Memorandum

Office of the City Clerk
Fax: 623-5468
Telephone: 625-2230

TO: Members of Council

FROM: Krista Power, City Clerk

DATE: Monday, September 12, 2022

SUBJECT: **Additional Information**
City Council (Public Meeting)/Committee of the Whole – September 12, 2022

CITY COUNCIL (PUBLIC MEETING)

Additional Information

1. Memorandum from Decio Lopes, Senior Planner, dated September 12, 2022 containing information relative to BL 101/2022.

2. REVISED – BL 101/2022 – Part-lot Control Exemption By-law - Former Hillcrest Highschool Field - 443 Hebert Street.

COMMITTEE OF THE WHOLE

Additional Information

1. Attachment A – 2021 Accessibility Barriers and Improvements, City of Thunder Bay, relative to Report R 135/2022 – Accessibility Progress Report.

2. Attachment A – relative to Report R 157/2022 - Partial Servicing & Advanced Treatment Systems in New Subdivisions.

/lw

Memorandum

TO:	Krista Power, City Clerk	**FILE:** PE-01-2021
FROM:	Decio Lopes Development & Emergency Services - Planning Services	
DATE:	09/12/2022 (mm/dd/yyyy)	
SUBJECT:	REVISED – BL 101/2022 – Part-lot Control Exemption By-law - Former Hillcrest Highschool Field - 443 Hebert Street	
MEETING & DATE:	City Council (Public Meeting) - 09/12/2022 (mm/dd/yyyy)	

Members of Council,

Further to my memorandum of August 30, 2022, please accept this revised by-law to reflect the intent of Report R 12/2021 which clearing indicated that the exemption was for 5 new lots and the remainder for a total of 6.

Additionally, the original by-law noted the incorrect authorizing Report. The revised by-law contains the correct information.

Memorandum **Corporate By-law Number BL 101/2022**

TO:	Office of the City Clerk	**FILE:** PE-01-2021
FROM:	Decio Lopes Development & Emergency Services - Planning Services	
DATE:	09/12/2022	
SUBJECT:	REVISED – BL 101/2022 – Part-lot Control Exemption By-law - Former Hillcrest Highschool Field - 443 Hebert Street	
MEETING DATE:	City Council (Public Meeting) - 09/12/2022 (mm/dd/yyyy)	

By-law Description: A By-law to exempt the lands from the Part-lot Control Provisions of the Planning Act. (443 Hebert Street)

Authorization: Report R 21/2021 (Development & Emergency Services – Planning Services) – Committee of the Whole – April 19, 2021.

By-law Explanation: The purpose of this By-law is to exempt PLAN 138, Lots 24 to 28, 38 to 44, 52, part of Lots 29, 37, 45 45 to 51, 53, part of lane, part of street all described as a Portion of Part 1 on RP 55-14156 less Parts 2, 4 to 7, 9, 10, 13, and 14 from Part-lot Control under Section 50(7) of the Planning Act, R.S.O.

The effect of the By-law allows for the creation of no more than 5 new lots, and necessary easements.

Schedules and Attachments:

EXHIBIT TO BL 101/2022

Amended/Repealed By-law Number(s):

THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 101/2022

A By-law to exempt the lands from the Part-lot Control Provisions of the Planning Act. (443 Hebert Street)

Recitals

1. Authority is provided in accordance with Section 50(7) of the Planning Act, R.S.O. 1990, as amended (the "Act"), to pass a by-law to designate lands not to be subject to part lot control;

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Subsection 5 of Section 50 of the Planning Act, R.S.O. c.P. 13, shall cease to apply to the lands described as PLAN 138, Lots 24 to 28, 38 to 44, 52, part of Lots 29, 37, 45 to 51, 53, part of lane, part of street all described as a Portion of Part 1 on RP 55-14156 less Parts 2, 4 to 7, 9, 10, 13, and 14, shown as "Property Location" on Exhibit One to this by-law, in the City of Thunder Bay, in the District of Thunder Bay to allow for the no more than no more than 5 new lots and necessary easements.

2. This By-law shall remain in for and effect for a period of four years from the date of its passing and shall expire on September 12, 2026.

3. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro
Mayor

Dana Earle
Deputy City Clerk

January 2020-June 2022 Accessibility Improvements and Barriers Removed

Construction Services:

- Churchill Pool: upgraded accessible family change rooms;
- Delaney Arena: ramped viewing area above ice level;
- Fort William Gardens: handrails throughout arena bowl.

Recreation & Culture:

- Canada Games Complex Pool Lift
- Canada Games Complex Accessible Stationary Exercise equipment
- Canada Games Complex accessible entrance
- Thunder Bay 55 Plus Centre Handrails
- Current River Arena Handrails

Development & Emergency Services:

- There is a focus on accessibility as part of all Development Services projects. In the case of technology, reports, studies and consultative projects it is ensured that final reports, correspondence, and documentation are AODA compliant, as well as media and participation options are provided to meet a variety of individual needs. As well, accessibility needs and related consultation is incorporated into projects involving physical improvements such as outdoor patios and the eventual removal of VictoriaVille with new roadway and public space to be constructed.

- In addition, throughout the development of the new zoning by-law accessible public engagement opportunities offered throughout the process and the zoning by-law was formatted to ensure the whole document is accessible.

Engineering:

The following ramps (with tactile plates) were completed in 2020 – 2021:

Roads North:

- Southwest corner of Memorial/11th;
- Southwest corner of Cumberland/Camelot;
- 2 ramps on Huron Ave. in front of school;
- 2 ramps on Algonquin Ave. in front of school;

Roads South:

- 146 Cumming St.;
- 2 ramps at 597 Redwood Ave. W. in front of school;
- 2 ramps at 135 Churchill Dr. W. in front of school;
- 331 Pacific Ave. in front of school;
- Northeast corner of Finlayson/Prince Arthur Blvd.;
- 625 Hyde Park Ave.

Office of the City Clerk:

- Worked with Corporate Information Technology to identify and remediate PDF documents that were flagged as inaccessible.

Parks and Open Spaces:

- Boulevard Lake Park: Construction of an accessible trail at Boulevard Lake from the existing multi-use trail to the newly renovated Tennis and Pickle ball courts. A sitting area outside the courts will be completed in the fall of 2022.

- Chapples Park: Re-construction and realignment of the Neebing River multi use trail from Ford St. to Tarbutt St. providing accessible grade access to the CEISS complex.

- Chapples Park: Construction of a new multi use trail extension for the Neebing River Trail from the end of Dease St. to the Balmoral Ave multi use trail including improved sidewalk access to the front entrance of the Conservatory.

- Champlain Parkette: Construction of an accessible trail from the city sidewalk to an accessible sitting area with bench around the existing play area.

- Franklin Park: Construction of an accessible trail from the city sidewalks on each side of the park to a new accessible sitting area with bench, as well as the addition of a new accessible swing set and safety surface adjacent to the existing play area.

- West Arthur Park: Construction of an accessible sidewalk from the parking lot to a new accessible sitting area with bench, as well as the addition of a new accessible swing set and safety surface adjacent to the existing play area.

- Various Parklands: Installation of 7 new accessible benches/sitting areas.

- Northwood Playfield Park: Construction of a new Splash Pad that includes accessible walkways from the sidewalk and parking area, sitting area with shade structure and spray components.

- County Park: Re-construction of County Park Trail from Halton Street to Wardrop Avenue to 3m standard and accessible grades.

- County Park: Re-construction of County Park Trail from Highway 11/17 to Castlegreen to 3m standard, improved drainage and including improved access to south Castlegreen pedestrian access.

- McVicar Creek Preserve: Re-construction of McVicar Creek Trail from Madeline Street to Brent Street including PXO across Madeline Street.

- George Burke Park: Reconstruction of the McIntyre Creek Trail from Golf Links Road to George Burk Park to 3m standard and improved drainage.

Transit:

- Quantum Securement System on conventional bus;
- Transit Ambassador Customer Service Training;
- Dual operator training: new operators now trained on both conventional and Lift+ buses;
- Addition of low-floor Lift+ specialized buses.

Partial Servicing & Advanced Treatment Systems

DEVELOPMENT COMMUNITY MEETING #1

FEB. 15, 2022

Thunder Bay District Health Unit

CITY OF Thunder Bay Superior by Nature

Outline

1. Introductions
2. Provincial Policy Statement and City Official Plan
3. On-site Sewage Systems and Current Developments
4. "Advanced Systems" – Triggers and Issues
5. Options (so far)
6. Discussion & Next Steps

Please save questions until the end of the presentation

City of Thunder Bay

Leslie McEachern – Director, Planning Services

Devon McCloskey – Supervisor, Planning Services

Decio Lopes – Senior Planner, Planning Services

Aaron Ward – Project Engineer, Engineering & Operations

Thunder Bay District Health Unit

Lee Sieswerda – Manager, Environmental Health

Rick Kraemer – CBO, Sewage Systems Land Development

Lakehead Region Conservation Authority

Tammy Cook – Chief Administrative Officer

Gail Willis – Watershed Manager & Provincial Offences Officer

Provincial Policy Statement, 2020 under the *Planning Act*

Section 1.6.6 – Sewage, Water and Stormwater

- Planning for sewage and water services shall… be provided in a manner that:
    1. can be sustained by the water resources upon which such services rely;
    2. prepares for the impacts of a changing climate;
    3. is feasible and financially viable over their lifecycle;
    4. protects human health and safety, and the natural environment; and,

- Promote water conservation and water use efficiency

- Be in accordance with the servicing hierarchy (PPS 1.6.6.2 to 1.6.6.5)

Provincial Policy Statement, 2020 under the *Planning Act …cont'd*

Servicing Hierarchy

- 1.6.6.2 – Municipal water and sewer are the preferred form of servicing
- 1.6.6.3 – Private communal water and private communal sewage servicing are 2nd preferred – not currently supported by City's Official Plan (Part 9)**
- 1.6.6.4 – Individual private water and private sewage are 3rd preferred
- 1.6.6.5 – Partial servicing (municipal water & private sewage) are the least desirable form of development

- Partial servicing shall only be permitted in the following circumstances:

  a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or

  b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*

***Option to be discussed later in presentation*

Provincial Policy Statement, 2020 under the *Planning Act …cont'd*

No **Negative Impacts** is a defined term meaning:

- Posing no potential risks to human health and safety and degradation to the *quality and quantity of water, sensitive surface water features* and *sensitive groundwater features*…due to their single, multiple, or successive development

- **Negative impacts** should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with Provincial Standards
  - Including but not limited to:
    - Procedure D-5-4 – Technical Guidelines for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment
    - Provincial Water Quality Objectives & Canadian Water Quality Guidelines for Protection of Aquatic Life

City of Thunder Bay Official Plan, 2018

Part 9 – Rural Areas

- Private sewage systems shall be appropriate to meet the requirements of the intended use

- Partial serviced development only permitted in **Rural Settlement Areas**, where it is demonstrated that site conditions are suitable for the long-term provision of such services with no negative impacts on the areas hydrologic or ecological function.

- Creation of more than 1-lot under 1 hectare in size requires hydrogeological study

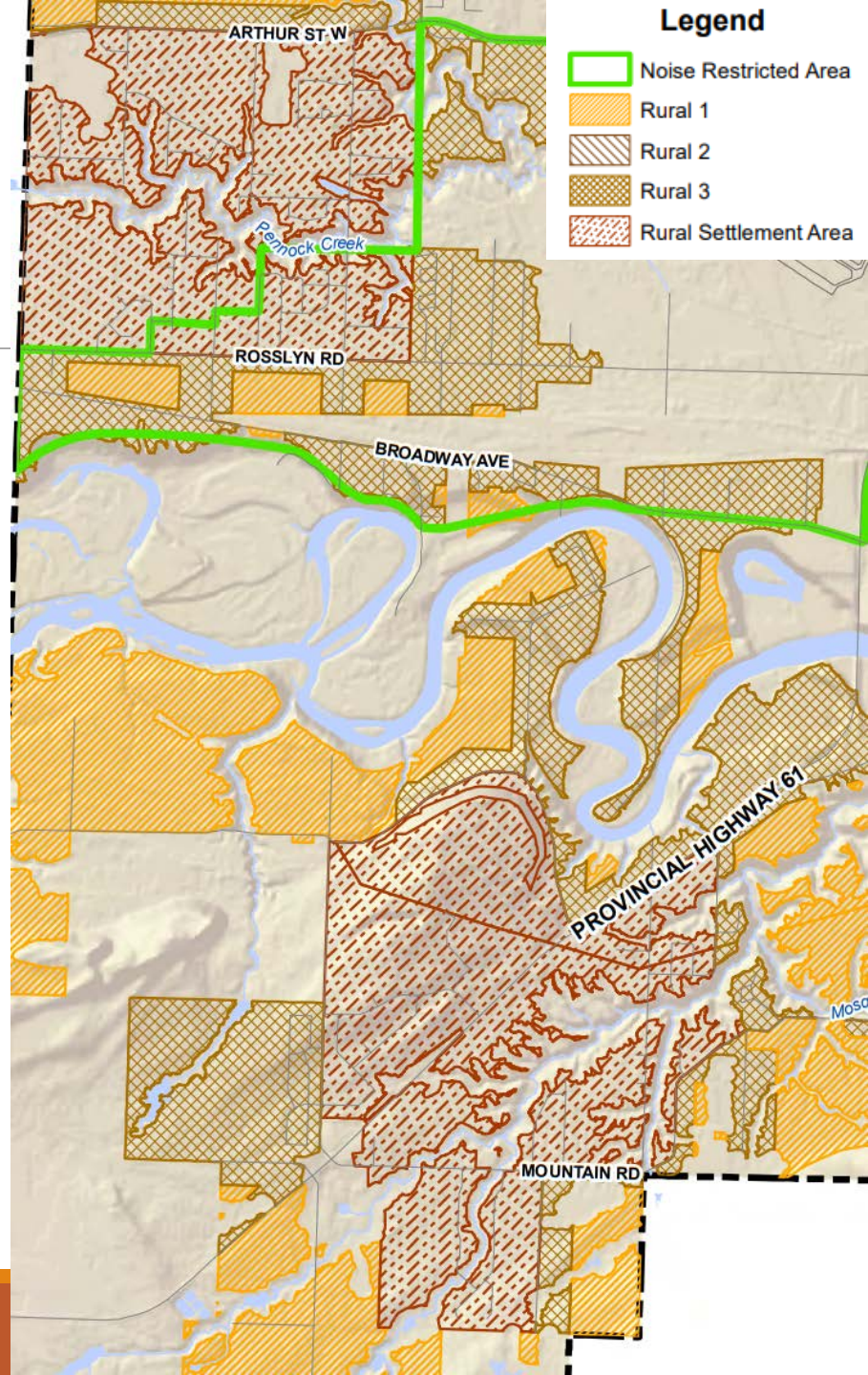
Development of all types must also satisfy **Part 2 – Natural Heritage Systems**, and **Part 4 – Development Constraint Hazards**

- May result in expanded studies with overlapping scope of work

City of Thunder Bay Official Plan, 2018…cont'd

Schedule C - Rural

- Partial servicing may only be permitted in Rural Settlement Area for the infilling and minor rounding out of existing development

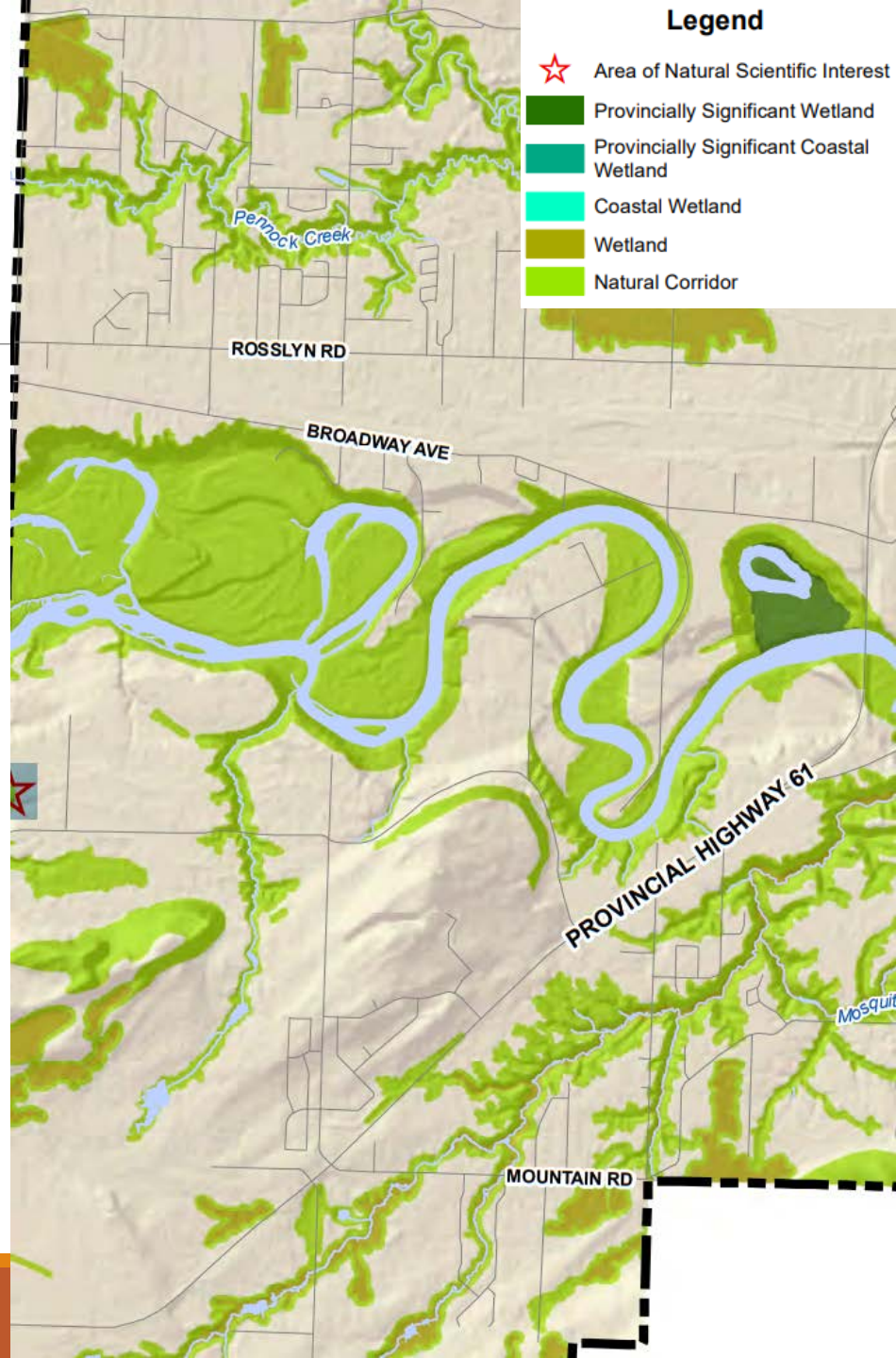


City of Thunder Bay Official Plan, 2018…cont'd

Schedule B – Natural Heritage System

- Note that Natural Heritage Systems boundaries are subject to change as new information identified by the Province, Conservation Authority, or other master planning projects becomes available

- Majority of recent development applications have been proposed within 500m to identified Natural Heritage Systems



On-site Sewage (septic) Systems

Conventional septic systems relatively maintenance free for 20+ years

Advanced (tertiary treatment) septic systems, such as Ecoflo and Waterloo Biofilter, are sometimes used on smaller lots or waterfront lots because they are up to 70% smaller, and provide additional nutrient removal

Important to note that septic systems ensure that harmful bacteria are neutralized, but most still release nutrients into the soil and groundwater

Majority of past partially serviced subdivisions serviced with conventional systems, however, seeing significant increase in requirement for Advanced treatment systems

Development Status

- As more development is proposed near constrained lands (i.e. natural heritage areas), seeing increase in requirements for Advanced systems

- No recent changes to Provincial Standards / Guidelines

  (i.e. change in standards is not driving the increased need for Advanced systems)

File	Location	# of Lots	Advanced Treatment	Plan Status
58T-19501	Cavar Road	259	YES	Applied for Draft Plan Approval
58T-00501	Shorebay	66	NO**	Applied for Draft Plan Approval - # of lots reduced from 69 to 66 to not require Advanced treatment
58T-15502	R.S. Piper	26	YES	Draft Plan Approved
58T-17501	Fairview South	22	YES	Draft Plan Approved
58T-94510	Kettle Creek	61	YES	Draft Plan Approved
58T-09502	Whiskey Jack Estates	25	YES	Registered - all lots exist
B-48-2017	15th Side Road & Mountain Road	6	YES	Registered - all lots exist

Note: * - This list is only for partially serviced developments that required Advanced Systems
** - Shorebay is included as it initially required Advanced Systems, but Plan was amended to eliminate this requirement

What triggers Advanced Systems?

- Provincial Policy Statement and City Official Plan require studies to satisfy *no negative impacts* requirement

- If there are no other natural heritage features nearby, generally only a hydrogeological study, in accordance with MOE D-5-4 Guideline, is required. D-5-4 is a 3-step process:
  - 1 – Lot Size – if average lot size is 1ha, and minimum size is 0.8ha, no further study required (if not in hydrogeologically sensitive area)
  - 2 – System Isolation Considerations – assess risk or isolation to potential potable groundwater supplies, and potentially sensitive surface waters (within 500m)
  - 3 – Contaminant Attenuation Considerations – evaluate potential impacts of development & increased nutrient discharge from septic systems to groundwater & surface waters

- Step 3 is where the requirement for Advanced treatment systems may be triggered

What triggers Advanced Systems…cont'd?

- In short, it is a function of assumed total discharge from the development (# of lots x daily discharge) offset by dilution (total area of development x moisture surplus (rainfall less evapotranspiration))
- Engineering Standards currently prescribe an assumed daily discharge of 3,500l/day** from each lot
- The larger the lots (or the more undevelopable area, i.e. park land, etc.), the more area available for dilution
- For groundwater impacts, key indicator is nitrate-nitrogen calculated at the downstream boundary of the property
- For surface water impacts, or other natural heritage features, key indicators are phosphorus and ammonia, but other site specific factors can apply. Consultation within MECP, LRCA, and MNRF may be required
- If calculated nutrient loading exceeds Provincial Standards / Guidelines, then Advanced treatment systems required to remove additional nutrients beyond what conventional systems can do

***Option to be discussed later in presentation*

Issues with Advanced Systems

Increases density in environmentally-sensitive habitats

Requires regular, professional inspection and maintenance beyond conventional systems

- Legally required under the product authorization from the Ontario Building Materials Evaluation Commission (BMEC #99-07-235)
- Most homeowners are likely unaware of additional requirements
- Failed / compromised systems are not obvious to homeowner (compared to conventional systems)
- Failure to maintain potentially leads to adverse impacts to environment (and undermines design studies)
- Requirement remains in perpetuity

TBDHU investigating information that dozens of homeowners have allowed their maintenance agreements to lapse

- These homeowners are likely in violation of the Building Code
- This results in increased enforcement and staffing, unexpected costs, and legal issues

Issues with Advanced Systems…cont'd

Under current model, TBDHU is seeing an unsustainable increase in proposed partially-serviced subdivisions requiring Advanced treatment units

- Increased staffing and time needed for non-compliance
- Increased legal costs and potential liability (if owner does not comply, next recourse is costly and time-consuming legal action)

Uncertainty if Advanced treatment systems truly satisfy PPS and City OP

- Are they financially viable over their life cycle?
- Will they protect the natural environment, and ensure *no negative impacts*, in the long-term?
  - Not if they are not being maintained – again, maintenance beyond what is required for conventional systems

Initial discussion with some manufacturers – the intended purpose of their systems is not to increase development density

Financial Viability - Example

Shorebay Subdivision

- Was 69 lots with Advanced treatment systems, but reduced to 66 with conventional systems
- Advanced treatment system costs +/-$15,000 more than conventional system (low estimate)
  - 69 lots x $15,000 per lot = $1,035,000
- Annual service contract (required under OBC) - $335 / year or $6,700 over 20-years
  - 69 lots x $6,700 per lot = $462,300
- What if TBDHU doubled their fee ($850 currently) for Advanced systems?
  - 69 lots x $850 per lot = $58,650

- The elimination of 3 lots resulted in an estimated savings to builders / homeowners of **$1.56 million**

- Housing and lot affordability is a growing concern, so reducing costs to build is a benefit

Note: If TBDHU had to take go through entire court process due to a single non-compliance, this would likely cost more than all the additional <u>one-time</u> fees they would collect from this development

Options

Do Nothing? – No changes to current practice

- Not sustainable with TBDHU resources and funding
- Potential for increased legal costs and liabilities
- Questionable compliance with PPS and City OP

Increase TBDHU Staffing & Fees?

- Per OBC delegated authority, the program has to be self-sustaining (fees collected cover cost of the program). What should the fee be? Everyone pays more?
- Could City provide funding to TBDHU for inspection / enforcement? Create new area specific tax levy for rural settlement areas to increased funding to TBDHU?
- These are reactive, not proactive solutions, and don't address root problem

Amend Official Plan to allow for Private Communal Sewage Systems?

- Removes TBDHU from process as MECP approvals would be needed
- Private licensed operating authority needed to operate system – likely trigger a Condominium style development
- Potential increased risk and liability to City in the event of system failure

Options…cont'd

Update City Engineering Standards?

- The prescribed daily flow rate (3,500l/day/lot) may be conservatively high – what number should be used?
  - City reviewing historical water use in some areas and use varies widely (some >2,000l/day)
  - Many septic systems are designed for >3,000l/day
- Have past & future reports completed on basis of what design flow rate would trigger Advanced systems?
  - Initial review of some past studies has this ranging from 800l/day to 2,100l/day – varies widely based on each specific development
  - How do we enforce / limit size of house (size of septic system) to not require Advanced systems?

Reduce the # of lots to eliminate need for Advanced systems?

- May result in increased lot sizes

Implement increased monitoring and sampling programs for watersheds?

- Increased monitoring as part of developments → increased cost to developers, and therefore, higher lot costs
- Increased monitoring on overall watershed → who pays?
- What if a larger problem is found?

Other?

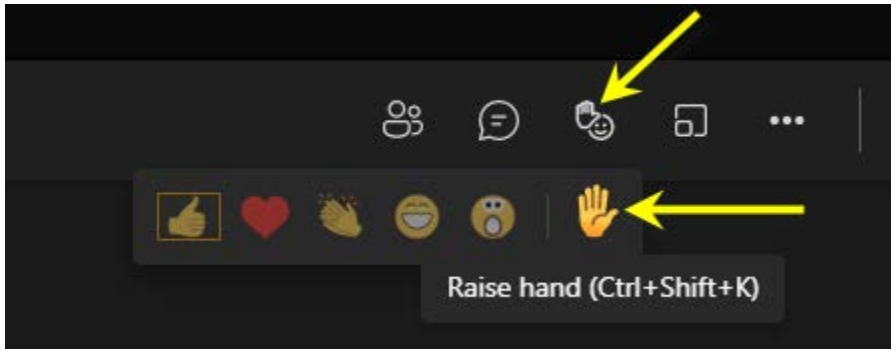
Discussion & Next Steps

TBDHU recognizes they cannot restrict all partially serviced development– would require broader OP review and public process

Advanced treatment systems– do not seem a practical solution nor the intended purpose, leads to increased risks and unnecessary costs → this is the primary issue to be resolved

Engage in discussion / consultation with development community & consultants to brainstorm solutions (this is the 1st meeting – more will be scheduled as needed)

City to prepare report to Council with recommendations for May 2022

Open Discussion & Questions

Please use “Raise Hand” feature to ask questions