

Policy Discussion Papers

Preliminary Discussion


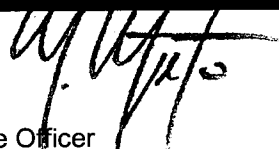
Request for Recommendation Priorities Committee




Type of Decision									
Meeting	August 8 th , 2007				Report Date	August 1 st , 2007			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Green Space Advisory Panel

Budget Impact / Policy Implication	Recommendation
<div style="border: 1px solid black; padding: 5px;"> This report has been reviewed by the Finance Division and the funding source has been identified. </div>	<div style="border: 1px solid black; padding: 5px;"> <p>It is recommended that a Green Space Advisory Panel be formed as outlined in the Staff Report dated August 1st, 2007. This Panel is formed for the purposes outlined in that same report with the intention of reporting back to City Council with its key findings and recommendations. Further it is recommended that Council take steps to appoint 12 citizens to serve on this panel as well as to appoint the 12 named members.</p> </div>
<div style="border: 1px solid black; padding: 5px;"> <input checked="" type="checkbox"/> Background Attached </div>	<div style="border: 1px solid black; padding: 5px;"> Recommendation Continued </div>

Recommended by the Department	Recommended by the C.A.O.
<div style="border: 1px solid black; padding: 5px;">  Doug Nadrozny, General Manager Growth and Development Department </div>	<div style="border: 1px solid black; padding: 5px;">  Mark Mieto Chief Administrative Officer </div>

Report Prepared By	Division Review
W. E. Lautenbach Director of Planning Services	 W. E. Lautenbach Director of Planning Services

Background

Green space is a term commonly used to denote parkland, greenways, open space, natural heritage or environment lands, vacant lands and even lands such as golf courses, cemeteries, agricultural lands or green infrastructure such as drainage swales. In the context of this report green space is being considered in its broadest context with the aim that priority sites would ultimately become public space. Private green space protection may be subject to a future mandate but is not the priority of this Panel.

Green space offers many benefits to society including: ecosystem benefits such as wildlife habitat, biological diversity, water storage and air quality/climate moderation; economic benefits such as enhanced property values, tourism opportunities, beautification and improved quality of life; social benefits such as outdoor recreation opportunities, health and wellness impacts, and active transportation links; and green infrastructure benefits such as storm water management. Green space to a significant degree helps to define the character of a community or city.

For the past several years green space issues have emerged throughout the City of Greater Sudbury. These issues have taken the form of citizen concerns regarding developments in their neighborhood which would eliminate private open space which they have been privileged to use over the years (Roxborough, Centennial Drive, Bennett Lake). Similar green space issues have also emerged when the City considered the appropriateness of disposal of surplus leisure services property to be placed on the open market. Green space issues have surfaced when the City considered acquisition of key natural assets (CPR Bay lands) in the context of the need and priority of the purchase. And green space issues have surfaced from local environmentalist advocating that the former City's Natural Asset Report should be reviewed and updated to include the entire City of Greater Sudbury. Green space issues are also emerging in the context of the City's Healthy Community Strategy which is advocating that the City should have more linked green space with connecting trails for active transportation networks within the green space.

Earlier green space issues have been addressed on an area basis in the development of secondary plans, local area plans, community improvement plans or in the former town recreation master plan documents where these existed. At various times, these plans had made recommendations with respect to trail linkages, protection of sensitive areas, or acquisition of key properties.

To a certain extent the Parks, Open Space and Leisure Background Report and Master Plan, and the new City of Greater Sudbury Official Plan examined a number of these issues and made recommendations going forward. However, given the amount of money and time required to address all issues and develop additional background information, the consulting firm hired Monteith Brown Planning Consultants was unable to develop a number of green space issues further. Nor were they able to identify new green space which should be added to the City's current park and open space public land inventory. As well, criteria for prioritizing future green space acquisitions, dispositions and land exchanges were not fully developed.

In the New Official Plan, Council established that two programs be undertaken with respect to green space as follows:

7.2.1 Programs

- "2. A park classification system to address the range of Parks and Open Space types and characteristics will be established to guide park acquisition, development, and management. The park classification system will have regard to natural beauty, environmental functions, and recreation value."
- "4. Further delineate natural environment areas in need of municipal protection along with appropriate strategies for conservation and acquisition."

A parks and open space classification system is a critical component in developing a framework for the systematic evaluation of the park and open space system. Developing a park and open space classification is essential in understanding deficiencies and gaps within the current park and open space network. A classification system that addresses a range of different types and characteristics of parks and open spaces should be developed to guide the development, acquisition, and management of existing and future parks.

Developing such a system for the City may result in a different but parallel system to the traditional park and open space classifications (i.e. neighbourhood park, community park, etc.). This might be similar to the Provincial Park classification system. Perhaps: Recreation Park, Greenway, Natural Environment, Buffer and Beautification, Surplus (not developable), Surplus (developable). The master plan suggests a classification system consisting of School Park, Playground, Community Park, Regional Park, Greenway or Linear Park, and Open Space or Green Space.

The Park Master Plan provides direction in this area as well as standards which should be addressed for City residents. It recommends the system delineate Public Open Space and Private Open Space and separate Parks from Open Space. It recommends that emphasis should be placed on acquiring sites greater than 4 hectares in size. It also recommends that the City set minimum targets for parkland and open space such as 4 hectares per 1000 population and that park sites be within 800 metres of residential areas

without having to cross a major barrier. The aim should be to attain a balanced system with wide accessibility and equitable distribution.

At the same time the new Master Plan and Official Plan were being developed, City amalgamation had brought all former town and city public lands into one common ownership. These lands needed to be mapped and placed within a geographic information system so that they could be readily viewed and considered in context. With considerable staff effort, much of this database and mapping has now been developed. This will allow for a better understanding of green space linkages as well as better understanding of what lands are surplus to City needs.

These lands now need to be assessed with respect to whether certain park properties or public land assets should be kept or sold on the open market. There is also a need to identify all unimproved municipally-owned lands obtained through parkland dedication mechanisms. Each of these parcels should be evaluated according to established criteria before a decision is made to maintain the parkland in its current state or dispose of the land. To do this policies and criteria relating to disposal should be reviewed. Revenue generated from the sale of any surplus parkland should be utilized to acquire new parkland or improve existing parks and leisure facilities.

Once again the new Official Plan provides Council with some guidance in the area of disposal of lands under Public Park and Open Space policy 7.2.1. (8) which states:

- “8. Waterfront properties owned by the municipality will generally not be offered for sale or disposal. Other surplus Parks and Open Space lands may be considered for sale subject to the following criteria:
- a. there are overlapping service areas;
 - b. there are no facilities or severe underutilization;
 - c. there are no important ecological or environmental functions present;
 - d. the lands are located within an area that has an oversupply of existing planned parkland;
 - e. the lands are not needed for future parks or municipal infrastructure requirements; and
 - f. the lands do not have frontage on a public or private road.”

Purpose of the Green Space Advisory Panel

To assist Council and staff in the implementation of the Parks and Open Space Master Plan and the Official Plan, a Green Space Advisory Panel is proposed. This Panel would have as its mandate the following terms of reference:

- Recommend to Council a Parks and Open Space Classification System which is suitable for the City of Greater Sudbury as per Official Plan program # 2

- Recommend to Council natural assets which should be considered for inclusion in the City's Park and Open Space System as per Official Plan program # 4
- Recommend to Council a rating or evaluation system which might be utilized to assist Council in establishing acquisition priorities and making park and open space acquisitions
- Review the City property inventory and recommend to Council properties to be included in the Leisure Services portfolio and identify those Leisure Services properties which should be declared surplus to parks and open space needs and disposed of as per Official Plan policy 7.2.1 (8)

Proposed Green Space Advisory Panel Composition

Given the nature of the work outlined, it is recommended that this advisory panel be comprised of both citizens and expert members including staff in equal proportions somewhat similar to Panels on Lake Water Quality or Development Liaison (DLAC). The citizen members would be appointed by Council and represent both a ward and the entire City. The expert panel members would be confirmed by Council and consist of members nominated and named for the specific expertise they are able to contribute to the panel. The staff members would also be confirmed by Council for their areas green space expertise and abilities to implement any recommendations proposed. All members would have equal status with staff facilitating the process. Together this Panel will form an appropriate team to fulfill the mandate outlined.

On the citizen side of the Panel it is recommended that 12 members be appointed, one from each ward. This will provide input from every part of the City and achieve the broadest consensus with respect to the way forward. The citizen appointees would be selected from applicants who respond to ads placed in the newspaper for panel representatives and from individuals nominated by the ward councillor.

With respect to expert member appointments, it is recommended that the following individuals be appointed on the basis of their community service and expertise with respect to green space issues. These members are as follows:

Franco Mariotti - Biologist, Environmental Activist, Science North link
Dr. Stephen Monet - Ecologist, Wetlands specialist, Natural Heritage Background Study
Dr. Peter Beckett - Botanist, Ecologist, Community Environmentalist
Paul Sajatovic - Nickel District Conservation Authority
Will Kershaw - Ministry of Natural Resources Parks Planner
Deb McIntosh - Executive Director of Rainbow Routes

Staff implementation team would consist of the following members:

Real Carre - Director of Leisure Services
Chris Gore - Manager of Community Partnerships
Bill Lautenbach- Director of Planning Services
Paul Baskcomb - Manager of Community and Strategic Planning
Keith Forrester - Real Estate Coordinator
Ian Wood - Mayor's Special Assistant, Tourism

Time Frame

It is anticipated that the Panel will be able to complete the majority of this work during this term of Council with recommendations made to Council on component parts as work is completed. Those aspects which are not able to be completed during this term of Council would be carried forward into the next term of Council. Certainly the declaration of surplus properties and its implementation could be a more lengthy process, contingent on the numbers of properties identified.

Once the panel is assembled, a more detailed time line for project deliverables will be developed for Council. This will reflect input from the Panel and further review with staff regarding workload requirements in each subject area.

Depending on the success of the Panel with respect to its mandate, Council may wish to provide it with additional green space tasks in the future.

Recommendation

It is recommended that a Green Space Advisory Panel be formed as outlined in the Staff Report dated August 1st, 2007. This Panel is formed for the purposes outlined in that same report with the intention of reporting back to City Council with its key findings and recommendations. Further it is recommended that Council take steps to appoint 12 citizens to serve on this panel as well as to appoint the 12 named members.

Request for Recommendation Priorities Committee





Type of Decision									
Meeting	August 8, 2007				Report Date	July 31, 2007			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Examining the Need for an All Terrain Vehicle By-Law in Greater Sudbury

Budget Impact / Policy Implication	Recommendation
<div style="border: 1px solid black; padding: 5px;"> This report has been reviewed by the Finance Division and the funding source has been identified. </div>	<p>WHEREAS the Constellation City Report recommends the development of a comprehensive by-law to govern the use of All Terrain Vehicles (ATVs); and</p> <p>WHEREAS members of the recently formed North Simcoe ATV Club - Greater Sudbury Chapter have also identified the need for an ATV by-law;</p> <p>THEREFORE be it resolved that an Ad-Hoc Committee be created to include members of Council and the public to review issues and options related to an ATV By-Law and that this Ad-Hoc Committee of Council host a series of public meetings to gather broad community input.</p>
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<div style="border: 1px solid black; padding: 5px;"> x Background Attached </div>	<div style="border: 1px solid black; padding: 5px;"> Recommendation Continued </div>

Recommended by the Department	Recommended by the C.A.O.
<div style="border: 1px solid black; padding: 10px;"> Catherine Matheson General Manager of Community Development </div>	<div style="border: 1px solid black; padding: 10px;"> Mark Mieto Chief Administrative Officer </div>

Report Prepared By	Division Review
 Jeff Pafford Community Development Coordinator	 Réal Carré Director of Leisure Services

Executive Summary

As noted in the Constellation City Report, the popularity of All Terrain Vehicles (ATVs) in the City of Greater Sudbury is on the rise. This increased popularity is creating pressure for access to roads and trails for users along with pressure from non-users to restrict access and penalize offenders.

The report will outline issues that need to be considered within any ATV by-law and call for the creation of an Ad-Hoc Committee of Council to include members of Council and members of the public who will consult the community to gather broader input and report back to Council in late 2007. The proposed Ad-Hoc Committee would be supported by representatives from Community Development, Growth & Development, Infrastructure Services and the Greater Sudbury Police Services.

Background

The Highway Traffic Act (Ontario Regulation 316-03, Section 191.8) states that the Council of any municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the jurisdiction of the municipality, or any part or parts of any such highway. The Highway Traffic Act also allows individual municipalities to prescribe lower rates of speed and to specify the season ATVs are permitted as well as the hours of day ATVs are permitted through the development of a by-law.

Currently, there is not a by-law in place specifically regulating the use of ATVs in the City of Greater Sudbury. By-law 2004-170 was in place for a temporary period regulating use of ATVs in the former unorganized townships of Rathbun and Scadding. This by-law expired June 10, 2005.

Work Done to Date

As the popularity of ATV use has increased in the City of Greater Sudbury, so have the complaints associated with aggressive riders, safety concerns, use of ATVs in unauthorized areas including non-motorized trails and noise issues. Complaints are often made to Council and staff. Some of the difficulty to date in responding and rectifying these issues has been the lack of an organized association overseeing ATV use within Greater Sudbury.

In December 2005, Community Development and Infrastructure Services staff met with representatives from the Sudbury Trail Plan, Rainbow Routes and the Ontario Federation of All Terrain Vehicles (OFATV). The meeting was scheduled to discuss the best course of action to take to develop an ATV organization in Greater Sudbury who could deal with the above identified issues.

In February 2006, over 70 individuals attended a public meeting held at the T.M Davies Arena. Presentations were made by the Sudbury Trail Plan, the Greater Sudbury Police Services and the OFATV outlining the common complaints received concerning ATV use and to dispel many of the assumptions that ATV riders are permitted on trails and roadways, etc. At the end of the meeting over 50 people signed up to be a part of a working group to examine and deal with ATV issues.

In April 2006, the working group met at the Lionel Lalonde Centre and identified challenges & opportunities, established short, mid and long range goals and appointed a 10 person stewardship committee to begin working on how the goals could be achieved. Since this time, the stewardship group have met on a monthly basis. One of the key items the group has identified is the establishment of an ATV by-law in Greater Sudbury.

More recently, the group has become affiliated with the OFATV becoming the North Simcoe ATV Club - Greater Sudbury Chapter . With this affiliation, the group has the necessary insurance coverage to begin negotiations with third party land owners regarding potential trail development.

Constellation City Report

One of the 35 recommendations of the Constellation City Report called for the development of a comprehensive by-law to govern the use of ATVs within the City of Greater Sudbury. The Community Solutions Team also set out a number of objectives related to the development of an ATV by-law:

- The by-law should be flexible enough to reflect differences between communities within the city.
- The by-law should respect the principles of community safety and environmental protection.
- The by-law should discourage unauthorized use of private property.
- The by-law should consider and facilitate potential tourism development.

Other Issues and Considerations

In addition to those items identified in the Constellation City Report, any discussion of a potential ATV by-law must examine the following:

Road design

Our roadways were not designed to accommodate ATVs and off road vehicles. Issues regarding shoulder design, width, crossing of bridges, etc. must be considered. Any additional maintenance to our roads as a result of permitting ATV access is another consideration.

Identification of a Route System

Any ATV by-law permitting access along certain roadways should be a part of a larger overall route system, whereby roadways are used only as access to trails, destination points and Crown Land. The purpose of an ATV by-law shouldn't be to use roadways for pleasure riding.

Best Practices from Similar Municipalities

While many smaller, more rural communities have successfully established ATV by-laws, they may not be reflective of the needs of the City of Greater Sudbury. More research is required into how similar sized municipalities are dealing with ATV issues in their respective communities.

Clarity & Consistency

In order to be effective, any proposed ATV by-law should be easily understandable to both ATV riders and the general public as a whole. Also, as the City of Greater Sudbury is truly a community of communities, the more consistent any proposed by-law is from neighbourhood to neighbourhood, the more effective it will be.

Hours & Season of Operation

Municipalities have the authority to limit times of day and the length of season along with any proposed ATV by-law. Careful consideration should be taken regarding what the most appropriate times of use would be while balancing the needs of ATV riders and addressing the safety and concerns of the general public.

Non-Motorized Trails and Parks

As many of the complaints are due to unauthorized ATV use on the City's non-motorized trails and parks, any proposed ATV by-law should clearly state that these activities are not permitted. None of the City's recreational trails are identified as mixed or shared use facilities (ie. motorized and non-motorized activities on the same trail).

Liability Issues

Legal advice will be required as to the municipalities exposure with the passing of any proposed ATV by-law.

Development of Ad-Hoc Committee

In order to fully explore the issues that need to be considered with the potential development of an ATV by-law, it is recommended that an Ad-Hoc Committee of Council be created. Further, it is recommended that the Ad-Hoc Committee of Council be comprised of the following:

- 2 members of Council
- 2 members of the North Simcoe ATV Club - Greater Sudbury Chapter
- 3 citizens familiar with ATV issues in Greater Sudbury

This recommended Ad-Hoc Committee would be supported by the following:

- staff representative from the Community Development Department
- staff representative from Growth & Development
- staff representative from Infrastructure Services
- representative from Greater Sudbury Police Services

It is recommended that a call for citizen appointments be made in September 2007. In addition to examining the issues identified with a proposed ATV by-law, the Ad Hoc Committee will be responsible for hosting a series of public meetings to gather broad community input. The Ad Hoc Committee will be asked to present their findings to Council prior to Spring 2008.