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TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON NOVEMBER 25, 2013
FROM:	JOHN BRAAM, P.ENG. MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER & JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	HYDE PARK NOS. 5 AND 6 STORMWATER MANAGEMENT FACILITIES

RECOMMENDATION

That, on the recommendation of the Managing Director Environmental & Engineering Services and City Engineer & the Managing Director, Planning and City Planner, the following action **BE TAKEN** with respect to the Hyde Park Nos. 5 and 6 Stormwater Management Facilities:

- (a) Civic Administration **BE DIRECTED** to proceed with a Subject Lands Status Report/Scoped EIS for the Hyde Park No. 5 SWM Facility site;
- (b) Civic Administration **BE DIRECTED** to proceed with the design and construction of Hyde Park No. 5 SWM Facility, in the general location identified in the Hyde Park Community Storm Drainage and Stormwater Management (SWM) Municipal Class Environmental Assessment (EA) Schedule 'B' study accepted by Council in 2002, subject to any requirements identified through the Subject Lands Status Report/Scoped EIS;
- (c) Civic Administration **BE DIRECTED** to conduct a Public Participation Meeting prior to the construction of the Hyde Park No. 5 SWM Facility, in order to provide the public with an opportunity to comment on the recommended design and compensation strategy developed as part of the evaluation consistent with a Subject Lands Status Report/Scoped EIS for the Hyde Park No. 5 SWM Facility site;
- (d) Civic Administration **BE DIRECTED** to proceed with the design and construction of Hyde Park No. 6 Stormwater Management Facility in the location identified in the Hyde Park Community Storm Drainage and Stormwater Management (SWM) Municipal Class Environmental Assessment (EA) Schedule 'B' study accepted by Council in 2002; and
- (e) Civic Administration **BE DIRECTED** to conduct a Public Participation Meeting prior to the construction of the Hyde Park No. 6 SWM Facility, in order to provide the public with an opportunity to comment on the recommended design.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Planning Committee, April 13, 2004 – 39T-01507 Draft Plan Approval, Official Plan Amendment and Zoning Amendment
- Planning Committee, August 7, 2007 – 39T-01507 Draft Plan Approval Extension
- Civic Works Committee, June 12, 2012 – By-Law of Abandonment for Identified Sections of the Stanton Municipal Drain
- Civic Works Committee, October 15, 2012 – Beaver Management Strategy for Proceeding with Construction of Approved Stanton Drain Remediation Works and Hyde Park Stormwater Management Facility #4
- Civic Works Committee, April 22, 2013 – Hyde Park No. 4 Stormwater Management Facility & Stanton Drain Remediation Contract

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BACKGROUND

Purpose

This report provides recommendations regarding the next steps in the planning, design and implementation of the Hyde Park No. 5 and 6 Stormwater Management facilities, which are components of the preferred servicing solution of the Hyde Park Community Storm Drainage and SWM Municipal Class EA Schedule 'B' study (location map in Appendix 'A').

Context

Hyde Park Community Storm Drainage and SWM Municipal Class EA Schedule 'B' Study

In 2003, Council accepted the Hyde Park Community Storm Drainage and SWM Municipal Class EA Schedule 'B' study. The preferred servicing solution included the implementation of the Hyde Park No. 5 and 6 SWM Facilities to improve water quality and minimize erosion and flooding conditions for the Hyde Park Community Plan lands under existing and post-development conditions.

These projects are the fifth and sixth components of the overall preferred servicing solution identified in the EA that includes the construction of six SWM facilities (four constructed) and the remediation of the drain (constructed). In addition, these projects are a critical component for providing the required SWM quantity and erosion control for approximately 80% of the Stanton Drain system under post-development conditions and are the storm outlets for the Hyde Park and Sarnia Road widening projects. The SWM water quality control and a portion of SWM quantity and erosion control was incorporated in the constructed Hyde Park Nos.1, 3E, 1B1, and 4 SWM Facilities and the reconstructed portion of approximately 1700 lineal meters of the Stanton Drain. This solution was developed in consideration of the entire Stanton Drain system whereby all projects are required to be implemented in accordance with the strategy to function effectively.

Hyde Park No. 6 SWM Facility

Prior to the 2009 Development Charges By-Law that identified the Hyde Park No. 6 SWM Facility be constructed by the City, this facility was intended to be constructed by the landowner under the Urban Works Reserve Fund as a part of the storm/drainage and SWM servicing works of the proposed Northwest Crossing Subdivision Draft Plan 39T-01507. On September 1, 2004, the application for Draft Plan of Subdivision Approval on lands bounded by the CP Rail corridor on the north, the CN Rail corridor on the south, Hyde Park Road on the east, and the Stanton Drain on the west (9.8 ha (24 acres)), from Northwest Crossings (London) Limited and Nauvoo Investments Limited (Moffat & Powell) was approved by the Approval Authority.

In conjunction with Draft Plan approval, land exchanges between the City of London and both Northwest Crossing (London) Limited and Moffat & Powell occurred in this area in consideration of future pathway systems. This exchange of lands for the purpose of future pathway systems was established on the draft plan that also identified the Hyde Park No. 6 SWM facility located west of the location identified in the accepted EA. The pathway lands were acquired by the City at this time.

At that time (2003), the Environmental and Engineering Services Department did not object in principal to the proposed revised location, based on the understanding that:

- None of Hyde Park SWM facilities were constructed in the Stanton Drain System; and
- Minor modifications and/or an Addendum to the Class EA as part of the functional design considerations would be undertaken for this facility, prior to approvals for the proposed storm/drainage and SWM servicing works for this subdivision by the City and the Ministry of Environment.

In 2007, the Approval Authority approved the extension of the Draft Plan of Subdivision. In March of 2010, the City advised Northwest Crossing (London) Limited that the above noted plan was scheduled to lapse on September 20, 2010. However, no request from Northwest Crossing (London) Limited for an extension to the draft plan approval was made, consequently the draft

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approval lapsed and the 39T-01507 file closed. The City advised Northwest Crossing (London) Limited of the lapse of the Draft Plan on March 30, 2011.

DISCUSSION

Hyde Park No. 5 SWM Facility

The Hyde Park Community Storm Drainage and SWM Municipal Class EA Schedule 'B' study determined the locations of the SWM facilities. At the present time, 80% of all Stanton Drain system remediation/reclamation storm/drainage and SWM servicing are constructed and operational (investment of approximately \$20M).

At the time of the Environmental Assessment, the following OP policy was in effect:

Section 15.5.1 vii of the Official Plan states:

When an Environmental Assessment of a proposal is carried out under the Ontario Environmental Assessment Act or relevant Federal legislation, that assessment will be considered as fulfilling the Environmental Impact Study (EIS) required by this Plan.

Subsequent to the completion of the Environmental Assessment, the following OP policy came into effect in 2009:

Section 15.3.3 of the Official Plan states:

New or expanded infrastructure shall only be permitted within the Natural Heritage System where it is clearly demonstrated through an environmental assessment process under the Environmental Assessment Act that it is the preferred location for the infrastructure, and that the alternatives are all evaluated in accordance with the policies of the Official Plan, including the completion of an environmental impact study (EIS) accepted by the City.

The need to construct the remaining Hyde Park Nos. 5 and 6 projects are essential for the required function of the Stanton Drain municipal infrastructure system. The City Engineer's department has previously taken the position that as the 2002 EA determined the location of the SWM facilities prior to the 2009 OP requirements referred to above, the City is not required to undertake an EIS as part of the Hyde Park No. 5 project.

Notwithstanding, through consultation with the City Planning Department, it has been recognized that the undertaking of a Subject Lands Status Report/Scoped EIS would be beneficial in determining any environmental changes that have occurred in the subject area over the last 11 years since the undertaking of the Environmental Assessment, would provide updated information for the development of a compensation strategy for the SWM facility and allow for an additional opportunity for public input on the design and compensation strategy.

To achieve a net environmental benefit for the overall stream corridor, the design associated with the Hyde Park Nos. 1B1 and 4 SWM facilities and Stanton Drain remediation recommended that compensation works be determined through the design of the proposed Hyde Park No. 5 SWM Facility in coordination with the Upper Thames River Conservation Authority and the Department of Fisheries and Oceans. The scoped EIS completed as part of the Hyde Park No. 4 SWM facility and Stanton Drain remediation project, also included this recommendation.

The environmental works associated with the location of the proposed Hyde Park No. 5 SWM facility will include an evaluation of the site consistent with a Subject Lands Status Report/scoped EIS to ensure that the applicable requirements are employed and all approvals obtained. The main objectives of the project are: to satisfy the intent of the EA; protect significant ecological features of the site, and; provide suitable compensation for upstream works. To ensure that the integrity of the public process is maintained, the public will be given an opportunity to provide input into the recommended compensation works as part of a Public Meeting conducted prior to proceeding with construction of this facility.

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Hyde Park No. 6 SWM Facility

In 2009, the Hyde Park No. 6 SWM Facility was included in the capital budget and scheduled to be constructed in 2013. However, it was deferred to 2014 in order to coordinate with the Sarnia Road widening project east of Hyde Park Road scheduled to be constructed in 2016.

Given that the alternate location for this facility considered as part of Northwest Crossing Draft Plan Subdivision approvals (39T-01507) that lapsed on March 30, 2010, the City will be proceeding with the design and construction of the proposed Hyde Park No. 6 SWM Facility in 2014 in accordance with the location identified in the Hyde Park Community Storm Drainage and SWM Municipal Class EA study accepted by Council and the MOE as identified in Appendix 'A'. It should be noted that:

- the Hyde Park No. 6 SWM Facility would be unable to service all the identified drainage areas in the Class EA if it remained in the location identified in the lapsed draft plan, specifically the Mathews Hall subdivision currently serviced by a temporary SWM facility that will be decommissioned upon the construction of the Hyde Park No. 6 SWM facility; and
- the lapsed Northwest Crossing draft plan agreement included a condition requiring compliance with the Municipal Class EA process such that if the location for Hyde Park No. 6 SWM facility was modified minor modifications and/or an Addendum to the Municipal Class EA would be required for the proposed storm/drainage and SWM servicing works for this subdivision.

The lands required for the Hyde Park No. 6 SWM Facility have not been acquired to date. The lands acquired for the Hyde Park area pathway system may now be in a location that does not compliment the SWM design and future subdivision planning.

The alternative location for the SWM facility as identified in the lapsed draft plan, located to the west of the multi-use path corridor, was zoned Open Space (OS1) at the time of Draft Approval. If this site is no longer required for SWM purposes, it could potentially be developable; however, it is currently land-locked and the multi-use corridor would have to be realigned in order to facilitate development. This would involve negotiations with Northwest Crossings and a rezoning. The pathway location will be reassessed as part of this process and land reconfiguration and costs incorporated into this process, if required.

Recognizing the land transfers that have occurred and a lapsed draft plan that proposed the SWM facility in an alternate location, Civic Administration will inform Northwest Crossing (London) Limited to advise them that design of the facility will be based on the location identified in the EA.

Upon finalization of the the SWM facility design, determination of the alignment of the multi-use corridor and maintenance access to the SWM facility, land acquisition will be initiated.

Through consultation with the City Planning Services, it has been determined that the need for a Subject Lands Status Report/Scoped EIS is not required for the Hyde Park No. 6 Facility as it is outside the trigger distances identified in the Official Plan.

CONCLUSION

It is recommended that Civic Administration proceed with the implementation of the fifth and sixth components of the preferred servicing solution of the Hyde Park Community Storm Drainage and Stormwater Management (SWM) Municipal Class EA Schedule 'B' study. The next steps in the planning and design process are recommended to include:

- (a) Subject Lands Status Report/Scoped EIS for the Hyde Park No. 5 SWM Facility site;
- (b) Design and construction of Hyde Park No. 5 SWM Facility, in the general location identified in Environmental Assessment in 2002, subject to any requirements identified through the Subject Lands Status Report/Scoped EIS;

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- (c) Public Participation Meeting prior to the construction of the Hyde Park No. 5 SWM Facility, in order to provide the public with an opportunity to comment on the recommended design and compensation strategy developed as part of Subject Lands Status Report/Scoped EIS;
- (d) Design and construction of Hyde Park No. 6 SWM Facility, in the location identified in Environmental Assessment in 2002.
- (e) Public Participation Meeting prior to the construction of the Hyde Park No. 6 SWM Facility, in order to provide the public with an opportunity to comment on the recommended design.

Acknowledgement

This report was prepared with the assistance of Andrew Macpherson, Manager, Parks Planning and Design, Terry Grawey, Manager, Development Services & Planning Liaison and Nicole Hall, City Solicitors Office.

PREPARED BY:	REVIEWED & CONCURRED BY:
BERTA KRICKER, M.ENG., F.E.C., P.ENG. MANAGER OF STORMWATER MANAGEMENT UNIT	EDWARD SOLDI, P.ENG. DIRECTOR, ROADS AND TRANSPORTATION
RECOMMENDED BY:	RECOMMENDED BY:
JOHN FLEMING, MCIP, RPP MANAGING DIRECTOR PLANNING AND CITY PLANNER	JOHN BRAAM, P.ENG MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER

November 21, 2013

Attach: Appendix "A" – Location Map