

CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Corporate Assets and Strategic Planning Division

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARD 5
COMMITTEE DATE: October 7, 2013	
SUBJECT/REPORT NO: Stoney Creek Pond Trail at Confederation Park - Tree Removal (PW13070) - (Ward 5)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Lawrence Stasiuk (905) 546-2424, Extension 2292
SIGNATURE:	

RECOMMENDATION

- (a) That seventy-six (76) of the existing living trees, as stated in Report PW13070 be approved for removal to facilitate the creation of a recreational trail at Confederation Park's Stoney Creek Pond facility. That the removal of the trees in the amount of \$65,340 be funded from capital project number 4401356801.
- (b) That Appendix "A" attached to Report PW13070, illustrating tree removals at Confederation Park's Stoney Creek Pond, be approved.

EXECUTIVE SUMMARY

The purpose of this report is to request the approval for the removal of seventy-six (76) living trees at Confederation Park's Stoney Creek Pond in Ward 5, to facilitate the creation of a recreational trail (see Appendix "A" for removal plan and site location). An additional twenty-eight (28) trees in poor condition or undesirable species will be removed during the trail development, as requested by Forestry.

Confederation Park is a 93 hectare (228 acre) linear waterfront park located in Ward 5 along the shore of Lake Ontario, north of the Queen Elizabeth Way (QEW). It stretches approximately 4km from Gray's Road in the east to Beach Boulevard in the north-west. The property is owned by the City of Hamilton and managed by the Hamilton Conservation Authority (HCA) by way of a management agreement. The HCA has

prepared an updated master plan in August 2010 for the park (see Appendix “B”) that, in part, recommends the conversion of the former campground into an active recreation park with possible sports fields and education opportunities, as well as, an expanded trail network looping into the park from the Lake Ontario Waterfront Trail.

Staff have overseen the creation of a concept plan for the development of a sports park for the former campground area (see Appendix “C”) and have carefully aligned the proposed trail to be built outside the Natural Heritage System designated Core Area and allow for the future development of senior and junior sized cricket pitches that will initially be used for two intermediate sized soccer fields.

The recreational trail area has been studied, and an Environmental Impact Statement (EIS) and full tree assessment has been completed for the purposes of this report and for Conservation Authority permit approval, since the area is under the jurisdiction of the Hamilton Conservation Authority. The EIS analyses the impacts of the recreational trail development on the natural heritage of the Stoney Creek Pond.

There are fifty-six (56) trees proposed for planting as part of the trail development, representing a compensation value of \$36,360. Staff are limited to planting any more trees in the immediate trail area around Stoney Creek Pond as the area is already heavily treed and there is not a large area of open space available. A small meadow-like area exists immediately south of the core forest and this area was proposed for new tree planting. The HCA and ESAIEG reviewed the proposal and indicated a preference to not plant any additional trees in this area. HCA recommended enhancing the space as a pollinator meadow with an emphasis on milkweed plantings to maintain suitable habitat for Monarch butterflies. In future phases of upgrades proposed for Confederation Park, staff will be looking for opportunities to plant additional trees in the park and to enhance existing woodlots to replace trees lost due to park redevelopment.

Total compensation required for the tree removals is \$101,700, however, with proposed plantings offset value of \$36,360, the total payable amount to Forestry and Horticulture is \$65,340.

This recommendation report addresses the tree removals associated with the Stoney Creek Pond Trail. A recommendation report outlining the tree removals for the development of the sports fields and on-site parking lot for the remaining area of the former campground site will be advanced to Public Works Committee separately.

Alternatives for Consideration - See Page 7

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: There is sufficient appropriation in the Capital Budget number 4401356801 - Confederation Park, Sports Park Development to fund the cost of the removal of these trees, as well as, the payment of compensation to Forestry and Horticulture.

Staffing: Annual operating costs for the extended trail in the amount of \$5000 were identified in the 2012 Capital Budget submission.

Legal: N/A

HISTORICAL BACKGROUND

Confederation Park is a 93 hectare (228 acre) linear waterfront park located in Ward 5 along the shore of Lake Ontario, north of the Queen Elizabeth Way (QEW). It stretches approximately 4km from Gray's Road in the east to Beach Blvd. in the north-west. The property is owned by the City of Hamilton and managed by the Hamilton Conservation Authority (HCA) by way of a management agreement.

Since opening in the early 1960's, Confederation Park has become an important recreation and tourism resource and a major lakefront access in the City. The 8km Hamilton Beach Trail is not only a popular waterfront trail, but a part of the provincial Lake Ontario Waterfront Trail system extending from Niagara-on-the-Lake to Quebec.

The east end of the park was the location of a campground that was formally closed in 2006 due to falling visitation and revenues and the high costs to upgrade the aging facilities. The Board of Directors of the HCA directed HCA staff in 2008 to engage a planning consultant to undertake an overall review of the master plan for Confederation Park. The final master plan report was approved by the HCA board in August 2010. The plan was advanced to the City of Hamilton and referred to the General Manager of Public Works and Landscape Architectural Services to undertake economic and technical feasibility studies, advance the design of public facilities, and develop an implementation strategy. (See Appendix "B").

The master plan indicated the former campground site would be a future redevelopment zone for activities, education and recreation with possible uses being field sports, recreation buildings and facilities. The plan also identified an expansion of the Lake Ontario trail system into Confederation Park around the interior perimeter of the campground site and around the outfall of Stoney Creek referred here as a pond.

A detailed concept plan was prepared for the former campground site referred to as the Area G – Sports Park incorporating consultation with the Recreation Division for facility needs, the ward councillor, and the public at a Public Information Centre held on Dec. 4, 2012. (See Appendix "C"). The trail extensions meet recommendation # 70 of the Outdoor Recreation Facilities & Sports Field Provision Plan 2011 (ORF&SFPP), to provide looped hard-surfaced pathways for residents of all ages and backgrounds. The proposed sports park development immediately adjacent to the Stoney Creek Pond Trail includes a senior cricket pitch, two intermediate soccer fields convertible to a junior cricket pitch, on-site parking lot, washroom buildings, play area, and new tree planting. The cricket pitches are initiatives of the ORF&SFPP recommendation #122 and recommendation #131 to provide additional fields.

It was decided that the trail around the Stoney Creek Pond would be advanced before the full sports park redevelopment as a "quick win" for the public. The new trail will be a Class "A" 6m wide asphalt-paved trail matching the standard of the Lake Ontario Trail to which it will connect. The new trail would provide an additional 790 linear metres of

accessible trail and an accessible observation platform. An existing 1.5m wide granular trail along the eastern shoreline of Stoney Creek Pond will be maintained as an option for those wanting to get closer to the pond.

The Stoney Creek Pond and adjacent forest are designated as a Local Natural Area/ Environmentally Significant Area under the City of Hamilton Urban Official Plan with a Key Natural Heritage Feature Significant Woodlot on the eastern shoreline of the pond. The official plan designates this forest as a core area under the Natural Heritage System.

The trail alignment has been carefully chosen to be outside the designated natural heritage core area and to provide the redevelopment space necessary for the future soccer and cricket fields. Approximately 80% of the trail will be built on existing roadways comprised of a portion of the campground perimeter road, a portion of Confederation Drive that will be converted to trail and service vehicle use only, and a service access road to Wild Waterworks. Approximately 20% of the trail will be routed through a young forested area. This route was chosen as the trees impacted are of smaller size and to avoid a large double stemmed Red Oak (65cm + 75cm). This necessitates the removal requested in this report.

The development of the sports park is under design development and will require the removal of additional trees for the creation of the cricket fields, soccer fields and on-site parking lot. A recommendation report for tree removals required for the sports park will be presented to Public Works Committee at a future date.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Where it has been determined that the removal of public trees is required for Planning and Development projects, or for municipal operations, the City of Hamilton Forestry By-Law 06-151 states that “*the Director must have City Council approve to authorize the removal where the total number of trees to be removed for a particular project is more than or equal to twenty-five (25) trees.*”

Council approval for tree removal is being requested in accordance with the provisions of the City of Hamilton Public Tree Removal Policy in the Tree By-law Number 06-151. Council approval is not required for the removal of the twenty-eight (28) trees in poor condition or undesirable species that meet Forestry and Horticulture’s criteria for removal. The majority of these twenty-eight (28) trees are Ash species that are expected to perish in the next several years due to Emerald Ash Borer. See discussion under “Relevant Consultation” for further information.

This recreational trail development project will contribute to the preservation of natural areas in Confederation Park by providing a defined recreational path for users which will reduce widespread impacts of informal trail creation in the future. Part of the trail development project includes a replanting component to establish healthy tree species, thereby contributing to the remainder of the natural area which would have had devastating tree losses in the near future due to Ash tree decline.

RELEVANT CONSULTATION

This Tree Inventory and Preservation Plan draft report, along with the relevant tree removal plan (Appendix "A") was submitted to Forestry and Horticulture on August 19, 2013. Forestry and Horticulture have confirmed that one hundred and four (104) trees have to be removed due to the trail alignment and those in poor condition in close proximity to the proposed trail. Of these trees, twenty-eight (28) were deemed to be in poor condition or undesirable species, i.e. Crab-apple (Malus), Ash (Fraxinus), Manitoba Maple (Acer) and Norway Spruce (Picea) and are not subject to compensation. Seventy-six (76) trees were found to be in a living condition. These trees require removal because the trees are within the alignment of the proposed trail. The trees are not in a condition of decline triggering the need for compensation under the Tree Removal Policy and Tree By-Law Number 06-151. The proposed trail work includes new tree planting of fifty-six (56) trees that have been credited against the compensation due. The total compensation amount is \$65,340. Forestry and Horticulture is in agreement with the proposed works and compensation calculations. In accordance with the City of Hamilton Tree Removal Policy, Council approval is required to allow the trail development to proceed.

A public open house for the park development was held on December 4, 2012 in which the proposed concept plan for the conversion of the campground to a sports park was presented. The proposed trails were shown on the plans. The panels have been posted to a project website page since December 4th, 2012 for viewing by the public. The concept plan addressed the concerns posed by the public at earlier public meetings. No further issues were raised at the December 4, 2012 PIC.

The Ward 5 Councillor, was consulted on August 19, 2013 regarding the tree removals at Confederation Park around the Stoney Creek Pond, which are necessary to create the trail and meet this requirement of the Hamilton Conservation Authority (HCA) master plan for the park and the future sports park development.

The Planning and Economic Development Department Natural Heritage Planner was consulted regarding the proposed trail works that assisted with the terms of reference for the Environmental Impact Statement (EIS) and reviewed the draft EIS report and the Draft Tree Assessment and Preservation Plan. Their recommendations for tree removal and preservation will be incorporated into the tender documents.

Environmentally Significant Areas Impact Evaluation Group (ESAIEG) - Staff and ecology consultant presented the findings of the Integrated Environmental Impact Statement (EIS), the proposed trail and observation deck design (for viewing the interior of the forest and Stoney Creek Pond), and the Tree Assessment and Preservation Plan to ESAIEG on July 11, 2013.

The Natural Heritage Planning staff and ESAIEG provided the following statement and recommendations. (Note: Part A EIS refers to the Stoney Creek Pond Trail loop portion of the site and Part B EIS refers to the remaining area of the proposed sports park which will be dealt with under a separate recommendation report).

“ Confederation Park is regionally significant offering public access to Lake Ontario. The re-development of “Area G” of Confederation Park offers the incorporation of many diverse habitats of the natural environment into an active park setting, which can be enjoyed by a variety of users.

Part A EIS

Natural Heritage Planning staff supports the overall concept of the proposed new asphalt trail segment and recommends the following:

1. Further discussion is required on the granular trail adjacent to Stoney Creek pond. This discussion is to be included within the opinion letter (as described below) addressing the impact that model boats may have on the pond. The opinion letter will be provided with the Part B EIS.
2. Since only one season (spring) vegetation survey was completed, a supplementary survey of vegetation within the proposed trail alignment should be completed during the late summer or early fall, prior to construction (vegetation removal) to screen for significant species. This additional information is to be provided to Natural Heritage Planning staff in a written letter addendum prior to construction. This addendum will also provide connections to the Ecological Land Classification (ELC) communities as well as a specific description of the re-development that is to occur.
3. A survey of butterfly fauna in meadow areas of the project area should be initiated without delay and included within the Part B EIS submission.
4. The engineering drawings for the lookout and trail should be provided to the City’s Environmentally Significant Areas Impact Evaluation Group (ESAIEG) prior to the final design.”

Staff will follow up with these recommendations and incorporate any mitigation measures into the final design.

The staff at the Hamilton Conservation Authority (HCA) have been consulted several times during the design process and met on-site with City staff and their consultants on May 29, 2013 to review the trail alignment and advised on the EIS study. HCA has provided comments to the City and consultants regarding the Terms of Reference for the EIS and natural hazard considerations via emails dated May 24, May 28, June 10 and June 28, 2013. They have also been copied on the draft EIS report and Tree Inventory and Preservation Plan. The HCA indicated a permit is required for the trail development. Staff will file a permit application. HCA has also requested additional plantings be included in the work, specifically developing a pollinator meadow that addresses the needs of the Monarch Butterfly (i.e. milkweed) in the open grassy area. Staff agrees with the request and will incorporate the changes into the final drawings.

ANALYSIS / RATIONALE FOR RECOMMENDATION

The design of the trail responds to the direction of the Confederation Park Master Plan approved by the Hamilton Conservation Authority (HCA). The proposed loop trail is an extension of the primary trail system along Lake Ontario and is intended to bring trail users into the park, experience the natural features of the Environmentally Significant Area and mitigate the congestion on the Lake Ontario Trail that occurs from time to time. The proposed alignment was carefully selected to be outside the designated Natural Heritage System Core Area and outside the space required to develop the proposed concept plan for the future sports park. The sports park concept plan meets the facility needs for a proper sized cricket pitch and additional intermediate soccer fields, and provides looped hard surfaced pathways for residents of all ages as per recommendation #70 of the Outdoor Recreation Facilities & Sports Field Provision Plan, June 2011.

The design of the trail allows users to experience the natural environment of the core area forest and Stoney Creek Pond, and the observation deck provides accessible access into the centre of the forest for education and nature appreciation of both the forest and views to the Stoney Creek Pond. These features satisfy the requirements for recreation and education, and the design of both the trail and the observation deck will manage impacts on the forest by controlling public walking and cycling, and discouraging random walking through the forest that can have a negative impact on ground covers and tree seedlings.

ALTERNATIVES FOR CONSIDERATION

To not approve the removal of the seventy-six (76) living trees at Confederation Park, would limit the ability of the City to provide the trail loop around Stoney Creek Pond and meet the recommendations of the Confederation Park Master Plan, and recommendation # 70 of the Outdoor Recreation Facilities & Sports Field Provision Plan 2011, to provide looped hard-surfaced pathways for residents.

If the trail loop is routed around the trees, the new trail placement would impact the size of the senior cricket pitch and prevent the development of one intermediate soccer field and the junior sized cricket pitch. This alternative is not recommended.

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 Objectives

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES / SCHEDULES

- Appendix "A" - Confederation Park - Stoney Creek Pond Trail, Tree Inventory and Preservation Plan (enlargement).
- Appendix "B" - Confederation Park Master Plan, August 2010
- Appendix "C" - Confederation Park Area G - Draft Concept Plan, Dec. 4, 2012