



AGENDA
Strategic Priorities Committee

March 15, 2022

9:00 am

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 THE AGENDA**

RECOMMENDATION

THAT the March 15, 2022 Strategic Priorities Committee agenda be accepted as presented.

4. **STRATEGIC PRIORITIES REVIEW**

4.1. DEV 07-2022 Town of St. Marys Parking Study

4

RECOMMENDATION

THAT DEV 07-2022 Town of St. Marys Parking Study be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT Council adopt the following new recommendations for the Town's parking strategy:

- Remove the nursing home definition from the Zoning By-law and use long-term care home along with the recommended parking requirement.
- Increase the hospital parking requirement to 1 parking space per every 2 beds.
- Amend the parking standard for apartments/multi-residential to 1 space + 0.25 visitor spaces for any studio or one-bedroom unit, and 1.25 spaces + 0.25 visitor spaces for any two or three bedroom units; and

THAT Staff be directed to proceed with the implementation plan set out in this DEV 07-2022

4.2. PW 19-2022 Climate Change Action Plan – Draft Initiatives

43

RECOMMENDATION

THAT PW 19-2022 Report Climate Change Action Plan – Draft Initiatives be received,

THAT Strategic Priorities Committee recommends to Council:

THAT the Council endorse Draft #1 of the Climate Change Action Plan; and,

THAT Council direct Town Staff and the Green Committee to identify short-term, mid-term, and long-term initiatives to be incorporated into the Climate Change Action Plan for Council's approval.

RECOMMENDATION

THAT ADMIN 12-2022 Draft Tree Compensation By-Law be received;
and

THAT the Strategic Priorities Committee recommends to Council:

THAT Council consider by-law XX-2022, being a by-law to require
compensation plantings for trees removed on various private properties.

5. NEXT MEETING

* All meetings will be live streamed to the Town's YouTube channel

April 19, 2022 - 9:00 am

Topics to be discussed:

- 2022 Corporate Plan and Priorities
- 14 Church Street North - Public Disclosure and Next Steps
- Town Hall Council Chambers Renovation Project

6. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Strategic Priorities Committee adjourns at _____
am/pm.



FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	15 March 2022
Subject:	DEV 07-2022 Town of St. Marys Parking Study

PURPOSE

To report back regarding specific topics raised by the Strategic Priorities Committee (November 30, 2021 meeting) and set out a recommended implementation plan for the Town's Parking Study.

RECOMMENDATION

THAT DEV 07-2022 Town of St. Marys Parking Study be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT Council adopt the following new recommendations for the Town's parking strategy:

- Remove the nursing home definition from the Zoning By-law and use long-term care home along with the recommended parking requirement.
- Increase the hospital parking requirement to 1 parking space per every 2 beds.
- Amend the parking standard for apartments/multi-residential to 1 space + 0.25 visitor spaces for any studio or one-bedroom unit, and 1.25 spaces + 0.25 visitor spaces for any two or three bedroom units; and

THAT Staff be directed to proceed with the implementation plan set out in this DEV 07-2022

BACKGROUND

On October 13, 2020 Council procured the services of Paradigm Transportation Solutions Limited to prepare a Comprehensive Parking Review. Strategic Priorities Committee reviewed the first draft on August 17, 2021.

On November 30, 2021, the Strategic Priorities Committee accepted DEV 52-2021 Comprehensive Parking Review (final). A copy of the draft Comprehensive Parking Review Study by Paradigm is provided as Attachment A to DEV 52-2021 and can be accessed/downloaded using the following link:

<https://calendar.townofstmarys.com/council/Detail/2021-11-30-0900-Special-SPC>

The Committee directed staff to report back with an implementation plan, in particular showing how High Priority recommendations will be advanced, as well as the other matters raised the Committee, and budgeted for.

The Committee also directed that staff report back on:

- a) attainable housing and the effect of adjusting our by-laws for percentage of green space required; and

- b) adding development charges if allowed to build a fund to offset attainable housing and to add a special parking requirement for adjusting parking ratios for attainable housing projects only.
- c) specific examples and greater detail on costs to a developer for changes to the apartment dwelling requirement changes from 1.25 to 1.75 spaces including visitor spaces.
- d) details as to why our apartment requirements for parking would need to be higher than neighbouring municipalities such as South Huron.

Item (a) and part of Item (b) above were discussed in DEV 08-2022 at the February 15 SPC meeting. That report is attached to this report (Attachment 1) for reference.

Items (c) and (d) are reviewed below. The Committee also had several other questions that are discussed in the following section.

REPORT

The following is a discussion of topics and issues raised by the Strategic Priorities Committee related to the Parking Study.

1. Why is there a different parking requirement for a nursing home and a long term care home which under a separate Act are considered the same?

Staff response: It is recommended that the Town consider removing the nursing home definition from the Zoning By-law and use long-term care home along with the recommended parking requirement.

2. Does the reduction of parking spaces at medical clinics and hospitals make sense based on current needs of the establishment in St. Marys?

Staff response: There were temporary issues when renovations were taking place at the St. Marys General Hospital that impacted on-site parking supply. Based on the comparable municipalities in the Parking Study, the change to the current standard for hospitals (i.e. removal of the employee parking requirement - 1 space for every 4 beds + 1 space for every 3 employees) is appropriate as it is difficult to measure and enforce parking requirements based on number of employees.

Rather, it makes sense to update the standard based on a review of hospital parking requirements in comparable municipalities provided in the Study (1.25 per bed, 1 per 2 beds, 1 per 4 beds and 1 per 2 beds), it is recommended that the hospital parking requirement be increased to one parking space per every 2 beds.

3. Will there be options for electric vehicle charging stations in public spaces?

Staff response: Any requirement for electric vehicle charging station rough-ins will also apply to any proposed development on public lands. It is recommended that the Town continue to explore partnership opportunities for the installation of charging stations in existing public spaces.

4. Are there opportunities for off-site parking for proposed developments to comply with their parking requirements?

Staff response: The main available mechanism to permit off-site parking to satisfy parking requirements in the Zoning By-law is through cash-in-lieu of parking, as discussed in the Parking Study. The Zoning By-law already provides parking reductions in the Downtown for non-residential uses in the Central Commercial Zone based in part on the principle that parking for

staff and customers can be provided off-site through available on-street parking and public parking lots.

It is recommended that the Town explore opportunities for off-street parking as discussed in the Parking Study (e.g. cash-in-lieu of parking, increasing permit parking supply through expansion of municipal parking supply).

5. What will the impact of raising parking rates be for apartments/multi-residential? How will that impact the number of units being provided?

Staff response: Increasing parking rates for apartments and multi-residential uses will have an impact on the number of units or density of development that can be provided on a property. The draft Parking Study currently recommends an increase to the parking requirement for apartment buildings from 1.25 spaces for any type of unit to a graduated standards based on unit type. This new standard is shown in the figure on the right.

Current	1.25
Proposed	Studio: 1 1 Bedroom: 1 2 Bedroom: 1.5 3 Bedroom: 1.5 + Visitor: 0.25

In determining appropriate parking requirements for apartment buildings, the main goal must be to ensure that sufficient parking can be provided on site to serve the residents of that building. After establishing a minimum standard, Council can determine if additional parking should be required through a higher rate. Staff is of the opinion that an appropriate minimum standard should be established, in part to ensure that new development can be designed in a manner to most efficiently use land in an effort to maximize the use of existing infrastructure, reduce sprawl, and provide opportunities for affordable housing.

The following chart provides a comparison of the impact of the current and recommended new parking requirements by applying these rates to existing and proposed developments in Town with apartment units. The chart also provides the estimated increased costs of development of providing additional parking.

PROPERTY	PARKING REQUIRED BASED ON		COST OF CONSTRUCTING ADDITIONAL PARKING
	Current Zoning	Proposed Zoning (Nov/21)	
121 Ontario Street South 23 apartment units (4 x 1 bedroom, 13 x 2 bedroom, 6 x 3 bedroom)	29	39	\$67,450 (10 spaces x \$6,745)
665 James Street North 35 apartment units (4 x 1 bedroom, 31 x 2 bedroom)	44	58	\$94,430 (14 spaces x \$6,745)
188 Queen Street West Commercial space (54 m ²) and 6 apartment units (6 x 2 bedroom)	10	13	\$20,235 (3 spaces x \$6,745)

The proposed new parking requirements for apartment buildings in the draft Parking Study would consume more space on the site and will reduce the number of units that would be permitted in each of the examples provided above due to increases to parking rates.

In terms of increased costs of development, the cost to create one new space needed to be determined. Staff used two methods to determine this cost. First, based on staff consultation with the development industry, it is estimated that cost of constructing additional parking is in the range of \$7,000 to \$10,000 per space, but does not include the raw cost of land. Also, the cost per space is variable depending on location, costs of materials and labour, possible additional required works based on site specific requirements (e.g. retaining walls), etc. A rough estimate of \$30,000 to \$50,000 per space was also provided for underground parking.

The second, and preferred, method used in the chart above was to provide a more specific estimate based on the local context in St. Marys. Public Works staff prepared the following rough estimate of providing parking on a development site. Based on the construction of a parking lot with 10 parking spaces occupying about 333 m² (3,584 ft²) of land, it is estimated that the cost of construction would be approximately \$67,453 or \$6,745 per space. This estimate includes the costs of design, base course asphalt and asphalt, curbing, lighting, storm sewers and catchbasins, and line painting (but does not include the raw cost of land).

As shown, the proposed increase to the parking standard will increase the cost of development. The additional costs of providing parking is only one of the financial impacts on the financial viability of a development. In most cases, a landowner/developer is not able to increase the size of a property to accommodate additional required parking. As a result, required aboveground parking reduces the amount of building envelope available on site. For example, if an additional 10 parking spaces are required on a site proposed for the development of a four-storey apartment building, the required 333 m² of land needed for parking, associated laneways, etc. would reduce the available building envelope and therefore the number of units that could be built on the property. 333 m² of building envelope would equate to approximately 1,332 m² (14,338 ft²) of floor area (333 m² x 4 storeys). Conservatively, this would result in the loss of a minimum of eight residential units, thus reducing the amount of revenue from sales of units and/or rental income.

Council also asked staff to explore why South Huron's zoning by-law used a standard of 1.5 spaces per unit, in contrast to the 1.75 spaces per unit standard recommended in the Parking Study. The following chart provides a comparison of the current parking requirement for apartment units in St. Marys to the comparable municipalities identified in the draft Parking Study. Based on comments from Council, the parking requirement in the Municipality of South Huron Zoning By-law is also shown, however requests for specific commentary from South Huron were not returned.

MUNICIPALITY	APARTMENT BUILDING REQUIREMENT (PER UNIT)
St. Marys	1.25 (current)
Aylmer	1.0
Carleton Place	1.25
Goderich	1.5
Meaford	1.25 (C1 Zone)

MUNICIPALITY	APARTMENT BUILDING REQUIREMENT (PER UNIT)
	1.5 (all other Zones)
Shelburne	1.0
Smith Falls	Not defined
South Huron	1.5

Overall, how does the proposed increase in the parking standard impact Council's housing strategy? While it is recognized that any reduction in the number of units would result in reduced parking requirements and building construction costs, the logical conclusion is that, in general, the cost to purchase or rent each apartment unit would increase due to the reduction in the total number units to sell or rent and the increased costs to provide additional parking.

Given the analysis above, staff propose to adjust the parking standards recommended in Parking Study. The Parking Study examined the current parking requirement for apartment buildings (1.25/unit) and recommended the following standards:

- Studio: 1 parking space per unit + 0.25 visitor paces
- One Bedroom: 1 parking space per unit + 0.25 visitor paces
- Two bedroom 1.5 parking spaces per unit + 0.25 visitor spaces
- Three bedroom 1.5 parking spaces per unit + 0.25 visitor spaces

The net effect of the revised new parking standard is to require 1.25 paces per unit for bachelor and one-bedroom units. This is no change compared to the current standard. This standard is based on the assumption that one parking space should be provided for each residential unit plus visitor parking at a rate of one per every four units. Any reduction to this standard would mean that some units would not have an on-site parking space. Staff does not support such a reduction in a community without other forms of transportation (i.e. public transportation). Therefore, staff agrees that no change is required to the apartment parking rate of 1.25 spaces per unit for studio and one-bedroom units.

The net effect of the revised new standard is an increase to the parking requirement for two and three bedroom units to 1.75 spaces per unit from the current standard of 1.5 spaces per unit. Staff are of the opinion that the recommended new parking requirements for two and three bedroom apartment units (1.5 + 0.25 visitor spaces per unit) is excessive. Instead, staff is of the view that Council should consider an increase to the parking requirement for two and three bedroom units to 1.25 spaces plus 0.25 visitor spaces per unit. This is based on the move toward apartment units with more bedrooms to accommodate families. The net 1.5 spaces per unit rate would result in the provision of one additional parking space for every four units with two or three bedrooms. This would provide two parking spaces for 25 percent of these larger units where there may be two people living each with a vehicle.

The following chart summarizes the November 2021 and new March 2022 recommended parking rates for apartment units.

UNIT TYPE	PROPOSED STANDARD (NOVEMBER 2021)	PROPOSED NEW STANDARD (MARCH 2022)
Studio	1.25	1.25
1 bedroom	1.25	1.25
2 bedroom	1.75	1.5
3 bedroom	1.75	1.5

The following chart demonstrates the impacts of the March 2022 standards on the example developments shown earlier. The recommended new standards maintain the current rates in the Zoning By-law for apartment units with the exception of slightly increasing the parking requirement for two and three bedroom units. The rationale for this is based on the assumption that with these larger occupancy units, there is a much a higher likelihood of tenants having two vehicles.

PROPERTY	PARKING REQUIRED BASED ON		PARKING PROVIDED BY DEVELOPER
	Current Zoning	New Proposed Zoning (March/22)	
121 Ontario Street South 23 apartment units (4 x 1 bedroom, 13 x 2 bedroom, 6 x 3 bedroom)	29	34	31
665 James Street North 35 apartment units (4 x 1 bedroom, 31 x 2 bedroom)	44	52	50
188 Queen Street West Commercial space (54 m ²) and 6 apartment units (6 x 2 bedroom)	10	11	10

In summary, no change is required to the apartment parking rate of 1.25 spaces per unit for studio and one-bedroom units, however Council should consider an increase to the parking requirement for two and three bedroom units to 1.25 spaces plus 0.25 visitor spaces per unit.

6. Are there concessions for attainable housing residential parking requirements?

Staff response: Reductions to parking requirements for apartment units are often considered with affordable types of projects, when in proximity to downtown areas and other commercial areas and services, and where public transit is in very close proximity to a site. There is a tendency in affordable housing projects to see lower demands for parking spaces, in part due to lower levels of vehicle ownership.

Also, parking requirements in Zoning By-laws often do not take into account that parking spaces are not necessarily included (bundled) with the rental of unit. With many rental housing projects a parking space is not automatically included/bundled with each rental unit and is only provided based on the needs of tenants.

Reducing parking standards for affordable units can benefit the community by allowing proponents to more efficiently utilize lands and provide additional affordable housing units. The cost of providing and maintaining parking can be significant and can result in developers and owners being forced to increase rents.

Such reductions can reduce housing costs but when proposed, it is recommended that justification be provided on a site by site basis before specific zoning relief is granted.

7. Does recommendation 2.6 include parking for e-bikes?

Staff response: Recommendation 2.6 would result in an amendment to the Zoning By-law to establish minimum bicycle parking requirements and this could include spaces for e-bikes.

Implementation Plan

The Committee directed staff to report back with an implementation plan, in particular showing how High Priority recommendations will be advanced, as well as the other matters raised the Committee, and budgeted for.

Recommendations in the draft Comprehensive Parking Review Study were identified as High, Moderate or Low Priority in DEV 52-2021. The High Priority recommendations are summarized below with details regarding status or recommended actions and timing.

Summary of High Priority Study Recommendations

ITEM #	STUDY RECOMMENDATIONS	IMPLEMENTATION	TIMING
Section 1: Official Plan			
1.1	Requirement of a parking study as part of the Site Plan Application if the site will not comply to the By-law parking requirements; and	Council should direct staff to include appropriate policies in the new Official Plan, as part of the ongoing Official Plan review project.	Now
1.2	Requirement of a queuing study as part of the Site Plan Application if the site will not comply to the By-law stacking requirements.	Council should direct staff to include appropriate policies in the new Official Plan, as part of the ongoing Official Plan review project.	
Section 2: Zoning By-law			
2.1	Update Section 5.21 of the Zoning By-law to include new residential and non-residential parking rates as contained herein	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	<ul style="list-style-type: none"> March/22 Staff to prepare preliminary draft of the comprehensive Zoning By-law Amendment
2.2	Update Section 5 of the Zoning By-law to include a requirement for all new development	Council should initiate a Town-wide Amendment to	

ITEM #	STUDY RECOMMENDATIONS	IMPLEMENTATION	TIMING
	(independent of land use) to provide electric vehicle charging station rough-ins for a minimum of 5% of all required parking spaces	the Zoning By-law to implement this recommendation.	<ul style="list-style-type: none"> Following approval of Parking Study Initiate Zoning By-law Amendment Application to implement parking-related changes
2.3	Update Section 5.21 of the Zoning By-law to include minimum bicycle parking rates as contained herein	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
2.4	Adopt the visitor parking rates for select residential land uses as contained herein	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
2.5	Update Section 5.21.1 of the Zoning By-law to include the following text related to visitor parking spaces: <ul style="list-style-type: none"> All required visitor parking spaces shall be provided and maintained for each use located on a lot and shall be located on the same lot as the uses requiring the visitor parking spaces; and All required visitor parking spaces shall be clearly identified, demarcated, and reserved at all times 	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
2.6	Update Section 5 of the Zoning By-law to include minimum bicycle parking requirements and bicycle parking design guidelines as contained herein	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
2.7	Adopt accessible parking requirements in accordance with the Accessibility for Ontarians with Disabilities Act (AODA)	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
2.8	Update Section 5.21.1.2 of the Zoning By-law to specify accessible parking spaces are not required for single-detached, semi-detached, duplex, or triplex uses	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
2.9	Retain Section 5.12 of the Zoning By-law as it pertains to Loading Space Requirement	noted	

ITEM #	STUDY RECOMMENDATIONS	IMPLEMENTATION	TIMING
2.10	Update Section 3 of the Zoning By-law to include definitions for new land use parking requirements, or reclassification of current land uses as contained herein	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	<ul style="list-style-type: none"> March/22 Staff to prepare preliminary draft of the comprehensive Zoning By-law Amendment Following approval of Parking Study Initiate Zoning By-law Amendment Application to implement parking-related changes
Section 3: Strategies to Reduce Parking Demand			
3.1	Strengthen pedestrian connections throughout the Downtown Area including pedestrian connections between Municipal Lots and the municipal sidewalk network (e.g., pedestrian walkway connecting the Elgin Street and Jones Street lots)	<p>Collaborate with local property owners to create established and maintained path for linkages between existing parking lots. Extend Jones St. parking lot to full property line boundaries.</p> <p>2021 Traffic and Parking By-Law Amendments propose extended time use extensions of municipal lots to support employee parking</p>	<ul style="list-style-type: none"> Spring/23 Town staff to: <ul style="list-style-type: none"> identify specific opportunities for creating enhanced linkages and initiate discussions with property owners as required explore costs of purchasing, installing and maintaining lighting and other measures to provide safe and accessible pedestrian connections Spring/23 Town staff to obtain estimates for Jones Street lot improvements including paving and striping
3.2	Consider the provision of bicycle parking near popular destinations in the Downtown Area	2021 seasonal bike parking was installed in on-street parking spaces by private merchant, which functioned with no issues noted. Seasonal install allowed for	<ul style="list-style-type: none"> Spring/22 Town staff to explore opportunities and costs and administrative

ITEM #	STUDY RECOMMENDATIONS	IMPLEMENTATION	TIMING
		bike parking within downcore blocks. Permanent bike parking is available at Victoria Bridge and St. Marys Public Library, additional signage should be considered as well as future seasonal bike parking installation.	requirements associated with proposed signage and other seasonal bike parking installations.
3.3	Review the existing parking permit program to determine if user fees effectively capture operating costs	Permits are not being provided at the Jones Street Parking Lot, Jones Street permits to be offered in November of 2021.	
3.4	Consider a broader parking pricing strategy in the Downtown Area if time restrictions and enforcement are not successful in mitigating identified downtown parking concerns	Traffic and Parking By-law Amendment. Proposed Amendment is to be brought forward to Council for approval.	<ul style="list-style-type: none"> Fall/22 Town to initiate broader parking pricing strategy for the Downtown Area, if required, based on monitoring of success of time restriction and enforcement initiatives
3.5	Maintain an enforcement program to monitor parking duration both On-Street and in Municipal Lots	Staff we're involved in the data collection and have the inventory and analysis tools to complete a utilization study as required in house, the baseline that has been created will allow for subsequent a smaller scope surveys in the future. Will allow for generation of accurate utilization rates	Now
Section 4: Strategies to Optimize Existing Parking Supply and Increase Efficiency			
4.1	Maintain the current residential parking permit program and continue to assign parking spaces in the Jones Street, Water Street, and Elgin Street Municipal Lots	Consistent permit uptake has been observed, with residents specifically requesting Jones St. Parking first	Now
4.2	Maintain an enforcement program to monitor parking duration both On-Street and in Municipal Lots	Municipal Lots have sufficient available space to accommodate observed on-street parking time violations. Thus increasing turn over rates all through the on-street	Now

ITEM #	STUDY RECOMMENDATIONS	IMPLEMENTATION	TIMING
		space inventory. On street time violations appear to be day employees of the downtown core. Municipal Lots will need continued monitoring from a by-law perspective to ensure overnight vehicles have permit and are located in assigned spaces	
4.3	Permanently relocate the Farmer's Market from the Jones Street Municipal Lot to Milt Dunnell Field (The Flats)	2022 Capital Works have been identified to improve surface and drainage of Milt Dunnell farmers market area. Corporate Services engaged in park redevelopment project to identify future upgrades to support multi-use facility.	Now
4.4	Reconstruct the Jones Street Municipal Lot to expand the supply of parking spaces, enhance pedestrian connectivity to the adjacent Elgin Street Municipal Lot, and install illumination	2022 Capital Works include Jones St. Surface Expansion, asphalt patching and lighting to match Elgin St. lot. Additional collaboration with property owners to improve connectivity and walkability between Jones St. and Elgin St. parking lots.	Now
4.5	Encourage the Canadian Tire/Foodland property to locate employee parking in the rear parking lot off Wellington Street South	Staff observation, rear private parking lot is under utilized, relocating plaza employees would effectively increase Elgin St. lot supply and present little impact to plaza employees. Staff to engage respective merchant tenants and property	<ul style="list-style-type: none"> • Spring/22 Town staff to initiate discussions with property owners and tenants as required
4.6	Formalize a parking lot in the area adjacent to the pump house known as Well #2	Similar to existing parking lots prior to 2018, staff have observed local residents using Well #2 municipal lands for overnight parking. Area would require pavement delineation and inclusion in the Traffic and Parking By-Law	<ul style="list-style-type: none"> • Spring/23 Town staff to explore costs of required improvements
4.8	Increase the time limits in Municipal Lots from eight hours to 10 hours to support employee parking	Comment received from existing patrons of municipal parking lots, concerns that current 8 hr restriction is not	<ul style="list-style-type: none"> • Council passed By-law 105-2021 in December 2021 to amend the Traffic and Parking By-

ITEM #	STUDY RECOMMENDATIONS	IMPLEMENTATION	TIMING
		sufficient during peak seasons. Change is included in Traffic and Parking By-Law revision to be presented to council Nov 30, 2021	law to extend time limits to 12 hours
4.9	Install signs in the Municipal Lots identifying time restrictions, parking permit spaces, or other applicable notices to motorists (e.g., accessible parking spaces)	Parking lot general guidelines and signage to be reviewed after Nov 30, 2021 by-law revision which included expanded verbiage for by-law enforcement in municipal parking lots	<ul style="list-style-type: none"> Spring/22 Town staff to initiate review
4.11	Undertake annual assessments of parking signage to ensure signs meet minimum standards for readability, by-law modifications (e.g., time restrictions).	Parking lot general guidelines and signage to be reviewed after Nov 30, 2021 by-law revision which included expanded verbiage for by-law enforcement in municipal parking lots	To be completed annually
Section 5: Strategies to Increase Parking Supply			
5.2	Explore opportunities to increase the permit parking supply through the expansion of the municipal parking supply	Opportunities for capital works exist to expand capacity of existing lots, i.e. surface expansion, line painting layout, and relocation of local employee parking (rear of Canadian tire and Foodland)	<ul style="list-style-type: none"> Spring/22 Town staff to explore costs of required improvements
Section 6: Drive-Through Stacking			
6.1	<p>Adopt definitions for stacking lanes and stacking spaces as follows:</p> <ul style="list-style-type: none"> Stacking Lane: a continuous on-site queuing lane that includes stacking spaces for motor vehicles, which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs; and Stacking Space: a rectangular space that may be provided in succession and is designed to be used for the temporary queuing of 	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	<ul style="list-style-type: none"> Feb/22 Staff to prepare preliminary draft of comprehensive Zoning By-law Amendment Following approval of Parking Study Initiate Zoning By-law Amendment Application to implement parking-related changes

ITEM #	STUDY RECOMMENDATIONS	IMPLEMENTATION	TIMING
	motor vehicles in a stacking lane.		
6.2	Modify Section 3.13 of the Town's Zoning By-law and remove the current requirement for queuing spaces	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
6.3	Adopt a minimum number of stacking spaces for select land uses as contained herein	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
6.4	Adopt a requirement for a queuing study for all drive through applications not providing the minimum number of stacking spaces, or where projected traffic volumes are greater than 60 vehicles per hour	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	
6.5	Adopt design guidelines to support the design of drive-through facilities	Council should initiate a Town-wide Amendment to the Zoning By-law to implement this recommendation.	

FINANCIAL IMPLICATIONS

Various implications dependent on the recommendation.

SUMMARY

The following is a summary of new recommendations for the Town's parking strategy.

- Remove the nursing home definition from the Zoning By-law and use long-term care home along with the recommended parking requirement.
- Increase the hospital parking requirement to 1 parking space per every 2 beds.
- Consider a parking rate of 1 space + 0.25 visitor spaces for any studio or one-bedroom unit, and 1.25 spaces + 0.25 visitor spaces for any two or three bedroom units.
- The Town proceed with the implementation plan set out in this report.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

Town of St. Marys Development Team

ATTACHMENTS

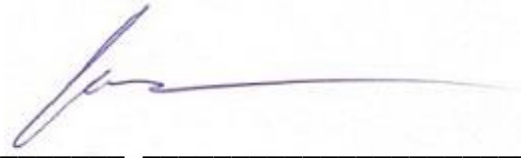
- 1) DEV 08-2022 - St. Marys Housing Strategy Update and What's Next

REVIEWED BY

Recommended by the Department



Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer



FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	Mark Stone, Planner
Date of Meeting:	15 February 2022
Subject:	DEV 08-2022 St. Marys Housing Strategy Update and What's Next

PURPOSE

The purpose of this report is to:

- provide Council with an update respecting the Town's strategy to encourage affordable/attainable housing and highlight accomplishments to date;
- consider and respond to recommendations recently presented to Council (via delegation); and,
- further introducing the concept of 'tiny homes' as a possible housing option in St. Marys.

RECOMMENDATION

THAT DEV 08-2022 St. Marys Housing Strategy Update and What's Next report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT staff be directed to report back on:

1. amendments to the Town's Zoning By-law and the preparation of urban design guidelines to permit tiny home development that is appropriately located and designed; and / or,
2. opportunities for disposing of surplus municipal land for the provision of new affordable housing or to provide proceeds to an affordable housing fund; and / or,
3. an inclusionary zoning strategy for new development in the Town.

BACKGROUND

Similar to most communities across the Province, there are a number of factors contributing to housing issues in St. Marys, including low housing supply and low vacancy rates, migration from the Greater Toronto Area and the impacts on housing prices, and the rising gap between household incomes and housing prices. The Town has adopted a comprehensive, multi-faceted approach to addressing issues related to housing in St. Marys, with a goal of creating as much housing supply as possible. The Town's Strategic Plan identifies Housing as a Strategic Pillar and in 2018 and 2019, the Strategic Priorities Committee and Council considered and indicated support for a range of affordable housing policies and financial incentives.

The Town has implemented, or is the process of implementing, many of these policies and incentives.

REPORT

Strategic Plan – Initiatives and Achievements

The following table provides a summary of strategic priorities, outcome statements and initiatives under the Housing Strategic Pillar of the Town's Strategic Plan, and identifies achievements thus far and next steps.

Strategic Priority	Initiatives (Short-term)	Achievements / Next Steps
Outcome Statement		
Attainable & mixed-use housing	Short-term <ul style="list-style-type: none"> Identify in the Official Plan development areas that would be key growth areas among targeted demographics. Encourage businesses to convert second-storey spaces into rentals. Investigate the prospect of medium density housing in the downtown and surrounding areas (infill and new development spaces: "building in and building up"). 	<ul style="list-style-type: none"> Through proposed Official Plan policies, the Town has identified areas for potential residential intensification including lands designated Residential and fronting onto or in close proximity to arterial and collector roads, and on lands current designated Highway Commercial. Staff has recommended the establishment of a new Medium/High Density Residential sub-designation intended, in part, to ensure the early provision of higher density, attainable housing on Greenfield properties. Building forms on lands designated "Medium/High Density Residential" shall be limited to low and mid-rise apartments, stacked or back-to-back townhouses, and similar higher density forms of housing. Staff has recommended policy changes to the Official Plan to permit residential uses on the ground floor of low-rise apartment buildings in parts of the downtown. In July of 2021, the Town approved a new Community Improvement Plan with financial incentives to encourage small-scale conversions of existing vacant or underutilized space for rental housing.
<i>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.</i>	Mid-term <ul style="list-style-type: none"> Create direct municipal investments to assure that housing that is affordable is created in the community. 	
Explore alternative forms of housing	2018-2022 Council Priority: <ul style="list-style-type: none"> Review areas and properties where tiny home and/or modular home developments would be appropriate; Embrace and actively promote the ability to develop secondary dwelling units and research new or innovative ways to allow property owners to create secondary units on their property; 	<ul style="list-style-type: none"> In November of 2018, Town staff met with the local builders and developers to discuss and encourage the development of other forms of housing in St. Marys. A variety of housing forms were discussed including tiny homes and apartments, stacked towns, etc. These discussions continue. This report was prepared, in part, to further explore the concept of tiny homes in St. Marys. Refer to discussion later in this report. Through the pre-consultation, development review processes, and annual meetings with the development and real estate communities, staff has encouraged the development industry to bring forward projects that will help the Town meet its housing related objectives.
<i>To ensure affordability, new forms of housing styles should be investigated; for example amongst millennials, smaller "tiny houses" are becoming a popular alternative.</i>	Short-term <ul style="list-style-type: none"> Review municipal policies to allow for non-traditional and alternative housing models, including accessible homes. Investigate environmentally sustainable housing types as a pilot. Mid-term	

Strategic Priority	Initiatives (Short-term)	Achievements / Next Steps
<i>Outcome Statement</i>		
	<ul style="list-style-type: none"> Align land use policy to encourage new housing types and approaches. 	
Seek public-private partnership models <i>New approach to housing may require a different form of initial financial investment to get established.</i> <i>Given the large number of Town-owned lands and properties, funding for many of the other initiatives in this revised Strategic Plan may require the sale or lease of these assets.</i>	<p>2018-2022 Council Priority:</p> <ul style="list-style-type: none"> Continue to move forward in offering surplus Town owned lands for the development of attainable housing <p>Short-term</p> <ul style="list-style-type: none"> Investigate and develop a range of possible approaches to launch a renewed housing strategy, designed to meet the current affordability and demographic challenges <p>Mid-term</p> <ul style="list-style-type: none"> Establish policy and budget parameters to enable new approaches to meeting the housing affordability challenges based on research findings. Seek partnerships from other levels of government to realize this action. 	<ul style="list-style-type: none"> Between 2018 and present, the Town established an attainable housing strategy with a series of objectives and initiatives. This report expands on previous discussions and recommendations regarding opportunities related to Town-owned lands.

St. Marys Housing Strategy – Initiatives and Achievements

The Town has implemented or is in the process of implementing several other Council initiatives to encourage the provision of attainable freehold and rental housing, as summarized in the following table.

Strategy	Achievements / Next Steps
Initiate a Town-wide amendment to the Zoning By-law to permit secondary units in single detached, semi-detached and townhouse dwellings subject to specific provisions to regulate potential issues such as parking.	<ul style="list-style-type: none"> On October 9, 2018, Council enacted Zoning By-law No. Z130-2018 to permit accessory apartments as-of-right in single detached, semi-detached and townhouse dwellings, and in detached accessory buildings, subject to unit subject to specified regulations. On June 8, 2021, Council enacted Zoning By-law No. Z144-2021 to make improvements to some of these regulations based on discussions with homeowners, builders and the development industry.
Engage in discussions with the development industry with respect to opportunities and potential issues related to implementing inclusionary zoning in St. Marys. ¹	<ul style="list-style-type: none"> Town staff has engaged in discussions with local builders and developers. The consensus has been that the best way to encourage more affordable housing in St. Marys is to provide financial incentives and relief. However, inclusionary zoning is discussed again, later in this report.
Explore opportunities for pre-zoning certain lands for attainable housing following completion of the Official Plan review.	<ul style="list-style-type: none"> Staff has recommended the inclusion of a policy in the new Official Plan encouraging pre-zoning of certain lands with a holding provision, to permit attainable housing, where appropriate.
Consider alternative development standards, following completion of the Official Plan review, through an update to the Town's Zoning By-law.	<ul style="list-style-type: none"> Staff has recommended the inclusion of policies in the new Official Plan to encourage the implementation of innovative and flexible design standards through the Town's Zoning By-law to permit more efficient development of attainable housing.
Support the recommendations of the Official Plan review to consider options to permit standalone residential uses (e.g. low-rise apartment buildings)	<ul style="list-style-type: none"> Staff has recommended policy changes to the Official Plan to permit residential uses on the ground floor of low-rise apartment buildings in parts of the downtown

Strategy	Achievements / Next Steps
in the periphery parts of the Central Commercial area, provided such uses do not impact the primary commercial, service and tourism function of the downtown.	
Continue to provide land for attainable housing through the sale or leasing of surplus or underutilized municipally owned land, and consider maintaining a publicly accessible database to assist potential developers seeking to construct affordable housing and tenants seeking affordable housing vacancies.	<ul style="list-style-type: none"> Staff has recommended the inclusion of policies in the new Official Plan to encourage the consideration of attainable housing prior to considering other land uses when evaluating the sale or lease of surplus public lands. This report expands on previous discussions and recommendations regarding opportunities related to Town-owned lands. Staff is considering options for identifying and maintaining a publicly accessible database of housing availability and resources for residents and the development industry
Update Development Charges By-law to reduce development charges for non-profit housing	<ul style="list-style-type: none"> Staff has recommended the inclusion of policies in the new Official Plan to consider exemptions or reduced development charge rates for affordable housing as part of the next Development Charges Background Study. The DC Background study project recently commenced. A budget of \$50,000 was approved for 2022. Staff is recommending to carrying forward unspent funds from 2021 to 2022.
Amend the Fees By-law to permit a 50% discount on planning application fees for proposed attainable housing development	
Reintroduce the Heritage Tax Rebate Program B to encourage the provision of attainable rental housing in the downtown	
Update Development Charges By-law to exempt all additional dwelling units from development charges	<ul style="list-style-type: none"> To be determined as part of the Development Charge By-law update in 2022.
Update Development Charges By-law to permit annual installments for development charges - 20 years for non-profit housing and 5 years for rental housing (to be determined as part of the Development Charge By-law update in 2020)	<ul style="list-style-type: none"> To be determined as part of the Development Charge By-law update in 2022.
Explore opportunities and promote the development of attainable housing through the sale or leasing of surplus or underutilized Town owned land	<ul style="list-style-type: none"> This initiative was paused due to the pandemic, but consideration to divest of certain Town owned properties for the purposes of creating attainable housing units will be prioritized in 2022.
Allow for tax exemptions for attainable housing on Town owned land (leased) through the municipal capital facilities provisions of the Municipal Act	<ul style="list-style-type: none"> To be assessed and implemented on a case-by-case basis

¹ - Inclusionary zoning is a relatively new land-use planning tool that allows municipalities to require the inclusion of affordable housing units as part of residential developments of 10 units or more, subject to the preparation of an assessment report, amendments to the Official Plan and Zoning By-law, and agreement(s) with landowners.

Status of Other Outstanding Council Directions Related to Attainable Housing

On October 13, 2020 Council procured the services of Paradigm Transportation Solutions Limited to prepare a Comprehensive Parking Review. On November 30, 2021, the Strategic Priorities Committee accepted DEV 52-2021 Comprehensive Parking Review (final) and directed staff to report back on:

- (a) attainable housing and the effect of adjusting our by-laws for percentage of green space required; and
- (b) adding development charges if allowed to build a fund to offset attainable housing.

As noted in this report, the Town is undertaking a Development Charges By-law review and Item (b) will be part of that review.

With respect to Item (a), the minimum landscaped open space requirement in the Residential Zone Five (R5), which is the zone usually applied to apartment building development, is 30 percent. Based on a review of other municipal zoning by-laws, a minimum of 30 percent would appear to be a high requirement. While the preservation of open spaces and landscaped areas provide needed buffers, amenity areas and contribute to the aesthetics of properties and neighbourhoods, excessive open

space requirements on properties planned for higher density development can prevent the efficient use of land for development and required parking areas.

The Building and Development Department will be presenting a report to Council in 2022 to discuss possible housekeeping and technical amendments to the Town's Zoning By-law and this will include a discussion of possible changes to minimum open space requirements.

Staffen Recommendations – Attainable Housing

On February 8th Council received a letter from Mr. Rob Staffen (dated February 4, 2022) outlining his recommendations for priorities in three strategic areas: Downtown Revitalization, Attainable Housing and Recreation. A copy of Mr. Staffen's letter is provided as Attachment 1 of this report. Council committed to reviewing his recommendations at a future meeting. The recommendations related to attainable housing are shown below, along with staff's preliminary analysis of each. In most cases, the analysis is a repeat of the information above, but the cross reference is important to show that the Town is making progress on most of Mr. Staffen's recommendations.

Strategic Priority Area	Staffen Recommendation	Preliminary Analysis In Progress – How? Quick Win Possible – How? Long-Term Initiative No Known Municipal Authority to Implement
Downtown Revitalization	4. Leave the interior space to the Building Department but recognize pre-existing conditions. Develop a plan for Attainable housing in these spaces with tax incentives, use of the \$50,000 in annual funds from the budget.	Council could reinstate funding of the Heritage Tax Rebate program. Program B outlined in the by-law provides specific increased funding levels for redevelopments that include attainable housing.
	5. Increase the \$50,000 budget to \$125,000 for fascia construction projects and attainable housing on a 50/50 split.	To implement this Council could increase the funding allocation in the budget. Currently \$50,000.00 is budgeted for all initiatives outlined in the CIP The Downtown Rental Housing Grant in the Town's Community Improvement Plan was created to assist in the creation of new rental residential units and to improve the condition of existing rental residential units. The Grant may be provided for 50% of the eligible costs for each unit, to a maximum of \$5,000 per unit.
	6. Offer significant grants (as above) to encourage redevelopment on the exterior fascias. I have attached my comments and recommendations for the CIP & AH (that should connect directly with the Official Plan) in Schedule 'C'.	To implement this Council could increase the funding allocation in the budget. Currently \$50,000 is budgeted for all initiatives outlined in the CIP
Attainable Housing	1) DEV 40-2019 Town of St. Marys Review of Population Projections and Residential Land Demand/Supply- Rewrite the document with a plan for Attainable Housing included in any Supply/Demand residential lots report. It should include 'Attainable Housing' grant budgets for the next 5 years, how many lots are included (10% as per Provincial guidelines?), how many each year are built, execution policy and how Staff will be held accountable.	To implement this recommendation, the Town could institute an annual monitoring program to report on progress related to housing in the Town. The annual report could provide the number of units created by type and affordability, units in the 'pipeline', and updated affordability thresholds for freehold and rental units in St. Mary.

Strategic Priority Area	Staffen Recommendation	Preliminary Analysis In Progress – How? Quick Win Possible – How? Long-Term Initiative No Known Municipal Authority to Implement
	2) Each existing Phased development approved would have to have 'X' (four?) amount of low-income units. They could be financed by government grants, if any, increased development fees that fund low income housing (the better plan), at cost labour and materials by the developer and their suppliers and other ideas as shown in 3.1.2.16 as well as shown in the CIP recommendations Schedule 'C'.	Refer to Minimum Required Affordable Units and Inclusionary Zoning discussion later in this report.
	3) This Section should include goals as to the number of low income housing to be built over the next 10 years, specifically written into the OP & CIP & SP.	The Official Plan is the primary document for establishing minimum requirements for affordable housing. Section 3.1.2.16 of the proposed new Official Plan (draft December 2021) states, in part, that 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. For clarity, the Town could include annual targets for the establishment of affordable in the Official Plan, with these targets and levels of achievement included in the recommended annual monitoring program.
	4) Developers (lots donated as part of their phased lot developments), builders (part of their ability to have 15-20 homes per year), grants (part of the \$150,000) and thru increased development fees should pay and provide Attainable housing properties.	Refer to Minimum Required Affordable Units and Inclusionary Zoning discussion later in this report.
	Donate Town of St. Marys unused land bank(s) for attainable housing. How many a year? Continue to provide land for attainable housing through the sale (Donation) or leasing of surplus or underutilized municipally owned land, and consider maintaining a publicly accessible database to assist potential developers seeking to construct affordable housing and tenants seeking affordable housing vacancies. Provide on an annual basis one such unit per year. HHBC provide material at cost as a commitment to the Community (Staff to present idea to HHBC).	This initiative was paused due to the pandemic, but consideration to divest of certain Town owned properties for the purposes of creating attainable housing units will be prioritized in 2022. Staff has recommended the inclusion of policies in the new Official Plan to encourage the consideration of attainable housing prior to considering other land uses when evaluating the sale or lease of surplus public lands. Refer to Minimum Required Affordable Units and Inclusionary Zoning discussion later in this report. Staff is considering options for identifying and maintaining a publicly accessible database of housing

Strategic Priority Area	Staffen Recommendation	Preliminary Analysis In Progress – How? Quick Win Possible – How? Long-Term Initiative No Known Municipal Authority to Implement
		availability and resources for residents and the development industry
	<ul style="list-style-type: none"> Explore opportunities for pre-zoning certain lands for attainable housing following completion of the OP 	Staff has recommended the inclusion of a policy in the new OP encouraging pre-zoning of certain lands with a holding provision, to permit attainable housing, where appropriate.
	<ul style="list-style-type: none"> Consider alternative development standards, following completion of the Official Plan review, through an update to the Town's Zoning By-law. Increase development fees, new developments require 5% to 10% of land to be donated to attainable Housing. Developers are required to build on each lot donated 2 units for Attainable Housing. Work with suppliers (HHBC) and each Home contractor to be required to build these homes. Staff to determine what is "attainable Housing" Size in sq. ft., # of bedrooms, building requirements. Staff to determine, under a lottery system, who (what family) qualifies for Attainable Housing. Based on Income, family size, and other factors. 	Staff has recommended the inclusion of policies in the new Official Plan to encourage the implementation of innovative and flexible design standards through the Town's Zoning By-law to permit more efficient development of attainable housing. Minimum Required Affordable Units and Inclusionary Zoning discussion later in this report.
	<ul style="list-style-type: none"> Allow for tax exemptions for attainable housing on Town owned land (leased) through the municipal capital facilities provisions of the Municipal Act To be assessed and implemented on a case-by-case basis 	To be assessed and implemented on a case-by-case basis
	<ul style="list-style-type: none"> Update Development Charges By-law to reduce development charges for non-profit housing 	Staff has recommended the inclusion of policies in the new Official Plan to consider exemptions or reduced development charge rates for affordable housing as part of the next Development Charges Background Study. The DC Background study project recently commenced and will be completed in 2022.
	<ul style="list-style-type: none"> Amend the Fees By-law to permit a 50% discount on planning application fees for proposed attainable housing development 	Staff has recommended the inclusion of policies in the new Official Plan to consider exemptions or reduced development charge rates for affordable housing as part of the next Development Charges Background Study. The building fee review study project recently commenced and will be completed in 2022.
	<ul style="list-style-type: none"> Reintroduce the Heritage Tax Rebate Program B to encourage the provision of attainable rental housing in the downtown 	Council could reinstate funding of the Heritage Tax Rebate program. Program B outlined in the by-law provides specific increased funding levels for

Strategic Priority Area	Staff Recommendation	Preliminary Analysis In Progress – How? Quick Win Possible – How? Long-Term Initiative No Known Municipal Authority to Implement
		redevelopments that include attainable housing.
	<ul style="list-style-type: none"> Update Development Charges By-law to exempt all additional dwelling units from development charges 	<p>Staff has recommended the inclusion of policies in the new Official Plan to consider exemptions or reduced development charge rates for affordable housing as part of the next Development Charges Background Study.</p> <p>The DC Background study project recently commenced and will be completed in 2022.</p>
	<ul style="list-style-type: none"> Update Development Charges By-law to permit annual installments for development charges – 20 years for non-profit housing and 5 years for rental housing (to be determined as part of the Development Charge By-law update in 2020) 	<p>To Staff has recommended the inclusion of policies in the new Official Plan to consider exemptions or reduced development charge rates for affordable housing as part of the next Development Charges Background Study.</p> <p>The DC Background study project recently commenced and will be completed in 2021.</p>

Next Steps for the St. Marys Housing Strategy: 2022 Work Plan

The charts above track each of the strategic directions that Council has given staff and the progress to date. Moving forward, the Director of Building and Development has identified three affordable/attainable housing strategies to be explored in 2022:

1. alternate forms of housing (e.g. tiny homes),
2. public-private partnership models, and
3. the sale or lease of Town owned property assets for attainable housing projects.

Strategic Consideration: If Council wishes to see strategic focus on any other Attainable Housing initiatives, staff would appreciate receiving that direction so that we can shift our focus and workload appropriately.

In this report, the appropriateness of permitting tiny homes in St. Marys is examined. In addition, the sale or lease of municipal land, and approaches to requiring a minimum amount of affordable housing units with each development are presented again.

Strategic Discussion #1 Tiny Homes

In recent years, tiny homes as a viable housing option has grown in popularity for a number of reasons including the cost of land and the housing market, and a simpler way of life with reduced maintenance requirements for tiny homes.

There is no one commonly accepted or legislated definition of a tiny home. According to the Province of Ontario's 'Build or buy a tiny home' guide, a tiny home:

- can be considered a small, private and self-contained dwelling unit intended for year-round use with living and dining areas, kitchen and bathroom facilities, and a sleeping area; and,

- cannot be smaller than the minimum required size set out in Ontario's Building Code, which is 17.5 m² (188 ft²).

Tiny homes can be built on-site or can be factory built and shipped to a property.

Tiny homes are often designed with furniture that serves more than one purpose, and hinged tables and beds to allow for raising to be flush with walls.

The Town's Official Plan and Zoning By-law permit accessory or secondary units on residential lots in the Town. The discussion of tiny homes in this report will focus on the appropriateness of permitting a tiny home to be constructed on an existing lot of record or permitting tiny home developments on Greenfield, intensification or redevelopment sites.

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 PPS states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns, accommodating an appropriate range and mix of residential housing forms, and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

The PPS also promotes development standards that facilitate intensification, redevelopment and compact form, and defines and sets out minimum requirements for affordable housing.

Town Official Plan

The current Official Plan does not define or provide specific policy direction with respect to tiny homes, but permits 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. The objectives of the Residential designation include:

- encouraging the provision of an adequate supply and choice of housing for residents in terms of quality, type, location and cost (3.1.1.1)
- maintaining and improving the existing housing stock and character of residential areas (3.1.1.3)
- promoting housing for senior citizens, the handicapped and low income families (3.1.1.6)
- encouraging and promoting additional housing through intensification and redevelopment (3.1.1.7)
- encouraging a diversification and inter mixing of different housing types and forms (3.1.1.8)

The Official Plan permits residential infilling throughout the Residential designation provided such development "is in keeping with the attributes of the neighbourhood" (Section 3.1.2.3). Section 3.1.2.14 of the Official Plan states that "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".

Town Zoning By-law

The Zoning By-law does not specifically define or reference tiny homes. The definitions of single-detached dwelling and dwelling unit in the By-law would appear to apply to most tiny homes provided the dwelling is not considered a mobile home as defined.

3.47.13 Dwelling, Single-Detached means a separate **building** which contains one (1) **dwelling unit** in which entrance is gained only by a private entrance directly from outside. **Single-detached dwelling** shall not include a **mobile home**.

3.48 Dwelling Unit means a suite operated as a housekeeping unit, **used** or intended to be **used** as a domicile by 1 or more **persons** and usually containing cooking, eating, living, sleeping, and sanitary facilities.

3.93 Mobile Home means a prefabricated **dwelling unit** designed and intended to be transported or portable for movement from site to site and the frame of such **dwelling unit** is integral to its **structure**.

Single-detached dwellings are permitted in the Residential Zone One (R1), Residential Zone Two (R2), Residential Zone Three (R3) and Residential Zone Four (R4).

To allow for more efficient use of land and provide opportunities for the provision of more affordable housing through tiny homes, planning policies and regulations must permit smaller dwellings on smaller lots. If the Town makes changes to the Zoning By-law to permit tiny homes, there will need to be a review of appropriate development standards through changes to existing residential zones and/or the creation of a new zone dedicated tiny homes development.

A preliminary review of existing zones reveals that many of the existing regulations may allow for the establishment of a tiny home on a lot but there may be the need to establish regulations that ensure there is appropriate lot sizes and built form through updated maximum lot size and frontage requirements. Of particular note and requiring specific consideration are the minimum gross floor area requirements in the R1, R2, R3 and R4 Zones (125 m², 100 m², 85 m² and 65 m²). These minimum gross floor area requirements would not permit a tiny home with the lowest minimum floor area being 65 m² or 700 ft² in the R4 Zone.

Strategic Consideration: Staff have identified possible approaches to permitting and regulating new tiny home development in St. Marys, as follows:

1. Permit tiny homes on existing smaller lots of record

There are a number of existing lots in the Town that are too small to accommodate traditionally sized dwellings and/or may have zoning that prevents a smaller home to be constructed due to constraints in the applicable zoning. To implement this approach, it is recommended that the Town:

- review and update of the Zoning By-law to establish appropriate regulations through a new tiny homes residential zone or modifications to existing zones to allow for tiny homes

2. Permit tiny homes development projects – Greenfield and Infill

This would permit tiny homes to be considered as part of new plans of subdivision. To implement this approach, it is recommended that the Town:

- establish urban design guidelines to establish the Town's expectations with respect to building and lot design, and neighbourhood compatibility
- review and update of the Zoning By-law to establish appropriate regulations through a new tiny homes residential zone

Notwithstanding the above, there may be other approaches to consider.

A key consideration will be the appropriateness of tiny home development in terms of compatibility and 'fit' with neighbourhood character, whether through minor infill development or larger developments (e.g. via plan of subdivision).

Strategic Discussion #2: Surplus Municipal Land

Strategic Consideration: Tiny home development could also be encouraged through the sale or leasing of surplus or underutilized municipally owned land.

However, as discussed previously, disposal of surplus municipal land may be better utilized to provide affordable housing through higher density housing forms. Town staff have identified Town-owned properties that could be considered as surplus to support this type of initiative. With respect to the sale of surplus land, there are a few options for the Town to consider including:

- using the proceeds of land sales to fund an affordable housing fund to support qualifying housing projects
- requiring that land sales meet specified Town objectives and criteria (e.g. the Town could require that the successful proponent commit to rental housing only and agree to affordable housing rents for a minimum time period)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Provides land to affordable housing sector at a reduced cost • Government investment is low with potential high return by providing additional affordable housing 	<ul style="list-style-type: none"> • Eliminates opportunity to generate municipal revenues through sale of property at market rates

Should Council support further consideration of the use of surplus municipal land, direction should be given to prepare an inventory of available surplus properties and identify which properties would provide the best opportunities to support the Town's affordable housing objectives. This information would then be brought back in a future report.

Strategic Discussion #3: Minimum Required Affordable Units and Inclusionary Zoning

It has been suggested that requiring that the development industry pay additional development fees (presumably Planning Act application fees and/or development charges) would allow for the provision of attainable housing. Staff have concerns with this approach as there are questions as to legislative authority of a municipality to mandate such requirements as conditions of development. This question will be considered as part of the development charges review that is currently underway, with a report at a later date.

However, inclusionary zoning is a relatively new land-use planning tool that allows municipalities to require the inclusion of affordable housing units as part of residential developments of 10 units or more. To implement inclusionary zoning, a municipality must:

- Prepare an assessment report that would outline requirements for inclusionary zoning in Official Plan policies. The assessment report is prepared to understand local demographics and incomes, housing supply and demand (including types and sizes), average housing market prices and rents, and potential impacts of implementing inclusionary zoning locally.
- Have Official Plan policies authorizing inclusionary zoning setting out minimum size of development where inclusionary zoning applies, permitted locations (site specific or area wide), housing types and sizes, how incentives and affordable prices and rents would be determined, etc.
- Update the Zoning By-law to implement Official Plan policies through regulations such as the number of units to be set aside for affordable housing units, the length of time in which affordable housing units are to be kept as affordable, and requirements and standards

relating to the affordable housing units (for example, external design standards, number of bedrooms).

- Require land owners to enter into an agreement with the Town that could be registered against the land and enforced against subsequent owners, to ensure that the units remain affordable over time.
- Establish procedures for monitoring to ensure affordable housing units are maintained during the affordability period.
- Meet reporting requirements every two years and these reports must be made publicly available.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Provides an additional housing option in the community • Assists the Town in meeting affordable housing requirements • Potential to provide housing for households that don't earn enough to afford market housing but earn too much to receive social assistance 	<ul style="list-style-type: none"> • Development industry may cite concerns with mandatory requirement to provide affordable housing

Should Council support a further review of inclusionary zoning in St. Marys, direction should be given to bring forward a cost/benefit analysis related to such an approach. This information would then be brought back in a future report.

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

Staff have identified possible approaches to permitting and regulating new tiny home development in St. Marys. Staff have also reintroduced a discussion respecting the use of surplus Town-owned land and inclusionary zoning to advance the Town's objectives with respect to affordable housing.

Staff are seeking Council's concurrence that the Town should further advance the Town's housing strategy by directed staff to prepare report(s) for Council's consideration of:

1. amendments to the Town's Zoning By-law and the preparation of urban design guidelines to permit tiny home development that is appropriately located and designed; and/or,
2. opportunities for disposing of surplus municipal land for the provision of new affordable housing or to provide proceeds to an affordable housing fund; and/or,
3. an inclusionary zoning strategy for new development in the Town.

STRATEGIC PLAN

Refer to discussion of Strategic Plan in this report.

OTHERS CONSULTED

N/A

ATTACHMENTS

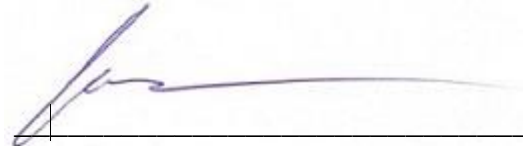
- 1) Letter from Rob Staffen (dated February 4, 2022)

REVIEWED BY

Recommended by the Department



Mark Stone
Planner



Grant Brouwer
Director of Building and Development

Recommended by the CAO



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February 4, 2022
Robert Staffen

To: Town of St. Marys Council
Re: Official Plan Update, CIP and SP Review

Dear Mayor Al, Members of Council and Town of St. Marys Employees

On behalf of my family, I am truly thankful for the time and effort undertaken towards achieving an updated Official Plan (OP). The focus on affordable housing was very encouraging.

As part of this process, I have reviewed the OP, DEV 40-2019, the DEV 77-2020 Affordable/Attainable Housing in St. Marys (AH) and the Community Improvement Plan 2021 (CIP) and provided comments that are hopefully taken under consideration by Council as suggestions from an interested party that shares the common belief in the 20 year plan that creates a meaningful legacy for future generations. My hope is that this OP, updated AH and an updated CIP will create positive change for our residents, our tourists, our businesses, and our community, both now and in the future.

One of the overriding principles of the following recommendations is to enable staff to understand the objectives of the OP, the DEV 40-2019, the AH and CIP and hold them accountable to reach these goals. The Town of St. Marys is truly fortunate to have a loyal and dedicated group of employees under the capable leadership of CEO Brent Kittmer.

This document focuses primarily on the Downtown Core, Attainable Housing and Recreation as Mark Stone and Staff is quite capable of reviewing the January 14, 2022 paper with analysis and suggestions.

Town of St. Marys Official Plan

A. Process for Investment

Overall, the Plan has shown many changes that will impact the process for investments in our community. Many positive changes were made including offering clarity, details, and insights into the many processes that make an idea/plan come to fruition in the community. However, the document becomes larger and larger each time this process is revisited making the process cumbersome for entrepreneurs/developers and staff. While it is offering more clarity, I believe there is danger in complicating the process and increasing the required costs, restrictions, and reports. In addition, I think that it is important that *the OP, the AH and the CIP contain **specific goals*** over a long-term plan. I have included examples below.

B. Heritage Protection 2.3 and Downtown 3.2

The number one concern I have for our community are the inconsistencies shown in the sections of Heritage Protection 2.3 and Downtown 3.2. I believe that our downtown core is **at serious risk**.

Specifically;

- 1) Section 2.3.1.2 states “To protect and enhance the Town’s Heritage resources by developing policies that ensure development and redevelopment occur in a manner that is compatible with and prevents adverse impacts on heritage resources and associated attributes”.

The problem is, development and redevelopment has been almost nonexistent for years and will likely continue to not happen due to the hurdles, scrutiny, costs and time required for any project.

- 2) In Section 2.3.2.1 it is unclear who has final approval on any Downtown projects. Is it Council or the Heritage Committee?
- 3) Section 2.3.2.4 reads that any development is restricted by conservation of cultural heritage or interest as part of redevelopment. Once again, developers are being held up by Heritage designations. Section 2.3.2.5 mentions that any assessment is done at the developers cost, which discourages redevelopment as many will walk away.
- 4) Sections 2.3.2.8 and 2.3.2.9 reads that any construction project **in its entirety**, is subject to all the conditions under the Heritage designation. Therefore, even interior construction projects are subject to review. That is an unsustainable action plan as businesses need the ability to get their businesses up and running quickly, to be flexible, and to customize to suit the needs of their business.
- 5) The Heritage Protection 2.3 section should ***state that developers be responsible for preserving the exterior fascia of the heritage designated buildings***. Period.

An excellent example where Heritage Protection is managed well is Charleston, South Carolina. Charleston is a beautiful Town with significant American Civil War history, which was founded in 1680. Their Heritage Protection plan includes ***all exterior fascias only*** and does not include any interior work. Any changes in the interior are subject to the normal building permits as any other development. In fact, numerous grants are available to the property owner to meet this requirement of the exterior fascia to help offset the significant costs to accommodate the specialized craftsmanship required to restore these ornate store fronts.

The downtown in Charleston, SC, has become the place to work, live and shop.

- 6) In our community, property taxes seem rather high for commercial spaces. In Charleston, property taxes are lowered dramatically in the downtown core for historically designated Buildings, if they complete the work on the fascia.
- 7) Our community retail environment seems to have high turnover, is struggling to keep restaurants open, and is lacking unique retailers that draw in tourism. The results in Charleston are very strong with almost every downtown building (both retail and homes) having been completely restored. Even more importantly, the downtown retail environment is thriving with unique restaurants, bars, and shopping. It reminds me of the downtown of Stratford, ON.

Downtown 3.2

- 8) A disappointing fact about our downtown is that many of our Heritage Designated commercial buildings are empty and, in many cases, dilapidated or in a state of disrepair because of age and neglect.

Schedule 'A' attached shows pictures of some of these buildings. An example of a building at serious risk is the Andrews/Anstett property.

We, as a community, are partially to blame for letting this happen.

- 9) Sections 3.2.1.2, 3.2.1.3, 3.2.1.4, 3.2.1.8, 3.2.2, 3.2.3.1 appear to support new or redevelopment of downtown properties but section 3.2.3.7 (b) puts the emphasis on the Heritage Section 3.3 and may require more studies. Again, this is a deal killer; especially if it involves the interior of the building.

The Results/Impacts on the Downtown:

- Empty and dilapidated buildings (see schedule 'A')
- Absent landlords
- A downtown core that lacks vibrancy to attract tourism
- Rental units on the 2nd and 3rd floors less than desirable
- The 2012 report "Heritage Conservation District Plan – Town of St. Marys" scares potential investors in downtown St. Marys
- The fair market value of our commercial properties versus that of our residential properties proves our downtown core lacks vibrancy with commercial properties often costing less than the lowest priced homes in St. Marys. For example:
 - The Anstett/Andrews building sold for \$189,000 in 2004 and for \$260,000 in 2017. The assessed value is \$185,000
 - The M&M building at 6 Water St. South sold for \$450K in June 2019
 - The Chocolate Factory at 166 Queen St. East sold for \$450k in April 2021
- Lack of developments or redevelopments
- The commercial buildings are at risk for survival, including the Andrews/Anstett Building, the Dollar store and The Grand Central Hotel Buildings, among others. The Opportunity for our Downtown are the wonderful buildings shown in **Schedule 'B'**

Recommendations:

1. Rewrite Section 'Heritage Protection 2.3' to exclusively focus on and mandate the restoration of exterior fascias.
2. While the Heritage Committee is a critical resource for Council, they should be accountable to Council.
3. St. Marys should eliminate property taxes for 5-7 years upon a complete Fascia construction completion. CIP section 6.12 addresses this opportunity. (Connect OP to CIP)
4. Leave the interior space to the Building Department but recognize pre-existing conditions. Develop a plan for Attainable housing in these spaces with tax incentives, use of the \$50,000 in annual funds from the budget.
5. Increase the \$50,000 budget to \$125,000 for fascia construction projects and Attainable housing on a 50/50 split.
6. Offer significant grants (as above) to encourage redevelopment on the exterior fascias. I have attached my comments and recommendations for the CIP & AH (that should connect directly with the Official Plan) in Schedule 'C'.
7. The Heritage Committee/Council could **set goals in the OP** (over a 20 year plan) of buildings to protect in the pursuit of their vision. For example, within 5 years have 2 properties redeveloped/renovated. Town of St. Marys staff are then held accountable.
8. Properties that continue to be in a state of disrepair or ruin because of age or neglect are fined (or taxes remain at the existing higher cost) if they are unwilling to pursue the grants as outlined above and included in the CIP.
9. Staff hold annual meetings with all owners of Downtown Commercial properties individually to explain and offer incentives for the fascia improvements.
10. Consider the potential that these rundown buildings could have on our downtown core. For example, there is an opportunity to transform the former Dollar Store downtown (image 2 in Schedule 'A') back to its former glory, as shown in an original picture from the early 1900's (image 7 in Schedule 'A').
11. The Town has initiated a Town-wide Parking Study that will include consideration of parking requirements in the downtown and with higher density development.
Completion?

12. Support the recommendations of the OP review to consider options to permit standalone residential uses (e.g. low-rise apartment buildings) in the periphery parts of the Central Commercial area, provided such uses do not impact the primary commercial, service and tourism function of the downtown. Perfect- how many in the next 5 years?
13. Staff has recommended policy changes to the Official Plan to permit residential uses on the ground floor of low-rise apartment buildings in parts of the downtown. Perfect.

C. Section 3: Land Use Policies

Residential 3.1 is well written. The focus on affordable housing is important for all of us and the OP does an excellent job addressing this.

My comments are as follows:

- 1) Section 3.1.1.2, 3.1.1.6 and 3.1.2.16 is written in good faith with respect to low-income housing.
- 2) The issue is that the developments I see being built are rental units at or over \$2,000/month and the townhouse homes for sale are almost \$600,000 each. That is not affordable housing. We are lacking a solution that is addressing the issue.
- 3) 3.1.2.3 infilling, 3.1.2.3.3 to 3.1.2.8 and 3.1.2.12 for accessory apartments are great additions to the document.

DEV 40-2019 Town of St. Marys Review of Population Projections and Residential Land

Demand/Supply: Tough to figure out recommendations for Attainable Housing and the OP with a number of Formal reports out there? Example is page 21- once again 'Attainable Housing' is mentioned briefly without any ideas on numbers, a plan for goals and execution, nor how Staff will be held accountable. This is the one document that should nail 'Attainable Housing'?

Recommendations:

- 1) **DEV 40-2019 Town of St. Marys Review of Population Projections and Residential Land Demand/Supply-** Rewrite the document with a plan for Attainable Housing included in any Supply/Demand residential lots report. It should include 'Attainable Housing' grant budgets for the next 5 years, how many lots are included (10% as per Provincial guidelines?), how many each year are built, execution policy and how Staff will be held accountable.
- 2) Each existing Phased development approved would have to have 'X' (four?) amount of low-income units. They could be financed by government grants, if any, increased development fees that fund low income housing (the better plan), at cost labour and materials by the developer and their suppliers and other ideas as shown in 3.1.2.16 as well as shown in the CIP recommendations Schedule 'C'.

- 3) This Section should include **goals as to the number of low income housing** to be built over the next 10 years, specifically written into the OP & CIP & SP.
- 4) Developers (lots donated as part of their phased lot developments), builders (part of their ability to have 15-20 homes per year), grants (part of the \$150,000) and thru increased development fees should pay and provide Attainable housing properties.
- 5) DEV 77-2020 Affordable/Attainable Housing in St. Marys: Excellent document – Missing the Goals, Action Plan and Staff Accountability
 - Developers have to be shown ideas in this section that allows them to at least break even or make a bit of money. This is where the \$50,000 can be used.
 - Donate Town of St. Marys unused land bank(s) for attainable housing. How many a year?
 - Explore opportunities for pre-zoning certain lands for attainable housing following completion of the OP
 - Staff has recommended the inclusion of a policy in the new OP encouraging pre-zoning of certain lands with a holding provision, to permit attainable housing, where appropriate.
 - Consider alternative development standards, following completion of the Official Plan review, through an update to the Town's Zoning By-law. Increase development fees, new developments **require 5% to 10% of land** to be donated to attainable Housing. Developers are required to build on each lot donated 2 units for Attainable Housing
 - Work with suppliers (HHBC) and each Home contractor to be required to build these homes.
 - Staff to determine what is "attainable Housing" Size in sq. ft., # of bedrooms, building requirements
 - Staff to determine, under a lottery system, who (what family) qualifies for Attainable Housing. Based on Income, family size, and other factors.
 - Staff has recommended the inclusion of policies in the new OP to encourage: the implementation of innovative and flexible design standards through the Town's Zoning By-law to permit more efficient development of attainable housing; and, reduced Zoning By-law parking requirements in recognition of lower car ownership rates and/or lower car ownership usage in downtown or more walkable areas.
 - Continue to provide land for attainable housing through the sale (Donation) or leasing of surplus or underutilized municipally owned land, and consider maintaining a publicly accessible database to assist potential developers seeking to construct affordable housing and tenants seeking affordable housing vacancies. Provide on an annual basis one such unit per year. HHBC provide material at cost as a commitment to the Community (Staff to present idea to HHBC).

- Staff was to present report to Council in 1st quarter of 2020 to assist in the identification and assessment of potential opportunities to implement this initiative. This project was paused due to the pandemic, but the consideration to divest Southvale Park for the purposes of creating attainable housing units will be prioritized in 2021. *Status.*
- Allow for tax exemptions for attainable housing on Town owned land (leased) through the municipal capital facilities provisions of the Municipal Act To be assessed and implemented on a case-by-case basis
- Update Development Charges By-law to reduce development charges for non-profit housing
- Staff has recommended the inclusion of policies in the new OP to consider exemptions or reduced development charge rates for affordable housing as part of the next Development Charges Background Study. The DC Background study project will begin in mid 2021. *Completed?*
- Budget of \$50,000 was approved from reserves to fund a 1-year pilot program in 2020 to implement incentives. Staff recommend carrying forward unspent funds to 2021. *Should never be unspent.*
- Amend the Fees By-law to permit a 50% discount on planning application fees for proposed attainable housing development
- Reintroduce the Heritage Tax Rebate Program B to encourage the provision of attainable rental housing in the downtown
- Update Development Charges By-law to exempt all additional dwelling units from development charges To be determined as part of the Development Charge By-law update in 2021. *Complete?*
- Update Development Charges By-law to permit annual installments for development charges – 20 years for non-profit housing and 5 years for rental housing (to be determined as part of the Development Charge By-law update in 2020) To be determined as part of the Development Charge By-law update in 2021. *Completed? Eliminate all the fees period.*

D. Recreational 3.7

Our community is truly blessed with an abundance of recreational opportunities for families. Many of these facilities are some of the best in Ontario. Examples include our trails, the Grand Trunk Walkway, the Quarry and the Canadian Baseball Hall of Fame, among others.

The Section 3.7.3.4 Active Transportation is very well written. However, I would recommend that we, as a community, **set goals in the OP for active recreation that considers the long term, 20-year plan. I recommend we consider a plan to subsidize, design and endorse the construction of a cycling path from St.Marys, through Perth South to Stratford with co-partners Perth South and the City of Stratford.** It would include our own existing trails and connect with the Stratford trails.

There is a PowerPoint presentation regarding this opportunity titled 'County Wide Cycling Strategy' contact Rebecca (Perth South). The benefits of this include bringing the thriving Stratford tourism industry to St. Marys, which would benefit our community in so many ways including our downtown. An example of such a project is the G to G trail (Guelph to Goderich).

Our family would consider a donation/sponsorship, along with a leadership/volunteer role to such a project.

With the recommended changes to the OP, AH (updated), DEV 40-2019 (updated) and the CIP (updated), we, as a community, can be seen by investors, that we are 'Open for Business'; including both industrial and residential development with specific goals for our downtown core area.

We can provide a detailed action plan for affordable housing.

It is also critical for Council and staff to understand that we need to have set goals with accountability and to assist investors within the confines of the OP, AH and CIP. The Op, AH and CIP need to be connected and to be in compliance with each other. One should not be updated (OP) without the others done at the same time (AH, DEV 40-2019 and CIP).

On behalf of my Family, I sincerely thank you for the time you allowed me and for your efforts in the development of our new Official Plan. We are truly thankful for this community.

Sincerely,

Rob Staffen

Schedule 'A' –Page 1
Downtown Heritage Sites at Risk



IMAGE 1:
140 Queen Street East –Partially Empty



IMAGE 2:
125 Queen Street East
Empty former Dollar Store



IMAGE 3:
135 Queen Street East - Empty



IMAGE 4:
153 Queen Street East- ½ Empty

Schedule 'A' –Page 2
Downtown Heritage Sites at Risk



IMAGE 5:
Grand Central Hotel
150-152 Queen Street East Built 1850



IMAGE 6:
The Old Opera House 12 Water Street South



IMAGE 7:
125 Queen Street East- Original picture (early 1900's)

Schedule 'B'

Stunning Downtown Heritage Building Fascias



IMAGE 9: 165 Queen Street East



IMAGE 10: 142 Queen Street East



IMAGE 11: 158 & 154 Queen Street East



IMAGE 12: 6 Water Street South



IMAGE 13: 162 Queen Street East



IMAGE 14: 91 Queen Street East

Schedule 'C'

Review of the Town off St. Marys Community and Improvement Plan 2021 (CIP)

The CIP is an excellent document; the suggestions below are to connect this document to the OP and to enable Staff to understand the objectives of the CIP and hold them accountable to reach these goals.

- A) Section 2.1 - Council should address the issue of decreasing dollar grants from a high of \$58,716 in 2017 to a low of \$6,760 in 2020.
- B) Section 4.1 - The Goal statement is good, however objectives in Section 4.2 need 'actionable results'. This is the only way Council can access performance of Staff to be held accountable for both the OP and the CIP. For example, my recommendations are:
 - 4.2.1 Review and restore. This section requires greater detail. The Goal should be that within 3-10 years - 2 downtown buildings and 2 private homes are financed by the Town Grants and completed within the first 10 years of this time period.
 - 4.2.4 One of the goals of the CIP for the downtown area is to lower the commercial tax base - not increase. The higher taxes can be focused on residential and Industrial development.
 - 4.2.6 Vacant commercial property is just a suggestion –it should read as a Goal “reduce the vacancies by 2 within the period as above.”
 - 4.2.7 Critical action of the CIP should be to 'increase the availability of attainable housing'. This should become one of the main goals of Council and Staff (see suggestions included in the OP recommendations above). Attainable Housing Goals will require money, action and tough restrictions on residential developers.
 - Simply put we, as a community, should demand four (4) attainable housing units each and every year for the next 10 years.
- C) Section 5.1 supports Section 6.2 in the OP. The OP and CIP are still inadequate for establishing attainable and defined results regarding this serious topic.
- D) Section 6.2 connects to the OP, however sections 6.2(g),(i), 6.3.2, 6.5.2, 6.6.2 and 6.7.2 allow grants that are less than adequate to really do what you hope the CIP will accomplish. For example, a fascia improvement could cost between \$50,000 and \$150,000. Will \$10,000 be enough incentive? Not likely.
- E) Sections 6.11, 6.12, 6.13 and 6.14 are excellent.
- F) Section 7.2 Administration - In business, it is critical to connect your staff/employees to accountable and attainable goals. Performance reviews should be dependent on the results. If not the results are arbitrary.
- G) Section 8.1 is excellent. I would add that a performance standard for Staff accountable to the CIP is to conduct annually one-on-one personal meetings with each and every individual property owner in the downtown core.
- H) Section 8.4 - Once the OP process is completed I would recommend a full review of the financial incentives of the CIP and substantially increase the annual grant goal to be \$150,000/yr (or more). In addition the action plan for attainable housing is critical to our community. Not a vague, undefined promise.

FORMAL REPORT

To: Chair Stratthdee and Members of Strategic Priorities Committee

Prepared by: Jed Kelly, Director of Public Works

Date of Meeting: 16 March 2022

Subject: **PW 19-2022 Climate Change Action Plan – Draft Initiatives**

PURPOSE

The Public Works Department and the Green Committee have been tasked with creating a Corporate Climate Change Action Plan (“CCAP”) for the Town of St. Marys. The CCAP is to help inform decision making processes as it relates to Town operations and capital planning.

The purpose of this report is to present the Draft CCAP that includes the Green Committee’s comments and seek further comments from the Strategic Priorities Committee. Staff are asking for SPC to make comments on the proposed Pillars and Outcome Statements of the CCAP.

Once the pillars and outcome statements are confirmed, staff and the Green Committee will work to develop specific short/medium/long-term initiatives and tactics to be reviewed at later meeting.

RECOMMENDATION

THAT PW 19-2022 Report Climate Change Action Plan – Draft Initiatives report be received,

THAT Strategic Priorities Committee recommends to Council:

THAT the Council endorse Draft #1 of the Climate Change Action Plan, and,

THAT Council direct Town Staff and the Green Committee to identify short-term, mid-term, and long-term initiatives to be incorporated into the Climate Change Action Plan for Council’s approval.

BACKGROUND

The Town, the City of Stratford, and the County of Perth/lower-tier municipalities participated in a Federation of Canadian Municipalities (FCM) joint grant project, which includes creating a 2-year contract position tasked with drafting a Green House Gas (GHG) Reduction Plan.



Figure 3 Partners for Climate Protection Milestones

The first step of the Plan was to determine the existing Green House Gases emitted from the focus area, and their respective sources. All Green House Gas emissions contribute to global warming. However, the most gas’s that have the most impact are Carbon Dioxide, Methane, and Nitrous Oxide.

The GHG Plan provides the following inventory:

- In 2017 Perth County (inclusive of Stratford, and St. Marys) emitted 706,000 tonnes of greenhouse gases
- In 2017, it is estimated that on average each resident emitted 9.19 tonnes of greenhouse gases
- The St. Marys emissions total was 100,040 tns (therefore the average per resident amount is higher than the equalized 9.19 tonnes amount)

Milestone 2 established the following targets:

- reduce St. Marys emissions by 10% by 2030, meaning an overall reduction of 10,004 tonnes of green house gases, and an annual reduction of 1250.50 tonnes of greenhouse gases; and,
- Net zero in the year 2050 to help ensuring the global target of not surpassing 1.5C.

The Green House Gas Reduction Plan created an outline for local action plans. The Town of St. Marys will be unilaterally tackle Milestone 4 and 5 to implement a corporate level climate change action plan with more specific initiatives to achieve the proposed targets. With that in mind, an emphasis is being placed on making sure that the initiatives are both viable and achievable.

REPORT

The GHG Plan is a very high-level document that recommends high-level actions, as a result, both Town Council and the Green Committee have struggled to visualize a clear path forward for the municipality. As such, the Town will seek to create a Corporate Climate Change Action Plan, which will boil down the recommendations provided in the GHG plan, while also considering initiatives not identified in the GHG Plan.

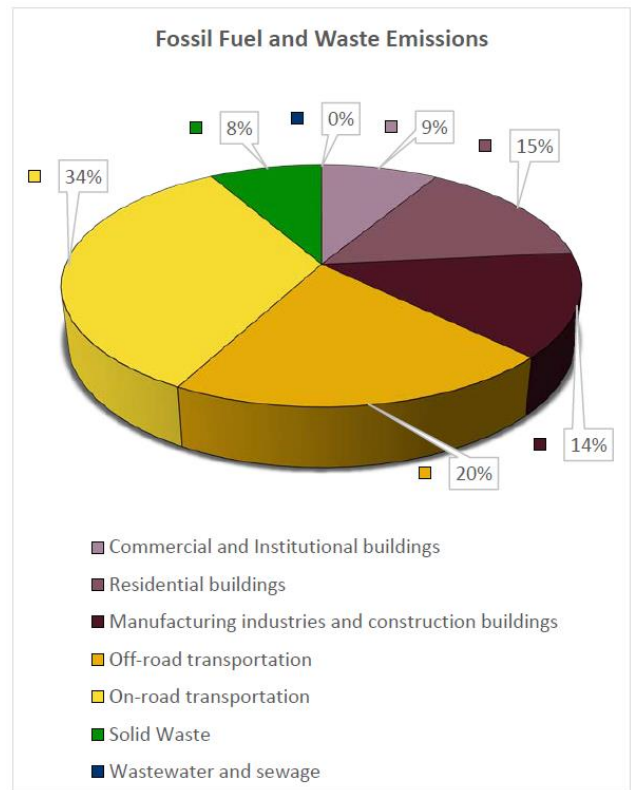
The guiding principle throughout this project is to keep the Corporate Climate Change Action Plan actionable and measurable, and within reach for implementation. Keeping in mind that initiatives will be accomplished either via modifications to existing operations or exploring alternatives while planning for future capital projects.

The Corporate Climate Change Action Plan will continue to be an evolving document. Via research, staff have concluded that many of the current tools and technologies available are largely transitional in nature, and workable within a short to mid term time frame. As such, many long-term outcomes will remain undefined in the plan, requiring new technologies to enter the commercial space. Future and frequent revisions to the action plan should capture new technologies and thus help to establish long term outcomes.

To ensure that the Climate Change Action Plan is a document that has clear direction and translates well for both Town Staff, Council and the St. Marys community, Town staff are recommending that the Climate Change Action Plan be set up in a way that mimics the Town's Strategic Plan.

To do so, the following tasks need to be completed:

- Identify the strategic areas for reducing greenhouse gas emissions
- Identify a goal, or goals to be achieved under these strategic areas



- Identify how those goals relate to reducing greenhouse gas emissions
- Identify actions that should be taken in the short, medium, and long terms to implement those goals

At its February 23, 2022 meeting, the Green Committee reviewed the draft framework of the Corporate Climate Change Action Plan that identifies strategic areas, goals and outcome statements. Generally, the Green Committee agrees with majority of the Draft CCAP, offering edits to some initiatives and suggesting potential mid to long term outcome statements. These changes are noted in the “Track Changes” of **Attachment B: Climate Change Action Plan – Draft #1**.

More notably the Green Committee did have a lengthy discussion about a conceptual model of ongoing governance changes required by the municipality to shift to a climate change lens for operational and project planning. Staff explained that in concept, the CCAP will be a strategic guidance document and will be implemented by staff, concurrently with other strategic plans.

The Committee also discussed how they will be engaged in the execution of the CCAP. Staff envision the Committee playing a similar role to that of how Council monitors annual progress on the strategic plan. The Green Committee will be involved in the development of internal analysis tools, annual update reviews and KPI monitoring, and can help create community engagement strategies.

After their consideration of the draft CCAP, the Green Committee made the following recommendation:

Resolution: GC-2022-02-04

Moved By Fred Stam

Seconded By John Stevens

THAT PW 15-2022 Report Climate Change Action Plan – Draft Initiatives report be received,

THAT the Green Committee endorse in principle Draft #1 of the Climate Change Action Plan, as amended; and,

THAT Green Committee recommend to Council:

THAT the Council endorse Draft #1 of the Climate Change Action Plan, and,

THAT Council task Town Staff and the Green Committee to identify short-term, mid-term, and long-term initiatives to be incorporated into the Climate Change Action Plan for Council's approval.

Carried

The intention is to have Council endorse the framework, and direct Town staff and the Green Committee to fill in the short-term, mid-term and long-term initiatives, and bring them back to Council for approval. At this stage, the Public Works Department will be engaging all other Departments for comment and initiative recommendation.

FINANCIAL IMPLICATIONS

Currently, the financial implication of the Corporate Climate Change Action Plan is difficult to quantify. Ideally, the Corporate Climate Change Action Plan will be approved by Council, and subsequently, each of the initiatives will be evaluated individually on merit and cost at the time of implementing that specific project. The Corporate Climate Change Action Plan is purely a strategic document.

Most importantly, the Town needs to create a tool that analyzes each project, considering its impact on greenhouse gas emissions along with the cost of the project and weighs those two factors. It is

anticipated that some initiatives will represent a negative impact to the budget but could translate into significant green house gas emission reductions.

SUMMARY

The Town of St. Marys has a Green House Gas Reduction Plan, to ensure the Town continues to work towards reducing green house gas emissions, a more granular and actionable plan is required. The purpose of this meeting is to start preparing a Corporate Climate Change Action Plan, identifying the key strategic areas, the goals, and outcome statements.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

Green Committee

ATTACHMENTS

Attachment A: Green House Gas Reduction Plan Recommendations

Attachment B: Climate Change Action Plan – Draft #1

REVIEWED BY

Recommended by the Department

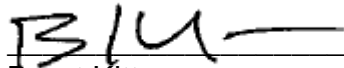


Jed Kelly
Director of Public Works



Morgan Dykstra
Public Works and Planning Coordinator

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

Greenhouse Gas Reduction Plan

Recommendations

Reduction Targets

- The minimum reduction target should be achieved by 2030, is 10% below the 2017 baseline year
- The ideal long term target is to reach Net Zero by or before 2050, to help ensuring the global target of not surpassing 1.5C

Milestone 1	Create a Baseline Emissions Inventory & Forecast
Milestone 2	Set Emissions Reduction Targets
Milestone 3	Develop a Local Action Plan
Milestone 4	Implement the Local Action Plan
Milestone 5	Monitor Progress and Report Results

Goal: Establishing a Governance Model

Action	Timeline	Cost	Indicators of Success	CCAP
Establish a Carbon Budget			Exploration of developing a Carbon Budget to assess the rate at which the partners should be reducing their emissions across the county.	Accepted. CCAP – 1.5
Create Annual Work Plans			Create annual work plans to include the actions listed below	Accepted.
Establish an External Working Group			A working group should be formed to assist in the continued implementation of projects and goals (staff, conservation authorities, utility companies, members from the school board, members from any municipal environmental committees, members from the OFA, OMAFRA and the Perth County Federation of Agriculture, Builders Associations, Rotary Clubs and, many other local stakeholder organizations, and members of the public).	Rejected. Not applicable to Corporate Plan. Open to future opportunities.
Establish an Internal Working Group			Each municipality shall organize an internal working group	Accepted. Projects will be allocated to the appropriate department for execution.

Hire Climate Change Staff			Hire a Climate Change Coordinator (will be the lead staff member on climate change projects), Hire an Engagement Coordinator (engage staff and community members in climate actions and facilitate and leading working group meetings), Hire an Energy Manager (ensure the assessment and completion of a corporate climate change plan, and assist in the integration of climate action into process within the municipalities)	Rejected. Corporate Action Plan initiatives will be assigned to appropriate departments for execution.
Integrate Climate Change into Municipal Operations			Integrate into Business Plans / Budgets / Plans / Policies Identification of cost of strategies and actions proposed in the plan	Accepted. CCAP – 1.1
Communication and Engagement			Engaging and communicating climate action to the public	Accepted. CCAP - 4
Reporting and Renewal			The plan should be renewed the year following a municipal election to ensure that new targets and actions can be developed for the following four years, and host annual celebrations to acknowledge progress.	Accepted. CCAP – 1.4

Goal: Embed climate considerations into all municipalities and provide educational resources

Action	Timeline	Cost	Indicators of Success	CCAP
Adopt Climate Lens	Ongoing	No Cost	Considering climate change while making municipal/county decisions	Accepted CCAP – 1.1
Develop an education and awareness page and campaign	Ongoing	Low Cost	Increased numbers of online traffic to webpage Increased uptake of sustainable and climate change actions Public use of the online GHG Calculator	Accepted CCAP - 4
Develop a corporate-level climate change plan	Short-term to ongoing	No/Low Cost	Adoption of climate plan Implementation of internal climate strategies	Accepted CCAP- 1.1
Develop a climate change adaptation plan	Short-term to ongoing	No/Low cost	Adoption of a climate plan Implementation of adaptive strategies to increase adaptive capacity Decrease in vulnerability	Rejected. Incorporated in corporate level climate change plan.

Goal: Create greener, more sustainable, accessible and energy efficient neighbourhood

Action	Timeline	Cost	Indicators of Success	CCAP
Sustainable Building Standard	Ongoing	No Cost	Integrate adaptive measures into construction of new buildings, retrofits, and the maintenance of existing infrastructure Increase the number of new construction and existing infrastructure that are highly energy efficient Smart, dense, mixed-use growth to reduce sprawl Increase green infrastructure and reduce hardscaping to improve stormwater management, and reduce heat island effect Lower to no new residential emissions	Rejected. To be addressed via the Ontario Building Code.
Develop a Deep Retrofit Program	Ongoing	High cost (grants available)	Decrease in residential emissions from current housing stock	Accepted. CCAP – 2.1 & 2.3
Offer LIC or PAC financing to assist in deep retrofits	Ongoing	High cost (grants available)	Community use and buy-in Lower residential emissions	Rejected. The Town does utilize the LIC mechanism.

Goal: Support Sustainability action in local businesses

Action	Timeline	Cost	Indicators of Success	CCAP
Start/Support/Join a local Green Business Hub	Short-term	No to Low Cost	Increased membership in Carbon Footprint Initiative Development of other Green Business Hubs	Accepted. CCAP – 4.2
Develop a small/local business toolkit	Ongoing	No Cost	Completion of toolkit Increased sustainable business practices (reduced emissions and environmental impacts)	Accepted. CCAP – 4.2

Goal: Support and plan for future transportation changes, needs and priorities

Action	Timeline	Cost	Indicators of Success	CCAP
Develop and Implement a Transportation Master Plan	Ongoing	Low	Implementation and support of plan Regular updates based on shifting priorities	Accepted. CCAP – 5.1
Develop better interconnectivity and	Long-term	Mid to High	Increased uptake of active transportation	Accepted.

promote active transportation			Increased connection between homes and major local destinations	CCAP – 5.2
Install charging stations	Medium to Long-Term	Mid to High (grants, funding and partnerships available)	Increased charging stations Increased use of charging infrastructure Increased number of tourists	Accepted. CCAP – 5.3 & 3.2
Implement an anti-idling by-law	Short Term	Low	Reduced idling particularly in areas like school zones	Accepted. CCAP – 5.4

Goal: Reduce waste going to landfill to become a Zero Waste community

Action	Timeline	Cost	Indicators of Success	CCAP
Develop and Implement a Waste Management Master Plan	Ongoing	Low	Implementation and support of plan Regular updates based on shifting priorities and goals	Accepted. CCAP – 6.1
Implement an Organics Program	Medium-Term	Mid to High (grants, funding and partnerships available)	Reducing the organics going to the landfill	Accepted. CCAP – 6.2

Goal: Preserve and improve natural ecosystems and assets

Action	Timeline	Cost	Indicators of Success	CCAP
Increase naturalization projects	Ongoing	Mid	Increased naturalized spaces Increased number of native species	Accepted. CCAP – 7.1
Increase canopy coverage	Ongoing	Mid	Higher percentage of canopy coverage across the county	Accepted. CCAP – 7.2
Develop more LIDS	Ongoing	Mid	Increase number of LIDS	Accepted. CCAP – 2.5

Goal: Support local Agriculture resiliency and mitigate projects

Action	Timeline	Cost	Indicators of Success	CCAP
Develop a Perth County Clean Water Project	Ongoing	Mid to high Assess and split between municipalities, County and Conservation Authorities	Buy-in from local farmers Use of the program	Rejected. Not enough agricultural properties within Town boundaries.
Form an Agricultural Committee	Ongoing	No cost	Local famers joining Shared data and information on local best practices Increased resiliency and lowering risk to local farmers	Rejected. Not enough agricultural properties within Town boundaries.

CORPORATE CLIMATE CHANGE ACTION PLAN

DRAFT #1

Pre-Amble (inclusion of a Mission Statement)

Pillar #1 – Municipal Operations & Governance

	Climate Change Initiative	Outcome Statement	Short-Term Initiatives	Mid-Term Initiatives	Long-Term Initiatives
1.1	Adopt Climate Lens in Governance	Climate Change impacts are considered while making municipal decisions as it relates to strategic plans, capital plans and provision of services.			
1.2	Develop Internal GHG project reduction Decision Guidance Tool	Creation of a Toolset for accurate comparison of GHG reduction projects. Assist staff and elected officials to make informed decisions, integrate into capital budget & operational planning.			
1.3	Tracking of Emissions Reductions and Additions	Utilize Datasets from GHG reduction guidance tool, transfer into measurable KPI for municipality to gauge progress	Understand the Town's demographic to inform CO2 generation (population increase/decrease, age of population etc.)		
1.4	Regular review of Action Plan Initiatives	Assurance that the document remains relevant, and that the targets are being met.	Determine how the Green Committee is incorporated into the review process. How will professional opinion be incorporated?		

Commented [MD1]: Green Committee Recommendation:

Include a mission statement and pre-ambles to guide the document and its purpose.

Commented [MD2]: Green Committee Recommendation:

Further consideration be given to how a green recommendation is made, including the process for review and approval.

Commented [JK3]: Develop St. Marys Climate Change Lens in Governance

Creation of Corporate Climate Change Action Plan Inclusion of Climate change impact considerations in capital & operational budget deliberations. Modify council staff reports to include a uniform climate change impact consideration

Commented [JK4]: Engagement of consultant to develop business case tool for use by staff, much like AMP planning train staff on new tool, common input values and units of measurements, reduction of GHG rating and comparison of projects with Global Warming Potential GWP

Commented [JK5]: Would allow easy reference for Council and Staff to see if current planning / projects are on track to achieve climate GHG reduction targets

Commented [MD6R5]: Green Committee Recommendation:
The GHG sets out numbers, those numbers will be influenced by population growth and reductions, along with the demographics. Therefore, demographics need to be taken into consideration as it relates to KPI's.

Commented [JK7]: Review of CAP plan on regular intervals to capture any additional & complete initiatives, incorporate new technologies as they become available

1.5	Establish a Green House Gas Budget	Making funds available to implement greenhouse gas emission Climate Change mitigation and adaption projects <u>are implemented due funding being made available</u>			
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Commented [MD8]: Funds are currently allocated in the operational budget each year. Continue to allocate monies for future projects outside of the capital budget. Further evaluation required on how those funds are used, or rating scales.

Commented [MD9R8]: Should consider initiatives that connect to being aware of grant funding opportunities for climate change projects, and best fit projects in the Plan.

Pillar #2 – Efficient Communities & Development

	Climate Change Initiative	Outcome Statement	Short-Term Initiatives	Mid-Term Initiatives	Long-Term Initiatives
2.1	Work with current utility providers to promote existing Energy Efficiency Retrofit Programs	Decrease in residential emissions from current housing stock			
2.2	Maintain Sanitary Collection Inflow & Infiltration program (I & I)	Active Sanitary Collection I & I program will reduce storm and ground water reaching the WWTP for treatment, and therefore use of WWTP energy consumption.			
2.3	Water & Wastewater Efficiency programs	Reduce potable water consumption and sanitary flows through subsidy programs			
2.4	Develop guidance tools for development applications in contrast to Climate Change	Creation of development climate impact report for new development			
2.5	Develop more LIDs	Increase number of LIDs (Low Impact Development) in Municipality			
<u>2.6</u>	<u>Sustainable Building Standard (revisit with Building and Development Department)</u>				

Commented [JK10]: Use existing social media engagement program / following to promote existing programs engage utility providers.

Commented [JK11]: Accepted industry standards and case studies have indicated that monies spent on I & I programs can deliver operational savings of 10 to 1.

Commented [JK12]: Introduce subsidized program for self installed home fixture upgrades, ie low flow toilets, shower heads

Commented [JK13]: Understanding positive and negative impacts to overall GHG emissions in relation to new development. This will likely be a long-term initiative but should continue to be considered.

Commented [MD14R13]: Development will increase emissions and thereby impact reduction targets.

Commented [JK15]: Consideration of LIDS SWM during site plan, subdivision and road reconstruction. Long term Replacement of Existing Infrastructure During Capital Program – Consider reducing volume capacity or eliminating sections of the collection system via LIDS installation

Commented [MD16]: Green Committee Recommendation:

Do not reject this item from the GHG Plan. Review local building requirements and determine if green opportunities are available. Local Zoning Requirements take into consideration greener options.

Pillar #3 – Town Facilities

	Climate Change Initiative	Outcome Statement	Short-Term Initiatives	Mid-Term Initiatives	Long-Term Initiatives
3.1	Building Energy Audits	Complete and Update Building Audits frequently to identify opportunities to employ new technologies as they become available			
3.2	EV charging stations at municipal facilities	To be explored during capital project works, look for (3P) public private partnership,			
3.3	Remote Work Opportunities or concentrated work week	Explore remote work schedules or concentrated work week with municipal staff to reduce employee commute co2 output			
3.4	Time of Use Energy Shifting	Explore opportunities to shift process operations to off peak use, i.e. refrigeration, water & waste water operations			

Commented [JK17]: 5 year energy audits of town facilities for new commercial available technologies,

Commented [JK18]: Short to Mid term , Preinstallation of underground supporting ducts during capital works as project schedule allows, Mid to Long term, seek partnership for installation of EV charging Stations

Commented [JK19]: Potential for simple co2 reduction through remote work, Explore Service delivery models to maintain existing service level while reducing staff transportation impacts,

Commented [JK20]: Ontario Energy board investigating ultra low energy rates to assist in stabilizing the electrical grid to accommodate EV charging, review municipal operations for opportunities to access low energy

Pillar #4 – Community Support

	Climate Change Initiative	Outcome Statement	Short-Term Initiatives	Mid-Term Initiatives	Long-Term Initiatives
4.1	<u>Develop an education and awareness page and campaign Create a communications strategy that</u>	Improve public awareness and encourage residents to consider more efficient processes.	<u>Develop an education and awareness website page.</u>		

Commented [MD21]: Climate Change Webpage -Increase numbers of online traffic to webpage
Public use of an online GHG calculator

Commented [MD22R21]: Green Committee Recommendation:

This section needs to be more robust and engaging.

	<u>encompasses different engagement tools. =></u>		<u>Provide examples re: the carbon cost for watering your lawn etc.</u>		
4.2	Develop Green initiative awareness program	Promote GHG reductions ideas or business practices that have already been put into practice in the community			

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Commented [JK23]: Start/Support/Join a local Green Business Hub , - Increased membership in Carbon Footprint Initiatives - Development of other Green Business Hubs

Pillar #5 – Transportation, Fleet and Equipment

	Climate Change Initiative	Outcome Statement	Short-Term Initiatives	Mid-Term Initiatives	Long-Term Initiatives
5.1	Develop and Implement a Transportation Master Plan	Efficient connecting link road networks lower co2 emissions through more efficient movement of vehicles through the road network			
5.2	Develop better interconnectivity and promote active transportation	Increased uptake of active transportation Increased connection between homes and major local destinations			
5.3	P3 -- Partner with Public or Private organizations to install charging stations in downtown core area	Increased charging stations Increased use of charging infrastructure Increased number of tourists			
5.4	Implement an Anti-idling by-law	Number of idling vehicles reduced, thereby reducing unnecessary emissions.			
5.5	<u>Public Transit Connecting Links</u>				

Commented [JK24]: Updating of Master Servicing Study , will update road network plans

Commented [JK25]: Update Sidewalk policy pending for desired connecting link areas, Complete Active Transportation Master Plan, Update Master Servicing Study (Roads)

Commented [JK26]: Identify on-street parking locations with suitable existing infrastructure, installation of 1% of on street parking to have EV charging station by 2030, engage in 3P partnerships and Grant programs to reduce loading on capital plan

Commented [MD27R26]: Town Parking Lots – Elgin Street Parking Lot (partnership opportunity?)

Commented [JK28]: Educate Public as to By-Law restrictions & Emission Impacts, assign by-law enforcement resources

Commented [MD29R28]: There is an existing By-law. By-law to be reviewed, and registered for enforcement

Commented [MD30]: Green Committee Recommendation:
Public Transit should be considered in the Plan.

5.5	Alternative Fuels for Fleet Operations	Utilize energy sources that have a lessor impact on the environment.			
5.6	Mixed Fleet Vehicle type	Introduce smaller vehicle options into municipal fleet – “Right vehicle for the job” to decrease greenhouse gas emissions			
5.7	Vehicle Life Cycle	Reduce the replacement rate of vehicles by maximizing their cycle period thereby avoiding initial CO2 cost for replacement units			
5.8	Capital Replacement of Town Fleet	Replacement of fleet with reduced emission & zero vehicles			
5.9	Equipment Replacement Small Tools & Equipment	Replacement of Small tools & Equipment with zero emission alternatives			

Commented [JK31]: BioDiesel procurement with co2 neutral offset, E85, Compressed Natural gas or Hybrid as interim strategy , 3P partnership for CNG Station . Limiting factor here is dealer and distribution network support give our limited numbers of fleet vehicles, required service level for PW fleet and Fire Services, potential Mid to Long term - explore CNG fill station with local industrial partners,

Commented [JK32]: the purchase of pick-up trucks should only be considered when the purpose of the vehicle will include the routine hauling of large equipment and tools. smaller lower impact transportation options should be reviewed

Commented [JK33]: All vehicles have initial carbon impact, analysis should be complete for town application of initial emission impacts vs impacts over lifecycle, longer life cycles potential differ initial emission impacts from purchase of replacement fleet vehicles

Commented [JK34]: **Short term** - Utility vehicles electric alternatives
Mid term - Passenger G level fleet vehicles electric alternative, low emission 1tn and lower where service level allows
Long Term - Electric heavy equipment replacements ie backhoe or Zamboni where service level allows

Commented [JK35]: **Short term** - Small Equipment under 80cc gas , capital replacement upgrades to focus on cordless electric versions where service delivery allows, emergency response equipment except
Mid Term - Small Equipment under 8hp fossil fuel , capital replacement upgrades to focus on cordless electric versions where service delivery allows, emergency response equipment except

Pillar #6 – Waste Diversion

	Climate Change Initiative	Outcome Statement	Short-Term Initiatives	Mid-Term Initiatives	Long-Term Initiatives
6.1	Regularly Update the Waste Diversion Plan	Ensure the Town's Waste Diversion Plan matches Provincial guidance, and all diversion streams are considered.			
6.2	Implement an Organics Program	Reducing the organics going to the landfill and thereby reduce the emissions released from the landfill site			
6.3	Greener Landfill Management Technologies	A Landfill that considers alternative methods of operations that ultimately decrease its share of green house gas emissions.			
6.4	Continue with Sludge Management / fertilizer production at St. Marys WPCPWWTP	Production of Lystek fertilizer at WWTP from Biosolid sludge results in lower GHG emissions from the facility			

Commented [JK36]: Short term - Complete Survey to determine public uptake and program support
-Evaluate available organics diversion solutions , implement pilot program
Mid to Long Term - Standardize organics collection / diversion for system wide collection

Commented [JK37]: After Landfill EA is approved, ECA approvals should include provisions for green landfill management technologies such as Cover management, potential for aerobic anaerobic digestion technology

Commented [JK38]: Annual GHG reduction emission should be captured in corporate reduction goals, currently annual summary is prepared by Lystek for town staff review.

Pillar #7 – Naturalization / Urban Canopy - Goal: Preserve and improve natural ecosystems and assets

	Climate Change Initiative	Outcome Statement	Short-Term Initiatives	Mid-Term Initiatives	Long-Term Initiatives
7.1	Increase naturalization projects	Increased naturalized spaces Increased number of native species			

Commented [JK39]: Short term - Create Naturalization Plan for Municipality, Identify Town own lands that are vacant or under utilized for future naturalization projects.
Long term - Identify Privately owned land that are vacant and are unlikely be subject to development due to other constraints for future naturalization

7.2	Increase canopy coverage	Measurable increase in canopy coverage in St. Marys.			
7.3	Tree Subsidization Program (Consider under 7.2)	Enlarge the tree canopy by making the procurement of trees more accessible to Town residents.			
7.4	Cash in-lieu Tree Planting Program (Consider under 7.2)	Improve tree coverage on Town and commercial and industrial lands.			
7.5	Landfill Tree Screening & Naturalization	Increase tree canopy cover via naturalization of perimeter screening of landfill site			

Commented [MD40]: Need to consider KPI's, which may include a tree canopy study to understand removal and planting impacts.

Commented [JK41]: Short term – Pilot program included in 2022 budget,
Mid to Long term – Expansion of subsidy program to increase tree planting & urban canopy on privately owned lands

Commented [MD42R41]: This could be an initiative of 7.2

Commented [JK43]: Several industrial & commercial properties exist in the town protofilio , would be suitable for additional tree planting and naturalization, generally not accessible / viewable to the general public,

Commented [MD44R43]: This could be an initiative of 7.2

Commented [JK45]: Once Landfill expansion design is finalized, buffer lands could be used for naturalization projects, several areas current are expected to remain untouched and currently could be naturalized with expanded tree cover

Commented [MD46R45]: This could be an initiative of 7.2

FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	Brent Kittmer, Chief Administrative Officer
Date of Meeting:	15 March 2022
Subject:	ADMIN 12-2022 Draft Tree Compensation By-Law

PURPOSE

The purpose of this report is for Committee to consider a tree compensation by-law for when trees are removed as a part of building and development process projects in the community.

RECOMMENDATION

THAT ADMIN 12-2022 Draft Tree Compensation By-Law be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT Council consider by-law XX-2022, being a by-law to require compensation plantings for trees removed on various private properties.

BACKGROUND

The Modernizing Ontario's Municipal Legislation Act, 2018 (Bill 68) received Royal Assent on May 30, 2017. The Act required municipalities to adopt a policy By March 1, 2019 to describe the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality. In response, the Town of St. Marys has established a Forestry Management Plan that guides the enhancement, management, and protection of the urban forest located on public property. The plan details tree management strategies that encourage the continued growth of the urban forest on Town-owned lands.

Presently, the Town does not have any policies or by-laws regulating the management of trees on private property. In June 2021, a robust conversation occurred in the community regarding incidences of tree removals, and the need for tree protection policies in Town. Council tasked the Planning Advisory Committee and the Green Committee with a review of the Town's current approach to forestry management. Neither committee recommended that Council implement a tree cutting by-law for private property.

To date, the common response to public concerns has been that the Town does not regulate management of trees on private property except through the land development process. This authority is vested in the Planning Act. Through staff report DEV 05-2022 staff flagged the following gaps in the Town's current approach:

- The Town has no formal policy requirements to set out how trees removed will be compensated for. Further, a blanket application of the Town's 3:1 "plant three trees for every one removed" ratio may not be reasonable in all circumstances.

- If a large building/development project is not subject to the planning process (i.e. the project only requires a building permit to proceed) there is a risk that trees will be removed without any opportunity for the Town to require compensation plantings.

After considering these gaps, Council passed the following resolution:

Resolution 2022-01-25-12

THAT DEV 05-2022 Tree Compensation Policy be received; and

THAT the Town adopt the Tree Compensation standards as outlined in DEV 05-2022; and

THAT staff report back with a formal Tree Compensation Policy to be applied to building and development projects

REPORT

Protecting the urban forest on both public and private property is of the public interest. The Town has the authority to impose restrictions related to trees on private property through the following sections of the Municipal Act:

- Subsection 135(1), the authority to prohibit or regulate the destruction or injuring of trees on public and private lands
- Subsection 135(7), the authority to implement processes that require permits be obtained to injure or destroy trees, and impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees.

As directed, staff have developed a draft by-law that requires landowners to provide compensation for trees removed on their property in certain situations. A draft of the by-law is attached for the Committee to consider.

The following are some key points of the by-law related to Council's January 25th discussion of the conceptual framework for proposed compensation approach:

- **Which properties will be required to provide tree compensation?**
 - Section 2 of the by-law establishes the scope.
 - As written, the by-law will apply to any property that has applied for a pre-consultation or an approval under the Planning Act.
 - The by-law also establishes a size threshold that would trigger its applicability to other properties.
 - **Committee Discussion:** Direction from the committee regarding the size threshold to be applied is required. Attached to this report are maps showing a range of property sizes varying from 0.75 – 3.0 acres.
 - On January 25th the discussion was to establish the property size threshold at 2.0 acres (Map 5, yellow colour) as this aligns with the Town's Site Alteration By-law. If this threshold is chosen, the by-law will apply to 193 properties.
- **Will the by-law apply to a typical residential property?**
 - The scope of the by-law is not intended to require a typical residential homeowner to provide tree compensation for removals on their property unless the property has made an application under the Planning Act (minor variance, severance, etc). and compensation is required as a condition of approval.
- **Will the by-law prevent clear cutting similar to what occurred at "Lovers Lane" in 2021?**

- The by-law does not prevent a landowner from removing trees from their property as there are no permits required to approve removals.
- The by-law will improve the Town's ability to maintain the urban canopy and to address a situation of clear cutting in the following ways:
 - **Section 4.2** – requires that tree compensation be agreed to between the land owner and the Town prior to cutting.
 - **Section 6.5** – establishes a special penalty that can be applied if it is deemed a landowner clear cut their property for an economic advantage or gain (i.e. a situation where a decision is made to cut trees and deal with the consequences later).
- **What is the rationale for a simplified process and a formal process for calculating tree compensation?**
 - **Section 4.4.1** – establishes the rules for the simplified process.
 - The simplified process is expected to normally apply to smaller development files as it provides the applicant with an option to reduce their costs by avoiding the need to hire an arborist.
 - The trade-off is that the compensation ratio is automatically set at 3:1, which may result in the applicant providing compensation plantings at a premium.
 - **Section 4.4.2** – establishes the rules for the formal process that requires an arborist report.
 - The formal process is expected to be chosen by larger developers on larger files.
 - The trade-off is that while the developer will need to spend funds on an arborist, it is likely that the total number of compensation plantings that result from formal process will be less than if the blanket 3:1 ratio is applied (i.e. the developer will save on compensation plantings and/or cash-in-lieu).
- **Is there a way to simplify the compensation chart in 4.4.2?**
 - The compensation chart in the draft by-law is a direct reproduction of the tree compensation requirements listed in the City of London's comprehensive tree protection by-law. The Town does not have trained arborist staff who can opine if the compensation standards used by London could be simplified.
 - However, the draft standards were applied to the 60 Road 120 planning file and were found to be simple to navigate by staff and the applicant.
 - Given this practical experience, staff are recommending that the compensation chart remain as drafted.
- **What is the rationale for charging \$200 per tree cash in-lieu (4.4.1 (c) and 4.4.2 (c))?**
 - The Town typically procures trees through the UTRCA at less than \$200/tree.
 - The rate of \$200/tree reflects the Town's cost to buy a tree plus the approximate costs to maintain the tree for one year to ensure it survives.
- **How will the Town ensure that the compensation plantings actually happen?**
 - **Section 4.3** – creates a requirement that replacement trees be planted by a date that is agreed to by the landowner and the Town.
 - **Section 4.7** – allows the Town to collect securities for the work if the compensation plantings are required as a condition of a Planning Act approval.

- **Section 5.5** – if the replanting date is missed, the by-law would be considered to have been contravened. This section allows the Town to issue a work order for the landowner to complete the work.
- **Section 5.7 to 5.9** – if the property owner fails to comply with a work order, these sections allow the Town to complete the work and recover costs.
- **Can there be a penalty if a landowner contravenes the landscape plan approved as part of a Site Plan Agreement? Can there be a more punitive compensation ratio?**
 - **Section 5.6** – allows the Town to establish the replanting ratio at its sole discretion if a landowner contravenes the by-law.
 - **Section 6** – establishes the penalties and fines for contravening the by-law. These fine amounts are subject to confirmation by the Solicitor General's office.

FINANCIAL IMPLICATIONS

None. Any monies received for cash in lieu of replacement trees will be placed in the Town's parkland reserve for future use.

SUMMARY

It is staff's expectation that management of the urban forest will continue to be a focus and concern of the community. It is reasonable to expect that the public will express concerns similar to those received in 2021 if/when trees are removed as a result of future building and development projects.

Protecting the urban forest on both public and private property is of the public interest, and it is staff's recommendation that the Town should formalize a tree compensation policy for when trees are removed as a result of building and development projects.

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
 - Pillar #4 Culture and Recreation:
 - Tactic(s): Investigate implementing a forestry and tree management policy for the Town.

OTHERS CONSULTED

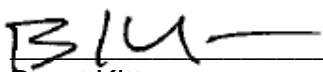
Internal Development Team Staff

ATTACHMENTS

1. Draft Tree Compensation By-Law

REVIEWED BY

Recommended by the CAO



 Brent Kittmer
 Chief Administrative Officer

BY-LAW xx-2022

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to encourage tree preservation and to require re-planting compensation for the injury and destruction of trees on various properties within the Town of St. Marys

WHEREAS: Town Council has determined that it is desirable to enact a By-law to encourage tree preservation and to require re-planting compensation for the injury and destruction of trees on various properties within the Town of St. Marys;

AND WHEREAS: Subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended ("Municipal Act, 2001") provides that a municipal power shall be exercised by by-law;

AND WHEREAS: Pursuant to subsection 135(1) of the Municipal Act, 2001, without limiting sections 9 and 10, a municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS: Subsection 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons;

AND WHEREAS: Subsection 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons;

AND WHEREAS: Sections 429, 431, 444 and 445 of the Municipal Act, 2001 provide for a system of fines and other enforcement orders;

NOW THEREFORE: The Council of the Corporation of the Town of St. Marys hereby enacts as follows:

1. DEFINITIONS

1.1. For the purpose of this by-law:

"Applicant" means the Landowner or the Landowner's authorized representative or agent acting on behalf of the Landowner;

"Arborist" means an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; a certified arborist with the International Society of Arboriculture; a consulting arborist registered with the American Society of Consulting Arborists; or a Registered Professional Forester;

"Arborist Report" means a written report by an Arborist that contains the following:

- a) correct identification of the location, species, size and condition of Trees;
- b) states the Arborist's opinion why a Tree should be Injured or Destroyed , and whether it represents Good Arboricultural Practices or Good Forestry Practices;
- c) describes how the Tree is proposed to be Injured or Destroyed;

- d) an analysis and description of any reasonable alternatives to the Tree Injury or Destruction or an analysis and description as to why there are no reasonable alternatives to the Tree Injury or Destruction;
- e) calculation of the number of Replacement Trees based on the standards set out in this by-law, identifying the caliper and the species to be used for replacement based on the Town's species list;
- f) if Trees are to be Injured but not Destroyed, description of maintenance strategies and protection measures to be implemented;
- g) if requested by the Town, further information such as Tree or Trees on adjacent properties that may be affected, and an aerial map representation showing the Critical Root Zone of those Trees; and
- h) the professional accreditation of the Arborist (e.g. International Society of Arboriculture (ISA) Certification Number);

"Boundary Tree" means a tree having any part of its trunk located on the boundary between adjoining lands. For the purposes of this definition, 'trunk' means that part of the tree from its point of growth away from its roots up to where it branches out to limbs and foliage;

"Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Destroyed" and "Destruction" shall have a corresponding meaning;

"Good Arboricultural Practices" means the implementation of the most recent techniques or methods of Tree management as recommended by the International Society of Arboriculture or their successor;

"Good Forestry Practices" has the same meaning as defined in the Forestry Act R.S.O. 1990 c. F.26;

"Injure" means to harm, damage or impair the natural function or form of a Tree, including its roots within the Critical Root Zone, by any means excepting injury by natural causes, and includes but is not limited to carving, drilling, injection, exploding, shattering, improper Pruning that fails to meet Good Arboricultural Practices, removal of bark, deliberate introduction of decay fungi, inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms "Injury", "Injuring" and "Injured" shall have a corresponding meaning;

"Landowner" means a person having title in the land on which the Tree(s) are situated;

"Qualified Person" means a person who has satisfactory qualification, experience, education or knowledge to be an expert in the matter;

"Replacement Tree" means a tree of a size and type determined by this by-law that is required to be planted to replace a tree Destroyed;

"Security" means a cash deposit or an irrevocable letter of credit from a financial institution to specify and lodge a sum of money as determined by the Town as a condition of a tree compensation agreement;

“Site” means the general area where activities subject to this by-law are planned or executed, and in the case of a tract of land that extends over multiple landholdings, each separate landholding is a separate “Site”;

“Tree” means a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and including the root system, where the plant has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity;

1.2. In this by-law, words importing the singular number include the plural and vice versa, unless the context requires otherwise.

2. SCOPE

2.1. This by-law applies to private property in the Town of St. Marys:

- a) To all properties with an open pre-consultation or application seeking an approval under the *Planning Act*;
- b) To all properties that are equal to or greater than acres in size.

3. EXEMPTIONS

3.1. This by-law does not apply to:

- a) Activities or matters undertaken by a municipality or a local board of a municipality;
- b) Activities or matters undertaken under a licence issued under the Crown Forest Sustainability Act, 1994;
- c) The Injuring or Destruction of Trees by a person licensed under the Surveyors Act, to engage in the practice of cadastral surveying or their agent, while making a survey;
- d) The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- e) The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act;
- f) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - i. that has not been designated under the Aggregate Resources Act or a predecessor of that Act, and
 - ii. on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the Planning Act;
- g) The Injuring or Destruction of Trees that are a noxious weed as defined in the Weed Control Act, R.S.O. 1990, c. W.5 if the Injury or Destruction is being controlled by an appropriate method under the oversight or direction of a Qualified Person and no Trees other than a noxious weed are being Injured or Destroyed;
- h) The Injuring or Destruction of Trees undertaken by a Conservation Authority or any private landowner on its own lands or in response to a Declared Emergency;

- i) The Injuring or Destruction of Trees at the direction of Emergency Services;
- j) Pruning that is necessary to maintain the health and condition of the Tree and is carried out in accordance with Good Arboricultural Practices;
- k) Injury or Destruction of a Tree that is located within a building, a solarium, or a rooftop garden;
- l) Injury or Destruction of a Tree that is an immediate threat to health or safety;
- m) Injury or Destruction of the Tree that is required by a Property Standards Order issued under the Building Code Act;
- n) Injury or Destruction that is a Normal Farm Practice as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1.;
- o) Injury or Destruction of a Tree that is located within a cemetery; or
- p) Injury or Destruction of a Tree that is located within an actively managed golf course.

4. REQUIREMENTS FOR TREE COMPENSATION

4.1. No Landowner, or person acting on behalf of a landowner, shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree unless compensation for the Injury or Destruction is provided.

4.2. Replacement Tree compensation for the Injury or Destruction of a Tree shall be approved by the Town prior to the Injury or Destruction of the Tree.

4.3. The Landowner shall ensure that the number of Replacement Trees as determined by this by-law are planted on the same Site by the date agreed to with the Town.

4.4. Compensation for any Tree Destroyed shall be provided by a Landowner following one of the two methods described below:

4.4.1 Simplified Process

- a) The number of Replacement Trees required for any Trees Destroyed shall be calculated at the Town's replacement ratio of 3:1 (three Replacement Trees required to be planted for every one Tree removed, regardless of age or condition of the Tree).
- b) The species, or choice of species, size and location of Replacement Trees shall be reviewed by Town staff and approved by Town Council.
- c) Where there is insufficient space and some or all the Replacement Trees cannot be accommodated on the site, the Landowner and/or Applicant shall provide the Town cash in lieu for Replacement Trees by multiplying (the number of Replacement Trees that could not be planted on site due to insufficient space) x (\$200, the Town's rate to procure a Tree and provide maintenance for a one (1) year period).

4.4.2 Arborist Report

- a) Landowner and/or Applicant shall submit an Arborist Report, as defined in this by-law.
- b) The number of living Replacement Trees that will be required shall be based on the chart set out in this section. The diameter of the Tree to

be destroyed, as set out in Column 1, shall correspond to the number of Replacement Trees required, as set out in Column 2.

- c) Where there is insufficient space on the same Site to plant all of the number of Replacement Trees, the Landowner shall plant as many Replacement Trees as the site will allow as determined by the Arborist Report, and with respect to the number of Replacement Trees that could not be planted due to insufficient space, the Arborist report shall calculate the cash-in-lieu of Replacement Trees required by multiplying (the number of Replacement Trees that could not be planted on site due to insufficient space) x (\$200, the Town's rate to procure a Tree and provide maintenance for a one (1) year period).

Column 1: Trunk Diameter of Tree Destroyed	Column 2: Number of Replacement Trees Required
50 cm	1
51-60 cm	2
61-70 cm	3
71-80 cm	4
81-90 cm	5
91-100 cm	6
101-110 cm	7
111-120 cm	8
121-130 cm	9
131-140 cm	10
>141 cm	11

4.5. In addition to the above, the Landowner or Applicant shall provide the Town with the following information:

- a) A drawing of the Site showing any proposed development, construction, works, excavation or site alteration that may require the Tree Injury or Destruction, and a schedule for this proposed activity, including start and end dates.
- b) Confirmation of any other matters (past or present Planning applications or otherwise) affecting the land upon which the Tree or Trees are to be Injured or Destroyed.

4.6. The Landowner shall pay all fees required by this by-law within thirty (30) days of the date of the Tree compensation agreement with the Town. The Town shall place all cash in in lieu of Replacement Trees received within in its reserve for parklands.

4.7. If tree compensation is required for as a condition of an approval Provided under the *Planning Act* , the Town shall require the posting of a Security that the Town may draw upon in full if this by-law is contravened or if there is a failure by the Landowner to fulfil their obligations for Tree compensation, such that Replacement Trees for all or part of the Site has to be done by the Town.

4.8. The Landowner shall ensure that the Injury or Destruction of the Tree is carried out in accordance with Good Arboricultural Practices or Good Forestry Practices

4.9. The Landowner shall allow, at any reasonable time, the Town to inspect the Site.

5. ENFORCEMENT

5.1. This by-law may be enforced by a By-law Enforcement Officer.

5.2. No person shall hinder or obstruct or attempt to hinder or obstruct the By-law Enforcement Officer in the discharge of duties under this By-law.

5.3. Where a By-law Enforcement Officer is satisfied that a contravention of this by-law has occurred, the By-law Enforcement Officer may make an Order to Discontinue Activity requiring the person who contravened the By-law or a person that caused or permitted a contravention of the By-law or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

5.4. The Order to Discontinue Activity shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date and time by which there must be compliance with the Order to Discontinue Activity.

5.5. Where a By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the By-law Enforcement Officer may make a Work Order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

5.6. A Work Order shall set out reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred, and the work to be done and the date by which the work must be done. This includes, but is not limited to, providing tree compensation at a ratio deemed appropriate at the sole discretion of the Town Council and/or the By-law enforcement officer.

5.7. If a person is required, under a Work Order under this By-law, to do a matter or thing, then in default of it being done by the person so required to do it, the matter or thing may be done by the Town at the person's expense under the direction of a By-law Enforcement Officer.

5.8. The Town may recover the costs of doing a matter or thing under this by-law from the person required to do it, by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.

5.9. The amount of the costs borne by the Town, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

6. OFFENSES AND PENALTIES

6.1. Any person who contravenes any provision of this by-law, or an Order to Discontinue Activity, or a Work Order, is guilty of an offence.

6.2. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

6.3. A person convicted under this by-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00, where the fine is not a set fine.

6.4. Contravention of an Order to Discontinue Activity or a Work Order is a continuing offence, and a person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and

a maximum fine of \$10,000 and the total of all daily fines for the offence is not limited to \$100,000.

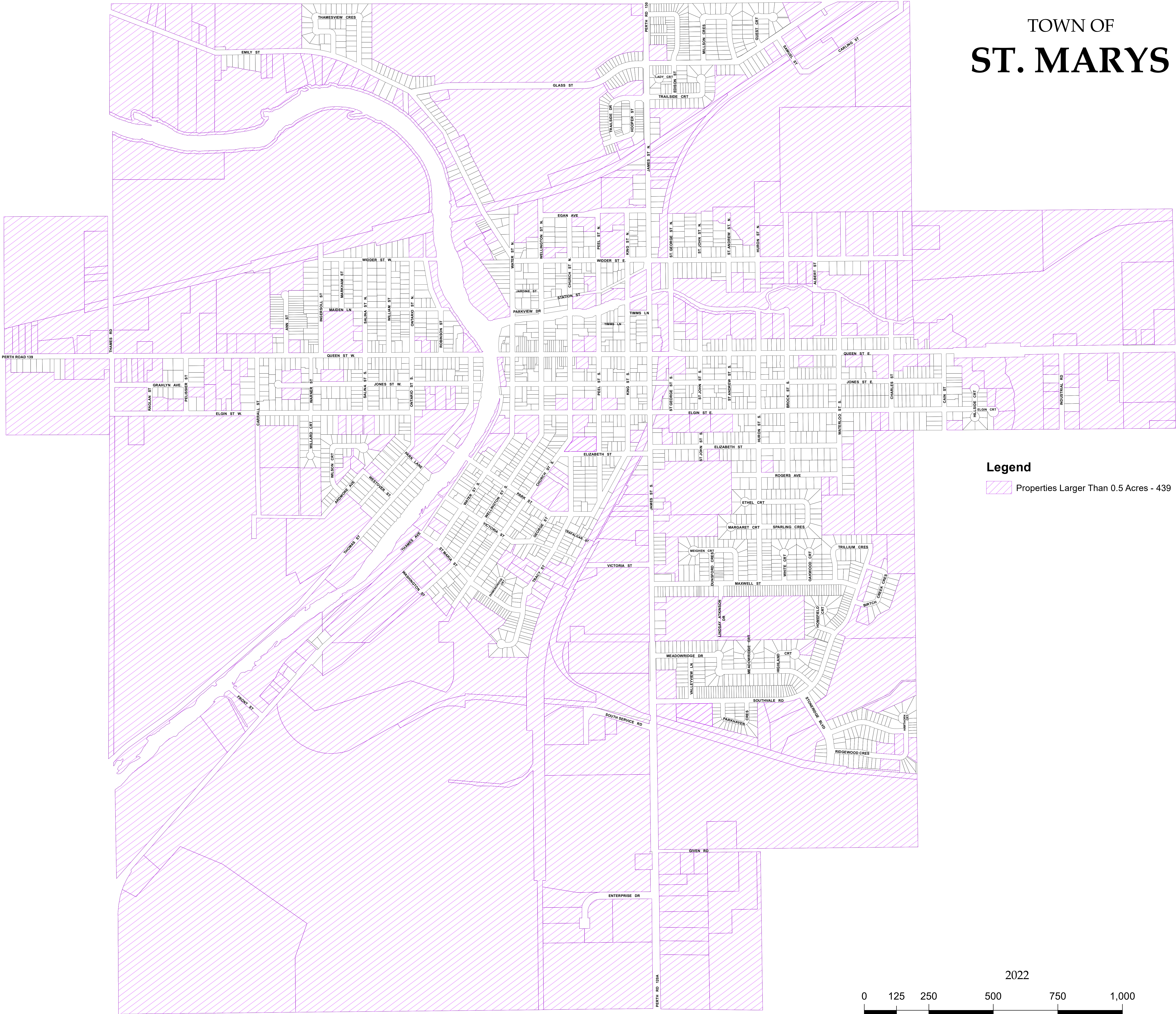
- 6.5. A person convicted under this By-law is liable to a special fine of maximum \$200,000.00 which may be imposed in addition to the regular fine, to eliminate or reduce any economic advantage or gain from contravening the by-law.
- 6.6. Under section 431 of the Municipal Act, 2001, when this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - b) in the case of a by-law described in section 135 of Municipal Act, 2001, requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Read a first, second and third time and finally passed this XXXX day of XXXXX.

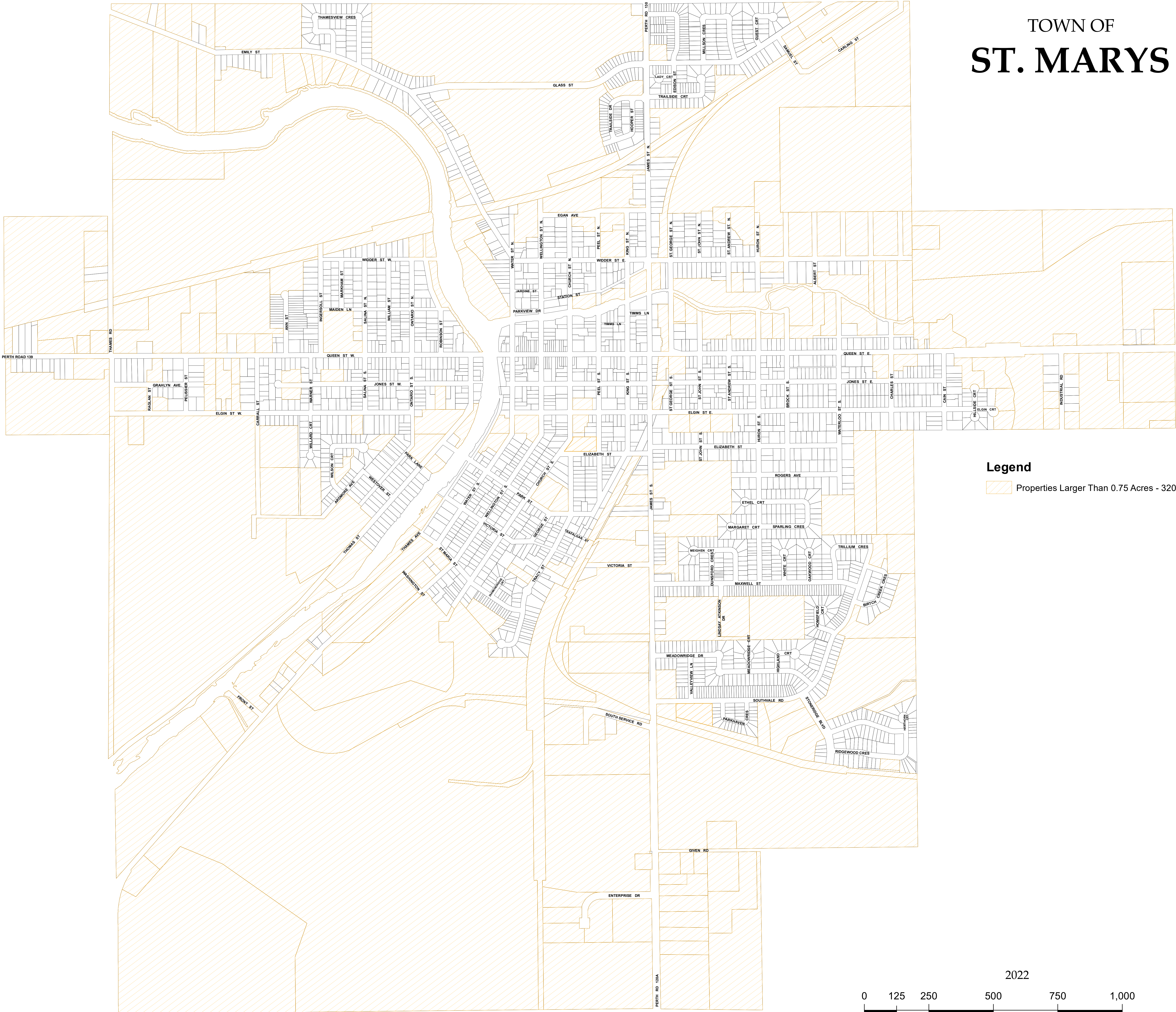
Mayor Al Strathee

Jenna McCartney, Clerk

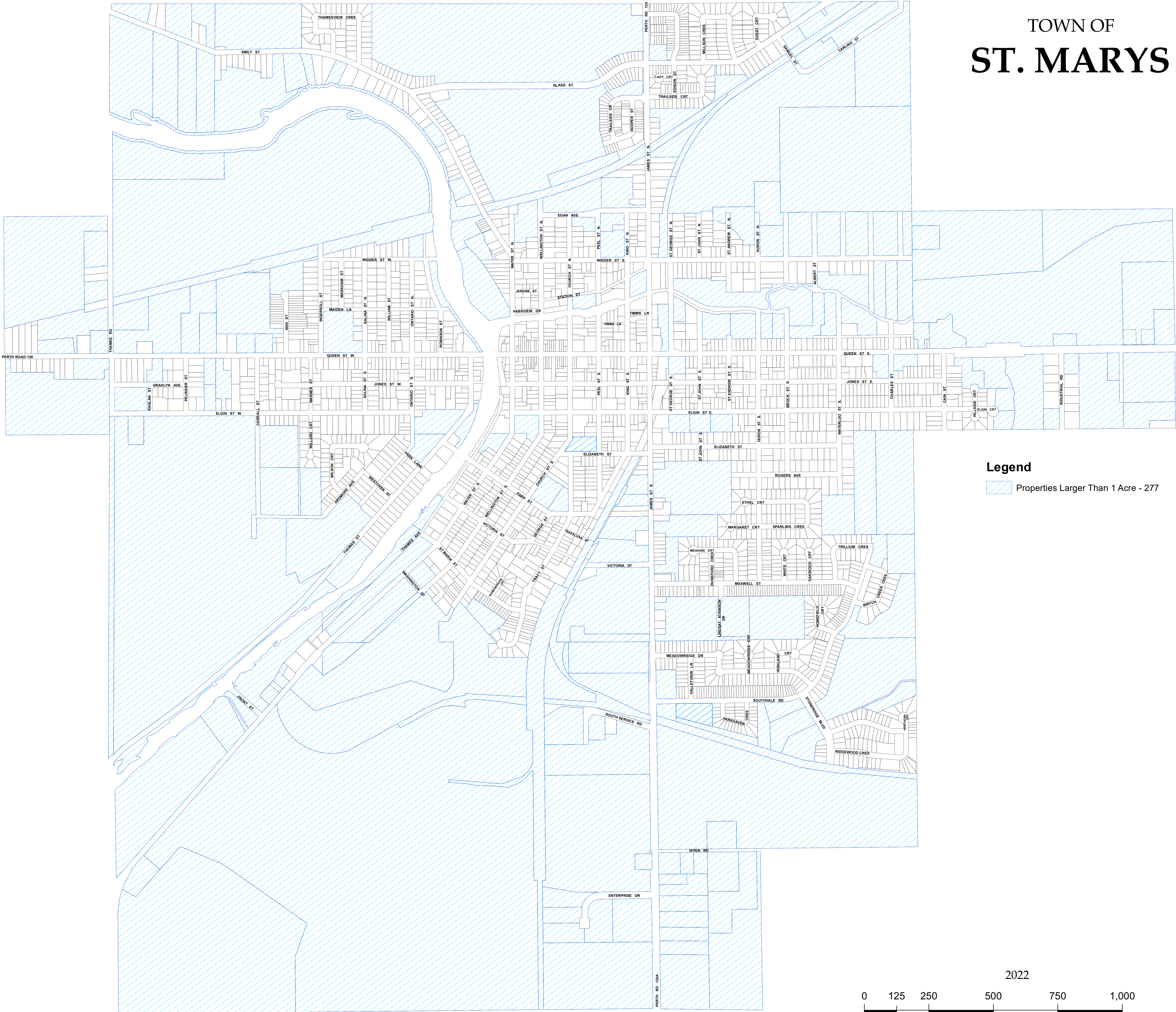
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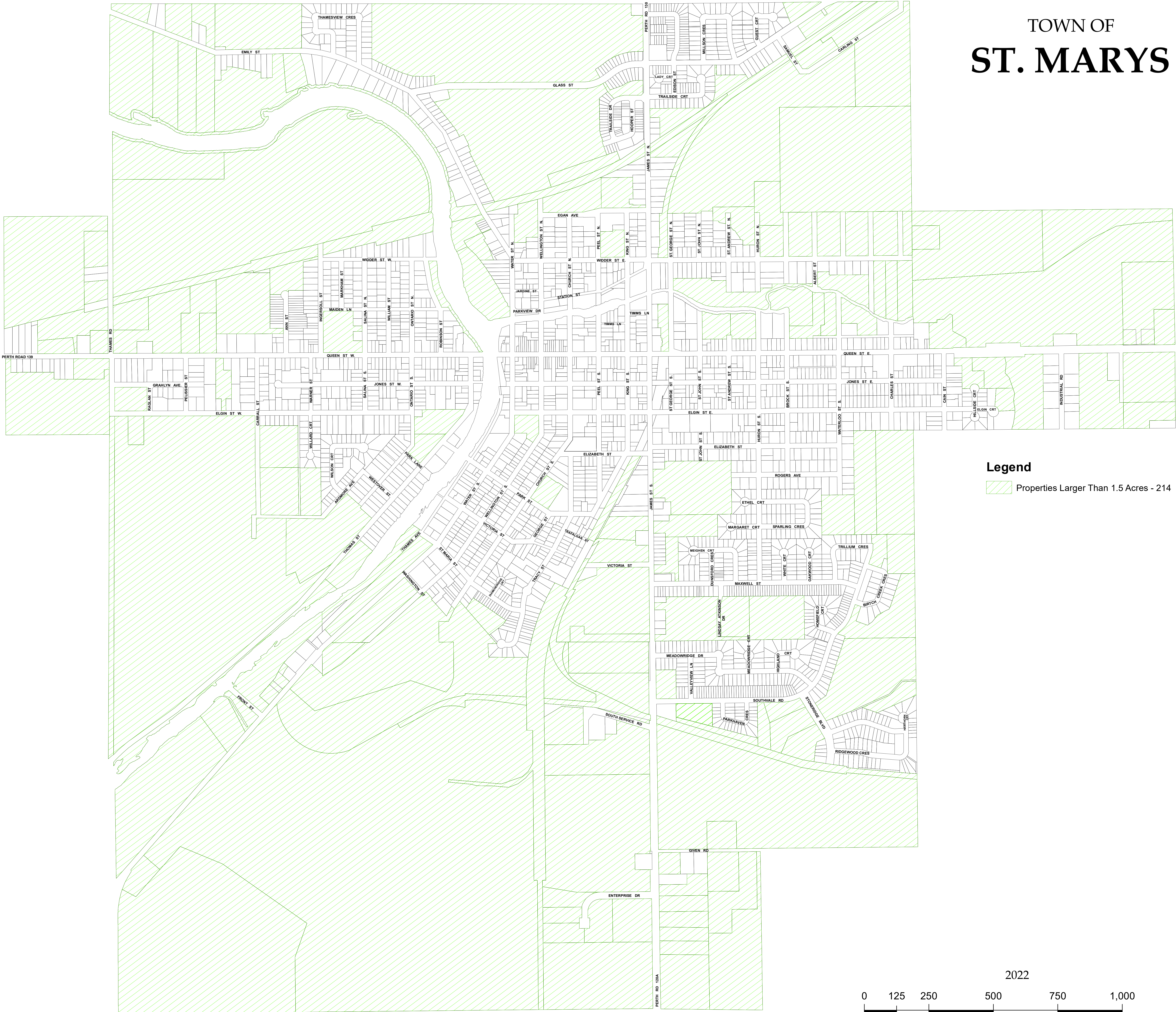
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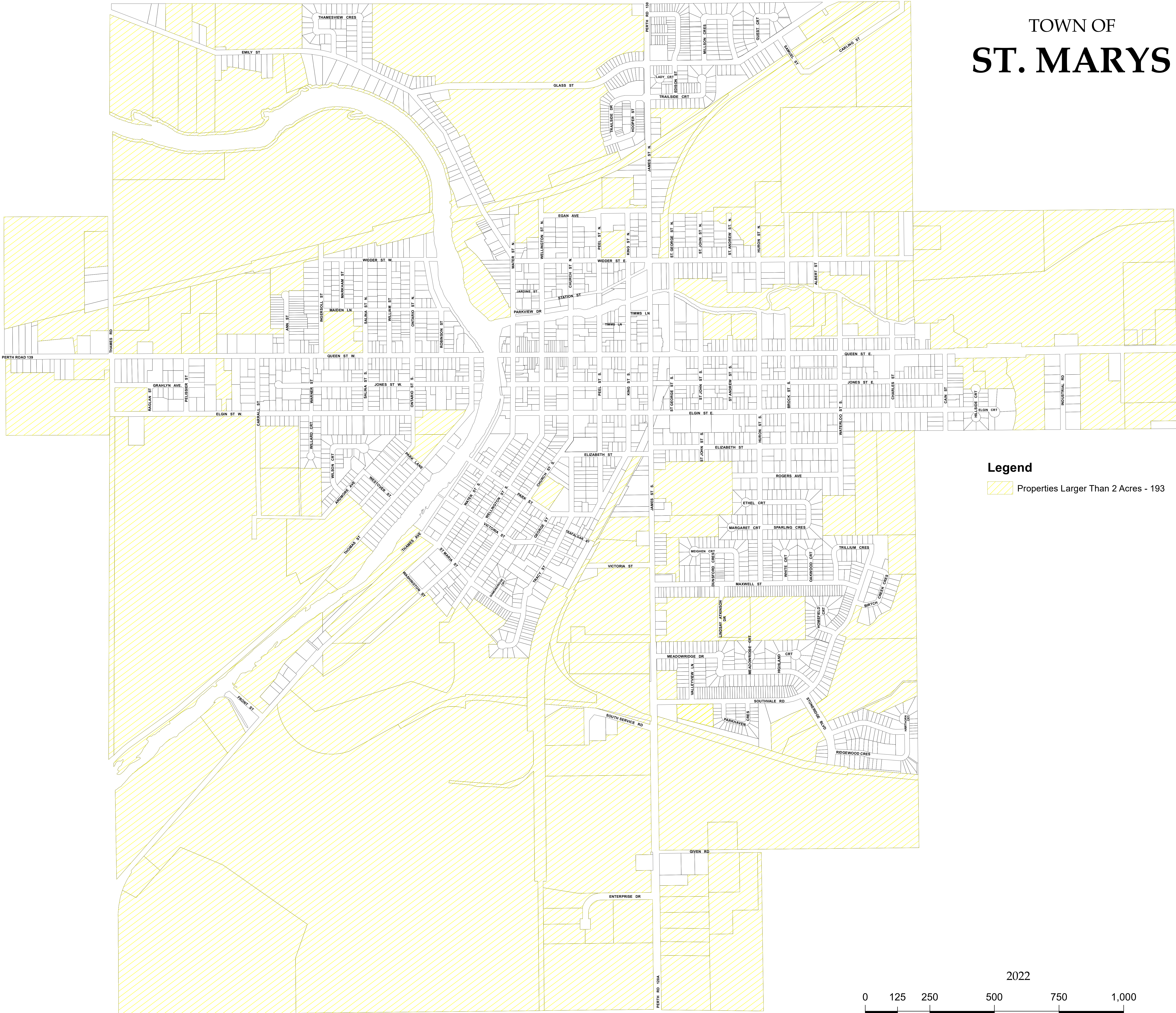
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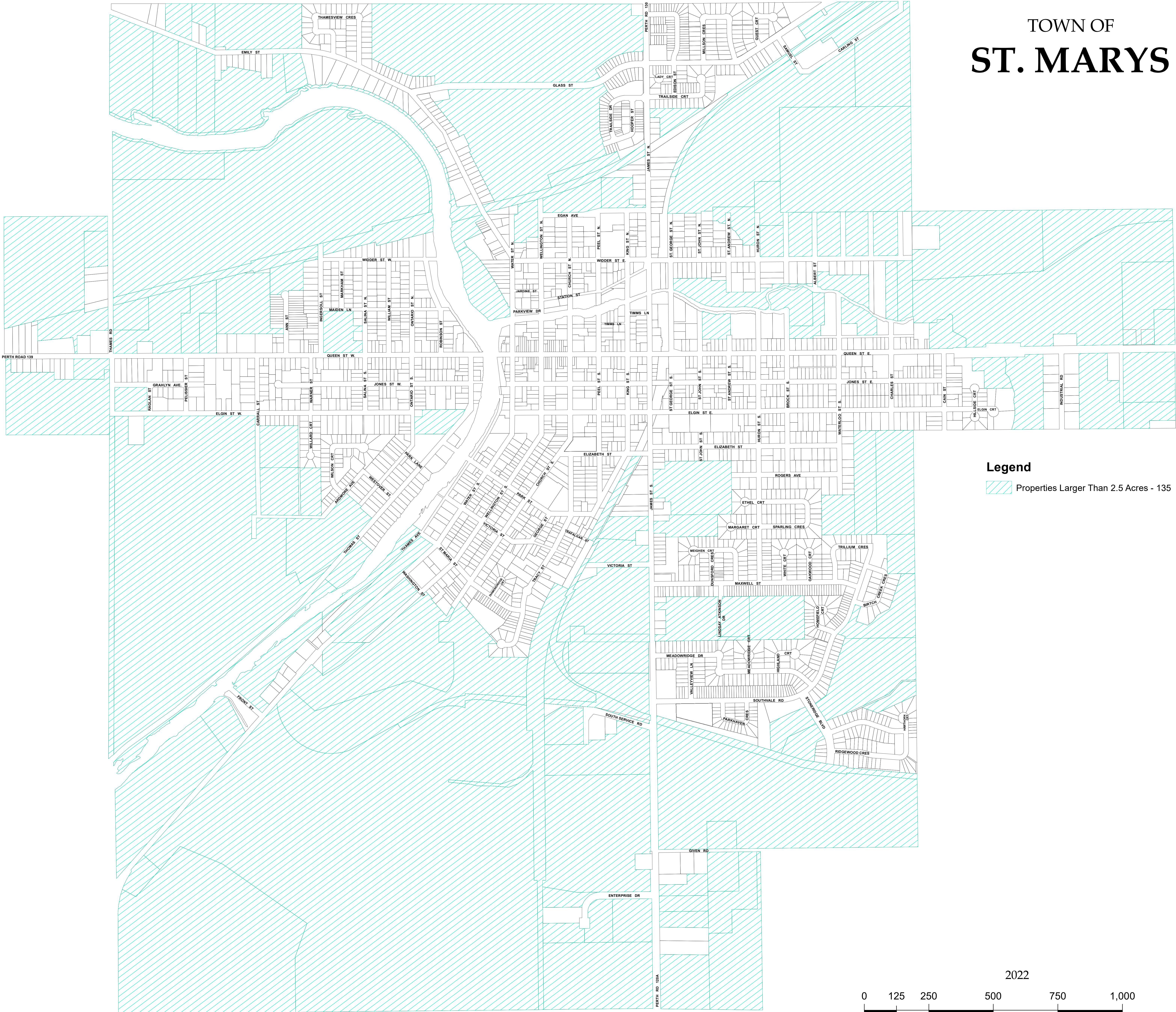
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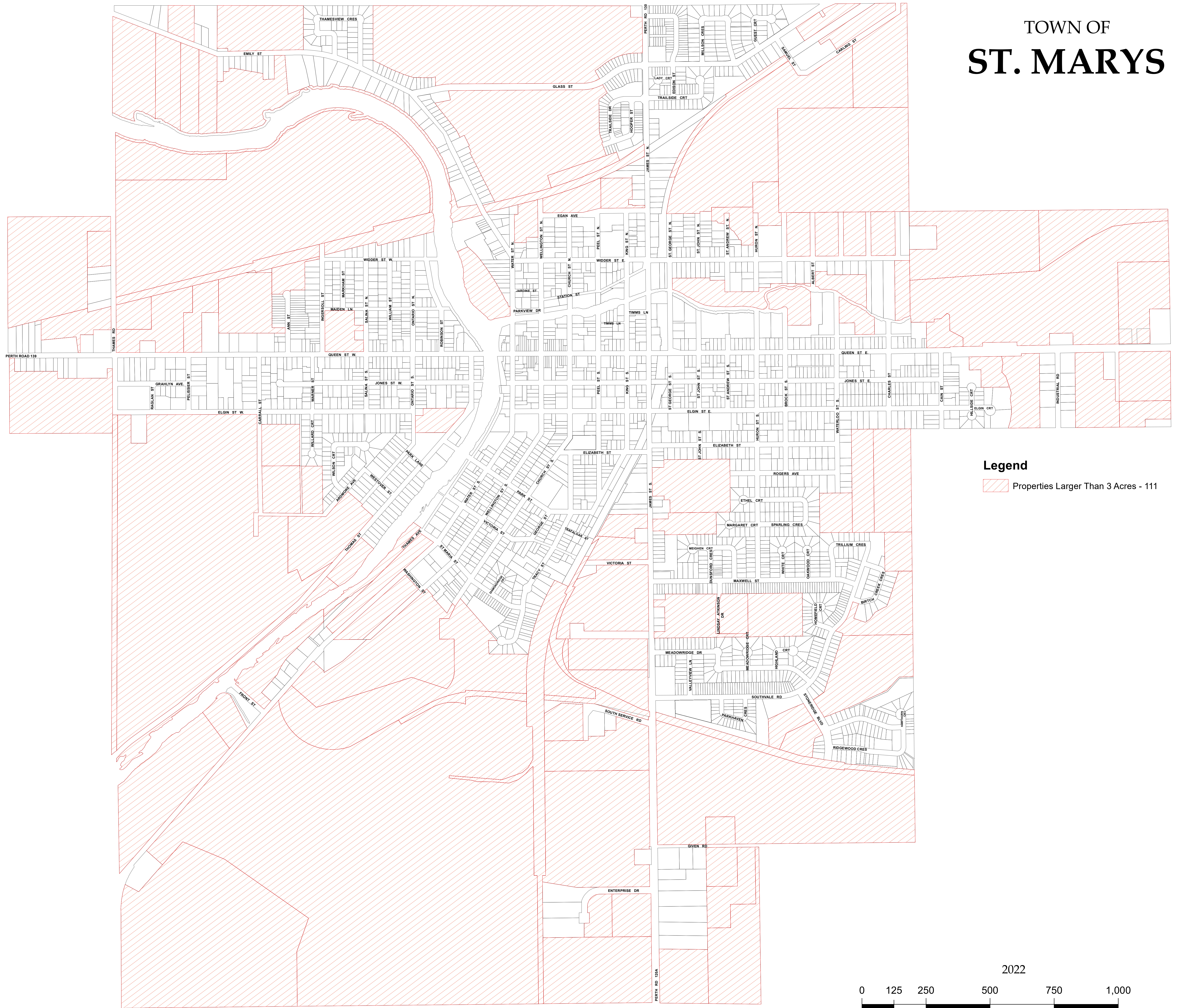
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Legend

 Properties Larger Than 3 Acres - 111

2022

0	125	250	500	750	1,000
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Metres

