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

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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.
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
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
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.
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
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)
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 Neighbourhood 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.
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
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.
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.
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.
• 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,
• 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.
Economic Well-Being is enhanced. X 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? X Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? Yes X No

:JS/VG
Attachs. (3)
Appendix A – Study Area Maps

Original Secondary Plan Land Use Designations – Trinity Neighbourhood
Appendix A – Study Area Maps Continued

Map of the Trinity Neighbourhood Review Area
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
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
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 Érmosa 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 Érmosa 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
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.
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, Phillips Engineering.
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.
“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 ongoing 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
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,

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Appendix C – Section 3.7.2.1 of the Official Plan Amendment for ROPA 9
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
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
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.