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AGENDA

GUELPH CITY COUNCIL

February 6, 2006 - 6:30 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
- Confirmation of Minutes – January 24, 2006 (Councillor Baily)
“THAT the minutes of the Council meeting held January 24, 2006 and the minutes of the Council meeting held in Committee of the Whole on January 24, 2006 be confirmed as recorded and without being read.”

REGULAR MEETING

DELEGATIONS

Resolution (Councillor Billings)

“THAT persons desiring to address Council be permitted to do so at this time.”
Delegations are limited to a maximum of five (5) minutes.

No requests to appear as a delegation have been received at the time of printing.

COMMITTEE OF THE WHOLE

Resolution – Councillor Birtwistle

“THAT Council now go into Committee of the Whole to consider reports and correspondence.”

REPORTS FROM COMMITTEES OF COUNCIL AND OTHER COMMITTEES

- a) Planning, Environment & Transportation Committee – 2nd Report

“THAT the SECOND REPORT of the Planning, Environment & Transportation Committee be received and adopted.”

CONSENT AGENDA

- A) Reports from Administrative Staff**
- B) Items for Direction of Council**
- C) Items for Information of Council**

Resolution to adopt the Consent Agenda.

Resolution:- Committee rise with leave to sit again (Councillor Burcher)

“THAT the Committee rise with leave to sit again.”

Resolution:- proceedings in Committee of the Whole (Councillor Downer)

“THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.”

SPECIAL RESOLUTIONS

BY-LAWS

Resolution:- First and Second Reading of By-laws. (Councillor Ferraro)

Verbal Resolution:- Council go into Committee of the Whole to consider the by-laws.

NOTE: When all by-laws have been considered, a member of Council should move “THAT the Committee rise and report the by-laws passed in Committee without amendment (or as amended).

Resolution:- Third Reading of By-laws. (Councillor Furfaro)

QUESTIONS

MAYOR’S ANNOUNCEMENTS

NOTICE OF MOTION

ADJOURNMENT

Council Committee Room B
January 24, 2006 5:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Quarrie, Councillors Baily, Billings, Birtwistle, Downer, Ferraro, Furfaro, Hamtak, Moziar and Schnurr.

Absent: Councillor Burcher, Kovach and Laidlaw

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Dr. J. Laird, Commissioner of Environment & Transportation; Mr. J. Etienne, Director of Environmental Services; Mr. G. Stahlmann, Commissioner of Community Services; Ms. P. Blais, Director of Human Resources; Mr. D.A. Kennedy, Director of Finance; Ms. L.E. Payne, City Solicitor; Mr. J. Riddell, Director of Planning & Building Services; Ms. T. Agnello, Manager of Council Services/Deputy Clerk and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Baily
Seconded by Councillor Billings

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (b), (c), (d) and (e) of the Municipal Act, with respect to:

- proposed or pending acquisition or disposition of land;
- labour relations or employee negotiations;
- litigation or potential litigation.

Carried

The meeting adjourned at 5:01 o'clock p.m.

.....
Mayor

.....
Deputy Clerk

Council Committee Room B
January 24, 2006 5:02 p.m.

A meeting of Guelph City Council meeting in Committee of the Whole.

Present: Mayor Quarrie, Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Moziar and Schnurr.

Absent: Councillor Laidlaw

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Dr. J. Laird, Commissioner of Environment & Transportation; Mr. J. Etienne, Director of Environmental Services; Mr. G. Stahlmann, Commissioner of Community Services; Mr. J. Kivell, Director of Parks; Ms. P. Blais, Director of Human Resources; Mr. G. Hunt, Manager of Employee/Employer Relations, Assistant Director of Human Resources; Mr. D.A. Kennedy, Director of Finance; Ms. L.E. Payne, City Solicitor; Mr. J. Riddell, Director of Planning & Building Services; Ms. T. Agnello, Manager of Council Services/Deputy Clerk and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations of pecuniary interest.

The City Solicitor provided an update with respect to various litigation matters.

Councillor Burcher arrived at 5:15 p.m.

- Ms. L.E. Payne

1. Moved by Councillor Birtwistle
Seconded by Councillor Schnurr
THAT staff be given direction with respect to a litigation matter.

Carried
- Ms. L.E. Payne
Mr. G.W. Stahlmann

2. Moved by Councillor Downer
Seconded by Councillor Birtwistle
THAT staff be given direction with respect to a potential acquisition of land.

Carried
- Ms. L.E. Payne
Mr. G.W. Stahlmann

3. Moved by Councillor Birtwistle
Seconded by Councillor Billings
THAT staff be given direction with respect to a potential acquisition of land.

Carried
- Mrs. L.A. Giles

4. Moved by Councillor Burcher
Seconded by Councillor Hamtak
THAT William MacTaggart be appointed to the River Run Centre Board of Directors for a term expiring November 2006.

Carried

- Mrs. L.A. Giles
5. Moved by Councillor Birtwistle
Seconded by Councillor Billings
THAT Scott Robertson be appointed to the Environmental Advisory Committee for a term expiring November 2006.
- Carried
- Mrs. L.A. Giles
6. Moved by Councillor Billings
Seconded by Councillor Schnurr
THAT the appointments of William Tossell, Jeffery Jennings and Connie Jager-Zavits to the Guelph General Hospital Board of Commissioners for a term expiring November 2009, be confirmed.
- Carried
- Mrs. L.A. Giles
7. Moved by Councillor Schnurr
Seconded by Councillor Billings
THAT the appointments of Anne Macintosh, Dr. Clare Rennie and Dr. Hugh Rose be appointed to the Board of Trustees of the Elliott for a term expiring November 2008, be confirmed;
- AND THAT the appointment of Claudia Runciman be appointed to the Board of Trustees of the Elliott for a term expiring November 2006, be confirmed.
- Carried
- The Manager of Employee/Employer Relations, Assistant Director of Human Resources provided a verbal update on negotiations.
- Ms. L.E. Payne
8. Moved by Councillor Furfaro
Seconded by Councillor Birtwistle
THAT the Legal Department's Litigation Status Report dated January 13, 2006, be received for information.
- Carried
- Councillor Kovach arrived at 6:00 p.m.
- The Chief Administrative Officer provided a verbal update with respect to a potential litigation matter.
- Mr. L. Kotseff
Dr. J.L. Laird
9. Moved by Councillor Billings
Seconded by Councillor Moziar
THAT the verbal update on the Waste Resource Innovation Centre be received for information.
- Carried
- The meeting adjourned at 6:10 o'clock p.m.

.....
Mayor

.....
Deputy Clerk

Council Chambers
January 24, 2006

Council reconvened in formal session at 6:30 p.m.

Present: Mayor Quarrie, Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Absent: Councillor Laidlaw

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Dr. J. Laird, Commissioner of Environment & Transportation; Mr. J. Etienne, Director of Environmental Services; Mr. R. French, Director of Transportation; Mr. R. Tolkunow, Director of Engineering; Mr. G. Stahlmann, Commissioner of Community Services; Mr. D.A. Kennedy, Director of Finance; Ms. L.E. Payne, City Solicitor; Mr. J. Riddell, Director of Planning & Building Services; Mr. C. Manley, Manager of Policy Planning; Mr. I Panabaker, Heritage/Urban Design Planner; Ms. T. Agnello, Manager of Council Services/Deputy Clerk and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

1. Moved by Councillor Ferraro
Seconded by Councillor Baily

THAT the minutes of the Council meetings held on January 9 and 16, 2006 and the minutes of the Council meeting held in Committee of the Whole on January 16, 2006 be confirmed as recorded and without being read.

Carried

2. Moved by Councillor Furfaro
Seconded by Councillor Moziar

THAT persons wishing to address Council be permitted to do so at this time.

Carried

REGULAR MEETING

DELEGATIONS

Neighbourhood Traffic Management Policy

Kevin Mooney was present to speak on behalf of himself and Renata Radek and advised of support for the proposed Traffic Management Policy, and the revisions with respect to arterial roads, community safety zones and 4 lane collector roads to be considered separately; planned development will be kept in house; 60% approval rate; and residents and tenants response considered equal. He suggested the following amendments:

- All forms of horizontal projections not be considered on hills with sightline issues and on bus routes;
- Staff to seek input from the front line employees by the use of an anonymous survey.

Lorraine Pagnan was present and expressed concern with the proposed removal of horizontal projections as a means of traffic calming. She questioned the reasoning of this amendment to the policy as they are already being used on other streets with bus routes, and are being planned for in new subdivisions. She further questioned if such existing horizontal projections would be removed from streets. She suggested that residents on older existing streets would like to have the same opportunity for the use of these traffic calming measures. She requested that Council reconsider the removal of horizontal projections.

Fred Thoonen used photographs to illustrate horizontal traffic calming measures in use in areas of the city such as raised medians, curb extensions, traffic circles. He suggested that transit and emergency vehicles are familiar with these items and have no problems negotiating them in other areas of the City.

Laura Murr suggested that the proposed traffic management policy does not address the problems in a holistic manner. She suggested that the need for traffic calming needs to be prioritized. She questioned how the policy protects children attending local schools which area located on collector and arterial roads, which do not fall under the policy. She further expressed concern relating to collector and arterial roads. She also expressed concern that the proposed policy does not address speeding. She suggested that the City should let neighbours assist with traffic problems similar to the road watch program.

Dennis Murr was not present.

Councillor Birtwistle presented Clause 1 of the FIRST REPORT of the Planning, Environment & Transportation Committee.

3. Moved by Councillor Birtwistle
Seconded by Councillor Downer

THAT the revised Neighbourhood Traffic Management Policy, amended as follows:

- Applicable Traffic Calming Measures – Traffic Calming Measures Not Recommended, be amended by adding the use of horizontal projections on streets with sightline issues and bus routes.
- Section 8.3 Meet and Circulate Plan Alternatives to City and Emergency Services, be amended by circulating an anonymous survey to the front line employees giving advance notice of proposed traffic calming measures for their input. be approved.

4. Moved in Amendment by Councillor Burcher
Seconded by Councillor Downer

THAT Section 5 be amended to reflect: That there be a minimum of 60% respondents in the initial survey and that 60% of the respondents must be in favour of traffic calming before the matter moves forward.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Moziar, Schnurr and Mayor Quarrie (11)

VOTING AGAINST: Councillor Birtwistle

The motion was carried.

It was requested that the two amendments to the policy recommended by the Planning, Environment & Transportation Committee be voted on separately with recorded votes.

5. Moved by Councillor Birtwistle
Seconded by Councillor Downer

THAT Applicable Traffic Calming Measures – Traffic Calming Measures Not Recommended, be amended by adding the use of horizontal projections on streets with sightline issues and bus routes.

VOTING IN FAVOUR: Councillors Billings, Furfaro, Hamtak and Schnurr (4)

VOTING AGAINST: Councillors Baily, Birtwistle, Burcher, Downer, Ferraro, Kovach, Moziar and Mayor Quarrie (8)

The motion was defeated.

6. Moved by Councillor Birtwistle
Seconded by Councillor Downer
THAT Section 8.3 Meet and Circulate Plan Alternatives to City and Emergency Services, be amended by circulating an anonymous survey to the front line employees giving advance notice of proposed traffic calming measures for their input.

VOTING IN FAVOUR: Councillors Baily, Billings, Furfaro, Hamtak and Schnurr (5)

VOTING AGAINST: Councillors Birtwistle, Burcher, Downer, Ferraro, Kovach, Moziar and Mayor Quarrie (7)

The motion was defeated.

7. Moved by Councillor Birtwistle
Seconded by Councillor Downer
THAT the revised Neighbourhood Traffic Management Policy, amended as follows:

- Section 5 be amended to reflect: That there be a minimum of 60% respondents in the initial survey and that 60% of the respondents must be in favour of traffic calming before the matter moves forward.
be approved.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Moziar, Schnurr and Mayor Quarrie (12)

VOTING AGAINST: (0)

The motion was carried.

City of Guelph response to Places to Grow, Better Choices, Brighter Future Proposed Growth Plan

Dr. Jennifer Sumner was not present.

Elizabeth Snell was present and commended the tone and principles of Places to Grow, as its direction can help to deal with population growth. She made the following suggestions to the City:

- Shelve the super highway goods corridor from Toronto through north Guelph until rail operations have been fully explored and expanded;
- Urge flexibility in the types of infrastructure funded by the

Dr. J. L. Laird

Province – grey-water systems, cisterns and more low-volume toilets and green roofs and community systems that capture factory or institutional waste heat and distribute it for residential heating

- Recognize the huge savings to built infrastructure represented by natural infrastructure’s ecological services – proposed infrastructure money to maintenance and restoration of watershed natural areas
- Documents promotes a culture of conservation and city should request extra funding to be the pilot area

Susan Watson was not present.

Laura Murr expressed concern that there was no built in protection for the City’s natural features. She suggested that growth is targeted to occur to the east and south of the City which is where the City’s aquifer recharge is located. She expressed concern with the proposed new economic corridors as the city will be completely surrounded by highways with increased pollution. She further expressed concern on the cost to the citizens for this type of growth and the impact on their quality of life.

Councillor Birtwistle presented Clause 3 of the FIRST REPORT of the Planning, Environment & Transportation Committee

8. Moved by Councillor Birtwistle
Seconded by Councillor Downer

THAT the Planning, Environment & Transportation Committee Report No. 06-14 and its appendices titled City of Guelph Response to Places to Grow, Better Choices, Brighter Future Proposed Growth Plan be forwarded to the Honourable David Caplan, Minister of Public Infrastructure Renewal as the City’s comments on Places to Grow;

AND THAT the Response #14 be amended by including the following:

“THAT Provincial legislation be implemented in terms of solid waste management to ensure that new higher density developments participate equally in waste recycling and diversion objectives that are prescribed to lower density developments.

AND THAT staff be directed prepare a draft response to the Province advising of the City’s main concerns with respect to:

- funding
- local autonomy
- population forecast targets
- servicing and sustainability
- waste management
- lack of implementation tools;

AND THAT the draft response to the Province be brought forth to Council at its meeting of January 24, 2006 for approval;

AND THAT the report be circulated to:

- Association of Municipalities of Ontario;
- the City of Brantford, the County of Brant, the County of Dufferin, the County of Wellington and the Region of Waterloo;
- the Grand River Conservation Authority;
- Liz Sandals, M.P.P., Guelph-Wellington

9. Moved in Amendment by Councillor Baily
Seconded by Councillor Ferraro

THAT Response #10 be deleted and replaced with the following:
The City of Guelph has initiated a long term local growth strategy and community consultation process. The densities and development forms for “greenfield” lands should reflect the local needs and aspirations of the Guelph community, as opposed to being imposed upon the City by the province.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Ferraro, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (8)

VOTING AGAINST: Councillors Birtwistle, Burcher, Downer and Kovach (4)

The motion was carried

10. Moved in Amendment by Councillor Birtwistle
Seconded by Councillor Kovach

THAT Clause #4 of the draft letter to the Honourable David Caplan be amended to include the following:
That the Grand River Conservation Authority be included in the sub-area assessment committees that are created for the evaluation and development of the growth plans within the Grand River watershed and that the dam infrastructure in the Grand River Conservation Authority watershed be identified as critical infrastructure for water supply and wastewater assimilation.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Moziar, Schnurr and Mayor Quarrie (12)

VOTING AGAINST: (0)

The motion was carried.

11. Moved in Amendment by Councillor Billings
Seconded by Councillor Baily

THAT Clause #1 of the draft cover letter to the Honourable David Caplan be amended by including “that the Province supply funding for brownfield redevelopment”.

Carried

12. Moved in Amendment by Councillor Burcher
Seconded by Councillor Downer

THAT Clause #3 of the draft cover letter to the Honourable David Caplan be amended to read as follows:

While the City of Guelph supports the proposed growth plan for the Greater Golden Horseshoe as a framework to manage growth, the City would like to determine its own specific direction regarding growth through the completion of its local Growth Strategy in consultation with the community.

A recorded vote was requested which resulted as follows:

VOTING IN FAVOUR: Councillors Burcher and Downer (2)

VOTING AGAINST: Councillors Baily, Billings, Birtwistle, Ferraro, Furfaro, Hamtak, Kovach, Moziar, Schnurr and Mayor Quarrie (10)

The motion was defeated.

13. Moved by Councillor Birtwistle
Seconded by Councillor Downer

THAT the Planning, Environment & Transportation Committee Report No. 06-14 and its appendices titled City of Guelph Response to Places to Grow, Better Choices, Brighter Future Proposed Growth Plan be forwarded to the Honourable David Caplan, Minister of Public Infrastructure Renewal as the City’s comments on Places to Grow;

Hon. D. Caplan
AMO
Mr. S. Wilson
GRCA
Ms. L. Sandals, MPP
Mr. John Brown
Mr. R. Fiebig
Ms. L. Dean
Mr. M. Murray

AND THAT Response #10 be deleted and replaced with the following:

“The City of Guelph has initiated a long term local growth strategy and community consultation process. The densities and development forms for “greenfield” lands should reflect the local needs and aspirations of the Guelph community, as opposed to being imposed upon the City by the province.”

AND THAT the Response #14 be amended by including the following:

“THAT Provincial legislation be implemented in terms of solid waste management to ensure that new higher density developments

participate equally in waste recycling and diversion objectives that are prescribed to lower density developments.

AND THAT staff be directed prepare a draft response to the Province advising of the City's main concerns with respect to:

- funding
- local autonomy
- population forecast targets
- servicing and sustainability
- waste management
- lack of implementation tools;

AND THAT the draft response to the Province be amended as follows;

- Clause #1 be amended by including "that the Province supply funding for brownfield redevelopment".
- Clause #4 be amended to include the following:
"That the Grand River Conservation Authority be included in the sub-area assessment committees that are created for the evaluation and development of the growth plans within the Grand River watershed and that the dam infrastructure in the Grand River Conservation Authority watershed be identified as critical infrastructure for water supply and wastewater assimilation."

AND THAT the report be circulated to:

- Association of Municipalities of Ontario;
- the City of Brantford, the County of Brant, the County of Dufferin, the County of Wellington and the Region of Waterloo;
- the Grand River Conservation Authority;
- Liz Sandals, M.P.P., Guelph-Wellington.

Carried

14. Moved by Councillor Hamtak
Seconded by Councillor Furfaro

THAT Council now go into the Committee of the Whole to consider reports and correspondence.

Carried

Councillor Kovach presented the FIRST REPORT of the Community Services Committee.

15. Moved by Councillor Kovach
Seconded by Councillor Burcher

THAT the recommendations of the Sector Review Groups for receipt of a 2006 City of Guelph grant be approved.

Mr. D.A. Kennedy
Mr. G.W. Stahlmann

Councillor Birtwistle presented the balance of the FIRST REPORT of the Planning, Environment & Transportation Committee.

16. Moved by Councillor Birtwistle
Seconded by Councillor Downer

THAT the request for a variance from the Sign By-law for Registered Plan 694, Part Lot 2, Reference Plan 61R3072, Part 2, known as 450 Michener Road (see Schedule A location map), to permit flags with advertising text on them, for Houghton Appearance Centre, 450 Michener Road, be refused.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Burcher, Downer, Ferraro, Hamtak and Schnurr (6)

VOTING AGAINST: Councillors Baily, Birtwistle, Furfaro, Kovach, Moziar and Mayor Quarrie (6)

The motion was lost on a tied vote.

17. Moved by Councillor Furfaro
Seconded by Councillor Kovach

THAT the request for a variance from the Sign By-law for Registered Plan 694, Part Lot 2, Reference Plan 61R3072, Part 2, known as 450 Michener Road (see Schedule A location map), to

permit flags with advertising text on them, for Houghton Appearance Centre, 450 Michener Road, be approved.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Birtwistle, Furfaro, Hamtak, Kovach, Moziar and Mayor Quarrie (7)

VOTING AGAINST: Councillors Billings, Burcher, Downer, Ferraro and Schnurr (5)

The motion was carried.

CONSENT AGENDA

18. Moved by Councillor Kovach
Seconded by Councillor Moziar

THAT the January 24, 2006 Consent Agenda as identified below, be adopted:

Mr. J. Riddell
Mr. B. Poole

Mr. J. Riddell
Mr. B. Poole
Chief R. Davis

a) **Noise Control By-law exemption request for blasting at the Homewood Health Centre for installation of a sanitary sewer**

THAT an exemption from Section 5 (1)(d) of Noise Control By-law (2000)-16266 as amended, to permit noise from blasting associated with the installation of a sanitary sewer at the Homewood Health Centre from January 25, 2006 to April 30, 2006 between the hours of 8:00 a.m. and 5:00 p.m. on weekdays, exclusive of statutory holidays, be approved.

b) **Revised financial assistance package and proposed development charges early payment agreement for the Stewart Mill residential infill project at 60 Cardigan Street**

Mr. J. Riddell
Mr. D.A. Kennedy
Ms. L.E. Payne

THAT Guelph City Council agree with the revisions to the previously approved financial assistance of \$775,000 for Stewart Mill Development Corporation for the residential infill project at 60 Cardigan Street as set out in the attached revised Memorandum of Understanding, dated January 6, 2006;

AND THAT Guelph City Council agree in principle to the proposed Development Charges Early Payment Agreement between Stewart Mill Development Corporation and the City of Guelph for the commitment to pay Development Charges for the revised project at 2005/6 values which are in effect until February 28, 2006;

AND THAT Council authorizes the Mayor and Clerk to execute the above agreements, and the heritage easement agreement required by the financial assistance agreement, upon final preparation by staff.

Carried

19. Moved by Councillor Kovach
Seconded by Councillor Downer

THAT the Committee rise with leave to sit again.

Carried

20. Moved by Councillor Schnurr
Seconded by Councillor Billings

THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.

Carried

BY-LAWS

21. Moved by Councillor Moziar
Seconded by Councillor Ferraro

THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2006)-17926 to (2006)-17936, inclusive.

Carried

The By-laws were read a first and second time at 9:10 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2006)-17926 to (2006)-17936, inclusive.

Mayor Quarrie in the Chair.

At 9:12 o'clock p.m., the Committee rose and reported By-laws Numbered (2006)-17926 to (2005)-17936, inclusive, passed in Committee without amendment.

22. Moved by Councillor Schnurr
Seconded by Councillor Billings

THAT By-laws Numbered (2006)-17926 to (2006)-17936, inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 9:14 o'clock p.m.

QUESTIONS

In response to questions by the Mayor, the Chief Administrative Officer advised that the City has been given a time before the Standing Committee on Bill 206 with respect to OMERS on Thursday. He advised that he will make the City's submission available to members of Council.

In response to questions by Councillor Birtwistle, the Mayor advised that she has sent letters of congratulations to Brenda Chamberlain, MP and Steven Harper, Prime Minister Designate on their recent election.

Councillor Ferraro complimented staff for all of their work on the Stewart Mill, 60 Cardigan Street infill development.

NOTICE OF MOTION

Councillor Burcher advised that at a future meeting of Council she will be bringing forward a motion regarding the recently approved commercial policy.

ADJOURNMENT

The meeting adjourned at 9:20 o'clock p.m.

Minutes read and confirmed February 6, 2006.

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Mayor

.....

Deputy Clerk

**REPORT OF THE PLANNING, ENVIRONMENT AND TRANSPORTATION
COMMITTEE**

February 6, 2006

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

Your Planning, Environment and Transportation Committee beg leave to present their
SECOND REPORT as recommended at its meeting of January 30, 2006.

CLAUSE 1. THAT the Planning, Environment & Transportation Committee Report 06-15
entitled Proposed Planning and OMB Reforms – Bill 51, be endorsed as amended
and the report only be forwarded to the Ministry of Municipal Affairs and
Housing, the Association of Municipalities of Ontario and Liz Sandals, M.P.P.,
Guelph-Wellington, as the City of Guelph response to the proposed legislation.

AND THAT the following be included as part of the City's response: "That the
City of Guelph does not support the introduction of new provisions allowing the
Provincial Cabinet to vary or rescind an OMB decision by declaring a provincial
interest. Rather the City of Guelph strongly feels such interests should be
established through legislation, plans and policies."

AND THAT the second Comment under Contemporary Planning Documents be
amended by adding, "That the Province must change the Development Charges
Act to allow full recovery of the costs, or the Province must provide additional
resources to cover the costs.";

AND THAT the Province be provided with the Report No. 16-15 of the Planning
& Building Services only and not the attachments, as the City's response to Bill
51;

AND THAT staff be directed to prepare a cover letter highlighting the three main
concerns.

All of which is respectfully submitted.

Councillor Cathy Downer
Planning, Environment and Transportation Committee



Report:

PLANNING AND BUILDING SERVICES

Planning (Report # 06-15)

Incorporating Modifications Recommended to Council from the PET Committee January 30, 2006 (Modifications noted in bold and underlined)

TO: Planning, Environment & Transportation Committee

DATE: January 30th, 2006

SUBJECT: **PROPOSED PLANNING AND OMB REFORMS – BILL 51**

RECOMMENDATION:

That PET Report 06-15 entitled *Proposed Planning and OMB Reforms – Bill 51*, be endorsed and forwarded to the Ministry of Municipal Affairs and Housing, the Association of Municipalities of Ontario and Liz Sandals, M.P.P., Guelph-Wellington, as the City of Guelph response to the proposed legislation; and

THAT the City of Guelph does not support the introduction of provisions allowing the Provincial Cabinet to vary or rescind an OMB decision by declaring a provincial interest. Rather the City of Guelph strongly feels such interests should be established through legislation, plans and policies; and

That the City of Guelph requests that it be permitted to present its viewpoints on the proposed legislation when any legislative hearings are held by the Province prior to passage.

BACKGROUND:

On December 12, 2005 the Province introduced legislation (Bill 51 – The Planning and Conservation Land Statute Amendments Act) that will alter the planning process in Ontario including:

- How decisions on development matters are taken;
- Requirements for public notice and input;
- Matters of provincial interest that form the basis of local planning policies; and
- Providing alternative avenues of dispute resolution by allowing the establishment of local appeal bodies to deal with minor variance and consent matters.

In its introduction, Municipal Affairs and Housing Minister, John Gerretson ended the year 2005 by proposing legislation which, “if passed, promises to bring about a culture change to the way land use planning is done in Ontario”. The planning reforms support intensification, and sustainable, well-designed communities and a transparent and accessible planning process.

The legislation also provides new legislative tools for municipalities which are intended to support Provincial objectives of intensification, compact form and sustainable development. These legislative changes are related to other recent Provincial planning related initiatives including:

- Strong Communities (Planning Amendment Act, 2004)
- the 'Places to Grow' Act, 2005
- the proposed 'Places to Grow Growth Plan for the Greater Golden Horseshoe' (2005)
- the update to the Provincial Policy Statement (2005) and
- the 'Greenbelt Act', 2005.

The purpose of this report is to outline the proposed changes, their implications and opportunities. The Province has not at this time initiated any formal consultation program on the proposed changes beyond the required posting of the proposed legislation on the Environmental Bill of Rights Registry (EBR). The EBR posting provides that comments relating to the proposed legislation will be received until February 26, 2006. Following this timeframe the proposed legislation will receive second reading and will proceed to legislative committee review which may also include hearings. The earliest the legislation could be in place would be late spring or early summer.

The Province undertook wider consultations on planning reform in 2004 and the City of Guelph responded through PET Report #04-71 which is attached in **Appendix 1**.

REPORT:

Legislative Reform Objectives:

The Province has indicated that the proposed reforms are intended to:

- Provide for the more effective implementation of provincial planning policies.
- Provide municipalities with a greater ability to protect employment lands, to support sustainable development, intensification and brownfield redevelopment and to promote good urban design.
- Allow for greater information and stakeholder consultation / participation in planning matters early on in the process.
- Create a more transparent and accessible land use planning process.
- Make the Ontario Municipal Board (OMB) more effective, transparent and user-friendly.

Promoting Intensification, Sustainable and Well-Designed Communities:

In order to support the Provincial objective to utilize the existing land base and infrastructure more efficiently and to improve community design, the proposed legislation contemplates the following changes:

Sustainable Design

Since 1986 the Planning Act has contained a section that identifies matters of provincial interest that planning authorities need to address when preparing Official Plans or when

responding to development applications. In 2004 this section of the Act was strengthened through the requirement that municipalities must 'be consistent with' the matter when making planning decisions. The proposed legislation would expand these matters to include:

"The promotion of development that is designed to be sustainable, to support transit and to be oriented to pedestrians"

Related to this are new requirements for the review of subdivision applications which include the following new criteria:

"The extent to which the plan's design optimizes the available supply, means of supplying, the efficient use and conservation of energy".

The proposed legislation also allows municipalities to require not only the dedication of roads but also pedestrian pathways, bicycle pathways and public transit rights of way in plans of subdivision as a condition of approval.

The legislation establishes the ability of a municipality to address matters of sustainable design through site plan approvals and the review and approval of the exterior design of buildings. This could include green roofs, preservation of on site vegetation and water-conserving landscaping. The legislation would also allow municipalities if they so chose to give grants and loans for energy efficient uses through modified provisions relating to Community Improvement Plans.

Finally, the legislation would modify the Conservation Land Act to expand the use of conservation easements for the purposes of the protection of water quality and quantity and watershed protection and management and to provide additional protection of conservation easements.

Comment:

- 1.0 The City's Official Plan already includes a number of policies that support sustainable development, transit and pedestrian movement.**
- 2.0 The ability to require the dedication of pedestrian, bicycle and transit rights of ways through subdivisions will assist in creating alternative transportation networks consistent with the City's Transportation Strategy.**
- 3.0 The new requirement to demonstrate how energy efficiency and conservation are optimized in plans of subdivision will require municipalities to establish procedures or requirements to measure energy efficiency. The Province should produce an implementation document identifying how it expects this requirement to be demonstrated.**

- 4.0 The ability to consider matters of sustainable external building design through site plans is positive and will allow for more effective implementation of the City's Official Plan objectives.**

Density and Height Controls:

Municipalities have traditionally regulated the density of development through density and height controls. The proposed legislation makes it clear that this power includes the ability to establish both *minimum and maximum* standards for height and density in order to promote compact development. Furthermore, the proposed legislation introduces the ability to attach conditions to zoning relating to the use, location or construction of buildings and to require agreements that run with the title of the property relating to such conditions. To use this new power a municipality would need to modify its Official Plan to introduce policies providing the basis for the use of this tool.

Related to these matters is a new provision in the proposed legislation that would prevent the appeal to the Ontario Municipal Board of official plan policies and zoning by-laws that establish areas where accessory apartments are to be permitted.

Comment:

- 5.0 Contemporary planning practice has seen the introduction of both minimum and maximum heights and densities to promote the efficient use of land while maintaining compatibility with nearby uses. The proposed changes will provide a clear legislative basis for this practice and will support the City's ability to influence community design – a key objective of the City's Zoning By-law update process.**
- 6.0 In its 2004 comments to the Province on Planning Reform, the City recommended that conditional zoning powers be granted to municipalities as is now being proposed.**
- 7.0 The City currently allows accessory apartments in most residential buildings as of right and thus the changes proposed by the Province will have limited impact in Guelph.**

Urban Design:

A significant new power being proposed in the legislation is the introduction of the ability to consider in the review of site plans the external appearance and character of the buildings and their sustainable design. To use conditional zoning a municipality would need to modify its Official Plan to introduce policies providing the basis for the use of this tool.

Associated with the greater control over the appearance of new buildings is the introduction of an alternative development review process called a 'Development Permit System' that could be established by municipalities. This system essentially collapses the minor variance, zoning and site plan review processes into one approval step and can be a more effective, streamlined and flexible development review tool. Development permitting systems are used in a number of other Canadian jurisdictions including British Columbia and Alberta.

Comment:

- 8.0** *In its 2004 comments to the Province on Planning Reform, the City recommended that the role of urban design be strengthened. The proposed additional site plan powers would allow for greater ability to ensure new buildings contextually fit in relation to their surrounding environment and the better integration of historical elements into new development. It will also assist in ensuring new development better reflects the community character of Guelph.*
- 9.0** *In its 2004 comments to the Province on Planning Reform, the City recommended that additional tools such as a Development Permit System be provided to municipalities as is now being proposed. In combination with conditional zoning and enhanced design controls this tool can be effective in ensuring well designed communities and infill development.*

Stakeholder Consultation and Information Requirements

The proposed reforms include changes to make it mandatory to hold both a public open house and a formal public meeting before Council for most types of development applications. The legislation also sets out the minimum timelines which these consultation measures need to follow with the open house being held at least a week before the public meeting. The purpose of the open house requirement is to allow stakeholders the opportunity to review and ask questions about the proposal while the public meeting is to give the public the opportunity to make representations. Individuals who do not make oral or written submissions through these processes would not be entitled to appeal a matter to the Ontario Municipal Board.

In addition the proposed legislation allows the municipality to set out in its Official Plan and by by-law the types of supporting information required to be submitted with development proposals and it further provides that no appeal to the Ontario Municipal Board can be made until a complete application has been submitted. Currently, Regulations of the Act set out a very limited set of criteria for a complete application and allows an appeal to be made if Council does not make a decision within a set number of days. Complete applications including the application form and supporting studies would need to be available for public review and at the statutory public open house prior to decisions on the proposal being taken by Council. The proposed legislation will also allow municipalities to define circumstances where pre-consultations by developers with municipalities on proposals can be made mandatory.

Comment:

- 10.0** *In its 2004 comments to the Province on Planning Reform, the City recommended that planning application timeframes not begin until a 'complete application' in accordance with the requirements of the City has been submitted. The proposed legislative changes will ensure that adequate information is provided to assist in decision-making by local Councils.*
- 11.0** *In most development applications in the City of Guelph both open houses and formal public meetings are typically held. However, the open houses*

are informal in that they are not held by Council. The proposed requirements will undoubtedly require the City to alter its current practices regarding the consideration of planning applications but should not substantively change timelines.

12.0 The requirement for individuals to participate in the local planning process before being provided the right to appeal a local planning decision will ensure accountability and less ability to circumvent local decision-making.

13.0 Most planning applications currently are made after pre-consultation between the developer and the City. The proposed legislative changes will assist in formalizing this current practice.

Contemporary Planning Documents

In order to ensure that municipalities develop local planning policies that are consistent with matters of provincial interest, the proposed legislation specifies that municipal planning decisions must be based on provincial policy and conform with or not conflict with provincial plans (i.e. Places to Grow, Greenbelt etc) in effect at the time the decision on the proposal is made and not the application date. Furthermore, the legislation requires that:

- Every five years municipalities must update their Official Plans to ensure consistency with Provincial matters, policies and plans.
- It sets out increased public notification requirements.
- It requires that Council have regard to submissions made regarding the Official Plan update; and
- It requires Council to pass a resolution indicating conformity of the plan to provincial plans, policies or matters of interest.

Within three years of updating the Official Plan, municipal zoning by-laws are required to be brought into conformity with it.

Comment:

14.0 The 'Places to Grow' proposed Growth Plan already include provisions requiring local planning policies to conform to it and municipalities are already required to be consistent with the Provincial Policy Statement when dealing with planning matters. The legislative change simply formalizes these requirements and strengthens the Provincial role in land use planning.

15.0 The City's current planning program includes the updating of the Official Plan in 2007 and the Zoning By-law (2006 – 2008). The current Official Plan dates from 2001 while the Zoning By-law dates from 1993. Significant resources will be required to meet and maintain the currency of the City's planning documents as will be required. The Province should amend the Development Charges Act to allow full cost recovery of these mandatory updates or alternatively provide financial resources for this purpose. The proposed legislation will require new Official Plan policies to be established during the next update to operationalize some

of the new powers such as conditional zoning and development permitting.

- 16.0** ***The Planning Act currently provides that interested stakeholders have the right to submit comments on a proposed Official Plan. The new requirement is that Council 'have regard to' the submissions made during the preparation of an Official Plan. Currently when making planning policy decisions Council is often faced with conflicting opinions and furthermore it is not always clear whether submissions reflect the opinion of the wider community or certain segments. It is unclear what the 'to have regard to' standard is intended to imply or how Council is expected to demonstrate it has met it.***
- 17.0** ***If a municipality is to declare by resolution that its planning policies are in conformity with Provincial policies, plans and interests then the Act should also provide that once approved the Official Plan is the local interpretation of provincial interest. This will avoid having to demonstrate for every planning decision or upon challenge to the OMB that the proposal meets both local and Provincial standards where it is conformity with the local Official Plan.***

Protection of Employment Lands

The proposed legislation requires that every five years as part of an Official Plan update that employment area policies (defined as clusters of business and economic uses) be reviewed and updated. In addition the legislation allows municipalities to refuse proposals to convert employment lands into other uses, with no right to appeal to the Ontario Municipal Board except at the time of a comprehensive Official Plan review.

Comment:

- 18.0** ***Employment lands typically require longer timeframes to achieve full build out than other forms of land use. As such they often face pressure for conversion to other uses. The proposed 'Places to Grow' plan would require municipalities to plan land supplies consistent with expected growth while the new legislative requirements would ensure that employment policies are regularly reviewed and that such lands are protected for their long term use and importance to the tax base.***

Ontario Municipal Board Reform

The Ontario Municipal Board is an independent adjudicative tribunal that hears appeals and applications and resolves disputes under several pieces of legislation. Most OMB matters involve land use planning issues. OMB members are appointed by the Ontario government. OMB decisions in planning matters can only be appealed on a matter of law to the courts. In order to improve the tribunal's effectiveness, transparency, and accountability the proposed legislative changes include the following:

- A new requirement for the Board to 'have regard for' decisions made by the local municipal council.

- Hearings before the OMB would be limited to the information and material that had been before the municipal council. New information and evidence will not be allowed unless the Board concludes that the new information could not have reasonably been provided to the municipality before Council's decision. In that circumstance, the Board must notify Council and give it an opportunity to provide its opinion regarding the new information within a set period of time before making a decision. It is noted that public bodies are exempt from these limitations.
- Appeals to the Board would also be limited to individuals and organizations that participated in the local approval process unless the Board grants special leave after concluding that the party could not have reasonably participated.
- Where the Province indicates to the OMB that a matter of provincial interest may be adversely affected by a planning matter, the Board's decision can be overturned or modified by the Provincial Cabinet.
- The power of the OMB to dismiss an appeal without a full hearing has been increased to include circumstances where the appellant has persistently and without reasonable grounds commenced proceedings that constitute an abuse of process (i.e. repeat applications).

The legislation continues to provide that the OMB will continue to hear appeals on matters relating to Official Plans, subdivisions, zoning, site plans and development permits. In order to provide more accountability in local planning matters (i.e. variances and consents) municipalities would have the option to be able to establish local appeal bodies consistent with minimum criteria set by the Province relating to qualifications, tenure, processes and standards with members appointed by Council.

In addition to these legislative reforms, the Province is also making administrative changes relating to how Board Members are selected and it intends to create a citizen liaison function to make the OMB more accessible to the public.

Comment:

- 19.0** *In its 2004 comments to the Province on Planning Reform, the City recommended that the mechanisms be investigated to streamline/limit the type of applications that can be appealed to the OMB and that public advisors be available for the public. The proposed local appeal bodies and administrative changes are in keeping with the City's recommendations in this regard.*
- 20.0** *The current planning process in Ontario is quite complex and can be confusing in terms of how the planning process operates. The introduction of another appeal body for variances and consents could add to this complexity. If appeals from Committee of Adjustment decisions are to continue to be permitted an alternative would be for the municipal Council to be the appeal body and final decision-making body for these applications rather than another locally appointed appeal body.*
- 21.0** *In general the proposed changes will ensure that the OMB acts as an appeal body rather than a decision-making body by limiting appeals to the information, materials and stakeholders that participated in the local*

council decision and they will ensure that consideration and weight is given to the decisions of Council.

22.0 *The City of Guelph does not support the introduction of provisions allowing the Provincial Cabinet to vary or rescind an OMB decision by declaring a provincial interest. Rather the City of Guelph strongly feels such interests should be established through legislation, plans and policies. This comment was also made to the Province in 2004.*

23.0 *Although the standard of what constitutes an 'abuse of process' has yet to be determined, this additional measure to avoid unnecessary OMB hearings is welcome.*

CORPORATE STRATEGIC PLAN:

The proposed legislative reforms will generally help the City better achieve the following strategic directions:

- Managing growth in a balanced and sustainable manner
- Strengthening our economic base
- Supporting the natural, cultural and architectural heritage of the City.

FINANCIAL IMPLICATIONS:

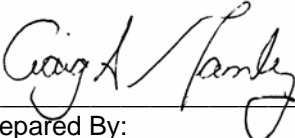
Significant resources will be required to meet and maintain the currency of the City's planning documents.

DEPARTMENTAL CONSULTATION/CONCURRENCE:

This report was circulated to the Legal and Economic Development Departments for their review and comments prior to its being forwarded to the PET Committee.

COMMUNICATIONS: None

ATTACHMENTS: Appendix 1 – PET Report 04-71 dated August 26, 2004


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In June 2004, the Province issued a series of three Discussion Papers on Planning Reform for comment. The Ontario government believes that the current planning system needs to be improved. As part of the Province's Planning reform initiative the Province is:

- Reviewing the planning process (**Planning Act Reform**);
- Determining the need for effective implementation tools for municipalities and other decision makers;
- Releasing draft policies of the **Provincial Policy Statement** for public review and input; and
- Reviewing the **Ontario Municipal Board (OMB)**.

Amendments to *The Planning Act* have already been introduced through **Bill 26, The Strong Communities Act, 2004 (Dec. 15/03 First reading)** which:

1. Extends timeframes for reviewing and deciding on specific planning applications;
2. Changes the implementation standard from "shall have regard to" to "shall be consistent with" as it relates to the Provincial Policy Statement;
3. Eliminates OMB appeals for urban settlement boundary expansions;
4. Permits the Province to declare a provincial interest in a matter before the OMB and make the final decision; and
5. Provides the Minister with the authority to make a regulation to deal with transition matters, i.e. how to deal with planning applications currently under review.

A completely new **Provincial Policy Statement** has been drafted which expands and strengthens the Province's interests with the intent of addressing the pressures of increased gridlock due to urban sprawl, unprecedented growth pressures experienced in portions of the Province, the loss of prime agricultural land and other resources, enhanced environmental protection, and the need for a strong economy. See Appendix I for a comparison of selected proposed policies to existing policies in key areas.

Specific OMB reforms are not proposed, but rather a series of probing questions are asked in the discussion paper to facilitate feedback.

In formulating a response to the proposed reforms, city staff assessed our development application and OMB experience, policy framework (City of Guelph Official Plan, SmartGuelph Principles), attended a provincial information session, and reviewed positions presented by other municipalities and various stakeholder groups including the Urban Development Institute, Association of Municipalities of Ontario and Ontario Provincial Planners Institute.

Attached as Appendix II is the recommended City response to the Ontario government's proposed planning reform. In summary the highlights of a proposed City of Guelph response include:

Planning Act Reform and Implementation Response

Consultation Discussion Paper #1

- Support extending timeframes for processing planning applications and requiring "complete applications" to be accepted by a municipality before processing timeframes begin.
- Maintain the current Provincial Policy Statement standard of "shall have regard to".
- Support prohibiting appeals to the Ontario Municipal Board that involve designated settlement area limits and/or proposals requiring infrastructure in advance of the timing established in municipal servicing strategies that are not supported by City Council. Require the Province to express its interests through the Provincial Policy Statement and not allow the Province to vary or rescind an Ontario Municipal Board decision by declaring a Provincial interest.

Notice Requirements N/A

Appendix I

Provincial Policy Statement Draft Policies: Comparison of Selected Proposed Policies to Existing Policies in Key Areas

Policy Areas	Current PPS Policies ("shall have regard to")	Proposed New PPS Policies ("shall be consistent with" proposed by Bill 26)
Managing Growth & Promoting Settlement Areas	<ul style="list-style-type: none"> • Boundary expansions permitted onto prime agricultural lands, including specialty crop lands, with justification • General policies for managing and directing growth 	<ul style="list-style-type: none"> • Intensification, redevelopment and infill of employment, residential and other lands prior to expanding onto greenfields • Boundary expansions only at time of comprehensive municipal review • Prohibit expansions onto specialty crop land • Upper-tier role to direct growth including allocating population, housing and employment projections for lower-tiers • Recognition of linkages to provincial plans
Revitalizing Brownfields / Intensification	<ul style="list-style-type: none"> • Provide opportunities for intensification and redevelopment in areas with sufficient infrastructure, but not required prior to boundary expansions • Brownfields not specifically recognized • Contaminated lands viewed mainly as hazards to human health • No targets for intensification/density 	<ul style="list-style-type: none"> • Identify brownfields as opportunities for redevelopment • Intensification of existing built-up areas and brownfields development prior to expanding into greenfield areas where possible • Upper-tier municipality to set targets for intensification / minimum densities • All municipalities to permit / facilitate all forms of intensification / redevelopment • Plan infrastructure to support priority growth areas
Transit-	<ul style="list-style-type: none"> • Support transit-supportive 	<ul style="list-style-type: none"> • Promote transit-supportive land

Supportive Land Use Patterns	<p>densities</p> <ul style="list-style-type: none"> • Support multi-modal transportation systems • Protect transportation corridors 	<p>use patterns including density / intensification targets</p> <ul style="list-style-type: none"> • Direct new development to areas well-served by transit • Provide housing / jobs in close proximity to one another • Focus travel intensive land uses on transit corridors • Link transportation and growth planning • Protect strategic future transportation corridors and preclude incompatible uses within them • Upper-tiers to set minimum densities for transit corridors
Employment Lands	<ul style="list-style-type: none"> • Long-term (20-year) planning horizon to include sufficient land for industrial, commercial and other uses to promote employment opportunities • Well-being of downtowns and mainstreets to be maintained 	<ul style="list-style-type: none"> • Ensure adequate supply of land and opportunities to accommodate range/mix of industrial, commercial and other employment uses to meet long-term needs • Vitality and viability of downtowns and mainstreets to be maintained • Maintain diversified economic base and range and choice of employment lands • Focused investment through identification of priority growth areas and corresponding coordination / allocation of employment projections • Support jobs / housing balance in communities
Air Quality / Energy	<ul style="list-style-type: none"> • No policies on air quality • Support energy conservation 	<ul style="list-style-type: none"> • Transit supportive land use patterns • Provide housing / jobs in close proximity • Focus travel intensive uses on

		<p>transit corridors</p> <ul style="list-style-type: none"> • Support urban greening • Support alternative energy systems and conservation
Housing	<ul style="list-style-type: none"> • Encourage housing forms and densities designed to be affordable to moderate and lower income households • No target • No definition of affordable 	<ul style="list-style-type: none"> • Require municipalities to set minimum targets for the provision of housing which is affordable to low and moderate income households • Define “affordable” • Permit and facilitate special needs housing
Preserving Greenspace	<ul style="list-style-type: none"> • Protect significant natural heritage features • Support planning for recreation 	<ul style="list-style-type: none"> • Protect more significant natural heritage features including coastal wetlands, additional wetlands on Canadian Shield and habitat of endangered and threatened species • Support urban greening • Support planning for recreation / tourism and natural heritage systems
Water	<ul style="list-style-type: none"> • Protect quality and quantity of ground water and surface water and function of sensitive areas 	<ul style="list-style-type: none"> • Use watersheds as basis for planning • Maintain watershed integrity • Protect surface and ground water features, functions and drinking water supplies • Identify vulnerable areas • Promote conservation and appropriate stormwater management • Restrict development and site alteration in sensitive areas • Address cross boundary impacts
Agriculture	<ul style="list-style-type: none"> • Protect prime agricultural areas and specialty crop lands while 	<ul style="list-style-type: none"> • Strong protection for specialty crop lands including prohibiting

	non-agricultural uses permitted when justification provided	growth expansion onto these lands and prohibiting non-agricultural uses <ul style="list-style-type: none">• Protect prime agricultural areas• Strictly limit re-designation of prime agricultural lands to other uses• Prohibit residential lot creation on these lands
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Appendix II

City of Guelph Response to Proposed Planning Reform, 2004

The following represents the City of Guelph's response to the Provincial government's request for comments on proposed planning reform, 2004.

Planning Act Reforms (Consultation Discussion Paper #1)

The Planning Act changes, introduced in *Bill 26, The Strong Communities Act, 2004*, (first reading, Dec 15/03) proposes the following amendments:

- 1) Increased timeframes for specific planning applications;
- 2) Changed implementation standard from "shall have regard to" to "shall be consistent with" as it relates to the Provincial Policy Statement for decisions affecting planning matters;
- 3) Strengthened ability of a municipality to determine its urban settlement boundaries by limiting OMB appeals on planning applications for boundary alterations where not supported by municipal councils;
- 4) Provincial authority to confirm, vary or rescind an OMB decision on an official plan or zoning/holding bylaw if a Provincial interest is affected and a Provincial interest is declared; and
- 5) Provides the Minister with the authority to make a regulation to deal with transition matters, i.e. how to deal with planning applications currently under review.

1) Planning Application Timeframes

The City of Guelph supports increased timeframes for processing planning applications. Table One compares existing and proposed timeframes. Current timelines do not reflect the complexities associated with land use planning applications and the time required to properly evaluate proposals. Sufficient time is needed to circulate applications to stakeholders, review supporting documents which sometimes also require a peer review of materials, engage the community, receive comments, and report to Council.

Applicants seldom appeal matters to the OMB based on prescribed timeframes not being met by the City of Guelph. A greater emphasis needs to be placed on what is defined as a complete application and that timeframes do not start until a complete application, in accordance with a by-law passed by Council, is accepted by the municipality. Sometimes in the processing of an application additional information is deemed important and/or supporting studies turn out to be insufficient. Allowances need to be made to factor in these situations prior to a matter going directly to the OMB as a result of unmet timeframes. In the case of appeals based on non-compliance with process timelines, the OMB should conduct a "hearing of necessity" to assess if extra time is warranted and allow the application to remain in the municipal process.

Table One: Planning Application Timeframes

Planning Application Type	Legislative Timeframes	
	Current	Proposed
Official Plan/Amendment	90 days	180 days

Zoning By-law/Holding Symbol	90 days	120 days
Subdivision	90 days	180 days
Consent	60 days	90 days

Response:

That the Province extend the timeframes for processing planning applications as proposed and that the timeframes start when a “complete application” is accepted by a municipality in accordance with a by-law passed by Council setting out application requirements.

That a municipality be allowed to prescribe what a “complete application” is over and above the minimum requirements noted in *The Planning Act*.

That the OMB develop a process, such as a “hearing of necessity” to determine if an extended timeframe is warranted leaving the planning matter at the municipal level.

2) Implementation Standard Regarding Provincial Policy Statement

The City of Guelph supports the current standard of “shall have regard to” and does not support a change to “shall be consistent with” concerning decisions on planning matters and their conformity with the Provincial Policy Statement. There is debate over what the change in standard would actually mean and whether it would be effective. A level of municipal comfort and experience has already been achieved under the present standard. If the “shall be consistent with” standard is used, then the ability of the local municipality to make decisions that are best suited for a local situation is hampered by the requirement of a rigid Provincial Standard being enforced. In addition, municipalities should not be alone in their conformity with the Provincial Policy Statement. All Provincial Ministry land related operations should have to conform to the Provincial Policy Statement.

Response:

That the current standard of “shall have regard to” continue to be used in assessing the conformity of planning decisions with the Provincial Policy Statement.

That the Provincial Policy Statement apply to all Provincial Ministry land related operations.

3) Urban Settlement Expansion OMB Appeals

The City of Guelph supports prohibiting the appeal of Official Plan Amendments to the Ontario Municipal Board that propose designated settlement area expansions or the establishment of a new urban settlement area that are not supported by City Council. The City of Guelph has never had a settlement expansion proposal appealed to the OMB. The City should be able to make final decisions regarding the limits of its designated settlement area limits. The nature of development within the boundary should still be open to potential appeals but not the boundary itself. In addition, appeals for development applications which are in advance of local servicing strategies should also be prohibited. Servicing strategies go hand in hand with urban boundaries and a municipality’s ability to effectively plan and manage its growth and development.

Response:

That the Province prohibit appeals to the OMB that involve designated settlement area boundary changes and/or developments which advance local servicing strategies that are not supported by City Council.

4) Declaration of Provincial Interest in an OMB Matter

The City of Guelph only supports the declaration of Provincial interests in an OMB matter through the comprehensive Provincial Policy Statement. The Provincial Policy Statement is the established mechanism to ensure the consistent application of Provincial interests. The local Official Plan is the mechanism for interpreting the PPS into local circumstances. The proposal to allow the Province to declare a matter of Provincial interest outside of this framework or to vary a decision of the OMB adds uncertainty and undermines local planning documents and processes.

Response:

That the Province express its interests through the Provincial Policy Statement and not allow the Province to vary or rescind an Ontario Municipal Board decision by declaring a Provincial interest.

5) Transition Matters

The City of Guelph supports a Provincial regulation that would outline transition matters to provide guidance to the processing of planning applications still under review when new Provincial policies come into force. If Bill 26 receives Royal Assent, all of the proposed changes to *The Planning Act* will be retroactive to December 15, 2003. This means that all planning decisions made after December 15, 2003, should have been made in accordance with Bill 26 changes. A Provincial regulation outlining which policies apply during the transition period is essential to ensure the smooth and equitable processing of planning applications.

Response:

That the Province include regulations that clearly define which legislation/policies planning applications are to be processed under depending on their stage of approval.

6) Other Suggested Changes to the Act

Land use planning would benefit from some additional tools that would add flexibility to development review processes. In particular, a development permit system and conditional zoning could help municipalities deal with complex issues in a comprehensive, flexible and streamlined manner. A development permit system combines zoning, minor variance and site plan approval processes for a specific area (e.g. downtown) and can allow for some discretionary uses provided certain conditions/outcomes are met. These tools have the added benefit of reducing the processing times for development applications. In addition, *The Planning Act* could contain more detail on what official plans should contain to provide a solid context for local decision making. This would result in more certainty for land use planning at the local level.

Response:

That the Province add additional tools such as a Development Permit System and conditional zoning to the Act/Regulations. In addition, that the role of urban design be strengthened in the planning process.

Provincial Policy Statement Reforms (Consultation Discussion Paper # 2)

The Provincial Policy Statement (PPS) establishes the Province's interests in land use planning and development matters. The goals of the PPS include building strong communities, protecting the environment and resources, and supporting a strong economy. This guiding document provides the context for local municipal planning.

General Comments:

Overall, the PPS is moving in a good direction that reflects many of the changes the City of Guelph forwarded to the Province in response to the 2001 review of the document. A vision is included, a focus on end results is presented, resource protection (natural and cultural) is strengthened, and a broader geographic scope is proposed. The broader geographic scope is reflected in protection policies including lands adjacent to natural and cultural resources (2.1.2.5, 2.6.3), population and growth forecasts based on regional market areas (1.4.4), watershed based planning (2.2.1) and land use matters considering inter municipal issues (1.3, 1.5.5.1c), 2.2.1 b).

The policies address social, environmental and economic objectives with an emphasis on economic needs. A more balanced approach between social, environmental and economic objectives is desirable.

Interpreting Provincial priorities and the weighting of issues requires a careful review of word usage throughout the statement. An easier approach would be to clearly note priorities in a separate section of the document, much like the vision is handled. In addition, a mechanism to prioritize policy objectives is needed to handle situations with conflicting policy issues.

The environmental policies recognize the need to protect groundwater features through land use planning. The statement is very supportive of the City's Groundwater Protection Study and Natural Heritage Strategy which is underway. In dealing with resource protection, the waste management policies cover reduction, reuse and recycling, water policies address conservation and mineral aggregate policies continue to focus on raw supplies. Water policies should also address Infill and Infiltration concerns (reduction of water system losses) and perhaps even gray water use (reuse). If the policy statements use of the term "conservation" implies the above items, it should be explicitly defined. The reuse/recycling of mineral aggregates should also be investigated especially in light of the first priority status this resource is given.

Response:

That the Provincial Policy Statement clearly note Provincial priorities in a separate section of the document, and include a mechanism to help prioritize policy objectives when they conflict.

That the conservation of water supply include measures which reduce water system losses (i.e. infill and infiltration), and promote reuse opportunities.

Specific Policy Comments:

Section 1.4 Housing

The proposed planning reforms and draft growth strategy for the Greater Golden Horseshoe talk about the importance of maintaining a balance of jobs and housing. However, this connection is not clearly addressed in the housing section of the PPS. In seeking balance not all municipalities have the same measure of balance nor are they in the same stage of balance. The Province could play an important support role in developing/investigating methods to determine how a municipality could determine its appropriate balance. The PPS includes a specific supply of residential land (i.e. 10 years) yet no target is set for employment lands. References are also made to regional housing markets which should be geographically defined.

Policy 1.5.5 Transportation Systems

Section 1.6 which deals with social well-being discusses the importance of improving accessibility for persons with disabilities yet the section on Transportation Systems (policy 1.5.5) makes no mention of the accessibility or affordability of transportation choices. In comparison, the housing section does talk about affordability and “special needs” housing.

Section 2.5 Mineral Aggregates

Recycling, reuse and conservation measures should be introduced.

Policy 4.5

Once an Official Plan is approved that conforms to the Provincial Policy Statement the Official Plan should be the policy document used to guide local planning decisions. Requiring the ongoing application of the PPS in decision making will add to the length of the evaluation process and could potentially undermine the strength of the Official Plan as a municipality’s local interpretation of the PPS.

Definitions

In general, definitions between various government documents should be better coordinated. For instance, the planning reform documents and the Greater Golden Horseshoe Growth Strategy use very similar terms: “growth boundaries”, “designated growth areas”, “urban settlement areas”, “settlement area”, “priority urban centre”, and “priority growth area”. Do some of these terms mean the same thing?

Some terms require definitions or more clarity, e.g. urban greening, greenfields, priority growth area, jurisdictional and conservation (water supply).

Response:

That the Provincial Policy Statement include a growth target for employment lands to reinforce the importance of maintaining an employment and housing balance.

That the Province include accessibility references in policy statements concerning transportation systems.

That policy statements dealing with mineral aggregate resources make some allowance for potential reuse, recycling and conservation measures of the resource.

That a municipal Official Plan, which is approved in conformity with the Provincial Policy Statement, be deemed the local interpretation of Provincial interests thereby removing the need to refer to the policy statement when making local planning decisions.

That the Province coordinate the terminology used in documents dealing with planning matters.

That definitions be included in the Provincial Policy Statement for “urban greening”, “greenfields”, “priority growth area”, “jurisdictional” and “conservation”.

Ontario Municipal Board Reforms (Consultation Discussion Paper #3)

The Ontario Municipal Board is an independent quasijudicial tribunal that hears appeals on land use planning matters. Reforms that are being considered affect the following:

- 1) OMB Mandate and Scope
- 2) Decision Making Process
- 3) Other Reforms

1) OMB Mandate and Scope

The City of Guelph supports the Province investigating ways of streamlining/limiting the type of applications that can be appealed to the OMB particularly in situations where the municipal Official Plan conforms to the Provincial Policy Statement.

Currently the OMB is the final arbitrator on application decisions made under *The Planning Act*, from Official Plan Amendments down to minor variances. Significant time and expense can be saved by streamlining/limiting the type of applications that can be appealed. This reduction in OMB hearings would allow the Board to focus on more significant policy/process issues and render quicker decisions. In particular, appeal mechanisms for minor variances should be reviewed given that provincially the majority of OMB Hearings are for minor variances followed by consent applications.

In the City of Guelph over 71% of Board hearings are for minor variance applications with the Committee of Adjustment’s decision being supported by the Board close to 90% of the time (See Table Two). All of Council’s positions on Official Plan Amendments and Zoning Bylaws have generally been supported by the OMB. Most decisions follow a full hearing process with mediation being used only twice. The timing of Board decisions ranges from 57 days to 241 days from when the request is made to when a decision is rendered.

**Table Two: City of Guelph OMB Statistics, 2001 – 2004
Number of Hearings: 24**

Application Type Breakdown	Decision Process Breakdown	Committee Position
OPA 5%	Hearing 75%	Approved 87%
OPA/ZBC 5%	Mediation 8%	Conditional 4%
Zoning bylaw 14%	Withdrawn 17%	Denied 8%
Consent 5%		
Variance 71%		

Response:

That the Province investigate ways of streamlining/limiting the type of applications that can be appealed to the OMB where a municipal Official Plan conforms to the Provincial Policy Statement.

2) Decision Making Process

The City of Guelph supports greater use of alternative dispute mechanisms and the use of Provincial OMB field experts to assist in decision making or at least hold meetings of like experts to establish areas of consensus and itemize outstanding issues. Although the vast majority of land use disputes continue to be handled by full blown formal hearings, the City's experience with mediation is that it has helped scope issues and reduced hearing timeframes. Consensus building approaches and other means of conflict resolution should be used more frequently in parallel with Board hearing processes in an effort to move the process along and keep it less adversarial. The OMB has become an arena for lawyers and experts, leaving applicants, public representatives and the principles of good planning often lost in technical and legal jargon.

Public advisers for appellants would also be helpful. Often applications are brought through a Board process without an understanding of the Board's role or the principles of good planning. Public advisors could help educate the public on good planning principles and Board roles/processes. A plain language OMB hearings handbook should also be written in plain language to help build awareness and understanding.

The OMB, like municipalities, should also be subject to specified timeframes in scheduling hearings and rendering decisions.

Response:

That the Ontario Municipal Board make greater use of alternative dispute mechanisms and hold prehearing sessions to scope issues and determine areas of consensus.

That the Ontario Municipal Board be subject to specified timeframes in scheduling hearings and rendering decisions.

That a plain language handbook be developed outlining the Ontario Municipal Board process and role. In addition, that Provincial public advisors be made available for applicants.

CONSENT AGENDA

February 6, 2006

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

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

A Reports from Administrative Staff

REPORT	DIRECTION
<p>A-1) 1511810 ONTARIO INC. – HANLON BUSINESS PARK</p> <p>THAT the Corporation of the City of Guelph enter into, and the Mayor and Clerk be authorized to sign, an Amending Agreement with 1511810 Ontario Inc. to amend the minimum building coverage requirement from 9,000 sq. ft. to 11,116 sq. ft. as contained in Section 3(a)(i) of the Development Covenants and Restrictions attached to the original Offer to Purchase dated July 13, 2004, for the lands described as Part of Lots 7 and 9, Registered Plan 687 and designated as Part 3 on Reference Plan 61R-7562, in the Hanlon Business Park and to amend the Closing Date to March 20, 2006;</p> <p>AND THAT the City Solicitor be directed to prepare the necessary Amending Agreement with all costs, including registration costs, to be borne by 1511810 Ontario Inc.</p>	Approve
<p>A-2) ALMONDALE HOMES LIMITED (LINKE PROPERTY) – PROPOSED DRAFT PLAN OF SUBDIVISION AND ASSOCIATED ZONING BY-LAW AMENDMENT (FILE 23T-04501 / ZC0404)</p> <p>THAT the recommendations on Schedule 2 be approved.</p>	Approve
<p>A-3) OMB HEARING – PROPOSED VARIANCE FOR FENCE HEIGHT AT 161 DIMSON AVENUE</p> <p>THAT the City not be a party at the upcoming Ontario Municipal Board hearing resulting from an appeal to the Committee of Adjustment's Decision A-128/05 concerning a variance for fence height at 161 Dimson Avenue.</p>	Approve
B ITEMS FOR DIRECTION OF COUNCIL	

C ITEMS FOR INFORMATION OF COUNCIL

attach.



Report: A-1

ECONOMIC DEVELOPMENT

Economic Development Division

TO: Council

DATE: 2006/02/06

SUBJECT: 1511810 ONTARIO INC. - HANLON BUSINESS PARK

RECOMMENDATION:

1. "That the Corporation of the City of Guelph enter into, and the Mayor and Clerk be authorized to sign, an Amending Agreement with 1511810 Ontario Inc. to amend the minimum building coverage requirement from 9,000 sq. ft. to 11,116 sq. ft. as contained in Section 3(a)(i) of the Development Covenants and Restrictions attached to the original Offer to Purchase dated July 13, 2004, for the lands described as Part of Lots 7 and 9, Registered Plan 687 and designated as Part 3 on Reference Plan 61R-7562, in the Hanlon Business Park and to amend the Closing Date to March 20, 2006."
2. "That the City Solicitor be directed to prepare the necessary Amending Agreement with all costs, including registration costs, to be borne by 1511810 Ontario Inc."

SUMMARY:

N/A

BACKGROUND:

Council approved the sale of a 2.552 acre site in the Hanlon Business Park to 1511810 Ontario Inc. at its July 12, 2004 meeting. To accommodate a specific user, the Offer was conditional upon the Purchaser obtaining a minor variance to reduce the minimum building size requirement from 10% to 8.1% of the lot area. A minor variance was not obtained and the Purchaser has now advised our office that they are working with new potential users and would like to proceed with the purchase.

REPORT:

The Purchaser has waived the condition contained in the original Offer with respect to obtaining a minor variance to permit a reduction in the minimum building size requirement. The Purchaser agrees to build the required minimum 10% as set out in the Zoning By-law and has requested the City to enter into an Amending Agreement to amend Section 3(a)(i) of the Development Covenants & Restrictions attached to the original Offer from 9,000 sq. ft. minimum building coverage (8.1%) to 11,116 sq. ft. (10.0%), to amend the Closing Date to March 20, 2006, and to pay all costs including registration costs associated with this. A copy of the letter from the Purchaser is attached. They also waived the "As Is" condition and the "Title" requisitions provisions contained in the original Offer except for any matters that go to the root of title that may arise prior to closing. All other terms and conditions contained in the original

Offer and the Development Covenants & Restrictions attached thereto are to remain in full force and effect and time is to be of the essence. The alternative is to terminate the Agreement and place the land back on the open market. We recommend the Amending Agreement be approved and prepared to allow for the closing of this sale.

CORPORATE STRATEGIC PLAN:

Operational and Administrative in nature.

FINANCIAL IMPLICATIONS:

No financial expenditure implications. Land sale revenue of \$178,500.00.

DEPARTMENTAL CONSULTATION/CONCURRENCE:

Legal Department provided input and is in concurrence with the report.

COMMUNICATIONS:

N/A

ATTACHMENTS:

Attachment #1: Purchaser's letter of request.

Attachment #2: Site Map - Hanlon Business Park



Prepared By:

Jim Mairs

Manager, Economic Development

519-837-5600

jim.mairs@guelph.ca



Recommended By:

Peter Cartwright

Director of Economic Development

519-837-5600

peter.cartwright@guelph.ca

Approved for Presentation:

Larry Kotseff

Chief Administrative Officer



Report:A-2

06-22

PLANNING AND BUILDING SERVICES

Planning

TO: Council

DATE: February 6, 2006

SUBJECT: ALMONDALE HOMES LIMITED (LINKE PROPERTY) - Proposed Draft Plan of Subdivision and Associated Zoning By-law Amendment (File 23T-04501/ZC0404) – Ward 2

RECOMMENDATION:

“THAT the recommendations on Schedule 2 be approved.”

BACKGROUND:

On January 16, 2006, Guelph City Council held the mandatory Public Meeting pursuant to Sections 51(19) and 34(12) of The Planning Act for the Plan of Subdivision and related Zoning Bylaw Amendment. At this meeting, Council passed the following resolution:

"THAT the application by J.L. Cox Planning Consultants Inc. on behalf of Almondale Homes Limited for approval of a Draft Plan of Subdivision and associated Zoning By-law Amendment (File 23T-04501/ZC0404) be placed on the City Council agenda of February 6, 2006 for a decision".

The subject site is bounded by Watson Road and the former Eastview landfill site to the west, Eastview Road to the south, and the City boundaries to the north and east. (see **Schedule 1**).

The overall subdivision proposal shown on **Schedule 3** consists of a variety of lots and blocks that will accommodate various forms of residential uses. The total number of dwelling units proposed in the entire subdivision is between 483 to 528 units. A service commercial block (Block 42), a centrally located neighbourhood park (Block 40), and a stormwater management facility (Block 43) are also included within the overall proposal.

The developer is requesting draft plan approval for Phase 1 of the overall subdivision, as shown on **Schedule 4**. Phase 1 includes the southerly portion of the subject lands north of Eastview Road. A maximum of 176 residential units are included within this first phase, consisting of 89 to 108 single detached units, 32 semi-detached units and 36 on-street townhouse units. The service commercial block and the neighbourhood park are included within Phase 1. The Staff recommendation contained in **Schedule 2** is based on this phased plan.

REPORT:

One minor change to **Condition 28** in **Schedule 2** has been implemented. The revision reflects an update made to the wording of this standard condition since the original

conditions were prepared. This particular condition is used to ensure that the lots abutting the road extension east of Street A are conveyed to the City until such time that the road can be extended beyond the limits shown on the draft plan, or it can be demonstrated that the lots can be graded to final elevations to the satisfaction of the Commissioner of Environment and Transportation. The former wording of this condition included the statement that these lots would only be conveyed back to the Developer upon development of adjacent lands. The revised wording currently included in **Condition 28** provides added flexibility for the reconveyance of these lots upon approval from the Commissioner of Environment and Transportation.

The draft plan of subdivision conforms to the policies and land use schedules of the Official Plan.

The timing of the proposed subdivision is consistent with the approved 2006 Development Priorities Plan that anticipates the consideration of draft plan approval of Phase 1 occurring in 2006, with registration of Phase 1 occurring in 2007. The maximum of 176 residential units currently being considered for draft plan approval within the first phase of development is in accordance with the City phasing policy for large scale subdivisions.

No objections to the draft plan were received from the public or from responding agencies.

Planning staff support this application and offer the resolution on **Schedule 2** to City Council for approval.

ATTACHMENTS: **Schedule 1** – Location Map
 Schedule 2 – Regulations and Conditions
 Schedule 3 – Proposed Plan of Subdivision and Details

Prepared By:
Chris DeVriendt, Senior Development Planner

Recommended By:
R. Scott Hannah,
Manager Development Planning

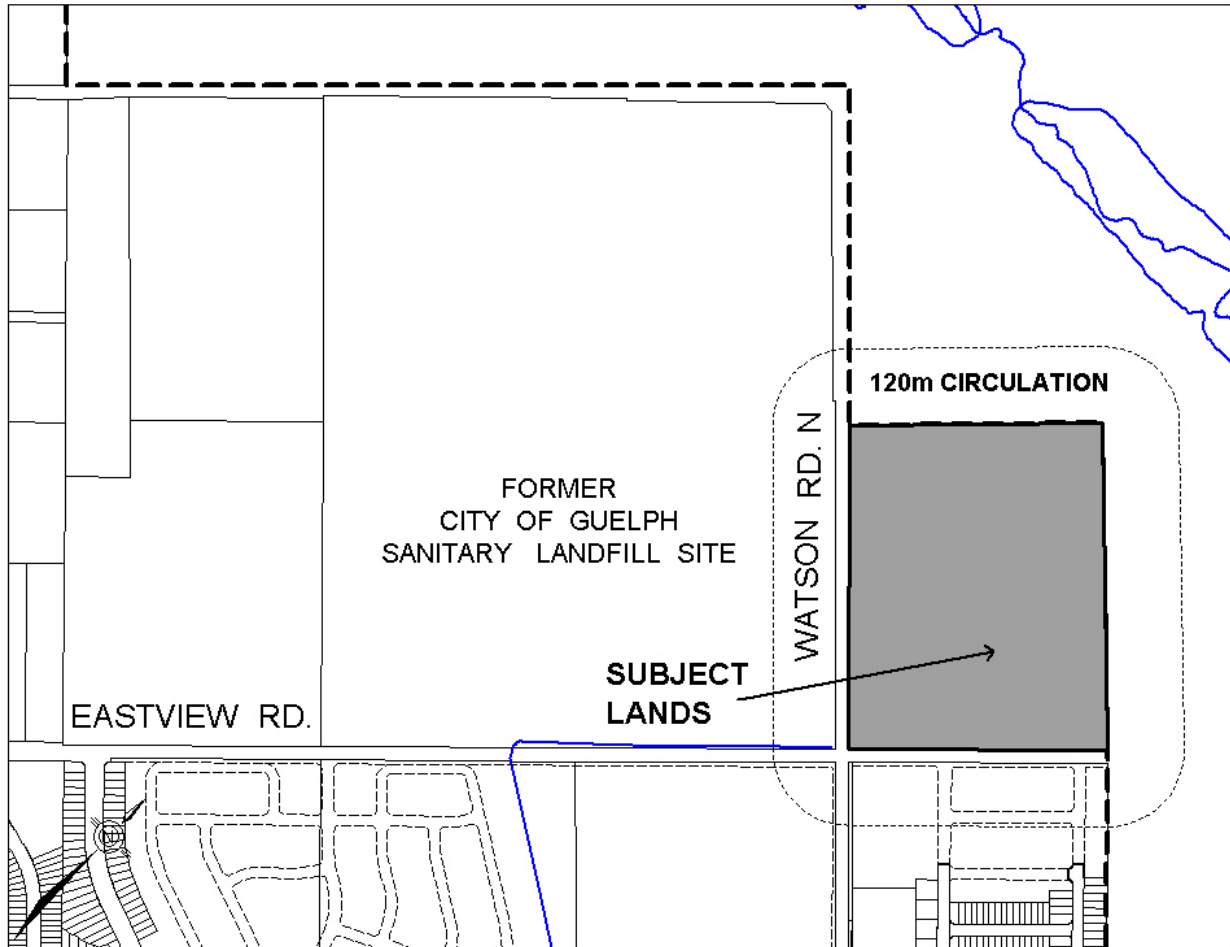


Recommended By:
James N. Riddell,
Director of Planning and Building Services

Approved for Presentation:
Larry Kotseff
Chief Administrative Officer

SCHEDULE 1

LOCATION MAP



SCHEDULE 2

REGULATIONS AND CONDITIONS

"THAT the application by J.L. Cox Planning Consultants Inc. on behalf of Almondale Homes Limited for approval of a Draft Plan of Subdivision and associated Zoning By-law Amendment (File 23T-04501/ZC0404) on lands municipally known as 340 Eastview Road and described legally as Part Lot 6, Concession 5, Division C, City of Guelph, **be approved in part**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by J.L. Cox Planning Consultants Inc. on behalf of Almondale Homes Limited, Project No. 0303, dated November 15, 2005, to include the first logical phase of development of a maximum 176 residential units, neighbourhood park and Service Commercial block, as shown on **Schedule 4**, including road widenings and reserves.

Conditions to be met prior to grading or site alteration

2. That the draft plan of subdivision dated November 15, 2005 be amended as follows;
 - a) A 300mm reserve be shown within Lot 13, Block 41 and 43 abutting the Watson Road and Eastview Road rights-of-way.
 - b) An 10m radius daylighting be shown within Block 42 at the intersection of Watson Road and Eastview Road.
3. That the Developer complete a **tree inventory and conservation plan**, satisfactory to the Commissioner of Environment and Transportation in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading or construction on the site. (Engineering)
4. That the Developer agrees to **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 release of the subdivision agreement on the block/lot so disturbed. (Engineering)
5. That the Developer agrees to prepare a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the Commissioner of Environment and Transportation. Any costs related to the implementation of such a plan shall be borne by the Developer. Any damage or maintenance required to surrounding streets as a result of such traffic shall be at the Developers cost. (Engineering)

6. That the Developer agrees that no work, including, but not limited to tree cutting, grading or filling, will occur on the lands until such time as the Developer has obtained written permission from the Commissioner of Environment and Transportation or has entered into a Subdivision Agreement with the City. (Engineering)
7. That prior to any grading or construction on the site, the Developer enters into an **Engineering Services Agreement** with the City, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph. (Engineering)
8. That the Developer prepare an overall **site drainage and grading plan**, satisfactory to the Commissioner of Environment and Transportation, for the entire subdivision, prior to any grading or construction on the site. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision. (Engineering)
9. That the Developer constructs, installs and maintains **erosion and sediment control** facilities, satisfactory to the Commissioner of Environment and Transportation, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the Commissioner of Environment and Transportation. (Engineering)
10. That the Developer shall provide a qualified **environmental inspector**, satisfactory to the Director of Planning and Building Services, 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. (Planning)
11. That the Developer shall submit a **Storm Water Management Report and Plan** to the satisfaction of the Commissioner of Environment and Transportation which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines and the Storm Water Management Design Report for the Hadati Creek Watershed. Operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City of Guelph's Public Works Department (Engineering)
12. That any **domestic wells located within the lands be properly abandoned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the Commissioner of

Environment and Transportation. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned. (Engineering)

13. The developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

Conditions to be met prior to execution of subdivision agreement

14. That the Developer is responsible for the **total cost of the design and construction** of all municipal services required to service the lands within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities unless otherwise funded under the provisions of a legal and binding agreement with another party. The distance and alignment of such services will be determined by the City of Guelph. Municipal services external to the plan include, but are not limited to, the reconstruction of Watson Road and Eastview Road in order to allow for proper geometrics at the intersections of Street A and E and the construction of storm and sanitary sewers and watermains between the lands and existing municipal infrastructure. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses. (Engineering)
15. That the Developer pay a share of the cost of all **existing municipal services** within and abutting the proposed subdivision, as determined by the Commissioner of Environment and Transportation. (Engineering)
16. That the Developer pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City. (Engineering)
17. That the Developer pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **tree planting** within the proposed subdivision. (Engineering)
18. That the Developer pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit. (Engineering)
19. The Developer shall have **engineering servicing drawings** and **final reports** prepared for the approval of the Commissioner of Environment and Transportation. These drawings must reflect the recommendations of

all approved reports and studies prepared in support of this application. Such recommendations will be implemented at the cost of the Developer (Engineering)

20. That the Developer shall submit a **Geotechnical Report** to the satisfaction of the Commissioner of Environment and Transportation which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding. (Engineering)
21. That the Developer agrees to provide two second order, second level **Geodetic Benchmarks** in locations within the proposed subdivision to the satisfaction of the Commissioner of Environment and Transportation. (Engineering)

Conditions to be met prior to registration of the plan

22. That prior to the registration of the plan, or any part thereof, the approval of the City must be obtained with respect to the availability of **adequate water supply and sewage treatment capacity**. (Engineering)
23. That the Developer agrees that, in the event that development of the property is to be phased, a **phasing plan** must be submitted prior to final approval of the first phase. The phasing plan shall indicate the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading and the construction of public services, all to the satisfaction of the City of Guelph. Such phasing must be in conformance with the current Development Priorities Plan, and specifically:
 - a) no development or registration shall take place on Lots 1 to 12 until Eastview Road is reconstructed and services are provided (Planning)
24. That the Developer acknowledges that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a properly qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City 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 the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination. (Legal)
25. That prior to final approval of the plan, the Developer enters into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph. (Legal)

26. That the Developer **deeds** to the City all lands, or provides an **easement** over any lands required for Storm Water Management facilities. (Legal)
27. That the Developer deeds to the City a 5 metre widening abutting Watson Road and a 5 metre widening abutting Eastview Road across the entire frontage of the lands in which the Developer has an interest prior to the registration of the first phase of development within the lands. (Legal)
28. That Lot 33 and all lots within Block 34 that abut the proposed road extensions east of Street A be deeded to the City and held until specific roads in the plan can be constructed and extended beyond the **terminus of the road** as shown on the Draft Plan, or it is demonstrated that the lots can be graded to final elevations to the satisfaction of the Commissioner of Environment and Transportation.
29. That the Developer shall dedicate **Block 40** for parks purposes in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
30. Prior to the subdivision registration for any Phase containing a Park, the developer shall be responsible for the cost and development of the "Basic Park Development" as per the City of Guelph Recreation and Parks Division's "Specifications for Parkland Development", which includes clearing, grubbing, topsoiling, grading and sodding to the satisfaction of the Director of Community Services. (Community Services)
31. Prior to the registration of all or any portion of the plan containing a park block, the developer shall provide security to the satisfaction of the City for the estimated cost of park development. (Community Services)
32. That prior to the registration of the plan, the developer shall demarcate the boundaries of stormwater management **Block 43** and Park **Block 40** in accordance with the "City of Guelph Property Demarcation Policy". This shall include submitting drawings completed by a registered Ontario Association of Landscape Architect (OALA) member for approval, identifying the concrete markers and living fences, to the satisfaction of the Commissioner of Environment and Transportation and Commissioner of Community Services. The developer shall be responsible for the cost of design and development of the living fence and property demarcation for the stormwater management and Park Blocks. (Community Services)
33. That prior to the registration of the plan, the developer shall be responsible for the cost of design for the **stormwater management pedestrian trail link** to the commercial plaza. This shall include submitting drawings for approval, identifying the trail system and interpretive signage, to the satisfaction of the Commissioner of Community Services. (Community Services)

34. That the developer agrees to provide Community Services with a digital file of the plan of subdivision in either AutoCad – DWG format or DXF Format containing the following information: parcel fabric, street network, and final approved grades/contours of the park, open space and storm blocks. (Community Services)
35. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be granted free and clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. (Legal)
36. That the Developer shall pay any **outstanding debts** owed to the City, prior to the registration of the proposed plan of subdivision. (Planning)
37. That the Developer pay **development charges** to the City in accordance with By-law Number (2004) - 17361, 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. (Finance)
38. That the Developer provide an **on-street parking plan** prior to registration of the plan indicating where on-street parking is to be made available and where appropriate signage is required to the satisfaction of the Commissioner of Environment and Transportation. (Engineering)
39. That the Developer shall notify all purchasers that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard. (Building)
40. That the Developer agrees to erect **signage** at all entrances to the subdivision prior to the sale of any lots and prior to commencement of subdivision construction which provides notification of the proposed land use within and surrounding the subdivision, road pattern, lotting, phasing of the proposed subdivision, the properties abutting the development, location of postal facilities and stormwater management facilities, and lots subject to warning clauses. The signs shall be resistant to weathering and vandalism. (Planning)
41. That the Developer agrees to place the following **notifications** in all offers of purchase and sale for all lots and/or units and in the City's development agreement to be registered on title (Planning):
 - "Purchasers and/or tenants of lots or units adjacent to or near the Stormwater Management Block are advised that the Stormwater Management 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 walkways, bikeways and trails.”

- “Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling.”
- “Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on streets within the subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages.”
- “Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris and construction traffic”.
- “Purchasers and/or or units in the area of ‘stub roads’ are advised that these roads are to be extended at some future date when the adjacent lands are developed”.
- “Purchasers and/or tenants of all lots or units located adjacent to the City of Guelph boundary are advised that land adjacent to this subdivision is being actively farmed which includes activities such as herbicide application, planting and harvesting of various crops which may affect the living environment of residents living in close proximity to the farming operations.”

42. That all **telephone service and cable TV service** in the plan be installed underground and the Developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to registration of the plan of subdivision. (Engineering)

43. That **street lighting** and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc. (Engineering)

44. The Developer shall **demarcate** and **fence** (living and/or chain link), the boundaries of all lands conveyed to the City in accordance with the policies of the City. (Parks)

45. That the Developer agrees to **locate and construct all driveways** accessing municipal streets to the satisfaction of the Commissioner of Environment and Transportation. (Engineering)
46. That all existing **roads to be closed** and/or used for emergency access be constructed to a standard acceptable to the Commissioner of Environment & Transportation at the expense of the Developer. (Engineering)
47. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying all fill placed below proposed building locations. 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. (Building)
48. 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 of subdivision in accordance with applicable provisions contained in the Ontario Building Code. (Building)
49. That prior to the registration of the plan, the developer shall install a 1.8 metre high chain link fence and landscaping (which may include the retention of existing vegetation) along any lot or Block abutting the common boundary between the City and the Township of Guelph/Eramosa, to the satisfaction of the Director of Planning. (Planning)

Agency Conditions

50. The developer agrees to meet all requirements of **Guelph Hydro Electric Systems Inc.** including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro Electric Systems Inc. in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro Electric Systems Inc., prior to the registration of the plan.
51. That the developer shall complete the following conditions to the satisfaction of the **Upper Grand District School Board**:
- a) That adequate sidewalks, lighting and snow removal be provided in the proposed subdivision to allow children to walk safely to school.
 - b) That 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 of DXF format containing the following information: parcel fabric and street network.

- c) That the developer agrees in the subdivision 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.

- d) That 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.

52. That the developer shall complete the following conditions to the satisfaction of the **Wellington Catholic District School Board**:

- a) That the developer and the Wellington Catholic District School Board 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 school in the area be at capacity.
- b) Where walkways and sidewalks are planned, that they be maintained on a year-round basis and that vegetative plantings in these locations be appropriately designed to provide a safe walking environment for students.
- c) That a 12 metre centre-line radius be maintained for the roadway illustrated on the plan including turning circles, in order to accommodate school bus turning movements.

53. The developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner 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. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.

54. That prior to any grading or construction on the site and prior to the registration of the plan, 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 storm water management report in accordance with the 2003 Ministry of Environment and Energy Report entitled, "Stormwater Management Practices Planning and Design Manual".
 - b) An erosion and siltation control plan in accordance with the Grand River Conservation Authority's 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, including a monitoring and maintenance plan and provisions for timely revegetation of the site.
 - c) A lot grading and drainage control plan showing the limits of all grading, including existing and proposed grades.
55. That the subdivision agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports contained in **Condition 54**.
56. Draft Plan Approval of the subdivision shall lapse at the expiration of **3 years** from the date of issuance of Draft Plan Approval.
57. 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 43 and 50 have been satisfied.
58. That prior to the registration of all, or any portion of, the plan, **Bell Canada** shall advise the City in writing, how Condition 42 has been satisfied.
59. That prior to the registration of all, or any portion of, the plan, the **Upper Grand District School Board** shall advise the City in writing, how Conditions 51 has been satisfied.
60. 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 52 has been satisfied.
61. That prior to the registration of all, or any portion of, the plan, the **Canada Post** shall advise the City in writing, how Condition 53 has been satisfied.
62. 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 54 and 55 have been satisfied."

AND

“THAT the proposed rezoning of the lands be approved and City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1994)-14864, as amended, to rezone the subject lands as follows:

LOTS/BLOCKS	LAND USE	ZONING
Lots 1-12	Single detached Residential Min. Front Yard 15m	R.1B
Lots 13-33	Single detached Residential Min. Front Yard 12m	R.1C
Blocks 35-39	Single detached Residential Min. Front Yard 9m	R.1D
Block 34	Semi-detached Residential	R.2
Block 41	On-street Townhouses	R.3B
Block 42	Service Commercial	SC.1
Block 40	Neighbourhood Park	P.2
Block 43	Stormwater Management	P.1

SCHEDULE 3

ORIGINAL OVERALL PROPOSED DRAFT PLAN OF SUBDIVISION AND DETAILS

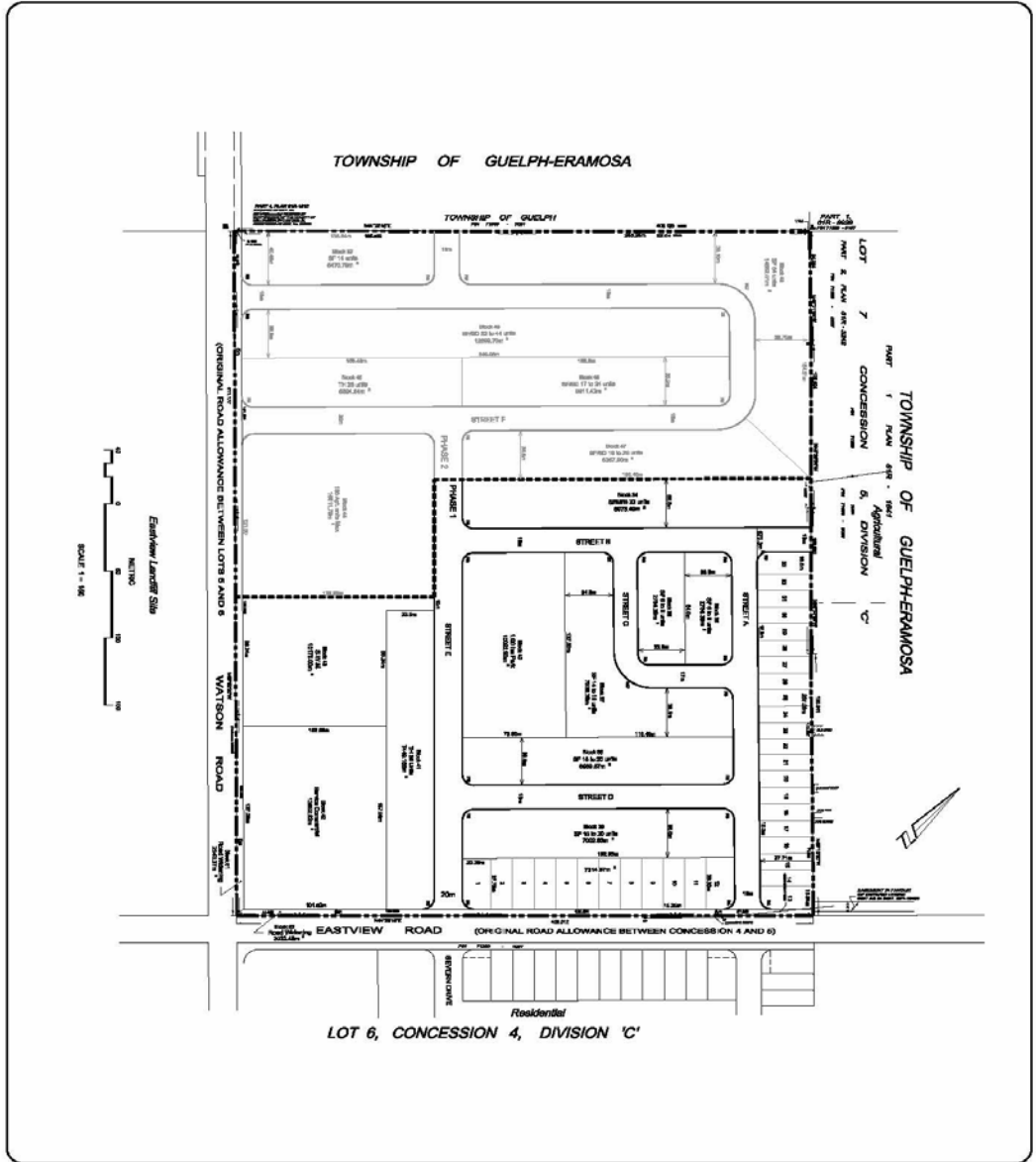
LAND USE SCHEDULE

LOTS/BLOCKS	LAND USE	AREA
PHASE 1		
Lots 1-33 Blocks 35-39, 48, 50	Single-Detached Residential	6.532 hectares
Blocks 46-47, 49	Single-Detached / Semi-Detached	2.790 hectares
Block 34	Semi-Detached Residential	0.897 hectares
Block 41, 45	Medium Density Residential	1.314 hectares
Block 44	High Density Residential	1.651 hectares
Block 42	Service Commercial	1.395 hectares
Block 43	Storm Water Management	1.014 hectares
Block 40	Park	1.000 hectares
Streets and Road Widenings		4.273 hectares
TOTAL AREA		20.87 hectares

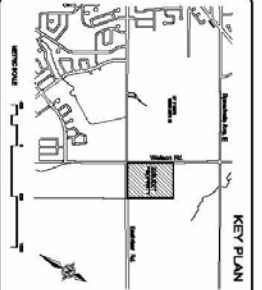
DWELLING UNIT BREAKDOWN

LOTS/ BLOCKS	UNIT TYPE	UNITS (minimum – maximum)
Lots 1 to 33, Blocks 35-39, 48, 50	Single-detached dwelling	157-176
Blocks 46-47, 49	Single / Semi- Detached dwellings	68-94
Block 34	Semi-Detached Residential	32
Blocks 41, 45	On-street townhouses	61
Block 44	Apartment units	165
TOTAL UNITS		483 - 528

SCHEDULE 4 RECOMMENDED PHASE 1 PLAN AND DETAILS



**DRAFT PLAN OF SUBDIVISION
CITY OF GUELPH**



Part of Lot 6
Concession 5, Division C
City of Guelph
County of Wellington

MANAGING COUNCIL

The City of Guelph

City Manager: _____

City Councillor: _____

DESIGN CRITERIA

Item	Req'd	Prop'd	Compliance
Lot Area	1,000 sq. m	1,200 sq. m	Yes
Front Setback	1.0 m	1.5 m	Yes
Side Setback	0.5 m	0.5 m	Yes
Rear Setback	0.5 m	0.5 m	Yes
Max. Building Height	10.0 m	10.0 m	Yes
Max. Lot Coverage	30%	25%	Yes
Min. Front Yard Width	3.0 m	3.0 m	Yes
Min. Side Yard Width	1.0 m	1.0 m	Yes
Min. Rear Yard Width	1.0 m	1.0 m	Yes
Min. Front Yard Setback	1.0 m	1.0 m	Yes
Min. Side Yard Setback	0.5 m	0.5 m	Yes
Min. Rear Yard Setback	0.5 m	0.5 m	Yes
Min. Front Yard Setback (for 1st floor)	1.0 m	1.0 m	Yes
Min. Side Yard Setback (for 1st floor)	0.5 m	0.5 m	Yes
Min. Rear Yard Setback (for 1st floor)	0.5 m	0.5 m	Yes
Min. Front Yard Setback (for 2nd floor)	1.0 m	1.0 m	Yes
Min. Side Yard Setback (for 2nd floor)	0.5 m	0.5 m	Yes
Min. Rear Yard Setback (for 2nd floor)	0.5 m	0.5 m	Yes
Min. Front Yard Setback (for 3rd floor)	1.0 m	1.0 m	Yes
Min. Side Yard Setback (for 3rd floor)	0.5 m	0.5 m	Yes
Min. Rear Yard Setback (for 3rd floor)	0.5 m	0.5 m	Yes

JL Oak Planning Consultants Inc.

City and Rural Planning Services

1111 GERRARD ST. E. SUITE 100
SCARBOROUGH, ONT. M1B 4Y7
TEL: (416) 291-1111
WWW.JLOAK.COM

Project No. 0202
Project Name: 151000
Date: 11/13/2024

SCHEDULE 4

RECOMMENDED PHASE 1 PLAN AND DETAILS

LAND USE SCHEDULE

LOTS/BLOCKS	LAND USE	AREA
Lots 1-33, Blocks 35-39	Single-Detached Residential	4.45 hectares
Block 34	Semi-Detached Residential	0.897 hectares
Block 41	Medium Density Residential	0.745 hectares
Block 42	Service Commercial	1.395 hectares
Block 43	Storm Water Management	1.014 hectares
Block 40	Park	1.000 hectares
TOTAL AREA		9.5 hectares

DWELLING UNIT BREAKDOWN

LOTS/ BLOCKS	UNIT TYPE	UNITS (minimum – maximum)
Lots 1-33, Blocks 35-39	Single-detached dwelling	89-108
Block 34	Semi-Detached Residential	32
Block 41	On-street townhouses	36
TOTAL UNITS		157 - 176



Report: A-3

PLANNING AND BUILDING SERVICES

Planning

(Report 06-18)

TO: Council

DATE: February 6, 2006

SUBJECT: OMB HEARING – Proposed variance for fence height at 161 Dimson Avenue

RECOMMENDATION:

"THAT the City not be a party at the upcoming Ontario Municipal Board hearing resulting from an appeal to the Committee of Adjustment's Decision A-128/05 concerning a variance for fence height at 161 Dimson Avenue."

SUMMARY:

An appeal to the Committee of Adjustment's decision A-128/05 for a fence height variance at 161 Dimson Avenue has been received by the City of Guelph and the Ontario Municipal Board hearing will be scheduled in the near future. Staff recommend that the City not be a party to this hearing.

REPORT:

The Committee of Adjustment considered an application for a variance to the Zoning By-law for the property municipally known as 161 Dimson Avenue at their meeting on November 22, 2005. The applicant was seeking a variance to the regulations for fence height in a side yard (See **Schedule 1**: Notice of Application).

The subject property is located on the north side of Dimson Avenue, generally to the east of the intersection of Gordon Street and Hands Drive and is within the Old Stone Estates subdivision (see **Schedule 2**: Location Map). The subject property is zoned R.1A (Residential Single Detached).

In June 2005, the property owners applied to the City of Guelph for a building permit for an in-ground pool. Properties with swimming pools are required to be fenced. The property owners consulted with City staff regarding the fence regulations. The applicants constructed their fence and believed that they had conformed to the regulations. As a result of a complaint, City staff attended the property to meet with the owner about the fence height. Upon inspection of the property, it was discovered that a portion of the fence in what is technically the side yard had been built to the height permitted in the rear yard area of the property. The property owners were advised to apply for a variance.

The Zoning By-law permits a maximum height of 1.9 metres (6.23 feet) for a fence in the interior side yard and a maximum height of 2.5 metres (8.2 feet) for a fence in the rear yard. The rear yard section of the fence is defined in the zoning by-law as that portion of the fence located to

the rear of the rear wall of the main building. This application for a variance applies to a section of the fence measuring 1.37 metres (4.5 ft) in length in the left side yard and the section of the fence supporting the side yard gate in the right side yard which have a height of 2.36 metres (7.75 ft) where the zoning by-law permits a maximum fence height of 1.9 metres (6.23 ft) (see **Schedule 1: Notice of Application**).

Planning and Building Services staff recommended to the Committee of Adjustment that the application for fence height variance should be approved (see **Schedule 3: Staff Comments**). The variance applies to a small section of the fence to the rear of the garage and a section connecting the fence to the east side wall of the house. Staff concluded that the variance to permit this increased height was minor in nature and maintained the intent of the zoning by-law for fence height regulations. One neighbour appeared at the hearing in opposition to the variance. The Committee of Adjustment supported staff's position in approving the variance (see **Schedule 4: Minutes of Meeting**). The neighbour who opposed the variance submitted a letter of appeal on December 12, 2005 (see **Schedule 5: Letter of Appeal**).

There is no significant municipal interest in this application. Planning staff recommend that the City not be a party at the upcoming hearing. City staff involvement with this hearing would only be under summons.

CORPORATE STRATEGIC PLAN:

N/A

FINANCIAL IMPLICATIONS:

N/A

DEPARTMENTAL CONSULTATION/CONCURRENCE:

The Legal Department has reviewed this report.

COMMUNICATIONS:

N/A

ATTACHMENTS:

- Schedule 1 – Notice of Application
- Schedule 2 – Location Map
- Schedule 3 – Staff Comments
- Schedule 4 – Committee of Adjustment Meeting Minutes
- Schedule 5 – Letter of Appeal

Prepared By:
Melissa Castellan
Senior Development Planner

Recommended By:
R.Scott Hannah
Manager of Development Planning

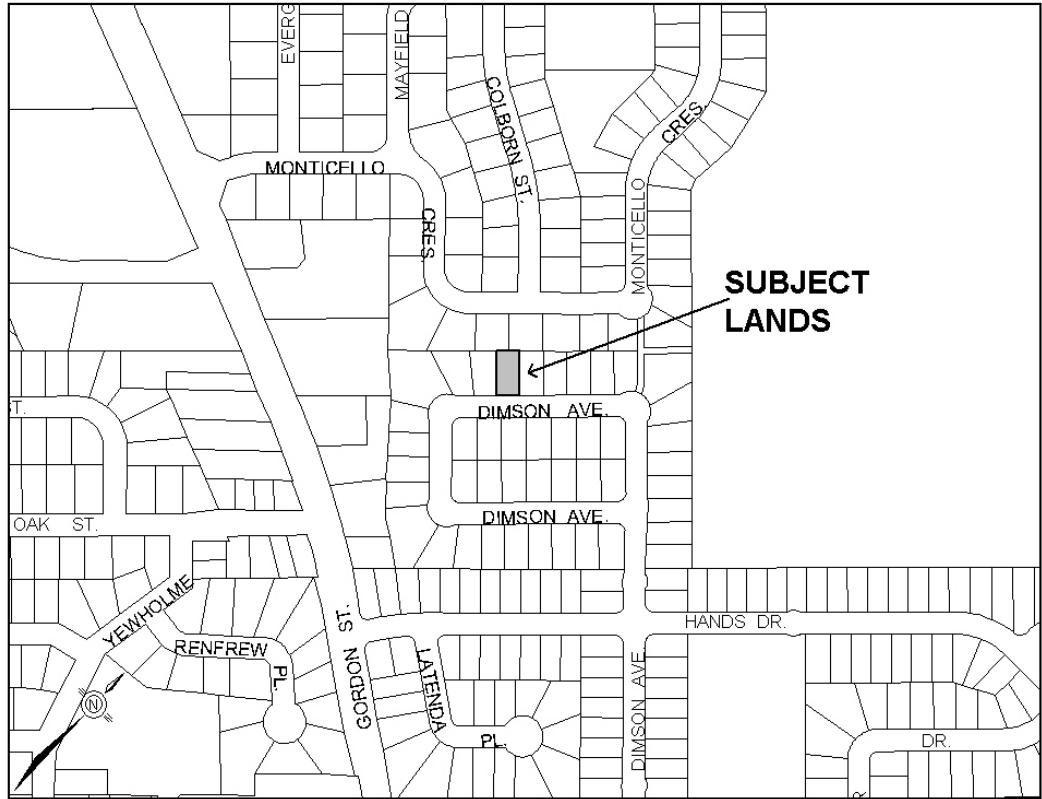
Reviewed by:
Lois Payne
City Solicitor

Recommended By:
James N. Riddell
Director of Planning and Building Services

Approved for Presentation:
Larry Kotseff
Chief Administrative Officer

SCHEDULE 2

Location Map



- **BYLAWS** -

- **February 6, 2006** -

By-law Number (2006)-17937

A by-law to amend By-law Number (2002)-17017. (amending Janefield Ave. in No Parking Schedule – Schedule XV)

A by-law to amend the Traffic By-law.

By-law Number (2006)-17938

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 284 Exhibition Street. (legally described as Part Lot 15, Range 2, Division A, Plan 148, designated as Parts 1 to 13 inclusive, 61R10126; T/W Easement over Pt 1 61R9773 as in WC72538 – File Number ZC0315)

A by-law to amend the Zoning By-law as approved by Council.

By-law Number (2006)-17939

A by-law to remove lots from Part Lot Control. (Lot 68, Plan 61M107 designated as Parts 17 and 18, Reference Plan 61R10183; Lot 71, Plan 61M107 designated as Parts 11 and 12, Reference Plan 61R10183 and Lot 73, Plan 61M107 designated as Parts 7 and 8, Reference Plan 61R10183 in the City of Guelph)

A by-law to remove lots from Part Lot Control.

By-law Number (2006)-17940

A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and Stantec Consulting Ltd. (Professional Consulting Services for the servicing of the Victoriaview North Subdivision)

A by-law to authorize the execution of a Professional Consulting Services Agreement for the servicing of the Victoriaview North Subdivision.

By-law Number (2006)-17941

A by-law to authorize the execution of an Agreement between Victoriaview North Developments Inc. and Northview Estates Ltd. and The Corporation of the City of Guelph. (servicing of the Victoriaview North Developments Inc. and Northview Estates Ltd. subdivisions)

A by-law to authorize the execution of an Engineering Services Agreement for the servicing of the Victoriaview North Subdivision.

