

CITY COUNCIL AGENDA

Consolidated as of December 13, 2013



Council Chambers, Guelph City Hall, 1 Carden Street

DATE December 16, 2013 – 7:00 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

**O Canada – Players from the Guelph Symphony Orchestra
with special guests from the University of
Guelph Choir**

Silent Prayer

Disclosure of Pecuniary Interest and General Nature Thereof

PRESENTATION

None

CONFIRMATION OF MINUTES (Councillor Burcher)

*"**THAT** the minutes of the Council Meetings held November 5, 18 and 25, 27 and 28, 2013 and the minutes of the Closed Meetings of Council held November 25, 2013 be confirmed as recorded and without being read."*

CONSENT REPORTS/AGENDA – ITEMS TO BE EXTRACTED

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.

Consent Reports/Agenda from:

Closed Meeting of Council			
Item	City Presentation	Delegations	To be Extracted
C-2013. Citizen Appointments to Various Boards and Committees			

Adoption of balance of the Closed Meeting of Council Consent Report –

Community & Social Services Committee			
Item	City Presentation	Delegations	To be Extracted
CSS-2013.37 Guelph Skatepark: Preferred Design, Location and Budget Estimate Recommendations			
CSS-2013.38 Report Card Coalition – Youth Charter Endorsement			

Adoption of balance of Community & Social Services Committee Tenth Consent Report - Councillor Dennis, Chair

Corporate Administration, Finance & Enterprise Committee			
Item	City Presentation	Delegations	To be Extracted
CAFE-2013.38 Corporate Asset Management Program			
CAFE-2013.42 Metrolinx Contribution Agreement			

Adoption of balance of Corporate Administration, Finance & Enterprise Committee Tenth Consent Report - Councillor Hofland, Chair

Governance Committee			
Item	City Presentation	Delegations	To be Extracted
GOV-2013.19 Approval of Intergovernmental Strategic Framework & Action Plan			
GOV-2013.21 Service Rationalization Project Status			
GOV-2013.22 Council Composition and Employment Status Review			

Adoption of balance of Governance Committee Fourth Consent Report – Mayor Farbridge, Chair

Nominating Committee			
Item	City Presentation	Delegations	To be Extracted
Council Appointments to Standing Committees			

Adoption of balance of Nominating Committee Second Consent Report – Mayor Farbridge, Chair

Planning & Building, Engineering and Environment Committee			
Item	City Presentation	Delegations	To be Extracted
PBEE-2013.40 The Canadian Radiocommunications Information and Notification Service (CRINS-SINRC)			
PBEE-2013.41 Brownfield CIP Environmental Study Grant Agreement Amendment – 5 Gordon Street			
PBEE-2013.42 Sign By-law Variances 72-78 Macdonell Street			
PBEE-2013.43 Consideration for the Establishment of an Advisory Committee for Multi-Residential Waste Management		<ul style="list-style-type: none"> • Ted Pritchard • Cavan Acheson Correspondence: <ul style="list-style-type: none"> • Ted Pritchard • Cavan Acheson 	✓

Adoption of balance of Planning & Building, Engineering and Environment Committee Tenth Consent Report - Councillor Piper, Chair

Council Consent Agenda			
Item	City Presentation	Delegations	To be Extracted
CON-2013.38 FCM's "Fixing Canada's Housing Crunch" Campaign			
CON-2013.39 Non-union and Compensation Matters – Progression Pay and Non-union Benefits		Correspondence: <ul style="list-style-type: none"> • Mathew Williamson 	
CON-2013.40 Development Charges Provincial Consultation			

CON-2013.41 Federation of Canadian Municipalities (FCM): Representation on the Board of Directors			
CON-2013.42 Provincial Review of the Land use Planning and Appeal System Preliminary Report			

Adoption of balance of the Council Consent Agenda – Councillor

ITEMS EXTRACTED FROM COMMITTEES OF COUNCIL REPORTS AND COUNCIL CONSENT AGENDA (Chairs to present the extracted items)

Once extracted items are identified, they will be dealt with in the following order:

- 1) delegations (may include presentations)
- 2) staff presentations only
- 3) all others.

Reports from:

- Closed Meeting of Council –
- Community & Social Services Committee – Councillor Dennis
- Corporate Administration, Finance & Enterprise Committee– Councillor Hofland
- Governance Committee – Mayor Farbridge
- Nominating Committee –
- Planning & Building, Engineering and Environment Committee – Councillor Piper
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Dennis)

"THAT By-law Numbers (2013)-19666 to (2013)-19671, inclusive, are hereby passed."

By-law Number (2013)-19666 A by-law to authorize the execution of a Partial Release of Development	To execute a Partial Release of Development Covenants and Restrictions.
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<p>Covenants and Restrictions with respect to Part of Lot 2, Registered Plan 694, designated as Part 1, Reference Plan 61R2657, City of Guelph.</p>	
<p>By-law Number (2013)-19667 A by-law to authorize the execution of the Contribution Agreement between The Corporation of the City of Guelph and Metrolinx.</p>	<p>To authorize the execution of the contribution agreement as per Clause CAFE-2013-2013.42 of the consent report of the Corporate Administration, Finance & Enterprise Committee.</p>
<p>By-law Number (2013)-19668 A By-law to impose user fees or charges for services or activities relating to Community & Social Services, Operations, Transit and Emergency Services, Corporate and Human Resources, Finance & Enterprise, Planning, Building, Engineering, & Environment to adopt Municipal Code Amendment #503 which amends Chapter #303 to the City of Guelph Municipal Code.</p>	<p>To impose user fees or charges as approved by Council December 5, 2013.</p>
<p>By-law Number (2013)-19669 A by-law to amend the Official Plan for the City of Guelph as it affects property described as 35 and 40 Silvercreek Parkway South and legally described as Lots 7-12, West side of Guelph & Galt Railway, Plan 52 and Part Lot D and E, West side of Guelph & Galt Railway, and Part Napoleon Street, Plan 52 (formerly Guelph Township), (closed by order BS12480); designated as Part 1, 61R4027 and Part Lots 3, 21 & 22, Concession Division A (formerly Guelph Township), designated as Part 3, 61R10726, Guelph, to amend site specific policies in the Mixed Use node to permit additional uses and building sizes (File OP1201).</p>	<p>To amend the City's Official Plan. (35 and 40 Silvercreek Parkway South)</p>

<p>By-law Number (2013)-19670 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property municipally known as 35 and 40 Silvercreek Parkway South and legally described as Lots 7-12, West side of Guelph & Galt Railway, Plan 52 and Part Lot D and E, West side of Guelph & Galt Railway, and Part Napoleon Street, Plan 52 (formerly Guelph Township), (closed by order BS12480); designated as Part 1, 61R4027 and Part Lots 3, 21 & 22, Concession Division A (formerly Guelph Township), designated as Part 3, 61R10726, Guelph, to permit revised site specific regulations including permitting additional uses, building sizes and remove timing restrictions (File ZC1204).</p>	<p>To amend the City's Zoning By-law. (35 and 40 Silvercreek Parkway South)</p>
<p>By-law Number (2013)-19671 A by-law to confirm the proceedings of meetings of Council held on December 5 and 16, 2013.</p>	<p>To confirm the proceedings of Council. (December 5 and 16, 2013)</p>

MAYOR'S ANNOUNCEMENTS

Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

NOTICE OF MOTION

ADJOURNMENT

**CONSENT REPORT OF THE
COMMUNITY & SOCIAL SERVICES COMMITTEE**

December 16, 2013

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Community & Social Services Committee beg leave to present their
TENTH CONSENT REPORT as recommended at its meeting of December 10,
2013.

*If Council wishes to address a specific report in isolation please
identify the item. The item will be extracted and dealt with
immediately. The balance of the Consent Report of the Community
& Social Services Committee will be approved in one resolution.*

**CSS-2013.37 Guelph Skatepark: Preferred Design, Location and
Budget Estimate Recommendations**

1. That the final design, location and high level budget estimate of the proposed permanent Skatepark Facility be approved.

CSS-2013.38 Report Card Coalition – Youth Charter Endorsement

1. That the City of Guelph endorse the Wellington-Dufferin-Guelph Youth Charter of Rights as a document that identifies values and principles that are upheld by the City of Guelph.
2. That the City of Guelph adopt the Wellington-Dufferin-Guelph Youth Charter of Rights as a document that will guide the City's policy decisions and key activities as they relate to youth.

All of which is respectfully submitted.

Councillor Todd Dennis, Chair
Community & Social Services Committee

***Please bring the material that was distributed with the Agenda for the
December 10, 2013 meeting.***

STAFF REPORT



TO Community and Social Services Committee

SERVICE AREA Community and Social Services
Community Engagement and Social Services: Youth Services

DATE December 10, 2013

SUBJECT Guelph Skatepark: Preferred Design, Location and Budget Estimate Recommendations

REPORT NUMBER CSS-CESS-1353

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide the results of the community engagement and internal stakeholder input regarding the proposed permanent Skatepark preferred design and location. A high level budget estimate is also provided.

KEY FINDINGS

On September 26, 2011, Guelph City Council directed staff to report back to the Community and Social Services Committee with the results of engagement with the public, relevant agencies and the skateboarding community on the primary site and design features of a permanent skatepark proposed for Silvercreek Park.

City staff contracted the services of van der Zalm + associates, for the purposes of site evaluation, stakeholder engagement and preliminary/final concept design services for proposed skatepark.

Site Evaluation conducted by van der Zalm + associates, City staff and external experts (environmental, geotechnical, Grand River Conservation Authority and Guelph Police Services) all concluded that Silvercreek Park was a suitable site to proceed with a community skatepark build.

Community Consultation, workshops and feedback have helped create a conceptual Skatepark Rendering that meets the needs of Guelph skateboard, BMX and scooter enthusiasts while maintaining a design aesthetic that complements Silvercreek Park's existing landscape and usages.

FINANCIAL IMPLICATIONS

Funds are currently identified within the 2014 and 2015 Capital Budget for Detailed design and construction.

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ACTION REQUIRED

That the conceptual design, location and preliminary budget estimate of the proposed permanent Skate park Facility be approved.

RECOMMENDATION

1. That the final design, location and high level budget estimate of the proposed permanent Skatepark Facility be approved.

BACKGROUND

In 2009, City Council directed staff to remove Guelph's Deerpath Skateboard features and proceed with a study on the relocation of the Skateboard Park including a review of locations, site treatments, costs and timing. Council also approved the establishment of an advisory group of stakeholders and residents to assist staff with the relocation study.

An advisory committee met with staff seven times in 2010/2011 to look at possible new skateboard locations. Through this process the working group identified four preferred sites and staff completed an in depth analysis of these sites. Staff and stakeholder review of these sites included: ability to patrol/monitor site, proximity to major transit routes, proximity to existing amenities, distances from existing or proposed residential/commercial property, existing or potential parking/drop-off opportunities, and fit/complements to current use.

The staff and advisory group concluded that the Silvercreek Park site most closely matched the criteria necessary for a feasible site. On September 26, 2011 Council endorsed the recommendations of the Skatepark Advisory Group regarding the Silvercreek Park site and directed staff to report back on the results of consulting with the public including the skateboarding community, relevant agencies, and internal staff service areas on the preferred site and design features.

The Skatepark Advisory Group also recommended the City pursue a street plaza design for the Silvercreek Park site. There are no deep bowls in these designs but rather features that you might see in many urban settings. Trees and shrubs can be incorporated within the design and the concrete can be coloured to both match the surrounding environment and to discourage graffiti. Streetscape or plaza designs meet the needs of the greatest number of skateboarders while incorporating design aesthetics that complement existing community park landscapes. These designs move away from traditional grey concrete slabs (that non-users see as blemishes on existing parkscapes) and move towards a public space that is integrated with its surrounding environment and inviting to more than just skateboarders. Additionally, plaza designs are more cost effective than deep bowls and require far less site preparation which reduces time to build and cost.

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REPORT

Introduction

On September 26, 2011 Guelph City Council endorsed the recommendations of the Skatepark Advisory Group regarding Silvercreek Park, and directed staff to report back on the results of consulting with the public, relevant agencies and the skateboarding community on the primary site and design features. The following report outlines the processes and results of community consultation, expert site review, study and survey and stakeholder input on the development of the Silvercreek Park Skateboard Site.

Process to Obtain Consultant

In May 2012, The City of Guelph issued a Request For Proposal For The Consulting Engineering Services For a Detailed Design and Construction Management of Silvercreek Park Skateboard Facility. Following submission reviews and ranking by City staff and Skateboard Advisory Group members, van der Zalm + associates supported by Newline Skateparks was awarded the contract.

Van der Zalm/Newline Skateparks are considered industry leaders with nearly 200 highly recognized projects and over a decade of concrete skatepark development experience. The firm's design and construction expertise focuses on creating integrated skateboarding environments that respond to the needs of youth and the wider community.

Van der Zalm/Newline have built several skateparks throughout Ontario and have extensive experience building facilities in riverside and floodplain venues including design and build projects in Cambridge and Waterloo, Ontario (both builds within Grand River Conservation Authority jurisdiction). Van der Zalm/Newline's initial work focused on Site Analysis and Conceptual Design & Costing Plans for Silvercreek Park Skatepark.

Site Assessment with Technical Experts

Van der Zalm + associates /Newline:

Van der Zalm/Newline were able to identify an area of approx 20,000 sq ft within the North-West quadrant of Silvercreek Park that was free from significant constraints that would preclude the development of the skatepark and is a suitable site envelope for the development of Guelph's Community Skatepark facility.

That said, there is an existing storm sewer line which passes directly underneath the proposed Skatepark facility, which may impact final design. Design options, such as minor design revisions and/or an engineered solution, are available to ensure the long-term viability of the pipe. Based on preliminary investigations by

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Van der Zalm/Newline, it is expected that any mitigating factors should not substantially affect either the facility or the funding envelope.

The site envelope is able to be developed with no impact on existing plantings or naturalized areas, with minimal excavation or disruption while maintaining an existing naturalized buffer between proposed site and the Speed River.

Skatepark facility design will consider all site constraints with respect to topography, hydrology, and existing vegetation utilizing responsible design practices. The design process will also identify the important site opportunities to create a compelling community facility design and an attractive, welcoming public space.

LVM Inc. Geotechnical Report:

In August 2012, LVM was contracted to complete a geotechnical investigation of the Silvercreek Park Skateboard Facility envelope with particular assessment of subsurface soil and groundwater conditions at the site and recommendations pertaining to site preparation, concrete slab on grade design and stormwater infiltration potential.

LVM's final report came back favourably, identifying no notable site restrictions related to soils or bedrock, nor constraints that would prevent a slab on grade concrete build. The report also indicates that the site is free of landfill or industrial debris, holds no significant storm water infiltration concerns (no need for additional under floor drainage required for build) and has a soil and bedrock profile suitable for skatepark build requirements.

MMM Group Scoped Environmental Impact Study:

MMM has been contracted to complete a scoped Environmental Impact Study (EIS) of the Silvercreek Skatepark site. Work is currently underway and will be completed by the second quarter of 2014.

A Scoped EIS and appended Arborist Report will be prepared for the Silvercreek Park Skateboard Facility. The Scoped EIS will document the findings of all field investigations, provide an assessment of Species at Risk habitat and Significant Wildlife Habitat potential, provide a detailed assessment of potential direct and indirect impacts to the Natural Heritage System features and functions, and provide recommendations regarding appropriate mitigation measures. The Arborist Report will clearly locate the tagged trees and data collected for each specimen and will provide specific tree preservation mitigation recommendations and requirements.

Grand River Conservation Authority (GRCA):

The proposed location of the Silvercreek Skatepark falls within GRCA jurisdiction and sits within the Speed River's floodplain. Any construction within the floodway is regulated by a net zero cut/fill requirement, which is a prerequisite for GRCA permits.

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The Grand River Conservation Authority is generally supportive of the skatepark build in Silvercreek Park, providing the cut/fill requirements can be met. To alleviate the fill requirements of the park, the design team is working in conjunction with the GRCA to define appropriate on-site and off-site solutions to maintain the floodplain's net capacity.

Newline Skateparks has previously supported the Cities of Cambridge and Waterloo in achieving similar permitting from the GRCA for skatepark builds in each municipality, and is confident of similar results for the City of Guelph.

Internal Staff:

Planning, Building, Engineering and Environment

- Engineering and Waterworks have provided advisement pertaining to the York Trunk Sewer & Paisley-Clythe Feedermain project running parallel to the proposed Silvercreek Skatepark site. Sewer and feedermain project has no negative impacts on the proposed skatepark site, build or alignment. Opportunities exist to coordinate both projects and lessen park restoration expenditures through combined planning.
- Environmental Planning has reviewed proposed Silvercreek Skatepark site alongside Official Plan Amendment 42, and indicated that the project fits within Plan guidelines.
- Development Planning has supported the site selection and design review

Parks and Recreation

- Parks and Open Space has supported the site selection and design review process

Community and Social Services

- Accessibility Services has reviewed conceptual skatepark design renderings and has provided feedback regarding accessibility for prospective users and passive spectators. This feedback will be incorporated into the detailed construction drawings for the Silvercreek Skatepark.

Guelph Police Services:

On May 8, 2013, Guelph Police Services completed a Crime Prevention Through Environmental Design (CPTED) Report on the proposed Silvercreek Skatepark Site, and reviewed skatepark concept drawings with City of Guelph staff. The following site feedback was provided.

Safety

- The skate park would not be a lit facility so this would discourage night time use.
- Gaining access to the facility was a concern with possible users walking across Wellington Street from Bristol Street Park and attempting to dodge

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traffic to get to the park. The addition of a user initiated crosswalk across Wellington Street would alleviate these concerns.

Accessibility

- There is a bus stop on Edinburgh Road near the entrance to this portion of the park. Users can also drive into the park or be dropped off.
- Parking may be a challenge as the proposed skatepark will eliminate two parking areas. This will cause an issue during the evenings when the volleyball leagues are playing, as parking is already a premium on those nights. Staff are currently looking at other parking solutions to mitigate this impact.

Visibility and Monitoring

- The location of the facility is visible to traffic as it travels along Wellington Street. Vehicles will also be able to drive down into the park immediately beside the facility to monitor use.
- There were also concerns that people would be able to use the skatepark for shelter, and hide between the skatepark and the river to engage in illegal and unwanted activities. This will not be the case as the highest point of the structure is only four feet high and will not offer a wall to hide behind.
- Elevation from top edge of the walls will be gradually sloped away from the structure to eliminate any potential hiding spots.

Noise

- The location is well situated to dissipate any noise that may be generated from the users of the facility.
- The lack of lighting will discourage night time use and reduce or eliminate any noise complaints resonating from the facilities.
- The residents living on Bristol Street should not be affected by any noise from this location. The natural berm along the north side of Wellington Street and the vehicular traffic along Wellington Street should buffer and conceal any sound generated at the park and possibly heard by these residents.
- The Speed River and the forested area of the Silvercreek Trails are along the south side. Residences are located south of the river, and trails are sheltered from the skatepark and should not be affected by any sound from the park.
- The CPTED concerns identified by Guelph Police Services will be addressed through detailed design and site planning. Most of the items listed above are not expected to have significant design or budgetary impacts. However, the inclusion of a user-initiated crosswalk, a Kiss 'n Ride option, and the provision for other parking solutions were not considered as part of the preliminary budget estimate.

Community Consultation results regarding Design and Location

On February 27 and March 27 of 2013, the City of Guelph and van der Zalm/Newline Skateparks hosted Community Skatepark Design Workshops. On July 24, 2013, City and van der Zalm/Newline staff also conducted a Community

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Information Session on the proposed Silvercreek Park site and how this location was chosen, reviewed the final skatepark design created through a collaborative design process, and outlined next steps.

Design Workshop #1 on February 27 was attended by 36 community members and provided the group with the opportunity to critique three distinctly different schematic designs (a "street only" design, a "bowl/flow" design and a hybrid "street plaza/bowl" design). Each design provided something different with regard to skatepark terrain priorities and also with regard to site planning (layout within the park). All of the designs presented received favourable feedback from the group with the hybrid "street plaza/bowl" design receiving the greatest number first choice votes. Additionally, workshop participants were able to state their preferred elements for their ideal park, discuss site opportunities and limitations, and guide the design team on elements required to create a unique "Guelph" skatepark. Some "Guelph" suggestions included a reference to the "Royal City" with crowns featured in the design, the possible inclusion of a poppy in a feature to represent Guelph's connection to John McCrae, and the most noted request was the inclusion of plantings and trees in the design to reflect Guelph's commitment to the environment (See ATT-1).

Design Workshop #2 on March 27 was attended by 28 community members and gave participants an opportunity to review an updated design featuring the information gathered in Workshop #1 and to provide additional feedback recommendations to the design team before the completion of the final "go forward" design. Participants were overwhelmingly enthusiastic with the design presented on March 27, and felt that comments and suggestions from Workshop #1 had been effectively incorporated into the design. Attendees also suggested minor design changes and asked specific questions about the design and included features (height of obstacles, type of rails, inclusion beginner areas, etc). The Skatepark Design Team committed to include Workshop #2 suggestions into the final design to be presented to City Council for final approval (See ATT-2).

Community Information Session on July 24 was attended by 14 community members, many residing in areas adjacent to the proposed skateboard park. Those in attendance were generally pleased with the skatepark design presented, and were satisfied with the site selection process and criteria. Most concerns from the group pertained to the safety of the participants arriving at the park (crossing Wellington Street or Edinburgh Road), the ability for parents to drop off participants at the site, and whether or not bus stops were close enough to the site (current transit stops are approximately 200 and 500 metres from the site).

Conceptual Design

In September of 2013, van der Zalm/Newline Skateparks provided City Staff with conceptual design renderings for the Silvercreek Skatepark. The park is approximately 15,000 sq ft in size, runs east to west along the Speed River and

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features a hybrid street and bowl design. The park incorporates two significant planters separating the street and bowl sections, and adds to the park's existing "green scape". The concept, park elements and layout were driven by the contributions of Guelph's skateboard, BMX and scooter enthusiasts and features elements that complement the needs of beginners and experienced riders alike. Additionally, the park incorporates the best practices of skatepark design and layout regarding proximity to residential areas, a centralized location in the community, clear sightlines, visibility on foot and in a vehicle, a location that appeals to enthusiasts and passive viewers, and a design that complements existing park uses and landscapes (See ATT-3).

Budget Estimate

Silvercreek Skatepark design and build is **estimated** at \$800,000 and is accounted for within Parks 2014 and 2015 Capital Budget Projections. The budget breakdown is as follows and is an order of magnitude estimate only, based on typical construction costs for skateparks of this type. Order of magnitude estimates for the proposed conceptual design are not yet available. The actual cost of time and construction may vary due to economic conditions, actual (verified) site conditions, and/or availability of material:

Project Management (site management, security/fencing, testing allowance)	10%
Civil Works (earthworks, material import, drainage work)	30%
Skatepark Elements (concrete, metal works, concrete detailing)	50%
Remediation (landscaping, planting)	10%

Additional works, as outlined below, are required to inform the final design and develop the final construction budget. Indeed, whether or not some of the recommendations for the overall site plan can also be accommodated will be addressed. As outlined above, depending on the final permitting requirements for the GRCA, parking, FADM, and CPTED requirements, additional funding may be required and could be phased in appropriately.

Next Steps

1. Complete approval and permitting process with Grand River Conservation Authority – Q2 2014.
2. Complete detailed construction drawings with Council approval of site and final concept designs – Q3 2014.

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3. Present detailed construction designs to Guelph's River Systems Management Committee for review and site restoration/enhancement recommendations – *Q3 2014*.
4. Completion of Scoped EIS for the Silvercreek site and incorporation of report recommendations into final design, site restoration and site enhancement planning – *Q2 2014*.
5. Develop and issue Silvercreek Skatepark Build RFP through City of Guelph purchasing – *Pending 2015 Capital Budget Approval*.
6. Silvercreek Skatepark build – *Pending 2015 Capital Budget Approval*.

CORPORATE STRATEGIC PLAN

Organizational Excellence

- 1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions
- 1.3 Build robust systems, structures and frameworks aligned to strategy

Innovation in Local Government

- 2.2 Deliver Public Service better
- 2.3 Ensure accountability, transparency and engagement

City Building

- 3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City
- 3.3 Strengthen citizen and stakeholder engagement and communications

DEPARTMENTAL CONSULTATION

Community and Social Services

- Parks and Recreation
- Community Engagement
- Accessibility Services

Planning, Building, Engineering and Environment

- Engineering
- Water Services
- Environmental Planning
- Landscape Planning

Corporate and Human Resources

- Corporate Communications

COMMUNICATIONS

Community and Social Services

Planning, Building, Engineering and Environment

Corporate and Human Resources

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ATTACHMENTS

- ATT-1 Schematic Skatepark Concept Drawings
- ATT-2 Refined Skatepark Design
- ATT-3 Final Skatepark Renderings

Report Author

Adam Rutherford
Youth Services Coordinator



Approved By

Barbara Powell
General Manager, Community
Engagement and Social Services
519-822-1260 ext. 2675
Barbara.powell@guelph.ca

Recommended By

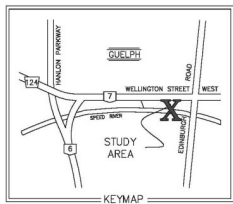
Derrick Thomson
Executive Director,
Community and Social Services
519- 822-1260 ext. 2665
derrick.thomson@guelph.ca

Silvercreek Park Skatepark Schematic Design Presentation

Project Vision

Skateparks are changing. The days of the stereotypical 'grey square' have long passed as a new era of facility design responds to much more than purely function. When designed and built with community input and specific to each site, skateparks not only become beloved destinations for youth, but truly celebrated public spaces for everyone. The vision for the Windsor Skatepark includes skateable terrain complimented by inviting areas for viewing and socializing, and strong connections to surrounding amenities.

Design Direction #1



Context Plan

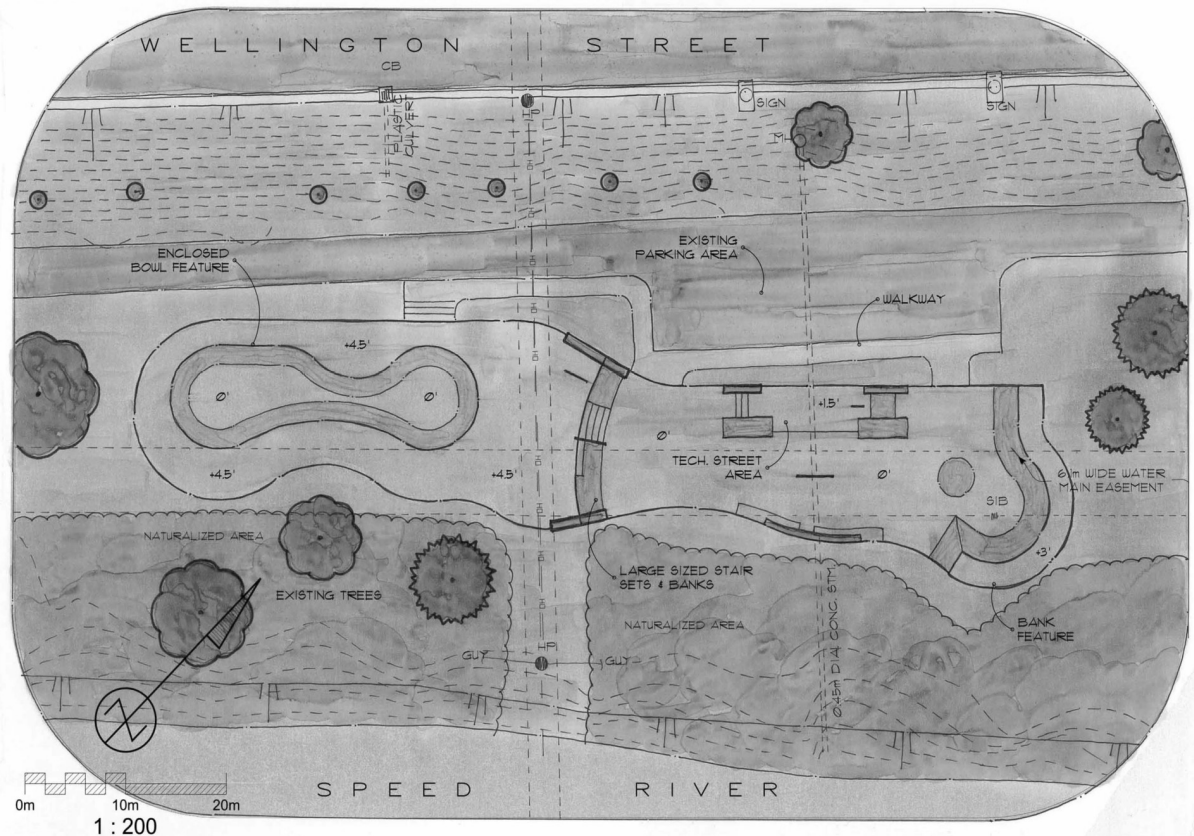
Site Planning Approach

Design Direction #1 suggests that the parking area is kept on the same side of the driveways as it currently is, but gets consolidated so that all of the parking is in one area.

Design Direction #1 suggests that the skatepark development area would encroach significantly over the existing water main easement, spanning the entire width of 6.1m wide easement.

Skatepark Terrain Approach

Design Direction #1 suggests the Skatepark Design Direction provides equal opportunity for "Bowl / Flow" inspired terrain elements and "Real Street/Plaza" inspired terrain elements such as an enclosed bowl, stair sets, hubba ledges and handrails.



Guelph, ON

February, 27 2013

www.vdz.com

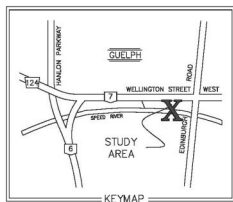
www.newlineskateparks.com

Silvercreek Park Skatepark Schematic Design Presentation

Project Vision

Skateparks are changing. The days of the stereotypical 'grey square' have long passed as a new era of facility design responds to much more than purely function. When designed and built with community input and specific to each site, skateparks not only become beloved destinations for youth, but truly celebrated public spaces for everyone. The vision for the Windsor Skatepark includes skateable terrain complimented by inviting areas for viewing and socializing, and strong connections to surrounding amenities.

Design Direction #2



Context Plan

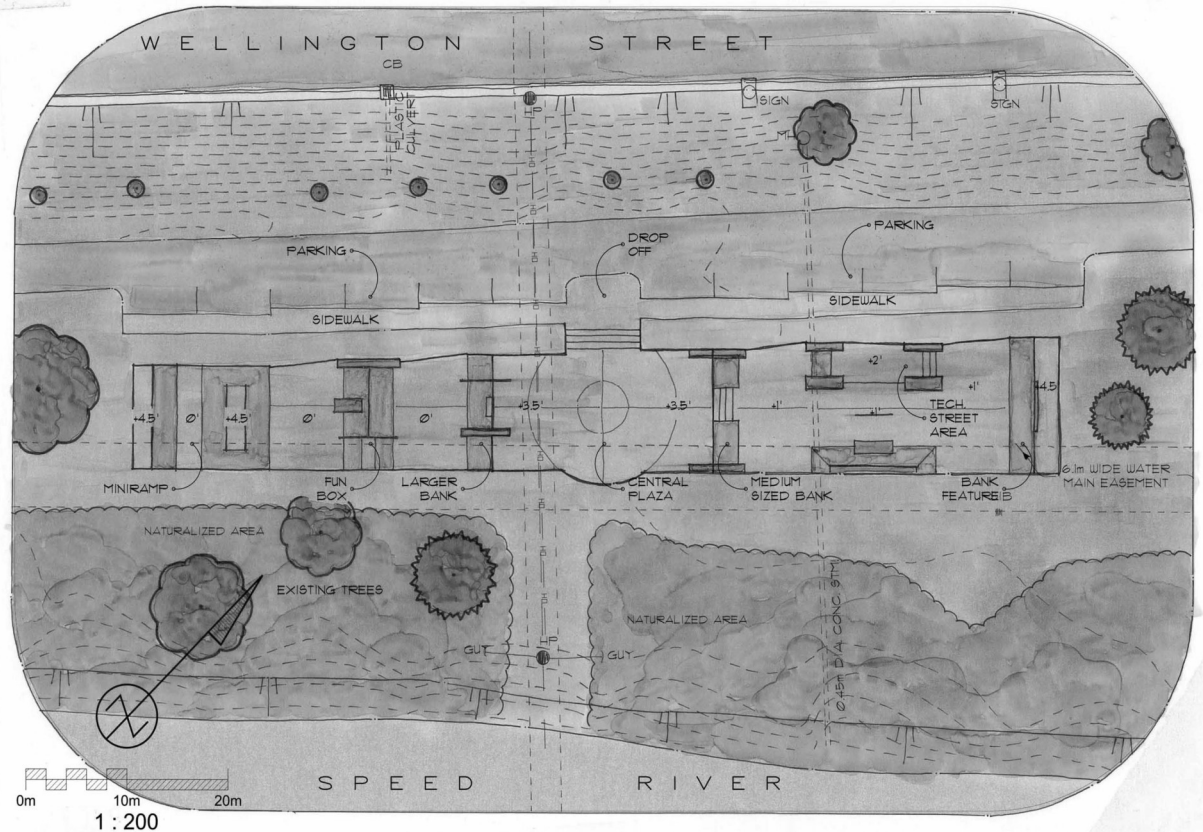
Site Planning Approach

Design Direction #2 suggests that the parking area is kept on the same side of the driveway as it currently is, but gets reconfigured so that all of the parking is provided as parallel parking stalls.

Design Direction #2 suggests that the skatepark development area would encroach partially over the existing water main easement, spanning half the width of 6.1m wide easement.

Skatepark Terrain Approach

Design Direction #2 suggests the Skatepark Design Direction provides equal opportunity for "Obstacle / Transition" inspired terrain elements and "Real Street/Plaza" inspired terrain elements such as a miniramp, stair sets, hubba ledges and handrails.



Silvercreek Park Skatepark Schematic Design Presentation

Project Vision

Skateparks are changing. The days of the stereotypical 'grey square' have long passed as a new era of facility design responds to much more than purely function. When designed and built with community input and specific to each site, skateparks not only become beloved destinations for youth, but truly celebrated public spaces for everyone. The vision for the Windsor Skatepark includes skateable terrain complimented by inviting areas for viewing and socializing, and strong connections to surrounding amenities.

Design Direction #3



Context Plan



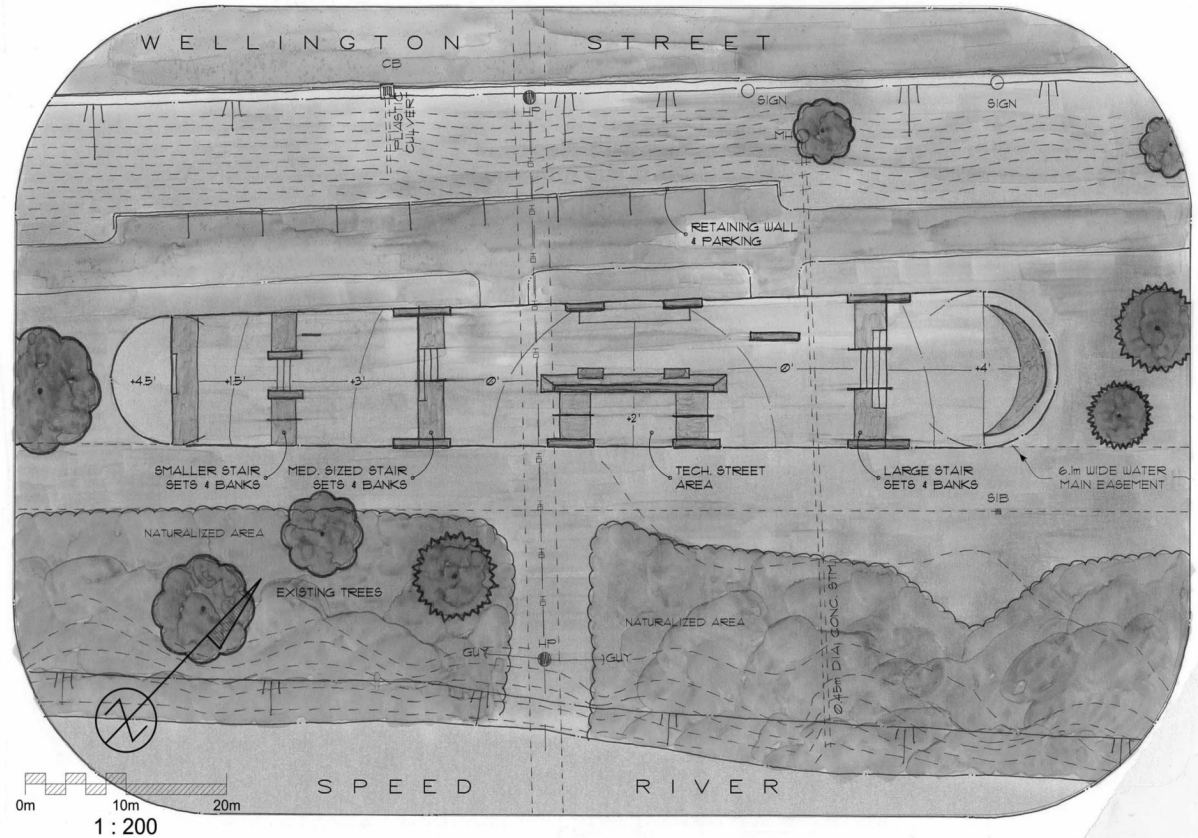
Site Planning Approach

Design Direction #3 suggests that the parking area is flipped to the opposite side of the driveway as it currently is. A retaining wall would need to be built into the existing slope and all of the parking is provided as parallel parking stalls.

Design Direction #3 suggests that the skatepark development area would encroach significantly over the existing 6.1m wide water main easement.

Skatepark Terrain Approach

Design Direction #3 suggests the Skatepark Design Direction primarily provides opportunity for "Real Street / Plaza" inspired terrain elements such as stair sets, up-gaps, handrails, hubba ledges, manual pads and bank ramps.



Guelph, ON

February, 27 2013

www.vcdz.com

www.newlineskateparks.com

Silvercreek Park Skatepark

Conceptual Model - Site Plan & Context



Context Plan



Site Plan

Scale: 1" = 10'-0"



Skatepark Features

- A - Drop-In/Turnaround Bank w/Quarterpipe Extension
- B - Descending Pump Bump Feature
- C - Medium Drop w/Up-Gap, Handrail, Out-Ledge and Hubbas
- D - Descending Funbox Feature
- E - Descending Hip Feature
- F - Small Drop w/Landscape Gap, Manual Pad, Ledge and Rail
- G - Curb-Style Pop-Over Ledge
- H - Multi-Tier Ledge/Manual Pad Feature
- I - Slappy Bank w/Inset Ledge
- J - Ditch/Snakerun Feature with Hip, Extension and Roll-Over Options
- K - Large Stair Set w/Hubba Ledge, Handrail and Slappy
- L - Curved Ledge/User Seating Bench
- M - Miniramp Section with Bowled Corners



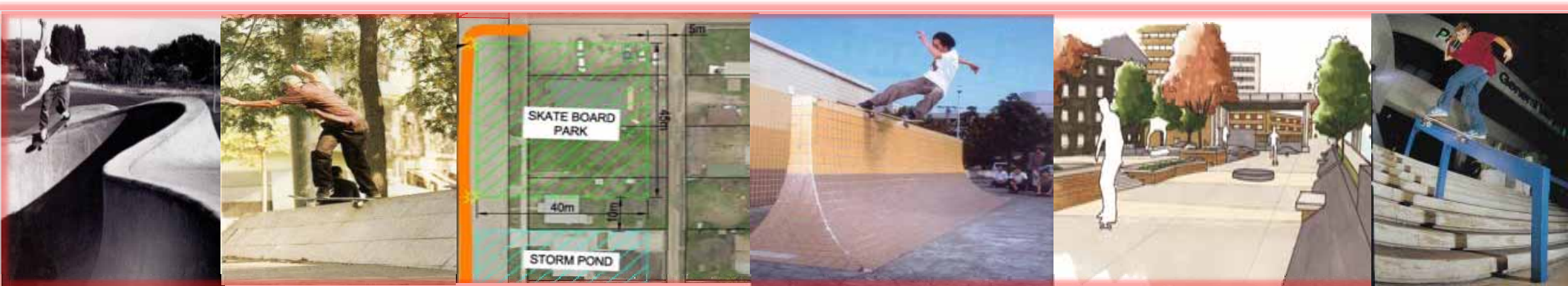








Silvercreek Skatepark Guelph, ON



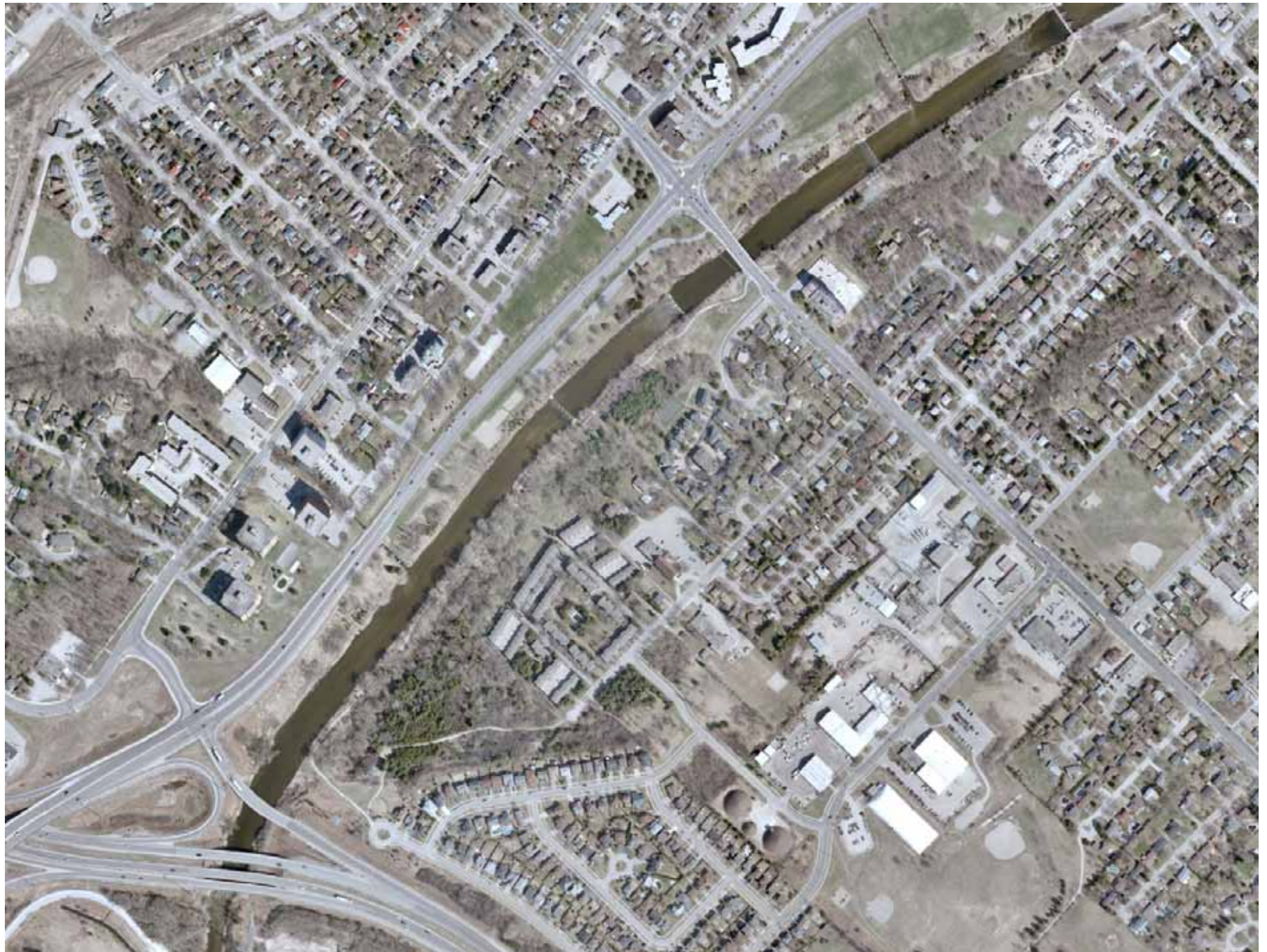
Committee Meeting Presentation
| December 10, 2013

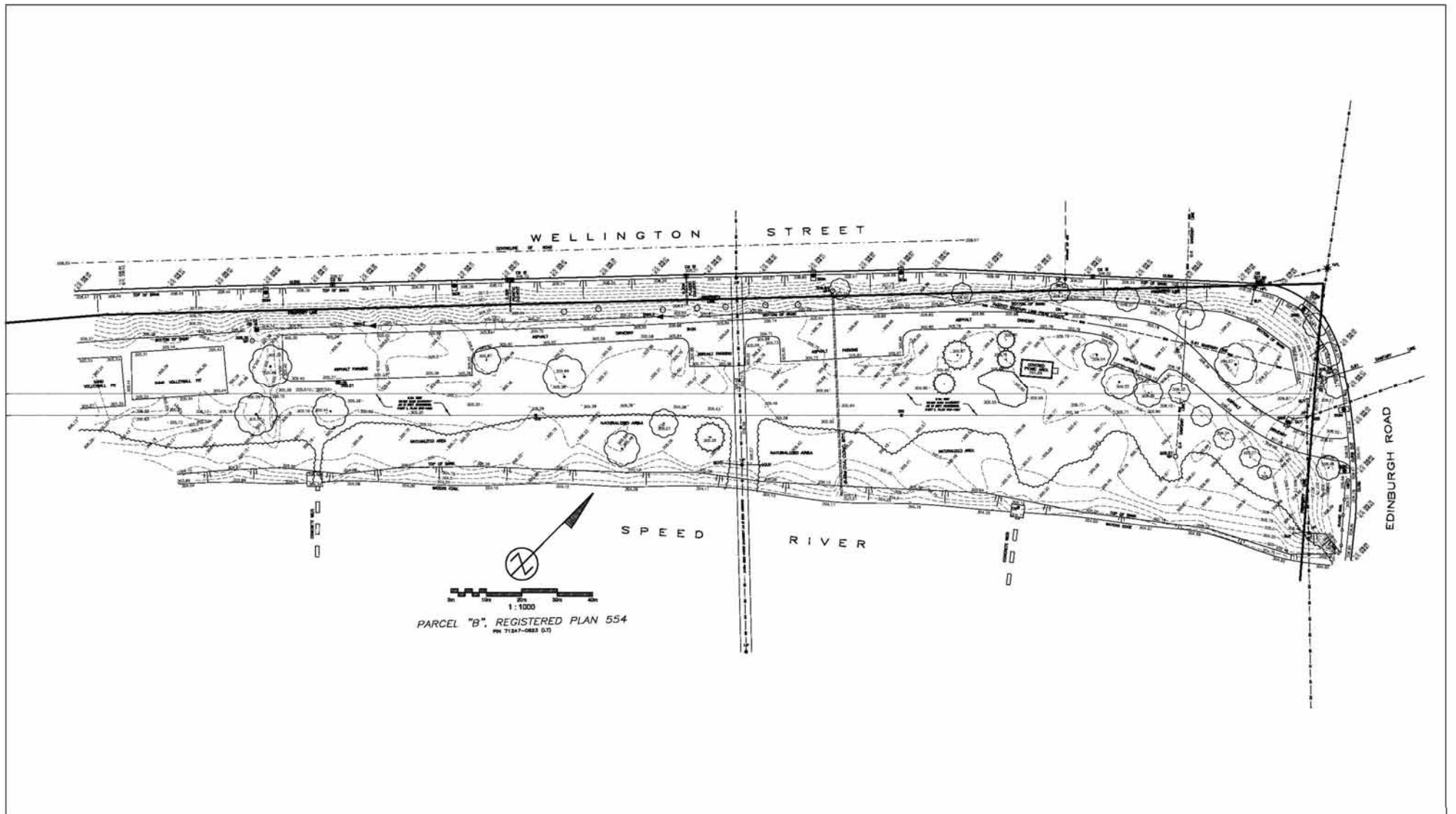
Site Analysis, Public Consultation & Concept Design : Process Summary

- Step (1): **Site Analysis – Fall, 2012 – February, 2013**
- concluding with the Site Analysis Report February 14th, 2013
- Step (2): **Public (Youth) Design Meeting #1 – February 27th, 2013**
- three (3) 2-D preliminary Schematic Design approaches were presented to the youth community and a preferred approach was selected
- Step (3): **Public (Youth) Design Meeting #2 – March 27th, 2013**
- the preliminary Conceptual Design was rendered in 3-D and presented to the youth community for additional comments and feedback
- Step (4): **Preliminary GRCA Submission – May, 2013**
- preliminary submission of Conceptual Design to the GRCA for comments
- Step (5): **Public Meeting– July 24th, 2013**
- the Conceptual Design was presented to the general public for comments and feedback
- Step (6): **Final Concept Design – October, 2013**
- the Final Concept Design was prepared to address all comments received to date
- Step (7): **Revised GRCA Submission – November, 2013**
- revised submission of the Final Concept Design to the GRCA for approval

Site Analysis

| Fall 2012





Public (Youth) Design Meeting # 1

|February 27th 2013

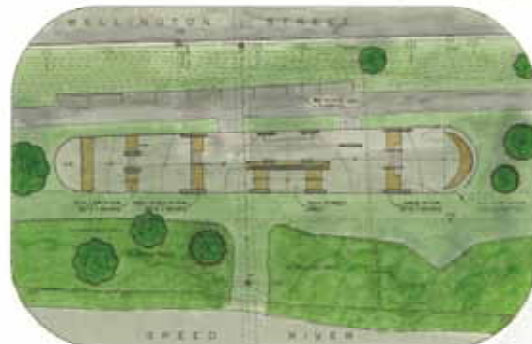
Silvercreek Park Skatepark Schematic Design Presentation



**Design
Direction #1**



**Design
Direction #2**



**Design
Direction #3**



Guelpy ON

February 27, 2013

www.guelph.com

www.neweridelliparks.com

If you could only have 5 perfect obstacles in the park, what would they be?

Bowl	(11) mentions
Stair Sets	(10) mentions
Half Pipe / Miniramp	(9) mentions
Ledges	(8) mentions
Quarter Pipes	(6) mentions
Snake Run	(6) mentions
Pyramid / Fun Box	(6) mentions
Manual Pad	(5) mentions
Banks	(5) mentions
Gaps	(4) mentions
Spines	(4) mentions
Hips	(4) mentions
Culture Sculpture	(4) mentions
Step-Up	(3) mentions
Rollers / pump bumps	(3) mentions
Handrails	(3) mentions
Flow Bowl	(2) mentions
Wall Ride	(2) mentions
Pool Coping	(2) mentions
Bank to flat bar	(1) mention
Curbs	(1) mention

	Ranked 1	Ranked 2	Ranked 3
Transition/Bowl Terrain	9	7	7
Obstacle/Park Terrain	5	12	6
Real Street/Plaza Terrain	9	4	10

Please rate the GENERAL type of terrain you prefer in order of importance to you (1 to 3).

Please rate your preference in order of what Design Directions most appeal to you (1 to 3).

	Ranked 1	Ranked 2	Ranked 3
Design Direction #1	7	6	6
Design Direction #2	9	6	4
Design Direction #3	3	8	8

Other Comments

There was a great participation rate at the meeting and a substantial volume of feedback was collected – this is greatly appreciated by the design consulting team.

The terrain preferences seem to be in favour of diversity and the inclusion of transition style elements (mostly “integrated” transition) is a must.

Without the need to include parking in the immediate skatepark site plan area and with the utilities easement presenting a manageable constraint, there is more flexibility for potential area coverage.

Workshop participants seem very interested in exploring a unique signature feature for the park inspired by a cultural reference to the community. Some early ideas include a reference to the old limestone architecture, the “Royal” City (i.e. rideable crown sculpture) and especially a reference to the environmentally conscious nature of the Guelph community (i.e. Speed River, “green” islands” healthy landscapes and also earth toned concrete to emphasize a “green and earthy” design aesthetic.

Public (Youth) Design Meeting # 2

|March 27th 2013









Public Meeting

| July 24th 2013

Silvercreek Park Skatepark

Conceptual Model - Site Plan & Context



Context Plan



Site Plan



Skatepark Features

- A - Drop-In/Turnaround Bank w/Quarterpipe Extension
- B - Descending Pump Bump Feature
- C - Medium Drop w/Up-Gap, Handrail, Out-Ledge and Hubbas
- D - Descending Funbox Feature
- E - Descending Hip Feature
- F - Small Drop w/Landscape Gap, Manual Pad, Ledge and Rail
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- L - Curved Ledge/User Seating Bench
- M - Miniramp Section with Bowled Corners



Guélfph ON

March 27th, 2013

www.newtimeskateparks.com
www.vdz.ca



GRCA Review & Approval

| May 2013 - present

SILVERCREEK PARK SKATEPARK GRCA REVIEW

Van der Zalm + Associates Inc.
 1000 Wellington Street West
 Guelph, Ontario N1H 2K9
 Tel: 519.836.1111
 Fax: 519.836.1112
 www.vdz.com

NEW LINE SKATEPARKS INC.
 BUILDING SKATEPARKS
 22000 101st Street
 Langley, BC V2Y 1N7
 Tel: 604.530.1114
 Fax: 604.530.1119
 www.newlineskateparks.com

REVISION NO. **1**

DRAWING TITLE
CONTEXT PLAN

PROJECT NO.
SK2012-18

DRAWING NO.
SK-001

DRAWING INDEX

Sheet List Table	
Sheet Number	Sheet Title
SK-001	Context Plan
SK-002	Existing Conditions
SK-003	Site Plan
SK-004	Grading & Drainage Plan

PERSPECTIVE VIEWS

Note: Perspective drawing not for construction reference.

Alterations have been made to model and its associated materials during detailed design phase. Image shown to display broader design concept only.



LOCATION PLAN



SKATEPARK LOCATION



Located in Silvercreek Park on the South West corner Wellington Street West and Edinburgh Road South in Guelph, Ontario, Canada.

EXISTING SITE PANORAMIC



KEY CONTACT

New Line Skateparks Inc.
 #101 - 6249 205th Street,
 Langley, British Columbia, Canada V2Y 1N7
 ph: 604.530.1114
 fax: 604.530.1119

NOTES

1. Referenced to the plan and other drawings of this project as indicated on the drawings and in the schedule of work.

DESIGNED BY: [Blank]

No.	Description	Date

CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE GROUND AND REPORT ANY DISCREPANCIES TO THE DESIGNER IMMEDIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND EXISTING STRUCTURES ON THE SITE.

PROJECT:
Silvercreek Park Skatepark

LOCATION:
Guelph, ON

DESIGNED BY: JM	DESIGNED BY:
DRAWN BY: BG	DRAWN BY:
APPROVED BY: BG	APPROVED BY:
SCALE:	DATE: 24 MAY 13



REVISION NO. **1**

NOTES
 1. Elevations to be confirmed on site during construction start-up.
 2. Max slope on site = 4%.
 3. All elevations on this drawing are in meters.
 4. Grading to be subject to not exceed 33% (1:3).

LEGEND

	SUBSTRATE UNDERGRADE FOOTPRINT
	EXISTING SPOT ELEVATION
	EXISTING CONTOUR
	PROPOSED CONTOUR
	DIRECTION OF SLOPE
	SLOPE BREAKLINE
	DRAINAGE PIPE
	AREA DRAIN
	LAWN DRAIN
	LANDSCAPE BUILDING

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DRAWING REVISION

No.	Description	Date
1	Issued for GRCA Review	04/18/15
2		
3		
4		
5		
6		
7		
8		
9		
10		

CONTRACTOR SHALL VERIFY ALL DIMENSIONS FOR THE WORK AND NOTIFY ARCHITECT IMMEDIATELY IN WRITING OF ANY DISCREPANCIES. A DISCREPANCY NOTIFICATION MUST BE SUBMITTED WITHIN 14 DAYS OF THE COMMENCEMENT OF THE WORK.



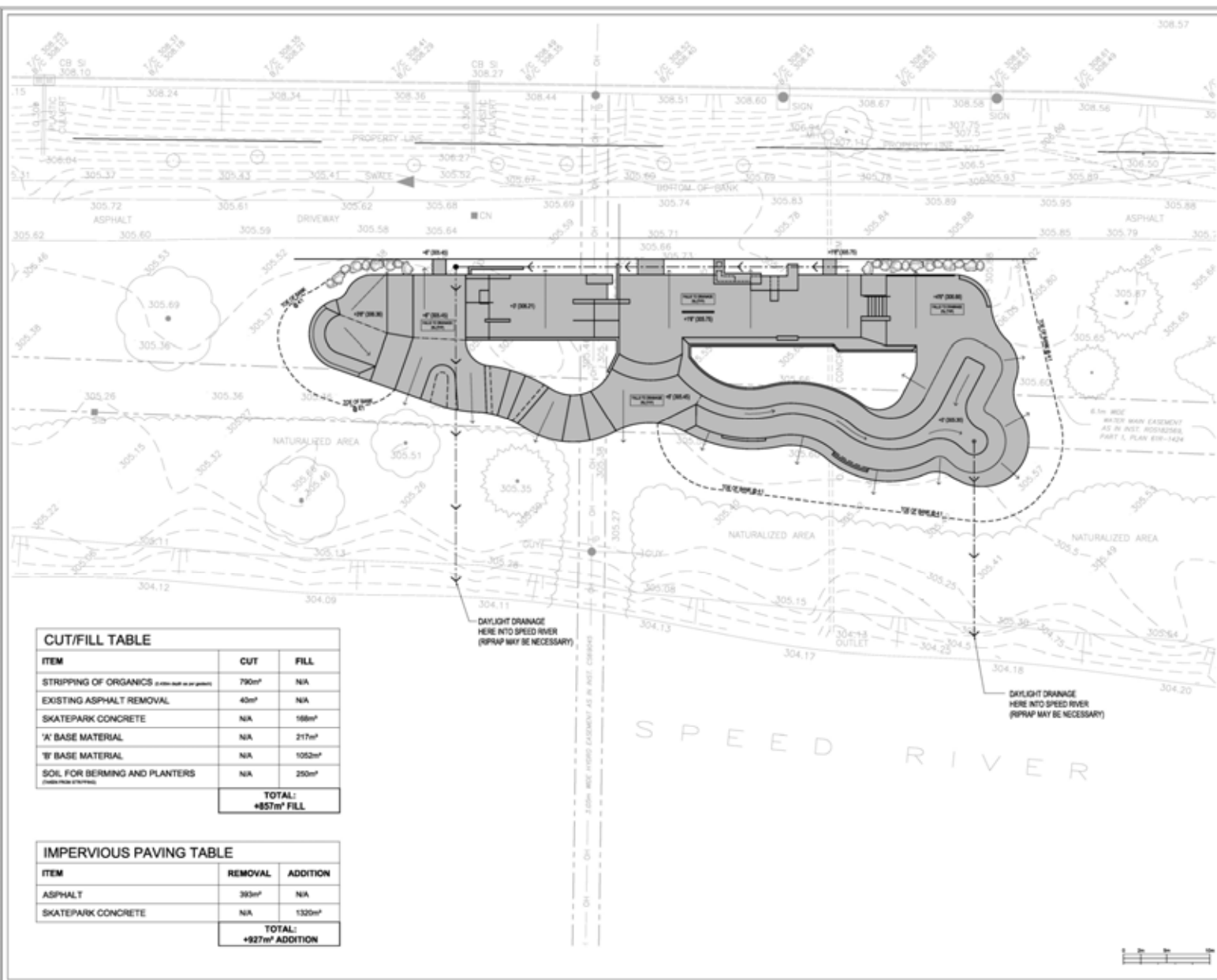
PROJECT:
 Silvercreek Park Skatepark
LOCATION:
 Guelph, ON

DESIGNER: JM
CHECKED: BG
APPROVED: BG
SCALE: 1:200
DATE: 24 | MAY | 13

GRADING AND DRAINAGE PLAN

PROJECT NO. **SK2012-18**

DRAWING NO. **SK-009**



CUT/FILL TABLE

ITEM	CUT	FILL
STRIPPING OF ORGANICS (200mm depth on soil profile)	790m ³	N/A
EXISTING ASPHALT REMOVAL	43m ³	N/A
SKATEPARK CONCRETE	N/A	158m ³
'A' BASE MATERIAL	N/A	217m ³
'B' BASE MATERIAL	N/A	1052m ³
SOIL FOR BERMING AND PLANTERS (200mm depth @ 10% max)	N/A	250m ³
TOTAL:		+857m³ FILL

IMPERVIOUS PAVING TABLE

ITEM	REMOVAL	ADDITION
ASPHALT	393m ²	N/A
SKATEPARK CONCRETE	N/A	1320m ²
TOTAL:		+927m² ADDITION



Final Conceptual Design

|October 2013























Next Steps :

Secure GRCA Approval

- meeting scheduled with City Staff, the skatepark consulting team, and the GRCA November 21st 2013
- revised submission to the GRCA November 28th 2013

Proceed with the Detailed Design Phase

- the skatepark consulting team have already proposed fees for the Detailed Design and Contract Administration phases (June 2012 proposal)
- this scope of services has not been authorized by the City to proceed
- the City may also want to pursue a design-build contract to complete the project

Monitor 2014 construction of the utility upgrades

Prepare for Skatepark Construction in late 2014 or early 2015

To: Community and Social Services Committee

From: H.R. Whiteley

December 10 2013

RE: CSS -2013.37 That the conceptual design, location and preliminary budget estimate of the proposed permanent Skate park Facility be approved.

The proposed permanent Skate Park Facility should not be approved. Instead staff should be directed to engage the community in the search for a suitable location for a skatepark, seeking a prominent location that will highlight the park as an attractive asset to the downtown core.

There are several reasons why the proposed Skatepark must not be approved.

- 1. The site proposed is not available as it has already been allocated to being a restored naturalized river corridor, a use that prohibits development (construction of structure such as a skate park) within 30 m of the river bank. The naturalization is particularly important since the site is the trailhead for the Speed River Trail, which celebrated its 40th anniversary this year; Parks and Recreation is completing the design of a major upgrade of the first 2.7 km of this trail to fulfill the community-developed mandate to provide a connected parks and trails system that inspires an awe of nature.**
- 2. There has been no consultation with the River Systems Advisory Committee on the site selection. This is an essential consultation since the City has given RSAC the mandate to provide the City with advice and assistance on the monitoring, implementation and updating of the River Systems Management Study and its Masterplan, a document adopted by City Council to provide guidance on city activities and developments in the river corridors and a document implemented by insertion of Masterplan recommendations in the Official plan.**
- 3. There has been no public consultation on the site selection for a skateboard park. Responding to the November 2009 directive from City Council to study relocation of the skateboard area**

staff developed a planning process. The public was informed in an October 2010 press release that the process would include: *conducting a City-wide public consultation on the finalized list of sites for a skateboard park before planning of a facility for the selected site.* This was a very wise and indeed essential condition for a proper selection to be made. It is important not only to provide opportunity to see that appropriate locational requirements are used for the selection but also to build community support for a skatepark and an opportunity to show the potential of a skatepark as a featured asset of the City.

4. The financing of the skatepark from the tax-supported budget is not appropriate in times of very scarce dollars for City projects since this is the type of project that can attract community support outside of the City Budget.

I attach two examples of successful planning of a skatepark. The key features of these processes were: (1) Initiative-taking by the skateboard youth, a process which heightened community spirit and pride and rewarded the entrepreneurship of youth in the skateboard and in-line skating community (2) informed approval of the whole community for site selection (3) financing of the facility by community fundraising.

The first example is Sturgeon Bay Wisconsin Population 9700

In February 2011 a recently-formed group, Sturgeon Bay Skatepark Initiative, met with the City of Sturgeon Bay Parks and Recreation Superintendent to ask that the City allocate City land to a skateboard park with the group to finance construction. In May 2011 the Parks and Recreation Committee approved a site and after public consultation City Council ratified the selection of site and approved the project. The site selected is on the main highway into the downtown (Business 42/57) and occupies a gateway location five blocks from the main intersection of the Westside business district.

Since approval of the project, and the site, Sturgeon Bay Skatepark Initiative have engaged Grindline Design, a top U.S. skatepark designer, to prepare a skatepark design and done public consultation on the design and a refinement in the location selected. SBSI has engaged in many community-based fundraising activities and as of last week SBSI had raised all but \$40,000 of the \$405,000 cost of the park construction. With a final fundraising blitz planned for the

next few months they anticipate opening the park by midsummer 2014.

The second example is Ludington Michigan Population 8000

Ludington provides another example of community-led initiative. In the mid 1990's a skateboard group asked the City of Ludington for an allocation of land on which to construct some plywood structures. The City provided the group with access to an abandoned, fenced set of tennis courts in an isolated suburban park. The group built a number of plywood structures. After several years of operation the site had become a major source of complaints about the unsightly structures, poor control of trash, and frequent occurrence of noisy late-night parties and illegal consumption of alcohol, and other drugs. As a result of continuing complaints the site was closed by the City.

Upon this closure, and acting on expressed support in the City for an appropriate skatepark, the Mayor and the Chief of Police formed a community-support committee with the objective of creating an attractive skatepark in a prominent location to be a major attraction for Ludington, with its important summer-vacation economic base. The location chosen was the very prominent gateway to Stearns Park, the main focal point of Ludington, a location four blocks away from the Ludington commercial district.

The new Ludington SkatePlaza opened in July 2008. The \$350,000 needed to construct the park was raised by the community with no taxpayer funds involved. The skateboard community had a large part to play in the fundraising. The Plaza has become a major draw for visitors to Ludington. The motel across the street from the Plaza advertises the proximity of the Plaza as an inducement for families to stay at the motel and, as the City's website notes, the Plaza is a popular venue not just for skateboarders but also for spectators.

Ludington Michigan Population 8000

Construction cost of skate park \$350,000

Ludington's Skate Plaza



The Ludington Skate Plaza, which opened in 2008 during the July 4th weekend, is just another example of how the Ludington community bands together for a worthy cause.

Located at [Stearns Park](#) right next to the Jaycees Mini Golf, the Skate Plaza was made possible by corporate, state, and private donations. It's impressive by its size plus its combination of bowls, rails, quarter pipes, and ramps. It's proven to be a very popular venue for kids with skateboards and in-line skates, but the number of people who come to watch is just as large. It's a whole new form of entertainment for people of all ages.

Stearns Park has become the focal point of Ludington. The beautiful, clean beach, wide breakwall and North Breakwater Light have always been a big attraction, but now there's so much more. You can play a game of volleyball, mini golf, or shuffleboard, with food concessions and restrooms at the north and south ends of the beach. Kids enjoy the adjacent playground, and the grassy, shady area with grills makes a nice picnic spot. Now with the addition of the Skate Plaza, Stearns Park is definitely the place to be during our glorious summer months.

**For questions or concerns:
Ludington Police Department
408 S. Harrison
Ludington, MI 49431
(231) 843-3425**

Sturgeon Bay Wisconsin Population 9250

[Sturgeon Bay Skatepark Initiative Invites the Public to an Open House, Feb 16](#)

Posted on 13. Feb, 2012 by [Staff Reporter](#) in [Quiet Sports](#)

The Sturgeon Bay Skatepark Initiative (SBSI) invites the public to City Hall this Thursday, February 16 at 7 pm to attend a presentation and feedback session with [Grindline Skatepark Design and Construction](#)'s lead designer, Micah Shapiro.



Micah Shapiro

SBSI is a group of skaters, parents and businesses working in conjunction with the **Sturgeon Bay Park and Recreation Department** to create a safe public place for skateboarders of all levels to recreate. SBSI has contracted with **Grindline Design**, a national design firm, of Seattle, WA, to draft design plans for a skatepark.

Grindline Design has been working with communities across the country and globe since 1990 and has created over 130 poured concrete skateparks, each individually designed to reflect the needs, desires and budget of the community. Grindline has designed and built award-winning parks from Orcas Island, WA to Okinawa, Japan and Copenhagen, Denmark.

According to SBSI co-chair, **Matt Young**, getting input from all of the stakeholders is a critical component to creating a skatepark.

“We hope that skaters will attend to give their input on what features they’d like to see incorporated into the park. They’re the ones that are going to be using it. Beyond that, however, we hope that everyone who has an interest in Sturgeon Bay, in recreational opportunities and in kids in general will also attend,” says Young. “This is an opportunity to learn about the process, ask questions and provide feedback.”

In explaining the selection of Grindline Design, Young says, “We wanted to get a nationally-known design company. We did a lot of research and were impressed with Grindline’s creativity, professionalism and integrity and with their commitment to working with all the stakeholders.”

Laurel Hauser, fellow SBSI chair, explains that the group was also impressed with the high value Grindline places on aesthetics as well as functionality. The company is able to incorporate skate-able art into its designs and to use color, texture and landscaping to improve the skatepark for the users and the surrounding community. “We live in a beautiful place that’s known for its artistic talent. We would like this park to reflect that. We would like this park to be an addition the community can be proud of and to attract visitors from all over. We hope that those with an interest in the aesthetics of the skatepark will attend Thursday’s meeting.”

In preparation for Grindline’s visit, local surveyor, **Brian Frisque**, donated his services to survey the park site. **Vander Leest Soil Testing** and **Steve Baudhuin** also donated services. The Sturgeon Bay skatepark will be located next to the west side ball field on the corner of Madison Avenue and Spruce Street and will welcome **BMX bikes** as well as skateboards.

For more information about the skatepark or the public input session, call Matt Young at **920.559.6880** or Laurel Hauser at **920.743.8990**. The Sturgeon Bay Skatepark is a fund of the Door County Community Foundation (DCCF). Tax-deductible contributions may be sent to DCCF, Skatepark Fund, P.O. Box 802, Sturgeon Bay, WI 54235.

 [Sturgeon Bay Skatepark Initiative](#) on Facebook...

Skatepark Location Could Move

Posted on [April 3, 2012](#) by [Roger Levendusky](#)

If the Sturgeon Bay city council agrees, the site of the proposed city skatepark will be moving, but not very far. The council will be asked to approve the park location in the southeast corner of the westside field property, near the corner of Madison Avenue & West Spruce Street. In February of 2011, a citizens group approached park & recreation superintendent Bob Bordeau with the idea of building a skatepark in the city. On May 25th, of 2011, the park & recreation committee & board approved placing the park on the southwest corner of the property outside of the softball field. But since then, the skate park initiative has asked for a change in location. The group has already engaged a firm to develop plans & oversee construction of the place for skaters & others to enjoy. A fundraising campaign is also in the plans.

- See more at: <http://www.wdor.com/news/skatepark-location-could-move/#sthash.gb1RN1wY.dpuf>

STAFF REPORT



TO Community and Social Services Committee

SERVICE AREA Community and Social Services
Community Engagement and Social Services : Youth Services

DATE December 10, 2013

SUBJECT Report Card Coalition – Youth Charter Endorsement

REPORT NUMBER CSS-CESS-1354

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To seek endorsement of the Wellington-Dufferin-Guelph Youth Charter of Rights

KEY FINDINGS

The Youth Charter of Rights was developed by a Youth Engagement Working Group of the Youth Report Card Coalition. This working group facilitated a series of workshops with youth from Wellington, Dufferin and Guelph and identified “youth friendly” updates to the 2006 Children’s Charter of Rights.

The endorsement of the Charter will reflect the intent to support and advocate for the rights of youth, and a recognition that the Corporation of the City of Guelph has a shared responsibility to support families and youth by putting their health and well-being first.

The statements contained within the Youth Charter of Rights correspond with recommendations and desired outcomes of the 2013 – 2018 Youth Strategy, and serve to strengthen the community’s commitment to and understanding of Guelph’s youth population.

On October 23, the Guelph Youth Council endorsed the Wellington-Dufferin-Guelph Youth Charter of Rights.

FINANCIAL IMPLICATIONS

None

ACTION REQUIRED

That the Wellington-Dufferin-Guelph Youth Charter of Rights be endorsed as a document that identifies values and principles that are upheld by the City of Guelph, and that the City of Guelph adopt the Wellington-Dufferin-Guelph Youth Charter of Rights as a document that will guide the City’s policy decisions and key activities as they relate to youth.

RECOMMENDATION

1. That the City of Guelph endorse the Wellington-Dufferin-Guelph Youth Charter of Rights as a document that identifies values and principles that are upheld by the City of Guelph
2. That the City of Guelph adopt the Wellington-Dufferin-Guelph Youth Charter of Rights as a document that will guide the City's policy decisions and key activities as they relate to youth.

BACKGROUND

The purpose of the Report Card is to raise the profile of youth in our communities by examining and reporting on the state of their health, development, and overall well-being. *The Well-Being of Youth Ages 14 to 18: A Report Card for Wellington-Dufferin-Guelph* is a comprehensive review of the many factors that have an impact on our youth's well-being: health, learning, and development. This Report Card focuses on youth ages 14 to 18 years and their families, who are living in Wellington County, Dufferin County, and the City of Guelph.

The Wellington-Dufferin-Guelph (WDG) Youth Charter of Rights is a document that outlines a vision to make Wellington, Dufferin, and Guelph better places for youth and families. It includes a series of statements that outline the responsibilities that our communities have for ensuring healthy development and bright futures for all of our youth.

In 2006, the Wellington Children's Services Council and the Wellington-Dufferin-Guelph Coalition for Report Cards on the Wellbeing of Children led to the development of a Wellington-Dufferin-Guelph Children's Charter of Rights. This charter was made unique to our community and is based on the United Nations Convention on the Rights of the Child. There was an overwhelmingly positive response towards the Children's Charter of Rights, with over 58 organizations in Wellington, Dufferin, and Guelph endorsing the Charter. These endorsements represent an organization's commitment to act in accordance with the values and principles of the Charter.

With the success of the Children's Charter of Rights, the Coalition decided that an important component of the work necessary to prepare a Report Card for Youth ages 14 to 18 was a Youth Charter of Rights

REPORT

The Youth Charter of Rights was developed by a Youth Engagement Working Group of the Youth Report Card Coalition. This working group facilitated a series of workshops with youth from Wellington, Dufferin and Guelph and identified "youth friendly" updates to the 2006 Children's Charter of Rights. Participants were asked to capture what they felt were important aspects of their personal wellbeing, as well

STAFF REPORT



as that of their peers and community. The underlying meaning, or “spirit”, of the Children’s Charter is reflected in the revised statements; however, the language and wording was changed to reflect youth specific input and endorsement. The participating youth felt that each statement would make all youth in our community proud.

The endorsement of the Charter will reflect the intent to support and advocate for the rights of youth, and a recognition that we have a duty to support families and youth by putting their health and wellbeing first. The community can use the Charter to guide and direct their commitment to youth health and development. Furthermore, youth may feel empowered to exercise their rights and protect the rights of their peers and other youth in the community.

Additionally, the Youth Charter of Rights and the work of the Youth Report Card Coalition is in harmony with the City of Guelph’s 2013 – 2018 Guelph Youth Strategy and the work of the Guelph Youth Council. All of the statements contained within the Youth Charter of Rights correspond directly to the recommendations and desired outcomes of the 2013 – 2018 Youth Strategy, and serve to strengthen the community’s commitment and understanding of Guelph’s youth population.

On October 23, the Guelph Youth Council endorsed the Wellington-Dufferin-Guelph Youth Charter of Rights.

CORPORATE STRATEGIC PLAN

City Building

- 3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City
- 3.3 Strengthen citizen and stakeholder engagement and communications

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

- ATT-1 Wellington-Dufferin-Guelph Youth Charter of Rights

Report Author

Adam Rutherford
Youth Services Coordinator

STAFF REPORT

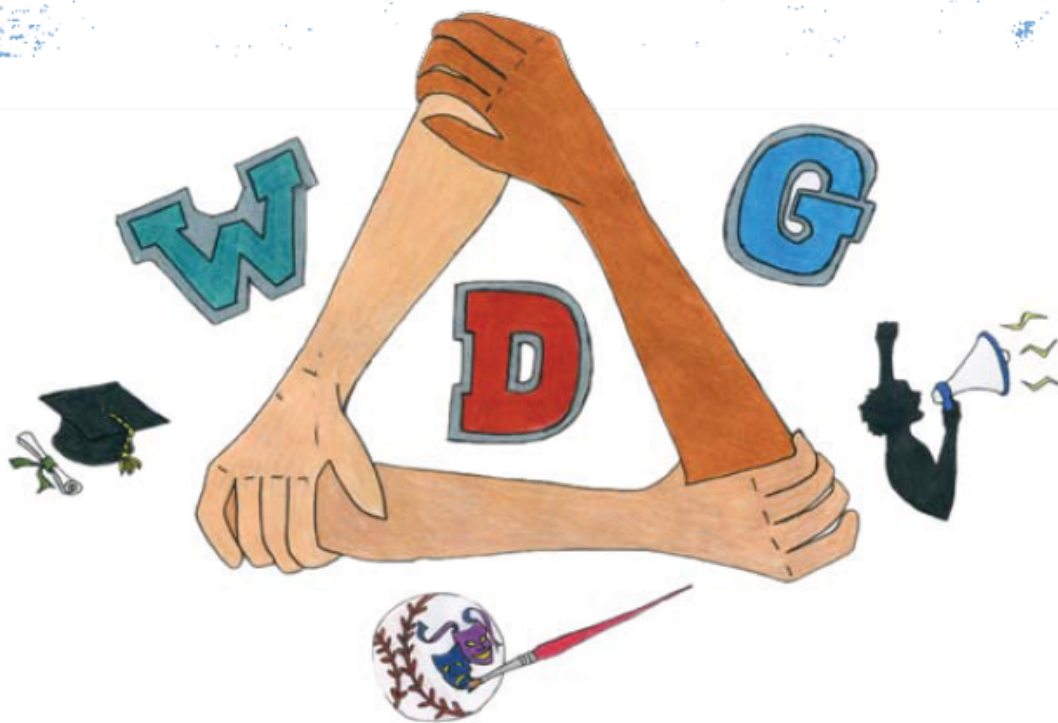


Approved By

Barbara Powell
General Manager, Community
Engagement and Social Services
519-822-1260 ext. 2675
Barbara.powell@guelph.ca

Recommended By

Derrick Thomson
Executive Director,
Community and Social Services
519- 822-1260 ext 2665
derrick.thomson@guelph.ca



Wellington-Dufferin-Guelph Youth Charter of Rights

All youth in Wellington-Dufferin-Guelph have a right to:

- » A voice in the issues that affect our lives;
- » Good health by having our social, emotional, mental, physical and spiritual needs met;
- » A place to sleep, clothes to wear, food to eat and supportive friends and/or family;
- » Affordable activities and programs, and safe places to hang out;
- » Education, training and opportunities that prepare us for our future lives;
- » Quality time with our friends, family and/or other positive role models in our community;
- » Be and feel safe in our homes, schools and communities;
- » Be accepted for who we are and what we believe without being discriminated against;
- » Access to quality and affordable child care, early education programs and/or parenting supports.

All youth deserve basic rights and freedoms. A fair share of society's resources must be devoted to ensuring this. While families are responsible for raising their children, all levels of government, in partnership with communities, have a duty to support families by putting the health and well-being of children first.

Wellington-Dufferin-Guelph Youth Charter of Rights





Who Are Our Youth?

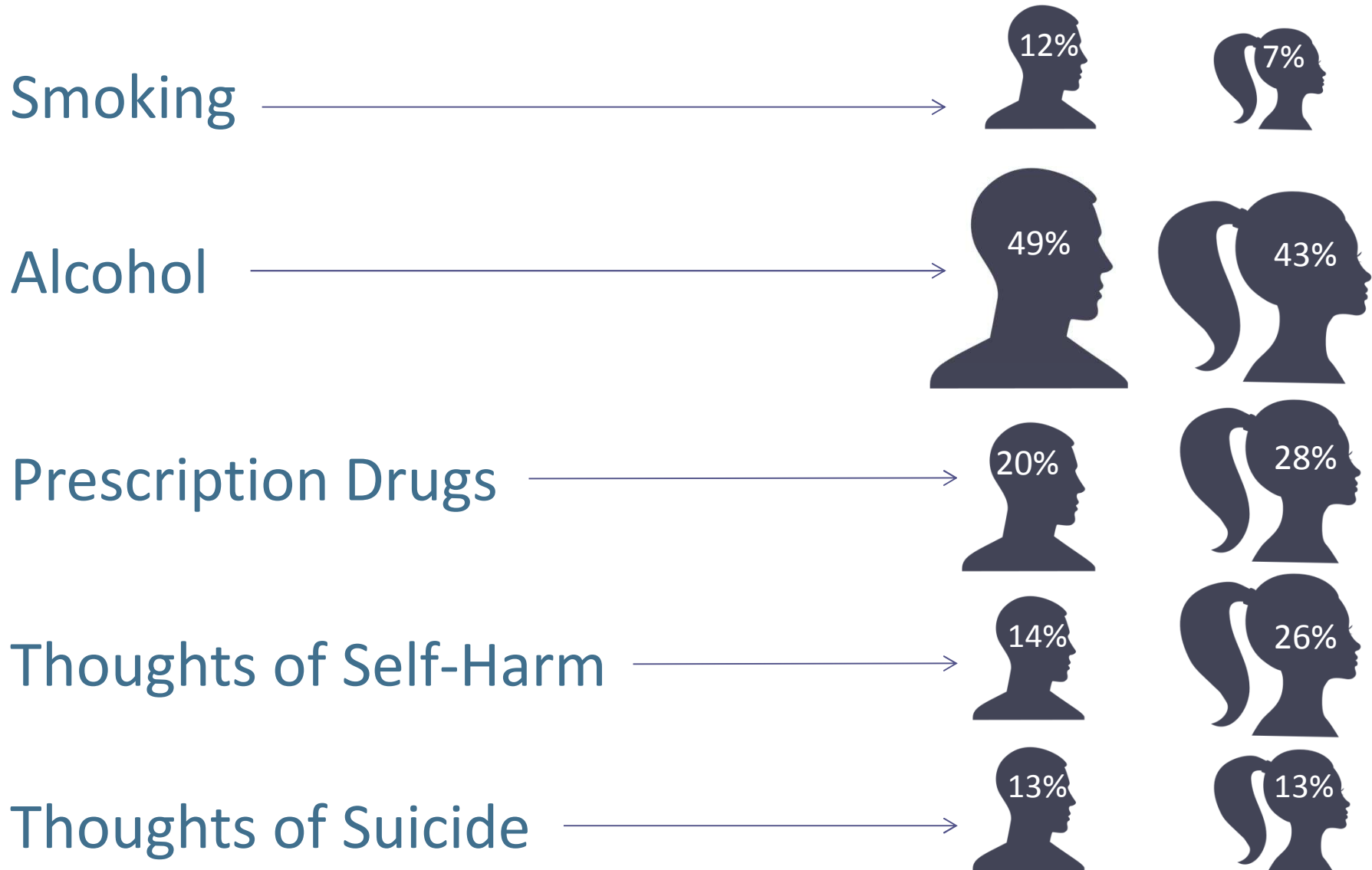
Results from the 2011/12 Youth Survey



Top Five Health Issues Identified by Youth

1. Depression / Mental Health
2. Healthy Weights / Body Image
3. Healthy Relationships
4. Alcohol Use
5. Physical Activity

Risk Taking Behaviours

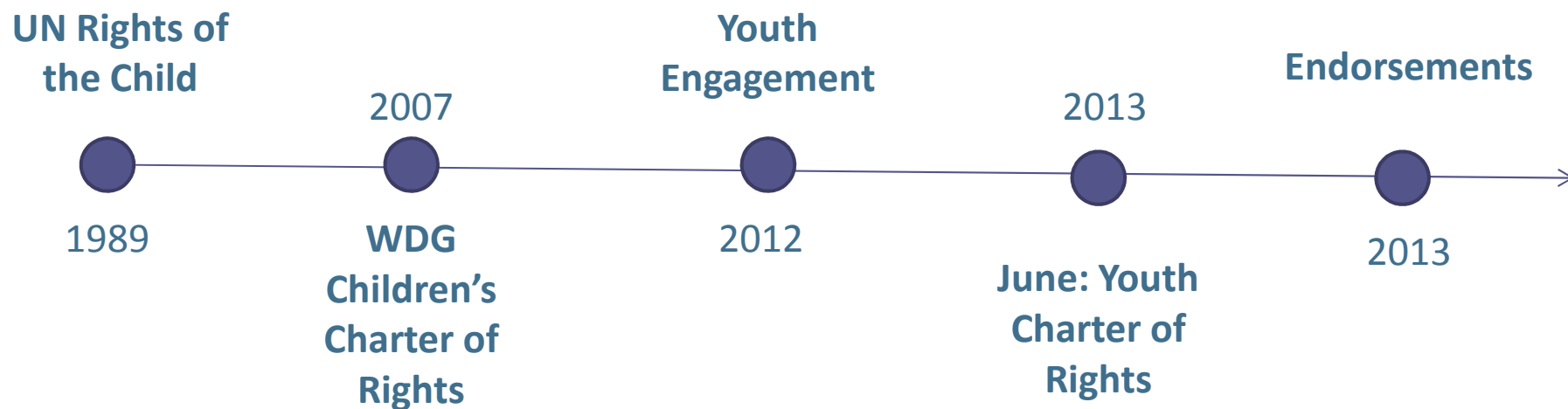




Protective Factors

1. More students in Guelph report feeling like they can make a difference in their community
2. More students in Dufferin report active transport to/from school
3. More families in Wellington County live below the Low Income Cut Off (LICO)
4. More students in Guelph report high levels of school engagement and school bonding

The Making of the WDG Youth Charter of Rights





1989: UN Rights of the Child

- The 1989 Convention on the Rights of the Child builds on the Universal Declaration of Human Rights (1948), outlining children's specific rights given their vulnerability and dependence
- The Convention outlines that children have the right to:
 - Protection
 - Provision
 - Participation

2007: WDG Children's Charter of Rights

Wellington-Dufferin-Guelph Children's Charter of Rights



All children deserve basic rights and freedoms. A fair share of society's resources must be devoted to ensuring this. While families are responsible for raising their children, all levels of government, in partnership with communities, have a duty to support families by putting the health and well-being of children first.

All children in Wellington-Dufferin-Guelph have a right to:

- ✓ a quality of life that meets their physical, intellectual, emotional, spiritual and social needs.
- ✓ have basic needs met including nutritious food, a healthy environment and a safe and comfortable place to live.
- ✓ access quality and affordable child care, early education programs and/or parenting support.
- ✓ safe places and time to play, and access to affordable recreational activities.
- ✓ quality education to enable them to reach their full potential.
- ✓ quality time with their families and/or other nurturing and positive role models throughout their childhood.
- ✓ protection from neglect, abuse and exposure to family violence.
- ✓ be accepted for who they are, and believe what they want without being discriminated against.

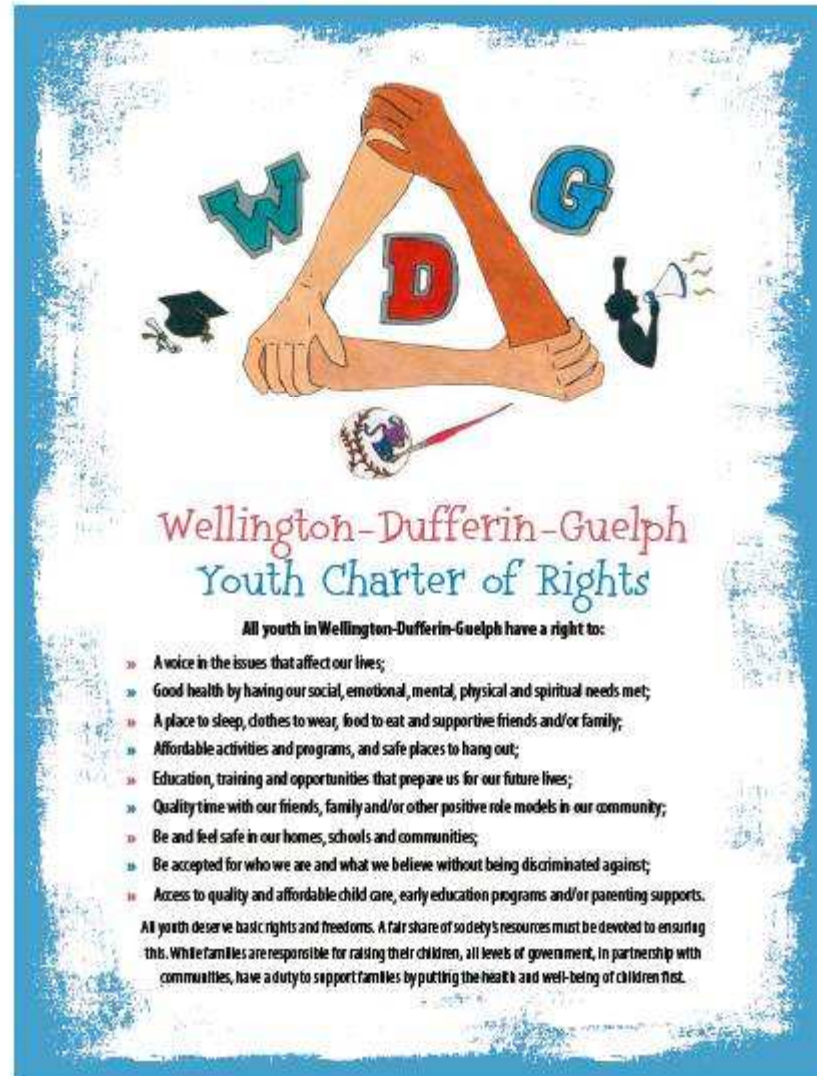


2012: Youth Engagement

- May & June: Youth Engagement Workshops
- November & December 2012: Youth Consultations
- January – April 2013: Report Card Design



2013: Youth Charter of Rights





Charter Endorsements

- As with the Children's Charter, we are asking local political councils, community organizations, and school boards to endorse the Youth Charter of Rights
- Endorsing the Youth Charter signifies a commitment to act in accordance with the values and principles outlined in the charter

Endorsement of the Youth Charter of Rights



CONSENT REPORT OF THE NOMINATING COMMITTEE

December 16, 2013

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Nominating Committee beg leave to present their SECOND CONSENT REPORT as recommended at its meeting of December 9, 2013.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Nominating Committee will be approved in one resolution.

1) COUNCIL APPOINTMENTS TO STANDING COMMITTEES

Audit Committee

That Councillors Furfaro and Kovach be appointed members of the Audit Committee for a term ending November 30, 2014.

Community & Social Services Committee

That Councillors Laidlaw and Wettstein be appointed members of the Community & Social Services Committee for a term ending November 30, 2014.

Corporate Administration, Finance & Enterprise Committee

THAT Councillors Kovach and Wettstein be appointed members of the Corporate Administration, Finance & Enterprise Committee for a term ending November 30, 2014.

Operations, Transit & Emergency Services Committee

THAT Councillors Piper and Van Hellemond be appointed members of the Operations, Transit & Emergency Services Committee for a term ending November 30, 2014.

Planning & Building, Engineering and Environment Committee

THAT Councillors Guthrie and Piper be appointed members of the Planning & Building, Engineering and Environment Committee for a term ending November 30, 2014.

All of which is respectfully submitted.

**CONSENT REPORT OF THE
PLANNING & BUILDING, ENGINEERING AND ENVIRONMENT COMMITTEE**

December 16, 2013

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Planning & Building, Engineering and Environment Committee beg leave to present their TENTH CONSENT REPORT as recommended at its meeting of December 9, 2013.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Planning & Building, Engineering and Environment Committee will be approved in one resolution.

PBEE-2013.40 The Canadian Radiocommunications Information and Notification Service (CRINS-SINRC)

1. That the Planning & Building, Engineering and Environment report dated December 9, 2013, regarding the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) be received.
2. That Council accept the invitation to become a participating member of the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC).
3. That the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) be appointed as the designated representative to receive and process applications for radiocommunication facilities on behalf of the City of Guelph.
4. That the Program Manager- Zoning be appointed as the designated representative on applications pursuant to the Antenna Siting Design Framework, on behalf of the City of Guelph.
5. **That the City of Guelph calls upon the Minister of Industry not to approve any new radiocommunications facilities within the City of Guelph until the review of Safety Code 6 is completed.**
6. **That the City of Guelph's resolution be forwarded to the Federation of Canadian Municipalities (FCM), Association of Municipalities of Ontario (AMO), the Prime Minister of Canada and Cabinet, and all Members of Parliament.**

PBEE-2013.41 Brownfield CIP Environmental Study Grant Agreement Amendment – 5 Gordon Street

1. That staff be directed to finalize an amendment to the Environmental Study Grant Agreement between the City and Gordon Street Co-operative Development Corporation, dated July 20th, 2011 and pertaining to 5 Gordon Street, to extend the deadline for submission of the required documentation to January 31, 2014, to the satisfaction of the General Manager of Planning Services, the General Manager of Legal and Realty Services/City Solicitor, and the City Treasurer.
2. That the Mayor and Clerk be authorized to execute the amending agreement.

PBEE-2013.42 Sign By-law Variances 72-78 Macdonell Street

1. That the report from Planning, Building, Engineering and Environment dated December 9, 2013, regarding sign by-law variances for 72-78 Macdonell Street, be received.
2. **That the request for variances from the Sign By-law for 72-78 Macdonell Street to permit building signage for the Western Hotel on the second storey elevation, to project 0.71m and to be internally lit, be approved.**

PBEE-2013.43 Consideration for the Establishment of an Advisory Committee for Multi-Residential Waste Management

1. That the Planning, Building, Engineering and Environment Report dated December 9, 2013, regarding consideration on the formation of an Advisory Committee for multi-residential waste management be received.
2. **That no action be taken regarding the formation of an advisory committee for multi-residential waste management.**

All of which is respectfully submitted.

Councillor Piper, Chair
Planning & Building, Engineering and
Environment Committee

PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE DECEMBER 9, 2013 MEETING.

STAFF REPORT



TO Planning & Building, Engineering and Environment Committee

SERVICE AREA Planning, Building, Engineering and Environment

DATE December 9, 2013

**SUBJECT THE CANADIAN RADIOCOMMUNICATIONS INFORMATION
AND NOTIFICATION SERVICE (CRINS-SINRC)**

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To advise Council of the CRINS-SINRC service regarding the approval of telecommunication facilities and to recommend that the City of Guelph become a member of CRINS-SINRC and adopt the CRINS-SINRC Reference Protocol.

KEY FINDINGS

The existing City of Guelph Policy on Telecommunication Towers is outdated and a better method of review/approval is available.

FINANCIAL IMPLICATIONS

None.

ACTION REQUIRED

Council accepts the invitation to become a participating member of CRINS-SINRC and adopts the CRINS-SINRC Reference Protocol.

RECOMMENDATION

1. That the Planning & Building, Engineering and Environment report dated December 9, 2013, regarding the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) be received.
2. That Council accept the invitation to become a participating member of the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC).
3. That the Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) be appointed as the designated representative to receive and process applications for radiocommunication facilities on behalf of the City of Guelph.
4. That the Program Manager-Zoning be appointed as the designated representative on applications pursuant to the Antenna Siting Design Framework, on behalf of the City of Guelph.

STAFF REPORT



BACKGROUND

At the Planning & Building, Engineering and Environment Committee meeting on September 10, 2013, the following resolution was passed regarding Telecommunication Towers:

- "1. That the request to change the cell tower policy be referred to staff to report back to the Planning & Building, Engineering and Environment Committee on options regarding:
 - a) changes to City policy; and
 - b) advocacy for a review of Safety Code 6.
2. That the matter of the Grange and Starwood cell towers and the extended pole on Auden Road be placed on a future meeting agenda of the Planning & Building, Engineering and Environment Committee."

The purpose of this report is to report on proposed changes to City policy (Clause 1 a). Clause I b) has been discussed with and referred to our Senior Advisor, Policy & Intergovernmental Affairs.

Staff has met with Todd White of the Canadian Radiocommunications Information and Notification Service (CRINS-SRINC). The Canadian Radiocommunications Information and Notification Service (CRINS-SINRC) is an organization providing a shared-service bureau that works on behalf of participating Land Use Authorities (LUA's) to ensure that proper notification and public consultation processes occur and land use concerns are properly communicated to stakeholders. CRINS-SINRC is a not-for-profit organization, owned by its members. They manage the processing of applications for radiocommunications facilities and ensure that public consultation is conducted according to the LUA's consultation protocol. Its members are comprised of local land use authorities (LUA) who then have complete access to all applications (exempt or non-exempt), existing locations (through CRINS-SINRC's National Antenna Information database), and processes pertaining to radiocommunications facilities within their jurisdictions through the CRINS-SINRC website.

Launched in January 2012, CRINS-SINRC has over 195 municipalities as their current members. There are 300 more municipalities currently in the process of becoming members and the organization is hoping to reach out to as many municipalities as possible in western Canada by the end of 2013.

The staff at CRINS-SINRC is led by an Executive Director who reports to the CRINS-SINRC Advisory Board, which consists of representatives from each member Land Use Authority (municipality or planning commission). In some cases, multiple smaller municipalities may be represented by a single Advisory Board member such as in New Brunswick where the newly formed Regional Service Commissions (RSCs) may each representing 10-20 municipal units, but the RSC's appoint a single

STAFF REPORT



representative to CRINS-SINRC. If the City adopted this process, the Program Manager-Zoning, would become the designate.

Each municipality has one common share in the CRINS-SINRC Corporation which is used to vote on corporate governance issues. The Directors of the Corporation, outside of regulatory compliance with Corporations Canada or Canada Revenue Agency requirements, have no power to act except under direction of the Advisory Board.

As part of the services provided, CRINS-SINRC has developed a comprehensive Reference Protocol which members adopt and members then advise CRINS-SINRC of locally defined requirements to protect Community Sensitive Locations, and identify local preferences. Most of the CRINS-SINRC's current members have adopted and given force to the Reference Protocol as is, while some jurisdictions such as the City of Fredericton, have made addendums to reflect the need to tightly control antenna siting in historical precincts and other sensitive areas.

The CRINS-SINRC Reference Protocol also addresses the concerns over exempt facilities whereby proponents are required to notify the municipality of all facilities, whether or not exempt from public consultation, to allow municipalities the opportunity to ensure that sites are not interfering with Community Sensitive Locations.

Currently, the City of Guelph is not a member. The City of Guelph established its own protocol in 2002 and this protocol has become out of date and did not anticipate the amount of growth in the telecommunication tower industry.

REPORT

The fundamental problem is that municipalities, despite having the mandate to address land use issues within their respective jurisdiction, do not have the final decision making authority with respect to these facilities as that authority is vested exclusively with the Minister of Industry as administered by Industry Canada Spectrum Management branch. This was evidenced in 2012 with the Gordon/Kortright Road Telecommunication tower application process.

Industry Canada dictates that if a Land Use Authority (i.e. municipality) chooses to implement their own public consultation protocol (as the City of Guelph adopted in 2002), then proponents must follow that protocol. Despite Industry Canada's request for input on the part of the municipality, Industry Canada applies strict definitions on what concerns brought forth by the public or the municipality are deemed relevant.

When concerns are brought forward as part of a public consultation, there is limited accountability on the part of proponents as the recommendations provided by municipal staff and Council may not be acted upon or even overruled by Industry

STAFF REPORT



Canada without transparency to the decision making process. This leads to a situation that frustrates the public and staff at the municipal level.

The largest difference between the current City of Guelph Protocol and the CRINS-SINRC Protocol is highlighted by an antennae classification system that directs three levels of review and approval based on objective criteria. This portion of the Protocol has been attached as SCHEDULE 2- PROTOCOL.

Building Services is recommending that City Council submit a request to CRINS-SINRC to become a member based on the following reasons:

1. The City will have complete access to information pertaining to existing and proposed locations of all radiocommunications facilities;
2. The City will be able to work with CRINS-SINRC to establish its own protocol addendums that identifies sensitive areas within Guelph, which would allow CRINS-SINRC to better assist in the processing of all applications on behalf of the City;
3. The participation in CRINS-SINRC is at no cost to the City;
4. The City of Guelph will be able to recover costs associated with applications from proponents through the levying of an application fee to be collected by CRINS-SINRC;
5. The City of Guelph will have voting rights, a share in the corporation, and be entitled to have representation on the CRINS-SINRC Advisory Board to direct their governance.

For the City to become a member of CRINS-SINRC, Council would pass a motion to join CRINS-SINRC and authorize CRINS-SINRC and its staff to act as the City's designated representatives for all radiocommunications matters and appoint a member of staff to the CRINS-SINRC Advisory Board. A standard joining letter has been attached as SCHEDULE 1-JOINING LETTER and this will be modified to reflect City of Guelph desires.

The next step would be the adoption of the CRINS-SINRC Reference Protocol (a portion is attached as SCHEDULE 2 – PROTOCOL). This would initiate and give force to the protocol for all applications within the City. Staff (Building and Legal) have reviewed the protocol and recommend the City's membership in CRINS-SINRC.

Finally, the City would have to determine what the processing fee would be for applications. The CRINS-SINRC fees for 2013 are seventeen hundred dollars (\$1700) per non-exempt application, and \$250 for exempt applications. City fees would remain as is. At present, the City of Guelph fee is \$300 for applications requiring no public consultation (compliance with protocol/exempt facilities) and \$600 for applications requiring public consultation (non-compliance/non-exempt facilities).

STAFF REPORT



Staff is recommending that new fees be assessed at \$550 for exempt facilities (\$300 City / \$250 CRINS-SINRC) and \$2300 for non-exempt proposals (\$600 City / \$1700 CRINS-SINRC).

CRINS-SINRC collects the combined fee on behalf of the municipality when a proponent applies through the online system and CRINS-SINRC deems the application complete and ready for review and then forwards the City's portion of the cost recovery fees.

The key principles of the City's existing Telecommunication Policy that would be forwarded to CRINS-SINRC are attached as SCHEDULE 3.

CORPORATE STRATEGIC PLAN

3.1- Ensure a well designed, safe, inclusive, appealing and sustainable City

DEPARTMENTAL CONSULTATION - N/A

COMMUNICATIONS - N/A

FINANCIAL IMPLICATIONS

CRINS-SINRC is able to recover costs from the proponent. There is an opportunity for the City to fully recover our costs for facilitating the local discussion. CRINS-SINRC will charge the proponent to recover our costs in addition to their own and will reimburse the City with our portion of the fee.

ATTACHMENTS

- SCHEDULE 1 Joining Letter
- SCHEDULE 2 Excerpt from Protocol
- SCHEDULE 3 Existing City Key Principles
- SCHEDULE 4 Full CRINS-SINRC Protocol is available on the City of Guelph website at:
<http://guelph.ca/wp-content/uploads/CRINS-SINRCReferenceProtocol-Issue2.pdf>

Report Author

Pat Sheehy
Program Manager- Zoning
Building Services

Original Signed by:

Original Signed by:

Approved By

Bruce A. Poole
Chief Building Official
Building Services
(519) 837-5615, Ext. 2375
bruce.poole@guelph.ca

Recommended By

Janet L. Laird, Ph.D.
Executive Director
Planning, Building, Engineering
and Environment
(519) 822-1260, Ext 2237
janet.laird@guelph.ca

STAFF REPORT



SCHEDULE 1-JOINING LETTER

CRINS-SINRC
1500 Bank Street, Suite 501
Ottawa, Ontario K1H 7Z2
Attn: Todd White, Executive Director

[DRAFT]

[DATE]

Dear Mr. White:

On behalf of the [LUA], I am pleased to accept your invitation to become a participating municipality in the Canadian Radiocommunications Information and Notification Service / Service d'Information et de notification en radiocommunications canadiennes (CRINS-SINRC).

At a meeting of the [LUA] Council on [DATE] a motion was adopted to participate in CRINS-SINRC and to utilize the services of CRINS-SINRC to manage the processing of all radiocommunications applications within the jurisdiction of the City of (?) in our capacity as the Land Use Authority as recognized by Industry Canada under Client Procedure Circular (CPC) 2-0-03, Issue 4 (2008).

To that end, the [LUA] hereby authorizes CRINS-SINRC and its staff to act as the authorized representative of the City of (?) pursuant to Section 4 of CPC 2-0-03, Issue 4 for the purpose of receiving and acting upon all radiocommunications applications, reporting to and working with the [LUA]'s Director of Planning or a member of staff which the Director may designate from time to time.

The [LUA] also adopted the CRINS-SINRC Reference Protocol Issue 2, and subsequent amendments as may be approved from time to time, as the municipality's protocol in force for all applications.

Furthermore, we accept your offer to designate a representative from our Planning Department as a member of the CRINS-SINRC Advisory Board to provide guidance to the operations of CRINS-SINRC in fulfillment of its mandate to educate the public and provide transparency and accountability surrounding applications for radiocommunications facilities.

We look forward to working with CRINS-SINRC on the issue of radiocommunications facilities within our jurisdiction which has become a concern for our constituents.

I have attached a copy of the adopted motion and meeting minutes for your records and would ask that you coordinate training of our staff with [Director of Planning].

Sincerely yours,

[signature]

SCHEDULE 2- EXCERPT FROM PROTOCOL

The Land Use Authority shall provide Antenna Siting Design Framework (ASDF) criteria for the proposed site to the proponent through the CRINS-SINRC system. The ASDF criteria shall outline design goals for the proposed site based on the location chosen by the proponent. The Land Use Authority shall inform its recommendations based on how well the proponent's design meets the ASDF design criteria.

7.2.2 The ASDF provides an overall classification of the proposed design through a concept known as "Degree of Visual Change" which is characterized as "Low", "Medium" or "High".

7.2.3 The level of public consultation required for a proposed site shall be dictated by the ASDF "Degree of Visual Change" classification as follows:

- 1) "Low" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. No road signage is required. No public meeting is required. LUA Staff shall issue a LUA Recommendation Report within 30 days. A Notice of Completion shall be issued by CRINS-SINRC upon receipt of the LUA Recommendation Report and approval by the LUA Designated Representative.
- 2) "Medium" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. A Public Notice shall be placed in local media outlets requesting comments or questions over a 30 day period. Road signage shall be erected prior to the mailout to adjacent landowners and publication of the Public Notice. No public meeting is required. Staff shall issue an LUA Recommendation report within 30 days and such report shall be accompanied by a summary of public comments received from adjacent landowners and members of the public. A Notice of Completion shall be issued by CRINS-SINRC upon receipt of the LUA Recommendation Report and approval by the LUA Designated Representative.
- 3) "High" – the proposed facility requires that land owners within a minimum of 120 metres or 3 times the structure height, whichever is greater, be notified by mail/courier requesting comments or questions over a 30 day period. Road signage shall be erected prior to the mailout to adjacent landowners. A Public Information Meeting shall be held no later than 14 days after the

SCHEDULE 2- PROTOCOL (CONTINUED)

closing date for submissions from adjacent landowners. LUA staff shall prepare an LUA Recommendations Report within 60 days, including a summary of public comments received during the public information meeting, and shall present the report to the LUA's Planning Committee and/or Council for review. A Notice of Completion shall be issued by CRINS-SINRC on the date the LUA Recommendation Report is presented to Council. However, a statement of concurrence from the LUA will only occur with the approval of Council.

SCHEDULE 3-EXISTING KEY PRINCIPLES

1. To encourage awareness by the carriers for the following considerations of the City as part of their planning and site selection process for telecommunication tower and/or antenna sites:
 - a) The development and/or redevelopment of new towers should be sensitive to Church of our Lady sight lines, designated heritage resources, the Speed and Eramosa Rivers, city parks and the downtown area;
 - b) Towers and equipment buildings should be located away from public roadways and adjoining property lines where possible;
 - c) Carriers are encouraged to protect the natural landscape of a site at all times. Where appropriate, the planting of trees and shrubs at the tower site to enhance the character of the surroundings is highly recommended;
 - d) Stealth (camouflage) towers or monopole designs should be considered where possible to minimize the visual impact upon the City;
 - e) The preferred location for the development of new towers within the City is in the industrial areas and in rural areas which are away from existing or future residential development.

Canadian Radiocommunications
Information and Notification Service



Service d'information et de notification
en radiocommunications canadiennes

Municipal Overview

City of Guelph

December 9, 2013

Introduction

- CRINS-SINRC is a not-for-profit, member-owned, shared service organization.
- Membership limited to Canadian municipalities and provincial agencies / governments identified as Land Use Authorities (LUAs) for the purposes of IC's Client Procedure Circular (CPC) 2-0-03, Issue 4, or agencies which oversee provincial heads of power which are required to support the *Radiocommunications Act* – i.e. public health, occupational health and safety, environment, and the practice of engineering.
- Conceived in January 2011, launched in January 2012.
- Current membership of 150+ municipal units and agencies, including unincorporated areas, and provincial agencies.



CRINS-SINRC Mandate

- Serve as expert staff for municipal members to evaluate proposed radiocommunications sites and support planning staff.
- Educate the public on issues pertaining to antenna system and tower siting in our member jurisdictions.
- Manage the public consultation process on behalf of our municipal members.
- Present results of public consultations / municipal input to proponents and Industry Canada.
- Provide oversight of ongoing obligations of proponents on behalf of members when required.

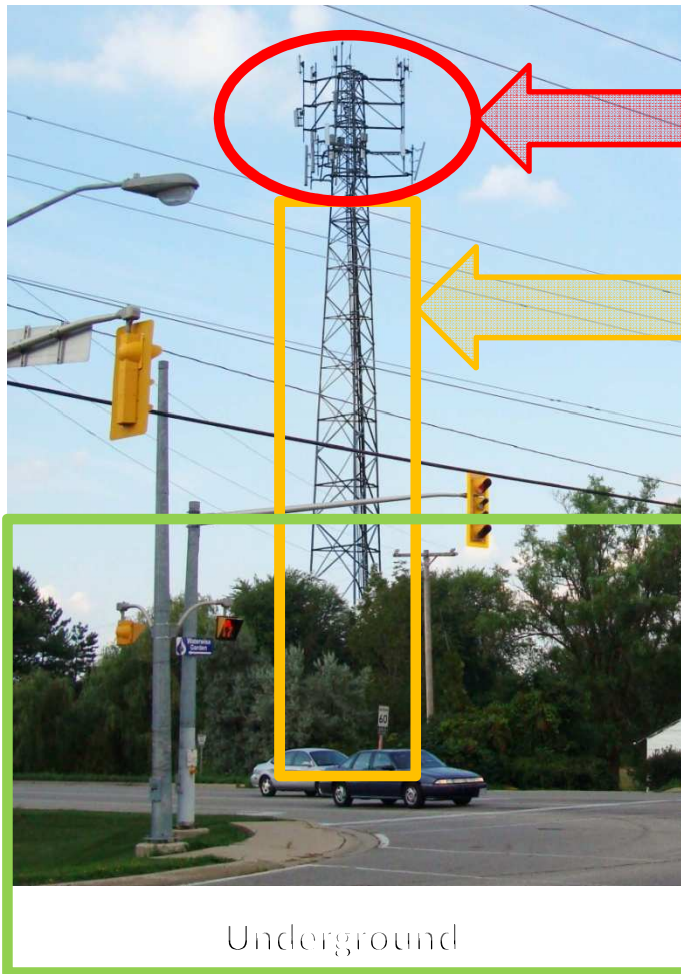


Law and Regulations

- Radiocommunications are developed under the authority of the Minister of Industry vested in the *Radiocommunications Act*.
 - Mandate: “... *ensuring the orderly establishment or modification of radio stations and the orderly development and efficient operation of radiocommunication in Canada, [...]*” – Section 5 (1).
- Authority includes:
 - **establish technical requirements and technical standards** in relation to radio apparatus, interference-causing equipment, and radio-sensitive equipment, or any class thereof;
 - **plan the allocation and use of the spectrum;**
 - **approve each site on which radio apparatus, including antenna systems, may be located, and approve the erection of all masts, towers and other antenna-supporting structures;**
 - **test radio apparatus for compliance with technical standards** established under this Act;
 - require holders of, and applicants for, radio authorizations to **disclose to the Minister such information as the Minister considers appropriate respecting the present and proposed use of the radio apparatus in question and the cost of installing or maintaining it**, including subsequent material changes in such information on an ongoing basis;



Heads of Power



- *Radiocommunications Act* – Industry Canada
- *Safety Code 6* – Health Canada

- **Provincial Heads of Power**
 - Practice of Professional Engineering
 - Building Code adoption
 - Occupational Health and Safety
 - Public Health
 - Environment
 - First Nations (Land Claims)

- **Devolved Provincial Authority**
 - Land Use Authority (Planning & Development)
 - Conservation and Heritage Authorities



CRINS-SINRC Service Goals


- Bringing together all the stakeholders (proponents, public, LUA).
- Educating the Public on Antenna Siting Issues
- Transparent Disclosure on Proposed Sites
- Engaging in a Constructive Discourse with the Public
- Audit Trail and Statistical Modelling.




CRINS-SINRC Website

<http://www.crins-sinrc.ca/>

Canadian Radiocommunications
Information and Notification Service



Service d'information et de notification
en radiocommunications canadiennes




**Members**
[Log In](#)
[Register](#)

SEARCH FORM Find information on proposed radiocommunications sites in your area

****SERVICE LAUNCHING IN JANUARY 2012****


For Participating Municipalities to obtain their username/password to access the demonstration system, contact us at assistance@crins-sinrc.ca

**News and Events**

CRINS-SINRC Newfoundland / Labrador Workshop
The CRINS-SINRC pre-launch workshop for the Land Use Authorities in Newfoundland / Labrador will be held January 23rd.
[Read More >>](#)


Health Canada and Safety Code 6
Health Canada released an informational video on cell phone use and Safety Code 6...
[Read More >>](#)

About CRINS-SINRC




Transparency, Education, Consultation.
Learn about the organization and our mandate to support the dialogue over radiocommunications sites in Canada.
[Read More >>](#)

I Have a Question



Learn, Question, Participate.
Explore our educational material on radiocommunications sites, including health and safety, operations and policy.
[Read More >>](#)

Proponent Information Portal





Inform, Communicate, Resolve.
Submit your sites for review by Land Use Authorities, and the public using our e-Consultation system.
[Read More >>](#)

[Terms of Use](#) | [Privacy Policy](#) | [Contact Us](#)

Canadian Radiocommunications Information and Notification Service
P.O. Box 501 - 1500 Bank Street, - Ottawa, Ontario - K1H 7Z2
Telephone: Facsimile: 1-866-240-7025
E-mail: assistance@crins-sinrc.ca

Canadian Radiocommunications Information and Notification Service - Copyright 2011 CRINS-SINRC Corporation

Follow Us:    

CRINS-SINRC Features

- Unifying the Process – “it’s all about consistency”.
- Step 1 :Preconsultation
- Step 2: Public Notice and Information
 - *Signage*
 - *Contacting Adjacent Land Owners / Notification Packages.*
 - *Online Disclosure/ Twitter/ Facebook, e-mail / newspapers (as required)*
 - *Educational Information (Health Canada, Transport Canada, etc.).*



CRINS-SINRC Features

- Step 3: Public and LUA Input
 - *Collecting Comments and Questions*
 - *Proponent Responses*
 - *Audit Trail*
 - *The Consultation Status “Dashboard”.*
- Step 4&5: Attestation of Consultation
 - *Summary of Public Comments*
 - *LUA Comments and Report*
 - *Online Archives*
 - *Letter to Industry Canada.*



Using CRINS-SINRC

- How does an LUA become involved?
 - No fees (free) to LUAs who participate
- What do you (LUA) do?
 - Obtain approval from your Planning Committee / Council to participate.
 - Send us a letter from your CAO/Mayor/Warden indicating the decision.
 - Adopt a revised antenna siting protocol which mandates the use of CRINS-SINRC as the conduit for consultation as per IC CPC 2-0-03.



Using CRINS-SINRC

- What do we (CRINS-SINRC) do?
 - Meet with Planning and model your workflow to determine who will be users of the system
 - Setup User Accounts and Permissions
 - Provide Training
 - Setup Parameters for your LUA (if different from standard – i.e. Notification radius).
 - Arrange for information flow with respect to property information on adjacent landowners (notification lists)



Thank You



Submission from Stephen D'Agostino

Building Canada's Advanced Wireless Networks: The Future is Here

City of Guelph Planning & Building, Engineering and
Environment Committee
December 9, 2013



Our Request

For the reasons set out herein we request that:

- Council not accept the staff recommendation; And,
- Staff be directed to develop a made in Guelph protocol in consultation with affected stakeholders, including the wireless carriers licensed to provide service in Guelph and report back to Council.



A Paradigm Shift

- Changing technology and growing competition are creating a paradigm shift in the wireless industry.
- 2010 marked the year when mobile data transactions eclipsed traditional voice;
 - Data traffic is expected to double every year through 2014;
 - Data requires exponentially greater broadband capacity than voice;
 - As demand for **CAPACITY** increases at a cell site, the **COVERAGE** area decreases.
- This is compounded by the growing number of entrants in the wireless industry;
 - 3 incumbent providers: Bell, Rogers and TELUS;
 - new entrants actively building networks in Ontario: Wind, Public Mobile, Dave Wireless.
- The only solution that will meet the escalating growth in demand for wireless service is construction of additional wireless facilities.



Municipal Approval Process

- The wireless industry wants to work with local government to develop protocols that enable us to meet the needs of your community...our customers...and the regulator (Industry Canada).
- **Clarity, certainty** and **timeliness** are key elements of any approval process:
 - With these in place, industry can focus its resources on securing successful sites, sensitive to their surrounds and land uses.
- We recognize and are mindful of community concerns with regard to site aesthetics:
 - Wherever possible and where appropriate, wireless providers will share (co-locate) facilities and/or locate infrastructure on existing structures;
 - For sensitive geographies, we implement customized, stealth design options to minimize visual impact;
 - We will partner with local government where possible to leverage existing infrastructure.



Our Clients' Support Protocols

- Our clients support the adoption of a Wireless Telecommunications Protocol.
- We don't think Industry Canada's or CRINS' one size fits all approach to protocols is appropriate for a modern dynamic City like Guelph.
- Our clients have been involved in the development of protocols with municipalities across the country since the early 90's; **in fact they invented protocols as a way to ensure local input into siting decisions** notwithstanding the Federal Government's exclusive jurisdiction.
- Protocols were endorsed by the Federal Government's National Antenna Tower Policy Review Study in 2004.
- **We provided comment and background materials to support Guelph's 2001 protocol. We are pleased to do so again.**



Concerns With CRINS' Approach

The CRINS' Presentation

- Although CRINS holds itself out to be a not for profit corporation it was created under the **Canada Business Corporations Act**, not the Canada Not-for-profit Corporations Act. There is no explanation for this anomaly on CRINS' website.
- The slide titled "**Heads of Power**" erroneously states that the Province and City have jurisdiction over the antenna support structure. That jurisdiction lies exclusively with the federal government.
- The presentation overstates the value of the CRINS' protocol. To be clear, their document is a **one size fits all process protocol** that provides little guidance to proponents concerning the location of a proposed facility. Nor does it contain provisions designed to reduce visual impact on visually sensitive areas.



Concerns With CRINS' Approach

Legal Concerns

- According to the Federal Government's information service, CRINS is a share company incorporated under the Canada Business Corporations Act not the Canada Not-for-profit Corporations Act. The two directors listed are not municipal representatives. **It is unclear if the municipal members have the legal authority to control the corporation.** As a result CRINS lies outside the municipal sphere even though it has an advisory board.
- CRINS' 2012 information return to Corporations Canada is overdue by 11 months. Its status going forward is unclear.



Concerns With CRINS' Approach

Legal Concerns

- CRINS is not a “wholly owned” Corporation as defined by the *Municipal Act*. As result, the information provided to it is not protected by the *Municipal Freedom of Information and Protection of Privacy Act*, nor are its directors and officers subject to the *Municipal Conflict of Interest Act*.
- Since CRINS is not a wholly owned corporation the City may not “**bonus**” it. In our view, the payment scheme designed by CRINS constitutes a bonus since it avoids the requirement that fees be cost based as would be the case, for example, pursuant to Section 69 of the Planning Act .



Concerns With CRINS' Approach

Legal Concerns

- The CRINS approach also creates a **monopoly** contrary to Section 18 of the *Municipal Act*.
- Given the lack of process transparency set out in the protocol and the CRINS website it is unclear whether or not the delegation of authority proposed meets the requirements of the *Municipal Act*.



Concerns With CRINS' Approach

Concerns With the CRINS' Protocol

Siting

- Not consistent with the **Provincial Policy Statement** which requires that the City ensure the necessary telecommunications infrastructure be provided to support current and projected needs.
- Fails to provide a **hierarchy of preferred siting options**.
- Fails to provide incentives designed to encourage proponents to voluntarily locate away from visually sensitive areas. Instead, it **encourages co-location which has the effect of exacerbating visual impact**. Such an approach may be inappropriate.
- Fails to provide any direction for facilities required in areas identified by the city to be sensitive.



Concerns With CRINS' Approach

Concerns With the CRINS' Protocol

Siting

- Fails to provide direction to proponents on the use of municipally owned land and structures. Many municipalities have chosen to be the **landlord of first choice** in order to take advantage of the income stream generated and/or the contractual advantages that come with being a landlord.
- Fails to recognize that proponents are subject to siting constraints that limit siting choices. Rather, it mistakenly suggests that proponents can site in "almost any location."
- Creates controversy by prohibiting structures in significant views and vistas without defining same.



Concerns With CRINS' Approach

Concerns With the CRINS' Protocol

Public Consultation

- Misapprehends the role of public consultation in the CPC by not providing for a meaningful conclusion. Rather, the process creates the prospect of a never ending loop of correspondence between the public and a proponent without any right of arbitration by either side.
- Fails to provide a framework for the application of the three levels of consultation leading us to conclude that it is arbitrary.
- **Public's personal information is not protected by *Municipal Freedom of Information and Protection of Privacy Act*.**



Concerns With CRINS' Approach

Concerns With the CRINS' Protocol

Public Consultation

- Public consultation requirement that notice be the greater of 120 m or three times the tower height will result in an encouragement to proponents to construct taller towers on average.
- Requires public meetings whereas virtually all other municipal protocols require **public open houses** in recognition of the fact that telecommunications is a complex subject and benefits from one-on-one interaction.
- Requirement that proponents use the CRINS name and logo in notices will confuse the public and undermine Council's role in the decision-making process.



Concerns With CRINS' Approach

Concerns With the CRINS' Protocol

Exemptions

- Effect of the Confirmation of Exemption Process is to undermine Industry Canada's requirement that modest installations be exempt from processing. Instead, **it subjects activities with little or no impact, such as routine maintenance, to pre-consultation, an application and confirmation process.** No other land-use in the City is subject to such micro management.



Concerns With CRINS' Approach

Concerns With the CRINS' Protocol

CRINS website

- Requirements that proponents provide commercially confidential information to CRINS annually or as part of pre-consultation is inappropriate given that the City is unable to protect it pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, **nor can the information be protected from commercial misuse** since its directors and officers are not subject to the *Municipal Conflict of Interest Act*.
- Citizen's private information is not protected by the *Municipal Freedom of Information and Protection of Privacy Act*.



Concerns With CRINS' Approach

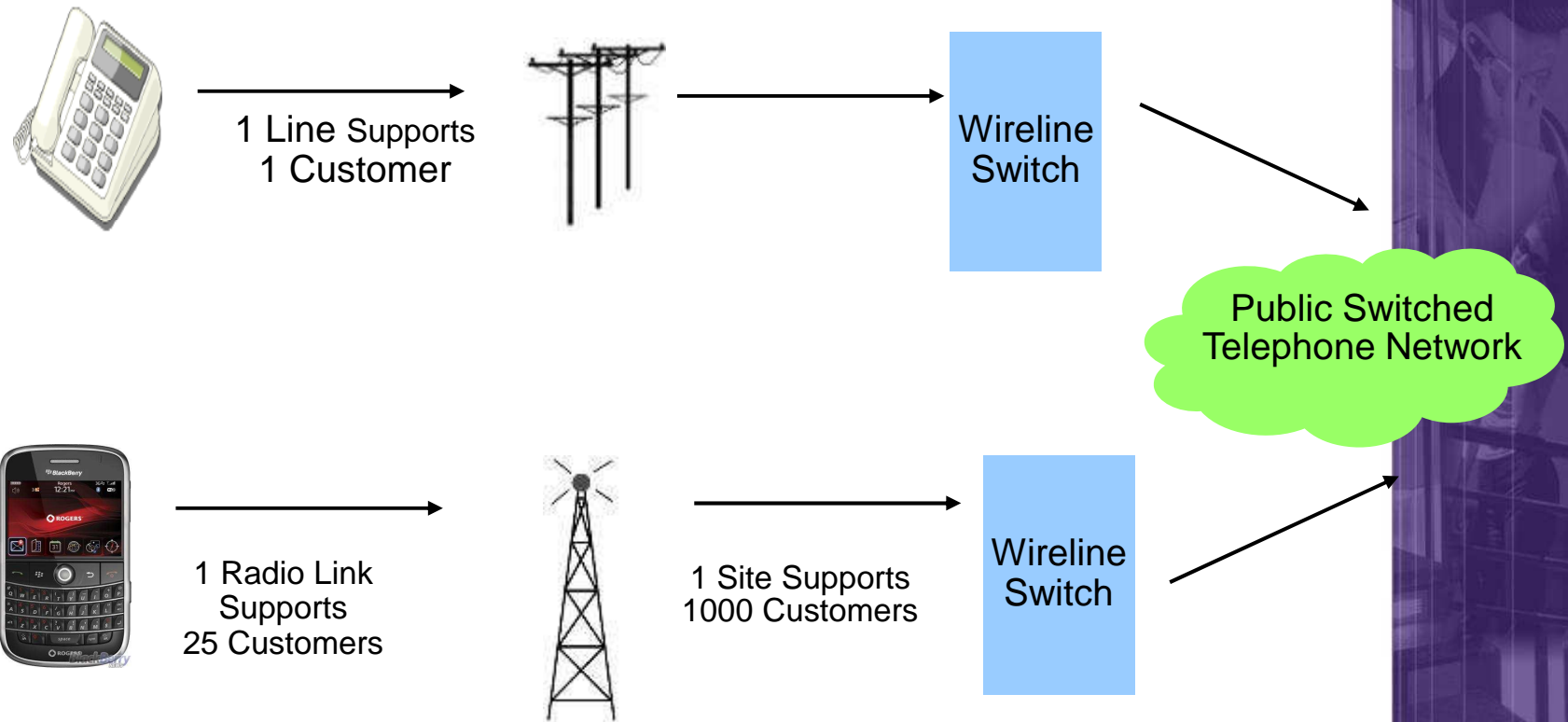
Concerns With the CRINS' Protocol

Other matters

- Fails to take advantage of the City's best opportunity to influence a proponent's siting decision in that:
 - It requires the submission of commercially confidential information that is not protected. As a result proponents will leave pre-consultation to a late stage of their process in order to avoid the risk of premature announcement;
 - It fails to create an environment by which the proponent and City can discuss each other's needs and determine appropriate siting based on local conditions without a committed site.
- **Attempts to fetter Industry Canada's jurisdiction** with respect to Safety Code 6 requirements for signage.

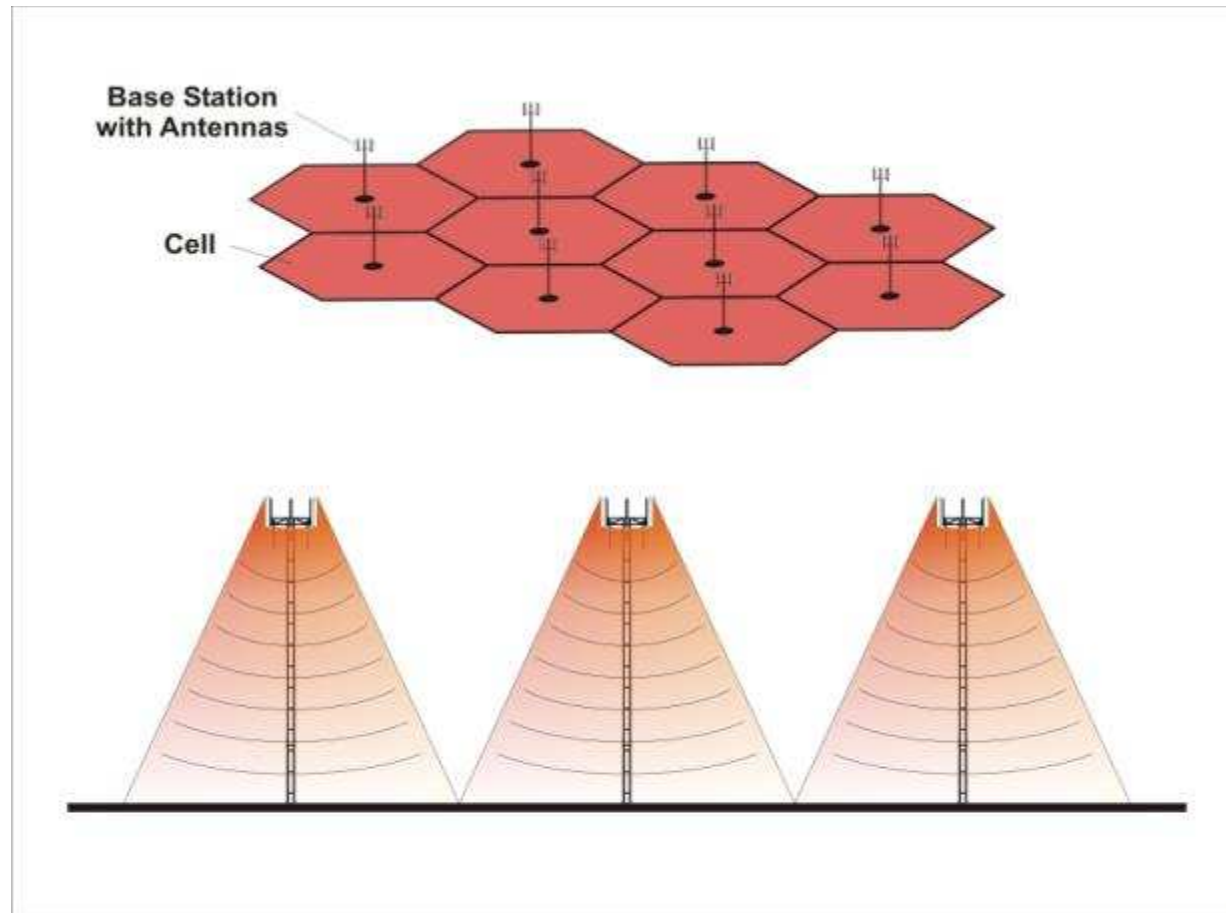


Wireless Telecommunications: How it works

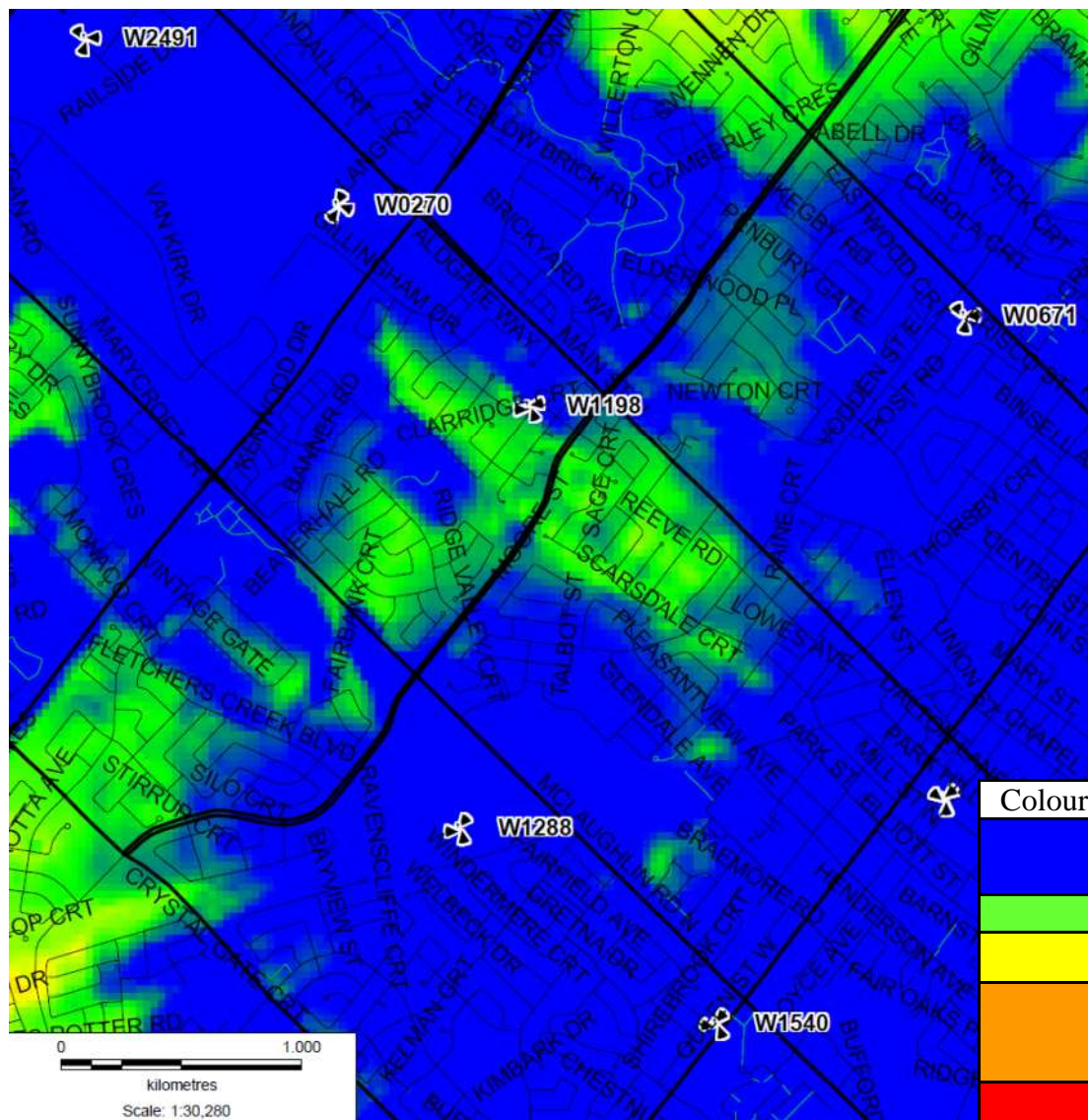


What is a Cellular Network?

A network is a series of interconnected parts.



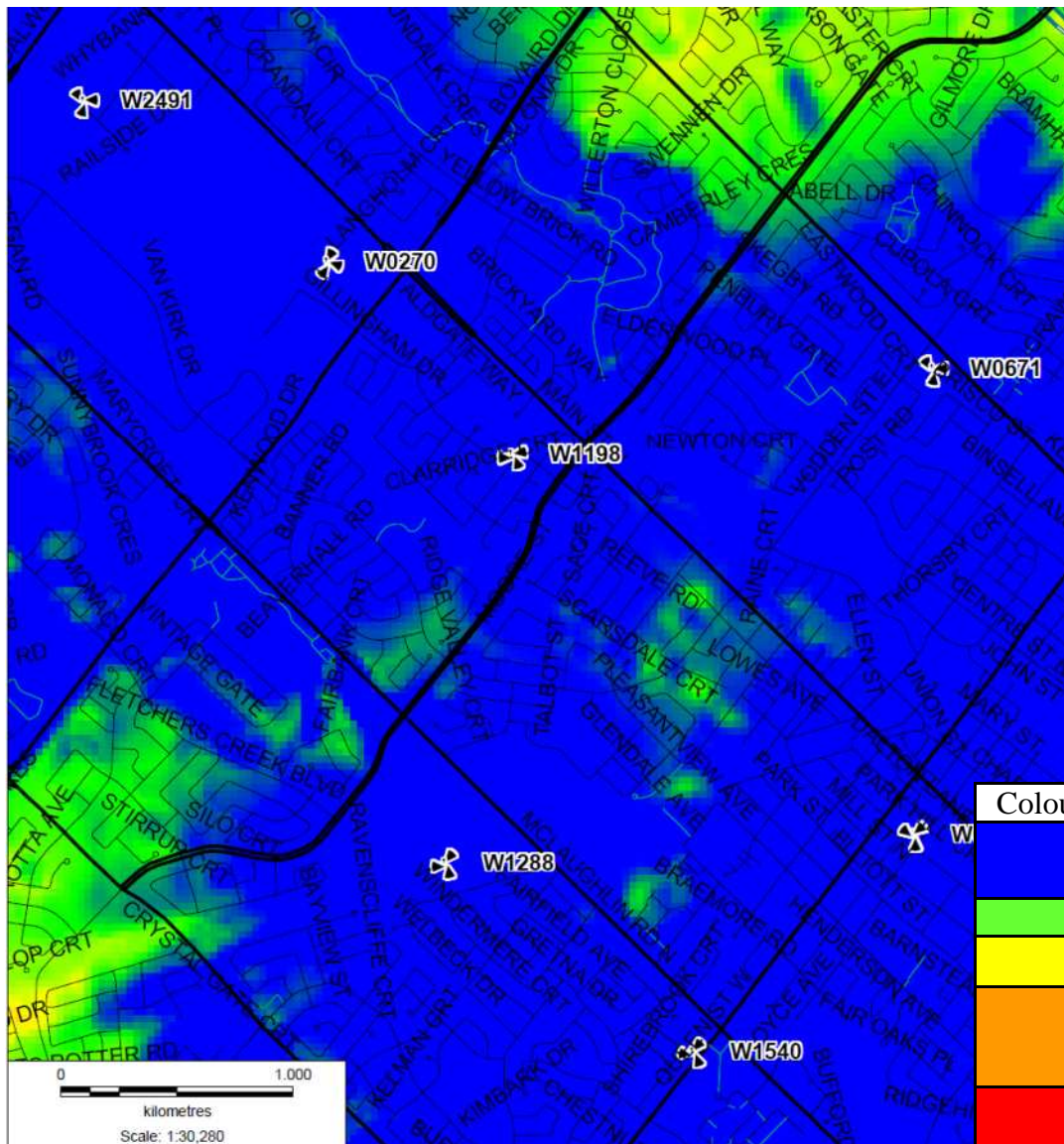
Wireless Telecommunications: Existing Coverage Example



Colour	Notes on Service Level
Blue	Excellent Quality Service (high speed data; able to penetrate underground)
Green	Acceptable Quality Service
Yellow	Marginal Quality Service
Orange	Poor Quality Service (Call Drops Expected)
Red	No Service



Wireless Telecommunications: Coverage with New Tower Example

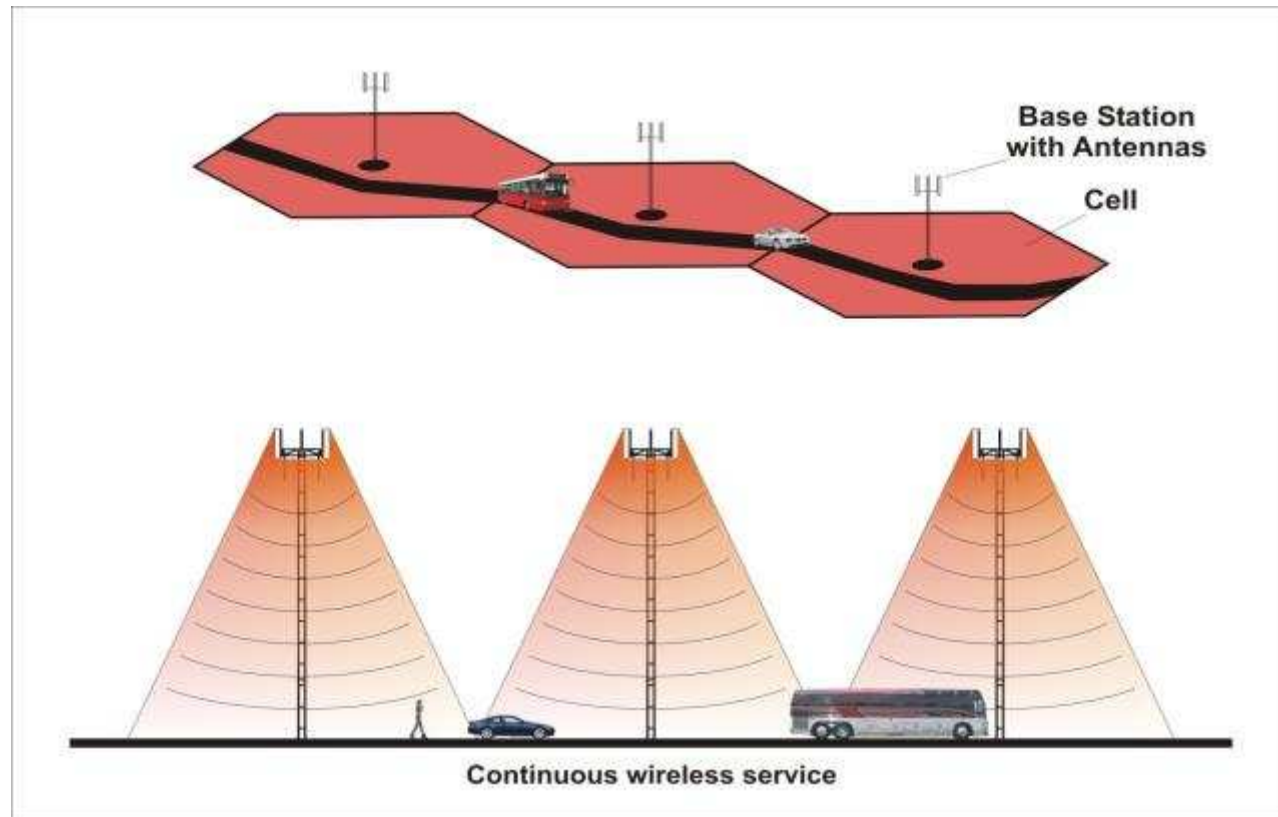


Colour	Notes on Service Level
Blue	Excellent Quality Service (high speed data; able to penetrate underground)
Green	Acceptable Quality Service
Yellow	Marginal Quality Service
Orange	Poor Quality Service (Call Drops Expected)
Red	No Service



Evolution of the Cellular Network

A continuous cellular service network

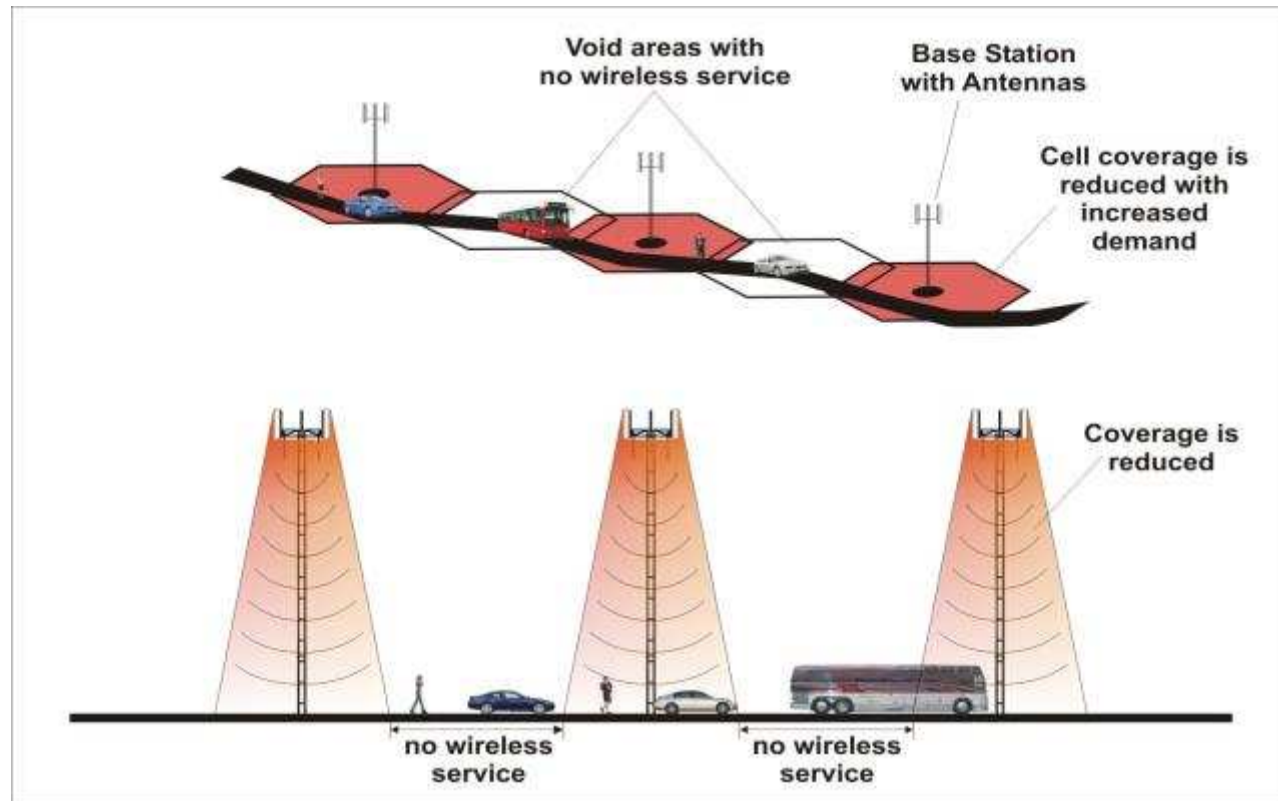


Each cell only serves a fixed number of calls



Evolution of the Cellular Network

Increased users creates gaps in service

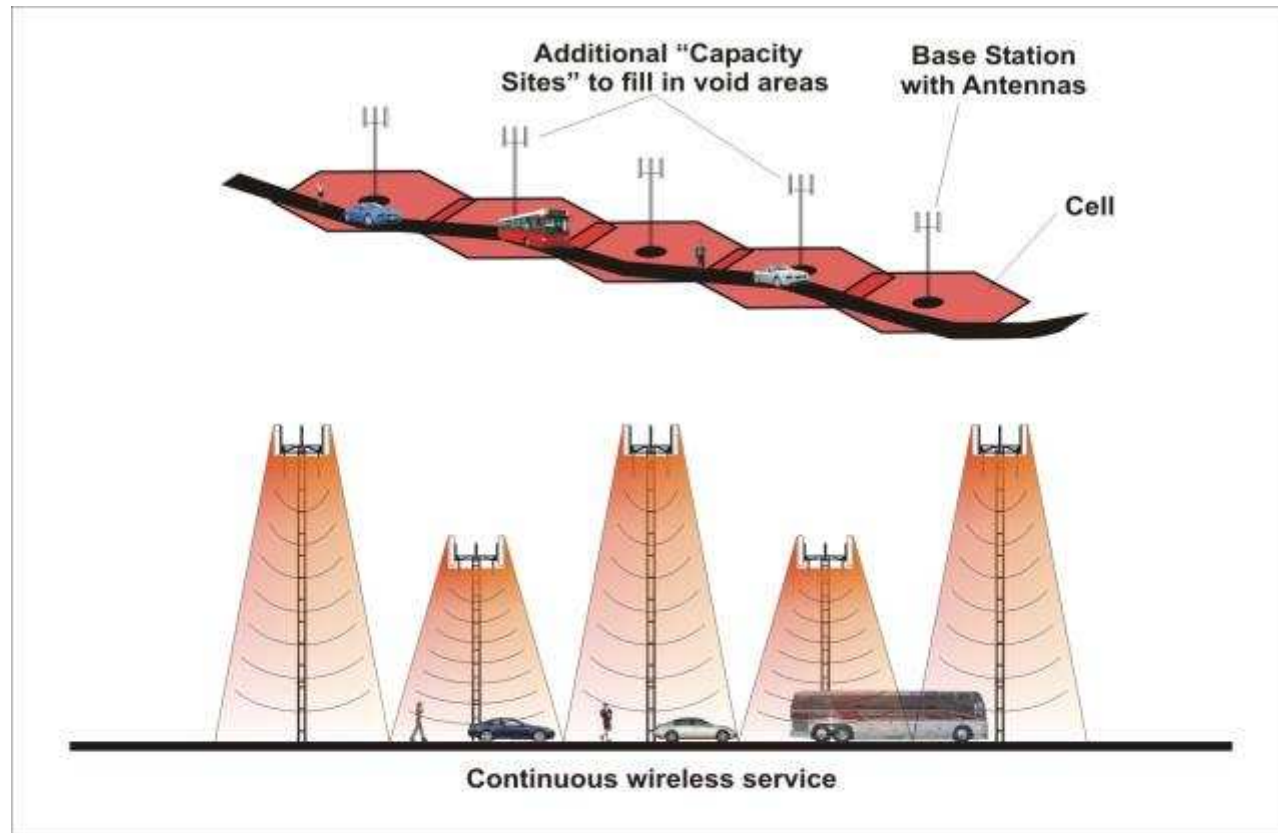


Number of calls in a cell is limited. When a cell reaches its maximum capacity it reduces its footprint in order to provide service to the strongest (closest) signals.



Evolution of the Cellular Network

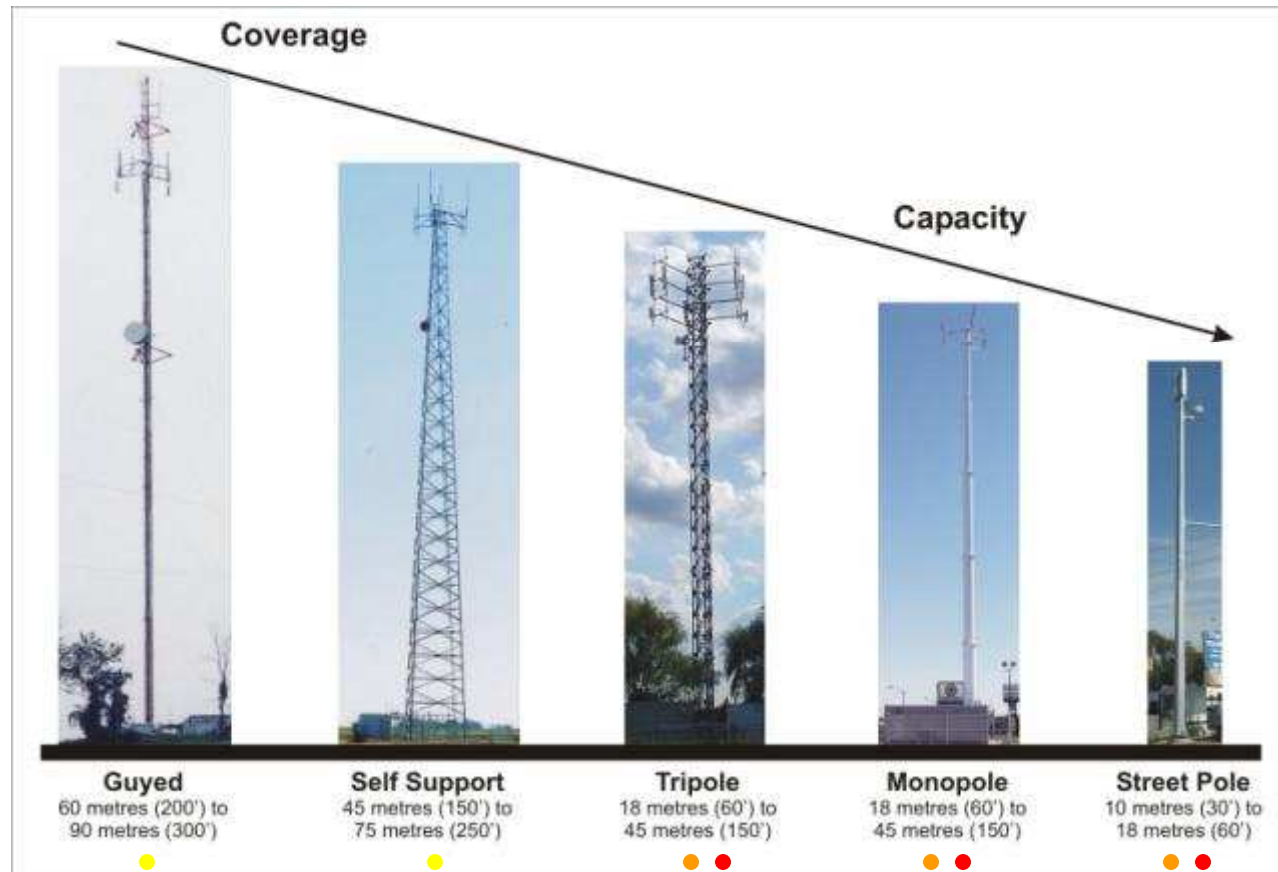
Continuous cellular network restored by filling gaps



New towers constructed to fill in the void areas, restoring continuous wireless service

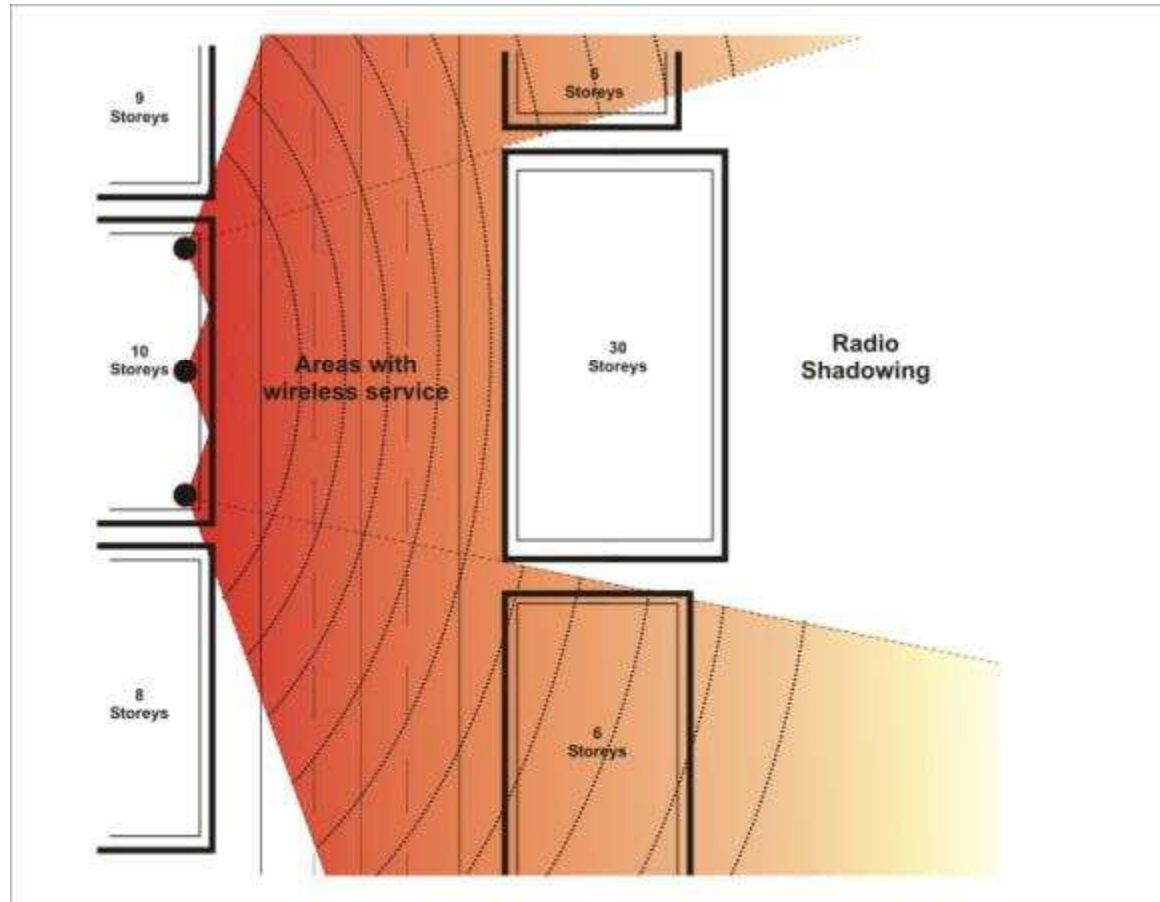


Coverage vs. Capacity



LIMITATIONS OF CELLULAR SERVICES

Radio Signals are much like the light from a lamp



SITING CONSTRAINT SUMMARY

- expected usage patterns of wireless service including proximity to users;
- local terrain and building types which can be a significant challenge as a result of shadowing;
- interaction with existing radio base stations;
- line of site requirements for high quality communications;
- opportunities to use existing structures;
- the availability of a willing landlord; and
- the industry's commitment to high service standards and customer satisfaction.



Co-location Is Generally Visually Obtrusive

Visual Impact of Single-Carrier tower vs. Co-location tower



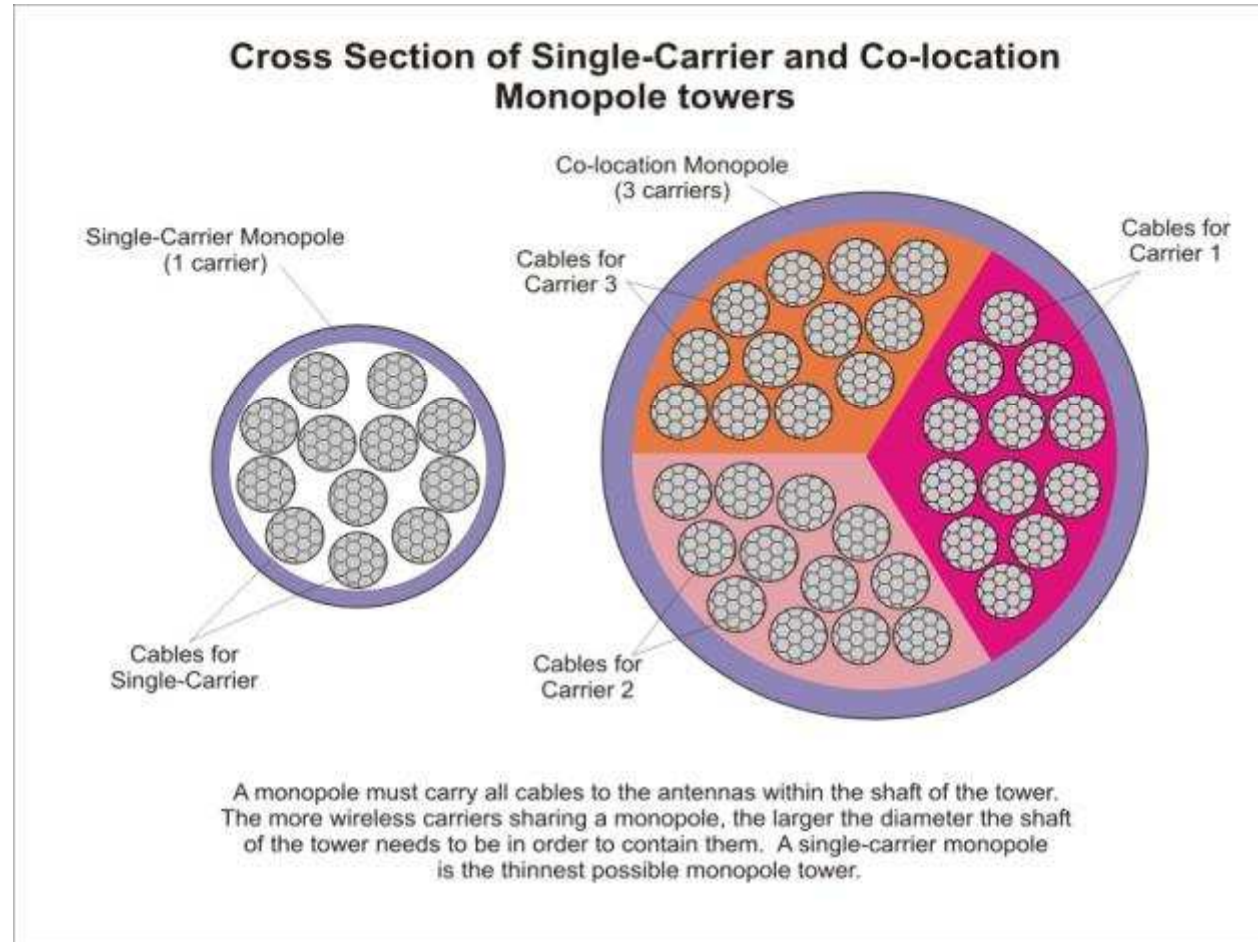
Single-Carrier Tower



Co-location Tower



Co-location Is Generally Visually Obtrusive



A Better Co-location Approach

Because co-location is visually intrusive compared to single carrier sites, many Councils use a hybrid approach that articulates a preference for co-located towers in locations away from residential areas and lower single carrier sites in locations close to residential areas.



EMERGING TECHNOLOGY - LTE

- The wireless industry constantly needs to upgrade network coverage and capacity to maintain momentum with new and emerging technologies.
- LTE (Long Term Evolution 4G) is the latest upgrade to the HSPA UMTS 3G technology wireless networks.
- Massive demand for high-speed wireless mobile data services have created capacity issues for all carriers' networks.



Windows
Phone



 **TELUS**

 **ROGERS™**

Bell

EMERGING TECHNOLOGY - LTE

- LTE (4G) brings about unparalleled data transmission speeds (download, upload, video-streaming) as well as new services (mobile gps, mapping, high-speed wireless internet etc...)
- Many homes, businesses and community services will take advantage of the option to become completely 'wireless' without sacrificing service quality.



 TELUS

 ROGERS™

 Bell

EMERGING TECHNOLOGY - INFRASTRUCTURE

- The Wireless Carriers will need to convert existing roof-top and tower locations to LTE as a preliminary step.
- The networks will also require a good number of 'capacity' sites in order to handle the high volume of users on the network.
- Capacity sites *typically* require less height than regular coverage sites and less antenna loading.
- Capacity site placement needs to be close to its users.



Carriers and the Federal Government

- The Federal Government has exclusive and comprehensive jurisdiction over radio communications and telecommunications.
- Industry Canada governs the way carriers consult with land use authorities with regard to antenna systems (Client Policy Circular CPC-2-0-03).
- This policy identifies a number of circumstances under which carriers are excluded from the requirement to consult with land use authorities including:
 - New antenna systems less than 15 m;
 - Addition or modifications to existing systems.
- Broader exclusions are permitted designed to encourage the development of low-impact sites in exchange for an expedited approval process. This form of encouragement is the hallmark of all successful protocols.



Spectrum Licenses

- The Wireless Carriers operate their networks based on spectrum licenses issued by the Federal government.
- Compliance with CPC-2-0-03, including the requirement for municipal concurrence and public consultation is a condition of those spectrum licenses.
- As a result Industry Canada does not make a decision with respect to specific sites unless there is a dispute between a carrier and a land use authority.
- In other words, a spectrum license provides preapproval for the construction of wireless facilities within a specific geographic area subject to conditions similar to the draft approval of a subdivision.
- Once the conditions have been satisfied, the carrier is free to construct wireless facilities in accordance with its license.



Opportunities For Effective Consultation

- Given that CPC-2-0-03 and carrier's standard conditions of license require municipal concurrence, land use authorities such as Guelph are often able to effectively influence the siting and design of wireless facilities provided network radio requirements are met. Practically, this puts Guelph in the same position as it would be in a zoning application where the Ontario Municipal Board has supervisory powers on appeal.
- CPC-2-0-03 provides specific opportunities for municipalities that adopt a protocol.



Opportunities For Effective Consultation

The use of existing infrastructure

- The CPC requires that existing infrastructure be used where possible. We note that Industry Canada gives land use authorities the opportunity to influence or opt out of this requirement in their Policy.
- As we read the CPC, the Wireless Carriers are required to co-locate and allow colocation if feasible, unless it is the municipality's preference that a new structure be constructed. This may not be appropriate in residential or other visually sensitive areas.
- As a result, in order to permit proposals which are less visibly obtrusive, and less controversial, we believe that the protocol ought to express a clear preference for less obtrusive designs over co-location where feasible in and adjacent to residential areas where the density of use will often permit the use of smaller towers.



Opportunities For Effective Consultation *Adjacent municipalities*

- The CPC expects notification of adjacent municipalities but restricts that to municipalities located within a radius of 3 times the tower height measured from the tower base.
- The details associated with such a notice could be set out in the protocol.
- As well, the protocol should set out Guelph's process and policy interests when it is the adjacent municipality. CRINS does not address this.



Opportunities For Effective Consultation

Limitations on public notice

- The CPC sets out Industry Canada's requirements for public consultation. The CPC restricts notice to a radius of 3 times the tower height, measured from the tower base in recognition of the fact that the notice radius should be proportional to the expected land-use impact.
- Protocols work best when policies are created that encourage carriers to move from their preferred locations by providing for expedited processes or process exemptions. Public notice requirements are an obvious place to use this strategy.
- That is to say by requiring public notice only when towers are located in close proximity to residential zones, our clients can be expected to attempt to locate their facilities away from those zones in order to reduce approval times and complexity thus creating, where technically feasible, a voluntary buffer between the tower and residential uses.



Opportunities For Effective Consultation Exemptions

- The CPC sets out 5 exemptions to the usual requirement for consultation with land use authorities and the public. Protocol provisions may not require consultation where the CPC provides for an exemption. However, the exemptions may be expanded.
- Exemptions provide a powerful tool to encourage carriers to develop facilities in particular locations or in an identified built form.
- Exemptions may be devised that permit a carrier to bypass the need to consult with the municipality or the public.

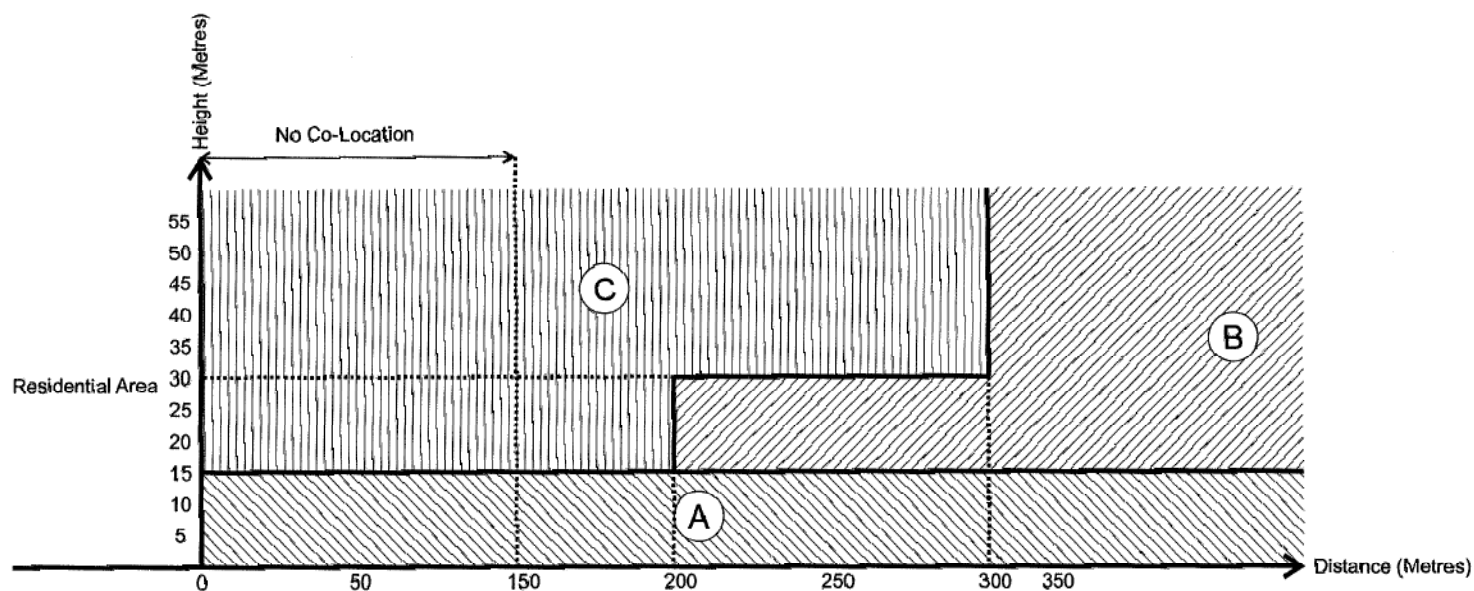


Opportunities For Effective Consultation Design and Siting Preferences

- The CPC expects that a protocol will provide direction to carriers on matters of design and siting provided they are reasonable.
- Carriers always look to determine whether they can meet a protocol's design and siting requirements early in their site search process.



Opportunities For Effective Consultation Vaughan Example



Legend:

Area "A": Exempted from Municipal Review Process (Notification Only)

Area "B": Staff Review and Approval (No Council Approval)

Area "C": Full Review Process



Thank you.



Sue Lebrecht Submission regarding The Canadian Radiocommunications Information and Notification Service (CRINS-SINRC)

On September 10th, at the last PBEE meeting at council, a resolution was passed that:

1. a) changes be made to the cell tower policy - hence the move to adopt CRINS - which is fabulous, and, b) there be an advocacy for a review of Safety Code 6.

It doesn't look like the advocacy part of the resolution has been addressed yet. May I suggest the following:

That "The City of Guelph calls upon the Minister of Industry not to approve any new radiocommunication facilities within the City of Guelph until the review of Safety Code 6 is improved."

This is not advising a moratorium on cell towers - which could have set backs - rather it is requesting one. And it's a big step in the right direction:

1. It says we're concerned about the possible health risks of these structures. It says, there's enough cause for reasonable doubt on the safety of these structures, and we'd like to err on the side of caution. It sends a message and adds a bit pressure to the present review of SC6. Again, this is what Oakville did in August (attached) followed by the town of Thorold (attached).
2. It shows leadership, and I truly believe Guelph could help pave the way for Canada towards a safer technological environment. As mentioned at the previous PBEE meeting: Canada has the worst standard in the world on allowable exposure to electromagnetic radiation. Our allowable levels are 100 times more lenient than most countries. The World Health Organization has classified EMR as a Class 2B carcinogen, putting it in the same category as lead and DDT. And studies around the world are showing cancer clusters around cell towers. The latest, in Brazil, in a city around the size of Toronto, showed 7,000 deaths among those within half a mile of a tower (see the death chart below).
3. Perhaps it could cause a delay with regard to the Grange & Starwood tower, buying us some more time while Safety Code 6 is under review.

On October 28th, I was part of the public consultation in front of the panel that's reviewing Health Canada's Safety Code 6. It was a day with videoconferencing filled with electrosensitive people, doctors and scientists across Canada, all having their say. Yet as Frank Clegg, CEO of Canadians for Safe Technology points out, the panel is conflicted with ties to the industry. I think, it would have to be conflicted, because undoubtedly, an independent and unbiased panel listening to this very moving and very persuasive outpouring of testimony, medical observations and scientific research, would have put an immediate stop to this rampant, free-for-all installation of cell towers everywhere - until they had a chance to review all the material.

We have in our power to do something crucially important - let's do it, and request a moratorium.

With regard to the resolution, point 2, regarding the matter of the pending cell tower at Grange and Starwood, I'd like you to know that I just found out that despite my best efforts, the landlord of the property has decided to allow the tower. The landlord was my last hope. I will now have to move.

I'm not just an electrosensitive person I'm a single mother of a young child. I live in a semi-detached home with a legal basement apartment that provides \$900/month. I need the monthly income, I like my neighbourhood, I love my immediate neighbour. I despise the idea of having to move, and of having to uproot my child - again. After my separation, my child needs stability, and not more broken attachments of neighbourhood friends that have been made.

As for me, I finally have just managed to get my house quiet, in terms of electromagnetic radiation, quiet enough, at least, that my symptoms are tolerable. It started with tinnitus, then headaches, vertigo, low blood pressure, light-headedness, then heart palpitations, sleep problems, and a mass amount of anxiety. The ringing in my head has been so severe I've curled into fetal position and balled my eyes out, on more than one occasion. The sleep problems are brutal. I often wake up at 1am, after just two or three hours, and can't get back to sleep.

It's taken me a long time to realize I'm electrosensitive. For more than two years I've been seeking relief without knowing the cause. After all the blood tests, and heart monitor and blood pressure monitor and seeing an endocrinologist and a cardiologist, and ending up at hospital emergency three times, I have been given a clean bill of health from our esteemed physicians, and dismissed. All my reserve money has gone into alternative medicine and therapy. I've seen an energy therapist, a naturopath, a homeopath, a massage therapist and chiropractor. I also tried conventional therapy, Emotional Freedom Technique therapy, cranioscral therapy, and Reiki, trying to find something - anything - that would provide relief.

Now that I know I'm electrosensitive, I'm completely hardwired - without Wifi or cordless phones. I've had to paint graphite fibre on walls; it's \$400 to cover a single wall. I've put up aluminum screening, and shielding fabric, shielded my Smart Metre, purchased an RF Metre, scoured southern Ontario on Kijiji for the one model of cordless phone - no longer on the market - that only radiates on demand, not 24/7. I got my neighbours to use these phones. I found a tenant who is copasetic to being hardwired and not using a cell phone. I also finally got my immediate neighbour to drop Wifi for hardwiring. I know where my hot spots are in the house, which I avoid, and have to sleep with my head on the opposite side of the bed. And also I've managed an agreement with Guelph Hydro to opt-out of my Smart Metre, though at a cost.

So, to finally get my home where it needs to be, and then have a cell tower at the top of my street is devastating. I can't survive it. Yet, I don't have a place to move. If you look at the Canadian Cell Tower Map you'll see in Guelph there are very, very few places without a tower

within 1 km. I'm in one of those rare spots -on purpose. Where can I move now that's affordable with rental income, not close to a tower?

This is not acceptable. In fact, it's criminal. Who is liable? I've spent the past six months fighting this tower with all I've got. While I would rather be getting on with reinventing myself professionally, I'm spending every possible moment advocating for this cause. And worse, I'm stuck in a state of alarm, trying to act normal while fighting panic, just trying to feel safe.

I told my story to the property landlord at Grange and Starwood, but he's going to put up the tower anyway, because he can, because our system allows it.

To be clear, this isn't just about me. The Bioinitiative Report 2012 estimates 3% to 5% of the population is electrosensitive. I'm not alone, I'm just one of the few that have figured it out. Directly adjacent to Grange and Starwood, where the tower is going up, is a low rise apartment building, a block of townhouses and five streets with close knit detached and semi-detached houses. So, within 100 metres of the tower, I would estimate there are roughly 300 people, which means there are between 9 and 15 people in the immediate area that are already suffering symptoms similar to mine - or soon will be.

Within a 300 metre radius of the cell tower we have two elementary schools and a third one being built. How many kids are in a school? 500? So between the three schools, there are 45 to 75 kids who are, or will be, electrosensitive, trying to make sense of, and find relief from hellish symptoms.

Studies around world are now showing cancer clusters around cell towers. Here is the death count from the latest study done in Brazil:
Within 100 meters = 3,569 deaths
Within 200 meters = 3,569 + 1,408 deaths = 4,977 deaths
Within 300 meters = 4,977 + 973 deaths = 5,950 deaths
Within 400 meters = 5,950 + 482 deaths = 6,432 deaths
Within 500 meters = 6,432 + 292 deaths = 6,724 deaths
and so on within 1000 meters Beyond 1000 meters + 147 deaths
Total amount of= 7,191 deaths

As you can see, there were 6,400 cancer deaths within 500 meters of a cell tower. Beyond 1,000 metres, there were only 147 cancer deaths, yet within 1,000 meters were 6,724 deaths, so the likelihood of cancer are 45 times greater living within 1,000 meters of a cell tower.

Sue Lebrecht

FOURTEENTH Meeting - Special Session

The Town of Oakville Council met in special session to consider planning matters on this 14th day of May, 2012 in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 7:00 p.m.

- Present: Mayor - Rob Burton
- Councillors - Tom Adams
- Keith Bird
- Pam Damoff
- Cathy Duddeck
- Allan Elgar
- Dave Gittings
- Marc Grant
- Max Khan
- Jeff Knoll
- Ralph Robinson
- Staff - R. Green, Chief Administrative Officer
- J. Clohecy, Commissioner of Planning and Development
- D. Carr, Town Solicitor
- D. Anderson, Director, Planning Services
- J. Courtemanche, Director of Strategy, Policy and Communications
- J. Nethery, Manager of Zoning By-law Project
- E. Tamas, Policy Advisor, Office of the Mayor and Council
- V. Tytaneck, Assistant Clerk
- J. Marcovecchio, Committee Coordinator
- Regrets: Councillors - Alan Johnston
- Roger Lapworth

Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

Committee of the Whole

Moved by Councillor Duddeck Seconded by Councillor Adams

That this meeting proceed into a Committee of the Whole session.

CARRIED

AGENDA ITEMS

1. **Supplementary Information for the Radiocommunications
Facilities Protocol Special Meeting**
 - **Report from Planning Services Department, May 2, 2012**

2. **Proposed Final Radiocommunications Facilities Protocol**
 - **Report from Planning Services Department,
March 6, 2012**

RECESS

The Mayor recessed the meeting until Tuesday, May 15, 2012, at 7:00 p.m., to be reconvened in the Council Chambers of the Oakville Municipal Building.

The meeting recessed at 9:58 p.m.

FOURTEENTH Meeting - Special Session

The Town of Oakville Council reconvened in special session this 15th day of May, 2012 to complete the Council meeting of May 14, 2012. The meeting was held in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville, commencing at 7:00 p.m.

- Present: Mayor - Rob Burton
- Councillors - Tom Adams
- Keith Bird
- Pam Damoff
- Cathy Duddeck
- Dave Gittings
- Marc Grant
- Max Khan
- Jeff Knoll
- Ralph Robinson
- Staff - R. Green, Chief Administrative Officer
- J. Clohecy, Commissioner of Planning and Development
- D. Carr, Town Solicitor
- D. Anderson, Director, Planning Services
- J. Nethery, Manager of Zoning By-law Project
- V. Tytaneck, Assistant Clerk
- J. Marcovecchio, Committee Coordinator
- Regrets: Councillors - Allan Elgar
- Alan Johnston
- Roger Lapworth

RECESS

The Mayor recessed the meeting until Thursday, May 17, 2012, at 7:00 p.m., to be reconvened in the Council Chambers of the Oakville Municipal Building.

The meeting recessed at 9:53 p.m.

FOURTEENTH Meeting - Special Session

The Town of Oakville Council reconvened in special session this 17th day of May, 2012 to complete the Council meeting of May 14, 2012. The meeting was held in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville, commencing at 7:00 p.m.

- Present: Mayor - Rob Burton
- Councillors - Tom Adams
- Keith Bird
- Pam Damoff
- Cathy Duddeck
- Allan Elgar
- Dave Gittings
- Marc Grant
- Max Khan
- Jeff Knoll
- Ralph Robinson (*Arrived 7:11 p.m.*)
- Staff - R. Green, Chief Administrative Officer
- J. Clohecy, Commissioner of Planning and Development
- D. Carr, Town Solicitor
- D. Anderson, Director, Planning Services
- J. Courtemanche, Director of Strategy, Policy and Communications
- J. Nethery, Manager of Zoning By-law Project
- V. Tytaneck, Assistant Clerk
- L. Morgan, Committee Coordinator
- Regrets: Councillors - Alan Johnston
- Roger Lapworth

1. **Supplementary Information for the Radiocommunications Facilities Protocol Special Meeting**
 - **Report from Planning Services Department, May 2, 2012**
2. **Proposed Final Radiocommunications Facilities Protocol**
 - **Report from Planning Services Department, March 6, 2012**

The Mayor transferred the Chair to Councillor Gittings in order to speak to this matter.

Moved by Mayor Burton

1. Resolved, that report PD-008-12, dated March 6, 2012, and titled "Proposed Final Radiocommunications Facilities Protocol" be received;
2. That report PD-041-12 dated May 2, 2012, and titled "Supplementary Information for the Radiocommunications Facilities Protocol Special Meeting" be received;
3. That the town's Interim Telecommunications Facilities protocol that established a 200 meter setback from sensitive land uses be maintained with the following amendments:
 - a. Replace all references to telecommunications facilities with radiocommunications facilities;
 - b. Replace all references to "Municipal Letters of Concurrence" with "Municipal Letters of Comment"; and
 - c. That staff be authorized to make any other necessary minor wording changes that do not change the intent of this protocol;
4. That any application to the town for a new radiocommunications facility will not be considered complete and will not be processed without a letter of endorsement from the Member of Parliament for the riding in which the proposed installation is to be located; and
5. That the Region of Halton be requested to consider amendments to its Municipal Access Agreement related to radiocommunications facilities and develop a regional radiocommunications facilities protocol.

The Mayor resumed the Chair.

The Mayor called for the vote on the foregoing motion subject to the separation of Clause 4.

CARRIED on a recorded vote,
Council voting as follows:

Recorded Vote

Yeas

Councillor Khan
Councillor Adams
Councillor Grant
Councillor Knoll
Councillor Elgar
Mayor Burton
Councillor Gittings
Councillor Bird
Councillor Damoff
Councillor Duddeck
Councillor Robinson

Nays

The Mayor called for the vote on Clause 4 of the foregoing motion.

CARRIED on a recorded vote,
Council voting as follows:

Recorded Vote

Yeas

Councillor Khan
Councillor Adams
Councillor Elgar
Mayor Burton
Councillor Gittings
Councillor Bird
Councillor Damoff
Councillor Duddeck
Councillor Robinson

Nays

Councillor Grant
Councillor Knoll

RISE AND REPORT TO COUNCIL

Moved by Councillor Elgar

That this committee rise and report.

CARRIED

The Mayor arose and reported that the Committee of the Whole has met and has made recommendations on Discussion Items 1 and 2, as noted by the Clerk.

Moved by Councillor Robinson Seconded by Councillor Knoll

That the report and recommendations of the Committee of the Whole be approved.

CARRIED

CONSIDERATION AND READING OF BY-LAWS

Moved by Councillor Elgar Seconded by Councillor Khan

That the following by-law(s) be passed:

2012-050 A by-law to confirm the proceedings of a meeting of Council.

CARRIED

ADJOURNMENT

The Mayor adjourned the meeting at 9:53 p.m.

ROB BURTON
MAYOR

VICKI TYTANECK
ASSISTANT CLERK



Where Ships Climb The Mountain...

May 9, 2013

R-3(c)

Health Canada
458 Confederation Building
Ottawa, ON K1A 0A6

Attention: Honourable Leona Aglukkaq, Minister of Health

Dear Minister Aglukkaq:

Re: Federal Government Regulations – Telecommunication Towers

Please be advised that Thorold City Council, at its May 7, 2013 meeting, adopted the following resolution:

WHEREAS Health Canada's Safety Code 6 for Radiofrequency Exposure (RF) are based on preventing tissue damage due to direct heating effects

AND WHEREAS an accumulating body of evidence from animal and human studies shows that non-thermal biological effects from RF exposure do exist

AND WHEREAS the general public is increasingly aware of and concerned about the non-thermal biological effects of RF exposure

AND WHEREAS the current approval process for Telecommunication Towers does not allow local Municipalities to play a meaningful role in to what is a local land use decision

NOW, THEREFORE, BE IT RESOLVED, THAT the Council of the City of Thorold urge Health Canada to re-evaluate the safety limits contained within Safety Code 6 that relate to Radiofrequency Exposure.

...2

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.com

Tel: 905-227-6613

AND THAT Industry Canada re-evaluate its approval processes for Telecommunication Towers and allow municipal Councils to be more engaged in the decision making process.

Yours truly,



Donna Delvecchio,
Deputy City Clerk

DD:cd

- ec: F. Fabiano, Chief Administrative Officer
A. Arbour, Director of Planning and Building Services
S. Daniels, City Clerk
- c: Honourable Christian Paradis, Minister of Industry
Malcolm Allen, M.P., Welland Riding

Health Canada's process to update safety code on radiation by wireless devices needs a reboot

It is time for Health Minister Rona Ambrose to reboot the whole process around updating Safety Code 6. The proceedings with the Royal Society Expert Panel should be put on hold.

By [FRANK CLEGG](#) | Published: Monday, 11/04/2013 12:00 am EST

Health Canada is in the midst of a process to update Safety Code 6 (SC6). This obscure piece of regulation affects the health of every Canadian and is currently being corrupted by Health Canada.

Here's why:

The government regulation is highly controversial and the Royal Society of Canada has been selected to review it, but Health Canada is interfering in the Royal Society's independent review.

SC6 sets the upper limit for the radiation emitted from wireless devices. SC6 is the document that provincial governments depend on when placing smart meters on our residences and businesses and when installing Wi-Fi in our children's schools.

Telecommunications companies use SC6 as the upper radiation limit in their placement of cell towers and antennae. SC6 dictates the limit for manufacturers of baby monitors, game consoles, tablets and other wireless devices. As we continue to expand the number of wireless devices we use and are exposed to and the length of time we use them, Safety Code 6 is a very critical limit. Canadians need to be able to trust it.

On Oct. 28, 2013, the Royal Society of Canada Expert Panel on Safety Code 6 held public consultations. The review of the expert panel is the next step in Health Canada's latest update of Safety Code 6.

In addition, on Oct. 28, C4ST (Citizens for Safe Technology) published documents we feel prove that Health Canada is interfering with the independence of the expert panel and manipulating its findings. The documents, obtained under Access to Information, include a memo from Health Canada to the Royal Society, suggesting certain panel members be included in this "independent" review. They also show suggested questions the panel should ask. This makes the review far from "independent."

On Oct. 28, the Royal Society heard submissions from individuals across Canada who have become debilitated by wireless radiation, but it may be a wasted effort.

Health Canada has kept secret the Royal Society's mandate for this review. This "public" review of a "public" document to be held in a "public" process is being handled almost entirely in secret. Even the criterion by which Health Canada selects the science it relies on is not being made public. Its "weight of evidence" process which Health Canada continually claims allows government employees to dismiss scientific papers that show cellphones and other wireless devices cause harm, is also part of the running secret. Standard scientific practice is that the criteria for "weight of evidence" are published, now.

SC6 has not had any significant changes since the 1980s, before smart phones and tablets were even invented. SC6 is based on 6 minutes of exposure. Not only is average cell phone use far longer than six minutes, exposure to cell towers, smart meters and Wi-Fi is hours in length for days on end. SC6 does nothing to acknowledge the particular vulnerability of children. Studies show

that while penetration into an adult skull from radiation is about 10 per cent, it reaches 70 per cent in a five-year-old child. China, Russia, Italy and Switzerland already have safety limits 100 times safer than Canada. As long as Safety Code 6 remains rooted in 1980, more Canadians will continue to develop headaches, nausea, vertigo, neurological disorders, and possibly according to the World Health Organization—cancer.

It is time for Health Minister Rona Ambrose to reboot the whole process around updating Safety Code 6. The proceedings with the Royal Society Expert Panel should be put on hold. The minister should instruct her department to run a proper evaluation that follows an open and transparent process of scientific research and evaluation based on international procedures. When the Royal Society is then engaged, give them the mandate and the resources to do a proper evaluation. Canadians deserve, and expect, no less.

Frank Clegg is CEO of Canadians for Safe Technology (C4ST) and corporate chairman of Navantis Inc.

news@hilltimes.com

The Hill Times



Making a Difference

Planning & Building, Engineering and Environment Committee

PBEE-2013.40 The Canadian Radiocommunications Information and
Notification Service (CRINS-SINRC)

Safety Code 6 is Broken

December 9th, 2013



Good afternoon Honorable Mayor and Council. My name is Dan Welland, I run operations for Canadians For Safe Technology. Our CEO Frank Clegg sends his regrets today. I'll take my 5 minutes as an opportunity to commend staff for the recommendation to adopt CRINS which we support, as well as to give you a brief summary of why we are asking for you today to also request from Industry Canada a moratorium at this time on all radiocommunication facilities for the City of Guelph. The issue as you may know is Health Canada's federal guideline for all RF exposure to Canadians which includes RF emissions from cellular towers and antenna, Safety Code 6.

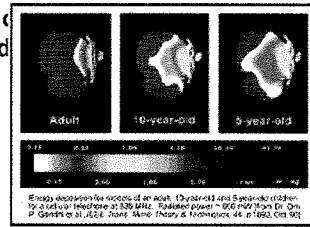
SAFTEY CODE 6

**Limits of Human Exposure to Radiofrequency Electromagnetic Fields in
the Frequency Range from 3 kHz to 300 GHz**

Toronto Public Health understood the main issue way back in 1999 and most recently on Nov 4th, 2013, only a few weeks ago, when they upheld their more than decade long recommendation of allowable RF levels to be capped at 100 times more protective than SC6. This recommendation made to Industry and Health Canada is called Prudent Avoidance and is defined as a precautionary principle in risk management, stating that reasonable efforts to minimize potential risks should be taken when the actual magnitude of the risks is unknown.

Why City of Guelph Should NOT Trust Safety Code 6

- Created in the 1980's for the safety of federal workers,
- Based on science conducted on a 220lb mannequin.
- Countries such as China, Russia, and Switzerland currently have exposure limits 100 safer than Canada (same as Prudent Avoidance)
- No distinction for children, elderly, or other sensitive groups of our population
- Based on 6 minutes of exposure
- Does not take into account proven biological effects, only tissue heating.
- Cannot be questioned on the basis of health
- Industry Canada DOES not even measure the towers/antenna they license under Safety Code 6
- Easy for industry to manipulate



I quote from Toronto Public Health....

“The exposure guidelines in Safety Code 6 have been designed to protect human health from thermal effects only. Safety Code 6 is based on the assumption that there are no non-thermal health effects even though a number of studies suggest that biological effects do occur at lower levels of exposure. Safety Code 6 is based on short-term health effects even though several long-term animal studies at lower levels of exposure have demonstrated adverse health effects such as behavioural changes and increased cancer rates. “

Keep in mind that position is from 14 yrs ago.. before we had smart phones, tablets, and other wireless consumer devices demanding unprecedented numbers of towers and antenna, resulting in levels of RF exposure never before experienced..

Then add to that....

- Exposure limits in countries such as China, Russia, Switzerland, and Italy are currently 100 times more stringent than those of Canada's SC6. The same as levels as Prudent Avoidance.
- SC6 levels designated as “Safe” were based on science tested in the 1980's on a 200lb mannequin.
- There are no distinctions or considerations made for the developing bodies of children who absorb up to 10 times the amount of electromagnetic radiation adults do.
- SC6 is based on 6 minutes of exposure. We are now talking about 24 hours a day/ 7 days a week.. To base exposure guidelines such as this on 6 minutes is useless, and not applicable to the 20th century.

Safety Code 6 is a broken out dated guideline meant for federal workers on federal job sites. It was never meant to protect the Canadian Public.

CITY OF TORONTO

Nov 21st, 2013

Passed with recommendation to council to approve a contract with Rogers communications in which....

- All towers and antenna on City property in this contract adhere to Prudent Avoidance (levels 100 times more protective than SC6).
- Reports be provided upon installation and yearly to ensure compliance
- Full involvement with respective councilor prior to every installation regardless of height
- Rogers indemnify the City of Toronto of any/all liability caused by these towers/antenna, INCLUDING HEALTH EFFECTS.

ON a separate agenda item, on the same day....

- Rejected the recommendation to council for free blanket Wi-Fi coverage in Toronto parks and public places due to concerns including potential health effects from increased RF exposure.

Toronto strengthened their views on Nov 21st only a few weeks ago, when they turned down a recommendation to staff for Wi-Fi coverage across parks and public spaces, citing reasons including again non confidence in the current RF exposure guidelines of SC6.

That morning Toronto's GMC committee also passed the motion to council with recommendation to approve a landmark contract between the city and Rogers communications in which..

1. Rogers would install their antenna on city land maintaining prudent avoidance levels at all times
2. Give notification and involvement for all of the antenna and towers regardless of height.
3. Rogers also agreed to indemnify the City of Toronto of all and any harm caused by their towers and antenna, including health effects.

You see it is not that industry can't drastically reduce emissions while providing service, it's that under SC6 they don't have to. Once regulated properly they can and will adjust.

SC6 Embroiled Currently in a National Scandal



- SC6 currently being reviewed by a conflicted panel at the Royal Society of Canada
- C4ST has documents that PROVE Health Canada is instructing the "independent panel" on the outcome they desire. They are manipulating the review process.
- On October 28th, 2013 they heard from scientists, doctors, and concerned Canadians.
- National media coverage, Ottawa IS interested in the broken process SC6 is under

This is NOT the time to trust Safety Code 6

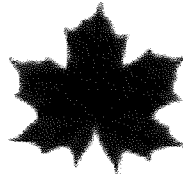
There is another major reason why now is NOT the time to revert to Safety Code 6. In late 2012 Health Canada completed it's scheduled review Safety Code 6. Part of this process is to hand over the review to an independent third party panel of experts. Health Canada chose the Royal Society Of Canada for this purpose. Over the past year C4ST has obtained documentation through the Privacy Act and Access To Information Act clearly showing Health Canada suggesting who should be chosen for that independent panel, what questions to ask, and dictating what science to review. Hardly an independent review..



"There is no doubt in my mind that Health Canada is not allowing the Royal Society to run a proper independent review. We have in our possession from Canada's Privacy Act, called Access to Information requests, demonstrating beyond any doubt health Canada has hampered the independence of the Royal Society and restricted information that is to be made public. I am very concerned that Health Canada's "weight of evidence claims" do not follow any of the critical steps in open, transparent, and international scientific protocols." – Frank Clegg CEO-C4ST

These documents were made public in Ottawa a few weeks ago during the Royal Society's public consultation day for their review of SC6, and can be found on our website C4ST.org. National media, as well as Members of Parliament were in attendance.

Before any decisions can be made regarding Safety Code 6, this conflicted Health Canada review process must be dissolved and a true independent review of Safety Code 6 conducted



Conclusions



1. That council approve the staff recommendation that Canadian Radiocommunications Information and Notification Service (CRINS) be appointed as the designated representative to receive and process applications for radiocommunication facilities on behalf of the City of Guelph
2. That Industry Canada be requested to place a moratorium on the approval of any new radio communication facilities until such time as the review of Safety Code 6 has been finalized, and provide a response to the City of Guelph regarding this request outlining reasons for or against the moratorium
3. That the City of Guelph's resolution be forwarded to the Federation of Canadian Municipalities of Ontario (AMO), Prime Minister of Canada and Cabinet, and all Members of Federal Parliament.

Thank You

In conclusion we ask that council approve the staff recommendation to adopt CRINS. As well, we ask that council join municipalities of Oakville and Thorold among others and request **that Industry Canada be requested to place a moratorium on the approval of any new radio communication facilities until such time as the review of Safety Code 6 has been finalized, and provide a response to the City of Guelph regarding this request outlining reasons for or against the moratorium. And finally that the City of Guelph's resolution be forwarded to the Federation of Canadian Municipalities of Ontario (AMO), Prime Minister of Canada and Cabinet, and all Members of Federal Parliament.**

Thank you for your consideration.

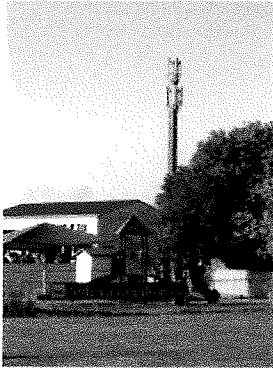
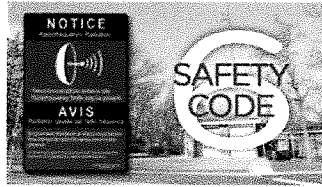
Presentation For Guelph Town Council Safety Code 6

Limits of Human Exposure to Radiofrequency Electromagnetic Energy (wireless radiation safety)

December 9th, 2013

Good morning Honourable Mayor and Council... My name is Wendy Cockburn, I am the co-national team lead for legislative change for Canadians For Safe Technology. I've made the trip to Guelph this afternoon to tell you about how Safety Code 6 is being applied on the ground level, and how it is being used against Canadians everywhere to recklessly install wireless infrastructure across our country.

How SC6 is Being Used by Industry



Municipalities across Canada are being faced with an onslaught of reckless cell tower and antenna placements. No land use seems to be off limits to advance the blanket coverage industry has created and so desires. Daycares, schools, playgrounds, Fire Stations, Residential zones, it makes no difference. A willing and possible unaware property owner is all that is required.



Here's an example where a proponent contracted space on an existing Fire Station antenna allowed under Safety Code 6, despite the 2004 International Association of Firefighters resolution rejecting this usage citing health concerns. This tower is less than 50 ft from a Church and a day care, as well as you can see, directly in the middle of a densely populated residential zone. The local community, in this case took this issue to municipal council who directed them to speak with the proponent directly following Industry Canada's antenna citing process.



April 24, 2012

Ms. [REDACTED]

RE: Halton Region, Bell Mobility Co-located Antenna Installation -- 2535 Rebecca St., Oakville

Dear Ms. [REDACTED]

I am writing to you with respect to several recent telephone discussions with Barry Chapman and [REDACTED] of Bell, including voicemail messages left on April 14th, and to conclude discussion with respect to the matter of Bell Mobility's antenna installation upon the Region of Halton's wireless communications tower.

Bell Mobility plans to operate a wireless antenna installation on the aforementioned existing tower infrastructure in order to provide enhanced wireless communications coverage and network capacity to the local area around the fire station at 2535 Rebecca St. At the direction of our regulator as laid out in Client Procedures Circular CPC 2-0-03 (CPC 2-0-03), Industry Canada requires Bell to determine whether an existing tower is available for co-location within the required search area in advance of proposing to construct any new tower infrastructure. In this particular instance, Bell identified a tower owned and operated by Halton Regional Police as meeting Bell's location criteria. The existing Halton Region tower has been used to provide wireless communications services for the past 17 years. Since the candidate meets the requirements of Bell and fulfilled our obligations as set out in CPC 2-0-03, we entered into an agreement to co-locate on the tower with the Region of Halton.

Health and safety standards relating to wireless antenna communications facilities are established by the Industry Canada through Health Canada. Safety Code 6 is the standard established by Health Canada that sets the exposure standard for all mobile phones, base stations, Wi-Fi and other radio communications emitting infrastructure in Canada. Safety Code 6, which was updated in 2009, is the result of thorough and ongoing scientific review. Its standards are in line with World Health Organization requirements and are comparable those in other jurisdictions, including the U.S. and most European countries. Industry Canada has made compliance with Safety Code 6, on a cumulative basis (i.e. taking into account all of the emissions from a given site) a condition of license. Questions regarding and comments surrounding the relevance and appropriateness of Safety Code 6 as an overall measure for radiocommunications broadcasters are best directed to Health Canada. Health Canada readily accepts feedback and questions for discussion. You would encourage you to make your views known to Health Canada for consideration during its regular reviews of Safety Code No. 6.

In conclusion, I would like to confirm Bell's position that the site is safe, and when commissioned, the site will operate in accordance with all applicable health and safety requirements. We trust you will find the information useful and this concludes our correspondence on this matter.

Yours Truly

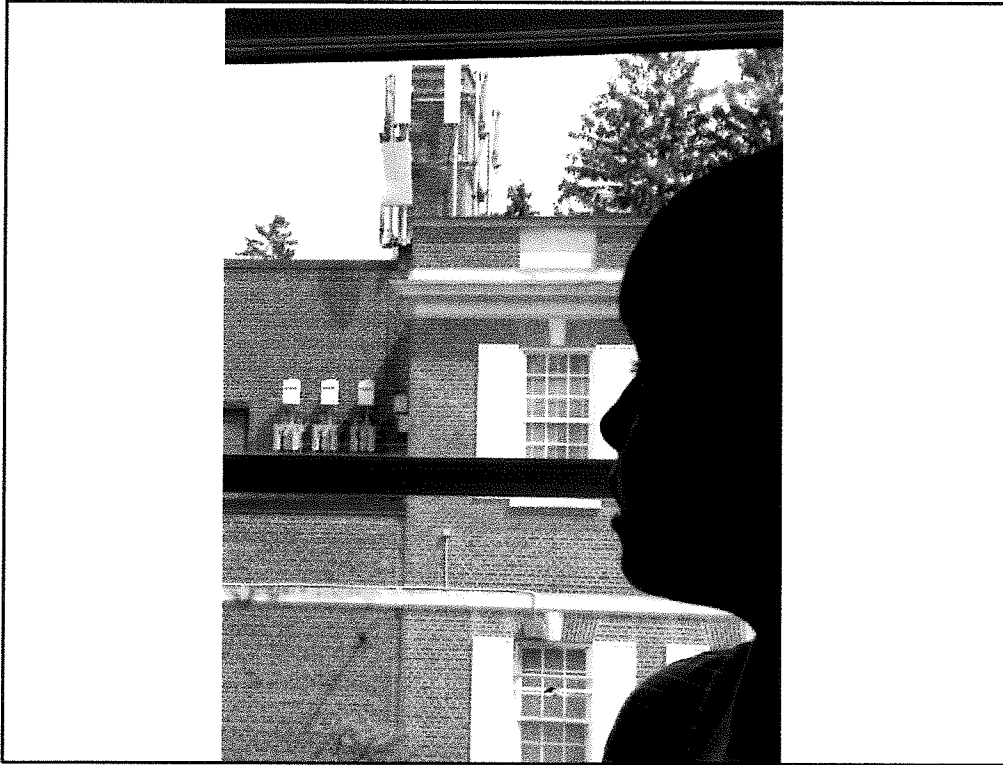
Bell Mobility Inc.

[REDACTED]
National Manager - Site Acquisition & Government Relations
5099 Creekside Road, Building D, Floor 6
Mississauga, ON
L4W 5N2

1

Bell, the proponent responsible in this case, responded to the community concerns in the usual fashion citing Safety Code 6... I quote.. " Industry Canada has made compliance with safety code 6 on a cumulative basis "ie taking into account all of the emissions of a given site" a condition of license. Questions regarding and comments surrounding the relevance and appropriateness of Safety Code 6 as an overall measure for radio communications broadcasters are best directed to Health Canada. In conclusion I would like to confirm Bell's position that the site is safe, and when commissioned will operate in accordance with all applicable health and safety requirements."

As is the case time after time, town after town Canadians are left with no voice.



In this next example, you are looking at a young child looking out their bedroom window towards 8 antenna newly installed on a historic building next door, owned by the proponent themselves. These antenna are less than 20 ft away from where this child sleeps in a densely populated residential area.

Our homes are meant to be a safe refuge from the uncertainty of the world outside, this is no longer the case. Imagine for second installing a bubble over a home and pumping in second hand smoke, 24/7, forever. What is the difference? Both are involuntary exposures, however one is now known and accepted to be deadly, the other all to common reality for Canadians is sheltered and permitted under Safety Code 6.



Dear Mr. [REDACTED]

Thank you for your emails to Bell dated March 25, 2013 and May 29, 2013. I would like to address your questions about the rooftop telecommunications site on [REDACTED] Drive and the possibility of Bell entering into business relationships with some of the companies with which you are associated.

I would like to confirm that Health and Safety is of paramount importance to Bell. We abide by all applicable health and safety requirements established by Health Canada and set out in Bell's license conditions. Industry Canada requires that all radio communication operators ensure that their radio communication and broadcasting installations comply with Safety Code 6 at all times. Bell attests that our site on Balsam Drive complies with Safety Code 6 – and in fact operates at less than one per cent of the allowable limit under the code (this was illustrated in the compliance report previously shared with you).

Canadians continue to use more wireless data year over year, a positive trend that requires Bell to expand and enhance its mobile telecommunications infrastructure to address growing demand. It's important to note that the use of Bell's central office facility on [REDACTED] Drive for this particular site did not require the use of a tower in the area. The facility has provided telecommunication services to the local area since it opened in 1953 and it supports wireline, internet and IPTV customers. The enhancement of wireless service at the location is consistent with our use of the [REDACTED] Drive building since it opened.

For all these reasons, I would like to re-iterate that Bell does not intend to remove or alter the rooftop wireless antennas or supporting infrastructure.

I understand that you have previously had a meeting with [REDACTED], and he remains the prime contact for both of the issues presented in your recent emails. [REDACTED] can be reached at [REDACTED]@bell.ca or at [REDACTED].

Thank you very much for taking the time to write to us.

Yours Truly,
[REDACTED]
Vice President, Access Network Engineering
Bell Mobility Inc.

Once again we see the antenna citing in this case legitimized and defended by quoting Safety Code 6



North Shore News
October 20, 2013

West Vancouver cell towers not a done deal. Minister says government will listen to local concerns.

.....“companies have to demonstrate that there is no public health concern.”

The disconnect present between Industry Canada, Health Canada, and Safety Code 6 was reinforced just this past October, when Industry Minister James Moore was quoted regarding a tower dispute in Vancouver saying that government will listen to local concerns however it is the companies that have to demonstrate that there is no public health concern. As we've just seen those same companies do this by hiding behind Industry Canada's adopted guidelines for wireless radiation, Safety code 6. This process of pointing to each other furthers the perpetual motion machine of Safety Code 6, leaving Canadians vulnerable and at the mercy of industry.

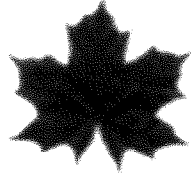
The least we might expect is Industry Canada to measure the tower and antenna sites they license based on the emission levels of Safety Code 6.

Industry Canada Does NOT Measure Tower Sites After They License Them



Unfortunately this is not the case. (PLAY VIDEO)

The plain truth is, IC does NOT measure nor monitor tower sites after they are licensed.



Conclusions



1. That council approve the staff recommendation that Canadian Radiocommunications Information and Notification Service (CRINS) be appointed as the designated representative to receive and process applications for radiocommunication facilities on behalf of the City of Guelph
2. That Industry Canada be requested to place a moratorium on the approval of any new radiocommunication facilities until such time as the review of Safety Code 6 has been finalized, and provide a response to the City of Guelph regarding this request outlining reasons for or against the moratorium.
3. That the City of Guelph's resolution be forwarded to the Federation of Canadian Municipalities on Ontario (AMO), Prime Minister of Canada, and Cabinet, and all Members of Parliament.

Thank You

My children are of a generation that embraces technology. That being said, it is theirs, mine, and every Canadians right to live in a healthy environment of our choosing, especially in our own homes and places of education. This choice is removed when industry uses Safety Code 6 to involuntarily expose us to undesired and unsafe wireless radiation.

In conclusion we ask that council approve the staff recommendation that Canadian Radiocommunications Information and Notification Service (CRINS) be appointed as the designated representative to receive and process applications for radiocommunication facilities on behalf of the City of Guelph.

As well that council join the municipalities of Oakville and Thorold among others and request That Industry Canada be requested to place a moratorium on the approval of any new radiocommunication facilities until such time as the review of Safety Code 6 has been finalized, and provide a response to the City of Guelph regarding this request outlining reasons for or against the moratorium. And finally That the City of Guelph's resolution be forwarded to the Federation of Canadian Municipalities on Ontario (AMO), Prime Minister of Canada, and Cabinet, and all Members of Parliament.

STAFF REPORT



TO Planning & Building, Engineering and Environment Committee

SERVICE AREA Planning, Building, Engineering and Environment

DATE December 9, 2013

**SUBJECT Brownfield CIP Environmental Study Grant Agreement
Amendment– 5 Gordon Street**

REPORT NUMBER 13-71

EXECUTIVE SUMMARY

PURPOSE OF REPORT

On May 24, 2011 Council Approved an Environmental Study Grant (ESG) pursuant to the Brownfield Redevelopment Community Improvement Plan (CIP) for the project at 5 Gordon Street. The City and the owner then entered into an implementing agreement. This report seeks Council authorization to extend the agreement's deadline to permit payment of the grant.

KEY FINDINGS

The owner has requested an extension to the deadline contained within the ESG agreement to allow for payment of the grant at a date later than the original deadline. The owner has submitted all necessary documentation. Furthermore, the City no longer imposes such deadlines on new ESG agreements. The project meets all other requirements of the agreement and contributes to the goals and objectives of the CIP. Staff are recommending that the agreement be amended to permit the grant payment despite the late document submission.

FINANCIAL IMPLICATIONS

The grant payment of \$3,446.50 would be funded through the 2013 Environmental Study Grant allocation within Brownfield Strategy Reserve forecast.

ACTION REQUIRED

Council is being asked to:

- amend the Environmental Study Grant agreement for 5 Gordon Street; and
- authorize the Mayor and Clerk to execute the amending agreement.

RECOMMENDATION

1. That staff be directed to finalize an amendment to the Environmental Study Grant Agreement between the City and Gordon Street Co-operative Development Corporation, dated July 20th, 2011 and pertaining to 5 Gordon Street, to extend the deadline for submission of the required documentation to January 31, 2014, to the satisfaction of the General Manager of Planning Services, the General Manager of Legal and Realty Services/City Solicitor, and the City Treasurer;
2. That the Mayor and Clerk be authorized to execute the amending agreement.

BACKGROUND

The City's approved Brownfield Redevelopment CIP includes financial incentive programs to stimulate investment in remediation, reuse and redevelopment of Brownfields. The premise of the CIP is that the City's investment in the remediation and redevelopment of Brownfield Sites will result in proportionally greater improvements to environmental and neighbourhood conditions while creating additional tax revenues in the long-term. Additional rationale for providing financial incentives to Brownfield redevelopment is included in Attachment 1. More information on the City's role in encouraging Brownfield redevelopment, including the text of the CIP, is available at guelph.ca/brownfields.

REPORT

The subject property is municipally known as 5 Gordon Street (formerly 3-7 Gordon Street) as shown on Attachment 2. On May 24, 2011 Council approved an Environmental Study Grant of up to 50% of the cost of the follow-up Phase 2 Environmental Site Assessments (ESA) to an upset total of \$10,000 and up to 50% of the cost of Remedial Work Plans, if necessary, to an upset total of \$10,000. This is described in [PBEE report #11-43](#) entitled "3-7 Gordon Street and 28-36 Essex Street – Brownfield Redevelopment Community Improvement Plan – Environmental Study Grant Requests". The City and the owner entered into an agreement to formalize the terms of the grant. The agreement contains a deadline for submitting the required documentation and requesting payment.

The follow-up Phase II ESA was conducted in late 2011. It determined that remedial work was not required. A Record of Site Condition (RSC), confirming the Site's suitability for redevelopment, was filed in February 2012. A residential and live/work apartment building is currently under construction on the Site.

Due to an administrative oversight, the owner did not submit the required documentation and request payment prior to the expiry of the deadline for those actions on May 24, 2013. In October 2013 the owner submitted all the required documentation and requested that the grant be paid. Except for passage of the deadline, a \$3,446.50 grant would now be payable to the owner to offset 50% of the follow-up Phase II ESA study costs.

STAFF REPORT



Recommendation

Staff recommend that the agreement be amended by extending the deadline for submission of the necessary documentation to January 31, 2014. All other terms of the agreement would remain in force.

Staff recommend this action because:

- The project meets many City objectives:
 - makes efficient use of existing downtown services;
 - contributes to Downtown growth targets;
 - is of high quality urban design;
 - contributes to the City's affordable housing objectives;
 - contributes to the City tax revenues in the long term; and
 - redevelops a potentially contaminated property and contributes to the City's objectives for brownfield redevelopment.
- The failure to submit the documentation on time was an administrative oversight and does not represent any substantial contravention of the goals and objectives of the CIP.
- The former Brownfield Redevelopment CIP under which the grant was approved included a provision that all documentation be provided within two years. However, the updated CIP adopted by Council in 2012, does not include such a restrictive provision.
- All other provisions of the agreement would remain in force and have been upheld by the owner.

CORPORATE STRATEGIC PLAN

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

DEPARTMENTAL CONSULTATION

Finance
Legal Services
Engineering

COMMUNICATIONS

None

FINANCIAL IMPLICATIONS

Grant payments are funded from the Brownfield Redevelopment Reserve. Council approved a 5-year Brownfield CIP program cap of \$16.9 million to be funded through the tax levy as outlined in [CAFES Report #12-01](#), entitled "Funding for Existing & Proposed City of Guelph Tax Increment Based Grant (TIBG) Programs", dated April 10, 2012.

STAFF REPORT



That report identified \$80,000 in ESG funding for 2013, none of which has been dispersed to date. There reserve balance is sufficient to fund the grant.

ATTACHMENTS

Attachment 1 – The Value of Brownfield Redevelopment

Attachment 2 – Location Map

Report Author:

Tim Donegani
Policy Planner

Approved By:

Melissa Aldunate
Manager, Policy Planning and Urban
Design

Original Signed by:

Original Signed by:

Approved By:

Todd Salter
General Manager, Planning Services
519-822-1260 ext. 2359
todd.salter@guelph.ca

Recommended By:

Janet L. Laird, Ph. D
Executive Director
Planning, Building, Engineering and
Environment
519-822-1260 ext. 2237
janet.laird@guelph.ca

Attachment 1 – The Value of Brownfield Redevelopment

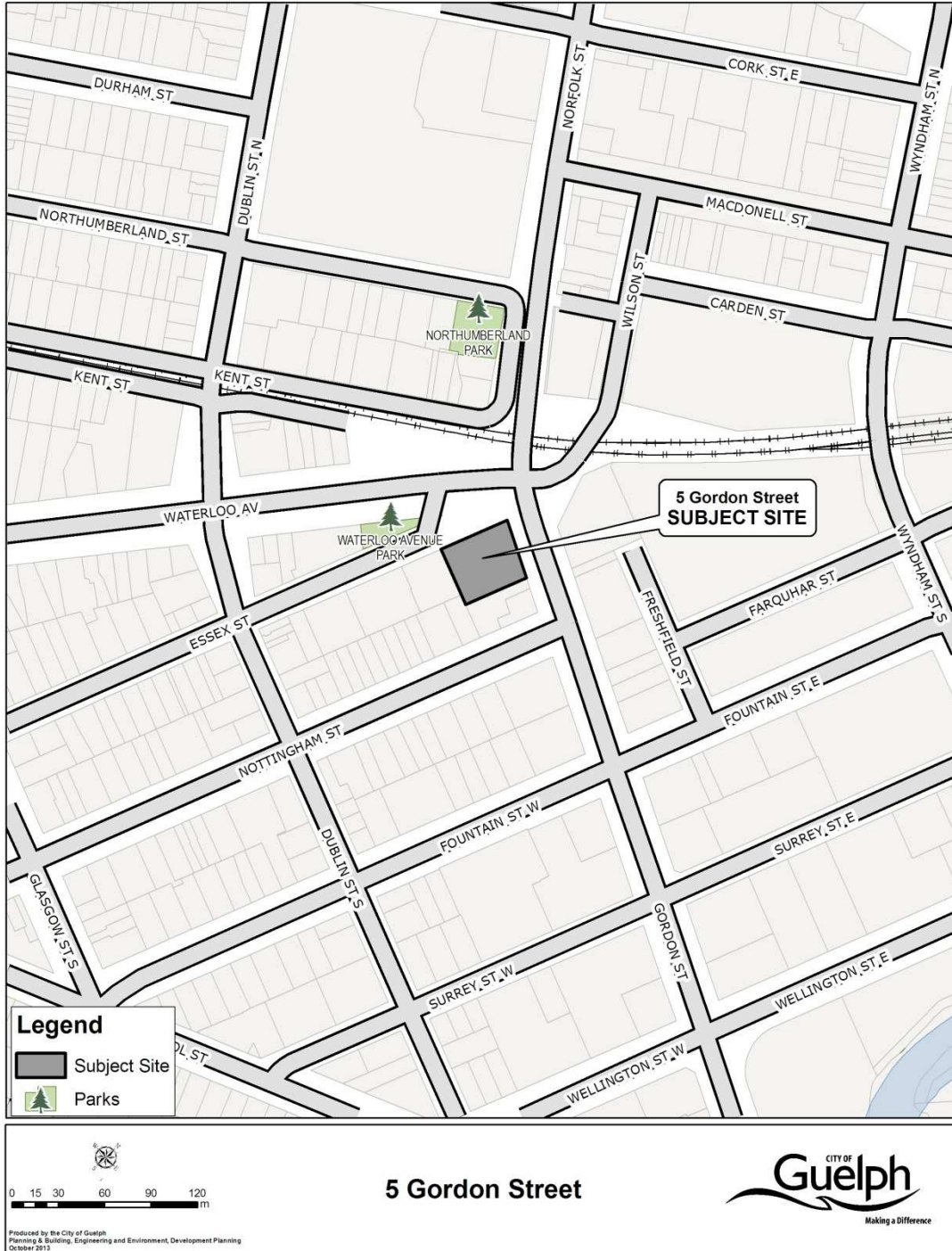
The City's records indicate that there are approximately 420 potential Brownfield properties within the City. Historically, there has been little interest in redeveloping Brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of cleanup. Furthermore, Brownfield sites pose a potential threat to the quality of the City's groundwater-based drinking water supply and surface waters.

The Brownfield Redevelopment CIP provides financial incentives to undertake the studies and remedial work necessary to redevelop Brownfield sites and eliminate the potential negative impacts to the City's water supply and the water quality of the City's rivers, which are important for sustaining fisheries, as well as aesthetic and recreational resources.

There are a number of additional benefits to the redevelopment of Brownfield sites. For example, they are often located within existing built up areas of the City where hard and soft infrastructure services are already available, and additional infrastructure expenditure may not be required to service them. The redevelopment of Brownfield sites can help reduce the stigma attached to both the subject and nearby properties thereby increasing their property values. Furthermore, redevelopment can bring the long-term benefits of increased tax revenue contributing the fiscal sustainability of the City.

As the City moves forward with the implementation of its Official Plan, Downtown Secondary Plan, Community Energy Initiative and Source Water Protection planning, the redevelopment of Brownfield sites will play an increasingly important role in the achievement of the City's strategic goals and in particular the intensification targets for the built-up areas of the City.

Attachment 2 – Location Map



STAFF REPORT



TO Planning & Building, Engineering and Environment Committee

SERVICE AREA Planning, Building, Engineering and Environment

DATE December 9, 2013

**SUBJECT SIGN BY-LAW VARIANCES
72-78 Macdonell Street**

REPORT NUMBER

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To advise Council of two (2) Sign By-law variances for 72-78 Macdonell Street, requesting building signage on the second storey to project 0.71m and be internally lit.

KEY FINDINGS

Table 1, Row 7 of Sign By-law No. (1996)-15245, as amended, restricts the projection of a building sign located on a second storey in the Central Business District to 0.15m and does not permit a sign on a second storey to be internally lit. 536357 Ontario Limited has submitted a sign variance application for the property located at 72-78 Macdonell Street to allow for one building sign to be located on the second storey elevation with a projection of 0.71m and be internally lit. The requested variances from the Sign By-law are recommended for refusal for the following reasons:

- The existing sign could be relocated to the first storey elevation as approved by the sign permit issued April 24, 2013;
- The lighting of a sign on the second storey of a building does not comply with the Sign By-law;
- Other businesses may be motivated to request the same signage variances to permit the lighting of a sign on the second storey of a building;
- There is additional signage advertising the Western Hotel already installed on the building;
- Alternative locations on the building are available for signage that could comply with the Sign By-law and heritage planning staff are available for assistance.

FINANCIAL IMPLICATIONS

N/A

ACTION REQUIRED

To refuse the request for sign variances from the Sign By-law for 72-78 Macdonell Street.

RECOMMENDATION

1. That the report from Planning, Building, Engineering and Environment dated December 9, 2013, regarding sign by-law variances for 72-78 Macdonell Street, be received.
2. That the request for variances from the Sign By-law for 72-78 Macdonell Street to permit building signage for the Western Hotel on the second storey elevation, to project 0.71m and to be internally lit, be refused.

BACKGROUND

On April 24, 2013, the City issued a sign permit for a sign to advertise the Western Hotel. The sign permit was issued based on a permit application that indicated the sign would be located on the first storey of 72-78 Macdonell Street (see Schedule B – Illustration Submitted for Sign Permit).

On September 25, 2013, it was observed that the sign advertising the Western Hotel was installed on the second storey of 72-78 Macdonell Street in contravention of Sign By-law No. (1996)-15245, as amended, and not in accordance with the sign permit issued on April 24, 2013.

536357 Ontario Limited has submitted a sign variance application for the property located at 72-78 Macdonell Street to allow for one building sign to be located on the second storey elevation with a projection of 0.71m and be internally lit (see Schedule A- Location Map). The property is zoned Central Business District, CBD 1 in Zoning By-law No. (1995)-14864, as amended. Table 1, Row 7 of Sign By-law No. (1996)-15245, as amended, restricts the projection of a building sign on a second storey to 0.15m and does not permit a sign on a second storey to be internally lit.

REPORT

536357 Ontario Limited has applied for two (2) Sign By-law variances for 72-78 Macdonell Street, (see Schedule C- Signage for Variances). Staff identified that the signage does not comply with the Sign By-law in that the projection of signage on the second storey of a building in the Central Business District is restricted to 0.15m and that such signage is not permitted to be lit.

Given that 72-78 Macdonell Street is listed as a non-designated property in the City of Guelph's *Municipal Register of Cultural Heritage Properties* under Section 27 of the Ontario Heritage Act, Heritage staff were consulted for comments relating to this variance application. It was indicated that the requested variances are acceptable from a heritage conservation perspective, however the lighting was noted as a concern. It was also indicated that there are other potential locations that a sign could be placed with minimal impact to the heritage attributes of the property and in compliance with the Sign By-law.

STAFF REPORT

The following reasons have been supplied by the applicant in support of this application:

- The intent is to maintain the heritage of the original Western Hotel with the installation of the sign on the east corner of the second floor – the same location as a previous sign (staff have no records of a previous sign at this location);
- The location will help ensure that the hotel operation is correctly perceived as separate from the bar operation of the first storey;
- Visibility of the sign on the second storey prevents the need for additional signage on the front of the building, thereby further preserving the heritage look of the building.

The requested variances are as follows:

Building Sign (Central Business District)	By-law Requirements	Request
Maximum Projection From Building Face Permitted	0.15m	0.71m
Lighting	In the CBD on 2nd and 3rd storey, no lighting permitted	Permit the sign to be LED back lit

The requested variances from the Sign By-law are recommended for refusal for the following reasons:

- The existing sign could be relocated to the first storey elevation as approved by the sign permit issued April 24, 2013;
- The lighting of a sign on the second storey of a building does not comply with the Sign By-law;
- Other businesses may be motivated to request the same signage variances to permit the lighting of a sign on the second storey of a building;
- There is additional signage advertising the Western Hotel already installed on the building;
- Alternative locations on the building are available for signage that could comply with the Sign By-law and heritage planning staff are available for assistance.

CORPORATE STRATEGIC PLAN:

Urban Design and Sustainable Growth:

Goal #1: An attractive, well functioning and sustainable city

FINANCIAL IMPLICATIONS:

N/A

STAFF REPORT



DEPARTMENTAL CONSULTATION:

Heritage Planner

COMMUNICATIONS:

N/A

ATTACHMENTS

Schedule A	Location Map
Schedule B	Illustration Submitted for Sign Permit
Schedule C	Signage for Variances

Prepared By:

Bill Bond
Zoning Inspector II
Building Services
(519) 837-5615, Ext. 2382
bill.bond@guelph.ca

Recommended By:

Patrick Sheehy
Program Manager - Zoning
Building Services
(519)837-5615, Ext. 2388
patrick.sheehy@guelph.ca

Original Signed by:

Approved By

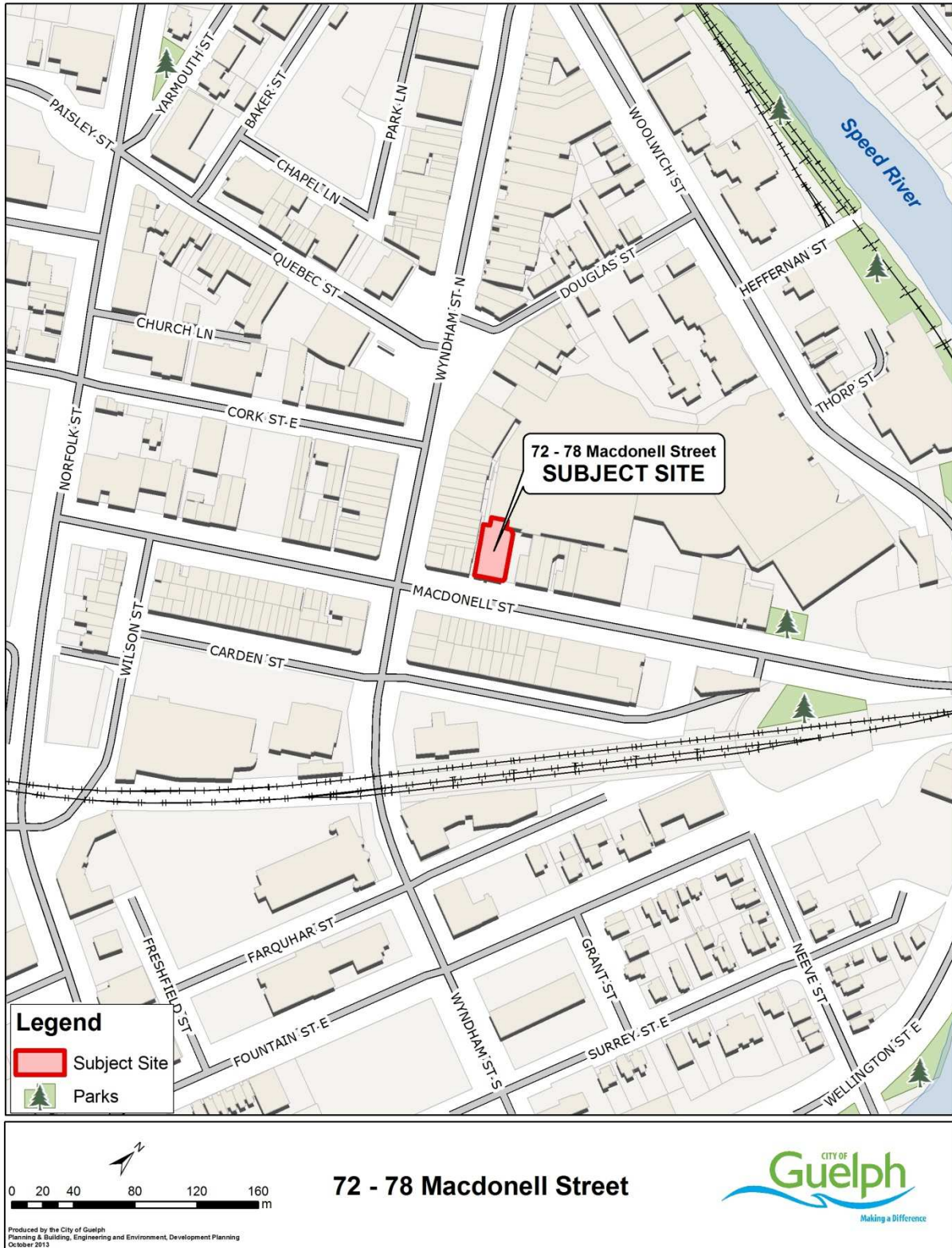
Bruce A. Poole
Chief Building Official
Building Services
(519)837-5615, Ext. 2375
bruce.poole@guelph.ca

Original Signed by:

Recommended By

Janet L. Laird, Ph.D.
Executive Director
Planning, Building, Engineering
and Environment
519-822-1260, Ext. 2237
janet.laird@guelph.ca

SCHEDULE A- LOCATION MAP



STAFF REPORT

SCHEDULE B- Illustration Submitted for Sign Permit

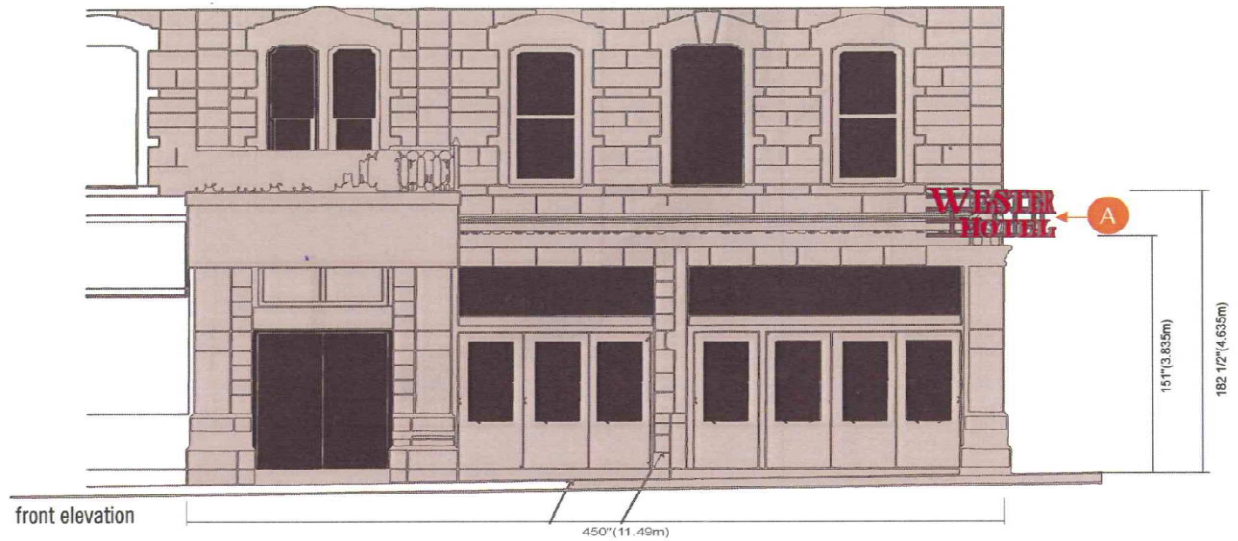


Illustration from the permit application which identified the sign location as being on the first storey of 72-78 Macdonell Street.

SCHEDULE C- SIGNAGE FOR VARIANCES



72-78 Macdonell Street



Sign located on the second storey of 72-78 Macdonell Street

STAFF REPORT



TO Planning & Building, Engineering and Environment Committee

SERVICE AREA Planning, Building, Engineering and Environment

DATE December 9, 2013

SUBJECT Consideration for the Establishment of an Advisory Committee for Multi-Residential Waste Management

REPORT NUMBER

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide information in response to Council's resolution on September 30 that the matter of increasing three-stream waste collection from condominiums and multi-residential dwellings be referred to the Planning & Building, Engineering and Environment Committee for consideration on the formation of an Advisory Committee.

KEY FINDINGS

The City is undertaking a careful review of its waste management practices through the Solid Waste Management Master Plan update and will present to Council recommended priorities, following comprehensive community engagement efforts to consider the needs of all taxpayers and stakeholders, including multi-residential stakeholders.

Through the Solid Waste Management Master Plan (SWMMP) Review's scheduled community engagement events and feedback channels already in place, Multi-Residential (MR) property owners' needs will be heard and addressed. In addition, this will occur in a more timely manner than through the formation of a new and separate advisory committee.

A separate, sector-specific advisory committee may detract from the integrated approach of the SWMMP Review's engagement and prioritization processes and risk our ability to garner support from all taxpayers and stakeholders in the community on a single integrated Plan.

Staff do not recommend establishing a separate Advisory Committee for one stakeholder sector (i.e. MR waste management) at this time. The City is committed to listening to the unique waste management needs of all residents, including those living in MR dwellings. The SWMMP Review offers several opportunities to achieve this and staff are willing to set up additional consultation opportunities with the MR sector within the framework of the

STAFF REPORT

SWMMP Review.

FINANCIAL IMPLICATIONS

None.

ACTION REQUIRED

Receive report.

RECOMMENDATION

1. That the Planning, Building, Engineering and Environment Report dated December 9, 2013, regarding consideration on the formation of an Advisory Committee for multi-residential waste management, be received.

BACKGROUND

This March, Council appointed members of the Solid Waste Management Master Plan (SWMMP) Steering Committee to guide the review of the 2008 Master Plan - a guiding document that provides strategic direction for Guelph's waste management operations and programs by exploring a wide range of waste minimization, diversion and disposal options. Increasing three-stream waste collection in the Multi-Residential (MR) sector is one of the essential components included in the 2013 review.

At a meeting of Guelph City Council held September 30, 2013, the following clause of a resolution was passed:

That the matter of increasing three-stream waste collection from condominiums and multi-residential dwellings be referred to the Planning & Building, Engineering and Environment Committee for consideration of the formation of an Advisory Committee.

REPORT

The SWMMP review has allocated staff resources, consultants and the Council appointed Public Steering Committee members to review increasing three-stream waste collection in the MR sector as part of a comprehensive community engagement plan. To date, public consultation with the MR sector has included:

- **Community Engagement – July 2013 – Spring 2014**

Residents and stakeholders are encouraged to get involved in the review process, and share their ideas, concerns and feedback about Guelph's waste management system to help shape its future through online comments, by phone, email, fax and mail.

STAFF REPORT

- **First Open House - September 2013**
The first open house was held on September 12, 2013. Input and feedback was solicited from MR residents and stakeholders including property managers, condominium owners, and members from Fair Taxes Guelph.
- **Telephone Survey - September 2013**
MetroLine Research Group Inc., an independent research company in Kitchener, administered the telephone interviews on behalf of the City to a statistically significant sample of 400 Guelph households between September 4 and 19, 2013. The survey included several questions related to understanding agreement with priorities for the future of MR waste management and obtaining ideas, concerns, and direction for this sector.
- **Online Survey – September and October 2013**
An online survey, composed of the same questions as the telephone survey was conducted on guelph.ca/waste from September 12 to October 31 for all residents and stakeholders in Guelph to provide input.
- **Multi-residential Focus Group - October 2013**
A focus group on MR waste management was held on October 22. Community members, including representation from Fair Taxes Guelph, property management for condominiums, management from rental housing, condominium owners, and student housing in accessory apartments identified issues, barriers and potential solutions to dealing with waste management and diversion issues relevant to the MR sector.
- **Second Open House - First quarter 2014**
All resident and stakeholder input and feedback on current and future needs of MR waste management will be reviewed, assessed and evaluated by the Steering Committee later this year. A second open house is planned in the first quarter of 2014 to present the waste minimization and diversion options and opportunities to all taxpayers and stakeholders in the community for feedback and support.

The findings and the summary reports completed to date from the First Open House, Telephone and Online Surveys and Focus Groups are available for reference at guelph.ca/waste.

In addition to all the opportunities for input and consultation on waste collection issues specific to MR sector listed above, staff met with six key members of the Fair Tax Coalition on October 18. At this meeting there was a fulsome discussion on the waste collection issues/concerns and possible solutions that the Fair Tax Coalition are requesting that the City consider.

Community input and feedback will be used by the Steering Committee to develop recommendations for Council's consideration to help shape the future of Guelph's

STAFF REPORT



waste management practices, including those affecting MR practices. A final report will summarize the process, findings, community input and feedback, and provide the Public Steering Committee's formal recommendations for Council's consideration in the spring of 2014. Recommendations impacting the 2015 budget will be brought forward for Council's deliberation as part of the 2015 budget approval process.

The City is undertaking a careful review of its waste management practices and will present to Council recommended priorities, following comprehensive community engagement efforts to consider the needs of all taxpayers and stakeholders. The input received to date from the MR sector, as part of the SWMMP review, validate the City's efforts in achieving its community engagement and consultation goals. A separate, sector-specific committee may detract from the integrated approach of the SWMMP Review's engagement and prioritization processes and risk our ability to garner support from all taxpayers and stakeholders in the community on a single integrated Plan.

Through the SWMMP Review's scheduled community engagement events and feedback channels already in place, multi-residential property owners' needs can be heard and addressed in a more timely manner than through the formation of a new advisory committee. A minimum of four months would be required to establish a new Advisory Committee based on the monthly scheduled Council meetings. Council is required to approve the Terms of Reference (mandate, objectives, budget, staff resources, public representation) before staff can publicly advertise for members. Once applications are received, Council is then able to appoint members to the Advisory Committee. Discussions with the Advisory Committee would not begin until the spring to summer of 2014 at which point the recommendations from the SWMMP Review, including those affecting the MR sector, will already be available for Council's consideration.

Staff do not recommend establishing a separate Advisory Committee for MR waste management at this time. The City is committed to listening to the unique waste management needs of residents living in MR dwellings. The SWMMP Review offers several opportunities to achieve this and staff are willing to set up additional consultation opportunities with the MR sector as part of the SWMMP Review.

CORPORATE STRATEGIC PLAN

- 2.1 Build an adaptive environment for government innovation to ensure fiscal and service sustainability.
- 2.2 Deliver public services better.
- 2.3 Ensure accountability, transparency and engagement.
- 3.3 Strengthen citizen and stakeholder engagement and communications.

STAFF REPORT



DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

N/A

Report Author

Heather Connell
Manager Integrated Services
Solid Waste Resources

Original Signed by:

Approved By

Dean Wyman
General Manager
Solid Waste Resources
519-822-1260 ext. 2053
dean.wyman@guelph.ca

Original Signed by:

Recommended By

Janet L. Laird, Ph.D.
Executive Director
Planning, Building, Engineering
and Environment
519-822-1260 ext 2237
janet.laird@guelph.ca

Submission by Ted Pritchard

Re: Consideration for the Establishment of an Advisory Committee for Multi-Residential Waste Management

Fair Tax Campaign-Guelph believes a Condominium Advisory Committee or CAC is a necessary first step in getting more condominium owners into compliance with the City's three stream waste collection.

The Waste Services division of The Planning, Building, Engineering and Environment Department of the City believes SWMMP recommendations in April or May of 2014 will fix the problems of the condominium owners and therefore a Condominium Advisory Committee is unnecessary.

The SWMMP has placed all emphasis since 2008 on the three year waste cart implementation and the new waste plant. The result of the investment is a great credit to the City and responsible action. The cart system is designed for and works really well for freehold houses and some condominium townhouses with garages or storage areas for carts and enough road access for staging carts. The cart system wasn't designed for and doesn't work for low and high rise condominiums, and most townhouse condominiums with small or no garages.

High and low rise condominiums have been left out of city waste collection for decades of plastic bags and the carts don't address this. These condominium owners are going to have to hope that there are SWMMP recommendations that will positively affect them when they are announced 4 months from now with provisions that can't take effect until 2015. A CAC can help with implementing these new waste initiatives.

The condominium owners have paid municipal taxes at the same rate as freehold homes in their tax category for services they are unable to use. This isn't fair. The environmental portion of their municipal taxes doesn't provide them with waste collection but subsidizes the costs of freehold homes and some condominium townhouses. SWMMP has had since 2008 to recognize the inequity of the situation and only now addresses condominiums, as an afterthought, with recommendations that can't realistically be entertained until 2015 Condominium taxes should be used to address this inequity. A CAC can help sort this out.

Unfortunately the Waste Services Department doesn't have the data on condominiums that would illustrate just how big this problem is, but the Fair Tax Campaign-Guelph is trying to build just such a database and we have shared what we have with waste services. This is what the CAC should be doing. Collecting data for the City, and getting condominiums to be part of the City waste collection and planning how the City can bring new developments on board.

The City is losing the waste collection from hundreds of condominium units that can't switch from bags to carts and that will now have a private hauler take the garbage to landfill for a yearly per unit cost of \$150.00 to \$180.00. Everyone loses. These residents

don't get to sort their garbage responsibly. They pay twice to get rid of their garbage. The City loses the recyclables and the dumps fill. We don't know the size of the whole problem but the stats from one of the largest property management firms in Guelph can give a pretty good representative sample. This Property Management Company manages 50 condo corporations for a total of 1591 units. Of those 50, nine condominium corporations have made the decision they cannot make the switch from plastic bag collection to cart collection and are hiring a private contractor to take garbage to the landfill. These 9 Condo corporations comprise a total of 676 units or 42% of this Property Manager's 1,591 clients. To make matters worse, this property management company has nine more condominium properties coming on line for 2014-2015 and 6 of the 9 developers involved have signed contracts with the city arranging for private waste collection. This has to stop. Someone has to control this. A CAC can bring parties together. It can educate developers to build developments that are friendly to receiving City services It can make decisions that enable some condominium corporations to stay with City collection. A CAC comprised of city staff and condominium resident volunteers needs to be available to figure this out for the City.

I ask you to do the right thing. Start to rectify this unfair situation by allowing a Condominium Advisory Committee. Vote down the recommendation to not form a CAC. Following that vote, please table a motion that directs Planning, Building, Engineering and Environment to form a Condominium Advisory Committee. Please restore the faith a large segment of the electorate has that, Council will do the right thing on behalf of its condominium residents.

Thank you for your attention

PRESENTATION ON BEHALF OF FAIR TAX CAMPAIGN BY CAVAN ACHESON

TO GUELPH COUNCIL -- DECEMBER 16th, 2013.

Madam Mayor and Members of Council

For three years the Fair Tax Campaign has assembled a list of the frustrations felt by many of your ratepayers - namely the condominium owners in this City. Over 1,300 have signed a petition, which you have on file, seeking fairness in the delivery of municipal services they pay for. It is time to act.

In July we appeared before the CAFE committee concentrating initially on the obvious inequity in the delivery of municipal waste collection services. That Committee heard of our complaints and suggestions for action including possible rebates as adopted in Waterloo Region. On Your Worship's initiative the question of "willing taxpayers" who wished to participate in 3-stream collection was deflected to the SWMMP process. The suggestion that a Condominium Advisory Committee (or "CAC") be formed was ignored by that Committee but was thankfully picked up by Councillor Bell who brought a motion to the September 30th council meeting referring the CAC concept for the consideration of the PBEE committee.

In a close vote that standing committee voted not to support a CAC before this Council. You, hopefully, will give the matter careful re-consideration.

The Fair Tax Campaign and its representatives have worked closely with many of you and with staff at many levels in the past few months. We have had significant involvement with Mr. Wyman's department and with the SWMMP process. We have already filed with you various presentations to Council and its committees and we also provided a significant list of suggestions to SWMMP. You can judge the level of the commitment we represent.

It is time to act.

You have evidence there are people willing to volunteer their time at no cost to the City to assist the City in bringing fairness to its delivery of waste collection services. We are told this is unnecessary because it is clearly anticipated that SWMMP will recommend greater concentrated efforts and initiatives to deal with condo/multi residential collection issues. Therefore it is suggested our further contribution would be redundant. This is wrong-headed and you are looking a gift horse in the mouth.

A Condominium Advisory Committee can help to assure this Council that recommendations brought forward by SWMMP, as may be adopted by Council next year, will in fact get implemented. A CAC can act as a mediator and a negotiator to expand waste collection services in difficult to serve communities.

A CAC can reach out, not only to those already served, but also to those who as a result of the cart system can no longer be served and, further, the third group -- namely those who have

never received such service. Remember that all condo owners pay part of their taxes for the service. They do not all receive it. It has little to do with being "willing".

More importantly we can assist the City by providing the experience of those who live in condos, who are only too aware of the difficulties and additional expenses they incur in providing substitute services -- services that should be provided by the City. I speak of our ability to affect the planning process so that in future every high rise condo and every town house condo hereafter is designed and built to facilitate three-stream waste collection services that the City can provide.

To do otherwise is to perpetuate a system where the City collects a portion of taxes for waste collection from every property owner including condo owners but only delivers that service to some. This is wrong. It must be remedied.

We as a group wish to collaborate -- to help you do the right thing. Please ignore the PBEE's recommendation and take advantage of those who want to be part of the solution. Start the process to create a CAC.

It is time to act.

OCTOBER/OCTOBRE 2013

		OWNERSHIP LOGEMENTS POUR PROPRIETAIRE-OCCUPANT					RENTAL LOGEMENTS LOCATIFS					
GUELPH CMA/RMR DE GUELPH		SINGLE LOG. IND.	FREEHOLD EN PROPRIETE ABSOLUE SEMI JUMEELES	ROW RANGEE	CONDOMINIUM EN COPROPRIETE ROW RANGEE	APT. APPART.	ROW RANGEE	APT. APPART.	ROW RANGEE	APT. APPART.	GRAND TOTAL TOUS LOG. CONFONDUS	
Pending Starts/Mises en chantier en attente		23	14	19	59	1	0	0	78	1	116	
STARTS/ MISES EN CHANTIER	Current Month/Mois en cours	12	10	0	3	24	0	0	3	24	49	
	Year-To-Date/Cumul 2013	167	68	9	157	353	0	24	166	377	778	
	Year-To-Date/Cumul 2012	220	44	73	120	188	0	6	193	194	651	
Under Construction/ Logements en construction	-2013	96	54	26	187	543	0	24	213	567	930	
	-2012	102	16	89	164	339	0	16	253	355	726	
COMPLETIONS/ ACHEVEMENTS	Current Month/Mois en cours	22	4	0	13	10	0	0	13	10	49	
	Year-To-Date/Cumul 2013	188	26	47	103	187	0	13	150	200	564	
	Year-To-Date/Cumul 2012	189	56	48	62	76	0	84	110	160	515	
Completed & Not Absorbed/ Log. achevés et non écoulés	-2013	8	0	3	6	8	0	0	9	8	25	
	-2012	4	2	3	9	2	3	0	15	2	23	
Total Supply/ Offre totale	-2013	127	68	48	252	552	0	24	300	576	1071	
	-2012	148	20	100	229	341	3	16	332	357	857	
Absorptions/ Logements écoulés	Current Month/Mois en cours	23	4	0	13	10	0	0	13	10	50	
	3 Month Average/Moy. mobile de 3 mois	19	5	6	15	25	0	2	21	27	72	
	12 Month Average/Moy. mobile de 12 mois	18	3	7	10	14	0	2	17	16	54	
GUELPH CITY/VILLE DE GUELPH												
Pending Starts/Mises en chantier en attente		18	14	19	59	1	0	0	78	1	111	
STARTS/ MISES EN CHANTIER	Current Month/Mois en cours	9	10	0	3	24	0	0	3	24	46	
	Year-To-Date/Cumul 2013	135	68	9	157	353	0	24	166	377	746	
	Year-To-Date/Cumul 2012	190	44	73	120	188	0	6	193	194	621	
Under Construction/ Logements en construction	-2013	65	54	26	187	543	0	24	213	567	899	
	-2012	80	16	89	164	339	0	16	253	355	704	
COMPLETIONS/ ACHEVEMENTS	Current Month/Mois en cours	17	4	0	13	10	0	0	13	10	44	
	Year-To-Date/Cumul 2013	156	26	47	103	187	0	13	150	200	532	
	Year-To-Date/Cumul 2012	172	56	48	62	76	0	84	110	160	498	
Completed & Not Absorbed/ Log. achevés et non écoulés	-2013	4	0	3	6	8	0	0	9	8	21	
	-2012	3	2	3	9	2	3	0	15	2	22	
Total Supply/ Offre totale	-2013	87	68	48	252	552	0	24	300	576	1031	
	-2012	114	20	100	229	341	3	16	332	357	823	
Absorptions/ Logements écoulés	Current Month/Mois en cours	17	4	0	13	10	0	0	13	10	44	
	3 Month Average/Moy. mobile de 3 mois	14	5	6	15	25	0	2	21	27	67	
	12 Month Average/Moy. mobile de 12 mois	16	3	7	10	14	0	2	17	16	52	

Good day Mr. Amorosi, I wanted to request to provide this communication to Council regarding their scheduled meeting of December 16, 2013 (see link- <http://guelph.ca/2013/12/compensation-changes-city-managers-non-union-staff-include-better-way-link-performance-pay/>). Based on such matters as inflated overtime, labour / mgt. relations etc, it is quite apparent that much of these issues are of a direct responsibility of a managerial role. Although media sources have recently highlighted employee practices, it is clear to us paying taxpayers (and anyone in a labor environment) that these issues have only been of subject matter in light of poor management oversight. Now is not an appropriate time to review benefits such as the 3 days "personal" that is proposed. Although noted by staff as in line with the remaining public sector, I can say I personally have been employed at both the Provincial and Municipal sector and that such a benefit is not in keeping with standard contracts. More than anything, now is not the time in light of recent, of what can only appropriately be described as, errors. Clear errors.

I would appreciate your confirmation of my communication.

Regards,

Mathew Williamson,

CONSENT AGENDA - Consolidated

December 16, 2013

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate Council’s consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

A REPORTS FROM ADMINISTRATIVE STAFF

REPORT	DIRECTION
<p>CON-2013.38 FCM’S “FIXING CANADA’S HOUSING CRUNCH” CAMPAIGN</p> <p>That Council support the Federation of Canadian Municipalities’ campaign: Fixing Canada’s Housing Crunch and endorse the Federation’s resolutions:</p> <p>Whereas, a stable and secure housing system that creates and maintains jobs and allows for a range of living options is essential to attracting new workers, meeting the needs of young families and supporting seniors and our most vulnerable citizens; and</p> <p>Whereas the high cost of housing is the most urgent financial issue facing Canadians with one in four people paying more than they can afford for housing, and mortgage debt held by Canadians now standing at just over \$1.1 trillion; and,</p> <p>Whereas housing costs and, as the Bank of Canada notes, household debt, are undermining Canadians’ personal financial security, while putting our national economy at risk; and</p> <p>Whereas those who cannot afford to purchase a home rely on the short supply of rental units, which is driving up rental costs and making it hard to house workers in regions experiencing strong economic activity; and</p> <p>Whereas an inadequate supply to subsidized housing for those in need is pushing some of the most vulnerable Canadians on to the street, while \$1.7 billion annually in federal investments in social housing have begun to expire; and,</p>	<p>Approve</p>

Whereas the stakes are especially high for Ontario's municipal governments as housing responsibilities have already been downloaded (unlike other provinces and territories) and this is not sustainable on the property tax base; and,

Whereas the Federation of Canadian Municipalities (FCM) has launched a housing campaign, "Fixing Canada's Housing Crunch," calling on the federal government to increase housing options for Canadians and to work with all orders of government to develop a long-term plan for Canada's housing future; and,

Whereas FCM has asked its member municipalities to pass a council resolution supporting the campaign;

And Whereas, our community has continuing housing needs that can only be met through the kind of long-term planning and investment made possible by federal leadership;

Therefore be it resolved that Council endorses the Federation of Canadian Municipalities' housing campaign and urged the Minister of Employment and Social Development to develop a long-term plan for housing that puts core investments on solid ground, increases predictability, protects Canadians from the planned expiry of \$1.7 billion in social housing agreements and ensures a healthy stock of affordable rental housing for Canadians.

Be it further resolved that a copy of this resolution be sent to the Minister noted above, to the Minister of Municipal Affairs and Housing, to Liz Sandals, to the Federation of Canadian Municipalities and to the Association of Municipalities Ontario.

CON-2013.39 NON-UNION AND COMPENSATION MATTERS – PROGRESSION PAY AND NON-UNION BENEFITS

Receive

1. That the December 16, 2013 report entitled "Non-union Compensation Matters – Progression Pay and Non-union Benefits" be received for information.

Receive

CON-2013.40 DEVELOPMENT CHARGES PROVINCIAL CONSULTATION

1. That the report FIN-13-56 Development Charge Provincial Consultation be received.

**CON-2013.41 FEDERATION OF CANADIAN MUNICIPALITIES
(FCM): REPRESENTATION ON THE BOARD OF
DIRECTORS**

Approve

1. That Council endorse Councillor Lise Burcher to stand for re-election to the Federation of Canadian Municipalities Board of Directors in June 2014.

**CON-2013.42 PROVINCIAL REVIEW OF THE LAND USE
PLANNING AND APPEAL SYSTEM PRELIMINARY
REPORT**

Receive

1. That Report 13-75 from Planning, Building, Engineering and Environment, dated December 16, 2013 regarding the Provincial Review of the Land Use Planning and Appeal System be received.

attach.

STAFF REPORT



TO City Council

SERVICE AREA Finance & Enterprise Services

DATE December 16, 2013

SUBJECT Development Charges Provincial Consultation

REPORT NUMBER FIN-13-56

EXECUTIVE SUMMARY

PURPOSE OF REPORT

The purpose of this report is to inform Council of the upcoming Provincial Development Charge Consultation and outline the steps required to develop a collaborative City document that is reflective of the concerns shared by both Staff and Council.

KEY FINDINGS

Staff have identified four issues with the current Development Charges Act (DCA).

1. Removing restrictions from the DCA will allow growth to pay for growth which will result in a reduced impact to the existing taxpayer and eliminate equity issues.
2. The 10 year average service standard sets a ceiling for a service area charge that is backward looking and not flexible enough to allow for changing priorities, demographics, needs, etc.
3. The methodology used to calculate the charge should link to other Provincially mandated priorities (transit, high density development, environmental protection and preservation of open spaces)
4. Services that receive funding from the Provincial and Federal government (Social Housing, Hospitals and Homes for the Elderly) create significant challenges to the municipality when developing the DC background study. Improved communication from the Provincial and Federal government regarding the planning, funding and required infrastructure for these services would enable the City to collect development charges to help pay for the City's share of the infrastructure required to facilitate the growing demand for these services.

STAFF REPORT

FINANCIAL IMPLICATIONS

While there are no financial implications resulting from this report, the consultation process is an opportunity for the City to encourage legislative changes that are required to ensure the City is recovering adequately for the cost of growth.

ACTION REQUIRED

The Province has requested that all municipal feedback be endorsed by Council and submitted by January 10, 2014. Given the short deadline, Staff are recommending the following process:

1. Staff to submit a response to the Province for January 10, 2014 and indicate that Council approval will follow.
2. Finance will present the complete technical response to Council at the January 27, 2014 Council meeting
3. Council will approve the final technical responses at the February 10, 2014 Council meeting.

RECOMMENDATION

1. That the report FIN-13-56 Development Charge Provincial Consultation be received.

BACKGROUND

The Province is currently undergoing a review of the Development Charge Act, 1997 framework and has asked municipalities, developers and other key stakeholders for feedback, concerns and suggestions.

The purpose of the DCA is to empower municipalities to charge new development a one-time fee that will fund the capital infrastructure required to support that new growth. The current Act was implemented in 1997 and included detailed instructions, strict methodology and mandatory deductions. The 1997 Act introduced a 10% deduction to soft service needs, a 10 year average service standard cap on the service charge and excluded several services from the development charge calculation (waste management, culture, tourism and administration buildings).

STAFF REPORT



REPORT

Staff have attended a Development Charge Provincial forum in Hamilton and participated in an interactive webinar to gather insight and voice concerns. The Ministry of Municipal Affairs and Housing is specifically seeking input on 19 questions (please see Appendix A). Finance, Planning & Engineering and Legal have met to coordinate responses and to ensure the City is communicating a collaborative message.

Staff have identified four key issues that are impairing the City's ability to fairly and adequately fund City growth.

Strengthening Principles of Growth Paying for Growth

The City is concerned that the 10% deduction, 10 year average service level ceiling and ineligible services result in a 20% shortfall in DC funding that must be incurred by the existing taxpayer¹. Removing these restrictions will result in an equitable allocation of growth related costs and ensure City infrastructure is built the standard desired by the community. It is the City's recommendation that all services be eligible under the Act and that the 10% deduction be removed.

Forward Looking Service Level Assessment

As populations grow and demographics change, the City must have the flexibility to adjust services in response to the City's evolving profile, changing needs and priorities. The 10 year average service standard restricts Council's ability to expand services or add new services to the development charge which may make funding these new programs cost prohibitive (Homes for the Aged, Transit and Social Housing). The City recommends the Province review the 10 year historical average ceiling cap so municipalities can plan for the future needs of the City and not be tied to the priorities and needs of the past.

Alignment between DC Act and the Official Land Use Plans

The current DCA is not in-line with many of the Provincial initiatives. The Places to Grow Act mandates a shift to high density communities, increased transit and environmental services. However, the calculation prescribed by the DCA results in a higher cost/capita in high density scenarios, transit is subject to a 10% deduction and limited to the 10 year average service standard and solid waste management is an ineligible service category. Without improved support from the DCA, achieving provincially mandated targets is a challenge.

¹ Watson & Associates Economists Ltd. (2010). Long-term fiscal impact assessment of growth: 2011-2021. Mississauga, ON

STAFF REPORT



Infrastructure Planning for Services Funded by Provincial and Federal Governments

It is difficult to plan and fund new infrastructure for services such as Social Housing, Homes for the Elderly and hospitals which receive the majority of their funding from the Provincial and Federal government. Typically these services have been downloaded from other levels of government but the necessary tools required to fund these projects have not been provided. The lack of direction, communication and foresight from the Provincial and Federal government has made it impossible to accurately plan for these projects and identify them in the DC background Study, DC By-law and the DC rate.

Next Steps

The Ministry of Municipal Affairs and Housing has asked 19 specific questions (Appendix A) relating to the following areas:

- a) The Development Charge Process
- b) Eligible Services
- c) Reserve Fund reporting
- d) Density Bonusing and Parkland Dedication
- e) Voluntary Payments
- f) Growth and Housing Affordability and
- g) High Density Growth Objectives

Staff will formalize responses for Council's review and prepare a consultation session for the January 27, 2014 Council meeting. Council's input will then be incorporated into the City's final submission and approved at the February 10, 2014 Meeting of Council.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city

Goal 2: A health and safe community where life can be lived to the fullest

Goal 3: A diverse and prosperous local economy

Goal 4: A vibrant and valued arts, culture and heritage identity

Goal 5: A community-focused, responsive and accountable government

Goal 6: A leader in conservation and resource protection/enhancement

DEPARTMENTAL CONSULTATION

Finance coordinated efforts with the Planning department, the CAO's office and Legal Services to ensure all opinions and perspectives were fairly represented.

STAFF REPORT



FINANCIAL IMPLICATIONS

The current legislation restricts the City's ability to adequately fund growth related expenditures. If municipalities collectively identify the major concerns and shortfalls of the current Act, the Province may make changes that more increase the City's ability to fund growth related expenditures and more fairly distribute the cost of growth.

COMMUNICATIONS

November 19, 2013 – Development Charge Provincial Consultation – Hamilton City Hall

November 22, 2013 – Development Charge Provincial Consultation – webinar

December 9, 2013 – City consultation

ATTACHMENTS

Appendix A – Development Charges in Ontario, Consultation Document

“original signed by Christel Gregson”

Report Author

Christel Gregson

Sr. Corporate Analyst, Development Charges & Long Term Planning

“original signed by Sarah Purton”

Approved By

Sarah Purton

Manager of Financial Planning

(519)822-1260 Ext. 2325

sarah.purton@guelph.ca

“original signed by Al Horsman”

Recommended By

Al Horsman

Executive Director of Finance

(519)822-1260 Ext. 5606

al.horsman@guelph.ca



Development Charges in Ontario

Consultation Document • Fall 2013

Development Charges Act, 1997 Review Consultation Document

Ontario is reviewing its development charges system, which includes the Development Charges Act and related municipal measures that levy costs on development (i.e. section 37 and parkland dedication provisions of the *Planning Act*), to make sure it is predictable, transparent, cost-effective and responsive to the changing needs of communities.

The Ministry of Municipal Affairs and Housing is consulting in the fall of 2013 with municipalities, the building and development industry and other key stakeholders on what changes to the system are needed.

This document is intended to help focus the discussion and identify potential targeted changes to the current framework.

Development Charges Act, 1997

The [Development Charges Act, 1997](#) lays out Ontario's regulatory and legislative framework which municipalities must follow to levy development charges.

This legislation resulted from negotiations with municipalities and developers and is based on the core principle that development charges are a primary tool in ensuring that "growth pays for growth".

Development Charges Act, 1997 Processes

To determine a development charge, a municipality must first do a background study. The background study provides a detailed overview of a municipality's anticipated growth, both residential and non-residential; the services needed to meet the demands of growth; and a detailed account of the capital costs for each infrastructure project needed to support the growth. The growth-related capital costs identified in the study are then subject to deductions and adjustments required by the legislation. These include:

- **Identifying services ineligible for a development charge.** The reason some services are exempt from development charges is that they are considered "discretionary" and not required for development to occur (e.g. entertainment and cultural facilities).
- **Requiring a service level cap tied to a ten-year historical average.** Capital costs for each service must be reduced by the costs associated with a service level greater than a 10-year

Did you know?

200 of Ontario's municipalities collect development charges.

\$1.3 B in development charge revenue was collected in 2011.

Development charges accounted for 14 per cent of municipal tangible asset acquisition financing in 2011.

historical average. This ensures new resident/business do not receive a service level greater than that provided to current residents/businesses.

- **Reducing capital costs by the amount of growth-related infrastructure that benefits existing development.** For example, installation of a new transit line needed to service growth becomes part of the overall municipal system and therefore also benefits existing residents. Municipalities must estimate the financial impact of this benefit and reduce growth-related capital costs accordingly.
- **Reducing capital costs by an amount that reflects any excess capacity for a particular service.** Municipalities must account for uncommitted excess capacity for any municipal service for which they levy a development charge. For example, if a municipality wants to construct a new library they must examine if the current municipal library system is at capacity. If the system is not at capacity, a deduction to growth-related capital costs for the new library must be made. An exception is made if a municipal council indicates that excess capacity at the time it was created is to be paid for by new development.
- **Reducing capital costs by adjusting for grants, subsidies or other contributions.** If a municipality receives a grant, subsidy or other contribution for a municipal service for which a development charge is being levied growth-related capital costs must be reduced to reflect the grant, subsidy or other contribution. This attempts to prevent “double-dipping”.
- **Reducing capital costs for soft services (e.g. parkland development, transit, libraries) by 10 per cent.** The legislation specifically identifies seven municipal services for which growth-related capital costs are not subject to a 10% discount (i.e. water, wastewater, storm water, roads, electrical services, police and fire). All other services are therefore subject to a 10% discount. This measure was put in place so that a portion of growth-related costs is paid out of municipal general revenues. The deductions and adjustments attempt to identify the capital cost that can be attributed to the infrastructure needed to service growth and development. Therefore, revenue municipalities raise through development charges will help ensure growth-related capital costs are not borne by existing taxpayers.

While the legislation provides for deductions and adjustments, in some instances the Act does not specify how these are determined by municipalities. For example, municipalities must account for the impact of growth-related infrastructure benefits on existing development but the Act does not say how this impact is to be calculated.

Based on an analysis of current background studies for 19 of the largest municipalities in Ontario (single and lower tier) capital costs recovered from development charges on average accounted for 44 per cent of gross capital expenditure estimates for services that would be eligible for development charges. At a regional level (Durham, Halton, York and Peel) development charges recovered 63 per cent of gross capital

Did you know?

Hard services, such as roads, water, sewer and waste water, account for 67 per cent of all collection.

Greater Toronto Area municipalities collect 70 per cent of all development charges in Ontario.

expenditures (See Appendix Figure 1).

Eligible Services

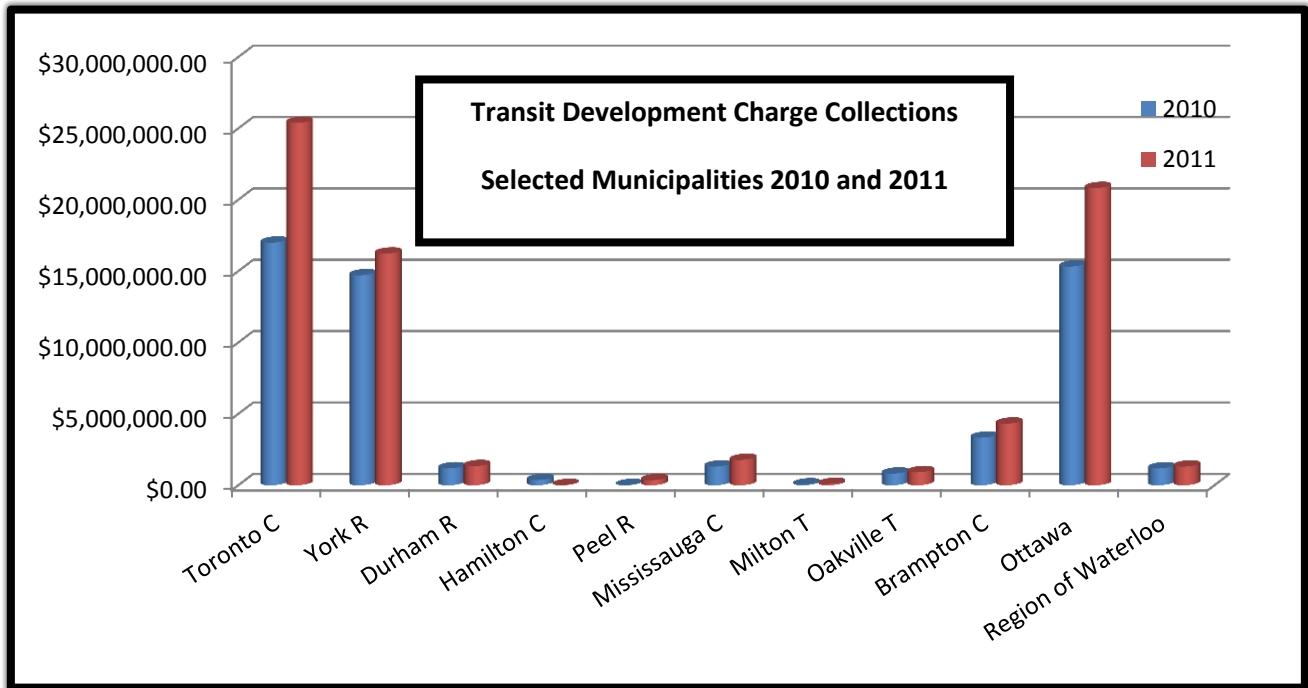
The **Development Charges Act, 1997** sets out specific services on which development charges cannot be imposed to pay for growth-related capital costs. This is a significant change from the **Development Charges Act, 1989** which gave municipal councils the authority to pass by-laws imposing charges on all forms of development to recover the net capital costs of services related to growth.

The scope of services funded under the Act was reduced by eliminating services which are not considered essential for new development and which benefit the community more broadly.

Municipalities have argued that a number of services that are currently ineligible, such as hospitals and waste management should be made eligible services for a development charge. Municipalities would also like to recover the full cost of new growth associated with particular services that are currently subject to a discount, such as transit.

The collection of development charges for transit is subject to a 10 per cent discount along with services such as parkland development, libraries, daycares, and recreational facilities. This broad category is generally referred to as “soft services” as opposed to “hard” services, such as roads and water which are not subject to the discount. The 10 per cent discount is seen as a way of ensuring that municipalities do not “gold plate” services with development money above and beyond general municipal standards.

Did you know?
In 2011, 37 municipalities collected \$74.2M in transit development charges; reserves stood at \$259.4M.
Without the 10 per cent discount applied to transit development charges, municipalities would have collected an additional \$8.2M.



Services for which a development charge is levied are also subject to the 10-year historical service average cap. Municipalities and transit supporters have suggested that transit levies be based on a peak or forward- looking service average. This would potentially allow municipalities to better co-ordinate transit infrastructure with planned growth.

Did you know?

A number of recent reports (i.e. Metrolinx Investment Strategy, Environmental Commission of Ontario and Environmental Defence) have advocated for amendments to the *Development Charges Act, 1997*, reflecting those made for the Toronto-York Subway Extension, for all transit projects in Ontario.

Transparency and Accountability

Public input

Municipalities must pass a development charge by-law within one year of the completion of a background study. Before passing the by-law, a municipality is required to hold at least one public meeting, making both the by-law and background study publicly available at least two weeks before the meeting.

The content of a by-law may be appealed to the Ontario Municipal Board (OMB) within 40 days of passing, after which the imposition of a specific development charge may be challenged within 90 days of the charge payable date. The OMB has broad powers to change or cancel (repeal) a by-law or to make the municipality do so. A number of appeals that are launched are settled between the parties involved before the Board makes a decision. If the Board orders a change to the by-law, it is considered to have come into force on the day that the by-law was passed. The municipality may then need to refund any amounts owed to anyone who paid the higher charge, with interest, within 30 days of the decision.

Reserve Funds

Municipalities must establish an “obligatory” reserve fund for each service for which a development charge is collected. The development charge funds must be spent on the infrastructure projects for which they were collected. In 2011, municipalities collected \$1.3B in development charges and had \$2.7B in obligatory reserves funds.

Most development charges are collected for non-discounted services with roads, water and wastewater

infrastructure accounting for the largest share.

Each year the treasurer of a municipality is required to submit a development charge statement to council and to the Minister of Municipal Affairs and Housing, providing a detailed account of activities for each reserve fund. The statement must show the connection between the infrastructure project and the reserve fund supporting it.

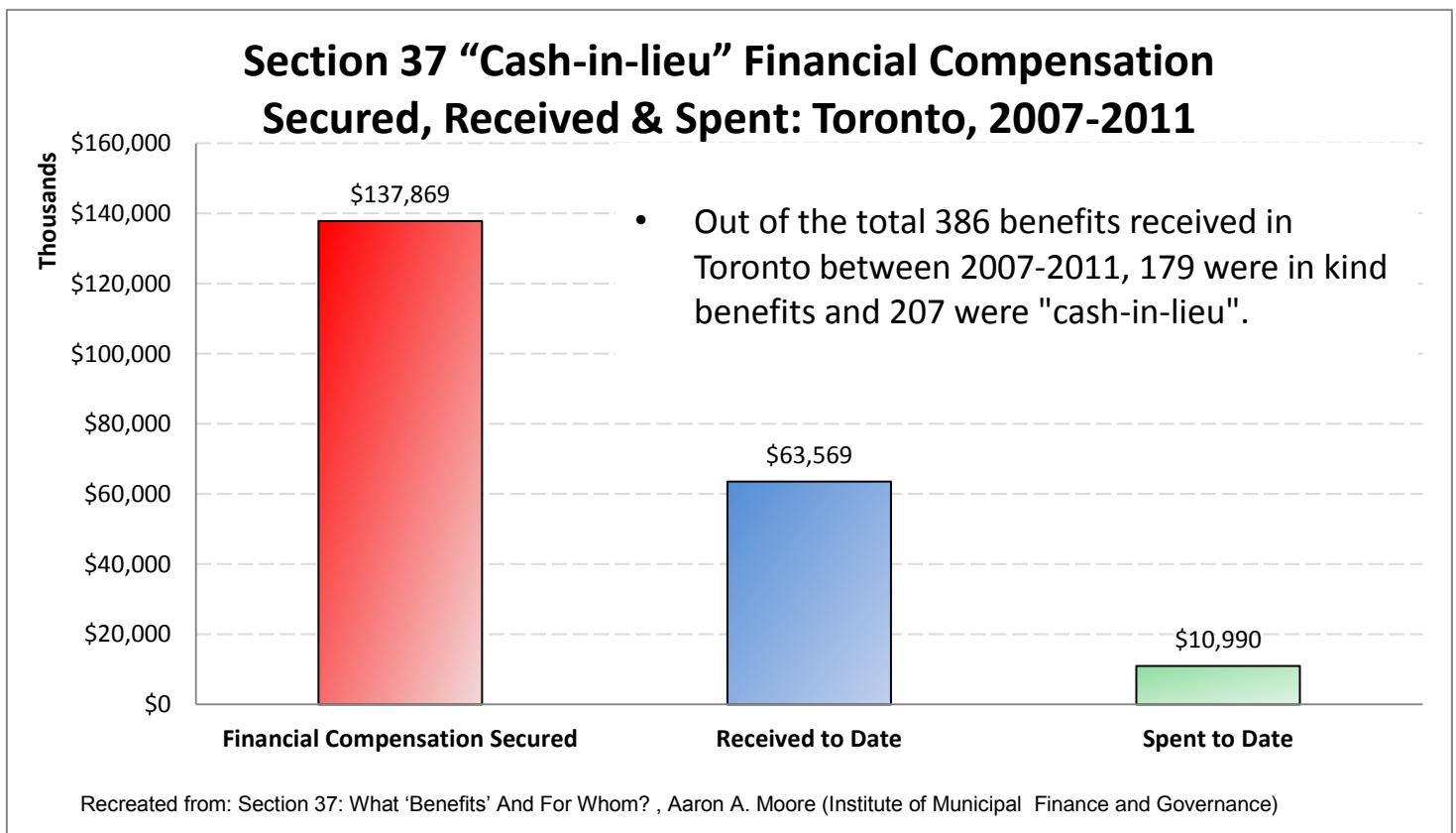
Despite the thoroughness of the development charge background study and the requirement to prepare and submit an annual development charge reserve fund statement, questions have arisen as to whether or not the funds collected are spent on projects for which they were intended.

Planning Act: Section 37 (Density Bonusing) and Parkland Dedication

The **Planning Act** allows municipalities to receive “benefits” from development in exchange for allowing greater density (more compact form of development) and to require developers to contribute land for parks or other recreational use.

Section 37 (Density Bonusing)

Section 37 (Density Bonusing) allows local municipal councils to authorize increases in the height and density of development beyond the limits set out in their zoning by-law, provided they have enabling official plan policies, in exchange for providing specified facilities, services or matters, such as the



provision of public art, or affordable housing or other matter provided on or in close proximity to the property being developed.

Municipalities often undertake planning exercises through extensive public consultation to identify how their communities will grow, resulting in the adoption of official plans to reflect their vision. The application of section 37 (Density Bonusing) may be seen as departing from that approved community vision. Consequently, the application of section 37 (Density Bonusing) has sometimes been characterized as being ad hoc or unstructured. As well, questions have been raised about whether the payments are being used for the intended purpose and whether the appropriate accountability and reporting measures are in place.

Parkland Dedication

Municipalities have the authority to require that a developer give a portion of the development land to a municipality for a park or other recreational purposes either at the plan of subdivision approval or consent approval stage ([Planning Act, subsection 51.1\(1\)](#)) or as a condition of development or redevelopment of land ([Planning Act, section 42](#)). Instead of giving over the land, the municipality may require the developer to pay an amount of money equal to the value of the land that would have otherwise been given. This is known as cash-in-lieu.

In addition, municipalities have the ability to require an alternative parkland dedication rate, which is based on the principle that parkland dedicated should bear some relation to population and need. Under [subsection 42\(3\)](#) of the *Planning Act*, an alternative parkland dedication rate of up to a maximum of 1 hectare per 300 dwelling units may be imposed. In order to use this, a municipality's official plan must have specific policies dealing with the use of the alternative parkland dedication rate.

The alternative parkland dedication rate was enacted to correct an inequity because parkland conveyances based on a percentage of lot area did not provide enough parkland for higher density residential areas. The philosophy of setting an upper limit for the Alternative Rate enables municipalities to set their own standards in relation to clearly demonstrated needs. These needs must be reflected in the goals, objectives and policies of the official plan to avoid unjustified use of higher conveyance standards.

Concerns have been identified that the alternative parkland dedication rate in the *Planning Act* acts as a barrier to intensification and makes it more difficult to reach the intensification goals of the Provincial Policy Statement, set out in the Growth Plan for the Greater Golden Horseshoe.

Overall, concerns have been raised that there is a need for more accountability and transparency with section 37 (Density Bonusing) and parkland dedication.

Voluntary Payments

Several municipalities require developers to make “voluntary payments” to help pay for infrastructure costs over and above development charges. Municipalities get additional funding from the development community to help finance capital projects so as to potentially reduce the impact of growth on tax rates and the municipality’s debt capacity limits.

Economic Growth

Many stakeholders view the use of development charges as either a help or hindrance to economic growth in communities. Most of the discussion has focused on housing affordability and the development of transit, as mentioned above.

The housing sector plays a significant role in economic growth in Ontario. This is a key sector that stimulates the economy through linkages with other sectors, and is a leading employer in the Province. A healthy housing sector can have positive economic and employment impacts in many other sectors. For example, new home construction can relate to expenditures for building materials, architectural services, construction crews and contractor services, in addition to other additional costs such as landscaping improvements, new furniture and moving expenses. Incomes generated from employment in this sector have a direct impact on consumer spending.

Did you know?

Based on information obtained from Will Dunning Inc. Economic Research, 322,100 jobs and \$17.1 B in earnings resulted from the 76,742 housing starts in Ontario in 2012. In the same year, 25,416 Toronto housing starts created 89,000 jobs and resulted in \$4.7 B in wages.

Housing Affordability

Since the **Development Charges Act, 1997** was passed, development charges have risen steadily, leading some people to suggest development charges are having a direct impact on rising housing prices. Housing price increases can be due to several factors including (but not limited to) the general health of the economy, income levels, availability of financing, interest rate levels, cost of construction, material and land values.

For example, from 1998 to 2009 the composite Construction Price Index for seven census metropolitan areas across Canada rose by 53.5 per cent. The index for Toronto has increased by 57.2 per cent and for Ottawa by 52.6 per cent. Subsequently, increasing construction costs would be one factor leading to

rising development charge rates.

Analysis of development charges for Ontario's 30 largest municipalities shows rates, in some cases, have risen substantially since 1997 (see Appendix Figure 3). Most of the municipalities experiencing larger than average increases in development charges are also ones which have experienced high levels of growth.

Despite the increases, development charges as a percentage of the cost of a new home have remained somewhat stable (5 per cent to 9 per cent) since the Act first came into force. (See Appendix Figure 4)

Non-residential Development Charges

The Act also allows municipalities to levy charges for non-residential development. The way in which municipalities treat non-residential development charges may play a significant role in the attraction of industrial, commercial and institutional development. Such development can act as a lever in informing the location of employment/employers, residential neighbourhoods, transportation networks, and transit.

Some municipalities provide exemptions for particular types of non-residential development to address job creation and growth in their municipality. For example, the Cities of Toronto and Kingston exempt development charges for all industrial development and the Town of Kincardine waives the development charges for all major office development.

Growth, intensification and the Development Charges Act, 1997

Over the last decade, two provincial plans have been released that promote the importance of incorporating intensification in growth planning. The Provincial Policy Statement, integrates all provincial ministries' land use interests and is applicable province-wide, states that there should be sufficient land made available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses.

The Growth Plan for the Greater Golden Horseshoe, which was developed to better manage growth in the Greater Golden Horseshoe through compact, complete communities, support for a strong economy, efficient use of land and infrastructure, the protection of agricultural land and natural areas, seeks to focus growth within intensification areas. Intensification areas include urban and intensification growth centres, intensification corridors, major transit stations areas, infill/redevelopment/brownfield sites and the expansion or conversion of existing buildings and greyfields.

The regional transportation plan, The Big Move: Transforming Transportation in the Greater Toronto and Hamilton Area (GTHA), released by Metrolinx in 2008, is consistent with the implementation of these

provincial policies by helping to shape growth through intensification.

Under the current ***Development Charges Act, 1997***, municipalities may apply development charges in ways that best suit their local growth-related needs and priorities. A number of municipalities use local development charges as an incentive for directing land and building development through reductions and exemptions of development charges in areas such as downtown cores, industrial and commercial areas and in transit nodes and corridors, where higher-density growth is desired.

Municipalities may also set area-rated development charges that reflect the higher cost of infrastructure needed to service lands that are distantly located outside of higher density, serviced areas. These charges reflect a localized need for development-related capital additions to support anticipated development.

There is significant interest in using development charges more strategically by discounting development charges where growth and development is preferred, while setting maximum payable charges in areas outside of existing service areas (e.g. greenfields).

Questions have been raised over whether this strategy is being fully utilized to achieve intensification in areas such as transit, nodes and corridors. There is concern that levying development charges generally halts growth in areas targeted for intensification and that waiving development charges in these areas should be considered to stimulate development.

Did you know?

To steer growth and encourage greater density, the City of Ottawa levies a lower development charge (\$16,447 per Single Detached Unit) for development within the inner boundary of the city's designated Greenbelt than areas beyond the outer boundary of the Greenbelt (\$24,650 per Single Detached Unit) .

ISSUES AND QUESTIONS TO DISCUSS

The Development Charges Process

1. Does the development charge methodology support the right level of investment in growth-related infrastructure?
2. Should the Development Charges Act, 1997 more clearly define how municipalities determine the growth-related capital costs recoverable from development charges? For example, should the Act explicitly define what is meant by benefit to existing development?
3. Is there enough rigour around the methodology by which municipalities calculate the maximum allowable development charges?

Eligible Services

4. The Development Charges Act, 1997 prevents municipalities from collecting development charges for specific services, such as hospitals and tourism facilities. Is the current list of ineligible services appropriate?
5. The Development Charges Act, 1997, allows municipalities to collect 100% of growth-related capital costs for specific services. All other eligible services are subject to a 10% discount. Should the list of services subject to a 10 % discount be re-examined?
6. Amendments to the Development Charges Act, 1997 provided Toronto and York Region an exemption from the 10 year historical service level average and the 10% discount for growth-related capital costs for the Toronto-York subway extension. Should the targeted amendments enacted for the Toronto-York Subway Extension be applied to all transit projects in Ontario or only high-order (e.g. subways, light rail) transit projects?

Reserve Funds

7. Is the requirement to submit a detailed reserve fund statement sufficient to determine how municipalities are spending reserves and whether the funds are being spent on the projects for they were collected?
8. Should the development charge reserve funds statements be more broadly available to the public, for example, requiring mandatory posting on a municipal website?
9. Should the reporting requirements of the reserve funds be more prescriptive, if so, how?

Section 37 (Density Bonusing) and Parkland Dedication Questions

10. How can Section 37 and parkland dedication processes be made more transparent and accountable?
11. How can these tools be used to support the goals and objectives of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe?

Voluntary Payments Questions

12. What role do voluntary payments outside of the Development Charges Act, 1997 play in developing complete communities?
13. Should municipalities have to identify and report on voluntary payments received from developers?
14. Should voluntary payments be reported in the annual reserve fund statement, which municipalities are required to submit to the Ministry of Municipal Affairs and Housing?

Growth and Housing Affordability Questions

15. How can the impacts of development charges on housing affordability be mitigated in the future?
16. How can development charges better support economic growth and job creation in Ontario?

High Density Growth Objectives

17. How can the Development Charges Act, 1997 better support enhanced intensification and densities to meet both local and provincial objectives?
18. How prescriptive should the framework be in mandating tools like area-rating and marginal cost pricing?
19. What is the best way to offset the development charge incentives related to densities?

SUBMIT YOUR COMMENTS AND IDEAS

You are invited to share your comments and ideas by **January 10, 2014**. You can:



Share your views at a meeting.



Submit your comments through an online version of this guide at www.ontario.ca/landuseplanning

Environmental Bill of Rights Registry Number: 012-0281
www.ebr.gov.on.ca/



Email a submission to DCAconsultation@ontario.ca



Write to us at:

Development Charge Consultation
Ministry of Municipal Affairs and Housing
Municipal Finance Policy Branch
777 Bay Street, 13th Floor, Toronto, ON M5G 2E5

Preparing an Email or Mail Submission

Please structure your submission as answers to the question listed above or submit responses in each of the theme areas.

Personal Information

Personal information you provide is collected under the authority of the *Ministry of Municipal Affairs and Housing Act*.

Appendix

Figure 1

Potential Development Charges Recoverable as a Percentage of Estimated Gross Capital Costs

Municipality	Total All Services	B.E.D.**	GR Net Capital Costs	BED/Total	NET/Total
Brampton *	\$ 1,678,874,000.00	\$ 112,475,000.00	\$ 1,566,399,000.00	7%	93%
Clarington	\$ 254,239,710.00	\$ 20,571,670.00	\$ 201,312,480.00	8%	79%
Oakville*	\$ 823,629,200.00	\$ 107,088,800.00	\$ 647,754,800.00	13%	79%
Ajax	\$ 179,644,683.00	\$ 14,802,562.00	\$ 132,178,950.00	8%	74%
Vaughan*	\$ 643,512,000.00	\$ 36,829,000.00	\$ 460,066,400.00	6%	71%
Mississauga	\$ 989,730,700.00	\$ 30,593,000.00	\$ 700,515,500.00	3%	71%
Whitby	\$ 440,855,969.00	\$ 80,927,290.00	\$ 272,745,844.00	18%	62%
Kitchener	\$ 390,672,800.00	\$ 89,942,800.00	\$ 228,426,500.00	23%	58%
Hamilton	\$ 1,781,878,533.00	\$ 631,516,015.00	\$ 1,033,155,431.00	35%	58%
London	\$ 1,729,685,700.00	\$ 227,041,600.00	\$ 967,697,900.00	13%	56%
Markham	\$ 1,494,277,927.00	\$ 70,414,681.00	\$ 818,602,146.00	5%	55%
Oshawa	\$ 193,128,184.00	\$ 11,511,939.00	\$ 104,370,560.00	6%	54%
Guelph	\$ 404,908,107.00	\$ 95,688,376.00	\$ 211,504,251.00	24%	52%
Kingston	\$ 190,705,912.00	\$ 42,827,072.00	\$ 79,647,807.00	22%	42%
Greater Sudbury*	\$ 221,107,300.00	\$ 85,916,000.00	\$ 90,886,500.00	39%	41%
Burlington	\$ 229,077,092.00	\$ 45,917,472.00	\$ 90,150,635.00	20%	39%
Barrie	\$ 748,574,393.00	\$ 128,057,074.00	\$ 287,251,520.00	17%	38%
Pickering	\$ 303,321,897.00	\$ 84,875,990.00	\$ 55,980,222.00	28%	18%
Toronto	\$ 8,728,196,882.00	\$ 2,469,202,375.00	\$ 1,560,139,984.00	28%	18%
Total	\$ 21,426,020,989.00	\$ 4,386,198,716.00	\$ 9,508,786,430.00	20%	44%
Peel Reion	\$ 5,409,160,201.00	\$ 347,247,987.00	\$ 4,422,521,625.00	6%	82%
Halton Region	\$ 4,393,600,000.00	\$ 598,600,000.00	\$ 3,576,100,000.00	14%	81%
Durham Region	\$ 3,941,500,000.00	\$ 908,900,000.00	\$ 2,505,300,000.00	23%	64%
York Region	\$ 14,368,403,527.00	\$ 1,572,260,757.00	\$ 7,134,128,076.00	11%	50%
Total	\$ 28,112,663,728.00	\$ 3,427,008,744.00	\$ 17,638,049,701.00	12%	63%
Total ST/LT/Regions	\$ 49,538,684,717.00	\$ 7,813,207,460.00	\$ 27,146,836,131.00	16%	55%

Note: Based on information contained in current municipal background studies. *Net of Subsidies. ** Benefit to Existing Development To determine a development charge, a municipality must first do a background study. The background study provides a detailed overview of a municipality's anticipated growth, both residential and non-residential; the services needed to meet the demands of growth; and a detailed account of the capital costs for each infrastructure project needed to support the growth.

The chart is designed to show the how much revenue municipalities recover from development charges based on the infrastructure capital costs related for municipal services considered in the background study. Using Kingston as an example, the background study identified capital costs of \$190.7 M. After making the deductions and adjustments required by the legislation Kingston was able to recover \$79.6 M from development charges representing 42% of all capital costs identified in the background study. *Benefit to Existing Development (B.E.D.)* is highlighted to show the deduction municipalities must make to account for the benefit growth-related infrastructure provides to existing residents.

Source: Based on information contained in current municipal background studies.

Figure 2

Determining Recoverable Development Charge Costs (\$ Millions)

All Services								
Municipality	Gross	Ineligible	B.E.D.	Post Period	Grants	10%	Total	Net/Gross
	Expenditure	Service Level		Capacity		Discount	Net	%
Toronto	\$8,728.20	\$910.70	\$2,469.20	\$762.80	\$2,956.10	\$69.20	\$1,560.10	18%
Uxbridge	\$26.00	\$11.20	\$3.00			\$0.34	\$11.40	44%
Region of Waterloo	\$4,393.0	\$10.10	\$598.60	\$203.90		\$4.80	\$3,576.2	81%
Transit								
Municipality	Gross	Ineligible	B.E.D.	Post Period	Grants	10%	Total	Net/Gross
	Expenditure	Service Level		Capacity		Discount	Net	%
Toronto	\$1,485.00	\$531.10	\$120.50	\$27.20	\$475.80	\$33.10	\$297.60	20%
Region of Waterloo	\$100.30	\$11.80	\$66.20			\$2.20	\$20.10	20%

To determine a development charge, a municipality must first do a background study. The background study provides a detailed overview of a municipality’s anticipated growth, both residential and non-residential; the services needed to meet the demands of growth; and a detailed account of the capital costs for each infrastructure project needed to support the growth.

The chart above indicates the various deductions and adjustments municipalities must make to the capital costs for each infrastructure project needed to support the growth. Using Uxbridge as an example, the municipality is able to collect 44% of the capital costs identified in the background study from development charges.

Source: Based on information contained in current municipal background studies for Toronto, Uxbridge and Region of Waterloo

Figure 3

Historical Perspectives of Municipal Development Charges

Municipality	2nd Gen (at enactment)	3rd Gen (at enactment)	2013	2013/2Gen
Greater Sudbury	\$2,450.00	\$3,079.00	\$14,829.00	505%
Mississauga	\$3,333.53	\$6,442.56	\$16,887.11	407%
Toronto	\$4,370.00	\$12,366.00	\$19,412.00	344%
London	\$5,152.00	\$13,714.00	\$17,009.00	230%
Brantford	\$4,763.00	\$9,305.00	\$15,017.00	215%
Markham	\$7,170.00	\$10,174.00	\$22,357.00	212%
Cambridge	\$4,322.04	\$7,322.20	\$11,788.00	173%
Kingston	\$5,608.00	\$9,490.00	\$15,138.00	170%
Oakville T	\$9,620.00	\$12,044.00	\$25,530.00	165%
Barrie	\$13,728.00	\$26,060.00	\$30,707.00	124%
Guelph	\$11,721.00	\$24,053.00	\$24,208.00	107%
Waterloo City	\$5,750.00	\$13,372.00	\$11,753.00	104%
Windsor	\$9,006.00	\$15,787.00	\$17,792.00	98%
Clarington	\$8,377.00	\$14,623.00	\$15,518.00	85%
Brampton	\$14,029.59	\$24,415.09	\$25,518.97	82%
Richmond Hill	\$7,002.00	\$11,654.00	\$12,152.00	74%
Kitchener (Suburban)	\$5,634.00	\$9,887.00	\$9,662.00	71%
Vaughan	\$7,922.00	\$12,284.00	\$12,715.00	61%
Whitby	\$7,722.00	\$10,208.00	\$12,058.00	56%
Ajax	\$7,709.00	\$11,631.00	\$12,029.00	56%
Ottawa (inside Greenbelt)	\$10,566.00	\$15,446.00	\$16,447.00	56%
Hamilton	\$7,887.00	\$10,014.00	\$10,445.00	32%
Pickering	\$7,813.00	\$9,694.00	\$10,114.00	29%
Oshawa	\$6,232.00	\$6,920.00	\$7,256.00	16%
Burlington	\$7,075.00	\$7,538.00	\$8,018.00	13%
Chatham-Kent	\$1,013.00	\$4,640.00	NA	
Average	\$4,646.07	\$8,986.60	\$16,554.64	139%

Rates are those for Single Detached units.

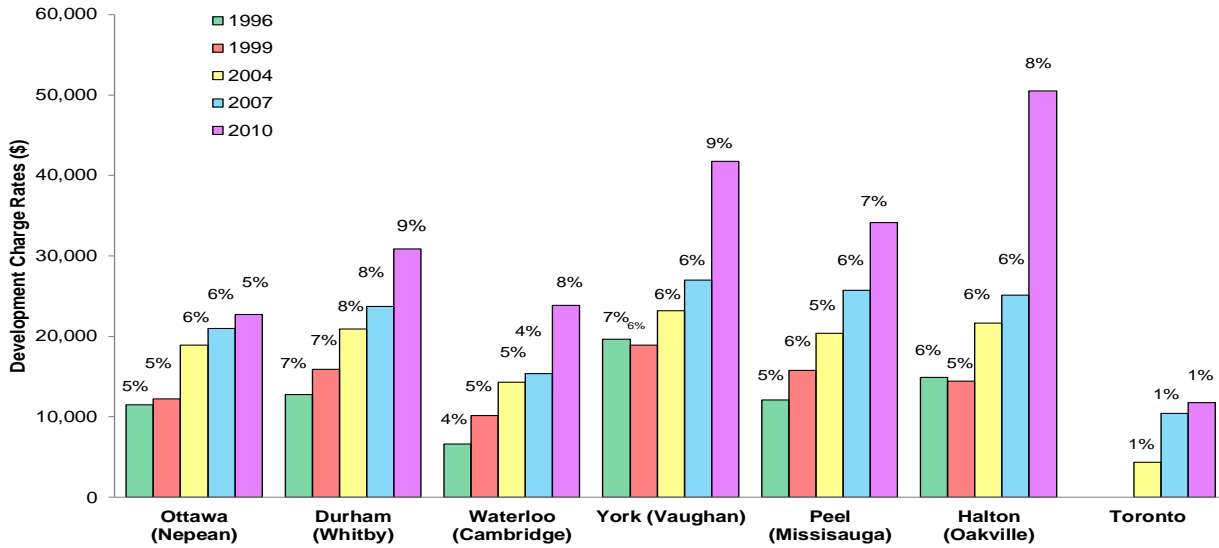
When the current legislation came into force municipalities that wished to levy a development charge were required to enact a development charge by-law. The initial by-laws are referred to as first generation by-laws, generally enacted in 1998 to 2000 period.

The legislation requires municipalities to undertake a new background study at least once every five years and enact a new by-law based on the new study. In the 2003 to 2005 period municipalities began the process of preparing new background studies and new by-laws. These by-laws are referred to as second-generation. Third-generation by-laws represent the renewal process municipalities undertook in the 2008 to 2010 period.

Source: Based on information contained in current municipal background studies for Toronto, Uxbridge and Region of Waterloo

Figure 4

Development Charges and Cost of New Housing



Note: Toronto data for 1996 and 1999 was not available.

The chart indicates the impact development charge have on the cost of new housing. For example, for Mississauga development charges have historically comprised 5 to 7 percent of the cost of a new house.

Source: Information for 1996, 1999, 2004 was compiled for the Ministry by CN Watson and Associates. Data for 2007 and 2010 was prepared by the Ministry of Municipal Affairs and Housing based on municipal development charge by-laws and housing price data from CMHC.

STAFF REPORT



TO Guelph City Council

SERVICE AREA Office of the Chief Administrative Officer

DATE December 16, 2013

SUBJECT Federation of Canadian Municipalities (FCM): Representation on the Board of Directors

Report Number: CAO-I-1302

EXECUTIVE SUMMARY

PURPOSE OF REPORT

The FCM requires that the Councils of the municipalities pass a resolution approving bids to run for election to the Board.

This report requests Council's approval for the continued nomination of a council member to the Federation of Canadian Municipalities (FCM) Board of Directors at the FCM Annual General Meeting in June of 2014.

KEY FINDINGS

The proposed City of Guelph Intergovernmental Framework & Action Plan outlines key activities for increasing the City's ability to influence the agenda and decisions of other levels of government and stakeholder groups.

FCM is an influential advocate at the federal government level for issues impacting on municipalities. Enabling council and staff representation on key intra-municipal organizations (e.g. AMO, FCM) is an important aspect of this work.

Quarterly intergovernmental progress reports including information related to FCM activities will be brought to the Governance Committee as part of regular updates on the Intergovernmental Action Plan.

FINANCIAL IMPLICATIONS

There are opportunities for federal grants to support infrastructure renewal and development through the work of and partnership with FCM. It is anticipated that the new 47 billion dollar "Building Canada Fund" will be released April 1, 2014 delivering much needed funds to municipalities across the country

Representation on FCM requires an expenditure for participation in the three Board meetings and the AGM per year vary based on location and are limited to

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travel and accommodation costs, and registration fees for the FCM Annual General Meeting and range from \$3,000 to \$5,000 annually. This is within existing budget.

ACTION REQUIRED

To recommend that Council nominate and endorse Councillor Burcher to stand for re-election to the FCM Board of Directors in June of 2014.

RECOMMENDATION

1. That Council endorse Councillor Lise Burcher to stand for re-election to the Federation of Canadian Municipalities Board of Directors in June 2014.

BACKGROUND

As Council is aware, Guelph City Councillor Lise Burcher has served as a Director on the Federation of Canadian Municipalities Board since 2007, having been elected at the FCM Annual General Meeting in June of 2007 in Calgary, Alberta. Prior to that, Councillor Burcher served as Standing Committee Member from June 2006 to June 2007.

REPORT

Participation as an FCM Board member has been very beneficial to the governance and leadership of the City of Guelph providing many opportunities to bring back to the community knowledge of innovative initiatives in both practice and governance.

Representation on the Board of Directors provides an opportunity for greater understanding of issues of relevance to our community and others, and an opportunity to address these at a national level with collective representation of over 90% of communities throughout the country.

Funding Opportunities

Infrastructure / Build Canada Fund:

It is anticipated that the new 47 billion dollar "Building Canada Fund" will be released April 1, 2014 delivering much needed funds to municipalities across the country. These funds will now be delivered in partnership with FCM based on program principles developed by FCM in the collaborative creation of the 10 year program with the Federal Government. The funding program will support innovation in infrastructure design and implementation, and funding access will require that communities develop comprehensive asset management plans.

International Program:

FCM International received 85 million in federal (CIDA) funding over the past three years for programs on five continents and over 35 countries to deliver municipal peer to peer capacity development and knowledge sharing initiatives. This

STAFF REPORT



continues to be of value in supporting the City of Guelph's ongoing track record of excellence in our contributions to international community initiatives.

Opportunities for communities to engage in the international program continue to become available as the programs develop and FCMI is currently awaiting 120 million in new funding from the recently formed Department of Foreign Affairs, Trade and Development.

As well, in her role as FCMI Chair, Lise is currently contributing to the creation of FCM's national capacity development initiative focused on working with First Nation communities.

Time Commitment:

Serving as a Board member requires attendance at three Board meetings per year of approximately three days each with the March and September meetings being held at various locations throughout the country and the November meeting being held each year in Ottawa.

The Ottawa meeting coincides with a very extensive and significant advocacy effort by FCM with its Board members and senior staff participating in "Advocacy Days", with meetings scheduled with many Federal Members of Parliament to advocate on behalf of the organizations mandate in promoting the local government agenda nationally and internationally.

2014 Representation on FCM:

Councillor Burcher is seeking Council support to endorse her bid for re-election to the FCM Board at the Annual General Meeting in June in Niagara Falls.

Currently Councillor Burcher serves on the following Standing Committees:

- FCM International: Chair 2011 to present
- Environmental Issues and Sustainable Development

Councillor Burcher was appointed to the Green Municipal Fund (GMF) Council in 2008 and served as the Audit Chair for the GMF's 550 million sustainable municipal funding portfolio from 2010 to 2013. She currently serves as the GMF Governance Chair.

In addition, Councillor Burcher was appointed to serve as a Chair for the 2011 FCM-Ch2M Hill Sustainable Community Awards and juror for the 2012 Sustainable Community Awards.

Councillor Burcher has been a key contributor to FCM's proposal and program development for the soon to be confirmed new federal infrastructure fund. The federal government has committed to FCM's request to have the new funding in place prior to the completion of the current program for a seamless funding transition.

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CORPORATE STRATEGIC PLAN

The Intergovernmental Strategy & Action Plan supports each of the CSP focus areas:

1. Organizational Excellence
2. Innovation in Local Government
3. City Building

DEPARTMENTAL CONSULTATION

N/A

FINANCIAL IMPLICATIONS

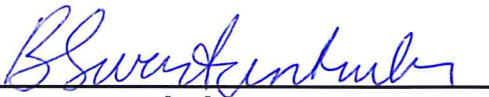
Expenses for participation in the three Board meetings and the AGM per year vary based on location and are limited to travel and accommodation costs, and registration fees for the FCM Annual General Meeting and range from \$3,000 to \$5,000 annually. This is within existing budget.

COMMUNICATIONS

As Intergovernmental Action Plan items are pursued and implemented, communications support will be planned and implemented accordingly.

ATTACHMENTS

N/A



Recommended by

Barbara Swartzentruber
Senior Advisor Policy & Intergovernmental Affairs
(519)822-1260 x 3066



Approved By

Ann Pappert
Chief Administrative Officer
(519) 822-1260, ext. 2220

STAFF REPORT



TO City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE December 16, 2013

SUBJECT Provincial Review of the Land Use Planning and Appeal System Preliminary Report

REPORT NUMBER 13-75

EXECUTIVE SUMMARY

SUMMARY OF REPORT

The Province initiated a review of the Land Use Planning and Appeal System, as well as the Development Charges System, in October 2013 and has invited public, municipal and stakeholder input to be submitted by January 10, 2014. The purpose of this report is to inform Council of the Provincial Review and summarize the preliminary staff comments with respect to the Review of the Land Use Planning and Appeal System into key themes for Council's consideration. A separate report relating to the Review of the Development Charges System has been prepared by Finance and Enterprise Services, Report FIN-13-56.

KEY FINDINGS

Four key themes have emerged in the preliminary staff comments with respect to the Review of the Land Use Planning and Appeal System:

1. The scope of the review should be expanded to include the operations, practices, procedures and reporting requirements of the Ontario Municipal Board (OMB) , as well as alternatives to the OMB.
2. Provincial level legislation, policies and plans should be integrated and harmonized in order to stop the continuous review of planning documents by municipalities. Further, the review cycle for provincial documents should be lengthened to allow for the implementing municipal documents to be reviewed, approved, implemented and the effects monitored prior to another review beginning.
3. The resources required to participate in an OMB hearing can be extensive and present barriers to participation. The legislation and Appeal System/OMB process should be reviewed to allow for appeals to be dealt with in a timely and cost effective manner and to ensure that all interested parties can engage in the process without undue financial or resource impacts.
4. Engaging the public early in the process and allowing for more flexibility in how the public is engaged would be beneficial to the Land Use Planning and Appeal System.

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FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with the Provincial Review of the Land Use Planning and Appeal System, however, once changes have been approved and implemented by the Province, there may be financial implications with respect to how the City implements the revised Land Use Planning and Appeal System. Many of the suggestions and comments in this report encourage modifications to streamline both the land use planning system, as well as the appeal system/OMB process, which may result in municipal savings.

ACTION REQUIRED

The Province has requested comments and input to be endorsed by Council and submitted by January 10, 2014. Given the short deadline, staff are recommending the following process:

1. Staff submit a complete technical response to the Province for January 10, 2014 and indicate that Council approval will follow.
2. Planning will present the complete technical response to Council at the January 27, 2014 Council meeting.
3. Council will approve the final technical response at the February 10, 2014 Council meeting.

RECOMMENDATION

1. That Report 13-75 from Planning, Building, Engineering and Environment, dated December 16, 2013 regarding the Provincial Review of the Land Use Planning and Appeal System be received.

BACKGROUND

In October 2013, the Province initiated a review of the Land Use Planning and Appeal System, as well as the Development Charges System, and has requested input from the public, municipalities and stakeholders on what changes to the systems are needed. This report focuses on the review of the Land Use Planning and Appeal System. A separate report from Finance and Enterprise Services will focus on the review the Development Charges System.

The stated purpose of the review is to ensure that the Land Use Planning and Appeal System is 'predictable, transparent, cost-effective and responsive to the changing needs of communities'. The scope of the review has been outlined by the Ministry of Municipal Affairs and Housing (MMAH), however, it has been indicated that comments received with respect to issues that are not the focus of the consultation will be shared with the ministries responsible. MMAH has invited suggestions relating to:

- how we can improve the province's land use planning systems, including what can be appealed to the Ontario Municipal Board (OMB)

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- the Development Charges Act
- parkland dedication
- section 37 of the Planning Act, which enables a municipality to negotiate with a developer for items such as affordable housing in exchange for permission for the developer to build in excess of zoning limits (generally referred to as 'bonusing').

MMAH has also indicated that any recommendations that would result in a complete overhaul of the Planning Act are not being considered. The current consultation will not discuss or consider:

- eliminating or changing the OMB's operations, practices and procedures
- removing or restricting the provincial government's approval role and ability to intervene in matters
- removing municipal flexibility in addressing local priorities
- changing the "growth pays for growth" principle of development charges
- education development charges and the development charges appeal system
- other fees and taxes and matters involving other legislation, unless housekeeping changes are needed

MMAH has provided a 'Consultation Document' and requested that input respond to the themes and questions outlined in these documents. The Land Use Planning and Appeal System Consultation Document is included as Attachment 1.

REPORT

MMAH requested that municipal comments on the review of the Land Use Planning and Appeal System be submitted by January 10, 2014. Due to the time required to undertake a preliminary integrated interdepartmental review of both the Land Use Planning and Appeal System, as well as the Development Charges System, staff are proposing to submit a preliminary technical response by the deadline and indicate that formal Council-endorsed comments will be subsequently submitted.

A detailed staff response is currently being developed by Planning, Legal Services, Parks and Recreation and Community Engagement in order to provide a complete technical response to the request for input on the Review of the Land Use Planning and Appeal System. In addition, the review team is working with Finance staff to ensure that the City is communicating a collaborative message to the Province for both the Land Use Planning and Appeal System Review and the Development Charges Act Review.

Based on the work that has been completed so far, staff have identified the following four key themes in the preliminary staff comments on the Land Use Planning and Appeal System Review:

1) **Broadening the Scope of the Current Provincial Review**

The scope of the current Review of the Land Use Planning and Appeal System should be expanded to include other related matters, including the operations, practices, procedures and reporting requirements of the OMB, as well as alternatives to the OMB.

2) **Continuous Provincial Level Policy Changes**

The Province has and continues to release complex and detailed legislation, regulations, policies and plans relating to various interest areas which affect the Land Use Planning and Appeal System. In some instances, the direction provided in these policies and plans overlaps.

Municipalities face the challenge of coordinating and implementing all of the Provincial policies, which are administered by various Ministries. The continuous policy changes at the provincial level, which require municipal planning documents to be reviewed and updated, as well as the subsequent appeal of implementing municipal planning documents to the OMB, are the main barrier to municipalities being able to keep planning documents up-to-date. It takes significant resources to be devoted to both updating documents and defending those documents at an OMB hearing. At present, many municipalities are perpetually reviewing their planning documents in order to bring them into conformity with new direction provided by the Province.

At the provincial level, key legislation and policy documents, including the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, Clean Water Act, Metrolinx Big Move and any other documents that are to be considered through the Land Use Planning process should be coordinated and consolidated in order to minimize the number of municipal reviews that have to occur.

Further, the review cycle for the provincial documents should be increased to allow for municipal planning documents to be revised, approved, implemented and the effects monitored prior to another review beginning.

3) **Resources Required for OMB Matters**

The length of time and the financial and staff resources required in order to participate in an OMB hearing, particularly a complicated hearing associated with the appeal of an entire municipal planning document, is a significant challenge for many municipalities. The amount of time it takes makes it difficult, if not impossible for municipalities to bring documents into conformance with provincial level policy changes prior to the provincial level policy being revised or updated again. Further, the strain on financial and staff resources by OMB matters directs limited resources away from pursuing other local community planning goals.

Changes need to occur to the OMB process and procedures in order to reduce the length of time required to resolve an OMB matter. These changes could include more resources being available and improved case management by the OMB to allow for appeals to be dealt with in a timely manner; limiting or eliminating the ability to appeal entire municipal planning documents to the OMB; limiting or eliminating the ability to appeal aspects of a municipal planning document that implement or achieve conformity with provincial plans; placing restrictions on 'non-decision appeals' to limit the timeframe in which additional parties can launch appeals; developing more strict rules to prevent parties from sheltering under or expanding existing appeals through requests for party status after expiration of the appeal period; and, examining whether the OMB should function in a similar fashion to the court system with respect to case management and decisions setting a precedent.

In addition, the resources required to be involved in an OMB hearing can be extensive and can present barriers to participation. The legislation and Appeal System/OMB process should be reviewed to allow for appeals to be dealt with in a timely and cost effective manner and to ensure that all interested parties can engage in the process without undue financial or resource impacts. Funding and/or other types of support should be made available to citizens to make the appeal process more accessible.

4) Enhanced Public Engagement and Transparency

Engaging the public early in the planning process, whether it is for a large policy amendment or a site specific development application, is another key theme that has been identified through the staff review to date. Providing flexibility for different forms of public engagement besides the standard statutory public meeting and modifying the public notice requirements to be less technical and less formal would assist in removing a potential barrier to improved engagement of the public. Further, the ability to require applicants or developers to engage the public even prior to submitting a complete application in some instances and clearly explain to Council how the concerns raised by the public have or have not been addressed would be beneficial to the planning process.

Next Steps

Staff will formalize a complete technical response to the Provincial Review of the Land Use Planning and Appeal System for Council's review and prepare a report for Council's consideration at the January 27, 2014 Council meeting. Council's input will then be incorporated into the City's final submission and approved at the February 10, 2014 Meeting of Council before being forwarded to the Ministry of Municipal Affairs and Housing.

CORPORATE STRATEGIC PLAN

Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

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Strategic Direction 3.2: Be economically viable, resilient, diverse and attractive for business.

Strategic Direction 3.3: Strengthen citizen and stakeholder engagement and communications.

DEPARTMENTAL CONSULTATION

The following Service Areas/Departments were consulted in the preparation of this report and are we are continuing to collaborate with them in the preparation of the complete technical response: Community and Social Services – Community Engagement, Community and Social Services – Parks and Recreation, and Corporate and Human Resources – Legal Services.

In addition, Planning staff worked with Finance and Enterprise Services to provide comments on the Provincial Review of the Development Charges System.

COMMUNICATIONS

None

FINANCIAL IMPLICATIONS

The financial implications of changes to the Land Use Planning and Appeal System will only be known once changes have been approved and implemented by the Province. Many of the suggestions and comments in this report encourage modifications to streamline both the land use planning system, as well as the appeal system/OMB process, which may result in municipal savings.

ATTACHMENTS

Attachment 1 – Land Use Planning and Appeal System Consultation Document

Report Author

Stacey Laughlin
Senior Policy Planner

Approved By

Melissa Aldunate
Manager, Policy Planning & Urban Design

“original signed by Todd Salter”

“original signed by Todd Salter for”

Approved By

Todd Salter
General Manager
Planning Services
519.822.1260, ext. 2395
todd.salter@guelph.ca

Recommended By

Janet L. Laird, Ph.D.
Executive Director
Planning, Building, Engineering
and Environment
519.822.1260, ext. 2237
janet.laird@guelph.ca

Attachment 1
Land Use Planning and Appeal System Consultation Document



Land Use Planning and Appeal System

Consultation Document • Fall 2013

LAND USE PLANNING AND APPEAL SYSTEM CONSULTATIONS

Ontario is reviewing the land use planning and appeal system to make sure it is predictable, transparent, cost-effective and responsive to the changing needs of communities.

The Ministry of Municipal Affairs and Housing will be consulting in the fall of 2013 across the province with the public, municipalities, Aboriginal groups, community groups, the building and development industry and other key stakeholders on what changes to the system may be needed.



This document is intended to help focus the discussion.

LAND USE PLANNING AND APPEAL SYSTEM OVERVIEW

Ontario has many diverse communities, geographic landscapes, resources, populations, opportunities and challenges. Land use related decisions take into account these diversities and the need to balance a range of priorities.

Ontario's communities are constantly changing. These changes create challenges, but also opportunities for compact growth, intensification, more efficient use of infrastructure and greater sustainability.

Our land use planning system gives us the tools and processes to manage this change so that we can build the cities and towns we want to live and work in. The planning system helps each community set goals and find ways to reach those goals while keeping important social, economic and environmental concerns in mind. It does this by balancing the interests of individual property owners with the wider interests and objectives of the community.



Well-planned communities attract jobs and support economic development. They make effective and efficient use of their infrastructure, and offer appropriate transportation choices. They address environmental and resource concerns such as rainwater runoff and soil erosion. They offer their citizens a high quality of life, opportunities for a healthy lifestyle and safe, well-serviced places to live, work and play.

Did you know ?

Land use planning tools can be used to support a community's sustainable planning objectives.

The keystone of Ontario's land use planning system is the *Planning Act*, administered by the province through the Ministry of Municipal Affairs and Housing. The *Act* sets the framework for planning and development.

Supporting these ground rules are the Provincial Policy Statement (PPS) and provincial plans, such as the Growth Plan for the Greater Golden Horseshoe, Growth Plan for Northern Ontario, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan and the Lake Simcoe Protection Plan. Provincial plans provide more detailed policy directions for specific geographic regions.

The PPS is a key part of this system and is made under the authority of Section 3 of the *Planning Act*. It integrates all provincial ministries' land use interests and it applies to the entire province. The PPS includes land use policies on matters like natural heritage, agriculture, transportation, housing, economic development, mineral aggregates (rock, gravel or sand used in construction) and water resources. These policies may be further detailed in provincial land use plans, which are created under various statutes. These plans provide provincial direction for specific geographic areas of the province. They address matters such as environmental conservation, growth management and economic issues. In order for these provincial policies and plans to be implemented locally, the *Planning Act* requires that all local planning decisions shall be consistent with the PPS, and shall "conform" or "not conflict" with provincial plans in effect.

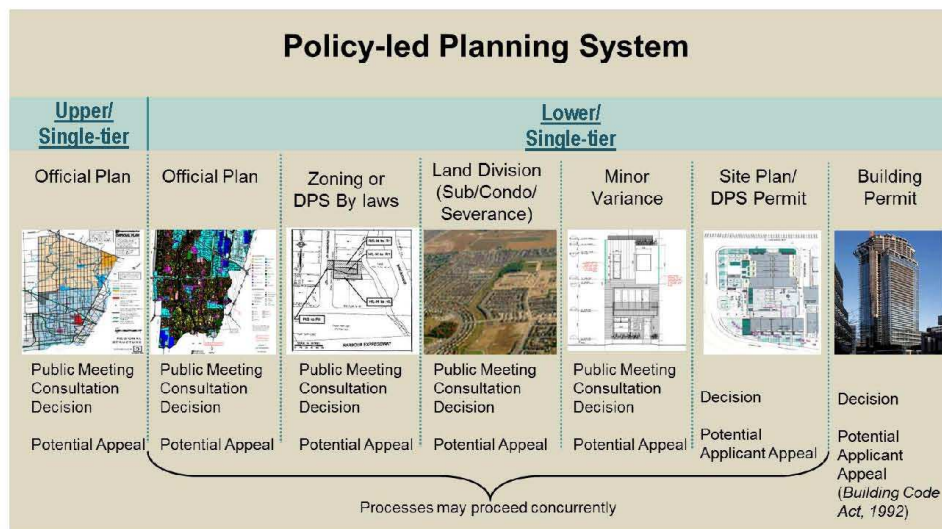
Key Participants

Province	<ul style="list-style-type: none"> Province leads with legislation, policy and plans, and provides approval function where required
Municipalities/ Planning Boards	<ul style="list-style-type: none"> Municipalities implement policies through their official plans, zoning by-laws, planning decisions
Property Owners Developers	<ul style="list-style-type: none"> Planning boards provide advice and assistance to municipal councils for land use planning matters in the North
Aboriginal Communities	<ul style="list-style-type: none"> Opportunities for input and involvement are important parts of the system (e.g. public meetings and open houses)
Agencies	<ul style="list-style-type: none"> System provides a process for change to most land use plans and allows most applications to be appealed to the Ontario Municipal Board as an independent body dealing with disputes
Public/Stakeholders	
Ontario Municipal Board	

Did you know ?

More information on the land use planning system can be found in the Ministry of Municipal Affairs and Housing's [Citizens' Guides to Land Use Planning](#).

Within this structure, communities set out their own goals and rules in their official plans, which control how they will grow and develop. The planning system allows the public to play a key role in the planning process by giving them opportunities to review and comment on various planning matters. This is especially important in helping to shape the community vision, which the official plan seeks to achieve. Official plans are implemented through tools like zoning by-laws, site plans, plans of subdivisions, and development permits.



Once an official plan comes into effect, it can be amended at any time. Changes may be needed to incorporate new provincial policies or allow development that the policies in the current plan do not permit. These changes occur through an official plan amendment initiated by the municipality/[planning board](#) or a private applicant. The amendment is prepared and processed in the same manner as the plan itself. In some instances the official plan may be up-to-date; however the related zoning by-law may not reflect the updated official plan.

Did you know ?

In 2011, 45 per cent of municipalities had up-to-date official plans.

In those cases, a rezoning would be necessary to permit a development that conforms to the official plan. In addition, in order to obtain a building permit, the development must conform to zoning by-law requirements. As the needs of communities change, it is important that official plans and zoning by-laws are kept up-to-date, not only to reflect the changing needs of communities, but also to reduce the number of site-by-site amendments. By doing this, communities can reduce the likelihood of disputes that may result in [Ontario Municipal Board \(OMB\)](#) appeals.

Application Type	Timeline to Trigger Appeals where Non-Decision
Official Plan Amendment for Municipal Decision	180 days
Official Plan/Amendment for Approval Authority Decision	180 days
Zoning by-law Amendment	120 days
Subdivision	180 days
Consent	90 days
Site Plan	30 days

The planning system also sets out timelines for decision-making on planning matters. If a decision isn't made within these timelines, the matter can be appealed to the Ontario Municipal Board. The timelines are based on application types. For example, an official plan amendment timeframe is 180 days, regardless of whether it is a simple amendment or a complex amendment.

Land use planning often brings together a number of competing interests. Since people have different ideas about what planning and development should accomplish, disputes are not uncommon.

If an application is challenged or disputed, it can generally be appealed to the Ontario Municipal Board. The OMB is responsible for hearing appeals on matters concerning planning disputes and gets its authority to hear planning matters from the *Planning Act*. It is a quasi-judicial tribunal which makes legally-binding decisions independent of the government. The OMB's authority also includes hearing disputes related to fees and amount of parkland dedication, etc.

Did you know ?

Almost all other provinces have boards that hear appeals from land use planning decisions. The types of land use planning matters that come before them may vary.

Did you know ?

The OMB bases its decisions on:

- evidence presented
- relevant law
- municipal land use planning policies
- Provincial Policy Statement and provincial plans
- principles of good planning

Ontario Municipal Board Caseload

Files (Applications and Appeals)	2007/08	2008/09	2009/10	2010/11	2011/12
Minor Variance	578	552	363	495	581
Consent	279	260	176	229	305
Zoning By-laws	275	190	187	197	159
Official Plans	198	162	169	172	120
Zoning Refusal or Inaction	172	163	146	160	125
Plans of Subdivision	95	68	76	98	68
Municipal and Misc. (including site plans)	92	83	68	90	115
Development Charges	16	15	60	9	18
Land Compensation	25	29	42	34	31
Capital Expenditures	8	9	11	9	5
Joint Board	0	2	1	1	0
Site Plan after Nov. 15	25				
Other		48	33		
Total	1763	1581	1332	1494	1527

Planning
Act

- A large number of appeals from decisions/lack of decisions of approval authorities in respect to the updating of major planning documents to implement the Growth Plan for the Greater Golden Horseshoe and PPS, led to a number of OMB files.

*Source: [Ontario Municipal Board Annual Reports](#)

Did you know ?

*In 2011/12, minor variances and consents made up 58 per cent of the OMB's planning application caseload.

Did you know ?

**Planning Act* files received by the OMB decreased by 14% from 2007/08 to 2011/12 fiscal years.

Did you know ?

*In 2011/12, the majority of the OMB caseload originated from the following areas:

- Toronto: 30 per cent
- Greater Toronto Area (excluding Toronto): 16 per cent
- Ottawa: 9 per cent

*Source: [Ontario Municipal Board Annual Reports](#)

LAND USE PLANNING REFORMS

Since 2003, the province has undertaken a comprehensive review of the land use planning system. It introduced various legislation, policies and plans such as the:

- Revised PPS, which provides direction on building stronger communities, the wise use and management of resources and protecting public health and safety;
- Greenbelt Plan, which established a permanent greenbelt of approximately 2 million acres across the Greater Golden Horseshoe to ensure the long-term protection of agriculture, natural heritage systems, water resources, recreation and tourism;
- Growth Plan for the Greater Golden Horseshoe, which was created to better manage growth in the Greater Golden Horseshoe by creating compact, complete communities, supporting a strong economy, efficiently using land and infrastructure and protecting agricultural land and natural areas; and
- Growth Plan for Northern Ontario, which aims to strengthen the economy of the north by providing a framework for decision-making and investment by both the province and local governments.



Along with these policies and plans, planning legislation and regulations have also undergone a number of major reforms. The goal of these reforms was to address concerns with how the system was working, and to build strong, prosperous communities within a healthy environment.

Some of the most recent legislative efforts to reform the system occurred in 2004 and 2007. Changes were made to:

- Provide clear rules and protection of public interests, such as:
 - requiring stronger adherence to the PPS;
 - introducing the requirement to consult with a municipality before making a planning application;
 - giving communities the authority to set out complete application requirements; and
 - requiring that planning documents be updated.
- Encourage public participation, such as:
 - enhancing public notification and requiring public open houses in some circumstances; and
 - increasing decision timelines.

- Introduce planning and financial tools, such as:
 - limiting ability to appeal settlement area boundary and employment land conversion;
 - allowing municipalities to have architectural controls;
 - enhancing development permit system (DPS) and community improvement plan provisions; and
 - introducing an option for local appeal bodies to adjudicate minor variances and consent disputes.

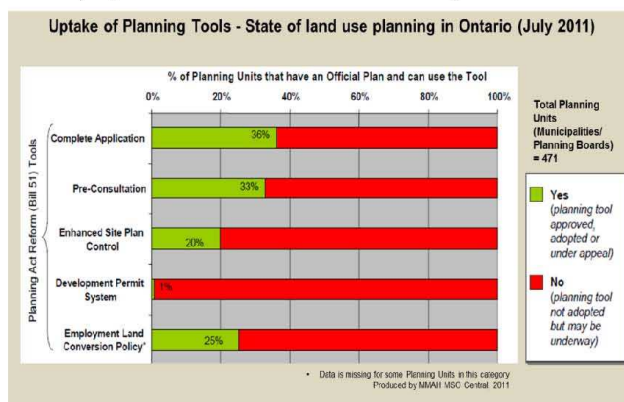
- Provide clear rules for planning applications at the OMB, such as:
 - allowing repeat applications to be dismissed;
 - restricting OMB decisions to matters considered by municipal council;
 - dismissing substantially different applications than those originally submitted for a local decision; and
 - requiring OMB to have regard for local decisions and information and materials provided to council.

Did you know?

Since 2007, municipalities have had the authority to establish their own local appeal body to adjudicate specific local disputes.

The figure below provides an overview of the uptake of some of the major planning tools on a province-wide basis. These tools include:

- Complete applications – municipalities can set out what additional information beyond those set out in regulation is required when a planning application is submitted.
- Pre-consultation – municipalities can pass a by-law requiring applicants to consult with them before submitting a planning application.
- Enhanced site plan – municipalities can consider the external and sustainable design of buildings.
- DPS – a land use planning tool that combines the zoning, site plan and minor variance processes into one application and approval process.
- Employment land conversion – municipalities have the ability to have the final say on whether designated employment lands can be changed to other uses.



CURRENT CONTEXT

Given the number of changes made to the planning system over recent years and some continuing concerns that have been raised about parts of the system, Ontario is reviewing the land use planning and appeal system to make sure it is predictable, transparent, cost-effective and responsive to the changing needs of communities.

Concerns about the system have focused around four key themes, which will be the focal point for the review:

Theme A	Achieve more predictability, transparency and accountability in the planning/appeal process and reduce costs
Theme B	Support greater municipal leadership in resolving issues and making local land use planning decisions
Theme C	Better engage citizens in the local planning process
Theme D	Protect long-term public interests, particularly through better alignment of land use planning and infrastructure decisions, and support for job creation and economic growth

We are interested in hearing your views on how the land use planning and appeal system is working. Any proposed new approaches or changes should consider the following guiding principles:

- the public is able to participate, be engaged and have their input considered;
- the system is led by sound policies that provide clear provincial direction/rules and is also led by up-to-date municipal documents that reflect matters of both local and provincial importance;
- communities are the primary implementers and decision-makers;
- the process should be predictable, cost-effective, simple, efficient and accessible, with timely decisions; and
- the appeal system should be transparent; decision-makers should not rule on appeals of their own decisions.

Please note that while we are interested in hearing your views, recommendations that would result in a complete overhaul of the land use planning and appeal system are not being considered at this time.

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More specifically, this consultation will **not** discuss or consider:

- elimination of the OMB;
- the OMB's operations, practices and procedures;
- removal of the provincial government's approval role;
- the restriction of the provincial government's ability to intervene in matters; and
- matters involving other legislation, unless housekeeping changes are needed.

Comments on issues that are not the focus of the consultation will be shared with the ministries or agencies responsible.

The government will give serious consideration to all of the comments and information received. The comments and suggestions will be used to help inform the government on what changes to the system may be needed.

ISSUES AND QUESTIONS TO DISCUSS

Theme A: Achieve more predictability, transparency and accountability in the planning / appeal process and reduce costs

The *Planning Act* requires communities to update their official plans on a five-year basis, and zoning by-laws within three years of the official plan update. A common concern is that local planning documents are not updated regularly enough to reflect the changing needs of a community.

1. How can communities keep planning documents, including official plans, zoning by-laws and development permit systems (if in place) more up-to-date?
2. Should the planning system provide incentives to encourage communities to keep their official plans and zoning by-laws up-to-date to be consistent with provincial policies and priorities, and conform/not conflict with provincial plans? If so, how?

Another concern is the number of times that planning documents are amended. It has been suggested that a way of achieving more predictability is to limit the number of times these are changed. It should be noted, however that a reduced ability to change documents could affect the flexibility of the land use planning system, the ability to make local decisions, and the ability to address emerging issues.

3. Is the frequency of changes or amendments to planning documents a problem? If yes, should amendments to planning documents only be allowed within specified timeframes? If so, what is reasonable?

Since issues are becoming more complex, and decisions on planning matters must be well informed, there are often significant costs involved in amending planning documents or seeking approvals. These increasing costs have placed pressures on municipalities, applicants and the general public to find ways to reduce costs.

It has been suggested that costs may be reduced by promoting more collaboration between applicants, municipalities and the public through the sharing and exchange of information such as resource materials and reports.

4. What barriers or obstacles may need to be addressed to promote more collaboration and information sharing between applicants, municipalities and the public?

Appeals are often broad in scope and there may be many matters under appeal at the same time, resulting in long, complex and costly Ontario Municipal Board (OMB) hearings. Although the *Planning Act* currently requires the person or body making the appeal (the appellant) to specifically identify what is being appealed and why, sometimes the entire planning document (e.g. official plan) is appealed to the OMB by one appellant. This causes extensive appeal process delays and increases costs for the community in managing these types of far-reaching appeals.

5. Should steps be taken to limit appeals of entire official plans and zoning by-laws? If so, what steps would be reasonable?

Sometimes a matter is appealed to the OMB because a council did not make a decision within the required timeframe. In these cases, there is no time limit on when additional appeals may be filed on the same matter. As appeals continue to flow into the municipality, it can be very challenging to prepare for OMB hearings. The additional appeals result in delays in the OMB's hearing processes, increasing costs for everyone involved.

6. How can these kinds of additional appeals be addressed? Should there be a time limit on appeals resulting from a council not making a decision?

7. Should there be additional consequences if no decision is made in the prescribed timeline?

The Development Permit System (DPS) is a land use planning tool that combines the zoning, site plan and minor variance processes into one application and approval process. The tool shifts the focus upfront, creating a policy-led process, which promotes strategic, integrated long-term planning and provides certainty, transparency and accountability for the community. In order to implement a DPS, a municipality must undertake the following:

- Engage the public through enhanced public consultation opportunities;
- Amend its official plan to identify DPS area(s) and set out its goals, objectives and policies;
- Identify the types of conditions and criteria that may be included in the by-law, including discretionary uses, by which applications will be evaluated;
- Enact a development permit by-law to replace the zoning by-law, which provides flexibility by specifying minimum and maximum development standards and by allowing for a specified range of variation; and
- Identify what matters may be delegated from council to staff.

When the new system was introduced during the last round of planning reforms, it aimed to streamline local planning approvals while promoting development, enhancing environmental protection and supporting key priorities such as community building, brownfield redevelopment, greenspace preservation and environmental protection. To date,

only four municipalities have adopted this tool.

8. What barriers or obstacles need to be addressed for communities to implement the development permit system?

Theme B: Support greater municipal leadership in resolving issues and making local land use planning decisions

Municipalities have an integral role in the local land use planning process through decision-making, preparing planning documents and ensuring a balance of wider public interests and those of their local community. Achieving collaboration and consensus is often difficult, which may result in land use planning appeals.

9. How can better cooperation and collaboration be fostered between municipalities, community groups and property owners/developers to resolve land use planning tensions locally?

Municipalities have the authority to create optional local appeal bodies that can hear appeals on local planning disputes involving minor variances and consents. To date, no municipality has established a local appeal body.

10. What barriers or obstacles may need to be addressed to facilitate the creation of local appeal bodies?

11. Should the powers of a local appeal body be expanded? If so, what should be included and under what conditions?

Municipalities have the authority to pass by-laws that require applicants to consult with the municipality before they submit their planning application. There are two clear advantages to this: the municipality knows about potential development pressures and can advise the applicant if technical information or public consultation is needed.

12. Should pre-consultation be required before certain types of applications are submitted? Why or why not? If so, which ones?

In some Ontario communities, land use planning documents and decisions are made at a regional or upper-tier level, which impact lower-tier municipalities. The *Planning Act* requires that all lower-tier official plans conform with upper-tier official plans. At the same time, it does not prevent lower-tier municipalities from **adopting** amendments that **do not** conform with the upper-tier plan.

This causes tensions and pressures in the planning system. The upper-tier may be prematurely forced to deal with lower-tier planning matters. The premature amendments may get appealed to the Ontario Municipal Board, cluttering the appeal system and adding more costs.

13. How can better coordination and cooperation between upper and lower-tier governments on planning matters be built into the system?

Theme C: Better engage citizens in the local planning process

Public participation is important to the land use planning system. However, at times the public may feel the process is too difficult to access, or they may believe they lack influence in planning decisions.

14. What barriers or obstacles may need to be addressed in order for citizens to be effectively engaged and be confident that their input has been considered (e.g. in community design exercises, at public meetings/open houses, through formal submissions)?
15. Should communities be required to explain how citizen input was considered during the review of a planning/development proposal?

Theme D: Protect long-term public interests, particularly through better alignment of land use planning and infrastructure decisions and support for job creation and economic growth

Well planned communities with good infrastructure are better able to accommodate new development and investment. Aligning the land use planning process with infrastructure investment, not only reduces costs and supports economic competitiveness, it also improves the economic well-being of the community.

16. How can the land use planning system support infrastructure decisions and protect employment uses to attract/retain jobs and encourage economic growth?

In some cases, amendments to local planning documents are made to put in place a policy following significant public consultation, or to put in place something that's already been provincially approved (such as [Source Protection Plans](#)). These amendments can still be appealed.

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17. How should appeals of official plans, zoning by-laws, or related amendments, supporting matters that are provincially-approved be addressed? For example, should the ability to appeal these types of official plans, zoning by-laws, or related amendments be removed? Why or why not?

SUBMIT YOUR COMMENTS AND IDEAS

You are invited to share your comments and ideas by **January 10, 2014**. You can:



Share your views at a meeting or regional workshop



Submit your comments through an online version of this guide at www.ontario.ca/landuseplanning

Environmental Bill of Rights Registry Number: 012-0241
<http://www.ebr.gov.on.ca/>



Email a submission to PlanningConsultation@ontario.ca



Write to us at:
Land Use Planning and Appeal System Consultation
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 14th Floor, Toronto, ON M5G 2E5

Preparing an Email or Mail Submission

Please structure your submission as answers to the question listed above or submit responses in each of the theme areas.

Personal Information

Personal information you provide is collected under the authority of the *Ministry of Municipal Affairs and Housing Act*.

Thank you for your interest in Ontario's Land Use Planning and Appeal System.

STAFF REPORT

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