COMMITTEE AGENDA

TO **Planning & Building, Engineering and Environment Committee**

DATE December 10, 2012

LOCATION Council Chambers, Guelph City Hall, 1 Carden Street

TIME 12:30 p.m.

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

CONFIRMATION OF MINUTES

none

PRESENTATIONS (Items with no accompanying report)

none

CONSENT AGENDA

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

ITEM	CITY PRESENTATION	DELEGATIONS	TO BE EXTRACTED
PBEE-47 Brooklyn and College Hill Heritage Conservation District Boundary – Final Recommendation	• Stephen Robinson, Senior Heritage Planner		√
PBEE-48 Official Plan Amendment (OPA) No. 48 – Phase 3 of the Official Plan Update – Draft Provincial Decision			

PBEE-49	University of Guelph Research Partnership and City Access and Data Sharing Agreement			
PBEE-50	Sign By-law Variances for 5 Douglas Street (Skyline)			
PBEE-51	Provincial Policy Statement Review			
PBEE-52	Proposed Telecommunications Tower for 987 Gordon Street		• Sean Galbraith	√
PBEE-53	Demolition Waste Material Conditions			
PBEE-54	Establishment of a Public Steering Committee for the Solid Waste Management Master Plan Review			

Resolution to adopt the balance of the Planning & Building, Engineering & Environment Committee Consent Agenda.

ITEMS EXTRACTED FROM CONSENT AGENDA

Once extracted items are identified, they will be dealt with in the following order:

1) delegations (may include presentations)
2) staff presentations only
3) all others.

NEXT MEETING- February 19, 2013

PLANNING & BUILDING, ENGINEERING and ENVIRONMENT COMMITTEE CONSENT AGENDA

December 10, 2012

Members of the Planning & Building, Engineering & Environment Committee.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate the Committee's consideration of the various matters and are suggested for consideration. If the Committee 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 Planning & Building, Engineering & Environment Committee Consent Agenda will be approved in one resolution.

A Reports from Administrative Staff

REPORT		DIRECTION
PBEE-2012.47	**BROOKLYN AND COLLEGE HILL HERITAGE CONSERVATION DISTRICT BOUNDARY – FINAL RECOMMENDATION**	Approve

THAT the Planning, Building, Engineering and Environment Report 12-102, regarding the Brooklyn and College Hill Heritage Conservation District Boundary – Final Recommendation, dated December 10, 2012, be received;

AND THAT Council adopt the Alternative Boundary Option B as the final boundary for the Brooklyn College Hill Heritage Conservation District Plan as shown in Attachment 4 of PBEE Report 12-102 (dated December 10, 2012);

AND THAT staff and Heritage Guelph be directed to undertake background research and initiate preliminary discussion with the property owners of 220 Gordon Street and 22 James Street East regarding the potential for individual designation under Part IV of the Ontario Heritage Act;

AND THAT the City enter into discussion with the University of Guelph regarding height and scale limits and appropriate setbacks with respect to the redevelopment of 346 Gordon Street.

PBEE-2012.48 OFFICIAL PLAN AMENDMENT (OPA) NO. 48 – PHASE 3 OF THE OFFICIAL PLAN UPDATE – DRAFT PROVINCIAL DECISION

Approve

THAT Report 12-115 dated December 10, 2012 from Planning, Building, Engineering and Environment regarding Official Plan Amendment (OPA) No. 48 – Draft Provincial Decision from the Ministry of Municipal Affairs and Housing be received;

AND THAT Council endorse the recommended modifications issued in the Draft Decision by the Ministry of Municipal Affairs and Housing on November 14, 2012 regarding OPA No. 48 adopted by Council June 5, 2012.

PBEE-2012.49 UNIVERSITY OF GUELPH RESEARCH PARTNERSHIP AND CITY ACCESS AND DATA SHARING AGREEMENT

Approve

THAT the Planning, Building, Engineering and Environment report dated December 10, 2012 entitled *University of Guelph Research Partnership and City Access and Data Sharing Agreement* be received;

AND THAT Council grants approval for the Mayor and Clerk to execute a formal five-year access and data sharing agreement with the University of Guelph, subject to the satisfaction of the Executive Director of Planning, Building, Engineering and Environment, and the City Solicitor;

AND THAT Council grants approval for the Mayor and Clerk to execute future five-year extensions of the access and data sharing agreement with the University of Guelph, subject to the satisfaction of the Executive Director of Planning, Building, Engineering and Environment, and the City Solicitor.

PBEE-2012.50 SIGN BY-LAW VARIANCES FOR 5 DOUGLAS STREET (SKYLINE)

Approve

THAT Planning, Building, Engineering and Environment report dated December 10, 2012, regarding sign by-law variances for 5 Douglas Street, be received;

AND THAT, the request for variances from the Sign By-law for 5 Douglas Street to permit building signage for Skyline on the fourth storey elevation, attached to the roof and to be internally lit, be approved.

PBEE-2012.51 PROVINCIAL POLICY STATEMENT REVIEW — Approve

THAT report #12-108 from Planning, Building, Engineering and Environment, dated December 10, 2012 regarding the Provincial Policy Statement Review be received;

AND THAT the staff comments provided to the Ministry of Municipal Affairs and Housing, dated November 23, 2012, and included as Attachment 1 be endorsed;

AND THAT the City Clerk be directed to inform the Ministry of Municipal Affairs and Housing that the staff comments have been endorsed by Council.

PBEE-2012.52 PROPOSED TELECOMMUNICATIONS TOWER FOR 987 GORDON STREET — Approve

THAT Planning, Building, Engineering and Environment Report dated December 10, 2012 regarding a proposed Telecommunication Tower at 987 Gordon Street, be received;

AND THAT, Council direct staff to recommend refusal to Industry Canada of the request for a Telecommunication Tower at 987 Gordon Street.

PBEE-2012.53 DEMOLITION WASTE MATERIAL CONDITIONS — Receive

THAT Planning, Building, Engineering and Environment Report 12-112 dated December 10, 2012 regarding options for recycling and salvage of building materials from demolitions be received.

PBEE-2012.54 ESTABLISHMENT OF A PUBLIC STEERING COMMITTEE FOR THE SOLID WASTE MANAGEMENT MASTER PLAN REVIEW — Approve

THAT Council approve the establishment of a Public Steering Committee for the Solid Waste Management Master Plan review.

attach.

CITY OF Guelph

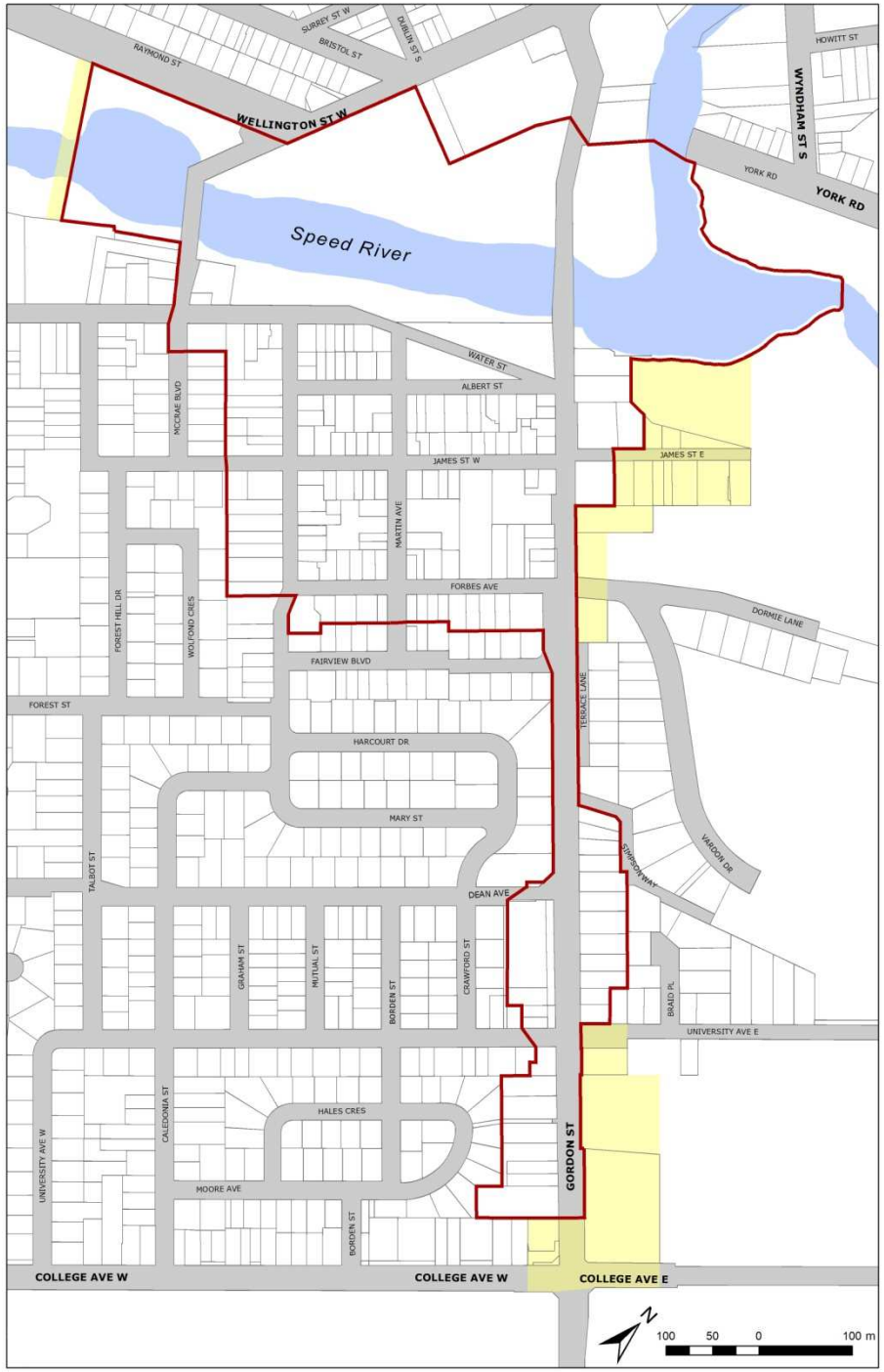
Making a Difference

Attachment 3 – Alternative Brooklyn and College Hill HCD Boundary

Option A

(10 Dec 2012)

- yellow areas – areas removed from Feb 2012 boundary



CITY OF Guelph

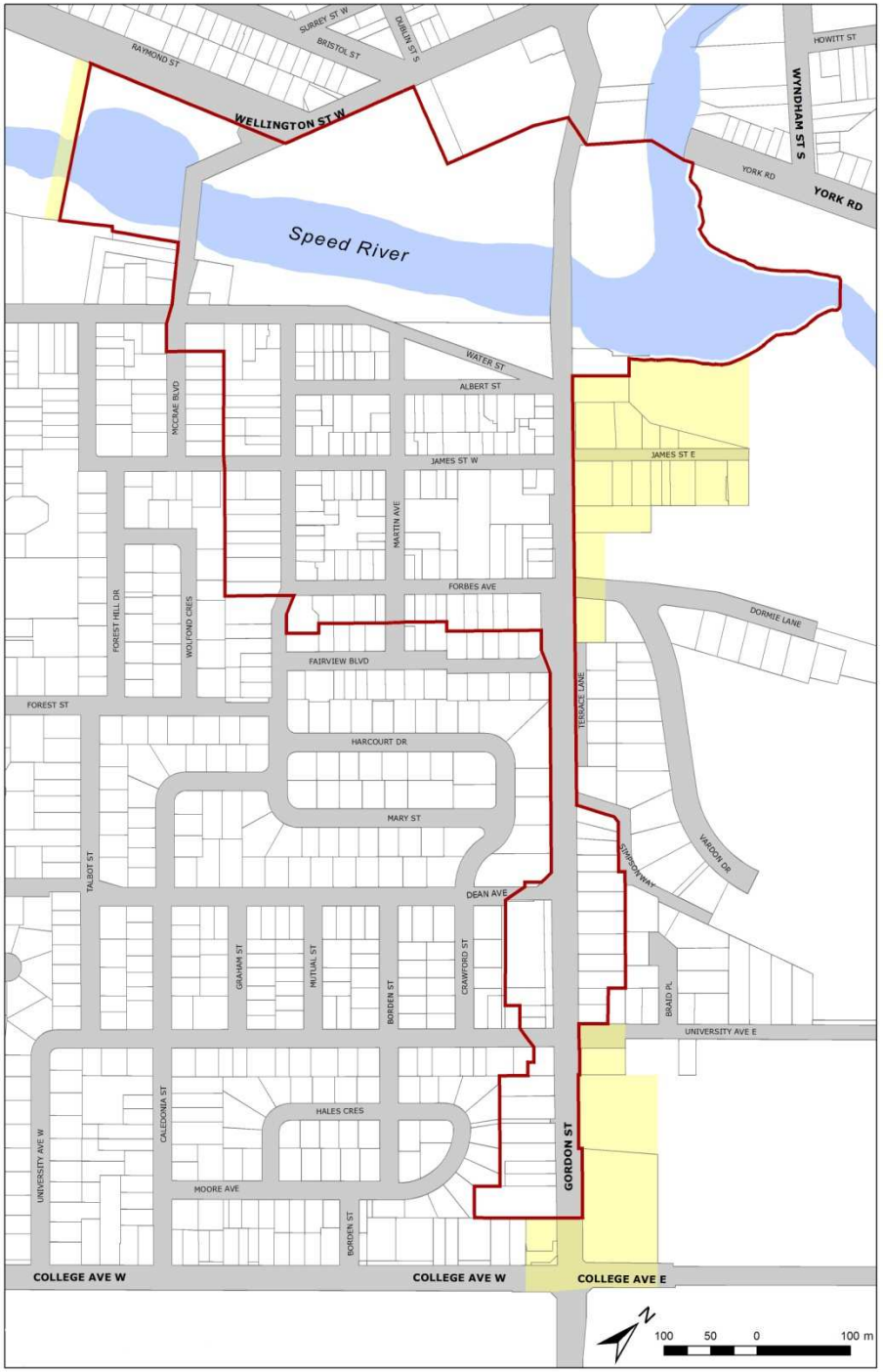
Making a Difference

Attachment 4 – Alternative Brooklyn and College Hill HCD Boundary

Option B

(10 Dec 2012)

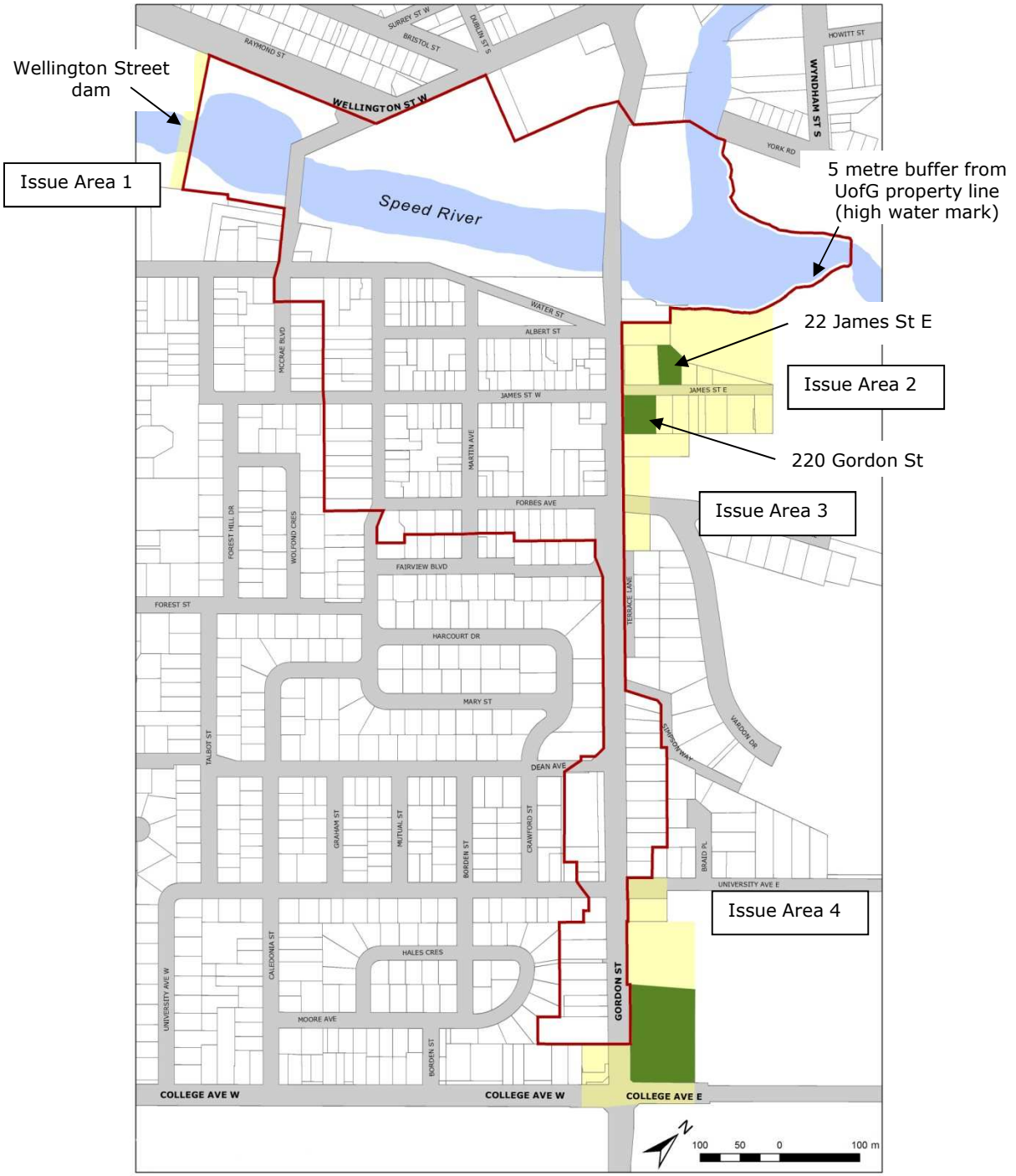
- yellow areas – areas removed from Feb 2012 boundary



Attachment 5

Key to HCD Boundary Issue Areas

- green - non-designated properties listed in the Heritage Register



Attachment 6 -

220 Gordon Street

Attachment 6 -

22 James Street East

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**Brooklyn and College Hill Heritage Conservation District Boundary – Final Recommendation**
REPORT NUMBER	12-102

SUMMARY

Purpose of Report: To describe for Council the result of Planning staff discussions with property owners and stakeholders who had expressed outstanding boundary issues in delegation to Council or in written submissions to Planning staff and also to provide Council with staff's recommendation as to the final boundary for the Brooklyn and College Hill Heritage Conservation District.

Committee Action: To approve the final boundary for the Brooklyn and College Hill Heritage Conservation District.

RECOMMENDATION

"THAT the Planning, Building, Engineering and Environment Report 12-102, regarding the Brooklyn and College Hill Heritage Conservation District Boundary – Final Recommendation, dated December 10, 2012, be received;

AND THAT Council adopt the Alternative Boundary Option B as the final boundary for the Brooklyn College Hill Heritage Conservation District Plan as shown in Attachment 4 of PBEE Report 12-102 (dated December 10, 2012);

AND THAT staff and Heritage Guelph be directed to undertake background research and initiate preliminary discussion with the property owners of 220 Gordon Street and 22 James Street East regarding the potential for individual designation under Part IV of the Ontario Heritage Act;

AND THAT the City enter into discussion with the University of Guelph regarding height and scale limits and appropriate setbacks with respect to the redevelopment of 346 Gordon Street."

BACKGROUND

Municipal heritage conservation district studies generally follow a two-part process: a background study of the potential district's heritage attributes together with identification of a boundary that appropriately encompasses those properties; and a heritage conservation district plan that provides guidance on how to manage properties within the area. This approach became formalized in 2005 when the Ontario Heritage Act was substantially amended to provide a comprehensive system of district study and designation.

The Ontario Heritage Act, (notably subsection 40(2)) prescribes that a study shall:

(a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;

(b) examine and make recommendations as to the geographic boundaries of the area to be designated;

(c) consider and make recommendations as to the objectives of the Plan under Section 41.1;

(d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws.

There is a clear expectation as part of the study process that a boundary would be sufficiently firmed up to be able to advance into the second phase of the district designation process, namely preparation of the district plan. The Ontario Heritage Act specifies the content of a heritage conservation district plan but there is no explicit reference to further examination or refinement of the district boundary.

The Brooklyn and College Hill Heritage Conservation District Study process is following this two-phase process. Phase 1 was completed and the Assessment Report was received by Council on February 27, 2012 and Council directed that Phase 2 of the process commence.

Through Phase 1 of the Brooklyn and College Hill HCD Study process, the consultants carefully evaluated the cultural heritage value of the subject area, examined all available research materials and considered the specific requirements of Ontario Heritage Act and identified a recommended district boundary.

At the meeting of Guelph City Council held February 27, 2012, the following resolution was adopted:

> "THAT the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012) be received;
>
> AND THAT staff be directed to proceed with the second phase of the Brooklyn and College Hill Heritage Conservation District designation process for the purposes of creating a Draft Brooklyn and College Hill

Heritage Conservation District Plan and Design Guidelines according to Part V, Section 40(1) of the Ontario Heritage Act;

AND THAT the proposed Heritage Conservation District boundary, as Attachment 1 of the report, recommended by the consultant in the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012 - Attachment 2) be acknowledged and that staff be directed to report back to Council with a final recommended Heritage Conservation District boundary during the second phase of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee to present a timeline to address the outstanding boundary issues;

AND THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee on a proposed public consultation program to be carried out as part of the second phase of the Heritage Conservation District designation process."

At the meeting of Guelph City Council held April 23, 2012, the following resolution was adopted:

"THAT Report 12-45 dated April 16, 2012 from Planning & Building, Engineering and Environment, regarding the recommendation of a process to address outstanding boundary issues and a proposed public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process be received;

AND THAT Planning staff be directed to carry out the necessary steps of the recommended process to address outstanding boundary issues in the early stage of Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT Planning staff be directed to carry out the recommended public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT the public commenting response time be extended to September 30th."

As the extended period for public comment response time for outstanding heritage conservation district boundary issues has past, the following report responds to Council's 27 February 2012 and 23 April 2012 resolutions regarding finalization of the boundary.

REPORT

In their HCD Study Report (Feb 2012), the City's consultants stated that the delineation of the proposed HCD boundary was intended to capture four distinctive areas, as follows:

> *- The Speed and Eramosa Riverscapes which include the linear body of water from the confluence of the two rivers to the Wellington Street Dam, the naturalized river edges and retaining walls, the intervening bridge crossings, and associated riverside parks and structures;*
> *- The Gordon Street corridor from its intersection with College Avenue at the south end and its gateway attributes as a point of entrance and exit, to the crossing of the Speed River at the north end as it meets the open and expansive area of parkland at its east and west sides;*
> *- The residential area of Brooklyn, a compact clustered settlement around Water Street, Albert Street, James Street, Forbes Avenue (formerly Charles Street) and Mary Street which includes a variety of stone, frame and brick residences; and*
> *- A small residential area on James Street East (formerly Bay Street) which originally incorporated the electrical rail line, power house and station of the Toronto Suburban Railway.*
>
> (Brooklyn and College Hill Heritage Conservation District Study - Heritage Assessment Report, p. 3-2)

The consultant's professional opinion and advice is respected and highly valued as the end product of in-depth research and extensive consideration of the requirements of provincial legislation and guidelines. The culmination of the first phase of the HCD study process and that the HCD boundary recommended by the consultants (Attachment 2) is supported by City staff. However, in light of concerns expressed by some property owners and based on further discussion with interested parties, a number of refinements to the HCD boundary are appropriate to achieve what Planning staff see as the community's ultimate goal – to achieve a successful first Heritage Conservation District in the Brooklyn and College Hill area of the City of Guelph. These refinements will allow the second phase of the HCD designation process to move forward in a positive and constructive manner.

Proposal of an Alternative HCD Boundary

Planning staff are recommending that, in addition to the Brooklyn and College Hill Heritage Conservation District boundary that was acknowledged by Council in February 2012, Council should consider two additional boundary options as alternatives. These two alternatives are shown as Option A and Option B in Attachments 3 and 4 respectively. The proposed alternative boundaries are indicated by a red line and the areas coloured in yellow are proposed for removal from the HCD boundary area.

The following analysis provides a brief description of the alternative boundary limits, the areas proposed for removal from the HCD area, the rational that lead staff to their conclusion and their recommendations relating to the preferred option.

Alternative HCD Boundary - Option A can be described as being the same as the HCD boundary acknowledged by Council in February 2012 but with the following changes:

- Wellington Street dam is no longer included;
- properties east of 22 James Street East and 220 Gordon Street are no longer included;
- properties east of Gordon Street, between 220 Gordon Street and 314 Gordon and between University Avenue East and College Avenue East are no longer included;
- properties west of Gordon Street, between 359 Gordon Street and College Avenue West are no longer included.

Option B can be described as being almost identical to Option A but with the following difference: properties east of Gordon Street, between 176 Gordon Street (Marianne's Park) and 314 Gordon would no longer be included in the HCD area.

If Council were to take the position that their intent in this area of the HCD was to limit the district to only the original Brooklyn residential neighbourhood it could choose Option B for the HCD boundary. As stated below, any built heritage resources that are not ultimately included within the final HCD boundary may be considered by Council for individual designation under Part IV of the Ontario Heritage Act.

Issue Areas

Following staff's submission and support for the consultant's Brooklyn and College Hill Heritage Conservation District Study - Assessment Report (hereafter referred to as HCD Study Report Feb 2012), a number of individual property owners and stakeholder groups expressed concerns and disagreement with regard to the proposed HCD boundary.

The Senior Heritage Planner arranged meetings for discussion with property owners or stakeholder representatives who had formally expressed concerns regarding the proposed Brooklyn and College Hill Heritage Conservation District boundary. The purpose of these meetings was to provide an opportunity for the property owners to describe the outstanding boundary issues which they expressed in delegation to Council or in written submissions to Planning staff during the extended public comment period which expired at the end of September 2012.

The areas associated with these outstanding issues have been identified as "boundary issue areas" in Attachment 5.

Boundary Issue Area 1
The consultant's HCD Study Report (Feb 2012) recommended the inclusion of a portion of the Speed and Eramosa Riverscapes including the linear body of water from the confluence of the two rivers to the Wellington Street Dam, the naturalized

river edges and retaining walls, the intervening bridge crossings, and associated riverside parks and structures.

Stakeholder groups such as Guelph's River Systems Advisory Committee, the Grand River Conservation Authority and Trout Unlimited Canada were among those who made a written submission to Planning staff expressing their opinion and recommendation that the Wellington Street dam and the elevated waters that result from the use of the current structure not be included in the proposed heritage district so as not to preclude future change in the hydrological function in order to improve the health of the rivers and affect improved water quality as well as ecological and aquatic restoration.

Planning staff's opinion regarding the Wellington Street dam is that the dam structure itself has no physical or design cultural heritage value and, therefore, does not need to remain within the HCD boundary. However, Planning staff are of the opinion that the riverscape area shown in the alternative boundary Options A and B should remain as part of the HCD boundary as this riverscape has been proven by the consultant's HCD Study Report (Feb 2012) to be a valuable cultural heritage landscape and a significant element of the proposed HCD functioning as a transition area connecting the original downtown and the original mid-19th century Brooklyn residential area.

In their HCD Study Report (Feb 2012), the consultants have already suggested that the key to any practical and symbiotic solution for competing views on ecological, natural heritage and cultural heritage values involves the creation of HCD policies that seek to attain a balanced approach.

> *To protect and maintain the Speed and Eramosa Riverscapes as cultural heritage places particularly the retention of an open body of water and associated embankments and seek a balance with natural heritage regeneration objectives and initiatives for these sensitive spaces.*
>
> (Brooklyn and College Hill Heritage Conservation District Study - Heritage Assessment Report, p. 4-4)

The Speed and Eramosa Rivers as part of the Grand River watershed are already recognized federally for their cultural and natural heritage value as a part of the Canadian Heritage River system. The inclusion of this riverscape as a cultural heritage landscape in the proposed heritage district is a testament to its cultural heritage value or interest. No matter what is determined in future for the fate of the Wellington Street dam and what are to be the approved water levels, the hydrological function and ecological health of the river system is already, and will always be, controlled by a combination of municipal, provincial and federal jurisdictions and authorities. Consideration of the removal of the Wellington Street dam would require that these authorities be consulted through a full and balanced Environmental Assessment (EA) process. That EA process must have regard for any existing Heritage Conservation District but it would not see the HCD Plan and Guidelines or the Ontario Heritage Act as the sole authority as to governing the future water levels of the riverscape.

The University of Guelph has requested that the HCD boundary at the confluence of the Speed and Eramosa Rivers match the U of G's property line without the 5 meter buffer inland from the high water mark that Planning staff and the City's consultant continue to recommend. The intent of the buffer is to include and maintain the tree-lined southern riparian edge as seen from the Gordon Street Bridge as an important element of the river as a cultural heritage landscape. The U of G has stated that the proposed buffer area is already protected by a number of other regulations and is not buildable land – therefore, they would prefer to not have a further encumberance on this portion of their property. Even though Heritage Guelph has recommended at their 12 Nov 2012 meeting that the HCD boundary should follow the University of Guelph's property line at the river's edge (see Attachment 5), Planning staff are of the opinion that because this area of land has so many existing restrictions, it is felt that the land owner should have no reason to object to the inclusion of the buffer area in the HCD.

Boundary Issue Area 2

The area that became known as "Brooklyn" in the mid-19th century was subdivided for residential lots just before Guelph's boundaries were expanded to include lands to the south of the Speed River in 1854. It has been clarified through further discussion that the original Brooklyn neighbourhood is generally thought to be encompassed by Gordon Street to the east, the Speed River to the north, Gow's Bridge and Mary Street to the west and by the rise in topography on the south side of what is now Forbes Avenue (formerly Charles Street). What is now James Street East (formerly Bay Street until 1956) was not part of this original Brooklyn area and did not fully develop until later in the 19th century.

Planning staff's recommendation in Option A is to reduce the HCD area east of Gordon Street so that it includes the two properties on James Street East that have already been listed as non-designated properties in the Municipal Register of Cultural Heritage Properties (220 Gordon Street and 22 James Street East). The benefit of Option A (over Option B) is that inclusion of these two elements relating to the HCD would be a more practical and efficient method to conserve these distinctive built heritage resources as opposed to the alternative of individual designation under the Ontario Heritage Act.

220 Gordon Street contains a 1850-1870s limestone building that has become a recognized landmark at the intersection of Gordon Street and James Street East (Attachment 5). The building has been an important element of the Brooklyn and College Hill neighbourhoods' history and the development of the Dundas Road/Gordon Street corridor as it housed a carriage factory and a neighbourhood grocery store in the mid to late-19th century. Even though it was not geographically within the identified original Brooklyn area, the building's original, 2-storey limestone form is a contemporary contributor to the development of the heritage character of the original Brooklyn neighbourhood.

22 James Street East contains the former Toronto Suburban Railway Power Station and Transformer House constructed c.1915-17 in a Beaux-Arts Classicism style with a prominent cornice supported by monumental brick pilasters (Attachment 5). The

building supplied power to a commuter railway line from downtown Guelph (via the tracks of the Guelph Radial Railway) and train cars used this junction (at what is now James Street East) to travel to points west of Toronto. The building was used for this purpose until 1931 when the advent of automobile travel significantly reduced patronage of the Suburban Railway system. Although it is not contemporary to or does not relate directly to the development of the original Brooklyn neighbourhood, the former railway transformer building is the last vestige of Guelph's railway and transit history on Gordon Street from the inter-war period of the early 20th century.

Boundary Issue Area 3
Planning staff's recommendation in Option A is to reduce the HCD area east of Gordon Street so that it includes the Gordon Street right of way but does not include properties between 220 Gordon Street and 314 Gordon Street and does not include properties between University Avenue East and College Avenue East. Terrace Lane would not be included as although it runs parallel to the Gordon Street right of way but is not part of the original Dundas Road or Gordon Street corridor.

Boundary Issue Area 4
Planning staff's recommendation for the southern "College Hill" area of the proposed HCD is to include only the residential portion of the College Hill neighbourhood streetscape. This would limit the HCD to a boundary along the east side of the Gordon Street right of way, south of University Avenue East to College Avenue East. The HCD would not include the commercial properties at 363, 365 and 369 College Avenue West but would continue to include all residential properties from 359 Gordon Street north to Dean Avenue as well as the two stone gates of the former "Summerhill" estate adjacent to the right of way of 5 Dean Avenue and in the Gordon Street right of way adjacent to the eastern lot line of 37 Harcourt Drive.

Involvement of Advisory Committees

In addition to the discussion meetings with property owners and stakeholders described above, Planning staff have consulted with the River Systems Advisory Committee and Heritage Guelph on the issue of the HCD boundary.

River Systems Advisory Committee (RSAC)
At the 21 November 2012 meeting of the River Systems Advisory Committee (RSAC), Planning staff presented the two alternative HCD boundary Options A and B for the committee's consideration and discussion.

Planning staff's discussion with the River Systems Advisory Committee at RSAC meetings on 19 April and 23 May 2012 resulted in the following recommendations from RSAC:

-that the following not be included in the proposed heritage district:
- the Wellington Street dam
- the elevated waters that result from the management of the current structure;

- and that

- the River Systems Advisory Committee be included as part of the ongoing public consultation process, as plans for the Heritage District are advanced.

Heritage Guelph
At their meeting of 12 November 2012, Heritage Planning staff presented the two alternative HCD boundary Options A and B for Heritage Guelph's consideration and discussion. The committee received a delegation representing a number of property owners and stakeholders. After thorough discussion, Heritage Guelph carried the following motion by a vote of 4 to 3:

> "THAT Heritage Guelph supports the boundary for the Brooklyn College Hill Heritage Conservation District Plan as shown in Option B at their meeting on November 12, 2012;
>
> AND THAT the City enter into discussion with the University of Guelph regarding height and scale limits and appropriate setbacks with respect to the redevelopment of 346 Gordon Street;
>
> AND THAT with either Option A or B as recommended, that the boundary lines should follow the University of Guelph property line at the river's edge."

Preferred Option
Of the three proposed HCD boundary configurations, Planning staff recommend that Council consider Option B as the preferred option and the final boundary for the proposed Brooklyn and College Hill Heritage Conservation District.

CORPORATE STRATEGIC PLAN
Strategic Direction 3.1 - Ensure a well designed, safe, inclusive, appealing and sustainable City.

FINANCIAL IMPLICATIONS
None.

DEPARTMENTAL CONSULTATION
None.

COMMUNICATIONS
During the extended public comment period from 24 April to the end of September 2012, the Senior Heritage Planner arranged meetings with all property owners and stakeholder representatives who had formally expressed concerns regarding the proposed HCD boundary. The purpose of these meetings was to provide an opportunity for the property owners to describe the outstanding boundary issues

which they expressed in delegation to Council or in written submissions to Planning staff. Following the September 30 deadline, the Senior Heritage Planner circulated the alternative boundary Options A and B and met with representatives of Trout Unlimited Canada, the University of Guelph, Cutten Fields, Upper Grand District School Board, Nosam Properties, members of the Jamieson family owning property on James Street East and also the owner of 220 Gordon Street. All property owners and stakeholders who had formally expressed concern over outstanding HCD boundary issues in delegation to Council or in written submissions to Planning staff were circulated the 12 November Heritage Guelph meeting Agenda which contained the two alternative boundary options being proposed by staff.

ATTACHMENTS

Attachment 1 – Area recommended by Old University and Centennial Community Improvement Plan (2006) to be studied for potential of a Heritage Conservation District
Attachment 2 – Proposed Heritage Conservation District Boundary as recommended in the Brooklyn and College Hill HCD Study– Heritage Assessment Report, February 2012 (acknowledged by Council, 27 February 2012)
Attachment 3 – Alternative Brooklyn and College Hill HCD Boundary - Option A (10 Dec 2012)
Attachment 4 – Alternative Brooklyn and College Hill HCD Boundary - Option B (10 Dec 2012)
Attachment 5 – Key to HCD Boundary Issue Areas
Attachment 6 – Property Images (220 Gordon Street and 22 James Street East)

Prepared By:
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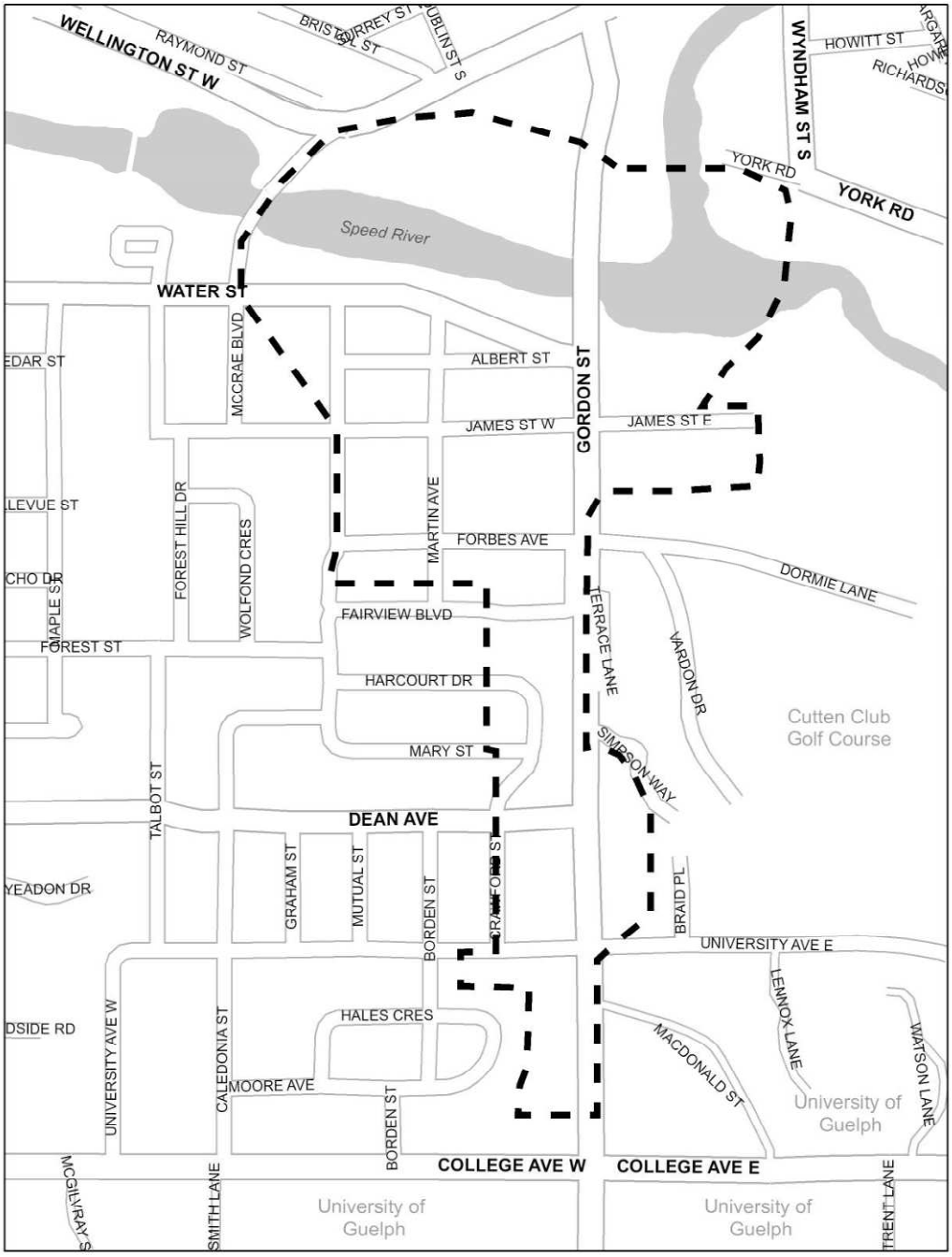
Attachment 1 – Area recommended by Old University and Centennial Community Improvement Plan (2006) to be studied for potential of a Heritage Conservation District

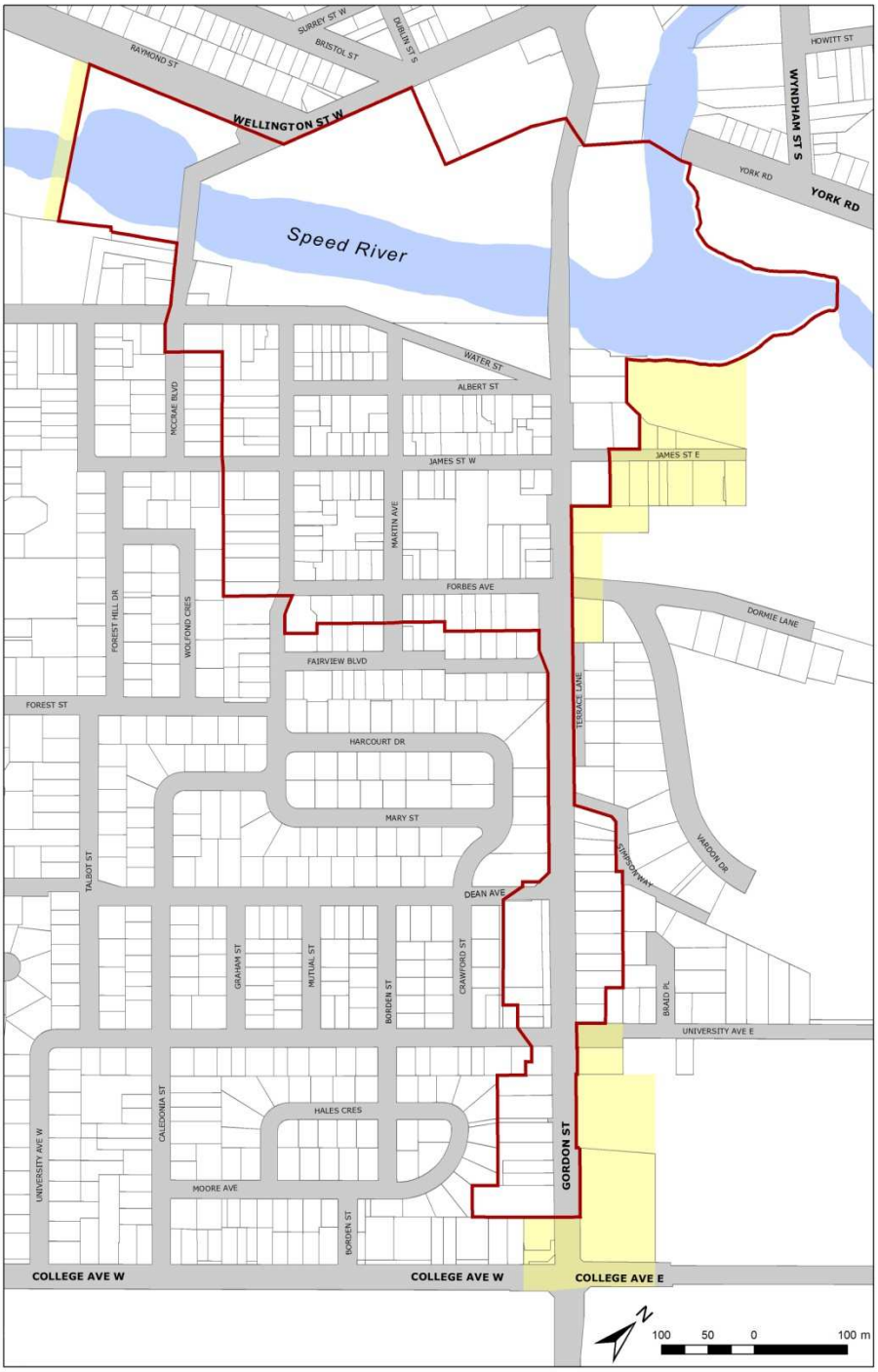


Attachment 2 – Proposed Heritage Conservation District Boundary as recommended in the Brooklyn and College Hill HCD Study – Heritage Assessment Report, February 2012 (acknowledged by Council, 27 February 2012)

Figure 3.1 Proposed Heritage Conservation District Boundary

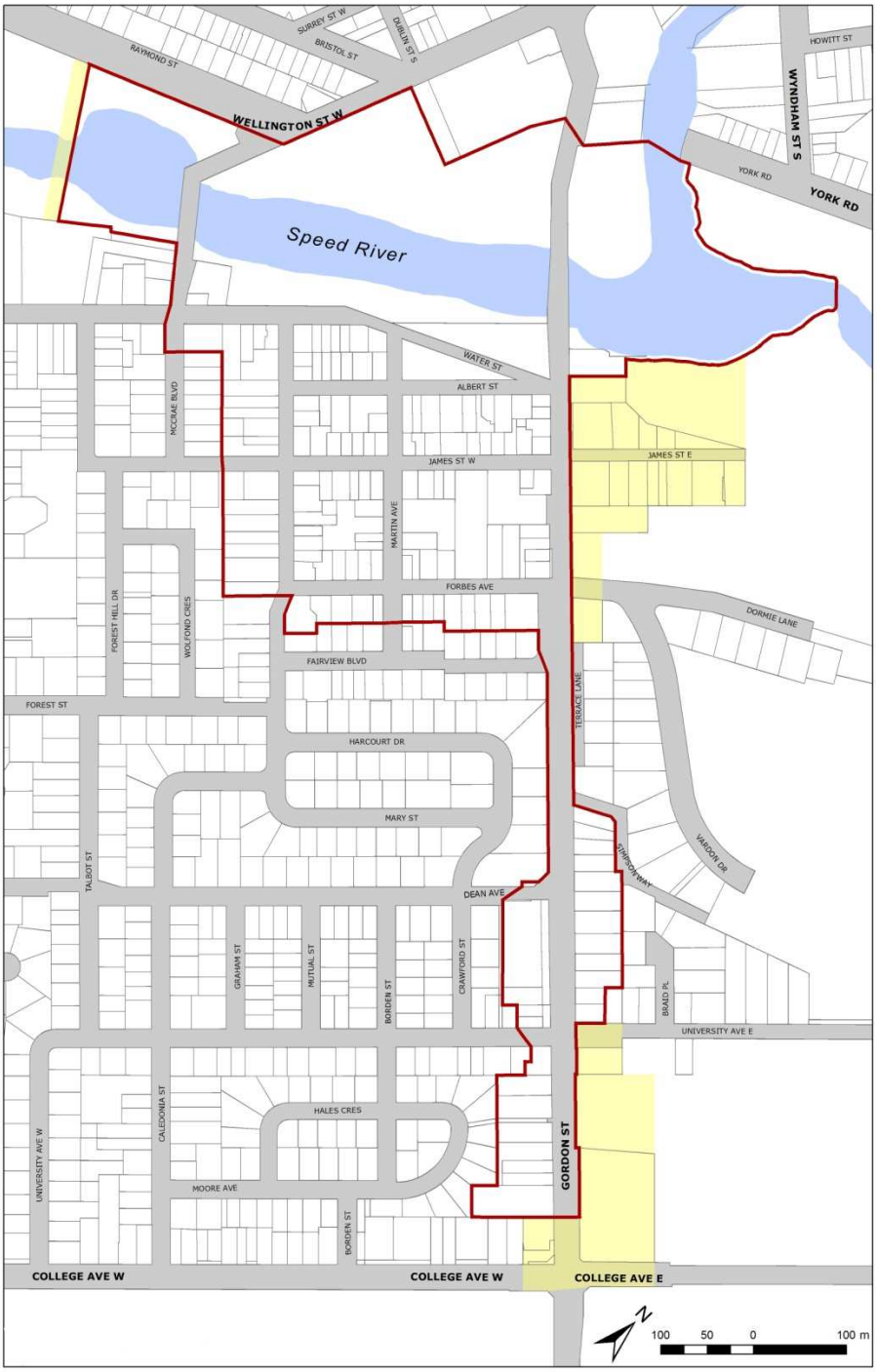
Attachment 3 – Alternative Brooklyn and College Hill HCD Boundary - Option A (10 Dec 2012)

- yellow areas – areas removed from Feb 2012 boundary



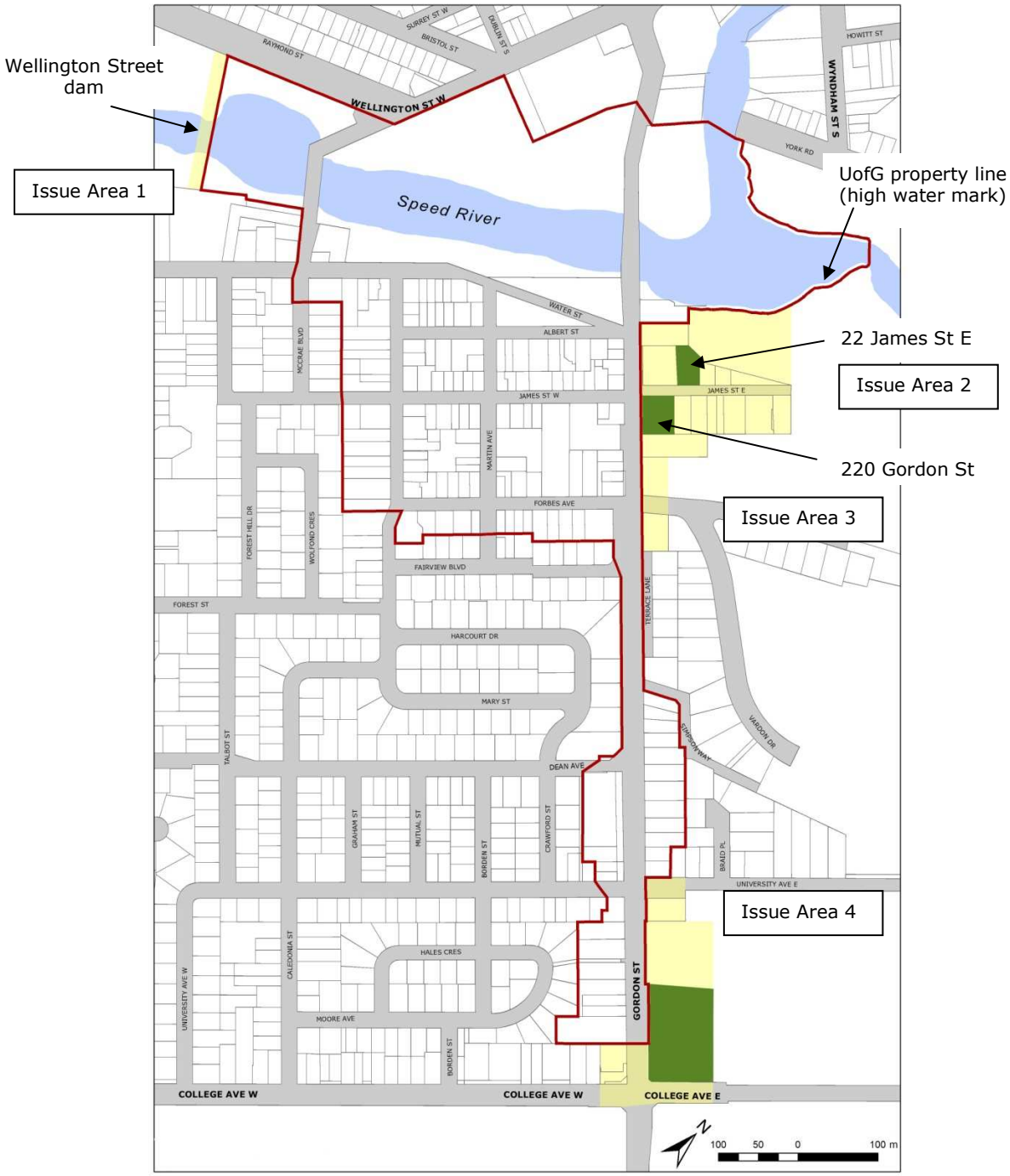
Attachment 4 – Alternative Brooklyn and College Hill HCD Boundary - Option B (10 Dec 2012)

- yellow areas – areas removed from Feb 2012 boundary

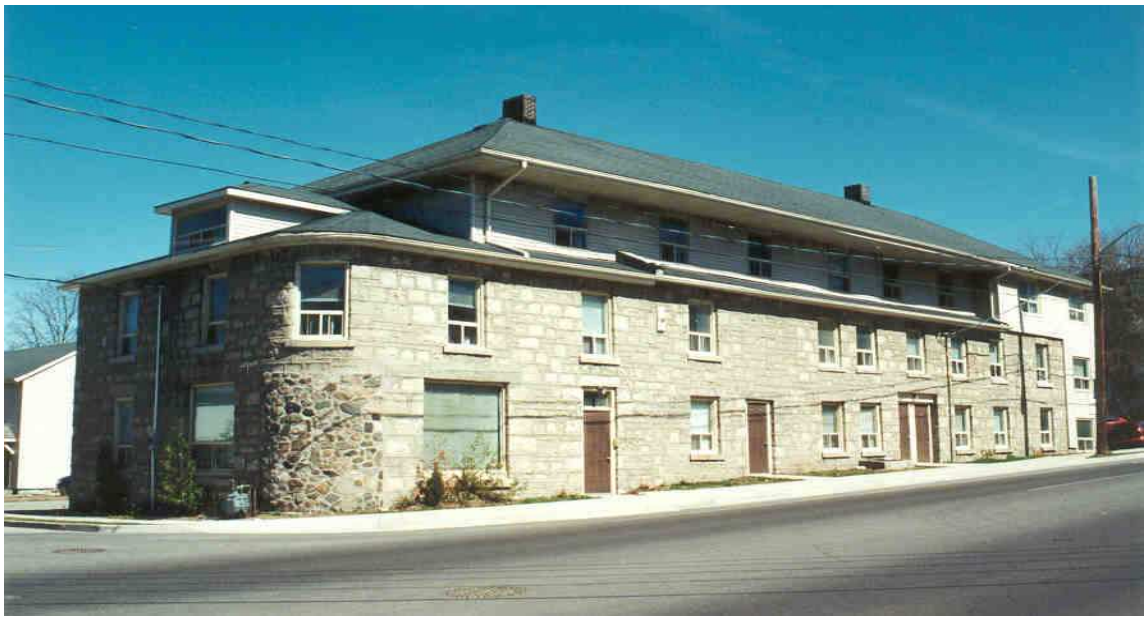


Attachment 5 – Key to HCD Boundary Issue Areas

- green – non-designated properties listed in Heritage Register



Attachment 6 – Property Images



220 Gordon Street

22 James Street East

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**Official Plan Amendment (OPA) No. 48 – Phase 3 of the Official Plan Update DRAFT Provincial Decision**
REPORT NUMBER	12-115

SUMMARY

Purpose of Report:
Official Plan Amendment 48, which completes the update to the Official Plan, was adopted by Council on June 5, 2012 and submitted to the Province as the approval authority. The purpose of this report is to summarize the modifications recommended by the Province and direct staff to make the appropriate changes to OPA No. 48 following receipt of the Ministry of Municipal Affairs and Housing Final Decision.

Council Action:
To consider the modifications and endorse the Draft Decision provided by the Ministry.

RECOMMENDATION

"THAT Report 12-115 dated December 10, 2012 from Planning, Building, Engineering and Environment regarding Official Plan Amendment (OPA) No. 48 – Draft Provincial Decision from the Ministry of Municipal Affairs and Housing be received;

AND THAT Council endorse the recommended modifications issued in the Draft Decision by the Ministry of Municipal Affairs and Housing on November 14, 2012 regarding OPA No. 48 adopted by Council June 5, 2012."

BACKGROUND

On June 5, 2012 Council adopted OPA No. 48 – Phase 3 of the Official Plan Update policies, mapping and associated definitions. Official Plan Amendment 48 is the third and final phase of the Five Year Review of the City's Official Plan.
OPA 48 is being undertaken in accordance with Section 26 of the Planning Act and is intended to ensure that the Official Plan is in conformity with provincial legislation and plans and is consistent with the 2005 Provincial Policy Statement (PPS). OPA 48 also incorporates recommendations from City plans and studies.

Following Council's June 5, 2012 resolution,

> *"… AND THAT Council declare to the Minister of Municipal Affairs and Housing that Official Plan Amendment No. 48 meets the requirements of Section 26 of the Planning Act in that it conforms with the Growth Plan for the Greater Golden Horseshoe, has regard to matters of Provincial interest and is consistent with the 2005 Provincial Policy Statement."*

and pursuant to Sections 17 and 26 of the *Planning Act,* the Amendment was forwarded to the Ministry of Municipal Affairs and Housing for review and a decision, as the approval agency. Since the Amendment was forwarded, City staff have corresponded and met with the Ministry on several occasions to review and discuss the Ministry's recommended modifications. The following section provides a brief summary of the Ministry's Draft Decision and recommended modifications.

REPORT

In November 2012, the City received the Ministry's Draft Decision and recommended modifications which are included in Appendix A of this report. The modifications are generally minor in nature and help ensure OPA 48 is administratively structured to anticipate the future consolidation with OPA 42 (Natural Heritage System polices currently under appeal to the Ontario Municipal Board).

Several types of modifications are recommended including: editorial, deletions, insertions and revisions.

Editorial

A number of the modifications are editorial in nature to address minor items such as slight wording amendments. For example, the term "on site" has been replaced with the term "in situ" when referring to archeological resources. Reference to District Heating Studies has been replaced with the term District Energy Studies.

Deletions

OPA 39 introduced a new definition of "affordable housing" but did not delete the existing definition from the 2005 Official Plan. In addition, policy 9.4.2.15 is deleted as it is a duplicate policy. Similarly, a new definition of Subwatershed Plan was introduced through OPA 48 but the balance of the existing definition was not deleted.

Insertions

The Ministry has suggested that two additional policies be added to the Cultural Heritage Resources section which speak to consulting with First Nations in regards Archeological Master Plan development and where archeological resources are identified. Staff support the addition of these policies.

The following definitions were inadvertently left out of OPA 48 and have been inserted: "municipal register of Cultural Heritage Properties or Heritage Register" and "significant" as it relates to cultural heritage and archaeology.

Revisions

Asphalt and Concrete Plants

The Ministry has recommended modifications for policies which prohibit asphalt and concrete plants in the City (4.3.3 vii, 4.5.5). The Ministry recommends adding wording exempting asphalt and concrete plants associated with mineral aggregate operations from this prohibition. There is one existing mineral aggregate operation which is partially in the City south of the Speed River, west of Hanlon Expressway and north of College Avenue (see policy 4.5.2). The Ministry suggests that the definition of "mineral aggregate operations" as defined by the PPS includes associated asphalt and concrete plants. Staff is comfortable with the recommended modifications.

Energy Efficiency and the Building Code

The Ministry has proposed revising policy 4.7.4.1 which includes a reference to achieving an improvement of 1.5% per year over the 2012 Ontario Building Code energy efficient requirements for newly constructed buildings. The Ministry has raised concerns regarding conflict with the Ontario Building Code which supersedes all municipal by-laws respecting the construction of buildings. The policy as originally drafted reflects the targets established by Community Energy Initiative. This demonstrates the challenges of implement the Community Energy Initiative within the legislative framework. It also highlights the need for the City to take a leadership role in demonstrating the importance of energy conservation to other stakeholders in the private sector. The revised wording asserts that the City does have tools to achieve sustainable design features while recognizing that the specific 1.5% improvement is an objective rather than a requirement.

Other Revisions

A number of other minor modifications are also included. Wording has been added to recognize that enabling regulations have not been released by the Province regarding conditional zoning (policy 10.4.2). Staff have also supported a minor adjustment to the gross floor area of Paisley/Imperial Community Mixed-use centre retail limit from 52,000 sq. m. to 52,600 sq m (policy 9.4.2.16). As stated previously OPA 48 Total Gross Floor Area policies have been revised to indicate "total" gross floor area permissions rather than "new". In the current OP "new" was defined as the date the inventory was conducted for the Commercial Policy Review. The "total" was established by adding "new" and "existing" gross floor area. For this particular node, it appears as the "existing" calculation did not accurately reflect what was existing at the time of the Commercial Policy Review. On this

basis, staff are willing to support this small increase in retail gross floor area that more accurately reflects the Commercial Policy Review.

NEXT STEPS

Once the Ministry receives Council's motion regarding the proposed modifications to OPA No. 48 it is likely that the Minister of Municipal Affairs and Housing will issue the final decision shortly.

Following a 20 day appeal period, if no appeals are received, staff will make the required modifications to the OPA No. 48 as adopted on June 5, 2012 to reflect the Ministry's Final Decision and incorporate the Amendment in to the City's Official Plan.

CORPORATE STRATEGIC PLAN

Organizational Excellence - Strategic Direction 1.2: Develop collaborative work teams and apply whole systems thinking to deliver creative solutions.

Innovation in Local Government - Strategic Direction 2.1: Build an adaptive environment for government innovation to ensure fiscal and service sustainability.

Innovation in Local Government - Strategic Direction 2.2: Deliver public services better.

Innovation in Local Government - Strategic Direction 2.3: Ensure accountability, transparency and engagement.

City Building - Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

City Building - Strategic Direction 3.2: Be economically viable, resilient, diverse and attractive for business.

FINANCIAL IMPLICATIONS

There is sufficient funding in the Official Plan Update budget to complete Phase 3.

DEPARTMENTAL CONSULTATION

Throughout the preparation of OPA 48 a number of departments were consulted:
Planning, Building, Engineering and Environment (Engineering)
Finance and Enterprise (Financial Services) (Economic Development)
Community and Social Services (Parks and Recreation)

COMMUNICATIONS

The development of the Official Plan Amendment 48 policies have involved extensive public and stakeholder engagement as summarized in detail in previous staff reports.

ATTACHMENTS

Attachment 1: Ministry of Municipal Affairs and Housing Draft Decision- OPA No. 48
Attachment 2: Draft Decision with staff comments

Prepared By:
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Original Signed by:

_____

Recommended By:
Todd Salter
General Manager
Planning Services
519-822-1260 ext. 2395
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Original Signed by:

_____

Recommended By:
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Attachment 1

Ministry of Municipal Affairs and Housing

Municipal Services Office - Western

2nd Floor
659 Exeter Road
London ON N6E 1L3
Tel: 519 873-4020
Toll Free: 1 800-265-4736
Fax: 519 873-4018

Ministère des Affaires municipales et du Logement

Bureau des services aux municipalités - région de l'Ouest

2e étage
659 Exeter Road
London ON N6E 1L3
Tél. : 519 873-4020
Sans frais : 1 800 265-4736
Téléc. : 519 873-4018

Ontario

November 14, 2012

Mr. Todd Salter
General Manager, Planning
City of Guelph
City Hall, 1 Carden Street
Guelph, ON N1H 3A1

Dear Mr. Salter,

Re: Adopted Official Plan Amendment No. 48
Phase III of 5 Year Review of Official Plan
City of Guelph

As you are aware, Council adopted Official Plan Amendment No. 48 which was circulated by this Ministry to Provincial Ministries for review and comment. The circulation and review of the document has been completed and we will soon be in a position to proceed to finalize a decision on this Plan pursuant to Section 26 and subsection (17) 34 of the *Planning Act*. However, before a decision is made, we wish to advise you of the modifications so that you may obtain the concurrence of Council in advance of such a decision. As you are aware, Ministry staff and City staff have been jointly engaged in consultation with First Nation communities and this process has not yet concluded. If there are any additional proposed modifications at the conclusion of this process they will be discussed with City staff prior to a final decision being made.

Official Plan Amendment #48 is the third and final phase of the City's 5 Year Review of the Official Plan. The purpose of the amendment is to bring the Official Plan into conformity with provincial plans, to have regard for matters of provincial interest and to ensure consistency with the Provincial Policy Statement (2005) in accordance with Section 26 of the *Planning Act*. The amendment also updates the policies in the Official Plan in accordance with City of Guelph plans and studies (e.g., Community Energy Plan (2007), Trail Master Plan (2005), Affordable Housing Discussion Paper (2009), Employment Lands Strategy (2008 and 2009), Urban Design Action Plan (2008), Guelph and Wellington Transportation Plan (2005), Infrastructure Master Plans (various), Recreation, Parks and Culture Strategic Plan (2009)). OPA #48 also updates and revises existing Official Plan Schedules in accordance with the updates and revisions to the policies. We congratulate the City of Guelph for completing its 5 Year Review.

At this time, we would like to thank your staff for working with us in preparing this draft decision. The opportunity to discuss City's planning staff response to proposed provincial changes has been beneficial. We certainly appreciate the time, effort and cooperation that you and your staff have expended throughout this Official Plan Amendment review process. City's time, effort and cooperation have enabled us to better understand the proposed revisions to the City's Official Plan.

The Provincial review focused primarily on those matters of Provincial interest as they relate to land use planning, as set out in the *Planning Act*, the Provincial Policy Statement (2005) and the Growth Plan for the Greater Golden Horseshoe (2006). In their review of the Official Plan, Provincial Ministries, including the Ministry of Municipal Affairs and Housing, have considered matters of Provincial interest and have recommended some changes to avoid conflicts with existing legislation and to bring the Official Plan Amendment into conformity with the PPS and the Growth Plan, where appropriate. The proposed modifications are attached for Council's consideration.

We respectfully request that City of Guelph planning staff ask Council to consider the proposed modifications for the Official Plan Amendment at your earliest convenience. We are hopeful that are we have received Council's response we will be able to recommend approval of the Official Plan Amendment in a timely matter. If you require any clarification, or have any questions, please do not hesitate to give me a call at (519) 873-4695 or by email at: Dwayne.Evans@ontario.ca.

Yours truly,

Dwayne Evans, MCIP, RPP
Planner
Municipal Services Office-Western

c.c. Tanzeel Merchant, MEI (Toronto)
Mike Stone, MNR (Guelph)
Barb Slattery, MOE (Hamilton)
Heather Doyle, MTO (St. Catharines)
Debbie Laidlaw, MNDM (Tweed)
Carol Neumann, OMAFRA (Elora)
Penny Young, MTCS (Toronto)

DRAFT DECISION

With respect to Official Plan Amendment No. 48 to the City of Guelph Official Plan Section 26 and subsection 17(34) of the *Planning Act*

I hereby modify, and approve as modified, Amendment No. 48 to the Official Plan of the City of Guelph as adopted by By-law No. (2012)-19407, as follows:

1. **Details of the Amendment, Chapter 3, Planning a Complete and Healthy Community**, subsection 3.20.3, Community Infrastructure, is modified by deleting and replacing the phrase "complete communities" with "a *complete community*".

2. **Details of the Amendment, Chapter 4, Protecting What is Valuable, Watershed Planning and Water Resources**, subsection 4.3.3 (vii), Source Protection, is modified by adding the phrase "not associated with mineral *aggregate operations*" after the word "plants".

3. **Details of the Amendment, Chapter 4, Protecting What is Valuable, Mineral Aggregate Resources**, Subsection 4.5.5, Policies, is modified by adding the phrase "not associated with *mineral aggregate operations*" after the word "uses".

4. **Details of the Amendment, Chapter 4, Protecting What is Valuable, Community Energy, Building End-Use Energy Efficiency**, Section 4.7.4.1, Policies, is modified by deleting the second sentence and replacing it with the following sentence:

   "The City will use the development approvals process, implementation tools included in chapter 10 of this Plan such as community improvement and site plan control, to ensure that new residential, commercial and institutional development include sustainable design features which, among other objectives, strive to achieve an improvement of 1.5% per year over the 2012 Ontario Building Code energy efficiency requirements.

5. **Details of the Amendment, Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8, Cultural Heritage Resources, is modified by deleting and replacing all references to the term "on-site" with "in situ".

6. **Details of the Amendment, Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8 (e), Objectives, is modified by inserting the phrase ", and adaptive re-use" after the word "rehabilitation".

7. **Details of the Amendment, Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8.6, Policies, is modified by adding the following:

   "4.8.6.5
   Six Nations of the Grand River and the Mississaugas of the New Credit shall be notified at such time that City of Guelph Council commences an Archaeological Master Plan and shall be invited to participate in the process.

   4.8.6.6
   Six Nations of the Grand River and the Mississaugas of the New Credit shall be provided notification in regards to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors."

8. **Details of the Amendment, Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8.6.2, Archaeological Resources, is modified by inserting the phrase "as per Section 48 of the Ontario Heritage Act" after the word "license".

9. **Details of the Amendment, Chapter 7, Community Infrastructure,** subsection 7.2.47, is deleted in its entirety.

10. **Details of the Amendment, Chapter 7, Community Infrastructure,** subsection 7.13, Natural Heritage System Designation, is renumbered to Section 9.11.

11. **Details of the Amendment, Chapter 9, Land Use,** subsection 9.4.2.15, Commercial and Mixed-Use Designations, is deleted in its entirety and the subsequent sections are renumbered accordingly.

12. **Details of the Amendment, Chapter 9, Land Use,** Section 9.4.2.16, is modified by deleting "52,000 sq. m" on the row for the Paisley/Imperial Community Mixed-use Centre and replacing it with "52,600 sq. m.".

13. **Details of the Amendment, Chapter 10, Implementation**, the second bullet point of subsection 10.18.3 (ix) Zoning By-laws, is modified by deleting and replacing the word "Heating" with "Energy".

14. **Details of the Amendment, Chapter 10, Implementation**, subsection 10.4.2, Pre-Consultation and Complete Application Requirements, is modified by adding the phrase "and upon approval of enabling regulations established by the Province" after the word "*Planning Act*".

15. **Details of the Amendment, Chapter 12, Glossary of Terms,** is modified as follows:

   (a) Deleting and replacing the title for 'Livestock-based Agricultural Operation' with "Livestock-based Agricultur**al Operation**".

(b) Inserting the following definition in the appropriate alphabetic order:

"Municipal Register of Cultural Heritage Properties or Heritage Register means:
A register established pursuant to Section 27 of the *Ontario Heritage Act* and filed with the Clerk which identifies properties of *cultural heritage value or interest* within the City. Designated properties are *listed* in the *Municipal Register of Cultural Heritage Properties*. Non-*designated properties* may also be *listed* in the *Municipal Register of Cultural Heritage Properties*".

(c) Inserting the following at the end of the definition of 'significant':

"In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people".

(d) Inserting the word 'designated' after the word "lands" in the first line of the "Designated and Available" definition.

(e) Deleting the following text from the Subwatershed Plan definition:

A Subwatershed Plan provides enhanced detail to addressing local environmental issues. The Plan details and implements specific subwatershed targets, goals, objectives to establish: natural system linkages and functions; surface and groundwater quantity and quality management; the enhancement, rehabilitation of *natural features*; areas suitable for *development*; best management practices for incorporation into subdivision designs; specific implementation schemes and responsibilities for all recommendations; management practices for open space areas and green space corridors; and an implementation strategy. The plan also outlines directives for storm water management plans and other studies/designs for specific areas within the subwatershed. The plan also outlines a future impact monitoring system".

(f) Deleting the version of the "Affordable Housing" definition which reads as follows:

"**Affordable Housing** means accommodation, which is affordable to households with incomes in the lowest 60% of the income distribution for the Guelph housing market. Affordable housing also includes not-for-profit housing".

Dated at London this _____ day of _____, 20??.

_____

Sandra Datars Bere
Director
Municipal Services Office - Western
Ministry of Municipal Affairs and Housing

Attachment 2: Draft Decision with Staff Comments

Reference # in Draft Decision	Policy Change from Draft Provincial Decision	City Staff Response
1	**Chapter 3, Planning a Complete and Healthy Community**, subsection 3.20.3, Community Infrastructure, is modified by deleting and replacing the phrase "complete communities" with "a *complete community*".	Editorial: Ensures consistent reference to the City of Guelph as a complete community in its totality. Staff support the recommended modification.
2	**Chapter 4, Protecting What is Valuable, Watershed Planning and Water Resources**, subsection 4.3.3 (vii), Source Protection, is modified by adding the phrase "not associated with mineral *aggregate operations*" after the word "plants".	Revision: There is one existing mineral aggregate operation which is partially in the City south of the Speed River, west of Hanlon Expressway and north of College Avenue (see policy 4.5.2). The Ministry suggests that the definition of "mineral aggregate operations" as defined by the PPS includes associated asphalt and concrete plants. Staff is comfortable with the recommended modification.
3	**Chapter 4, Protecting What is Valuable, Mineral Aggregate Resources**, Subsection 4.5.5, Policies, is modified by adding the phrase "not associated with *mineral aggregate operations*" after the word "uses".	Revision: See Staff comments under item 2.
4	**Chapter 4, Protecting What is Valuable, Community Energy, Building End-Use Energy Efficiency**, Section 4.7.4.1, Policies, is modified by deleting the second sentence and replacing it with the following sentence: "The City will use the development approvals process and the implementation tools included in chapter 10 of this Plan, such as community improvement and site plan control, to ensure that new residential, commercial and institutional development include sustainable design features which, among other objectives, strive to achieve an improvement of 1.5% per year over the 2012 Ontario Building Code energy efficiency requirements.	Revision: The Ministry has raised concerns regarding conflict with the Ontario Building Code which supersedes all municipal by-laws respecting the construction of buildings. The policy as originally drafted reflects the targets established by Community Energy Initiative. This demonstrates the challenges of implement the Community Energy Initiative within the City's legislative framework. It also highlights the need for the City to take a leadership role in demonstrating the importance of energy conservation to other stakeholders in the private sector. The revised wording asserts that the City does have tools to achieve sustainable design features while recognizing that the specific 1.5% improvement is an objective rather than a requirement.

Attachment 2: Draft Decision with Staff Comments

Reference # in Draft Decision	Policy Change from Draft Provincial Decision	City Staff Response
5	**Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8, Cultural Heritage Resources, is modified by deleting and replacing all references to the term "on-site" with "in situ".	Editorial: The term 'in situ' has specific meaning in archaeology and should be used rather than "on-site" in this context. Staff support the recommended modification.
6	**Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8 (e), Objectives, is modified by inserting the phrase ", and adaptive re-use" after the word "rehabilitation".	Editorial: Policy 4.8 (e) speaks to promoting and fostering the preservation, rehabilitation or restoration of *built heritage resources*. Staff support the addition of "rehabilitation" to this list.
7	**Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8.6, Policies, is modified by adding the following: "4.8.6.5 Six Nations of the Grand River and the Mississaugas of the New Credit shall be notified at such time that City of Guelph Council commences an Archaeological Master Plan and shall be invited to participate in the process. 4.8.6.6 Six Nations of the Grand River and the Mississaugas of the New Credit shall be provided notification in regards to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors."	Insertions: The Ministry has suggested that two additional policies be added to the Cultural Heritage Resources section which speak to consulting with First Nations in regards Archaeological Master Plan development and where archaeological resources are identified. Staff support the addition of these policies.

8	**Chapter 4, Protecting What is Valuable, Cultural Heritage Resources,** Section 4.8.6.2, Archaeological Resources, is modified by inserting the phrase "as per Section 48 of the Ontario Heritage Act" after the word "license".	Editorial: Adds direct reference to the *Ontario Heritage Act*. Staff support the recommended modification.
9	**Chapter 7, Community Infrastructure,** subsection 7.2.47, is deleted in its entirety.	Editorial: Administrative change to delete policy which has been moved. Staff support the modification.
10	**Chapter 7, Community Infrastructure,** subsection 7.13, Natural Heritage System Designation, is renumbered to Section 9.11.	Editorial: Administrative change to ensure that OPA 42 and OPA 48 will integrate. Staff support the modification.
11	**Chapter 9, Land Use,** subsection 9.4.2.15, Commercial and Mixed-Use Designations, is deleted in its entirety and the subsequent sections are renumbered accordingly.	Editorial: Deletes duplicate policy which is already contained in subsection 9.4.2.7. Staff support the recommended modification.
12	**Chapter 9, Land Use,** Section 9.4.2.16, is modified by deleting "52,000 sq. m" on the row for the Paisley/Imperial Community Mixed-use Centre and replacing it with "52,600 sq. m.".	Revision: Staff support a minor adjustment to the gross floor area of Paisley/Imperial Community Mixed-use centre retail limit from 52,000 sq. m. to 52,600 sq m (policy 9.4.2.16). As stated previously OPA 48 Total Gross Floor Area policies have been revised to indicate "total" gross floor area permissions rather than "new". In the current OP "new" was defined as the date the inventory was conducted for the Commercial Policy Review. The "total" was established by adding "new" and "existing" gross floor area. For this particular node, it appears as the "existing" calculation did not accurately reflect what was existing at the time of the Commercial Policy Review. On this basis, staff are willing to support this small increase in retail gross floor area that more accurately reflects the Commercial Policy Review.
13	**Chapter 10, Implementation**, the second bullet point of subsection 10.18.3 (ix) Sustainability, is modified by deleting and replacing the word "Heating" with "Energy".	Editorial: This change better reflects accurately terminology. Staff support the modification.

14	**Chapter 10, Implementation**, subsection 10.4.2, Zoning By-Laws, is modified by adding the phrase "and upon approval of enabling regulations established by the Province" after the word "*Planning Act*".	Editorial: Revised wording reflects that implementing this tool will require regulations to be established by the Province. Staff support the modification.
15 (a)	Deleting and replacing the title for 'Livestock-based Agricultural Operation' with "Livestock-based Agricultur**al Operation**".	Editorial: Ensure title is consistent with the policy language. Staff support the modification.
15 (b)	Inserting the following definition in the appropriate alphabetic order: "Municipal Register of Cultural Heritage Properties or Heritage Register means: A register established pursuant to Section 27 of the *Ontario Heritage Act* and filed with the Clerk which identifies properties of *cultural heritage value or interest* within the City. Designated properties are *listed* in the *Municipal Register of Cultural Heritage Properties*. Non-*designated properties* may also be *listed* in the *Municipal Register of Cultural Heritage Properties*".	Insertion: Definition was inadvertently left out of OPA 48. Staff support the modification.
15 (c)	Inserting the following at the end of the definition of 'significant': "In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people	Insertion: Definition was inadvertently left out of OPA 48. Staff support the modification.

15 (d)	Inserting the word 'designated' after the word "lands" in the first line of the "Designated and Available" definition.	Editorial: Word inadvertently omitted. Staff support the modification.
15 (e)	Deleting the following text from the Subwatershed Plan definition: A Subwatershed Plan provides enhanced detail to addressing local environmental issues. The Plan details and implements specific subwatershed targets, goals, objectives to establish: natural system linkages and functions; surface and groundwater quantity and quality management; the enhancement, rehabilitation of *natural features*; areas suitable for *development*; best management practices for incorporation into subdivision designs; specific implementation schemes and responsibilities for all recommendations; management practices for open space areas and green space corridors; and an implementation strategy. The plan also outlines directives for storm water management plans and other studies/designs for specific areas within the subwatershed. The plan also outlines a future impact monitoring system".	Deletion: OPA 48 replaced the existing definition however, but the balance of the existing definition was not deleted. Staff support the modification.

15 (f)	Deleting the version of the "Affordable Housing" definition which reads as follows: "**Affordable Housing** means accommodation, which is affordable to households with incomes in the lowest 60% of the income distribution for the Guelph housing market. Affordable housing also includes not-for-profit housing".	Deletion: OPA 39 introduced a new definition of "affordable housing" but did not delete the existing definition from the 2005 Official Plan. Staff support the modification.

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**University of Guelph Research Partnership and City Access and Data Sharing Agreement**
REPORT NUMBER	

SUMMARY

Purpose of Report:

- Summarize Guelph Water Services participation with the University of Guelph in an NSERC Industrial Research Chair and Ontario Research Fund (ORF) project on sustainable bedrock water supplies;
- Review the University research project and its application to the City;
- Advise Council of matching investment by NSERC and ORF, resulting in $260,000 in research funding on local water issues; and
- Identify the need for an access and data/information sharing agreement with the University to facilitate the ongoing research project.

Council Action:

- Direct staff to develop an agreement with the University to allow access to City facilities and to share and control data and information exchanged between the partners;
- Grant approval for the Mayor and Clerk to execute a five-year agreement with the University of Guelph for the ORF and NSERC projects, subject to the satisfaction of the Executive Director of PBEE and the City Solicitor;
- Grant approval for the Mayor and Clerk to execute future five-year extensions of the access and data sharing agreement with the University of Guelph, subject to the satisfaction of the Executive Director of PBEE and the City Solicitor.

RECOMMENDATION

"THAT the Planning, Building, Engineering and Environment report dated December 10, 2012 entitled *University of Guelph Research Partnership and City Access and Data Sharing Agreement* be received;

AND THAT Council grants approval for the Mayor and Clerk to execute a formal five-year access and data sharing agreement with the University of Guelph, subject to the satisfaction of the Executive Director of PBEE and the City Solicitor;

AND THAT Council grants approval for the Mayor and Clerk to execute future five-year extensions of the access and data sharing agreement with the University of Guelph, subject to the satisfaction of the Executive Director of PBEE and the City Solicitor."

BACKGROUND

Since the early 2000's, Guelph Water Services and Wastewater Services have partnered with research institutions, including the University of Guelph, in several projects including Natural Sciences and Engineering Research Council of Canada (NSERC) Industrial Research Chair and Ontario Ministry of Research and Innovation - Ontario Research Fund (ORF) projects. These Partnerships have been consistent with corporate strategic direction and support the work plans of both Departments, and have provided value to the City in both development and practical application of process and environmental science and technology.

Ongoing funding has been approved in past budgets. Future year program funding is subject to annual Council approval. Historically, Water Services has supported NSERC programs with $20,000 in annual funding and ORF with $80,000 in annual funding. Water Services' investment in these programs is directly matched by NSERC and ORF resulting in $260,000 of research funding for the University on projects that relate to local water issues.

The NSERC Industrial Research Chair continues to focus on groundwater flow and contamination transport in local Guelph bedrock aquifers, including the development of new and improved tools for characterizing and monitoring historic contaminants and understanding contaminant transport related to municipal legislated source protection and brownfield redevelopment. As a municipality dependent on groundwater, this study is relevant to our trace organics groundwater quality concerns. The ORF project is supporting a large, multi-disciplinary research project entitled "Sustainable Bedrock Water Supplies for Ontario Communities" with a goal to sustaining local Guelph bedrock aquifers for current and future water supply. This same goal and reliance on local groundwater for future water supply is supported through the Council approved 2006 Water Supply Master Plan.

As a partner in these projects, the City provides both funding and in kind service support. To date, the City has provided information on our water supply and the geologic and hydrogeologic setting of our water supply aquifers. In turn, the City is receiving the following partner benefits:

1. Access to groundwater data and interpreted results from existing and new University groundwater monitoring locations;
2. Research papers exploring both the quality and quantity of the local Guelph bedrock groundwater supply (existing and new water supplies) and the nature and extent of local groundwater contaminants (trace organics, nitrates); and
3. Promotion and outreach that supports a better understanding and protection of this local, irreplaceable, and finite resource.

City staff are not in a position to complete this necessary work. Nor would these internal methods leverage the same financial and community collaboration that these research programs engender.

To facilitate ongoing work, the University of Guelph has requested access to the City's water supply facilities (production & monitoring wells) and the information contained in our groundwater flow model. Staff is pursuing a formal agreement with the University of Guelph for comprehensive information sharing as the studies progress to allow for information management and control. This Council Report provides a brief summary of funding allocations and conditions under which the City would continue to partner with the University.

REPORT

As a partner in the NSERC and the ORF projects, the University of Guelph shares research results with Water Services. Through these results, the City obtains timely state-of-the-art research that significantly increases our understanding of our municipal water supply system and water supply aquifers. The University has described the potential benefits of the partnership with the City in Attachment 1.

Water Services has been working with University staff to develop and implement a draft Access and Data Sharing Agreement to support the work being conducted under the NSERC and ORF projects.

The City, including Legal staff, will work with the University to develop a draft Access and Data Sharing Agreement. To date, a preliminary draft agreement has been circulated to identify initial terms, conditions and scope. Staff proposes that the final Agreement will be executed by the Mayor and Clerk, subject to the satisfaction of the Executive Director of Planning, Building, Engineering and Environment and the City Solicitor.

The draft Access and Data Sharing Agreement will define the following conditions:

- Conditions under which Water Services will provide access to City facilities;
- Conditions for the safety and security both City and University research staff;
- Conditions to ensure the City's regulatory obligations under the Safe Drinking Water Act are maintained during the research implementation; and
- Conditions related to the ownership, sharing, and control of information, including project progress reporting and published research.

In conclusion, partnering with the University demonstrates the City's commitments under the Water Opportunities Act to "encourage sustainable infrastructure and conservation planning using made-in-Ontario technologies to solve water, wastewater and stormwater infrastructure challenges". Furthermore, these research projects will improve the City's ability to characterize and protect our drinking water sources under the Clean Water Act and the Safe Drinking Water Act.

CORPORATE STRATEGIC PLAN

1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions;
2.1 Build an adaptive environment for government innovation to ensure fiscal and service sustainability;
2.2 Deliver Public Service better.

FINANCIAL IMPLICATIONS

- The funding to the University of Guelph is $20,000/year (NSERC) and $80,000/year (ORF) and is subject to annual approval through the Water Services Enterprise budget process. Funding is included in the approved 2013 Enterprise budget. Water Services' investment in these programs is directly matched by NSERC and ORF resulting in $260,000 of research funding for the University on projects that relate to local water issues.

DEPARTMENTAL CONSULTATION

None.

COMMUNICATIONS

None.

ATTACHMENTS

Attachment 1 - City of Guelph Support of University of Guelph Groundwater Research Programs - Benefits

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UNIVERSITY of GUELPH

SCHOOL OF ENGINEERING/ECOLE D'INGENIERIE

December 5, 2011

Dr. Janet Laird
Director
Environmental Services Department

and

David Belanger
Water Supply Program Manager
Guelph Waterworks
City of Guelph
Guelph, Ontario

RE: City of Guelph Support of University of Guelph Groundwater Research Programs

Dear Janet and Dave,

The City of Guelph has requested an explanation of the material benefits that the City has received from providing the funding support to groundwater research at the University of Guelph (U of G). This support was committed to in two letters dated November 3, 2006 and July 29, 2008, and at present totals $100,000 per year. This letter presents the benefits to the City and U of G that exist because of the funding provided by the City to the groundwater research program at U of G. These benefits fall in three categories:

1. Access to groundwater data and interpreted results from many new monitoring locations established each year by U of G;
2. Highly credible published papers and theses made available prior to publication for City review and comment; and,
3. Public outreach concerning the groundwater that is the water supply for Guelph.

In the past few years U of G has established many research collaborations concerning Guelph groundwater and has secured much funding for groundwater investigations from many different sources. Only by participating in the funding of groundwater research at U of G does the City gain timely access to a very large research endeavour that is advancing the understanding of Guelph's groundwater aquifer.

The City of Guelph has made a long term commitment in its Water Supply Master Plan (2006) to rely on its groundwater resources for municipal supply as the population continues to grow. 85% of the City's water supply is bedrock aquifer derived and it is this aquifer that is a large part of the focus of the groundwater research conducted at U of G, where the City of Guelph is used as a "model community". The field-based groundwater research that is being conducted at U of G will provide a greater understanding of the risks and management options for the various contamination sources that exist within the City's well fields and will be useful for the continual optimization of the Source Protection planning requirements of the City.

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The City is collaborating and working synergistically with the University of Guelph on various fronts including environment and water management issues. In her "State of the City" address on November 9, 2011, the Mayor reiterated the importance of this collaboration and also confirmed this commitment to collaboration at the Grand Opening of the School of Environmental Sciences (SES) Alexander Hall on November 10, 2011. G360, a new Centre for Applied Groundwater Research, my research group, is a part of this SES Program as well as the School of Engineering.

The strong collaborative ties between U of G and the City of Guelph on the groundwater issues have been packaged into two major research proposals, the Natural Sciences and Engineering Research Council of Canada (NSERC) Industrial Research Chair (IRC) program and the Ontario Ministry of Research and Innovation (MRI) Ontario Research Fund (ORF) program. Major private sector and government investments have been made in each of these programs providing substantial commitment to training of students, knowledge creation and technology transfer via infrastructure and data collection. The IRC is focused on understanding groundwater flow and contaminant transport in fractured sedimentary rock. This involves cash contributions from several private and government partners, including the City of Guelph, where each contribution is leveraged strongly by the combined contributions and doubled by the NSERC matching funds which results in a $5.05 million program over 5 years (2007-2012). The focus of the IRC is on developing new and improved tools for characterizing and monitoring bedrock aquifers and understanding contaminant transport that relates directly to source water protection and Brownfield site redevelopment in communities such as Guelph. This $5.05 million program is fortified by substantial in-kind support by many partners with state of the science donations of software and deep discounts on drilling and equipment purchases. The program is field based and one of the three field sites with major investments of research infrastructure (i.e., boreholes, wells, monitoring equipment, and data collection) includes the bedrock aquifer underlying the City of Guelph and neighbouring communities. The IRC has contributed strongly to the understanding of the groundwater flow system by characterizing the aquifer and accompanying aquitard properties and how contaminants may or may not be attenuated due to diffusion, sorption and reactions due to the fracture network and rock matrix properties.

This emphasis on contaminant behavior in the bedrock aquifer in the City of Guelph has been augmented by another research grant funded by the provincial government through the Ministry of Research and Innovation (MRI)'s Ontario Research Fund (ORF) grant (2009-2014). The ORF research program is focused on sedimentary bedrock aquifers for water supply using the City of Guelph as a "model community". The boreholes and infrastructure that we've developed in collaboration with the City for the ORF and NSERC IRC projects, along with our additional local research sites, will facilitate studies of the Guelph bedrock aquifer at unprecedented resolution and scale, such that the City of Guelph aquifer will become one of the most well-studied, actively used bedrock aquifers in the world. The MRI is providing $4.6 million in funding towards this project, with additional investments from private sector and government partners for a total funding investment of $14.4 million. This program provides research funds for eight faculty across three colleges of the U of G and a few colleagues at the University of Waterloo and McMaster to work collaboratively on the groundwater flow system and connections with rainwater and surface water with relevance to quantifying flow and contaminant sources/inputs to the system.

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Both the NSERC IRC and ORF research programs are highly collaborative research initiatives involving several universities, private companies, and government agencies. The City's $100,000 annual cash investment in these programs is directly matched by NSERC and ORF resulting in $260,000 of research funding. Additional contributions by private companies and the government matching combine to make a total of $10 million in cash and more than $20 million when the value of the in kind is included. There is no doubt that the City has and will continue to derive benefit from involvement in these research programs in many ways:

1. Access to the results from millions of dollars of ongoing research being conducted on the City of Guelph bedrock aquifer at early stages, which will better inform management decisions regarding local groundwater resources and Brownfield site development.

2. Access to rigorous, independent, peer reviewed science that allows for defensible decision making to the multiple stakeholders and allows for the City to be better prepared for, and proactive regarding, future issues that might arise.

3. Development of highly qualified personnel (HQP) with training and expertise in the most recent state of the science contaminant hydrogeology methods and comprehensive knowledge of the local aquifer.

4. Access to U of G industrial and government partners and connections to other universities and leading researchers and practitioners regarding the science (for example, attendance of the annual Ontario Research Fund symposium, organized and sponsored by our group at U of G).

5. Shared recognition and acknowledgement for U of G's groundwater research efforts in community outreach (for example, the opening of the Bedrock Aquifer Field Facility (BAFF) in June 2010, see attached article), education, and work with local interest groups, public school programs and the GRCA to provide facilities and activities with groundwater related topics in the community for all ages.

In addition to the benefits listed above, the City has derived direct material benefit from the funding investment into our research programs as follows:

1. Participation of U of G groundwater research staff and two graduate students in the Smallfield and Sacco well pump test conducted by the City's consultants Stantec. Significant people-hours and equipment were provided by my group with students and staff, Karl Belan, Paulo Lima, Pete Pehme and others in the deployment of transducers, collection of groundwater samples and hydraulic data and in interpretation of the data and reviewing of the Stantec Report which was a significant savings for the City. In addition, U of G provided access to all our research data at the nearby Guelph tool Site, including core logs, multi-level monitoring of hydraulic head, contaminant datasets etc. These data and the interpretation and comments on the City's reports were shared with the City.

2. Coordination of a meeting with the industrial Site Owners (GE, AOC Resins, Guelph Tool, RioTinto) in the northwest quadrant of the City facilitated by my relationship with Bob Ireland (Guelph Tool) as a sponsor of my IRC work. This meeting evolved into a meeting with the Ministry of the Environment (MOE) which resulted in the decision for the industries and their representatives to provide the most recent environmental reports to the City to assist in the City's short term needs for source water protection reporting and to move forward on an agreement to consolidate the data from individual sites into one database (delayed due to City of Guelph/U of G contracting).

3. Another significant benefit that the City has received from the collaboration with U of G is the City of Guelph's Tier 3 project. My group collaborated with the City, the Ontario Geological Society and Golder Associates, the City's contractor, on the Tier 3 program. U of G provided research funding to increase the budget for improved spatial and temporal monitoring resolution in the ten Tier 3 boreholes by increasing the number of ports and frequency of data collection in the multilevel monitoring systems that were installed in the ten Tier 3 boreholes across the City (Golder 2010). My group also conducted additional geophysics, FLUTe K-profiling and packer testing to augment the existing plan to enhance the MLS system design and groundwater flow system characterization. As such, the City and U of G co-own the equipment in these wells. Since the installation of the Tier 3 wells, my field technicians have been collecting monthly water level measurements from all of these wells and providing this information to Golder for inclusion in the Tier 3 report at no cost to the City. Since the completion of the Tier 3 report, U of G staff continue to collect monthly water levels from these wells and groundwater samples were also collected from the wells in the fall of 2011.

U of G has undertaken a number of research projects within and around the City of Guelph in collaboration with various organizations including the Ministry of the Environment (MOE), the Township of Centre Wellington, and private citizens and businesses as well as the university. Figure 1 shows the location of research sites in and around the City of Guelph. A summary of the research work that is being conducted by the groundwater research group at U of G in and around the City of Guelph is summarized in Table 1. Table 1 and Figure 1 indicate that U of G has established groundwater monitoring systems and/or is conducting groundwater monitoring in nearly all parts of Guelph and in surrounding areas. These studies are contributing to advances in understanding of the groundwater flow patterns in the bedrock, overburden geology and recharge, groundwater velocity in the bedrock, capture zones and point and non-point source contaminant transport and attenuation. The conceptual models for the groundwater flow system are continuously improving. Table 2 is a summary of the research being conducted by the Principle Investigators (PIs) as part of the ORF project which are all based in and around the City of Guelph. These tables highlight that the progress to date exceeds considerably what was proposed in both the IRC and ORF proposals. This work is providing new groundwater data and data analysis in the Guelph area that is strongly complementary to what the City and its consultants are collecting within their mandates.

Some of the data collected from these many investigations are available to the City (for example, those data existing in publically available theses, Tier 3 data, data associated with prior agreements with MOE). However, without partnership, the results from this research will only be available to the City through public domain channels

and there can be a significant time delay between knowledge generation and availability in the public domain. With collaboration, we have been agreeable to frequent meetings, previews of data and drafts and welcoming input through dialog and comments and have also been able to facilitate relations with private sector partners.

In a manner aligned with U of G and the City's mutual goals 'to maintain and continue to build on the long-standing collaboration', it seems abundantly clear that the partnership between the U of G and the City specific to the groundwater research program provides strong mutual benefits in both the long and short terms. Due to successful research proposals through the Canada Foundation for Innovation (CFI), MRI/ORF, FedDev and NSERC, I have had opportunities to meet and discuss the nature of my research and the City collaboration with the Hon. Karen Farbridge, Mayor of Guelph, Hon. Gary Goodyear, MP Cambridge, Hon. Frank Valeriote, MP Guelph and Hon. Liz Sandals, MPP Guelph. They have been enthusiastically supportive of this specific area of collaboration given its vital role in the future well-being of the Guelph community and similar communities across Ontario and Canada. Our December 2009 and January 2011 update meetings with yourselves on the groundwater project work seem to confirm our commitment to this vision with actions aimed at developing clearer expectations and a framework for communications, data sharing and management via a formal contract that is now pending final City review and approval. I hope this letter serves as a reminder of the numerous valuable synergies in our partnership focused on groundwater and I look forward to finalization of our agreement and proceeding with collaboration and communications as soon as possible.

Sincerely,

Beth L. Parker

Dr. Beth L. Parker

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cc: Dr. John Cherry
Dr. Hussein Abdullah, Director School of Engineering
Dr. Deborah Stacey, Associate Dean of Research, College of Physical and Engineering Science

Vik Kirsch | Sat Jun 26 2010 | Be the first to Comment | 0 Recommend

U of G groundwater centre intended to boost information flow

vkirsch@guelphmercury.com

GUELPH — Canada can pull energy from western oilsands or further afield. It can draw natural gas from shale formations or other underground structures. It can grow it food or import it.

“There’s no alternatives to water,” Guelph MP Frank Valeriote said Friday in an interview at opening ceremonies for the University of Guelph’s new groundwater protection and research facility at the arboretum’s sprawling nursery property on College Avenue’s northern flank.

He and other politicians and dignitaries said the centre will play a big role in raising the level of understanding of groundwater. Valeriote urged further action, calling for a national water protection strategy.

The new facility, currently just a shell nearing completion adjacent two wells, will allow researchers to delve into the mysteries of bedrock aquifers that remain only partially understood. The intention is to turn what’s learned in the years ahead into better water management practices and prevent water contamination from a host of potential pollutants.

The Bedrock Aquifer Field Facility, with the unfortunate acronym BAFF, is the brain child of university engineering professor and groundwater expert Beth Parker, who said in an interview the facility will be home to research, education, public outreach and will also house scientific equipment. She has 35 people on her team, including 15 students.

She ultimately envisions having 20 to 30 wells to tap information. “My goal is to have a network of wells close to each other.”

Mayor Karen Farbridge said that makes the city the epicentre of groundbreaking science.

“Guelph is serving as a living laboratory,” the mayor said. While Farbridge noted the Royal City uses less water per capita than other Canadian cities its size, it wants to conserve more.

“We’ve set new, aggressive targets for the future. We must use our water wisely.” She’s hopeful the research centre will help in showing the way.

Addressing an audience inside the building, university research vice-president Kevin Hall conceded the public often wonders “what goes on behind these ivy-covered walls” of academia. The new centre shows that a good portion of this is scientists working to solve “real world problems.”

Parker agreed.

“It’s very exciting as a researcher doing work that’s directly relevant to the community,” Parker said.

Hall gratefully acknowledge a $5-million, five-year contribution from Queen’s Park, which the university will use to turn the new centre into the most advance of its kind.

“As we all know, water is a precious commodity,” Hall said. He praised Parker and her team of researchers for holding out the promise of a future with safe and sustainable groundwater supplies.

Guelph MPP Liz Sandals said the project dovetails with her government’s increasing focus on safe water sources, citing its clean water act, including its study of source water, as an example. Research is needed because aquifers aren’t as well understood today as surface water, Sandals said.

The research may lead to creation of new water monitoring and protection technology, which Sandals said is also a goal of her government, as outlined in the recent speech from the throne.

Safe water supply, Sandals added, is an “intense local issue.”

Wellington-Halton Hills MPP Ted Arnott said in an interview public interest goes well beyond Guelph, to the surrounding counties in the Grand River Watershed.

“This is an issue that is of significant concern to people in Wellington and Halton Hills,” Arnott said. “I’m pleased to see the provincial government recognize the importance of this research. I believe we are stewards of our natural environment and we have to be thinking of our future. The more we know, the better we can plan and preserve.”

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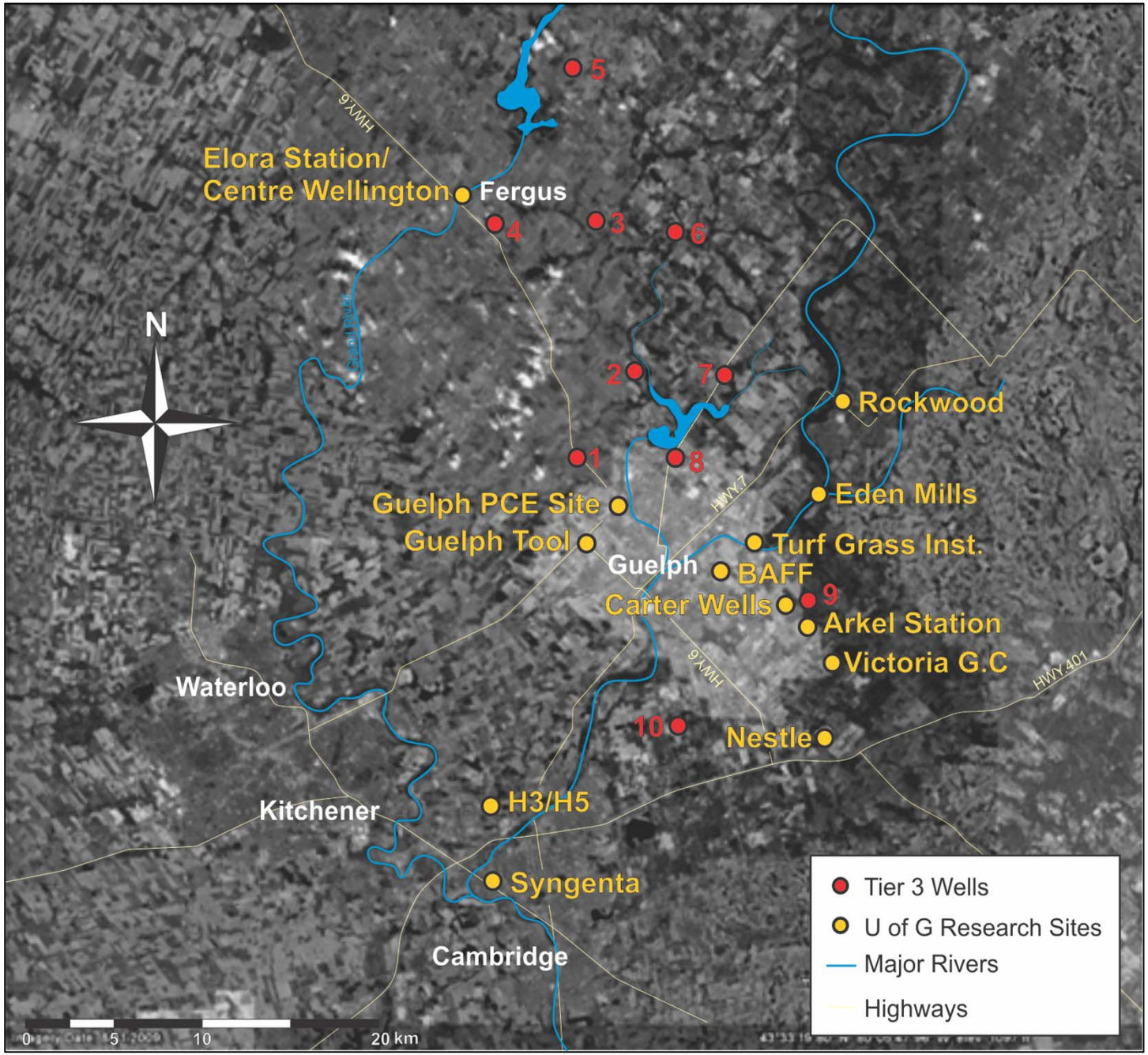

Figure 1: G360 Research Sites Guelph Region

Table 1: Summary of UofG Field Research Activities Concerning Groundwater in the City of Guelph and Surrounding Area

Site	Description	Collaborators	Work Completed	Future Work Planned	Thesis Involvement
Guelph Tool	Multi-year investigations on characterizing fracture network. The use of vertical and angled bedrock holes and detailed downhole testing and multilevel well installation to create a comprehensive picture of the fracture network beyond the borehole scale	Guelph Tool Inc.	14 core holes including 2 angled holes; downhole geophysics 5 multilevel well completions, packer testing, high resolution temperature logging to map fractures, pump tests, core logs, flux meter testing;	Angled coring, logging cross hole hydraulic tests	Quinn PhD (2009), Kennel (2008); Munn 2011; Trudell 2012; Barios Msc (2012); Belan MSc (2010), Pehme PhD (2012)
Smallfield and Sacco Wells	Provided equipment and personnel to monitor during pumping test	City of Guelph and Stantec	Monitoring, collection of data and interpretation for pumping test report, Smallfield multilevel piezometer design, Smallfield FLUTe K-profile and seal		
Tier 3 MLS Sites	Co-own multilevel well equipment in the Tier 3 boreholes	City of Guelph and Golder	Provided staff to help with coring and geophysical logging of boreholes with discounted services of driller, provided research $ to upgrade multilevel wells from 3 port to 10 to 25 port systems; monthly water level monitoring since installation; sampling of the multilevel systems in 2011.	Continued water level monitoring and sampling of these wells	Unonius MSc (2112)
Eden Mills	Working with Eden Mills evaluating the surface water and groundwater interactions around their pond using piezometers drilled in rock	Eden Mills	4 bedrock piezometers core into bedrock and completed as monitoring locations.	Temperature surveys and additional piezometers and multilevels in rock	Kennedy PhD Thesis
Guelph PCE Site (MOE)	Investigate a PCE plume in the City of Guelph and evaluate source, bedrock plume and surface water interactions.	MOE and AMEC	Installation of 5 boreholes, coring, rock core sampling for VOCs, geophysical logging and installation of 5 multilevel wells (Emma and Park Street wells potential impact). Subsequent data collection on groundwater quality (VOCs, isotopes, geochemical parameters), hydraulic data etc….New MLS design tested	Continued semi-annual groundwater sampling and quarterly water level monitoring, hydraulic tests to assess municipal well and river influences in flows and chemistry	Lima PDF project (2011)Camillo M.Sc. Thesis
DeCorso Golf Courses	Installation of two new bedrock and two new overburden boreholes and multilevel well systems	DeCorso Enterprises and R.J. Burnside	One overburden multilevel wells installed and one bedrock core collected and borehole FLUTe lined and multilevel well designed.	One overburden and one bedrock borehole planned for December 2011 and new wells installed in March 2012	Part of Allen, Opazo, Best MSc Theses
Nitrate Study	Installation of new overburden and bedrock multilevel wells and the collection of geologic, hydrogeologic and groundwater chemistry data from new wells and other existing wells (private, research etc....) focusing on nitrates and emerging contaminants	U Waterloo	5 core holes (rock nitrate sampling from bedrock and soil sampling from overburden) with multilevel wells installed and one round of groundwater data collected from new wells and existing private and research wells.	Additional groundwater sampling and potential for two new wells	Part of Allen, Opazo, Best MSc Theses
Overburden study	Coring and installation of multilevel wells through overburden to map Parris Moraine	Puslinch Township			McGill MSC Thesis
Bedrock Aquifer Field Facility (BAFF)	Installation of two new bedrock boreholes and one overburden borehole and completion of Phase 1 construction of the BAFF building.		Phase 1 construction complete and two bedrock boreholes installed	up to another 15 boreholes planned and Phase 2 construction completion expected in 2013	Part of Coleman MSc Thesis; Steelman PDF project
University Wells	University's network of wells for water supply, irrigation etc…	U of Guelph	Working with Physical Resources to maintain, characterize and equipment the 11 UofG wells and taking over the responsibility for unused wells for monitoring, education and outreach	Borehole geophysics and install multilevel wells in some of the available wells	Steelman PDF project
Eramosa River	Investigate the groundwater surface water interactions along the Eramosa River	GRCA	Use various methods, including temperature survey, to evaluate the groundwater interaction with the Eramosa river along its length in the City focusing on areas with bedrock outcropping in the river.	Install piezometers to measure groundwater and surface water hydrochemistry	Kennedy PhD Thesis
Nestle	Groundwater isotope investigation	Nestle	Collection of groundwater samples from a number of Nestle wells under various pumping conditions for isotope analysis	Continued In-kind partnering with Nestle	Part of Unonius MSc. Thesis
GRCA forested site	Investigation of GRCA property that has recently been converted from agriculture land to forested land - investigation infiltration, nitrate etc…	GRCA, Guelph Nature Centre	Meetings to discuss collaboration and outreach	Drilling a few monitoring wells and installing soil moisture and temperature probes to evaluate the infiltration models	TBD
Township of Centre Wellington	Partnering with the Centre Wellington Township through a Showcasing Water Innovation proposal install 6 bedrock multilevel wells through Silurian dolostone as part of their groundwater management plan;	Centre Wellington and Golder	Three boreholes cored to ~300 ft bgs with geologic and geophysical logging completed	Three boreholes cored to ~300 ft bgs and geophysical logging to be completed in 2012 and 10 to 20 port multilevel well systems installed in all 6 boreholes with hydrochemistry sampling and hydraulic testing to follow	TBD
Phytoremediation Study	Conduct research on the applicability of phytoremediation for hydraulic control of shallow bedrock contamination at a local brownfield site	MTE Consultants	Proposal submitted to fund pilot scale application	Pilot scale study of phytoremediation at Brownfiled site in Guelph	TBD

TABLE 2
Sustainable Bedrock Water Supplies for Ontario Communities *ORF-RE Round 3*
Project List

Principal Investigator	Affiliation	ResearchTheme and Student Project Title
Emmanuelle Arnaud	**University of Guelph**	**Overburden Heterogeneity in the Guelph Region**
	School of Environmental Science	The Impact of Data Quality and Distribution on Interpolation Accuracy
		Overburden Mapping of the Paris Moraine in the Guelph Area
Aaron Berg	**University of Guelph**	**Identification of Recharge Features Using Remote Sensing**
	Geosgraphy	Mapping of potential recharge areas using high-resolution digital elevation models and satellite derived soil moisture
		Creation of RADAR derived digital elevation models for improved estimation of recharge features
Andrea Bradford	**University of Guelph**	**Groundwater Dependent Ecosystems (GDE)**
	School of Engineering	Identification of Restoration Opportunities for GDE
Bahram Gharabaghi	**University of Guelph**	**Characterization of Urban Water Balance and Recharge**
	School of Engineering	Quantification of Chloride Loadings to Groundwater Due to Winter De-icing Operations in Urban Watersheds
		Surface and Shallow Groundwater Flow and Temperature Monitoring and Modeling in Urban Watersheds
		Identification and Risk Assessment of Road Salt Vulnerable Areas
Ed McBean	**University of Guelph**	**Threats to Subsurface Water Quality: Impact Analysis Modelling and Risk Assessment/Management**
	School of Engineering	Viral Contamination of Groundwater and Removal Efficiency of Biofilms in Fractured Bedrock
Beth Parker	**University of Guelph**	**Contaminant Hydrogeology in Fractured Rock**
	School of Engineering	Hydraulic Characterization of Fractures and Fracture Porosity
		Improved bedrock aquifer characterization for assessing availability and vulnerability to contaminants as sustainable water supplies
		Surface Geophysics for delinating a bedrock valley through the Arboretum
		Groundwater & Surface Water Interaction in the Fractured Bedrock Underlying the Speed and Eramosa Rivers
		New approaches to the collection and interpretation of high sensitivity temperature logs for detection of groundwater flow in fracture rock
		Characterization of Contaminant Plumes at Various Sites in Guelph
		Demonstration and Validation of a Fractured Rock Passive Flux Meter (Guelph Tool site, Guelph)
		The use of angled coreholes to help characterize the 3D fracture network in a Silurian dolostone aquifer, Guelph, ON.
		Testing for emerging contaminants (artificial sweeteners, beta blockers, pharmaceuticals and viruses) in the Guelph area bedrock aquifer.
		Evaluation of the hydrogeologic conditions and aquifer vulnerability in south Guelph near Nestle and aggregate quarries.
		A method for discrete fracture flow monitoring in boreholes: DTS within flexible underground liners.
Gary Parkin	**University of Guelph**	**Estimating Groundwater Recharge at Local and Regional Scales**
	School of Environmental Science	Analyzing and Improving the Water Table Rise Method of Estimating Groundwater Recharge
Sarah Dickson	**McMaster University**	**Biocolloid Retention Mechanisms in Fractured Rock**
	School of Engineering	Identification of the Mechanisms Governing the Transport of Bacteria and Viruses in Fractured Rock
James Smith	**McMaster University**	**Overburden Contaminant Hydrogeology/Vadose Zone**
	School of Geography and Earth Sciences	Understanding of Dynamic Soil Water Repellency
Ramon Aravena	**University of Waterloo**	**Evaluating groundwater contamination caused by agricultural and urban activities using environmental isotopes as tracers to provide information about sources and processes that affect nitrate and organic compounds in groundwater.**
	Department of Earth Science	Geochemical study of groundwater at the Guelph aquifer.
		Sources and fate of nitrate in groundwater in the Arkell area
		Geochemical study of a chlorinated solvent plume generated by a dry cleaning facility in Guelph
Tony Endres	**University of Waterloo**	**Overburden (Quaternary Deposits) Contaminant Hydrogeology: hydrogeophysical characterization of quaternary aquifer units using ground penetrating radar and electrical resistivity monitoring**
	Department of Earth Science	Hydrogeophysical study of soil moisture infiltration through the Quaternary deposits at the Arkell Research Station
Tadeusz Gorecki	**University of Waterloo**	**Development of methods for rock core and soil contaminant analyses, development of passive air sampler to examine vapour intrusion**
	Department of Chemistry	

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**SIGN BY-LAW VARIANCES FOR 5 Douglas Street (Skyline)**
REPORT NUMBER	

SUMMARY

Purpose of Report: To advise Council of three (3) Sign By-law variances for 5 Douglas Street, requesting building signage on the fourth storey, attached to the roof and be internally lit.

Council Action: To approve the request for sign variances from the Sign By-law for 5 Douglas Street.

RECOMMENDATION

"THAT Planning, Building, Engineering and Environment report dated December 10 2012, regarding sign by-law variances for 5 Douglas Street, be received;

AND THAT, the request for variances from the Sign By-law for 5 Douglas Street to permit building signage for Skyline on the fourth storey elevation, attached to the roof and to be internally lit, be approved."

BACKGROUND

Skyline Real Estate Holdings has submitted a sign variance application for the property located at 5 Douglas Street to allow for one building sign to be located on the 4th storey elevation (see Schedule A- Location Map). The property is zoned Central Business District, CBD 1 in the Zoning By-law No. (1995)-14864. The Sign By-law No. (1996)-15245 in Table 1, Row 1 restricts building sign placement to the first storey on a building face. Additionally, in the CBD, signage is permitted on the second or third storey elevations with only individual letters or symbols and no lighting.

REPORT

Skyline Real Estate Holdings has applied for three (3) Sign By-law variances for 5 Douglas Street, (see Schedule B- Signage For Variances). Staff identified that the proposed signage would not comply with the Sign By-law in that building signs are

restricted to the first storey elevation in commercial zones; the sign cannot be attached to the roof and could not be lit. A resolution from Heritage Guelph regarding the proposal is attached as Schedule C- Heritage Guelph Resolution.

The following reasons have been supplied by the applicant in support of this application:

- The building is home to their head office and is a signature building for the company;
- Skyline and Heritage Guelph concur that the restored stone façade of the Gummer Building should not be cluttered with signage attached to the stone. Skyline proposed to the Heritage Committee that mounting the sign to the parapet above the Stewart Building overlooking the square is a better option;
- A subtle reflective LED lighting behind the letters to provide a shadow effect is appropriate.

The requested variances are as follows**:**

Building Sign (Commercial zone)	**By-law Requirements**	**Request**
Permitted Location on a Building	1st storey on a building face facing a public road allowance or facing another property	**4th storey of the building**
Vertical Projection	No building sign shall project above the roof or the eave of the roof of the building	**Allow sign to be attached to the roof parapet**
Lighting	In the CBD on 2nd and 3rd storey, no lighting permitted	**Permit the sign to be LED back lit**

The requested variances from the Sign By-law are recommended for approval because:

- This is a unique situation within the CBD with a stepped back building with a Heritage façade and new upper floors;
- Heritage Guelph supports that the front stone façade not be cluttered with signage;
- This is the signature building for Skyline and the proposed signage is appropriate in this instance;
- The proposed lighting is only providing a shadow effect.

CORPORATE STRATEGIC PLAN:

Urban Design and Sustainable Growth:
Goal #1: An attractive, well functioning and sustainable city

FINANCIAL IMPLICATIONS: N/A

DEPARTMENTAL CONSULTATION: N/A

COMMUNICATIONS: N/A

ATTACHMENTS

Schedule A -Location Map
Schedule B- Signage for Variances
Schedule C- Heritage Guelph Resolution

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Recommended By:
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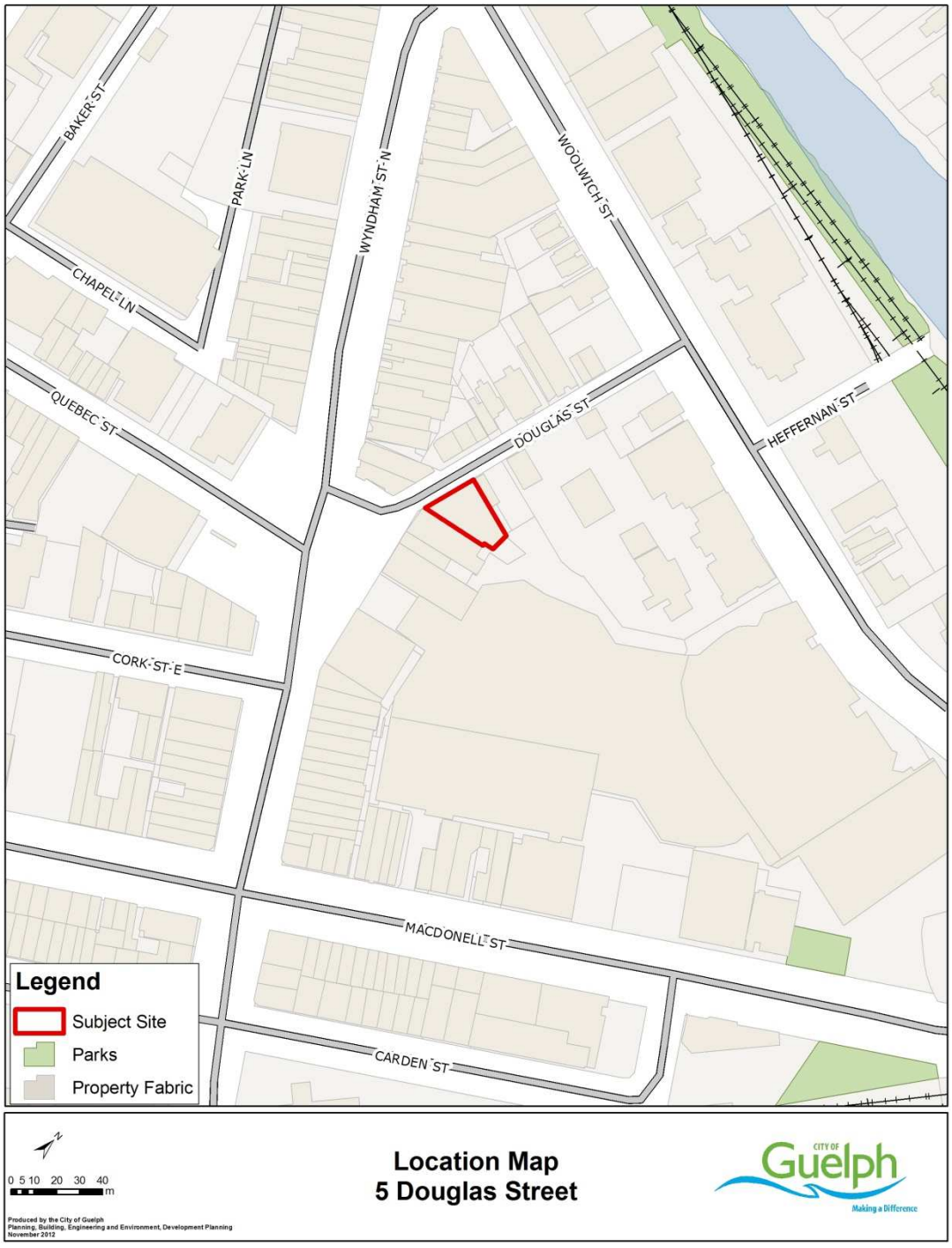
SCHEDULE A- LOCATION MAP



SCHEDULE B- SIGNAGE FOR VARIANCES

SCHEDULE C- HERITAGE GUELPH RESOLUTION

Item 6.1

1 Douglas Street (Stewart Building)

Delegation – Jason Ashdown (Skyline) and Lloyd Grinham (architect)
Jason Ashdown advised that Skyline is looking at signage to brand the building as this is going to be their company head quarters. Jason added that they are looking to put the signage on the roof above the stone cornice of the front façade of the Stewart Building instead of on the stone façade itself and that they are currently discussing with the City's Zoning Department on zoning issues. The signage lettering will be approximately 14' wide and 3' tall with the Skyline logo above, and both elements will be made of black lettering and will be lighted. Jason will also provide measured drawings of the proposed sign. Jason added there will be a clause in the leases that states that all the tenants must deal with Heritage Guelph directly when they want to put up their own signs.

Moved by Paul Ross and seconded by Bill Green,
"That the proposed Skyline logo signage for the Steward Building at 1 Douglas Street as presented to Heritage Guelph at the 9 October 2012 meeting is acceptable to Heritage Guelph."

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**Provincial Policy Statement Review**
REPORT NUMBER	12-108

SUMMARY

The Provincial Policy Statement (PPS) guides all land use planning decisions in Ontario. It includes policies on key issues such as:

- the efficient use and management of land and infrastructure;
- protection of the environment and resources; and,
- ensuring appropriate opportunities for employment and residential development, including support for a mix of uses.

The Province initiated a review of the 2005 PPS in 2010 and the City provided initial comments in August 2010. In September 2012 the Province released draft proposed revisions to the PPS for a 60 day commenting period (ending November 23, 2012). To meet this deadline, staff submitted preliminary comments in a letter dated November 23, 2012. In general, staff is supportive of many of the proposed revisions, and have provided comments, and expressed concerns/questions regarding the following matters: growth management; urban design; affordable housing; low impact development; provisions for mineral aggregate resources and their relationship to groundwater resources and natural heritage systems; active transportation; district energy systems; resilience to climate change; definitions around certain natural heritage features; alignment of water policies to source water protection legislation; consultation with aboriginal communities. In addition, staff have commented on the 5 year PPS review cycle in relation to other provincial policy review cycles.

Purpose of Report:

- To advise Council of staff's comments on the proposed changes to the Provincial Policy Statement as part of the five-year review;
- To formalize staff's comments as the City's official position on the proposed changes to the Provincial Policy Statement through Council endorsement.

Committee Action:

- Endorse staff comments and inform the Ministry of Municipal Affairs and Housing of Council's endorsement.

RECOMMENDATION

"THAT report #12-108 from Planning, Building, Engineering and Environment, dated December 10, 2012 regarding the Provincial Policy Statement Review be received;

AND THAT the staff comments provided to the Ministry of Municipal Affairs and Housing, dated November 23, 2012, and included as Attachment 1 be endorsed;

AND THAT the City Clerk be directed to inform the Ministry of Municipal Affairs and Housing that the staff comments have been endorsed by Council."

BACKGROUND

What is the Provincial Policy Statement?

The Provincial Policy Statement (PPS) sets out the Ontario government's policy direction for land use planning and development and is the integrated, consolidated statement of all provincial ministries' policies concerning land use. Municipal Official Plans must be updated to ensure consistency with the provisions of the PPS. The current version of the PPS has been in force since 2005.

A primary intent of the PPS is to give recognition to the complex inter-relationships among economic, environmental, cultural and social factors in land use planning, and embodies good planning principles.

The PPS provides direction in the following major policy areas:

<u>Building Strong Healthy Communities:</u>
The PPS provides policy direction to help build strong communities in Ontario through, for example:

- the effective management and use of land to meet current and future needs;
- the protection of employment areas and other policies to promote economic development and competitiveness;
- the provision of a range of housing types (including affordable housing) and densities to meet the needs of current and future residents;
- the availability of appropriate infrastructure, e.g., transportation systems, and sewer and water services, to accommodate projected needs; and
- the promotion of energy efficiency, resilience to climate change, and minimizing negative impacts to air quality.

<u>Wise Use and Management of Resources:</u>
The PPS protects Ontario's natural heritage (e.g., wetlands and woodlands), water, agricultural, petroleum, mineral aggregate, cultural heritage and archaeological resources. The protection of these important resources helps to ensure Ontario's long-term prosperity, environmental health and social well-being.

Protecting Public Health and Safety:
The PPS protects people, property and community resources by directing development away from natural or human-made hazards (e.g., flood plains or contaminated lands).

Provincial Policy Statement Review
In 2010 the Province initiated a review of the 2005 PPS and has asked for input into the adequacy of the 2005 policies. The City provided comments through CDES Report 10-90 in August 2010 (included as Attachment 2 to this report).

In September 2012 the Province released draft proposed revisions to the PPS for a 60 day commenting period (ending November 23, 2012). Proposed policy revisions that are of interest to Guelph include:

Building strong, healthy communities by:
- strengthening linkages between land use planning and healthy, active communities;
- encouraging coordination and co-location of public facilities and coordination between municipalities and other levels of government;
- supporting active transportation and transit, and providing connectivity within and among transportation modes;
- encouraging planning authorities to coordinate planning with Aboriginal communities and acknowledging that the PPS is to be implemented in a manner consistent with Aboriginal and treaty rights in the Constitution Act, 1982;
- recognizing the importance of parks, recreation, green spaces, trails and trail linkages;
- requiring the consideration of potential impacts of climate change; and
- encouraging green infrastructure and strengthening stormwater management requirements.

Supporting a strong economy by:
- promoting investment-ready communities and opportunities for economic development;
- recognizing the importance of communication infrastructure;
- strengthening protection for major industries from incompatible uses;
- planning for, and protecting corridors for goods movement and future employment along those corridors;
- protecting provincially planned corridors and promoting land use compatibility for lands adjacent to the planned and existing corridors;
- clarifying that planning for infrastructure can go beyond the 20 year time horizon;
- supporting long-term planning for employment areas;
- supporting the adaptive re-use of infrastructure;
- requiring consideration of the life-cycle cost of infrastructure.

Protecting the environment and resources by:

- requiring the Identification of Natural Heritage Systems in Southern Ontario ecoregions;
- recognizing the importance of biodiversity;
- clarifying provisions for aggregate extraction within and adjacent to certain natural heritage features;
- encouraging comprehensive rehabilitation planning after aggregate extraction;
- supporting the conservation of aggregate resources, including recycling and reuse;
- promoting the conservation of cultural heritage and archaeological resources; and
- requiring aggregate resources to be identified in municipal official plans.

Request for Comments:
The Ministry of Municipal Affairs and Housing (MMAH) is requesting that stakeholders respond to the following five questions:

1) Do the draft policies provide sufficient direction to effectively protect provincial interests in land use planning?
2) Are there additional land use planning matters that require provincial policy direction and which are not included?
3) Do you foresee any implementation challenges with the draft policies?
4) Is additional support material needed to help implement the Provincial Policy Statement?
5) Do you think that the legislated Provincial Policy Statement review cycle should be extended from the current five-year period?

REPORT

In order to meet the 60 day comment period, staff submitted preliminary comments on the draft proposed PPS revisions in a letter dated November 23, 2012 (refer to Attachment 1). This report summarizes the staff comments and seeks to confirm these as the City's official response to the proposed PPS revisions.

The Province has not indicated the nature or timing of potential next steps following the close of this current comment period. If and when a revised PPS is issued and comes into effect, municipalities will be required to bring their Official Plans into conformity with the new policies in accordance with the provisions of the *Planning Act*.

In general, staff is supportive of many of the proposed revisions. The comments, questions and concerns expressed in the November 23, 2012 staff letter general relate to the following matters: growth management; urban design; affordable housing; low impact development; provisions for mineral aggregate resources and their relationship to groundwater resources and natural heritage systems; active transportation; district energy systems; resilience to climate change; definitions around certain natural heritage features; alignment of water policies to source water protection legislation; consultation with aboriginal communities. In addition, staff have commented on the 5 year PPS review cycle in relation to other provincial policy review cycles.

Staff's comments, as summarized below, are organized according to the structure of the PPS (see Attachment 4), rather than according to the questions outlined above, with the exception of question 5 which is addressed at the end of the letter.

Summary of Staff Comments:

Building Strong and Healthy Communities

- The PPS should explicitly recognize the fundamental importance of urban design in shaping growth and intensification, especially as it relates to facilitating contextual and compatible intensification through appropriate transitions in built form, promoting place-making, and design supports for active transportation.
- The draft polices oblige planning authorities to enact policies for the phasing of development that ensure intensification prior to greenfield development. The City is concerned that this policy may cause confusion with the Growth Plan's Polices that require 40% of residential development, in any year, to be within the built up area, which, by extension, anticipates continued, concurrent Greenfield development.
- Additional clarity it required as to what constitutes an employment use, particularly the meaning of "major retail".
- The City supports the support for green infrastructure, and is interested in whether this is intended to require Low Impact Development storm water management practices.
- The City agrees with the new emphasis on active transportation and Transportation Demand Management, but suggests that additional supports are required to implement these in the development approvals process. For example, Provincial direction on managing supply and contemplation of parking as a land use may assist in this regard. Furthermore, Active Transportation objectives may not be able to be realized without concurrent changes to right-of-way design and other "traditional" engineering standards.
- We are concerned that the PPS does not support planning for District Energy (DE) (a major component of Guelph's Community Energy Initiative), and that without Provincial direction in this regard, inertia would be persist with respect to conventional thermal energy planning. The City has previously provided detailed comments on this matter (see Attachment 3).
- Concern that the proposed removal of policies surrounding alternative energy systems may undermine the City's objectives for developing low-carbon projects, such as combined heat and power, as outlined in the Community Energy Initiative.
- Although staff are supportive of the direction to plan for resilience and planning for climate change, additional guidance on the purpose and effect of these policies, and interpretation/implementation strategies would be beneficial.

Wise Use and Management of Resources

- Strong support for the requirement to identify Natural Heritage Systems.
- Additional emphasis on ecological linkages will assist in protecting natural heritage systems rather than individual features.

- Request explicit consideration of significant landform as a component of Natural Heritage Systems.
- Concerns about clarity on the definition of woodlands arising from reference to two inconsistent documents.
- Lack of clarity of the impact of proposed changes to the endangered and threatened species policies on the development approvals process.
- Staff are supportive of more comprehensive water protection policies, but would benefit from additional guidance on how to consider the cumulative impacts of development on water resources.
- The PPS would benefit from an alignment of the definition of 'vulnerable' surface and ground water with the Clean Water Act.
- The draft policies do not adequately respond to the City's 2010 comments, (included in Attachment 2), regarding the need for aggregate policies to be balanced with other matters of provincial interest and PPS policy directions.

Protecting Public Health and Safety

- Policy should recognize the relationship between the built environment on the incidence of 'lifestyle diseases' such as obesity and diabetes.
- While staff are supportive of planning for the impacts climate change, guidance material would be of assistance. It is also important to ensure clarity of roles/responsibilities regarding planning for natural hazards between municipalities, conservation authorities and other relevant regulatory agencies.

Implementation and Interpretation

- The draft notes that the PPS shall be implemented consistently with the recognition and affirmation of existing Aboriginal and Treaty rights. Staff are generally supportive of the approach but have identified the need for additional guidance and training on this matter.

Appropriateness of the PPS the Five-Year Review Cycle

The planning process in Ontario requires long lead times to bring Official Plans and zoning by-laws into conformity with the PPS. OPA 48, the final phase of the five-year update to bring Guelph's Official Plan into conformity with the 2005 PPS, which was just adopted in June 2012 after a 7 year process, and is still under provincial review. Furthermore, the *Planning Act* provides for an additional three years for zoning by-laws to be comprehensively updated to implement updated official plans.

This PPS review cycle in combination with the different 10 year review cycle of the Growth Plan and other Provincial Plans as well as new provincial plans such as Source Protection Plans, could mean that policy review and conformity cycles are never in sync. In addition, this potentially continuous cycle of provincial policy updated municipal Official Plan polices and related zoning regulations are never in force long enough for meaningful implementation and effectiveness monitoring in order to inform future review cycles. An extended PPS review cycle, coordinated with the review of Provincial Plans, could assist in this regard. The benefits of a longer review cycle likely outweighs any concerns that an older PPS may be stale or not aligned with planning best practices. Provisions could be put in place to allow

for earlier review of specific issues if circumstances require a more immediate response (similar to the approach in the Greenbelt and Oak Ridges Moraine plans).

CORPORATE STRATEGIC PLAN

City Building - Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.
City Building - Strategic Direction 3.2: Be economically viable, resilient, diverse and attractive for business.

FINANCIAL IMPLICATIONS - None

DEPARTMENTAL CONSULTATION

The following Departments were consulted in the preparation of the November 23, 2012 staff comment letter: Engineering Services, Water Services, Wastewater Services, Community Energy, Economic Development, Parks and Recreation, Economic Development

COMMUNICATIONS - None

ATTACHMENTS

Attachment 1 - Staff comments on the PPS Review in a letter, dated November 23, 2012
Attachment 2 – CDES Report #10-90 regarding City of Guelph Comments in Response to the Review of the 2005 "Provincial Policy Statement", dated August 23, 2010
Attachment 3 – Submission to the Minister of Municipal Affairs and Housing from Mayor Farbridge and others regarding District Energy and the PPS review
Attachment 4 – Proposed PPS – "Track Changes" from PPS 2005 available at http://www.guelph.ca/living.cfm?itemid=81740&smocid=1878

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November 23, 2012

Darryl Lyons
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street - Floor 14
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Dear Mr. Lyons,

Thank you for the opportunity to comment on the Provincial Policy Statement (PPS) review. The following are staff's comments on the PPS review and do not represent the City's position on the PPS. Staff intend to bring these comments to Council, to consider for endorsement, on December 17th. The comments here are in addition to Paul Kraehling's letter of August 2010 (enclosed). The City notes that with the exception of comments regarding active transportation, the relationship between surface and groundwater resources, regional market areas and permitted/required planning horizons, the Province has not proposed draft policies that fully address the City's earlier suggested revisions. As part of your final review, we would ask that you consider those earlier suggestions along with the following in your review.

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use

Although staff are supportive of clarity regarding planning for infrastructure beyond 20 years, it would be beneficial to provide for long range planning for other matters, perhaps with a restriction that no more than a 20-year supply of land can be designated.

1.1.3 Settlement Areas

Council, through the adoption of Guelph's Urban Design Action Plan has recognized the importance of urban design in all matters related to the planning and development of the City. Similarly as stated in the City's recently adopted Official Plan Amendment No. 48 "Good design is fundamental to the creation of enduring, attractive and valued environments which are memorable and flexible." The PPS should explicitly recognize the importance of urban design in shaping growth and intensification. In particular, because a strong and connected public realm is critical in engaging in "place-making" and creating liveable places, this should also be recognized through the PPS. In addition, urban design's role should be recognized in shaping intensification and sustainable communities. In particular, the need for intensification to provide an appropriate transition to the surrounding area is a concept that should be embedded in the PPS.

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Based on the above the following changes are proposed for consideration (indicated in **bold** and ~~strikeout~~):

Part IV: These land use patterns **when combined with good urban design** promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, **the provision of appropriate transitions to the surrounding areas**, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment, ~~and~~ compact form **and the creation of a strong public realm**, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.6 speaks to the need to plan for infrastructure and public service facilities for new growth areas (implied to mean Greenfield areas). The PPS should also recognize the importance of planning for infrastructure and public service facilities for areas planned for intensification. Although some of these assets may be suitable for adaptive re-use and optimization, municipalities must plan for these increasing demands on their infrastructure, parks, recreation centres and other services through, for example, more intensive programming and investments in parks.

Policy 1.1.3.7 (a) – "implementation of phasing policies to ensure targets for intensification and redevelopment are achieved prior to new development within designated growth areas." could be very difficult to implement, recognizing that municipalities cannot always control the timing of development in terms of when infill or Greenfield sites are developed. Policies, regulations and tools implemented as part of the Growth Plan conformity exercise are what should be utilized to provide sufficient opportunities for infill and redevelopment. This policy also has to be properly coordinated and well understood within the context of the Growth Plan. Clearly, there continues to be a focus on intensification, but the PPS also needs to ensure municipalities are allowed to implement effectively their own growth strategies developed through their Growth Plan conformity exercise. This flexibility is required to strengthen these municipal initiatives in directing intensification to specific areas, and in providing some protection for identified established areas.

As a more general comment, greater efforts to clarify the relationship between the PPS and the Growth Plan need to be made, for example with regards to employment lands/areas.

1.1.4 Rural Areas in Municipalities

As set out in the following exceprt from Paul Kraehling's letter of 2010, the City feels that planning in Ontario would benefit from additional clarity concerning what development is permitted in the rural areas outside of Prime Agricultural and Specialty Crop Areas.

> *"The permitted land uses within 'rural areas' permits resources, resource–based recreational activities, limited residential development and other rural land uses. These terms need to be defined. What is limited residential development – is it one proposed lot? Does it matter how many other lots have already been created? Is it [a] small plan of subdivision? What is resource based recreation? It is anticipated that with the strong urban intensification emphasis in the Growth Plan for the Greater Golden Horseshoe, there will be repercussions in the form of more pressure for urban sprawl outside of settlement/prime agricultural areas."*

1.3 Employment

The PPS still has not provided sufficient clarity regarding what constitutes an employment use within an employment area (ie. need to define major retail). The comments prepared by Paul Kraeling in 2010 (section 2g) submitted on the previous PPS have not been adequately addressed.

1.4 Housing

Policy 1.4.3 should speak to an interest in ensuring the integration of affordable housing throughout settlement areas to ensure an adequate supply, range and geographic distribution of all housing types. In addition the policies should recognize the important connection between affordable housing and affordable lifestyles. Housing needs to be supported by active transportation networks, transit, and located close to basic services and support systems to be truly affordable. Consideration should be given to including the following statement under section 1.1.3.2 "support affordable lifestyles with easy access to transit, active transportation networks, basic services and support systems".

1.6 Infrastructure and Public Service Facilities

It is noted that a definition of "green infrastructure" has been incorporated in the PPS and is used within policy 1.6.2. The definition, as proposed, highlights a number of various aspects of "green infrastructure" including low impact development (LID) related technologies for storm water management, urban forests and natural heritage systems. However in the context of policy 1.6.2 c) it is unclear whether this is intended to formally incorporate LID or similar technologies into infrastructure (i.e. Stormwater management) planning or whether this is intended to simply acknowledge and encourage consideration for ecological goods and services as part of community design and long range planning. Clarity on this matter would assist in implementing the PPS.

1.6.5 Sewage, Water and Stormwater

Policy 1.6.5.3 appears more definitive that development cannot proceed on private services in areas where municipal services are available. High water users such as a brewery and a data centre use private wells to supplement City water supply. Additionally, some industries provide on-site pre-treatment of wastewater. The City fully supports the principle of requiring full municipal services within urban areas, however some level of flexibility may be appropriate to allow creative approaches to augment municipal services where appropriate.

It seems that policies 1.6.5.4 and 1.6.5.5 provide additional flexibility regarding allowing lot creation on private communal and individual on-site sewage and water services. The city is concerned about the application of this policy to portions of settlement area that are currently unserviced, but are intended to be serviced in the medium or long term. Permitting development on private services could make the eventual provision of municipal services more difficult, and would not be an efficient use of existing and planned infrastructure.

City staff appreciates the revised definition for "negative impact" as it relates to municipal, communal and individual servicing requirements for Sections 1.6.5.4 and 1.6.5.5 and suggest that this definition of "negative impact" should also apply to permitted uses under Section 2.5.

Policy 1.6.5.6 seems to require confirmation of reserve municipal water and sewer capacity, presumably to plan for a potential failure of the private or communal services. Where development is in jurisdictions without municipal systems, it is unclear, what would be the relevant municipal system to consider in addressing this policy. Guelph would have concerns about needing to assign capacity to development in neighbouring jurisdictions on which the City is not the land use planning authority.

1.6.6 Transportation Systems

Section 1.6.6.1 should make reference to encouraging transportation systems that are equitable; that is to say, accessible to all users regardless of physical or financial ability. The intent is to ensure that municipalities plan for active transportation and transit to and through all land uses including employment areas.

Guidelines for the effective implementation and feasibility of TDM and active transportation initiatives would be helpful. The PPS affects density and a mix of land uses, however may not directly affect right-of-way design. Pedestrians and cyclists are particularly sensitive to these design considerations. Current engineering practice often favours wide pavement to facilitate high vehicular volumes that can be counter to active transportation objectives. As a result of the PPS's limited influence on engineering practice, such policies risk encountering challenges meeting their objectives.

A major constraint to active transportation, TDM and place making objectives in the PPS is the prevalence of extensive surface parking associated with much contemporary development. It is suggested that in support of those objectives, that the PPS speak to managing the supply of and minimizing land dedicated to parking.

1.6.10 Energy Supply
In light of the District Energy initiatives included in our adopted Official Plan policies, it would be beneficial to have additional policy direction from the Province in support of district energy implementation. This is in recognition that in order to support community based district energy, land use planning will need to be integrated with planned district energy networks. Therefore, the Province may wish to consider the recognition of district energy as part of their infrastructure and public service planning policies within the PPS. Staff are supportive of the direction outlined in the enclosed submission to the Minster by Mayor Farbridge and others on this topic.

Furthermore staff are concerned with the removal of policy support for alternative energy systems. Staff note that, although not considered explicitly, alternative energy systems could include district energy systems and their combined heat and power plants where the plans use non-renewable fuels. The establishment of these systems are anticipated to play an important role in the achievement of Guelph's Community Energy Initiative.

1.7 Long Term Economic Prosperity
Clarity on what is meant by investment readiness in a land use planning context would be helpful.

1.8 Energy Conservation, Air Quality and Climate Change
While we are supportive of introducing policies to address climate change, additional clarity and guidance would be helpful from the Province. For instance, clarification on how "potential impacts of climate change" are to be identified and quantified would be helpful. Furthermore, it is unclear whether an adaptive or mitigative, "be aware of" meaning is intended in reference to climate change.

The City would benefit from clear policy supports to enable municipalities to establish requirements related to the design and configuration of building for energy efficiency and performance.

2.0 WISE USE AND MANAGEMENT OF RESOURCES

2.1 Natural Heritage
The City is encouraged to see requirements to identify and protect natural heritage systems being incorporated into the PPS.

Additional emphasis and policy regarding the protection of ecological linkages and maintaining connectivity should be incorporated, building on the general acknowledgement given within the definition of Natural Heritage System.

Furthermore, the protection of significant landform features is an integral part of natural heritage planning as demonstrated through the Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan, and is also recognized within the Natural Heritage Reference Manual 2010. Provincial Plans provide protection for significant landform features such as "steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form. In addition Section 4.3 of the Natural Heritage Reference Manual identifies geological/geomorphological features that may be included as part of a Natural Heritage System. There is a need for this to be further recognised and supported within the PPS through defining "significant landform features" in the policies of Section 2.1.

The following definition for significant landform was adopted by the City and approved by the Province in its recent OPA 42 to implement the natural heritage provisions of the PPS (2005) and could be considered as one possible municipal implementation of a PPS definition:

> *"means the portions of the Paris Galt Moraine containing 20% slope concentrations, and closed depressions located in close proximity to other Significant Natural Areas of the Natural Heritage System."*

<u>Definition of Woodland</u>
Proposed revisions to the definition of woodland suggesting that delineation of features should be based on either the *Forestry Act* definition or the Province's ELC definition of "forest" creates a conflict between two fundamentally different approaches (i.e. timber management vs. ecological communities). Further the Ecological Land Classification System includes definitions for both "forest" and "woodland". If the PPS is going to acknowledge ELC for defining woodland boundaries it needs to recognise both of these terms.

Further, it is unclear why the Province would incorporate a delineating criteria into the definition of woodlands, when this same approach has not been incorporated for other natural heritage features in the PPS (eg. the definition of wetlands does not include reference to delineating these features in accordance with the Ontario Wetland Evaluation System (OWES)).

The definition of significance in regard to woodlands requires features to be identified using criteria established by the MNR, which would include the delineation criteria in MNR's Natural Heritage Reference Manual 2010, as well as ELC. Thus this inclusion of suggested methods for delineation within the definition of

"woodlands" would appear to create further confusion and inconsistency and should be removed.

Endangered and Threatened Species

It is understood that the addition of policy 2.1.7 is intended to establish conformity between the PPS and the *Endangered Species Act*. However, for the purposes of implementing 2.1.7 clarification is needed as to whether a decision would first need to be made for an ESA authorization by the MNR, prior to municipalities being able to make decisions on *Planning Act* matters in order to be consistent with policy 2.1.7.

2.2 Water

The refinements to the water policies to better support the protection of water resource systems including ground water features, hydrologic functions, natural heritage features and areas and surface water features is appreciated. The Province may wish to consider developing guidance material or supporting tools to clarify how municipalities can measure/consider cumulative impacts of development for integrated and long-term planning at a watershed scale in the context of statutory planning tools (e.g. official plans).

Finally the water policies and defined terms (i.e. vulnerable) should be more closely aligned with those from other existing legislation including the *Clean Water Act*. This will enable municipalities to achieve a greater degree of conformity when updating planning documents to reflect MOE approved Source Water Protection Plans, while also being consistent with the PPS.

2.5 Mineral Aggregate Resources

The revisions to the aggregate policies fail to address the City's 2010 comments with respect to the management of aggregate resources and the need for increased focus and efforts on conservation of these resources. There is concern that the proposed changes to the aggregates policies in Section 2.5 of the PPS fail to establish a balanced policy approach. As suggested by the City previously, the ongoing priority within the PPS to favour aggregate uses over all others in Southern Ontario needs to be re-evaluated. For example, protection of municipal drinking water sources should be given priority over aggregate extraction where the two are in conflict.

Furthermore, the proposed rehabilitation policies (Section 2.5.3.2) pertaining to natural heritage features would appear to direct aggregate uses to natural heritage features, subject to post extraction rehabilitation of a feature and its ecological functions. These same policies would appear to introduce a new concept of "no net loss" for aggregates into the existing "no negative impact" test as it relates to natural heritage features. The removal of significant natural heritage features for the purposes of aggregate extraction represents a direct "negative impact" to these features. Comprehensive post-extraction rehabilitation of a site to offset this impact may have "no net loss" to a natural heritage system from a long range planning

perspective, but do not address or offset the negative impacts resulting from the removal of a significant natural heritage feature and the loss of its ecological functions over the decades prior to rehabilitation.

The introduction of this concept into the PPS further weakens the protection of significant natural heritage features from all other types of land uses, and creates a slippery slope regarding the removal and replacement of natural heritage features on a landscape. While the science surrounding restoration ecology continues to improve, rehabilitation projects and initiatives often result in varying degrees of success or failure depending on the ecological complexity and resources available for these projects.

Although the PPS's provision for more areas as suitable for aggregate operations may or may not affect lands in Guelph, they would likely affect those in adjacent Wellington County with a natural heritage system that crosses City boundaries.

City staff would suggest removing the proposed policies and further reviewing opportunities to place greater focus and effort on developing standards and policies to support and pursue the conservation of mineral aggregate resources, rather than continuing to shift the balance of provincial policy towards facilitation of aggregate extraction to the detriment of other matters of provincial interest such as the wise use and management of other resources and land use objectives.

Staff acknowledge the merits of policy 2.5.1 requiring mineral aggregate resources to be identified [in official plans] within rural areas. However, staff feel it is inappropriate to require their identification within settlements areas, because settlement areas have been identified for urban uses. This policy should be further refined.

2.6 Cultural Heritage and Archaeology

The City is supportive of strengthening policy 2.6.3. However to be consistent with the PPS definition of "conserved", it is suggested that the policy use the term "cultural heritage value or interest" instead of "heritage attributes."

With respect to policy 2.6.4 it is suggested that a definition for "archaeological management plan" and "cultural plan" would provide clarity that would assist in implementation.

The proposed change to the definition of cultural heritage landscapes to "a defined geographical area of heritage significance which ~~has~~ **may have** been modified by human activities" is confusing. Does this mean that a naturally occurring landscape feature (i.e. not a man-made or manipulated topography) could be considered a heritage attribute of a cultural heritage landscape. In considering adding clarity in

this regard, it should be noted that the definition of "heritage attributes" includes natural landforms and visual setting.

3.0 PROTECTING PUBLIC HEALTH AND SAFETY

There is a growing realization of the interaction between land use, built form and transportation and the incidence of "lifestyle diseases" such as obesity and diabetes. The "Protecting Public Health and Safety" section of the PPS continues to focus only on other hazards (ie flooding, contaminated sites, etc). A reference to this area of public health may be a logical extension to the new "Healthy Communities" focus of the PPS.

3.1 Natural Hazards

The proposed policy under 3.1.3 would require municipalities to consider the impacts of climate change where it may increase the risk associated with natural hazards. While the impacts of climate change should be incorporated into the PPS, it is unclear what the role of municipalities would be for the purposes of implementing 3.1.3, given that in Southern Ontario hazard lands are the jurisdiction of Conservation Authorities. In that way, considerable guidance providing detailed insight as to the implementation of this concept is needed.

4.0 IMPLEMENTATION AND INTERPRETATION

4.3 Consultation with Aboriginal Communities

The city acknowledges the importance of consulting with aboriginal communities in the land use planning process. We are concerned however, that the policies may be introduced without sufficient guidance (ie. the methods of coordination that would meet the new requirements, which groups should be recognized, and the details on the planning matters that should be coordinated). A consultation protocol for planning matters between municipalities, the Province and Aboriginal communities should be established prior to enacting these PPS provisions.

OTHER GENERAL COMMENTS

Staff are interested in the concept of resilience introduced to the PPS. However without a clear definition in the context of policy and land use planning, stakeholders may struggle to understand and implement this new direction. A definition of resilience and or supporting documentation could assist in this regard. Reference to resilience may be intended to apply to climate change and insecure conventional energy supplies, or any number of socioeconomic and environmental changes. Clarity in this regard would be beneficial.

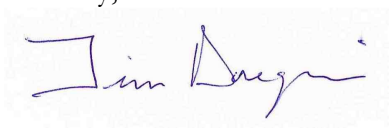
5-YEAR REVIEW CYCLE

The planning process in Ontario requires long lead times to bring Official Plans and zoning by-laws into conformity with the PPS. OPA 48, the final phase of the 5-year update to bring Guelph's Official Plan into conformity with the 2005 PPS, may not be in effect by the time the revised PPS in enacted. Furthermore, the *Planning Act*

provides for an additional three years for zoning by-laws to be comprehensively updated to implement updated official plans. This compounded with revisions to the Growth Plan and other Provincial plans means that all relevant planning documents may never be 'in sync.' In addition, it is unlikely that a consistent set of policies can be in force long enough for meaningful monitoring to be conducted that would inform further revisions. An extended PPS review cycle, coordinated with the review of Provincial Plans, could assist in this regard. The benefits of a longer review cycle likely outweighs any concerns that an older PPS may be stale or not aligned with planning best practices. Provisions could be put in place to allow for earlier review of specific issues if circumstances require a more immediate response (similar to the approach in the Greenbelt and Oak Ridges Moraine plans).

Thank you for considering these comments in your review of the PPS. Staff would be pleased to discuss any of these matters further should clarification be needed.

Sincerely,



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Encl.

COMMITTEE REPORT

TO	**Community Development and Environmental Services Committee**
SERVICE AREA	Planning, Engineering and Environmental Services
DATE	August 23, 2010
SUBJECT	**City of Guelph Comments in Response to the Review of the 2005 "Provincial Policy Statement"**
REPORT NUMBER	10-90

RECOMMENDATION

That Report 10-90 regarding Comments in Response to the Review of the 2005 Provincial Policy Statement from Planning, Engineering and Environmental Services, dated August 23rd, be received.

That Council endorse the comments in the attached letter as its formal initial response to the Ministry of Municipal Affairs and Housing's request for comments on the Review of the 2005 Provincial Policy Statement.

BACKGROUND

The Province is completing a review of the 2005 Provincial Policy Statement (PPS) and has asked for input into the adequacy of the existing policy. Comments are requested by the end of August. Background information is available on the Ministry's website at http://www.mah.gov.on.ca/Page7243.aspx

The attached letter in **Appendix 1** has been prepared as the City's formal response.

What is the Provincial Policy Statement?

The Provincial Policy Statement sets out the Ontario government's policy direction for land use planning and development and is the integrated, consolidated statement of all provincial ministries' policies concerning land use. All Official Plans and land use regulatory instruments such as Zoning By-laws in Ontario must be prepared and implemented consistent with the provisions of the PPS.

The PPS is issued under the authority of Section 3 of the *Planning Act,* and has been in existence since 1996 and is subject to five year reviews. The PPS plays a key role in guiding the land use planning system in Ontario and is implemented in conjunction with provincial plans, such as the Growth Plan for the Greater Golden Horseshoe.

The *Planning Act* requires that decisions on planning matters made by municipalities, the Province, the Ontario Municipal Board and other decision-makers "shall be consistent

with" the PPS. It is the primary intent of the PPS to give recognition to the complex inter-relationships among economic, environmental, cultural and social factors in land use planning, and embodies good planning principles.

The PPS includes the following major policy areas:

Building Strong Communities
The PPS provides policy direction to help build strong communities in Ontario through, for example:

- the effective management and use of land to meet current and future needs;
- the protection of employment areas and other policies to promote economic development and competitiveness;
- the provision of a range of housing types (including affordable housing) and densities to meet the needs of current and future residents;
- the availability of appropriate infrastructure, e.g., transportation systems, and sewer and water services, to accommodate projected needs;
- the promotion of energy efficiency and minimizing negative impacts to air quality.

Wise Use and Management of Resources
The PPS protects Ontario's natural heritage (e.g., wetlands and woodlands), water, agricultural, mineral, petroleum, mineral aggregate, cultural heritage and archaeological resources. The protection of these important resources helps to ensure Ontario's long-term prosperity, environmental health and social well-being.

Protecting Public Health and Safety
The PPS protects people, property and community resources by directing development away from natural or human-made hazards (e.g., flood plains or contaminated lands).

REPORT

This report responds to the Provincial Government's request for comments on the Provincial Policy Statement. It has now been 5 years since it was approved and it is now up for review and should be noted that this request is the initial request for comments. Once all comments are received, draft new policies will be prepared and a request for comments will be forthcoming from the Province.

The Ministry of Municipal Affairs and Housing is requesting that stakeholders respond to the following five questions:

1) What policies are working effectively?
2) What policies need clarification or refinement?
3) Are there policies that are no longer required?
4) Are there new policy areas or issues that the Province needs to provide land use planning direction?
5) Is additional support material needed to implement the PPS?

The attached letter in **Appendix 1** has been organized to address each question in turn.

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

N/A

DEPARTMENTAL CONSULTATION

Circulated to other divisions within Service Area, (i.e. Engineering, Environmental Services) and Corporate Administration

COMMUNICATIONS

N/A

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Appendix 1

August 31, 2010 Draft

Kyle MacIntyre
Manager (A)
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street, Floor 14
Toronto ON M5G 2E5

Dear Mr. MacIntyre:

Re: Comments on "Review of the 2005 Provincial Policy Statement"

Thank you for the opportunity to comment on the Provincial Policy Statement. The following points are outlined following the question template that Ministry has outlined on the EBR website. Please accept these comments in the spirit of improving the land use policy system for all Ontarians.

1) What policies are working effectively?

The following policies that are working effectively for Guelph are – the policies promoting the long term land use planning to reduce urban sprawl, promote fully-serviced development in urban settlement areas, provide for sustainable community potential (provision of employment lands, opportunities for affordable housing and transport mode alternatives to the automobile), protection of natural heritage features and areas, protection of the provinces' finite groundwater/water supply base, recognition and conservation of cultural heritage resources. However, several improvements are suggested below.

2) What policies need clarification or refinement?
The following points are not in any priority sequence:

a) In terms of long term planning growth horizons, several suggestions are made to improve inter municipal planning co-ordination and consistent planning. In Policy 1.1.2, the PPS outlines that municipalities can plan for development to a long term horizon of 'up to 20 years.' This should be replaced with a 'minimum term of 20 years.' In addition, it should be made clear that in areas subject to a 'provincial plan', (e.g. Provincial Growth Plan for the Greater Golden Horseshoe) that the planning time horizon used in the area should be that growth plan area time horizon, e.g. in the GGH area to the year 2031 which is longer than the 'up to 20 year' timeframe spelled out in the PPS. A consistent time horizon for long term planning is important for long term planning co-ordination and infrastructure provision consideration.

b) The permitted land uses within 'rural areas' permits resources, resource–based recreational activities, limited residential development and other rural land uses. These terms need to be defined. What is limited residential development – is it one proposed lot? Does it matter how many other lots have already been created? Is it small plan of subdivision? What is resource-based recreation? It is anticipated that with the strong urban intensification emphasis in the Growth Plan for the Greater Golden Horseshoe, there will be repercussions in the form of more pressure for urban sprawl outside of settlement/prime agricultural areas.

c) A great deal of policy discussion is given towards constructing 'complete communities.' Unfortunately, in many instances the social infrastructure (other than park spaces) is lacking in many new growth areas of Ontario. Greater policy attention is required in Section 1.6 of the PPS respecting 'public service facilities.' Commentary respecting public schools, religious establishments, community centres should be discussed to build quality, effective communities in Ontario in keeping with the quadruple bottom line composed of economic, environmental, social and cultural pillars of sustainability.

d) Section 2.1.2 and Section 2.2 of the Provincial Policy Statement (PPS) recognizes that natural heritage features and areas are inextricably connected to surface and groundwater resources. Both sections require that when maintaining, enhancing or restoring ecological functions and biodiversity of natural heritage systems, the linkages between and among natural heritage features and areas and surface water and ground water features must be recognized; however, the mechanisms to achieve this are not addressed. In reviewing the latest version of the Natural Heritage Reference Manual (2010), this matter is not addressed, and therefore the PPS should explicitly outline interconnectivity measures. Subsequent versions of the Natural Heritage Reference Manual can then define this matter further.

e) Landform protection has become an integral part of Natural Heritage planning as demonstrated through the Greenbelt Plan, Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan, and is recognized in the Natural Heritage Reference Manual (2010). The Provincial Plans provide protection for significant landform features such as "steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form." (Oak Ridges Moraine Conservation Plan, p.54) As indicated, the concept of landform protection is identified in the Natural Heritage Reference Manual (2010) (e.g. "Geological diversity" is defined as a core attribute warranting protection (e.g. karst topography, cliffs, etc. Table 3.2) In addition, Section 4.3 of the Manual identifies a number of geological/geomorphological features that may be included as part of a Natural Heritage System, however, there is no policy direction provided in the PPS. The opportunities to define 'significant landform features' should be explicitly defined in the PPS.

f) With respect to the protection of natural heritage features, clarification is required to indicate that some impacts to features may occur with urban development and that mitigation measures should be required to offset harmful alteration, disruption or destruction.

g) The PPS and the Provincial Growth Plan for the Greater Golden Horseshoe contain differing provisions with respect to what constitutes employment activity within 'employment land' areas. The confusion is centred around the definition of what constitutes 'employment activity' in each provincial planning document, i.e. an 'employment area' within the PPS defines this area to include commercial activities while within the Growth Plan it states "major retail uses are considered non-employment uses" (policy 2.2.6.5). These policy definition provisions create uncertainty as differing Provincial policy/planning documents discuss this topic with differing terminology. This should be cleaned up.

h) Definition of service areas for 'employment lands' and 'affordable housing market areas' need clarification. Employment activities and affordable housing can serve both a local community need as well as a sub-regional/provincial need, i.e. scale of potential activity needs to be better defined.

i) Additional clarification is required in the PPS to explain how "transportation and land use considerations" are to be integrated, e.g. encourage higher occupancy forms of transit and active transportation modes within identified intensification areas.

j) Active transportation modes should be explicitly promoted within urban areas. Planning authorities should plan for development that is sustainable by establishing and implementing planning and urban design policies that support a built form that is oriented to pedestrians.

k) The government should re-evaluate the priority it gives aggregate extraction over all other land use categories (except provincially significant natural heritage and prime agricultural areas) within southern Ontario. It is our perspective that 'aggregate' may be permitted close to market, but this over-arching need should be better balanced with the other land use concepts embodied within the PPS associated with compatible long term land use, natural heritage system promotion and protection as well as protection of pastoral rural landscapes. The need for aggregate at current/future economic sustainable provision rates should be re-examined in the context of other available supplies (i.e. reuse of demolition materials), and the availability of aggregate for local/regional/provincial needs. In addition, the concept of underground mining should be explored to protect surficial landscapes, rather than the current 'strip mining' approach to extraction in areas of high-growth demand land use contexts.

l) Just as minimum housing intensification and affordable housing targets are to be spelled out in municipal planning documents, it may be appropriate at this point in time for municipalities to also identify minimum energy conservation and air quality targets.

3) Are there policies that are no longer required?

a) Policy respecting 'wayside pits and quarries' can be removed as the policy permitting this activity in all areas (outside of environmental constraint areas) has been altered by regulation.

4) Are there new policy areas or issues that the Province needs to provide land use planning direction?

There is no specific priority associated with the following points:

a) Provincial policy is getting quite complicated with many plans in play, (Provincial Plans, Special Purpose Plans, Local Municipal Plans) and differing planning requirements for consideration, i.e. 'to be consistent with' in the PPS and 'to conform to' in a Provincial Growth Plan. Coordination is important, and the Province must show leadership here.

b) Definition of 'land supply' should be clarified as to its intended target, i.e. as being a local resource versus a resource for the entire Province. This is especially relevant for land uses that can serve many differing market areas, e.g. aggregate, employment lands, affordable housing units.

5) Is additional support material needed to implement the PPS?

a) Affordable housing with appropriate tools is required. If the Province is serious about promoting the provision of affordable housing, explicit guidance is required to promote various tenure forms of housing and targeted to the full-spectrum of housing need. Mechanisms to implement the provision of affordable housing should be specified in legislation and implementation guidelines, e.g. affordable housing inclusionary zoning requirements.

b) Enactment of government regulation to permit innovative policy with respect to implementing the policies of the PPS. These regulations can include matters such as conditional zoning, etc.

c) Policies respecting the promotion of renewable energy should be outlined in conjunction with Greenhouse Gas reduction strategies. This may include the setting of targets. In addition Section 1.8 dealing with Energy and Air Quality may be improved by outlining the inter-connections that exist between improving energy conservation and air quality by constructing quality communities that are 'complete' with active transportation modes and mixed land uses.

If you would like further elaboration on the comments included in this letter, please do hesitate in contacting the undersigned or alternatively, contact Marion Plaunt, Manager of Policy Planning and Urban Design at (519) 837-5616 x 2356.

Sincerely,

Paul Kraehling, MCIP RPP
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Phone: 519-837-5616 x 2368
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cc: Mayor and Councillors
Janet Laird, Executive Director, Planning, Engineering and Environmental Services

Attachment 3

June 4, 2012

The Honourable Kathleen Wynne, Minister
Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

RE: Provincial Policy Statement 2005 Review
Comments from the Canadian District Energy Association (CDEA), in partnership with the Toronto and Region Conservation Authority (TRCA), Quality Urban Energy Systems of Tomorrow (QUEST), and the Canadian Green Buildings Council (CaGBC) Greater Toronto Chapter

Dear Minister Wynne,

On behalf of the CDEA, TRCA, QUEST and the CaGBC Greater Toronto Chapter, we would like to thank you for inviting us to participate in the review of the Provincial Policy Statement (PPS), and specifically for your invitation during our meeting in early 2012 to provide recommendations on how the PPS can better support the uptake of District Energy in municipalities across the province, as a necessary and sustainable infrastructure strategy, and a foundational backbone of Integrated Community Energy Systems (ICES).

The CDEA is an industry association representing member utilities, municipalities, government agencies, building owners, consulting engineers, suppliers, developers, bankers, and investors who share a common interest in promoting the growth of district energy in Canada. CDEA recognizes that action requires a practical implementation plan, and the mobilization of resources, informed by operating and commercial expertise. Often this action is catalyzed by enabling legislation, supported by outreach and education. The CDEA supports the creation of a shared understanding of District Energy systems, increased community receptivity, and expanded industry capacity based upon years of practical operating and commercial experience , so that District Energy project implementation will be accelerated across Canada.

TRCA's mandate, in simple terms, is to manage the natural resources within its jurisdiction. Today, management of natural resources and associated ecosystem services, provided by these resources, includes adaptation to and mitigation of climate change. To this end, TRCA works closely with business, academia, government and non-government organizations and the public, to find, promote and implement integrated solutions, including energy production and conservation that help our communities deal with climate change and become more sustainable.

QUEST is a collaborative network of stakeholders who are actively working to make Canada a world leader in the design, development and application of Integrated Community Energy Solutions. Integrating our energy systems requires collaboration at all levels - from energy, technology and infrastructure industries, gas and electric utilities, all levels of government, civil society groups and community leaders, researchers and the consulting community.

Established in 2003, the Canada Green Building Council (CaGBC) is a non-profit national organization dedicated to working with government and the private sector to accelerate the "mainstream adoption of green building principles, policies, practices, standards and tools." In collaboration with the national organization, the Greater Toronto Chapter acts as a catalyst for green building development across the Greater Golden Horseshoe region of Ontario. The Greater Toronto Chapter of the Canada Green Building Council (CaGBC-GTC) is Southern Ontario's leading authority on green building best practices. The Chapter mission is to lead and accelerate the transformation to high-performing, healthy and sustainable buildings and communities and transforming the built environment leading to a sustainable future.

WADE (World Alliance for Decentralized Energy) works to accelerate the worldwide development of high efficiency cogeneration, onsite power and decentralized renewable energy systems that deliver substantial economic and environmental benefits. WADE Canada is a registered, national, non-profit industry association which supports growth and development of the DE industry in Canada.

After spending some time to consult with key stakeholders we are now ready to put forth a common understanding of the opportunity and recommendations to reference District Energy in the PPS. We hope that our comments are useful, and we are happy to discuss them with staff or the Minister as soon as necessary.

This submission is supported by the following organizations:

City of Guelph
City of Pickering, Office of Sustainability
Town of East Gwillimbury
The Regional Municipality of Peel, Energy and Environment Management Section
Waterfront Toronto
Markham District Energy
ICLEI – Local Governments for Sustainability
Canadian District Energy Association
Toronto and Region Conservation Authority
QUEST, Quality Urban Energy Systems of Tomorrow
Canada Green Building Council, Greater Toronto Chapter
World Alliance for Decentralized Energy (WADE Canada)
Clean Air Partnership
Canadian Environmental Law Association
Ontario Sustainable Energy Association
Canadian Urban Institute

Additional organizations will provide separate letters of support following their council's or executive's approval.

Context

Provincial Support for ICES

The Province has undertaken a number of initiatives in support of ICES as part of its broader effort to achieve long-term prosperity and social well-being, which it recognizes "depend on maintaining strong communities, a clean and healthy environment and a strong economy" (PPS, Part IV). A key part of ensuring long-term prosperity, a clean environment and a healthy population is a secure energy supply and the reduction of greenhouse gas (GHG) emissions that contribute to climate change. On this front, the province has encouraged the development of more compact communities, energy efficient buildings, sustainable transportation options, and renewable energy through the Provincial Policy Statement (2005), Places to Grow (2006), The Big Move (2009), the Green Energy & Economy Act (2009) and updates to the Building Code (1992). The PPS in particular provides overarching policy direction for the planning and development of compact, transit-supportive communities, and policies that promote energy efficiency and the uptake of alternative and renewable energy sources that produce fewer GHGs than traditional fuels.

The Thermal Energy Policy Gap

The CDEA, TRCA and our partners recognize the significant steps that have been taken by the Province to secure a more sustainable and reliable energy future for Ontarians. Our analysis of Provincial policies and regulations revealed, however, that efforts to date have been largely focused on matters related to electricity, and silent on matters related to thermal energy policy. When we consider that thermal energy accounts for over 70% of community energy needs,[1] this emerges as a startling gap that we believe can begin to be redressed through the PPS. It is our position that District Energy has the potential to play a significant role in meeting the thermal energy needs of urban communities in a more efficient way, and that the PPS should reinforce this potential. District Energy must also be recognized in Provincial policy because of the foundational role it plays within ICES. Specifically, District Energy systems work well within compact, multi-use communities to provide the integrating framework for ICES, by facilitating energy efficiency and the uptake of alternative fuels, as described in the next section.

What is District Energy and what benefits does it deliver to communities?

District Energy refers to systems that generate and distribute thermal energy (heating and/or cooling) at a community scale. The infrastructure includes a localized centre where energy is generated, and a network of buried insulated pipes (the thermal grid) that distribute that energy to buildings within a defined geographic area. The medium for transmitting the thermal energy along the thermal grid is either steam (for legacy systems), or

[1] Office of Energy Efficiency. (nd). Table 2. Canada's Secondary Energy Use by Sector, End-Use and Subsector. Energy Use Handbook Tables (Canada). Natural Resources Canada. Accessed online May 10, 2012 at http://oee.nrcan.gc.ca/corporate/statistics/neud/dpa/tableshandbook2/aaa_ca_2_e_5.cfm?attr=65
Note: Refers to 2009 data; includes thermal energy use (space heating, space cooling, and water heating) for the residential and commercial/institutional sectors; excludes the industrial and agricultural sectors, and transportation-related energy use.

water (for modern systems). District Energy is a feasible infrastructure strategy for communities that have a mixture of medium and high density residential, industrial, commercial, office and institutional land uses.

District Energy is often referred to as the "third" energy grid, alongside the grid of pipelines that distribute natural gas, and the grid of wires that transmit electricity. The primary benefit of District Energy systems is that they can be more efficient and more adaptable than conventional energy systems. Research for QUEST by Jaccard suggests a significant contribution (~35MT annually) to Canada's national GHG reduction targets is possible through market transformation that includes integrated energy generation and distribution at the community level.[2] This is in part because District Energy systems enable the use of heat recovery strategies (such as combined heat and power (CHP)), which capture waste heat from electricity generation and feeds it into the thermal grid. Community scale District Energy can also store thermal energy in the grid and in storage facilities, which further improves energy efficiency.

In terms of adaptability, District Energy systems can use a variety of input fuels that can be substituted over time, including biomass, renewable natural gas, other forms of renewable energy, natural gas, and cool water from adjacent water sources. This fuel flexibility offers communities the opportunity to introduce more renewable fuel types, such as wood biomass or urban-based forest biomass, and to achieve commensurate GHG emission reductions while stimulating local economic development related to the fuel supply. Fuel flexibility also provides communities with greater price protection and security of supply over time than if they relied on any one fuel source or technology. Such 'future proofing' is an attractive feature for many Ontario municipalities.

Finally, communities can reap economic benefits from District Energy system implementation. Not only can it offer fuel flexibility and reduced risk from exposure to uni-fuel price shocks, it can also provide local investment, jobs, and utilize local fuel resources. Research undertaken by Natural Resources Canada into the quantification of socio-economic benefits associated with investment into District Energy in several Canadian communities has indicated that there are positive economic multiplier effects for the dollars invested in terms of jobs and commercial activity. A recent Toronto-based study has also documented the potential economic benefits of district energy.[3]

For your convenience, we are attaching an information sheet to this submission that provides a more detailed description of Integrated Community Energy Systems, District Energy and combined heat and power, along with the benefits of building a thermal grid.

Thermal Energy and Urban Planning

[2] MK Jaccard and Associates Inc. (2010). Final Technical Report: The Capacity for Integrated Community Energy Solutions (ICES) Policies to Reduce Urban Greenhouse Gas Emissions. Quality Urban Energy Systems of Tomorrow (QUEST). Accessed online April 6, 2012 at http://www.questcanada.org/QUESTStudyReport.php

[3] Beck, T. et al. (2012). The Power to Grow: The Economic and Fiscal Benefits of Urban Development Facilitated by Local Generation, District Energy, and Conservation in an Electrically Constrained Scenario. University of Toronto Masters paper, prepared for the City of Toronto, Energy Efficiency Office and Department of Economic Development & Culture. Toronto.

District Energy systems are akin to other linear municipal, utility and telecommunications infrastructure. Ideally, they are factored into community-scaled plans and designs at the initial phases of development to ensure that implementation is timely, avoids duplication of infrastructure and services, and most basically, ensures that a place for pipes and the energy centre is accommodated in plans as they are submitted for approval.

Currently, one of the core challenges associated with District Energy is that it is a non-conventional approach to community energy delivery in Ontario, although it is a common (and even mandatory) approach for other jurisdictions, particularly certain parts of British Columbia and Europe. The lack of familiarity with District Energy in Ontario means that building District Energy systems requires the education of key stakeholders and comparatively higher levels of cooperation among developers, utilities, and municipalities. Without a legislative imperative or enabling framework for District Energy systems to be considered in community planning, developments tend to revert to conventional system approaches, thus eliminating the opportunity to realize the energy, environmental and economic benefits of building community-based thermal energy infrastructure for decades to come. Policies are needed to enable and encourage municipalities to work with their private sector partners to consider the implementation of District Energy throughout the planning process.

In addition to other obstacles, many municipalities lack the financial capacity to invest in this infrastructure. Some municipalities have benefitted from financial support from higher orders of government, while others are exploring partnership arrangements with utilities and the private sector to overcome financial hurdles. However, if financing cannot be coordinated, developments can default to more conventional forms of energy delivery systems (where long term energy contracts and/or regulatory regimes provide revenue certainty-thus making financing easier), resulting in lost economic and resource development opportunities in communities. Irrespective of the ownership and governance models, however, it is clear that – as with other forms of necessary infrastructure – a supporting policy framework is needed to provide better certainty that there will be a return on investment so that District Energy becomes more financially viable for both municipalities, investors, utilities and other developers of District Energy infrastructure.

Several Ontario municipalities are already working to identify planning mechanisms to ensure that ICES, including District Energy with small scale CHP, will be built to meet community growth requirements in the most cost and time efficient manner. While some municipalities have already succeeded in building District Energy systems (e.g. Hamilton and Markham) and are now looking to expand the use of this infrastructure, many more are in the initial stages of exploring this infrastructure strategy. Putting community-based District Energy systems clearly on the development radar through PPS policies will reinforce the validity of local efforts to improve energy efficiency through official plan policies and sustainable guidelines, and help support the efficient and coordinated provision of cleaner energy in suitable communities across Ontario.

Our Recommendations

The recommendations provided in this submission are intended to address some of the gaps in thermal energy planning across the Province, and to provide strong support and encouragement for municipalities to plan for and implement District Energy systems. In preparing this submission, the TRCA and CDEA initiated a stakeholder consultation process to develop the recommended amendments. The consultation process included a half-day workshop, electronic circulations and a web meeting with senior representatives of local municipalities (Vaughan, Toronto, Guelph, Barrie, Markham, Pickering, Burlington, York Region, Mississauga, East Gwillimbury) and other interested organizations and agencies (Ontario Sustainable Energy Association, QUEST, World Association of Distributed Energy (Canada), Canadian Urban Institute, ICLEI, Waterfront Toronto, Enbridge, Natural Resources Canada, Ryerson University, CaGBC). The participation of these key stakeholders reflects a significant amount of interest from municipalities and energy providers to move forward with more sustainable, community-based energy solutions, and demonstrates demand for enabling policies at the Provincial level.

New Policies & Definitions

The purpose of these proposed new policies is to enable municipalities to pursue the implementation of District Energy, and to ensure that this infrastructure strategy is considered throughout the planning process. We recommend these policies be incorporated within Section 1.6 Infrastructure and Public Service Facilities.

1.6.9 District Energy

1.6.9.1. A land use pattern, density and mix of uses should be promoted that maximize the long-term security and flexibility of the energy supply and support the development of viable choices and plans for community-based District Energy.

1.6.9.2. Planning authorities shall establish policies to ensure new development is compatible with thermal energy networks, where the use of such networks is feasible.

1.6.9.3. The consideration of community-based thermal energy strategies shall be integrated at all stages of the planning process.

We recommend these definitions be incorporated within Section 6.0. The purpose of these new definitions is to ensure that District Energy and cogeneration are clearly understood, and that the profile of these infrastructure strategies is elevated throughout the planning process.

District Energy: means systems that generate and distribute thermal energy (heating and/or cooling) at a community scale. The infrastructure includes a localized centre where the thermal energy is generated, and a network of buried insulated pipes (the thermal grid) that distribute that energy to buildings within a defined geographic area. The medium for transmitting the thermal energy along the thermal grid is either steam (for legacy systems), or water (for modern systems). The thermal grid enables the application of

heat recovery strategies (such as combined heat and power, waste heat capture), community-scale thermal storage, and the use of alternative and renewable fuel sources.

Combined heat and power (CHP or cogeneration): means a process that simultaneously produces electricity and useful heat. This process works by recovering waste heat from electricity generation, and distributing that heat through the thermal grid.

Amendments

Policies

The purpose of the proposed policy amendments is to elevate the profile of District Energy throughout the planning process. Orange indicates new text.

1.7 LONG-TERM ECONOMIC PROSPERITY

1.7.1 (h) providing opportunities for increased energy generation, supply and conservation, including alternative energy systems, ~~and~~ renewable energy systems, and District Energy systems.

1.8 ENERGY AND AIR QUALITY

1.8.1 e) promote infrastructure, design and orientation which maximize the use of alternative or renewable energy, such as solar, ~~and~~ wind and district energy, and the mitigating effects of vegetation.

1.8.2 Increased energy supply should be promoted by providing opportunities for energy generation facilities to accommodate current and projected needs, and the use of renewable energy systems, ~~and~~ alternative energy systems, and District Energy systems, where feasible.

1.8.3 Alternative energy systems, ~~and~~ renewable energy systems, and District Energy systems shall be permitted in settlement areas, rural areas and prime agricultural areas in accordance with provincial and federal requirements. In rural areas and prime agricultural areas, these systems should be designed and constructed to minimize impacts on agricultural operations.

Definitions

The purpose of these proposed amendments to Section 6.0 of the PPS is to ensure that references to "energy" specify both thermal and electric energy, and to ensure that District Energy is recognized as an *alternative energy system* and as *infrastructure*.

Alternative energy systems: means sources of energy, ~~or~~ energy conversion processes, energy recovery strategies, or energy distribution networks that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. *Alternative energy systems* include, but are not limited to, *District Energy* and *combined heat and power* (also known as cogeneration).

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems~~,~~; septage [sic] treatment systems~~,~~; waste management systems~~,~~; electrical and thermal energy ~~power~~ generation, ~~and~~ transmission, and distribution; communications/telecommunications~~,~~; transit and transportation facilities~~,~~; ~~oil and gas pipelines~~ gaseous and liquid fuel distribution; and associated facilities.

Renewable energy systems: means the production of electrical or thermal energy ~~power~~ from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

On behalf of the municipalities and other organizations who participated in preparing this submission, we would like to extend the invitation to work with you and your partners at the Province to develop additional strategies in support of implementing District Energy systems in Ontario.

We look forward to future opportunities to participate in the PPS review and to improve the sustainability of land use planning in Ontario. To schedule a meeting or for further information, please have your staff contact Mary Ellen Richardson, President, Canadian District Energy Association (416) 365-0816 ext. 290, or Bernie McIntyre, Manager Community Transformation, Toronto and Region Conservation Authority, (416) 661-6600 ext. 5326.

Yours Truly,

Brian Denney

Brian Denney, P.Eng.
Chief Administrative Officer
Toronto and Region Conservation Authority

MERichardson

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Attachment:
District Energy Information Sheet

About District Energy & Integrated Community Energy Systems (ICES) in Ontario

What are Integrated Community Energy Systems?

Integrated Community Energy Systems (ICES) are, as their name implies, system-wide approaches to considering energy supply and distribution within a community. As such, the logical 'starting point' in evaluating community energy options is to consider existing and projected energy (electricity and thermal) needs relative to existing and projected energy resources (internal and external to the community) to then identify the best integrated solution to meet needs. They involve taking advantage of cross-sectoral opportunities in the areas of land use, infrastructure, building, water and sanitation, transportation and waste to curb energy demand and reduce greenhouse gas emissions at the local level, while increasing energy security, resiliency, and realizing economic development gains for residents.[4] ICES combines what planners call "smart growth" planning , more effective planning of transit and other alternatives to driving and systematically increasing energy efficiency. All of the elements of ICES are being done now; the difference is that ICES would integrate these elements.[5]

This approach has been endorsed by the Council of Energy Ministers through the *Integrated Community Energy Solutions: A Roadmap for Action* (2009) and the *Council of the Federation* (2010). The leading organization working on ICES in Canada, QUEST, has identified the following six guiding principles for any ICES:

1) Improve efficiency – first, reduce the energy input required for a given level of service;

2) Optimize "exergy" – avoid using high-quality energy in low-quality applications;

3) Manage heat – capture all feasible thermal energy and use it, rather than exhaust it;

4) Reduce waste – use all available resources, such as landfill gas and municipal, agricultural, industrial and forestry wastes;

5) Use renewable energy resources – tap into local opportunities for geoexchange systems, small scale hydro, biomass, solar and wind energy; and

6) Use grids strategically – optimize use of grid energy and as a resource to ensure reliability.[6]

ICES, incorporates numerous strategies for reducing energy demand and harmful emissions, including mixed-use higher density compact development patterns, transportation demand management, water and energy efficient

[4] Paraphrased from: QUEST (Quality Urban Energy Systems of Tomorrow). (2010, September). ICES Municipal Policy Toolkit. Ottawa. p.5.
[5] "The capacity for integrated community energy solutions (ICES) policies to reduce urban greenhouse gas emissions", August 25th, 2010, Prepared for: Quality Urban Energy Systems of Tomorrow (QUEST), by M. K. Jaccard and Associates
[6] QUEST (2010, September). p.8.

buildings and public infrastructure, and the integration of distributed renewable sources of energy; District Energy and cogeneration (combined heat and power) facilities.

This system approach was endorsed in the 2009 Report of the Standing Committee on Natural Resources, entitled "Combining our Energies: Integrated Energy Systems for Canadian Communities", who reported that:

> *"The integration of ... opportunities, in consideration of both energy supply and consumption, is the principal inquiry behind the Committee's study, based on the underlying concept that integrated energy planning is an effective approach to supporting efficient and resilient patterns of energy supply and demand; diversifying economic opportunities; generating employment; reducing greenhouse gas emissions; and establishing more sustainable communities with an improved overall quality of life." (p.1)*

The report goes on to say that an integrated energy system assimilates energy supply and consumption decisions across different community needs (such as heating, cooling, lighting and transport) and sectors (such as land-use, transportation, water, waste management, and industry), by supporting mixed-use development, local renewable energy sources, and smart District Energy grids for efficient energy management. (p. 4)

Finally, the Standing Committee report does a good job of indentifying jurisdictional powers and abilities that can enable ICES, noting the key roles of both the province and municipalities. They note that "Integrated energy planning lies within provincial and municipal jurisdiction, with particular requirement for provincial engagement given provincial constitutional powers.", and further that:

> *"Municipal (and sometimes regional) expertise is most qualified for setting targets and strategies to address the diverse planning situations ... This emphasizes a bottom-up approach to decision making with respect to community integrated energy planning. Municipalities are involved directly, by establishing energy services (e.g. district energy corporations, poles, wires), and indirectly, by promoting certain forms of development (e.g. high-density, transportation-oriented, etc.). Planners, builders and site designers assemble the built environment that shapes a community's energy-use patterns" (p. 7)*

Several Ontario municipalities have already applied or are currently working to identify mechanisms to ensure that ICES, including District Energy grids with small scale CHP, will be planned and built to meet community growth requirements, in the most cost and time efficient manner. This is part of an infrastructure strategy to reduce GHGs and meet Smart Growth objectives.

These approaches are largely based on visionary local leadership, and require diligence since they are attempting a non-conventional approach to the way energy is designed and used. Many of the elements of ICES have been enabled in Ontario policies and legislation enacted and adopted over the last several years. However, Ontario policies and legislation have been largely silent on community heating and cooling needs, and does not address

District Energy or cogeneration. This has made it difficult for municipalities to move their DE plans into implementation, since District Energy is a foundational backbone to realize the full benefits of ICES, this is also hampering municipalities from accomplishing their economic, environmental and energy goals.

It is for this reason that stakeholders have put forward recommendations as to how the PPS might be modified to recognize the foundational enabling role that District Energy can contribute to the ICES vision.

What is District Energy?

District Energy refers to systems that generate and distribute thermal energy (heating and/or cooling) at a community scale. The infrastructure includes a localized centre where energy is generated, and a network of buried insulated pipes (the thermal grid) that distribute that energy to buildings within a defined geographic area. The medium for transmitting the thermal energy along the thermal grid is either steam (for legacy District Energy systems), or water for modern District Energy systems. This 'third' energy grid is analogous to the other two energy grids we are accustomed to in our communities, namely the grid of pipelines to transmit natural gas, and the grid of wires to transmit electricity. Unlike the natural gas grid, a DE grid can transmit thermal energy that is produced from a variety of fuel types. Unlike the electricity grid, a community scale District Energy grid can store thermal energy in the grid and in storage facilities.

District Energy is not new. It is not **a** technology. Rather, it deploys and integrates proven technology in community scale infrastructure to produce and distribute thermal energy. As an approach to community energy production and delivery, it is tried and tested, and widely deployed in many parts of Northern Europe, in particular. District Energy is being evaluated widely in British Columbia, driven largely by environmental legislation, and elsewhere in Canada-including in many urban and rural Ontario communities.

A variety of input fuels can be used to create the thermal energy transmitted in the District Energy grid, including biomass, renewable natural gas, other forms of renewable energy, natural gas and cool water from adjacent water sources (e.g. Enwave's uses cold water from deep in Lake Ontario). Natural gas is the most commonly used fuel source to generate hot water or steam in Canadian DE systems. Due to their community-

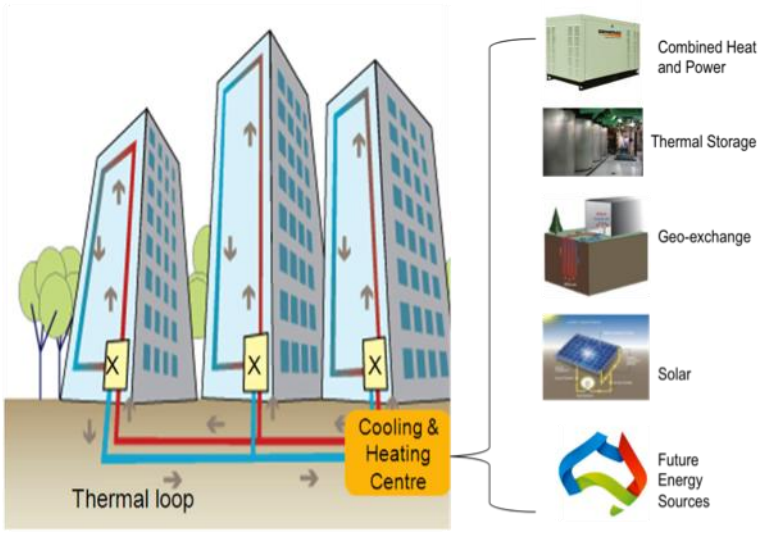

Figure 1. District Energy Scale for Efficiency and Flexibility

scale, District Energy systems are more adaptable over time than traditional energy delivery systems, as alternative fuels can be substituted to generate the thermal energy. District Energy systems can also integrate the output of distributed generation plants, as the pipeline grid can be used as a 'thermal collection system" for the output of plants along the District Energy system (e.g. small scale solar thermal plants, industrial or commercial waste heat (e.g. power plants, data warehouses)). In so doing, the District Energy infrastructure enables several of the key tenets of ICES, namely the integration of distributed renewable sources of energy, managing surplus heat across applications and sectors and converting "waste" to energy.

Such fuel flexibility also offers the potential for communities to protect themselves from the impact, over time, of dependence on any one fuel or technology-and resultant exposure to supply and price uncertainty. This provides both an element of price protection for communities and security of supply over time. Such 'future proofing' is an attractive feature for many Ontario municipalities. This also offers the opportunity to introduce more renewable fuel types, such as forest biomass or urban based forest biomass, with commensurate reductions in GHG emissions and local economic development opportunities for fuel supply. This opportunity is being considered in both urban and rural communities in Ontario. Community scale energy delivery systems also offer the opportunity to support investments in energy efficiency, such as thermal storage or CHP units (discussed below), again with commensurate reductions in GHG emissions.

District Energy systems are akin to other linear municipal, utility and telecommunications infrastructure. Ideally, they are factored into community land use plans and designs at the initial phases of development. Currently, one of the core challenges associated with District Energy is that-as a non conventional approach to community energy delivery systems **in Ontario**, it requires both education of key stakeholders and high levels of cooperation among developers, utilities, and municipalities. Absent any legislative imperative or enabling framework for District Energy systems to be considered in community planning, developments tend to revert to conventional system approaches, thus eliminating the opportunity to realize the benefits of building District Energy infrastructure for decades to come. Further, like other essential infrastructure, DE thermal grid investment is capital intensive with up-front capital expenditures yielding benefits over time as communities' grow and thermal energy demand yields returns on the investment. Absent any policy imperative to connect to systems, significant capital outlays may not yield economic returns for many years, thus deferring the economic benefits of such local investment =. Largely for this reason, as with other capital intensive municipal infrastructure, much of the existing District Energy infrastructure has been envisioned, built and operated by municipal entities. However, in recent years, municipalities have been seeking other forms of governance and ownership/operating models to attract private investment and accelerate District Energy development.

What is Combined Heat and Power (a.k.a. cogeneration)?

Combined heat and power (CHP or Cogeneration) is the use of a heat engine or a power station to simultaneously generate both electricity and useful heat. Small scale CHP units can be added to a DE system. In this case, the engine can use various types of fuel (e.g. natural gas, biomass) to generate electricity. The electricity generation process will cause a certain amount of heat to be emitted. In a CHP process, the by-product heat is captured in full

or in part, and used to heat hot water for distribution in a district heating grid, with temperatures ranging from approximately 80 to 130 °C. These small CHP plants are an example of decentralized energy production that can be integrated into a community DE system.

Why should the Province support District Energy?

Community District Energy systems, particularly those that include small scale CHP units, can make a significant contribution to meeting community energy needs in an economic and energy efficient manner, including:

- Given that these are the most efficient means of producing thermal energy, they enable communities to meet energy efficiency and emission goals;

- Locally sourced fuel can be used to create the thermal energy (e.g. lake water, residual energy from industrial entities (e.g. waste heat from industrial processes, pulp & paper residue), surplus energy from commercial entities (e.g. data centres), urban based forest biomass (e.g. tree trimming, clean construction waste, etc.)

- Relieving local electricity delivery constraints, and supporting local community development (e.g. downtown Toronto is currently electricity supply constrained, yet re-densification goals mean that commercial and multi residential development continues to thrive. Community scale thermal and CHP units provide necessary energy to fuel these developments.)

- CHP generation uses synchronous generators that provide benefits to the local electricity distribution network. The generators do not normally create harmonic or voltage disturbance issues to the connecting utility that often results from the connection of certain renewable generation. Moreover, the positive aspects of the small synchronous generation include reduced system losses, local voltage support to a feeder or transformer station and can also be a source of reactive power for the supply utility.

- Providing back up supply security, islanding capacity and including such ancillary services as black start capability. In some cases, District Energy systems have been built so that they can be “isolated” from the main electricity grid—continuing to provide thermal and electrical services to critical loads.

- For economic reasons CHP installations associated with DE systems typically operate during peak and mid peak time periods and on a seasonal basis when building heating loads are at a maximum. However gas fired CHP installations are also available to operate on short notice. As such, they can be ‘dispatched’ and provide valuable peak electricity capacity to the electrical grid. They are unlike some other types of intermittent renewable generation.

- Relieving the need for additional distribution and transmission capacity building to bring generation produced outside the community into the community. This reduces the cost of energy production and delivery to communities.

- A local investment provides a local outlet for community resources (e.g. urban based forest biomass (e.g. tree trimmings; clean construction waste) and local jobs within the DE system or as a supplier thereto.

- Given trends in provincial urban population growth, it is likely that future electricity supply facilities will need to be built to meet this load pattern, to maintain electricity supply reliability (particularly at peak load times) and operability in targeted urban and electricity system constrained areas. Small CHP plants, located near load, can defer or eliminate the need for large scale electricity transmission and generation infrastructure in congested, difficult to retrofit urban areas and other electricity constrained areas (e.g. downtown Toronto, the GTA, Kitchener/Waterloo/Guelph/Cambridge, Ottawa, etc.)-thus providing an economic alternative, which may also meet with less community resistance. As such, we believe that these high efficiency distributed CHP plants, located in association with District Energy systems, will be an important part of Ontario's energy supply portfolio, and as important as investments that maintain overall electricity demand.

The Province has undertaken a number of initiatives in support of ICES as part of its efforts to reduce greenhouse gas emissions that contribute to climate change. It has supported renewable energy, promoted energy conservation, outlined a plan for public transit and legislated more efficient development patterns through the Provincial Policy Statement, Places to Grow: Growth Plan for the Greater Golden Horseshoe, The Big Move, the Green Energy Act, and the Building Code. The opportunity of building small scale CHP systems to support community energy---electricity and thermal---needs has also been recognized and encouraged by the Ontario Power Authority's (OPA) Combined Heat and Power Standard Offer Program (CHPSOP). Some Ontario based DE system owners already have operating small scale generation facilities, and are looking to expand or add to these facilities to support growing thermal load requirements.

District Energy is an integral component of ICES that **has yet to be addressed** explicitly in provincial legislation. Given both the increased municipal interest in DE grids, and given the recognized energy, environmental and economic benefits of District Energy investment, we felt it was appropriate to raise the profile of this specific infrastructure strategy so that it could be incorporated into the PPS.

How is District Energy a planning issue?

The Provincial Policy Statement (PPS) provides the overarching policy direction for planning and development in Ontario, with a strong focus on promoting "long-term prosperity, environmental health and social well-being" (Part V, Section 1.0). To that end, the PPS includes a number of policies to promote the efficient use of energy as well as the uptake of alternative energy sources that produce fewer greenhouse gases than traditional fuels. The inclusion of these policies is an acknowledgement that energy can impact our economic prosperity, environmental

health and social well-being, depending on how reliable the energy supply is and how much pollution and greenhouse gases it generates. Existing PPS policies refer to "alternative" and "renewable" energy systems. While there is explicit recognition of electrical energy, there is no explicit recognition of thermal energy, which accounts for up to 70% of community energy needs. There is room to introduce policies for District Energy, as part of the comprehensive approach for achieving the Province's ICES goals for new and existing communities.

A 2010 report[7] prepared by MKJA Associates, suggests that "...The first priority for policy makers should be the implementation of sustainable land-use policies since these create the framework within which all urban form, transportation, and energy-use decisions will be made to move toward ICES". The report identifies several policies, including the following ones related to enabling District Energy:

- Deeper penetration of combined heat and power (CHP) and District Energy systems, preferably fuelled by renewable local energy (e.g. biomass, geothermal exchange, sewer water heating, etc.)

- Fuel switching to lower emission energy sources where possible

- Utility structure financing for District Energy services, governed by utilities commissions responsible for rate setting and consumer protection.

The implementation of District Energy requires cooperation among developers, the municipality and utilities early on in the planning and development process. These partners must work together to develop a coordinated approach to implementation that is timely, avoids duplication of infrastructure and services, and most basically, ensures that a place for pipes and the energy centre is accommodated in plans as they are submitted for approval.

Putting District Energy clearly on the development radar through PPS policies will help support the efficient and coordinated provision of cleaner energy in suitable communities across Ontario. District Energy policies within the PPS would also reinforce the validity of local efforts to improve energy efficiency through energy mapping exercises, official plan policies, and sustainable guidelines.

[7] "The capacity for integrated community energy solutions (ICES) policies to reduce urban greenhouse gas emissions", August 25th, 2010, Prepared for: Quality Urban Energy Systems of Tomorrow (QUEST), by M. K. Jaccard and Associates, p.6.

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**PROPOSED TELECOMMUNICATION TOWER FOR 987 Gordon Street**
REPORT NUMBER	

SUMMARY

Purpose of Report: To advise Council of a request for a Telecommunication Tower at 987 Gordon Street.

Council Action: To direct staff to recommend refusal to Industry Canada of the request for a Telecommunication Tower at 987 Gordon Street.

RECOMMENDATION

"THAT Planning, Building, Engineering and Environment Report dated December 10, 2012 regarding a proposed Telecommunication Tower at 987 Gordon Street, be received;

AND THAT Council direct staff to recommend refusal to Industry Canada of the request for a Telecommunication Tower at 987 Gordon Street."

BACKGROUND

Proliferate Consulting Group (on behalf of Rogers Communications) has applied for the installation of a Telecommunication Tower at 987 Gordon Street (see Schedule A- Location Map). The City of Guelph Policy on Telecommunication Towers (Council approved in 2001) requires every proposed tower that is to be located a horizontal distance of less than six (6) times the proposed tower height from a residential zone to be subject to a public consultation process. In addition, this is the first instance where a proposed installation does not meet the Principles of the Telecommunication Tower Policy. Specifically, the Principles state:

- Towers and equipment buildings should be located away from public roadways and adjoining property lines where possible;
- The preferred location for the development of new towers within the City is in the industrial areas and in rural areas which are away from existing or future residential development.

The locations of existing towers, including the proposed tower, are shown on Schedule B- Existing Towers.

The proposed tower is 40 metres (131 ½') in height and is to be located in the rear of the commercial property with a separation distance of approximately 120 metres (394') to residential properties. Telecommunication Towers are Federally regulated and the final approval rests with Industry Canada.

A Public Meeting was held October 4, 2012 to solicit input from the general public on the proposal. Communication was through a mailing to the properties owners in the circulation area (see Schedule A- Location Map) and also through a newspaper advertisement. Ten residents brought forward their concerns at the meeting. A representative of Proliferate Consulting Group presented their proposal and responded to the concerns. Staff has also received emails from other residents concerned about the installation (See Schedule C- Public Comments and Responses from Proliferate Consulting). The concerns that have been received are about health and safety issues, other possible locations, the aesthetics of the tower and the impact on property values. Proliferate Consulting Group has been forwarded each of the emails and has responded individually to each concerned resident and a cross section of their responses have been included in Schedule C, along with the emails received from the public.

REPORT

Proliferate Consulting Group (on behalf of Rogers Communications) has applied to erect a cell phone tower that does not meet the Principles of Section 1 (3) (b) and (e) of the City Policy on Telecommunication Towers. The Policy also requires that a Public Consultation process be conducted and a report to the Planning & Building, Engineering and Environment Committee be prepared. Comments and concerns from the PBEE Committee and Council will be added to the City's response to Industry Canada.

An information package supplied to residents including the look of the proposal is provided in Schedule D- Public Information Package. The applicant has addressed all of the requirements of the application process of the Telecommunication Tower Policy.

Policy Requirements	**Request**
Public consultation is required if a proposed tower is greater than 16.6 metres in height and is located a horizontal distance of less than six (6) times the proposed tower height.	The request is a horizontal distance of three times (120 metres) the proposed tower height (40 metres). Public consultation requirements have been address through the public meeting process in the Policy.
Policy Principles	**Request**
Towers and equipment buildings should be located away from public roadways and adjoining property lines where possible;	To be located in rear southwest corner of property adjacent to neighbouring properties
The preferred location for the development of new towers within the City is in the industrial areas and in rural areas which are away from existing or future residential development.	To be located on a commercially zoned property within 120 metres of residentially zoned properties.

Staff is recommending that Council direct staff to provide Industry Canada with a position that does not support the proposed installation due to the following:

- This proposal does not meet the Principles of Council's Telecommunication Tower and/or Antenna's Policy;
- Existing residents are concerned about the overall health effects from the tower being so close to residential;
- The concerns of the aesthetics of the monopole tower in this area; and
- This may set a precedent regarding future towers and proximity to residential properties

CORPORATE STRATEGIC PLAN:

Urban Design and Sustainable Growth:
Goal #1: An attractive, well functioning and sustainable city

FINANCIAL IMPLICATIONS: N/A

DEPARTMENTAL CONSULTATION: N/A

COMMUNICATIONS: Advertisement in Guelph Tribune City News page on September 20, 2012, Public mail out

ATTACHMENTS

Schedule A -Location Map
Schedule B- Existing Towers (including Proposed)
Schedule C- Public Comments and Responses from Proliferate Consulting
Schedule D- Public Information Package

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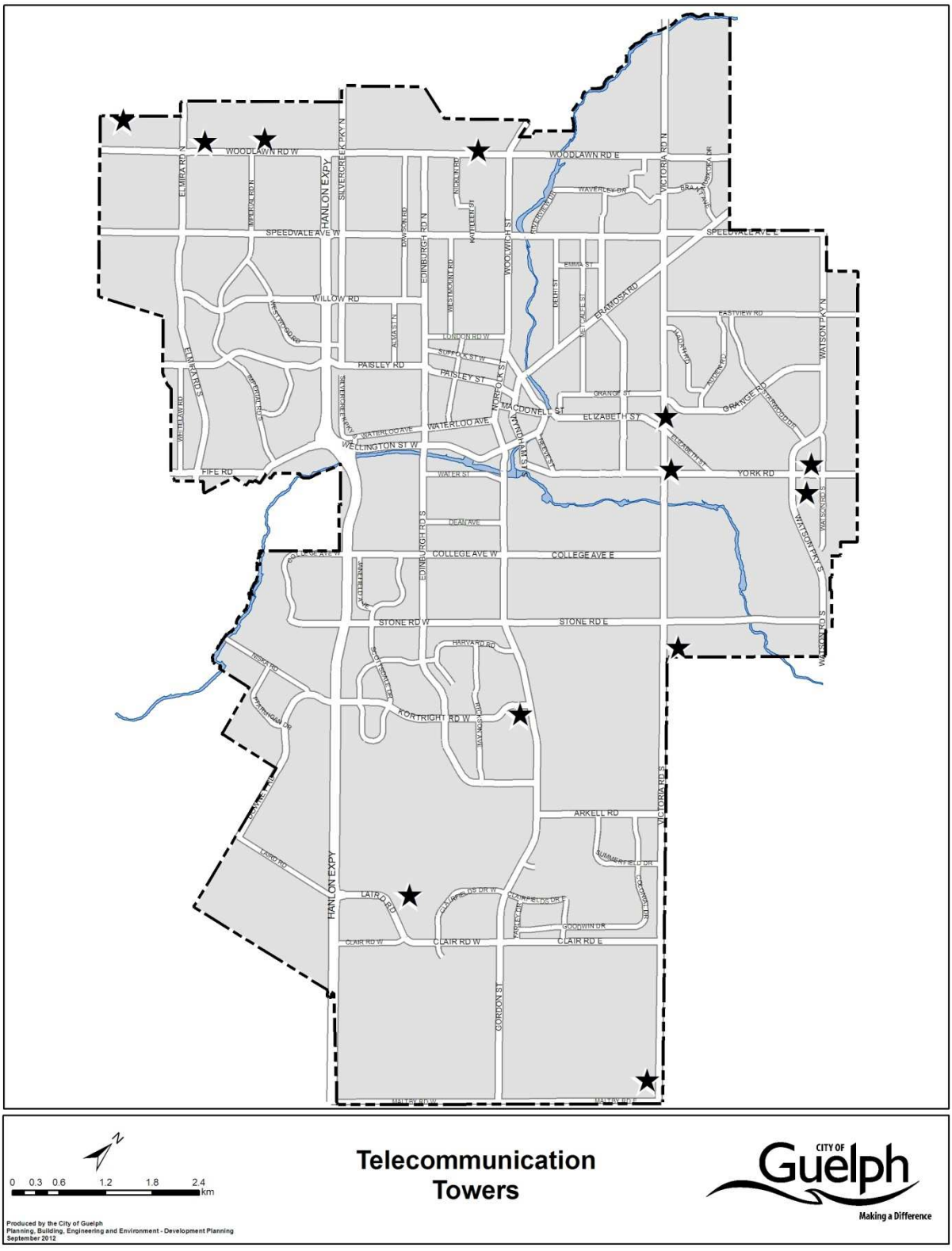
SCHEDULE A- LOCATION MAP

SCHEDULE B- EXISTING TOWERS (including Proposed)



SCHEDULE C- PUBLIC COMMENTS AND RESPONSES FROM PROLIFERATE CONSULTING

Emails received:

1) I am deeply concerned about the proposed tower at 987 Gordon Street. As a Hales Manor resident there are very serious health concerns for all individuals living so close to such a tower. I am well aware of the serious side effects that radium can cause and so should the people who make decisions for our city. There are far better sites in the south industrial areas that would not affect residential living. High structures at the Delta are used by other companies such as Bell Canada, why not Rogers! It appears that Bell considered people first, rather than saving money. I am appalled that money has precedence over people's lives. The fact that it all comes down to bargain finances, rather than health, is outrageous. I love living in the south end of Guelph, but any project without concerns for people, convinces me that I should consider moving.
2) I saw in the Guelph Tribune newspaper that there was a meeting last week about a proposed cell phone tower to be sited at 987 Gordon Street. I live nearby on Yewholme Drive and wanted to submit my concerns. I realize that the City can make recommendations but that Industry Canada will make the final decision. I'd just like to go on record as being opposed to the tower on this particular site. I think it is just too close to residential and natural areas. While various epidemiological studies so far indicate little human health risk of radiation harm, it just seems odd that the tower would be sited so close to a residential area while so many industrial and commercial sites exist so close by. I would like Rogers to answer why it has not proposed placing the tower on nearby University property, away from areas where people actually live. Similarly, why has Rogers not proposed to site the tower on the 1 Stone Rd property with various existing government buildings? Presumably, moving the tower to a less residential site nearby would have little to no effect on the tower's actual technical capabilities. Elevation is similar, and distance north is less than 600 meters. Additionally, would siting the tower over on the other side of the Hanlon in the new Industrial Park, away from people's homes, be that problematic for Rogers?

   I realize there have been studies which have explored the impact of large towers like this on nearby property values and they have found little to no impact. I also realize that Industry Canada has indicated that impact on property value "should not" be a consideration. And I realize that these documents and studies will likely be offered up by Rogers in defense of their proposed siting. I respectfully disagree however, and would ask anyone deciding on this proposed tower to simply consider whether they would like to have such an ugly structure so close to their home.

Personally, I frequent Yewholme Park on a daily basis with my dog and would be sad to see the blinking cell tower looming over the park every day. Additionally, the area immediately behind the proposed site (to the west) is a wetland, home to various water birds and mammals, including deer that cross Kortright Road and often walk into the back part of Yewholme Park during early winter. I have no idea what impact the radiation might have on these animals or their use of the lands. Does Rogers know the impact on nesting activities of the geese and ducks?

There are so many other possible sites for the tower, literally within less than a kilometer, that would result in much less intrusion on the lives of Guelph residents and it disappoints me that Rogers has decided to try to put up an ugly cell phone tower smack dab on the edge of a residential area.

Thank you for your consideration Patrick and for passing along my concerns. I hope that my email adds to those concerns already expressed by other local residents and that it obliges Rogers to greater justify the exact placement of this proposed tower. I would specifically like Rogers to indicate what is wrong with the other sites that would have much less impact of people, our homes, and the natural environment.

It just seems a bit mean and uncaring that the company would proposed such a tall and ugly tower so close to where people live when it sure seems it really isn't necessary to do so.

Response from Proliferate Consulting:

Regarding the need for this tower at the proposed height in this specific location, the factors that are considered in selecting a site are the location of other towers in the area, demand for voice and data services, and balancing these requirements with the local land use concerns. Moving further North would cause interference with our site at 40 Stone Rd. To the Southwest, we also have a site at 57 Cutten Place that is 70 metres tall. Moving close to this tower would create significant interference issues and would not address the capacity issues in the target area.

Our ideal location would actually be at the intersection of Edinburgh and Gordon, but there are no suitable real estate options here (at least not those that would result in less controversial land use issues). The 987 Gordon site is the only viable landlord that allows us to get the 3x tower height from residential property lines while still satisfying our network engineering objectives for this area. As was mentioned in the public meeting, we have to balance offloading traffic from the Stone Rd site that primarily serves the university with not getting too close to this site and thereby causing interference. Presents a balance of network suitability and distance from residential uses.

Health Canada exclusively regulates antenna emissions through a regulation known as Safety Code 6. Rogers Communications attests that the radio antenna system described in this notification package will comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment. Furthermore, due to the nature of radio waves, the power drop off is exponentially increased with distance. In this case, the expected levels are in the 1% of Safety Code 6 limits, as measured at the base of the tower itself (the closest publicly accessible spot). By the time the signal reaches the nearest residence, they will be in the 1,000 times less than Safety Code 6 range (if not lower). There are no reasonable, scientific health concerns about levels that are this extremely low.
There are no known effects of wildlife at levels this low.

For more information on Safety Code 6, please visit the following Health Canada site: www.healthcanada.gc.ca/radiation. To learn what the World Health Organization says, please visit:
http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html

While it is true that some people find antenna towers unsightly, we do not believe they are moreso than power lines or light poles. Taller yes, but they are a necessary component of a modern telecommunication network. The demand for wireless services is growing exponentially ever year, and the carriers are required to respond to that demand growth by continually improving their network. In urban areas, this means that antennas are required to be located where the customer demand is generated, and that means near residential areas. If customer demand was not sufficiently high to require the additional infrastructure, we wouldn't be proposing a new antenna.

3) Rogers intends to build a microwave tower right next to residential homes at Kortright and Gordon. It is the duty of our city council to make sure that the tower is at safe distance from residences. In order to determine the safety of the distance from residential homes, Rogers has to disclose the total strength of emissions because this needs to be considered when calculating minimal safe distances. The city council should not under any circumstances allow Rogers to install the tower at half the customary distance from residences. The particular land on which the tower is to be built has already been involved in odd arrangements. I think here of the previous mayor suspending bylaws for a day in order to allow a Tim Horton’s even though the Kortright Plaza is entirely incapable of accommodating the resulting traffic. Let us not have a repeat of such strange deals. We might add that the standards governing the placement of such towers are hugely more lenient in North America than in Europe so that our existing standards are already very much on the side of possible risk.

4) I would still voice my concern from the standpoint that this is the first time that a telecommunications tower is being placed in a residential neighbourhood in Guelph. And given the close proximity I would be concerned about the potential harmful effects upon young children, pregnant mothers and those that may be more inclined to feel the potential effects of the tower, especially within close proximity. Does the research point to a conclusion on an average male/female or has the research taken into account the most vulnerable in society that we have a right to try and help protect. It seems that the research is shorter term in nature and one must still wonder about the longer term effects. For this reason please feel free to add my name as a concerned individual for all of us if a tower is built within the short term confines of residential neighbourhoods in Guelph to help satisfy increased demand and the problem of customer complaints.

5) I am writing to you in regards to the proposed construction of a cell phone transmitter by Rogers on the property at 987 Gordon St. where I currently operate my health centre. While I am aware of the ever increasing demands by the public on the telecommunications industry for faster and more reliable service, that cannot be done at the expense of our Public Health.

   As a local doctor my attention is always on the health of my patients and community. After 17 years in practice I have come to realize that technology and convenience often comes at the expense of one's health, and many 'advances' are made because we can without checking to see if we should.

   Mr Mason had made me aware of the proposed cell phone tower on October 6, 2012 by letter. Unfortunately he began negotiations with Rogers in June and the public meeting occurred a week prior of which I had no notice.

   I have already met with Mr Mason and expressed to him my concerns for the long-term health of his tenants, my patients, my staff and the community living and sleeping within 400 metres of the tower.

   My concerns are not for the short-term effects which are likely minimal, but for the long-term effects of which we are not fully aware. I have attached articles detailing the outcomes of several studies that bring into question the long-term safety of these cell tower transmitters being within a 400 metre radius of people for a prolonged period of time and the ill effects it may have on their health.

   Until it has been well established by long-term studies that there are no hazardous effects to long-term human exposure to this continuous high frequency non-ionizing radiation on our biological tissues, I would urge you to ensure that future towers, including this one are constructed 400 metres away from where people who trust you to protect their interests live and work.

   Locations such as parks, parking lots, and green spaces where people visit only for short periods, will allow for the same cell phone coverage without continuous involuntary human exposure.

An analogy may be made to this being like a smoking area being re-located beside where a non-smoker works. No short term health effects would be questioned, but should that non-smoker, decades later, develop lung cancer after chronic low doses of exposure it would be indeed be regrettable, especially because of how preventable it was.

Thank you for acting in the public's best long-term interest as you consider where to allow these towers to be built throughout your jurisdiction.

Proliferate Consulting response:

Rogers shares your belief that expansion of new technologies should not be at the expense of public health.

Health Canada exclusively regulates antenna emissions through a regulation known as Safety Code 6. Rogers Communications attests that the radio antenna system described in this notification package will comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment. Due to the nature of radio waves, the power drop off is exponentially increased with distance. In this case, the expected levels are in the 1% of Safety Code 6 limits, as measured at the base of the tower itself (the closest publicly accessible spot). By the time the signal reaches the nearest residence, they will be in the 1,000 times less than Safety Code 6 range (if not lower). There is no reasonable, scientific health concerns about levels that are this extremely low.

For more information on Safety Code 6, please visit the following Health Canada site: www.healthcanada.gc.ca/radiation. To learn what the World Health Organization says, please visit: http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html

In addition, the medical officers of health for Toronto, York Region, Vancouver, Hamilton (and others) have reviewed the question and have stated that they believe that the technology is safe within the restrictions of Safety Code 6. Public Health Ontario also shares this opinion, as does the Ontario Ministry of Health Promotion. The most recent study on the topic (September of this year), by the Norwegian Institute of Health, re-confirmed the safety of emission levels comparable to Safety Code 6 (which is similar to the standards in most of Europe, the USA, and many other developed countries).

SCHEDULE D- PUBLIC INFORMATION PACKAGE

ROGERS

Landowner Information Package
Proposed Wireless Telecommunication Antenna Installation
987 Gordon Street, Guelph
Rogers Site: C4826

Dear Landowner,

In response to significant rising demand for wireless voice and data services in this area, Rogers Communications is proposing to construct a new wireless telecommunication antenna installation.

Why is this installation needed?
Rogers has determined that a new wireless antenna site in the area is required to address network coverage and capacity deficiencies. Alternatives to a new tower installation, such as the use of existing buildings and towers, were not available.

What is being proposed?
Rogers proposes to construct a 40-metre steel monopole tower communication structure with a walk-in equipment cabinet at the base within a secured compound, as shown on the simulated photograph to the right. Access to the installation will be via the existing driveway to the property. Lighting of the installation will be in accordance with Transport Canada and NAV Canada regulations for installations of this type. Rogers proposes initially to install six (6) sectored 3G and LTE antennas. The proposed installation will provide opportunities for future co-location by other licensed carriers.

Where is it proposed to be located?
The proposed site is at the rear of 987 Gordon Street, Guelph. This property is currently developed with a one storey commercial building. The red pin on the aerial photograph below depicts the proposed location on the property.

Local Land Use Requirements

Wireless facilities are exclusively regulated by the Federal Government and as a result are not required to obtain municipal permits of any kind. However, public consultation will be undertaken in accordance with the City of Guelph's requirements for communications towers. The public is welcome to request additional information, or provide written comments to:

Sean Galbraith, Municipal Affairs Manager
Proliferate Consulting Group (Agent for Rogers)
21A Price Street, Toronto, Ontario M5B2P7
sgalbraith@proliferategroup.com

Please reference file number **C4826** in your correspondence.

Health Canada's Safety Code 6 Compliance

Health Canada's role is to protect the health of Canadians, so it is the Department's responsibility to research and investigate any possible health effects associated with exposure to electromagnetic energy, such as that coming from cell phones and antenna base stations. Health Canada has developed guidelines for safe human exposure to RF energy, which are commonly known as Safety Code 6. Some of these guidelines have been adopted by Industry Canada and are included in their regulatory documents on radiocommunication licensing and operational requirements.

Radiocommunication, including technical aspects related to broadcasting, is under the responsibility of Industry Canada, which has the power to establish standards, rules, policies and procedures. Industry Canada, under this authority, has adopted Safety Code 6 for the protection of the general public. As such, Industry Canada requires all proponents and operators to ensure that their installations and apparatus comply with the Safety Code 6 at all times. It is anticipated that emissions from this proposed installation will be 1-5% of Safety Code 6 limits, as measured at the base of the proposed installation. As measured at the nearest residence, it is anticipated that emission levels will be significantly lower than 1% of Safety Code 6 limits.

Rogers attests that the radio antenna system described in this notification package will comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment.

For more information on Safety Code 6 and cellular technology, please visit the following Health Canada site: www.healthcanada.gc.ca/radiation.

Public Disclosure of Comments

Submissions received shall form part of Industry Canada's Public Consultation Process under the Spectrum Management and Telecommunications Client Procedures Circular CPC-2-0-03, Issue 4, and will be made public as part of a report issued to the Municipality and Industry Canada.

COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**Demolition Waste Material Conditions**
REPORT NUMBER	12-112

SUMMARY

Purpose of Report
To provide Planning, Building, Engineering and Environment Committee with information regarding options for the recycling and salvage of building materials resulting from demolitions.

Committee Action:
To receive the report for information purposes.

RECOMMENDATION

"THAT Planning, Building, Engineering and Environment Report 12-112 dated December 10, 2012 regarding options for recycling and salvage of building materials from demolitions be received."

BACKGROUND

At Council's meeting on November 28, 2011, a special resolution was put forward by Councillor Leanne Piper (Ward 5) regarding diverting all recyclable demolition and construction material from landfill. Council adopted the special resolution, and referred the matter to the Planning & Building, Engineering and Environment Committee of Council for further investigation.

Since this time, staff have completed research and have determined that the City has no legal authority to require recyclable construction and demolition material be diverted from landfill as a condition when issuing building and demolition permits. However, for residential demolition applications going to Council for approval as per By-law (1988)-12922, as amended, it has been staff's practice to request that the applicants contact Solid Waste Resources to explore opportunities for recycling and salvage of demolition materials.

Solid Waste Resources implemented a pilot project in 2009 to isolate and recycle construction and demolition waste dropped off by the public at the Waste Resource Innovation Centre. The pilot project was very successful and a decision was made to formally continue and enhance the project in 2011.

Staff are recommending that this practice continue, whereby applicants are encouraged to contact Solid Waste Resources regarding the proper salvage and disposal of the demolition materials, and make use of the construction and demolition waste diversion program implemented at the Waste Resource Innovation Centre.

REPORT

At Council's regular meeting on November 28, 2011, the following resolution was put forward and adopted:

> "THAT the matter of investigating Council's authority to require that all recyclable construction and demolition waste material in the City of Guelph be diverted from landfill be referred to the Planning & Building, Engineering and Environment Committee of Council."

Since this time, staff have been able to complete research on the matter, and are now in a position to provide a report to the Planning & Building, Engineering and Environment Committee for information purposes.

Section 33 of the *Planning Act* provides authority for the passing of a by-law to designate an area of demolition control in the City, and provides that no person shall demolish the whole or any part of a residential dwelling or building in the area of demolition control unless they hold a demolition permit issued under Section 33. The City has passed By-law (1988)-12922 (Demolition Control By-law), as amended, to deal with demolition control in the City for residential buildings and requiring a demolition permit in accordance with the *Planning Act*. The Demolition Control By-law designates the entire area of the City as an area of Demolition Control as per Section 33(2) of the *Planning Act.*

It is the intent of the Demolition Control By-law to preserve and retain the existing stock of residential units and former residential buildings in the City. The Demolition Control By-law does not have any other conditions or criteria for which to evaluate a residential demolition against. When a demolition application is submitted for a residential property, staff investigate the request to determine whether a replacement dwelling will be constructed so as to ensure the City's residential housing stock will not be depleted. If a replacement dwelling is proposed, as long as the new dwelling(s) meets the requirements of the Zoning By-law for the subject property, in most cases, staff will recommend support to Council.

Occasionally, a demolition request will be submitted as part of a Zoning By-law Amendment. As per section 4 of By-law (1988)-12922, the Demolition Control By-law will not apply where a Zone change has been granted by Council which requires the change in the structure (removal of all or part of a residential building) of an

existing residential building in order to develop the lands in accordance with the approved Zoning. It is anticipated that a detailed analysis will be completed by staff that considers what is proposed to replace the existing residential structure(s) resulting from the Zoning By-law Amendment. A recommendation on the Zoning By-law Amendment request will be made accordingly by staff on a property specific basis.

Under Section 33(3) of the *Planning Act*, Council may issue or refuse to issue a permit to demolish residential property, and the decision is appealable to the Ontario Municipal Board (OMB).

However, in accordance with Section 33(6), where a building permit has been issued to erect a new building on the site of a residential dwelling sought to be demolished, Council shall issue a demolition permit, but may impose a condition under Section 33(7). Section 33(7) stipulates that such condition is to be associated with ensuring that completion of the new dwelling unit(s) is carried out within a specified timeframe, not less than two (2) years from the day demolition activities have commenced. Monetary penalties may be issued in this instance for non-compliance, and the applicant also has the authority to appeal conditions imposed under Section 33(6) of the *Planning Act* to the OMB.

Other than the above, Section 33 of the *Planning Act* does not give authority for Council to attach any other conditions of approval to a residential demolition permit. Section 33 also does not speak to industrial, commercial or institutional (IC&I) demolitions.

Municipal Act:
Section 99.1(1) of the *Municipal Act* permits Council to prohibit and regulate by by-law the demolition of residential properties and prohibit and regulate the conversion of residential rental properties with six or more units to a purpose other than for the purpose of a residential property. Further, Section 99.1(2)(c) permits Council to impose conditions as a requirement of obtaining a residential demolition permit in the associated by-law. It should be noted that the City has not received any demolition permits for multiple residential buildings with six (6) or more units, and this is not a noted trend in the City, therefore no further investigation of this legal authority was undertaken in preparing this report.

Considering Section 33(7) of the *Planning Act*, the only condition able to be imposed to all residential dwellings is ensuring that the completion of the new dwelling unit(s) is carried out within a specified timeframe.

Construction and Demolition Waste Pilot Project:
In 2009 the Solid Waste Resources Department began a pilot project to isolate and recycle construction and demolition (C&D) waste generated by the public and industrial, commercial and institutional sources at the Waste Resource Innovation Centre. After detailed research and analysis of the materials being handled and shipped for processing, the Centre embarked on the design of a system to handle both fully comingled and source separated C&D waste.

In 2011 the Centre completed the construction of outdoor storage bunkers and reallocated space within the transfer station to accommodate the C&D waste. All fully comingled material is tipped in the transfer station. Source separated material is directed to the outdoor concrete bunkers. Currently the source separated materials include asphalt shingles, clean wood, drywall/sheetrock, and a rubble bunker which is made up of concrete, asphalt, brick and ceramics and porcelains. A third area at the public drop off was set up to accommodate the general public. In most cases, this material is from do it yourself home owners and allows them the opportunity to recycle instead of land filling.

The project has been a tremendous success from a financial and waste diversion point of view. In 2011 over 5,000 metric tonnes (mt) of C&D waste was diverted from landfill. Solid Waste staff secured transportation and disposal fees for C&D waste that are less than that of landfill rates. These savings have been passed on to customers to ensure the future success of the diversion program.

In 2010 just over 4,000mt of comingled C&D was diverted from landfill. The source separated portion of the program was introduced in August 2011. Approximately the same of amount of comingled C&D was diverted in 2011, however an extra 1,100mt of material was collected through source separation. This resulted in a 25% increase in C&D diversion from 2010.

Of the C&D tonnage collected in 2011, approximately 1,200mt was generated at the public drop off. Annually 6,660mt of waste are received at the public drop off. The diverted C&D material represent over 18% diversion of public drop off waste from landfill.

Overall, this program is proving to have the largest impact on diversion after organics and blue box recycling.

Recommendation:
As no legal authority for Council to impose conditions on the approval of a residential permit exists at the present time, staff is recommending that no revisions be made to the Demolition Control By-law to require that all recyclable construction and demolition waste material be diverted from landfill.

Further, due to the success experienced to date with the construction and demolition waste project implemented by Solid Waste Resources, it is recommended that staff continue to encourage demolition permit applicants to utilize the program and consult with Solid Waste Resources staff. Opportunities may exist for greater promotion and expansion of the program amongst the construction and building industry to optimize the volume of material diverted from landfill.

Staff will continue to monitor the volume and categories of construction and demolition waste being sent to the Waste Resource Innovation Centre. Opportunities may exist in the future to expand and make further enhancements to the program.

CORPORATE STRATEGIC PLAN

Organizational Excellence – Strategic Directions 1.2: Develop collaborative work teams and apply whole systems thinking to deliver creative solutions.

City Building – Strategic Directions 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Planning and Solid Waste Resource staff have reviewed Council's authority to require the recycling of all salvageable demolition waste with Legal Services staff.

COMMUNICATIONS

N/A

ATTACHMENTS

N/A

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COMMITTEE REPORT

TO	**Planning & Building, Engineering and Environment Committee**
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	December 10, 2012
SUBJECT	**Establishment of a Public Steering Committee for the Solid Waste Management Master Plan Review**
REPORT NUMBER	

SUMMARY

Purpose of Report:
To establish the membership of a Public Steering Committee to review the Solid Waste Management Master Plan in 2013, as previously approved by Council.

Council Action:
To approve the establishment of a Public Steering Committee for the Solid Waste Management Master Plan Review.

RECOMMENDATION

"THAT Council approve the establishment of a Public Steering Committee for the Solid Waste Management Master Plan review."

BACKGROUND

The Solid Waste Management Master Planning process was initiated in 2007. The process was driven by a Public Steering Committee, City staff, and external consultants. Input into the draft Master Plan was obtained from the general public at two open houses. These groups considered a wide range of waste minimization, diversion and disposal options available to the City.

In September 2008, Council adopted the recommendations of the Solid Waste Management Master Plan (SWMMP) – a guiding document that helps Guelph renew our status as a leader in waste management. The twenty-five year plan included recommendations on numerous short and long term waste minimization programs and diversion initiatives to help Guelph achieve our waste diversion targets.

The SWMMP called for a review of program implementation and target achievement in 2013 and 2018.

REPORT

In anticipation of the 2013 SWMMP review, staff are recommending the establishment of a Solid Waste Management Master Plan Public Steering Committee.

The Public Steering Committee will be responsible for:

1. Completion of a review of the Solid Waste Management Master Plan, including monitoring and measuring achievement of individual project tasks;
2. Providing guidance and communications related to project issues to those directly involved in the review;
3. Reconciling differences in opinion/approach and resolve disputes;
4. Reporting on the review process and make recommendations, as appropriate, to the Planning & Building, Engineering and Environment Committee or Council; and
5. Ensuring a public consultation process which is consistent with the City's policies and best practices.

Staff recommend that the Public Steering Committee be comprised of representatives from:

- one (1) member from University of Guelph;
- one (1) member from the Environmental Advisory Committee;
- three (3) members who reside in the City and who have an interest and/or experience in waste management; and
- two (2) members from the Industrial/Commercial/Institutional sector.

In addition to the Public Steering Committee, there will be a Project Management Team consisting of Solid Waste Resources staff and external consultants.

Upon approval of Council for the formation of a Public Steering Committee, staff will work with the City Clerk's Department of Corporate and Human Resources to invite representation on the Public Steering Committee. Once applications from interested individuals have been received by the City Clerk's Department, individuals will be appointed to the committee by Council, in accordance with the City's Policies and Procedures governing citizen appointments to Committees.

CORPORATE STRATEGIC PLAN

1.2 Develop collaborative work teams and apply whole systems thinking to deliver creative solutions.
1.3 Build robust systems, structures and frameworks aligned to strategy.
2.2 Deliver public services better.
2.3 Ensure accountability, transparency and engagement.
3.3 Strengthen citizen and stakeholder engagement and communications.

FINANCIAL IMPLICATIONS

Funds for the Solid Waste Management Master Plan review are included in the approved Solid Waste Resource Department capital budgets (WM0019).

DEPARTMENTAL CONSULTATION/CONCURRENCE

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

N/A

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