



To: **Town of St. Paul** Date: **April 25, 2019**
 Attention: **Aline Brousseau, Director of Planning & Legislative Services** Project No.: **15385**
 Cc: **Kim Heyman, CAO**
 Reference: **Land Use Bylaw Update – Engagement Report and Recommendations**
 From: **David Schoor and Courtney Laurence, ISL**

Land Use Bylaw Update Engagement Report and Recommendations

April 2019

1. Project Background

The Town of St. Paul is undertaking a review and update of its Land Use Bylaw (LUB). Throughout March, the Town and ISL completed stakeholder interviews and hosted an online survey to gather feedback on potential issues or concerns related to the LUB.

2. Engagement Process

- The project was launched on the Town’s website and via social media on March 1, 2019, with subsequent advertising on social media.

Interview subjects, or stakeholders, were identified by the Town and were contacted individually to participate in interviews with Town administration and ISL staff. Stakeholders are defined as individuals familiar with the LUB, namely developers, contractors, real estate agents, and key community contacts.

- A total of nine stakeholder interviews were conducted on March 12, 13 and 14, 2019.
- An online survey was available for residents and stakeholders to share their input from March 1 to March 30, 2019. Two responses were received through the online survey and three stakeholders submitted feedback.

During the interviews and from the survey we heard the following key themes during, see below. Recommendations in response to these comments are also provided. The detailed interview notes, online survey responses, and comments from stakeholders are located in the Appendices attached to the report.

3. Key Themes and Recommendations

Theme	Comment	Recommendation
1 Servicing Capacity	Maps can serve as a business development tool. The Town should	Capacities can be provided in servicing master plans and/or an MDP. This analysis is a reasonable request, but currently



	<p>provide its existing infrastructure capacities on a map.</p> <p>If Town does not have updated infrastructure and servicing drawings it is difficult for developers prepare servicing plans.</p>	<p>outside the LUB project's scope of work. ISL can prepare master plans, if desired.</p>
2 Industrial Lands	<p>There is a perceived lack of available industrial lands for future development.</p>	<p>We can conduct an assessment of available residential, commercial and industrial lands as an outcome of the County/Town IDP project, however this task is outside the LUB project's scope of work.</p>
3 ASPs	<p>An ASP requirement for new development areas puts a lot of the risk, including costs on the developer.</p> <p>ASPs could be required at the development permit stage, and what is required in the ASP needs to be identified in a terms of reference.</p> <p>Two respondents advised that ASPs in advance of new development is reasonable provided a terms of reference is available.</p>	<p>Comments and options regarding this topic were shared in a March 27, 2019 email.</p>
4 Decision-making	<p>The Development Officer (DO), rather than MPC, should make decisions on minor variances to hurry the process.</p>	<p>Some municipal councils delegate discretionary and variance decision-making power to DOs. Section 2.1.2 of the LUB may be revised to reflect this request. MPC reviews variances requests greater than 25%.</p>
5 FAQ	<p>A FAQ document about the development process and timeline would be beneficial to residents and stakeholders.</p>	<p>ISL can prepare an FAQ and process document, however this task is outside the LUB project's scope of work.</p>
6 Parking	<p>Parking regulations should allow flexibility.</p> <p>Review parking for amusement places, churches and hospitals.</p>	<p>A LUB can:</p> <ul style="list-style-type: none"> a. prescribe parking minimums, b. prescribe parking maximums, and/or c. allow variances provided they are justified with a Parking Impact Assessment. <p>We recommend maintaining the existing parking requirements, but allowing the flexibility identified in option c.</p>



		ISL can review parking requirements for the amusement places, churches and hospitals. ISL/Town to discuss.
7 Assisted Living Housing	Concern about a political decision, rather than a land use decision re: assisted living housing.	ISL can review the definitions section of the LUB, and make amendments where necessary. Group care and family care facilities are similar uses, but we suggest “boarding and lodging house” captures the “assisted living housing” use, and could use a minor text amendment.
8 Development Regulations	Request to increase building height in R1 and R1A Districts to 36 feet, rather than 33 feet. Others are comfortable with 33 feet (one stakeholder advised that there are no height restrictions in - R1-R1A). Side yard setbacks are currently measured from the building wall. We have received a request to measure setbacks from the eave.	The R1 District describes that building height is determined by the Development Authority. The R1A and R1B District lists a maximum height of 33 ft. We recommend that the R1 District should include a building height maximum, and should match the R1A District. Side yard setbacks should continue to be measured from the building wall.
9 Development Agreements	Lack of information regarding development agreements – need to know what is required.	The Town’s authority to require a developer to enter into an agreement comes from S.650 and 655 of the MGA and S.3.8.4 of the LUB. The LUB content is sufficient to meet the legislation. It is possible this stakeholder is looking for servicing information as part of the subdivision process, as per the issues identified/discussed in Theme 1.
10 Levies and Fees	The Town should provide all costs for development at the time of application submission through the use of a potential for future levy system.	ISL can prepare/update off-site levies for the Town, however this task is outside the LUB project’s scope of work.
11 RVs	Prohibit RV occupancy.	ISL can update RV regulations in S. 8.27.3, as discussed in an April 11, 2019 correspondence between ISL and the Town. Administration to advise if this direction is desired.
12 Signs, Home Occupations	Concern about the location, number, and size of signs. Provide a FAQ for home occupations.	ISL and Town to discuss sign regulations, as per April 11, 2019 email. A FAQ for home occupations is a great idea. Has the Town received similar requests? ISL/Town to discuss.



<p>13 Coach Homes, Tiny Homes</p>	<p>LUB regulations and definitions need to support coach homes and tiny homes.</p>	<p>LUBs, including St. Paul's, have addressed coach homes as garage or garden suites.</p> <p>Tiny Homes can be addressed in the LUB, we recommend that they should be reviewed as a single detached dwelling and/or a direct control district until a series of applications have been made and demonstrated that this is a real market need in St. Paul. Administration to advise if this direction is desired.</p>
<p>14 Lot Widths and Lanes</p>	<p>Requiring back lanes may be cost prohibitive for development.</p>	<p>This comment came from a survey respondent who identified the R1 District and cost feasibility, lot width, depth and lane requirements as concerns.</p> <p>The R1B provides an option for small lots.</p> <p>The Town could reduce lot sizes in one or both districts to address the concerns. However, we recommend reviewing lot sizes within Town, and comparing LUBs from nearby urban municipalities. This requires time intensive research, and was not anticipated at project start-up.</p>
<p>15 Off-site Information</p>	<p>Developers should only be responsible for providing details related to on-site impacts from development, see S.3.5.4 of the LUB.</p>	<p>Municipalities should ask for off-site information, such as elevations and pipe inverts, to ensure a development can be serviced. In fact, the Water Act/AEP requires off-site storm information to prevent issues. The LUB is reasonable in its requests.</p> <p>However, the respondent and any developer should be able to access off-site utility information from the municipality. I suspect this stakeholder is looking for servicing information as part of the subdivision process, and as identified/discussed in Theme 1.</p>



APPENDIX
Survey Responses

A

Q1 Based on your experience with the development permit approval process, do you have any concerns?

Answered: 2 Skipped: 0

#	RESPONSES	DATE
1	The by-law is very long and an overwhelming as to wade through and make sure you catch every part you need to know.	3/19/2019 4:48 PM
2	Yes, there could be more involvement and support from the municipality to support the process	3/18/2019 3:35 PM

Q2 Do you have any concerns with Parking Provisions (Section 7.23 of the LUB?)

Answered: 2 Skipped: 0

#	RESPONSES	DATE
1	I wondered why there was a difference between amusement places (indoors) and churches. I kind of think they would have similar occupancy needs. Also it is likely in a rural communities area that 1 space for 7.5 seating would be enough as I think most people would drive to church. I also think that there should be more than 1 per 4 hospital beds as likely patients or their families are needing to park.	3/19/2019 4:48 PM
2	For some developments that support seniors and affordable housing, the parking requirements are far too stringent. there should be few stalls required where provincial stats can show usage is less.	3/18/2019 3:35 PM

Q3 Do you have any concerns with the Regulations for Home Occupations (Section 8.15) of the LUB?

Answered: 2 Skipped: 0

#	RESPONSES	DATE
1	No problem. I just think that there should be a cheat sheet or quick lookup that would allow anyone wanting to do a home occupation to make sure they had a full understanding of everything they need - parking, signage, employees, loading and unloading etc. By the time I got that far I had forgotten the difference between major and minor home occupations. I also question section 4d. no storage of materials as many small businesses like grass cutters or handimen likely have some small equipment	3/19/2019 4:48 PM
2	no	3/18/2019 3:35 PM

Q4 Do you have any concerns with the Sign Regulations (Section 8.37 of the LUB?)

Answered: 2 Skipped: 0

#	RESPONSES	DATE
1	To be practical - I don't see too many real estate type signs meeting the required 9.8 feet off the property line. Most are much less than that.	3/19/2019 4:48 PM
2	no	3/18/2019 3:35 PM

Q5 Do you have any concerns with the Garage, Garden, In-Law or Secondary Suites Regulations (Section 8.42 - 8.45) of the LUB?

Answered: 2 Skipped: 0

#	RESPONSES	DATE
1	No I think that Tiny Homes need to be addressed - assume they would be the same category of a mobile home or a park model?	3/19/2019 4:48 PM
2	there doesn't appear to have allowances for coach homes, tiny homes, etc. these are trending in the housing marketplace and are being addressed in urban settings.	3/18/2019 3:35 PM

Q6 Is there anything we should consider about the Land Use Districts (Part 9) and permitted and discretionary uses for each district?

Answered: 1 Skipped: 1

#	RESPONSES	DATE
1	<p>After a very brief read of land use and lot limitations it strikes me that there are significant and unrealistic expectations on lot size. an R1 requires a lot width of 52.5 ft, an oversize lot must be a minimum of 66 ft width. the recent subdivisions. Based on the minimum total sq/ft for the lot size, the Town also requires that the lot be a minimum of 134.55 ft deep. assuming there is a lane. this is completely unrealistic for development purposes. the cost to develop that lot, and give up land for MR and a lane make the development of lots prohibitively expensive. At this calculation input costs would be in the neighborhood of \$175,000 and retail then a minimum of \$200,000 per lot. add a \$250,000 building and no new house in town would cost less than \$450,000. Meanwhile, in jurisdictions like Lethbridge, lot sizes are typically 42-48 ft wide by 100 ft deep. Lanes are usually a luxury given the cost to the municipality to maintain them and the volume of land they consume. Dr Avi Freedman, one of Canada's leading experts on land use, advises municipalities to seek a denser land use policy. this reduces crime in residential areas (85 % of crime is from the back alley's) ; reduces the cost of linear development and increases the value of municipal reserves due to stackable benefits.</p>	3/18/2019 3:35 PM

Q7 Do you have any other concerns or comments about the existing Land Use Bylaw you would like to share?

Answered: 2 Skipped: 0

#	RESPONSES	DATE
1	I did not realize that hot tubs were covered with swimming pools. I wonder if this is common knowledge? I also think that there should be a specific reference to an emergency services plan. (access etc. for fire dept vehicles etc). I see that emergency services it is on its own in the by-law but wondered why it was not include in section 7 with the other information about the business.	3/19/2019 4:48 PM
2	Take back lanes from standard lot development. Many forward thinking districts are moving away from lanes because of crime and maintenance costs. with the right infrastructure (sanitation and underground) the town benefits more from street-side access., storm water management, and land volume. In other words, there is no back yard flooding because lots are sloped to the street; land volume in a typical subdivision (10 x 50' lots = 50 linear ft of lane x 12 ft wide = 6000 sq/ft per block of town maintained streetscape). The Town gains about 5,000-6,000 sq/ft of usable land from every block of development, increasing the towns potential tax revenue, reducing crime, and cutting management costs. The Aspen subdivision is an example of this as i live in the neighborhood. garbage pickup is easier from the front, there is no alley to gravel or plow, and we have had virtually no thefts in our neighborhood in the 8 years that i have lived there.	3/18/2019 3:35 PM

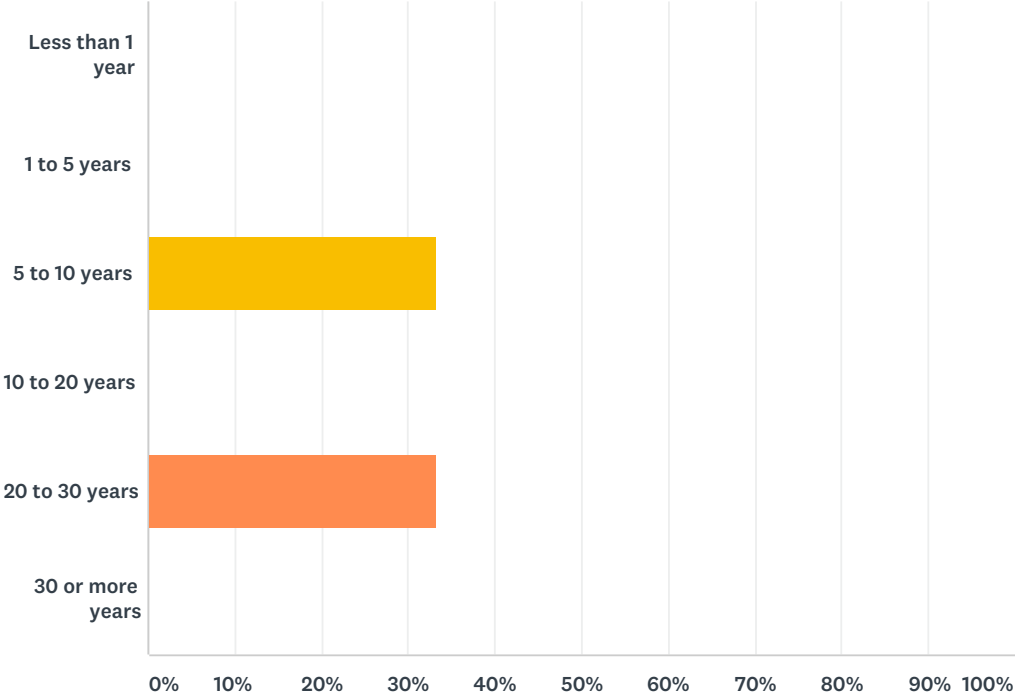
Q8 Do you have any additional comments or concerns that should be addressed in the Land Use Bylaw Update?

Answered: 2 Skipped: 0

#	RESPONSES	DATE
1	I would try and shorten it up or at least create some quick reference points. I spent a number of hours trying to read it and could not do it in one sitting... Therefore had to wonder just how many people would go through each section to see if it applied to their development.	3/19/2019 4:48 PM
2	Development costs since the advent of area structure plans are onerous. The Town could and should consider supporting developers at least through the initial stages of preparation. Consider that most developments are maximum 50 lots in our small community. The average cost of an ASP is \$250,000 making the minimum expense to the developer \$5,000.00 per lot, before a shovel has touched soil. The subdivision I undertook was only 26 lots, making the additional cost per lot \$9,615. this on top of the escalating development expenses. A developer has to have very deep pockets to do land development in this community, and is forced to charge more for the risk, and higher per lot costs. This makes for a very unattractive investment location. Add to these issues, that lot sizes reflect antiquated expectations and St Paul will have very few new homes built in the coming years.	3/18/2019 3:35 PM

Q9 How long have you lived in St. Paul?

Answered: 2 Skipped: 0



ANSWER CHOICES	RESPONSES	
Less than 1 year	0.00%	0
1 to 5 years	0.00%	0
5 to 10 years	50.00%	1
10 to 20 years	0.00%	0
20 to 30 years	50.00%	1
30 or more years	0.00%	0
TOTAL		2