**EXECUTIVE SUMMARY**

In July, 2011, Infrastructure Ontario (IO) filed an Addendum to the Trinity East (Lands Adjacent to the Eramosa Karst Conservation Area) Environmental Study Report (ESR). The subject lands are the provincially-owned lands located on the north side of Rymal Road East, the west side of Second Road West, the south of Highland Road, and east of the Eramosa Karst Conservation Area, in the City of Hamilton (former City of Stoney Creek).
The original ESR (March, 2010) identified the preferred alternative as "Sell Land and Protect Sensitive Lands while pursuing Land Use Approvals". It was the City's position that it had not been demonstrated that development would not negatively impact the adjacent Eramosa Karst feeder creeks to the west, and that the principle of development had not been established. Therefore, Council requested a Part II Order.

The Addendum changes the preferred alternative for the subject lands to disposal or leasing of the lands for the uses identified in approved planning documents. The new alternative is consistent with Official Plan Amendments and a Zoning By-law Amendment, passed by the City in February, 2011, which re-designated and zoned the lands for “Open Space” purposes. In addition, Report PED07236(d) indicates that Infrastructure Ontario (IO) intends to contact the City and the Hamilton Conservation Authority to determine disposal or leasing options for the subject lands. Staff is recommending that the Part II Order request be withdrawn.

*Alternatives for Consideration - See Page 7 or Not Applicable.*

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<tr>
<th>FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)</th>
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In early 2010, the Ontario Realty Corporation (ORC), on behalf of the Ministry of Energy and Infrastructure, 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 completed by the ORC, and was made public for a 60-day public review period from January 26 to March 29, 2010. The Report identified that the preferred option was the disposition option to “Sell Land and Protect Sensitive Lands while pursuing Land Use Approvals”.

On March 23, 2010, the Economic Development and Planning Committee passed the following resolution:

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).

The resolution was approved by Council on March 31, 2010.

The City's Part II Order request was based on concerns related to the potential impact development could have on the Eramosa Karst ANSI. It was the City’s position that the ESR was not complete as baseline studies and additional monitoring studies had not been completed. In the absence of this baseline data and monitoring information, City and Hamilton Conservation Authority staff were not satisfied that the principle of development had been established, or that development would not negatively impact the adjacent Eramosa Karst feeder creeks to the west.

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 West. These amendments designated these lands as "Open Space", "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 in force and effect.

In July 2011, Infrastructure Ontario (IO), formerly the ORC, filed an Addendum to the original ESR. The Addendum identifies a new preferred alternative to:

"dispose or lease the lands for the uses identified in approved planning documents" [Parcels G and H (totalling 33 ha) currently designated in the OP as Open Space and zoned Conservation/ Hazard Lands, 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] was selected as the new preferred alternative."

These areas are identified on Appendix A. The two smaller areas, Areas E and F, were re-designated through the Trinity West Secondary Plan; and Areas G and H were re-designated by OPA 163.

Infrastructure Ontario intends to approach the City of Hamilton and the Hamilton Conservation Authority to determine disposal or leasing options for this land in accordance with the new preferred alternative. If the HCA or the City do not acquire/lease the lands, use would be directed by the City's OP and Zoning By-law (currently Open Space and Conservation/ Hazard Lands), or parts of the least sensitive lands outside of the ANSI boundary, and/or small parcels fronting onto Rymal Road, could potentially be severed for disposition in accordance with Official Plan and Zoning requirements.

POLICY IMPLICATIONS

In June, 2010, Council passed a resolution directing staff to re-designate and rezone the Trinity East lands, the lands subject to IO's ESR, 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 West. These amendments designated these lands as "Open Space", "Natural Open Space", and Special Policy Area J (Stoney Creek Official Plan).

The Special Policy states:

"Special Policy (SPA) Area ‘J’, as identified on Schedule ‘A’, General Land Use Plan and Schedule ‘A-3’ Secondary Plan West Mountain Planning District (Heritage Green),
located south of Highland Road, north of Rymal Road, and west of Second Road, shall be used for Open Space, subject to the following policies:

a) Utilities, municipal infrastructure and transportation facilities, corridors and easements, electrical facilities used for generation and distribution of electrical power, natural gas and oil pipelines, and telecommunications facilities shall not be permitted within SPA ‘J’ unless it can be demonstrated through technical monitoring studies that the proposed undertaking shall have no negative impact on the Eramosa Karst.

b) The following monitoring studies shall be required in addition to any other municipal required studies:

   i) Streamflow Monitoring;
   ii) Spring Discharge Monitoring;
   iii) Precipitation Monitoring;
   iv) Surface Water Quality Monitoring;
   v) Groundwater Quality;
   vi) Risk of Contamination by Surface Streams;
   vii) Downstream Flooding;
   viii) Channel Erosion; and,
   ix) Fluvial Geomorphology Study.

Individuals who prepare these studies must have expertise in environmental hydrology and geomorphology, and civil engineering.

c) In addition to Policy 12.10.1 b) above, a Stormwater Management Report and Environmental Impact Statements shall be required to incorporate the results of the monitoring studies.

d) Any proposed changes to land use within SPA ‘J’ shall require an amendment to this plan.

e) In addition to studies required as part of F.11.6 of this plan, and technical studies in accordance with Policy 12.10.1 b) and c), any proposed change in land use shall be required to demonstrate that there will be no negative impact to the Eramosa Karst prior to processing any amendments. These studies must be submitted as part of a complete application, and must be completed to the satisfaction of the City, and the Conservation Authority."

In addition, an amendment to the Urban Hamilton Official Plan was approved for the majority of the subject lands. The amendment designated the lands "Major Open Space" (Urban Hamilton Official Plan), and established a specific policy area that mirrors Special Policy Area J, noted above, and requires 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.

In issuing the approval of the Urban Official Plan, the Minister of Municipal Affairs and Housing withheld its decision on the designation of the subject lands, as well as Area Specific Policy USC-1.

The preferred alternative identified in the Addendum to the ESR is consistent with the Official Plan policies and designations that are in force and effect.

**RELEVANT CONSULTATION**

The Hamilton Conservation Authority was contacted regarding their position on the Addendum to the ESR. At the time of writing this staff Report, comments from the Conservation Authority have not been received.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

The City has consistently held the position that the subject lands are not suitable for development unless it can be clearly demonstrated that there will be no negative impacts on the Eramosa Karst. A series of additional studies are required prior to considering any development on these lands. Consistent with this position, the City requested a bump-up of the original ESR, which recommended the disposition option to "Sell Land and Protect Sensitive Lands while pursuing Land Use Approvals".

Again, consistent with the City's position on the lands, on February 9, 2011, Council approved OPA 163 and Zoning By-law Amendment 11-059 to designate the lands to “Open Space” with a special policy area to ensure that these lands would be protected.

The recent Addendum to the ESR identifies the preferred alternative as:

"dispose or lease the lands for the uses identified in approved planning documents" [Parcels G and H (totalling 33 ha) currently designated in the OP as “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”) was selected as the new preferred alternative."
The rationale for the change is the recent policy changes and changes in environmental conditions on the land. Therefore, the preferred alternative:

"1. Does not result in significant effects to the ANSI;
2. Maintains the successional old-field meadows on the site;
3. Is consistent with the recently approved planning visions of the City as accepted by the Province; and,
4. Allows for flexibility in disposal options."

This alternative is consistent with the City's long standing position on these lands and is consistent with the current Official Plan policies and designation and the current zoning.

Also, on February 9, 2011, Council passed the following motion:

"(a) That the City of Hamilton request the Government of Ontario and the Ontario Reality 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."

The Addendum states that once it has been filed, IO intends to approach the Hamilton Conservation Authority and the City to determine disposal or leasing options for this land.

Given that the new preferred alternative is consistent with the existing Official Plan, and IO has indicated that the City and the HCA will be approached regarding the disposition of the lands, staff recommends that the City of Hamilton withdraw its request for a Part II Order.

**ALTERNATIVES FOR CONSIDERATION:**

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

1. If the City takes no action, the City's outstanding Part II Order request will be reviewed by the Ministry and a decision will be made by the Minister. This option
is not recommended since the Addendum addressed the City’s concerns regarding the subject lands.

2. The City could choose to revise the Part II Order request by expanding or scoping the City’s bump-up request. This alternative is not recommended as the information in the Addendum does not raise additional concerns to those identified in the City’s original request. Also, there is no need to scope the City’s request as the new preferred scenario resolves the City’s concerns.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Financial Sustainability**
- Effective and sustainable Growth Management.

**Intergovernmental Relationships**
- Influence federal and provincial policy development to benefit Hamilton.
- Maintain effective relationships with other public agencies.

**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" - Location Map

:MS
Attach. (1)