 FOR THE PROPERTY LOCATED AT 655 JAMES STREET NORTH (Part Lot 15, Concession 18  
 Blanshard being Part 2 on 44R-4789)**

Upon reviewing the proposed plan for 655 James Street North, the owners in Northridge Condominium (Perth Vacant Land Condominium Corporation No. 49) which is comprised of 12 bungalow townhouses located North of the site, have multiple objections and concerns with the plan in its present form.

First, and foremost, the construction of a 5-storey high-density apartment building is completely at odds with the low-density homes (single and 2 story townhomes, semi-detached and detached single family homes) that currently encompass the neighbourhood, and is not compliant with the 3-storey limit of the town Land Use Policy (Section 3.1.2.7 item a). This will have a disruptive and negative influence on the character of the neighbourhood. This character is one of the main reasons that many people moved to this area of St. Marys, i.e., to live in a quiet urban setting.

A high-density apartment complex which includes commercial spaces inserted into the current low-density neighbourhood leads us to quality of life concerns, especially since the principal demographic of the Northridge Condominium Corporation is that of retired or semi-retired owners.

Itemized below are the numerous questions and concerns, collected by the Condominium Board, from the owners of Northridge Condominium Corporation objecting to the proposed zoning changes and subsequent building construction.

- At a height of 18 meters, and 5 stories, the building will have significant effects on the existing and proposed surrounding (Thamescrest) neighbourhood, especially to units 1 to 6 that are located directly to the North of the proposed building, including:
  - Loss of privacy both indoors and outdoors for units 1 to 6 (i.e., balconies overlooking back yards/patios/bedrooms).
  - View obstruction for units 1 to 6 (i.e., the “view” from sitting rooms and patios will be a tall building and directly onto a parking lot – likely to reduce property values and appeal).
  - Shadowing.
  - Loss of sunlight during winter months for units 1-6 due to building height.
  - Amount of light from parking lot and headlights shining into bedrooms at night.



- Noise level (i.e., car engines/doors/people talking loudly late at night, garage door opening and closing).
  - Air quality particularly mornings and evenings (i.e., use of remote starters, number of vehicles starting and leaving at the same time).
  - Increased traffic congestion in the area:
    - the Thamescrest development west of James St. North will already be increasing traffic volumes
    - traffic to apartment building and commercial units will enter off James St along the back fence of units 1 to 6.
  - Water runoff into gardens of units 1 to 6, and into the storm drain that is owned by the Northridge Condominium located within the back yard of unit 1 (i.e., what guarantee will there be that water and snow melt will not flow into our gardens and storm drain).
  - Raising the grade of the site to the same level as that of the surrounding homes, or even only up to the level of Glass St. would result in the height of the privacy fence behind units 1 to 6 to be reduced.
- The plan calls for a minimum of 56 parking spaces. Assuming that each apartment is allocated only 1 dedicated parking space, that leaves only 10 spaces for visitors, business employees and customer parking combined. That is unacceptable given that this area already has issues with insufficient parking, especially for guests.
    - Number of parking spaces is too low and unrealistic for the size and location of the building. The units are fairly large and big enough to accommodate a couple in the 1-bedroom units and a family in the 2- bedroom units. The Town has no public transit and it is not uncommon for households to own 2 or even 3 vehicles.
    - The plan states a minimum 56 parking spots; how many exactly is the developer really planning to have?
  - The plan includes parking and an underground parkade ramp to the south of Northridge Condominium; there are concerns with respect to excess intrusion of light and noise associated with activities at the site.
    - What kind of lighting will be going in. If it is bright it could appear to be daylight even when dark, which would negatively impact the rear of the homes.
    - Inability to open windows and make use of outside fresh air, due to light and noise disruptions.
    - What is the location of the extractor fans for the underground parking (i.e. noise of fans and air quality from the exhaust fumes).
  - High-density mixed-use apartment complexes can come with their own inherent issues that raise a number of questions and concerns, such as:
    - Will there be rules concerning the use of balconies or will the occupants be able to use them as storage (e.g., as appears to be the case for the building overlooking the river at 41 Church St N. in which furniture, boxes, and mattresses are stored on balconies, and is quite unsightly)?
    - What activities will be allowed in the parking lot (fixing vehicles, oil changes, etc.)?
    - Apartment complexes could reduce property value of adjacent homes.

- Will there be a maximum occupancy standard for the apartment units?
- What kind of businesses and operating hours would be allowed and how many commercial units are planned?
- Are these rental or condominium units, and what kind of demographic is being targeted by the owners (e.g., (seniors, adults only, families, low income)?
- What effect will such a large building have on the water quality and supply?
- Will snow be removed from premises or will it be piled up against our fence, possibly causing damage to our fence and melt flowing into our drain system that will possibly contain oil/dirt from the parking lot?
- Dump bin is closer to our properties than to the building (i.e., smell and noise of lid opening and closing at all times).
- Pet owners intruding on our large green space fronting James St. North.
- Air pollution during and after construction.
- Constant noise during and after construction.
- Will there be provisions to include privacy barriers to adjoining properties (e.g., tall trees and/or higher fencing)?

In conclusion, we acknowledge that accommodation, particularly rental accommodation, in St. Marys is scarce, and that there are no neighbourhood commercial establishments; however, while the proposed plan may seem to address some of these needs, it is too large in scale, with likely detrimental impacts on the neighbourhood in general and specifically on residences that about the site, and is not appropriate for an infill project in an established neighbourhood.

Respectfully,



Patrizia Bayman, President  
On behalf of the Board of Directors  
Northridge Condominium  
Perth Vacant Land Condominium Corporation No.49

Representing the owners as follows:

Unit 1	BAYMAN, Peter J. & Patrizia	Unit 2	ROBERTSON, Bruce & Karen
Unit 3	NEWTON, Nancy	Unit 4	JARETT, Kyle
Unit 5	LUKOVNJAK, Walter & Brenda	Unit 6	BELL, James & Margaret
Unit 7	ALBRECHT, Wendy	Unit 8	GRUDSKY, Vladimer
Unit 9	WILSON, Donald & Jean	Unit 10	LYNCH, Barry
Unit 11	JINKS, Joy & SHOOK, James	Unit 12	2231872 Ont. Inc.



**665 James St North (Apartment)**

jcaudle jcaudle <[REDACTED]>

Wed 2020-06-10 10:06 AM

To: Planning <planning@town.stmarys.on.ca>

[EXTERNAL]

We are against the building of the apartment on James St North for the following reasons

Devalue my home. From the last meeting we attended in February 2020. While sitting on my deck now that the warm weather is here and clearly noticeable We live 143 Millson Cres. It is exactly straight in my view and is not something that we care to look at

We can not pick up our house and move it. I believe if someone wants to build on the sight it should be row houses or Town houses. If the builder is interested in an apartment. They should look at building it somewhere where there is no houses built and then people who choose to build a house by an apartment can make there choice to live by it. I clearly would not want to move as I love my neighbour hood. But would be selling if that is built.


Thank you for your time and be safe

John and Angela Caudle

143 Millson Cres





Patrizia and Peter J. Bayman  
 1 – 74 Edison Street  
 St. Marys, ON N4X 0A9  


13 June, 2020

Mr. Brent Kittmer, CAO-Clerk of the Town of St. Marys  
 175 Queen Street East,  
 P.O. Box 998,  
 St. Marys, ON N4X 1B6  
[planning@town.stmarys.on.ca](mailto:planning@town.stmarys.on.ca)

**SUBMISSION IN REGARD TO PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS FOR THE PROPERTY LOCATED AT 655 JAMES STREET NORTH (Part Lot 15, Concession 18 Blanshard being Part 2 on 44R-4789)**

Upon reviewing the proposed revised plan for the development of 655 James Street North, we continue to have multiple objections and concerns.

First, and foremost, the construction of a 4-storey high-density apartment building remains at odds with the low-density homes (bungalow townhouses, 1 and 2-storey semi-detached and detached single family homes) that currently encompass the neighbourhood as well as those planned for future development on the Thamescrest property. This will have a disruptive and negative influence on the character of the neighbourhood which is one of the main reasons we purchased the townhouse in this area of St. Marys, i.e., to live in a quiet urban setting, backing onto a commercial property, which would allow us to retire in a home that afforded both the privacy and the enjoyment of our backyard in the evenings.

A high-density apartment building inserted into the current low-density neighbourhood leads us to quality of life concerns, especially since the principal demographic of the Northridge Condominium into which we bought is that of retired or semi-retired owners.

We also wish to point out that residential buildings are currently not allowed on lands designated Highway Commercial, which is the designation of the property in question.

Itemized below are the questions and concerns that we continue to have in regard to the proposed zoning change and subsequent building construction:

- At a height of 15.735 meters plus an additional unspecified height to the peak of the roof, and 4 stories, the building will be significantly taller than the existing and proposed surrounding (Thamescrest) neighbourhood, and especially than units such as ours, which is located directly to the North of the proposed building, including:
  - Loss of privacy both indoors and outdoors (balconies overlooking back yards/patios/bedrooms).
  - View obstruction (our “view” from sitting rooms and patios will be a tall building and its entrance, balconies, windows and a parking lot).

- Shadowing.
- Loss of sunlight during winter months.
- Light pollution from parking lot lighting and from headlights shining into bedrooms at night.
- Excessive noise in what is currently a very quiet area (car engines/doors/car alarms, people talking loudly late at night).
- Possible loss of value and saleability of our property.
- Air quality, particularly mornings and evenings from the use of remote starters, and a number of vehicles starting and leaving and returning at the same time.
- Uncontrolled noise levels from apartments and balconies as there is no provision for on-site property manager/superintendent.
- Increased traffic congestion in the area:
  - the Thamescrest development west of James St. North will already be increasing traffic volumes
  - traffic to the proposed apartment building will enter and exit off James St, directly onto a deceleration zone coming into the Town, creating a potential traffic hazard.
- Concern about water runoff/snow melt into our garden.
- The privacy fence at the rear of our property will, to all intents and purposes, be completely useless due to the grading of our property, which is our understanding was the grading required by the Town.
  - Anyone parking their vehicle in the planned parking lot will be able to look straight into our home, and should they be so inclined, even throw garbage into our garden.
  - Anyone in the building or parking lot will be able to look directly onto our patio, and into our sitting room and bedrooms.
- The plan calls for 44 parking spaces for the 35 apartments, most of which are 2-bedroom units. This is far too few parking spots in an area that already has issues with insufficient parking, especially for visitors and guests.
  - Number of parking spaces is too low and unrealistic for the size and location of the building. The units are large enough to accommodate a couple in the 1-bedroom units and a family in the 2-bedroom units. The Town has no public transit and it is not uncommon for each household in St. Marys to own 2 or even 3 vehicles.
  - Once all the parking spots are allocated to residents of the building, where exactly will excess residents' vehicles and visitors/guests be parked?
- The building as planned equals 95 units/hectare. Far in excess of the units/hectare provided for in the current Official Plan.
- All of the setbacks are narrower than those currently required by the Town. This means this building will be much closer to existing homes than currently allowed, and there is no adequate buffering, screening or separation distance provided to protect the adjacent dwellings.

- Higher-density apartment buildings and their construction come with their own inherent issues that raise a number of questions and concerns, such as:
  - Will there be rules concerning the use of balconies or will the occupants be able to use them as storage areas?
  - What activities will be allowed in the parking lot (fixing vehicles, oil changes, etc.)?
  - Will there be a maximum occupancy standard for the units?
  - There is no play/recreation area planned, and consequently no place for children to safely play away from a busy road, or for residents to congregate.
  - Will snow be removed from premises or will it be piled up against our fence?
  - High levels of air/noise/light pollution during and after construction.
  - What provisions have been made to include proper privacy barriers to adjoining properties (e.g., tall mature trees and/or much higher fencing than is currently in place)?
  - What will happen to the existing clump of mature trees on the lot?
  - Because there is no planned on-site property management office, who will be ensuring that any rules regarding storage on balconies, noise, parking, etc. are adhered to? Would we be put in a position to continually rely on the police or bylaw services to ensure that we are afforded the quiet enjoyment of our property, in every aspect of the law?

The proposed apartment building is too large in scale, with likely detrimental impacts on the neighbourhood in general and specifically on residences that abut the site, and it is not appropriate for an infill project in an established neighbourhood. This type of building should not be parachuted into an existing neighbourhood, but should be reserved for green field areas, where it can be built prior to any other residential dwellings in order to allow proper setbacks, and sufficient space for resident and visitor parking.

In conclusion, we respectfully ask the members of this Committee to consider how they would feel in regard to their loss of privacy if this building was erected in their back yard.

Respectfully,

*Patrizia and Peter J. Bayman*



Barry Lynch  
10 – 74 Edison Street  
St. Marys, ON

13 June 2020

Mr. Grant Brouwer, Director of Building and Development  
St. Marys – Municipal Operations Centre  
408 James Street South  
St. Marys, ON

**SUBMISSION IN REGARD TO PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS  
FOR THE PROPERTY LOCATED AT 655 JAMES STREET NORTH (Part Lot 15, Concession 18  
Blanshard being Part 2 on 44R-4789)**

Upon reviewing the proposed revised plan for 655 James Street North, I (Barry Lynch) a unit owner (#10) of Northridge Condominiums (Perth Vacant Land Condominium Corporation No. 49) have some concerns with respect to the revised plan.

The reduction in scale of the property to 4 storeys is welcome; however, especially for units that have the backyard facing south to the proposed development, I expect there to be issues of privacy as the backyards of these units will face right into the parking lot of the proposed site. Depending upon elevation and grading, the existing privacy fence is likely to be of little use to block the view of cars, their headlights, and associated noise and pollution. It is important that the town, developer and unit holders of Northridge Condominiums work together to find an equitable solution to the privacy issue. An appropriate buffer-barrier (*i.e.*, fence, berm, trees or combination thereof) on the north boundary of the site is needed to ameliorate the privacy concerns. Such issues would not occur if the proposed development was in a greenfield site (*i.e.*, on the west side of James Street) where prospective residents would know of the existence of this development. With an infill site, existing residents had no reason to expect a development of this size and scale with its associated potential to adversely change the character of the local community.

Regards,

Barry Lynch

## Application regarding Zoning Bylaw Amendments for 665 James St.

Nancy Newton [REDACTED]

Sun 2020-06-14 5:16 PM

To: Planning <planning@town.stmarys.on.ca>

[EXTERNAL]

I have reviewed the revised application regarding the proposed residential apartment building for 665 James St. North, prior to the meeting June 15.

While attention has been paid to the 2 story townhouses, semi-detached and detached houses to the east and south, very little attention has been paid to the impact of this building, on those of us who live to the NORTH of the proposed building--in the 6 units on 74 Edison Street in SINGLE story units.

Not only will this building critically affect our personal privacy, it will destroy the enjoyment of our small back yards and decks directly adjacent to the proposed parking area. The south side of our units is also our major living area inside these homes. This building, will have a direct view into our living rooms, bedrooms and the adjoining bathrooms. There will be increased noise, traffic and intrusive light.

In addition, a 4 story building to the south of us, will impact, not only our view, but also our sunlight resulting in significant shadowing. Particularly when the sun is lower on the horizon in the winter, this is a serious significant concern. For all of us in these units, our windows on the south side, facing this proposed building, are our only windows allowing any amount of light into our space.

The town of St Marys allowed Gerry Lang to build these single story units in this way, on this location. It is up to the town, now, to protect these properties.

Thank You for your consideration.

N.E.Newton, B.A., B.Sc., D.V.M., M.B.A.

Submission from Henry Monteith, 111 Widder Street East, St. Marys

The revised applications for 665 Glass Street North represent a significant improvement over the first proposal, but still require several amendments to the current Official Plan (OP) and the current Zoning ByLaw (ZB), as follows:

The proposal is for a 4 storey apartment, whereas only 3 stories are allowed under the current OP and ZB. This represents a 33% increase over the allowed maximum. The proposal calls for 95 units per hectare, whereas the OP allows a maximum of 75 units per hectare. While the OP does provide for Council to moderately increase this density target, an increase of 26.7 % can hardly be considered moderate.

The applicant is proposing to change the zoning of the subject property to residential, and this requires the following ZB amendments:

The minimum front yard setback along James Street North be reduced from a minimum requirement of 7.5 metres to 5 metres, a reduction of 33%.

The minimum exterior side yard setback along Glass Street be reduced from a minimum requirement of 7.5 metres to 4.5 metres, a reduction of 40%.

The minimum rear yard setback be reduced from a minimum requirement of 12 metres to 7.03 metres, a reduction of 41.4%.

The maximum building height be increased from the maximum allowed of 13.5 metres to 15.75 metres, an increase of 16.7%.

The site area allows for a maximum of 32 units, but the applicant is seeking 35 units, an increase of 9.4%.

The site requires a minimum landscaping area of 35% but the applicant is providing only 32.35%, a reduction of 7.6%.

Although the requested amendments range from moderate to extreme, they are certainly numerous in number.

As part of the OP Review, the Town Staff, the Town's Planning Consultant, and the Town Council (collectively the "Town") have endorsed increasing the overall density, height and intensification of future residential developments.

However, a couple of points should be noted.

First, these recommendations have not been tested in the public forum, and the Town may find significant pushback from the public against their proposed amendments.



Second, the Town is also proposing a number of amendments to the OP which the 665 Glass Street North applications appear not to respect. These include:

3.1.2.3 New development, intensification and infilling is permitted throughout the “Residential” designation provided it is in keeping with the character of the neighbourhood. When evaluating the character of the neighbourhood, regard shall be given to attributes such as: land use, lot sizes and fabric (i.e., area, frontage, and depth); building type, location, form and scale (i.e., setbacks from lots lines and roads, spacing from other buildings, massing, scale, and height), building materials and architecture, lot coverage (coverage of buildings and open/green space), and streetscapes and planned function of roads.

3.1.2.3.1 General Policies for New Development and Intensification/Infill b) Proposed land uses and development should have minimal impacts on adjacent properties in relation to grading, drainage, shadowing, access and circulation, and privacy.

3.1.2.3.3 Policies for the Development of Townhouse, Multiple and Apartment Dwellings a) The location and massing of new buildings should provide a transition between areas of different development intensity and scale. Appropriate transitions can be achieved through appropriate setbacks or separations of buildings, changes in densities and massing, and the stepping down of building heights. c) When considering building heights, potential shadowing impacts, views onto adjacent lower density lots and abrupt changes in scale should be considered. d) New buildings that are adjacent to low rise areas shall be designed to respect a 45 degree angular plane measured from the boundary of a lot line which separates the lot from an adjacent lot with a low rise residential dwelling. h) Proposed development will not create a traffic hazard or an unacceptable increase in traffic (or parking) on local roads.

In light of the serious deficiencies, I encourage the PAC not to endorse these applications. If the Applicant refuses any further changes, the PAC should simply recommend that Council proceed to the Statutory Public Meeting. This was the approach taken by the PAC in respect of the Arthur Meighen School Site Applications.

## 665 James St North

Jim Shook <[REDACTED]>

Mon 2020-06-15 2:16 PM

To: Planning <planning@town.stmarys.on.ca>

[EXTERNAL]

I am writing to voice my concerns over the proposed development of the property located at James St N in St Marys relating to the current and proposed official town plan. From a technical aspect it will be up to the planning committee to decide if the requested variances from required setbacks, and their interpretation of what constitutes an infill structure keeping with the character of the existing low density neighbourhood has been achieved.

My biggest concern with this development is over privacy for the adjoining bungalow townhouses. The parking lot and balconies look directly into the back yards and bedrooms of the six townhouses to the north of the development. 3.1.2.7 (f) of the town plan states:

f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing.

I would like to think that going forward both the town planner and the developer will reach out to the condominium owners and get their views on what constitutes "adequate screening" as it is their privacy that is being invaded. My view is that a border of mature coniferous trees be included in any plans, perhaps in conjunction with some panels, to ensure there is year round privacy.

Regards,

Jim Shook  
74 Edison, unit 11

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 Virus-free. [www.avg.com](http://www.avg.com)

-----Original Message-----

From: noreply@town.stmarys.on.ca [mailto:noreply@town.stmarys.on.ca] On Behalf Of Bill Mustard

Sent: Saturday, June 20, 2020 12:46 PM

To: Communications <communications@town.stmarys.on.ca>

Subject: 665 James

[EXTERNAL]

I just read "Revised plans for 665 James Street North development supported by PAC" in the paper and I am concerned that there is not nearly enough parking. The Canadian average is 1.5 vehicles per household, and I assume that there will be visitors to the occupants.

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Origin: <https://www.townofstmarys.com/en/doing-business/Planning-and-Development.aspx>

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This email was sent to you by Bill Mustard<[REDACTED]> through <http://www.townofstmarys.com/>.

From: Larry Hughes <[REDACTED]>  
 Sent: Friday, July 17, 2020 12:17 PM  
 To: Brent Kittmer <bkkittmer@town.stmarys.on.ca>; Jenna McCartney <jmccartney@town.stmarys.on.ca>  
 Subject: 665 James Street North Development

[EXTERNAL]

I am a very concerned Neighbour-Homeowner regarding the Proposed 665 James Street North Apartment. Some of my questions and concerns follow:

**Parking** – The proposed 44 spaces for 35 units meets the Residential zoning bylaw but, will not meet the need. Is there a requirement for Handicap parking and visitor parking spaces that would be in addition to the 1.25 per unit? Since there is no on street parking on Glass Street or James Street North so the only place overflow would be able to park is on Edison Street. I live on Edison Street and believe me the homeowners already use the street for parking, sometimes on both sides of the street which with added cars from the proposed apartment, a firetruck would have no way to service the street if a fire occurs. Remember in winter months no on street parking allowed. Snow removal in the parking lot could also impact the number of usable spaces. Has the town considered these? If so, what is the solution?

Does the police contract call for the police to ticket for parking violations or will the town have a crew that handles all the calls I anticipate will result from the overflow?

**Safety** - Assuming that the 44 spaces are used, my concern is the driveway that spills directly onto James Street North (already very busy road) with traffic often moving over the speed limit as attested to by the police being there on a regular basis to monitor and ticket. With 44 cars in and out there will no doubt be an impact to traffic and safety. The Thamescrest development still to come on the other side of James Street North will add to the problems. I believe the condos that are located immediately behind the proposed apartment could have been built to exit onto James Street but because of safety concerns exit away from James Street North. Many people from St. Marys use James Street North to travel to Stratford so 44 cars or trucks entering from a driveway will present a traffic concern. Will there be a Stop sign?

I believe this is the first project for this particular builder, owner-manager. Not usually a good idea to have a residential builder jump into the world of commercial building. It is a very different animal as is managing such a building especially with affordable apartments.

This building is way out of line for appropriate infill that is supposed to be similar to the existing neighbourhood. It would be a very negative change that would lower property values for the homeowners that bought in St. Marys believing nothing like this could happen in their well-kept safe neighbourhood. My wife Cheryl and I moved here when I retired to get away from areas with buildings like this and found St. Marys very desirable as it satisfied this. We invested in St. Marys. We had no idea this type of chaotic development just for the sake of attracting low income renters with no investment in the town would become the norm.

We expect that the concerns of the homeowners in this entire neighbourhood registered at the first Planning Board meeting on this project will carry some weight. Unfortunately, we received no notice of a second Planning Board meeting. We still feel the same and are very disappointed that this project has gotten this far.

I suggest buildings like this belong in an area with other buildings like this. Please give this proposal a thumbs down. Thanks.

Please confirm that you received my email and that it will be presented to the council for discussion at the July 28th meeting and add me to the list of those interested in receiving future on this property.

Larry Hughes

98 Edison Street

St. Marys ON N4X 0A8  
 [REDACTED]



-----Original Message-----

From: bruce robertson <[REDACTED]>

Sent: Monday, July 20, 2020 3:51 PM

To: Brent Kittmer <[bkittmer@town.stmarys.on.ca](mailto:bkittmer@town.stmarys.on.ca)>

Subject: Proposed Apartment Building on 665 James Street North

[EXTERNAL]

My husband and I live at 2-74 Edison. We back on to the proposed site for this apartment building. In the proposal each apartment is allowed 1.2 cars per unit.

It is common knowledge today that both the husband and wife each have employment outside the home, therefore requiring two cars per household. The proposed site allows for approximately forty parking spaces. Thirty five proposed apartments with two cars per household will require seventy parking spaces. There is no space allotted for visitor parking. In the winter snow removal will require space also. Here in the Northridge Condominium complex the majority of the people are retired and two thirds of the units have two cars. Also service trucks and emergency vehicles will require space to maneuver in a safe manner.

In summary there is NOT enough land area for the proposed apartment building. Perhaps this land area could be used for more suitable use, instead of wanting to accommodate a structure that clearly will not work. We feel that this proposal should not be accepted by our town council.

Bruce and Karen Robertson

Sent from my iPad

**From:** April Lye <[REDACTED]>  
**Sent:** Monday, July 20, 2020 9:28 PM  
**To:** Clerks Office <[clerksoffice@town.stmarys.on.ca](mailto:clerksoffice@town.stmarys.on.ca)>  
**Subject:** James and Glass Apartment

[EXTERNAL]

I am writing as I am concerned that there are only 1 and 2 bedroom units being proposed. I know I am not alone in my belief that there are not enough affordable 3 bedroom rentals available in St. Marys for split families, single parents or low income families. I would love to see the town enforce restrictions that a percentage of units within future apartment buildings must include three bedroom units in their planning. The proposed development is within a community of family homes and it would be beneficial for all to include apartments for families not just young single people. St.Marys is in desperate need of affordable 3 bedroom residences, not 1 bedroom, and it is time that it be addressed and rectified.

Thank you for your consideration of my opinion.  
April Lye

**From:** Margaret Bell <[REDACTED]>  
**Sent:** Tuesday, July 21, 2020 9:48 PM  
**To:** Brent Kittmer <bkittmer@town.stmarys.on.ca>  
**Subject:** Input/Opinion on Application by R. Wankentin, Files OP02-2019 and Z04-2019

[EXTERNAL]

Virtual Public Meeting Tuesday July 28th 2020 at 6:00pm

Please include below in records of public input.

Dear Mr. Kittmer,

My husband and I live at 6-74 Edison St., We moved to St Mary's July 9th 2018 from London, Ont. We bought our townhouse because it was a small enclave of 12 homes on the edge of a quiet subdivision. We are retirees in our 70' and Edison St. seemed to be a very good option for us. Since moving, we have been very happy with our property and also have fallen in love with the town of St Marys.

Our property on Edison St. has us backing onto the old Paint Shop, located on the lot that is the subject of an application for Amendment to the St. Marys Official Plan and Zoning By-Laws. At the time of our purchase, we were advised by our builder that the land housing the Paint Shop was zoned commercial. We hoped that eventually something commercial would be built there that would further add value to our great subdivision. Perhaps a convenience store or one storey professional building. Never in our wildest dreams did we imagine a 5-storey apartment building (now amended to a 4-storey apartment building) would be even considered in our area which has no structure over 2 storeys. We are asking you to please reconsider this application to amend the zoning by-laws to allow this 4-storey building. Any structure over 2 or 3 storeys and having a busy parking lot just does not fit in with the homes currently here. Visitors and residents entering St Marys on James Street N., would encounter this out of place building, sticking out of farm land and surrounded by 1 or 2- storey homes. The residents living in the Edison St., who are mainly retirees like us, don't want a large building overlooking our decks and looking into our homes. The proposed parking lot, which will need lighting on all night starting at dusk, would erase the country feel, not to mention shine into our homes, especially our bedrooms. We are also concerned that the additional noise from the increased number of people getting into their cars to go to and from work would take away the peaceful enjoyment we currently enjoy living on Edison St. I recently read a Bravo in the St Marys newspaper that the council has already approved this apartment building. This is obviously incorrect or we would not be having this important meeting. The Bravo discussed the benefits of added affordable housing, and I don't disagree with that. However, must be added properly to enhance all of St. Marys. We feel building an apartment building as an afterthought, in an already established subdivision, does not consider the people who have bought houses in this area. It does not take into account the negative impact on home values as the density for the area has just been greatly increased. It also doesn't place value on current residents having to look at this building and be overlooked by this building. Changing the By-Laws that are in place to protect current residents from this exact project is just simply unfair! If St Marys wants to build affordable housing, the building department should pick an area, build apartment buildings, and then plan a subdivision around them. This would then give people a choice if they want to buy and live in that area. Again, it is unfair to just build an apartment building in an area that was not targeted/signed or laid out for a residential 4 storey building. This is our retirement home and we cannot afford to take a loss on this property which will happen if an apartment building is built in our backyard. My husband and I pay taxes and purposely give our business to St Marys business. Even through this trying time with the virus, we make sure to spend our money locally to help the people of our own community. For that, and all detailed above, we deserve consideration in your decision to bend the rule to suit a new developer. We deserve for you to reject the application. This land can be used in a community responsible way that benefits everyone.



Sincerely,

*Margaret and James Bell*

Margaret and James Bell

6-74 Edison St

St Marys Ont.

N4X 0A9

[REDACTED]

From: John Stevens <[REDACTED]>  
 Sent: Tuesday, July 21, 2020 7:55 AM  
 To: Clerks Office <clerksoffice@town.stmarys.on.ca>  
 Subject: Proposed development

[EXTERNAL]

I have been interested in affordable housing in St. Marys for several years. I am happy that a developer has stepped up to the plate to build some. However, I see some issues with this proposed development.

First, many of the residents seem upset with a four-story development overlooking their properties. They will be accused of NIMBY-ism by many. I'd like you to consider whether you would like somebody peering into your backyard and windows while you conduct your daily activities. And it works both ways. I wouldn't want to be entertained by who knows what in an apartment building so close to my property. I don't believe that this is a case of local residents not wanting lower income families into their neighbourhood.

Second, I'd like to know the process by which the Town selects properties for affordable housing. Is it simply that somebody can come in and buy any property, propose a development and build if council approves it? Or has the planning committee designated preferred locations in town for affordable housing and provided incentives for the developers to build? Allow me to explain.

We have already had a group of citizens oppose the development of a retirement residence on the old Arthur Meighen School property. From what I see, the proposed development would be better suited to go there and the adjacent land. Something is happening on the adjacent land, but I am not sure what. I feel that this development invades the privacy of the residents much more than the Arthur Meighen proposal which was successfully (so far) defeated by council.

I may not have done my homework to the planning committee recommendations, but I throw this out for consideration. There are plots in Town that I consider very desirable for affordable housing. Most of them are on the west side of James Street. Why do I find these locations desirable?

- They are close to the public school. Children can walk to school.
- They are close to the Pyramid Recreation Centre. This will result in increased use of the facility.
- They are close to much of the industry where people in affordable housing would work.
- The development would be a comfortable distance away from any existing homes.
- The development would be very close to the fire hall should any emergency arise.

My hope is that something will be done to encourage developers to build affordable housing here in one of the Town cores and not on the outskirts.

This still leaves the dilemma of what to do with the current land. Rather than a four-story building, would it be conceivable to build something more modest that would blend into the community more? Similar to the Arthur Meighen plot, could the developer be asked to consider the sensitivities of the immediate residents more and come back with a plan B? It may make the land less profitable to the developer, but that doesn't mean that a profit can not be made.

Respectfully submitted,  
 John Stevens

From: Alex Stephens <[REDACTED]>  
 Sent: Wednesday, July 22, 2020 5:07 PM  
 To: Clerks Office <clerksoffice@town.stmarys.on.ca>  
 Cc: Lucie Stephens <[REDACTED]>  
 Subject: 665 James Street North

[EXTERNAL]

To Whom It May Concern,

I'm writing this email to inform you of my opposition to the proposed changes put forward for the above site.

I don't understand why we would change our by-laws, our official plan and our zoning to accommodate a structure of this type. A four story structure is not only contrary to the official plan, but also would not suite the neighbourhood's current use.

The builder seems to have no regard for set backs, thus no regard for how his development will affect those if the surrounding properties. My neighbours on Edison Street and those who reside at the condominium located on Edison Street would be crowded by such a development.

The builder has also used the term "affordable housing" as part of their proposal. I find this greatly astonishing as there is no part of their plan to ensure the housing is indeed affordable. I refuse to believe that adding 35 units to a population of 7,000 and catch basin of 15,000 will make a difference to the amount of inventory that it would take to change the supply factor in St Marys. I believe this is just a tactic used to justify a larger development than is currently allowed on this site.

I ask that you consider the property owners on Edison Street the right to privacy and happiness. They bought their homes believing the property in question would be a small, 1 story commercial space. They also believed that should anything change, as urban spaces do, the most they would have to contend with, would be a 3 story building. They were lead to believe this 3 story building would have all development set back from not only the road but also their property line.

I would ask that you not only respect the current official plan and by-laws, but also the property owners of Edison Street.

Regards

Alex Stephens  
 125 Millson Crescent  
 St. Marys, ON  
 N4X 1E3

Alex Stephens Media

[REDACTED]

Please note my new 226 area code.

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Friday, July 24, 2020 10:00 AM  
**To:** Brent Kittmer <[bkittmer@town.stmarys.on.ca](mailto:bkittmer@town.stmarys.on.ca)>  
**Subject:** RE: Comments on 665 James St North Development

From: Diana Griffin 23 Guest crt.

To Whom It May Concern;

There should be zero concessions made for this builder. The town has building rules for a reason, why should they be willing to break these rules for this one builder? What's the point in having rules in the first place if you're going to consider changing them everytime someone asks? This whole process is wasting everyone's time and money just so one builder can make a few extra bucks on the backs of everyone living in this area. If the building doesn't fit, make it smaller instead of being greedy or build somewhere else. The town needs to stand up to these people and say, "No." And the builder needs to learn the limits and stay within it.

Thanks!

Town of St Marys  
175 Queen St E  
St Marys, Ont N4X 1B6

July 25, 2020

Attn: Brent Kittmer

I am writing to voice my concerns over the proposed development of the property located at 665 James St N in St Marys relating to the current and proposed official town plan. From a technical aspect it will be up to the town council to decide if the requested variances from required setbacks, and their interpretation of what constitutes an infill structure keeping with the character of the existing low density neighbourhood has been achieved.

My biggest concern with this development is over privacy for the adjoining bungalow townhouses. The parking lot and balconies look directly into the back yards and bedrooms of the six townhouses to the north of the development. 3.1.2.7 (f) of the town plan states:

f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing.

I would like to think that going forward both the town planner and the developer will reach out to the condominium owners and get their views on what constitutes "adequate screening" as it is their privacy that is being invaded. My view is that a border of mature coniferous trees be included in any plans, perhaps in conjunction with some panels, to ensure there is year round privacy.

Regards,

Jim Shook  
74 Edison, unit 11

Town of St Marys  
175 Queen St E  
St Marys, Ont N4X 1B6

July 25, 2020

Attn: Brent Kittmer

I am very concerned and opposed to the planned development of a 4 story high density building at 665 James St. I am surprised that this development got this far, as putting an oversized building on an undersized lot should have been shut down from the beginning. I moved to St Marys to be in a quiet rural community away from the high-rise congestion of the big city, and certainly didn't expect to have a 4 storey monolith dropped into my back yard. This building definitely does not fit with the character of the existing neighbourhood. I ask that every councillor honestly ask themselves the question " would I want this in my back yard".

I understand that the town wants to have more rental housing and I question the thought process of the town planners who had a great opportunity to incorporate high density housing into the planned Thames Crest Farms development (Part Lots 15 & 16, Concession 17 and Part Lot 15, Thames Concession). There you have a clean slate to incorporate an area designated high density housing and have minimum impact on existing housing. The land on the west side of James St N would be more appropriate as high density buildings could be set back from James street to provide a buffer to the existing homes on the east side of James Street, and you would have the treeline and Grand Trunk trail as a buffer for exiting dwellings to the south. This area could be developed for years to come as a means to provide rental housing.

Sincerely,

Joy Jinks  
Home owner  
Edison Street



## Neighbours-Homeowners Delegation

Good evening council. My name is Margaret Bell and I am here before you on behalf of a Neighbours-Homeowners delegation to discuss our issues with Proposed Amendments that affect the property located at 665 James Street North (Part Lot 15, Concession 18 Blanshard Being Part 2 on 44R-4789).

My husband and I live at 6-74 Edison Street. We moved to St Marys July 9th, 2018 from London, Ont. We bought our townhouse because it was a small enclave of 12 homes on the edge of a quiet subdivision. We are retirees in our 70's and Edison Street seemed to be a very good option for us. Since moving, we have been very happy with our property and also have fallen in love with the town of St. Marys. In speaking with many other residents of this area I know that they all are impacted in several ways. I represent them with this presentation.

Our property on Edison Street has us backing onto the old Paint Shop, located on the lot that is the subject of an application for Amendment to the St. Marys Official Plan and Zoning By-Laws. At the time of our purchase, we were advised by our builder that the land housing the Paint Shop was zoned commercial. We hoped that eventually something commercial would be built there that would further add value to our great subdivision. Perhaps a convenience store or 1-storey professional building. Never in our wildest dreams did we imagine a 5-storey apartment building (now amended to a 4-storey apartment building but of the same height as the 5-storey) would be even considered in our area which has no structure in excess of 2-storeys. The proposed building located at the entrance to the neighbourhood would become an ugly landmark simply by its sheer size and look.

We are asking you to please reconsider this application to amend the zoning by-laws to allow this 4-storey building. Any structure over 2 or 3-storeys and having busy parking lot just does not fit in with the homes currently here. Visitors and residents entering St. Marys on James Street North would encounter this out of place building, sticking out of farmland and surrounded by 1 or 2- storey homes. The residents living in the Edison Street condominiums, who are mainly retirees like us, don't want a large building overlooking our decks and looking into our homes. The proposed parking lot, which will need lighting on all night starting at dusk, would erase the country feel not to mention shine into our homes, especially our bedrooms. We are also concerned that the additional noise from the increased number of people getting into their cars to go to and from work would take away the peaceful enjoyment we currently enjoy living on Edison Street.

I recently read a Bravo in the St Marys newspaper that council has already approved this apartment building. This is obviously incorrect, or we would not be having this important meeting. The Bravo discussed the benefit of added affordable housing, and I don't disagree with that. However, must be added properly to enhance all of St. Marys. We feel building an apartment building as an afterthought, in an already established subdivision, does not consider the people who have bought houses in this area. It does not take into account the negative impact on home values as the density for the area has just



been greatly increased. It also doesn't place value on current residents having to look at this building and be overlooked by this building. Changing the By-Laws that are in place to protect current residents from this exact kind of project is just simply unfair! If St. Marys wants to build affordable housing, the building department should pick an area, build apartment buildings, and then plan a subdivision around them. This would then give people a choice if they want to buy and live in that area. Again, it is unfair to just build an apartment building in an area that was not targeted/designed or laid out for a residential 4-storey building. This is our retirement home and we cannot afford to take a loss on this property which will happen if an apartment building is built in our backyard.

My husband and I pay taxes and purposely give our business to St Marys business. Even through this trying time with the virus, we make sure to spend our money locally to help the people of our own community. For that, and all detailed above, we deserve consideration in your decision to bend the rule to suit a new developer. We deserve for you to reject the application. This land can be used in a community responsible way that benefits everyone.

I'd like to continue by addressing some specific concerns our delegation has:

**Parking** – The proposed 44 spaces for 35 units meets the Residential zoning bylaw. However, will it realistically meet the needs of the 44 households that will live here? Has the town considered that the driving population has increased such that now 88% of the driving age population each have a vehicle? Are 44 spaces enough? Within the 44 spaces, is that consideration for visitor parking or handicapped parking? Where will the overflow park? Currently there is no on street parking on Glass Street or James Street North. This leaves Edison Street. Current homeowners already use the street for parking (sometimes on both sides of the street) and with future added cars from the proposed apartment, a firetruck/EMT would have no way to service the street if an emergency occurred. Remember in winter months there is no on street parking allowed in St. Marys! SO where will the cars park? Snow removal in the proposed parking lot could also impact the number of usable spaces not to mention the site lines being impacted with the snow piles. 3.1.2.7 (f) of the town plan states: "That sufficient on-site parking is provided, and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing". If these units are affordable rentals and not subsidized, then probably the couple will both work so 2 cars would be the norm.

Does the police contract call for the police to ticket for parking violations on Edison Street or will the town have a crew that handles all the calls that will result from the overflow? We do not see Edison Street listed on the police contract for ticketing violations. Would you add Edison Street to the list?

How do you plan to address these clear congestion issues?

**Safety** - Assuming that the 44 spaces are used, our further concern is the driveway access directly onto James Street North. This is already a very busy road. Traffic often is moving faster than the speed limit

(as attested to by the police being there on a regular basis to monitor and ticket). With 44 cars in and out of this parking lot, there will no doubt be an impact to traffic and safety. The Thames Crest Farms development still to come on the other side of James Street North will further add to the problems. We believe the Enclave of Condos behind the proposed apartment could have been built to exit onto James Street North but because of safety concerns were required to exit away from James Street North. Why now allow this new development to exit onto James Street? The safety concerns realized years ago during the Edison planning are still present today this proposed parking lot poses a safety risk to current/future residents and visitors to St. Marys that use James Street North.

**First Time Builder** - We have come to understand that this is the first project of this size for this particular builder, owner-manager. Is it a good idea to have a smaller residential builder take on a building and project of this size? Will there be delays from inexperience. Will this construction go on longer compared to a bigger, proven builder? And as the builder/manager, doing this for the first time too. It is a very different animal, especially if they are affordable housing apartments. Although we note that no rents have been established for these units.

**Inappropriate Infill** - This proposed building is aesthetically out of line for the area. An appropriate infill is supposed to be similar to the existing neighbourhood. This project represents a negative change that could and would lower property values for the homeowners that bought in St. Marys believing nothing like this could happen in their well-kept, thoughtfully planned and designed neighbourhood. We believed that because an Official Plan is in place and By-Laws have been developed to protect residents against it. Most homeowners bought here to get away from areas with buildings like this and believed St. Marys was a very desirable town. We all invested in St. Marys. We had no idea this type of chaotic development would even be considered. It is very clear that proposed project just does not fit in with the current built-form with have a negative impact on the property value of the current properties surrounding it. To everyone on the council, honestly ask yourself "if you were in our shoes, bought/built/lived where we all do, would I want this in my back yard?"

**Privacy** - We would like to think on future projects both the town planner and the developer would reach out to the homeowners and get their views on what constitutes "adequate screening" as it is their privacy that is being affected. The current wooden fence separating the two properties will not adequately serve its purpose. Is there plans to construct a more appropriate privacy fence/barrier between the two properties. One that is higher? Different material to help with the noise and light coming from the parking lot? This large project is not in line with the current homes and measures need to be taken to separate the proposed project from the current homes in a way that protects the current privacy and enjoyment of property.

**Planning** – The official Plan is an important document that details a comprehensive plan created by a municipality which dictates public policy in terms of transportation, utilities, land use, recreation, and housing. The Official Plan typically encompass large geographical areas, a broad range of topics, and

cover a **long-term time** horizon. There is a plan in place for the City and all our houses were built following this plan and respecting it. Now we understand that the town wants to increase the number of rental units/housing and there are so many other opportunities in St. Marys to do just that. Why are we trying to fit this into an area that never was designed for it? Where was this thinking when approving the Thames, Crest Farms development? Town planners had a great opportunity to incorporate high density housing into the planned Thames Crest Farms development (Part Lots 15 & 16, Concession 17 and Part Lot 15, Thames Concession) as they would have had a clean slate to incorporate an area designated high density housing and have minimum impact on existing housing. The land on the west side of James Street North would be more appropriate as high density buildings could be set back from James Street North to provide a buffer to the existing homes on the east side of James Street North, and you would have the tree line and Grand Trunk trail as a buffer for exiting dwellings to the south. This area could be developed for years to come as a means to provide rental housing alternatives. It also would have allowed the City to honestly inform any future buyer in the subdivision as to the land use approved and let them make the decision if living in the area was right for them. Last, the Thames Crest Farms development there are other locations more suitable and desirable that must be considered.

**City Services** - Edison Street required an additional drainage system be installed to accommodate our enclave of condos. With this proposed site and building, the green space has been reduced. Will there be sufficient drainage capacity to deal with the additional surface run-off from these recent proposed changes? Were any studies conducted by the UTRCA? We are also concerned with the quantity and quality of the water supply. Can the current services in place support this additional burden and still provide all of us with good water (and water pressure)?

**Environmental** – Was there an environment assessment preformed on the proposed site? Were any bore holes done inside and around the buildings? There were prior concerns of petroleum odours and 7 contaminants at the site. This is where the bulk of paint and auto repair work was completed. If so, can we be provided with the results of the Environmental Assessment so we can know if there are contaminants in the ground surrounding our property. If an environmental cleanup is required, is the City and Builder ready to complete that? Air and noise pollution are also a big concern during and after construction. This is not a small project like a residential house, and so we are concerned. How will you address these concerns? Building and parking lot lighting will be a nightly distraction and cause light pollution. How bright will these lights be? Will you make sure the builder doesn't have them shining into our homes? Sunlight and view obstruction of current owners are also concerning. A Shadow Study needs to be completed if it hasn't been already. Sun exposure for these houses will definitely be reduced and for the condos on the north side it will be zero in the winter months.

**Green space** - if there will be any children in the apartments, they will have no safe outdoor space on the property to play. This is a concern as we fear our properties will be use by children. The reduction of green space also creates a reduced outdoor area for pets. We are also concerned our properties will be used by pet owners as we are the closest to the proposed building.

**Population/Intensification** – The Town of St. Marys has a 1% per year population growth goal. If we look at the population of St. Marys in 2016, it was 7,200 people. If we achieved this 1% growth for the last 4 years, we would be looking to add about 75 people per year. The proposed apartment building, when fully occupied, could come very close to satisfying a year's growth all by itself. Add that to the tremendous number of new homes already being built across James Street and we worry we are growing too fast and exceeding what our planners have planned for with respect to services.

**Face to face meeting** - We feel that the town should not be using virtual meetings for items as important as this one. Some impacted homeowners may not have a computer and will be unable to join in. Postponing the virtual meeting until such time as the limitations of COVID -19 restrictions and social distancing, which prevent people from attending in person meetings, are lifted would be much fairer.

In conclusion, we all very strongly oppose this proposal to amend the Official Plan and Zoning By-Laws that would allow this project to go through. The commercial site at 665 James Street North has so much potential and could be better developed to support the growing residential population in the area. Please listen to our concerns and look further into the impact this development would have on our area. The heart of St. Marys lives in each and every one of its residents. Please listen to us, listen to your constituents.

Thank you for your time and allowing me to represent our delegation,

*Margaret Bell*

Margaret Bell

On Behalf of the Delegation

RE: PROPOSED BUILDING AT 665 JAMES STREET NORTH

TO WHOM IT MAY CONCERN,

I live in 74 Edison St. Unit 3, St Marys.

I chose to live in St. Marys because of its amenities, its ambience, and its sense of history and continuity of community. I opted to live in a residential neighbourhood of fairly new low rise/low density homes. There were no plans for a large apartment building. This was where I had intended to stay, I shop here, and I make use of many of the services St Marys has to offer.

The proposed development presents a big problem. I invite any member of council into my home to visualize the impact it would have on the adjacent properties. It is too high a building for the single story homes directly, and I mean DIRECTLY, north of it. It will completely compromise the privacy and the enjoyment of these homes, and ~~their~~ small backyards. It will give apartment occupants DIRECT, CLOSE UP, sight lines into our main living areas – living room, main bedroom and bathroom. Our home building plans were approved and constructed with this layout, without thought or planning, of a large apartment building and balconies directly south. The building as proposed, will obscure most of our view, and shadow our main (only!) source of sunlight, particularly in the winter. The increase in noise levels and intrusive light, particularly from vehicle headlights pointing directly into our bedrooms, will be intolerable. And the increase in all traffic turning along this particular section of James St., where vehicles are accelerating out of town, will undoubtedly result in serious accidents. There will be little space for emergency and service vehicles – particularly the longer fire trucks – to manoeuvre here as well.]

I appreciate that there is a need for rental property in St. Marys. Across the road, on the west side of James St. is a large area ready for development. Is there no consideration being given now to planning the higher density building in that area? Particularly with an entrance off Glass St. instead of James? That would seem to be effective planning as parties would be aware of what lay ahead, as development goes forward.

Nancy Newton.



-----Original Message-----

From: jcaudle jcaudle <[REDACTED]>  
Sent: Monday, July 27, 2020 8:29 AM  
To: Brent Kittmer <[bkittmer@town.stmarys.on.ca](mailto:bkittmer@town.stmarys.on.ca)>  
Subject: 665 James Street North

[EXTERNAL]

We are against the development of the apartment building for 665 James street North due to these reasons listed -Should leave commercial so we have an opportunity For a variety store up in the north end for when they build across the road off of James Street North -Not enough parking spaces. Most couple have 2 vehicles -Reduced water pressure -Smell of Garbage -Bright Parking Lot Lights -Devalue Homes and would we see a Tax break for that?  
-Personal view from 143 Millson Cres back yard deck would look directly at the apartment —Snow removal Pile -Water run off ( Already get flooded due to the semis behind us) -Not enough green space if people have dogs that need out -Covid 19 Hot spot with apartment. Should learn from problems Toronto had and not create one in the event we ever have or continue with another Pandemic I suggest it still stay commercial. But if something is set to go in there cause you would rather see it residential Should design a u shaped set of row houses  
All in all if this end of the town is going to grown on the opposite side of set lot. Definitely keep it commercial as it will be needed. It could be used now for a variety store Thank You John and Angela Caudle  
143 Millson Cres

Walter and Brenda Lukovnjak

74 Edison St. Unit 5 N4X 0A9

Ph: [REDACTED]

E-mail: [REDACTED]

**Concerns related to Plan and Zoning Bylaw for 665 James Street North**

As residents and land owners of 74 Edison St. Unit 5 with our backyard facing south we strongly disapprove of any such residential or commercial project of this magnitude that will have an enormous and direct impact on our well being and property including the neighboring area.

Our decision 2 years ago to move to St. Marys North End was based on a small-town community atmosphere of which we did not envision having an enormous building in our backyard that does not fit in with the surrounding residential homes. In light of this we would have not made a purchase in St. Marys.

\*Major decrease on property values directly beside and behind the new build?

\*Air Pollution during and after construction.

\*Constant 24/7 noise pollution during and after construction.

\*Major decrease in privacy outdoors and indoor for Condos 1-6

\*Sunlight and view obstruction for Owners of the Condos on 74 Edison that are behind the building.

\*Building and parking lot lighting will be a nightly distraction.

\*Will not be able to open windows and make use of outside fresh air in the cool season due to lighting and noise disruptions.

\*Increased traffic congestion in the area.

\*What effect will this Building have on the water quality and supply?

\*In light of the COVID-19 pandemic and apartment building will have crowding and an added concern of the virus spread in the area.

\*We feel that the town should not be perusing anything of this nature at this time of COVID -19 restrictions and social distancing which prevents people from attending in person meetings that may not have a computer and are unable to join in on a virtual session due to limitation.

Walter & Brenda Lukovnjak



**From:** [REDACTED] >

**Sent:** Monday, July 27, 2020 1:09 AM

**To:** Brent Kittmer <[bkittmer@town.stmarys.on.ca](mailto:bkittmer@town.stmarys.on.ca)>; Jenna McCartney <[jmccartney@town.stmarys.on.ca](mailto:jmccartney@town.stmarys.on.ca)>; Clerks Office <[clerksoffice@town.stmarys.on.ca](mailto:clerksoffice@town.stmarys.on.ca)>

**Cc:** Larry Hughes <[REDACTED]>

**Subject:** Concerns 665 James St North

[EXTERNAL]

Hello, this is Jonathan Burkholder at 11 Lady Crt St Mary's.

I have concerns about the development of 665 James St North. The proposed plan for a 4 story building seems ridiculous for this area as all the surrounding buildings are mostly single story condos. It would not conform to the area and seems to have no regard to any local residents.

It would negatively impact property values and leave all residents with little to no privacy in their own back yards.

The space is far too small for as many vehicles as a building with that many units would require. It also leaves no space for visitors or Loading and delivery zones. Making the local area more congested with overflow of vehicles unacceptable.

Although the town is in need of apartment buildings, this does not seem like the right location. Far better areas currently under development in St. Mary's can be properly utilized conforming to current city bylaws and can be incorporated to promote the right characteristics to make the town even better.

The right area should include enough room for a green space for pets, children, and have adequate parking. It should also include electric car charging station as the shift to electric vehicles become more and more prevalent.

The proposed building seems unimaginative and goes for quantity over quality.

I've lived in apartment buildings for 15 years before recently becoming a home owner. Having this building and parking lot so close to the houses shows a complete disregard to local residents.

Would the proposed setbacks allowances leave enough room for proper sight lines for safety? Would it not be fair to allow neighboring houses the same allowances if requested?

Would utility services be greatly disrupted during construction?

With the current city infrastructure be able to support such a large building?

Thank you for hearing my concerns.

Jonathan Burkholder.

**VIA EMAIL**

May 20, 2020

Members of Planning Advisory Committee  
 The Corporation of the Town of St. Marys  
 175 Queen Street East  
 St. Marys, ON  
 N4X 1B6

Dear Members:

**Re: Applications for Official Plan Amendment and Zoning By-law  
 Amendment (OP02-2019 and Z04-2019)  
 Randy Warkentin  
 665 James Street North**

**Our File: HHL/TSM/19-01**

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On behalf of Randy Warkentin, are pleased to provide the following information for your consideration regarding the Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications for the low-rise apartment development located on lands known as 665 James Street North in the Town of St. Marys.

We would like you to note that our client has considered the comments received from the Planning Advisory Committee (“PAC”), and the public, at the meeting of February 18, 2020 and has made significant revisions to the proposed development. In summary, the following changes have been made to the proposal:

- The height of the building has been reduced from 5-storeys to 4-storeys;
- The total number of units has been reduced from 46 units to 35 units. The resulting density of the proposed development has reduced from 124 units per hectare to 95 units per hectare;
- Doors and patios are now provided for the ground floor units;
- The at-grade commercial unit(s) have been removed. The building is now purely residential.
- The overall length of the building footprint has been reduced by approx. 3.5m, and the building has been positioned 2.65 m further away from the easterly property line;
- The underground parking garage and access ramp have been eliminated;

May 20, 2020

- The minimum number of parking spaces required by the Zoning By-law are provided as surface level spaces;
- The location of the external on-site garbage pick-up area and internal garbage room have been relocated (to the west side of the buildings entrance), and the associated vehicle turning movements are denoted on the site plan; and
- Coloured architectural drawings have been prepared to further illustrate the high quality design of the proposed development.

In addition, we provide the following responses to some of concerns voiced by PAC Members and local residents at the meeting on February 18, 2020:

i. Transition and compatibility

In evaluating the compatibility of a development to the existing character of the area, it is important to understand that a degree of built form transition is necessary and expected when introducing a mix of building types and densities. Transition can typically be accomplished by means of a buffer. Buffers can be introduced in different ways, including most commonly through setbacks, vegetation or fencing, and/or a graduation in scale.

The proposed apartment building has been positioned as close as possible to the James Street North and Glass Street road allowances. Thereby creating a vibrant street wall and a strong street edge, while providing appropriately sized areas for on-site surface parking, loading and landscaping, and maximizing the separate distances from the neighbouring properties. These separation distances will help maintain privacy levels for the surrounding properties, as well as allow appropriate opportunity for boundary fencing, and/or landscaping to create visual separate. The future Site Plan Approval process will provide the opportunity to consider and address detailed matters with respect to landscaping and fencing, amongst other matters.

The proposed apartment building will contribute to the mixture of unit types and built form existing in the surrounding neighbourhood. It is acknowledged that the proposed built form varies in general scale to the surrounding lands which contain a mix of building types and scales. It is our opinion that it is appropriately positioned and sized for this corner lot fronting an Arterial Road, and will provide a transition to the surrounding two-storey townhouses, semi-detached properties, and single detached dwellings beyond. The proposed low-rise apartment building is generally regarded as a compatible form of infill development within a low-density residential context.

A number of options for site layout, vehicle access location and building orientation were considered as part of the initial design work. Considerable efforts have been made during the design of the project to ensure that the building is located and orientated appropriately, and that potential vehicle conflicts are minimized by proposing a single vehicle access off the higher order street i.e. James Street North (an Arterial Street). It was determined that the current arrangement makes the most efficient use of the available developable land, whilst minimizing potential significant impacts for surrounding properties.

- ii. Environmental Site Assessment: Rubicon Environmental (2008) Inc. are qualified environmental consultants that were retained by the landowner to

May 20, 2020

undertake a Phase One and a Phase Two Environmental Site Assessment (ESA) for the subject property.

The Phase One ESA was conducted in accordance with O. Reg. 153/04, as amended by O. Reg. 511/09. As part of the Phase One ESA completed by Rubicon Environmental (2008) Inc., a number of contaminants of potential concern were identified at the Site. Given the identification of these contaminants and the historical nature of the previous use on the subject lands, which included an automobile repair garage, it was recommended by Rubicon that a Phase 2 ESA be prepared.

The Phase Two assessed the property using the Table 2 standards for commercial land use, non-potable groundwater, coarse textured soil from the Ministry of Environment (MOE) document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*"

Based on the findings of the Phase One investigation, a professional judgmental sampling approach was implemented by Rubicon Environmental (2008) Inc. The Phase 2 ESA investigation completed on the subject property included the advancement of five (5) boreholes (BH) and the monitoring of six (6) existing monitoring wells was completed on-site. The locations of the boreholes were strategically placed to fully investigate and identify any contaminants of concern which may be present on, in or under the subject property.

Soil analysis completed during the Phase Two ESA indicated that soil met the MOE Table 2 Standards for all parameters tested which includes potential contaminants of concern. In addition, groundwater analysis completed during the Phase Two ESA indicated that groundwater met the MOE Table 2 Standards for all parameters tested which included potential contaminants of concern.

As a result of the findings of the Phase Two ESA, it is the professional opinion of Rubicon Environmental (2008) Inc. that there is no known environmental conditions in the land or the water on, in or under the subject property to warrant further environmental investigation. It is Rubicon's professional opinion that the Site is suitable for the filing of a Record of Site Condition ("RSC") with The Ministry of the Environment, Conservation and Parks (MECP). The RSC is currently with the MECP for review and ultimate approval.

- iii. Accessible Units: Six (85%) of the seven proposed ground floor units are generously sized 2-bedroom units (i.e. up to approximately 1035 sq. ft.), which if desired, could be designed to meet accessibility standards for a future occupier. The inclusion of an elevator within the building will ensure all of the proposed units are accessible to future occupiers.
- iv. Affordability: It is our professional opinion that the first step to improving access to affordable housing options in St. Marys is to increase housing supply. Furthermore, offering a wider mix of housing types provides improved access to affordability options. It is our understanding that rental units (such as proposed) are a needed form of housing in St. Marys, and the proposed apartment dwellings will help contribute to the supply of affordable and alternative housing options in the area. At this preliminary stage, the future rental value for the proposed units has not been determined. Best efforts will be made to ensure that the units align with affordable targets, however it should be acknowledged that it

May 20, 2020

is generally difficult to deliver meaning affordable housing in periphery locations such as this which are earmarked for lower density residential.

- v. Electrical Vehicle Chargers: The landowner intends to provide two electric vehicle charging stations for the use of future residents. The location of the stations will be determined during the future site plan approval process.

In summary, the proposed development continues to provide all the required requisite facets to deliver a high-quality development. All required parking spaces (standard and BF) are provided; as well as peripheral areas for outdoor amenity area, landscape buffering and tree planting. The future Site Plan Approval process will refine matters pertaining to architectural design, landscaping, fencing, and lighting.

Based on the above, we believe that the proposed OPA/ZBA, is appropriate and represents sound land use planning principles consistent with the Provincial Policy Statement, and the existing and emerging Official Plan policies. The proposed development is compatible with, and respects, the surrounding uses while at the same time responding to and achieving the goals of the Province of Ontario and the Town of St. Marys as it relates to residential intensification and infill development in appropriate locations.

We thank you for the opportunity to provide the above comments on behalf of our client and we look forward to your consideration of the OPA/ZBA at the next available PAC meeting. If we can be of any assistance, please do not hesitate to contact the undersigned.

Yours very truly,

**ZELINKA PRIAMO LTD.**

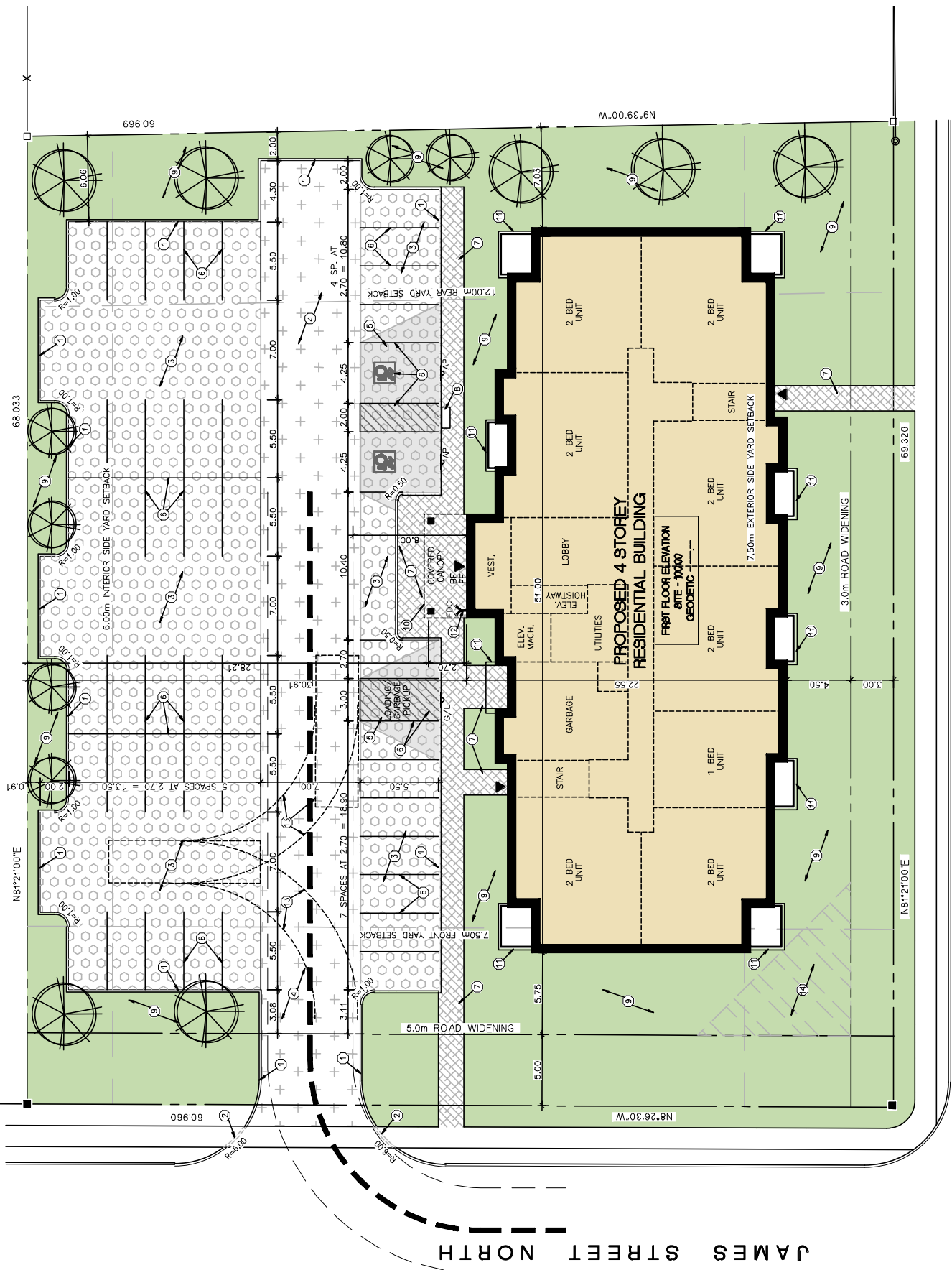


Dave Hannam, BRP, MCIP, RPP  
Senior Associate

Cc: The Client (Via Email)



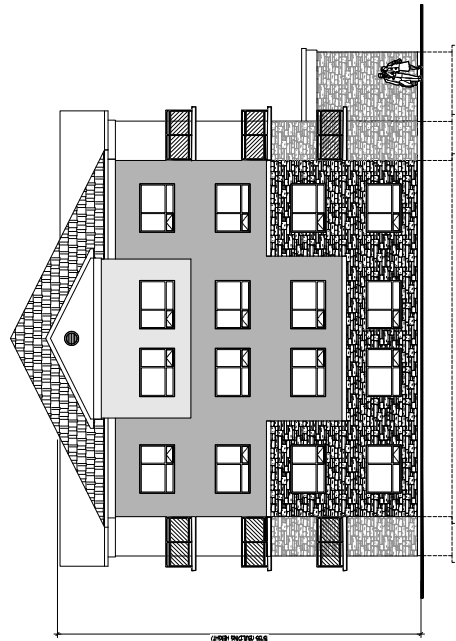




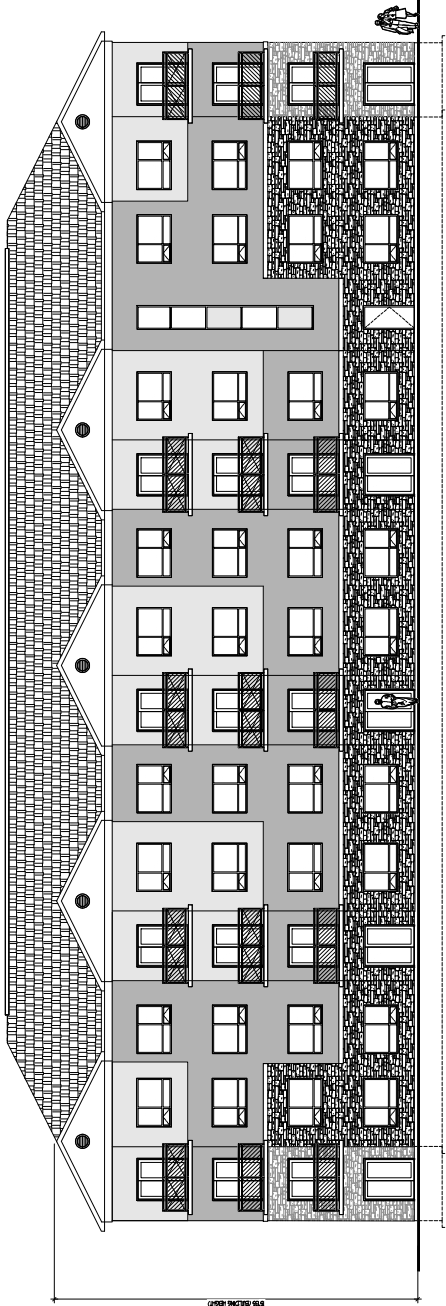
GLASS STREET



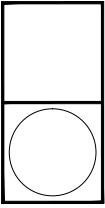
EAST ELEVATION



SOUTH ELEVATION (FACING GLASS STREET)



gk



**gk architect inc.**  
400 ANSON ROAD, SUITE 102  
STRAITFORD, ONTARIO N5A 3Z2  
PHONE (519) 272-0075 FAX (519) 272-1433



gk architect inc. is a member of the  
Professional Architects of Ontario (P.A.O.) and is the  
designer for this project with respect to all architectural  
work. The Professional Architects of Ontario is a member  
of the Association of Architects and is registered with  
the Association of Architects of Ontario (A.A.O.)  
gk architect inc. is a member of the Ministry of Municipal  
Affairs & Housing (MMA)

The Architect does not warrant or represent, either  
with respect to design services. The Architect will  
assume a duty of care in the design process.

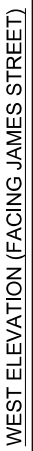
NO.	DATE	REVISION

<b>RESIDENTIAL DEVELOPMENT</b>	
665 JAMES STREET, NORTH ST. MARYS, ONTARIO	
PRINT DATE:	April 6, 2020
DATE:	April 6, 2020
DRAWN BY:	---
CHECKED BY:	G.S.B.
SCALE:	1:100
PROJECT No.:	15477

**SOUTH AND EAST  
ELEVATIONS**

**A3.1**

gk





\*Guy R. Belchemme, Jr. Arch. OAA, MRAC,  
Principal Architect of CIB ARCHITECT INC. is the  
designer for this project with respect to all architectural  
work identified on this drawing sheet. The Ontario  
Association of Architects has assigned  
Guy R. Belchemme & CIB ARCHITECT INC.  
as per requirements of the Ministry of Municipal  
Affairs & Housing B/L 124.\*

The Architect above has exercised responsible control with respect to design activities. The Architect's seal number is their BCDN number.

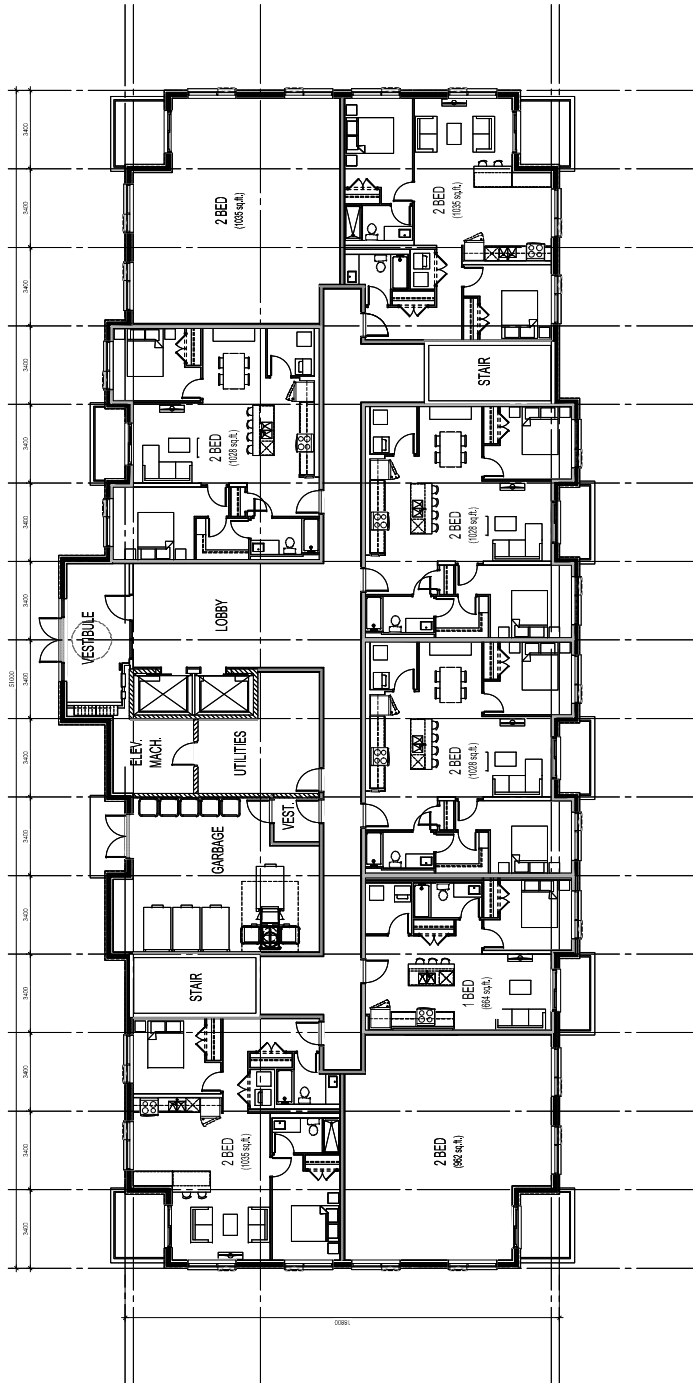
No.	DATE	REVISION

665 JAMES STREET, NORTH  
ST. MARYS, ONTARIO

NT DATE:	April 8, 2020
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PRINT DATE:	April 8, 2020
DATE:	April 8, 2020
DRAWN BY:	---
CHECKED BY:	G.R.B.
SCALE:	1:100
PROJECT No.:	1947

## A2.2



DO NOT SCALE DRAWINGS. DIMENSIONS MUST BE GIVEN IN CONJUNCTION WITH WRITTEN SPECIFICATIONS. ALL WORK SHALL BE CARRIED OUT ACCORDING TO LATEST VERSIONS OF THE BRANCO BUILDING CODE, OTHER APPLICABLE CODES, AND ALL APPLICABLE HAVING JURISDICTION. CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL DISCREPANCIES OR AMBIGUITIES TO THE ARCHITECT PRIOR TO START OF CONSTRUCTION.



\*Guy R. Belchemme, Jr. Arch. OAA, MRAC,  
Principal Architect of CIB ARCHITECT INC. is the  
designer for this project with respect to all architectural  
work identified on this drawing sheet. The Ontario  
Association of Architects has assigned  
Guy R. Belchemme & CIB ARCHITECT INC.  
as per requirements of the Ministry of Municipal  
Affairs & Housing B/L 124.\*

The Architect above has exercised responsible control with respect to design activities. The Architect's seal number is their BCDN number.

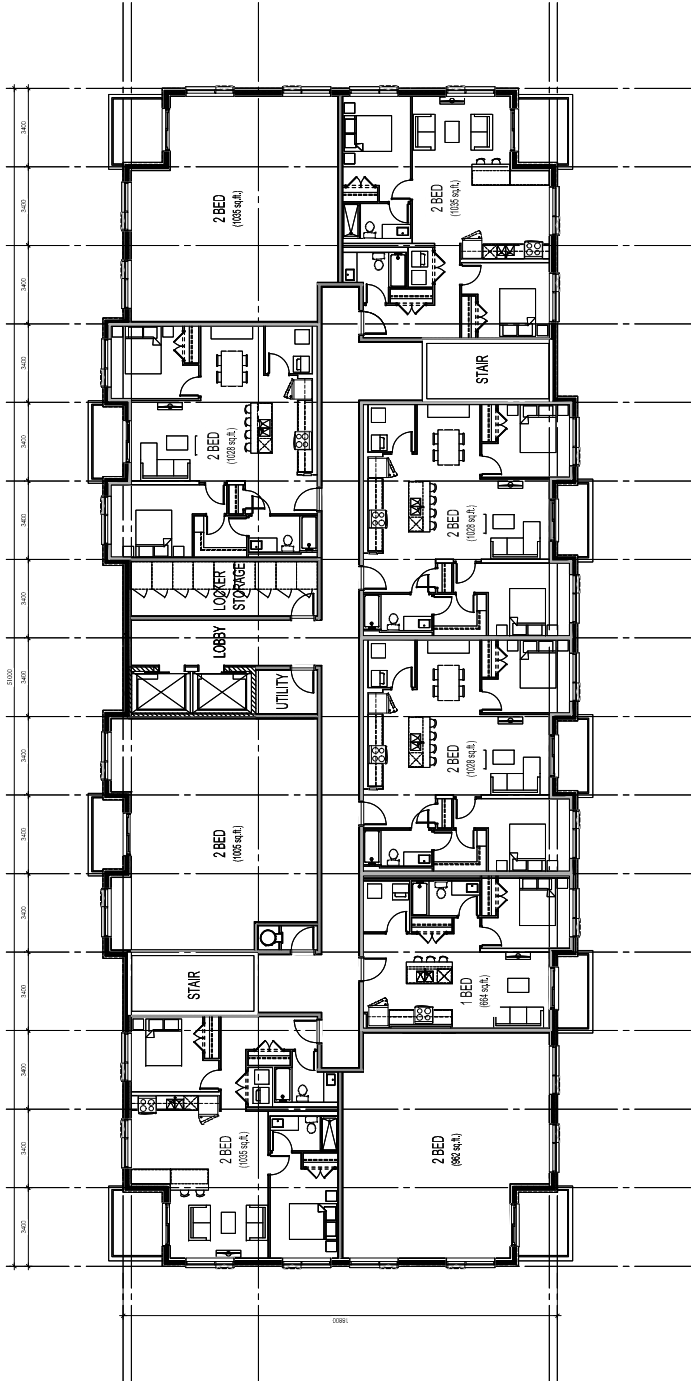
No.	DATE	REVISION

665 JAMES STREET, NORTH  
ST. MARYS, ONTARIO

665 JAMES STREET, NORTH  
ST. MARYS, ONTARIO

PRINT DATE:	April 8, 2020
DATE:	April 8, 2020
DRAWN BY:	---
CHECKED BY:	G.R.B.
SCALE:	1:100
PROJECT No.:	1947

## A2.3



DO NOT SCALE DRAWINGS. DIMENSIONS MUST BE GIVEN IN CONJUNCTION WITH WRITTEN SPECIFICATIONS. ALL WORK SHALL BE CARRIED OUT ACCORDING TO LATEST VERSIONS OF THE BRANCO BUILDING CODE, OTHER APPLICABLE CODES, AND ALL APPLICABLE HAVING JURISDICTION. CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL DISCREPANCIES OR AMBIGUITIES TO THE ARCHITECT PRIOR TO START OF CONSTRUCTION.

South 3D Rendering



North 3D Rendering





South Elevation



North Elevation



West Elevation



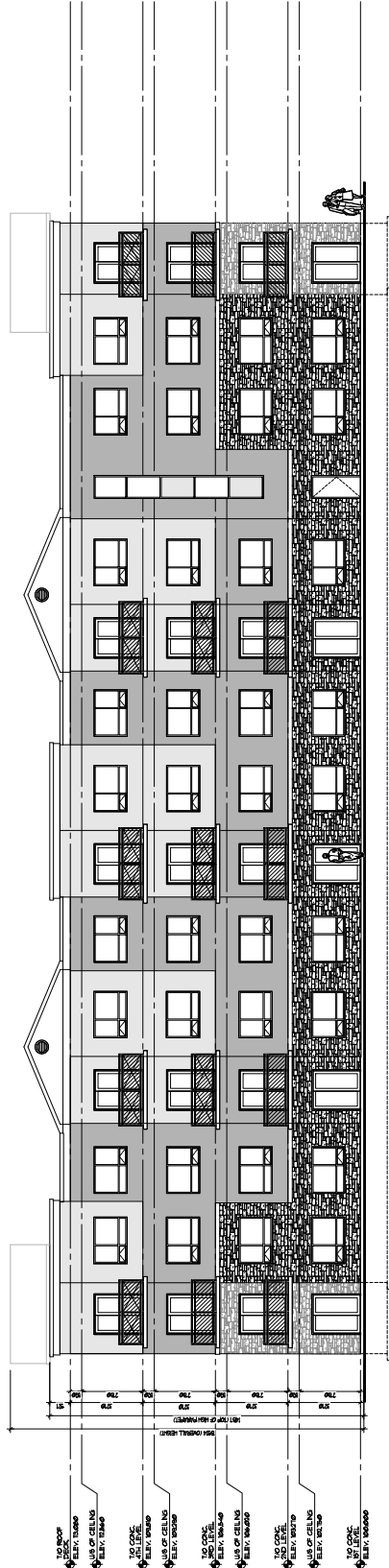
East Elevation







gib

[illegible]

EAST ELEVATION

A3.2

NORTH AND WEST ELEVATIONS

PRINT DATE: August 24, 2020	
DATE:	August 24, 2020
DRAWN BY:	---
CHECKED BY:	G.S.B.
SCALE:	1:100
PROJECT No.:	1547

RESIDENTIAL DEVELOPMENT

665 JAMES STREET, NORTH  
ST. MARYS, ONTARIO

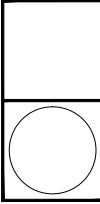
No.	DATE	REVISION

The Architect does not warrant or represent, either explicitly or implicitly, that the drawings are free from errors or omissions. The Architect will assume no liability for any errors or omissions.

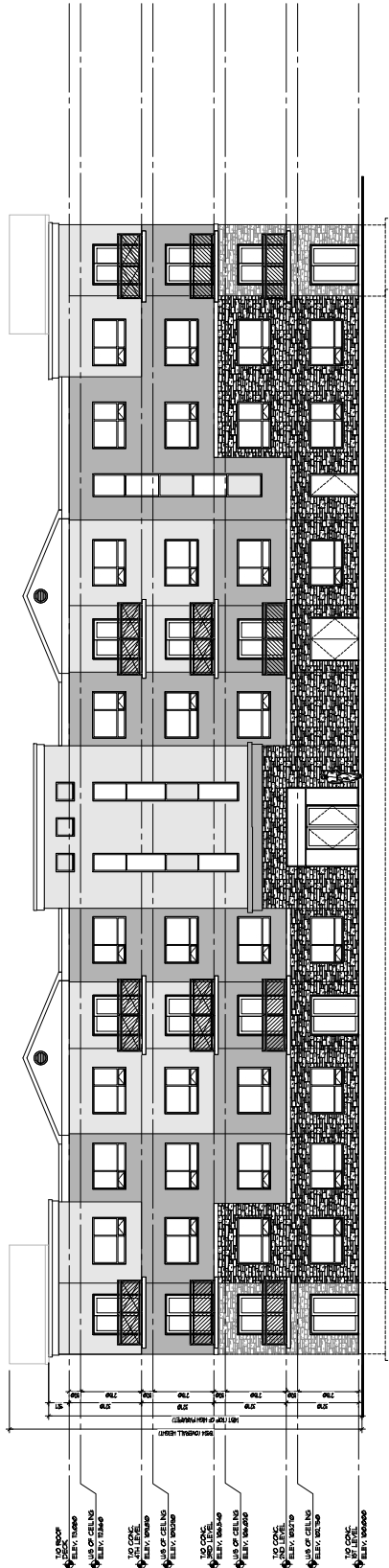
Stamp of the Architect

Stamp of the Architect

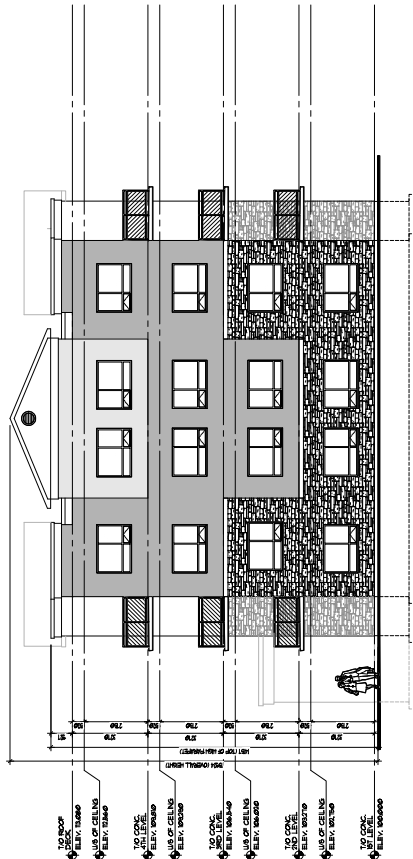

gk architect inc.  
100 ANSON STREET  
STRATFORD, ONTARIO N5A 3Z2  
PHONE (519) 272-0073 FAX (519) 272-1433



DO NOT SCALE DRAWINGS. DIMENSIONS MUST BE READ BY COMPARISON WITH WRITTEN SPECIFICATIONS. ALL WORK SHALL BE CARRIED OUT ACCORDING TO LATEST EDITIONS OF THE CANADIAN BUILDING CODE, OTHER APPLICABLE CODES, AND ALL APPLICABLE STANDARDS. CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL DISCREPANCIES OR AMBIGUITIES TO THE PROJECT PRIOR TO ISSUANCE OF CONTRACT.



NORTH ELEVATION (FACING PARKING LOT)



WEST ELEVATION (FACING JAMES STREET)







# F.R. Berry & Associates

TRANSPORTATION PLANNING CONSULTANTS

660 Inverness Avenue

London, Ontario N6H 5R4

Tel: (519) 474 2527 Toll Free: 1 888 665 9192 Email: fyberry@rogers.com

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July 26, 2020

Our Ref. **2034**

Heritage Homes  
Fullarton ON  
N0K 1H0

Attn. Mr. R. Warkentin, President

Dear Mr. Warkentin:

**RE: PROPOSED APARTMENT DEVELOPMENT  
665 JAMES STREET NORTH, ST. MARY'S**

At the request of Zelinka Priamo Ltd., I have assessed the potential traffic impact of your proposed 35 unit apartment building on the north-east corner of James Street North and Glass Street in the Town of St. Mary's. The location of the site is shown in **Figure 1**.

The site is currently occupied by a retail-commercial business. Free access to the site is available from both James Street and Glass Street. The proposed development will have a single access to James Street, approximately 60 metres north of Glass Street. The site plan for the proposed development is shown in **Figure 2**.

James Street North is a two lane arterial street with a posted speed limit of 50km/h. Glass Street is a two lane collector street with a posted speed limit of 50km/h. To the east, Glass Street provides access to an existing residential subdivision with a mix of housing units. The west leg of Glass Street has recently been constructed and provides access to the Thamescrest subdivision, currently under development. The approaches on Glass Street are controlled by stop signs.

Two reports have been prepared dealing with the traffic impact of the Thamescrest subdivision on the intersection of James Street and Glass Street. The first was completed by Tranplan Associates in 2004<sup>1</sup>. The second was prepared by F. R. Berry & Associates in response to a request by the Town that the Tranplan study be reviewed and updated as necessary<sup>2</sup>. The latter report concluded that the traffic projections made in 2004 were still valid and thus the assessments of traffic impacts were still valid.

---

<sup>1</sup> Thamescrest Farms Subdivision Traffic Impact Study, Tranplan Associates, April, 2004.

<sup>2</sup> Thamescrest Subdivision, James Street Access, F. R. Berry & Associates, April 1, 2019.



-2-

These showed that all approaches at the intersection of James Street and Glass Street would operate at level of service A, with average delays of less than 10 seconds in both of the peak hours. The assessment assumed the existing intersection configuration, i.e. single shared lanes on all approaches.

Traffic projections were compared with counts made by the Town in 2017 and 2019. Actual peak hour volumes were consistent with the projections made in the Tranplan report.

The Institute of Transportation Engineers (ITE) Trip Generation Manual, Tenth Edition, contains trip generation data for townhouses and apartment buildings with one and two floors and for apartment buildings with three floors or more. These rates are based on numerous observations at apartment buildings throughout North America. The latter rates (trips per dwelling unit) are less than those for two storey buildings. The proposed development will have four floors. However, for the purposes of this assessment, the higher rates for two storey buildings were assumed. This was considered to be more reflective of the location of the site and the density of surrounding development. Application of these rates resulted in trip generation estimates of 18 vehicle trips in the morning peak hour, 4 in and 14 out, and 23 vehicle trips in the afternoon peak hour, 15 in and 8 out.

Based on the Tranplan projections and actual 2017 and 2019 counts, future peak hour traffic volumes on James Street north of Glass Street are estimated to be about 200 vehicles in the morning peak hour and about 260 vehicles in the afternoon peak hour. At these levels, gaps in the traffic flow are frequent and are lengthy enough to permit easy access to and from a driveway. Turning lanes would not be justified. Sight distance in both directions at the proposed access is unrestricted.

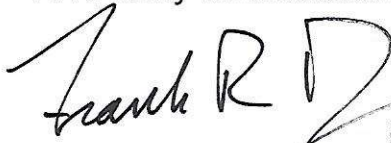
The site plan indicates that 44 parking spaces will be provided on site. This conforms to the Town's zoning by-law of 1.25 spaces per dwelling unit. The ITE Parking Manual indicates a peak parking demand of 1.23 vehicles per dwelling unit for suburban apartment developments. Based on actual observations, this rate includes visitors as well as residents. The parking supply provided on site will be sufficient to meet demand.



-3-

In summary, the impact of the proposed apartment development on traffic flow on James Street North will not be significant. Traffic flow on Glass Street will not be affected and there will be no noticeable difference in traffic operation through the intersection of James Street and Glass Street. Sufficient parking will be provided on site to meet the needs of residents and visitors.

Very truly yours  
F. R. Berry & Associates



Frank R. Berry, P. Eng.  
Principal

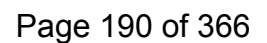




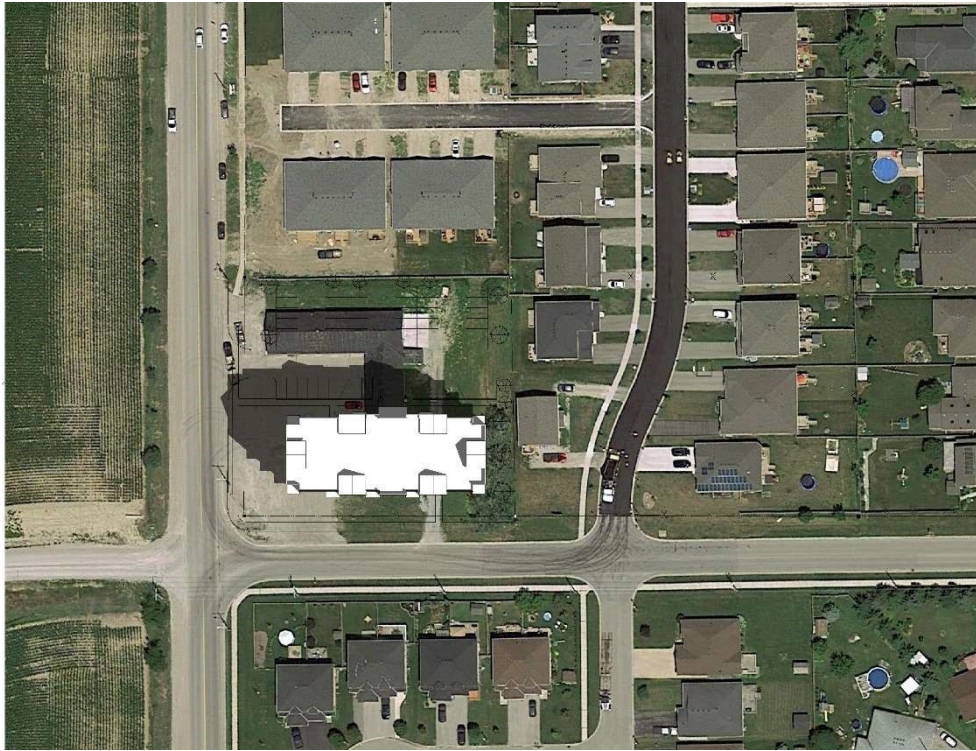
Figure 1  
Area Plan



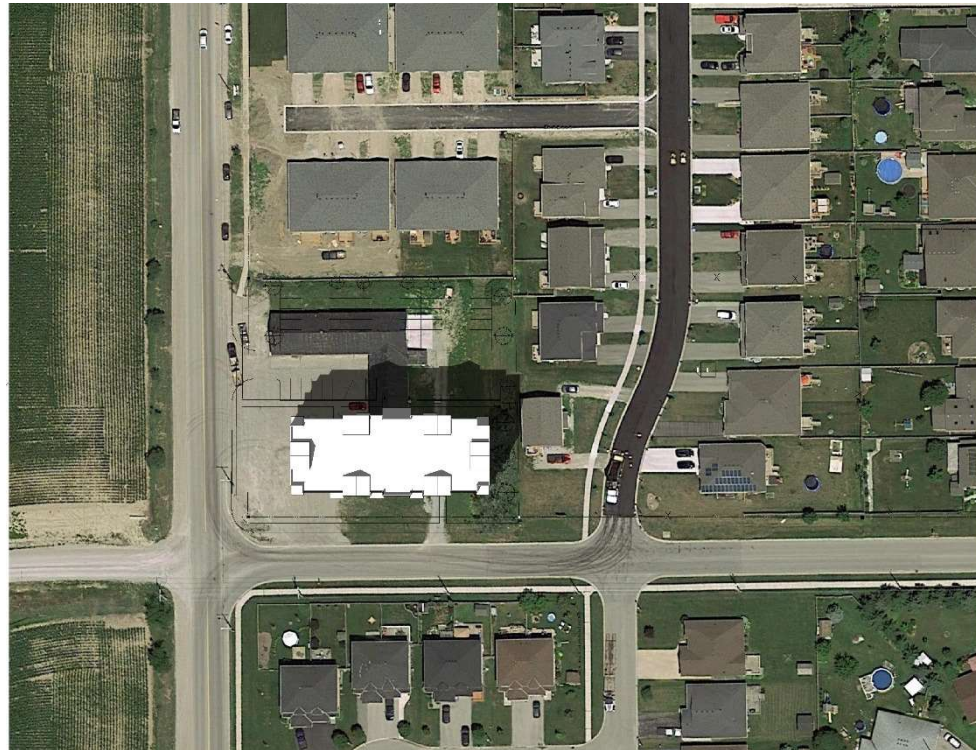




March 21 10:00am

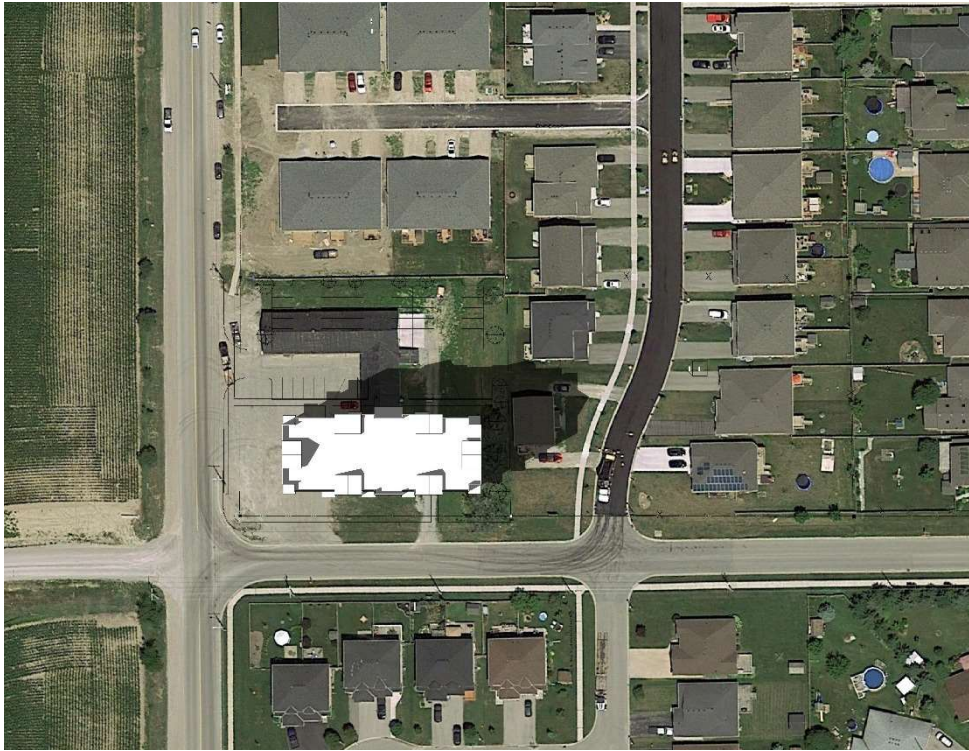


March 21 2:00pm

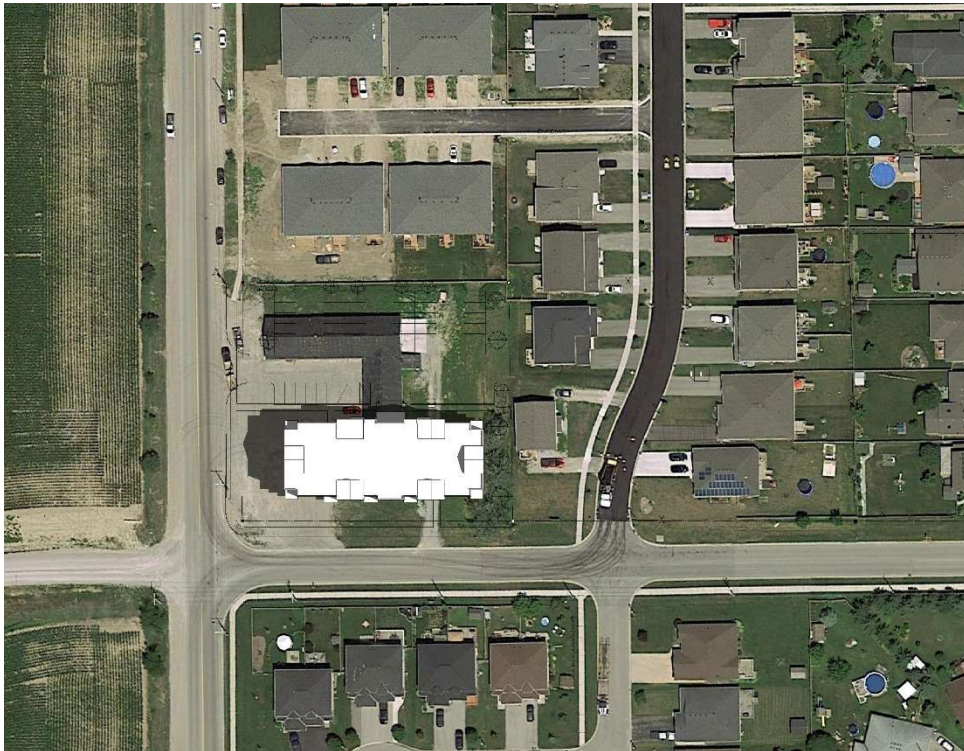




March 21 4:00pm

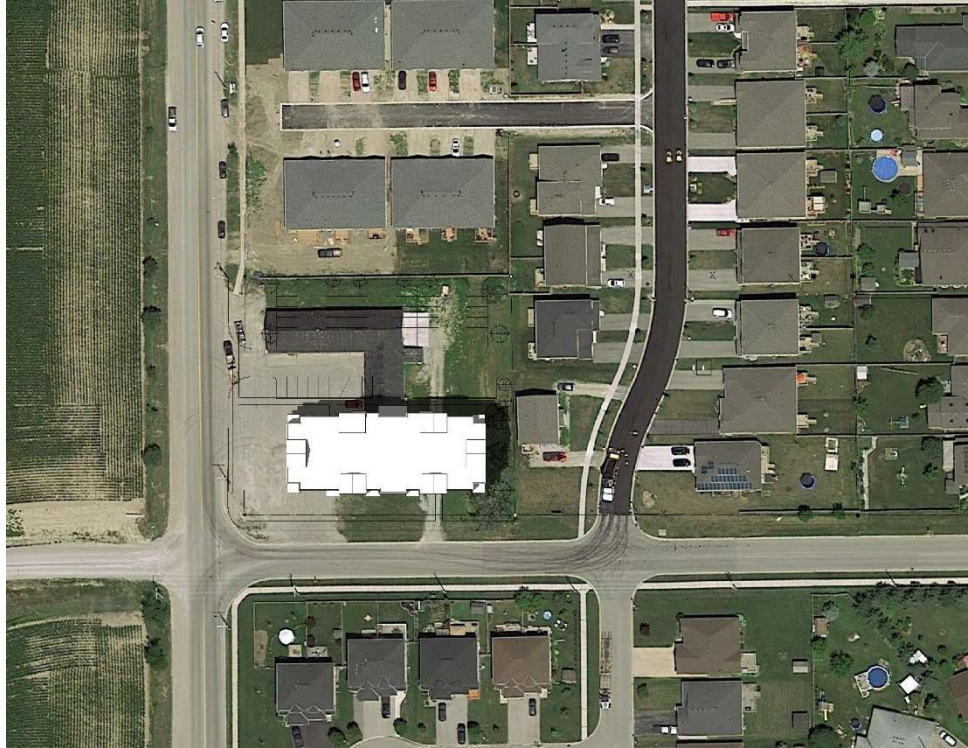


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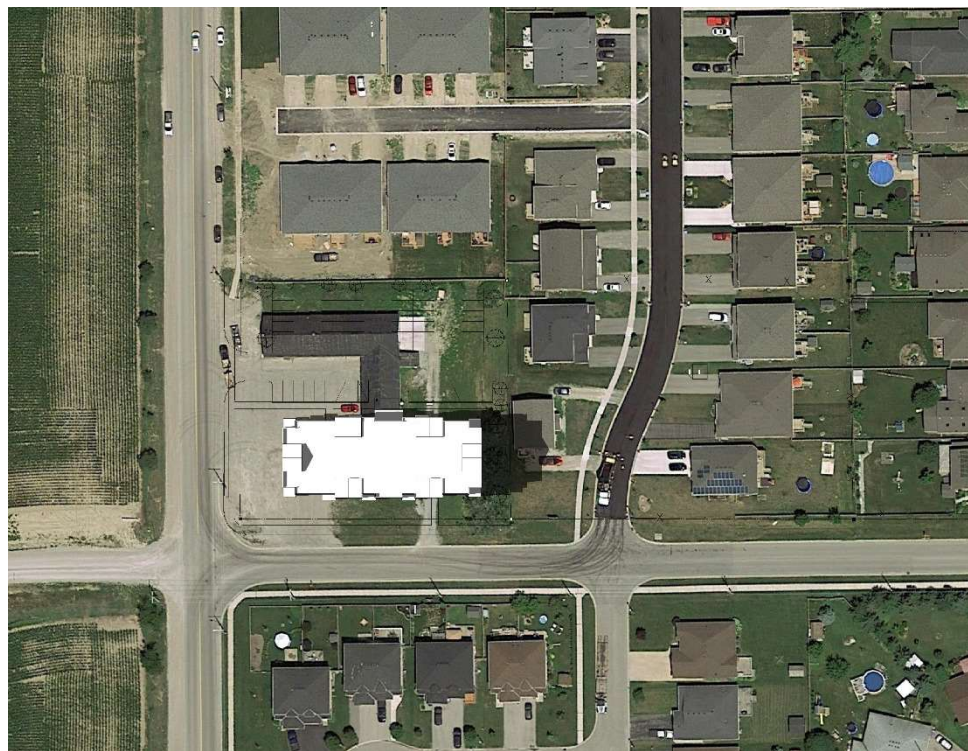




June 21 2:00pm

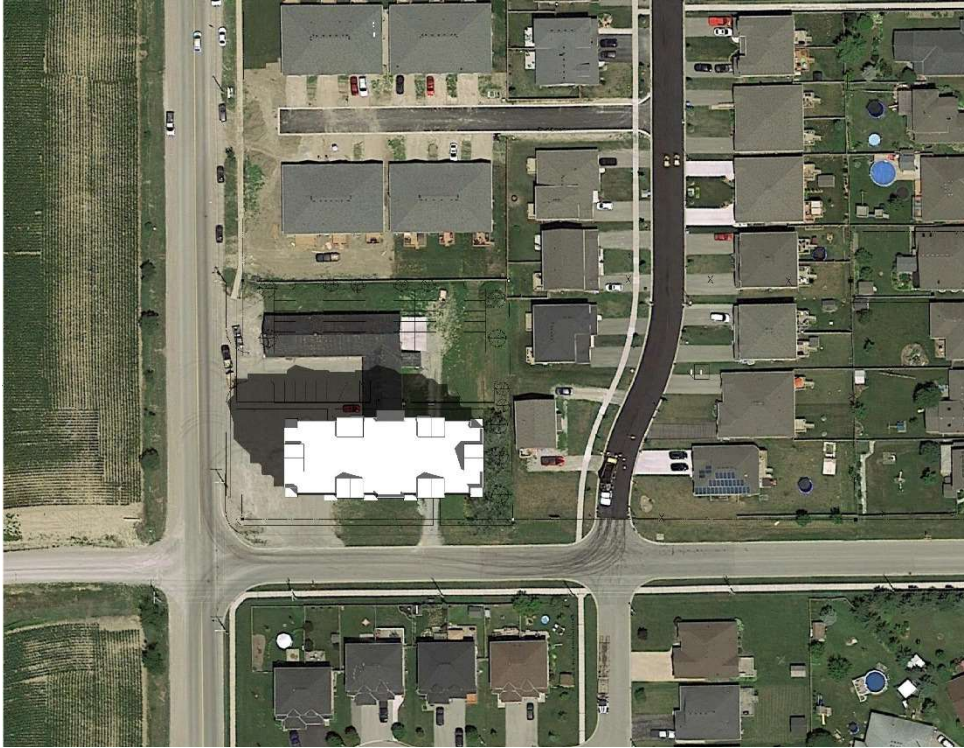


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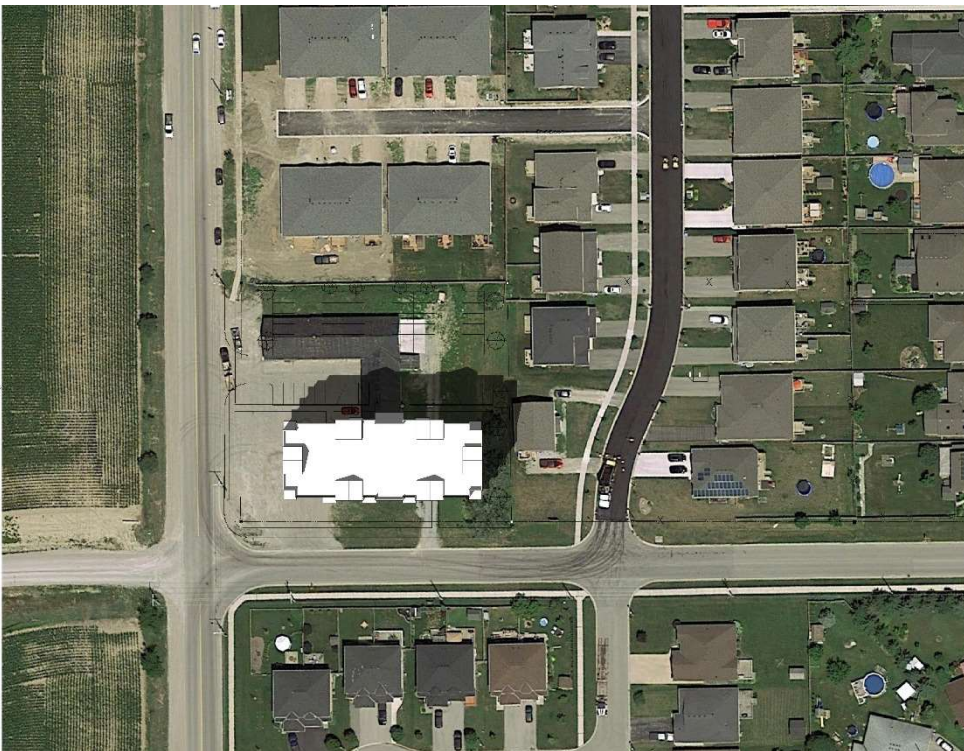




Sept 21 10:00am

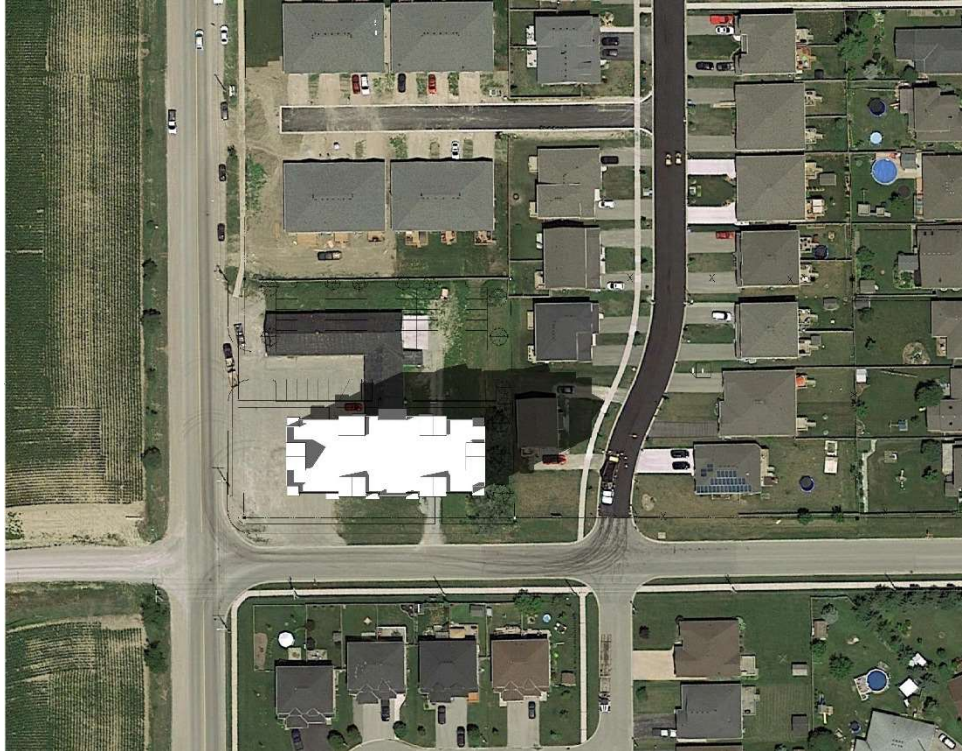


Sept 21 2:00pm

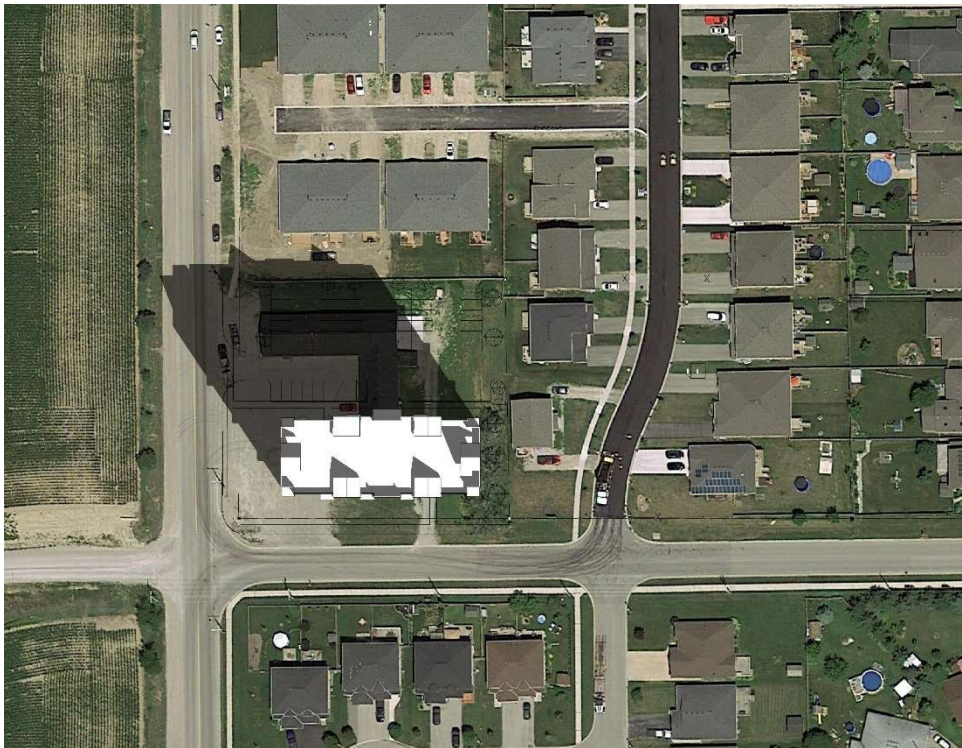




Sept 21 4:00pm

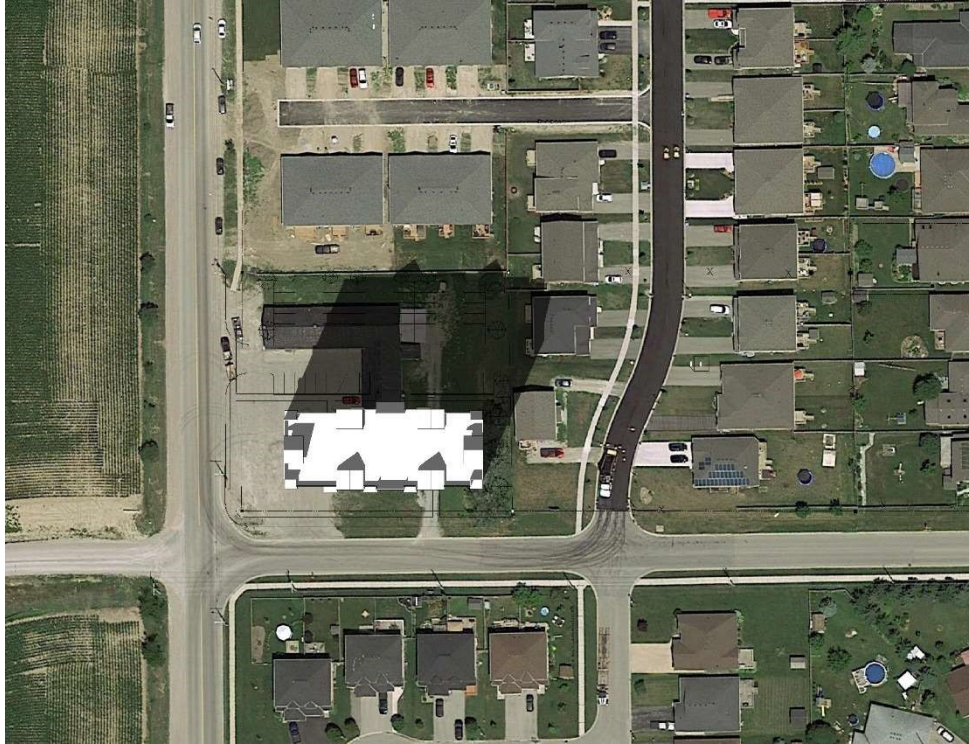


December 21 10:00am

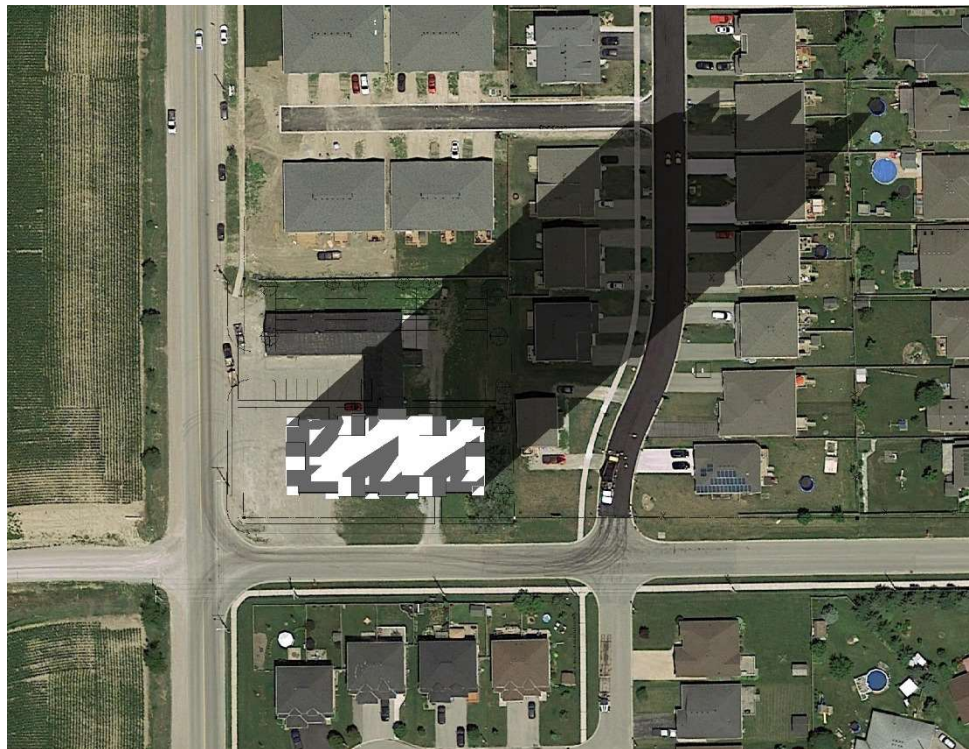




December 21 2:00pm



December 21 4:00pm





# FORMAL REPORT

**To:** Mayor Strathdee and Members of Council

**Prepared by:** André Morin, Director of Finance / Treasurer

**Date of Meeting:** 8 September 2020

**Subject:** **FIN 28-2020 Business Economic Support and Recovery Task Force**

## PURPOSE

For Council to review and update the mandate of the Business Economic Support and Recovery Task Force

## RECOMMENDATION

**THAT** FIN 28-2020 Business Support and Recovery Task Force report be received; and

**THAT** Council support staff's option # \_\_\_\_\_

**THAT** term of the Business Support and Recovery Task Force end on \_\_\_\_\_.

## BACKGROUND

As part of Council's efforts to assist the community through the COVID-19 pandemic, a Business Economic Support and Recovery Task Force (the "Task Force") was created by Council on May 19, 2020. The Task Force is comprised of 2 Elected Officials and 5 members of the public appointed by Council.

The current duties and mandate of the Task Force outlined in their Terms of Reference are:

The Business Economic Support and Recovery Task Force shall advise and assist Council and the citizens of the Town of St. Marys on matters relating to business and the COVID-19 pandemic.

The Committee' focus will be supporting the business community during and immediately following the COVID-19 pandemic. The role of the Committee is to assist in advancing the priorities as outlined by Council, the Community Business Plan and Community Financial Relief Plan.

Specific duties of the Committee may include:

1. Review and understand the current COVID-19 financial support/incentive programs offered to businesses and business owners by the Provincial and Federal Governments;
2. Engage with the local business community to understand the challenges facing businesses and their needs to overcome these challenges;
3. Research and make recommendations to Council on local financial programs that should be offered by the municipality to the local business community;

4. Research and make recommendations to Council on how best to support the local business community;
5. Research and make recommendations to Council regarding how to increase existing partnerships and develop new business partnerships.

## **REPORT**

To date, the Task Force has operated under a hands-off approach by staff. Rather than staff researching and preparing reports for the Task Force to consider at each meeting, the meeting approach has been more informal, and discussion based. Staff took this approach to allow the members of the Task Force to have the ability to freely bring forward their thoughts, feedback, perspectives and proposed solutions to issues the members were observing in the local business community. A thorough report on the Task Force's work to date was provided at the August 25<sup>th</sup> Council meeting. The report is reattached as a reminder.

Through various discussions, members of the Task Force have asked if there could be or should be more that they are doing. The Task Force has requested a review of the current mandate to ensure it's meeting the needs of the business community and that the committee members' time spent is being utilized effectively. Current members of the Task force have all indicated an interest to continue with providing support and input.

The COVID-19 pandemic has been very disruptive to the economy. The true economic impact has been very difficult to predict; and as equally challenging to plan for. Furthermore, the timing of economic supports may have shifted – originally it was believed that financial supports would be required by our business community early on in the pandemic; it now appears that longer term support and recovery plans will be essential. With that all being said, Task Force members want to ensure their mandate from Council is clear.

There are 3 basic options for Council to consider:

1. Status Quo – Continue with current mandate as described above
2. Disband the Task Force
3. Change the mandate of the Task Force

The first two options are straight forward. The third option Council may want to consider is revising the mandate previous approved.

Without changing the Task Force mandate, staff have discussed some further options that may help the Task Force members better understand their focus and better utilize the members time and expertise. For consideration:

- Staff operate the Task Force more like an advisory committee of Council
  - Have scheduled meetings (every 2 months, monthly if needed)
  - Staff prepare reports for the discussion at the meeting, recommendations are forwarded to Council for approval
- Set a timeline for the Task Force – while originally expected to be short term, a longer-term horizon is now a reality. Setting a 1-year commitment may be helpful– say to August 31, 2021 (to be reviewed in June 2021)
- Add more members to the Task Force from business related organizations like Chamber of Commerce, Stratford Tourism Alliance, BIA, or the Stratford Perth Centre for Business – this may help coordination and resourcing of potential programs or incentives

Staff will discuss with Council the options and will look for guidance as to any changes required to the mandate or operation of the Task Force.

## **FINANCIAL IMPLICATIONS**

Council has currently allocated up to \$100,000 to the Business Economic Support and Recovery Task Force initiatives. To date, approximately \$20,000 has been committed.

## **SUMMARY**

Council created a Business Economic Support and Recovery Task Force in May 2020 to assist in developing actions and incentives to assist the local business community through the COVID-19 pandemic. Council has been asked to review and make any necessary changes to the Task Force's mandate.

## **STRATEGIC PLAN**

☒ Not applicable to this report.

## **OTHERS CONSULTED**

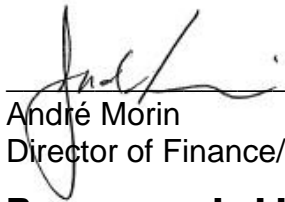
Business Economic Support and Recovery Task Force  
Kelly Deeks-Johnson, Economic Development Manager

## **ATTACHMENTS**

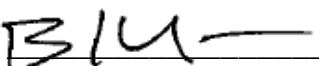
Business Economic Support and Recovery Task Force Status update July 27

## **REVIEWED BY**

### **Recommended by the Department**

  
\_\_\_\_\_  
André Morin  
Director of Finance/Treasurer

### **Recommended by the CAO**

  
\_\_\_\_\_  
Brent Kittmer  
CAO / Clerk



## **St. Marys Economic Support and Recovery Task Force**

### **UPDATE: July 27, 2020**

The Task Force has recommended, which Council approved, spending up to \$20,000 in the first phase of its recovery plan. This first step is concentrating on increasing the health and safety of our businesses and shoppers, ensuring our businesses can re-open safely and economically, and beginning to market our tourism. The second phase of the Task Force's plan will concentrate on awareness - making sure the goods and services available in our community are identified and people know what is available, and where. The vision is that everything is available locally. This will augment the shop local theme already being promoted.

#### **Safety and Awareness related activities:**

An online source for local personal protective equipment (PPE)

- Working to gather local resources for purchasing PPE for both residents and businesses. We will post this list on our website and share on our social media. Generally speaking, most businesses are obtaining the proper PPE they require.

#### **Public Washroom**

- The Task Force identified early on that the availability of public washrooms needed to be a priority to accommodate day trippers and shoppers. Council concurred and ensured several public washrooms were safely opened. Public washrooms at Town Hall, Milt Dunnell Field (lawn bowling facility) and Cadzow Park opened on Friday June 19, 2020.

#### **Hand washing/sanitizer stations for the downtown**

- Hand washing stations were proving to be problematic due to availability and drainage/maintenance issues. The decision was made to obtain hand sanitizing stations; but increase the locations from 2 to 8. The 8 Sanitizer stations are on order and expected to be available early to mid August. They are a steel frame with a refillable bottle, the units are Canadian made. Once they arrive, we will develop a decorative wrap for the unit that indicates that they are owned by the Town and put out for the safety of our visitors and residents. We will also develop a notice that indicates that public washrooms with running water are open at Town Hall. The units are a hands-free system that is operated with a foot pedal.

TOTAL: \$4,537.81



Advertising St. Marys as a safe and engaging place to visit to support shopping and dining

- Developed a map that indicates where to eat in St. Marys and where to get take-out. Placed the map on social media, on our website and put an ad in the newspaper. Prepared printed copies for the Quarry to post for the public.  
Ad in the Independent for Map: \$375.81
- Placed an ad in the Globe & Mail's "Explore Ontario" insert the ad sparked the Globe to reach out and pursue several stories about St. Marys giving us a feature in the issue. The interviews included sports tourism, the Quarry, culture and family activities, and a look at local tourism and how we've shifted our work to a digital experience. The feature comes out on July 31<sup>st</sup>.  
TOTAL: \$2,000 + HST

Signs, posters and street painting to indicate safety.

- Posters were already created by HPPHA regarding regulations and health recommendations. The Town has deferred to HPPHA for communicating these recommendations and continue to share the resources available with local businesses to use as they wish.
- The BIA is already in progress to create a banner for the main street like the one that is done by the Baseball Hall of Fame.
- Created banners for the light standards in the downtown utilizing the message "Strong As Stone". They are using the Town's corporate red. These were designed internally and are being made by Tall Man Promo out of Stratford. The concept is going to the heritage committee in August for approval and will be printed once approved and then installed.  
TOTAL: \$2,561.71
- Exploring sidewalk stickers to indicate safety reminders and positive messaging.

Driftscape App

- The app has launched and is designed to boost tourism and build the profile of heritage landmarks in St. Marys. It allows users to explore a number of the Town's local attractions in an engaging and interactive way. The app was populated using the information from the Town's heritage plaques. It includes restaurants and other activities happening in the area to offer other things to do.

### **Next Steps:**

Incentive program

- Sue Griffiths from the task force presented to the BIA at their July meeting. It was decided that Sue would work with Kyle Burnside and Town staff to develop ideas for an incentive program for downtown shopping, eating and services. This will be a joint project with the BIA, Task Force, and Town of St. Marys.

Tourism Website update

- Exploring the development of a tourism micro-site to provide a more user-friendly experience for visitors and locals.
- Currently all tourism related information and shopping and dining in St. Marys is embedded through-out our corporate site making it difficult to find, not visually appealing and does not provide opportunity to highlight all of our local assets.
- The pandemic has encouraged the Town to think of ways to provide digital experiences. A tourism micro-site will be a space to highlight our local shops, restaurants, events, outdoor recreation such as trails, the Quarry and cultural experiences.

- The site can further promote the Strong As Stone campaign, video and the new Driftscape app.
- A partnership with the BIA could provide an opportunity to highlight their social media campaigns and events.

#### Funding

- At the last task force meeting it was expressed that the amount of money was too low to make a significant impact on the entire business community suffering from the economic impact of COVID-19. Their recommendation was that Town Council review the resources available and report back to the task force if further funding could be committed.



# INFORMATION REPORT

<b>To:</b>	Mayor Strathdee and Members of Council
<b>Prepared by:</b>	Dave Blake, Environmental Services Supervisor
<b>Date of Meeting:</b>	8 September 2020
<b>Subject:</b>	<b>PW 55-2020 Annual Water System Inspection</b>

## INFORMATION

This report presents information to Council regarding the Annual Drinking Water System Inspection for the St. Marys Water System. This report is intended to advise Council of the completion of the annual inspection report, the subsequent findings and the overall score received.

## RECOMMENDATION

**THAT** Report PW 55-2020, Water System Inspection be received for information.

## BACKGROUND

Each year, the Safe Drinking Water Branch of the Ontario Ministry of Environment, Conservation and Parks completes a thorough inspection of the Town's drinking water system and reviews records for the previous year's inspection period. Following the inspection, a "Drinking Water Inspection Report" is drafted which outlines non-compliance, if any, with Ministry legislation, and policies.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice from internal / external risk experts. The Inspection Summary Rating Record provides the Ministry, the system owner and the local Public Health Unit with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance.

Scores are based out of 100%, with deductions occurring for non-compliant items (expressed as "Inspection Risk Rating"), based on the applicable risk score.

## REPORT

On July 17, 2020, an inspector from the Safe Drinking Water Branch visited the Town of St. Marys to complete an inspection for the period of June 2019 through to June 2020. The Operating Authority and Town Staff attended the sites within the Town's water system with the inspector to explain the processes, and how the system functions. The Operating Authority, in collaboration with Town Staff provided the inspector with historical data from the system for the above-mentioned inspection period for review as part of the inspection. Since that time, the inspector has completed their review of the data and have provided the Town with the Final Drinking Water System Inspection Report.

The results of the report indicated that there was no non-compliance items and no recommendations and best practise issues.

The overall inspection rating received was **100%**.

## SUMMARY & IMPLICATIONS

There are no implications as a result of this inspection. The inspection of the drinking water system occurs on an annual basis and as such, staff time has been accounted for with regards to data generation, reporting etc. required as part of the inspection.

## STRATEGIC PLAN

☒ Not applicable to this report.

## OTHERS CONSULTED

Jed Kelly, Director of Public Works – Town of St. Marys

Adam McClure, Operations Manager – Ontario Clean Water Agency

## ATTACHMENTS

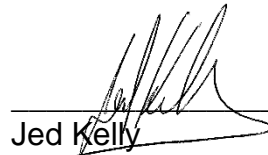
Attachment No. 1 – St. Marys Drinking Water Inspection Report, 2020

## REVIEWED BY

### Recommended by the Department

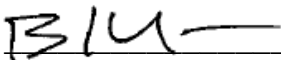


Dave Blake, C.E.T.  
Environmental Services Supervisor



Jed Kelly  
Director of Public Works

### Recommended by the CAO



Brent Kittmer  
CAO / Clerk

Ministry of the Environment,  
Conservation and Parks

Drinking Water and  
Environmental Compliance  
Division

733 Exeter Rd  
London ON N6E 1L3

Tel (519) 873-5000  
Fax (519) 873-5020

Ministère de l'Environnement, de la Protection  
de la nature et des Parcs

Division de la conformité en matière d'eau  
potable et d'environnement

733, rue Exeter  
London ON N6E 1L3

Tel (519) 873-5000  
Fax (519) 873-5020



File No. SI-PE-SM-WE -540 WW# 220000521

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August 14, 2020

The Corporation of the Separated Town of St. Marys  
408 James Street South  
St. Marys, Ontario, N4X 1B6

Attention: Mr. Dave Blake, Supervisor of Environmental Services

Re: St. Marys Drinking Water System (Water Works #220000521)  
Inspection conducted on July 17, 2020

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The enclosed Drinking Water Inspection Report outlines non-compliance, if any, with Ministry legislation, and policies for the above noted water system. Violations noted in this report, if any, have been evaluated based on community risk. These violations will be monitored for compliance with the minimum standards for drinking water in Ontario as set forth under the *Safe Drinking Water Act* and associated regulations. Where risk is deemed to be high and/or compliance is an ongoing concern, violations will be forwarded to this Ministry's Investigation and Enforcement Branch.

Section 19 of the *Safe Drinking Water Act* (Standard of Care) creates a number of obligations for individuals who exercise decision-making authority over municipal drinking water systems. Please be aware that the Ministry has encouraged such individuals, particularly municipal councillors, to take steps to be better informed about the drinking water systems over which they have decision-making authority. These steps could include asking for a copy of this inspection report and a review of its findings. Further information about Section 19 can be found in "*Taking Care of Your Drinking Water: A guide for members of municipal council*" found under "Resources" on the Drinking Water Ontario website at [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater).

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Summary Rating Record (IRR) provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance.

Please note the attached IRR methodology memo describing how the risk rating model has improved to better reflect the health related and administrative non-compliance found in an inspection report. IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspector's Annual Report. If you have any questions or concerns regarding the rating, please contact Mark Smith, Water Compliance Team Supervisor, at (519) 873-5122.

If you have any questions regarding the report, please feel free to call me at (519) 873-5019.

Yours truly,





Stephen Dunn  
Provincial Officer  
London District Office

CC. Perth District Health Unit  
Upper Thames River Conservation Authority  
London District File



**Ministry of the Environment, Conservation and Parks**

**ST MARYS DRINKING WATER SYSTEM  
Inspection Report**

<b>Site Number:</b>	220000521
<b>Inspection Number:</b>	1-O1TDF
<b>Date of Inspection:</b>	Jul 17, 2020
<b>Inspected By:</b>	Stephen Dunn

## OWNER INFORMATION:

<b>Company Name:</b>	ST. MARYS, THE CORPORATION OF THE SEPARATED TOWN OF		
<b>Street Number:</b>	408	<b>Unit Identifier:</b>	
<b>Street Name:</b>	JAMES St		
<b>City:</b>	ST. MARYS		
<b>Province:</b>	ON	<b>Postal Code:</b>	N4X 1B6

## CONTACT INFORMATION

## INSPECTION DETAILS:

<b>Site Name:</b>	ST MARYS DRINKING WATER SYSTEM
<b>Site Address:</b>	55 ST.GEORGE ST. N, 22 WELLINGTON ST. N, 209 THOMAS ST. Street ST. MARY'S ON N4X 1B6
<b>County/District:</b>	ST. MARYS
<b>MECP District/Area Office:</b>	London District
<b>Health Unit:</b>	PERTH DISTRICT HEALTH UNIT
<b>Conservation Authority:</b>	
<b>MNR Office:</b>	
<b>Category:</b>	Large Municipal Residential
<b>Site Number:</b>	220000521
<b>Inspection Type:</b>	Announced
<b>Inspection Number:</b>	1-O1TDF
<b>Date of Inspection:</b>	Jul 17, 2020
<b>Date of Previous Inspection:</b>	Jun 03, 2019

## COMPONENTS DESCRIPTION

<b>Site (Name):</b>	MOE DWS Mapping
<b>Type:</b>	DWS Mapping Point

**Sub Type:**

<b>Site (Name):</b>	Main Reservoir
<b>Type:</b>	Other

**Sub Type:** Reservoir

**Comments:**

One (1) in-ground reservoir with a Phase 1 nominal storage volume of 1,600 m3, with an inlet diffuser and baffled walls.

Two (2) high lift pumps each having a rated capacity of 75 L/s at a TDH of 63 m, complete with VFDs.

Gas chlorination system rated at 44 kg/day consisting of one (1) dual cylinder scale, one (1) chlorine booster pump, and duplex automatic switchover regulator.

All associated piping, valves, electrical and mechanical equipment, and instrumentation and operation control, including a back pressure valve at the inlet to the reservoir and a pressure relief valve in the HLP discharge header back into the reservoir

<b>Site (Name):</b>	PRODUCTION WELL 1
<b>Type:</b>	Source
<b>Comments:</b>	

**Sub Type:** GUDI

According to Well Record #5001709, Production Well #1 ("PW1") was drilled on March 1, 1971 by International Water Supply Ltd. This well is located to the south of Trout Creek and east of St. George Street within the 100 year flood plain of Trout Creek. According to the Engineer's Report titled "The Separated Town of St. Marys - St. Marys Water Works Engineer's Report" ("Engineer's Report") prepared by B.M. Ross and Associates and dated May 29, 2001, and the current Drinking Water Works Permit ("DWWP") # 056-201, the well is 406 millimetres in diameter and was drilled to a depth of 45.5 metres. The well record indicates that a steel casing was installed and cemented within the borehole annulus to a depth of 12.3 metres below grade, below which the borehole was left open within the limestone bedrock. In 2005, a Pumphouse was constructed around Well #1, and according to the Operating Authority, the well itself was extended approximately 2 metres above the 100 year flood plain.

The Hydrogeologic Investigation entitled "Town of St. Marys, Ontario, Perth County - Hydrogeologic Investigation, 2001-2002" ("Hydrogeologic Investigation") prepared by International Water Consultants Ltd. and International Water Supply Ltd. and dated July 19, 2002 indicated that Production Well #1 is periodically under the influence of surface water, and has partially effective in-situ filtration. According to the conclusions of the Peer Review document entitled "Town of St. Marys Water Supply System - GUDI Evaluation" ("Peer Review") prepared by Jagger Hims Limited on behalf of the Ministry of the Environment, and dated January 10, 2003, Well #1 is considered to be a GUDI well without effective filtration.

A final technical evaluation of the Hydrogeologic Investigation and the Peer Review was conducted by the Ministry of the Environment and it was concluded that Well #1 is groundwater under the direct influence ("GUDI") of surface water with effective in-situ filtration.

**Site (Name):** PUMPHOUSE 1

**Type:** Source

**Sub Type:** Pumphouse

**Comments:**

Pumphouse #1 is located near the eastern extent of Timms Lane, just south of Trout Creek. It has been operational since April 2005. This Pumphouse was constructed in conjunction with the upgrades to Well #1 and Treatment Plant #1 located approximately 20 metres north of Pumphouse #1. It was constructed upon fill material and is approximately 2 to 3 metres higher in elevation than Treatment Plant #1.

Within the confines of Pumphouse #1 is Well #1. The casing of Well #1 was extended vertically to approximately 2 metres above the 100 year flood plain. The vertical turbine pump rated at 3600 litres per minute is located directly above Well #1 which is used to draw water from the well. Water drawn from Well #1 passes by an air release valve, a backflow / check valve, a pressure gauge, and a raw water sampling tap before being directed underground towards Treatment Plant #1. Lastly, there is a static water level measuring port within the well head housing.

**Site (Name):** TREATMENT PLANT 1

**Type:** Treated Water POE

**Sub Type:** Treatment Facility

**Comments:**

Treatment Plant #1 is located near the eastern extent of Timms Lane, just south of Trout Creek. It was commissioned into service on May 27, 2005 and was formerly a Public Utilities Commission building prior to its reconstruction.

Raw water from Well #1 / Pumphouse #1 is conveyed into Treatment Plant #1 in the southeastern part of the building where it enters into the treatment train. Essentially, the water passes a control valve, air release valve, a flow meter, an ultraviolet ("UV") light disinfection unit (primary treatment), a chlorine gas injection point, an actuator flow control valve and into CT piping (located underground and to the north of the Treatment Plant). The Operating Authority advised that during the UV lamp warm up stage (when the pump is initially started) raw water is pumped to waste. Once the UV light has reached its working intensity, an actuator flow control valve is engaged by the SCADA system to open, and chlorine gas is automatically injected into the system.

The chlorine gas storage room located in the northwestern part of Treatment Plant #1 includes components such as chlorine gas cylinders, a dual cylinder scale with automatic switchover, and a chlorine gas meter used to detect gas

leaks. In the northeastern part of the plant there is a chlorine gas booster / pump system which draws chlorine gas from the chlorine gas storage room, mixes it with water and directs it back into the main treatment piping for injection.

Treatment Plant #1 was also observed to have an eye wash station, a shower, fire extinguishers, a self contained breathing apparatus, on-line chlorine and turbidity meters, water sampling taps, and various other equipment.

**Site (Name):** PRODUCTION WELL 2A  
**Type:** Source **Sub Type:** GUDI  
**Comments:**

According to the Well Record (A011221), Production Well #2A ("PW2A") was drilled on September 29, 2005, by International Water Supply Ltd. This well is located to the south of Trout Creek, and east of Wellington Street within the 100 year flood plain of Trout Creek, and as such, the casing for this new well has been significantly extended above the grade of the land to account for possible flooding issues. According to the information presented on the well record and the current Drinking Water Works Permit ("DWWP") # 056-201, the well is 365 millimetres in diameter and was drilled to a depth of 46.0 metres. The well record indicates that a steel casing was installed and sealed with bentonite and sand cement grout within the borehole annulus to a depth of 18.0 metres below grade, below which the borehole was left open within the limestone bedrock.

This well has been classified as a GUDI well.

**Site (Name):** TREATMENT PLANT / PUMPHOUSE 2A  
**Type:** Treated Water POE **Sub Type:** Treatment Facility  
**Comments:**

Treatment Plant #2A is located approximately 50 metres south of Trout Creek just east of Water Street. The Treatment Plant is located within a commercial setting.

Within the confines of Treatment Plant #2A is Well #2A, and a vertical turbine well pump rated at 3636 litres per minute. Essentially, the water drawn from the well passes an air release valve, a backflow / check valve, pressure gauges, an ultraviolet ("UV") light disinfection unit (primary treatment), a flow meter, a chlorine gas injection point, an actuator flow control valve, and into CT piping located underground. The Operating Authority advised that during the UV lamp warm up stage (when the pump is initially started) raw water is pumped to waste. Once the UV light has reached its working intensity, an actuator flow control valve is engaged by the SCADA system to open, and chlorine gas is automatically injected into the system, provided the turbidity is less than 1 NTU.

Treatment Plant #2A also has a chlorine gas storage room which houses chlorine gas cylinders, a dual cylinder scale with automatic switchover, and a chlorine gas meter used to detect gas leaks, located near the ground level. There is also an eye wash station, a shower, on-line chlorine and turbidity meters, raw and treated water sampling taps, and various other equipment.

**Site (Name):** PRODUCTION WELL 3  
**Type:** Source **Sub Type:** GUDI  
**Comments:**

According to Well Record #5003118, Production Well #3 ("PW3") was drilled on June 10, 1984, by International Water Supply Ltd. This well is located within approximately 50 metres of the western bank of the Thames River, east of Thomas Street and to the north and south of Westover Street and Park Street respectively. The well is within the confines of Pumphouse #3. According to the information presented within the Engineer's Report and Drinking Water Works Permit ("DWWP") # 056-201, the well is 406 millimetres in diameter and was drilled to a depth of 47.4 metres. The well record indicates that a steel casing was installed and sealed with grout within the borehole annulus to a depth of 12.3 metres below grade, below which the borehole was left open within the limestone bedrock.

The Hydrogeologic Investigation concluded that Well #3 is not considered to be a GUDI well, and is receiving

effective in-situ filtration. The author of the Hydrogeologic Investigation indicated that this conclusion is tempered by a lack of particle count data during significant precipitation events and more elevated total coliform in 2002. The Peer Review assessed Well #3 to be a GUDI well with effective in-situ filtration. It is inferred that the Peer Review reclassification of Well #3 to a GUDI well was based on a lack of particle count data during significant precipitation events.

A final technical evaluation of the Hydrogeologic Investigation and the Peer Review was conducted by the Ministry of the Environment, and it was concluded that Well #3 is considered to be a GUDI well with effective in-situ filtration.

**Site (Name):** TREATMENT PLANT / PUMPHOUSE 3  
**Type:** Treated Water POE **Sub Type:** Treatment Facility  
**Comments:**

Pumphouse #3 is located on the eastern side of Thomas Street, just west of the Thames River. Westover Street and Park Street are located to the south and north of the Pumphouse respectively. The Pumphouse is located in a residential setting. According to a plaque mounted on the exterior Pumphouse wall, the Pumphouse was officially opened on August 25, 1987.

Within the confines of Pumphouse #3 is Well #3, and a vertical turbine well pump rated at 3636 litres per minute. Essentially, the water drawn from the well passes an air release valve, a backflow / check valve, pressure gauges, an ultraviolet ("UV") light disinfection unit (primary treatment), a flow meter, a chlorine gas injection point, an actuator flow control valve, and into CT piping located underground and within the Thomas Street right-of-way. The Operating Authority advised that during the UV lamp warm up stage (when the pump is initially started) raw water is pumped to waste. Once the UV light has reached its working intensity, an actuator flow control valve is engaged by the SCADA system to open, and chlorine gas is automatically injected into the system, provided the turbidity is less than 1 NTU.

In the northeastern part of Pumphouse #3 is the chlorine gas storage room which houses chlorine gas cylinders, a dual cylinder scale with automatic switchover, and a chlorine gas meter used to detect gas leaks, located near the ground level. Also in the northeastern part of Pumphouse #3 is a chlorine gas booster / pump system which draws chlorine gas from the chlorine gas storage room, mixes it with water and directs it back into the main treatment piping for injection.

Pumphouse #3 was also observed to have an eye wash station, a shower, fire extinguishers, a self contained breathing apparatus, on-line chlorine and turbidity meters, raw and treated water sampling taps, and various other equipment.

**Site (Name):** BOOSTER PUMPING STATION  
**Type:** Other **Sub Type:** Booster Station  
**Comments:**

The James St. Booster station provides additional system pressure during a fire emergency only. It has a rated capacity of 154L/s at 52m TDH. This facility serves industrial lands within the southeast area of the town.

**Site (Name):** ELEVATED WATER TOWER  
**Type:** Other **Sub Type:** Reservoir  
**Comments:**

The St. Marys elevated water storage facility is located on the southern side of Victoria Street approximately 250 metres west of James Street. It has a storage capacity of 1820 cubic metres and was constructed in 1986 and put into service in 1987. The tank height from the ground level to the overflow is 37.9 metres and also includes a valve chamber, yard piping and telemetric control system.

**Site (Name):** DISTRIBUTION WATER  
**Type:** Other **Sub Type:** Other



**Comments:**

According to the Operating Authority, the St. Marys distribution system has been constructed with a combination of materials including ductile iron (main material), cast iron, small amounts of asbestos cement piping, and more recently, polyvinyl chloride ("PVC") pipe. There are approximately 2780 residential connections, 33 industrial / institutional connections, and 187 commercial connections on the system which serves approximately 7200 individuals.

## INSPECTION SUMMARY:

### Introduction

- The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water related policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment and distribution components as well as management practices.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This report is based on a "focused" inspection of the system. Although the inspection involved fewer activities than those normally undertaken in a detailed inspection, it contained critical elements required to assess key compliance issues. This system was chosen for a focused inspection because the system's performance met the ministry's criteria, most importantly that there were no deficiencies as identified in O.Reg. 172/03 over the past 3 years. The undertaking of a focused inspection at this drinking water system does not ensure that a similar type of inspection will be conducted at any point in the future.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

Provincial Officer Stephen Dunn conducted a physical inspection of the St. Marys Drinking Water System Water Works # 220000521 on July 17, 2020.

Documents reviewed in association with this report include but are not limited to:

1/ Ministry of the Environment Drinking Water Works Permit # 056-201

2/ Ministry of the Environment Municipal Drinking Water Licence # 056-101

Other operational documents maintained by the owner/operating authority for the period June 1, 2019 through April 30, 2020 were also reviewed in conjunction with this compliance evaluation.

### Source

- The owner was maintaining the production well(s) in a manner sufficient to prevent entry into the well of surface water and other foreign materials.
- Measures were in place to protect the groundwater and/or GUDI source in accordance with any the Municipal Drinking Water Licence and Drinking Water Works Permit issued under Part V of the SDWA.

### Capacity Assessment

- There was sufficient monitoring of flow as required by the Municipal Drinking Water Licence or Drinking Water Works Permit issued under Part V of the SDWA.
- The owner was in compliance with the conditions associated with maximum flow rate or the rated capacity conditions in the Municipal Drinking Water Licence issued under Part V of the SDWA.

### Treatment Processes

### Treatment Processes

- The owner had ensured that all equipment was installed in accordance with Schedule A and Schedule C of the Drinking Water Works Permit.
- The owner/operating authority was in compliance with the requirement to prepare Form 1 documents as required by their Drinking Water Works Permit during the inspection period.  
Form 1's were completed for the addition of watermain on St. George Street, Wellington Street and Egan Avenue.
- The owner/operating authority was in compliance with the requirement to prepare Form 2 documents as required by their Drinking Water Works Permit during the inspection period.  
There was one Form 2 completed for the installation of an air release valve on Thomas Street.
- Records indicated that the treatment equipment was operated in a manner that achieved the design capabilities required under Ontario Regulation 170/03 or a Drinking Water Works Permit and/or Municipal Drinking Water Licence issued under Part V of the SDWA at all times that water was being supplied to consumers.
- Records confirmed that the water treatment equipment which provides chlorination or chloramination for secondary disinfection purposes was operated so that at all times and all locations in the distribution system the chlorine residual was never less than 0.05 mg/l free or 0.25 mg/l combined.
- Where an activity has occurred that could introduce contamination, all parts of the drinking water system were disinfected in accordance with Schedule B, Condition 2.3 of the Drinking Water Works Permit.

### Treatment Process Monitoring

- Primary disinfection chlorine monitoring was conducted at a location approved by Municipal Drinking Water Licence and/or Drinking Water Works Permit issued under Part V of the SDWA, or at/near a location where the intended CT has just been achieved.
- The secondary disinfectant residual was measured as required for the distribution system.
- Operators were examining continuous monitoring test results and they were examining the results within 72 hours of the test.
- All continuous monitoring equipment utilized for sampling and testing required by O. Reg.170/03, or Municipal Drinking Water Licence or Drinking Water Works Permit or order, were equipped with alarms or shut-off mechanisms that satisfy the standards described in Schedule 6.
- Continuous monitoring equipment that was being utilized to fulfill O. Reg. 170/03 requirements was performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and recording data with the prescribed format.
- The owner and operating authority ensured that the primary disinfection equipment had a recording device that continuously recorded the performance of the disinfection equipment.
- All continuous analysers were calibrated, maintained, and operated, in accordance with the manufacturer's instructions or the regulation.
- All UV sensors were checked and calibrated as required.

### Treatment Process Monitoring

#### Operations Manuals

- The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.
- The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.

#### Logbooks

- Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.

#### Security

- The owner had provided security measures to protect components of the drinking water system.

#### Certification and Training

- The overall responsible operator had been designated for each subsystem.
- Operators-in-charge had been designated for all subsystems which comprised the drinking water system.
- All operators possessed the required certification.
- Only certified operators made adjustments to the treatment equipment.

#### Water Quality Monitoring

- All microbiological water quality monitoring requirements for distribution samples were being met.
- All microbiological water quality monitoring requirements for treated samples were being met.

Documentation provided by the operating authority during the inspection period, indicate that all treated water microbiological monitoring requirements have been met.

In accordance with O. Reg. 170/03, Schedule 10-3, the owner and operating authority are required to collect one (1) treated water sample each week and analyze the sample for E.coli, total coliform and HPC.

A review of the statement of analytical results for the inspection period confirmed that one (1) treated water sample was taken for each week and analyzed for E.coli, total coliform and HPC from each treatment facility.

- All inorganic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.

Monitoring for inorganic parameters was last completed on January 6, 2020 and prior to that on January 7, 2019 and therefore the monitoring requirements for inorganics have been met.

All sample results show that the treated water is within acceptable limits for the parameters listed in Schedule 23 of O. Reg. 170/03.

### Water Quality Monitoring

- **All organic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

Monitoring for organic parameters was last completed on January 6, 2020 and prior to that on January 9, 2018 and therefore the monitoring requirements for organics have been met.

All sample results show that the treated water is within acceptable limits for the parameters listed in Schedule 24 of O. Reg. 170/03.

- **All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.**

In accordance with O. Reg. 170/03, Schedule 13-6.1, the owner and operating authority of the St. Marys Drinking Water System shall ensure that a sample for haloacetic acids is collected and tested every three (3) months.

The Owner / Operating Authority is reminded that assessment of the reported results for haloacetic acids is based on a running annual average of quarterly results and calculated as prescribed by Ontario Regulation 170/03 - Schedule 13-6.1 (3) as follows:

"(3) For the purposes of Schedule 2 to the Ontario Drinking Water Quality Standards, the running annual average of quarterly results with respect to haloacetic acids shall be calculated for each calendar quarter by using the following formula:

$$[A + B + C + D] \div 4$$

in which,

"A" is the average of all the results from the samples tested under subsection (2) in that calendar quarter,

"B" is the average of all the results from the samples tested under subsection (2) in the most recent calendar quarter preceding the calendar quarter referred to in "A" in which testing was carried out,

"C" is the average of all the results from the samples tested under subsection (2) in the most recent calendar quarter preceding the calendar quarter referred to in "B" in which testing was carried out, and

"D" is the average of all the results from the samples tested under subsection (2) in the most recent calendar quarter preceding the calendar quarter referred to in "C" in which testing was carried out."

A running annual average for each quarter must be calculated and recorded to ensure compliance has been met after each quarter.

Haloacetic acid monitoring was completed on the following dates during the inspection period: July 9, 2019, October 7, 2019, Jan. 6, 2020 and April 7, 2020.

All sample results for this inspection period show that the distribution water is within acceptable limits.

- **All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.**

In accordance with O. Reg. 170/03, Schedule 13-6, the owner and operating authority of the St. Marys Drinking Water System shall ensure that a sample for trihalomethanes is collected and tested every three (3) months.

Trihalomethanes monitoring was completed on the following dates during the inspection period: July 9, 2019, October 7, 2019, Jan. 6, 2020 and April 7, 2020.

All sample results for this inspection period show that the distribution water is within acceptable limits.

- **All nitrate/nitrite water quality monitoring requirements prescribed by legislation were conducted within the required frequency for the DWS.**

In accordance with O. Reg. 170/03, Schedule 13-7, the owner and operating authority of the St. Marys Drinking Water System shall ensure that a sample from each treatment facility for nitrate and nitrite is collected and tested every three (3) months.

Nitrate and Nitrite monitoring was completed on the following dates during the inspection period: July 9, 2019, October 7, 2019, Jan. 6, 2020 and April 7, 2020.

### Water Quality Monitoring

All sample results for this inspection period show that the treated water is within acceptable limits.

- **All sodium water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

In accordance with O. Reg. 170/03, Schedule 13-8, the owner and operating authority of the St. Marys Drinking Water System shall ensure that a sample from each treatment facility for sodium is collected and tested every 60 months. Sodium was last tested in the treated water on January 6, 2020, and the previous sample was collected on January 7, 2019 therefore this monitoring requirement for sodium has been met.

- **All fluoride water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

In accordance with O. Reg. 170/03, Schedule 13-9, the owner and operating authority of the St. Marys Drinking Water System shall ensure that a sample from each treatment facility for fluoride is collected and tested every 60 months. Fluoride was last tested in the treated water on January 6, 2020, and the previous sample was collected on January 7, 2019 therefore this monitoring requirement for fluoride has been met.

The analytical sample results indicate that the treated water is below the reportable limit of 1.5 mg/L for all wells.

- **All water quality monitoring requirements imposed by the MDWL or DWWP issued under Part V of the SDWA were being met.**
- **Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.**

### Water Quality Assessment

- **Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).**

### Reporting & Corrective Actions

- **Corrective actions (as per Schedule 17) had been taken to address adverse conditions, including any other steps that were directed by the Medical Officer of Health.**
- **All required notifications of adverse water quality incidents were immediately provided as per O. Reg. 170/03 16-6.**
- **Where required continuous monitoring equipment used for the monitoring of chlorine residual and/or turbidity triggered an alarm or an automatic shut-off, a qualified person responded in a timely manner and took appropriate actions.**
- **When the primary disinfection equipment, other than that used for chlorination or chloramination, has failed causing an alarm to sound or an automatic shut-off to occur, a certified operator responded in a timely manner and took appropriate actions.**



**NON-COMPLIANCE WITH REGULATORY REQUIREMENTS AND ACTIONS REQUIRED**

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues. Further details pertaining to these items can be found in the body of the inspection report.

**Not Applicable**

## **SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES**

This section provides a summary of all recommendations and best practice issues identified during the inspection period. Details pertaining to these items can be found in the body of the inspection report. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following issues and consider measures to address them.

**Not Applicable**

## SIGNATURES

Inspected By:

Stephen Dunn

Signature: (Provincial Officer)



Reviewed & Approved By:

Mark Smith

Signature: (Supervisor)



Review & Approval Date:

August 20, 2020

Note: This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or operating authority to ensure compliance with all applicable legislative and regulatory requirements.



## Stakeholder References

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# Key Reference and Guidance Material for Municipal Residential Drinking Water Systems

Many useful materials are available to help you operate your drinking water system. Below is a list of key materials owners and operators of municipal residential drinking water systems frequently use.

To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Public Information Centre if you need assistance or have questions at 1-800-565-4923/416-325-4000 or [picemail.moe@ontario.ca](mailto:picemail.moe@ontario.ca).

For more information on Ontario's drinking water visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater) and email [drinking.water@ontario.ca](mailto:drinking.water@ontario.ca) to subscribe to drinking water news.



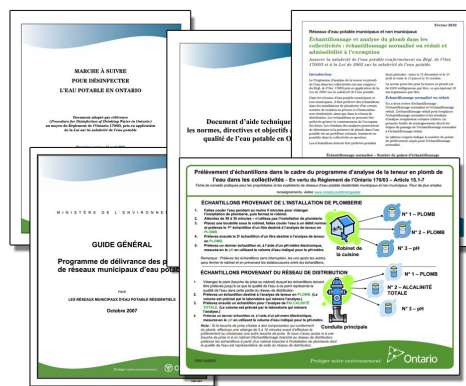
PUBLICATION TITLE	PUBLICATION NUMBER
Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils	7889e01
FORMS: Drinking Water System Profile Information, Laboratory Services Notification, Adverse Test Result Notification Form	7419e, 5387e, 4444e
Procedure for Disinfection of Drinking Water in Ontario	4448e01
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids	7152e
Total Trihalomethane (TTHM) Reporting Requirements Technical Bulletin (February 2011)	8215e
Filtration Processes Technical Bulletin	7467
Ultraviolet Disinfection Technical Bulletin	7685
Guide for Applying for Drinking Water Works Permit Amendments, Licence Amendments, Licence Renewals and New System Applications	7014e01
Certification Guide for Operators and Water Quality Analysts	
Guide to Drinking Water Operator Training Requirements	9802e
Taking Samples for the Community Lead Testing Program	6560e01
Community Sampling and Testing for Lead: Standard and Reduced Sampling and Eligibility for Exemption	7423e
Guide: Requesting Regulatory Relief from Lead Sampling Requirements	6610
Drinking Water System Contact List	7128e
Technical Support Document for Ontario Drinking Water Quality Standards	4449e01

[ontario.ca/drinkingwater](http://ontario.ca/drinkingwater)

# Principaux guides et documents de référence sur les réseaux résidentiels municipaux d'eau potable

De nombreux documents utiles peuvent vous aider à exploiter votre réseau d'eau potable. Vous trouverez ci-après une liste de documents que les propriétaires et exploitants de réseaux résidentiels municipaux d'eau potable utilisent fréquemment.

Pour accéder à ces documents en ligne, cliquez sur leur titre dans le tableau ci-dessous ou faites une recherche à l'aide de votre navigateur Web. Communiquez avec le Centre d'information au public au 1 800 565-4923 ou au 416 325-4000, ou encore à [picemail.moe@ontario.ca](mailto:picemail.moe@ontario.ca) si vous avez des questions ou besoin d'aide.



Pour plus de renseignements sur l'eau potable en Ontario, consultez le site [www.ontario.ca/eaupotable](http://www.ontario.ca/eaupotable) ou envoyez un courriel à [drinking.water@ontario.ca](mailto:drinking.water@ontario.ca) pour suivre l'information sur l'eau potable.

TITRE DE LA PUBLICATION	NUMÉRO DE PUBLICATION
Prendre soin de votre eau potable – Un guide destiné aux membres des conseils municipaux	7889f01
Renseignements sur le profil du réseau d'eau potable, Avis de demande de services de laboratoire, Formulaire de communication de résultats d'analyse insatisfaisants et du règlement des problèmes	7419f, 5387f, 4444f
Marche à suivre pour désinfecter l'eau potable en Ontario	4448f01
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids (en anglais seulement)	7152e
Total Trihalomethane (TTHM) Reporting Requirements: Technical Bulletin (février 2011) (en anglais seulement)	8215e
Filtration Processes Technical Bulletin (en anglais seulement)	7467
Ultraviolet Disinfection Technical Bulletin (en anglais seulement)	7685
Guide de présentation d'une demande de modification du permis d'aménagement de station de production d'eau potable, de modification du permis de réseau municipal d'eau potable, de renouvellement du permis de réseau municipal d'eau potable et de permis pour un nouveau réseau	7014f01
Guide sur l'accréditation des exploitants de réseaux d'eau potable et des analystes de la qualité de l'eau de réseaux d'eau potable	
Guide sur les exigences relatives à la formation des exploitants de réseaux d'eau potable	9802f
Prélèvement d'échantillons dans le cadre du programme d'analyse de la teneur en plomb de l'eau dans les collectivités	6560f01
Échantillonnage et analyse du plomb dans les collectivités : échantillonnage normalisé ou réduit et admissibilité à l'exemption	7423f
Guide: Requesting Regulatory Relief from Lead Sampling Requirements (en anglais seulement)	6610
Liste des personnes-ressources du réseau d'eau potable	7128f
Document d'aide technique pour les normes, directives et objectifs associés à la qualité de l'eau potable en Ontario	4449f01

[ontario.ca/eaupotable](http://ontario.ca/eaupotable)





**Inspection Rating Record and Inspection Risk Methodology**

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# APPLICATION OF THE RISK METHODOLOGY USED FOR MEASURING MUNICIPAL RESIDENTIAL DRINKING WATER SYSTEM INSPECTION RESULTS



The Ministry of the Environment (MOE) has a rigorous and comprehensive inspection program for municipal residential drinking water systems (MRDWS). Its objective is to determine the compliance of MRDWS with requirements under the Safe Drinking Water Act and associated regulations. It is the responsibility of the municipal residential drinking water system owner to ensure their drinking water systems are in compliance with all applicable legal requirements.

This document describes the risk rating methodology, which has been applied to the findings of the Ministry's MRDWS inspection results since fiscal

year 2008-09. The primary goals of this assessment are to encourage ongoing improvement of these systems and to establish a way to measure this progress.

MOE reviews the risk rating methodology every three years.

The Ministry's Municipal Residential Drinking Water Inspection Protocol contains up to 14 inspection modules and consists of approximately 120 regulatory questions. Those protocol questions are also linked to definitive guidance that ministry inspectors use when conducting MRDWS inspections.

[ontario.ca/drinkingwater](http://ontario.ca/drinkingwater)

The questions address a wide range of regulatory issues, from administrative procedures to drinking water quality monitoring. The inspection protocol also contains a number of non-regulatory questions.

A team of drinking water specialists in the ministry assessed each of the inspection protocol regulatory questions to determine the risk (not complying with the regulation) to the delivery of safe drinking water. This assessment was based on established provincial risk assessment principles, with each question receiving a risk rating referred to as the Question Risk Rating. Based on the number of areas where a system is deemed to be non-compliant during the inspection, and the significance of these areas to administrative, environmental, and health consequences, a risk-based inspection rating is calculated by the ministry for each drinking water system.

It is important to be aware that an inspection rating less than 100 per cent does not mean the drinking water from the system is unsafe. It shows areas where a system’s operation can improve. The ministry works with owners and operators of systems to make sure they know what they need to do to achieve full compliance.

The inspection rating reflects the inspection results of the specific drinking water system for the reporting year. Since the methodology is applied consistently over a period of years, it serves as a comparative measure both provincially and in relation to the individual system. Both the drinking water system and the public are able to track the performance over time, which encourages continuous improvement and allows systems to identify specific areas requiring attention.

The ministry’s annual inspection program is an important aspect of our drinking water safety net. The ministry and its partners share a common commitment to excellence and we continue to work toward the goal of 100 per cent regulatory compliance.

## Determining Potential to Compromise the Delivery of Safe Water

The risk management approach used for MRDWS is aligned with the Government of Ontario’s Risk Management Framework. Risk management is a systematic approach to identifying potential hazards, understanding the likelihood and consequences of the hazards, and taking steps to reduce their risk if necessary and as appropriate.

The Risk Management Framework provides a formula to be used in the determination of risk:

**RISK = LIKELIHOOD × CONSEQUENCE**  
(of the consequence)

Every regulatory question in the inspection protocol possesses a likelihood value (L) for an assigned consequence value (C) as described in **Table 1** and **Table 2**.

TABLE 1:	
Likelihood of Consequence Occurring	Likelihood Value
0% - 0.99% (Possible but Highly Unlikely)	L = 0
1 – 10% (Unlikely)	L = 1
11 – 49% (Possible)	L = 2
50 – 89% (Likely)	L = 3
90 – 100% (Almost Certain)	L = 4

TABLE 2:	
Consequence	Consequence Value
Medium Administrative Consequence	C = 1
Major Administrative Consequence	C = 2
Minor Environmental Consequence	C = 3
Minor Health Consequence	C = 4
Medium Environmental Consequence	C = 5
Major Environmental Consequence	C = 6
Medium Health Consequence	C = 7
Major Health Consequence	C = 8

The consequence values (0 through 8) are selected to align with other risk-based programs and projects currently under development or in use within the ministry as outlined in **Table 2**.

The Question Risk Rating for each regulatory inspection question is derived from an evaluation of every identified consequence and its corresponding likelihood of occurrence:

- All levels of consequence are evaluated for their potential to occur
- Greatest of all the combinations is selected.

The Question Risk Rating quantifies the risk of non-compliance of each question relative to the others. Questions with higher values are those with a potentially more significant impact on drinking water safety and a higher likelihood of occurrence. The highest possible value would be 32 (4×8) and the lowest would be 0 (0×1).

**Table 3** presents a sample question showing the risk rating determination process.

TABLE 3:							
Does the Operator in Charge ensure that the equipment and processes are monitored, inspected and evaluated?							
Risk = Likelihood × Consequence							
C=1	C=2	C=3	C=4	C=5	C=6	C=7	C=8
Medium Administrative Consequence	Major Administrative Consequence	Minor Environmental Consequence	Minor Health Consequence	Medium Environmental Consequence	Major Environmental Consequence	Medium Health Consequence	Major Health Consequence
L=4 (Almost Certain)	L=1 (Unlikely)	L=2 (Possible)	L=3 (Likely)	L=3 (Likely)	L=1 (Unlikely)	L=3 (Likely)	L=2 (Possible)
R=4	R=2	R=6	R=12	R=15	R=6	R=21	R=16

### Application of the Methodology to Inspection Results

Based on the results of a MRDWS inspection, an overall inspection risk rating is calculated. During an inspection, inspectors answer the questions related to regulatory compliance and input their “yes”, “no” or “not applicable” responses into the Ministry’s Laboratory and Waterworks Inspection System (LWIS) database. A “no” response indicates non-compliance. The maximum number of regulatory questions asked by an inspector varies by: system (i.e., distribution, stand-alone); type of inspection (i.e., focused, detailed); and source type (i.e., groundwater, surface water).

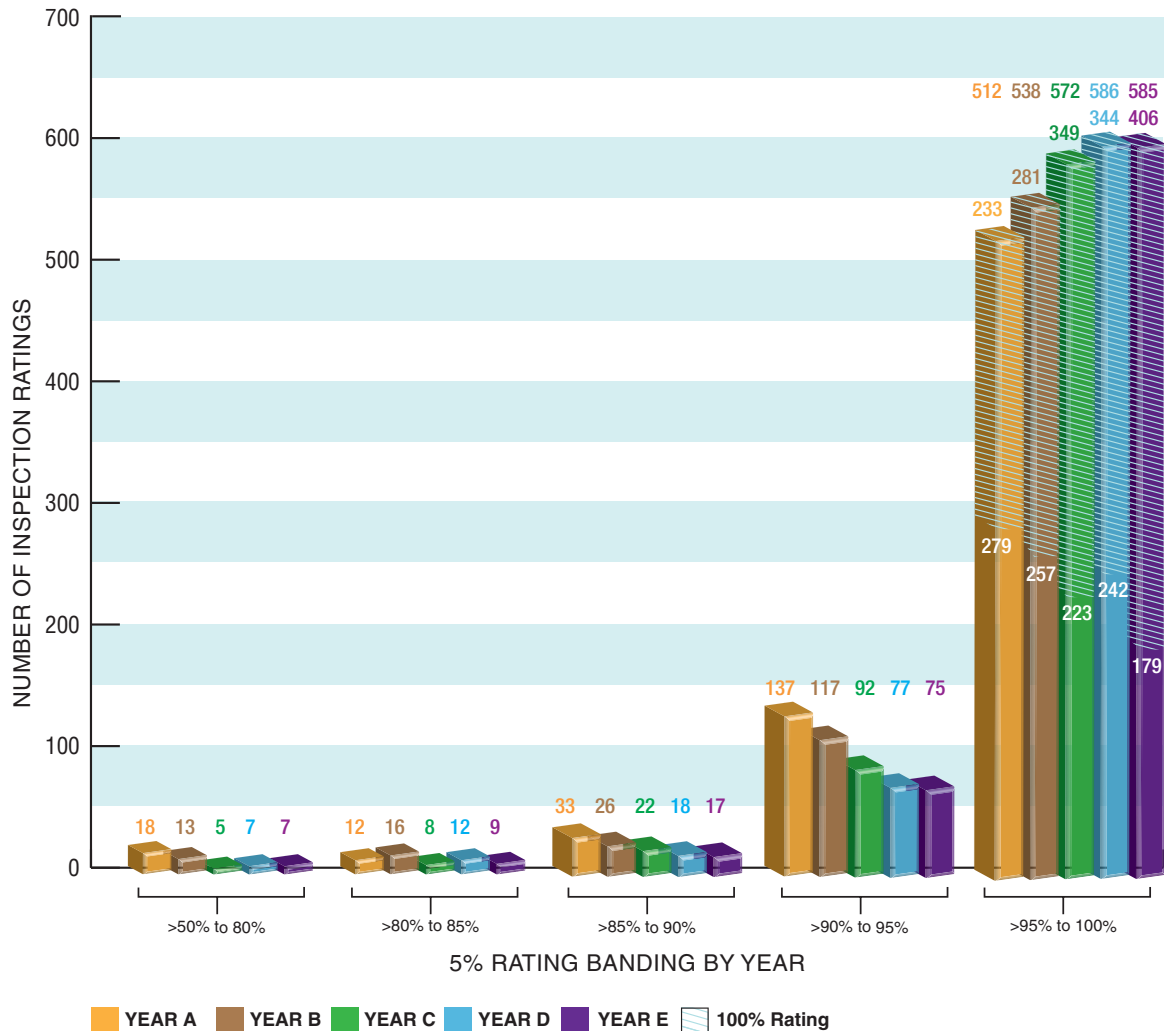
The risk ratings of all non-compliant answers are summed and divided by the sum of the risk ratings of all questions asked (maximum question rating). The resulting inspection risk rating (as a percentage) is subtracted from 100 per cent to arrive at the final inspection rating.

## Application of the Methodology for Public Reporting

The individual MRDWS Total Inspection Ratings are published with the ministry's Chief Drinking Water Inspector's Annual Report.

**Figure 1** presents the distribution of MRDWS ratings for a sample of annual inspections. Individual drinking water systems can compare against all the other inspected facilities over a period of inspection years.

**Figure 1: Year Over Year Distribution of MRDWS Ratings**



## Reporting Results to MRDWS Owners/Operators

A summary of inspection findings for each system is generated in the form of an Inspection Rating Record (IRR). The findings are grouped into the 14 possible modules of the inspection protocol,

which would provide the system owner/operator with information on the areas where they need to improve. The 14 modules are:

- |                         |                        |                                       |  |
|-------------------------|------------------------|---------------------------------------|--|
| 1. Source               | 5. Process Wastewater  | 9. Contingency and Emergency Planning | 12. Water Quality Monitoring                       |
| 2. Permit to Take Water | 6. Distribution System | 10. Consumer Relations                | 13. Reporting, Notification and Corrective Actions |
| 3. Capacity Assessment  | 7. Operations Manuals  | 11. Certification and Training        | 14. Other Inspection Findings                      |
| 4. Treatment Processes  | 8. Logbooks            |                                       |  |

For further information, please visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)

**Ministry of the Environment - Inspection Summary Rating Record (Reporting Year - 2020-2021)**

**DWS Name:** ST MARYS DRINKING WATER SYSTEM  
**DWS Number:** 220000521  
**DWS Owner:** St. Marys, The Corporation Of The Separated Town Of  
**Municipal Location:** St. Marys

**Regulation:** O.REG 170/03  
**Category:** Large Municipal Residential System  
**Type Of Inspection:** Focused  
**Inspection Date:** July 17, 2020  
**Ministry Office:** London District

**Maximum Question Rating:** 542

Inspection Module	Non-Compliance Rating
Source	0 / 14
Capacity Assessment	0 / 30
Treatment Processes	0 / 85
Operations Manuals	0 / 28
Logbooks	0 / 14
Certification and Training	0 / 42
Water Quality Monitoring	0 / 112
Reporting & Corrective Actions	0 / 87
Treatment Process Monitoring	0 / 130
<b>TOTAL</b>	<b>0 / 542</b>

**Inspection Risk Rating** 0.00%

**FINAL INSPECTION RATING:** 100.00%



Ministry of the Environment - Detailed Inspection Rating Record (Reporting Year - 2020-2021)

**DWS Name:** ST MARYS DRINKING WATER SYSTEM  
**DWS Number:** 220000521  
**DWS Owner:** St. Marys, The Corporation Of The Separated Town Of  
**Municipal Location:** St. Marys

**Regulation:** O.REG 170/03

**Category:** Large Municipal Residential System

**Type Of Inspection:** Focused

**Inspection Date:** July 17, 2020

**Ministry Office:** London District

**Maximum Question Rating:** 542

**Inspection Risk Rating** 0.00%

**FINAL INSPECTION RATING:** 100.00%



# FORMAL REPORT

<b>To:</b>	Mayor Stratthdee and Members of Council
<b>Prepared by:</b>	Dave Blake, Environmental Services Supervisor
<b>Date of Meeting:</b>	28 July 2020
<b>Subject:</b>	<b>PW 56-2020 Lead Water Service Replacement Policy</b>

## PURPOSE

This report presents Council with a lead water service replacement policy for consideration. The policy, if approved, would provide staff and property owners with a clear understanding of expectations and requirements when lead water services are suspected or confirmed.

## RECOMMENDATION

**THAT** Report PW 56-2020, Lead Water Service Replacement Policy be received; and

**THAT** Policy PW4305, being a policy regarding Lead in Drinking Water within the Town of St. Marys be approved.

## BACKGROUND

In October 2014, Council approved By-Law 46-2014 which governs water, wastewater and stormwater within the Town of St. Marys. The by-law was a comprehensive review of all systems and significantly enhanced the direction, guidance and requirements moving forward in the Town.

Over the years since the by-law was enacted, issues or concerns have been identified where policy direction is recommended to better provide staff and the general public with information on processes, practices, etc.

On March 2020, a question was asked from Council regarding lead in drinking water during the annual report on the water system. Following that initial inquiry, on May 12, 2020, Report PW 29-2020, Lead Testing in Drinking Water was presented to Council. At that time, the following Resolution was carried:

***Resolution 2020-05-12-07***

***Moved By Councillor Pridham***

***Seconded By Councillor Winter***

***THAT Report PW 29-2020, Lead in Drinking Water be received; and***

***THAT Council direct staff to develop a formal policy related to lead in the drinking water system that details the process to be followed when lead services are identified, their replacements and the property notification process.***

This report presents the proposed Lead Replacement Policy for Council consideration.

## **REPORT**

As directed by Council in Resolution 2020-05-12-07, Staff have developed a Lead Replacement Policy related to the drinking water system to provide clarity and transparency related to the Town's position on lead in the drinking water and to formalize current best practices.

The Policy is divided into two key components being (1) Lead testing in Drinking Water and (2) Lead Water Service Replacements.

### Lead testing:

Lead testing is regulated through Ontario Regulation 170/03 under the Safe Drinking Water Act, 2002. Due to strict testing requirements already in place through provincial regulations, the Lead Policy proposes to maintain testing requirements at the regulatory requirements.

### Lead Replacement Program:

Every so often, the Town of St. Marys will identify a lead water service. This is generally identified on a reactive basis during emergency repairs such as leaks, etc. Currently the Town utilizes best practices when dealing with lead water services and will replace the service from the watermain to the property line at no cost to the property owner once it has been identified.

In an effort to improve transparency and provide guidance to staff and residents a Lead Replacement Policy has been drafted. Key aspects of the proposed policy are as follows:

- Statement of clarification that the Town will sample in accordance to provincial regulations;
- Provide an opportunity for residents to test and determine lead concentration in water if concerned;
- Clarification around routes to determine water service material and clearly defined responsibilities;
- Clearly defined replacement program.

Please refer to Attachments No. 1, 2 and 3 related to the Lead Replacement policy and supporting information.

## **FINANCIAL IMPLICATIONS**

None at this time.

The policy as developed builds on current best practices implemented by Town staff related to lead in drinking water and lead water services. Costs incurred as a result of the program are generally funded through annual approved operations and maintenance budgets for the water system.

## **SUMMARY**

Based on information detailed within this report, Staff Recommends the adoption of the lead replacement policy to improve clarity and transparency to staff and residents related to lead in the drinking water and lead water services.

## **STRATEGIC PLAN**

☒ Not applicable to this report.

## **OTHERS CONSULTED**

Jed Kelly, Director of Public Works – Town of St. Marys

Morgan Dykstra, Public Works Coordinator – Town of St. Marys

## **ATTACHMENTS**

Attachment No. 1 – Policy PW4305, Lead Replacement Policy

Attachment No. 2 – Informational Material, Lead in Drinking Water

Attachment No. 3 – Template – Notice of Lead Service

## **REVIEWED BY**

### **Recommended by the Department**

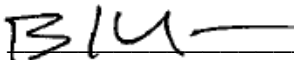


Dave Blake, C.E.T.  
Environmental Services Supervisor



Jed Kelly  
Director of Public Works

### **Recommended by the CAO**



Brent Kittmer  
CAO / Clerk

# Lead Replacement Policy

*[ENVIRONMENTAL SERVICES, A DIVISION OF PUBLIC WORKS]*

## Policy Statement

The Town of St. Marys is committed to providing safe and reliable drinking water to its customers and is responsible for the operation, maintenance and repair of the drinking water system under its operating authority, which includes all municipally owned water service piping and shut off valves.

The Town of St. Marys shall take reasonable steps as detailed within this policy to ensure that the Town provides water in general accordance with provincial lead requirements within the municipally controlled distribution system.

Lead services present a unique challenge for the Town whereas disturbance or partial replacement may increase the lead levels to the property for an extended period of time, and that coordination between Town and property owner will be paramount to the success of a lead replacement program, and minimizing lead levels within the water distribution system at the point of consumption.

## Scope

This policy applies to properties within the Town of St. Marys where lead service material is confirmed within the water distribution system.

## Purpose

Some homes within the town that were constructed or serviced before the mid-1950's may have lead levels in their water that are higher than Provincial Standards. Some of these homes may have lead water service pipes running from the Town's water main in the street into the home. The Town is committed to removing and replacing lead water services from the municipal watermain to property line where found, subject to available funds.

The Town would work with the property owner to coordinate private service replacements at the property owner's discretion.

## Definition and Description

A water service is defined as the piping connecting a property or building to a municipal water main. A typical water service consists of a municipally owned piping and privately owned piping. The pipe from the watermain connection to the property line is owned by the Town of St. Marys. The service shut off valve (curb stop) which is typically located at the property line is considered part of the municipally owned piping. All piping located on private property, excepting the municipally owned water meter, is owned by the property owner.

Daylighting is defined as creating a small excavation at the Site of the curb stop valve, generally accomplished by vacuum exaction to allow for a visual identification of the water service pipe.

## Responsibilities

The following shall form the basis of the Lead Replacement Policy for the Town of St. Marys:

#### Municipal Lead Testing Program:

The Town of St. Marys shall conduct municipal lead testing within the water distribution system in accordance with Ontario Regulation 170/03 and the Safe Drinking Water Act, 2002, as amended.

If residents or property owners are concerned about the concentration of lead at their point of consumption, the Town will provide lead sampling guidance material, sample collection bottles, and shipping information and packaging to the property owner to facilitate an in home test by the property owner. This service shall be provided at no cost to the property owner.

#### Determining Lead Service Material:

If a property owner is concerned about the potential presence of a lead water service, an inquiry may be made to the Town to facilitate a records review at no cost to the property owner. The Town shall complete a review of available records and provide a response to the property owner within 15-days of the inquiry.

If service material is not able to be determined via a record review. The property owner may request that a daylighting activity be undertaken to determine the pipe material. The Town will complete the pipe daylighting and service pipe material confirmation on a time and materials basis, with the bill being the responsibility of the property owner. Following the daylighting, the Town will provide a response to the property owner indicating confirmed pipe material, and next steps, if any.

The Town may respond to an emergency service repair as a result of a leak. If lead service material is identified during the repair, an emergency repair will be completed to stop the leak and return normal service to the property. Following the repair, the Town will provide written notification to the property owner advising of a confirmed lead water service, and the Town's intent to replace the service in accordance with this Policy.

#### Lead Service Replacement Program:

Once a lead water service has been confirmed, the Town will coordinate a water service replacement within six (6) months of the confirmation. The replacement shall consist of replacement from the municipal watermain to the property line with an approved water service material in accordance with Town Standards.

The property owner will be advised of the work, and informed to verify water service material entering the house and consider lead replacement on private property if identified. Property owners are not required to replace their portion of the water service if lead is identified. The Town shall provide a Lead in Drinking Water information sheet to all property owners where lead pipes are identified to assist property owners in making an informed decision.

Property owner shall be responsible for retaining a licensed plumber to coordinate and replace any lead service on private property.

Any restoration activities as a result of a lead service replacement shall be conducted in accordance with the Town's approved Water Damage Restoration Policy.



## Communication

To lessen the impact of service disruptions during utility emergencies, it is important that customers have access to timely and reliable information that describes how they can protect their properties. The Town of St. Marys will develop and maintain a proactive communications plan that will include a public education component. Communications will include personal approaches and be integrated across multiple online and offline channels.

For greater clarity, once a lead service has been confirmed on municipal property, the Town will issue a letter to the property owner advising of the confirmation of lead service material, and the Town's intent to replace the service. Contact information will be included to open a line of communication between the property owner and the Town.

## References

1. Town of St. Marys Water Supply By-Law, 46 of 2014

## Approval

This Policy was approved on September 8, 2020.

# LEAD IN DRINKING WATER

*The Corporation of the Town of St. Marys – Environmental Services*

The following information has been prepared to assist customers of the St. Marys Water Supply in understanding the benefits of replacing a lead water service line on their property. For more information on water quality, please contact the Town of St. Marys at 519-284-2340 ext. 209.

## Health impacts from Lead in Drinking Water:

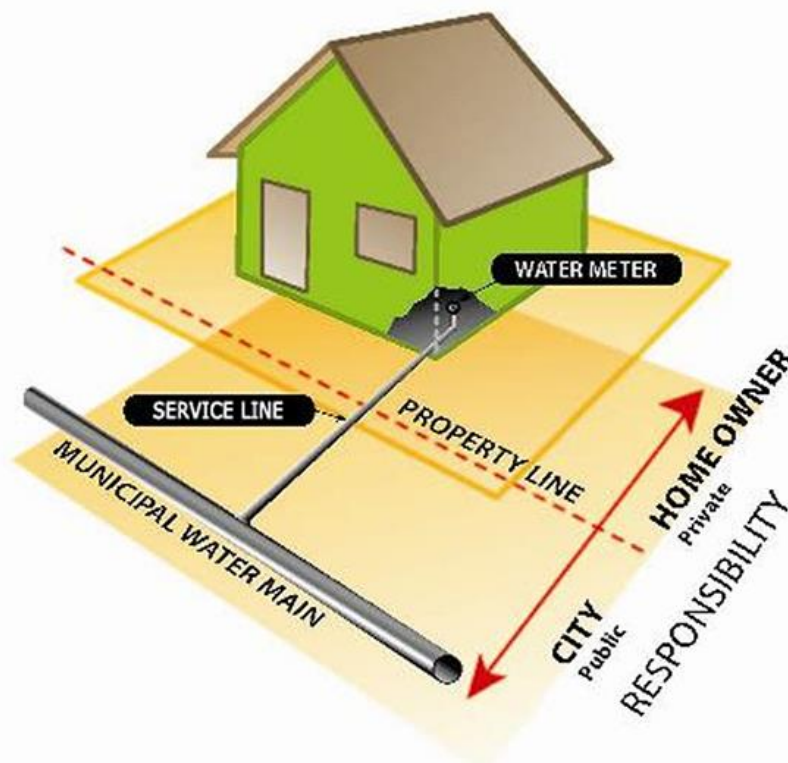
Children six years of age or younger are more sensitive to the effects of lead because they are still developing and able to absorb ingested lead more easily than adults. Long-term exposure to elevated levels of lead may increase the risk of subtle impairment of learning capacity and intellectual development. In addition, pregnant women can pass lead in their blood to their fetus during pregnancy.

## How does Lead Service Lines affect Drinking Water:

As shown on Figure 1, service lines are the underground pipes that connect to the municipal watermain and supply water into buildings. The Town is responsible for the portion of the service line up to the property line, and property owners are responsible for the portion of the line on their property. Prior to the mid-1950's, lead was commonly used as service line material. If a building has a lead service line, lead can dissolve into the drinking water, especially if the water has been left standing in the plumbing for an extended period of time, for example, overnight. One way of reducing exposure to lead in drinking water is by replacing lead service lines with never materials such as copper or plastic that do not contain lead.

**Figure 1:**

Credit – City of London



### **Why full lead service line replacements are important:**

Full replacement of both portions of the lead service lines provides the best reduction of lead levels in the water entering the building.

Moreover, research shows that replacing only a portion of the lead service line may actually make lead problems worse, especially right after the partial replacement is completed. This is because the work done while replacing the municipal portion can shake loose lead particles that can then enter the drinking water.

Also, connecting the lead line to a new copper line may result in an electrochemical process between the two metals that can cause the water to wear away and dissolve some of the lead in the lead line. This may create a serious long-term problem with lead in the water.

Lead lines, fixtures or solder used to connect pipes within buildings can still result in lead in the drinking water, although less than that which could come from lead service lines.

If a home was built between the mid-1950s and 1989, there likely won't be lead pipes or service lines, but there might be lead in some fixtures or solder used to connect the pipes. Homes built after 1989 are unlikely to have any lead in pipes, service lines, solder or joints.

If lead is suspected to be a problem in drinking water supplied within buildings where there are no lead service lines, a plumbing evaluation can assist in assessing internal pipes, fixtures or solder for the presence of lead.

### **Who pays for Lead Service line replacements**

The Town pays for replacing a service line on their side of the property line and property owners pay for the portion on their side. The Town will inform property owners when they are scheduling service line replacements so that the owners can opt and arrange to replace theirs at the same time.

Coordinating a replacement along with the Town's work can mean a reduced cost to the property owner and is also the best way to minimize overall health risks to users of water in the building.

## **Works Cited**

2012-2020, Queen's Printer of Ontario. *Government of Ontario*. 2 June 2020.

<<https://www.ontario.ca/page/information-property-owners-about-lead-water-service-line-replacement>>.

# NOTICE

## LEAD WATER SERVICE CONFIRMED

**VIA HAND DELIVERY**

September 2, 2020

**SUBJECT: LEAD WATER SERVICE - CONFIRMED**  
**[INSERT ADDRESS HERE], ST. MARYS, ONTARIO**

This Notice has been drafted as a result of recent observations of your water service.

Please be advised that the Operating Authority for the St. Marys Water Supply and Distribution System (Ontario Clean Water Agency - OCWA) has recently identified that your property is serviced with a lead water service line.

It is recommended that you check your water service material where it comes into the house below the water meter to confirm private piping material. The policy for the Town of St. Marys is to eliminate lead piping from the water system. As such, when lead piping material is identified, the Town will replace the water service on public property from the water main to property line at no cost to the homeowner. However, piping material from the property line into the building remains the responsibility of the property owner. This letter is to make you aware of this and to urge you to consider replacing your private water service line, if necessary. *Please refer to the Information Sheet entitled "Lead in Drinking Water" enclosed for additional information.*

The Town is planning on replacing its portion of the water service line for the above-mentioned address in June 2020. Should you wish to replace any private service line, it would ideally be planned when the municipality replaces the public section.

Should there be any questions and / or concerns with regards to this matter, please contact the undersigned as your earliest convenience. The Town will advise when the replacement of the public service line is to take place.

Sincerely,  
**THE TOWN OF ST. MARYS – ENVIRONMENTAL SERVICES**

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**Dave Blake, C.E.T.**  
Environmental Services Supervisor  
[dblake@town.stmarys.on.ca](mailto:dblake@town.stmarys.on.ca)

cc: Jed Kelly, Director of Public Works – Town of St. Marys  
Adam McClure, Operations Manager – Ontario Clean Water Agency

**PUBLIC WORKS DEPARTMENT – ENVIRONMENTAL SERVICES**  
408 JAMES STREET SOUTH, P.O. BOX 998, ST. MARYS, ON N4X 1B6



# FORMAL REPORT

<b>To:</b>	Mayor Strathdee and Members of Council
<b>Prepared by:</b>	Morgan Dykstra, Public Works Coordinator
<b>Date of Meeting:</b>	8 September 2020
<b>Subject:</b>	<b>PW 57-2020 Waste Reduction Week Proclamation</b>

## PURPOSE

To provide information to Council regarding a national event called “Waste Reduction Week” and request that Council proclaim October 19 to 25, 2020 as Waste Reduction Week in the Town of St. Marys.

## RECOMMENDATION

**THAT** PW 57-2020 Waste Reduction Week Proclamation report be received;

**THAT** Council proclaim October 19 to October 25, 2020 as Waste Reduction Week in the Town of St. Marys; and

**THAT** Council direct staff to craft a media campaign to highlight waste reduction activities and advertise existing waste diversion programs in St. Marys.

## BACKGROUND

The Province of Ontario declared May 12, 2020 as the Province’s first official day of Action Litter. The purpose of the event was to promote province-wide litter clean ups and focus on raising awareness of the impacts of waste in the environment, and what actions each and every Ontarian can take to prevent, reduce and divert waste, right at home.

In an email sent to municipal governments on April 23, 2020 the Minister of the Environment, Conservation and Parks advised that in support of the effort to stop the spread of COVID-19 and help keep Ontarians safe, the Ministry would be postponing public and corporate cleanups until later in the year during Waste Reduction Week, which takes place October 19-25, 2020. The Town of St. Marys has not received any further correspondence related to the public and corporate clean ups and if they will proceed in October. However, the Town should consider participating in Waste Reduction Week.

## REPORT

Waste Reduction Week is the third week of October (October 19 to 25) and is led by the Recycling Council of Ontario with support from a coalition of not for profit environmental groups and governments from each of the 13 provincial and territorial jurisdictions across Canada. The program’s primary purpose is to celebrate Canada’s environmental efforts and achievements while encouraging new innovative ideas and solutions. Furthermore, Waste Reduction Week in Canada provides information and ideas to reduce waste in all facets of daily living, creating the solutions to the many environmental challenges we face including climate change, water pollution and preservation of natural resources.

The program calls on municipalities to make a proclamation declaring the third week of October as Waste Reduction Week and then lead an education campaign regarding waste reduction activities. The proclamation includes a commitment from Council:

*“We commit to waste reduction, resource conservation, and community education for sustainable living. We recognize that losing waste to disposal and as litter are local and global threats to the environment. We will take action to reduce our waste and support the circular economy”*

For 2020, the Recycling Council of Ontario has created a thematic daily campaign. The 2020 campaign hopes to introduce the concept of circular economies and celebrate broader circular economy initiatives and concepts. The week is set up as follows:

- Monday, October 19, 2020: Circular Economy & Kick-off
- Tuesday, October 20, 2020: Textiles
- Wednesday, October 21, 2020: E-Waste
- Thursday, October 22, 2020: Plastics
- Friday, October 23, 2020: Food Waste
- Saturday, October 24, 2020: Sharing Economy
- Sunday, October 25, 2020: Swap & Repair

Existing Town strategic documents such as the *Waste Reduction & Diversion Assessment (WRDA)* emphasize the importance of circular economies and have incorporated circular economy initiatives into long-term planning goals. In establishing waste reduction and diversion initiatives based on the *Resource Recovery and Circular Economies Act, 2016* the Town is better positioned to consider end-of-life materials as resources rather than waste, resulting in fewer raw materials being used and to maximize the life expectancy of the landfill site. However, to ensure that fewer raw materials are disposed of at the landfill site education programs need to be crafted to promote existing diversion programs or any changes that have been made to any diversion practices. The act of proclaiming October 19 to 25 as Waste Reduction Week is an opportunity to promote what St. Marys has to offer in terms of waste diversion programs and work towards achieving long-term goals that have been established in the WRDA.

For each day the diversion program can be highlighted and tailored to St. Marys specific programs. For more information please see here: <https://wrwcanada.com/en/2020-theme-days>

The Town's Green Committee is supportive of the proclamation and education campaigns that provide St. Marys residents with more information regarding available diversion opportunities. The Green Committee made the following recommendation to Council:

***Resolution: GC-2020-04-05***

***Moved by John Stevens***

***Seconded by Lynette Geddes***

***THAT PW 52-2020 Waste Reduction report be received; and***

***THAT the Committee recommend to Council:***

***THAT Council proclaim October 19 to October 25 as Waste Reduction Week; and***

***THAT Council direct staff to craft a media campaign to highlight waste reduction activities and advertise existing waste diversion programs in St. Marys.***

**CARRIED**



Proclaiming October 19 to 25, 2020 as a Waste Reduction Week is an opportunity to participate in a national movement that promotes the reduction of waste and highlight St. Marys programs.

## **FINANCIAL IMPLICATIONS**

There are small costs associated with advertising, those costs can be covered by the Public Works and Landfill operating budgets.

## **SUMMARY**

Waste Reduction Week is a Canada-wide program that advocates for the reduction of waste and promotes waste reduction activities. The Town of St. Marys should consider adopting the program and declaring Waste Reduction Week in St. Marys.

## **STRATEGIC PLAN**

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
  - Pillar #1 Infrastructure:
    - Outcome: Waste Management Plan – With anticipated proactive measures for growth (residential, commercial and industrial), there will be need for active consideration of optimizing landfill services, but with a view to controlled costs and forward-thinking environmental initiatives.
    - Tactic(s): Plan for a new long-term review of waste management, taking account of new and more prescriptive provincial standards. Explore alternatives to status quo waste management with a view to reduction and recycling initiatives for all residential, commercial and industrial properties.

## **OTHERS CONSULTED**

Town of St. Marys Green Committee

Dave Blake, Environmental Service Supervisor

Brett O'Reilly, Corporate Communications Manager

## **ATTACHMENTS**

Attachment A: Correspondence from the Minister of Environment, Conservation and Parks regarding Provincial Day of Action on Litter.

Attachment B: Waste Reduction Week in Canada Proclamation Template

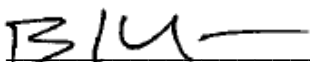
## **REVIEWED BY**

### **Recommended by the Department**

  
Morgan Dykstra  
Public Works Coordinator

  
Jed Kelly  
Director of Public Works

### **Recommended by the CAO**

  
Brent Kittmer  
CAO / Clerk

From: "Minister, MECP (MECP)" <Minister.MECP@ontario.ca>  
Date: Mar. 11, 2020 10:42 a.m.  
Subject: Provincial Day of Action on Litter  
To: Al Strathdee <astrathdee@town.stmarys.on.ca>

[EXTERNAL]

Attn: Municipal Council of the Town of St. Marys

Good morning Mayor Strathdee,

As you may know, the *Provincial Day of Action on Litter Act, 2019* was proclaimed December 2019 and established the second Tuesday of May each year as the Provincial Day of Action on Litter.

This year, we invite all of you to join the province in our first official Day of Action on May 12, 2020. We will be inviting everyone across the province to come together to clean up our communities and generate awareness on the impact of litter and waste.

We see an important role for the Town of St. Marys in making a difference in our communities. Meaningful action starts close to home, so we are looking for your help to encourage local community engagement and leadership in litter management.

In the coming weeks, a communications toolkit will be provided to you, and a dedicated ontario.ca webpage will be made available to provide further details to the public.

In the meantime, our ministry officials will be reaching out to discuss our vision and have prepared an information sheet below with more information.

We look forward to working with you and the Town of St. Marys.

Thank you,

Jeff Yurek  
Minister of the Environment, Conservation and Parks

Andrea Khanjin  
Parliamentary Assistant to the Minister of the Environment, Conservation and Parks

### **Provincial Day of Action on Litter Information Sheet: Municipal Participation**

About the Day of Action on Litter:

Ontarians generate nearly a tonne of waste per person every year. It is estimated that almost 10,000 tonnes of plastic debris enter the Great Lakes annually. We all have a role to play in keeping our neighbourhoods, parks and waterways clean and free of

litter.

Our vision is to work together across the province to contribute to a clean and beautiful province by preventing, reducing, diverting and acting on waste during the Provincial Day of Action on Litter. This year, on May 12<sup>th</sup>, we want to inspire all Ontarians to take action and ownership over the waste created, to contribute to a cleaner, greener Ontario for today and for future generations.

We are seeking municipality participation by:

- organizing a municipal-led cleanup event.
- identifying a pick-up location for your community members to obtain cleanup supplies.
- providing permits as needed to the public who want to do their own cleanup.
- identifying drop-off locations for collected litter.

Other ways municipalities can participate:

- promote through your social media accounts
- post cleanups on your website and events calendar
- advertise on community centre digital screens
- post information on library boards

The Ministry of the Environment, Conservation and Parks will be reaching out to discuss these opportunities further. Please complete this form by March 20, 2020 to identify a contact in your municipality that ministry staff can connect with regarding the Day of Action on Litter.

We look forward to working with you and we will be reaching out very soon.

If you have any questions, please reach out to [ActONLitter@ontario.ca](mailto:ActONLitter@ontario.ca) or Tea Pesheva at (289) 962-3912.

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hereby declares

## Waste Reduction Week in Canada

October 19 - 25, 2020

We commit to waste reduction, resource conservation, and community education for sustainable living. We recognize that losing waste to disposal and as litter are local and global threats to the environment. We will take action to reduce our waste and support the circular economy.

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Name, Title

---

Signed

---

Date



WASTE  
REDUCTION  
WEEK  
IN CANADA



# FORMAL REPORT

<b>To:</b>	Mayor Strathdee and Members of Council
<b>Prepared by:</b>	Jenna McCartney, Deputy Clerk
<b>Date of Meeting:</b>	8 September 2020
<b>Subject:</b>	<b>CAO 51-2020 Code of Conduct Complaint and Integrity Commissioner Report</b>

## PURPOSE

To inform Council of a recent Code of Conduct complaint that was submitted to the Town's Integrity Commissioner for further investigation and to present Council with the Integrity Commissioner's findings.

As per section 63 of the St. Marys Council Code of Conduct, Council shall pass a resolution in response to the report. The resolution shall be passed at the September 8, 2020 meeting or at the next meeting being September 15, 2020 (planning public meetings).

A representative from Aird & Berlis LLP will be present on September 8, 2020 to guide Council through the process of passing a resolution in response to the report.

Council should note that the process of receiving this report and passing a resolution should not be considered a trial or hearing. Council has the authority to consider the recommendation and pass a resolution on the matter.

## RECOMMENDATION

**THAT** CAO 51-2020 Code of Conduct Complaint and Integrity Commissioner Report be received.

## BACKGROUND

On May 3, 2017, Bill 68, *Modernizing Ontario's Municipal Legislation Act* received royal assent. The Act required an addition to the *Municipal Act*, section 223.3. This section authorizes a municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to accountability and transparency of Council.

At Council's regular meeting on December 12, 2017, it appointed Aird & Berlis LLP as the Town's Integrity Commissioner. Since that time, John Mascarini has primarily represented the firm in this role for the Town.

At Council's regular meeting on September 11, 2018, it established a Code of Conduct for members of council. The Code sets out the key principles, expectations of members, the role of the Integrity Commissioner and the process for complaints. The complaint process will be outlined further in this report.

## **REPORT**

The Clerk's department is in receipt of an investigation report filed by Mr. Mascarin related to a recent complaint about a member of Council (the "Member"). The final report is appended to this staff report for review and consideration by Council.

As mentioned, the St. Marys Code of Conduct is appended to this report. So that Council is aware of the process that led to the report by the Integrity Commissioner and the steps that lay ahead for Council, staff will outline below a summary of key sections of the Code of Conduct.

Council should be aware that a representative from Aird & Berlis will be present on September 8 to provide a review of the report with Council and to be available for questions as this is Council's first experience receiving a report of this nature from the Integrity Commissioner.

### **Complaint Procedure**

Sections 42 to 46 and 48a to g provide the steps that an individual must take in order to file a complaint with the Integrity Commissioner.

### **Investigation Procedure**

Sections 52 to 58 detail the steps that the Integrity Commission shall take to investigate the complaint.

### **Investigation Report**

Sections 59 to 61 outline how the Integrity Commissioner's findings will be reported, when and to whom.

Section 59b. is very specific to identify the process for the Member to respond in writing to the Integrity Commissioner about his or her findings and any recommended remedial or corrective actions or measures. The Member may address these comments, if any, with Council at the time of the meeting on September 8, 2020.

### **Council's Consideration of Integrity Commissioner's Report**

Section 62 is specific in that the Integrity Commissioner's report shall be considered by Council at its next meeting upon the clerk's receipt of the report. The Clerk was in receipt of this report on September 2, 2020 which necessitates the receipt of it by Council at the September 8, 2020 Council meeting.

Section 63 identifies that Council shall pass a resolution in response to the report. The resolution shall be passed at the September 8, 2020 meeting or at the next meeting being September 15, 2020 (planning public meetings).

Council will see within the Integrity Commissioner's report there are proposed actions for Council to contemplate. The Member is provided the opportunity to respond in writing to the Integrity Commissioner about his or her findings and any recommended remedial or corrective actions or measures.

As the Code of Conduct does not specifically identify whether the Member has the ability to address Council at the time of receiving the report, staff sought an opinion of the process from Rebecca Hines who also represents Aird & Berlis and is an associate of Mr. Mascarin. Ms. Hines provided the following:

*It will be important to ensure that everyone understands that this is not a hearing or a trial, or an opportunity to challenge the investigation, the investigative process or the findings contained in the report. It is an opportunity for Council to receive, consider and vote on the investigation report, and for the Councillor, if he wishes to do so, to speak to the report (i.e. the conclusions and the recommendations contained therein).*

*The Councillor is entitled to speak to the report as a matter of procedural fairness, and as a result of the Ontario Divisional Court's decision in Magder v. Ford (copy attached - see para. 42 for pertinent finding), which deals with this issue.*



*While the Councillor does not stand to have his finances impacted (and, therefore, section 5 of the MCIA is not engaged), he does stand to have a penalty and/or a corrective measure imposed upon him. As such, procedural fairness and the Court's decision in Magder v. Ford dictate that he be given the opportunity to speak to the report.*

Ms. Hines will be present on September 8, 2020 to guide Council through the process of passing a resolution in response to the report.

### **Penalties and Remedial Actions**

Sections 64 and 65 speak to the possible outcomes of the Integrity Commissioner's report that would be presented by way of recommendations.

Council will see that the Integrity Commissioner has outlined recommendations on page 10 of the report.

It is Council's authority to receive these recommendations from the Integrity Commissioner at the September 8 meeting and consider these recommendations. Said another way, this meeting of Council is not to be considered a trial or hearing on the events leading up to or including the investigation. Council is not expected to debate if the Member was in the right or in the wrong as that is what Council has delegated authority to the Integrity Commissioner for. Council's role is to receive the report and recommendation from the Integrity Commissioner and to come to a decision by resolution in response to the report (i.e. accept the recommendations or not)

### **FINANCIAL IMPLICATIONS**

\$4,042.50 plus HST related to the Integrity Commissioner's investigation as of July 31, 2020.

### **SUMMARY**

The Integrity Commissioner has submitted a final report to the Clerk's department related to a Code of Conduct complaint. The final report is attached to this report for Council's review and the recommendations are for your consideration.

At the September 8 regular Council meeting, a representative of Aird & Berlis will present the report to Council. The representative will be available to respond to questions from Council. The recommendations will be presented to Council for a decision on the matter.

### **STRATEGIC PLAN**

☒ Not applicable to this report.

### **OTHERS CONSULTED**

John Mascarin, Aird & Berlis LLP

Rebecca Hines, Aird & Berlis LLP

### **ATTACHMENTS**

Integrity Commissioner's Report

Town of St. Marys Code of Conduct for Members of Council and Local Boards

### **REVIEWED BY**

**Recommended by the Department**



Jenna McCartney  
Deputy Clerk

**Recommended by the CAO**

A handwritten signature in black ink, appearing to read "BK" followed by a horizontal line.

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Brent Kittmer  
CAO / Clerk



## **CORPORATION OF THE TOWN OF ST. MARYS**

### **CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS**

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#### **PURPOSE**

The purpose of the Code of Conduct is to establish ethical guidelines for Members of the Council of The Corporation of Town of St. Marys and its Local Boards in accordance with the requirements of section 223.2 of the *Municipal Act, 2001* and O. Reg. 55/18.

The Code of Conduct acts to complement the following legislation and the applicable regulations governing the conduct of Members and helps to ensure that all Members share a common basis for acceptable conduct:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Provincial Offences Act*
- *Human Rights Code*
- *Criminal Code*
- by-laws and policies of Council as adopted and amended from time to time, including but not limited to:
  - Respect in the Workplace policy
  - Municipal Elections procedures

Any statute, regulation, by-law or policy referred to herein shall include any amendments, consolidation, replacement or re-enactment.

The Code of Conduct applies to all Members of the Council, including the Mayor and, unless specifically provided, with necessary modifications to all Local Boards.

## KEY PRINCIPLES

1. The following key principles underlie the Code of Conduct and are intended to guide Members and to assist with the interpretation of the Code of Conduct:
  - a. Members are at all times representatives of and shall serve and be seen to serve their constituents in a conscientious and diligent manner;
  - b. Members shall conduct their dealings with each other and the public so as to always maintain public confidence in the position to which they have been elected or appointed;
  - c. Members shall commit to perform their functions with integrity and to avoid any improper or inappropriate use of the influence of their office and to avoid any Conflict of Interest, whether it be an Apparent Conflict of Interest, Potential Conflict of Interest, or Real Conflict of Interest;
  - d. Members shall abide by all applicable legislation, policies and procedures pertaining to their position as a Member;
  - e. Members shall, in exercising their powers and in discharging their official duties:
    - i. seek to advance the common good of the Town,
    - ii. truly, faithfully and impartially exercise their office to the best of their knowledge and ability,
    - iii. exercise care, diligence and skill that a reasonably prudent person to public office would exercise in comparable circumstances,
    - iv. exercise their powers only for the purpose for which they were intended, and
    - v. competently exercise their office by educating themselves, either formally or informally, in matters pertaining to their official duties.

## DEFINITIONS

2. For the purpose of the Code of Conduct the following terms have the meanings set out below:
  - a. “Apparent Conflict of Interest” means a situation where it could be perceived, or appears, that the Member’s personal or private interests could improperly influence the performance of his or her official duties;
  - b. “Code of Conduct” means the Town of St. Marys’ Code of Conduct for Members of Council and Local Boards;

- c. "Committee" means any committee that may be established by Council from time to time as defined in the Town's Procedure By-Law;
- d. "Complaint" means an alleged contravention of the Code of Conduct filed in accordance with the provisions hereof;
- e. "Complainant" means the person who has filed a formal Complaint in accordance with Section 48;
- f. "Confidential Information" means, but is not limited to, the following:
  - i. any information in the possession of, or received in confidence by the Town, that the Town is prohibited from disclosing, or had decided to refuse to disclose under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, or any other applicable law,
  - ii. information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel labour relations, litigation, property acquisition, the security of the property of the Town or a Local Board or Committee; any other information lawfully determined by the Council or the Local Board to be confidential, or required to remain or be kept confidential by legislation or order,
  - iii. a matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in an open meeting of Council or Local Board or it is authorized to be released by Council, Local Board, Committee or otherwise by law,
  - iv. reports of consultants, draft documents and internal communications, that, if disclosed may result in prejudice to the reputation of the Town, its officers and staff, or its effective operation,
  - v. information concerning litigation, negotiation or personnel matters, and
  - vi. information, the publication of which may infringe on the rights of any person (for example, the course of a Complaint where the identity of a Complaint is given in confidence).
- g. "Conflict of Interest" means a situation in which a Member has competing interests or loyalties between the Member's personal or private interests and his or her public interests as an elected or appointed representative such that it might influence his or her decision in a particular matter, but does not mean a direct, indirect or deemed pecuniary interest as governed by the *Municipal Conflict of Interest Act*;

- h. "Council" means the council for the Town and includes, as the context may require and with all necessary modifications, any Town committee, agency, board or commission;
- i. "Clerk" means the Clerk of the Town;
- j. "Family" means a Member's "parent", "child" or "spouse" as those terms are defined in section 1 of the *Municipal Conflict of Interest Act*;
- k. "Inquiry" means an application for an inquiry by an elector or a person demonstrably acting in the public interest concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a Member;
- l. "Integrity Commissioner" means the person or organization appointed by Council by by-law in accordance with section 223.3(1) of the *Municipal Act, 2001* and who is responsible for performing in an independent manner all of the functions set out in subsection 223.3(1) and such additional duties and responsibilities as may be from time to time assigned by Council;
- m. "Lobbyist" means a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional business, industry, trade or labour organization, or a consultant or voluntary lobbyist who arranged meetings between a Member and any other person for the purpose of lobbying;
- n. "Local Board" means a "local board" as defined in section 1 and as further defined in section 223.1 of the *Municipal Act, 2001*;
- o. "Member" means a member of Council or a Local Board, including a members of any Committee;
- p. "Potential Conflict of Interest" means a situation where a Member has personal or private interests that could conflict with his or her official duties in the future and expressly incorporates the concept of foreseeability;
- q. "Private Advantage" does not include a matter that is of general application or considered to be an interest in common generally with the electors within the jurisdiction of an area;
- r. "Real Conflict of Interest" means where a member has an actual Conflict of Interest, other than a direct, indirect or deemed pecuniary interest as governed by the *Municipal Conflict of Interest Act*;
- s. "Town" means The Corporation of the Town of St. Marys.



## **GIFTS, BENEFITS, AND HOSPITALITY**

3. No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties, unless permitted by one of the exceptions listed in Section 5.
4. For the purpose of Section 3, a fee or advance paid to, or a gift or benefit provided with the Member's knowledge to a Member's Family or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.
5. The following are recognized as exceptions to the restrictions set out in Sections 3 and 4 above:
  - a. compensation authorized by by-law;
  - b. gifts, benefits, or hospitality that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  - c. a political contribution otherwise reported by law, in the case of a Member running for office;
  - d. donations toward charitable events or causes, including municipal projects and other municipal undertakings;
  - e. services provided without compensation by persons volunteering their time;
  - f. a suitable memento of a function honouring the Member;
  - g. food, lodging, transportation and entertainment provided by provincial, regional and local governments, by the Federal Government or by a foreign country, or by a conference, seminar or event organization where the Member is either speaking or attending in an official capacity;
  - h. food and beverages consumed at banquets, receptions or similar events, if:
    - i. attendance serves a legitimate municipal purpose,
    - ii. the person extending the invitation or a representative of the organization is in attendance, and
    - iii. the value is reasonable and attendance is infrequent;
  - i. communication to the offices of a Member including subscriptions to newspapers and periodicals.

6. With the exception of Section 5 c, which relates to properly reported political contributions, the exemptions listed in Section 5 do not apply in circumstances where the gift or benefit is provided by a Lobbyist or a Member's client or employer.
7. A Member shall disclose the receipt of gifts, benefits, and hospitality if either the dollar value of a single gift, benefit, or hospitality exceeds \$200 or if the total value of gifts, benefits, and hospitality received from one source in a calendar year exceeds \$200, within thirty (30) days of receipt of the gift, benefit, or hospitality or within thirty (30) days of reaching the annual limit by filing a disclosure statement with the Clerk (attached as Schedule C). All disclosure statements shall become a public record, and shall be disclosed upon a request being filed with the Clerk.
8. Except in the case of Section 5 a, c, f and i, a Member shall not accept a gift, benefit or hospitality worth in excess of \$500 or any gifts, benefits or hospitality that total more than \$500 from a single source, person, organization, party or entity during a calendar year.

## **IMPROPER USE OF INFLUENCE**

9. No Member shall use the influence of his or her office, or information gained in the execution of his or her duties that is not available to the general public, for any purpose other than the exercise of his or her official duties. No Members shall hold out their status as a Member to:
  - a. improperly influence the decision of another person to the Private Advantage of the Member's Family, staff, friend or associate, business or otherwise;
  - b. secure preferential treatment beyond activities in which a Member normally engages as part of his or her official duties;
  - c. hold out the prospect or promise of future advantage through a Member's supposed influence within Council, Committee or Local Board in return for present actions or inaction.

## **BUSINESS RELATIONS**

10. No Member shall act as a Lobbyist before Council, Committee, or Local Board except in compliance with the terms of the *Municipal Conflict of Interest Act*. No Member shall refer to a third party, partnership or corporation in exchange for payment or other personal benefit.
11. No Member shall act as a paid agent before Council, Committee or Local Board except in compliance with the terms of the *Municipal Conflict of Interest Act*.

12. No Member shall allow the prospect of his or her current or future employment by a person to detrimentally affect the performance of his or her duties for the Town.

### **CONFIDENTIALITY**

13. No Member shall disclose, release or publish by any means to any person or to the public any Confidential Information acquired by virtue of his or her office, in any form, except when required or authorized by Council, a Local Board or otherwise required by law to do so.
14. No Member shall disclose the content of any matter that has been discussed at an in-camera (closed) meeting or the substance of deliberations until the Council, Committee or Local Board discloses the matter at a meeting that is open to the public or otherwise releases the information to the public.
15. No Member shall access or attempt to gain access to Confidential Information in the custody of the Town or Local Board unless it is necessary for the performance of his or her duties and not prohibited by Council or Local Board policy.
16. No Member shall use Confidential Information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body.

### **CONDUCT WHILE REPRESENTING THE TOWN**

17. A Member shall make every effort to participate diligently in the activities of Council, its Local Boards and Committees to which they are appointed.
18. No Member shall make disparaging remarks about another Member, staff or any member of the public.
19. No Member shall make any disparaging remarks or comments about any decision of Council, Committee or Local Board, notwithstanding the Member's right to disagree with a decision in a respectful manner.
20. A Member shall accurately and adequately communicate the rationale and decisions of Council, even if they disagree with a majority decision of Council.

### **CONDUCT AT MEETINGS**

21. A Member shall conduct them self with decorum and civility in accordance with the provisions of the Town or Local Board's Procedure By-law, show courtesy and respect to delegations, other Members and staff, and not distract from the business of the Town during presentations and when any other Member has the floor or a member of the public is making a deputation or presentation.

## **CONDUCT RESPECTING STAFF**

22. A Member is subject to the provisions of the Town's "Council-Staff Relationship Policy" as it relates to his or her day to day interactions with staff of the Town.
23. A Member is subject to the provisions of the Town's "Respect in the Workplace Policy" as it relates to his or her day to day interactions with staff of the Town.
24. No Member shall be permitted to individually direct the actions of staff, except and only as authorized by Council, given that only Council as a whole has the authority to direct staff, approve budgets, policies, processes and other matters.
25. A Member shall respect the fact that staff carry out the directions of Council and administer the policies of the Town under the direction of the Chief Administrative Officer, and serve Council as a whole.
26. A Member shall respect the role of staff which is to:
  - a. provide advice and recommendations based on their professional expertise and corporate perspective, and
  - b. provide advice and recommendations with political neutrality and objectivity and without any undue influence from any individual Member or group of Members.
27. No Member shall publicly criticize staff, individually or collectively, or maliciously or falsely injure the professional or ethical reputation of staff, in such a way that calls into question the professional competence or credibility of staff.
28. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
29. No Member shall use, or attempt to use, his or her authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

## **COMPLIANCE WITH TOWN POLICIES AND BY-LAWS**

30. The Code of Conduct operates in conjunction with, and as a supplement to, existing and future policies of the Town that may from time to time apply to Members.
31. A Member shall observe the terms of all Town by-laws, policies and procedures detailed in such policies established by Council or deemed to apply to Council. This provision does not however prevent a Member from requesting that Council grant an exemption from a policy, other than the Code of Conduct.

## **HARASSMENT**

32. A Member has a duty to treat the public, other Members and staff in an appropriate manner without abuse, bullying or intimidation. A Member shall ensure that his or her work environment is free from discrimination and of harassment.
33. A Member shall abide by the provisions of the *Human Rights Code*, and shall treat every person, including other Members, staff, individuals providing services on a contract for service and the public, with dignity, understanding and respect.
34. No Member shall discriminate against any person on the basis of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.

## **USE OF TOWN PROPERTY, SERVICES, AND OTHER RESOURCES**

35. No Member shall use Town staff, property, equipment, supplies, services, or other resources which are not available to the general public or for activities other than the business of the Town.

## **CONFLICT OF INTEREST**

36. No Member shall discharge any official duty or participate in any meeting of Council, Committee or Local Board where she or he has a Real Conflict of Interest, Apparent Conflict of Interest, or Potential Conflict of Interest.

## **ELECTION CAMPAIGN WORK**

37. No Member shall contravene the provisions of the *Municipal Elections Act, 1996* or any election procedures established by the Clerk.
38. No Member shall use the facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign-related activities.
39. No Member shall undertake campaign-related activities on Town property or in Town facilities unless permitted by Town policy (e.g., all candidates meetings).
40. No Member shall use the services of a person for election-related purposes during hours in which that person receives any compensation from the Town.

## **INTEGRITY COMMISSIONER**

41. Pursuant to section 223.3 of the *Municipal Act, 2001*, Council shall appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the following functions:
  - a. the application of the Code of Conduct;

- b. the application of any procedures, rules and policies of the Town and Local Boards governing the ethical behaviour of Members;
- c. the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members;
- d. requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member;
- e. written requests from Members for advice respecting their obligations under a procedure, rule or policy of the Town or of the Local Board, as the case may be, governing the ethical behaviour of Members;
- f. written requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*;
- g. the provision of educational information to Members and the public about the Code of Conduct and about the *Municipal Conflict of Interest Act*;
- h. assessing and investigating formal written Complaints respecting alleged contraventions of the Code of Conduct; and
- i. providing Council, through the Clerk, with reports resulting from the investigations of the Integrity Commissioner and any other report prepared in addition to reports from informal or formal investigations.

## COMPLAINT PROCEDURE

- 42. Any organization or individual, including the public, Town staff or another Member who has reasonable grounds to believe that a Member has contravened a provision of the Code of Conduct, may file a Complaint.
- 43. A Complaint must be filed within six (6) weeks the date from when the matter became known to the Complainant and no more than six (6) months after the alleged violation. The Integrity Commissioner shall have no jurisdiction and take no action with respect to any Complaint received after these deadlines, except as expressly provided in Section 44.
- 44. The deadlines established in Section 43 do not apply if both of the following are satisfied:
  - a. the complainant became aware of the alleged contravention within the period of time starting six (6) weeks before nomination day for a regular election, and ending on voting day in a regular election, as set out in the *Municipal Elections Act, 1996*; and



- b. the complainant applied to the Integrity Commissioner within six (6) weeks after the day after voting day in a regular election, as set out in the *Municipal Elections Act, 1996*.
- 45. A complainant is not required to follow the informal Complaint process in Section 47 prior to proceeding with a formal Complaint.
- 46. The Complaint procedures in Section 47 and 48 do not apply to any complaints about alleged contraventions of the Code of Conduct filed with the Clerk prior to the date on which the Code of Conduct was formally enacted by Council.

### **Informal Complaints**

- 47. Any person who has identified and/or witnessed any behaviour or activity by a Member that appears to be in contravention of the Code of Conduct may engage in the following informal process:
  - a. advise the Member that his or her behaviour or activity is unacceptable and appears to contravene the Code of Conduct;
  - b. encourage the Member to stop the prohibited behaviour or activity;
  - c. if applicable, confirm to the Member his or her satisfaction or dissatisfaction with his or her response to the concern identified;
  - d. keep a written record of the incidents including dates, times, locations, other individuals present, and any other relevant information, including any steps taken to resolve the matter.

If the person is not satisfied with the response received from the Member through the informal process, that person may proceed with a formal Complaint through the procedure set out below.

### **Formal Complaints**

- 48. Any person who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code of Conduct may have their concerns addressed through the formal Complaint process set out below:
  - a. a formal Complaint must be made in writing on the forms attached as Schedule A and Schedule B, and must contain sufficient detail to identify the reasonable and probable grounds for the allegation that a Member has contravened the Code of Conduct;
  - b. a formal Complaint must be signed by the Complainant (if an organization is the complainant, the Complaint must be signed by the authorized signing officer of the organization);

- c. a formal Complaint must be filed with the Clerk who shall forward the matter to the Integrity Commissioner for initial classification to ensure the matter is a Complaint with respect to non-compliance with the Code of Conduct and is not covered by any other applicable legislation or Town policies or by-laws;
- d. the identity of the Complainant shall be disclosed to the Member, unless the Integrity Commissioner, in his sole and absolute discretion, determines that the identity of the Complainant shall not be disclosed;
- e. the Complaint form must identify any witnesses in support of the allegations which identities shall be disclosed to the Member, unless the Integrity Commissioner, in his sole and absolute discretion, determines that the identities of the witnesses shall not be disclosed;
- f. a Complaint must include the name of the Member(s) alleged to have breached the Code of Conduct, the section(s) of the Code of Conduct that was allegedly contravened and state the date(s), time(s) and location(s) of the alleged contravention(s); and
- g. the Integrity Commissioner may, but is not required to, request additional information from the Complainant.

## **INQUIRY**

- 49. The provisions of the Code of Conduct relating to a Complaint will apply with necessary modifications to the conduct and procedure relating to an application made to the Integrity Commissioner to conduct an Inquiry pursuant to section 223.4.1 of the *Municipal Act, 2001*, including any powers, public meetings, information, timing, reporting and application to a judge pertaining to the Inquiry.

## **COMPLAINT CLASSIFICATION / REFERRAL**

- 50. If, after reviewing the Complaint, the Integrity Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any other statute or of the *Criminal Code*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.
- 51. If, after reviewing the Complaint, the Integrity Commissioner determines that the Complaint is not a Complaint with respect to non-compliance with the Code of Conduct, the Integrity Commissioner shall advise the complainant in writing that the Complaint is not within the Integrity Commissioner's jurisdiction to investigate. If the Complaint is an allegation of non-compliance with a more specific Town policy or by-law with a separate complaint procedure, the Integrity Commissioner

may advise the complainant that the matter is properly processed under the procedures set out in the other Town policy or by-law.

## INVESTIGATION PROCEDURE

52. If a Complaint is within the jurisdiction of the Integrity Commissioner, the Integrity Commissioner may investigate and may attempt to resolve the Complaint.
53. Except where otherwise required, the Integrity Commissioner shall:
  - a. provide the Complaint and supporting material upon the Member whose conduct is in question with a request that the Member may file a written response to the allegation with the Integrity Commissioner within ten (10) days of the date of service upon the Member;
  - b. following receipt of the Member's response, provide the Complainant with a copy of the Member's written response with a request that the Complainant provide a written reply within ten (10) days; and
  - c. interview any individuals or examine any documents that the Integrity Commissioner determines is relevant to the Complaint.
54. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation or shall terminate the investigation if the foregoing becomes apparent in the course of an investigation.
55. The Integrity Commissioner has the authority to dismiss a Complaint on a summary basis.
56. If the Integrity Commissioner has not completed an investigation before nomination day for a regular election, as set out in *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the investigation on that day.
57. If an investigation is terminated under Section 56, the Integrity Commissioner shall not commence another investigation in respect of the matter unless, within six (6) weeks after voting day in a regular election, as set out in the *Municipal Elections Act, 1996*, the original Complainant or the Member or former Member who was alleged to have contravened the Code of Conduct makes a written request to the Integrity Commissioner that the original investigation be recommenced.
58. The following rules apply during the period of time starting on nomination day for a regular election, and ending on voting day in a regular election, as set out in the *Municipal Elections Act, 1996*:

- a. there shall be no requests for an investigation about whether a Member has contravened the Code of Conduct;
- b. the Integrity Commissioner shall not report to the Town or Local Board about whether, in his or her opinion, a Member has contravened the Code of Conduct; and
- c. Council shall not consider whether to impose penalties or remedial or corrective measures on a Member.

## **INVESTIGATION REPORT**

- 59. Following an investigation under Sections 52 and 53, the Integrity Commissioner shall:
  - a. report the general findings of his/her investigation to the Complainant and the Member that is the subject of the Complaint no later than ninety (90) days after receiving the formal Complaint;
  - b. allow the Member at least five (5) days to respond in writing to the Integrity Commissioner about his or her findings and any recommended remedial or corrective actions or measures;
  - c. indicate when the Integrity Commissioner anticipates that his or her final report will be delivered to Council; and
  - d. file his or her report with Council through the Clerk.
- 60. If the Complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining his or her findings and/or recommended corrective action(s).
- 61. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct, or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report to Council and recommend the appropriate penalty or remedial or corrective actions or measure, if any, to be imposed.

## **COUNCIL'S CONSIDERATION OF INTEGRITY COMMISSIONER'S REPORT**

- 62. Council shall consider the report from the Integrity Commissioner in open session at the next meeting of Council.
- 63. Council shall pass a resolution in response to the report at the meeting at which the report is received or at its next meeting.

## **PENALTIES**

64. Council is authorized to impose the following two penalties on a Member if the Integrity Commissioner has reported that, in his or her opinion, the Member has contravened the Code of Conduct:
- a. reprimand; or
  - b. suspension of the remuneration paid to the Member in respect of his or her services as a member of Council or Local Board, as the case may be, for a period of up to ninety (90) days.

## **REMEDIAL ACTIONS**

65. If the Integrity Commissioner has reported that, in his or her opinion, the Member has contravened the Code of Conduct, Council may also impose any or all of the following corrective or remedial actions upon the Member to:
- a. provide a written apology;
  - b. return property or make reimbursement of its value or of money spent;
  - c. be removed from or not be appointed to the membership on a Committee or Local Board;
  - d. be removed from or not be appointed as chair of a Committee or Local Board; and
  - e. comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

## **CONFIDENTIALITY OF COMPLAINT DOCUMENTS**

66. The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, materials or other information, whether belonging to the Town or not, that have come into their possession or to their knowledge during the course of their duties, save and except as authorized under this Code of Conduct.
67. The Integrity Commissioner's report to Council on an investigation into an alleged breach of the Code of Conduct shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
68. If the Integrity Commissioner issues an annual and/or interim report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given but shall not disclose Confidential Information, including information that could identify a person concerned.

## **INTERIM, ANNUAL AND OTHER REPORTS**

69. The Integrity Commissioner shall make interim reports to Council where necessary in his or her absolute discretion, and as required or requested to address any instances of delay, interference, obstruction or retaliation encountered during an investigation, or as otherwise deemed necessary by the Integrity Commissioner, including any non-compliance with the penalties or the remedial or corrective measures or actions imposed by Council.
70. The Integrity Commissioner shall report annually to Council on:
- a. complaints not within the jurisdiction of the Integrity Commissioner;
  - b. Complaints deemed to be frivolous, vexatious, and not made in good faith, where there are no or insufficient grounds to warrant an investigation or any that have been summarily dismissed;
  - c. applications for Inquiry made under section 223.4.1 of the *Municipal Act, 2001*;
  - d. the total number of requests for educational material or consultations received from members of the public;
  - e. any advice that the Integrity Commissioner has provided to Council, Members or to the public; and
  - f. a summary of any written advice provided to any Member;

but shall not disclose Confidential Information, including any information that could identify a person concerned.

If no Complaints or applications for Inquiry are received within a calendar year, the Clerk shall so report to Council and no annual report shall be made by the Integrity Commissioner.

## **VACANCY – INTEGRITY COMMISSIONER**

71. Should the office of the Integrity Commissioner become vacant, the Code of Conduct shall remain in full force and effect and all Members shall abide by the provisions set out herein. When the office of the Integrity Commissioner is vacant, all formal Complaints shall be held in abeyance by the Clerk until such time as an Integrity Commissioner has been appointed, or an interim measure has been enacted to enable the Complaint to be addressed within a reasonable amount of time.



## REPRISALS, OBSTRUCTION AND NON-COMPLIANCE

72. A Member shall respect the integrity of the Code of Conduct. Any reprisal or threat of reprisal against a Complainant or any person providing relevant information to the Integrity Commissioner is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his or her responsibilities or to fail to comply with any penalty or remedial or corrective measures or actions imposed by Council.

## ADVICE

73. A Member may seek advice from the Integrity Commissioner respecting his or obligations:
- a. under the Code of Conduct;
  - b. under a procedure, rule or policy of the Town or Local Board governing the ethical behaviour of Members; or
  - c. under sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.
74. A Member may not seek and cannot receive the advice of the Integrity Commissioner on a matter which is the subject of an ongoing investigation or Inquiry by the Integrity Commissioner.
75. A request by a Member for advice from the Integrity Commissioner shall only be made in writing.
76. If the Integrity Commissioner provides advice to a Member, the advice shall be in writing.
77. If the Integrity Commissioner provides written advice to a Member and the Member follows the advice, the Integrity Commissioner shall consider this in assessing any Complaint against the Member on the same or substantially the same subject matter or issue.
78. If the Integrity Commissioner provides educational information to the public, the Integrity Commissioner may summarize advice he or she has provided in the course of his or her duties but shall not disclose Confidential Information, including information that could identify a person concerned.

# TOWN OF ST. MARYS

## SCHEDULE A

### CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS – FORMAL COMPLAINT FORM/AFFIDAVIT

AFFIDAVIT OF \_\_\_\_\_ (full name)

I, \_\_\_\_\_ (full name), of the (City, Town etc.)

\_\_\_\_\_ of \_\_\_\_\_  
(municipality of residence) in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(insert reasons e.g. I work for... I attended a meeting at which... etc.)

2. I have reasonable and probable grounds to believe that a Member

\_\_\_\_\_ (specify name of  
member)

Has contravened Section (s) \_\_\_\_\_ (specify  
Section(s))

of the St Marys' Code of Conduct for Members of Council and Local Boards. The  
particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each  
paragraph being confined as far as possible to a particular statement of fact. If you require more space  
please use the attached Schedule A form and check the appropriate box below. If you wish to include  
exhibits to support this Complaint, please refer to the exhibits as Exhibit A, B etc. and attach them to this  
affidavit.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please see the attached Schedule B (Additional Information)

This affidavit is made for the purpose of requesting that this matter be reviewed by the County of Perth appointed Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at the )

)

\_\_\_\_\_ (City, Town etc. of) )

)

in the Province of Ontario on )

)

\_\_\_\_\_ (date) )

)

\_\_\_\_\_ )

(Signature of Commissioner)

(Signature)

A Commissioner for taking affidavits etc.

Please note that signing a false affidavit may expose you to prosecution under sections 131 and 132 or 134 of the *Criminal Code*, R.S.C. 1985, c. C-46 and also to civil liability for defamation.

# TOWN OF ST. MARYS

## SCHEDULE B ADDITIONAL INFORMATION

To the affidavit required when making a Complaint under the Code of Conduct for Members of Council and Local Boards.

(If more than one page is required, please copy this blank page and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

[illegible]

This Schedule A referred to in the affidavit of

\_\_\_\_\_ (full name)

Sworn (or Affirmed) before me on this \_\_\_\_\_ day

of \_\_\_\_\_, 20\_\_\_\_\_.

A Commissioner for taking affidavits, etc.

# **TOWN OF ST. MARYS**

## **Code of Conduct for Members of Council and Local Boards**

### **Schedule C – Gifts, Benefits, and Hospitality Disclosure Statement**

The Code of Conduct for Members of Council and Local Boards requires Members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift, benefit or hospitality exceeds \$200 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$200. This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Disclosure Statements are a matter of public record.

**Nature of Gift, Benefit or Hospitality Received:**

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**Source of Gift, Benefit or Hospitality:**

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**Circumstances Under Which Gift, Benefit or Hospitality Received:**

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**Estimated Value of Gift, Benefit or Hospitality:**

**\$** \_\_\_\_\_

**Date Gift, Benefit or Hospitality Received:**

---

**Name of Member:** \_\_\_\_\_

**Signature of Member:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Date Statement Received by Clerk:** \_\_\_\_\_

# **TOWN OF ST. MARYS**

## **Code of Conduct for Members of Council and Local Boards**

### **Schedule D – Member Reprimand/Suspension of Pay Template**

Dear, \_\_\_\_\_

At the [INSERT DATE] Council meeting Council received and discussed the Integrity Commissioner' [INSERT DATE] investigation report into the Code of Conduct complaint filed against you on [INSERT DATE]. The Complainant has alleged that you violated the Code of Conduct in the following way(s):

[INSERT ALLEGED CONTRAVENTION CITED IN THE INTEGRITY  
COMMISSIONER'S REPORT]

After investigation, the Integrity Commissioner has concluded that your conduct has violated Section [INSERT SECTION] of the Code of Conduct for Members of Council and Local Boards.

Subsection 223.4(5) of the *Municipal Act, 2001* allows for Council to impose a penalty for your violation of the Code of Conduct. This penalty may be a reprimand, or a suspension of remuneration for a period of up to ninety (90) days.

Council has decided to impose [INSERT PENALTY] in response to the Integrity Commissioner's finding that you have violated the Code of Conduct.

Council would encourage you to maintain the highest standards of conduct when performing your official duties. This is of paramount importance to create trust in the public office, and to promote efficient and transparent local government.

Council would further encourage you to seek the advice of the Integrity Commissioner in those instances where your interpretation of the Code of Conduct's requirements is not clear.

Sincerely,

Mayor [INSERT NAME]





John Mascarin  
Direct: 416.865.7721  
E-mail: [jmascarin@airdberlis.com](mailto:jmascarin@airdberlis.com)

# **CODE OF CONDUCT COMPLAINT INTEGRITY COMMISSIONER REPORT 2020-01**

## **THE CORPORATION OF THE TOWN OF ST. MARYS**

**John Mascarin  
Aird & Berlis LLP**

**September 1, 2020**

## **REPORT ON CODE OF CONDUCT COMPLAINT – 2020-01 COUNCILLOR ROBERT EDNEY**

### **SUMMARY**

On June 4, 2020, a formal complaint (the “Complaint”) was filed with the Office of the Clerk of the Town of St. Marys (the “Town”). The Complaint alleges that Robert Edney (the “Councillor”), a Member of the Council of the Town, violated the Code of Conduct for Members of Council and Local Boards (the “Code”) on account of a comment that the Councillor made on Facebook in response to a statement by a member of the public (the “Complainant”).

### **CODE OF CONDUCT PROVISIONS AT ISSUE**

The Complaint alleges that the Councillor contravened the following sections of the Code:

- Conduct While Representing the Town (Section 18); and
- Harassment (Sections 32, 33 and 34).

### **BACKGROUND**

The Complaint was filed with the Clerk on June 4, 2020 in accordance with Section 48 of the Code and subsection 223.4(1) of the *Municipal Act, 2001*.

This is a report following the investigation of the Complaint made pursuant to Section 59 of the Code and subsection 223.6(2) of the *Municipal Act, 2001*.

The subject matter of the Complaint is a comment that the Councillor made on Facebook (the “Councillor’s Comment”). The Councillor’s Comment was made in response to a statement made by the Complainant (the “Complainant’s Post”) on a post that the Councillor shared to his Facebook profile. These aforementioned comment and posts are appended to this report.

While the Councillor’s Facebook profile is personal to the Councillor (i.e. it is not controlled by or related to the Town or another organization or third party), it is publicly-accessible and can be readily retrieved and viewed by anyone with a Facebook account. The Councillor’s profile does list “Town councillor at Municipal Politician” under the profile’s “Intro” section. While the Town is not named in this descriptor, a simple online search using the Councillor’s name and “councillor” links the Councillor to the Town.

As is detailed below, the Councillor’s Comment contains language that is objectively derogatory in nature. Currently, the Councillor’s Comment may still be viewed by anyone with a Facebook account. We understand the Councillor is amenable to removing the Councillor’s Comment and has only refrained from doing so in order to avoid the perception that he may have something to hide.

A further exchange took place between the Councillor and the Complainant by way of additional comments made to the Councillor’s Facebook post. We understand the Councillor and the Complainant’s spouse discussed the matter over Facebook messenger as well. The Councillor also blocked the Complainant and the Complainant’s spouse from Facebook. The Complainant deactivated his/her Facebook account in order to seek to avoid any potential reputational damage that might occur as a result of the event in question.

We understand the Councillor attempted to apologize to the Complainant through a text message to the Complainant's spouse. This apology was either not received or was not accepted by the Complainant. Whether the former or latter is true has had no bearing on the determinations contained in this Report. We note it only for the sake of contextual completeness.

We understand that both parties have experienced some distress as a result of this incident and that they appear to want to put it behind them. While this is not relevant to our determinations on whether the Code has been contravened, it is notable insofar as it informs our recommendations as set out herein.

### **Figure 1**

Figure 1 shows the original Facebook post, which the Councillor posted to his Facebook profile on May 30, 2020 at 4:04 p.m. This post states:

I hope EVERYONE is paying attention.

Attached to the above post is a graphic which juxtaposes two tweets that were made by Donald J. Trump through his personal twitter handle @realDonaldTrump.

The first tweet shows Mr. Trump's reaction to the protests, predominantly by Black people, that began in Minneapolis, Minnesota in May 2020 in response to the killing of George Floyd, an event that made international headlines and spurred protests across the United States and many other countries.

The second tweet shows Mr. Trump's reaction to the protests, predominantly by White people, that took place in April 2020 in Detroit, Michigan in response to the restrictions imposed by the government in relation to the COVID-19 outbreak.

The text "BLACK PEOPLE PROTESTING POLICE BRUTALITY" has been superimposed over the first tweet and the word "THUGS" from the tweet has been highlighted. The text "WHITE PEOPLE PROTESTING CAN'T GET HAIR & NAILS DONE" has been superimposed over the second tweet and the words "very good people" from the tweet has been highlighted. At the bottom of the graphic, the words "i hope everyone is paying attention" are written.

### **Figure 2**

Figure 2 displays the Complainant's Post, which the Complainant made on the Councillor's Facebook post the same day. The Complainant's Post provides:

Research my friend. There is more to both stories. Don't believe everything at face value. Media has become opinion based and pushing of narratives. Honest investigative reporting appears to be a thing of the past. It all comes back to money and control.

My condolences to the Floyd family. We must all strive to be better than this.

### **Figure 3**

Figure 3 shows the Councillor's Comment, which the Councillor made the same day in response to the Complainant's Post. The Councillor's Comment provides:

To assume I am stupid is a mistake. I have first hand trauma as a child due to racially motivated violence. I understand the systemic effects of racism and the dog whistle culture to which the two of you subscribe.<sup>1</sup> What is going on right now is traumatizing if you're not comfortably perched in your ignorant, elitist ivory (white) towers. From where I sit the morons who don't do research are the ones who try to placate the masses with impotent phrases like "My condolences to the Floyd family. We must all strive to do better." It makes me sick to hear people who have never had to live in fear because of their skin color just dismiss this. Absolutely vomiting sick !!! I can run my research and lived experience all over your right wing agenda any day of the week. Kindly fuck the fuck right off....and thanks for outing your racist pig selves !

### **INVESTIGATION**

The investigative steps taken in this matter were as follows:

- review of the Complaint, including discussion with the Complainant in order to receive clarification on certain matters contained in the Complaint;
- review of the Councillor's Facebook page, including the Councillor's Comment;
- provide the Complaint to the Councillor and request a response, including discussion with the Councillor regarding the process in relation to same;
- review the Councillor's response to the Complaint;
- provide the Councillor's response to the Complaint to the Complainant and invite a reply; and
- review the Complainant's reply to the Councillor's response.

A draft copy of this Report, with recommendations, was provided to the Councillor and the Complainant on August 24, 2020 in accordance with Section 59 a of the Code. The Councillor was given an opportunity to respond in writing in accordance with Section 59 b.

The Councillor's written response to the draft report has been taken into consideration in the preparation of this Report. The Complainant also provided comments which were also taken into consideration in the finalization of this Report.

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<sup>1</sup> We understand "the two of you" is a reference to the Complainant and another member of the public who also commented on the Councillor's Facebook post. The Councillor's conduct toward that individual is beyond the purview of this report.

## FINDINGS

It is well-recognized that social media, such as Facebook, is an important and growing part of citizen engagement and how elected officials communicate with the public. The Code does not distinguish between different forms of media and does not cease to bind members just because they might be conducting themselves over social media rather than in person. As set out Sections 1 a and b of the Key Principles set out in the Code:

- a. Members are at all times representatives of and shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- b. Members shall conduct their dealings with each other and the public so as to always maintain public confidence in the position to which they have been elected or appointed;

These sections of the Code recognize that a member of Council acts in a representative capacity for the well-being and interests of all members of the public and, as an elected official, is held to a higher standard of conduct than members of the public.

As an elected official, the Councillor represents the Town at all times. As such, he is expected to operate from a base of integrity, justice and courtesy regardless of whether he is before Council or sitting in front of a computer screen. In other words, the standards of conduct set out in the Code transfer and apply directly to the Councillor's use of social media. As with any other activity, the Councillor is expected to ensure that his use of social media is mindful of and consistent with the Code.

The Councillor's Facebook page is publicly accessible and indicates that he is a municipal councillor. At the time of this investigation, the Councillor had 1,400 friends and was followed by 137 people.

Complaints with respect to comments on Facebook are likely to be met with claims that such comments are protected by the *Canadian Charter of Rights and Freedoms*.<sup>2</sup> Section 2(b) of the *Charter* provides:

**2. Everyone has the following fundamental freedoms:**

...

- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

The Canadian courts have recognized that the guarantee of freedom of expression is not absolute.<sup>3</sup> Freedom of expression is subject to reasonable limitations which may be circumscribed by municipal codes of conduct.

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<sup>2</sup> *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11 [the "*Charter*"].

<sup>3</sup> In fact, there is an inherent limitation within the *Charter* itself as section 1 provides:

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

This particular fact was expressly noted in *Buck v. Morris*:

The right to freedom of speech in our society is not an absolute right. While freedom of speech is a cherished right in a free and democratic society, there are reasonable limitations. The Town of Aurora, like many towns and cities in the Province of Ontario, has a Code of Conduct that purports to codify parameters of reasonable conduct for elected Town officials.

...

The plaintiff clearly has a perception that she has an unfettered right to freedom of expression and freedom of speech. That freedom, however, is circumscribed by the Code.<sup>4</sup>

Subsection 223.2(1) of the *Municipal Act, 2001* requires municipalities to establish codes of conduct for members of council (and members of local boards). The Legislature's recognition that the comportment of elected officials may be constrained by provisions contained in a code of conduct establishes an explicit limitation on a council member's freedom to say whatever they want and however they want, including communication by the use of social media such as Facebook.

#### **(a) Conduct While Representing the Town**

The Complaint alleges that the Councillor's Comment violates section 18 of the Code, entitled Conduct While Representing the Town.

This provision of the Code states:

18. No Member shall make disparaging remarks about another Member, staff or any member of the public.

On its face, the Councillor's Comment is in clear violation of this provision. The Councillor's Comment is disparaging insofar as it is disrespectful, and insinuates that the Complainant is "ignorant", a "moron" and an "elitist", the former two phrases being insulting to the Complainant's intelligence, and the latter being a phrase that is generally regarded with disdain and condemnation.

The Councillor's Comment also calls the Complainant a "racist pig". This language is dehumanizing and derogatory insofar as it refers to the Complainant as a "pig", and is completely inappropriate in that it makes the serious allegation that the Complainant is racist. This is an allegation that, substantiated or not, can and often does seriously impact the reputation, work and personal life of the person against which it is made. It is not a term to be used wantonly and, in our view, on the basis of the record before us, was not at all an appropriate or justifiable expression to use under the circumstances.

The Councillor's Comment uses expletives as it states: "Kindly fuck the fuck right off". This language is verbally abusive and offensive, and is dismissive of the Complainant and his/her point of view, which he/she is entitled to hold and express.

On the basis of the foregoing, the Councillor clearly violated Section 18 by making the Comment.

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<sup>4</sup> *Buck v. Morris*, 2015 ONSC 5632, 44 M.P.L.R. (5th) 175 at paras. 191 & 193 (Ont. S.C.J.).



**(b) Harassment**

The Complaint alleges that the Councillor's Comment violates Sections 32, 33 and 34 of the Code, entitled Harassment.

These provisions of the Code provide as follows:

32. A Member has a duty to treat the public, other Members and staff in an appropriate manner without abuse, bullying or intimidation. A Member shall ensure that his or her work environment is free from discrimination and of harassment.
33. A Member shall abide by the provisions of the *Human Rights Code*, and shall treat every person, including other Members, staff, individuals providing services on a contract for service and the public, with dignity, understanding and respect.
34. No Member shall discriminate against any person on the basis of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.

We have considered each of these sections, in turn, below.

**(i) Section 32**

In using the disparaging language, as detailed with respect to section 18 of the Code, above, the Councillor contravened Section 32 of the Code.

The Councillor engaged in verbal abuse against the Complainant by telling him/her to "fuck the fuck right off", insinuating that he/she was "ignorant" and a "moron", and by calling him/her a "racist pig", a remark that, as noted above, is dehumanizing and constitutes a serious and objectively unsubstantiated allegation. This was in violation of Section 32 of the Code.

The Supreme Court of Canada accepted the following definition of "bullying":

... behaviour that is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property. Bullying can be direct or indirect, and can take place by written, verbal, physical or electronic means, or any other form of expression.<sup>5</sup>

It is our view that the Councillor's behavior should have been known to cause humiliation, distress and other forms of harm to the Complainant's feelings, self-esteem and reputation, due to the derogatory nature of the Councillor's remarks toward the Complainant. Indeed, the Councillor has accepted that the language he employed was "unbecoming" and sought to apologize to the Complainant. In addition to being verbally abusive, this language constituted bullying and was in violation of Section 32 of the Code.

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<sup>5</sup> A.B. (*Litigation Guardian of*) v. *Bragg Communications Inc.*, 2012 SCC 46 at para. 21.

In view of the finding that the Councillor's Comment constituted verbal abuse and bullying, we will not consider whether his behavior constituted intimidation, as it is not necessary for the conduct to be abusive, constitute bullying and intimidation in order to ground a finding that a violation has occurred.

**(ii) Section 33**

Section 33 has two parts. First, that a member "shall abide by the provisions of the *Human Rights Code*" and, second, that a member shall "treat every person, including other Members, staff, individuals providing services on a contract for service and the public, with dignity, understanding and respect."

We have determined that the Councillor violated the second part of Section 33 but not the first part for the following reasons.

It is our view that Ontario's *Human Rights Code*<sup>6</sup> does not apply in this situation, as the statute applies to enumerated rights that are not engaged in these circumstances. Namely, the *Human Rights Code* applies to provide every person in Ontario equal rights with respect to the provision of services, accommodations, contracts, employment, harassment in the workplace, membership in vocational associations, sexual harassment and reprisals, and specifically deals with discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.<sup>7</sup>

In these circumstances, the record shows that the Councillor did not act in a discriminatory fashion toward or engage in differential treatment against the Complainant with respect to any of the above enumerated rights, or on account of any of the above enumerated personal characteristics.

Rather, the Councillor acted the way he did toward the Complainant seemingly due to the fact that the Councillor believed the Complainant was advancing a point of view that was contrary to his own regarding a matter of political and social significance, and that he perceived to be repugnant.

As such, the Complainant was treated the way he was based on either real or perceived political and/or philosophical and/or social leanings, which is not captured by the *Human Rights Code*. Therefore the first part of Section 33 of the Code was not violated.

In terms of the second part of Section 33, for the reasons outlined in relation to Sections 18 and 32 of the Code as to why the Councillor's Comment has been found to be derogatory, insulting and disrespectful in nature, we have also determined, on this same basis, that the Councillor did treat the Complainant in a manner that lacked dignity, understanding and respect.

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<sup>6</sup> *Human Rights Code*, R.S.O. 1990, c. H.19.

<sup>7</sup> *Ibid* at ss. 1, 2, 5, 6, 7 and 8.

**(iii) Section 34**

Section 34 of the Code is directed at discrimination akin to what is dealt with under the *Human Rights Code*.

The Supreme Court of Canada has adopted the following definition and explanation of discrimination:

Discrimination is: A distinction based on the personal characteristics of an individual that results in some disadvantage to that individual.

In *Andrews*, [the] Court wrote:

Discrimination may be described as a distinction, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society. Distinctions based on personal characteristics attributed to an individual solely on the basis of association with a group will rarely escape the charge of discrimination, while those based on an individual's merits and capacities will rarely be so classed.<sup>8</sup>

As noted above regarding Section 33 of the Code, the Councillor's treatment of the Complainant was seemingly on the basis that the Councillor perceived the Complainant to hold political and/or social views that the Councillor disagreed with and/or considered repugnant. The Councillor did not treat the Complainant in the manner he did on the basis of the Complainant's age, race, sex or any one of the other factors enumerated in the *Human Rights Code*.

Furthermore, there is no evidence to suggest that the Councillor's Comment had the effect of imposing burdens, obligations, or disadvantages on the Complainant not imposed upon others, or that the Councillor's Comment withheld or limited access to an opportunity or benefit or advantage available to other members of society. While the remarks were no doubt hurtful and harmful, there is no evidence to suggest they had the effect required to find a contravention of Section 34 of the Code.

Accordingly, section 34 of the Code was not contravened.

**(c) Additional Considerations Regarding the Councillor's Conduct**

We would be remiss if we did not consider the additional factors set out below in relation to this incident. While these factors have no bearing on our determinations on whether the Code has been contravened, they have informed our recommendations regarding this matter.

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<sup>8</sup> *Kanthasamy v. Canada (Minister of Citizenship and Immigration)*, 2015 SCC 61 at para. 55.

First, the Councillor's conduct, as far as the record shows and we are aware, was an isolated incident and is not characteristic of the Councillor's conduct as a municipal representative in general.

Second, the timing of the Councillor's Comment (insofar as it was made shortly after the Complainant's Comment) and the submissions made by the Councillor during the investigation suggest that his response to the Complainant in the circumstances was, to a certain extent, impulsive and motivated by strong emotions. In other words, this was not a premeditated attack on the Complainant.

Third, the Councillor has, to an extent, taken some responsibility for his conduct in stating that he agreed with the Complainant that the language was "unbecoming". While we have determined, for the reasons set out above, that his choice of language was more than "unbecoming", we recognize that the Councillor appears to have accepted that his behavior was, at the very least, inappropriate for an elected official and a representative of the Town (especially with reference to the two Key Principles identified earlier in this Report – Sections 1 a and b).

Fourth, the Councillor attempted to apologize to the Complainant, although it is relevant that the Councillor did not apologize directly or formally to the Complainant upon learning that the Complainant may not have received his apology.

## CONCLUSIONS

In summary, considering the totality of the evidence and the response and reply provided by the parties, the Councillor breached Section 18 (Conduct While Representing the Town) as well as Section 32 and part of Section 33 (Harassment) by posting the Councillor's Comment on a public platform.

This is a case where a public officer holder essentially attacked a member of the public in a public forum. The Councillor used derogatory, disrespectful, dehumanizing, offensive, abusive and harmful language against another person. While we understand the Councillor may have been incensed by a real or perceived dismissal of his point of view, the circumstances did not, in our view, in any way warrant the language employed by the Councillor against the Complainant. The Councillor's social media post, particularly in closing, was infantile and is not in any way defensible in response to the comments from the Complainant.

Simply stated, the Councillor was not obligated under the circumstances to agree with the Complainant or even respond to the Complainant's Post. However, given that the Councillor chose to retort, he was obligated under the Code and, by virtue of his position, to respond in a manner that was appropriate, respectful and that treated the Complainant with dignity. If the Councillor believed that this was not possible, he ought to have exercised a measure of discretion and refrained from responding.

As noted above, we appreciate that the Councillor has taken some responsibility for his conduct and that this incident appears to have been isolated and was not premeditated.

We also note that the Councillor was fully cooperative during the course of our investigation (as was the Complainant).

## RECOMMENDATIONS

In view of the findings that the above-noted provisions of the Code have been contravened by the Councillor, it is recommended that the Councillor be formally reprimanded by Council at a public meeting. It is our belief that the Council needs to stand behind its Code and express to the public that unacceptable councillor conduct will not be tolerated by passing a resolution to formally censure the Councillor in accordance with Section 63 of the Code.

As a remedial measure, we recommend that the Councillor be asked to formally and publicly apologize to the Complainant for his conduct in breaching the Code. The apology should be sincere and needs to acknowledge that the Councillor's Comment was inappropriate, disrespectful and derogatory. As part of the apology, the Councillor should publicly declare that he will refrain from using social media in a manner that does not comply with the Code. The Councillor should be required to provide his apology at the meeting of Council on September 22, 2020.

We expressly remain seized of this matter and will be available to the Councillor should he request us to review his apology. We also reserve the right to issue a supplemental report to Council should our recommendations be adopted and imposed, and then not complied with.

A suspension of the Councillor's remuneration is not being recommended in this Report but the Councillor is cautioned that if he contravenes the Code via social media or by any other means in a similar manner, a recommendation of a monetary penalty may be the next step in enforcement.

AIRD & BERLIS LLP



John Mascarin

Integrity Commissioner for The Corporation of the Town of St. Marys

Dated this 1<sup>st</sup> day of September, 2020

Figure 1



Figure 2

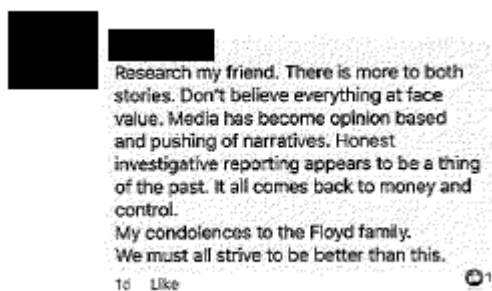




Figure 3



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# FORMAL REPORT

**To:** Mayor Strathdee and Members of Council

**Prepared by:** Brent Kittmer, CAO/Clerk

**Date of Meeting:** 8 September 2020

**Subject:** **CAO 52-2020 Update on Staffing Adjustments**

## PURPOSE

The purpose of this report is to provide a public update on the progress of the Town's organizational modernization and efficiency review which is underway by KPMG. This report also serves as a public report out of adjustments the Town will be making to its annual staffing budget.

## RECOMMENDATION

**THAT** CAO 52-2020 Update on Staffing Adjustments be received for information; and

**THAT** Council consider By-law 75-2020, being a by-law to appoint Jenna McCartney as the Clerk for the Town of St. Marys.

## BACKGROUND

Earlier this year the Town was the successful recipient of a Provincial modernization grant. This grant was used to hire KPMG to complete to an organizational modernization and efficiency review project. The project is underway, and has the following objectives:

**Objective #1:** Review how the Town has structured the functional assignments and management of the overall organization and its departments and recommend any efficiencies that can be achieved without impacting front line services.

**Objective #2:** Identify service improvement opportunities through a review of key internal processes that can be modernized to achieve efficiencies and/or improve public services.

At the same time as this project has been progressing, the Town has experienced a number of staff vacancies. These include:

- Director of Corporate Services, vacant since June 12, 2020.
- Building and Planning Assistant, vacant since March 29, 2019 with a temporary filling from September – December 2019.
- Corporate Administrative Assistant, vacant since April 3, 2020.
- Procurement and Risk Management Specialist, vacant since September 4, 2020
- Human Resources Generalist, vacant since March 27, 2020.

In addition to the above, the Town has a currently vacant and unfilled third-party cleaning contract. This contract position was formerly a full-time position in 2016.

## REPORT

The KPMG organizational modernization and efficiency review project was the successful recipient of 2/3 funding from the Province. A term in the funding agreement is that the final report needs to be made public.

Pre-COVID, the plan for the KPMG project was for the final report to be adopted by Council in June, with public disclosure of the report occurring prior to the Provincially mandate date of July 1. Because of the pandemic the Province has extended the public report out to December 4, 2020.

Each of the positions listed above was held vacant for two key reasons. First, with the KPMG project underway, having these positions open provides flexibility in the event KPMG's recommendations result in a retooling of the organization. Secondly, with the ongoing increased cost of operating during the pandemic, these positions were kept open in an effort to manage the overall costs to the corporation during the pandemic lockdown.

The reduced organizational capacity caused by this many vacant positions will quickly be felt as the Town reopens services. There is a risk that our overall organizational performance may slip if there is a further delay in filling the existing vacancies.

As a result, the staffing budget allocated to the vacant positions will be used to make a number of staffing adjustments. The work to date with KPMG has resulted in several initial recommendations that will help the Town become more efficient and effective.

The chart below shows how the staffing budget allocated to the Town's existing vacant positions will be redeployed. The changes are intended to implement many of KPMG's initial observations and recommendations. Overall, there be no net increase in the Town's spend on staffing as a result of these changes:

Current Vacancies	Staffing Adjustments Being Implemented
<ul style="list-style-type: none"><li>• Director of Corporate Services</li><li>• Building and Planning Assistant</li><li>• Corporate Administrative Assistant</li><li>• Procurement and Risk Management Specialist</li><li>• Human Resources Generalist</li><li>• Third-party cleaning contract</li></ul>	<ul style="list-style-type: none"><li>• Deputy Treasurer position created</li><li>• Standalone Town Clerk position created</li><li>• Legislative Services Assistant position created</li><li>• Contract IT Technician position transitioned to a regular full-time position</li><li>• Public Works Coordinator position transitioned to Public Works and Planning Services Coordinator position</li><li>• Public Works and Planning Services Assistant position created</li><li>• Human Resources Generalist position staying status quo</li><li>• Museum Curator position being transitioned to a museum Supervisor position.</li><li>• Part-time Museum Assistant position being transitioned to a regular full-time position</li><li>• Custodial contract being transitioned back to a full-time custodial staff position</li><li>• Town will contract with the County of Perth for Community Emergency Management Coordinator services</li></ul>

## **FINANCIAL IMPLICATIONS**

The Town was a successful recipient of \$46,667.00 of funding from the Provincial modernization grant program to fund 2/3 of the cost of the KPMG project.

The 2020 operating budget includes a budget assigned to fund the current compliment of staff. The staffing adjustments detailed in this report will not result in any net increase to the approved staffing budget.

## **SUMMARY**

Administration has begun implementing the changes noted above, and Council and the public will notice a higher than normal amount of job postings. As mentioned, these changes do not result in any additional budgetary spend on staffing and are the result of implementing KPMG's initial recommendations for the Town to become more effective and efficient.

The change proposed to create a stand-alone Clerk position requires Council to pass a by-law to implement this change. This by-law is attached to the By-Law section of the agenda as by-law 75-2020.

## **STRATEGIC PLAN**

☒ Not applicable to this report.

## **OTHERS CONSULTED**

KPMG

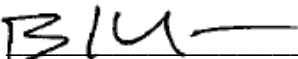
Senior Management Team

## **ATTACHMENTS**

None

## **REVIEWED BY**

**Recommended by the CAO**



Brent Kittmer  
CAO / Clerk



# FORMAL REPORT

<b>To:</b>	Mayor Stratthdee and Members of Council
<b>Prepared by:</b>	Jenna McCartney, Deputy Clerk
<b>Date of Meeting:</b>	8 September 2020
<b>Subject:</b>	<b>CAO 53-2020 Municipal Law Enforcement Officer By-Law Repeal for Park Patrollers</b>

## PURPOSE

To seek Council's approval to repeal By-law 55-2020 which appointed municipal law enforcement officers within the Town of St. Marys for the purpose of the park patrol program in 2020.

## RECOMMENDATION

**THAT** CAO 53-2020 Municipal Law Enforcement Officer By-Law Repeal for Park Patrollers report be received; and

**THAT** Council consider By-Law 76-2020 within the by-law section of this agenda.

## BACKGROUND

Since the arrival of the Stratford Police Service within the Town of St. Marys, this is the first year that the park patrol program was implemented in St. Marys. The program included students that patrolled parks and trails within St. Marys from July to August 2020 for the purpose of increasing police visibility and provide basic by-law enforcement including imposing the ever changing COVID-19 public health restrictions.

## REPORT

The original plan for the park patrol program was modified due to the response to the pandemic. While the patrollers were originally scheduled to begin in May, the process of hiring and training did not get underway until June resulting in the patroller's taking to the parks and trails of St. Marys at the end of June.

The Chief of Police is preparing a report which will be received by the Community Policing Advisory Committee in September with a proposed follow up with Council on September 22.

The program has ended for the season and the patroller's have returned to their post secondary institutions. At this time, it is prudent for Council to repeal the appointing by-law.

## FINANCIAL IMPLICATIONS

None.

## SUMMARY

The park patrol program implemented by Stratford Police Service within the Town of St. Marys has come to its seasonal end. A minor housekeeping task at this time is for Council to repeal the municipal law enforcement by-law.

## STRATEGIC PLAN

☒ Not applicable to this report.

## OTHERS CONSULTED

None.

## ATTACHMENTS

By-law 55-2020

## REVIEWED BY

### Recommended by the Department



Jenna McCartney  
Deputy Clerk

### Recommended by the CAO



Brent Kittmer  
CAO / Clerk



**BY-LAW 55-2020**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

Being a By-law to amend by-law 22-2020 for the purpose of appointing municipal law enforcement officers in the Town of St. Marys

**WHEREAS:** The *Police Services Act, R.S.O. 1990 Chapter P.15*, as amended, Section 15(1), provides that a municipal council may appoint persons to enforce the by-laws of the municipality;

**AND WHEREAS:** The *Police Services Act, R.S.O. 1990 Chapter P.15*, as amended, Section 15(2), provides that municipal law enforcement officers are peace officers for the purpose of enforcing municipal by-laws;

**AND WHEREAS:** The *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended, Section 1, provides that the Attorney General of Ontario has designated municipal law enforcement officers as provincial offences officers to enforce the by-laws of the municipality under the *Provincial Offences Act*;

**AND WHEREAS:** The *Building Code Act, S.O. 2001, c. 23*, as amended, provides that the council of a municipality may appoint officers to be assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the said *Building Code Act* with respect to property standards matters;

**AND WHEREAS:** The *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, Section 23.1 (1) provides that Council may also delegate its powers and duties under this or any other Act;

**AND WHEREAS:** The Council of the Corporation of the Town of St. Marys deems it expedient to amend by-law 22-2020 for the purpose of appointing Municipal Law Enforcement Officers to enforce by-laws of the municipality;

**THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows:

1. That Schedule "A" of by-law 22-2020 shall be amended to include the following persons appointed as Municipal Law Enforcement Officers for the Town of St. Marys for the purpose of exercising all the powers and performing all the duties of a Municipal Law Enforcement Officer in the enforcement of the by-laws of the Town of St. Marys:


Gracie Dafoe

Morgan Rolph

2. That the officers whose names appear in the amended Schedule "A" of by-law 22-2020 shall be a peace officer for the purpose of enforcing said municipal by-laws.

3. That the officers whose names appear in the amended Schedule "A" of by-law 22-2020 are hereby authorized at all reasonable times to enter on any property in the Town to ascertain whether a by-law is complied with, and to enforce or carry into effect any by-law respecting the property of the occupants thereof.
4. This by-law comes into force on the final passing thereof.

**Read a first, second and third time and finally passed this 23<sup>rd</sup> day of June 2020.**

  
\_\_\_\_\_  
Mayor Al Stratthdee

  
\_\_\_\_\_  
Brent Kittmer, CAO / Clerk

# FORMAL REPORT

<b>To:</b>	Mayor Stratthdee and Members of Council
<b>Prepared by:</b>	Jenna McCartney, Deputy Clerk
<b>Date of Meeting:</b>	8 September 2020
<b>Subject:</b>	<b>CAO 54-2020 Animal Control Service Provider Update</b>

## PURPOSE

To provide Council with an update on the situation of animal control service provider and to seek Council's approval to enter into an interim service agreement with the Humane Society of Kitchener Waterloo and Stratford Perth for animal control services until December 31, 2020.

## RECOMMENDATION

**THAT** CAO 54-2020 Animal Control Service Provider Update report be received; and

**THAT** Council consider By-Law 78-2020 for the purpose of entering into an interim service agreement with Humane Society of Kitchener Waterloo and Stratford Perth.

## BACKGROUND

At the August 18, 2020 the Strategic Priorities Committee received report CAO 47-2020 Animal Control Services Review that contained a draft service agreement with Humane Society of Kitchener Waterloo and Stratford Perth (the "HSKWSP") for animal control services.

Staff reviewed the current approach in St. Marys for animal control and compared it to the enhanced level of service that HSKWSP offered. Staff identified that there was some level of risk to the current approach related to liability.

At the August 25, 2020 regular meeting of Council, a resolution was passed approving staff move forward with negotiating a service agreement with HSKWSP commencing January 1, 2021 and that staff bring back a draft animal control by-law for Council review.

## REPORT

Staff were provided verbal notice on September 1, 2020 that Al Turner terminated his agreement for providing animal control services within the Town of St. Marys effective immediately. As identified in staff report CAO 47-2020, Mr. Turner has served the Town of St. Marys for 21 years and it is unfortunate that the situation unfolded as it did.

Upon receipt of the termination notice, staff have negotiated an interim service agreement with HSKWSP until December 31, 2020. The agreement is appended to this report for Council's review.

Some highlights from the service agreement include:

- Poundkeeper services will be available for the care of stray dogs and cats
- Animal control services for the enforcement of Town by-laws relating to animals
- Response to deceased dogs and cats on public property and sick and injured wildlife

- Access to discounted rabies and microchip clinics
- Emergency pet response assistance in the community
- Fee for the remainder of 2020 is set at \$3,010.48, based on a prorated fee of \$1.25 / capita @ 7,265. This fee includes the cost of care for 28 animals until December 31, 2020.
- If there is a need for care over and above 28 animals within 2021, the fee is set at \$150 per dog or cat.

During this period of the interim agreement with HSKWSP, staff will continue with the negotiation of a three-year service agreement as originally requested by Council. As well, staff will present a draft by-law relating to animal control in the coming quarter.

As it relates to communication, at the time of drafting this report, staff have updated the Town's website to communicate the necessary information related to animal control. Staff have connected with St. Marys Vet Clinic to provide instructions on redirecting stray inquires to HSKWSP effect immediately. Communication of the service provide update will be released through the Town's social media platforms immediately.

## **FINANCIAL IMPLICATIONS**

To date, the contracted service expenses related to animal control tally \$2,046.20. There is an outstanding expense to be submitted by St. Marys Vet Clinic for the care of two animals. It is anticipated that this expense will be approximately \$300.

The fee for service from Humane Society of Kitchener Waterloo and Stratford Perth is \$3,010.48 for the balance of the year.

On average, expenses related to animal control over the last five years is \$7,000. This does not take into consideration past expenses related to by-law enforcement which has been rather extensive over the last three years.

## **SUMMARY**

As a result of an unexpected termination of animal control services in the Town of St. Marys, staff have negotiated with the Humane Society of Kitchener Waterloo and Stratford Perth. Staff are recommending that Council accept the terms and conditions of the interim agreement and authorize the Mayor and the Clerk to sign the associated agreement.

## **STRATEGIC PLAN**

☒ Not applicable to this report.

## **OTHERS CONSULTED**

Jed Kelly, Director of Public Works

Kathrin Delutis, Executive Director, Humane Society of Kitchener Waterloo Stratford Perth

## **ATTACHMENTS**

Humane Society of Kitchener Waterloo and Stratford Perth Service Agreement

## **REVIEWED BY**

### **Recommended by the Department**



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Jenna McCartney  
Deputy Clerk

### **Recommended by the CAO**



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Brent Kittmer  
CAO / Clerk

**THIS AGREEMENT** is made on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**B E T W E E N:**

The Corporation of the Town of St. Marys  
(the "Town")

Party of the First Part

and

The Humane Society of Kitchener Waterloo & Stratford Perth  
(the "Service Provider")

Party of the Second Part

**WHEREAS:**

1. The Town of St. Marys wishes to enter into an agreement for animal control and poundkeeper services, and
2. The Service Provider is in the business of providing animal control and poundkeeper services, and
3. The Town wants to retain the Service Provider as its Animal Control Officer and Poundkeeper, and
4. The Service Provider has agreed to provide services to the Town in accordance with the terms and conditions of this Agreement.

**NOW THEREFORE**, in consideration of the mutual covenants contained in this Agreement and the sum of \$2.00 paid by each of the parties and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties covenant and agree as follows:

Services

1. The Service Provider agrees to provide poundkeeper services as identified in Schedule "A" as attached to this Agreement for the care of stray dogs and cats originating from sources within the Town of St. Marys.
2. The Service Provider agrees to provide Animal Control services as identified in Schedule "B" as attached to this Agreement for the enforcement of the Town of St. Marys by-laws relating to animals.
3. The Service Provider agrees to respond to calls for DOA dogs and cats on public property and sick and injured wildlife.
4. The Service Provider agrees to provide Town residents' access to discounted Rabies & Microchip Clinics, hosted at the Stratford Perth Humane Society.

5. The Service Provider agrees to provide Emergency Pet Response assistance to the Town community. This assistance is available to protect people, animals, and property during an emergency situation by ensuring the effective evacuation and care of pets.

#### Payment and Fee Schedule

6. The Town agrees to pay the Service Provider in \$3,010.48 (based on the rate of \$1.25/capita @ 7265) for the period of September 2, 2020 – December 31, 2020 in compliance with the terms and conditions of this Agreement.
7. The Town and Service Provider agree that the payment will be used to cover the cost of care for up to 28 stray dogs and cats from the Town of St. Marys during the term of the agreement.
8. The Town and the Service Provider agree that the Town will pay \$150 per dog/cat above the limit of 28 animals until such point as the contract is renegotiated.
9. The Service Provider will pick up stray or contained dogs and cats from within the Town of St. Marys each year. The Service Provider will provide records to the Town to identify the animal that was picked up and from what location within the Town the animal originated from.

#### Term

10. This Agreement shall be for a term of four (4) months commencing on September 2, 2020 and ending on the 31<sup>st</sup> day of December, 2020.
11. Either the Town or the Service Provider can request renegotiation of the contract at any time with written notice to the other party. Changes to the agreement will require the approval of the Council of the Town of St. Marys.

#### Personnel

12. The Service Provider will provide all personnel required to fulfill the terms of this agreement under the direction of the Service Provider's Executive Director.

#### Termination

13. Either the Town or the Service Provider can cancel this agreement with 30 days written notice to the other party.

#### Financial Records



14. The Service Provider shall invoice the Town upon signing of the agreement for its services.
15. The Service Provider will provide a report detailing services provided, including but not limited to number of dogs and cats impounded, number of dogs and cats returned to owner, dispatched calls/courtesy visits etc.

#### Whole agreement

16. This Agreement constitutes the whole agreement between the parties and supersedes all previous agreements, arrangements or understandings whether written or oral between the parties relating to the provision of the Services.

#### Notices

17. Any notice or other communication required or to be given to the Service Provider hereunder shall be effectively given if served personally or mailed by pre-paid first class mail addressed to:

Executive Director  
The Humane Society of Kitchener Waterloo & Stratford Perth  
Humane Society  
250 Riverbend Drive  
Kitchener, ON N3B 2E9

18. Any notice or other communication required or to be given to the Town hereunder shall be effectively given if served personally or mailed by pre-paid first class mail addressed to:

Municipal Clerk  
The Town of St. Marys  
175 Queen St. E.  
P.O. Box 998, St. Marys, ON N4X 1B6

19. This Agreement shall not be assigned by either party without the written consent of the other party.

#### Severability

20. Every term and condition of this Agreement is intended to be severable. If any term or condition is illegal or invalid for any reason whatsoever, such illegality shall not affect the validity of the remainder of the Agreement.

#### Waiver

21. The failure of the Town to insist upon the performance by the Service Provider of any term or condition of this Agreement shall not be construed as a waiver of the future

performances of any such term or condition and, the obligations of the Service Provider with respect to future performance shall continue in full force and effect.

Applicable Law

22. This agreement is governed by the laws in force in the Province of Ontario and the laws of Canada applicable herein.

Entirety

23. All terms and conditions incorporated into this document represent the agreement in its entirety.

The Humane Society of  
Kitchener Waterloo & Stratford Perth

Town of St. Marys

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

## Schedule A – Pound Services

1. The Humane Society shall at its own expense maintain a suitable pound facility within the boundaries of Kitchener and shall carry out and perform the duties of a poundkeeper. The Humane Society is hereby authorized and empowered to perform the duties of a poundkeeper under and in accordance with the provisions of the by-laws of the Town of St. Marys, the Pounds Act, the Animals for Research Act, the Municipal Act, 2001 and all other applicable by-laws and legislation. The facility must be adequate to service St. Marys requirements and for the services required under this Agreement.
2. The Pound shall be constructed and maintained as required by Ontario Regulation 23 under the Animals for Research Act. Care and cleanliness standards within the Pound shall comply with the standards designated by the Ontario Ministry of Agriculture and Food, Animal Industry Branch Inspectors. Copies of inspection reports shall be forwarded to the Town upon request.
3. At the Pound, the Humane Society shall receive all stray dogs and cats and all injured and dying dogs, cats and wildlife delivered by contracted Animal Control Officers and Town of St. Marys Law Enforcement Officers, up to 85 stray or contained dogs/cats during open public hours which shall, at minimum, be 10:00 am to 4:30 pm, Monday through Friday, and 11:30 am to 3:30 pm Saturdays & Sundays. However, the Pound may be closed to the public on Family Day and any other holiday as defined by the *Retail Businesses Holidays Act*, R.S.O. 1990, c. R. 30 and may also be closed on Easter Monday, Boxing Day, and the August Civic Holiday. The Pound may also restrict its hours as necessary for employee safety. (eg. Poor weather conditions, Pandemic)
4. The Humane Society shall attempt to notify the pet owner when an animal or dog or cat that is microchipped or wearing other identification traceable to that owner has been impounded in order to arrange for pick up. The Humane Society shall be required to be open to the public for claiming of stray dogs/cats during open hours as set out in section 3 of this Schedule. The Humane Society shall be responsible for the care, adequate and appropriate feeding, impounding, and quarantining of all dogs/cats and for the payment of supplies, material and equipment for the provision of such care and feeding. "Care" shall not include veterinary care for injuries (beyond existing standards as defined in the Standard of Operating Practices attached hereto) or illness sustained prior to or after entering the pound facility. The Humane Society is to maintain the office and pound areas in a neat and clean condition.
5. In delivering the services provided for in this Agreement, the Humane Society shall comply with the Standard Operating Practices attached to this Agreement which includes the requirements under the Animals for Research Act and additional requirements for the care of stray dogs/cats, and sick, injured or dying dogs/cats delivered to the Pound.
6. Following the expiry of the redemption period set by the Animals for Research Act and the redemption period set by the by-laws of the Town, the Humane Society may dispose of the dog/cat by any lawful means.

7. The Humane Society acknowledges that dogs/cats are available for placement or adoption subsequent to the expiry of the Redemption Period.
8. The Humane Society shall be responsible for the disposal of deceased dogs/cats and wildlife in accordance with the provisions of the Environmental Protection Act and the regulations made thereunder, and all other applicable legislation.
9. The Humane Society shall be required to receive and collect all impounding, boarding, euthanasia, disposal and quarantine fees, all service charges required to be paid to the poundkeeper. The Humane Society shall keep records regarding the collection of fees for impounding, boarding, euthanasia, service charges and quarantine which shall be made accessible to the Town upon demand. The Humane Society shall release a dog to an owner or keeper, only if the dog has any required licence for the current year, issued under the appropriate by-law. Any exceptions to this rule must be made by a Manager at the Humane Society or their designate and reported to Town's Supervisor of Enforcement or designate.

## ***Standard Operating Procedures***

The Humane Society shall comply with all legislation respecting the care and housing of animals and dogs/cats in their care. In particular, the Humane Society shall comply with the standards set for Pound Facilities by Regulation 23 of the Animals for Research Act. If at any point there is a conflict between these Operating Procedures and legislation, the Humane Society shall comply with such legislation but shall continue to provide the services listed in this schedule insofar as permitted.

### Intake Procedures

Upon intake of a dog or cat to the Pound Facility:

1. Each dog/cat impounded will be booked into the Register and the entry will contain the following information:
  - a) sex;
  - b) estimated age and weight;
  - c) colour, markings, and any physical abnormalities of the dog/cat (e.g. indication of recent surgery, collar, bandana, etc.);
  - d) the breed or type of the dog/cat;
  - e) a record of the circumstances under which the dog/cat came to be in the pound;
  - f) the time, date, and place where the dog/cat was found;
  - g) a record of any tag, name plate, or other means of identification on the dog/cat when it came into the pound;
  - h) where the dog/cat is returned to its owner, the name and address of the owner and the date of return;
  - i) where the dog/cat is adopted, the name and address of the person to whom it was adopted; and
  - j) where the dog/cat is destroyed, the date on which it is destroyed and a statement setting out the clause of subsection 20 (7) of the Animals for Research Act under which the animal is destroyed.
2. Each dog/cat shall be scanned for an electronic microchip implant.
3. Upon entry into the Pound, a thorough examination shall be completed. The condition of the dog's/cat's hair, skin, eyes, ears, notes, and mouth shall be observed and recorded on the intake card. Any serious problems will be brought to the attention of a veterinarian or designate such as the animal care manager or veterinary technician as appropriate. The weight of the dog/cat shall be observed to determine if a special diet is required. The behaviour of the dog/cat shall be considered in determining its housing requirements.
4. Any dog/cat that shows symptoms of illness or injury shall be brought to the attention of the Humane Society's Animal Care Manager or designate who shall arrange as necessary for a veterinary examination.
5. Any stray or surrendered dog/cat showing signs of severe neglect or abuse should be brought to the attention of the Provincial Animal Welfare Services Inspector or designate.
6. Provincial law does not provide an opportunity for the Poundkeeper to medicate a pet without the owner's consent. Only after the expiration of the Redemption Period, if the pet is not claimed,

may the Humane Society vaccinate, de-worm, and provide sterilization surgery. Such activity shall be recorded on the dog's register card.

7. Vaccinations may be provided where otherwise permitted by law. As permitted by law, the Humane Society shall provide vaccinations to stray animals and dogs/cats coming into the Pound Facility within 24 hours of their arrival.

8. Incoming strays are to be fed as soon as possible, ahead of the regular feeding schedule.

#### Housing

1. The Humane Society shall ensure that dogs/cats in its care are adequately housed.

2. Stray dogs or cats that have bitten a person or a domestic animal shall be held in quarantine until the end of the quarantine period. Quarantine may be transferred to owner and Public Health would be notified.

3. Any dog/cat that shows signs of illness or injury shall be brought to the attention of the Humane Society's Animal Care Manager or designate who shall arrange as necessary for a veterinary examination.

4. Every dog/cat in the Pound shall be identified by a neck band, individual tag, physical mark, or a tag or marking on the cage in which the dog/cat is kept.

#### Feeding of Animals

The Humane Society shall ensure that dogs and cats in their care receive adequate and appropriate quantities of food and water.

#### Medical Care for Impounded Injured Stray Dogs and Cats

1. First aid and/or temporary assistance shall be provided to all impounded injured dogs and cats. Analgesics for pain control shall be administered to injured dogs/cats where required.

2. Where a dog or cat shows signs of distress, a thorough examination by Humane Society staff shall be completed with special emphasis on determining if injuries exist and to what extent.

3. The following first aid and temporary assistance shall be provided where called for:

- a) cage rest and/or isolation from other animals and the public;
- b) heat;
- c) fluids to re-hydrate – administered subcutaneously;
- d) stabilizing to immobilize fractures;
- e) bathing and cleaning ocular or nasal discharge;
- f) fur trimming for health or mobility reasons;
- g) nail trimming for health or mobility reasons;
- h) wound/injury flushing with antiseptic flush and administration of topical antibiotics/antifungals/ anti-inflammatories.

4. Where life threatening injury, severe pain, or severe distress is identified, Humane Society staff shall immediately arrange for the dog/cat to be examined by a veterinarian.  
Life threatening injury, severe pain, or severe distress shall include but not be limited to:
- a) head trauma including bleeding from ear or eye, or palate damage;
  - b) critical fractures including fractures of the hard palate;
  - c) extreme parasitic wound infestation;
  - d) extreme dehydration or starvation;
  - e) injuries from being hit by a vehicle;
  - f) laceration;
  - g) severe swelling;
  - h) evidence of terminal illness;
  - i) haemorrhaging;
  - j) evidence of internal foreign objects; and
  - k) seizures.
5. The veterinarian, upon completion of an examination, as agent for the Humane Society, may recommend one of the following options during the redemption period:
- a) provide a regime of first aid and temporary assistance with pain medication;
  - b) performance of required surgery at the option of the Humane Society; or
  - c) euthanasia.
6. Where a life threatening injury, severe pain or severe distress is identified in a dog or cat wearing identification such as a Town licence tag, implanted microchip, rabies tag, tag or collar with contact information that is traceable to the rightful owner of the pet ("traceable identification"), the Humane Society, in consultation with the veterinarian may authorize measures that seek to stabilize the pet in hopes of allowing more time to reach the owner. If the owner does not respond during this stabilization period, the dog/cat may be euthanized. If contact with the owner is made, all further medical decision making shall be done by the owner and all costs are the responsibility of the owner.
7. Where a dog or cat has an injury that is non-life threatening that does not result in severe pain or severe distress and is wearing traceable identification but the owner cannot be contacted immediately, Humane Society staff shall attempt to contact the pet owner's veterinary clinic where known as soon as possible to determine if there are other options for contacting the pet's owner.
8. After expiry of the redemption period, the Humane Society shall make a decision to treat or euthanize any injured dog or cat which may take into account the cost of treatment, probability of recovery in the Pound environment, risk to other animals or dogs/cats in the shelter, and the adoptability of the dog or cat in question.
9. After expiry of the redemption period, the Humane Society may vaccinate, de-worm, and sterilize dogs and cats at its discretion.
10. Records of veterinary care, first aid, and temporary assistance shall be kept. Medications scheduled by the veterinarian shall be recorded on a dog's/cat's medications chart. Humane Society staff will record follow up care and or medications to be administered under direction of the veterinarian.



## Euthanasia

1. Where necessary for safety of the public or Humane Society staff, dogs, cats and wildlife in the Pound may be euthanized in any manner permitted by Regulation 23 (Pounds) under the Animals for Research Act. In all other cases, dogs, cats and wildlife that are euthanized shall be euthanized by injection of barbiturates. Additionally, conscious dogs shall be administered a pre-euthanasia drug unless otherwise recommended by a veterinarian.

## ***Pound Facility and Care of Impounded Dogs and Cats***

1. In accordance with all applicable Federal and Provincial statutes and the Town by-laws, the Humane Society will:
  - (a) provide a proper and adequate Shelter which will be available for use as the Town Pound. The facility shall be operated and maintained at the Humane Society's own expense in accordance with Regulation 23 (Pounds) under the Animals for Research Act, in a neat, clean and sanitary condition, and with adequate exercise space;
  - (b) ensure that all persons who attend to the care of dogs/cats have the skill, knowledge, ability, and supplies necessary for the humane care of such dogs and cats;
  - (c) protect all dogs and cats from unsupervised handling by members of the public;
  - (d) provide all dogs/cats with clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
  - (e) provide all dogs and cats with the opportunity for regular exercise sufficient to maintain good health;
  - (f) provide all dogs and cats with sufficient and suitable shelter, warmth, lighting, cleaning, sanitation, grooming and veterinary care (as required), and any other care required to maintain the health, safety, and well-being of such dogs and cats;
  - (g) ensure the prompt examination and treatment by a licensed veterinarian or designate such as an animal care manager or veterinary technician as appropriate when any dog or cat in the Humane Society's care exhibits signs of pain, suffering, injury, illness, or distress;
  - (h) provide a suitable area within the Pound to segregate dogs or cats who may be injured, ill, in need of special care, treatment, or attention, from other animals and dogs/cats in the Animal Shelter;
  - (i) ensure that the necessary euthanasia of a dog or cat is performed in a humane manner, and that this procedure is undertaken only by a licensed veterinarian or under veterinary supervision;
  - (j) in the event it is necessary to euthanize any dog or cat, dispose of the corpse of such dog/cat in a manner prescribed and a method approved by law;
  - (k) ensure that all incidents of zoonotic diseases are identified and reported to the appropriate agency;
  - (l) make reasonable attempts to contact the Owner where a dog/cat apprehended by an Animal Control Officer has identification;

- (m) ensure that medical treatment by a licensed veterinarian is available at all times to provide necessary treatment to any dog or cat impounded or any dog or cat picked up by an Animal Control Officer;
  - (n) use best efforts to adopt all dogs/cats the Humane Society deems to be adoptable;
  - (o) collect from the Owner the impound fee and, if the dog is vaccinated by the Humane Society, those fees;
  - (p) collect from the Owner the reasonable boarding fees for each day other than the first day that a dog/cat is held such boarding fee amount to be as determined and charged by the Humane Society from time to time as set by the Humane Society in the case of dogs/cats;
  - (q) at a minimum, ensure the facilities have an adequate communication system including a telephone system, a 24 hour paging/answering service and a dispatch system. The facilities are also required to have a security system;
  - (r) be responsible for the maintenance, repairs and all other operating costs of the facilities and equipment supplied;
2. If at any point there is a conflict between the provisions of this schedule and legislation, the Humane Society shall comply with such legislation but shall continue to provide the services listed in this schedule insofar as permitted.
3. The Pound shall operate and be open to the public during the following hours:
- |                     |   |
|---------------------|---|
| Monday to Friday    | 10:00 a.m. – 4:30 p.m.(Exception is the 4 <sup>th</sup> Wednesday of each month the pound will not be open to the public until 1 p.m..) |
| Saturday and Sunday | 11:30 a.m. - 3:30 p.m.  |

However, the Pound may be closed on Family Day and any other “holiday” as defined by the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30 and may also be closed on Easter Monday, Boxing Day and the August Civic Holiday.

**Schedule B – Animal Control Services**

The Humane Society shall provide Animal Control Services to the Town of St. Marys and pursuant to the terms and conditions as set out herein.

- 1. The Humane Society shall enforce the Town’s Animal By-Law and enforce the Dog Owner’s Liability Act, R.S.O. 1990, c. D. 16.
- 2. The Humane Society shall provide Animal Control Services, including answering telephone calls, within the Town as set out in the following chart:

Day(s)	Hours	Services Provided
Monday – Friday	9 a.m. – 5 p.m.	All Services
Monday – Friday	5 p.m. – 9 a.m.	Emergency Service calls for vicious dogs, rabid dogs and cats and injured dogs and cats.
Friday - Monday	5 p.m. – 9 a.m.	Emergency Service calls for vicious dogs, rabid dogs and cats and injured dogs and cats.
Statutory Holidays; Easter Monday	8 a.m.. – 8 a.m.	Emergency Service calls for vicious dogs, rabid dogs and cats and injured dogs and cats.

- 3. The Humane Society shall employ and supervise qualified animal control officers and shall provide such officers with training, vehicles, uniforms and communication equipment and pay all costs of such officers, training, vehicles, uniforms and communication equipment.
- 4. The Humane Society shall ensure that veterinarian services are available at all times to provide necessary treatment to any impounded animal.
- 5. The Humane Society shall provide for adoption or final disposition of all unclaimed animals after the stray periods have expired.
- 6. The Humane Society shall dispose of dogs, cats and sick and injured wildlife (on public property) found dead or lawfully impounded and lawfully destroyed, pursuant to applicable law.
- 7. The Humane Society shall release any impounded animal from the Animal Centre once the animal is registered and identified, if applicable, according to Town by-laws.
- 8. The Humane Society shall collect from the lawful owner of his/her authorized agent and retain all pound fees and destruction fees levied by the Humane Society in accordance with fees established by the Humane Society.
- 9. The Humane Society shall ensure that an Animal Control Officer shall respond and take appropriate action with respect to all requests for services in the Town which relate to:
  - 9.1 Entrapped animals to be freed and properly released or disposed of in accordance with applicable law.
  - 9.2 Dead dogs, cats on Town streets and lands, to be collected and disposed of in accordance with applicable law.
  - 9.3 Sick or injured dogs, cats and wildlife which are dangerous to the public on Town streets and lands in accordance with applicable law.
  - 9.4 Dead dogs and cats on private property in the Town to be collected and disposed of in accordance with applicable law and subject to disposal fee at the Humane Society’s discretion as set by the Humane Society.
  - 9.5 Nuisance, dogs found at large, licensing of dogs and control and keeping of dogs and cats in the Town, in accordance with applicable law.
  - 9.6 Possible dog, cat or wildlife attacks or threatening situations on another animal or person.

10. Wildlife nuisance calls to the Humane Society may be referred to wildlife professionals.
11. The Humane Society shall ensure that when on duty, Animal Control Officers shall:
  - 11.1 Be dressed in a suitable uniform and carry an appropriate identification badge.
  - 11.2 Respond to and investigate complaints, provide warnings where appropriate, obtain evidence, and lay charges as required.
  - 11.3 Appear and give evidence in enforcement proceedings as required on behalf of the Town.
12. The Humane Society shall ensure that where a dog or cat found at large has been apprehended, the Animal Control Officer takes appropriate action, which may include:
  - 12.1 Reasonable attempts to return the dog or cat to the lawful owner.
  - 12.2 Such actions as required to ensure that a license is purchased if the dog at large is unlicensed.
  - 12.3 Impounding the dog or cat at the Animal Centre as deemed necessary by the Humane Society.
  - 12.4 Issuing an appropriate offence notice under the *Provincial Offences Act, R.s. O. 1990, c. P. 33* or other applicable legislation.
13. The Humane Society shall ensure that a qualified Animal Control Officer assesses all stray injured dogs/cats and determines whether veterinarian care is required and to arrange for appropriate veterinarian case to alleviate pain/suffering of the animals.
14. The Humane Society shall promote a better understanding of animal control issues with citizens and promote the Town's by-laws, the benefits of spaying and neutering of dogs and cats, promote the sale of identification tags at every opportunity and to undertake such other public education of animal issues for residents of the Town as deemed appropriate in consultation with the Town.
15. The Humane Society shall ensure that no animals impounded at the Animal Centre are knowingly released for research purposes.

MINUTES  
BOARD OF DIRECTORS' MEETING  
Virtual Meeting Due to COVID-19 Pandemic  
TUESDAY, JUNE 23, 2020

Members Present:	M.Blosh A.Dale D.Edmiston A.Hopkins S.Levin N.Manning P.Mitchell	A.Murray B.Petrie J.Reffle J.Salter M.Schadenberg A.Westman
Regrets:	H.McDermid	T.Jackson
Solicitor:	G.Inglis	
Staff:	T.Annett F.Brandon-Sutherland D.Charles C.Harrington T.Hollingsworth J.Howley B.Mackie	C.Saracino J.Schnaithmann A.Shivas B.Verscheure M.Viglianti – Recorder I.Wilcox K.Winfield

1. Approval of Agenda

The Chair confirmed the mover and seconder for approval of the agenda were willing to let their names stand.

Mover: A.Hopkins

Secunder: A.Murray

THAT the Board of Directors approve the Agenda as posted.

Carried.

2. Declaration of Conflicts of Interest

The Chair inquired whether the members had any conflicts of interest to declare relating to the agenda. There were none.

3. Minutes of the Previous Meeting  
May 26, 2020

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: B.Petrie

Secunder: J.Reffle

THAT the wording in the minutes under agenda item 4, "Given that a Point of Order may only be raised during the meeting in which the procedural matter occurs, and that the original motion regarding item 7.1 of the agenda of the Annual General Meeting did not comply with The UTRCA's Administrative By-Laws (Notice of Motion, Section C-15) the Chair ruled the Point of Order had no standing at this meeting" be changed to "The Chair ruled the Point of Order had no standing at this meeting because a Point of Order may only be raised during the meeting in which the procedural matter occurs, and that the original motion regarding item 7.1 of the agenda of the Annual General Meeting did not comply with the UTRCA's Administrative By-Laws (Notice of Motion, Section C-15)" to make it more clear as to why and how the Chair had ruled.

Carried.

Mover: N.Manning

Secunder: M.Blosh

THAT that the UTRCA Board of Directors approve the Board of Directors' minutes dated May 26, 2020 as amended.

Carried.

4. Business Arising from the Minutes

There was no business arising from the Minutes

5. Delegations

There were no delegations.

6. Business for Approval

6.1 20 Year Flood Control Capital Repair Plan Update  
(Report attached)

The Chair confirmed the mover and seconder were willing to let their names stand.



The report was reviewed and discussed. It was clarified that the average cost of capital repairs decreases in the next eleven to twenty years due to the scheduled completion of the West London Dykes project. It was noted the increasing sum for Springbank Dam over the next twenty years is for potential future costs associated with decommissioning.

Mover: P.Mitchell

Secunder: A.Murray

THAT the Board of Directors approve the recommendation as presented in the report.  
Carried.

6.2 Framework for COVID-19 Resuming Operations Plan  
(Report attached)

The Chair confirmed the mover and seunder were willing to let their names stand.

I.Wilcox introduced the report and acknowledged the staff who contributed to the plan. The Board will be informed of changes made as the document evolves with direction from the Provincial Government and the local Health Unit. Staff confirmed mental health considerations were incorporated into the Plan.

The Board thanked staff for the detailed and thorough plan. There was a suggestion to include a photo of gloves going into a garbage can on signs depicting safe removal of gloves and masks. Staff confirmed extra garbage cans were put out prior to park opening.

Mover: B.Petrie

Secunder: J.Reffle

THAT the Board of Directors approve the recommendation as presented in the report.  
Carried.

7. Business for Information

7.1 Conservation Ontario Letter to Minister Yurek re: CA Review  
(Letter attached)

The Chair confirmed the mover and seunder were willing to let their names stand.

Staff reported they were not aware of any formal response to the letter from the Province. The Board will be notified if I.Wilcox receives any new information on this topic at the upcoming General Managers meeting.

Mover: J.Salter

Seconders: M.Schadenberg

THAT the Board of Directors receives the report as presented.

Carried.

## 7.2 Section 28 Status Report

(Report attached)

The Chair confirmed the mover and seconders were willing to let their names stand.

The Board noted the increase in violations during the COVID-19 lock down and staff confirmed that issue will become part of the Bill 108 conversations.

Mover: A.Westman

Seconders: M.Blosh

THAT the Board of Directors receives the report as presented.

## 7.3 June 2020 Update: UTRCA COVID Financial Impacts and Response

(Report attached)

The Chair confirmed the mover and seconders were willing to let their names stand.

The report was introduced and it was noted that through difficult and opportunistic budget decisions, the forecasted 2020 deficit is currently lower than the original, approved 2020 budgeted deficit. Staff noted that the entire budgeted deficit would not be completely eradicated in 2020.

Mover: A.Dale

Seconders: A.Hopkins

THAT the motion be amended to include "and the Board ask staff to summarize this report and report to Municipal partners."

Carried.

Mover: A.Dale

Seconders: D.Edmiston

THAT the Board of Directors receives the report as presented and the Board ask staff to summarize the report for Municipal partners.

Carried.

7.4 Conservation Areas Update – COVID-19 Operations  
(Report attached)

The Chair confirmed the mover and seconder were willing to let their names stand.

Staff reported the response from the public so far had been better than anticipated. Staff continue to monitor the parks for over-crowding, compliance to social distancing, and maximum group sizes.

Mover: A.Hopkins

Secunder: A.Westman

THAT the Board of Directors receives the report as presented.

Carried.

7.5 2019 Environmental Targets Progress Report  
(Report attached)

The Chair confirmed the mover and seconder were willing to let their names stand.

Staff reported that levy funding for the Targets is lower than initially planned at this stage of the funding phase-in, but due to contracts having far exceeded expectations, the Targets funding situation is not as bad as it initially appeared.

Two errors were identified for staff to correct. Accountability through reporting measurable results was discussed. While inputs are the only tangibles available to report on at the moment, the next set of Watershed Report Cards should begin to quantify the outcomes. A summarized version of the attached report will be circulated to the Municipalities.

Mover: J.Reffle

Secunder: A.Westman

THAT the motion be amended to add “part b, staff be asked to report a summary to Municipal Partners.”

Carried.

Mover: N.Manning

Secunder: A.Dale

THAT the Board of Directors receives the report as presented and b, staff be asked to report a summary to Municipalities.

Carried.

**8. Other Business (Including Chair and General Manager's Concluding Remarks)**

Board members were reminded the next Board meeting will be in August. Due to the disruptions caused by COVID, the usual budget development process has been compressed and will begin in August.

Staff thanked the Board members for their support during the pandemic.

M.Schadenberg thanked J.Howley, J.Skrypyk and the staff of Pittock Conservation area for spending the time to answer and discuss his questions.

**9. Closed Session – In Camera**

The Chair confirmed the mover and seconder were willing to let their names stand. There being matters regarding a plan to be applied to negotiations,

Mover: P.Mitchell

Secunder: A.Murray

THAT the Board of Directors adjourn to Closed Session – In Camera  
Carried.

**9.1 Plan to be Applied to Negotiations**

**Progress Reported**

A.Murray was disconnected from the meeting at approximately 11:10am due to connection issues.

Mover: B.Petrie

Secunder: J.Reffle

THAT the Board of Directors approve recommendations a. and c. as presented in the closed session report.

Carried.

Recommendation b. was treated as a separate item, which provided staff members direction regarding a plan to be applied to negotiations with a prospective renter.

**10. Adjournment**

The Chair confirmed the mover was willing to let their name stand. There being no further business, the meeting was adjourned at 11:42am on a motion by A.Westman.



---

Ian Wilcox  
General Manager  
Att.



## **Minutes**

### **Business Economic Support and Recovery Task Force Regular Meeting**

August 19, 2020

10:00 am

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Member Present            Mayor Strathdee, Councillor Edney, Allan Stewart, Greg Thompson,  
   Scott Taylor, Sue Griffiths

Member Absent            Ed Parkinson

#### **1. CALL TO ORDER**

Chair Taylor called the meeting to order at 10:02 AM.

#### **2. DECLARATION OF PECUNIARY INTEREST**

None

#### **3. AMENDMENTS AND APPROVAL OF AGENDA**

**Moved By** Greg Thompson

**Seconded By** Allan Stewart

THAT the August 19, 2020 regular Business Economic Support and Recovery Task Force agenda be accepted as presented.

**Carried**

#### **4. DELEGATIONS**

None

## **5. ACCEPTANCE OF MINUTES**

**Moved By** Allan Stewart

**Seconded By** Greg Thompson

THAT the June 26, 2020 regular Business Economic Support and Recovery Task Force minutes be accepted as presented.

**Carried**

## **6. BUSINESS ARISING FROM MINUTES**

Kelly Deeks-Johnson provided a status summary of projects to date that were directed from the task force. These include: the sanitizer stations for downtown have been delivered, messages of safety have been implemented in the downtown, the banners are in progress and will be up in the near future and Sue Griffiths met with the BIA, along with Town staff, to discuss options for an incentive program to encourage shopping.

André Morin provided an update on the financial spend from the \$300,000 allocated for local COVID relief. At this point only about \$55,000 has been spent or committed. Of the \$100,000 allocated for business recovery, \$20,000 has been committed and expenditures are expected to be lower. The financial pressure from the COVID-19 pandemic doesn't seem to be what we initially thought, presumably because of Government financial support. However, we expect that businesses and residents will begin to experience further financial pressures over the coming months as financial relief programs begin to cease.

## **7. REPORTS**

None

## **8. OTHER BUSINESS**

### **8.1 Phase 2**

The committee discussed their mandate and agreed that it needed to be refined.

Chair Taylor asked for an indication of interest from all members, each responding with a wish to keep going.

Sue Griffiths indicated that consumers are shifting to online and this seems to be the way forward, recommended that the committee help the businesses become proactive with technology. Griffiths added that, along



with the BIA, we are exploring an online marketplace for St. Marys, an amazon concept but for local shopping. North Perth has implemented a similar model.

Greg Thompson would like the committee to continue promoting the message of shopping safely and agrees with the suggestion of an online local shopping experience.

Allan Stewart agreed with a focus on retail and places that host events but would also like to consider business to business and service clubs.

Councillor Edney expressed that the Army and Navy has reached out to ask about support. Perhaps the committee should look at implement interest free loans. Also suggested the development of an ad campaign that further promotes shopping local.

Chair Taylor added that perhaps the group needs to consider recreation also, it's not a business in general but it's a business for the Town.

The Chair indicated that at this point it's up to the Town to decide if the group is still useful.

André Morin added that staff will discuss the mandate with Council and report back to the committee. Going forward they could discuss what phase 2 next steps are and be ready to move forward when needed. A challenge that has been identified is loans for a business to start up. This could be explored.

Sue Griffiths added that to set up a online shopping marketplace will take a resource to help get it started. Chair Taylor noted that the site would need its own identity and not be housed on the Town's municipal site.

Chair Taylor summarized that the committee agrees that this is worth pursuing. The next step is to determine what the implementation costs will be.

## 8.2 2021 Budget - Council Request

Discussion was part of 8.1.

## 9. UPCOMING MEETINGS

Meeting will be the last week of September. Chair Taylor asked that the agenda be sent a week in advance and the committee respond with their ideas for discussion.

**10. ADJOURNMENT**

**Moved By** Sue Griffiths

**Seconded By** Greg Thompson

THAT this meeting of the Business Economic Support and Recovery Task Force adjourn at 11:18 AM.

**Carried**

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Chair

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Committee Secretary

## **Minutes**

### **St. Marys Business Improvement Area (BIA) Board Meeting**

**Date:** August 17, 2020

**Time:** 6:00 pm

**Live Stream:**

<https://www.youtube.com/channel/UCzuUpFqxcEl8OG-dOYKteFQ>

#### **1. CALL TO ORDER**

Chair Hoare called the meeting to order at 6:06 pm.

#### **2. DECLARATION OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

None.

#### **3. AMENDMENTS AND APPROVAL OF AGENDA**

Moved By: Councillor Tony Winter

Seconded: Kyle Burnside

**THAT** the August 17, 2020 St. Marys Business Improvement Area Board agenda be approved as presented.

**Carried**

#### **4. ACCEPTANCE OF MINUTES**

Moved By: Kyle Burnside

Seconded: Amie Rankin

**THAT** the July 20, 2020 St. Marys Business Improvement Area Board meeting minutes be approved by the Board and signed by the Chair and the Secretary.

**Carried**

## **5. BUSINESS ARISING FROM MINUTES**

### **5.1 COVID-19 Signage and Posters for Businesses Survey Results**

A survey was sent out to BIA members to gain feedback on signage (floor stickers, posters, etc.) relating to social distancing measures during the COVID-19 pandemic.

19 surveys were returned from a diverse group of industries within the membership. Results indicate that businesses have found their own requirements and protocols specific to their needs. Based on results, signage is not something necessary to pursue.

The survey results showed a need to get people to visit downtown stores.

### **5.2 Source of PPE**

Through an email sent by Mayor Al Stratthdee to Kelly Deeks-Johnson, a potential source of PPE (masks and face shields) to buy in bulk for BIA members was found.

Based on the survey results as discussed in 5.1 COVID-19 Signage and Posters for Businesses Survey Results, a bulk supply of PPE is not needed at this time. It was suggested that an inventory of local places to buy PPE from be created and shared through social media channels and posted on the Town of St. Marys' website.

## **6. DELEGATIONS**

### **6.1 Ciaran Brennan re: Pay It Forward Campaign**

Ciaran Brennan sent his regrets for being unable to attend the meeting. Kelly Deeks-Johnson, Economic Development Manager and liaison for the Town of St. Marys, presented the information on his behalf.

The funding for the St. Marys United Way Committee's Pay It Forward program is unavailable so there is no ask at this time. Ciaran Brennan sends his thanks the St. Marys BIA Board for their time and consideration.

## **7. CORRESPONDENCE**

None.

## **8. REPORTS**

### **8.1 Council Report**

Councillor Winter provided the Board with highlights from Council discussions. These included; continuation of electronic meetings by the Town of St. Marys Council and Committees for the foreseeable future, approval of banners by the St. Marys Legion, and a public meeting discussing the 665 James Street North development.

Moved By: Gwendolen Boyle

Seconded: Amie Rankin

**THAT** the verbal Council report be received.

**Carried**

### **8.2 Treasurer's Report**

Kyle Burnside, Treasurer of the St. Marys BIA, discussed the July 2020 report. It was noted that the COVID-19 relief fund is currently factored into the BIA account balance and this will have to be addressed before the end of the year.

Moved By: Amie Rankin

Seconded: Gwendolen Boyle

**THAT** the July 2020 Treasurer's report be accepted as presented.

**Carried**

### **8.3 Beautification Committee Report**

Gwendolen Boyle presented information on the Beautification Committee meetings. A banner promoting local businesses was discussed. It would be hung across Queen Street West and be double-sided. The banner would cost between \$1500-2500 to produce plus the cost of installation. It will also require a Heritage Permit that costs \$60.

Moved By: Amie Rankin

Seconded: Kyle Burnside

**THAT** the Beautification Committee Report be accepted as information.

## **9. OTHER BUSINESS**

### **9.1 Banner Promoting Local Businesses**

This topic was discussed in 8.3 Beautification Committee Report with details provided there.

### **9.2 Stratford City Bus Advertising**

Kelly Deeks-Johnson presented information on a potential bus advertising opportunity. This was a former St. Marys BIA initiative with Streetseen Media to advertise on a bus in Stratford. The cost is approximately \$4500 and would be for one full year beginning in October. Quotes, time frames, and seasonal wraps will be examined in both Stratford and London.

Moved By: Gwendolen Boyle

Second: Amie Rankin

**THAT** the BIA board approve funds being spent on a City of Stratford bus advertisement and explore City of London bus wraps.

**Carried**

### **9.3 Business Economic Support and Recovery Task Force Update**

Kyle Burnside presented on the Business Economic Support and Recovery Task Force. It discussed economic support and recovery initiatives from the impacts of COVID-19 on the downtown core. Potential initiatives included: a tap card or gift card system similar to Downtown Dollars and a marketplace style website for businesses to promote on a digital platform.

Moved By: Gwendolen Boyle

Second: Amie Rankin

**THAT** the Business Economic Support and Recovery Task Force verbal report be accepted as presented.

**Carried**

## 10. UPCOMING MEETINGS

The next Board meeting will be held on Monday, September 14, 2020 at 6pm – location TBD.

Agenda items for future meeting includes:

- Follow-up discussion on implementing a Marketing and Communications Committee.
- Expanding the Board and putting out a call for 1-2 more Board Members.
- Setting up a public budget meeting and conversations.

## 11. ADJOURNMENT

Moved by: Councillor Tony Winter

Second: Amie Rankin

**THAT** this meeting of the St. Marys Business Improvement Area Board adjourns at 7:09 pm.

**Carried**

### 2020 BIA Board Meeting Dates

January 20	February 10	March 9	April 6
May 11	June 8	July 20	August 17
September 14	October 5	November 9	December 14

**BIA Board:** Lanny Hoare (Chair), Councillor Tony Winter, Amie Rankin (Secretary), Kyle Burnside (Treasurer), Gwendolen Boyle (Vice-Chair)

**BIA Staff:** Emily Taylor (Administrative Assistant)

**Town of St. Marys Staff:** Kelly Deeks-Johnson (Economic Development Manager)

**For Information:** Brent Kittmer (CAO/Clerk)





## **Minutes**

### **Committee of Adjustment**

August 5, 2020

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Member Present	Chair Steve Cousins William Galloway Stephen Glover Paul King Clive Slade
Staff Present	Mark Stone, Town Planner Grant Brouwer, Chief Building Official and Committee Secretary-Treasurer Morgan Dykstra, Committee Secretary
Others Present	Len Wilkinson, Applicant

#### **1. CALL TO ORDER**

Chair Cousins called the meeting to order at 6:00 pm.

The Chair provided an overview of the meeting proceedings, and how the public can participate in the meeting. The participation instructions were provided in the meeting agenda on the Town's website.

#### **2. DECLARATION OF PECUNIARY INTEREST**

None declared.

#### **3. AMENDMENTS AND APPROVAL OF AGENDA**

**Moved By** Clive Slade

**Seconded By** Stephen Glover

**THAT** the August 5, 2020 Committee of Adjustment agenda be accepted as presented.

**CARRIED**

**4. ACCEPTANCE OF MINUTES**

**Moved By** Bill Galloway

**Seconded By** Stephen Glover

**THAT** the July 2, 2020 Committee of Adjustment minutes be approved and signed by the Chair and the Secretary / Treasurer.

**CARRIED**

**5. REPORTS**

5.1 DEV 46-2020 Application for Minor Variance (File A08-2020) by L. Wilkinson and C. Barry 524 Elgin Street West Lot 2, Plan 367, St. Marys

Chair Cousins asked Mark Stone, the Town's Planner to speak to the Application.

Mark Stone provided a brief overview of the Application as outlined in the staff report. Mr. Stone indicated that no agency or public comments have been received. Mr. Stone summarized his recommendation indicating that the proposed addition is small, minor in nature, will complement the existing legal non-conforming residential use and is unlikely to have any negative impacts on neighboring uses.

Chair Cousins asked the Applicant, Len Wilkinson to speak to the application.

Len Wilkinson explained that the proposed garage is to accommodate an antique vehicle that is stored elsewhere, and the garage's footprint is minimal compared to the size of the property.

Chair Cousins asked the Committee members if they had any questions.

Committee member Clive Slade indicated he had no questions for the Applicant.

Stephen Glover asked if the existing shed will remain.

Mr. Wilkinson confirmed that the old shed will not be torn down and the Applicant will continue to use it for storage.

Mr. Glover further asked if the heritage designation is for the house proper and not the property.

Mark Stone confirmed the designation is for the house proper and that Heritage staff indicated there are no issues with the proposal.

Paul King advised that he sits on the Town's Heritage Committee and explained there are designated properties within St. Marys and this property is not a designated property. Mr. King further advised that there is a second list for properties with heritage value and the property being considered is not on the that list. Further, the Zoning By-law does indicate that the property is listed as a heritage property, but from a legal standpoint does not have any effect.

Mr. King inquired about the property's zoning, and whether the zoning should be reviewed.

Chair Cousins advised Mr. King that the question is not within this Committee's jurisdiction.

William Galloway indicated that he no questions for the Applicant.

Chair Cousins reminded the public on how to participate in the meeting and opened the meeting to public comments.

Morgan Dykstra, Committee Secretary advised the Chair that no public comments have been received by email nor are there any attendee's indicating they wish to participate.

Chair Cousins asked the Committee if they had any further questions related to the Application.

Mr. Slade noted that there are two entries to the property and asked if they need to be addressed.

Grant Brouwer, Chief Building Official and Committee Secretary-Treasurer indicated that the driveways on the property are permitted.

Chair Cousins asked if the Committee they had any further questions.

The Committee had no further questions.

Chair Cousins asked Ms. Dykstra to confirm if any public comments have been received.

Ms. Dykstra confirmed that no public comments have been received by email nor are there any attendee's indicating they wish to participate.

Chair Cousins asked the Committee to make a recommendation.

Chair Cousins read the recommendation as outlined in the staff report.

**Moved By** Bill Galloway

**Seconded By** Clive Slade

Subject to review of submissions/comments considered at the public hearing, the following recommendation is made:

**THAT** the Application for Minor Variance by L. Wilkinson and C. Barry (A08-2020), affecting a parcel of land described as 524 Elgin Street West, Lot 2, Plan 367, in the Town of St. Marys to enlarge/extend the existing legal non-conforming residential use, be **APPROVED**, subject to the following conditions:

1. This approval is granted only to the nature and extent of this Application being the construction of a 29.7 m<sup>2</sup> (320 ft<sup>2</sup>) detached garage in the rear yard, near the eastern property line.
2. Required building permit(s) shall be obtained within one (1) year of the Committee's decision.
3. That the construction of a detached garage be substantially in keeping with the plans submitted with the Minor Variance Application.
4. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

**CARRIED**

## **6. UPCOMING MEETINGS**

No meetings are scheduled at this time. Town staff will contact the Committee when an application has been deemed complete. Due to the increase in applications, staff anticipate there will be a meeting in October.

**7. ADJOURNMENT**

**Moved By** Clive Slade

**Seconded By** Stephen Glover

**THAT** this Committee of Adjustment meeting adjourn at 6:15 pm.

**CARRIED**

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Steve Cousins, Chair

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Grant Brouwer, Committee Secretary-Treasurer



## **Minutes**

### **Green Committee**

August 19, 2020

5:30 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Member Present	Katherine Moffat, Chair Lynette Geddes Councillor Pridham Fred Stam John Stevens David Vermeire
Staff Present	Jed Kelly, Director of Public Works Dave Blake, Environmental Services Supervisor Morgan Dykstra, Committee Secretary

#### **1. CALL TO ORDER**

Chair called the meeting to order at 5:29 pm.

#### **2. DECLARATION OF PECUNIARY INTEREST**

None declared.

#### **3. AMENDMENTS AND APPROVAL OF AGENDA**

Lynette Geddes requested that an item be added under 7. Other Business regarding producer recycling responsibility.

Councillor Pridham requested that an item be added under 7. Other Business regarding artwork on Dave's Tunnel and the possibility of enhancing the Town's trail system.

**Resolution: GC-2020-04-01**

**Moved By** Lynette Geddes

**Seconded By** Councillor Pridham

**THAT** the August 19, 2020 Green Committee agenda be accepted as amended.

**Carried**

**4. ACCEPTANCE OF MINUTES**

**Resolution: GC-2020-04-02**

**Moved By** John Stevens

**Seconded By** Fred Stam

**THAT** the June 24, 2020 Green Committee minutes be approved and be signed by the Chair and Committee Secretary.

**Carried**

**5. STRATEGIC ITEMS - PROGRESS UPDATES**

M. Dykstra spoke to the Strategic Priorities Status Table.

**Resolution: GC-2020-04-03**

**Moved By** David Vermeire

**Seconded By** Lynette Geddes

**THAT** the August Green Committee Strategic Priorities Status Table be received for information.

**Carried**

**6. REPORTS**

**6.1 PW 49-2020 MUNICIPAL HAZARDOUS AND SPECIAL WASTE COLLECTION**

D. Blake spoke to the report and responded to questions from the Committee. The Committee discussed the options provided within the report.

The Committee was of the consensus that more information is required before considering changes to the provision of municipal hazardous and



special waste collection services for residents of St. Marys and Perth South.

The Committee asked that staff proceed with the October collection depot event, and report back to the Committee with more information.

The Committee made the follow resolution:

**Resolution: GC-2020-04-04**

**Moved By** Lynette Geddes

**Seconded By** Fred Stam

**THAT** PW 49-2020 Municipal Hazardous and Special Waste Collection be received; and,

**THAT** the Green Committee recommend that staff move forward with the October depot event; and,

**THAT** more information be provided to the Committee at its November meeting.

**Carried**

## 6.2 PW 52-2020 WASTE REDUCTION WEEK

M. Dykstra spoke to the report and responded to questions from the Committee.

The Committee made the following resolution:

**Resolution: GC-2020-04-05**

**Moved By** John Stevens

**Seconded By** Lynette Geddes

**THAT** PW 52-2020 Waste Reduction Week report be received; and

**THAT** the Committee recommend to Council:

**THAT** Council proclaim October 19 to October 25 as Waste Reduction Week; and

**THAT** Council direct staff to craft a media campaign to highlight waste reduction activities and advertise existing waste diversion programs in St. Marys.

**Carried**

## 7. OTHER BUSINESS

### 7.1 Wildflower Areas in St. Marys

As advised by the Upper Thames River Conservation Authority, M. Dykstra provided the Committee with information related to establishing wildflower areas.

The Committee agreed that they would like to continue investigating the feasibility of establishing wildflower areas and requested that staff prepare a formal report to be presented to the Committee for consideration.

**Resolution: GC-2020-04-06**

**Moved By** Lynette Geddes

**Seconded By** John Stevens

**THAT** Staff follow up with the Committee with a report regarding establishing wildflowers at its next meeting.

**Carried**

### 7.2 Gypsy Moths

The Committee will do some research regarding possible mitigation strategies for gypsy moths and will report back at the next Committee meeting.

### 7.3 Producer Pay Responsibility for Recycling

L. Geddes asked if there is a Town update regarding producer pay responsibilities for recycling.

D. Blake responded that the Province of Ontario is moving forward with a regulation regarding a circular economy for waste diversion, which is a producer pay model. The blue box recycling program will be progressing to producer pay between 2023 and 2025. The Town has been in consultation with Bluewater Recycling Association to determine a transition date.

### 7.4 Dave's Tunnel Artwork

Dave's Tunnel is located along the loop trail between the Municipal Operations Centre and the Cement Plant. Dave's Tunnel has graffiti along the lower level. Councillor Pridham proposed painting above the existing graffiti as an amenity to the trail system.

Jed Kelly suggested that staff have a conversation with Canadian National to determine if they will provide permission to paint the tunnel.

**8. UPCOMING MEETINGS**

September 23, 2020 @ 5:30 PM (Virtual Meeting)

**9. ADJOURNMENT**

**Resolution: GC-2020-04-07**

**Moved By** Councillor Pridham

**Seconded By** David Vermeire

**THAT** this meeting of the Green Committee be adjourned at 6:56 pm.

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Katherine Moffat, Chair

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Morgan Dykstra, Committee Secretary



## **Minutes**

### **Planning Advisory Committee**

August 4, 2020

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Member Present	Chair Don Van Galen Councillor Craigmile William Galloway Councillor Hainer Susan McMaster
Staff Present	Mark Stone, Town's Planner Grant Brouwer, Chief Building Official and Secretary-Treasurer Jeff Wolfe, Asset Management and Engineering Specialist Morgan Dykstra, Committee Secretary
Others Present	John Bolton, Applicant (323 Queen Street West) Hannah Shirliff, Applicant's Agent (323 Queen Street West) Jay McGuffin, Applicant's Agent (323 Queen Street West) Gerry Lang, Applicant (187 Wellington Street North)

#### **1. CALL TO ORDER**

The Chair called the meeting to order at 6 pm.

The Chair advised how the meeting will be conducted, and how members of the public can provide comments or ask questions for each planning file being considered by the Committee. The Committee meeting agenda as posted on the Town's website provided instructions regarding participating in the meeting.

#### **2. DECLARATION OF PECUNIARY INTEREST**

None declared.

### **3. AMENDMENTS AND APPROVAL OF AGENDA**

**Moved By** Councillor Hainer

**Seconded By** Susan McMaster

**THAT** the August 4, 2020 Planning Advisory Committee agenda be accepted as presented.

**Carried**

### **4. ACCEPTANCE OF MINUTES**

**Moved By** Susan McMaster

**Seconded By** Councillor Craigmile

**THAT** the June 15, 2020 Planning Advisory Committee meeting minutes be approved and signed by the Chair and the Secretary - Treasurer.

**Carried**

### **5. REPORTS**

Chair Van Galen reiterated how the public can participate in the meeting.

- 5.1 DEV 44-2020 Applications for Official Plan and Zoning By-law Amendments (OP01-2020 and Z02-2020) by Heybolt Ontario Ltd.  
323 Queen Street West

Chair Van Galen asked the Town's Planner, Mark Stone to speak to the Application.

Mark Stone provided an overview of the Applications as outlined in the Staff report. Mr. Stone highlighted the following items:

- The property is currently zoned Highway Commercial (C3-H), and the Applicant is proposing a Residential Zone Five (R5-#) with site specific regulations that will allow for the proposed development.
- Public Works provided initial comments stating that water and sanitary systems are adequately sized, but further confirmation will be required. A road widening will be required along Queen Street as per the Town's Official Plan. Public Works notes that entrances to the property are preferred along Ann Street rather than Queen Street, but the

Department recognizes that there may be existing factors that do not make this feasible.

Mr. Stone identified two initial issues with the Applications:

1. No dedicated on-site parking provided for visitors, however it is recognized that Ann Street is a local road that can accommodate on-street parking for visitors
2. The number of entrances to the property along Queen Street West

Mr. Stone summarized that the planning justification report was well done, and the Applicants have responded to Town pre-consultation comments related to increased density. Mr. Stone has recommended that the Application be deferred for staff to have further conversations with the applicant related to parking and entrance issues.

Chair Van Galen asked the Applicant's Agent Hannah Shirtliff of Monteith Brown Planning Consultants to speak to the applications.

Hannah Shirtliff provided a presentation and overview of the existing conditions of the property and the planning Applications being considered by the Committee. The Applicant highlighted the following details related to the proposed development:

- The proposed development includes two two-storey townhouse buildings with a total of nine units. Building A fronting Ann Street will have three units and Building B fronting Queen Street will have six units. Each unit will have direct access to the street it is fronting. A single car garage and one parking space will be provided for each unit. There will be a common amenity feature located in the northeast corner of the property. Each unit will be approximately 1400 square feet in size.
- The original proposal included a five-unit townhouse development with a private driveway from Ann Street. The Town requested that the Applicant increase the density; thus, four units were added.
- Developers will design one unit to be barrier-free for people living with disabilities
- Zoning By-law requires a minimum of 1.5 parking spaces per townhouse unit, the development provides 2 spaces per unit, meeting

the same requirements as single-detached dwellings. Street parking is available on Ann Street for visitors.

- Direct accesses were provided to Queen Street West, as a rear access / laneway design would not use land efficiently and a back-lotting design is not preferred from design perspective. The proposed driveways are like existing driveways on Queen Street.
- The Developer recognizes the need for affordable pricing. Conversations about purchase prices is premature without knowing the input costs or the state of the housing market at the time of sale. Townhouses will be more affordable than single-detached dwellings, the pre-dominate form of housing in the Town. The addition of townhouses will provide more choice in the market and may accommodate the growing population of seniors and allow more people into the market.
- Technical studies were completed for the development, including a functional servicing report and a Phase I ESA which did not identify any areas of potential environmental concern.

Chair Van Galen asked if the Committee had any questions.

The Committee discussed the layout of the units and expressed interest in the three-bedroom units. The Applicant advised that the units had been designed for a wide range of demographics, including seniors and families. The design of the units will be confirmed once the property has proper planning approvals.

The Committee discussed the configuration of the proposed development and expressed some concern with six vehicle entrances along Queen Street West. The Committee proposed various options to limit the number of entrances on Queen Street and discussed the location of the communal amenity space. The Applicants noted that a singular access driveway uses a significant amount of property and has already been considered.

Overall, the Committee was of the consensus that high-density housing is needed and welcomed the use of the vacant lot.

Councillor Hainer commented that the amenity area should not be a hard surface area.

Grant Brouwer, the Town's Chief Building Official confirmed this can be a site plan condition.



Chair Van Galen explained how the public can make comment and opened the floor to public comments.

Morgan Dykstra, Committee Secretary confirmed there are no comments or questions from the public.

Chair Van Galen asked the Committee if they are prepared to make a recommendation.

Upon reviewing the staff recommendation Councillor Hainer asked to remove the word Applicant and replace with the word Applications.

After review, the Committee was of the consensus that there was no reason to report back to the Committee and cause further delays with the Applications, and that after Town staff and the Applicant review the development configurations the Applications proceed to public meeting.

The Committee therefore considered the following resolution:

**Moved By** Councillor Hainer

**Seconded By** Bill Galloway

**THAT** DEV 44-2020 be received for information; and

**THAT** the Planning Advisory Committee refer the Applications to staff to discuss any identified issues with the application and report back to Council.

**THAT** the Planning Advisory Committee endorses the Applications in principle; and

**THAT** the Planning Advisory Committee recommends to Council:

**THAT** Council proceed with the statutory public meeting

**Carried**

- 5.2     DEV 45-2020 Applications for Draft Plan of Subdivision and Zoning By-law Amendment (STM01-2020 and Z03-2020) by 2503778 Ontario Incorporated 187 Wellington Street North

Chair Van Galen asked the Town's Planner, Mark Stone to speak to the Applications.

Mr. Stone provided an overview of the property and the Applications as outlined in the staff report. Mr. Stone advised he has some concerns related to the fourplexes and the parking for those units.

Chair Van Galen asked the Applicant, Gerry Lang to speak to the Application.

Mr. Lang explained that Block 9 will be composed of condominiums, the condominiums will be vacant land condos and will have parking for visitors. Mr. Lang clarified that some of the parking for the fourplexes on Block 1 and 8 will be to the rear of the buildings. Mr. Lang advised the location is ideal due to the proximity of the Grand Trunk Trail and Downtown. Mr. Lang explained that his company has experience building townhouses and condominiums in St. Marys.

Ms. McMaster noted that some municipalities require condominiums to have communal amenity space; Town staff confirmed that the Town does not require communal amenity space.

Ms. McMaster noted that the proposed development does not include any parkland or playgrounds. The Committee discussed if there was a need for a playground to be incorporated into the design of the development. The Committee noted that there are existing and planned playgrounds in the area, and the Town will likely require a cash-in-lieu of parkland payment. Mr. Stone noted that this topic will be discussed in a subsequent report.

The Committee acknowledged the private driveway for the condos and Peel Street both intersect with Egan Ave and are slightly offset from one another. Staff explained that this road section had been reviewed and that there is no requirement under the *Highway Traffic Act* to align the private drive with Peel Street. Further, if the driveway is aligned it would imply that it is equal to a public road, when it is not since it is private.

Councillor Hainer noted that there is only one access to the condominiums, with a large turnaround cul-de-sac for the Fire Department and other Emergency Services. Staff explained that a secondary access was considered but was deemed unsuitable due to the narrowing of Wellington St. North to accommodate the Grand Trunk Trail. The private driveway has been designed to accommodate the Fire Department and a fire route will be signed along the private driveway.

Councillor Hainer asked Mr. Lang if the development will be built in phases. Mr. Lang explained that the development will be built in phases beginning with the townhouses and then condominiums and sold individually. The development will have similar design standards throughout.

Councillor Craigmile asked for clarification regarding parking for the fourplexes. Mr. Lang confirmed that two parking spaces will be in the front of the building and two to the rear of the building. The Committee further discussed parking for visitors on Block 9.

Chair Van Galen provided how members of the public may make a comment or ask a question and opened the floor to the public.

Morgan Dykstra, Committee Secretary asked members of the public to raise their hand should they wish to make a comment or ask a question.

Vanni and Jennifer Azzano who live at 152 Peel Street submitted a comment via chat on Zoom Webinar asking about parking on Egan Ave.

Jeff Wolfe advised that Egan Ave has been re-designed with on-street parking between King and James Street for school bus loading and will permit on-street parking when the bus loading zones are not in use.

Chair Van Galen asked if there were any further questions from the public or the Committee.

The Committee had no further questions.

Ms. Dykstra confirmed there are no further questions from the public.

Chair Van Galen asked the Committee if they were prepared to make a recommendation, the Committee made the following recommendation:

**Moved By** Bill Galloway

**Seconded By** Councillor Hainer

**THAT** DEV 45-2020 be received for information; and

**THAT** the Planning Advisory Committee endorse the Applications, in principle, and that Committee recommend to St. Marys Town Council that it proceed with the statutory public meeting.

**Carried**

**6. UPCOMING MEETINGS**

August 17, 2020 at 6 PM (481 and 465 Water Street South)

Councillor Hainer advised that she may not be able to attend the August 17th meeting.

**7. ADJOURNMENT**

**Moved By** Susan McMaster

**Seconded By** Bill Galloway

**THAT** this meeting of the Planning Advisory Committee be adjourned at 7:48 pm.

**Carried**

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Don Van Galen, Chair

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Grant Brouwer, Secretary-Treasurer

## **THE CORPORATION OF THE TOWN OF ST. MARYS**

### **BY-LAW NO. Z137-2020**

BEING a By-law pursuant to the provisions of Section 34 of the Planning Act, to amend By-law No. Z1-1997, as amended, which may be cited as “The Zoning By-law of the Town of St. Marys” affecting land located at 465 Water Street South and 481 Water Street South, Part of Lots 21 and 35, Thames Concession, in the Town of St. Marys.

WHEREAS the Council of the Corporation of the Town of St. Marys deems it necessary in the public interest to pass a By-law to amend By-law No. Z1-1997, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:

1. The area shown in diagonal cross hatching pattern on the attached map, Schedule “A”, and described as part of 465 Water Street South, Part of Lot 21, Thames Concession, in the Town of St. Marys shall be removed from the “Extractive Industrial (M3) Zone” of By-law No. Z1-1997 and shall be placed in the “Highway Commercial (C3-12) Zone” of By-law No. Z1-1997. The zoning of this land shall be shown as “C3-12” on Key Map 19 of Schedule “A” to By-law No. Z1-1997, as amended.
2. That Section 17.4 of By-law No. Z1-1997 is hereby deleted and replaced with the following special provision:

#### **17.4.12          C3-12**

- a) Location: Part of 465 Water Street South and 481 Water Street South, Part of Lots 21 and 35, Thames Concession, Key Map 19
- b) Notwithstanding the provisions of Section 17.1, permitted uses are limited to the following on those lands zoned “C3-12”:
  - (i) business or professional office;
  - (ii) contractor’s yard or shop;
  - (iii) convenience store or variety store;
  - (iv) equipment sales and rental business;
  - (v) laboratory or research facility;
  - (vi) office;
  - (vii) office, business;
  - (viii) office, support
  - (ix) private club;
  - (x) production studio;
  - (xi) repair shop;
  - (xii) restaurant;
  - (xiii) retail store including the sale of cannabis and related products and vitamins; and,
  - (xiv) accessory uses, buildings, and structures.
- c) For the purpose of those lands zoned “C3-12”, a production studio means premises used for producing motion pictures, or audio or video recordings or transmissions.
- d) Notwithstanding the provisions of Sections 17.2 D and 17.2 E, the following provisions shall apply to those lands zoned “C3-12”:
  - (i) Front Yard, Minimum                      5 metres (Alexander McDonald House)

8.5 metres (new buildings)

(ii) Interior Side Yard, Minimum 1.5 metres

e) All other provisions of this By-law, as amended, shall apply.

3. Schedule "A", attached hereto, shall form part of this By-law.
4. All other provisions of By-law No. Z1-1997, as amended, shall apply.
5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act, as amended, and to Regulations thereunder.
6. When no notice of appeal is filed pursuant to the provisions of the Planning Act, and when Official Plan Amendment No. 34 comes into full force and effect, this By-law shall be deemed to have come into force on the day it was passed.

**Read a first, second and third time this 8<sup>th</sup> day of September 2020.**

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Mayor Al Strathdee

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Brent Kittmer, CAO / Clerk





## **THE CORPORATION OF THE TOWN OF ST. MARYS**

### **BY-LAW NO. Z138-2020**

**BEING** a By-law pursuant to the provisions of Section 34 of the Planning Act, to amend By-law No. Z1-1997, as amended, which may be cited as “The Zoning By-law of the Town of St. Marys” affecting land located at 665 James Street North, Part of Lot 15, Concession 18 Blanshard, in the Town of St. Marys.

**WHEREAS** the Council of the Corporation of the Town of St. Marys deems it necessary in the public interest to pass a By-law to amend By-law No. Z1-1997, as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:**

1. The area shown in grid pattern on the attached map, Schedule “A”, and described as 665 James Street North, Part of Lot 15, Concession 18 Blanshard, in the Town of St. Marys shall be removed from the “Commercial Highway (C3-9) Zone” of By-law No. Z1-1997 and shall be placed in the “Residential Zone Five (R5-12) Zone” of By-law No. Z1-1997. The zoning of this land shall be shown as “R5-12” on Key Map 3 of Schedule “A” to By-law No. Z1-1997, as amended.
2. That Section 12.9 of By-law No. Z1-1997 is hereby amended by adding the following special provision:  

12.9.12	R5-12
a) Location: 665 James Street North, Part of Lot 15, Concession 18 Blanshard, Key Map 3	
b) Notwithstanding the provisions of Sections 12.2.1, 12.2.4, 12.2.6, 12.2.7, 12.2.8, 12.2.9 and 12.2.12, the following provisions shall apply to those lands zoned “R5-12”:	
(i)	Lot Area, Minimum 3,650 square metres
(ii)	Front Yard, Minimum 5.75 metres
(iii)	Exterior Side Yard, Minimum 2.4 metres
(iv)	Rear Yard, Minimum 7.0 metres
(v)	Building Height, Maximum 15.93 metres
(vi)	Number of Storeys, Maximum 4
(vii)	Landscaped Open Space, Minimum 28.0 percent
(viii)	A balcony shall be permitted to encroach into the required exterior side yard a distance of not more than 0.9 metres
c) All other provisions of this By-law, as amended, shall apply.	
3. Schedule “A”, attached hereto, shall form part of this By-law.
4. All other provisions of By-law No. Z1-1997, as amended, shall apply.
5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act, as amended, and to Regulations thereunder.
6. When no notice of appeal is filed pursuant to the provisions of the Planning Act, and when Official Plan Amendment No. 35 comes into full force and effect, this By-law shall be deemed to have come into force on the day it was passed.

**Read a first, second and third time this 8<sup>th</sup> day of September 2020.**

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Mayor Al Strathdee

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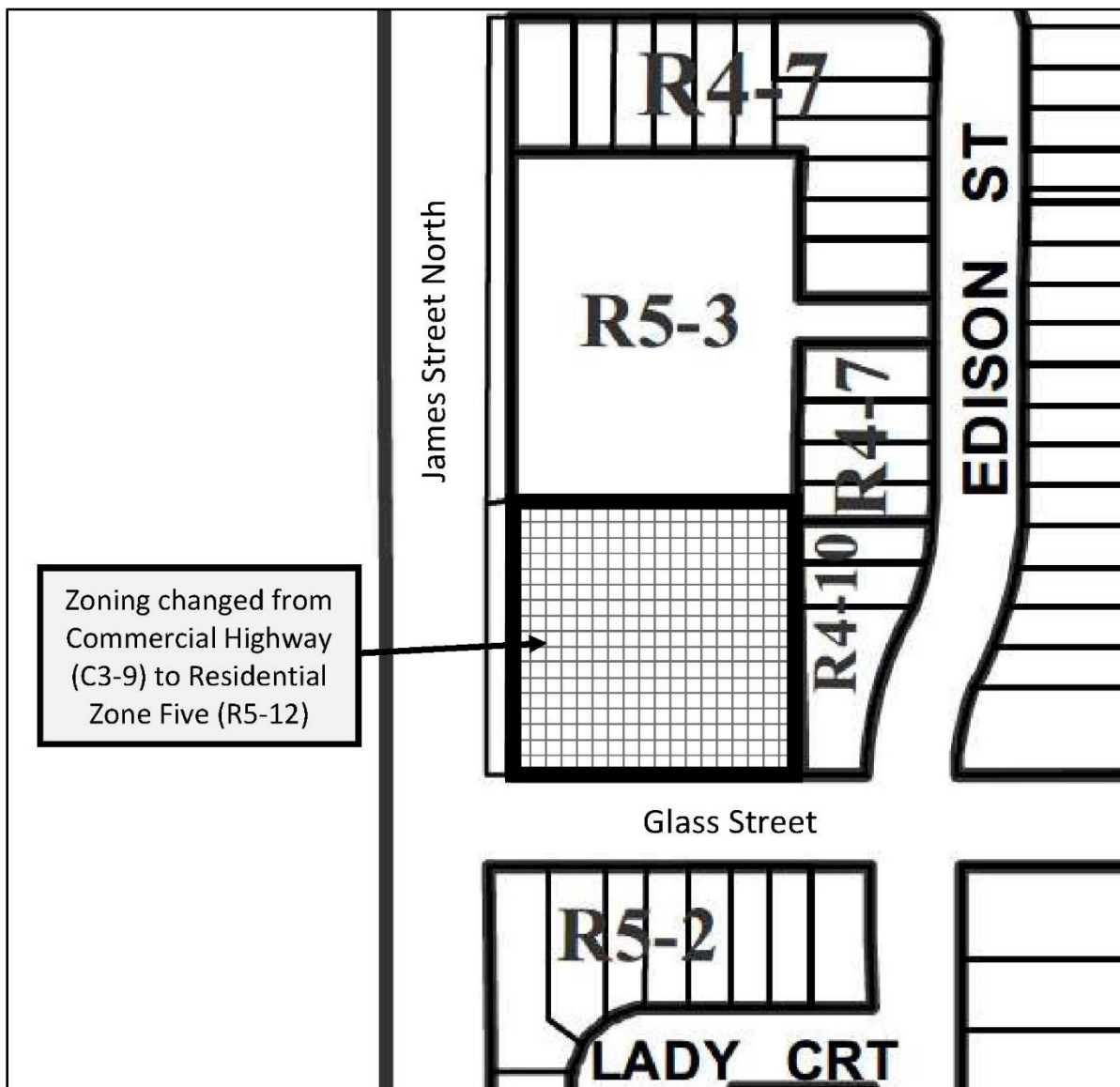
Brent Kittmer, CAO / Clerk

**THIS IS SCHEDULE "A"**  
**TO BY-LAW NO. Z138-2020**  
**OF THE CORPORATION OF THE TOWN OF ST. MARYS**  
**PASSED THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2020**

\_\_\_\_\_  
Al Stratthdee, Mayor

\_\_\_\_\_  
Brent Kittmer, CAO-Clerk

**AREA AFFECTED BY THIS BY-LAW**



**BY-LAW 75-2020**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

**Being a by-law to appoint Jenna McCartney as Clerk of the Town of St. Marys**

**WHEREAS:** the Municipal Act Sec 228 (1) states that a municipality shall appoint a Clerk;

**AND WHEREAS:** the Municipal Act Sec 228 (2) states that municipality may appoint a Deputy Clerk who has all the legislative powers and may fulfill the duties of the Clerk;

**NOW THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows:

1. That clause 1 of By-Law 31-2015 appointing Brent Kittmer as the Clerk of the Town of St. Marys is hereby repealed.
2. That By-Law 18-2017 appointing Jenna McCartney as an Alternate Deputy Clerk of the Town of St. Marys is hereby repealed.
3. That Jenna McCartney be appointed Clerk of the Town of St. Marys.
4. That Brent Kittmer be appointed a Deputy Clerk of the Town of St. Marys.
5. This by-law comes into force on September 9, 2020.

**Read a first, second and third time and finally passed this 8<sup>th</sup> day of September 2020.**

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Mayor Al Stratthdee

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Brent Kittmer, CAO / Clerk

**BY-LAW 76-2020**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

**Being a By-law to repeal by-law 55-2020 which appointed municipal law enforcement officers in the Town of St. Marys.**

**WHEREAS:** The Council for the Corporation of the Town of St. Marys deems it expedient to repeal by-law 55-2020 which appointed municipal law enforcement officers in the Town of St. Marys for the purpose of the park patrol program;

**THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows:

- 1.** That By-Law 55-2020 is hereby repealed.
- 2.** This by-law comes into force on the final passing thereof.

**Read a first, second and third time and finally passed this 8<sup>th</sup> day of September 2020.**

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Mayor Al Stratthdee

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Brent Kittmer, CAO / Clerk



**AMENDMENT NO. 34**

**TO THE**

**TOWN OF ST. MARYS OFFICIAL PLAN**

**Prepared by:**  
**Council of the Corporation of the Town of St. Marys**  
**September 8, 2020**

**THE CORPORATION OF THE TOWN OF ST. MARYS**  
**BY-LAW NO. 77-2020**  
**TO ADOPT AMENDMENT NO. 34 TO THE TOWN OF ST. MARYS OFFICIAL PLAN**

The Council of the Corporation of the Town of St. Marys in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990 hereby enacts as follows:

1. Amendment No. 34 to the Town of St. Marys Official Plan, consisting of the attached explanatory text and schedule, is hereby adopted.
2. That the Clerk is hereby authorized and directed to proceed with the giving of written notice of the Town's decision in accordance with the provisions of the Planning Act, R.S.O. 1990.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

**Read a first, second and third time this 8<sup>th</sup> day of September 2020.**

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Mayor Al Strathdee

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Brent Kittmer, CAO / Clerk



## **THE CONSTITUTIONAL STATEMENT**

**PART A - THE PREAMBLE** does not constitute part of this Amendment.

**PART B - THE AMENDMENT**, consisting of the following text and map (designated Schedule "A-34"), constitutes Amendment No. 34 to the Town of St. Marys Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I through V inclusive) contain the background data, planning considerations, and public involvement associated with this Amendment.

## **PART A - THE PREAMBLE**

### **Purpose**

The purpose of this Amendment is to set forth specific policies within the “Highway Commercial” designation which will apply only to the area affected by this Amendment, as identified on the attached Schedule “A-34”.

### **Location**

This Amendment consists of two parts which shall be referred to as Items (1) and (2):

#### **Item (1)**

The land that is affected by this Amendment is described as 481 Water Street South and part of 465 Water Street South, Part of Lots 21 and 35, Thames Concession in the Town of St. Marys, as shown in bold outline on the attached Schedule “A-34”.

#### **Items (2)**

Specific policies, in the form of an exception, governing only the land affected by this Amendment, will be provided through revisions to Section 3.3.3 of the Town Official Plan.

### **Basis**

The subject properties front onto the east side of Water Street South, south of Washington Street, and are owned by The Corporation of the Town of St. Marys. 465 Water Street South is approximately 1.1 hectares (2.7 acres) in size and 481 Water Street South is approximately 0.15 hectares (0.37 acres) in size. In 2008, the Town designated the Alexander McDonald House, located on 481 Water Street South, under the Ontario Heritage Act in 2008.

In February of 2019, Town Council approved Official Plan Amendment No. 33 (OPA 33) to redesignate 481 Water Street South from Recreational to Highway Commercial with site specific policies to permit the following uses: business or professional office, convenience store or variety store, equipment sales and rental business, laboratory or research facility, private club, production studio (premises used for producing motion pictures, or audio or video recordings or transmissions), restaurant, and accessory uses, buildings, and structures.

The Town intends to convey approximately 0.25 hectares (0.62 acres) of land from the west part of 465 Water Street South (Part 1 on Reference Plan 44R-5776) and merge these lands with 481 Water Street South (Part 2 on Reference Plan 44R-5357). The proposed merged landholding is referred to as the ‘subject lands’ and are the lands subject to OPA 34.

The purpose and effect of OPA 34 is to amend the land use permissions for 481 Water Street South and extend these permissions to the lands to be conveyed and merged. Approval of OPA 34 would allow for the following uses on the subject lands (in addition to those uses already permitted by OPA 33): contractor’s yard or shop; office; business office; support office; repair shop; and retail store including the sale of cannabis and related products and vitamins.

## **PART B - THE AMENDMENT**

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-34” (Land Use Plan), constitutes Amendment No. 34 to the Town of St. Marys Official Plan.

### **DETAILS OF THE AMENDMENT**

The Town of St. Marys Official Plan is hereby amended as follows:

#### **Item 1**

Schedule “A”, being the Land Use Plan for the Town of St. Marys Official Plan, is hereby amended by extending the Highway Commercial land use designation currently applying to lands described as 481 Water Street South (Part 2 on Reference Plan 44R-5357) to also include part of 465 Water Street South (Part 1 on Reference Plan 44R-5776) as shown in bold outline on Schedule “A-34” attached hereto as subject to the policies of Section 3.3.3 f).

#### **Item 2**

By deleting and replacing Section 3.3.3 (f) to the Town of St. Marys Official Plan to read as follows:

- “f) Within the lands described as part of 465 Water Street South and 481 Water Street South, Part of Lots 21 and 35, Thames Concession, in the Town of St. Marys, permitted uses are limited to the following:
- i) Business or professional office
  - ii) Contractor’s yard or shop
  - iii) Convenience store or variety store
  - iv) Equipment sales and rental business
  - v) Laboratory or research facility
  - vi) Office
  - vii) Office, business
  - viii) Office, support
  - ix) Private club
  - x) Production studio (premises used for producing motion pictures, or audio or video recordings or transmissions)
  - xi) Repair shop
  - xii) Restaurant
  - xiii) Retail store including the sale of cannabis and related products and vitamins
  - xiv) Accessory uses, buildings, and structures

## **PART C - THE APPENDICES**

The following appendices do not constitute part of Amendment No. 34 to the Town of St. Marys Official Plan, but are included as information supporting the Amendment.

### **APPENDIX I - BACKGROUND TO THE AMENDMENT**

The owner of the subject property has made application to amend the Official Plan in to permit a range of commercial and light industrial uses.

### **APPENDIX II - LAND USE SURVEY**

Land uses in the vicinity of the subject property described in the attached Town Staff Report DEV 56-2020.

### **APPENDIX III - SERVICES**

There are existing services and utilities available to the property.

### **APPENDIX IV - PLANNING CONSIDERATIONS**

Refer to planning considerations in attached Town Staff Report DEV 56-2020.

### **APPENDIX V - PUBLIC PARTICIPATION**

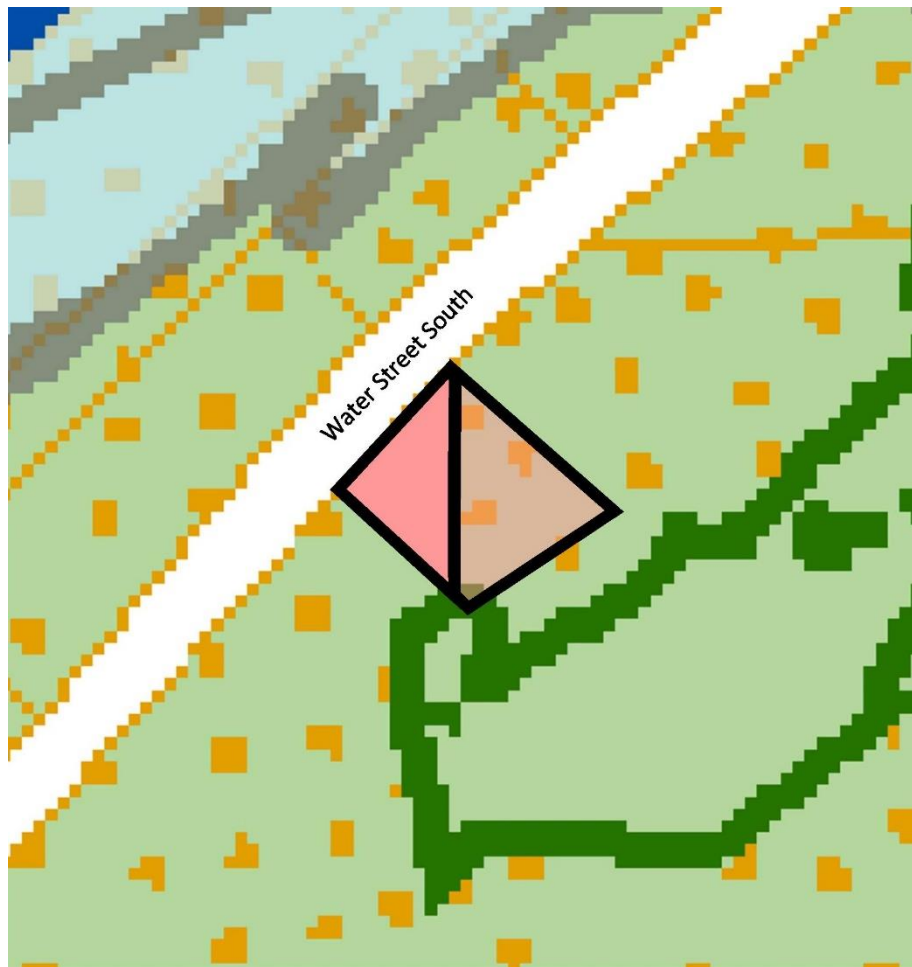
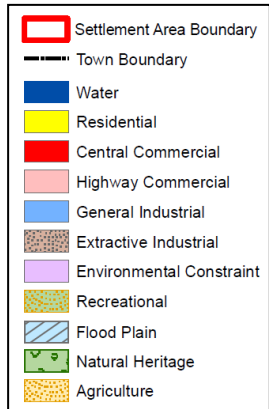
Includes the following:

- a) Notice of Complete Applications and Planning Advisory Committee (dated July 29, 2020);
- b) Agency comments summarized in Town Staff Report DEV 56-2020 and,
  - c) Notice of Public Meeting at Council (dated August 18, 2020).

# Schedule “A-34” – Land Use Plan

## AMENDMENT NO. 34

### to the Town of St. Marys Official Plan



**Land use designation changed from Recreational to Highway Commercial by OPA 33 and subject to policies of Section 3.3.3 f**



**Land use designation changed from Recreational to Highway Commercial by OPA 34 and subject to policies of Section 3.3.3 f**

**BY-LAW 78-2020**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

**Being a By-law to authorize an Agreement between The Corporation of the Town of St. Marys and Humane Society of Kitchener Waterloo Stratford Perth and to authorize the Mayor and Clerk to execute the Agreement.**

- WHEREAS:** Section 5(3) of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, provides that a municipal power shall be exercised by by-law;
- AND WHEREAS:** The Corporation of the Town of St. Marys deems it expedient to enter into an agreement with Humane Society of Kitchener Waterloo Stratford Perth to contract animal control services for an interim period (the "Agreement") for the purpose of clarifying and delineating the respective rights, obligations and of the delivery of the Agreement;
- AND WHEREAS:** It is appropriate to authorize the Mayor and the Clerk to execute the Agreement on behalf of the Town;
- NOW THEREFORE:** The Council of the Corporation of the Town of St. Marys hereby enacts as follows:
1. That the Mayor and CAO / Clerk are hereby authorized to execute an Agreement on behalf of The Corporation of the Town of St. Marys between The Corporation of the Town of St. Marys and Humane Society of Kitchener Waterloo Stratford Perth.
  2. That a copy of the said Agreement is attached hereto this By-law, and to affix the corporate seal of the Corporation of the Town of St. Marys.
  3. This by-law comes into force and takes effect on the final passing thereof.

**Read a first, second and third time and finally passed this 8<sup>th</sup> day of September 2020.**

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Mayor Al Stratthdee

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Brent Kittmer, CAO / Clerk



**AMENDMENT NO. 35**

**TO THE**

**TOWN OF ST. MARYS OFFICIAL PLAN**

**Prepared by:**  
**Council of the Corporation of the Town of St. Marys**  
**September 8, 2020**



**THE CORPORATION OF THE TOWN OF ST. MARYS**  
**BY-LAW NO. 79-2020**  
**TO ADOPT AMENDMENT NO. 35 TO THE TOWN OF ST. MARYS OFFICIAL PLAN**

The Council of the Corporation of the Town of St. Marys in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990 hereby enacts as follows:

1. Amendment No. 35 to the Town of St. Marys Official Plan, consisting of the attached explanatory text and schedule, is hereby adopted.
2. That the Clerk is hereby authorized and directed to proceed with the giving of written notice of the Town's decision in accordance with the provisions of the Planning Act, R.S.O. 1990.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

**Read a first, second and third time this 8<sup>th</sup> day of September 2020.**

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Mayor Al Stratthdee

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Brent Kittmer, CAO / Clerk

## **THE CONSTITUTIONAL STATEMENT**

**PART A - THE PREAMBLE** does not constitute part of this Amendment.

**PART B - THE AMENDMENT**, consisting of the following text and map (designated Schedule "A-35"), constitutes Amendment No. 35 to the Town of St. Marys Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I through V inclusive) contain the background data, planning considerations, and public involvement associated with this Amendment.

## **PART A - THE PREAMBLE**

### **Purpose**

The purpose of this Amendment is to set forth specific policies within the “Residential” designation which will apply only to the area affected by this Amendment, as identified on the attached Schedule “A-35”.

### **Location**

This Amendment consists of two parts which shall be referred to as Items (1) and (2):

#### **Item (1)**

The land that is affected by this Amendment is described as 665 James Street North, Part of Lot 15, Concession 18 Blanshard, in the Town of St. Marys, as shown in hatched outline on the attached Schedule “A-35”.

#### **Items (2)**

Specific policies, in the form of an exception, governing only the land affected by this Amendment, will be provided through revisions to Section 3.1.3 of the Town Official Plan.

### **Basis**

The 4,186.5 m<sup>2</sup> (0.42 ha) subject property is located at the northeast corner of James Street North and Glass Street. There is an existing L-shaped single storey commercial building and parking area on the subject property.

The subject property is currently designated “Highway Commercial” in the Town of St. Marys Official Plan, a designation intended to serve the travelling public in private automobiles. The surrounding lands are designated “Residential”, and are generally not reflective of an area that is targeted to service the travelling public. Residential uses are not permitted in the “Highway Commercial” designation. The “Residential” designation is considered a more appropriate designation for these lands, as well as meeting the following Official Plan objectives:

- encourage the provision of an adequate supply and choice of housing for the existing and future residents (Section 3.1.1.1);
- prevent the location of non-compatible land uses in residential areas (Section 3.1.1.4);
- encourage and promote additional housing through intensification and redevelopment (Section 3.1.1.7);
- encourage a diversification and inter mixing of different housing types and forms (Section 3.1.1.8); and
- maintain at least a 10 year supply of land that is designated and available for residential uses and land with servicing capacity to provide a 3 year supply of residential units zoned to facilitate residential intensification and redevelopment, and in draft and registered plans (Section 3.1.1.9).

The owner is proposing to redevelop the subject property to construct a 35 unit, four-storey apartment building with parking area to accommodate 50 surface parking spaces. The purpose and intent of this Amendment is to change the Official Plan designation of the subject property to “Residential” with site specific provisions to permit a four-storey residential apartment building with a maximum density of 95 units per hectare.

## **PART B - THE AMENDMENT**

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-35” (Land Use Plan), constitutes Amendment No. 35 to the Town of St. Marys Official Plan.

### **DETAILS OF THE AMENDMENT**

The Town of St. Marys Official Plan is hereby amended as follows:

#### **Item 1**

Schedule “A”, being the Land Use Plan for the Town of St. Marys Official Plan, is hereby amended by changing the land use designation from Highway Commercial to Residential labelling the land use designation of lands described 665 James Street North, Part of Lot 15, Concession 18 Blanshard, in the Town of St. Marys as shown in hatched outline on Schedule “A-35” attached hereto as subject to the policies of Section 3.1.3 i).

#### **Item 2**

By adding a new clause to Section 3.1.3 - Exceptions to the Town of St. Marys Official Plan which reads as follows:

“i) The property described as 665 James Street North, legally described as Part of Lot 15, Concession 18 Blanshard, in the Town of St. Marys, may be developed for a 4-storey apartment building to a maximum density of 95 units/ha, with a single access point off James Street North. Appropriate screening, buffering and landscaping shall be required at the site plan approval stage in accordance with the policies of this Plan, with particular attention and landscape treatment, as necessary, in the interface area between the proposed building and the east property line.

## **PART C - THE APPENDICES**

The following appendices do not constitute part of Amendment No. 35 to the Town of St. Marys Official Plan, but are included as information supporting the Amendment.

### **APPENDIX I - BACKGROUND TO THE AMENDMENT**

The owner of the subject property has made application to amend the Official Plan in to permit a range of commercial and light industrial uses.

## **APPENDIX II - LAND USE SURVEY**

Land uses in the vicinity of the subject property described in the attached Town Staff Report DEV 57-2020.

## **APPENDIX III - SERVICES**

There are existing services and utilities available to the property.

## **APPENDIX IV - PLANNING CONSIDERATIONS**

Refer to planning considerations in attached Town Staff Report DEV 57-2020.

## **APPENDIX V - PUBLIC PARTICIPATION**

Includes the following:

- a) Notice of Complete Applications and Planning Advisory Committee (dated January 29, 2020);
- b) Agency comments summarized in Town Staff Report DEV 57-2020 and,
  - c) Notice of Public Meeting at Council (dated July 2, 2020).

# Schedule “A-35” – Land Use Plan

## AMENDMENT NO. 35

### to the Town of St. Marys Official Plan



Land use designation changed from Highway Commercial to Residential by OPA 35 and subject to policies of Section 3.1.3 i

**BY-LAW 80-2020**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

**Being a By-law to confirm all actions and proceedings of the Council of The Corporation of the Town of St. Marys at its regular meeting held on September 8, 2020.**

**WHEREAS:** The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, Section 5(3), provides that the jurisdiction of every council is confined to the municipality that it represents, and its powers shall be exercised by by-law;

**AND WHEREAS:** The Council of the Corporation of the Town of St. Marys deems it expedient to confirm its actions and proceedings;

**NOW THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows:

- 1.** That all actions and proceedings of the Council of the Corporation of the Town of St. Marys taken at its regular meeting held on the 8<sup>th</sup> day of September, 2020 except those taken by by-law and those required by by-law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.
- 2.** This by-law comes into force on the final passing thereof.

**Read a first, second and third time and finally passed this 8<sup>th</sup> day of September 2020.**

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Mayor Al Stratheedee

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Brent Kittmer, CAO / Clerk