

Council Committee Room B  
May 1, 2006 5:00 p.m.

**A meeting of Guelph City Council.**

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

Absent: Councillors Baily and Kovach

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Ms. P. Blais, Director of Human Resources; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Mr. J. Riddell, Director of Planning & Development Services; Mr. A. Goldie, Manager of Recreation; Ms. T. Sinclair, Assistant City Solicitor; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Birtwistle  
Seconded by Councillor Furfaro

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), (e) and (f) of the Municipal Act, with respect to:

- personal matters about identifiable individuals;
- proposed or pending acquisition or disposition of land;
- labour relations or employee negotiations;
- litigation or potential litigation;
- advice that is subject to solicitor-client privilege.

Carried

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

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Mayor

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Clerk

Council Committee Room B  
May 1, 2006 5:02 p.m.

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

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

Absent: Councillors Baily and Kovach

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Ms. P. Blais, Director of Human Resources; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Mr. J. Riddell, Director of Planning & Development Services; Mr. A. Goldie, Manager of Recreation; Ms. T. Sinclair, Assistant City Solicitor; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There were no declarations of pecuniary interest.

1. Moved by Councillor Ferraro  
Seconded by Councillor Schnurr  
THAT Greg Richards be permitted to address Council.

Carried

Greg Richards provided a status update with respect to a litigation matter.

The Assistant City Solicitor provided advice with respect to a potential litigation matter.

Ms. L.E. Payne  
Mr. J. Riddell

2. Moved by Councillor Furfaro  
Seconded by Councillor Burcher  
THAT staff be given direction with respect to a proposed acquisition of land.

Carried

Ms. L.E. Payne

3. Moved by Councillor Furfaro  
Seconded by Councillor Laidlaw  
THAT staff be given direction with respect to a proposed acquisition of land.

Carried

The Director of Environmental Services provided information with respect to a potential litigation matter.

The Director of Human Resources provided information with respect to employee negotiations.

4. Moved by Councillor Furfaro  
Seconded by Councillor Feerraro

PASSED IN COUNCIL  
BY SPECIAL  
RESOLUTION

THAT compensation for the Non-Union Management Employees be increased by 3% effective January 1, 2006.

Carried

Council considered a matter concerning personal information regarding an identifiable individual.

The meeting adjourned at 6:25 o'clock p.m.

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Mayor

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Clerk

Council Chambers  
May 1, 2006

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

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

Absent: Councillor Kovach

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Chief S. Armstrong, Director of Emergency Services; Ms.

Pauline Blais, Director of Human Resources; Mr. D.A. Kennedy, Director of Finance/City Treasurer; Dr. J. Laird, Director of Environmental Services; Mr. D. Wyman, Manager, Solid Waste Resources; Mr. D. McCaughan, Director of Operations; Mr. J. Riddell, Director of Planning & Development Services; Mr. A. Goldie, Manager of Recreation;

Ms. T. Sinclair, Assistant City Solicitor; Mrs. L.A. Giles, City Clerk/Manager of Council Administrative Services; and Ms. J. Sweeney, Council Committee Co-ordinator

## **DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There was no declaration of pecuniary interest.

The Mayor welcomed Councillor Baily back.

1. Moved by Councillor Schnurr  
Seconded by Councillor Billings

THAT the minutes of the Council meeting held on April 18, 2006 be confirmed as recorded and without being read;

AND THAT the minutes of the Council meeting held in Committee of the Whole on April 18, 2006 be amended to include the following:

Councillor Burcher declared a possible pecuniary interest with regards to a litigation matter and did not discuss or vote on the matter.”

AND to reflect that Councillors Burcher and Moziar returned to the meeting following the vote on resolution #4;

AND THAT the minutes of the Council meetings held in Committee of the Whole on April 18 and 24, 2006 be confirmed as amended and without being read.

Carried

## **PRESENTATIONS**

Kristen Bowman and Pinky Langat were present on behalf of the Guelph Youth Council and provided information with respect to the events scheduled for Youth Week and extended an invitation to members of Council to attend the various events. They also introduced the new logo for the Guelph Youth Council.

## **PUBLIC MEETING HELD UNDER THE MUNICIPAL ELECTIONS ACT**

Mayor Quarrie announced that in accordance with The Municipal Elections Act, Council was now in a public meeting for the purpose of hearing delegations with respect to the proposed question on the 2006 Municipal Election Ballot.

Shelly Krieger suggested that putting the proposed question on the 2006 Municipal Election Ballot was misleading to the public. She further suggested that there are other options to gather information on the method of electing Councillors. She also suggested that the

ward boundaries could be redrawn which would divide the downtown into a number of wards and that full-time Councillors are the way of the future due to the significant number of hours spent on City business.

Kathleen Farrelly questioned the need for a referendum. She suggested that the existing ward system is more accountable to the electorate. She expressed concern that if the method of electing Councillors revert back to the at large system, that it would prohibit the average citizen from being able to afford the campaign expenses.

James Gordon on behalf of the Guelph Civic League was present and advised of support for the ward system. He suggested that the ward system works and is the best way to meet the needs of smaller areas as the Councillor is familiar with the local issues. He expressed concern that an at large method of electing representatives compromises the accountability of Council. He further expressed concern with the costs of campaigning that an at large system would create and that a greater corporate influence could happen with increased campaign contributions. He advised that he would like to hear the reasons for supporting an at large system.

Hugh Whiteley expressed concern that the proposed question supports the at large system method of electing Councillors. He suggested that a review group of citizens be appointed to review this matter and make recommendations. He further suggested that thought be given to a ward system with a number of smaller wards, for example ten wards, with one Councillor per ward.

Susan Watson was not present to address Council at this time.

Bruce Shapka was present and questioned the need for a referendum. He questioned what the issues are and expressed concern that a question cannot be put to the electorate without knowing what the issues are. He suggested that this issue has nothing to do with the method of electing Councillors, but is a personality and power struggle of the present Council. He expressed concern that an at large system would prohibit people for running for office.

Denis Galon suggested that running an at large campaign is more costly. He further suggested that the ward method of election increases the quality of candidates to participate and there is less influential dollars from businesses who support candidates.

Brian Holstein suggested that the present ward system meets the needs of the community. To return to an at large system of election is like turning back the clock. He suggested that the taxpayers have a choice of candidates on a ward system ballot.

**Councillor Laidlaw presented the FOURTH REPORT of the Finance, Administration & Community Services Committee.**

**Question on Ballot**

2. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher

THAT consideration be given to placing a single question on the 2006 ballot to determine if a change in the method of electing city councillors is favoured and the question be:

“Are you in favour of a change in the method of electing city councillors?”

3. Moved in Amendment by Councillor Furfaro  
Seconded by Councillor Moziar

THAT the question to be placed on the 2006 Municipal Election Ballot be:

“Are you in favour of retaining the ward system as a method of electing City Councillors?”

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Ferraro, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (7)

VOTING AGAINST: Councillors Baily, Birtwistle, Burcher, Downer and Laidlaw (5)

The motion was carried.

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

THAT staff report back with a public education process regarding a question on the ballot.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Baily, Billings, Burcher, Downer, Hamtak, Laidlaw, Moziar, Schnurr and Mayor Quarrie (9)

VOTING AGAINST: Councillors Birtwistle, Ferraro and Furfaro (3)

The motion was carried.

5. Moved by Councillor Furfaro  
Seconded by Councillor Moziar

THAT the wording of the question on the ballot be as follows:  
“Are you in favour of retaining the ward system as a method of electing City Councillors?”

AND THAT staff report back with a public education process regarding a question on the ballot.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Ferraro, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (7)

VOTING AGAINST: Councillors Baily, Birtwistle, Burcher, Downer and Laidlaw (5)

The motion was carried.

6. Moved by Councillor Hamtak  
Seconded by Councillor Baily

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

Carried

## **REGULAR MEETING**

### **DELEGATIONS**

#### **Report of the Committee of the Whole – Organic Waste Processing Facility**

The Mayor advised that at the Committee of the Whole meeting of April 24, 2006, Council did not make a decision on this matter, but forwarded the issue to tonight's Council meeting for consideration.

Eugene Gromczynski suggested that the composter is located in the wrong location, which is on top of an aquifer and close to residential development. He expressed concern with possible contamination of the water and the air. He urged the City to close the organic waste processing facility permanently.

Kelly Davey suggested that the technology used in the organic waste processing facility is outdated and needs to be re-evaluated. She expressed concern that the site did not have to undergo an Environmental Assessment at the time of construction. She further expressed concern with the odour impact and the amount of taxpayers' money spent on the facility. She requested that the City decommission the facility permanently.

Laura Marini expressed concern that the facility is sited on top of an aquifer and in close proximity to an environmentally sensitive area. She expressed concern that there was no Environmental Assessment done. She further expressed concern with the odour issues and the non-compliance of the City's certificate of approval.

She advised that the goal should be to decommission this site permanently.

Ken Spira expressed concern with the state of the fire sprinkler system in the facility and the amount of money spent to date. He suggested that the facility be decommissioned due to the odour issues and the increasing maintenance costs, and that the City build a new facility on another site which has undergone the Environment Assessment process.

Susan Watson expressed disappointment with the potential closure of this facility with no clear direction for the future. She expressed concern that funding for a waste strategic plan was cut from the 2005 budget. She urged Council to commit funding to the development of a long term strategy to deal with the waste.

Stephen Robson was present on behalf of Tricia Robson and himself and suggested that the City should decommission this facility as the costs for repairs/maintenance is increasing; the site is located on an aquifer; and the ongoing odour issue. He expressed concern that the facility is being operated outside of the Certificate of Approval. He suggested that the City should work with other municipalities on dealing with waste issues in a broader context.

Jean Nichols expressed concern that the resident's concerns were never listened to when the facility was being constructed and that this site should never have been considered. She advised of increased odour and noise pollution. She requested that this site be closed and decommissioned.

Boyd Nichols advised that the residents are not opposed to the dry operation, but have concerns with the potential water contamination from the wet plant. He suggested that the site selection process was flawed. He requested that the plant be shut down permanently.

Anthony Petrovich was present and expressed concern with long term health of the citizens living close to the facility relating to the odour issues. He suggested that this operation should be closed.

Lois Finlay was not present.

Joseph Marini suggested that if the location for this facility was sited properly we would not be having some of these problems. He expressed concern with the Certificate of Approval violations. He suggested that the City should send the wet waste to a properly operated and located facility for processing. He further suggested that this facility is outdated.

Murray Hall expressed concern with the location of the facility. He expressed concern with the odours from the facility and the

potential water contamination. He suggested that the City and other municipalities get together to address waste issues.

Inglis Berry advised that the previous speakers had expressed his concerns.

7. Moved by Councillor Schnurr  
Seconded by Councillor Billings

Dr. J.L. Laird  
Mr. D.A. Kennedy  
Ms. L.E. Payne

WHEREAS the City has requested that the Ministry of the Environment ("MOE") issue an Order to facilitate an air management pilot project at the Organic Facility and such an Order has not yet been received by the City;

AND WHEREAS the City has requested from the MOE various amendments to the Certificate of Approval (C.of A.) for the Waste Resource Innovation Centre and such amendments have not yet been received by the City;

AND WHEREAS the City's application for COMRIF funding for the necessary upgrades to the Organic Facility has not been approved;

AND WHEREAS the City intends to continue to divert its organic waste from landfill;

**Therefore be it resolved:**

1. That the City of Guelph temporarily cease receiving and processing organic waste at the Organic Facility as soon as technically feasible and in compliance with all approvals and regulations;
2. That during this period of interim cessation of processing organic waste at the Organic Facility, staff be directed to divert, as soon as possible, organic waste from the landfill, and that staff be authorized to issue an appropriate RFP;
3. That the MOE be requested to respond to the City of Guelph's prior request for the issuance of an Order and for Amendments to the City's Certificate of Approval;
4. That staff be directed to report back on feasible options for the diversion of organic waste from landfill including funding implications;
5. THAT the City undertake the Strategic Plan for solid waste management, as approved in the 2006 budget.

A recorded vote was requested, which resulted as follows:

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

VOTING AGAINST: (0)

The motion was carried.

Councillor Baily retired from the meeting at 10:35 p.m.

### **Baker Street Parking Garage – Funding Options**

Pina Marfisi was present and expressed concern with the construction of a six storey parking garage at this location.

8. Moved by Councillor Furfaro  
Seconded by Councillor Moziar

THAT the Procedural By-law be suspended to allow Council to continue until 11:30 p.m.

Carried

9. Moved by Councillor Schnurr  
Seconded by Councillor Moziar

THAT funding scenario #1 presented in the Director of Operation's Council Report of May 1, 2006 Baker Street Parking Garage – Funding Options be approved for implementation as of January 2007 with the following amendments:

- no increase to the Non CBD- parking meter rate
- Off street parking lots flat fee be increased to \$2.50

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Billings, Burcher, Downer, Ferraro, Furfaro, Schnurr and Mayor Quarrie (7)

VOTING AGAINST: Councillors Birtwistle, Hamtak, Laidlaw and Moziar (4)

The motion was carried.

10. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher

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

Carried

### **CONSENT AGENDA**

The following item #A-5 was extracted from the Consent Agenda to be voted on separately.

Mr. D. McCaughan  
Mr. D.A. Kennedy  
Ms. L.E. Payne

11 Moved by Councillor Furfaro  
 Seconded by Councillor Billings

THAT the balance of the May 1, 2006 Consent Agenda as identified below, be adopted:

a) **Pergola Drive-In Limited – proposed Residential and Commercial Draft Plan of Subdivision and associated Zoning By-law Amendment (File 23T-03507/ZC09912)**

Ms. N. Shoemaker  
 Mr. J. Riddell  
 Dr. J.L. Laird  
 Mr. D.A. Kennedy  
 Mr. G.W. Stahlmann  
 Ms. L.E. Payne

That the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of Pergola Drive-In Limited for approval of a residential and commercial Draft Plan of Subdivision and associated Zoning By-law Amendment (File 23T-03507/ZC9912) applying to approximately 11.23 hectares of land legally described as Part of the Southwest Part of Lot 11, Concession 8, and Part 1, Plan 61R-3599, municipally known as 1820 Gordon Street South, City of Guelph, by rezoning the lands from the City’s Urban Reserve Zone and the Puslinch Township’s Agricultural Zone, to the proposed zoning outlined in Schedules 6 and 7 as modified by the Staff recommendations in Schedules 2 of the February 13, 2006 Planning and Development Services planning application report, be approved, subject to the conditions on Schedule 1 attached hereto;

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:

DESCRIPTION	NO. OF LOTS/UNITS	PROPOSED ZONING	AREA
On Street Townhouses Blocks 3-6	26+	R.3B	.763 ha.
Cluster Townhouse/Apartments Block 7	23-29 towns or 77 apartments	Flex R.3A & R.4A	.765 ha.
Service Commercial Blocks 1&2		SC.1**	5.188 ha.
Park/Open Space Blocks 8, 10 & 11		P.2/P.1	.785 ha.
Roads			1.69 ha.
Road Widening & Reserves Blocks 15, 16, 17, 18			0.236 ha.
Stormwater		P.1 & WL on	1.802 ha.

DESCRIPTION	NO. OF LOTS/UNITS	PROPOSED ZONING	AREA
Management Block 9, 12, 13 and 14		Blk. 12. SC.1 on Blks.13&14	
TOTAL	49-55-103		11.238 Ha.

- Include a minimum net residential density requirement for the residential portion of the plan of 49 units at 32 u/ha (12.9 u/ac).

**(\*\*) – Additional regulations for SC.1 Zoning of Block 1**

- For commercial Blocks 1 & 2, add ‘institutional’ and ‘residential uses’ in accordance with Section 8.1.1 (Institutional Zone Uses) and Section 4.15.2 (Dwelling Units with Commercial Uses), similar to as is currently permitted in the NC and CC Zone.
- Include a “build to line” regulation of 3 metres applying to Gordon Street, Clair Road and Streets 1 and 2.
- Prohibit gas bars and drive-through facilities from within 50 metres of the corners of the subject site, with the following exception:

To allow a drive-through facility associated with a financial establishment at the corner of Gordon Street and Clair Road only, subject to all other recommendations in **Schedule 2**, and subject to the following:

That the vehicular drive-through facility be designed in a manner that is:

1. Not located between any building and a public street.
2. Significantly screened from public view from all public streets.
3. Safely separated from pedestrian spaces and corridors.
4. Designed in a manner that is compatible with surrounding uses and activities.
5. Provides a minimum of five (5) stacking spaces with a maximum of three (3) stacking spaces parallel to the street line.

(For purposes of this zone, a **Drive-Through Use** shall be defined as: A Use which involves or is designed to encourage a customer to remain in a vehicle while

receiving a service, obtaining a product or completing a business transaction. The use shall include vehicular stacking spaces, a serving window and may include an order intercom box).

- Require a minimum building height restriction of two storeys at the corner of Gordon Street and Clair Road.”

b) **Sign By-law Variance for Campus Estates Limited at 35 Harvard Road**

Mr. J. Riddell  
Mr. B. Poole

THAT the request for a variance from the Sign By-law for Part of Block A, Registered Plan 650, more particularly described as Parts 1 and 2, Reference Plan 61R-6656, known as 35 Harvard Road, to permit a freestanding sign to have a height of 8.7 metres for Campus Estates, be approved.

c) **Civic Administration Centre Complex Update Report**

Ms. L.E. Payne  
Mr. G.W. Stahlmann  
Mr. D.A. Kennedy

THAT the report with respect to the Civic Administration Centre Complex Update dated May 1, 2006, be received for information.

**B Items for Direction of Council**

1) **Guelph Non-Profit Housing Corporation – Reduction to Membership**

Mr. H. Blinkhorn  
Mrs. L.A. Giles

THAT Guelph City Council approves the amendment to reduce the composition of the Guelph Non-Profit Housing Corporation Board from 9 members to 7 which includes a reduction in a Councillor representative (Mayor) and a reduction in a citizen representative and that the Mayor and Clerk be authorized to sign the resolution of the Board dated March 1<sup>st</sup>, 2006.

Carried

12. Moved by Councillor Birtwistle  
Seconded by Councillor Furfaro

Dr. J.L. Laird  
Mr. D.A. Kennedy

THAT Contract No. 06-036, Engineering Consulting Services, Peer Review Study be awarded to Zorix Consultants Inc., Mississauga in the amount of \$14,760 exclusive of applicable taxes; and that any further expenditures come back to Council for consideration.

Carried

13. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher

THAT the Committee rise with leave to sit again.

Carried

14. Moved by Councillor Moziar  
Seconded by Councillor Billings  
THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.

Carried

### **SPECIAL RESOLUTIONS**

Ms. P. Blais

15. Moved by Councillor Birtwistle  
Seconded by Councillor Laidlaw  
THAT compensation for the Non-Union Management Employees be increased by 3% effective January 1, 2006.

Carried

### **BY-LAWS**

16. Moved by Councillor Schnurr  
Seconded by Councillor Moziar  
THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2006)-18012 to (2006)-18023, inclusive.

Carried

The By-laws were read a first and second time at 11:14 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2006)-18012 to (2006)-18023, inclusive.

Mayor Quarrie in the Chair.

At 11:15 o'clock p.m., the Committee rose and reported By-laws Numbered (2006)-18012 to (2006)-18023, inclusive, passed in Committee without amendment.

17. Moved by Councillor Downer  
Seconded by Councillor Birtwistle  
THAT By-laws Numbered (2006)-18012 to (2006)-18023, inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 11:16 o'clock p.m.

### **QUESTIONS**

Councillor Birtwistle questioned the practice of Councillors who will not be in attendance at meetings sending their regrets to the Chair.

**MAYOR'S ANNOUNCEMENTS**

The Mayor announced that Building Services will have extended hours until 6:00 p.m. every Wednesday from May 3<sup>rd</sup> until September 27, 2006.

**NOTICE OF MOTION**

Councillor Burcher advised that she will be presenting a motion at a future meeting of Council with respect to the upcoming election.

**ADJOURNMENT**

The meeting adjourned at 11:20 o'clock p.m.

Minutes read and confirmed May 15, 2006.

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Mayor

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Clerk

## **Recommended Subdivision Conditions & Zoning Land Uses and Regulations**

### **City Conditions**

1. That this approval applies only to the draft plan of subdivision for Pergola Drive-In Limited Subdivision, prepared by BSRD, Project No. 96-0299-15, dated August 17, 2004, including the red-line amendments outlined in the February 13, 2006 Planning and Development Services planning application report, including but not limited to the following:
  - Road geometric changes and widening dedications.
  - Intersection improvement turning lane dedications.
  - Reserves to be dedicated including along Gordon St. and Clair Rd. frontages of Block 1.
  - Further red-line amendments requested by the City Engineer.

### **Conditions to be met prior to grading and site alteration**

2. That prior to any grading or construction on the site, the developer enters into an 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.
3. That the developer shall prepare a site drainage and grading plan for the entire subdivision, satisfactory to the City Engineer. 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.
4. That the developer submits a detailed stormwater management report and plans to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quality in accordance with recognized Best Management Practices and Provincial Guidelines. Maintenance and operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City's Public Works Department.
5. That the developer completes a tree inventory and conservation plan in accordance with the City of Guelph Tree By-law (1986)-12229, satisfactory to the Director of Planning and Development Services and City Engineer, prior to any grading or construction on the site. This report shall outline the protection and preservation of hedgerows and treatment of all woodlands.
6. 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.

7. That the developer constructs, installs and maintains erosion and sediment control facilities, satisfactory to the City, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer.
8. The developer shall provide a qualified Environmental Inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The Environmental Inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environmental Impact Study and the Environment Implementation Report 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.
9. That the developer shall prepare an Environmental Implementation Report (EIR) based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). Such report will include a monitoring program to assess the performance of the storm water management facilities and a public education program for residents. The report shall address the Environmental Advisory Committee's comments dated February 9, 2005 and the former City Environmental Planner's comments dated January 15 and 30, 2004, and shall consider the Guelph Field Naturalist's comments dated November 17, 2004. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA.
10. 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 City. 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.
11. 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 City Engineer or has entered into a Subdivision Agreement with the City.
12. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
13. Prior to any development or grading of the site, the developer shall submit to the City, a report indicating how regular dust suppression will be accomplished during the construction phase of the subdivision.
14. That 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**

15. 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 and registration of the first phase. The phasing plan shall indicate consistency with the approved Development Priorities Plan, 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.
16. The developer is responsible for the 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 the City's Development Charges Bylaw (2004)-17361, as amended, the Local service Bylaw (1994)-14553, as amended, or a legal and binding agreement with another party. The distance and alignment of such services will be determined by the City of Guelph. 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. Municipal services external to the plan for which the Developer will be required to pay a share of the cost include, but are not limited to:
  - (a) reconstruction of Gordon Street within the limits of the Lands to full urban standards.
  - (b) reconstruction of Clair Road within the limits of the Lands to full urban standards.
  - (c) a share in the actual cost of traffic signals at the Farley Drive/Clair Road intersection and a share of the costs of the future traffic signals at Street #1 and Gordon Street.

All costs for the design and construction of the northbound right turn lane at the Gordon/Clair intersection will be borne by the Developer.
17. The developer shall pay a share of the cost of all existing municipal services within and abutting the proposed subdivision including, but not limited to, the existing watermain on Clair Road, as determined by the City Engineer.
18. The developer agrees that no development will be permitted on Blocks 1 to 7 inclusive unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the maximum proposed elevation on the block to be developed is less than 344 metres or until the City Engineer confirms that adequate water pressure is available to service Blocks 1 to 7.
19. That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of costs for services within the subdivision.
20. The developer shall have engineering servicing drawings and final reports prepared for the approval of the City Engineer. 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.

21. That the developer shall submit a Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
22. That the developer agrees to provide two second order, second level Geodetic Benchmarks in locations within the proposed subdivision to the satisfaction of the City Engineer.

**Conditions to be met prior to registration**

23. That the developer shall pay any outstanding debts owed to the City, prior to the registration of the proposed Plan of Subdivision.
24. That the registration of the plan, or any part thereof, shall require approval of the City with respect to adequate water supply and sewage treatment capacity being available, prior to the registration of the plan.
25. That any dead ends and open sides of road allowances created by this Draft Plan, or the phasing thereof, be terminated in 0.3 metre reserves which shall be conveyed to the City.
26. That the road allowances included in the Draft Plan be dedicated as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria - July 23, 1993" with any exceptions.
27. That any lots or blocks to be identified by the City, shall 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 City Engineer.
28. The developer shall notify all prospective purchasers and homeowners of any lots in the subdivision with frontage or flankage along roads proposed as transit routes, that these streets may be used as part of a transit route to provide public transit service through the subdivision.
29. The developer shall pay to the City the cost of installing bus stop pads and transfer facilities in the subdivision, if required, at the locations to be determined by Guelph Transit, prior to the registration of the plan.
30. The developer shall build all streets proposed as a transit route with a roadway having a minimum pavement width of 10 metres and sidewalks on both sides of these streets to the satisfaction of the City.
31. That the developer makes all necessary arrangements to have all lands required by the City for stormwater management facilities deeded to the City including Blocks 9, 12, 13 and 14, including any lands outside of the plan of subdivision. Further, to achieve the South Guelph District Centre Urban Design guidelines, the location and shape of storm water infiltration Blocks 13 and 14 are considered preliminary and subject to further refinement. Furthermore, 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.

32. That the developer shall erect signs at all entrances to the subdivision advising that the storm sewer system has been designed and constructed using the principles of storm water detention. The exact wording and size of the sign and lettering is to be provided by the City.
33. 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.
34. That the developer pays the cost of erecting street name and traffic control signs and traffic signals in the subdivision, to the satisfaction of the City.
35. That the developer is responsible for the total cost of preparing a tree planting plan for the roadways shown on the plan of subdivision and implementing such plan to the satisfaction of the City Engineer.
36. That all easements, blocks, reserves and rights-of-way required within or adjacent to the proposed subdivision be granted to the satisfaction of the City, Guelph Hydro Electric Systems Inc. and other Guelph utilities.
37. 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 and Guelph Hydro Electric Systems Inc.
38. That the developer shall notify all prospective purchasers and homeowners that on-street parking measures will be implemented in the subdivision. Further, the developer shall provide an on-street parking plan to the satisfaction of the City Engineer, prior to the registration of the proposed plan of subdivision.
39. That the developer shall 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, prior to the issuance of a building permit, at the rates in effect at the time of the issuance of a building permit.
40. The developer shall, if required, obtain written approval from the owner of the abutting lands to the south for the construction of a portion of Street 1 and the removal of an existing fence and hedgerow on the abutting lands.
41. The developer shall construct Street 1 as a right-in, right-out only access to Gordon Street until such time as Gordon Street is constructed to an urban standard.
42. The developer shall deed to the City a 5 metre widening abutting Clair 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.
43. The developer shall deed to the City a 0.3 metre wide reserves across the frontages of Block 1 abutting Gordon Street and abutting Clair Road.

44. The developer shall deed to the City a block with a maximum width of 4 metres and a maximum length of 60 metres abutting Gordon Street for the purposes of intersection improvements.
45. That the developer shall at its expense implement and address all recommendations contained in the latest Environmental Impact Study that has been approved by the City and the developer shall address each recommendation to the satisfaction of the Grand River Conservation Authority and the City.
46. That the developer shall erect signs at the entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to the Planning Division, Planning and Development Services, City Hall".
47. That the developer shall dedicate to the City Block 8 for park 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, and shall further dedicate Blocks 10 and 11 for open space. These lands shall be ultimately dedicated to the City and be free of any encumbrance and in a form that is satisfactory to the City Solicitor and the developer shall pay the cost of all demarcation and fencing of these lands, as required by the City. Furthermore, the developer shall demarcate, grade, drain, landscape and fence (living and or chain link) the boundaries of all lands conveyed to the City in accordance with the policies of the City.
48. The developer shall demarcate the boundary of the Park Block in accordance with the "City of Guelph Property Demarcation Policy". This shall include submitting drawings for approval, identifying the concrete markers and living fences, to the satisfaction of the Director of Planning and Development Services. The developer shall be responsible for the cost of design and development of the living fence and property demarcation for the Park Block.
49. The developer shall be responsible for the cost and development of the "Basic Park Development" as per the City's "Specifications for Parkland Development", which includes clearing, grubbing, top-soiling, grading and sodding to the satisfaction of the Director of Planning and Development Services. The developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the 'basic' parkland improvements and works for the Park Block to the satisfaction of the Director of Planning and Development Services.
50. The developer shall be responsible for the cost of design of the Pedestrian Trail System for the Storm Water Management & Open Space Blocks. This shall include submitting drawings for approval, identifying the trail system, phasing, interpretative signage and trail design details, to the satisfaction of the Director of Planning and Development Services.
51. The developer shall provide the Director of Planning and Development Services with a digital file in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park, open space and storm water management blocks.

52. The developer shall design and develop the Storm Water Management Facility Landscaping in accordance with the “Design Principles for Storm Water Management Facilities” to the satisfaction of the Director of Planning and Development Services and the City Engineer.
53. The developer shall meet all conditions and recommendations of the Traffic Impact Study and shall implement all conditions and recommendations to the satisfaction of the City, prior to the registration of each phase of the subdivision. Further, the developer shall submit a Traffic Calming Management Plan to the City for approval and shall incorporate the recommendations into the final subdivision design and shall implement all conditions and recommendations to the satisfaction of the City.
54. Prior to the registration of the subdivision plan or any part thereof, the developer shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
55. That the developer agrees to locate and construct all driveways accessing municipal streets to the satisfaction of the City Engineer.
56. That all existing roads to be closed and all roads to be used for emergency access be constructed to a standard acceptable to the City Engineer at the expense of the developer.
57. 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.
58. 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.
59. 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 subdivision agreement to be registered on title:
  - a) “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.”
  - b) “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.”

- c) “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.”
- d) “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”.
- e) “Purchasers and/or tenants of lots 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”.

#### **Conditions to be met prior to Site Plan Approval**

- 60. Prior to the approval of any site plan for the subject lands, the developer shall satisfy all goals and objectives of the urban design policies outlined in Section 7.4.34 of the Guelph Official Plan, the SGDC urban design concepts and guidelines and the proposed urban design requirements of the Commercial Policy Review implementing documentation, as approved by Council, to the satisfaction of the Director of Planning and Development Services.

#### **Conditions to be met prior to issuance of a building permit**

- 61. 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.
- 62. 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.

#### **Agency Conditions**

- 63. 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.

64. That all telephone service and cable TV service in the plan shall be 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.
65. 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 or DXF format containing the following information: parcel fabric and street network.
66. 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.
67. 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 and according to the Board's specifications, 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.
68. That the developer provides the Wellington Catholic District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing parcel fabric and street network.
69. 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/sub divider/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.
70. 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 and plans in accordance with the Ministry of Environment and Energy Report entitled, Stormwater Management Practices Planning and Design Manual, 2003. This report should include geotechnical information addressing the infiltration potential of the site. In addition, a storm servicing plan for the site should be included.
  - b) A Lot Grading and Drainage Control Plan showing the limits of all grading, including existing and proposed grades including a Tree Conservation Plan.
  - c) An erosion and sediment control plan and plan in accordance with the Grand River Conservation Authority's Guidelines on Erosion and Sediment Control for construction sites, indicating the means whereby erosion will be minimized and

sediment maintained on site throughout all phases of grading and construction, including a monitoring and maintenance plan.

71. hat 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, to the satisfaction of the GRCA.
72. That the developer enters into a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval.
73. Draft Plan Approval of the Pergola Drive-In Limited Subdivision, shall lapse at the expiration of 3 years from the date of issuance of Draft Plan Approval.
74. 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 condition 64 has been satisfied.
75. That prior to the registration of all, or any portion of, the plan, Bell Canada shall advise the City in writing, how condition 65 has been satisfied.
76. 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 66 and 67 have been satisfied.
77. 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 68 and 69 have been satisfied.
78. That prior to the registration of all, or any portion of, the plan, the Canada Post shall advise the City in writing, how condition 70 has been satisfied.
79. 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 9, 46, 71 and 72 have been satisfied.
80. That prior to the registration of all or any portion of the plan, the Ministry of Citizenship, Culture and Recreation shall advise the City in writing how condition 14 has been satisfied.”