



AGENDA
Strategic Priorities Committee

August 23, 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 August 23, 2022 Strategic Priorities Committee agenda be accepted as presented.

4. **STRATEGIC PRIORITIES REVIEW**

RECOMMENDATION

THAT DEV 65-2022 Bill 109 and St. Marys Planning Process report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the Town maintain the Planning Advisory Committee's role with respect to reviewing Planning Act applications and general policy or regulatory matters (Option 1A); and

THAT the Town implement the following planning process enhancements:

- a. Require applicants to ensure certain Town department and agency reviews and approvals are completed prior to submitting application.
- b. Reduce time to deem complete (target a maximum of 15 to 20 days).
- c. Reduce time to issue notice (target within 48 hours of deeming application complete).
- d. Reduce minimum circulation periods in advance of PAC meetings from 20 to 15 days.
- e. Eliminate PAC deferrals; and

THAT Council direct staff to complete a review of Planning Act application fees levied by the Town and present findings and recommendations to Council in a detailed report (Option 3A).

RECOMMENDATION

THAT DEV 66-2022 St. Marys Housing Strategy – Mobile and Modular Homes report be received;

THAT the Strategic Priorities Committee recommends:

THAT Council direct staff to:

- a. include a proposed amendment to the definition of ‘modular home’ to also include detached accessory apartments as permitted in Section 5.1.2 of the Zoning By-law, with the next general or housing related amendment to the Zoning By-law; and,
- b. include specific guidelines for modular homes as part of the upcoming project to establish urban design guidelines in the Town.

5. NEXT MEETING

September 20, 2022 - 9:00 am, live streamed to the Town's YouTube channel

6. ADJOURNMENT

RECOMMENDATION

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



FORMAL REPORT

To:	Chair Strathdee and Members of Strategic Priorities Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	23 August 2022
Subject:	DEV 65-2022 Bill 109 and St. Marys Planning Process

PURPOSE

This report follows the June 13, 2022 special meeting of Council and consideration of DEV 40-2022 - St. Marys Planning Process. Council directed staff to further review potential issues related to the application fee refunding changes under the Planning Act and present findings and initial recommendations to the Planning Advisory Committee, and report back to Council. On August 2, 2022, staff presented report DEV 58-2022 to the Town's Planning Advisory Committee respecting Bill 109 and the Town's planning process.

RECOMMENDATION

THAT DEV 65-2022 Bill 109 and St. Marys Planning Process report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the Town maintain the Planning Advisory Committee's role with respect to reviewing Planning Act applications and general policy or regulatory matters (Option 1A); and,

THAT the Town implement the following planning process enhancements:

- (a) Require applicants to ensure certain Town department and agency reviews and approvals are completed prior to submitting application.
- (b) Reduce time to deem complete (target a maximum of 15 to 20 days).
- (c) Reduce time to issue notice (target within 48 hours of deeming application complete).
- (d) Reduce minimum circulation periods in advance of PAC meetings from 20 to 15 days.
- (e) Eliminate PAC deferrals; and,

THAT Council direct staff to complete a review of Planning Act application fees levied by the Town and present findings and recommendations to Council in a detailed report (Option 3A).

BACKGROUND

On March 30, 2022, the Province introduced Bill 109, the *More Homes for Everyone Act*, and the Bill was passed by the Legislature and received Royal Assent on April 14, 2022. Bill 109 follows the Province's Affordable Housing Taskforce Report released in February and amends various Acts including the *Planning Act*, *City of Toronto Act* and the *Development Charges Act* to:

- make changes related to zoning, plan of subdivision and site plan application processes to expedite approvals and incent timely decisions,

- ensure provincial housing policies are implemented and priority projects are expedited by making changes to provide the Minister of Municipal Affairs and Housing with new tools to address dispute resolution, and
- enhance transparency and increase certainty of development costs through changes to development-related charges.

Site Plan Control

The changes to the *Planning Act* included the introduction of a complete application requirement for site plan applications and to extend the site plan application appeal timelines for non decision from 30 to 60 days (in effect). There is also now a requirement for municipalities to delegate approval of site plan applications to staff (effective on July 1, 2022).

On June 13, 2022, Council received DEV 41-2022 Site Plan Agreement Process Review and By-law Update. The report was prepared to respond to the Planning Act changes and resulted in the replacement of the Town's Site Plan Control By-law to:

- Appoint the Chief Administrative Officer as the agent, employee or officer of the Corporation to approve the plans and drawings for site plan control as required by Bill 109. The intention is that the Town's Development Team will continue to review site plan and amending agreement submissions to ensure their completeness. Once the Development Team determines that an application is complete, and all requirements have been satisfied, the Building and Development Department will prepare and submit a "Request to Approve" document and a draft site plan agreement / amending agreement to the Chief Administrative Officer for their consideration. To ensure transparency, Town staff will continue to:
 - detail submissions of site plan application, and approval of site plan in the Building and Development Monthly Report; and,
 - post application details on the Town's "Current Planning / Development Applications" webpage.
- Amend the site plan classification system to abide by the Bill 109 changes, removing the Minor Site Plan Application process, and introducing a structure for amending site plan agreements;
- Adjust development criteria such as the removal of "lessor of" for square metres and percentages, maintaining percentage options and including current practices that were not included in the original by-law.

Planning Advisory Committee Review

On August 2, 2022, the Planning Advisory Committee received DEV 58-2022 Bill 109 and St. Marys Planning Process report. The Committee discussed recommended process enhancements that are also described in this report. The Committee also had some comments and suggestions for staff and Council, in particular with respect to the Town's planning process.

One of the comments was that it is important to maintain transparency with the public when considering any changes to the planning process. Over the past few years, the Town has implemented a number of enhancements to the planning process to increase notification and availability of information to the public. For example, the Town established the Current Planning / Development Applications webpage to provide submission documents (e.g. plans, reports) related to each Planning Act application. Staff is not recommending any changes that would reduce the availability of information to the public.

Following the discussion, the Planning Advisory Committee passed a resolution recommending that Council consider:

- a) changes to the Town's planning process as outlined in DEV 40-2022; and,
- b) an update to the fees levied by the Town for planning applications.

REPORT

As directed by Council, staff completed a further review of potential issues related to possible recommendations to reduce planning review process timelines and also the need for application fee changes.

1. Planning Advisory Committee Role

As noted, the Planning Advisory Committee had some comments and suggestions for staff and Council, in particular with respect to the Town's planning process. There was the suggestion that the Town should consider if the Planning Advisory Committee should have reduced responsibilities.

Currently, all Planning Act applications (with the exception of those considered by the Committee of Adjustment) are reviewed by the Planning Advisory Committee. Other matters considered by the Committee include more general policy or regulatory matters related to the Official Plan and Zoning By-law, or specific land use planning related issues. At this point, staff is not recommending any changes to the Planning Advisory Committee's role with respect to reviewing general policy or regulatory matters or Planning Act applications.

One area that the Town could consider changes is to no longer require the review of minor applications by the Committee. However, there may be some challenges with this approach in that there would need to be criteria established to determine what is minor. In addition, there have been recent applications that would be considered as being minor in nature, to later find out there are issues raised by the public as part of the Planning Advisory's Committee's review. In these cases, the initial review by the Planning Advisory Committee provided the opportunity to identify and address issues prior to the applications proceeding to public meeting.

Based on the discussion above, staff is recommending that the Town maintain the Planning Advisory Committee's role with respect to reviewing Planning Act applications and general policy or regulatory matters (**Option 1A**).

An alternative approach (**Option 1B**) is to no longer require the review of minor applications by the Planning Advisory Committee and direct staff to prepare criteria for determining what is minor for Council consideration.

2. Application Process Changes

New requirements for municipalities have been introduced to refund application fees where a decision has not been made within legislated timelines (comes into effect January 1st, 2023). The following table provides a summary of these new requirements affecting types of applications.

Table 1

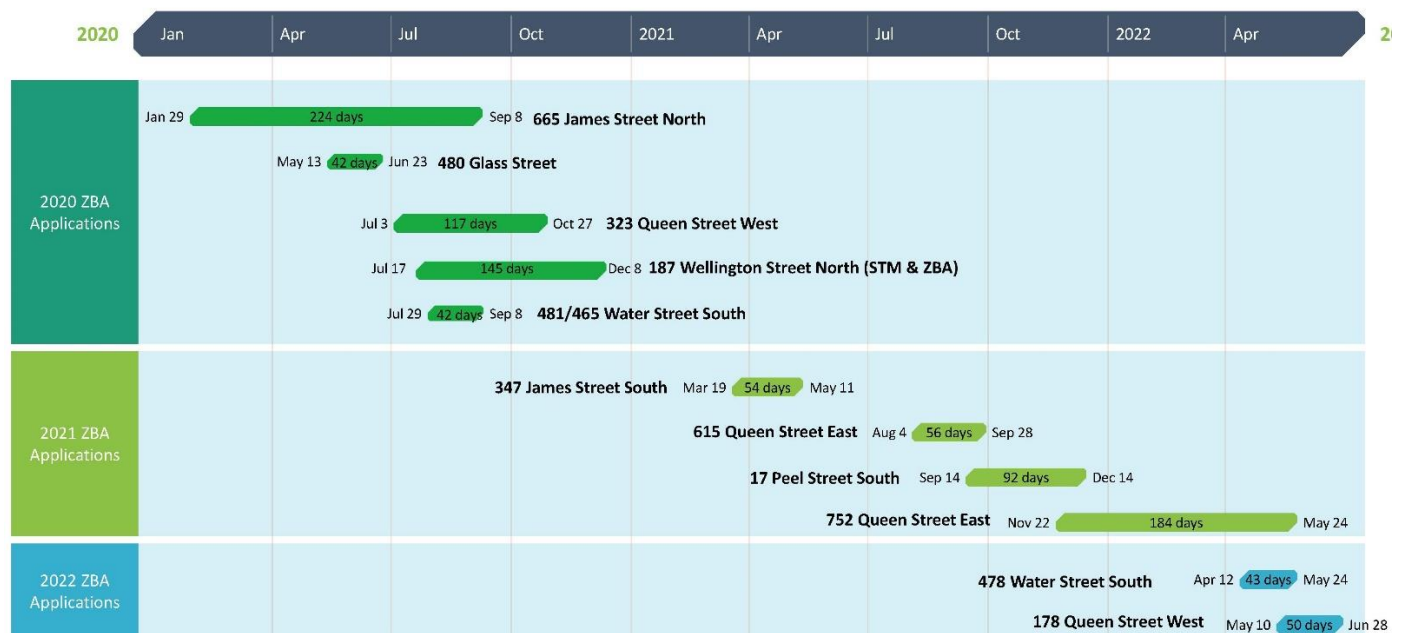
Application Type	Application Fee Refunds		
	50%	75%	100%
Zoning By-law Amendment	90 days	150 days	210 days
Combined Official Plan and Zoning By-law Amendments	120 days	180 days	240 days
Site Plan Approval	60 days	90 days	120 days

Staff notes that the processing timelines under the *Planning Act* are already troublesome for municipalities as it is very difficult when considering all the statutory and non-statutory steps in

the review process. This is particularly true with more complex and/or controversial applications where there may be the need for additional review, new information, consultation, and negotiation. However, it is noted that when compared to other municipalities, the Town of St. Marys application processing times are relatively quick and efficient. A review of Zoning By-law Amendment Applications since January of 2020 has revealed processing times (from the time an application is deemed complete to when there is a Council decision) in the range of 42 to 224 days, with an overall average of 95 days.

Not surprisingly, more complex applications necessitating additional review, consultation and/or negotiation, skew the overall results. If the three most complex Zoning By-law Amendment Applications since January of 2020 are removed from the analysis, eight applications are left with a maximum processing time of 117 days and an overall average of 62 days. A visual summary of these timelines is shown in Figure 1 below.

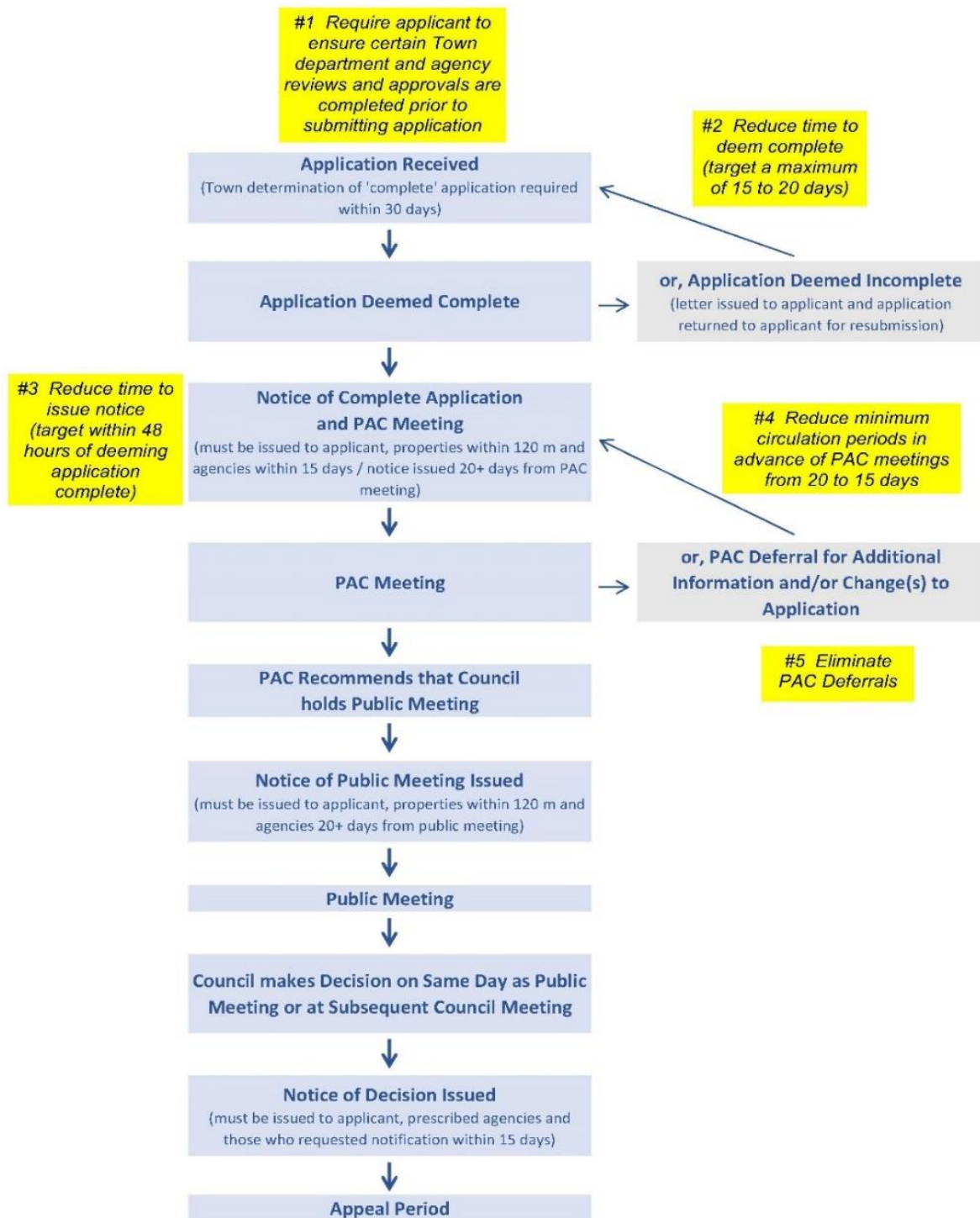
Figure 1 – Town of St. Marys Zoning By-law Amendment Application Timelines (2020 – 2022)



Efficiencies in St. Marys are due in part to making Planning Advisory Committee meetings available on a bi-weekly basis and held within three weeks of deeming application(s) complete in most cases. The establishment of a formalized pre-consultation process and discussing each potential application with the Town's staff Development Review Team on a regular basis has created a system in St. Marys where potential issues and all required studies and plans are identified early on, resulting in efficiencies later in the process. A copy of the Town's pre-consultation checklist is provided as information in Attachment 1.

Unfortunately, the Province is yet to release Planning Act Regulation(s) to provide additional details on how the changes summarized in Table 1 above will be implemented. However, staff have identified areas where there could be efficiencies introduced to the Town's application review process. The Town's current planning review process with respect to Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision applications is shown below. Recommendations for possible efficiencies are provided in yellow and are summarized below Figure 2.

Figure 2 – Town of St. Marys Planning Process



- #1 Require applicants to ensure certain Town department and agency reviews and approvals are completed prior to submitting application. In addition to requiring that each submitted application is complete with the required application form, fee and supporting plans and studies, staff is considering the option of requiring certain approvals from commenting Town departments and agencies prior to deeming an application complete.
- #2 Reduce time to deem complete (target a maximum of 15 to 20 days). The Planning Act provides municipalities with a maximum of 30 days to deem an application complete. While it will not always be possible given workloads or potential issues with application

submissions, staff is recommending a reduced internal target for deeming applications complete.

- #3 Reduce time to issue notice (target within 48 hours of deeming application complete). The Planning Act provides municipalities with a maximum of 15 days from the date that an application is deemed complete to issue required notification to residents and agencies. Similar to #2 above, a 48-hour turnaround may not be possible due to workloads, staff is recommending a reduced internal target for deeming applications complete.
- #4 Reduce minimum circulation periods in advance of PAC meetings from 20 to 15 days. The Town's practice has been to circulate applications a minimum of 20 days in advance of meetings however, staff is recommending a slightly shortened circulation period, where possible/appropriate.
- #5 Eliminate PAC deferrals. From time to time, the PAC will defer applications to allow an applicant to address identified issues, public concerns or other matters, but this extends the planning process. To reduce the planning process, staff is suggesting the elimination of deferrals as an option for the PAC when considering an application. As a result, the PAC would consider applications at one meeting only and would provide: support; support with comments and/or recommendations for changes to the application; or not support the application with comments or reasons for this position.

3. Planning Application Fees

Section 69(1) of the Planning Act provides municipal councils with the authority to establish a tariff of fees, by by-law, *"for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff"*.

Section 69(3) allows any person to pay a fee under protest and file an appeal with the Local Planning Appeal Tribunal *"against the levying of the fee or the amount of the fee by giving written notice of appeal to the Tribunal within thirty days of payment of the fee"*.

The Town collects fees for a variety of Planning Act applications. These fees are intended to cover the costs incurred by the Town in reviewing and processing these applications. Fees currently levied for planning applications are identified in Schedule 'B' of the Town's Tariff of Fees By-law No. 97-2021 (By-law excerpts provided in Attachment 2 of this report).

In 2019, staff completed a review of fees levied for Planning Act applications and changes were approved by Council. A copy of DEV 60-2019 is provided as Attachment 3 of this report.

In addition to the Planning Act changes with respect to refunding, the planning process in St. Marys has continued to grow in complexity for a number of reasons: changes to Provincial policies, procedures and regulations; increases in infill and intensification projects that often involve complex issues and extensive public consultation; the potential for appeals and litigation; the Town's approach to more inclusive public consultation; and the need to ensure reports regarding planning matters are more detailed and defensible. Because of this, staff is recommending that the Town undertake a review of fees.

The Planning Act states that fees levied must be based on and not exceed the anticipated cost to the municipality of processing each type of application. When assessing the anticipated costs to a municipality of processing applications, an activity-based costing model is often utilized which includes an analysis of direct costs (employee salaries and benefits, committee and consultant costs, office supplies, etc.), indirect costs (e.g. facility maintenance and IT), and capital costs (replacement costs for facilities, computers, etc.). If full or significant cost recovery is achieved through application fees, the assignment of costs to the general tax base is reduced.

In 2019, staff completed a high-level assessment of direct and indirect costs for each type of application and it is recommended that the Town undertake a similar review again now (**Option 3A**). However, if there are concerns that increases in fees could deter development, the Town could also defer consideration of fees until 2023 (**Option 3B**).

FINANCIAL IMPLICATIONS

None identified at this time.

SUMMARY

It is recommended that the Strategic Priorities Committee make the following recommendations to Council.

1. Planning Advisory Committee Role

Option 1A: Maintain the Planning Advisory Committee's role with respect to reviewing Planning Act applications and general policy or regulatory matters.

Application Process Changes

- (a) Require applicants to ensure certain Town department and agency reviews and approvals are completed prior to submitting application.
- (b) Reduce time to deem complete (target a maximum of 15 to 20 days).
- (c) Reduce time to issue notice (target within 48 hours of deeming application complete).
- (d) Reduce minimum circulation periods in advance of PAC meetings from 20 to 15 days.
- (e) Eliminate PAC deferrals.

3. Planning Application Fees

Option 3A: Direct staff to complete a review of Planning Act application fees levied by the Town and present findings and recommendations to Council in a detailed report.

OTHERS CONSULTED

N/A

ATTACHMENTS

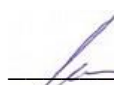
- 1. St. Marys Template Pre-consultation Checklist
- 2. By-law 97-2021 excerpts
- 3. DEV 60-2019

REVIEWED BY

Recommended by the Department

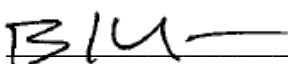


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

Recommended by the CAO



Brent Kittmer, Chief Administrative Officer



Planning Application Submission Requirements

Month, Day, Year

To:

Owner	
Property Address	
Official Plan and Zoning	
Date of Submission	
Date of Pre-Consultation Meeting	

APPLICATIONS

The Applicant requires the following planning applications to support its development proposal:

- | | | | |
|--|--------------------------|---------------------------------|--------------------------|
| <i>Official Plan Amendment (OPA)</i> | <input type="checkbox"/> | <i>Site Plan Approval (SPA)</i> | <input type="checkbox"/> |
| <i>Zoning By-law Amendment (ZBA)</i> | <input type="checkbox"/> | <i>Consent (C)</i> | <input type="checkbox"/> |
| <i>Draft Plan of Subdivision (DPS)</i> | <input type="checkbox"/> | <i>Minor Variance (MV)</i> | <input type="checkbox"/> |
| <i>Draft Plan of Condominium (DPC)</i> | <input type="checkbox"/> | <i>Other: _____</i> | <input type="checkbox"/> |

SUBMISSION MATERIAL

All supporting documents as identified on the checklist on below and on the following pages will be required at the time of submitting the application(s). As the detailed review of the application(s) progresses, additional material may be required in support of the proposal.

The Application shall be submitted in paper copy to the Municipal Operations Centre located at 408 James Street South, St. Marys or via mail to Town of St. Marys, 175 Queen Street East, P.O. Box 998, St. Marys, ON N4X 1B6. All other supplementary materials as indicated with a checkmark (X) below can be submitted electronically unless otherwise specified.

The application(s) will only be considered complete once all required forms, drawings, studies, and reports have been submitted and the other comments and requirements identified in this document have been addressed and required fees have been paid. The Town will commence its review process once the application has been deemed complete.

APPLICATION FORMS AND FEES

1. Application Form (fully completed and signed, including required authorization, acknowledgement, etc.)			
2. Applications Fee(s) Fees can be found on the Town's website: <u>Town of St. Marys - Document Center (civicweb.net)</u>			
3. Property Survey			
4. Topographical Survey			
5. Land Titles Documents (Deeds with registered easements)			

ENVIRONMENTAL

6. Environmental Impact Statement / Natural Heritage Evaluation			
7. Erosion Hazard Assessment			
8. Fish Habitat Assessment			
9. Hydrogeological Evaluation			
10. Source Water Protection Plan			
11. Tree Inventory and Arborist Report			
12. Tree Preservation Plan			
13. Vegetation Protection, Enhancement and Restoration Plan			

ENGINEERING

14. Composite Utility Plan			
15. Detailed Service Plan			
16. Erosion and Sediment Control Plan			
17. Functional Servicing Report			
18. Grading Plan			
19. Geotechnical/Soils Report			

20. Master Drainage Plan			
21. Parking Supply Study			
22. Septic System Design Report			
23. Site Servicing Plan			
24. Slope Stability and Erosion Report			
25. Storm Water Management Report			
26. Traffic Impact Study			
27. Well Impact Study			
FINANCIAL			
28. Financial Impact Analysis			
29. Municipal Financial Impact Assessment			
30. Retail Market Impact Study			
CULTURAL / HERITAGE			
31. Archaeological Assessment			
32. Heritage Impact Study			
33. Heritage Restoration Plan			
PLANNING / DESIGN / ARCHITECTURAL			
34. Accessibility Design Matrix			
35. Affordable Housing Report (to provide indication of how proposed development will contribute to affordable housing – see requirements below)			
36. Concept Elevations/Renderings			
37. Concept Site Plan			
38. Draft Official Plan Amendment			
39. Draft Plan of Subdivision			
40. Draft Zoning By-law Amendment			
41. Elevation Drawings			

42. Floor Plans			
43. Landscape Plan			
44. Lighting/Illumination/Photometric Plan			
45. Park Concept Plan			
46. Phasing Plan			
47. Planning Justification Report			
48. Site Plan			
49. Streetscape Plan			
50. Shadow Study			
51. Urban Design Brief			
NUISANCE AND HAZARD CONSIDERATIONS			
52. Air Emissions Study			
53. Noise and Vibration Study			
54. Phase 1 Environmental Site Assessment			
55. Phase 2 Environmental Site Assessment			
56. Record of Site Condition			
57. Site Remediation Plan			
58. Soil Capacity Study			
AGGREGATE AND AGRICULTURAL CONSIDERATIONS			
59. Aggregate Extraction Area Report			
60. Aggregate Resource Analysis			
61. Aggregate Restoration/Rehabilitation Plan			
62. Agricultural Assessment			
63. Agricultural Impact Study			
64. Minimum Distance Separation Analysis			
65. Nutrient Management Plan			

OTHER COMMENTS OR REQUIREMENTS				

DISCLAIMER

Be advised that this document was prepared based on the information and materials that were provided as part of this pre-consultation application. Should the scope of the proposal change, or if additional approvals are required under the *Planning Act*, the Town and external review agencies reserve the right to request additional and/or revised information as required.

If the proposed development is revised following application submission, the study/report shall reflect the revisions by an updated report or letter from the author indicating the recommendations and conclusions are the same.

Please note that a peer review may be required. The cost of the peer review will be borne by the applicant.

If the submitted study is incomplete or outdated, is authored by an unqualified individual, or does not contain adequate analysis, the application will be considered incomplete and returned to the applicant.

ATTACHMENT 2 BY-LAW NO. 97-2021 (Excerpt)

SCHEDULE "C" 2022 BUILDING & PLANNING

Type of Fee	Fee	HST	TOTAL	% Increase from 2021
Development & Planning				
Official Plan Amendment	\$3,938.00		\$3,938.00	2%
Zoning Amendment	\$3,938.00		\$3,938.00	2%
Zoning By-law Amendment - Minor (e.g. addition of single use)	\$3,009.00		\$3,009.00	2%
Concurrent Official Plan and Zoning By-law Amendments	\$6,222.00		\$6,222.00	2%
Consent to Sever	\$1,561.00		\$1,561.00	2%
Minor Variance	\$1,041.00		\$1,041.00	2%
Site Plan Approval				
Site Plan Approval Exemption	\$210.00		\$210.00	8%
Minor Site Plan Application	\$1,041.00		\$1,041.00	2%
Major Site Plan Application \$2,240 + \$50 per lot/unit over 5 lots/units	\$2,285.00		\$2,285.00	2%
+ \$50 per lot/unit over 5 lots/units	\$51 per lot/unit			
+ - \$1/sq. meter of non-residential floor area after the first \$1,000 square meter	\$1.20/sq meter			
Remove Holding Symbol	\$939.00		\$939.00	2%
Part Lot Control - up to one lot	\$1,041.00		\$1,041.00	2%
Deeming By-law	\$939.00		\$939.00	2%
Registration on Title	\$561.00		\$561.00	2%
Plan of Subdivision				
Up to 30 lots/units	\$5,192.00		\$5,192.00	2%
Over 30 lots/units	add \$204 per lot/unit		add \$204 per lot/unit	
Over 40 lots/units	add \$102 per lot/unit		add \$102 per lot/unit	
Over 50 lots/units	add \$51 per lot/unit		add \$51 per lot/unit	
Site Alteration				
Applications for fill and/or topsoil less than 500 cubic meters	\$255.00		\$255.00	2%
Applications for fill and/or topsoil more than 500 cubic meters	\$510.00		\$510.00	2%
Additional Applications				
Applications for additional inspection	\$153.00		\$153.00	2%
Re-issue of expired permit	\$153.00		\$153.00	2%
By-Law Variance	\$255.00		\$255.00	2%
Sign Applications				
Portable sign (per occasion)	\$102.00		\$102.00	2%
Temporary sign (per occasion)	\$41.00		\$41.00	2%
Sidewalk sign (no charge)	\$0.00		\$0.00	same
Sign installed prior to issuance of permit	\$153.00		\$153.00	2%
Encroachment Agreement				
	\$250.00		\$250.00	-60%
Development Charges				
Single and Semi-detached dwelling	\$9,840.00		\$9,840.00	7%
Apartment - Two or More Bedrooms	\$5,853.00		\$5,853.00	7%
Apartment - Bachelor and One-bedroom	\$4,053.00		\$4,053.00	7%
Townhouse and Other Multiple Dwelling	\$6,722.00		\$6,722.00	7%
Commercial/Industrial/Institutional Buildings	EXEMPT		EXEMPT	
*Please refer to By-Law 99-2017 for Development Charges				



FORMAL REPORT

To:	Acting Mayor Luna and Members of Council
Prepared by:	Mark Stone, Planner
Date of Meeting:	12 November 2019
Subject:	DEV 60-2019 Planning Application Fees Review

PURPOSE

To provide information regarding the Town's current planning application fees, discuss the basis for considering changes to certain application fees, provide an overview of fees levied in other municipalities, and make recommendations to Council with respect to an update to the Town's Fees By-law.

RECOMMENDATION

THAT DEV 60-2019 – Planning Application Fees Review report be received; and,

THAT Council approves the planning application fee increases recommended in DEV 60-2019 to be included in the draft consolidated fee by-law update as presented in FIN 21-2019 Consolidated Fees By-law report.

BACKGROUND

Section 69(1) of the Planning Act provides municipal Councils with the authority to establish a tariff of fees, by by-law, *"for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff"*.

Section 69(3) allows any person to pay a fee under protest and file an appeal with the Local Planning Appeal Tribunal *"against the levying of the fee or the amount of the fee by giving written notice of appeal to the Tribunal within thirty days of payment of the fee"*.

The Town collects fees for a variety of Planning Act applications. These fees are intended to cover the costs incurred by the Town in reviewing and processing these applications. Fees currently levied for planning applications are identified in Schedule 'B' of the Town's Tariff of Fees By-law No. 11 of 2013 (By-law excerpts provided in Attachment 1 of this report). A summary of the Town's current fee structure for planning applications is shown on the following page.

Since 2013, when the latest Fees By-law was passed, the planning process in St. Marys has grown in complexity for a number of reasons: changes to Provincial policies, procedures and regulations; increases in infill and intensification projects that often involve complex issues and extensive public consultation; the potential for appeals and litigation; the Town's approach to more inclusive public consultation; and the need to ensure reports regarding planning matters are more detailed and defensible.

It is noted that there are many planning functions that are not recoverable such as general policy work, general customer service duties and pre-consultation as required under the Planning Act.

REPORT

The Planning Act states that fees levied must be based on and not exceed the anticipated cost to the municipality of processing each type of application. When assessing the anticipated costs to a municipality of processing applications, an activity based costing model is often utilized which includes an analysis of direct costs (employee salaries and benefits, committee and consultant costs, office supplies, etc.), indirect costs (e.g. facility maintenance and IT), and capital costs (replacement costs for facilities, computers, etc.). If full or significant cost recovery is achieved through application fees, the assignment of costs to the general tax base is reduced.

Current Planning Application Fees – St. Marys

Type of Fee	Fee
Official Plan Amendment	\$3,500.00
Zoning Amendment	\$2,300.00
Consent to Sever	\$1,500.00
Minor Variance	\$800.00
Site Plan Agreement	\$2,200.00
Remove Holding Symbol	\$300.00
Part Lot Control	\$550.00
Deeming By-law	\$500.00
Plan of Subdivision	
- Up to 30 lots/units	\$5,000.00
- Over 30 lots/units	add \$200 per lot/unit
- Over 40 lots/units	add \$100 per lot/unit
- Over 50 lots/units	add \$5 per lot/unit

Staff has completed a high-level assessment of direct costs for each type of application however, indirect and capital costs were not included in the assessment due to the complexity and cost of such an analysis. A summary of direct costs is provided with each application type discussed in this report and provides a good indication of processing costs (since direct costs are the largest component of costs incurred). To calculate direct costs, staff hours per application were estimated and an average staff/consultant compensation cost of \$70 per hour was used. Administrative costs and reimbursements for attending Committee members were also estimated.

For comparison purposes, a survey of planning application fees levied in other municipalities was also completed including Lucan Biddulph, Niagara-on-the-Lake, North Perth, Perth South, Stratford and Thames Centre.

Official Plan Amendment (OPA)

The Town's current fee for an OPA Application is \$3,500. Direct costs per application was estimated at approximately \$3,700.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Official Plan Amendment	4	5	32	1.5	2	3	0.5	48	\$3,360.00	\$340.00	\$3,700.00

The average fee charged for OPA Applications by municipalities surveyed was \$3,410, ranging from a low of \$1,600 to a high of \$7,959.

Based on an assessment of the typical costs of processing OPA Applications in the Town St. Marys and fees levied in other municipalities, Staff are recommending an increase to the current fee to \$3,800. Also, Staff recommends the addition of a provision to the Fees By-law that would allow the Town to recover costs (with any planning application) where additional legal or technical review by Town solicitors and/or consultants is required. For example, the City of Stratford Fees and Charges By-law states that *“where the City requires assistance from its solicitors or other technical or professional consultants in the processing of any of the types of applications listed below, the applicant shall be responsible for reimbursing all legal and consulting fees incurred by the City, at the City’s actual cost. Depending on the amount of such fees which the City expects to incur on any given application, the City may also require the applicant to enter into an agreement with respect to the payment of such fees and may, where appropriate, require security to be posted”*.

Zoning By-law Amendment (ZBA)

The Town’s current fee for a ZBA Application is \$2,300. Direct costs per application was estimated at approximately \$3,700.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Zoning By-law Amendment	4	5	32	1.5	2	3	0.5	48	\$3,360.00	\$340.00	\$3,700.00

The average fee charged for ZBA Applications by municipalities surveyed was \$2,866, ranging from a low of \$750 to a high of \$7,497.

In the Township of Puslinch, there are two types of Zoning By-law Amendment applications: Standard (\$11,200) and Minor (\$5,000) as summarized below:

Note 3: Minor Zoning By-law Amendment

A Minor Zoning By-law Amendment may include, but is not limited, to the following:

- The change in use is compatible with the current zoning designation and does not require the submission of any technical studies;
- Adding a low impact use to an existing zone;
- Temporary use;
- Low impact zone changes involving single or semi-detached dwellings;
- No change in zoning category

Township staff have the discretion to determine whether a zoning by-law amendment application is classified as minor.

Note 4: Standard Zoning By-law Amendment

A Standard Zoning By-law Amendment may include, but is not limited, to the following:

- Change in zoning category;
- Larger commercial/industrial/residential applications;
- A major change of use to an existing building or structure;
- Requirement of technical studies (ie. storm water management, geotechnical, hydrological, environmental impact assessment, etc.)

Many of the municipalities surveyed have ZBA Application fees that are similar or identical to the fee levied for OPA Applications. Part of the reason for this is that the review process for the OPA and ZBA Applications are essentially the same. This is also the case in St. Marys and on this basis, it is recommended that the Town increase the fee for ZBA Applications from \$2,300 to \$3,800. However,

Staff is also recommending that the Fees By-law maintain a lower fee of \$2,900 for simple ZBA Applications (e.g. adding a single use).

Combined OPA and ZBA Applications

Often, OPA and ZBA Applications are processed concurrently and as a result, there can be certain efficiencies realized (e.g. one notice, Planning Advisory Committee and public meeting required for 2 applications). Of the municipalities surveyed where application fees were considerably higher than the average (e.g. London and Stratford), fees for certain applications were reduced when received and processed concurrently. On this basis, it is recommended that the Fees By-law include a combined fee of \$6,000 for OPA and ZBA Applications that can be processed concurrently.

Plans of Subdivision / Condominium

The Town's current fee for Plan of Subdivision Applications is summarized in the table below, along with a summary of fees from other municipalities.

	Base Fee	Additional Fees	Condominium
St. Marys	\$5,000	<ul style="list-style-type: none"> \$200 per lot/unit over 30 lots/units \$100 per lot/unit over 40 lots/units \$5 per lot/unit over 50 lots/units 	
London	\$15,000	<ul style="list-style-type: none"> \$150/single detached residential lot \$300/block (multiple residential, commercial, industrial, institutional or park) 	<ul style="list-style-type: none"> \$4,500 \$7,500 + \$150/unit for vacant land condominium
Niagara-on-the-Lake	\$8,421	<ul style="list-style-type: none"> \$139 per lot/unit over 10 lots/units Final approval - \$1,592 Modification of draft approval - \$4,293 	<ul style="list-style-type: none"> \$8,421 + \$139 per lot/unit over 10 lots/units
North Perth	\$5,000	Deposits <ul style="list-style-type: none"> 1-6 units - \$2,000 7-20 units - \$5,000 21+ units - \$10,000 	
Perth East	\$1,102	Deposits <ul style="list-style-type: none"> Engineering review, legal costs - \$10,000 	
Perth South	\$2,000	<ul style="list-style-type: none"> Additional \$2,000 for applications with between 21 and 50 lots/units Plus an additional \$2,000 for applications with greater than 51 lots/units 	
Stratford		<ul style="list-style-type: none"> \$9,167 + \$1,832 (if more than 50 units) 	<ul style="list-style-type: none"> \$5,043 + \$2,443 (if more than 50 units) Condominium exemption - \$1,218
		<ul style="list-style-type: none"> Revisions to draft conditions - \$1,222 Registration of final plan - \$612 	
Thames Centre	\$3,000		
West Perth	\$2,500	Deposits <ul style="list-style-type: none"> 1-6 units - \$2,000 7+ units - \$5,000 	

Direct costs per application was estimated at approximately \$6,150. For a 35 lot plan of subdivision, the required application fee would be \$6,000 based on the current Fees By-law.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Plan of Subdivision	10	7	50	10	2	3	1	83	\$5,810.00	\$340.00	\$6,150.00

Almost all of the municipalities surveyed have established a similar fee structure as St. Marys for plans of subdivision wherein a base fee and charge per lot is levied. Based on a review of other municipalities and an analysis of the costs incurred with typical applications in St. Marys, it is recommended that the Town maintain the current fee structure with one modification. There is a significant drop-off in additional fees when greater than 50 lots are proposed (i.e. from \$100 to \$5 per lot/unit). It is recommended that the Town levy \$50 per lot/unit for every lot or unit in excess of 50. The Tariff of Fees By-law should also clearly apply these fees to plans of condominium.

Site Plan Approval (SPA)

The Town's current fee for Site Plan Applications is \$2,200. The chart below summarizes fees from the survey of other municipalities.

	Base Fee	Additional Fees
St. Marys	\$2,200	
London	\$1,750	<ul style="list-style-type: none"> Additional \$50/residential unit after the first 5 units \$1/m² of non-residential floor area after the first 1,000 m²
Lucan Biddulph	\$1,000	
Niagara-on-the-Lake	\$7,343	<ul style="list-style-type: none"> Site plan agreement not requiring registration - \$3,774 Minor amendment to existing site plan agreement - \$1,155
North Perth	\$1,500	Deposits <ul style="list-style-type: none"> Major Application - \$10,000 Minor Application - \$5,000
Perth East	\$551	Deposits <ul style="list-style-type: none"> Engineering review, legal costs - \$1,023 Applications requiring consultation - \$5,063
Perth South	\$400	
Puslinch	\$2,081	<ul style="list-style-type: none"> Standard Application - \$20,600 Minor Application - \$10,850
Stratford	\$3,200	<ul style="list-style-type: none"> Additional \$1,000 for buildings or additions equal to or greater than 3,716 m², or greater than 50 units Amendments to Site Plan Agreements <ul style="list-style-type: none"> Major - \$2,150 Minor - \$400 Applications for infill development - \$1,700
Thames Centre	\$1,000	<ul style="list-style-type: none"> SPA associated with plan of condominium - \$2,500
West Perth	\$750	<ul style="list-style-type: none"> Deposit - \$5,000

Direct costs per application was estimated at approximately \$2,310.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Site Plan Approval	7	10	5	4	2	1	2	31	\$2,170.00	\$140.00	\$2,310.00

It is recommended that the Town maintain the base fee of \$2,200 but include an additional levy depending on the scale of the proposed development, as follows:

\$2,200 plus

- \$50 per lot/unit over 5 lots/units
- \$1/m² of non-residential floor area after the first \$1,000 m²

Staff is also considering changes to the Town's site plan approval process wherein there would be more than one type of application and/or approval based on the type and scale of development proposed. A report is being presented to Council in this regard and if Council approves proposed changes to the Town's site plan approval process (three-stream approach), the following fees are recommended:

- Site Plan Approval Exemption \$200
- Minor Site Plan Application \$1,000
- Full Site Plan Application \$2,200 plus
 - \$50 per lot/unit over 5 lots/units
 - \$1/m² of non-residential floor area after the first \$1,000 m²

Consents / Severances

The Town's current fee for Consent Applications is \$1,500. Direct costs per application was estimated at approximately \$1,327.50.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Consent	1	5	8.5	0.25		1	0.5	16.25	\$1,137.50	\$190.00	\$1,327.50

The average fee charged for Consent Applications by municipalities surveyed was \$1,662, ranging from a low of \$1,350 to a high of \$2,619.

Based on an assessment of the typical costs of processing Consent Applications in Town St. Marys and fees levied in other municipalities, Staff are recommending no changes to the current fee at this time.

Minor Variances

The Town's current fee for Minor Variance Applications is \$800. Direct costs per application was estimated at approximately \$1,397.50.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Minor Variance	1	2	12.5	0.25		1	0.5	17.25	\$1,207.50	\$190.00	\$1,397.50

The average fee charged for Minor Variance Applications by municipalities surveyed was \$1,026, ranging from a low of \$500 to a high of \$2,003.

Based on a review of the typical costs of processing Minor Variance Applications, it there would appear to be justification to increase the fee substantially. However, Staff are recommending a more modest increase from \$800 to \$1,000 in recognition that the vast majority of Minor Variance Applications are filed by residents.

Part Lot Control

The Town's current fee for Part Lot Control Applications is \$550. Direct costs per application was estimated at approximately \$980.00.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Part Lot Control	0.75	0.75	6.5	0.5	1	2	0.5	12	\$840.00	\$140.00	\$980.00

The average fee charged for Part Lot Control Applications by municipalities surveyed was \$980, ranging from a low of \$400 to a high of \$1,900.

Based on an assessment of the typical costs of processing Part Lot Control Applications in Town St. Marys and fees levied in other municipalities, Staff are recommending a minor increase in the fee from \$550 to \$1,000.

Other Applications

The Town's current fee for Holding Removal and Deeming By-law Applications is \$300 and \$500, respectively. Direct costs per application was estimated at approximately \$892.50 for Holding Removal and \$875.50 for Deeming By-law.

Application Type	Time Spent on Typical Application							TOTAL HOURS	TOTAL STAFF COSTS*	Admin, mailings, Committee Member fees, etc.	TOTAL
	Building & Development			Public Works	CAO / Clerk		Fire / FPO				
	Senior Staff	Admin Staff	Planning Consultant	Senior Staff	Senior Staff	Admin Staff					
Holding Symbol Removal	0.75	1	5	0.5	1	2	0.5	10.75	\$752.50	\$140.00	\$892.50
Deeming By-law	0.75	0.75	5	0.5	1	2	0.5	10.5	\$735.00	\$140.00	\$875.00

The average fee charged for Holding Symbol Removal Applications by municipalities surveyed was \$1,030, ranging from a low of \$200 to a high of \$1,900.

While the process required for the removal of a holding symbol is far simpler than a Zoning By-law Amendment Application, a fee of \$300 hardly covers the costs associated with reviewing and deeming an application complete, preparing a staff report and by-law, and a Council meeting. Based on an assessment of the typical costs of processing these types of applications in Town St. Marys and fees levied in other municipalities, Staff are recommending an increase in the fee from \$300 to \$900.

The average fee charged for ZBA Applications by municipalities surveyed was \$1,200, ranging from a low of \$700 to a high of \$1,900.

Based on an assessment of the typical costs of processing these types of applications in Town St. Marys and fees levied in other municipalities, Staff are recommending an increase in the fee from \$500 to \$900.

FINANCIAL IMPLICATIONS

The following chart provides a comparison of estimated revenue increases based on the proposed changes to the Fees By-law. Because this report was prepared in mid-October, the total number of applications for 2019 was based on the number of applications filed to date (i.e. prorated). Only applications with proposed fee changes and that average at least one per year were included.

Application	Average # of Applications per Year (2017 to 2019)	Current Fee (\$)	Annual revenue based on current Tariff of Fees	Proposed Fee (\$)	Annual revenue based on proposed Tariff of Fees update
Official Plan Amendment	1	3,500	3,500	3,800	3,800
Zoning By-law Amendment	3	2,300	6,900	3,800	11,400
Minor Variance	5	800	4,000	1,000	5,000
Remove Holding Symbol	1	300	300	900	900
Part Lot Control	2	550	1,100	1,000	2,000
TOTALS			15,800		23,100

Based on only the application types in the chart, it is anticipated that revenues will increase by \$7,300 per year.

SUMMARY

The following table summarizes the recommended changes to the Town's planning fees.

Application	Current Fee (\$)	Proposed Fee (\$)
Official Plan Amendment	3,500	3,800
Zoning By-law Amendment	2,300	3,800
Zoning By-law Amendment – Minor (e.g. addition of single use)	2,300	2,900
Concurrent Official Plan and Zoning By-law Amendments		6,000
Consent to Sever	1,500	1,500
Minor Variance	800	1,000
Site Plan Approval *	2,200	<ul style="list-style-type: none"> * Site Plan Approval Exemption - \$200 * Minor Site Plan Application - \$1,000 * Major Site Plan Application - \$2,200 plus <ul style="list-style-type: none"> – \$50 per lot/unit over 5 lots/units – \$1/m² of non-residential floor area after the first \$1,000 m²
Remove Holding Symbol	300	900
Part Lot Control	550	1,000
Deeming By-law	500	900
Plan of Subdivision or Condominium	5,000 plus Over 30 lots/units - \$200 per lot/unit Over 40 lots/units - \$100 per lot/unit Over 50 lots/units - \$5 per lot/unit	5,000 plus Over 30 lots/units - \$200 per lot/unit Over 40 lots/units - \$100 per lot/unit Over 50 lots/units - \$50 per lot/unit

* Fees shown are based on assumption that the Town will move to a 3-stream approach to site plan applications (to be considered in a future report). Under the current site plan approval process, it is recommended that the Town levy a base fee of \$2,200 + \$50 per lot/unit over 5 lots/units + \$1/m² of non-residential floor area after the first \$1,000 m².

It is also recommended that Council add a provision to the Fees By-law allowing the Town to recover costs (with any planning application) where additional legal or technical review by Town solicitors and/or consultants is required.

It is recommended that the new fees take effect on January 1, 2020.

The Town is currently establishing a consolidated fee by-law that will be reviewed annually for fee changes. New fees will be published on the Town's website.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

André Morin, Director – Finance/Treasurer

ATTACHMENTS

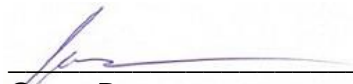
- 1) St. Marys Tariff of Fees By-law No. 11 of 2013 (excerpts)

REVIEWED BY

Recommended by the Department

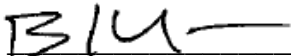


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

Recommended by the CAO



Brent Kittmer
CAO/Clerk

BY-LAW NUMBER 11 of 2013

THE CORPORATION OF THE TOWN OF ST. MARYS

BEING a by-law to establish fees or charges for services or activities provided or done by or on behalf of The Corporation of the Town of St. Marys.

WHEREAS Section 10 of the revised *Municipal Act 2001 S.O. 2001, c. 25* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary for the public;

AND WHEREAS section 391 of the revised Municipal Act provides that without limiting sections 9, 10, and 11 of the Municipal Act, those sections authorize a municipality to impose fees or charges on persons;

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) for the use of its property including property under its control

AND WHEREAS Section 69 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, provides that the Council of a municipality may prescribe a tariff of fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 7 of the Building Code Act, S.O. 1992, c. 23 as amended, authorizes a municipal Council to pass a by-law requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof;

AND WHEREAS the Council for The Corporation of the Town of St. Marys deems it expedient to have a comprehensive user fee by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS hereby enacts as follows:

1. That this By-law shall be known and may be cited as the "Fees By-law", "Fees and Charges By-Law", "Fee Guide" or "Fee Schedule".
2. That Schedules A, B, C, D, E, F, and G attached shall hereto form part of this by-law.
3. That the fees and charges imposed on a person by the Town, as outlined in Schedules A, B, C, D, E, F, and G to this by-law, constitute a debt of the person to the Town.
4. That applicable taxes will be added to the fees where required.
5. The fees and charges imposed on a person by the Town, as outlined in Schedules A, B, C, D, E, F, and G to this by-law, may be increased and decreased or waived completely by the Manager to whose department the fee or charge relates in the following circumstances:
 - a) where there is a material change to the program or service being offered;
 - b) where a large-scale event, such as a conference or trade show, is being held at a Town facility or on Town-owned or Town-operated property and where a negotiated agreement is required;
 - c) where, by imposing a fee or charge, the Town is decreasing access or imposing a barrier to a person with a disability or their support person;
 - d) where a fee is set incorrectly by way of an administrative error; or,


- e) where the waiver of the fee or charge is enacted in compliance with the Town Fee Waiver Policy.
6. A Manager may impose a new fee or charge not outlined in Schedules A, B, C, D, E, F, and G to this by-law, but still under the provisions of the Municipal Act, where a new program or service is being offered by the Town. The new fee or charge imposed by a Manager shall be included in Schedules A, B, C, D, E, F, and G of this by-law, as soon as is practicable.
7. Persons with disabilities will not be charged more to access Town programs or services than that charged for the same program or service to persons without disabilities, in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005- O. Reg. 191-11*.
8. Should any part of this by-law, including any part of any schedule, be determined by a court of competent jurisdiction to be invalid or of no force and effect, it is Council's intention that such invalid part of this by-law shall be severable and that the remainder of this by-law including the remainder of the impugned schedule, as applicable, shall continue to operate and to be in force and effect.
9. That By-law 12 of 2012 is hereby repealed.

Read a first and second time this 26th day of March, 2013.

Read a third time and finally passed this 26th day of March, 2013.



Mayor Steve Grose



Kevin McIlwain, CAO/Clerk

Schedule "B"

Type of Fee	2013 FEES	HST
Development and Facilities - Building and Planning		
<u>Official Plan Amendment</u>	\$3,500.00	N
<u>Zoning Amendment</u>	\$2,300.00	N
<u>Consent to Sever</u>	\$1,500.00	N
<u>Minor Variance</u>	\$800.00	N
<u>Site Plan Agreement</u>	\$2,200.00	N
<u>Remove Holding Symbol</u>	\$300.00	N
<u>Part Lot Control</u>	\$550.00	N
<u>Deeming By-law</u>	\$500.00	N
<u>Plan of Subdivision</u>		
- Up to 30 lots/units	\$5,000.00	N
- Over 30 lots/units,	add \$200 per lot/unit	N
- Over 40 lots/units,	add \$100 per lot/unit	N
- Over 50 lots/units,	add \$5 per lot/unit	N

FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	23 August 2022
Subject:	DEV 66-2022 St. Marys Housing Strategy – Mobile and Modular Homes

PURPOSE

This report follows the June 13, 2022 special meeting of Council and consideration of DEV 42-2022 St. Marys Housing Strategy – Consultation Summary and Next Steps. Council directed staff to follow-up on several items including a review of the Town's Zoning By-law with respect to mobile homes and how this form of housing may fit into the Town's Housing Strategy. On August 2, 2022, staff presented report DEV 59-2022 to the Town's Planning Advisory Committee respecting mobile / modular homes.

RECOMMENDATION

THAT DEV 66-2022 St. Marys Housing Strategy – Mobile Homes report be received;

THAT the Strategic Priorities Committee recommends to Council:

THAT Council direct staff to:

- a) include a proposed amendment to the definition of 'modular home' to also include detached accessory apartments as permitted in Section 5.1.2 of the Zoning By-law, with the next general or housing related amendment to the Zoning By-law; and,
- b) include specific guidelines for modular homes as part of the upcoming project to establish urban design guidelines in the Town.

BACKGROUND

Through one-on-one meetings, members of Council provided their ideas and suggestions to staff in the continued effort to support the Town's Housing Strategy. It was suggested that there is the need for more flexibility when considering secondary units in the form of mobile homes.

There is the need to first describe the differences between mobile homes and modular homes. The Town's Zoning By-law defines 'modular dwelling' and 'mobile home' as follows:

*3.44.8.1 **Dwelling, Modular** means a prefabricated single detached dwelling designed to be transported only once to a final location and is constructed so as the shortest side of such dwelling is not less than 6.0 metres in width.*

*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 in is integral to its structure.*

Both are prefabricated dwelling units but the key difference is that a mobile home is intended to be portable while a modular dwelling is intended to be established and maintained as a permanent dwelling unit on a lot.

REPORT

According to the CMHC, modular homes can be “a viable option for creating quality, affordable housing in communities across Canada” and “the indoor manufacturing process offers a number of cost-saving advantages:

- A climate-controlled environment allows construction to take place year-round without the delays and extra costs associated with extreme weather and temperature changes.
- Computer-aided design and manufacturing ensures efficient use of building materials, facilitates the scheduling of workers and enables bulk purchasing of materials, while permitting customization of the end-product.
- Various components of the house can be built simultaneously, resulting in faster construction times.
- Material losses and theft are reduced since manufacturing facilities tend to be more secure than construction sites.
- The use of precise manufacturing equipment and processes can improve air-sealing and overall quality control”.

Town Strategic Plan

The Town’s Strategic Plan identifies housing as an important pillar and in 2018-19, the Strategic Priorities Committee and Town Council considered and indicated support for a range of affordable housing policies and financial incentives.

Town Official Plan

The Official Plan defines a ‘mobile home’ as a “single wide factory built single-detached dwelling unit which is designed to be transported on its own wheels, whether later removed or not, and connected to service utilities so as to be suitable for long-term occupancy”. Section 3.1.3.11 of the Official Plan states that mobile homes and mobile home parks are not permitted in the Town (unless established via an amendment to the Official Plan).

Town Zoning By-law

According to Section 5.13 of the Zoning By-law, mobile homes are prohibited in any zone, “either temporarily or permanently, unless the use of a mobile home is specifically permitted by other provisions of this By-law”.

Single-detached dwellings are permitted in the Residential Zone One (R1), Residential Zone Two (R2), Residential Zone Three (R3) and Residential Zone Four (R4). The definition of ‘single-detached dwelling’ specifically excludes mobile homes.

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.

However, this would not prevent a modular home to be established on a property as a single detached dwelling.

Survey of Other Zoning By-laws

Town staff completed a review of zoning requirements in other municipalities with respect to mobile homes. The following table provides a summary of findings.

MUNICIPALITY	MOBILE HOME PERMITTED AS SINGLE DETACHED DWELLING?	MOBILE HOME PERMITTED FOR HUMAN HABITATION
St. Marys	No	No
Aylmer	No	No
Goderich	No	No (1)
Meaford	No	No
Perth South	(2)	No
South Huron	No	No (3)
West Perth	No	No (1)

- (1) Locating or using a mobile home in Goderich and West Perth is prohibited in any zone (temporarily or permanently).
- (2) In Perth South, a single detached dwelling can include a modular home but not a mobile home.
- (3) Locating or using a mobile home in South Huron is prohibited in any zone (temporarily or permanently) with the exception of using a mobile home as a dwelling unit in the General Agriculture (AG1), Agricultural Commercial-Industrial (AG3), Agricultural Small Holding (AG4) and Mobile Home Park (R4) Zones.

Discussion

The Town's Official Plan directs that mobile homes should not be permitted anywhere in the Town and the Zoning By-law implements this policy direction by prohibiting mobile homes Town-wide, unless specifically permitted by site-specific amendment. However, neither the Town's Official Plan nor Zoning By-law prohibits modular homes as they are intended to be "transported only once to a final location".

Based on the definition of 'modular dwelling' and the residential zone provisions, a modular home can be established on a property (where permitted) as a single detached dwelling. For clarity, it is suggested that the Town consider amending the definition of 'modular home' to also include detached accessory apartments as permitted in Section 5.1.2 of the Zoning By-law.

It is also recommended that the Town consider design guidelines for modular homes as part of the upcoming project to establish urban design guidelines to ensure that such dwelling units can fit with the character of neighbourhoods and meet the Town's expectations for design and built form. The design guidelines can be used in the review of development applications and can also be used to update relevant regulations in the Zoning By-law. Design guidelines can address specific considerations related to modular homes including:

- building design, location, orientation, setbacks and height
- building materials and design elements such as windows, entrances and porches
- site access and parking location and design

FINANCIAL IMPLICATIONS

To be determined.

SUMMARY

On August 2, 2022, the Planning Advisory Committee received DEV 59-2022 St. Marys Housing Strategy – Mobile Homes report and passed a resolution recommending that Council consider:

- a) amending the definition of ‘modular home’ to also include detached accessory apartments as permitted in Section 5.1.2 of the Zoning By-law; and,
- b) establishing specific guidelines for modular homes as part of the upcoming project to establish urban design guidelines in the Town.

It is recommended that Council endorses PAC’s recommendation and that the Town consider amending the definition of ‘modular home’ to also include detached accessory apartments as permitted in Section 5.1.2 of the Zoning By-law.

It is also recommended that the Town consider design guidelines for modular homes as part of the upcoming project to establish urban design guidelines to ensure that such dwelling units can fit with the character of neighbourhoods and meet the Town’s expectations for design and built form.

STRATEGIC PLAN

Refer to discussion of Strategic Plan in this report.

ATTACHMENTS

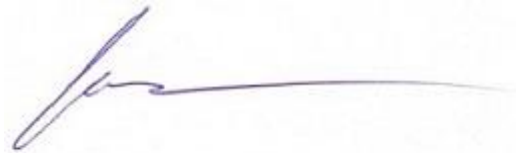
Attachments

REVIEWED BY

Recommended by the Department

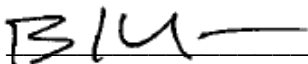


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer