Regional Municipality of Waterloo
Planning and Works Committee

Agenda
Tuesday, December 6, 2016
11:15 a.m. (Time is approximate, immediately following Closed Session)
Regional Council Chamber
150 Frederick Street, Kitchener

1. Motion to Reconvene Into Open Session

2. Declarations of Pecuniary Interest under the Municipal Conflict Of Interest Act

3. Delegations

3.1 TES-TRP-16-22, Ament Line (Regional Road 17) at Herrgott Road (Regional Road 10) Operational Review, Township of Wellesley (Staff Presentation)

   i. Pamela Ringrose

Recommendation:

That the Regional Municipality of Waterloo implement all-way stop control at the intersection of Ament Line and Herrgott Road as part of a multi-location pilot project by amending Traffic and Parking By-law 06-072, as amended, to:

   a) Remove from Schedule 11, Through Highways, Herrgott Road (Regional Road 10) from the North Side of Line 86 (Regional Road 86) to the South Side of Lobsinger Line (Regional Road 15);
b) Add to Schedule 11, Through Highways, Herrgott Road (Regional Road 10) from the North Side of Line 86 (Regional Road 86) to the North Side of Ament Line (Regional Road 17);

c) Add to Schedule 11, Through Highways, Herrgott Road (Regional Road 10) from the South Side Ament Line (Regional Road 17) to the South Side of Lobsinger Line (Regional Road 15); and

d) Add to Schedule 12, Intersection Stop Signs, Ament Line (Regional Road 17) at Herrgott Road (Regional Road 10), in the Northbound, Southbound, Eastbound, and Westbound directions;

in the Township of Wellesley, as outlined in report TES-TRP-16-22, dated December 6, 2016.

Consent Agenda Items

Items on the Consent Agenda can be approved in one motion of Committee to save time. Prior to the motion being voted on, any member of Committee may request that one or more of the items be removed from the Consent Agenda and voted on separately.

4. Request to Remove Items from Consent Agenda

5. Motion to Approve Items or Receive for Information

5.1 PDL-CPL-16-53, Progress Update on the Community Energy Investment Strategy (Information)

5.2 PDL-CPL-16-54, Community Building Strategy Progress Update, 2016 (Information)

5.3 TES-TRS-16-24, Electronic Fare Management System Project Update (Information)

5.4 TES-TRP-16-25, 2015/2016 Traffic Signal Corridor and Signal Timing Review (Information)

5.5 TES-WAS-16-25, Update on Wastewater Treatment Master Plan (Information)

5.6 PDL-LEG-16-77, Authorization To Expropriate Lands (1st Report) for Construction and Installation of the Kitchener Zone 4 Trunk
Watermain in the City of Kitchener

**Recommendation: See pages 57-58**

5.7 **PDL-LEG-16-80**, Authorization to Expropriate Lands (1st Report) for the Reconstruction of St. Andrew’s Street from Grand Avenue Westerly to The City of Cambridge Boundary, in the City of Cambridge

**Recommendation: See pages 67-68**

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### Regular Agenda Resumes

6. **Reports – Planning, Development and Legislative Services**

#### Community Planning

6.1 **PDL-CPL-16-55**, Ontario Municipal Board Reform – Feedback to the Province

**Recommendation:**


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### Reports – Transportation and Environmental Services

#### Transportation

6.2 **TES-TRP-16-26**, Proposed No Parking Anytime Restriction on Fischer Hallman Road (Regional Road 58) between Bleams Road and Huron Road in the City of Kitchener

**Recommendation:**

That the Regional Municipality of Waterloo amend the Traffic and Parking By-law 06-072, as amended, to add to Schedule 4, No Parking Anytime on both sides of Fischer Hallman Road (Regional Road 58) from Bleams Road to Huron Road in the City of Kitchener as outlined in Report TES-TRP-16-26, dated December 6, 2016.

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### Information/Correspondence

7.1 Correspondence re: TES-TRP-16-22, Ament Line (Regional Road 17) at Herrgott Road (Regional Road 10) Operational Review, Township Docs #2259959
of Wellesley

i. Kory Lorentz, President, Green Life Acres

ii. Steve Frey, CEO-President, AMI Attachments Inc.

7.2 Council Enquiries and Requests for Information

8. Other Business


10. Adjourn

<table>
<thead>
<tr>
<th>Next Meetings</th>
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</thead>
<tbody>
<tr>
<td><strong>Date</strong></td>
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<tr>
<td>---------------</td>
</tr>
<tr>
<td>Planning and Works Committee</td>
</tr>
<tr>
<td>January 10, 2017</td>
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<tr>
<td>January 24, 2017</td>
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Region of Waterloo
Transportation and Environmental Services
Transportation

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016
File Code: T01-20/10, T01-20/17
Subject: Ament Line (Regional Road 17) at Herrgott Road (Regional Road 10)
Operational Review, Township of Wellesley

Recommendation:

That the Regional Municipality of Waterloo implement all-way stop control at the
intersection of Ament Line and Herrgott Road as part of a multi-location pilot project by
amending Traffic and Parking By-law 06-072, as amended, to:

a) Remove from Schedule 11, Through Highways, Herrgott Road (Regional Road 10)
from the North Side of Line 86 (Regional Road 86) to the South Side of Lobsinger
Line (Regional Road 15);

b) Add to Schedule 11, Through Highways, Herrgott Road (Regional Road 10) from
the North Side of Line 86 (Regional Road 86) to the North Side of Ament Line
(Regional Road 17);

c) Add to Schedule 11, Through Highways, Herrgott Road (Regional Road 10) from
the South Side Ament Line (Regional Road 17) to the South Side of Lobsinger
Line (Regional Road 15); and

d) Add to Schedule 12, Intersection Stop Signs, Ament Line (Regional Road 17) at
Herrgott Road (Regional Road 10), in the Northbound, Southbound, Eastbound,
and Westbound directions;

in the Township of Wellesley, as outlined in report TES-TRP-16-22, dated
December 6, 2016.
Summary:

Following a fatal collision at the Ament Line/Herrgott Road intersection that occurred in November 2015, staff undertook a collision review to determine if any appropriate measures were required at the intersection. From this review, staff recommended several countermeasures to improve the safety and operation of the intersection. These countermeasures were implemented in the spring of 2016.

In June 2016, staff received a resolution from the Township of Wellesley requesting that the Region consider a roundabout at the intersection of Ament Line and Herrgott Road. In response to the Township of Wellesley’s request to consider a roundabout, staff has reviewed this intersection in more detail to determine the appropriate traffic control to enhance safety at this intersection. As part of this particular operational review, staff reviewed all-way stop control, traffic signal control and a roundabout to assess their benefits strictly from a safety perspective.

Based on the review, staff is recommending an all-way stop at the Ament Line/Herrgott Road intersection in lieu of installing a roundabout. An all-way stop would be expected to reduce collisions by as much as 70% at this location. Since this location does not meet the warrants for an all-way stop, staff is recommending the all-way stop implementation be undertaken as part of a pilot project that would include several other “unwarranted” township locations that would benefit from all-way stop control. Subject to Council’s approval, the all-way stop at the Ament Line/Herrgott Road intersection could be implemented in the spring of 2017.

Report:

1. Background

A fatal collision occurred on November 6, 2015, at the intersection of Ament Line and Herrgott Road in the Township of Wellesley. As per normal procedure following every fatal collision, staff undertook a fatal collision review of the intersection to determine if appropriate collision countermeasures would be deemed necessary. Through the review, staff recommended several countermeasures including an additional sign and the adjustment of pavement markings that were implemented in May 2016. The complete fatal collision review report is included in Appendix A.

In June 2016, the Region of Waterloo received a resolution from the Township of Wellesley requesting the Region to consider a roundabout to improve the safety of motorists at this intersection, please refer to Appendix B for the Township resolution.

This request serves to document staff’s review of the feasibility of a roundabout at this location compared to other forms of traffic control and compared to other intersections in the Region.
2. Existing Conditions

2.1 Intersection Configuration, Traffic Control and Traffic Volume

Ament Line intersects Herrgott Road at a right angle creating a 4-legged intersection. Ament Line approaching Herrgott Road is stop-controlled on both approaches to Herrgott Road where Herrgott Road is free flow. The posted speed on both approaches of Ament Line approaching Herrgott Road is 80 km/h. The posted speed limit on the north leg of Herrgott Road is 60 km/h and on the south leg of Herrgott Road is 80 km/h. The Average Annual Daily Traffic (AADT) entering the intersection is 4,851 vehicles per day.

2.2 Existing Countermeasures

The following is the list of existing countermeasures that are in place at the Ament Line/Herrgott Road intersection:

- rumble strips on both Ament Line approaches installed in April 2006;
- oversized “stop” sign and “stop ahead” sign in the westbound direction on Ament Line installed in December 2005;
- overhead flashing beacon with flashing red for Ament Line and flashing amber for those travelling Herrgott Road;
- advance intersection warning sign (Wa-111A) approximately 330 metres south of the intersection on Herrgott Road (northbound), installed in May 2016;
- a stop ahead sign on Ament Line in the eastbound and westbound direction; and
- stop bars relocated closer to the crossing street on Ament Line approaching Herrgott Road to improve sightlines, installed in May 2016.

3. Collision Review

The 5-year collision history (2011 – 2015) shows that there were a total of 9 collisions where 3 were expected. Of the 9 collisions, 6 were angle collisions, 2 were turning movement collisions and 1 was a single motor vehicle collision. A cyclist was involved in one of the two turning movement collisions.

A more detailed collision review shows that 4 of the 6 angle collisions involved a motorist travelling in the eastbound direction and 2 collisions involved a motorist travelling in the westbound direction. Further breakdown of angle collisions in the eastbound directions shows that 3 collisions (including the recent fatal collision) occurred when a motorist first stopped at the stop sign and then proceeded to cross the intersection where one collision occurred when a motorist failed to stop at the stop sign. Angle collisions in the westbound direction shows that 1 collision occurred when
a motorist failed to stop at the stop sign and 1 collision occurred when a motorist stopped at the stop sign and then proceeded into the intersection.

Of the 6 angle collisions, 5 collisions involved a motorist approaching from the north side of the intersection. Therefore, it does not appear that a vertical curve situated on the south side of the intersection is contributing to angle collisions at this intersection.

Angle collisions are the most dominant collision type (67% of all collisions) at the Ament Line/Herrgott Road intersection. Only 2 collisions occurred during low light conditions suggesting the current lighting conditions (partial illumination) is adequate based on the Region’s illumination policy requirements.

It’s important to note that there was a collision in 2005 at the Ament Line/Herrgott Road intersection which also resulted in a fatality. A motorist travelling in the westbound direction disobeyed the stop sign and was struck by a vehicle approaching from the north side of the intersection.


In response to the Township of Wellesley’s request to consider a roundabout, staff has again reviewed this intersection in more detail to assess traffic control alternatives to address collisions, specifically to enhance safety at this intersection. Given the existing countermeasures in place, staff considered the following alternative traffic controls:

1) Do Nothing (leave as two-way stop control);

2) All-way stop control;

3) Traffic Control Signal; and

4) Roundabout.

Based on provincial guidelines and the policies adopted by Regional Council, an all-way stop or traffic signal control would not meet the traffic volume or collision warrant criteria. Provincial and Region warrants for traffic control were developed with the general objective to balance the safety and convenience of road users. However, as part of this particular operational review, staff reviewed both all-way stop and traffic signal control to assess their benefits strictly from a safety perspective.

These alternatives were assessed in more detail to estimate future positive or negative impacts on collisions. These impacts were then translated into 20-year present value societal collision costs and compared to the existing condition to determine life-cycle cost benefits. Table 1 illustrates the results of the Region’s review of options to enhance safety at Ament Line and Herrgott Road. Please refer to Appendix C for more detail on the life-cycle cost analysis.
Table 1 – Summary of Traffic Control Safety Enhancements for Ament Line and Herrgott Road

<table>
<thead>
<tr>
<th></th>
<th>Stop Control (Existing)</th>
<th>All - Way Stop</th>
<th>Traffic Signal</th>
<th>Roundabout</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total 20-Year Collision Cost</strong></td>
<td>$808,551</td>
<td>$248,123</td>
<td>$609,191</td>
<td>$518,440</td>
</tr>
<tr>
<td><strong>Capital Construction Cost</strong></td>
<td>40</td>
<td>$2,500</td>
<td>$300,000*</td>
<td>$1,400,000**</td>
</tr>
<tr>
<td><strong>Operation and Maintenance Costs</strong></td>
<td>$1,500</td>
<td>$3,000</td>
<td>$60,000</td>
<td>$30,000</td>
</tr>
<tr>
<td><strong>Total 20-year Lifecycle Cost</strong></td>
<td>$810,051</td>
<td>$253,623</td>
<td>$969,191</td>
<td>$1,948,440</td>
</tr>
</tbody>
</table>

Source: Docs # 2227253

*Capital construction cost includes left-turn lanes on major road (Herrgott Road)

** includes additional construction cost due to required grade change

Staff would like to note that the construction costs indicated in Table 1 and in Appendix C are very preliminary and would be subject to a review to confirm a budget for construction. In particular, staff note that the sightline requirements for a roundabout would not be met for traffic approaching from the south. To meet the required sightline requirements for this approach, it may be necessary to lower the road grade on the crest curve and this work would result in additional construction costs, of approximately $500,000 to $800,000.

Based on the collisions and life-cycle cost analysis, converting the existing intersection to an all-way stop in lieu of installing a roundabout or traffic signals would result in the lowest number of expected injury collisions and the lowest overall life-cycle cost.

An assessment of the Level-Of-Service (LOS) for the proposed all-way stop at this intersection shows that the LOS would remain at a LOS A, which means that delay at the intersection would be less than 10 seconds. The average queue during the peak periods is expected to be only 1 vehicle.

5. Public and Area Municipal Consultation

Prior to finalizing a recommendation for Regional Council and as per standard practice, staff undertook public consultation to assess the public’s views on a possible all-way stop at this location.

Information signs were installed on Ament Line and Herrgott Road for two weeks starting October 26, 2016, requesting comments from residents through the Region’s website or via telephone. An internet questionnaire was also prepared to receive
comments and a phone number was provided. The questionnaire asked interested parties whether they were in support of, or in opposition to, the proposed all-way stop control at the intersection of Ament Line and Herrgott Road.

A total of 1053 responses were received and of those responses, 536 (51%) were in support of the proposed all-way stop control and 517 (49%) opposed the proposed traffic control. Of the 517 that opposed the all-way stop, 403 (38% of total responses) favoured a roundabout.

Those that opposed the all-way stop control mainly cited the following concerns:

- Motorists are disobeying the stop signs on Ament Line so they will disobey the stop signs on Herrgott Road;
- The two-way stop control is fine as it is;
- A roundabout will force people to slow down;
- May be difficult for motorists to stop due to the northbound grade under winter road conditions; and
- Difficulties for heavy trucks stopping due to the down grade and difficulties climbing the grade from a stopped position.

On November 15, 2016, Region staff also attended the Township of Wellesley Council meeting and provided a presentation to Township Council outlining staff’s assessment and proposed traffic control at the Ament Line/Herrgott Road intersection.

The Wellesley Council meeting was well attended where over 30 members of the public were present. Several delegations spoke about their concerns with the intersection. Regional staff, after presenting a slideshow, answered questions for Township Councillors and the public in attendance. The main concerns received at the Wellesley Council meeting were:

- Should an all-way stop be implemented, there will still be collisions because northbound traffic would not be able to stop due to the downgrade; and
- A roundabout is being discounted because of the cost.

6. Concerns About Sightlines to an All-way Stop

Concerns have been raised about sightlines to the intersection for northbound motorists should an all-way stop be implemented. Region staff conducted in-field measurements of the existing sightline for the intersection over the hill crest to the south. Staff concluded that the sightline is not ideal (200 m), but exceeds the minimum required (170 m). Staff also observed the sightline to the overhead flashing light which is over 400 metres and therefore quite adequate to help mitigate the less-
than ideal sightline to the intersection itself.

A review of an all-way stop operation shows that vehicle queues in the northbound direction are not expected to exceed 2 vehicles. As such, the available sight distance to the back of queue would still be expected to meet the minimum requirements.

7. Safety Performance of All-way Stop Intersections

All-way stops are considered very effective in reducing collisions at rural locations where warrants have been met. Research shows that generally an all-way stop can be expected to reduce collisions by as much as 70%. Before and after studies conducted, at recent all-way stop conversions in the Region, have indicated an 85% reduction in angle collisions after implementation.

The Region currently operates 9 intersections as all-way stop control. Of those 9, there has been 0 fatalities since the implementation of all-way stop control.

Please refer to the table in Appendix D showing the before and after collisions at 5 rural locations in the Region.

8. Recommendations

Although all-way stop control is not warranted based on Provincial guidelines, staff is recommending that the Region implement all-way stop control at the Ament Line/Herrgott Road intersection as a pilot project because:

- It is the most effective traffic control option that would reduce the probability of reoccurring fatal incidents;

- Injury collisions over the next 20 years would be expected to be reduced by 9 collisions; and

- A capital investment of $2,500 would be expected to reduce societal collision costs by an estimated $560,500 over the next 20 years.

While fewer injury collisions are expected at roundabouts than at traffic signals, an all-way stop also performs very well from a safety perspective. Due to their effectiveness and low cost, an all-way stop would be considered a logical “first-step” to address a collision concern at a low volume rural intersection.

The all-way stop control at the Ament Line/Herrgott Road intersection would be monitored for a 5-year period and assessed for its safety performance to determine if it would be beneficial to convert this intersection to a roundabout.

9. Reasons for a Pilot Project

Region staff strive to maintain consistency in recommending the implementation of new traffic controls at intersections. This consistency is only achieved through
adhering to warrants as prescribed by the Ministry of Transportation of Ontario (MTO) and Regional policy. Warrants for traffic signals and all-way stops were developed by the Province with the intent to strike a balance between safety and delay to users. The benefits of adhering to the warrant system are:

- The process provides a rational and defensible means for recommending traffic control; and
- From a transportation program perspective, the warrant process also provides a repeatable and consistent approach to recommending traffic control.

The traffic volume and collision frequency conditions at the Ament Line/Herrgott Road intersection do not meet the minimum criteria to achieve the warrant for an all-way stop; however, staff see the benefit in implementing an all-way stop simply from a safety perspective. The Ament Line and Herrgott Road intersection is only 1 of a number of township intersections that are experiencing more than the expected number of collisions. A number of these other intersections are only partially stop-controlled and may also benefit from the implementation of an all-way stop. Therefore staff considers it essential that a number of other locations be identified for a pilot project similar to Ament Line/Herrgott Road. Staff will conduct a screening to identify several other locations for the all-way stop pilot project.

10. Next Steps

Should Council approve the implementation of an all-way stop at the Ament Line/Herrgott Road intersection, staff will plan to install the signs and markings in the spring of 2017.

In the event that Regional Council prefers to install a roundabout at this location, it is suggested that staff be directed to undertake preliminary design of the roundabout and the grade changes on the hill to the south. The preliminary design work will allow staff to develop a more accurate estimate of cost of the roundabout option. The updated cost estimate would be provided to Regional Council for its use as part of the 2018 budget deliberations. Due to the necessary property acquisition and utility relocations required for a roundabout, the earliest possible implementation date would be 2019. Should a roundabout be preferred by Regional Council it is further suggested that the all-way stop be implemented initially so that the safety benefits can be reaped now and during the planning, design and construction phases of the roundabout.

Staff will develop a list of candidate township intersections for inclusion into an all-way stop pilot project and will present the locations to Regional Council in the spring of 2017 for approval. At the end of the all-way stop pilot project after five years, an assessment would be undertaken for each location to confirm a recommended type of traffic control. This assessment would include a roundabout as an option.
Corporate Strategic Plan:

The report supports the following objectives of the Corporate Strategic Plan:

3.3 Optimize road capacity to safely manage traffic and congestion.

Financial Implications:

The cost to install all-way stop control at the intersection of Ament Line and Herrgott Road and at each of the other pilot locations would be approximately $2,500 per location and is provided for in the Region’s Draft 2017 Transportation Capital Program, funded from the Roads Rehabilitation Reserve Fund.

Should a roundabout be preferred by Council for the Ament Line/Herrgott Road intersection, additional funds would be added for Council’s approval as part of the 2018 budget deliberations.

Other Department Consultations/Concurrence:

Nil

Attachments

Appendix A – Fatal Collision Review – Ament Line at Herrgott Road
Appendix B - Township of Wellesley Council Resolution
Appendix C – Traffic Control Life-cycle Cost Review
Appendix D – Safety Performance of Other All-way Stops

Prepared By: Ashfaq Rauf, Engineering Technologist (Traffic)

Approved By: Thomas Schmidt, Commissioner, Transportation and Environmental Services
Appendix A Report: TES-TRP-16-22

Region of Waterloo

Transportation and Environmental Services

Transportation

Date: April 4, 2016

Memorandum

Subject: Fatal Collision Review – Ament Line at Herrgott Road

File Number: T11-60 /FAT

1.0 Description of Collision

According to the Motor Vehicle Collision Report, a motorist in vehicle 1 travelling eastbound on Ament Line first stopped for the stop sign at Herrgott Road. A northbound motorist in a large vehicle was also stopped on Herrgott Road waiting for a gap in southbound traffic to turn left onto Ament Line. The motorist in vehicle 1 proceeded to make a left-turn in front of the large vehicle. Vehicle 1 was struck by vehicle 2 travelling in the southbound direction (Herrgott Rd). The motorist of vehicle 1 died as a result of injuries sustained in the collision. The collision occurred on Friday, November 6, 2015, at 5:56 p.m.

2.0 Existing Conditions

Information in this section is based on a site visit completed on March 10, 2016.

2.1 Intersection Configuration and Control

Ament Line intersects Herrgott Road at a right angle creating a 4-legged intersection. The intersection attracts and Average Annual Daily Traffic (AADT) volume of 4,851.

Ament line approaching Herrgott Road has a stop condition on both approaches to Herrgott Road where Herrgott Road is a free flow. Ament line has the following traffic control devices approaching Herrgott Road:

• rumble strips on both approaches installed in April 2006;

DOCS# 2105865
- oversized "stop" sign and "stop ahead" sign in the westbound direction installed in December 2005;
- overhead flashing beacon with flashing red for Ament Line and flashing amber for those travelling Herrgott Road;
- a standard size "stop ahead" sign in the eastbound direction; and
- a standard size stop sign also in the eastbound direction.
- Stop bars on east and west approaches

Figure 1 shows the Ament Line/Herrgott Road intersection.

**Figure 1 – Ament Line at Herrgott Road**

2.2 **Posted Speed Limit**

The posted speed limit on both approaches of Ament Line approaching Herrgott Road is 80 km/h.

DOCS# 2105865
The posted speed limit on the north leg of Herrgott Road is 60km/h and the posted speed limit on the south leg of Herrgott Road is 80 km/h.

2.3 Lane Configuration

Ament Line and Herrgott Road each have a two-lane undivided cross-section with a single lane in each direction.

2.4 Sight Distances

Upon visiting the intersection, it was noted that a vertical curve (crest) was present south (northbound on Herrgott Road) of the intersection. Staff measured the available sight distance when travelling northbound (Herrgott Road) approaching Ament Line to compare it to the minimum stopping sight distance and decision sight distance standards.

The available sight distance in the northbound direction is approximately 200 metres. The minimum stopping sight distance is 170 metres for roadways with a design speed of 90km/h as per TAC Table 1.2.5.3. The minimum decision sight distance for avoidance manoeuvre is 185 metres for roadways with a design speed of 90 km/h as per TAC Table 1.2.5.7. Figure 1 is looking south along Herrgott Road where Figure 2 is looking north (both when stopped on Ament Line).

**Figure 1 – Ament Line Westbound Looking South**

![Image of Ament Line Westbound Looking South with a note: March 10, 2016]
Figure 2 – Ament Line Westbound Looking North

The sight distance for a crossing manoeuvre is based on the time it takes for a stopped vehicle to clear the intersection and the distance that a vehicle would travel along the major roadway at the design speed in that amount of time. The crossing sight distance is calculated at 163 metres. The sight distance available exceeds the crossing sight distance required.

2.4 Road Conditions

According to Motor Vehicle Collision Report, the road surface was dry and the pavement was in good condition at the time of the collision.

2.5 Pavement Marking Conditions

According to Motor Vehicle Collision Report, the pavement markings were in good condition at the time of the collision. At the time of the site visit the pavement markings were confirmed to be in to be in good condition.

3.0 5-year Collision Analysis

The 5-year collision history (2010 – 2014) shows that there was a total of 8 collisions. Of the 8 collisions, 5 were angle collisions, 2 were single motor vehicle collisions and 1 was a turning movement collision.

Of the 5 angle collisions, 3 collisions occurred in the eastbound direction and 2 collisions occurred in the westbound direction. The 3 collisions in the eastbound direction occurred when a motorist first stopped at the stop sign then proceeded to cross the intersection. Of the two westbound collisions, one occurred when a motorist failed to stop at the stop sign and continued through the intersection.

DOCS# 2105865
Of the 5 angle collisions, 4 collisions involved a motorist travelling in the southbound direction. It, therefore, does not appear that the vertical curve situated on the south side of the intersection is contributing to angle collisions at this intersection.

The collision history does not indicate any unusual collision patterns.

3.1 Observed vs. Expected Collisions

The 5-year collision history (2010 – 2014) shows that there was a total of 8 observed collisions where 3 were expected during the same period.

3.2 Dominant Collision Type (Most Frequent Collision Type)

Angle collisions are the most dominant collision type (63% of all collisions) at the Ament Line/Herrgott Road intersection.

3.3 Most Over-represented Collision Type

Single motor vehicle collisions with fixed objects are most over-represented (4.07 times expected).

3.4 Light Conditions

There was only 1 collision that occurred during low light conditions within the period between 2010 and 2014.

3.5 Overall Regional Ranking

The Ament Line/Herrgott Road intersection ranks 250th out of 3309 locations in the Region of Waterloo for collisions between 2010 and 2014. Including the recent fatal collision, the intersection would rank 211th.

Comparing the Ament Line/Herrgott Road intersection with intersections that have similar characteristics (4-leg, rural stop), Ament Line at Herrgott Road ranks 3rd out of 129 similar intersections within the Region of Waterloo.

3.6 Fatal Collisions

The collision history (1996-2014) shows that there was a fatal collision at the ament Line/Herrgott Road intersection in 2005. The collision occurred on November 19, 2005, when a vehicle travelling in the westbound direction (Ament Line) failed to stop for the stop sign and was struck by a vehicle travelling in the southbound direction (Herrgott Road). Attached is a table showing intersections that have had multiple fatal collisions between 1996 and 2014. Ament Line at Herrgott Road is shown in the table for comparison only as the second collision at this intersection occurred in 2015.

DOCS# 2105865
4.0 Traffic Control Warrant Review

Staff assessed the need for additional traffic control at the Ament Line/Hergott Road intersection.

4.1 All-way Stop Warrant Review

Staff assessed the need for all-way stop control following the Region’s methodology for justification. Based on 2014 traffic and pedestrian volume entering the Ament Line/Hergott Road intersection, an all-way stop control is not justified. The results are as follows:

a) All approach volume >500 vehicles – Not met
b) Total Volume entering from minor >200 vehicles – Not met
c) Collisions – 33% - Not met

4.2 Traffic Control Signal Warrant Review

A review for traffic control signals was undertaken following the methodology as outlined by the Ministry of Transportation and adopted by the Region of Waterloo. Based on 2014 traffic volume, pedestrian volume and collision history, traffic control signals are not justified. The results are as follows:

a) Minimum Vehicular Volume – 72%
b) Delay to Cross Traffic – 45%
c) 4-hour Vehicle Volume – 43%
d) Collision Experience – 20%

5.0 Recommendations

5.1 Recommendations Based on Collision Analysis

There are no recommendations at this time.

5.2 Recommendations to Support Continuous Improvement

It is recommended to reschedule a turning movement count at the intersection in 2016 to reassess the need for an all-way stop or traffic control signals.

It is recommended that an advance intersection warning sign (Wa-111A) be installed approximately 330 metres south of the intersection on Hergott Road (northbound).

It is further recommended that the existing stop ahead sign on Ament Line, in the westbound direction, be moved 90 metres east of its current location for better visibility. As shown in Figure 3, due to the vertical curve of the road; the stop ahead sign

DOCS# 2105865
disappears in the background. Relocating the sign will continue to meet Ontario Traffic Guidelines (OTM) for warning signs.

It is also recommended that the stop bars on Ament Line approaching Herrgott Road be relocated closer to the crossing street to reduce crossing distance for motorists who may opt to begin a crossing maneuver from the stop bar position.

Figure 3 – Ament Line Westbound Approaching Herrgott Road

/3r

cc:
June 22, 2016

Region of Waterloo
150 Frederick Street, 7th Floor
Kitchener, Ontario
N2G 4J3

Attention: Bob Henderson, Manager, Transportation Engineering

Regarding: Ament Line/ Herrgott Road Intersection - Resolution No. 1

Please be advised that the following resolution was passed at the Regular Committee Meeting held on June 7th, 2016 and later ratified at the Regular Council Meeting of the Wellesley Township Municipal Council held on June 21st, 2016 at the Council Chambers in Crosshill:

"That the Council of the Township of Wellesley
WHEREAS, serious collisions are still occurring at the intersection of Herrgott Road and Ament Line regardless of the improvements and upgrades that have been put in place;
AND WHEREAS, a local citizen has appeared as a delegation at the May 24, 2016 Council Meeting to speak on the intersection with a signed petition on the safety of the intersection at Herrgott Road and Ament Line;
AND WHEREAS, the Township of Wellesley staff supports a roundabout to improve the safety of the travelling public;
NOW THEREFORE BE IT RESOLVED, that the Council of the Township of Wellesley support and forward the report and petition to Waterloo Regional Council for the consideration of a roundabout." Carried

If you have any questions or concerns, please feel free to contact me at (519) 699-3946 at your earliest convenience.

Yours truly,

Grace Kosch, Clerk
Township of Wellesley
P: 519.699.3946 F: 519.699.4540
gkosch@wellesley.ca
### Traffic Controls Life-cycle Cost Review

<table>
<thead>
<tr>
<th></th>
<th>Stop Control (Existing)</th>
<th>All - Way Stop</th>
<th>Traffic Signal</th>
<th>Roundabout</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Historical 5-Year</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Injury Collisions</td>
<td>3</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Historical 5-Year</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Injury Collisions</td>
<td>6</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Expected Non-injury</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Collisions over 20 Years</td>
<td>17</td>
<td>5</td>
<td>25</td>
<td>84</td>
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<tr>
<td><strong>Expected Injury</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collisions Over 20 Years</td>
<td>13</td>
<td>4</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td><strong>Expected Fatal</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collisions Over 20 Years</td>
<td>0.325</td>
<td>0.1</td>
<td>0.091</td>
<td>0</td>
</tr>
<tr>
<td><strong>20-Year Non-Injury Cost</strong></td>
<td>$48,747</td>
<td>$14,337</td>
<td>$71,687</td>
<td>$240,868</td>
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<tr>
<td><strong>20-Year Injury Cost</strong></td>
<td>$451,055</td>
<td>$138,786</td>
<td>$451,055</td>
<td>$277,572</td>
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<tr>
<td><strong>20-Year Fatal Injury Cost</strong></td>
<td>$308,749</td>
<td>$95,000</td>
<td>$86,450</td>
<td>$0</td>
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<tr>
<td><strong>Total 20-Year Collision</strong></td>
<td>$808,551</td>
<td>$248,123</td>
<td>$609,191</td>
<td>$518,440</td>
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<tr>
<td><strong>Capital Construction Cost</strong></td>
<td>$0</td>
<td>$2,500</td>
<td>$300,000*</td>
<td>$1,400,000**</td>
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<tr>
<td><strong>Operation and Maintenance</strong></td>
<td>$1,500</td>
<td>$3,000</td>
<td>$60,000</td>
<td>$30,000</td>
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<tr>
<td><strong>Total 20-year Lifecycle</strong></td>
<td>$810,051</td>
<td>$253,623</td>
<td>$969,191</td>
<td>$1,948,440</td>
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</tbody>
</table>

* Capital construction cost includes left-turn lanes on major road (Herrgott Road)

** Includes additional construction costs due to required grade change
## Safety Performance of Other All-way Stops

<table>
<thead>
<tr>
<th></th>
<th>Collisions Before</th>
<th>Collisions After</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Angle</td>
<td>Turning</td>
</tr>
<tr>
<td>Queen at Bleams (1 Yr)</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Trussler at Bridge/New Dundee (3 Yrs)</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Snyders/Waterloo at Nafziger (3 yrs)</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td>Trussler at Ottawa/Bleams (2 Yrs)</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Erb's at Nafziger (3 Yrs)</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total before:</strong></td>
<td>40</td>
<td></td>
</tr>
</tbody>
</table>
Region of Waterloo
Planning, Development and Legislative Services
Community Planning

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016
File Code: D06-80
Subject: Progress Update on the Community Energy Investment Strategy

Recommendation:
For Information.

Summary:
Nil

Report:
In 2015, Regional Council approved entering into a collaborative agreement with the Cities of Cambridge, Kitchener and Waterloo along with the five local electric and natural gas utilities serving Waterloo Region to develop a Community Energy Investment Strategy (Reference report PDL-CPL-15-35 dated June 16, 2015). The Region is following the Ontario Ministry of Energy Municipal Energy Plan program which supports development of energy planning at a community-wide scale.

Over 200 communities across Canada, representing over 50% of the nation’s population, have completed, or are in the process of developing, Community Energy Plans. Historically, large scale energy planning has been managed by energy generators, transmitters and distributors as well as regulators. More recently, the Province of Ontario has been encouraging and supporting community stakeholders to be more involved and engaged in the development of community energy plans to achieve a wide-variety of goals and objectives related to land-use planning, sustainable energy management and economic development.
The local effort within Waterloo Region, has focussed its planning efforts on developing a Community Energy Investment Strategy. Local partners working with the Region have established the following draft Vision for the strategy:

“To improve the economic competitiveness and quality of life, in a growing Waterloo Region through enhanced investments in energy efficiency, optimization of local energy resources and reduction of environmental impact related to local energy use.”

The strategy development process is being conducted in three stages as required by the Ministry of Energy’s community energy planning program. These stages are outlined as follows:

1. Baseline study and mapping - assessment of current energy consumption spatially as well as factoring in projected population and employment growth.

2. Stakeholder engagement - identify local opportunities, needs and priorities.

3. Plan development - evaluate actions identified, their cost/benefits and recommend options.

An RFP for consulting services was issued in late summer of 2015 and a consortium of three firms specializing in stakeholder engagement, land use and energy modelling were successful bidders. Over the past twelve months, Regional staff have been working with Area Municipalities and local utilities to complete stage 1 involving the development a baseline energy use study, a 25-year energy use forecast and a stakeholder engagement plan which it is now being implemented as part of stage 2. The national not-for-profit organization QUEST (Quality Urban Energy Systems for Tomorrow) has also been working with the Region as part of this process.

Considering the main stationary and transportation energy resources used within Waterloo Region, almost $2.1 Billion was spent on energy in the year 2014 by all residents and employers. As most of this expenditure flows out of the regional economy, it emphasizes the need for conservation and demand management as well as consideration of opportunities for locally generated and distributed energy resources. These opportunities will be further explored and analyzed within stage 3 during December 2016 – April 2017.

Recently, a number of stakeholder engagement activities have taken place to raise local awareness of this initiative including but not limited to the following:

- Interviews with all Mayors and CAO’s of Area Municipalities (as well as the Regional Chair and CAO), Regional/Municipal senior management
representatives as well as the CEO of the new Waterloo Regional Economic Development Corporation;

- Meetings with investors and interest groups such as local renewable energy cooperatives, energy service companies and non-profits focusing on innovative and sustainable energy initiatives;

- A workshop to gain feedback from Developers and Homebuilders on high energy efficient new construction;

- Participation in a workshop on exploring bioenergy opportunities (for example - use of residual forest or agricultural harvest waste) as well as a recent energy policy forum hosted by the University of Waterloo; and,

- Use of an online presence such as a website and social media.

Stakeholder engagement is required to continue throughout the 2nd and 3rd stages of strategy development. This will include invitations to engaged stakeholders for involvement in additional workshops focused on identifying and evaluating local options in addition to determining realistic routes for implementation. It is expected that a draft strategy will be presented to Regional Council in the second quarter of 2017 and then shortly thereafter made available for additional stakeholder feedback and broader public comment. The final strategy is expected to be submitted to the Ontario Ministry of Energy within the fourth quarter of 2017.

Corporate Strategic Plan

This report addresses Strategic Objective 3.3 Enhance efforts to improve air quality and specifically Action 3.3.3 Collaborate with stakeholders to develop a Community Energy Investment Strategy.

Financial Implications

The 2015 Community Planning Ten Year Capital Forecast was increased by $180,000 for the Community Energy Investment Strategy (project 22037), funded by the Regional Municipality of Waterloo 2015 operating budget (5.6%; $10,000), the Province (50.0%; $90,000), and three cities and five local utility companies (44.4%; $10,000 each). The Region is administering all financial aspects for the development of the strategy. To date, $81,902 has been spent, leaving $98,098 (54.5%) remaining in the capital budget to complete the second and third stages.
Other Department Consultations/Concurrence

Staff at the Cities of Cambridge, Kitchener and Waterloo were consulted in the preparation of this report.

Attachments

Nil

Prepared By: David Roewade, Sustainability Specialist

Approved By: Rod Regier, Commissioner, Planning Development and Legislative Services
Region of Waterloo
Planning, Development and Legislative Services
Community Planning

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016

File Code: D10-40(A)

Subject: Community Building Strategy Progress Update, 2016

Recommendation:

For Information.

Summary:

The Community Building Strategy (CBS) is designed to guide land use and infrastructure planning and to inform investors of opportunities in the Central Transit Corridor (CTC). While the ION LRT will move people, the CBS aims to provide a comprehensive framework for shaping communities. The CBS was developed collaboratively by the Region of Waterloo and the Cities of Cambridge, Kitchener and Waterloo and endorsed by Regional Council on December 3, 2013 (Report P-13-123). The CBS provides a vision for the CTC, 69 recommendations and 124 supporting initiatives to help achieve the CBS vision. The status of the recommendations and supporting initiatives were identified and described in the 2015 Community Building Strategy Progress Update and Related Place-Making Initiatives Report (Report PDL-CPL-15-57). Many of these initiatives are completed or being undertaken by the Region of Waterloo, Area Municipalities and community stakeholders. In the same 2015 report, staff identified six Regional CBS priorities for 2016 and 2017. This report provides an update on five of the Regional CBS priorities and responds to the sixth priority, which is to provide an annual update on the progress of CBS initiatives. The status of the Regional CBS priorities is summarized below.

1. Staff continue to lead inter-municipal collaboration in the implementation of the CBS through the Inter-municipal Working Group. The bi-annual Inter-municipal Working Group meetings provide a forum for Regional and Area Municipal staff
to regularly discuss CBS implementation updates, challenges and collaboration opportunities.

2. Regional staff continue to actively participate in and support Area Municipal station area planning.

3. N. Barry Lyon Consultants has been retained to undertake the Brownfield Financial Incentive Program Review and CTC Investment Strategy Project. The project commenced in November, 2016 and is a financial and qualitative review that will provide recommendations to inform the potential redesign of the Regional incentive package and prioritize Regional investments within the CTC.

4. Dillon Consultants has been retained to undertake the Regional Place Making Project. This project commenced in September, 2016 and will provide a shared vision, best practices, and coordinated policies in public art. The Project Team will also develop an Urban Greenlands Strategy for the ION Corridor, specifically to explore the feasibility of an urban greenway system to connect ION with the Grand River and publicly accessible green spaces.

5. A number of Regional or Area Municipal active transportation facilities are being planned or constructed through ION construction, road reconstructions and trail improvement projects. Collectively, these new facilities will considerably improve the active mobility in the CTC.

Report:

The Community Building Strategy (CBS) was developed collaboratively by the Region of Waterloo and the Cities of Cambridge, Kitchener and Waterloo and endorsed by Regional Council on December 3, 2013 (Report P-13-123). While the ION LRT will move people, the CBS aims to provide a comprehensive framework for shaping communities. The CBS contains the vision for the Central Transit Corridor and 69 recommendations to guide land use and infrastructure planning for the CTC and to inform investors of opportunities in the CTC.

In the past few years, the Region of Waterloo, Area Municipalities and community stakeholders have been undertaking initiatives that help achieve the vision for the CTC and the recommendations contained in the CBS. In 2015, staff identified 124 such initiatives. Using the CBS as a framework, the Community Building Strategy Progress Update and Related Place-Making Initiatives Report (Report PDL-CPL-15-57) provides an overview of how the numerous initiatives are collectively shaping the CTC. In the same 2015 report, staff identified six Regional CBS priorities for 2016 and 2017. This report provides an update on five of the Regional CBS priorities and responds to the sixth priority, which is to provide an annual update on the progress of CBS initiatives.
Regional Priority 1: Continue to lead inter-municipal collaboration in the implementation of the CBS through the Inter-municipal Working Group

The CBS Inter-municipal Working Group, organized by the Region of Waterloo, serves as an important forum in which representatives from the Region of Waterloo and the Cities of Cambridge, Kitchener and Waterloo share information about new initiatives, trends and challenges related to the implementation of the CBS. It provides an opportunity for all partners to share updates and understand how their efforts are collectively achieving the shared vision, which in turn encourages collaboration. The Working Group met twice in the past year. Regional staff will continue to facilitate inter-municipal collaboration through this and other initiatives.

Regional Priority 2: Continue to actively participate and support Area Municipal station area planning

A station area is generally considered as the 600 – 800 metre radius around an ION station. Station Area Plans define the specific boundary and the unique vision, conditions, opportunities and challenges of each station. These characteristics guide the development of policies on land uses, mobility, built form and the public realm. The Regional Official Plan policies provide guidance on the key components to be included in Station Area Plans. Station Area Plans are developed by the Cities of Cambridge, Kitchener and Waterloo with input from the Region.

The Cities of Cambridge, Kitchener and Waterloo have been undertaking station area planning and other related planning initiatives. Regional staff actively participate in the development of proposed plans and policies. The Region and Area Municipalities also identify community and place making opportunities through the development application review processes.

In 2016, the City of Cambridge continued to work on the Growth and Intensification Study. This study will result in six secondary plans, four of which are in the CTC. The City of Cambridge also proposed a new set of commercial policies and completed the mapping for the Groff Mill Creek Two-Zone Flood Plain. The two-zone mapping identifies parcels that could be developed if appropriate remediation measures are taken, thereby potentially allowing currently undevelopable parcels to be developed. Many of these parcels are in or around the Hespeler Corridor, a key segment of the CTC in Cambridge. The Region supports these initiatives through the Transit Supportive Strategy Fund and staff participation on Project Teams.

Kitchener City Council endorsed PARTS (Planning Around Rapid Transit Stations): Central Plan in the spring of 2016. City staff are now developing tools to implement the Central Plan including a secondary plan, zoning and urban design guidelines. Alternative land use scenarios for PARTS: Midtown and Rockway Areas were
developed and presented to stakeholders and the public for input. City staff are using
the input to develop a preferred alternative for each of these two areas. The City is also
undertaking initiatives to address issues related to intensification including the
development of the Tall Building Design Guidelines and the Residential Intensification in
Established Neighbourhoods Study.

The City of Waterloo developed all of its Station Area Plans concurrently under one
study. Station Area Plans were received by Council in April 2016 and process is
underway to implement the plans through updates to the official plan, zoning by-law and
urban design standards. It is expected that draft implementation documents will be
received by Council for consultation by the end of 2016.

Regional Priority 3: Conduct a comprehensive review of Regional incentives and
develop an incentive and investment strategy for the CTC for Council’s
consideration

The development of a CTC Investment Strategy is one of the priorities identified in the
CBS. The Region retained N. Barry Lyon Consultants to undertake the Brownfield
Financial Incentive Program Review and CTC Investment Strategy project. Using
financial modelling, the consultant will assess the impact of various incentives on
different development types in different geographic areas, as well as the role of ION as
a development incentive. The analysis will isolate the effects of individual incentives as
well as the accumulative effects of bundling Regional and Area Municipal incentives.

This Project will:

- assess the individual and cumulative impact of Regional incentives on
  promoting compact growth and utilizing existing infrastructure, protecting
drinking water, and promoting intensification and housing affordability;
- identify the most effective incentives and test the impact of eliminating
  incentives on the competitiveness of intensification and redevelopment
  projects;
- investigate possible refinements to the BFIP including, but not limited to,
  changes to the application process and focusing Regional investment in
  brownfield remediation within specific geographic areas such as the CTC and
  Well Head Protection Sensitivity Areas;
- develop a business case for the future of incentives; and
- provide innovative and leading edge recommendations for a Regional
  incentive structure that supports a high proportion of private sector investment
  in the CTC.

Regional staff will use the final report produced by this assignment to inform potential
refinements to the Brownfield Financial Incentive Program (BFIP), streamline the BFIP
application process, and support the coordinated implementation of Regional incentives.
and investments in the CTC. These coordinated incentives and investments will collectively be known as the CTC Investment Strategy.

This project started in early November 2016 is expected to be completed in the Fall of 2017.

**Regional Priority 4: Develop an Urban Greenlands Strategy for the ION Corridor**

The Corporate Strategic Plan (Objective: 3.6) identifies place making, the promotion of enjoyment of publicly accessible green space and the creation of a linked natural system in the ION transit corridor as ways to improve the livability of intensifying urban settlement areas.

The Region has retained Dillon Consultants to conduct the Regional Place Making Project to:

- develop an Urban Greenlands Strategy for the ION Corridor, specifically to explore the feasibility of an urban greenway system to connect ION with the Grand River and publicly accessible green spaces; and
- develop a shared vision and coordinated policies among the Region and Area Municipalities and identify best practices for public art.

These three components are interconnected and share the common objective of improving the quality of place and livability of the CTC’s intensifying urban environment.

This project was started in September 2016 and will be completed by the Spring of 2017. Information and recommendations resulting from this project will inform the development of the CTC Investment Strategy described in Priority 3 (above) and support Priority 5 (below).

**Regional Priority 5: Support the development of active transportation facilities**

The Cities of Cambridge, Kitchener and Waterloo have been undertaking various active transportation projects in the CTC including the following:

- evaluation of options to enhance connections to the Iron Horse Trail;
- addition of a new track and new crossing and design of the Central Promenade at Waterloo Park;
- planning of a new trail along the rail corridor north of Northfield Drive;
- completion of the Trans-Canada Trail improvements; and
- completion of bike lanes on Wellington Street South (Galt).

Through the development of station area plans or secondary plans, the cities are identifying opportunities to improve connectivity through active transportation facilities.
The following are a few examples of active transportation facilities being designed for or constructed on Regional roads:

- new sidewalks and segregated cycle tracks are being constructed on Manitou Drive, Bleams Road to Homer Watson Boulevard;
- segregated bike lanes to be constructed on King Street North, University Avenue to Central Street;
- multi-use trail on Caroline Street South from Allen Street to Erb Street is under construction;
- a new multi-use trail is recommended for Bridgeport Road / Caroline Street, King Street to Erb Street; and
- new multi-use trails constructed or planned for Franklin Boulevard (Pinebush Road to Bishop Street and Clyde Road to Main Street are complete).

Staff will incorporate the recommendations of the Active Transportation Master Plan into Moving Forward (the update of the Regional Transportation Master Plan) to create a single integrated plan for Regional transportation.

**Next Steps:**

In 2017, the Region will continue to implement the priorities identified in the 2015 report for 2016 and 2017 and provide annual updates on the progress of CBS priorities.

**Corporate Strategic Plan:**

Implementation of the CBS supports Focus Area 1: Thriving Economy; Focus Area 2: Sustainable Transportation; and Focus Area 3: Environment and Sustainable Growth in the Corporate Strategy Plan.

**Financial Implications:**

The Region’s 2016 Planning Capital Program includes $250,000 in each of 2016 and 2017 for the Regional Smart Growth Initiative (project 22007) to be funded from the Regional Development Charges (90%; $225,000) and contributions from the operating budget (10%; $25,000). The Brownfield Financial Incentive Program Review and CTC Investment Strategies, and the Regional Place Making project, described in this report, are included in the Regional Smart Growth Initiative capital project, with $226,400 and $101,300 respectively committed to date against the two years. The two projects are expected to result in recommendations on renewed financial incentives, funding models and piloting opportunities. Any recommendations with financial implications will be brought forward to Regional Council for consideration in subsequent reports.
Other Department Consultations/Concurrence:

The Cities of Cambridge, Kitchener and Waterloo as well as the Department of Transportation and Environmental Services provided information for this report.

Consultation with Area Municipalities and the development community is a key component of the BFIP Review and CTC Investment Project. Led by Community Planning, the Project Team consists of staff representatives from Planning Information and Research, Economic Development, Legal, Finance, Facilities Management and Water Services.

The Grand River Conservation Authority and Area Municipalities are consulted and engaged throughout the Regional Place Making Project. The Project Team consists of Cultural Services, Environmental Planning, Reurbanization and Transportation Planning staffs.

Attachments

Nil.

Prepared By:  Catherine Heal, Principal Planner

Approved By:  Rod Regier, Commissioner, Planning, Development and Legislative Services
Region of Waterloo
Transportation and Environmental Services
Transit Services

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016

File Code: D28-60(A)

Subject: Electronic Fare Management System Project Update

Recommendation:
For information

Summary:
The Region is implementing an Electronic Fare Management System (EFMS) through the introduction of a new EasyGO smart card for fare payment on all regionally provided transit modes. The project is expected to be completed in summer 2017 with ticket vending equipment and platform validators being installed at ION stations afterward.

This EasyGO smart card will support the “One System - One Fare” philosophy where customers pay one fare to ride and transfer between any regional transit service, including GRT buses, ION, MobilityPLUS or busPLUS.

Integration with Metrolinx services will still require a separate GO transit and GRT fare, since we are not able to currently integrate these fare technologies to create a seamless customer transaction. However, should the opportunity present itself in the future, staff will work with Metrolinx to create an integrated fare solution to enhance the inter-regional travel experience.

Report:
The Region’s new Electronic Fare Management System (EFMS) is a stored value card based electronic payment system for transit fares. The system centres on the use of the new EasyGO Fare Card to store transit fare products or a cash value. Customers will pay for travel on all Regional transit modes using this new fare card. The fare card is being set up to electronically offer all of the paper based fare products currently available to transit riders.
The scope of the EFMS project is described more fully in Report TES-TRS-16-14, dated June 14, 2016. In summary the project includes fare payment devices to support the seamless integration for travel on all GRT bus, MobilityPLUS, busPLUS and ION services.

**Current Project Status**

The EFMS Project is on track to be complete in late summer 2017. A minor delay due to the farebox software configuration slowed the project roll-out. This configuration issue has been addressed, and installations will take place from January to March, 2017.

To prepare for the farebox rollout, test installations were completed on GRT buses and staff tested the farebox operation from the perspective of customers, transit operators and maintenance staff. This information was used to finalize installation plans, update staff training materials and to finalize customer communications, as well as provide feedback to the system software development team.

In the weeks prior to the final installations, buses with the test fareboxes will be allowed to operate in service to complete an operational test of the system. The first week of the installation phase will also be treated as a test. During both periods, staff will be closely monitoring the performance of the system to ensure it continues to operate in a manner consistent with expectations. Any issues with the performance of the equipment will be logged and evaluated. If identified issues require modifications to software, these will be identified to the manufacturer and updates will be developed.

**Next Steps**

Once installation begins, five buses will receive the new farebox per day. Completed buses will enter service on the following day using the new farebox. A temporary ticket bin will be installed adjacent to the new farebox to accept current paper tickets while the legacy transit fares are discontinued, and the EasyGO fare card is launched.

During the farebox installation period, staff will also be preparing the EasyGO fare card for roll-out to the public in spring 2017. Near the end of the roll-out period, GRT will notify customers that the current tickets and passes will no longer be accepted. This notification will give customers a minimum of six months advance notice of the end of sales of paper passes and tickets.

Ticket Vending Machines and Platform Validators for ION platforms are expected to be delivered to the Region in early 2017. The first devices will be installed in the EFMS lab at 85 Chandler Drive for staff testing. Once approved for deployment, installations can begin in support of commissioning of the ION line. Precise timing will be dependent on the expected start of ION service.

With the start of ION service, GRT will initiate a Proof of Payment policy on the ION LRT line, as discussed in report TES-TRS-16-16, dated October 4, 2016. Barcode equipped paper
tickets issued by fareboxes or ticket vending machines, as well as electronic record of payment stored in the EasyGO Fare Card will serve as proof of payment.

**Presto Integration**

At this time we are not able to integrate the Presto and EasyGO fare technologies to create a seamless customer transaction. However, should the opportunity present itself in the future, staff will work with Metrolinx to create an integrated fare solution to enhance the inter-regional travel experience.

**Corporate Strategic Plan:**

Supports the implementation of Council's Strategic Focus area 2.1: Create a public transportation network that is integrated, accessible, affordable and sustainable.

**Financial Implications:**

The approved 2016 GRT Capital Budget includes $4,911,000 (Project 66059) to complete the EFMS project for conventional transit, MobilityPLUS and busPlus services. The project costs are budgeted to be funded from development charges (approximately $894,000) and debentures (approximately $4.02 million with debt service funded as part of the RTMP funding strategy). The approved 2016 Rapid Transit Capital Budget also includes $3,798,000 in 2017 for EFMS implementation on ION.

**Other Department Consultations/Concurrence:**

EFMS is being implemented by the Transit Services division, with the assistance of Finance, Treasury Services, Legal, Information Technology Services and Rapid Transit.

**Attachments:** None

**Prepared By:** Gethyn Beniston, Project Manager, Transit Services

**Approved By:** Thomas Schmidt, Commissioner Transportation & Environmental Services
Region of Waterloo
Transportation And Environmental Services
Transportation

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016
File Code: T08-50/GEN
Subject: 2015/2016 Traffic Signal Corridor and Signal Timing Review

Recommendation:
For information

Summary:
The Region currently operates 480 traffic control signals. Each year staff review the operation of approximately 90 traffic control signals, with a goal to have all locations reviewed within a five year cycle. Priorities are also set for areas that are currently experiencing operational problems. In reviewing the operation at each location, staff collect data regarding corridor travel time, stops and delays and use this data to implement traffic signal timing changes to reduce delay and improve operational efficiency.

In 2015/2016, 97 traffic control signals were reviewed in five key areas. The areas include Hespeler Road, Downtown Galt, Homer Watson, Bridge Street and Highland/Victoria Area. Signal timing changes that were done as part of this review resulted in an average travel time reduction of 15% with a reduction as high as 47% on some corridors.
Report:

1.0 Background

Traffic signal progression or coordination of traffic signals within a network is one of the most effective methods of improving the traffic flow. Improvements to traffic flow can provide:

- Improved traffic capacity on roads with closely spaced traffic signals;
- Reduction in overall network travel time and delay;
- Reduction in the overall network number of stops;
- Reduction in collisions; and
- Reduction in noise levels, air pollution and fuel consumption.

The Region currently operates 480 traffic control signals, of which 445 are on a traffic control system and 35 operate independently. The signals that operate independently are generally in the rural areas.

Staff review the operation of approximately 90 traffic control signals each year. Priorities are set for areas that have not had a recent review, have operational problems and or have experienced changes in traffic patterns. Changes can occur due to new developments or the construction of new roads.

Field studies use a Global Positioning System Unit to track repeated staff vehicle movements along arterial roadways and to determine the location, types and extent of traffic delays. Collected data included:

- Travel time - The time it takes to travel from one end of the corridor to the other;
- Stops - The number of stops throughout the corridor;
- Delay - The time that is spent stopped; and
- Speed - The speed that vehicles travel along the corridor.

Staff analyzed the data and implemented traffic signal timing changes to reduce delay and improve operational efficiency. Perfect synchronization for one direction of traffic on a street may result in frequent stops and delays to the other direction. Staff attempts to balance travel times in each direction of all corridors. If balance cannot be achieved, then staff favours the arterial direction with heavier traffic flow by time of day.
2.0 2015/2016 Traffic Signal Corridor Control Areas

In 2015/2016, Traffic Systems staff as part of its annual signals review, reviewed traffic signal coordination and traffic flows for 97 signals in five control areas. Figure 1 identifies the five signal control areas and Table 1 summarizes the arterials within each signal control area.

Figure 1: 2015/2016 Signal Control Areas
<table>
<thead>
<tr>
<th>Control Area Name</th>
<th>Number of Intersections</th>
<th>Corridor Name and Section of Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hespeler Road</td>
<td>11</td>
<td>Hespeler Road – Avenue Road to Pinebush Road</td>
</tr>
<tr>
<td>Downtown Galt</td>
<td>17</td>
<td>Concession Street from Grand Avenue to Ainslie Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Water Street from Park Hill Road to Ainslie Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ainslie Street from Simcoe Street to Concession Street</td>
</tr>
<tr>
<td>Homer Watson Boulevard</td>
<td>27</td>
<td>Ottawa Street from Strasburg Road to Kehl Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Homer Watson Boulevard from Trillium Drive to Century Hill Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bleams Road from Trillium Drive to Century Hill Drive</td>
</tr>
<tr>
<td>Highland/Victoria</td>
<td>34</td>
<td>Fischer-Hallman Road from Queen Street to Glasgow Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Westmount Road from Greenbrook Drive to Glasgow Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Highland Road from Westforest Trail to Stirling Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Victoria Street from Westforest Trail to Belmont Avenue</td>
</tr>
<tr>
<td>Bridge Street</td>
<td>8</td>
<td>Bridge Street from Bridle Trail to Chesapeake Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lexington Road from Davenport Road to University Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>University Avenue from Bridge Street to Lexington Road</td>
</tr>
</tbody>
</table>
3.0 Results

Travel time and delay studies were conducted for arterial roadways containing three or more coordinated signals in close proximity. On average, travel times were reduced by 15% as a result of staff reviews and timing adjustments.

Below is a summary of all the control areas, travel time studies that have been completed and additional signals reviewed.

3.1 Hespeler Road

This control area experienced an average travel time reduction of 9.7%. A detailed analysis of the Control Area is provided in Appendix A-1.

3.2 Downtown Galt

The Galt CBD was identified in the 2013 Traffic Signal Corridor and Signal Timing Review to be completed in 2014. Report TES-TRP-15-07 was approved permitting the removal of the four parking spaces on the west side of Ainslie Street to allow the Region to increase the northbound lanes of Ainslie Street to two lanes to improve traffic flow in this area. Signal timing changes and speed and delay studies were completed once the pavement marking changes were implemented. This control area experienced an average travel time reduction of 17%. A detailed analysis of the Control Area is provided in Appendix A-2.

3.3 Homer Watson/Ottawa

This area was previously reviewed in 2010. This control area experienced an average travel time reduction of 18% on the corridors of Homer Watson Boulevard and Ottawa Street following timing adjustments to the traffic signals. A detailed analysis of the Control Area is provided in Appendix A-3.

3.4 Highland/Victoria

This control area was previously reviewed in 2011 and was selected to be reviewed again due to the reconstruction of Highland Road and increased traffic on Westmount Road due to ION construction. Signal timings have been adjusted on Highland Road as part of the new lane configurations. However due to ION construction detours and road closures in the downtown, the “after” speed and delay studies have not been completed. Travel patterns changed between the before and after studies as a result of these closures. A detailed analysis of the Control Area is provided in Appendix A-4. Signal operation for Westmount Road and Fischer-Hallman Road have been reviewed and optimized resulting in an average 12% reduction in travel times.
4.0 2016/2017 Control Areas

Table 2 identifies the traffic signal control areas that are currently under review for 2016/2017. The primary focus on the 2016/2017 corridor review is to optimize travel times along roadways anticipated to be impacted by future ION operations and along transit routes intended to complement ION operations including Weber Street, which is currently being used as the ION detour route for King Street. Also we will review roadways that are anticipated to have changes to traffic patterns or lane configurations due to construction. For example the Highway 85 ramps at Northfield Drive have opened and are now operating as right-in right-out.

Table 2: 2016/2017 Signal Control Areas and Arterials

<table>
<thead>
<tr>
<th>Control Area Name</th>
<th>Number of Intersections</th>
<th>Corridor Name and Section of Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northfield/Market</td>
<td>24</td>
<td>Northfield Drive from Bridge Street to Westmount Road</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weber Street from Albert Street to King Street</td>
</tr>
<tr>
<td>University/Columbia</td>
<td>29</td>
<td>University Avenue from Lincoln Road to Seagram Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Columbia Street from Weber Street to Hagey Bouelvard</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weber Street from Marshall Drive to King Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>King Street from University Avenue to Weber Street</td>
</tr>
<tr>
<td>Bridgeport/Erb/Weber</td>
<td>26</td>
<td>Erb Street from King Street to Margaret Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bridgeport Road from Bluevale Street to Albert Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weber Street from Union Boulevard to Lincoln Avenue</td>
</tr>
<tr>
<td>Lancaster/Weber</td>
<td>21</td>
<td>Lancaster Street from Brideport Road to Frederick Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weber Street from Cameron Street to Guelph Street</td>
</tr>
</tbody>
</table>
**Corporate Strategic Plan:**

This report addresses the Region’s objective to optimize existing road capacity to safely manage traffic throughout the region (Strategic Objective 3.3).

**Financial Implications:**

Nil

**Other Department Consultations/Concurrence:**

Nil

**Attachments**

Appendix A - Average Results of Signal Control Area Review for Traffic Flows

**Prepared By:** Jennifer Bertelsen, Analyst (Traffic Systems Management)

**Approved By:** Thomas Schmidt, Commissioner, Transportation and Environmental Services
# Hespeler Road Average Results of Signal Control Area Review for Traffic Flows

<table>
<thead>
<tr>
<th>Corridor Name</th>
<th>Section of Road</th>
<th># of intersections</th>
<th>Average Travel Time Before (minutes : seconds)</th>
<th>Average Travel Time After (minutes : seconds)</th>
<th>Average Travel Time Change (minutes : seconds)</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hespeler Road</td>
<td>Avenue Road to Pinebush Road</td>
<td>11</td>
<td>Northbound: 5:08</td>
<td>Northbound: 4:42</td>
<td>Northbound: -0:20</td>
<td>Northbound: -8.4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southbound: 5:12</td>
<td>Southbound: 4:38</td>
<td>Southbound: -0:33</td>
<td>Southbound: -10.9%</td>
</tr>
</tbody>
</table>
Downtown Galt Average Results of Signal Control Area Review for Traffic Flows

<table>
<thead>
<tr>
<th>Corridor Name</th>
<th>Section of Road</th>
<th># of intersections</th>
<th>Average Travel Time Before (minutes : seconds)</th>
<th>Average Travel Time After (minutes : seconds)</th>
<th>Average Travel Time Change (minutes : seconds)</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Street</td>
<td>Park Hill Road to Ainslie Street</td>
<td>8</td>
<td>Northbound: 2:35</td>
<td>Northbound: 1:39</td>
<td>Northbound: -0.56</td>
<td>Northbound: -36.1%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southbound: 1:34</td>
<td>Southbound: 1:31</td>
<td>Southbound: -0.03</td>
<td>Southbound: -3.2%</td>
</tr>
<tr>
<td>Ainslie Street</td>
<td>Simcoe Street to Concession Street</td>
<td>6</td>
<td>Northbound: 2:45</td>
<td>Northbound: 2:11</td>
<td>Northbound: -0.34</td>
<td>Northbound: -20.6%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southbound: 4:28</td>
<td>Southbound: 2:20</td>
<td>Southbound: -2.08</td>
<td>Southbound: -47.8%</td>
</tr>
<tr>
<td>Concession Street</td>
<td>Grand Avenue to Ainslie Street</td>
<td>3</td>
<td>Eastbound: 2:47</td>
<td>Eastbound: 1:45</td>
<td>Eastbound: -1:02</td>
<td>Eastbound: -37.3%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Westbound: 1:10</td>
<td>Westbound: 1:39</td>
<td>Westbound: +0:29</td>
<td>Westbound: +41.4%</td>
</tr>
</tbody>
</table>
### Homer Watson/Ottawa Results of Signal Control Area Review for Traffic Flows

<table>
<thead>
<tr>
<th>Corridor Name</th>
<th>Section of Road</th>
<th># of intersections</th>
<th>Average Travel Time Before (minutes : seconds)</th>
<th>Average Travel Time After (minutes : seconds)</th>
<th>Average Travel Time Change (minutes : seconds)</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homer Watson Boulevard</td>
<td>Highway 401 to Bleams Road</td>
<td>5</td>
<td>Northbound: 7:35</td>
<td>Northbound: 6:55</td>
<td>Northbound: -0:40</td>
<td>Northbound: -8.80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southbound: 7:35</td>
<td>Southbound: 7:04</td>
<td>Southbound: -0:55</td>
<td>Southbound: -11.5%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Westbound: 2:28</td>
<td>Westbound: 1:45</td>
<td>Westbound: -0:43</td>
<td>Westbound: -29.0%</td>
</tr>
</tbody>
</table>
### Fischer-Hallman/Westmount Results of Signal Control Area Review for Traffic Flows

<table>
<thead>
<tr>
<th>Corridor Name</th>
<th>Section of Road</th>
<th># of intersections</th>
<th>Average Travel Time Before (minutes : seconds)</th>
<th>Average Travel Time After (minutes : seconds)</th>
<th>Average Travel Time Change (minutes : seconds)</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westmount Road</td>
<td>Greenbrook Drive to Gage Street</td>
<td>6</td>
<td>Northbound: 3:46</td>
<td>Northbound: 3:19</td>
<td>Northbound: -0:27</td>
<td>Northbound: -12.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southbound: 4:13</td>
<td>Southbound: 3:45</td>
<td>Southbound: -0:28</td>
<td>Southbound: -11.1%</td>
</tr>
<tr>
<td>Fischer-Hallman Road</td>
<td>Queen Street to Stoke Street</td>
<td>5</td>
<td>Northbound: 4:29</td>
<td>Northbound: 4:07</td>
<td>Northbound: -0:22</td>
<td>Northbound: -8.2%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Southbound: 4:18</td>
<td>Southbound: 3:26</td>
<td>Southbound: -0:51</td>
<td>Southbound: -20.2%</td>
</tr>
</tbody>
</table>
Region of Waterloo

Transportation and Environmental Services

Water Services

To: Chair Tom Galloway and Members of the Planning and Works Committee

Date: December 6, 2016

File Code: C06-60(A); E12-40/08779

Subject: Update on Wastewater Treatment Master Plan

Recommendation:

For information only.

Summary:

The Region’s long-term strategy for providing wastewater treatment is documented in the Wastewater Treatment Master Plan (WWTMP), periodically revised and last updated in 2007. Due to changes in wastewater treatment performance related to the upgrades, new legislation and community growth projections, this wastewater treatment strategy is being updated with the study reviewing long-term implementation schedules and capital spending forecasts.

This report updates Regional Council on the work complete to date and the ongoing work.

Public consultation is an important aspect of this Master Plan. Two groups of three Public Consultation Centres (PCCs) (one in Cambridge, one in Kitchener, and one in Waterloo) have been proposed during the duration of the MP. The first group of PCCs is planned to be held by early 2017 and the second by early summer 2017.

The WWTMP Update is expected to be completed by the fall 2017. Costs for upgrades, expansions and new facilities identified in the ongoing WWTMP will be included in the 2018 Wastewater Capital Program to be prepared by Regional staff in the summer of 2017 and presented to Regional Council for deliberations and approval late in 2017.
Report:

Background

The Region is responsible for wastewater treatment and biosolids management to protect public health and the environment. The Region owns 13 wastewater treatment plants (WWTP), one biosolids processing facility, six wastewater pumping stations (PS), and two wastewater collection systems (North Dumfries and Wellesley), treating 66 million cubic meters annually.

Regional Council awarded on June 24, 2015, an engineering assignment to CIMA Canada Inc. (the Consultant) to update the Region’s Wastewater Treatment Master Plan (WWTMP). The current WWTMP was completed in 2007, and since its completion, several changes that could impact the master plan have occurred, as follows:

- Actual population growth rate, types of growth, spatial distribution of development, and wastewater flow rates have deviated from previous projections;
- Upgrades to Waterloo WWTP are nearing completion, and the net improvements to the Grand River will soon be apparent and measurable;
- Completed upgrades to Kitchener WWTP have already reduced impacts to the Grand River with additional benefits to come, as other works are commissioned;
- Biosolids management practices at our WWTPs have changed;
- New information about our WWTPs and watershed is available from recent studies and monitoring programs;
- There is growing opportunity in Ontario for more effective management of river water quality through whole watershed management, rather than independent management of numerous individual point sources;
- An Asset Management system for Regional infrastructure has been created, and the Region has a steadily improving understanding of the condition and remaining life expectancy of our wastewater infrastructure assets;
- Energy costs have been volatile, and there is a need for increased focus on managing energy costs and reducing greenhouse gas footprint for both financial and environmental reasons. There are also new financial incentive programs for implementing infrastructure improvements that reduce energy demand; and
- The Region is close to completing a Class Environmental Assessment (Class EA) study for long term wastewater servicing of the East Side Lands.

The WWTMP update project is following the Master Planning approach recommended in the Municipal Engineer’s Association (MEA) Class Environmental Assessment (Class
Updating the WWTMP will result in a more current, comprehensive, cost-effective and feasible strategy to address the anticipated wastewater treatment and discharge needs of the Region over the next 35 to 40 years, consistent with the Region’s Strategic Plan. The following are the main tasks part of the WWTMP update:

1. Background Review and Analysis
2. Population Projections and Flow Scenarios
3. Status of Existing Wastewater Facilities and Capacity Assessment
4. River Monitoring Program Review and Recommendations
5. Identification of Alternative Solutions
6. Evaluation Methodology and Criteria
7. Evaluation of Alternatives
8. Receiving Water Assessment, Watershed Management Opportunities
9. Recommended Strategy
10. Public Consultation

The WWTMP update is being undertaken in parallel with the Biosolids Master Plan (BMP) update. Population and wastewater flow projections done for the WWTMP update are common to the WWTMP and the BMP, and will be provided to the BMP project team to ensure consistency of the data in both projects.

Tasks 1 to 4 and task 6 have been complete and work is progressing on other tasks. Completed and ongoing work is briefly summarized below.

**Population Projections and Flow Scenarios**

The Region’s 2007 WWTMP used the Province of Ontario Places to Grow (P2G) population projections released in June 2006 to promote long term sustainable planning and growth in Ontario. As a result of observed growth rates, the Region’s Planning Development and Legislative Services Department (Planning Department) developed growth projections based on a more moderate growth scenario for the Region to enable the development of infrastructure needs and capital budgets. While primary infrastructure recommendations for the WWTMP will be based on these moderate growth projections, the Region will conduct a sensitivity analysis to determine infrastructure needs based on the P2G projections as may be realized in the future. It is proposed that infrastructure needs be determined using flow-based ‘triggers’ such that when these flows are reached, regardless of the associated population, infrastructure projects are initiated as required.

The moderate growth population and flow projections for each service area were estimated using Regional population projections to year 2041, and extrapolated to 2051 to facilitate the development of future servicing alternatives for these service areas.
Status of Existing Wastewater Facilities and Capacity Assessment

A thorough assessment of treatment processes at the Region’s WWTPs and pumping stations (PS) was completed. The goal of the assessment was to review the existing conditions and historical performance of each facility, establish the existing capacity at individual processes at each facility, and identify potential constraints and upgrade needs of each of the WWTPs for treatment of future flows and loadings. This assessment took into consideration recently completed or ongoing upgrades at the two largest WWTPs in the Region, Kitchener and Waterloo WWTPs, as significant improvement in the quality of treated effluent at these two plants have already or will be realized in the near future.

The main conclusions of the assessment were:

- All the WWTPs have sufficient capacity to handle the plant design flows;
- Wellesley, St. Jacobs and Elmira WWTPs experience elevated extraneous flows (I/I) during seasonally wetter periods of the year impacting some of the treatment processes during this time;
- All the WWTPs historically have produced good quality effluent that has met the Ministry of Environment and Climate Change (MOECC) effluent requirements;
- All the Region-owned PSs have sufficient capacity to convey the current peak instantaneous flows, with the exception of the Baden SPS. Additional pumping capacity along with equalization storage will likely be required for the Baden PS to address wet weather flow impacts;
- Morningside PS in New Hamburg is approaching its installed capacity.

River Monitoring Program Review and Recommendations

As part of the 2007 WWTMP, the Region initiated an enhanced monitoring program to provided consistent long term data to evaluate the treatment needs and performance of its WWTPs. The program looked at filling data gaps of the data currently collected by the Grand River Conservation Authority (GRCA) and the MOECC. This monitoring program collects data upstream and downstream all the Region’s WWTPs during the four seasons of the year. It allows the Region to continuously evaluate the impacts of its WWTPs on the effluent receiving rivers as upgrades at these plants are completed.

The sampling program is currently being carried on by an environmental Consultant awarded the program for a period of 5 years, ending at the end of 2018, when the procurement for a new 5 year cycle will likely be done. The review of the program highlighted the benefits of the data collected to date in supporting the upgrades of several of the Region’s WWTPs already completed or to be completed. It also
recommended that the goals of future sampling programs be reviewed when the new contract is awarded in 2018. Many of the sampling needs can be re-purposed from an investigative program (more intensive) used for identifying and designing upgrades to the plants to a maintenance program (less intensive) once the proposed upgrades are complete. For plants where upgrades and expansions are still to be identified, studied and designed, the more detailed investigative program should remain. The review recommended enhancements to the current studies done to evaluate the impact of the WWTPs on the fish community and benthic invertebrates (small organisms who leave on sediments at the bottom of the rivers). It also highlighted the importance of a continuous long term data sharing program with the GRCA.

The Region is reviewing and considering the recommendations above for the new sampling assignment to be tendered in 2018, and will present the changes to the program for Regional Council consideration at this time.

**Evaluation Methodology and Criteria**

The 2007 WWTMP followed a decision-making model centred on a multi-criteria analysis (MCA). The MCA provides a structured qualitative and quantitative approach to determine overall benefits among alternative options, where the options accomplish several objectives. The main categories included in the 2007 WWTP evaluation criteria were:

- Environmental Factors
- Social Factors
- Legal/Jurisdictional Factors
- Financial Factors
- Technical factors

Each category above was further broken down in several criteria to allow for a thorough evaluation of each potential alternative. The Project Team discussed the criteria used in the 2007 WWTMP with the Steering Committee and the Project Technical Advisory Committee. As the criteria used in the 2007 WWTMP was considered thorough and worked well in 2007, and as the ongoing update has similarities with the work done in 2007, it was agreed that the same criteria could be used for the evaluation of alternatives for the ongoing WWTMP update. The above criteria were further enhanced by adding additional criteria related to environmental, energy and financial sustainability, extreme weather and innovation.

**Progress of Other Tasks**

Most of the tasks already completed provide the background and information necessary
to develop the Master Plan. The Status of Existing Wastewater Facilities and Capacity Assessment in conjunction with the Population Projections and Flow Scenarios provide a view of the long term requirements for each WWTP. The Consultant and the Project Team are now developing alternative solutions to upgrade or expand WWTPs to deal with potential constraints and future flow requirements to service the existing population and future growth in each service area. These alternatives will be evaluated based on the above Evaluation Criteria, and once they are discussed with the Steering and Project Technical Advisory Committees, and feedback is collected from the public, the Recommended Wastewater Treatment Strategy will be finalized. It is expected that the updated strategy will build on the strategy approved in the 2007 WWTMP with some additional work required to consider emerging trends such as environmental and energy sustainability. WWTPs that recently are undergoing major upgrades such as Kitchener and Waterloo WWTP will not be impacted by the outcome of the WWTMP update. The MP will review and update the need for future works at the existing facilities, including a revised implementation schedule and cash flow projections.

Public Consultation

Prior to initiating the WWTMP update, Regional staff met with the MOECC and the GRCA to discuss the upcoming initiative allowing these agencies to better understand the project and to comment on it. Points discussed in this meeting assisted Regional staff in preparing the Terms of Reference for the project.

Two Committees were developed as part of the WWTMP update: Steering Committee (SC) and Project Technical Advisory Committee (PTAC). The SC consists of Senior Regional Staff and Regional Councilors, and reviews work done by the Consultant and Project Team, giving recommendations and guidance to the team. The PTAC includes external representation from agencies and local municipalities in the Region, and works with the Consultant and Project Team providing advice to the team. One combined SC and PTAC meeting was held in September 2015 to introduce the project to the Committees and to discuss their involvement in the project. Two other SC meetings have been held to date: March 2016 and July 2016. A second meeting with PTAC was held in May 2016. At least two more meetings with both Committees are expected in the upcoming months.

A Notice of Project Commencement was published in local newspapers and on the Region Website in January 2016.

Two groups of three Public Consultation Centres (PCCs) (one in Cambridge, one in Kitchener, and one in Waterloo) have been proposed during the duration of the MP. The first group of PCCs is planned to be held by early 2017 and the second by early summer 2017.
Other Projects Proceeding in Parallel with the WWTMP

Review of opportunities to increase the energy sustainability of the Region’s WWTPs is part of the WWTMP update. However, the Region has been working with the local Hydro Utilities to optimize energy consumption in water and wastewater facilities. A report was presented to Regional Council in September 2015 (TES-WAS-15-28) summarizing several of these initiatives, including each of the projects, their costs, potential energy savings and payback. Hydro Utilities have provided financial incentives for the implementation of these projects.

The Region also received Council approval to proceed with the implementation of Co-generation at the Galt, Kitchener and Waterloo WWTPs (TES-WAS-15-33 of October 27, 2015). This initiative would use biogas produced at these WWTPs for production of electrical energy, offsetting energy requirements at these plants. Similarly to the above projects, Hydro Utilities also provide partial funding to support this type of project.

The 2007 WWTMP and the Master Environmental Servicing Plan (MESP) completed in 2014 identified the preferred solution for wastewater servicing of the East Side Lands (ESL) as the conveyance of sewage from this growth area to the Kitchener WWTP for treatment. In 2014, the Region initiated a Class EA study to identify the preferred solution to connect the ESL to the Kitchener WWTP. Public consultation for this study was held on November 8, 2016 (TES-WAS-16-20 of October 4, 2016). This project will be completed by early 2017, and it will identify the preferred long term solution for wastewater servicing of the ESL. In a separate assignment, it was determined that the best solution for wastewater servicing for short-term development of the ESL would be through the Preston WWTP, which has enough capacity to service growth in the Preston area and all of Stage 1 of the ESL, as defined in the 2014 MESP. Based on the growth projections used for the development of the WWTMP, the timing for the implementation of the solution identified in the ESL Class EA above will be confirmed.

The Region’s Transportation Division is also updating the Transportation Master Plan (TMP). Population forecasts provided by the Planning Department used in the WWTMP update and the TMP update are based on the similar principles for consistency.

Schedule

The WWTMP Update started in July 2015 and is expected to be completed by the fall 2017.

Corporate Strategic Plan:

The WWTMP Update project supports the Corporate Strategic Focus Area 1: “Thriving Economy,” Strategic Objective 1.2: “Plan for and provide the infrastructure and services
necessary to create the foundation for economic success” and Corporate Strategic Focus Area 3: “Environment and Sustainable Growth”, Strategic Objective 3.2: “Protect the quality and quantity of our water sources.”

**Financial Implications:**

The proposed 2017 Capital Plan includes $240,000, funded 100% by RDCs, to complete the master plan.

Completion of the Wastewater Treatment Master Plan is a key component in establishing a sustainable long-term wastewater infrastructure financing plan.

In the past three years the Region has issued almost $100 million in growth-related debt. The proposed 2017 – 2026 capital program currently contemplates almost $600 million in capital cost and the issuance of $251 million in debentures over 10 years. The need for wastewater infrastructure to be in place before development occurs puts added pressure on both capital reserves and development charge reserve funds.

The evaluation of alternatives will include detailed financial analysis including projected impacts on future wastewater rates, development charges, reserve balances and debt levels.

Costs for upgrades, expansions and new facilities identified in the ongoing WWTMP will be included in the 2018 Wastewater Capital Program to be prepared by Regional staff in the summer of 2017 and presented to Regional Council for deliberations and approval late in 2017.

**Other Department Consultations/Concurrence:**

Staff from Divisions within the Planning Development and Legislative Services Department have been involved in the Wastewater Treatment Master Plan Update and have been consulted in the preparation of this report.

**Attachments**

Nil

**Prepared By:** Jorge Ca0valcante, Manager, Engineering & Planning, Water Services

Nicole Sapeta, Project Engineer, Water Services

**Approved By:** Thomas Schmidt, Commissioner, Transportation and Environmental Services
Region of Waterloo
Planning Development and Legislative Services
Legal Services

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016
File Code: L07-90

Subject: Authorization To Expropriate Lands (1st Report) for Construction and Installation of the Kitchener Zone 4 Trunk Watermain in the City of Kitchener

Recommendation:

That The Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands for the construction and installation of the Kitchener Zone 4 Trunk Watermain, in the City of Kitchener, in the Region of Waterloo as detailed in report PDL-LEG-16-77 dated December 6, 2016:

1. Complete application(s) to the Council of the Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for the Kitchener Zone 4 Trunk Watermain Project and described as follows:

Permanent Easements

The right and easement being an easement in gross, for itself, its successors and assigns and anyone authorized by it, in perpetuity to, at any time enter upon the following properties for the purposes of constructing, installing, operating, maintaining, inspecting, altering, moving, replacing, reconstructing, enlarging and repairing pipe(s) and other works and appurtenances thereto for the purpose of the transfer or transmission of water, below the ground, and for all such purposes together with the free, unimpeded and unobstructed access for itself, its successors and assigns, servants, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all
purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement:

1. Part Lot 13, Biehn’s Tract, being Part 1 on Plan 58R-19034, being Part of PIN 22722-2036(LT), (Huron Woods Subdivision), City of Kitchener, Regional Municipality of Waterloo;

2. Part Lot 130, German Company Tract, being Part 1 on Plan 58R-19070, being Part of PIN 22727-4545(LT) (North side of Gravel Ridge Trail), City of Kitchener, Regional Municipality of Waterloo;

3. Part Lot 130, German Company Tract, being Parts 1 and 2 on Plan 58R-19071, being Part of PIN 22727-0032(LT) (South of Ottawa Street and West of Peach Blossom Crescent), City of Kitchener, Regional Municipality of Waterloo;

4. Part of the Common Elements, Waterloo Condominium Plan No. 500, being Parts 1, 2, 3 and 4 on Plan 58R-19105, being Part of PINs 23500-0001 to 23500-0061(LT) (Part of Common Element portion of 1941 Ottawa Street South), City of Kitchener, Regional Municipality of Waterloo;

2. Serve notices of the above application(s) required by the Expropriations Act;

3. Forward to the Chief Inquiry Officer any requests for a hearing that may be received within the time prescribed by the Act;

4. Attend, with appropriate Regional staff, at any hearing that may be scheduled;

5. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed or if otherwise deemed appropriate in the opinion of the Commissioner of Transportation and Environmental Services and Regional Solicitor; and

6. Do all things necessary and proper to be done, and report thereon to Regional Council in due course.

Summary:

Nil
Report:

Regional Council approved the Kitchener Zone 4 Trunk Watermain from Mannheim Zone 4 Pumping Station on Ottawa Street in the City of Kitchener to the south end of Kitchener Water Pressure Zone 4 at Strasburg Road in the City of Kitchener on September 11, 2012 as detailed in Report E-12-084.

The project improvements include a new 750mm trunk watermain to be constructed from the Mannheim Zone 4 Pumping Station to the southern part of Kitchener Pressure Zone 4 at Strasburg Road. Refer to Schedule A showing a map of the entire watermain alignment. The watermain will be constructed in phases between 2017 and 2019, with a priority placed on areas that can be completed immediately and areas where lands are currently under development. Two areas were prioritized as part of Phase 1. Lands encompassing the current land developed called Huron Woods (Phase 1A) and lands between Ottawa Street and Bleams Road (Phase 1B)

Phase 1A works are entirely within the Huron Woods land development. An easement is required for the Region to construct their watermain in advance of other land servicing within future road right of ways and open space lands. Due to the nature of this watermain it is in the Region’s interest to construction the watermain outside of other servicing completed by the developer. The first tender was issued on November 10, 2016 for the Phase 1A works.

Phase 1B works are within an existing Hydro One corridor through existing developed areas. The majority of the corridor lands are owned by the City of Kitchener and discussions are ongoing with the City to finalize easements on their lands. There are three private properties within this section of the alignment and real estate staff has been in discussions with owners. Hydro One has an easement over the lands within this section. The Region has worked with Hydro to secure a Construction and Encroachment Agreement. The agreement has been finalized is awaiting execution. Tenders for the Phase 1B works will be issued in 2017.

The implementation of the improvements, for Phase 1A and Phase 1B, directly impacts four (4) private properties as shown in Appendix “A” to this report. Land acquisitions as outlined in the Recommendation are required from all of the properties and they are for permanent easements for the purposes of installing, operating, repairing and maintaining a trunk watermain.

All of the affected property owners, or their representatives, have been contacted by Legal Services Real Estate staff by one or more of the following means: in-person meeting, telephone, written correspondence and/or e-mail to discuss the required acquisitions and have been informed of the Region’s intention to commence the expropriation process, including this Report going forward to ensure project time lines
are met. All property owners have been provided with the Region’s expropriation Information sheet explaining the expropriation process. A copy of the Expropriation Information Sheet is attached as Appendix “B”. The owners have further been advised it is the Region’s intent to seek a negotiated settlement prior to completion of the Expropriation process and that the process has been commenced only to ensure possession of the required lands by the date set by Project staff in order to keep the project timeline in place.

Should a negotiated settlement be reached with any of the property owners and a conveyance of the required acquisition be completed before the expropriation process is complete, the expropriation process with respect to such lands would be discontinued by the Regional Solicitor.

It should be noted that the expropriation of the lands is on an “as is” basis and upon acquisition the Region assumes all responsibility for the lands. The construction is scheduled to commence in the spring of 2017.

A list of the corporate owners of the fee simple interest in the subject lands is attached as Appendix “C”. Regional staff have conducted corporate profile searches of affected corporate property owners and the directors and officers are listed for each. This list does not include tenants, easement holders or holders of security interests in the subject lands.

**Corporate Strategic Plan:**

The project meets the 2015-2018 Corporate Strategic Plan objective to protect the quality and quantity of our water resources under Strategic Focus Area 3: Environment and Sustainable Growth.

**Financial Implications:**

The 2016 Ten Year Water Capital Program includes $20,108,000.00, (project No. 04161) in 2016-2020 for this project to be funded 100% from Regional Development Charges. The cost of property acquisition can be accommodated in this budget.

**Other Department Consultations/Concurrence:**

Transportation and Environmental Services staff have been consulted in the preparation of this Report.

**Attachments**

Appendix “A” - Map of subject lands

Appendix “B” – Copy of Expropriation Information Sheet
Appendix “A”
The following information is provided as a general overview of the expropriation process and is not legal advice. For complete information, reference should be made to the Ontario Expropriations Act as well as the more detailed information in the Notices provided under that Act.

**Expropriation Information Sheet**

**What is Expropriation?**

Governmental authorities such as municipalities, school boards, and the provincial and federal governments undertake many projects which require them to obtain land from private property owners. In the case of the Regional Municipality of Waterloo, projects such as the construction or improvement of Regional Roads sometimes require the purchase of land from private property owners. In many cases, the Region of Waterloo only needs a small portion of the private property owner’s lands or an easement for related purposes such as utilities, although in certain instances, entire properties are required.

Usually the governmental authority is able to buy the land required for a project through a negotiated process with the affected property owners. Sometimes, however, the expropriation process must be used in order to ensure that the land is obtained within a specific timeline. Put simply, an expropriation is the transfer of lands or an easement to a governmental authority for reasonable compensation, including payment of fair market value for the transferred lands, without the consent of the property owner being required. In the case of expropriations by municipalities such as the Region of Waterloo, the process set out in the Ontario Expropriations Act must be followed to ensure that the rights of the property owners provided under that Act are protected.

**IMPORTANT NOTE:** The Region of Waterloo tries in all instances to obtain lands needed for its projects through a negotiated agreement on mutually acceptable terms. Sometimes, the Region of Waterloo will start the expropriation process while negotiations are underway. This dual approach is necessary to ensure that the Region of Waterloo will have possession of all of the lands needed to start a construction project on schedule. However, it is important to note that Regional staff continues to make every effort to reach a negotiated purchase of the required lands on mutually agreeable terms while the expropriation process is
ongoing. If agreement is reached, expropriation proceedings can be discontinued and the land transferred to the Region of Waterloo in exchange for payment of the agreed-upon compensation.

**What is the process of the Region of Waterloo under the Expropriations Act?**

- Regional Council considers a request to begin an application under the *Expropriations Act* to obtain land and/or an easement for a specific Regional project. No decision is made at this meeting to expropriate the land. This step is simply direction for the Region of Waterloo to provide a “Notice of Application for Approval to Expropriate” to affected property owners that the process has started to seek approval to expropriate the land.

- As stated in the Notice, affected property owners have 30 days to request a Hearing to consider whether the requested expropriation is “fair, sound and reasonably necessary in the achievement of the objectives” of the Region of Waterloo. This Hearing is conducted by a provincially-appointed Inquiry Officer. Prior to the Hearing, the Region of Waterloo must serve the property owner with a Notice setting out its reasons or grounds for the proposed expropriation. **Compensation for lands is not determined at this Hearing.** The Inquiry Officer can order the Region of Waterloo to pay the property owner up to $200.00 as compensation for the property owner’s costs in participating in this Hearing, regardless of the outcome of the Hearing.

- If a Hearing is held, a written report is provided by the Inquiry Officer to the property owner and the Region of Waterloo. Council must consider the Report within 90 days of receiving it. The Report is not binding on Council and Council may or may not accept the findings of the Report. After consideration of the Report, Council may or may not approve the expropriation of the land or grant approval with modifications. A property owner may wish to make written and/or verbal submissions to Council at the time that it is considering the Report.

- If no Hearing is requested by the property owner, then Council may approve the expropriation of the land after expiry of a 30 day period following service of the Notice of Application for Approval to Expropriate.
If Council approves the expropriation then, within 3 months of this approval, the Region of Waterloo must register a Plan at the Land Registry Office that describes the expropriated lands. The registration of this Plan automatically transfers title of the lands to the Region of Waterloo, instead of by a Deed signed by the property owner.

Within 30 days of registration of the Plan, the Region of Waterloo must serve a Notice of Expropriation on the affected property owner advising of the expropriation. Within 30 days of this Notice, the property owner may serve the Region of Waterloo with a Notice of Election selecting the valuation date under the Expropriations Act for calculation of the compensation.

In order to obtain possession of the expropriated lands, the Region of Waterloo must also serve a Notice of Possession setting out the date that possession of the land is required by the Region of Waterloo. This date has to be 3 months or more from the date that this Notice of Possession is served on the affected property owner.

Within 3 months of registration of the Plan, the Region of Waterloo must provide the affected property owner with payment for the full amount of the appraised fair market value of the expropriated land or easement and a copy of the appraisal report on which the value is based. If the property owner disagrees with this amount, and/or claims other compensation and/or costs under the Expropriations Act, the compensation and/or costs matter may be referred to a provincially-appointed Board of Negotiation in an effort to reach a mediated settlement and/or an appeal may be made to the Ontario Municipal Board (OMB) for a decision. In any event, the Region of Waterloo continues in its efforts to reach a negotiated settlement with the affected property owner prior to the OMB making a decision.
Appendix “C”

Property #1:
Owner: 2530229 Ontario Inc.
Annual Return: August 15, 2016
Directors/Officers: Peter Catana; Richard Fernando Martins;
Ontario Business Corporation

Property #2
Annual Return: July 3, 2016
Directors/Officers: Harold Freure; David Freure
Ontario Business Corporation

Property #3
Privately owned

Property #4
Owner: Waterloo Standard Condominium Corporation No. 500
Directors/Officers: Mario Laudano, Matt Elcome, and Kathy Szigeti
Report: PDL-LEG-16-80

Region of Waterloo
Planning Development and Legislative Services
Legal Services

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016       File Code: L07-90

Subject: Authorization to Expropriate Lands (1st Report) for the Reconstruction of St. Andrew’s Street from Grand Avenue westerly to The City of Cambridge Boundary, in the City of Cambridge

Recommendation:

That The Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands for the reconstruction of St. Andrew’s Street from Grand Avenue westerly to the City of Cambridge boundary in the City of Cambridge in the Region of Waterloo as detailed in report PDL-LEG-16-80 dated December 6, 2016:

1. Complete application(s) to the Council of The Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for the reconstruction of St. Andrew’s Street from Grand Avenue westerly to the City of Cambridge limits and described as follows:

   Fee Simple Partial Taking:

   i. Part of Lot 16, Plan 65, being Part 1 on 58R-18731 (Part of PIN 03803-0132 (LT)) (120 St. Andrews Street, City of Cambridge);

   ii. Part of Lot 1, Block D, Plan 473, being Part 2 on 58R-18731 (Part of PIN 03806-0208 (LT)) (86 St. Andrews Street, City of Cambridge);

   iii. Part of Lots 9, 10, 11, 12 & 13, West Side of Sprague Street, Plan 451, being Part 1 on 58R-18728 (Part of PIN 03830-0086 (LT)) (190 St. Andrews Street, City of Cambridge);
Permanent Easement:

iv. Part of Lot 2, West Side of Sprague St., Plan 451, being Part 1 on 58R-18730 (Part of PIN 03830-0076 (LT)) (140 St. Andrews Street, City of Cambridge);

v. Part of Lot 1, West Side of Sprague St., Plan 451 and Part of Lots 2 and 3, Compiled Plan D-4, being Part 2 on 58R-18730 (Part of PIN 03830-0076 (LT)) (140 St. Andrews Street, City of Cambridge);

vi. Part of Subdivision of Lot 3, Concession 10, W.G.R., being Part 1 on 58R-18729 (Part of PIN 03830-0035 (LT)) (10 St. Gregory’s Drive, City of Cambridge);

vii. Part of Lot 6, Plan 221, being Part 3 on 58R-18729 (Part of PIN 22667-0008 (LT)) (221 St. Andrews Street, City of Cambridge);

viii. Part of Lot 4, East Side of Sprague St., Plan 451, being Part 2 on 58R-18728 (Part of PIN 03832-0022 (LT)) (171 St. Andrews Street, City of Cambridge);

2. Serve notices of the above applications(s) required by the Expropriations Act (the “Act”);

3. Forward to the Chief Inquiry Officer any requests for a hearing that may be received within the time prescribed by the Act;

4. Attend, with appropriate Regional staff, at any hearing that may be scheduled;

5. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed or if otherwise deemed appropriate in the opinion of the Commissioner of Transportation and Environmental Services and the Regional Solicitor; and

6. Do all things necessary and properly to be done and report thereon to Regional Council in due course.
Summary: NIL

Report:

Regional Council approved the reconstruction of St. Andrew’s Street on April 1, 2014 as outlined in Report E-14-039.

The improvements on St. Andrew’s Street will include the following:

- Full depth road reconstruction;
- Widening to accommodate on-road reserved cycling lanes on both sides of St. Andrews Street from Grand Ridge Drive through the Cedar Street intersection to Grand Avenue, which will require “slivers” of property acquisitions as well as property easements for hydro poles and guyings;
- Replacement of the existing storm sewer from Southwood Drive to St. Gregory’s Drive, from Victoria Avenue to Gilholm Avenue and from Glebe Street to Grand Avenue;
- Replacement of the existing City of Cambridge watermain from Grand Ridge Drive to Southwood Drive and from Francis Street to Victoria Avenue;
- Replacement of the existing City of Cambridge sanitary sewer from Stanley Street to Francis Street and from Cedar Street to Fraser Street;
- Replacement of the existing sidewalk on both sides of St. Andrews Street with the exception of where multi-use trail is proposed;
- Construction of infill sidewalk on the east side of St. Andrews Street from 60 metres north of Grand Ridge Drive northerly to Fourth Avenue;
- Construction of a new 3.0 wide metre multi-use trail (in lieu of sidewalk) on the west side of St. Andrews Street from Grand Ridge Drive to St. Gregory’s Drive;
- Construction of designated left-turn lanes on southbound St. Andrews Street at Grand Ridge Drive, Fourth Avenue, Osborne Street and Stanley Street, and on northbound St. Andrews Street at Southwood Drive;
- Construction of raised centre islands at Grand Ridge Drive, Fourth Avenue, Southwood Drive, Osborne Street and Stanley Street in order to provide refuge areas for cyclists and pedestrians crossing St. Andrews Street and to encourage slower traffic speeds;
- Upgrades to Grand River Transit bus stops; and
- Enhanced boulevard landscaping where feasible.
The implementation of the improvements directly impacts 8 properties as shown in Appendix “A” to this report. It is noted that one of the impacted properties is owned by the Waterloo District Catholic School Board and therefore not subject to expropriation. Land acquisitions as outlined in the Recommendation are required from all of the properties and they include fee simple partial takings for road widening and improvements as well as permanent easements for utility relocations.

All of the affected property owners, or their representatives, have been contacted by Legal Services Real Estate staff by one or more of the following means: in-person meeting, telephone, written correspondence and/or e-mail to discuss the required acquisitions and have been informed of the Region’s intention to commence the expropriation process, including this Report going forward to ensure project time lines are met. The majority of owners have received appraisal reports and draft offers. All property owners have been provided with the Region’s expropriation Information sheet explaining the expropriation process. A copy of the Expropriation Information Sheet is attached as Appendix “B”. The owners have further been advised it is the Region’s intent to seek a negotiated settlement prior to completion of the Expropriation process and that the process has been commenced only to ensure possession of the required lands by the date set by Project staff in order to keep the project timeline in place.

Should a negotiated settlement be reached with any of the property owners and a conveyance of the required acquisition be completed before the expropriation process is complete, the expropriation process with respect to such lands would be discontinued by the Regional Solicitor.

It should be noted that the expropriation of the lands is on an “as is” basis and upon acquisition the Region assumes all responsibility for the lands. The construction is scheduled to commence in the spring of 2017.

A list of the corporate owners of the fee simple interest in the subject lands is attached as Appendix “C”. Regional staff have conducted corporate profile searches of affected corporate property owners and the directors and officers are listed for each. This list does not include tenants, easement holders or holders of security interests in the subject lands.

**Corporate Strategic Plan:**

One of the focus areas of the Corporate Strategic Plan is to develop greater, more sustainable and safe transportation choices.
Financial Implications:

The Region’s approved 2016 Transportation Capital Program includes a budget of $265,000 in 2016, $5,255,000 in 2017-2018 for St. Andrew’s Street Reconstruction from Grand Avenue westerly to the City of Cambridge Boundary (Project 05416) to be funded from the Roads Rehabilitation Capital Reserve Fund (66%; $3,640,000) and from Regional Development Charges (34%; $1,880,000). The Region’s approved 2016 Transportation Capital Program includes a budget of $420,000 in 2017-2018 for Intersection Improvements at St. Andrew’s Street and Grand Ridge Drive, at Fourth Avenue, and at Southwood Drive (Project 07252) to be funded from Regional Development Charges.

Other Department Consultations/Concurrence:

Transportation and Environmental Services staff have been consulted in the preparation of this Report.

Attachments

Appendix “A” - Map of subject lands
Appendix “B” – Copy of Expropriation Information Sheet
Appendix “C” – Corporate Profiles of Corporate Owners

Prepared By: Tom Penwarden, Manager, Realty Services  
Arlene Metz, Solicitor, Property

Approved By: Debra Arnold, Regional Solicitor, Director of Legal Services
Appendix “B”

The following information is provided as a general overview of the expropriation process and is not legal advice. For complete information, reference should be made to the Ontario Expropriations Act as well as the more detailed information in the Notices provided under that Act.

**Expropriation Information Sheet**

**What is Expropriation?**

Governmental authorities such as municipalities, school boards, and the provincial and federal governments undertake many projects which require them to obtain land from private property owners. In the case of the Regional Municipality of Waterloo, projects such as the construction or improvement of Regional Roads sometimes require the purchase of land from private property owners. In many cases, the Region of Waterloo only needs a small portion of the private property owner’s lands or an easement for related purposes such as utilities, although in certain instances, entire properties are required.

Usually the governmental authority is able to buy the land required for a project through a negotiated process with the affected property owners. Sometimes, however, the expropriation process must be used in order to ensure that the land is obtained within a specific timeline. Put simply, an expropriation is the transfer of lands or an easement to a governmental authority for reasonable compensation, including payment of fair market value for the transferred lands, without the consent of the property owner being required. In the case of expropriations by municipalities such as the Region of Waterloo, the process set out in the Ontario *Expropriations Act* must be followed to ensure that the rights of the property owners provided under that *Act* are protected.

**IMPORTANT NOTE:** The Region of Waterloo tries in all instances to obtain lands needed for its projects through a negotiated agreement on mutually acceptable terms. Sometimes, the Region of Waterloo will start the expropriation process while negotiations are underway. This dual approach is necessary to ensure that the Region of Waterloo will have possession of all of the lands needed to start a construction project on schedule. However, it is important to note that Regional staff continues to make every effort to reach a negotiated purchase of the required lands on mutually agreeable terms while the expropriation process is ongoing. If agreement is reached, expropriation proceedings can be
discontinued and the land transferred to the Region of Waterloo in exchange for payment of the agreed-upon compensation.

What is the process of the Region of Waterloo under the Expropriations Act?

- Regional Council considers a request to begin an application under the *Expropriations Act* to obtain land and/or an easement for a specific Regional project. No decision is made at this meeting to expropriate the land. This step is simply direction for the Region of Waterloo to provide a “Notice of Application for Approval to Expropriate” to affected property owners that the process has started to seek approval to expropriate the land.

- As stated in the Notice, affected property owners have 30 days to request a Hearing to consider whether the requested expropriation is “fair, sound and reasonably necessary in the achievement of the objectives” of the Region of Waterloo. This Hearing is conducted by a provincially-appointed Inquiry Officer. Prior to the Hearing, the Region of Waterloo must serve the property owner with a Notice setting out its reasons or grounds for the proposed expropriation. **Compensation for lands is not determined at this Hearing.** The Inquiry Officer can order the Region of Waterloo to pay the property owner up to $200.00 as compensation for the property owner’s costs in participating in this Hearing, regardless of the outcome of the Hearing.

- If a Hearing is held, a written report is provided by the Inquiry Officer to the property owner and the Region of Waterloo. Council must consider the Report within 90 days of receiving it. The Report is not binding on Council and Council may or may not accept the findings of the Report. After consideration of the Report, Council may or may not approve the expropriation of the land or grant approval with modifications. A property owner may wish to make written and/or verbal submissions to Council at the time that it is considering the Report.

- If no Hearing is requested by the property owner, then Council may approve the expropriation of the land after expiry of a 30 day period following service of the Notice of Application for Approval to Expropriate.

- If Council approves the expropriation then, within 3 months of this approval, the Region of Waterloo must register a Plan at the Land Registry Office that describes the expropriated lands. The registration of this Plan automatically transfers title of
the lands to the Region of Waterloo, instead of by a Deed signed by the property owner.

- Within 30 days of registration of the Plan, the Region of Waterloo must serve a Notice of Expropriation on the affected property owner advising of the expropriation. Within 30 days of this Notice, the property owner may serve the Region of Waterloo with a Notice of Election selecting the valuation date under the *Expropriations Act* for calculation of the compensation.

- In order to obtain possession of the expropriated lands, the Region of Waterloo must also serve a Notice of Possession setting out the date that possession of the land is required by the Region of Waterloo. This date has to be 3 months or more from the date that this Notice of Possession is served on the affected property owner.

- Within 3 months of registration of the Plan, the Region of Waterloo must provide the affected property owner with payment for the full amount of the appraised fair market value of the expropriated land or easement and a copy of the appraisal report on which the value is based. If the property owner disagrees with this amount, and/or claims other compensation and/or costs under the *Expropriations Act*, the compensation and/or costs matter may be referred to a provincially-appointed Board of Negotiation in an effort to reach a mediated settlement and/or an appeal may be made to the Ontario Municipal Board (OMB) for a decision. In any event, the Region of Waterloo continues in its efforts to reach a negotiated settlement with the affected property owner prior to the OMB making a decision.
Appendix “C” – Corporate Profiles

1. 140 St. Andrews Street, Cambridge
   Owner: 1167898 Ontario Limited
   Annual Return: January 9, 2016
   Directors/Officers: Chang Kap Kim; Hyo Suk Kim

2. 190 St. Andrews Street, Cambridge
   Owner: Kauldhar Holdings Inc.
   Annual Return: N/A
   Directors/Officers: Jaswant Kauldhar; Shiv Kauldhar; Avtar Kauldhar

3. 10 St. Gregory’s Drive, Cambridge
   Owner: The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario
   Annual Return: September 11, 2016
   Directors/Officers: David Douglas Crosby
Region of Waterloo
Planning, Development and Legislative Services
Community Planning

To: Chair Tom Galloway and Members of the Planning and Works Committee

Date: December 6, 2016  File Code: D16-60

Subject: Ontario Municipal Board Reform – Feedback to the Province

Recommendation:

Summary:
In September 2016, the Premier of Ontario directed the Minister of Municipal Affairs, working with the Attorney General of Ontario, to lead a review of the scope and effectiveness of the Ontario Municipal Board (OMB). Subsequent to this direction, the Province released a public consultation document in October 2016, titled "Review of the Ontario Municipal Board" which identified concerns with OMB procedures and practices over the years, as well as introducing five themes upon which to channel the municipal and public feedback. The five themes are:

1. OMB’s jurisdictions and powers;
2. Citizen participation and local perspective;
3. Clear and predictable decision-making;
4. Modern procedures and faster decisions; and,
5. Alternative dispute resolution and fewer hearings.
This report provides feedback and recommendations on these five themes, suggesting ways in which the OMB could improve efficiency, transparency in decision-making, and enhance public understanding of, and accessibility to, the OMB.

Some of the recommendations from Regional staff include:

- Restricting appeals of planning documents that have been approved by a second approval authority as well as strengthening and adding new language to Provincial policy documents to explicitly and unambiguously identify what policy elements, including their implementation in municipal planning documents, are unappealable;
- Introducing a robust pre-screening tool to identify appeals without merit;
- Enhancing Provincial participation in OMB hearings;
- Limiting use of “de novo” hearings; and,
- Triaging appeals according to type and complexity.

Report:

Regional staff are very supportive of the Province’s review of the Ontario Municipal Board (OMB) and commend the Province for taking the initiative to refine and improve the overall experience at the Board, both for municipalities and for the public. Regional staff are pleased to participate in this review and offer recommendations based on the Region’s experience with the OMB appeals processes, previous Regional reports to Council (P-13-133, PDL-LEG-15-28, PDL-LEG-15-45/PDL-CPL-15-33, and PDL-CPL-16-41), and input from Area Municipalities and the Regional Planning Commissioners of Ontario (RPCO).

In September of 2016, the Premier directed the Provincial Minister of Municipal Affairs to reform the Ontario Municipal Board. Further direction includes,

“[W]orking with the Attorney General, lead a review of the scope and effectiveness of the Ontario Municipal Board (OMB) by engaging municipalities, the public and all interested stakeholders, in order to recommend reforms to improve the OMB’s (Ontario Municipal Board’s) role within the broader land use planning system and introduce legislation by Spring 2017.”

Subsequent to this direction, the Minister of Municipal Affairs, in consultation with the Attorney General of Ontario, released a public consultation document in October of 2016, titled “Review of the Ontario Municipal Board.” To focus discussion in anticipation of receiving feedback prior to December 19, 2016 while also considering feedback from previous public and stakeholder consultations, this document introduced five themes upon which to channel this round of comments. The five themes are as follows:
1. OMB’s jurisdictions and powers;
2. Citizen participation and local perspective;
3. Clear and predictable decision-making;
4. Modern procedures and faster decisions; and,
5. Alternative dispute resolution and fewer hearings

The Province also requested feedback on a series of 24 questions related to the five themes (see Appendix 1 for a summary of the questions and answers). Before commenting further on these five themes and answering the questions, it is important to first understand the role and mandate of the OMB, to briefly investigate previous attempts at reviews of the OMB, learn why a mandated review of the OMB is necessary, and to explore the types of appeals the OMB receives on an annual basis. This information helps inform the feedback contained in the Region’s response to the five themes.

**The Purpose of the Ontario Municipal Board – Mandate and Procedure**

According to the Province’s website, the OMB is “an independent adjudicative tribunal that conducts hearings and makes decisions on matters that have been appealed to the OMB under specific provincial legislation.” In other words, it is meant to be a neutral, arm’s length administrative body where any member of the public can appeal land use decisions that affect their community or property.

The OMB hears appeals on a number of planning-related matters such as minor variances, consents to sever, official plans, zoning by-laws and plans of subdivision. It is the role of OMB members to “make independent decisions based on the applicable law and policies, and the evidence presented at the hearing” (OMB website). Appeals before the OMB occur by filing an appeal application, and depending on the type of dispute, there are various processes and timelines through which appeals are considered.

Board members are typically lawyers, engineers, planners, surveyors, or other land use planning-related professionals and it is their responsibility to review the appeal and decide, with input from the parties, the best path to resolution, which can be one or a combination of a pre-hearing, hearing or mediation. Once an appeal has been filed to the OMB, and a hearing is complete, the OMB has the authority to make any decision that the approval authority (e.g., Regional Council) could have made.

A pre-hearing process is used to manage complex or multi-party appeals. For example, the appeal to the Regional Official Plan used this process. The purpose of a pre-hearing is for Board members to identify parties and prioritize issues, refine and scope complex cases, and provide procedural direction, with the intent of making the hearing
process more efficient and focused.

At the conclusion of a hearing, the Board member must issue a written decision or order, typically within 60 days of the last hearing. While mediation is encouraged throughout the pre-hearing and hearing, as it stands, this can often be both expensive and lengthen the appeal process.

**Previous attempts at review**

The role of the OMB has come into question over the years, particularly as the Province has both enhanced its influence over land use planning and concurrently, introduced greater responsibility for land use planning at the municipal level. To address the calls for OMB reform over the years, two recent pieces of legislation were introduced – the 2006 Planning and Conservation Land Statute Law Amendment Act (Bill 51) and the 2015 Smart Growth for Our Communities Act (Bill 73) – and their influence on the OMB are summarized in Table 1, below.

Table 1: Outcome of Recent Changes to the Ontario Municipal Board

<table>
<thead>
<tr>
<th>Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51)</th>
<th>Smart Growth for Our Communities Act, 2015 (Bill 73)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Requirement for OMB to have regard for a decision of municipal council or approval authority</td>
<td>- Requirement to have regard for a decision of municipal council, with respect to a non-decision</td>
</tr>
<tr>
<td>- Restrict third-party appeals to those who participated in the initial decision-making (public consultation) process.</td>
<td>- Requirement to have regard for any written or oral information and material that municipal council received in relation to the application or planning matter</td>
</tr>
<tr>
<td>- Introduction of the “complete application”, whereby time periods for municipalities to make a decision do not begin until the applicant has submitted all the required material, to the satisfaction of the municipality</td>
<td>- The right to appeal entire official plans is restricted; appeals are now limited to parts of an official plan, with an explanation required for the purpose of the appeal</td>
</tr>
<tr>
<td>- Permission for municipalities to create “local appeal bodies” to hear appeals on minor variance and severance matters</td>
<td>- The right to appeal policies that enact provincial policy (e.g., the Growth Plan for the Greater Golden Horseshoe or the Greenbelt Plan) is restricted</td>
</tr>
<tr>
<td>- Persons who did not participate in the public consultation processes cannot</td>
<td>- Notice of appeals must explain how a decision is inconsistent with or fails to</td>
</tr>
</tbody>
</table>
appeal or be added as a party to a hearing, unless the OMB determines there are reasonable grounds to do so

- Elimination of rights to appeal official plan amendments and zoning by-law amendments that would alter settlement area, re-designate employment lands, and second unit policies

- After receiving the first appeal of a non-decision, municipalities may now put an end to future appeals of that non-decision by issuing a notice advising that all potential appeals must be filed within 20-days.

Reasons for the mandated review of the OMB – Issues Identification

Despite the more recent changes to the OMB through the Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51) and the Smart Growth for Our Communities Act, 2015 (Bill 73), there are various outstanding issues that still need to be considered with respect to how the OMB operates.

The RPCO, with the support and participation of the Region, released a report in August 2016 that highlighted these issues and provided some context and recommendations to the Province on OMB reform (please refer to the Regional Council’s library for a copy of this report). The reasons for further OMB reform, as identified by the RPCO, are explained below.

1. Time and resources

The RPCO’s report notes that municipalities experience frequent administrative delays and “can get stuck in a perpetual cycle of overlapping and inconsistent plan approvals.” Furthermore, gridlock can occur “by having portions of their official plans and/or zoning by-laws stalled in appeals at the OMB – sometimes for years – while development applications continue to come in that are subject to the regular processing time requirements.” This has been the experience at the Region, particularly with the appeal of the entire Regional Official Plan, and the subsequent complexities related to scoping the issues.

In addition to the administrative delays, the logistics surrounding scheduling pre-hearings, hearings, and scoping of issues further contributes to the overall length of hearings.

2. Expensive process

The Province describes the OMB as a “court-like body” and as such, the preparation required to attend and participate in hearings comes at a significant cost, from financial
and human resource perspectives. For example, the Region diverted staff resources away from other planning matters over a number of years in order to defend the Regional Official Plan. There is also the concern, as expressed in the RPCO report, that staff and council in various municipalities “must sometimes make decisions geared toward avoiding OMB hearings because the municipality cannot afford to go to the Board. Making planning decisions contingently to avoid a costly dispute resolution process highlights the increasingly problematic position of the OMB…”

3. Insufficient regard for municipal decisions

When the Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51) required that the OMB “have regard to” municipal decisions, this was done to try and resolve the concerns that decisions made by a democratically-elected council were not adequately considered by Board members during hearings. While the intent of this directive was clear, in practice, there are general inconsistencies with how the language is applied because the Board member has complete discretion on how much weight to assign a council decision.

There is also the perception that the OMB undermines municipal decisions by allowing appellants to change their application or submit new information/studies during the hearing process, despite municipal staff not having had the opportunity to previously review such material. The Planning Act does stipulate that an OMB member can send the appeal back to council for review in light of the new information; however this power is rarely exercised.

4. Process is too litigious

As mentioned earlier, the OMB is described as a “court-like body”, and there is the perception that the appeal process has become too much like civil litigation. The RPCO report states that “the court-like proceedings allow parties with significant resources to spend time on legal manoeuvring rather than on the issues in dispute, adding to the overall costs for all parties.”

5. De novo hearing limitations

The term “de novo” means starting from the beginning. In the context of an OMB hearing, according to the Ministry of Municipal Affairs, it means “considering the same issue that was before the municipality as though no previous decision had been made.”

Ontario is the only jurisdiction in Canada that has the ability to hear appeals “de novo”, and there continues to be the perception that this stipulation contributes to the length, expense and litigiousness of the appeal process.

Hearing Types and the Region’s Involvement

According to the RPCO report regarding appeals across Ontario municipalities, “the
data shows that the number of annual appeals that the OMB receives is fairly constant with an average of 1,830 appeals received each year over the past decade. Of these appeals, nearly half (46%) consist of minor variance and consent appeals." Figure 1, below, illustrates the breakdown according to types of appeals to the OMB.

![Figure 1: Types of Appeals to the OMB - Averages from 2003-2014](image)

Based on the OMB case summary for the Region, from 2010 to 2016, a total of 104 cases have been filed with the OMB, in addition to the appeal of the entire Regional Official Plan. Figure 2, below, illustrates this breakdown, by Area Municipality.
Of these 104 cases, approximately one-third (33) cases had a Regional Interest, which meant Regional staff were required to devote significant time and resources to preparing for and attending these hearings. The 33 cases with Regional Interest include appeals regarding conformity of an Area Municipal official plan (e.g., the appeal to the Cities of Cambridge, Kitchener and Waterloo OPs), while the majority were site specific appeals. With respect to the appeal of the Regional Official Plan, 26 appeals were received. The appeal process spanned five years of preparation for, and participation in, multiple pre-hearing conferences, pre-hearings, hearings, mediation assessment, district court, and settlement negotiations.

The Region is generally supportive of the OMB and its role in adjudicating planning disputes. There are many instances where the OMB resolves issues in an efficient, timely, and effective manner. For example, when appeals are effectively scoped prior to...
hearings, the scoped issues lists are adhered to during the hearing process, and when Board members exhibit strong conflict resolution skills, there is an overall sense that the OMB is a well-functioning tribunal. However, as demonstrated in the issues above, there is room for improvement and the Region is pleased the Province is open to furthering these discussions. The following section of this report provides the requested feedback and recommendations on the 5 themes identified by the Province.

Feedback and Recommendations

Theme 1: OMB’s Jurisdiction and Powers

The Province has identified a series of concerns that fall under the heading of jurisdiction and powers. According to the Provincial public consultation document, these concerns stem primarily from the idea that “the scope of issues dealt with by the OMB is too broad. Because of this, it is argued, too many are appealed to the OMB, which is time consuming and costly for all involved.”

To address these issues, the Province is considering the following reforms:

- Protecting public interests for the future by,
  
  a) specifying which parts of its decisions on official plans would not be subject to appeal, and
  
  b) allowing the Province to have final approval (and not subject to appeal) on new official plans or proposed official plan amendments where municipalities are required to implement Provincial Plans (e.g., Growth Plan for the Greater Golden Horseshoe);

- Bringing transit to more people by restricting appeals of municipal official plans, amendments to these plans, and zoning by-laws, for development that supports provincially funded transit infrastructure in order to ensure sufficient densities to support these investments;

- Giving communities a stronger voice by, among other more locally-related items, a) further clarifying that the OMB’s authority is limited to dealing with matters that are part of the municipal council’s decision and b) requiring the OMB to send significant new information that arises in a hearing back to council for re-evaluation of the original decision;

- Shifting away from “de novo" hearings in order to have the OMB focus on the validity of the decision under appeal instead of seeking the “best” decision by, a) requiring the OMB to review municipal decisions on a standard of
reasonableness, and

b) authorizing the OMB to overturn a decision made by a municipality only if that decision does not follow local or provincial policies; and,

- Transitioning and using new planning rules that would expand on the 2007 Planning Act changes by requiring that all planning decisions, not just those after 2007, be based on provincial legislation and planning documents in effect at the time of the decision.

Recommendations

1. **Restrict appeals of planning documents that have been approved by a second approval authority** (i.e., upper tier or the Province). Regional staff supports this consideration by the Province since it would give more credibility to the, often times, considerable public consultation and review that went into developing the planning documents.

   If appeals are restricted, consideration should be given to providing an opportunity for public input with respect to any modifications of the planning document proposed by the approval authority.

   In conjunction, the Province must strengthen and add new language to Provincial policy documents to explicitly and unambiguously identify what policy elements, including their implementation in municipal planning documents, are unappealable. For example, Regional staff recommend that the Province specify that appeals dealing with conformity, particularly as they relate to land budgets, employment areas, and expansions of/changes to urban area boundaries, are unappealable.

2. **Introduce a robust pre-screening tool to identify appeals without merit** – as the process currently stands, a significant number of appeals are not dismissed or deemed invalid until after a pre-hearing or hearing. This means that staff, the public and the private sector have already invested a significant amount of time and financial resources preparing for a pre-hearing of hearing that will ultimately be dismissed, or is deemed frivolous and vexatious.

   One pre-screening criterion staff suggests is requiring and ensuring that appeals relate to identifiable pieces of land and associated identifiable site-specific policies to assist with reducing the length and inconsistencies currently apparent in appeal letters.
3. **Introduce a robust process where issues are more clearly defined** – the Province highlighted that the length of the appeals process is of great concern, particularly with respect to how issues are scoped. Stricter limitations need to be placed on when issues and new evidence can be introduced into the appeal process, and increase efficiency by dealing with any threshold issues first, getting a decision, and then moving onto the next issue, etc. This would streamline the decision-making process and deal with the nub of the appeal. If new evidence is accepted into the process, the Board should exercise its power and allow the original council or approval authority to review the decision in light of the new information.

Further consideration needs to be given to having a more active role for OMB staff in identifying issues lists, and requiring that these lists be directly related to specifics identified in the appeal letter.

4. **Enhance Provincial participation in OMB hearings that deal with matters of provincial interest** – it is the responsibility of upper and lower-tier municipalities to ensure conformity with provincial policy. However, once an appeal has been filed that questions conformity to the Provincial Policy Statement, for example, it would be helpful to have the "owner" of the policy in question (i.e., the Province) testify at the hearing to provide the intended interpretation of the policy. Provincial participation would lend greater credibility to the policy in question, and would eliminate the sometimes awkward situation of having an outside expert witness defend provincial interests. This would also be particularly helpful in communities with limited resources.

5. **Limit use of “De Novo” hearings** - OMB hearings take a lot of effort, time and resources. By enacting the ability to start a hearing anew, or “de novo”, the OMB is essentially removing public accessibility from the process since the hearing generally becomes a confluence of lawyers and expert witnesses, with hearings based on preference for or the credibility of these witnesses.

Where a decision has been made by council, a “de novo” hearing is not necessary, provided that it can be demonstrated to the Board, perhaps through a pre-hearing, how council came to a particular decision. A “de novo” hearing is only warranted if it can be demonstrated that there are serious flaws in the interpretation and/or application of planning law or policy that resulted in a decision under appeal.

**Theme 2: Meaningful Citizen Participation and Local Perspective**

Public consultation and participation in planning matters is firmly entrenched in planning
law and regulation. Naturally, decisions that affect communities, properties, and neighbourhoods are of interest to the public, and people want, and expect, to be well represented and respected when decisions are made.

With respect to participation at the OMB, the Province has been hearing concerns about the barriers to meaningful citizen participation and the influence of local perspective. The concerns centre on the high cost to participate, unequal access to experts, and the overall litigious nature of the OMB procedures.

To address these issues, the Province is exploring the following reforms:

- Expanding the role of the Citizen Liaison Office (CLO) from one employee to either hiring more staff to provide easier public access to information or having in-house planning experts and lawyers who would be available to the public (based on a set of yet-to-be-determined eligibility criteria). The CLO’s current role is to answer questions on how to launch an appeal, the process involved, the citizen’s role, the logistics of a hearing, and how a decision is made and communicated;

- Exploring funding tools to help citizens retain their own planning experts and/or lawyers; and,

- Enhancing the user-friendliness of the OMB website.

Recommendations

1. **Increase the public understanding of participating in an OMB hearing** - it can be expensive, for a member of the public, to hold party status at an OMB hearing. For example, if an average citizen would simply like to cross-examine a developer’s witness, they must seek party status and take on all of the responsibilities (and potential cost exposure) of having such status; as a participant, the average citizen is unable to cross-examine. Regional staff recommends introducing an option to the hearing process whereby a member of the public who is a participant, who has clearly participated in the planning process under appeal and who has met the pre-screening criteria, be able to question a witness, as a participant, without the full responsibility or consequences of party status.

2. **Expand the scope of the Citizen Liaison Office and/or introduce qualified OMB case managers** - it is becoming increasingly difficult for unrepresented community members to participate meaningfully in the OMB process, and voice their concerns. Again, the expense associated with retaining legal counsel and expert witnesses is beyond the financial resources of the average citizen. Regional staff recommends expanding the number of staff at the CLO. In addition
to increasing staff resources, there is a need to increase CLO’s profile and accessibility, while having the CLO also set clear expectations on how the public can efficiently and effectively participate, while also clarifying the public’s responsibilities when participating in an OMB hearing.

In conjunction with expanding the number of staff at the CLO, Regional staff recommends the introduction of qualified case managers, who educate participants on the OMB process and help to set expectations regarding the length of the process and possible costs for participation.

3. **Continue to enhance online presence and ease of website navigation** - increasingly, members of the public rely on accessing information through websites to assist in the OMB appeals process. Regional staff recommend that the Province ensure that the website contain plain language instructions on how to participate in an OMB appeal process and the expectations of the OMB members and participants. Providing examples of what makes a successful appeal versus an unsuccessful appeal could also be of value on the website, through sample of documents used in a hearing event (e.g., witness statement, issues list, procedural order, etc.).

**Theme 3: Clear and Predictable Decision-making**

As stated by the Province, “making good decisions requires both good decision-makers and clear and predictable decision-making processes.” In their role as decision-makers, OMB members are expected to be experienced in a land use planning (or related) field, well qualified, hold some form of accreditation and specific skills (e.g., planner, engineer, lawyer) and have received appropriate training in order to perform the necessary tasks of adjudicating well. The thought is that if OMB members are better trained, and are more familiar with past decisions of other hearings, this should create more consistency in decision-making.

Most OMB hearings are conducted by one member, although there are instances, typically in more complex hearings, where multi-member panels have been assigned. For example, the hearing on the Region’s Official Plan was heard by a multi-member panel. The Province has received comments that suggest in addition to having more clearly written decisions, that multi-member panels become more commonplace to ensure clear and predictable decision-making.

To address these issues, the Province is considering the following reforms:

- Increasing the number of OMB members (adjudicators) who possess the necessary skills to preside over land use planning matters;

- Enhancing the level and type of training an OMB member receives, including
training on decision-making, active adjudication, and interacting with parties
that have no legal representation; and,

- Having multi-member panels that either a) conduct complex hearings, or b)
conduct all hearings.

Recommendations

1. Develop a consistent set of criteria for oral and written decisions by OMB
members - the OMB is not bound by its own precedent. According to the RPCO,
this is not necessarily a hindrance to the predictability of the OMB’s decisions,
since development applications must be evaluated on their own merit and within
a particular context. Moreover, “if OMB decisions were bound by precedent, the
accumulation of OMB decisions would soon entirely supersede municipally-led
comprehensive planning” (RPCO, p. 15).

Regional staff supports this view with respect to decisions and precedent,
however, suggest that procedural matters could be more consistently interpreted
and rules more consistently applied. Staff also recommend that the OMB
develop a consistent set of criteria (e.g., a rubric) that each oral and written
decision must address to ensure more cognizant interpretations of the materials
presented at the hearing, and the effects that a particular decision could have on
other municipalities.

2. Ensure appropriate experience and transparent training for OMB members
– the Provincial public consultation document provided some guidance on how
much training OMB members received upon accepting a position; however, it is
unclear the specific type of training that is received. Regional staff recommends
that the Province develop transparent training programs (initial and ongoing) for
OMB members that continues to further their adjudication and mediation skills.

3. Increase compensation and length of appointments for OMB members – the
qualifications that an OMB member must posses are vague and do not speak to
having experience working in any of the relevant fields related to land use
planning. There is also no mention in the qualifications regarding having a
proven track record of good decision-making. Regional staff recommends
enhancing the qualifications within the job description to speak to these items, as
well as provide more compensation. This is particularly relevant if more Board
members are required as an outcome of the reform process. This could attract
more qualified professionals who would be willing to accept such a complex and
demanding job.
4. **Establish clear and consistent rules for the use of multi-member panels** – establish more prescriptive rules regarding the use of multi-member panels that speak to timelines, responsibilities, and panel composition (background/qualifications).

**Theme 4: Modern Procedures and Faster Decisions**

The OMB follows a set of procedures and rules of practice for dealing with land use planning appeals. Over the years, parts of these procedures and practices have been updated (e.g., introducing mediation and videoconferencing), but as the Province has been hearing, not enough to streamline the appeals process or create a less adversarial, more transparent and predictable approach to resolving planning matters.

To addresses these issues, the Province is considering the following reforms:

- Streamlining the rules of practice and procedure to make them less complex and more publically accessible;
- Allowing active adjudication, whereby the OMB member can explain rules and procedures, scope issues and evidence and question witnesses;
- Setting appropriate timelines for decisions;
- Conducting more hearings in writing;
- Establishing clear rules for issues lists to ensure hearings are focused; and,
- Introducing maximum days allowed for hearings.

**Recommendations**

In addition to supporting establishing clear rules for issues lists (discussed in Theme 1 recommendations) and streamlining the rules of practice and procedure to make hearing process less complex, Regional staff recommend the following:

1. **Encourage OMB members to interact more fully in the hearing process** – OMB members are hired because of their experience and varied backgrounds in land use planning-related fields – that is one of the benefits of the Board. Regional staff recommends that, in conjunction with enhanced training, Board members are encouraged by OMB staff to fully utilize the rules of procedure and practice to engage more fully and be more proactive and directive at hearing events with lawyers and the public.

2. **Use technology to improve efficiency and timely processes** – Based on
Regional staff’s observations, it seems that delays are to a large extent caused by the volume of appeals. Regional staff recommends that if the use of technology, such as video conferencing and teleconferencing, can assist with scheduling hearing events and thereby avoid slowing the appeals process down due to logistical items, then the OMB should incorporate these into greater practice.

Theme 5: Alternative Dispute Resolution and Fewer Hearings

An OMB appeal process is conducted in a similar fashion to a court proceeding, and is surprisingly formal to those not familiar within how the OMB works. In the interest of finding alternative ways to work out mutually acceptable solutions to resolving land use planning issues, the Province has heard that mediation should play a more prominent role. The suggestion is that OMB members should possess the necessary alternative dispute resolution skills to mediate appeals and that more staff be hired to facilitate the mediation process.

To addresses these issues, the Province is considering the following reforms:

- More actively promoting mediation;

- Requiring all appeals be considered by a mediator prior to scheduling a hearing;

- Allowing government mediators to be available at all times during an application process, including before an application arrives at municipal council;

- Strengthening the case management at the OMB to better streamline, scope issues in dispute, and identify areas that can be resolved at pre-hearing and to further support OMB members during hearings; and,

- Creating timelines and targets for scheduling cases, including mediation.

Recommendation

The recommendation for this final theme is essentially a combination of previous recommendations described above.

1. **Triage appeals according to type and complexity** - Regional staff recommend that the pre-screening process suggested in Theme 1 also be used to triage appeals for appropriate and timely decisions. This would mean that criteria be applied to identify the best process for timely decision, whether that is a pre-
hearing, mediation, hearing or a combination of all three. Many of the appeals before the OMB are settled, and perhaps, if given further opportunity to find common ground outside of a formal OMB process, more timely and satisfactory outcomes would result.

In addition, the pre-screening process would identify what appeals are appropriate for mediation, taking into consideration equal levels of sophistication of the appellants and willingness to negotiate a settlement. Triaging appeals must be efficient and not lead to unnecessary delays in the appeals process.

**Corporate Strategic Plan:**

This report supports strategic objectives found in the Corporate Strategic Plan, and particularly Focus Area 2: Growth Management and Prosperity.

**Financial Implications:**

The Region’s Community Planning Division process a variety of development applications. This includes responsibilities delegated by the Province to the Region. Changes to the land use planning and appeal system have a direct bearing on how this process occurs, and consequently the resources required. Any financial implications would only be known following the approval of changes by the Province.

In terms of the Ontario Municipal Board (OMB), millions of dollars are spent annually by both public (municipal), private and citizen interests across Ontario. This includes legal counsel (typically with a particular subject expertise), and expert witnesses (e.g. respecting traffic, environmental impacts). Changes to the OMB could have profound effects on municipal costs, but the actual impact will only be known when changes are approved by the Province that relate to the OMB’s roles and the appeal process itself.

**Other Department Consultations/Concurrence:**

Staff from Area Municipalities and Legal Services have been consulted in the preparation of this report.

**Attachments**

Appendix 1: Regional Responses to Provincial Questions Regarding Ontario Municipal Board Reform

**Prepared By:** Cushla Matthews, Principal Planner

**Approved By:** Rod Regier, Commissioner of Planning, Development and Legislative Services
Appendix 1: Regional Responses to Provincial Questions Regarding Ontario Municipal Board Reform

<table>
<thead>
<tr>
<th>Theme</th>
<th>Provincial Reform Proposals</th>
<th>Provincial Discussion Questions and Regional Responses</th>
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<tbody>
<tr>
<td>1. Jurisdiction and Powers</td>
<td>- Limit appeals on provincial land use planning decisions in order to protect public interests for the future (e.g., clean and safe drinking water and the preservation of farmland)</td>
<td>1. What is your perspective on the changes being considered to limit appeals on matters of public interest?</td>
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<td>- Restrict appeals for development that supports provincially funded transit infrastructure (e.g., Rapid Transit) in order to ensure sufficient densities to support transit investments.</td>
<td>The Region is generally supportive of limiting appeals on matters of public interest and identifying which parts of the Province's decisions on official plans would not be subject to appeal.</td>
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<td>- Give a stronger voice to communities</td>
<td>Regional staff also recommend restricting appeals of planning documents that have been approved by a second approval authority (e.g., by the Province and the Region). Regional staff supports this consideration by the Province since it would give more credibility to the, often times, considerable public consultation and review that went into developing the planning documents.</td>
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<td>- Move away from de novo hearings and giving more weight to municipal and provincial decisions</td>
<td>If appeals are restricted, consideration should be given to providing an opportunity for public input with respect to any modifications of the planning document proposed by the approval authority.</td>
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<td>In conjunction, the Province must strengthen and add new language to Provincial policy documents to explicitly and unambiguously identify what policy elements, including their implementation in municipal planning documents, are unappealable. For example, Regional staff recommend that the Province specify that appeals dealing with conformity, particularly as they relate to land budgets, employment areas, and expansions to/changes to urban area boundaries, are unappealable.</td>
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<td>2. What is your perspective on the changes being considered to restrict appeals of development that supports the use of transit?</td>
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<td>The Region is generally supportive of this proposal, but does request that the definition of “transit” and “transit supportive” be clarified and its use be applied consistently by OMB members.</td>
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<td>3. What is your perspective on the changes being considered to restrict appeals of development that supports the use of transit?</td>
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considered to give communities a stronger voice?

The job of any planner is to ensure that the public interest is paramount in the decision-making process. In order to do this, ensuring that the public understands policy and process, participates in a meaningful and effective manner, and easily communicates their relevant opinions on planning matters is essential. The Region supports initiatives whereby communities and the public are empowered, either through enhanced information exchange or funding tools, to engage more fully in a planning process.

Once an appeal is filed with the OMB, a legislated public consultation process has already taken place at the municipal level. Regional staff concludes that if a particular party participated in the public consultation process and the municipality responded to the party's issue, then unless there is a serious flaw in the interpretation and/or application of planning law or policy, Council's decision should be upheld.

The Region encourages the OMB to use the powers it currently has to review the information provided in an appeal package, and make a determination regarding information that may have been missing from the process. If it is found that there is missing information, the appellant should be required to go back to Council with new "evidence" rather than going through the effort and expense of an entire OMB hearing.

4. What is your view on whether the OMB should continue to conduct de novo hearings?

Where a decision has been made by Council, a "de novo" hearing is not necessary, provided that it can be demonstrated to the Board, perhaps through a pre-hearing, how a council came to a particular decision. Regional staff are of the opinion that a "de novo" hearing is only warranted if there are serious flaws in the interpretation and/or application of planning law or policy resulting in a decision that is under appeal.

"De novo" hearings generally remove public accessibility to the process, since the hearing becomes more confrontational and costly, and the outcome is usually based on preferences for, or credibility of, expert witnesses. In addition, there can be a tendency to try and introduce new evidence into
the process, which as stated above, in Regional staff’s opinion, should be taken back to the original council for review.

5. If the OMB were to move away from de novo hearings, what do you believe is the most appropriate approach and why?

Regional staff believe a more robust process where issues are more clearly defined must be created to deal with the threshold issues first, and then if necessary, drill down into the specific detail issues (e.g., conditions of draft approval). Further explanations of some of the suggested criteria for this process are contained within this report in the response to Theme 1.

6. From your perspective, should the government be looking at changes related to transition and the use of new planning rules? If so:

   • What is your perspective on basing planning decisions on municipal policies in place at the time the decision is made?

In the Region's experience, the OMB continues to accept previous land use guidelines and policies (e.g., 1995 Land Budget methodology and the 2010 Natural Heritage Reference Manual) that are outdated and that are not consistent with current planning policy. Provincial policies and plans (e.g., the Growth Plan) need to explicitly state that they are to supersede and replace previous plans, policies and/or guidelines, and then be interpreted consistently by the Board.

With respect to site specific applications, conformity appeals should be benchmarked against the Plan they are addressing.

   • What is your perspective on having updated provincial planning rules apply at the time of decision for applications before 2007?

If a matter is already before the Board, then pre-2007 policies apply; if a matter is not yet before the Board, then post-2007 policies apply.
## 2. Citizen Participation and Local Perspective

- Increase public education opportunities (i.e., new user-friendly website)
- Expand the Citizen Liaison Office (CLO) to provide easier public access to information
- Reconfigure the CLO to include in-house planning experts and lawyers
- Explore funding tools to help citizens retain their own planning experts and/or lawyers

### 7. If you have had experience with the Citizen Liaison Office, describe what it was like – did it meet your expectations?

Regional staff has not had direct experience with the Citizen Liaison Office.

### 8. Was there information you needed, but were unable to get?

N/A

### 9. Would the above changes support greater citizen participation at the OMB?

Regional staff supports any improvements to the Board's process and practices that would enhance citizen participation and contribute to a more satisfactory experience for members of the public. With this goal in mind, the Province must set clear expectations regarding what makes the public successful if they have access to experts, explain in plain language the appeal process, what is an issues list, what is the difference between identifying a concern versus evidence, how to present a case before the Board, how to cross-examine a witness, etc. The OMB should also consider emphasising to the public that participation at the municipal level is essential.

The CLO is an excellent starting point for providing this type of assistance. Further expansions to staff and access to in-house planning experts and lawyers could only serve to improve the public's accessibility and understanding of OMB procedures and practices.

Furthermore, particularly for non-decisions, as part of the appeal package that is sent to the Board, Regional staff suggest including a requirement for an additional public meeting to be held prior to the appeal process, with a summary of the meeting sent to the Board. The purpose of this additional meeting would be to inform the public about the appeal, and to provide information on how to continue to participate in the related land use planning process.
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<td><strong>10.</strong> Given that it would be inappropriate for the OMB to provide legal advice to any party or participant, what type of information about the OMB's processes would help citizens to participate in mediations and hearings?</td>
<td>Please refer to comments provided to questions #9 and #11, regarding the expanded role for the CLO and introducing a “Friend of the Board” and/or Planner’s Aid.</td>
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<td><strong>11. Are there funding tools the province could explore to enable citizens to retain their own planning experts and lawyers?</strong></td>
<td>The Province could appoint a &quot;Friend of the Board&quot;, similar to Legal Aid or Planner’s Aid. If a member of the public and/or community group met certain eligibility requirements (i.e., an identified flaw in the interpretation and/or application of planning law or policy), access to planning or legal advice regarding their appeal and the OMB process is provided. This type of service would limit the public’s exposure to costs for their defence of a planning matter and also the potential costs awarded by the Board.</td>
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<td><strong>12. What kind of financial or other eligibility criteria need to be considered when increasing access to subject matter experts like planners and lawyers?</strong></td>
<td>There is a paradox that there is a relatively inexpensive filing fee ($300), intended to maintain financial accessibility to the Board by the average citizen, but it can then be very expensive to participate in an OMB hearing event. A re-examination of the filing fee and/or the information contained in the filing form is suggested as a way to limit frivolous and/or vexatious appeals.</td>
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<td>Regarding eligibility criteria, Regional staff suggest the Province require appeal letters identify specific policies relating to specific properties, in addition to identifying the serious flaws in the interpretation and/or application of planning law or policy that may have occurred during the municipal decision-making process. Once this information has been provided, the merit of an appeal and the potential need for planning or legal advice can be more easily determined through</td>
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3. Clear and Predictable Decision-Making

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<td><strong>a triage-based process.</strong></td>
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<td><strong>3. Clear and Predictable Decision-Making</strong></td>
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- Increase the number of OMB adjudicators
- Increase training
- Re-introduce multi-member panels

13. What additional qualifications and experiences are important for an OMB member?

Regional staff understand that if OMB members are better trained and more familiar with previous OMB hearing results, decisions should be more consistent and transparent. However, the OMB is not bound by its own precedent. Regional staff recommend that the OMB develop a consistent set of criteria (e.g., a rubric) that each oral and written decision must address to ensure more cognizant interpretations of the materials presented at the hearing, and the effects that a particular decision could have on other municipalities.

The qualifications contained within the "Member Position Description" for an Environmental Land Tribunals Ontario member are comprehensive, but not particularly specific to land use planning. For example, there is no reference to having a proven track record with respect to resolving land use disputes or having any kind of professional credentials. Regional staff recommend inserting more specific references to land use planning (and related fields) in the qualifications for an OMB member and requiring that appointed members have professional accreditations, in good standing. Another option is to identify specific job qualifications for OMB members within the job description.

Regional staff also understand that the role of OMB member is demanding and requires a unique set of skills to preside over, and resolve, sensitive land use matters across a large geographical area. Staff suggest increasing the salaries of OMB members in order to attract a greater pool of highly-qualified applicants, as well as providing greater security of tenure.

14. Do you believe that multi-member panels would increase consistency of decision-making? What should be the make-up of these panels?

In complex cases, such as an appeal of an entire official plan, a multi-member panel, in combination with improved training, makes sense and would potentially increase the consistency of decision-making. The area of expertise of the members on the
Another way to increase consistency of decision-making is to have the Province actively attend OMB hearings to support municipalities and the plans they have approved, including the support of all municipal land budget methodologies that address the Growth Plan requirements. Regional staff have experienced situations where the lack of precision in the Growth Plan wording has lead to inconsistent interpretations by the Board. Where the Province has introduced plans and/or policy, for example, Provincial staff need to defend their position should matters of conformity come into question through an appeal.

15. Are there any types of cases that would not need a multi-member panel?

Minor variances, consents, and minor zoning by-law amendment matters are examples of cases that may not need a multi-member panel, should the Board continue to adjudicate on such matters. Again, using a triage process to determine the type and complexity of appeal would assist in determining whether a multi-member panel is necessary.

16. How can OMB decisions be made easier to understand and be better relayed to the public?

Regional staff recommend a need for OMB case managers to be involved with a file from the beginning of the appeal process when the appeal letter is received, and to have a full understanding of the associated issues in order to fully assist the assigned OMB member. This would allow the OMB case managers to move beyond what is perceived to be a coordinator role.

Regional staff have experienced instances where the Board releases a decision that is based on a particular exhibit, however, the exhibit (document) may or may not be attached to the decision. This then means that the public does not have access to the document, which can result in frustration and further delays in obtaining clarity on that particular decision. Staff suggest improving internal protocols such that all relevant material is attached to a decision, by default.
<table>
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<th>4. Modern Procedures and Faster Decisions</th>
<th>17. Are the timelines in the chart above (referring to pg. 26 of the Provincial 2016 public consultation document) appropriate given the nature of appeals to the OMB? What would be appropriate timelines?</th>
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| - Adopt less complex and more accessible tribunal procedures | For reference, the Province targets the following timelines:  
A) issuing a decision within 60 days of the end of a hearing  
B) scheduling the first hearing in a minor variance cases (stand-alone) within 120 days of the receipt of a complete appeals package, and  
C) scheduling other cases for a first hearing within 180 days of the receipt of a complete appeals package. |
| - Allow adjudicators to play a more active role | Regional staff are unclear why these specific timelines were chosen. Staff suggest reviewing the procedures for written submissions at the beginning of the appeal process to ultimately expedite the process at the end. Target timelines are a good idea, but any timeline would need to be informed by overall improvements related to procedures and processes at the OMB. |
| - Set appropriate timelines for decisions, conduct more hearings in writing, and make hearings more cost-effective/efficient | Regional staff are also unclear what happens if the timeline targets are not met – is the decision then brought back to the original council or approval authority? |
| | While it is important to maintain accountability through performance targets, Regional staff suggest that a similar goal for improving procedures and obtaining faster decisions could be achieved through better pre-screening tools or a triage process, as identified in the response to Themes 1,3 and 5. |
| | 18. Would the above measures help to modernize OMB hearing procedures and practices? Would they help encourage timely processes and decisions? |
| | To encourage timely processes and consistent decisions, Regional staff recommend updating procedures to include a protocol and/or test with respect to the consolidation and/or separation of |
matters. For hearings regarding multiple related appeals (e.g., an official plan amendment with a zoning bylaw, subdivision, etc), Regional staff recommend hearing OPA evidence first to determine the threshold issue. Then, once the threshold issue is resolved, dealing with the zoning by-law or subdivision evidence at a later hearing, if necessary.

Regional staff also recommend a review of Section 43 of the Ontario Municipal Board Act, 1990, whereby, "the Board may rehear any application before deciding it or may review, rescind, change, alter or vary any decision, approval or order made by it" is needed. Enacting this provision of the Act leaves matters in limbo and creates uncertainty around the applicability of otherwise approved policies/by-laws/approvals, as well as uncertainty regarding a response from the Board when such an application is granted. Regional staff recommend updating the Act to provide a mechanism to give clarity on the status of policy pending review or appeal, thereby giving municipal staff greater certainty when applying policies in question. Again, incorporating a timeline within this mechanism that is informed by improved overall procedures and processes is necessary.

According to the Province's October 2016 public consultation document, a high volume of appeals deal with minor variances. If the adjudication of appeals relating to minor variances were to become the responsibility of area municipalities, then there needs to be the human and financial resources available to deal with having this new responsibility. In discussion with several area municipalities in the Region of Waterloo, there is general support for this alternative system outside the OMB.

19. What types of cases/situations would be most appropriate to a written hearing?

Less complex, single issue motions and matters that can go straight to a Board hearing (i.e., no pre-hearing).

20. Why do you think OMB cases don't settle at mediation?

Regional staff suggest that mediation only works well
### Fewer Hearings

- Require all hearing to go to mediation prior to scheduling a hearing
- Better stream and scope issues through improved case management
- Create timelines and targets for scheduling cases, including mediation

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<th>with equal levels of sophistication and willingness to participate; in almost all other circumstances, mediation does not work.</th>
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<td>The current structure could result in delays in process if mediation is not successful. Furthermore, parties may be more hesitant to enter into mediation because this could result in additional time and extra costs, particularly if a settlement is not successfully negotiated.</td>
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#### 21. What types of cases/situations have a greater chance of settling at mediation?

Committee of Adjustment issues, for example can result in expensive and resource-consuming one-day hearings that could be diverted, using a robust pre-screening tool, to mediation for a more expedient resolution.

Mediation must be used as a means expedite the appeal process. One suggestion, in combination with triaging appeal letters based on type and complexity, is to require all issues lists to go through mediation rather than a pre-hearing, to determine the scope of issues and the overall timing for the rest of the appeal process.

#### 22. Should mediation be required, even if it has the potential to lengthen the process?

In principle, mediation should be an option for all cases once the issues have been clarified, and prior to a full hearing. Mediation can be effective at resolving community concerns in a less litigious and more informal and cost effective setting.

If cases are required to go through mediation, there needs to be a prompt response from the Board/mediator if this process is not working, so that parties can get back on track with a hearing.

#### 23. What role should OMB staff play in mediation, pre-screening applications and in not scheduling cases that are out of the OMB's scope?

It is Regional staff's opinion that the Board process has become very litigious resulting in unnecessary
confrontation and cost to all parties. The use of legal language and courtroom-style of presentation are often confusing and intimidating to the general public.

The role of OMB staff should be to encourage settlement and mediation, and to be trained more extensively in alternative dispute resolution. Alternatively, the Board could reintroduce third party mediators rather than have Board members as mediators, if this is a satisfactory solution.

Cases with issues outside the scope of the OMB should be identified during the triage stage of the appeal process.

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<td><strong>24. Do you have any other comments or points you want to make about the scope and effectiveness of the OMB with regards to its role in land use planning?</strong></td>
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Please refer to the Region's Report PDL-CPL-16-55 for further comments and recommendations.
Region of Waterloo
Transportation and Environmental Services
Transportation

To: Chair Tom Galloway and Members of the Planning and Works Committee
Date: December 6, 2016          File Code: T01-20/58
Subject: Proposed No Parking Anytime Restriction on Fischer Hallman Road (Regional Road 58) between Bleams Road and Huron Road in the City of Kitchener

Recommendation:

That the Regional Municipality of Waterloo amend the Traffic and Parking By-law 06-072, as amended, to add to Schedule 4, No Parking Anytime on both sides of Fischer Hallman Road (Regional Road 58) from Bleams Road to Huron Road in the City of Kitchener as outlined in Report TES-TRP-16-26, dated December 6, 2016.

Summary:

Staff received concerns regarding poor sight lines when exiting Sienna Street onto Fischer-Hallman Road from residents resulting from parked vehicles along the east shoulder of Fischer-Hallman Road. Residents requested that the Region restrict parking on the east side of Fischer-Hallman Road fronting a new residential development located in the northeast and southeast corners of the Fischer-Hallman Road/Sienna Street intersection.

Staff reviewed the sight distance and concerns with parking within the shoulder along Fischer-Hallman Road and based on the review and consultation, it is recommended that on-street parking along Fischer-Hallman Road on the east and west sides between Bleams Road and Huron Road be prohibited at all times.
1.0 Background:

City of Kitchener approved a townhouse development on the east side of Fischer-Hallman Road, bounded by Huron Road on the south and Seabrook Drive on the north, which included approximately 276 units. The townhomes were approved such that the units front Fischer-Hallman Road with parking located in the rear of the development. Please refer to Appendix A for the approved site plan.

Shortly after residents began to occupy the residences, staff received several concerns from residents on Sienna Street that they had poor visibility turning onto Fischer-Hallman Road due to parked vehicles.

2.0 Existing Conditions

Fischer-Hallman Road is a north-south road that intersects Sienna Street and is a two-lane divided roadway with one lane in each direction. This section of Fischer-Hallman Road has a posted speed limit of 60 km/h and an Average Annual Daily Traffic (AADT) volume of 12,713 vehicles per day.

Sienna Street, located approximately 200 metres north of Huron Road, is under City of Kitchener jurisdiction which provides access to a growing residential development to Fischer-Hallman Road. Sienna Street is stop controlled at Fischer-Hallman Road and is restricted to right-in/right-out only movements. Please refer to Appendix B which provides a figure mapping the area.

2.1 Collision History

The Fischer-Hallman Road/Sienna Street intersection was constructed in 2014. However, Sienna Street was mainly a construction access and was not fully used by residents until the spring of 2015 when it was paved.

A review of the collision history at the intersection of Fischer-Hallman Road/Sienna Street between 2013 and 2016 indicates that there have been no collisions.

3.0 Sight Lines

Staff received numerous concerns from residents citing that turning onto Sienna Street is very difficult due to poor sight lines. The poor sight lines are attributed to parked vehicles within the east shoulder of Fischer-Hallman Road.

Staff visited the site and confirmed that parked vehicles hinder the sight lines of motorists exiting Sienna Street. Appendix C provides a visual of parked vehicles along Fischer-Hallman Road which results in the limited sight distance for motorists wishing to exit Sienna Street.
4.0 Parking Survey

A parking survey was conducted on Fischer-Hallman Road on Saturday, July 23, 2016 and on Tuesday, July 26, 2016 between the hours of 8:00 a.m. and 8:00 p.m. The purpose of the survey was to determine the number of motorists parking within the shoulder and the duration of those parking.

The results of the survey show that motorists were parked within the east shoulder of Fischer-Hallman Road for the duration of the survey (12 hours) and that there were as many as 12 vehicles parked within the shoulder between Sienna Street and Huron Road. Through the survey staff were able to identify that occupants of the parked vehicles were either residents or visitors to the townhouses fronting Fischer-Hallman Road. It was also observed that a parallel parking manoeuvre nearly caused a collision with a motorist travelling northbound on Fischer-Hallman Road.

The parking survey shows that parking within the shoulder of Fischer-Hallman Road between Huron Road and Sienna Street appears to be consistent on both weekdays and weekends.

5.0 Public and Area Municipality Consultation

Information signs were installed on Fischer-Hallman Road for two weeks starting on October 19, 2016 requesting comments from residents through the Region’s website, mail or via telephone. An internet questionnaire was also set up to receive comments and a phone number was provided.

The questionnaire asked interested parties whether they were in support of, or in opposition to, the proposed ‘No Parking Anytime’ restriction along Fischer-Hallman Road. A total of 56 responses were received and 31 (55%) were in support of the proposed parking restriction. Those who opposed the restriction (25 or 45%) cited the following reasons:

- There are limited parking options within the condominium complex. Visitor parking is limited and there is only one parking spot per household; and
- It is more convenient to park in front of the building rather than at their assigned spot in the parking lot.

City of Kitchener staff concurs with the proposed no parking restriction on Fischer-Hallman Road. City staff noted receiving similar complaints from area residents regarding the sight visibility.

Those that wish to be notified have been informed of the proposed changes.
6.0 Recommendation:

Based on the review, staff recommends a No Parking Anytime restriction on both the east and west sides of Fischer-Hallman Road between Huron Road and Seabrook Drive.

Currently, additional subdivisions are being developed and others are being reviewed for approval for the area north of Seabrook Drive and south of Bleams Road. Once developed, this section of Fischer-Hallman Road could encounter similar issues. Based on ongoing and future build-out of the area staff also recommends a No Parking Anytime restriction on both sides of Fischer-Hallman Road between Seabrook Drive and Bleams Road. This will also serve to maintain consistency with the existing parking restriction along Fischer Hallman Road between Columbia Street and Bleams Road.

A No Parking Anytime restriction along the east and west sides of Fischer-Hallman Road between Huron Road and Bleams Road would:

- Improve the sight lines of motorists exiting Siena Street onto Fischer-Hallman Road;

- Minimize the potential collision risks resulting from poor sight lines; and

- Be consistent with parking restrictions along Fischer-Hallman Road from Huron Road to Columbia Street in Waterloo.

A figure showing the limit of the proposed ‘No Parking Anytime’ restriction along Fischer-Hallman Road is included in Appendix D.

Corporate Strategic Plan:

This report addresses the Region’s goal to optimize road capacity to safely manage traffic and congestion (Strategic Objective 2.4)

Financial Implications:

The cost to install the necessary signage to implement a No Parking Anytime restriction along Fischer-Hallman Road on both the east and west sides between Huron Road and Seabrook Drive is approximately $7,000 and will be funded from the Transportation Operations budget. At this time staff are not recommending the installation of signage between Seabrook Drive and Bleams Road because we do not anticipate parking to be a concern until the area develops. Staff will consider signage along this section of Fischer-Hallman Road if motorists are seen to frequently park along the shoulder.

Other Department Consultations/Concurrence:

The Council and Administrative Services Division will be required to prepare the
amendments to Traffic and Parking By-law.

Attachments

Appendix A – Site Plan of the Subdivision on Fischer-Hallman Road between Huron Road and Sienna Street

Appendix B – Area Map

Appendix C – Photo of cars parked on Fischer Hallman Road near Sienna Street

Appendix D – Proposed No Parking Anytime Restriction on Fischer-Hallman Road

Prepared By: Jyoti Nair, Engineering Technologist (Traffic)

Approved By: Thomas Schmidt, Commissioner, Transportation and Environmental Services
Site Plan of Subdivision near Sienna Street at Fischer-Hallman Road
Area Map
Photo of cars parked on Fischer Hallman Road between Sienna Street and Huron Road
Proposed No Parking Anytime on Fischer Hallman Road between Bleams Road and Huron Road
Green Life Acres Ltd.
3795 Lobsinger Line,
St. Clements, Ontario
N0B 2M0
519-577-2889
kory.lorentz@megawire.ca

Hergott and Ament intersection

Hello,

I am a farmer from the St Clements area who has land spread across Wellesley, Woolwich and Wilmot townships. We frequently travel through this intersection to get to the necessary fields. Currently, we are renting the farm on the south west side of the intersection so we have been able to watch the volume of traffic through there. I attended the meeting at the township hall.

I strongly believe that a four way stop will not solve the problem at this intersection. The large number of heavy, fully loaded trucks that travel through will have a huge negative environmental impact decelerating, waiting, then accelerating up two grades (to south and west). It’s obvious that these big trucks take longer to get through an intersection than a car so there will be times where there could be several lined up waiting their turn. Now have a horse and buggy in the middle and we have the next problem. I’ve seen far too many times a horse get spooked because of truck or tractor noise. I have helped them out of the ditch, re-harness their horse and over-turn a flipped buggy because they were spooked standing there (through-out the townships). The flashing and rotating lights on our tractors have also caused the horses to get spooked at intersections. It seems as long as they (buggy’s) are moving the horse handles distraction better. A four way stop will put the buggy’s in a vulnerable spot. I unfortunately vision a poor family get pulled by their horse into traffic with all the distractions that a four-way stop causes. We travel through intersections like these in our tractors now, and its amazing how many people will not follow the rules so they can get ahead of the tractor. WE have to be very cautious or the regional stats for accidents would be higher a four-ways. That being said, we also travel through the round-a-bout in St Jacobs quite often and are very comfortable doing it.

The Region says they build round-a-bouts in new areas now to be prepared for the future which makes sense. I spoke with a township inspector who stated that this year was the busiest for building permits in the township. This can only mean that these roads will get travelled more with both heavy trucks and vehicles in the near future.

I feel a round-a-bout is better for the environment by keeping vehicles moving, more efficient for all the loaded trucks, safer for the horses and tractors that travel through it and the way of the future.

Kory Lorentz
President
To the Region of Waterloo;
I've heard about the Region of Waterloo’s proposal for a four way stop at the intersection of Ament Line and Hergott Road. I was concerned when I heard this as most of our highway truck traffic travels north on Hergott Road from St. Clements and to have them come to a full stop on the down slope at Ament Line and Hergott Road seems to me to cause unnecessary traffic interruptions, noise and pollution. I would recommend and fully support a roundabout at this intersection as this would make this intersection much safer, slow traffic down and still allow a smooth traffic flow with minimal impact to the environment. One concern I would have is that the traffic circle be designed large enough in diameter so that the large highway truck and trailers would be able to navigate through it with no difficulty.

Steve Frey
CEO-President
AMI Attachments Inc.
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