The following are the minutes of the Regular Council meeting held at 7:15 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Seiling, L. Armstrong, J. Brewer, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, C. Millar, J. Mitchell, S. Strickland, J. Wideman, and C. Zehr.

Members Absent: G. Lorentz

CLOSED SESSION

MOVED by T. Galloway
SECONDED by C. Millar

THAT a closed meeting of Council be held on 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

CARRIED

MOVED by L. Armstrong
SECONDED by J. Haalboom

THAT Council reconvene in Open Session.

CARRIED

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None declared.

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

Brian Campbell, resident of the Lloyd Brown settlement area appeared before Council and stated he understood this matter is being deferred until the Planning and Works Committee meeting on October 18th. He requested to speak at that meeting.

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)
Chair Seiling advised the recommendation before Council this evening is procedural and does not provide approval of the project. This recommendation will continue the Class Environmental Assessment (Class EA) process that had been previously started. Steve van De Keere, Head Transportation Expansion program provided a presentation on the report. A copy is appended to the original minutes. He stated this recommendation is not seeking final approval but direction to move forward with the Class EA process. He highlighted the background including the Class EA process that was commenced in 2004, planning alternatives that were developed, public consultation, discovery of Jefferson salamanders, hold on the Class EA process. S. van De Keere then identified the new information and re-evaluation of the planning alternatives and issues raised by the public. He reviewed the benefits of the recommended planning alternative and next steps in the process. The planned construction date for this project is in 2016.

Councillors had questions with respect to the amount of acreage for the upland forest and if other routes are being considered. S. van De Keere advised they are considering variations to this corridor. There was discussion about the complexity of this project and the Ministry of Natural Resources (MNR) field studies. Staff are looking at mitigation in this area. With respect to the Hidden Valley Community Plan, Rob Horne, Commissioner Planning, Housing & Community Services advised the Region is working with the City of Kitchener to identify and understand the limits of the project. He noted there are two community plans that pertain to this area, one residential and the other industrial. He outlined the portion of the report that delineates areas where development cannot occur. The community plans are still being developed.

1. Duncan Clemens, Kitchener appeared before Council with respect to the River Road extension and provided a presentation on alternatives. A copy of his presentation is appended to the original minutes. He highlighted the existing traffic conditions in south Kitchener, the River Road extension proposal and issues with it, alternatives, including roundabouts on Fairway Road. He encouraged that additional public consultation and information be scheduled.

2. Lou-Anne MacDonald appeared on behalf of Gordon Nicholls, Kitchener before Council with respect to the River Road extension. She highlighted the presentation, a copy of which is appended to the original minutes. She provided an overview of the options, issues with the data collection, discovery of salamander breeding area, rare plant species and air quality. She presented options that would protect the environment and reduce costs and encouraged Council to consider those options.

3. Dr. Susan Jennifer Leat appeared on behalf of Daphne Nicholls, Kitchener before Council with respect to the River Road extension. She provided a presentation including photographs of the area. A copy of the presentation is appended to the original minutes. She highlighted the key issues including is development going to occur along this road, the importance of green spaces, gradual encroachment, significance of woodlot, protecting the environment and salamanders and listening to what the public has already said. She questioned why the hydrogeological study and impact on air quality study have not been completed, what additional development is planned and if a cost assessment has been completed. She urged Council to keep their options open.

4. Neil Taylor, Kitchener appeared before Council with respect to the River Road extension, stating he has been seeking various documents for over seven months. He discovered new and vitally important information late last week. A copy of his presentation is appended to the original minutes. N. Taylor highlighted the MNR definition of “habitat” contained within the Endangered Species Regulations and the associated distances of 300 metres and one kilometre. He submitted that all of Hidden Valley is within the 1 kilometre area as defined in the definition. He questioned the data used by MNR and that the rules appear to have changed.
He used maps to highlight confirmed locations of the Jefferson salamander and urged Council to look at the data once again. He recommended deferral of any action on the staff report and additional review of the regulated habitat and Class EA. In response to a question from Council about addressing Mr. Taylor’s questions, Thomas Schmidt, Commissioner Transportation & Environmental Services advised staff is trying to arrange a meeting with Mr. Taylor and MNR since the regulated line is a MNR process. Once that meeting is held, staff will report the outcome to Council. There was discussion about the process and the protection of 15 acres of the forest. It was noted the Class EA process can continue parallel to the discussion with MNR. A question was raised if there are other species at risk in the Hidden Valley area.

5. Michael Druker, Tri-Cities Transportation Action Group (TriTAG) appeared before Council with respect to the River Road extension and reviewed his letter that was included as Communications on the Council agenda. He stated he disagrees with the recommended design alternative and better alternatives need to be considered for increasing capacity for vehicle movement. It was his opinion that the east/west transit service was not considered at the time of the option alignment. He added that east-west transit service needs to be improved and roundabouts should be considered for Fairway Road.

6. Lou-Anne MacDonald, Kitchener appeared before Council with respect to the River Road extension. She expressed concern with the air quality and noted the Hidden Valley environmentally sensitive protection area is supported by the diversification of the habitats within it. She provided an overview of the options, including expanding Fairway Road and stated Alternative 4C will dump pollution into the valley. She encouraged more green space and stated there needs to be a balance between effective road transportation and reduced dependence on vehicles. She requested Council to defer voting on this matter tonight and do a further investigation of the recommendations put forward by the citizens.

7. Dr. Dean Fitzgerald, Cambridge appeared before Council with respect to the River Road extension. A copy of his presentation is appended to the original minutes. He provided his education background and his involvement in studies with respect to species-at-risk. He expressed concern with the budgets and costs for the project and how they have increased since it was originally approved. He requested Council to consider the options.

8. Michael Saunders, Kitchener did not appear when called.

9. Louisette Lanteigne, Waterloo appeared before Council with respect to the River Road extension. A copy of her presentation is appended to the original minutes. She highlighted recent changes to the *Endangered Species Act* and that the Jefferson salamander is now endangered. The legislation protects breeding ponds and specified areas around them and she questioned if staff was aware of this legislation. Her presentation included maps showing the area where Jefferson salamanders have been found and she urged Council to say no to this project.

Council took a 10 minute recess and reconvened at 9:20 p.m.

10. Neill Stewart, Kitchener appeared before Council with respect to the River Road extension. He stated putting a road through this area is not responsible and it is important to protect the forest and keep the ecological state in tact. He urged Council to preserve what they can.

Wayne Cheater, Senior Project Manager, clarified the impact of Alternative 4C on the hardwood forest would be a total of 2 hectares with 0.7 ha directly impacted by the road. The forest has a total area of 52 hectares.
Councillors debated the recommendation, noting the current cost projections are $58 million. There were questions with regard to the environmental study and locating the road along Highway 8. S. van De Keere responded they have reviewed the interchange configurations but can take another look at the options. He noted anything would be subject to approval of the Ministry of Transportation. The preservation of the forest was discussed and it was agreed to amend the recommendation to include that.

Staff confirmed they will look at each option presented at the meeting this evening and once they have been reviewed a report will come back to Council. It was advised that the future development plans for this area are with the City of Kitchener. C. Zehr stated there is no intention to change the designations related to Hidden Valley. A balance is required as this is more than just the issue of traffic on Fairway Road.

There was discussion about the mapping and lines determined by the MNR and if necessary the Project Team will report back to Council. The new regulations need to be fully considered.

Some members of Council expressed a desire that this be the end of this project as there are many unanswered questions. It was noted the project needs to come back for approval and a do nothing option could be considered at that time.

MOVED by J. Wideman
SECONDED by J. Brewer

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 which considers preservation of the existing woodlot; 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.

CARRIED
(J. Haalboom and C. Millar opposed)

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

1. James Parkin, MHBC Planning appeared before Council and requested them not to ratify the Zoning appeal and direct staff to work with the Township. A copy of his presentation is appended to the original minutes. He highlighted the well protection areas, vertical zoning, endangered species (butternut), benefits of Scenario 2 which are supported by the Township and the Ministry of Natural Resources, and policy interpretation. He stated the vertical zoning issue is a dispute between the Region and the Province. He stated the application is in keeping with Provincial polices and they were seeking the support of Council for the application.
2. Steve Jefferson, North Dumfries Township Planning Consultant appeared before Council and provided background information, stating he has been the Planner for the Township since 2007. A copy of his presentation is appended to the original minutes. He highlighted the location of the application, purpose and effect of the proposal, recommendations, site zoning schedule, information and photos regarding the woodlot, site plan comments, scenarios and mapping, vertical zoning, Township zone change history and alternatives and options.

Councillors had questions with respect to the buffers of the creek. Kevin Eby, Director of OMB Appeals and King Victoria Gateway Hub replied the GRCA regulations do not apply in this instance but the Fisheries Act does apply.

R. Deutschmann gave a statement which is appended to the original minutes. He outlined his involvement in this application and the discussions that have taken place about vertical zoning and protection of the woodlot. He stated it is important to be mindful of the timing of the application which was done prior to the adoption of the new Regional Official Plan. He encouraged that talks should continue rather than mediation through the OMB process. He urged Council to reject the appeal and allow the discussions to continue.

MOVED by J. Wideman
SECONDED by S. Strickland

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.

CARRIED

MINUTES OF PREVIOUS MEETINGS

MOVED by J. Brewer
SECONDED by B. Halloran

THAT the following Minutes be approved:

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) Library – September 27, 2011

CARRIED

COMMUNICATIONS

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

MOVED by S. Strickland
SECONDED by J. Haalboom

THAT Council go into Committee of the Whole to consider reports.

CARRIED

FINANCE REPORTS

a) F-11-064, T2011-131 Construction of Organics Transfer Bunkers, Waterloo Landfill Site

MOVED by S. Strickland
SECONDED by J. Wideman

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. [F-11-064]

CARRIED

b) F-11-065, T2011-136 Site Upgrades at 31-43 Ingleside Drive, Kitchener, ON

MOVED by S. Strickland
SECONDED by J. Wideman

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. [F-11-065]

CARRIED

c) F-11-066, T2011-140 Coming of Age Exhibit, Waterloo Region Museum

MOVED by S. Strickland
SECONDED by J. Wideman

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. [F-11-066]

CARRIED
d) F-11-067, P2011-38 Storm Sewer Video Inspection Program

MOVED by S. Strickland
SECONDED by J. Wideman

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. [F-11-067]

CARRIED

COMMITTEE REPORTS

Licensing and Retail

The Summary of Recommendation of the Administration and Finance Committee was presented by Les Armstrong, Vice-Chair of the Committee.

MOVED by L. Armstrong
SECONDED by T. Cowan

THAT the Summary of Recommendations of the Licensing and Retail Committee dated September 19, 2011, Item 1, be adopted 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.

   CARRIED

Community Services

The Summary of Recommendations of the Community Services Committee was presented by Sean Strickland, Chair of the Committee.

MOVED by S. Strickland
SECONDED by J. Mitchell

THAT the Summary of Recommendations of the Community Services Committee dated September 27, 2011, Items 1 to 10, be adopted 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
1. 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.

CARRIED

Administration and Finance

The Summary of Recommendation of the Administration and Finance Committee was presented by Carl Zehr, Vice-Chair of the Committee. C. Zehr noted an amendment to Item #2 of the Summary to include the direction to maintain the Cycling Path Reserve Fund.
MOVED by C. Zehr
SECONDED by T. Cowan

THAT the Summary of Recommendations of the Administration and Finance Committee dated September 27, 2011, Items 1 and 2, be adopted 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.

CARRIED

Planning and Works

The Summary of Recommendations of the Planning and Works Committee was presented by Jim Wideman, Chair of the Committee. Item #2 was deferred until the October 26th Council meeting.

MOVED by J. Wideman
SECONDED by L. Armstrong

THAT the Summary of Recommendations of the Planning and Works Committee, dated September 27, 2011, Items 1 and 3 to 5, be adopted 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.

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]


CARRIED

OTHER MATTERS UNDER COMMITTEE OF THE WHOLE

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT Committee of the Whole rise and Council resume.

CARRIED

MOVED by J. Wideman
SECONDED by T. Cowan

THAT Council adopt the proceeding of the Committee of the Whole.

CARRIED

NOTICE OF MOTION

T. Cowan introduced his notice of motion, requesting staff be directed to prepare a by-law. Chair Seiling advised there is a question of jurisdiction and perhaps the matter should be referred to Public Health and Legal staff for a report back.

MOVED by T. Cowan
SECONDED by J. Mitchell

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 bio-diversity; 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.

MOVED by S. Strickland
SECONDED by J. Wideman

THAT the notice of motion from Todd Cowan related to shark finning be referred to staff for a report.

CARRIED

ENACTMENT OF BY-LAWS – (FIRST, SECOND & THIRD READINGS)

It was noted the by-law with respect to imposing a charge for waterworks in the Township of North Dumfries (Lloyd Brown) is being deferred.

MOVED by J. Wideman
SECONDED by T. Galloway

a) THAT 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 Excepted Designation, Fischer-Hallman Road (Regional Road 58) at Activa Avenue, City of Kitchener) be read a first, second and third time, finally passed and numbered 11-042 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

b) THAT 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) be read a first, second and third time, finally passed and numbered 11-043 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

c) THAT a By-law to Confirm the Actions of Council of October 5, 2011 be read a first, second and third time, finally passed and numbered 11-044 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

CARRIED
ADJOURN

MOVED by J. Brewer
SECONDED by C. Millar

THAT the meeting adjourn at 11:00 p.m.

CARRIED

REGIONAL CHAIR, K. Seiling

REGIONAL CLERK, K. Fletcher
RIVER ROAD EXTENSION
CLASS ENVIRONMENTAL ASSESSMENT
RECOMMENDED PLANNING ALTERNATIVE

Region of Waterloo
Council
October 5, 2011
• Class EA commenced in 2004 (South Kitchener Transportation Corridor Study)

• Address current traffic congestion and accommodate future growth
BACKGROUND

INTERSECTIONS AT CAPACITY

CONGESTED AREAS

Legend

- Intersections at Capacity
- Congested Areas

CURRENT TRAFFIC CONDITIONS
Eleven planning alternatives
Extensive natural environment inventory
Evaluation using transportation, natural, socio-cultural and economic criteria
Extensive public consultation
BACKGROUND

PLANNING ALTERNATIVE 4C
BACKGROUND

• Jefferson Salamanders discovered in Hidden Valley in Spring 2007

• Region put the Class EA on Hold
  • Conduct additional field studies
  • Await new regulations from MNR
  • Await Regulated Habitat from MNR
NEW INFORMATION IN 2009/2010

• 2010 Transportation Master Plan
  • Confirmed Need for New Road
  • High Transit mode share

• 2009 MNR released regulations

• 2010 MNR released map showing limits of the Regulated Jefferson Salamander Habitat
NEW INFORMATION IN 2009/2010

ALT 4C PROPOSED FOOTPRINT WITH JEFFERSON SALAMANDER REGULATED HABITAT
• Full re-evaluation of all 11 planning alternatives

• Alternative 4C was confirmed as the Preferred Planning Alternative
ISSUES RAISED BY THE PUBLIC

• Public Consultation Centre May 17, 2011
• Main Concerns Raised
  • Need for new road was questioned
  • Jefferson Salamander Habitat
  • Impacts on natural environment
  • Impacts on local neighbourhoods
ISSUES RAISED BY THE PUBLIC

Jefferson Salamander Regulated Habitat

• MNR responsibility

• MNR assisted in development of required field studies

• Region performed field studies and provided data to MNR

• Work to determine limits of Regulated Habitat completed solely by MNR
ISSUES RAISED BY THE PUBLIC

Impacts on Natural Environment
ISSUES RAISED BY THE PUBLIC

Impacts on Natural Environment
• Benefits of the Recommended Planning Alternative are:
  • reduced delay
  • New east-west cycling facility
  • Preservation of the core environmental features
  • Additional access to Highway 8
  • Reduced air pollution due to less congestion
  • Controlled access for development lands
Municipal Class Environmental Assessment Process

1. Identify Problem or Opportunity
2. Identify Alternative Solutions to Problem or Opportunity
3. Evaluate Alternative Solutions: Identify Recommended Solutions
4. Select Preferred Solution
5. Complete Contract (Drawings and Tender Documents)

WE ARE HERE

- Mandatory Public Consultations
- Decision Points on Choice of Schedule
- Optional * Part 8 Order

Indicates Possible Events
Indicates Mandatory Events
Indicates Probable Events
NEXT STEPS

• Approve increase in consulting fees
• Complete Phases 3 and 4 of the Class EA
  • Alternative design concepts
  • Design concepts impacts and mitigating measures
  • Further public consultation
  • Identification of Recommended Design Concept
  • Recommendation to Regional Council
  • Filing of Environmental Study Report
• Detailed design, property acquisition 2013-2016
• Construction start in 2016
Hidden Valley Alternatives

Alternative options to the routing of the River Road Extension in South Kitchener
What Exists Today:
Existing Traffic Conditions in South Kitchener:

- Fairway Road Serves as the only cross-corridor arterial
- Inefficient Ramp Layout Creates Congestion for Commuters, Transit, Freight
- Long Delays to make Left Turns to and from Fairway Road
- Numerous driveway accesses and ample surface parking
- Not a nice place to spend time in general
I think we can all agree that something needs to be done about this situation.
What is Proposed:
Some Issues With this Proposal:

- High traffic volumes and development incentive next to sensitive wetlands and water recharge areas (runoff)
- Facilitates car-dependency and incentivises car-dependent development
- Increases the potential for foot traffic through Hidden Valley
- Isolates a section of Provincially Significant Wetland and Environmentally Sensitive Policy Area from the rest of the Ecosystem
- At least 66 Million (Due to inflation)
Doing Nothing is not an Option.

What are some alternatives?
Network Alternative B

(From Appendix D of the May 15th PCC Info Package)
Network Alternative B
Alternate River Road Routing
Roundabouts on Fairway Road

- New High-Capacity Roundabout at Block Line and Fischer-Hallman
- Roundabouts are planned for the Franklin Boulevard Corridor and the Junction between Ottawa Street and Highway 7/8
Some Questions to Consider:

- Is the full solution of a River Road extension a wise long-term expenditure of taxpayer money?
- Is this much extra road capacity necessary?
- What do the alternatives cost?
- Can another alternative meet today’s needs?
- Do we really want to encourage car-dependant development on the edge of one of our groundwater recharge zones?
My Recommendations:

Continue with the River Road study however with the following amendments:

1) Add another public consultation session
2) Do not carry forward Alternative C as the preferred design alternative at this time
3) Direct Staff to develop and report the results of more detailed traffic analyses for other viable alternatives both with and without new greenfield development
4) Expand the project scope to include the feasibility of roundabouts on Fairway.
Thank-You
River Road extension to Hidden Valley
What are the options?
Revised plan approved July, 2006 was better than the 1981 concept.
BUT-Research in 2007 to 2009 caused MNR to outline a Salamander area

MNR 300 metre Regulated habitat zone-dotted line

Main Breeding Area Zone with hybrid salamanders
Breach in HV Beaver Dam 23 March, 2008
Data collection notice 23 March, 2008
Low water at PSW#1 on 13 April, 2008
Did low water impact salamander breeding in March/April?
Is design 4c compatible with the protected area?

Alternative 4c passed in 2006  MNR protected area in 2009
Fall and spring at the breeding area
What about the rare plant species?

If Alternative 4c design is used, many rare plants will be destroyed on the north side.
• According to the National Inventory Report the Road Transport sector is responsible for 18.2% of all GHG emissions in Canada and is the largest emitter.

• For the average Canadian only 2.4% of their GHG emissions were caused by using electric lighting whereas **49.9% of their annual GHG emissions were caused by road transportation**.

• Environment Canada reports that the consumption of one litre of gas would produce 2.4 kg of CO2.

• For a 3.5 km road that has a maximum vehicle flow of 2000 vehicles per hour (total for both directions), the amount of CO2 produced in a year will be approximately 5670 tonnes. (Assuming a 6 hour peak, 6 hour mid day and 12 hour low period on business days and no peak hours on weekends).

• Cleaner air will not only improve the health of citizens, it will also reduce costs to the health system, because polluted air causes cardio-vascular and pulmonary diseases, impacts families and increases the rate of sick days experienced by local industries.
Will air quality decrease & add costs to the Waterloo Region health system?

<table>
<thead>
<tr>
<th>Sub-group</th>
<th>Number of Persons Impacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Children Aged 0-18</td>
<td>119,641</td>
</tr>
<tr>
<td>All Adults Aged 65+</td>
<td>51,856</td>
</tr>
<tr>
<td>Cardiovascular Emergency Dept./Hospital patients Ages 19-64</td>
<td>3,001</td>
</tr>
<tr>
<td>Respiratory Emergency Dept./Hospital patients Ages 19-64</td>
<td>5,793</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>180,291</strong></td>
</tr>
</tbody>
</table>

**Waterloo Region 2003 Population: 470,188**  
**Portion of Population Impacted: 38.3%**

*Source: Population estimates 2003, Provincial Health Planning Database, 2005  
(Data includes only Regional residents who were registered in emergency departments or admitted to hospital and excludes duplicate visits of the same patient).*
What about CO2 storage & pollutant removal in the North side Upland Forest?
Do we care about air quality?
Spring Plants in the upland forest
Are they unnecessary & expendable?
Road design offered in 2011--MNR & Public input has been IGNORED

NOTE- 81% of public replies said save the ESPA!
3 options that would save both the Environment and MONEY

Option #1 - Cameo Drive: Saves about 8 ha forest, lower cost - no bio-wall
Option #2 - Fairway Road for through traffic: saves about $12 m - no bridge
Option #3 - Tight curve at current bridge: most expensive
Some possible options that will protect the environment & reduce costs

- **Option #1** - The Cameo Drive bridge option - H to C on the map in red
- This approach would need at H a perpendicular bridge across Hwy #8 about 450 m from the current location. This removes the necessity to construct the long curved section of road in Alternative 4c that will cause the destruction of between 19% and 30% of the ESPA lands.
- The road from H to C via Cameo Drive will be shorter than the Alternative 4c option by about 190 metres.
- The road via Cameo Drive will not require a 450m long bio-engineered wall on Hidden Valley Rd.
- Time to drive from H to C at 50 km/h will be 43.9 seconds. Slower speed will be safer.
- Hwy 8 south traffic will exit at point G - shown in blue.
The Fairway Road choice

- **Option #2** – East Fairway road option-F on the map in green.
- This option would route the through traffic to the east side of Kitchener onto Fairway Road where Wabanaki meets Fairway.
- The traffic congestion on Fairway is mostly in the stretch from the Hwy 8 exit to the west. Traffic to the east of King St is not at capacity and a four lane road already exists.
- This route is much shorter than the proposed connection to River Road.
- South bound Hwy 8 traffic would exit at point G.
- This route would not require a bridge across Hwy #8 and would reduce the cost by 10 million dollars or more.
- There would a much reduced traffic and noise impact on the Stonegate subdivision.
The tight curve at bridge S

- **Option #3-** The tight curve before the bridge at S in the current design in purple on the map
- This option would follow the current road bed of Hidden Valley drive from H to S instead of the sweeping curve that will destroy both ESPA upland forest and a PSW.
- This road design would be about 100m shorter than the current design but 90 metres longer than Option #1.
- This design would still require the bio-engineered wall for some 450 m between H and S and this would add to the cost. The cost, however, would still be less than the current Alternative 4c.
- Time to drive from H to S to C at 50 km/h would be 50.4 seconds
Now compare the above options to 4c

- **Alternative 4c** – offers a road that will be the **most expensive** and will not meet the environmental expectations of 81% of citizens who responded to the May 17 public meeting.
- The road will destroy between 19% and 30% of the ESPA and PSW.
- The road, at 800m from H to S via the curve to C, will be longer than the other options and thus more expensive to build and more expensive to maintain.
- Time to drive from H to C at 60Km/h will be 48 sec. Cars will approach Stonegate at too high a speed, especially if they exceed the limit. Alt 4c will be more expensive and destructive and yet the driver will take **4.1 sec longer** than the time for option #1!!
Recommendation to Waterloo Regional Council for changes to the motion-

1. Since part (a) of the motion is too restrictive Instruct the project team to allow the engineers more flexibility by adding: The engineering team should prepare both a detailed engineering study and cost analysis for other possible options such as:

   - The Cameo Drive Option
   - The Fairway Road option described as Network alternative C on page 18 of the 17 May Information Package
   - The Tight curve option for the Hidden Valley Road near the bridge over Hwy #8.
2. Details of these studies & any other options that would limit impact on the ESPA should be made available for the next public presentation.

3. Instruct the project team to include the submissions from all members of the public who submit written comments.

4. Instruct the project team to correctly reflect the opinions of the public who respond to the open house survey. Any report should contain a percentage report of the different opinions.
5. Give directions to the consulting firm which insist that field work must be done correctly the first time, otherwise the consulting firm should be required to do repetitive work at their cost.

6. Instructions to the author’s of future reports to provide a better balance between conclusions that have a transportation bias and those that have an environmental bias.
“We must identify those places and resources that we need to preserve in their natural state - and grow around them.” “...not every acre of land has to be preserved, but the ones that do [warrant protection] are the ones that provide the critical life-support systems, because they harbour endangered species, because they protect watersheds, because they buffer streams and keep sediment and nutrients out of rivers, ...because they keep CO2 out of the atmosphere, because they maintain species diversity that makes landscapes more resilient to climate change, and ultimately, because nature provides a spiritual richness to life that is an essential part of being human.”

Glenn Prickett Conservation International
Hidden Valley

Presented by Prof. Jennifer Leat, PhD, in collaboration with Daphne Nicholls
Hidden Valley - Forest near highway 8 and Regionally significant woods - an emerald oasis or business “park”
Treasures in Hidden Valley - trilliums
violets
Columbine
Phlox
Jack-in-the-pulpit
May Apples
Solomon’s seal
Variety of ferns and wetland plants
Beaver dam, Hidden Valley
100 foot long beaver dam
Grand Valley Trail Association - a bridge in Hidden Valley
Trees of different ages in the upland woods near highway 8
Key issues

1. Is development going to occur along this road?

   Yes
   – then need to do environmental assessment of that SIMULTANEOUSLY to that for the road
     – The environmental impact is much bigger than indicated
   – The city wants more development to bring in development fees etc.
     – Has a cost benefit analysis been done i.e. will the increased revenue even pay for this new road, let alone support it?

   No
   – then what is the value of the road?
     • The road is probably not good value for money as it will NOT relieve much congestion along Fairway Rd
2. The importance of green space for cities
   – A livable, attractive city
   – All great cities have good public spaces and green areas
   – Official plan 2007 “The city shall endeavor to ensure that developments complement all significant natural resources, such as river and creek valleys, ravines, wooded areas, wetlands, parkland and heritage landscapes located in or within or adjacent to development sites. These new developments will maintain and/or reinforce the natural features in order that they be conserved”.
– Draft New Official plan recognises the need for intensification

BUT

– Highlights of the First Draft
– “a continued recognition of the importance of the City's Natural Heritage features” and “We will aspire to build upon our open space system ... conserving and protecting our Natural Heritage Resources”
– Goals “To support and contribute to an enhanced and high quality of life for Kitchener residents. This will be achieved by creating and supporting a complete and healthy community by
  • Conserving, protecting and enhancing our valued natural heritage features and cultural heritage resources.
Key elements of the Region of Waterloo Official plan

– A fixed border between rural and urban areas;
– Directing growth to make better use of land within the built up areas of the Region;
– Increasing transportation choice, including the creation of a rapid transit system;
– Protecting our drinking water and significant environmental areas;
– Increasing the quality of life of citizens in Waterloo Region
- Strategic Plan; Community priority, Development “We will not sacrifice our quality of life for development”
- The Places to Grow Act requires intensification – apartments, condos and town houses
- 50,000 more people in the next 20 years
3. Gradual encroachment

– This plan will “only” take 19-31% (5th to a 3rd) of the natural area. It is argued, that this is not much.

– Then with the proposed linked development, “only another 30%”. By then you have only 50% of the green space left
  • (70% remaining x 70% = 49%)
More development and more encroachment – what additional percentage is this?

Important points to note
1. The zones a, b, c from the LGL Fig 5 map are approximated with polygons
2. The 300 m distances were measured using the Locator ‘Measure Tool’
3. The points in Red that show the 300 m distances from c are closer to Hidden Valley Rd than the points shown in Appendix E of the 17 May brochure. WHY?
4. This map also shows the 300m boundary points on the south side of zones a and b. This should exclude any development in these areas.
Fields near Wabanaki: industrial site?

Potential residential development site
4. We have heard that the woods adjacent to Highway 8 are “not significant”, the trees are “only” 35-50 years old.

– But 100 year olds trees have to first be 50 year old trees!

– Only 30-40 metres of 35-50 yr old trees

– Then more mature trees which include 100 yr old
• Hidden Valley – one of few open mature deciduous woods
5. Protecting the environment and the salamander

– They have value in their own right and once the land is built on and compromised, we can NEVER bring the land or the salamanders back.

– We have a responsibility for wildlife for their own sake and for the sake of future generations of humans.
6. What people want???

Planning the Pulse of a Healthy Community Symposium

Friday, Nov. 4, 2011
Victorial Park Pavilion
9:30 a.m. to 1:30 p.m

Join professionals from urban and regional planning and public health to address practical solutions to common challenges: higher population densities, increased traffic congestion, declining air quality, fewer open spaces, and creating affordable housing.
People have already said that they want
  – At the May public meeting, the majority who spoke were not in favour of this road option.
  – Of written submissions
    • 68% not in favour of the 4c option
    • 13% acceptable if revised
    • 19% OK the way it is
Final questions

• Hydrogeological study and impact on air quality studies still not done

• What additional development is planned and has this had an environmental assessment?

• Has a cost assessment been done i.e. comparing the increased revenues against the cost of this road and the value for money if the additional development is not approved?
Thank you for your attention
Note the estimated cost for 3.677km of road is 58 to 66 million

Important distances on this map - measured using the 'Locator measure tool'
1. AB along Wabanaki is 593.4 m
2. CD along Hidden Valley is 500.8 m
3. DE along Hidden Valley parallel to Hwy#8 is 583.4 m
4. EK is 391.1 m
Weir and Highway 8, Nov. 2007
Grand River ... gulls on the weir, Nov. 2007
Gulls standing on the weir ... low water due to drought, 2007
Columbine
Wetland, sloping field, apartment behind Fairview Mall
future industrial site on hillside –
possibility of accidental contaminated runoff ???
Fields near Wabanaki also slope to wetland: industrial site?
Residential development site slopes down to wetland
Budd plant
Industrial area or future compensatory forest site?
Hidden Valley forest hills in background
Behind Kitchener’s Consolidated Maintenance Facility industrial or business “park” or future “woodland hills and not-so hidden valleys
Storm water management pond overlooking the Grand, or future example of a “Provincially significant wetland”
Review of Endangered Species Regulations, as stated in MNR letter April 26, 2011

Habitat is defined as:

“a wetland, pond or vernal or other temporary pool that is being used by a Jefferson salamander or Jefferson dominated polyploid or was used by a Jefferson salamander or Jefferson dominated polyploid at any time during the previous five years, ”
Habitat is defined as:

“a wetland, pond or vernal or other temporary pool that is being used by a Jefferson salamander or Jefferson dominated polyploid or was used... in the last five years”

“an area that is within 300 metres of a wetland, pond or vernal or other temporary pool described in subparagraph i and that provides suitable foraging, dispersal, migration or hibernation conditions for Jefferson salamanders or Jefferson dominated polyploids,”
Review of Endangered Species Regulations, as stated in MNR letter April 26, 2011

Habitat is defined as:

“a wetland, pond or vernal or other temporary pool that is being used by a Jefferson salamander or Jefferson dominated polyploid or was used... in the last five years”

“an area that is within 300 m of a wetland, pond or vernal or other temporary pool... that provides suitable foraging, dispersal, migration or hibernation conditions for Jefferson salamander or Jefferson dominated polyploids”

“is within one kilometre of known wetland, pond or vernal or other temporary pool”
Review of Endangered Species Regulations, as stated in MNR letter April 26, 2011

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“an area that is within 300 m of a wetland, pond or vernal or other temporary pool... that provides suitable foraging, dispersal, migration or hibernation conditions for Jefferson salamander or Jefferson dominated polyploids”

is within one kilometre of known wetland, pond or vernal or other temporary pool

“is connected to the area described as salamander habitat in the last five years”
Habitat is defined as:

“a wetland, pond or vernal or other temporary pool that is being used by a Jefferson salamander or Jefferson dominated polyploid or was used... in the last five years”

“an area that is within 300 m of a wetland, pond or vernal or other temporary pool... that provides suitable foraging, dispersal, migration or hibernation conditions for Jefferson salamander or Jefferson dominated polyploids”

“is within one kilometre of known wetland, pond or vernal or other temporary pool”

“is connected to the area described as salamander habitat in the last five years”

“an area that provides suitable conditions for Jefferson salamanders or Jefferson dominated polyploids to disperse and is within one kilometre of an area”
Map that identifies area of regulated (protected habitat), on May 17, 2011
• So how did the MNR, with Regional Staff, use data to determine the regulated habitat?

• The rules changed between April 26\textsuperscript{th}, 2011 and the PIC of May 17\textsuperscript{th}, 2011.
Confirmed locations of Jefferson complex salamanders during 2008 (captured 195 salamander specimens)
Confirmed locations of Jefferson complex salamanders in 2007 and 2008 (with 171 salamanders from 2007)
Map that identifies area of regulated (protected habitat) May 17, 2011 relative to captured and identified Jefferson salamanders
As late as last Friday, Mr. Cheater, wrote, “...The determination of the limits that apply to Hidden Valley are under the jurisdiction of the MNR. The figure presented by MNR at the May 17, 2011 Public Consultation Centre does include other portions of habitat that is considered dispersal habitat.”
• He went on to say,

• “I will request confirmation of what portions of the remaining documents were provided to MNR and ask whether they were relied upon by MNR. My understanding is that they were not used by MNR to determine the regulated limits for the SAR habitat.”
• I cannot be persuaded that the ethic of stewardship, i.e., “an ethic that embodies responsible planning and management of resources.” has been applied here.

• I cannot be persuaded that this is an application of “good science”.

• Look once again at the data.
Map that identifies area of regulated (protected habitat) May 17, 2011 relative to captured and identified Jefferson salamanders
• I have proven that the MNR and Regional Staff have hidden documents for months.
• Incomplete documents have been sent as if complete.
• Location and numbers of the Jefferson complex have been misleading.
• Maps with different scaling were employed to obscure and confuse the data.
• Staff have told me that “…this Threatened Species is properly a matter of Provincial jurisdiction.”

• I don’t believe that Councillors should accept this now with the knowledge of these facts, that I have presented.

• You have an opportunity tonight to know all the facts re. the regulated 300m and 1 kilometre limits.
• Staff have stated it is an MNR responsibility.
• MNR states that the Region owns responsibility.
• Staff refers this to LGL Ltd.
• LGL Ltd. claim MNR regulates habitat.
• MNR states it relied on LGL Ltd. studies commissioned by the Region.
Can you be satisfied that this Threatened Species, a special Species At Risk with a population that may be the most important in Canada, is sufficiently protected with the facts that I have presented?
You have an opportunity to do the right thing by taking the following actions:
• Defer any action on the staff report.
• Direct staff to include all of my letters as part of the Response Summary.
• Direct staff to provide the project team as well the general public with a full explanation as to how the regulated habitat was determined and how it may protect all life stages for this Species At Risk.
• Require staff to revisit this portion of the Class EA much as was done some 4 years ago.
Introduction

Am resident of Cambridge Ontario.

Born in Kitchener.

Completed B.Sc. at Wilfrid Laurier University.

Completed M.Sc. at University of Waterloo
thesis on environmental management and streams

Completed Ph.D. at University of Windsor
thesis on fish biology and environmental management of lakes

Taught courses at the following universities:
  > Wilfrid Laurier
  > Waterloo
  > Windsor
  > Queens
  > Syracuse University, New York, USA
  > Cornell University, New York, USA
Introduction

During last few years, have completed studies involving the following species-at-risk:

> flowering dogwood (tree) for Infrastructure Ontario

> butternut (tree) for private land developer in Ontario

> fish for Credit Valley Conservation Authority

> provided expert witness testimony at OMB hearing regarding Jefferson salamanders and streams, and fish

> mammals, birds, and fish for road study for Cree First Nation

Hence, I have an intimate knowledge of the cost for land development studies that concern species at risk in Ontario and associated engineering costs.
**Purpose**

To understand the cost of the current studies for the River Road Extension.

To forecast the expected cost of future studies for River Road Extension.

To identify that the current cost of the River Road Extension has not been explained or identified to local citizens.

To identify that the costs of future studies must be considered before decisions are made to proceed in this matter.

Budgets for study proposed in 2004 (or earlier):

> initial environmental assessment: ~$350,000 (LGL Limited)
> initial engineering design of road routes ~$350,000
> construction cost preparation based on 2004 data: $58-60 Million
> unknown Staff costs to Region

Budgets for additional environmental assessment

> another ~$350,000 to LGL Limited for 2007 and 2008
> unknown Staff costs to Region

Budgets for future environmental studies (2011, 2012):

> environmental assessment follow-up: ~$350,000

> revised engineering design of road routes ~$250,000

> construction cost preparation based on 2011 data:  ~$100 Million

> unknown Staff costs to Region
Current Awareness of Cost of Study:

Budgets for study proposed in 2004:

> $700,000 plus $58-60 Million plus unknown Staff time

Budgets for study to the end of 2009:

> $1,050,000 plus $58-60 Million plus unknown Staff time

Budgets for study to the end of 2011:

> $1,350,000 plus $100 Million (???) plus unknown Staff time
Current Awareness of Cost of Study:

The Region of Waterloo Council approved this study to proceed when the cost was forecast to be about $700,000 plus $58 Million plus Staff time.

Today: the cost for studies hast at least tripled, to >$1,300,000
      the construction cost will likely double, at least, to $100 Million
      no one knows the cost to Staff

It is now prudent to determine if the cost to construct a short road, identified to be at capacity in about seven years is worthwhile.

The cost alone is sufficient justification to either stop this project or change the route so the cost for detailed environmental design and mitigation is removed.

The citizens of the Region deserve a say in whether they should pay for a project that will result in costs that likely exceed $100 Million.
Re: River Road Extension
Waterloo Regional Council
October 5th, 2011

By Louisette Lanteigne
Jefferson Salamander: ENDANGERED
Committee on the Status of Species At Risk in Ontario (COSSARO
Final report Feb. 2011)
9. (1) **No person shall**, 
(a) **kill, harm, harass, capture or take** a living member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species;

Prohibition on damage to habitat

10. (1) **No person shall damage or destroy the habitat** of, 
(a) a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species; or
New provisions specific to protecting Jefferson Salamanders in Waterloo Region were added to the Endangered Species Act, consolidated on July 1, 2011.
28. For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of the Jefferson salamander:

1. In the City of Hamilton, the counties of Brant, Dufferin, Elgin, Grey, Haldimand, Norfolk and Wellington and the regional municipalities of Halton, Niagara, Peel, Waterloo and York,

   i. a wetland, pond or vernal or other temporary pool that is being used by a Jefferson salamander or Jefferson dominated polyploid or was used by a Jefferson salamander or Jefferson dominated polyploid at any time during the previous five years,
ii. an area that is within 300 metres of a wetland, pond or vernal or other temporary pool described in subparagraph i and that provides suitable foraging, dispersal, migration or hibernation conditions for Jefferson salamanders or Jefferson dominated polyploids,

iii. a wetland, pond or vernal or other temporary pool that,

A. would provide suitable breeding conditions for Jefferson salamanders or Jefferson dominated polyploids,

B. is within one kilometre of an area described in subparagraph i, and

C. is connected to the area described in subparagraph i by an area described in subparagraph iv, and
iv. an area that provides suitable conditions for Jefferson salamanders or Jefferson dominated polyploids to disperse and is within one kilometre of an area described in subparagraph i. O. Reg. 436/09, s.
The consolidation secures protection of:

- Legislation protects:
- Breeding pond
- 300 meter around breeding pond
- Ponds within 1km
- Areas to disburse within 1km. These areas are for hunting, migration, hibernation etc.
Why the silence?

Regional Staff failed to mention the new policies in the Summery for the River Hill Road Extension comments dated AUGUST 2011.

Was staff reasonably informed the revised legislation?

Why was this policy revision not mentioned when the report summery was sent out to concerned citizens?
On October 3, 2011 at 2:30pm

I called senior policy advisers at the MNR office in Peterborough to ask which version of the Endangered Species Act is applicable to Hidden Valley. I wanted to see if it were possible to “grandfather” the law to reduce protection of Jefferson Salamanders.
MNR response Oct. 3, 2011

The MNR's Michele Proulx responded and stated:

“The most recent and current version of the law stands. The legislation of the Endangered Species Act is designed to protect both threatened and endangered species throughout Ontario.”
Logos on Maps of Jefferson Habitat

- At the May 17, 2011 open house, Region of Waterloo and IBI logos were seen on maps produced by the MNR.
- Who authorized the placement of these logos?
- It doesn't reasonably demonstrate a non bias process!
Current delineation fails to protect active habitat.
Four Jeffersons were found adjacent to other vernal ponds areas on site.
Confirmed Jeffersons and dominant hybrids identified by the large pond.
Facts:

- To consider a road extension at this location clearly demonstrates that development practices in Waterloo Region are already unsustainable.
- The road extension will drive predation towards the south increasing risk of predation and extinction for Jefferson Salamanders. There's no where else for predators to go.
- Salt, diesel fumes and auto emissions are toxic to Jefferson Salamanders, their food supply and water resources.
Non-compliance and environmental degradation can be seen throughout Waterloo Region.
The people of Ontario wish to do their part in protecting species that are at risk, with appropriate regard to social, economic and cultural considerations. The present generation of Ontarians should protect species at risk for future generations.
Morally, ethically and judicially, municipalities have the designated right to just say no.
Presentation Outline:

1. Wellhead Protection Areas
2. Vertical Zoning
3. Endangered Species – Butternut
4. Benefits of Scenario 2
5. Policy Interpretation
Proposed Natural Heritage System
Scenario 3

- Proposed Ponds
- Retained Natural Heritage Features
- Rehabilitated/Restored Natural Heritage Features
Bowmanville Westside Marsh

• St Marys Cement and the Town of Clarington worked cooperatively to protect most of the Westside Marsh and to maintain viability for the aggregate reserves.

• Westside Marsh created new wildlife habitat and 120 acres of parkland.

• A portion of Westside Creek was relocated through approval under the Fisheries Act.

• New techniques in ecological restoration were at the forefront of the largest reconfiguration project ever undertaken in Canada.
“Congratulations are due all around. Future generations will thank you for protecting this important part of your waterfront. As the population of Durham Region grows, this area will become to Clarington what High Park is to Toronto, a natural gem and a source of pride for the community.”

Mr. David Crombie, Chair of the Waterfront Regeneration Trust
MNR Interpretation of Scenario 2

• “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 [Provincial Policy Statement] and ARA [Aggregate Resources Act].”

MNR (April 21, 2011)
THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES

PR-30/11  PROPOSED GRAVEL PIT

CBM BROMBERG

2772 Greenfield Road
LOCATION:
2772 Greenfield Road
## Purpose and Effect PR-30/11

<table>
<thead>
<tr>
<th>Type: Official Plan Amendment</th>
<th>Application No.: OPA-04/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose of Application:</td>
<td>To amend the Official Plan mapping by refining the boundary of the Environmental Constraint Lands (Map 2B), the Hazard Lands (Map 6C) and the Provincially Significant Wetland areas (Map 6A) within the property.</td>
</tr>
<tr>
<td>Effect of Application:</td>
<td>To allow the refinement of the Official Plan mapping to identify the location of significant environmental features on the site based on the results of a Level 1 Natural Environment Study. The Study was completed in support of the application to establish a new gravel pit on the property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type: Zoning By-Law Amendment</th>
<th>Application No.: ZC-11/08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose of Application:</td>
<td>To change the zoning from Zone 1- Z.1 (Agricultural) to Zone 14 – Z.14 (Aggregate), Zone 12A-Z.12A (Environmental Protection 1) and an overlay of Zone 12 C – Z.12C (Adjacent lands overlay) in order to permit an aggregate extraction operation for a Category 1 – Class A pit below the established water table.</td>
</tr>
<tr>
<td>Effect of Application:</td>
<td>To allow for the extraction of aggregate resources on the property from a Category 1 – Class A pit that is below the water table, while protecting significant environmental features (Provincially Significant Wetland).</td>
</tr>
</tbody>
</table>
1.0 RECOMMENDATIONS:

That Council for the Township of North Dumfries (the “Township”):

1) Adopt Amendment No. 15 to the Official Plan for the Township (the “OPA #15”) regarding Township Application No. OPA-04/08, plus authorize the Mayor and CAO/Clerk to execute the adoption by-law regarding OPA #15;

2. Provide three readings of the proposed by-law regarding Township Application No. ZC-11/08 to amend the Township Zoning By-law No. 689-83, as amended (the “Zoning By-law”);

3. Direct staff to forward this staff report (PR-30/11) to the Ministry of Natural Resources as the current Township comments regarding the proposed Category 1 – Class A pit below the water table, including specifically Appendix B-3.2.
4. Supports the commitment from the proponent to negotiate revisions to the licence 5489 for the existing, adjacent CBM Ayr Pit prior to requesting approval of the license for the Bromberg property;

5. Direct staff to request and participate in negotiations between the interested parties to finalize the details of the integrated approach to the operation and rehabilitation of the Bromberg and Ayr Pits (such as the proponent, MNR, GRCA, and Region of Waterloo); and

6. Direct staff to return to Council for the consideration of any future integrated operation and rehabilitation plans for the Bromberg and Ayr Pits, in co-ordination with any additional Township comments to the Ministry of Natural Resources.
June 27, 2011

Via email

Mr. Rodger Mordue, Clerk
Township of North Dumfries
1171 Greenfield Road
R.R.#4
Cambridge, Ontario
N1R 5S5

Dear Sir:

Re: Proposed CBM St. Mary’s Bromberg Pit
Re: Township of North Dumfries OPA-04/08 and ZC-11/08

I represent CBM St. Mary’s in connection with the proposed Bromberg Pit. My client has developed a proposal for this Official Plan Amendment and Rezoning known as Scenario 2. This Scenario provides that the Site Plans for the existing neighbouring Ayr Pit would be amended and revised to provide a Rehabilitation Plan with a Natural Heritage Area that would be connected and linked to a Natural Heritage Area in the Rehabilitation Plan for the Bromberg Pit. I attach a graphic sketch showing Scenario 2 for both the Ayr Pit and the proposed Bromberg Pit. The Ministry of Natural Resources has indicated strong support for Scenario 2.

CBM recognizes that if the municipality were to accept Scenario 2, it must provide the municipality with some type of assurance that Scenario 2 will in fact be implemented and the Ayr Site Plans will be amended accordingly. In this regard, I have been instructed to advise and commit to the municipality that if the OPA and Rezoning are approved, as per Scenario 2, then CBM St. Mary’s undertakes to ensure and request that MNR does not issue the Licence for the Bromberg Pit until the Site Plans for the Ayr Pit have been amended in accordance with Scenario 2.

I trust this commitment and undertaking will be favourably received by the municipality and we look forward to Township support for the OPA and Rezoning.

Yours truly

[Signature]

David S. White, Q.C.

DSW/Qr
Encl.

Cc: Mayor Robert Deutschmann
Site Zoning Schedule
Woodlot PR-30/11

• The Staff Report relies on the reinstatement of the multi-party working group regarding the woodlot and rehabilitation plans / details
• Based on the outcome, recommendations would be made for the limits of extraction on the Bromberg Licence
• Proposal would return to Council for approval
Process to identify saplings for transplant to reforestation or rehabilitation areas in the Bromberg or Ayr pits
- Process for the stripping of soils and overburden from the woodlot to maximize seed retention and maintain soil structure / quality
- Identify reforestation or rehabilitation areas where woodlot soils should be transferred to
- Note to encourage harvest of timber from woodlot to maximize the existing value
- Identify portions of Bromberg and Ayr pit lands where reforestation can begin as soon as possible. For example, begin reforestation in the north-east field on Bromberg property as soon as possible. This could also be undertaken in co-ordination with the butternut transplanting.
App B-3.2 – Site Plan Comments

Any modifications to notes on page 3 will be subject to the completion of the multi-party discussions related to the integrated operation and rehabilitation plans for the Bromberg and Ayr Pits. It is a recommendation of the Township of North Dumfries that the negotiations consider:

- Accelerated start times for reforestation areas
- Transplanting of saplings / seedlings / seeds etc. from the existing Bromberg woodlot
- Minimize the areas of disturbance
- Progressive rehabilitation of smaller areas wherever possible, once the final lift of aggregates has occurred
Scenario 1 – Reidsville Area
Scenario 2 – Reidsville Area
Bromberg Woodlot

Facing South, standing in Phase 1
Bromberg Woodlot

Facing East, standing in farm laneway
Reidsville Home (rear of lot facing north)

Adjacent to northern limit of existing Ayr Pit
Groundwater Seepage Area – Ayr Pit

North of pipeline within woodlot proposed to be retained
The application for the Bromberg Pit was deemed complete as of June 26, 2008. The new ROP, containing policies allowing vertical zoning to be imposed on pit operations was adopted by Regional Council on June 16, 2009. Planning Staff believe that:

- the Clergy Principle applies and the ROPP policies should be considered the relevant guiding document with respect to vertical zoning;
- that efforts between the Region and area municipalities have not resulted in a zoning bylaw format acceptable to the Township; and
- that due to the current appeal of those provisions in the ROP to the Ontario Municipal Board, the Township will act in accordance with the decision of the Board for applications accepted after June 16, 2009.
Township ZC History

These are the aggregate rezoning applications that I have information on:

- 2006 Cambridge Aggregates
  - Mill-Gate
- 2008 Tullis Estates Limited (Butler Pit)
  - Lakeview Pit
- 2009 LaFarge

Joan
Alternative to Vertical Zoning?

We have a proposal which the Region might find acceptable. MNR has relatively detailed policies and procedures for amendments to Licences and Site Plans. A change to excavate below or within the water table is a Major Amendment. I have attached the current policy and procedure, both numbered A.R. 2.03.02. Amendments of this type are subject to full consultation, as per the licence application process and the documentation must include a "Hydrogeological Level 1 or 2 Report prepared by a qualified person".

My Client is prepared to include a special note on the Site Plan, to confirm that this policy and procedure will apply, in the event that it proposes to apply for approvals to excavate within water. The note could specify that a Hydrogeological Level 2 Report is explicitly required and that the terms of reference will be reviewed with the Region of Waterloo, the Township of North Dumfries and the GRCA. Alternatively, if the Region is not satisfied with a Site Plan note, my Client could provide the Region and the Township with an undertaking to this effect.
In my opinion, resolving the differences over section 2.1.2 is an opportunity that should not be missed, and can be achieved. Since June 18, 2010, the parties have been able to include the adjacent Ayr Pit in the negotiations. I view the commitment from CBM St Mary’s on June 29, 2011 as an invitation to implement an integrated extraction and rehabilitation plan that many people, including area residents, would have never thought possible.

Beyond the environmental analysis, we must not forget a major social benefit that may be secured for the area residents, especially in Reidsville. Greater attention should also be given to details such as transplanting, soil management, seed harvesting during the multi-party negotiations. The outcome of the negotiations can be implemented through the pit license and site plan details or notes, if the outcome can be deemed to be consistent with the PPS.
Looking Forward

• Restart multiparty negotiations regarding the Bromberg woodlot and the comprehensive rehabilitation plan including Ayr Pit?
• Zoning is conditional upon approval of the OPA by Region of Waterloo
• Alternatives to vertical zoning as proposed?
Statement

As Mayor of North Dumfries Township I have had considerable involvement in this particular file. North Dumfries Township ranks among the Top 10 Aggregate producing municipalities in Ontario. Along with the support of the Region of Waterloo, we have been managing gravel pit applications for many years.

I have had the benefit of many discussions on this particular file with all parties. There have been many discussions of all parties over many months on this matter to review a wide variety of scenarios.

Scenario 2 is the preferred scenario of all parties. This Scenario is opposed by Regional staff only.

Despite the difficulty in separating the dual roles that I play, my comments today are provided as a Regional Councilor first.

There appears to be two primary issues of concern for Regional Staff -

The application of vertical zoning for this application and protection of the Woodlot.

On the issue of vertical zoning:

In the new ROP, the Region has included vertical zoning. Vertical zoning was not included in the old ROP.

I strongly believe that it is important to be mindful of the timing of this application. This gravel pit application was a completed application prior to Region adopting the new ROP. It was completed when the Region still operated under the old ROP.

It should also be noted that the Province has currently opposed the inclusion of vertical zoning in the new ROP.

There may be an argument to allow the Region to adopt vertical zoning, but it is questionable under the new ROP. Under the old ROP it was not specifically included. It has not been requested by the Region previously and never applied to any prior applications with the Township. It is important to note the date of the completed application.

Vertical zoning is viewed by Regional staff as a method to ensure protection of water quality and quantity in the Watershed. This is not, however the only method. If the issue is more hydro geological studies in this particular area for future requests to go below water table, then it can be made a note on the Site plan.

This Operator has not indicated they would go below water table – if they want to do more extraction they would have to do more hydro geological studies and that would be circulated to the ROW under the site plan process under the Aggregate Resources Act.
The Region Hydro G staff had previously attended at North Dumfries Township and had assured us that there were no concerns with respect to the watershed for this application and the proposed below water table extraction. It is the basis upon which NDT supported the below water table extraction on this application, despite a long standing position that was opposed to below water table extraction. Based on our experience we assessed the matter, understood that there was broad based support to permit the below water table extraction, including the Region staff support for below water table, and then included it in the zone change amendment.

It should also be noted that this pit proposal is beside an existing pit with a license that dates back to approximately 1971, where below water table extraction was approved. No vertical zoning necessary as the site plan process under the Aggregate Resources Act would require the necessary studies should a request be made.

We have always controlled gravel pit extraction through the site plan process. This is because if a gravel pit operator wants to go below water table then the MNR will require the necessary hydro g studies as part of any change under the Aggregate Resources Act and the Site plan amendment process. North Dumfries Township and the ROW are included in the process. We have never had any problems in North Dumfries Township with this process.

This application is distinguishable because it was completed under the current, old Regional Official Plan, not the new proposed Regional Official Plan.

Based on these arguments, I have concerns about expending additional Regional funds on this particular appeal, particularly on the appeal of an application that was completed under the old current Regional Official Plan. The current appeals are in connection with the new proposed Regional Official Plan. I strongly believe this matter is distinguishable from the appeals and the vertical zoning discussion surrounding the new Regional Official Plan.

Now the issue of the Woodlot.

I think it is accepted by all that if this is a matter of the woodlot alone, the woodlot would be protected.

It is an interesting discussion this evening. Hidden Valley residents are concerned about removing a woodlot for a road and we have a different situation before us. It is not a simple equation or process.

However, this is about more than a woodlot. This is a decision between the woodlot and an expanded green space option, with a number of benefits to the North Dumfries community and the Region of Waterloo.

There are significant social benefits for area residents.

This includes an expanded green space corridor and linkages between the two pits
A better buffer for Reidsville residents and at the same time removing from an existing pit license area woodlots, wet lands, fish habitats and adding a large continuous corridor from Cedar Creek to the new North Dumfries Community Complex.

The Ministry of Natural Resources has endorsed this plan, which is referred to as Scenario 2. In their letter they have indicated that “while Scenario 2 would result in 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 heritage features.” The letter goes on to outline a number of significant environmental benefits for the community.

This is an opportunity to leave an environmental legacy for future generations.

There are significant opportunities for transplanting of the woodlot. Rehab details provide a tree replanting program that is more than coniferous stand of trees. Letters from Regional staff recognize the potential for removal of the woodlot and have provided details and suggestions for transplanting and protection of wood species.

As I mentioned there is an existing, neighbouring active pit. Known as the Ayr pit. This pit is under an old license with limited controls, particularly with respect to remediation, rehabilitation. To open an existing license, as is proposed under Scenario 2 – open the existing the old Ayr pit – is very rare in Ontario.

This unique opportunity is recognized in the correspondence from the Region. This is also recognized by the Province. Scenario 2 is supported by the Province, through the MNR.

The opening of the existing license is unique. This rare opportunity is one way to update an existing pit. Often I have heard the lament about old pits, even around this horseshoe, and the concept of grandfathering and the inability to force any relevant or significant rehabilitation. We have that opportunity here.

There are still ongoing negotiations. That is clearly spelt out. I would propose that rather than oppose through the OMB process, continue the talks. Mediation is about compromise. We have that going on now. The talks that have been going on, and that can continue, are in fact better than any mediation that would be held in the OMB process.

By forcing the matter of the woodlot to the OMB, the Region is saying no to Scenario 2. As a regional councilor, who has had the opportunity to be heavily immersed in this particular file, I strongly believe it is not in the best interests of the people of the Region of Waterloo, the residents of North Dumfries Township, to support continuation of the appeal.

We all recognize that we are not experts in many of the matters that come before us. We take in the information provided to us by staff and then we make decisions on behalf of the people that have elected us. We apply our best judgment, our common sense to a particular matter.
With respect to the comment about supporting Mr. Horne’s decision, this in no way has an impact on Mr. Horne’s ability to make decisions regarding whether to appeal a matter. It is a procedural matter that Mr. Horne may be required to initiate an appeal due to time limitations. Council may not have an opportunity to consider a matter before an appeal limitation period would end. It has always been Council’s decision whether to proceed with an appeal after it has been initiated.

I strongly urge council to reject continuation of this appeal. To allow the parties to continue the discussions to make Scenario 2 a reality for the benefit of the residents of the Region of Waterloo, the residents of NDT

Rob Deutschmann