

## **HISTORY**

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*1993 Annexation document between City and County/Townships, highlighting the purpose of the annexation.*

*1998 South Guelph Secondary Plan including Official Plan Amendment #2 with approved land use designations for the annexed lands.*

## **THE APPLICATION/CITY APPROVAL**

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- January 31, 2005 Public Meeting Planning Staff Report.
- February 21, 2005 Decision Meeting Planning Staff Report with issues summary and recommendation.
- Support Documents or at least the EIS, SWM/Servicing and HydroG Reports.
- March 2, 2005 Clerk's letter outlining Council's approval decision.

## **OMB APPROVAL**

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Add contents of the HCBP PLC Resource Binder that includes:

- Terms of Reference for PLC
- OMB Order
- Approved OPA Amendment No.26
- Approved Zoning
- Approved Subdivision Plan
- Approved Conditions of Draft Plan Approval
- Minutes of Settlement - Cox and St.Marys
- Minutes of Settlement - Kortright Hills Neighbourhood Assoc.
- Settlement Letter - Puslinch Residents Assoc.
- Supplementary Minutes of Settlement

### *Planning and Development Approvals:*

Planning applications were submitted in 2002. A comprehensive city and agency review as well as consultation with a wide range of stakeholder and public groups resulted in numerous revisions to these applications. Guelph City Council conditionally approved the applications in early 2005. The approvals were subsequently appealed by public and private parties to the Ontario Municipal Board (OMB).

A mediation process, facilitated by the OMB, resulted in the signing of minutes of settlement by all parties and the approval of the planning documents by the OMB in late 2006. The final order issued by the OMB approved the Official Plan Amendment, Amending Zoning By-law, Draft Plan of Subdivision and Conditions of Draft Plan Approval for the Hanlon Creek Business Park.

In 2007 the City's Environmental Advisory Committee and the HCBP's Public Liaison Committee provided input and comments to the terms of reference for an Environmental Implementation Report (EIR) which was subsequently approved by the City of Guelph and the Grand River Conservation Authority (GRCA). The creation of this document is a requirement of the OMB and addresses how the development's engineering and environmental requirements will be addressed during and after construction. Of specific note, the EIR addresses such matters as tree inventory and conservation, ground water recharge storm water management and mitigation, aquatic and terrestrial analysis and mitigation, to name a few.

Since 2007 the project's development group, which consists of the City of Guelph, Belmont Equities Ltd, and Cooper Construction have been addressing the OMB's Conditions of Draft Plan Approval for the Hanlon Creek Business Park, including the preparation of the EIR.

### *EIR AND DETAIL*

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- January 2008 EIR
- EIR Revisions Addendum
- February 2009 EIR

(to be continued)

### *WATER*

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#### *Grading*

#### ***Will the grading affect current ground water conditions or the wetland?***

OMB Condition 12 requires the Developers to prepare an Environmental Implementation Report (EIR) based on terms of reference approved by the Grand River Conservation Authority (GRCA)

and the City of Guelph. Groundwater recharge targets for each development block have been identified in the EIR (2009) document. The purpose of these recharge targets is to ensure that pre-development groundwater elevations and groundwater-dependent wetlands are sustained. In order to achieve the recharge targets, infiltration galleries will be required for each development site as part of the Site Plan Approval process. The infiltration galleries will be designed such that the infiltration capability of both the native soils and any imported fill material are addressed to meet the prescribed infiltration targets.

During site grading, interim infiltration galleries will be installed within the temporary sedimentation areas to ensure that infiltration rates are maintained prior to final development of the blocks.

### *Wetland Buffers*

#### **Do the Provincially Significant Wetland (PSW) buffers reflect the Provincial Policy Statement (PPS) requirement?**

Yes.

The Provincial Policy Statement (2005) states the following:

*“2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”*

The GRCA Wetlands Policy (2003) states the following:

*“6.2.12 The GRCA, in consultation with the affected municipalities, will request an Environmental Impact Statement for development (including lot lines) within 120 metres of the boundary of a Provincially Significant Wetland or an unevaluated wetland.”*

The need for an Environmental Impact Study (EIS) is triggered for development that lies within 120m of a PSW or unevaluated wetland. The EIS is intended to evaluate the proposed development in relation to impact on ecological function of adjacent lands and demonstrate no negative impact to natural features.

In 2004 the Developer’s consultant Natural Resource Solutions Inc., completed a consolidated EIS for the Hanlon Creek Business Park which was approved by the GRCA and the City of Guelph’s Environmental Advisory Committee. As a result of discussions between NRSI biologists and GRCA staff, buffers from natural heritage features (i.e. wetlands, wooded areas) were developed and approved for the Hanlon Creek Business Park in 2004.

## *Protection of the Downey Road Water Supply Well*

### ***Is the land located in the headwater and recharge zone for the Downey Well?***

The HCBP is not in the headwater or the recharge zone for the Downey Well. It is in the headwaters and recharge zone for Hanlon Creek. HCBP Phase 1 is located within the 5 year time of travel capture zone for the Downey Road well while Phase 2 is located within the 25 year time of travel capture zone.

### ***Does the Downey well supply Guelph with 20% of its drinking water?***

The Downey Road well currently supplies around seven percent [60 litres per second (L/s)] of the City's total sustainable water supply capacity (811 L/s) as reported in the Water Supply Master Plan (2006).

### ***Will this development put domestic water sources at risk?***

A water balance approach that specifies block-by-block infiltration targets has been used to identify the quantity of precipitation required for infiltration throughout the site to maintain the pre-development water balance.

### ***Will the approved zoning permit industrial uses that risk the water quality at the Downey well?***

It is recognized that the Hanlon Creek Business Park is located within a portion of the capture zone for the City's Downey Road municipal well. As stated above, the Downey well provides about seven percent of the City's sustainable groundwater supply. This well is therefore a very important drinking water supply source for the city and in recognition of this the Hanlon Creek Business Park will be developed in a manner that maintains the rate of recharge to the groundwater system within the site. Also, land use designations have been established for specific blocks within the business park to prohibit operations that would potentially pose a risk to groundwater quality. The requirement of groundwater recharge targets and zoning designations were developed and approved during the OMB hearing in 2006.

Most shallow groundwater in the HCBP discharges to Hanlon Creek and little groundwater recharges to the shallow bedrock and even less (if any) recharges to the deep bedrock (i.e. below the Eramosa Formation). Based on particle tracking, most of the groundwater that flows to the Downey Well is derived from the east and southeast of the well and little, if any is derived from the HCBP. Water quality in the Downey Well is unlikely to be affected by the industrial land uses in the HCBP.

## *Heritage Trees*

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### ***Are the heritage trees being protected? Will their root system be at risk by grading, loss of ground water, or potential upgrades to Forestall Road ?***

OMB Condition 3 requires the Developer to complete a tree inventory and conservation plan, satisfactory to the City Engineer in accordance with City Bylaw (1986)-12229 prior to any grading or construction on the site.

The intent of this condition is to identify where it is feasible to protect and retain trees, and where it is not feasible to do so to establish a tree replacement mitigation plan.

The 2006 **Hanlon Creek Heritage Maple Grove Forest Survey Report** authored by Bruce Kershner for the Kortright Hills Community Association provided the basis for this condition and work.

All of the old growth (heritage) trees identified in the Heritage Maple Grove, with the exception of two, are being retained. The old growth trees left outside of the proposed boundary were identified to be a sugar maple in very poor condition and an American beech in fair condition. Since the surveys were conducted, the sugar maple has fallen down.

Grading activities associated with the business park will have no impact on groundwater levels or root systems of heritage trees within the grove. Specifically, grading activities will not have an impact on the health of the ironwood and this tree is situated more than 50m from the development limit line. Any future road construction associated with Forestall Road will need to consider impacts to this stand, but are unlikely to have an impact on the ironwood as it is situated on the top of the hill that slopes steeply down to Forestall Road. The ironwood is approximately 10-15m from the current edge of Forestall Road.

Approximately 1,688 trees are proposed for removal within Phase I and II due to construction and/or high hazard rating. The loss of trees within Phase I and II will contribute 3,951m of crown radius being removed. Overall, the loss of trees within Phase I and II will result in approximately 13.2ha of land. It is anticipated that very few trees will be removed due to construction activities with the preliminary layout of Phase III.

Based on planting plans, as well as the proposed street tree planting plan, it is projected that there will be approximately 2,533 trees and 4,937 shrubs planted throughout Phase I and II.

Nearly half of the trees proposed for removal are situated within thin hedgerow communities that provide very little wildlife habitat. To compensate for tree removal and provide additional native wildlife habitat, active and passive restoration and enhancement plans have been developed for various areas throughout the business park, such as woodlot and wetland buffers, storm water management ponds, open meadow areas, riparian areas and swales.

Assuming an average canopy radius of 5m, it is anticipated that the planted trees will provide approximately 20ha of canopy cover. Restoration plantings within Phase I and II will cover approximately 32ha of land.

## **SPECIES**

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### ***Are any bird, mammal or reptile species at risk?***

The HCBP complies with section 2.1.3 of the Provincial Policy Statement which specifies,

*"Development and site alteration shall not be permitted in a) significant habitat of endangered species and threatened species; b) significant wetlands in Ecoregions 5E, 6E and 7E; c) significant costal wetlands".*

During the development of the HCBP draft plan, it was emphasized that the large central area of wetlands and woodlands be retained and bulked up in terms of enhancements. The large central core includes a diversity of habitat types that will support and protect local wildlife.

Recommended restoration/enhancement areas have also been developed to provide a provision of habitats to support local wildlife, such as wetlands, wooded areas and open naturalized meadow.

To compensate for tree removal and provide additional native wildlife habitat, active and passive restoration and enhancement plans have been developed for various areas throughout the business park, such as woodlot and wetland buffers, stormwater management ponds, open meadow areas, riparian areas and swales.

Based on planting plans, including proposed street tree planting, approximately 2,533 trees and 4,937 shrubs are expected to be planted throughout Phase I and II. Assuming an average canopy radius of 5m, it is anticipated that the planted trees will provide approximately 20ha of canopy cover. Restoration plantings within Phase I and II will cover approximately 32ha of land.

### ***Does the main tributary of Hanlon Creek (classified as a coldwater stream and a stable environment for brook trout) run through the development? Will this development create temperature impacts to this stream putting brook trout at risk?***

The main branch of Hanlon Creek does not flow through the subject lands. A tributary known as Tributary A (from the Hanlon Creek Watershed Plan) does flow through the lands.

As per OMB Condition 12, a stream temperature impact analysis was undertaken to analyze temperature impacts to Tributary A as a result of stormwater management facilities. The modeling approach used to evaluate the design of stormwater management facilities and control measures with respect to their impact on stream temperatures, including coldwater fisheries thresholds for brook trout are summarized in the HCBP EIR (NRSI 2009) and detailed in

the Stream Temperature Impact Report (2009) prepared by AECOM. The following conclusions were made with respect to the impact of stormwater runoff on the streams in their management for brook trout:

- I. The modeled post-development mitigated summer temperatures are suitable for brook trout.
- II. The stormwater outflows are not expected to impact brook trout spawning potential in autumn.
- III. The stormwater outflows are not expected to impact the suitability of winter stream temperatures for incubation of brook trout eggs.
- IV. The stormwater outflows are not expected to impact potential for brook trout eggs hatching or the early free-living stages.

A number of measures have been identified to mitigate potential thermal impacts including: removal of an on-line pond, addition of tree canopy cover along the stream, use of a bottom draw facility, and installation of cooling trenches.

### *Jefferson Salamander*

#### ***Are there Jefferson Salamanders on the site? If so, are they at risk?***

The City of Guelph, Belmont Equities and Cooper Construction are committed to retaining areas within the business park that may provide habitat or potential habitat for salamanders, especially Jefferson salamander. NRSI will be conducting salamander surveys in a variety of on-site wetlands to verify the presence of Jefferson salamander. In the event that Jeffersons are found within the study area, NRSI will work closely with the MNR to establish appropriate management strategies within that particular habitat (i.e. no public access, etc.).

The field work that Natural Resource Solutions Inc. (NRSI); conducted for the Hanlon Creek Business Park EIS was undertaken between 1998 and 2004, prior to Jefferson salamander being a Threatened species. The field work was conducted under the Terms of Reference that were approved by the City, the City of Guelph's Environmental Advisory Committee and the Grand River Conservation Authority.

It was noted in the 2004 consolidated EIS (NRSI) that Jefferson salamander may be present within the HCBP according to the Hanlon Creek Subwatershed Study (1994). It was listed as 'undetermined' within the subwatershed study as no genetic testing was undertaken on any specimens. According to the Hanlon Creek State-of-the-Watershed Study (PEIL 2003), Jefferson salamander complex (*Ambystoma jeffersonianum* complex) was identified to be a significant species recorded in the Hanlon Creek Watershed. This record was taken from the Ontario Herpetofauna Summary database (1984-1990). More recently, it was confirmed that no

Jefferson salamander was found or genetically confirmed within the study area as part of the Guelph Natural Heritage Strategy (Dougan & Associates 2008).

In the EIR as well as NRSI's 2008 Terrestrial and Wetland Monitoring report, it is recommended that salamander surveys be conducted in various areas throughout the business park. Salamander surveys have commenced this spring and will continue until 75% of Phase I and II are built out. NRSI has applied to the animal care committee (permit for trapping/handling of listed species), wildlife scientific collector's permit and the Ontario Species at Risk Act permit (permit for trapping/handling listed species). These permits allow us to set out traps and take tail clippings in the event that a potential Jefferson salamander is found. Tail clippings will be collected from suspect Jefferson salamanders and sent to the University of Guelph for genetic testing to verify pure strains of Jefferson vs. hybrids.

It should be noted that all areas within the business park that may provide potential habitat for salamanders, especially Jefferson salamander, are being retained. However, NRSI will be conducting salamander surveys within a variety of on-site wetlands to verify the presence of Jefferson salamander. In the event that Jefferson's are found within the study area, NRSI will work closely with the MNR to establish appropriate management strategies within that particular habitat (i.e. no public access, etc.).

### *Archaeological*

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#### ***Archaeologists have found evidence that Indigenous people used these lands over 100 years ago.***

Archaeological evidence has been found in many subdivisions developed in the past throughout the City. The requirement for an Archaeological Assessment (OMB condition 14) is a standard condition for all subdivision applications processed in the City.

The Developer has submitted the D.R. Poulton & Associates Inc. report which has been accepted by the Ontario Ministry of Culture. While the report does state that there is evidence that Indigenous people used these lands, no significant artefacts were identified. A review by the Ministry of Culture confirms this to be the case.

### *Air Pollution*

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#### ***What is being done about a potential increase in air pollution?***

A Dust Suppression Control Plan (OMB Condition 15) will be implemented during construction and all areas of disturbed soil must be stabilized and seeded within 90 days of the disturbance to minimize the amount of airborne particulate matter leaving the site.

## *Post Development Monitoring*

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### ***Once development has been completed will the developers monitor or address any post development impacts?***

Yes.

Post-development monitoring was discussed throughout the lengthy public planning process and was considered a major part of the success of the business park.

The EIR (2009) and its supporting documents (Stream Temperature Impact Report, Stormwater Management Report, Hydrogeology Report, Terrestrial and Wetland Monitoring Report and Aquatic Monitoring Report) outline numerous monitoring requirements during- and post-construction. The developers are required to carry out the monitoring programs until 2-years after 75 percent build-out of Phase I and II of the business park.

A contingency reserve fund will be established to address the implementation of additional mitigation measures should any post-development impacts require mitigation.

## *NEXT STEPS*

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### ***What are the next steps for the HCBP?***

As per the OMB conditions of approval detailed design, studies and reports have been submitted to the various authorities for their review and approval. These authorities include the GRCA, Ontario Ministry of Environment, Ontario Ministry of Transportation, Federal Department of Fisheries and Oceans, City of Guelph, and the City of Guelph's Environmental Advisory Committee.

Once approvals have been obtained from these authorities and subject to the two private developers meeting their obligations to enter into an Engineering Servicing Agreement the project can proceed to the tendering construction stage. The awarding of construction contracts will require the approval of Guelph City Council.

*Should further information be required please feel free to contact [bizinfo@guelph.ca](mailto:bizinfo@guelph.ca).*