CITY COUNCIL AGENDA



DATE December 22, 2008

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 (Councillor Salisbury)

"THAT the minutes of the Council Meeting held November 17 and 24, and December 1, 2 and 3, 2008 and the minutes of the Council meetings held in Committee of the Whole on November 17 and 24, and December 3, 2008 be confirmed as recorded and without being read."

PRESENTATION

a) Greg Atkinson, Environmental Planner with respect to Brownfield Redevelopment Grant Request, 288-290 Woolwich Street (Clause 2 of the Finance, Administration and Corporate Services Committee)

DELEGATIONS (Councillor Wettstein)

"THAT persons desiring to address Council be permitted to do so at this time." (limited to a maximum of five minutes)

- a) Liz White, Director of Animal Alliance with respect to the proposed trapping by-law (Clause 1 of the Ninth Report of the Finance, Administration & Corporate Services Committee)
- b) Southgate Industrial Business Park: proposed Official Plan Amendment, Draft Plan of Subdivision and associated Zoning By-law Amendment (Consent Report A-3):-
 - Astrid Clos, on behalf of the applicant
 - Leslie Marlowe on behalf of Industrial Equities Guelph Corporation
 - Paul Rice

COMMITTEE OF THE WHOLE (Councillor Beard)

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

REPORTS FROM COMMITTEES OF COUNCIL AND OTHER COMMITTEES

a) Community Development and Environmental Services Committee

"THAT the *Eleventh* Report of the Community Development and Environmental Services Committee be received and adopted."

b) Finance, Administration and Corporate Services Committee

"THAT the Ninth Report of the Finance, Administration & Corporate Services Committee be received and adopted."

- c) Governance and Economic Development Committee "THAT the *Eighth* Report of the Governance and Economic Development Committee be received and adopted." (to be distributed at Preview)
- d) Council as Committee of the Whole "THAT the Seventh Report of the Committee of the Whole be received and adopted."
- e) Council as the Striking Committee
 "THAT the Second Report of the Striking 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

"THAT the balance of the December 22, 2008 Consent Agenda be adopted."

Resolution – (Councillor Bell)

"THAT the Committee rise with leave to sit again."

Resolution – (Councillor Billings)

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

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Burcher)

QUESTIONS

MAYOR'S ANNOUNCEMENTS

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

NOTICE OF MOTION

ADJOURNMENT

Council Committee Room B November 17, 2008 5:30 p.m.

A meeting of Guelph City Council.

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

Absent: Councillor Bell

Staff Present: Ms. T. Sinclair, Manager of Legal Services; Mr. J. Riddell, Director of Community Design and Development Services; Mr. S. Hannah, Manager of Development and Parks Planning; and Mrs. L.A. Giles, Director of Information Services/City Clerk

- Moved by Councillor Farrelly
 Seconded by Councillor Beard
 THAT the Council of the City of Guelph now hold a
 meeting that is closed to the public, pursuant to Section
 239 (2) (e) and (f) of the Municipal Act, with respect to:
 - litigation or potential litigation;
 - advice that is subject to solicitor-client privilege

Carried

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

Mayor	
Clerk	

Council Committee Room B November 17, 2008 5:32 p.m.

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

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

Absent: Councillor Bell

Staff Present: Ms. T. Sinclair, Manager of Legal Services; Mr. J. Riddell, Director of Community Design and Development Services; Mr. S. Hannah, Manager of Development and Parks Planning; and Mrs. L.A. Giles, Director of Information Services/City Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Hofland declared a possible pecuniary interest with regarding the matter of litigation or potential litigation and advice that is subject to solicitor-client privilege for the meeting held on November 3, 2008 and for this meeting because she owns property within the area and did not discuss or vote on the matter.

Mr. Peter Pickfield provided information with respect to a matter regarding litigation or potential litigation.

The meeting adjourned at 5:55 o'clock p.m.

 Mayor		
 Clerk	 	

Council Chambers November 17, 2008

Council reconvened in formal session at 6:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Billings,

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

Absent: Councillor Bell

Staff Present: Dr. J. Laird, Director of Environmental Services; Mr. P. Busatto, Manager of Waterworks, Ms. B. Roth, Quality Assurance Coordinator; and Mrs. L.A. Giles, Director of Information Services/City Clerk

Drinking Water Quality Management Standard (DWQMS) Implementation

Dr. J. Laird, Director of Environmental Services provided a brief introduction and background to the presentation.

Ms. Patricia Becker of BRI International Inc. provided an overview of the license program and outlined the DWQMS management structure identifying the drinking water systems, owners, operating authority, top management and QMS management representative. She then explained the roles and responsibilities of each level of the management structure. She proceeded to explain the Ministry of the Environment's requirements and consequences of any contraventions of the Safe Drinking Water Act. Ms. Becker listed out the various requirements and goals of the program including ways to benchmark progress and how to identify areas in need of improvement. She reviewed three options for submission to the Province and explained the reasoning behind the choice management has selected to use. She provided information regarding required documentation and the process to achieve partial accreditation and full accreditation. She then reviewed the complete accreditation process including subsequent audit cycles and responded to questions.

The meeting adjourned at 6:57 o'clock p.m.

Mayor	
Clerk	

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

Present: Mayor Farbridge, Councillors Beard, Billings,

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

Absent: Councillor Bell

Staff Present: Chief S. Armstrong, Director of Emergency Services; Ms. M. Neubauer, Director of

Finance; Dr. J. Laird, Director of Environmental Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design & Development Services; Ms. S. Aram, Deputy Treasurer; Ms. T. Sinclair, Manager of Legal Services; Ms. M. Plaunt, Mr. S. Hannah, Mr. J. Mairs, Mr. R. Henry, City Engineer; Mr. D. Kudo, Mr. P. Cartwright, Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PRESENTATIONS

Ms. Susan Aram, Deputy Treasurer, advised that the public meeting is being held to provide a summary of the process to date, provide feedback from the Development Charges Advisory Committee, to seek direction and input from Council and the public, as well as to meet the statutory requirement under the Development Charges Act. She outlined the timeline of the final approval which includes date changes to address the request from the public for further consultation.

Mr. Gary Scandlan, Watson & Associates, outlined the study process and provided an overview of the development charges function; outlined the steps taken to determine charges, and advised the by-law is valid for five years maximum. He reviewed the mandatory exemptions and explained how the charges could be varied based on the type of development, location, economic issues and redevelopment areas. He explained two different approaches that could be taken to implement the policy and the ways to evaluate the policies. He listed existing exemptions and reductions provided through the Development Charges Act. He summarized the policies currently under consideration. He advised social housing within Guelph is being considered as development charges funded services. He compared grants versus by-laws approaches to handle reductions and exemptions. He explained that a significant impact on the development charges is contributed to the increase in water and wastewater and costs of infrastructure replacement/expansion to support the intensifications goals of Places to Grow. He reviewed the proposed charges for residential, non-residential, commercial and industrial rates. He then outlined potential revenue shortfalls and provided a comparison of

rates to other municipalities within Ontario. He also advised of the next steps of the process.

 Moved by Councillor Beard Seconded by Councillor Laidlaw
 THAT persons wishing to address Council be permitted to do so at this time.

Carried

DELEGATIONS

Mr. Mark Cowie, on behalf of Industrial Equities Guelph Corporation, stated that green jobs are the direction employment is taking and industrial/commercial lands are key to this growth. He wanted to know how the 33% and 67% figures were derived. He stated that an overriding principle that they support is the creation of new industrial business activities. He provided a comparison of municipalities that he believes are comparable to Guelph. He believes the proposed rates are a sizable increase in development charges and may be a deterrent to development. He suggested that City tax rates should be considered for generating more revenue rather than through the one-time development charges.

Mr. Garry Fraser, on behalf of Courtney's Alberta Co. Inc. which owns property in the industrial basin, expressed support for the deferral of the decision regarding development charges because it would allow their legal counsel time to review the presentation. He advised that if the development charges were at the level being proposed when he was looking for a location; his company would not have located within Guelph.

Mr. Robert Mullin, from Smith Valeriote Law Firm, was present to represent both the Guelph-Wellington Development Association & Guelph Development Association - two significant and key stakeholders within the City of Guelph. He stated the development sector is at a vulnerable stage and suggested any changes to the development charges be made with extreme care and caution. He advised the developers have hired people to conduct a peer review and they plan to use the results to ensure the needs of the development community and the City of Guelph are met.

Mr. Bill Luffman, on behalf of Cooper Construction Limited Commercial, stated they have had 200 serviced and ready acres in Guelph for sale for 2-3 years, and they have seen a noticeable decline of interest. He is concerned about the effect an increase in charges will

have on activity. He suggested the charges be phased in to be more compatible with the current economic situation. He stated there are generally three items to determine the viability of people coming to Guelph: land costs, development charges and taxes. He believes the City needs to consider tax values over time and not just development charges when determining the rates.

Mr. Blake Mills, on behalf of Colliers International, Southwest Ontario Office, advised he lives in Guelph and owns property in the south end of the City. He is concerned the development charges will discourage companies coming to Guelph and the effect that would have on taxes. He stated the market is suffering and in order to remain competitive, the City should hold the charges where they are until the economy improves. He believes it is better to have tax revenue and potential tax revenue over time rather than money up front.

Mr. Marc Dexter, on behalf of DTZ Barnicke International, advised he is responsible for acquisition and disposition of commercial and industrial land assisting with site selection. He believes the policy should consider the impact that the changes will have. He explained the various drivers of the different kinds of growth within a city. He believes that price is a key factor in attracting businesses to a secondary market such as Guelph. He outlined site selection factors, both financial and nonfinancial, that they utilize when determining locations. He advised they select a few locations based on the nonfinancial factors and then let the customer make the financial decision. He provided a site selection overview to show the change in ranking for Guelph from second to sixth that would occur if the proposed rates are adopted.

Mr. Michael Klein, on behalf of DTZ Barnicke International, Senior Vice-President, has been involved in the Guelph market for approximately seventeen years. He urged Council to exercise caution and discretion when adopting a development charges by-law. He would like consideration given to tradeoffs of immediate payoff versus lost tax base and employment in the long term. He stated the taxes and jobs brought into the community will make up for any reduction in development charges. He reiterated the economy is tough. He advised that Guelph currently has approximately 1.5 m sq ft. industrial space and there is only 5.6 to 5.8 m sq ft within the Guelph, Kitchener, and Waterloo area. He said competition to get the new tax base is difficult. He stated that Waterloo costs are significantly less. He also stated that Guelph's administrative processes are also affecting potential businesses from locating here. He

would like Guelph to be proactive and stay competitive. He believes Council must determine how costs should be allocated and borne.

Mr. David Kemper, representing Belmont Equity (HCBP) Holdings Ltd., stated the proposed increase is 240% and in combination with the current economy, may cause the competitive edge Guelph currently holds to disappear. He believes the City needs to consider the tax revenue benefits in the long term over the short-term development charges income.

Mr. Lloyd Longfield, on behalf of the Guelph Chamber of Commerce advised the City needs to look at legislation such as Places to Grow as a consideration for determining rates. He provided examples of how other cities have addressed development charges such as lowering rates or removing them altogether. He stated there is a need to look at the competiveness of other municipalities in determining the best solution for Council to consider. He would like to see the tax base to be spread out and the split reviewed because he believes the current rates are causing a burden on industry.

Ms. Joan Todd, representing the Wellington & Guelph Housing Corporation requested that a portion of the development charges be designated to a social housing fund. She advised that there were 1370 people on the waiting list for housing in December, 2007 with 99 new applicants per month and an average of 34 vacancies per month. The wait time for a 1 bedroom apartment is 3-9 yrs; 2 bedrooms 3-5 yrs; and a 3 bedroom – 4 yrs so there is an ever increasing need for housing.

Ms. Susan Watson advised that when she attended a workshop in July of 2006, they were advised that in the Province of Ontario, growth does not pay for itself. She believes that net funding needs places upward pressures on taxes and/or rates. She does not want her tax dollars subsidizing new homes, or businesses. She wanted to know where money would come from for development if neither taxes nor development charges could be raised. She discussed the option of proposed grants and incentive programs and would like to see all costs covered for development in order to provide for the City as a whole. She supports the inclusion of social housing as a development charges funded service.

Mr. Leslie Marlowe, advised that a 100,000 sq ft building would raise approximately 1 million in development charges, and the taxes would be \$450,000 per year. He believes that if the development charges are raised as

proposed, the revenue will not be realized because the businesses will not come to Guelph. He asked why the consultant was using the averages he proposed, rather than the standard in the industry.

Mr. A. Lambden, stated that he does not agree with the current development charge study analysis and would like Council to wait until a qualified peer review can be done.

Staff were requested to provide:

- the recovery scenario
- models to see the tax recoveries
- measures in place to monitor the performance
- the increase in taxes resulting from the development charges rates
- how the CIP correlates with the development charges report
- whether financial consideration could be provided for environmental leads certification
- comparisons for surrounding cities and the land availability within the cities
- social housing component to be clearly identified and incorporated into the development charges
- a reasonable comparative group of whom the City is in direct competition in terms of industry
- clarification regarding what items would be included in grants and what can be covered by development charges chart and the reasoning behind the catergorizing
- clarification how development charges could be allocated to social housing since the City is not the provider
- Moved by Councillor Burcher Seconded by Councillor Findlay

THAT the Report FIN 08-32 dated November 17, 2008 regarding the City of Guelph's 2008 Development Charges Study be received;

AND THAT an administrative report be prepared for the December 22, 2008 Council meeting that includes Staff Steering Committee recommendations for the Development Charges By-law, additional input from the public and Advisory Committee as available and any additional information requested by Council at the November 17th Public Meeting. Final adoption of the Background Study and approval of the Development Charges By-law would then take place at the scheduled January 26, 2009 Council meeting.

Ms. M. Neubauer

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

VOTING AGAINST: (0)

Carried

CONSENT AGENDA

- Moved by Councillor Billings
 Seconded by Councillor Burcher
 THAT the November 17, 2008 Consent Agenda as identified below, be adopted:
- a) Request from the Corporation of the Township of Guelph/Eramosa Regarding Support for a Building Canada Fund Application Submission

Ms. A. Burns-Bensch Ms. A. Pappert THAT the report of the Director of Community Services of November 17, 2008 be received;

AND THAT the correspondence report dated November 17, 2008 from the Township of Guelph/Eramosa regarding their application for funding under the Build Canada Fund be received;

AND THAT Council of the City of Guelph acknowledge the inherent benefit that the construction of the Marden Park Recreational Facility would have in providing: increase the opportunity for sport activity; improve the health of Canadians; and strengthen Canadian communities; and that the facility would provide increased opportunities for the development of athletes and the hosting of major athletic events.

Carried

ADJOURNMENT

The meeting adjourned at 9:45 o'clock p.m.

Minutes read and confirmed November 24, 2008.

Mayor	
Clerk	

Council Committee Room B November 24, 2008 5:30 p.m.

A meeting of Guelph City Council.

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

Absent: Councillor Burcher

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Director of Human Resources; Dr. J. Laird, Director of Environmental Services; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. D. Bush, Temporary Manager Recruitment & Development; Mr. G. Hunt, Manager of Employee/Employer Relations, Assistant Director of Human Resources; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

- Moved by Councillor Farrelly
 Seconded by Councillor Salisbury
 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:
 - personal matters about identifiable individuals;
 - proposed or pending acquisition or disposition of property;
 - labour relations or employee negotiations;
 - litigation or potential litigation.

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Mayor

Clerk

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

Council Committee Room B November 24, 2008 5:32 p.m.

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

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

Absent: Councillor Burcher

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Director of Human Resources; Dr. J. Laird, Director of Environmental Services; Ms. M. Neubauer, Director of Finance; Ms. A. Pappert, Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. D. Bush, Temporary Manager Recruitment & Development; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Mr. R. Henry, City Engineer; Mr. G. Hunt, Manager of Employee/ Employer Relations, Assistant Director of Human Resources; Ms. T. Sinclair, Manager of Legal Services; Mr. J. Stokes, Manager of Realty Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations of pecuniary interest.

The Manager of Employee/ Employer Relations, Assistant Director of Human Resources provided the Committee with information.

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

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Bell, Billings, Kovach and Salisbury (4)

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

The motion was defeated.

Moved by Councillor Farrelly
 Seconded by Councillor Wettstein
 THAT staff be given direction with respect to employee negotiations.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Farrelly, Findlay, Wettstein and Mayor Farbridge (4)

VOTING AGAINST: Councillors Beard, Bell, Billings, Hofland, Kovach, Laidlaw, Piper and Salisbury (8)

The motion was defeated.

 Moved by Councillor Beard Seconded by Councillor Laidlaw
 THAT staff be given direction with respect to employee negotiations.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Beard, Farrelly, Findlay, Hofland, Laidlaw and Mayor Farbridge (6)

VOTING AGAINST: Councillors Bell, Billings, Kovach, Piper, Salisbury and Wettstein (6)

The motion was lost due to a tied vote.

Moved by Councillor Piper
 Seconded by Councillor Laidlaw

 THAT staff be given direction with respect to example of the councillor Piper

THAT staff be given direction with respect to employee negotiations.

A recorded vote was requested, which resulted as follows:

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

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

The motion was carried.

Moved by Councillor Laidlaw
 Seconded by Councillor Kovach
 THAT staff be given direction with respect to a litigation matter.

Mr. M. Amorosi

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

Carried

Mr. J. Riddell Ms. L.E. Payne Moved by Councillor Laidlaw
 Seconded by Councillor Billings
 THAT staff be given direction with respect to a litigation matter.

Carried

Mr. J. Riddell Ms. L.E. Payne 7. Moved by Councillor Billings
Seconded by Councillor Laidlaw
THAT staff be given direction with respect to a litigation matter.

Carried

Ms. L.E. Payne

8. Moved by Councillor Findlay
Seconded by Councillor Laidlaw
THAT staff be given direction with respect to po

THAT staff be given direction with respect to proposed or pending acquisition or disposition of land.

Carried

Ms. L.E. Payne

Moved by Councillor Kovach
 Seconded by Councillor Billings
 THAT the Litigation Status Report dated November 17,

Carried

Ms. L.E. Payne Mr. P. Cartwright Dr. J. Laird 10. Moved by Councillor Findlay Seconded by Councillor Kovach

2008 be received for information.

THAT staff be given direction with respect to proposed or pending acquisition or disposition of land.

Carried

REPORT

THAT Astrid Clos be reappointed to the Committee of Adjustment for a term ending November, 2009;

AND THAT Bill Birdsell be reappointed to the Committee of Adjustment for a term ending November, 2010;

AND THAT Armando Carer, Mike Darmon, Wayne Gates, Sharonne Mitchell and William Sleeth be appointed to the Eastview Public Liasion Committee for a term ending November, 2009;

AND THAT Evelyn Allen and Lesley McDonell be appointed to the Environmental Advisory Committee for a term ending November, 2009;

AND THAT Gordon Drewitt be reappointed to the Environmental Advisory Committee for a term ending November, 2010;

AND THAT David Kennedy and Rino Salvador be reappointed to the Guelph Non-Profit Housing Corporation Board of Directors for a term ending November, 2010;

AND THAT Joel Bartlett, Christopher Campbell, and Paul Ross be reappointed to Heritage Guelph for a term ending November, 2010;

AND THAT Douglas Smith and Wayne Tovell be appointed to the Property Standards/Fence Viewers Committee for a term ending November, 2009;

AND THAT Ray Belanger be reappointed to the Property Standards/Fence Viewers Committee for a term ending November, 2010;

AND THAT David Beaton, John Buttars, Michael Emeneau, Erin Harkins, Stan Kozak, and Hugh Whiteley be reappointed to the River Systems Advisory Committee for a term ending November, 2010.

Carried

12. Moved by Councillor Laidlaw Seconded by Councillor Farrelly

THAT JoAnn Hayter be appointed to the Guelph Museums Board of Management for a term ending November, 2009;

AND THAT Jennifer Mackie be appointed to the Guelph Public Library Board for a term ending November, 2009.

AND THAT Larry Kelly, Will Lenssen and Wayne Mizen be reappointed to the Guelph Sports Hall of Fame Board of Directors for a term ending, November 2010.

AND THAT Alan Boivin and John E. Cassano be appointed to the River Run Centre Board of Directors for a term ending November, 2009;

AND THAT Dennis Deters, Gary Gander, Lloyd Longfield, Walter J. Palmer and Beverly-Ann Woods be reappointed to the River Run Centre Board of Directors for a term ending November, 2010;

AND THAT Paul Breadner be reappointed to the Locomotive 6167 Restoration Committee for a term ending November, 2010.

REPORT

Mrs. L.A. Giles

AND THAT the staff be given direction with respect to citizen appointments to various Boards, Committees and Commissions.

Carried

REPORT

13. Moved by Councillor Wettstein Seconded by Councillor Findlay

THAT Cathy McCormack be appointed to the Accessibility Advisory Committee for a term ending November, 2009;

AND THAT Patricia Candlish, Tanya Davies, Douglas Grove, and Jane McNamee be appointed to the Accessibility Advisory Committee for at term ending November, 2010;

AND THAT Terry Petrie be appointed to the Guelph Cemetery Commission for a term ending November 2009.

Carried

REPORT

 Moved by Councillor Kovach Seconded by Councillor Findlay

THAT Jennifer Catallo and Richard Puccini be appointed to the Guelph Twinning Committee for a one year term expiring November 2009.

Carried

The City Engineer provided an update on a litigation matter.

Ms. L.E. Payne Mr. J. Riddell 15. Moved by Councillor Findlay Seconded by Councillor Hofland

THAT staff be given direction with respect to a litigation matter.

Carried

RFPORT

16. Moved by Councillor Billings Seconded by Councillor Kovach

THAT Joanne Shoveller be appointed to the Board of Commissioners for the Guelph General Hospital for a term expiring November 2011;

AND THAT Allan MacInnis be appointed to the Board of Commissioners for the Guelph General Hospital for a term expiring November 2009.

Carried

17. Moved by Councillor Kovach Seconded by Councillor Findlay

November 24, 2008 REPORT Page No. 388

THAT Dr. Clare Rennie, Dr. Hugh Rose, Dan Chapman and Betsy Allan be appointed to the Board of Trustees of the Elliott Community for a three year term expiring November 2011;

AND THAT John A. Stoddard and Ernest James Stross be appointed to the Board of Trustees of the Elliott Community for a one year term expiring November 2009.

Carried

The Director of Human Resources provided an update with respect to a matter about an identifiable individual / potential litigation.

Mayor Farbridge

18. Moved by Councillor Laidlaw Seconded by Councillor Billings

THAT direction be given with respect to a potential litigation matter.

Carried

19. Moved by Councillor Findlay Seconded by Councillor Laidlaw

Mayor Farbridge

THAT direction be given with respect to the recruitment of the Chief Administrative Officer.

Carried

The meeting adjourned at 7:00 o'clock p.m.

 Mayor
Clerk

Council Chambers November 24, 2008

Council reconvened in formal session at 7:05 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell,

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

Absent: Councillor Burcher

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. A. Pappert, Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Coordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Hofland declared a possible pecuniary interest with regards to the litigation matter at the November 3 and 17, 2008 closed Council meetings because she owns property in the vicinity of the proposed development.

Councillor Laidlaw declared a possible pecuniary interest with regards to the expansion of the Municipal Register of Cultural Heritage Properties to include non-designated Burcher-Stokes properties, as she owns a property that is on the list and did not discuss or vote on the matter.

Councillor Farrelly declared a possible pecuniary interest with regards to the expansion of the Municipal Register of Cultural Heritage Properties to include non-designated Burcher-Stokes properties, as she owns a property that is on the list and did not discuss or vote on the matter.

Councillor Bell declared a possible pecuniary interest with regards to the expansion of the Municipal Register of Cultural Heritage Properties to include non-designated Burcher-Stokes properties, as he owns a property that is on the list and did not discuss or vote on the matter.

 Moved by Councillor Bell Seconded by Councillor Findlay

THAT the minutes of the Council meetings held on October 27 and November 3, 2008 and the minutes of the Council meetings held in Committee of the Whole on October 27, November 3 and 13, 2008 be confirmed as recorded and without being read.

Carried

PRESENTATIONS

Jean Szotnicki and Dr. Alan Meek were present on behalf of the Canadian Animal Health Institute and provided information on the proposed Ontario Equine Centre. She advised that this would be a public/private partnership with the commercial equine industry and the University of Guelph and would help to move Ontario into a global leadership position for all things equine. She provided information on the economic impact to the area when the centre is fully operational. She requested that the City send a letter of support to the Minister of Energy and Infrastructure for the concept of the centre and to support this being the venue for equine events in the bid for the 2015 Pan American Games.

Mayor Farbridge

2. Moved by Councillor Kovach Seconded by Councillor Beard

THAT the Mayor send a letter to the Minister of Energy and Infrastructure advising of the City's support for the development of the Ontario Equine Centre;

AND THAT the proposed Ontario Equine Centre be the venue for equine events in the bid for the 2015 Pan American Games.

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

VOTING AGAINST: (0)

Carried

Moved by Councillor Billings
 Seconded by Councillor Wettstein
 THAT persons wishing to address Council be permitted to do so at this time.

Carried

REGULAR MEETING

DELEGATIONS

Expansion of the Municipal Register of Cultural Heritage Properties to include Non-Designated Burcher-Stokes Properties

Paul Ross, Chair of Heritage Guelph was present and urged Council to adopt the expansion of the municipal register of cultural heritage properties to include non-

designated Burcher-Stokes properties. He advised that the inclusion of these properties on the register does not imply that the properties will be designated, but it give the City additional time to consider requests for the demolition of non-designated properties. He advised that Heritage Guelph will be assisting in the development of a review process.

Linda Clay expressed concern that properties were put on the list without the owners permission. She questioned the right of the City to prevent homeowners from updating or changing their properties. She advised that she wishes her property to be removed from the list and expressed concern with the process when no one knows what is involved. She encouraged Council to reject the inclusion of the Burcher-Stokes list.

Michael Hoffman expressed concern that the City did not take into effect the economic, social and cultural implications for properties included on the register. He also expressed concern that the process used to create the Burcher-Stokes list is not traceable/trackable or transparent or current and that information has not been forwarded to the affected property owners in a timely manner.

Ann Marie Savoie did not address Council.

Robin-Lee Norris expressed concern with the lack of process and the way information was circulated to the homeowners and the impact of being on the list means. She further expressed concern that the process for removing a property from the list will be established after approving the list. She requested Council to defer this matter until the review process has been finalized.

Susan Ratcliffe President of the Architectural Conservancy of Ontario, Guelph and Wellington Branch urged Council to approve the inclusion of the Burcher-Stokes list in the register. She suggested that including these properties on the register identifies possible heritage properties to all potential homeowners.

Barbara Zuccala advised that her property was damaged by fire and the house that is included on the register does not look like that today. She suggested that there is nothing heritage about the structure.

Councillor Salisbury presented Clause 2 of the Tenth Report of the Community Development & Environmental Services Committee.

4. Moved by Councillor Salisbury Seconded by Councillor Hofland

THAT Report 08-108, dated November 7, 2008 from Community Design and Development Services, regarding the expansion of the *Municipal Register of Cultural Heritage Properties* to include the "non-designated" *City of Guelph Inventory of Heritage Structures* (Burcher-Stokes Properties) be received;

AND THAT the *Municipal Register or Cultural Heritage Properties* be expanded to include the "non-designated" City of Guelph Inventory of Heritage Structures (Burcher-Stokes Properties) listed in Attachment 3.

AND THAT staff establish a review process for property owners to seek to have a property removed from the "Municipal Register of Cultural Heritage" based on inaccurate information contained in the City of Guelph Heritage Inventory and that consequently do not meet one of the criteria for designation.

AND THAT Community Design and Development Services add to their workplan that a property incentive program be examined for owners of property on the heritage inventory and that this be referred to the 2009 priority setting process.

5. Moved by Councillor Kovach Seconded by Councillor Billings

THAT the matter of expanding the Municipal Register of Cultural Heritage Properties to include the non-designated City of Guelph inventory of heritage structures, referred to as the Burcher-Stokes properties, be deferred until February 2009;

AND THAT staff be directed to bring back the review process in conjunction with the Burcher-Stokes non-designated inventory of heritage structures;

AND THAT staff be directed to bring back a process for the removal of properties from the Burcher-Stokes inventory of non-designated properties in the City of Guelph.

VOTING IN FAVOUR Councillors Beard, Billings, Findlay, Kovach, Salisbury, Wettstein and Mayor Farbridge. (7)

VOTING AGAINST: Councillor Hofland, Piper (2)

Councillors Bell, Farrelly and Laidlaw did not vote due to their declared potential pecuniary interest.

Mr. J. Riddell

Air Quality Monitoring Program

Laura Murr requested that the City fully fund this air quality monitoring initiative as soon as possible. She suggested that this data is needed in order to plan the city more proactively as the population increases. She further suggested that the data could be used to support initiatives in the Community Energy Plan and to develop policies that will help protect the citizens health through combating smog and air pollution. She requested that the City take action now to monitor our local air quality.

Councillor Salisbury presented Clause 1 of the Tenth Report Community Development & Environmental Services Committee.

6. Moved by Councillor Salisbury Seconded by Councillor Hofland

THAT the Community Development and Environmental Services Committee Report 08-107, dated November 7, 2008, on `Air Quality Monitoring Program' be received.

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

VOTING AGAINST: (0)

Carried

7. Moved by Councillor Salisbury Seconded by Councillor Hofland

THAT staff be authorized to undertake the proposed Air Quality Monitoring Program as described in the Community Development and Environmental Services Committee Report 08-107, dated November 7, 2008, on `Air Quality Monitoring Program', subject to budget approval.

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

VOTING AGAINST: (0)

Carried

8. Moved by Councillor Billings
Seconded by Councillor Wettstein
THAT Council now go into the Committee of the Whole to consider reports and correspondence.

Carried

Mr. J. Riddell

Mr. J. Riddell Ms. M. Neubauer

Councillor Salisbury presented the balance of the Tenth Report of the Community Development & Environmental Services Committee.

Award of Contract for a New Dust Collection System at the Materials Recovery Facility (MRF)

Dr. J. Laird Ms. M. Neubauer Moved by Councillor Salisbury Seconded by Councillor Hofland

THAT the contract of Trade Mark Indus

THAT the contract of Trade Mark Industrial Inc. be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract No. 08-035 for a new dust collection system at the Materials Recovery Facility (MRF), for a total tendered price of \$471,508 (plus GST) with actual payment to be made in accordance with the terms of the contract.

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

VOTING AGAINST: (0)

10.

Carried

New Municipal Hazardous Special Waste Program and Agreement with Stewardship Ontario

Moved by Councillor Salisbury

Dr. J. Laird Ms. M. Neubauer Seconded by Councillor Hofland THAT Council authorize the Mayor and Clerk to sign an Agreement with Stewardship Ontario to receive funding through the Municipal Hazardous or Special Waste (MHSW) Program Plan established by Stewardship Ontario under the Waste Diversion Act, 2002, and any subsequent related agreements.

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

VOTING AGAINST: (0)

Carried

Lake Erie Source Protection Committee – Terms of Reference

Moved by Councillor Salisbury
 Seconded by Councillor Hofland
 THAT Council direct Waterworks staff to continue to
 coordinate drinking water source protection projects with

Dr. J. Laird

respect to the City's water supply systems, subject to the provision of sufficient and sustainable funding from the MOE to the City to complete all the work outlined in the Terms of Reference;

AND THAT Council not "elevate" (i.e. include) other drinking water systems into the scope of source protection planning, at this time;

AND THAT Council not exempt municipal residential drinking water systems, wells, or intakes within Guelph;

AND THAT Council requests that the following wells be included in the drinking water source protection plan: Arkell 14, Arkell 15, Scout Camp, Edinburgh, Smallfield, and Sacco.

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

VOTING AGAINST: (0)

Carried

Councillor Laidlaw presented the Ninth Report of the Emergency Services, Community Services & Operations Committee

Guelph Fire Department Establishing & Regulating By-law, and Mutual and Automatic Aid By-law

12. Moved by Councillor Laidlaw Seconded by Councillor Beard

THAT a By-law to continue and regulate the Guelph Fire Department, to be known as the Guelph Fire Department Establishing & Regulating By-law be approved.

AND THAT a By-law authorizing the Guelph Fire Department to leave the boundaries of the City of Guelph to provide services in various circumstances, including to continue in the participation in the Mutual and Automatic Aid Program for the County of Wellington, and to provide services under the Fire Protection Agreement between The Corporation of the City of Guelph and The Corporation of the Township of Guelph/Eramosa, be approved.

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

Mr. S. Armstrong

VOTING AGAINST: (0)

Councillor Salisbury was not in the Chambers during the vote.

Carried

Power of Entry By-law

13. Moved by Councillor Laidlaw Seconded by Councillor Beard

THAT the Power of Entry By-law attached as Appendix A to the Director of Operations report of November 12, 2008 be approved.

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

VOTING AGAINST: (0)

Councillor Salisbury was not in the Chambers during the vote.

Carried

Notification and Recommendation of a Special Event at Goldie Mill

 Moved by Councillor Laidlaw Seconded by Councillor Beard

THAT an application for a special event permit to serve alcohol at a wedding to be held on Saturday, July 18th, 2009 at Goldie Mill Park be approved;

AND THAT the applicant be given permission to erect a temporary fence that would block the lower pedestrian path along the top of the bank at the river and erect a tent within the fenced area to host their wedding dinner. The tent will measure approximately 30 ft by 70 ft and will require issuance of a building permit.

AND THAT matters regarding special events be referred to staff for consideration under the "delegation of authority" review.

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

VOTING AGAINST: (0)

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

Ms. A. Pappert Mrs. L.A. Giles

Page No. 397 November 24, 2008

> Councillor Salisbury was not in the Chambers during the vote.

> > Carried

Ken Danby Public School Traffic Concerns - Update

15. Moved by Councillor Laidlaw Seconded by Councillor Beard

THAT traffic signals be provided at the intersection of Starwood Drive and Grange Road subject to Ken Danby school providing student patrols and subject to budget approval for 2009.

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

VOTING AGAINST: (0)

Carried

Guelph Farmers' Market Operating Review

Moved by Councillor Laidlaw 16.

Seconded by Councillor Beard THAT the Emergency Services, Community Services and

Operations Committee report of November 12, 2008, entitled `Guelph Farmers' Market Operating Review' be received:

AND THAT staff be directed to draft a new by-law for the consideration of Council, to regulate the Guelph Farmers' Market based on the recommendations contained in Schedule 1 attached;

AND THAT staff be directed to incorporate revisions as contained in Schedule 2 attached, to the operating policies/procedures.

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

VOTING AGAINST: (0)

Carried

Councillor Wettstein presented the Eighth Report of the Finance, Administration & Corporate Services Committee.

Mr. D. McCaughan Ms. N. Neubauer

Mr. D. McCaughan

Residential Lease Agreements – 297 Woodlawn Road West

Ms. L.E. Payne

17. Moved by Councillor Wettstein Seconded by Councillor Bell

THAT the Mayor and Clerk be authorized to execute a lease agreement and any further renewals or subsequent lease agreements between the Ministry of Transportation and the City for the property at 297 Woodlawn Road West;

AND THAT the Mayor and Clerk be authorized to execute a lease agreement and any further renewals or subsequent lease agreements between the City and Matrix Affordable Homes for the Disadvantaged Inc. for the property at 297 Woodlawn Road West.

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

VOTING AGAINST: (0)

Carried

Guelph/Wellington Seniors Association – Lease of the Evergreen Seniors Centre

18. Moved by Councillor Wettstein Seconded by Councillor Bell

THAT the Mayor and Clerk be authorized to execute a five-year lease agreement commencing January 1, 2009 between the City and the Guelph/Wellington Seniors Association in respect of the Evergreen Seniors Centre at 683 Woolwich Street.

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

VOTING AGAINST: (0)

Carried

Possible Solar Energy Proposals on City Lands

19. Moved by Councillor Wettstein Seconded by Councillor Bell

THAT staff be directed to develop and issue a Request for information and a subsequent Request for Proposals from companies interested in establishing a solar photovoltaic project on City lands as outlined in the report of the

Ms. L.E. Payne

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

> Manager of Realty Services dated November 5, 2008 and report back with the results and recommendations through Committee for Council's consideration.

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

VOTING AGAINST: (0)

Carried

PSAB: Tangible Capital Asset Policy

Ms. M. Neubauer

20. Moved by Councillor Wettstein Seconded by Councillor Bell THAT the PSAB 3150 Tangible Capital Asset Policy proposed (TCA Policy) for the Corporation of the City of Guelph dated January 1, 2009 and attached as Schedule 3, be approved.

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

VOTING AGAINST: (0)

Carried

City of Kingston – "Heads and Beds" Levy

Moved by Councillor Wettstein 21. Seconded by Councillor Bell THAT the City of Guelph endorse the resolution of the City of Kingston:

THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to: Increase the "heads and beds" payment immediately to at least match the rate of inflation since 1987 and build in an automatic annual adjustment for inflation from now on, and meet with officials from Kingston and other municipalities affected by this law to discuss a fairer way that is closer to the fair market value of the properties, to compensate for the loss of property taxes because of property tax exemption rules for post-secondary institutions and hospitals under provincial law.

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

Mayor H. Rosen Hon. D. Duncan Hon. J. Watson AMO

Town & Gown Ontario

VOTING AGAINST: (0)

Carried

Councillor Wettstein presented the Second Report of the Finance, Administration & Corporate Services Committee meeting as the Audit Committee.

2008 Audit Plan

22. Moved by Councillor Wettstein Seconded by Councilor Bell

Ms. M. Neubauer

THAT Deloitte & Touche be appointed auditors for the City of Guelph for the fiscal year of 2008;

AND THAT the 2008 Audit Plan prepared by Deloitte & Touche be approved as submitted.

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

VOTING AGAINST: (0)

Carried

Audit Committee Terms of Reference

23. Moved by Councillor Wettstein Seconded by Councillor Bell

Ms. M. Neubauer Mrs. L.A. Giles THAT the Procedural By-law be amended to establish the Audit Committee as a Standing Committee, distinct from the Finance, Administration and Corporate Services Committee:

AND THAT the Audit Committee Terms of Reference attached as Schedule 4 be adopted.

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

VOTING AGAINST: (0)

Carried

Councillor Piper presented the Seventh Report of the Governance & Economic Development Committee.

Human Resources / People Practices Strategy

Mr. M. Amorosi

24. Moved by Councillor Piper
Seconded by Councillor WettsteinTHAT the Human Resource Strategy for the City of
Guelph, attached as Schedule 5, be approved;

AND THAT Council endorse the re-naming of the Strategy to the People Practices Strategy;

AND THAT staff report back annually on the status and progress made in implementing the Strategy.

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

VOTING AGAINST: (0)

Carried

Flag Raising Policy

25. Moved by Councillor Piper
Seconded by Councillor Wettstein
THAT the policy regarding raising, displaying and half
masting of outdoor flags on City of Guelph properties
attached as Schedule 6 be adopted.

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

VOTING AGAINST: (0)

Carried

Sidewalk Winter Control Service Review Report

Beth Brombal, Coordinator, Service Performance & Development provided an overview of phase 1 of the sidewalk winter control service review. She outlined the current service delivery and the advantages and disadvantages. She also reviewed an alternative service model where the residents are responsible for clearing the snow from sidewalks.

26. Moved by Councillor Piper
Seconded by Councillor Wettstein
THAT the Governance and Economic Development
Committee report Sidewalk Winter Control Service Review
Report of November 18, 2008 be received;

Mrs. L.A. Giles Ms. L.E. Payne

Mr. D. McCaughan Ms. M. Neubauer

AND THAT Sidewalk Winter Control continues to be a service provided to the citizens of Guelph;

AND THAT staff commence with Phase 2 of the Sidewalk Winter Control review process to identify expected service delivery outcomes and community defined service levels through public consultation;

AND THAT staff be directed to implement operational improvements for the 2008/2009 winter season as identified in the Governance and Economic Development Committee report Sidewalk Winter Control Service Review Report;

AND THAT the purchase of a snow plow as approved in the 2008 Capital Budget and identified as project #RD0149 which is funded by development charges, be approved.

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

VOTING AGAINST: Councillor Piper (1)

Carried

Mrs. L.A. Giles Mr. D. McCaughan 27. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT staff be directed to develop a communications program to be included on the City's page in the Guelph Tribune asking residents to voluntary shovel their sidewalks.

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

VOTING AGAINST: (0)

Carried

Review of Guelph City Council Governance Framework

28. Moved by Councillor Piper
Seconded by Councillor Wettstein
THAT the following structure for standing

THAT the following structure for standing committees as outlined in the report of the Director of Information Services dated November 18, 2008, be adopted for the balance of the 2006-10 term of Council:

Mrs. L.A. Giles

Governance Working	Operational Standing
Committees	Committees
Governance Committee (Mayor + Chairs of the following Committees: - Audit, Community Development & Environmental Services, Community Services, Emergency Services & Operations, Finance, Administration & Corporate Services) Mayor to Chair this Committee	Community Development & Environmental Services Committee (Mayor + 4 Councillors)
Audit Committee (4	Emergency Services,
Councillors + Mayor)	Community Services &
	Operations Committee
	(Mayor + 4 Councillors)
Emergency Governance	Finance, Administration &
Committee	Corporate Services
	Committee (Mayor + 4
	Councillors) (which includes
	Economic Development & Tourism)
	Land Ambulance Committee /
	Joint Social Services
	Committee (3 City ECO
	Members, 3 County
	Councillors Mayor & Warden)

VOTING IN FAVOUR: Councillors Beard, Bell, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (10)

VOTING AGAINST: Councillors Billings and Kovach (2)

Carried

Mrs. L.A. Giles

29. Moved by Councillor Piper
Seconded by Councillor Wettstein
THAT staff be mandated through the Governance
Committee to review and recommend improvements to
the Governance Framework and associated elements
during each term of Council.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

Mrs. L.A. Giles

30. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT the roles of the Land Ambulance Committee and the Joint Social Services Committee as standing committees in Council's new governance structure be reviewed by the City and the County of Wellington.

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

VOTING AGAINST: (0)

Carried

Councillor Wettstein Mrs. L.A. Giles 31. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT the establishment of an appeals committee to be delegated the authority of Council with respect to the revoking, suspending or cancelling of a business licence be referred to the Finance, Administration & Corporate Services Committee.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles

32. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT a consistent template be established for developing terms of reference for Council-established Advisory Committees, and that the Terms of Reference be clearly defined and written in advance of any appointments to Committee, including affiliation with the appropriate standing committee.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles

33. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT the terms of appointments to Advisory Committees be concurrent with the term of Council, and reviewed prior to the conclusion of each Council term.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles

34. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT the mandates and terms of Advisory Committees be reviewed prior to the end of each term of Council.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles

35. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT commencing with the 2010-14 term of Council, members of Council no longer be appointed to advisory committees.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles Senior Mngt. Team 36. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT at the beginning of each Council term, significant time should be spent by Council in clarifying the roles and relationships between Council, the CAO and Administration.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles Senior Mngt. 37. Moved by Councillor Piper
 Seconded by Councillor WettsteinTHAT at the beginning of each Council term, significant time should be spent by Council in reviewing the

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

VOTING AGAINST: (0)

Moved by Councillor Piper

38.

Council/staff protocol.

Carried

Mrs. L.A. Giles Ms. B. Boisvert Senior Mngt. Seconded by Councillor Wettstein
THAT all new projects/initiatives, or inquiries of
significance where the effort required to respond will
result in the need to reallocate one or more resources
that are currently committed to either an operational
function or a formally identified strategic priority, be
formally acknowledged by Council and referred to the

annual strategic priority planning sessions in early spring.

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

VOTING AGAINST: (0)

Carried

39. Moved by Councillor Piper
Seconded by Councillor WettsteinTHAT the use of consent agendas be adopted for use by the Standing Committees.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles

Mrs. L.A. Giles

40. Moved by Councillor Piper Seconded by Councillor Wettstein

THAT staff presentations at regular Council meetings, be scheduled at the beginning of the agenda, and that staff presentations at planning and special meetings continue to be scheduled to suit the content of the agenda.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles

41. Moved by Councillor Piper
Seconded by Councillor Wettstein

THAT Council consider scheduling Mondays for all council and standing committee meetings.

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

VOTING AGAINST: (0)

Carried

Mrs. L.A. Giles

42. Moved by Councillor Piper
Seconded by Councillor Wettstein
THAT if a meeting is going to extend beyond 11:00 p.m.,
then only one motion to extend is required and the
maximum allowable extension is to 11:59 p.m.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

Report to Council from Committee of the Whole

109 Emma Street – Upcoming Ontario Municipal Board Hearing

43. Moved by Councillor Kovach
Seconded by Councillor Laidlaw
THAT City Council authorize appropriate City Staff to
attend an upcoming Ontario Municipal Board hearing in

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

Mrs. K. Fairfull

support of the minor variances in application A-66/08 to accommodate two additional residential units in the existing multi-unit residential building at 109 Emma Street;

AND THAT City Council authorize appropriate City Staff to attend any Ontario Municipal Board initiated mediation discussions on the matter of Committee of Adjustment application A-66/08 at 109 Emma Street.

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

VOTING AGAINST: (0)

Carried

580 Paisley Road – Appeal to the Ontario Municipal Board Hearing

44. Moved by Councillor Kovach Seconded by Councillor Laidlaw

THAT City Council authorizes appropriate City staff to attend the upcoming Ontario Municipal Board hearing to support the decision to not approve the site plan application (SP07C020) for the development of a gas bar, car wash and kiosk at 580 Paisley Road.

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

VOTING AGAINST: (0)

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

Carried

Indemnity Agreements

45. Moved by Councillor Wettstein Seconded by Councillor Bell

THAT subject to the satisfaction of the City Solicitor, the Mayor and Clerk be authorized to sign indemnity agreements dealing with issues surrounding contamination or potential contamination arising from contaminated sites.

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

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

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

VOTING AGAINST: (0)

Carried

Extension of Lease Agreement – 2 Wyndham Street North, 60 and 62 Carden Street, 55 Macdonell Street

46. Moved by Councillor Wettstein Seconded by Councillor Bell

Ms. L.E. Payne

THAT the Mayor and Clerk be authorized to execute an Amending Agreement to the lease for space at 2 Wyndham Street North, 60 and 62 Carden Street, and 55 Macdonell Street to extend the term for the space on the 2nd, 3rd, and 4th floors to March 31, 2009.

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

VOTING AGAINST: (0)

Carried

CONSENT AGENDA

The following item #A-1 was extracted from the Consent Agenda to be voted on separately.

47. Moved by Councillor Seconded by CouncillorTHAT the balance of the November 24, 2008 Consent Agenda as identified below, be adopted:

a) Christmas Day Bus Service – Reduction of Service

Ms. A. Pappert Ms. M. Neubauer THAT report CS-TR0824 "Christmas Day Bus Service – Reduction of Service", of the Director of Community Services be received;

AND THAT as a cost savings measure, Guelph Transit will not provide bus service on Christmas Day.

B Items for Direction of Council

1) Request to use "Guelph" in name of Guelph Giants Special Needs Hockey Foundation

Mr. A. Gordon

Mr. H. Loewig Mayor Farbridge

Councillor Bell Councillor Findlay

Councillor Piper

Councillor Salisbury

THAT the request from Miller Thomson on behalf of the Derek Brodie and the Guelph Giants Special Needs Foundation, for permission to use the name "Guelph" in the name of the "Guelph Special Needs Hockey Foundation", be approved.

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

VOTING AGAINST: (0)

Carried

Guelph Hydro Inc.

48. Moved by Councillor Piper Seconded by Councillor Salisbury

THAT a steering committee representing the Mayor and four members of City Council (as shareholder) and the Guelph Hydro Inc. Board be established to explore the future direction and opportunities of the Guelph Hydro business enterprise.

VOTING IN FAVOUR: Councillors Beard, Bell, Farrelly, Findlay, Hofland, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (10)

VOTING AGAINST: Councillors Billings and Kovach (2)

Carried

Mr. H. Loewig Mayor Farbridge Councillor Bell Councillor Findlay Councillor Piper Councillor Salisbury 49. Moved by Councillor Findlay
Seconded by Councillor Laidlaw
THAT Councillors Bell, Findlay, Piper, Salisbury and
Mayor Farbridge be appointed to the steering committee
to explore the future direction and opportunities of the
Guelph Hydro business enterprise.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

50. Moved by Councillor Farrelly
Seconded by Councillor Wettstein
THAT the Committee rise with leave to sit again.

Carried

51. Moved by Councillor Findlay Seconded by Councillor Bell

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

Carried

SPECIAL RESOLUTIONS

Councillor Salisbury's motion for which notice was given October 27, 2008 with respect to graffiti

52. Moved by Councillor Salisbury
Seconded by Councillor Piper
WHEREAS the Municipal Act, SO 2001, c.25,
Section 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS it is the opinion of the Council of the City of Guelph that graffiti is a public nuisance;

AND WHEREAS the practise of placing graffiti on publicly and privately owned buildings and structures is becoming more commonplace and is at times offensive in nature;

AND WHEREAS the City of Guelph does not presently have a by-law that regulates graffiti on privately owned property;

BE IT RESOLVED THAT this issue be referred to the Council Priority Setting sessions in the spring of 2009.

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

VOTING AGAINST: (0)

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

BY-LAWS

53. Moved by Councillor Hofland Seconded by Councillor SalisburyTHAT By-laws Numbered (2008)-18663 to (2008)-18683, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

QUESTIONS

In response to questions by Councillor Kovach, the Mayor advised that the City was not asked to participate in a recent meeting where 22 Mayors of municipalities across Ontario who are large employers of the auto sector met with provincial representatives.

MAYOR'S ANNOUNCEMENTS

The Mayor recognized Shawn Armstrong who was the cochair of the City of Guelph's United Way Campaign. She advised that city employees raised \$4,000 more this year than last year.

ADJOURNMENT

The meeting adjourned at 10:45 o'clock p.m.

Minutes read and confirmed December 22, 2008.

Mayor	
Clerk	

GUELPH FARMERS' MARKET OPERATING REVIEW By-law Recommendations

THE FOLLOWING ARE PROPOSED RECOMMENDATIONS TO BE INCORPORATED WITHIN THE NEW BY-LAW, GOVERNING THE OPERATIONS OF THE GUELPH FARMERS' MARKET.

1. DEFINITION OF VENDOR CATEGORIES

Farmer – producers of farm products (fruit, vegetables, meat, poultry, dairy, fish, grains & seeds, honey, maple products and plants/flowers), who are selling or offering for sale their own products. A minimum of 65% of the products sold must be home grown.

Food Reseller – non producers of consumable food products who sell or offer for sale products purchased from a third party.

Prepared Foods – Food products prepared by the Vendor for consumption for sale at the Market,

Arts & Crafts - Handmade goods produced or created by the Vendor from raw or basic materials which are changed into a significantly different shape, design, form or function using a special skill or manual art. Articles cannot be commercially fabricated or produced in any way.

Other - Community based services & public based interest "non-profit". Fundraiser groups such as cadets, boy scouts are not required to rent a table.

2. RENTAL SPACE ASSIGNMENT PROCESS

Methodology used to determine assignment of table vacancies:

- i. Percentage vacancy noted in composition of Market
- II. Unlaueness & best Interest of the Market
- iii. Term commitment

Methodology used to determine assignment of booth vacancies:

- 1. Health Regulations relating to facilities required for operation
- II. Uniqueness & best interest of the Market
- ili. Term commitment

3. Roles & Responsibilities

Market Clerk

The Market Clerk shall administer and supervise the operation of the market and the enforcement of the By-law, including the following duties:

- Collect rental fees
- Assign rental spaces to vendors. Location and products approved for vending to be listed on rental agreement.
- Execute on behalf of the Corporation the rental contracts for the use of market space
- No selling product either directly or indirectly through a vendor or entering into a trade for rental fees or other services; No direct or indirect interest in the sale or profits of any products sold at the Market
- Market Clerk may not shop at Market while on duty or in uniform

Market Vendor

- The cleanliness of his/her rental space is maintained so that no rubbish, garbage or waste material is deposited on or about the assigned area. This includes providing refuse containers and emptying them at end of Market day.
- Booth vendors are responsible for sweeping & mopping the floor space within their booths
- Compliance with the terms and conditions set forth in the by-law and policies & procedures
- Responsible to obtain all necessary licenses, permits, inspections and certificates for the sale of their products
- Responsible for all expenses associated to any improvements to their vending/rental area

4. VENDOR ACCESS TO MARKET BUILDING

- Vendor access for set up and take down:
 - o 8 am 4 pm, Thursdays & Fridays via Market Clerk
 - o 4 pm Fridays 2 pm Saturdays via keypad entry
- Saturday Market opened and closed by Market Clerk; no vending outside of Market hours (7 am - 12 noon); vendors to have vacated property by 2:00 pm on Saturdays

5. MARKET DAYS & HOURS

 Additional market days and occasional extended hours per calendar year to be available, with the conditions that there be 1-months notice and a commitment of 75% of vendor participation. Executive and Clerks to pre-determine additional dates.

6. Rules regarding Equipment

- All equipment to be CSA (Canadian Standard Association), and/or CLU (CSA equivalent) and City approved prior to installation and use
- All wiring and plumbing to vendor rental space to be pre-approved and arranged by Corporation, at the expense of the Vendor
- Equipment to be ESA compliant (Electrical Safety Authority)

7. PAYMENT TERMS

- Payment to be received in advance at time of reservation
- Rental fee cheques returned non-sufficient funds subsequent payments to be paid by certified cheque, money order or cash only

8. NOTICE OF NON-OCCUPANCY OF RENTAL SPACE

- Vendor to provide 48 -hour notice of absence; City will rent out space if possible and refund Vendor. If unable to rent out space, Vendor is responsible for rental fee.
- Seven (7) days notification to be provided in written format to the Market Clerk for leaves of absence such as vacation. In the event where the leave is greater than 2 weeks in length, the rental space may be temporarily rented out to another vendor. Vendor is reimbursed unused portion if Clerk was able to rent out space.
- In the event that a Vendor allows their rental space to be vacant for more than 1
 market day without providing sufficient notice to the Clerk, their contract may be
 cancelled and their rental spot reassigned. Vendor responsible for rental fee if
 Clerk is unable to rent out spot,

- Contracts maybe cancelled at any time for breach of any of the provisions in the By-law and/or policies & procedures. The Vendor shall be entitled to a refund for the unexpired portion of the contract term
- A Vendor who wishes to cancel their rental contract must provide 7-days written
 notification of their intentions to vacate the Market. Upon receiving the
 notification, the Vendor may request a refund for the unexpired fee portion. A
 refund shall be conditional upon the Market Clerk receiving reasonable and
 adequate notice.

9. MODIFICATIONS/ALTERATIONS TO MARKET PROPERTY

 No alterations or changes to building, parking lot and City property without prior written authorization from the City. Vendor able to decorate table by temporarily affixing objects to tables utilizing non-damaging holding devices such as clamps.

10. SELLING OF PRODUCTS NOT PRE-APPROVED

- Vendor contract/agreement to list approved items for sale
- Vendor to submit an application/amendment to vend any new items not listed on the contract
- City reserves the right to approve product lines as seen fit and reserves the right NOT to approve items that a Vendor was previously approved for from a previous year or any new items

11. COMPOSITION OF MARKET EXECUTIVE

a) Terms of Reference

- Ouorum is 4
- If votes are tied, the issue becomes a non-vote City staff cannot vote.
- Committee meetings 4 times per year (every 3 months). Meetings to be cancelled
 if insufficient agenda items
- Market Clerk or Executive member can facilitate the meeting
- Market Clerk to draft agenda and transcribe meeting minutes. Minutes to be signed by a Vendor Executive and Market Clerk. Copies to be forwarded to the Supervisor of Administration and Director of Operations. Approved minutes to be posted.
- Appeal process:
 - Vendor approaches Executive
 - o Executive table at next quarterly meeting
 - Issue reviewed and discussed
- Executive responsible for ensuring that the information resulting from an appeal is conveyed to the Vendor.

b) Eligibility of Executive

- Composition to include representative from the following vendor groups: 2
 Farmers, 1 Food Reseller, 1 Prepared Food, 1 Arts & Crafts and 1 Other
- Two year term
- In the event of a resignation, the position should default to the second runner up if they are still interested. If no runner up, a new vote will take place.
- Vendor must have been present at Market for at least 12 collective months in the last two years
- Executive members must attend 75% of meetings held in order to maintain status as a Vendor Executive. Meeting dates to be pre-determined to allow for scheduling.

c) Voting Process

- Nominations must be in written format
- Nominations to be supported by 2 vendors and accepted by nominee
- Market Clerk to publish biographies and photos of all nominees, 2 weeks prior to vote
- Voting to take place first week in April
- To be eligible to vote, vendors need to have been at the Market for at least 6 collective months within the past two years
- 1 ballot per vendor contract to be distributed 2 weeks prior to vote
- Counting of votes to be carried out by Market Clerks & a member of the former Vendor Executive, who is not a nominee in the current election
- Count to be signed off by Vendor Executive and Market Clerks
- Successful candidate to be determined by majority of votes
- In the event of a tie, a coin toss will be used to determine the winner.

12. Insurance (for Vendor Product)

 Vendors required to maintain \$2,000,000 Insurance for product liability, and to supply a certificate as proof of insurance prior to the signing of the contract naming the Corporation of the City of Guelph to be an additional named insured.

13. TRANSFER OF CONTRACTS

 The balance of the term of a vending contract can only be transferred to someone vending with the same business name and same product. If vending food products, must have Health Unit approval.

14. VENDOR CONDUCT

- Smoking not permitted in Market building and in Market parking lot during market hours
- · Alcohol and drug use is not permitted on the Market grounds
- Each Vendor shall remain on his/her own market space when selling his/her
 products. Sales shall be conducted in an orderly business manner. No shouting or
 other objectionable means, such as hawking through amplified means, for soliciting
 trade shall be tolerated
- Vendors who bring their young children to the Market, are to ensure that they are supervised at all times and not disrupting customers or other vendors
- Vendors will not be confrontational with other vendors, customers, staff or others.
 If a Vendor has a problem with any issue it is to be dealt with in a calm and professional manner. Issues between Vendors are to be dealt with outside of Market hours.

15. LABELLING OF FOOD PRODUCTS

- All pre-packaged food products must comply with the Nutrition Labelling requirements stipulated by Canadian Food Inspection Agency.
- All pre-packaged food products, not sold by the individual who prepared and processed the product, must comply with the Nutrition Facts Table requirements as stipulated by Canadian Food Inspection Agency.

16. NON COMPLIANCE & CONSEQUENCES

 Non compliance to regulations and/or policies & procedures will be ensued with a warning for first offense followed by termination of vending contract for second offense.

GUELPH FARMERS' MARKET OPERATING REVIEW Operating Policies & Procedures Revisions

THE FOLLOWING ARE PROPOSED REVISIONS TO BE INCOPORATED WITHIN THE GUELPH FARMERS' MARKETING OPERATING POLICIES & PROCEDURES.

1. ARTS & CRAFT JURY

An Arts & Crafts Jury will review new vendor applications and submissions/ requests for vending of additional products (by existing vendors), and conduct assessments on product quality (new & existing vendor products).

The Jury will be comprised of 5 representatives: 1 - Arts & Crafts Vendor Executive, 1 - Arts Council member, 1 - Arts & Crafts Vendor, 1 - member of the Public and a second member of the Vendor Executive Committee.

Monthly evaluation meetings will be held. Market Clerk to make temporary assessments on new applications and grant temporary placement if available and until such time that a decision has been rendered by the Jury.

2. DEFINITION OF ARTS & CRAFT CATEGORY

When capacity exists, exceptions to the definition may be considered for specialty products that are manufactured or organic/green.

3. IDEAL COMPOSITION OF MARKET VENDORS — PERCENTAGE ALLOCATION OF RENTAL SPACE
The following percentages are base or desired percentages. When there is capacity, the
spaces will be opened up to other categories on a short-term basis.

December 1 to April 30, inclusive:

- 25% Farmers
- 25% Resellers
- 25% Prepared Foods
- 20% Art
- 5% Other

May 1 to November 30, inclusive:

- 30% Farmers (plus 100% of external vending space)
- 25% Resellers
- 20% Prepared Foods
- 20% Art
- 5% Other

2. VARIETY & LIMITATIONS OF PRODUCTS

Limitations for selling same product as follows:

Farmers – 3
Food Resellers – 3
Prepared Food – 2
Arts & Crafts – 2
Other – 1

Additional applications for vending of same products, where the limit has been reached, are to be reviewed by the Vendor Executive. Temporary rental agreements may be granted at the Market Clerk's discretion.

3. RENTAL AGREEMENTS

a. Length of Contract

Annual, seasonal (6 months), monthly, weekly temporary

- Payment in advance. Annual & seasonal reservations first/last month's rental fee paid at time of reservation, followed by monthly rental fees.
- First paid first serve basis; preference given to applicants wanting longer term commitment

b. Rental Space

Table space – 4 ft minimum for all categories; maximum limits to be set as follows:

Farmers - 20 ft max
Food Resellers - 12 ft max
Prepared Food - 12 ft max
Arts & Crafts - 12 ft max
Other - 6 ft max

- Booths a vendor cannot sell the same product from two or more different booths; multiple/various products can be sold from one booth.
- Outside stalls no more than 3 spaces per Vendor

When capacity exists, maximum limits maybe exceeded on a temporary basis and at the Market Clerk's discretion.

c. Booth/Table Standards

- Merchandize may not be hung from ceiling or on the wall
- Signs cannot be permanently affixed to the building, walls or tables. Signs affixed to building wall to be fastened by the City
- Coolers and refrigerator units not permitted in the centre section of the Market
- Height of table shelves no more than 3ft from table surface for new Vendors.
 Former Vendors grandfathered at 4 ft from table surface.

4. UTILIZATION OF PARKING LOT

- During spring/summer season (Apr 1 Nov 30), no parking allowed within parking lot unless vending from vehicle. Those vending from vehicles, must be set up by 6:45 am and cannot move vehicles until 30 minutes following the end of market day (12:30 pm)
- During winter season (Dec 1 March 31) a specific number of spaces will be reserved for vending within the parking lot; remainder of parking lot to be utilized for customer parking.

5. EXTENDING TABLES, ENCROACHMENT

 Vendors are to use amount of space allocated to them - no encroaching or extensions permitted. Extensions include the space/area behind City tables and Vendors bringing their own tables for use at the Market.

6. LEAVING PRODUCT BEHIND

- No product to be left on the floor
- All food products to be removed at the end of each market day, unless stored within a refrigerator unit

- City is not responsible for lost, stolen or damaged product, including refrigerated products
- All items to be removed at the end of the term

7. CLEANLINESS OF MARKET

Quality assurance to be carried out by Market Clerk each week

R. Ruckepe

- Outside & inside as space permits
- Selection and approval of buskers to be a collaborated effort between Executive members and Market Clerks

9. EDUCATIONAL DEMONSTRATORS

- Demonstrators to be charged a fee if selling a product
- (1) one demonstrator per market day; permitted when space is available
- Demonstrators to submit an application and receive approval by Vendor Executive and Market Clerk
- Must be consistent with regulations

CORPORATE POLICY



POLICY PSAB 3150 Tangible Capital Policy

CATEGORY FINANCE

AUTHORITY COUNCIL

RELATED POLICES

APPROVED BY COUNCIL

EFFECTIVE DATE January 1, 2009

REVISION DATE

PURPOSE

The objectives of the TCA Policy are:

- to prescribe and establish accounting policies for tangible capital assets (TCA's) in accordance with PS 3150 and CICA Sections 3060 and 3065 and their respective representation on the financial statements of the City.
- Establish policies for the effective transition to full accounting required by January 1, 2009.
- Establish accountabilities and responsibilities for the Finance Department, Directors and staff
 that purchase, contract and construct TCA's and have asset management responsibilities.
- Establish and delegate authority of City departments as it relates to the TCA accounting and asset management.

APPLICATION AND SCOPE

- This policy applies to all departments and organizations that the City is responsible to include in its financial statements.
- This policy applies to existing assets as of January 1, 2009 and all new tangible capital assets purchased, acquired or constructed. Intangible assets are not covered by this policy.
- This policy replaces all existing policies with respect to tangible capital assets and/or accountabilities for such assets.
- This policy should be read in conjunction with PSAB Handbook Section PS 3150 and CICA Sections 3060 and 3065.

SECTION# A POLICY #1: PSAB 3150 Tangible Capital Policy – Recording Tangible Capital Assets

POLICY STATEMENT

The City of Guelph for the purpose of capitalization and amortization will employ two methods of defining TCA's; the whole asset and component approach. Both the whole asset method and the component approach are equally acceptable under GAAP.

PURPOSE

In certain circumstances, it is appropriate to allocate the total disbursement on an asset to its component parts and account for each component separately. This is the case when the component assets have different useful lives or provide economic benefits or service potential to the entity in a different pattern, thus necessitating use of different amortization rates and methods. For example, the pavements and base may need to be treated as separate items within a road system to the extent that they have different useful lives.

DEFINITIONS

The whole asset approach considers an asset to be an assembly of connected parts. Costs of all parts would be capitalized and amortized as a single asset by year of acquisition. For example a building may be considered as a single asset.

Under the component approach, major components are individually capitalized and amortized. Each component with a unique historical cost, useful life or amortization is recorded separately. For example, the major components of a building (exterior shell, windows, roof, HVAC, etc.) may be capitalized.

GUIDELINES

Additional factors influencing the choice of method include:

- Significance of amounts;
- ii. Quantity of individual asset components (volume);
- iii. Availability of information with respect to specific components of the capital expenditures; and
- iv. Specific information needs of management for decision making and asset control purposes.

SECTION# B

POLICY #2: PSAB 3150 Tangible Capital Policy - Segmentation

POLICY STATEMENT

Roads, watermains and sewer lines (linear assets) will be broken down into logical segments as determined by the operating department responsible for the TCA.

PURPOSE

Assets may also be viewed according to logical "segments." This conceptual view is typically applied to linear networks. Segmentation is to provide a better basis for asset management so that Department can better manage their linear assets.

DEFINITIONS

Segmentation is a division of the asset into geographical sections. For example, a road network may be divided into segments that correspond with each road section between a municipality's intersections.

SECTION# C

POLICY #3: PSAB 3150 Tangible Capital Policy - Pooled Assets

POLICY STATEMENT

Due to the large financial impact and large numbers purchased, the City will create a pool of TCA's and capitalize these TCA's

PURPOSE

Certain items such as tools, furniture and computers are generally below the capitalization threshold individually, but are typically purchased or held in large quantities so as to represent significant expenditures overall. In such cases, it would seem reasonable to capitalize all items acquired in a given asset pool and amortize the pool over a pre-determined amortization period.

DEFINITIONS

Asset Pool involve homogeneous items that meet the definition of TCA (but may not individually exceed the municipally determined capitalization threshold) and that, due to their similarity and their sheer quantity, may best be accumulated as aggregated (or grouped) assets.

SECTION# D POLICY #4: PSAB 3150 Tangible Capital Policy - Capitalization Thresholds

POLICY STATEMENT

Expenditures that meet both the criteria of a TCA and exceed the following capitalization thresholds are to be recorded as a TCA.

Tangible Capital Asset	Threshold
Land	Capitalize all
Land Improvements	\$25,000
Buildings	\$100,000
Leasehold Improvements	\$100,000
Vehicles	\$10,000
Machinery and Equipment	\$10,000
Infrastructure	\$100,000

Thresholds should be applied on an individual asset basis, unless multiple expenditures are for tangible capital assets valued below the capitalization threshold and, therefore, expensed rather than capitalized, results in a material misstatement of the financial statements.

PURPOSE

The threshold represents the minimum cost an individual asset must have before it is to be recorded as a capital asset on the statement of financial position.

The threshold, has a significant impact on the size of the TCA inventory and the complexity of managing subsequent acquisitions and disposals

DEFINITIONS

The capitalization threshold defines the minimum dollar level a municipality will use to determine which expenditures will be capitalized as assets and amortized and which expenditures will be treated as current year expenses. Expenditures that are above the threshold amount and otherwise meet the definition of a TCA are capitalized. Those that fall below the threshold are expensed in the year incurred.

SECTION# E

POLICY #5: PSAB 3150 Tangible Capital Policy - Valuing Assets

POLICY STATEMENT

The cost of a TCA includes:

- the purchase price of the asset '
- other acquisition costs such as:
 - 1. installation costs; 2 design and engineering fees; 3 legal fees; 4 survey costs;
 - 5 preparation costs; 6 freight charges; 7 transportation insurance costs; and 8 duties

The cost of a constructed asset includes:

- direct construction or development costs (such as materials, contracted services and labour);
- overhead costs directly attributable to the construction or development activity;
- The activities necessary to prepare a tangible capital asset for its intended use encompass
 more than the physical construction of the tangible capital asset. They include the technical
 and administrative work prior to the commencement of and during construction provided
 that it can be shown it is directly attributable to the construction of the TCA.

The cost of each TCA acquired as part of a single purchase (for example, the purchase of a building and land for a single amount) is determined by allocating the total price paid for all of the TCAs acquired to each asset class on the basis of its relative fair value at the time of acquisition.

In general, management overhead is not an eligible cost for capitalization. Indirect labour costs are only allowable in situations where the staff time is clearly attributable to the project and staff are 100% chargeable to certain projects and do not have other non-chargeable duties when not engaged in project work.

Interest costs related to the financing of the acquisition or construction of a tangible capital asset are not capitalized.

PURPOSE

Once the capital inventory is assembled, opening asset values need to be determined. Some of this work can be captured simultaneously with the gathering of inventory information described in the previous section.

If a cost, direct or indirect, is not absolutely necessary for completing the acquisition or betterment of a TCA, it is not allowable for capitalization.

DEFINITIONS

The cost of a tangible capital asset is the amount of consideration given up to acquire, construct, develop, or better a tangible capital asset and includes all costs directly attributable to acquisition, construction, development, or betterment of the tangible capital asset, including installing the asset at the location and in the condition necessary for its intended use. The definition of cost precludes the netting of capital grants or donations against the cost of the asset.

SECTION# F

POLICY #6: PSAB 3150 Tangible Capital Policy - Amortization

POLICY STATEMENT

Amortization for the City of Guelph will be primarily based on the straight line method of depreciation or another method approved by the Director of Finance. Further, 50% of the annual amortization amount will be recorded in the year of acquiring an asset, putting an asset into service. In the event of an asset being disposed of before its natural useful life, the half year rule will not apply but rather disposition will be calculated to the actual date of disposal.

PURPOSE

The amortization of the costs of tangible capital assets is accounted for as expenses in the Consolidated Statement of Financial Activities. Amortization expense is an important part of the cost associated with providing municipal services, regardless of how the acquisition of tangible capital assets is funded.

Amortization of TCA's reflects the cost to the municipality of utilizing the TCA in providing services. The cost of property, equipment and other capital assets is essentially a long-term prepayment of an expense in advance of the use of the asset. As the economic service life of the asset expires, the cost of the asset is systematically allocated to operations as an expense called "amortization".

DEFINITIONS

Amortization is the process of allocating the cost of a tangible capital asset, net of its residual value, over its estimated useful life. Amortization allocates the cost of a tangible capital asset in a systematic and rational manner matches the cost of the tangible capital asset to the periods in which service is derived from the asset.

SECTION# G POLICY #7: PSAB 3150 Tangible Capital Policy - Useful Life

POLICY STATEMENT

Expected useful life is normally the shortest of the asset's physical, technological, commercial and legal life. The physical life of a tangible asset may extend beyond the useful life of an asset. Estimating useful lives of TCAs is a matter of judgment based on experience and should be applied on a consistent basis.

The useful life of a TCA depends on its expected use by the municipality. Factors to be considered in estimating the useful life of a TCA include:

- · Experience with similar assets through use;
- Expected future usage;
- Effects of technological obsolescence;
- Expected wear and tear from use or the passage of time;
- The maintenance program;
- Studies of similar items retired; and
- The condition of existing comparable items.

Useful life will be established through collaboration between the Operating Departments and the Finance Department. Generally, the useful life will be utilized for the asset classes.

The service potential of an asset is normally consumed through usage. Factors such as obsolescence, excessive wear and tear or other events could significantly diminish the service potential that was originally anticipated from the asset (section 2.21.).

Financial reporting standards require the useful life of an asset to be reviewed at the end of each reporting period, and, if expectations differ from previous estimates, the change in useful life is to be accounted for as a change in an accounting estimate.

Estimated useful lives were determined based on a careful review of the literature and best practices and subsequent verification from City of Guelph staff based on the average useful lives experienced within the City.

The following table lists the range of useful lives used for the various asset categories. A detailed listing of all asset useful lives can be found in the Tangible Capital Asset Accounting Guidelines Manual and the Asset Valuation Report.

Pipes	60-80 years based on material type
Bridges	60 – 80 years based on bridge classification
Roads (structure)	50 years
Roads (pavement surface)	20 – 30 years based on road classification
Pumping Stations	Components range from 10-60 years
Supply Facilities	Components range from 10-60 years
Treatment Plants	Components range from 10-60 years
Buildings	
Buildings Components	Components range from 10-75 years
Equipment	
Equipment	Based on type, range from 3-15 years
Wehicles	
Vehicles	Based on type, range from 3-15 years

TERMS OF REFERENCE



Audit Committee

ESTABLISHED BY:

Procedural Bylaw (1996) 15200 Standing Committees

PURPOSE OF GROUP

It is the audit committee's responsibility to provide independent review and oversight of the City's financial reporting processes, internal controls and independent audit.

RESPONSIBILITIES

The committee is generally responsible to oversee and advise Council on matters of financial accountability and internal control, including:

- Manage the external audit procurement process
- Select the independent auditors, and recommend appointment to Council, and the appropriate fee
- Determine the appropriate scope of the external audit, including review of the external audit workplan
- Review the auditor's reports with management and the external auditors,
- Review the audit concluding memorandum and management letter and follow up on recommendations and corrective action
- Assess the performance of the external auditors
- Review the City's annual financial report, including consideration of accounting policies, estimates and adjustments, and recommend to Council for approval
- Review changes in the City's accounting policies
- Review the annual internal audit workplan, including risk assessment
- Discuss findings of the city's internal control reviews with management and the external auditors, and follow up on implementation of corrective action
- Prepare an annual report to Council on how the Committee has discharged its duties and met its responsibilities, and recommend to Council any changes to lits terms of reference to ensure continued effectiveness

FREQUENCY OF MEETINGS

The audit committee shall meet quarterly

MEMBERSHIP OR ATTENDEES

The audit committee shall be comprised of four members of Council and the Mayor It is the responsibility of Council to ensure that audit committee members have the skills to serve as effective Committee member, including:

- financially literacy, with sufficient understanding of accounting, auditing, financial reporting and internal control to be able, with the assistance of a financial expert, to deliberate meaningfully on the types of issues likely to come before an audit committee
- a general understanding of the City's major economic, operating and financial risks

- an aptitude for understanding complex organizational effectiveness and governance
- understand the difference between the oversight function of the Audit Committee and the decision-making function of management
- a willingness to challenge management when necessary

ACCOUNTABILITY AND BUDGET

The Audit Committee reports to Council Budget approved annually by Council

PEOPLE PRACTICES STRATEGY

GOAL 1

A WELL WORKPLACE

Being a "Top Employer" means providing employees with challenging, rewarding, enjoyable and fulfilling careers and assisting them in balancing career with home and personal life through supportive human resource policies and management approaches. The desired end-state is that people will choose to work for the City and dedicate themselves to the City's success.

Strategic Objective:

1.1 A comprehensive Wellness Strategy that fully addresses the physical, social and psycho-social needs of employees and maintains and enhances the current commitment to employee health, safety and wellness.

Proposed action items:

- Continued marketing and ensured maintenance of the Employee Assistance Program
- Continued marketing and ensured maintenance of existing wellness initiatives i.e. ongoing communication/promotion of health/wellness topics, walking programs, healthy eating promotion etc.
- To explore the feasibility for the following wellness initiatives:
 - A fitness center e.g. utilizing the Annex building
 - A "wellness account" as part of the City's benefit package to be used toward fitness activities e.g. corporate membership/discount for fitness centers in Guelph
 - Employee discounts for city delivered programs
 - o Workplace childcare
 - Healthy food choices at city locations
 - o Employee lounge space
 - o Formalized flexible work arrangements

1.2 Competitive compensation practices to attract and retain talent while balancing fiscal responsibility

Proposed action items

- To explore the feasibility for the following initiatives
 - o Provide cafeteria style benefits to employees allowing employees to choose from a menu of benefit options, within a determined monetary ceiling pilot with non-union employees from which an evaluation would ensue to determine success from employee's perspective and cost savings from the employer perspective
 - Modify vacation entitlements and eligibility to provide employee's with vacation entitlement in the first year of employment
 - o Materntiy/paternity leave top up options include top up beyond Employment Insurance Benefits to 75%
 - Modifying the current overtime practices for NUME employees
 - o Establish a council approved 'competitive' position with an approved comparator group to maintain salary competitiveness for the Non-union group of employees
 - Conduct a review of the City's Income Protection Plan (e.g. sick leave entitlement) to ensure competitiveness and alignment with the Corporate Values
 - A computer purchase program e.g. interest free loans to employees payable within a defined term through payroll deduction

1.3 A Workplace Diversity Strategy

Proposed action items:

- To undertake the following initiatives
 - o Confirm the City's commitment to attraction, recruitment, development and retention efforts to ensure a workforce that recognizes (is reflective of) the community it serves
 - o Education/awareness diversity training initiatives
 - o Employee diversity/affinity groups
 - o Employment systems review to ensure systemic barrier free recruitment
 - o Communications that regularly promotes/celebrates/highlights the diversity of City employees
 - Development and implementation of workplace harassment, diversity and anti-violence policies that facilitate respectful workplace practices

o Establish Council Advisory Committees that reflect diverse communities in Guelph to advise the City on issues affecting them (e.g. employment, accessibility, public consultation etc.)

1.4 Employee Recognition

Proposed action items

- To maintain the City's commitment to recognition of employee contributions e.g
 - o Annual recognition evening
 - o Summer BBQ
 - o Holiday celebrations
 - o Employee and website FROG program

1.5 Flexible Work Arrangements

Proposed action items

- To explore the feasibility of the following options
 - o flexible work hours
 - o compressed work week
 - o telecommuting
 - o job sharing
 - o flexible retirement options
 - o Community volunteering defined hours to a maximum each year during work hours

1.6 Continuity and Integration of the City's Corporate Values

Proposed action items

- To:
 - o Annually reconfirm the City's commitment through SMT and Council communication
 - o Regular marketing
 - o Incorporation of the Corporate values into human resource policies, programs and services e.g. performance appraisals, selection and recruitment, training

1.7 Employee Involvement in decision making

Proposed action items

- To explore the feasibility for the following items:
 - o Utilization of ad hoc employee focus groups
 - o More effective consultation and communication with employees where decisions affect their work
 - o Department information sessions to receive employee input into department workplans
 - o Establish corporate advisory/strategy groups e.g. Human Resources, Information technology, Financial sustainability, Efficiency/Effectiveness

GOAL 2

Learning Organization

The learning organization can best be described as one that fosters learning as a way of life, that encourages creativity, and that actively and visibly promotes and invests in the ongoing skill and knowledge development of its employees, tied to the organization's goals. It can also be described as commitment and support for an alignment of career development with personal goals and corporate objectives.

2.1 A Core Learning Curriculum

Proposed action items

- o Re-evaluate competencies identified for employees and establish clear linkages between
 - Core competencies required by all City employees
 - Role competencies (e.g. Director, manager, professional/technical, skilled/semi-skilled workers)
 - Job specific competencies
- o Develop a series of cyclical courses/training programs which develop these skills

- 2.2 A Learning Policy that supports learning that is linked to the City's Strategic Plan and that addresses learning that is:
 - Required by legislation for different role or professions
 - Job related
 - Used to build individual capacity and skills, enabling learners to move to other roles in the organization

Proposed action items

- To explore the feasibility of the following:
 - o Internal and external job exchanges
 - o Job enrichment or 'stretch assignments
 - o Cross departmental learning
 - o Equitable access to professional development courses/conferences/seminars
 - o Partnerships with external learning institutions
 - o Education leaves
 - o Secondments

2.3 Best in class Recruitment practices

Proposed action items

- To explore the feasibility of the following:
 - o to incorporate assessment of 'Corporate Values'
 - o to remove 'credentialism' as systemic barriers for internal and external applicants
 - o to leverage existing internal talent e.g. incorporation of performance assessment information as part of selection process

GOAL 3

Leadership

Leadership is vision, motivation, and action. It creates the future, provides guidance, direction, inspiration and empowers people to realize their potential. The City needs to capitalize on its leaders at all levels in the organization, to cultivate energy, enthusiasm, and a sense of purpose and direction. Lastly, leadership is taking responsibility for decisions taken or not taken and is characterized by integrity and credibility. Leadership inherently reflect the values of our organization i.e. Integrity, Excellence and Wellness.

3.1 A Succession Management Program

Proposed action items

- Develop a succession management model for approval that would incorporate the following:
 - o Identification of key leadership and 'high risk' positions
 - o Identification of key feeder positions and/or high potential candidates
 - o development programs for potential successors to develop skills, knowledge and competencies to assume key leadership and/or high at risk positions
- 3.2 A Performance Appraisal System for all employees to capture meaningful feedback and plans for employees, to support their competency development and career plans, tied to the Strategic Plan.

Proposed action items:

- Establish formal expectation that all employees will participate in at least an annual performance discussion with their direct report
- Conduct a review of the current process and associated forms to facilitate performance reviews/appraisals and to include an assessment of achievement of goals/objectives based on agreed workplans

To explore the feasibility of:

- a pay for performance system for NUME employees

3.3 A Leadership Development program

Proposed action items

 develop a program which builds leaders at levels in the organization that develops skills and competencies to deliver efficient and effective services, while motivating, developing and engaging employees formally establish an expectation that new management employees complete the online Leadership Orientation program

GOAL 4

Business and Service Excellence

Within the City of Guelph context, business and service excellence can be described as providing 'best in class' customer service. This is achieved through an integration of business objectives, optimal use of technology, well-trained staff and effective management of change. In addition, objectively measuring performance acts as a key component to continuous improvement.

4.1 A Replacement Planning Strategy that builds the skills of existing employees and identifies the sources of future staffing needs to meet the needs of future workforce requirements.

Proposed actions:

To explore the feasibility of:

- apprenticeship programs
- mentoring programs
- internship programs
- management training programs
- enhanced Co-operative education placement programs
- targeted outreach recruitment
- Partnerships with educational institutions

4.2 An Information Technology Strategy

Proposed actions

- Development of a long range plan to ensure effective deployment of technology that provides:
 - o Secure and reliable infrastructure
 - o IT systems that enable and support streamlined business decision making
 - o Enhanced customer service by leveraging available technology
 - o Leveraging of 'e-government' options
 - o Enabled knowledge workers
 - o City wide online employee access e.g. Kiosk availability
 - o Streamlined business processes through data sharing and system integration

4.3 A Corporate Communications Strategy

Proposed actions:

- Develop a plan involving representatives from all departments to develop a plan which identifies the mechanisms in which information will be shared internally and externally, the expectation of employees, leaders, and resources available.
- Develop plans which facilitate a two way employee communication exchange, supports employee engagement and markets City services with pride

4.4 A Customer Service/Service Excellence Strategy

Proposed actions:

- Develop a plan involving representatives from all departments, which outlines delivery standards for both internal and external customer service and accompanying training resources.
- Explore future enhancements to customer service methods (e.g. 311 call centre)

4.5 Effective Change Management

Proposed actions:

- For every change initiative ensure there is an accompanying People Transition Plan that includes robust communication, involvement where possible affected employees in the pre, during and post change and business continuity plans to ensure uninterrupted service delivery

4.6 Commitment to Standard Operating Procedures and Policy development

Proposed actions:

- Establish expectations as to the use of corporate vs. departmental policies and procedures, when they should be in place, templates, approval process and training resources.

4.7 Commitment to consistent to business process design and service review methodology

Proposed actions:

- Develop the above with elements that include methods to ensure:
- That processes are easily understood by employees
- That employees are assisted in seeing how their work contributes to the Strategic Plan
- consistent measurement methods are used to demonstrate improvements
- resources are in place to support plans (e.g. People, equipment, and training)

4.8 A corporate Environmental Responsibility Strategy

Proposed actions:

- develop a plan, involving representatives from all departments, which outlines how City staff and departments will conduct themselves, processes and practices in an environmentally friendly manner.
 - o Examples to explore include: requirement to turn off lights, computers, vehicles when not in use (i.e. elimination of idling), use of re-usable cups, utensils etc in all city facilities, city policies to buy green products and services, employee suggestions to improve environmentally responsible actions

CORPORATE POLICY AND PROCEDURE



POLICY

Raising, displaying and half-masting of outdoor flags at City

properties and facilities.

CATEGORY

Corporate

AUTHORITY

Information Services, City Clerk's

RELATED POLICES

APPROVED BY

Council

EFFECTIVE DATE

REVISION DATE

POLICY STATEMENT

This policy applies to requests for flying courtesy flags in front of City Hall and occasions for the raising, displaying and half-masting of outdoor flags at all municipal facilities. This policy supersedes all previous policies or resolutions.

PURPOSE

To define the criteria and process for raising, displaying and half-masting of outdoor flags at City properties and facilities of the Corporation of the City of Guelph.

DEFINITIONS

The Canadian Flag: The Canadian Flag of Canada as approved by Parliament and proclaimed by Her Majesty Queen Elizabeth II, Queen of Canada, on February 15, 1965.

The Ontario Flag: The current Ontario Flag as proclaimed by the Flag Act on May 21, 1965.

The Guelph Flag: The current Guelph Flag as adopted by the Guelph City Council in April 1979. The original crest on the flag was adopted when Guelph became a City in 1879.

PROCEDURES

A. Displaying Permanent Flags

The City Hall and Municipal facilities shall fly the Canadian, Ontario and City Flags where provision for the display of such flags has been made in accordance with the following rules:

1. A flag is to be removed and replaced when it becomes worn, noticeably faded or otherwise unfit for service.

- 2. No flag should be displayed above or higher than the Canadian flag.
- 3. In locations with only one flag pole the Canadian flag shall be flown.
- 4. In locations with two flag poles, the Canadian flag shall always be flown on the left as seen by spectators in front of the flags.
- 5. In locations with three flag poles, the Canadian flag shall be flown on the centre pole, with the next ranking flag to the left and the third ranking flag to the right as seen by spectators in front of the flags.
- 6. In locations with more than three flag poles, the flags shall be flown with the Canadian flag to the left of the observer facing the flags followed by flags representing other sovereign nations ordered alphabetically, followed by flags of provinces/territories, then cities, then organizations. An additional Canadian flag may be flown at the end of the line.
- 7. In front of City Hall with four flag poles the provincial flag shall be flown to the left of the Canadian flag and the City flag shall be flown to the right of the Canadian flag and the courtesy flag pole to the right of the City flag pole as seen by spectators in front of the flags.
- 8. When raising and lowering flags, since the Canadian flag shall always be equal to or higher than the other flags, the Canadian flag shall be raised first.
- 9. All worn and faded flags which have been replaced are to be neatly folded in a large envelope and sent to the Guelph Fire Services for disposal.
- 10. Municipal sites with more than one flag pole shall fly the Canadian flag, and may choose which other flags they want to fly, as long as they follow the rules for displaying flags as per this policy.

B. i)Courtesy Pole Flag Raisings or Displaying Flags

- 1. The courtesy flag pole at the City Hall only, shall be used for the raising and displaying of flags other than the Canadian, Ontario and Guelph flags.
- 2. Requests for the raising and displaying of flags may be approved:
 - To celebrate the achievement of a non-profit or charitable organization in connection with a particular event of the organization and for public awareness campaigns;
 - b. In recognition of a state visit to the City for the duration of the visit or for one week, whichever is the lesser;
 - In recognition of a visit from representatives of other governments with whom the City has a relationship, such as, but not limited to, twinning, FCM or AMO programs;
 - d. In recognition of other organizations or events not identified in this section, at the discretion of the Mayor and/or CAO.
- 3. Requests shall not be approved for the following:
 - a. Political parties or political organizations;
 - b. Religious organizations or the celebration of religious events;
 - c. Commercial entities;
 - d. If the intent is contrary to City policies or By-laws;
 - e. If the group requesting the raising espouses hatred, violence or racism;
 - f. More than one time per year per group.

C. ii)Process for Courtesy Flag Pole Displaying and or Raising of Flags

- 1. Requests to use the courtesy flag pole at City Hall shall be submitted in writing to the Clerk's Office using the form in Appendix A;
- 2. The Clerk's Office shall review all requests in accordance with City procedure and advise the Mayor's office of the outcome of the review;
- 3. If the requestor would like the Mayor or representative to be present for the flag raising, he or she should contact the Mayor's Office before submitting a request to the Clerk's Office;
- 4. Requests shall be processed and confirmed on a first come first served basis and where there is a conflict the completed form which was received first shall take precedence;
- 5. Notwithstanding section Bi)2b. courtesy flags shall be raised and displayed for one week, unless there are no other requests to fly a courtesy flag, in which case the existing flag can be flown for more than one week if specified on the application;
- 6. The Clerk's office shall notify Corporate Property of the flags to be raised and displayed as appropriate;
- 7. Requesters shall provide their flag to the City at least 5 days in advance of the event with instructions regarding how the flag is to be flown;
- 8. Corporate Property staff shall be responsible for the raising and displaying of flags as required, unless there is a request for a ceremonial raising of the flag where it shall be installed by staff and raised by the applicant;
- 9. Flags shall be raised and lowered during regular business hours when staff and equipment resources are available.
- 10. Public notice of the raising of the courtesy flag shall be posted on the City web-site.

D. i)Half-masting

- 1. Flags are flown at the half-mast position at City Hall and municipal facilities as a sign of respect and condolence or to commemorate significant dates.
- 2. A flag is half mast when the centre of the flag is half-way down the mast.
- 3. Some flags cannot be lowered to half mast or removed without the use of an aerial truck. Because these flags cannot be readily lowered to half mast they shall always fly at the top of the flag pole. An example is the flag at Exhibition Park.
- 4. All flags shall be flown at half mast, for the following specific occasions from the day the City is aware of the death until the funeral:
 - a. On the death of a current or former Mayor;
 - b. On the death of a current Member of Council;
 - c. On the death of a current City of Guelph employee;
 - d. On the death of the current Lieutenant Governor of Ontario, or the Premier of Ontario;
 - e. On the death of the current Governor General, or the current Prime Minister;
 - f. On the death of the current Sovereign or a member of the Royal Family related in the first degree to the Sovereign (spouse, son or daughter, father, mother, brother or sister), their spouse or their children;

- g. On the death of a current local Member of Parliament or local Member of Provincial Parliament;
- h. In recognition of the death of a current Police Chief, or active City Police Officer.
- 5. Flags may be flown at half-mast in respect of a person or persons not specifically identified in this section, at the discretion of the Mayor and/or the CAO.

D. ii)Process for Half-masting

- 1. The Clerk's Office shall be responsible for notifying the staff of all facilities of the half-masting of flags (as per the attached list), with respect to the reason, and the duration that the flag shall be flown at half-mast.
- 2. When hoisted to or lowered from a half mast position, a flag should be first raised to the masthead.
- 3. When lowering flags to half mast the Canadian flag shall be the last to be lowered and the first to rise again.
- 4. When a flag is flown at half-mast, all other flags shall also be flown at half-mast and at no time should the Canadian flag be flown lower than any other flag.
- 5. Corporate Property Services shall maintain an inventory of all government flags flown at City Hall and its corporate properties.
- 6. The appropriate staff at each location shall be required to lower and raise the flags in accordance with the Clerk's office notification;
- 7. Public notice of the reason for the half-masting shall be posted on the City website.

Appendix A Request to Raise and Display a Flag on the Courtesy Flag Pole

Name and Address and email of Organization
Organization's mandate, purposes or goals and objectives (please attach)
Contact Person and contact information
Reason for Request
Dates for Flying flag
Signature of requestor
Please note: If you would like the mayor or designate to be present at the flag raising, arrangements should be made in advance of submitting your application as her availability may affect your dates. Please contact the Mayor's Office at 519-837-5643 or mayor@guelph.ca.

As per City of Guelph Policy, flag display requests shall not be approved for the following:

- a. Political parties or political organizations;
- b. Religious organizations or the celebration of religious events
- c. Commercial entities
- d. If the intent is contrary to City policies or By-laws
- e. If the group requesting the raising espouses hatred, violence or racism; or,
- f. More than one time per year per group.

Personal Information on this form is collected and used for the purpose collected, under the authority of Municipal Act, as amended. Questions about the collection of personal information should be directed to: the Clerk's Office, 519-822-1260.

Council Chambers
December 1, 2008 7:00 p.m.

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

Present: Mayor Farbridge, Councillors Beard, Bell,

Billings, Burcher, Farrelly, Findlay, Hofland,

Kovach, Laidlaw, Piper, Salisbury and

Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative

Officer; Mr. J. Riddell, Director of Community Design and Development Services; Ms. M. Plaunt, Manager of Policy Planning & Urban Design; Mr. J. Mairs, Economic Development Project Manager; Mr. S. Hannah, Manager of

Development & Parks Planning; Mr. A. Hearne, Senior Development Planner; Mr. C. DeVriendt, Senior Development Planner; Mr.

R. Philips, Manager of Transportation

Planning & Development Engineering; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

Southgate Industrial Business Park

Mr. Allan Hearne, Senior Development Planner advised that the application is to redesignate the south east corner of the lands to recognize the proposed industrial development on Block 1. The subdivision proposal is designed to protect the natural heritage features on the property. It also represents an extension of the existing industrial node from the north comprising the existing Hanlon Creek Business Park on the east side of the Hanlon Expressway and the proposed Business Park located on the west side. The plan will also complete the road connection of Southgate Drive to Maltby Road for

improved traffic circulation. He stated that the proposed zoning is to ensure land use compatibility with surrounding land uses. He advised the uses are similar and the prohibited uses are identical to the Hanlon Creek Business Park application in order to ensure ground water protection. He explained that a couple of issues raised during the public process have been resolved since the writing of the report with respect to conditions 14(g) and 14(l). These items refer to including Block B within the outdoor lighting considerations and ensuring the berm makes optimal use of existing natural resources and incorporating the wetland block.

He also advised that adjoining lands have been added to the plan and the 348 Crawley Road property has been sold and removed from the plans. He stated that all nondevelopable lands will be dedicated to the City for protection. He explained that there is general support for the development as long as the recharge targets outlined in the conditions of the development are met.

Ms. Astrid Clos, on behalf of the applicant provided the history of the property development and stated that they anticipate development charges to be between 5 and 8 million dollars with annual tax base of between 2 and 4 million dollars. She advised the applicant is committed to supporting the Community Energy Plan and 41% of the land will be designated as Open Space. She referred to correspondence received from Harden Environmental Services on behalf of the Township of Puslinch and stated the applicant has no objections to their request to include the following in the monitoring program:

- Monitoring of the SWM facilities (for roads and private blocks) that confirm the infiltration of stormwater within the required 48 hour period
- Monitoring of surface water crossings beneath Maltby Road to confirm that at two western crossings the flow of water remains from the south to the north and
- Monitoring of the western surface water crossing beneath Maltby Road to confirm that the volume does not increase.

Mr. Mark Cowie, President, Industrial Equities Guelph Corporation stated he has been involved for three years with this land and has worked diligently to bring new employers and businesses to Guelph. He advised they have been successful with bringing development including a lead silver building with the ORC data centre, and his company encourages all those types of low impact development disciplines on the land. He also advised

they have 71 conditions to satisfy including some new ones. He feels they have demonstrated their commitment to the City and the environment.

Mr. Leslie Marlowe, LM Real Estate Consulting wanted to thank staff and residents for the work over the past couple of years to get this development to this point and stated they fully support staff recommendations. He advised they look forward to fulfilling the conditions of the draft plan approval and completing the development.

Mr. Bill Banks, Banks Groundwater, hydro-geologist for this development and the Hanlon Creek Business Park stated his experience includes ongoing groundwater studies and Environmental Implementation Plans to address the conditions in Schedule 2. He advised the three main objectives will include:

- Establishing a groundwater and wetland monitoring program
- Determining the conditions, direction of groundwater flow, relationship between system and surrounding creeks and
- Establishing recharge rates to be maintained at a pre-development range.

He advised that their plans are all in accordance with Ministry of the Environment storm water management regulations and will be undertaken with the clear understanding this is on the Paris Moraine and approach must be carefully and prudently designed.

Mr. Paul Rice requested the scope of the development be modified. He is concerned about preserving the vital natural heritage corridor and emphasized that proper linkages are important. He urged the City to protect Block 1 in order to maintain the integrity of the features and delete it from the proposed industrial designation.

Mr. Charles Cecile expressed appreciation for the woodlot being preserved. He stated there is a need for a natural linkage and connectivity to the larger core land to the east for the woodland to thrive, otherwise the woodland would be surrounded by development and the linkages would be lost and the woodlot would suffer. He urge the City to ensure a linkage of adequate size be included in the draft plan of subdivision. He also requested that the Guelph Field Naturalists be part of any future stewardship of the small woodlot with other groups. He expressed concern about the lack of conformity to the Hanlon Creek Watershed Plan and the impact to wildlife, particularly amphibians.

Staff advised they will consider adding low impact development to condition #14 of Schedule 2 as well as the agreed upon changes with respect to lighting and landscaping. They will review the issues they would like addressed in the EIR. Also consideration will be given whether to include Block 1 in the draft plan approval. Staff will also provide recommendations regarding EIS and Watershed and address the concerns with respect to the linkages of Blocks 8 and 5 and linkages with respect to the Hanlon Creek Watershed. Staff advised they will provide the relevant map and portion of the Hanlon Creek Watershed Study. Council requested staff to review the issue of wildlife traffic collisions on Maltby Road, the Specialized zoning regulation in condition #3 and the request to use all native material in landscaping. Staff were also requested to identify innovative solutions with respect to the storm water management.

 Moved by Councillor Billings Seconded by Councillor Findlay

Mr. J. Riddell

THAT Report 08-105 regarding a Proposed Official Plan Amendment, Draft Plan of Subdivision and associated Zoning By-law Amendment to allow an Industrial Business Park on lands municipally known as 264, 348, 384, 398, 408, 416, 452 Crawley Road and 385 Maltby Road West in the City of Guelph, from Community Design and Development Services dated December 1, 2008, be received;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an Official Plan Amendment (File OPA Southgate/ 23T-06503/ZC0617) to re-designate Block 1 and surrounding lands from 'Reserve Lands' to the 'Industrial', 'Core Greenlands' and 'Open Space' land use designations, to permit industrial development and the protection of the adjacent wetlands and natural heritage features, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, as described in the Community Design and Development Services Report 08-105 dated December 1, 2008, be placed on the agenda for the December 22, 2008 City Council meeting for a decision;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of a Draft Plan of Subdivision (File OPA Southgate/23T-06503/ZC0617) to permit a Business Park/Industrial Subdivision known as the Southgate Industrial Business

Park, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, as described in the Community Design and Development Services Report 08-105 dated December 1, 2008, be placed on the agenda for the December 22, 2008 City Council meeting for a decision;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an associated Zoning By-law Amendment (File OPA Southgate/23T-06503/ZC0617) to rezone the lands from the UR (Urban Reserve) Zone, the P.1 (Conservation Land) Zone, the WL (Wetland) Zone and the Specialized Industrial B.2 (H11) Holding Zone, to two new Specialized Industrial B.3 Zones, the WL (Wetland) Zone and the P.1 Zone, to permit a Business (Conservation Land) Park/Industrial Subdivision known as the Southgate Industrial Business Park on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, as described in the Community Design and Development Services Report 08-105 dated December 1, 2008, be placed on the agenda for the December 22, 2008 City Council meeting for a decision."

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

CONSENT AGENDA

Moved by Councillor Kovach
 Seconded by Councillor Billings
 THAT the December 1, 2008 Consent Agenda as identified below, be adopted:

98 Cityview Drive – Proposed Draft Plan of Subdivision and Associated Zoning By-law Amendment (23T-08501/ZC0801) WARD 1

2014707 Ontario Inc. Mr. J. Riddell Mr. D. McCaughan Ms. L.E. Payne Ms. M. Neubauer

Mr. J. Riddell

i) THAT Report 08-112 regarding a Proposed Draft Plan of Residential Subdivision and associated Zoning By-law Amendment applying to property municipally known as 98 Cityview Drive, City of Guelph, from Community Design and Development Services dated December 1, 2008, be received;

AND THAT the application by 2014707 Ontario Inc. for a Proposed Draft Plan of Residential Subdivision applying to property municipally known as 98 Cityview Drive, and legally described as Lot 26, Registered Plan 53, Division C, City of Guelph, be aproved, subject to the conditions outlined in Schedule 2 of Community Design and Development Services Report 08-112 dated December 1, 2008, attached hereto as Schedule 1;

AND THAT the application by 2014707 Ontario Inc. for a Zoning Bylaw Amendment from the UR (Urban Reserve) Zone to the R.1C (Single-Detached Residential) Zone, the R.1D (Single-Detached Residential) Zone, the R.2 (Residential Semi-Detached/Duplex) Zone, and the P.2 (Neighbourhood Park) Zone affecting the property municipally known as 98 Cityview Drive, and legally described as Lot 26, Registered Plan 53, Division C, City of Guelph, be approved in the form outlined in Schedule 2 of Community Design and Development Services Report 08-112 dated December 1, 2008, attached hereto as Schedule 1.

Cityview Heights Subdivision: Proposed Redline Amendment to Draft Plan of Subdivision 23T-01506 and Associated Zoning By-law Amendment (ZC0806) – WARD 1

2014707 Ontario Inc. Mr. J. Riddell Mr. D. McCaughan Ms. L.E. Payne Ms. M. Neubauer ii) THAT Report 08-111 regarding a Proposed Redline Amendment to Draft Plan of Residential Subdivision 23T-01506 and associated Zoning By-law Amendment for the property municipally known as 333 Grange Road and 134 Cityview Drive, City of Guelph, from Community Design and Development Services dated December 1, 2008, be received;

AND THAT the application by 2014707 Ontario Inc. for a Redline Amendment to Residential Draft Plan of Subdivision 23T-01506 on lands municipally known as 333 Grange Road and 134 Cityview Drive, City of Guelph and legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, City of Guelph, be approved, subject to the conditions outlined in Schedule 2 of Community Design and Development Services Report 08-111 dated December 1, 2008, attached hereto as Schedule 2;

AND THAT the application by 2014707 Ontario Inc. for a Zoning Bylaw Amendment from the UR (Urban Reserve) Zone to the R.2-6 (Specialized Detached/Semi-Detached Residential) Zone and from the R.2-6 (Specialized Detached/Semi-Detached Residential) Zone to the UR (Urban Reserve) Zone affecting the property municipally known as known as 333 Grange Road and 134 Cityview

Drive, City of Guelph and legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, City of Guelph, be approved in the form outlined in Schedule 2 of Community Design and Development Services Report 08-111 dated December 1, 2008, attached hereto as Schedule 2.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 8:20 o'clock p.m.

Minutes read and confirmed December 22, 2008.

Mayor	 	
Deputy Clerk	 	

SCHEDULE 2

Regulations and Conditions

PART A

"THAT the application by 2014707 Ontario Inc. for a Proposed Draft Plan of Residential Subdivision and associated Zoning By-law Amendment (23T08501/ZC0801) on lands municipally known as 98 Cityview Drive, and legally described as Lot 26, Registered Plan 53, Division C, City of Guelph, **be approved**, subject to the following conditions:

CITY CONDITIONS

- 1. That this approval applies only to the revised draft plan of subdivision prepared by 2014707 Ontario Inc., dated April 24, 2008, subject to the revisions shown on **Schedule 4** of the planning report dated December 1, 2008, which includes:
 - a) a 0.1715 hectare expansion of Park Block 40 to occupy the lands shown as Lots 21 to 23 within the applicant's proposed plan shown on **Schedule 4**; and
 - b) the resulting development of a total of 39 residential units, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

- 2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
- 3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph Bylaw (2007)-18420 to the satisfaction of the City Engineer.
- 4. The developer shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
- The Developer agrees that no work, including, but not limited to tree removal, grading or construction, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
- 6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
- 7. The Developer shall prepare a **site drainage and grading plan**, for the entire subdivision, satisfactory to the City Engineer. Such a plan will b used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.

- 8. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
- 9. 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 approved plan. The environmental inspector shall report on their findings to the City on a monthly or more frequent basis.
- 10. The Developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
- 11. The Developer shall submit a Geotechnical Report to the satisfaction of the City Engineer with describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
- 12. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
- 13. The Developer shall ensure that the height of any proposed retaining wall that abuts existing residential property does not exceed 1.2 metres.
- 14. That the developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.

Conditions to be met prior to execution of the subdivision agreement

- 15. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
- 16. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total cost of the design and construction of all services within and external to the subdivision that are required by the City to service the lands within the plan of subdivision, including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, reconstruction of Cltyview Drive to an urban standard, storm sewer on Cedarvale Avenue and construction of the sidewalk and boulevard on the west side of Cedarvale Avenue, with the distance, size and alignment of such services to be

- determined by the City. This also includes the Developer paying a share of the cost of the existing downstream stormwater management system as determined by the City.
- 17. Should this development proceed before Draft Plan 23T01506 development to the west, the Developer shall construct **temporary turning circles** at the westerly end of both Street A and Street B.
- 18. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
- 19. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
- 20. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
- 21. The Developer shall provide an **on-street parking plan** for the subdivision to the satisfaction of the City Engineer.
- 22. Developer shall pay the cost of the installation of one Second Order, **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
- 23. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform with the current Development Priorities Plan.
- 24. The Developer shall dedicate Block 40 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 at the expense of the Developer. The City acknowledges that the location and configuration of these lands on the plan of subdivision represents a parkland over-dedication of 0.15 hectares to the 5% parkland dedication requirement of Draft Plan of Subdivision 23T08501. The value of this over-dedication of parkland is to be paid by the City to the Owner.
- 25. The Developer shall be responsible for the cost of design and development of the "Basic Park Development" as per the City of Guelph current "Specifications for Parkland Development", which includes clearing, grubbing, topsoiling, grading and sodding for any phase containing a Park block to the satisfaction of the Director of Community Design 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 Community Design and Development Services.
- 26. The Developer shall be responsible for the cost of design and development of the demarcation of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include submitting drawings completed by a registered Ontario Association of Landscape Architect (OALA) member for approval and to the satisfaction of the Director of Community Design 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 "Property Demarcation" improvements and works for the City lands to the satisfaction of the Director of Community Design and Development Services.

- 27. The Developer shall provide Community Design and Development 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, grades/contours and existing vegetation to be retained in the park.
- 28. The Developer shall install a 1.8 metre high board fence along any lot or block abutting the existing Bradson Drive properties to the satisfaction of the Director of Community Design and Development Services.

Conditions to be met prior to registration

- 29. The Developer shall obtain approval of the City with respect to the availability of adequate water supply and sewage treatment capacity being available, prior to the registration of the plan, or any part thereof.
- 30. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a 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.
- 31. Prior to the City accepting any real property interests, the Developer shall:
 - a. submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manger of Reality Services;
 - complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use;
 - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
- 32. That 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.
- 33. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer 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 the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.
- 34. That all easements and rights-of-way required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph,

Guelph Hydro Electric Systems Inc and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.

- 35. The Developer shall pay any outstanding debts owed to the City.
- 36. The Developer shall pay **development charges** to the City in accordance with the City's Development Charges By-law, 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.
- 37. The Developer shall **erect and maintain signs** at specified 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 Community Design and Development Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
- 38. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
 - "Purchasers and/or tenants of all lots are advised 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 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."
 - "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 located in the subdivision plan are advised that a transit route may be installed on Cityview Drive and/or Cedarvale Avenue 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 street 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, drainage and construction traffic."
 - "Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block will be demarcated in accordance with the City of Guelph Property Demarcation Policy."
- 39. The Developer shall ensure 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.

- 40. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
- 41. That **site plans for all corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.
- 42. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
- 43. Lots 38 and 39 are not to be developed until they are adjoined with the abutting parcels in Draft Plan 23T-01506 to the satisfaction of the City.

Conditions to be met prior to issuance of a building permit

- 44. 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 has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
- 45. 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.
- 46. Prior to the issuance of a building permit, all **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
- 47. Prior to the issuance of a building permit, the Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
- 48. Prior to registration of the plan, the Developer shall provide the City with written confirmation that the dwelling units on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Plan, to the satisfaction of the City. The owner shall provide a letter of undertaking on the energy efficiency standards to be implemented for the dwelling units, which include an Energy Star standard and/or other recognized equivalent programs, including LEED for Homes, Ener and R-2000, and include verification through third party certification. These requirements shall be included in the subdivision agreement.

AGENCY CONDITIONS:

- 49. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
- 50. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
- 51. 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.
- 52. 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.
- 53. 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.
- 54. 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.
- 55. That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of the extension of Draft Plan approval.
- 56. 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 50 has been satisfied.
- 57. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 51, 52 and 53 have been satisfied.

December 1, 2008 Attachment 1 Page 8

- 58. 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 39 and 47 have been satisfied.
- 59. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 54 has been satisfied.

SCHEDULE 2

REGULATIONS AND CONDITIONS

PART A

"THAT the application by 2014707 Ontario Inc. for a Proposed Redline Amendment to Draft Plan of Residential Subdivision 23T01506 and associated Zoning By-law Amendment (ZC0806) on lands municipally known as 333 Grange Road and 134 Cityview Drive, and legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, City of Guelph, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by 2014707 Ontario Inc., dated September 18, 2008, to include the development of 74 residential units, as shown on **Schedule 5**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

- The Developer shall complete a tree inventory and conservation plan, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
- 3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph Bylaw (2007)-18420 to the satisfaction of the City Engineer.
- 4. The developer shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
- The Developer agrees that no work, including, but not limited to tree removal, grading or construction, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
- The Developer shall enter into an Engineering Services Agreement with the City, satisfactory to the City Engineer.
- 7. The Developer shall prepare a **site drainage and grading plan**, for the entire subdivision, satisfactory to the City Engineer. Such a plan will b used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
- 8. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.

- 9. 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 approved plan. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
- 10. The Developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
- 11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
- 12. The Developer shall ensure that the height of any proposed retaining wall that abuts existing residential property does not exceed 1.2 metres, with the exception of the height of the wall abutting the DiCicco property at 327 Grange Road.
- 13. That the developer shall stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.

Conditions to be met prior to execution of the subdivision agreement

- 14. That any dead ends and open sides of road allowances created by the draft plan be terminated in 0.3 metre reserves, which shall be conveyed to the City at the expense of the Developer.
- 15. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision, including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, reconstruction of Cltyview Drive to an urban standard, storm sewer on Cedarvale Avenue, with the distance, size and alignment of such services to be determined by the City. This also includes the Developer paying a share of the cost of the existing downstream stormwater management system as determined by the City and a share of the cost of the reconstruction of Grange Road.
- 16. Should this development proceed before Draft Plan 23T-08501 to the east at 98 Cityview Drive, the Developer shall **construct Street A and Street B** that are external to the plan to the satisfaction of the City. Street A and Street B are to be shown as separate blocks, conveyed to the City, and dedicated as right-of-way at the expense of the Developer and to the satisfaction of the City, prior to registration of the plan.

- 17. 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.
- 18. The Developer shall submit a Traffic Impact Study to the satisfaction of the City Engineer addressing vehicular and pedestrian site access, the potential impact of the development on the existing road network, traffic signage, the design of bikeways and traffic calming measures.
- 19. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
- 20. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
- 21. The Developer shall pay to the City the cost of installing bus stop pads at locations to be determined by Guelph Transit.
- 22. The Developer shall provide an **on-street parking plan** for the subdivision to the satisfaction of the City Engineer.
- 23. The Developer shall pay the cost of the installation of one Second Order, **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
- 24. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform with the current Development Priorities Plan.
- 25. The Developer shall provide Community Design and Development 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, grades/contours and existing vegetation to be retained.
- 26. The Developer shall demarcate the boundary of the Walkway Block in accordance with the City of Guelph Property Demarcation Policy, to the satisfaction of the Director of Community Design and Development Services.
- 27. The Developer shall install a **1.8 metre high board fence** along any lot or block abutting the existing Bradson Drive properties to the satisfaction of the Director of Community Design and Development Services.

Conditions to be met prior to registration

- 28. The Developer shall obtain approval of the City with respect to the availability of adequate water supply and sewage treatment capacity being available, prior to the registration of the plan, or any part thereof.
- 29. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a 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.

- 30. Prior to the City accepting any real property interests, the Developer shall:
 - a. submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manger of Reality Services;
 - complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
- 31. That 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.
- 32. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer 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 the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.
- 33. That all easements and rights-of-way required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
- 34. The Developer shall pay any **outstanding debts** owed to the City.
- 35. The Developer shall pay **development charges** to the City in accordance with the City's Development Charges By-law, 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.
- 36. The Developer shall **erect and maintain signs** at specified 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 Community Design and Development Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.

- 37. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
 - "Purchasers and/or tenants of all lots are advised 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 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."
 - "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 located in the subdivision plan, are advised that a transit route may be installed on Cityview Drive and/or Cedarvale Avenue 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 street 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, drainage and construction traffic."
 - "Purchasers and/or tenants of all lots or units are advised that the boundaries of the walkway block will be demarcated in accordance with the City of Guelph Property Demarcation Policy."
- 38. The Developer shall ensure 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.
- 39. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
- 40. That **site plans for all corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.
- 41. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.
- 42. Blocks 6, 7, 8, 9, 10 and 11 as shown on the Plan are not to be developed until they are adjoined with the abutting parcels to the satisfaction of the City.
- 43. The Developer shall be responsible for paying cash-in-lieu of parkland for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor therof.

Conditions to be met prior to issuance of a building permit

- 44. 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 has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
- 45. 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.
- 46. All Stage 1 Services are to be constructed to the satisfaction of the City Engineer.
- 47. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
- 48. Prior to registration of the plan, the Developer shall provide the City with written confirmation that the dwelling units on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Plan, to the satisfaction of the City. The owner shall provide a letter of undertaking on the energy efficiency standards to be implemented for the dwelling units, which include an Energy Star standard and/or other recognized equivalent programs, including LEED for Homes and R-2000, and include verification through third party certification. These requirements shall be included in the subdivision agreement.

AGENCY CONDITIONS:

- 49. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
- 50. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
- 51. 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.

- 52. 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.
- 53. 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.
- 54. 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.
- 55. That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of the extension of Draft Plan approval.
- 56. 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 50 has been satisfied.
- 57. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 51, 52 and 53 have been satisfied.
- 58. 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 38 and 47 have been satisfied.
- 59. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 54 has been satisfied.

Council Chambers December 2, 2008

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

Present: Mayor Farbridge, Councillors Beard, Bell,

Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper,

Salisbury and Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. M. Amorosi, Director of Human Resources; Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance Ms. A. Pappert, Director of Community Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; and Mrs. L.A. Giles, Director of Information Services/City Clerk

The Mayor advised that the purpose of the meeting was to hear the staff presentation on the 2009 Tax Supported Budget.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

The following representatives from the County of Wellington were present: Warden Green, Councillor Gordon Tosh, Scott Wilson CAO and Craig Dyer, Treasurer. They provided information with respect to various budgets.

The Chief Administrative Officer outlined the process followed by staff to date in developing the budget.

The Director of Finance outlined the impact of the proposed budget to the City residents and the 2008 reassessment impact, including impacts to the Corporation such as:

- inflation increases;
- annualization of 20 minute transit, land ambulance and youth shelter;

- loss of investment income;
- growth pressures on service levels; and
- additional funding for strategic priorities and responding to input from the Customer Service Survey.

She provided information on the 2009 levies requested by the various service providers, recent revisions to the proposed budget which reduced fuel sensitive expenditures, and deferral of capital projects impacting the operating budget. Also highlighted were the various departmental, general expenditures, general revenues, other service areas and shared services operating budgets, as well as the new service recommendations.

The Director of Finance highlighted the capital budget financing from the tax levy and capital projects which amount to \$81.3 million. She advised that the 2009 operating budget is responsive to the service needs and community input and is aligned with the Strategic Plan goals and objectives.

 Moved by Councillor Findlay Seconded by Councillor Beard

THAT staff report back on a recommended approach to reach a 2009 Operating Budget with a total increase of 3.75%, with potential areas for adjustment to include, but not limited to:

- Consideration of new service recommendations
- Review of reserve funding
- Reconsideration of capital projects
- Spread capital costs over time, by increasing debt funding
- Increasing user fees
- Examination of existing service levels.
- 2. Moved in Amendment by Councillor Kovach Seconded by Councillor Billings

THAT increasing debt funding not be included in the recommendations to reach a 2009 Operating Budget with a total increase of 3.75%.

VOTING IN FAVOUR: Councillors Bell, Billings, Farrelly and Kovach (4)

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

Defeated

3. Moved in Amendment by Councillor Hofland Seconded by Councillor Beard

THAT reducing existing service levels not be included in the recommendations to reach a 2009 Operating Budget with a total increase of 3.75%.

VOTING IN FAVOUR: Councillor Hofland (1)

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

Defeated

4. Moved by Councillor Findlay
Seconded by Councillor Beard
auer THAT staff report back on a recomm

THAT staff report back on a recommended approach to reach a 2009 Operating Budget with a total increase of 3.75%, with potential areas for adjustment to include, but not limited to:

- Consideration of new service recommendations
- Review of reserve funding
- Reconsideration of capital projects
- Spread capital costs over time, by increasing debt funding
- Increasing user fees
- Examination of existing service levels.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Staff were requested to provide additional information in a number of areas.

Ms. M. Neubauer Ms. H. Loewig

ADJOURNMENT

The meeting adjourned at 8:00 o'clock p.m.
Minutes read and confirmed December 22, 2008.
Mayor

.....

Clerk

Council Committee Room B December 3, 2008 6:00 p.m.

A meeting of Guelph City Council.

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

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Dr. J. Laird, Director of Environmental Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Ms. T. Sinclair, Manager of Legal Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

- 1. Moved by Councillor Farrelly
 Seconded by Councillor Salisbury
 THAT the Council of the City of Guelph now hold a
 meeting that is closed to the public, pursuant to
 Section 239 (2) (e) of the Municipal Act, with respect
 to:
 - litigation or potential litigation.

Carried

The meeting adjourned at 6:01 o'clock p.m.

 Mayor
 Clerk

Council Committee Room B December 3, 2008 6:02 p.m.

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

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

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Dr. J. Laird, Director of Environmental Services; Ms. L.E. Payne, Director of Corporate Services/City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. S. Hannah, Manager of Development and Parks Planning; Ms. T. Sinclair, Manager of Legal Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Coordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Hofland declared a possible pecuniary interest with regards to the proposed development 30 & 40 Silvercreek Parkway because she owns property in the vicinity and did not discuss or vote on the matter.

The Manager of legal Services provided the Committee with an update relating to a litigation matter.

 Moved by Councillor Piper Seconded by Councillor Farrelly
 THAT staff be given direction with respect to a litigation matter.

Carried

 Moved by Councillor Burcher Seconded by Councillor Laidlaw
 THAT Committee hear the delegation of Peter Pickfield.

Carried

Mr. Pickfield provided the Committee with an update on a litigation matter.

Ms. L.E. Payne

The meeting adjourned at 6:50 o'clock p.m.

Mayor	
Clerk	

Council Chambers December 3, 2008

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

Present: Mayor Farbridge, Councillors Beard, Bell,

Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper,

Salisbury and Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Dr. J. Laird, Director of Environmental Services; Mr. D. McCaughan, Director of Operations; Ms. M. Neubauer, Director of Finance; Mr. J. Riddell, Director of Community Design and Development Services; Mr. P. Busatto, Manager of Waterworks; Mr. R. Hagey, Supervisor of Budget Services; Mr. C. Walsh, Manager of Wastewater Services; Mrs. L.A. Giles, Director of Information Services/City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

2009 Water and Wastewater Operating and Capital Budgets

Dave Schultz on behalf of the Grand River Conservation Authority provided information on the Grand River Watershed and the roles of the

Authority. He outlined the issues relating to growth, climate change and farm intensification which impact the budget.

Bill Murch of the Grand River Conservation Authority highlighted the proposed 2009 budget expenditures and sources of revenue and summarized the municipal levies contained within the budget.

The Director of Environmental Services provided information on user pay budgets and the departments involved. She advised that the proposed budgets meet Council and department goals. She provided information on the success of the waterworks conservation program. She also provided information relating to the Master Servicing Plans and their impact on the budget. She then provided information on the plan to manage the increases that will be required to capital and the use of debt funding. She highlighted the proposed waterworks expansions being, Conservation Project Manager, electrician with vehicle and supplies and a part-time customer service clerk.

Councillor Kovach retired from the meeting at 8:20 p.m.

The Director of Environmental Services then provided information with respect to the wastewater services regulatory compliance issues. She outlined the projects to meet the needs of growth such as upgrade of treatment infrastructure and the plant expansion. She highlighted impacts to the proposed wastewater budget with respect to compensation increases, decrease in revenue resulting from water conservation and economic conditions and the decrease in revenue from the University of Guelph due to their move from population bases billing to actual usage plus water conservation efforts. She highlighted the proposed expansions for an Agronomist/Biosolids Program Coordinator, a sample technician, 2 CCTV/flusher truck and operations. She further provided information on the wastewater services capital budget and forecast.

The Supervisor of Budget Services provided information on the status of the reserves. He also

provided information on the history of water/wastewater volume charges and summarized the proposed rate impact. He outlined the strategy to mange future rate increases.

Dr. J. Laird
Mr. D. McCaughan
Mr. R. Riddell
Ms. M. Neubauer
Mr. H. Loewig

1. Moved by Councillor Findlay
Seconded by Councillor Burcher
THAT the proposed expansion packages in the net
amounts of \$141,500 for Water and \$425,500 for
Wastewater be approved;

AND THAT the 2009 Water and Wastewater Operating Budgets in the amounts of \$17,374,800 and \$20,044,200 respectively, inclusive of expansions be approved;

AND THAT the 2009 Water and Wastewater Capital Budgets and Forecasts in the amounts of \$263,025,000 and \$148,608,000 respectively, be approved;

AND THAT the City of Guelph water rate of \$0.97 cents per cubic metre effective March 1, 2009 and the wastewater rate of \$1.05 cents per cubic metre, effective March 1, 2009, be approved;

AND THAT the City of Guelph water and wastewater basic service charges and various fees and charges, be increased as per attached schedule "A" effective March 1, 2009;

AND THAT the Waterworks Fees and Services By-law be passed.

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

VOTING AGAINST: (0)

Carried

BY-LAWS

Moved by Councillor Laidlaw
 Seconded by Councillor Beard
 THAT By-law Number (2008)-18684 is hereby passed.

Carried

Clerk

ADJOURNMENT

The meeting adjourned at 9:30 o'clock p.m.
Minutes read and confirmed December 22, 2008.
Mayor

2008/2009 Water and Wastewater Basic Service Charge Summary stated as a Daily Charge

WATER

Meter size	2008 Basic Service Charge	2009 Basic Service Charge	\$ Change
5/8"	\$0.15	\$0.17	\$0.02
3/4"	\$0.15	\$0.17	\$0.02
1"	\$0.21	\$0.24	\$0.03
1 1/2"	\$0.58	\$0.63	\$0.05
2"	\$1.24	\$1.36	\$0.12
3"	\$2.61	\$2.87	\$0.26
4"	\$4.51	\$4.96	\$0.45
6"	\$8.44	\$9.28	\$0.84
8"	\$14.69	\$16.15	\$1.46
10"	\$24.24	\$26.66	\$2.42

WASTEWATER

Meter size	2008 Basic	2009 Basic	
	Service Charge	Service Charge	\$ Change
5/8"	\$0.23	\$0.25	\$0.02
3/4"	\$0.23	\$0.25	\$0.02
1"	\$0.38	\$0.41	\$0.03
1 1/2"	\$0.99	\$1.08	\$0.09
2"	\$2.20	\$2.42	\$0.22
3"	\$4.47	\$4.91	\$0.44
4"	\$7.99	\$8.78	\$0.79
6"	\$15.00	\$16.50	\$1.50
8"	\$26.42	\$29.06	\$2.64
10"	\$44.02	\$48.42	\$4.40



Brownfield Redevelopment Grant Request

288-290 Woolwich St









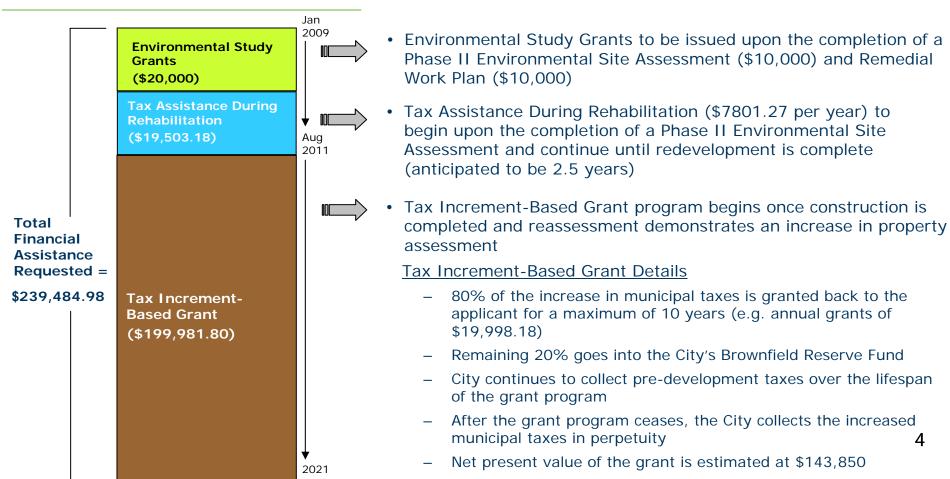
288-290 Woolwich Street Grant Request

FOLLOW-UP FROM DECEMBER 3, 2008 FACS COMMITTEE MEETING

- Zoned in 2002 for a maximum of 10 townhouses only
- Quantum Murray LP has indicated that the property will be sold to local builder following remediation
- All technical documents and eligible costs are reviewed, and may be audited by,
 City of Guelph Engineering staff prior to issuance of funding
- Total value of all grants provided cannot exceed eligible costs specified in the Brownfield Redevelopment Community Improvement Plan (CIP)
- Notwithstanding the actual costs of site assessment and remediation the total value of a Tax Increment-Based Grant cannot exceed the limits set out in the CIP (e.g. maximum allowable grant is estimated at \$199,981.80)
- Payment of grants is conditional on the completion of key milestones in the redevelopment process
- There are no formal opportunities for additional public involvement if the development proceeds in accordance with the approved zoning



Grant Issuance Milestones





Annual Breakdown of Municipal Taxes



REPORT OF THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE

December 22, 2008

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

Your Community Development and Environmental Services Committee beg leave to present their ELEVENTH REPORT as recommended at its meeting of December 5, 2008.

CLAUSE 1 THAT the Community Design and Development Services Report 08-110, dated December 5, 2008, entitled 'Stormwater Management Master Plan', be received for information.

AND THAT the proposed work plan appended as Attachment #1 to this report be endorsed.

CLAUSE 2 THAT the Community Design and Development Services Report 08-125, dated December 5, 2008, on 'GO Transit EA for Rail Service Extension', be received;

AND THAT Council inform the GO Transit EA Project Team of the City's preference to use the existing Downtown VIA Station site as the location for a future GO Station in Guelph;

AND THAT Council direct City staff to work with GO Transit EA Project Team to identify local bus connections and parking, as well as improvements to the VIA Station and the surrounding area that will be required to accommodate initial GO Rail Service, as described in this report;

AND THAT Council direct the City Clerk to forward the Council Resolution and Staff Report to the GO Transit EA Project Team, Wellington County Council, and Liz Sandals, MPP, for their information.

CLAUSE 3 THAT Report 08-115 regarding sign variance requests for 72 Carden Street from Community Design and Development Services, dated December 5, 2008, be received;

AND THAT the request for variances from the Sign By-law for 72 Carden Street to permit six building signs below a clearance of 2.4 metres attached perpendicular to the wall and to allow two portable signs with a height of 1.6 metres with a separation distance of 3 metres, in lieu of the by-law requirements, be refused.

CLAUSE 4 THAT Report 08-121, regarding a sign variance for 83 Dawson Road from Community Design and Development Services, dated December 5, 2008, be received;

Page No. 2 December 22, 2008

Report of the Community Development & Environmental Services Committee

AND THAT the request for a variance from the Sign By-law for 83 Dawson Road to permit one freestanding sign to be situated with a setback of 5 metres (16.4') from the front property line and a side yard setback of 1 metre (3.2') and a size of 22.3 square metres in lieu of the by-law requirements, be approved.

CLAUSE 5 THAT Report 08-126, dated December 5, 2008 from Community Design and Development Services, regarding the heritage designation of 9 Douglas Street, be received;

AND THAT the City Clerk be authorized to publish and serve Notice of Intention to Designate 9 Douglas Street in accordance with the *Ontario Heritage Act* and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within thirty (30) day objection period.

CLAUSE 6 THAT Report 08-109, dated December 5, 2008 from Community Design and Development Services, regarding the heritage designation of 65 Wyndham Street North, be received;

AND THAT the City Clerk be authorized to publish and serve Notice of Intention to Designate 65 Wyndham Street North in accordance with the *Ontario Heritage Act* and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within thirty (30) day objection period.

CLAUSE 7 THAT the Community Design and Development Services Report 08-116 dated December 5, 2008, be received;

AND THAT the Municipal Property and Building Commemorative Naming Policy (Naming Policy) be approved as outlined in Appendix 4 of this Report;

AND THAT Council approve the establishment of a Commemorative Naming Policy Committee (Naming Committee) to facilitate the Procedures of the Commemorative Naming Policy;

AND THAT Council direct staff to immediately implement the Commemorative Naming Policy, and include all unnamed assets of 2007 and 2008 with the 2009 asset review and procedures.

All of which is respectfully submitted.

Councillor Mike Salisbury, Acting Chair Community Development & Environmental Services Committee

COMMITTEE REPORT



TO Community Development and Environmental Services

Committee

SERVICE AREA Community Design and Development Services, Engineering

Services

DATE December 5, 2008

SUBJECT Stormwater Management Master Plan

REPORT NUMBER 08-110

RECOMMENDATION

"THAT the Community Design and Development Services Report 08-110, dated December 5, 2008, entitled 'Stormwater Management Master Plan' be received for information;

AND THAT the proposed work plan appended as Attachment #1 to this report be endorsed."

BACKGROUND

Since the early 1990s, stormwater management plans for new development sites within the City have been prepared in the context of subwatershed studies. Subwatershed studies prepared for Hanlon Creek, Torrence Creek, Clythe Creek and Hadati Creek subwatersheds have provided guidance related to stormwater management for new development. Based on these subwatershed studies, stormwater systems were designed to not only reduce the impacts to the development from flooding, but also maintain and enhance the natural environment by addressing surface and groundwater quality and quantity, wetlands, terrestrial systems, aquatic/fisheries habitat and stream baseflow issues. In essence, the subwatershed plan has enabled an ecosystem-based approach to water resource and land use management for new development.

Prior to the 1980s, the basic approach toward stormwater management in the older areas of the City was to convey the stormwater runoff away from the catchment area and to a receiving stream as quickly as possible to minimize flooding in the catchment and impacts to the development. However, recent flooding events, such as the ones experienced in a number of areas of the City last summer have caused significant flooding and, in some cases, property damage. The main characteristics associated with these storm events that are attributed to climate change are: (1) very high intensity, (2) short duration, (3) increased frequency, and (4) more localized than widespread occurrence. Given this background, the Stormwater Management (SWM) Master Plan that is being initiated will balance the need to address flooding within the City with a City-wide strategy that considers stormwater not necessarily as inconvenient runoff but as important resource that can be utilized

to improve the natural environment, contribute to water conservation targets, and minimize pollutant discharges to rivers systems within the City.

REPORT

The purpose of the SWM Master Plan is to develop a long-term plan for the safe and effective management of stormwater runoff from existing urban areas, while improving the ecosystem health and ecological sustainability of the Eramosa and Speed Rivers and their tributaries. The SWM Master Plan approach will integrate flood control and stormwater drainage issues with opportunities to improve and protect groundwater and surface water quality and the natural environment.

The SWM Master Plan will explore, evaluate and identify innovative approaches to manage stormwater runoff using Low Impact Development (LID) and Water Sensitive Urban Design (WSUD) principles and policy instruments for both new construction and existing developed areas. LID is the implementation of small cost-effective project design and landscaping features to restore natural hydrologic functions. WSUD is the management of urban water streams (water supply, wastewater and stormwater) with the goals of minimizing and treating pollution discharges, reducing potable water use, and efficiently matching different water sources (such as recycled stormwater obtained through rainwater harvesting) to fit-for-purpose uses. The SWM Master Plan will also review the feasibility of a total mass loading and nutrient offset programs to improve and sustain the health of the City's river systems.

There will be a number of opportunities for the public, stakeholders and interested agencies to provide comment throughout the SWM Master Plan process. Public and agency input will be obtained through notices, Public Information Centres and a Technical Agency Committee (see page 7 of Attachment #1 for agencies that will be invited to participate on the Technical Agency Committee). There will also be an enhanced consultation component to this SWM Master Plan study with direct consultation with key project stakeholders and technical resources such as the Grand River Conservation Authority, University of Guelph and River Systems Advisory Committee. The public consultation component will also include a series of residential focus groups to understand the types of LID measures that could be successfully implemented in the City. Pages 7 and 8 of Attachment #1 to this report outline the proposed public consultation process for this study.

The consulting firm of Philips Engineering Ltd. has been selected to provide professional engineering services for the SWM Master Plan project. The project is expected to commence in November 2008 and will take approximately 18 months to complete.

CORPORATE STRATEGIC PLAN

The SWM Master Plan relates to the following goals in the 2007 Strategic Plan:

- Goal #1 An attractive, well-functioning and sustainable city; and
- Goal #6 A leader in conservation and resource protection/enhancement.

Specifically, the following strategic objectives apply to the SWM Master Plan:

- 1.2 Municipal sustainability practices that become the benchmark against which other cities are measured;
- 6.1 Coordinated management of parks, the natural environment and the watershed; and
- 6.5 Less energy and water per capita than any comparable Canadian city.

FINANCIAL IMPLICATIONS

Funding for the SWM Master Plan is included in Capital Project SW0033, approved by Council in 2005, for \$500,000 and paid from Development Charges. The contract budget for the Master Plan study is \$400,000.

DEPARTMENTAL CONSULTATION/CONCURRENCE

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment #1 - Stormwater Management Master Plan Draft Work Plan

Prepared By:

Colin Baker, P.Eng., Environmental Engineer (519) 822-1260 ext. 2282 colin.baker@quelph.ca

Recommended By:

Richard Henry, P.Eng., City Engineer (519) 822-1260 ext. 2248 richard.henry@guelph.ca

T:\ENGINEER\Engineering Council\2008

Endorsed By:

Kalnu Prilik

Rajan Philips, P.Eng., Manager, Transportation Planning and Development Engineering (519) 822-1260 ext. 2369 rajan.philips@guelph.ca

Recommended By:

James N. Riddell Director, Community Design and Development Services (519) 822-1260 ext. 2361 jim.riddell@quelph.ca

STORMWATER MANAGEMENT MASTER PLAN

DRAFT WORK PLAN



November, 2008 City of Guelph



TABLE OF CONTENTS

PART A - OVERV	VIE W	
INTRODU	JCTION	1
BACKGRO	OUND	1
CONTEX	T FOR A SWM MASTER PLAN	
STUDY AI	REA	4
ENVIRON	NMENTAL GOALS AND OBJECTIVES	<u>5</u>
EVALUA'I	TION CRITERIA	5
PART B - METH	IODOLOGY	7
PROJECT TEAM		7
TECHNICAL AGENCIES COMMITTEE		7
PUBLIC CONSULTATION		7
SCOPE O	F WORK	8
	LIST OF FIGURES	
FIGURE 1	URBAN WATER TRANSITION PHASES	4
FIGURE 2	STUDY AREA	9



PART A - OVERVIEW

INTRODUCTION

The City of Guelph (City) wishes to retain a consulting engineering team to complete a Stormwater Management (SWM) Master Plan in accordance with the Municipal Class Environmental Assessment planning and design process (October 2000, as amended in 2007). This project will examine objectives, scope, timing and costs for SWM-related projects up to the year 2031 for the City.

BACKGROUND

Prior to the 1980s, the basic approach toward stormwater management was to convey the stormwater runoff away from the catchment area and to a receiving stream as quickly as possible to minimize flooding in the catchment and impacts to the development. This approach has resulted in relatively well-designed stormwater conveyance system throughout the City to reduce the likelihood of flooding.

Since the early 1990s, stormwater management plans for new development sites within the City have been prepared in the context of subwatershed plans. Subwatershed plans prepared for Hanlon Creek, Torrence Creek, Clythe Creek and Hadati Creek subwatersheds have provided guidance for the City and developers related to stormwater management for new development. Through the 1990s to the present, the emerging trend in stormwater system design was to not only reduce the impacts to the development from flooding, but also maintain and enhance the natural environment by addressing surface and groundwater quality and quantity, wetlands, terrestrial systems, stream temperature, aquatic/fisheries habitat, and stream baseflow. In essence, the subwatershed plan has resulted in an ecosystem-based approach to water resource and land use management for new development

In 1996, the Council approved the "Design Principles for Stormwater Management" (City of Guelph, October 1996) to augment the Ministry of the Environment's (MOE) "Stormwater Management Practices, Planning and Design Manual" (MOE, June 1994). The purpose of the City's 1996 Design Principles was to ensure the highest level of utilization, aesthetics, environmental benefits and ease of maintenance for stormwater management facilities in the City.

In order to protect the natural environment, stormwater controls are required to address both the quantity and quality of the stormwater leaving the site. An example of stormwater controls include end-of-pipe controls such as stormwater management ponds, oil/grit separators (OGS) and infiltration galleries to infiltrate the "clean" rooftop runoff into the water table. These engineered controls ensure that the risk of flooding, loss of property, and pollution discharged to the receiving stream are minimized while, at the same time, recharging the stormwater into the shallow groundwater table. The discharge of shallow groundwater to creeks, streams and wetlands is a key element in the maintenance of healthy terrestrial and aquatic ecosystems.



The City of Guelph has a keen interest in the protection of the natural environment, in particular groundwater and surface water quality and quantity as the City relies on groundwater as a source of drinking water.

CONTEXT FOR A SWM MASTER PLAN

The City is part of one of the fastest growing regions in Ontario. The Province has targeted population growth to the City and surrounding Wellington County area of over 125,000 additional people. The current City population is approximately 115,000 people while that of the surrounding Wellington County is 80,000. Guelph has experienced considerable growth during the last decade. Major new residential and employment areas have been, and continue to be, developed in suburban areas of the City.

The City has prepared its "Local Growth Management Strategy" for residential and employment growth up to the year 2031. The City Council has endorsed a 2031 population of 169,000 and an additional 31,000 jobs over the 25 year planning horizon. While future growth will continue to be within the Greenfield area (i.e. outside the built-up area of the City), it is intended that by 2015 the overall share of infill and intensification residential growth will gradually increase to 40 percent of new residential development. Currently, approximately 10 percent of all residential development occurs within the built-up area with 90 percent of new residential growth in the Greenfield area. This infill and intensification corresponds to 18,500 units or 46,250 people over the 25 year timeframe. The infill and intensification projects within the City's built boundary will add additional strain to the City's infrastructure, in particular, the stormwater management systems.

The City has initiated a number of studies to address servicing future growth, the maintenance of existing infrastructure and environmental sustainability including:

- Water Distribution/Storage and Wastewater Conveyance Master Plan The purpose of this study is to identify the water distribution/storage and wastewater conveyance needs within the City for growth to 2031 (completed in September 2008).
- Guelph Wastewater Treatment Plant Master Plan The purpose of this Master Plan is to develop a strategy to provide direction for wastewater treatment infrastructure, investment and implementation to 2054 (anticipated completion: December 2008).
- Southwest Quadrant Water Supply Class Environmental Assessment This
 Class EA evaluates the feasibility and sustainability of a new groundwater-based
 water supply in the southwest portion of the City (anticipated completion: late
 2009).
- Ward One Stormwater Management Upgrades In November 2007, the City of Guelph completed a Class EA study to address occasional flooding issues in Ward 1 through an upgrade to the SWM infrastructure in the Reformatory Ditch catchment area. The urbanized Reformatory Ditch drainage area covers approximately 285 hectares in the eastern core of the City. The City will be phasing the

¹ City of Guelph, 2008. "Council Report #08-83 – Addendum Report – Guelph's Local Growth Management Strategy Recommendations".



November 2008

implementation of the preferred alternative SWM upgrades over the next several years.

- SWM Pond Maintenance Study This purpose of this study is to develop a maintenance program for the City's 104 SWM ponds (completed in October 2008).
- Sanitary Sewer Condition Assessment Program The City has commenced a
 sanitary and storm sewer condition assessment program utilizing closed-circuit
 television (CCTV) to assess the condition of the City's sewers and establish a
 priority ranking for their replacement or upgrade (ongoing annual program starting
 in 2008).
- Water Conservation and Efficiency Strategy Update The Water Conservation
 and Efficiency Strategy Update is intended to identify a set of preferred program
 alternatives, associated water savings, program implementation forecasts, and
 program support staff and maintenance based resources to meet the water reduction
 goals identified in the Guelph Water Supply Master Plan within a 20 year planning
 horizon (anticipated completion: early 2009).
- Natural Heritage Strategy The Natural Heritage System Study aims to produce
 a sustainable greenspace network throughout the City as envisioned by the Official
 Plan. The strategy will establish and up-to-date and comprehensive inventory of
 natural features in the City (anticipated completion: early 2009).
- Water and Wastewater Rate Structure Review Study The Rate Structure Review Study is evaluating various funding options for future water, wastewater and stormwater infrastructure projects. Stormwater infrastructure is currently funded through property taxes. This study will evaluate stormwater infrastructure project funding mechanisms through the creation of a stormwater management utility (anticipated completion: early 2009).

Figure 1 illustrates the progression of urban water management from water supply, wastewater collection, and stormwater drainage and flood protection to point source treatment and restoration and enhancement of the natural hydrologic cycle for aquatic ecosystem protection.

The City of Guelph has been a leader in the progression to the "Water Cycle City" where stormwater runoff in newer development areas is treated as a resource rather than a polluted liability. Prior to discharge to the natural environment, stormwater flows are attenuated and treated to remove sediment and dissolved pollutants where necessary. The treated stormwater and rooftop stormwater runoff are infiltrated into the ground to recharge groundwater while maintaining baseflows in creeks and streams.

The move to Water Sensitive Urban Design (WSUD) has been implemented in Australia where drought conditions have dramatically reduced the quantity of water available for potable and non-potable uses. WSUD is defined as "... interlinking the management of urban water streams (potable supply, wastewater and stormwater) with the goals of minimizing and treating pollution discharges, reducing potable water use, and efficiently matching different water sources (such as recycled water and stormwater) to fit-for-purpose



uses."² In Canada and the U.S., Low Impact Design (LID) and Sustainable Development (SD) concepts for stormwater management focus maintaining the pre-development hydrologic cycle under post-development conditions in order to maintain or restore natural hydrologic features and functions.

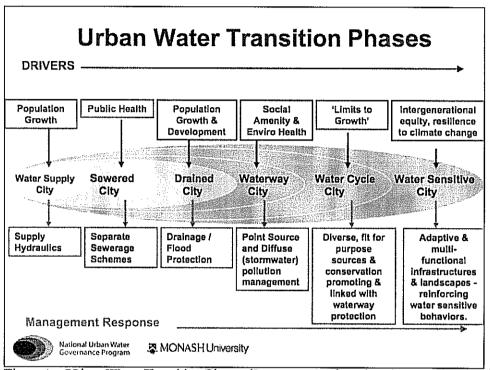


Figure 1 – Urban Water Transition Phases (Source: Monash University – National Urban Water Governance Program. Melbourne, Australia.)

In order to promote sustainable water use, the City has implemented water conservation and efficiency initiatives along with aggressive targets to reduce the Guelph's per capita water use by 20 percent or 16,000 m³/day by 2025³. Through work completed for the Guelph Wastewater Treatment Plant and Water Distribution/Storage and Wastewater Conveyance Master Plans, wastewater reuse for suitable purposes (i.e. municipal works uses; park/landscape irrigation; construction site dust control; on-site wastewater treatment plant uses; dual water systems; groundwater recharge; golf course irrigation; and industrial applications) has been identified as options to reduce the City's future per capita water demand while minimizing pollutant discharges to the receiving stream (Speed River).

STUDY AREA

The Study Area will consist of the City of Guelph boundary, stormwater drainage areas and subwatersheds that are located within the City. There will be a particular focus on the stormwater drainage areas and subwatersheds within the City that were developed prior to

² Wong, T. H. F., 2006. "Australian Runoff Quality: A Guide to Water Sensitive Urban Design", Engineers Australia, Canberra.

³ City of Guelph, 2006. "Water Supply Master Plan – Draft Final Report". p 74.



subwatershed plan approach to development. The study area is presented on Figure 2 which is located at the end of this document.

ENVIRONMENTAL GOALS AND OBJECTIVES

The main goal of the SWM Master Plan is to develop a long-term plan for the safe and effective management of stormwater runoff from urban areas while improving the ecosystem health and ecological sustainability of the Eramosa and Speed Rivers and their tributaries. The SWM Master Plan approach will integrate flood control, groundwater and surface water quality, natural environment and system drainage issues.

The objectives of the SWM Master Plan will include, but are not necessarily limited to, the following:

Water Ouality

- Improve sediment, surface water and groundwater quality.
- Minimize pollutant loadings to groundwater and surface water.
- Improved aesthetics of creeks and rivers through the elimination of garbage/litter, algae growth, turbidity, and odours.

Water Quantity

- Preserve and re-establish the natural hydrologic process to protect, restore and replenish surface water and groundwater resources.
- Reduce the impacts of erosion on aquatic and terrestrial habitats and property.
- Minimize the threats to life and property from flooding.

Natural Environment

- Protect, enhance and restore natural features and functions such as wetlands, riparian and ecological corridors.
- Improve warmwater and coldwater fisheries if appropriate.

This SWM Master Plan project is required to satisfy Phases 1 and 2 of the Municipal Class EA planning and design process as described in the Municipal Class Environmental Assessment document (October 2000, as amended in 2007). The SWM Master Plan project is also required to fulfil the level of investigation, consultation and documentation requirements for the Schedule B projects identified for implementation in the short-term (approximately the 0 – 5 year timeframe) consistent with Approach # 2 in Appendix 4 of the Municipal Class Environmental Assessment document.

EVALUATION CRITERIA

As a key part of assessing the SWM alternatives for both new and existing development, the SWM Master Plan will identify a series of evaluation criteria by which to assess impacts to the social and natural environment, technical feasibility, and project costs. These criteria will include, but not be limited to, the following topics:



Social Environment

- Land Use
- Construction Impacts
- Heritage
- Archaeology
- Quality of Life Health and Safety (Flooding)
- Aesthetics
- Property Requirement Impacts

• Natural Environment

- Water Quality Surface Water and Groundwater
- Groundwater Recharge/Discharge Areas
- Aquatic Sediments
- Benthic Organisms
- Environmentally Sensitive Areas (ESAs)
- Areas of Natural and Scientific Interest (ANSIs)
- Woodlots
- Creeks
- Wetlands
- Flora
- Fauna
- Wildlife and Fisheries Habitat
- Community Diversity
- Natural Heritage System (study currently underway)

Technical

- Level of Service (quality/quantity)
- Meets regulatory requirements
- Difficulty of Construction
- Reliability
- Life Expectancy
- Utilities

Cost

- Special Studies/Class Environmental Assessments
- Capital Costs (engineering, land and construction)
- Operating and Maintenance
- Life Cycle Cost



PART B - METHODOLOGY

PROJECT TEAM

The City's Project Manager and Project Team will lead the project and guide the tasks and functions of the Consultant and provide input into the Master Plan throughout the planning process.

TECHNICAL AGENCIES COMMITTEE

Given the interest of the various levels of government and public agencies in this project, the Project Team will maintain contact with key technical agencies. A Technical Agencies Committee (TAC) will meet at least three times during the course of the study. This working group of key, affected public agencies and Ministries will be formed at the outset of the study to ensure early communication on both the goals and the tasks involved in the preparation of the study.

Agencies that will be invited to participate on the TAC are:

- City of Guelph staff including:
 - Development Planning
 - Park Planning
 - Policy Planning
 - Operations
 - Waterworks
- Grand River Conservation Authority
- Department of Fisheries and Oceans
- Ministry of Transportation
- Railway (CP/CN)
- Ministry of Natural Resources
- Ministry of Environment
- Ministry of Agriculture and Rural Affairs
- Guelph Environmental Advisory Committee (EAC)
- Guelph River Systems Advisory Committee
- University of Guelph

PUBLIC CONSULTATION

It is expected that consultation with the public will aid in the identification of study goals and objectives and the development of screening criteria for the evaluation of preferred alternatives. The public consultation process will be flexible and respond to input and concerns from the public and project stakeholders.

Public and agency consultation for the SWM Master Plan will consist of:

- 1. Notice of Study Commencement;
- 2. Two (2) Public Information Centres (PIC);
- 3. Four (4) Technical Agencies Committee (TAC) meetings;
- 4. Two (2) Grand River Conservation Authority (GRCA) meetings;



- 5. One (1) Rivers Systems Advisory Committee (RSAC) meeting;
- 6. One (1) Environmental Advisory Committee (EAC) meeting; and
- 7. Notice of Completion.

The main purpose of PIC No. 1 is to seek input and feedback from the public on the goals/objectives of the study and the long list of SWM alternatives. PIC No. 1 should be structured such that to solicit public comments and suggestions on the following:

- Goals, Objectives and Targets of the SWM Master Plan Update;
- Profile of the study area;
- Issues and concerns within the study area;
- Alternatives and combinations of alternatives; and
- Criteria by which alternatives will be evaluated.

PIC No. 2 will seek input and feedback from the public on the following.

- Evaluation process;
- The recommended SWM strategy, and
- Next steps in the process.

The public consultation component will also include a series of residential focus groups to understand the types of Low Impact Development (LID) measures that could be successfully implemented in the City.

SCOPE OF WORK

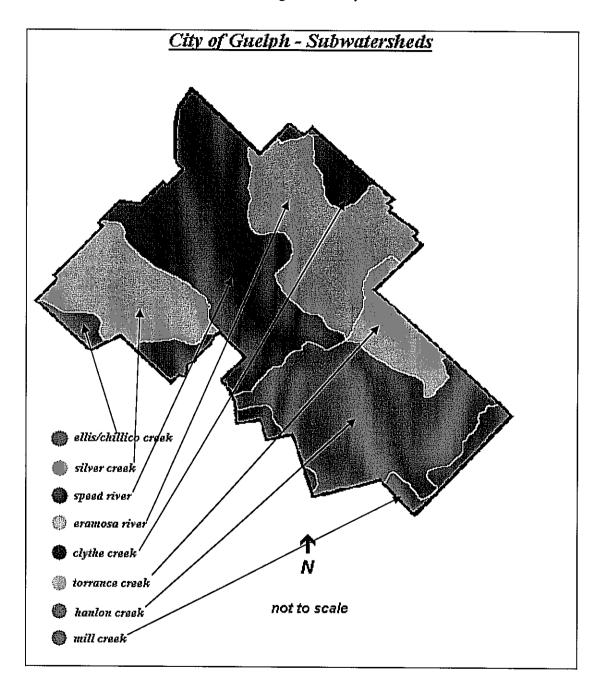
The tasks associated with the completion of the SWM Master Plan are listed below.

- Task 1 Create a Study Area Profile;
- Task 2 Define Study Goals and Objectives;
- Task 3 Develop Storm Sewer System and Water Quality Models;
- Task 4 Evaluate SWM Alternatives;
- Task 5 Identify the Preferred SWM Strategy;
- Task 6 Conduct Public Consultation Ongoing throughout the Master Plan;
- Task 7 Develop an Implementation Plan; and
- Task 8 Draft and Finalize the SWM Master Plan Report.

The SWM Master Plan will take approximately 18 months to complete.



Figure 2 – Study Area





Stormwater Management Master Plan

Community Design and Environmental Services Committee

December 5, 2008



Outline

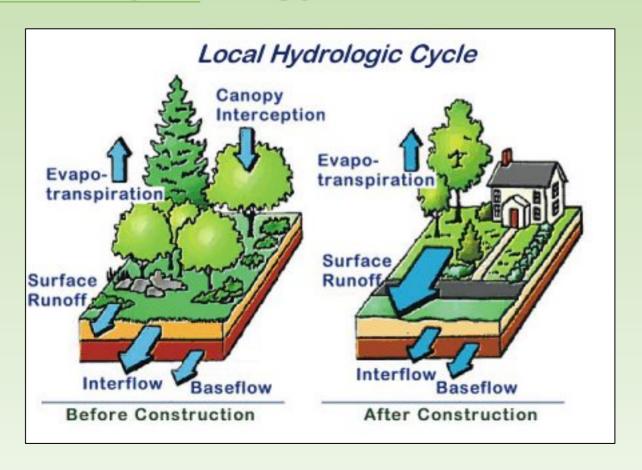
Presentation Format:

- Urban Hydrology 101
- Purpose
- Goals and Objectives
- Key Deliverables
- Work Plan
- Consultation





Urban Hydrology





Urban Hydrology

Stormwater Issues...

- Flooding due to increased runoff
 - -Increased impervious cover
 - -Volume, frequency, duration
 - -Surcharging
- Reduced baseflow
- Increased pollutant loading with runoff
 - -Surface water contamination
 - -Nutrients, bacteria, temperature
 - -Reduced oxygen available
 - -Algae growth
- Erosion in streams and rivers



Climate Change

Rainfall Event Characteristics are Changing...

- Very high intensity
- Short duration
- Increased frequency
- Localized occurrence

Guelph Mercury – July 24, 2008:

Flooding overwhelms city

Nicole Visschedyk nvisschedyk@guelphmercury.com

GUELPH — Stormwater levels Tuesday night came very close to reaching levels planners expect to see only once every 25 years, said Derek McCaughan, the city's director of operations.

Flooding on several streets resulted from sewers not able to handle the sudden intense water levels, he said

"It wasn't a case of the system not working," Mc-Caughan said, adding it was just too much too fast.

One tree on Brant Avenue had to be removed after falling across the road.

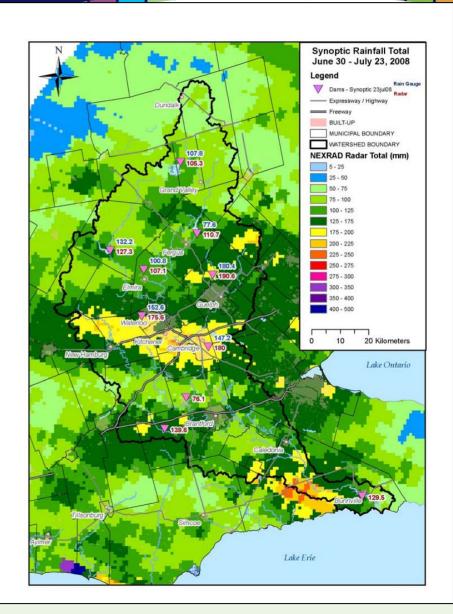
Six more were taken down after sustaining serious damage.

Many basements flooded and McCaughan said in total the city received 45 calls about damage.



Rainfall Total

June 30 – July 23 2008 Grand River Watershed





Urban Hydrology

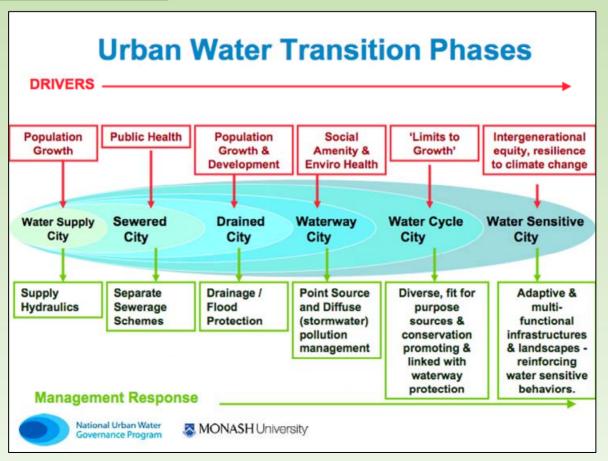
Black Creek Culvert Crossing at Finch Ave West, Toronto

August 19, 2005





Stormwater Management





1) Purpose

To develop a long-term plan for the safe and effective management of stormwater runoff from existing urban areas, while improving the ecosystem health and ecological sustainability of the Eramosa and Speed Rivers and their tributaries.



2) Goals and Objectives

- Water Quality
 - -Improve sediment, surface water and groundwater quality
 - -Minimize pollutant loading
 - -Improve aesthetics of streams and rivers
- Water Quantity
 - -Preserve or re-establish the natural hydrologic cycle
 - Reduce impacts of erosion
 - -Minimize damage from flooding
- Natural Environment
 - Protect, enhance and restore natural features and functions



3) Innovation

- Low Impact Development
 - -Rain Gardens
 - -Bio-Swales







4) Key Deliverables:

- Recommended capital projects
 - -Rehabilitation, retrofit, replacement
- Infill and intensification SWM guidelines
- Recommendations for:
 - -Alternative Development Guidelines
 - -Official Plan SWM Policies



- 4) Key Deliverables:
- Feasibility evaluation of:
 - -Nutrient Offset Program:
 - -Through reductions in nutrient loading from stormwater discharges, allow additional nutrient loading (and hydraulic capacity) from the Guelph Wastewater Treatment Plant



5) Work Plan



- a) Study Area Profile
- b) Define Goals and Objectives
- c) Develop Stormwater Models
- d) Evaluate SWM Alternatives
- e) Identify the Preferred SWM Strategy
- f) Implementation Plan
- g) SWM Master Plan Report



6) Consultation

- Municipal Class EA
 - -Notice of Study Commencement
 - -Public Information Centres
 - –Notice of Completion
- Technical Agency Committee (TAC)
 - -GRCA, RSAC, EAC, U of G, MOE...
- Residential Focus Groups
 - -Evaluate the acceptance of Low Impact Development stormwater management techniques
- Internal Working Group
 - -Flooding areas, Source Protection, OP Policy



- Philips Engineering retained to provide consulting engineering services
- First Public Information Centre and Residential Focus Groups scheduled for the Spring 2009



SWM Master Plan

Thank you!

Colin Baker, P.Eng.
Engineering Services
Community Design and Development Services

COMMITTEE REPORT



TO Community Development and Environmental Services

Committee

SERVICE AREA Community Design and Development Services

DATE December 5, 2008

SUBJECT GO Transit EA for Rail Service Extension

REPORT NUMBER 08-125

RECOMMENDATION

"THAT the Community Design and Development Services Report 08-125, dated December 5, 2008, on 'GO Transit EA for Rail Service Extension' be received:

THAT Council inform the GO Transit EA Project Team of the City's preference to use the existing Downtown VIA Station site as the location for a future GO Station in Guelph;

THAT Council direct City staff to work with GO Transit EA Project Team to identify local bus connections and parking, as well as improvements to the VIA Station and the surrounding area that will be required to accommodate initial GO Rail service, as described in this report;

AND THAT Council direct the City Clerk to forward the Council Resolution and Staff Report to the GO Transit EA Project Team, Wellington County Council, and Liz Sandals, MPP, for their information."

BACKGROUND

GO Transit is carrying out an Environmental Assessment (EA) study for extending GO rail service from Georgetown to Guelph/Kitchener. The purpose of the study is to determine the demand for rail travel and identify station locations, layover facilities and track improvements between Georgetown and Kitchener over a planning horizon of 2011 to 2031.

Burnside Associates are providing consulting services for the EA study, and City and Wellington County staff have been working with the EA Project Team comprising representatives from GO Transit and Burnside Associates.

A Public Information Centre (PIC) was held on September 23, 2008, and a second PIC is expected to be held in the early part of 2009. The EA study is expected to be completed by April, 2009.

At the September PIC, three sites in Guelph were identified as potential station locations, namely, the Downtown VIA Station, Watson Road/York Road and Paisley Road/ Silvercreek Parkway (Lafarge lands). Other potential station locations have been identified in Halton Hills (two locations in Acton) and Kitchener (Breslau and Kitchener Downtown). A layover site has also been identified in Kitchener. (See attached Figures)

The purpose of this report is to provide background information to Council on the suitability of the existing downtown VIA Station as the location for the future GO Station in Guelph, and to identify the supporting initiatives necessary to accommodate the extension of GO Rail service to Guelph using this station.

REPORT

The GO Transit EA for extending rail service west of Georgetown to Guelph and Kitchener will address the infrastructure requirements for starting an initial rail service by 2011 and for expanding the service to ultimate levels by 2031.

Initial service will involve four GO trains operating from Kitchener to Toronto during the morning peak period and returning during the afternoon peak period. This service will be in addition to the current VIA service to/from Toronto comprising 3 daily trains in each direction.

Subsequent service expansion could include service during off-peak periods, as well as additional two-way service connecting Guelph to Georgetown and Kitchener, similar to the service possibilities identified in the North Mainline Rail Service Business Plan prepared in 2005 by North Mainline Municipalities including Guelph.

The infrastructure requirements for extending GO Rail service will vary from using existing station facilities and tracks with necessary improvements for the initial service, to undertaking further station upgrades including new stations, if required, along with significant track improvements to accommodate ultimate service levels.

Station Location

The GO Transit EA has identified the following criteria, including specific measures for each criterion, for selecting station locations, layover facilities and track improvement sites:

- Natural Environment (impacts to sensitive sites, habitats, floodplains/waterways)
- Social/Cultural Environment (land use compatibility, heritage, noise/air quality impacts, property requirements)
- Technical Considerations (impact on existing rail operations, mode choice benefits, road/rail safety, emergency services, utilities, construction staging, station amenities and spacing)
- Financial Considerations (capital cost, operations & maintenance cost, property acquisitions cost)

All of the three station sites in Guelph identified as potential locations in the GO Transit EA (i.e. the Downtown VIA Station, Watson Road/York Road and Paisley Road/ Silvercreek Parkway), generally satisfy the above-noted criteria. However, of the three locations, the Downtown location centered on the existing VIA Station is superior to the other two locations based on the following considerations:

- Little or no impacts on the natural environment
- High land use compatibility, positive impacts on the Downtown and low property requirements
- Conformity with technical requirements relating to rail operations, vehicular access and parking, transit connections, emergency services, utilities and potential for expansion
- Financial advantages in terms of existing station facilities, minimal property requirements, and available services

In addition, the Downtown location is central to all parts of the City and surrounding areas of the County. More than the other two locations, the Downtown site will reinforce the implementation of Guelph's Local Growth Management Strategy, developed within ambit of the Provincial Growth Plan, particularly in regard to meeting intensification targets and Transit Oriented Development (TOD) objectives.

It is, therefore, consistent with City and Provincial policies for Council to support the exiting Downtown VIA Station site as the location for the future GO Station in Guelph.

The use of the VIA Station site as the GO Station will require a number of supportive initiatives to be undertaken both by the City and GO Transit, corresponding to the initial service in 2011 and the future ultimate service by 2031.

Supporting Initiatives for Initial Service (2011)

The initiatives required for starting the initial service by 2011 include the following:

(a) Parking: GO Transit has indicated that about 210 parking spaces will be required for GO patrons at the time of the initial service in 2011. These spaces can be provided taking into account the redistribution in the use of parking in the Downtown that will occur after the completion of the Wilson Street Parking Facility. The City will finalize parking arrangements with GO Transit during the design phase after the completion of the EA.

(b) Local Transit Connection: GO Transit encourages bus-rail connection at GO Stations to minimize parking requirements and to encourage seamless transit usage by patrons. Although ideal, it is not practical to rely on 100% local transit connection to GO Rail service especially at the initial stage. However, staff in consultation with GO Transit and through the Guelph Transit Strategy and Growth Study will develop transit routing and scheduling arrangements to provide maximum bus connections to the GO Station site from the first day of the initial GO Rail service. City Staff will also make every effort to achieve fare-integration between Guelph Transit and GO Transit prior to the start of the initial service.

(c) CNR Overpass at Wyndham Street: City Staff are exploring the possibility of upgrading the overpass bridge structure as part of Wyndham Street reconstruction. It would be advantageous to complete the bridge reconstruction prior to the commencement of initial service and increase in train traffic. Staff are also exploring the possibility of cost-sharing the reconstruction between the City, GO Transit, Railway Agencies, and senior levels of government. The City's share will be paid from Development Charges contributions.

Supporting Initiatives for Ultimate Service (2031)

The ultimate service level will require potentially increased parking, higher level of local transit connections, as well as appropriate station expansions potentially involving property requirements. Based on preliminary and conceptual assessments these additional requirements can be accommodated at the downtown VIA Station site using either side of the CN tracks as appropriate. As these initiatives are required over the long term, they could be addressed during the twenty years after the start of the initial service. The same principle of cost sharing (Municipality-Provincial-Federal) will likely be applicable and the City's share of the cost of long term improvements could be included in future revisions of the DC By-Law.

CORPORATE STRATEGIC PLAN

The location of the future GO Station at the current VIA Station site in the downtown is consistent with the following goals in the 2007 Strategic Plan:

- Goal #1 An attractive, well-functioning and sustainable city; and
- Goal #6 A leader in conservation and resource protection/enhancement.

Specifically, the following strategic objectives apply to the Alternative Development Standards Review:

- 1.2 Municipal sustainability practices that become the benchmark against which other cities are measured;
- 1.4 A sustainable transportation approach that looks comprehensively at all modes of travel to, from and within the community;
- 6.2 Less total greenhouse gases for the City as a whole compared to the current global average; and
- 6.5 Less energy and water per capita than any comparable Canadian city.

FINANCIAL IMPLICATIONS

The cost estimates for improvements to station facilities, supporting initiatives and track improvements in the Study Area will be developed by GO Transit, following the completion of the EA. GO Transit will then start cost-sharing discussions with Study Area Municipalities including Guelph and other agencies as appropriate.

DEPARTMENTAL CONSULTATION

The following service areas were consulted in preparing this report: Economic Development, Planning, Traffic Parking and Transit.

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment #1 - Study Area

Attachment #2 – Station Alternatives-Guelph-Downtown Attachment #3 – Station Alternatives-Guelph-Watson Road Attachment #4 – Station Alternatives-Guelph-Lafarge Site

Prepared By:

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Recommended By:

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City Engineer

(519) 822-1260 ext. 2248 richard.henry@quelph.ca

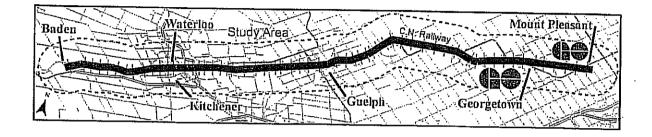
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Recommended By:

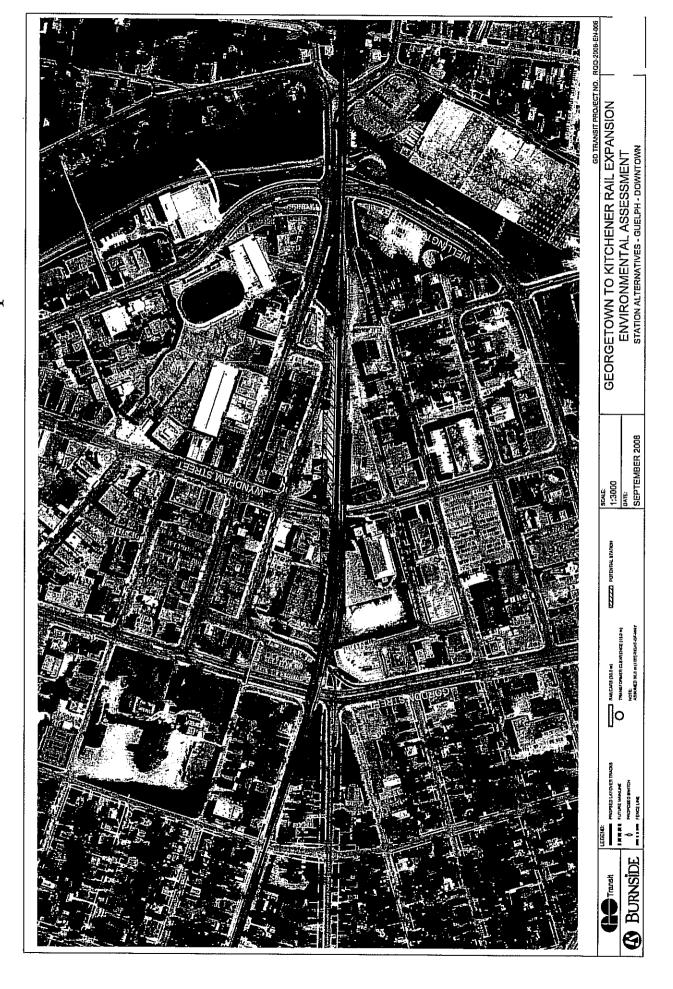
Jim Riddell

Director, Community Design and Development Services (519) 822-1260 ext. 2361 jim.riddell@quelph.ca

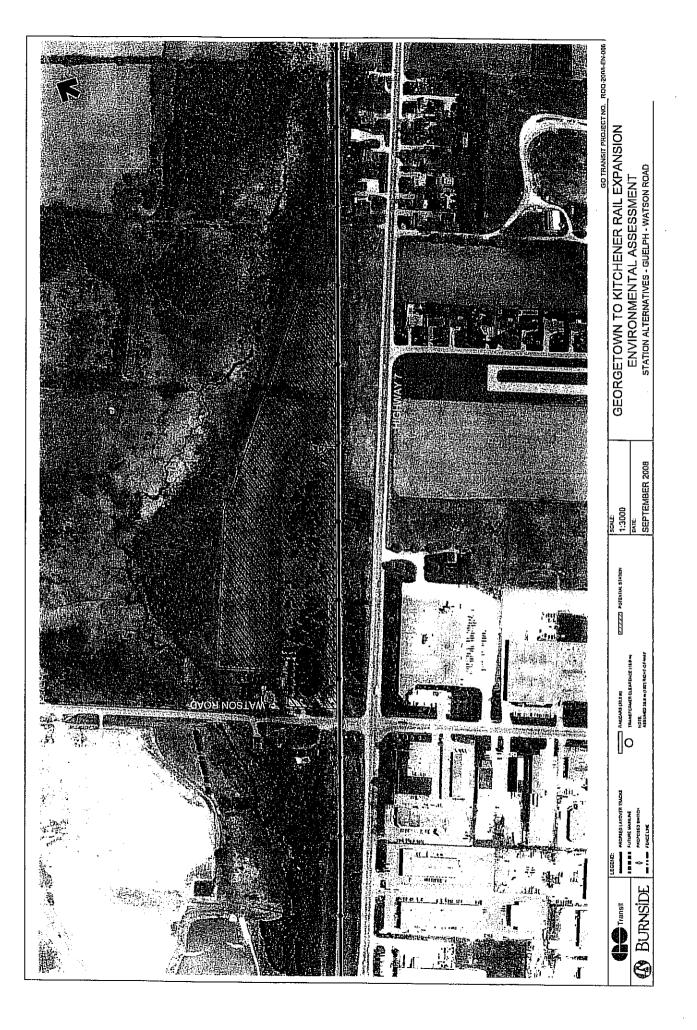
Attachment #1 – Study Area



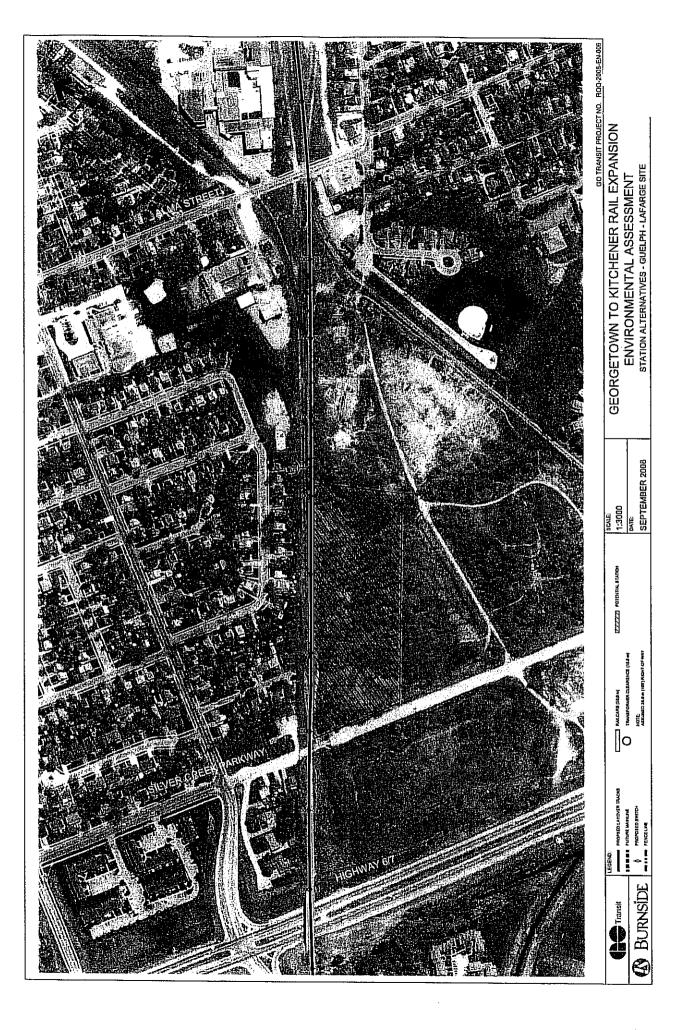
Attachment #2 – Station Alternatives – Guelph - Downtown



Attachment #3 - Station Alternatives - Guelph - Watson Road



Attachment #4 - Station Alternatives - Guelph - Lafarge Site



COMMITTEE REPORT



TO

Community Development and Environmental Services

Committee

SERVICE AREA

Community Design and Development Services

DATE

Friday, December 5, 2008

SUBJECT

Sign By-law Exemption Request for the 72 Carden Street

REPORT NUMBER

08-115

RECOMMENDATION

"THAT Report 08-115 regarding sign variance requests for 72 Carden Street from Community Design and Development Services, dated December 5, 2008, BE RECEIVED and;

THAT, the request for variances from the Sign By-law for 72 Carden Street to permit six building signs below a clearance of 2.4 metres attached perpendicular to the wall and to allow two portable signs with a height of 1.6 metres with a separation distance of 3 metres, in lieu of the by-law requirements, BE REFUSED."

BACKGROUND

The City of Guelph has received a Sign By-law Variance request for 72 Carden Street (see Schedule "A"- Location Map) on behalf of the business owner (Fuji Restaurant). The owner has installed three building signs and also has placed two portable signs on the property without permit. Staff advised the owner of the permit requirements and the non-compliance with the Sign By-law (1996)-15245. The owner subsequently applied for sign variances.

REPORT

The subject property is zoned CBD.1 Building signs in the Central Business District are regulated by Table 1, Rows 1 to 3 of the Sign By-law. The Sign By-law permits one sign only to be situated perpendicular to the building face. The maximum permitted size for the sign is 0.6 m² (6.4 square feet) and these building signs under this application comply with the maximum size. The minimum clearance from ground level is 2.4 metres (7.8') for safety reasons (possible obstruction to pedestrians regarding height). Three signs have been installed with the intent of installing three more. The clearance from ground for the existing signs is 1.7 metres (5.5').

Portable signs in the Central Business District are regulated by Table 5, Row 1 of the Sign By-law. The signs that have been installed at the Fuji Restaurant are shown on Schedule B- Signs and Locations. These signs have a height of 1.6 metres (5.2') and a separation distance of 3 metres (10').

The requested variances are as follows:

Building Sign (Central Business District CBD.1 zone)	By-law Requirements	Request
Permitted Location	1 sign with a maximum size of 0.6 m² located perpendicular to the building face	6 signs located perpendicular to the building face
Minimum Clearance required above ground surface	2.4 metres	1.7 metres
Portable Sign (Central Business District CBD.1 zone)	By-law Requirements	Request
Maximum Height above adjacent roadway	1.0 metre	1.6 metres
Minimum Required Separation Distance	10 metres	3 metres

Staff are recommending refusal of the application because of concerns with the overall number of signs proposed within one business address in the Central Business District and the low height causing a safety concern for pedestrians. The building signs are advertising the product available inside and this is already shown in the front windows (see Schedule B- Signs and Locations). The Sign By-law allows only one sign with a perpendicular projection due clutter and aesthetic concerns in regards to Urban Design. The portable signs are removed daily; however they are above the permitted height and separation distance and can also be illuminated which is not permitted by the by-law. One portable sign would be permitted provided that the height was reduced and there was no illumination.

The applicant has been advised of our recommendation and of the date, time and location of this meeting.

CORPORATE STRATEGIC PLAN: An attractive, well functioning sustainable City

FINANCIAL IMPLICATIONS: N/A

DEPARTMENTAL CONSULTATION: Urban Design- Stacey Laughlin

• No concerns with building signs from an Urban Design perspective. Safety concerns to be maintained.

COMMUNICATIONS:N/A

ATTACHMENTS

Schedule "A"- Location Map Schedule "B"- Signs and Locations

Prepared By:

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Recommended By:

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Recommended By:

Jim Riddell

Director, Community Design and Development Services

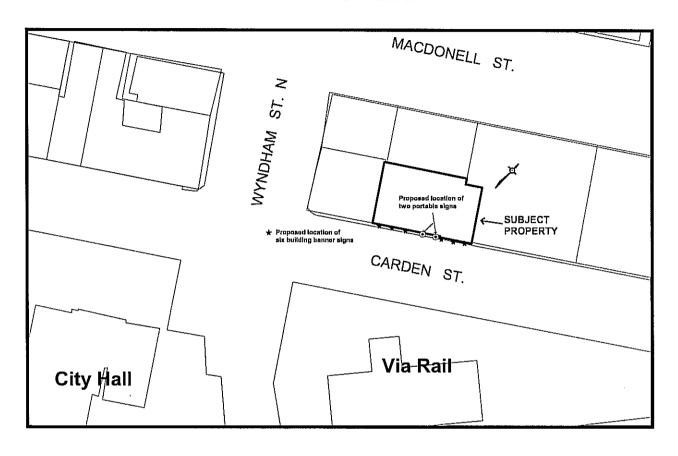
837-5616 ext. 2361

jim.riddell@guelph.ca

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SCHEDULE "A"

LOCATION MAP

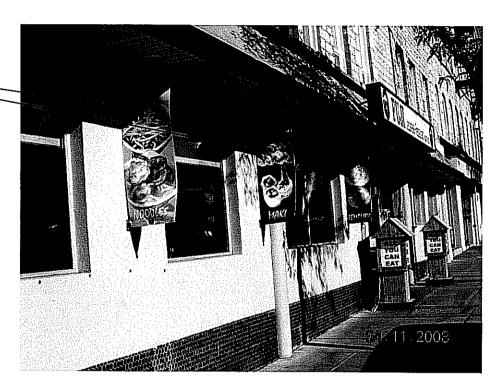


SCHEDULE "B"

SIGNS AND LOCATIONS

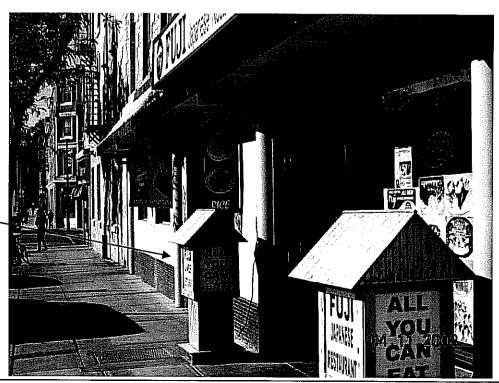
Building and Portable Signs- view from west

Subject Building signs-



View from east

Subject Portable signs



Front view



COMMITTEE REPORT



TO Community Development and Environmental Services Committee

SERVICE AREA Community Design and Development Services, Building Services

DATE December 5, 2008

SUBJECT SIGN BY-LAW VARIANCE FOR GUELPH MEDICAL PLACE AT

83 DAWSON ROAD

REPORT NUMBER 08-121

RECOMMENDATION:

"THAT Report 08-121, regarding a sign variance for 83 Dawson Road from Community Design and Development Services, dated December 5, 2008, BE RECEIVED and;

THAT, the request for a variance from the Sign By-law for 83 Dawson Road to permit one freestanding sign to be situated with a setback of 5 metres (16.4') from the front property line and a side yard setback of 1 metre (3.2') and a size of 22.3 square metres in lieu of the by-law requirements, BE APPROVED."

BACKGROUND:

Guelph Medical Place, located at 83 Dawson Road (see Schedule "A"- Location Map) has requested variances from the Sign By-law to permit the relocation of an existing freestanding sign to the Dawson Road frontage. The existing freestanding sign was installed in 1992 by way of a sign permit. The layout of the parking and access to the site has changed since that time, leaving the existing sign redundant in its present location (which is at the northeast corner of the property along Edinburgh Road adjacent to the railway). The applicant proposes to move the existing sign to the Dawson Road frontage. The property is zoned SC (Service Commercial) 1-14.

Variances are required for:

- permitted location of 5 metres from the front property line in lieu of the required 6 metres. If the sign is setback 1 metre to 6 metres then the height is restricted to 4.5 metres (14.7') in height. If setback 6 metres or greater, then the height is 7 metres (23')
- 1 metre from the side property line in lieu the required 3 metres
- Overall size of 22.3 square metres in lieu of the permitted 4.5 square metres. Sign face size is based on the frontage of a site. The sign is permitted a size of 0.3m² for every 1 metre of frontage. This would allow a sign size of 4.5 square metres. The existing sign is 22.3 square metres.

REPORT:

Guelph Medical Place is located at 83 Dawson Road. Variances are required from the Sign By-law due to the narrow frontage on Dawson Road. The existing 15 metre (49.2') frontage restricts the size and placement of the relocated sign (see Schedule B- Existing Sign and Schedule C-

Proposed Sign Location). Additionally, the views of the sign would be blocked by existing trees on Dawson Road if put to a complying location of 6 metres back and 3 metres from the side property line. The sign would be ineffective in terms of property identification. The requested variances are as follows:

Freestanding Sign (Service Commercial SC.1-14 zone)	By-law Requirements	Request
Maximum Sign Face Area per Face	0.3 m² for every 1 metre of frontage (15m frontage permits 4.5 square metres	One freestanding sign with a size of 22.3 square metres
Permitted Location on Private Property	On private property and at least 6 m away from a nearest public road allowance and at least 3.0 m away from any adjacent property	One freestanding sign with a setback of 5 m from the public road allowance and 1 m from the side property line

The requested variances from the Sign By-law for the location and size of one freestanding sign is recommended for approval because:

- The sign has existed on site in another location for 16 years
- The sign will not adversely impact adjacent land uses. The property is abutted to the south by an existing trucking warehouse. The sign will not create any sight line interference when accessing this property. The property to the north is occupied by an existing banquet hall which is mainly used on weekends. The proposed sign will not create sight line concerns for this property either. Across the street are an existing service commercial mall and industrial uses.
- To install the sign in a complying location would lessen the overall effectiveness of the sign

The applicant has been advised of our recommendation and of the date, time and location of this meeting.

CORPORATE STRATEGIC PLAN: An attractive, well functioning sustainable City FINANCIAL IMPLICATIONS: N/A

ATTACHMENTS

Schedule A- Location map Schedule B- Proposed Sign

Schedule C- Proposed Sign Location

Prepared By:

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Recommended By:

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Chief Building Official 837-5615 ext. 2375

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Recommended By:

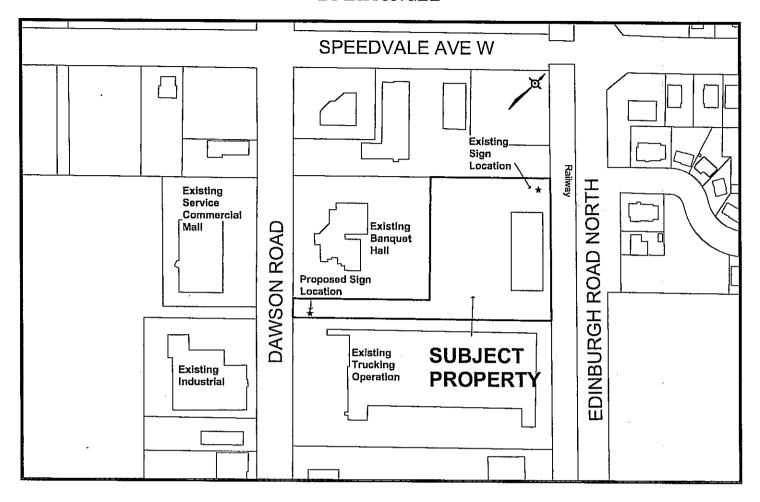
James N. Riddell

Director, Community Design and Development Services

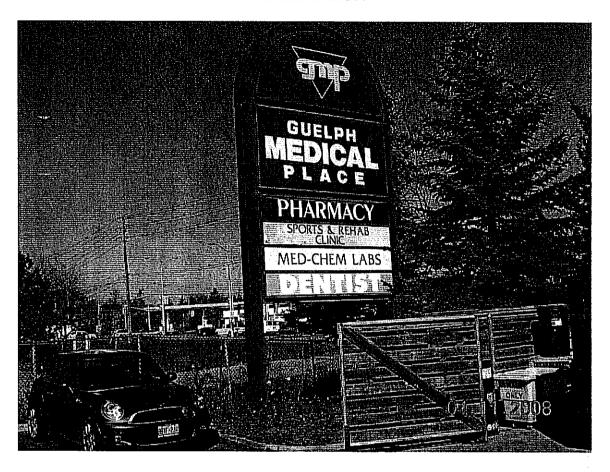
837-5616 ext. 2361 jim.riddell@guelph.ca

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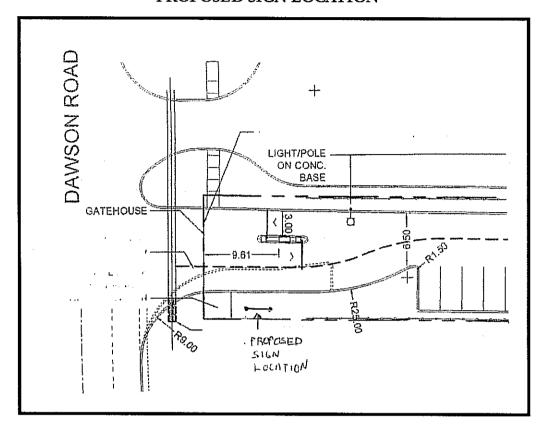
SCHEDULE A LOCATION MAP



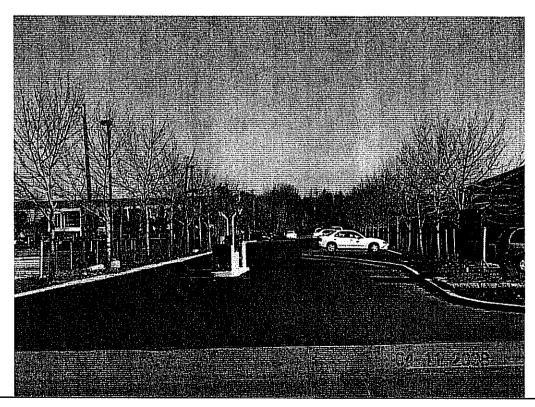
SCHEDULE B EXISTING SIGN



SCHEDULE C PROPOSED SIGN LOCATION



View from Dawson Road entrance



COMMITTEE REPORT



TO

Community Development and Environmental Services

Committee

SERVICE AREA

Community Design and Development Services

DATE

December 5, 2008

SUBJECT

NOTICE OF INTENTION TO DESIGNATE 9 DOUGLAS ST.

PURSUANT TO THE ONTARIO HERITAGE ACT

REPORT NUMBER 08-126

RECOMMENDATION

THAT Report 08-126, dated December 5, 2008 from Community Design and Development Services, regarding the heritage designation of 9 Douglas St. be received;

AND THAT the City Clerk be authorized to publish and serve Notice of Intention to Designate 9 Douglas St. in accordance with the *Ontario Heritage Act* and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

BACKGROUND

Heritage Guelph, the Municipal Heritage Committee, recommends to Guelph City Council that the structure situated at 9 Douglas St. be designated under Part IV of the *Ontario Heritage Act*. The property is located on the east side of St. George's Square in downtown Guelph (see Attachment 1). The property dimensions are 4.75 m by 28.16 m (15.6 feet by 92.4 feet) with a lot area of approximately .01 ha. (.03 acre).

The property was part of a severe fire in the spring of 2007 which caused extensive damage to the adjacent Brownlow/Gummer building and Victoria Hotel. The building at 9 Douglas St. retained its exterior shell but all interior finishes were lost. On June 23, 2008 City Council authorized the Mayor and City Clerk to enter into a Financial Assistance Agreement with the owner subject to a number of conditions including the designation of the site under the *Ontario Heritage Act*.

The two storey stone commercial building, built in 1878, is constructed of locally quarried limestone and pale yellow brick. Designed in the Late Italianate style, the building has a low sloped shed roof, projecting architraves to semi-elliptical window heads, incised arch stones and paneled keystones, and a paneled and denticulated cornice. The building is adjoined to the north wall of the Brownlow/Gummer

building. Contextually, the building is situated along Douglas Street, one of the first officially recognized streets following Guelph's inception as a Town in 1856.

The property is linked to two of the most prominent families in the history of Guelph, the Tovell and Mitchell families. The Tovell and Mitchell families ran an undertaking business on the site. The Mitchell home was located next to the undertakers shop in 1892 but was demolished in 1967 and replaced with a parking lot.

Aside from the undertaking business, the building has been used by a variety of retail businesses including a barbershop, wig and beauty salon, bookstore and most recently a women's clothing store (Stelle). A full description of the history and cultural heritage value of the property is described in Attachment 2 – Heritage Guelph Background Report.

The owner of the property is supportive of the designation. Heritage Guelph is pleased to recommend this property for heritage designation.

REPORT

The two storey stone commercial building located at 9 Douglas St. meets the criteria for designation as defined under Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest as outlined in Attachment 3 of this report. The statement of reasons for the designation, which includes the specific elements to be protected, is presented in Attachment 4.

This report recommends that a Notice of Intention to Designate 9 Douglas St. be published and served. Publication of the Notice provides a 30-day period for comments and objections to be filed. At the end of the 30-day period, if no objections have been filed, Council may choose to pass a by-law registering the designation of the property on title. In the event of an objection, a Conservation Review Board hearing is held and following the issuance of the Board's report findings, Council may decide to withdraw the Notice and not proceed with the designation or it may choose to pass the by-law registering the designation of the property on title.

Community Design and Development Services staff and Heritage Guelph members are recommending that Council proceed with publishing and serving the Notice of Intention to Designate. The historic designation of the structure is one of the conditions included in a Financial Assistance Agreement being drafted for the property under the City's Heritage Redevelopment Reserve.

CORPORATE STRATEGIC PLAN

Goal 4 - A vibrant and valued arts, culture and heritage identity.

FINANCIAL IMPLICATIONS

None.

DEPARTMENTAL CONSULTATION

At the July 14, 2008 meeting, Heritage Guelph, the City's Municipal Heritage Committee, endorsed staff taking the Notice of Intention to Designate to Council for consideration.

COMMUNICATIONS

In accordance with the *Ontario Heritage Act* (Section 29, Subsection 1), Notice of Intention to Designate shall be:

- 1. Served on the owner of the property and on the Ontario Heritage Trust; and,
- 2. Published in a newspaper having general circulation in the municipality.

ATTACHMENTS

Attachment 1 - Location Map

Attachment 2 - Heritage Guelph Background Information Report: 9 Douglas St.

Attachment 3 - Designation Assessment - Criteria for Determining Cultural

Heritage Value or Interest

Attachment 4 - Statement of Reasons for Designation

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Recommended By:

Paul Ross

Chair, Heritage Guelph

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Recommended By:

James N. Riddell

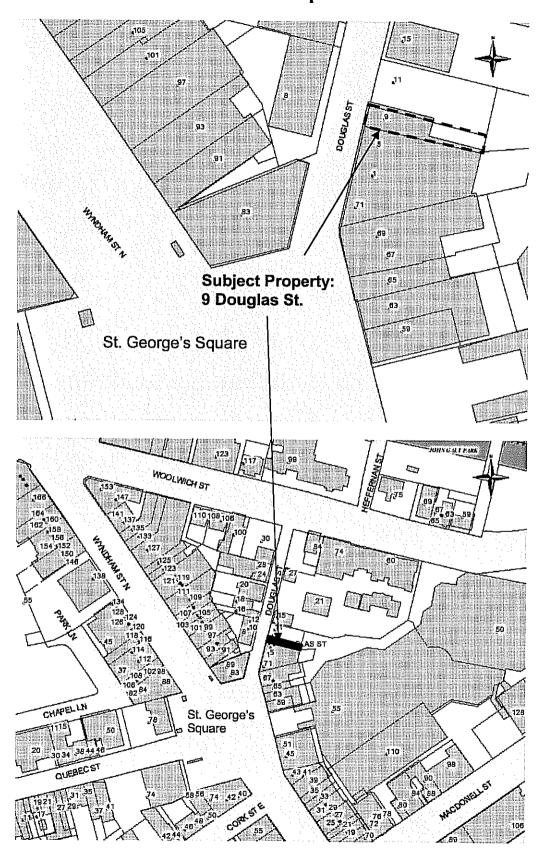
Director of Community Design and

Development Services

519 837-5616 x 2361

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Attachment 1 - Location Map

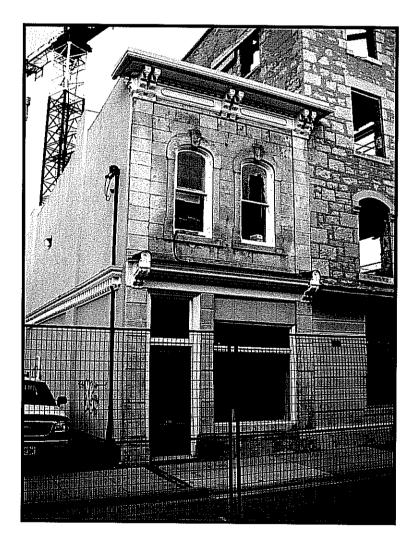


Attachment 2 – Heritage Guelph Background Information Report: 9 Douglas St.

City of Guelph Heritage Guelph (The Municipal Heritage Committee)

Background Report for Proposed Heritage Designation

9 Douglas Street



Prepared By: James Jackson

July 2008

Table of Contents:

1.0 Introduction3
2.0 History of Property3
3.0 Description of Property4
4.0 Historical Background5
5.0 Summary7
6.0 Photographs and Maps8
7.0 Sources14
7.1 Primary
7.2 Secondary14
<u>List of Figures:</u>
Cover Photo: #9 Douglas from the north, July 2008 Source: James Jackson
Figure 1 Aerial View of #9 Douglas Street, 20068
Figure 2 Closer View of #9 Douglas Street, 20068
Figure 3 Orthographic Aerial Photo of #9 Douglas, 20069
Figure 4 Front Façade of #9 Douglas Street, 20089
Figure 5 Prominent Windows on Front Façade, 200810
Figure 6 Fire Map of Douglas Street, 186210
Figure 7 Fire Map of Douglas Street, 187511
Figure 8 Fire Map of Douglas Street, 1881 (Revised 1888 & 189211
Figure 9 Mitchell & Tovell Undertakers, Quebec & Douglas Street, c.187012
Figure 10 Downtown Guelph with Mitchell Home (#11 Douglas Street), 194612
Figure 11 #9 Douglas Street from the North, 199513
Figure 12 #9 Douglas Street from the North, 2008

1.0 Introduction:

This report contains information gathered on behalf of Heritage Guelph, the City of Guelph's Municipal Heritage Advisory Committee, as background for the assessment of the cultural and historical value of the stone building located at 9 Douglas Street. The report includes: a description of the property and its location; a review of various historical and contemporary sources linked to the history of the property, including tax assessment rolls and newspaper clippings; a statement of the cultural heritage attributes of the property and; numerous photographs and maps of the site.

The stone building at 9 Douglas Street, built in 1878, remains as one of the oldest stone commercial buildings in the heart of downtown Guelph. Contextually, the building is situated along Douglas Street, one of the first officially recognized streets following Guelph's inception as a Town in 1856.

One of the earliest and most successful undertaking businesses in the City of Guelph was located at 9 Douglas Street. The property is also closely associated with one of the most powerful families in Guelph's early history, the Tovell Family. The location of one of the first undertaking business in Guelph, established by James Tovell after his family arrival from England in 1832, is unknown and James Tovell was listed as a "Wandering Undertaker" upon his death in 1854. Following his death, his nephew Nathan Tovell assumed control of the business which he operated from his Nelson Street shop. In 1868, Nathan and an employee named John Mitchell purchased the business outright, and established their shop on the corner of Quebec Street and Wyndham Street. Around 1878 John Mitchell moved his portion of the business to Lot 18 on Douglas Street and operated it until his son A.M. Mitchell assumed control of the business in 1906. A.M. Mitchell was born in Guelph, and he emerged as one of the successful business men in Guelph's early 20th century history.

This building was damaged as part of the 2007 Easter fire which also destroyed the Gummer building and Victoria Hotel. While the structure avoided much of the damage inflicted by the fire itself, 9 Douglas Street was severely afflicted by smoke and water damage; the shell of the building remains, but all interior finishes were lost, including mechanical and electrical systems. Much of the damage was a result of humidity and mould which developed in the days and weeks following the fire. Furthermore, the roof was extensively damaged and needed to be replaced.

The current owners, Ella and Robert Ward, bought the building in 2005 and have confirmed that they are willing to have the property designated under the Ontario Heritage Act and that a Heritage Easement Agreement be entered on title of the property to further protect the designated elements.

2.0 Location and History of Property:

The property at 9 Douglas Street is actually located on part of two lots: Lot 18 and Lot 19. The Gummer Building is located on the other portion of Lot 19, and the former Mitchell home at 11 Douglas Street occupied the other portion of Lot 18. This has caused some confusion in the attempts to assess the land registry and tax

rolls for 9 Douglas Street. The property has undergone numerous changes over the years, and has had a multitude of owners and tenants.

The lot is adjoined to the north wall of the Gummer Building on the east side of Douglas Street between St. George's Square on Wyndham Street North, and Woolwich Street (Figure 1, 2, & 3).

Despite its location near the heart of Downtown Guelph, Douglas Street is not one of the original roadways that John Galt laid out in his official plan for Guelph in 1827. In 1827, the area was referred to as Division A, Guelph Township. Any improvements done to streets were carried out by the appointed *Pathmasters*, who used statute labour to accomplish the tasks that needed to be done¹. There was never sufficient labour, however, to do more than simple road improvements and as a result very little progress was made in the development of Guelph's streets from 1830-1851.

Once Guelph's population surpassed 10,000 in 1855, a proclamation was made on December 26th whereby Guelph was incorporated as a Town, and subsequently divided into four wards: north, south, east, and west, with Douglas Street situated in the north ward. Due to this increased population, a number of informal roadways were also chosen to be formally designated and recognized by the Town, including Douglas Street. Effective January 1st, 1856 under Bylaw No. 55 of the Town of Guelph, Douglas Street received its name. The name is associated with John Douglass, a brewer who was among the first people to live in that area. That same bylaw also emphasized that the correct spelling of Douglas Street was, in fact, Douglass Street with a double 's' on the end. This spelling was done in a very inconsistent manner, and even the 1852 fire map for Guelph, drawn a mere six years after the street's inception, spells Douglas with one 's'.

On April 23, 1879 Guelph was incorporated as a City, and the number of Wards was again increased, this time to six: St. Patrick's; St. George's; St. John's; St. James's; St. Andrew's; and St. David's. Douglas Street was located in St. George's Ward. The property is legally described as: "Priors Block" Plan 8 Part Lot 18 and Part Lot 19, and is located in Ward 1.

3.0 Description of Property

The building at 9 Douglas Street is a two-storey structure built of locally quarried limestone, and pale yellow brick. It features a fine stone façade with well-styled stone craftsmanship, and is an excellent surviving example of the Late Italianate architectural style (Figure 4). Two large windows feature prominently on the second floor of the front façade and consist of: projecting architraves to semi-elliptical window heads, incised arch stones, panelled keystones, and a panelled and denticulated cornice (Figure 5). The north wall of 9 Douglas now faces a parking lot which had previously been the site of the Mitchell home, 11 Douglas, which was demolished in 1967. 11 and 9 Douglas Street were interconnected on the 2nd floor.

Attachment 2 Page 4 of 14

¹ The Statute Labour could vary, but was typically 2 days of labour per year from all able-bodied men.

The door opening is still visible on the interior of 9 Douglas, and this connection was required for the fact that undertakers needed to be available to their clients 24/7. Finally, the wall which faces the parking lot to the north was covered in stucco by the current owners in 2005.

4.0 Historical Background

Given the fact that it actually occupies part of Lot 18 and part of Lot 19 on Douglas Street, it was sometimes difficult to gain a clear understanding of which portions of land were passed to whom, and when.

Historically, the property is linked to two of the most prominent families in the history of the City of Guelph, the Tovell family and the Mitchell family.

Mark Tovell (1769-1844) was born in England, the son of a pay officer in the British Army. He was a farmer by trade and had a wife, Hannah, and five children: John, Samuel, Jonathan, James, and Mark Jr. They moved to Canada in 1832, making the eight-week passage from London to Quebec. Mark Tovell left his family in Hamilton for a month until he could secure a home in Guelph, and in July 1832, his family moved to Guelph. They lived in a house on the estate of Judge Johnson Ferguson-Blair on the outskirts of town. Mark Tovell farmed until his death in 1844, and was a respected member of the Guelph community.

His five sons went on to become much respected members of the Guelph community and prominent business men as well. John Tovell was a carpenter and joiner and lived the rest of his life in Guelph. Samuel Tovell was a farmer, just as his father had been, and settled on Lot 16, Con. 6 of Eramosa Township in 1841. He was a broad minded man, well respected, and an active member of the church. Johnathan Tovell rose to prominence as a City Counsellor for 27 years, and a Constable for over 50 years. Mark Tovell Jr. was a chair and cabinet maker, a carpenter, painter, and a natural mechanic. In 1871 he opened his harness and saddle shop, and in 1881 he built the Tovell Block, solidifying his position as one of the most prominent business men in the city. Finally, James Tovell became a carpenter, builder, and undertaker, and worked as a "Wandering Undertaker" with the exact location of his shop unknown.

Upon his death on June 17th 1854², James Tovell left very clear instructions in his final will and testament concerning what to do with the property he owned on Lot 18 Douglas Street.³ On page one of his will, James Tovell specifically referred to "Prior's Block" Lot No. 18, saying that it would go to his widow Maria for her sole use and benefit. There was a clause on page two however, that stated if his widow Maria were to marry again, she forfeited all use of this land and the rights were then to be transferred to their surviving children. This land transfer is reflected in the Tax Assessment rolls; in 1853 James Tovell is listed as the primary occupant of the home and owner of the property, yet in 1858 (the next available year of

² Dumfries Reformer, June 28th 1854.

Attachment 2 Page 5 of 14

³ Wellington County Estate Files, MS 638 Reel #23. June 24th, 1854.

documentation), his brother John is listed as an occupant of the property, with Maria Tovell listed as the property owner.

In February, 1872 Maria Tovell sold the entire property of Lot 18 Douglas Street to Donald Guthrie, and in March 1872 Guthrie sold the property to Mary Mitchell, the wife of John Mitchell, who had been listed as an occupant of the property since 1865. Likewise, in November 1874 John Howitt purchased the entire property of Lot 19 on Douglas Street, and from 1874 to 1881 he sold three portions of the lot to three separate buyers, including a portion to John Mitchell in February of 1878.

By examining the City of Guelph city plan of 1862, and fire map of 1875, it is clear that the stone structure now standing at 9 Douglas Street had not yet been built (Figure's 6 & 7 respectively). However, by the 1881 edition of these maps, the building on 9 Douglas is clearly visible along with the Mitchell home next door (Figure 8). John Mitchell and Nathan Tovell had been partners in the undertaking business at the corner of Quebec Street and Wyndham Street (Figure 9). Then, according to the tax assessment records, between 1878 and 1879 the taxes levied on 18 Douglas Street rose 33%, from \$1,800 to \$2,400. Moreover, the *Building Operations in Guelph Log* indicates that in 1878, John Mitchell had built an *undertakers wareroom* on Douglas Street which was two-storey cut stone with heavy cornices, which closely resembles the construction style of 9 Douglas St. to this day. This supports the date of construction for 9 Douglas Street as 1878, and marked the end of the Mitchell and Tovell partnership on Quebec and Wyndham Street.

The fire map from 1881 also shows the Mitchell home next door to the undertaker's shop, a reflection of the map's 1892 update. This fact is supported by an examination of the *Building Operations in Guelph Log* which, in 1892, reports a two-storey terra cotta brick building of modern design being built by John Mitchell on Douglas Street. There is an associated jump in the value of the property from 1892 to 1893. In 1892 the property was assessed at \$2,200 but in 1893 that value almost doubled to \$4,000 and this supports the fact that the home was built in late 1892. Likewise, by examining the map in person, it is clear that this portion of the fire map had new additions pasted over the previous map during the last revision in 1892.

John Mitchell was also listed as the primary occupant and owner of the property until 1898, when the Tax Assessment Rolls stop. In April, 1904 following the death of Mary Mitchell, John Mitchell was also named as the Grantee of all property on 18 Douglas Street.

John Mitchell, who also worked as a carpenter and cabinet maker for many years in Guelph, operated the undertaking business until his son A. M. Mitchell, an expert embalmer and graduate of the *Canadian School of Toronto* and the *Massachusetts School of Embalming*, assumed control of the family business in 1906. In Canada's early history, particularly in small towns such as Guelph, it was common for the town's cabinet maker to double as the town's undertaker and to build caskets for the deceased.

Over the past century, the property on 9 Douglas Street has seen various changes and a variety of different tenants. A.M. Mitchell lived at the house on 11 Douglas (Figure 10) until his death in 1952. After his death his wife continued to live there until 1964. The house was vacant until 1967, when it was demolished and a parking lot was established. The side wall where the home had stood continued to bare the evidence of the former structure (Figure 11) until 2005, when the new owners stuccoed over the wall and removed the roof-top gable (Figure 12).

Other than a few modifications made to the outer stone over the past century, very little has changed on the stone façade of 9 Douglas Street from 1878 to 2008. It has been occupied by, among others, a barbershop, a shoe shiner, a wig and beauty salon, a bookstore, and most recently, a women's clothing store (*Stelle*). The building survived the devastating Easter 2007 fire, which caused extensive damage to the adjacent Gummer Building and Victoria Hotel, relatively intact. The roof did need to be replaced, and the interior also suffered from water, mould, and smoke damage.

5.0 Summary

The designation of 9 Douglas Street will help to preserve its stunning 19th century stone construction. In conjunction with the restored façade on the Gummer Building and Victoria Hotel, the designation of 9 Douglas Street as a heritage property will continue to arouse the quaint, old-world feeling which Douglas Street has exuded for generations. The property has borne witness to the development of the City of Guelph, and its contextual link to historic Douglas Street makes it an important piece of the downtown streetscape. Finally, its historical association with the early Tovell family, as well as the successful Mitchell family business, renders it a site of cultural importance as well. The elements of the building to be protected include; the exterior walls, including the front and rear walls, including sills, surrounds, and dressings on the front façade; and the architectural details of the front façade, including all original door and window openings, the windows and storefront details, the parapet cornice, and the storefront awning.

6.0 Photographs and Maps

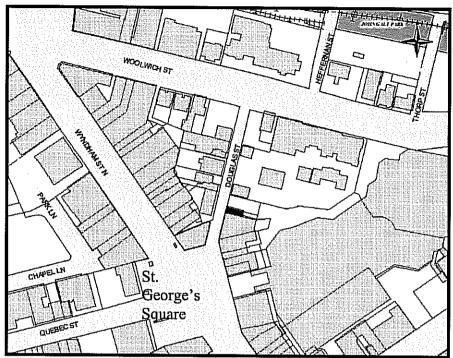


Figure 1: Aerial view of property, 9 Douglas Street, highlighted in black Source: City of Guelph, 2006

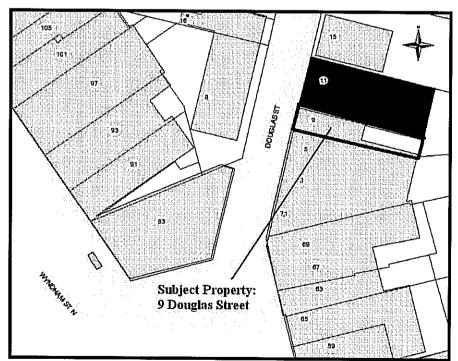


Figure 2: Closer view of property: 9 Douglas Street outlined in black & 11 Douglas Street (site of former Mitchell home) indicated by solid black Source: City of Guelph, 2006

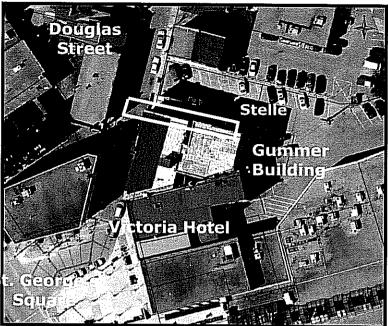


Figure 3: Orthographic aerial photo of 9 Douglas Street, outlined in white Source: The City of Guelph, 2006

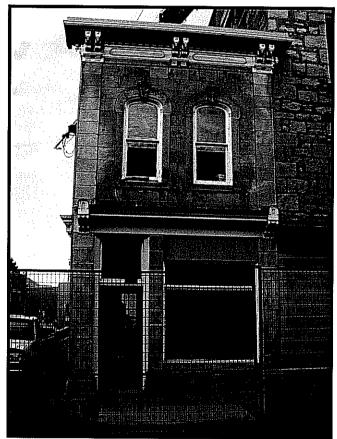


Figure 4: Front façade of 9 Douglas Street Source: James Jackson, July 2008

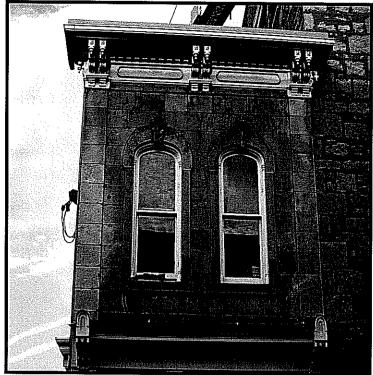


Figure 5: Prominent windows on front façade Source: James Jackson, July 2008



Figure 6: 1862 City Plan of Douglas Street. Notice James Tovell's name is still on the property Source: Guelph Civic Museum

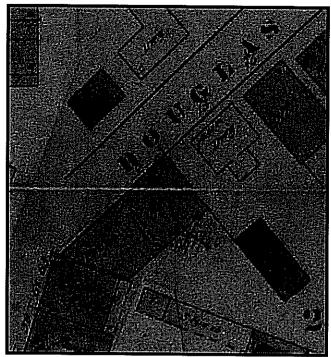


Figure 7: 1875 Fire Map of the Douglas Street Source: Guelph Civic Museum

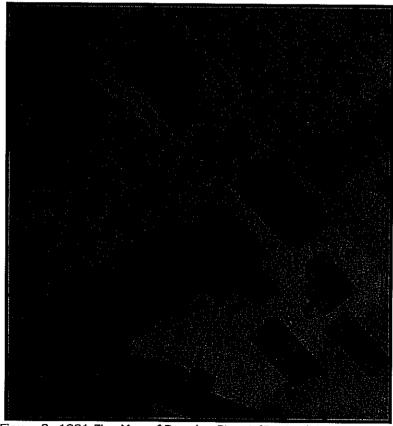


Figure 8: 1881 Fire Map of Douglas Street (Revised 1888 & 1892)
Source: Guelph Civic Museum

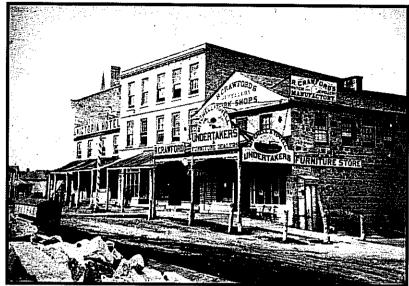


Figure 9: View of Mitchell & Tovell Undertakers on the corner of Quebec Street & Douglas Street, c. 1870

Source: Courtesy of Guelph Public Library Archives

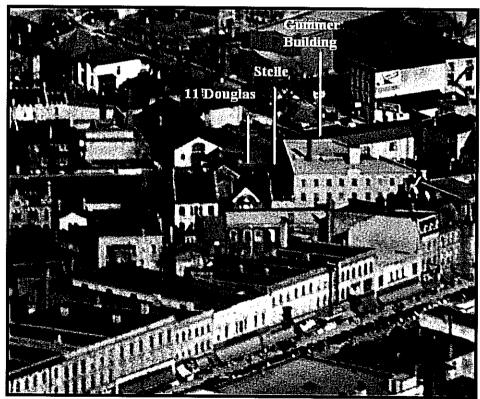


Figure 10: Aerial photo of downtown Guelph with Mitchell home, 11 Douglas Street. 1946 Source: City of Guelph Heritage Inventory File

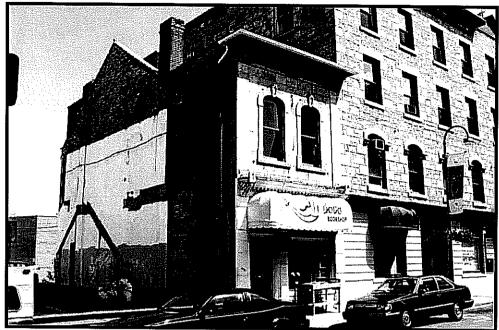


Figure 11: Side view of 9 Douglas taken from the north; evidence of home at 11 Douglas still apparent Source: Burcher-Stokes Inventory of Heritage Structures in Guelph, 1995

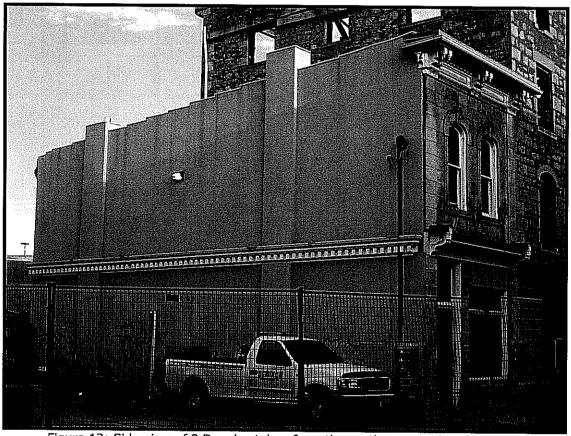


Figure 12: Side view of 9 Douglas taken from the north, stuccoed over in 2005 Source: James Jackson, July 2008

7.0 Sources:

7.1 Primary

Books and Articles

- Abstract of Deeds for the City of Guelph, Plan 8 Priors Block, Lots 18 & 19, 1873-1972.
 - Guelph Land Registry Office Microfilm.
- 'Last Will and Testament of James Tovell, June 24th 1852.' Wellington County Estate Files, MS 638 Reel #23. Guelph Public Library Microfilm.
- Property Tax Assessment Rolls for the Town of Guelph, 1852-1898. *Guelph Public Library microfilm*.
- Vernon's City Directory for the City of Guelph, 1924-2002. Guelph Public Library microfilm.

Maps

- Cooper, Thomas W. 1862. Map of the Town of Guelph in the County of Wellington Canada West. Guelph Civic Museum.
- Goad, Chas E. 1881 (revised 1888 & 1892). *Insurance Plan of the City of Guelph.* Guelph Civic Museum.
- Sandborn, D.A. August, 1875, Revised 1878. Fire Map for the Town of Guelph, Can.

 Guelph Civic Museum.

7.2 Secondary

Books and Articles:

- Biographical Sketches of Early Settlers of Wellington County. Historical Atlas of the County of Wellington, Ontario. Toronto: Historical Atlas Publishing Co. 1906.
- Couling, Gordon, 1979. Couling Building Inventory, Guelph, Ontario 1827-1927.
- Irwin, Ross W. Guelph: Origin of Street Names 1827-1997. Guelph, Ontario.

Newspapers:

- 'Deaths', *Dumfries Reporter*, June 28th 1854.
- 'Building Operations in Guelph Log' Guelph Evening Mercury, 1878-1892.

Attachment 3 – Designation Assessment – Criteria for Determining Cultural Heritage Value or Interest

DESIGNATION ASSESSMENT

Property: 9 Douglas Street Date: July 2008

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

The criteria set out below are taken directly from the Ministry of Culture Regulation 9/06 made under the Ontario Heritage Act for the purpose of assessing property for designation under Section 29 of the Act.

CRITERIA	NOTES	SCORE
The property has design value or	physical value because it	
is a rare, unique,	one of the oldest remaining stone	
representative or early example	commercial buildings in the heart of downtown	P.
of a style, type, expression,	Guelph.	
material or construction method		•
displays a high degree of		
craftsmanship or artistic merit		
demonstrates a high degree of		
technical or scientific		
achievement		
The property has historical value	or associative value because it	
has direct associations with a	one of the earliest and most successful	
theme, event, belief, person,	undertaking businesses in the City of Guelph	m
activity, organization or	was located at 9 Douglas Street. Also closely	
institution that is significant to a	associated with two of the most influential and	•
community	successful families of Guelph's early history,	
	the Tovell and Mitchell families.	
yields, or has the potential to		
yield, information that		
contributes to an understanding		
of a community or culture		
demonstrates or reflects the		
work or ideas of an architect,		
artist, builder, designer or		
theorist who is significant		
to a community		
The property has contextual value		
is important in defining,	contributes greatly to the historic and visual	
maintaining or supporting the	character of Douglas St. and St. George's	T.
character of an area	Square.	
is physically, functionally,	historically linked to the City's early	
visually or historically linked to	businesses and representative of commercial	D.
its surroundings	structures near the City's central square.	
is a landmark	along with the Victoria Hotel and	
	Brownlow/Gummer Building, 9 Douglas St is a	50
	prominent landmark near St. George's Square.	

Attachment 4 - Statement of Reasons for Designation

WHY THE PROPERTY IS BEING DESIGNATED:

Built in 1878, the building at 9 Douglas Street is a two-storey structure built of locally quarried limestone and pale yellow brick. Designed in the Late Italianate style, the building has a low sloped shed roof, projecting architraves to semi-elliptical window heads, incised arch stones and paneled keystones, and a paneled and denticulated cornice. The building is adjoined to the north wall of the Brownlow/Gummer building.

Contextually the building, with its location along Douglas Street and its close affiliation with the Brownlow/Gummer Building and Victoria Hotel, provides important information about the commercial development of late 19th century Guelph. These buildings also encompass a key visual landscape in downtown Guelph, and help provide the old-world, 19th century charm of Douglas Street, one of the first officially recognized streets following Guelph's inception as a Town in 1856. The property is linked to two of the most prominent families in the history of Guelph, the Tovell and Mitchell families and was the site of one of Guelph's earliest and most successful undertaking businesses. The Mitchell home was located next to the undertakers shop in 1892 but was demolished in 1967 and replaced with a parking lot.

The building's link to the late 19th Century development of the City; association with a pair of prominent families in Guelph's history, the Tovell and Mitchell families; and its contextual value in defining the charm and character of the downtown streetscape of Guelph, in particular St. George's Square and Douglas Street; warrants its designation under Part IV of the *Ontario Heritage Act*.

WHAT IS TO BE PROTECTED BY DESIGNATION:

- The exterior stone walls, including the front and rear walls, including sills, surrounds, and dressings of the front façade;
- The architectural details of the front façade, including all original door and window openings, the windows and shopfront details, the parapet cornice and shopfront awning.

It is intended that non-original features may be returned to documented earlier designs or to their documented original without requiring City Council permission for an alteration to the designation.



Designation of 9 Douglas Street





Making a Difference



Property Location



9 Douglas St.



Statement of Reasons for Designation

- Built in 1878 of locally quarried limestone and pale yellow brick.
- Representative example of a Late Italianate commercial stone building.
- Location of one of Guelph's earliest undertaking businesses associated with two prominent families, the Tovell and Mitchell families.
- Contribution to the 19th century charm of Douglas St. and a key part of the visual landscape of downtown Guelph.



Designation Criteria

Design/Physical value by being one of the oldest stone commercial buildings in the City's downtown.

Historic/Associative value by being the location of a historic undertaking business and associated with two influential Guelph families — Tovell and Mitchell.

Contextual value by contributing to the historic and visual character of Douglas St., providing a historic link to commercial structures near St. George's Square, and serving as a prominent landmark.



What is to be Protected

- The exterior stone walls, including the front and rear walls, including sills, surrounds, and dressings of the front façade;
- The architectural details of the front façade, including all original door and window openings, the windows and shopfront details, the parapet cornice and shopfront awning.





Report Recommendation

- CD&ES Report 08-126 be received.
- City Clerk be authorized to publish and serve Notice of Intention to Designate property in accordance with the *Ontario Heritage Act*, as recommended by Heritage Guelph.
- Designation By-law be brought before Council for approval if no objections received within 30 days.

COMMITTEE REPORT



TO

Community Development and Environmental Services

Committee

SERVICE AREA

Community Design and Development Services

DATE

December 5, 2008

SUBJECT

NOTICE OF INTENTION TO DESIGNATE 65 WYNDHAM ST. N.

PURSUANT TO THE ONTARIO HERITAGE ACT

REPORT NUMBER 08-109

RECOMMENDATION

THAT Report 08-109, dated December 5, 2008 from Community Design and Development Services, regarding the heritage designation of 65 Wyndham St. N. be received;

AND THAT the City Clerk be authorized to publish and serve Notice of Intention to Designate 65 Wyndham St. N. in accordance with the *Ontario Heritage Act* and as recommended by Heritage Guelph;

AND THAT the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

BACKGROUND

Heritage Guelph, the Municipal Heritage Committee, recommends to Guelph City Council that the structure situated at 65 Wyndham St. N. be designated under Part IV of the *Ontario Heritage Act*. The property is located on the east side of St. George's Square in downtown Guelph (see Attachment 1). The property dimensions are 5.33 m by 35 m (17.5 feet by 115 feet) with a lot area of approximately .02 ha. (.05 acre).

The three storey stone commercial building, built circ. 1856-58, is constructed of locally quarried limestone. The building has tooled stone sills and a band course, five voussoir flat arch lintels, and a bracketed and moulded stone cornice. The original building had five bays and two street level shops. The south portion of the original structure was demolished in 1968 to make way for a new Canadian Imperial Bank of Commerce building. The remaining two bay section is one of the few nineteenth century buildings to survive on St. George's Square. The structure makes a significant contribution to the historic character of Guelph's downtown and contributes to our understanding of the layout and appearance of the square prior to the major redevelopments occurring around the area during the late 1960's and 1970's.

The property was originally awarded by the Canada Company in 1830 to an early settler of Guelph, James Hodgert Esq., who did the first weaving in town. After changing ownership a few times, Thomas Heffernan, a clothing merchant, purchased the lot in 1845. In 1876 the lot was subdivided into four new lots as part of Heffernan's estate.

The building has been used by a variety of retail businesses, most notably with the local pharmacy trade (Alex Stewart's Drugs (1890-1946/7), F.E. Wagner (1948/9 – 1961/2) and Stewart's Drug Store (1962/3 – 2000/01). The building's most recent use was as the West End Bakery. A full description of the history and cultural heritage value of the property is described in Attachment 2 – Heritage Gueiph Background Report.

The owner of the property is supportive of the designation. Heritage Guelph is pleased to recommend this property for heritage designation.

REPORT

The three storey stone commercial building located at 65 Wyndham St. N. meets the criteria for designation as defined under Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest as outlined in Attachment 3 of this report. The Statement of Reasons for Designation, which includes the specific elements to be protected, is presented in Attachment 4.

This report recommends that a Notice of Intention to Designate 65 Wyndham St. N. be published and served. Publication of the Notice provides a 30-day period for comments and objections to be filed. At the end of the 30-day period, if no objections have been filed, Council may choose to pass a by-law registering the designation of the property on title. In the event of an objection, a Conservation Review Board hearing is held and following the issuance of the Board's report findings, Council may decide to withdraw the Notice and not proceed with the designation or it may choose to pass the by-law registering the designation of the property on title.

Community Design and Development Services staff and Heritage Guelph members are recommending that Council proceed with publishing and serving the Notice of Intention to Designate. As soon as the notice is served, the building falls under the Ontario Heritage Act.

CORPORATE STRATEGIC PLAN

Goal 4 – A vibrant and valued arts, culture and heritage identity.

FINANCIAL IMPLICATIONS

None.

DEPARTMENTAL CONSULTATION

At the August 11, 2008 meeting, Heritage Guelph, the City's Municipal Heritage Committee, endorsed staff taking the Notice of Intention to Designate to Council for consideration.

COMMUNICATIONS

In accordance with the *Ontario Heritage Act* (Section 29, Subsection 1), Notice of Intention to Designate shall be:

- 1. Served on the owner of the property and on the Ontario Heritage Trust; and,
- 2. Published in a newspaper having general circulation in the municipality.

ATTACHMENTS

Attachment 1 - Location Map

Attachment 2 – Heritage Guelph Background Information Report: 65 Wyndham St. N., Stewart's Drugs

Attachment 3 – Designation Assessment – Criteria for Determining Cultural Heritage Value or Interest

Attachment 4 - Statement of Reasons for Designation

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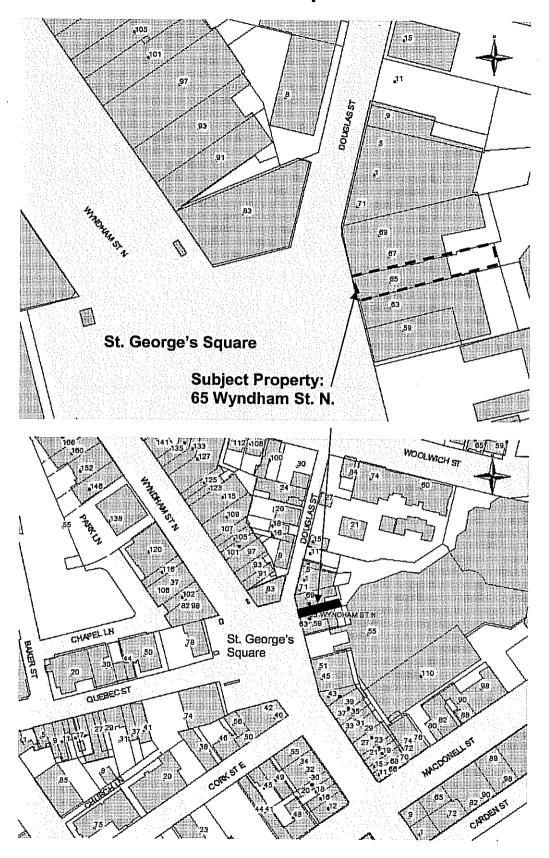
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Director of Community Design and

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jim.riddell@guelph.ca

Attachment 1 - Location Map



Attachment 2 – Heritage Guelph Background Information Report: 65 Wyndham St. N., Stewart's Drugs

CITY OF GUELPH

HERITAGE GUELPH (THE MUNICIPAL HERITAGE COMMITTEE)

BACKGROUND INFORMATION FOR PROPOSED DESIGNATION OF SITE

65 Wyndham Street North Stewart's Drugs



PREPARED BY: LIBBY PERCIVAL

JULY 2008

Table of contents

List of Figures	3
1.0 Introduction	5
2.0 Location of Property	6
3.0 Assessment of Cultural Heritage Value or Interest	7
3.1 Design or Physical Value	7
3.2 Historical or Associative Value	7
3.3 Contextual Value	10
4.0 Maps and Photographs	11
5.0 Sources	24
5.1 Primary Sources	24
5.2 Secondary Sources	24

List of Figures

- Frontispiece. Photo of 65 Wyndham Street North, taken from the West, July 2008. Source: Libby Percival
- Figure 1. Aerial photo of 65 Wyndham Street North, Guelph. Source: City of Guelph.
- Figure 2. Detail of a *Plan of the Town of Guelph* drawn by John McDonald for the Canada Company, 1855. Source: Guelph Land Registry Office
- Figure 3. Detail of Registered Plan 250, October 1876. Source: Guelph Land Registry Office
- Figure 4. Details of a *Map of the Town of Guelph*, drawn by T W Cooper, 1862. Source: Guelph Civic Museum
- Figure 5. Details of a bird's eye view of Guelph, drawn by H Brosius, circa 1872, Source: Guelph Civic Museum
- Figure 6. Details of a Fire Insurance Plan of the Town of Guelph, Sheet 1, by D A Sanborn, August 1875 (revised by Chas E Goad January 1878), Source: Guelph University Library Archives
- Figure 7. Detail of a Fire Insurance Plan of the Town of Guelph, by Charles E Goad, February 1881 (revised June 1888 and November 1892). Source: Guelph Civic Museum
- Figure 8. Detail of a Fire Insurance Plan of the Town of Guelph, by Charles E Goad, February 1897. Source: Guelph Public Library microfilm
- Figure 9. Detail of a Fire Insurance Plan of the Town of Guelph, by Charles E Goad, 1911. Source: Guelph Public Library microfilm
- Figure 10. Detail of an Insurance Plan of the City of Guelph, March 1922 (revised October 1929), Underwriter's Survey Bureau Limited. Source: Guelph Civic Museum
- Figure 11. Detail of an Insurance Plan of the City of Guelph, June 1960, Underwriter's Survey Bureau Limited. Source: Guelph Public Library microfilm
- Figure 12. Photo of the buildings on Lot 49 Wyndham Street, circa 1858-68. Source: Guelph Public Library photo database
- Figure 13. Photo of the buildings on Lot 49 Wyndham Street, circa 1872-75. Source: Guelph Public Library photo database
- Figure 14. Photo of C L Nelles' Book, Stationery and Wallpaper Store, c 1892. Source: Guelph Public Library photo database
- Figure 15. Photo of St George's Square, circa 1896. Source: Gueiph Public Library photo database
- Figure 16. Photo of Alex Stewart's Drugs and Chemist, c 1900. Source: Robert Stewart, A Picture History of Guelph, page 153

- Figure 17. Photo of interior of Stewart's Drugs and Chemist, c 1900. Source: Robert Stewart, *A Picture History of Guelph*, page 154
- Figure 18. Postcard of St George's Square, 1955. Source: Wellington County Museum and Archives
- Figure 19. Postcard of St George's Square, circa 1965. Source: Guelph Public Library Photo database
- Figure 20. Photo of St George's Square, circa 1966. Source: Guelph Public Library Photo database
- Figure 21. Photo of St George's Square, circa 1970. Source: Guelph Public Library Photo database
- Figure 22. Advertisement in Guelph's City Directory for 1882-83. Source: Guelph Public Library microfilm
- Figure 23. Advertisement in C Acton Burrows, *The Annals of the town of Guelph,* 1827-1877, 1877, page 168. Source:
- http://www.ourroots.ca/e/page.aspx?id=593862
- Figure 24. Photo of St George's Square, Guelph, taken from the west, July 2008. Source: Libby Percival
- Figure 25. Photo of the north and east (rear) sides of the building at 65 Wyndham Street North, May 2008. Source: Libby Percival

1.0 Introduction

Heritage Guelph, the City of Guelph's Municipal Heritage Advisory Committee, has assessed the cultural heritage value of the property located at 65 Wyndham Street North, known as "Stewart's Drugs" for the purposes of heritage designation.

This report contains information that has been prepared to support the designation process, including an assessment of the property's cultural heritage value. The property is recommended for designation for its physical, contextual and historical value.

65 Wyndham Street North is a three storey stone commercial building, located on the east side of St George's Square in downtown Guelph. The building was originally constructed circa 1856-58 with five bays and two street level shops. However, the south part of the building (three bays) was demolished in 1968 to make way for the modern Canadian Imperial Bank of Commerce building.

The remaining portion of the building (two bays) provides a representative example of the vernacular commercial architecture of mid-nineteenth century Guelph. Constructed of locally quarried limestone, it makes a significant contribution to the historic character of Guelph's downtown district.

The history of this building is closely associated with the development of St George's Square as an early commercial node in Guelph. The building was occupied by a range of retail businesses, including Guelph's post office (1862–1876), Joseph Mimmack's barber shop (1867–1876), Mrs Janet Wright's Fancy Goods (1877–1888) and C L Nelles' Books, Stationery and Wallpaper (1891–1899). In later years, the building had a long association with the local pharmacy trade, beginning with Alex Stewart's Drugs (1890–1946/7), followed by F E Wagner (c 1948/9–1961/2) and Stewart's Drug Store (c 1962/3–2000/1). This association has contributed to the building's prominence in the social context of the community, as well as in the physical context of St George's Square.

65 Wyndham Street North is one of the few nineteenth century buildings to survive on St George's Square today. As such, it contributes to an understanding of the function and layout of this important centre prior to the major redevelopments of the late 1960s and 1970s.

2.0 Location of Property

Stewart's Drugs is located at 65 Wyndham Street North, within Ward 1 of the City of Guelph. The area has previously formed part of the North Ward of the Town of Guelph, and St George's Ward.

The property is located on the east side of St George's Square, between Douglas Street and the Quebec Street Mall.

The boundary of the property is legally described as: Lot 2, Plan 250.

The property has previously been described as: Part Lot 49, Plan 8.

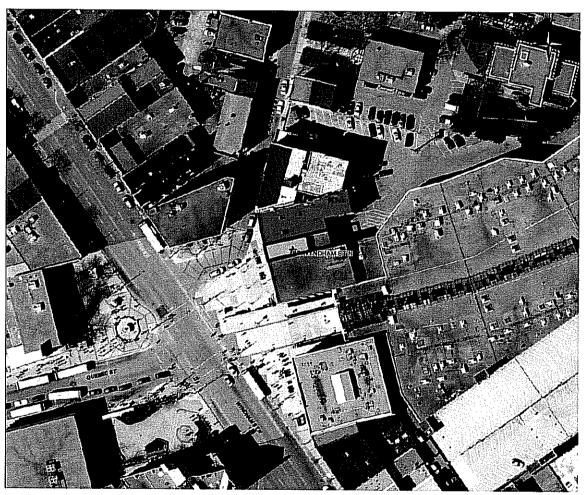


Figure 1. Aerial photo of 65 Wyndham Street North, Guelph. Lot 2, Plan 250 is outlined in red. This photo was taken prior to the fire that destroyed the adjacent building in 2007. Source: City of Guelph.

3.0 Assessment of Cultural Heritage Value or Interest

3.1 Design or Physical value

65 Wyndham Street North is a three storey stone commercial building located on the east side of St George's Square in downtown Guelph. The building was originally constructed with five bays and two street level shops. However the south part of the building (three bays) was demolished in 1968 to make way for the modern Canadian Imperial Bank of Commerce building.

Constructed of locally quarried limestone, the remaining portion of the building provides a representative example of the vernacular commercial architecture of mid-nineteenth century Guelph. The front façade has a relatively simple composition, featuring dressed limestone blocks, a parapet roof with a bracketed stone cornice, and flat arches over the windows. Two plain carved stone string courses mark the division between the stories. The side walls are constructed of random rubble.

3.2 Historical or Associative Value

The history of the building at 65 Wyndham Street North is closely associated with the development of St George's Square as an early commercial node in Guelph. It has also had a long association with the local pharmacy trade, particularly Stewart's Drugs. This association has contributed to the building's prominence in the social context of the community, as well as in the physical context of St George's Square.

Lot 49 on Wyndham Street was originally awarded to one of the first settlers in Guelph, as part of John Galt's scheme to attract skilled workers to the town and induce its growth as a commercial centre:

The Canada Company's offer of a town lot and house for the first weaving done in the town was awarded to the late James Hodgert, Esq., who had a loom running in the winter of 1827-8. This lot is situate on the corner of Quebec Street and St. George's Square, lately the property of the Messrs. Heffernan.²

The Abstracts of titles from Guelph's Land Registry office record that Hodgert received the title to the lot in October 1830, and sold it in April 1832.

In March 1845, the lot was purchased by Thomas Heffernan, a clothing merchant and a prominent member of the Irish Catholic community. The Heffernan family constructed three stone buildings on the lot, along the east side of St George's Square: Thomas Heffernan erected a two storey

² Robert Thompson, A Brief Sketch of the Early History of Guelph, 1977, p 7.

¹ See Leo Johnson, *History of Guelph, 1827-1927*, 1977, pp 16-25.

merchant building on the corner of Wyndham and Quebec Streets in 1848;³ a two storey hotel was constructed on the corner of Wyndham and Douglas Streets around 1856;⁴ and a three storey commercial building was erected in the middle, circa 1856-1858. The commercial building was divided into two shops, one slightly larger than the other. Early occupants of these shops included a shoemaker, Paepe Smith (1858), and an auctioneer, J B Forbes (1859-1860).⁵

The north part of the commercial building was subsequently occupied by another shoemaker, William Montgomery (c 1862-1865/6) and a barber, Joseph Mimmack (1867-1876), while the south part of the building housed Guelph's post office (1862-1876, see Figure 4), with Col William Kingsmill as the Postmaster.⁶

Col William Kingsmill was born in Kilkenny, Ireland in 1794. He joined the 66th Regiment of the army at 17 years old and came to Canada with the regiment in 1828. He retired from service as a Senior Captain, but went on to raise two regiments to serve in the rebellion of 1837 and subsequently had command of the 3rd Regiment of Incorporated Militia. He later served as Sheriff of the Niagara District for twenty years, before moving to Guelph in 1862. Kingsmill was appointed to the position of Postmaster on 1 May 1862. He held the position for 14 years until his death on 6 May 1876, aged 86 years. For much of this time, the postmaster's duties were performed by Kingsmill's deputy, Arthur Wells. Following Kingsmill's death, the post office was moved to a cheaper location, in the Hazelton Block on the west side of Upper Wyndham Street. It remained in this location until a grand new post office building was opened on St George's Square on 1 May 1878.

On 3 October 1876, the executors of Thomas Heffernan's Estate subdivided Lots 48 and 49 into four new lots (Figure 3). The commercial building was split into two lots – the north part of the building was located on Lot 2, and

⁴ Property Tax Assessment Rolls, Town of Guelph: Denis Coffee, proprietor of the Victoria Hotel, is first listed as a Householder on Lot 49 in 1856.

⁶ Map of the Town of Guelph by Thomas W Cooper, 1862; Property Tax Assessment Rolls, Town of Guelph for the years 1862 to 1876.

⁷ C Acton Burrows, *The Annals of the Town of Guelph*, 1877, pp 123-124; John W Kelcher, The Guelph Post Office, *Historic Guelph* 21, 1981-82, pp 10-11, 13.

⁸ John W Kelcher, The Guelph Post Office, *Historic Guelph* 21, 1981-82, pp 13-17. Contruction on the new post office building began in April 1876 and was finished in April 1878.

Attachment 2 Page 8 of 25

³ C Acton Burrows, *The Annals of the Town of Guelph*, 1877, p 60.

⁵ Property Tax Assessment Rolls, Town of Guelph for the years 1857 and 1858 indicate that there are four buildings on Lot 49 Wyndham Street, one of which was 22 feet wide. An 1862 *Map of the Town of Guelph*, by Thomas W Cooper, indicated that there were three buildings on the lot (Figure 4), however it is likely that the commercial building was divided into two parts. The measurement of 22 feet is consistent with the south part of the commercial building. This division is also confirmed by later Fire Insurance Plans of the property (Figures 6-11).

the south part was located on Lot 3. Annie Flannery took possession of Lot 2, while Thomas A Heffernan took possession of Lot 3.

From 1877 until 1888, Mrs Janet Wright operated a "Fancy Goods" shop in the north part of the building, selling imported fabrics, patterns and toys (Figure 22). The occupants of the south part of the building included jewelers and watchmakers: Robert Crawford (c 1877-1878/9, Figure 23), John and David Kennedy (c 1880-1886).

In April 1888, Annie Flannery sold Lot 2 to William F Barber. In the same, year, John A Nelles established a book, stationery and wallpaper shop in the north part of the building. In 1891, the lot was sold to John Crown, and John A Nelles sold his business to C L Nelles (Figures 14-15). C L Nelles moved the business to larger premises at 81 Wyndham Street in 1899.

The north part of the building was used as a pharmacy throughout the twentieth century, operated in turn by Alex Stewart (c 1899-1946/7), F E Wagner (c 1948/9-1961/2), and Stewart's Drug Store (c 1962/3-2000/1).

Alex Stewart was born in Eramosa and graduated from the Ontario College of Pharmacy in 1889. He initially established his drug laboratory and pharmacy in the south part of the building in 1890. He moved his business to the north part of the building in 1899 (Figure 16-17). The 1908 Souvenir Industrial Number of the Evening Mercury of Guelph recorded that Stewart's business occupied all three floors: the first floor was devoted to the shop, which sold drugs and medicine, as well as physicians and nurses supplies; the second floor was used as a stock room; while bottles and glassware were stored on the third floor. The business also manufactured baking powder and flavouring extracts. ¹³

Twentieth century occupants of the south part of the building included Misses E & H Ross' Fancy Goods, Daly's News Cigar Store, and the Province of Ontario Savings Office. The Canadian Bank of Commerce, which had constructed a three-storey bank building on the corner of Wyndham and Quebec Streets in 1883-1884, took over the south part of the commercial building in the late 1950s. The bank building and the south part of the

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⁹ Property Tax Assessment Rolls, Town of Guelph for the years 1877 to 1888; Guelph's City Directory for 1882-83.

Abtracts of Titles, Land Registry Office; Property Tax Assessment Rolls, Town of Guelph for the years 1889 to 1891.

¹¹ The Royal City of Canada, Guelph and her Industries, Souvenir Industrial Number of the Evening Mercury of Guelph, Canada, 1908, p 51; Guelph's City Directories for the years 1889 to 1899.

¹² Guelph's City Directories for the years 1901 to 1979.

¹³ The Royal City of Canada, Guelph and her Industries, Souvenir Industrial Number of the Evening Mercury of Guelph, Canada, 1908, p 15.

commercial building were subsequently demolished in 1968 to make way for an enlarged Canadian Imperial Bank of Commerce building.

In 2001 the north part of the commercial building was taken over by the West End Bakery. The bakery was relocated in 2007 following a substantial fire in the neighbouring Victoria Hotel building.

3.3 Contextual Value

The building at 65 Wyndham Street North makes a significant contribution to the historic character of Guelph's downtown district, where the streetscape is dominated by nineteenth century commercial buildings constructed of local limestone.

That being said, this modest building is one of the few nineteenth century buildings to survive on St George's Square today. As such, it contributes to an understanding of the history and layout of this important commercial node prior to the major redevelopments of the late 1960s and 1970s.

4.0 Maps and Photographs

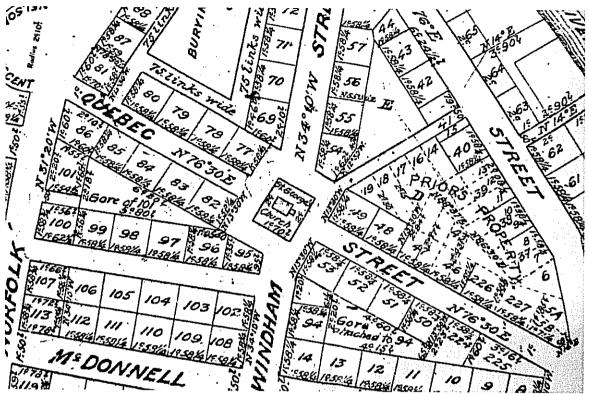


Figure 2. Detail of a *Plan of the Town of Guelph* drawn by John McDonald for the Canada Company, 1855. The Heffernan family constructed several commercial buildings on Lot 49, on the east side of St George's Square. Source: Guelph Land Registry Office

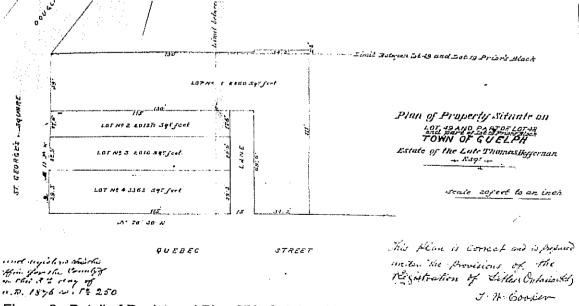
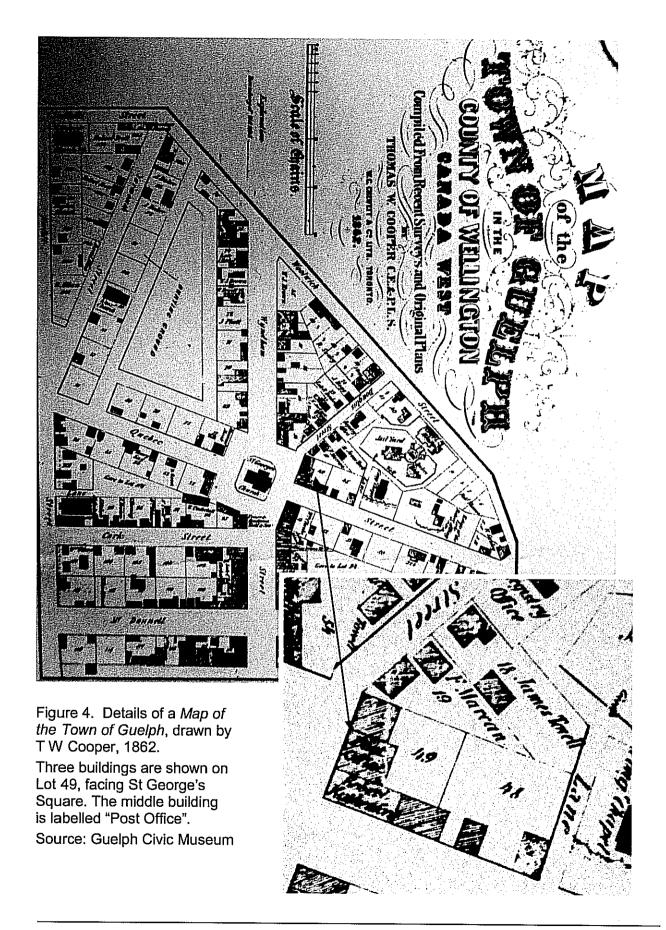


Figure 3. Detail of Registered Plan 250, October 1876. The plan shows Lot 49 and part of Lot 48 subdivided into four new lots. The north part of the building was located on Lot 2, the south part was located on Lot 3. Source: Guelph Land Registry Office



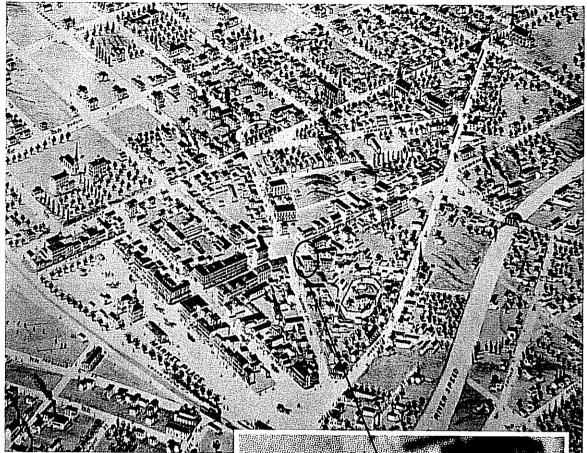
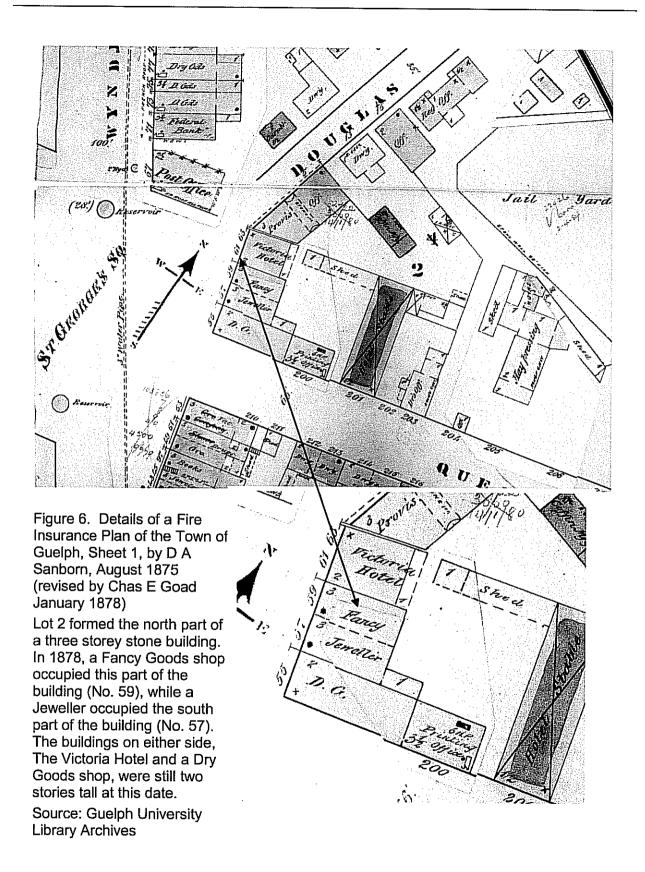


Figure 5. Details of a bird's eye view of Guelph, drawn by H Brosius, circa 1872.

The three storey, five bay stone commercial building constructed by the Heffernan family on Lot 49 is circled in red.

Source: Guelph Civic Museum



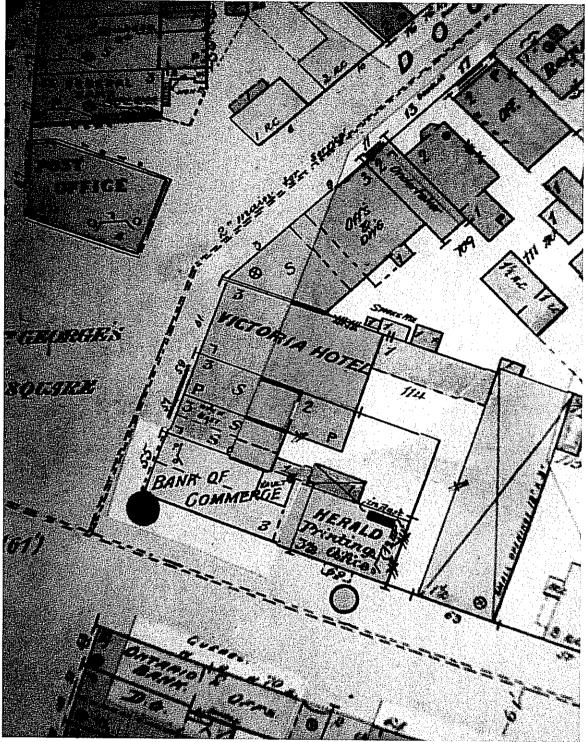


Figure 7. Detail of a Fire Insurance Plan of the Town of Guelph, by Charles E Goad, February 1881 (revised June 1888 and November 1892)

By 1892, the north part of the building (No. 59) had a two storey brick addition to the rear. The south part of the building (No. 57) was divided into two shops. The buildings on either side, the Victoria Hotel and the Bank of Commerce, were three stories tall by this date. Source: Guelph Civic Museum

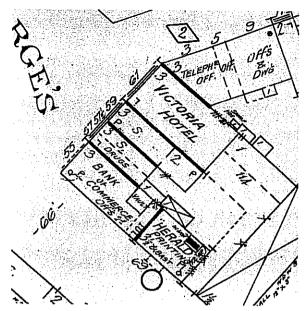


Figure 8. Detail of a Fire Insurance Plan of the Town of Guelph, by Charles E Goad, February 1897. Stewart's Drugs is shown in the south part of the building. Source: Guelph Public Library microfilm

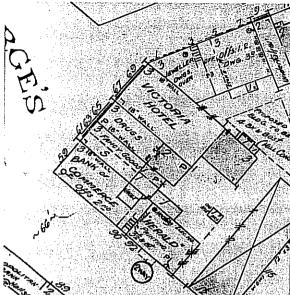


Figure 9. Detail of a Fire Insurance Plan of the Town of Guelph, by Charles E Goad, 1911. Stewart's Drugs has moved to the north part of the building by this date. Source: Guelph Public Library microfilm

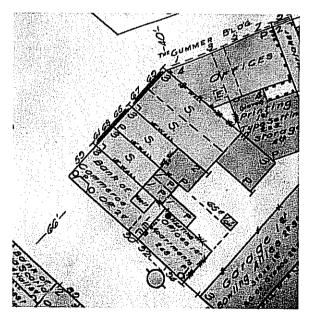


Figure 10. Detail of an Insurance Plan of the City of Guelph, March 1922 (revised October 1929), Underwriter's Survey Bureau Limited.

Source: Guelph Civic Museum

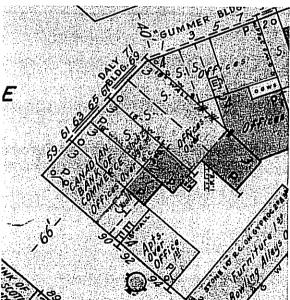


Figure 11. Detail of an Insurance Plan of the City of Guelph, June 1960, Underwriter's Survey Bureau Limited. The Canadian Bank of Commerce had taken over the south part of the building by this date.

Source: Guelph Public Library microfilm



Figure 12. Photo of the buildings on Lot 49 Wyndham Street, circa 1858-68. The three storey stone commercial building was located between the Victoria Hotel and Robert Rutherford's store. Source: Guelph Public Library photo database, F38-0-14-0-0-239



Figure 13. Photo of the buildings on Lot 49 Wyndham Street, circa 1872-75. The three storey stone commercial building had 6-over-6 sash windows on the upper storeys; at street level larger multi-pane windows allowed passers-by to peer into the shop. Source: Guelph Public Library photo database, F38-0-14-0-0-240

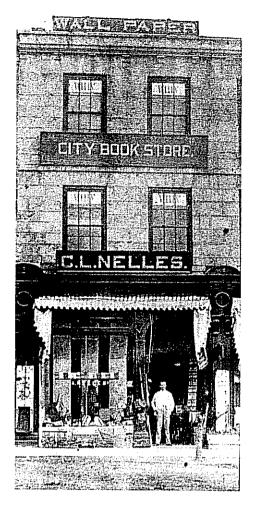


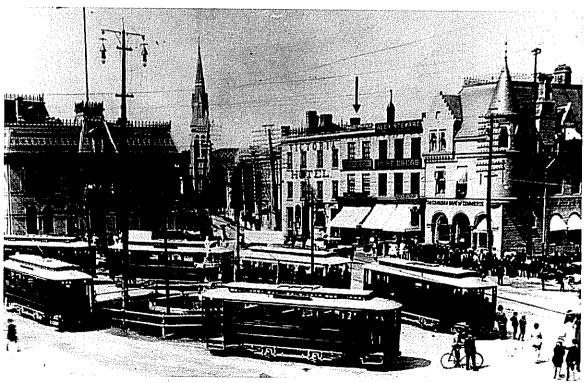
Figure 14 (left). Photo of C L Nelles' Book, Stationery and Wallpaper Store, c 1892 By the 1890s the shop front had been replaced by a large plate glass window, with decorative wood surrounds and canvas awnings.

Source: Guelph Public Library photo database, F38-0-7-0-0-63. (Also published in *The Globe*, 6 August 1892.)

Figure 15 (below). Photo of St George's Square, circa 1896

The photo shows C L Nelles' Book Store in the north part of the building, at 59 Wyndham Street, and Alex Stewart's Drugs in the south part of the building, at 57 Wyndham Street. A new, grand Bank of Commerce building can be seen to the right of Stewart's Drugs, at the corner of Wyndham and Quebec Streets. This building was constructed around 1883-1884.

Source: Guelph Public Library photo database, F38-0-7-0-0-10



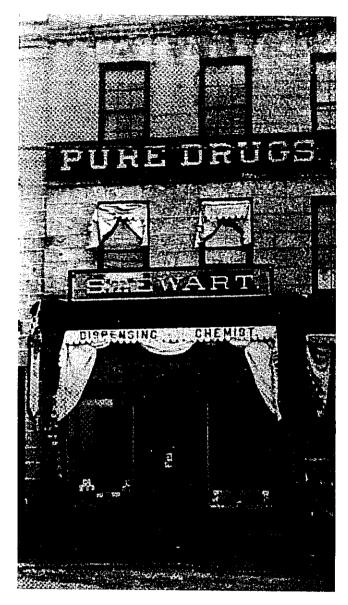


Figure 16 (left). Photo of Alex Stewart's Drugs and Chemist, c 1900 Alex Stewart's Drugs was originally located in the south part of the building. The shop was moved to the north part of the building in 1899. Source: Robert Stewart, A Picture History of Guelph, page 153. (Also published in The Royal City of Canada, Guelph and her Industries, Souvenir Industrial Number of the Evening Mercury of Guelph, 1908)

Figure 17 (below). Photo of interior of Stewart's Drugs and Chemist, c 1900 The photo shows that the interior of the shop had a decorative, pressed metal ceiling, and could be lit up in the evening by gas lights.

Source: Robert Stewart, A Picture History of Guelph, page 154





Figure 18. Postcard of St George's Square, 1955

The photo was taken from the west side of the square. Stewart's Drugs can be seen in the middle of the picture.

Source: Wellington County Museum and Archives

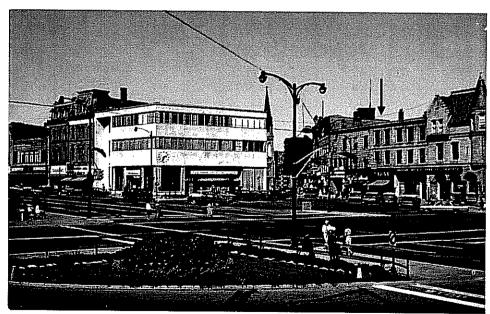


Figure 19. Postcard of St George's Square, circa 1965

Photo was taken from the southwest corner of the square. It shows that the Canadian Imperial Bank of Commerce had taken over the south part of the building by this date.

Source: Guelph Public Library Photo database C6-0-0-0-667



Figure 20. Photo of St George's Square, circa 1966 Source: Guelph Public Library Photo database, F38-0-7-0-0-39



Figure 21. Photo of St George's Square, circa 1970

The south part of the building was demolished in 1968 to make way for a new Canadian Imperial Bank of Commerce. The north part of the building continued to be used by Stewart's Drugs.

Source: Guelph Public Library Photo database, C6-0-0-0-666

MRS. J. WRIGHT,

Importer and dealer in

BERLIN WOOLS,

T-0-Y-S.

Fancy Goods, Etc.

SOLE AGENT FOR BUTTERICK'S PATTERNS.

ST. GEORGE'S SQUARE, GUELPH.

Figure 22. Advertisement in Guelph's City Directory for 1882-83, complied and published by William W Evans. Source: Guelph Public Library microfilm

GOLDSMITH HALL, GUELPH.

THE OLD



POST OFFICE.

SIGN OF THE LARGE CLOCK

Is the spot to get supplied with WATCHES, CLOCKS, JEWELLERY, SHAVER PLATE, &c., at bottom price.

If you want correct time get one of

CRAWFORD'S TRUSTWORTHY WATCHES

In silver cases, from \$10 to \$40. In gold cases, from \$30 to \$150. Warranted for two years.

Jobbing, Engraving, Gold and Silver Plating done as before.

CHARGES MODERATE,

Figure 23. Advertisement in C Acton Burrows, *The Annals of the town of Guelph, 1827-1877*, 1877, page 168. Source: http://www.ourroots.ca/e/page.aspx?id=593862



Figure 24. Photo of St George's Square, Guelph, taken from the west, July 2008 Source: Libby Percival

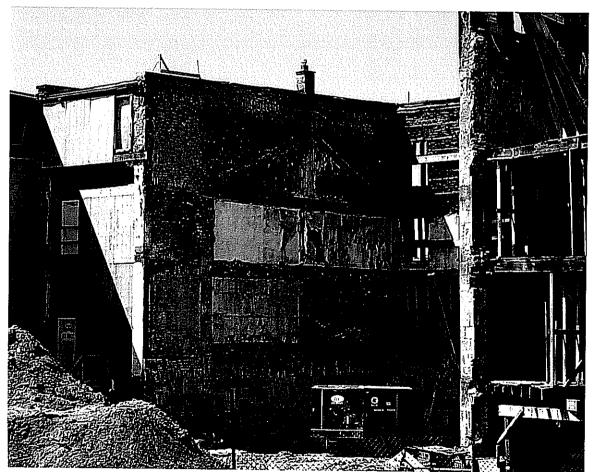


Figure 25. Photo of the north and east (rear) sides of the building at 65 Wyndham Street North, May 2008. The building shared its north wall with the former Victoria Hotel. Source: Libby Percival

5.0 Sources

5.1 Primary Sources

Abstracts of Titles for the County of Wellington, 1830-1994. Guelph Land Registry Office microfilm

City Directories for the Town of Guelph, 1875-1979. Guelph Public Library microfilm

Property Tax Assessment Rolls for the Town of Guelph, 1852-1891. Guelph Public Library microfilm

Maps:

Brosius, H, c1872. Bird's eye view of Guelph. Guelph Civic Museum

Cooper, T W, 1862. Map of the Town of Guelph. Guelph Civic Museum

Goad, Charles E, February, 1881 (revised June 1888, November 1892). Fire Insurance Plan of the Town of Guelph. Guelph Civic Museum

Goad, Charles E, February 1897 (extended November 1907, revised 1911). Fire Insurance Plan of the Town of Guelph. Guelph Public Library microfilm

McDonald, John, 1855 *Plan of the Town of Guelph* drawn for the Canada Company. Guelph Land Registry Office

Registered Plan 250, October 1876. Plan of Property Situate on Lot 49 and Part of Lot 48 and part of Lot 19 Priors Block, Town of Guelph, Estate of the Late Thomas Heffernan Esqr, County of Wellington. Guelph Land Registry Office

Sanborn, D A, August 1875 (revised by Chas E Goad January 1878). Fire Insurance Plan of the Town of Guelph. Guelph University Library Archives

Underwriter's Survey Bureau Limited, March 1922 (revised October 1929). Insurance Plan of the City of Guelph. Guelph Civic Museum

Underwriter's Survey Bureau Limited, June 1960. Insurance Plan of the City of Guelph. Guelph Public Library microfilm

5.2 Secondary Sources

Books and articles

Burrows, C Acton, 1877, The Annals of the Town Of Guelph, 1827-1877, Guelph

Couling, Gordon, 1979. Couling Building Inventory, Guelph, Ontario, 1827-1927

Johnson, Leo Albert, 1977. *History of Guelph, 1827-1927.* Guelph Historical Society

Kelcher, John W. 1981-82. The Guelph Post Office, *Historic Guelph* 21, pp 4-37

Thompson, Robert, 1977. A Brief Sketch of the Early History of Guelph, by one of the First Settlers, Guelph Civic Museum, Friends of the Museum

Newspapers

The Royal City of Canada, Guelph and her Industries, Souvenir Industrial Number of the Evening Mercury of Guelph, Canada, 1908

Websites

Guelph Public Library Photo Database

http://www.library.guelph.on.ca/localhistory/photodbase/index.cfm

Wellington County Museum and Archives

http://www.wcmaonline.on.ca

Attachment 3 – Designation Assessment – Criteria for Determining Cultural Heritage Value or Interest

DESIGNATION ASSESSMENT

Property: 65 Wyndham Street North	Date: July 2008
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CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

The criteria set out below are taken directly from the Ministry of Culture Regulation 9/06 made under the Ontario Heritage Act for the purpose of assessing property for designation under Section 29 of the Act..

CRITERIA	NOTES	SCORE
The property has design value	or physical value because it	
is a rare, unique, representative or early example of a style, type, expression, material or construction methoddisplays a high degree of	is a representative example of the vernacular commercial architecture of mid-nineteenth century Guelph.	✓
craftsmanship or artistic merit demonstrates a high degree of technical or scientific achievement		
The property has historical val	ue or associative value because it	
has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	is closely associated with the development of St George's Square as an early commercial node in Guelph. The building was occupied by a range of retail businesses, including: Guelph's post office (1862–1876), Joseph Mimmack's barber shop (1867–1876), Mrs Janet Wright's Fancy Goods (1877–1888) and C L Nelles' Books, Stationery and Wallpaper (1891–1899). In later years, the building had a long association with the local pharmacy trade, including: Alex Stewart's Drugs (1890–1946/7), F E Wagner (c 1948/9–1961/2) and Stewart's Drug Store (c 1962/3–2000/1). This association has contributed to the building's prominence in the social context of the community.	

yields, or has the potential		
to yield, information that		
contributes to an		
understanding of a		
community or culture		
demonstrates or reflects		
the work or ideas of an		
architect, artist, builder,		
designer or theorist who is		
significant		
to a community		
The property has contextual va	alue because it	·
is important in defining,	supports the historic character of	/
maintaining or supporting the	Guelph's downtown district, where the	🗸
character of an area	streetscape is dominated by nineteenth	
	century commercial buildings	
	constructed of local limestone.	
is physically, functionally,	is one of the few nineteenth century	
visually or historically linked	buildings to survive on St George's	🗸
to its surroundings	Square today. As such, it contributes to	
	an understanding of the function and	
	layout of this important centre prior to	
	the major redevelopments of the late	
	1960s and 1970s.	
is a landmark		

Attachment 4 - Statement of Reasons for Designation

WHY THE PROPERTY IS BEING DESIGNATED:

The building at 65 Wyndham Street North is a three storey stone commercial structure, located on the east side of St George's Square in downtown Guelph. The building was originally constructed circa 1856-58 with five bays and two street level shops. However, the south part of the building (three bays) was demolished in 1968 to make way for a new Canadian Imperial Bank of Commerce building.

The remaining portion of the building (two bays) provides a representative example of the commercial architecture of mid-nineteenth century Guelph. The building has tooled stone sills and a band course, five voussoir flat arch lintels, and a bracketed and moulded stone cornice. Constructed of locally quarried limestone, it makes a significant contribution to the historic character of Guelph's downtown district.

The history of this building is closely associated with the development of St. George's Square as an early commercial node in Guelph. The property was originally awarded by the Canada Company in 1830 to an early settler of Guelph, James Hodgert Esq., who did the first weaving in town. After changing ownership a few times, Thomas Heffernan, a clothing merchant, purchased the lot in 1845. The property was subdivided into four new lots in 1876 as part of Heffernan's estate. The building has been occupied by a range of retail businesses, including: Mrs. Janet Wright's Fancy Goods (1877–1888) and C L Nelles' Books, Stationery and Wallpaper (1891–1899). In later years, the building had a long association with the local pharmacy trade, including: Alex Stewart's Drugs (1890–1946/7), F. E. Wagner (c 1948/9–1961/2) and Stewart's Drug Store (c 1962/3–2000/1). The building's uses over the years has contributed to the structure's prominence in the social context of the community, as well as in the physical context of St. George's Square.

The building is one of the few nineteenth century buildings to survive on St. George's Square. As such, it contributes to an understanding of the function and layout of this important centre prior to the major redevelopments of the late 1960s and 1970s.

WHAT IS TO BE PROTECTED BY DESIGNATION:

- The exterior stone front façade facing Wyndham St. (excluding ground floor);
 and
- All original window openings including sills, surrounds and dressings on the exterior front façade (excluding ground floor).

It is intended that non-original features may be returned to documented earlier designs or to their documented original without requiring City Council permission for an alteration to the designation.



Designation of 65 Wyndham St. N.



Making a Difference



Property Location





Statement of Reasons for Designation

Built c. 1856-58 of locally quarried limestone.

- Representative example of the commercial architecture of mid-nineteenth century Guelph.
- Associated with the early development of St. George's Square as an early commercial node and the location of a range of retail businesses including the local pharmacy trade.
- One of the few 19th century buildings to survive on St. George's Square providing an important visual reminder of the area's character prior to the major redevelopments of the late 1960s and 1970s.



Designation Criteria

Design/Physical value by being a representative example of vernacular commercial architecture of midnineteenth century Guelph.

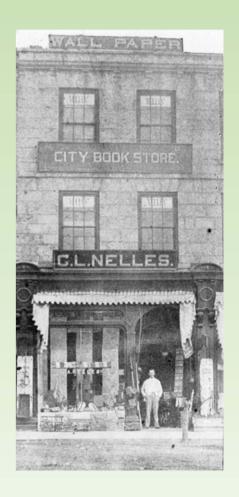
Historic/Associative value by being closely tied to the historic development of St. George's Square and associated with a range of retail businesses, including the local pharmacy trade, making it important to the social context of the community.

Contextual value by contributing to our understanding of the historic character of St. George's Square as one of the few 19th century buildings to survive the major redevelopments of the late 1960s and 1970s.



What is to be Protected

- The exterior stone front façade facing Wyndham St. (excluding ground floor); and
- All original window openings including sills, surrounds and dressings on the exterior front façade (excluding ground floor).





Report Recommendation

- CD&ES Report 08-109 be received.
- City Clerk be authorized to publish and serve Notice of Intention to Designate property in accordance with the *Ontario Heritage Act*, as recommended by Heritage Guelph.
- Designation By-law be brought before Council for approval if no objections received within 30 days.

COMMITTEE **REPORT**



Community Development and Environmental Services TO

Committee

SERVICE AREA

Community Design and Development Services

DATE

December 5, 2008

SUBJECT

Municipal Property and Building Commemorative

Naming Policy

08-116 REPORT NUMBER

RECOMMENDATION

THAT the Community Design and Development Services Report 08-116 dated December 5, 2008, be received, and:

THAT the Municipal Property and Building Commemorative Naming Policy be approved as outlined in Appendix 4 of this Report, and:

THAT Council approve the establishment of a Commemorative Naming Policy Committee (Naming Committee) to facilitate the Procedures of the Commemorative Naming Policy, and:

THAT Council direct staff to immediately implement the Commemorative Naming Policy, and include all unnamed assets of 2007 and 2008 with the 2009 asset review and procedures.

BACKGROUND

In April of 2007, staff presented Report 07-19: Naming of New Parks, to CDES which requested Council to approve a list of new park names. These names were derived under the guidelines of the existing park naming policy, 'Parks and Open Space Facility Naming' (Appendix 1). This policy is a simple 'priority system' with no public input, system of tracking requests or staff committee input. The manner in which parks are named under this policy are as follows:

- 1. The major road on which it has frontage.
- 2. The subdivision or community area the facility resides within.
- 3. Named after an individual who has contributed towards the development of park and open space facilities for the City of Guelph.

As the name suggests, this policy is also used only for the naming of parks and open space facilities. No other policy exists within the City that gives direction or a process to name other City owned assets, such as buildings, trails, structures, etc., except for the Street Naming Process.

Since the existing policy did not include a comprehensive and open nomination procedure, evaluation criteria or public consultation process, the Committee passed a resolution on June 8, 2007 directing staff to prepare a policy and procedure for the Naming of Public Spaces in accordance with, but not limited to, the criteria set out in Schedule 1 of the Resolution (Appendix 2).

When Report 07-19: Naming of New Parks, was presented to Council on June 18, 2007, further debate among Council regarding the naming of other City owned assets brought about a Council Resolution that stated, 'THAT no further namings be considered until a comprehensive naming policy has been approved by Council' (Appendix 3).

REPORT

As per the Committee and Council Resolutions noted above, staff have prepared a Municipal Property and Building Commemorative Naming Policy (Appendix 4).

Staff began the process of developing this Commemorative Naming Policy by first exploring how other municipalities name their assets. Staff did not limit themselves to municipalities of similar size, though of the ten cities that were included in the Best Practice Study, only one was outside the province of Ontario -The City of Vancouver, British Columbia. Cities that were part of the Study included: Brantford, Oakville, Peterborough, Toronto, Burlington, Brampton, Mississauga, Hamilton. Ottawa and London. A matrix chart was created using seven (7) of the cities involved with the Study to show the general similarities and differences found (Appendix 5). Staff took what they believed to be the most widely used and accepted procedures from all the municipalities involved in the Study and then added other procedures noted from a few cities in which naming policies were quite detailed, to help fulfill the requirements set out in the Committee Resolution. The resulting proposed Commemorative Naming Policy is not only derived using generally accepted procedures by other municipalities, but also includes procedures used by a few, possibly more 'experienced' cities, that will assist in a complete and comprehensive policy.

Staff also organized a Committee to provide input and feedback during the development of the Naming Policy. This Committee was comprised of the Manager of Development and Parks Planning, a Policy Planner, a Park Planner, the Manager of Recreation and Culture, a Supervisor of Program Development, the Manager of Parklands and Greenways, the Director of the Museum, a member of Heritage Guelph, and a member of the Guelph Arts Council (GAC). This Committee was circulated a draft of the Commemorative Naming Policy and then met once as a group to discuss the draft. The group was given further opportunity to comment with revised drafts, and discussion took place on a one to one basis with a number members and the Park Planner overseeing the development of this policy.

During the Best Practice Study, staff discovered that the naming of City owned assets was, in some cases, divided into two policies— one that covered Commemorative Naming and a second that covered Naming Rights.

The most obvious difference between these two policies is the transaction of money. While a Commemorative Naming Policy involves the naming of City owned assets in recognition of an outstanding individual, a geographic feature or historic moment, a Naming Rights Policy involves receiving financial compensation for the right to name a City owned asset. With the financial transaction also come a number of legal agreements that are to be approved by all parties involved. A Naming Rights policy is quite complicated and it is staff's opinion that such a policy goes beyond the direction set out in the Resolutions by Committee and Council noted above (Appendix 2 and 3). Hence, this report includes only a policy that outlines procedures and processes of Commemorative Naming of City owned assets. A Naming Rights Policy will be presented to Council once the new Commemorative Naming Policy has been approved and implemented.

Commemorative Naming Policy:

The Commemorative Naming Policy applies to the commemorative naming or renaming of the following municipal assets: Parkland, Other Open Spaces, Trails, Structures and Public Buildings (Definitions of these assets can be found within the Naming Policy as outlined in Appendix 4). The Commemorative Naming Policy is intended to honour a geographic, historic, or civic significance, or an individual or groups outstanding achievement, distinctive service, or significant community contribution. The Commemorative Naming Policy is not intended to address individual naming dedications such as park benches or tree program memorials, Naming Rights, City-owned facilities leased to commercial tenants, City Core Services such as the City Hall, Fire halls, Police Stations, or Streets and Public Libraries.

The Commemorative Naming Policy includes a set of Procedures that help to select and approve a proposed name through a step by step process that occurs over the course of five months, beginning in the fourth quarter of a year. A Commemorative Naming Policy Committee (Naming Committee) comprised of a Heritage Guelph Member, Culture Advisory Group Member, two Council Appointed Citizens, the Manager of Development and Parks Planning(or Designate) and the Director of Community Services (or Designate), oversee the Procedures from start to finish. A Corporate Communications staff member will be available to assist and support any requests made by the Naming Committee. The criteria for the selection of Council Appointed Citizens should include an expertise, or a strong interest in, the historic, geographic and cultural significance of Guelph.

Procedure:

<u>Nomination Process</u> (Public Input): The Commemorative Naming Policy Procedure begins with an open nomination process, where proposed names for new facilities are requested by the City.

<u>Verification of Submissions</u>: The Naming Committee gathers and appoints a member to verify the accuracy of all applications by researching and confirming submission material at the local library/museum, etc.

Analysis Against the Scoring Matrix:

The verified submissions are then subject to a Scoring Matrix that each Naming Committee Member completes.

Scoring Matrix: The Scoring Matrix is comprised of a list of criteria that were gathered during the Best Practice Study and from Committee Member feedback. Each of these criteria were rated and weighted against each other. The rating and weighting system is based on information gathered during the Study. The proposed Matrix indicates that geographic or historic significance has a higher initial rate and weight than other criteria, such as having an 'original proposed name', or 'any past financial contributions to the City'. This rating and weighting system will establish a clear and fair review process for all submissions.

<u>Consensus</u>: Once analyzed and a consensus is reached among Members, staff prepare a Report to CDES on behalf of the Naming Committee outlining the proposed names for each new asset for CDES Committee and then Council approval. If by any chance a consensus can not be reached by the Naming Committee, a vote will be taken amongst members and this information will be presented as part of the Report to CDES.

The renaming of municipal assets follows the same process.

Commencement of Naming Process:

Staff suggest that once Council has approved the establishment of a Naming Committee, that direction be given to include the assets of 2007 and 2008 in the 2009 Procedures. This is due to the backlog of municipal assets that were not named in 2007 and 2008.

Staff will bring forward, for Council approval, the proposed names for each new asset as soon as possible in 2009. Timing will be based on the establishment of the Naming Committee and the appointment of the two citizen members by Council. For 2010, staff will proceed with the recommended schedule as outlined in the Procedures.

Staff also suggests Council give direction to implement this Policy immediately and that staff begin the inventory map, specifying all new approved municipal assets and the Open Nomination Process, in an effort to meet the 2009 schedule as outlined in the Policy.

CORPORATE STRATEGIC PLAN

- 5.2 A consultative and collaborative approach to community decision making.
- 5.3 Open, accountable and transparent conduct of municipal business.

FINANCIAL IMPLICATIONS

Operating Budgets -

- 1. Staff time.
- 2. Costs associated with new signage, plaques, etc. that do not fall under new Capital Budgets.

DEPARTMENTAL CONSULTATION

Community Design and Development Services: Planning, Engineering, Community

Services, Corporate Services: Realty Services

Operations: Parklands and Greenways, Traffic and Parking, Museum.

COMMUNICATIONS

N/A

ATTACHMENTS

Appendix 1 - Park and Open Space Facility Naming Policy

Appendix 2 - Committee Resolution

Appendix 3 - Council Resolution

Appendix 4 - Municipal Property and Building Commemorative Naming Policy

Appendix 5 - Best Practice Matrix

Prepared By:

Rory Barr Templeton

Parks Planner

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Recommended By:

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, APPENDIX 1

CORPORATE POLICY AND PROCEDURE



POLICY No. CS-P-PL02

PAGE

1 of 1

EFFECTIVE DATE JAN 7/97

REVISION NOVEMBER 2005

Tab

Community Services Group

Authority

Parks Department - Planning Division

Subject

Park and Open Space Facility Naming

Related Policies

Park Signs CS-P-PL12

Approved by

Community Services Committee

Revision Date

November 1, 2005

POLICY STATEMENT

"THAT the naming of Park and Open Space Facilities be done in the following manner and priority:

- 1. The major road on which it has frontage.
- 2. The subdivision or community area the facility resides within.
- 3. Named after an individual who has contributed towards the development of park and open space facilities for the City of Guelph."

PURPOSE

To provide consistency in the naming of park and open space facilities within the City of Guelph.

PROCEDURE

 Report to the Community Services Committee annually (or as required) with recommended park and open space facilities names for approval.

DEFINITIONS

Subdivision: a registered plan of subdivision



INFORMATION SERVICES DEPARTMENT CITY CLERK'S DIVISION City Hall, 59 Carden Street Guelph, Ontario, Canada N1H 3A1 Telephone: (519) 837-5603 Fax: (519) 763-1269 Website: guelph.ca APPENDIX 2

COMMUNITY DESIGN AND
DEVELOPMENT SERVICES

June 19, 2007

Mr. J. Riddell
Director of Community Design
& Development Services

Dear Mr. Riddell:

At the meeting of the Community Development and Environmental Services Committee held on June 8, 2007, the following resolution was adopted:

"WHEREAS the City of Guelph is in the process of updating its Park Naming Process as per a motion of Council passed on April 16, 2007;

AND WHEREAS the City of Guelph has no comprehensive and open nomination procedure, evaluation criteria or public consultation process for the naming of public spaces;

AND WHEREAS there are potentially hundreds of deserving nominations honouring a wide range of significant contributions to the City;

AND WHEREAS rapid development and redevelopment of public spaces is anticipated over the next few years;

BE IT RESOLVED THAT staff be directed to prepare a policy and procedure for the Naming of Public Spaces in accordance with, but not limited to, the criteria set out in Schedule 1 attached hereto."

Yours truly,

Ms. T. Agnello
Deputy City Clerk

Attach.

Schedule 1 June 8, 2007

SUGGESTED CRITERIA FOR NAMING OF PUBLIC SPACES

Public Spaces:

- parks
- trails or portions of trail systems
- bridges
- rail lines or portions of rail lines
- streets
- squares
- downtown open space
- green spaces
- buildings or structures
- public areas within buildings (ie. Lobbies)
- gardens
- river system features (ie. Lookouts)
- other spaces deemed appropriate

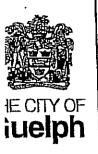
Significant Contributors:

- pioneers/early settlers
- veterans
- fallen police officers or firefighters
- industrialists, inventors and innovators
- exemplary political service
- public and community service
- athletes or leaders in sports and recreation
- art, music, literature or culture
- heritage architects, builders, trades
- historical figures
- philanthropists
- others as deemed appropriate who have brought national or international recognition to the City of Guelph

Policy to Include: . .

- open nomination process
- evaluation criteria (ie. Geographical association, level of significances, etc.)
- objective assessment tool/scoring matrix
- consultation and research process for nominations with appropriate stakeholders (ie. Guelph Historical Society, GRCA, sports associations, Manager of Culture & Tourism, residents, etc.)
- procedure for recognition (ie. Plaque, sign, etc.)





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June 20, 2007

Mr. J. Riddell
Director of Community Design
& Development Services

Dear Mr. Riddell:

At the meeting of Guelph City Council held on June 18, 2007, the following resolution was adopted:

"THAT no further namings be considered until a comprehensive naming policy has been approved by Council."

Yours truly,

Lois A. Giles

City Clerk/

Manager of Council

Administrative Services

CC.

Mr. G. Stahlmann

LAG:db

CORPORATE POLICY AND PROCEDURE



APPENDIX 4

POLICY

Municipal Property and Building Commemorative

Naming Policy

CATEGORY

Corporate

AUTHORITY

Community Design and Development Services

RELATED POLICES

Street Naming Policy

APPROVED BY

Jim Riddell - November 2008

EFFECTIVE DATE

January 01, 2009

REVISION DATE

January 01, 2014

POLICY STATEMENT

- To ensure a clear, efficient and timely naming or renaming process;
- To ensure the application of key criteria to determine the accuracy of a name;
- To ensure the application of a transparent consultation process and community participation;
- To ensure the compilation of a comprehensive Names Reserve List of parks and facilities;
- To ensure proper approval process and the importance of the role played by legislative bodies i.e. Committee and Council approval.

PURPOSE

The purpose of this policy is to provide clear guidance regarding Commemorative Naming or Renaming of City assets. The goal is to provide comprehensive and open public consultation with a consistent evaluation framework and approval process when considering municipal property and building commemorative naming proposals.

SCOPE

This Policy applies to the commemorative naming and/or renaming of the following municipal assets: Parkland*; Other Spaces*; Trails*; Structures*; and Public Buildings* (*see definitions). The Commemorative Naming Policy is intended to honour geographic, historic, or civic significance, or an individual's or group's outstanding achievement, distinctive service, or significant community contribution.

This Policy is not intended to address:

- A) Individual naming dedications such as park bench or tree program memorials (subject to a future policy).
- B) Naming Rights* for Municipal Properties and Buildings (subject to future policy).
- C) City-owned facilities leased to commercial tenants.
- D) City Core Services (City Hall, fire halls, police stations).

E) Streets and Public Libraries (subject to separate existing policies).

DEFINITIONS

- 1. Parkland: All parkland designations defined by the City of Guelph Recreation, Parks and Culture Strategic Plan and Zoning Bylaw (P1,P2,P3,P4, P5).
- 2. Other Open Spaces: Valleys, forests/woodlots, watercourses (lakes, rivers), utility features such as storm-water management areas, downtown squares, plazas.
- 3. Trails: Pedestrian ways (Limestone, Asphalt walkways).
- **4. Structures**: Built Infrastructure (vehicular or pedestrian bridges, lookouts, fountains, monuments)
- **5. Public Buildings**: City owned public buildings and their outdoor service areas (pools, arenas, parking garages, recreation centres, facility yards, plazas, courtyards, squares, gardens, lawns, etc.), as well as their indoor components (wings, halls, auditoriums, galleries, lounges, lobbies, boardrooms, etc).
- **6. Public Consultation Process**: The two-way exchange of information between The City of Guelph staff /Council and the public before decisions are made. It is an open and accountable process allowing individuals and groups to participate in the decision-making process of naming City owned assets. Statistical information on comments received under consultation will be provided to individuals other than the staff, upon request. However, specifics and written comments received will be available only to the Committee and City Council.
- **7. Naming Committee:** Comprised of a Heritage Guelph Member, Culture Advisory Group Member, Council Appointed Citizen, Manager of Development and Parks Planning (or Designate) and Director of Community Services (or Designate) (4 year term).
- **8. Matrix Rating System:** Comprised of weighted questions, the matrix will assist the Committee Members analyze and determine qualified/appropriate names for city assets (refer to Appendix 'A' of the Naming Policy).
- **9. Name Reserve List**: Names submitted that qualify, but may not be chosen by the Committee for a particular asset, will be added to a list and can be considered for future assets (Names will be kept on the Name Reserve List for 5 years).
- **10. Naming Rights:** Refers to the granting by the owner the right to name a piece of property or portions of a property usually granted in exchange for financial consideration (subject to future policy).

PROCEDURE:

The following section sets out the procedures for the selection and approval of a Name.

- **1. Fourth Quarter** Community Design and Development Services (CDDS) will prepare an inventory map showing the location, timing and project specifications for all *new approved municipal assets*.
- **2. First Quarter** Public notice will be given in the local newspaper and City of Guelph Website as part of the Public Consultation Process*; requesting names for new approved municipal assets listed by CDDS (eg. four new parks and one building). Also included will be information pertaining to the location of the Commemorative Naming Policy and submission process on the City of Guelph website. Community Groups, Sports Groups, Heritage Guelph, Cultural Groups, etc., will also be notified.

3. First Quarter - An appointed Naming Committee* will gather to review the Name Reserve List*, new submissions and complete a Matrix Rating System* for each completed submission. They will also appoint a member to verify the accuracy of the proposed names for each asset, using reference documents including atlases, other official municipal/civic publications and local historians/contacts.

First consideration by the Naming Committee will be given to those Names that have geographic, civic or historic significance of the neighbourhood/community where it shall be located.

Second consideration by the Naming Committee will be given to those Names that fall under at least one of the following criteria:

- The individual will have demonstrated excellence, courage or exceptional service to the citizens of the City of Guelph, the Province of Ontario or Canada;
- The individual will have worked to foster equality and reduce discrimination;
- The individual will have risked or given his/her life to save or protect others;
- Where the individual is a current City employee, the individual will have made an outstanding contribution to the City of Guelph outside of his/her capacity and duties as a City employee or he/she maybe recognized for exceptional service once he/she is no longer a City employee.
- **4. First Quarter** The Naming Committee will prepare a public notice for the local newspaper and City of Guelph website outlining the names chosen for each new asset for Community Design and Environmental Services Committee (CDES) consideration. The notice will also include the date on which a report will be scheduled for the CDES Committee.
- **5. First Quarter -** The Naming Committee will prepare and send a report to the CDES Committee outlining the proposed name for each new asset and the reasons why the name was chosen (i.e. analysis against the criteria).
- 6. Following Committee consideration, the Name is subject to Council approval.
- **7.** After Council approval, staff will initiate the implementation of the approved Names on official documents, construction and permanent signage and plan/implement the appropriate protocols (e.g. dedication ceremony).
- **8. Third Quarter** Public notice will be given in the local newspaper and City of Guelph website as part of the Public Consultation Process*; reminding citizens and groups that the City may require names for municipal assets in the coming year and that suggestions/requests should be submitted. Also included will be information pertaining to the location of the Commemorative Naming Policy and submission process on the City of Guelph website. Community Groups, Sports Groups, Heritage Guelph, Cultural Groups, etc., will also be notified.

Renaming: The Naming Committee will consider renaming an existing Municipal

Asset after receiving a submission from a private individual or organization with a petition of community support (see requirements below), or direction from City Council to undertake the Naming procedure outlined above.

Recognizing that established names contribute significantly to community identity and pride, proposals to rename existing municipal property, buildings and features must be predicated by exceptional circumstances. Existing names will not be changed without consideration of:

- The historical significance of the existing name
- The impact on the individual or organization associated with the existing name
- The cost and impact of changing existing signage, rebuilding community recognition and updating records (data bases, letterhead, promotional materials, etc).

All renaming requests must be submitted in the same format as listed below: Submission Process.

All private individuals or organizations seeking the renaming of any municipal property or buildings will be required to submit a petition of community support for the naming initiative. Where a renaming initiative is initiated by the City of Guelph, a public support petition is not required. The petition must be in a format acceptable to the City of Guelph (contact the Clerks Office) and must include the name, address, telephone number and signature of all supporters. The petition must be signed by a minimum of two –thirds (2/3) of the owners of property immediately surrounding the proposed site.

SUBMISSION PROCESS:

All applicants will submit a written request for the naming or renaming of municipal property and/or building to The Naming Committee, providing sufficient information as to how the proposed name satisfies the criteria of this policy. Specifically, the written request will provide the following information:

- **1.** Background information and/or biographical information (if named after an organization or an individual) demonstrating that the proposed name is of significance to the community.
- 2. Documentation including letters from organizations and individuals providing substantial support for the request;
- **3.** Documentation verifying that the person /organization being honoured is in agreement with the naming proposal if they are living, or by their legal representative;
- **4.** A public support petition, where a private individual is seeking the renaming of a municipal property and/or building they are required to submit a public support petition.

MATRIX RATING SYSTEM - FOR USE BY THE NAMING COMMITTEE

ASSET:

PROPOSED NAME_

Check one(1) box for each criteria met. When complete, add and total at the bottom (5= excellent, 1 = poor).

NO.	NO. Criteria	- !		RATE			WEIGHTING
		5	4	3	2	1	(rate x weighting
·							number)
-	Civic significance				•		5
2	Geographic significance	-					5
m	Historic significance					-	5
4	Demonstrated excellence, courage or exceptional service to the Province or Canada						3
	Demonstrated excellence, courage or exceptional service to the Guelph community						3 .
9	Has worked to foster equality and reduce discrimination						2
1-	Has risked or given his/her life to save or protect others						. 2
œ	Other - creativity and/or originality of the proposed naming (e.g. Nick's Dragonfly Playground, The Bird's Eye Boardroom)	-			-		H
6	Have no other City owned asset designations (multiple existing designations will result in a lower rate)					•	1

TOTAL_

BEST PRACTICE MATRIX

			•						
	Comprehensive	Evaluation				Committee or	Naming of	Procedure for	Naming
	and open nomination	-	Consultation Process	Honoured are Deceased	Procedure	Council Approval	Geographic or Historic	recognition (plaque)	Committee
	procedure	Matrix or assessment tools)			***		significance, as well as Individuals.		
Brantford	yes	OU	yes	ОU	00	yes	yes	по	ou
Hamilton	yes	yes	ou	ou	yes	yes	yes	ОП	yes
Toronto	yes	00	yes	ou	yes	yes	yes	. on	оп
London	yes	yes	yes	ou	yes	yes	yes	sak	ou
Ottawa	yes	ou	yes	ou	yes	yes	yes	ou	yes
Mississauga	yes	ou	yes	оп	yes	yes	yes	yes	оп
Vancouver	yes	ou	yes	011	yes	yes	yes	Out	yes
Guelph (Proposed Naming Policy)	yes	yes	yes	OU	yes	yes	yes	ou	yes

REPORT OF THE FINANCE, ADMINISTRATION AND CORPORATE SERVICES COMMITTEE

December 22, 2008

Her Worship the Mayor and Councillors of the City of Guelph

Your Finance, Administration and Corporate Services Committee beg leave to present this their NINTH REPORT as recommended at its meeting of December 3, 2008;

CLAUSE 1 THAT the staff report dated December 3, 2008 regarding the use of body-gripping traps in the City of Guelph, be received;

AND THAT Council approve a by-law in the form set out in Schedule "A" to the December 3, 2008 staff report;

AND THAT an education program be developed by City staff in accordance with the City policy on body-gripping traps which is attached as Schedule "B".

CLAUSE 2 THAT Report 08-128 regarding a request for financial assistance pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property municipally known as 288-290 Woolwich Street from Community Design and Development Services dated December 3, 2008, be received;

AND THAT the request for financial assistance made by Quantum Murray LP under the Tax Increment-Based Grant Program pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property municipally known as 288-290 Woolwich Street be approved to an estimated upset total of \$199,981.80, to be issued over a period of up to 10 years subject to the terms and conditions attached hereto as Attachment 5;

AND THAT the request for financial assistance made by Quantum Murray LP under the Tax Assistance During Rehabilitation Program pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property municipally known as 288-290 Woolwich Street be approved for a duration of up to 3 years subject to the terms and conditions attached hereto as Attachment 5;

AND THAT Council direct staff to prepare a by-law to implement the municipal tax assistance during rehabilitation in accordance with the Municipal Act and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for the property municipally known as 288-290 Woolwich Street for a duration of up to 3 years;

Page No. 2 December 22, 2008 Report of the Finance, Administration & Corporate Services Committee

AND THAT staff be directed to proceed with finalizing Tax Increment-Based Grant, Tax Cancellation, and Information Sharing Agreements with the Quantum Murray LP;

AND THAT the Mayor and Clerk are authorized to sign the Tax Increment-Based Grant, Tax Cancellations, and Information Sharing Agreements.

All of which is respectfully submitted.

Councillor Karl Wettstein, Chair Finance, Administration & Corporate Services Committee

COMMITTEE REPORT



TO

Finance, Administration and Corporate Services

Committee

SERVICE AREA

Corporate Services - Legal Services

DATE

Wednesday, December 3, 2008

SUBJECT

Trapping By-law

RECOMMENDATION

"THAT the staff report dated December 3, 2008 regarding the use of body-gripping traps in the City of Guelph be received;

AND THAT Council approve a by-law in the form set out in Schedule "A" to the December 3, 2008 staff report;

AND THAT an education program be developed by City staff in accordance with the City policy on body-gripping traps which is attached as Schedule "B";"

BACKGROUND

At its April 16, 2007 meeting, City Council passed the following resolutions:

"THAT staff be directed to prepare a by-law that would prohibit and/or regulate the use of killing and leghold traps;

AND THAT staff engage key stakeholders in the development of the by-law."

REPORT

The steps taken to implement Council's April 16, 2007 resolutions are as follows:

- (1) A working group of key stakeholders (the "Stakeholders") was formed to make recommendations to staff for a proposed trapping by-law;
- (2) A series of meetings was held resulting in Stakeholder recommendations for the proposed by-law;
- (3) In the summer of 2008, a staff team comprising of Matthew Rea, Lois Payne and Brad Coutts evaluated the Stakeholders' recommendations from a legal and enforcement perspective;
- (4) On July 29, 2008, the staff team met with the Stakeholders to discuss the team's evaluation of the Stakeholder recommendations and to receive feedback;
- (5) Based on that meeting, staff prepared a draft by-law implementing many of the Stakeholders' recommendations and comments from City departments;
- (6) On August 27, 2008, the staff team met again with the Stakeholders, to review the draft by-law. A consensus was reached on the form of the bylaw and it was decided that a City policy on body-gripping trapping would also be prepared;
- (7) Staff drafted the policy and sought input on both the revised by-law and policy from relevant City departments;
- (8) Some revisions were made to address final comments from the Stakeholders and City departments resulting in a consensus on the form of the by-law and policy.

The Stakeholders group responsible for reviewing and commenting on the draft bylaw and policy were:

- Liz White representing Animal Alliance of Canada;
- Karen Levenson representing Animal Alliance of Canada and the public at large;
- Stew Frerotte representing the Ontario Fur Managers Federation and the interests of trapping community generally;
- Elizabeth Bonkink, representing the Guelph Humane Society;

Bill Murch attended all meetings on behalf of the Ministry of Natural
 Resources as a resource to the Stakeholders.

The Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41 (the "FWCA"), regulates trapping in Ontario including the use of body-gripping traps (defined in the Act as a device designed to capture or kill an animal by seizing and holding it by a part of its body excluding those designed to capture or kill a mouse or rat).

Following Council's direction and subsequent dialogue with the Stakeholders, staff is recommending approval of the attached by-law to augment that provincial legislation. Section 10(2) of the *Municipal Act*, 2001, S.O. 2001 c.25 (the "Municipal Act"), authorizes a single-tier municipality to pass by-laws respecting: (1) animals and (2) the health, safety and well-being of persons. The municipal interest guiding this by-law is the enhancement of the health and safety of Guelph's animals and residents. In formulating its recommendations, staff balanced a number of issues including the humane treatment of animals, potential injury to persons or pets, efficient responses to human-wildlife conflicts, effective enforcement and protection of property.

The by-law prohibits the use of body-gripping traps (see section 2) within the City of Guelph, subject to exemptions outlined in section 3. Pursuant to section 3.1, authorized agents of the Province and City of Guelph are exempt subject to the FWCA's trapping standards and section 3.2. Farmers and licensed trappers are similarly exempt if they are trapping on lands within the City where agriculture is a permitted use. In the interest of health and safety, section 3.2 sets out conditions on any persons trapping pursuant to an exemption under 3.1 including the posting of warning signs (see Schedule A of the by-law for signage requirements), registration with the City, identification tags on the traps, inspection and recording requirements and a site plan or drawing showing the location of each trap.

Section 3.3 outlines a second separate exemption, permitting any person to apply to Council for an exemption from the prohibition in section 2.1. In determining whether to grant an exemption, Council must consider whether a threat to public

health, safety or well-being exists, that cannot be fully or expeditiously resolved using alternatives to body-gripping traps, such as live trapping or sound-emitting devices (section 3.4). The conditions that apply to a section 3.3 exemption are listed in section 3.6 and replicate those conditions set out in section 3.2. In addition, any person trapping pursuant to an exemption in section 3.3 must execute an indemnity in favour of the City (see Schedule B to the by-law) and comply with any condition imposed which Council deems reasonable and appropriate in the circumstances. Section 3.5 provides that any Council exemption authorization must specify the number and model of each body-gripping trap and the duration of the exemption.

The City's Operations Department shall be responsible for administering and enforcing this by-law and will maintain a registry of body-gripping traps used within the City (see section 4). The duties in administering this by-law are further outlined in the City Policy attached as Schedule B. Section 5 of the by-law outlines the powers and obligations of enforcement officers acting pursuant to this by-law, which are authorized by the Municipal Act. Section 6 outlines the penalties for a contravention of the by-law. There is a maximum fine of \$100,000.00.

Staff and Stakeholders recognize the importance of educating the public regarding the provisions of this by-law, relevant legislation and appropriately resolving human-wildlife conflicts. Accordingly, an education program will be launched to include public discussion, the posting of relevant links on the City's website and review of by-law requirements with those registering body-gripping traps with the City.

CORPORATE STRATEGIC PLAN

This by-law meets the following goals of the City's strategic plan:

- To be strong environmental stewards.
- To enhance community wellness.

FINANCIAL IMPLICATIONS

There will be costs associated with signage and identification tags which are anticipated to be nominal and will be absorbed within existing budgets.

DEPARTMENTAL CONSULTATION

The input of the following departments was invited by way of e-mail with follow-up teleconferences and/or meetings held where requested:

Community Services, Court Services, Environmental Services (including Solid Waste Resources), Operations (including Enforcement and Parklands and Greenways), Planning, Wastewater Services.

ATTACHMENTS

Schedule A – Trapping By-law

Schedule B - City Policy

Prepared By:

Matthew Rea Associate Solicitor

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Recommended By:

Derek McCaughan

Director of Operations

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Recommended By:

Lois E. Payne

Director of Corporate Services/

City Solicitor

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THE CORPORATION OF THE CITY OF GUELPH

By-Law Number (2008) - *****

Being a By-law respecting the use of body-gripping traps within the City of Guelph

WHEREAS Sections 8 and 10 of the *Municipal Act, 2001* authorize the City to enact by-laws respecting, among other things, animals, the protection of persons and property, and health, welfare and well-being of persons;

AND WHEREAS the Council of the Corporation of the City of Guelph wishes to respond to concerns expressed by City residents about the use of body-gripping traps within the City of Guelph;

NOW THEREFORE the Council for The Corporation of the City of Guelph enacts as follows:

1. **DEFINITIONS**

In this by-law:

- a. "Act" means the Fish and Wildlife Conservation Act, 1997, as amended;
- b. "body-gripping trap" means a body-gripping trap as defined in the Act;
- c. "City" means the Corporation of the City of Guelph;
- d. "Council" means the City of Guelph Council;
- e. "farmer" means a farmer as defined in the Act;
- f. "Officer" means a Police Officer or person appointed by by-law to enforce the provisions of this by-law;
- g. "regulations" means any regulations made under the Act; and
- h. "trap" means trap as defined in the Act.

2. PROHIBITION

2.1 No person shall use or cause or permit to be used a body-gripping trap within the City of Guelph.

3. EXEMPTIONS

- 3.1 Despite section 2.1, a person may use a body-gripping trap provided that person is in compliance with all trapping standards under the Act and:
 - (1) that person is a farmer as defined in the Act, a member of a farmer's family or a licensed trapper, and is using the body-gripping trap on lands within the City of Guelph where agriculture is a permitted use, by zoning or by way of legal non-conforming use; or
 - (2) that person is an authorized agent of the City; or
 - (3) that person is an authorized agent of the Province of Ontario.
- 3.2 A person trapping by means of a body-gripping trap pursuant to an exemption in section 3.1 shall ensure that before engaging in any trapping:
 - (1) warning sign(s) is(are) posted on the subject property in public view in the form and in accordance with the requirements identified in Schedule A to this by-law;
 - (2) he or she is registered with the City to trap within the City;
 - (3) an identification tag issued by the City is affixed to each trap;
 - (4) each trap is inspected at least once daily, the traps cleared as required and a record of each trap's status, time and date of inspection is maintained and produced for inspection by the City, upon request; and
 - (5) a site plan or legible drawing showing the location of each trap, is provided to the City.
- 3.3 Any person may apply to Council for an exemption from the prohibition in section 2.1, to permit such person to use a body-gripping trap for a period of time specified in such application.
- 3.4 In determining whether to grant an exemption, Council shall consider whether a threat to public health, safety or well-being exists which cannot be fully or expeditiously resolved using

- alternatives to body-gripping traps, such as live trapping or sound-emitting devices.
- 3.5 If an exemption is granted pursuant to section 3.3, in its authorizing document Council shall specify the number of traps and model of each trap to be used and the duration of the exemption;
- 3.6 A person trapping by means of a body-gripping trap pursuant to an exemption in section 3.3 shall ensure that before engaging in any trapping:
 - (1) warning sign(s) is(are) posted on the subject property in public view in the form and in accordance with the requirements identified in Schedule A to this by-law;
 - (2) he or she is registered with the City to trap within the City;
 - (3) an identification tag issued by the City is affixed to each trap;
 - (4) each trap is inspected at least once daily, the traps cleared as required and a record of each trap's status, time and date of inspection is maintained and produced for inspection by the City, upon request; and
 - (5) a site plan or legible drawing showing the location of each trap, is provided to the City.
 - (6) the person executes an indemnity in favour of the City in the form attached as Schedule B to this by-law;
 - (7) any other condition(s) that Council deems reasonable and appropriate in the circumstances.
- 3.7 Where an exemption is granted, breach of any condition of that exemption shall render the exemption null and void, without any liability to the City and the person to whom the exemption was granted shall be subject to compliance with this by-law as if the exemption had never been granted.
- 3.8 Every person applying to Council for an exemption pursuant to section 3.3 shall, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed, provide to the Director of Operations a complete and accurate

application form, as provided by the City, setting out the particulars respecting the exemption requested.

3.9 Every person exempted pursuant to section 3 of this by-law shall be responsible for all expenses associated with that exemption and use of exempted traps and shall register every body-gripping trap used pursuant to an exemption with the City.

4. REGISTRY

4.1 The Director of Operations will maintain, a registry of bodygripping traps used within the geographical limits of the City.

5. ENFORCEMENT

- 5.1 The Director of Operations shall be responsible for the administration of this by-law, any order made pursuant to section 431(a) of the *Municipal Act*, 2001 in relation to the enforcement of this by-law or any order made pursuant to section 438(2) of the *Municipal Act*, 2001 in relation to the enforcement of this by-law.
- 5.2 The provisions of this By-law may be enforced by an Officer.
- 5.3 Any Officer may enter on any land at any reasonable time or pursuant to an order under section 438(2) of the *Municipal Act*, 2001, for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with.
- 5.4 For the purposes of an inspection under this by-law, any Officer may:
 - (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to the inspection; and
 - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

- 5.5 An inspection of any room or place actually being used as a dwelling, shall be subject to the provisions of section 437 of the *Municipal Act*, 2001.
- or a condition of an exemption granted under section s.3.6 of this By-law is being contravened, the Officer may take any necessary steps to have the trap removed and the person responsible for the contravention shall be responsible for any costs associated with removal.
- 5.7 Where a trap is removed due to contravention of this by-law, the trap will be stored with the City's Operations Department for a period of ten (10) days from removal. Upon the expiry of ten (10) days, if the trap is not retrieved by its owner, it will be disposed of by the City at the owner's expense.

6. PENALTY

- 6.1 Every person or corporation who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of \$100,000.00.
- 6.2 Every director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of \$100,000.00.

7. EFFECTIVE DATE

This by-law shall come into full for	rce and take effect on the date of passing.
Passed this day of	, 2008
Karen Farbridge - Mayor	
Lois A. Giles - Clerk	

SCHEDULE A

Warning Sign Requirements

Warning signs required to be posted pursuant to this By-law shall:

(1) be a minimum size of 12" X 12" (300mm X 300mm);

(2) state the following message in bold black lettering with minimum letter size of 1.5 inches (38mm):

CAUTION!

Animal

trapping

in effect

DO NOT

ENTER

- (3) be constructed of a durable, sturdy material that is resistant to fading and deterioration;
- (4) be posted on a solid, stationary device at a minimum height of 6.0 feet (1.82m) from the ground to the bottom of the sign and no higher than 8.0 feet (2.42m) from the ground to the top of the sign;
- (5) be posted at least 72 hours immediately prior to the start of any trapping and maintained in place in good condition, including repair or replacement of the sign if necessary, until all trapping activity ceases;
- (6) be posted as follows where the property on which the trapping is to occur is a park, recreation facility, sports facility, or conservation area intended for public access:
 - (a) four (4) signs shall be posted within a 164 feet (50m) radius of the trap, with a maximum distance of 230 feet (70m) between signs;
 - (b) where there are designated paths or pedestrian trails within the 164 feet (50m) radius of a trap, a minimum of (1) sign shall be posted at each of the trail or pedestrian access points; and
- (7) be posted as follows for all other properties:
 - (a) signs shall be posted along every property line of the property on which trapping is to occur;
 - (b) a minimum of one (1) sign shall be posted per property line;
 - (c) despite subsection 7(b) of this Schedule, there shall be at least one sign posted every 300 feet (91.44m) along the property line; and

(d) signs shall be posted in such a manner and location so that they are clearly visible from the property, roadway, trail or the like that is immediately adjacent such property line.

SCHEDULE B

THE CORPORATION OF THE CITY OF GUELPH

Indemnity and Waiver

WHEREAS pursuant to section 3.3 of the City of Guelph's trapping by-law, Council for the City of Guelph has granted (NAME) an exemption from the prohibition on the use of body-gripping traps within the City of Guelph from (DAY AND DATE) to (DAY AND DATE) inclusive, for the use of (SPECIFY NUMBER AND TYPE OF BODY-GRIPPING TRAPS) ("the Traps").

AND WHEREAS as a condition of that exemption, Council for the City of Guelph has directed that *(NAME)* provide an indemnity to the Corporation of the City of Guelph in the form set out herein.

THEREFORE in consideration of the Corporation of the City of Guelph permitting such exemption from the prohibition on the use of body-gripping traps within the City of Guelph, (NAME), hereby indemnifies and saves the Corporation of the City of Guelph harmless against and from any and all actions and claims including, without limitation, all claims for personal injury, death, property damage or nuisance arising from or in connection with the use of the Traps or any act, deed or omission of (NAME) or any agent, contractor, or employee of (NAME), and against and from all costs, reasonable counsel fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought thereon. (NAME) further agrees to waive any and all claims, demands, damages, costs, expenses, actions and causes of action against the Corporation of the City of Guelph in respect of any property damage or personal injury, including death, howsoever caused arising directly or indirectly from or in connection with the use of the Traps.

Signed and sealed on behalf of (NAME) this	day of	20	
Signature of Authorized Person	Signature	of Witness	
Name/Title:	Name:		
(please print)	' (please print)	

THE CORPORATION OF THE CITY OF GUELPH

POLICY RESPECTING THE USE OF BODY-GRIPPING TRAPS

General

- Body-gripping traps will be used or permitted by the City only after all
 preventative measures reasonable in the circumstances, have been given
 due consideration.
- Preventative measures include garbage and food removal and preventing access to chimneys, attics, porches and garbage receptacles, the use of sound emitting devices and protection of pets and livestock.

Education

- The City shall review the conditions in section 3.2 of by-law #### (the "trapping by-law) with any person that will be using a body-gripping trap on behalf of the City.
- The City recognizes the importance of educating the public regarding the
 methods of preventing human-wildlife conflicts and resolving them in a
 non-lethal manner. In addition, the City recognizes the importance of
 educating the public regarding the circumstances where the use of bodygripping traps is permitted, including highlighting relevant legislation and
 regulations and will post links to educational materials concerning bodygripping traps on its website.
- The City shall consult with the Guelph Humane Society regarding educating the public in preventing human-wildlife conflicts and resolving them in a non-lethal manner.

Registration

- Identification tags issued by the City for a body-gripping trap will be imprinted with a registration number which will be cross-referenced to a public register of information required by the City for any registered trap.
- All persons required to register with the City must provide their name, address, the address where the trapping will occur, the expected duration of the trapping, a map showing the location of any trap, all trapper licence numbers (where applicable) and any other relevant information. All such information shall be included in the public register except personal information that cannot be disclosed pursuant to the *Municipal Freedom of Information Act and Protection of Privacy Act*.
- An application pursuant to section 3.7 of the trapping by-law, shall include all the information noted in the previous bullet point and the reason for the request.
- Where applicable, an applicant must provide the City with the licensing information for each licensed trapper that will use a body-gripping trap on his or her behalf as part of registration.
- At the time of registration, the City will advise the registrant that s/he is responsible to remove all traps, signage and other related material on the earlier of: (a) when the exemption for each body-gripping trap expires or (b) trapping is complete.



Brownfield Redevelopment Grant Request

288-290 Woolwich St

Presentation to the Finance, Administration and Corporate Services Committee

December 3, 2008





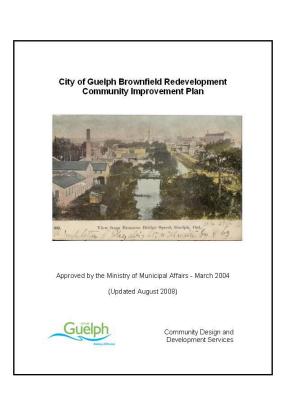




Brownfield Redevelopment Community Improvement Plan (CIP)

BACKGROUND

- Brownfield Strategy (2002)
- Brownfield Redevelopment CIP (2004)
- CIP Updated (2008)
- Purpose of the CIP is to help off-set costs associated with brownfield site assessment and remediation
- Programs include:
 - Environmental Study Grant
 - Tax Increment-Based Grant
 - Tax Arrears Cancellation
 - Tax Assistance During Rehabilitation





Tax Increment-Based Grant Program

PROGRAM DETAILS

- Based on future increase in property value
- Begins once redevelopment is complete
- Grant applies for a maximum of 10 years
- Total grant amount cannot exceed eligible costs (e.g. associated with site assessment and remediation)
- Property owner pays full taxes over lifespan of program
- 80% of the difference between pre and post construction municipal taxes issued as annual grant to the applicant
- Remaining 20% goes into the City's Brownfield Reserve Fund
- After grant program ceases, the City collects increased municipal taxes in perpetuity



288-290 Woolwich Street

1992

Demolition of Gasoline Service Station

2002

Rezoning from Commercial to Office-Residential

2007

 Request for Financial Assistance under Brownfield Redevelopment CIP

2008

- Council Approval of Environmental Study Grants (\$20,000)
 - Approved by Council in January 2008
- Request for Tax Assistance During Rehabilitation (\$19,503.18)
 - Current municipal taxes are \$7801.27 * approximately 2.5 years
- Request for Tax Increment-Based Grant (\$199,981.80)
 - 80% of difference between estimated pre and post construction taxes would result in an annual grant of \$19,998.18 * maximum grant period of 10 years



Eligible Costs and Proposed Funding Mechanisms

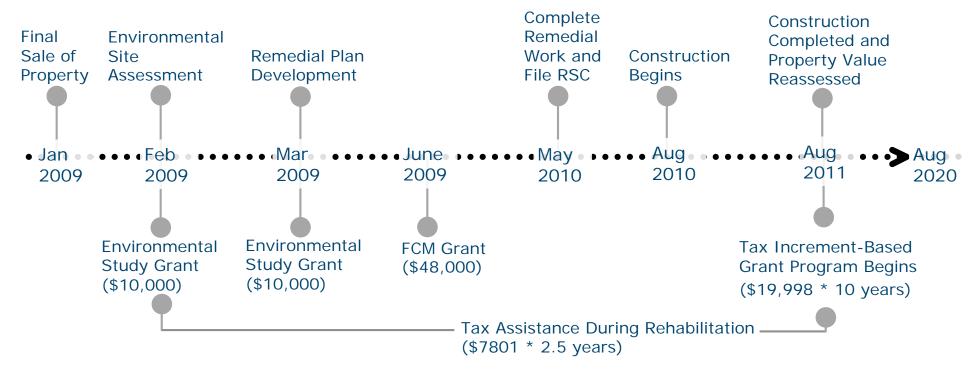
ELIGIBLE COST	ESTIMATED COST	PROPOSED FUNDING MECHANISM AND MAXIMUM COST THAT IS ELIGIBLE	NET COST TO OWNER
Phase 2 Environmental Site Assessment and Remedial Work Plan	\$82,400	Environmental Study Grant (\$20,000) Green Municipal Fund Grant (\$48,000)	\$14,400
Site Remediation and Filing a Record of Site Condition	\$386,700	Tax Increment-Based Grant (\$199,981.80)	\$186,718.20
Totals	\$469,100	\$267,981.80	\$201,118.20

In addition to the costs specified above, if approved, municipal taxes (currently \$7801.27) would be cancelled for the duration of the redevelopment, which is anticipated to be 2.5 years (total of \$19,503.18)



Estimated Redevelopment and Grant Issuance Timeline

SITE REDEVELOPMENT



COMMITTEE REPORT



TO Finance, Administration and Corporate Services

Committee

SERVICE AREA

Community Design and Development Services

DATE

December 3, 2008

SUBJECT Brownfield Redevelopment Grant Request for 288-290

Woolwich Street

REPORT NUMBER 08-128

RECOMMENDATION

"THAT Report 08-128 regarding a request for financial assistance pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property municipally known as 288-290 Woolwich Street from Community Design and Development Services dated December 3, 2008 BE RECEIVED;

AND THAT the request for financial assistance made by Quantum Murray LP under the Tax Increment-Based Grant Program pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property municipally known as 288-290 Woolwich BE APPROVED to an estimated upset total of \$199,981.80, to be issued over a period of up to 10 years subject to the terms and conditions attached hereto as Attachment 5;

AND THAT the request for financial assistance made by Quantum Murray LP under the Tax Assistance During Rehabilitation Program pursuant to the City of Guelph Brownfield Redevelopment Community Improvement Plan for the property municipally known as 288-290 Woolwich Street BE APPROVED for a duration of up to 3 years subject to the terms and conditions attached hereto as Attachment 5;

AND THAT Council direct staff to prepare a by-law to implement the municipal tax assistance during rehabilitation in accordance with the Municipal Act and that the appropriate information and material be sent to the Minster of Finance requesting relief from the education portion of the taxes for the property municipally known as 288-290 Woolwich Street for a duration of up to 3 years;

AND THAT staff be directed to proceed with finalizing Tax Increment-Based Grant, Tax Cancellation, and Information Sharing Agreements with the Quantum Murray LP;

AND THAT the Mayor and Clerk are authorized to sign the Tax Increment-Based Grant, Tax Cancellation, and Information Sharing Agreements."

SUMMARY

The prospective purchaser (QUANTUM MURRAY LP)of 288-290 Woolwich Street has requested financial assistance from the City to off-set costs associated with remediating the site. Council approved Environmental Study Grants (ESG) to an upset total of \$20,000 at its January 18, 2008 meeting for this site. Since January 2008 the City's Brownfield Redevelopment Community Improvement Plan (CIP) has been amended to make the Tax Increment-Based Grant Program available to a greater number of properties. As such 288-290 Woolwich Street is eligible for this grant program.

Considerable staff time and neighbourhood input has gone into the redevelopment proposal for this site. Redevelopment of this site would help to ensure that the soil is cleaned up, the City's groundwater is protected, and 10 townhouse dwellings would be constructed on the property, which has been vacant since 1992.

BACKGROUND

The subject property is a 0.1513 hectare (0.37 acre) vacant parcel of land located on the west side of Woolwich Street, south of London Road West (Attachment 1). The property is designated 'General Residential' in the City's Official Plan and is zoned OR-52(H) (Specialized Office Residential) as described in Section 6.5 and 6.5.3.52 of the zoning by-law (Attachment 2). The subject property is identified within the Brownfield Redevelopment Community Improvement Plan as a potential Brownfield Site (Attachment 3).

Petro-Canada owns the site, which was used as a gasoline station from the 1930s until it was decommissioned by Petro-Canada in 1992. The Site has remained vacant since 1992 and is included in the City's inventory of brownfield sites. The Provincial Policy Statement defines brownfield sites as 'Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.'

Quantum Murray LP has negotiated to purchase this Site from Petro-Canada for a 10 townhouse unit redevelopment. In October 2007, Quantum Murray LP requested financial assistance from the City of Guelph under the City's Brownfield Redevelopment Community Improvement Plan: Environmental Study Grant Program. At its January 18, 2008 meeting, Council approved a study grant for a Phase II Environmental Site Assessment (ESA) (up to \$10,000) to verify the environmental condition and the economic viability for remediation and redevelopment. At the same meeting an additional Environmental Study Grant (up to \$10,000) was approved by the City for the preparation of a Remedial Work Plan. The release of the study grants is conditional on Quantum Murray's purchase of the site from Petro-Canada.

The City of Guelph's municipal Brownfields Strategy outlines a variety of measures to facilitate the redevelopment and re-use of brownfield sites. The purpose of Strategy is to encourage the redevelopment of brownfield sites that would otherwise remain vacant or underutilized due to financial barriers associated with investigation and remediation of contamination. The Strategy was adopted by City Council in May 2002 following a year long development process which included review by City Departments, leading environmental consulting firms and the Ministry of Municipal Affairs and Housing. The Strategy was recognized with a brownfield award from the Canadian Urban Institute for showing public sector leadership in developing policy and redevelopment programs that facilitate or foster brownfields redevelopment.

The Brownfield Redevelopment Community Improvement Plan (CIP) implements key financial components of the City's Brownfield Strategy, and consists of a number of financial incentive programs that are intended to stimulate private sector investment in the reuse and redevelopment of brownfield sites and partially offset the costs associated with site assessment and remediation. The Brownfield Redevelopment CIP was approved by the Minister of Municipal Affairs and Housing in March of 2004. City Council, at its July 7, 2008 meeting, amended the Brownfield Redevelopment CIP to make the Tax Increment-Based Grant Program available to a greater number of brownfield properties. The expansion of the Tax Increment-Based Grant program included 288-290 Woolwich Street, which was previously ineligible for the program.

Many other Ontario municipalities have similar Brownfields CIPs including the communities of Waterloo, Cambridge, Kitchener, Niagara, Kingston, Oshawa, Sarnia and Hamilton.

REPORT

Quantum Murray LP has requested financial assistance under the Brownfield Redevelopment CIP to offset costs associated with site assessment and remediation of the subject property. Financial incentives are available to this property through the Environmental Study Grant, Tax Assistance During Rehabilitation, and Tax Increment-Based Grant Programs. Council approved a total of \$20,000 in Environmental Study Grants for a Phase II Environmental Site Assessment and the preparation of a Remedial Work Plan at its January 18, 2008 meeting.

As a result of amendments to the Brownfield Redevelopment CIP made in July 2008, the Site is now eligible for the Tax Increment-Based Grant Program. Under this program (details shown in Attachment 4) the City can provide yearly grants that are based on the increase in municipal tax assessment, which is defined as the difference between pre and post development municipal taxes. The grant payments begin once redevelopment is complete and are intended to off-set costs associated with site remediation.

Once redevelopment is complete and property value is reassessed, taxes are paid in full and 80% of the municipal portion of the tax increment (i.e. the difference between pre and post redevelopment taxes) is issued as an annual grant for a maximum of 10 years or until the eligible costs are reimbursed. The remaining

20% of the tax increment is placed in the City's Brownfield Reserve Fund, which is used to fund the Environmental Study Grant Program. It should be noted that eligible costs included in the Tax Increment-Based Grant Program cannot include the Phase 2 Environmental Site Assessment or Remedial Work Plan as the applicant has already been approved for financial assistance under the City's Environmental Study Grant Program.

The applicant is also requesting financial assistance through the Tax Assistance During Rehabilitation Program (details shown in Attachment 4) under which the City can freeze or cancel all or a percentage of the municipal taxes during site clean-up and redevelopment. The City can also request that the Province provide relief from the education portion of taxes. Annual municipal property taxes for the subject property are currently \$7801.27. It is estimated that tax cancellation would be required for 2.5 years.

Community Design and Development Services staff recommend that the requests for Tax Assistance During Rehabilitation and Tax Increment-Based Grants be approved subject to the proposed terms and conditions set out in Attachment 5. It should be noted that Quantum Murray LP is also requesting a Green Municipal Fund Grant from the Federation of Canadian Municipalities (FCM) in amount of \$48,000. Should FCM approve this request, City staff will take this funding into account in determining the total amount of funding that may be issued under the City's Brownfield Redevelopment CIP. The total amount of financial assistance provided by any organization(s) should not exceed the total cost of the site clean up.

A proforma analysis indicates that with the recommended assistance the project moves from an unfavourable financial position of approximately a -24% return to 11% which is an acceptable rate of return for a project of this size. Attachment 6 is an outline of the eligible brownfield costs and the proposed funding mechanisms.

Issuance of funds under the Tax Increment-Based Grant Program is conditional on a Ministry of the Environment acknowledged Record of Site Condition being filed, which certifies that the environmental condition of the soil and groundwater beneath the site are appropriate for residential use and that the City's groundwater resources have been protected. Approval of this grant request will help facilitate the completion of this project, which proposes to construct 10 townhouse dwellings on the property, which has been vacant since 1992.

CORPORATE STRATEGIC PLAN

The proposed recommendation will assist the City in achieving the following Strategic Plan Goals:

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

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

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

FINANCIAL IMPLICATIONS

The City will not collect municipal taxes while the subject property is undergoing remediation and redevelopment if the request for Taxation Assistance During

Rehabilitation is approved. The property currently generates approximately \$7,801.27 per year in municipal tax revenue. It is estimated that tax cancellation would be required for 2.5 years.

Once redevelopment is complete and the subject property has been re-assessed, the City would provide a yearly grant consisting of 80% of the municipal portion of the property tax increase (e.g. difference between pre and post redevelopment taxes) for up to 10 years. The maximum value of the annual tax increment-based grant would be \$19,998.18, representing a maximum total grant value of \$199.981.80 over the 10-year lifespan of the program. The actual value of the grant may be lower as it cannot exceed the eligible brownfield costs specified in the CIP.

Because the City will continue to receive full municipal property taxes for the subject property following redevelopment (a portion of which is subsequently granted back as part of the Tax Increment-Based Grant Program), the short-term financial impact is the loss of <u>increased</u> municipal taxes over the 10-year lifespan of the program. Once the grant period is complete, the City will benefit from the increase in municipal tax assessment in perpetuity. The rationale for providing a Tax Increment-Based Grant is that without this redevelopment, the City would not be receiving the increased tax revenue.

The City currently has \$100,000 in its Brownfield Reserve Fund, which provides funds for all municipal brownfield initiatives.

DEPARTMENTAL CONSULTATION

- Finance
- Legal Services
- Community Design and Development Services: Engineering Services

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Existing Zoning

Attachment 3: Potential Brownfield Sites

Attachment 4: Community Improvement Plan Program Excerpts

Attachment 5: Terms and Conditions

Attachment 6: Eligible Brownfield Costs and Proposed Funding Mechanisms

Prepared By:

Greg Atkinson Policy Planner

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Director of Finance/City Treasurer

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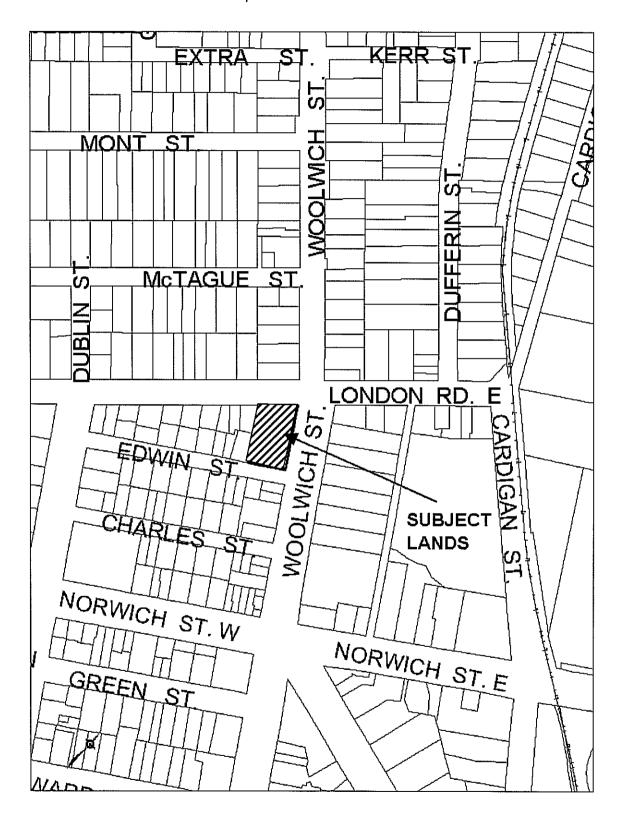
Recommended By:

James N. Riddell

Director, Community Design and Development Services

519-837-5616 ext. 2361 jim.riddell@guelph.ca

ATTACHMENT 1: Location Map



ATTACHMENT 2: Existing Zoning

¹⁷¹⁴¹ 6.5.3.52 OR-52(H)

290 Woolwich Street

As shown on Defined Area Map Number 24 of Schedule "A" of this By-

6.5.3.52.1 <u>Permitted Uses</u>

Notwithstanding the *Uses* listed in Section 6.5.1 of this *By-law*, only the following *Uses* shall be permitted:

A maximum of 10 *Townhouse Dwellings*, specifically excluding a *Home Occupation* or *Accessory Use*, and allowing a stand-alone residential *Use* without a commercial component.

6.5.3.52.2 Regulations

In accordance with Section 6.5.2 of Zoning *By-law* (1995)-14864, as amended, with the following exceptions:

6.5.3.52.2.1 Minimum Front and Exterior Side Yard

In spite of table 6.5.2, Row 4, the minimum Front Yard on Edwin Street shall be 1.15 metres and the minimum Exterior Side Yard on Woolwich Street shall be 1.5 metres.

6.5.3.52.2.2 Minimum Rear Yard

In spite of Table 6.5.2, Row 7, the minimum Rear Yard on London Road shall be 1.15 metres.

6.5.3.52.2.3 Location of Parking Spaces

In spite of Section 4.13.2.3, a maximum of 2 Parking Spaces shall be allowed to locate a minimum of 0.3 metres from the Street Line.

6.5.3.52.3 Holding (H) Provision

Purpose:

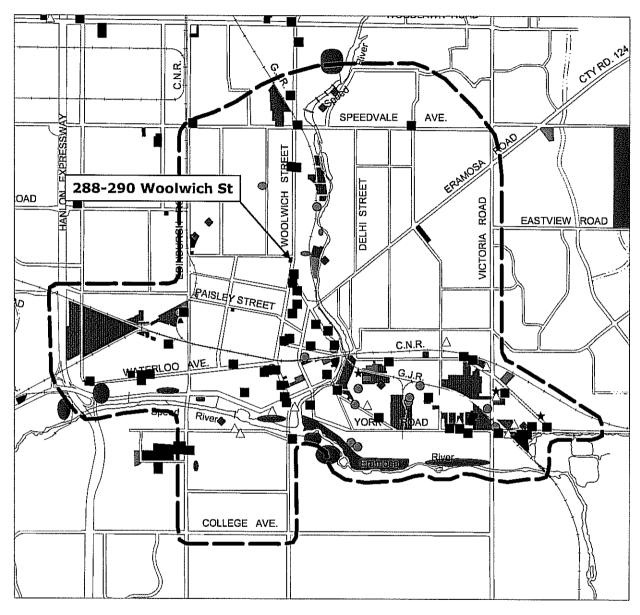
To ensure that development of the lands at 290 Woolwich Street does not proceed until the owner has completed certain conditions and paid associated costs to the satisfaction of the City of Guelph.

Conditions:

- a. Prior to the removal of the holding symbol "H", the owner shall demonstrate to the City that the subject lands known municipally as 290 Woolwich Street have been decommissioned for residential use, in accordance with the current edition of the Ministry of the Environment document entitled "Guideline For Use At Contaminated Sites In Ontario" and that the owner has filed a Record of Site Conditions (RSC).
- b. Prior to the removal of the holding symbol "H", the owner and any mortgagees shall enter into a site plan control agreement with the City, registered on the title of the subject lands known municipally as 290 Woolwich Street, and satisfactory to the City Solicitor, including all conditions of approval endorsed by Guelph City Council.

ATTACHMENT 3: Potential Brownfield Sites

Figure 3. POTENTIAL BROWNFIELDS SITES IN THE COMMUNITY IMPROVEMENT PROJECT AREA



TYPES OF BROWNFIELD SITES

Scale 1:35,000 metres



ATTACHMENT 4: Community Improvement Plan Program Excerpts

Schedule 2. Tax Increment-Based (or Equivalent) Grant Program

Legislative Authority:

Section 28 of the <u>Planning Act</u>

Application:

City-wide

Theme:

Reducing financial barriers

Purpose

- To stimulate private sector investment in redevelopment
- To reimburse private sector clean-up costs without incurring debt to the municipality
- · To increase the long-term municipal tax base
- To reward remediation and redevelopment of brownfield properties

Rationale:

Without redevelopment, the City would not be receiving increased tax revenue. Once the grant period ceases, the City collects the full amount of municipal taxes for the redeveloped property. To encourage lending institutions to provide site assessment and remediation loans for brownfields projects, the tax increment-based grant may be used to secure those loans through an agreement between the City, the land owner and the lending institution.

Departments:

- Finance (calculate and disburse tax rebates)
- Planning (lead: coordination)
- Legal (prepare agreements)

Priority:

- Year 1 Prepare community improvement plan
- Year 2 Implementation

Costs:

- Staff time
- In the event that brownfield redevelopment takes place, the municipal tax base will grow more slowly.

Details:

- Grants are based on the future increase in tax assessment and consequent increase in property tax revenues resulting from redevelopment of eligible brownfields properties. As property assessment rises, taxes payable on a property also rise. The developer will pay the increased taxes to the City as normal, and will subsequently be provided a tax incrementbased grant from the Municipal portion of the increase. The total value of the grant provided under this program shall not exceed the total value of the work done under the Eligible Brownfield Rehabilitation Costs, as set out below.
- The total value of any tax increment-based grant shall not exceed the total value of work done under the Eligible Brownfield Rehabilitation Costs set out below, or shall not exceed

the maximum grant time horizon of 10 years, whichever is the lesser amount. Tax increment-based grants will only be available when building permits have been issued and the assessed value of the property increases. The program is intended to encourage the remediation and redevelopment of contaminated properties.

Eligible Brownfield Rehabilitation Costs

Eligible costs include:

- Phase 2 Environmental Site Assessment costs
- Costs of preparing remedial work plans
- Demolition costs
- Site rehabilitation costs
- Costs of complying with the requirements of a Certificate of Property Use
- Costs of rehabilitating building contamination for projects involving re-use of existing structures.

Process

- Both the pre-construction and post-construction property assessments are established and approved by the City. The City reserves the right to obtain an independent third party to review the proposed remediation program and costing.
- Eligible Brownfield Redevelopment Costs are identified and certified;
- The owner continues to pay the property taxes for the site at its pre-construction assessment value.
- The difference between the 'pre-construction' taxes and 'post-construction' taxes (municipal portion) is calculated.
- Reassessment must result in higher assessment.
- This difference is the portion eligible for a grant to offset the Eligible Brownfield Rehabilitation Costs incurred.
- This grant is available for a set period of time set out in an agreement between the municipality and owner for a maximum of 10 years.
- Before any tax increment-based grant is issued, a Record of Site Condition must be
 prepared by a qualified person certifying site remediation to appropriate contaminant levels
 for the intended property use, as set out in the <u>Environmental Protection Act</u> and supporting
 regulations, and submitted to the City along with a copy of the Ministry of Environment's
 written acknowledgement.
- The tax increment-based grant can be issued to the property owner, or to whoever the grant is assigned by the owner.
- An agreement must be entered into by the property owner and the City, regarding the details
 of the tax increment-based grant.

Details:

- Tax increment grants will be provided in equal installments in the amount of 80% of the
 municipal portion of the property tax increase. The remaining twenty percent of the
 municipal portion of the property tax increase is paid by the property owner and allocated to
 a brownfields reserve account for municipal brownfield initiatives.
- The definition of vacant land will refer to the status of the property at the time of program approval. If subsequent demolition occurs the tax increment will be the difference between the assessment at the time of program approval and that following reassessment. It is the

intent of this clause to avoid unnecessary demolitions and support adaptive re-use of architecture.

- Grant applications cannot be retroactively applied.
- It is the intent of this program that tax increment-based grants can be used to cover only the eligible Brownfield Redevelopment Costs exclusive of any other brownfield incentive provided.
- Applications for tax increment-based grants will be reviewed and approved by the Planning Department
- The City reserves the right to independently audit Eligible Brownfield Redevelopment Costs.
- The City and the property owner will enter into an agreement. This agreement will specify
 the terms of the financing; the activities which will be considered Eligible Brownfield
 Redevelopment Costs, the duration of the grant, the owner's obligations should the owner
 default on the Agreement, and any other requirements specified by the City.

Schedule 4. Taxation Assistance During Rehabilitation

Application:

City-wide

Theme: Reducing Financial Barriers

Purpose:

- To promote remediation of brownfield sites.
- To encourage new development in existing built-up areas of the City.
- To gain information relating to environmental contamination.

Rationale:

 Brownfield sites have increased costs associated with the need to undertake Environmental Site Assessments and for the cost of site rehabilitation. If these up front costs can be reduced the financial feasibility for redevelopment / reuse can be increased.

Departments:

- Finance
- Planning
- Legal

Priority:

Year 2

Costs:

Loss of taxation revenue during the time period the incentive applies.

Details:

- Permitted pursuant to Section 365.1 of the <u>Municipal Act</u>.
- Requires the property to be within an area affected by a Community Improvement Plan pursuant to the <u>Planning Act.</u>
- Applicant would apply to City to freeze or cancel all or a percentage of municipal and education taxes during site clean-up and redevelopment after a Phase 2 Environmental Assessment is completed and submitted to the City demonstrating that Provincial standards cannot be met in order to file a Record of Site Condition;

- Applicant would be required to enter into an agreement with the City specifying the terms of the relief, the duration of relief, the owner's obligations and other requirements specified by the City.
- City would request the Province to provide relief from Education portion of taxes.
- Under this program it is acknowledged that the timing of and conditions that apply to municipal property tax assistance may vary from those for matching education property tax assistance.

ATTACHMENT 5: Terms and Conditions

Should City of Guelph Council approve the request for financial incentives under the Brownfield Redevelopment CIP: Tax Assistance During Rehabilitation and Tax Increment-Based Grant Programs, the following terms and conditions shall apply:

- 1. The approval of any financial incentive requests under the Brownfield Redevelopment CIP is conditional on the final sale of 288-290 Woolwich Street from PETRO CANA NADA to QUANTUM MURRAY LP.
- 2. QUANTUM MURRAY LP shall provide, in confidence, a copy of a proforma indicating the anticipated and actual impact of the requested incentives on the economic viability of the project to City Staff prior to commencement of any grant program and following project completion.
- 3. Prior to the temporary reduction or cancellation of municipal taxes during the rehabilitation and redevelopment period QUANTUM MURRAY LP shall:
 - Submit to the City a Phase 2 Environmental Assessment, satisfactory to the Director of Community Design and Development Services, demonstrating that Provincial standards can not be met in order to file a Record of Site Condition;
 - b. Enter into Tax Cancellation and Information Sharing Agreements with the City, which will specify the duration of the program and may include a requirement for milestone information to be submitted to the City prior to the annual continuation of the program; and
 - c. Acknowledge that under the Brownfields Financial Tax Incentive Program the timing of and conditions that apply to municipal property tax assistance may vary from those for matching education property tax assistance as provided by the Province.
- 4. Prior to the issuance of a Tax Increment-Based Grant QUANTUM MURRAY LP shall enter into agreements with the City regarding the details of the Tax Increment-Based Grants and information sharing with the City. These agreements will be based on the requirements set out in the Brownfield Redevelopment CIP and shall be satisfactory to the Director of Community Design and Development Services.
- 5. Prior to the issuance of building permits QUANTUM MURRAY LP shall submit to the City a Ministry of the Environment-acknowledged Record of Site Condition that confirms the environmental condition of the site is suitable for residential land use and assumes that the groundwater beneath the site serves as a raw water source for a drinking water supply system.
- 6. Prior to the issuance of a Tax Increment-Based Grant QUANTUM MURRAY LP shall agree to the following terms:
 - a. Project construction has been completed and reassessment has resulted in an increase in assessed property value;

- b. The grant is available up to a maximum of 10 years;
- c. During rehabilitation and redevelopment, the owner of the property shall continue to pay property taxes for the site at its pre-construction assessment value, unless a request has been approved under the Tax Assistance During Rehabilitation Program; and
- d. The City reserves the right to independently audit eligible brownfield remediation and redevelopment costs.
- 7. Pursuant to the Brownfield Redevelopment CIP, 80% of the municipal portion of the tax increment (i.e. difference between pre and post redevelopment municipal tax assessment which has been estimated at \$19,998.18) will be granted back to QUANTUM MURRAY LP or its nominee or assignee on an annual basis for a maximum of 10 years following the completion of construction and re-assessment of the property. The grants will be disbursed on an annual basis to a combined upset value of \$199,981.80 or the total value of eligible costs, whichever is the lesser. The payment amounts and schedule will be set out in an implementing agreement based on the actual post-construction re-assessment value of the property.
- 8. The total value of all financial incentives or grants obtained from any organization shall not exceed the total value of work done under the eligible Brownfield Redevelopment CIP costs (including \$20,000 previously approved under the Environmental Study Grant Program), which consist of:
 - Phase 2 Environmental Site Assessment costs:
 - Costs of preparing a remedial work plan;
 - Site rehabilitation costs; and
 - Costs of preparing a Record of Site Condition.

ATTACHMENT 6: Eligible Brownfield Costs and Proposed Funding Mechanisms

	Eligible Cost	Estimated Cost	ı	Proposed Funding Mechanism and Maximum Cost That is Eligible	Net Cost to Owner
E A	hase 2 Invironmental Site Assessment and Remedial Work Plan	\$82,400		Environmental Study Grants (\$20,000) Green Municipal Fund Grant (\$48,000)	\$14,400
a	ite Remediation nd Filing a Record if Site Condition	\$386,700	=	Tax Increment Based Grant (\$199,981.80)	\$186,718.20
Tota		\$469,100		\$267,981.80	\$201,118.20

Notes:

- In addition to the costs specified above, if approved, municipal taxes (currently \$7,801.27) would be cancelled for the duration of the redevelopment, which is anticipated to be 2.5 years.
- The total value of the Tax Increment Based Grants may differ based on the reassessed value of the townhouse dwellings after construction.

REPORT OF THE GOVERNANCE & ECONOMIC DEVELOPMENT COMMITTEE

December 22, 2008

Her Worship the Mayor and Councillors of the City of Guelph

Your Governance & Economic Development Committee beg leave to present this their Eighth REPORT as recommended at its meeting of December 9, 2008;

CLAUSE 1 THAT the attached Harassment and Discrimination Policy be approved and that the Mayor and CAO sign a declaration demonstrating a commitment to a harassment free workplace.

All of which is respectfully submitted.

Councillor Gloria Kovach, Chair Governance & Economic Development Committee

COUNCIL REPORT



TO Governance and Economic Development Committee

SERVICE AREA

Human Resources
December 11, 2008

SUBJECT

Revised Harassment & Discrimination Policy

REPORT NUMBER

RECOMMENDATION

That the attached Harassment and Discrimination Policy be approved and that the Mayor and CAO sign a declaration demonstrating a commitment to a harassment free workplace.

BACKGROUND

In July 2007 the Finance, Administration and Corporate Services Committee requested the Human Resources Department review the City's current Harassment and Discrimination Policy. At this time, several corporate initiatives were under development to enhance the organization's culture and promote a respectful workplace. Additionally, changes were occurring within the Ontario Human Rights Commission and relevant case law, which further necessitated a review of the City's current practices.

REPORT

The City's current Harassment and Discrimination policy was developed in 2002 and has served the organization well since that time. The revised policy is intended to build upon this foundation and now contains the following features:

- Alignment with the City's new Corporate Values
- Additional and more detailed definitions to promote greater understanding of the importance of a harassment free workplace, definitions and responsibilities of the City, its employees and union executives
- · Enhanced descriptions of roles various parties play
- Extension of the Peer Link role as an additional support to Complainants

- Investigations completed by the Organizational Development Specialist position, which separates fact finding from decisions on disciplinary outcomes
- A more robust investigation process and description, including an opportunity for parties to provide additional information prior to final findings
- Investigations are completed by an outside source where the Respondent is a member of Human Resources, Senior Management or Council
- Additional paths and clarity of process for initiation of complaint
- Invitation for interviewees to bring a person for moral support
- Additional services provided by Organizational Development Specialist, including informal mediation and monitoring
- Stronger statement and process regarding confidentiality
- Specific process outlined for complaints against members of senior management or Council
- Commitment to skills based training for all employees

Changes to the Ontario Human Rights Commission under Bill 107, which received Royal Assent on June 30, 2008 now provides complainants with a direct access model for dispute resolution. An option now exists for members of the public to file complaints directly to the Human Rights Tribunal, which in turn will have to authority to initiate reviews and inquiries i.e. investigations.

The Tribunal's rules of procedure will have significant impact on the management of human rights litigation, including the imposition of tight time frames, the requirement to produce documentation and to consider pubic interest remedies.

It is imperative therefore that employers have in place robust due diligence policies and procedures to appropriately deal with discrimination complaints that fall within the jurisdiction of the Human Rights Code. The attached policy achieves this.

In addition, one of the City's Corporate Values –Wellness for people, includes as one of the associated behaviours that of "respect in our relationships". This policy therefore also provides for complaint mechanisms related to workplace harassment, which is defined as "a pattern of inappropriate actions not in keeping with the City of Guelph value of wellness in the workplace and the expectation of respectful interactions. Harassment is ongoing behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating and is unwelcome."

CORPORATE STRATEGIC PLAN

This policy and its alignment with the Corporate Values supports Strategic Objective 5.6: Organizational excellence in planning, management, human resources and people practices; recognized as a top employer in the community.

FINANCIAL IMPLICATIONS

There will be costs associated with staff training that will be absorbed into the current budget for general employee training.

DEPARTMENTAL CONSULTATION/CONCURRENCE

Research was conducted with other municipalities to determine their approach and practices associated with harassment and discrimination complaints.

Consultation regarding the policy occurred with the Senior Management Team, Union/Association Executives and an employment lawyer. The policy was reviewed with the City Clerk; in particular to ensure alignment with the procedures outlined in the Council Code of Conduct.

COMMUNICATIONS

The approved policy will be provided to all City of Guelph leaders and made available for reference to all staff. New employees will be provided a copy of the policy upon hire. The subsequent training delivery will ensure all employees have been made aware of its presence.

ATTACHMENTS

Attachment 1: Harassment & Discrimination Policy (2008) Attachment 2: Harassment & Discrimination Policy (2002)

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Director, Human Resources

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CORPORATE POLICY AND PROCEDURE



Policy No.

Page 1 of 11

EFFECTIVE DATE XXXXX, 2008

REVISION

Tab Human Resources

Authority All Departments

Subject Harassment & Discrimination Policy

Related Policies Workplace Violence Prevention Policy

Approved by Council

Revision Date

POLICY STATEMENT

In keeping with its Corporate Values, the Corporation of the City of Guelph is committed to providing an environment free from all forms of harassment, discrimination and disrespectful behaviour. The City expects and promotes respectful interactions which show regard for the rights, dignity, health and safety of all.

This policy is consistent with the spirit and provisions of the *Ontario Human Rights Code* and shall be read in conjunction with any applicable collective agreement provisions.

The City will not tolerate, ignore or condone workplace harassment, discrimination or any pattern of inappropriate, disrespectful behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating. The City considers such actions to be a serious offence, which may result in disciplinary action up to and including termination of employment.

The City will:

- work to prevent incidents from taking place through information, education, early identification and corrective discipline where appropriate
- thoroughly investigate reported incidents in an objective, sensitive and timely manner with due regard to the confidentiality of all parties concerned
- · provide fair and effective resolution of complaints
- take necessary action against those who are found in contravention of this policy;
 up to and including termination of employment
- provide support to those affected by misconduct, to maintain self worth, health and wellness

SCOPE

This policy applies to all City of Guelph full-time, part-time, casual and temporary employees. Volunteers and Councillors are afforded the same rights and protections provided by this policy, while performing authorized activities for the City of Guelph. This may include off-site job related functions and social events related to work and employment.

CORPORATE POLICY AND PROCEDURE

Policy No.

PAGE 2 of 11

EFFECTIVE DATE

REVISION

DEFINITIONS Harassment:

Harassment is a pattern of inappropriate actions not in keeping with the City of Guelph value of wellness in the workplace and the expectation of respectful interactions. Harassment is ongoing behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating and is unwelcome. A single incident may constitute harassment, depending on the severity of the behaviour.

In addition to contravening this Policy and City of Guelph values, harassment may violate the Ontario Human Rights Code if the inappropriate behaviour associates the prohibited grounds listed in the Code. Under the Ontario Human Rights Code, prohibited grounds are race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, same sex partnership status, family status, disability, sex and sexual orientation.

Examples of harassment may include, but are not limited to:

- Racial, ethnic, homophobic, sexist slurs
- Written or verbal abuse or threats
- Unwelcome remarks, jokes, taunts related to the prohibited grounds
- Abuse of authority
- Vandalism of personal property
- Displaying or transmitting offensive or derogatory material
- Patronizing or condescending behaviour or language which reinforces stereotypes and undermines self respect
- Yelling
- Foul language
- · Jokes resulting in insult or embarrassment
- Bullying
- Offensive gestures or comments
- Spreading rumours
- Making false accusations
- Intimidation or coercion
- Actions which create a poisoned environment

Harassment is not:

- Appropriate direction, delegation or discipline administered under the normal course of supervision
- Stressful events encountered in the performance of legitimate job duties
- A relationship of mutual consent or flirtation
- Friendly teasing or bantering that is mutually acceptable and not offensive to others

Sexual Harassment:

Behaviour of a sexual nature that is known or ought to reasonably be known to be unwelcome. It includes, but is not limited to a sexual solicitation or advance, or a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance, made by a person

CORPORATE
POLICY AND
PROCEDURE

Policy No.

Page 3 of 11

EFFECTIVE DATE

REVISION

in a position to confer, grant or deny a benefit or advancement, where that person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples may include, but are not limited to:

- Persistent leering (suggestive staring) or other obscene/offensive gestures
- Unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, brushing up against a person
- Unwelcome sexually oriented remarks, invitations, requests, jokes, gestures
- Unwelcome sexual flirtations, advances, propositions
- Inquiries or comments about a person's sex life
- Demands or requests for sexual favours, especially by a person who is in a position of authority
- Displaying sexually offensive materials
- Sexual assault

Discrimination:

The unequal treatment of a person on the basis of a prohibited ground. In general, discrimination is an act or practice that intentionally or unintentionally causes a type of disadvantage prohibited by the provisions of the Ontario Human Rights Code.

Examples of discrimination may include, but are not limited to:

- Refusal to work with or different treatment of a person on the basis of the prohibited grounds
- Decisions of recruitment, promotion, pay increases or employment practices based on prohibited grounds

Systemic (Indirect) Discrimination:

The use or application of a requirement, either in policy or practice that has a negative impact on a group on the basis of a prohibited ground. Systemic discrimination occurs when policies or practices exclude, limit or restrict members of designated groups from employment or opportunities within employment.

Workplace:

Any location where a City of Guelph employee is carrying out their occupational duties, including those locations that are not on primary work sites. This may include a social function, training and conferences, during travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, e-mail or other communications.

Poisoned Work Environment:

Workplace harassment may also include behaviour, conduct, comments or activities which are not directed specifically at an individual but which nonetheless create a degrading or offensive "poisoned" work environment.

POLICY No.

PAGE 4 of 11

EFFECTIVE DATE

REVISION

Trivial, Frivolous or Malicious Complaints

Trivial or frivolous complaints are those with no merit, importance, significance or seriousness. Malicious complaints are those which are made in bad faith with the intent to harm the Respondent.

Abuse of Authority

An individual using undue authority or power related to their position with the intention of compromising an employee's job performance and adversely affecting their career.

Retaliation

The Respondent or somebody acting in interest of the Respondent taking action against a Complainant for pursuing a complaint or someone associated with the complaint. This may include direct actions such as threats or indirect actions such as exclusion. Retaliation intends to stop a person from pursuing a complaint or is an act of revenge once a complaint has been made.

Bullying

Behaviour which intimidates, degrades, humiliates and ultimately undermines the self-confidence of an individual. It is generally repetitive, although a single serious incident of such behaviour may constitute bullying if it has a lasting harmful effect.

Complainant

A person who has been the target of harassment or discrimination and whom brings a complaint forward under this policy.

Respondent

A person alleged to have engaged in behaviour of harassment or discrimination under this policy.

Investigator

A person designated by the Director of Human Resources to conduct investigations under this policy. Allegations against Senior Management staff, Council members or Human Resources staff will be investigated by an external third party.

Peer Link

Employees located throughout City Departments who are specially trained to act as a first response support to co-workers in emotional need.

ROLES & RESPONSIBILITIES

All staff, volunteers and members of Council have a responsibility to ensure their own behaviour and interactions are respectful and not in contravention of this policy. It is critical to understand that the intention behind one's actions is not relevant in the determination of a finding of harassment or discrimination; it is the impact the actions have on others. All

CORPORATE
POLICY AND
PROCEDURE

Policy No.

Page 5 of 11

EFFECTIVE DATE

REVISION

staff, volunteers and Councilors also have a role in not tolerating such behaviour and reporting it, if it does occur. Specific groups or individuals have particular responsibilities as follows:

Leaders

It is the responsibility of those in supervisory/management positions at the City of Guelph, up to and including the CAO, to actively foster respectful interactions in the workplace through the provision of information, training, clear expectations and modeling desired behaviour. In the event of an alleged incident of harassment and/or discrimination, Leadership staff will immediately provide supports to maintain the physical and emotional health of those affected, provide information on the procedures associated with this Policy and inform the Harassment Investigator.

During an investigation, Leaders will cooperate with and respond to the needs of the Harassment Investigator to ensure an effective and timely investigation. The Leader will demonstrate and promote the maintenance of confidentiality.

A person in authority who does not take active steps to ensure a harassment free workplace may be held responsible for failing to do so and face disciplinary action up to and including termination of employment. Active steps include, but are not limited to:

- ensuring employees are aware of this policy
- regularly reinforcing the requirement for respectful interactions
- modeling behaviour in keeping with the Corporate Values
- supporting employees who come forward with complaints under this policy
- notifying Human Resources when becoming aware of harassment and discrimination, regardless of whether the employee wishes to pursue a complaint

Union/Association Executive

Executive members of our Unions and Associations play a leadership role in partnering with the City to promote a workplace that is free of harassment and discrimination. They will ensure their own behaviour is in compliance with this policy, guide the behaviour of others and support training initiatives.

Peer Links

Employees experiencing concerns of harassment may therefore choose to come to a Peer Link as an initial contact. The Peer Link can provide support and direct the employee to this Policy, the Harassment Investigator and the Employee Assistance Program. The Peer Link's role is not to collect detailed information, investigate or make judgments on the presence on a potential complaint.

Employees, Volunteers, Members of Council

Anybody who is the target of harassment or discrimination is asked to take action toward an informal or formal resolution, as outlined in the procedure associated with this Policy.

CORPORATE POLICY AND PROCEDURE

POLICY No.

Page 6 of 11

EFFECTIVE DATE

REVISION

Those who have become aware of or have directly observed harassment or discrimination are asked to provide support to the target of the behaviour and encourage them to take action toward an informal or formal resolution. Where Members of Council become aware of or have directly observed harassment or discrimination, they are asked to bring the matter to the attention of the CAO, who will then notify Human Resources. If that person does not take action, observers are asked to bring information forward to any Leader, Peer Link or the Harassment Investigator.

Anyone involved in the investigation of an alleged incident is required to cooperate with the Investigator and to maintain confidentiality at all times.

Investigator

The Investigator will receive complaints, conduct investigations and make as to the whether harassment is present or not. Additionally, the Investigator will be able to provide supports such as informal resolution, coaching, training and monitoring. Allegations against Senior Management staff, Council members or Human Resources staff will be investigated by an external third party investigator.

Director, Human Resources

The Director, Human Resources will be informed of all complaints and receive the investigation findings the Investigator. The Director, Human Resources will work collaboratively with the impacted departmental leaders and as applicable, the Manager, Employee/Employer Relations and/or external legal counsel in determining the outcome and implementation of the investigation and recommendations.

Chief Administrative Officer

The Chief Administrative Officer will be informed of all formal complaints and the outcomes of all investigations and consulted as necessary during the investigation and resolution determination process.

PROCEDURE

Any person who feels they have been the target of or has observed harassment or discrimination is encouraged to document details of the incident shortly after it has occurred. Points to note include:

- Name of the Complainant and Respondent
- Date, time and location of the incident
- Description of the incident, including words, gestures
- Names of witnesses to incident

This information will help with any of the resolution methods described.

Informal Resolution

Those who feel they have been the target of offensive behaviour, are encouraged as an initial step to raise their concern with the offender either in person, by phone or in writing. This step is <u>only</u> suggested if the employee feels comfortable to do so. The Investigator

CORPORATE POLICY AND PROCEDURE

Policy No.

PAGE 7 of 11

EFFECTIVE DATE

REVISION

can support the Complainant to prepare for this conversation and can act as an informal mediator for both parties.

Often times, the person may not be aware that their behaviour is offensive and unwelcome. A clear message to them may stop the behaviour and no further intervention required. If the behaviour does not stop, you are asked to bring your complaint forward to initiate a formal resolution.

Formal Complaint

A formal complaint may be initiated in the following ways:

- Submitting a written complaint to Human Resources. The Complaint Form may be completed independently or with the assistance of the Investigator. Contact may be initiated directly with the Investigator or with assistance from any Leader in the organization or Peer Link.
- Filing a grievance, as applicable under a relevant Collective Agreement
- Filing a complaint to the Ontario Human Rights Commission, for incidents which are covered under the Ontario Human Rights Code

The Investigator will notify the Director, Human Resources of complaints received and keep the Director informed during the process. The Director, Human Resources will keep the CAO abreast of formal complaints.

Complaints which have been initiated through the grievance process will be referred to the Investigator for follow-up under this policy. Results of the investigation will be forwarded to the Director, Human Resources and Manager, Employee/Employer Relations for resolution and outcome.

Employees may choose not to pursue a complaint, however should be aware that once the organization is aware of the incident, it may be necessary to proceed with an investigation and take appropriate action.

Formal complaints should be made as soon as possible after the date of the alleged incident and no later than six months. This will allow for proper investigation while evidence is still fresh in the minds of witnesses and to ensure timely action occurs.

A Complainant may initiate a grievance, a complaint to the Ontario Human Rights Commission or seek outside legal assistance at their own expense at any time during this internal process. Subsequent complaints on the same manner made to another party, may however be held without action pending the outcome of the first investigation.

Acts of violence and criminal harassment such as stalking, threats, sexual or physical assault are addressed through the Workplace Violence Prevention Policy and the Criminal Code and may be supported by the local Police.

Complaints may be refused prior to the investigation stage and no further action taken in the following circumstances:

Page 8 of 11

EFFECTIVE DATE

REVISION

- the complaint has been viewed to be trivial, frivolous or malicious
- the alleged incident occurred greater than six months from the date of the complaint
- an investigation regarding the same incident has already been initiated by another party
- the alleged incident does not comply with the definition of harassment and discrimination under this Policy

Investigation

The Investigator will lead a fact finding investigation, informing the immediate supervisor of the Complainant and Respondent. Individual interviews will occur as follows:

Complainant - to discuss, confirm and formally document details of the incident(s)

Respondent – to inform of the concern and receive their response to the allegations

Witnesses – may include those with direct observations of the incident or those with historical information – to provide additional accounts of the incident or surrounding dynamics

Interview subjects may be accompanied by a person of their choice for moral support during any step of the investigation. Interviewees will be asked to review meeting notes and sign them to indicate their accuracy.

Upon completion of the investigation, the Investigator will review all evidence collected and examine the "balance of probabilities" as standard of proof to determine whether the Policy has been contravened.

The Investigator will meet individually with the Complainant and Respondent to share preliminary findings of the investigation. At that time, both parties will be afforded an opportunity to provide any additional information they feel may be relevant to the final outcome of the investigation. The Investigator may determine that additional investigation is required; and will inform the Director, Human Resources accordingly.

The Investigator will provide a detailed report to the Director, Human Resources with a final determination of findings. Human Resources may seek advice from legal counsel or the Ontario Human Rights Commission as required.

The Director, Human Resources and Investigator will meet with the affected employee's leaders and as applicable, the Manager, Employee/Employer Relations to review the findings of the investigation. The Director, Human Resources will work collaboratively with the leadership group in determining the outcome of the investigation and implementation plan. The Chief Administrative Officer will be informed of all outcomes.

CORPORATE
POLICY AND
PROCEDURE

Policy No.

PAGE 9 of 11

EFFECTIVE DATE

REVISION

Outcomes and Resolutions

Outcomes and resolutions may include but not be limited to:

- Education to an individual and/or group
- Mediation
- Review and modification of workplace policies, procedures and practices
- Discipline including, but not limited to, a reprimand, suspension, demotion, transfer, termination of employment

A plan to monitor the behaviour of individuals and dynamics of the group impacted will be developed by the Investigator and Departmental Leader to follow up periodically six months after the conclusion of the investigation. This measure is set to guard against potential retaliation, prevent future issues and evaluate the effectiveness of resolution strategies.

Malicious Complaints

Complaints determined as malicious will be considered a contravention of this Policy. The resolution and outcomes will focus appropriate disciplinary action toward the original Complainant, up to and including termination of employment.

Trivial or Frivolous Complaints

A repeated pattern of trivial or frivolous claims by the same complainant may result in disciplinary action.

Retaliation

Retaliation or threats to that effect, toward anyone involved in a complaint investigation is viewed as a violation of this Policy. Investigation of such behaviour will occur and appropriate disciplinary action taken, up to and including termination of employment.

Confidentiality

All information related to a complaint and investigation is confidential. Anyone involved in an investigation shall not disclose information, except as required by this procedure and will be required to sign a confidentiality statement. Anyone who breaches confidentiality of any part of a complaint will be subject to discipline, up to and including termination of employment.

Records Retention

All records related to meetings, interviews or any part of the investigation will be treated as confidential and not be disclosed, except as required by law. Documentation related to the investigation will be retained as a separate file in Human Resources for a period of seven years from the conclusion of the investigation. Records may be subject to release under the Municipal Freedom of Information and Protection of Privacy Act or legal proceedings.

Copies of any disciplinary action will be placed in the employee's file.

CORPOR	ATE
Policy	AND
PROCED	URE

POLICY No.

Page 10 of 11

EFFECTIVE DATE

REVISION

Information and Training

The City of Guelph will ensure all employees, volunteers and Councillors have read this Policy and make it readily available for reference. New employees will be provided with the Policy upon hire. Training to enhance understanding of, how to prevent and respond to Harassment and Discrimination will be conducted with all employees every three years. More frequent or additional training may be requested or directed to individuals or groups as required.

Complaints Against Senior Staff Or Elected Officials

Complaints initiated against Senior Staff (Director, CAO) or Elected Officials (Mayor, Councillors) should be directed to the Investigator, who will support the Complainant in developing a detailed written complaint. Subsequent actions will be dependent on the Respondent identified in the complaint, as follows:

In the case of the **Mayor** being the Respondent, the Investigator shall notify the Director, Human Resources. The Director shall advise the CAO and the three longest serving members of Council authorized to act in place of the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be shared with the Council Members, CAO and Director, Human Resources who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions toward the Mayor, in keeping with the provisions of the Municipal Act. The CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

In the case of a **Councillor** being the Respondent, the Investigator shall notify the Director, Human Resources. The Director will notify the CAO, who will provide a confidential report on the matter to the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be shared with the Mayor, CAO and Director, Human Resources who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions toward the Respondent, in keeping with the provisions of the Municipal Act. The CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

In the case of the **Chief Administrative Officer** being the Respondent, the Investigator shall notify the Director, Human Resources, who will provide a confidential report on the matter to the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be reported to the Mayor and Director, Human Resources who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions toward the CAO, up to and including termination of employment. The Mayor will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

CORPORATE POLICY AND PROCEDURE

POLICY No.

PAGE 11 of 11

EFFECTIVE DATE

REVISION

In the case of a **Director** being the Respondent, the Investigator shall notify the Chief Administrative Officer and (as applicable) the Director, Human Resources. An external Investigator will be selected and retained by the CAO to collect facts regarding the complaint and make recommendations. Findings of the investigation will be reported to the CAO and (as applicable) Director, Human Resources who will determine a recommended outcome and implementation, up to and including termination of employment. The CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

LEGISLATION

Ontario Human Rights Code Occupational Health & Safety Act

CUPE 241 Collective Agreement, Article 4.0 CUPE 973 Collective Agreement, Article 4.0 CUPE 1946 Collective Agreement, Article 4.0 ATU 1189 Collective Agreement, Article 6.0

REPORT OF THE COUNCIL AS A COMMITTEE OF THE WHOLE

December 22, 2008

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

Your Council as a Committee of the Whole beg leave to present this their SEVENTH REPORT as recommended at its meeting of November 24, 2008:

CLAUSE 1 THAT Astrid Clos be reappointed to the Committee of Adjustment for a term ending November, 2009;

AND THAT Bill Birdsell be reappointed to the Committee of Adjustment for a term ending November, 2010;

AND THAT Armando Carer, Mike Darmon, Wayne Gates, Sharonne Mitchell and William Sleeth be appointed to the Eastview Public Liasion Committee for a term ending November, 2009;

AND THAT Evelyn Allen and Lesley McDonell be appointed to the Environmental Advisory Committee for a term ending November, 2009;

AND THAT Gordon Drewitt be reappointed to the Environmental Advisory Committee for a term ending November, 2010;

AND THAT David Kennedy and Rino Salvador be reappointed to the Guelph Non-Profit Housing Corporation Board of Directors for a term ending November, 2010;

AND THAT Joel Bartlett, Christopher Campbell, and Paul Ross be reappointed to Heritage Guelph for a term ending November, 2010;

AND THAT Douglas Smith and Wayne Tovell be appointed to the Property Standards/Fence Viewers Committee for a term ending November, 2009;

AND THAT Ray Belanger be reappointed to the Property Standards/Fence Viewers Committee for a term ending November, 2010;

AND THAT David Beaton, John Buttars, Michael Emeneau, Erin Harkins, Stan Kozak, and Hugh Whiteley be reappointed to the River Systems Advisory Committee for a term ending November, 2010.

Page No. 2 December 22, 2008 Report of Council in Committee of the Whole

CLAUSE 2 THAT JoAnn Hayter be appointed to the Guelph Museums Board of Management for a term ending November, 2009;

AND THAT Jennifer Mackie be appointed to the Guelph Public Library Board for a term ending November, 2009.

AND THAT Larry Kelly, Will Lenssen and Wayne Mizen be reappointed to the Guelph Sports Hall of Fame Board of Directors for a term ending, November 2010.

AND THAT Alan Boivin and John E. Cassano be appointed to the River Run Centre Board of Directors for a term ending November, 2009;

AND THAT Dennis Deters, Gary Gander, Lloyd Longfield, Walter J. Palmer and Beverly-Ann Woods be reappointed to the River Run Centre Board of Directors for a term ending November, 2010;

AND THAT Paul Breadner be reappointed to the Locomotive 6167 Restoration Committee for a term ending November, 2010.

CLAUSE 3 THAT Cathy McCormack be appointed to the Accessibility Advisory Committee for a term ending November, 2009;

AND THAT Patricia Candlish, Tanya Davies, Douglas Grove, and Jane McNamee be appointed to the Accessibility Advisory Committee for at term ending November, 2010;

AND THAT Terry Petrie be appointed to the Guelph Cemetery Commission for a term ending November 2009.

- CLAUSE 4 THAT Jennifer Catallo and Richard Puccini be appointed to the Guelph Twinning Committee for a one year term expiring November 2009.
- CLAUSE 5 THAT Joanne Shoveller be appointed to the Board of Commissioners for the Guelph General Hospital for a term expiring November 2011;

AND THAT Allan MacInnis be appointed to the Board of Commissioners for the Guelph General Hospital for a term expiring November 2009.

CLAUSE 6 THAT Dr. Clare Rennie, Dr. Hugh Rose, Dan Chapman and Betsy Allan be appointed to the Board of Trustees of the Elliott Community for a three year term expiring November 2011;

AND THAT John A. Stoddard and Ernest James Stross be appointed to the Board of Trustees of the Elliott Community for a one year term expiring November 2009.

REPORT OF THE COUNCIL AS THE STRIKING COMMITTEE

December 22, 2008

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

Your Striking Committee beg leave to present their SECOND REPORT as recommended at its meeting of December 1, 2008.

CLAUSE 1. THAT Councillors Bell, Burcher, Piper and Salisbury and Mayor Farbridge be appointed to the Community Development and Environmental Services Committee for a term ending November, 2009;

AND THAT Councillor Burcher be appointed the Chair of the Community Development and Environmental Services Committee for a term ending November, 2009.

CLAUSE 2 THAT Councillors Farrelly, Findlay, Hofland and Laidlaw and Mayor Farbridge be appointed to the Emergency Services, Community Services and Operations Committee for a term ending November, 2009;

AND THAT Councillor Hofland be appointed the Chair of the Emergency Services, Community Services and Operations Committee for a term ending November, 2009.

CLAUSE 3 THAT Councillors Beard, Billings, Kovach and Wettstein and Mayor Farbridge be appointed to the Finance, Administration and Corporate Services Committee for a term ending November, 2009;

AND THAT Councillor Beard be appointed the Chair of the Finance, Administration and Corporate Services Committee for a term ending November, 2009.

CLAUSE 4 THAT Councillors Bell, Laidlaw and Piper and Mayor Farbridge be appointed to the Land Ambulance Committee and Social Services Committee for a term ending November, 2009.

AND THAT Councillor Piper be appointed the Chair of the Land Ambulance Committee and Social Services Committee for a term ending November 2009.

CLAUSE 5 THAT Councillors Farrelly, Findlay, Hofland and Wettstein and Mayor Farbridge be appointed to the Audit Committee for a term ending November, 2009;

AND THAT Councillor Wettstein be appointed the Chair of the Audit Committee for a term ending November, 2009.

CLAUSE 6 THAT Councillors Beard, Burcher, Hofland and Wettstein and Mayor Farbridge be appointed to the Governance Committee for a term ending November, 2009;

Page No. 2 December 22, 2008 Report of the Council as a Striking Committee

AND THAT Mayor Farbridge be appointed the Chair of the Governance Committee for a term ending November, 2009.

All of which is respectfully submitted.

Councillor Gloria Kovach

CONSENT AGENDA

December 22, 2008

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

REPO	DRT	DIRECTION
A-1)	KORTRIGHT ROAD EAST EXTENSION SUBDIVISION PHASE 2 - Request for an Extension of Draft Plan Approval (Files 23T-01508/ZC0123)	Approve
	THAT Report 08-127 regarding a request for the extension of the Draft Plan Approval for the Kortright Road East Extension Subdivision (23T-01508/ZC0123) from Community Design and Development Services, dated December 22, 2008, be received;	
	AND THAT the application by Black, Shoemaker, Robinson & Donaldson Limited on behalf of Bluewater Investments Limited, Mr. Wolf von Teichman and Northmanor Estates Inc., for a six (6) month extension to the Draft Plan Approval of the Kortright Road East Extension Subdivision (23T-01508) located on lands legally described as Part of Lots 2, 3 and 4, Concession 8, formerly Township of Puslinch, municipally known as 855, 927 and 1023 Victoria Road South, City of Guelph, be approved to an extended lapsing date of July 3, 2009.	
A-2)	PROPOSED DEMOLITION OF 248 SUFFOLK STREET WEST – WARD 3	Approve
	THAT Report 08-129 regarding the proposed demolition of a detached dwelling at 248 Suffolk Street West, City of Guelph, from Community Design and Development Services dated December 22, 2008, be received;	

AND THAT the proposed demolition of the detached dwelling at 248

Suffolk Street West be approved;

AND THAT 248 Suffolk Street West be removed from the Municipal Register of Cultural Heritage Properties for "non-designated" heritage structures currently under consideration by Council.

A-3) SOUTHGATE INDUSTRIAL BUSINESS PARK – PROPOSED OFFICIAL PLAN AMENDMENT, DRAFT PLAN OF SUBDIVISION AND ASSOCIATED ZONING BY-LAW AMENDMENT - (FILE OPA SOUTHGATE/ 23T-06503 / ZC-0617) WARD 6

THAT Report 08-130 regarding a Proposed Official Plan Amendment, Draft Plan of Subdivision and associated Zoning Bylaw Amendment to allow an Industrial Business Park on lands municipally known as 264, 348, 384, 398, 408, 416, 452 Crawley Road and 385 Maltby Road West in the City of Guelph, from Community Design and Development Services dated December 22, 2008, BE RECEIVED;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an Official Plan Amendment (File OPA Southgate/ 23T-06503/ZC0617) to re-designate Block 1 and surrounding lands from 'Reserve Lands' to the 'Industrial', 'Core Greenlands' and 'Open Space' land use designations, to permit industrial development and the protection of the adjacent wetlands and natural heritage features, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED, as described in Schedule 2 of the Community Design and Development Services Report 08-130 dated December 22, 2008;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of a Draft Plan of Subdivision (File OPA Southgate/23T-06503/ZC0617) to permit a Business Park/Industrial Subdivision known as the Southgate Industrial Business Park, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED, subject to the conditions outlined in Schedule 2 of the Community Design and Development Services Report 08-130 dated December 22, 2008;

AND THAT the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an associated Zoning By-law Amendment (File OPA Southgate/23T-06503/ZC0617) to rezone the lands from the UR (Urban Reserve) Zone, the P.1 (Conservation

Approve

Land) Zone, the WL (Wetland) Zone and the Specialized Industrial B.2 (H11) Holding Zone, to two new Specialized Industrial B.3 Zones, the WL (Wetland) Zone and the P.1 (Conservation Land) Zone, to permit a Business Park/Industrial Subdivision known as the Southgate Industrial Business Park on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED, in the form outlined in Schedule 2 of the Community Design and Development Services Report 08-130 dated December 22, 2008.

A-4) DEVELOPMENT CHARGES - INFORMATION UPDATE

Receive

THAT the report FIN-08-39 entitled <u>2008 Development Charges</u> <u>Information Update</u> be received.

B ITEMS FOR DIRECTION OF COUNCIL

B-1) MNR/MOE REVIEW OF THE GUELPH DOLIME QUARRY

Approve

THAT the letter from Mayor Karen Farbridge to Mr. Ian Hagman, District Manager, Ministry of Natural Resources, dated December 23, 2008, with the attached technical review memorandum entitled "MNR/MOE Review of the Guelph Dolime Quarry" be endorsed and forwarded to Mr. Hagman, and copied to Mr. Bill Bardswick, Regional Director and to Ms. Dolly Goyette, District Manager, Ministry of Environment.

AND THAT the Mayor's correspondence be forwarded to our MPP, Ms. Liz Sandals; to Mr. Ian Smith, Director, Source Protection Programs Branch, Ministry of Environment; Mr. Craig Ashbaugh, Chair, Lake Erie Source Protection Committee, Ms. Lorrie Minshall, Source Protection Program Director, Grand River Conservation Authority, and to the Environmental Commissioner for Ontario, Mr. Gordon Miller.

C ITEMS FOR INFORMATION OF COUNCIL

attach.

COUNCIL REPORT



TO

Guelph City Council

SERVICE AREA

Community Design and Development Services

December 22, 2008

SUBJECT

DATE

KORTRIGHT ROAD EAST EXTENSION SUBDIVISION

PHASE 2 - Request for an Extension of Draft Plan

Approval (Files 23T-01508 / ZC0123)

REPORT NUMBER

A-1

RECOMMENDATION

"THAT Report 08-127 regarding a request for the extension of the Draft Plan Approval for the Kortright Road East Extension Subdivision (23T-01508/ZC0123) from Community Design and Development Services, dated December 22, 2008, BE RECEIVED; and

THAT the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of Bluewater Investments Limited, Mr. Wolf von Teichman and Northmanor Estates Inc., for a six (6) month extension to the Draft Plan Approval of the Kortright Road East Extension Subdivision (23T-01508) located on lands legally described as Part of Lots 2, 3 and 4, Concession 8, formerly Township of Puslinch, municipally known as 855, 927 and 1023 Victoria Road South, City of Guelph, BE APPROVED to an extended lapsing date of July 3, 2009."

BACKGROUND

The purpose of this report is to request Council's approval of a six (6) month extension of the draft plan approval for Phase 2 of the Kortright Road East Extension Subdivision to establish a new lapsing date of July 3, 2009.

The subdivision lands are located south of the Village by the Arboretum, west of Victoria Road and the Corporation boundary, east of the terminus of Kortright Road East and the Halesmanor and Barton Farms residential neighbourhoods and north of the balance of the development lands (See Location Maps in **Schedule 1**).

The entire Kortright Road Extension Subdivision land assembly comprises 87 hectares (215 acres) (See Location Maps in **Schedule 1**). The original plan of subdivision was considered during the establishment of the City's phasing policy for large-scale residential subdivisions. Given the size of the subdivision, it was expected that the plan would be developed in a number of phases. This phasing has been occurring in a co-operative manner with the City, in keeping with the timing outlined in the annual Development Priorities Plan (DPP).

The first phase of the subdivision containing 42 single-detached lots was registered

in April 2005 as Plan 61M-113 (See Location Maps in Schedule 1).

The Phase 2 lands, which is the subject of this report, have a total site area of 34.749 hectares (85.86 acres) and consist of three separately-owned parcels with frontage on Victoria Road South. The City annexed these and other lands from the Township of Puslinch in 1993 to accommodate projected urban growth. The lands were designated in 1998 to the General Residential", "Medium Density Residential", "Neighbourhood Commercial Centre", "Core Greenlands", "Non-Core Greenlands Overlay", "Open Space" and "Potential School Site" land use designations in the City's Official Plan.

The Phase 2 application was considered by Council on December 5, 2005 and subsequently draft plan approved on January 3, 2006, subject to 87 conditions of approval. The Phase 2 lands were zoned to implement the subdivision plan. The draft approval for Phase 2 was initially approved with a three year lapsing date until January 3, 2009. The draft plan approval of the subdivision will lapse on January 3, 2009, unless a further extension is granted.

The Draft Plan of Subdivision for Phase 2

Phase 2 of the subdivision (**Schedule 2**) includes the completion of Sweeney Drive, two new cul-de-sac streets and the important road connection out to Victoria Road South. This plan proposes a variety of lots and blocks that will accommodate various forms of residential land uses including single-detached dwellings on Lots 1-101, a range of between 125 to 160 townhouse dwellings on Blocks 102-104, a neighbourhood commercial centre on Block 105, storm water management facilities on Blocks 106-109, wetland/open space lands on Blocks 110-112, a sanitary pumping station on Block 113, a school site on Block 114, a neighbourhood park on Block 115 and open space including community trails and woodlots (See **Schedule 2**).

The estimated total number of residential dwelling units in this phase ranges from 226 to 261 units. The range is due to the fact that either cluster or stacked townhouses may be constructed on the three townhouse blocks in the plan. Based on the estimated unit count range, the expected population range is 636 to 723 persons. With respect to Places to Grow, the plan will yield a total range of 39.5 to 43.2 persons and jobs per hectare (pj/ha) which is high considering the subdivision was approved prior to Places to Grow legislation and considering this phase contains 11.6 hectares (28.6 acres) of wetland blocks to be dedicated to the City.

The City has the ability to request increased densities to meet Places to Grow requirements when future phases of the subdivision which includes the existing 'High-Density' land use designation fronting on Victoria Road, are considered for draft plan approval in keeping with the timing outlined in the Development Priorities Plan (DPP).

REPORT

Section 51 (33) of the Ontario Planning Act allows a municipality to grant an extension of draft plan approval for a period of time acceptable to the municipality. Phase 2 of the subdivision is not yet registered and there is concern that the plan

will not be registered before the draft plan approval lapses on January 3, 2009. The owner has requested a six month extension of the draft approval to provide more time for the plans to be registered.

If the draft plan extension for the subdivision is not approved and the subdivision lapses, the owners would have no planning approvals in place for the subdivision. This will force the owners to re-apply for draft plan approval for the Phase 2 lands. Staff is recommending approval of the requested extension and we view the request as technical to accommodate time needed to complete the paper work for final approval and registration of Phase 2 to occur. From a Staff perspective, commitments have already been given for Phase 2 to be constructed. All three owners have submitted signed subdivision agreements to the City and have posted security to allow servicing to commence. Engineering Services is expected to tender the servicing contracts within the next month and construction of municipal services (roads, sewers etc) will occur in the near future. The agreements contain all of the conditions of draft approval and the agreements will be registered on title. Once the agreements are registered on title, various agencies (e.g. Grand River Conservation Authority and Guelph Hydro) will submit clearance letters necessary for final approval and registration of Phase 2. These are expected within the first 6 months of 2009, within the time provided by the requested extension.

The registration of the plan was expected in 2008 as outlined in the 2008 Development Priorities Plan. The remaining phases are expected to be registered in post 2009 following draft plan approval. The Victoria Road North sanitary pumping station was completed (March 2008) which enables the servicing of the future phases of the plan. The Victoria Road upgrades are approved in the Capital Budget and will take place in conjunction with the remaining subdivision phases.

Phase 2 of the plan of subdivision represents many positive benefits to the community. The plan offers:

- An important east/west Kortright Road connection between Gordon Street and Victoria Road.
- The dedication to the City of two large wetland blocks including buffers and open space for protection of the Torrance Creek subwatershed and the establishment of local and district public trails.
- The dedication to the City of a neighbourhood park.
- An Upper Grand District School Board elementary school site.
- 3 multiple residential blocks to allow medium density housing.
- A local, neighbourhood commercial centre.

CORPORATE STRATEGIC PLAN

- -Supports Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.
- -Supports Economic Opportunity Goal #3: A diverse and prosperous local economy.

DEPARTMENTAL CONSULTATION & COMMUNICATIONS

The request for the extension was circulated to City Service Areas and there were

no objections to the requested extension.

ATTACHMENTS

Schedule 1 – Location Maps

Schedule 2 – The Kortright Road East Extension Draft Approved Plan of Subdivision (23T-01508)

Prepared By:

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Recommended By:

R. Scott Hannah

Manager of Development and Parks

Planning

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Recommended By:

James N. Riddell

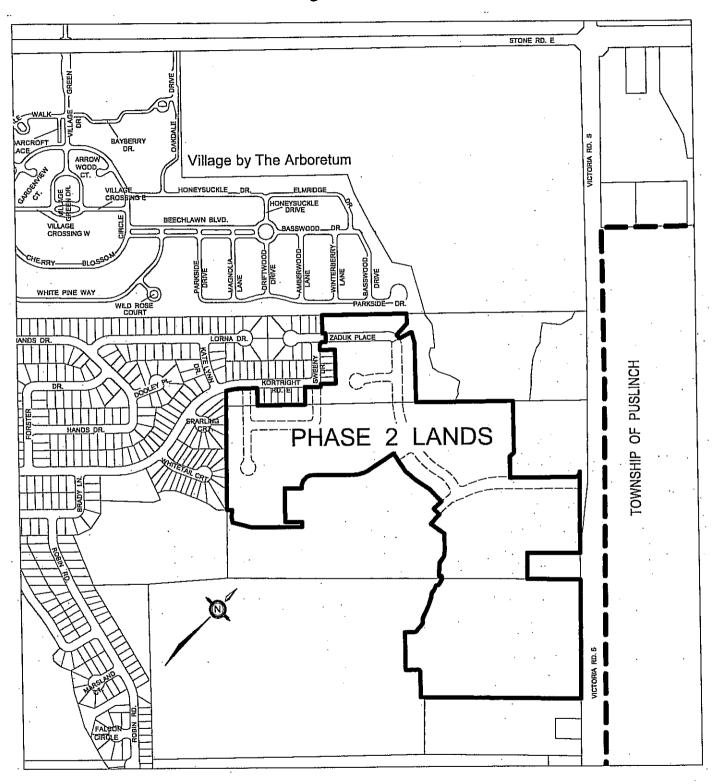
Director of Community Design and Development Services

519 837- 5616, ext. 2361

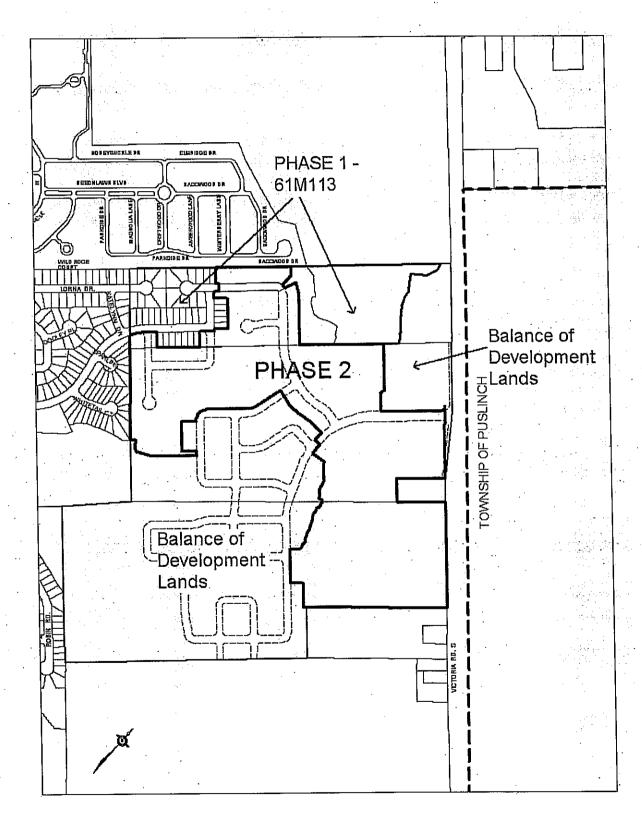
jim.riddell@guelph.ca

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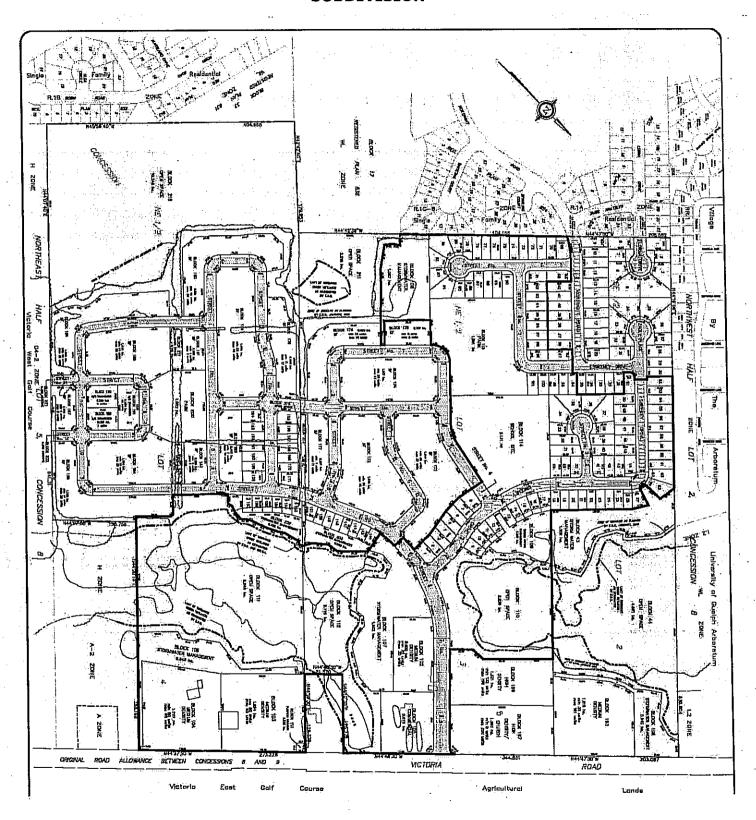
SCHEDULE 1 LOCATION MAP Illustrating Phase 2 Lands



SCHEDULE 1
LOCATION MAP
Illustrating Phase 1 Registration (Plan 61M-113), Phase 2 Lands and the
Balance of the Subdivision Lands



SCHEDULE 2 APPROVED DRAFT PLAN FOR KORTRIGHT ROAD EAST EXTENSION SUBDIVISION



SCHEDULE 2 APPROVED DRAFT PLAN FOR KORTRIGHT ROAD EAST EXTENSION SUBDIVISION

LANDUSE SCHEDULE

LOTS/BLOCKS	LAND USE	AREA	
Lots 1 to 101	Single-Detached Residential	6.426 hectares	
Block 102 to 104	Medium Density Residential	4.251 hectares	
Block 105	Neighbourhood Commercial	0.873 hectares	
Block 106 to 109	Storm Water Management	4.859 hectares	
Block 110 to 112	Open Space	11.613hectares	
Block 113	Pumping Station	0.023 hectares	
Blocks 114 School		2.131 hectares	
Block 115	Park 1.991 hed		
Streets	Roads	3.224 hectares	
TOTAL AREA		34,749 hectares	

DWELLING UNIT BREAKDOWN

LOTS/ BLOCKS	LOT WIDTH	UNIT TYPE	UNITS (minimum – maximum)
Lots 1 to 101	15.0m	Single-detached dwelling	101
Blocks102 to 104		Cluster Townhouses	125 - 160
			· .
TOTAL UNITS			226 - 261

COUNCIL REPORT



TO

Guelph City Council

SERVICE AREA

Community Design and Development Services

DATE

December 22, 2008

SUBJECT

Proposed Demolition of 248 Suffolk Street West,

Ward 3, Guelph

REPORT NUMBER

A-2

RECOMMENDATION

"THAT Report 08-129 regarding the proposed demolition of a detached dwelling at 248 Suffolk Street West, City of Guelph, from Community Design and Development Services dated December 22, 2008, BE RECEIVED;

THAT the proposed demolition of the detached dwelling at 248 Suffolk Street West, BE APPROVED; and,

THAT 248 Suffolk Street West be removed from the Municipal Register of Cultural Heritage Properties for "non-designated" heritage structures currently under consideration by Council."

BACKGROUND

An application to demolish the existing detached dwelling at 248 Suffolk Street West has been received by Community Design and Development Services.

The subject property is located on the southerly side of Suffolk Street West, east of Edinburgh Road North (see Schedule 1 - Location Map). The property is zoned R.1B (Residential) which permits detached dwellings.

The existing dwelling was damaged by fire in November 2008.

The existing house is listed on the City's Inventory of Heritage Properties. Heritage Guelph met on November 24, 2008 and passed the following motion:

"THAT Heritage Guelph does not oppose the demolition of the house located at 248 Suffolk Street West subject to the following condition:

 The property owner contact Heritage Guelph prior to the demolition and allow members to be on-site in order to advise on salvageable items."

Heritage Guelph members would also like to be consulted on the infill replacement dwelling.

The applicant is aware of the motion passed by Heritage Guelph and is agreeable to satisfying the conditions.

The City's inventory of heritage properties is currently being considered by Council. Staff's recommendation is that the Municipal Register of Cultural Heritage Properties be expanded to include the "non-designated" City of Guelph Inventory of Heritage Structures. As previously indicated, this property is part of that inventory.

If the recommendation of this report is approved, 248 Suffolk Street West should be removed from the Municipal Register of Cultural Heritage Properties for "non-designated" heritage structures.

REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of application.

The existing lot and structure is considered to be legal non-complying in many ways. Section 2.5.4 of the Zoning By-law allows for the partial or complete rebuilding or repair of the legally existing dwelling, even though the existing dwelling and the lot on which it is located do not comply with one or more of the regulations of the Zoning By-law. This section of the Zoning By-law outlines that all existing yards shall be deemed to conform to the Yard requirements provided that the gross floor area of the building is not increased and the location of the original building is verified by an Ontario Land Surveyor or Planning and Development staff prior to any work commencing.

The owner of the property is proposing to replace the existing structure with a new detached dwelling that has the same footprint and size as the existing dwelling. In order to take advantage of section 2.5.4 of the Zoning By-law, the owner is not proposing to increase the size or significantly modify the footprint of the dwelling.

Based on surveys the City has on file for the properties on either side of the subject site, 246 and 254 Suffolk Street West, it has been discovered that the existing dwelling encroaches on to the neighbouring properties on both sides. On the easterly side, a portion of the eaves of the dwelling hang over the property line by approximately 10 cm (4 in.). On the westerly side, the chimney encroaches onto 254 Suffolk Street West by approximately 12 cm or (4.7 in.). Now that the owner is aware of these encroachments, they are proposing to construct the new house entirely on the subject property. Staff have not yet fully reviewed the drawings for the replacement dwelling, however, it is anticipated that it will look very similar to the existing dwelling.

A building permit will be submitted for the new dwelling in the near future. The applicant has requested the demolition permit ahead of the building permit in order to deal with the damage caused by the fire and to allow the site to be cleaned up and prepared for the new dwelling.

The approval of the application is recommended as the owner has explored different options to keep the existing dwelling and entirely renovate the interior rather than demolish the building. However, the fire damage has compromised the structural integrity of the existing dwelling and a structural engineer had indicated that the dwelling must be demolished. Further a new detached dwelling unit is proposed and therefore, there will be no loss of residential capacity as a result of this application.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

None

COMMUNICATIONS

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

ATTACHMENTS

Schedule 1 - Location Map Schedule 2 - Site Photograph

Prepared By:

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Recommended By:

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Recommended By:

James N. Riddell

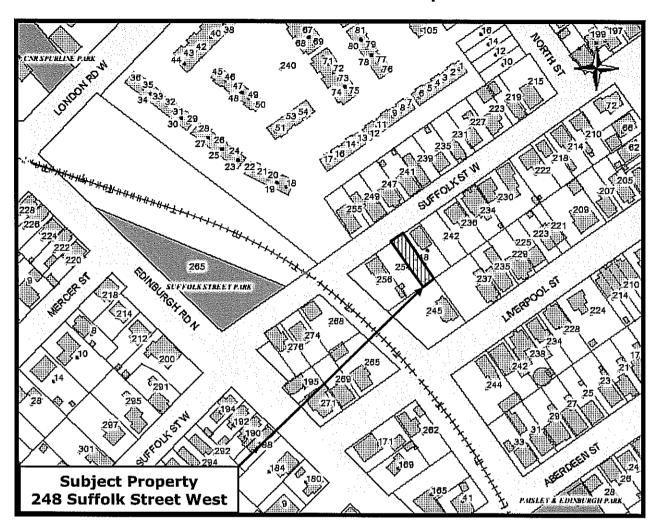
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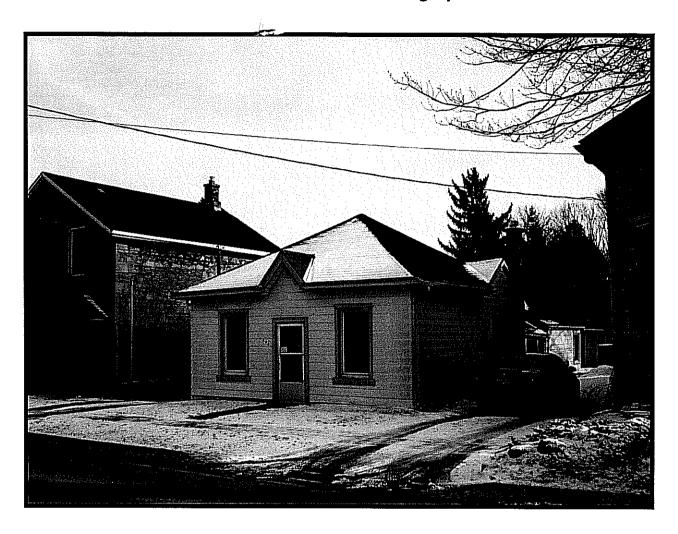
jim.riddell@guelph.ca

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SCHEDULE 1 - Location Map



SCHEDULE 2 - Site Photograph



COUNCIL REPORT



TO Guelph City Council

SERVICE AREA Community Design and Development Services

DATE December 22, 2008

SUBJECT Southgate Industrial Business Park – Proposed Official Plan

Amendment, Draft Plan of Subdivision and associated Zoning By-law Amendment - (File OPA Southgate/ 23T-06503 / ZC-

0617) Ward 6.

REPORT NUMBER A-3

RECOMMENDATION

"THAT Report 08-130 regarding a Proposed Official Plan Amendment, Draft Plan of Subdivision and associated Zoning By-law Amendment to allow an Industrial Business Park on lands municipally known as 264, 348, 384, 398, 408, 416, 452 Crawley Road and 385 Maltby Road West in the City of Guelph, from Community Design and Development Services dated December 22, 2008, BE RECEIVED; AND

That the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an Official Plan Amendment (File OPA Southgate/ 23T-06503/ZC0617) to re-designate Block 1 and surrounding lands from 'Reserve Lands' to the 'Industrial', 'Core Greenlands' and 'Open Space' land use designations, to permit industrial development and the protection of the adjacent wetlands and natural heritage features, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED, as described in Schedule 2 of the Community Design and Development Services Report 08-130 dated December 22, 2008; AND

That the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of a Draft Plan of Subdivision (File OPA Southgate/23T-06503/ZC0617) to permit a Business Park/Industrial Subdivision known as the Southgate Industrial Business Park, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED, subject to the conditions outlined in Schedule 2 of the Community Design and Development Services Report 08-130 dated December 22, 2008; AND

That the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an associated Zoning By-law Amendment (File OPA Southgate/23T-06503/ZC0617) to rezone the lands from the UR (Urban Reserve) Zone, the P.1 (Conservation Land)

Zone, the WL (Wetland) Zone and the Specialized Industrial B.2 (H11) Holding Zone, to two new Specialized Industrial B.3 Zones, the WL (Wetland) Zone and the P.1 (Conservation Land) Zone, to permit a Business Park/Industrial Subdivision known as the Southgate Industrial Business Park on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED, in the form outlined in Schedule 2 of the Community Design and Development Services Report 08-130 dated December 22, 2008."

SUMMARY

This report provides an updated Staff recommendation on an Official Plan Amendment, Draft Plan of Subdivision and Zoning Bylaw Amendment application to allow an industrial business park on lands located at the north east corner of Crawley Road and Maltby Road (See **Schedule 1** Location Map). The Staff recommendation for Council's consideration is outlined in **Schedule 2**.

BACKGROUND

The subject lands are legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch in the City of Guelph and have a total site area of 87.58 hectares (216.32 acres).

The original application for subdivision and zoning approval was received on December 5, 2006. The first statutory Public Meeting was held on November 5, 2007, supported by Staff Report 07-97 from Community Design and Development Services dated November 5, 2007. The revised proposal that included an application to amend the Official Plan applying to part of the site was presented at the second Public Meeting held on December 1, 2008, supported by Staff Report 08-105 from Community Design and Development Services dated December 1, 2008. The December 1, 2008 report included a Staff recommendation to enable Council to make a decision on the application at the December 22, 2008 Council meeting.

REPORT

Several issues and questions were raised during the December 1, 2008 Public Meeting and Council directed Staff to address these matters in a report for the December 22, 2008 Council Meeting. The following section discusses the issues and questions and includes Staff comments. The Staff recommendation is the same recommendation presented at the December 1, 2008 meeting, but with several additional considerations added to the Environmental Implementation Report (EIR) Condition #14.

1. <u>Upgrades to the Environmental Implementation Report (EIR) Condition</u> #14

Council asked that several considerations be added to the existing list in Condition 14 to ensure that these issues are addressed during the Terms of Reference process for the EIR during the detailed design stage. The issues are explained below and referenced in **Schedule 2**.

(a) Exterior Lighting Impact

A resident of Maltby Road suggested that Block 1 be included in Condition 14g) to ensure that exterior lighting is designed also on Block 1 to limit the impact on the surrounding natural areas.

<u>Staff Comment</u>: The developer agrees with this change and Staff views it as an enhancement of the original condition. Block 1 has been added to Condition 14g) to protect both the surrounding natural areas and also to protect Maltby Road residents from glare and indirect illumination of their properties (See **Schedule 2**, **Condition 14g)**).

(b) Natural and Comprehensive Landscaping of the Berm (North side of Maltby Road)

A resident of Maltby Road also suggested that because the proposed 14 metre-wide buffer and berm along the north side of Maltby Road will be a combination of wetlands and buffers, woodlands, a sanitary pumping station facility and a storm water management facility, there is an opportunity to design the landscape in a comprehensive manner that would include the existing hills and topography along Maltby Road as much as possible to achieve a more natural, rural landscape feature. The resident suggested that this be included as Condition 141).

<u>Staff Comment</u>: The developer accepts this suggestion and Staff believe it enhances the original condition. This suggestion has been added as Condition 14l) with the goal of providing a comprehensively landscaped berm and buffer along Maltby Road with a more natural setting (See **Schedule 2, Condition 14l**).

- (c) Puslinch Township's Harden Environmental Request for Monitoring
 The Township of Puslinch through their Engineering Consultant, Harden
 Environmental Services Ltd., submitted comments and suggestions by a letter
 dated December 1, 2008. The Township requested that three specific inclusions be
 made to the monitoring conditions of the Staff recommendation. The three items
 identified as a), b), and c) on page 2 of the Harden Environmental letter request:
 - Monitoring of surface water crossings beneath Maltby Road to confirm that at two western crossings the flow of water remains from the south to the north.
 - Monitoring of the western surface water crossing beneath Maltby Road to confirm that the volume does not increase.
 - Monitoring of the SWM facilities (for roads and private blocks) to confirm the infiltration of storm water within the required 48 hour period.

<u>Staff Comment</u>: The developer accepts the three inclusions to the proposed monitoring and Staff has added reference to this requirement in **Schedule 2**, **Condition 14h**).

(d) Low Impact Development (LID)

Council asked Staff to incorporate the consideration of low impact development techniques into the design of the proposed industrial business park. Council also asked for an explanation of the LID program and an update on existing LID practices that are being implemented in the City.

<u>Staff Comment</u>: Staff have added this requirement in **Schedule 2, Condition 14m)** and attached additional information describing LID techniques and examples in **Schedule 3**.

Low-Impact Development (LID) is an initiative originating from the United States which is an innovative approach to municipal stormwater management. This approach does not rely on the conventional end-of-pipe structural methods including storm sewer pipes but instead uniformly or strategically integrates stormwater controls throughout an urban landscape. This approach is common practice in the City of Guelph and is proposed for the Southgate Business Park. The Pine Ridge, Westminster Woods and Clairfield Subdivisions have all been successfully recharging stormwater using a series of lot level controls and bioswales (greenways) in compliance with MOE Guidelines and with a Certificate of Approval issued.

The goal of the LID approach is to mimic the predevelopment hydrologic regime of the site and thus maintain the predevelopment runoff volume, peak runoff rates and frequency. Bio-swales, dry wells to recharge roofwater, vegetated buffers between development and natural features, grassed swales and infiltration trenches are all design features promoted by LID and are already common stormwater management practices in Guelph. A memo from Engineering Services has been attached in **Schedule 3** explaining in more detail the application of the LID approach in the proposed storm water management strategy.

(e) Two Other Issues from Guelph Field Naturalists

The Guelph Field Naturalists suggested that close attention be paid particularly to the comments in their letter dated May 14, 2008, (bullet-point 2 on Page 1 and bullet-point 3 on Page 2) regarding wildlife crossing linkages and the importance of planting native vegetation species, respectively.

<u>Staff Comment</u>: Both of these matters have been discussed during the processing of the application but to ensure both are addressed at the detailed design stage to the satisfaction of the approval authorities, Staff have added specific reference to both in **Schedule 2**, **Conditions 14n**) and **14o**).

2. Proposed Industrial Block 1

At the December 1, 2008 Public Meeting, Council was asked to consider Block 1 as part of the natural heritage corridor depicted in the Hanlon Creek Watershed Plan (HCWP) rather than as potential industrial land.

<u>Staff Comment</u>: It is Staff's position that Block 1 should be included as industrial land in the subdivision.

The Hanlon Creek Watershed Plan (HCWP) was produced by a City-appointed Steering Committee that included the Grand River Conservation Authority. The final report was adopted by the City in April 1994 as a working document. When accepting the document, Council adopted the principle of an 'ideal' natural heritage

system involving 21 constraint type management options. Council also authorized Staff "...to utilize the concept of a 'natural heritage system' and flexible 'constraint mapping' in the Official Plan Update and as the basis for the preparation of a secondary plan for the south annexed area of the City".

The 1994 HCWP Council approval and constraint mapping is attached in **Schedule**4. The mapping provided in the Hanlon Creek Watershed Report in 1994 was completed at a fairly course level, limiting the level of accuracy when compared to the higher level of detail typically associated with draft plans and an EIS. Subwatershed studies are guidance documents but through site specific reviews, refinements to the mapping can be made and additional mitigation measures can be explored.

The opportunity for development within Block 1 is shown in the Hanlon Creek Watershed Plan (HCWP). Block 1 is currently comprised of active agricultural land, with little to no buffer from the existing natural features. In the owner's 2007 EIS, it was proposed that an enhancement/buffer area be provided along the natural feature edge to enhance current conditions and provide a wider wildlife corridor than presently exists. The existing linkages will be retained and enhanced to ensure wildlife movement through the corridor.

The EIS for the business park proposal did consider the requirements of the Hanlon Creek Watershed Plan and the Mill Creek Watershed Plan. The EIS specifically speaks to addressing the overall intent of the Hanlon Creek Watershed Study. The EIS also considered the City-initiated 1998 Environmental Impact Study findings and the current City Official Plan policies. The Southgate EIS including the justification of the buffers and corridor linkages surrounding Block 1 was accepted by City Staff including the Environmental Planner, the Environmental Advisory Committee and the GRCA. The Staff recommendation represents a balance of the City's need for additional industrial land and the need to protect the natural environment and heritage features. Staff recommends in Schedule 2 that Block 1 remains part of the proposal.

3. Proposed Woodlot Block 8 and Linkage to Core GreenlandConcern was expressed that this woodlot is not connected to the main core greenland corridor and that linkage should be provided directly to Block 5.

<u>Staff Comment</u>: The Block 8 woodlot was logged heavily in the past and opinions have varied on whether the bush can regenerate or not and whether the woodlot should be protected or developed. After much consideration, Staff is recommending the woodlot be dedicated to the City for protection (**See Condition 40**).

In considering the possibility of future linkages to this block, Staff must also consider the implications or impact on the designated land use and ultimately balance the needs and concerns of industry and the protection of natural features and linkages.

The woodlot is in the 'Industrial' land use designation in the Official Plan but was rezoned to the P.1 (Conservation Land) Zone years ago to recognize the value of the feature. The woodlot is also identified with an 'Other Natural Heritage Features' overlay in the Official Plan.

Staff note that an alternate linkage will be created which connects the woodlot to the lower end of the corridor using the 14-metre landscaped buffer along Maltby Road, the sanitary pumping station Block 10, the wetlands/open space Block 6 and the storm water management Block 9. This linkage is illustrated in **Schedule 6**. The only gap in the linkage would be Street A which is proposed as a short cul-desac street where vehicles cannot reach high speeds. This linkage has limited value however as the detail of final grades, buildings, structures and fences is not yet known until an EIR is approved.

It is Staff's position that while a direct linkage to Block 5 is not critical, a linkage would enhance the health and viability of the woodlot block. The importance of this linkage has been emphasized by the Guelph Field Naturalists and it is difficult to argue that such a linkage will not add value to the proposal. Rather than arbitrarily deciding on the location, width and design of the link now, Staff recommends that the requirement of the linkage be added to the EIR Condition 14 in Schedule 2. This will ensure that a linkage between Blocks 5 and 8 is added to the plan and the details of the connection are considered by City Staff, EAC and the GRCA with input from the developer, the public and commenting agencies. This requirement is added as **Condition 14p) in Schedule 2**.

With respect to the Guelph Field Naturalist's request to be involved in the stewardship of the woodlot, the City Operations Manager of Parklands and Greenways has confirmed that the group would be welcome to participate in the management and protection of the woodlot, in partnership with and under the direction of City Operations.

4. Lands to the East

The lands directly to the east of the subject site were discussed regarding its existing land use designations, development potential and ability to provide a future road connection to Block 1 from the east.

Staff Comment: The lands located to the east of the subject site are designated 'Industrial', 'Reserve Lands', with 'Core Greenlands and Non-Core Greenlands Overlay (See Map in Schedule 2). The lands were annexed in 1993 and assigned land use designations in the Official Plan in 1998. The City has never received any development application on these lands and the development potential of the lands has not been studied. It is unclear if Block 1 could ever be serviced by a municipal road from the east. Within the draft Natural Heritage Strategy (NHS), there is a significant core area and linkage identified to the east of the subject site. Based on the draft NHS mapping, there is an indication that there may possibly be a strong north-south corridor linkage on these lands.

The Block 1 configuration on the draft plan has not been altered. Although there is an opening in the easterly hedgerow on Block 1, introduced earlier to accommodate a potential future road from the east, it is too early to determine if the opening can be used or not. Engineering Services has confirmed that Block 1 in its present configuration can be serviced. If the recommended application is approved, the proposed development will not negatively impact the development potential of the lands to the east or the preservation of a north-south linkage.

Staff Recommendation

Community Design and Development Services supports the proposed official plan amendment, draft plan of subdivision and associated zoning by-law amendment, as recommended in **Schedule 2**.

Timing of the proposed subdivision is consistent with the approved 2008 Development Priorities Plan that anticipates the consideration of draft plan approval during 2008.

The proposal, subject to the details outlined in **Schedule 2**, conforms to the goals and objectives of the Official Plan, is in the public interest and represents good planning.

CORPORATE STRATEGIC PLAN

Economic Opportunity Goal #3: A diverse and prosperous local economy.

Natural Environment Goal #6: A leader in conservation and resource protection/enhancement.

FINANCIAL IMPLICATIONS

The financial implications are based on 25% building coverage of all 47.19 hectares (116.60 acres) developable land in the subdivision plan which equals 117,962 square metres (1,269,774 square feet) GFA of buildings.

Projected Taxation

Present taxes: \$22,393

Future taxes: approximately \$2,280,503

Development Charges

Guelph Equities DCs paid to date: \$10,360 - (agreement processing fee) Future DCs: approximately \$5,228,075 (New buildings and expansion would be charged at \$44.32/m2 GFA)

DEPARTMENTAL CONSULTATION

See Schedule 9 of the Staff Report 08-105 from Community Design and Development Services dated December 1, 2008.

COMMUNICATIONS

The original Notice of Application was mailed January 22, 2007. Statutory Public Meetings were advertised and held on November 5, 2007 and December 1, 2008. The December 1, 2008 resolution passed by Council advised that the application was being placed on the agenda for the December 22, 2008 City Council meeting for a decision. A Courtesy Notice of the Council Decision Meeting of December 22, 2008 was mailed to all interested persons on December 8, 2008.

ATTACHMENTS

Schedule 1 - Location Map

Schedule 2 – Recommendation – Official Plan Amendment, Subdivision Conditions & Zoning Permitted Uses and Regulations

Schedule 3 - Low Impact Development (LID)

Schedule 4 - Hanlon Creek Watershed Plan (HCWP)

Schedule 5 - Environmental Impact Study Process in the OP & Zoning Bylaw

Schedule 6 - Illustration of Woodlot 8 Linkage to the Main Corridor

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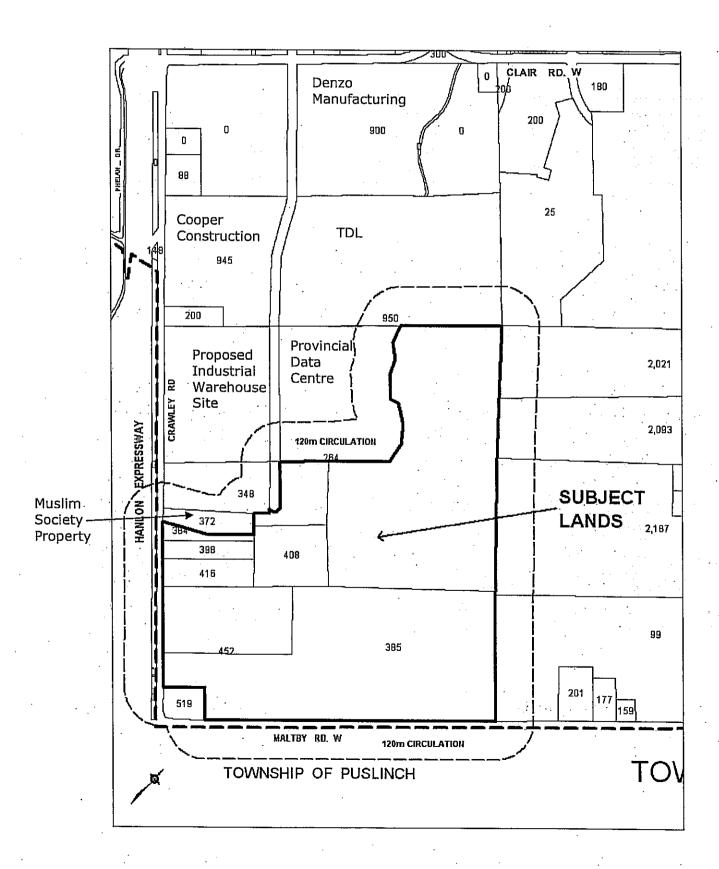
Recommended By: James N. Riddell

Director of Community Design and Development Services 519 837- 5616, ext. 2361

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Schedule 1 Location Map & Municipal Address Map



Schedule 2 RECOMMENDATION - OFFICIAL PLAN AMENDMENT, SUBDIVISION CONDITIONS & ZONING USES AND REGULATIONS

Part A - OFFICIAL PLAN AMENDMENT

"That the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an Official Plan Amendment (File OPA Southgate/ 23T-06503/ZC0617) to re-designate Block 1 and surrounding lands at the extreme easterly part of the plan from 'Reserve Lands' to the 'Industrial', 'Core Greenlands' and 'Open Space' land use designations, to permit industrial development and protection of the adjacent wetlands and natural heritage features, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, BE APPROVED, as described in Schedule 2 of the Community Design and Development Services Report 08-130 dated December 22, 2008; AND

Part B - DRAFT PLAN OF INDUSTRIAL SUBDIVISION

That the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of a Draft Plan of Subdivision (File OPA Southgate/23T-06503/ZC0617) to permit a Business Park/Industrial Subdivision known as the Southgate Industrial Business Park, on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, <u>BE APPROVED</u>, subject to the following conditions:

1. That this approval applies only to a draft plan of subdivision project 0544, prepared by Astrid J. Clos Planning Consultants dated March 31, 2008, last revised October 7, 2008, at 3:35pm.

CITY CONDITIONS

Conditions to be met prior to any grading or site alteration

- 2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
- 3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer.
- 4. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City. (Engineering)

- 5. The Developer shall prepare a **soil stabilization plan** to the satisfaction of the City Engineer until the release of the subdivision agreement on the block/lot so disturbed. Further, the Developer shall submit to the City, a report indicating how regular **dust suppression** will be accomplished during the construction phase of the subdivision. (Engineering)
- 6. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer. (Engineering)
- 7. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer. (Engineering)
- 8. The Developer shall prepare an overall site drainage and grading plan, satisfactory to the City Engineer, for the entire subdivision. The approved overall grading plan shall be the basis for any site specific grading plan to be submitted prior to the final site plan approval for any blocks within the subdivision. (Engineering)
- 9. 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 (Planning)
- 10. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. (Engineering)
- 11. The Developer shall provide a qualified **environmental inspector**, satisfactory to the Director of Community Design and Development Services and the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environmental Impact Study. The environmental inspector shall report on their findings to the City as recommended by the Environmental Implementation Report. (Planning, Engineering)
- 12. The Developer shall submit a **Storm Water Management Report and Plan** to the satisfaction of the City Engineer. The Report and Plan shall be prepared in accordance with recognized best management practices, Provincial Guidelines, the City's current "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for

the Mill Creek Watershed, and address the following: (a) Stormwater Management for Southgate Drive and Street A including runoff from Maltby Road; (b) maintenance and operational requirements for any control and/or conveyance facilities described in a format to be available for the City of Guelph's Operations Department; and (c) SWM criteria and guidelines to be followed by future Stormwater Management of individual development parcels. (Engineering)

- 13. The Developer shall provide a **Detailed Design Report** for the proposed sanitary pumping station including the forcemains on Southgate Drive and on Maltby Road. The report shall address spill response measures as well as maintenance of the proposed pumping station in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. (Engineering)
- 14. The Developer shall prepare an **Environmental Implementation Report** (EIR) based on a terms of reference approved by the City and Grand River Conservation Authority (GRCA). The Developer and every subsequent owner of any of the subdivision lands shall implement all recommendations of the EIR to the satisfaction of the City and GRCA. The EIR shall also specifically include:
 - a) Address the comments from the Environmental Planner and EAC (dated Dec. 12, 2007 See **Schedule 9**).
 - b) Establish recharge targets to be met and the responsibilities of the developer and every subsequent owner of the subdivision lands to demonstrate how the recharge targets will be met through the site plan approval process. The EIR shall establish post-development recharge infiltration rate targets that set target infiltration rates on a block by block basis.
 - c) Address the avoidance of Pesticides and Private Road Salt impact on wetlands and local wells.
 - d) Establish a comprehensive monitoring program including a monitoring period to the satisfaction of the City and GRCA. The scope of the comprehensive monitoring program shall include monitoring of the adjacent wetlands and private wells of nearby residents living along Maltby Road, provided permission is granted by the home owner. The proposed monitoring program shall include potential mitigation measures and contingency plans.
 - e) Detail and implement all recommendations expressed in the owner's Mitz Hydrogeological Report (Section 6, page 19 including 5 – (See Schedule 6)
 - f) Participation in the fire safety plan 'Lock Box' program.
 - g) In addition to Section 4.8 of the Zoning Bylaw titled Outdoor Lighting, the EIR shall consider lighting provisions that will apply along Maltby Road including Block 1 that would provide residents with added protection from

- glare and indirect illumination of their properties on Maltby Road and protect the surrounding natural environment.
- h) Include details of the implementation of the Puslinch Township's recommendations contained in the report by Harden Environmental dated December 14, 2007, page 2, including the three monitoring strategies outlined by Harden Environmental Services Ltd., in a letter dated December 1, 2008 regarding monitoring the surface water crossings beneath Maltby Road to confirm both the volume and direction of flow and the monitoring of the SWM facilities to confirm that acceptable infiltration is occurring.
- Include route plan and sufficient information about the future City developed open space off-road trail to demonstrate that the final dedicated open space blocks contain sufficient land to accommodate a trail designed to City standards outside of the wetland buffers.
- j) Preparation and implementation of a Pollution Prevention Program including Spill Prevention and Contingency Plans.
- k) Identify key indicator parameters, targets, and establish an environmental monitoring program as part of a Post-Development Adaptive Management Plan.
- A commitment to design the landscaped berm feature along Maltby Road in a comprehensive manner that would include the existing hills and topography along Maltby Road as much as possible to achieve a more natural, rural landscape feature.
- m) The consideration of low impact development (LID) techniques into the final design of the proposed industrial business park.
- n) Detailed design considerations along the private road driveway of Block 1 to protect the safety of wildlife crossing the private road from the adjacent wetlands.
- o) A commitment to plant the berm and buffer along Maltby Road with only native tree and shrub species that mimic the surrounding naturallyoccurring vegetation.
- p) Addition of a natural linkage between Woodlot Block 8 and Open Space Block 5 with consideration to the best location, width and design details of the linkage.
- 15. 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, for the subdivision, and the developer shall address each recommendation to the satisfaction of the Grand River Conservation Authority and the City.
- 16. That any domestic wells located within the lands be properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned. (Engineering)

Conditions to be met prior to execution of subdivision agreement

- 17. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
- 18. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total **cost of the design and construction** of all services within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including sanitary facilities, storm facilities, water facilities and road works with the distance, size and alignment of such services to be determined by the City. (Engineering)
- 19. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer shall pay to the City the cost of all **municipal services** within and abutting the proposed subdivision, as determined by the City Engineer. (Engineering)
- 20. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City. (Engineering)
- 21. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision. (Engineering)
- 22. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit. (Engineering)
- 23. The Developer shall implement to the satisfaction of the City Engineer the recommendations of the **Traffic Impact Study** undertaken for this subdivision and approved by the City Engineer and the Ministry of Transportation. (Engineering)
- 24. The Developer shall pay the cost of the installation of Second Order, **Geodetic Benchmarks** within the proposed subdivision at locations satisfactory to the City Engineer. (Engineering)
- 25. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform with the current Development Priorities Plan.
- 26. The Developer shall provide Community Design and Development 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.

- 27. 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.
- 28.The Developer shall be responsible for the cost of design and development of the demarcation of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Director of Community Design and Development Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Director of Community Design and Development Services. (Parks Planning)
- 29. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** in accordance with the "Environmental Implementation Report" to the satisfaction of the Director of Community Design and Development Services. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Director of Community Design and Development Services. (Parks Planning)
- 30. The Developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the City's current "Design Principles for Storm Water Management Facilities" to the satisfaction of the Director of Community Design and Development Services and the City Engineer. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Director of Community Design and Development Services. (Parks Planning, Engineering)
- 31. The Developer shall provide Community Design 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 open space and storm water management blocks. (Planning)

Conditions to be met prior to registration of the plan

32. The developer shall be responsible for paying 2% cash-in-lieu of parkland for the subdivision, based on developable land, in accordance with the City of

- Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225, or any successor thereof, prior to registration of the plan.
- 33. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof. (Engineering)
- 34. The Developer shall enter 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. (Engineering, Legal)
- 35. The Developer agrees to advise all purchasers, within the offer to purchase agreement, that once the City of Guelph Council has adopted a City-wide Community Energy Implementation Plan any site plan applications will need to be prepared by the purchaser in compliance with this Community Energy Implementation Plan City-wide Plan. This Plan will (a) identify high quality energy efficient land uses; (b) establish feasible energy efficiency targets for development and construction; and (c) identify tools/incentives for achieving established targets.
- 36. The Developer agrees to advise all purchasers, within the offer to purchase agreement, that once the City of Guelph Council has adopted a City-wide Water Sensitive Urban Design Plan (WSUDP) any site plan applications will need to be prepared by the purchaser in compliance with this City-wide Water Sensitive Design Plan (WSUDP). The City-wide Water Sensitive Design Plan (WSUDP) will provide guidelines for (i) achieving efficient and optimized use of the City's potable water supplies and (ii) minimizing discharges to the City's wastewater treatment facility. The WSUDP guidelines will address the following: communal and site-specific grey water (bath, shower and laundry flow) collection, treatment, storage and reuse; rainwater harvesting; stormwater management; outdoor irrigation systems; landscaping; and green roof feasibility.
- 37. The Developer shall pay any outstanding debts owed to the City.
- 38. The Developer or its successors shall pay **development charges** to the City in accordance with the City's Development Charges By-law, 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.
- 39.Prior to the registration of any phase of the development, the developer shall install a landscaped **buffer strip including a berm** on Blocks 2 and 3 located adjacent to Maltby Road, to the satisfaction of the Director of Community Design and Development Services. The buffer strip required for

these blocks shall be a minimum of 14 metres in width and shall consist of a 2 metre high landscaped earth berm measured from the surrounding on-site grade. Landscaping shall include coniferous and deciduous trees planted at 3 metre centre intervals. Landscape material shall be a minimum of 6 centimetre caliper for deciduous trees and 2 metre height for coniferous trees. Where there is existing tree or shrub growth the existing plantings may provide the required buffer strip and landscaping.

- 40. The developer shall **deed to the City** all lands required by the City for Storm Water Management Facilities, Sewage Pumping Station, Woodlot and Wetlands/Open Space, including Blocks 4 to 10 of the plan. These lands shall be dedicated to the City at the expense of the Developer, in a form that is satisfactory to the City Solicitor and free of all encumbrances. In recognition of the dedication of Blocks 4 to 8 inclusive, the City shall issue a tax receipt for the ecological gift to the City upon receipt of an acceptable appraisal prepared at the owner's sole expense. Furthermore, the developer shall demarcate and fence (living and/or chain link) the boundaries of any lands conveyed to the City in accordance with the policies of the City.
- 41. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a 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.
- 42. That the **road allowances** included in the draft plan and the road widenings shown as Blocks 11 and 12, be shown and dedicated at the expense of the Developer 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 exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision. (Engineering, Legal)
- 43. That all **easements, blocks** and **rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer. (Engineering, Legal)

- 44. That all **telephone service and cable TV service** in the plan be underground and the Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service. (Engineering)
- 45. That **street lighting** 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)
- 46. The Developer shall erect and maintain **signs** at specified 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 Community Design and Development Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
- 47. Prior to the registration of the subdivision plan or any part thereof, the owner shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future businesses within the plan, with such payment based on a cost of one handbook per business unit, as determined by the City. (Planning)
- 48. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title (Planning):
- "Purchasers and/or tenants of advised that the Stormwater Management Blocks have 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 are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
- "Purchasers and/or tenants of all lots or units are advised that the boundaries of the open space, stormwater management and park blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of living fences and property demarcation markers adjacent to lot numbers and/or black vinyl chain link fence adjacent to lot numbers."

 The Developer shall also send written notification of proposed demarcation types to any existing owners in lots adjacent to open space, stormwater management and park blocks.

Conditions to be met prior to granting of site plan approval

- 49. The owner shall, to support the **Community Energy Plan** to the satisfaction of the Director of Community Design and Development Services, prior to the issuance of site plan approval, provide the City with evidence that:
 - a) The owner shall participate with the City and Guelph Hydro Electric Systems Inc. to explore and demonstrate building energy efficiency options for the development that will further contribute to the peak reduction of electrical power on the subject site.
 - b) The owner shall encourage prospective purchasers to voluntarily display Energy Performance Labels for all main buildings, once the City provides details of the pilot project with NRCan.
 - c) The owner shall participate in a study funded by the City, to review the possibilities for neighbourhood energy integration at or including the subject lands. Site plan approval may be granted if the City has not commenced or funded this study.
- 50. The owner shall submit to the City for approval, **noise and vibration assessment reports** for development on Blocks 1, 2 and 3, in order to confirm that the proposed use, activity and development, together with the proposed zoning restrictions and regulations, meets the Ministry of Environment noise and separation distance guidelines, prior to the granting of site plan approval by the City.
- 51. The Developer shall provide the City with written confirmation from the Engineering Department of Guelph Hydro that the subdivision **hydro servicing** has been completed to the satisfaction of Guelph Hydro. (Engineering)
- 52. The Developer shall provide the City with written confirmation from Union Gas that the subdivision **gas servicing** has been completed to the satisfaction of Union Gas. (Engineering)
- 53. Prior to the issuance of a building permit, **all services**, including, but not limited to, linear infrastructure, the extension of Southgate Drive to Maltby Road, improvements to the Hanlon/Maltby intersection, and Maltby Road upgrading, shall be constructed and operational to the satisfaction of the City Engineer; provided that the sewage pumping station and forcemain shall be in operation prior to issuance of a building permit on lands that cannot be serviced by a gravity sanitary sewer. (Engineering)

Conditions to be met prior to the issuance of building permits

- 54. The owner 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. 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)
- 55. The owner 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)

AGENCY CONDITIONS:

- 56. The Owner agrees to meet all the 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.
- 57. The owner acknowledges and agrees that under the Public Transportation and Highway Improvement Act, **Ministry of Transportation Permits** are required for all new developments located within the applicable MTO corridor of the existing and/or future highway property line.
- 58. Prior to final approval, the owner shall submit to the **Ministry of Transportation** for their review and approval, a copy of a **Stormwater Management Report/Plan** indicating the intended treatment of the calculated stormwater run-off. The owner's consultant should refer to the website at www.mto.gov.on.ca/english/engineering/drainage/index.html for a comprehensive set of MTO drainage related documentation requirements that may have to be satisfied before obtaining MTO approval.
- 59.Prior to final approval, the owner shall submit to the **Ministry of Transportation** for their review and approval, a copy of a **Traffic Impact Study** (report/analysis/assessment) indicating the anticipated traffic volumes and their impact upon the intersections of Maltby Road, Laird Road and Clair Road with Highway 6.
- 60. Prior to final approval, the City of Guelph shall enter into a **Legal Agreement** with the **Ministry of Transportation** whereby the City agrees to assume financial responsibility for the design and construction of all necessary highway improvements associated with this and other developments in the area. The Agreement shall cover interim improvements at the three existing at-grade intersections and ultimately, the construction of an interchange at Laird Road.

- 61.Prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval a draft copy of the M-Plan for this subdivision and when the subdivision has been given final approval, the owner shall submit a copy of the registered plan for the MTO files.
- 62. Prior to final approval, the owner shall submit to the **Ministry of Transportation** for their review and approval a draft copy of the subdivision agreement for this development and when the **subdivision agreement** has been registered, the owner shall submit a copy of the registered agreement for the MTO files.
- 63. The owner acknowledges and agrees to advise all potential purchasers of lots within the subdivision that when the MTO upgrades Highway 6 to full freeway status, the only access to the subject lands from Highway 6 in the future will be via the Laird Road interchange and Southgate Drive.
- 64. Prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the **Grand River Conservation Authority**:
 - a. A detailed Environmental Implementation Report (EIR) in accordance with the recommendations of the Hanlon Creek Subwatershed Study and the South Guelph Secondary Plan. The developer agrees that the GRCA shall have the opportunity to comment on the terms of reference for the EIR.
 - b. A Development, Interference with Wetlands and Alterations to Shorelines and Watercources permit for all works proposed within the regulated areas on site.
 - c. An erosion and siltation control plan in accordance with the Grand River Conservation Authority Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on site throughout all phases of grading and construction.
 - d. Detailed lot grading and drainage plans.
- 65. 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. GRCA
- 66. The owner shall meet all of the requirements of **Canada Post** to the satisfaction of Canada Post prior to the registration of the plan.
- 67. 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 45, 51 and 56 have been satisfied.

- 68. That prior to the registration of all or any portion of the plan, the **MTO** shall advise the City in writing how conditions 57 to 63 have been satisfied.
- 69. That prior to the registration of all or any portion of the plan, the **GRCA** shall advise the City in writing how conditions 12, 14, 15, 64 and 65 have been satisfied.
- 70. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 66 has been satisfied.
- 71.Draft Plan Approval of the Southgate Industrial Business Park shall lapse at the expiration of **5 years** from the date of issuance of Draft Plan Approval.

AND

Part C - ZONING BYLAW AMENDMENT

That the application by Astrid J. Clos Planning Consultants on behalf of Industrial Equities Guelph Corporation and Evelyn and William Milburn, for approval of an associated Zoning By-law Amendment (File OPA Southgate/23T-06503/ZC0617) to rezone the lands from the UR (Urban Reserve) Zone, the P.1 (Conservation Land) Zone, the WL (Wetland) Zone and the Specialized Industrial B.2 (H11) Holding Zone, to two new Specialized Industrial B.3 Zones, the WL (Wetland) Zone and the P.1 (Conservation Land) Zone, to permit a Business Park/Industrial Subdivision known as the Southgate Industrial Business Park on land legally described as Part of Lots 14, and 15, Concession 7, formerly Township of Puslinch, City of Guelph, <u>BE APPROVED</u>, and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to transfer the subject lands from the current zoning, to the following uses and regulations:

Intended Land Use	Numerical reference to lots or blocks	Proposed Zone	Land area (hectares)	Percentage of total site
Industrial	1-3	Specialized B.3	47.19ha 116.6ac. Approximately	54%
Wetlands and buffers, woodlot	4-8	WL and P.1	35.66ha 88.11ac.	40.9%
Stormwater Management	9	P.1	0.75ha 1.85ac.	<1%
Sanitary Pumping Station	10	P.1	0.07ha 0.17ac.	<1%

TOTAL	16		87.09ha 215.19ac.	100%
Roads& Reserves	13-16	n/a	2.42ha 5.97ac.	2.8%
Road Widenings	11&12	· n/a	0.97ha 2.39ac.	1%

Specialized B.3 Zones B.3- _ Zone on Blocks 1&2

Permitted Uses

Manufacturing '

Warehouse

Office, Factory Sales Outlet, fleet servicing area and other Accessory Uses are permitted provided that such Use is subordinate, incidental and exclusively devoted to a permitted Use listed in Section 7.1.2 and provided that such Use complies with Section 4.23.

Temporary Uses including Agriculture (Vegetation Based), Outdoor Sportsfield Facilities and driving range.

Malls

All B.3 Uses listed in Section 7.1.2 and the following:

Catering Service

Cleaning Establishment

Commercial Entertainment/Recreation Centre (excluding movie theatres, bowling alleys and roller rinks)

Commercial School

Computer Establishment

Financial Establishment

Industrial or construction equipment rental or sales firm

Office

Office Supply

Personal Service Establishment

Photofinishing Place

Print Shop

Repair Service

Research Establishment

Restaurant

Tradesperson's Shop

Vehicle Specialty Repair Shop

Specialized *B.3- _ Zone on Block 3

(to accommodate the possible re-location of the stone heritage house from 264 Crawley Road)

Permitted Uses

Catering Service

Club

Commercial School

Computer Establishment

Convenience Store

Dry Cleaning Outlet

Mall

Manufacturing

Warehouse

Research Establishment

Museum

Office

Office Supply

Personal Service Establishment

Print Shop

Public Hall

Restaurant

Tavern

Veterinary Service

Regulations Applying to both Industrial Zones

All B.3 Zone regulations as outlined in Section 7.3 of the Bylaw shall apply, with the following modifications:

Prohibited Uses in both B.3 Zones

Abattoir

A facility, the primary use of which is electroplating

A facility, the primary use of which is the manufacturing of hazardous chemicals, not including pharmaceutical/medical.

Asphalt/concrete/tar plants

Bulk fuel oil storage yards

Bulk Storage of Petroleum Products

Cemetery

Cleaning Establishment (i.e. a dry cleaning facility)

Contractor's Yard

Disposal of leachable waste (including the spreading of biosolids)

Facilities for treating or disposing of hazardous waste

Furniture and wood stripping and refinishing

Garden Centre

Intensive livestock operations including the spreading of manure

Meat Processing Plant

Outdoor storage of road salt or other de-icing materials and the importation of salt laden snow.

Petroleum product refining and manufacturing

Underground pipeline transmission of oil, gasoline, or other petroleum liquid products

Sanitary Landfill Site

Tradespersons' Shop

Towing Establishment

Trucking Operation

Underground Storage Tank for Fuel or Hazardous substances

Vehicle Gas Bar

Vehicle Salvage Yard

Vehicle Service Station (defined to include a car wash)

Vehicle Wrecking Establishment

Waste Transfer Station

Wood preserving and treating

Off-Street Parking requirements in both B.3 Zones

For 'manufacturing' and 'malls', the following parking requirements shall apply:

- -1 parking space per 50 square metres up to 1,000 square metres of gross floor area.
- -1 parking space per 100 square metres between 1,000 squaremetres and 5,000 squaremetres of gross floor area, and
- -1 parking space per 150 square metres over 5,000 square metres of gross floor area.

In addition, the following regulations related to development along Maltby Road shall apply within both Specialized B.3 Zones:

Buffer Strips

That a buffer strip be provided for lots which abut Maltby Road. The buffer strip required for properties abutting Maltby Road shall be a minimum of 14 metres in width and shall consist of a 2 metre high landscaped earth berm measured from surrounding on-site grade. Landscaping shall include coniferous and deciduous trees planted at 3 metre centre intervals. Landscape material shall be a minimum of 6 cm. caliper for deciduous trees and 2 metre height for coniferous trees. Where there is existing tree or shrub growth the existing plantings may provide the required buffer strip.

Minimum Rear Yard and Exterior SideYard

That lots abutting Maltby Road shall have a minimum rear yard or exterior side yard of 14 metres.

Off-Street Parking

In accordance with the specialized B.3 Zone regulations with the additional requirement that off-street parking shall be set back a minimum of 14 metres from Maltby Road.

Off-Street Loading

In accordance with B.3 Zone regulations with the additional requirement that offstreet loading shall be set back a minimum of 14 metres from Maltby Road and must be visually screened from any public street by a fence, wall or berm.

Outdoor Storage -

In accordance with B.3 Zone regulations with the additional requirement that outdoor storage shall be set back a minimum of 14 metres from Maltby Road and must be visually screened from any public street by a fence, wall or berm.

Garbage, Refuse and Storage Composters

In accordance with B.3 Zone regulations with the additional requirement that garbage, refuse and storage composters shall be setback a minimum of 14 metres from Maltby Road and must be visually screened from any public street by a fence, wall or berm.

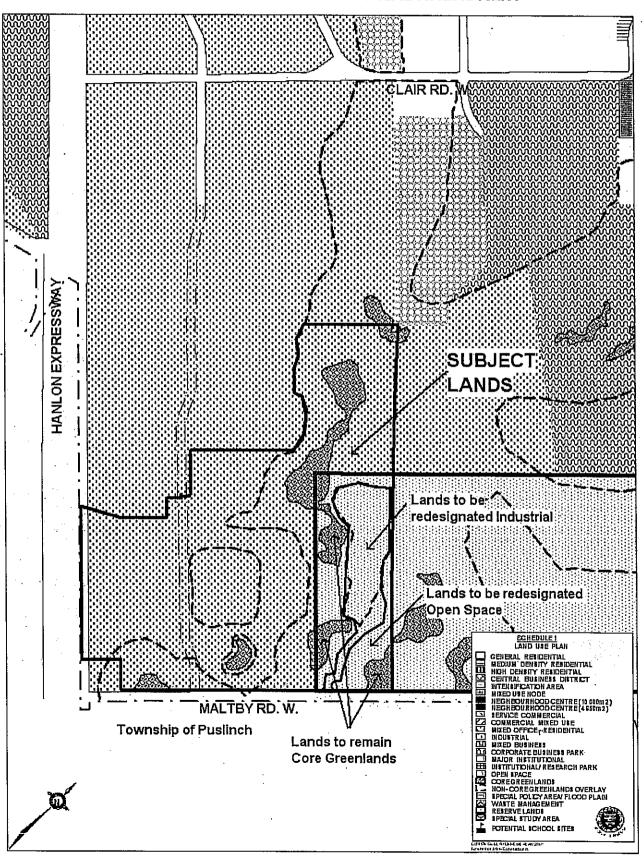
All Wetlands

WL (Wetland) Zone

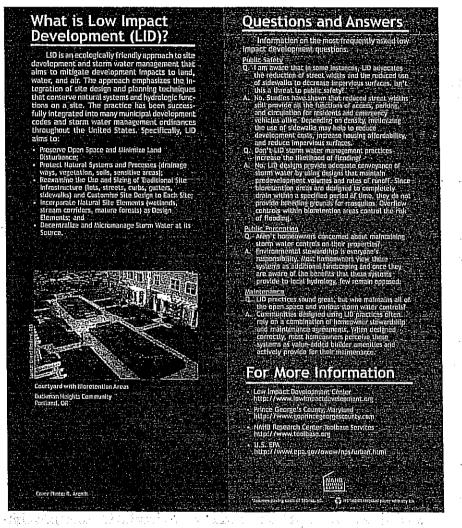
All Other Non-developable Natural Heritage Feature Lands

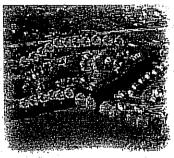
P.1 (Conservation Land) Zone

SCHEDULE 2 - PROPOSED OFFICIAL AMENDMENT



Schedule 3 Low Impact Development (LID)





Municipal Guide to Low Impact Development

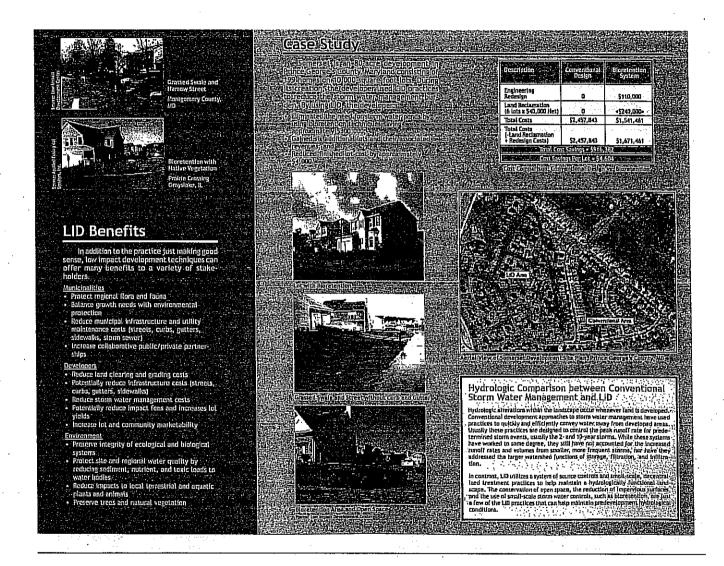
Would you be interested in saving upwards of \$70,000 per mile in street infrastructure costs by eliminating one lane of on-street parking on residential streets?

Did you know that communities designed to maximize open space and preserve mature vegetation are highly marketable and command higher lot prices?

Are you aware that most homeowners perceive Low impact Development practices, such as bioretention, as favorable since such practices are viewed as additional builder landscaping?

Did you know that by reducing impervious surfaces, disconnecting mooff pathways, and using on-site infiltration techniques, you can reduce or eliminate the need for castly storm water ponds?

Schedule 3 Low Impact Development (LID)



Schedule 3 Low Impact Development (LID)

DATE

December 8, 2008

TO

Al Hearne, Development Planning

FROM

Rajan Philips, Engineering Services

DIVISION

Engineering Services (File: 16.131.001)

DEPARTMENT

Community Design & Development Services

SUBJECT

Southgate Business Park, Phase 2 - Low Impact Development

(LID) Stormwater Management Approach

The following outlines the current approach to Stormwater Management generally in the City, and particularly in regard to the Hanlon industrial lands east and west of the Hanlon Expressway.

The Low Impact Development (LID) Stormwater Management (SWM) approach is to manage stormwater runoff at the source and minimize conveying large amounts of runoff to end-of-pipe facilities such as SWM ponds. For lot-level source management, LID uses a number of relatively small and cost-effective SWM techniques to retain the pre-development hydrological functions of the site, namely, infiltration, filtration, storage, evaporation and detention. These techniques include bio-retention systems, porous asphalt or pavers, tree filters, green roofs, constructed wetlands, sand filters and vegetated swales. In the case of large developments, the LID-SWM approach is to use decentralized (on-site management) as opposed to centralized SWM ponds.

Stormwater management in residential developments in Guelph during the last two decades has been based on centralized SWM ponds. However, a number of developments in the south end are using LID techniques such as greenways (vegetated swales). Also, stormwater management in new developments in Guelph is undertaken within design parameters established by Subwatershed Studies and site-specific Environmental Impact Studies (EIS).

Engineering Services have recently initiated the Stormwater Management Master Plan study. One of the objectives of the Master Plan is to develop a more focused framework for implementing the LID-SWM approach that takes into account the need to protect both groundwater quantity and quality. The Master Plan will also provide input to the parallel exercise that is being initiated to identify Alternative Development Standards for new developments.

Outside of residential subdivisions, Engineering review and approval of individual Site Plans for development involves site specific SWM Criteria to ensure source management of common rainfall events, which are consistent with LID principles and approach. Stormwater management in the Hanlon industrial lands also follows LID principles and techniques and fall into three broad categories:

- 1. The Hanlon Business Park Lands: These are developed lands to on the east side of the Hanlon Expressway and mostly to the north of Clair Road. There are no central SWM ponds and each parcel is expected to replicate pre-development conditions. Higher than normal design flows are required to be retained on site and runoff during major storms is controlled through a variety of design features including dry ponds, storage underground or on rooftops and parking lots.
- 2. The Hanlon Creek Business Park: The HCBP lands, located to the west of the Hanlon Expressway, are part of a draft approved subdivision. Stormwater management in the HCBP is based on a combination of central SWM ponds and EIR-established infiltration criteria on a block by block basis. The infiltration requirements will be enforced through the Site Plan approval process.
- 3. Southgate Industrial Lands (Phases 1 & 2): These lands are on the east side of the Hanlon Expressway and south of Clair Road. Stormwater management involves a decentralized approach with each development required to control even major storm runoff through on-site infiltration, grassed swales and/or dry ponds.

File #16.131.001

Schedule 4 Hanlon Creek Watershed Plan (HCWP)



CITY OF GUELPH

CITY HALL, 59 Carden Street Guelph, Ontario, Canada N1H 3A1 [1.425.D126]

OFFICE OF THE CITY CLERK

Telephone (519)837-5603 Fax (519)763-1269

May 9, 1994

Mr. R.D. Funnell V

Dear Sir:

At a special meeting of Guelph City Council held April 25th, 1994, the following resolution was passed:

"THAT Ciry Council adopt the Hanlon Creek Watershed Plan, including the "ideal" natural heritage system and the recommended management options, for lands within the municipal boundary:

AND THAT City Council authorize staff to utilize the concept of a "natural heritage system" and flexible "constraint mapping" in the Official Plan update and as the basis for the preparation of a secondary plan for the south annexed area of the City;

AND THAT in the interim, the Watershed Plan be used as the basis for reviewing subdivision plans, located in the City of Guelph boundaries, within the watershed and for use in the recommencement of class environmental assessments in the area."

Yours truly,

Lois A. Giles City Clerk

LAG:jms

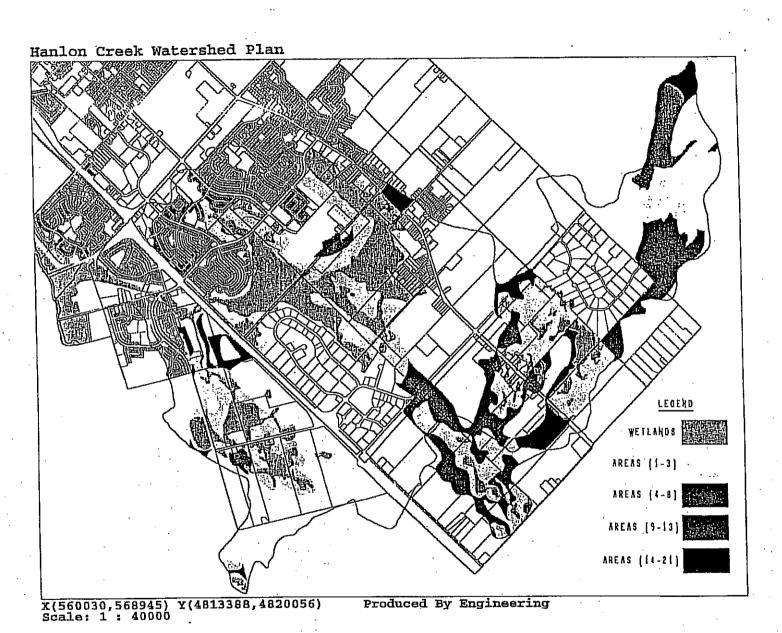
Mr. M.P. Vendini, Director of Planning & Development

Ms. L.E. Pavne. City Solicitor

Mr. D.R. Creech. City Administrator

(274) 462-47 TE 41444

Schedule 4 Hanlon Creek Watershed Plan (HCWP)



Schedule 5 The Environmental Impact Study Process In the Official Plan

6.3 Environmental Impact Studies

Environmental impact studies examine the potential negative impacts that *development* proposals may have on *natural heritage features*. These studies also provide for the establishment of short term and long term monitoring strategies, the type and extent of which depend on the *features* affected by the proposed *development* and the mitigation measures proposed.

Objectives

- a) To use environmental impact studies (EIS) to investigate the potential environmental impact of *development*;
- b) To use the EIS process to determine whether a particular *development* can proceed, and if so, what actions or measures are required to minimize *negative impacts* on the environment;
- c) To use the EIS process as a means to plan for the provision of municipal infrastructure servicing in a manner that avoids or minimizes impacts on the natural environment.

General Policies

6.3.1 Where a development proposal, may negatively impact a natural heritage feature or its ecological function, the proponent will be required to prepare an environmental impact study.

An environmental impact study shall be carried out as follows:

- a) By professionals qualified in the field of environmental sciences and acceptable to the City and the Grand River Conservation Authority. Prior to commencement of the study, a terms of reference acceptable to the City shall be prepared in consultation with the Grand River Conservation Authority and other agencies as required.
- b) The environmental impact study shall address:
- i. A description of and statement of the rationale for the *development* proposal and alternatives to the proposal;
- ii. A description of the proposed *development*, including a location map showing proposed buildings, existing land uses and buildings, existing vegetation, fauna, site topography, drainage, hydrology, soils, hydrogeological conditions, habitat areas and other applicable matters; iii. A description of adjacent land use and the existing regulations affecting the *development* proposal and adjacent lands;
- iv. A description of all *natural features* and their *ecological functions* that might directly or indirectly be *negatively impacted*;
- v. A description of the *negative impacts* that might reasonably be caused to the *natural heritage feature* and its associated *ecological functions* by the *development* proposal including a statement of the *significance* of the *natural heritage feature*;
- vi. A description of alternate forms that the *development* proposal could take including an assessment of the advantages and disadvantages of each; vii. A description of the actions necessary to prevent, change, mitigate or remedy any expected *negative impacts* upon *natural heritage features*;

- viii. A description of alternative methods of protecting the ecological functions of the areas affected:
- ix. Where reasonable and appropriate measures to provide for the enhancement of *natural heritage features* and their *ecological functions*;
- x. A description of any short/long term monitoring techniques/devices that will be necessary to determine if *negative impacts* to the *natural heritage features* are occurring; this may also be used to trigger identified remediation measures; and
- xi. Any other information required by the City (including its Environmental Advisory Committee) or the Grand River Conservation Authority that is deemed necessary to evaluate the *development* proposal in relation to the particular *natural heritage feature* under investigation.
- c) Development proposals impacting on adjacent lands to natural heritage features will require the preparation of an environmental impact study with matters noted in policy 6.3.1(b) being addressed, with necessary modifications. Adjacent land areas as defined in Section 10 of this Plan the Glossary will be used as the basis for defining the extent of these areas.
- d) The City shall not amend this Plan, or pass any by-law to permit development upon or adjacent to lands identified as a natural heritage feature, until the required environmental impact study has been approved by the City.
- e) In the approval process for an environmental impact study, it may be determined that a particular *development* proposal should not be approved. This could occur where a proposed *development* would have a substantial *negative impact* on the studied *features* and their associated *ecological functions* as to render the *features/functions* lost or severely degraded.
- 6.3.2 In terms of completing an environmental impact study, the City may require, as a condition of *development* approval, that an environmental implementation report (EIR) be prepared. This EIR will serve as a summary document containing information on the following matters:
- a) How all the conditions of development approval have been met;
- b) How municipal infrastructure servicing and the protection of natural heritage features and their associated ecological functions have been addressed; and
- c) Any other special requirements that are required to protect the overall natural environment of the area.
- 6.3.3 The City's Environmental Advisory Committee will be used to review of environmental impact studies and environmental implementation reports and to offer advice on environmental matters.

Schedule 5 The Environmental Impact Study Process In the Zoning Bylaw

13.3 LANDS ADJACENT TO PROVINCIALLY SIGNIFICANT WETLANDS

Lands adjacent to *Provincially Significant Wetlands* have a shading pattern placed on them in the Defined Area Zoning Maps and are subject to the following regulations:

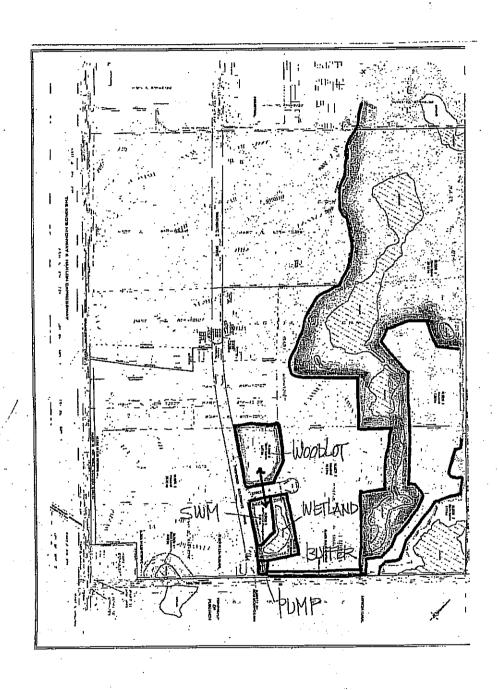
15006 13.3.1 Properties with Adjacent Lands shading shall be required to complete an Environmental Impact Study when a Development or Redevelopment proposal, requiring an Official Plan amendment, a Zoning By-law amendment, a plan of subdivision (excluding a plan of condominium), or a consent is submitted for the portion of the property with Adjacent Lands shading.

15:006 13.3.1.1 Plans of condominium will be exempted from having to complete an *Environmental Impact Study* only if the lands to which the plan of condominium applies have had a required *Environmental Impact Study* approved through a plan of subdivision, Official Plan amendment, Zoning *By-law* amendment, or consent.

13.4 LOCALLY SIGNIFICANT WETLANDS, SIGNIFICANT WOODLOTS, NATURAL CORRIDORS, AND LINKAGES

Locally Significant Wetlands, significant woodlots, Natural Corridors and Linkages have a shading pattern placed on them in the Defined Area Maps. Properties with Locally Significant Wetlands, significant woodlots, Natural Corridors and Linkages shall be required to complete an Environmental Impact Study when a Development or Redevelopment proposal, requiring an Official Plan amendment, a Zoning By-law amendment, a plan of subdivision (excluding a plan of condominium), or a consent is submitted for lands within the shaded areas of the property.

Schedule 6 Illustration of Woodlot 8 Linkage to the Main Corridor



INFORMATION REPORT



TO

Guelph City Council

SERVICE AREA

Finance

DATE

December 22, 2008

SUBJECT

2008 Development Charges Information Update

REPORT NUMBER

FIN-08-39

RECOMMENDATION

THAT the report FIN-08-39 entitled <u>2008 Development Charges Information</u> Update be received.

BACKGROUND

On November 17th, 2008 a 2008 Development Charges Statutory Public Meeting was held where input from the public was received and Council provided feedback and direction for staff to consider in their final recommendations. At this time Council also received a staff report providing a summary of the Development Charges process to date, written feedback received from the Advisory Committee, information with respect to the methodology and policies being considered by the Staff Steering Committee for final recommendation, and a timeline for the final adoption of the Background Study and passage of the Development Charges By-law.

Delegates at the public meeting expressed a desire for additional time to review the Development Charges Background Study and to work with City Staff to resolve issues and reach acceptable solutions where possible. In order to accommodate these requests, the Staff Steering Committee issued a memo to Council on November 28th, 2008 recommending a further delay in the timeline for final adoption and approval as follows:

- 1) December 1st 12th, 2008 Review meetings with stakeholder groups and their respective consultants, staff and Watson and Associates.
- 2) December 19th, 2008 deadline for stakeholder group Peer Review information and any additional input from members of the Development Charges Advisory Committee to be forwarded to Staff Steering Committee.

- 3) December 22nd, 2008 Staff Steering Committee Information Report to Council responding to November 17th public meeting input and Council queries and additional stakeholder group input as available.
- 4) January 26th, 2009 (Regular Council Meeting 2nd Statutory Public Meeting) Present final Staff Steering Committee Recommendations Report and Development Charges Background Study and By-law.
- 5) February 2nd, 2009 (Council Planning Meeting) Council considers adoption of Development Charges Background Study and passage of the By-law.

Subsequently, City Staff and Watson and Associates have met with stakeholder groups and their respective consultants for discussions and information sharing as follows:

Industrial Community – (and a representative from the Guelph Chamber of Commerce and Friends of Guelph) met on December 1st and December 9th, 2008 and a further meeting has been scheduled for January 9th, 2009 for final discussion of Staff recommendations.

Residential Community – (and a representative from Friends of Guelph) met on December 17th, 2008. Agreement was reached that final requests for information and response by City Staff and Watson and Associates would be made by the residential group on December 19th. Responses would then be prepared and forwarded in a timely manner and as necessary an additional meeting in early January would be scheduled.

REPORT

Industrial Community

The Industrial group retained the services of Audrey Jacob of the IBI Group and took a high level approach to their review rather than focusing on detailed analysis. All agreed that attracting industry to the City was an important goal both for tax revenue generation and employment. The Industrial group's position is that this type of development generates comparatively high tax revenues for the City while using a relatively smaller portion of City services than other types of development (See Appendix 2 – Summary of Points)

The group indicated that site selection by industry is very competitive and hinges on a number of financial factors including development charges, land costs and tax rates as well as non-financial factors including access to transportation, markets, suppliers and potential employees.

Discussion occurred around the appropriate City group to use for comparison of these financial factors and general agreement was reached as follows:

Comparator Group

Greater Toronto Area:

Brampton, Burlington, Caledon, Halton Hills, Hamilton, Milton, Mississauga, Oakville

Canada's Technology Triangle:

Cambridge, Kitchener, Waterloo

Southwestern Ontario:

Brantford, London, St. Thomas, Woodstock

Other Cities: Barrie, Peterborough

See Appendix 1: A and B for comparison of serviced land availability, one time capital costs of land and development charges as well as annual operating costs for property taxes and water and wastewater billing.

The general trend indicated by these comparisons is a tendency for those cities with higher land costs and development charges to have lower operating costs. It must also be noted that many of the cities included in this comparator group have not yet updated their Development Charges but will do so in the near future and that other non-financial factors influence final site selection.

Another area of discussion with the industrial group was the industrial coverage percentage used for calculation of the development charge rates. Some representatives from the industrial group proposed new development would reach 40 – 45% coverage. The Development Charges Background Study has used a 32% coverage target across the whole city and City Staff feel this is an appropriate methodology.

In conclusion the Industrial group proposed that Industrial Development Charge rates be held at current levels for two years.

Residential Community

At the December 17th meeting, the Residential group clearly outlined their concern about the uncertain economic outlook and resulting negative impact on the residential construction sector. The group provided statistics reflecting the decline in overall housing starts in Guelph and information outlining the importance of the residential construction industry as an employment generator.

The Residential group is continuing their Peer Review and have retained the services of Chris Sims from Gamsby and Mannerow Limited and Jeannette Gillezeau of the Altus Group. They have indicated a desire to complete this work within the timeline outlined by City staff. At the December 17th meeting, the residential group identified the Water and Waste water forecasts as major areas of focus as these are the areas driving the substantial increases to the Development Charge rates. The Residential group expressed concern that capital forecasts have been developed for the DC Background study based on incomplete master plans in the areas of waste water supply and storm water management.

In conclusion the Residential group has submitted a proposal (See Appendix 3) to defer any increase to the residential development charge for one year subject to construction price index adjustments.

Additional Information

Development Charges for Social Housing

Subsequent to the November 17th public meeting and Council's direction to provide additional information on the feasibility of collecting development charges for social housing, Gary Scandlan of Watson and Associates contacted the County of Wellington and provides the following summary as an overview of the program and funding as it relates to the City of Guelph.

- County of Wellington manages the service but it is cost shared at 75% city and 25% County
- Currently the following number of dwellings are provided in the City/County
 - 1,189 owned
 1,565 funded but not owned
 280 rent supplement
 3,034 Dwellings provided
- Based on a 75% split, the City's portion of the service would be 2,276 dwellings
- Presently there is a large waiting list for these units as follows:

901 applicants from the City
272 applicants from the County
1,173 Total

 Based on a recent project undertaken by the County, the average capital cost per unit for providing this service is \$200,000. To address the present waiting list, the City would need to finance \$180.2 million

- In addition to the above, there will be additional operating costs to be paid for these units. For the preliminary 2009 budget, the total operating budget is \$10 million. As an offset to this, there is rent charge and a grant is provided by the Federal government for the existing units only. The net cost (\$4 million) represents an annual per unit cost of approximately \$1,300. Hence funding the 901 unit back log would also result in additional annual funding of \$1.2 million.
- As provided above, there is a sizable back log of units to be provided (901). From a DC perspective, this would represent an "existing benefit" which would have to be recognized (ie. Not funded as part of the DC). Funding the \$180 million in capital costs would have an annual impact on the City's budget of approximately \$18 million for debt charges. In addition, the net operating impacts of \$1.2 million would increase the annual budget impact to \$19.2 million.
- Based on the above, it is suggested that the City consider the overall social housing program in more detail prior to undertaking the calculation for development charge purposes. As has been discussed with Council, at any time over the next five years, the City may amend the By-law to include this service. Moving ahead to build more units may have a considerable budget impact and therefore it is recommended that the program be considered more fully.
- The policy framework for the provision of social housing is outlined in the 2005 Wellington and Guelph Housing Strategy. A review of this service is currently underway.

Gary Scandlan will be present at the Council meeting on December 22, 2008 to answer any additional questions.

Residential and Non-residential Splits

At the November 17th public meeting, members of the public expressed concerns about the methodology used in the Development Charges Background Study in the area of the residential/non-residential split allocations.

Watson and Associates reports that the cost allocation between residential and non-residential growth identified in the study is based on the following rationale:

Contained within the DC calculations is an allocation of the project costs for each service between residential and non-residential growth. Those allocations are as follows:

5% non-residential attribution for parks, recreation and library services

- 64% residential/36% non-residential for 10 year services (Admin studies, Ambulance, Parking, Transit and Provincial Offences)
- 63% residential/37% non-residential for 24 year services (Fire, Police, Roads and Related, Water, Waste water, and Stormwater)

The 5% allocation in the first instance represents an attribution to the non-residential sector for potential benefits to be derived. This recognizes that there is some level of use by the commercial, industrial and institutional sectors of that particular service. This allocation is the predominate norm used by almost all DC By-law in Ontario.

In regard to the other two allocations, both are based on the ratio of population and employment for the 10 year and 24 year forecast periods. This allocation provides an equal weighting between residents and employees for these services. This allocation method is also commonly used across DC By-laws in the Province. It is noted however that certain variations may be employed by other municipalities for certain services. For example;

- For water and waste water, allocated based upon flow per capita and flow per employee multiplied by the growth over the forecast period.
- For transportation, allocate trips per capita and trips per employee times the growth over the forecast period.
- For Fire, allocate based on the percentage of residential development lands versus non-residential development lands over the forecast period.

For water and waste water, consideration was given to actual flows per capita and per employee based on 2006 data. The flow per capita and flow per employee were the same so no further change was made from the population/employment ratio.

In regards to transportation and fire, it was recognized that intensification targets established by "Places to Grow" may provide different usage patterns versus more commonly used measures for greenfield development. Based upon discussions during the process it was felt that the residential/employment ratio represented a good measure given the change in growth patterns.

Incentive Programs

It is also important to remember that City Staff have already and continue to work towards the implementation of incentive programs outside of the Development Charges process. Initiatives in the area of Heritage Retention, Brownfield Redevelopment, the Downtown Community Improvement Plan and the Community Energy Program will assist developers with related costs while encouraging strategically desirable development results.

CORPORATE STRATEGIC PLAN

- Goal 1: An attractive, well functioning and sustainable city
- Goal 2: A healthy and safe community where life can be lived to the fullest
- Goal 3: A diverse and prosperous local economy
- Goal 4: A vibrant and valued arts, culture and heritage identity
- Goal 5: A community-focused, responsive and accountable government
- Goal 6: A leader in conservation and resource protection/enhancement

FINANCIAL IMPLICATIONS

The Development Charge rates calculated by Watson and Associates are based on recovery of the growth related capital costs forecast in the Development Charges Background Study. The forecasted capital costs have been established using approved or preliminary Master Plan information and capital forecasts prepared by service area Project Managers.

If the Development Charge rates are phased in, or reduced, the capital forecast will need to be revised, to recognize that DC revenues will not be sufficient to fund all of the growth related capital works identified within the study, in the timeframes identified. Unless other revenues (higher tax/water/sewer rates or Federal/Provincial funding) become available, the capital works required to support growth would not be completed with the original forecast, and may not be completed within the timing anticipated by the Development Community. As part of the Long Term Financial Plan preparation, the current ten year capital budget forecasts will be revised to ensure consistency with the revised revenue stream available from Development Charges, once Council approves the final DC rates, including any phase-in period.

DEPARTMENTAL CONSULTATION/CONCURRENCE

Development Charges Advisory Committee, Stakeholder groups from the Industrial and Residential Development Communities, Staff Steering Committee and Senior Management Team

ATTACHMENTS

Appendix 1: A and B Industrial Comparisons – Capital and Operating Costs

Appendix 2: Summary of Points (Industrial Group)

Appendix 3: Residential Group Proposal

usar aram.

Prepared By:

Susan Aram CGA

Finance

Recommended By Staff Steering Committee Members:

Peter Cartwright, Margaret Neubauer, Lois Payne, Jim Riddell, Janet Laird

INDUSTRIAL COMPARISON PER FULLY SERVICED SQUARE FOOT OF GFA AS AT December, 2008

10.7639

Colonidad Colo				Development Charges	117.05								100
Participation Participatio	Rank	Municipality	Upper Tier	Lower/Single Trer	Education	Total	Serviced			1275	<u> 3</u>		Cost (Land
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Mississaugn Plant 5.68 0.46 9.82 n/a 5700,000 5459,748 515,661,748 5135,560,006 Cabernille (L. of Dundas) 1.6 1.0.11 n.6 1.0.11 n.6 1.0.11 n.6 510,100 52,128,500 56,61,750 1.5.13,610 50.00 52,128,500 56,61,750 1.5.13,610 50.00 52,128,500 56,61,750 1.5.13,610 50.00 52,128,500 56,61,750 1.5.13,610 50.00			7		,	,	avaitability (No. of acres)	of Land (per acre)				DC Cost at 40% Coverage	Coverage)
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Calculut (S. of Steeles) 7.18 5.77 0.60 13.55 6.52 5495,000 52,126,600 5505,428 13.2726,202 51016,602	2	Oakville (N. of Dundas)	10,74	5.77		17.11		\$495,000			\$2,929,676		
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Helion Hile (N. of Steeless)	7	Burlington	7.18	3.05		10.82	l .	\$400,000			\$2,226,840		Y-
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Gamine Combited 0.00 14.19 0.23 14.42 r/a Execution \$1,05,000 \$1,756,324 \$1,756,324 \$1,000,334 \$1,000,334 \$1,000,334 \$1,000,334 \$1,000,334 \$1,756,324 \$1,756,024 \$1,756,324 \$1,756,324 \$1,756,324 \$1,756,126 \$1,756,024	6	Caledon	2,60	241		8.47		\$418,000			52,194,204		
Guelph (Proposed DC)	2	Ватіе	0.00	14.19		14.42	n/a	\$250,000		\$675,245	\$1,750,245	\$1,080,393	
Wateriero 4.78 3.76 0.00 8.45 92 \$50,000 \$1,297,200 \$51,492,100 \$51,492,100 \$51,492,100 \$51,492,100 \$51,492,100 \$51,492,100 \$51,497,200 \$51,497,	F	Guelph (Proposed DC)	00'0	96.6		96'6		2300,000		\$466,397	\$1,756,397	\$746,235	
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Guelph (Entire City) (Existing DC) 0.00 4.12 2.29 \$10,00 \$112,00,000 \$112,00,000 \$112,00,000 \$112,00,000 \$112,00 \$104,00 \$104,00 \$10,00 <td>13</td> <td>Cambridge (1)</td> <td>4,79</td> <td>1.65</td> <td></td> <td>5.44</td> <td></td> <td></td> <td></td> <td>\$301,566</td> <td>51,699,068</td> <td></td> <td>\$1,880,005</td>	13	Cambridge (1)	4,79	1.65		5.44				\$301,566	51,699,068		\$1,880,005
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Note the part of the color of	2	Guelph (Downtown) (Existing DC)	00.0	3.58		3.58			\$1,290,000	\$167,641	\$1,457,641		\$1,558,225
Hamilian 1,1,1,1,2,1,1,2,1,3,1,3,1,3,1,3,1,3,1,3,	#	Kitchener (7)	4.79	1.40		6.19			,		\$1,364,859		\$1,538,775
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Si. Thomas 0.00 4.11 0.00 4.11 200 \$45,000 \$192,243 \$182,243 \$182,243 \$182,243 \$182,243 \$182,243 \$182,243 \$182,243 \$182,243 \$182,243 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$0 \$182,000 \$182,000 \$20 \$182,000 \$20 \$182,000 \$20 \$182,000 \$20 \$182,000 \$20 \$182,000 \$20	18	Brantford	0.00	5.32		5,32					5894, 120		•
Weadstack 0.00	<u>6</u>	St. Thomas	0.00	4.11		4.11					5385,743		
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	22	Peterborough	00:00	0.00		0.00		\$50,000		20	\$215,000	20	\$215,000

The Crys duages the development change to City Developed Industrial Lands as part of the sale price of the City owned industrial knots

This Crys and is based on their Edwards - Sinchtharban Age The Facilities Families - Central Neighbourhoods' meave a discounder date

The Crys provides a downtown exemption area as well as a number of specific use exemptions

The Cry provides a downtown exemption area as well as a number of specific use exemptions

The Cry provides a downtown exemption area as well as a number of specific use exemptions

The Cry provides a downtown exemption area as well as a number of specific use exemptions

Ele provides a downtown exemption area as well as a number of specific changes area also imposed on various development areas for Nation. Whatewater, and/or Stormwater. The changes are Imposed on a per net hocker basis.

In addition to the Towar's changes. Area Specific Changes area also imposed on various development areas on a per net heckare

By-Law Updated in past few years?

ž E E	Municipality	Upper Tier	Lower/Single Tier
-	Mississauga (1)	2006	2007
2	Brampton	2	2007
'n	Oakville (N. of Dundas)	뫼	2008
¥	Oakville (S. of Dundas)	2	2008
'n	Milton	문	2008
9	Hallon Hills (S. of Steeles)	2	2008
2	Burlington	모	8002
6	Halton Hills (N. of Steeles)	2	2008
6	Caladon	n/a	e/u
õ	Barrie	2008	
F	Guetph (Proposed DC)		2
다	Waterloo	2007	2
ᄄ	Cambridge (1)	2	S
4	Guelph (Entire City) (Existing DC)	•	2
5	Guelph (Downtown) (Existing DC)	,	No
32	Kitchener (7)	2	2
17	Hamilton	모	•
82	Brantford	S	,
51	St. Thomas	2	n/a
22	Woodstock	n/a	n/a
21	London	S	t/a
22	Datamon	şje	71

INDUSTRIAL COMPARISON PER FULLY SERVICED SQUARE FOOT OF GFA AS AT DECEMBER, 2008

1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	<u> </u>	er Total Annual	Cost (40%) coverage)	71 8414,538	47 3399,120	62 3358,318	13 \$357,660	76 \$342,164	06 \$325,239	06 \$325,239	06 \$325,239	19 3321,900	09 3317,816	46 3312,335	62 310,319	45 \$231,676	45 3231,648	45 \$231,648	45 8226,955	45 8226,955	45 \$213,157	91 \$211,718	70 8193,393	70 81,641	70 1474 074
	, LO	Wastewate	6 - Bill (40%	coverage coverage	37 \$27,471	73	56 \$16,362	7 317,513	88	3 \$23,406	3 \$23,406	\$23,406	31 827119	7 34,809	39 \$27,846	57 \$30,262	324,645	324,645	3 3 324,645	0 \$24,645	0 \$24,645	2 \$24,645	7 \$25,99	3 \$16,370	71 816,370	046949
44	Taxes at \$7		sq.ft. at 40%	Coverage	9 3387,067	4 \$380,873	3 \$341,956	4 \$340,147	5 3315,088	9 \$301,833	9 \$301,833	\$301,833	6 \$294,78	5 3283,007	6 \$284,489	2 \$280,057	9 \$207,03	.1 \$207,003	.1 \$207,003	8202,310	8 \$202,310	4 8188,512	8 \$185,727	1 \$177,023	6 \$165,271	סו יייייייייייייייייייייייייייייייייייי
		Total Annua	Cost (25%	coverage)	2 \$259,119	8 \$249,594	1 \$224,803	2 \$224,054	5 \$214,205	3 \$203,739	3 \$203,739	3 \$203,739	3 \$201,636	3 \$198,635	1 \$195,276	3 \$194,002	4 \$146,159	4 \$146,147	4. \$146,147	4 \$143,208	4 \$143,208	\$134,584	3 \$132,318	\$120,87	1 \$113,526	4107 200
Apply Johnson		Wastewater	Bill (25%	coverage)	7 \$17,202	5 \$11,548	3 \$11,081	2 \$11,462	3 \$17,275	3 \$15,093	5 \$15,093	5 \$15,093	3 \$17,398	3 \$21,756	5 \$17,471	3 \$18,966	\$16,764	7 \$16,764	7 \$16,764	1 \$16,764	1 \$16,764	\$16,764	3 \$16,239	3 \$10,231	\$10,23	7 E40 024
Stocker	Taxes at \$75	assessment	sq.ft. at 25%	Coverage	, \$241,917	, \$238,045	\$213,723	\$212,592	\$196,930	\$188,646	\$188,646	\$188,646	\$184,238	\$176,879	\$177,805	\$175,036	\$129,394	1 \$129,377	\$129,377	\$126,444	\$126,444	\$117,820	\$116,079	\$110,639	\$103,294	£07 157
			Total 2007	Tax Rate	6.8882450%	6.7780090%	6.0854500%	6.0532570%	5.6073040%	5.3714250%	5.3714250%	5.3714250%	5.2459290%	2.0363880%	5.0627580%	4.9839020%	3.6843260%	3.6838200%	3.6838200%	3.6003030%	3.6003030%	3.3547650%	3.3051970%	3.1503050%	2.9411590%	2 788A0300
201701	Area at 40%	Coverage	[(4.3 acres of	land)	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	74,923	7/ 073
Grifding	Area at 25% Area at	Coverage	(4.3 acres of	land)	46,827	46,827	46,827	46,827	46,827	46,827	C 46,827	C 46,827	46,827	46,827	46,827	46,827	46,827	46,827	46,827	46,827	46,827	46,827	46,827	46,827	46,827	AG 827
	Municipality				Brantford	Woodstock	Peterborough	London	St. Thomas	Guelph (Proposed DC)	Guelph (Entire City) (Existing DC	Guelph (Downtown) (Existing DC	Hamilton	Kitchener	Cambridge	Waterloo	Burlington	Oakville (N. of Dundas)	Oakville (S. of Dundas)	Halton Hills (S. of Steeles)	Halton Hills (N. of Steeles)	Milton	Barrie	Brampton	Mississauga	Caladon
	Rank				-	2	က	4	2	9	7	∞	6	10	11	12	13	14	15	16	17	18	19	20	21	22

Water & Wastewater volume = 8,150 m 3 at 25% coverage Water & Wastewater volume = 13,040 m 3 at 40% coverage

Meeting with City of Guelph/Watson Associates Re: Proposed Industrial DC 2008 December 9, 2008

Summary of Points

Industrial Contribution to the City's Property Tax Base

- Overall, residential comprises 83% of all assessment in terms of value with non-residential comprising the remaining 17% (in 2007).
 - > By comparison, residential uses generate 64% of property tax revenue compared to non-residential which generates 36%.
- These shares have been relatively stable fluctuating within 2 percentage pts.
- For industrial, the collective assessment value represents 6% of the total for the City of Guelph, yet generates 14% of total tax revenue.
- Depending on the approach, typically industrial develop yields 3.5 to 4 times more tax revenue compared to residential.

Tax Rates Are Already Very High

- The ability to generate proportionately high property taxes from Industrial use is mainly due to the tax rates applied to the two use; the tax rate for industrial is 5.37% and residential is 1.31%.
 - > The Guelph Chamber of Commerce has indicated that the City has one of the highest industrial tax rates in the province and one of the lowest residential tax rates. The industrial tax rate is a disincentive for new industries seeking a new location.
- Industrial uses generate comparatively high property tax revenues but what municipal services do they use? For the most part they generally do not utilize: recreation and cultural services, social housing, social and family services, health services which represent about 40% of the City's 2007 expenditures. Of the remaining services: general government, protection services, transportation services, environmental services and planning & development; industry uses only a relatively small portion of these services.

Recent Trends in Building Permits

- The number of industrial building permits issued in recent years is declining and is cause for concern. High industrial development charges will deflect interest in Guelph as a location for industrial activity.
- A key policy initiative of the City's Economic Development Department is to attract industry.

Submitted by Andrey Jacob of the IBI Group on behalf of the Industrial Development Group - Additional detailed back-up available upon request.

Appendix 2



emall:jvaleriote@smithvaleriote.com assistant:jstafford@smithvaleriote.com

December 16th, 2008.

City of Guelph 59 Carden Street Guelph, ON, N1H 3A1

Tel: (519) 822 - 1260, ext. 2300

Fax: (519) 837 - 5631 Attn: Ms. Sue Aram, CGA

Deputy Treasurer Finance

Sent Via Facsimile & Courier

Dear Ms. Aram:

Re: City of Guelph's Development Charge Background Study - 2008

Peer Review Follow-up.

On behalf of the Guelph and Wellington Development Association and the Guelph and District Home Builders Association, I would like to thank you in advance for rescheduling of our meeting, now booked for December 17th, 2008, at 9:30 AM, in Council Committee Room C at City Hall,

a. Background

As you are likely aware, the membership of the Guelph and Wellington Development Association and the Guelph and District Home Builders Association represent the balance of Guelph's homebuilders. Historically, residential construction has been a vibrant sector of Guelph's economy. Earlier this year, the City of Guelph recorded the value of all construction in 2007 at just under \$272 million, of which \$138 million was attributable to residential development. In any municipality a healthy residential construction industry is a key employment generator. According to the Ontario Home Builders Association, the average weekly wage in Ontario's construction sector is \$931.05, This translates into an annual income of \$48,414.60, which is 3% higher than the overall industry wage for full-time employment in Ontario.

Despite these robust statistics, Guelph's economic horizon is far from certain. Erica McLerie, CMHC analyst for Guelph, reported in October of 2008, that overall housing starts fell 13 percent in the third quarter, compared to the

Randy S. Brant B.A. LL.B.

Robert W. Dowhan B.A. LL.B.

Michelle M. Dwyer B.A. M.A. J D.

Lisa M. Gazzola B.A. LL B

Richard A. Gazzola B.A. Sc. LL.B. P.Eng.

Cheryl L. Glassford B.A. Hon., LL.B.

Donald G. Kidd B.A. LL.B.

Robert M. Mullin H.A. L.I. R.

James A. Murray B.A. Hon., LL.B.

Diana M. Piccoli B.A. LL.B.

James B. Pietrangelo B.A. LL.B.

Inga K. Rinne B.A. LL.B. (in association)

Mark Muir Rodenburg B.Math LL.B.

Ronald George Sansom B.Sc.Eng. LL.B.

David Crawford Smith R A 11 R

Diana Kennedy Squires B.A. LL.B.

Emast J. Skoss B.A. I.I R

Francis M. Valerloto B.A. LL.B

John E. Valeriote B.B.A. LL.B.

James A. Runions (Retired)

R. Paul Gillies Smith G.C. B.A. LL.B. (Retired)

David E. Hastings, O.C. 1930 - 1999

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519-837-2100, x.255.

Fax: 519-837-1617

same period last year. Of significant note, single-detached home construction was down 35 percent in comparison with 2007 figures. It appears that for the foreseeable future, managing decline shall be of greater concern that paying for growth.

By any vantage, Ontario's economy appears heading for significant turmoil. Even a cursory review of today's Toronto Star reveals a forbidding future. With such captions as:

"517,000 Ontario jobs at risk" - Cover Page
"Toronto's condo. boom is heading for a bust" - Cover Page

"Deficit is necessary, Harper says." A16

"Bush hints interim auto aid in works." A16;

even the most positive outlooks paint difficult and challenging days ahead.

b. Peer Review

As mentioned at the November 17th, 2008, City Council meeting, both Associations want to provide tangible assistance to the City of Guelph's Development Charge Background Study - 2008; ("the Study"), via a peer review. To that end, the work of Ms. Jeannette Gillezeau of the Altus Group, and Mr. Chris Sims of Gamsby Mannerow, provided a variety of comments, which I am sure we will expand upon during tomorrow's meeting. Overall, many of the costly components of the Study, namely sewage and water infrastructure, are based upon forecasts yet to be realized. They include:

- The waste water supply master plan is not complete. As a result, any development charges predicated upon such are based on estimates.
- The water supply forecasts are absent significant conversation efforts which have recently held;
- Guelph's sewage treatment plan is currently being tested to determine if it can accommodate a higher capacity. If such testing is fruitful, this will have a dramatic effect on the Study, as further infrastructure will not be needed; and,
- The storm water management master plan is also based upon estimates, that may be borne by the proponent, not the City.

c. Proposal

Given the cumulative effective of both the economic climate, and the results of the peer review, the following proposal is submitted, to ensure that the mutual goals of both the City and both Associations are met. It includes:

a) For 2009, a deferral shall be applied to all residential development charges, effective January 1st, 2009 to December 31st, 2009, subject to construction price index adjustments;

Appendix 3

b) During 2009, both Associations shall continue to contribute the services of Ms. Gillezeau and Mr. Sims to Mr. Scandland, to assess what are the most accurate results of the assumptions arising with the water and sewage infrastructure.

I hope that this proposal demonstrates a responsible and proportionate response, which allows the City to achieve its goals, while recognizing the incredibly delicate nature of Guelph's development industry. I look forward to expanding upon these matters during tomorrow's meeting

Otherwise, I remain yours sincerely,

SMITHVALERIOTE LAW FIRM LLP

John E. Valeriote

RMM/js

Appendix 3

Via e-mail to ian.hagman@ontario.ca Original to follow by regular mail

Ministry of Natural Resources Guelph District Office 1 Stone Road West Guelph, ON N1G 4Y2

Attention: Ian Hagman, District Manager

Dear Mr. Hagman:

RE: Guelph Dolime Quarry Proposed Torinage Increase

Thank you for your letter of November 4th, 2008 attaching correspondence from the MOE dated April 9, 2008 regarding the City's request for a technical review of the operation and licensing of the Guelph Dolime Quarry owned by River Valley Developments Inc. (a subsidiary of Carson Reid Homes). The regulatory review was requested in November 2007 due to the City's belief that the current quarry operation threatens and endangers the City's water supply and thereby endangers the health or safety of the citizens of Guelph. Furthermore, the City is concerned that expediting the quarry operations by increasing the annual tonnage for the quarry would increase the threat to the City's water supply.

The City has recently received new mapping information from the Ontario Geological Society (OGS) that has significant impact on the interpretation of the geological conditions at the quarry site. The City has prepared a detailed technical response to the MNR and MOE which is appended as Attachment 1. The City requests that both the MNR and MOE reconsider their position in light of this new geological information, which was unavailable at the time that the MOE and MNR undertook their initial review.

In addition, the City requests that the MOE review how the "time of travel" (i.e. how long it would take for a contaminant to reach the City's water supply) may change with the mining of the protective layer, or aquitard, at the site, and how this might impact the potential GUDI (i.e. Groundwater Under the Direct Influence of Surface Water) status of the City's drinking water wells.

Finally, the MOE response indicates that they had not, as yet, received a response from the Source Water Protection Branch, which the MOE has since received. The City has received no indication to date of the position taken by the Source Water Protection Branch regarding whether the activity of mining the aquitard, which protects the City's water supply, is an activity that has the potential to adversely

Ian Hagman, District Manager December 23, 2008

Re: Guelph Dolime Quarry Proposed Tonnage Increase

Page 2

affect the quality or quantity of the City's source of drinking water. The current mining of the aquitard and the future cessation of the dewatering pumps are separate activities, both of which are causing, or could be expected to cause, a detrimental effect on the City's water supply.

The City is concerned that the risks to the City's water supply have increased *substantially* as a result of the excavation by the quarry of the protective layer and therefore the City recommends:

- That MNR immediately limit the extent of the excavation of the quarry such that no further excavation of the aquitard, which protects the City's dripking water source, occurs.
- That the MNR and MOE re-review the potential impacts of the quarry given the new and additional information obtained from the OGS and the discussions presented above, and respond back to the City on its original submission and the additional concerns raised in this letter.
- That MNR add a condition on the quarry's aggregate license to require mitigation through the backfilling of the quarry to a specified depth with a specified material that would result in the minicipal wells to be considered, non-GUIDI, (i.e. non-Groundwater Under the Direct Influence of Surface Water) when the dewatering pumps are turned pff.
- That MNR provide additional details on any proposed changes to the blasting program and that MNR consider the potential nuisance or excessive annoyances that would likely occur as result of more frequent or larger blasting. And that MNR also consult with both the City and its residents prior to any proposed changes to the blasting program.

Yours very truly,

Karen Farbridge

Mayor

Encl.

Copy: Dolly Goyette, District Manager, MOE Guelph District Office Bill Bardswick, Director, MOE Hamilton Regional Office

Janet Laird, Director of Environmental Services Dave Belanger, Water Supply Program Manager Peter Busatto, Manager of Waterworks

INTERNAL MEMO



File: 13.221.014

DATE

December 23, 2008

TO

Janet Laird

FROM

Dave Belanger

DIVISION

Waterworks

DEPARTMENT

Environmental Services

SUBJECT

MNR/MOE Review of the Guelph Dolime Quarry

The City of Guelph (City) received correspondence from the Ministry of Natural Resources (MNR) and Ministry of the Environment (MOE) dated November 4, 2008 and April 9, 2008, respectively, regarding the City's request for a technical review of the operation and licensing of the Guelph Dolime Quarry owned by River Valley Developments Inc. (a subsidiary of Carson Reid Homes). The regulatory review was requested in November 2007 due to the City's belief that the current quarry operation threatens and endangers the City's water supply and thereby endangers the health or safety of the citizens of Guelph. Furthermore, the City is concerned that expediting the quarry operations by increasing the annual toppage for the quarry would increase the threat to the City's water supply.

Herein, the City provides a response to the MNR and MOE correspondence. It is the City's position that the MOE and MNR should reconsider their position in light of new geological information or the quarry, received from the Ontario Geological Survey, which was unavailable at the time that the MOE and MNR undertook their review. In addition, the City requests that the MOE review consider how the two year time of travel may change with the removal of the protective layer. Finally, the MOE response indicates that they had not, as yet received a response from the Source Water Protection Branch, which the MOE has since received. The City has received no indication of the position taken by the Source Water Protection Branch. Both the current mining of the aquitard and the future cessation of punping are activities which have the potential to adversely affect the quality or quantity of Guelph's source of drinking water.

Geological Mapping of the Quarry:

The Ontario Geological Survey (OGS) has been conducting mapping of the Silurian-age bedrock aquifers in the Niagara to Guelph area and is in the process of redefining the nomenclature and sedimentary descriptions of the bedrock formations in the study area. The OGS has mapped the Dolime quarry walls and floor to define the sedimentary sequences and this recent mapping has shown that the Gasport Formation is exposed in the floor and walls of the quarry. It appears that the composite reef mounds within the Gasport Formation have significant paleorelief and are directly overlain by the Eramosa Formation and a thin layer of the Goat Island Formation. The reef mounds and associated coquina cycles of the Gasport Formation are highly transmissive. The Gasport Formation is the main water supply aquifer (i.e. the City's Production Zone) from which a major portion of the City water supply is derived. Previously, based on borehole logs provided by the quarry owners, the base of the quarry was believed to be founded in the Eramosa Formation with Goat Island Formation overlying the Gasport. (Note: The OGS should be consulted for a more detailed description of the bedrock formations in the area of the quarry.)

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 2 of 9

This information on the mapping of the quarry was provided to the MNR and MOE in September 2008 <u>after</u> the MOE had completed its technical review on behalf of MNR in April, 2008. As a result, MOE staff were not able to consider the revised conceptual model of the bedrock geology in the base of the quarry when reviewing the potential impacts of the quarry on the City's water supply. At that time, MOE assumed that "a minimum of approximately 2 metres of the Eramosa Member (confining layer) will remain at the quarry base if quarrying continues" to 285 m above sea level (masl). This new information, therefore, has significant implications with respect to the interpretation of the potential impacts of the quarry.

50 - Day Time of Travel (TOT):

The MNR/MOE relied on the 2 year TOT provided by the City and indicated that the appropriate measure is the 50 day TOT. However, the MNR/MOE did not, at that time, consider the basis for the 2 year TOT estimates provided by the City, nor did they have the opportunity to consider what the 50 day TOT might be under the revised geological interpretation. The MOE indicated that input parameters for the 2 year TOT model are "unknown" although the City had offered the Golder report (Additional Groundwater Supplies for the City of Guelph — the Guelph Lime Project, Golder, 2006) to the MOE, which provided the background information on the model. Furthermore, as indicated in the City's submission, "the model is the same model used in the MOE-funded, Guelph — Puslinch Groundwater Protection Study" (Golder, 2006) and the report and details of the groundwater flow model are readily available to the MOE and should not be considered "unknown". This available background information for the site and surrounding area provides the basis for the groundwater flow model and the implications of the revised geological conceptual model on the 2 year and 50 day TOT.

The change in the conceptual geological model for the quarry significantly changes the conceptual hydrogeological model as well as the interpretation of groundwater travel times. The City's groundwater flow model, developed in 2005, assumed that the Eramosa Formation and the upper Unsubdivided Amabel Formation were present beneath the quarry overlying the Production Zone. In contrast, current OGS mapping indicates that the upper Gasport Formation (Production Zone) is exposed at surface in the quarry floor. This is a significantly different interpretation of the geology from that used in the City's groundwater flow model. The model assumed the Eramosa Member was present beneath the sump (i.e. below 285 masl) and that the upper Amabel Formation (now Goat Island Formation in OGS's new interpretation) was present and moderately permeable (see cross sections provided previously). The floor of the quarry is now known to be more permeable than the values used in the model.

This revised conceptualization of the geology will change the groundwater travel times significantly. Rather than a confined or semi-confined aquifer, the City's water supply aquifer becomes unconfined at the quarry. Where the groundwater flow model had used three hydrostratigraphic units (Eramosa Member, Upper Unsubdivided Amabel Formation and Production Zone), the current interpretation is of one hydrostratigraphic unit (Gasport Formation = Production Zone). The groundwater flow from the quarry to the nearest water supply well has become a relatively simple groundwater flow system. The flow from the

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 3 of 9

quarry is dependent on the elevated water levels in the quarry that are expected upon closure of the quarry and the hydraulic gradient in the Gasport Formation between the

quarry and the nearest water supply well.

The nearest water supply well is the City's Membro Well, located at a distance of approximately 500 m from the Licensed Boundary of the quarry and approximately 530 m from the Limit of Extraction. To estimate the potential travel time, the City has applied representative parameters as follows:

■ Distance from the Limit of Extraction to the Membro Well - √530 to 640 m (closest points on the eastern quarry boundary);

Water Level of the quarry following closure - 310 masi (from the Aggregate License);

Operational pumping water level in Membro Well - 289 masl;

 Hydraulic conductivity - 0.00064 m/s (calibrated hydraulic conductivity from groundwater flow model for the Production Zone (stratigraphic equivalent of the Gasport Formation);

Porosity - 0.05 m/m (porosity used in the call brated groundwater flow model for the Production Zone).

The 50 day travel distance with these parameters is in the range of 1,812 to 2,191 m. Given that the Limit of Extraction is 530 to 640 m at its closest points, the 50-day Time of Travel (TOT) could easily encompass the entire quarry.

The City has also conducted a sensitivity analysis around the parameters (i.e. hydraulic head, hydraulic conductivity and porosity) using a reasonable range of parameters. The sensitivity analysis confirms that, upon closure of the quarry, the quarry is likely to lie within the 50-day TOT of the Membro Well. The City also recommends that the MOE consider the uncertainties associated with travel time calculations in a fractured bedrock adulfer with karst features, and apply the "Precautionary Principle" in its assessment of potential travel times.

Based on this new OGS mapping information, it is the City's opinion that the quarry will be contained within the 50 day TOT of the Membro Well upon closure of the quarry. The MOE's previous statement "these wells are not likely to become GUDI upon shutting off the pumps" needs to be reconsidered in light of current OGS information.

Groundwater Under the Direct Influence of Surface Water (GUDI) Assessment:

The MNR/MOE review identifies the criteria for the designation of water supply wells under the direct influence of surface water. The MOE indicates that it is the City's responsibility to make the determination of the GUDI designation which would be followed by an MOE review. It is the City's opinion that the Membro Well may be "flagged" as a potentially GUDI resulting solely from the excavation of the quarry. As a result of the current mining activity, the quarry, upon closure, will lie within the 50 day TOT. In addition, the Membro Well will draw water from the unconfined portions of the aquifer created by the extraction of the City's aquitard by the quarry. Excavations of the quarry have reduced the formation thickness to less than 15 m of surface. Furthermore, when the Membro Well is pumped, the

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 4 of 9

water level in a monitoring well (OW-5d) on the quarry property dropped quickly indicating the potential for a significant increase in hydraulic gradients upon closure of the quarry. As a result of current mining activities, upon closure of the quarry, the quarry will be within the 50 day TOT of the Membro Well and may meet criteria ii) a, b and d of the MOE's Terms of Reference, Hydrogeological Study to Examine Groundwater Sources Potentially Under Direct Influence of Surface Water (MOE, 2001).

The Membro Well is currently considered to be a pure groundwater well. Current activities, i.e. man-made excavations of the quarry, will result in the quarry allowing pathogens (i.e. a contaminant) to enter the groundwater aquifer and the Membro Well may be designated as GUDI. If the well is designated as GUDI, the City may be required, under the Safe Drinking Water Act, to construct expensive treatment systems on the Membro Well. If treatment is required on the Membro Well, it is the City's opinion that the potential GUDI designation will be caused solely by the preferential pathway created by the current quarry operations which will lead to contamination of the aquifer.

The City requests that the MOE review the potential GUDI status of the Membro Well. If the MOE agrees that the Membro Well may be flagged as a GUDI well as a result of the quarry operation, then the City requests that the MOE take the appropriate actions to prevent a man-made, preferential pathway from introducing contaminants into a water supply aquifer. Alternatively, if the MOE determines that the Membro Well would not be considered GUDI, and no action is taken to prevent the preferential pathway, and if the Membro Well subsequently does become contaminated by pathogens, the City would expect full compensation to provide treatment for the Membro Well.

The MNR/MOE review is based on questions which were asked by the MNR to the MOE, most of which dealt with the potential GUDI status of the City's wells. The City is requesting that the MNR/MOE reconsidered their review of the potential GUDI status of the City's wells, based on the new OGS mapping information.

The Quarry and Implications for Source Water Protection:

The City's initial request for a review of the quarry identified the Clean Water Act as one of the relevant acts to be considered in the review. Based on the Act, the Walkerton Inquiry and MOE Source Protection Guidance Modules, the City raised issues with respect to the multiple barrier approach to drinking water safety, the quarry pond as a pathogen contaminant source and the quarry as a constructed preferential pathway. The MOE response indicated that "Potential Source Water Protection issues are currently outside the mandate of the Technical Support Section" and that the Source Water Protection group would provide further comment and recommendation. The City has not received any additional comment or recommendations from the Source Water Protection group, either directly or through MNR or MOE.

The MNR response indicated simply that "Since, the Grand River Watershed Source Water Protection Plan (SWPP) has not as yet been completed, it is premature at this time to know the land use implications of the SWPP". In the absence of input from the Source Water Protection group, the City requests that MOE provide comments on the potential increase in

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 5 of 9

risk to the City's water supply presented by the quarry. We ask that the MOE respond to the following questions:

- 1. Since the quarry has removed the confining layer, has the aquifer vulnerability in the area of the quarry increased?
- 2. If the aquifer vulnerability has increased, is the City's water supply at greater risk than if the confining layer had remained in place (i.e. is the City water supply more susceptible to contamination with the confining layer removed)?
- 3. Would the quarry be defined as a preferential pathway and if sp, what are the implications with respect to the intrinsic vulnerability? Would the vulnerability increase as a result of the presence of the quarry and the breach of the confining layer?
- 4. Will the quarry become or could it become a significant groundwater recharge area" or could the City's bedrock aquifer become a highly vulnerable aquifer" upon closure of the quarry? From a source protection perspective, what are the implications of this designation?
- 5. Would the increase in aquifer vulnerability result in an increase in potential land use constraints in a SWPP?
- 6. In recognition of the above and from a Source Water Protection point of view, is the City's water supply are greater risk now that the quarry has breached the confining layer?

The responses to the above questions are required to assess the potential risks to the City's water supply as well as to ensure that the Source Water Protection Committee will properly recognize the quarry in the development of the SWPP.

Relevant Regulations and the Discharge of Contaminants:

In response to a question asked by the MNR on the laying of charges under available legislation, the MOE states that "None of the circumstances that we are aware of offer any prospect for a successful prosecution of the landowner under the current regulatory scheme". The City requests clarification on the MOE's interpretation of relevant sections of the Ontario Water Resources Act (OWRA).

Section 30 (1) states: Every person that discharges or causes or permits the discharge of any material of any kind into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters is quilty of an offence.

The City would consider the potential release of pathogens (a contaminant) into the bedrock where none currently exists to represent an impairment of the water quality of the City's water supply aquifer. Essentially the discharge of contaminants from the quarry property may have an adverse effect on the City's water supply and endanger the safety of the citizens of Guelph. The City considers the quarry to represent a man-made feature

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 6 of 9

resulting from an industrial process. The City asks the question: Can this section of the Act be used to control/prevent the release of contaminants into the City's water supply aquifer? The City requests that the MOE comment on the application of this section of the OWRA in the case of the current quarry operations, as well as the quarry upon closure.

Section 34 (7) of the OWRA addresses the flowing or leaking of water from a hole or excavation and states: Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of a Director, with any public or private interest in any water, the Director may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Director may direct, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice may require.

Section 34 (8) states: that every person that contravenes subsection (7) is guilty of an offence. The City asks the question: Can this section of the Act be used to control/prevent the release of contaminants (i.e. water quality interference) into the City's water supply aquifer? The City requests that the MOE comment on the application of this section of the OWRA in the case of the current quarry operations, as well as the quarry upon cessation of their water taking.

The City also requests that the MOE provide guidance on the application of Ontario Regulation 903 in the case of the quarry. The OWRA and O.Reg. 903 provide definitions of wells and dewatering wells. A well is described as "a hole made in the ground to locate or to obtain groundwater" while a dewatering well is described as "a well that is not used or intended for use as a source of water for agriculture or human consumption and that is made, (a) to lower or control the level of ground water in the area of the well,.... Section 21 (7) states: If a well permits any movement of natural gas, contaminants or other materials between subsurface formations, or between a subsurface formation and the ground surface, and the movement may impair the quality of any waters, the well owner shall immediately abandon the well unless measures are taken that prevent the movement at all times.

The City asks the question: Can this section of the Regulation be used to control/prevent the release of contaminants into the City's water supply aquifer? The City requests that the MOE comment on the application of this section of the OWRA in the case of the current quarry operation as well as the quarry upon cessation of their water taking.

The City would appreciate an interpretation of the preventative actions that may be taken under the OWRA. There is a risk in taking the position that, until the pumps are turned off and the City's water supply aguifer is contaminated, no actions can be implemented.

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 7 of 9

However, as stated in its original submission, the current excavation of the quarry may create irreversible harm and is a current activity that has the potential to adversely affect the quality or quantity of the City's source of drinking water. The City requests that the MNR/MOE not allow the harm to occur, but rather require preventative actions to protect the citizens of Guelph.

Potential Flow of Contaminants from the Ouarry

The MOE in their response indicated that "the extension of the flootypint of the sump is not expected to significantly increase the risk of the wells becoming GUDI beyond the risk associated with the current footprint in the area of the sump" and "the amount of water flowing through the aquitard breach may incrementally increase with the footprint of the sump, but this will not change the essential character of the issue". The City fundamentally disagrees with these statements. The nature of the bedrock is a fractured aquifer with karst features and the quarry is located in close/proximity to the water supply wells. Continued excavation of the quarry has the potential to uncover open fractures or solution cavities that will enhance migration of contaminants to the nearest water supply well. Given that vertical fractures may have a preferred prientation and bedding plane fractures may be open in some locations and closed in other locations, the location and area of the breach of the confining layer may significative change the fish of contaminants reaching a water supply well. Similarly, if the quarry excavates to the full extent of the Limit of Excavation, the breach of the aquitard could be placed hundreds of metres closer to the nearest municipal well, thereby significantly increasing the risk to the well (e.g. instead of 50-day travel time. the travel\time could be 25 days or less).

In addition, the area of the floor of the quarry will control the discharge of contaminants into the bedrock aquifer (i.e. the Production Zone) once the pumps are turned off and the quarry fills with water. For example, if the sump (20 m by 20 m = 400 m²) was the only breach through the confining layer, the discharge of contaminants into the aquifer would be significantly less than if the entire Limit of Extraction (447,000 m²) penetrates the aquitard. All else being equal, flow through the entire Limit of Extraction could be more than 1000 times greater than through the sump area.

It is the City's opinion that the area of the excavation significantly affects the potential risk to the City's water supply aquifer. The larger the breach of the confining layer, the greater is the risk to the City's water supply. The City requests that the MNR/MOE not take the position that the quarry is licensed to remove the bedrock to 285 masl and therefore this is a permissible activity. The City requests that the MNR/MOE identify the current quarrying activity as an activity that has the potential to adversely affect the City's water supply and protect the City's water supply by limiting the depth of excavation within the base of the quarry to prevent any increased risk to the City's water supply.

In addition, the City requests that, given the current risk to the City's water supply identified in this letter, that MNR apply Section 37(6) of the Aggregate Resources Act to add a condition to the aggregate license to require rehabilitation of the quarry post-closure. The City requests that the MNR require the quarry owners to backfill the quarry to a specified

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 8 of 9

depth with a specified material that would result in the municipal wells to be considered "non-GUDI" when the quarry pumps are turned off.

Conclusions:

Based on this technical review of the potential threat to the City's water supply presented by the Dolime Quarry in light of the new mapping information from OGS, , the City provides the following conclusions:

- i. New mapping of the base and walls of the Dolime Quarry indicates that the City's water supply Aquifer (Production Zone) is exposed in the base of the duarry. This new information was not available to MNR and MOE during their review. Therefore, the City requests that the MNR and MOE reconsider the potential risk to the City's water supply.
- ii. The new interpretation of the geology in the area of the quarry affects the potential travel times from the quarry to the nearest municipal well. Using representative payameters, the City can demonstrate that, upon closure, the quarry lies within the 50-day time of travel of the Membro Well. The City requests that the MOE reconsider the potential travel times in recognition of the fractured and karstic nature of the bedrock aquifer.
 - The City has evaluated the Membro Well against the GUDI criteria. Upon closure of the quarry and the shut down of the quarry pumps, the Membro well is likely to be flagged as a GUDI well. The potential GUDI designation is due solely to the quarry. The Membro Well is currently a pure groundwater well and the GUDI designation will only occur as a result of the removal of the protective layers overlying the Production Zone which may allow pathogens from the quarry pond ato leak into the bedrock aguifer.
 - The City has not received a response to our concerns regarding Source Water Protection other than an indication that a Plan would be prepared. The City has posed a number of questions to determine the potential increased risk presented by the quarry, and to aid in developing the appropriate safeguards in the Lake Erie Source Water Protection Plan.
- v. The City has also raised concerns with respect to existing legislation that may be applied in this case to protect the City's water supply. The City has requested clarification on the potential application of three clauses of the OWRA and Regulation 903. It is the City's opinion that the OWRA contains clauses that specifically address the discharge of contaminants or other materials into a water supply aquifer that may impact the quality of the water.
- vi. The extent of the excavation in the quarry affects the level of risk to the City's water supply. The larger the excavation, the greater the risk that the quarry will affect the City's water supply. The City requests that MNR limit the extent of extraction of the quarry to protect the City's water supply, and require the quarry owners to rehabilitate the quarry upon closure, by sealing the quarry floor such that the City water supply well will not become GUDI wells.

Janet L. Laird, Director of Environmental Services

December 23, 2008

RE: MNR/MOE Review of the Guelph Dolime Quarry

Page 9 of 9

Recommendations

THAT MNR immediately limit the extent of the excavation of the quarry such that no further excavation of the City's protective layer occurs.

(B) THAT MNR and MOE re-review the potential impacts of the current quarry operations given the new and additional information presented above and respond back to the City on its original submission and the additional concerns raised in this letter.

(C) THAT MNR add a condition of the license to backfill the quarry to a specified depth with a specified material that would result in the muhicipal wells to be considered "non-GUDI" when the pumps are turned off.

Dave Belanger, M.Sc., P.Geo. Water Supply Program Manager

Waterworks Division
Environmental Services Location: 29 Waterworks Place

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E dave.belanger@gueph.ca

INFORMATION REPORT



TO

Guelph City Council

SERVICE AREA DATE

Environmental Services December 4, 2008

SUBJECT

MNR/MOE Review of the Guelph Dolime Quarry

REPORT NUMBER

SUMMARY

The City, through correspondence from Mayor Farbridge to Mr. James Williams, Aggregate Inspector, Ontario Ministry of Natural Resources (MNR), dated November 29, 2007, requested that the MNR and the Ministry of Environment (MOE) conduct a review of the Guelph Dolime Quarry (now owned by River Valley Developments Inc., a subsidiary of Carson Reid Homes). The Mayor asked the MNR/MOE to "provide assurances, in writing, that the quarry license or operations or rehabilitation will not adversely impact the City's water supply or put the water supply at risk of an adverse impact, now, or any time in the future". The MNR and MOE have responded in a letter dated November 4, 2008. This report provides a brief summary of that response.

BACKGROUND

A Council Information Report (dated December 6, 2007), and the Mayor's letter dated November 29, 2007 are provided in Appendix "A". The MNR and MOE responses are provided in Appendix "B". It should be noted that the City's concerns are associated with the eventual closure of the quarry and the potential impacts that may develop after the quarry fills with water. These effects are not likely to occur until the quarry is mined out in 10 to 20 years and the dewatering pumps turned off. As long as the quarry is being actively dewatered, the City's water supply wells are not at risk.

REPORT

The MNR response states "the City's wells will not be adversely impacted by the aggregate operation activities or rehabilitation of the site". While, we accept the surety provided by the MNR's statements, we are concerned that the MNR and MOE response is incomplete and not based on a thorough review of all available information. The City had asked for a review of the relevant provincial acts and regulations associated with environmental and drinking water protection. Instead, MNR poses questions to MOE and MOE responded specifically to the questions. Of particular concern is that the MNR response did not address the issue of increased risk presented by the quarry opening a preferential pathway into the City's water

supply aquifer. Furthermore, the MOE response indicates a number of the City's concerns are related to Source Water Protection and that the MOE Source Water Protection group will be providing further comment and recommendation. However, a response from the MOE Source Water Protection group has not been provided to date.

The MOE response provides conclusions as to whether the City's water supply wells would be impacted by bacteria upon closure of the quarry. Based on the limited information reviewed by the MOE, the MOE concluded that the City's wells would not be considered Groundwater Under the Direct Influence of surface water (GUDI) and therefore susceptible to bacterial contamination. The MOE acknowledges that "there is currently not enough information to make these conclusions" but "it is not likely". The MOE also indicates that GUDI assessments "are the responsibility of the municipality" and that if a well is determined to be GUDI, "the requirement is simply to enhance treatment of the water". The MOE has placed the full responsibility of responding to potential impacts from the quarry on the City.

Furthermore, the MOE placed full reliance on an interpretation of the Two-Year Travel Times to the water supply wells which the City now considers to be inaccurate. Recent (July, 2008) mapping of the quarry by the Ontario Geological Survey has shown that the quarry has breached the confining layer and that the City's water supply aquifer (Production Zone) is exposed in the floor and walls of the quarry. This new observation is a different interpretation of the hydrogeology of the quarry than had been used in the City's groundwater flow model developed in 2005. City staff believe that this new interpretation negates that MOE's interpretation and that upon closure of the quarry, the City's wells may be flagged as "GUDI". The implication is that, upon closure of the quarry, one or all of the wells in the area of the quarry may require very expensive treatment.

MNR has proposed that a study be completed by the quarry owners to better understand the depth of the quarry in relation to various geological layers and has invited the City to participate on a sub-committee to develop the Terms of Reference for the study. The MNR has requested that the City to provide any information that may indicate that the quarry is having an adverse impact on water quantity or quality that the City should provide it to the MNR by December 12, 2008. The MNR has also stated that "in the absence of any information demonstrating an adverse impact, this ministry is prepared to approve the proposed tonnage increase".

City staff will send a response to the MNR and MOE correspondence by the December 12, 2008 deadline, as requested, outlining the concerns as detailed above. In addition, staff will follow-up with a further report to Council providing a copy of the submission.

CORPORATE STRATEGIC PLAN

- 5. A community-focused, responsive and accountable government.
- 6. A leader in conservation and resource protection/enhancement.
- 6.3 A safe and reliable local water supply.

FINANCIAL IMPLICATIONS

Financial impacts are uncertain. As a worse case, upon closure of the quarry, at least one well (Membro) and perhaps a many as four wells may require enhanced disinfection at a cost exceeding \$1 million per well, or full filtration and disinfection at a potential cost of up to \$2 million per well. As a minimum, the City's regulatory responsibilities and the resultant costs for Source Water Protection will increase as a result of the increased vulnerability presented by the quarry.

DEPARTMENTAL CONSULTATION/CONCURRENCE

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

- Appendix "A" copy of Council Information Report dated December 6, 2007 entitled "River Valley Developments Inc. Aggregate Resources Permit for the Guelph Dolime Property", including November 29, 2007 correspondence to MNR;
- Appendix "B":
 - copy of letter from Ian Hagman, District Manager, MNR to Mayor Farbridge dated November 4, 2008 re: Guelph Dolime Quarry Proposed Tonnage Increase; and
 - copy of memorandum from Sandra Gagné, Hydrogeologist, MOE West
 Central Region to Dolly Goyette District Manager MOE dated April 9, 2008
 re: Guelph Dolime Quarry Request for Technical Advice to MNR

Prepared By:

Dave Belanger, M.Sc., P.Geo. Water Supply Program Manager Recommended By: Janet L. Laird, Ph.D.

Director, Environmental Services



Guelph

Information Report

ENVIRONMENTAL SERVICES

TO:

Mayor and Members of Guelph City Council

DATE:

December 6, 2007

SUBJECT:

RIVER VALLEY DEVELOPMENTS INC. - AGGREGATE RESOURCES

PERMIT FOR THE GUELPH DOLIME PROPERTY

REPORT:

At a meeting of Guelph City Council held August 13, 2007, Council unanimously passed the following resolution:

"THAT the City of Guelph object to the current application by River Valley Developments Inc. for a change to their Aggregate Pit License No. 5672 in order to double the annual extraction limit to 1,000,000 tonnes from the DoLime Pit, Township of Guelph/Eramosa;

AND THAT Council reaffirms its position passed at its meeting held June 21, 1999, while recognizing the change in the requested annual tonnage:

WHEREAS citizens living in the area and beyond, moved there with the DoLime Limited activity at its present level;

AND WHEREAS the present level of noise, vibrations and dust has a continuous serious negative effect on citizens;

THEREFORE BE IT RESOLVED THAT, based upon serious public complaints received over a number of years relating to the existing level of operations at Guelph DoLime, the City of Guelph strenuously objects to a proposal to expand the extraction activities of Guelph DoLime from 500,000 tonnes per year to 750,000 tonnes per year;

AND THAT the Council resolution be forwarded to the Minister of Natural Resources, Brenda Elliott, M.P.P., Brenda Chamberlain M.P. and the Mayor of Guelph/Eramosa Township;

AND THAT staff be instructed to bring further correspondence regarding this matter forward to Council as it becomes available;

AND THAT the Council resolution be forwarded to the Ministry of Natural Resources, Liz Sandals, MPP, Brenda Chamberlain, MP and the Mayor of Guelph/Eramosa Township."

Regarding the second last clause above, City staff received, on October 16, 2007, a response to the City's submission to the Ministry of Natural Resources (MNR) from the proponent's consultant Conestoga Rovers and Associates on behalf of River Valley Developments Inc. City staff have provided additional information to the MNR and reaffirmed the City's opposition to the change in the aggregate license to increase the annual tonnage.

The correspondence provided to MNR is attached.

CORPORATE STRATEGIC PLAN:

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

FINANCIAL IMPLICATIONS:

N/A

DEPARTMENTAL CONSULTATION:

N/A

ATTACHMENTS:

Copy of November 29, 2007 correspondence to the Ministry of Natural Resources.

Prepared By:

Dave Belanger, M.Sc., P.Geo.

Water Supply Program Manager

Recommended By: Janet L. Laird, Ph.D.

Director of Environmental Services

The City That Makes A Difference



OFFICE OF THE MAYOR

City Hall, 59 Carden Street Guelph, Ontario, Canada N1H 3A1 Telephone: (519) 837-5643 Fax: (519) 822-8277 Websile: guelph.ca

November 29, 2007

Via Facsimile to 519-826-4929 and by Courier

James Williams, Aggregate Inspector Ministry of Natural Resources Guelph District Office 1 Stone Road West Guelph, ON N1G 4Y2

Dear Mr. Williams:

RE: EBR Registry No. 010-1086 River Valley Developments Inc.

Herein, please find attached a letter from Mr. Dave Belanger, M.Sc., P.Geo., Water Supply Program Manager, City of Guelph. Mr. Belanger has prepared the letter to respond to correspondence received by the City on an application by River Valley Developments Inc. to vary a condition of their current aggregate licence to authorize an increase in the number of tonnes of aggregate to be removed in a calendar year.

The letter re-affirms the City's opposition to the requested license change. The City asks that the Ministry of Natural Resources (MNR), in consultation with the Ministry of Environment (MOE), carefully review this letter and the substantive issues raised by the City. We request that MNR and the MOE provide assurances, in writing, that the quarry licence or operations or rehabilitation will not adversely impact the City's water supply or put the water supply at risk of an adverse impact, now, or at any time in the future. Furthermore, since River Valley Development did not respond to the other concerns raised by the City in its initial correspondence, these concerns remain unresolved. We ask that MNR respond to the City on these concerns.

We would also welcome the opportunity for MNR and the MOE to attend a City Committee or Council meeting to discuss these issues with members of our Council.

Sincerety,

Fathridge

Guelph City Council CC:

> Dolly Goyette, District Manager, MOE Liz Sandals, MPP Guelph-Wellington Janet L. Laird, Ph.D., Director of Environmental Services

Peter Busatto, Manager of Waterworks

Ministry of Natural Resources Ministère des Richesses naturelles

Gueloh District 1 Stone Road West Guelph, Ontario N1G 4Y2,...

Telephone: (519) 826-4955 · Facsimile: (519) 826-4929

1970、\$P\$ 1770 (1984年)教徒



November 4, 2008

Mayor Karen Farbridge City Hall, 59 Carden Street Guelph, Ontario N1H 3A1



Dear Mayor Farbridge.

RE: Guelph Dolime Quarry Proposed Tonnage Increase

Thank you for your letter of November 29, 2007, addressed to James Williams, regarding the proposed tonnage increase at the River Valley Developments Inc. - Guelph Dolime Quarry (EBR Registry No. 010-1086). As requested in your cover letter, staff from the Ministry of Natural Resources (MNR) have carefully considered the concerns raised. MNR staff have held meetings with City staff and staff from the Ministry of the Environment (MOE) to help guide the technical review of the issues raised in the letter.

The Guelph Dolime Quarry is currently authorized to extract material to a depth of 285 m asl and to dewater via a sump to an elevation of 288,39 m asl, with a maximum water taking of 13,750 m³/d. Please note, the proposed tonnage increase will not change how the site is operated, the amount of stone that can be removed at the guarry or the final depth of extraction. However, the tonnage increase would result in the guarry being depleted sooner and allow for final rehabilitation of the site to occur earlier.

A number of the concerns and questions raised in the letter relate to the City of Guelph's drinking water supply. Since the MOE's mandate includes the supervision of ground and surface water supplies, the MNR requested technical advice from the MOE to respond to the questions and concerns relating to the protection of the City's water supply. A copy of these correspondences is attached for your information.

The results of the MOE technical review, based on the information provided, indicates the City's wells will not be adversely impacted by the aggregate operation activities or rehabilitation of the site.

Subsequent to your letter, City staff provided the MNR and MOE with groundwater flow information and modeling results. Those results were reviewed as part of the technical review by the MOE. These models used a 2 year time-of-travel and the City's interpretation, based on these outputs, was that some of the City's wells could become ground water under direct influence of surface water (GUDI) at some point in the future, when the quarry is depleted and it fills with water. However, based on MOE's criteria, a 50 day time-of-travel should be used for

determining whether a well has the potential to become GUDI. A two-year time of travel interpretation becomes necessary if a water supply well is identified as a GUDI well based on the criteria. Please refer to the attached MOE letter for a complete list of the criteria.

As a result of their technical review, MOE recommended that a study be completed to better understand the depth of the quarry in relation to the various geological layers. The MNR supports the need for this study and will require the licensee, River Valley Development, undertake this study prior to the approval of the tonnage increase. In preparation for this study, the MNR would like to establish a sub-committee to develop the Terms of Reference for this study. The MNR invites the City of Guelph to participate on the sub-committee. The sub-committee will include representation from:

- MOE:
- The City of Guelph:
- Licensee River Valley Development Inc.;
- MNR: and
- Ministry of Northern Development and Mines (MNDM)

Recent information provided by Frank Brunton of MNDM indicates that the Eramosa member has been breached in several locations within the quarry. As a result, it is possible that the confining layer (aquitard) has been compromised for several years. However, as previously mentioned this does not mean that the City of Guelph municipal water supply wells are GUDI, or will become GUDI in the future, based on the information reviewed.

The protection of the water supply is a shared responsibility. The appropriate monitoring and treatment of municipal wells remains the responsibility of the operator. However, the licensee also has a responsibility to protect water under the Ontario Water Resources Act.

If the municipality has information clearly demonstrating that the quarry operation is, in fact, having an adverse impact on water quantity or quality, please provide that information to the MNR by December 12, 2008. In the absence of any information demonstrating an adverse impact, this ministry is prepared to approve the proposed tonnage increase.

During the technical meeting between the City, MNR-and MOE, City staff asked about the implications of the current Source Water Protection planning. Since, the Grand River Watershed Source Water Protection Plan (SWPP) has not as yet been completed, it is premature at this time to know the land use implications of the SWPP. It should be noted that a surface water body is not considered a threat within the context of Source Water Protection planning.

In your letter, you asked the MNR to respond to the concerns raised by Council in the August 13, 2007 and June 21, 1999 resolutions. In addition to drinking water issues, these resolutions raised concerns about the quarry being proximate to a residential area, the proposal being piecemealed together, concerns about dust, noise and vibration and that increased activity would result in further public complaints.

The quarry operation is adjacent to a residential area and the most common public complaint is about vibrations associated with blasting. When MNR receives public complaints about

vibration and blasting, MNR investigates to ensure the vibrations are below the provincial guidelines. Monitoring data from the past nine years indicates the vibrations associated with blasting at the quarry are well within the provincial standards. If the proposed tonnage increase were granted, it would result in the need for changes to the blasting program. The blasting and vibration must remain within the provincial standards. As previously noted, the tonnage increase would result in the quarry being depleted sooner and allow for final rehabilitation of the site to occur earlier.

This quarry has been in operation for more than 100 years and it has been licenced under the Pits and Quarries Control Act (1971) and the Aggregate Resources Act (1990). The Operational Plan and Rehabilitation Plan for the quarry meet the current provincial standards. The Rehabilitation Plan shows portions of the bedrock face sloping at 2:1, while the overburden and topsoil areas are rehabilitated to variable slopes. If the MNR had concerns about the Site Plans or the operation of the quarry, Section 37(6) of the Aggregate Resources Act allows the Minister to add a condition to an aggregate permit or rescind or vary any condition of such a permit.

Though the City has concerns that RVD is applying in a piecemeal fashion for changes to their Site Plan, the Aggregates Resources Act does allow the licencee to apply for Site Plan amendments.

As part of the concerns raised by the City, the City requested "MNR should evaluate the potential pathogen contaminant sources that may result [reside?] on the property and the impacts of these sources on the City's water supply". As well the letter discusses the "need to replace the Eramosa Member or to restore the confining layer for the City's water supply aquifer". When the MNR consulted with the MOE about the City wells becoming GUDI and about the specifications for adding a confining layer, the MOE technical review concluded, "there is no evidence that these wells will become GUDI, as such, it is not possible for MOE to make such recommendations at this time".

Since the kiln operations on the site ceased in the 1990s, MNR has not received dust complaints.

Please direct any public concerns about noise, dust and vibration from the quarry to James Williams, Aggregates Officer (519-826-4927), and those complaints will be investigated to ensure the quarry is operated according to the Site Plans and within the provincial standards.

If you have any questions regarding this matter, please contact Al Murray, Area Supervisor, MNR Guelph District at (519) 826-4914.

S(nòerely,

lan Hagman

District Manager

Cc: Dave Belanger, Water Supply Program Manager, City of Guelph Dolly Goyette, MOE, Guelph District Manager Don Hamilton, MOE, Supervisor of Drinking Water Inspection Sandra Gagné, MOE, Regional Hydrogeologist Richard Vantfoort, MOE, Water Resources Scientist - Hydrogeologist Alistair MacKinnon, MNR, Policy Advisor David Webster, MNR, Regional Hydrogeologist Carson Reid, River Valley Developments Inc.

Ministry of the Environment West Central Region

Ministère de l'Environnement

119 King Street West

12th Floor

Hamilton, Ontario LBP 4Y7 Tel.: 905 521-7640

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119 rue King ouest 12e étage

Hamilton (Ontario) LBP 4Y7 Tel.: 905 521-7640

Téléc. : 905 521-7640 Téléc. : 905 521-7820

April 9, 2008

MEMORANDUM

TO:

Dolly Goyette

District Manager

Guelph District Office

FROM:

Sandra Gagné

Hydrogeologist

Technical Support Section, West Central Region

RE:

Guelph Dolime Quarry Request for Technical Advice to MNR

The purpose of this memorandum is to address the questions put forth by Ken Cornelisse of the Ministry of Natural Resources in reference to the following document:

 Letter to James Williams, Aggregate Inspector, Ministry of Natural Resources, from Karen Farbridge, Mayor, City of Guelph, RE: EBR Registry No. 010-1086 River Valley Developments Inc., November 29, 2007.

This was not an exhaustive review of all information and data available regarding the quarry and the City of Guelph wells. The review focused on the above letter as well as any further information presented at a March 28, 2008 meeting with the City of Guelph, MOE and MNR. The purpose is to address the MNR questions in relation to the application to amend the current quarry license to increase the rate of extraction.

The majority of the questions posed by the MNR deal with the municipal wells in the vicinity of the Guelph Dolime Quarry potentially being considered as groundwater under the direct influence of surface water (GUDI) in the future. Since GUDI is a recurring theme in the questions, it is reasonable to start with the definition of GUDI. As per Section 2.0 of the Terms of Reference (MOE, 2001)¹, wells are 'flagged' as potentially GUDI if they:

- i) Regularly contain Total Coliforms and/or periodically contain <u>E. coli</u>; or
- ii) Are located within approximately 50 days horizontal saturated travel time from surface water or are within 100 m (overburden wells) or 500 m (bedrock wells) of surface water (whichever is greater) and meet one or more of the following criteria:
 - a) Wells may be drawing water from an unconfined aquifer;
 - b) Wells may be drawing water from formations within approximately 15m of surface;



- c) Wells are part of an enhanced recharge/infiltration project:
- d) When the well is pumped, water levels in surface water rapidly change or hydraulic gradients beside the surface water significantly increase in a downward direction;
- e) Chemical water quality parameters (such as temperature, conductivity, turbidity, total dissolved solids, pH, colour, oxygen) are more consistent with nearby surface water than local groundwater and/or if they fluctuate significantly and rapidly in response to climatological or surface water conditions.

To date, there are a number of wells in the province which have been identified as GUDI. When the municipal assessment of the supply wells (as per the Terms of Reference) determines that a supply well is GUDI, the requirement is simply to enhance treatment of the water; it is not a violation.

With respect to the questions posed by MNR (included in bold italics), I offer the following responses, which are directly related to the information supplied in the November 29, 2007 letter and the March 28, 2008 meeting:

A) The quarry has an existing sump that is about 20m x 20m with a floor elevation of approximately 285masl. If the quarry was to shut-off their pumps, would the existing sump, result in the City wells being considered GUDI?

There is currently not enough information to make these conclusions. However, based on the definition of a potentially GUDI well, it is not likely. The municipal wells cited (University, Downey and Membro) are not located within 500 m of the quarry, nor are they likely within the 50 day horizontal travel time (the two year time of travel was modeled). With respect to condition (i), this would require sample collection and analysis under the new conditions and cannot be assumed.

Furthermore, GUDI assessments are the responsibility of the municipality. It is up to the municipality to make any determination of this nature which, of course, would be followed by a MOE review.

If the existing conditions result in the municipal wells being GUDI when the quarry pump is turned off, could the landowner be charged under the Water Resources Act or Safe Drinking Water Act (or other legislation) for impacting the municipal water supply?

None of the circumstances that we are aware of offer any prospect for a successful prosecution of the landowner under the current regulatory scheme.

If they could be charged, can the MOE deny the quarry a PTTW renewal if the permit is required to protect the Municipal water supply?

There is no apparent legal impediment for approval or denial of a permit to take water. However, the Director would have to be able to defend the decision based on environmental grounds at an Environmental Review Tribunal hearing. At any such hearing, the Director would likely have to explain what consideration was given to alternative means of protecting the municipal water supply, such as enhanced treatment.

Also, it would not be considered a violation of the PTTW if the quarry turned off their pumps and allowed the quarry to fill. The MOE would not require a company to pump into perpetuity as a measure to protect a municipal water supply especially if alternative means to protect the supply are available.

B) If the existing sump does not result in the municipal supply becoming GUDI when the pumps are shut-off at the quarry, will the removal of additional stone from the quarry (to 285masl) result in the municipal supply wells becoming GUDI when the quarry pumps are shut-off?

The quarry license already permits excavation of the Eramosa Member to a depth of 285 masl. Based on the schematic diagrams provided, a minimum of approximately 2 metres of the Eramosa member (confining layer) will remain at the quarry base if quarrying continues to this depth. The current proposal is simply to increase the annual tonnage, not to 'remove additional stone'. Therefore, the quarry will simply be exhausted sooner if the current proposal is approved. This means that any potential impact due to shutting off the pumps would have occurred had the current amendment not been requested. However, such impact may now occur at an earlier date.

Also, the extension of the footprint of the sump is not expected to significantly increase the risk of the wells becoming GUDI beyond the risk associated with the current footprint in the area of the sump. Since the depth of quarry excavation is not being increased, the fundamental fact that the aquitard has already been breached (according to the City's statements to the ministry), will not change. The amount of water flowing through the aquitard breach may incrementally increase with the footprint of the sump, but this will not change the essential character of the issue.

With respect to the municipal wells becoming GUDI once quarrying is complete and the pumps are shut off, the answer is similar to A. The modeling results provided depict only the 2-year time of travel. As per the definition, for a well to be potentially GUDI, the quarry should fall within a 50 day time of travel from the municipal well. This information was not included in the model provided. Based solely on the predictive 2-year TOT model supplied, for which input parameters are unknown, the municipal wells would not likely be considered GUDI. Again, sampling and analysis would also be required under the new conditions to determine compliance with condition (i).

C) Does the ongoing operation (quarrying to 285 masl, dewatering or shutting off the dewatering pumps) of this pit result in a conflict with any current water related legislation (i.e. WRA or SDWA, EPA, etc.)?

Not that we are aware of.

D) If the quarry is allowed to increase the tonnage, does the MOE recommend any additional monitoring to take place, such as additional monitoring wells?

It is my current understanding that the monitoring program in place is specific to the Permit to Take Water (PTTW). As there are no proposed amendments to the PTTW at this time, it is not expected that additional monitoring will be required.

That being said, the concerns raised by the City regarding the integrity of the aquitard do have some validity. Because of the age of the quarry and the extraction license, there has been no previous assessment of the effect of the quarry excavation on the aquitard above this main production zone. Although not directly connected with the proposed license amendment, it is recommended that a condition be included in the aggregate licence for River Valley Developments to undertake a geotechnical study to assist in a determination of what, if any, impact there would be with continued extraction of the Eramosa member. Such a study should include, but not be limited to, an assessment of:

- The actual thickness and character of the Eramosa member in the area of the quarry;
- · The extent to which this unit has been breached to date;
- The current competency of the Eramosa member as a confining layer;
- A determination if it is still reasonable to extract to the currently licensed depths
 (i.e. should the currently licensed base elevation remain the same or is it more
 reasonable to increase the elevation slightly to ensure further protection?);
- · Reassessment of current rehabilitation plans.
- E) If the quarry results (currently or in the future) in the municipal drinking water wells to become GUDI when the pumps are shut off, can the municipal wells remain "non-GUDI" if the dewatering continues in perpetuity?

There is not enough information at this time to respond to this, but theoretically, this is likely the case. However, back to the definition of GUDI and the information supplied, these wells are not likely to become GUDI upon shutting off the pumps.

Alternatively, could the quarry backfill the pond to a specified depth with a specified material that would result in the municipal wells to be considered "non-GUDI" when the pumps are shut off? If so, please provide us with some guidance about the depth and type of material required.

This would be something that would be proposed and designed by the owners of the quarry if deemed necessary. There is no evidence that these wells will become GUDI, and as such, it is not possible for the MOE to make such recommendations at this time.

It should be noted that a number of concerns raised by the City were related to Source Water Protection and are not directly related to this current aggregate license amendment application. Potential Source Water Protection issues are currently outside the mandate of the Technical Support Section. This issue was discussed briefly with the SWP group who, I understand, will be providing further comment and recommendation. Again, these SWP issues are outside the scope of this review and the current aggregate application review.

I trust this hydrogeological review is sufficient for your purposes. If you have any further comments or questions, please feel free to contact me at (905) 521-7671 or email Sandra.Gagne@Ontario.ca

____Original Signed By : Sandra Gagné, M.Sc., P.Geo. Hydrogeologist

· cc:

- C. Slater, Technical Support Manager
- P. Odom, Supervisor, Water Resources Unit
- J. Connelly, Groundwater Group Leader
- L. Latulippe, Senior Environmental Officer
- M. Parent, Acting Supervisor, GDO

Limitations:

The purpose of the preceding review is to provide advice to the Ministry of the Environment regarding subsurface conditions based on a review of the information provided in the above referenced documents. The conclusions, opinions and recommendations of the reviewer are based on information provided by others, except where otherwise noted. The Ministry cannot guarantee that the information that is provided by others is accurate or complete. A lack of specific comment by the reviewer is not to be construed as endorsing the content or views expressed in the reviewed material.

¹ Ministry of the Environment, Terms of Reference, Hydrogeological Study to Examine Groundwater Sources Potentially Under Direct Influence of Surface Water, October 2001.

- BYLAWS -

- Decembe	er 22, 2008 –
By-law Number (2008)-18685 A by-law to remove Part Block 96, Plan 61M146, designated as Parts 1 to 6, Reference Plan 61R10991 inclusive, in the City of Guelph from Part Lot Control. (56-62 Clough Crescent)	To remove land from part lot control to create 4 on-street townhouses to be known municipally as 56-62 Clough Crescent.
By-law Number (2008)-18686 A by-law to remove Lot 91, Plan 61M146 designated as Parts 1 and 2, Reference Plan 61R10990, in the City of Guelph from Part Lot Control. (92 & 94 Clough Crescent)	To remove land from part lot control to create 2 semi-detached lots to be known municipally as 92 & 94 Clough Crescent.
By-law Number (2008)-18687 A by-law to remove Part Block 81, Plan 61M133 designated as Parts 1 to 6 inclusive, Reference Plan 61R10965, in the City of Guelph from Part Lot Control. (1-11 Revell Drive)	To remove land from part lot control to create 6 on-street townhouse lots to be known municipally as 1- 11 Revell Drive.
By-law Number (2008)-18688 A by-law to amend By-law Number (2002)-17017 (to amend Traffic Control Signals in Schedule VI, All-Way Stop signs in Schedule IX, and No Parking zones in Schedule XV) and adopt Municipal Code Amendment #478, amending Schedule VI, XI, and XV of Chapter 301 of the Corporation of the City of Guelph's Municipal Code.	Amendments to the Traffic By-law.
By-law Number (2008)-18689 A by-law to amend By-law Number (2003) - 17082, being a By-law to designate private roadways as a fire route, and to adopt Municipal Code Amendment #479.	To designate private roadways as a fire route.

By-law Number (2008)-18690 To amend the by-law with respect to A By-law to amend by-law Number parking for disabled persons. (1984)-11440, as amended, being a Bylaw respecting parking for disabled persons (to add properties to Disabled Parking Schedule), and to adopt Municipal Code amendment #480, amending Schedule B of Chapter 200 of the Corporation of the City of Guelph's Municipal Code. By-law Number (2008)-18691 To appoint persons as municipal by-law A By-law to amend By-law Numbers enforcement officers known as private (2003)-17082 and (1997)-15351 with property agents. respect to appointments of persons serving as municipal by-law enforcement officers, known as "private property agents", to amend Stevenson, Conway, Holloway, Ingerman, Campbell, Galleta, Lambley, Jimnez, Phillips, Sharpe, Burt, Opperman, Carter, Bailey and Brousseau. By-law Number (2008)-18692 Agreement with respect to enforcement A By-law to authorize the execution of of parking by-laws on private property known as 20 Shackleton Drive, by an agreement between the Corporation of the City of Guelph, Wellington private property agents. Standard Condominium Corporation #153 and Total Security Management Services Inc. (with respect to the enforcement of parking by-laws on private properties by private property agents) (20 Shackleton Drive) By-law Number (2008)-18693 To appoint the Chief Administrative Officer and to define the general duties, A by-law to appoint the Chief Administrative Officer and define the roles and responsibilities of the position general duties, roles and responsibilities as approved by Council. of the position and to adopt Municipal Code Amendment #482 which amends Chapter 4 of the Corporation of the City of Guelph's Municipal Code and to repeal By-law Numbers (2002)-16837 and (2007)-18355.By-law Number (2008)-18694 To amend the Procedural By-law as A by-law to amend By-law (1996)approved by Council. 15200, as amended, being a by-law to

provide rules for governing the order and procedures of the Council of the City of Guelph, and to adopt Municipal Code Amendment #481.	
By-law Number (2008)-18695 A by-law to authorize the execution of a Subdivision Agreement between Northmanor Estates Inc., The Corporation of the City of Guelph and Larry Robbins.	To execute a subdivision agreement.
By-law Number (2008)-18696 A by-law to authorize the execution of a Subdivision Agreement between Victoria Wood (Arkell) Ltd. and The Corporation of the City of Guelph. (Victoria Gardens Subdivision, Phase 4)	To execute a subdivision agreement with respect to Victoria Gardens subdivision, Phase 4.
By-law Number (2008)-18697 A by-law to authorize the execution of a Subdivision Agreement between Simon-Wood Limited, The Corporation of the City of Guelph and Royal Bank of Canada. (Watson East Subdivision, Phase 6)	To execute a subdivision agreement with respect to Watson East Subdivision, Phase 6.
By-law Number (2008)-18698 A by-law to dedicate certain lands known as Block 54, Plan 61M122 as part of Ingram Drive, City of Guelph.	To dedicate land as part of Ingram Drive.
By-law Number (2008)-18699 A by-law to remove Lot 31, Plan 61M144 designated as Parts 13 and 14, Reference Plan 61R10879; in the City of Guelph from Part Lot Control. (26 & 28 Acker Street)	To remove land from part lot control to create 2 semi-detached lots to be known municipally as 26 & 28 Acker Street.
By-law Number (2008)-18700 A by-law to dedicate certain lands known as Lots 8 and 60, Registered Plan 127, as part of Palmer Street, City of Guelph.	To dedicate land as part of Palmer Street.
A by-law to remove Part Block 51, Plan 61M150, designated as Parts 1 to 12 inclusive, Reference Plan 61R10969, in	To remove land from part lot control to create separate parcels for seven onstreet townhouse parcels known

the City of Guelph from Part Lot Control.	municipally as 31-43 Amsterdam
(31-43 Amsterdam Crescent)	Crescent.