REGIONAL MUNICIPALITY OF WATERLOO
CONSOLIDATED COUNCIL AGENDA

Wednesday, October 5, 2011

Closed Session 6:45 p.m.
WATERLOO COUNTY ROOM
Regular Meeting 7:00 p.m.
REGIONAL COUNCIL CHAMBER
150 Frederick Street, Kitchener, ON

*Denotes Item(s) Not Part of Original Agenda

1. MOMENT OF SILENCE

2. ROLL CALL

3. MOTION TO GO INTO CLOSED SESSION

THAT a closed meeting of Council be held on Wednesday, October 5, 2011 at 6:45 p.m. in the Waterloo County Room in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

a) proposed or pending litigation related to a matter before an administrative tribunal

4. MOTION TO RECONVENE IN OPEN SESSION

5. DECLARATION OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

6. PRESENTATIONS

7. PETITIONS

8. DELEGATIONS

a) Call for Delegations Re: Notice of Intention to Pass a By-Law to Charge for Water Services to Owners of Land Within Certain Parts of the Lloyd Brown Settlement Area, Township of North Dumfries

b) E-11-063, River Road Extension, King Street to Manitou Drive, Kitchener Recommended Planning Alternative and Amendment to Consultant Services Agreement: (deferred from September 27th Planning & Works Committee)

The following delegations will receive 10 minutes to speak:
1. Duncan Clemens, Kitchener
2. Lou-Anne MacDonald (On Behalf of Gordon Nicholls), Kitchener
3. Dr. Susan Jennifer Leat (On Behalf of Daphne Nicholls), Kitchener
4. Neil Taylor, Kitchener
The following delegations will receive 5 minutes to speak:
5. Lou-Anne MacDonald, Kitchener
6. Dr. Dean Fitzgerald, Cambridge
7. Michael Saunders, Kitchener
8. Louise Lanteigne, Waterloo

c) P-11-076.1, Ontario Municipal Board Appeal Zoning By-law Amendment Application No: ZC-11/08 2772 Greenfield Road, Township of North Dumfries

The following delegation will receive 10 minutes to speak:
1. James Parkin, MHBC Planning & Melanie Horton, CBM Aggregates

The following delegation will receive 5 minutes to speak:
2. Steve Jefferson, North Dumfries Township Planning Consultant

9. MINUTES OF PREVIOUS MEETINGS

a) Closed Council – September 14, 2011
b) Council – September 14, 2011
c) Licensing & Retail – September 19, 2011
d) Closed Licensing & Retail – September 19, 2011
e) Community Services – September 27, 2011
f) Closed Committee – September 27, 2011
g) Administration & Finance – September 27, 2011
h) Planning & Works – September 27, 2011
i) Closed Library – September 27, 2011
j) Library – September 27, 2011

10. COMMUNICATIONS

a) Michael Druker, Tri-Cities Transportation Action Group (TriTAG) Re: E-11-063, River Road Extension, King Street to Manitou Drive, Kitchener
   Recommended Planning Alternative and Amendment to Consultant Services Agreement

11. MOTION TO GO INTO COMMITTEE OF THE WHOLE TO CONSIDER REPORTS

12. REPORTS
    Finance Reports

   a) F-11-064, T2011-131 Construction of Organics Transfer Bunkers, Waterloo Landfill Site
   b) F-11-065, T2011-136 Site Upgrades at 31-43 Ingleside Drive, Kitchener, ON
   c) F-11-066, T2011-140 Coming of Age Exhibit, Waterloo Region Museum
   d) F-11-067, P2011-38 Storm Sewer Video Inspection Program

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Committee Reports

a) Licensing & Retail – attached & marked RS-110919

b) Community Services - attached & marked SS-110927

c) Administration & Finance - attached & marked FS-110927 (Amended)

d) Planning & Works - attached & marked PS-110927

* Closed Planning & Works – attached & marked CPS-110927

Chief Administrative Officer
Regional Chair
Regional Clerk

13. OTHER MATTERS UNDER COMMITTEE OF THE WHOLE

14. MOTION FOR COMMITTEE OF THE WHOLE TO RISE AND COUNCIL RESUME

15. MOTION TO ADOPT PROCEEDINGS OF COMMITTEE OF THE WHOLE

16. MOTIONS

17. NOTICE OF MOTION

a) TAKE NOTICE THAT I, Councillor Todd Cowan, intend to introduce the following motion at the Council Meeting on October 5, 2011:

WHEREAS sharks world-wide are being slaughtered at the rate of 75-80 million a year to satisfy the market for shark fin soup and other shark fin products; and

WHEREAS sharks could be extinct in 10-15 years if the slaughter continues throwing the ecosystem of Oceans in to turmoil affecting biodiversity; and

WHEREAS the practice of “shark finning” is a wasteful and brutal type of fishing that has been banned in Canadian waters since 1994; and

WHEREAS “shark finning” is a cruel practice that is contrary to the good morals of the residents of the Region of Waterloo; and

WHEREAS the consumption of shark fins and related food products by humans may cause serious health risks, including mercury and toxic poisoning, and

WHEREAS the Region of Waterloo, appreciates the important role that sharks play in the ecosystem around the world;

NOW THEREFORE BE IT RESOLVED THAT Staff be directed to prepare a By-law for Council’s consideration to ban the possession, sale and consumption of shark fin and related food products in the Region of Waterloo.
18. **UNFINISHED BUSINESS**

19. **OTHER BUSINESS**

20. **QUESTIONS**

21. **ENACTMENT OF BY-LAWS – FIRST, SECOND & THIRD READINGS**

   a) A By-law to Impose a Charge Upon Owners of Land Who Derive or Will or May Derive a Benefit From Water Works Constructed Along Certain Parts of Roseville Road, Hillside Avenue, Oakwood Drive and Brown Avenue, Township of North Dumfries (Lloyd Brown)  
   *Report deferred to the October 18, 2011 Planning & Works Committee meeting*

   b) A By-Law to Amend By-law 06-072, as Amended, Being the Region's Traffic and Parking By-law (Right turn lane, With a Buses Exected Designation, Fischer-Hallman Road (Regional Road 58) at Activa Avenue, City of Kitchener)

   c) A By-Law to Amend By-law 04-069, a By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters Within The Regional Municipality of Waterloo, as Amended, (Tariff increase for taxi-cabs with meters)

   d) A By-law to Confirm the Actions of Council – October 5, 2011

22. **ADJOURN**
TO: Chair Jim Wideman and Members of the Planning and Works Committee

DATE: September 27, 2011

FILE CODE: T04-20, 7087

SUBJECT: RIVER ROAD EXTENSION, KING STREET TO MANITOU DRIVE, KITCHENER
RECOMMENDED PLANNING ALTERNATIVE AND AMENDMENT TO CONSULTANT
SERVICES AGREEMENT

RECOMMENDATION:

THAT the Regional Municipality of Waterloo take the following actions with respect to the Class Environmental Assessment for River Road Extension from King Street to Manitou Drive in the City of Kitchener as detailed in Report E-11-063:

a) Reaffirm approval of the Recommended Planning Alternative described as Alternative 4C;

b) Direct staff to proceed to Phases 3 and 4 of the Class Environmental Study, including additional study of Alternative Design Concepts for the Highway 8 interchange and associated municipal road access; and

c) Amend the Consultant Services Agreement with IBI Group of Kitchener, Ontario to authorize a $327,000 increase to the upset fee for completing this Class Environmental Assessment Study.

SUMMARY:

The Region of Waterloo is conducting the Class Environmental Assessment (EA) for the River Road Extension project to address traffic congestion problems and other deficiencies in the transportation network in the South Kitchener Area. Please refer to Appendix “A” for a map of the study area.

At the beginning of this study in 2004, the Region initiated the South Kitchener Transportation Corridor Study (SKTCS), to satisfy the requirements of Phases 1 and 2 of this Class EA. In the early SKTCS phase of this Class EA Study, the Project Team developed and evaluated eleven (11) planning alternatives (listed and briefly described in Appendix “B”) to address the transportation problem in south Kitchener. Of these eleven planning alternatives only those which include the River Road extension from King Street to Manitou Drive as a four-lane arterial road through the Hidden Valley area and over Schneider Creek were found to have the potential to solve travel demand problems in the South Kitchener Corridor.

In July 2006, upon completion of the SKTCS and based on a review of all technical data and public input, including inventories of natural environmental features and three Public Consultation Centres, Regional Council endorsed Recommended Planning Alternative 4C which consisted of a 4-lane road extension of River Road from King Street to Bleams Road at the intersection of Manitou Drive, and a partial interchange at Highway 8 with north-bound on and off ramps and a south-bound on-ramp all as shown in Appendix “C”.

In April, 2007 additional environmental investigations confirmed the presence of Jefferson Salamanders in the Hidden Valley area. In response to this new information concerning the presence of Jefferson Salamanders, the Class EA Study was then put on hold in order to complete additional field studies to determine the extent of the Jefferson Salamander population in the Hidden Valley Forest and to await new threatened species habitat regulations from the Ministry of Natural Resources (MNR).
In 2010, based on new information regarding the new threatened species habitat regulations from the MNR and the MNR’s mapping of Jefferson Salamander regulated habitat, and the Region’s recently approved Transportation Master Plan (TMP), the Project Team fully reconsidered and updated its evaluation of all planning alternatives. As a result of this updated evaluation, the Project Team assessed that Planning Alternative 4C (a 4-lane road extension of River Road from King Street to Bleams Road and a partial interchange at Highway 8 with north-bound on and off ramps and a south-bound on-ramp) was still the Preferred Planning Alternative for this Class EA Study.

The results of the 2007 and 2008 field studies and the updated evaluation were presented to the public at a Public Consultation Centre (PCC) held on May 17, 2011. Comments received at the PCC raised concerns about the need for the new road, the expected impact of the new road on the natural environment and the impact of the new road on local streets and neighborhoods. During the Project Team’s review of comments received from the PCC, a concern was raised that the River Road Extension would unduly attract additional industrial and residential land development to the Hidden Valley area. After some discussion, City of Kitchener staff on the Project Team advised that the City will review the City’s Hidden Valley Community Plan with respect to this concern.

After carefully evaluating all reasonable South Kitchener strategic transportation planning alternatives, and all public input received to-date, the Project Team concluded that Planning Alternative 4C, a four lane extension of River Road between King Street and Manitou Drive, with a partial interchange at Highway 8 is the Recommended Planning Alternative to address existing and future transportation demands in south Kitchener. The Project Team is recommending that Regional Council reaffirm approval of the Recommended Planning Alternative described as Alternative 4C in Report E-11-063. Further, staff is seeking direction to proceed to Phases 3 and 4 of this Class EA project.

Prior to submitting a final recommendation to Regional Council and filing of the Environmental Study Report for this Class EA, the following tasks will need to be completed as part of Phases 3 and 4 of the Class EA:

- Develop alternative design concepts for the Recommended Planning Alternative 4C, including refinement of alternative Highway 8 interchange configurations;
- Updating traffic analysis for intersection designs and completing Hydrogeological studies and Geotechnical investigations for Design Concepts;
- Continue to work with MNR to develop mitigation measures to minimize potential impacts on the Jefferson Salamander population in Hidden Valley;
- Conduct additional public consultation;
- Continue to work with all stakeholders throughout Phases 3 and 4;
- Identify a Recommended Design Concept;
- Report to Regional Council and complete the Environmental Study Report;

As a result of additional tasks now required and the long delay in moving forward with this Class EA study, the Region’s consultant for the project, IBI Group submitted a detailed work plan for completing this Class EA Study together with a request for additional fees. After thoroughly reviewing IBI’s work plan, staff has negotiated a $327,000 increase to IBI’s upset fee as a fair and reasonable amount for consulting services required to complete this Class EA Study. Staff is therefore recommending that the existing Consultant Services Agreement with IBI Group be amended to authorize a $327,000 increase to the upset fee for completing this Class Environmental Assessment Study. The 2011 Transportation Capital Budget includes sufficient funds in 2011 to accommodate this increase in consulting fees.

REPORT:

1.0 Background

The Region of Waterloo is conducting the Class Environmental Assessment (EA) for the River Road Extension project to address traffic congestion problems and other deficiencies in the transportation network.
in the South Kitchener Area. Please refer to Appendix “A” for a map of the study area. This Class EA is being conducted in accordance with the Schedule “C” requirements of the Municipal Class Environmental Assessment. This Class EA Study is being directed by a Project Team consisting of staff from the Region of Waterloo, City of Kitchener, Grand River Conservation Authority (GRCA), Ministry of Natural Resources (MNR), Ministry of Transportation Ontario (MTO), Regional Councillors Jim Wideman, and Jean Haalboom, and City of Kitchener Councillors John Gazzola and Berry Vrbanovic. Consultants from IBI Group and LGL Limited are assisting the Project Team.

In 2004, the Region initiated the South Kitchener Transportation Corridor Study (SKTCS), to satisfy the requirements of Phases 1 and 2 of this Class EA. The purpose of the study was to develop transportation planning alternatives, including the establishment of possible transportation corridors, to provide additional east-west mobility in South Kitchener for people and goods movement. The study limits included an area bounded by Fairway Road to the north, Wabanaki Drive to the south, Manitou Drive to the west and King Street to the east. During Phase 1 of the SKTCS, a review of existing traffic conditions in the study area concluded that many intersections are operating at or above their capacity, resulting in long delays for motorists, particularly along Fairway Road. In the early SKTCS phase of this Class EA Study, the Project Team developed and evaluated eleven (11) planning alternatives to address the transportation problem in south Kitchener. Of these eleven planning alternatives only those which include a River Road extension from King Street to Manitou Drive as a four-lane arterial road through the Hidden Valley area and over Schneider Creek were found to have the potential to solve travel demand problems in the study area. A brief summary of the SKTCS including a description of the eleven planning alternatives is provided in Appendix “B”.

In July 2006, upon completion of the SKTCS and based on a review of all technical data and public input, including inventories of natural environmental features and three Public Consultation Centres, Regional Council approved Preferred Planning Alternative (Alternative 4C) which consisted of a 4-lane road extension of River Road from King Street to Bleams Road at the intersection of Manitou Drive, and a partial interchange at Highway 8 with north-bound on and off ramps and a south-bound on-ramp. Please refer to Appendix “C” for a plan view of Alternative 4C.

Following Regional Council’s approval of the River Road Extension Preferred Planning Alternative, the Project Team commenced Phase 3 of the Class EA. The objectives of Phase 3 were to develop Alternative Design Concepts and select a Recommended Design Concept for the River Road Extension.

In addition to the field studies completed during Phase 2 of this Class EA, investigations were conducted during Phase 3 to further explore the possible presence of a Threatened Species in the study area, namely the Jefferson Salamander. Newly developed Ministry of Natural Resources (MNR) survey methods to identify Jefferson Salamanders became available in 2007. These methods were not available during the original Phase 2 field studies. These new MNR survey methods were used to conduct an advanced species survey in the late winter and early spring of 2006/2007 and the presence of Jefferson Salamanders in the Hidden Valley area was confirmed in April 2007.

In response to this new information concerning the presence of Jefferson Salamanders, the Class EA Study was then put on hold in order to:

- Consult a technical sub-committee consisting of experts from the MNR and the University of Guelph to direct additional studies and review the field surveys concerning Jefferson Salamanders.
- Complete additional field studies in 2007 and 2008 using MNR survey methods to gather data regarding the extent of the Jefferson Salamander population and their habitat in the Hidden Valley Forest;
- Await new threatened species habitat regulations from the MNR under the new Endangered Species Act (2007) including a delineation of the Jefferson Salamander Regulated Habitat in Hidden Valley; and
- Investigate the potential impacts of the proposed River Road extension on the Jefferson Salamander population and its habitat.
2. **Additional Work Completed Since 2007**

The Environmental Consultants, LGL Limited, in consultation with MNR, designed additional field studies in 2007 which were completed in the spring of 2008 using updated MNR survey methods to gather data regarding the extent of the Jefferson Salamander population in the Hidden Valley area. The results of these 2007-2008 field studies were provided to MNR for their use in preparation of a map of the Regulated Habitat of Jefferson Salamanders in the Hidden Valley area.

In 2009 MNR released draft regulations to define the protected habitat of Jefferson Salamanders under the new Endangered Species Act, 2007 (ESA). These regulations came into effect in 2010 and provided for protection of all suitable habitat within 300m distance from breeding ponds used by Jefferson Salamanders.

Later in 2010, the Ministry of Natural Resources (MNR) delineated, confirmed and released the Regulated limits of the Jefferson Salamander habitat within the Hidden Valley Forest. The Preferred Planning Alternative 4C of the River Road extension is outside this regulated area, as shown in Appendix “D”. However, the previously-shown alignment of the existing Hidden Valley Road connection to the River Road extension (to provide a required second access point for the Hidden Valley residential area) was shown as traversing the regulated area. As a result the Project Team has identified a revised alignment for the connection of Hidden Valley Road to the River Road Extension that does not traverse the regulated area.

Approval in 2010 of the Region’s new Transportation Master Plan (RTMP) confirmed the need and justification for increased capacity in the east-west direction in the River Road / Bleams Road corridor. In particular, the River Road extension was identified in the Master Plan as the preferred solution for this capacity need after considering other road network, transit, walking, cycling and transportation demand management options for the area.

3. **Re-evaluation of Planning Alternatives**

Based on the new information regarding the Jefferson Salamander regulated habitat and the Region’s recently approved Transportation Master Plan (RTMP), the Project Team fully reconsidered and updated its evaluation of the Planning Alternatives. This updated evaluation of the Planning Alternatives is presented in Appendix “E”. A brief summary of the updated evaluation under each of the main evaluation criteria is as follows:

1) **Transportation Criteria – No change in result.** Updated transportation data, goals and expectations flowing from the 2010 RTMP yield the same conclusion as before, namely: Of the eleven planning alternatives only those which include the River Road extension from King Street to Manitou Drive as a four-lane arterial road through the Hidden Valley area and over Schneider Creek were found to have the potential to solve travel demand problems in the study area.

2) **Social-Cultural Environment Criteria - No change in result.** The proposed concept for connection of Hidden Valley Road to the River Road Extension has been revised to locate that connection outside of the lands currently designated for residential development. This does not change the previous ranking of planning alternatives regarding support for potential development of designated lands in the Hidden Valley area.

3) **Natural Environment Criteria - No change in result.** The designation of Jefferson Salamander Regulated Habitat and additional requirements to protect Jefferson Salamanders and their non-regulated habitat is an important consideration for this Class EA Study. Although the construction footprint of the proposed new road as per Alternative 4C would require removal of some forest and wetland areas, this footprint would be entirely outside the designated Regulated Habitat area for Jefferson Salamanders. The impact to the non-regulated habitat was originally assessed as part of
the 2005 evaluation, and therefore the new information concerning the Jefferson Salamanders and their regulated habitat did not affect the ranking of the planning alternatives for this Class EA Study.

4) Economic Environment Criteria – No change in result. The relative costs of the Planning Alternatives have not changed and as a result the ranking of the planning alternatives for this Class EA Study is unchanged.

After carefully evaluating all reasonable South Kitchener strategic transportation Planning Alternatives, the Project Team assessed that Alternative 4C, a four lane extension of River Road between King Street and Manitou Drive, with a partial interchange at Highway 8 is the Preferred Planning Alternative to address existing and future transportation demands in south Kitchener.

4. Public Consultation Centre, May 17, 2011

Extensive Public Consultation took place during the initial SKTCS stages of the Study. In addition, on May 17, 2011, a Public Consultation Centre was held at Conestoga Place, formerly Columbus Hall, 110 Manitou Drive, in order for the Project Team to ask for public comments on the Preferred Planning Alternative and to update the public on:

- The 2007 field survey results that confirmed the presence of a threatened species, the Jefferson Salamander, in the study area;
- The requirements of the Endangered Species Act (2007);
- The delineation of the Jefferson Salamander Regulated Habitat on Hidden Valley;
- The results and conclusions obtained from other field surveys and additional technical project work conducted since February 2007; and
- The results of a recent revised evaluation of the previous Planning Alternatives.

At the May 17, 2011 Public Consultation Centre, 141 people signed in as attendees, and 36 comment sheets and/or emailed responses were received by the Project Team. A summary of the 36 comment sheets and some additional communications received by the Project Team together with the Project Team’s responses is tabulated in Appendix “F”.

5. Main Concerns Raised by the Public

The main concerns raised by the public and the Project Team’s responses are as follows:

The Need for the River Road Extension: Some still questioned the need and justification for the River Road Extension and/or believed that insufficient emphasis was given to transit, pedestrian and cycling modes of transportation.

Project Team Response: The SKTCS established a transportation capacity problem in the study area and the need to develop transportation planning alternatives, including the establishment of possible transportation corridors to provide additional east-west mobility in South Kitchener for people and goods movement. That need has been confirmed by the RTMP approved in 2010 as part of a multi-mode plan that incorporates enhanced transit, a Rapid Transit plan and enhanced active transportation. The Project Team’s evaluation shows that only Planning Alternatives which include a River Road Extension with a new Highway 8 interchange provide for the needed transportation improvements called for in the 2010 RTMP.

The Methods Used to Identify the Extent of the Jefferson Salamander Habitat: Concerns were expressed with the field investigation methods and with the interpretation of the findings that determined the extent of the Jefferson Salamander population and their habitat. Some also questioned the limits of protected habitat under the Endangered Species Act.
**Project Team Response:** The environmental consultants, LGL Limited, in consultation with the Ministry of Natural Resources (MNR), designed additional field studies in 2007 and in 2008 using updated MNR survey methods to confirm the presence and extent of the Jefferson Salamander population in the Hidden Valley area. Not only was the methodology of the field studies endorsed by the MNR, MNR staff also participated in the field studies that were carried out in 2007 and 2008. The results of the 2007-2008 field studies were provided to MNR for their use in preparation of a map of the location and extent of the Regulated Habitat of Jefferson Salamanders in the Hidden Valley area. Aside from providing field data, the Region played no role in determining the location and extent of the Regulated Habitat.

**The Expected Impacts on the Natural Environment and the Methods Used to Evaluate Them:**
Some respondents said that some impacts to the natural environment had not been quantified adequately, and that the environmental impacts are excessive.

**Project Team Response:** The natural environment has been extensively inventoried within the study limits. Preliminary impact analysis of evaluated planning alternatives on the natural environment has been conducted to date and will be concluded in Phase 3 of the Class EA process. The amount of forest and wetland, which would be potentially impacted directly or indirectly by the 11 Planning Alternatives was fully identified and fully evaluated. Refinements to these evaluations will be completed in Phase 3 of the Class EA. Further investigation and assessment of the impacts of the new road on surface water and groundwater and how these surface and groundwater impacts might affect the natural environment are planned for Phase 3 of the Class EA to further assess the potential impacts on the natural environment before a final recommendation will be made for this Class EA.

The Project Team recognizes that there are still some members of the public that believe the impacts of Alternative 4C of the River Road Extension are excessive. The Project Team recognizes these concerns and is also sensitive to the potential impacts of this project on the natural environment. The Project Team is confident that the necessary investigations and studies have been completed to sufficiently recommend the advancement of Alternative 4C as the planning solution for this Class EA study. In addition, the Project Team is taking the following steps to minimize and mitigate potential impacts to the natural environment: continue consultation with the MNR and EEAC through completion of the Class EA Study and throughout the detailed design phase; identify and undertake any additional field studies necessary to redefine the limits of road construction; and establish design standards and construction practices for mitigation of environmental impacts.

**Impact on Local Neighbourhood Residents:**
Concerns were expressed that the preferred River Road Extension alternative would cause infiltration of relatively high volume and high speed traffic into local neighbourhoods and would create negative impacts on noise and air quality into the Hidden Valley and Stonegate Drive neighbourhoods.

**Project Team Response:** This concern will be assessed further in Phase 3 of the Class EA process. The expectation is that River Road Extension will operate well and will not attract traffic to divert through the local roads. Traffic alternatives were presented to Stonegate area residents in 2006, with a City/Region commitment to further address and resolve traffic issues in further phases of the Class EA process. The River Road Extension is proposed to be a restricted access road, meaning restriction on exits and access points. The Region will apply access restrictions to any development abutting the road. The Preferred Planning Alternative 4C for the River Road extension includes only a right in/right out at the proposed east end of the existing Hidden Valley Road to the proposed River Road Extension just west of Highway 8. This would reduce the potential of Hidden Valley Road acting as a diversion for commuters wishing to avoid using the new River Road Extension. Assessment of noise impacts will be addressed in Phase 3 of the Class EA, in accordance with the Region’s policy for noise impact assessment.
Air quality impacts depend on a number of factors, including prevailing winds, area topography and traffic flow characteristics such as speed, acceleration and congestion. The River Road Extension would generally improve air quality in the greater Study Area to the extent that it would reduce congestion on Fairway Road and other area arterial roads, resulting in less vehicle emissions.

During the Project Team's review of comments received from the PCC, a concern was raised that the River Road Extension would unduly attract additional industrial and residential land development to the Hidden Valley area. After some discussion, City of Kitchener staff on the Project Team advised that the City will review the City's Hidden Valley Community Plan with respect to this concern.

6. Recommended Planning Alternative

Based on all of the technical data collected, evaluation completed, and public input received to date, the Project Team has identified a River Road Extension with a general road alignment as per Alternative 4C (Appendix “C”) as the Recommended Planning Alternative for this Class EA study. Alternative 4C generally consists of a new 4-lane road corridor which starts at the intersection of Bleams Road and Manitou Drive, runs eastward over Schneider Creek and then follows the existing Goodrich Drive corridor until it intersects with Wabanaki Drive. The new corridor generally follows existing Wabanaki Drive and Hidden Valley Road alignments north to cross Highway 8 and connect to existing River Road and follow River Road to intersect with King Street. The Recommended Planning Alternative also includes a partial interchange with Highway 8 with north-bound on and off-ramps and a south-bound on-ramp.

Although the proposed River Road extension alternative does not encroach on the Jefferson Salamander Regulated Habitat, there is some risk that any Jefferson Salamanders that have travelled beyond the limits of the Regulated Habitat could be impacted by the construction and operation of the new road. As part of the design of the new road in the vicinity of the regulated Jefferson Salamander habitat, the Region will implement design and construction measures to avoid and reduce impacts on natural areas adjacent to the Regulated Habitat. These measures will include consideration of retaining walls and other grading that could reduce the footprint of the new road as well as measures in advance of construction to reduce the potential risk of impacts on individual salamanders and other wild-life during construction. In keeping with the goal to minimize impacts on the Jefferson Salamander population, the Region will apply for a Permit under Section 17 c) of the Endangered Species Act (ESA). All measures for the Region to reduce and avoid impact on Jefferson Salamanders will be developed in full consultation with the MNR as part of the permit process.

7. Benefits of Recommended Planning Alternative

The benefits of a four lane extension of River Road from King Street to Manitou Drive include the following:

- Reduced congestion and delay for all modes of traffic along Fairway Road (which is already at capacity) and other east-west routes in South Kitchener;
- Creation of a cycling facility that would facilitate cycling trips in the east-west direction in south Kitchener and provide for a new cycling and pedestrian link in South Kitchener as planned in the Regional Transportation Master Plan;
- Reduced noise and air pollution, in the study area overall, which is currently resulting from vehicle idling and increased travel time due to congestion;
- Utilization of existing road alignments for most of the proposed new road will minimize the segregation of adjacent lands including environmentally sensitive lands, help conserve more of the core environmental features and minimize the direct and indirect impacts on those adjacent lands.
- A River Road extension and new Highway 8 interchange would provide additional access to the widened Highway 8 for the improved movement of people and goods in south Kitchener
- A River Road extension would provide improved access for the Hidden Valley business park and residential development lands designated in the Kitchener Official Plan; and
• Lowest cost to construct and operate of all planning alternatives which adequately address the transportation problem.

8. **Next Steps for the River Road Extension Project**

The remaining major milestones for the River Road Extension Project are as follows:

- Complete preliminary design and evaluation of Alternative Design Concepts for the Recommended Planning Alternative,
- Updating traffic analysis for intersection designs and completing Geotechnical investigations for Design Concepts;
- Continue to work with MNR to develop mitigation measures to minimize potential impacts on the Jefferson Salamander population in Hidden Valley;
- Further investigation and assessment of the impacts of the new road on surface water and groundwater and how these surface and groundwater impacts might affect the natural environment;
- Conduct additional public consultation to present the results of additional studies and Alternative Design Concepts to the public and obtain comments from the public;
- Consider Public Input and prepare a Recommended Design Concept for presentation to Regional Council for approval;
- Subject to Regional Council endorsement of a Recommended Design Concept, filing of the Environmental Study Report with the Ministry of Environment, followed by a period of review by the public and Ministry of the Environment;
- Obtain a permit from the Minister of Natural Resources under the Endangered Species Act (ESA) at the appropriate time to ensure that the River Road Extension will proceed in compliance with the ESA;
- Detailed design, property acquisition, and utility relocations would follow, with road construction planned to commence in 2016, subject to budget approval.

9. **Estimated Project Cost**

The estimate of cost to complete the design and construction of the River Road Extension is based on preliminary design concepts, which will be refined through completion of the Class EA study. Any additional costs resulting from additional studies (including water resources studies and geotechnical investigations), changing property costs and other changes (such as enhanced aesthetic features) will be assessed and refined as the project unfolds. The current estimated cost in 2011 dollars to construct the project based on Planning Alternative 4C is $58 million.

10. **Revised Fees for Consulting Engineering**

In 2006, the Region of Waterloo entered into a Consultant Services Agreement with IBI Group of Waterloo, Ontario to provide engineering services for Phases 3 and 4 of the Class Environmental Assessment at an upset limit of $279,740. As a result of additional tasks now required and the long delay in moving forward with this Class EA study, IBI Group submitted a detailed work plan for completing this Class EA Study together with a request for additional fees. Additional consulting services required for completion of this Class EA Study include:

- Further consultation and coordination with MNR to establish measures to minimize potential impacts on the Jefferson Salamander population in Hidden Valley;
- Additional work with EEAC to establish measures to minimize impacts on the Environmentally Sensitive Policy Area (ESPA);
- Coordinate the study of potential impacts of the new road on surface water and groundwater and develop mitigation measures to minimize the potential impacts.
After thoroughly reviewing IBI’s work plan, staff has negotiated a $327,000 increase to IBI’s upset fee as a fair and reasonable amount for additional consulting services required to complete this Class EA Study. Therefore, staff recommend that the existing Consultant Services Agreement with IBI be amended to authorize a $327,000 (plus applicable taxes) increase to the upset fee for additional consultant fees and disbursements to complete this Class Environmental Assessment Study.

CORPORATE STRATEGIC PLAN:

This project is consistent with the development of Strategic Focus Area 2 (Growth Management and Prosperity) in terms of:

- Develop, optimize and maintain infrastructure to meet current and projected needs.

It is also consistent with the development of Strategic Focus Area 3 (Sustainable Transportation) in terms of:

- Develop, promote and integrate active forms of transportation (cycling and walking).

FINANCIAL IMPLICATIONS:

The 2011 Ten Year Transportation Capital Program includes $58 million in the years 2011 – 2018 for this project. The capital cost of the Recommended Planning Alternative is estimated to be $58 million. There are sufficient funds in the 2011 project budget for the additional consulting work needed to complete this Class EA Study.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

The Transportation Planning Division and the Environmental Planning Division of the Planning, Housing and Community Services Department were consulted in the preparation of this Report.

ATTACHMENTS

Appendix A – Study Area, Key Plan
Appendix B – Summary of Class EA Phases 1 and 2, The South Kitchener Transportation Corridor Study
Appendix C – Preferred Planning Alternative 4C
Appendix D – River Road Extension Species At Risk (SAR) Regulated Habitat Area
Appendix E – South Kitchener Transportation Corridor Study Alternative Planning Solutions Evaluation Summary
Appendix F – Summary of Comments received at May 17, 2011 PCC

PREPARED BY: Wayne Cheater, Senior Project Manager

APPROVED BY: Thomas Schmidt, Commissioner, Transportation and Environmental Services
APPENDIX B-1
Summary of Class EA Phases 1 and 2, The South Kitchener Transportation Corridor Study

In 2004, the Region initiated the South Kitchener Transportation Corridor Study (SKTCS), to satisfy the requirements of Phases 1 and 2 of this Class EA. The purpose of the study was to develop transportation planning alternatives, including the establishment of possible transportation corridors, to provide additional east-west mobility in South Kitchener for people and goods movement. The study limits include an area bounded by Fairway Road to the north, Wabanaki Drive to the south, Manitou Drive to the west and King Street to the east. During Phase 1 of the SKTCS, a review of existing traffic conditions in the study area concluded that many intersections are operating at or above their capacity, resulting in long delays for motorists, particularly along Fairway Road.

2004 Summary of Existing Transportation Conditions:
Roadway traffic conditions in the South Kitchener study area are generally constrained by intersection configurations and the access to Highway 8. Various through traffic movements and especially turning movements along Fairway Road are already operating at capacity as shown on the Exhibit below, and at the Bleams Road/Manitou Drive intersection.

Traffic Operation Deficiencies

![Traffic Operation Deficiencies Diagram]

Peak Hour Level of Service (2004)

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Overall</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Delay (secs)</td>
<td>LOS</td>
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<tr>
<td></td>
<td>Delay (secs)</td>
<td>LOS</td>
</tr>
<tr>
<td>Fairway Road &amp; Manitou Drive</td>
<td>30</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>87</td>
<td>F</td>
</tr>
<tr>
<td>Fairway Road &amp; Fairview Park Mall Main Entrance</td>
<td>21</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>185</td>
<td>F</td>
</tr>
<tr>
<td>Fairway Road &amp; Wilson Avenue</td>
<td>38</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>65</td>
<td>E</td>
</tr>
<tr>
<td>Wilson Avenue &amp; Kingsway Drive</td>
<td>10</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>B</td>
</tr>
<tr>
<td>Bleams Road &amp; Manitou Drive</td>
<td>13</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>37</td>
<td>D</td>
</tr>
<tr>
<td>Homer Watson Blvd &amp; Manitou Drive</td>
<td>28</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>117</td>
<td>F</td>
</tr>
<tr>
<td>Wabanaki Drive &amp; Manitou Drive</td>
<td>10</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>B</td>
</tr>
</tbody>
</table>
In the early SKTCS phase of this Class EA Study, the Project Team developed and evaluated ten (10) planning alternatives (listed and briefly described below) to address the existing and forecast demand for private vehicle transportation in south Kitchener. These ten planning alternatives included City and Region-wide strategies using public transit and other alternative modes of transportation, plus development restrictions and other measures to reduce future travel demands. A brief description is as follows:

<table>
<thead>
<tr>
<th>Alternative Planning Solution</th>
<th>Summary Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1: Baseline</td>
<td>No road capacity improvements within the South Kitchener area except for those already approved, including MTO’s Highway 8 widening, the Fairway Road extension and Manitou Drive widening by the Region, and Block Line Road extension and Wabanaki Drive extension by the City. These roadway projects are common to all South Kitchener Planning Alternatives. It also includes a planned increase in the overall transit mode share from 5% in 1996 to 7% in the AM Peak Hour by 2016 as per the 1999 Regional Transportation Master Plan (RTMP). No other structural or travel pattern changes in the South Kitchener Corridor are included, so this is a baseline condition against which other Planning Alternatives will be compared.</td>
</tr>
<tr>
<td>Alternative 1A: Baseline with Development Cap</td>
<td>Includes an added hypothetical development cap with no new Hidden Valley area and Fairway Road development require rezoning being built to 2021. This did not include other planned Hidden Valley residential development projects with draft plan of subdivision have since been built. The intent of a cap is to remove the associated trip-generation from the Study Area, including trips generated by up to 3,000 employment positions within the planned Hidden Valley Business Park.</td>
</tr>
<tr>
<td>Alternative 2: Original River Rd. Extension Plan</td>
<td>Includes the widening of Fairway Road to six lanes from Highway 8 to King Street with a further widening to Wilson Avenue. It also includes the River Road extension from King Street to Manitou Drive as a four-lane arterial road through the Hidden Valley area and over Schneider Creek, as recommended in the 1999 and 2010 Regional Transportation Master Plans. It also includes a full interchange at Highway 8,</td>
</tr>
</tbody>
</table>
### APPENDIX B-3

<table>
<thead>
<tr>
<th>Alternative Planning Solution</th>
<th>Summary Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 3: Transit Emphasis</td>
<td>Improvements to traffic conditions within the South Kitchener corridor will take place through approved road projects and as much intersection capacity optimization as possible. This alternative includes no full River Road Extension from King Street to Wabanaki Drive as originally planned in the RTMP. Instead, this alternative includes the extension of a two-lane Goodrich Drive west from Wilson Avenue to Bleams Road at Manitou Drive. Also assumes a significant transit mode share increase beyond the planning target of 7% by 2016 to an average of 15% by 2021.</td>
</tr>
<tr>
<td>Alternative 3A: Transit Emphasis with Partial Highway 8 Interchange</td>
<td>Alternative #3 Transit Emphasis with a partial Highway 8 interchange on the east side of Highway 8 to provide movement on and off the Highway northbound only, connecting to an extended two lane River Road to King Street. No River Road extension west of the highway is included in this test.</td>
</tr>
<tr>
<td>Alternative 4: Hybrid River Rd. Extension with Partial Interchange</td>
<td>A hybrid of the original River Road extension plan (Alternative 2) with Bus Only/High Occupancy Vehicle lanes and the Transit Emphasis (Alternative 3); with a partial Highway 8 interchange and an eastbound ramp on Fairway Road to Highway 8 southbound; also included widening Homer Watson Blvd to 6 lanes from Bleams Rd. to Highway 401, and widening Fairway Road to 6 lanes from King Street to Wilson Avenue.</td>
</tr>
<tr>
<td>Alternative 4A: Alternative 4 with Mixed Traffic Lanes</td>
<td>Same as Alternative 4 except that all 4 lanes of a River Road extension would be available for mixed traffic (2 lanes would not be dedicated to buses and other high occupancy vehicles as in Alternative 4).</td>
</tr>
<tr>
<td>Alternative 4B:</td>
<td>Same as 4A but with no widening of Homer Watson Blvd. to 6 lanes. <strong>Perform best at addressing all criteria of the 10 alternatives evaluated.</strong> (Following the evaluation, for Alternative 4C: the eastbound ramp on Fairway Road to Highway 8 was removed and a southbound Highway 8 access provided directly from the River Road Interchange.)</td>
</tr>
<tr>
<td>Alternative 5: Hybrid River Rd. Extension with Full Interchange</td>
<td>Same as Alternative 4 but with full interchange at River Road Extension and Highway 8, and Fairway Road widened to 6 through lanes from King Street to Wilson Avenue.</td>
</tr>
<tr>
<td>Alternative 5A: Alternative 5 with Mixed Traffic and Full Interchange</td>
<td>Same as Alternative 5 but with all 4 lanes of a River Road extension available for mixed traffic. <strong>Also performed best at addressing all criteria of the 10 alternatives evaluated.</strong></td>
</tr>
</tbody>
</table>

Alternatives 4, 4A, 4B, 5 and 5A all included a new River Road extension, through the Hidden Valley natural area; however, the alignment of the new road was quite different from the alignment used in Alternative 2, in that it chiefly followed the existing Wabanaki and Hidden Valley Road alignments while avoiding much of the existing natural areas.
### Alternative Planning Solutions Evaluation Criteria:

<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Transportation Criteria:</strong></td>
<td></td>
</tr>
<tr>
<td>1.1 Roadway Network Performance</td>
<td></td>
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<tr>
<td>1.2 Transportation System Performance</td>
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<tr>
<td>1.3 Transit System Performance</td>
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<tr>
<td>1.4 Transit Ridership</td>
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<tr>
<td>1.5 Cycling/Walking Network Performance</td>
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<tr>
<td>1.6 Roadway Network Continuity</td>
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<tr>
<td>1.7 Good Movement Performance</td>
<td></td>
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<tr>
<td>1.8 Transportation System Accessibility</td>
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<tr>
<td><strong>2. Social-Cultural Environment Criteria:</strong></td>
<td></td>
</tr>
<tr>
<td>2.1 Direct Property Impact</td>
<td></td>
</tr>
<tr>
<td>2.2 Regional Growth Management Strategy</td>
<td></td>
</tr>
<tr>
<td>2.3 External Traffic Impacts</td>
<td></td>
</tr>
<tr>
<td>2.4 Cultural Landscape Impact</td>
<td></td>
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<tr>
<td>2.5 Noise Impact</td>
<td></td>
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<tr>
<td>2.6 Visual Impact</td>
<td></td>
</tr>
<tr>
<td><strong>3. Natural Environment Criteria:</strong></td>
<td></td>
</tr>
<tr>
<td>2.1 Natural Area Impact</td>
<td></td>
</tr>
<tr>
<td>2.2 Groundwater Impact</td>
<td></td>
</tr>
<tr>
<td>2.3 Surface Water Impact</td>
<td></td>
</tr>
<tr>
<td>2.4 Air Quality Impact</td>
<td></td>
</tr>
<tr>
<td>2.5 Resource Consumption</td>
<td></td>
</tr>
<tr>
<td><strong>4. Economic Environment Criteria:</strong></td>
<td></td>
</tr>
<tr>
<td>4.1 Capital Cost</td>
<td></td>
</tr>
<tr>
<td>4.2 Operation &amp; Maintenance Cost</td>
<td></td>
</tr>
<tr>
<td>4.3 Property Impact Potential</td>
<td></td>
</tr>
</tbody>
</table>

### Results of Evaluation of Alternative Planning Solutions:

The results of the Evaluation of these ten planning alternatives are tabulated in Appendix “E”. Of these ten planning alternatives only those which include the River Road extension from King Street to Manitou Drive as a four-lane arterial road through the Hidden Valley area and over Schneider Creek were found to have the potential to solve travel demand problems in the South Kitchener Corridor. The 2005 evaluation results showed that Alternatives 4B and 5A, each with a River Road Extension from King St. to Bleams Rd., ranked the best overall at addressing the criteria while addressing the traffic problems. Discussions with the Ministry of Transportation confirmed that a full Highway 8 interchange at River Road would not be permitted owing to the need to maintain a minimum safe traffic weaving distance from the existing Fairway Road interchange. Alternative 5A, which included a full Highway 8 interchange, was therefore dropped from further consideration and Alternative 4B was left as the Preferred Alternative for this Class EA study. In 2005, Planning Alternative 4C (Appendix “C”) was developed with all the same design elements as Alternative 4B, except the eastbound ramp on Fairway Road to Highway 8 southbound was removed and a southbound Highway access provided directly from the River Road interchange. This alternative provided highway access in all directions except the southbound exit from Highway 8 to River Road without the higher costs and limitations of constructing a highway ramp from Fairway Road.

### SKTCS Recommendation to Regional Council:

In July 2006, upon completion of the SKTCS and based on a review of all technical data and public input, including inventories of natural environmental features and three Public Consultation Centres, the Regional Council endorsed a Preferred Planning Alternative (Alternative 4C) which consisted of a 4-lane road extension of River Road (RR 56) from King Street (RR 8) to Bleams Road (RR 56) at the intersection of Manitou Drive (RR 69), a partial interchange at Highway 8, with north-bound on and off ramps and a south-bound on-ramp.
Note: The Endangered Species Act-regulated habitat which is not shown on this page is shown in Appendix D.
### South Kitchener Transportation Corridor Study

#### Alternative Planning Solutions Evaluation Summary

**Scores Low**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Alt. 1 Baseline</th>
<th>Alt. 1A Baseline w Cap</th>
<th>Alt. 2 RTMP/River Rd Extend</th>
<th>Alt. 3 Transit Emphasis</th>
<th>Alt. 3A Transit Emphasis/ Part Interchange</th>
<th>Alt. 4 Hybrid River Rd Extend/ Part Interchange</th>
<th>Alt. 4A 4 with mixed traffic lanes/ Part Interchange</th>
<th>Alt. 4C (Improved Alt. 4B) 4A with no Homer Watson widening</th>
<th>Alt. 5 Hybrid River Rd Extend/ Full Interchange</th>
<th>Alt. 5A 5 with mixed traffic/ Full Interchange</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUMMARY RANKING: Transportation</td>
<td>○</td>
<td>○</td>
<td>○</td>
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<td>●</td>
<td>●</td>
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<td>●</td>
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<tr>
<td>SUMMARY RANKING: Socio-Cultural</td>
<td>○</td>
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<tr>
<td>SUMMARY RANKING: Natural</td>
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<tr>
<td>SUMMARY RANKING: Economic</td>
<td>○</td>
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<tr>
<td>TOTAL SUMMARY RANKING</td>
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<td>○</td>
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<td>●</td>
</tr>
</tbody>
</table>

#### The two highest scoring alternatives:

- **Alternative #4C** with a new River Road extension from King Street to Manitou Drive utilizing existing road allowances around as much of the Hidden Valley area north edge as possible and extending west along Goodrich Drive to Manitou Drive, and with a partial interchange on the east side of Highway 8 and a new southbound Highway ramp from Fairway Road.

  **Note:** Alternative #4B was improved by relocating the south Highway 8 on-ramp from Fairway Road to the River Road interchange. This improved Alternative 4B is now Alternative 4C.

- **Alternative #5A** with the same River Road extension alignment but with a full interchange at Highway 8 (#5A was rejected upon review of the insufficient distance for a safe on-ramp operation.)
The 36 comments submitted to the Project Team are all tabulated below with a summary of responses which were prepared by Region staff, MNR staff, IBI Group and LGL Limited.

The Comment/Response Summary does not address every comment received by the 36 submissions between May 17 and 31, 2011. All comments received will be included in the Environmental Study Report (ESR). It is also noted that some comments requesting technical information are premature and cannot be addressed until more planned detailed studies are conducted, design alternatives are evaluated and Phase 3 of the Class EA process is completed, and that some comments offer constructive recommendations that will be incorporated into the process.

However, the Comment/Response Summary does respond to most comments, and involves the following main comment topics and how they are generally addressed:

<table>
<thead>
<tr>
<th>MAIN COMMENT TOPICS</th>
<th>GENERAL RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall impact on the Hidden Valley natural environment.</td>
<td>Natural environment has been inventoried. Preliminary impact analysis has been conducted to date and will be concluded in Phase 3 of the Class EA process.</td>
</tr>
<tr>
<td>Need for big picture, long term vision of transportation in the Region including South Kitchener.</td>
<td>Long-term transportation planning for the Region is provided by the Region’s new Regional Transportation Master Plan.</td>
</tr>
<tr>
<td>Capital value of the environment (air, water, forest, wetlands), also referred to as Natural Capital, consists of a valuation of the annual financial contribution of natural lands to society as a whole.</td>
<td>Not within the Municipal Class EA scope and difficult to estimate with any level of confidence. Such a valuation was not done for this Class EA Study; however, potential impacts of each planning alternative on the natural environment was a major part of the evaluation methodology completed as part of this Class EA.</td>
</tr>
<tr>
<td>The project is too road oriented.</td>
<td>Transit, High Occupancy Vehicle (HOV) lanes, cycling and walking have all been considered to date in the project, and are a focus of the new Regional Transportation Master Plan.</td>
</tr>
<tr>
<td>Include alternative alignments of the River Road extension crossing of Highway 8 to avoid impacts on Provincially Significant Wetlands (PSWs).</td>
<td>Some alternative alignment concepts have already been considered, and will be re-considered in Phase 3 of the Class EA process. However, alternative alignments are not expected to avoid direct impacts on the small Provincially Significant Wetland (PSW) closest to Highway 8 because of the vertical profile and resulting road cut-and-fill footprint needed to extend River Road over Highway 8.</td>
</tr>
<tr>
<td>Water quality and quantity impacts.</td>
<td>Further Hydrological, hydraulic and geotechnical conditions will be addressed in Phase 3 of the Class EA process.</td>
</tr>
<tr>
<td>Air quality impacts.</td>
<td>Will be further addressed in Phase 3 of the Class EA process.</td>
</tr>
<tr>
<td>Amount of forest, wetland and meadows impacted.</td>
<td>The amount of Core Environmental Features (CEF) lands including forest, and wetland which are potentially impacted directly or indirectly by the 11 Planning Alternatives was identified and fully evaluated. A more precise evaluation will be completed in Phase 3 of the Class EA.</td>
</tr>
<tr>
<td>Impact of Hidden Valley development opportunities provided by the River road extension.</td>
<td>The Regional Official Plan and the City of Kitchener Official Plan designate objectives for land development which are supported by the Preferred Planning Alternative 4C.</td>
</tr>
<tr>
<td>Methodology and establishment of Jefferson salamander habitat.</td>
<td>The Environmental Consultants, LGL Limited, in consultation with the Ministry of Natural Resources (MNR), designed additional field studies in 2007 which were conducted ending in the spring of 2008 using updated MNR survey methods to confirm the presence and extent of the Jefferson Salamander population in the Hidden Valley area. The results of the 2007-2008 field studies were provided to MNR for their use in preparation of a map of the limits Regulated Habitat of Jefferson Salamanders in the Hidden Valley area. Later in 2010, the MNR delineated, confirmed and released the Regulated limits of the Jefferson Salamander habitat within the Hidden Valley Forest which shows that the Preferred Alternative of the River Road extension is outside this regulated area.</td>
</tr>
<tr>
<td>Hidden Valley area trail planning.</td>
<td>To be carried forward for consideration and planning in Phase 3 of the Class EA process.</td>
</tr>
<tr>
<td>Traffic impacts on the Stonegate Road area and Hidden Valley Road.</td>
<td>Traffic alternatives were presented to Stonegate area residents in 2006, with a City/Region commitment to further address and resolve traffic issues in Phase 3 of the Class EA process. The River Road Extension will be a restricted access road, meaning restriction on exits and access points. The Region will apply access restrictions to any development abutting the road. The preferred Planning Alternative 4C concept for the River Road extension includes a right in/right out at the proposed east end of the existing Hidden valley Road to the proposed River Road Extension just west of Highway 8. This would reduce the use of Hidden Valley Road as a diversion for commuters to avoid using the new River Road extension.</td>
</tr>
<tr>
<td>Need for updated traffic impact information associated with a River Road extension.</td>
<td>Updated traffic impact analysis will be included in Phase 3 of the Class EA process for intersection design. The 2010 RTMP has already confirmed the transportation need for the River Road Extension.</td>
</tr>
<tr>
<td>Cost of the extension and general affordability.</td>
<td>Current Capital cost estimate to be reassessed based on a preferred Preliminary Design from Phase 3 of the Class EA process.</td>
</tr>
<tr>
<td>Capacity of a River Road extension to serve future travel demands.</td>
<td>Addressed in Regional Transportation Master Plan, to be confirmed in Phase 3 of the Class EA process.</td>
</tr>
<tr>
<td>Questions on how Provincially Significant Wetlands (PSWs) were designated in the Hidden valley area, i.e. why the “small frog pond” is called “other wetland” and not PSW.</td>
<td>The Provincially Sensitive Wetlands (PSW) are as designated by the MNR.</td>
</tr>
<tr>
<td>Questions on methods used to survey Jefferson salamander in 2008, how the findings relate to the Endangered Species Act (ESA) to establish salamander habitat and how a beaver dam breach may have lowered the pond habitat.</td>
<td>The Project Team obtained MNR confirmation of survey methodology and protocol and subsequently confirmed that the Region will apply for a permit issued under section 17(2)(c) of the Endangered Species Act (ESA) to construct the River Road extension. Water levels during the 2007 and 2008 surveys were observed to be high when surveys were conducted. Water levels were observed lower in 2010 owing at least to dry conditions.</td>
</tr>
<tr>
<td>Impact of River Road extension on Hidden Valley Road traffic conditions</td>
<td>This concern will be further assessed in Phase 3 of Class EA. The intent and expectation is that River Road Extension will operate well and will not attract traffic to divert through the local roads.</td>
</tr>
<tr>
<td>Why is additional access to Highway 8 in South Kitchener required?</td>
<td>The provision of access to Highway 8 south of Fairway Road is essential to achieving many of the transportation improvement goals of this project in South Kitchener. Many intersections in the study area are operating at or above their capacity, resulting in long delays for motorists, particularly along Fairway Road.</td>
</tr>
</tbody>
</table>
Tree removal in Hidden Valley by the owner. | Tree removal arrangements will be made during the detailed design phase after the Class EA process.

Region should plan for an east-west LRT in South Kitchener as an alternative to the need for a River Road extension. | No east-west rapid transit is planned in South Kitchener in the planning timeframe to 2031, but a River Road extension in no way eliminates the potential for such a long term project beyond that timeframe.
TO: Chair Ken Seiling and Members of Regional Council

DATE: October 5, 2011

FILE CODE: L15-20

SUBJECT: ONTARIO MUNICIPAL BOARD APPEAL ZONING BY-LAW AMENDMENT APPLICATION NO: ZC-11/08 2772 GREENFIELD ROAD, TOWNSHIP OF NORTH DUMFRIES

RECOMMENDATION

For Information

SUMMARY:

By letter dated August 22, 2011, the Region’s Commissioner of Planning, Housing and Community Services filed a Notice of Appeal (see Appendix ‘A’) pertaining to Zoning By-law Amendment Application No: ZC-11/08 passed by the Township of North Dumfries on July 18, 2011 with respect to the lands municipally known as 2772 Greenfield Road in the Township of North Dumfries (see attached Appendix „B”). The application applies to a 54 hectare property owned by Mr. Hardy Bromberg.

The subject lands are located within Wellhead Protection Sensitivity Areas (WPSA) 5 and WPSA 8 as designated in the Regional Official Plan (ROP). WPSAs delineate the lands from which groundwater is drawn as part of the municipal water supply system. These particular WPSAs are associated with Regional Wells A1 to A3, which service the Ayr Township Urban Area.

The purpose of Zoning By-law Amendment Application No: ZC-11/08 (ZBA) is to rezone 41 hectares (105 acres) of the subject lands from Agricultural (Z1) to Extractive (Z14) to allow the establishment of a Category 1 – Class A pit, within which extraction of aggregate below the water table may be permitted. The proposed aggregate pit is intended to be operated in conjunction with a large long-standing pit (the CBM Ayr Pit) on the adjacent lands. The ZBA also provides for protection of a Provincially Significant Wetland (PSW) on the site, but permits the removal of a 5.3 hectare (13 acre) woodland to allow the extraction of aggregate resources beneath it. The woodland proposed for removal is considered a Significant Woodland for the purposes of the Provincial Policy Statement (PPS) and contains an Endangered Species (a Butternut Tree), which would be destroyed as part of the removal of the woodland.

Regional staff has had an extensive history of working cooperatively with the local municipalities, the Province and the aggregate industry to ensure responsible extraction of the aggregate resource by working to minimize impacts on both residents and the natural environment. Over the past twenty years there has only been one Ontario Municipal Board hearing held relating to a specific aggregate extraction proposal in the Region of Waterloo. Regional staff recognizes the continuing need to provide for responsible extraction of the aggregate resource within the Region of Waterloo and generally views extraction operations as opportunities for environmental enhancement through innovative rehabilitation.
With respect to this specific application, Regional staff has no objection to extraction of aggregate resources from approximately 85 percent of the subject lands proposed for extraction, including extraction below the water table of approximately a quarter of the site as justified through the studies submitted by the applicant that comply with the applicable provisions of 1995 Regional Official Policies Plan (ROPP) and the PPS. Regional staff also supports the protection provided to the PSW on the subject lands.

However, it is the position of Regional staff that the proposed removal of the Significant Woodland, the presumption that an Endangered Species may be removed in the absence of a permit to do so under the provisions of the Endangered Species Act, and the granting of permission through the ZBA for potential extraction below the water table on additional portions of the site that have not yet been justified for such extraction through the submission of appropriate studies, is not consistent with the provisions of the PPS or in conformity with the applicable policies of the ROPP.

It is also the position of Regional staff that even if removal of the woodland could be considered, the replacement of a complex, high-quality, natural woodland ecosystem with a larger area of planted trees and meadow habitat does not represent a net environmental gain, particularly when much of the compensation for the woodland as proposed by the applicant would occur naturally any event following completion of the extraction operations.

Township of North Dumfries Council adopted the ZBA as proposed by the applicant, which would permit the removal of the Significant Woodland and presupposes permission will be granted to remove the Endangered Species to allow for aggregate extraction. The ZBA adopted by Township Council also did not incorporate the Region’s requirement for vertical zoning provisions to prohibit extraction below the water table where such extraction had yet to be supported as required under the provisions of the PPS and the ROPP.

The status of the Significant Woodland is currently the subject of an appeal to the Ontario Municipal Board by the applicant of the new Regional Official Plan (ROP). As a result, it is Regional staff’s opinion that this issue should be considered together with the applicant’s appeal of the related sections of the ROP.

Under delegated authority of By-law 01-028, the Region’s Commissioner of Planning, Housing and Community Services filed the Region’s Notice of Appeal in this matter, subject to ratification by Council.

REPORT:

On July 18, 2011, the Township of North Dumfries adopted Zoning By-law Amendment application ZC-11/08 (ZBA) and Official Plan Amendment application OPA-04/08 (OPA). The purpose of the ZBA is to rezone 41 hectares of a 54 hectare property owned by Mr. Hardy Bromberg located at 2772 Greenfield Road in the Township of North Dumfries (see attached Appendix ‘B’) from Agricultural (Z1) to Extractive (Z14) to allow the establishment of a Category 1 – Class A pit, within which extraction of aggregate below the water table may be permitted. The proposed aggregate pit is intended to be operated in conjunction with a large long-standing pit (the CBM Ayr Pit) on the adjacent lands. The ZBA also provides for protection of a Provincially Significant Wetland (PSW) on the site, but permits the removal of a 5.3 hectare (13 acre) woodland to allow the extraction of aggregate resources beneath it.

The applicant also submitted an associated OPA (OPA-04/08), which provides for revisions to Maps 2B - Environmental Constraint Lands, 6A - Hazard Lands, and 6C - Provincially Significant Wetland Areas. The purpose of the OPA is to recognize and provide protection for the PSW. The OPA is
now before the Region in its role as the Approval Authority as assigned under the provisions of the Planning Act.

The applicant has proposed permitting extraction under the Significant Woodland on the Bromberg property, while compensating for the loss of the Significant Woodland through changes to the existing CBM Ayr Pit aggregate license on adjacent land owned by CBM. In making its decision with respect to the applications, Township Council relied on a number of assertions by the applicant’s consultant (Mr. James Parkin of MHBC Planning) and the Township’s planning consultant (Mr. Steve Jefferson of K. Smart and Associates). In particular, it was asserted that removal of the Significant Woodland is both consistent with the provisions of the Provincial Policy Statement (PPS) and conforms to other applicable policy documents, subject to appropriate compensation. The form of compensation offered includes replacing the natural high-quality upland woodland with a larger area of planted trees and meadow habitat on the Bromberg property and also opening the existing CBM Ayr Pit license to remove an area of Provincially Significant Wetland and a tributary of Cedar Creek from the area previously licensed for extraction. The rehabilitation compensation proposed by the applicant on a combination of the Bromberg property and the adjacent CBM lands is attached as Appendix ‘C’ to this report.

After reviewing the application, Regional staff has no objection to extraction of aggregate resources from approximately 85 percent of the subject lands proposed for extraction, including extraction below the water table of approximately a quarter of the site as justified through the studies submitted by the applicant that comply with the applicable provisions of the 1995 Regional Official Policies Plan (ROPP) and the PPS. Regional staff also supports the protection provided to the PSW on the subject lands.

However, Regional staff does not support the removal of the Significant Woodland for the reasons outlined in this report and in letters to the Township dated June 23, 2010, December 24, 2010, March 18, 2011, and June 1, 2011. In addition, Regional staff does not support the permission being granted through the zoning by-law for consideration of below water table extraction on the portion of the proposed extraction areas for which such below water table extraction has yet to be determined to be appropriate consistent with the provisions of the PPS or in conformity to the ROPP.

Regional staff has identified six concerns related to the ZBA as adopted by Township Council.

1) The first issue relates to the level of protection to be provided to a Significant Woodland (a status recently confirmed by the Province through the approval of the criteria to identify Significant Woodlands in Waterloo Region and the designation of the woodland as a Core Environmental Feature on Map 4 of the new Regional Official Plan (ROP) which is currently under appeal). Having visited the woodland in May, 2010, Regional Environmental Planning staff is of the opinion that this woodland fulfills the criteria and warrants this designation.

PPS Policy 2.1.4, which provides for the protection of Significant Woodlands, states:

“Development and site alteration shall not be permitted in:

Significant Woodlands south and east of the Canadian Shield; ... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.”
The corresponding definition of “negative impact” in the PPS reads as follows:

“... c) in regard to other natural features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.” (Note: site alteration includes aggregate extraction within the PPS)

The applicant’s proposal to remove the Significant Woodland in its entirety in order to extract the aggregate beneath it would constitute the most severe negative impact possible, and therefore, in opinion of Regional staff, its removal would not be consistent with the provisions of the PPS.

In a letter dated April 21, 2011, the Ministry of Natural Resources (MNR) confirmed that the Ministry continues to support the position that “the woodland exhibits some characteristics that would reasonably allow it to be recognized as a significant woodland", but then goes on to tentatively endorse the applicant’s proposal that consideration be given to removal of the woodland (see attached Appendix ‘D’). In response to this letter, Regional staff requested clarification from MNR staff as to the policy basis for their position. In an e-mail dated May 2, 2011, Mr. Mike Stone on behalf of MNR stated that their position was based on “direction contained in the Natural Heritage Reference Manual (2010)” with particular reference to “Chapter 2.0 Provincial Policy Statement Implementation, Section 2.3.3.”

As a result of the MNR letter and follow-up e-mail noted above, Regional staff undertook a detailed review of the PPS and the Natural Heritage Reference Manual (2010). The results of this review were provided to the MNR in an e-mail dated May 3, 2011, and subsequently to the Township in a letter dated June 1, 2011 (see attached Appendix ‘E’). This review concluded that the position being espoused by the MNR and the applicant’s consultant is not supportable through any reasonable reading of the PPS and the associated Natural Heritage Reference Manual (2010). Copies of this letter were provided to the applicant and the MNR. The issues raised and the conclusions drawn from this review were not addressed in the Township report recommending approval of the subject applications, nor have they been addressed to date in any way by the MNR.

2) The Significant Woodland also contains an Endangered Species (a Butternut Tree) identified by the Ministry of Natural Resources. PPS Policy 2.1.3, which provides for the protection of Endangered Species, states:

“Development and site alteration shall not be permitted in:

a) significant habitat of endangered species and threatened species; …”

To date, compliance with the Endangered Species Act has not been achieved to permit the removal of the Butternut Tree. As such, Regional staff is of the opinion that the determination regarding the removal of the woodland, including the Endangered Species, is premature until compliance with the Endangered Species Act has been achieved. There is no reference to the presence of an Endangered Species in the Township report and associated analysis related to this application.

3) The Township report notes that the PPS is intended to be read in its entirety and includes policies “… to help guide decisions relating to Natural Heritage (environmental) features and mineral aggregate extraction.” The Township report then goes on to state:

“With respect to aggregate extraction, the PPS is clear in stating that mineral aggregate resources shall be protected for long term use, and that as much of it should be made available as close to the market as possible (2.5.1 and 2.5.2.1, PPS, 2005).”
However, the compensation package as proposed over the combined Bromberg and CBM Ayr Pit lands has been reported by the applicant to result in a reduction, not an increase in the tonnage of aggregates to be extracted from the sites (see attached Appendix ‘B’). Rather than achieving greater consistency through a balanced reading of the PPS policies relating to aggregate and environmental protection, the compensation as described by the applicant would result in both the removal of the Significant Woodland and a reduction in the aggregate available close to market, neither of which is consistent with the provisions of the PPS. This issue was highlighted by Mr. Chris Gosselin, the Region’s Manager of Environmental Planning, in a letter dated December 24, 2010 (see attached Appendix ‘F’), but was not addressed in the Township report.

4) Even if it had been determined that removal of the Significant Woodland could be supported through the process of providing compensation as proposed by the applicant, it is the opinion of Regional staff that the compensation proposed, although substantial in nature, would not result in a net environmental gain. The basis for this opinion was provided to the Township by Mr. Gosselin in his letter dated December 24, 2010 (see attached Appendix ‘F’). It is Regional staff’s opinion that attempting to replace a complex, high-quality, natural woodland ecosystem with areas of planted trees and created meadow habitat, even if they occupy a larger total acreage, is not appropriate compensation from an ecological perspective. Among other factors in his analysis of the proposed compensation options, Mr. Gosselin concludes that much of the advantage associated with the proposed rehabilitation would occur naturally any event. For example:

“The sideslopes remaining around the large southern pond [of the rehabilitated CBM Ayr Pit] will be too narrow and too steep to accommodate agricultural production using current large equipment, and so can be expected to be allowed to succeed naturally to meadow habitat over time. The retention of the Bromberg woodland to the west, along with the woodlands on the neighbouring property to the north, will serve as a natural seed source to colonize these strips and over time restore them naturally to second-growth woodland.”

Mr. Gosselin also notes that the tributary of Cedar Creek and associated PSW on the lands being considered as potential compensation have been confirmed as fish habitat and associated supporting habitat respectively. This area of the CBM Ayr Pit was approved for extraction in the original license granted decades ago, and confirmed by the MNR when the license was renewed in 1992. While staff would fully support the preservation of this valuable natural area, as is proposed as a part of the compensation package, it is nonetheless important to bear in mind that fish habitat and impacts thereto caused by disturbance of associated habitat are regulated under the provisions of the Federal Fisheries Act, which takes precedence over a license issued under the provisions of the Provincial Aggregate Resources Act or its predecessor, the Pits and Quarries Act. As a result, the area associated with or contiguous to the fish habitat is already granted a level of protection under the Fisheries Act and therefore would be inappropriate to be considered as compensation for the Bromberg woodland. The protection already provided to these features through the Fisheries Act was not mentioned and appears not to have been considered in the Township report.

5) The subject lands are located within Wellhead Protection Sensitivity Areas (WPSA) 5 and WPSA 8 as designated in the ROP. WPSAs delineate the lands from which groundwater is drawn as part of the municipal water supply system. These particular WPSAs are associated with Regional Wells A1 to A3, which service the Ayr Township Urban Area.

The ZBA passed by the Township of North Dumfries did not incorporate the Region’s requirement that vertical zoning provisions be included in the by-law to restrict extraction below the water table from areas that had yet to be justified for such extraction through the submission of the required technical studies. The purpose of vertical zoning provisions is to ensure that any future increases to the depth of extraction, beyond what has been reviewed and accepted through this application, be
supported by the appropriate technical analysis reviewed as part of the processing of a subsequent amendment to the Township of North Dumfries’ Zoning By-law. This is particularly concerning in this situation, as the subject lands are located within a WPSA. In the absence of vertical zoning, extraction below the water table could occur on the balance of the property through an amendment to the license or site plan approved under the provisions of the Aggregate Resources Act, with no compliance required to the provisions of the ROPP or the PPS, limited public input and no appeal process.

A similar such situation occurred in 2008, when the MNR approved an amendment to a site plan under the provisions of the Aggregate Resources Act (ARA) for the Highland Aggregates Inc. - Ristau Pit in the Township of Wilmot. Similar to the Bromberg property, the property on which this pit is located is also located within a WPSA. The site plan amendment, which sought to increase the depth of extraction by 12.5 metres (41 feet), was approved by MNR despite concerns being expressed by Regional staff over the potential impacts of increasing the depth of extraction on Regional wells in the area. In particular, Regional staff was concerned that the hydrogeological data being used as justification for increasing the depth of extraction was no longer current and did not take into consideration the extraction that had already occurred on the site. In a letter dated January 15, 2008, Mr. Eric Hodgins, the Region’s Manager of Hydrogeology and Source Water stated:

“As identified above, this area is an important water recharge area directly contributing water to the Region’s drinking water supply wells. Accordingly, Regional staff requires sufficient investigation to ensure that our drinking water supplies will not be impacted from the proposed pit, and an improved understanding of existing operations to support our risk assessment obligations under the Clean Water Act requirements. We do not feel that these objectives are satisfied in the hydrogeologic report.”

No additional information was provided to the Region and the amendment to the site plan application was approved by MNR despite the Region’s objections. Under the provisions of the ARA, the Region had no right of appeal with respect to the decision made by MNR. This situation would not have occurred had vertical zoning been in place restricting the depth of extraction to that which had previously been justified by the applicant. In such a situation, a zone change application would have to have been filed with the Township of Wilmot and the Region would have had the ability to ensure the proper technical data was provided to support such a proposal.

Some confusion appears to exist that the requirement for vertical zoning is based solely on the provisions of the new ROP that is now before the Ontario Municipal Board for consideration. This is not correct. The justification for the application of vertical zoning is ensuring consistency with the provisions of the PPS and conformity to the 1995 ROPP. It is also important to note that vertical zoning is already in use in other jurisdictions, with upwards of a dozen such by-laws already in place, including several approved by the OMB.

Nor is this the first time such a request has been made with respect to aggregate applications in the Region of Waterloo. There are currently seven aggregate applications actively in process in the Region of Waterloo, with one additional application currently not moving ahead at the request of the applicant. The Region has previously provided comments on each of these seven applications requesting that the future zoning by-laws adopted by the applicable Township Council incorporate vertical zoning provisions.

Of these applications, four are currently the subject of appeals to the Ontario Municipal Board. ZCA 13/08, for D & J Lockhart Excavators Ltd., applicable to lands on Middlebrook Road was approved by the Township of Woolwich with vertical zoning provisions. This application was recently appealed to the OMB by the Province. Two other zone change applications in the Township of Woolwich have been appealed by the applicants before the Township had made a decision on the proposed by-laws. The fourth application under appeal is the zone change application that is the
subject of this report. The three remaining applications have yet to be considered by the respective Township Councils.

The requirement for vertical zoning as it relates to this particular application is based on ensuring consistency with the provisions of Policies 2.1.6, 2.2.1, 2.3.5.1 and 2.5.4.1 of the PPS and conformity with Policies 4.4.5, 5.3.8, 5.3.11, 5.3.12 and 5.3.14 of the ROPP prior to the establishment of below the water table aggregate extraction operations on the portions of the site not supported by the technical analysis done as part of these applications. These policies require demonstration that there will be no negative impact on the quality and quantity of groundwater resources that contribute to municipal and private water supplies, ensuring protection of natural habitat features and determining justification for the removal of land from a prime agricultural area.

6) The Significant Woodland on the subject lands has been designated as a Core Environmental Feature on Map 4 of the ROP. The ROP was approved by the Minister of Municipal Affairs and Housing on December 22, 2010 and is currently under appeal in its entirety. One of the appellants, the owner of the subject property, Mr. Bromberg, has appealed the Significant Woodland’s designation as a Core Environmental Feature in the ROP and its inclusion in the Dumfries Carolinian Environmentally Sensitive Landscape to the Ontario Municipal Board (PL110080). As a result, it is Regional staff’s opinion that this issue should be considered together with the applicant’s appeal of the related sections of the ROP.

In summary, it is the position of Regional staff that the proposed removal of the Significant Woodland, the presumption that an Endangered Species may be removed in the absence of a permit to do so under the provisions of the Endangered Species Act, and the granting of permission through the ZBA for potential extraction below the water table on additional portions of the site that have not yet been justified for such extraction through the submission of appropriate studies, is not consistent with the provisions of the PPS or in conformity with the applicable policies of the ROPP. It is also the position of Regional staff that even if it could be considered, the compensation proposed by the applicant in exchange for the right to extract under the Significant Woodland does not represent a net environmental gain. Regional staff notes that many of the issues of concern outlined herein were not directly addressed within the Township report on the subject applications, and as such, this information may not have been available to the Township Council at the time it made its decision.

In a letter dated August 22 2011, the Region’s Commissioner of Planning, Housing and Community Services filed a Notice of Appeal (see attached Appendix “A”) pertaining to Zoning By-law Amendment 11/08 passed by the Township of North Dumfries with respect to the lands municipally known as 2772 Greenfield Road in the Township of North Dumfries. The reason for the appeal as stated in this letter is that the removal of the Significant Woodland is not consistent with Policy 2.1.4 of the PPS and the failure to implement vertical zoning provisions with the by-law as requested by the Region of Waterloo is also not consistent with the PPS nor does it conform with the ROPP.

Regional staff has recommended to the Ontario Municipal Board that this application should be consolidated with the appeal of the ROP by Mr. Bromberg in order to ensure efficiencies in the hearing processes.

Area Municipal Consultation/Coordination

Regional staff provided comments regarding this application to the Township of North Dumfries through the normal Planning Act circulation process and through a series of meetings to address various alternative proposals for the site.
CORPORATE STRATEGIC PLAN:

The actions described in this report are consistent with the 2011 - 2014 Strategic Plan Strategic Objectives: 1.1 Integrate environmental considerations into the Region’s decision-making, 1.4 Protect the quality and the quantity of our drinking water sources, and 1.5 Restore and preserve green space, agricultural land and sensitive environmental areas.

FINANCIAL IMPLICATIONS:

Costs associated with the filing of this appeal and any costs associated with the Ontario Municipal Board Hearing process will be provided through funds already budgeted for such purposes. As noted in the report, the Region has requested that the Ontario Municipal Board consolidate this appeal with the associated appeals of the ROP to ensure efficiencies in the hearing processes.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Staff from Water Services and Environmental Planning were directly involved in the review of the Zoning By-law Amendment and Official Plan Amendment.

ATTACHMENTS:

Appendix A – The Region’s Notice of Appeal dated August 22, 2011
Appendix B – Location Map illustrating the subject lands
Appendix C – Rehabilitation compensation as proposed by the applicant
Appendix D -  Letter from MNR to Melanie Horton (CBM) (April 21, 2011)
Appendix E – Regional staff letter to the Township of North Dumfries (June 1, 2011)
Appendix F – Regional staff letter to the Township of North Dumfries (December 24, 2010)

PREPARED BY:  Kevin Eby, Director, Community Planning
Christopher Gosselin, Manager, Environmental Planning

APPROVED BY:  Rob Horne, Commissioner of Planning Housing and Community Services
Mr. Rodger Mordue  
Administrator/Clerk-Treasurer  
Township of North Dumfries  
1171 Greenfield Road, R.R. #4  
Cambridge, ON  N1R 5S5  

Dear Mr. Mordue:

Re: Appeal of Decision  
Zoning By-law Amendment 11/08  
CBM Bromberg  
2772 Greenfield Road

Pursuant to Subsection 34 (19) of the Planning Act, R.S.O. 1990, c. P. 13 as amended, the Regional Municipality of Waterloo requests that the decision of the Township of North Dumfries’ Council on the above-noted zoning by-law amendment be appealed to the Ontario Municipal Board (OMB).

The purpose of this application was to rezone the subject property from Agricultural (Z1) to Extractive (Z14) to permit the expansion of the existing CBM Ayr Pit (Concession 9, Part Lot 31). The application also proposed to zone the 5.3 hectare woodland on the subject property to permit its removal and the extraction of aggregate resources beneath it.

On July 18, 2011, the Township of North Dumfries Council approved this application, including the removal of the 5.3 hectare woodland, considered to be significant for the purposes of applying Policy 2.1.4 of the Provincial Policy Statement (PPS). The zoning by-law amendment passed by Council also did not include the Region’s requirement for vertical zoning provisions. The reason for the appeal is that the approval of this application does not conform to the policies of the PPS, does not represent good land use planning, and such further and other grounds as the Region may specify prior to the hearing of the appeal.

The woodland is also designated as a Core Environmental Feature as identified on Map 4 of the Regional Official Plan (ROP). The Regional Official Plan, including the criteria related to significant woodlands and specifically identifying the subject woodland as Core Environmental Feature, was approved by the Minister of Municipal Affairs and Housing on December 22, 2010 and is currently under appeal in its entirety. The owner of the subject property has appealed the designation of the woodland as a Core Environmental Feature, and as a result, the significance of this feature and the appropriate level of protection it should be provided are currently before the Ontario Municipal Board (PL110080) for consideration.

Enclosed is the $125.00 appeal fee.

Should you have any questions, please contact Mr. Kevin Eby at 519-575-4501.

Yours truly,

Rob Horne, MA, MCIP, RPP  
Commissioner of Planning, Housing  
and Community Services

1013516 v1
April 21, 2011

Melanie Horton
St. Marys Cement Inc.
55 Industrial Street
Toronto, ON M4G 3W9

Dear Ms. Horton:

Re: Application for Category 1, Class A License under the Aggregate Resources Act
CBM St. Marys Cement Inc. – Bromberg Pit
Part Lots 33 & 34, Concession 9
Township of North Dumfries, Region of Waterloo

The Ministry is in receipt of correspondence provided (without prejudice) by MHBC Planning Ltd. on November 22, 2010 which describes and illustrates three scenarios for the operation and rehabilitation of the proposed Bromberg Pit and existing adjoining Ayr Pit. This material was submitted in response to concerns that have been raised by the Ministry and other agency reviewers regarding the proposed removal of the woodland on the Bromberg site and the approach to rehabilitation. St. Marys has met with representatives from the Ministry of Natural Resources, Region of Waterloo and Township of North Dumfries on a number of occasions over the last several months to discuss these matters. These discussions have provided the basis for the recent submission. The Ministry is appreciative of St. Marys’ efforts and interest in developing alternatives for consideration and maintaining an open dialogue on these matters.

After careful consideration of the November 22, 2010 submission in conjunction with earlier correspondence and the associated discussions that have ensued, the Ministry continues to see merit in pursuing Scenario 2 which provides for a comprehensive and coordinated approach to the operation and rehabilitation of the proposed Bromberg Pit and adjoining licenced Ayr Pit. The Ministry’s support for this approach is based on the specific conditions and context of the site and surrounding area, as discussed in more detail below, and is contingent upon the development of the proposed rehabilitation plan in greater detail to the Ministry’s satisfaction.

The Bromberg property is located within a sand and gravel resource area of primary significance. Through on site drilling and testing it has been confirmed that a quality aggregate deposit is present and that a variety of commercial products can be produced from the resources available. It is estimated there are approximately 5.3 million tonnes of resource on site, of which 970,000 tonnes (or approximately 18% of the total resource present) occurs in association with the woodland in the southeast of the property. Based on current rates of extraction at the Ayr Pit, the resources present on the Bromberg site would provide approximately 25-30 years of quality supply in a close to market area.
The Bromberg property is adjacent to an area of existing resource extraction. The proposed operation would represent an expansion of an existing extractive land use. The Bromberg Pit is to be operated in conjunction with the adjoining licenced Ayr Pit, and will utilize the existing infrastructure associated with the Ayr Pit including processing facilities, entrance and haul route. In the opinion of Ministry staff, the proposed operation is a logical expansion of the existing extractive land use; the continuation and expansion of resource extraction in this area would promote efficient use of land, take advantage of existing infrastructure and maximize recovery of quality resource in a close to market area that is already established for extraction.

The Bromberg woodland is approximately 5.3 ha and is located in the southeast portion of the property adjacent to the existing Ayr Pit to the east and surrounded by agricultural lands to north, west and south. The woodland has been described as a good quality mature deciduous woodland. It contains a number of trees of considerable age, is comprised largely of native species, and has a diverse ground flora. The woodland exhibits topographic variation, including a southwest facing slope, and supports a small number of area sensitive bird species and a large specimen of Butternut. A succeeding area of meadow and plantation provides some connection between the woodland and the existing on site pond and small wetland area at the north end of the property. The woodland has been previously managed for forest products under Ministry programs, and continues to contain trees that would yield valuable hardwood timber.

On the basis of this characterization, the Ministry has previously indicated the woodland exhibits some characteristics that would reasonably allow it to be identified as a significant woodland. Ministry staff continue to be of this opinion, but recognize there have been and remain differences of professional opinion among the parties regarding the significance of the woodland.

Recognizing the interim nature of mineral aggregate resource extraction, both the Provincial Policy Statement (PPS) and Aggregate Resources Act (ARA) require progressive and final rehabilitation of extraction sites to accommodate subsequent land uses in a manner compatible with surrounding uses and designations. The PPS and ARA also both require that impacts to the environment be minimized. Ministry staff is of the opinion the consideration of rehabilitation is relevant to assessing and minimizing environmental impacts for mineral aggregate operations. The rehabilitation of mineral aggregate operations may also be taken into consideration for the demonstration of no negative impacts where the rehabilitation of ecological functions is feasible.

Under the original proposed operational plan for the Bromberg Pit the 5.3 ha woodland is to be removed to allow for extraction of the resource present. Without rehabilitation the loss of the woodland would represent a permanent and therefore unacceptable negative impact. While the original Bromberg proposal provides for rehabilitation of the site, including some reforestation, through the discussions that have occurred it was recognized there was an opportunity to consider the rehabilitation of the Bromberg and Ayr Pits in a more comprehensive and integrated manner to allow for a broader landscape scale perspective and approach to the protection, restoration, and rehabilitation of natural heritage features and management of the aggregate resource.

Through these discussions three options (scenarios) for the operation and rehabilitation of the site(s) were identified. Scenario 1 reflects the original Bromberg Pit operational and rehabilitation plan, as submitted for review under the ARA. Under Scenario 1 the woodland is proposed to be
removed, with rehabilitation efforts confined to the Bromberg property; no amendment of the Ayr Pit licence rehabilitation plan is proposed under this scenario. The Ministry has expressed concerns with this approach and noted that further consideration of the proposed rehabilitation plan in relation to the value of resource and significance of woodland would be required. The Ministry's concerns with this proposal were never fully addressed or resolved, as the discussion on these matters broadened to focus on other rehabilitation options. Further discussion would be required to determine if the Ministry's concerns with this approach could be resolved should St. Marys wish to pursue Scenario 1.

Scenario 3 reflects a revised proposal for the Bromberg Pit to exclude the woodland from the extraction area. Like Scenario 1, no amendment to the Ayr Pit rehabilitation plan is considered under this approach and extraction would proceed around the woodland. While the Ministry could support this scenario, staff is of the opinion Scenario 2 provides for a more balanced approach to the protection and management of the resources present.

Unlike Scenarios 1 and 3, Scenario 2 provides for an integrated approach to the operation and rehabilitation of the Bromberg and Ayr Pits. While Scenario 2 would result in the removal of the woodland on the Bromberg property, in the opinion of Ministry staff Scenario 2 overall represents the most comprehensive and balanced approach to management of the aggregate resource and protection of natural heritage features. Scenario 2 provides for a number of benefits over the other options proposed, including the following:

- Amendment of the approved Ayr Pit site plans to exclude approximately 10 ha of provincially significant wetland and other natural areas from the Ayr Pit extraction limit, and to provide for the rehabilitation of approximately 20 ha to natural/woodland area post-extraction;

- Establishment of a natural corridor/linkage across the Bromberg and Ayr properties to the Cedar Creek Valley, which will provide a mosaic of habitat types, across a varied topography, including significant areas of wetland and woodland;

- An increase in woodland area over the medium to long term, including approximately 8 ha of new interior forest habitat; and

- Enhanced protection of a brook trout fishery through retention of wetland and seepage areas that support a coldwater tributary of Cedar Creek.

The Ministry recognizes the Bromberg woodland is of good quality and currently provides some ecological function. However, staff is of the opinion Scenario 2 reasonably minimizes impacts and through a combination of feature retention, restoration and rehabilitation will result in improved connectivity and ecological enhancements over those that would be retained with the protection of the Bromberg woodland alone. The approach could benefit the Cedar Creek Subwatershed and greater Regional ecosystem through increases in woodland and wetland habitat area and improved connectivity between significant natural heritage features over the medium to long term.

Scenario 2 also provides for the recovery of more than five million tonnes of quality aggregate resource on the Bromberg property and in a close to market area. An integrated approach to the
management of the Bromberg and Ayr Pits allows for the use of existing infrastructure and facilities and should result in overall operational efficiencies.

In the opinion of Ministry staff, by taking a broader landscape view Scenario 2 provides a coordinated, integrated and comprehensive approach to balancing competing resource interests. In the context of the site and surrounding region, Scenario 2 provides for an appropriate balance between the protection of natural features and functions and access to the resource. In the opinion of staff Scenario 2 represents good planning and wise use and management of resources, and will contribute to achieving the desired outcomes of the PPS and ARA.

The Ministry's support for Scenario 2 is contingent on further consideration and agreement on the details of the rehabilitation plan. Topics that require further discussion and planning include operational phasing, topsoil conservation, planting treatments, and monitoring and management. Should St. Mary's wish to pursue Scenario 2, further consideration must also be given to the coordination and timing of approval processes for the proposed Bromberg licence, amendment of the Ayr Pit licence, and authorizations required under the Endangered Species Act.

Scenarios 1, 2 and 3 were submitted to agency reviewers for consideration and comment on a draft, without prejudice basis. Until it is determined which scenario St. Marys will pursue, and any associated issues are addressed to staff's satisfaction, the Ministry maintains its objection to the Bromberg licence proposal. Ministry staff would be pleased to meet with St. Marys and the other agencies to continue to discuss these matters and in an effort to find a resolution that may be acceptable to all parties.

Sincerely,

Original signed by

Mike Stone
District Planner

Cc: Chris Gosselin, Region of Waterloo
Steve Jefferson, K Smart Associates Ltd. / Township of North Dumfries
James Parkin, MHBC Planning Ltd.
Diane Schwier, MNR
Mr. Steve Jefferson  
Township of North Dumfries Consulting Planner  
K. Smart Associates Ltd.  
85 McIntyre Drive  
Kitchener, ON  
N2R 1H6  

Dear Mr. Jefferson:  

Re: Official Plan Amendment 04/08 and Zone Change Application ZCA 11/08  
CBM Bromberg  
2772 Greenfield Road  
Township of North Dumfries  

As requested, please find below a description of the issues raised in my e-mail, dated May 3, 2011, which was previously sent to the Ministry of Natural Resources (MNR) outlining a concern of Regional staff relating to this application. This correspondence was provided in response to an e-mail from Mike Stone of MNR, within which he describes the policy basis for MNR supporting the removal of the woodland on the Bromberg property as part of the aggregate extraction process. In his e-mail, Mr. Stone noted that the MNR's position was based on direction contained in Section 2.33 of the Natural Heritage Reference Manual.

For policy to have any legitimate function, it has to be clear and understandable. The public and other stakeholders have a right to be able to look at a policy and reasonably deduce what it means.

Policy 2.1.4 of the applicable Provincial Policy Statement (PPS) states:

"Development and site alteration shall not be permitted in:

... b) significant woodlands south and east of the Canadian Shield; ... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions"

The corresponding definition of "negative impact" in the PPS reads as follows:

"... c) in regard to other natural features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities." (Note: site alteration includes aggregate extraction within the PPS)

Regional staff strongly suspects that no reasonable person reading the PPS could ever conclude that the Province's commitment to protecting significant natural features in accordance with the provisions of Policy 2.1.4 includes permitting their destruction through clear cutting, removal of specialized forest soils and subsequent extraction of the site.
In the absence of clear provincial policy that supports elimination of the woodlot, reference is instead made by MNR to the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 (Manual). Regional staff notes that this Manual is simply a guideline by another name. Guidelines are not policy documents and are not instruments within which to establish new policy. Rather guidelines are simply a means for authorities to provide additional detail to assist in the interpretation of existing policies, consistent with how they are used within the policy documents. If no reasonable reading of the policy document could result in a specific interpretation, it is not appropriate for such an interpretation to be promoted through a guideline that has no policy status.

We would note that this status as a guideline is clearly established in Section 1.1 of the Manual, which states:

"While the manual provides information and approaches to assist in implementing PPS policy, it does not add to or detract from the policy."

The key portions of Section 2.3.3 of the Manual, which was specifically referred to by the MNR as the authority for their position on removal of the woodlot, read as follows:

"The following approach can help to achieve the desired outcomes of the PPS: rehabilitation of mineral aggregate operations, implemented under the Aggregate Resources Act, may be taken into consideration for the demonstration of no negative impacts (see PPS Policies 2.1.4 and 2.1.6) where rehabilitation of ecological functions is scientifically feasible and is conducted consistent with Policy 2.5.3.1 and other government standards."

The next paragraph then goes on to clarify the application of the interpretive direction noted above as follows:

"A decision to consider rehabilitation in the demonstration of no negative impacts, according to the principle above (e.g., allowing the removal of a red pine plantation where restoration of ecological functions is scientifically feasible), would have to be made on a case by case basis in consultation with the local MNR office. If approved, final rehabilitation would need to be planned to occur as soon as possible and be suited to the local natural environment."

This paragraph indicates that rehabilitation as demonstration of no negative impacts does not apply everywhere and provides specific guidance as to the type of situation envisioned (such as removal of a red pine plantation). It then goes on to state the rehabilitation must occur as soon as possible, clearly implying only short term impacts are acceptable. Where such examples are provided, the reader must take direction from the context the authors create by including such references. The natural areas being discussed here are at almost extreme opposite ends of the ecological scale when it comes to woodlands (monoculture plantation versus mature upland hardwood woodlot). This is important, as the authors clearly intended the reader to interpret this section within the context provided (i.e.: that of a red pine plantation or other environmental areas of similar limited ecological significance).

We would respectfully suggest that had the authors intended it to apply to all woodlots, as MNR is suggesting, they would have used the example of a "woodlot" without specification of type or quality, rather than that of a "red pine plantation". They clearly chose not to do so. By simply ignoring the direction provided by the authors, MNR is promoting precisely the type of policy interpretation creep that in some instances has been used by others to make a mockery out of provincial policy.
We would also note that other sections within the Manual referenced by MNR appear to provide no support for their interpretation.

Policy 13.2 states:

“For example, demonstration of no negative impacts on a significant woodland through mitigation measures may be contemplated, provided that factors such as the successional status and replaceability of the woodland components and functions within a reasonable time frame (e.g., 20 years) are considered.”

A mature upland hardwood woodlot occurs far along in a successional process, and the replacement of its associated features and ecological functions (if they can ever actually be replaced) will likely take between 80 and 100 years and a high level of restoration expertise, not 20 years as envisioned by this section of the Manual.

Policy 13.5.2.9 states:

“... any impacts on the natural features or on the ecological functions for which the area is identified.”

The test is two-fold and includes both impacts on features and impacts on ecological functions. The section referred to by the MNR in justifying their position deals only with ecological functions.

Policy 13.5.4.1 states:

“The first step toward avoiding impacts is to develop designs that have the least potential for affecting natural features.”

The “first step” reference clearly indicates priority in design over mitigation to protect natural features. Also note that it refers to natural features, not ecological functions.

Policy 13.5.4.1 further states:

“Policies 2.1.4 and 2.1.6 of the PPS are clear, however, in their requirement of no negative impacts on natural features.”

The Manual speaks to this requirement in the PPS being “clear”, and yet the interpretation being promoted as to what is meant by the policy can’t reasonably be deduced from any clear reading of the PPS policies and the associated definitions.

We were also unable to locate any examples in Table C-1: Summary of Potential Development Activity Impacts and Mitigation of the Manual (which specifically includes a section on aggregate extraction) that address any acceptable form of rehabilitation related to the type of total elimination of a woodlot through clear cutting, removal of specialized forest soils and subsequent extraction of the site as proposed by the subject application.

With all due respect, we would suggest that the interpretation of PPS Policy 2.1.4 provided by MNR is not supported by either clear reading of the applicable PPS policies and associated definitions, or by the Manual they have referenced as authority for recommending such action. The interpretation being promoted by MNR is particularly inappropriate when applied to a woodlot of high ecological quality (including the presence of an endangered species) as described in Mr. Stone's letter of April 21, 2011.
Regional staff also continues to support the previous comments provided by this office regarding the processing of the zone change application as they relate to the woodlot. The issue is whether or not this is a significant woodlot (an issue under the PPS that applies to the application whether the new Regional Official Plan is in force and effect or not). This is precisely the issue that the land owner has placed before the Ontario Municipal Board in their appeal of the Regional Official Plan. As a result, how can Township Council consider approval of an application providing for destruction of a natural feature, at the same time as it is before the Board to determine its status and the level of protection it should be provided?

If you have any questions, or if I can be of any further assistance, please do not hesitate to contact me at your convenience.

Sincerely,

Kevin Eby, M.A., MCIP, RPP
Director, Community Planning

cc: James Parkin, MHBC Planning
    Melanie Horton, St. Marys CBM
    Mike Stone, MNR
Mr. Mike Stone,
Ministry of Natural Resources,
Guelph District,
1 Stone Road Mall,
Guelph, Ontario, N1G 4Y2.

RE: PROPOSED TOWNSHIP OF NORTH DUMFRIES OFFICIAL PLAN AMENDMENT 04/08 AND ZONE CHANGE APPLICATION 08-011
CBM BROMBERG, 2772 GREELENFIELD ROAD,
TOWNSHIP OF NORTH DUMFRIES
BROMBERG WOODLAND

Dear Mr. Stone;

Regional Community Planning staff have now given careful consideration to the e-mail and attachments sent to us (Without Prejudice) by Lana Phillips on November 22, 2010 which illustrate and quantify potential extraction and rehabilitation options for the proposed Bromberg Pit and the adjoining licensed CBM Ayr Pit. At the outset, I would like to express our appreciation to the Ministry for convening the generally cordial in-depth discussions on this application on June 18, September 13, September 29, and October 25, 2010, and, by copy of this letter, to CBM for hosting a most helpful tour of their Ayr Pit property on September 23, 2010. The meetings, site visit, and most recent submission have followed up on the process initiated at the June 18, 2010 meeting. This process was fully supported by Regional staff in a letter from Alyssa Bridge of this office to Rodger Mordue dated June 23, 2010. The various meetings and submissions associated with this process have, in our opinion, occurred in good faith by all parties concerned, and have better informed us as we determined our position on the Township of North Dumfries Official Plan Amendment 04/08 and Zone Change Application ZCA 11/08 to permit aggregate extraction on the Bromberg property. The following comments pertain solely to the proposed removal of the Bromberg woodland and related Bromberg-Ayr Pit site restoration scenarios. The other issues raised in our June 23, 2010 letter remain to be addressed before Regional staff release final comments on these applications.

In the June 23, 2010 letter, Regional staff expressed serious concern about the proposed removal of the 5.3 hectare Bromberg woodland for aggregate extraction. It was, and remains, our professional opinion that the woodland qualifies as a Significant Woodland for the purposes of implementing the 2005 Provincial Policy Statement. As the application was submitted prior to the approval of the new Regional Official Plan adopted on June 16, 2009, the following comments are made pursuant to section 2.1 of the P.P.S. and the 1995 Regional Official Policies Plan.
In embarking on the series of discussions with CBM, Regional staff sought to explore with the proponents and approval agencies whether the clear prohibition of negative effects in Significant Woodlands (P.P.S. 2.1.4) could be tempered or out-weighed by (a) the need to extract aggregate pursuant to sections 2.4 and 2.5 of the P.P.S., and (b) restoring and improving the diversity and connectivity of natural features on the two properties which are contiguous to the Cedar Creek Spillway Environmentally Sensitive Policy Area (P.P.S. 2.1.2).

At our meetings, statements were made about the need not to consider the prohibition in policy 2.1.4 in isolation, but rather, in the words of the P.P.S., to read the document “in its entirety and [to apply] the relevant policies ... as if they are specifically cross-referenced with each other.” Our considered position on this matter is therefore our best attempt “to read the Provincial Policy Statement as a whole.”

P.P.S. Policy 2.1.4

Regional staff remain of the opinion that the Bromberg woodland is a “Significant Woodland” for the purposes of this policy in that it clearly fulfills the criteria for Significant Woodlands adopted in the new Regional Official Plan (R.O.P.) by Regional Council on June 16, 2009, criteria that have thus far not been challenged by the Province. Further, the Natural Heritage Reference Manual states that, “woodlands that meet a suggested minimum standard for any one of the criteria listed in Table 7-2 should be considered significant.” At 5.3 hectares, the woodland meets the minimum 4.0 ha woodland size criterion for Waterloo Region. The woodland would also meet the economic function criteria because it shows high productivity to produce valuable hardwood timber “together with continuous native natural attributes.” Although the new R.O.P. policies and designations do not apply to the subject applications, the woodland is also considered to be “located within a defined natural heritage system.” Once designated, it is proposed to comprise an element of the Greenslands Network and demarcate the western edge of the proposed Dumfries Carolinian Environmentally Sensitive Landscape.

Policy 2.1.4(b) of the PPS prohibits “development and site alteration within Significant Woodlands “unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.” As stated in the letter of June 23, 2010, the proposal to remove the woodland in its entirety in order to extract the aggregate beneath it would, in my professional opinion, “constitute the most severe negative impact possible, and therefore that its removal would not be consistent with the provisions of the PPS.” Table C-1 of the Natural Heritage Reference Manual lists several potential impacts of aggregate extraction on the features and functions of natural heritage features along with possible measures to mitigate those impacts. The list does not contain total removal or even significant reduction in size, and so it can reasonably be concluded that the proposed removal would not be consistent with this policy of the P.P.S.

P.P.S. Policy 2.1.2

Policy 2.1.2 of the P.P.S. directs that “the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among

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2 ibid., p. 193-94.
natural heritage features and areas, surface water features and groundwater features." In the previous letter, Regional staff noted that the Bromberg woodland forms the western perimeter of the proposed Dumfries Carolinan Environmentally Sensitive Landscape identified on Map 4 of the new R.O.P. Although the R.O.P. policies and designations do not apply to the subject applications and cannot be the basis for refusing them, they do nonetheless provide a useful context for evaluating the three potential Bromberg-Ayr Pit rehabilitation/restoration scenarios prepared by MHBC and Stantec.

Scenario 1 shows the approved CBM Ayr Pit and proposed Bromberg Pit rehabilitation plans. In the June 23, 2010 letter, staff provided comments on what we consider to be the shortcomings of the proposed Bromberg Pit rehabilitation plan:

- The proposed 8 hectare treed area along the northern boundary cannot compensate for the loss of the 5.3 hectare mature natural woodland which comprises native shrubs, herbaceous plants, seed bank, woodland fungi, and soil micro-organisms in addition to the trees.
- Clumps of trees are proposed to be planted in an open field in soil retrieved from soil storage areas. There is no assurance that the soil will be salvaged in a timely fashion from the woodland area, and thus may not have the viable seedbank and soil microorganisms necessary to re-create a natural forest ecosystem in any reasonable timeframe.
- The total area to be restored to woodland may actually not be much larger than the area of woodland to be removed because the checkerboard pattern of restoration will result in only about half of the area being classified as woodland for the medium to long term as the intervening meadow areas are left to succeed naturally.

The approved rehabilitation plan for the CBM Ayr Pit envisages removal of small but good quality upland woodlands in the centre and southern perimeter of the site as well as an area of wooded swamp within the Cedar Creek Spillway Environmentally Sensitive Policy Area [E.S.P.A. 41]. Regional staff last commented upon this rehabilitation plan in report EEAC-92-014 dated August 18, 1992 when the licence came up for review under the then-new Aggregate Resources Act. At the time, staff expressed serious concern about the impacts of the approved extraction areas on a lobe of E.S.P.A. 41, the Provincially Significant Wetland within the E.S.P.A., and the coldwater fish habitat in the tributary of Cedar Creek. At the Ecological and Environmental Advisory Committee (E.E.A.C.) meeting of that date, the M.N.R. Area Supervisor informed the committee and staff that even though the existing site plan was then being reviewed, the old licence took precedence over the E.S.P.A. and P.S.W. designations, and so no changes could be made at that time. Given that history, CBM's willingness to consider potential changes to the existing site plan are to be welcomed.

Suffice it to say, that in light of my 1992 comments on the CBM site plan review and the current Bromberg proposal, Scenario 1, as far as the Bromberg application is concerned, would not be acceptable to Regional staff.

Scenario 2 proposes to extract the Bromberg woodland and rehabilitate the property as originally proposed. This scenario proposes in effect to trade off the Bromberg woodland, (which overlies an estimated 970,000 of the 5.3 million tonnes of the aggregate reported to be on the property), on one hand, for the area of E.S.P.A. 41 and Provincially Significant Wetland at the northern end of the CBM Ayr Pit property, on the other. There is some discussion as to whether the Cedar Creek Spillway aggregate deposits may pinch out in this area, although the recent submission estimates that this site plan amendment could result in potentially foregoing the
extraction of about 1.2 million tonnes of aggregate. In addition, it proposes additional significant improvements to the CBM Ayr Pit rehabilitation plan. These include:

- Not excavating the lobes of Provincially Significant Wetland which support the associated fish habitat at the northern end of the property;
- Not creating a large pond north of the Union gas easement which could result in thermal impacts to the coldwater tributary of Cedar Creek;
- Restoring the areas adjacent to the Provincially Significant Wetland following extraction north of the Union Gas easement to form part of an expanded natural heritage system on the property;
- Foregoing extraction of a 1.7 ha area at the western edge of the area north of the Union Gas easement which may serve as a recharge area for the spring discharging toward the tributary;
- Restoring the strip forming the north shore of the main post-extraction pond to natural habitat in order to create a linkage between E.S.P.A. 41 to the north-east and the created woodland on the northern part of the Bromberg property as well as linking now-isolated woodlands on the properties to the north;
- Reducing the total area of the post-extractive ponds from 40.2 ha to 31.2 ha in order to retain a linear pond previously extracted for peat;
- Nearly tripling the total area of the retained and restored interconnected natural heritage system from 25.0 ha to 72.9 ha;
- Restoring the south-west corner of the site to agriculture rather than grassed sideslope;
- Increasing the net gain to aggregate reserves on the two properties by 4.1 Million tonnes as opposed to 5.3 Mt. in the existing CBM and proposed Bromberg licence.

This proposal unquestionably represents an improvement over the existing Ayr Pit rehabilitation plan, and CBM is to be commended for even considering so substantial a change at what could be the cost of a potential reduction in recoverable aggregate reserves. The changes north of the Union Gas easement are particularly noteworthy. Nevertheless, while staff appreciate the fact that the areas of the Provincially Significant Wetland and E.S.P.A. 41 within the approved extraction area could be transferred to the natural heritage system on site, we have come to the conclusion that destroying a 5.3 ha high quality natural upland forest in order to create a larger area of planted trees may still not be consistent with the P.P.S. We anticipate that the steep, narrow, and probably uncultivable sideslopes around the large pond will in all likelihood regenerate naturally to meadow and thickets and serve as valuable habitat linking the Bromberg woodland to the Cedar Creek corridor.

**Scenario 3** is in a sense the reciprocal of Scenario 2 in that the CBM Ayr rehabilitation plan remains as it is now and the Bromberg rehabilitation plan is modified to retain the woodland. After much consideration, Regional staff have come to the conclusion that this is the alternative most consistent with the Provincial Policy Statement for the following reasons:

1. It is fully consistent with Policy 2.1.4 of the P.P.S.
2. The confirmation of fish habitat in the northern extremity of the CBM Ayr Pit property can be expected to result in some formal or informal operational modification of the existing approved extraction and rehabilitation plans to comply with the *Fisheries Act*.
3. The M.N.R. had not decided to exclude the Provincially Significant Wetland from the extraction area in 1992, shortly after the former Wetland Policy Statement came into effect.
4. The sideslopes remaining around the large southern pond will be too narrow and too steep to accommodate agricultural production using current large equipment, and so can be expected to be allowed to succeed naturally to meadow habitat over time. The
retention of the Bromberg woodland to the west, along with the woodlands on the
neighbouring property to the north, will serve as a natural seed source to colonise these
strips and over time restore them naturally to second-growth woodland.

P.P.S. Sections 2.4 and 2.5

These sections require planning authorities not to hinder the extraction of mineral aggregate
resources by inappropriate land use decisions, and to ensure that extraction shall minimise
social and environmental impacts. It is our opinion that Scenario 3 is generally consistent with
these policies:

1. It does not reduce the identified recoverable reserves on the CBM Ayr Pit property.
2. By trading off the 970,000 tonnes estimated beneath the woodland for the 1.2 million
tonnes estimated in the northern part of the Ayr Pit site, it would appear to provide for
the recovery of more material consistent with Policy 2.5.2.3.
3. Preserving the Bromberg woodland does not make extraction of the underlying
aggregate physically impossible should there be a dire enough shortage of aggregate
at some future time as to warrant mining in high quality natural features.

To conclude, Regional staff are most appreciative of the efforts by CBM and the Ministry to look
at a range of potential alternatives which even went to the extent of contemplating substantive
revisions to an existing approved site plan. There is no question that the potential alternative
holds a number of attractive features to Regional staff from an environmental perspective.
Nevertheless, having participated with all the stakeholders in a thorough and honest evaluation
of all realistic alternatives, it is our professional opinion that the potential benefits of revising the
CBM Ayr Pit site plan do not warrant contravening what we understand to be the clear intent of
P.P.S. Policy 2.1.4 in the wider context of the whole P.P.S. as we comment on the subject
applications. As such, Regional staff cannot support leaving the Bromberg woodland in the
extraction area. Consequently, we are requesting the proponents and Ministry to delete it from
the extraction area on the site plan, and to show a minimum ten metre buffer around it. We will
also request the Township of North Dumfries to designate it, along with a ten metre buffer
around the dripline, as Open Space in Official Plan Amendment 04/08 and to place it in
appropriate Natural Heritage zoning rather than aggregate extraction zoning in Zoning By-law
Amendment 08-011. The delineation of the woodland should be to the satisfaction of the
Region.

Please do not hesitate to contact me if you wish to discuss this further.

Yours sincerely,

[Signature]

Christopher Gosselin, M.A., B.Sc.(Agr.), M.A.
M.C.I.P., R.P.P.
Manager of Environmental Planning,
gchris@region.waterloo.on.ca

cc. Rodger Mordue, Township of North Dumfries
Steve Jefferson, Township of North Dumfries
Samantha Lawson, Grand River Conservation Authority
Melanie Horton, CBM
James Parkin, MHBC Planning
Dan Eusebi, Stantec Ltd.
5 October, 2011

Re: River Road extension proposal

Dear Members of Regional Council,

I would like to express TriTAG's disagreement with the direction being taken on the River Road extension project.

We do not believe that there has been serious consideration of alternatives for increasing capacity for east-west movement of people in that part of Kitchener. We do not believe that expanding capacity for the movement of vehicles in this corridor at great cost is appropriate – not to mention the environmental costs, both local and Region-wide. However, if capacity for vehicle movement has to be increased, we believe there are better alternatives which have not been considered.

**Transit:** The report claims that studies done have shown that transit cannot do much along this corridor. But just how well can we know this until we actually try? Right now, there is essentially no transit alternative to east-west travel in south Kitchener. There is no frequent transit service of any kind in Kitchener outside of the Conestoga Expressway. Currently there is some east-west service on the notoriously unreliable Route 12, but that terminates at Fairview Park Mall. East of that, the service is dreadful. And God help you if you want to travel by transit across town instead of to the terminal. Suffice it to say that there is no substantial transit alternative presently, and it is no wonder no one takes it.

The new Regional Transportation Master Plan and the Light Rail plans place much weight on the idea that good transit service will attract ridership, including people who have choice. Is this just an idea on a shelf somewhere? At some point we have to actually accept this as a principle, and start planning for people to choose transit – by designing transit that is competitive with driving, and making corresponding decisions about priorities. The simplest step would be implementing a south Kitchener cross-town iXpress line, as early as next year. Good transit gets people out of their cars. Building new roads faster than we improve alternatives keeps us in them.

**Walking/cycling:** A similar point applies for walking and cycling. Most Regional Roads in south Kitchener do not even have complete sidewalks. How can you expect anyone to walk if there is no place for them to do it? Short trips by bicycle could easily get people across south Kitchener, except, again, there is no place to do it. Fairway Road is incredibly hostile to cycling, and there is no complete corridor for east-west travel by bicycle. For a tiny fraction of the cost of a River Road expansion, we could complete the sidewalks in South Kitchener and build a network of safe cycling facilities. It is cheap transportation infrastructure, and good for public health and our air. This should be priority number one.

**Driving:** If congestion is the problem, a new road would not solve it thanks to the phenomenon of induced demand. Build it, and they will... move to fresh sprawl in southwest Kitchener to take advantage of a free-flowing Fairway or River Road. And soon enough, both roads will be clogged.

The report claims a River Road extension would result in less air pollution through reducing congestion. This is a nonsense claim for a project aiming to increase capacity for vehicle movement along this corridor. With two roads, substantially more vehicles will be travelling than with just one, and air pollution will be increased, not decreased.
Finally, if we must increase vehicle capacity, there are better ways to do it. We are, after all, in Waterloo Region. Both capacity and safety could be increased on the Fairway Road corridor by replacing the existing left turns and intersections with roundabouts. It would get more vehicles through, make Fairway Road easier to cross, reduce crash severity, and not require an expensive road through an environmentally sensitive area. As the project was started back in 2004, I believe roundabouts were never considered and thus have not been evaluated relative to other approaches.

In conclusion, I ask you to reconsider the direction of this project and to guide it instead towards practical, low-cost solutions to increasing east-west mobility in southwest Kitchener.

Kind regards,

Michael Druker
Tri-Cities Transport Action Group (TriTAG)
TO: Regional Chair Ken Seiling and Members of Regional Council

DATE: October 5, 2011

FILE CODE: F18-30

SUBJECT: T2011-131 CONSTRUCTION OF ORGANICS TRANSFER BUNKERS, WATERLOO LANDFILL SITE

RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the tender of Nith Valley Construction Ltd. for the Construction of Organics Transfer Bunkers, Waterloo Landfill Site, at a total price of $520,168.38 including all applicable taxes.

SUMMARY: Nil

REPORT:

Tenders were called for the Construction of Organics Transfer Bunkers at the Waterloo Landfill Site and were advertised in the Kitchener-Waterloo Record, Daily Commercial News, Ontario Public Buyers Association website and the Region’s website. The following tenders were opened in the presence of L. Churchill, A. Yochim, and J. Markovic.

Finnbilt General Contracting Ltd. Stratford, ON $529,363.19
Belmont Group Ltd. St Agatha, ON $569,197.00
Reid & Deleye Contractors Ltd. Courtland, ON $607,163.00

Work to be completed under this contract includes construction of two reinforced, steel plate lined concrete bunkers, complete with upper framed walls, cladding and roofing. The bunkers allow for the transfer of organic waste, collected as part of the curbside green bin organics program, to the hauler contracted to transfer the organics to a third party processing facility.

This construction contract includes:

- Two 96 square meter organics transfer buildings,
- Reinforced concrete floors within the bunkers, and
- Reinforced concrete exterior pads and asphalt apron complete with related earthworks, grading and granulars beneath the pad and apron.

Subject to Council approval, it is anticipated that the contractor will commence construction in October 2011 with contract completion in December 2011.

The Region’s Engineering Consultant and Regional staff are satisfied that competitive tenders were received. A total of four (4) compliant tenders were received, and the two low tender bids are within a range of less than 2%.
CORPORATE STRATEGIC PLAN:

This project will contribute to the strategic objective of environmental sustainability and will provide the necessary infrastructure to enhance the Green Bin Program and reduce the amount of waste going to the landfill as described in Focus Area 1 – Environmental Sustainability, protect and enhance the environment.

FINANCIAL IMPLICATIONS:

<table>
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<th>Item</th>
<th>Cost</th>
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<tr>
<td>T2011-131 Engineering – Consultant</td>
<td>$520,168.38</td>
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<tr>
<td>Soils &amp; Structural Testing Consultant</td>
<td>$53,000.00</td>
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<tr>
<td>Advertising and Printing</td>
<td>$8,000.00</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Sub-total</td>
<td>$583,168.38</td>
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<tr>
<td>Less Municipal Rebate of 86.46% of HST</td>
<td>(58,007.20)</td>
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<td>(11.24%)</td>
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<tr>
<td>Total</td>
<td>$525,161.18</td>
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The Region’s approved 2011 Ten Year Waste Management Capital Budget provides a total budget of $1,025,000 for the Green Bin Program. The overall cost of this project ($525,161.18) is within the allowance for this work ($550,000) included in the overall budget. The balance of the budget is allocated to other projects related to this program.

The final date of acceptance for this tender is November 11, 2011.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS: Nil

PREPARED BY: C. Whitlock, Director, Procurement & Supply Services

APPROVED BY: A. Hinchberger, Acting Chief Financial Officer
TO: Regional Chair Ken Seiling and Members of Regional Council

DATE: October 5, 2011

FILE CODE: F18-30

SUBJECT: T2011-136 SITE UPGRADES AT 31-43 INGLESIDE DRIVE, KITCHENER, ON

RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the tender of Steed and Evans Limited for Site Upgrades at 31-43 Ingleside Drive, Kitchener, ON in the amount of $154,810.00 including all applicable taxes.

SUMMARY:

Nil

REPORT:

Tenders were called for Site Upgrades at 31-43 Ingleside Drive, Kitchener, ON and were advertised in the Record and on the Region’s website. Tenders were opened in the presence of D. Kester, N. Muir and J. McCarty.

The following tenders were received:

- Steed and Evans Limited, St. Clements, ON: $154,810.00
- Hardscape Concrete & Interlock, Paris, ON: $221,254.00

There were four (4) bidders present at the mandatory meeting and two submitted bids. The other two contractors that did not submit bids responded that they were too busy and could not fit the work into their construction schedules. Facilities staff has reviewed the low bid submitted by Steed and Evans Limited and feel it is fair and reasonable.

Work to be completed under this contract includes the supply of all materials, labour, plant and other equipment to perform concrete paving and curbs, asphalt paving, sodding and earthworks.

Subject to Council approval, it is anticipated that substantial completion of this work is expected by October 21, 2011.

CORPORATE STRATEGIC PLAN:

This project will contribute to the strategic objective of prioritizing and implementing capital program projects which are required to meet community needs and ensure sustainability as detailed in Focus Area 2 – Growth Management and Prosperity.
FINANCIAL IMPLICATIONS:

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<tr>
<th>Item</th>
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<td>Contract T2011-136</td>
<td>$154,810.00</td>
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<tr>
<td>Consulting</td>
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<td><strong>Sub-total</strong></td>
<td><strong>$163,285.00</strong></td>
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<td>Less Municipal Rebate of 86.46% of paid HST (11.24%)</td>
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<td><strong>$147,043.49</strong></td>
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The approved 2011 Waterloo Region Housing (WRH) capital budget provides $5,006,174 for various capital projects which includes the Site Upgrades at 31-43 Ingleside Dr., Kitchener. To-date, a total of $3,101,084 has been committed and spent. The overall remaining capital budget balance of $1,905,090 is sufficient to cover the cost of this tender. Financing for the 2011 WRH capital program is provided through various sources of funding which consists of federal grants, revenue (taxation) and the Housing Reserve Fund.

The final date of acceptance for this tender is December 7, 2011.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS: Nil

PREPARED BY: C. Whitlock, Director, Procurement & Supply Services

APPROVED BY: A. Hinchberger, Acting Chief Financial Officer
TO: Regional Chair Ken Seiling and Members of Regional Council  
DATE: October 5, 2011  
FILE CODE: F18-30  
SUBJECT: T2011-140 COMING OF AGE EXHIBIT, WATERLOO REGION MUSEUM

RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the tender of Expographiq for Coming of Age Exhibit, Waterloo Region Museum, at a total price of $256,696.80, including all applicable taxes.

SUMMARY: Nil

REPORT:

Tenders were called for the Coming of Age Exhibit, Waterloo Region Museum and were opened in the presence of J. Jensen, C. Pfeiffer and J. McCarty.

The following bids were received:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Location</th>
<th>Price</th>
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<tr>
<td>Expographiq</td>
<td>Gatineau, Quebec</td>
<td>$256,696.80</td>
</tr>
<tr>
<td>Taylor Manufacturing Industries Inc.</td>
<td>Brampton, ON</td>
<td>$450,060.92</td>
</tr>
</tbody>
</table>

Due to the specialized nature of this work, bids were requested from (5) five vendors. Two vendors did not submit a bid due to time constraints and one did not submit a bid as they had recently just submitted a bid on another tender and wanted to focus their full attention on that project.

The work for this project includes professional exhibit fabrication and other specialty engineering services to build and install the exhibits and components, interactive, audio visual systems and to produce graphics as required by Waterloo Region Museum for a 1,500 square foot permanent exhibit, *Coming of Age*. All work is to be completed no later than February 17, 2012. Waterloo Region Museum staff has reviewed the low bid submitted by Expographiq and feel it is fair and reasonable and in line with the budget for this work.

This exhibit occupies about 10% of the long term gallery and is located in the area farthest away from the entrance. When the main gallery and the Innovation Exhibit (short term gallery) are opened in November, this area will be ‘under construction.’ Completion of this exhibit will lead to an additional opening in the New Year, proposed to coincide with the Family Day long weekend.

CORPORATE STRATEGIC PLAN:

Award of this contract aligns with Focus Area 2 of the Corporate Strategic Plan – Growth Management and Prosperity and the strategic objective to promote and enhance arts, culture and heritage.
FINANCIAL IMPLICATIONS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T2011-140</td>
<td>$256,696.80</td>
</tr>
<tr>
<td>Less Municipal Rebate of 86.46% HST (11.24%)</td>
<td>(28,852.72)</td>
</tr>
<tr>
<td>Total</td>
<td>$227,844.08</td>
</tr>
</tbody>
</table>

The approved Waterloo Region Museum 2011 Capital Budget (project #42012) includes $3,879,000 to be funded from debentures for exhibit design and fabrication. Of this amount, $584,000 is available for this tender after allowing for expenditures and commitments to-date. The remaining funds will be used for additional audio visual components, hands-on and computer interactives.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS: Nil

PREPARED BY: C. Whitlock, Director, Procurement & Supply Services

APPROVED BY: A. Hinchberger, Acting Chief Financial Officer
TO: Regional Chair Ken Seiling and Members of Regional Council

DATE: October 5, 2011          FILE CODE: F18-40

SUBJECT: P2011-38 STORM SEWER VIDEO INSPECTION PROGRAM

RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the proposal of Benko Sewer Service for the Storm Sewer Video Inspection for a two (2) year term, at a total price of $240,916.00, including all applicable taxes.

SUMMARY: Nil

REPORT:

Proposals were called for Storm Sewer Video Inspection and were advertised in the Record, on the OPBA website and the Region’s website. Six other vendors expressed an interest, but indicated that they did not have capacity in their current work load. The proposal was opened in the presence of S. Buckley, K. Bagley, and J. Markovic.

The following proposal was received:

Benko Sewer Service           London, ON          $240,916.00

The proposal submission was evaluated based on the following criteria: understanding of scope and the approach of the project, adequacy of the work plan and schedule in relation to the scope of work and deliverables, experience of the firm and the project team with similar projects, and price. The proposal demonstrated a good understanding of the project with a capable project team and experience on numerous similar projects. The Purchasing By-law allows negotiation when one bid is received. As a result of the negotiation, the price per metre of $2.95 was reduced by $0.35 resulting in a savings of $28,700 before taxes. Regional staff is satisfied the bid is fair and reasonable.

The proposal is for a two (2) year term with the option to extend for two (2) additional one year terms. The storm sewer video inspection will identify storm sewer sections, manholes and catch basins that need repair/replacement in advance of or in conjunction with planned road rehabilitation work. Video inspection of Regional storm sewers will be performed over a 2 year period on approximately 24,000 metres in 2011 and 58,000 metres in 2012.

The storm sewer video inspection program is scheduled to start in early October 2011 and continue until the end of December 2012. The schedule for the following year(s) of this contract will be negotiated with the contractor.

Lane closures will be required during the storm sewer video inspection project. The lane closures will abide by the Region’s work permit process and as such, will be limited to specific times of day. In all cases, two-way traffic will be maintained.
CORPORATE STRATEGIC PLAN:

The implementation of this contract achieves Focus Area 2 – Growth Management and Prosperity, of the Corporate Strategic Plan and Strategic Objective 2.2 which is to develop, optimize and maintain infrastructure to meet current and projected needs.

FINANCIAL IMPLICATIONS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2011-38</td>
<td>$240,916.00</td>
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<tr>
<td>Less Municipal Rebate of 86.46% of HST</td>
<td>(23,963.25)</td>
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<td>Total</td>
<td>$216,952.75</td>
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</table>

The 2011 Transportation Capital Program includes $460,000 from 2011 to 2012, funded from the Roads Rehabilitation Reserve Fund for this project (#9035) of which $300,000 is available for the two year storm sewer flushing and catch basin cleaning program. Based on the Benko Sewer Service pricing for this project, the anticipated cost from 2011 to 2012 is $216,952.75. There are sufficient funds allocated in the Transportation Capital Program for the work planned in this project.

The final date of acceptance for this proposal is October 21, 2011.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS: Nil

PREPARED BY: C. Whitlock, Director, Procurement & Supply Services

APPROVED BY: A. Hinchberger, Acting Chief Financial Officer
The Licensing and Retail Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo amend Schedules A and B of By-law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-cab Meters within The Regional Municipality of Waterloo, as amended, to implement the following fee changes:

   a) Initial meter fare (flag drop) to be increased to $3.50.
   b) Per kilometer rate be increased to $2.10 per kilometer
   c) Waiting – per hour / contract be increased to $31.20 per hour or part thereof.

[CR-CLK-LIC-11-005]

September 19, 2011
THE REGIONAL MUNICIPALITY OF WATERLOO
COMMUNITY SERVICES COMMITTEE

Summary of Recommendations to Council

The Community Services Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo request that the Office of the Chief Medical Officer of Health of Ontario continue to stay abreast of the evolving science related to Lyme disease, with particular emphasis on the most effective, validated laboratory testing methods and treatment, as well as continue providing Public Health Units with the latest evidence-based information and guidance to continuously improve provincial and local Lyme Disease Programs, pursuant to information previously presented in Report PH-11-038, dated August 16, 2011;

   AND THAT a copy of Report PH-11-038 together with this revised recommendation be sent to the Chief Medical Officer of Health of Ontario, the Minister of Health, local MPs and MPPs.

2. THAT the Regional Municipality of Waterloo enter into an agreement with MTE GlobalTox, led by Dr. Ron Brecher, for a one year period commencing January 1, 2012, with an option of annual renewal for a maximum of two additional years with a maximum total expenditure over three years of up to $300,000 including all applicable taxes, to be funded within the approved cost shared base budget for Public Health which is cost shared 75/25 with Province of Ontario;

   AND THAT the Medical Officer of Health be authorized to enter into such agreements with MTE GlobalTox as may be required to facilitate the implementation of the recommendations in Report PH-11-039, September 27, 2011, with such agreements to be to the satisfaction of the Regional Solicitor.

3. THAT the Regional Municipality of Waterloo enter into the Public Health Accountability Agreement with the Province of Ontario, as attached as Appendix B, effective January 1, 2011 for a term of three years, pursuant to Report PH-11-041;

   AND THAT the Regional Municipality of Waterloo increase the 2011 Operating Budget for Public Health by $120,050 gross and $0 net Regional Levy to reflect new 100% provincial base funding for the Enhanced Food Safety – Haines, Enhanced Safe Water, Needle Exchange Program, and Public Awareness; Infection Prevention & Control Week initiatives.

4. THAT the Regional Municipality of Waterloo approve an increase of 1.0 full time equivalent (FTE) in the Infectious Diseases Dental & Sexual Health Division to support the implementation of the Chief Nursing Officer (CNO) initiative, to be funded 100% by the Ministry of Health & Long Term Care as outlined in Report PH-11-042.
5. THAT the Regional Municipality of Waterloo enter into an annual agreement with Supportive Housing of Waterloo (SHOW) for up to $100,000 for tenant support at their 30 unit supportive housing program located at 362 Erb Street West in Waterloo, as determined by the Commissioner of Social Services, effective January 1, 2011, in a form satisfactory to the Regional Solicitor;

AND THAT the Regional Municipality of Waterloo enter into a one-time agreement with SHOW for $39,780 effective January 1 to December 31, 2011, in a form satisfactory to the Regional Solicitor, to support their 2011 operations transition plan;

AND FURTHER THAT Council request that the Province, through the Waterloo-Wellington Local Health Integration Network, provide on-going operating funding required for SHOW as outlined in report SS-11-034, dated September 27, 2011.

6. THAT the Regional Municipality of Waterloo approve the expenditure of up to $100,000 in one-time funding to support Domiciliary Hostel Program operators in meeting compliance under the Domiciliary Hostel Standards, as determined by the Commissioner of Social Services;

AND THAT the Regional Municipality of Waterloo approve entering into funding agreements with operators under the Domiciliary Hostel Program in receipt of one-time funding from the Region to assist in meeting compliance under the Domiciliary Hostel Standards, in a form satisfactory to the Regional Solicitor, as outlined in report SS-11-035, dated September 27, 2011.

7. THAT the 2011 Operating Budget for Social Planning, Policy and Program Administration be increased by $83,406 gross and $0 net Regional Levy to be fully funded by corporate partners;

AND THAT The Regional Municipality of Waterloo request the Ontario Energy Board to increase flexibility in program eligibility criteria for the use of funding under the Low Income Energy Assistance Program;

AND FURTHER THAT The Regional Municipality of Waterloo approve entering into agreements, from time to time as determined by the Commissioner of Social Services, generally to support the implementation of the Waterloo Region Energy Assistance Program, subject to receipt of Provincial Government funding and corporate partner funding, in a form satisfactory to the Regional Solicitor, as outlined in Report SS-11-036, dated September 27, 2011.

8. THAT the Regional Municipality of Waterloo increase the 2011 Operating Budget for Social Planning, Policy and Program Administration by $13,000 gross and $0 net regional levy;

AND THAT the Regional Municipality of Waterloo approve entering into agreements with agencies or consultants, as determined by the Commissioner of Social Services from time to time, to support the implementation of the Immigration Partnership Strategic Plan for the period August 1, 2011 – December 31, 2011, subject to receipt of this funding from the
United Way of Kitchener-Waterloo and Area, as outlined in report SS-11-037 dated September 27, 2011.

9. THAT the Regional Municipality of Waterloo approve an increase to the 2011 Operating Budget for Social Planning, Policy and Program Administration of $10,856 gross and $0 Net Regional Levy, due to receipt of an additional $10,856 in one-time funding through the Provincial Rent Bank Program;

AND THAT the Regional Municipality of Waterloo amend its current agreement with Lutherwood to provide additional one-time funding in the amount of $10,856 for the Rent Bank and Eviction Prevention Program loan fund, for the period January 1, 2011 to December 31, 2011, in a form satisfactory to the Regional Solicitor, as outlined in report SS-11-038, dated September 27, 2011.

10. THAT the Regional Municipality of Waterloo approve an infant rate of $65.00 per day charged at the five directly operated Children’s Centres effective November 1, 2011 as outlined in report SS-11-040, dated September 27, 2011.

September 27, 2011
The Regional Municipality of Waterloo Administration and Finance Committee

Summary of Recommendations to Council

The Administration and Finance Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo establish an open data catalogue and webpage(s) for the purposes of making data available to the public under an Open Data Model;

   AND THAT staff conduct an evaluation of this initiative within one year of its commencement. [CR-CLK-11-017]

2. THAT the Regional Municipality of Waterloo take the following action related to its Reserves and Reserve Funds: [F-11-063]

   1. Eliminate the Environmental Insurance Reserve Fund and transfer the balance in the following manner: Brownfield Incentive Program ($2.5 million), the Capital Levy Reserve Fund ($3.0 million) and the remainder to the Insurance Reserve Fund ($500,000);

   2. Eliminate the Land Servicing Reserve Fund ($34,788) and the Highway Servicing Reserve Fund ($10,316), and transfer the balances to the Roads Rehabilitation Capital Reserve Fund, and maintain the Cycling Path Reserve Fund ($667,603).

   3. Eliminate the Pay Equity Reserve and transfer the funds to the following existing Human Resources capital projects: Attracting and Retaining Employees ($47,000), Recruitment and Retention Strategy ($207,937) and Strategy for Employee Engagement ($223,530);

   4. Eliminate the GIS Maintenance Reserve Fund ($77,502) and transfer the balance to the Computer Reserve to be used to offset one-time costs from the Information Technology Program Review.

September 27, 2011
The Planning and Works Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo approve the revised schedule of fees and supplemental charges at the Region of Waterloo International Airport (ROWIA) as per Appendix A of Report E-11-104 dated September 27, 2011, effective January 1, 2012.

AND THAT the notice of the intent to amend the Region’s Fees and Charges (By-law 10-001 as amended) as set out in Report E-11-104 dated September 27, 2011, be published in accordance with the provisions of the Municipal Act.

2. THAT The Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands for the road improvements to University Avenue, in the City of Waterloo, in the Region of Waterloo as detailed in report CR-RS-11-059 dated September 27, 2011:

1. Complete application(s) to the Council of the Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for the road improvements to University Avenue and described as follows:

**Fee Simple Partial Taking:**

1. Part of Lot 2, Registered Plan 1050, being Part 1, on Reference Plan 58R-17179, PIN 22691-0047(LT) (251 Glenridge Drive)

2. Part of Lot 77, Registered Plan 1050, being Part 4, on Reference Plan 58R-17179, PIN 22354-0005(LT) (240 Mayfield Avenue)

3. Part of Lot 1, Registered Plan 1076, being Part 5, on Reference Plan 58R-17179, PIN 22355-0053(LT) (239 Mayfield Avenue)

4. Part of Lot 3, Municipal Compiled Plan of Lot 6, German Company Tract, being Parts 1 and 2, on Reference Plan 58R-17180, PIN 22691-0046(LT) (130-140 University Avenue)

5. Part of Lots 10 and 11, Registered Plan 501, being Part 3, on Reference Plan 58R-17180, PIN 22358-0054(LT) (115 University Avenue East)

6. Part of Lot 10, Registered Plan 501, being Parts 4 and 5, on Reference Plan 58R-17180, PIN 22358-0055(LT) (119 University Avenue East)

7. Part of Condominium Element Waterloo North Condominium Plan Number 23, being Part 6, on Reference Plan 58R-17180, PINS 23023-0001(LT) to 23023-0108(LT) (121 University Avenue East)
8. Part of Lot 5, Registered Plan 1132, being Part 2, on Reference Plan 58R-17172, PIN 22355-0057(LT) (147 University Avenue East)

2. Serve notices of the above application(s) required by the Expropriations Act;

3. Forward to the Chief Inquiry Office any requests for a hearing that may be received;

4. Attend, with appropriate Regional staff, at any hearing that may be scheduled;

5. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed; and

6. Do all things necessary and proper to be done, and report thereon to Regional Council in due course.

3. THAT the Regional Municipality of Waterloo approve the expenditure of $215,000 to upgrade the Mobile Surveillance System to allow onboard information to be overwritten after 72 hours. [E-11-094]

4. THAT the Regional Municipality of Waterloo amend Traffic and Parking By-law 06-072, as amended, to provide for a right turn lane, with a buses excepted designation, on southbound Fischer-Hallman Road (Regional Road 58) at Activa Avenue, City of Kitchener. [E-11-098]


September 27, 2011
THE REGIONAL MUNICIPALITY OF WATERLOO  
PLANNING AND WORKS COMMITTEE  

Summary of Closed Recommendations to Council

The Planning and Works Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo approve the following actions with respect to the Ontario Municipal Board appeal of Zoning By-law Amendment Application No: ZC-11/08 of the Township of North Dumfries:

   a) Ratify the Notice of Appeal dated August 22, 2011, filed by the Regional Commissioner of Planning, Housing and Community Services; and

   b) Authorize Regional staff to participate and take any necessary steps, and direct the Regional Solicitor to retain such experts and legal counsel, all as deemed necessary and appropriate by the Regional Solicitor and the Commissioner of Planning, Housing and Community Services to protect the Regional interest in this matter.

September 27, 2011