

**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday July 20, 2015 at 7:00 p.m.**

Attendance

Council: Mayor C. Guthrie
Councillor P. Allt
Councillor B. Bell
Councillor C. Billings
Councillor C. Downer
Councillor D. Gibson
Councillor J. Gordon

Councillor M. MacKinnon
Councillor L. Piper
Councillor M. Salisbury
Councillor A. Van Hellemond
Councillor K. Wettstein

Absent: Councillor J. Hofland

Staff: Ms. A. Pappert, CAO
Mr. M. Amorosi, Deputy CAO of Corporate Services
Mr. A. Horsman, Deputy CAO of Infrastructure, Development & Enterprise
Mr. D. Thomson, Deputy CAO of Public Services
Mr. S. O'Brien, City Clerk
Ms. J. Sweeney, Council Committee Coordinator

Mayor Guthrie called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Confirmation of Minutes

1. Moved by Councillor Gordon
Seconded by Councillor Allt
1. That the minutes of the Council Meetings held June 9, 17 and 22, 2015 and the minutes of the Closed Meetings of Council held June 9 and 22, 2015 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)
VOTING AGAINST: (0)

CARRIED

Consent Reports

Corporate Services Committee Fifth Consent Report

The following items were extracted:

CS-2015.29 Budget Formula City Guideline
CS-2015.31 Capital Renewal Reserve Fund: Urbacon Settlement

Balance of Corporate Services Committee Consent Items

Councillor Billings presented the balance of the Corporate Services Committee Fifth Consent Report.

2. Moved by Councillor Billings
Seconded by Councillor Allt

That the balance of the July 20, 2015 Corporate Services Committee Fifth Consent Report as identified below, be adopted:

**CS-2015.30 Councillor Allt's Motion from Council February 23, 2015 re:
Reinstatement of the Long Form Census**

1. That the City of Guelph affirm its support for the reinstatement of the long form census.
2. That the Mayor send a letter to the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO), the Large Urban Mayors Caucus of Ontario (LUMCO) and the Minister of Industry.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (11)

VOTING AGAINST: Councillor Gibson (1)

CARRIED

Governance Committee Second Consent Report

The following items were extracted:

GOV-2015.4 Procedural By-law and Associated Documents Review

Balance of Governance Committee Consent Items

Councillor Downer presented the balance of the Governance Committee Second Consent Report.

3. Moved by Councillor Downer
Seconded by Councillor Wettstein

That the balance of the July 20, 2015 Governance Committee Second Consent Report as identified below, be adopted:

GOV-2015.3 Conflict of Interest in Hiring

That the Conflict of Interest in Hiring Policy be approved.

GOV-2015.9 Councillor Kovach's motion from Council July 28, 2014 re: Quarterly Reporting from Council Appointees to Government Associations

That no action be taken on Councillor Kovach's motion adopted by Council 28, 2014 with respect to quarterly reporting from Council Appointees to Government Associations.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Infrastructure, Development & Enterprise Committee Sevent Consent Report

The following items were extracted:

IDE-2015.17 Speedvale Avenue East from Manhattan Court to Woolwich Street – Road Design – Referred from June 22nd Council Meeting

IDE-2105.28 Town of Aurora Resolution Regarding Installation of Community Mailboxes

Balance of Infrastructure, Development & Enterprise Committee Consent Items

Councillor Bell presented the balance of the Infrastructure, Development & Enterprise Committee Seventh Consent Report.

4. Moved by Councillor Bell
Seconded by Councillor Salisbury

That the balance of the July 20, 2015 Infrastructure, Development & Enterprise Committee Seventh Consent Report as identified below, be adopted:

IDE-2015.21 Integrated Operational Review (IOR) – Annual Report (2014-2015)

1. That Report 15-63 from the Infrastructure, Development and Enterprise Services, regarding the Integrated Operational Review Annual Report and associated process enhancements and mandatory pre-consultation for the period 2014-2015, be received.
2. That the draft by-laws as shown in Attachment 3 – Pre-consultation By-law – in Report 15-63 from the Infrastructure, Development and Enterprise Services, regarding mandatory pre-consultation and complete application requirements be approved and adopted.

IDE-2105.23 Essex Street On-Street Parking: Background to Notice of Motion and Recent Survey

1. That Report IDE-BDE-1504 titled "Essex Street On-Street Parking", from Infrastructure, Development and Enterprise, dated July 7, 2015 be received.
2. That staff undertake the proposed on-street parking pilot as described in the report, and report back to IDE Committee by Q2 2016.
3. That staff report back to the IDE Committee, through the Information Sheets, by Q4 2015 while maintaining the 1 year pilot project.

IDE-2105.24 Sign By-law Variances – 275 Hanlon Creek Boulevard

1. That the report from Infrastructure, Development and Enterprise dated July 7, 2015 regarding sign by-law variances for 275 Hanlon Creek Boulevard, be received.
2. That the request for variances from the Sign By-law for 275 Hanlon Creek Boulevard to permit one (1) sign with an area of 5.89m² to be located on the second storey of a building face fronting an adjacent property at a distance of 6.5 metres from the property line, be approved.
3. That the request for variances from the Sign By-law for 275 Hanlon Creek Boulevard to permit one (1) sign with an area of 12.59m² to be located on the second storey of a building face fronting an adjacent property at a distance of 6.5 metres from the property line, be approved.

IDE-2105.26 Green Meadow Park Flood Protection Facility – Schedule B Municipal Class Environmental Assessment

1. That the Infrastructure, Development and Enterprise report dated July 7, 2015, regarding the Schedule B Municipal Class Environmental Assessment - Green Meadow Park Flood Protection Facility be received.
2. That staff be authorized to complete the Municipal Class Environmental Assessment process as required and to proceed with the implementation of the preferred alternative (#4 – New Storm Sewer on William Street) as outlined in the report from Infrastructure, Development and Enterprise report dated July 7, 2015.

IDE-2015.27 Federation of Canadian Municipalities – Green Municipal Fund Leadership in Asset Management Program

1. That the Infrastructure, Development and Enterprise report dated July 7, 2015, regarding the Federation of Canadian Municipalities – Green Municipal Fund Leadership in Asset Management Program (LAMP) be received.
2. That Council support the City of Guelph's participation in the LAMP program.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Public Services Committee Sixth Consent Report

The following items were extracted:

- PS-2015.21 Business Licence By-law Review – Food Vehicle Schedule and Temporary Food Sales Update**
- PS-2105.224 Speedvale Avenue Bridge Underpass**
- PS-2105.25 Crane Park Footbridge**

Balance of Public Services Committee Consent Items

Councillor Downer presented the balance of the Public Services Committee Sixth Consent Report.

- 5. Moved by Councillor Downer
Seconded by Councillor Billings

That the balance of the July 20, 2015 Public Services Committee Sixth Consent Report as identified below, be adopted:

PS-2015.22 Northview Park – Conceptual Master Plan

- 1. That the Public Services Report # PS-15-32 “Northview Park – Conceptual Master Plan” dated July 6, 2015 be received.
- 2. That Council approve the Conceptual Master Plan for Northview Park.

PS-2105.23 New Trail Section Near Hanlon Creek

- 1. That the Public Services Report # PS-15-33 “New Trail Sections Near Hanlon Creek” dated July 6, 2015 be received.
- 2. That the proposed trail sections near Hanlon Creek be considered in the next Guelph Trail Master Plan update.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Closed Meeting of Council Third Consent Report

Mayor Guthrie presented the Closed Meeting of Council Third Consent Report.

- 6. Moved by Councillor Bell
Seconded by Councillor Billings

That the July 20, 2015 Closed Meeting of Council Third Consent Report as identified below, be adopted:

CM-2015.29 2015 Citizen Reappointments to the Board of Trustees of the Elliott

That Barry Elder and Stephan Warley be reappointed to the Board of Trustees of the Elliott for a term ending June 30, 2018 or until such time as successors are appointed.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Council Consent Agenda

7. Moved by Councillor Billings
Seconded by Councillor MacKinnon

That the July 20, 2015 Consent Agenda as identified below, be adopted:

CON-2015.32 Proposed Demolition of 1517 Gordon Street and 15 Lowes Road West – Ward 6

1. That Report 15-46 regarding the proposed demolition of two (2) single detached dwellings at 1517 Gordon Street and 15 Lowes Road West, legally described as Lots 1 and 2, Registered Plan 508 (Geographic Township of Puslinch), City of Guelph, County of Wellington from Infrastructure, Development and Enterprise dated July 20, 2015, be received.
2. That the proposed demolition of two (2) detached dwellings at 1517 Gordon Street and 15 Lowes Road West be approved.
3. The applicant shall complete an updated Tree Inventory, Preservation and Compensation Plan, satisfactory to the General Manager of Planning, Urban Design and Building Services and in accordance with the City of Guelph Bylaw (2010)-19058 prior to undertaking activities which may injure or destroy regulated trees.
4. That the applicant erect protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties which may be impacted by demolition and construction activities, prior to the issuance of any demolition permits.
5. That the applicant shall contact the City's Environmental Planner to inspect the tree protection fence prior to demolition and/or site alteration commencing.
6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the federal *Migratory Birds Convention Act* (MBCA) prior to any works occurring.

7. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

CON-2105.33 Decision Report: 24, 26, 28 and 0 Landsdown Drive – Proposed Draft Plan of Vacant Land Condominium and Associated Zoning By-law Amendment and Proposed Demolition (File23CDM-1307 / ZC1317

1. That the application from Astrid J. Clos Planning Consultants on behalf of Dunsire (Landsdown) Inc. for approval of a proposed Draft Plan of Vacant Land Condominium of 26 condominium residential single detached dwellings and one freehold residential single detached dwelling located at 28 Landsdown Drive, as shown in Attachment 6, applying to the property municipally known as 24, 26, 28 and 0 Landsdown Drive and legally described as Lot 10 and Part of Lots 6, 9 and 13, on Plan 488, designated as Parts 1, 2, 3 and 4 on Reference Plan 61R20544, City of Guelph, be approved for a period of three (3) years in accordance with Conditions noted in Attachment 1 attached.
2. That the application by Astrid J. Clos Consultants on behalf of Dunsire (Landsdown) Inc. for approval of a Zoning By-law Amendment from the "Residential Single Detached" (R.1B) Zone to three separate "Specialized Residential Single Detached" (R.1B-?) Zones with 'Holding' (H) provisions, "Conservation Land" (P.1) Zone and "Wetland" (WL) Zone to permit the development of 26 single detached dwellings fronting on a private condominium road and one lot for a free hold single detached dwelling at 28 Landsdown Drive, be approved, as outlined in Attachment 1 attached.
3. 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 24, 26, 28 and 0 Landsdown Drive.
4. That the proposed demolition of one single detached dwelling at 28 Landsdown be approved.
5. That the applicant provide protective fencing at one (1) metre of the dripline of any existing trees on 28 Landsdown Drive or on adjacent properties that are to be preserved as recommended in the Environmental Impact Study dated July 2014 prior to the demolition of the single detached dwelling.
6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any work occurring.
7. That the applicant contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Extracted Items

CS-2015.29 Budget Formula Guideline

Mr. Kithio Mwanzia, President and CEO of the Guelph Chamber of Commerce stressed the importance of predictability in the preparation of the City Budget. He expressed support for a budget formula guideline of 5-year average for Ontario CPI + 5-year average of MPAC's Market Change.

8. Moved by Councillor Gibson
Seconded by Councillor Billings

That staff be directed to present to Council a draft 2016 budget using the 2014 rate of inflation of 2.4%.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Billings, Gibson and Van Hellemond (5)

VOTING AGAINST: Councillors Allt, Downer, Gordon, MacKinnon, Piper, Salisbury and Wettstein (7)

DEFEATED

9. Moved by Councillor MacKinnon
Seconded by Councillor Wettstein

That staff be directed to prepare the 2016 budget with no budget formula guideline.

VOTING IN FAVOUR: Councillors Allt, Gordon, MacKinnon, Salisbury and Wettstein (5)

VOTING AGAINST: Mayor Guthrie, Councillors Bell, Billings, Downer, Gibson, Piper and Van Hellemond (7)

DEFEATED

10. Moved by Councillor Salisbury
Seconded by Councillor Bell

That Council approve the use of the following budget formula to guide staff budget development:

(5-year average for Ontario CPI) + (5-year average of MPAC's Market Change) + investment factor

VOTING IN FAVOUR: Councillors Allt, Downer, Piper, Salisbury and Wettstein (5)

VOTING AGAINST: Mayor Guthrie, Councillors Bell, Billings, Gibson, Gordon, MacKinnon and Van Hellemond (7)

DEFEATED

11. Moved by Councillor Piper
Seconded by Councillor Bell

That Council approve the use of the following budget formula to guide staff budget development:

(5-year average for Ontario CPI) + (5-year average of MPAC's Market Change)

VOTING IN FAVOUR: Councillors Allt, Bell, Downer, Piper, Salisbury and Wettstein (6)
VOTING AGAINST: Mayor Guthrie, Councillors Billings, Gibson, Gordon, MacKinnon and Van Hellemond (6)

LOST ON A TIE VOTE

12. Moved by Councillor Bell
Seconded by Councilor Piper

That Council approve the use of the following budget formula to guide staff budget development:

(5-year average for Ontario CPI) + (5-year average of MPAC's Market Change) + 0.2 investment factor

VOTING IN FAVOUR: Councillors Bell, Downer, Piper and Wettstein (4)
VOTING AGAINST: Mayor Guthrie, Councillors Allt, Billings, Gibson, Gordon, MacKinnon, Salisbury and Van Hellemond (8)

DEFEATED

13. Moved by Councillor Bell
Seconded by Councillor Gibson

1. That Council approve the use of the following budget formula to guide staff budget development:

(5-year average for Ontario CPI) + (5-year average of MPAC's Market Change) + investment factor

2. That staff provide a list of options to Council to decrease the budget to 2.4%.

VOTING IN FAVOUR: Councillors Bell, Gibson, Piper and Van Hellemond (4)
VOTING AGAINST: Mayor Guthrie, Councillors Allt, Billings, Downer, Gordon, MacKinnon, Salisbury and Wettstein (8)

DEFEATED

14. Moved by Councillor Downer
Seconded by Councillor Piper

That Council reconsider Resolution #9 with respect to preparing the 2106 budget with no budget formula guideline.

VOTING IN FAVOUR: Councillors Allt, Bell, Downer, Gibson, MacKinnon, Piper, Salisbury and Wettstein (8)

VOTING AGAINST: Mayor Guthrie, Councillors Billings, Gibson and Van Hellemond (4)
CARRIED

15. Moved by Councillor Downer
Seconded by Councillor MacKinnon

That staff be directed to prepare the 2016 budget with no budget formula guideline.

VOTING IN FAVOUR: Councillors Allt, Bell, Downer, Gordon, MacKinnon, Piper, Salisbury and Wettstein (8)

VOTING AGAINST: Mayor Guthrie, Councillors Billings, Gibson and Van Hellemond, (4)
CARRIED

Council recessed at 9:27 p.m.

Council resumed at 9:35 p.m.

PS-2015.21 Business Licence By-law Review – Food Vehicle Schedule and Temporary Food Sales Update

Ms. Jakki Prince spoke in support licencing food trucks. She requested that food trucks be allowed on Freshfield Street and encouraged a small mixed use area downtown this year which would provide data to assist in the preparation of a more robust by-law.

16. Moved by Councillor Downer
Seconded by Councillor Billings

1. That the Public Services Report # PS-15-36 "Business Licence By-law Review – Food Vehicle Schedule and Temporary Food Sales Update" dated July 6, 2015 be received.
2. That the amendments to Business Licence By-law (2009)-18855 to permit Mobile Food Preparation Vehicles to operate on city streets under certain conditions substantially in the form as attached in Public Services Report # PS-15-36, but subject to the approval and revision by the City Solicitor be brought before Council for approval.
3. That staff be directed to complete the recommendations as set out in Attachment 2 of the Public Services Report # PS-15-36, **as amended**, and that where the recommendations direct staff to create amendments to the City's by-laws, that such amendments are brought back to Council for approval by the dates identified.

That recommendation number 8 in Attachment 2 of the report entitled Business License By-law Review – Food Vehicle Schedule and Temporary Food Sales Update be amended to the following:

That Mobile Food Preparation Vehicles be permitted to operate in the Guelph Farmers' Market parking lot and along Gordon Street/Wilson Street along the frontage of the Farmers' Market to Carden Street

during market hours, providing that such operation complies with the Farmers' Market By-law (2009)-18874 and does not impede traffic flow on Wilson Street, with the exception of special events.

4. That after one year of implementation of the initial and the final amendments to the Business Licence By-law (2009)-18855 with respect to Food Vehicles and Temporary Food Sales as contained in Public Services Report # PS-15-36, staff be directed to engage the public along with representatives of the Food Vehicle, Temporary Food Sale industries to identify the effectiveness of the amended licensing regime.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

PS-2015.24 Speedvale Avenue Bridge Underpass

Mr. Mike Darmon requested that the City give consideration to exploring all options for trail connection. He further requested that the traffic signals at the fire station on Speedvale Avenue be retained.

Main Motion

17. Moved by Councillor Downer
Seconded by Councillor Billings
 1. That the Public Services Report # PS-15-34 "Speedvale Avenue Bridge Underpass" dated July 6, 2015 be received.
 2. That staff be directed to proceed with the preliminary design, environmental impact study of the proposed expansion of the existing Trans Canada Trail up to Riverside Park along the west side of the Speed River including an underpass at Speedvale Avenue Bridge.
 3. That staff be directed to complete the detail design of the trail including the underpass in conjunction with the Speedvale Avenue Bridge Reconstruction project.

Amendment

18. Moved by Councillor Bell
Seconded by Councillor Gordon

That the bridge connection from the west side of the river to the east side be referred to the Trail Master Plan process.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Main Motion as Amended

19. Moved by Councillor Downer
Seconded by Councillor Billings

1. That the Public Services Report # PS-15-34 "Speedvale Avenue Bridge Underpass" dated July 6, 2015 be received.
2. That staff be directed to proceed with the preliminary design, environmental impact study of the proposed expansion of the existing Trans Canada Trail up to Riverside Park along the west side of the Speed River including an underpass at Speedvale Avenue Bridge.
3. That staff be directed to complete the detail design of the trail including the underpass in conjunction with the Speedvale Avenue Bridge Reconstruction project.
4. **That the bridge connection from the west side of the river to the east side be referred to the Trail Master Plan process.**

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

IDE-2015.17 Speedvale Avenue East from Manhattan Court to Woolwich Street – Road Design – Referred from June 22, 2015 Council Meeting

Ms. Lindsay Core advised that as a cyclist she avoids using Speedvale Avenue in favour of using the trail. She expressed concern with the potential congestion that would be created by the reduction to two lanes, a turning lane and bike lanes.

Mr. Nathan Proper advised that Speedvale Avenue has a high volume of traffic and any reduction of the current four lanes would create a giant backup of traffic similar to what was experienced during the recent construction.

Ms. Marcia Santen requested that Council consider the need of cyclists who need direct and safe bike routes and just bike trails.

Ms. Vicki Beard spoke in support of three lane configuration with bike lanes. She expressed concern with the loss of property, house values, trees and increased traffic if Speedvale Avenue is designed with four lanes.

Mr. Martin Collier suggested implementing a road diet would improve the safety for cyclists and cost less which would provide funding for other projects.

Mr. Mike Darmon supported option 4 but without turning lanes in the area of Delhi and Metcalfe Streets. He urged Council to consider all options for modification to the design.

Mr. Bryan McPherson suggested to increase bicycle ridership, a safe cycling network needs to exist. He advised of his support for a road diet design and a bridge at Emma/Earl.

Mr. Luke Weiler advised he was not in favour of any particular option but would like to see Council commit to cycling provision in any road design.

Mayor Guthrie left the Chair and Councillor Billings assumed the Chair.

Ms. Richelle Forsey advised that she supports the comments of Bryan McPherson and Luke Weiler.

Mr. Patrick Sheridan supported the creation of a pedestrian bridge at Emma/Earl and the construction of an underpass at the Speedvale bridge. He outlined Boulder, Colorado's cycling network.

The Mayor resumed the Chair.

Extension of Meeting per Procedural By-law

20. Moved by Councillor Salisbury
Seconded by Councillor Bell

That the Section 21.1 of the Procedural By-law be revoked to allow Council to continue to 11:59 p.m.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Ms. Mirelle Martinez was not present.

Ms. Sue Rietschin spoke on behalf of Guelph Urban Forest Friends (GUFF) and expressed concern with the removal of a number of trees if the road is widened. She advised that they believe that trees should be considered in every project and a dollar value for every eco service they provide be included in the project.

21. Moved by Councillor Bell
Seconded by Councillor Gibson

1. That the report from Infrastructure, Development and Enterprise entitled "Supplementary Report for Speedvale Avenue East from Manhattan Court to Woolwich Street – Road Design", dated July 7, 2015, be received.
2. That the 2009 Bike Policy and 2013 Cycling Master Plan be amended to re-route the bike lanes identified for Speedvale Avenue from Manhattan Court to Woolwich Street to an alternate location on Emma Street such that Speedvale Avenue is reconstructed in accordance with the Recommended Option to retain the existing four lanes of traffic and sidewalks on both sides of the road.

3. That funding for the reconstruction of Speedvale Avenue East from Manhattan Court to Woolwich Street be referred to the 2016 budget process for consideration.
4. That staff be directed to commence an Environmental Assessment for a pedestrian bridge across the Speed River from the west end of Emma Street to the east end of Earl Street.

Suspending the Procedural By-law

22. Moved by Councillor Piper
Seconded by Councillor Bell

That the Procedural By-law be suspended to allow Council to continue beyond 12:00 a.m.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)
VOTING AGAINST: (0)

CARRIED

It was requested that the clauses be voted on separately.

23. Moved by Councillor Bell
Seconded by Councillor Gibson

1. That the report from Infrastructure, Development and Enterprise entitled "Supplementary Report for Speedvale Avenue East from Manhattan Court to Woolwich Street – Road Design", dated July 7, 2015, be received.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)
VOTING AGAINST: (0)

CARRIED

24. Moved by Councillor Bell
Seconded by Councillor Gibson

2. That the 2009 Bike Policy and 2013 Cycling Master Plan be amended to re-route the bike lanes identified for Speedvale Avenue from Manhattan Court to Woolwich Street to an alternate location on Emma Street such that Speedvale Avenue is reconstructed in accordance with the Recommended Option to retain the existing four lanes of traffic and sidewalks on both sides of the road.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Billings, Gibson, MacKinnon, Van Hellemond and Wettstein (7)
VOTING AGAINST: Councillors Allt, Downer, Gordon, Piper and Salisbury, (5)

CARRIED

25. Moved by Councillor Bell
Seconded by Councillor Gibson

3. That funding for the reconstruction of Speedvale Avenue East from Manhattan Court to Woolwich Street be referred to the 2016 budget process for consideration.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

26. Moved by Councillor Bell
Seconded by Councillor Gibson

4. That staff be directed to commence an Environmental Assessment for a pedestrian bridge across the Speed River from the west end of Emma Street to the east end of Earl Street.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Billings, Gibson, MacKinnon, Salisbury, Van Hellemond and Wettstein (8)

VOTING AGAINST: Councillors Allt, Downer, Gordon and Piper (4)

CARRIED

27. Moved by Councillor Downer
Seconded by Councillor MacKinnon

That the Tree Management Plan for the Speedvale Avenue reconstruction, use larger caliber trees than the standard size.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

CS-2015.31 Capital Renewal Reserve Fund: Urbacon Settlement

28. Moved by Councillor Billings
Seconded by Councillor Bell

1. That report CS-2015.63 "Capital Renewal Reserve Fund: Urbacon Settlement", be received.
2. That staff be directed not to repay the amount transferred from the Capital Renewal Reserve Fund to fund the Urbacon Settlement and unfunded legal and project costs.
3. That Council approve a one-time exemption from the Capital Renewal Reserve Fund Policy as established by By-law Number (2013)-19536 related to the requirement to repay funding to the reserve.

4. That staff include a recommendation in the 2016 budget related to the Capital Renewal Reserve Fund as part of the consideration of the findings of the BMA Financial Condition Assessment, thereby ensuring highest and best use of the funding of reserves.
5. That the BMA Financial Condition Assessment, reviewing the current funding level of all reserves be brought forward to the Corporate Services Committee meeting of October 5, 2015.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (11)

VOTING AGAINST: Councillor Gordon (1)

CARRIED

GOV-2015.4 Procedural By-law and Associated Documents Review

29. Moved by Councillor Downer
Seconded by Councillor Wettstein

1. That the report dated June 30, 2015 entitled "Procedural By-law and Associated Documents Review", be received.
2. That Council approve of the redline changes to Procedural By-law (2014)-19784, through the repealing of this by-law and the enactment of a new Procedural By-law, with the following amendment:
That Section 2.8(f) be amended to read as follows:
"The Clerk may delegate the Clerk's duties with respect to recording minutes in a Closed Meeting of Council to a staff person. For Closed meetings of Committee or Council where CAO performance is addressed, the Clerk may delegate the Clerk's duties with instructions to a third party."
3. That the following documents be revised to align to the new corporate structure and amendments to the Procedural By-law be approved:
Council Terms of Reference
Standing Committee Terms of Reference
Closed Meeting Protocol
Meeting Flow for Chairs.
4. That City of Guelph By-law (1989)-13137, being a by-law adopting codification of the By-laws of the Corporation of the City of Guelph be repealed.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

IDE-2015.28 Town of Aurora Resolution Regarding Installation of Community Mailboxes

Main Motion

30. Moved by Councillor Salisbury
Seconded by Councillor Piper

1. That the City of Guelph Council direct the Mayor to send a letter, copied to Members of Parliament, Ontario Members of Provincial Parliament, the Federation of Canadian Municipalities, and the Association of Ontario Municipalities, that the Federal Minister of Transport, who oversees Canada Post, to require Canada Post to halt installation of community mailboxes immediately and adhere to its Five-point Action Plan requirement to engage in full and meaningful consultation with all stakeholders, including the City of Guelph and its residents.
2. That Council direct staff to bring forward recommendations to a future 2015 meeting of the IDE committee, in consultation with legal services, on a process and timeline to update the City of Guelph Encroachment of City Owned Lands By-law (2009)-18799 regarding the installation of Canada Post Community Mailboxes in established neighbourhoods.
3. That Council direct staff to develop a recommended process to require Canada Post to apply for installation permits, with an appropriate fee that reflects the resources required and costs incurred by the City to install and/or maintain community mailboxes in established neighbourhoods.

Deferral

31. Moved by Councillor Billings
Seconded by Councillor MacKinnon

That Clauses 2 and 3 of the resolution relating to the Town of Aurora with respect to the installation of community mailboxes, be deferred.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Billings, MacKinnon, Salisbury, Van Hellemond and Wettstein (6)

VOTING AGAINST: Councillors Allt, Bell, Downer, Gibson, Gordon and Piper (6)

LOST ON A TIE VOTE

Main Motion

It was requested that the clauses be voted on separately.

32. Moved by Councillor Salisbury
Seconded by Councillor Piper

1. That the City of Guelph Council direct the Mayor to send a letter, copied to Members of Parliament, Ontario Members of Provincial Parliament, the Federation of Canadian Municipalities, and the Association of Ontario Municipalities, that the Federal Minister of Transport, who oversees Canada Post, to require Canada Post to halt installation of community mailboxes immediately and adhere to its Five-point Action Plan requirement to engage

in full and meaningful consultation with all stakeholders, including the City of Guelph and its residents.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

33. Moved by Councillor Salisbury
Seconded by Councillor Piper

2. That Council direct staff to bring forward recommendations to a future 2015 meeting of the IDE committee, in consultation with legal services, on a process and timeline to update the City of Guelph Encroachment of City Owned Lands By-law (2009)-18799 regarding the installation of Canada Post Community Mailboxes in established neighbourhoods.

VOTING IN FAVOUR: Councillors Allt, Bell, Downer, Gordon and Piper (5)

VOTING AGAINST: Mayor Guthrie, Councillors Billings, Gibson, MacKinnon, Salisbury, Van Hellemond and Wettstein (7)

DEFEATED

34. Moved by Councillor Salisbury
Seconded by Councillor Piper

3. That Council direct staff to develop a recommended process to require Canada Post to apply for installation permits, with an appropriate fee that reflects the resources required and costs incurred by the City to install and/or maintain community mailboxes in established neighbourhoods.

VOTING IN FAVOUR: Councillors Allt, Bell, Downer, Gordon and Piper (5)

VOTING AGAINST: Mayor Guthrie, Councillors Billings, Gibson, MacKinnon, Salisbury, Van Hellemond and Wettstein (7)

DEFEATED

35. Moved by Councillor Piper
Seconded by Councillor Allt

In the absence of on-street bicycle lanes, staff be directed to explore wider multi-use sidewalks alternative design along Speedvale between Manhattan Court and Riverview Street during detailed site design.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Van Hellemond and Wettstein (11)

VOTING AGAINST: Councillor Salisbury (1)

CARRIED

PS-2015.25 Crane Park Footbridge

36. Moved by Councillor Downer
Seconded by Councillor Billings

1. That the Public Services Report # PS-15-37 "Crane Park Footbridge" dated July 6, 2015 be received.
2. That staff proceed with an environmental impact study for the proposed trail and bridge location in 2016 subject to budget approval.
3. That discussions on the installation of a footbridge take place during the Guelph Trails Master Plan update.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

By-laws

37. Moved by Councillor Allt
Seconded by Councillor Salisbury

That By-laws Numbered (2015)-19936 to (2015)-19945, inclusive, are hereby passed.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: (0)

CARRIED

Adjournment (12:35 a.m.)

38. Moved by Councillor MacKinnon
Seconded by Councillor Billings

That the meeting be adjourned.

CARRIED

Minutes to be confirmed on September 28, 2015.

Mayor Guthrie

Stephen O'Brien - City Clerk

**Recommended Draft Plan of Vacant Land Condominium (23CDM-1307)
Conditions and Zoning Regulations**

PART A: DRAFT PLAN OF VACANT LAND CONDOMINIUM CONDITIONS

THAT the application by Astrid J. Clos Planning Consultants on behalf of Dunsire (Landsdown) Inc. for approval of a proposed Draft Plan of Vacant Land Condominium applying to property municipally known as 24, 26, 28 and 0 Landsdown Drive and legally described as Lot 10 and Part of Lots 6, 9 and 13, on Plan 488, designated as Parts 1, 2, 3 and 4 on Reference Plan 61R-20544, City of Guelph, save and except those lands shown as "Proposed Lot" on Schedule A, be **APPROVED**, subject to the following conditions:

CITY CONDITIONS

This approval applies to a **Draft Plan of Vacant Land Condominium Application** prepared by Astrid J. Clos Planning Consultants (Project No. 1323), on behalf of Dunsire (Landsdown) Inc. dated December 3, 2014, identifying 26 single detached dwellings within a condominium and one lot for a freehold single detached dwelling at 28 Landsdown Drive, including the following minor adjustment to the draft plan of condominium: include new common element blocks that contain any shared services (watermain, sanitary sewer and stormwater infiltration galleries) located on or shared between individual units.

Conditions to be met prior to grading and site alteration

1. The Developer shall complete a **tree inventory, preservation and compensation plan**, satisfactory to the General Manager of Planning, Urban Design and Building Services and City Engineer, in accordance with the City of Guelph By-law (2010)-19058, prior to any tree removal, grading or construction on the site.
2. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks is to occur prior to the approval of the required engineering studies plan, plans and reports.
3. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Condominium Agreement with the City.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. Prior to any construction or grading on the lands, the Developer shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the **following studies, plans and reports**;

- i) a revised functional servicing report including a stormwater management report that is certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
 - ii) revised grading, drainage and servicing plan prepared by a Professional Engineer for the site;
 - iii) and a detailed erosion and sediment control plan, certified by a Professional Engineer, that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout grading and construction.
6. The Developer shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for **adhering to all the recommended measures** contained in the plans, studies and reports outlined in subsections 5 i) to 5 iii) inclusive.
7. The Developer shall retain a **qualified environmental inspector**, satisfactory to the General Manager of Planning, Urban Design and Building Services and the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on their findings to the City on a monthly or more frequent basis.
8. The Developer shall ensure that any **domestic wells as well as all boreholes and monitoring wells installed for environmental, hydrogeological or geotechnical investigations are properly decommissioned** in accordance with current Ministry of the Environment Regulations (O. Reg. 903 as amended) and to the satisfaction of the City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
9. The Developer shall prepare **an off-site private domestic well monitoring program** to the satisfaction of the City and shall implement the program to the satisfaction of the City. The program will be used for pre-development, during construction and post-development monitoring.
10. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the completion of the landscaping within the unit boundary.
11. The Developer shall prepare an **Environmental Implementation Report (EIR)** based on terms of reference approved by the City and Grand River Conservation Authority (GRCA).
 - a. The EIR will provide details with respect to: stormwater management and wetland water balance mitigation; hydrogeological related details confirming that predevelopment infiltration rates will be maintained post

development, including a post construction monitoring program and baseline information; discussion of soils and topography in relation to drainage, detailed tree management plans including compensation plans, detailed habitat management plans including any invasive species management, buffer enhancement/design, detailed landscape plans (by an accredited landscape architect), detailed design and mitigation plans to support the trail and detailed trail design, a salt management plan, a dewatering plan and, a monitoring plan with identified thresholds as well as any other information to implement recommendations from the Environmental Impact Study dated July 2014, the EIS Addendum dated December 2014 and the 2nd EIS Addendum dated July 2, 2015. As well, the EIR will include: grading, drainage and erosion and sediment control plans, baseline data to inform an effectiveness monitoring program and will address the Grand River Conservation Authority comments from their letter dated April 30, 2015. The EIR will also address comments from Beacon Environmental dated June 16, 2015.

- b. The Developer will undertake a post-development monitoring program as detailed in the Environmental Implementation Report to the satisfaction of the General Manager of Planning, Urban Design and Building Services. The Developer shall provide the City with a letter of credit to cover the City approved cost estimate for the post-development monitoring program to the satisfaction of the General Manager of Planning.
 - c. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA.
12. The Developer acknowledges that the City does not allow **retaining walls higher than 1.0** metre abutting existing residential properties without the permission of the City Engineer.
13. The Developer shall be responsible for the **actual cost of any service laterals** required for the lands and furthermore, prior to any grading or construction on the lands, the Developer shall pay to the City, the estimated cost as determined by the City Engineer of any service laterals.
14. The Developer shall pay the **actual cost of removing or decommissioning** to the satisfaction of the General Manager/City Engineer, any existing sanitary sewers, storm sewers, manhole and/or watermains that are not going to be used for service laterals. Furthermore, prior to any grading or construction on the lands, the Developer shall pay to the City, the estimated cost (as determined by the City Engineer) of the Developer's share of the cost of the removals and decommissioning works.
15. The Developer shall pay to the City the **actual cost of the construction of the new driveway entrance and required curb cut and/or curb fill**. Furthermore, prior to any grading or construction on the lands, the Developer shall pay to the City, the estimated cost as determined by the City Engineer of the construction of the new driveway entrance and required curb cut and/or curb fill.

16. The Developer shall pay the **actual cost of the removal of the existing driveway entrance** including the asphalt pavement and gravel within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the City Engineer being paid, prior to any grading or construction on the lands.
17. The Developer acknowledges that all **electrical services** to the lands shall be underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
18. The Developer shall make satisfactory arrangement with **Union Gas** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
19. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the lands prior to any construction or grading on the lands.
20. The Developer shall ensure that the Lands marked as "Proposed Lot" on the attached Schedule A are excluded from the draft plan of vacant land condominium and the description of the condominium shown in the declaration.

Conditions to be met prior to execution of the Condominium Agreement

21. The Developer shall be responsible for the cost of design and development of the **demarcation** of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings for approval by the City and the administration of the construction contract up to the end of the warrantee period by an Ontario Association of Landscape Architects (OALA) member to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
22. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** in accordance with the "Environmental Implementation Report" to the satisfaction of the Deputy CAO of Public Services. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by a full member of Ontario Association of Landscape Architects (OALA) for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with **cash or letter of credit** to cover the City's estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Deputy CAO of Public Services.
23. The Developer shall be responsible for the cost of detailed design of the **Pedestrian Trail System** for the Storm Water Management & Open Space Blocks.

This shall include obtaining any required permits, submitting drawings for approval, identifying the trail system, interpretative signage and trail design details, to the satisfaction of the Deputy CAO of Public Services and the City Engineer. This shall include the submission of drawings for approval completed by a full member, with seal, of Ontario Association of Landscape Architects (OALA) member to the satisfaction of the Deputy CAO of Public Services.

24. The Developer shall be responsible for the cost of design and development of the **"Basic Trail Development"** as per the City of Guelph current "Specifications for Basic Trail Development", which includes rough grading and drainage, any associated infrastructure (bridges and abutments, guard and hand rails, retaining walls) and sodding/ seeding to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the Basic Trail Development to the satisfaction of the Deputy CAO of Public Services.
25. The Developer shall provide Public Services and Infrastructure, Development and Enterprise with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the trail corridor open space blocks.
26. The Developer shall install, at no cost to the City, a 1.5m high black vinyl chain link fence adjacent to Units/Lots 1-12. The Developer further agrees that the fencing will be installed following grading operations of the Vacant Land Condominium in accordance with the current standards and specification of the City and to the satisfaction of the Deputy CAO of Public Services. Further, all property lines must be accurately surveyed and clearly marked in the field prior to establishing all fence line locations. Fences shall be erected directly adjacent to the established property line within the City owned lands.

Conditions to be met prior to registration of the plan

27. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the Developer and/or the owner of the lands. The Developer shall retain a Qualified Person as defined in Ontario Regulation 153/04 to prepare and submit a **Phase One Environmental Site Assessment** and any other subsequent phases required, in accordance with Ontario Regulation 153/04, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
28. If **contamination** is found, the Developer shall:
 - a. submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the City;
 - b. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the

- lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
- c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
29. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
30. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed vacant land condominium be conveyed free and clear of any encumbrances to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
31. The Developer shall ensure that all **buildings and structures shown in the Declaration and Description** as being included in the common elements shall be constructed prior to final approval and registration of the Plan of Condominium.
32. Prior to final approval and registration of the Plan of Condominium, the Developer shall provide **certification** to the General Manager of Engineering/City Engineer that all buildings, structures, facilities and services (including landscaping and grading) shown on the Plan of Condominium as being included in the common elements have been completed, installed, and provided in accordance with the requirements of the *Condominium Act, 1998*.
33. Should all facilities and services (including landscaping and grading) not be installed and provided prior to final approval, the Developer shall have his professional engineer provide a written, detailed estimate of 100% of the cost to install and provide the facilities and services shown in the Plan of Condominium to be included in the common elements, to the City's satisfaction, and provide security in the accepted amount plus 25% for administration and contingencies in a form acceptable to the City Treasurer.
34. That prior to registration of the Plan of Condominium the Developer shall provide the City with a **certificate from a Professional Engineer** certifying that the sanitary sewers, building drains, building sewers, building storm drains, building storm sewers, watermains, water distribution system, hydrants, catchbasins, roadways, driveways, parking areas and sidewalks that are to become part of the common elements and areas, are in good repair, free from defects and functioning properly.
35. That prior to registration of the Plan of Condominium the Developer shall provide the City with a **drainage certificate from an Ontario Land Surveyor or a Professional Engineer** stating that the buildings constructed and the grading of the units is in conformity with the drainage plan and that any variance from the plan has received the prior approval of the City Engineer.

36. That prior to the registration of the Plan of Condominium the Developer shall have the **Professional Engineer who designed the storm water management system certify** to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
37. The Condominium Declaration shall contain appropriate provisions setting out responsibility for maintaining, repairing and replacing services which serve:
 - a. More than one unit, whether or not those services are within the common elements or within a unit;
 - b. An owner's unit only, that are located within the owner's unit or another unit; and
 - c. The owner's unit only, that are located within the common elements.
38. The Developer shall pay any **outstanding debts** owed to the City.
39. The Developer shall pay **Development Charges** to the City in accordance with By-law Number (2014) - 19692, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto, prior to the issuance of any building permits, at the rate in effect at the time of issuance of a building permit.
40. That prior to the registration the owner shall provide the City with a **drainage certificate from an Ontario Land Surveyor or a Professional Engineer** stating that the buildings constructed and the grading of the units is in conformity with the drainage plan and that any variance from the plan has received the prior approval of the City Engineer.
41. That prior to the registration the owner shall provide the City with a **certificate from a Professional Engineer** certifying that the sanitary sewers, building drains, building sewers, building storm drains, building storm sewers, watermains, water distribution system, hydrants, catchbasins, roadways, driveways, parking areas and sidewalks that are to become part of the common facilities and areas, are in good repair, free from defects and functioning properly.
42. That a **Professional Engineer and/or Ontario Land Surveyor identifies** all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, stormwater management system, watermains and water distribution system serving the site and also identifies the locations where easements are required prior to registration.
43. That prior to the registration, an **independent lawyer shall certify that the proposed vacant land condominium has valid easements and reciprocal maintenance agreements registered with and certified by the Land Registry Office** for all the sanitary sewers, building drains, building sewers, building storm drains, storm sewers, stormwater management system, watermains and water distribution system serving the vacant land condominium, which are located on private lands other than the lands included in the Plan of Condominium.

44. That prior to the registration of the Plan of Condominium the Developer shall have the **Professional Engineer who designed the storm water management system certify** to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
45. Prior to registration, the Developer is required to **reimburse the City Engineering Department for the cost of reviewing development plans** at a rate of 5% of the estimated cost of all the site works.
46. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the units/lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the condominium, inquiries should be directed to Planning, Urban Design and Building Services, City Hall". The signs shall be resistant to weathering and vandalism.
47. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots/units and agrees that these same notification shall be placed in the Condominium Agreement between the Developer and the City and shall be registered on title, as well as the Condominium Declaration:
 - a. "Purchasers and/or tenants of all Units/Lots abutting City owned lands are advised that abutting City owned lands may be fenced in accordance with the current standards and specifications of the City."
 - b. "Purchasers and/or tenants of all Units/Lots abutting City owned lands are advised that no private gates will be allowed from Units/Lots 1-12 into City owned lands."
 - c. "Purchasers and/or tenants of all Units/Lots are advised that a public trail will be installed or exists abutting or in close proximity to Units/Lots 1 to 12 and that public access to this trail will occur close to these Units/Lots."
 - d. "Purchasers and/or tenants of all Units/Lots are advised that the Open Space Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public trails."
 - e. "Purchasers and/or tenants of all Units/Lots are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out routine maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
48. The Developer shall place the following **notification** in all offers of purchase and sale for units/lots 1, 2, 11, 12, 16 and 17 and agrees that this same notification shall be placed in the Condominium Agreement between the Developer and the City and shall be registered on title:
 - a. "Purchasers and/or tenants are advised that storm water will flow in the drainage swale located in the sideyard adjacent to the dwelling and is designated as an overland flow route to convey high levels of storm water

during heavy rainfall events. Be advised that this drainage swale must not be blocked or obstructed with any buildings or structures.”

49. The Owner shall prior to or upon registration of the plan register on title to the said lands to the satisfaction of the City Solicitor, or create pursuant to Section 20 of the Condominium Act, 1998, **rights of easement for access and servicing** in favour of the property located directly north of the said lands, municipally known as 16 Landsdown Drive. Such easement shall provide for the opportunity, but not any obligation, for the property 16 Landsdown to use the roads and access, watermain and sanitary sewer on the said lands, subject to an appropriate payment of a share of the costs for the use of these facilities, to ensure the potential use of shared facilities and reciprocal rights of easements to roads and services is available to allow for further future development on the private lands to the north of the said lands.
50. The Developer agrees to provide **temporary signage** describing the existing/proposed open space, trail and required fencing on all entrance signs for the development, at the street frontage of open space blocks and entrance/exits of trails, to the satisfaction of the Deputy CAO of Public Services. The signage shall:
 - a. Advise prospective purchasers of dwellings in the area of the type of open space and/or trail and level of maintenance of these parcels of land owned by the City;
 - b. Clearly state that the maintenance of the trail are the responsibility of the Developer until such time as the City accepts the trail, and partially releases the associated Letter of Credit;
 - c. Clearly state that all questions relating to the maintenance of the trail shall be directed to both Developer; and,
 - d. Be erected when rough grading on and adjacent to the building lots has begun and must be maintained by the Developer until acceptance of the Blocks by the City. The Developer further agrees that the proposed open space block, trails and fencing be identified on any marketing or promotional material.
51. The Developer shall **dedicate to the City** lands owned by the Developer that are adjacent to the Draft Plan of Vacant Land condominium that form part of the wetlands, buffers and open space. Furthermore, the Developer shall demarcate the boundaries of any lands conveyed to the City in accordance with the policies of the City.
52. The Developer shall pay **cash-in-lieu of parkland dedication** for the entire development, in accordance with Section 51.1(1) of The Planning Act.
53. To determine the value of the cash-in-lieu of parkland payment, the property shall be appraised by a qualified real estate appraiser appointed by the City and the **Developer shall pay for such appraisal.**
54. The Developer agrees to eliminate the use of any **covenants that would restrict the use of clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning,

Urban Design and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

55. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan of condominium, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
56. The Developer acknowledges and agrees that the dwelling units on the subject property will be constructed to a standard that promotes energy efficiency in order to comply with the **Community Energy Initiative**, to the satisfaction of the City in accordance with the letter attached as Attachment 12 in Infrastructure, Development and Enterprise Report 15-62 dated July 20, 2015.
57. The Developer shall enter into a **Condominium Agreement** with the City, to be registered on title, to the satisfaction of the City Solicitor and General Manager/City Engineer which includes all requirements, financial and otherwise as noted to the satisfaction of the City of Guelph.

Conditions to be met prior to the issuance of a building permit

58. Prior to the issuance of a building permit, the Developer shall provide a **Waste Management Plan** in accordance with the Waste Management By-law (2011) - 19199 outlining how the three stream sorting requirements and provision of information to potential users of the program will be met. The waste management plan will be required to provide a description of the program including how storage, handling and collection of the anticipated volumes of waste will be conducted whether provided by the City or by a private collection service.
59. The Developer constructs the new dwellings at such an elevation that the **lowest level of the new dwellings** can be serviced with gravity connection to the sanitary sewer.
60. The Developer shall ensure that homes built on **Lots 1, 2, 11, 12, 16 and 17 be constructed without any basement or at-grade openings** on the building elevation directly adjacent to the overland flow route as shown on the Site Grading Plan prepared by Strik Baldinell Moniz (Sheet C5) and dated March 27, 2015.
61. The Developer shall grade, develop and maintain the site including the **storm water management facilities** designed by a Professional Engineer, in accordance with the grading and drainage, site servicing and stormwater management plans and report that has been submitted to and approved by the General Manager/City Engineer.
62. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro Electric Systems Inc.** that the vacant land condominium hydro servicing has been completed to the satisfaction of Guelph Hydro.
63. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below

proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable Zoning By-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.

64. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan in accordance with applicable provisions contained in the Ontario Building Code.

AGENCY CONDITIONS:

65. Prior to any grading or construction on the site and prior to the registration of the plan or any phase thereof, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority:**

- a. A detailed stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled, "Stormwater Management Practices Planning and Design Manual. This report should include geotechnical information addressing the infiltration potential on the site. In addition, a storm-servicing plan for the site should be included.
- b. An erosion and siltation control plan in accordance with the Grand River Conservation Authority Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on site throughout all phases of grading and construction.
- c. Detailed lot grading and drainage plans showing existing and proposed grades.
- d. Plans illustrating that no basement windows are proposed on the sides of dwellings adjacent to the proposed overland flow routes.
- e. An Environmental Implementation Report (EIR) to the satisfaction of the GRCA in consultation with the City. The EIR should include the above noted reports and monitoring, recommendations, and mitigation outlined in these reports.
- f. The approval and issuance of a Permit from the GRCA for any development within the regulated areas on the subject lands pursuant to Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).

66. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the Developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.

67. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.

68. The Developer agrees in the Condominium Agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
- "Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school."
 - "This development has private road access, Service de transport de Wellington-Dufferin Student Transportation Services does not run school buses on private roadways and therefore potential busing students will be required to meet the bus at a congregated bus pick-up point."
69. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
70. The Developer agrees in the Condominium Agreement to advise the future **Condominium Corporation** that adequate sidewalks, lighting and snow removal must be provided to allow children to walk safely to school or a congregated bus stop.
71. The Developer shall satisfy all requirements and conditions of **Canada Post** including but not limited to: advisories and suitable mailbox locations. The Developer shall ensure that the eventual unit/homeowner is advised in writing by the developer / subdivider / builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

NOTES: That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of Draft Plan approval.

That prior to the registration of all or any portion of the plan, the **Grand River Conservation Authority** shall advise the City in writing how conditions 11 and 65 have been satisfied.

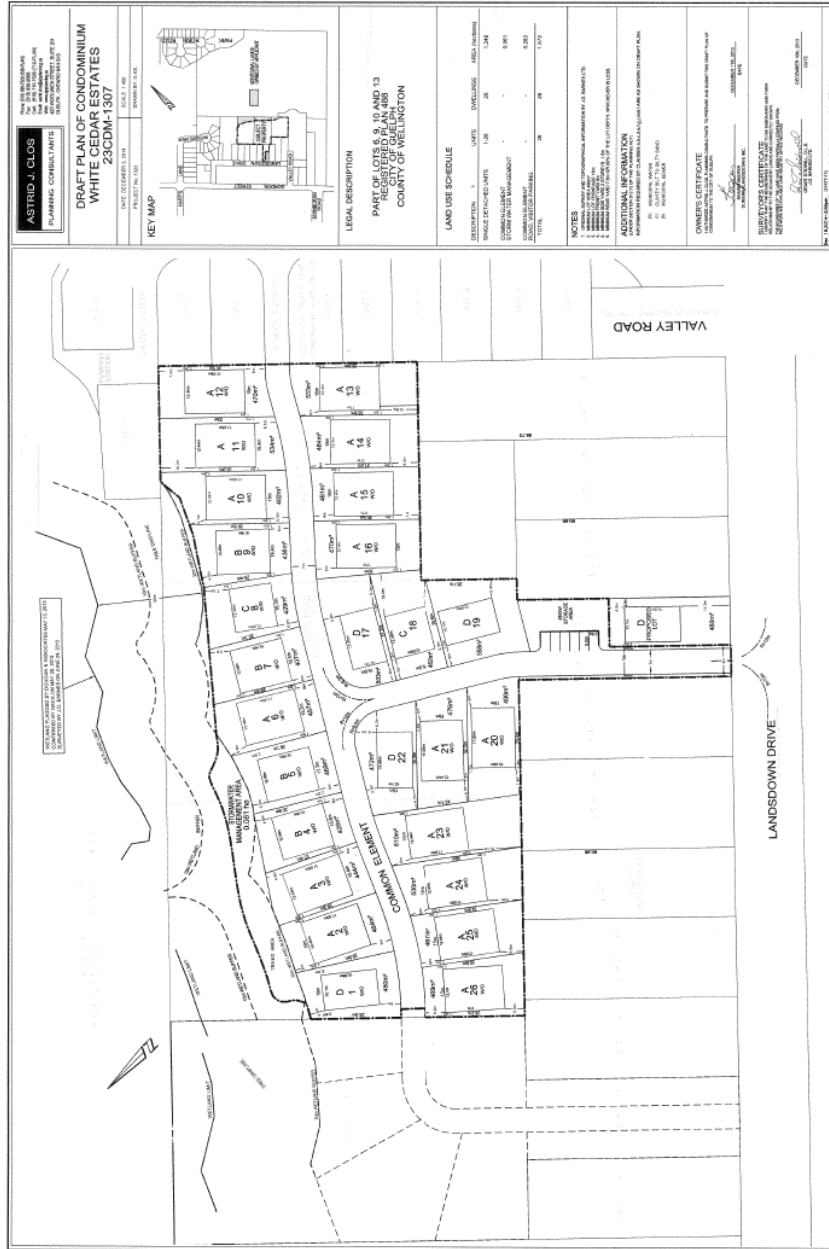
That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 66 has been satisfied.

That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 67, 68, 69 and 70 have been satisfied.

That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 17, 30 and 62 have been satisfied.

That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 71 has been satisfied.

Schedule 'A'



AND

PART B: ZONING REGULATIONS

That the Zoning By-law Amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to

transfer the subject lands from the "Residential Single Detached (R.1B) Zone with a "Lands Adjacent to Provincially Significant Wetlands Overlay", as follows:

PROPOSED ZONING

The following zoning is proposed for the subject lands:

R.1B - ? (H) (Specialized Residential Single Detached with a Holding Provision) Zone (Lots 1,2,3,6, 7, 8, 11-19, 23, 24, 25)

In accordance with Section 5.1 of Zoning By-law (1995)-14864, as amended.

Permitted Uses

In accordance with Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995) – 14864, as amended (see excerpt of Table 5.1.2 below), with the following exceptions:

Despite Section 4.1, development in this zone may occur on a privately owned **Street**.

Despite Table 5.1.2, Row 3, the minimum **Lot Area** shall be 425 square metres.

Despite Table 5.1.2, Row 5, and Section 4.18, the maximum **Building Height** shall be two storeys plus a partially exposed walk out or look out basement as required for grading.

Despite Table 5.1.2, Row 6, and Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7, the minimum **Front Yard** shall be 4.5 metres to habitable floor space and 6 metres to the front wall of the garage.

Despite Table 5.1.2, Row 7, and Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2, the minimum **Side Yard** shall be 1.2 m including the **Exterior Side Yard** of corner lots on a private road.

Despite Table 5.1.2, Row 8, and Section 5.1.2.4, the minimum **Rear Yard** shall be 4.5 metres.

In addition to the requirements of Table 5.1.2, no **Buildings, Structures or Swimming Pools** (excluding fences) shall be located or constructed within 2.4 metres of the Rear Lot Line in order to protect the underground infiltration storm gallery.

R.1B - ?? (H) (Specialized Residential Single Detached) Zone (Lots 1,2,3,6, 7, 8, 11-19, 23, 24, 25) (Lots 4, 5, 9, 10, 20-22, 26)

In accordance with Section 5.1 of Zoning By-law (1995)-14864, as amended.

Permitted Uses

In accordance with Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995) – 14864, as amended (see excerpt of Table 5.1.2 below), with the following exceptions:

Despite Section 4.1, development in this zone may occur on a privately owned **Street**.

Despite Table 5.1.2, Row 3, the minimum **Lot Area** shall be 425 square metres.

Despite Table 5.1.2, Row 5, and Section 4.18, the maximum **Building Height** shall be two storeys plus a partially exposed walk out or look out basement as required for grading.

Despite Table 5.1.2, Row 6, and Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7, the minimum **Front Yard** shall be 4.5 metres to habitable floor space and 6 metres to the front wall of the garage.

Despite Table 5.1.2, Row 7, and Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2, the minimum **Side Yard** shall be 1.2 m including the **Exterior Side Yard** of corner lots on a private road.

Despite Table 5.1.2, Row 8, and Section 5.1.2.4, the minimum **Rear Yard** shall be 4.5 metres.

R.1B - ??? (H) (Specialized Residential Single Detached) Zone (Lot D, currently known municipally as 28 Landsdown Drive)

In accordance with Section 5.1 of Zoning By-law (1995)-14864, as amended.

Permitted Uses

In accordance with Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995) – 14864, as amended (see excerpt of Table 5.1.2 below), with the following exceptions:

Despite Section 4.1, development in this zone may occur on a privately owned **Street**.

Despite Table 5.1.2, Row 3, the minimum **Lot Area** shall be 425 square metres.

Despite Table 5.1.2, Row 4, and Section 5.1.2.6, the minimum **Lot Frontage** shall be 13 metres.

Despite Table 5.1.2, Row 5, and Section 4.18, the maximum **Building Height** shall be two storeys plus a partially exposed walk out or look out basement as required for grading.

Despite Table 5.1.2, Row 6, and Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7, the minimum **Front Yard** shall be 4.5 metres to habitable floor space and 6 metres to the front wall of the garage.

Despite Table 5.1.2, Row 7, and Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2, the minimum **Side Yard** shall be 1.2 metres and the **Exterior Side Yard** on a private road shall be 0.9 metres.

Despite Table 5.1.2, Row 8, and Section 5.1.2.4, the minimum **Rear Yard** shall be 4.5 metres.

Holding Provision

Purpose: To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the **City** related to the subject development.

Prior to the removal of the 'Holding' (H) provision, the Developer shall complete the following conditions to the satisfaction of the City:

- a. The Developer's solicitor certifies that the **easements/right-of-ways** in favour of the Developer on 15 Valley Road for access and servicing has been granted and are registered on title.
- b. That a **Reference Plan** is prepared and deposited indicating the boundaries of the easements/rights-of-ways on 15 Valley Road (Wellington Vacant Land of Condominium Corporation No. 169).
- c. The **servicing/cost-sharing agreement between Dunsire (Landsdown) Inc. and Wellington Vacant Land of Condominium Corporation No. 169** be registered on title. Furthermore, prior to the removal of the (H), the Developer's solicitor certifies that the agreement has been registered on title.
- d. The Developer shall pay to the City, their share of the **frontage assessment costs** for the existing sanitary sewer main and existing watermain and the actual costs associated with the installation of the sanitary sewer lateral and the water service lateral to the property line, on Landsdown Drive across the frontage of 28 Landsdown Drive as determined by the General Manager/City Engineer.

Severability Provision

The provisions of this By-law shall continue to apply collectively to the whole of the subject lands in this zone, despite any future severance, phase of registration, partition or division for any purpose.

EXCERPT FROM TABLE 5.1.2 - REGULATIONS GOVERNING R.1B ZONE

1	Residential Type	Single Detached Dwellings
2	Zone	R.1B
3	Minimum Lot Area	460 m ²
4	Minimum Lot Frontage	15 metres and in accordance with Section 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.

8	Minimum Rear Yard	7.5 metres or 20% of the <i>Lot Depth</i> , whichever is less and in accordance with Section 5.1.2.4.
9	Accessory Buildings or Structures	In accordance with Section 4.5
10	Fences	In accordance with Section 4.20.
11	Off-Street Parking	In accordance with Section 4.13.
12	Minimum Landscaped Open Space	The <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	Garages	For those <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, attached <i>Garages</i> shall not project beyond the main front wall of the <i>Building</i> . Where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres.

P.1 (Conservation Land) Zone

In accordance with Section 9.1.1 of Zoning By-law (1995)-14864, as amended.

WL (Wetland) Zone

In accordance with Section 13.2 of Zoning By-law (1995)-14864, as amended.