

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Transportation Division

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARDS 6, 9 & 11
COMMITTEE DATE: April 22, 2013	
SUBJECT/REPORT NO: ROPA9 Transportation Master Plan Review (PW13032) - (Wards 6, 9 and 11)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Al Kirkpatrick (905)546-2424, Extension 4173 Mohan Philip (905)546-2424, Extension 3438
SIGNATURE:	

RECOMMENDATION

- (a) That the ROPA9 Transportation Master Plan Review recommendations and projects listed in Table 1 of report PW13032 be approved;
- (b) That the General Manager, Public Works Department, be authorized and directed to file the "ROPA9 Transportation Master Plan Review" report for public review for a minimum period of thirty (30) days.

EXECUTIVE SUMMARY

The Public Works Department has completed a review of the ROPA9 Transportation Master Plan (TMP) study that was completed in 2006 (study area is outlined in **Appendix "A"**). This TMP review was initiated in response to council direction, dated June 9, 2010, in report PED07236(c)/PW07112(c) (attached as **Appendix "B"**). The study review followed the requirements of Phases 1 & 2 of the Municipal Engineers Association Municipal Class Environmental Assessment document (October 2000, as amended in 2007 and 2011). The study recommendations and the various projects identified, including estimated cost, are listed in **Table 1** below.

In consideration of the increasing transportation/traffic issues and pedestrian safety concerns in the study area, these projects are recommended to be implemented. To achieve this goal, there is the need to allocate Capital Works budget to undertake the design and construction works. To minimize the impact of the closure of Upper Mount

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Albion (UMA) Road, it is recommended that all projects 1a, 1b, 1c, 2, 3, 4 and 5 listed below be completed, prior to the UMA Road closure.

Table 1

No.	Study Recommendations	Project Description	Cost Estimate	Project EA Schedule
1	Close Upper Mount Albion Road, North of Rymal Road East	a) Install temporary traffic signals at Pritchard Road / Rymal Road until Trinity Church Arterial Corridor is open. b) Asphalt overlay work on Pritchard Road, between Bigwin Rd. and Highland Rd; various minor sections between Highland and Rymal Road, intersection of Pritchard and Rymal Road. c) Construct paved shoulder along west side of Pritchard Road, between trail and Stone Church Road and associated storm drainage works. d) Close Upper Mount Albion Road, north of Rymal with a cul-de-sac (location as proposed in the Trinity West Secondary Plan)	\$367,600	A+
2	Implement traffic calming on Second Road West	Construct speed cushions as a traffic calming measure, and to discourage cut through traffic, due to the closure of Upper Mount Albion Road in order to address residents' concerns and to be followed up with monitoring	\$10,400	A
3	Provide sidewalk on Second Road West	Construct sidewalk on both sides along Second Road West, where required for continuity.	\$76,000	A+
4	Provide bike lanes on Highland Road	Reconfigure lane markings on Highland Road to provide on-road bicycle lanes between Winterberry Drive and Upper Centennial Parkway, with the removal of existing parking on the south side from Winterberry Drive. to First Road. West and on the north side from Highbury Drive. to Upper Centennial Parkway. Between First Road. West and Highbury Drive, bike lanes would be added to the existing extra wide travel lanes and the existing centre turn lane would remain.	\$97,000	A+
5	Provide sidewalk on Highland Rd. south side	Construct sidewalks along the south side of Highland Road, where required for connectivity, along the urbanized section of the corridor (Winterberry Drive to Upper Centennial Parkway).	\$142,000	A+
-	-	Design Services fee (Consultant)	\$50,000	-
Total Estimated Cost \$			\$743,000	

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The two (2) approved projects from the ROPA9 TMP (2006) that have not been implemented are the reconstruction of Rymal Road East [widening to five (5) lanes] from Trinity Church Arterial Corridor (TCAC) to Upper Centennial Parkway and the new Trinity Church Arterial Corridor (TCAC) Road. These Schedule "C" projects were approved in 2007 and 2008 and were recommended for completion by 2008 and 2011 respectively.

The implementation of TCAC Road has not progressed, as the requirements for the Eco-passage and storm water management have not been agreed upon by the City and the Hamilton Conservation Authority (HCA). The design of Rymal Road, section west of Fletcher Road, is progressing. The section east of Fletcher Road, up to Upper Centennial Parkway, has not yet been scheduled and budgeted in the ten (10) year capital works budget and forecast.

The current ROPA9 Transportation Master Plan Review recommends that the implementation of these two (2) projects be moved forward, as the projects/solutions recommended in **Table 1** will only partially address the traffic/transportation issues currently being experienced in the Trinity Neighbourhood and surrounding areas.

No additional land requirements were identified for implementing/constructing the recommended projects. The existing right-of-way width would be sufficient for the implementation.

Of the estimated cost of seven hundred and forty three thousand (\$743,000) dollars, approximately sixty percent (60%) will go towards the permanent works and forty percent (40%) for temporary improvements.

Alternatives for Consideration - See Page 8

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: Five (5) schedule A, A+ projects were identified above with an estimated cost of seven hundred and forty three thousand (\$743,000) dollars, including the design consultant's services fee of fifty thousand (\$50,000). The timing of these projects was identified as needed immediately. Capital Works Budget has not been identified in the ten-year forecast to implement these projects. These projects may be considered as part of the Trinity Church Arterial Corridor, and Rymal Road reconstruction projects.

Staffing: No additional staffing requirements have been identified.

Legal: The Municipal Class EA process will be followed.

HISTORICAL BACKGROUND

With respect to the ROPA9 projects, an Information Report (PW11070) was forwarded to the PW Committee, dated October 3, 2011, providing a brief overview and key

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issues. Contained within this report are a number of resolutions that support this on-going work. The report is attached as **Appendix “C”**.

The ROPA9 Master Plan Study (2006) identified four (4) major Schedule C projects. Phases 3 & 4 of the Class EA process for three (3) of the projects were completed in 2007 and 2008. The fourth project was a proposed new collector road (refer to **Appendix “D”**), “Trinity Neighbourhood Collector Road” (TNCR), connecting Gatestone Drive, at Second Road West, to Highland Road at Glenhollow Drive, through the lands east of the Eramosa Karst (Trinity East lands) which are owned by Infrastructure Ontario (IO), formerly Ontario Realty Corporation (ORC). However, in September 2007, Phases 3 & 4 of the Municipal Class EA process for this project were suspended at the direction of Council, based on the concerns of potential adverse impact on the Eramosa Karst Conservation Area, identified as “Area of Natural and Scientific Interest” (ANSI).

In June 2010 council passed a resolution that, “That no development be permitted on the Trinity Neighbourhood lands, east of the Eramosa Karst feeder creeks, as illustrated in Appendix “A” to Report PED07236(c) / PW07112(c).”

Also, in June 2010, Council passed a resolution directing staff to redesignate and rezone the Trinity East lands to “Open Space”. In February 2011, Council approved Official Plan Amendments No. 163 (to the former City of Stoney Creek Official Plan) and an amendment to the Urban Hamilton Official Plan for the Trinity East lands, located south of Highland Road, north of Rymal Road, and west of Second Road. These amendments designated these lands as “Open Space” and “Natural Open Space” (Stoney Creek Official Plan) and “Major Open Space” (Urban Hamilton Official Plan), and established a specific policy area, to require additional studies to address any potential impact on the Karst, prior to permitting any municipal infrastructure or consideration of any future land use changes. In addition, Council passed a Zoning By-law amendment to rezone the subject lands to the “Conservation/Hazard Land (P5)” Zone. These amendments are now enforced and in effect.

Infrastructure Ontario (IO) initiated its Planning and Environmental Study in 2007 with the intention of selling the lands for development purposes. The report was filed in January 2010, and indicated that the preferred undertaking is the sale of the lands with planning approvals. The City of Hamilton and the Hamilton Conservation Authority (HCA) petitioned the Ministry of the Environment (MOE) with a Part II Order, placing the planning approvals on hold.

In June 2011, Infrastructure Ontario, agreed to the City’s request and issued an addendum to their Environmental Study Report designating the subject land consistent with the City’s designation for these lands. With this, the Trinity Neighbourhood Collector Road (TNCR), identified as a potential solution under ROPA9 TMP (2006), was no longer viable. Following this, the City of Hamilton initiated the TMP Review study for the ROPA9 and Trinity Neighbourhood areas.

The ROPA9 TMP (2006) approved the closure of Upper Mount Albion (UMA) Road at Rymal Road, subject to construction and opening of the new Trinity Church Arterial Corridor Road. Since the TCAC Road has not been constructed, the current ROPA9

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Transportation Master Plan Review study is recommending the closure of UMA Road, after installing a temporary traffic signal at Rymal Road and Pritchard Road, to temporarily divert the traffic through Pritchard Road until the TCAC construction is complete. With the closure of UMA Road there is the potential for traffic infiltration and volume increase on the rest of the roads in the Trinity Neighbourhood. It is to be noted that although the recommended temporary solutions are not ideal, they are the best under the existing conditions during this interim period.

The ROPA9 TMP (2006) approved the closure of Second Road West, subject to construction of the earlier proposed TNC Road, which is no longer a viable solution. Because of the Eramosa Karst and the re-designation of the Trinity East lands, the current review study recommendation is to keep the road open. The Second Road West residents expressed their objection to this solution, as they wanted the road closed. In order to mitigate their concerns, the construction of a speed cushion is proposed as a traffic calming measure, and to discourage cut through traffic, due to the closure. The situation on Second Road West will continue to be monitored by staff.

It is recommended that all projects be implemented prior to opening of the new school at the corner of Rymal Road and UMA Road or closure of UMA Road whichever comes first.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

The recommendations are consistent with the Urban Official Plan and Hamilton Transportation Master Plan and Corporate Policies.

RELEVANT CONSULTATION

Members of Council

As the proposed transportation system affects Wards, 6, 9 and 11, the Councillors of each Ward have been included and invited to various meetings throughout the project, including Community Liaison Committee's (CLC's), Public Information Centres (PIC's) and meetings regarding the Eco-passage for the TCAC Road.

Public

The Class Environmental Assessment process requires public and stakeholder consultations according to the requirements of a Master Plan. Consultation plans were developed and followed.

A CLC was formed consisting of residents, land owners and developers, and meetings were held on January 19, 2012 and September 27, 2012. At the CLC, problems were presented; comments and suggestions were received, discussed and considered in identifying alternate solutions.

Public consultation was carried out in the form of a Notice of Study Commencement, issued on January 19, 2012, in the Stoney Creek and Mountain News, and on January

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20, 2012, in the Hamilton Spectator and a mail out to pertinent agencies, City staff and residences/land owners within the study area. The Notice of Study Commencement was again published in the same newspapers one (1) week after the first publication. Two (2) Public Information Centres were also held, (February 1, 2012 & November 7, 2012) whereas the mandatory requirement is only one (1).

The pertinent project information was made available throughout the study on the project website: www.hamilton.ca/ropa9-TMP-review

Agency Consultation

Several agencies were circulated, such as:

- Ministry of the Environment (MOE)
- Hamilton Conservation Authority (HCA)
- Niagara Escarpment Commission (NEC)
- First Nations

Responses were received from various agencies and the public. All comments have been addressed/ responded and included with the Project File Report.

Internal consultations were held with the City's Planning & Economic Development Department (Development Engineering and Development Planning), Public Works Department (Traffic, Design Services, Asset Management, and HSR) and Emergency Services.

Traffic calming installations can be constructed while meeting the needs of the City's Emergency Services.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Municipal Class Environmental Assessment Process

The Class Environmental Assessment (EA) study follows the planning and design process of the Municipal Engineers Association (MEA) Municipal Class Environmental Assessment, October 2000, as amended in 2007 and 2011. The City is completing this study in accordance with the planning process, applicable to Master Plan projects, under the Municipal Class EA. These projects are approved under the Environmental Assessment Act (EA Act), as long as they are planned, designed and constructed according to the requirements of the Class EA document.

The ROPA9 Transportation Master Plan Review is following the Municipal Class EA process as noted:

- An approved process under the Ontario Environmental Assessment Act
- Builds on the Need and Justification developed in the Master Plan process
- Includes consultation with stakeholders and the public during the process
- The ROPA9 Transportation Master Plan Review Environmental Study Report would be available for a minimum thirty (30) day review period however there will

be no opportunity for a Part II Order (appeal) as no Municipal Class projects came out of this Master Plan.

Screening of Alternative Solutions

The ROPA9 Transportation Master Plan Review has followed the Municipal Engineers Association Municipal Class Environmental Assessment (EA) process for Master Plans. The Class EA process recognizes that there are many ways of solving a particular problem and requires various alternative solutions to be considered.

Rationale for Selection of Alternative Solutions

The problem and opportunity states that Transportation solutions are needed to:

- Ensure adequate road capacity in the study area to support existing and planned development and promote pedestrian, cycling and transit usage
- Enhance safety and manage traffic impact on neighbourhood roads

Alternative solutions were developed to address the problem and opportunity statement, in addition to the “Do Nothing” alternative. The “Do Nothing” alternative would exacerbate the traffic/transportation problems in the study area, especially on UMA Road including pedestrian safety.

Identification and Description of Alternative Solutions

The following five (5) alternate solutions were identified for Upper Mount Albion:

1. Close Upper Mount Albion Road and provide temporary traffic signal at Pritchard Road and Rymal Road
2. Provide temporary traffic signals at Pritchard Road and Rymal Road, and ban turn movements on Upper Mount Albion Road
3. Put temporary halt to development
4. Convert Upper Mount Albion Road to one-way
5. Provide traffic calming measures to Upper Mount Albion Road

The following six (6) alternate solutions were identified for Second Road West:

1. Close Second Road West, north of Gatestone Drive
2. Close Second Road West, north of Rymal Road
3. Close Second Road West and extend Gatestone Drive. south, to intersect with Rymal Road
4. Close Second Road West, south of Fairhaven, and provide Parking Lot at the Eramosa Karst trail head
5. Temporarily halt development
6. Provide traffic calming measures to Second Road West

The following three (3) alternate solutions were identified for Highland Road:

1. Replace a parking lane with a centre turn lane
2. Replace a parking lane with bike lanes in sections
3. Replace both parking lanes for bike lanes and a centre turn lane

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The evaluation of the alternatives resulted in recommending the following solutions for immediate implementation:

Recommended Alternative

No.	Study Recommendations	Project Description
1	Close Upper Mount Albion Road, North of Rymal Road East	<ul style="list-style-type: none"> a) Install temporary traffic signals at Pritchard Road / Rymal Road until Trinity Church Arterial Corridor is open. b) Asphalt overlay work on Pritchard Road, between Bigwin Road. and Highland Road; various minor sections between Highland and Rymal Road, intersection of Pritchard Road and Rymal Road. c) Construct paved shoulder along west side of Pritchard Road, between trail and Stone Church Road and associated storm drainage works. d) Close Upper Mount Albion Road, north of Rymal with a cul-de-sac (location as proposed in the Trinity West Secondary Plan)
2	Implement traffic calming on Second Road West	Construct speed cushions as a traffic calming measure, and to discourage cut through traffic, due to the closure of Upper Mount Albion Road in order to address residents' concerns and to be followed up with monitoring
3	Provide sidewalk on Second Road West	Construct sidewalk on both sides along Second Road West, where required for continuity.
4	Provide bike lanes on Highland Road	Reconfigure lane markings on Highland Road to provide on-road bicycle lanes between Winterberry Drive and Upper Centennial Parkway, with the removal of existing parking on the south side from Winterberry Drive. to First Road. West and on the north side from Highbury Drive. to Upper Centennial Parkway. Between First Road West and Highbury Drive, bike lanes would be added to the existing extra wide travel lanes and the existing centre turn lane would remain.
5	Provide sidewalk on Highland Rd. south side	Construct sidewalks along the south side of Highland Road, where required for connectivity, along the urbanized section of the corridor (Winterberry Drive to Upper Centennial Parkway).

ALTERNATIVES FOR CONSIDERATION

The preferred alternative solution has been identified using an evaluation and screening process that fulfils the requirements of the Municipal Engineers Association (MEA) Municipal Class EA document for Master Plans. The above A & A+ projects are approved under the Environmental Assessment Act (EA Act) once the required two (2) phase process is complete.

The MEA Municipal Class EA document was approved under the Environmental Assessment Act. If the City does not follow the process outlined in the Municipal Class EA document, it would be in violation of the document and as a result would have

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contravened the EA Act. The Minister of the Environment could revisit the approval of a project or take away the City's right to use the Municipal Class EA document.

The preferred alternative solutions can proceed. There are two (2) alternatives for Council to consider with respect to the recommendations of this report:

1. To file the ROPA9 Transportation Master Plan Review Municipal Class Environmental Assessment, with the City Clerk for a minimum thirty (30) day public review period, in order to complete the process. No Schedule B or C projects were determined from this study, therefore no Part II Order (Appeal) can occur.
2. To not file the ROPA9 Transportation Master Plan Review Municipal Class Environmental Assessment project with the City Clerk for public review and not proceed with implementation.

Should Council not wish to approve the filing of the ROPA9 Transportation Master Plan Review, the Municipal Class EA process would be considered by the provincial government as incomplete, and the City will not have approval under provincial environmental legislation to implement the recommended alternative. The outcome would be equivalent to the "Do Nothing" alternative, which would result in the inability to address the existing transportation problems for the study area. Eventually the City would have to repeat the Class EA process, which could result in the same recommendations.

ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.7 The recommendations of this review study facilitates speedy implementation and management of existing traffic issues in a cost effective manner

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.
- 2.4 Suggestions from the residents and stakeholders were considered in arriving at the recommendations

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.3 Improve employee engagement.

3.3 The recommendations support the development of commercial business and are consistent with the community needs

APPENDICES / SCHEDULES

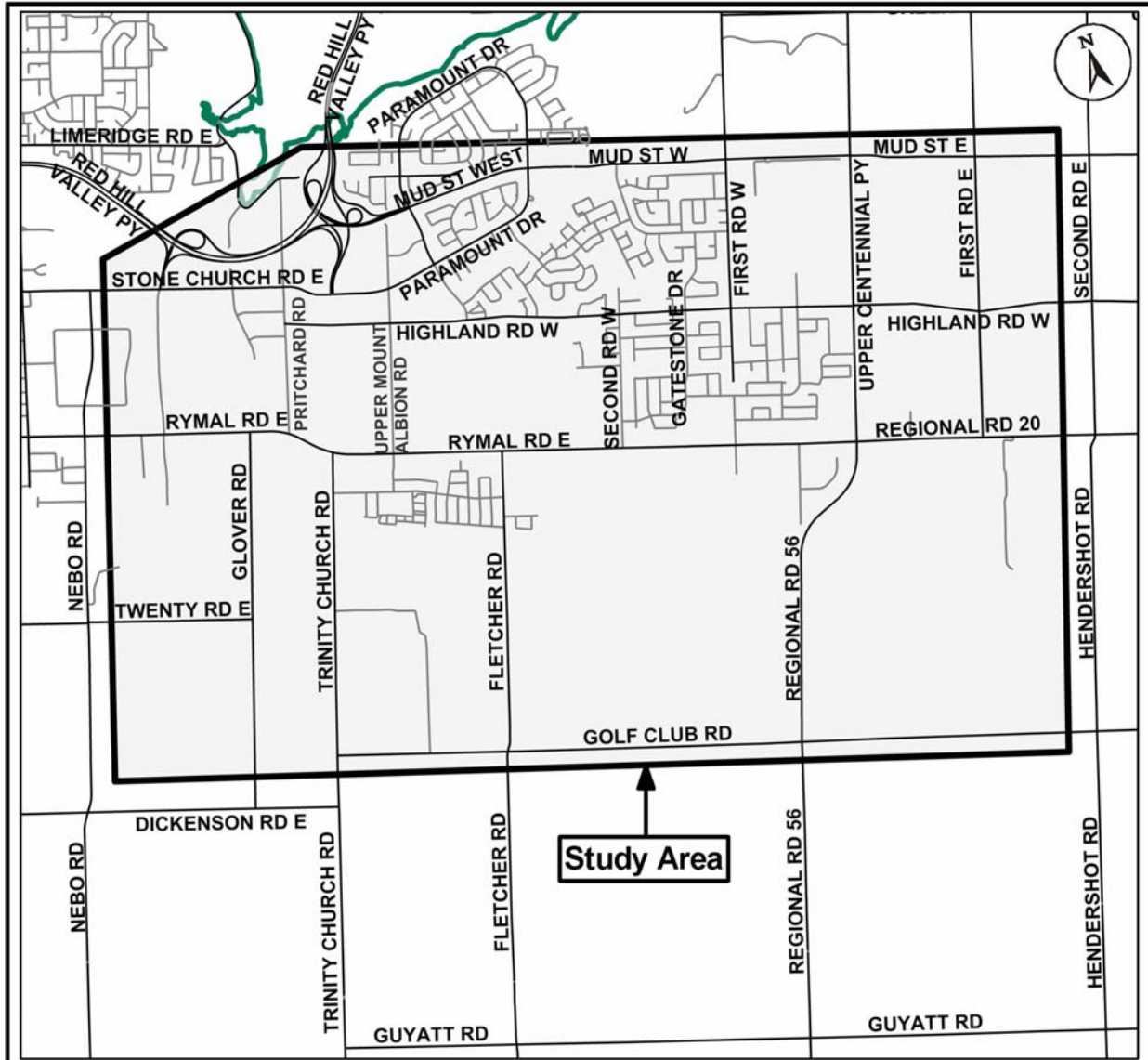
Appendix "A" Study Area Map

Appendix "B" Staff Report PED07236(c)/PW07112(c) dated June 1, 2010


Appendix "C" Rymal Road Planning Area (ROPA9) Transportation Master Plan Update (PW11070) dated October 3, 2011

Appendix "D" Map showing Eramosa Karst Area, alignment of approved TCAC Road, and cancelled TNC Road

Study Map



Rymal Road Planning Area (ROPA9) Transportation Study

 Study Area



General Manager
Gerry Davis, CMA

June 2011

Map Not to Scale



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

and

PUBLIC WORKS DEPARTMENT
Environment and Sustainable Infrastructure Division

TO: Chair and Members Economic Development and Planning Committee	WARD(S) AFFECTED: WARDS 6, 9, and 11
COMMITTEE DATE: June 1, 2010	
SUBJECT/REPORT NO: Trinity East - Future Land Use Options and Transportation Studies (PED07236(c) / PW07112(c)) (Wards 6, 9, and 11) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department Gerry Davis General Manager Public Works Department	PREPARED BY: Brenda Khes (905) 546-2424, Ext. 1224 Alan Kirkpatrick (905) 546-2424, Ext. 4173
SIGNATURE:	

RECOMMENDATION:

- (a) That no development be permitted on the Trinity Neighbourhood lands east of the Eramosa Karst feeder creeks, as illustrated on Appendix "A" to Report PED07236(c) / PW07112(c).

- (b) That Planning and Economic Development Department staff be directed to prepare an Official Plan Amendment and Zoning By-law Amendment to redesignate and rezone the land identified in Recommendation (a) as “Open Space” in the Stoney Creek Official Plan.
- (c) That the General Manager of the Public Works Department be authorized to utilize previously approved funds in the 2008 Capital Budget to review and update the Transportation Master Plan studies for the ROPA 9 and Trinity Neighbourhood areas.
- (d) That the subject matter be identified as completed and removed from the Outstanding Business List.

EXECUTIVE SUMMARY

Karst topography is typically formed when slightly acidic rain seeps through soil to a soluble subsurface rock, usually limestone, and is distinguished by sinkholes, rock fractures, underground stream systems, and associated cave or cavern formations.

In May 2008, Council requested *“that staff consider the options available for the future use of the feeder areas of the Eramosa Karst Area, including its use as open space and the planning applications needed, and report back to Council”*. This report addresses those karst lands within the Trinity Neighbourhood (refer to Appendix A); more specifically, those lands located in the feeder areas of the Eramosa Karst, west of Second Road West, north of Rymal Road East, and south of Highland Road.

Eramosa Karst core and buffer areas (refer to Appendix B) within the Trinity Neighbourhood were identified and defined in the 2003 Eramosa Karst Area of Natural and Scientific Interest (ANSI) Report. These core, buffer, and feeder creek areas are being retained as a Conservation Area under the ownership and stewardship of the Hamilton Conservation Authority. However, concerns were raised by residents and technical experts that the upstream feeder areas should also be retained as open space, to protect the integrity of the Karst.

City Planning staff’s secondary plan land use review for the lands east of the Karst area was put on hold pursuant to City Council direction in September 2007, at the request of area residents seeking to have these lands designated as open space. In addition, the Environmental Assessment process for a new Trinity Neighbourhood collector road west of Second Road West was put on hold pursuant to Council direction, pending the results and recommendation of the ORC’s technical studies.

Accordingly, a number of technical studies were completed on behalf of the Ontario Realty Corporation (ORC) to address these concerns, and in compliance with the ORC’s Environmental Assessment Process. These studies have now been reviewed/peer reviewed by City staff and the Hamilton Conservation Authority, who are

not satisfied with the results. That is, the studies do not conclude that development will not negatively impact on the karst core features. Accordingly, additional technical questions have been raised which cannot be answered without further technical monitoring studies, which could take up to 2 years in some instances.

While the ORC does not disagree that additional monitoring work is required, the ORC maintains that this work should be done as conditions of development. That is, the ORC is confident, based on the technical studies completed to date, that development can occur on the Trinity East lands, subject to appropriate mitigation measures to be determined based on further monitoring, etc. Accordingly, in January of 2010, the ORC completed its Planning and Class Environmental Assessment (EA) Study regarding these lands, and released their Environmental Study Report (ESR) to the public for a 60-day public review from January 26 to March 29, 2010.

In response to this action, both the Economic Development and Planning Committee and the Hamilton Conservation Authority approved a recommendation whereby staff was directed to request a Part II (bump up) Order of the Environmental Study Report.

Given both City Council's and the Hamilton Conservation Authority's approved motions, and in response to the recommendations of the studies undertaken by the ORC, a number of options for the future use of the feeder areas of the Eramosa Karst area were considered, as well as the planning approvals required to implement them. These options included:

- Request the Province to expand the *Greenbelt* designation to include the subject lands;
- Prohibit Development - retain these lands as Open Space; and,
- Permit Development and a new Trinity Neighbourhood collector road.

In order to implement these land use options, a range of planning approvals or land use controls could be implemented including:

- Official Plan Amendment to designate the lands as "Open Space";
- Holding zone to specify future uses for the Trinity East lands; and,
- Completion of the Secondary Plan and implementation of a preferred land use plan through an Official Plan Amendment.

Based on the conclusions of the ORC's technical studies, and the requirement by City staff and the Conservation Authority for additional monitoring work, the approach which has been recommended for the Trinity East area is to not allow development. The ORC has not demonstrated, to the satisfaction of the City or the Hamilton Conservation

Authority, that development will not negatively impact the core karst features. In order to implement this approach, Official Plan and Zoning By-law Amendments will be required to redesignate/rezone the lands for “Open Space” purposes only.

This decision has ramifications to the transportation network, as the proposed Trinity Neighbourhood collector road cannot be constructed. Accordingly, the Transportation Master Plan for the ROPA 9 and Trinity Neighbourhood area must be revisited to examine and identify other feasible solutions to address the transportation problems.

Alternatives for Consideration - See Page 17.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial and Staffing: The preparation of the required amendment to the Official Plan and Zoning By-law to preclude future urban development on the Trinity East lands can be accommodated by existing staff complement.

The only additional costs that could arise from the recommended approach would be for an Ontario Municipal Board Hearing should the owners of the feeder area appeal the proposed amendments

Legal: There are no legal implications associated with the recommendations in this report, provided the amendments are not appealed to the Ontario Municipal Board.

HISTORICAL BACKGROUND (Chronology of events)

This report was prepared in response to a May 14, 2008, Council approved motion where staff was directed to “*consider the options available for the future use of the feeder areas of the eramosa karst area, including its use as open space and the planning applications needed, and report back to Council.*”

Karst is an extensive area of underground caves and streams, including a large number of notable features which make an area provincially significant. The Eramosa Karst Earth Science ANSI Report was prepared in 2003, and identified the extent of core karst, buffer, and feeder creek areas within the Area of Natural and Scientific Interest (ANSI). Appendix B illustrates the extent of the ANSI boundary. These lands, now known as the “Eramosa Karst Conservation Area”, have been deeded to the Hamilton Conservation Authority by the ORC, and are no longer available for urban development as originally envisioned by the Secondary Plan. An updated Secondary Plan for the Trinity Neighbourhood is required in response to the ANSI report and removal of the karst core, buffer, and feeder creek lands from potential urban development.

The ANSI boundary extends beyond the protected core, buffer, and feeder creek areas. These lands, known as the additional “feeder areas”, are the lands which this report is intended to address, namely the lands which are upstream of the core karst area, north of Rymal Road East, and west of Second Road West, within the Trinity Neighbourhood. These feeder areas provide water flow into the core karst area.

In 2007, the Secondary Plan review for the eastern half of the Trinity Neighbourhood, (identified as the Trinity East area on Appendix A), along with a related Environmental Assessment study for an internal collector road within this Trinity East area, were placed on hold, pursuant to Council direction. This hold was initiated due to requests by citizens to retain all of the Trinity East lands as open space. The citizens, as well as some scientific experts, maintained that urban development on the Trinity East lands, including the lands upstream of the karst, would have a detrimental effect on the environmental integrity of features within the karst core area. Some of these karst experts included authors of the 2003 Karst ANSI study, who were not convinced that urban development in the upstream “feeder” areas in Trinity East would not harm the core karst features.

Accordingly, a joint report, prepared by Planning and Public Works staff in August 2007 (PED07236/PW07112 - attached as Appendix C), noted that without the completion of technical studies by the ORC, City staff would be unable to determine whether future development (including the construction of a roadway) would negatively impact the integrity of the core karst features.

It was anticipated that the City’s Trinity East studies would be on hold until December 2007, as the technical studies by the ORC regarding development potential of these lands were to be submitted before that time. Information Report PED07236(a)/PW07112(a) (attached as Appendix D), noted that these technical studies had not yet been received, and that staff would report back to Committee and Council by April 2008. These technical studies were submitted to the City and the Hamilton Conservation Authority between June and early September of 2008.

The Hamilton Conservation Authority’s peer review of the studies undertaken by the ORC and consultants was completed in June 2009 (refer to Appendix E). Results of this peer review by Karst expert Marcus Buck indicate the following additional studies are required before it can be determined whether development can occur on the Trinity East lands without negatively impacting the core karst features:

1. Streamflow Monitoring;
2. Spring Discharge Monitoring;
3. Precipitation Monitoring;
4. Surface Water Quality Monitoring;
5. Groundwater Quality;
6. Risk of Contamination by Surface Streams;
7. Downstream Flooding;

8. Channel Erosion; and,
9. Fluvial Geomorphology Study.

This list of studies was further quantified by the HCA and City staff. The duration of each monitoring study was identified, which generally ranges from one to two years. In addition, a botanical inventory was requested by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), as well as updated versions of the Stormwater Management report and Environmental Impact Statement to incorporate the results of the monitoring studies.

Both City staff's and the Conservation Authority's review of the technical studies have concluded that there is significant additional information (generally in the form of monitoring studies) required in order to determine whether development of these lands in principle can be supported.

Conversely, the ORC and its consultants are satisfied that urban development, as well as the proposed Trinity Neighbourhood Collector Road, can proceed on the Trinity East lands. While not in opposition to the requested additional monitoring studies, some of which have already been initiated by the ORC, the ORC maintains that these studies should be required as standard conditions of draft plan approval; rather than a precursor to development in principle. Overall, the ORC recommends that the Trinity East lands can be developed, subject to appropriate mitigation measures, to have no adverse impact on the karst core features.

Accordingly, in January of 2010, the ORC, on behalf of the Ministry of Energy and Infrastructure, completed its Planning and Class Environmental Assessment (EA) Study regarding the possible disposition of the Trinity East lands, and released their Environmental Study Report (ESR) to the public for a 60-day public review from January 26 to March 29, 2010.

Based on Planning, Public Works, and the Hamilton Conservation Authority staffs' review of the ESR, the principle of development of the lands east of the Eramosa Karst Conversation Area has not been established. The ESR is not considered to be complete, as baseline studies and additional monitoring studies have not been completed. In the absence of this baseline data and monitoring information, City and Conservation Authority staff are not satisfied that the principle of development has been established, or that development will not negatively impact on the adjacent Eramosa Karst feeder creeks to the west.

Accordingly, on March 23, 2010, the Economic Development and Planning Committee approved the following recommendation:

"That Public Works Department and Planning and Economic Development Department staff be directed to request the Ministry of the Environment to make an order for the Ontario Realty Corporation's project to comply with Part II of the Environmental

Assessment Act, which addresses individual environmental assessment for the ORC lands located east of the Eramosa Karst feeder creeks in the City of Hamilton, as per Report PED07236(b) / PW07112(b).”

In response to this direction, correspondence dated March 25, 2010 (refer to Appendix “F”) was forwarded to the Minister of the Environment from the City requesting a Part II Order of the Environmental Study Report. In addition, Part II Order requests were submitted by the Hamilton Conservation Authority, as well as a significant number of private citizens in the vicinity of the Eramosa Karst.

The Trinity Neighbourhood Collector Road Class Environmental Assessment Study, undertaken as part of the Rymal Road Planning Area Transportation Master Plan Class Environmental Assessment Study, identified the need for a new collector road through the Trinity East lands connecting Rymal Road to Highland Road. Phases 1 - 4 of this Study have been completed; however, the Study Report has not been finalized or filed on the public record, nor has the detailed design phase been completed.

From a transportation perspective, as long as mitigation measures are provided to eliminate potential impacts on the Karst, especially due to the surface run-off from the paved roadway, it is possible that the road could be constructed, even without adjacent development. However, deep cutting may be required to construct the road, and the impact of this on the Karst would need to be determined and assessed. The studies completed to date by the ORC do not provide the details necessary to make this determination. Accordingly, it still may not be possible to construct the neighbourhood collector road in the proposed location unless it can be determined that the karst features would not be negatively impacted as a result of the construction and/or operation/maintenance of the new collector road.

Finally, there is a need to determine the system-wide impacts on the road network if the new collector road is not built. This may have implications for other roads as far west as Pritchard Road. Therefore, additional detailed studies, including the monitoring studies previously noted, would still need to be completed from an environmental perspective prior to proceeding with the proposed neighbourhood collector road.

POLICY IMPLICATIONS

Places to Grow

On June 16, 2006 the Province released the Growth Plan for the Greater Golden Horseshoe, 2006, under the Places to Grow Act, 2005. This Act requires that all decisions under the Planning Act conform to the Growth Plan.

The Trinity Neighbourhood Secondary Plan area is defined as a “Designated Greenfield Area” in the Growth Plan, and subject to Policy 2.2.7. Specifically, Policy 2.2.7.2 of the Growth Plan notes that:

2. *“The designated Greenfield area of each upper- or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare.*
3. *This density target will be measured over the entire designated Greenfield area of each upper- or single-tier municipality, excluding the following features where the features are both identified in any applicable official plan or provincial plan, and where the applicable provincial plan or policy statement prohibits development in the features: wetlands, ...areas of natural and scientific interest;... The area of the features will be defined in accordance with the applicable provincial plan or policy statement that prohibits development in the features.”*

The Trinity East lands are identified for urban use, within the *designated Greenfield area*. The possible designation of these lands as Open Space rather than Residential would be permitted by this legislation, if these lands are considered part of an area of natural and scientific interest. The Provincial density targets would not apply to these lands.

The Trinity East lands are almost completely included within the Eramosa Karst Natural Science ANSI boundary, as defined by the 2003 studies and illustrated on Appendix C. The exception is a small area just south of Fairhaven Drive. For these reasons, proposals to designate the Trinity East lands for open space purposes rather than residential and related uses would continue to be consistent with the policies of the Growth Plan.

Provincial Policy Statement

The 2005 Provincial Policy Statement (PPS) provides for and promotes the following matters, among others:

- Policy 1.5.1.b - *“a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, and trails”*; and,
- Policy 2.1.2 - *“the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems...”*

The retention of the subject Trinity East lands for open space purposes would, therefore, be consistent with the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The Hamilton-Wentworth Official Plan designates the Trinity Neighbourhood area as “Urban.” Official Plan policies note that within the Urban Area, a wide range of urban uses are permitted, including open space areas. The redesignation of the Trinity East lands for open space purposes could be permitted without an amendment to the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The Heritage Green Secondary Plan portion of the City of Stoney Creek Official Plan designates lands in Trinity East primarily for “Low Density Residential” and similar uses. As noted, this Plan requires review due to the identification of the Eramosa Karst area and removal of a significant portion of the urban lands for the Eramosa Karst Conservation Area. Amendments to the Secondary Plan would be required to implement the proposed changes.

New Urban Hamilton Official Plan

The new Urban Official Plan was approved by Hamilton City Council on June 29, 2009, and is presently awaiting Ministerial approval. Lands in Trinity East are designated as follows in this Plan:

- Schedule “B” - Natural Heritage System - “Core Area” for most of Trinity East; “Linkage” for the northerly portion; and a “Stream” for a portion through the centre;
- Schedule “B-7” - Detailed Natural Heritage Features - Local Natural Area, Earth Science ANSI for most of Trinity East; and,
- Schedule “B-8” - Detailed Natural Heritage Features - Key Hydrologic Feature Streams for two stream features.

Most of Trinity East is identified as “Core Area” and corresponds to the undeveloped limits of the ANSI. Permitted uses include forest and wildlife management, conservation and similar uses. New development in Core Areas and adjacent lands is not permitted within an ANSI unless it is demonstrated there will be no negative impacts on natural features and functions. An Environmental Impact Statement would have to be submitted, to the satisfaction of the City to ensure there are no impacts.

The northern part of Trinity East is a “Linkage”. Such linkages are intended to connect core areas, to allow for movement of animals and plants, maintain ecological health and preserve habitat. Further assessment and mapping of linkages is intended. Part of Trinity East is designated as a “Stream”, and a small area next to Second Road West, south of Fairhaven, is not a natural heritage feature.

Trinity East is, therefore, designated in the Official Plan as part of the natural heritage system. Further study and review is needed by the City to assess these features, and to determine the potential impacts of any proposed development. An amendment to the new Urban Official Plan is not required to implement the proposed recommendations; however, the new Urban Official Plan provides a rationale for the designation of these lands to “Open Space” in the Stoney Creek Official Plan.

RELEVANT CONSULTATION

The preparation of this report has included consultation with various agencies, including the Hamilton Conservation Authority.

Public Works staff continues to have concerns with the possible impact on the karst from deep cutting which may be required to construct roadways such as the Trinity Neighbourhood Collector Road which was proposed in Trinity East.

Hamilton Conservation Authority staff advised that ORC studies to date have not shown conclusively that the Feeder Area would be protected if development is permitted. They identified concerns with ORC studies related to methodology, assumptions and lack of baseline data, and identified the need for additional monitoring and several further studies. The findings of these studies must be reviewed before it can be determined whether residential development would be appropriate.

Public consultation was initiated in the preparation of this report; however, it is noted that the Community Advisory Committee (CAC), established in early 2007, does not support the urban development of the karst feeder areas. At their May 1, 2007 meeting, the citizen members of the CAC requested that Planning staff put the Secondary Plan review on hold until such time as their request for additional open space lands has been resolved.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The direction provided by Council for this report was: *“That staff consider the options available for the future use of the feeder areas of the eramosa karst area, including its use as open space and the planning applications needed, and report back to Council.”* The following review and analysis is based on the fact that, at this time, there is no consensus on the part of the Conservation Authority or City staff that the Trinity East lands can be developed without negatively impacting on the upstream core karst feature.

A. Land Use Options:

There are two basic land options to be considered regarding the future use of the Trinity East lands, namely: No Development (retain lands for Open Space/Conservation Lands) and no neighbourhood collector road; or, Development (for urban uses) and the construction of a new neighbourhood collector road. In order to implement either of these two land use options, there are several planning tools available to consider. The following provides an analysis of the implications of both land use options, as well as the potential planning tools available for their implementation.

1. No Development Option:

The *No Development* option would mean that the lands would be retained for Open Space purposes. This area would be designated for conservation purposes only, and could, ultimately, become part of the Eramosa Karst Conservation Area. The Hamilton Conservation Authority has indicated it would be a willing recipient of these lands, if they were offered. Trails from the adjacent Conservation Area lands could be extended here. This option would address concerns raised by some parties that preservation of these lands is important to maintaining the integrity of the Karst area.

Required planning approvals: This approach would require a City-Initiated Official Plan Amendment to the Stoney Creek Official Plan to redesignate the lands for “Open Space” purposes and a corresponding Zoning By-law Amendment. In preparing such an amendment, the basis and rationale would have to be identified to outline why it is required and considered to be appropriate. This would include reference to the appropriate City and provincial policies, assessment of compatibility with adjacent uses, and other relevant matters.

At present, the basis and rationale for such an amendment are clear. Extensive studies and peer reviews for this area have been undertaken. These studies are inconclusive in that they do not unequivocally demonstrate that the core karst features will not be negatively affected by development.

Implications: Pursuant to the provisions of the Planning Act, the City-initiated Official Plan Amendment and Zoning By-law Amendment could be appealed to the Ontario Municipal Board (OMB). The ORC has submitted a Preliminary Land Use Concept for this area, which anticipates the development of these lands for residential and related uses. The ORC has undertaken several technical studies to assess the development potential of these lands, and concludes that the Trinity East lands can be

developed with no adverse impact on the Provincial ANSI or the karst. Accordingly, their appeal to this approach is anticipated.

In addition, the designation would not permit the construction of the neighbourhood collector road within the Trinity East area. As noted, this would have system-wide impacts on the road network as far west as Pritchard Road.

Conclusion: This approach is considered the most appropriate based on the technical information available at this time. Due to the provincial significance of the core karst features, and the amount of disturbance that already exists within the ANSI south of Rymal Road, it is prudent for the City and Conservation Authority to be satisfied that development will NOT negatively impact on the core karst feature prior to allowing development to proceed.

2. Development:

The opposing option for future use in the Trinity East lands is to allow development to occur. This would consist of urban development including residential uses of various densities, neighbourhood parks, possibly local commercial sites, and other uses. Development of this nature could be achieved within the Trinity East area through a number of planning tools, including:

a) Completion of the Secondary Plan on a Status Quo Basis

This approach would involve continuing the current “hold” status for the City land use review and the roadway project in the Trinity East area until such time as City staff and the Conservation Authority are satisfied with the conclusions of the technical studies. That is, until the additional studies requested by the Conservation Authority have been completed and evaluated, to the satisfaction of the City and Conservation Authority.

Required Approvals: First, staff would require direction from Committee and Council to resume the land use review and road studies. Next, the ORC would have to agree to undertake the additional studies and suspend pursuing the development of the subject land until such time as the monitoring studies have been completed, to the satisfaction of the City and Conservation Authority.

Implications: This approach does not provide the ORC with any certainty that following the completion of the monitoring studies, that they would, in fact, be able to develop the lands. In this regard, the ORC may still decide to submit Official Plan and Zoning By-law Amendment applications, as well as a Draft Plan of Subdivision application, and to proceed, pursuant to the Planning Act, with an appeal to the OMB if the applications are not dealt within the prescribed time periods, 120-days (for ZBA) and 180-days for OPA's and Draft Plans of Subdivision. This could result in additional costs for staff to prepare for and attend such hearings.

Finally, the potential approval of these lands for urban development would also be inconsistent with the City's new Urban Hamilton Official Plan (adopted, but not yet in effect), which designates Trinity East lands for "Open Space" and as an ANSI.

Conclusion: The development of the subject lands has already been delayed by 2 years following the completion and evaluation of many costly studies. Additional studies will mean further delay and costs to complete and evaluate the monitoring studies. Further delay to the construction of the neighbourhood collector road with no certainty that the road will in fact be constructed will serve to heighten existing traffic issues in the surrounding area. Therefore, this approach is not considered a reasonable or responsible approach on the part of the City. There is still too much uncertainty associated with this approach.

b) Holding Zone to Specify Future Uses for Trinity East

Similar to a) above, this approach is premised on the continuation of the monitoring studies to determine whether the lands can be developed without negatively impacting on the karst core features. The difference is in the planning tools used to implement the process. In this instance, a Holding provision could be imposed on the subject lands that would allow the development of the Trinity East lands, subject to the completion of the noted monitoring studies, to the satisfaction of the City and the Hamilton Conservation Authority.

This approach accepts in principle that the lands can be developed, subject to confirmation by additional technical studies. This approach would require the continuation and completion of the secondary plan process, culminating in an Official Plan Amendment adopting an approved land use concept and a rezoning of the lands to appropriate zones with a Holding provision prohibiting

development, until the monitoring studies had been completed. In addition, the Neighbourhood Collector Road EA could be completed, subject to not receiving a Part II Order request, and proceed to the final design and construction phase.

Required Approvals: This approach would require the continuation of the Secondary Plan process and an Official Plan Amendment to designate the lands pursuant to a preferred land use plan. As previously noted, this amendment could be appealed to the Ontario Municipal Board by either the ORC or a member of the public.

With respect to placing a Holding zone over these lands, Section 26(1) of the Planning Act states that *“The Council of a local municipality may, in a Zoning By-law passed under Section 34, by the use of the Holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings, or structures may be put at such time in the future as the Holding zone symbol is removed by amendment to the By-law.”* In this regard, a Holding zone is generally used when the future use of lands has been determined, and there is a need to wait until some requirements have been met, such as preparation of specific technical studies. The technical studies required by the City and Conservation Authority could be the basis for requisite conditions that must be satisfied prior to the lifting of the holding provisions.

Implications: Initiating this option assumes that the lands can in fact be developed as purported by the ORC. The Holding zone simply requires the completion of requisite conditions prior to development; however, the assumption is that the condition can be cleared. In this instance, it is not clear whether the conditions can be cleared. The monitoring studies may demonstrate that any form of development would negatively impact on the core karst features.

Conclusion: Since City and Conservation Authority staff are not confident that the monitoring studies will demonstrate that development will not negatively impact on the core karst feature, it would be inappropriate to redesignate and rezone the lands at this time. In addition, this approach would be contrary to the new Urban Hamilton Official Plan. The only advantage to this approach is to the ORC, whose land value will increase as a result of the approved Official Plan designations and zoning. Therefore, this approach is not recommended.

B. Transportation Issues:

The transportation issues surrounding the Eramosa Karst area are extensive, inter-related, and well documented. It is not possible to look at solutions to those areas without taking into consideration a holistic approach to the area and the plans that have been developed and considered in the past to allow development to proceed and provide a reasonable level of service for road operations. The major issue in the Trinity Neighbourhood is the lack of north-south roads/capacity to address the area's current and future transportation needs.

In all scenarios, additional lane capacity in the area is necessary for a reasonable level of roadway operation, including the approved Trinity Church Arterial Corridor Road and the proposed Trinity Neighbourhood Collector Road.

Through previous consultation with area residents and property owners, there have also been previous commitments made along Second Road West and Upper Mount Albion Road to close portions of these roads to reduce the traffic impacts. These commitments were contingent on the previously mentioned new roads in the area being built and opened first.

Some of the transportation pressures can be attributed to the ROPA 9 lands, bounded by Rymal Road East, existing Trinity Church Road, the Hydro Corridor, and Upper Centennial Parkway. As a result of the delays in road construction and the provision of additional roadway capacity, development has proceeded with restrictions in this area so that the full development's transportation impact would not add to the existing limited transportation facilities/network. For Rymal Road East, part of the ROPA 9 transportation solution is to widen Rymal Road from east of Pritchard Road to the Upper Centennial Parkway to a five-lane cross-section. The Environmental Assessment study has been completed and approved in 2007 for this section of road. The detailed design is scheduled to be completed in 2010 for the section west of Fletcher Road. As a multi-year project, the project is yet to receive full capital budget approval, but is anticipated to be completed in the 2 to 5 year time-frame depending on budget priorities and how growth proceeds in the area. The estimated cost (2007) is approximately \$20 million, excluding property acquisition.

Trinity Neighbourhood Collector Road

This proposed new two-lane collector road has been planned from Second Road West, opposite Gatestone Drive to Highland Road, at Glenhollow Drive, and will be a portion of a ring-road system in the area. The Second Road West residents have previously been advised that once the Trinity Neighbourhood Collector Road was constructed and opened, Second Road West would be closed to through traffic, north of Gatestone Drive. Traffic on Second Road West, south of Gatestone Drive to Rymal Road would have access to the new roadway.

At this time, due to the on-going investigation/studies regarding the Trinity East lands, north of Rymal Road, west of Second Road West, and east of the Eramosa Karst core and feeder creek area, the Trinity Neighbourhood Collector Road EA Study has been put on-hold. It has been recommended by City staff and the Hamilton Conservation Authority that additional studies be undertaken regarding unresolved environmental issues and to determine the overall impact a road of this nature could have on the area, and especially on the Karst. The suggested timeline to successfully complete these additional studies (non-transportation related) is in 2-3 years.

Upper Mount Albion Road

The ROPA 9 Transportation Master Plan Study approved the closure of Upper Mount Albion Road at Rymal Road subject to construction and opening of the new Trinity Church Arterial Corridor Road. This was accepted by the residents during the study and public consultation process.

Trinity Church Arterial Road Corridor

The Trinity Church Arterial Corridor Road will be a four-lane arterial road extending southerly from the Red Hill Valley Parkway ramp terminals at Stone Church Road to Rymal Road, and then continuing southerly through the future North Glanbrook Industrial Business Park. The road is a critical link in the future road network providing required north-south traffic capacity. This additional capacity will be necessary with the future closure of Upper Mount Albion Road to through traffic and to support the ROPA 9 area developments and industrial business park.

The Environmental Study Report for this multi-year road project is approved, and a capital budget submission has been prepared in order to proceed with land acquisition and detailed design in 2010 for the Stone Church Road to Rymal Road section. Construction of the road could proceed as early as 2011. The estimated cost (2007) is \$6.0 million (excluding land costs).

Overall, there are a number of transportation issues which have yet to be resolved. There is the need for additional capacity and network connectivity in the north-south direction through the Trinity East area. An internal collector road was proposed for this purpose, if it can be designed to have no impacts on the Karst, in terms of matters such as run off and depth of cuts required. However, it will require further study to develop such a roadway design and ensure no impacts. There are greater system-wide matters to be addressed if this road is not provided in the short term, due to the growing traffic congestion on Second Road West, Upper Mount Albion, and other roads related to development in Summit Park and vicinity. These matters about the funding and timing of other road construction/road closures in the vicinity, etc., mean that a review of the

transportation studies undertaken to date in the ROPA 9 area is required. This review can occur while the additional environmental studies required for the land use review are being carried out.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The approaches outlined in the preceding section represent the future uses and approaches which are considered most appropriate to consider for the Trinity East lands. Each approach has been evaluated to identify its benefits and challenges. There are two other options which could be considered for these lands: expand the Greenbelt to include these lands; or, purchase the lands outright.

Expansion to the Greenbelt

One approach considered to achieve No Development in the Trinity East area is for the City to request an expansion to the Greenbelt. The Greenbelt, approved under the Greenbelt Act, 2005, is an area of open space extending from Niagara to Durham, which applies to the majority of the Rural Area of Hamilton. The Province has invited municipal requests for additions to the Greenbelt as part of the 10 year review of the Plan. The final Expansion Criteria, as of August 2008, were reviewed to determine whether the lands in Trinity East could be considered as an expansion to the Greenbelt.

The six criteria for expansions to the Greenbelt are:

1. Municipal request;
2. Additions to the Greenbelt (i.e., logical extension to the Greenbelt Plan);
3. Embraces the Greenbelt purpose;
4. Connections to the Greenbelt systems;
5. Complements the growth plan for the Greater Golden Horseshoe; and,
6. Timing and relationship to other provincial initiatives.

An expansion to the Greenbelt to include the Trinity East lands would not meet the above-noted criteria set by the Province, since:

- These lands would not be a logical extension to the Greenbelt Plan, as they are physically separated from the Greenbelt by existing urban development areas.
- These lands are not functionally connected to the Greenbelt systems.
- The Trinity Neighbourhood lands are within the Urban Area, rather than the Rural Area. The Greenbelt includes lands in the Rural Area, outside the Urban Boundary. For these lands to be included in the Greenbelt, they would have to

be excluded from the Urban Area of the Hamilton Official Plan. Redesignating an urban area, surrounded by other urban designated land, to rural, is unprecedented, and very unlikely.

Therefore, a request for an expansion to the Greenbelt would not be an appropriate approach for retaining the Trinity East lands as open space.

Purchase of Lands by the City

The City could consider purchasing these lands for parkland and/or open space purposes to ensure their retention; however, the potential capital costs to the City to purchase this 14.5 hectares (36 acre) parcel could be significant. There are currently no capital funds assigned to this type of purchase.

Funding from upper levels of government to purchase these lands had been suggested by the residents; however, this funding has not been secured to date.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.

Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies.

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.
- ◆ Reduced impact of City activities on the environment.

Healthy Community

- ◆ Plan and manage the built environment.
- ◆ An engaged Citizenry.

APPENDICES / SCHEDULES

Appendix A: Trinity Neighbourhood Study Area Map

Appendix B: Eramosa Karst Core, Buffer and Feeder Areas

Appendix C: Report PED07236 / PW07112 dated August 28, 2007

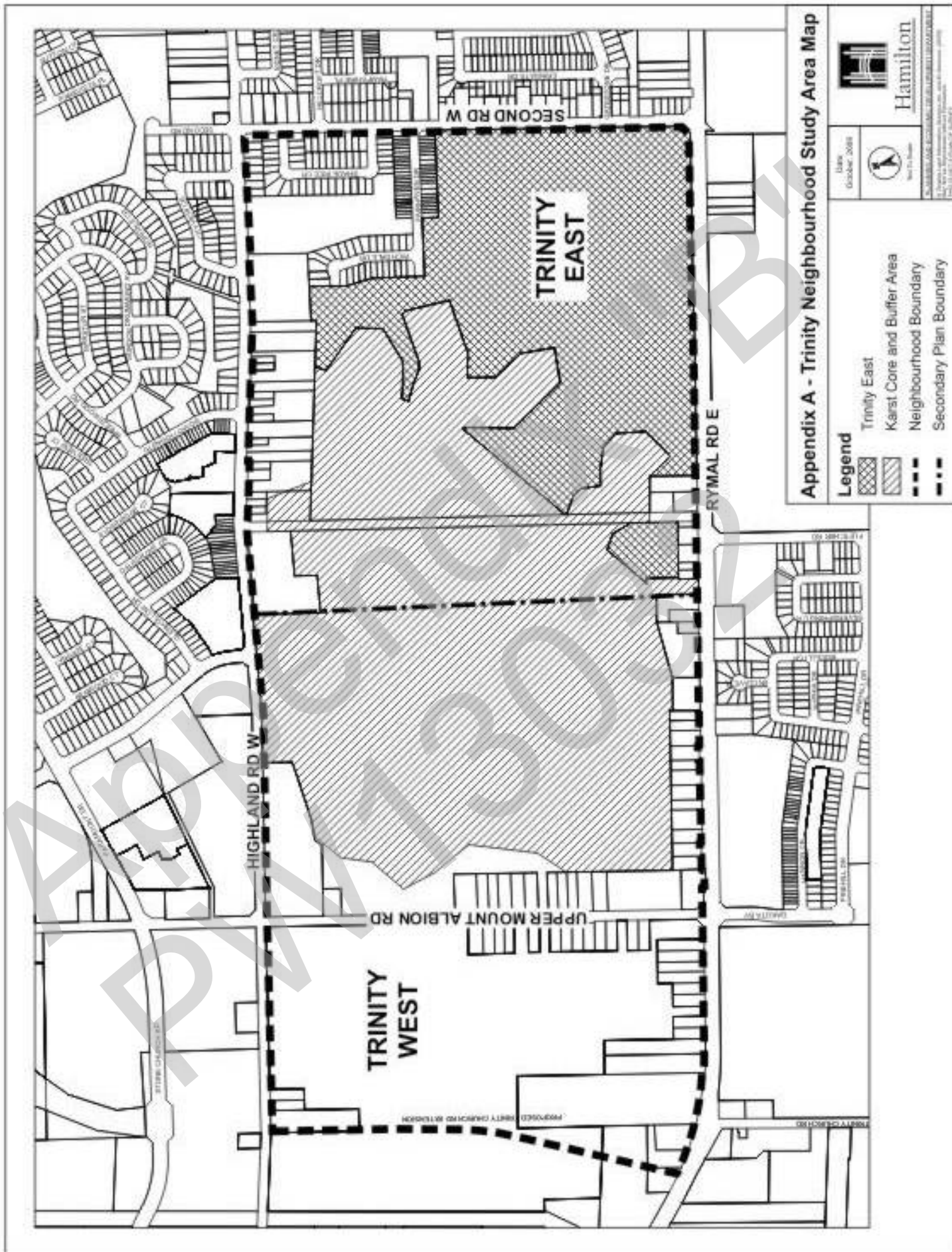
Appendix D: Information Report PED07236(a) / PW07112(a) dated November 14, 2007

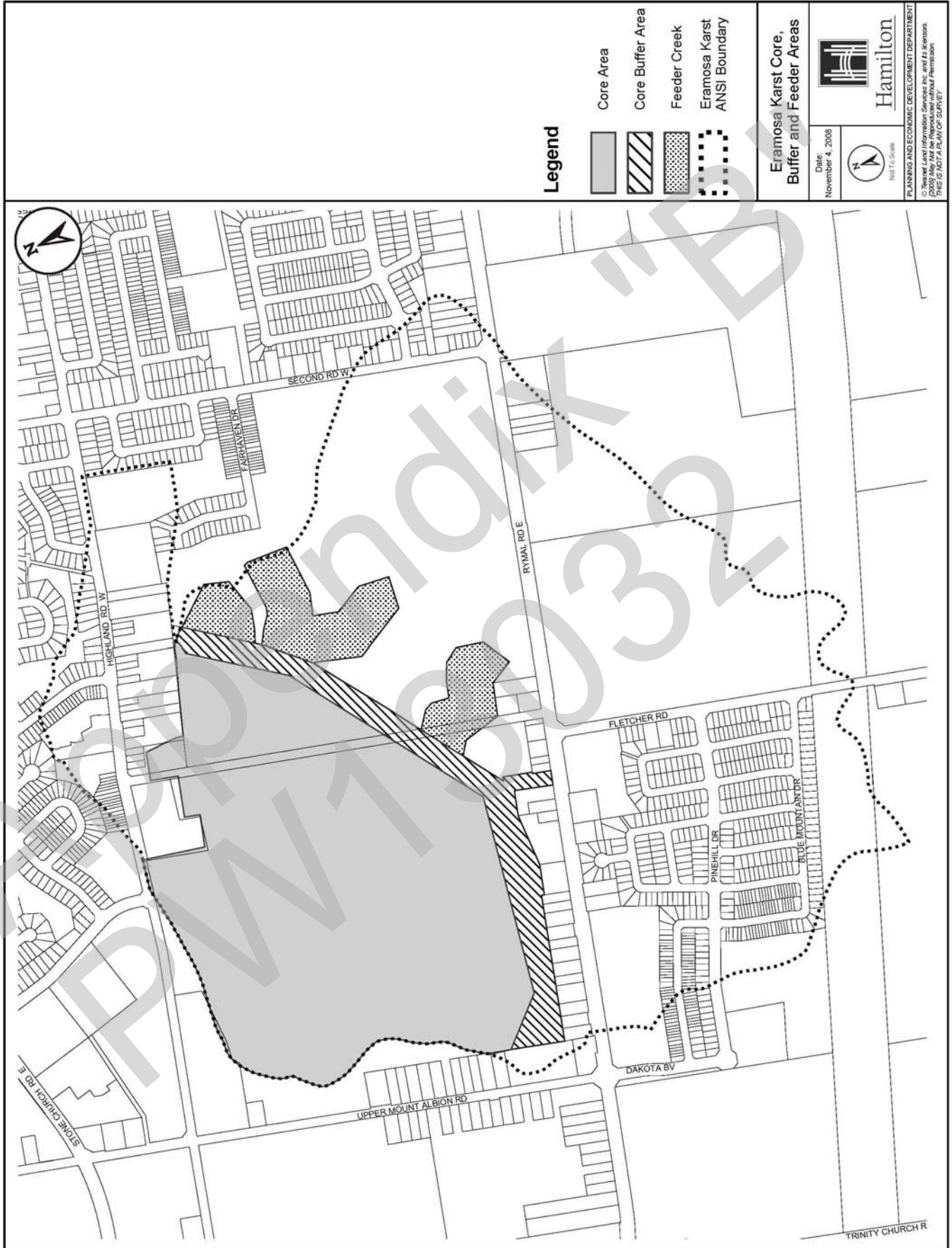
Appendix E: Correspondence dated June 9, 2009 from Hamilton Conservation Authority to Ontario Realty Corporation.

Appendix F: Correspondence dated March 25, 2010 from the City of Hamilton to the Minister of the Environment.

:BK/AK

Attachs. (6)





**AFFECTS
WARDS 6, 9
& 11**

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

and

PUBLIC WORKS DEPARTMENT
Capital Planning and Implementation Division

Report to: Chair and Members Economic Development and Planning Committee	Submitted by: Tim McCabe General Manager Planning and Economic Development Department Scott Stewart, C.E.T. General Manager Public Works Department
Date: August 28, 2007	Prepared by: Jillian Stephen 905-546-2424 Ext. 6392 Vanessa Grupe 905-546-2424 Ext. 1263

**SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood
Collector Road Class Environmental Assessment (PED07236 /
PW07112) (Wards 6, 9, 11)**

RECOMMENDATION:

- a) That the General Manager, Planning and Economic Development be authorized and directed to put on hold the Secondary Planning process for those lands east of the Eramosa Karst area in the Trinity Neighbourhood;
- b) That the General Manager, Planning and Economic Development be authorized and directed to undertake the Secondary Planning process for the lands west of the Eramosa Karst area and north of Rymal Road;
- c) That the General Manager, Public Works be authorized and directed to suspend the Class Environmental Assessment process for the Trinity Neighbourhood Collector Road;
- d) That the General Manager of the Public Works Department be authorized and directed to include \$200,000 in the 2008 Capital Budget submission for a revised Transportation Master Plan for the ROPA 9 and Trinity Neighbourhood area.

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 2 of 29

- e) That Planning and Economic Development Department staff and Public Works staff be directed to report back to Economic Development and Planning Committee upon their review of the Ontario Realty Corporation's Technical Reports regarding development potential of the lands east of the Eramosa Karst, or at the final Economic Development and Planning Committee meeting of 2007, whichever comes first, with recommendations regarding whether or not the Secondary Planning work outlined in Recommendation a) and the Class Environmental Assessment work outlined in Recommendation c) can resume;
- f) That a copy of Report PED07236 / PW07112 be forwarded to Premier Dalton McGuinty and that a formal request for transfer of the remaining karst lands in the Trinity Neighbourhood be sent by Council to the Premier's Office.

Tim McCabe
General Manager
Planning and Economic Development Department

Scott Stewart, C.E.T.
General Manager
Public Works Department

EXECUTIVE SUMMARY:

Studies currently underway in the Trinity Neighbourhood include a review of the approved secondary plan, necessitated by the discovery of Provincially-significant natural area features. This area is known as the Eramosa Karst Conservation Area, located on lands previously designated for residential use which will now be protected as open space. Various transportation studies are also underway in the area, including the Trinity Neighbourhood Collector Road EA, several road improvements to serve the ROPA 9 area south of Rymal Road, and the Trinity Church Collector Road to connect with the Red Hill Valley Parkway. There are differing opinions as to the extent of the area which should be preserved as open space in order to protect the karst features and the

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 3 of 29

area up-stream. Residents of the area, in conjunction with the Ward Councillor, have requested the preservation of additional lands east of the karst as open space. Agreements by the Province for the transfer of this additional open space is being pursued, as municipal funds for acquisition are not available.

If the open space area is expanded, it would include the lands on which the Trinity Neighbourhood Collector Road is proposed, and would preclude the construction of this road. There would be implications on other nearby road projects, including the proposed closure of Second Road West. In order to allow time for the open space acquisition to be pursued, the extent of open space to be determined, and the implications on the road system to be identified, it is proposed that a portion of the secondary plan study area be put on hold, and that the Class EA process for the Trinity Collector Road be suspended at this time.

BACKGROUND:

Trinity Neighbourhood is located within the Heritage Green area, and is bounded by Highland Road, Second Road West, Rymal Road, and the proposed extension of Trinity Church Road. A review of the land use plan for Trinity Neighbourhood was initiated by Community Planning staff in early 2006. Citizen members of a Community Advisory Committee support additional open space in the eastern portion of Trinity, beyond that envisaged in preliminary land use options for the area.

Strategic Planning and Environmental Planning staff began the Class Environmental Assessment process for the Rymal Road Planning Area (ROPA 9) in October 2003 as part of the Rymal Road Planning Area (ROPA 9) Master Plan Class Environmental Assessment Study, and subsequently initiated the Trinity Neighbourhood Collector Road Class Environmental Assessment in 2006. Maps of the Study Areas can be found in Appendix A.

Trinity Neighbourhood Secondary Plan Review

The original land use plan for the Trinity Neighbourhood was prepared in the early 1990's, as part of the Heritage Green Secondary Plan. This plan identified the type and density of residential, commercial and other uses within Trinity. An internal collector road was to be located through the centre of Trinity. Two adjacent local roads were proposed to be closed, namely Second Road West and Upper Mount Albion, and the new internal collector was needed to help serve through traffic.

During the late 1990s, the Eramosa Karst was discovered within the Trinity area. This series of underground caves, sinking streams and related features includes several provincially significant features. Most of the karst will be retained in a natural state, with no development permitted to ensure protection of the natural features. The boundary of the karst area to be retained was confirmed by studies undertaken by expert consultants, and includes lands defined as core, buffer and feeder creek lands. The karst lands were previously owned by the Ontario Realty Corporation, who transferred an area of over 180 acres to the Hamilton Conservation Authority in October 2006. The

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 4 of 29

HCA will manage the Eramosa Karst Conservation Area as a natural area with trails and an interpretive centre.

The original land use plan for Trinity must be revised, due to the karst area located in the centre of the neighbourhood (the lands currently owned by the Hamilton Conservation Authority (HCA)), where the internal collector road was proposed (in the Stoney Creek Official Plan). Major portions of the lands which were proposed for residential are now within this no-build area. A new land use plan is required to guide future development of this area.

Accordingly, a review of the secondary plan for Trinity was initiated by Community Planning staff in early 2006. The study area was defined as the Trinity Neighbourhood. Progress to date on the review has included:

- identification of planning issues and principles;
- definition of planning constraints;
- preparation of a preliminary land use concept; and,
- development of alternative land use concepts, including three (3) current concepts.

The planning process has involved consultation with area residents and property owners, by means of three Public Information Centres, some held jointly with Public Works. A Community Advisory Committee (CAC) was established and has met twice to provide input and advise staff on the land use review, in addition to the review of options by staff of departments and agencies.

Proposal for Expansion of the Karst Open Space Area

The extent of lands to be retained as natural open space has been an issue of concern to various stakeholders from early in the study process. The Eramosa Karst boundary was established by expert studies and defines the lands to be preserved as open space. The Area of Natural and Scientific Interest (ANSI) is a larger area which extends beyond Trinity neighbourhood. Residents and experts have stated that there are caves, sinkholes and other karst features beyond the boundary of the 180 acre Eramosa Karst parcel which was given to the Conservation Authority. From the first Public Information Centre held on the secondary plan in March, 2006, residents have requested that additional vacant lands in the eastern part of Trinity be retained as open space.

Of particular interest in terms of preserving additional open space are the lands to the east of the karst. These lands east of the core / buffer karst area are west of Second Road West, and north of Rymal Road. These lands are “up-stream” of the karst area, and contain intermittent creeks which flow into the core karst. The consultant experts who carried out the studies to define the karst boundary originally stated that these lands could safely be developed for residential and related uses while preserving the integrity of the karst. Special construction techniques were proposed, such as minimal basements and management of run-off. Studies are presently being undertaken to confirm the development potential of these lands. There are presently differing opinions about whether these eastern lands can be developed without impact on the karst.

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Area residents who are members of the Community Advisory Committee have been pursuing the expansion of the natural area. In conjunction with the Ward Councillor, and through the Mayor's Office, they have been pursuing funding from other levels of government to purchase additional open space. Such funding on agreement by the Province to transfer this additional open space would be necessary since the standard City policies for acquisition of parkland would not provide funding for such lands. Residents have requested that Planning staff put the Secondary Plan review on hold until such time as the additional open space issue is resolved.

This request for additional open space has received support from the Mayor's Office and continues to be pursued with the Province. Planning staff has not generated further land use options or held any additional public meetings since the May, 2007 meeting.

On August 13, 2007, staff received a copy of a letter written to Councillor Clark by Marcus Buck, one of the authors of the original 2004 karst report for the Trinity Neighbourhood, advising that the original limits of the core, buffer and feeder creek lands had been a "compromise" and that:

"the best way to ensure protection of the karst within the ANSI is to create as much natural parkland within the Feeder Area as is feasible. Since the province currently owns a significant portion of the undeveloped lands north of Rymal Road, this presents an opportunity to provide greater protection for the ANSI. The development of natural parkland on these lands would avoid potential impacts and do much to restore natural conditions within the catchment area for several of the sinking streams."

A copy of Mr. Buck's letter is included as Appendix B to Report PED07236 / PW07112.

The ORC and their karst consultant David Slaine have recently submitted a response to these findings of Marcus Buck, wherein they dispute the concerns raised regarding potential impacts on the karst lands. Their letter, dated August 24, 2007, states in part:

"In conclusion, through the proper implementation of the recommendations of the ANSI report, the Davis Creek Subwatershed Study, and the Draft Master Plan for the Eramosa Karst Conservation Area, there are no impediments to develop this area of Hamilton. We will be conducting additional detailed analysis to confirm these preliminary findings and our final recommendations will be documented in our reports later this fall. "

A copy of this letter from A. J. Clarke & Associates Ltd. and Terra-Dynamics Consulting Inc. is also included in Appendix B to Report PED07236 / PW07112.

Lands east of the karst are owned by the Ontario Realty Corporation (ORC). They are undertaking extensive studies to confirm the development potential of these lands, as outlined later in this report. The ORC will release these lands for development along with other lands in Hamilton and the Province, once they are satisfied that there will be no adverse impacts on the karst. The ORC also owns lands directly to the west of the

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Trinity Neighbourhood, which are outside the scope of the present secondary plan in the East Mountain Industrial Park. It would be appropriate for Community Planning staff to review the land use designations for the area on the west side of Trinity, possibly including ORC lands beyond Trinity in the East Hamilton Industrial Park, while putting the land use review for the east side of Trinity Neighbourhood on hold. This would allow time to resolve differing opinions regarding the extent of developable lands, and to pursue funding for additional open space.

Trinity Neighbourhood Collector Road Class Environmental Assessment

On August 13, 2003, Council approved the initiation of a Master Plan Class Environmental Assessment (Class EA) for the Rymal Road Secondary Planning Area, which included EA studies for all necessary transportation, water and wastewater improvements required before limits on development of the ROPA 9 lands could be lifted. iTRANS Consulting Inc. was retained in October 2004 by the Public Works Department to undertake the Class EA. The study area was originally limited to the ROPA 9 lands, however Special Policy Area 'C' was later added (see attached plan). The Rymal Road Planning Area (ROPA 9) Master Plan Class Environmental Assessment (EA) Study addressed Phases 1 and 2 of the Municipal Class EA process. The objectives of the Master Plan were complete the Class EA studies and approvals for transportation improvements and to fulfil the Municipal Class EA requirements for the completion of studies for changes to the road network.

During the Master Plan process, concerns were raised by residents of the Trinity Neighbourhood about potential increases in traffic on local roads due to the future development of the ROPA 9 lands. Appropriate road network planning for the Trinity Neighbourhood was required in order to provide sufficient capacity, to provide convenient access to accommodate increasing traffic demands and to manage and direct traffic to appropriate routes in order to maintain appropriate road functions. Traffic from the ROPA 9 lands predominantly travels to the north and west, and traffic demands within the Trinity Neighbourhood on local roads, including Second Road West (north of Gatestone Drive) and Upper Mount Albion Road is anticipated without improvements to road network, resulting in further impaired traffic operation conditions and impacts to residential neighbourhoods.

To address traffic concerns in the Trinity Neighbourhood, a number of measures were recommended in the Rymal Road Planning Area Master Plan, either for implementation, or for further study, including enhanced traffic control on Second Road West (north of Gatestone Drive), monitoring Second Road West for appropriateness of traffic calming measures, and consideration of enhanced traffic control for Upper Mount Albion Road. The Rymal Road Planning Area Master Plan also recommended:

- Implementing new road connections as soon as possible to provide additional north-south capacity, including:
 - A new collector road in the Trinity Neighbourhood (this potential road is now referred to as the Trinity Neighbourhood Collector Road)
 - A new roadway from Stone Church Road/Red Hill Valley Parkway to Rymal Road (known as the Trinity Church Road extension)

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- Implementing road closures on Second Road West (north of Gatestone Drive) and Upper Mount Albion Road
 - The closure of Second Road West should be coordinated with the construction of the new collector road (i.e. the Trinity Neighbourhood Collector Road)
 - The closure of Upper Mount Albion Road should be coordinated with a new north-south link from Stone Church Road/Red Hill Valley Parkway to Rymal Road (i.e. the Trinity Church Road extension)

The Rymal Road Planning Area (ROPA 9) Master Plan Class Environmental Assessment Study was approved by Council in June 2006, and addressed Phases 1 and 2 of the Municipal Class EA for the Trinity Neighbourhood Collector Road.

A number of subsequent studies were required upon completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study (Phases 1 and 2), including Phase 3 and 4 studies for:

- A collector road and Trinity Neighbourhoods Improvements (Trinity Neighbourhood Collector Class Environmental Assessment Report)
- ROPA 9 and SPA 'C' transportation improvements
- Trinity Church Corridor EA (north and south of Rymal)
- ROPA 9 AND SPA 'C' water and wastewater assessments (merged with City-wide Water and Wastewater Master Plan)

The Trinity Neighbourhood Collector Class Environmental Assessment Report built on the findings of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study and recommended construction of a new two lane collector road (one through lane in each direction), built with an urban cross-section, from Highland Road/Glenhollow Drive to Gatestone Drive/Second Road West, the closure of Second Road West at Fairhaven Drive and the provision of a roundabout at the intersection with Highland Road.

ANALYSIS/RATIONALE:

Impacts of Revising the Scope of the Trinity Secondary Plan Review

Community Planning staff are undertaking the review of the Secondary Plan for Trinity as part of the approved Work Program. The various road projects and the land use review for this area are very much inter-connected.

A revision in the scope of the Secondary Plan review, to put the review of lands on the east side on hold and add lands to the west, would be appropriate as development in this area will not impact the karst lands. It would allow staff to move forward to finalize land use plans for areas close to the southern end of the Red Hill Valley Parkway, thus allowing further lands to become available for development.

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Ontario Realty Corporation Land Ownership and Studies in Trinity

The Ontario Realty Corporation manages the Province's real property, seeking to optimize value while achieving the public policy objectives of the government. The ORC manages provincially owned lands in various parts of the City of Hamilton, including the Trinity Neighbourhood and surrounding area.

The ORC has been reviewing the development potential of their lands in Trinity, concurrent with the City's Secondary Plan review. In addition, the ORC is conducting studies to facilitate the findings of City of Hamilton infrastructure environmental assessments such as the Trinity Church Extension and Trinity Collector Road which are proposed on ORC managed lands. Their intent is to assist in the finalization of the revised land use plan, as a property owner and member of the Community Advisory Committee, and commence appropriate due diligence in anticipation of upcoming transactions with the City. Once the Secondary Plan is complete, the ORC will be seeking planning approvals (i.e. draft Plan of Subdivision, re-zoning) to facilitate future development and disposition of these lands.

Various studies are underway by the ORC for their lands south and east of the karst. ORC has retained a consulting team to undertake the following tasks:

- Prepare a Master Plan to provide input into the City's Neighbourhood Plan review, Trinity Church Corridor EA and Collector Road EA processes;
- Undertake an ORC Category C Class EA;
- Prepare and obtain approval of draft plan of subdivision and zoning by-law amendments for the 87 acre parcel east of Karst;
- Support First Nations consultation for potential disposition of Provincial Land in Stoney Creek; and,
- Monitor and advise on on-going studies within the vicinity of the Provincial land and participate with City initiatives working group as required.

Technical studies are being undertaken to support the work program including:

- Topographic survey
- Hydrogeological Study
- Geotechnical Study
- Water Flow/Tracer Study (if necessary)
- Ecological Study
- Traffic Assessment
- Noise Study
- Functional Servicing Assessment

A Planning and Class Environmental Assessment (EA) was initiated by ORC in mid 2007 regarding the possible disposition of four parcels of Provincially-owned lands in Trinity, east and south of the karst.

The ORC has indicated that they would not oppose the proposed revisions to the study process for the secondary plan and road projects; however, ORC staff has expressed

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some concerns about timing. They would like to see a timeline for putting a hold on the planning process, to provide them with some certainty for their planning processes. Recommendation e) has been included and directs staff report back to the Economic Development and Planning Committee by year end to provide an update on this matter and further recommendations as appropriate. The ORC also supports extending the study boundary to the west for the land use review, to include additional lands which they own.

The Hamilton-Wentworth Catholic District School Board had proposed a secondary school east of the karst in the lands being considered for additional open space. The School Board would like consideration of their need for a school site in this vicinity.

Implications for ROPA 9 Lands South of Rymal

The lands south of Rymal Road, east of Trinity Church Road, west of Regional Road 56, and north of the Hydro corridor, are known as the Rymal Road Planning Area Study (ROPA 9). A Secondary Plan has been prepared and approved for this area. The plans for this area will accommodate an ultimate population of about 9,700 persons.

The land use plans for this area were developed with the assumption that several roadway system improvements would be undertaken to provide capacity for these residents, including the Trinity Neighbourhood Collector Road.

A copy of the Transportation Phasing section (B.3.7.2.1) of the Official Plan Amendment for the Rymal Road Planning Area is included in Appendix C to Report PED07236 / PW07112. This section notes various transportation system improvements needed to allow full development of the ROPA 9 area. These include the Red Hill Valley Parkway, the widening of Rymal Road, extension of Trinity Church Road to the LINC, and the widening of Regional Road 56.

A phasing cap was placed on development in the ROPA 9 area. Full development of the area was not to be permitted until all of the following was completed for the four road improvements identified in Policy B.3.7.2.1(a):

- Environmental Assessment studies have been completed and approved;
- The method of financing the road improvements have been identified; and,
- Required road improvements have been included in the Capital Budget process.

Prior to the completion of the above-noted matters, development within ROPA 9 was to be restricted to the construction of 500 dwelling units and 19,000 square metres of General Commercial space, and other commercial sites subject to localized studies. Council and the General Manager of Public Works have previously approved minor expansions to this residential cap in accordance with Policy (d). In 2003, Council expanded the residential cap to 525 units as part of a mediated OMB settlement. In 2006, the General Manager of Public Works approved an addition of approximately 175 units for a senior housing project proposed by Multi-Area Developments.

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With total built residential units of 395 units, as of December 2006, the cap is being approached for the ROPA 9 area and there are many additional approved units in draft approved plans of subdivision. Staff has also compiled information on the approved and built commercial floor space in the area.

The exact implications on phasing of the remaining development of the ROPA 9 area which would be caused by the expansion of the open space area and the possible deletion of the Trinity Neighbourhood Collector Road are not yet quantified. These impacts would be determined by the further studies, namely the new Transportation Master Plan, which would have to be carried out for the area, for which details are provided later. However, it appears that the full development of the ROPA 9 area cannot occur until the implications of these revisions are determined, and the related Environmental Assessment studies are completed and approved.

Impacts of Suspending the Trinity Neighbourhood Collector Road Class EA

Suspending the Trinity Neighbourhood Collector Road Class EA allows staff, Council and the Province the opportunity to work towards preserving the portion of the karst lands within the Trinity Neighbourhood that are not currently within the ownership of the Hamilton Conservation Authority. Completing the Trinity Neighbourhood Class EA without a clear direction regarding the future of these lands would be counter-productive as the land use assumptions used in the analysis could change prior significantly to construction of the road, and the Environmental Study Report would likely be subject to multiple Part II Order (“Bump up”) requests due to its proposed location at the boundary of the HCA-owned karst lands and the lands that were discussed in Marcus Buck’s correspondence of August 9, 2007.

It is important to understand that there will be traffic and development impacts that will require further study if the Trinity Neighbourhood Collector Road Class EA is suspended. A revised Transportation Master Plan for the ROPA 9 and Trinity Neighbourhood area is recommended to quantify the traffic impacts. The Trinity Neighbourhood Collector Road was recommended in the Rymal Road Planning Area Master Plan to address the increased traffic demands resulting from the development of the ROPA 9 lands. By definition, collector roads function as connecting road links between arterial roads and local roads. The Trinity Neighbourhood Collector Road was recommended to alleviate pressure from increased traffic volumes on local roads. Transportation phasing policies for ROPA 9 are set out in Section B 3.7.2.1 of the Official Plan for Glanbrook (reference Appendix C). The number of units that can develop is dependent on the completion of the Class EA studies, inclusion of the recommended works in the Capital Budget or Forecast, and that funding mechanisms be identified for those works. Suspending the Trinity Neighbourhood Collector Road Class EA delays the completion of the studies required and will have the effect of delaying any substantive increases to the phasing cap for the ROPA 9 area. However, as outlined in Recommendation e) of this Report PED07236 / PW07112, staff will report back to the Economic Development and Planning Committee before the end of 2007 to advise if the Class EA study and secondary planning for the lands east of the Eramosa Karst can resume, and will include in that report an updated section on the impacts to phasing of development of ROPA 9 lands.

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The “do nothing” alternative (i.e. do not construct a collector road through the Trinity Neighbourhood) was evaluated as part of the Rymal Road Planning Area Master Plan process. The transportation impacts of the “do nothing” alternative to the Trinity Neighbourhood include:

- An incomplete road network (based on the Stoney Creek Official Plan);
- Continued high traffic volumes on local roads;
- The potential for traffic volumes to exceed road capacity on neighbourhood roads;
- A potential increase in collisions on local roads due to increased traffic volumes;
- No additional capacity provided for traffic to divert away from local roads;
- The potential for increases in maintenance costs due to road surface and road base deterioration created by higher traffic volumes;
- Continued or worsening impacts to residents along local roads;
- The potential for driveway access on local roads with high volumes of traffic to be compromised; and,
- A compounding of existing traffic deficiencies.

Suspending the Class EA also has implications on the proposed closure of Second Road West, north of Gatestone. This road closure cannot take place without an alternative route, such as the Trinity Neighbourhood Collector Road, in place. If it is determined that the karst area is to be protected, and that no roads can be built through this area, a new transportation master plan will be required for the Trinity Neighbourhood.

ALTERNATIVES FOR CONSIDERATION:

Trinity Neighbourhood Collector Road Class EA

The alternative to suspending the Trinity Neighbourhood Collector Road Class EA is to continue with the study and Class EA process. This would include filing the Environmental Study Report on the public record.

This alternative is not recommended because it would contradict the recommendations to suspend the Secondary Planning process and the request of the Province for the transfer of the remaining karst lands to the Hamilton Conservation Authority.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

Financial implications of suspending the Trinity Neighbourhood Collector Road Class Environmental Assessment include:

- New Transportation Master Plan – estimated cost \$200,000.
- Repairs or rehabilitation of existing roads due to increased traffic volumes and resulting impacts on road condition. These costs cannot be quantified until it is determined how many more vehicles will be diverted to existing roads, which roads the diverted vehicles will use, and for what length of time.

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- Limitations on full development of the ROPA 9 lands as outlined in Section B.3.7.2.1 of the Secondary Plan.

Staffing Implications

There are no staffing implications for the Planning and Economic Development Department.

Completion of a new Transportation Master Plan under the Class Environmental Assessment Act for this area will need to be incorporated into the work plans for the Strategic Planning and Environmental Planning sections (Public Works).

Legal Implications

The *Environmental Assessment Act* states that “if a proponent wishes to change an undertaking after receiving approval to proceed with it, the proposed change to the undertaking shall be deemed to be an undertaking for the purposes of this Act”. If the Trinity Neighbourhood Collector Road Class Environmental Assessment is not completed, this would be deemed to be a change to the Rymal Road Planning Area (ROPA 9) Master Plan (an approved undertaking), and a new Class EA would be required to address this change.

POLICIES AFFECTING PROPOSAL:

The Heritage Green Secondary Plan provides the framework for existing planning policies and designations within the subject lands. The land use plan for the Trinity Neighbourhood portion of this secondary plan is under review. The Rymal Road Planning Area Study (ROPA 9) has been approved for the area south of Rymal Road in the former township of Glanbrook.

Relevant Provincial policies include the *Places to Grow Act* and the *Growth Plan for the Greater Golden Horseshoe*. The Trinity Neighbourhood is considered a *designated greenfield area* within the built boundary. The draft land use options prepared to date within the secondary plan review had been designed to meet and exceed the minimum density target of not less than 50 residents and jobs combined per hectare. A revision in the boundary of lands to be developed for residential and employment use will require revisions to the density analysis. The impact of such changes will have to be determined.

RELEVANT CONSULTATION:

Trinity Neighbourhood Secondary Plan

The public consultation to date regarding the secondary plan review has included:

- Consultation with all affected City departments and agencies
- Three (3) Public Information Centres held with residents and property owners in the study area and vicinity, to present the study process, preliminary findings and draft land use options for review and comment;
- Consultation with the Ontario Realty Corporation and Hamilton Conservation Authority, including 3 co-ordination meetings with City staff; and,

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- The establishment of a Community Advisory Committee composed of interested residents and property owners who have met twice to review study proposals and provide input to Planning staff.

Trinity Neighbourhood Collector Road Class EA

During the Class EA process to date, numerous agencies have been consulted, including Federal Departments, Provincial Ministries (including the Ministry of Natural Resources), the Hamilton Conservation Authority, the Niagara Peninsula Conservation Authority and the Niagara Escarpment Commission. The consultation process also included First Nations, citizen groups (Citizens for a Sustainable Community and a Resident's Group: Upper Mount Albion Road), Business Improvement Areas, Utilities, and Developers and their Consultants. Relevant sections of Corporate Services, Planning and Economic Development, Emergency Services, Hamilton Police Services, Public Health and Community Services and Public Works were also consulted.

The public consultation process has consisted of:

- Meeting with the Stakeholder and Technical Committee on October 2, 2006;
- Notification letters to utilities, agencies, area businesses, residents and stakeholders for the Public Information Centre (sent on October 6, 2006);
- Newspaper advertisement of the Public Information Centre (published on October 6, 2006); and,
- Public Information Centre on October 18, 2006.

During the ROPA 9 Master Plan stage, the public consultation relevant to the Trinity Neighbourhood Collector Road consisted of:

- Newsletter update on December 20, 2005;
- Advertisement of Public Information Centre on January 13 and 20, 2006; and,
- Public Information Centre on January 26, 2006.

There were additional points of public contact during the Master Planning exercise, however the ones listed above are the ones specific to the Trinity Neighbourhood Collector Road.

CITY STRATEGIC COMMITMENT:

By evaluating the "**Triple Bottom Line**", (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. X Yes No

The recommendations enhance community well-being through the opportunity they present to work with the Province to preserve additional karst lands, and to address the comments raised by residents who would like to retain additional open space. The suspension of the Class EA will have impacts on traffic in the Trinity Neighbourhood and for the continued phasing of development in the ROPA 9 area.

Environmental Well-Being is enhanced. X Yes No

Protection of a significant environmental feature is promoted.

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Economic Well-Being is enhanced. Yes No

The revisions to the study area boundary for the land use review would include additional lands at the west side anticipated to be designated Employment lands.

Does the option you are recommending create value across all three bottom lines?

Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

Yes No

:JS/VG

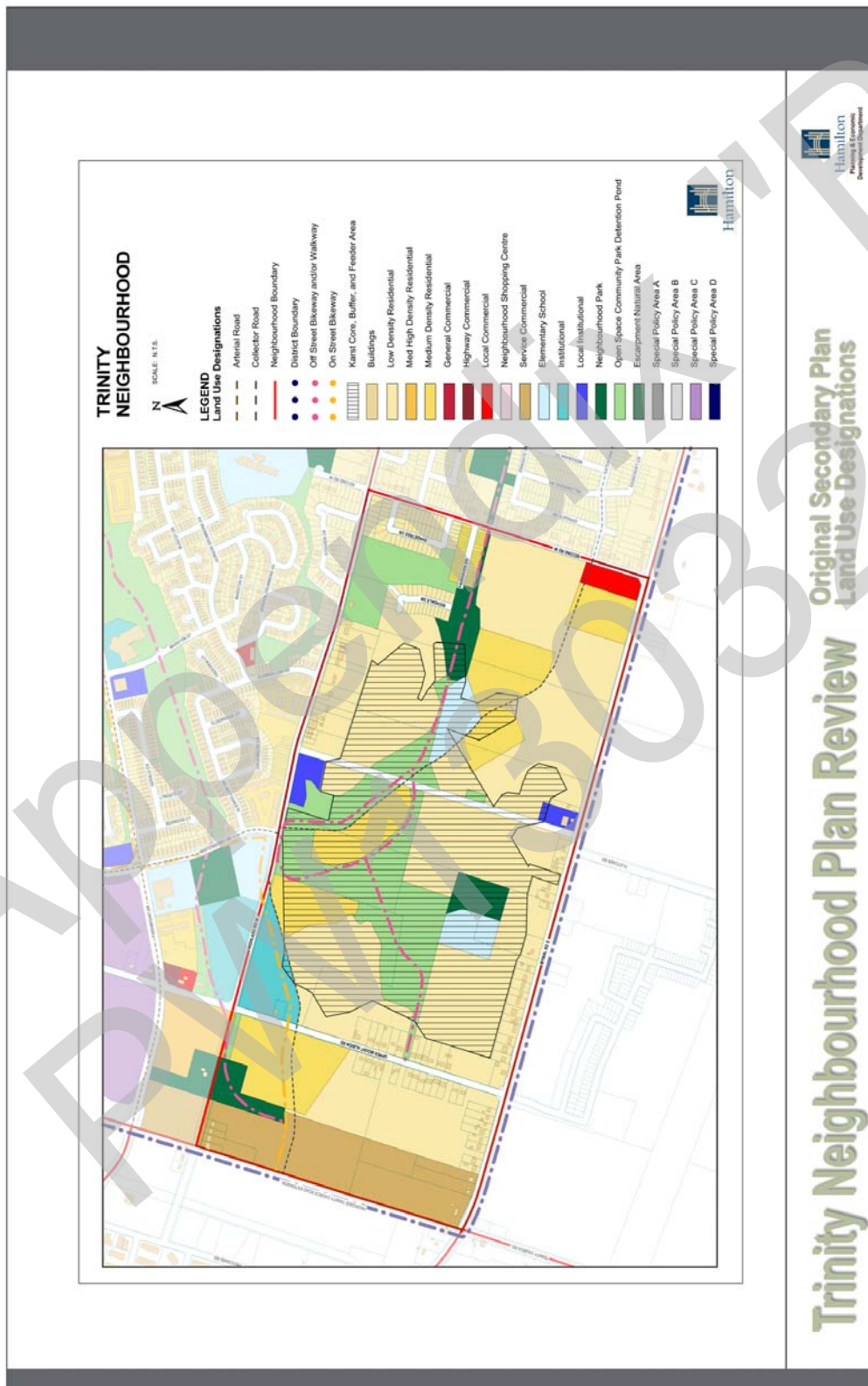
Attachs. (3)

Appendix "B"
PW13032

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Appendix A – Study Area Maps

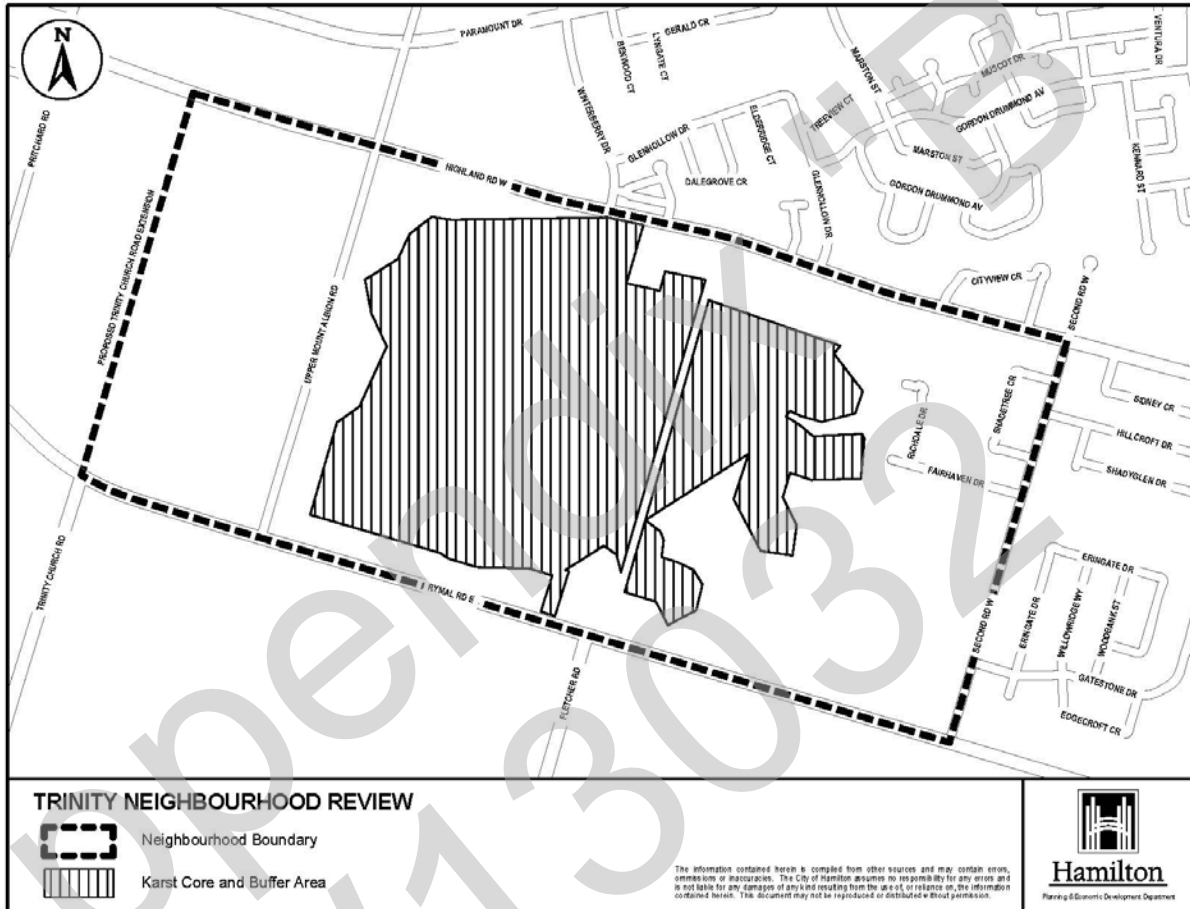
Original Secondary Plan Land Use Designations – Trinity Neighbourhood



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Appendix A – Study Area Maps Continued

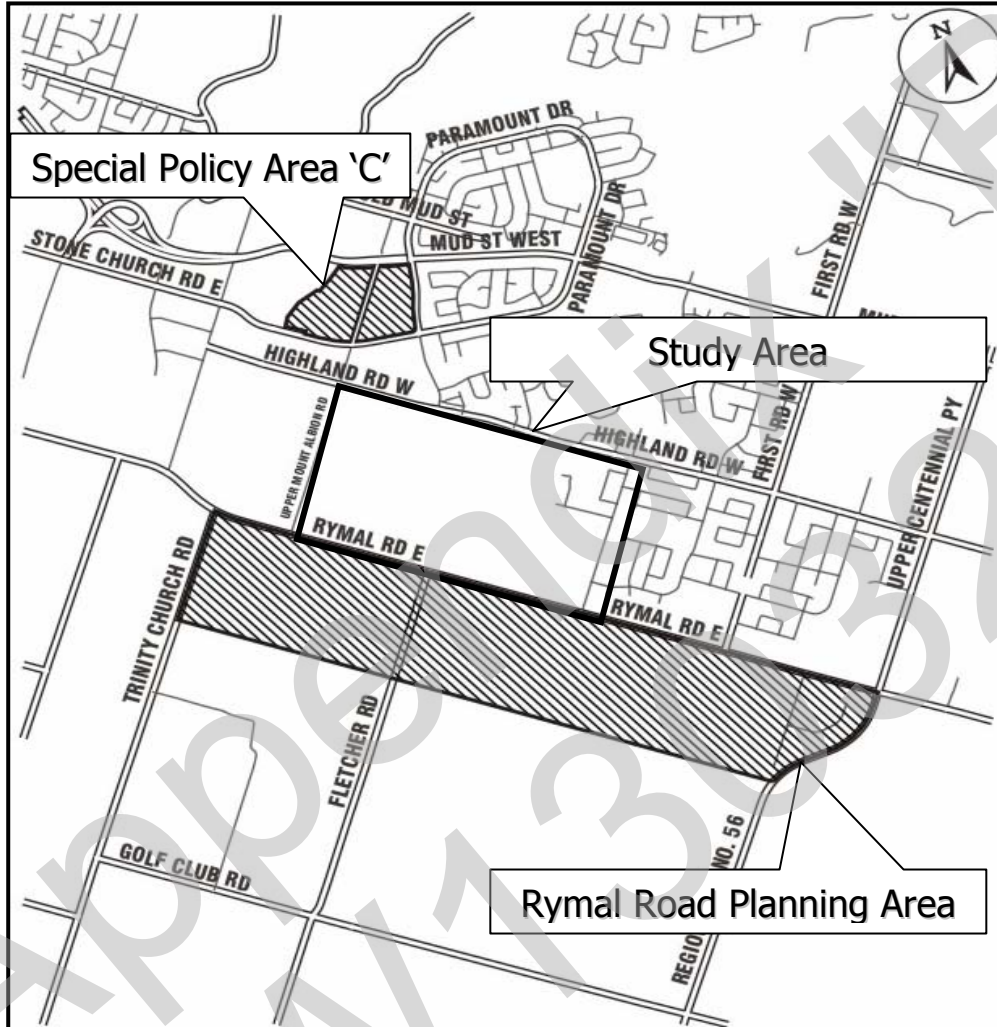
Map of the Trinity Neighbourhood Review Area



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Appendix A – Study Area Maps Continued

Map of the Study Area for the Trinity Neighbourhood Collector Road Class Environmental Assessment



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Appendix B – Correspondence from Marcus Buck, dated August 9, 2007 and from David Slaine, dated August 24, 2007

Appendix "B"
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Collector Road Class Environmental Assessment (PED07236 /
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**Marcus J. Buck
Karst Solutions**

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Tel/Fax: (905) 575-4759

August 9, 2007

City Hall – 2nd Floor
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Mr. Brad Clark, Ward 9 Councillor

Re.: Protection of the Eramosa Karst

Dear Mr. Clark,

During a site visit on July 16th, we discussed the protection of the Eramosa Karst. I would like to summarize some of my thoughts here regarding the future protection of this Area of Natural and Scientific Interest (ANSI).

In April of 2004, Dr. Stephen Worthington, Dr. Derek Ford and I submitted a report to the Ontario Ministry of Natural Resources. The report provided the scientific basis for the designation of the Eramosa Karst as a provincially significant earth science ANSI. In addition, the report delineated approximate boundaries for the ANSI and provided preliminary recommendations for its protection. The nature of the ANSI required an unusual approach, the designation of three subareas: the Core Area that contains the majority of karst features, the Developed Area that is urban and has already sustained considerable impacts, and the Feeder Area where the surface streams flow downstream to the Core area and are essential for maintaining the form and function of karst features within the Core Area. This approach allowed for considerable flexibility regarding protection of the karst features while permitting continued urban development within the majority of the Developed and Feeder Areas. At the time, the largest portion of the Feeder Area, located south of Rymal Road, was privately owned and already approved for urban development. The majority of the Feeder Area on the north side of Rymal Road was managed by the Ontario Realty Corporation and their mandate was primarily to provide land for urban development. Clearly, there was considerable pressure for urban development within the Feeder Area of the ANSI. As a result, the key recommendations of the report were: 1) the establishment of a natural park encompassing the Core Area to protect the majority of the karst features, and 2) a set of conditions required for urban development of the Feeder Area to maintain the streamflow entering the Core Area.

However, this approach was a compromise between the two opposing goals: protecting the karst, and permitting urban development. Urban development within the Feeder Area may impact the karst in a number of ways. For example, the use of road salt in the Feeder Area will result in contamination of the streams that flow into the Core Area. This would significantly alter the solubility of the bedrock, thereby affecting solution rates. The solution rate is an important control

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on karst development and has the potential to alter the pattern of subsurface flow within the developing karst aquifer. Thus, the pattern of solution channels and caves that form may eventually change as a result of the use of road salt. Urban development may lead to various impacts to the karst. While some of these impacts may be immediate and apparent, most would be subtle and may not become apparent for many decades. The following are some examples of potential impacts from urban development:

- 1) Urban development invariably creates impervious surfaces that increases total runoff and also increases hydrograph response to recharge events from rainfall and snowmelt. Storm water management (SWM) systems are designed to minimize these impacts and to maintain the fluvial geomorphology of the streams located downstream from SWM ponds. However, these SWM systems cannot replicate natural conditions entirely since there is always a net gain in total runoff. There is always some alteration of streamflow, hydrograph response and water chemistry as a result of urban development. In the case of the Eramosa Karst, this would have the potential to alter the geochemical controls on caves and conduit development within the karst located farther downstream. Furthermore, sediment erosion, deposition and transport in the sinking streams entering the karst from the Feeder Area play a significant role in shaping the fluvial geomorphology of the karst, both on the surface and within the karst caves and conduits. Thus, any changes to the fluvial characteristics of the sinking streams could impact the geomorphology of the karst.
- 2) Excavations into bedrock, especially for buried services, could provide avenues for groundwater movement, recharge and discharge that could significantly alter the subsurface flow patterns within the karst. In karst aquifers, there are integrated networks of solutionally enlarged channels that control much of the groundwater flow. Buried services within and adjacent to the ANSI have the potential to intersect these natural channel networks and alter the flow patterns.
- 3) Litter and other garbage entering the sinking streams have the potential to block sinkpoints and thus alter the hydrology of the karst.
- 4) Toxic contaminants washed downstream from the Feeder Area into the caves could create extremely hazardous conditions for anyone exploring the caves. Floating liquids such as hydrocarbons are especially dangerous because they can cause long-term contamination of the aquifer. They can also create explosive atmospheres within the caves.
- 5) Encroachment at the boundaries of the Eramosa Karst Conservation Area may lead to illegal dumping of yard waste, fill, concrete and garbage. At Olmsted Cave, for example, the extent of illegal dumping on City of Hamilton property over the past five years is alarming and one sinkhole has been almost entirely filled with yard waste. The existing boundary of the Conservation Area is extremely convoluted on the south and east sides and this significantly increases the potential for encroachment if urban development proceeds in this area. Furthermore, several karst features are located quite close to the north boundary of the Conservation Area and there is very little buffer to protect these features from encroachment.

Ultimately, the impacts from urban development cannot be predicted entirely and this leads to some uncertainty regarding the protection of the karst. While proper planning for urban development could minimize the impacts, the planning process is complicated and invariably there

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 21 of 29

would be many other factors that need to be considered besides just protection of the karst within the ANSI. Some competing factors would undoubtedly take priority. Indeed, despite the designation of the ANSI in 2004, there have already been impacts from urban development of the adjacent lands, such as extensive dumping of fill within the catchment for Nexus Creek. There is also the potential for some details of any protection strategy to be overlooked or ignored, both during the planning process and during construction.

In summary, I do have concerns regarding the protection of the karst if development plans proceed. The best way to ensure protection of the karst within the ANSI is to create as much natural parkland within the Feeder Area as is feasible. Since the province currently owns a significant portion of the undeveloped lands north of Rymal Road, this presents an opportunity to provide greater protection for the ANSI. The development of natural parkland on these lands would avoid potential impacts and do much to restore natural conditions within the catchment area for several of the sinking streams. Notably, the Nexus Creek catchment is almost entirely within these provincial lands. Nexus Creek is one of the three largest sinking streams within the ANSI, and the only one that still has the potential to be entirely naturalized. The other two large sinking streams, Phoenix and Stuart Creeks have significant portions of their catchments extending south of Rymal Road onto the ROPA 9 lands. Nexus Creek and the associated karst features, including Nexus Cave and the Nexus dry valley, are amongst the most significant earth science features within the ANSI. Creating natural parkland in the entire Nexus Creek catchment and the surrounding provincial lands would guarantee the best protection possible for this provincially significant earth science ANSI.

Sincerely,



Marcus J. Buck, B.Sc., P.Geo.

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 22 of 29



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

A. J. Clarke, O.L.S.
Geoff Aldworth, O.L.S.
Barry Clarke, O.L.S., C.L.S.

Adi Irani, P.Eng.
Claudio Giammarco, P.Eng.

August 24, 2007

John MacKenzie, M.Sc.(Pl), MCIP, RPP
Director, Real Estate Development
Ontario Realty Corporation
11th Floor, Ferguson Block
77 Wellesley Street West, Toronto, ON M7A 2G3

Re: Technical Response to the Comments of Marcus Buck's August 9, 2007 Letter to the City of Hamilton Councillor Brad Clark Regarding the Protection of the Eramosa Karst

Dear Mr. MacKenzie:

At your request, please find enclosed a response to Mr. Buck's letter to Councillor Brad Clark regarding the protection of the Eramosa Karst. Mr. Buck's five examples of potential impact from the proposed urban development of the lands north of Rymal Road East and west of Second Road West are presented in italics. The corresponding response is presented below each comment.

"Comment 1) Urban development invariably creates impervious surfaces that increases total runoff and also increases hydrograph responses to recharge events from rainfall and snowmelt. Storm water management (SWM) systems are designed to minimize these impacts and to maintain the fluvial geomorphology of the streams located downstream from SWM ponds. However, these SWM systems cannot replicate natural conditions entirely since there is always a net gain in total runoff. There is always some alteration of streamflow, hydrograph response and water chemistry as a result of urban development. In the case of the Eramosa Karst, this would have the potential to alter the geochemical controls on caves and conduit development within the karst located further downstream. Furthermore, sediment erosion, deposition and transport in the sinking streams entering the karst from the Feeder Area play a significant role in shaping the fluvial geomorphology of the karst, both on the surface and within the karst caves and conduits. Thus, any changes to the fluvial characteristics of the sinking streams could impact the geomorphology of the karst."

Response to Comment 1:

The development area is traversed by the Nexus and Stewart Creeks which lie within the Davis Creek sub-watershed and therefore are subject to the conclusions and recommendations of the Davis Creek Subwatershed Study, Final Report, October 2006, Philips Engineering.

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 23 of 29



Mr. John Mackenzie, Ontario Realty Corporation
Re: Technical Response to Marcus Buck's letter dated August 9, 2007

August 24, 2007
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The following recommendations identified in the 2002 Earth Science Area of Natural Scientific Interest (ANSI) Report and the Subwatershed Study have already been implemented:

- a) The Core Karst Area has been protected in compliance with the recommendations.
- b) Additional buffer areas adjacent to the Core Karst Area have also been protected to where the overburden is less than 2m, as recommended.

Note that the ANSI Report concluded that there was no indication of doline or soil pipe development where the overburden depth was greater than 2.8m. The underground flow regimes through karst conduits to the existing karst features have therefore been protected.

- c) Protection of the Nexus Creek and the Stewart Creek has been implemented based on the recommendations contained in the ANSI report.

As a requirement of any development, a Stormwater Management Plan is being prepared that would make recommendations for the control of both the quantity and the quality of the storm run-off from any urban development.

The Subwatershed study has recommended the implementation of two SWM ponds within the development area for quantity and quality control. However, the preliminary assessment carried out for the Stormwater Management Study suggests that one off-line SWM pond would be better suited to meet the objectives.

The proposed SWM pond will be located so as to receive the storm run-off from roads and other impermeable surfaces within the development. Attenuation of the storm flows shall be provided to discharge criteria established in the Subwatershed Study, and the storm run-off will be directed back to the receiving feeder creeks so as to maintain the surface flow regime within the Karst area.

The current sediment load in the feeder creeks is quite high as a result of the agricultural use of the Feeder Area. An Enhanced Level of water quality protection shall be provided in order to remove sediment prior to entering the feeder creeks. This would help protect the karst features in the Core Area and improve the impact on the geomorphology and hydrology of the karst.

The stormwater management plan will also consider further opportunities to provide enhanced recharge by infiltrating water into the fractured clay till or at bedrock contact.

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Mr. John Mackenzie, Ontario Realty Corporation
Re: Technical Response to Marcus Buck's letter dated August 9, 2007

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"Comment 2) Excavations into the bedrock, especially for buried services, could provide avenues for groundwater movement, recharge and discharge that could significantly alter flow patterns within the karst. In karst aquifers, there are integrated networks of solutionally enlarged channels that control much of the groundwater flow. Buried services within and adjacent to the ANSI have the potential to intersect these natural channel networks and alter the flow patterns."

Response to Comment 2:

Geologic, hydrogeologic and karst studies are on-going on the subject property. Based on existing mapping and drilling information, the presence of thick (3 m and greater) very low permeability clay-based deposits over-top of the dolostone bedrock has precluded the formation of sinkpoints into the bedrock and a karstified bedrock aquifer system within the proposed footprint of the development. Based on this preliminary geologic information, the construction of buried services in the upper sections of the bedrock within the proposed development area should have no effect on the karst-based groundwater flow network located within the Eramosa Karst Conservation Area (EKCA) and its associated two levels of buffer areas located southeast of the EKCA.

"Comment 3) Litter and other garbage entering the sinking streams have the potential to block sinkpoints and thus alter the hydrology of the karst."

Response to Comment 3:

Litter control and garbage collection within the core area (the area where the sinkpoints are located) and buffer areas of the EKCA will be managed by the Hamilton Conservation Authority as is outlined in the Draft Master Plan for the EKCA.

"Comment 4) Toxic contaminants washed downstream from the Feeder Area into the caves could create extremely hazardous conditions for anyone exploring the caves. Floating liquids such as hydrocarbons are especially dangerous because they can cause long-term contamination of the aquifer. They can also create explosive atmospheres within the caves."

Response to Comment 4:

The proposed Enhanced Level of SWM facilities as well as the use of forebays to trap sediment and contamination will act as a buffer to the direct inflow of any accidental release of oil, fuel oil or gasoline in the area due to their flow retention capacity. This would allow Spill Response Personnel from the City extra time to remediate an accidental release if it were to occur. From a spelunking safety perspective, a concern would be the quick inflow of stormwater into the narrow caves from a rogue thunderstorm which could drown novice cave explorers. The SWM facilities should add another level of storm flow buffer in this regard.

"Comment 5) Encroachment of the boundaries of the Eramosa Karst Conservation Area may lead to illegal dumping of yard waste, fill, concrete and garbage. At Olmsted Cave, for example, the extent of illegal dumping on City of Hamilton property over the past five years

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Mr. John Mackenzie, Ontario Realty Corporation
Re: Technical Response to Marcus Buck's letter dated August 9, 2007

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is alarming and one sinkhole has been almost entirely filled with yard waste. The existing boundary of the Conservation Area is extremely convoluted on the south and east sides and this significantly increases the potential for encroachment if urban development proceeds in this area. Furthermore, several karst features are located quite close to the north boundary of the Conservation Area and there is very little buffer to protect these features from encroachment."

Response to Comment 5:

As is presented above for the response for Bullet No. 3, litter control and garbage collection within the core area (the area where the sinkpoints are located) and buffer areas of the EKCA will be managed by the Hamilton Conservation Authority as is outlined in the Draft Master Plan for the EKCA.

In conclusion, through the proper implementation of the recommendations of the ANSI report, the Davis Creek Subwatershed Study, and the Draft Master Plan for the Eramosa Karst Conservation Area, there are no impediments to develop this area of Hamilton.

We will be conducting additional detailed analysis to confirm these preliminary findings and our final recommendations will be documented in our reports later this fall.

Yours truly,

Adi Irani, P.Eng.
CEO and Chief Engineer
A. J. Clarke and Associates Ltd.
25 Main Street W.
Hamilton ON L8P 1H1

David D. Slaine, M.Sc., P.Geo
Principal Hydrogeologist
Terra-Dynamics Consulting Inc.
404 Queenston St.
St. Catharines, ON L2P 2Y2

**SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood
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Appendix C – Section 3.7.2.1 of the Official Plan Amendment for ROPA 9

Appendix "B"
PW13032

**SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood
Collector Road Class Environmental Assessment (PED07236 /
PW07112) (Wards 6, 9 and 11) - Page 27 of 29**

**AMENDMENT NO. 36 TO
THE OFFICIAL PLAN OF THE
FORMER TOWNSHIP OF GLANBROOK**

RYMAL ROAD SECONDARY PLAN

**Recommended Alternative by
The City of Hamilton**

Revised March 12, 2002

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 28 of 29

B.3.7.2.1 Transportation Phasing

- a. The full development of the Rymal Road Secondary Plan Area will rely on the transportation capacity provided by the following road improvements:
 - i) construction of the Red Hill Creek Expressway with four lanes plus an additional upbound truck lane,
 - ii) widening of Rymal Road to four lanes plus turn lanes,
 - iii) the extension of Trinity Church Road to the Lincoln Alexander Parkway, and
 - iv) the construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four lanes from Rymal Road to the new collector road intersection.
- b. Until such time as the following matters have been addressed for each of these road improvements, full development of the Rymal Road Secondary Plan shall not be permitted:
 - i) Environmental Assessment studies have been completed and approved,
 - ii) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and
 - iii) The required road improvements have been included in the Capital Budget and/or Forecast where applicable, or financed through other mechanisms such as those identified in Section B.3.1.7.
- c. Prior to the completion of any of the matters outlined in B.3.7.2.1 (b), the construction of 500 dwelling units, 19,000 square metres of General Commercial space and the other commercially designated sites shall be permitted within the Rymal Road Secondary Plan subject to localized studies as necessary to address access and egress from Rymal Road.
- d. The construction of additional dwellings units beyond that permitted in B.3.7.2.1 (c) shall require either:
 - i) the matters outlined in B.3.7.2.1 (b) have been addressed for one or more of the required road improvements in B.3.7.2.1 (a), or
 - ii) the submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional dwelling units, and compliance with the matters set out in B.3.7.2.1 (b) in respect of such improvements.
- e. The construction of additional General Commercial space beyond that permitted in B.3.7.2.1(c) shall require either:
 - i) the matters outlined in B.3.7.2.1 (b) have been addressed for one or more of the required road improvements in B.3.7.2.1 (a), or
 - ii) the submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of the escarpment to accommodate such additional General

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9 and 11) - Page 29 of 29

Commercial space, and compliance with the matters set out in B.3.7.2.1 (b) in respect of such improvements.

- f. Once the matters outlined in B.3.7.2.1 (b) have been addressed for any one of the required road improvements in B.3.7.2.1 (a), the City may identify the amount of development permitted in subsequent phases without the necessity of further transportation studies.

B.3.7.3 Minimum Distance Separation Requirements

- a. Minimum distance separation requirements shall be addressed prior to draft plan of subdivision approval.

B.3.7.4 Archaeological and Heritage Assessments

- a. An archaeological assessment shall be undertaken by the landowners, prior to approval of draft plans of subdivision or zoning changes where a plan of subdivision is not required, to identify and refine areas of archaeological sensitivity and recommend appropriate mitigation measures (including further stages of work as required), land uses or design strategies.
- b. A detailed built heritage and cultural heritage landscape assessment shall be undertaken by the landowners, prior to approval of draft plans of subdivision, to identify heritage buildings, structures and features of architectural, historical or cultural landscape interest and recommend appropriate measures, land-uses or design strategies that conserve, protect and maintain identified cultural heritage resources. It is acknowledged that the agricultural landscape will be altered by urban development. In spite of this, the cultural heritage landscape assessment may contain measures to recognize and interpret this former landscape through urban design elements, park design, street names and display panels or other media in public spaces.

B.3.7.5 Development Cost Sharing

Costs of local infrastructure and/or local service improvements within the Rymal Road Secondary Plan Area, which benefit more than one individual development, but which are not provided for under Section B.3.1.7, shall be equitably apportioned among landowners within the Rymal Road Secondary Plan area. Such costs may include, but are not limited to, the costs of community use lands and facilities, front-ended Secondary Plan component studies, other area-wide studies, schools and parks, and local infrastructure, facilities or works including roads, sanitary, water and stormwater facilities. To implement this policy, Council may employ:

- a. Conditions of subdivision approval;
- b. Creation of one-foot reserves;
- c. Cost sharing agreements or best effort agreements to recover costs from benefiting landowners;
- d. Any of the above singly or in combination with any others; or
- e. Any other mechanism Council considers appropriate in the circumstances.



Hamilton

INFORMATION REPORT

**AFFECTS
WARDS 6, 9
AND 11**

To:	Chair and Members Economic Development and Planning Committee		
From:	Tim McCabe General Manager Planning and Economic Development Department	Telephone: Facsimile: Email:	905 546-4339 905 546-4364 tjmccabe@hamilton.ca
	Scott Stewart, C.E.T. General Manager Public Works Department	Telephone: Facsimile: E-mail:	905 546-2313 905 546-4481 sstewart@hamilton.ca
Date:	November 14, 2007		
Re:	Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236(a)/ PW07112(a)) (Wards 6, 9 and 11)		

Council Direction:

That Planning and Public Works staff report back to the Economic Development and Planning Committee, at or before the last Committee meeting of 2007, regarding the Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment.

Information:

Prior to September 4, 2007, studies underway in the Trinity Neighbourhood included a review of the approved secondary plan, necessitated by the discovery of Provincially-significant natural area features. This area is known as the Eramosa Karst Conservation Area, located on lands previously designated for residential use, which will now be protected as open space. Various transportation studies were also underway in the area, including the Trinity Neighbourhood Collector Road Environmental Assessment (EA), several road improvements to serve the Regional Official Plan Amendment (ROPA) 9 area south of Rymal Road, and the Trinity Church Collector Road to connect with the Red Hill Valley Parkway. Residents of the area, in conjunction with the Ward Councillor, have requested the preservation of additional lands east of the karst as open space. Provincial funding for this open space is being pursued, as municipal funds are not available.

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236(a) / PW07112(a)) (Wards 6, 9 and 11) - Page 2 of 5

Expansion of the open space area would include the lands on which the Trinity Neighbourhood Collector Road is proposed, and would preclude the construction of this road. There would be implications on other nearby road projects, including the proposed closure of Second Road West. In order to allow time for the open space funding to be pursued, the extent of open space to be determined, and the implications on the road system to be identified, Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment, was brought forward to put a portion of the secondary plan study area on hold, and to suspend the Class EA process for the Trinity Collector Road.

On September 4, 2007, Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment, was presented to the Economic Development and Planning Committee. The recommendations of the report were:

- (a) That the General Manager, Planning and Economic Development, be authorized and directed to put on hold the Secondary Planning process for those lands east of the Eramosa Karst area in the Trinity Neighbourhood.
- (b) That the General Manager, Planning and Economic Development, be authorized and directed to undertake the Secondary Planning process for the lands west of the Eramosa Karst area and north of Rymal Road.
- (c) That the General Manager, Public Works Department, be authorized and directed to suspend the Class Environmental Assessment process for the Trinity Neighbourhood Collector Road.
- (d) That the General Manager, Public Works Department, be authorized and directed to include \$200,000 in the 2008 Capital Budget submission for a revised Transportation Master Plan for the ROPA 9 and Trinity Neighbourhood area.
- (e) That Planning and Economic Development Department staff and Public Works Department staff be directed to report back to the Economic Development and Planning Committee upon their review of the Ontario Realty Corporation's Technical Reports regarding development potential of the lands east of the Eramosa Karst, or at the final Economic Development and Planning Committee meeting of 2007, whichever comes first, with recommendations regarding whether or not the Secondary Planning work outlined in Recommendation (a) and the Class Environmental Assessment work outlined in Recommendation (c) can resume.
- (f) That a copy of Report PED07236/PW07112 be forwarded to Premier Dalton McGuinty, and that a formal request for transfer of the remaining karst lands in the Trinity Neighbourhood be sent by Council to the Premier's Office.

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The following amendment to the recommendations was added:

- (g) That the General Manager, Public Works Department, be authorized and directed to, notwithstanding the suspension of the Class Environmental Assessment process for the Trinity Neighbourhood Collector Road, proceed with road improvements outside the Trinity Neighbourhood Collector Road Study Area, including Rymal Road and Trinity Church Road and the extension thereto, in order to facilitate the development of ROPA 9 (Motion by Councillor Mitchell, seconded by Councillor Clark).

The amended recommendations were approved by Council on September 12, 2007.

Following Council's approval of Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment, Public Works and Planning and Economic Development staff suspended their work on the Trinity Neighbourhood Collector Road EA and Trinity Neighbourhood Secondary Plan, in the area bounded by Highland Road West, Second Road, Rymal Road East and Upper Mount Albion Road, pending receipt and review of technical reports from the Ontario Realty Corporation (ORC) for their lands within the Trinity Neighbourhood. These technical reports will include a topographic survey, hydrogeology, geotechnical study, ecology, a traffic assessment, a noise study and a functional servicing assessment. A water flow/tracer study may also be included. These reports have not yet been received and, therefore, the Class EA and Secondary Planning processes have not resumed.

Recommendation (f) to Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment

Recommendation (f) to Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment, was that a copy of Report PED07236/PW07112 be forwarded to Premier Dalton McGuinty, and that a formal request for transfer of the remaining karst lands in the Trinity Neighbourhood be sent by Council to the Premier's Office. Mayor Eisenberger forwarded the letter and the staff report to Premier Dalton McGuinty on October 1, 2007. To date, a response from the Premier's Office has not been received by the Mayor's Office.

Hamilton Conservation Authority's Position

The Hamilton Conservation Authority (HCA) owns the Eramosa Karst lands. If the lands east of the Eramosa Karst are transferred from the Province, the potential exists that they may be transferred to the Hamilton Conservation Authority.

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236(a) / PW07112(a)) (Wards 6, 9 and 11) - Page 4 of 5

At the September 6, 2007, HCA Board of Directors meeting, the Board passed the following resolution:

“BD12,921 MOVED BY McKay
 SECONDED BY Howlett

THAT the correspondence from Marcus Buck, Dr. Derek Ford and Dr. Stephen Worthington regarding the Eramosa Karst be received;

THAT the Hamilton Region Conservation Authority believes that additional areas of the Eramosa Karst should be preserved and protected based on its rarity and on the expert opinions provided by the above individuals, and further;

That the Hamilton Region Conservation Authority would be a willing recipient of this land.”

Current Status of the Trinity Secondary Plan Review

Planning staff has put the review of lands on the east side of the Eramosa Karst on hold, and are proceeding with the review of lands west of the Eramosa Karst, in accordance with Recommendation (b) of Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment.

Current Status of the Trinity Neighbourhood Collector Road Class EA

All work on the Trinity Neighbourhood Collector Road Class EA was suspended on September 4, 2007. Public Works staff will not make recommendations to either the Public Works Committee or Economic Development and Planning Committee to re-start this process, or proceed with a new planning process, until either staff has received and reviewed the technical reports from ORC, or until staff is advised of the position of the Premier’s Office with respect to the transfer of lands to the Hamilton Conservation Authority.

Public Works staff will include \$200,000 in the 2008 Capital Budget submission for a revised Transportation Master Plan for the ROPA 9 and Trinity Neighbourhood area, as outlined in Recommendation (d) of Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment. This revised Transportation Master Plan would be required only if staff is directed by Council, as a result of a staff report to either the Public Works Committee or Economic Development and Planning Committee. Two potential reasons for not implementing the Trinity Neighbourhood Collector are that it cannot be constructed because findings of the ORC reports preclude construction of a roadway in this area, or that it will not be implemented because of transfer of the lands from the Province to the Hamilton Conservation Authority.

SUBJECT: Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236(a) / PW07112(a)) (Wards 6, 9 and 11) - Page 5 of 5

Completion of a new Transportation Master Plan under the Class Environmental Assessment Act for this area will need to be incorporated into the work plans for the Strategic Planning and Environmental Planning Sections (Public Works).

Implications for ROPA 9 Lands South of Rymal

In Report PED07236/PW07112 – Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment, staff committed to providing an update on the implications of suspending the Trinity Neighbourhood Collector Road Class EA on the ROPA 9 lands south of Rymal Road, east of Trinity Church Road, west of Regional Road 56, and north of the Hydro corridor.

A Secondary Plan has been prepared and approved for this area. The plans for this area will accommodate an ultimate population of about 9,700 persons. The land use plans for this area were developed with the assumption that several roadway system improvements would be undertaken to provide capacity for these residents, including the Trinity Neighbourhood Collector Road.

Various transportation system improvements are needed to allow full development of the ROPA 9 area. These include the Red Hill Valley Parkway, the widening of Rymal Road, extension of Trinity Church Road to the LINC, and the widening of Regional Road 56. Development of the ROPA 9 lands is subject to Transportation Phasing policies set out in the Official Plan Amendment for the Rymal Road Planning Area.

How traffic to and from the ROPA 9 area can be accommodated cannot be quantified until it is determined if the Trinity Neighbourhood Collector Road Class EA can be completed, or if a new Transportation Master Plan is required. However, as noted in the added Recommendation (g) to Report PED07236/PW07112, staff was directed to proceed with road improvements outside the Trinity Neighbourhood Collector Road Study Area, including Rymal Road and Trinity Church Road and the extension thereto, in order to facilitate the development of ROPA 9.

Next Steps

It is anticipated that ORC's technical reports will be received by City staff in the near future. Public Works and Planning staff will review these reports and will report back to the Economic Development and Planning Committee in April 2008, with recommendations regarding the future direction of the Class EA and Secondary Planning processes for the Trinity Neighbourhood.

Tim McCabe
General Manager
Planning and Economic Development Department

Scott Stewart, C.E.T.
General Manager
Public Works Department

:JS
Attach. (1)

June 9, 2009

Our File No. GC-SC/2008

Ontario Realty Corporation
1 Dundas Street West, Suite 2000
Toronto, ON, M5G 2L5

Attention: John Mackenzie, Director, Real Estate Development

Dear Sir:

**SUBJECT: Ontario Realty Corporation – Parcels E, F, G and H
Part of Lots 29, 30, 31 & 32, Concession 8
Former Township of Saltfleet, Former City of Stoney Creek
City of Hamilton**

Hamilton Conservation Authority (HCA) staff and our consultant have completed our review of the technical documents submitted in support of a secondary plan and development of the above-noted lands. The reports which have been reviewed are:

- A) "Provincial Lands, Stoney Creek – Parcels E – H, Conceptual Land Use Plan, Environmental Impact Study, August 2008", prepared by Ecoplans Limited.
- B) "Karst & Hydrogeologic Assessment, Ontario Realty Corporation Parcels E, F, G & H, Hamilton (Stoney Creek), Ontario, Volumes 1 and 2, May 2008", prepared by Terra-Dynamics Consulting Inc.
- C) "Preliminary Stormwater Management Report, ORC Parcels E, F, G and H, City of Hamilton (Stoney Creek), May 2008", prepared by AJ Clarke and Associates Ltd.

In addition to the above, we note that several meetings with the ORC and your consultants have occurred over the last year and we certainly appreciate the opportunity to discuss many of our preliminary concerns in order to thoroughly examine all resource management issues pertaining to this potential development. As you are aware, the lands form part of the Feeder Area of the Eramosa Karst Area of Natural and Scientific Interest (ANSI) – a significant Earth Science area. In addition, these lands are situated immediately adjacent to the Core Area of the Eramosa Karst ANSI and 70 hectares of HCA lands acquired from the ORC. HCA staff review of these reports is in relation to the preservation of the significant Core Area of the Karst ANSI to ensure its longevity and viability for future generations to appreciate.



We have engaged the services of Karst Solutions (Marcus Buck) to assist with the technical review of the hydrological and geomorphological aspects of the submitted reports due to the highly specialized nature of understanding the dynamics of karst features. His expertise is reflected in this response.

The April 2003 Ministry of Natural Resources (MNR) report (Earth Science Inventory and Evaluation of the Eramosa Karst Areas of Natural and Scientific Interest) provides guidance to decision-makers on how best to manage the Eramosa Karst. It also recommends certain technical studies that are required as part of development within the karst and its three main subareas – Developed Area, Core Area, Feeder Area.

The MNR report recommends that several studies be undertaken in the Feeder Areas, in particular, should development proposals arise. These studies relate to ensuring that any new development does not adversely impact the ability of surface flows from the Feeder Area to continue to recharge the karst in the Core Area. The MNR report provides more detailed direction as follows,

“It is recommended that the Feeder Area be afforded a level of protection to ensure that:

1. the flows of the creeks into the Core Area are substantially maintained (ie. stream discharge including low flow and high flow characteristics, and discharge response to runoff events),
2. water quality is improved (ie. Primarily a reduction of sediment load, since the sediment load is currently quite high as a result of agriculture), and,
3. protective measures are employed to reduce the risk of contamination of surface streams by substances that would significantly impact the karst.”

To date, the HCA does not believe that the submitted reports have shown that the Feeder Area can be “afforded a level of protection” as stated in the MNR Report. It is with the goal to preserve the unique nature of this ANSI and to ensure that the Feeder Area and downstream Core Area are afforded the proper level of protection to meet the 3 development principles outlined above, that the following comments are offered for your consideration.

With respect to item A) on page 1 of this correspondence (the Environmental Impact Statement examining the aquatic and terrestrial features in the Feeder Area), we have no significant concerns with the study findings or interpretations. However, we request that a recently developed and newly implemented method of assessing headwater tributaries be undertaken to ensure significant aquatic systems in the Davis Creek are protected. This method is outlined in the “Evaluation, Classification & Management of Headwater Drainage Features: Interim Guidelines” and was developed by the Toronto and Region Conservation Authority. This document serves as the new standard promoted by the Province in assessing and managing headwater systems.

With respect to item B) on page 1 of this correspondence (Karst Hydrogeologic Assessment), the HCA has concerns with the lack of baseline data to properly assess the impact of development on the sensitive underground karst features in the Core Area of the ANSI. We also have concern with an overall assumption made that implies that the Eramosa Foundation beneath the Feeder Lands is not a karst aquifer. There is insufficient testing and well penetration to determine whether or not the bedrock beneath the lands is karstic. The hydraulic conductivity values calculated and used in the report are within the typical range exhibited by karstic aquifers. In addition, the water quality data from one

deeper well (MW-4) indicate good circulation as might be expected in a karstic aquifer. Should this assertion be maintained, the HCA would require further studies to substantiate this claim.

We have listed 8 matters that provide great concern to our agency regarding protection of the Core Area by ensuring an adequate level of protection to the Feeder Area. As well, we have identified the need for some additional studies.

1. **Streamflow Monitoring** - In order to better understand the impacts of changing flow regimes downstream in the Core Area of the Karst due to potential new development in the Feeder Area lands, it is necessary to conduct baseline stream flow monitoring for Nexus Creek and Stewart Creek in particular. This data has not been collected to date and the HCA requests that this be undertaken in order to ensure that principle 1 of development in the Feeder Lands as outlined in the MNR ANSI report be achieved (see page 2 of this correspondence).

As such, the following additional study is required:

- Streamflow monitoring at Nexus Creek and Stewart Creek for a minimum of one full year. The monitoring must capture at least one sizeable summer storm event and at least one spring runoff event with a return period of one year. Monitoring should be continuous with adequate flow measurements to calculate a rating curve for the entire range of flows observed.
2. **Spring Discharge Monitoring** – In order to ensure that development of the Feeder Lands does not have an adverse impact on the natural duration of discharge of the Olmsted, Nexus and Pottruff springs, it is necessary to determine the extent of the loss of infiltration from the Feeder Lands. As such, discharge monitoring of these springs is necessary to obtain baseline data from which to assess any impacts.

This requirement also relates to principle 1 of development in the Feeder Lands as outlined in the MNR ANSI report (see page 2 of this correspondence).

As such, the following additional study is required:

- Discharge monitoring at Olmsted, Nexus and Pottruff springs during the summer and fall for at least two seasons to determine whether or not these springs normally dry up for part of the year and, if so, for how long.
3. **Precipitation Monitoring** – Due to the unique nature of the Eramosa Karst ANSI, precipitation monitoring is necessary either on-site or very near to the ANSI. The nearest permanent weather station is located at Hamilton Airport, a distance of 10 kilometres away to the west-south-west. The data collected at the Airport is not close enough to the Karst to adequately reflect the local events that are significant to the current features of the Karst and cannot be used to reliably measure rainfall during summer storm events for the purpose of calibrating the hydrologic model for this unique area.

This requirement also relates to principle 1 of development in the Feeder Lands as outlined in the MNR ANSI report (see page 2 of this correspondence).

As such, the following additional study is required:

- Precipitation monitoring should be conducted either on-site or very near to the ANSI for a summer period in order to collect appropriate baseline data for use in the required hydrologic modelling.
4. **Surface Water Quality Monitoring** - The existing surface water quality data used in the report are for the period from February to early April 2008. Potential contaminants are most diluted by high snowmelt and runoff during the late winter and early spring. The report recommends additional water quality monitoring at the sinking streams, springs and groundwater wells. We concur. There should be sufficient seasonal sampling to ensure understanding of seasonal and short-term trends. This will enable a better assessment of contaminant levels throughout the year especially during drier weather when potential contaminants are least diluted by runoff. The parameters measured should include dissolved oxygen, nutrients, organic matter (DOC, particulate), bacteria (i.e., contaminants typical of urban runoff), and metals (i.e, contaminants typical of road runoff).

This requirement also relates to principle 2 of development in the Feeder Lands as outlined in the MNR ANSI report (see page 2 of this correspondence).

As such, the following additional study is required:

- Additional water quality data should be collected during in the late spring or early summer (during low flows), and again during late summer or early fall (very low flows) although sampling may be limited to Phoenix Creek, Pottruff Spring and Olmsted Spring since the other sites will likely be dry).
5. **Groundwater Quality** - The existing groundwater quality data from the dolostone bedrock are particularly limited. Three of the four wells only extend 1.5 m into the dolostone bedrock and well MW-4 only extends 4.6 m into the dolostone. Given the limited number and depth of the wells, the statistical probability of intersecting solutionally widened channels is low so the data may reflect matrix and fracture components of groundwater flow with little influence of channelized flow. Furthermore, there is no analysis of temporal or spatial variability within the wells with regards to water quality. In karstic bedrock (i.e, with continuous networks of solutionally enlarged channels), there can be significant variations in water chemistry with depth in a well, as well as seasonal fluctuations or even short-term variations induced by rainfall or snowmelt events. Groundwater quality cannot be adequately characterized from the available data.

Three of the four wells are probably too shallow to provide adequate data for the aquifer. However, specific conductance profiling in MW-4 conducted seasonally would permit an initial assessment of spatial and temporal variability. Based on those measurements, additional groundwater quality sampling should be planned to reflect any spatial or temporal variability in

that well. Continuous water level monitoring in MW-4 would also provide insight into groundwater fluxes in the aquifer.

This requirement also relates to principle 2 of development in the Feeder Lands as outlined in the MNR ANSI report (see page 2 of this correspondence).

As such, the following additional study is required:

- A comprehensive groundwater quality program is required with additional wells drilled throughout the thickness of the Eramosa Formation
6. **Risk of Contamination by Surface Streams** - An increase in nutrient loading within Nexus Creek as a result of urbanization of Parcel H has the potential to deplete O₂ and enrich CO₂ in the cave atmosphere at the downstream end of Nexus Cave (i.e., downstream from the Window Entrance), possibly creating a hazardous condition for cave visitors. The O₂ and CO₂ levels should be measured in the cave atmosphere in a series of measurements progressing downstream from the Window Entrance to the final sump. This will require specialized techniques to avoid measuring respiratory CO₂ from the people taking the measurements. Continuous data logging will not be possible because the downstream passage in the cave floods after heavy rainfall. weather or if the data suggest wide variations in CO₂ and/or O₂ concentrations. A

This requirement also relates to principle 3 of development in the Feeder Lands as outlined in the MNR ANSI report (see page 2 of this correspondence).

As such, the following additional study is required:

- To acquire sufficient baseline data to capture the most elevated CO₂ levels, at least 3 nutrient level measurements should be taken each year for at least 2 years. Within each year, the first set of measurements should follow a spring flood event when the cave atmosphere is displaced by flood waters. Subsequent measurements should be after extended dry weather to provide sufficient time for bacterial decay of organic matter within the cave. Monitoring for additional dry seasons may be necessary if there is unusually wet weather without extended periods of dry weather or if the data suggest wide variations in CO₂ and/or O₂ concentrations.
7. **Downstream Flooding** – As an agency with a mandate to protect both life and property from the adverse effects of flooding and erosion, there is concern that urbanization of the ORC lands may aggravate potential karst hazards above Nexus Cave in the Developed Area of the Eramosa Karst ANSI (e.g., at the Treetops townhouse complex).

As such, the following additional study is required:

- The water level should be monitored at the downstream sump in Nexus Cave concurrently with the streamflow monitoring noted in Concern 1. on page 2 and 3 of this correspondence. The elevation of the Nexus Spring and the Window Entrance of Nexus Cave should also be accurately surveyed to permit accurate assessment of the water level data from the cave. If excessive flooding occurs in Nexus Cave, then the cause of the flooding should be investigated. Given the size of the cave, calculations indicate that flooding (i.e., a rise in head of more than 1 or 2 metres inside the cave) is most likely a result of the cave being blocked at the outlet. The current outlet is most likely only part of the original spring outlet for the cave. This suggests that the main portion of the natural outlet has been blocked, very likely as a result of the development of the site.

8. **Channel Erosion** - As an agency with a mandate to protect both life and property from the adverse effects of flooding and erosion, we note that observations from 2000 to 2003 indicate that there has been significant erosion of the channel beds along Phoenix Creek and Stewart Creek circa 2001, resulting in rapid downcutting and removal of the soil down to the bedrock surface. Furthermore, the occurrence of tree roots suspended above other reaches of these channels indicates accelerated rates of erosion over the past 20 to 40 years. These impacts occurred while the property was managed by the ORC.

As such, the following additional study is required:

- A fluvial geomorphology study should be conducted to document these recent impacts and why they may have occurred, and also to provide input into the design of SWM facilities to avoid further impacts. Consideration should also be given to restoration of the channels within the former agricultural lands using natural channel design principles (within the Eramosa Karst Conservation Area).

Please note that Karst Solutions has identified several other concerns that should also be considered. The HCA will forward Karst Solutions final report to the ORC when available. However, it is our belief that the aforementioned matters are the most significant and require additional studies. It is noted that the aforementioned assessments need to be undertaken over a longer period of time (one or two years depending on the study) or at specific seasonal times. Please be advised that even if these studies are undertaken, the HCA has serious concerns about whether or not development of these lands can be justified. The studies are required to satisfy some fundamental concerns with development of these lands to ensure that the Core Area features and functions can be preserved.

With respect to item C) on page 1 of this correspondence (Stormwater Management Report), we note that HCA staff provided preliminary comments on September 24, 2008 in order that some rudimentary concerns with the report could be considered prior to our karst specialist reviewing that report in detail. One major concern of the HCA and our consultant was that post-development flows would be substantially higher than pre-development flows according to the preliminary Stormwater Management Report. This is a highly unusual proposal and it is not in keeping with current Provincial Policy or Guidelines or with the development principles provided in the 2003 MNR ANSI Report (see page 2 of

this correspondence). We have discussed this matter and others in meetings with the ORC and your consultants and you have indicated that your storm water management consultant will be submitting a revised report in the near future to address several identified issues.

In light of the above storm water concerns, and the need for additional studies, the HCA will not be providing further comments on the preliminary storm water management report. We also believe that it is premature to provide comments on your upcoming storm water management submission as the other concerns and studies identified in this correspondence need to be addressed. To provide further comments on storm water management in the Feeder Lands at this time would indicate a presupposition that the results of the studies support development on-site.

We note that the City of Hamilton is updating its new Urban Official Plan and will be including the Eramosa Karst Core and Feeder Areas as part of its Natural Heritage System for the long term protection of the ANSI. The Mayor of the City of Hamilton, the Honorable Fred Eisenberger, has advised your office of this situation in his April 15, 2009 correspondence to the Minister of Energy and Infrastructure. The Mayor's correspondence goes further to respectfully request that serious consideration be given to ensuring the preservation of the Feeder Lands through their incorporation into the Eramosa Karst Conservation Area.

In addition to the above, the HCA Board of Directors passed the following resolution on October 2nd, 2008:

BD 12, 1074 THAT the Hamilton Conservation Authority formally indicates to the Province of Ontario that the Eramosa Karst feeder lands are an important feature of the Eramosa Karst Conservation Area, and

THAT the Hamilton Conservation Authority formally supports the preservation of the remaining 80 acres of land from future development, and

FURTHER THAT the Hamilton Conservation Authority formally indicates to the Province of Ontario its willingness to assume ownership of the remaining 80 acres.

The Hamilton Conservation Authority formally advised the ORC of this resolution in our correspondence dated October 8, 2008 to your President and Chief Executive Officer. Please note that these resolutions and comments pertain to the preservation of the largest of the ORC parcels in the Feeder Area – Parcel H., although development concerns with some of the remaining parcels are still relevant.

You had enquired in our meeting of April 28th, 2009 if the HCA was interested in Parcel G. Please be advised that it is contiguous with the Eramosa Karst Conservation Area and the Conservation Authority would certainly be interested in accepting a donation of Parcel G to our agency.

As you know, Karst features are very sensitive to changes to groundwater and surface water flows amongst many other considerations. Therefore, HCA staff has very serious concerns over development of the Feeder Area with associated potential impacts on the Core Area. In light of the above and the outstanding technical concerns with potential development in the Feeder Lands of the Eramosa Karst ANSI, the Hamilton Conservation Authority respectfully requests the reconsideration of the ORC development plans in this area by preserving the Feeder lands in their natural state to ensure that there are no negative impacts on the Core Area.

Should you have any questions regarding the above, please feel free to contact me at extension 110 or Kathy Menyes, HCA Director of Watershed Planning & Engineering at extension 130.

Yours sincerely,

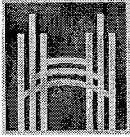


Steve Miazga
Chief Administrative Officer
Hamilton Conservation Authority

KJM/

- Cc – City of Hamilton, Mayor's Office
- City of Hamilton, Vanessa Grupe
- GSP Group, Eric Saulesleja
- AJ Clarke and Associates Ltd., Adi Irani
- Terra-Dynamics Consulting Inc., David Slaine
- Ecoplans Limited
- Karst Solutions, Marcus Buck

Appendix "B"
PW13032



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Hamilton, ON Canada L8R 2K3
www.hamilton.ca

Public Works Department
Environment and Sustainable Infrastructure
905-546-2424 ext. 6390 (Telephone) ~ 905-546-4435(Facsimile)

Hamilton

March 25, 2010

The Honourable John Gerretsen
Minister of the Environment
135 St. Clair Avenue, 12th floor
Toronto, ON M7A 2T5

Dear Minister:

Re: Ontario Realty Corporation Class EA Environmental Study Report for the ORC Lands located east of the Eramosa Karst in the City of Hamilton

The purpose of this letter is to formally request that an Order be issued requiring that the Ontario Realty Corporation's above noted project comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessments.

The attached report was endorsed by the City of Hamilton Economic Development and Planning Committee on March 23, 2010. The recommendation is scheduled for consideration by City of Hamilton Council on March 31, 2010. As the 60-day public review period for this project will end on March 29, 2010, staff are submitting this Part II Order Request on behalf of the City of Hamilton. The final Council resolution respecting this matter will be forwarded to the Minister's office and the proponent immediately following the March 31, 2010 meeting.

The preferred undertaking, as outlined in the Environmental Study Report (ESR), January 2010, is the sale of the subject lands with planning approvals.

The basis for this Part II Order Request is as outlined in the attached staff report. The report outlines concerns of the City of Hamilton that have not been adequately resolved through discussions with the proponent.

In summary, the principle of development of the Trinity East lands has not been established, to the satisfaction of the City of Hamilton or the Hamilton Conservation Authority, and there is insufficient information to determine that the Eramosa Karst ANSI will not be detrimentally affected by the development of the Trinity East lands.

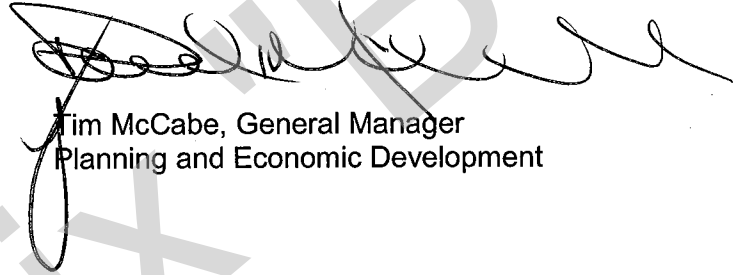
Notwithstanding this concern expressed to the proponent, the ESR clearly indicates that the lands would be sold, with planning approvals for development.

Should you have any questions regarding this matter, please contact Brenda Khes, Acting Manager, Planning and Economic Development at 905-546-2424 extension 1224 or Christine Lee-Morrison, Manager, Environmental Planning at 905-546-2424 extension 6390.

Sincerely,



Gerry Davis, General Manager
Public Works



Tim McCabe, General Manager
Planning and Economic Development

Enclosure: 1

cc: John MacKenzie,
Brad Clark, Councillor, Ward 9
Kathy Menyes, Manager WP&E, Hamilton Conservation Authority
Alexandra Rawlings, Coordinator, Planning & Economic Development Committee/Advisory
Alan Kirkpatrick, Acting Manager, Strategic Planning and Rapid Transit
Christine Lee-Morrison, Manager, Environmental Planning
Brenda Khes, Acting Manager, Planning and Economic Development
Paul Mallard, Director of Planning, Planning and Economic Development
Jillian Stephen, Director, Strategic Planning and Rapid Transit
Fred Eisenberger, Mayor, City of Hamilton
Rob Norman, Manager, Open Space Development

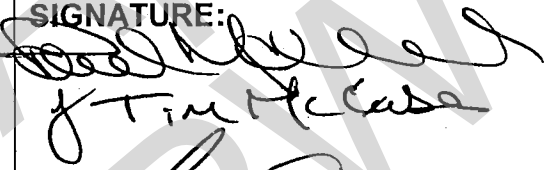



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

and

PUBLIC WORKS DEPARTMENT
Environmental and Sustainable Infrastructure Division

TO: Chair and Members Economic Development and Planning Committee	WARD(S) AFFECTED: WARDS 6, 9, and 11
COMMITTEE DATE: March 23, 2010	
SUBJECT/REPORT NO: Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (PED07236(b) / PW07112(b) (Wards 6, 9, and 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department Gerry Davis General Manager Public Works Department	PREPARED BY: Brenda Khes (905)546-2424, Ext. 1224 Alan Kirkpatrick (905)546-2424 Ext. 4173
SIGNATURE:  	

RECOMMENDATION:

That Public Works Department and Planning and Economic Development Department staff be directed to request the Minister of the Environment to make an order for the Ontario Realty Corporation's project to comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessments for the ORC Lands located east of the Eramosa Karst feeder creeks in the City of Hamilton, as per Report PED07236(b) / PW07112(b).

SUBJECT: Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (Wards 6, 9, and 11) (PED07236(b) / PW07112(b) - Page 2 of 10

EXECUTIVE SUMMARY

The Ontario Realty Corporation (ORC), on behalf of the Ministry of Energy and Infrastructure, has completed a Planning and Class Environmental Assessment (EA) Study regarding the possible disposition of provincially-owned land located on the north side of Rymal Road East, the west side of Second Road West, south of Highland Road, and east of the Eramosa Karst Conservation Area, in the City of Hamilton (former City of Stoney Creek) (refer to Appendix "A"). The primary focus of the project was to conduct detailed technical and environmental studies to inform potential future land use applications under the Planning Act and ORC's disposition of these lands. The project was assessed as a Category C Class EA in accordance with the requirements of the Ministry of Energy and Infrastructure's Class EA process. An Environmental Study Report (ESR) was recently completed by the ORC, and has now formally been made public for a 60-day public review period from January 26 to March 29, 2010.

Any person may request that the Minister of the Environment make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses individual environmental assessment. However, requests must be received by the Ministry by March 29, 2010; otherwise the project will proceed as outlined in the ESR.

Based on Planning, Public Works, and the Hamilton Conservation Authority staffs' review of the ESR, the principle of development of the lands east of the Eramosa Karst Conservation Area has not been established. The ESR is not complete as baseline studies and additional monitoring studies have not been completed. In the absence of this baseline data and monitoring information, City and Conservation Authority staff are not satisfied that the principle of development has been established, or that development will not negatively impact on the adjacent Eramosa Karst feeder creeks to the west.

Accordingly, it is recommended that a request to the Minister of the Environment be made requesting the Ontario Realty Corporation's project to comply with Part II of the Environmental Assessment Act for the ORC Lands located east of the Eramosa Karst feeder creeks.

Alternatives for Consideration - See Page 9.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial and Staffing: The request for a Part II order can be undertaken by existing staff.

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Legal: Undertakings by public bodies such as the Ontario Realty Corporation or the Ministry of Energy and Infrastructure (MEI) are subject to Ontario's Environmental Assessment Act. The Act allows for the approval of Class Environmental Assessments, and the ORC has the option of following the planning process set out in the Class Environmental Assessment Process for the Ministry of Energy and Infrastructure for Realty Activities Other Than Electricity Projects (approved April 28, 2004 and amended September 11, 2008). The ORC has followed the Category C methodology for the Trinity East (Eramosa Karst) proposed property transaction. The focus of the MEI Class EA is on realty activities and public works projects undertaken by the Ministry. Similar to the Municipal Class EA, if MEI/ORC follows the planning process for an undertaking set out in the MEI Class EA, it is not required to apply for additional approval under the Environmental Assessment (EA) Act.

If a person or party (including a municipality) has outstanding concerns related to an undertaking following the MEI Class EA, the concern should be brought to the attention of the proponent (ORC/MEI) as early as possible in the Class EA process. Staff has brought City of Hamilton concerns to the attention of the ORC. If a concern cannot be resolved through discussion with the proponent, the person or party may request, in writing, that the proponent voluntarily elevate the undertaking to a higher category EA. If the proponent declines and the person or party wishes to pursue the concerns, they may write to the Minister of the Environment to request a Part II Order under the EA Act. If a Part II Order is granted, then the proponent would have to follow an individual EA before the undertaking could commence. A Part II Order Request must be submitted during the public review period. In response to a Part II Order Request, the Minister may deny the request (the denial may include conditions), refer the matter to mediation, or allow the Part II Order. The ORC has filed the Environmental Study Report on public record for a 60-day public review period from January 26, 2010 to March 29, 2010. A Part II Order Request must be made to the Minister by March 29, 2010.

HISTORICAL BACKGROUND (Chronology of events)

2003:

- Eramosa Karst Earth Science Area of Natural and Scientific Interest (ANSI) Report prepared, which identified the extent of core, karst, buffer, and feeder creek areas within the ANSI. Refer to Appendix "A."

2004:

- The City initiated the Rymal Road Planning Area (ROPA 9) Class Environmental Assessment Master Plan to address Transportation infrastructure improvements required to support the ROPA 9 developments. One of the recommendations was to

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provide a collector road through the lands east of the Karst to provide additional road capacity and road network connectivity.

2006:

- Karst Core Area, Core Area buffer and identified feeder creeks (73 hectares) deeded to the Hamilton Conservation Authority for the creation of the Eramosa Karst Conservation Area.
- Planning Division initiates Secondary Planning process for the Trinity Neighbourhood, including land east and west of the Eramosa Karst Conservation Area.

2007:

- ORC initiates a Class Environmental Assessment to examine options that could enhance the value of the Trinity East lands prior to their disposition, while ensuring that the environmental integrity of the lands and surrounding area is maintained, taking into account relevant government policies.
- Secondary Plan review and City's Environmental Assessment Study for an internal collector road within the Trinity East area placed on hold pursuant to Council direction (Report PED07236/PW07112). City requests completion of technical studies by ORC to allow staff to determine whether future development (including the construction and operation of a new road) would negatively impact the integrity of the core karst features.
- Council sent a formal letter to Premier's office requesting transfer of remaining Karst lands.
- Hamilton Conservation Authority approved the resolution. "That the Hamilton Region Conservation Authority believes that additional areas of the Eramosa Karst should be preserved and protected based on its rarity and on the expert opinions"

2008:

- Council approves motion directing staff to "consider the options available for the future use of the feeder areas of the eramosa karst area, including its use as open space and the planning applications needed, and report back to Council.
- Technical studies prepared on behalf of the ORC submitted to City and the Hamilton Conservation Authority for review.

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2009:

- A letter from the Mayor's office sent to the Minister of Energy and Infrastructure requesting serious consideration be given to ensuring the preservation of these lands through their incorporation into the Eramosa Karst Conservation Area.
- Hamilton Conservation Authority undertakes a peer review of the studies completed for the ORC (refer to correspondence dated June 9, 2009, attached as Appendix "B"). Results of this peer review by Karst expert Marcus Buck indicate the need for the following additional studies before a determination can be made regarding the impact of development on the core karst features:
 1. Stream Flow Monitoring - for one full year.
 2. Spring Discharge Monitoring - for two years.
 3. Precipitation Monitoring - for one summer.
 4. Surface Water Quality Monitoring - for one year.
 5. Groundwater Quality Monitoring - ORC to develop a comprehensive groundwater quality monitoring program, to the satisfaction of the HCA.
 6. Contamination Risk by Surface Streams Monitoring - Downstream Flooding Assessment.
 7. Downstream Flooding Assessment - tied to Stream Monitoring in 1 above - for one full year of monitoring and then assessment.
 8. Fluvial Geomorphology Study - period of time unknown at this time.
- In response to HCA peer review, ORC consultants agree to undertake all of the additional monitoring, studies, and assessments, with the exception of the comprehensive groundwater monitoring program and the fluvial geomorphology study, which they believe can be addressed at the time of detailed stormwater management design

January 2010:

- ORC notification of completion of the EA and release of the Environmental Study Report (ESR) pursuant to the MEI's Class EA process.
- March 3, 2010, the Hamilton Conservation Authority Board approves the following staff recommendation:

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"THAT the Hamilton Conservation Authority Board of Directors request that the Minister of the Environment make an order for the Ontario Realty Corporation to comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessment for the ORC Lands adjacent to the Eramosa Karst."

POLICY IMPLICATIONS

The request for a Part II Order has no impact on the land use policies applicable to the subject lands. However, the current recommendations of the ESR would support future amendments to the City of Stoney Creek Official Plan and the City's New Urban Hamilton Official Plan to implement the future development of these lands for urban purposes.

New Urban Hamilton Official Plan

The new Urban Official Plan was approved by Hamilton City Council on June 29, 2009, and is presently awaiting Ministerial approval. Lands in Trinity East are designated as follows in this Plan:

- Schedule "B" - Natural Heritage System - "Core Area" for most of Trinity East; "Linkage" for the northerly portion; and a "Stream" for a portion through the centre;
- Schedule "B-7" - Detailed Natural Heritage Features - Local Natural Area, Earth Science ANSI for most of Trinity East; and,
- Schedule "B-8" - Detailed Natural Heritage Features - Key Hydrologic Feature Streams for two stream features.

Most of Trinity East is identified as "Core Area" and corresponds to the undeveloped limits of the ANSI. Permitted uses include forest and wildlife management, conservation, and similar uses. New development in Core Areas and adjacent lands is not permitted within an ANSI unless it is demonstrated there will be no negative impacts on natural features and functions. An Environmental Impact Statement would have to be submitted, to the satisfaction of the City, to ensure there are no impacts.

The northern part of Trinity East is a "Linkage". Such linkages are intended to connect core areas, to allow for movement of animals and plants, maintain ecological health, and preserve habitat. Further assessment and mapping of linkages is intended. Part of Trinity East includes a designated "Stream", and a small area next to Second Road West, south of Fairhaven, is noted as a natural heritage feature.

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Trinity East is, therefore, designated in the Official Plan as part of the natural heritage system. Further study and review is needed by the City to assess these features, and to determine the potential impacts of any proposed development. An amendment to the new Urban Official Plan would be required to implement the proposed recommendations of the ESR Report; however, the new Urban Official Plan provides a rationale for the designation of these lands to "Open Space" in the Stoney Creek Official Plan.

RELEVANT CONSULTATION

Planning staff has consulted with Public Works staff, as well as Hamilton Conservation Authority staff, in the preparation of this report. Both the City and the HCA staff have reviewed all of the technical studies completed as a part of the EA process and have drawn similar conclusions. HCA staff advised that the ORC studies, to date, have not shown conclusively that the Feeder Area would be protected if development is permitted. They identified concerns with the studies related to methodology, assumption, and lack of baseline data, and identified the need for additional monitoring and studies. The HCA staff maintains that these studies must be reviewed before it can be determined whether development is appropriate.

While no public consultation was initiated by the City in the preparation of this report, it is noted that the Community Advisory Committee (CAC), established in early 2007, does not support the urban development of the karst feeder areas.

On March 1, 2010, City and HCA staff met to discuss the ESR, associated studies, and reports and agreed that both the HCA Board and City Council should receive staff recommendations that Part II Orders should be submitted on this matter.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The question of whether or not the Trinity East lands can be developed without negatively impacting the core karst features has been an issue for quite some time. While the 2003 ANSI report identified the limits of the karst core and buffer areas, as well as the feeder creek area, there has not been agreement on the principle of developing the remainder of the ANSI north of Rymal Road and west of Second Road West. The new Urban Official Plan designates much of the Trinity East lands as forming part of the Natural Heritage System's Core Area, and also articulates the limits of the ANSI, which includes the majority of the Trinity East lands.

In 2007, the ORC undertook an extensive Environmental Assessment process including a broad range of technical studies to address the unique environmental feature of the site and determine, once and for all, whether these Trinity East lands can and should be

SUBJECT: Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (Wards 6, 9, and 11) (PED07236(b) / PW07112(b) - Page 8 of 10

developed. Both the City and the Hamilton Conservation Authority have been invited to participate in the EA process and have reviewed the completed studies.

On June 9, 2009, the HCA issued correspondence indicating their concerns with the studies completed (refer to Appendix "B") and recommended the need for baseline data and additional monitoring work for a period of one to two years. In response to the HCA's concerns, the ORC's technical consultants agreed to undertake the majority of the additional monitoring, studies, and assessment. However, in January 2010, in the absence of the requested baseline data and monitoring information, the ORC released its ESR and recommended the disposition of the Trinity East lands for development purposes.

Both the HCA and City staff have reviewed the technical documents that accompanied the ESR, and note that they were not significantly different from previous versions of the documents which were the subject of the HCA's June 9, 2009, correspondence. In response to the ESR, the Hamilton Conservation Authority Board (at their March 3, 2010 meeting), approved the following staff recommendation (refer to Appendix "C"):

"THAT the Hamilton Conservation Authority Board of Directors request that the Minister of the Environment make an order for the Ontario Realty Corporation to comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessment for the ORC Lands adjacent to the Eramosa Karst."

Accordingly, the principle of development of the Trinity East lands still has not been established, to the satisfaction of City staff or the Hamilton Conservation Authority. There is insufficient information to determine that the Eramosa Karst ANSI will not be detrimentally affected by the development of the Trinity East lands. It is, therefore, premature, in staff's opinion, for the ORC to formally submit their final ESR for the possible disposition of the Trinity East lands for development purposes. In order to ensure that the lands are not sold for development purposes, City staff and HCA staff recommend that a formal request to the Ministry of Environment be made ordering the ORC to comply with Part II of the Environmental Assessment Act.

It is worth noting that the City's Public Works Department is preparing to undertake an Upper Davis Creek, Class EA Study to update the background material contained within the Davis Creek Subwatershed Study. The study will follow the Municipal Engineers Association (MEA), Class Environmental Assessment (EA) 2000 (updated in 2007) procedures, and will involve stakeholders for the Master Plan Class Environmental Assessment process to fulfil all outstanding EA requirements for projects categorized as Schedule "B", and any identified Schedule "C" projects. This study will complete any outstanding information and flows upstream and downstream, including the Trinity East lands.

SUBJECT: Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (Wards 6, 9, and 11) (PED07236(b) / PW07112(b) - Page 9 of 10

In addition, there are a number of transportation issues which have yet to be resolved. There is the need for additional roadway capacity and network connectivity in the north-south direction through the Trinity East area. An internal collector road was proposed for this purpose. However, there are concerns that this proposed collector roadway may have impacts on the Karst with regard to stormwater run-off, the depth of cuts during the construction of road and utility services, and operation of the road itself. Therefore, further studies will be required to consider these potential impacts, in detail, and present solutions so that there is no short or long term impact to the karst. There are greater system-wide transportation/traffic concerns also to be addressed if this road is not provided in the short term due to the growing traffic problems on Second Road West, Upper Mount Albion, and other roads related to development in "Summit Park" and vicinity.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The ORC has completed its EA process pursuant to the Environmental Assessment Act. If a Part II Order is not requested by March 29, 2010, the City will, in essence, be accepting the recommendations and findings of the ORC's studies completed to date. The ESR states that the lands east of the Eramosa Karst Conservation Area are developable, and that while future monitoring work is appropriate, that these studies can be completed as conditions of development. By not requesting a Part II Order, the City would be accepting the principle of development of the Trinity East lands.

This would allow the continuation of the Trinity East Secondary Planning process, as well as the ultimate construction of a new collector road through the Trinity East lands connecting Rymal Road to Highland Road. This alternative is not recommended because it has not been established that the development of these lands would not negatively impact the Karst.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.

Intergovernmental Relationships

- ◆ Influence federal and provincial policy development to benefit Hamilton.

SUBJECT: Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (Wards 6, 9, and 11) (PED07236(b) / PW07112(b) - Page 10 of 10

Environmental Stewardship

- ♦ Natural resources are protected and enhanced.
- ♦ Reduced impact of City activities on the environment.
- ♦ Aspiring to the highest environmental standards.

Healthy Community

- ♦ Plan and manage the built environment.
- ♦ An engaged Citizenry.

APPENDICES / SCHEDULES

Appendix A: Eramosa Karst Core, Buffer and Feeder Areas Map

Appendix B: Hamilton Conservation Authority Correspondence Dated June 9, 2009.

Appendix C: Hamilton Conservation Authority Report Dated March 3, 2010.

:BK

Attachs. (3)



Hamilton

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

and

PUBLIC WORKS DEPARTMENT
Environmental and Sustainable Infrastructure Division

TO: Chair and Members Economic Development and Planning Committee	WARD(S) AFFECTED: WARDS 6, 9, and 11
COMMITTEE DATE: March 23, 2010	
SUBJECT/REPORT NO: Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (PED07236(b) / PW07112(b) (Wards 6, 9, and 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department Gerry Davis General Manager Public Works Department	PREPARED BY: Brenda Khes (905)546-2424, Ext. 1224 Alan Kirkpatrick (905)546-2424 Ext. 4173
SIGNATURE:	

RECOMMENDATION:

That Public Works Department and Planning and Economic Development Department staff be directed to request the Minister of the Environment to make an order for the Ontario Realty Corporation's project to comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessments for the ORC Lands located east of the Eramosa Karst feeder creeks in the City of Hamilton, as per Report PED07236(b) / PW07112(b).

EXECUTIVE SUMMARY

The Ontario Realty Corporation (ORC), on behalf of the Ministry of Energy and Infrastructure, has completed a Planning and Class Environmental Assessment (EA) Study regarding the possible disposition of provincially-owned land located on the north side of Rymal Road East, the west side of Second Road West, south of Highland Road, and east of the Eramosa Karst Conservation Area, in the City of Hamilton (former City of Stoney Creek) (refer to Appendix "A"). The primary focus of the project was to conduct detailed technical and environmental studies to inform potential future land use applications under the Planning Act and ORC's disposition of these lands. The project was assessed as a Category C Class EA in accordance with the requirements of the Ministry of Energy and Infrastructure's Class EA process. An Environmental Study Report (ESR) was recently completed by the ORC, and has now formally been made public for a 60-day public review period from January 26 to March 29, 2010.

Any person may request that the Minister of the Environment make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses individual environmental assessment. However, requests must be received by the Ministry by March 29, 2010; otherwise the project will proceed as outlined in the ESR.

Based on Planning, Public Works, and the Hamilton Conservation Authority staffs' review of the ESR, the principle of development of the lands east of the Eramosa Karst Conservation Area has not been established. The ESR is not complete as baseline studies and additional monitoring studies have not been completed. In the absence of this baseline data and monitoring information, City and Conservation Authority staff are not satisfied that the principle of development has been established, or that development will not negatively impact on the adjacent Eramosa Karst feeder creeks to the west.

Accordingly, it is recommended that a request to the Minister of the Environment be made requesting the Ontario Realty Corporation's project to comply with Part II of the Environmental Assessment Act for the ORC Lands located east of the Eramosa Karst feeder creeks.

Alternatives for Consideration - See Page 9.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial and Staffing: The request for a Part II order can be undertaken by existing staff.

Legal: Undertakings by public bodies such as the Ontario Realty Corporation or the Ministry of Energy and Infrastructure (MEI) are subject to Ontario's Environmental Assessment Act. The Act allows for the approval of Class

Environmental Assessments, and the ORC has the option of following the planning process set out in the Class Environmental Assessment Process for the Ministry of Energy and Infrastructure for Realty Activities Other Than Electricity Projects (approved April 28, 2004 and amended September 11, 2008). The ORC has followed the Category C methodology for the Trinity East (Eramosa Karst) proposed property transaction. The focus of the MEI Class EA is on realty activities and public works projects undertaken by the Ministry. Similar to the Municipal Class EA, if MEI/ORC follows the planning process for an undertaking set out in the MEI Class EA, it is not required to apply for additional approval under the Environmental Assessment (EA) Act.

If a person or party (including a municipality) has outstanding concerns related to an undertaking following the MEI Class EA, the concern should be brought to the attention of the proponent (ORC/MEI) as early as possible in the Class EA process. Staff has brought City of Hamilton concerns to the attention of the ORC. If a concern cannot be resolved through discussion with the proponent, the person or party may request, in writing, that the proponent voluntarily elevate the undertaking to a higher category EA. If the proponent declines and the person or party wishes to pursue the concerns, they may write to the Minister of the Environment to request a Part II Order under the EA Act. If a Part II Order is granted, then the proponent would have to follow an individual EA before the undertaking could commence. A Part II Order Request must be submitted during the public review period. In response to a Part II Order Request, the Minister may deny the request (the denial may include conditions), refer the matter to mediation, or allow the Part II Order. The ORC has filed the Environmental Study Report on public record for a 60-day public review period from January 26, 2010 to March 29, 2010. A Part II Order Request must be made to the Minister by March 29, 2010.

HISTORICAL BACKGROUND (Chronology of events)

2003:

- Eramosa Karst Earth Science Area of Natural and Scientific Interest (ANSI) Report prepared, which identified the extent of core, karst, buffer, and feeder creek areas within the ANSI. Refer to Appendix "A."

2004:

- The City initiated the Rymal Road Planning Area (ROPA 9) Class Environmental Assessment Master Plan to address Transportation infrastructure improvements required to support the ROPA 9 developments. One of the recommendations was to provide a collector road through the lands east of the Karst to provide additional road capacity and road network connectivity.

2006:

- Karst Core Area, Core Area buffer and identified feeder creeks (73 hectares) deeded to the Hamilton Conservation Authority for the creation of the Eramosa Karst Conservation Area.
- Planning Division initiates Secondary Planning process for the Trinity Neighbourhood, including land east and west of the Eramosa Karst Conservation Area.

2007:

- ORC initiates a Class Environmental Assessment to examine options that could enhance the value of the Trinity East lands prior to their disposition, while ensuring that the environmental integrity of the lands and surrounding area is maintained, taking into account relevant government policies.
- Secondary Plan review and City's Environmental Assessment Study for an internal collector road within the Trinity East area placed on hold pursuant to Council direction (Report PED07236/PW07112). City requests completion of technical studies by ORC to allow staff to determine whether future development (including the construction and operation of a new road) would negatively impact the integrity of the core karst features.
- Council sent a formal letter to Premier's office requesting transfer of remaining Karst lands.
- Hamilton Conservation Authority approved the resolution. "That the Hamilton Region Conservation Authority believes that additional areas of the Eramosa Karst should be preserved and protected based on its rarity and on the expert opinions"

2008:

- Council approves motion directing staff to "consider the options available for the future use of the feeder areas of the eramosa karst area, including its use as open space and the planning applications needed, and report back to Council.
- Technical studies prepared on behalf of the ORC submitted to City and the Hamilton Conservation Authority for review.

2009:

SUBJECT: Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (Wards 6, 9, and 11) (PED07236(b) / PW07112(b) - Page 5 of 10

- A letter from the Mayor's office sent to the Minister of Energy and Infrastructure requesting serious consideration be given to ensuring the preservation of these lands through their incorporation into the Eramosa Karst Conservation Area.
- Hamilton Conservation Authority undertakes a peer review of the studies completed for the ORC (refer to correspondence dated June 9, 2009, attached as Appendix "B"). Results of this peer review by Karst expert Marcus Buck indicate the need for the following additional studies before a determination can be made regarding the impact of development on the core karst features:
 1. Stream Flow Monitoring - for one full year.
 2. Spring Discharge Monitoring - for two years.
 3. Precipitation Monitoring - for one summer.
 4. Surface Water Quality Monitoring - for one year.
 5. Groundwater Quality Monitoring - ORC to develop a comprehensive groundwater quality monitoring program, to the satisfaction of the HCA.
 6. Contamination Risk by Surface Streams Monitoring - Downstream Flooding Assessment.
 7. Downstream Flooding Assessment - tied to Stream Monitoring in 1 above - for one full year of monitoring and then assessment.
 8. Fluvial Geomorphology Study - period of time unknown at this time.
- In response to HCA peer review, ORC consultants agree to undertake all of the additional monitoring, studies, and assessments, with the exception of the comprehensive groundwater monitoring program and the fluvial geomorphology study, which they believe can be addressed at the time of detailed stormwater management design

January 2010:

- ORC notification of completion of the EA and release of the Environmental Study Report (ESR) pursuant to the MEI's Class EA process.
- March 3, 2010, the Hamilton Conservation Authority Board approves the following staff recommendation:

"THAT the Hamilton Conservation Authority Board of Directors request that the Minister of the Environment make an order for the Ontario Realty Corporation to

comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessment for the ORC Lands adjacent to the Eramosa Karst.”

POLICY IMPLICATIONS

The request for a Part II Order has no impact on the land use policies applicable to the subject lands. However, the current recommendations of the ESR would support future amendments to the City of Stoney Creek Official Plan and the City's New Urban Hamilton Official Plan to implement the future development of these lands for urban purposes.

New Urban Hamilton Official Plan

The new Urban Official Plan was approved by Hamilton City Council on June 29, 2009, and is presently awaiting Ministerial approval. Lands in Trinity East are designated as follows in this Plan:

- Schedule “B” - Natural Heritage System - “Core Area” for most of Trinity East; “Linkage” for the northerly portion; and a “Stream” for a portion through the centre;
- Schedule “B-7” - Detailed Natural Heritage Features - Local Natural Area, Earth Science ANSI for most of Trinity East; and,
- Schedule “B-8” - Detailed Natural Heritage Features - Key Hydrologic Feature Streams for two stream features.

Most of Trinity East is identified as “Core Area” and corresponds to the undeveloped limits of the ANSI. Permitted uses include forest and wildlife management, conservation, and similar uses. New development in Core Areas and adjacent lands is not permitted within an ANSI unless it is demonstrated there will be no negative impacts on natural features and functions. An Environmental Impact Statement would have to be submitted, to the satisfaction of the City, to ensure there are no impacts.

The northern part of Trinity East is a “Linkage”. Such linkages are intended to connect core areas, to allow for movement of animals and plants, maintain ecological health, and preserve habitat. Further assessment and mapping of linkages is intended. Part of Trinity East includes a designated “Stream”, and a small area next to Second Road West, south of Fairhaven, is noted as a natural heritage feature.

Trinity East is, therefore, designated in the Official Plan as part of the natural heritage system. Further study and review is needed by the City to assess these features, and to determine the potential impacts of any proposed development. An amendment to the

new Urban Official Plan would be required to implement the proposed recommendations of the ESR Report; however, the new Urban Official Plan provides a rationale for the designation of these lands to “Open Space” in the Stoney Creek Official Plan.

RELEVANT CONSULTATION

Planning staff has consulted with Public Works staff, as well as Hamilton Conservation Authority staff, in the preparation of this report. Both the City and the HCA staff have reviewed all of the technical studies completed as a part of the EA process and have drawn similar conclusions. HCA staff advised that the ORC studies, to date, have not shown conclusively that the Feeder Area would be protected if development is permitted. They identified concerns with the studies related to methodology, assumption, and lack of baseline data, and identified the need for additional monitoring and studies. The HCA staff maintains that these studies must be reviewed before it can be determined whether development is appropriate.

While no public consultation was initiated by the City in the preparation of this report, it is noted that the Community Advisory Committee (CAC), established in early 2007, does not support the urban development of the karst feeder areas.

On March 1, 2010, City and HCA staff met to discuss the ESR, associated studies, and reports and agreed that both the HCA Board and City Council should receive staff recommendations that Part II Orders should be submitted on this matter.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The question of whether or not the Trinity East lands can be developed without negatively impacting the core karst features has been an issue for quite some time. While the 2003 ANSI report identified the limits of the karst core and buffer areas, as well as the feeder creek area, there has not been agreement on the principle of developing the remainder of the ANSI north of Rymal Road and west of Second Road West. The new Urban Official Plan designates much of the Trinity East lands as forming part of the Natural Heritage System’s Core Area, and also articulates the limits of the ANSI, which includes the majority of the Trinity East lands.

In 2007, the ORC undertook an extensive Environmental Assessment process including a broad range of technical studies to address the unique environmental feature of the site and determine, once and for all, whether these Trinity East lands can and should be developed. Both the City and the Hamilton Conservation Authority have been invited to participate in the EA process and have reviewed the completed studies.

On June 9, 2009, the HCA issued correspondence indicating their concerns with the studies completed (refer to Appendix "B") and recommended the need for baseline data and additional monitoring work for a period of one to two years. In response to the HCA's concerns, the ORC's technical consultants agreed to undertake the majority of the additional monitoring, studies, and assessment. However, in January 2010, in the absence of the requested baseline data and monitoring information, the ORC released its ESR and recommended the disposition of the Trinity East lands for development purposes.

Both the HCA and City staff have reviewed the technical documents that accompanied the ESR, and note that they were not significantly different from previous versions of the documents which were the subject of the HCA's June 9, 2009, correspondence. In response to the ESR, the Hamilton Conservation Authority Board (at their March 3, 2010 meeting), approved the following staff recommendation (refer to Appendix "C"):

"THAT the Hamilton Conservation Authority Board of Directors request that the Minister of the Environment make an order for the Ontario Realty Corporation to comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessment for the ORC Lands adjacent to the Eramosa Karst."

Accordingly, the principle of development of the Trinity East lands still has not been established, to the satisfaction of City staff or the Hamilton Conservation Authority. There is insufficient information to determine that the Eramosa Karst ANSI will not be detrimentally affected by the development of the Trinity East lands. It is, therefore, premature, in staff's opinion, for the ORC to formally submit their final ESR for the possible disposition of the Trinity East lands for development purposes. In order to ensure that the lands are not sold for development purposes, City staff and HCA staff recommend that a formal request to the Ministry of Environment be made ordering the ORC to comply with Part II of the Environmental Assessment Act.

It is worth noting that the City's Public Works Department is preparing to undertake an Upper Davis Creek, Class EA Study to update the background material contained within the Davis Creek Subwatershed Study. The study will follow the Municipal Engineers Association (MEA), Class Environmental Assessment (EA) 2000 (updated in 2007) procedures, and will involve stakeholders for the Master Plan Class Environmental Assessment process to fulfil all outstanding EA requirements for projects categorized as Schedule "B", and any identified Schedule "C" projects. This study will complete any outstanding information and flows upstream and downstream, including the Trinity East lands.

In addition, there are a number of transportation issues which have yet to be resolved. There is the need for additional roadway capacity and network connectivity in the north-south direction through the Trinity East area. An internal collector road was proposed for this purpose. However, there are concerns that this proposed collector roadway

may have impacts on the Karst with regard to stormwater run-off, the depth of cuts during the construction of road and utility services, and operation of the road itself. Therefore, further studies will be required to consider these potential impacts, in detail, and present solutions so that there is no short or long term impact to the karst. There are greater system-wide transportation/traffic concerns also to be addressed if this road is not provided in the short term due to the growing traffic problems on Second Road West, Upper Mount Albion, and other roads related to development in "Summit Park" and vicinity.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The ORC has completed its EA process pursuant to the Environmental Assessment Act. If a Part II Order is not requested by March 29, 2010, the City will, in essence, be accepting the recommendations and findings of the ORC's studies completed to date. The ESR states that the lands east of the Eramosa Karst Conservation Area are developable, and that while future monitoring work is appropriate, that these studies can be completed as conditions of development. By not requesting a Part II Order, the City would be accepting the principle of development of the Trinity East lands.

This would allow the continuation of the Trinity East Secondary Planning process, as well as the ultimate construction of a new collector road through the Trinity East lands connecting Rymal Road to Highland Road. This alternative is not recommended because it has not been established that the development of these lands would not negatively impact the Karst.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

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APPENDICES / SCHEDULES

Appendix A: Eramosa Karst Core, Buffer and Feeder Areas Map

Appendix B: Hamilton Conservation Authority Correspondence Dated June 9, 2009.

Appendix C: Hamilton Conservation Authority Report Dated March 3, 2010.

:BK

Attachs. (3)



INFORMATION REPORT

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARDS 9 & 11
COMMITTEE DATE: October 3, 2011	
SUBJECT/REPORT NO: Rymal Road Planning Area (ROPA9) Transportation Master Plan Update (PW11070) - (Wards 9 & 11)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Alan Kirkpatrick (905) 546-2424, Extension 4173
SIGNATURE:	

Council Direction:

Not Applicable

Information:

This update has been prepared to provide the Committee with the current status of the Rymal Road Planning Area, Transportation Master Plan (TMP) study. Public Works and the Planning and Economic Development Departments are currently working together on this matter.

In 2006, the City completed the Rymal Road Planning Area Class Environmental Assessment Master Plan and identified the transportation, water and wastewater infrastructure improvements required to service the "ROPA 9" lands and lands known as Special Policy Area 'C'.

The purpose of this report is to outline the following:

- provide a brief overview on the studies that have been completed and finalized following the adoption of the 2006 Rymal Road Planning Area CEA Master Plan
- provide an overview on the key issues
- outline the next steps and timing for the Rymal Road Planning Area TMP Update

Background

In June 2001, the Ontario Municipal Board issued an interim decision approving Amendment No. 9 to the Region of Hamilton-Wentworth Official Plan (ROPA 9), to re-designate approximately 190 hectares (470 acres) of land from rural to urban, to allow residential and related urban development (approximately 3,590 housing units and 21.4 hectares (53 acres) of commercial uses).

**SUBJECT: Rymal Road Planning Area (ROPA9) Transportation Master Plan
Update (PW11070) - (Wards 9 and 11) - Page 2 of 8**

In March 2002, the Ontario Municipal Board proceeded to approve Amendment No. 36 to the Former Township of Glanbrook Official Plan, comprised of the Rymal Road Secondary Planning Area, to set out the detailed policy framework for development of the subject lands for urban purposes. As a first phase of development, the Secondary Plan allows for the construction of up to 500 dwelling units and 19,000 square metres of general commercial space prior to external transportation improvements and Class Environmental Assessment studies being finalized. Without specific supporting studies (e.g. traffic impact studies), additional residential or general commercial development may not occur within the Secondary Plan area until the required environmental assessments and respective capital budgets are finalized, funding mechanisms are approved for cost recoveries, and improvements are included in the capital budget, where required.

In August 2003, City of Hamilton Council approved the recommendation to initiate a Master Plan Class Environmental Assessment in accordance with Section A.2.7 of the Municipal Engineers Class Environmental Assessment June 2000 for the Rymal Road Secondary Planning Area.

1. OVERVIEW OF COMPLETED STUDIES

Trinity West Secondary Plan and the Trinity East Amendments

In 2006, the City initiated a secondary planning process for the Trinity Neighbourhood. The Eramosa Karst Natural Science ANSI area had been identified and the Karst Core Area, Core Area buffer, and identified feeder creeks (73 hectares) had been deeded by the Province to the Hamilton Conservation Authority for the creation of the Eramosa Karst Conservation Area. The original neighbourhood plan was no longer valid as the karst area restricts the development of the collector road and the interior lands. The existing secondary plan had to be revised to reflect this large no-build open space area in the centre of the Trinity Neighbourhood. The Secondary Planning area included lands east to Second Road West and west to the proposed Trinity Church Road extension.

During the secondary planning process, the City and the Hamilton Conservation Authority requested completion of technical studies by the Ontario Realty Corporation (the major land owner), to allow staff to determine whether future development (including the construction of a road) on the lands to the east of the Conservation Area would negatively impact the integrity of the core karst area. The Secondary Plan review and the City's Environmental Assessment Study for an internal collector road within the east area of the Trinity Secondary Planning Area, were placed on hold pursuant to Council direction.

Subsequently, the Trinity Secondary Planning Area was divided in two areas, Trinity West and Trinity East. The Secondary Plan review continued for the Trinity West lands, i.e. the lands bound by Upper Mount Albion to the east, Trinity Church Arterial Corridor (TCAC) to the west, Highland Road to the north and Rymal Road to the south. Trinity East which is the lands from the Eramosa Karst Conservation Area to Second Road West continues to be on hold.

**SUBJECT: Rymal Road Planning Area (ROPA9) Transportation Master Plan
Update (PW11070) - (Wards 9 and 11) - Page 3 of 8**

In June 2010 (see Appendix A-2), the Trinity West Secondary Plan was approved and identified as the future land use plan for the area, including residential development at a range of densities mixed use development, parks, and open space areas and recognized the core karst area that was deeded to the Conservation Authority.

Also, in June 2010 (see Appendix A-3), Council passed a resolution directing staff to redesignate and rezone the Trinity East lands to Open Space. In February 2011 (see Appendix A-1), Council approved Official Plan Amendments No. 163 (to the former City of Stoney Creek Official Plan) and an amendment to the Urban Hamilton Official Plan for the Trinity East lands located south of Highland Road, north of Rymal Road, and west of Second Road. These amendments designated these lands as "Open Space" and "Natural Open Space" (Stoney Creek Official Plan) and "Major Open Space" (Urban Hamilton Official Plan) and established a specific policy area to require additional studies to address any potential impact on the karst prior to permitting any municipal infrastructure or consideration of any future land use changes. In addition, Council passed a Zoning By-law amendment to rezone the subject lands to the "Conservation/Hazard Land (P5)" Zone. These amendments were not appealed and are now in force and effect.

Rymal Road Planning Area Class Environmental Assessment (EA) Master Plan Study (2006)

In 2006, City of Hamilton Council endorsed Phases 1 and 2 of the Rymal Road Planning Area Class Environmental Assessment (EA) Master Plan Study. The study addressed the infrastructure improvements required to service the "ROPA 9" lands and Special Policy Area 'C'. The purpose of the EA was to address the short and long term transportation and water/wastewater infrastructure needs to allow development of the "ROPA" 9 lands for urban land uses. The Master Plan Study recommended a number of Schedules A, B, and C transportation projects, including proposed measures to address traffic concerns in the Trinity Neighbourhood.

The major projects/improvements recommended through the Rymal Road Planning Area TMP outlined in staff report PW06073 included:

- Widen Rymal Road from Trinity Church Road to Regional Road 56 (required as early as 2007). Widen Regional Road 56 from Rymal Road to approximately 900 m to the south. The Phases 3 & 4 study process for this project was completed in 2007.
- Constructing a new road, Trinity Church Arterial Corridor (TCAC), with two lanes in each direction, from the intersection of Stone Church Road and the Red Hill Valley Parkway ramp towards the south, crossing Rymal Road East at midway between Pritchard and the existing Trinity Church Road, and connecting to the proposed Twenty Road realignment. The Phases 3 & 4 of the EA process was completed in 2008. This new road section north of Rymal was identified as needed by 2011 to accommodate the projected traffic and to support new developments. Subject to opening of this new road, the Upper Mount Albion (UMA) road was recommended for closure at Rymal Road.

**SUBJECT: Rymal Road Planning Area (ROPA9) Transportation Master Plan
Update (PW11070) - (Wards 9 and 11) - Page 4 of 8**

- Road widening and intersection improvements to Stone Church Road East/Paramount Dr. and Winterberry Dr. surrounding the Special Policy Area "C". These improvements have been completed by developers prior to the development occurred in the Special Policy Area "C".
- A new collector road Trinity Neighbourhood Collector Road (TNCR) connecting Gatestone Road at Second Road West to Highland Road was also identified as a required road link to provide capacity in the north-south direction, and partially to support the ROPA 9 developments. This new road alignment was proposed through the lands east of the Karst area which is owned by Infrastructure Ontario (IO), formerly Ontario Realty Corporation (ORC). However, the Phases 3 & 4 Municipal Class EA process for this project was suspended at the direction of the Council based on the concerns of potential adverse impact on the Karst.

Improvements to Rymal Road (Dartnall Road to New Trinity Church Corridor) Municipal Class Environmental Assessment, Schedule 'C'

In March 2011 the City of Hamilton Council endorsed the Phases 3 and 4 EA work completed for Rymal Road improvements from Dartnall Road to the New Trinity Church Arterial Corridor (report PED11044). The study followed the applicable planning process for Schedule 'C' projects under the Municipal Class EA. Schedule 'C' projects are approved under the Environmental Assessment Act once the required four phase process is complete and subject to a public review period.

The preferred alternative for this Class EA is widening Rymal Road to a five-lane cross-section, with two lanes in each direction and a continuous left-turn lane, within the existing road Right-of-Way. The preferred option includes a Right-of-Way width between 30.5 to 36.6 m.

Staff are currently finalizing the ESR report and plan on placing the ESR on public record in the fall, for review by the public and review agencies with opportunity to request a Part II Order.

Improvements to Dartnall Road (Rymal Road to Stone Church Road) Municipal Class Environmental Assessment, Schedule 'C'

In March 2011 the City of Hamilton Council endorsed the Phases 3 and 4 EA work completed for Dartnall Road improvements from Rymal Road to Stone Church Road (report PED11043). The study followed the applicable planning process for Schedule 'C' projects under the Municipal Class EA. Schedule 'C' projects are approved under the Environmental Assessment Act once the required four phase process is complete and subject to a public review period.

The preferred alternatives for this Class EA are as follows:

Section 1 - Dartnall Road between Rymal Road East and the Hitch Factory (520 m north of Rymal Road East)

- Five (5) lane urban cross-section with no bike lanes and sidewalk on the west side. Control alignment shifted to the west of the existing road alignment.

**SUBJECT: Rymal Road Planning Area (ROPA9) Transportation Master Plan
Update (PW11070) - (Wards 9 and 11) - Page 5 of 8**

Section 2 - Dartnall Road between the Hitch Factory (520 m north of Rymal Road East) and Stone Church Road East

- Five (5) lane semi-urban cross section with no bike lanes, sidewalk on the west side, and the control alignment shifted to the west side. Stormwater quality treatment using enhanced swale (ditch system) along the east side.

Intersection Improvements – Dartnall Road and Rymal Road East / Dartnall Road and Stone Church Road East

- Signalized intersections using auxiliary lanes are preferred for the short/medium term at both intersections, and roundabouts are preferred for the potential long-term.

Staff are currently finalizing the ESR report and plan on placing the ESR on public record in the fall, for review by the public and review agencies with opportunity to request a Part II Order.

2. OVERVIEW OF KEY ISSUES

Second Road West closure issue

Second Road West residents have been waiting for a resolution of these planning issues as the residents had been previously been advised that once the Trinity Neighbourhood Collector Road (TNCR) was constructed and opened, Second Road West would be closed to through traffic, north of Gatestone Drive. This proposed new two-lane collector road has been planned from Second Road West, opposite Gatestone Drive to Highland Road, at Glenhollow Drive, and would be a portion of a ring-road system in the area.

The original plan includes the Second Road West section, south of Gatestone Drive to Rymal Road, as a Local Collector road along with the TNCR to complete the north-south connection. At this time, it would appear that the TNCR will NOT be constructed. Several traffic issues have been reported by the residents of the Second Road West road (*not from Friends of the Eramosa Karst*) and they continue their efforts to have the road closed. The residents claim that the City promised this road closure when they moved to this area for which we have not seen any documented evidence. Traffic engineering section monitors and reviews the traffic issues on a continuous basis.

Therefore, at this time, Second Road West will remain open from Highland Road to Rymal Road. The Rymal Road Planning Area TMP Update will include Second Road West along with the overall area as part of transportation network solutions.

With respect to the 2006 Rymal Road Planning Area CEA Master Plan, it recommended road improvements, implementing new road connections was to provide north-south capacity along the corridor between Pritchard Road and Upper Centennial. The road closures were to mainly address the localized traffic issues and to operate the road consistent with its “Local Road” designation.

The major solution to address the north-south capacity deficiency is the construction of the TCAC road, specifically the section north of Rymal Road. Improvements

**SUBJECT: Rymal Road Planning Area (ROPA9) Transportation Master Plan
Update (PW11070) - (Wards 9 and 11) - Page 6 of 8**

recommended for the Rymal Road are also crucial in achieving the identified capacity increase.

The Transportation Planning section in Public Works Department is in the process of initiating a review of the ROPA 9 TMP completed in 2006. It is estimated that the review and update will take until June 2012 to be completed.

Upper Mount Albion Road

The ROPA 9 TMP approved the closure of Upper Mount Albion Road at Rymal Road, subject to construction and opening of the new Trinity Church Arterial Corridor Road. This road closure was requested by the residents during the study and public consultation process and was approved for implementation.

Trinity Church Arterial Corridor (TCAC)

The major capacity increase for this area is expected by constructing the new TCAC Road and the Rymal Road improvements recommended in the ROPA 9 TMP. The feasibility of identifying an alternative alignment for a north-south collector between Rymal Road and Highland Road within the Trinity corridor, instead of the one proposed through the Karst land, will be problematic based on the existing constraints in this area.

To address the traffic issues in the Trinity Neighbourhood and surrounding areas, Phases 3 & 4 of the Environmental Assessment process for the TCAC was completed in 2008. Funds for the design and construction of the TCAC was approved in the 2011 Capital budget. The design of the road is underway, however, there are issues concerning stormwater management that have been unresolved. City staff and their consultants are working with the HCA staff to resolve the issues.

The Trinity Church Arterial Corridor Road will be a four-lane arterial road extending southerly from the Red Hill Valley Parkway ramp terminals at Stone Church Road to Rymal Road, and then continuing southerly through the future North Glanbrook Industrial Business Park. The road is a critical link in the future road network providing required north-south traffic capacity. This additional capacity will be necessary with the future closure of Upper Mount Albion Road to through traffic and to support the ROPA 9 area developments and industrial business park. The Environmental Study Report for this multi-year road project is approved, and a capital budget submission has been prepared in order to proceed with land acquisition and detailed design in 2010 for the Stone Church Road to Rymal Road section. The estimated cost (2007) is \$6.0 million (excluding land costs). Overall, there are a number of transportation issues which have yet to be resolved. There is the need for additional capacity and network connectivity in the north-south direction through the area. There are greater system-wide matters to be addressed if this road is not provided in the short term, due to the growing traffic congestion on Second Road West, Upper Mount Albion, and other roads related to development in Summit Park and vicinity.

In order to consider future roadway capacity needs related to increasing residential and commercial developments, and new employment area, i.e. Glanbrook Business Park, new roads have also been considered, including the proposed Trinity Church Neighbourhood Collector and the Trinity Church Arterial Road. However, based on the

Eramosa Karst West of Second Road West, the opportunity to construct the previously proposed Trinity Church Neighbourhood Collector seems unlikely.

The Eramosa Karst lands currently belong to Infrastructure Ontario - IO [formerly the Ontario Realty Corporation (ORC)] who had previously expressed an interest in selling the lands for development purposes. The City of Hamilton and the Hamilton Conservation Authority (HCA) petitioned the Ministry of the Environment with a Part II Order, placing the redevelopment of the Eramosa Karst lands on hold, pending further investigation.

Recently, IO published a Notice of Addendum to their Environmental Study Report Class EA for the Land adjacent to the Eramosa Karst Conservation Area, stating that the Ministry of Municipal Affairs (MMA) indicated “a decision is withheld on the publically owned lands in the Eramosa area within the Trinity Neighbourhood, in particular lands located south of Highland Road, north of Rymal Road, and west of Second Road in the former City of Stoney Creek to allow the province the opportunity to work with the City and local conservation Authority to ensure the most appropriate long-term land uses for these publically owned lands.”

Potential risks associated with the decisions on Trinity East Land

Overall, preserving the Eramosa Karst lands has been a key factor in this entire process and therefore, this is why efforts have been made to maintain the Trinity East lands as Open Space. However, in doing so, this poses a major constraint and challenge in identifying solutions for the transportation issues in the Trinity Neighbourhood and adjacent areas. The Trinity Neighbourhood Collector Road proposed under the 2006 ROPA 9 TMP is not a viable solution any longer. The issue is also exacerbated with the ongoing and planned developments in the ROPA 9 area, Special Policy Area C, and the Binbrook area. In practical terms, there is no land available in the corridor between Pritchard Road and Upper Centennial for a new north-south collector road to provide for the additional capacity needs and connectivity. Under this situation, the ROPA 9 Transportation Master Plan Review process may take into consideration the following as part of the solutions:

- Revisiting the recommendation to close Upper Mount Albion and the Second Road West. The alternative would be to keep it as it is now or even improve to take more traffic. There could be huge objection to this from the Public and potential Part II Order request, delay etc.
- Accept a reduced Level of Service for traffic in the Trinity and adjacent areas. This can be examined in detail through the master plan review process. This would also invite objection from the public and developers.

To control the continuous increase in traffic on the existing roads, consideration may be given to put a temporary freeze on the developments in the Trinity and surrounding areas, at least until the approved TCAC and Rymal Road improvement projects are implemented.

3. NEXT STEPS

Based on a number of complex issues involved with this situation, staff is providing the following estimated timelines (from the date of this report):

ROPA 9 Transportation Master Plan Update	9 -12 months
Resolution of the Eramosa Karst lands	1 - 3 months
Construction of the proposed Trinity Church Arterial Corridor	18 - 24 months
Future capital improvements for Rymal Road	No funds included in the Capital Budget forecast

Staff will continue to update Committee as the identified projects proceed.

Appendix
PW13032

Appendix A-1

February 1, 2011

**Trinity East - Official Plan Amendment and Zoning By-law Amendment
(Ward 9) (PED07236(d)) (Item 6.1)**

- (a) That approval be given to Official Plan Amendment to the former City of Stoney Creek Official Plan, for the lands located south of Highland Road, north of Rymal Road, and west of Second Road (Stoney Creek), as shown on Appendix "A" to Report PED07236(d), to change the land use designation from "Low Density Residential", "Medium Density Residential", "Local Commercial", and "Elementary School" to "Open Space" and "Natural Open Space"; and to establish Special Policy Area 'J' to require additional studies to address any potential impact on the Karst prior to permitting any municipal infrastructure or consideration of any future land use change, as set out in Appendix "B" to Report PED07236(d).
- (b) That approval be given to Official Plan Amendment to the Urban Hamilton Official Plan (Ministerial approval pending), for the lands located south of Highland Road, north of Rymal Road, and west of Second Road (Stoney Creek), to change the land use designation from "Neighbourhoods" to "Major Open Space"; and to establish Area Specific Policy USC-4 to require additional studies to address any potential impact on the Karst prior to permitting any municipal infrastructure or consideration of any future land use change, as set out in Appendix "C" to Report PED07236(d).
- (c) That the Province be requested to modify the Urban Hamilton Official Plan for lands located south of the Highland Road, north of Rymal Road, and west of Second Road (Stoney Creek), to designate the lands Open Space, as defined in Appendix "C" to Report PED07236(d).
- (d) That approval be given to amend Zoning By-law No. 05-200 by incorporating the lands located south of Highland Road, north of Rymal Road, and west of Second Road (Stoney Creek) to be zoned "Conservation/Hazard Land (P5)" Zone, as set out in Appendix "D" to Report PED07236(d).

Trinity East lands related requests to the Province of Ontario (Added Items 9.1 and 9.2)

- (a) That the City of Hamilton request the Government of Ontario and the Ontario Realty Corporation to transfer the ownership of the Trinity East lands, located south of Highland Road, north of Rymal Road and west of Second Road in Ward 9 of the City of Hamilton, to the Hamilton Conservation Authority for a nominal fee of two dollars with the intent to protect these environmentally sensitive lands into the future.
- (b) That staff be directed to report back to the Planning Committee in respect to requesting the Province increase the subject lands Area of Natural and Scientific Interest (ANSI) rating.

Appendix A-2

June 9, 2010

Trinity West Secondary Plan and Official Plan Amendments (PED07236(d)) (Ward 9) (Item 6.7)

- a) That Official Plan Amendment **No.** to the former City of Stoney Creek Official Plan, and Official Plan Amendment **No** to the former City of Hamilton Official Plan, be approved to adopt the Trinity West Secondary Plan, and that the By-law, attached as Appendix "A" to Report PED07236 (d), which has been prepared as a By-law of adoption, in former satisfactory to the City Solicitor, be approved and forwarded to Council for approval.
- b) That the Official Plan Amendment/Modification **No** to the Urban Hamilton Official Plan be approved to adopt the Trinity West Secondary Plan, attached as Appendix "B" to Report PED07236(d); and should Council's decision on these amendments occur prior to the final decision on the Urban Hamilton Official Plan by the Province, the City request the Ministry of Municipal Affairs and Housing to include these amendments in the Urban Hamilton Official Plan and defer it until the Official Plan Amendment to the former City of Stoney Creek is final and binding.

Appendix A-3

June 9, 2010

**Trinity East - Future Land Use Options and Transportation Studies
(PED07236(c) / PW07112(c)) (Wards 6, 9, and 11) (Outstanding Business
List Item) (Item 7.2)**

- a) That no development be permitted on the Trinity Neighbourhood lands east of the Eramosa Karst feeder creeks, as illustrated on Appendix "A" to Report PED07236(c) / PW07112(c);
- b) That Planning and Economic Development Department staff be directed to prepare an Official Plan Amendment and Zoning By-law Amendment to re-designate and rezone the land identified in Recommendation (a) as "Open Space" in the Stoney Creek Official Plan, and to prepare an amendment to the new Hamilton Urban Official Plan;
- c) That the General Manager of the Public Works Department be authorized to utilize previously approved funds in the 2008 Capital Budget to review and update the Transportation Master Plan studies for the ROPA 9 and Trinity Neighbourhood areas;
- d) That the subject matter be identified as completed and removed from the Outstanding Business List.

Appendix A -4

March 23, 2010

Ontario Realty Corporation Class EA Environmental Study Report for Trinity East (Eramosa Karst) (PED07236(b) / PW07112(b) (Wards 6, 9, and 11)

That Public Works Department and Planning and Economic Development Department staff be directed to request the Minister of the Environment to make an order for the Ontario Realty Corporation's project to comply with Part II of the Environmental Assessment Act, which addresses individual environmental assessments for the ORC Lands located east of the Eramosa Karst feeder creeks in the City of Hamilton, as per Report PED07236(b) / PW07112(b)

Appendix A – 5

August 28, 2007

Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236 / PW07112) (Wards 6, 9, 11)

- a) That the General Manager, Planning and Economic Development be authorized and directed to put on hold the Secondary Planning process for those lands east of the Eramosa Karst area in the Trinity Neighbourhood;
- b) That the General Manager, Planning and Economic Development be authorized and directed to undertake the Secondary Planning process for the lands west of the Eramosa Karst area and north of Rymal Road;
- c) That the General Manager, Public Works be authorized and directed to suspend the Class Environmental Assessment process for the Trinity Neighbourhood Collector Road;
- d) That the General Manager of the Public Works Department be authorized and directed to include \$200,000 in the 2008 Capital Budget submission for a revised Transportation Master Plan for the ROPA 9 and Trinity Neighbourhood area;
- e) That Planning and Economic Development Department staff and Public Works staff be directed to report back to Economic Development and Planning Committee upon their review of the Ontario Realty Corporation's Technical Reports regarding development potential of the lands east of the Eramosa Karst, or at the final Economic Development and Planning Committee meeting of 2007, whichever comes first, with recommendations regarding whether or not the Secondary Planning work outlined in Recommendation "A" and the Class Environmental Assessment work outlined in Recommendation "C" can resume;
- f) That a copy of Report PED07236/PW07112 be forwarded to Premier Dalton McGuinty and that a formal request for transfer of the remaining karst lands in the Trinity Neighbourhood be sent by Council to the Premier's Office.

Appendix A - 6

September 13, 2006

Trinity Neighbourhood Collector Road Approval to Undertake Property Acquisition (PW06116) (Ward 9) (Item 12.1)

- (a) That the General Manager of Planning and Economic Development be authorized and directed to negotiate the purchase of the property located at 337 Highland Road West;
- (b) That the cost for the property acquisition be front-ended from the Roads Development Charges Reserve and from 2006 Capital Accounts for Annual Municipal Act (Accounts 5180625107 and 5140625307) ;
- (c) That subject to approval of sub-section (b), staff be authorized and directed to prepare a Municipal Act cost recovery By-law for the new Trinity Neighbourhood Collector road to include the cost of the road, any necessary land acquisition, underground services, and other future costs for benefiting developable properties in the Trinity Neighbourhood ;
- (d) That should negotiations be unsuccessful in the acquisition of the lands located at 337 Highland Road West, the City Solicitor be authorized and directed to proceed with the necessary steps to expropriate the property located at 337 Highland Road West, with funding for the expropriation as noted in (b);
- (e) That in the event that part of the properties are declared surplus and are sold, that the net proceeds be used to repay the Roads Development Charges Reserves and the 2006 Capital Accounts for Annual Municipal Act;
- (f) That Report PW06116 remain confidential as the report contains information with respect to property acquisition for municipal purposes.

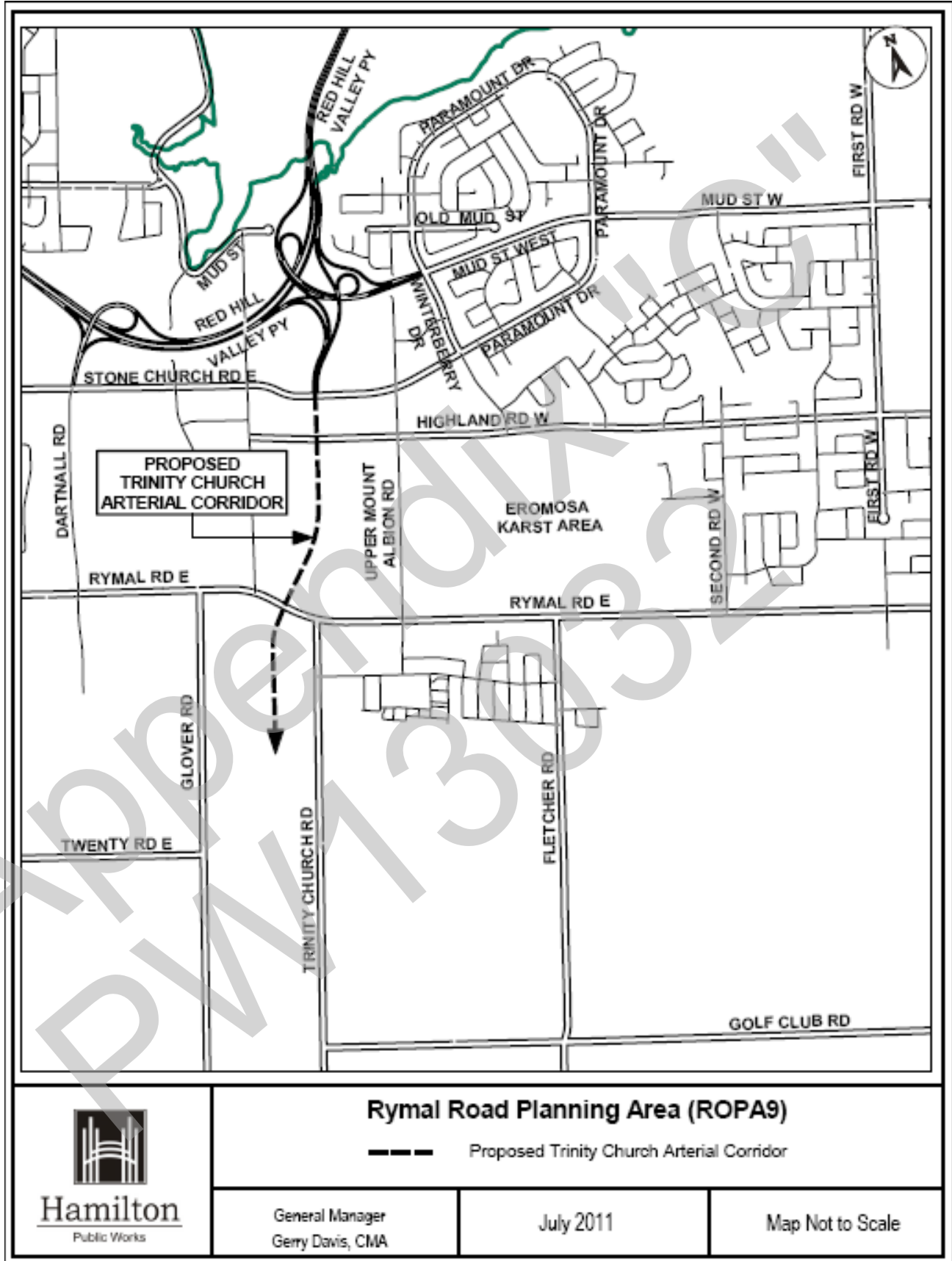
Appendix A - 7

June 14, 2006

Rymal Road Planning Area Class Environmental Assessment Master Plan - (PW06073) - (Wards 9 and 11) (Item 8.7)

- (a) That the Rymal Road Planning Area Class Environmental Assessment Master Plan be endorsed;
- (b) That the General Manager, Public Works Department, be authorized and directed to file the Rymal Road Planning Area Class Environmental Assessment Master Plan Schedule "B" projects with the Municipal Clerk for a minimum thirty (30) day public review period;
- (c) That subject to finalization of the minimum 30-day public review, the General Manager, Public Works Department, be authorized and directed to proceed with the implementation of the Rymal Road Planning Area Class Environmental Assessment Master Plan Schedule "B" projects.

Appendix "B" Report PW11070
Rymal Road Planning Area



Ministry of the Environment

Environmental Assessment and
Approvals Branch

2 St. Clair Avenue West
Floor 12A
Toronto ON M4V 1L5
Tel.: 416 314-8001
Fax: 416 314-8452

Ministère de l'Environnement

Direction des évaluations et des
autorisations environnementales

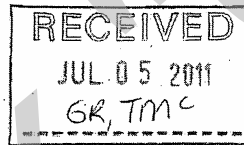
2, avenue St. Clair Ouest
Étage 12A
Toronto ON M4V 1L5
Tél. : 416 314-8001
Télééc. : 416 314-8452



LOG: ENV1283MC-2010-2759

June 27, 2011.

Mr. Gerry Davis
General Manager, Public Works
City of Hamilton
320-77 James Street North
Hamilton ON L8R 2K3



Dear Mr. Davis:

Thank you for your letter to the Minister of the Environment (Minister) in which you requested that the Ontario Realty Corporation (ORC) be required to prepare an individual environmental assessment (EA) under the *Environmental Assessment Act* (EAA) for the proposed Lands Adjacent to the Eramosa Karst (Project) planned as a Schedule C project under the Ministry of Energy and Infrastructure (MEI) Class Environmental Assessment Process (Class EA).

On June 6, 2011 Infrastructure Ontario (IO – formerly the ORC) informed the Ministry of the Environment (MOE) that it is making changes to the Project and intends to file an Addendum to the Environmental Study Report (ESR). IO has therefore asked the MOE to defer its review of your request, so that it may take the time necessary to assess proposed changes to the Project.

In accordance with the Class EA, a Notice of Filing of Addendum will be issued by IO advising the public of the changes to the Project and the availability of the Addendum. The Addendum will be available for public comment for a minimum of 30 days. During this period, members of the public should bring any concerns with the proposed modifications to the Project to the attention of IO.

Where concerns with the proposed modifications cannot be resolved by IO, the person raising the concerns can request that the Minister require IO to prepare an individual EA for the undertaking. The Notice of Filing of Addendum will advise the public of this opportunity. Such requests must be made within the timelines of the comment period as set out in the Notice.

Following the end of the comment period for the Addendum, the MOE will review your original Part II Order request, and any new requests received during that period. In light of IO's proposal to modify the Project, I encourage you to continue your involvement in the Class EA process and review the Addendum to determine if IO has resolved the concerns you raised in your Part II Order request and to assess whether there are any new concerns. Once you have reviewed the Addendum, you have the following three options.

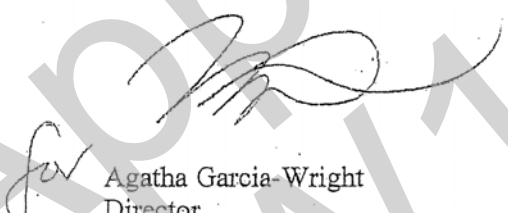
Gerry Davis
Page 2

1. Do nothing. Your outstanding request will be reviewed by the ministry and a decision made by the Minister.
2. Revise your request, if the information in the Addendum raises additional concerns to those identified in your outstanding request or resolve some, but not all, of the concerns described in your outstanding request, you may submit an addendum to your original request. This must be submitted to the Minister and copied to IO by the expiry date of the Notice of Filing of Addendum comment period.
3. Withdraw your Part II Order request, if the concerns you raised in your request for the original ESR have been resolved, whether through the additional information presented in the Addendum or through other means. This must be done by letter to the MOE and copied to IO. If you withdraw your request and if there are no other outstanding requests, the Project can proceed under the Class EA process to completion.

To revise or withdraw your Part II Order request, please send your request to both Imshun Je and Dawnett Allen using the contact information below.

Questions or concerns about the Project can be forwarded directly to IO care of Ms. Je, Environmental Specialist at 416-325-2619 or Imshun.Je@infrastructureontario.ca. If you have any questions regarding the MOE's review process, please call Ms. Allen, Project Evaluator of this Branch at 416-314-7754 or Dawnett.Allen@ontario.ca.

Yours sincerely,



Agatha Garcia-Wright
Director
Environmental Assessment and Approvals Branch

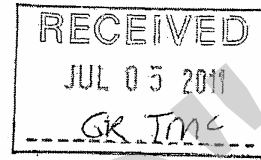
c: EA File No. EA02-04-03 Lands Adjacent to the Eramosa Karst

Appendix "D" Report PW11070
Letter re: Infrastructure Ontario - Planning Approvals and Class EA
Page 1 of 2



June 30th, 2011

Mr. Gerry Davis
General Manager
City of Hamilton
Public Works
71 Main St. West
Hamilton, ON L8P 4Y5



**RE: INFRASTRUCTURE ONTARIO - PLANNING APPROVALS AND CLASS
ENVIRONMENTAL ASSESSMENT: CATEGORY C
NOTICE OF FILING OF ADDENDUM**

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

Dear Mr. Davis:

Infrastructure Ontario (IO; recently merged with Ontario Realty Corporation), on behalf of the Ministry of Infrastructure (MOI), previously completed a Planning and Class Environmental Assessment study regarding the possible disposition of four parcels of Provincially-owned land in the City of Hamilton (former City of Stoney Creek). In January 2010, an Environmental Study Report (ESR) was prepared and filed on the Public Record for review and comment.

The alternatives to the undertaking have been re-evaluated in the context of the recently approved Official Plan amendments and the new Urban Official Plan for the City of Hamilton. The new preferred alternative has been identified as, "Disposal or Lease of the Lands for the Land Uses Identified in Approved Planning Documents [Parcels G and H (totalling 33 ha) currently designated Open Space and zoned Conservation/Hazard Lands and Parcel E (0.1 ha) currently designated Natural Open Space and zoned Neighbourhood Development and Parcel F (0.7 ha) designated Mixed Use - Medium Density, subject to Natural Heritage and Area Specific policies and zoned Neighbourhood Development]".

MOI and IO intend to approach the Hamilton Conservation Authority and/or the City of Hamilton to determine disposal or leasing options for this land, if the proposed Addendum is approved and upon the decision by the Minister of the Environment on the outstanding Part II order requests received on this Class EA project.

This project has been assessed as a Category C Class EA in accordance with the requirements of the MEI Class EA process. The ESR Addendum has been prepared to document the changes that have been made since the ESR was filed, present a revised evaluation of land disposition options and the rationale for the change in the preferred alternative and present a revised summary of potential environmental effects and proposed mitigation measures.

The purpose of this notice is to advise that an ESR Addendum has been prepared for the project. The ESR Addendum will be made available for a 30 day public review period from **July 7, 2011 to August 8, 2011**, at the locations listed below. The report will also be available on the study website at <http://www.ontariorealty.ca/Major-Projects/Lands-Adjacent-to-the-Eramosa-Karst--Hamilton/Consultation.htm>

KITCHENER OFFICE

GSP Group Inc.
72 Victoria Street S., Suite
201
Kitchener, ON N2G 4Y9
P 519.569.8883
F 519.569.8643

HAMILTON OFFICE

GSP Group Inc.
29 Rebecca Street, Suite
200
Hamilton, ON L8R 1B3
P 905.572.7477

Appendix "D" Report PW11070
Letter re: Infrastructure Ontario - Planning Approvals and Class EA
Page 2 of 2

Ministry of the Environment
West Central Region Office
119 King St. W., 12th Floor
Hamilton, Ontario L8P 4Y7
Toll Free: 1-800-668-4557

Sherwood Library
467 Upper Ottawa Street
Hamilton, Ontario L8T 3T3
Ph: (905) 546-3249

Infrastructure Ontario
1 Dundas Street West
Suite 2000
Toronto, Ontario M5G 2L5
Ph: (416) 327-3937

Valley Park Library
970 Paramount Drive
Hamilton, Ontario L8J 1Y2
Ph: (905) 573-3141

City of Hamilton
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5
Ph: (905) 546-2489

Interested persons may provide comment to either of the contacts listed below:

Mr. Eric Saulesleja, MCIP, RPP, Planning Consultant, GSP Group Inc.
201-72 Victoria Street South, Kitchener, Ontario, N2G 4Y9
Ph: (519) 569-8883, Fax: (519) 569-8643
Email: erics@gspgroup.ca

Ms. Imshun Je, M.Sc., P.Geo., Environmental Specialist, Infrastructure Ontario
1 Dundas Street West, Suite 2000, Toronto, Ontario, M5G 2L5
Ph: (416) 325-2619, Fax: (416) 212-1131
Email: stoneycreekproject@infrastructureontario.ca

If there are unresolved concerns after speaking to IO, you may request that the Minister of the Environment (the Minister) make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses individual environmental assessments. Requests must be received by the Minister at the address below within 30 days from the date of this notice. A copy of this request must also be sent to the project contacts listed above. If you have previously submitted a Part II Order request you can:

1. Do nothing. Your outstanding request will be reviewed and a decision made by the Minister.
2. Revise your request, if the information in the Addendum raises additional concerns to those identified in your outstanding request or resolve some, but not all, of the concerns described in your outstanding request.
3. Withdraw your Part II Order request, if the concerns you raised in your original request have been resolved, through the additional information presented in the Addendum or through other means.

If you withdraw your request and if there are no other outstanding requests, the Project can proceed under the Class EA process to completion, the project will proceed as outlined in the ESR Addendum.

Minister of the Environment
135 St. Clair Avenue West, 12th Floor
Toronto, Ontario M4V 1P5

Information will be collected in accordance with the *Freedom of Information and Protection of Privacy Act*. With the exception of personal information, all comments will become part of the public record.

To obtain additional information or to provide comments, please contact the undersigned.

Yours very truly,
GSP GROUP INC.



Mr. Eric Saulesleja, MCIP, RPP
Associate, GSP Group Inc.

Cc. Imshun Je (IO), Peter Reed (IO)

Karst Area Study Map

