

Mayor Guthrie and Members of Council:

Section 8.3 of our Official Plan specifically addresses Landmarks, Public Views, and Public Vistas. These principles, which prioritize public vistas of Significant Natural Areas should be guiding decisions being made in Clair-Maltby.

*8.3 Landmarks, Public Views, and Public Vistas*

**4. Opportunities to provide public views of Significant Natural Areas are strongly encouraged.**

**5. Reverse lotting onto Significant Natural Areas and other components of the public realm should be avoided.**

**6. Buildings should be oriented to maintain public vistas of Significant Natural Areas on lands adjacent to the site.**

**7. Streets should create view corridors and public vistas of Significant Natural Areas, the river valleys and park facilities.**

I wish to express my concerns about an ongoing disconnect between a clearly expressed community desire for a community park in Clair-Maltby with a vista of Hall's Pond and the failure of staff to reflect this in the selection criteria.

Hall's Pond is one of the most significant wetland complexes in the Province. While a 12 m wide moraine ribbon may follow the edge of the NHS, the community is clearly looking to have a spectacular view be part of the largest park in Clair-Maltby.

Vocabulary.com defines "vista" as: *a scene, view or panorama. It's what you see when you climb to the top of a mountain or pull off the road at the "scenic view" rest stop.*

On p. 7 of consultant Rebecca Sutherns' report on the Round One consultation, there is a list of "Location Considerations". The number one criteria put forward by workshop participants is:

- *(Visual) access to Hall's Pond.*

<https://pub-guelph.escribemeetings.com/FileStream.ashx?DocumentId=3940#page=63>

However, in the consultant's preamble on p. 2, this clear request for visual access to Hall's Pond is attenuated to the following: *"There is strong support for locating the park near landmarks or notable features in the area, such as Hall's Pond."*

In staff's shortlist of park criteria, the public's clear demand for visual access to the Hall's Pond vista is further diluted:

- *Is the location near a landmark or notable feature?*

Proximity is meaningless if there is no view or vista. No scenic lookouts have a wall of trees between a viewing point and the view. Mike Marcolongo pointed out at the May 13th, 2019 Council meeting that there is no view of Hall's Pond from staff's suggested Community Park

location on the Marcolongo Farm site. Although it is near Hall's Pond, it is physically and visually separated by NHS forest which cannot be cut down.

If the criteria clearly reflected the community desire for a vista of NHS features as a requirement, the top choice for the Community Park would be the triangle - the Springfield Golf Course property with a sweeping view of Hall's Pond.

When the clearly stated mandate from the community is watered down to merely "proximity" it can again be used to override expressed public preferences and rationalize the selection of the Marcolongo property.

It is extremely disturbing that "visual access" to Hall's Pond was used as a justification for the surprise repositioning of the Community Park, but it was not made crystal clear to Council in the May 13th staff report that this would only comprise a view of NHS forest beside the pond. This fact had to be drawn out by Councillors through prolonged questioning. I will remind you of the following exchange at 5:13:25 on the video recording of that Council meeting regarding the relocation of the Community Park to the Marcolongo property.

**Councillor Salisbury:** *Two other quick questions. The other, it's one of the issues was that it was in response to community feedback, that this addresses that feedback with regards to providing visual access of the community park to Hall's Pond, but I'm hearing that in fact does not. Can you help me understand whether or not we have visual access to the park with this move, to the pond, with this move, or not?*

**Stacey Laughlin:** *Through you Mr. Mayor, I believe we already answered that question when Councillor Allt asked it, so we would look at providing visual access at the time of detailed development or design of that park, but right now, I can't provide that assurance to you.*

**Councillor Salisbury:** *So it does not address some of the public and stakeholder feedback currently? Because the report says it does, and I'm not trying to be a pain, but these are sort of, in collection, I run into a number of things that appear contradictory.*

**Melissa Aldunate:** *Through the Mayor, the visual access to Hall's Pond, if people are taking that as "to the water feature of Hall's Pond" that's a very specific visual access.*

*The video recording captures incredulous laughter from the gallery.*

It's truly disturbing that there appears to be ongoing game-playing around visual access to Hall's Pond. Citizens continued to make the demand for visual access to Hall's Pond clear at the Community Consultations in the fall of 2019. However, I was not aware of any information being presented to participants which illustrated which sites provided visual access to Hall's Pond and which did not. It would certainly not be clear for the average lay person looking at the maps provided.

Section 1.2 of the Canadian Institute of Planners Professional Code of Conduct requires that planners *"provide full, clear and accurate information on planning matters to decision-makers and members of the public...."*

This whole process bears an uncanny resemblance to the fiasco around the Peter Miserky dog park. Dog owners who commented online asserted that they had consistently advocated for a fenced-in dog park at Eastview Park, where after-dark access could be provided. Not

only were residents around Peter Miserky park not consulted, but the dog owners who were consulted prior to selection of a site were essentially ignored.

When convenient, it appears that public consultation is invoked as a justification for staff decisions, but selectively ignored if it conflicts with staff's preconceived outcome.

Staff have received ongoing and consistent input requesting visual access to Hall's Pond for parkland in Clair Maltby. Here is an excerpt from a submission I made to Ms. Laughlin on January 9th, 2019. It references the "Blueways Policy" implemented in Vancouver:

*The NHS should be considered to be as valuable as waterfront. In the False Creek development in Vancouver, the "Blueways Policy" ensured that waterfront was 100% publicly accessible.*

*The NHS should not be privatized as a personal amenity for high income families. 100% of the NHS should be publicly accessible via single loaded roads, public parks, stormwater management facilities or other similar uses.*

*The Town of Vaughan takes this approach in their North Kleinberg Nashville Secondary Plan:*

*i. Single loaded roads should be provided abutting lands designated Natural Heritage Network, in order to provide a fronting condition and a clear edge to the feature and to permit visual and physical access to the connected greenlands system, where feasible;*

*This approach will be consistent with Section 8.3 of our Official Plan:*

*8.3*

*4. Opportunities to provide public views of Significant Natural Areas are strongly encouraged.*

*5. Reverse lotting onto Significant Natural Areas and other components of the public realm should be avoided.*

*6. Buildings should be oriented to maintain public vistas of Significant Natural Areas on lands adjacent to the site.*

*7. Streets should create view corridors and public vistas of Significant Natural Areas, the river valleys and park facilities.*

Susan Watson

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Mayor Guthrie and Members of Council:

I am forwarding an email I sent to Stacey Laughlin in November of 2019 expressing concerns about the disconnect between the raw data provided to the public on p. 12 and 13 of Ms. Sutherns' report and the assertion on the bottom of page 2 that, "*Of the top three sites, the Plus Sign was most popular.*"

<https://guelph.ca/wp-content/uploads/What-We-Heard-summary-of-feedback.pdf>

Trust is undermined when interpretation of data diverges from the raw data made available.

I am not clear why "Negative votes" were solicited from participants, but not tabulated and aggregated together with the Positive votes.

Ms. Sutherns' reports states, *"Interestingly, the Plus Sign site also garnered several negative votes, for being too hummocky/hilly for a park and for possibly interfering with affordable housing plans."*

At the bottom of my email you can see that if the positive and negative votes from the workshop had been aggregated, the "Plus sign" Marcolongo property would not have made the top three choices that were considered for the second consultation.

Staff claim in their report that the consultation process was not "determinative", however, this voting process clearly was.

Unlike City Council, there was no requirement for individuals with clear conflicts of interest to recuse themselves from the voting process. This has resulted in a perversion of the process.

Susan Watson

----- Forwarded message -----

From: **Susan Watson**

Date: Tue, 19 Nov 2019 at 12:23

Subject: Ranking based on aggregate positive/negative votes

To: Stacey Laughlin <[stacey.laughlin@guelph.ca](mailto:stacey.laughlin@guelph.ca)>

Hi Stacey:

I read through the report and didn't quite follow why the Plus Sign site was identified as the "most popular" when the Triangle site received the most votes.

Did the aggregate ranking results include rankings from the on-line survey? If so, are those done anonymously, or do participants identify themselves? If these votes are going to be the bases of recommendations to Council going forward, it raises the question for me as to whether or not participants from the workshops could also have double-voted by filling out the on-line questionnaire?

The ranking system also lends itself to "plumping" where only the desired result is voted for and no other choices are ranked. This can skew the results.

I am also interested that there was no aggregate result presented which combined the positive and negative "votes". Here's what that looks like:

1) Triangle:  $17 - 3 = 14$

2) Tree:  $14 - 3 = 11$

3) Star:  $11 - 3 = 8$

4) Plus sign:  $15 - 9 = 6$

5) Lightening:  $3 - 5 = -2$

6) Push Pin:  $5 - 10 = -5$

Best,

Susan

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Mayor Guthrie and Members of Council:

I wish to express my concerns about an ongoing lack of transparency and distinction in current public consultation between community members who have no pecuniary interest in a given matter and stakeholders who have clear financial interests at play.

We saw this during the Parkland Dedication By-law update. Staff told Council that the update was delayed because "stakeholders" had requested more time for the By-law. However, an FOI revealed that only developers had requested the delay. This delay would have resulted in a net financial gain for a number of development projects which had parkland dedication calculated under the old By-law instead of the new By-law, and a corresponding financial loss for the City.

In the most recent Clair-Maltby open space consultation, I believe that a line has been crossed in the influence that pecuniary interest has exerted over decision-making.

At the beginning of every single Council meeting, you are required to declare whether or not you have any conflict of interest. The fundamental principle is that private financial interests should not play any role whatsoever in public decision-making.

What exactly are the pecuniary interests at stake in Clair-Maltby?

For developers, every single hectare of parkland represents lost profit – millions of dollars of profit. Recently revised housing targets for some areas of Clair-Maltby anticipate 20-60 units per hectare. With detached homes near conservation areas now selling upwards of \$1 million, we're talking a potential value of \$20 million to \$60 million for finished homes on 1 hectare of land. Stack that up against a possible reimbursement from the City of \$75,000/hectare for empty, agriculturally-zoned land and the motivation to avoid parks at all cost is crystal clear.

The proposed Community Park increases the financial stakes exponentially. For Clair-Maltby land speculators, having a 10-hectare park land on your property could mean losing out on \$200 million to \$600 million of gross real-estate sales.

Land owners and the local development industry have a right to participate and give input to planning processes, but there should have been a separate financial stakeholder consultation held in parallel with true community consultation. That way the distinction between input from people with an evident pecuniary interest and members of the public with no financial interest whatsoever would have been transparent to both Council and citizens. The fact that everyone was lumped together under one umbrella of "Community Consultation" killed transparency and allowed developers undue influence over the process.

Staff claim in their report that the process was not "determinative", but that is not completely true. Phase one of the consultation was clearly determinative. It involved casting votes on six different park scenarios, which narrowed the choices for the next round, and for staff, to three options. The development industry was out in force at both rounds of the consultation. I recognized landowners, developer employees and developer consultants I see regularly at planning meetings. In a conversation I had with consultant, Rebecca

Sutherns, she conceded that the outcome of the votes was essentially determined by “who showed up.”

By any definition, landowners, developer employees and developer consultants all had a pecuniary interest in their participation and the result of the vote. But unlike every single City Council meeting, this conflict of interest was not declared, and the individuals did not recuse themselves from the voting process.

Even more concerning, people were allowed to vote anonymously in the on-line consultation portion. When this concern was raised with staff, they asserted that people were asked to check a box as to whether or not they had attended an in-person session.

As I noted in a separate email, staff elected to only tally round one positive votes for particular sites, not the negative votes that were also solicited. If both sets of votes from workshop participants were aggregated, the Marcolongo farm didn't even make the cut for the top three choices.

Citizens have a right to demand transparent decision-making, and outcomes which serve the public interest, not private profit. Staff's final recommendation has been tainted by a violation of foundational democratic values. We deserve better.

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Mayor Guthrie and Members of Council:

I believe it is time for the City of Guelph to initiate a lobbyist registry modelled on ones that are used by the Federal Government, the City of Toronto and several other Ontario municipalities.

Citizens have a right to understand who is influencing decisions at all levels of government.

The recent decision to relocate a community park from a property owned by 1077955 Ontario Inc. to the Marcolongo farm is a case in point. Staff asserted that the relocation was based on “stakeholder” feedback asking for the community park to be located on a collector road, rather than an arterial road. Was this feedback submitted by a citizen with no pecuniary interest in Clair-Maltby, or was it provided by a stakeholder with some connection to 1077955 Ontario Inc.? This is a question relevant to the important decisions being made. In this instance, a lobbying registry would help to make the decision-making process more transparent.

You may be interested in this excerpt from an OECD brochure on ethics and lobbying:

<https://www.oecd.org/corruption/ethics/Lobbying-Brochure.pdf>

*The public has a right to know how public institutions and public officials made their decisions, including, where appropriate, who lobbied on relevant issues. Countries should consider using information and communication technologies, such as the Internet, to make information accessible to the public in a cost-effective manner. A vibrant civil society that includes observers, 'watchdogs', representative citizens groups and independent media is key to ensuring proper scrutiny of lobbying activities. Government should also consider facilitating public scrutiny by indicating who has sought to influence legislative or policy-making processes, for example by disclosing a 'legislative footprint' that indicates the lobbyists consulted in the development of legislative initiatives. Ensuring timely access to*

*such information enables the inclusion of diverse views of society and business to provide balanced information in the development and implementation of public decisions*