CITY COUNCIL AGENDA



DATE July 26, 2010 – 7 p.m.

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

O Canada Silent Prayer Disclosure of Pecuniary Interest

PRESENTATION

a) Ruth Naylor of the Guelph Wellington Employment Coordination Committee presentation of the Outstanding Employer Award.

CONFIRMATION OF MINUTES (Councillor Piper)

"THAT the minutes of the Council Meetings held June 28 and July 5, 2010 and the minutes of the Council meetings held in Committee of the Whole on June 28 and July 12, 2010, 2010 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:

Community Development & Environmental Services Committee				
Item	City Presentation	Delegations	To be Extracted	
CDES-1 Updated Private Tree		Doug Gruber	$\sqrt{}$	
By-law		 Frank McCowan 		
CDES-2 Arthur EMPC Four				
Limited (Kilmer				
Brownfield Equity				
L.P.), 5 Arthur Street				
South, Guelph				
Development Charges				
Early Payment				
Agreement				

Adoption of balance of Community Development & Environmental Services Committee Consent Report - Councillor Leanne Piper, Chair

Emergency Services, Community Services & Operations Committee					
Item		City Presentation	Delegations	To be Extracted	
ECO-1	Sustainable Neighbourhood Engagement Framework		 Michele Altermann & Dana Berry-Nagao, Co-Chairs, Neighbourhood Support Coalition 	<	
ECO-2	Guelph Transit Growth Strategy and Plan & Mobility Services Review	Richard Puccini, Dillon Consulting		✓	
ECO-3	Guelph Farmers' Market – Insurance Requirements				

Adoption of balance of Emergency Services, Community Services and Operations Committee Consent Report - Councillor Ian Findlay, Chair

Finance, Administration & Corporate Services Committee				
Item	City Presentation	Delegations	To be Extracted	
FACS-1 Proposed Closure of				
Phelan Drive and				
McWilliams Road				

Adoption of balance of Finance, Administration & Corporate Services Committee Sixth Consent Report - Councillor Beard, Chair

Governance Committee			
Item	City Presentation	Delegations	To be Extracted
GOV-1 Council Standing Committees			

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

Counc	il Consent Agenda			
Item		City Presentation	Delegations	To be Extracted
A-1)	15 Carere Crescent Upcoming Ontario Municipal Board Hearing File A-38/09			√

A-2)	Prosperity 2020 -	 Peter Cartwright, 	
	Strategic Directors for	General Manager	\checkmark
	Economic	of Economic	
	Development and	Development &	
	Tourism	Tourism	

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:

- Community Development & Environmental Services Councillor Piper
- Emergency Services, Community Services & Operations Councilor Findlay
- Finance, Administration & Corporate Services Councillor Beard
- Governance Mayor Farbridge
- Council Consent Mayor Farbridge

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Salisbury)

QUESTIONS

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

Committee Room "A" June 28, 2010 5:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper and Wettstein

Absent: Councillors Bell, Billings, Burcher and Salisbury

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Director of Human Resources; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Mr. J. Riddell, Director of Community Design and Development Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

Moved by Councillor Kovach
 Seconded by Councillor Hofland
 THAT the Council of the City of Guelph now hold a
 meeting that is closed to the public with respect to:

Resignation from the Guelph Economic Development Advisory Committee

S. 239 (2) (b) Personal Matters about an Identifiable Individual

Downtown Transit Terminal - Land Acquisition

S. 239 (2) (c) Proposed or Pending Acquisition or Disposition of Land

Union Negotiations

S. 239 (2) (d) Labour Relations or Employee Negotiations

Staffing Issues

S. 239 (2) (b) Personal Matters about Identifiable Individuals

Carried

The meeting	adjourned	at 5:31	o'c	lock	p.m.

Mayor	
Clerk	······································

Committee Room "A" June 28, 2010 5:32 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Absent: Councillor Billings

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Director of Human Resources; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Mr. J. Riddell, Director of Community Design and Development Services; Mr. M. Anders, General Manager of Community Connectivity and Transit; Mr. R. Henry, City Engineer; Mr. G. Hunt, Manager of Labour Relations, Health, Safety & Wellness; Mr. J. Stokes, Manager of Realty Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Personal Matters about an Identifiable Individual

1. Moved by Councillor Kovach
Seconded by Councillor Hofland

THAT the correspondence from Scott Richardson advising of his resignation from the Guelph Economic Development Advisory Committee be received with regret.

Carried

Proposed or Pending Acquisition of Land

2. Moved by Councillor Burcher
Seconded by Councillor Findlay
THAT the report of the Manager of Realty Services, the
City Engineer, and the General Manager of Transit
entitled "Carden Street Transit Terminal – Land
Acquisition and Project Implications" dated June 28, 2010
be received for information.

Mr. P. Cartwright Mrs. L.A. Giles

Mr. J. Stokes Mr. J. Riddell Ms. A. Pappert

Labour Relations or Employee Negotiations

Mr. M. Amorosi

3. Moved by Councillor Kovach Seconded by Councillor Salisbury THAT staff be given direction with respect to employee negotiations.

Carried

The meeting	recessed	at 6:45	o'clock	n.m.
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Mayor	
Clerk	

Council Chambers June 28, 2010

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell,

Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein

Absent: Councillor Billings

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Mr. J. Riddell, Director of Community Design and Development Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PRESENTATIONS

The Mayor presented Graham Fach with a City of Guelph medal in recognition of his winning the Youth Bowling Council of Canada National Championship and representing Canada at the Americas tournament to be held in Florida later this year.

Roger Smith from Fleet Challenge Ontario presented the Mayor with the E3 Fleet Rating Silver Award.

1. Moved by Councillor Hofland Seconded by Councillor Beard

THAT the minutes of the Council meetings held on May 20, 25 and June 7, 2010 and the minutes of the Council meetings held in Committee of the Whole on May 25 and June 7, 2010 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

CONSENT REPORTS AND AGENDAS

The following items were extracted from the Community Development & Environmental Services Committee Fifth Consent Report to be voted on separately:

• CDES-3 Orin Red Park Conceptual Master Plan

Councillor Piper presented the balance of the Community Development & Environmental Services Committee Fifth Consent Report.

- 2. Moved by Councillor Piper
 Seconded by Councillor Burcher
 THAT the balance of the June 28, 2010 Community
 Development & Environmental Services Committee Fifth
 Consent Report as identified below, be adopted:
- a) Municipal Property and Building
 Commemorative Naming Annual Report

THAT the Community Design and Development Services Report 10-33 dated May 19, 2010, pertaining to the Municipal Property and Building Commemorative Naming Annual Report, be received;

Mr. J. Riddell

AND THAT the names proposed by the Naming Committee for assets listed in Appendix 1 of Report 10-33 dated April 19, 2010, be approved;

AND THAT Resolution #5 adopted by Council at their meeting of November 20, 2006 with respect to their support in principle of dedicating the proposed City open space at 59 Carden Street in front of the future POA Courthouse to Edward Johnson, be rescinded;

AND THAT staff be directed to proceed with finding an alternative asset to recognize Edward Johnson and work with Parks Canada and the Edward Johnson Music Foundation to appropriately locate the existing Edward Johnson plaque;

AND THAT staff be directed to examine opportunities during the preparation of the 2011 Parks Planning Capital Budget Forecast to fund a monument to recognize fallen police and firefighters in a future park or public space;

AND THAT staff be directed to examine opportunities during the preparation of the 2011 Parks Planning Capital Budget Forecast to fund a monument to recognize officers of the Guelph Correctional Centre in a future park or public space within the York District Lands development.

b) **Downtown Façade Improvement Grants 2010**

Mr. I. Panabaker Ms. M. Neubauer THAT the Downtown Renewal report dated June 21, 2010, regarding the Downtown Community Improvement Plan Façade Improvement Grants, be received;

AND THAT the first round of Downtown Façade Improvement Grants be awarded as listed in Appendix A attached to this report, for a total City of Guelph commitment of \$127,434.95 towards 16 applications;

AND THAT the remainder of \$12,565.05 in Capital Account SS20009 be carried forward in that account for future Downtown Guelph CIP programmes.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Councillor Beard presented the balance of the Finance, Administration & Corporate Services Committee Fifth Consent Report.

3. Moved by Councillor Beard
Seconded by Councillor Wettstein
THAT the balance of the June 28, 2010 Finance,
Administration & Corporate Services Committee Fifth
Consent Report as identified below, be adopted:

a) Business License By-law Annual Fees Review

Mrs. L.A. Giles

THAT the information report of the Director of Information Services/ Clerk regarding the annual review of business licensing fees dated June 14, 2010, be received;

AND THAT the inspection and application, new application for business license and renewal of business license fees remain at the current rates for the 2011 licensing period.

b) Request from City of Kawartha Lakes for Financial Assistance for an Appeal to the Environmental Tribunal

Mayor R. McGee Ms. M. Neubauer THAT the request from Kawartha Lakes requesting financial assistance with respect to an appeal to the Environmental Tribunal, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

The following items were extracted from the Governance Committee Fifth Consent Report to be voted on separately:

GOV-4 City of Guelph Holding Company Design;
 Memorandum of Intentions (MOI) for
 Implementation of Community Energy Plan
 (CEP) Projects; and Guelph Hydro Inc. (GHI)
 Leasing Framework

Councillor Findlay presented the balance of the Governance Committee Fifth Consent Report.

Moved by Councillor Findlay
 Seconded by Councillor Piper
 THAT the balance of the June 28, Governance Committee
 Fifth Consent Report as identified below, be adopted:

a) **2010 Council Orientation and Professional Development**

Mrs. L.A. Giles

THAT the proposed 2010 Council Orientation and Professional Development plan be approved.

b) Delegation of Authority

Mrs. L.A. Giles

THAT pursuant to Section 23(1) of the Municipal Act, Council delegate by by-law its authority as set out in Schedules "N" and "O" attached to the report of the Director of Information Services/Clerk, dated June 14th, 2010.

c) Corporate Performance Reporting Practices

Mr. H. Loewig Ms. B. Boisvert THAT the progress report on Corporate Performance Reporting practices, be received;

AND THAT staff continue with ongoing efforts to improve the tracking and reporting of performance data to strengthen the capacity of management, advance the effectiveness of governance and further improve collaborative efforts with residents and stakeholders;

AND THAT staff be directed to develop a corporate wide framework for reporting.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Councillor Laidlaw presented the Social Services & Housing Committee Fourth Consent Report.

5. Moved by Councillor Laidlaw Seconded by Councillor Hofland THAT the balance of the June 28, 2010 Social Services & Housing Committee Fourth Consent Report as identified below, be adopted:

a) Staff Support to City Social Services & Housing Committee

Ms. A. Pappert Mr. H. Loewig THAT the Director of Community Services be assigned the responsibility to lead the development of a constructive

Ms. M. Neubauer

working relationship between the Consolidated Municipal Services Manager (CMSM) and the City of Guelph through the Community Services Department;

AND THAT the Director of Community Services provides the City's Social Services and Housing Committee with a work plan and request for required resources in the summer of 2010.

b) **Best Start Operating and Capital Reserve Fund**

Mr. S. Wilson Ms. M. Neubauer THAT the Best Start Reserve fund be used to support City/County eligible expenditures in the same proportion as the proportion of City/County children benefitting from prescribed programs in 2005 and 2006, when the grant was originally received:

AND THAT the County be requested to restore the City share of Provincial and Federal funds to the Best Start Reserve Fund, including interest, and to use its own source funds for the portion of the Mount Forest Child Care Centre (a discretionary service) that would exceed its proportion of the Best Start Reserve Fund.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following items were extracted from the June 28, 2010 Consent Agenda to be voted on separately:

- A-1 Proposed Demolition of 66-68 Bagot Street
- A-3 Guelph Transit Terminal: Carden Street Operations
- A-4 Carden Street Transit Terminal Costs and Implications
- 6. Moved by Councillor Kovach
 Seconded by Councillor Wettstein
 THAT the balance of the June 28, 2010 Council Consent
 Agenda as identified below, be adopted:
- a) Memorandum of Understanding between the Province of Ontario and the City of Guelph – Guelph Innovation District

Mr. P. Cartwright

THAT Guelph City Council receive the report of June 28, 2010 prepared by the Department of Economic Development and Tourism Services with respect to the Memorandum of Understanding for the Guelph Innovation District;

AND THAT Guelph City Council authorizes the Mayor to execute the Memorandum of Understanding for the Guelph Innovation District as described in this report prepared by the Department of Economic Development and Tourism Services.

B Items for Direction of Council

1) Guelph Junction Railway 2009 Audited Financial Statements

Ms. M. Neubauer

THAT the presentation of the Guelph Junction Railway 2009 Financial Statements be deferred to August 30, 2010.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

DELEGATIONS

Guelph Transit Terminal - Carden Street Operations

Dave Kesler of R.J. Burnside & Associates Limited was present and provided an overview of the development of the design for the Guelph Transit Terminal. He highlighted the advantages of the Carden Street site, the site features and the proposed Carden Street operations.

Parimil Gandhi on behalf of the Travel Lodge expressed concern with the closing of Carden Street to traffic. He advised that people who have difficulty finding his business and he would like something quieter for his guests.

Councillor Burcher presented Report A-3 that was extracted from the Consent Agenda.

7. Moved by Councillor Burcher Seconded by Councillor Laidlaw THAT the Community Design and Development Services Report dated June 22, 2010, be received;

Mr. J. Riddell Ms. A. Pappert

Mr. D. McCaughan

AND THAT Council authorize staff to prepare an amending By-law, to Traffic By-law (2002)-17017, to restrict vehicular traffic and allow only buses, delivery vehicles, and drop-off and pick-up taxi cabs on Carden Street, east of Wyndham Street, as part of the operation of the new Transit Terminal on Carden Street.

VOTING IN FAVOUR: Councillors Beard, Burcher, Findlay, Hofland, Laidlaw, Piper, Wettstein and Mayor Farbridge (8)

VOTING AGAINST: Councillors Bell, Farrelly, Kovach and Salisbury (4)

Carried

Orin Reid Park Conceptual Master Plan

Councillor Piper presented Clause 3 that was extracted from the Community Development & Environmental Services Committee Consent Report.

8. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT the Community Design and Development Services
Report 10-67 dated June 22, 2010, pertaining to the
Conceptual Master Plan for Orin Reid Park, be received;

AND THAT the Conceptual Master Plan for the Orin Reid Park, as noted in Appendix 4 of the Community Design and Development Services Report 10-67, dated June 22, 2010, be approved;

AND THAT staff be directed to proceed with the implementation of Phase One of the Orin Reid Park Conceptual Master Plan.

Moved by Councillor Wettstein
 Seconded by Councillor Bell
 THAT the matter of the Conceptual Master Plan for Orin
 Reid Park be referred back to staff for further investigation

VOTING IN FAVOUR: Councillors Bell, Farrelly and Wettstein (3)

of other uses and the positioning of the parking lot.

VOTING AGAINST: Councillors Beard, Burcher, Findlay, Hofland, Kovach, Laidlaw, Piper and Mayor Farbridge (8)

Councillor Salisbury was not present in the Chambers when the vote was taken.

Defeated

Mr. J. Riddell

10. Moved by Councillor Piper Seconded by Councillor Burcher

THAT the Community Design and Development Services Report 10-67 dated June 22, 2010, pertaining to the Conceptual Master Plan for Orin Reid Park, be received;

AND THAT the Conceptual Master Plan for the Orin Reid Park, as noted in Appendix 4 of the Community Design and Development Services Report 10-67, dated June 22, 2010, be approved;

AND THAT staff be directed to proceed with the implementation of Phase One of the Orin Reid Park Conceptual Master Plan.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Mayor Farbridge (11)

VOTING AGAINST: Councillor Wettstein (1)

Carried

City of Guelph Holding Company Design; Memorandum of Intentions (MOI) for Implementation of Community Energy Plan (CEP) Projects; and Guelph Hydro Inc. (GHI) Leasing Framework

It was requested that the clauses 1 and 2 and 3, 4 and 5 be voted on separately.

Councillor Findlay presented Clause 4 that was extracted from the Governance Committee Consent Report.

11. Moved by Councillor Findlay Seconded by Councillor Piper

THAT the proposed design of a Holding Company for current and future owned city assets, including Guelph Hydro Incorporated (GHI) and Guelph Junction Railway (GJR), as outlined in the attached Business Case Study, be approved;

AND THAT staff be directed to prepare an Implementation Strategy for the proposed Holding Company to be approved by Council that includes financial and resource requirements planned for through the 2011 budget process.

Mr. H. Loewig

VOTING IN FAVOUR: Councillors Beard, Burcher, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Bell and Farrelly (2)

Carried

12. Moved by Councillor Findlay Seconded by Councillor Piper

THAT the attached Memorandum of Intentions (MOI) between Guelph Hydro and the City of Guelph to enable implementation of projects related to the Community Energy Initiative (CEI) be approved;

AND THAT the tender process as set out in the City's Purchasing Policy be waived for energy efficiency and renewable energy generation projects that require access to City-owned lands, buildings and rooftops, and that the projects be managed through Guelph Hydro Inc. as outlined in the MOI;

AND THAT staff be directed to develop a leasing framework for Lease Agreements with Guelph Hydro Inc. to provide long term leased or similar access to those lands, buildings and rooftops owned by the City necessary for the implementation of energy efficiency and renewable energy generation projects.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Proposed Demolition of 66-68 Bagot Street

Councillor Wettstein presented Report A-1 that was extracted from the Consent Agenda.

13. Moved by Councillor Wettstein Seconded by Councillor Burcher

THAT Report 10-63 regarding the proposed demolition of a legal non-confirming triplex at 66-68 Bagot Street, City of Guelph, from Community Design and Development Services dated June 28, 2010, be received;

AND THAT the proposed demolition of the legal non-conforming triplex at 66-68 Bagot Street, be approved.

Mr. H. Loewig

Mr. J. Riddell

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

Carden Street Transit Terminal – Costs and Implications

Councillor Burcher presented Report A-4 that was extracted from the Consent Agenda.

14. Moved by Councillor Burcher Seconded by Councillor Laidlaw

THAT the 2010 Capital Budget be amended to include the VIA Station Renovation and Upgrade Project in the amount of \$600,000 to be funded from the Infrastructure Stimulus Fund Contingency.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillor Kovach (1)

Carried

SPECIAL RESOLUTION

Carden Street Transit Terminal – Land Acquisition

It was requested that the clauses 1, 2 and 3 and clauses 4 and 5 be separated and voted on separately.

15. Moved by Councillor Burcher Seconded by Councillor Findlay

THAT, if continued negotiations are unsuccessful, expropriation proceedings be commenced regarding the realignment of Carden Street for the acquisition of the fee simple interest in the lands described as Part of Lots 1 and 2, Plan 8, City of Guelph, being more particularly identified as Part 24 on a draft reference plan 09-8247-5 prepared by Black, Shoemaker, Robinson & Donaldson Limited dated June 1, 2010 for the purpose of realigning Carden Street and works ancillary thereto;

AND FURTHER THAT the necessary by-law and Application for Approval to Expropriate Land be presented to City Council;

Mr. J. Stokes Ms. A. Pappert Mr. J. Riddell

Mr. J. Stokes Ms. A. Pappert Mr. J. Riddell

AND FURTHER THAT following service and publication of the Notice of Application for Approval to Expropriate Land, the Application for Approval to Expropriate Land and recommendation of an inquiry be reported to Council for its decision as the approval authority under the Expropriations Act.

VOTING IN FAVOUR: Councillors Beard, Burcher, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: Councillors Bell, Farrelly and Kovach (3)

Carried

Mr. J. Stokes Ms. A. Pappert Mr. J. Riddell 16. Moved by Councillor Burcher Seconded by Councillor Findlay

THAT the Mayor and Clerk be authorized to execute an agreement between the City and Canadian National Railway to acquire lands required for the Carden Street Transit Terminal, subject to the form and consent being satisfactory to the City Engineer and the City Solicitor;

AND THAT the Mayor and Clerk be authorized to execute an agreement between the City and VIA Rail to acquire the VIA Station building at 79 Carden Street, subject to the form and content being satisfactory to the City Engineer and the City Solicitor.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillor Kovach (1)

Carried

BY-LAWS

17. Moved by Councillor Kovach
Seconded by Councillor Laidlaw
THAT By-laws Numbered (2010)-19020 to (2010)-19040, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

MAYOR'S ANNOUNCEMENTS

The Mayor announced that the new hospice facility was officially opened last week.

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ADJOURNMENT
The meeting adjourned at 8:55 o'clock p.m.
Minutes read and confirmed July 26, 2010.
Mayor
Clerk
Committee Room "A" June 28, 2010, 9:00 p.m.
Council reconvened in the closed meeting.
Present: Mayor Farbridge, Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury and Wettstein
Absent: Councillor Billings
Staff Present: Mr. H. Loewig, Chief Administrative Officer
Personal Matters about an Identifiable Individual
The Chief Administrative Officer provided the Committee with information.
The meeting adjourned at 9:50 o'clock p.m.
Mayor

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Clerk

Council Chambers July 5, 2010

Council convened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell,

Billings, Findlay, Hofland, Kovach, Laidlaw,

Piper, Salisbury and Wettstein

Absent: Councillors Burcher and Farrelly

Staff Present: Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. J. Riddell, Director of Community Design and Development Services; Ms. T. Agnello, Deputy Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Consent Agenda

The following items were extracted from the July 5, 2010 Consent Agenda to be voted on separately:

- A-3 1291 Gordon Street: Proposed Zoning By-law Amendment (File ZC0905)
- Moved by Councillor Kovach
 Seconded by Councillor Hofland
 THAT the balance of the July 5, 2010 Council Consent
 Agenda as identified below, be adopted:
- a) 5 and 7 Cambridge Street: Proposed Zoning By-law Amendment (File ZC9011)

THAT Report 10-69 dated July 5, 2010 regarding an application for a Zoning By-law Amendment for 5 and 7 Cambridge Street from Community Design and Development Services, be received;

AND THAT the application by L. Alan Grinham Architect Inc. for a Zoning By-law Amendment (File ZC0911) from the R.1B Zone to a Specialized R.2-?? affecting the property known as 5 and 7 Cambridge Street and legally described as Part of Lot 582, Registered Plan 8, City of Guelph, be approved in accordance with the regulations and conditions set out in Schedule 1 attached.

b) 3 Watson Road South: Proposed Zoning Bylaw Amendment (File ZC1002)

Mr. L.A. Grinham Mr. J. Riddell Dr. J. Laird Mr. D. McCaughan Ms. M. Neubauer Legal

Ms. A. Clos Mr. J. Riddell Dr. J. Laird Mr. D. McCaughan Ms. M. Neubauer Legal THAT Report 10-72 dated July 5, 2010 regarding a Zoning By-law Amendment for property municipally known as 3 Watson Road South from Community Design and Development Services, be received;

AND THAT the application by Astrid J. Clos Planning consultants for a Zoning By-law Amendment to add a religious establishment use with a maximum floor area of 315 square metres and an office use within a mall to the current uses within the existing Specialized Industrial (B.2-1) Zone affecting the property municipally known as 3Watson Road south and legally described as Part of Block 1, Plan 696, City of Guelph, be approved in accordance with the regulations set out in Schedule 2 attached;

AND THAT in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 3 Watson Road South as set out in Report 10-72 from Community Design and Development Services dated July 5, 2010.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Findlay, Hofland, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: (0)

Councillor Laidlaw was not present in the Chambers during the vote.

Carried

DELEGATIONS

1291 Gordon Street: Proposed Zoning By-law Amendment (File ZC0905)

Katie Nasswetter, Senior Development Planner reviewed the application to permit a 128 residential unit apartment building with the remaining site to be rezoned Wetlands. She highlighted three modifications conditions relating to:

- infiltration galleries
- water quality monitoring
- maximum building height of 7 stories, but with only 6 stories being visible from Gordon Street.

Hugh Handy of GSP Group was present on behalf of the applicant and advised that they have worked closely with staff and are supportive of the proposed modified

conditions. He further advised that the public concerns were taken into consideration and the deer corridor has been widened; the building moved closer to the street; and the wetland buffers have been increased. He also advised that this client is prepared to dedicate the wetlands to the City for the long term preservation of this natural environment.

Joe Harris of Stantec, in response to questions provided information with respect to the protection of the water table.

Gwendolyn Weeks of Stantec, in response to questions provided information on tree removal on the site.

Judy Martin was present and suggested that the proposal provides inadequate wetland buffers and is contrary to the Provincial Policy Statement as it does not show that there will be no negative impact on the wetlands. She also suggested that the Environmental Impact Study is inadequate as it lacks critical information regarding impacts to the wetland and habitat for species of concern. She further suggested that the approval of this project is premature and a decision should be postponed until critical information relating to the impacts to groundwater, the provincially-significant wetland and species of concern have been addressed.

Seconded by Councillor Beard
Mr. H. Handy THAT the application by GSP Group for the U.S. J. Laird The WL Zone, P.1 Zone and a special

2.

THAT the application by GSP Group for a Zoning By-law Amendment (File ZC0905) from the UR and WL Zones to the WL Zone, P.1 Zone and a specialized R.4A-?? Zone, affecting the property known as 1291 Gordon Street and legally described as Part of Lot 6, Concession 7, Township of Puslinch, and Part 1 of Reference Plan 61R-8098, be deferred until the completion of the Environmental Implementation Report.

Moved by Councillor Piper

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Findlay, Kovach, Laidlaw, Piper, Salisbury and Wettstein. (9)

VOTING AGAINST: Councillor Hofland and Mayor Farbridge (2)

Carried

BY-LAWS

3. Moved by Councillor Laidlaw Seconded by Councillor Kovach THAT By-laws Numbered (2010)-19041 to (2010)-19043, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 8:10 o'clock p.m.

Minutes read and confirmed July 26, 2010.

Mayor	
Deputy Clerk	

5 & 7 Cambridge Street Zoning Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 5 and 7 Cambridge Street and legally described as Part of Lot 582, Registered Plan 8, City of Guelph. The following zoning is proposed:

Specialized R.2-?? Semi-detached Residential

Regulations

For the Specialized R.2-?? Zone:

In accordance with Section 5.2.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Minimum Front Yard

Despite Table 5.2.2 Row 5, The minimum front yard shall be 2.3 metres.

Minimum Side Yard

Despite Table 5.2.2 Row 6, The minimum side yard shall be 0.78 metres.

Maximum Lot Coverage

Despite Table 5.2.2 Row 11, The maximum lot coverage will be 55%.

Off-Street Parking

Despite Table 5.2.2 Row 12, Each semi-detached unit will require 2 parking spaces.

Conditions

The following conditions will be imposed as conditions of consent:

- 1. That the owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to endorsation of the deeds.
- 2. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 55.61-feet prior to endorsation of the deeds.

- 3. Prior to endorsation of the deeds, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
- 4. Prior to endorsation of the deeds, the owner shall verify the location and position of the existing sanitary sewer laterals and water service laterals serving both 5 and 7 Cambridge Street.
- 5. That prior to endorsation of the deeds, the owner shall have a licensed Master Plumber certify in writing that the plumbing inside each unit is separate from and independent of the plumbing in the other unit.
- 6. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street), grants an easement approximately 3.0-metres (10.0 feet) wide by approximately 8.84-metres (29.0 feet) long, registered on title, in favour of the dominant tenement (7 Cambridge Street) for the existing sanitary sewer lateral.
- 7. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street), grants an easement approximately 3.0-metres (10.0 feet) wide by approximately 9.75-metres (32.0 feet) long, registered on title, in favour of the dominant tenement (5 Cambridge Street) for the existing sanitary sewer lateral.
- 8. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street) solicitor certifies that the sewer easement, in favour of the dominant tenement (5 Cambridge Street) has been granted and registered on title, in perpetuity.
- 9. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street) certifies that the sewer easement, in favour of the dominant tenement (7 Cambridge Street) has been granted and registered on title, in perpetuity.
- 10. That prior to endorsation of the deeds, the owner's of 3 Cambridge Street and 5 Cambridge Street shall have an Ontario Land Surveyor prepare a reference plan identifying any right-of-ways and conveyances.
- 11. That prior to endorsation of the deeds, a building permit will be required to construct this fire separation if it does not exist, to the satisfaction of the Director of Community Design and Development Services.
- 12. That prior to endorsation of the deeds, separate water service and sanitary sewer connections must be provided into each dwelling unit. A building permit will be required to install these services if they do not exist.
- 13. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the property in accordance with the approved plans.

3 Watson Road South Regulations and Conditions

Specialized B.2-1 (Industrial) Zone

3 Watson Rd. S.

As shown on Defined Area Map Number 58 of Schedule "A" of the By-law.

Permitted Uses

In addition to the permitted Uses listed in Section 7.1.1, the following additional uses shall be permitted in the B.2-1 Zone:

- A religious establishment
- Office within a mall

Regulations

In accordance with Section 7.3 of the By-law, as amended, with the following exceptions:

Maximum Floor Area for Religious Establishment 315 square metres

Location of Religious Establishment

The location of the religious establishment shall be limited to the original stone heritage building (former schoolhouse) and adjoining areas within the existing industrial mall.

5 & 7 Cambridge Street Zoning Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 5 and 7 Cambridge Street and legally described as Part of Lot 582, Registered Plan 8, City of Guelph. The following zoning is proposed:

Specialized R.2-?? Semi-detached Residential

Regulations

For the Specialized R.2-?? Zone:

In accordance with Section 5.2.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Minimum Front Yard

Despite Table 5.2.2 Row 5, The minimum front yard shall be 2.3 metres.

Minimum Side Yard

Despite Table 5.2.2 Row 6, The minimum side yard shall be 0.78 metres.

Maximum Lot Coverage

Despite Table 5.2.2 Row 11, The maximum lot coverage will be 55%.

Off-Street Parking

Despite Table 5.2.2 Row 12, Each semi-detached unit will require 2 parking spaces.

Conditions

The following conditions will be imposed as conditions of consent:

- 1. That the owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to endorsation of the deeds.
- 2. That the owner pays the watermain frontage charge of \$8.00 per foot of frontage for 55.61-feet prior to endorsation of the deeds.

- 3. Prior to endorsation of the deeds, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
- 4. Prior to endorsation of the deeds, the owner shall verify the location and position of the existing sanitary sewer laterals and water service laterals serving both 5 and 7 Cambridge Street.
- 5. That prior to endorsation of the deeds, the owner shall have a licensed Master Plumber certify in writing that the plumbing inside each unit is separate from and independent of the plumbing in the other unit.
- 6. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street), grants an easement approximately 3.0-metres (10.0 feet) wide by approximately 8.84-metres (29.0 feet) long, registered on title, in favour of the dominant tenement (7 Cambridge Street) for the existing sanitary sewer lateral.
- 7. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street), grants an easement approximately 3.0-metres (10.0 feet) wide by approximately 9.75-metres (32.0 feet) long, registered on title, in favour of the dominant tenement (5 Cambridge Street) for the existing sanitary sewer lateral.
- 8. That prior to endorsation of the deeds, the servient tenement (3 Cambridge Street) solicitor certifies that the sewer easement, in favour of the dominant tenement (5 Cambridge Street) has been granted and registered on title, in perpetuity.
- 9. That prior to endorsation of the deeds, the servient tenement (5 Cambridge Street) certifies that the sewer easement, in favour of the dominant tenement (7 Cambridge Street) has been granted and registered on title, in perpetuity.
- 10. That prior to endorsation of the deeds, the owner's of 3 Cambridge Street and 5 Cambridge Street shall have an Ontario Land Surveyor prepare a reference plan identifying any right-of-ways and conveyances.
- 11. That prior to endorsation of the deeds, a building permit will be required to construct this fire separation if it does not exist, to the satisfaction of the Director of Community Design and Development Services.
- 12. That prior to endorsation of the deeds, separate water service and sanitary sewer connections must be provided into each dwelling unit. A building permit will be required to install these services if they do not exist.
- 13. That prior to endorsation of the deeds, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Engineer, agreeing to satisfy the above-noted conditions and to develop the property in accordance with the approved plans.

3 Watson Road South Regulations and Conditions

Specialized B.2-1 (Industrial) Zone

3 Watson Rd. S.

As shown on Defined Area Map Number 58 of Schedule "A" of the By-law.

Permitted Uses

In addition to the permitted Uses listed in Section 7.1.1, the following additional uses shall be permitted in the B.2-1 Zone:

- A religious establishment
- Office within a mall

Regulations

In accordance with Section 7.3 of the By-law, as amended, with the following exceptions:

Maximum Floor Area for Religious Establishment 315 square metres

Location of Religious Establishment

The location of the religious establishment shall be limited to the original stone heritage building (former schoolhouse) and adjoining areas within the existing industrial mall.

CONSENT REPORT OF THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE

July 26, 2010

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

Your Community Development and Environmental Services Committee beg leave to present their SIXTH CONSENT REPORT as recommended at its meetings of July 19, 2010.

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 Development & Environmental Services Committee will be approved in one resolution.

1) Updated Private Tree By-law

THAT Report 10-77 dated July 19, 2010 from Planning, Engineering and Environmental Services regarding the Updated Private Tree By-law, be received;

AND THAT the provisions of the Private Tree By-law dealing with Regulated Trees on large lot sizes (greater than 0.2 hectares) be enacted, implemented and enforced;

AND THAT Council direct staff to amend the User Fees or Charges for Services Bylaw as in accordance with Report 10-77.

2) Arthur EMPC Four Limited (Kilmer Brownfield Equity L.P.), 5 Arthur Street South, Guelph Development Charges Early Payment Agreement

THAT the Community Design and Environmental Services Report, dated July 10, 2010, regarding a Development Charges Early Payment Agreement for 5 Arthur Street South, be received;

AND THAT the Mayor and Clerk be authorized to execute a Development Charges Early Payment Agreement between the City and Arthur EMPC Four Limited to secure the demolition reductions towards future redevelopment charges at 5 Arthur Street South, subject to the form and content being satisfactory to the City's Chief Financial Officer and the City Solicitor.

All of which is respectfully submitted.

Councillor Piper, Chair Community Development & Environmental Services Committee

PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE JULY 19, 2010 MEETING.

COMMITTEE REPORT



TO Community Development and Environmental

Services Committee

SERVICE AREA Planning, Engineering and Environmental Services

DATE July 19, 2010

SUBJECT Updated Private Tree By-law

REPORT NUMBER 10-77

RECOMMENDATION

"THAT Report 10-77 dated July 19, 2010 from Planning, Engineering and Environmental Services regarding the Updated Private Tree By-law **BE RECEIVED**; and

THAT the provisions of the Private Tree By-law dealing with Regulated Trees on large lot sizes (greater than 0.2 hectares) **BE ENACTED, IMPLEMENTED and ENFORCED**; and

THAT, upon approval of the necessary funding in the 2011 budget, the provisions of the Private Tree By-law dealing with Regulated Trees on small lot sizes (0.2 hectares and less) **BE ENACTED, IMPLEMENTED and ENFORCED**; and

THAT Council **DIRECT** staff to amend the User Fees or Charges for Services By-law as in accordance with Report 10-77; and

THAT staff **REPORT** to Council, as part of the 2011 budget process, on the resources required to implement and enforce the provisions of the Tree Bylaw dealing with Regulated Trees on small lot sizes (0.2 hectares and less)."

BACKGROUND

The City of Guelph values its Urban Forest and has been making efforts to protect and enhance the existing estimated 30% canopy cover through the development of its Natural Heritage System and the implementation of the recommendations of the Strategic Urban Forest Management Plan (SUFMP).

City staff continue to work with community groups and various corporations to facilitate tree plantings within the City to help ensure Guelph is a "biodiverse City with the highest tree canopy percentage among comparable municipalities" in accordance with the City's Strategic Plan.

The need for an updated By-law was identified through the SUFMP, comments received at the SUFMP workshops (April 2009), the Natural Heritage Strategy Public Meetings, Official Plan Update community meetings and presentations made by Guelph Urban Forest Friends (GUFF) to the Community Development and Environmental Services Committee (CDES). The updated Tree By-law was also identified as a priority by Council in 2009 and 2010.

On March 30, 2009, the Guelph Urban Forest Friends (GUFF) made a presentation to Community Design and Environmental Services Committee requesting that an updated or interim Tree By-law be developed. At the meeting, CDES directed staff by resolution:

"to come back with an action plan to investigate the feasibility of proceeding with an interim tree protection by-law or proceeding with the development of a permanent by-law".

In response to the Committee direction, staff conducted research on current best management practices and consulted internally. At the July 20, 2009 meeting staff presented to CDES a proposed work plan and timelines for the development of a permanent tree by-law. CDES recommended that,

"Staff be directed to prepare permanent tree protection by-laws within the City".

In January 2010 CDES requested that an updated timeline be provided. On February 16, 2010 staff reported back to Committee and CDES, and recommended that the updated Tree By-law be presented to Council in July 2010.

Staff prepared a Draft Private Tree By-law which was released on May 27, 2010 for public consultation. Two public workshops were held on June 3 and 8, 2010. Comments received up to June 21, 2010 were considered as part of the review process and incorporated, where appropriate. The updated Private Tree By-law is attached as Appendix A, hereafter referred to as the Tree By-law.

REPORT

This report addresses the following items:

- Strategic Urban Forest Management Plan;
- Existing Tree By-law (1986);
- Best practices review;
- Public consultation process;
- · Peer Review;
- Recommended Tree By-law; and
- Implementation and Financial implications.

1. Strategic Urban Forest Management Plan (SUFMP)

The Framework for the SUFMP was completed and approved by Council in 2007. The purpose of the Plan was to review the current status and management of the City's Urban Forest to provide a long-term framework. The ultimate goal of the Management Plan is to gradually shift from a responsive management mode of operating to a more proactive and adaptive management approach.

The SUFMP aims to improve, protect and enhance the City's urban forest through the development of a municipal tree inventory, the management of hazards, the acceleration of tree plantings and the protection and management of treed areas within the City. An updated Tree By-law is one tool the City can use to provide greater protection to the urban forest on private property in addition to managing trees on publicly owned lands.

Twenty five recommendations were provided in the SUFMP which were divided into high (1), medium (2) and low (3) priority categories. The SUFMP report stated that, "private tree by-laws require staffing (e.g., by-law enforcement officers, arborists and administrative staff) to administer and enforce, and are best accompanied by an educational campaign".

2. The City's Current Tree By-law (1986) - 12229

The City's current Tree By-law (Appendix B) prohibits the injury or destruction of any live tree within the City having a diameter of (7.5 cm) 3 inches (measured 1 m above the ground growing on private lots 30,000 square feet – 0.28 hectares (0.69 acres) or larger. Although the by-law applies to a significant portion of private lands within the City, it does not apply to smaller lots within the City as shown in Appendix C.

The Tree By-law (1986) identifies exemptions for tree removal including but not limited to: any right or power conferred upon the City under the Municipal Act or any other Act; trees cut by Hydro One, trees growing within any road allowance, trees cut by Land Surveyors under the *Surveyors Act*, trees cut at the University of Guelph and trees planted for the production of Christmas trees.

3. Best Practices Review

Staff completed a best practices review to understand the key components of contemporary Tree By-laws within Southern Ontario and several other municipalities in Canada. Staff have prepared a summary sheet that outlines the key components of municipal Private Tree By-laws in the following municipalities (Appendix D):

- Richmond Hill
- Oakville
- Mississauga
- Town of Markham
- City of Kingston
- Kitchener

- Ottawa
- Toronto.

Although, staff reviewed tree by-laws within the standard list of "Comparator" municipalities, many did not have a private tree by-law while others had adopted tree by-laws designed to protect municipally owned trees. The comparator municipalities that have adopted private tree by-laws are included in Appendix D.

In addition, Private Tree By-laws from the following municipalities were also reviewed:

- The City of Orillia
- City of Victoria
- City of Vancouver
- City of Kingston
- City of Brantford (old and draft by-law)
- Town of Fort Erie
- County of Wellington.

3.1 Size of Regulated Tree

The size of regulated trees varies across municipalities; the Town of Richmond Hill and Markham regulate all trees 20cm in DBH¹ or larger, the City of Toronto uses a 30cm DBH as their regulating limit while the City of Mississauga requires a permit when 5 or more trees that have a DHB larger than 15cm are being removed. The Town of Oakville allows 1-4 trees 20-76cm DBH to be removed per calendar year per lot, however permits are required for the removal of 5 or more trees measuring, 20-76cm DBH or for trees over 76cm DBH.

3.2 Exemptions

A number of exemptions are identified within various by-laws, many of which are statutory exemptions as outlined in Section 135(12) of the *Municipal Act*, such as the removal of trees required under the *Surveyor's Act*, through development applications made under the *Planning Act*, under the *Electricity Act*, the *Aggregate Resources Act and* the *Crown Forest Sustainability Act*. Section 135 (12) of the *Municipal Act* is appended for reference in Appendix E. Other exemptions identified pertain to hazard trees, emergency removals, trees on roof top gardens or interior courtyards, trees on golf courses, cemeteries, and trees cultivated in an orchard, etc

A number of municipalities provide exemptions for smaller lots. The City of Kitchener exempts trees located on land less than 0.405 hectares (1.0 acre) in size. The City of Kingston exempts residential lots that existed prior to the passage of the by-law.

¹ DBH means Diameter at Breast Height- measured 1.4 metres above the ground.

The City of Ottawa's Private Tree By-law applies to all trees 10cm DBH on properties that are greater than one hectare in size and distinctive trees, which includes any tree with a DBH of 50 cm or greater in size on properties one hectare or less in size within the City.

Typically where a municipality regulates only larger lots the DBH of the regulated trees is smaller. In Kingston trees 15 cm DBH or greater are regulated. Kitchener and Ottawa use 10 cm or greater as their basis for regulation.

3.3 Delegated Responsibility

The delegated responsibility of the by-law varies by municipality and is dictated by the municipality's organizational structure which varies from the Commissioner, Tree Preservation By-law Officer, the General Manager of Parks, Forestry and Recreation, the Director of Planning and their appointee, Senior Planners, etc.

3.4 Submission Requirements

Submission requirements generally include the name, the location, contact information of the applicant, purpose for removal, the species size and health of tree. The Town of Richmond Hill and the City of Toronto require an arborist report as part of the application process. The City of Mississauga and Town of Markham "may" require an arborist report where requested by the Commissioner or Administrator.

3.5 Permit Conditions

Replacement plantings or cash-in-lieu based on 120% of replanting and maintaining the tree for a period of two years are common conditions applied by municipalities. The City of Toronto and the Town of Richmond Hill require replacement trees or cash-in-lieu. The City of Toronto requires cash-in-lieu in the amount of \$583 per tree removed. Conditions may also specify tree protection fencing for other trees on site that may be impacted during construction or tree removal activities, implementation of measures to mitigate impacts on watercourses or to avoid erosion; some require removal of the tree to be carried out under the supervision of a certified arborist.

3.6 Notice - Posting of Permits

Posting of approved permits is required in roughly half of the municipalities reviewed. Once the permit is issued the permit must be erected in a conspicuous location on site. The City of Toronto requires that the permit be posted for no less than 14 days prior to the removal of the tree. Others simply require the permit be posted until the work is complete.

3.7 Fees

The permit fees for Private Tree By-laws in lower tier or single tier Ontario municipalities range from approximately \$25 to \$500. Some require a base fee and an additional fee for each additional tree proposed to be removed.

For example the Town of Richmond Hill permit fee is \$150 and \$50 for each additional tree to a maximum of \$400. The City of Kitchener charges a flat fee of \$100.

3.8 Fines

The fines in Ontario municipalities are consistent with the fines set out in the *Municipal Act* which specifies the following:

- 1. A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.
- 2. In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all of the daily fines for the offence is not limited to \$100,000.
- 3. In the case of multiple offences, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all fines for each included offence is not limited to \$100,000.

3.9 Staffing

In some municipalities staff and resources have been dedicated to the administration of the by-law while other municipalities have added or shifted the responsibility of existing staff within the organization. Markham, Richmond Hill, Oakville and Toronto have ISA Certified staff, Forestry Technicians or Professional Foresters administering the by-law.

4. Peer Review

Prior to releasing the draft by-law to the public, staff retained Urban Forest Innovations Inc. and Beacon Environmental to conduct a Peer Review of the By-law. Forest Innovations Inc. and Beacon Environmental have expertise in Urban Forestry and have recently developed private tree by-laws in several Ontario municipalities. The principal staff were also the authors of the City's Framework for the Strategic Urban Forest Management Plan prepared in 2007.

The peer review comments pertained to the balancing of property rights, enforcement, administration of the by-law, DBH and the development of guidelines versus by-laws. They provided guidance with regard to administration recommending that the administrative aspects be worked out internally in a manner that suits the City's organizational structure and available human and capital resources. Staff took the peer review comments into consideration and made revisions to the draft prior to release to the public on May 27, 2010.

5. Public Consultation

Two public workshops were held on June 3 and 8, 2010. Notices were posted in the Tribune May 27th and June 3, 2010. Approximately 300 email notices were sent to individuals, environmental groups, the Guelph Wellington Development Association, consultants, agencies, etc., that have expressed interest in matters related to environmental protection and urban forestry through sign-in sheets and comments received on the Natural Heritage Strategy, the Strategic Urban Forest Management Plan and the Official Plan Update processes. An additional 130 paper notices were sent out. Specific notices were sent to a number arborist/tree removal companies.

Approximately 36 people attended the workshops to discuss and provide feedback on the draft By-law (Appendix F). Comments were received during the workshops and a number of parties submitted comments individually. The following is a summary of the key issues raised and the changes proposed in response to the comments.

5.1 Definitions

Several definitions were identified as requiring clarification e.g., hazardous tree, maintenance pruning, institutional use (which included golf courses and commercial properties). Modifications to these definitions have been incorporated into the proposed Updated Tree By-law (Appendix A).

5.2 Certificate of Exemption

The draft By-law contained a Certificate of Exemption process whereby owners applying for exemptions needed to fill out an application form to destroy or injure a tree. Five business days were alloted for staff to review the requested exemption and issue a decision. The feedback was that this process was overly onerous and resource intensive.

Given the complicated nature and resources required to implement the Certificate of Exemption process, it is not recommended in this final version of the By-law. Instead many of the exemptions that had been identified as requiring a certificate are now exempt from the recommended By-law. This approach enables the removal of trees that legitimately should not be retained.

5.3 Exemptions

Concerns were raised with respect to several exemptions from the By-law, e.g., institutional uses, including the inclusion of golf courses and commercial properties as institutional uses, lands owned by the University of Guelph, and the need to exempt Norway and Manitoba Maples from the By-law.

In response to the comments a substantial number of modifications have been made to the proposed By-law, namely:

- a) The institutional exemption has been clarified. The Tree By-law will continue to exempt the University of Guelph for trees removed or injured for scientific and educational purposes in compliance with the University's Campus Master Plan, or the Arboretum Master Plan as approved by the University and filed with the City Inspector.
- b) Institutions (educational, medical, religious uses, etc), golf course, commercial and industrial properties may be exempt from the By-law provided the destruction or injury of the trees are carried out in accordance with a Tree Management Plan approved by the Inspector.
- c) The request to exempt Manitoba and Norway Maples from the Tree Bylaw has been considered but is not being recommended by staff. It is estimated that a significant portion of the Urban Forest consists of healthy Manitoba and Norway Maples; therefore staff have recommended that these species remain regulated by the Tree By-law.
- d) Cemeteries and lands owned by the Grand River Conservation Authority are also exempt from the By-law.

As indicated above, Appendix A provides the final recommended Tree By-law for Council consideration. Part IV lists the various exemptions that are provided by the By-law. The exemptions address dead and diseased trees, hazardous trees, emergency situations, invasive species, and where a tree is causing structural damage to a building or drain (e.g. sanitary sewer). Specific exemptions are also provided for fruit trees, maintenance pruning and other situations.

5.4 Regulated Tree

Comments were raised regarding the size of a regulated tree and the associated lot size.

The draft Tree By-law presented at the public meeting proposed two categories, depending on lot size which are graphically presented in Appendix G. Tables 1 and 2 below summarize the regulated tree provisions included in the current by-law, the draft by-law and the proposed by-law for large lots and small lots, respectively.

Large Lot Provisions

Staff recommend that trees 10cm DBH or greater on lots larger than 0.2 hectares be regulated. This is similar to the City's current by-law which regulates trees 7.5cm DBH on lots 0.28 ha (0.69 ac.) or greater (as outlined in Table 1 below), and is consistent with the Official Plan and the draft Natural Heritage System policies which refer to Trees 10cm DBH. The impact of additional properties that will be regulated as a result of the lot size reduction from 0.28 hectares to 0.2 hectares is illustrated in Appendix H.

Many larger lots have portions of Significant Woodlands, cultural woodlands, plantations, hedgerows and large mature individual trees. Tree removal in advance of a development proposal is more likely to occur on the larger lots and to ensure adequate protection is provided to the City's urban forest, staff recommend maintaining the 10 cm DBH for trees to be regulated.

Table 1. Large Lot Provisions

By-law	Lot Size	Size of Regulated Tree
Current	≥ 0.28 ha	7.5 cm (3 in.) or greater
Draft (May 2010)	>0.2 ha (0.5 ac.)	10cm (4 in) or greater
Updated (July 2010)	>0.2 ha (0.5 ac.)	10cm (4 in) or greater

Small Lot Provisions

With respect to the small lots, and in response to the comments received, staff are now recommending that trees 30cm DBH be regulated on lots less than 0.2 hectares in size as outlined in Table 2 below. The regulation of smaller lots is the primary difference between the existing and proposed updated By-law attached (Appendix A). A significant portion of the mature trees that make up the City's urban forest are located on the smaller lots and are within the existing built-up area. Trees in subdivisions generally 15 years and older will be protected under this By-law as illustrated in Appendix I.

Table 2. Small Lot Provisions

By-law	Lot Size	Size of Regulated Tree	
Current	N/A	N/A	
Draft (May 2010)	≤0.2 ha (0.5 ac.)	20cm (7.9in) or greater	
Updated (July 2010)	≤0.2 ha (0.5 ac.)	30cm (11.8in) or greater	
	, ,		

5.5 Compensation

The draft Tree By-law recommended that where a permit is issued to remove a tree, replacement trees be planted or a payment of cash-in-lieu may be required by the Inspector. The intent of this provision is to require compensation for large healthy trees. Those in poor condition will not be subject to the compensation requirements. The implementation of this provision will ultimately work to enhance the City's tree canopy. The cash-in-lieu received will be used to plant trees in appropriate locations throughout the City.

Comments received on this issue varied considerably. Many stakeholders and members of the public were of the opinion that the compensation was not feasible, too costly and should be removed; others felt the compensation requirement was not adequate.

There are a number of methods to determine compensation and the value of a tree: some are simple while others are much more comprehensive with more time and expense required to conduct calculations. Staff considered various compensation options including: replacement of basal area, a ratio of 1 to 1, cash-in-lieu, and various valuation options as outlined in the Guide for Plant Appraisal 9th Edition (2000).

The recommended By-law includes a provision which states that the "Inspector may make the Permit subject to" conditions including compensation in the form of planting one or more replacement trees or in the form of cash-lieu to the amount of \$500 per tree. Monies collected would contribute to City tree planting. This approach aims to provide flexibility to the landowner and the City while recognizing the value of large mature trees within the Urban Forest.

5.6 Heritage Trees

A number of comments were received with regard to the need to protect Heritage trees. The proposed Tree By-law includes a definition for Heritage Tree and identifies heritage trees as a criterion for consideration by the Inspector when deciding whether to issue a permit.

5.7 Private Property Rights

Staff and Council received a number of comments regarding the impact of the by-law on "private property rights". The *Municipal Act* provides municipalities with the rights and powers to enact tree by-laws in the public interest.

In addition, it is apparent from the directions of the Strategic Plan and discussion in the SUFMP that the area of tree protection in the City should be wider than the lands presently affected by the current Tree By-law. Staff have attempted to take a balanced approach on this issue and believe that while providing exemptions, there is considerable merit in protecting trees that are 30cm DBH and larger on smaller lots as these trees contribute significantly to the City's canopy cover. The intent of the by-law is not to allow the cutting of a tree unless there are no alternatives. In cases, where there are no alternatives, permits will be issued.

A comparison of the current by-law and the updated Private Tree By-law is presented in Appendix J.

5.8 Fines

There was concern that the fines were not adequate to dissuade individuals from cutting mature trees within the City. The City is limited to the fine

provisions set out in the *Municipal Act* as indicated in the Best Practice Review section above.

5.9 Property Standards and Trimming of Trees at the Property Line Under common law a neighbour has the right to remove branches that intrude onto his/her property. There was some concern that this practice could result in injury to the tree which may be an infraction under the provisions of the Tree by-law.

The *Municipal Act* permits municipalities to control trees and the statutorily-authorized Tree By-law overrules common law. Therefore, a neighbor may trim branches that intrude into his/her property but the neighbor must first comply with provisions of the Tree By-law.

6. Final By-law for Consideration

Staff have considered the comments received and are recommending that the attached updated Private Tree By-law be enacted by Council (Appendix A). In addition to the items already discussed the Tree By-law also contains a number of key elements including:

6.1 Permit Application and Issuance Process

A number of criteria will be considered by the Inspector prior to issuance of permit as outlined in Part VI of the By-law (Appendix A). The Inspector, in making the decision, may consider a number of reasons for removal including but not limited to accessibility, building permit application, renewable energy, etc. The information which is to be provided by the applicant will set a firm basis for the Inspector to make a decision on whether to issue a permit.

6.2 Appeal Process

The applicant may appeal to the City's Community Development and Environmental Services Committee if the Inspector refuses to issue a permit or if the applicant objects to a condition attached to the permit. This process provides the applicant with an opportunity for further consideration where there is a difference of opinions between the Inspector and the applicant and/or the consulting arborist.

6.3 Posting of the Permit

The issued permit must be posted for 5 days prior to injury or destruction of a tree, however, there is no process for the public to appeal a permit issued by the City. This recommendation follows the best practices of most municipal by-laws.

6.4 Orders and Remedial Actions

The by-law provides for opportunities to stop work being completed that is in contravention of the By-law and require replacement plantings or cash-in-lieu where an offence has occurred. This is in keeping with the Best Practices Review and provides the City with a number of mechanisms to ensure corrective measures are taken should an offence occur.

6.5 Fees

It is estimated that a fee of \$122 would be required to cover the cost of the permit process. A fee should not be collected for the first six months of implementation to provide an opportunity to educate the public on the contents of the new by-law and to help ensure cooperation and compliance in the long term. After this period, it is anticipated that fees will help offset costs associated with the implementation of the by-law.

7. Implementation Options

The City's staffing and financial resources are integral to the successful implementation of the updated Tree By-law. The current by-law is administered by one of the department's Environmental Planners and the Manager of Technical Services from Engineering Services. In addition, from time to time, advice is sought from the Supervisor of Forestry and any enforcement is carried out by By-law Enforcement from the Operations and Transit Department.

The fundamental difference between the current by-law and what is being proposed is the application of the by-law to small lots (i.e., private lots less than 0.2ha in size with a regulated tree of 30cm DBH). The challenge with this modification has been to ascertain how much additional staff resources will be involved in the administration of the new Tree By-law while recognizing the City's financial constraints when requesting additional Operating Budget funds for administration of the By-law.

To assist in the assessment of the financial and staff resource impacts of the proposed Tree By-law, Appendix K provides the following information:

- estimated Building Permits which potentially could be issued;
- forecasted Cost-Recovery Assessment per permit application; and
- tree By-law exemption inquiries.

Building Permits in the amount of 800-1000 are issued each year for ancillary uses such as decks and pools. It is difficult to estimate how many of these permits will result in the injury or destruction of trees.

In addition to the information mentioned above, staff also conducted an informal poll of several tree service/arborist companies to ascertain the approximate number of healthy mature trees being removed within the City per year. It is estimated that between 200 and 400 healthy live trees are removed each year from the City's urban forest. This very rough estimate can be used as another piece of information to determine the extent of the administration of this by-law.

Recognizing that there are resources required to implement the by-law, staff have identified two implementation options for consideration, including:

Option 1: Partial Implementation - Implement the large lot provisions of the recommended updated Tree By-law immediately and defer consideration of the small lot provisions subject to approval of the 2011 budget.

Under this option the City would continue to regulate trees on larger lots, which is in keeping with the existing by-law. An extensive education campaign would not be required because generally properties impacted by the changes made to the updated by-law are currently regulated by the existing by-law (1986). Implementation of the updated by-law would be carried out with existing staffing resources. The proposed by-law provides a more comprehensive set of definitions, exemptions and fines which would allow for improved enforcement immediately.

Staff estimate that approximately \$1,500 will be required for advertisements and communication purposes.

Options for full implementation of the smaller lots provisions will be presented to Council as part of the 2011 budget process.

Pros:

- The updated By-law is similar in scope to the current Tree By-law and will have a comparable effect on the community.
- The provisions of the by-law that pertain to larger lots would be implemented immediately.
- The potential loss of trees would be reduced.
- Existing staff resources can be used for partial implementation.

Cons:

- Full implementation of the small lots provisions would not take place until approval of the 2011 budget.
- Full implementation will not take place if budget constraints continue.
- Existing staff resources may still become over-extended with increased awareness of the by-law.
- Protection of trees on smaller lots within the City will not be achieved.

Option 2 -Defer By-law Approval and Implementation to 2011, following Council approval of the 2011 budget.

Option 2 defers enactment and implementation of the updated Private Tree By-law until resource requirements are considered by Council during the 2011 budget approval process. The existing Tree By-law (1986) would continue to be implemented with existing resources.

Pros:

- No additional staff or budget resources are required.
- The workload of existing staff will not be impacted.

Cons:

- No additional protection will be provided to the Urban Forest.
- Trees may be removed, in the interim, on smaller lots due to the lack of by-law implementation and enforcement.

After considering both options and the limited financial and staff resources Option 1 is recommended for the following reasons:

- The large lots will continue to be regulated with a greater level of protection.
- Full implementation of the small lot provisions can be considered by Council through the 2011 budget process.
- Existing staffing resources can be utilized with virtually no budget implications.

Communication

Both options require a communications plan. Communications and Planning staff need to develop a scoped Communication Plan that will target landowners, stakeholders and various organizations across the City to ensure compliance and the long term success of the by-law.

FINANCIAL IMPLICATIONS

To ensure the success of partial implementation, as recommended in Option 1, approximately \$1,500 will be required for communication related expenses. The costs associated with full implementation will be reviewed through the 2011 budget process.

CORPORATE STRATEGIC PLAN

Natural Environment - A leader in conservation and resource protection/enhancement

6.6 A biodiverse City with the highest tree canopy percentage among comparable municipalities.

Urban Design and Sustainable Growth – An attractive, well-functioning and sustainable City.

Personal Community Well-Being – A healthy and safe community where live can be lived to the fullest

DEPARTMENTAL CONSULTATION

Legal Services, Operations, Planning and Building Services, Engineering Services, Technical Services, Communications

COMMUNICATIONS

Notices were posted in the Tribune the week of May 24 and 30, 2010. (Appendix L). Direct notice was provided to approximately 300 individuals.

ATTACHMENTS

Appendix A - Private Tree By-law (2010)
Appendix B - Current Tree By-law (1986)
Appendix C - Properties Currently Impacted by the Tree By-law (1986)
Appendix D - Best Practices Review - Comparison of Private Tree By-laws
Appendix E - Section 135 (12) - Exemptions under the Municipal Act

Appendix F - Draft Private Tree By-law (May 27, 2010)

Appendix G - Properties Potentially Impacted

Appendix H- Additional Large Lots Impacted by the Updated By-law

Appendix I- Subdivisions Registered within the last 15 Years Appendix J- Comparison chart – Current and Updated By-law

Appendix K- Financial Implications Summary

Appendix L- Tribune Notice

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THE CORPORATION OF THE CITY OF GUELPH

By-law Number

A by-law to regulate the destruction or injuring of trees.

WHEREAS sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time, provide that a municipality has broad authority, including the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS section 135 of the *Municipal Act* provides that a local municipality may regulate the destruction or injuring of trees;

AND WHEREAS Part XIV (Enforcement) of the *Municipal Act* provides methods for a municipality to enforce its by-laws;

AND WHEREAS trees within the City are valued for the economic, social and environmental benefits they provide such as increased aesthetic and property values, shade, contributions to physical and psychological well-being, maintenance and enhancement of water quality, prevention of soil erosion and water run-off, wildlife habitat, local climate moderation and improved air quality.

AND WHEREAS the Council of the City wishes to protect and enhance the tree canopy cover in the City.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

Part I - Definitions

- 1. As used in this by-law, the following terms shall have the meanings indicated:
- "**Applicant**" means an Owner of a tree or an Owner's authorized representative who, pursuant to this by-law, applies for a Permit;
- "Application" means an application pursuant to this By-law for a Permit;
- "**Application Fee**" means the fee, in effect from time to time, required in connection with the submission of an Application;

"Arborist" means an expert in the care and maintenance of trees and includes an arborist qualified by the Ontario Ministry of Training, Colleges and Universities, a Forest Technician, a Forestry Technologist with an applicable college diploma and a minimum of two years of urban forestry experience, a certified arborist qualified by the International Society of Arboriculture, a consulting arborist registered with the American Society of Consulting Arborists or a registered professional forester as defined in the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended or replaced from time to time;

"City" means The Corporation of the City of Guelph;

"**Committee**" means the City's Community Development and Environmental Services Committee, or such successor committee as Council may from time to time designate;

"Council" means the council of the City;

"DBH" means diameter of a tree, outside the bark, at breast height, where breast height is measured from the existing grade of the ground adjoining the base of the trunk:

- (i) for a trunk rising straight and vertically from ground with a horizontal grade, 1.4 metres above that grade;
- (ii) for a trunk rising straight and non-vertically from ground with a horizontal grade, 1.4 metres along the centre axis of the trunk from that grade;
- (iii) for a trunk rising straight and vertically from ground with a nonhorizontal grade, 1.4 metres along the centre axis of the trunk from that grade; and
- (iv) for a trunk rising unstraight, 1.4 metres along the centre axis of the trunk from that grade;

and where diameter is:

- (i) for a tree with a single trunk, the diameter of that single trunk;
- (ii) for a tree with two or three trunks, the total diameter of those two or tree trunks; and
- (iii) for a tree with more than three trunks, the total diameter of the three trunks with the greatest diameters;

"**Destroy**" means directly or indirectly, including through construction activities, remove, ruin, uproot or kill a tree, whether by accident or by design, and whether by cutting, burning, girdling, interfering with its water supply, applying chemicals, puncturing, or compacting, regrading or resurfacing within its drip line, but does not include Maintenance Pruning, and "Destruction" has the corresponding meaning;

"Emergency Work" means any work required to be carried out immediately in order to prevent imminent danger to life, health or property, and includes

the Destruction or Injuring of trees required because of the state of the trees resulting from natural events (including lightning, wind, hail or extreme snow event) or unforeseen causes (including automobile accident), or to permit repairs to building structures or drains;

- "**Entry By-law**" means the City's Power of Entry By-law, being By-law Number (2009)-18776, as amended or replaced from time to time;
- "Good Arboricultural Practice" means the proper implementation of maintenance, renewal and removal activities known to be appropriate for individual trees in and around urban areas to minimize detrimental impacts on urban forest values, and includes Maintenance Pruning;
- "Hazardous" means destabilized or structurally compromised to an extent that an imminent danger of death, injury or structural damage exists;
- "Heritage Tree" means a tree designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended or replaced from time to time, or included in the City's Municipal Register of Cultural Heritage Properties;
- "**Hoarding**" means a fence or similar structure used to enclose land, trees and other vegetation in order to protect trees or other vegetation;
- "Injure" means cause, directly or indirectly, whether by accident or by design, including through construction activities, lasting damage or harm to a tree, which has or is likely to have the effect of inhibiting or terminating its growth, whether by cutting, burning, girdling, interfering with its water supply, applying chemicals, puncturing, or compacting, regrading or resurfacing within its drip line, but does not include Maintenance Pruning, and "Injuring" has the corresponding meaning;
- "**Inspector**" means the City's Executive Director, Planning, Engineering and Environmental Services, the City's Executive Director, Operations and Transit or any person designated by either of them or by the City to enforce this bylaw;
- "**Institution**" means an Owner of land used for educational, medical, religious, retirement or similar purposes;
- **"Landscaping, Replanting and Replacement Plan"** means a plan which identifies the location, species and size of existing trees, trees to be planted or replaced and other landscaping elements on land and provides details regarding planting methodology and timing;

"Lot" means a parcel of land which:

- (i) is the whole of a lot or block on a registered plan of subdivision so long as such registered plan of subdivision is not deemed, pursuant to section 50 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended or replaced from time to time, not to be a registered plan of subdivision for subdivision control purposes;
- (ii) is all land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land;
- (iii) has the same description as in a deed which has been given consent pursuant to section 53 of the said *Planning Act*; or
- (iv) is the whole remnant remaining to an owner or owners after conveyance made with consent pursuant to section 53 of the said *Planning Act*;

"Maintenance Pruning" means the pruning or removal of tree branches in accordance with Good Arboricultural Practice, as specified by the International Society of Arboriculture, including for purposes of removing dead limbs, maintaining structural stability and balance and encouraging natural form, but limited to the appropriate removal of no more than one-third of the live branches that make up the leaf-bearing crown of the tree within a three-year pruning cycle, or as appropriate for the specific tree species, in order to maintain the health of the tree;

"Owner" means the person having any right, title, interest or equity in the land where a tree is located; a boundary tree may have multiple Owners;

"**Permit**" means a permit to Destroy or Injure a tree, issued pursuant to this by-law;

"Regulated Tree" means a specimen of any species of deciduous or coniferous growing woody perennial plant, supported by a single root system, which has reached, could reach or could have reached a height of at least 4.5 metres from the ground at physiological maturity, and:

- (i) if located on a Lot less than or equal to 0.2 hectares (0.5 acres) in size, has a DBH of at least 30 cm.; and
- (ii) if located on a Lot larger than 0.2 hectares (0.5 acres) in size, has a DBH of at least 10 cm.; and

"Tree Management Plan" means a plan prepared by an Arborist in accordance with Good Arboricultural Practice, which, at a minimum, itemizes the existing number, species, location and condition of all trees on the Lot and which includes a management schedule related to Destruction or Injuring intentions for a period of not less than two years.

Part II - Protection of Regulated Trees

- 2. (1) Except as provided in this by-law, no person shall, within the geographic limits of the City, Destroy or Injure, or cause or permit the Destruction or Injuring of any Regulated Tree.
 - (2) Notwithstanding subsection (1) of this section 2, a person may Destroy or Injure, or cause or permit the Destruction or Injuring of a Regulated Tree in compliance with a Permit.
 - (3) If there is doubt as to whether a specific tree is a Regulated Tree or not, the Owner of the tree may request a determination from an Inspector. The Inspector may provide a written determination as to whether, on the date of the determination, the tree is a Regulated Tree or not.
 - (4) In a case where a tree has been Destroyed or Injured and part or all of the remaining stump or stumps is or are too short for the DBH to be measured, the relevant DBH shall be extrapolated from the remaining trunk or trunks.

Part III – Statutory Non-application of the By-law

- 3. This by-law does not apply where there is a conflict with Provincial or Federal legislation. Therefore this by-law does not apply:
 - (a) to the activities or matters or the Destruction or Injuring of trees described in subsection 135(12) of the *Municipal Act*;
 - (b) to restrict the Destruction and Injuring of trees which constitute a normal farm practice carried on as part of an agricultural operation, as so determined by the Normal Farm Practices Protection Board, pursuant to the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended or replaced from time to time; or
 - (c) to the Destruction or Injuring of trees pursuant to a forestry development agreement pursuant to, or deemed to be pursuant to, the *Forestry Act*, R.S.O. 1990, c. F.26, as amended or replaced from time to time, or measures to prevent, retard, suppress, eradicate or destroy an infestation by a forest tree pest, taken by an officer pursuant to the said *Forestry Act*.

Part IV - Permit Exemptions

4. (1) The Destruction or Injury of a Regulated Tree is exempt from the requirement for a Permit if the Regulated Tree is:

- (a) A tree having no living tissue, having 70% or more of its crown dead, or being infected by a lethal pathogen, fungus or insect (including the Emerald Ash Borer or the Asian Longhorned Beetle), and where required, a certificate issued by an Arborist, confirming this justification for Destruction or Injuring, has been submitted to an Inspector;
- (b) A tree which is Hazardous, and where required, a certificate issued by an Arborist, confirming this justification for Destruction or Injuring, has been submitted to an Inspector;
- (c) A tree that is Destroyed or Injured a part of Emergency Work;
- (d) A tree certified by a building inspector or engineer as causing structural damage to a drain, load-bearing structure or roof structure;
- (e) A tree located on a rooftop or elevated podium, or in an interior courtyard or solarium, and likely to cause damage;
- (f) A tree growing in contaminated soil and, by its presence, preventing remediation of the contaminated soil, provided that proof of remediation efforts, in the form of an approved application for funding under the City's Brownfield Community Improvement Plan or an approved Ontario Ministry of the Environment remediation plan, is provided to an Inspector;
- (g) A specimen of Rhamnus cathartica (Common buckthorn), Rhamnus frangula (European or Glossy buckthorn), Alnus glutinosa (Black alder), Elaeagnus umbellate (Autumn olive) or Morus alba (White mulberry);
- (h) A fruit tree that is capable of producing fruit for human consumption;
- (i) A tree which is part of:
 - (i) a tree nursery business where trees are planted, cultivated and harvested for the purpose of live tree sales;
 - (ii) a Christmas tree plantation business where coniferous trees are planted, cultivated, maintained and harvested for Christmas celebration purposes; or
 - (iii) a cultivated orchard business where fruit or nut trees are grown and maintained specifically for the harvesting of their fruit or nuts;
- (j) A tree on lands owned by the University of Guelph, provided that the Destruction or Injuring is for scientific and educational purposes, in compliance with the University's Campus Master Plan, as amended from time to time, or the Arboretum Master Plan, as approved by the University's Board of Governors, and administered by the Campus Landscape Advisory Committee or the Arboretum Management Committee, and provided that such plan has been submitted to an Inspector;
- (k) A tree on lands used for Institution, golf course, commercial or industrial purposes, provided that a Tree Management Plan has been submitted to, and approved by, an Inspector, subject to such conditions as the Inspector may have considered necessary;

- (I) A tree on lands used for cemetery purposes, owned by the Guelph Cemetery Commission or the Roman Catholic Episcopal Corporation, Diocese of Hamilton;
- (m) A tree on lands operated for a railway; or
- (n) A tree on lands owned by the Grand River Conservation Authority.

Part V - Application for Permit

- 5. (1) If an Owner wishes to Destroy or Injure one or more of the Owner's Regulated Trees or wishes to undertake an activity which might Destroy or Injure one or more of the Owner's Regulated Trees, and if none of the exemptions set out in this by-law are applicable, then the Owner shall submit to an Inspector the Application Fee and an Application containing the following information in respect of each such Regulated Tree:
 - (a) the address of the land where the Regulated Tree to be Destroyed or Injured is located;
 - (b) the name and contact information of the Applicant;
 - (c) the names and contact information, and written permission, of all Owners;
 - (d) a plan (or plan of survey) and photograph, showing the location, species, size and condition of each Regulated Tree to be Destroyed or Injured;
 - (e) the purpose for which the Permit is sought and the nature of the proposed or possible Destruction or Injuring;
 - (f) where there is a discrepancy in the health assessment of the Regulated Tree to be Destroyed or Injured, and where the Inspector so requires, a written evaluation by an Arborist of the condition of the Regulated Tree;
 - (g) where trees are proposed to be retained, and where the Inspector so requires, a tree protection plan identifying the location, species and size of trees on the land and tree protection measures, including barriers and Hoarding, to be implemented to avoid Destruction or Injuring of, and protect, the trees that are to be retained; and
 - (h) where three or more trees are proposed for Destruction or Injuring, and where the Inspector so requires, a Landscaping, Replanting and Replacement Plan.
 - (2) No person shall provide false or misleading information on or in support of an Application.
 - (3) Submission of an Application shall constitute the granting of permission for the City to enter on the Applicant's land for purposes of this by-law.

Part VI - Issuance of Permits

- 6. In deciding whether or not to issue a Permit in respect of a Regulated Tree, an Inspector shall consider the following criteria:
 - (a) the species of each Regulated Tree, and particularly whether it is native to the area, is considered regionally or locally significant or is an endangered species or threatened species as defined in the Endangered Species Act, 2007, S.O. 2007, c. 6, as amended or replaced from time to time, or in the Species at Risk Act, S.C. 2002, c. 29, as amended or replaced from time to time;
 - (b) the condition of the Regulated Tree;
 - (c) the location of the Regulated Tree;
 - (d) whether the Regulated Tree is a Heritage Tree;
 - (e) the reason or reasons for the proposed Destruction or Injuring of the Regulated Tree;
 - (f) the presence, within the Regulated Tree, of breeding birds as contemplated in the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended or replaced from time to time;
 - (g) any other legislation that may apply or approvals that may be required;
 - (h) the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;
 - (i) erosion, flood control and sedimentation of watercourses; and
 - (j) the submissions of such persons or agencies as the Inspector may consider necessary to confer with for the proper review of the Application.
- 7. In issuing a Permit, the Inspector may make the Permit subject to such conditions as the Inspector may consider necessary, including (but not restricted to) any one or more of the following requirements:
 - (a) that the Destruction or Injuring occurs in a specified manner;
 - (b) that each tree Destroyed or Injured be replaced with one or more replacement trees to be planted and maintained to the satisfaction of the Inspector in accordance with Landscaping, Replanting and Replacement Plans approved by the Inspector;
 - (c) that if replacement planting is not achievable on the subject land, it be substituted by a payment of cash in lieu in the amount of \$500.00 per tree Destroyed or Injured;
 - (d) that if the land is not subject to an application filed under the *Planning Act*, the Applicant provides a written undertaking, release and security to ensure that replacement planting is carried out and maintained in accordance with Landscaping, Replanting and Replacement Plans approved by the Inspector;
 - (e) that the Destruction or Injuring only be carried out by or under the supervision of an Arborist;

- (f) that the tree or trees to be retained be protected in accordance with Good Arboricultural Practice during the Destruction or Injuring or other related activities; and
- (g) that specified measures be implemented to mitigate the direct and indirect effects of the Destruction or Injuring on other nearby trees, land, water bodies or natural areas.
- 8. (1) In issuing a Permit, the Inspector shall issue the Permit to the Applicant and provide copies of the Permit to any other Owners.
 - (2) The Permit shall identify the tree or trees to be Destroyed or Injured and the reason or reasons for the Destruction or Injuring.
 - (3) Following issuance of a Permit, the Applicant shall immediately post a copy of it in a conspicuous place on the land where the Regulated Tree is located so that it is visible and legible to passers-by, at least five (5) days prior to the Destruction or Injuring, and shall ensure that it remains so posted until the Destruction, Injuring or other related activities are complete.
 - (4) A Permit is and remains the property of the City and may not be transferred except with the approval of an Inspector.
 - (5) An Inspector shall revoke a Permit if it was issued based on false or misleading information or if the Applicant fails to comply with any condition attached to the Permit or any provision of this by-law.
 - (6) A Permit shall expire ninety (90) days after its issuance, unless, at least thirty (30) days before that expiry, the Applicant applies to the Inspector and before that expiry the Inspector grants a onetime extension of ninety (90) days.
- 9. (1) If an Inspector refuses to issue a Permit, or if an Applicant objects to a condition attached to a Permit by an Inspector, the Applicant may appeal to the Committee. Such appeal shall be made by written notice received by the Inspector within seven (7) days after the date of the refusal or the issuance of the conditional Permit, as the case may be.
 - (2) Upon considering the appeal, the Committee may recommend that the Inspector refuse the Permit, issue the Permit or issue the Permit upon such conditions as the Committee considers appropriate.

Part VII – Entry and Inspection

10. (1) The Entry By-law shall apply to activities under this by-law and for purposes of the Entry By-law, each Inspector shall be interpreted as an "Officer" and a Permit shall be interpreted as a "licence".

(2) For the purposes of this by-law, the City may enter upon land at any reasonable time.

Part VIII - Orders and Remedial Actions

- 11. If an Inspector confirms, after making an inspection, that there has been a contravention of this by-law (including of an order or a condition of a Permit made pursuant to this by-law) then he or she may make an order requiring the person who contravened it (including the Owner, an Applicant or, if applicable, a contractor of the Owner or Applicant) to discontinue the activity and/or to do work to correct the contravention at the Owner's expense.
- 12. (1) If a person is required, under an order pursuant to this by-law, to do a matter or thing, then in default of it being done by the person so required to do it, the matter or thing may be done at the person's expense under the direction of an Inspector.
 - (2) The City may recover the costs of doing a matter or thing under subsection (1) of this section 12, from the person required to do it, by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.
 - (3) The amount of the costs mentioned in subsection (2) of this section 12, including interest, shall constitute a lien on the subject land upon the registration, in the proper land registry office, of a notice of lien.
 - (4) The lien mentioned in subsection (3) of this section 12 shall be in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date payment is made.
- 13. (1) An order under this by-law may be served:
 - (a) personally, in which case it shall be deemed to have been served on the date of that personal service;
 - (b) by email, in which case it shall be deemed to have been served on the date of that email;
 - (c) by facsimile transmission, in which case it shall be deemed to have been served on the date of that facsimile transmission; or
 - (d) by sending it by prepaid ordinary mail to the last known address of the person being served, in which case it shall be deemed to have been served on the fifth day after the date it was mailed.
 - (2) An order shall be served upon the Owner and upon, if known, any other person or persons responsible for the Destruction or Injury of the Regulated Tree or Trees.

Part IX - Enforcement

- 14. (1) Any person who directly or indirectly contravenes or who causes or permits a contravention of any provision of this by-law, an order issued under this by-law or a condition of a Permit, is guilty of an offence.
 - (2) Any director or officer of a corporation who concurs in the contravention of this by-law by the corporation is guilty of an offence.
 - (3) If a contravention of any provision of this by-law, an order issued under this by-law or a condition of a Permit occurs, the contravention may be presumed to have been committed by the Owner of the land on which the contravention occurred.
- 15. (1) All contraventions of any provision of this by-law, any order issued under this by-law or any condition of a Permit are designated as multiple offences and continuing offences, pursuant to subsection 429(2) of the *Municipal Act*. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law and, for greater certainty, when multiple trees are destroyed or injured, the destruction or injury of each tree is a separate offence.
 - (2) If an order or Permit issued under this by-law has not been complied with, the contravention of the order or Permit shall be deemed to be a continuing offence for each day or part of a day that the order or Permit is not complied with.
- 16. (1) A person convicted of an offence under this by-law is liable to a fine of not less than \$500.
 - (2) A person convicted of an offence under this by-law is liable:
 - (a) on a first conviction, to a fine of not more than \$10,000 or \$1,000 per tree to a maximum of \$100,000, whichever is greater; and
 - (b) on any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per tree to a maximum of \$100,000, whichever is greater.
 - (3) Where the person convicted of an offence under this by-law is a corporation:
 - (a) the maximum fine in clause (2)(a) of this section 16 is \$50,000 or \$5,000 per tree to a maximum of \$100,000, whichever is greater; and
 - (b) the maximum fine in clause (2)(b) of this section 16 is \$100,000 or \$10,000 per tree to a maximum of \$100,000, whichever is greater.

- (4) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000.
- (5) In the case of a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
- (6) On conviction of an offence under this by-law, a person is liable to a special fine in accordance with paragraph 429(2)(d) of the *Municipal Act*. The amount of the special fine shall be the minimum fine as provided for in subsection (1) of this section 16, to which may be added the amount of economic advantage or gain that the person has obtained or can obtain from the contravention of any provision of this by-law, any order issued under this by-law or any condition of a Permit. Pursuant to paragraph 429(3)1 of the *Municipal Act* a special fine may exceed \$100,000.
- 17. Upon conviction for an offence under this by-law, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
 - (a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate, which correction may include:
 - (i) the planting or replanting of any tree or trees Destroyed or Injured or the planting of any replacement tree or trees in a specified location and within a specified period of time;
 - (ii) the application of any silvicultural treatment that may be necessary to establish or re-establish the tree or trees or replacement tree or trees; and
 - (iii) in lieu of planting or replanting, payment to the City in accordance with this by-law.

Part X – General

- 18. (1) Council delegates to the Inspectors the authority to carry out their activities as set out in this by-law.
 - (2) Council delegates to the Committee the authority to carry out its activities as set out in this by-law.

- 19. This by-law shall not be interpreted as exempting any person from the requirement to comply with any other City by-law. In the event of conflict between the provisions of this by-law and any other City by-law, the provisions which are more protective of trees shall apply.
- 20. In this by-law, words importing the singular number shall include the plural, words importing the plural shall include the singular number, words importing the masculine gender shall include the feminine, and words importing the feminine gender shall include the masculine, unless the context requires otherwise.
- 21. If a court of competent jurisdiction declares any provision or provisions or part or parts of any provision or provisions of this by-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this by-law that the remainder of the by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.
- 22. The short title of this by-law is the "Private Tree Protection By-law".
- 23. By-law Number (1986) 12229 is hereby repealed.
- 24. (1) This by-law, except sub-paragraph (i) of the definition of "Regulated Tree" in section 1 of this by-law, shall come into force and take effect on the date this by-law is passed.
 - (2) Subparagraph (i) of the definition of "Regulated Tree" in section 1 of this by-law shall come into force and take effect on a date specified by by-law.

PASSED THIS	DAY OF	, 2010.
		KAREN FARBRIDGE – MAYOR
		LOIS A. GILES - CITY CLERK

Appendix B- Current Tree By-Law (1986)

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1986)-12229 A by-law to prohibit the injury or destruction of any live tree in the City of Guelph and to repeal By-law Number (1986)-12098.

WHEREAS the City of Guelph desires to prohibit the injury or destruction of trees in the City of Guelph pursuant to Section 313 of the Municipal Act, R.S.O. 1980.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH enacts as follows:

1. THAT it shall be an offence to injure or destroy any live tree in the City of Guelph without the written approval of the City Engineer. Each live, injured or destroyed tree shall be considered a separate offence.

2. Definitions

- i) Tree, means and includes any Deciduous or Coniferous growing tree that has a minimum height of 4.5 metres (15 feet) and a minimum diameter of 75 millimetres (3 inches) at a point one metre above ground level.
- ii) Christmas Tree (s), means and includes any Coniferous tree that has been planted, cultivated and harvested for commercial purposes.

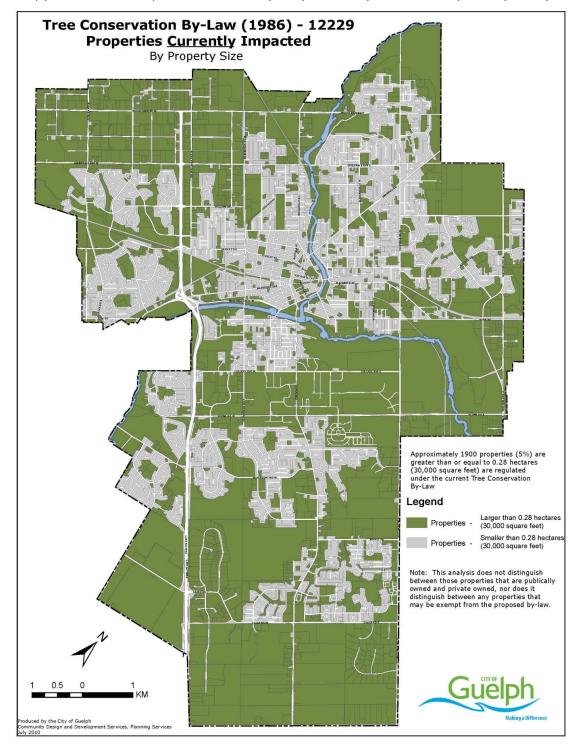
3. THIS by-law shall not

- a) interfere with any right or power conferred upon The Corporation of the City of Guelph by the Municipal Act or any other Act.
- b) interfere with any right or power of Ontario Hydro that is performing its functions for or on behalf of the Crown.
- apply to trees growing on any highway or upon any open road allowance.
- d) apply to trees growing on any separately assessed parcel of land with an area of less than 30,000 square feet.

- e) apply to specific trees where of necessity must be removed, destroyed in order to erect or demolish any building, structure or thing in respect of which a permit has been issued under the Building Code Act.
- f) apply to trees planted for production of Christmas trees.
- g) apply to trees cut by an Ontario Land Surveyor, registered under the Surveyors Act or any person in his employ while making a survey.
- h) apply to any trees growing on land owned by Her Majesty the Queen in Right of the Province of Ontario or in the Right of the Dominion of Canada.
- i) apply to any trees growing on any land of the University of Guelph occupied and used by the University for its own purposes; land owned by the Guelph Cemetery Commission or lands owned by the Roman Catholic Episcopal Corporation, Diocese of Hamilton, used for cemetery purposes.
- j) apply to the cutting or removal of diseased or insect-infested trees which must be cut or removed in order to prevent contamination or infestation of other trees.
- k) apply to the cutting or removal of substantially damaged trees which no longer contribute to tree conservation.
- apply to the cutting or removal of trees growing on necessary access trails and walkways.
- m) apply to the clearing and thinning of trees for the purposes of stimulating tree growth and improving the quality of woodlots without permanently breaking the canopy.
- 4. ANY person convicted of an offence under this by-law shall be liable to a fine of not less than \$500.00 and not more than \$2,000.00.
- 5. By-law Number (1986)-12098 is hereby repealed.

PASSED this SECOND day of SEPTEMBER, 1986. Original signed by: John Counsell - Mayor Original signed by:

Appendix C - Properties Currently Impacted by the Tree By-law (1986)



Appendix D – Best Practice Review - Comparison of Private Tree By-laws

	Richmond Hill	Oakville	Markham	Kingston	Toronto	Mississauga	Kitchener	Ottawa
Size of Regulated Tree	Trees of 20 cm in diameter or greater at DBH	Maybe required for trees between 20cm and 76cm in diameter to be removed within one calendar year, but is mandatory for trees greater than 76cm in diameter	Trees larger than 20cm in diameter at 1.37metres above the ground	Permit is required to injure or destroy a tree that has reached at least 4.5 metres in height at physiological maturity, 15 cm or greater at dbh	Trees 30cm or more in diameter, 1.4 metre above the ground	The injury or destruction of 5 or more trees with a diameter greater than 15cm within one calendar year	Trees 10cm DBH or greater	All trees on a lot greater than one (1) hectare in size.
Submission Requirements	1. Permit form 2. Arborist Certificate, including: species of tree, condition of tree, location of tree, protection of ecological systems, erosion, sedimentation, and flood control, impacts on surrounding properties, cultural heritage value of the tree 3. Fee	Report prepared and signed by an arborist which includes: 1.details on the species 2.size 3. health 4.structural integrity 5.location of the tree to be destroyed, injured or removed.	Applicant is required to complete and submit the required application for along with the associated fee. Does not specify the requirements of the report.	Must include the 1. location, 2. species 3.diameter 4. condition 5.impact from proposed construction 6. suitability for preservation 7. arborist recommendations	1. Permit form, 2. Fee, 3. Purpose for tree removal stated, 4. Tree survey showing the location, 5. Arborist report, 6. Tree protection plan, 7. Landscaping and replanting plan	1. Completed application form, 2. A plan illustrating the trees to be injured or removed, trees to be retained and mitigation measures 3. Fee, 4. Arborist report if required, 5. Written consent from adjacent property owner if the base of three straddles the property line, 6. Written consent from the owner if the applicant is not the owner.	As part of the permit conditions, the undertaking of tree cutting work is to only be done under the supervision of an arborist. Also, a specific exemption includes "a dead, diseased or hazardous tree when certified as such by an individual designated or approved by the director	1. The application (includes contact information of the applicant, aroborist hired by the owner, and of the contractor hired to carry out the conservation report, address where the tree exists, zoning, OP designation of property, purpose for which the permit is required 2. A tree conservation report as per the City's guidelines 3. a schedual of proposed works 4. payment 5. anything else requested by the General manager
Exemptions	Trees in woodlots, within buildings or structures, tree on tree farm, trees cultivated in orchard, dead, diseased or hazardous trees, emergency work, pruning, work by permitted authority, license issued under the Crown Forest Sustainability Act, surveying, Planning Act, condition of development permit, transmitter o distributor of electricity, pit or quarry licenses, pit or quarry land, trees on town streets	Removal of diseased, dead or imminently hazardous trees, pruning, pruning branches that interfered with utility conductors, emergency work, trees on rooftops or in interior courtyards, injure or destruction of tress in ravine protection areas	Waste disposal sites; dead, dying, or diseased trees; hazard trees; emergency work; order under Property Standards; pruning, utility corridors, indoor trees, tree in a nursery, for construction purposes	Pruning, removal of dangerous, dead or diseased, likely to cause damage to load bearing structures, trees located within the limits of a residential lot that existed and was developed prior to the passage of the bylaw, trees located within structures such as a solarium, subject to the Planning Act, to maintain utilities or private water and sewer systems, within orchards, normal farm practice, golf course or cemetery, Aggregate Resources Act, activities undertaken following Federal Legislation, activities undertaken by a municipality, local board or C.A, under the Crown Forestry Sustainability Act, Electricity Act, Surveyors Act	Removal of diseased, dead or imminently hazardous trees, pruning, pruning branches that interfered with utility conductors, emergency work, trees on rooftops or in interior courtyards, injure or destruction of tress in ravine protection areas	A permit is not required if: 1) the number of trees being destroyed on a lot is less than 4 in one calendar year, 2) where the tree has a diameter less than 15cm or less, 3) for emergency work, 4)as a result of activities or matters undertaken by a governmental authority or a school board for the development of a school, 5) for the purposes of pruning a tree, 6) tress located on rooftop gardens, interior courtyards or solariums, 7) for trees on a nursery or golf course, 8) person under licensed under the Surveyors Act to engage in surveying, 9) for the purpose of satisfying a condition to a development permit or requirement of site plan, plan of subdivision 10) transmitter or distributor as defined by the Electricity Act	Statutory Exemptions from the Municipal Act AND Specific Exemptions: 1. a tree/trees on land less than 0.405 ha (1 acre) in size 2. a dead, diseased or hazardous tree 3. A damaged or destroyed tree that is an issue of public safety, following any man made or natural disaster, storm, high wind, floods, fire, snowfall or freeze 4.trees located within 5m of an occupied building 5. trees in a building envelope in which a building permit has been issued as per the building code 6. trees with a DBH less than 10cm	A tree permit is not required in the following circumstances: a) pruning is necessary to maintain the health and condition of the tree and is carried out in accordance with good arboricultural pratices b) the tree isn't a distinctive tree and is located on property one hectare or less in area c) the tree is located in a bilding, a solarium, a rooftop garden or interior courtyard d) located in an actively managed, cultivated orchard, tree farm or plant nursery and is harvest for the purposes for which the tree was planted e) the injury or destruction is required as part of the operation of an existing cemetery or golf course f) the tree is an immediate treat to public healthy and safety g) is norma farm practive carried out as part of an agricultural operation by a farming business
Delegated Responsibility	Delegated Authority from the Commissioner to a Tree Preservation By-law Officer	Manager of Forestry and Cemetery Services	Tree Preservation Technical Coordinator	Director of Planning and Development	General Manager Parks, Forestry and Recreation	The Commissioner	Director of Enforcement but administered by the City's Senior Environmental Planner	The General Manager is the deligated authority. This means the General Manager of Planning and Growth Management of the Infrastrucre Services and Community Sustainability Department of the City of Authorized designates acting under his or her authority.

	Richmond Hill	Oakville	Markham	Kingston	Toronto	Mississauga	Kitchener	Ottawa
Permit Conditions	May include: the submission of a landscape plan or associated maintenance plan, replacement plantings or a cash-in-lieu (at 120% of the cost of replanting and maintaining the tree for two years), submission of a written undertaking and release letter, under the supervision of an Arborist	May issue conditions: the requirement for planting of replacement tree(s) and satisfactory plans for tree preservation, if planting is not possible may take cashin-lieu as part of the Towns Replacement Tree Planting Fund.	1) manner and timing of the tree injury or destruction, 2) qualifications of the persons authorized remove the tree, 3) requirement for replacement tree (s); 4) where replacement plantings are not possible on site may require replacement plantings at another location; 5) measures to mitigate the direct and indirect effects	The Director may place a number of conditions on the permit, included the type, size and number of replacement trees, date by which the replacement trees must be planted, cash-in-lieu, letter of credit, register agreements on title, requirement for a tree protection plan, timing and destruction of trees,	Permits to destroy trees are subject to replacement of trees or cash-in-lieu (\$583 per tree)	Conditions may be issued which include: 1) erection of tree protection fencing, 2) Replacement trees may be required 3) Letters of credit may be applied 4) satisfactory plans for tree preservation and replanting	A permit may be subject to conditions imposed by the director, which may include requirements for: 1. landscape or restoration plans and associated maintenance plans 2. requiring that replacement trees be planted 3. the undertaking of tree cutting work only under the supervision of an arborist 4. the manner and timing in which injurt is to occur 5. the species, number, size and location of trees	May impose conditions, that aren't limited to: any condition recommened by an arborist, in arrodiance with good arboricultural practives, tree protection for retained trees, manner and timing of the injury or destruction, requirement for replacement planting (including the species, size location and timing of replacement trees)
Notice - Posting of Permits	Yes, required to be posted	Notification form is required when the number o trees to be removed is 4 or less between 20cm and 76cm at least 24 hours prior to removal, also require for removal of hazard trees, no fee required for the submission of notification form - Permit must be clearly visible on lot during removal	Not specified	Must be posted prior to removal work commencing.	Yes, posted for no less than 14 days	Permit must be securely posted on the lot where the tree removal is taking place - in a visible location and must be erected for the duration of the work taking place.	No posting requirements outlined in the by-law	Yes, permit requires to be posted in a prominent location clearly visible to the public for a period no less than 7 days prior to the action being undertaken and not less than 7 days following the action.
Fees	\$150 for first tree plus \$50 for each additional tree to a maximum of \$400 - fee may be waved it applicant demonstrates they are living below the lowincome cut-off.	\$100 per tree for non-construction related applications and \$300 per tree related to a construction application (includes, OPA, plans of subdivision, site plan control, minor variance, consent and building permits) no fees required if related to Toronto Community Housing Corporation, Habitat for Humanity, recognized not for profit housing organizations, owners living below the lowincome cut off as determined by Stats Canada	Currently the City is not charging any fees. When the by-law was initially adopted, there were fees associated, but the public members and councillors weren't in agreement with them so they dropped the fee. Most trees removed are hazards or part of the building permits, so thats how they are captured. He believes that they could be collecting fees for removals that aren't captured under these headings.	For a tree permit: 1-5 Trees =\$77.25, 6-15 trees \$154.50, More than 15 trees = \$309.00. Review/inspection more than 3 hours = \$51.50/hr	Permit Applications are \$100 per tree for Non-Construction related applications; \$300 per tree for Construction-related applications. We also require submission of an Arborist Report, and have a mandatory tree replacement factor as well. The 2009 fees essentially met our Revenue expectation. As identified in our Operating Budget. Approx \$600,000 recovery of staff salary; but certainly not the full budget.	Tree Removal Permit: \$305: For the removal of five (5) trees, each with a diameter greater than 15 cm (6 in) plus \$68 for each additional tree with a diameter greater than 15 cm (6 in) to a maximum of \$1,365.	Tree Conservation Permit - \$100, Tree Conservation Permit with Conditions - \$50, Tree Conservation Permit Renewal - \$50	Tree Permit - \$100
Fines	Minimum \$300.00, continuing offence \$500/day to a max of \$10,000, total fines cannot exceed \$100,000	Minimum is \$500 to a maximum of \$100,000, in case of continuing or multiple offences to a maximum of \$10,000 per offence to a total maximum of 100,000	A minimum fine for an offence is \$500 and the maximum fine is \$100,000. In the case of a continuing offence	First conviction \$10,000 or \$1,000 per tree, subsequent convictions \$25,000 or \$2,500 per tree, if a corporation contravenes the by-law the cost is \$50,000 or \$5,000 per tree and subsequent convictions are \$100,000 or \$10,000 per tree, whichever is greater	Minimum \$500 per tree to a maximum of \$100,000 or a special fine of \$100,000	First conviction not more than \$10,000 or \$1,000 per tree on any subsequent convictions the fine cannot be more than \$25,000 or \$2,500 per tree- however where the convicted person is a corporation first conviction to a max of \$50,000 or \$5,000 per tree and subsequent convictions to a max of \$100,000 or \$10,000per tree	On first conviction, to a fine not exceeding \$50,000 and on any subsequent conviction, to a fine not exceeding \$100,000	Minimum of \$500 and a maximum of \$100 000. Continuing offences min. \$500, max. \$10 000 with a total of daily fines not limited to \$100 000

Appendix E- Statutory Exemptions- Section 135(12) of the Municipal Act

135 (12) Municipal Act Exemption from by-law

- (12) A by-law passed under this section does not apply to,
 - (a) activities or matters undertaken by a municipality or a local board of a municipality;
 - (b) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*;
 - (c) the injuring or destruction of trees by a person licensed under the Surveyors Act to engage in the practice of cadastral surveying or his or her agent, while making a survey;
 - (d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - (e) the injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
 - (f) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
 - (g) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; or
 - (h) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*. 2001, c. 25, s. 135 (12); 2002, c. 17, Sched. A, s. 27 (3, 4).

136.-138. Repealed: 2006, c. 32, Sched. A, s. 72.

Appendix F- Draft Private Tree By-law- Posted May 27, 2010 for Public Comment

THE CORPORATION OF THE CITY OF GUELPH

By-law Number

A by-law to regulate the destruction or injuring of trees.

WHEREAS sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time, provide that a municipality has broad authority, including the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS section 135 of the *Municipal Act* provides that a local municipality may regulate the destruction or injuring of trees;

AND WHEREAS Part XIV (Enforcement) of the *Municipal Act* provides methods for a municipality to enforce its by-laws;

AND WHEREAS trees within the City are recognized for the economic, social and environmental benefits they provide such as increased aesthetic and property values, shade, contributions to physical and psychological well-being, maintenance and enhancement of water quality, prevention of soil erosion and water run-off, wildlife habitat, local climate moderation and improved air quality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

Part I – Definitions

- 1. As used in this by-law, the following terms shall have the meanings indicated:
- "**Applicant**" means an Owner of a tree who, pursuant to this by-law, applies for a Permit;
- "Application" means an application pursuant to this by-law for a Permit;
- "**Application Fee**" means the fee, in effect from time to time, required in connection with the submission of an Application;
- "**Arborist**" means an expert in the care and maintenance of trees and includes a certified arborist qualified by the International Society of Arboriculture, a consulting arborist registered with the American Society of Consulting Arborists, a registered professional forester as defined in the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended or replaced from time to time, or a person with other similar qualifications as approved by an Inspector;

"Certificate of Exemption" means a certificate by an Owner, pursuant to this bylaw, that one or more exemptions from the requirement for a Permit apply;

"City" means The Corporation of the City of Guelph;

"Council" means the council of the City;

"DBH" means diameter of a tree, outside the bark, at breast height, where breast height is measured from the existing grade of the ground adjoining the base of the trunk:

- (v) for a trunk rising straight and vertically from ground with a horizontal grade, 1.4 metres above that grade;
- (vi) for a trunk rising straight and non-vertically from ground with a horizontal grade, 1.4 metres along the centre axis of the trunk from that grade;
- (vii) for a trunk rising straight and vertically from ground with a nonhorizontal grade, 1.4 metres along the centre axis of the trunk from that grade; and
- (viii) for a trunk rising unstraight, 1.4 metres along the centre axis of the trunk from that grade;

and where diameter is:

- (iv) for a tree with a single trunk, the diameter of that single trunk;
- (v) for a tree with two or three trunks, the total diameter of those two or tree trunks; and
- (vi) for a tree with more than three trunks, the total diameter of the three trunks with the greatest diameters;

"**Destroy**" means remove, ruin, uproot or kill a tree, whether by accident or by design, and whether by cutting, burning, girdling, interfering with its water supply, applying chemicals, puncturing, or compacting, regrading or resurfacing within its drip line, but does not include Maintenance Pruning, and "Destruction" has the corresponding meaning;

"**Entry By-law**" means the City's Power of Entry By-law, being By-law Number (2009)-18776, as amended or replaced from time to time;

"**Hoarding**" means a fence or similar structure used to enclose land in order to protect trees or other vegetation;

"**Injure**" means cause, whether by accident or by design, lasting damage or harm to a tree, which has or is likely to have the effect of inhibiting or terminating its growth, whether by cutting, burning, girdling, interfering with its water supply, applying chemicals, puncturing, or compacting, regrading or resurfacing within its drip line, but does not include Maintenance Pruning, and "Injury" has the corresponding meaning;

"**Inspector**" means the City's Director of Community Design and Development Services, the City's Director of Operations or any person designated by either of them or by the City to enforce this by-law;

"**Institution**" means an Owner of a large parcel of land used for cemetery, university, golf course or similar institutional or commercial uses;

"Landscaping, Replanting and Replacement Plan" means a plan which identifies the location, species and size of existing trees, trees to be planted or replaced and other landscaping elements on land and provides details regarding planting methodology and timing;

"**Lot**" means a parcel of land comprising all contiguous land owned by the same registered Owner;

"Maintenance Pruning" means the pruning or removal of tree branches in accordance with good arboricultural practice, limited to the appropriate removal of no more than one-third of the live branches of the tree, in order to maintain the health of the tree;

"Owner" means the person having any right, title, interest or equity in the land where a tree is located, or any such person's authorized representative; a boundary tree may have multiple Owners; and

"**Permit**" means a permit to Destroy or Injure a tree, issued pursuant to this bylaw.

<u>Part II – Protection of Regulated Trees</u>

- 2. (1) For the purposes of this by-law, a "**Regulated Tree**" means a specimen of any species of deciduous or coniferous growing woody perennial plant, supported by a single root system, which has reached, could reach or could have reached a height of at least 4.5 metres from the ground at physiological maturity, and:
 - (iii) if located on a Lot less than or equal to 0.2 hectares (0.5 acres) in size, has a DBH of at least 20 cm.; and
 - (iv) if located on a Lot larger than 0.2 hectares (0.5 acres) in size, has a DBH of at least 10 cm.;

provided that, in a case where a tree has been Destroyed or Injured and part or all of the remaining stump or stumps is or are too short for the DBH to be measured, the relevant DBH shall be extrapolated from the remaining trunk or trunks.

- (2) Except as provided in this by-law, no person shall, within the geographic limits of the City, Destroy or Injure, or cause or permit the Destruction of or Injury to, any Regulated Tree.
- (3) Notwithstanding subsection (2) of this section 2, a person may Destroy or Injure, or cause or permit the Destruction of or Injury to, a Regulated Tree in compliance with a Permit.

(4) If there is doubt as to whether a specific tree is a Regulated Tree or not, the Owner of the tree may request a determination and an Inspector may provide a written determination as to whether, on the date of the determination, the tree is a Regulated Tree or not.

Part III - Statutory non-application of the by-law

- 3. This by-law does not apply where there is a conflict with Provincial legislation. Therefore this by-law does not apply:
 - (d) to the activities or matters or the Destruction or Injuring of trees described in subsection 135(12) of the *Municipal Act*;
 - (e) to restrict the Destruction and Injuring of trees which constitute a normal farm practice carried on as part of an agricultural operation, as so determined by the Normal Farm Practices Protection Board, pursuant to the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended or replaced from time to time; or
 - (f) to the Destruction or Injuring of trees pursuant to a forestry development agreement pursuant to, or deemed to be pursuant to, the *Forestry Act*, R.S.O. 1990, c. F.26, as amended or replaced from time to time, or measures to prevent, retard, suppress, eradicate or destroy an infestation by a forest tree pest, taken by an officer pursuant to the said Act.

<u>Part IV – Permit exemptions</u>

- 4. (1) Subject to subsections (2) and (3) of this section 4, the Destruction or Injury of a Regulated Tree is exempt from the requirement for a Permit if the Regulated Tree is:
 - (o) A tree having no living tissue, having 70% or more of its crown dead, or being infected by a lethal pathogen;
 - (p) A tree which is imminently hazardous to people or property;
 - (q) A tree certified by a building inspector or engineer as causing structural damage to a drain, load-bearing structure or roof structure;
 - (r) A specimen of Rhamnus cathartica (Common buckthorn), Rhamnus frangula (European or Glossy buckthorn), Alnus glutinosa (Black alder), Elaeagnus umbellate (Autumn olive) or Morus alba (White mulberry);
 - (s) A tree located on a rooftop or elevated podium, or in an interior courtyard or solarium, and likely to cause damage;
 - (t) A tree growing in contaminated soil and, by its presence, preventing remediation of the contaminated soil, where proof of remediation efforts is provided to the City;
 - (u) A tree intended to be managed or clipped on an annual or biannual basis, including, but not limited to, foundation shrubbery, clipped hedges and fruit trees that produce fruit for human consumption;
 - (v) A tree which is part of:

- (iv) a tree nursery business where trees are planted, cultivated and harvested for the purpose of live tree sales;
- a Christmas tree plantation business where coniferous trees are planted, cultivated, maintained and harvested for Christmas celebration purposes; or
- (vi) a cultivated orchard business where fruit or nut trees are grown and maintained specifically for the harvesting of their fruit or nuts; or
- (w) A tree at an Institution.
- (2) An Owner may claim one or more exemptions set out in subsection 1 of this section 4 and may, without a Permit, Destroy or Injure, or cause or permit the Destruction or Injury of, the Owner's exempted Regulated Tree or Trees, provided that:
 - (a) The Owner submits to an Inspector, at least five (5) business days before such planned Destruction or Injury, a Certificate of Exemption; and
 - (b) The Inspector does not object to the Certificate of Exemption within the five (5) business days.
- (3) The Certificate of Exemption shall contain the following information relating to each Regulated Tree proposed for Destruction or Injury:
 - (a) The name and contact information of the Owner;
 - (b) A location map;
 - (c) A photograph;
 - (d) The number of Regulated Trees;
 - (e) The size of the lot upon which the Regulated Tree or Trees is or are located;
 - (f) The DBH;
 - (g) The species;
 - (h) The health (for example, on a scale of good, fair or poor) and whether tree disease is present;
 - (i) The canopy structure;
 - (j) The reason for the Destruction or Injury; and
 - (k) The exemption or exemptions set out in subsection (1) of this section 4 which the Owner certifies is or are applicable.
- (4) If an Inspector objects to a Certificate of Exemption within the five (5) business days provided, then the Owner is not permitted to Destroy or Injure, or cause or permit the Destruction or Injury of, the Regulated Tree or Trees. However, the Owner may apply for a Permit pursuant to this bylaw.

Part V - Application for Permit

5. (1) If an Owner wishes to Destroy or Injure one or more of the Owner's Regulated Trees or wishes to undertake an activity which might Destroy or

Injure one or more of the Owner's Regulated Trees, and if none of the exemptions set out in this by-law are applicable, then the Owner shall submit to an Inspector the Application Fee and an Application containing the following information in respect of each such Regulated Tree:

- (i) the name and contact information of the Applicant;
- (j) the names and contact information, and written permission, of all other Owners;
- (k) a plan (or, where applicable, a plan of survey) and photograph, showing the location, species, size and condition of each Regulated Tree;
- (I) the purpose for which the Permit is sought and the nature of the proposed or possible Destruction or Injuring;
- (m) where appropriate, a written evaluation by an Arborist of the condition of the Regulated Tree;
- (n) where appropriate, a tree protection plan identifying the location, species and size of trees on the land and providing tree protection measures, including barriers and Hoarding, to be implemented to protect trees that are to be retained; and
- (o) where appropriate, Landscaping, Replanting and Replacement Plans.
- (2) No person shall provide false or misleading information on or in support of an Application.
- (3) Submission of an Application shall constitute the granting of permission for the City to enter on the Applicant's land for purposes of this by-law.
- (4) When an Applicant has paid the Application Fee and provided such other information and material as required by an Inspector, the Inspector shall provide the Applicant with a written notice which the Applicant shall post on the land where the Regulated Tree or Trees is or are located. The notice shall be posted in such a manner and form, subject to the satisfaction of the Inspector, that it is visible and legible to passers-by and shall remain posted until the Destruction, Injury or activity is completed.

Part VI - Issuance of Permits

- 6. In deciding whether or not to issue a Permit, an Inspector shall consider:
 - (k) the species of each Regulated Tree, and particularly whether it is native to the area, is considered regionally or locally significant or is an endangered species or threatened species as defined in the *Endangered Species Act*, 2007, S.O. 2007, c. 6, as amended or replaced from time to time, or in the *Species at Risk Act*, S.C. 2002, c. 29, as amended or replaced from time to time;
 - (I) the condition of the Regulated Tree;
 - (m) the location of the Regulated Tree;

- (n) the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;
- (o) erosion, flood control and sedimentation of watercourses;
- (p) the submissions of such persons or agencies as the Inspector may consider necessary to confer with for the proper review of the Application;
- (q) the presence, within the Regulated Tree, of breeding birds as contemplated in the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended or replaced from time to time;
- (r) the City's Official Plan and related tree protection and replacement guidelines as may be in place from time to time; and
- (s) any other legislation that may apply or approvals that may be required.
- 7. In issuing a Permit, the Inspector may make the Permit subject to such conditions as the Inspector may consider necessary, including (but not restricted to) any one or more of the following requirements:
 - (h) that the Destruction or Injury occurs in a specified manner;
 - that one or more replacement trees with DBH equal to or greater than the DBH of the Destroyed tree or trees be planted and maintained to the satisfaction of the Inspector in accordance with Landscaping, Replanting and Replacement Plans approved by the Inspector;
 - (j) that if replacement planting is not required (for example because it is not achievable on the subject land), it be substituted by a payment of cash in lieu in an amount equal to 120% of the estimated cost of replacing the tree or trees with a tree or trees with DBH equal to the DBH of the Destroyed tree or trees, and of maintaining the tree or trees for a period of two years;
 - (k) that if the land is not subject to site plan approval, the Applicant provides a written undertaking, release and security to ensure that replacement planting is carried out and maintained in accordance with Landscaping, Replanting and Replacement Plans approved by the Inspector;
 - (I) that the Destruction or Injuring only be carried out by or under the supervision of an Arborist;
 - (m) that the tree or trees to be retained be protected in accordance with good arboricultural practices; and
 - (n) that specified measures be implemented to mitigate the direct and indirect effects of the Destruction or Injuring on other nearby trees, land, water bodies or natural areas.
- 8. (1) In issuing a Permit, the Inspector shall issue the Permit to the Applicant and provide copies of the Permit to any other Owners.
 - (2) Following issuance of a Permit, the Applicant shall immediately post a copy of it in a conspicuous place on the land where the Regulated Tree is located,

- and shall ensure that it remains so posted until the Destruction, Injuring or other related activities are complete.
- (3) A Permit is and remains the property of the City and may not be transferred except with the approval of an Inspector.
- (4) An Inspector may revoke a Permit if it was issued based on false or misleading information or if the Applicant fails to comply with any condition attached to the Permit or any provision of this by-law.
- (5) A Permit shall expire ninety (90) days after its issuance, unless, at least thirty (30) days before that expiry, the Applicant applies to the Inspector and before that expiry the Inspector grants a onetime extension of ninety (90) days.
- 9. (1) If an Inspector refuses to issue a Permit, or if an Applicant objects to a condition attached to a Permit by an Inspector, the Applicant may appeal to Council through the City's Community Development and Environmental Services Committee. Such appeal shall be made by written notice received by the Inspector within seven (7) days after the date of the refusal or the issuance of the conditional Permit, as the case may be.
 - (2) Upon considering the appeal, Council may recommend that the Inspector refuse the Permit, issue the Permit or issue the Permit upon such conditions as Council considers appropriate.

Part VII – Entry and inspection

- 10. (1) The Entry By-law shall apply to activities under this by-law and for purposes of the Entry By-law, each Inspector shall be interpreted as an "Officer" and a Permit shall be interpreted as a "licence".
 - (2) For the purposes of this by-law, the City may enter upon land at any reasonable time.

Part VIII - Orders and remedial actions

- 11. If an Inspector confirms, after making an inspection, that there has been a contravention of this by-law (including of an order or a condition of a Permit made pursuant to this by-law) then he or she may make an order requiring the person who contravened it (including the Owner or, if applicable, a contractor of the Owner) to discontinue the activity and/or to do work to correct the contravention at the Owner's expense.
- 12. (1) If a person is required, under an order pursuant to this by-law, to do a matter or thing, then in default of it being done by the person so required to do it, the matter or thing may be done at the person's expense under the direction of an Inspector.

- (2) The City may recover the costs of doing a matter or thing under subsection (1) of this section 12, from the person required to do it, by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.
- (3) The amount of the costs mentioned in subsection (2) of this section 12, including interest, shall constitute a lien on the subject land upon the registration, in the proper land registry office, of a notice of lien.
- (4) The lien mentioned in subsection (3) of this section 12 shall be in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date payment is made.
- 13. (1) An order under this by-law may be served:
 - (e) personally, in which case it shall be deemed to have been served on the date of that personal service;
 - (f) by email, in which case it shall be deemed to have been served on the date of that email;
 - (g) by facsimile transmission, in which case it shall be deemed to have been served on the date of that facsimile transmission;
 - (h) by sending it by prepaid ordinary mail to the last known address of the person being served, in which case it shall be deemed to have been served on the fifth day after the date it was mailed; or
 - (i) by placing a placard containing the provisions of the order in a conspicuous place on the land where the Regulated Tree or Trees are or were located, in which case the order shall be deemed to have been served on the date of such placement, and such placement shall constitute sufficient service of the order on the Owner and any other person to whom it may be directed.
 - (2) An order shall be served upon the Owner and upon, if known, any other person responsible for the Destruction or Injury of the Regulated Tree or Trees.
 - (3) No person shall remove or deface the placard provided for in subsection (1) of this section 13, except with the prior consent of an Inspector.

Part IX - Enforcement

- 14. (1) Any person who contravenes or who causes or permits a contravention of any provision of this by-law, an order issued under this by-law or a condition of a Permit, is guilty of an offence.
- (2) Any director or officer of a corporation who concurs in the contravention of this by-law by the corporation is guilty of an offence.
- (3) If a contravention of any provision of this by-law, an order issued under this bylaw or a condition of a Permit occurs, the contravention is presumed to have been

committed by the Owner of the land on which the contravention occurred unless otherwise proven by the Owner.

- 15. (1) All contraventions of any provision of this by-law, any order issued under this by-law or any condition of a Permit are designated as multiple offences and continuing offences, pursuant to subsection 429(2) of the *Municipal Act*. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law and, for greater certainty, when multiple trees are destroyed or injured, the destruction or injury of each tree is a separate offence.
- (2) If an order or Permit issued under this by-law has not been complied with, the contravention of the order or Permit shall be deemed to be a continuing offence for each day or part of a day that the order or Permit is not complied with.
- 16. (1) A person convicted of an offence under this by-law is liable to a fine of not less than \$500.
- (2) A person convicted of an offence under this by-law is liable:
 - (c) on a first conviction, to a fine of not more than \$10,000 or \$1,000 per tree to a maximum of \$100,000, whichever is greater; and
 - (d) on any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per tree to a maximum of \$100,000, whichever is greater.
- (3) Where the person convicted of an offence under this by-law is a corporation:
 - (c) the maximum fine in clause (2)(a) of this section 16 is \$50,000 or \$5,000 per tree to a maximum of \$100,000, whichever is greater; and
 - (d) the maximum fine in clause (2)(b) of this section 16 is \$100,000 or \$10,000 per tree to a maximum of \$100,000, whichever is greater.
- (4) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000.
- (5) In the case of a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
- (6) On conviction of an offence under this by-law, a person is liable to a special fine in accordance with paragraph 429(2)(d) of the *Municipal Act*. The amount of the special fine shall be the minimum fine as provided for in subsection (1) of this section 16, to which may be added the amount of economic advantage or gain that the person has obtained or can obtain from the contravention of any provision of this by-law, any order issued under this by-law or any condition of a Permit. Pursuant to paragraph 429(3)1 of the *Municipal Act* a special fine may exceed \$100,000.

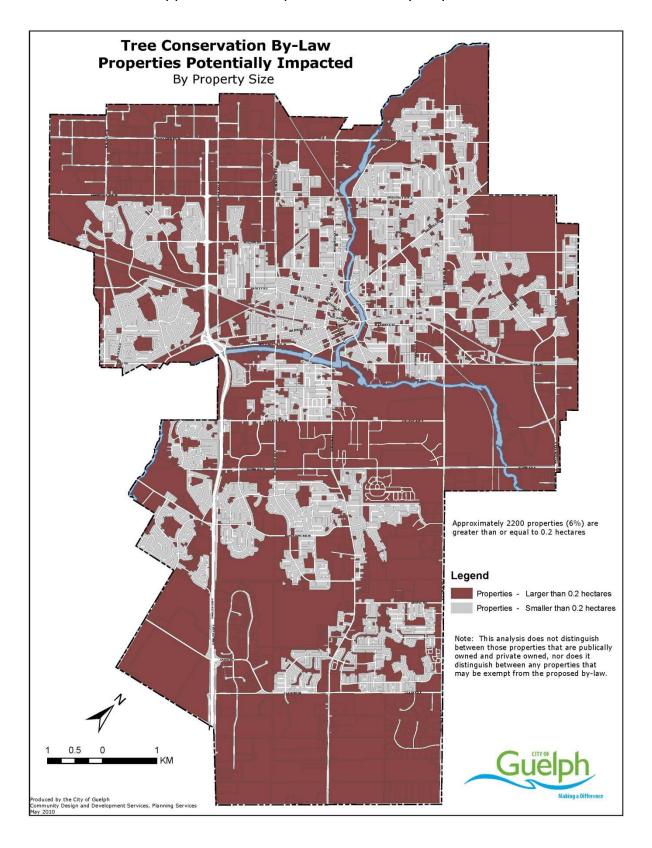
- 17. Upon conviction for an offence under this by-law, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
 - (c) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (d)requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate, which correction may include:
 - (i) the planting or replanting of any tree or trees Destroyed or Injured or the planting of any replacement tree or trees in a specified location and within a specified period of time; and
 - (ii) the application of any silvicultural treatment that may be necessary to establish or re-establish the tree or trees or replacement tree or trees.

Part X – General

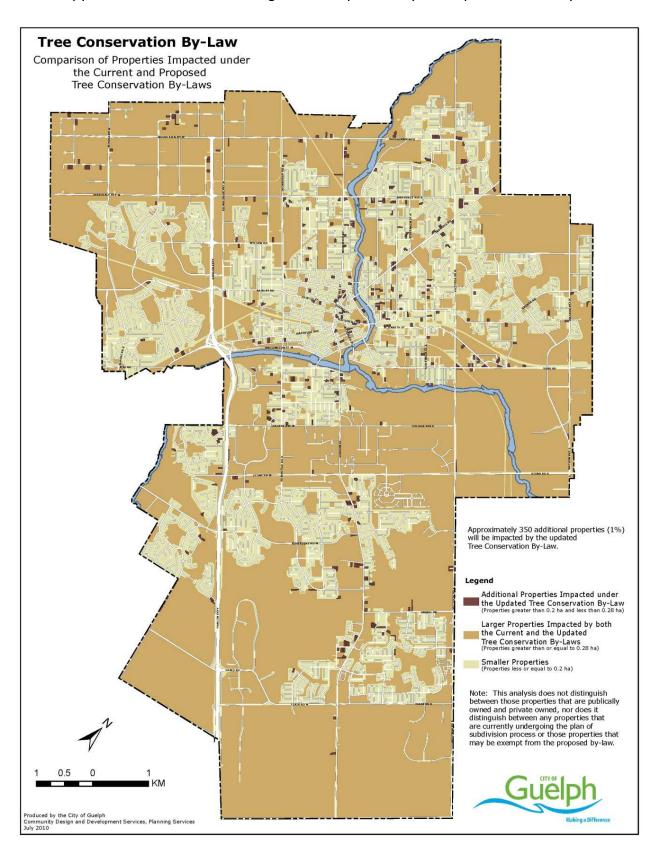
- 18. Council delegates to the Inspectors the authority to carry out their activities as set out in this by-law.
- 19. This by-law shall not be interpreted as exempting any person from the requirement to comply with any other City by-law. In the event of conflict between the provisions of this by-law and any other City by-law, the provisions which are more protective of trees shall apply.
- 20. In this by-law, words importing the singular number shall include the plural, words importing the plural shall include the singular number, words importing the masculine gender shall include the feminine, and words importing the feminine gender shall include the masculine, unless the context requires otherwise.
- 21. If a court of competent jurisdiction declares any provision or provisions or part or parts of any provision or provisions of this by-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this by-law that the remainder of the by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.
- 22. The short title of this by-law is the "Private Tree Protection By-law".
- 23. By-law Number (1986) 12229 is hereby repealed.
- 24. This by-law shall come into force and take effect on

PASSED THIS	DAY OF	, 2010.
		KAREN FARBRIDGE – MAYOR
		LOIS A. GILES - CITY CLERK

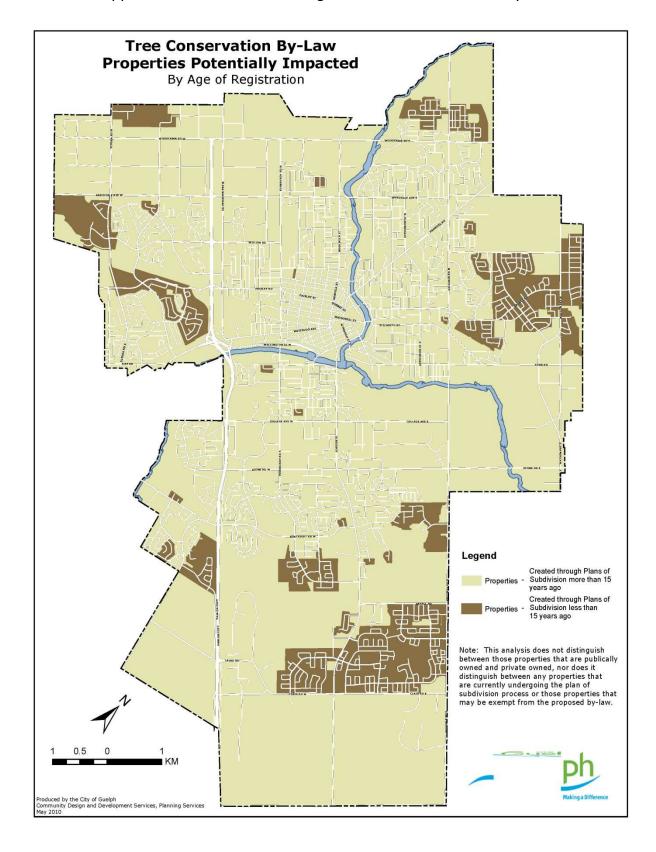
Appendix G - Properties Potentially Impacted



Appendix H - Additional Large Lots Impacted by the Updated Tree By-law



Appendix I - Subdivisions Registered within the last 15 years



Appendix J - Comparison Chart - Current and Updated By-law

	Current By-Law (1986)	Proposed Updated By-Law (2010)
Definitions	Defines Tree and Christmas	Provides a comprehensive list of
	Tree(s).	definitions.
	Any deciduous or coniferous growing tree that has a minimum height of 4.5 metres and a minimum diameter of 75 millimetres at a point one metre above the ground level.	Expands the definition of Regulated Tree to include: A specimen of any species of deciduous or coniferous growing woody perennial plant, supported by a single root system, which has reached, could reach or could have reached a height of at least 4.5 metres from the ground at physiological maturity, and: i) If located on a Lot less than or equal to 0.2 hectares (0.5 acres) in size, has a DBH of at least 30cm.; and ii) If located on a Lot larger than 0.2 hectares (0.5 acres) in size, has a DBH of at least 10cm.
Exemptions	a) Corporation of the City of Guelph b) Ontario Hydro c) Highways or open road allowances d) Tree on lots less than 30,000 square feet e) Need to be removed for the purposes of demolishing a structure or building subject to a permit issued under the Building Code Act f) Trees planted for production of Christmas trees g) Ontario Land Surveyor h) Land owned by Her Majesty the Queen in Right of the Province or in the Right of the Dominion of Canada i) Lands owned by the University of Guelph j) Guelph Cemetery Commission, the Roman Catholic Episcopal Corporation, Diocese of	 (x) a tree having no living tissue, having 70% or more of its crown dead, or being infected by a lethal pathogen, fungus or insect (e.g. Emerald Ash Borer or Asian Longhorned Beattle), and where required, a certificate confirming the need for removal has been issued by an arborist and submitted to the Inspector; (y) a tree which is imminently Hazardous to people or property, and where required, a certificate confirming the need for removal has been issued by an arborist and submitted to the Inspector; (z) a tree certified by a building inspector or engineer as causing structural damage to a drain, load-bearing structure or roof structure; (aa) a specimen of Rhamnus cathartica (Common buckthorn), Rhamnus frangula (European or Glossy buckthorn), Alnus glutinosa (Black alder), Elaeagnus umbellate (Autumn olive) or Morus alba (White mulberry);

- Hamilton, used for cemetery purposes
- k) Removal of diseased or insect-infested trees in order to prevent contamination or infestation
- Removal of substantially damaged trees
- m) Removal of trees for access to trails and walkways
- n) Clearing or thinning of trees for the purposes of stimulating growth and improving quality of woodlots

- (bb) a tree located on a rooftop or elevated podium, or in an interior courtyard or solarium, and likely to cause damage;
- (cc) a tree growing in contaminated soil and, by its presence, preventing remediation of the contaminated soil, where proof of remediation efforts in the form of an approved application for funding under the City's Brownfield Community Plan or an approved Ontario Ministry of the Environment remediation plan is provided to the City;
- (dd) a fruit tree that is capable of producing fruit for human consumption; A tree which is part of:
 - (vii) a tree nursery business where trees are planted, cultivated and harvested for the purpose of live tree sales;
 - (viii) a Christmas tree plantation business where coniferous trees are planted, cultivated, maintained and harvested for Christmas celebration purposes; or
 - (ix) a cultivated orchard business where fruit or nut trees are grown and maintained specifically for the harvesting of their fruit or nuts; or
- (ee) a tree on lands owned by the
 University of Guelph where tree
 removal is for scientific and
 educational purposes and is in
 compliance with the University's
 Campus Master Plan, as amended
 from time to time, or the Arboretum
 Master Plan, as approved by the
 University Board of Governors and
 administrated by the Campus
 Landscape Advisory Committee or the
 Arboretum Management Committee.
- (ff)a tree on lands used for Institutional purpose, a golf course, a commercial or industrial properties where a Tree Management Plan has been submitted and approved by the Inspector;

		(gg) a tree on lands owned by the Guelph Cemetery Commission or lands owned by the Roman Catholic Episcopal Corporation, Diocese of Hamilton, used for cemetery purposes; (hh) a tree on lands actively operated for a railway within 5 metres of a railway track or yard; (ii) Emergency Work; and (jj)a tree lands owned by the Grand River Conservation Authority.
Process	Written approval required from the City Engineer	1) Application for permit 2) Issuance of Permit (with or without conditions 3) Posting of notice 4) Expiry 5)Appeal Process
Fees	No Fee	\$122
Administrator	City Engineer	Executive Director of Planning, Engineering and Environmental Services, the Executive Director, Operations and Transit or a designate
Fines	Not less than \$500 and not more than \$2000.00	In conformance with the Municipal Act \$500-\$100,000 or greater
Additional Sections		Entry and InspectionOrders and Remedial ActionsEnforcement

Appendix K - Financial Implications Summary

Number of Permits

Staff have estimated the potential number of permits based on permit numbers from the Building Department and in consultation with other municipalities. In 2009 the Town of Richmond Hill received approximately 210 permit applications; the Town of Markham received 600 permit applications. Other municipalities surveyed did not provide a response or did not have detailed information. Based the exemptions and inclusions of the by-law, staff are estimating the number of permits may be between 800 and 1000 per year. It is anticipated that a significant number of the building and pool permits issued yearly will have no impact on the Urban Forest; however at this time the City has no tree specific data to determine these impacts.

Table 1. Summary of Building Permits Received in 2009 and Estimated Additional Tree Removal Permits

Types of Permits	Number
Decks	227
Pools	93
Additions	73
Sheds	22
Detached/Attached Garages	25
Curb Cuts	201
Other (anticipated additional Tree permits)	200-400
Total	841-1041

Fees

As indicated in the Best Practices Review, provided in the report, the fees associated with the permit applications varies by municipality. To determine the potential cost of the permit application a cost-recovery assessment was completed using the formula employed by Richmond Hill.

Table 2. Forecasted Cost-Recovery Assessment per Permit Application

Staff Costs (\$37.95)	Time Required (hr)	Cost (\$/hr)
Evaluation	1	\$37.95
Site Visit	1	\$37.95
Resident Calls	0.5	\$18.98
Admin staff, Supervisor Staff, Accounting, Communications	20% of Total	\$18.98
Additional Costs		
Transportation (average 16km @ \$0.50 per km)		\$8.00
Total		\$121.86

^{*}Salary based on top Environmental Planner rate in 2010

Based on the cost analysis staff are recommending that the fee for the permit applications be \$122.00. The City's Charges and Fees By-law will need to be amended to reflect this new fee.

Additional costs associated with staff time are likely to occur as a result of exemption requests and calls from residents regarding tree cutting. These costs have not been factored into the permit fee but will need to be considered.

Table 3. Tree By-law Exemption Inquiries

Staff Costs	Time Required	Hourly Rate	Cost (\$/hr)
	•		
Evaluation	0.5	\$37.95	\$18.98
Resident			
Call/Email	0.5	\$37.95	\$18.98
Supervisory	(20% of		
Staff, Accounting	total)		\$7.59
Total			\$45.54

^{*}Chart does not include additional inquiry costs or cost of persecution

Table 4. Staff Time Associated with Residents Reporting Tree Cutting

Staff Costs	Time Required	Hourly Rate	Cost
By-law Officer	1	28.74	\$28.74
Number of Complaints per Year			
50			\$1,437.00
100			\$2,874.00
200			\$5,748.00

Appendix L - Tribune Notice

NOTICE



Community WorkshopTree By-law Update

The community is invited to attend one of two workshops to discuss and provide input on proposed changes to Guelph's Tree By-law.

Thursday, June 3 or Tuesday, June 8

City Hall, 1 Carden St., Meeting Room C 7–9 p.m.

About the draft Tree By-law

In addition to regulating trees 10 centimetres at breast height on lots larger than 0.2 hectares (0.5 acres), the updated draft by-law proposes to regulate damage or removal of larger trees on smaller properties; trees 20 centimetres in diameter at breast height on lots less than 0.2 hectares (0.5 acres). The updated draft also includes a permit process, a list of exemptions, entry and inspection powers, enforcement measures and increased fines.

Following a presentation, participants will have an opportunity to discuss issues and provide feedback.

The draft Tree By-law is available at **guelph.ca/trees** or can be viewed at City Hall, 1 Carden Street. Comments will be received until June 18.

For more information

Suzanne Young
Environmental Planner
Community Design and
Development Services
T 519-837-5616 x 2356

Jessica McEachren
Environmental Planner
Community Design and
Development Services
T 519-837-5616 x 2563

 From: <<u>guffguelph@gmail.com</u>>

Date: 18 July 2010 20:19

Subject: Comments to CDES on Tree Bylaw

To: guffguelph@gmail.com

Message from guffguelph@gmail.com:

Dear Mayor Farbridge and City Councillors:

Guelph Urban Forest Friends and Sierra Club Canada have the following comments with respect to the draft tree by-law:

We regret that more time was not provided for the public to review the most recent draft. Posting the draft online the Friday before a Monday noon meeting does not allow sufficient time for a thorough review and the drafting and submission of comments.

We appreciate new language in this draft of the by-law that responds to some of the concerns raised in our earlier comments: the definition of arborist has been clarified; a definition of Heritage Tree has been added; the definition of Injure has been modified to include injury through construction activities; the definition of Maintenance Pruning now contains a timeframe of 3 years.

A number of concerns itemized in our comments of June 18, 2010, were not addressed. We reiterate them below:

- A. The by-law should require the **refusal of permits for the destruction of healthy trees and heritage trees**. This is consistent with the Toronto by-law which states that permits shall not be issued for "trees that are healthy" or if "the tree is a heritage tree, or should in the opinion of the Commissioner be recommended for designation of a heritage tree."
- B. In determining whether or not a tree is exempt from the by-law, it should be required that the Inspector make a **site visit**.
- C. All applications under the by-law (either exemptions or permits) should be required to contain information about the **area of canopy** of the subject tree(s).

- D. We appreciate that the new draft includes a directive that the notice of tree destruction be posted for a minimum of 5 days. However, this notice will be provided only after the permit to destroy has been approved. Instead, a notice should be posted that an application has been made to destroy the tree(s), as is done in the Toronto by-law. This will provide time for public input before the decision is made. As stated in previous comments, we suggest that the notice posted on the property: a) should be posted for a minimum of 14 days (consistent with Toronto by-law); b) should be of a certain size and be posted in a conspicuous place; c) should contain contact information for obtaining further information about the proposed removal (b, c consistent with Barrie by-law).
- E. Part VI Issuance of Permits should be strengthened. Too much discretion is given to the Inspector to determine whether a permit should be issued. A **permit should be denied** where a) the tree is an endangered species; b) the tree is healthy; c) the tree is necessary for the preservation of ecological systems and their functions; d) the tree is necessary for erosion and flood control; e) the tree is subject to the Migratory Birds Convention Act; f) the tree is a heritage tree; g) significant vistas will not be adequately protected and preserved; h) the application is incomplete. These provisions are consistent with the Toronto tree by-law. The absence of clear standards for permit denial increases the risk of inconsistent enforcement.

In addition, the Inspector should have to consider city policies with respect to **tree canopy goals** and the potential impact of the loss of shade as it relates to the city's **Community Energy Plan**.

F. Part VI 7. should be strengthened. As drafted, the Inspector "may" make the permit to destroy trees subject to certain conditions. All of the conditions in this section should be mandatory. This is consistent with the Toronto by-law which states that "A permit to destroy **shall** be subject to the following terms and conditions." The absence of clear standards for permit conditions increases the risk of inconsistent mitigation.

G. This by-law apparently does not apply to **publicly-owned trees** (see Part III - Statutory Non-application of the By-law 3. (a)). The City should draft and implement a Park and Street Tree By-law or policy to protect city-owned trees. The communal benefits of public trees also need to be recognized and protected.

We have the following concerns following review of the most recent draft:

- 1. The definition of "Injury" is too prescribed in that it contains an incomplete list of possible infractions. As in the Toronto by-law, this definition should state that **injury is "Any act that will harm a tree."**
- 2. This draft **increases the size of "regulated trees"** on small properties from 20 cm to 30 cm. As noted in the staff report, both Richmond Hill and Markham regulate trees of 20 cm.
- 3. There is no longer a requirement that a **Certificate of Exemption** be issued for any one of the 14 exemptions listed in the by-law. Without a mechanism for documenting the degree to which exemptions are being claimed, this provision is open to exploitation and useful data about tree/canopy loss will be lost.
- 4. Educational, medical, religious, commercial and industrial properties and golf courses are exempt as long as they have a tree management plan. Cemetery and railway properties are exempt without tree management plans. What is the rationale for exempting these properties? The tree by-laws with which we are familiar do not generally allow these **broad exemptions**, which could significantly undermine the goals of this by-law.
- 5. The definition of **tree management plans** is unclear. It states that a two-year (minimum) management schedule for destruction or injury of trees must be part of the plan. Is this an ongoing requirement (i.e. that the management plan must run from the onset of the by-law and include an updated management schedule at least every two years)?

In addition to including the number, species, location and condition of all trees, the management plan should include the **size and canopy radius** of each tree.

Further, there is no substance required in the tree management plan, and no standard for the Inspector to apply in approving the plan (e.g. does it contribute to the City's goal of increasing canopy or does it just show the schedule for tree removal over the next 2 years).

- 6. Part IV 4 1(a) and (b) are unclear whether an **arborist's certificate** will be required to confirm that a tree is dead or hazardous. The proposed language states "and where required, a certificate issued by an Arborist." Where or when will this certificate be required? As noted above, exemptions are open to exploitation without the requirement of documentation.
- 7. Part V Application for Permit 5. (1) This section limits the application for a permit to the "owner." To be consistent with the policy in Part II that "a person may" destroy or injure a tree in compliance with a permit, it would be preferable to **replace "owner" with "any person**." For boundary trees the Inspector should verify that all parties agree with the application.
- 8. When an application is submitted, an **arborist's report** should be mandatory, not optional. **Tree protection measures** for trees to be retained should be mandatory, not optional.
- 9. It appears that, based upon the language in 5 (h) and 7 (b), that **up to two regulated trees can be destroyed** and that no tree replacement or compensation planting will be required. If this is the case, it undermines the goal of protecting and enhancing the tree canopy cover in the City.

In summary, it is our considered opinion that this by-law falls short in advancing policies to protect trees on private property, particularly when viewed in the context of existing tree by-laws adopted by other Ontario cities.

Add to this the staff recommendation to postpone adoption of the proposed by-law as it relates to smaller properties (those .2 ha or less) and there is little to cheer about. As pointed out in the staff report, the current tree by-law (from 1986) already regulates trees 7.5

cm (3 inches) in diameter on properties of .28 ha and above. If council should follow staff's recommendation and adopt only the portion of the proposed tree by-law that regulates trees 10 cm (4 inches) in diameter on properties .2 ha (.5 ac) and above, can it be shown that this a meaningful improvement?

We urge the committee to strengthen the draft language as suggested in the above points. Significantly stricter language is particularly warranted to 1) establish mandatory standards for the denial of permits; 2) establish mandatory conditions for issuing permits to destroy one or more trees; 3) reduce the number of exemptions from the by-law. In addition, we hope the committee will recognize the importance of moving forward with a tree by-law that applies to small, as well as large, properties in the City of Guelph.

Thank you for the opportunity to comment on this draft by-law.

Norah Chaloner for GUFF

Judy Martin for Sierra Club Canada

I am unable to attend the Committee meeting on July 19, 2010. Please forward this question to those working on this By-law and provide me with an answer.

"The owner of property A has a fifteen meter side yard on his home and applies for a building permit for a three point five meter addition. The tree branches from the adjoining property B in the middle of the proposed addition on property A are touching the roof of the existing house on property A;

- 1. will the city issue a building permit for this addition?
- 2. how will this Tree By-law affect this building permit application? Why are the city and Institutions not subject to this By-law? How are the regulated? Please provide me with the final Draft By-law that will be presented to Council as soon as it is available; advise me of the time and date when council will deal with this matter and register me as a delegation to address council. I am requesting that small lots (0.2 hectares) be deleted.

Regards; George Milla **From:** Alan & /or Valerie Morrell **Sent:** July 15, 2010 3:34 PM

To: Mayors Office

Subject: New proposed tree by-law, Against...

July 17, 2010

Karen Farbridge, Mayor City of Guelph, City Councillors.

The New Permit Tree bylaw

Having avoided a City Tree in 1968, we were fortunate to have chosen our own trees. When our trees outgrew the yard, we needed no consent to replace them, update the look of the house, and again when that tree outlived it's welcome we replaced it with 2 more in keeping with the times.

For instance: our neighbour planted a cedar hedge along with us in 1968, we kept ours trimmed, as did he till he sold the house. Subsequent neighbours have never trimmed the back hedge. It went past the City limit for hedges of 8 feet, (about 2.5 meters) many, many years ago, it cuts the summer sunlight off our back yard till at least 10:15 a.m. It overhangs 5 neighbouring yards by at least 7 feet. (2 meters). To remove it would require about 70 permits to remove trees give or take a few! Is it a hedge or is it now a row of trees?

The neighbour the other way did not weed out hawthorne 'tree's' before selling the house. These will grow like noxious weeds given the opportunity. One should be paid to cut those out, not have to pay to remove them.

We have already planted a replacement tree for when the old flowering crab tree succumbs to disease as they do in old age, but with the new proposed permit system, we would have to plant another tree! Friends tell us they have 25 trees in their back yard, they enjoy living in a forest, while we don't all like being overshadowed. Will the new owners of their house cut some of them out with or without permits?

Please do not pass this money grab by-law. It is taking away the rights of each homeowner to select how they live, and most homeowners have some trees and care for them. City trees on the other hand can be dead, with limbs overhanging the sidewalk ready to make a widow of the unfortunate pedestrian underneath when it falls. Another neighbour within a couple of houses had this example. Yet 2 other neighbours have the ugliest city trees that are dying slowly, or being massacred to encircle hydro wires. The homeowners would have pruned or replaced these trees with more beautiful examples of attractive trees for the neighbourhood a long time ago.

Is one person in one department better at selecting trees for the neighbourhood than 118,000 city residents adding their unique touch to their residences. I think not.

Please allow us to do as we wish with the trees and plants on our own properties within the city limits.
Siincerely
Valerie Morrell
take as signed.

The Proposed tree by Law

My name is Frank Purkis, I live at in the city of Guelph, I was in attendance at the first Bylaw meeting on June 3 2010.

What a complete line of smoke and mirrors.

This Bylaw as it is presently written deals with how much I will have to pay to get permission to remove a tree from My Property and if I do not Pay this tax, then how much can the city fine me for taking down a tree on My Property.

The city Talks about having a present tree cover of 30% and they want to increase the cover to 40% but no where in the bylaw does it say how they plan to increase the tree cover. How did our city staff determine that we have even a 30% tree cover? In the older parts of the city it appears to me from deliberately driving around the older centre residential parts of the city that the cover is very good 60-70% but some of these trees are getting quite old 75-100 years and soon will become a potential hazard. Re the cities own removal in that park by the river.

The newer sections of the city because of the over crowding of homes there will never be a chance of even having 10% tree cover. The choice of trees being planted these days is for a much smaller tree not the great big Silver Maples or Elms of bi-gone days even Norway Maples are being discouraged because very little grows under them as they get bigger, namely your lawn, they are even being labelled as invasive in some areas.

This to say nothing about the tree planting in the downtown area and the commercial shopping centers and their huge parking lots perhaps they have a 0.1% cover if we are lucky, Yes there are trees planted there but they are still comparatively small and how many have been replaced if they died shortly after planting. Trees are a long term deal. I helped with the tree planting programmes in Etobicoke in the 70s and those trees now cover the front lawns that is a 40 year period not the 10 year that is talked about in bylaw.

Now maybe a word about industrial landscaping there are some very fine examples in Guelph and many a dollar has been put forward by these companies but for a tree cover either because the trees are still small or the landscape architect did not plant sufficient but the eventual coverage of the acreage that the factory is located on will only be 2 or 3 percent at most. Lets encourage these factories to become involved with the tree planting Programmes as sponsored by the scouts and conservation groups.

If I have a Tree that is growing on my property whether it be in the front yard or back yard then I am responsible for any damage or trouble it may cause. To my house, or to my neighbours house, drains, sidewalks or automobile, and even to my own. If the city inspector refuses my request for permission to remove the tree the city must then accept full moral and financial responsibility for any future damage that that tree may cause (for the next 100 years).

How about the city paying each home owner up to \$300.00 for every tree that a home owner plants "of a 2" calliper at chest high " with a maximum of two trees per property. This could be simply be a credit on your tax bill with proof of purchase ,3 years

after the trees have been planted to assure the city that you did plant the trees and that you did look after them.

How many trees are actually being removed each year in the city of Guelph. Phone the tree removal companies. How many trees are being planted. Phone the nurseries and garden centres. Ask staff to find out the truth I am sure you will find that a lot more trees are being planted than are being removed

The present drafting of the tree bylaw is nothing more than a way to penalize the citizens of Guelph by charging them a fee and a fine if they want to change their own property. I have invested \$25,000 in a car that put somebody to work now you want to penalize me because I need to widen my driveway and take out a tree. Or I want to put somebody else to work with an addition on my house and that beautiful tree has just got to go. Or may be the tree has just got too big and I want to see the end of it. Cleaning up its mess every year. Perhaps I would like to have a Rose garden and they need full sun.

The new bylaw speaks of an application fee but no dollar figure is given .\$10.00 Not likely. \$150.00 MORE THAN LIKELY.

In Part VI section 7 "in issuing a permit" item (b) that one or more replacement trees with DBH equal to or greater than the DBH of the destroyed tree. This statement is impossible to do .

Item (c) that if replacement planting is not required (for example because it is not achievable on the subject land), it be substituted by a payment of cash in lieu in an amount equal to 120% of the estimated cost of replacing the tree or trees etc etc. A nice Blue Spruce 20-30 feet high could have a value to that property of \$5,000.00. You are telling me you want \$6,00.00 if I take down this tree.

These are only two of a multitude of errors in this bylaw.

The way the Bylaw presently stands it is nothing but a additional tax grab. I should not be penalized nor any other citizen of Guelph.

I can not express politely how very angry I become every time I read this proposed Bylaw.

Frank Purkis

The Bylaw has got to be changed completely.

Frank Purkis July 18 2010

COMMITTEE REPORT



TO Community Development and Environmental Services

Committee

SERVICE AREA Corporate Administration, Downtown Renewal

DATE July 19, 2010

SUBJECT Arthur EMPC Four Limited (Kilmer Brownfield Equity

L.P.), 5 Arthur Street South, Guelph, Development

Charges Early Payment Agreement

REPORT NUMBER 10-02

RECOMMENDATION

THAT the Community Design and Environmental Services Report, dated July 19, 2010, regarding a Development Charges Early Payment Agreement for 5 Arthur Street South, BE RECEIVED;

AND THAT the Mayor and Clerk be authorized to execute a Development Charges Early Payment Agreement between the City and Arthur EMPC Four Limited, for 5 Arthur Street South, subject to the form and content being satisfactory to the City's Chief Financial Officer and the City Solicitor.

BACKGROUND

As Council is aware, the industrial property at 5 Arthur Street South, formerly known as 'Woods Plant #1' (See Attachment 1 – Key Plan), has recently been purchased by Arthur EMPC Four Limited, a subsidiary of Kilmer Brownfield Equity Fund L.P., a Toronto-based Brownfield redevelopment company ('Kilmer').

City Staff have reviewed the City's Brownfield Redevelopment policies as well as the City's general development framework with Kilmer in preparation for commencing the remediation, and leading towards future planning and building applications.

One of the areas of concern identified for the redevelopment of the lands is the time it may take to complete the remediation, achieve the Record of Site Condition, and subsequently obtain the first building permits for the site. The City's Development Charges By-law provides development charges reductions for redevelopment on the same land within 48 months. The reductions are typically calculated when obtaining the building permit for the redevelopment. To help ensure access to the development charges reduction for the 5 Arthur Street South redevelopment, Staff recommend a development charges early payment agreement be entered into as outlined in this report.

REPORT

In the case of the remediation of 5 Arthur Street South, Kilmer and Staff have identified a significant risk that the project may not be able to achieve a Record of Site Condition and secure building permits within the 48 month timeframe.

The scale of the project is considerable: prior to undertaking remediation an approximately 30,770m2 (331,216sqft) of building needs to be removed (this number does not include the stone heritage components). Part of the difficulty in estimating the length of the remediation process is that the buildings are required to be removed to effectively access the site with testing equipment and complete the detailed environmental audits.

The scale of the site also implies that there will be multiple phases to the redevelopment project. The market will dictate how fast the phases can obtain building permits and this may take considerably longer than the 48 month window in the DC By-law.

PROPOSED DEVELOPMENT CHARGES EARLY PAYMENT AGREEMENT
The Development Charges Act and the City's DC By-law permit agreements to be
entered into with '...a person who is required to pay a development charge
providing for all or any part of a development charge to be paid before or after it
would otherwise be payable.' (Section 27 of the Act and 3.15 of the By-law)

The proposed agreement (see Attachment 2 – Draft Early Payment Agreement) is based on the following framework:

- That the area to be demolished be measured by a registered Ontario Land Surveyor and then confirmed upon completion of the demolition,
- That prior to the 48th month following the building demolitions, the early payment be made based on the extent and value of demolition reduction available at that time,
- That Kilmer, or their assignees, would have access to the value of the reduction for six years beyond that early payment date to contribute toward the development charges required for the new buildings. After that time the reductions are no longer available.

SUMMARY

Staff are recommending the proposed Development Charges Early Payment Agreement because it supports the redevelopment of a significant Brownfield site; it will help support the intensification objectives of the Local Growth Management Strategy; and it is appropriate given the projected scope of demolition and remediation for the project.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well functioning and sustainable city

Goal 3: A diverse and prosperous local economy

FINANCIAL IMPLICATIONS

When redevelopment of a property occurs, the Development Charges By-law permits a reduction in the development charges owing based on the former building or structures use of the property within a reasonable timeframe (48 months).

In the case of the 5 Arthur Street South redevelopment, the magnitude of the Brownfield remediation and phasing of development, suggests that a 48 month timeframe would not be feasible and access to the development charge reduction provided by the By-law could be lost unless an early payment agreement is executed. The estimated redevelopment reduction is significant (approximately \$3 Million dollars) and loss of the reduction could negatively impact the viability of the redevelopment project.

Entering into the early payment agreement would prove beneficial to both the developer and the City of Guelph. The redevelopment reduction is not a loss of revenue for the City as the amount of DC's collected are for the increment of development recognizing that capital infrastructure is already in place to meet the former use. Redevelopment of this site from the former industrial use to higher density residential use would result in a significant increase in tax revenues (City tax portion only – increase of approximately \$1M annually) in the long term. The increased tax revenues will be impacted by any eligibility of this site for the Brownfield Redevelopment CIP programs that will be brought forward to Council.

DEPARTMENTAL CONSULTATION

The following departments contributed to the development of this report:

Planning & Building Services Finance Legal

COMMUNICATIONS

NA

ATTACHMENTS

1 -- Key Plan

2 -- Development Charges Early Payment Agreement (draft, dated June 23, 2010)

Prepared & Recommended By:

Ian Panabaker
General Manager, Downtown Renewal
Office of the CAO
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E ian.panabaker@guelph.ca

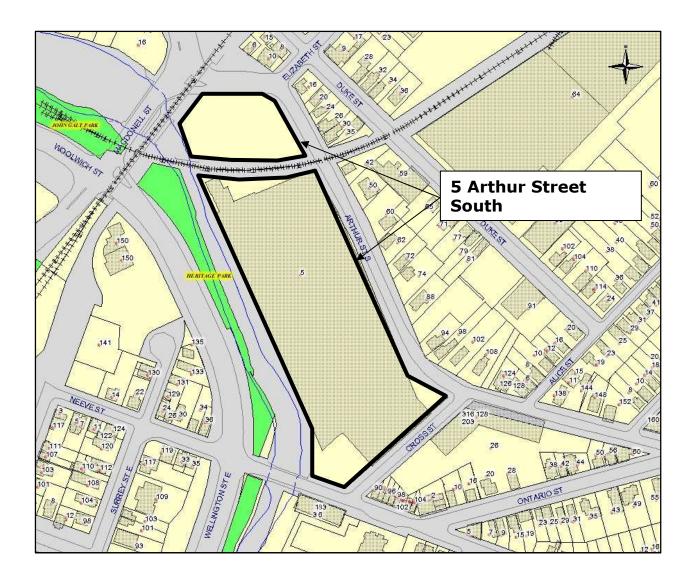
Susan Aram Deputy Treasurer Finance

Recommended By:

Ausan aram

T (519) 822-1260 x2300 E susan.aram@guelph.ca

Attachment 1 - Key Plan



DEVELOPMENT CHARGES EARLY PAYMENT AGREEMENT

THIS AGREEMENT made this 26th day of July, 2010

ATTACHMENT 2

DRAFT - June 23, 2010

For CDES Report only.

BETWEEN:

THE CORPORATION OF THE CITY OF GUELPH

(the "City")

AND

Arthur EMPC Four Limited

(the "Applicant")

WHEREAS the Applicant is the registered owner of the lands described in Schedule "A" attached hereto (the "Lands" need further clarification as to PINs for 5 Arthur from Pam);

AND WHEREAS the Applicant is desirous of remediating and redeveloping the Lands;

AND WHEREAS the City's Development Charges By-law (2009)-18729 (the "By-law") is applicable to the Lands and charges thereunder are payable by the Applicant in accordance with the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the "Act");

AND WHEREAS in accordance with Section 27 of the Act and paragraph 3.15 of the By-law, the City may enter into an agreement with persons who are required to pay a development charge providing for all or a portion of the development charge to be paid before it would otherwise be payable;

AND WHEREAS paragraph 3.10 of the By-law provides for a reduction of development charges where, as a result of the redevelopment of land, a building or structure existing on the same land within 48 months prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part;

AND WHEREAS in the case of demolition relating to a non-residential building, the amount of a reduction pursuant to paragraph 3.10 of the By-law is calculated by multiplying the applicable development charges under sections 3.7, 3.8, or 3.9 of the By-law by the gross floor area that has been or will be demolished, provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment;

AND WHEREAS the Applicant proposes to demolish some of the existing non-residential buildings on the Lands, which have a total gross floor area as shown in the attached Schedule "B" [to be provided to the City], in order to remediate the Lands for future redevelopment (the "project");

AND WHEREAS the redevelopment of the Lands will be subject to development charges in accordance with the By-law;

AND WHEREAS the City wishes to facilitate the project by entering into this early payment agreement, in order to secure the demolition reduction under paragraph 3.10 of the By-law, to be applied towards the total development charges payable in respect of future construction on the Lands, in accordance with the terms and conditions set out herein;

THEREFORE in consideration of the foregoing, the parties agree as follows:

1. The Applicant acknowledges that development on the Lands will require the payment of development charges in accordance with the Act and the By-law. The Applicant also acknowledges that this is an Agreement made pursuant to section 27 of the Act, which provides that a municipality may enter into an agreement with a person who is required to pay a development charge providing for all or any part of a development charge to be paid before or after it would otherwise be payable.

PAYMENT

- 2. For purposes of this Agreement, "Payment Date" means either:
 - a) July 25, 2014; or
 - b) an earlier date as may be mutually agreed upon by the parties in writing
- 3. The Applicant hereby covenants and agrees that it will pay all development charges as may be required by the City, including but not limited to the payment of all hard services charges pursuant to the By-law, as indexed, as set out below:
 - i) on the Payment Date, the amount of \$1; and
 - ii) the remaining portion of all applicable development charges at the time payment is required and at the rates in effect on that date, in accordance with the By-law, as may be amended from time to time, or any successor(s) thereof (including any indexing of rates carried out in accordance with the said by-laws).

DEMOLITION REDUCTION

4. The Applicant shall be entitled to a reduction of development charges otherwise payable with respect to development on the Lands, in an amount to be calculated pursuant to paragraph 3.10 of the By-law, based on the gross floor area of the building(s) on the Lands that have <u>actually</u>

been demolished <u>prior to</u> the Payment Date, such gross floor area to be calculated by reference to Schedule "B" of this Agreement (the "Reduction"). The Reduction shall be subject to all terms and conditions of this Agreement.

- 5. Should no demolition occur by July 25, 2014, this Agreement shall be considered null and void, and any development charges to be paid regarding the Lands shall be calculated and paid in accordance with the development charges by-law or by-laws in effect at the time when payment is required pursuant to such by-law(s).
- 6. If demolition occurs on the Lands on or after the Payment Date, the reduction, if any, arising from such demolition, of future development charges otherwise payable with respect to redevelopment on the Lands, shall be considered and calculated in accordance with the development charges by-law or by-law in effect at the time when the development charges are to be paid pursuant to clause 3(ii) of this Agreement. If such by-law does not provide for a reduction of development charges arising from the demolition of existing buildings, or if any such reduction is not applicable in accordance with the said by-law, then the Applicant shall not be entitled to a reduction of development charges based on demolition occurring on or after the Payment Date, and this Agreement may not be relied upon by the Applicant to provide for any additional rights.

7.

- a) The Reduction will be applied by the City towards payment of the total development charges for redevelopment on the Lands, in accordance with the written direction of the Applicant to the City, provided that:
 - i) in no case shall the amount of the Reduction to be applied exceed the development charges payable;
 - ii) if the Applicant directs that the Reduction or any portion thereof be applied towards development charges payable on the Lands by any person other than itself, the written direction of the Applicant shall be accompanied by proof of agreement between the Applicant and the said person confirming the amount of the Reduction to be received by that person towards payment of development charges on the Lands, and such agreement must reflect the terms and conditions of this Agreement relating to the Reduction, including the time limitations set out herein;
 - iii) if written confirmation and proof of agreement are not provided in accordance with clause 7(i), the Reduction or portion thereof will not be applied and development charges shall be payable in full, at the time and in the amount set out in the development charges by-law in effect at the time; and

- iv) in the event that the amount of the Reduction to be applied is less than the total development charges payable, then the remaining portion such development charges shall be payable in accordance with clause 3(ii)
- b) No portion of the Reduction may be applied towards development charges for any site other than the Lands.
- 8. No amendment to the By-law or new development charges by-law shall relieve the parties of their obligations under this Agreement, except by mutual agreement in writing signed by both parties.

WAIVERS

9. The Applicant agrees to waive, to forfeit and not to assert any right to make any direct or indirect claim, demand, application, action or appeal which it may have or become entitled to have with respect to requesting payment, repayment, credit or reimbursement by the City of any amounts it pays as development charges under this Agreement provided the amounts are in accordance with the terms of this Agreement.

TIME LIMITATION OF REDUCTION

- 10. The Applicant agrees that it shall not be entitled toreductions of development charges arising from demolition of buildings on the Lands, pursuant to the By-law, as may be amended, or pursuant to any new development charges by-law, except as set out in this Agreement. The Applicant further acknowledges and agrees that if any part of the Reduction identified in paragraph 4 of this Agreement is not applied towards development charges payable in accordance with this Agreement, prior to July 25, 2020, then:
 - a) any such amounts will no longer be available to be applied towards the payment of development charges for the Lands;
 - b) the City shall have no obligation to pay any such amounts to the Applicant; and
 - c) no further reductions for demolition occurring prior to the Payment Date shall be available

ACKNOWLEDGEMENT

11. The Applicant specifically acknowledges that no area specific development charges by-law currently applies to the Lands, but that if a new area specific development charges by-law comes into effect it hereby covenants and agrees that nothing in this Agreement exempts it from paying such development charges as may be applicable at such times as are required under said by-law or the Act.

WITHHOLDING OF BUILDING PERMIT ISSUANCE

12. The Applicant acknowledges and understands that the City may withhold issuance of a building permit or permits in respect of the Lands if the Applicant has not paid development charges in accordance with this Agreement.

NOTICES

13.(1) Any notice, demand, acceptance or request required to be given hereunder in writing, shall be deemed to be given if either personally delivered or mailed by registered mail, postage prepaid, by electronic mail or by facsimile transmission (at any time other than during a general discontinuance of postal services due to a strike, lockout or otherwise) and addressed as follows:

To the Applicant at:

Ken Tanenbaum

Arthur EMPC Four Limited

Kilmer Brownfield Management Limited

Scotia Plaza, Suite 2700

40 King Street West

Toronto, ON M5H 3Y2

Fax 416 635 7697

Email: <u>brownfieldinfo@kilmergroup.com</u> and <u>pkraft@kilmergroup.com</u>

or such change of mailing address, electronic mail address or fax number as the Applicant has by written notification forwarded to the City, proof of which shall be upon the Applicant

To the City at:

or such change of mailing address, electronic mail address or fax number as the City has by written notification forwarded to the Applicant, proof of which shall be upon the City

- (2) Any notice shall be deemed to have been given to and received by the party to which it is addressed:
 - (a) if delivered, on the date of delivery;

- (b) if mailed, then on the fifth business day after the mailing thereof; or
- (c) if faxed or sent by electronic mail, on the date of transmission, provided an original receipt confirmation can be provided, and provided that if the fax or electronic mail is sent after regular business hours of the recipient or on a day which is not a regular business day for the recipient, then on the next regular business day of the recipient

WARRANTY

- 14. The Applicant represents and warrants to the City as follows:
 - (a) the Applicant is a corporation validly subsisting under the laws of Ontario and has full corporate power and capacity to enter into this Agreement and any documents arising from this Agreement; and
 - (b) all necessary corporate action has been taken by the Applicant to authorize the execution and delivery of this Agreement

NON-ASSIGNMENT

15. This Agreement shall not be assigned in whole or in part to any person except with the prior written consent of the City.

OTHER LEGISLATION

16. The project shall remain subject to all City By-laws and all applicable provincial and federal legislation. Without limiting the foregoing, this Agreement shall not relieve the Applicant from any requirements for approval for the project, including without limitation, zoning by-law amendments or variances, as may be required, nor shall it be interpreted to imply pre-approval for any such matters.

BINDING ON SUCCESSORS

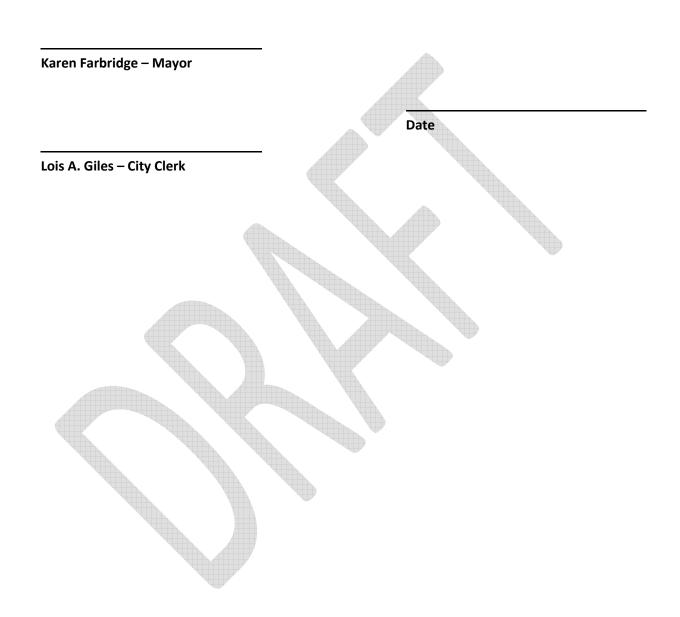
17. It is hereby agreed that this Agreement shall be enforceable by and against the parties hereto, their heirs, executors, administrators, successors and permitted assigns.

IN WITNESS WHEREOF the parties have affixed their hands and seals.

[owner]		
Per:		
Name: Title:	Date	
Title:		

I have authority to bind the Corporation.

THE CORPORATION OF THE CITY OF GUELPH Per:



SCHEDULE "A"

THE LANDS

PIN 71338-0104 (LT)

Part of Grist Mill Lands, East Side of River Speed, Plan 113, Part of Lot 76 and Lots 77, 78, 79, 80, 81 and 82, Plan 113 (as amended), designated as Parts 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 on Reference Plan 61R-10767, City of Guelph, County of Wellington, together with an easement over Part 7 on Reference Plan 61R-10767 as in Instrument No. WC212993.



SCHEDULE "B"
GROSS FLOOR AREA



CONSENT REPORT OF THE EMERGENCY SERVICES, COMMUNITY SERVICES & OPERATIONS COMMITTEE

July 26, 2010

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

Your Emergency Services, Community Services & Operations Committee beg leave to present their FIFTH CONSENT REPORT as recommended at its meeting of July 19, 2010.

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 Emergency Services, Community Services & Operations Committee will be approved in one resolution.

1) Sustainable Neighbourhood Engagement Framework

THAT the "Sustainable Neighbourhood Engagement Framework" and Transition Plan, as set out in Report #CS-IS-1015, be received and approved by Council;

AND THAT staff be directed to begin the Transition plan as described in Report #CS-IS-1015 in 2010 securing a 'host' organization by the end of 2010;

AND THAT the Director of Community Services and City Clerk be authorized to enter into a contractual agreement with the host organization for a period of up to 18 months, with the purpose of implementing the Framework by the end of the first quarter of 2012, the agreement being subject to the satisfaction of the City Solicitor.

2) Guelph Transit Growth Strategy and Plan & Mobility Servcies Review

THAT the Emergency Services, Community Services & Operations Report #CS-TR-1014 of July 19, 2010 pertaining to the Guelph Transit Growth Strategy & Mobility Services Review, be received;

AND THAT Council approve in-principle the recommendations and implementation plan contained in the Dillon Consulting Report "Guelph Transit Growth Strategy and Plan & Mobility Services Review" related to Conventional Transit, Mobility Services and Higher Order Transit and the Implementation Plan be adopted as the blueprint to guide transit operations and development over the next five years, subject to annual budget deliberations;

AND THAT staff be directed to undertake the required activities in 2010 including discussions with potential industrial partners to prepare for the implementation of the 5-Year Plan for Conventional Transit and Mobility Services commencing no later than the summer of 2011;

AND THAT staff be directed to prepare a detailed plan for undertaking transit priority measures on roadways recommended in the Dillon Report for bus-rapid higher-order-transit service, taking into account implications for roadway geometry, functions and operations, and including timing and budget requirements, for Council approval prior to implementation;

Page No. 2 April 26, 2010

Emergency Services, Community Services and Operations Committee Report

AND THAT staff be directed to undertake discussions with municipal partners and provincial agencies to carry out a detailed assessment of the opportunities to implement interregional transit service between Guelph and Cambridge, Kitchener, Waterloo in the Region of Waterloo and potential for extending transit service areas in Wellington County , as identified in the Dillon Report;

AND THAT staff be directed to undertake a detailed assessment of using the Guelph Junction Railway (GJR) for providing rail-based higher-order-transit service in Guelph, taking into account implications for land use and supporting infrastructure, as identified in the Dillon Report.

3) Guelph Farmers' Market – Insurance Requirements

THAT a third party risk assessment be sought to determine ways to mitigate risks at the Farmers' Market;

AND THAT no action be taken to require a certificate of insurance for the Guelph Farmers' Market.

All of which is respectfully submitted.

Councillor Findlay, Chair Emergency Services, Community Services & Operations Committee

PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE JULY 19, 2010 MEETING.

COMMITTEE REPORT



TO Emergency Services, Community Services and

Operations Committee

SERVICE AREA Community Services

DATE July 19, 2010

SUBJECT Sustainable Neighbourhood Engagement Framework

REPORT NUMBER CS-IS-1015

RECOMMENDATION

THAT the "Sustainable Neighbourhoods Engagement Framework" and Transition Plan, as set out in Report #CS-IS-1015 be received and approved by Council;

AND THAT staff be directed to begin the Transition plan as described in Report #CS-IS-1015 in 2010 securing a 'host' organization by the end of 2010;

AND THAT the Director of Community Services and City Clerk be authorized to enter into a contractual agreement with the host organization for a period of up to 18 months, with the purpose of implementing the Framework by the end of the first quarter of 2012, the agreement being subject to the satisfaction of the City Solicitor."

BACKGROUND

Since the 1997 approval of the 'Recreation, Parks and Culture Strategic Plan – Vision 2007' the City of Guelph has been committed to the development of neighbourhood-based programs and services through active citizen involvement and leadership. Specific to Neighbourhood groups, the 1997 Strategic Plan recommended that:

"Neighbourhood groups will be established throughout all parts of the City and nurtured with assistance/guidance from municipal or Leisure Networks staff and volunteers, as well as by a city-wide coalition of neighbourhood groups. The role of these groups will be to help build stronger, healthier, more vibrant neighbourhoods that will also be more 'hands-on' involved in providing locally-based leisure thorough multi-age centres and other activities and initiatives."

The Leisure Network was to be a "strong, efficient, effective and cohesive leisure delivery system that is multi agency, partnership based, relatively seamless and organized around an integrated and well coordinated Leisure Network of providers in the public, commercial and non profit sectors."

The City's support for neighbourhood groups was outlined in the Neighbourhood Partnership Policy adopted by City Council in 2001. This policy reflects 'a commitment to move towards utilizing and fostering a community development approach for the provision of recreation and leisure opportunities and includes the enhancement of the quality of life and community wellness through active citizen involvement and leadership in community life activities".

The policy outlines the resources the City provides to support and assist neighbourhood groups including community development, partnership building, financial support, staffing resources, insurance coverage and space allocation. The role of the City through the Community Services Department was defined as 'resource, advisor, facilitator and/or in a consultative role for all neighbourhood groups." City staff played a very active role in the initiating stages of neighbourhood groups. The City also provided financial, ongoing staff support, administrative support and some operational support to neighbourhood groups through the Neighbourhood Support Coalition (NSC).

Impact of Growth

At the March 25th, 2008 meeting of City Council, a unanimous motion required that "Community Services staff be directed to look at the long term plan and sustainable development of the neighbourhoods". This motion was in response to requests for increased grant funding to the NSC arising from growth.

Staff responded with Information Report CS-CD-0820 entitled "Neighbourhood Development Updates" which outlined the scope of City resources and services that support the work of neighbourhood groups and the Neighbourhood Support Coalition (NSC). In that report, Council was advised that it supports 12 active neighbourhood groups at different stages of development through a budget of \$569,650. It has also begun to work with three emerging groups. In 2008, 13,068 individuals participated in programs and community events operated in neighbourhood locations.

Further, staff identified the following issues and changes have evolved since the original policy of 2001:

- neighbourhood residents coming together for specific issue resolution that are not necessarily recreation or leisure focused;
- social services needs pressing neighbourhoods to deliver programs beyond the original scope of recreation and leisure;
- increased community engagement with evolving needs for facilitation, support and partnership with the city;
- changes within the relationships between agencies, funders and leaders.

In 2008 staff identified that there was no current, integrated, sustainable or strategic plan or framework that could respond to the growth and development of neighbourhood groups or informal resident arrangements which addressed these issues. During this time there was also the continued work of incorporated resident associations, and the evolving role of rate payer associations focused on issues relating to planning within their neighbourhood.

"Neighbourhood Long Term Development Strategy" as per report CS-NE-0904 outlined a review to respond to these issues and to determine how the City partners with neighbourhood groups. The goals of the project are as follows:

- Refresh and re-affirm the City's vision/philosophy for a neighbourhood/grass roots focus on service delivery.
- Conduct research on issues and best practices with regards to neighbourhood development work.
- Complete a comprehensive review of the City's current practices/policies/resources that support neighbourhood group development and the delivery of neighbourhood-based programs and services.
- Conduct a public engagement process that includes neighbourhood group leaders, program participants, staff and members of City Council at various stages of the planning process.
- Identify key stakeholders and potential partnerships through the participation of multiple stakeholders in the planning process.
- Prepare recommendations and related financial implications to support the long term sustainable growth of neighbourhood groups

Council approved proceeding with this study and Community Services secured the services of a consultant to undertake the work. Council has been receiving updates throughout the project and they are included in Appendix A

REPORT

This report describes the outcomes of the review process and provides an overview of the Sustainable Neighbourhood Engagement Framework (SNEF) which explores the way in which the City partners, and engages with specific neighbourhood groups to building healthy and vibrant communities through programming and civic engagement. (See Appendix B for the Executive Summary of the SNEF Report)

During the process, the Community Services Department was asked to include in the SNEF a response to how the community can address the impact arising from the elimination of funding for Community Development (CD) workers currently provided by Family and Children's Services (F&CS); workers who strive to proactively meet the needs of vulnerable neighbourhoods.

Study Process

The City secured the services of the consultants named 'Public Interest Strategy and Communications' who undertook the study. Public Interest was guided by a 16 member Advisory Committee comprised of neighborhood group volunteers and Neighbourhood Support Coalition (NSC) members, community agency partners and city staff. (See Appendix C for committee membership).

The SNEF Advisory Committee worked collaboratively to conduct the study and to develop a framework that neighbourhood volunteers, the NSC, community agency partners and city staff could all endorse. The study consisted of the following components:

- A literature review of best practices based on empirical studies and research on community-led service delivery and governance models for the delivery of neighbourhood engagement work.
- An environmental scan which included the history of the NSC and policy development, related corporate polices, community profiles and information specific to each neighbourhood group
- Community consultation to gather information to develop the framework.
 Consultation included: 30 Interviews and 5 Focus Groups involving
 neighbourhood group volunteers, City staff, City Councillors, F&CS staff,
 funders, partners, County and Provincial staff. These same participants were
 invited to follow up sessions to provide feedback on the draft framework and
 50 people participated these sessions.

Key Findings of the Study

Some of the key study findings included:

- the importance of the work of neighbourhood groups in contributing to the health and well being of the community; and a recognition that as communities in Guelph continue to transform, the functions of neighbourhood groups will only become more important because they are uniquely placed to identify emerging issues and appreciate the context of these changes, as well as to find innovative, responsive and appropriate ways of addressing them;
 - a recognition that neighbourhood groups have taken on a broader range of activities than those outlined in the Neighbourhood Partnership Policy (2001) and could be involved in a broader array of activities within neighbourhoods by focusing on creating a stronger sense of belonging for more residents in neighbourhoods and enhancing civic engagement by finding ways to bring neighbourhood voice to issues of concern;
 - that the City, as a municipal institution, was ill-suited to directly hosting flexible, grassroots neighbourhood groups in such a heavily interconnected way. The highly regulated nature of municipal governments and the extent to which they are obliged to minimize risk are difficult for volunteer-driven organizations to accommodate. An example is that all neighbourhood groups who employ staff are required to meet all human resource policies of the City because the groups' staff are city employees. This challenge is found in

Guelph and has been identified in similar circumstances in jurisdictions around the world;

- building social capital is critical to the success of neighbourhood groups. Social capital is the resource made up of the networks and shared interests and skills of a community that is so critical to the success of communities. Social capital works best when the "bonding" capital, which brings people together around a shared goal and encourages them to contribute their time and capacities, is paired with "bridging" capital, which links together everwidening circles of relationships to build broader, stronger, more effective networks. By "bonding" and "bridging", by strengthening connections and reaching out, groups grow stronger.
- enhanced reporting requirements are necessary to promote an open and transparent grant allocations process to assure partners, funders and neighbourhood group volunteers that funds are optimally deployed.

Framework Elements

Public Interest and the SNEF Advisory Committee worked collaboratively to develop a framework that neighbourhood volunteers, the NSC, community agency partners and city staff could all endorse. The framework makes clear how the neighbourhood groups function and include a governance model. It consists of: a vision statement, core principles, neighbourhood group activities, resource requirements and criteria for neighbourhood groups to be eligible for City support, a governance structure and the role of partners.

The vision statement is a new vision developed and endorsed through the consultation process.

A Vision Statement:

"Engaged neighbourhoods make a difference to the health and well being of the people who live in them. Every neighbourhood in Guelph should be a welcoming, inclusive place that engages its residents and involves them, in large ways and in small ways, in the shared activities that impact the circumstances, aspirations and opportunities of all who live there and raise the quality of life for Guelph as a whole."

1. Core Principles for Neighbourhood Groups:

Four common principles describe the current work and underlying goals of neighbourhood groups. These principles also provide future direction and must be both reflected in the work of neighbourhood groups and consistently practiced for groups to be supported by the City and the NSC.

- Inclusive: Neighbourhood groups create programs, provide spaces and are governed in ways that are inclusive. Neighbourhood groups actively work towards reducing barriers that might otherwise prevent residents from participating.
- Engaging: Neighbourhood groups work to include residents in their decision-making process and in the implementation of programs and activities.
- Belonging: Neighbourhood groups strive to create a sense of belonging and community in the neighbourhoods they serve.
- o **Responsive:** Neighbourhood groups must constantly adapt and respond to the needs, interests and wishes of their growing range of participants by developing new programs and modifying existing ones.

2. <u>Activities of Neighbourhood Groups:</u>

Neighbourhood groups currently undertake a multitude of activities that meet the above principles and vision. The list below catalogues the work of current neighbourhood groups and provides some guidance and clarity about expectations for new neighbourhood groups.

In the new framework, Neighbourhood Groups may now choose to undertake only one, or undertake multiple types of these activities.

The framework moves from the past ten years of work on the delivery of recreation and leisure programming and the evolving delivery of social services to include opportunities that purposefully create a sense of belonging and seek to build a stronger community voice on issues such as public policy, engagement processes, and advocacy.

Types of Activities	Examples	
Delivering accessible services (economic, physical, social)	 Programs with fee subsidies Physically accessible space and supports Variety of programs for different ethno-cultural groups 	
Delivering responsive services (relevant, appropriate)	 Adjusting programs and services based on need Soliciting feedback from the community Programs focused on social need 	
Basic engagement (decision-making processes, fostering dialogue)	 Newsletter, flyers, emails for events Activities designed to build engagement Active recruitment of neighbourhood leaders 	

Creating a sense of belonging (involvement, outreach, awareness, leadership)	Community BBQsFestivalsCapacity building workshops
Providing a voice for the community on issues (policy process, advocacy, community issues)	 Community meetings on issues Information sessions with government staff Community organizing Lobbying

3. Resources for Groups involved in the Sustainable Neighbourhood Engagement Framework:

The Framework is based on the understanding that the City, neighbourhood groups, other partnering community agencies and institutions, all play a part in supporting the neighbourhood group system. A list of the kinds of resources required by neighbourhood groups was provided as well as the stakeholder(s) that could potentially provide them. The list includes: space, insurance, training, neighbourhood profile data, staff, for instance.

4. A New Governance Structure for the NSC:

It is proposed that the NSC build on its existing foundation and strengths and become a new incorporated, non-profit organization acting as a bridge between the City, partner organizations and neighbourhood groups to achieve the shared vision for neighbourhoods and to coordinate the flow of multiple resources and while providing support for capacity development of groups.

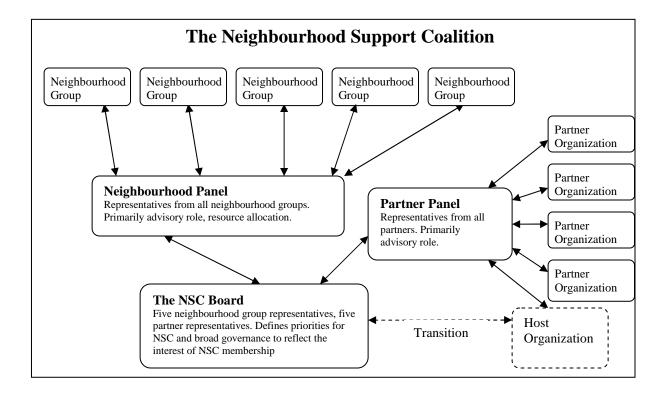
This change provides the NSC with the autonomy to make decisions and determine priorities to achieve the vision of sustainable neighbourhood engagement. A new governance model has been recommended as follows:

The NSC Board would include both elected community leaders from neighbourhood groups and a selection of major partners. The two panels, the Neighbourhood Panel and the Partner Panel inform the NSC Board.

A Neighbourhood Panel would be similar to the current structure of the NSC, with each neighbourhood group being represented on the panel to discuss issues, advise the Board, mentor and network with each other.

A newly created Partners Panel would include representatives from a selection of major partners meet to network, discuss issues/solutions and advise the Board. Committed partners to date include:

- Family and Children Services of Guelph/Wellington,
- the Guelph Community Health Centre,
- the Upper Grand District School Board,
- the Volunteer Centre of Guelph/Wellington,
- Guelph Police Services and
- Trellis Mental Health and Developmental Services



5. <u>Criteria for Neighbourhood Groups Involved in SNEF:</u>

The Framework more specifically articulates the criteria for neighbourhood groups to be part of the NSC. It moves away from the former development model for neighbourhood groups that anticipated their eventual incorporation, recognizing instead the fluid and context sensitive nature of neighbourhood groups.

In the Framework neighbourhood groups will need to show that they:

- support the vision,
- consistently act in accordance with the principles,
- undertake at least one of the activities outlined in the framework (deliver accessible and responsive programs, conduct basic engagement activities, create a sense of belonging, provide a voice on community issues),
- participate on the Neighbourhood Panel of the NSC.

Further, these criteria will help support the framework by ensuring that neighbourhood groups remain accountable to their funders and their partners, as well as their local residents. Two key components of this accountability are 1) transparency (in their processes and finances) and 2) sharing clearly stated goals. Both these components are known to be very important to ensuring a sustainable organization.

To evolve greater sustainability, as part of the allocations process groups will now be required to:

- prepare an annual report of their activities,
- prepare a financial report,
- · develop an action plan for next year's activities,
- develop an inclusion and outreach plan.

Through the transition phase, groups will develop clear, non-conflicting boundaries with other neighbourhood groups, and support will be provided to meet these requirements.

The Role of the City (Community Services)

The Framework provides a vision for the work of neighbourhood groups, principles to guide how the work is to be done, a broader array of neighbourhood group activities that echo the interests of the City and a governance model for the NSC that provides a recognized role for partners and neighbourhood leaders in the strategic use and cultivation of resources, for the work of neighbourhoods.

In this new framework and in recognition of the need for the NSC to be an autonomous organization, the City moves from being the main 'facilitator and supporter' of the NSC to being one of many community partners who share the principles of community development as practiced through the activities of neighbourhood groups.

During a period of eighteen months while the NSC moves to its new governance model, the Community Services Department is committed to continuing to provide a range of resources and expertise to the support the effective functioning of the NSC. These resources include: funding for the NSC to support its work in the way that best reflects needs and priorities as well as ongoing advice and support of City staff involved with neighbourhood engagement work.

Benefits of the Sustainable Neighbourhood Engagement Framework

The proposed framework offers many benefits to the City, community and agency partners such as:

- Builds on historic base of work with partners and the NSC
- Developed though a solid community engagement process
- Research indicates the specific combination of the five neighbourhood group activities in the framework (delivering accessible and responsive services, basic engagement, creating a sense of belong and providing a voice on community issues) provide the most benefit to neighbourhoods

- Clarifies the vision for neighbourhood work, the principles to undertake the work and the activities that describe the work to ensure a wise investment of City resources
- Sets in place increased accountability for program goals, financial reporting, outreach and mentoring for neighbourhood groups and the NSC
- Governance structure provides ongoing support and buy- in of community partners, the City and other funders
- Enhances dialogue and transparency in the participatory budgeting process to ensure a fair and transparent process
- Requires neighbourhood groups to disclose a variety of information (related both to programs and finances) prior to the fund allocation process to support informed and collective decisions
- Recognizes the value of F&CS, Community Development Worker contributions.
 While it does not resolve the current funding issue for these positions in the short term, the framework provides a collaborative structure to discuss funding options going forward.
- Re-defines the nature of the City's role as an active partner rather than a sponsor
- Opens up new ways and potential partners for the City, and the NSC in its neighbourhood work, particularly with activities involved in creating a sense of belonging and providing a community voice to issues of neighbourhood interest where some resident associations or rate payer groups have played a role
- Addresses the sustainability of neighbourhood groups by engaging more partners to support the work, identifying criteria for new groups and a structure to support the new group development

Response to the Framework

The framework was created through a collaborative process by the SNEF Advisory Committee (consisting of 16 members from neighbourhood groups, community agencies, F&CS, City staff and the NSC), endorsed by the NSC and supported by Community Agencies currently working with neighbourhood groups. There are no recommendations in the SNEF report created by the consultants. Public Interest Strategic Communications and the Advisory Committee created a framework that not only responded to each groups needs but positioned the NSC for a broader scope of work in the future.

Next Steps

Transition Plan

A detailed transition plan has been developed to support the implementation of the framework with timelines and milestones. (See Appendix D)

Key Steps

There are two principle key steps to the transition which are: to secure a host organization to oversee the transition and to work with neighbourhood groups to meet the new criteria.

Secure a Host Organization: A host organization will oversee the transition of the NSC to incorporate as a non-profit. Further work is required to determine a process for the selection of the host organization and this work will happen in conjunction with building the Neighbourhood and Partner Panels and the NSC structure. It is anticipated that a host organization be selected within the next 4-6 months

The host organization should be a registered not-for-profit located in Guelph with an understanding of community engagement work. They would have the experience and expertise to work in a mentoring relationship to guide the development of a non profit group. The host organization will in turn hire the NSC Co-ordinator to assist with the transition

2) Neighbourhood Groups Meet the New Criteria: During this transition to a new NSC structure, existing neighbourhood groups will work towards meeting the new membership criteria outlined in the framework.

During this period, the City will continue to support neighbourhood groups during this transition phase until a suitable host organization has been secured, or the new incorporated NSC has been developed.

A detailed staffing plan for City staff that currently support the work of neighbourhood groups both directly with on-site programs in the neighbourhood, as well as the community engagement co-ordinator staff who provide support to the voluntary boards of neighbourhood groups, will be submitted as part of the overall transition plan which is anticipated to last 18 – 24 months.

A reporting system will be developed. The transition plan will continue through 2011 and the first quarter of 2012 with reporting on key milestones as identified in the agreement between the City and the host organization.

CORPORATE STRATEGIC PLAN

- Goal 2: A healthy and safe community where life can be lived to the fullest
 - 2.1: A complete community with services and programs for children, youth and adults of all ages.
 - 2.6: A well connected and accessible community that values diversity, multiculturalism, volunteerism and philanthropy
- Goal 5: A community- focused responsive and accountable government
 - 5.2: A consultative and collaborative approach to community decision making
 - 5.3: Open, accountable and transparent conduct of municipal business
 - 5.4: Partnership to achieve strategic goals and objectives

FINANCIAL IMPLICATIONS

The transition plan will be managed through an 18 month contract and negotiated as a phased allocation tied to the achievement of milestones in the contract. The funds to support the transition are in the base operating budget and are part of Community Services overall community development budget of approximately \$550,000. This provides a sound approach to ensuring the sustainability of groups.

Additionally, Community Services would allocate a portion of the Supervisor of Neighbourhood Engagement time to work with the incorporated NSC as well as other partners and City staff to build capacity to undertake work in the SNEF framework that focused on providing a voice for the community on issues and building capacity for broad neighbourhood engagement work.

DEPARTMENTAL CONSULTATION

Human Resources Department

Community Design and Development Department - Development and Parks Planning

Operations Department - By-law Enforcement and Parkland and Greenways Community Services Department - Community Facilities and Programs Corporate Services- Realty

COMMUNICATIONS

Community consultation has occurred through the advisory committee, focus groups and key informant interviews. (See Appendix E for listing of participants.) All consultation participants who provided contact information have been sent an update on the SNEF process and a copy of the Executive Summary of the report

ATTACHMENTS

Appendix A: SNEF project updates to City Councillors

Appendix B: SNEF Report, Public Interest Strategy and Communications Executive

Summary

Appendix C: SNEF Advisory Committee Membership

Appendix D: SNEF Report, Public Interest Strategy and Communications,

Implementation Road Map

Appendix E: SNEF Report, Public Interest Strategy and Communications, SNEF

Consultation

Par Pource

Prepared By:
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Appendix A: SNEF Project Updates to City Councillors

Sustainable Neighbourhood Engagement Framework Study (SNEF): Project Update

The Sustainable Neighbourhood Engagement Framework Study explores the way in which the City partners, and engages with specific neighbourhood groups. It also includes how the community can respond to the elimination of funding for Community Development workers currently provided by Family and Children's Services to work in vulnerable neighbourhoods. The following lists our progress to date in key project areas:

Project Scope Expanded:

 Following consultation with the community and a number of supportive agencies, the scope of this study was recently expanded to include a review of the elimination of the F&CS CD worker positions and future funding options

SNEF Advisory Committee:

- Developed in November of 2009
- Have held 2 meetings to date
- Currently 16 members including neighbourhood group leaders and agency representatives
- Will be expanding to include 3 new members to accommodate change in scope

<u>Literature Review:</u>

Key Learnings to date:

Public Interest conducted an initial review of empirical studies and research on community-led service delivery. The literature pointed to a number of benefits that can occur when municipalities and community groups co-produce services:

- Improved service quality and effectiveness
- Enhanced participation and engagement
- More opportunities to establish and expand social networks and social supports
- Develops social capital

The literature reviewed highlighted a number of challenges and barriers to obtaining these potential benefits:

- Delivering effective community-led services is complex and elusive
- Strong organizations in and of themselves don't necessarily ensure benefits of Community development, social capital and collective efficacy.

The literature also contained a number of recommendations for ensuring that community-led services are able to deliver services and additional benefits.

Neighbourhood groups need clear criteria around:

- Context specific strategies that are able to change with the community
- Steadily broadening engagement and shared leadership
- Addressing barriers to participation (cultural/class differences, power imbalances)
- Conscious development of social capital (building bonds within the group and bridges to other groups)
- Addressing issues that reflect broad need (rather than the narrow interests of a few)
- Both short and long term actions in areas that address these broad needs

Municipal staff need:

- Partnership policies
- Flexibility to adjust to needs of groups
- Training (facilitation of collaborative partnerships)

Finally, the literature also notes the challenge of funding neighbourhood groups and specifically points out that while the costs are generated locally, the benefits tend to accrue largely provincially.

Environmental Scan:

 Initial scan which includes history of the NSC and policy development, related corporate polices, community profiles and information specific to each group completed and circulated for comment

Community Consultation:

- List of key informant interviews (39 participants invited) and focus group participants (33 invited) has been established
- Public Interest scheduling interviews last week of February and first week of March

Sustainable Neighbourhood Engagement Framework Study (SNEF): Project Update 2

This memo updates the operational review currently underway focusing on how the City works with neighbourhood groups. An advisory committee comprised of volunteers from neighbourhood groups, and other agency partners in neighbourhood work is overseeing the review. This update provides highlights on the environmental scan used to develop the framework.

Data Gathering Completed

• 30 Interviews & 5 Focus Groups involving: neighbourhood group volunteers, City staff including: Community Engagement Coordinators & Program Coordinators, City Councillors, F&CS Staff, funders and partners and County & Provincial Staff

What we learned

- Neighbourhood Groups achieve great benefits because of active volunteer, city, and partner support
- Neighbourhood Groups (NGs) are responsive to the community, accessible and inclusive.

Key Roles that make successful NGs:

- City's role: vital support, staff, funding, space, liability, partnership building, capacity building, city-wide vision
- F&CS's role: vital for addressing great needs, capacity building, program development and support
- Neighbourhood Support Coalition's role: funding distribution, mentoring, information sharing

Some challenges:

- Clarity and consistency of vision- different partners see different aspects and priorities
- Staff support and communication, including managing workload and communicating City requirements
- Funding and stability, lack of stable core funding, especially in the face of a growing number of groups, and limited diversity of funding sources

- Transparency in the participatory budgeting process
- Volunteer support- dwindling volunteer support and limited capacity building
- Outreach- lack of resources and capacity to conduct ongoing outreach

Building the Model

The advisory committee has begun to build the framework of neighbourhood engagement by considering some of its elements. These include identifying and cataloguing the benefits of neighbourhood focused activities and the objectives the groups are trying to achieve such as:

Benefits & objectives

- Delivering accessible services
- Delivering better attuned services
- Delivering engaging services
- Creating Engagement
- Creating a sense of belonging
- Providing a voice for the community on issues

The advisory committee also considered the various types of activities neighborhood groups could engage in to meet these objectives as well as the criteria that could be used to determine which objectives and activities to pursue. The committee concluded the session with the following points to build into the framework:

- Groups do different things and are not all things to all people all the time
- Funding should remain flexible but be based on clear criteria related to the nature activities of the group
- Retaining funders means acknowledging their goals and obligations and creating a system for risk management, reporting and compliance
- Groups can't do this alone; they need support, capacity building knowledge sharing, group help, formal structures and who does that?
- Sustainable groups need volunteers, and a broad base of connection for outreach, recruitment, and succession
- Expand the capacity of the City to relate to groups in a diversity of appropriate ways
- Defining partnership protocols and clarifying circumstances for partnering, supporting, facilitating and convening

Next Steps:

These elements will be further developed into a framework that includes: vision, principles, resources, activities, criteria, Neighborhood Support Coalition structure, allocation and partnership so look to your next update for details. It is anticipated that the draft framework will be ready for consultation later in May and early June.

SNEF update 3

This email will provide a 3rd update on the operational review currently underway focusing on how the City works with neighbourhood groups. The following is a summary of some of the key elements of the proposed framework based on the key informant interviews, focus group and advisory committee discussions. I have taken the liberty of highlighting for you some elements of this communication, which may alter how we have been working in the past.

Elements of the Framework:

1. A Vision Statement:

"Engaged neighbourhoods make a difference to the health and well being of the people who live in them. Every neighbourhood in Guelph should be a welcoming, inclusive place that engages its residents and involves them, in large ways and in small ways, in the shared activities that improve the circumstances, aspirations and opportunities of all who live there."

2. Core Principles for Neighbourhood Groups:

Three common principles describe the current work and underlying goals of neighbourhood groups.

- o **Inclusive**: Neighbourhood groups create programs, provide spaces and are governed in ways that are inclusive. Neighbourhood groups actively work towards reducing barriers that might otherwise prevent residents from participating.
- o **Engaging:** Neighbourhood groups work to include residents in their decision-making process and in the implementation of programs and activities.
- o **Belonging:** Neighbourhood groups strive to create a sense of belonging and community in the neighbourhoods they serve.

3. Activities of Neighbourhood Groups:

Neighbourhood groups currently undertake a multitude of activities that meet the above principles and vision. The list below not only catalogues the work of current neighbourhood groups, but may also provide some guidance and clarity about expectations for new neighbourhood groups. Neighbourhood groups may choose to undertake only one or multiple types of these activities.

Types of Activities	Examples	
Delivering accessible services (economic, physical, social)	 Programs with fee subsidies Physically accessible space and supports Variety of programs for different ethno-cultural groups 	
Delivering responsive services (relevant, appropriate)	 Adjusting programs and services based on need Soliciting feedback from the community Programs focused on social need 	
Basic engagement (decision-making processes, fostering dialogue) Creating a sense of	 Newsletter, flyers, emails for events Activities designed to build engagement Active recruitment of neighbourhood leaders Community BBQs 	
belonging (involvement, outreach, awareness, leadership)	FestivalsCapacity building workshops	
Providing a voice for the community on issues (policy process, advocacy, community issues)	 Community meetings on issues Information sessions with government staff Community organizing Lobbying 	

4. Resources:

The Framework would be based on the understanding that the City, neighbourhood groups, community agencies and institutions, all play a part in supporting the neighbourhood group system. A list of the kinds of resources that would be helpful to NGs was provided as well as the stakeholder(s) that could potentially provide them. Also, an expanded role for the NSC as an incorporated non-profit was proposed which would better place the NSC to coordinate the flow of many of these resources or supports.

5. Criteria:

Neighbourhood groups would have to be members of the NSC in order to receive City funds through the allocation process or other resources. In order to be eligible for membership, neighbourhood groups will have to meet key criteria. These criteria will help support the neighbourhood group system by ensuring that neighbourhood groups remain accountable to their funders and their partners, as well as their residents. Two key components of this accountability are transparency (in their processes and finances) and clearly stated goals.

6. A New Governance Structure for the NSC:

It is proposed that the NSC build on its existing foundation and strengths and become a new non-profit organization acting as a bridge between the City, partner organizations and neighbourhood groups to achieve the shared vision for neighbourhoods. A new governance model has been discussed as follows:

"Blended Board": The NSC Board would include both elected community leaders from NGs and a selection of major partners.

Executive Committee: The Board would require the support of staff (an Executive Director/ Coordinator & Administrative support staff) and select Board members

Neighbourhood Group Advisory Committee: similar to the current structure of the NSC, each NG would be represented on this committee to discuss issues, advise the Board, mentor and network with each other.

Partners Advisory Committee: Representatives from a selection of major partners meet to network, discuss issues/solutions and advise the Board.

A "trustee" role would need to be adopted by one or two of the current partnering agencies to assist in guiding the transition from the current NSC Board to a proposed new structure.

Next Steps:

Five focus group session have been scheduled to gain feedback on the draft framework in mid May. The Mayor and Members of Council have been invited to the session with City staff on **May 18th**, **from 1:00 to 3:00 in Committee Room 112.** An executive summary will be forwarded for preview prior to this meeting.

Based on feedback from these sessions, a final draft will be developed and presented to the SNEF Advisory Committee June 1st followed by submission for Council's consideration in June.

Appendix B: Sustainable Neighbourhood Engagement Framework Report : Executive Summary

Executive Summary

In 2009, the City of Guelph Community Services Department initiated the Sustainable Neighbourhood Engagement Framework process, an operational review of how the City engages and partners with Guelph neighbourhood groups and the Guelph Neighbourhood Support Coalition (NSC). The review also examined how the potential elimination of Community Development Worker positions would affect neighbourhood groups. Working with an advisory committee of key stakeholders, the process involved a review of existing literature on community development, grassroots service delivery, and effective organizational development, as well as an environmental scan of City of Guelph policies, neighbourhood group reports and statistical data that inform the City's role and current contexts of neighbourhood groups. Also, an extensive consultation process that included key informant interviews and focus groups was undertaken with a range of stakeholders from neighbourhood group leaders, City staff, frontline workers, partners and elected officials.

The consultation findings have informed this draft Sustainable Neighbourhood Engagement Framework. There is widespread agreement that neighbourhood groups are a significant asset and provide invaluable benefit to the City of Guelph. The Framework articulates a new overall structure for moving forward and building on those assets. Within this new structure, the NSC has an expanded role as an independent organization that acts as a bridge between neighbourhood groups and other partners including the City. As well, the Framework clarifies what the City hopes to achieve through this work.

The Framework contains seven key elements, with four guiding principles. Each element addresses a different aspect of the neighbourhood group system.

Vision

The Sustainable Neighbourhood Engagement Framework is guided by the City of Guelph's vision, shared by communities and partners, of neighbourhoods in Guelph and the role that neighbourhood groups can play in achieving that vision. This vision is based on an understanding about the valuable contribution neighbourhood groups make to the quality of life in Guelph and what can be achieved by continuing to support this work.

Engaged neighbourhoods make a positive difference to the health and well-being of the people who live in them. Every neighbourhood in Guelph should be a welcoming, inclusive place that engages its residents and involves them, in large ways and in small ways, in the shared activities that impact the circumstances, aspirations and opportunities of all who live there, and raise the quality of life for Guelph as a whole.

Principles

The Framework provides four common principles that all neighbourhood groups are expected to use to guide their actions in order to receive supports and resources from the City of Guelph. These principles are based on a shared understanding of the most effective model of community development and engagement - that grassroots and community initiatives are most successful when they build on the strengths and assets of the whole community, including those already involved and those beyond current membership and participants, to build the organization around shared community priorities.

Four common principles describe the current work and underlying goals of neighbourhood groups, which are more effective and successful when they are:

- 1. **Inclusive**: Neighbourhood groups create programs, provide spaces and make decisions in ways that can include everyone in the community. People from diverse backgrounds feel comfortable participating and neighbourhood groups actively work to break down barriers that stop people from getting involved.
- 2. **Engaging**: Neighbourhood groups actively reach out and get people involved in decision-making as well as local activities.
- 3. **Responsive**: Neighbourhood groups respond to the needs and priorities of the community, making changes, setting new goals and adjusting processes to accommodate the whole range of residents they serve.
- 4. **Building a sense of belonging**: Neighbourhood groups work to create a sense of belonging and community for all the people in the area they serve and help everyone see their shared interest in the community.

By articulating these principles, the Framework identifies the unique characteristics and goals of neighbourhood groups and helps to distinguish them from other area-based organizations.

Activities

A number of the activities carried out by neighbourhood groups help to fulfill the principles. Neighbourhood groups must do at least one of these types of activities to be actively involved in engagement and eligible to receive supports and resources from the City of Guelph. The framework provides five categories of activities that help achieve the vision and strengthen neighbourhoods. The following table outlines the five activity categories. The list is not intended to be prescriptive, but rather serve as a guide to neighbourhood groups as they plan out their activities and reflect on how those activities will support the vision and principles.

Categories of Activities	Indicators	
Delivering accessible services (economic, physical, social)	Services are delivered by the neighbourhood group and differ from other similar services in one or more of the following ways: o located closer to users or in physically more accessible settings o less expensive o programs are more flexible and adjust to user needs o programs are linked to social and cultural structures or activities that make them more inviting, familiar or comfortable for users in ways that increase participation	
Delivering responsive services (relevant, appropriate)	Services are delivered by the neighbourhood group and differ from other similar services in one or more of the following ways: o programs are geared to the specific needs of the neighbourhood rather than broader goals o programs planners consult community members and design services to reflect local priorities o planning actively includes users	

	o program operations actively include users as leaders in the management and delivery of services
Basic engagement (decision-making processes, fostering dialogue with neighbourhood groups, communities and partners)	Neighbourhood groups engage in activities designed to: o increase awareness of and contact with others o bring neighbours in contact with each other in ways that bridge typical gaps in social networks o bring neighbours together to encourage new discussion on shared ideas and concerns o demonstrate the ability of residents to make constructive changes in their community
Creating a sense of belonging (involvement, outreach, awareness, leadership)	Neighbourhood groups engage in activities designed to: o demonstrate mutual interest and respect o celebrate the value of belonging to a community o make residents feel welcome in settings outside their established social networks
Providing a voice for the community on issues (policy process, advocacy, community issues)	Neighbourhood groups engage in: o arranging opportunities for community members to express their views on issues o creating and managing community decision making processes o speaking out for the community on issues o pursuing advocacy efforts on behalf of the community

Neighbourhood Support Coalition Structure

Neighbourhood groups are volunteer run organizations with varying capacities. Funders and partners of neighbourhood groups, including the City, recognize the benefits of having neighbourhood-based organizations serving communities. A large part of what makes neighbourhood groups so effective is their close connection to the communities they serve as well as their flexibility and responsiveness to the needs of neighbourhoods. That flexibility is hard to achieve when groups are not supported with a network and with capacity building. The support structures currently in place, most notably the Neighbourhood Support Coalition and the City of Guelph's community engagement staff, struggle to meet these needs without imposing demanding administrative requirements as well. The Framework recommends that the NSC expand to become an autonomous organization that acts as a bridge between individual neighbourhood groups, the City and other partner organizations that work with neighbourhood groups.

An expanded NSC would continue to support neighbourhood groups through information sharing, resource and partner development and resource allocation. A Partner Panel (of external organizations) and a Neighbourhood Panel (of neighbourhood group representatives) would serve as advisory bodies within the NSC. Both panels would elect representatives to a Steering Committee.

Within the new structure, the NSC will need increased capacity to support the neighbourhood groups and marshal resources. One of the initial responsibilities of the NSC would be to work with partner organizations to secure funding from a range of diverse sources for NSC staff to deliver more supports to groups.

In order to support the transition to an expanded NSC a host organization will be required. After the transition period, the NSC may choose to continue to work with a host organization on a more permanent basis or become a stand-alone, incorporated, non-profit organization.

Resources and Supports

Currently the City and other partners provide a number of key resources to neighbourhood groups. Some of these are provided through formal agreements while others are provided informally. The framework provides a list of all the non-financial resources that should be provided consistently to assist neighbourhood groups in the work they do and clarifies the roles of the NSC and its partners. The list includes:

- Access to City Hall;
- Permits/fast track for municipal services;
- Staff support;
- Human resources supports;
- Hosting;
- o Auditing, book-keeping and other financial services;
- o Templates and guidelines to use in planning and managing various projects;
- o Training and mentoring;
- Research and information;
- o Communications; and
- Other special projects.

Three resources are highlighted as priority resources for neighbourhood groups. These priority resources include:

- Space acquisition:
 - Assistance in acquiring office space, meeting space, program space and storage space
- o Insurance:
 - Liability insurance for neighbourhood groups
 - Coverage for staff and programs
- Organizational development:
 - Includes allocation of Community Development Worker staff to support NGs with specific challenges or development strategies
 - Skills development for volunteers (program and governance), staff and neighbourhood groups overall

The arrangements for accessing these resources and supports identified should be formalized into written agreements.

Allocation of Funding

Currently, the NSC Finance Committee allocates funds to neighbourhood groups through a participatory budgeting process. The process was seen by most of those involved in it as important and reflective of the core values of the NSC and neighbourhood groups in Guelph. However, significant challenges with the process were also identified. The framework outlines a similar allocation process but with additional transparency through clearer annual and public reporting. The allocation process will be managed by the Neighbourhood Panel of the NSC with neighbourhood group representatives, under the auspices of the NSC Steering Committee.

Neighbourhood groups will be asked to prepare and publicly share reports on their finances, previous year's activities and upcoming annual plans. Reporting will include accounting for the number of programs, participants and volunteer hours of the group in the previous year,

a summary of current accounts, a budget for the year to come, action and inclusion plans, justifications for resources and stories of the benefits of neighbourhood groups. In light of the varying capacities of neighbourhood groups, the NSC will provide support to neighbourhood groups in preparing for the new process. Underlying this model is an expectation that neighbourhood groups will work towards developing and improving their activities in accordance with the Framework principles.

Criteria

Neighbourhood groups that are working towards the principles will also have to be members of the NSC in order to be included in the allocation process. The criteria for membership is laid out and includes specific requirements including action plans, inclusion plans, annual reports, annual financial reports, neighbourhood group governance structures and participation in the NSC to ensure clarity, transparency and accountability.

The Framework recognizes that neighbourhood groups have varying capacities. The criteria should not be so burdensome that it discourages new groups from forming or takes away from important on-the-ground work. The NSC will support neighbourhood groups in meeting these criteria by providing templates and assistance in developing the plans and reports.

Moving Forward

The Framework also includes an Implementation Road Map. Some elements of the Framework are more readily adoptable by the City of Guelph, neighbourhood groups and partners. Other changes proposed in the Framework require long term planning, and the development of stable structures and a multi-year transition period is expected.

Appendix C: SNEF Advisory Committee Membership

City of Guelph – Sustainable Neighbourhood Engagement Framework Project

Advisory Committee Members – Updated February 9, 2010				
Name	Organization/Agency	Title/Position		
Andrew Seagram	Upper Grand District School Board	Coordinator, Community Use of Schools Program		
Anne Marie Simpson	Family & Children's Services			
Barbara Powell	City of Guelph	Manager of Integrated Services and Development		
Brent Eden	Guelph Police Services	Deputy Chief of Neighbourhood Services		
Cindy Richardson	City of Guelph	Community Manager, Neighbourhood Engagement		
Gayle Valeriote	Volunteer Centre of Guelph Wellington	Manager, Training and Consultation		
Kelly Guthrie	City of Guelph	Community Engagement Coordinator		
Lynne Briggs	City of Guelph	Seniors Services Manager		
Nancy Mykitschak	Guelph Community Health Centre	Programs and Services Director		
Larry Lacey	Waverley Drive Public School	Principal		
Brenda Albert	Onward Willow Neighbourhood Group	Community Leader		
Niki Henry	Two Rivers Neighbourhood Group	Community Leader		
Debbie Gorman	Brant Avenue Neighbourhood Group	Community Leader		
Roy McLeod	Two Rivers Neighbourhood Group	Community Leader		
Bill MacDonald	West Willow Woods Neighbourhood Group	Community Leader		
Barb McPhee	Waverley Neighbourhood Group	Community Leader		
Helen Fishburn	Trellis Mental Health and Developmental Services	Director of Programs		
Mandeep Sandhu (mailing list only; cannot attend meetings)	Exhibition Park Neighbourhood Group	Community Leader		
Kathryn Hern	City of Guelph	Customer Service Administrator		

Appendix D: SNEF Report, Public Interest Strategy and Communications, Implementation Road Map

Appendix A: Implementation Road Map

This document outlines some of the key strategies required for a transition to a sustainable process for neighbourhood engagement, including the establishment of the NSC as an autonomous organization capable of coordinating and supporting new and existing neighbourhood groups in Guelph.

The transition to an autonomous organization will take time and effort. It's important that neighbourhood groups continue to function during this period. Until the new NSC is fully established and is able to coordinate resources to groups including insurance, space and HR, the neighbourhood groups should continue to receive supports directly from the City and other partners.

The Implementation Road Map envisions two areas of action that will be implemented concurrently. In one area the NSC structure is built. In the other area, neighbourhood groups, working through the Neighbourhood Panel, work towards meeting the criteria laid out in the framework.

Building the NSC Structure

The following actions will support the establishment of an expanded NSC and identifies who will likely be responsible for carrying them out.

Bringing Panels Together

Approximate Timeline: June 2010 to February 2011

Actions:

- Current NSC Board becomes the Neighbourhood Panel
- Establish the Partnership Panel
- Elect representatives from the panels to sit on the NSC Steering Committee
- Host a founding meeting to elect members to the NSC Steering Committee
- NSC Terms of Reference becomes the basis of the constitution

- The City will take a lead role in bringing together the Partner Panel and developing its Terms of Reference. The Terms of Reference should include protocols around electing representatives to the NSC Steering Committee.
- The current NSC Board will become the Neighbourhood Panel.
- It may be useful to set up a small task force of reps from both the Partner and Neighbourhood Panels which will establish the Terms of Reference for the NSC Steering Committee. Both Panels will have an opportunity to ratify the Terms of Reference.

Finding a Host Organization

Approximate Timeline: June 2010 to February 2011

Actions:

- Secure resource commitments from City and other partners
- Develop criteria to guide decision-making around selecting a host organization
- Identify candidate organizations to host the NSC
- Engage in discussions between the Steering Committee and potential hosts to identify a suitable, willing candidate
- Develop a written agreement with the identified host organization

Who:

• Steering Committee with input from Panels

Planning the NSC

Approximate Timeline: December 2010 to January 2011

Actions:

- Revise implementation plan as needed for first two years of NSC in conjunction with the host organization
- Develop an operating budget for the NSC in conjunction with the host organization
- Start to flow financial resources to the host organization for the NSC's operating budget
- Transfer City's role as transfer agent of resources to the host organization
- Hire the NSC Coordinator
- Identify opportunities to bring on CDW staff as early staff team

Who:

• Steering Committee with input from Panels

New NSC Functions

Approximate Timeline: February 2011 to February 2012

Actions:

- Resources continue to flow from the City and other partners
- Take over insurance provision to neighbourhood groups
- Hire CEC and CDW-like positions as appropriate
- Enter into partnership agreements with various partners for resources to neighbourhood groups (i.e. space)
- Implement and oversee allocation process
- Support new and existing neighbourhood groups in their ability to meet the criteria
- Mentor new neighbourhood groups and decide when and if they are able to become members
- Make a decision about NSC becoming a standalone organization or entering into a more permanent relationship with a host organization
- Establish new Terms of Reference for Panels and Steering Committee

Who:

 Steering Committee with input from Panels and NSC Coordinator

Neighbourhood Groups Meet the New Criteria

Concurrent with the development of the NSC structure, neighbourhood groups will work towards meeting the membership criteria outlined in the Sustainable Neighbourhood Engagement Framework. Until the NSC has fully established the Steering Committee, the Neighbourhood Panel will be responsible for ensuring that neighbourhood groups are working towards meeting the membership criteria. This means that the Neighbourhood Panel will have to work with partners to refine the details for meeting the criteria. As well, until the NSC is established, the Neighbourhood Panel will oversee and implement the funding allocation process. The Neighbourhood Panel may choose to establish committees to undertake aspects of this work.

CECs employed by the City will work with the Neighbourhood Panel (or established committee) to design templates and support new and existing neighbourhood groups in meeting the criteria. When the NSC is operational and has hired a coordinator, it will begin to deliver this assistance to neighbourhood groups. The NSC Steering Committee will also oversee and implement the funding allocation process once it is established

It is expected that neighbourhood groups will require a fairly robust level of support in meeting the criteria and that they will also have ample opportunity to provide feedback about the criteria.

General Membership Criteria

Actions: Participate on the Neighbourhood Panel

- Determine benchmarks of participation and attendance to continue to sit on Neighbourhood Panel and receive NSC supports and resources
- Elect representatives to the Steering Committee once established

Who:

 CECs develop tools, procedures and templates for these activities with the support of neighbourhood group representatives as members of the Neighbourhood Panel

Actions: Develop and maintain a governance and membership structure

- Develop templates and guidelines to support neighbourhood group governance including:
 - Elected Board Guidelines
 - Bylaws Templates
 - Minutes Templates
 - Boundaries Guidelines
- CECs will assist in the filling out of guidelines and templates
- Develop criteria for boundary negotiation
- Negotiate conflicting boundaries with Neighbourhood Panel (or Steering Committee if established)

- CECs develop tools, procedures and templates for these activities with the support of the Neighbourhood Panel or a designated committee will develop templates and guidelines around putting these structures in place
- Neighbourhood Panel will resolve boundary conflicts until the establishment of the Steering Committee

Past Activity Reports (to be used in the allocation process)

Actions: Annual reporting of past activities that is publicly available

- Develop templates based on existing activity reporting mechanisms to include:
 - Number of Programs
 - Number of Participants
 - o Number of Volunteer Hours
 - Membership and Group Development Activities
 - Stories that highlight successes
- Develop templates based on existing financial reporting mechanisms to include:
 - Information about how previous year funds were spent or saved
 - Report on any fundraising activity
 - Summary of current accounts including amounts in each
- Develop tools for gathering the above information
- CECs will assist in the completion of the annual reports
- Neighbourhood panel will determine whether new reporting system is able to be used for the 2011 allocation process
- Allocation will include the opportunity to question and defend all aspects of the reports

- CECs develop tools, procedures and templates for these reports with the support of the Neighbourhood Panel or a designated committee. This will include tools for collecting data.
- CECs will provide direct assistance to groups in producing these reports
- The Neighbourhood Panel will determine when the first reports need to be prepared

Upcoming Activity Reports (to be used in the allocation process)

Actions: Action, Inclusion and Outreach Plans for activities in the upcoming year

- Develop Action Plan template that include:
 - Activities that the neighbourhood group plans to undertake in the upcoming year
 - Description of how these activities relate to the core principles
 - Estimated costs of offering these activities including staff resources and operating funds
- Develop Inclusion and Outreach Plan template that include:
 - Description of how the NG will ensure that its activities and operations are inclusive
 - Outreach activities that the NG plans to undertake
 - Estimated costs of offering these activities including staff resources and operational funds
- CECs will assist in the completion of the annual reports
- The City and other partners will develop a plan for providing demographic information to neighbourhoods
- Determine whether new reporting system is able to be used for the 2011 allocation process
- Allocation will include the opportunity to question and defend all aspects of the reports

- CECs, with the support of the Neighbourhood Panel or a designated committee, will develop templates and guidelines around producing these plans
- CECs will provide direct assistance to groups in producing these report.
- The Neighbourhood Panel will determine when the first report needs to be prepared
- The City and other partners will provide research to neighbourhood groups around demographics in their neighbourhoods

Appendix E: SNEF Report, Public Interest Strategy and Communications, SNEF Consultation

Key informant interviews were conducted with representatives of the following organizations:

Community Services Department, City of Guelph

Brant Avenue Neighbourhood Group

Clairfields Neighbourhood Group

Downtown Neighbourhood Association

Exhibition Park Neighbourhood Group

Grange Hill East Neighbourhood Group

Kortright Hills Neighbourhood Group

Onward Willow Neighbourhood Group

Parkwood Gardens Neighbourhood Group

Two Rivers Neighbourhood Group

Waverley Neighbourhood Group

West Willow Woods Neighbourhood Group

Neighbourhood Support Coalition

Rickson Ridge

O.U.R. Three Bridges

Sunnyacres

City Council, City of Guelph

Family and Children's Services of Guelph Wellington County

Upper Grand District School Board

Wellington Catholic District School Board

Guelph and Wellington Task Force for Poverty Elimination

Ministry of Children and Youth Services, Government of Ontario

Wellington and Guelph Housing Services, County of Wellington

Childcare Services, County of Wellington

United Way of Guelph and Wellington

Trellis Mental Health and Developmental Services

Guelph Police Services

Volunteer Centre of Guelph-Wellington

Guelph Community Health Centre

Focus groups were conducted with the following groups:

Neighbourhood Group Frontline Staff

Neighbourhood Group Program Participants

City of Guelph Senior Staff

Community Organizations in Guelph

Once the Framework was developed, it was presented and discussed at the following consultation sessions:

May 17, 2010: Affiliated and unaffiliated neighbourhood group volunteers and participants

May 18, 2010: City Council and City staff

May 18, 2010: Public session

May 19, 2010: Community agency partners

May 25, 2010: NSC Board

COMMITTEE REPORT



TO Emergency Services, Community Services & Operations

Committee

SERVICE AREA Community Services

DATE July 19, 2010

SUBJECT Guelph Transit Growth Strategy and Plan & Mobility

Services Review

REPORT NUMBER CS-TR-1014

RECOMMENDATION

"THAT the Emergency Services, Community Services & Operations Report # CS-TR-1014 of July 19, 2010 pertaining to the Guelph Transit Growth Strategy and Plan & Mobility Services Review BE RECEIVED;

THAT Council approve in-principle the recommendations and implementation plan contained in the Dillon Consulting Report "Guelph Transit Growth Strategy and Plan & Mobility Services Review " related to Conventional Transit, Mobility Services and Higher Order Transit and the Implementation Plan be adopted as the blueprint to guide transit operations and development over the next five years, subject to annual budget deliberations;

THAT staff be directed to undertake the required activities in 2010 including discussions with potential industrial partners to prepare for the implementation of the 5-Year Plan for Conventional Transit and Mobility Services commencing no later than the summer of 2011;

THAT staff be directed to prepare a detailed plan for undertaking transit priority measures on roadways recommended in the Dillon Report for bus-rapid higher-order-transit service, taking into account implications for roadway geometry, functions and operations, and including timing and budget requirements, for Council approval prior to implementation;

THAT staff be directed to undertake discussions with municipal partners and provincial agencies to carry out a detailed assessment of the opportunities to implement interregional transit service between Guelph and Cambridge, Kitchener, Waterloo in the Region of Waterloo and potential for extending transit service areas in Wellington County, as identified in the Dillon Report;

AND THAT staff be directed to undertake a detailed assessment of using the Guelph Junction Railway (GJR) for providing rail-based higher-order-transit service in Guelph, taking into account implications for land use and supporting infrastructure, as identified in the Dillon Report."

BACKGROUND

The background to the Transit Strategy initiative and the Terms of Reference for the consultant study were outlined in the staff report dated July 16, 2008 and presented to a joint Community Development and Environmental Services (CDES)/Emergency Services, Community Services and Operations (ECO) Committee Meeting. The report detailed a number of dynamics related to the provision of transit services that had significantly changed and put in question the suitability of the existing model used to provide service. The critical changes included:

- Societal concerns about climate-change effects, air quality, energy consumption and rising fuel cost;
- Policy changes at federal, provincial and municipal levels in regards to land use intensification, energy conservation and promotion of alternative modes of travel; and
- The Provincial Growth Plan allocating growth targets to Ontario municipalities including the City of Guelph and the County of Wellington.

Following Council approval, the Transit System Growth Strategy and Plan was initiated in response to the changing dynamics; to take advantage of new opportunities and partnerships; and, to develop a public transit system that was flexible enough to respond to community needs, desires and planning requirements. The Terms of Reference for the Transit Strategy focused on the following key elements:

- A long-term transit vision for Guelph;
- Review of existing systems (Conventional and Mobility) including operations, route planning, vehicle types/technologies and service delivery options;
- Feasibility of higher order transit including light rail transit and bus rapid transit;
- Roadway transit priority measures;
- Recommendation for Official Plan Policies and Targets; and
- Implementation and Financial Plans.

Previously Council had approved the development of a Mobility Services Review and the undertaking of the design and construction of a new Transit Terminal on Carden Street. Consultancy services were assigned in spring 2009 as follows:

- Transit Growth Strategy and Mobility Services Study: Dillon Consulting; and
- Transit Terminal Design and Construction (including road reconstruction, amenities and underground services): R.J. Burnside and Associates.

The Work Plan for the Transit Growth Strategy and Plan & Mobility Services Review was approved by Council on June 22, 2009. Part of Dillon's assignment was to modify and finalize the Concept Plan for the Transit Terminal, approved by Council in 2004, to accommodate the service improvements for Guelph Transit recommended by the Transit Strategy study and the future requirements of GO Transit and Greyhound.

The work completed by Dillon related to the Downtown Transit Terminal is not the subject of this staff report. However, the final Transit Terminal design was developed in concert with the assessment of current services and the development of future routes and operations for Guelph Transit which are discussed in this report.

REPORT

The Executive Summary of the "Guelph Transit Growth Strategy and Plan & Mobility Services Review" is provided as Attachment A. Further, a copy of Section 31.0 entitled "Complete Study Recommendations" is included as Attachment B. A copy of the consultant's July 19 PowerPoint presentation to the ECO Committee is provided in Attachment C.

A copy of the full report entitled "Guelph Transit Growth Strategy and Plan & Mobility Services Review" has been made available to the Committee and Council in advance.

Consultation Process

An extensive consultation process was undertaken as a key element in assessing current operations for all Guelph Transit services and developing plans and recommendations for future operations. Feedback and input from the public, stakeholders and City of Guelph staff was gathered through a variety of avenues including:

- Stakeholder interviews with Guelph Transit staff, Councillors, area businesses, accessibility groups, health care professionals and seniors;
- Public Information Centre (2 sessions);
- Public Advisory Committee (4 meetings);
- Technical Advisory Committee (7 meetings);
- Onboard Guelph Transit survey;
- Onboard Mobility Services survey;
- Online University of Guelph student survey;
- Online employer survey; and
- Public notifications and website postings.

The detailed findings from consultations are detailed in the "Guelph Transit Growth Strategy and Plan & Mobility Services Review" as per Section 7.0 and Appendix B.

Highlights include:

1. Conventional Service:

- Existing service is good;
- Operators are friendly and courteous;
- Improve communications during construction;
- Add service in peak hours;
- Some routes are long and indirect;
- Service is not flexible to match demand;
- Need better integration with walking, cycling and transportation demand management techniques; and
- Address transit targets in Community Energy Plan.

2. Mobility Services:

- Drivers are very helpful;
- Need an additional mobility bus;
- Trips can take too long; and
- Demand is growing and utilization of existing capacity is very high.

3. Higher Order Transit:

- Use Guelph Junction Railway corridor for rail-based public transit; and
- Implement bus-rapid transit on the Gordon-Norfolk-Woolwich and Stone Road corridors.

4. Inter-regional Transit Service:

 Undertake discussions with municipal partners and Provincial agencies to assess opportunities for implementing interregional transit service between Guelph and the municipalities of Cambridge, Kitchener and Waterloo in the Region of Waterloo and areas in Wellington County.

Vision for Guelph Transit

A key element in the preparation of the "Guelph Transit Growth Strategy and Plan & Mobility Services Review" was the development of a vision statement to guide the future role, operation and service offerings of Guelph Transit. The vision statement for Guelph Transit was developed through input and feedback from the Public Advisory Committee which was comprised of members from the public at large representing all Wards of City, as well as individuals from key institutions and businesses.

Based on four meetings with this group, the following vision statement for Guelph Transit was prepared:

"Guelph Transit is the preferred transportation mode for the residents, employees, and visitors of Guelph over the single occupant vehicle"

Guelph Transit Goals & Objectives: Performance & Service Standards

Based upon the vision statement, a number of goals and accompanying performance objectives were developed which were focused on three areas. These are detailed in the "Guelph Transit Growth Strategy and Plan & Mobility Services Review" Section 8.0. Each of which are summarized below:

1. Community

- o **Goal**: Guelph Transit will support and promote a sustainable, equitable and environmentally responsible community on its own and in partnership with neighbouring communities.
- o **Objectives**: There are 8 objectives that support this goal:
 - Ridership growth;
 - Protect environment;
 - Seamless connections;
 - Affordability;
 - Quality of life;
 - Equity;
 - Sustainable funding; and
 - Flexibility.

2. Customer

- Goal: Maximize ridership on Guelph Transit by providing a level of service to customers that is a competitive alternative to the single occupant vehicle.
- Objectives: There are 6 objectives that support this goal:
 - Service reliability;
 - Availability;
 - Safety;
 - Comfort;
 - Convenience; and
 - Travel time.

3. Transit System

- Goal: Guelph Transit pursue effective, efficient and innovative approaches to ridership growth in response to changing community needs and deliver a service quality that exceeds customer expectations.
- o **Objectives:** There are 6 objectives that support this goal:
 - Image;
 - Customer services;
 - Effectiveness/efficiency;
 - Innovation and partnerships;
 - Fleet reliability; and
 - Adherence to quality.

In addition to the vision, goals and objectives, a framework of service standards and monitoring programs were developed for Guelph Transit to define the appropriate service levels and provide a defined framework for the measurement of

performance with accompanying adjustments made to service as required. These service standards can be found in the "Guelph Transit Growth Strategy and Plan & Mobility Services Review" in Section 30.0.

Key Recommendations

A detailed assessment of current operations and services for both conventional and mobility transit was performed. Based on this analysis which included an estimate of future demand reflecting population and employment forecasts; and, estimates for future mode shares, a series of recommendations were developed for each service.

The recommendations considered the role of Guelph Transit in achieving goals and objectives in key City plans, the impact on customer service, operational efficiencies, financial performance and the ability to change in the future to match changing demands. The recommendations provide a detailed roadmap for the next five years of Guelph Transit operation and provide a framework to accommodate future changes and requirements through the planning horizon of 2031.

The recommendations for changes to conventional, mobility and higher order transit services over the next five years are summarized in the "Guelph Transit Growth Strategy and Plan & Mobility Services Review" Section 31.0.

Key recommendations which represent significant changes to the system are highlighted below:

1. Conventional Services

The five-year Ridership Growth plan recommends:

- A complete restructuring of the fixed route transit service to respond to efficiencies and growth;
- The introduction of 15 minute service frequency in AM and PM peak periods and 30 minute service off-peak; and
- Guelph Transit works with the Chamber of Commerce and enters into agreements with industrial partners to provide Industrial Specials to the Hanlon and Northwest Business Parks.

Further, the Gordon/Norfolk/Woolwich corridor is identified and reinforced as a transit spine and transit in this corridor will support and benefit from the City's planned land use intensification measures.

The Plan also provides several innovations in conventional services. It identifies an approach to providing customized transit services for employees in industrial areas which will require a partnership among the City, the Chamber of Commerce and local industries.

Another innovation is a proposed premium shuttle service to augment the Guelph Transit feeder services to the GO Train. For Sundays and Holidays, a zone bus strategy combined with a Gordon/Norfolk/Woolwich spine service has been proposed for the future as a cost effective service option.

With these changes, riders will benefit from more direct routes and shorter average travel times with strong transit support for the downtown, the university and other existing and emerging nodes.

Due to operating efficiencies afforded by the new routing structure and matching service levels with demand, the proposed 5-year service strategy will create growth in transit ridership, improve productivity and move Guelph Transit to an improved revenue/cost (R/C) ratio.

2. Mobility Services

The proposed "Family of Services" approach will provide an array of effective and efficient services to address the needs of current users and respond to the expected high growth in travel demand by persons with mobility issues. Ridership growth of 25 percent over two years and 60 percent within five years is forecast by building on a "Family of Services" approach. Initially, it is recommended that Mobility Services:

- Expand the Taxi Scrip program to all registrants;
- Improve and promote the Community Bus service; and
- Increase rides by contracted taxis.

Further, it is recommended that travel training and incentives be provided for Mobility registrants to use the fully accessible conventional services for at least some of their trips. The benefits of implementing these ridership growth strategies will be the greater opportunity for existing Mobility Services registrants, who depend on the highly valued Guelph Transit mobility service, to have vans available for their essential trips. Within the next three years, the purchase of an additional mobility vehicle is recommended.

3. Higher Order Transit Within Guelph

Future travel demand forecasts were prepared based on the City's 2031 population, employment and land use projections. Transit ridership forecasts for both internal and external trips were developed by area and for key travel corridors. Consistent with Guelph's Community Energy Plan, public transit must play a vital role in reducing dependence on the use of Single Occupant Vehicles (SOV's) and higher order transit systems operating in key corridors will make transit a more competitive travel choice.

Gordon/Norfolk/Woolwich Spine

It is recommended that the Gordon/Norfolk/Woolwich spine should be developed as a Bus Rapid Transit priority corridor starting with queue jump lanes, traffic signal

priority measures and enhanced service levels including express and semi express buses. As demand increases through the City's land use intensification strategy and the further development of the downtown, university and north and south end community nodes, extended sections of dedicated bus/high occupancy vehicle lanes can be applied to this corridor. Such measures will further improve transit travel time relative to the car and hence increase transit market share.

Stone Road

The Stone Road corridor linking the Guelph Innovation District, the University, Stone Road Mall and the Hanlon Expressway, has higher order transit significance for both internal travel and as a link to interregional transit services on the highway network. Short-term implementation of transit priority measures and longer-term protection for Bus Rapid Transit is recommended along Stone Road to be supported with Transit Oriented Design and intensification measures for adjacent land uses.

Guelph Junction Railway

The Guelph Junction Railway (GJR) links the Guelph Innovation District, the downtown and the north community node and transit service could be provided using Diesel Multiple Units (DMU's) on existing trackage. Four potential station locations were identified along with capital improvements required and a future operating scenario. Further planning and protection is warranted for future rail-based higher-order-transit service provision in the city-owned GJR corridor.

4. Inter-regional Transit Service: Potential for Diesel Multiple Units, Express Bus/High Occupancy Vehicle

DMU/Express Bus/HOV

The DMU technology provides the opportunity to use existing rail corridors and link Guelph to neighbouring communities with high quality public transit services. The rail linkages to Kitchener Waterloo and Cambridge show the highest potential and additional markets of Rockwood/Georgetown/Brampton and Milton/Mississauga/Hamilton should also be considered.

Establishing Express Bus/HOV lanes in connecting corridors is a second option for implementing interregional transit services. Key corridors include new or existing Highway 7, the Hanlon/Highway 6 and Wellington Road 124.

Both rail and highway based solutions require further discussions, planning and a cooperative effort with municipal partners and Provincial agencies. The forum for initiating this discussion is the proposed Integrated Regional Transportation Initiative involving the Province and the Municipalities of Guelph, Brantford, Cambridge, Kitchener, Waterloo, Region of Waterloo, Brant County and Wellington County.

Services into Wellington County

The opportunity to provide Guelph Transit service extensions into neighbouring communities in Wellington County was also explored. Demand at this juncture is relatively low suggesting an operation based on vans (or Mobility Services vehicles)

as opposed to full size buses. Discussions with Wellington County are recommended with any service provision based on full cost recovery by the City.

5. Resource Requirements & Monitoring Plan

The operating review included an examination of the financial impact of implementing the recommendations along with a review of the organizational structure of Guelph Transit. Future revenue opportunities were examined and both capital and operating expenditure estimates were prepared reflecting the recommended changes. The existing fare structure was also reviewed.

The majority of operational changes required for implementation can occur within the existing operating funding window for Guelph Transit, and coupled with suggested improvements to the service structure lead to a more productive use of existing resources.

Fare Structure

In order to estimate the financial impact associated with the implementation of the recommendations, financial forecasts and associated performance indicators were prepared using the fare structure that was put into effect in February 2010. Future fare levels will be subject to the annual budget process and City financial goals and objectives at that time.

The opportunity to introduce Employee U-Pass programs particularly in the Downtown, at the University and in Industrial parks should be pursued as both a revenue and ridership growth strategy.

It is also recommended that the City re- assess its existing fare program and transit subsidy policies once new route system and operational changes have been implemented and the system is stabilized. The re-assessment should include options to advance more novel approaches to change travel behaviour and significantly increase transit usage

<u>Five Year Financial Plan - Operating Costs, Revenues and Capital Requirements</u>
Capital and operating costs and revenues associated with implementation of the recommendations in this Report were prepared.

Operating costs were assumed to increase at approximately the rate of inflation annually. Financial results reflect the net operating costs of the new Downtown Transit Terminal which are incremental to existing operations. Details can be found in the "Guelph Transit Growth Strategy & Plan and Mobility Services Review" Sections 27.0 and 28.0.

Overall, implementation will result in an improvement in revenue/cost ratio, ridership growth on both conventional transit and Mobility Services, higher transit service levels and more productive use of resources.

Annual capital requirements associated with implementing the recommendations averages \$1.3 million over the next 5 years ranging from a low of \$0.6 million in

2011 to a high of \$2.4 million in 2013. Funding sources are currently being assessed and efforts will be made to maximize the contribution from eligible provincial and federal programs.

Organizational Design

The organizational structure of Guelph Transit was reviewed and the key recommendations are to consolidate Mobility Services operations in a single unit and strengthen the planning, marketing and communications functions. An increase of two full-time equivalent (FTE) positions is recommended.

Monitoring Performance

Adoption of the Vision, Goals and Objectives developed by the Public Advisory Committee for Guelph Transit is recommended. As well, a full set of performance standards and service design criteria were developed along with an annual monitoring program. It is recommended that these measures be adopted and that an annual monitoring report be prepared for Council. The standards and criteria are detailed in Section 30.0.

Implementation Strategy - Action Steps

Recognizing financial pressures that the City is facing and limitations in staff resources, an Implementation Plan has been developed which details the phasing of the recommended activities. The Plan for the next three years is summarized below:

Year 1

- Introduction of the new route structure and 15 minute peak service and 30 minute off-peak service all year including the summer period;
- Extension of service by one hour on Sundays and reintroduction of service on five selected holidays;
- Modification of University Express and High School Specials;
- Introduction of Industrial Special Services;
- Continued operation of Late Night Services and Arc Industries Special;
- Expansion of existing Community Bus Route to eight hours a day (weekdays), including increased marketing and one pre-scheduled Mobility trip per route cycle; and
- Expansion of Taxi scrip to all Mobility Registrants.

Year 2

- Introduction of GO Premium Shuttle for the AM and PM peak trains;
- Introduction of interregional bus service between Guelph and Kitchener-Waterloo (with appropriate fare coordination) using Guelph Transit and GRT services; and
- Introduction of travel training and fare incentive to increase use of conventional services by Mobility Services registrants.

Year 3

- Expansion of Community Bus service to Saturday and operation of a second route;
- Introduction of interregional bus service to Cambridge (with appropriate fare coordination) using Guelph Transit and GRT services;
- Addition of a new Base Radial Route using Silvercreek Parkway (dependent on Silvercreek Parkway extension and initial development of Lafarge Lands); and
- Purchase of an additional van for Mobility Services.

Benefits

Based on the implementation of the recommendations as outlined above, it is estimated that ridership on conventional services will grow from 6.3 million revenue passengers today to approximately 7.4 million revenue passengers over the next five years. This represents an annual ridership growth of 3.7% and increases Transit's mode share to approximately 7% at the end of 2015. This is a very conservative estimate and future ridership levels could be higher depending on the level of success of the various initiatives recommended and community reaction to the proposed increase in the level of service by implementing 15 minute frequency in peak periods.

Based on the expansion of the "Family of Services" concept, it is forecast that annual ridership for Mobility Services will increase to approximately 80,000 by the end of five years representing a growth of 60% from current levels.

Implementing the proposed Plan provides numerous benefits to the City of Guelph and its citizens including:

- Improvement in base transit service Implementation of the proposed AM and PM peak frequency will increase service in those periods by 25%. This is a significant increase in the level of service and due to the operating efficiencies gained by matching service to demand, this improvement can be effected without significantly altering the funding relationship with the City. With the implementation of the recommended changes, riders will benefit from more direct routes and shorter average travel times with strong transit support for the downtown, the university and other existing and emerging nodes.
- Support for economic development The proposed routing provides service
 to all existing and emerging nodes in the City and will provide support for
 continued population and/or employment growth in all of these areas. The
 Implementation Plan is directed at matching new/expanded service with
 growth in demand to the greatest extent possible.

- Additional options for interregional travel Based on an assessment of travel demand to/from other communities in the County and surrounding Regions, the Plan provides a number of alternatives for travel trips to use transit rather than the automobile.
- New and innovative approaches to service The Plan details a number of service delivery models that are both innovative and cost effective including industrial specials, expansion of Community bus service and the concept of zone bus service for Sundays. These approaches provide a degree of flexibility for Guelph Transit that will allow it grow and change in the future in response to changes in demand.
- Support key City plans The recommendations in the Transit Growth Strategy and Plan fully support the key goals and objectives detailed in other City of Guelph core plans such as the Official Plan and the Community Energy Plan. The estimated growth in ridership and increase in transit mode share are a critical element in the City achieving the goals set out in those plans.
- Provides future planning framework The Plan provides a number of recommendations on actions to take to protect specific zones and nodes for future service and infrastructure as dictated by demand. This will provide Guelph Transit the flexibility to adjust its service offerings in the future to meet demand to the greatest extent possible. This will allow Guelph Transit the flexibility to adjust its service offerings in the future to meet demand to the greatest extent possible.

CORPORATE STRATEGIC PLAN

- Goal 1: An attractive, well-functioning and sustainable city.
- Goal 2: A healthy and safe community where life can be lived to the fullest.
- Goal 5: A community-focused, responsive and accountable government.
- Goal 6: A leader in conservation and resource protection/enhancement.

FINANCIAL IMPLICATIONS

Provided below is a summary of the estimated key operating statistics and consolidated financial forecasts for Guelph Transit over the next five years resulting from the implementation of the recommendations. Please note that the forecasts include an estimated annual operating cost of approximately \$1.1 million associated with the opening of the Downtown Transit Terminal in 2011.

The estimated financial impact of implementing the recommendations was undertaken based on a very conservative assumption of not revising the existing fare structure over the next 5 years. As part of the future annual budget process, the financial performance of Guelph Transit will be forecast and the fare structure

may be adjusted to achieve budget goals and objectives. Based on the above assumption, implementation of the Plan provides a significant increase in service levels with the same funding support from the City as today (on a percentage basis). This is due to the operating efficiencies affected from the recommended service frequency and revised routing in the Plan.

	<u>2010</u>	2011	2012	<u>2013</u>	<u>2014</u>	<u>2015</u>
Ridership (M)	6.3	6.6	7.0	7.3	7.5	7.6
Operating Costs (\$M)	\$20.7	\$21.5	\$22.6	\$24.5	\$25.0	\$25.5
Passenger Revenue (\$M)	\$9.0	\$9.9	\$10.6	\$11.1	\$11.4	\$11.6
Prov Gas Tax (\$M)	\$2.6	\$2.6	\$2.7	\$2.7	\$2.7	\$2.7
Cost Recovery (%)	44%	46%	47%	45%	46%	45%
Municipal Sub (\$M)	\$9.1	\$9.0	\$9.3	\$10.7	\$10.9	\$11.2
Municipal Sub (%)	43%	42%	41%	44%	44%	44%
Capital Cost (\$M)		\$0.6	\$1.4	\$2.4	\$0.7	\$1.4

DEPARTMENTAL CONSULTATION

The preparation of the Plan involved staff input, review and expertise from a variety of City departments including:

Planning & Building Services; Engineering Services; Economic Development; Operations; Downtown Renewal; and Corporate Services

COMMUNICATIONS

As detailed above, there was extensive communication with and feedback from the public in the preparation of the Plan. Upon approval of the Plan, one of the priority tasks is the preparation of a communication strategy to inform the public of the recommended changes and implementation strategy.

ATTACHMENTS

Attachment A - Executive Summary, Guelph Transit Growth Strategy and Plan and Mobility Services Review

Attachment B - Section 31.0 Complete Study Recommendations

Attachment C - PowerPoint Presentation by Dillon Consulting

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GUELPH TRANSIT GROWTH STRATEGY AND PLAN AND MOBILITY SERVICES REVIEW

Final Report

June 2010

Submitted by:



In association with:





City of Guelph Guelph Transit Growth Strategy and Plan and Mobility Services Review – Final Report Executive Summary

June 2010

EXECUTIVE SUMMARY

Over the past year, the Dillon Consulting team conducted a comprehensive review of public transit in Guelph. The City of Guelph has for many years been a leader among Canadian municipalities in the provision of public transit services. Its services were examined in 2002 as part of the Guelph Transit Route Planning, Service Design and Downtown Transfer Point Relocation Study. Yet, it became evident in 2008 that Guelph Transit needed to undertake a broader review of its services and examine a wider range of future options in response to changing social, economic and planning opportunities. Some factors precipitating the current study are:

- Construction of a new multi-modal transportation terminal in downtown Guelph;
- Planned introduction of GO Train services;
- Guelph's Community Energy Plan with requirements for greatly increased transit usage; innovative land use plans for nodes, corridors and intensification strategies;
- A growing recognition of the need for interregional public transit connections between Guelph and neighbouring communities; and
- A desire for greater integration of public transit with walking, cycling and transportation demand management initiatives in the city.

ORGANIZATION OF REPORT

The "Guelph Transit Growth Strategy and Plan and Mobility Services Review" Final Report provides an in depth analysis and forecast for the operation of Guelph Transit and Mobility Services. Part A of the report provides details on the study objectives, outlines services and defines the organization of the study. Part B entitled "Background and Planning Context" responds to a wide variety of key City of Guelph strategic documents and plans such as: Places to Grow (Provincial Growth Plan), The Official Plan and OPA 39, Community Energy Plan, Prosperity 2020, Guelph-Wellington Transportation Study (GWTS), Metrolinx Regional Transportation Plan (The Big Move), Recreation, Parks and Culture Master Plan (2009), Accessibility for Ontarians with Disabilities Act (AODA) and the 2002 Guelph Transit Route Planning, Service Design and Downtown Transfer Point Relocation Study.

Detailed work has been undertaken to complete a transit market assessment, estimate future travel demand and develop ridership forecasts which are outlined in Part B. The Report includes Parts C, D, and E which focus on conventional transit, Mobility Services and Higher Order Transit opportunities. The Report concludes with Part F which details the operating, capital and revenue implications of implementing the study recommendations. It also includes policy, performance monitoring and review practices to ensure clear, open and accountable delivery of services.

The public and stakeholder consultation program included two open houses, on-board passenger surveys of conventional and mobility services, on-line surveys of University students and employers, focus groups, interviews, public feedback via the study web site and four meetings of a Public Advisory Committee comprised of transit users, citizens from various wards, and representatives of local employers and major institutions. The consultation program is detailed in Part B.

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VISION & KEY RECOMMENDATIONS

The Guelph Transit Growth Strategy and Plan and Mobility Services Review sets out immediate strategies and future directions in support of the following Vision:

Transit is the preferred transportation choice over the single occupant vehicle for residents, employees and visitors to Guelph.

Input from an extensive consultation program combined with strong technical support from city staff has resulted in recommendations for:

- A 5-year ridership growth plan for conventional transit services;
- A 5-year 'Family of Services' strategy to improve and increase travel opportunities for Mobility Services registrants;
- Protection for and implementation of Higher Order Transit systems and corridors to capture an increased transit share of future travel demand;
- A Vision, with goals and objectives for Guelph Transit, supported by performance and design standards to measure and monitor success; and
- Resource Requirements, Implementation Plan and Monitoring Strategies.

FIVE-YEAR RIDERSHIP GROWTH PLAN - CONVENTIONAL SERVICES

The 5-year Ridership Growth plan recommends:

- A complete restructuring of the fixed route transit service to respond to efficiencies and growth;
- The introduction of 15 minute service frequency during peak periods and 30 minute offpeak service; and
- The flexibility to adjust service levels to match demand in the off peaks.

Further, the Gordon/Norfolk/Woolwich corridor is identified and reinforced as a transit spine and transit in this corridor will benefit from the City's planned land use intensification measures.

The Report also provides several innovations in conventional services. It identifies an approach to providing customized transit services for employees in large industrial areas which will require a partnership among the City, the Chamber of Commerce and local industries.

Another innovation is a proposed premium shuttle service to augment the Guelph Transit feeder services to the GO Train. For Sundays and Holidays, a zone bus strategy combined with a Gordon/Norfolk/Woolwich spine service has been developed as a cost effective service option to be assessed in Year 3 of the plan.

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With these changes, riders will benefit from more direct routes and shorter average travel times with strong transit support for the downtown, the university and other existing and emerging nodes.

With the recent negotiation of an appropriately priced U-Pass for University of Guelph students and maintaining the fare schedule introduced in February 2010, the proposed 5 year service strategy will create growth in transit ridership, improve productivity and move Guelph Transit to an improved revenue/cost (R/C) ratio.

"FAMILY OF SERVICES" - MOBILITY SERVICES

The proposed Family of Services approach will provide an array of effective and efficient services to address the needs of current users and respond to the expected high growth in travel demand by persons with mobility issues.

For Mobility Service registrants, ridership growth of 25 percent over 2 years and 60 percent within 5 years will be achieved by building on a Family of Services approach. Initially, it is recommended that Mobility Services:

- Expand the Taxi Scrip program to all registrants;
- Improve and promote the Community Bus service; and
- Increase rides by contracted taxis.

Further, it is recommended that travel training and incentives be provided for Mobility registrants to use the fully accessible conventional services for at least some of their trips. The benefits of implementing these ridership growth strategies will be the greater opportunity for existing Mobility Services registrants, who depend on the highly valued Guelph Transit Mobility Service, to have vans available for their essential trips. Within the next 3 years, an additional vehicle is recommended.

HIGHER ORDER TRANSIT - PROTECTION AND PREPARATION FOR FUTURE TRAVEL DEMAND

Future travel demand forecasts were prepared based on the City's latest population, employment and land use projections. Transit ridership forecasts for both internal and external trips were developed by area and for key travel corridors. Consistent with Guelph's Community Energy Plan, public transit must play a vital role in reducing dependence on the use of Single Occupant Vehicles (SOV's) and higher order transit systems operating in key corridors will make transit a more competitive travel choice for residents and employees.

Gordon/Norfolk/Woolwich Spine

It is recommended that the Gordon/Norfolk/Woolwich spine should be developed as a Bus Rapid Transit priority corridor starting with queue jump lanes, traffic signal priority measures and enhanced service levels including express and semi-express buses. As demand increases through the City's land use intensification strategy and the further development of the downtown, university and north and south end community nodes, extended sections of dedicated bus/high occupancy vehicle lanes can be applied to this corridor. Such measures will further improve transit travel time relative to the car and hence increase transit market share.

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Guelph Junction Railway

The Guelph Junction Railway (GJR) links the Guelph Innovation District, the downtown and the north community node and transit service could be provided using Diesel Multiple Units (DMU's) on existing trackage. Four potential station locations were identified along with capital improvements required and a future operating scenario. Further planning and protection is warranted for future transit provision in the city-owned GJR corridor.

DMU's, Express Bus/HOV & Inter-regional Transit

The DMU technology also provides the opportunity to use existing rail corridors and link Guelph to neighbouring communities with high quality public transit services. The rail linkages to Kitchener Waterloo and Cambridge show the highest potential and additional markets of Rockwood/Georgetown/Brampton and Milton/Mississauga/Hamilton should also be considered.

Establishing Express Bus/High Occupancy Vehicle (HOV) lanes in connecting corridors is a second option for implementing interregional transit services. Key corridors include new or existing Highway 7, the Hanlon/Highway 6 and former Highway 24.

Both rail and highway based solutions require further planning and a cooperative effort with municipal partners and the Province (Metrolinx, Ministry of Transportation) is proposed to establish interregional transit in the Greater Guelph Area. A first stage to developing these higher order interregional services might involve linking conventional and paratransit services of Guelph Transit and Grand River Transit.

Stone Road

The Stone Road corridor linking the Guelph Innovation District, the University, Stone Road Mall and the Hanlon Expressway, has higher order transit significance for both internal travel and as a link to interregional transit services on the highway network. Short-term implementation of transit priority measures and longer term protection for Bus Rapid Transit is recommended along Stone Road to be supported with Transit Oriented Design and intensification measures for adjacent land uses.

Services into Wellington County

The opportunity to provide Guelph Transit service extensions into neighbouring communities in Wellington County was also explored. Demand would be fairly low suggesting an operation based on vans (or Mobility Services vehicles) as opposed to large buses. Discussions with Wellington County are recommended with any service provision based on full cost recovery by the City.

RESOURCE REQUIREMENTS & MONITORING PLAN

The operating review included an examination of the financial impact of implementing the recommendations of the Report along with a review of the organizational composition of Guelph Transit. Future revenue opportunities were examined for both capital and operating expenditures and the fare structure was reviewed.

The majority of changes required for implementation can occur within the existing operating funding envelop for Guelph Transit, coupled with suggested improvements to the service structure to lead to a more productive use of existing resources.

No change in the fare schedule implemented in February 2010 is recommended and the revenues projected over the 5-year period assume fares remain constant. The recent agreement on U-Pass pricing has been factored into the revenue projections. The opportunity to introduce Employee U-Pass programs particularly in the Downtown, at the University and in industrial parks should be pursued as both a revenue and ridership growth strategy.

It is also recommended that the City assess its existing fare program and transit subsidy policies as a strategy to change travel behaviour and significantly increase transit usage.

<u>FIVE-YEAR FINANCIAL PLAN - OPERATING COSTS, REVENUES AND CAPITAL REQUIREMENTS</u> (MOBILITY SERVICES AND CONVENTIONAL TRANSIT)

Capital and operating costs and revenues associated with implementation of the recommendations in this report were assessed. Operating costs were assumed to increase at 1.5 percent annually and passenger fares were assumed to remain constant. Details can be found in Sections 27 and 28 of the Report and are summarized in the table below.

Table E1 – Summary of Operating Costs, Revenue and Capital Requirements

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Ridership (M)	6.3	6.6	7.0	7.3	7.5	7.6
Operating Costs (\$M)	\$20.7	\$20.6	\$23.4	\$24.5	\$23.8	\$24.3
Passenger Revenue (\$M)	\$9.0	\$9.9	\$10.6	\$11.1	\$11.4	\$11.6
Provincial Gas Tax (\$M)	\$2.6	\$2.6	\$2.7	\$2.7	\$2.7	\$2.7
Cost Recovery (%)	44%	48%	49%	48%	48%	48%
Municipal Sub (\$M)	\$9.1	\$8.1	\$8.2	\$9.5	\$9.6	\$10.0
Municipal Sub (%)	43%	39%	38%	41%	40%	41%
Capital Cost (\$M)		\$0.6	\$1.4	\$2.4	\$0.7	\$1.4

^{*}Note: the operating costs do not include the incremental costs of operating the Downtown Transit Terminal (estimated at\$1.1M per year).

Overall, implementation of this plan will result in an improvement in Revenue/Cost ratio, ridership growth on both conventional transit and Mobility Services, higher transit service levels and more productive use of resources. The incremental costs of the Downtown Transit Terminal can be accommodated within the savings generated by implementing the recommendations in the Plan.

ORGANIZATIONAL DESIGN

The organizational structure of Guelph Transit was reviewed and changes recommended to consolidate Mobility Service operations and provide better planning, marketing and communications services. An increase of two full time equivalent (FTE) positions is recommended.

^{**}Note: the capital costs do not include bus replacement and routine items.

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MONITORING PERFORMANCE

Adoption of the Vision, Goals and Objectives developed with the Public Advisory Committee for Guelph Transit is recommended. As well, a full set of performance standards and service design criteria were developed along with an annual monitoring program. It is recommended that these measures be adopted and that an annual monitoring report be prepared for Council.

ACTION/IMPLEMENTATION PLAN

A staging plan was developed for the first five years of the plan. Highlights are provided below.

Year 1:

- Introduction of new Route structure and 15 minute peak/30 minute off-peak service all year including the summer period;
- Extension of service by one hour on Sundays and service provided on 5 selected Holidays;
- Modification of University Express and High School Specials;
- Introduction of Industrial Special Services;
- Continued operation of Late Night Services and Arc Industries Special;
- Expansion of existing Community Bus Route to 8 hours a day (weekdays), including increased marketing and target of one pre scheduled Mobility trip per route cycle; and
- Expansion of Taxi scrip to all Mobility Registrants.

Year 2:

- Introduction of GO Premium Shuttle for the AM and PM peak trains;
- Introduction of interregional bus service between Guelph and Kitchener-Waterloo (with appropriate fare coordination) using Guelph Transit and GRT services; and
- Introduction of Travel Training and fare incentive to increase use of conventional services by Mobility registrants.

Year 3:

- Expansion of Community Bus service to Saturday's and addition of a new bus to operate a second route;
- Introduction of interregional bus service to Cambridge (with appropriate fare coordination) using Guelph transit and GRT services;
- Addition of a new Base Radial Route using Silvercreek Parkway (dependent on Silvercreek Parkway extension and initial development of Lafarge Lands); and
- Introduction of an additional van for Mobility Services.

The final report of the Guelph Transit Ridership Growth and Mobility Service Plan contains extensive analysis and a complete summary of all Recommendations can be found in Part F, Section

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31. This plan provides a sound financial and operational basis from which to address current and short-term needs as well as clear directions for future growth in transit ridership through the development of higher order transit corridors serving local, regional and interregional needs.

Implementing the recommendations will also ensure that transit is fully integrated with other sustainable transportation modes and that the broader community objectives described in land use and community energy plans are supported.

31.0 COMPLETE STUDY RECOMMENDATIONS

Working towards achieving the Vision, Goals and Objectives for Guelph Transit, the study specifically recommends:

TRANSIT VISION STATEMENT, GOALS AND OBJECTIVES (PART B - 8)

• That the City of Guelph adopt the Transit Vision Statement and supporting goals and objectives developed in this report.

CONVENTIONAL TRANSIT REVIEW AND 5-YEAR PLAN (PART C)

Service Standards (Part C - 13.1)

• That Guelph Transit adopt the service standards document and monitoring strategy for conventional services.

Weekday Service (Part C - 13.2)

- That Guelph Transit adopt the proposed routing plan identified in this report, with the service change to occur with the opening of the Downtown Transit Terminal;
- That Guelph Transit operate at a 15 minute frequency during the weekday AM and PM peak periods on all base and peripheral routes and 30 minute frequency service during the midday and evening periods;
- That Guelph Transit operate the peripheral routes as a semi-express service between the University Centre and the Downtown Transit Terminal;
- That Guelph Transit eliminate the Hart's Lane High School Special upon implementation of the recommended routing strategy and consider implementation of two additional specials at Centennial CVI and Guelph CVI;
- That Guelph Transit operate three University Express services, with routes determined by Guelph Transit based on demand;
- That Guelph Transit maintain the existing weekday end time of 12:45am; and
- That Guelph Transit begin weekday service at 5:45am starting mid-route.

Saturday Service (Part C - 13.3)

- That Guelph Transit operate the weekday route structure on Saturdays;
- That Guelph Transit operate base and peripheral routes between 5:45 am and 12:45am on Saturdays;
- That Guelph Transit operate base and peripheral routes at 30 minute frequencies all day on Saturdays; and

June 2010

• That Guelph Transit continue to not run the Express Routes and High School Specials on Saturdays.

Sunday/Holiday Service (Part C – 13.4)

- That Guelph Transit adopt the weekday route structure on Sundays and selected Holidays;
- That Guelph Transit extend existing service hours and operate base and peripheral routes between 9:15 am and 7:45pm on Sundays and selected Holidays;
- That Guelph Transit operate base and peripheral routes at 30 minute frequencies all day on Sundays and selected Holidays;
- That Guelph Transit continue to not run the Express Routes and High School Specials on Sundays and Holidays;
- That Guelph Transit provide Holiday Service for 5 holidays a year;
- That Guelph Transit explore the Zone bus concept with Gordon/Norfolk/Woolwich Corridor in further detail within 2 or 3 years after the implementation of the recommended service strategy.

Summer Service (Part C - 13.5)

- That Guelph Transit adopt the same weekday route structure, hours of service and frequency of service during the summer period;
- That Guelph Transit look to reduce the length of peak period 15 minute service during summer from 3 hours in each AM and PM peak to 2 hours for each peak period; and
- That Guelph Transit continue to not run the Express Routes and High School Specials during the summer period.

Service Operations (Part C-13.2)

- That Guelph Transit extend its transfer window from 60 minutes to 90 minutes with no restriction on route selection other than time;
- That Guelph Transit interline routes at the Downtown Transportation Terminal and the University Centre Terminal based on the results of a transfer trace being conducted; and
- That Guelph Transit continue to operate its Late Night Bus Service based on the operating and revenue agreement developed with the University.

Industrial Service (Part C - 13.6)

• That Guelph Transit work with the Chamber of Commerce and enter into agreements with industrial partners to provide Industrial Specials to the Hanlon and Northwest Business Parks based on the Financial Partnership Approach described in this report and with the City Council setting an appropriate R/C target. (The industrial service strategy should also be open to any other interested employers in the City);

June 2010

- That Guelph Transit operate this industrial special service using 4 buses (9 revenue service hours each) during the weekday, 2 buses (9 revenue service hours each) on Saturdays, and 2 buses (6 revenue service hours each) on Sundays. Hours of revenue service would need to be confirmed with participating employers;
- That Guelph Transit design industrial routes based on input from participating employers (employee survey recommended);
- That Guelph Transit identify opportunities to use industrial special buses to provide extra capacity on Base Radial Routes (where time permits) when deadheading to/from the industrial areas;
- That Guelph Transit/TDM Coordinator develop an emergency ride home program for employers participating in the Industrial service strategy;
- That Guelph Transit explore opportunities for a TransCab application to service public
 facilities in the two industrial areas if these facilities are not adequately serviced by the
 industrial specials; and
- That Guelph Transit address industrial service requests beyond Guelph Transit's regular hours of service based on a full cost recovery agreement.

Passes (Part C - 13.7)

• That Guelph Transit assess the feasibility of extending the U-Pass concept to employers in the City of Guelph.

GO Premium Shuttle Service (Part C – 13.7)

- That Guelph Transit staff design and market the Premium Shuttle service offering to residents and current GO Train users on a monthly subscription basis, with implementation targeted at Year 2 or 3 of this service strategy. Initially this service would be offered for a six month trial period;
- That Guelph Transit allocate 2 buses in the early AM and late PM (consistent with GO Train departure ad arrival times) to provide this type of service (approximately 1 revenue service hour per bus); and
- That City Council set and approve an acceptable cost recovery rate for a Premium GO Shuttle Service.

MOBILITY SERVICES REVIEW AND 5-YEAR FAMILY OF SERVICES PLAN (PART D)

Marketing and Promotion of Family of Services (Part D - 20.1)

- That Guelph Transit promote the use of the conventional services to existing and potential clients of Mobility Services as a short-term measure. This would include:
 - O Updating the Mobility Services brochure to provide a section on the current accessibility features of conventional transit including information on how to use the services;

June 2010

- O Maintaining and possibly expanding the accessibility information on the Transit Map and Transit web site and, over time, adding communication elements which more directly target seniors. Taking steps to ensure information is available on general service accessibility (e.g., any change in availability of accessible buses, bus shelter locations and bus stop conditions); and
- o Conducting occasional demonstrations of low floor bus accessibility for groups of seniors and persons with disabilities.

Accessibility on Conventional Transit (Part D - 20.1)

- That Guelph Transit expand the current program for the ongoing upgrading of high volume and other important bus stops to improve accessibility. Improvements include landing pads, paved connections to sidewalks, benches, shelters or other accessibility enhancements. In conjunction with this program, an accessibility inventory of all bus stops should be developed to guide improvements as well as to be able to provide information to customers. The bus stop improvement program is proposed as a medium to long-term measure;
- That Guelph Transit provide an incentive to Mobility Service clients to use conventional transit service under conditions (e.g., non-winter seasons, daylight hours, accessible bus stops at origin and destination) in which they are able to use the service. The incentive could be in the form of free passage for clients who have a time limited (e.g., six months) photo identification pass issued by Guelph Transit. This incentive is suggested as a short to medium-term measure;
- That Guelph Transit (Mobility Services) offer a travel training program to encourage and assist persons with disabilities to use conventional transit. It is suggested that this be a medium to long-term measure so more experience can be gained from others in the industry. It is also suggested that opportunities to provide this service through partnerships with external agencies should be explored;

Taxi Scrip Program (Part D - 20.2)

- That Guelph Transit expand eligibility for the taxi scrip program to all Mobility Services registrants; and
- That Guelph Transit consider expanding the availability of the Taxi Scrip service to all licensed taxi companies.

Community Bus (Part D - 20.3)

- That Guelph Transit expand and redesign the Community bus service in consultation with seniors groups, persons with disabilities, other stakeholders and Mobility Services staff. This expanded service would require the use of a second Mobility Services van and should be implemented in the medium term;
- That the current Community bus service be extended from 4 to 8 hours per day, the route be slightly modified and better promoted and that staff adopt a target of one prescheduled Mobility Services trip being accommodated on each route cycle of the Community bus;

June 2010

- That Guelph Transit pursue partnership and sponsorship opportunities for Community bus capital acquisitions and operations such as shoppers specials; and
- That, as demand grows for Community bus, Guelph Transit should consider increasing the number of routes, operating at lower frequencies as well as replacing vans with conventional accessible buses of higher capacity (i.e. 30 ft transit buses).

Contracted Taxi Service and Mobility V an (Part D-20.4)

- That Guelph Transit expand the pre-scheduled door-to-door service through increased use of the contracted taxi in the short-term; and
- That Guelph Transit increase the capacity of the Mobility van service in the medium term (2 to 3 years) via the purchase and operation of an additional van.

Eligibility Guidelines (Part D - 20.5)

• That Guelph Transit review eligibility guidelines for Mobility Services.

ASSESSMENT OF HIGHER ORDER OPPORTUNITIES (PART E)

Gordon/Norfolk/Woolwich Higher Order Transit (Part E = 24.1)

- That the City of Guelph protect the entire Gordon/Norfolk/Woolwich Corridor for future dedicated right-of-way higher order bus rapid transit implementation;
- That the City of Guelph intensify residential and employment uses along the Gordon/Norfolk/Woolwich Corridor;
- That Guelph Transit implement a Transit Priority Corridor (BRT lite) for the section of the Gordon/Norfolk/Woolwich Corridor between the Downtown and the University. In the short-term implement transit priority measures along the corridor at the following locations:
 - o Northbound left turn priority at Woodlawn Road & Woolwich Street;
 - O A dedicated southbound transit lane with transit priority indicator at the intersection of Wellington Street & Gordon Street;
 - Queue jump or queue relocation with stop bar set back on Gordon Street northbound and southbound at College Avenue. This would allow buses on Gordon to pull ahead of stopped vehicles when they arrive during a red signal phase for Gordon;
 - O Coordination of pedestrian crossing signals with traffic control signals along Gordon between College Avenue and Stone Road;
 - o Transit-actuated southbound left and westbound left turn priority phasing at intersection of Gordon Street and South Ring Road; and
 - o Transit-actuated southbound left turn priority phasing at intersection of Stone Road and South Ring Road;

June 2010

- That, as transit demand develops, Guelph Transit implement semi-express and express bus services along the Gordon/Norfolk/Woolwich corridor;
- That, as transit demand develops, Guelph Transit implement a dedicated transit/High Occupancy Vehicle right-of-way by adding one additional lane in each direction on the Gordon/Norfolk/Woolwich Corridor between Stone Road and Clair Road;
- That, as transit demand develops, Guelph Transit implement a dedicated transit/HOV rightof-way by converting one lane of traffic in each direction on the Gordon/Norfolk/Woolwich Corridor between Speedvale Avenue and Woodlawn Road; and
- That, as plans develop, the City of Guelph and Guelph Transit implement similar measures on the Gordon/Norfolk/Woolwich Corridor south of Clair Road.

Guelph Junction Railway (Part E - 24.1)

- That the City of Guelph undertake the necessary planning and protection activities for a future DMU transit service on the Guelph Junction Railway from the Guelph Innovation District through the Downtown to the north city limits along the Guelph Junction Railway corridor;
- That the City of Guelph locate potential stations along the Guelph Junction Railway and protect for appropriate property and access requirements; and
- That the City of Guelph intensify residential and employment uses around the designated stations along the Guelph Junction Railway.

Stone Road Corridor (Part E - 24.1)

- That the City of Guelph protect the Stone Road corridor between the Guelph Innovation District and the Hanlon Expressway for future higher order BRT implementation;
- That the City of Guelph intensify residential and employment uses along the Stone Road corridor between the Guelph Innovation District and the Hanlon Expressway;
- That, in the near term, Guelph Transit implement transit priority measures along the Stone Road corridor at the following locations:
 - o Signal priority at the intersection of Stone Road West & Edinburgh Drive South;
 - o Signal priority at the intersection of Stone Road West & Scottsdale Drive;
 - Transit-actuated southbound left turn priority phasing at intersection of Stone Road and South Ring Road; and
- That, as demand develops, Guelph Transit implement semi-express and express bus services along the Stone Road corridor between the Guelph Innovation District and the Hanlon Expressway.

External Corridors (Higher Order Transit) (Part E - 24.2)

 That the City of Guelph work with municipal partners, transportation operators and the Province in a detailed assessment of the three road and rail options identified for interregional transit service between Guelph and Kitchener Waterloo;

June 2010

- That the City of Guelph work with municipal partners, transportation operators and the Province in a detailed assessment of the three road and rail options identified for interregional transit service between Guelph and Cambridge;
- That the City of Guelph work with Region Waterloo (and the Province as a potential funding partner) on the short-term introduction of linked paratransit and conventional services between Guelph and Kitchener/Waterloo and Guelph and Cambridge using Guelph Transit and GRT buses;
- That the City of Guelph initiate discussions with Wellington County regarding the
 opportunity of interregional services to Wellington County based on full cost recovery by the
 City;
- That the City of Guelph work with municipal partners, transportation operators and the Province to implement shoulder DMU service between Guelph and Georgetown/Brampton to supplement planned GO Rail services; and
- That the City of Guelph work with municipal partners and the Province to ensure that long term opportunities for higher order transit implementation are maintained and promoted through necessary transportation planning activities. Specific focus should be on Highway 6 to Hamilton and the Guelph Junction Railway/CP South Mainline to Milton (Mississauga-Toronto).

FUTURE STUDIES/CAPITAL COSTS (PART F – 30)

Expansion Vehicles (Part F - 30.1)

- That Guelph Transit acquire 4 to 6 expansion low-floor accessible conventional transit vehicles in years 2 to 5 of this plan for internal and external expansion; and
- That Guelph Transit acquire 2 expansion Mobility Services vehicles in years 2 to 3 of this plan for expansion of Mobility Services and the Community Bus service.

Higher Order Transit Studies (Part F - 30.2)

• That the City of Guelph and Guelph Transit initiate a number of feasibility and EA studies required to move forward with the higher order transit opportunities (both internal and external corridors).

Terminals (Part F - 20.3)

- That Guelph Transit explore opportunities for additional lands in the vicinity of the VIA/Carden Transportation Terminal to accommodate future growth in transit and associated works within the 2031 planning horizon;
- That Guelph Transit and the University of Guelph revisit the terminal design at the University Centre terminal over the next year to accommodate expansion of routes and timed transfers between routes;
- That Guelph Transit work with representatives from Stone Road Mall to improve the ability for buses to make left turns into the Stone Road Mall Terminal from Scottsdale Drive; and

June 2010

• That the City of Guelph and Guelph Transit work with local property owners to design 4 to 6 bay transit terminal/transfer points within each of the Sub-Area Nodes (North End Node, East End Node, South End Node, West End Community Centre Node).

Bus Stops and Pads (Part F – 20.4)

• That Guelph Transit identify improved passenger amenities at stops along the future Gordon/Norfolk/Woolwich Bus Rapid Transit corridor as it moves towards implementation.

STAFFING IMPLICATIONS & ORGANIZATIONAL STRUCTURE (PART F - 29)

• That Guelph Transit implement improvements to the current organizational structure and business practices based on two phases outlined below:

Phase 1

- Simplify staffing nomenclature;
- Create an organizational culture which is proactive in addressing current and future challenges;
- o Ensure transit growth is sustainable from the perspective of having the appropriate staff resources to operate a fully functional and efficient transit system;
- O Develop a Performance Monitoring and Management system aligned to the vision, goals and objectives of Guelph Transit and its business units;
- Review and realign current roles and responsibilities within the Business Services unit, to establish a stronger focus on the marketing and promotion of Guelph Transit;
- Establish a new position Transit Planner/Scheduler reporting to the Supervisor, Planning and Scheduling;
- o Establish a new position Supervisor, Mobility Services reporting to the Supervisor, Transit Operations;
- Undertake cross training of all operators to deliver conventional, Community Bus or Mobility Services;
- o Transfer the Operator Trainer, with responsibility for all operator training, to the Supervisor, Transit Operations; and
- o In consultation with the City Fleet Manager develop a series of performance standards and indicators for the repair and maintenance of the Guelph Transit fleet.

Phase 2

O Conduct a comprehensive review of external and internal communications to determine how information is communicated; and

June 2010

o Based on the results of the communications review, revise the organizational structure to effectively deal with customer contact and service.

MONITORING PROGRAM (PART F - 30)

- That Guelph Transit adopt a comprehensive Planning Review and Monitoring Process to assist Guelph Transit staff in achieving a fair and balanced appraisal of service requirements, which is based on sound technical analysis and effective consultation. This should include:
 - o Performance Standards to assess new and existing services;
 - o A series of on-going route assessments comprising:
 - Regular route reviews as part of an on-going monitoring process;
 - Periodic service reviews to monitor the on-going performance of the system or to respond to requests for minor changes;
 - Annual service reviews to assess major requests for new or revised services;
 - Detailed assessment of various service improvement proposals;
 - o A data collection program required to support the review process; and
 - o A comprehensive consultation process.





Transit Growth Strategy and Plan, Mobility Services Review

ECO Committee



July 19, 2010











Study Purpose

- Vision and growth strategy for Guelph Transit, ensuring broad consultation
- Operational review and recommended improvements to Conventional and Mobility Services for the next 5 years
- Assess feasibility of implementing Higher Order Transit services within Guelph and linking Guelph to surrounding communities



Source: Guelph Transit

Source: City of Guelph

Source: GreenWheels.org













Consultation Activities

- Public Information Centres
 - December and March, 110 attendees
- Public notifications and website
- Stakeholder interviews and focus groups
- Technical Steering Committee (city staff)
- Public Advisory Committee
 (residents, transit users, employers)

- Onboard Bus Users Survey
 - 1,000 user responses (Oct. 2009)
- Onboard Mobility Service Survey
 - > 100 user responses (Sept. 2009)
- Online University Student Survey
 - Over 6,000 responses in Dec. 2009
- Online Employer Survey
 - 92 responses from members of the Chamber of Commerce and Downtown Business Association













A Vision for Guelph Transit

"Guelph Transit is the preferred transportation mode for the residents, employees and visitors of Guelph over the single occupant vehicle."





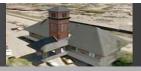














Mobility Services – Diagnostic of Existing Service

Summary of Findings

- Currently 52,500 annual trips for 1,400 registered clients
- No service expansion for several years
- Service level is the most common client concern
- Significant growth in demand with aging population

Recommendations will:

- Develop "Family of Services" to increase ridership by:
 - 25% within 2 years
 - ➤ 60% within 5 years





Family of Services – Recommended Improvements

1. Accessible Regular Transit (fleet will be 100% accessible by 2011)

- Provide travel training & incentives to try conventional buses for some travel
- Continue to improve bus stop accessibility (design and snow clearing)

2. Taxi Scrip Program

- Expand to all registered clients (not just wheelchair users)
- Promote for spontaneous trips (no reservation required)

3. Mobility Services Van & Contracted Taxi Service

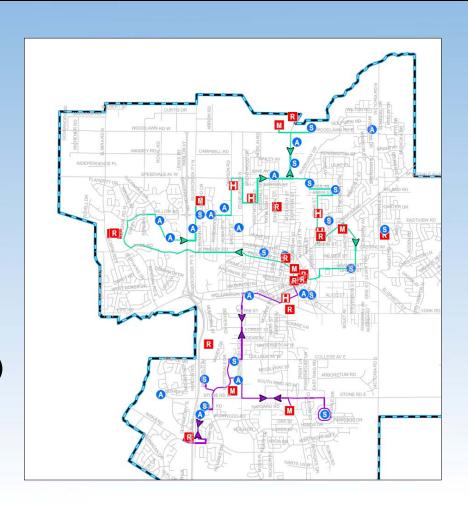
- Maintain service quality and current level of efficiency
- Provide an additional van in 2 or 3 years



Family of Services – Recommended Improvements

4. Community Bus

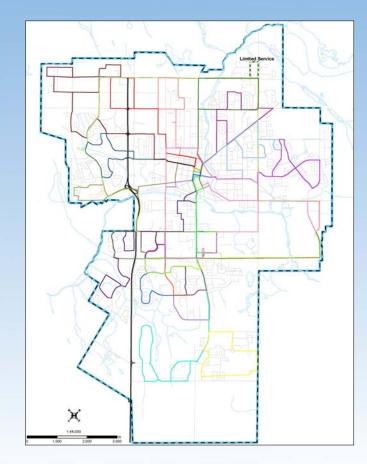
- Expand coverage with second bus
- Expand service (9:00am to 4:30pm, 6 days/week)
- Serve all seniors and Mobility registrants
- Focus on shopping, recreation, personal business, medical clinics, activity centres, community nodes (consult on route design)
- Schedule one reserved trip per route cycle to encourage usage by Mobility registrants





Conventional Services – Diagnostic of Existing Service

- Difficult to adjust bus frequency to match demand
- Buses crowded during peak and underutilized during off peak periods
- Looping routes increase travel time/reduce efficiency
- Some areas are not well served by transit
- Perimeter route has limited service hours and low ridership in north sections
- Demand has increased to university hub
- Council approved downtown transit hub (2004) most routes converge at this site
- Two industrial areas with low off-peak ridership (indirect routes, difficult to service)



Existing Route Map



Conventional Services – Recommended Improvements

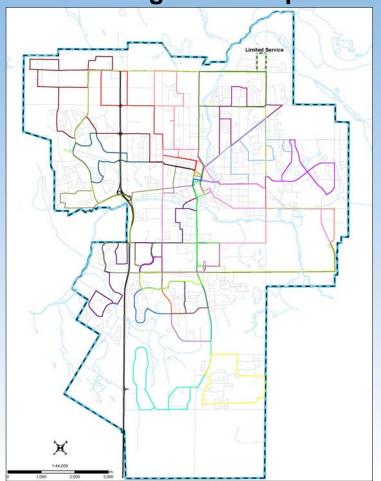
Routes

- New routes designed to provide more direct two-way travel, better coverage and shorter travel times
- Residential <u>collector routes</u> converge in the downtown and university (major hubs)
- 2-way <u>periphery routes</u> serve existing and emerging nodes
- Gordon/Norfolk/Woolwich becomes a Transit Spine (higher density, transit priority)
- Industrial specials in partnership with key employers (assistance from Chamber of Commerce)
- Premium Shuttle service to enhance transit support to the GO Trains
- Future routes provided as development occurs and road connections completed

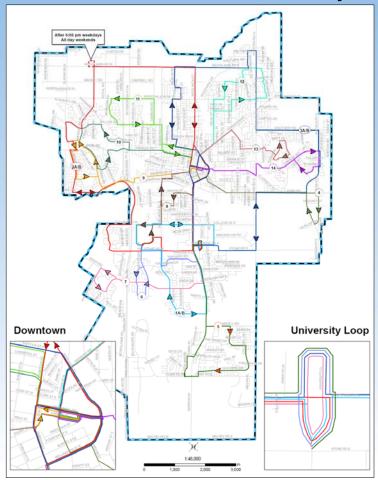


Conventional Services - Recommended Route Structure

Existing Route Map



Recommended Route Map





Conventional Services – Recommended Improvements

Service

- New routes with 30/60 min. run times to allow 15 minute peak / 30 minute offpeak service
- Saturday service remains the same as weekday service (but 30 minute all day frequency)
- Sunday (and 5 Holidays) service extended one hour with potential <u>zone</u> <u>bus/spine service</u> in future
- Peak period weekday transit service continues during summer months



Conventional Services – Future Routes – Growth Areas

Area A

 new route from downtown when Silvercreek becomes continuous (2/3 years)

Area B

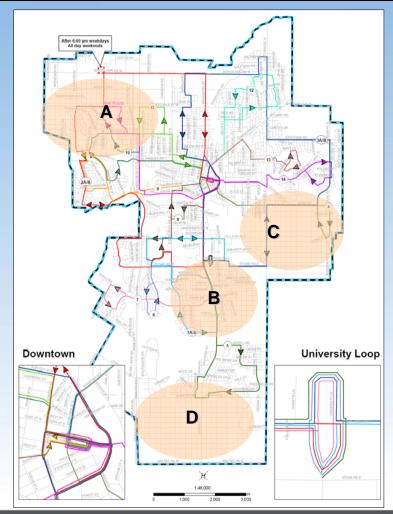
 new route from University as development fills in (4/5 years)

Area C

 new route from Guelph Innovation District to University (5+ years)

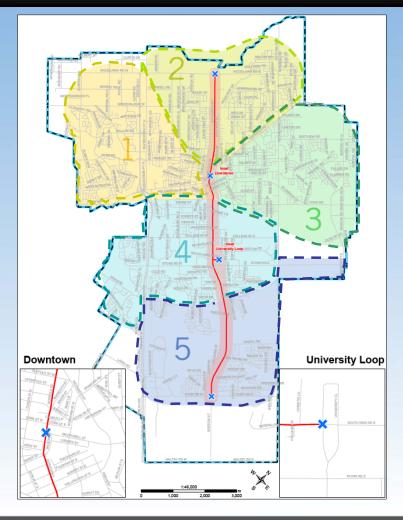
Area D

 new periphery route as development occurs south of Clair Rd





Conventional Services – Future Sunday/Holiday Strategy



- Fixed route 30 minute service on Gordon/Norfolk/Woolwich spine
- Plus 5 zone buses with flexible routes which operate on demand and connect to spine service
- Level of service can be matched to demand











Higher Order Transit in Guelph – The Opportunity

Capitalize on existing ridership

 Ridership in some corridors may be high enough for higher order transit

Build future ridership

- Higher order transit will increase ridership as it is fast, attractive and more competitive with the automobile
- Stations and corridors provide intensification opportunities

Contribute to sustainability goals

 Targets in the Community Energy Plan require change in people's travel behaviour (more likely with higher order transit)

Provide regional transit options

 Fast, effective transit between Guelph and surrounding communities will require higher order transit systems

Technologies examined:

- Bus Rapid Transit
- Light Rail Transit
- Diesel Multiple Units
- Pod cars





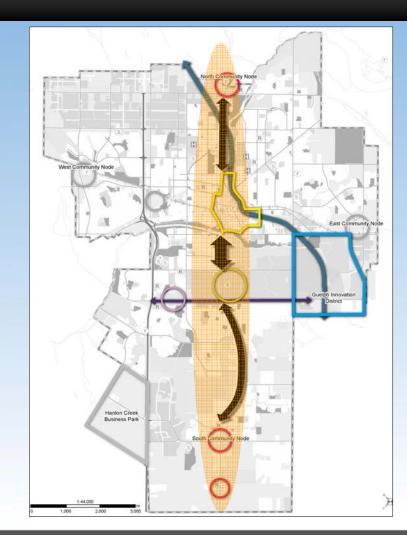






Higher Order Transit – Recommended Improvements

- Develop Gordon/Norfolk/Woolwich as Bus Rapid Transit Priority Corridor
- Implement queue jump lanes, signal priority and semi-express services
- Intensify adjacent land use and implement Transit Oriented Design
- Protect for exclusive BRT operation as transit demand grows
- LRT is not recommended (physical fit, high impacts, not supported by demand, high cost, unique vehicles/facilities in small application)





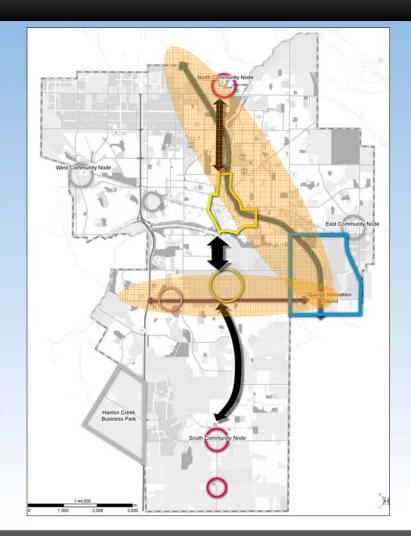
Higher Order Transit – Recommended Improvements

2. Guelph Junction Railway Corridor

- Protect corridor and 4 or 5 station locations
- 2 DMU trains could provide 20/30 minute service
- Connections will be required to downtown transit terminal and from Innovation District to University

3. Stone Road Corridor

- Protect for HOV/bus lanes and future Bus Rapid
 Transit from Hanlon to Innovation District
- Start by implementing transit priority measures
- Intensify adjacent uses



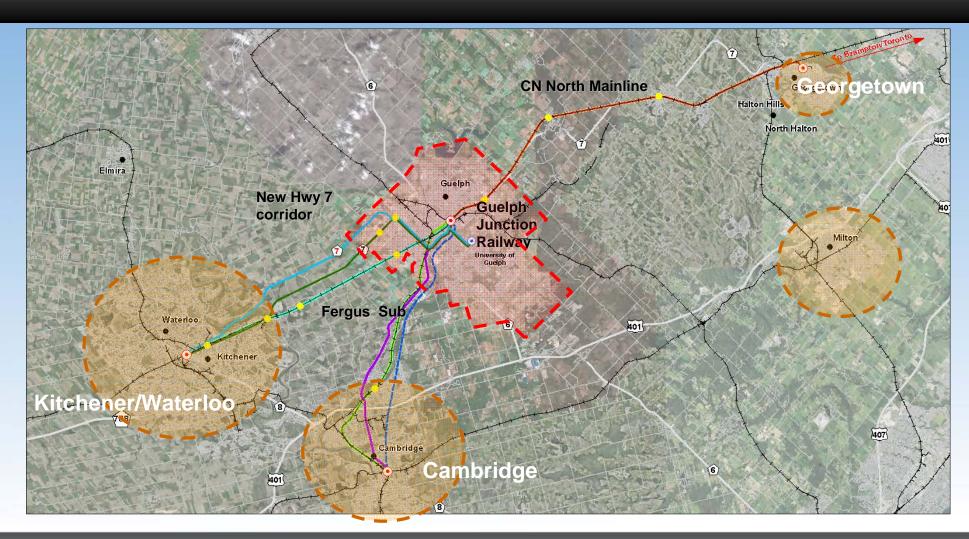








Higher Order Transit – External Corridors





Higher Order Transit – External Corridor Directions

- Guelph and Kitchener-Waterloo
 - Highest travel demand
 - Relatively low cost/low impact
 - Three viable options by road and rail
- Guelph and Cambridge
 - High demand, moderate costs
 - Two or three viable options to consider

- Guelph and Georgetown, Brampton
 - DMU's on North Mainline could supplement peak period GO Train services
- Guelph and Wellington County
 - An option is to use small buses and provide serve with full cost recovery

- Linking Guelph Transit and Grand River Transit services is the first step
- Work with province/municipal partners and operators to assess options, plan and protect corridors, and implement interregional services in the greater Guelph area



Service Improvements and Performance Measurements

Customer Service

- Service Standards developed to communicate expected level of service and monitor performance
- Mechanism to monitor that Guelph Transit is achieving what it set out to achieve
- Will report annually to Council
- Open and transparent process to Council and the public
- Transit technology strategy coming forward to assist Guelph Transit in measuring performance effectively



Service Improvements and Performance Measurements

Coverage/Walking Distance

90% of population within 400m of bus stop

Days and hours of service

5:45AM-12:45AM Monday-Saturday

Service Frequency

15 minute peak, 30 minute off peak

Route Directness

% of transfers in the system

Bus Stop Spacing

Avg. spacing of 400m

Bus Shelter/Stop Ratio Warrants

1 shelter / 7 stops

Vehicle Accessibility

All routes and buses to be fully accessible

On time Performance

• Bus arrive 0 to 3 min. late, 95% of the time

Passenger Loading Factors

150% of seated capacity max (peak times)

Introduction of New Service

Based on population/employment density

Complaint / Compliment Ratio

Reduce complaints by 10% annually

Accident Rate

Reduce preventable accidents by 5%/year

Service Utilization

Avg. 25 passengers/hour on base routes

Financial Performance

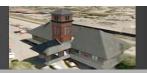
R/C ratio of 50%, Mun. subsidy per capita













Conventional Services - Operating Costs and Revenues

- 5 year growth in ridership from 6.3M to 7.5M transit trips annually based on proposed recommendations
- Initial decrease in operating cost, then increases due to phased improvements
- Financial forecasts prepared using 2010 fares
- Operating costs increased annually at approximately the rate of inflation

Financial Performance	2010	2011	2012	2013	2014	2015
Total Operating Costs	\$19,900,000	\$19,812,000	\$20,686,000	\$22,437,000	\$22,806,000	\$23,182,000
Total Revenue	\$8,900,000	\$9,760,000	\$10,517,000	\$11,000,000	\$11,253,000	\$11,386,000
Cost Recovery	45%	49%	51%	49%	49%	49%
Provincial Gas Tax	\$2,600,000	\$2,643,000	\$2,696,000	\$2,737,000	\$2,748,000	\$2,743,000
Municipal Subsidy	\$8,400,000	\$7,409,000	\$7,473,000	\$8,700,000	\$8,805,000	\$9,053,000
% of Municipal Subsidy	42%	37%	36%	39%	39%	39%
Municipal Population	124,400	126,600	128,800	131,000	133,200	135,400
Municipal Subsidy per Capita	\$67.52	\$58.52	\$58.02	\$66.41	\$66.10	\$66.86

- 1. 2010 represents Council approved budget for Guelph Transit conventional services
- 2. Operating cost of new transit terminal not included (estimated at \$0.8 to \$1.0M annually)







Mobility Services - Operating Costs and Revenues

- 5 year increase in trips from 52,500 to 83,000 annually
- 2010 Council approved budget for Mobility Services used as base
- Financial forecasts prepared using 2010 fares
- Operating costs increased annually at approximately the rate of inflation

Financial Performance	Existing	2011	2012	2013	2014	2015
Mobility Services Trips	50,000	50,000	59,000	60,000	67,000	73,000
Total Trips (incl. conventional)	53,500	53,700	65,000	67,300	75,600	83,000
Total Operating Costs	\$800,000	\$843,000	\$939,300	\$973,000	\$1,075,000	\$1,160,000
Total Revenue	\$109,900	\$109,900	\$145,700	\$147,900	\$172,300	\$194,600
Cost Recovery	14%	13%	16%	15%	16%	17%
Municipal Subsidy	\$690,100	\$733,100	\$793,600	\$825,100	\$902,700	\$965,400
Municipal Subsidy per Capita	\$5.55	\$5.79	\$6.16	\$6.30	\$6.78	\$7.13
Municipal Subsidy per Trip	\$12.90	\$13.65	\$12.21	\$12.26	\$11.94	\$11.63













Capital Requirements and One-Time Costs

Growth Plan Capital and One Time Costs	2011	2012	2013	2014	2015
Bus Stops and Shelters	\$147,500	\$47,500	\$47,500	\$47,500	\$47,500
Public Awareness Campaign (external cost)	\$30,000	\$5,000	\$5,000		
Transit Priority Measures	\$200,000	\$150,000	\$150,000	\$150,000	\$150,000
University and Sub-Node Terminals	\$250,000	\$100,000	\$100,000	\$100,000	\$100,000
Planning Studies for Higher Order Corridor					
Protection		\$400,000	\$400,000	\$250,000	
Fleet Expansion					
Interregional Service		\$512,500	\$525,300	\$150,800	
Base Service Increase			\$1,050,600		\$1,104,000
Mobility Van / Community Bus		\$143,500	\$147,100		
Sub-Total	\$627,500	\$1,358,500	\$2,425,500	\$698,300	\$1,401,500
Approved Capital Plan for Bus Replacements and System Upgrades	\$1,700,000	\$1,900,000	\$1,900,000	\$2,400,000	\$2,000,000
Total	\$2,327,500	\$3,258,500	\$4,325,500	\$3,098,300	\$3,401,500

^{*}Note: Costs in this table are not covered by the existing capital envelop and must be addressed in the budget process



Benefits of Recommendations

- Improved Level of Service 15 minute peak service and more direct routes provide a service level that will help change travel behaviour to favour transit
- Effectiveness More efficient use of City resources
- Innovation Innovative approaches to service such as industrial and GO shuttles, expanded community bus, use of DMUs and Sunday zone bus
- Ridership Growth 20% for conventional transit and 60% for Mobility clients
- **Strategic Planning** Supports future plans for land use and transit growth and connections to interregional systems
- Integration Supports key city plans / Places to Grow / Community Energy Plan targets – integrates transit with walking, cycling and Transportation Demand Management.

COMMITTEE REPORT



TO Emergency Services, Community Services and Operations

Committee

SERVICE AREA Operations
DATE July 19, 2010

SUBJECT Guelph Farmers' Market – Insurance Requirement

RECOMMENDATION

THAT the City's insurance practice requiring a certificate of insurance be applied to the Guelph Farmers' Market.

BACKGROUND

A review of the Market operations began in March 2007. The purpose of the review was to realign the by-law governing the Guelph Farmers' Market ('the Market'), revise policies and procedures, address inconsistencies and improve upon the administration of the operating process. Of the numerous tasks and issues that were undertaken, all have been resolved with the exception of vendor insurance. Previous Committee reports and staff recommendations, addressing the issue of vendor insurance, were tabled to Committee on the following dates: November 12, 2008, June 15, 2009 and September 21, 2009.

REPORT

The City's current practice for all activities on public land, with the exception of the Market, is to request a certificate of insurance naming the City as an additional insured.

For unknown reasons, a requirement of insurance has never been requested of the Vendors of the Guelph Farmers' Market and has proven to be a contentious topic that has been difficult to resolve. Staff have worked with the Market's Executive Committee on this matter pursuing a number of suggestions and potential solutions. On three separate occasions staff pursued alternative options available to Vendors.

During the course of the investigation, several insurance firms were contacted of which only four would entertain the writing of a policy. Issues that staff consistently encountered included:

- Unwillingness of insurers to allow for an open policy in which participants would come and go
- Premiums were quoted on a full year term with no offering of shorter term program payment options

- Applications for insurance would have to be made individually with risk that insurance could be rejected
- Insurance fee payments made directly to the insurer
- Affordability

As a result, Staff were unsuccessful at finding an affordable blanket policy that could be used by all vendors. A summation of the actions taken by the City's Risk Manager is attached for reference.

Also, during the September 21st ECO Committee meeting committee members heard from a delegate who opposed the insurance requirement on the basis of religion. Staff were willing to consider waiving the insurance requirement for such reason, with the condition that sufficient collateral was provided. Unfortunately, the Church representing the vendor was unable to provide collateral in the amount required.

In summary there are two options available. The first is that (recommended by staff) all vendors be required to maintain \$2 million comprehensive general liability insurance which includes coverage for premises, operations and products liability. The insurance policy shall also name the Corporation of the City of Guelph as an additional insured party. A survey of surrounding area markets within Ontario indicates an increasing trend for the requirement that all vendors carry individual liability insurance at a minimum of \$2 million. However, as mentioned in previous reports this implementation will also result in the termination or non-renewal of some vending relationships where the Vendor is unable to meet the insurance requirement.

The second option is that Council can choose not to request the insurance requirement for the Guelph Farmers' Market. If this option is pursued and an insurable claim is filed against the City, or against the City and the Vendor, for an incident caused by a Vendor, the City would be responsible for the cost of defending the claim against the City, and for any damages awarded against the City, up to the applicable deductible (currently \$50,000). The City's insurer would be responsible for amounts which exceed the deductible. The City insurance would not defend or cover the Vendor in any way.

While there have been few claims against the Market to date, suggesting a relatively low risk environment, only City Council can waive the insurance requirement. Along with the financial burden of the City's portion of the deductible, another implication of not requiring insurance is that it may set a precedent and other user groups throughout the City may seek the same exemption (such as facility rentals at arenas, River Run, etc.).

In conclusion, the recommendation that all vendors be required to maintain individual liability insurance, if approved, will achieve consistency in the requirement by all who conduct business on city-owned property.

CORPORATE STRATEGIC PLAN

Goal 4, Objective 4.5 Goal 5, Objectives 5.2, 5.3 and 5.4

DEPARTMENTAL CONSULTATION

Finance Department - Procurement and Risk Management Services Legal Services, Corporate Services Department

COMMUNICATIONS

The Guelph Farmers' Market Executive and vendors have been made aware this report is before Committee on this date.

Prepared By: Lucy Meyer Supervisor, Administration 519-837-5628 ext. 2019 lucy.meyer@guelph.ca Recommended By: Derek J. McCaughan

Executive Director, Operations & Transit 519-837-5628 ext. 2018 derek.mccaughan@guelph.ca

Recommended By:

Bill Stewart Manager, Procurement & Risk Management Services 519-822-1260 ext. 2233 bill.stewart@guelph.ca

Guelph Farmers Market - Insurance Requirement

Petition - provided at the July 19, 2010 Emergency Services, Community Services & Operations Committee

We, the undersigned, are vendors at the Guelph Farmers Market.

We wish to express our concerns in regards to the proposal that individual vendors be responsible for their own liability insurance. For many of us the incomes generated at the Market are insufficient to offset this significant added expense; for others it is a matter that is in contradiction to our community guidelines.

If this proposal goes into effect many of us will be forced to withdraw from the market – a loss of both our small businesses and their contributions to the local economy, and to the vitality and community within the Guelph Farmers Market.

It is our request that this proposal be reconsidered and alternatives be sought that help support our local micro businesses and this important aspect of the Market and the City of Guelph.

Our thanks for your consideration,

The Vendors of the Guelph Farmers Market

41 Signatures Received

CONSENT REPORT OF THE FINANCE, ADMINISTRATION & CORPORATE SERVICES COMMITTEE

July 26, 2010

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

Your Finance, Administration & Corporate Services Committee beg leave to present their SIXTH CONSENT REPORT as recommended at its meeting of June 14, 2010.

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 Finance, Administration & Corporate Services Committee will be approved in one resolution.

1) Proposed Closure of Phelan Drive and McWilliams Road

THAT staff be directed to proceed with the steps necessary to effect the permanent closure of a portion of McWilliams Road and of Phelan Drive as shown in Attachment "A".

All of which is respectfully submitted.

Councillor Vicki Beard, Chair Finance, Administration & Corporate Services Committee

COMMITTEE REPORT



TO Finance, Administration and Corporate Services

SERVICE AREA Economic Development & Tourism Services

DATE June 14, 2010

SUBJECT Proposed Closure of Phelan Drive and McWilliams Road

REPORT NUMBER

RECOMMENDATION

That staff be directed to proceed with the steps necessary to effect the permanent closure of a portion of McWilliams Road and of Phelan Drive as shown in Attachment "A".

BACKGROUND

Phelan Drive and McWilliams Road are public roads that are situated adjacent to the future Hanlon Creek Business Park (HCBP).

The application for the HCBP Plan of Subdivision received Council approval on February 21, 2005. The HCBP Plan of Subdivision subsequently received approval from the Ontario Municipal Board on November 7, 2006.

The approved plan of subdivision includes the permanent closure of McWilliams Road and Phelan Drive. **Attachment "A"** shows the location of these public roads as well as the sections that are to be permanently closed.

REPORT

The permanent closure of a portion of McWilliams Road is required as part of the development of HCBP Phase 1. Development of Phase 1 is anticipated for summer of 2010.

A portion of McWilliams Road will be remain open to provide public access from the Kortright Hills IV residential subdivision through HCBP Phase 1 to Laird Road and the Hanlon Expressway.

The closed portion of McWilliams Road will be consolidated into the HCBP Phase 1 development blocks.

The future sale of the closed portion of McWilliams Road which abuts property owned by Belmont Equity (HCBP) Holdings Ltd. will be addressed in a amended Cost Sharing and Land Exchange Agreement which would be subject to Council approval.

The permanent closure of Phelan Drive is required as part of the HCBP Phase 2 staged access to the Hanlon Expressway. The staging includes:

- 1) The construction of an interim Hanlon Expressway intersection as part of the HCBP Phase 2 development activities: and
- The construction of the future Hanlon Expressway/Laird Road Interchange by the Province and the City, which is targeted for completion by the end of 2012.

Guelph Land Holdings Ltd (GLH), a subsidiary of Cooper Construction Limited, owns land within the HCBP Phase 2 which abuts Phelan Drive. GLH has expressed its intent to commence development of HCBP Phase 2 in 2010.

GLH has also expressed its interest to acquire and consolidate the lands comprising Phelan Drive within its land holdings for development purposes. Staff are currently negotiating a Cost Sharing and Land Exchange agreement for HCBP Phase 2 with GLH which would also include the sale of Phelan Drive, as well as other City owned Phase 2 lands, from the City to GLH and which would be subject to Council approval.

CORPORATE STRATEGIC PLAN

- **Goal 1** An Attractive, Well Functioning and Sustainable City
 - 1.6 A Balanced Tax Assessment Ratio
- **Goal 2** A Diverse and Prosperous Local Economy
 - 3.1 Thriving and Sustainable Local Employment Opportunities

FINANCIAL IMPLICATIONS

Funds required for legal surveys, advertising, relating to and approval of the closure of McWilliams Road and Phelan Drive are included in the Council approved Capital Budget SS-0002 (HCBP).

DEPARTMENTAL CONSULTATION

Realty Services

COMMUNICATIONS

It is recommended that the proposed road closures will be provided in accordance with the City's:

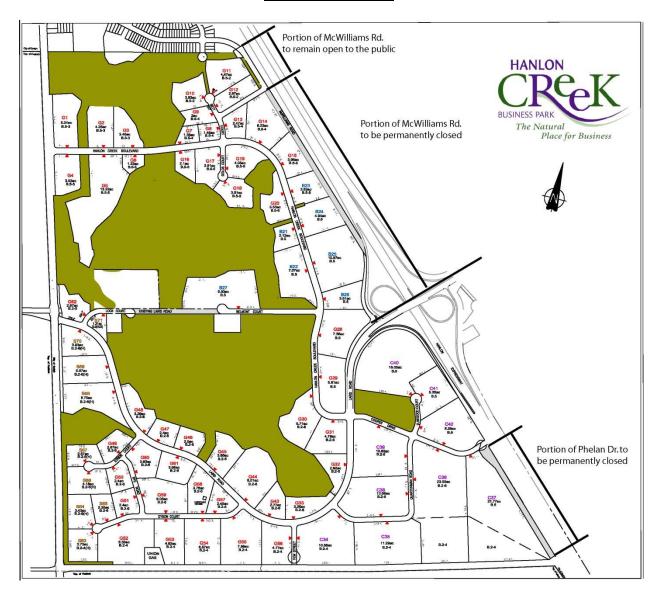
- 1) Public Notice Provisions, as approved by Council on November 9, 2001; and
- 2) Policy for the Sale and Disposition of Real Property Interests, as approved by Council on February 25, 2008.

Prepared and Recommended By:

"original signed by Peter Cartwright"

Peter J. Cartwright, PLE, MCIP, RPP General Manager, Economic Development and Tourism Services 519.822.1260 x 2820 peter.cartwight@quelph.ca

Attachment "A"



CONSENT REPORT OF THE GOVERNANCE COMMITTEE

July 26, 2010

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

Your Governance Committee beg leave to present their SIXTH CONSENT REPORT as recommended at its meeting of July 12, 2010.

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 Governance Committee will be approved in one resolution.

1) Council Standing Committees

WHEREAS the Governance Committee has identified the Standing Committee process as an area where policy improvements would be helpful;

BE IT THEREFORE RESOVED THAT

- a) That Council as a whole select the Standing Committee Chairs annually at the same meeting at which Standing Committees are selected;
- b) That the Chair position be considered for rotation every two years respecting workload balance, individual interests and Councillor development;
- c) THAT Council consider both qualifications and as well as individual interests as Committee membership is developed;

AND THAT staff be directed to amend the Procedural By-law to reflect these directions of Council.

All of which is respectfully submitted.

CONSENT AGENDA

July 26, 2010

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
A-1) 15 CARERE CRESCENT – UPCOMING ONTARIO MUNICIPAL BOARD HEARING FILE A-38/09	Approve
THAT Report 10-80 regarding an appeal to the Committee of Adjustment Decision A-38/09 concerning variances for a proposed stacked townhouse development at 15 Carere Crescent, City of Guelph, from Planning, Engineering and Environmental Services dated July 26, 2010, be received;	
AND THAT appropriate City Staff be directed to attend the upcoming Ontario Municipal Board hearing in support of the appeal to the Committee of Adjustment decision A-38/09 concerning variances for a proposed stacked townhouse development at 15 Carere Crescent;	
AND THAT City Council encourage the Ontario Municipal Board to consider mediation with the various parties including the City in an attempt to resolve the appeal of decision A-38/09 concerning variances for a proposed stacked townhouse development at 15 Carere Crescent.	
A-2) PROSPERTIY 2020 - STRATEGIC DIRECTIONS FOR ECONOMIC DEVELOPMENT AND TOURISM	Approve
THAT the July 26, 2010 report titled 'Prosperity 2020 – Strategic Directions for Economic Development and Tourism' which has been prepared by Economic Development and Tourism Services, be received;	

AND THAT Guelph City Council accepts and approves the Vision Statement and Mission Statement for Guelph's economic development and tourism future to 2020, as outlined in this report;

AND THAT Guelph City Council accepts and approves the City of Guelph's Economic Development and Tourism Strategy Implementation Plan 2010-2012, as outlined in this report.

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Planning, Engineering and Environmental Services

DATE July 26, 2010

SUBJECT 15 Carere Crescent

Upcoming Ontario Municipal Board Hearing

File A-38/09

REPORT NUMBER 10-80

RECOMMENDATION

"THAT Report 10-80 regarding an appeal to the Committee of Adjustment Decision A-38/09 concerning variances for a proposed stacked townhouse development at 15 Carere Crescent, City of Guelph, from Planning, Engineering and Environmental Services dated July 26, 2010, BE RECEIVED; and

THAT appropriate City Staff be directed to attend the upcoming Ontario Municipal Board hearing in support of the appeal to the Committee of Adjustment decision A-38/09 concerning variances for a proposed stacked townhouse development at 15 Carere Crescent; and

THAT City Council encourage the Ontario Municipal Board to consider mediation with the various parties including the City in an attempt to resolve the appeal of decision A-38/09 concerning variances for a proposed stacked townhouse development at 15 Carere Crescent."

SUMMARY

This report has been written to determine if the City wishes to be a party at an upcoming OMB hearing concerning variances for a proposed stacked townhouse development at 15 Carere Crescent. This report recommends that Council be a party and directs staff to attend the hearing in support of the appeal.

BACKGROUND

Location: The subject property is on the north side of Woodlawn Road East, east of Victoria Road North, just west of the easterly boundary of the City and the Guelph Lake Sports Fields (see **Schedule 1** – Location Map). The subject property is zoned R.3A which allows for Cluster and Stacked Townhouses.

On April 27, 2010 the Committee of Adjustment considered an application (A-38/09) requesting a number of variances to allow the development of 118 stacked townhouse dwellings on the subject property. This application was refused by the Committee and subsequently appealed by the applicant to the Ontario

Municipal Board (OMB). A two day OMB hearing has been scheduled to commence on Thursday August 26th, 2010. The purpose of this report is to determine whether the City should be a party at the upcoming hearing.

REPORT

Original Application Details: At their meeting on April 28, 2009 the Committee of Adjustment considered an application for minor variances on the subject property. The variances were required to accommodate the proposed development of a 122 stacked townhouses. Specifically minor variances were being sought for: increased density; minimum lot area per dwelling unit; building height; minimum rear yard; distance between a lot line and the window of a habitable room; and, minimum distance between building faces with habitable room windows. See Schedule 4 – Notice of Public Meeting for April 28, 2009 for additional details regarding the requested minor variances. The Notice of Public Meeting did not accurately identify the minor variances required for minimum lot area per dwelling unit or increased density. The Committee of Adjustment deferred the application sinedie in order to allow for the minor variances to be accurately identified on the Notice of Public Hearing.

A significant number of residents submitted letters and attended the Committee of Adjustment meeting outlining concerns regarding the proposed development and requested minor variances.

Subsequent to the application being deferred by Committee of Adjustment, a Ward Councillor and staff representative met on-site with surrounding residents on August 18, 2009. The purpose of the meeting was for the Ward Councillor to become familiar with the site and the concerns of the residents. A the end of the meeting, the residents formed an Advisory Group to meet with staff and the applicant in order to further discuss and work toward resolving issues.

The Advisory Group met with the Ward Councillors, staff and the applicant on September 1, 2009. At that meeting a number of issues were discussed, with a focus on traffic concerns and the only site access being from Carere Crescent. The applicant presented a revised site plan providing one access to Woodlawn Road and one access to Carere Crescent in an attempt to respond to the traffic concerns (see **Schedule 3** – Site Concept Plan – 2010 Revised Submission).

Revised Application Details: Based on the revised site plan, the minor variances required to facilitate the development changed. On April 27, 2010, the Committee of Adjustment considered revised minor variances to accommodate the proposed development of 118 stacked townhouses. Specifically minor variances were being sought for: increased density; minimum lot area per dwelling unit; building height and angular plane requirements; minimum front yard; minimum side yard; minimum rear yard; distance between a lot line and the window of a habitable room; and, minimum distance between building faces with and without habitable room windows. See **Schedule 5** – Notice of Public Meeting for April 27, 2010 for additional details regarding the requested minor variances.

At the Committee of Adjustment meeting, Planning staff recommended that the application for minor variances be approved for 15 Carere Crescent (A-38/09). Staff noted that the proposed layout of the building and units was acceptable and functional. Many of the variances were technical in nature and helped to support the City's Urban Design objectives. Also, the requested variances for increased density would assist the City in meeting the intensification targets set by the Provincial Growth Plan and outlined in the City's Growth Management Strategy. Overall, staff were satisfied that the requested variances met the four tests under the Planning Act (See **Schedule 5** – April 27, 2010 Staff Comments).

After hearing from the applicant and area residents in attendance and reviewing correspondence from area residents, the Committee of Adjustment refused the minor variance application. The Committee of Adjustment was of the opinion that cumulatively, the requested minor variances would have an adverse or negative impact on the existing neighbourhood and surrounding neighbourhood of Muskoka Drive and Woodlawn Road and the application fails the test of being "minor in nature" (see **Schedule 5** – April 27, 2010 Meeting Minutes & **Schedule 6** – Committee of Adjustment Decision for A-38/09).

The applicant submitted a letter of appeal on May 14, 2010 which outlines that the requested variances meet the four tests under section 45 (1) of the *Planning Act* (See **Schedule 7** – Letter of Appeal).

The OMB hearing has been scheduled for two days starting at 10:30 a.m. on Thursday August 26, 2010.

Council could choose to be a party or not to be a party at the upcoming hearing. Should Council decide that the City be a party at the upcoming hearing it should be clarified if the City is supporting the decision of the Committee of Adjustment or the recommendation of staff. Should Council decide that the City be a party at the OMB hearing in support of the Committee of Adjustment's decision to refuse the minor variances, then an outside planning consultant will have to be retained to support Council's position since the position would be contrary to the recommendations provided by staff. Should Council decide that the City be a party at the OMB hearing in support of the recommendation provided by staff, then Planning Services Staff will be in attendance at the hearing to support Council's position.

The Committee's decision was contrary to the recommendation of staff, supported the opposing views of the neighbourhood and was against the request of developer related to the application. At this time, it is anticipated that the developer will be a party to the hearing and representatives of the neighbourhood will be present to seek either party or participant status.

Planning staff recommend that Council support staff's recommendations related to the variances because of the sound planning rationale contained in this report, including the information contained in the attachments. Staff therefore recommend that Council direct staff to attend the hearing in support of the appeal (i.e. to support the requested variances). This report also includes a recommendation that City Council encourage the OMB to consider mediation in this matter. Neither, the applicant or City Staff recommended mediation in the forms sent to the OMB on this matter, due to the polarized views of the residents and the applicant. However, ongoing discussion and mediation is sometimes helpful in cases such as this.

CORPORATE STRATEGIC PLAN

N/A

FINANCIAL IMPLICATIONS

Should Council decide that the City be a party at the OMB hearing in support of the Committee of Adjustment's decision to refuse the minor variance application, the cost to retain outside professional planning services would be approximately \$10,000.00

DEPARTMENTAL CONSULTATION

Legal Services staff have reviewed this report.

COMMUNICATIONS

N/A

ATTACHMENTS

Schedule 1 - Location Map

Schedule 2 - Aerial Photograph

Schedule 3 - Site Concept Plans (2009 Submission & 2010 Revised Submission)

Schedule 4 - April 28, 2009 Notice of Public Meeting, Comments & Meeting Minutes

Schedule 5 - April 27, 2010 Notice of Public Meeting, Comments & Meeting Minutes

Schedule 6 - Committee of Adjustment Decision for A-38/09

Schedule 7 - Letter of Appeal

Original Signed by:

Prepared By:

Stacey Laughlin
Development and Urban Design Planner
519.837.5616 x2327
stacey.laughlin@guelph.ca

Recommended By: James N. Riddell

General Manager
Planning and Building Services
519.837.5616 x2361
jim.riddell@quelph.ca

Original Signed by:

Recommended By:

R. Scott Hannah Manager of Development and Parks Planning 519.837.5616 x2359 scott.hannah@guelph.ca

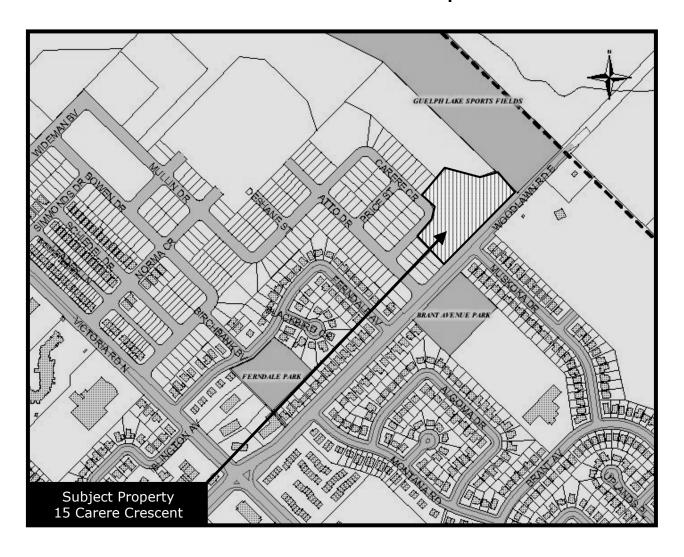
Original Signed by:

Recommended By:

Janet Laird, Ph.D. Executive Director Planning, Engineering & Environmental Services 519-822-1260 ext. 2237 janet.laird@guelph.ca

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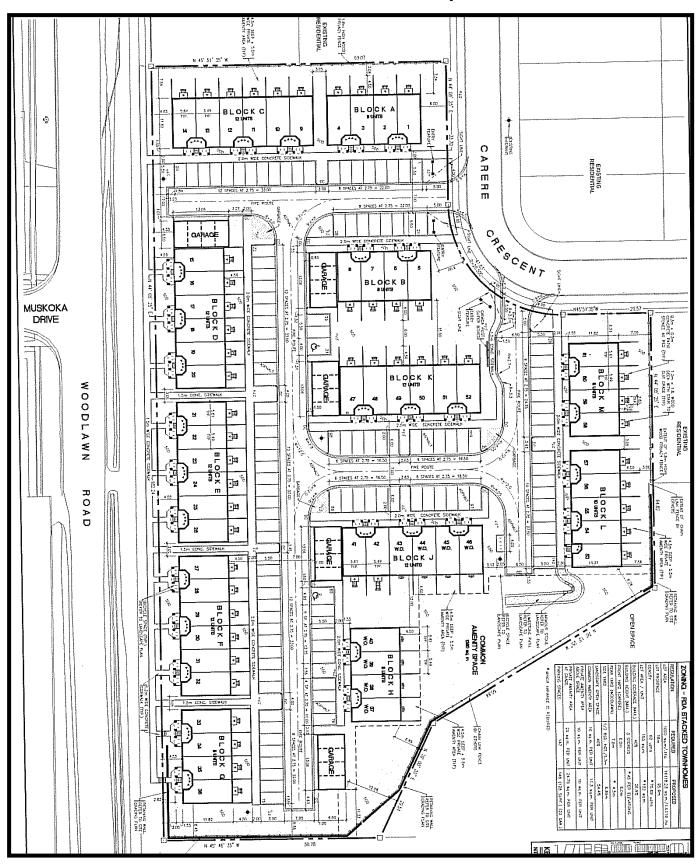
SCHEDULE 1 – Location Map



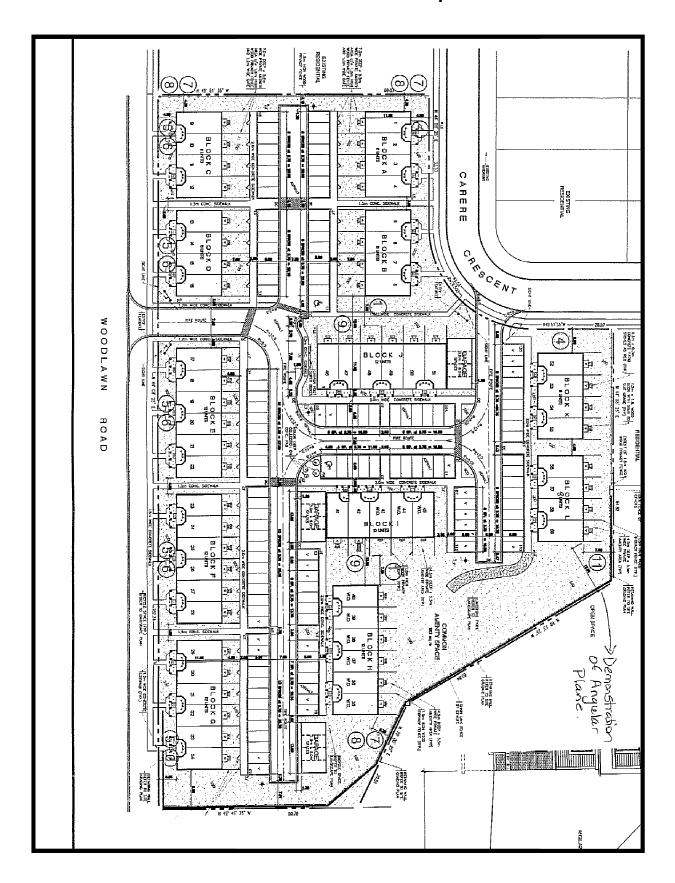
SCHEDULE 2 – Aerial Photograph



SCHEDULE 3 - 2009 Site Concept Plan



SCHEDULE 3 - 2010 Site Concept Plan



Schedule 4 - April 28, 2009 Notice of Public Meeting

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC MEETING



An Application for Minor Variance(s) has been filed with the Committee of Adjustment.

LOCATION

of PROPERTY: 15 Carere Crescent

PROPOSAL: The applicant proposes to construct a 122 unit cluster townhouse development.

BY-LAW

REQUIREMENTS: The property is located in the R.3A (Cluster Townhouse) Zone.

Variances from Zoning By-law (1995)-14864, as amended, are being requested.

REQUEST: The applicant is seeking relief from the By-law requirements as follows:

A. Table 5.3.2 - Row 3 requires a minimum lot area of 270 square metres per dwelling unit;

Variance is being requested to permit a lot area of 132 square metres per duelling unit. B. Table 5.3.2 - Row 9 requires a maximum building height of 3 storeys;

To pennit a building height of 11 metres from the average grade (approximately 3 1/2 storeys.

C. Table 5.3.2.2 requires a minimum rear yard of 7.5 metres;

To permit Blocks C, D, E, F and G to be situate 4.5 metres from Woodlawn Road, East.

D. Section 5.3.2.2.2 requires a minimum distance of 7.5 metres from windows to a habitable room to a side or

To permit a reduction in the side yard for Blocks A, C, D, E, F, G and M.

E. Section 5.3.2.3.1 requires a minimum distance of 15 metres between the face of one building and the face of another building if each wall contains habitable rooms; To permit a reduction in distance between Blocks H and J to 12 metres.

Section 5.3.2.6.1 requires a maximum density of 37.5 dwellings per hectare for cluster townhouses. To permit a density of 47.5 units per because.

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

DATE OF HEARING April 28, 2009

APPLICATION WILL BE HEARD 6:15 P.M.

Committee Room C, City Hall 1 Carden Street, Guelph, Ontario

APPLICATION NUMBER A-38/09

How Do I Provide Comments?

You may provide your comments, in support or opposition, regarding this application:

By appearing at the Public Hearing:

Please advise the Secretary-Treasurer of the Committee of Adjustment of your intention to appear before the Committee.

In Writing:

Written comments received by April 23, 2009 will be forwarded to the Committee members. Comments submitted after this date will be summarized at the hearing.

By Mail: Secretary Treasurer, Committee of Adjustment,

City of Guelph, 1 Carden Street, Guelph, ON N1H 3A1

By Fax: 519-822-4632 By Email: cofa@guelph.ca

How Do I GET More Information?

In Person: City Hall, 1 Carden Street, 3rd Floor

519-837-5615, Ext. 2524 By Telephone:

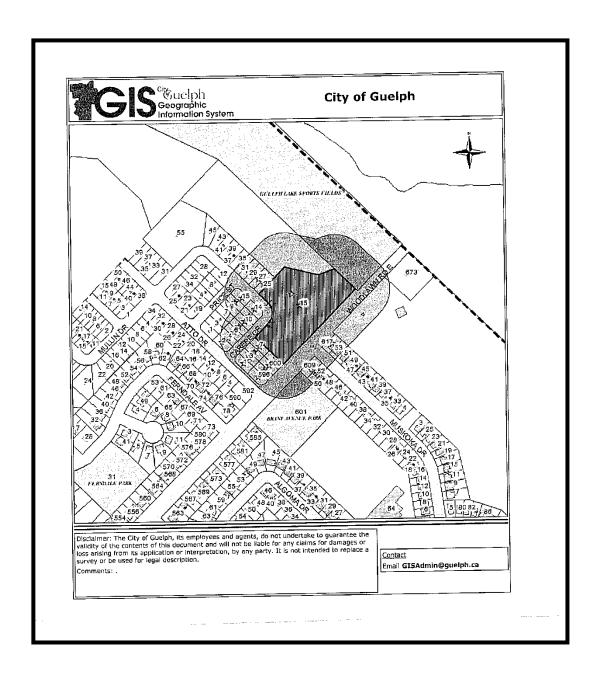
How Do I Receive Notification of the Decision?

You must make a written request for Notice of Decision to the Secretary-Treasurer, Committee of Adjustment.

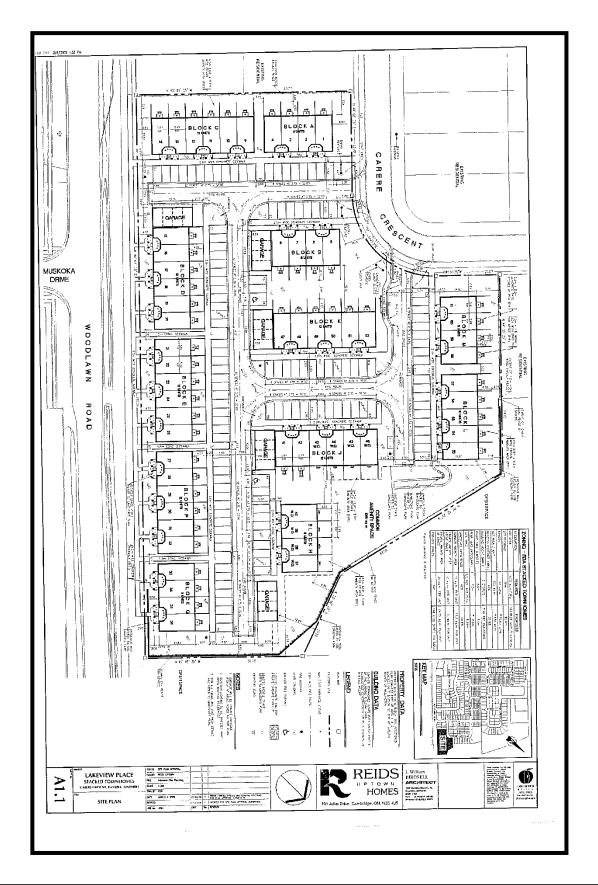
kim Fairfull, AgsT Secretary-Treasurer Committee of Adjustment

Dated this 9th day of April, 2009

Schedule 4 - April 28, 2009 Notice of Public Meeting cont'd



Schedule 4 - April 28, 2009 Notice of Public Meeting cont'd



Schedule 4 - April 28, 2009 Comments

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES



APPLICATION DETAILS

APPLICATION NUMBER: A-38/09

LOCATION: 15 Carere Crescent

DATE AND TIME OF HEARING: April 28, 2009 at 6:15 PM

APPLICANT: Reid's Uptown Homes

AGENT: GSP Group Inc. – Kendra Green

OFFICIAL PLAN DESIGNATION: General Residential

ZONING BY-LAW: R.3A

REQUEST: Variances for minimum lot area, building height, rear yard, minimum

distance between window in habitable rooms to lot lines, minimum

distance between buildings and maximum density.

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

That the owner receives approval from the City for a site plan under Section 41 of the Planning Act, prior to
the issuance of a building permit. Furthermore, the owner shall develop the property in accordance with the
approved site plan.

COMMENTS

ENGINEERING SERVICES:

A site plan was submitted on March 12, 2009 and reviewed under Section 41 of the Planning Act for grading and drainage, site servicing, site access, traffic circulation and parking configuration but was not approved due to outstanding site plan, grading and drainage issues.

We have no objection to the requested variances, provided the condition is imposed.

PLANNING SERVICES:

Planning staff have no objection to the proposed variances relating to: minimum lot area per dwelling unit; building height; minimum rear yard; distance between a lot line and the window of a habitable room; minimum distance between building faces with habitable windows; and increased density.

We note that the proposed dwelling units are considered to be "Stacked Townhouses" rather than "Cluster Townhouses". Based on this classification, variances A & F relating to lot area per dwelling unit and maximum density should be modified as follows:

Variance A – Table 5.3.2 – Row 3 requires a minimum lot area of 150 m2 per dwelling unit; a variance is being requested to permit a lot area of 132 m2 per dwelling unit.

Variance F - Section 5.3.2.6.2 permits a maximum density of 60 dwellings per hectare for stacked townhouses; a variance is being requested to permit a maximum density of 75.6 units per hectare.

The Committee should determine whether the above noted changes require re-notification.

The subject development is currently being reviewed through the Site Plan Approval process and all major issues have been dealt with. The proposed layout of the buildings and units is acceptable and functions well.

The variance relating to reduced rear yard is required based on the definition of frontage for this lot. The lot has frontage on both Carere Crescent and Woodlawn Road, however Carere is considered the front yard for purposed of the zoning by-law. Staff requested that the applicant front units onto Woodlawn Road from an urban design perspective and therefore support the variance to reduce the setback between the buildings and Woodlawn Road.

The variances for increased density and minimum lot area per dwelling unit are directly related. Planning staff support the increase in density as it assists the City in meeting intensification targets set by the Province and carried

Page 1 of 2

Schedule 4 - April 28, 2009 Comments cont'd

COMMITTEE OF ADJUSTMENT **COMMENTS FROM STAFF, PUBLIC & AGENCIES**



forward into our Local Growth Management Strategy. In order to accommodate the increased density, the lot area per dwelling unit is proposed to be decreased. Further, the variance for increased building height is supported as it accommodates the units being stacked and therefore the increased density.

Planning staff conclude that the requests meet the four tests of a minor variance.

PERMIT AND ZONING ADMINISTRATOR:

The Zoning Division of Community Design and Development Services have no concerns with the variance request to permit.

- 1) a lot area of 132 square metres per dwelling unit in lieu of the required minimum lot area of 270 square metres per dwelling unit;
- 2) To permit a building height of 11 metres from the average grade (approximately 3 ½ storeys in lieu of the required building height of 3 storeys;
- To permit a 4.5 metre rear yard in lieu of the required 7.5 metres; To permit a reduction in the side yard for Blocks A, C, D, E, F, G and M. in lieu of the required minimum distance of 7.5 metres from windows to a habitable room to a side or rear lot line; To permit a reduction in distance between Blocks H and J to 12 metres in lieu of the required 15 metres
- 6) To permit a density of 47.5 units per hectare in lieu of the permitted 37.5 units per ha

The subject property has received conditional site plan approval for the development. The approval of the variances is required before final approval. Staff comments on the site plan have been in support, therefore Zoning

Building permits are required for this development.

GUELPH HYDRO:

No comment.

GRAND RIVER CONSERVATION AUTHORITY:

No comment.

ATTACHMENTS

REPORT COMPILED BY: STEPHANIE WESLEY

Page 2 of 2

Schedule 4 - April 28, 2009 Meeting Minutes

COMMITTEE OF ADJUSTMENT

Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday, April 28, 2009 at 4:30 p.m. in Committee Room B, City Hall 1 Carden Street, with the following members present:

R. Funnell - Chair

L. McNair - Vice Chair - late

J. Andrews A. Clos

P. Brimblecombe

B. Birdsell D. Kelly

Regrets: N/A

Absent: N/A

Staff Present: Stacey Laughlin, Planner

S. Wesley, Assistant Secretary-Treasurer

Application: A-38/09

Applicant: Reid's Uptown Homes

Agent: GSP Group Inc. - Kendra Green

Location: 15 Carere Crescent

In Attendance: Chris Pidgeon

Kendra Green

Dean and Denice Langley – 7 Price Street Harold and Wendy Walker – 5 Price Street

Thomas Page – 15 Price Street Rob White – 30 Carere Crescent Martin West – 30 Carere Crescent

Flo and Merv Little – 28 Carere Crescent Dave & Liz Wright – 39 Carere Crescent

Al and Traci van der Laan – 12 Carere Crescent Momcilo and Nevena Kovacic – 10 Carere Crescent Bibi Ali and Gregory McLachlin – 27 Carere Crescent

Frank and Laura Cavallo - 6 Price Street

Schedule 4 - April 28, 2009 Meeting Minutes cont'd

The Chair R. Funnell asked if the sign had been posted in accordance with Planning Act requirements and if they had received the staff comments and recommendations.

Mr. Pidgeon replied the notice sign was posted and comments were received from staff.

Chair R. Funnell advised there was a discrepancy in the variances requested listing in the notice. He suggested that a re-circulation was required.

The Assistant Secretary-Treasurer advised the applicant and neighbours the earliest meeting this application could be rescheduled for would be June 9, 2009 with notices being mailed May 22, 2009. She assured the neighbours that they would all be recirculated at such time the applicant proceeded with their application. She advised the neighbours that should they notice the signs are missing to let staff know and they would notify the applicant to correct the situation.

The neighbours requested that the application be heard later in the meeting (after 6:30) so most of them could attend. They were advised the Committee of Adjustment meetings are started at 4:30PM and carry on into the evening. This request was agreed to.

A-38/09

Moved by D. Kelly and seconded by A. Clos,

"THAT Application A-38/09 for Reid 's Uptown Homes at 15 Carere Crescent, be deferred sinedie, and in accordance with the Committee's policy on applications deferred sinedie, that the applications will be considered to be withdrawn if not dealt with within 12 months of deferral.

Carried.

Moved by P. Brimblecombe and seconded by L. McNair,

"THAT the deferral application fee be waived for the recirculation due to some of the variances being incorrectly identified."

Carried.

Schedule 5 – April 27, 2010 Notice of Public Meeting

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC MEETING



An Application for Minor Variances has been filed with the Committee of Adjustment.

LOCATION

of PROPERTY:

15 Carere Crescent

PROPOSAL:

The applicant proposes to construct 118 stacked townhouse units. The application was deferred at the April 28, 2009 meeting of the Committee of Adjustment and has been amended for consideration of the Committee.

BY-LAW

REQUIREMENTS:

The property is located in the R.3A (Stacked or Cluster Townhouse) zone. Variances from the requirements of the By-law are being requested as follows:

Variances Applying to Entire Site

a) Table 5.3.2 - Row 3 requires a minimum lot area of 150 square metres per dwelling unit. Relief requested to permit a lot area of 136.6 square metres per dwelling unit.

b) Table 5.3.2-Row 20 and Section 5.3.2.6 permits a maximum density of 60 units/hectare (96 units) Relief requested to permit 73.21 units/hectare (118 units).

c) Table 5.3.2 – Row 9 permits a maximum building height of 3 storeys Relief requested to permit a building height of 3 1/2 storeys.

Variances Applying to Specific Blocks

a) Table 5.3.2 - Row 5 requires a minimum front yard setback (Carere Crescent) of 6 metres.

To permit Block A, Block B and Block K to be situate 4.5 metres from Carere Crescent. See 🕘

b) Table 5.3.2-Row 7 and Section 5.3.2.2.2 requires where windows to a habitable room face on a required yard, such building shall be located a minimum of 7.5 metres from the rear lot line and Table 5.3.2-Row 7 and Section 5.3.2.2.1 requires no building shall be located closer to any rear lot line than a distance equal to one-half of the building height. [5.03 metres to 5.08 metres required]

> To permit Block C, Block D, Block E, Block F and Block G to be situate 4.5 metres from Woodlawn Road. See 🖲 and 🖲 on plan.

c) Table 5.3.2-Row 7 and Section 5.3.2.2.2 requires where windows to a habitable room face on a required yard, such building shall be located a minimum of 7.5 metres from the side lot line and Table 5.3.2-Row 7 and Section 5.3.2.2.1 requires no building shall be located closer to any side lot line than a distance equal to one-half of the building height. [Block A - 5.07 metres; Block C - 5.03 metres and Block H -5.45 metres]

> To permit Block A to be situate 4.3 metres from the side lot line; Block C to be situate 4.3 metres from the side lot line; Block H to be situate 5.39 metres from the side lot line and Block K to be situate 6 metres from the side lot line. See \mathcal{Q} and \mathcal{Q} on plan.

d) Table 5.3.2-Row 10 and Section 5.3.2.3.1 requires a minimum distance of 15 metres between the face of one building and the face of another building, each of which contains windows of habitable rooms.

To permit the distance between Block B and J and Block I and H to be 12 metres. See ${\mathscr Q}$ on

e) Table 5.3.2-Row 10 and Section 5.3.2.3.4 requires a minimum distance of 12 metres between the face of one building which contains windows of habitable rooms and the face of another building which does not contain windows to a habitable room.

To permit the distance between Block B and J and Block I and H to be 7.5 metres. See $\widehat{\mathcal{Q}}$ and @on plan.

f) Section 4.16 requires a maximum 40 degree angular plane between a park and any building height.

Permission requested to permit an angular plane of 42 degrees between the common amenity space and Block L (Unit 59).

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

DATE OF HEARING April 27, 2010

7:30 p.m. APPLICATION WILL BE HEARD

City Hall

1 Carden Street, Guelph, Ontario

APPLICATION NUMBER A-39/09 (Deferred from April 28, 2009)

Schedule 5 - April 27, 2010 Notice of Public Meeting cont'd

How Do I Provide Comments?

You may provide your comments, in support or opposition, regarding this application:

By appearing at the Public Hearing:

Please advise the Secretary-Treasurer of the Committee of Adjustment of your intention to appear before the Committee.

In Writing:

Written comments received by April 22, 2010 will be forwarded to the Committee members. Comments submitted

after this date will be summarized at the hearing.

By Mail: Secretary Treasurer, Committee of Adjustment, City of Guelph, 1 Carden Street, Guelph, ON N1H 3A1

 By Fax:
 519-822-4632

 By Email:
 cota@guelph.ca

How Do I GET More Information?

 In Person:
 City Hall, 1 Carden Street, 3rd Floor

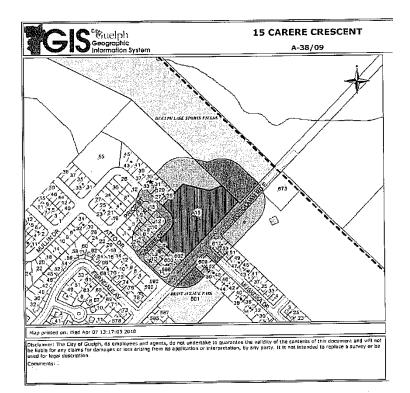
 By Telephone:
 519-837-5615, Ext. 2524

How Do I Receive Notification of the Decision?

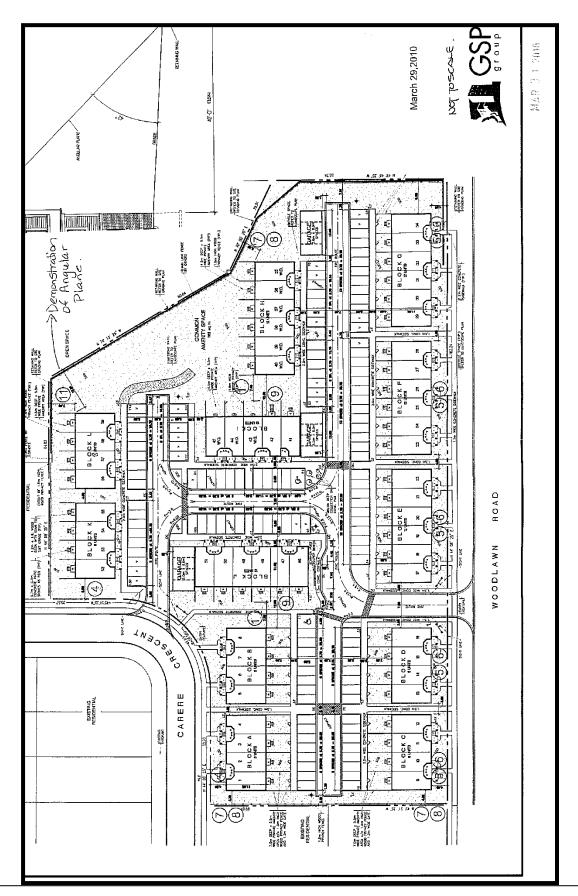
You must make a written request for Notice of Decision to the Secretary-Treasurer, Committee of Adjustment.

Kim Fairfull, ACST Secretary-Treasurer Committee of Adjustment

Dated this 9th day of April 2010



Schedule 5 - April 27, 2010 Notice of Public Meeting cont'd



Schedule 5 - April 27, 2010 Comments

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES



APPLICATION DETAILS

APPLICATION NUMBER:

A-38/09

LOCATION:

15 Carere Crescent

DATE AND TIME OF HEARING:

April 27, 2010 at 7:30 p.m.

APPLICANT:

Reid's Uptown Homes

Accent

Kendra Green of GSP Group Inc.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES



A staff representative and Councillor Findlay met with residents on August 18, 2009. The purpose of the meeting was for the Ward Councillor to become familiar with the site and the concerns of the residents. At the end of the meeting, the residents formed an Advisory Group to meet with staff and the applicant in order to further discuss and work toward resolving issues. The Advisory Group met with the Ward Councillors, Staff and the applicant on September 1, 2009. At that meeting, a number of issues were discussed, with a focus on traffic concerns and the only site access points being from Carere Crescent. The applicant presented a revised site plan providing one access to Woodlawn Road and one access to Carere Crescent. The plan presented to the Advisory Group is very similar to the plan associated with the current minor variance application.

Planning staff have no objection to the proposed variances relating to: minimum lot area per dwelling unit; building height and angular plane requirements; minimum rear yard setback to Woodlawn Road; minimum front yard setback to Carere Crescent; minimum side yard setback; distance between a lot line and the window of a habitable room; minimum distance between building faces with and without habitable windows; and increased density.

The subject development is currently being reviewed through the Site Plan Approval process and all major issues have been dealt with. The proposed layout of the buildings and units is acceptable and functions well. The layout provides for adequate common amenity space and parking in accordance with the requirements of the Zoning By-law.

The variance relating to reduced rear yard is required based on the definition of frontage for this lot. The lot abuts both Carere Crescent and Woodlawn Road, however Carere Crescent is considered the front yard for purposes of the Zoning By-law. Staff requested that the applicant propose dwelling units fronting onto Woodlawn Road from an urban design perspective and therefore support the variance to reduce the setback between the buildings and Woodlawn Road.

Similarly the variance requesting a reduced front yard setback to blocks a, b and k, is supportable from an urban design perspective. It allows for the development to continue the street wall that has been created to the west of this property and better frame the street.

The variances for increased density and minimum lot area per dwelling unit are directly related. Planning staff support the increase in density as it assists the City in meeting intensification targets set by the Province and carried forward into our Local Growth Management Strategy. In order to accommodate the increased density, the lot area per dwelling unit is proposed to be decreased. Further, the variance for increased building height is supported as it accommodates the units being stacked and therefore the increased density.

The variances for side yard setback, setback to habitable room windows, and minimum distance between building faces are supportable as the intent of these regulations is to ensure that the proposed buildings do not negatively impact the privacy of adjacent buildings or overshadow other buildings on the subject property or on adjacent properties. The proposed minimum side yard setback is 4.3 m (14.1 ft.) which is adequate to ensure that the proposed buildings will not impact the adjacent properties in a negative way. Further, this setback is greater than the distance required by the Ontario Building Code for this building.

Planning staff conclude that these requests meet the four tests for a minor variance.

PERMIT AND ZONING ADMINISTRATOR:

The Zoning Division of Community Design and Development Services have no concerns with the variance request to permit.

- 1) a lot area of 136.6 square metres per dwelling unit in lieu of the required minimum lot area of 150 square metres per dwelling unit;
- 2) To permit a building height of 3 ½ storeys in lieu of the required building height of 3 storeys;
- 3) To permit a density of 73.21 units per hectare in lieu of the permitted 60 units per ha

Schedule 5 - April 27, 2010 Comments cont'd

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES



- 6) To permit a reduction in the side yard for Blocks A, C, H and K in lieu of the required minimum distance of 7.5 metres from windows to a habitable room to a side or rear lot line;
- 7) To permit a reduction in distance of the face of one building face to another building face between Blocks B, J, I and H to 12 metres in lieu of the required 15 metres
- 8) To permit a reduction in distance between building face containing habitable room windows to another building face Blocks B, J, I and H to 7.5 metres in lieu of the required 12 metres
- 9) Permission for a decreased angular plan measurement

The subject property has received conditional site plan approval for the development. The approval of the variances is required before final approval. Staff comments on the site plan have been in support, therefore Zoning concurs.

Building permits are required for this development.

GUELPH HYDRO:

The condition is recommended.

GRAND RIVER CONSERVATION AUTHORITY:

The Grand River Conservation Authority has no objection to the proposed minor variance.

REPORT COMPILED BY: LINDA CHAPMAN

LETTERS ATTACHED

Schedule 5 - April 27, 2010 Meeting Minutes

COMMITTEE OF ADJUSTMENT

<u>Minutes</u>

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday April 27 at 6:30 p.m. in Committee Room 112, City Hall, with the following members present:

- R. Funnell, Chair
- L. McNair
- P. Brimblecombe
- A. Diamond
- B. Birdsell
- D. Kelly
- J. Andrews

Staff Present: S. Laughlin, Planner

K. Fairfull, Secretary-Treasurer

L. Chapman, Assistant Secretary-Treasurer

Application: A-38/09

Applicant: Reid's Uptown Homes

Agent: Kendra Green, GSP Group

Location: 15 Carere Crescent

In Attendance: Chris Pidgeon

Kendra Green Paul Clulow Dave Wright

Lindsay Richardson

Len Griffiths

Merv and Flo Little

Nancy Stocks

Harold and Wendy Walker

Norma Cyca Thomas Page Sue Regimbald Carol Widdowson

Mark and Pat Stackniak

Adrian Renzetti

Bibi Ali

Tranci and Al Vanderlaan Tony and Linda Touma

Schedule 5 - April 27, 2010 Meeting Minutes cont'd

Denise Langley Mary Houle

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Mr. Pidgeon replied the notice sign was posted and comments were received from staff. He gave a brief presentation on the history of the application before the Committee. He noted the application was deferred to provide time to meet with the neighbours about the application and the plan was subsequently amended and resubmitted for the Committee's consideration. He highlighted the major changes with the amending application, being: reduction of number units to 118, two accesses to the site (from Woodlawn Road and Carere Crescent), repositioning of the interior road network and position of Canada Post box and increase in amenity area. He noted the revised site plan has been reviewed by the Site Plan Committee and has been approved in principle by staff, subject to the variances. He outlined the design of the units and the nature of the variances requested. He stated the development met the Provincial Policy Statements, Growth Plan and met the four tests in the Planning Act. He noted the zoning of the vacant parcel was in place in 2005 before intensification was encouraged by the Province and municipality.

Mr. Al Vanderlaan advised he represented the By the Lake Neighourhood Group which was formed in 2009. He noted the residents of the subdivision were mis-guided by the builder who claimed this vacant parcel would contain a maximum of 47 luxury townhomes. He explained the neighbours met with Councillors, City staff and the agents two times over the past year to discuss plans for the site. He noted the neighbours still object to the minor variances requested despite the changes in the site plan.

Mr. Len Griffiths from 11 Price Street noted this development would adjoin high end residential homes. He explained he would accept townhouse development, in accordance with the regulations of the By-law. He expressed concern about Provincial legislation and the 'common sense' approach to planning and requested the application be refused.

Mr. Paul Clulow, a resident of Muskoka Drive explained the neighbours on Muskoka Drive met with staff during the planning of the original subdivision. The residents were assured there would be no access to Woodlawn Road, as the traffic associated with the development could be accessed by Victoria Road. He submitted a report received from staff in 2005 outlining development comprising 47 units on the subject parcel. He noted the Committee must consider why a 1' reserve was put in place.

Mr. Adrian Renziti, a resident of 32 Carere Crescent expressed concern about how residents were mislead by the builder that the site would contain 47 units when in fact the Zoning By-law would allow 96 units.

Ms. Pat DiGravio a resident of 602 Woodlawn Road, East advised she purchased her property adjacent to the site in 2009 and was advised by the builder that there will be 47 luxury townhomes on the property.

Schedule 5 - April 27, 2010 Meeting Minutes cont'd

Ms. Mary Houle voiced concerns for residents on Woodlawn/Muskoka. She noted there is already significant traffic on Woodlawn Road and Muskoka Drive and did not support access to Woodlawn Road.

Ms. Lindsay Richardson, a resident of Atto Drive expressed concern the development will devalue the properties in the area. She noted high density will result in crime, traffic congestion and poor property maintenance.

Ms. Denise Langley, a resident of 7 Price Street noted she was advised there would be 47 units constructed on the property.

Mr. Pidgeon explained the applicant was strongly encouraged by staff to intensify this block. This block and another block are the only opportunity for this subdivision to intensify with development other than single family homes.

Mr. Dave Wright, a resident on Carere Crescent noted his concern was parking. He noted overflow parking will occur along Woodlawn Road and Carere Crescent, which is not acceptable.

The Committee discussed the requests before them at length and expressed concern the proposal would have a negative impact on the existing neighbourhood and surrounding neighbourhood of Muskoka Drive and Woodlawn Road. It was noted that cumulatively, the adverse impact would be negative which would fail the 'minor in nature' test in the Planning Act.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by P. Brimblecombe and seconded by D. Kelly,

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13 as amended, variances from the requirements of Table 5.3.2 – Row 3, Row 5, Row 7, Row 9, Row 10 and Row 20, Section 5.3.2.6, 5.3.2.2.1, 5.3.2.2.2, 5.3.2.3.1, 5.3.2.3.4 and Section 4.16 of Zoning By-law (1995)-14864, as amended, for 15 Carere Crescent,

- a) to permit a lot area of 136.6 square metres per dwelling unit when the By-law requires a minimum lot area of 150 square metres per dwelling unit. [Table 5.3.2 – Row 3];
- b) to permit 73.21 units/hectare (118 units).when the By-law permits a maximum density of 60 units/hectare (96 units) [Table 5.3.2-Row 20 and Section 5.3.2.6];

Schedule 5 - April 27, 2010 Meeting Minutes cont'd

- c) to permit a building height of 3 ½ storeys when the By-law permits a maximum building height of 3 storeys [Table 5.3.2 Row 9];
- d) to permit Block A, Block B and Block K to be situate 4.5 metres from Carere Crescent when the By-law requires a minimum front yard setback (Carere Crescent) of 6 metres [Table 5.3.2 Row 5];
- e) to permit Block C, Block D, Block E, Block F and Block G to be situate 4.5 metres from Woodlawn Road when the By-law requires where windows to a habitable room face on a required yard, such building shall be located a minimum of 7.5 metres from the rear lot line and Table 5.3.2-Row 7 and Section 5.3.2.2.1 requires no building shall be located closer to any rear lot line than a distance equal to one-half of the building height. (5.03 metres to 5.08 metres required) [Table 5.3.2-Row 7 and Section 5.3.2.2.2];
- f) to permit Block A to be situate 4.3 metres from the side lot line; Block C to be situate 4.3 metres from the side lot line; Block H to be situate 5.39 metres from the side lot line and Block K to be situate 6 metres from the side lot line when the By-law requires where windows to a habitable room face on a required yard, such building shall be located a minimum of 7.5 metres from the side lot line and Table 5.3.2-Row 7 and Section 5.3.2.2.1 requires no building shall be located closer to any side lot line than a distance equal to one-half of the building height. (Block A 5.07 metres; Block C 5.03 metres and Block H 5.45 metres) [Table 5.3.2-Row 7 and Section 5.3.2.2.2];
- g) to permit the distance between Block B and J and Block I and H to be 12 metres when the By-law requires a minimum distance of 15 metres between the face of one building and the face of another building, each of which contains windows of habitable rooms [Table 5.3.2-Row 10 and Section 5.3.2.3.1.];
- to permit the distance between Block B and J and Block I and H to be 7.5 metres when the By-law requires a minimum distance of 12 metres between the face of one building which contains windows of habitable rooms and the face of another building which does not contain windows to a habitable room [Table 5.3.2-Row 10 and Section 5.3.2.3.4.];
- i) to permit an angular plane of 42 degrees between the common amenity space and Block L (Unit 59) when the By-law requires a maximum 40 degree angular plane between a park and any building height [Section 4.16],

BE REFUSED."

Carried.

Schedule 6 - Committee of Adjustment Decision for A-38/09

DECISION

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-38/09



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13 as amended, variances from the requirements of Table 5.3.2 – Row 3, Row 5, Row 7, Row 9, Row 10 and Row 20, Section 5.3.2.6, 5.3.2.2.1, 5.3.2.2.2, 5.3.2.3.1, 5.3.2.3.4 and Section 4.16 of Zoning By-law (1995)-14864, as amended, for 15 Carere Crescent,

- a) to permit a lot area of 136.6 square metres per dwelling unit when the By-law requires a minimum lot area of 150 square metres per dwelling unit. [Table 5.3.2 Row 3];
- b) to permit 73.21 units/hectare (118 units).when the By-law permits a maximum density of 60 units/hectare (96 units) [Table 5.3.2-Row 20 and Section 5.3.2.6];
- c) to permit a building height of 3 ½ storeys when the By-law permits a maximum building height of 3 storeys [Table 5.3.2 Row 9];
- d) to permit Block A, Block B and Block K to be situate 4.5 metres from Carere Crescent when the By-law requires a minimum front yard setback (Carere Crescent) of 6 metres [Table 5.3.2 Row 5];
- e) to permit Block C, Block D, Block E, Block F and Block G to be situate 4.5 metres from Woodlawn Road when the By-law requires where windows to a habitable room face on a required yard, such building shall be located a minimum of 7.5 metres from the rear lot line and Table 5.3.2-Row 7 and Section 5.3.2.2.1 requires no building shall be located closer to any rear lot line than a distance equal to one-half of the building height. (5.03 metres to 5.08 metres required) [Table 5.3.2-Row 7 and Section 5.3.2.2.2];
- f) to permit Block A to be situate 4.3 metres from the side lot line; Block C to be situate 4.3 metres from the side lot line; Block H to be situate 5.39 metres from the side lot line and Block K to be situate 6 metres from the side lot line when the By-law requires where windows to a habitable room face on a required yard, such building shall be located a minimum of 7.5 metres from the side lot line and Table 5.3.2-Row 7 and Section 5.3.2.2.1 requires no building shall be located closer to any side lot line than a distance equal to one-half of the building height. (Block A 5.07 metres; Block C 5.03 metres and Block H 5.45 metres) [Table 5.3.2-Row 7 and Section 5.3.2.2.2];
- g) to permit the distance between Block B and J and Block I and H to be 12 metres when the By-law requires a minimum distance of 15 metres between the face of one building and the face of another building, each of which contains windows of habitable rooms [Table 5.3.2-Row 10 and Section 5.3.2.3.1.];

Page 1 of 2

COMMITTEE OF AJUSTMENT DECISION

Schedule 6 - Committee of Adjustment Decision for A-38/09 cont'd

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-38/09



- h) to permit the distance between Block B and J and Block I and H to be 7.5 metres when the By-law requires a minimum distance of 12 metres between the face of one building which contains windows of habitable rooms and the face of another building which does not contain windows to a habitable room [Table 5.3.2-Row 10 and Section 5.3.2.3.4.];
- i) to permit an angular plane of 42 degrees between the common amenity space and Block L (Unit 59) when the By-law requires a maximum 40 degree angular plane between a park and any building height [Section 4.16],

BE REFUSED."

Members of Committee Concurring in this Decision

l, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on April 27, 2010

Dated: April 30, 2010

Signed:

The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is Not Applicable.

LCommunity Design and Development Services

Building Services

T 519-837-5615 F 519-822-4632 E cofa@guelph.ca

Schedule 7 - Letter of Appeal

SCHEDULE 'A'

Further to Part 5 (2), the following outlines the nature of the appeal and reasons for the appeal. The variances requested meet the four tests under section 45 (1) of the *Planning Act*, R.S.O. 1990, c. P13.

1) The variances maintain the general intent and purpose of the Official Plan.

The proposed development promotes intensification and higher density in accordance with the Provincial Policy Statement (2005) and the Growth Plan for the Greater Golden Horseshoe (2006). This site is designated Residential. This designation envisions all forms of residential development, including stacked townhouses that are compact in form, use land efficiently and promote a high quality of urban design. The intensification of the site contributes to the City of Guelph meeting the intensification target set out by the Province. The development conforms to the policies in Sections 3.3 (Urban Form) and 3.6 (Urban Design) of the City of Guelph Official Plan, as it involves the intensification of a residential site and the incorporation of urban design principles, including enhanced building elevations and materials.

2) The variances maintain the general intent and purpose of the Zoning By-law.

The R3A zone specifically permits stacked townhouses and the requested variances would result in an attractive and more urban form of development. The increase in permitted height and density and the decrease in required area per unit would result in a more compact and efficient development. The reduction in the rear and front yard setbacks would allow for stronger relationships with Woodlawn Road and Carere Crescent and the reduction in the side yard to the property line allows for greater density. Relief from the front, rear and side yard setback requirements would allow for enhanced front facades and side elevations that include windows and create a more aesthetically pleasing development.

3) The variances are minor.

Minor cannot be evaluated on a pure quantitative basis, but should be evaluated with regard to the impact that these minor deviations will have on surrounding land uses. The impact on the surrounding area in this instance will be minimal. The requested increases in height and density conform to the aims of the Provincial Policy Statement 2005 and the Growth Plan for the Greater Golden Horseshoe 2006 to develop land at higher densities and make better use of land and infrastructure. The remaining variances occur as a result of orienting the buildings to front onto Woodlawn Road (on the periphery of the development, as opposed to fronting onto the interior street), resulting in a better integration with surrounding land uses and a more urban, pedestrian-scale development.

4) The variances are desirable for the appropriate development or use of the land.

As previously noted, the minor variances would permit the site to develop in a more urban, intense form with a strong relationship to both Carere Crescent and Woodlawn Road and in a more attractive form, with no negative impact to adjacent uses. The revised access to Woodlawn Road means that traffic through the secondary Carere Crescent access will be minimal.

COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Economic Development and Tourism Services

DATE July 26, 2010

SUBJECT Prosperity 2020 - Strategic Directions for Economic

Development and Tourism

REPORT NUMBER

RECOMMENDATION

"THAT the July 26, 2010 report titled 'Prosperity 2020 – Strategic Directions for Economic Development and Tourism' which has been prepared by Economic Development and Tourism Services, BE RECEIVED;

AND THAT Guelph City Council accepts and approves the Vision Statement and Mission Statement for Guelph's economic development and tourism future to 2020, as outlined in this report;

AND THAT Guelph City Council accepts and approves the City of Guelph's Economic Development and Tourism Strategy Implementation Plan 2010-2012, as outlined in this report."

BACKGROUND

Council at its meeting held on April 26, 2010 received and accepted the strategic directions and recommendations contained in the City of Guelph – Prosperity 2020: Strategic Directions for Economic Development and Tourism report dated March 2010 and directed staff to use the report to manage and guide its on-going economic development and tourism activities.

Staff was also directed to bring back to Council for approval a new vision for Guelph's economic development and tourism future to 2020 and to identify specific actions for immediate attention and implementation.

This report outlines a new vision and mission statement for Guelph's economic development and tourism future to 2020 and identifies strategic objectives and actions for immediate attention and implementation as part of the Prosperity 2020 strategic plan.

REPORT

As directed by Council, Economic Development and Tourism Services staff met several times to develop a new vision and mission statement for Guelph's economic development and tourism future to 2020 as follows:

Vision Statement

A diverse, prosperous and sustainable local economy that supports the broader economic, environmental, social and cultural goals of the City.

Mission Statement

To create an environment that attracts and supports business investment; draws visitors to the region; fosters collaboration and partnerships among stakeholders; and leverages local, regional and national assets to create sustainable economic development and tourism opportunities for Guelph.

Economic Development and Tourism staff also met to review the Prosperity 2020 strategy document to identify specific strategic objectives and action items for immediate attention and implementation along with expected outcomes. These are summarized in the attached Schedule "A" table – City of Guelph's Economic Development and Tourism Strategy Implementation Plan 2010-2012.

Three "Strategic Objectives" that relate back to and support several of the Strategic Directions contained in the Prosperity 2020 strategy have been identified as follows:

- 1. To create a cohesive, community based economic development and tourism governance model and network which will clarify roles and responsibilities, improve collaborations and partnerships and broaden Guelph's reach and profile.
- 2. Build local capacity and develop and enhance programs and resources.
- 3. Create effective marketing, communications and branding strategies to reposition and expand Guelph's presence in the marketplace.

It is staff's opinion that these Strategic Objectives are required to establish the appropriate culture and environment to support a community based economic development program and to identify the City's role in supporting such a program.

Under each of these three "Strategic Objectives" staff has identified a set of specific strategic actions to help move toward achieving the strategic objective along with the expected outcomes and role for Economic Development and Tourism staff.

The intent is to implement these actions over the next 24 months subject to the availability of adequate budget and human resources being made available. It should also be noted that the implementation plan for the next two years needs to remain flexible so as to be responsive to any changing conditions and opportunities that may be presented during this time frame.

CORPORATE STRATEGIC PLAN

- Goal 1 An Attractive, Well functioning and Sustainable City
 - Strategic Objectives 1.5 and 1.6
- Goal 3 A Diverse and Prosperous Local Economy
 - Strategic Objectives 3.1 3.6
- Goal 4 A Vibrant and Valued Arts, Culture and Heritage Identity
 - Strategic Objective 4.5
- Goal 5 A Community-Focused, Responsive and Accountable Government
 - Strategic Objective 5.4

FINANCIAL IMPLICATIONS

Funded through 2010, 2011 and 2012 Economic Development and Tourism Operating Budgets

CONSULTATION

The implementation of the noted Strategic Objectives will require on-going consultation and input from City of Guelph departments as well as local economic development and not for profit organizations.

COMMUNICATIONS

N/A

ATTACHMENTS

Schedule "A" – City of Guelph's Economic Development and Tourism Strategy Implementation Plan 2010-2012

Main

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City of Guelph's Economic Development and Tourism Strategy and Implementation Plan 2010 - 2012

Vision: A diverse, prosperous and sustainable local economy that supports the broader economic, environmental, social, cultural goals of the city.

Mission: To create an environment that attracts and supports business investment; draws visitors to the region; fosters collaboration and partnerships among stakeholders; and leverages local, regional and national assets to create sustainable economic development and tourism opportunities for Guelph.

Prosperity 2020 Strategic	Strategic Objectives	Strategic Actions	Outcomes	Role
 ❖ Strengthen Governance, Profile and Reach ❖ Re-position Guelph ❖ Invest in Tourism 	1. Create a cohesive community based economic development and tourism model and governance network which will clarify roles and responsibilities, improve collaborations and partnerships and broaden Guelph's reach and profile.	1.1 Participate in the review, audit and creation of a new economic development governance network and structure which includes Guelph Chamber of Commerce, University of Guelph, proposed Regional Innovation Centre, Guelph Partnership for Innovation, City Economic Development & Tourism Services, Conestoga College, Guelph-Wellington Business Enterprise Centre, and others as identified. (who does what, organizational reviews, organizational alignment, governance best practices, governance model development, etc.)	 1.1 (a) A local governance model and business plan developed that addresses how public, private and not for profit organizations coordinate their activities and will be accountable to community leaders. This model will also identify the core roles and responsibilities of each organization. 1.1 (b) Commercialization program support provided to create a Regional Innovation Centre which will position Guelph as one of the top innovation clusters in the country 	1.1 (a) Participate (developing community governance model) 1.1(a) Lead (establish Economic Development & Tourism Services roles) 1.1(b) To Be Determined
		1.2 Participate in the creation of the newly established regional strategic tourism zone.	1.2 Ensure Guelph and its tourism stakeholders are properly represented and positioned within the newly established regional tourism zone.	1.2 Local Lead
		1.3 Identify, assess and establish strategic economic development partnerships that support Guelph's growth sectors in the areas of Foreign Direct Investment and Business Retention Expansion.	1.3 Assessment completed of potential local and regional strategic partnerships indicating strategic opportunities and cost benefit- analysis. Where applicable memorandum(s) of understanding will be developed or membership(s) initiated.	1.3 Lead

Invest in Hard and Green Infrastructure	Build local capacity and develop and enhance	2.1 Continue to lead HCBP land development and sales.	2.1 (a) HCBP Phase 1 is registered at land titles.	2.1(a) Lead
Re-position GuelphInvest in People and Ideas	programs and resources		2.1 (b) Negotiate sales and prepare offers to purchase city owned lands within HCBP	2.1 (b) Lead
Invest in TourismInvest in the Downtown		2.2 Advance the creation of a development implementation strategy for the Guelph Innovation District lands.	2.2 (a) Implement the Memorandum Of Understanding and working protocols between the province and the city for Guelph Innovation District lands	2.2 (a) Lead
			2.2 (b) Implement the development strategy for the GID lands.	2.2 (b) Lead
		Support and facilitate investment in tourism infrastructure, product and programs and other initiatives that draw visitor spending to Guelph	2.3 (a)Realign resources and staffing roles and functions to support tourism product and program development (b) Expand the activities of the city/ university/industry based committee "Destination Guelph" to sell and market Guelph as a meetings/events/ conference destination (c) In conjunction with industry partners, conduct a gap analysis of tourism supportive infrastructure (trail systems, signage, parking etc. for future capital planning	2.3 (a) (b) (c) Lead
		Initiate the creation of an education and workforce development council	2.4 An education and workforce committee is established to develop and implement a strategic plan for workforce development and post secondary educational programming	2.4 To Be Determined
		2.5 Develop and manage an "One-Stop Shop" for business support and inquiries	2.5 (a) Objectives, mandate, value proposition and resource requirements established for "One-Stop Shop" for business support and inquiries	2.5 (a) To Be Determined
			2.5 (b) Review and audit internal processes	2.5 (b) Lead

Provide direction on economic development matters related to municipal policy development (e.g. Official Plan)	for various municipal approvals related to business and establish tactics that will help expedite, communicate and support clients through these processes. 2.6 Complete consultation with other city departments to establish an economic development role in advising and directing municipal policy decisions. Determine resources required.	2.6 Lead
2.7 Coordinate economic development activities and initiatives with Downtown opportunities	2.7 Complete consultations with Corporate Manager of Downtown to look at integrating the Downtown with other economic development initiatives and establish roles within the Economic Development & Tourism Services department to support these initiatives where applicable	2.7 To Be Determined
2.8 Coordinate economic development activities and initiatives with opportunities of the Community Energy Initiative.	2.8 Complete consultations with Corporate Manager of Community Energy Initiative to look at integrating the Community Energy Initiative with other economic development initiatives and establish roles within the Economic Development Tourism Services department to support these initiatives where applicable.	2.8 To Be Determined

 Strengthen Governance, Profile and Reach Re-position Guelph 	Create effective marketing, communications and branding strategies to	3.1 Review and audit all of economic development and tourism marketing, branding and communications programs.	3.1 Review and audit completed Economic Development Tourism Services current marketing and communication programs	3.1 Lead
 ❖ Invest in Tourism ❖ Focus Investment on Growth Sectors 	re-position and expand Guelph's presence in the marketplace.	 3.2 Conduct market analyses and research of targeted growth sectors and develop marketing and communication plan(s). 3.3 Increase awareness and profile of Economic Development Tourism Strategy activities and services among the local business community, potential business investors, tourism prospects, elected local officials, other city staff departments, operational staff at federal and provincial agencies and the general public 	 3.2 & 3.3 Integrated marketing and communications plan(s) developed to support and promote Guelph's targeted growth sectors which will: Increase the profile of local economic development opportunities (eg. employment lands, business environment, research and innovation capacity, culture, tourism, etc.) among targeted audiences Increase the awareness and profile of Economic Development Tourism Services among targeted audiences Expand our capacity to attract and retain business investment in Guelph 	3.2 & 3.3 Lead
		3.4 Increase joint venture marketing programs	3.4 Identification of joint venture and cost sharing marketing opportunities and programs	3.4 Lead

- BYLAWS -

- July 26, 2010 –			
By-law Number (2010)-19044 A by-law to remove Lot 90, Plan 61M146 designated as Parts 3 and 4, Reference Plan 61R10990, in the City of Guelph from Part Lot Control. (96 & 98 Clough Crescent)	To remove land from part lot control to create 2 semi-detached lots to be known municipally as 96 & 98 Clough Crescent.		
By-law Number (2010)-19045 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 known municipally as 3 Watson Road South and legally described as Part of Block 1, Plan 696, City of Guelph (ZC1002).	To amend the City's Zoning by-law.		
By-law Number (2010)-19046 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 known municipally as 5 and 7 Cambridge Street and legally described as Part of Lot 582, Registered Plan 8, City of Guelph	To amend the City's Zoning by-law.		
By-law Number (2010)-19047 A By-law to amend By-law Numbers(2003)-17082 and (1997)-15351and repeal By-law Number (2010)-18961 with respect to appointments of persons serving as municipal by-law enforcement officers, known as "private property agents" to add Watson, Pitt, Toms, and O'Kane.	To appoint persons serving as municipal by-law enforcement officers as "private property agents".		
By-law Number (2010)-19048 A by-law to authorize the execution of an Agreement between Capital Paving Inc. and The Corporation of the City of Guelph. (Contract No. 2-1020 for the servicing, road construction from Green Street to Norwich Street/Woolwich Street (Five Points) under Norfolk	To execute Contract No,. 2-1020 for the servicing and road construction from Green St. to Norwich St./Woolwich St. (Five Points) under Norfolk Reconstruction Phase III.		

Reconstruction Phase III)	
By-law Number (2010)-19049 A by-law to authorize the execution of an Engineering Services Agreement between Lunor Group Inc. & Fabbian Fine Homes and The Corporation of the City of Guelph. (Lot 8, Registered Plan 53, Division 'C', draft Plan of Subdivision 23T-07502)	To authorize the execution of an Engineering Services Agreement for Draft Plan of Subdivision 23T-07502.
By-law Number (2010)–19050 A by-law to authorize the execution of an agreement between Verly Construction Group Inc. and The Corporation of the City of Guelph for the servicing and road construction of Chillico Glen Part A Subdivision. (Contract 2-1025)	To authorize the execution of an Agreement for servicing and road construction of Chillico Glen Part A Subdivision. (Contract 2-1025)
By-law Number (2010)-19051 A by-law to authorize the execution of a Grade Separation Reconstruction agreement between Canadian National Railway Company, Goderich-Exeter Railway Company Limited and The Corporation of the City of Guelph for the reconstruction of Wyndham Street. (under the right-of way and track of the Railway)	To authorize the execution of a Grade Separation Reconstruction Agreement for the reconstruction of Wyndham Street. (under the right-of-way and track of the Railway)
By-law Number (2010) – 19052 A by-law to stop up and close Phelan Drive described as Part of Lot 20, Concession 4, (formerly Puslinch Township), designated as Parts 1 to 4 inclusive, Reference Plan 61R11116, City of Guelph.	A by-law to stop up and close Phelan Drive.
By-law Number (2010) – 19053 A by-law to stop up and close McWilliams Road described as Part of Lots 17, 18 and 19, Concession 5, (formerly Puslinch Township), designated as Parts 1 to 6 inclusive, Reference Plan 61R11115, City of Guelph.	A by-law to stop up and close McWilliams Road.