



September 3, 2009

STAFF REPORT

**RE: NEPOSS PARK MASTER PLAN
NEW BURLINGTON CITY PARK
CITY OF BURLINGTON**

REGION OF HALTON

Background

The City of Burlington purchased a property in 2002 at the southeast corner of Dundas Street (Regional Road 5) and Kerns Road in order to develop the land for "high quality sports fields suitable for tournament/semi-professional venues as well as passive parkland, nature interpretation and festivals". The City of Hamilton, South Waterdown Secondary Plan area, is immediately to the west and those lands will be developed for residential and commercial purposes. The subject property is above the Escarpment Brow and a section of the Bruce Trail crosses the southern end of the Park. The land is presently vacant except for a communication tower that will eventually be removed. The property is currently under agricultural production. Kerncliffe Park is immediately to the south, below the Escarpment.

The land became part of the Niagara Escarpment Plan Area through the *Greenbelt Act*. It is within the Niagara Escarpment Parks and Open Space System (NEPOSS) and is classified as a Recreation Park.

The recreation uses proposed for the City Park include baseball and soccer fields, a park pavilion which will have a concession and washroom facilities, passive open space areas, parking, a maintenance building, an access road and the Bruce Trail. One of the playing fields at the northwest corner of the Park will have seats, two of the fields may have artificial turf and three of the playing fields will have lights for evening play. In addition to sporting events, the park may host festivals, concerts and picnics. There will also be a viewing deck at the edge of the Escarpment overlooking Kerncliff Park.

The City has been working on a Management Plan for the Park since 2006. Stakeholders included the following municipalities and agencies:

- NEC
- MNR
- Conservation Halton
- Region of Halton
- Iroquoia Bruce Trail Club.

The stakeholders met several times over the course of 2006/08 to provide input to the development of a Management Plan. NEC staff reported to the Commission on this project in 2006 and the Commission endorsed the proposed use of the property (as generally set out in this Park Master Plan) subject to conditions. The City has recently received funding from the federal and provincial governments and is now able to expedite the first phase of Park development. The Management Plan (April 2009) is being presented to the Niagara Escarpment Commission for endorsement before it is sent to the Ministry of Natural Resources for final signoff. The purpose of this report is to evaluate the Management Plan and advise the Commission how the City has addressed the conditions endorsed through the 2006 Staff Report.

Summary Recommendation: Endorse Park Plan.

Discussion:

NEP

The City Park is designated Escarpment Natural and Protection Area in the Niagara Escarpment Plan (NEP). Uses permitted in the Escarpment Protection Area designation include “Uses permitted in Park and Open Space Master/Management Plans which are not in conflict with the Niagara Escarpment Plan”. In the Escarpment Natural Area, “non-intensive recreation uses such as nature viewing and trail activities” are allowed. In the Escarpment Protection Area, “recreational uses oriented towards the land that require minimal modification of the existing natural, topographic and landscape features and which do not require the building of major structures” are allowed. See Maps 1-4.

Section 3.1.6 of the NEP requires management agencies of NEPOSS parks to prepare a plan “to establish policy guidelines for long term protection, development and management of the park or open space area”. The Master Plan is then used to establish appropriate zones for the park which then take precedence over the NEP designation once the Master Plan is approved.

For the City Park, the goal of developing a Management Plan is to “provide a guide for the long term development of New City Park in keeping with principles, policies and guidelines for land management in the Niagara Escarpment Parks and Open Space System”. The report states that the flora and fauna of the Escarpment will be the inspiration for the design of the buildings on site which will be built to meet the LEED Green Building rating system.

Eventually, Development Permit Applications will be submitted for the detailed phased development of the site.

Management Plan

The Management Plan, April 2009, provides an overview of the relevant planning policies at the Provincial, Regional and local level. The preferred Master Plan is attached to this report. The Management Plan describes all of the other studies of the site completed by the City’s consulting team including planning policy, agricultural impact, cultural heritage, natural heritage and karst, servicing, traffic, storm water management and irrigation, lighting and visual impact.

Planning – The Planning Study acknowledged that the Park lands are subject to the NEP and that the property has been designated as Escarpment Protection Area and Greenlands in the City's OPA 55.

Agriculture – the study concluded that as the property was isolated from other farm parcels and the area was dominated by non-farm development, it was of low priority for agriculture. It was also found that the proposed Park would not have a negative impact on any remaining farming in the area. The PPS allows limited public recreation on lands with agricultural capability if there is no other less suitable land available. The City has confirmed that there were few properties of this size available with lower capability soils.

Cultural Heritage – Cultural artefacts were recovered from the site and the Ministry of Culture has issued a Letter of Clearance.

Natural Heritage – This study identified a number of significant environmental features in the area and an Environmentally Sensitive Area on the property. The study also identified that there may be Species at Risk (SAR) in the area or on the property. Although the Management Plan recommended that there be later follow-up regarding SAR, MNR staff indicated in their comments that this matter should be dealt with prior to any development occurring on the property. The City has requested their consultants to do additional field work and this information will be provided to the NEC and to MNR. MNR staff participated in a meeting with the City on September 3, 2009 and advised that provided the initial phase of development did not impact areas where SAR may be found, the Management Plan can proceed through the approval process.

As will be discussed later in this report, the sensitive features on the site will not be developed and will be enhanced with new vegetation to protect them. There are also areas of karst and sinkholes on the property. The karst areas are largely avoided in the concept plan, but the access road does pass through the karst in one location so caution will have to be exercised during construction so as not to impact base flow. The study recommends monitoring of impacts to the karst features and other natural heritage features. Further discussions will be held with the City and Conservation Halton as to how the monitoring will be conducted and may form part of future Development Permit conditions. We understand that the City has retained a karst expert to do further investigation of the site to make recommendations for the future development of the property.

Servicing – as the property is outside the urban area, it must be serviced through wells and a septic system. Well testing was conducted and a 2 metre drawdown in water depth resulted. There are still some private wells in the area so NEC staff have recommended to the City that it develop a well protection program before development occurs to ensure that if any private wells are impacted through the water taking by the Park, that an appropriate response plan is in place. The servicing report has indicated that they will attempt to minimise irrigation and on-site sewage flow in the design of the servicing system and through the use of artificial turf on some of the playing fields. Conservation Halton has also requested that monitoring of the seeps and springs coming off the Escarpment be monitored to ensure that base flow is not degraded and to ensure a response plan is implemented, should these effects be detected. The City has agreed to incorporate a commitment to monitoring in the Management Plan.

Traffic – A traffic analysis, including parking and a safety audit was conducted and concluded that there should be adequate on-site parking and that the accesses onto Kerns Road and Dundas should function adequately with controlled turning movements and that the traffic from the Park should have a minor impact on the existing road network. Traffic will be further assessed as part of the separate Environmental Assessment the City is conducting on Kerns Road.

Visual impact – A viewshed analysis was undertaken by The Landplan Collaborative consultants for the City. The consultants examined whether the proposed light standards for the baseball and soccer fields would be visible from other vantage points around the City and whether the lighting would cause an unacceptable impact on surrounding lands. The City proposes to use a state of the art system that utilizes “glare reduction technology”. The lighting system will direct the lighting onto the playing fields so that light does not spill over onto adjacent lands. The lights will not be illuminated past 11:00 pm in the evening in accordance with City policy. The lights will be on a timer, but will be able to be manually controlled so that if a sporting event finishes early or is cancelled, the lights can be turned off sooner. The sports fields, when in use, would be lit for only part of the calendar year i.e., May to September. It should be noted that for much of the year (e.g., winter) the area will not require lighting.

The fields that will be lit will be located in the northwest area of the Park closer to Dundas Street. This location was chosen to maximise the separation distance from ESA areas on the property and the Bruce Trail.

Landscape screening will also be utilised on the property to enhance screening of the light standards. The City intends to improve the landscape screening along the brow of the Escarpment as part of the first phase of park development and over time, as the plantings mature in size, the visibility of the light standards will diminish. Substantive planting along Dundas Street and Kerns Road is also proposed as well as the preservation of the wooded area along Kerns Road and the majority of the existing hedgerows.

The consultants utilized a series of line of sight cross sections, examined the topography, built form and existing vegetation in detail and used the existing communication tower on the property as the point of reference for the field review portion of the viewshed analysis. They examined the potential visibility of the lit fields from different vantage points in the City up to 3 kilometres away and concluded that there were three possible areas, outside of the park boundary road frontages, where the lights might be visible in part. The first two areas are along Dundas Street east and west of the park. A third area is to the southeast within the Tyandaga Golf Course and an adjacent privately held open area west of Brant Street. The potential for views in this zone is largely due to a previous landowner of property below the Escarpment who had removed mature vegetation from the brow and face of the Escarpment. The consultants also investigated views from the QEW and 403. While there is some potential for the lights to be visible, both the distance and the speed at which vehicles move, are strong ameliorating factors. Views to the park from all other areas south of the Escarpment were blocked by the Escarpment itself or the treed and wooded areas on the property.

The visual assessment information will be incorporated into the Management Plan by way of a future addendum and revisions to the main report. It is concluded that the City has made considerable effort to ensure that the visibility of the future lights on the

property will be minimised to the greatest extent possible in the context of both the Escarpment location and the urbanising setting that the Park will find itself in as Waterdown development proceeds to the west and Dundas Street is widened to the north in the future.

Visual impact can be evaluated in more detail when the Development Permits are submitted and the various phases of the Park move forward.

Park Zones – In evaluating which Park Zones would be appropriate in the Master Plan, the City has had regard for the sensitive environmental features of the property. The ESA, wetlands and karst areas are proposed to be in the Nature Reserve Zone. The areas of the site which are to benefit from re-vegetation including the Escarpment Brow and Bruce Trail and the areas around the proposed building and sports venues including the pond, would be in a Natural Zone. Parking and driveway areas would be in the Access Zone and the Park Pavilion would be in a Development Zone. Over 71% of the area of the Park would be Nature Reserve and Natural Zone. This satisfies the NEC requirement from the 2006 Report which recommended that a greater area be zoned natural than zoned for intensive sports fields and parking areas.

The proposed Park Zones are consistent with the Recreation Park designation in that the City has restricted development from the sensitive natural areas on the property, has accommodated the Bruce Trail and has provided opportunities for both passive and active recreation within the Park. NEC staff have met with City staff and have encouraged the City to find opportunities to promote the World Biosphere Reserve and the Niagara Escarpment through signage and other education information in the Park. In the first phase of the Park development, the City will be enhancing the natural vegetation on the site and will be constructing a parking area for users of the Bruce Trail as requested in the 2006 NEC Staff Report.

Uses –Although the Park will undergo a significant amount of development, the proposed uses are not inconsistent with a Recreation Park and the underlying Escarpment Natural and Protection designations. Development is planned to occur in stages and the impact of the development should be monitored for environmental impact. Irrigation will be minimised through the use of artificial turf. The City is encouraged to consult with NEC staff for any new use, buildings, special events or activities prior to initiating any new activities or construction to ensure that the necessary Development Permits are obtained.

As discussed above and as required in the 2006 NEC Report, the City Park will not be connected to urban services. The number and location of playing fields and the concerns about lighting, subject to the future addendum, have also been addressed in the Management Plan to our satisfaction.

Overall, the configuration and layout of the Park as outlined in the Management Plan has been designed in a manner appropriate to the natural heritage and topography of the site and should not have a negative impact on the Escarpment's scenery and environment.

Public consultation – the public was given opportunities between 2002 and 2008 to provide input to the design of the Park. Residents of the South Tyandaga neighbourhood south of the Park had expressed concern about the traffic impact from

activities in the Park. The City has attempted to address this concern by proposing that there will be no southbound access on Kerns Road south of the Park. All traffic would exit the Park either from Kerns Road going north or from Dundas Street going east.

Although there has been no recent public consultation, City staff advise that the Park Concept Plan has not changed since consultation, and they are confident that the public supports the Management Plan and the concept for the Park. If there continue to be Kerns Road traffic issues, these will be addressed as part of a separate Environmental Assessment process involving further public consultation.

Municipal and agency positions

The Region of Halton Legislative and Planning Services Department advised that they have no major objections to the City Park Management Plan. Other issues, including servicing or traffic, will be addressed at the Development Permit phase of this project.

The City of Hamilton Planning and Economic Development Department has advised that they have no objection to the Management Plan. Their main interest is ensuring that the City is kept informed with the ongoing design of the park so that they can ensure that the entrance to the Park aligns with the future roads in the Waterdown South Secondary Plan area on the west side of Kerns Road.

The Bruce Trail Conservancy (BTC) has advised that they have reviewed the Management Plan Final Report and that they have no concerns. They note that the Trail is protected in perpetuity by an Easement at the southern edge of the Park, that no relocation of the Trail is proposed and the Plan proposes a natural buffer between the Trail and the open recreation areas. The BTC will be consulted at the Development Permit Application stage so that they can address any site issues that may arise.

Conservation Halton has expressed concern about the impact of the Park from field irrigation and other water consumption on the hydrogeology of the area. The City has agreed to undertake a hydrogeological study to confirm that there will be no negative impact on the receiving watercourses and wells in the area. They have indicated that this work should be completed prior to applying for a Development Permit so that the results of the study can be evaluated and appropriate conditions formulated for the Development Permit application. In discussions with their staff, it was noted that there may be Jefferson salamander habitat in the area. Conservation Halton staff will address this with MNR to ensure that any additional field work on the property includes an evaluation for the salamander.

NEC Action:

In consideration of the foregoing, NEC staff recommends that the NEC:

- a) endorse the Management Plan for the New City Park as it is in conformity with the Niagara Escarpment Plan, subject to the further revisions discussed in this report,
- b) send a copy of this report to the Ministry of Natural Resources to inform their decision and signoff on the Master Plan, and
- c) direct staff to continue their discussions with the City to ensure that the Development Permit Applications to implement the Park Master Plan will be in conformity with NEP policies at the detailed site level.

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