

# FORMAL REPORT

<b>To:</b>	<b>Mayor Strathdee and Members of Council</b>
<b>From:</b>	<b>Mark Stone, Planner</b>
<b>Date of Meeting:</b>	<b>12 September 2017</b>
<b>Subject:</b>	<b>DEV 29-2017 Grand Trunk Trail – Natural and Cultural Heritage Designation</b>

## PURPOSE

The purpose of this report is to provide Council with an overview of natural and cultural heritage policies related to the Grand Trunk Trail.

## RECOMMENDATION

THAT DEV 29-2017 Grand Trunk Trail – Natural and Cultural Heritage Designation report be received; and,

THAT Council considering establishing very specific policies related to the Grand Trunk Trail in association with a new land use designation or trail hierarchy in the new Official Plan. Such consideration should occur following consideration of the new Recreation and Leisure Master Plan.

## BACKGROUND

This report is the third of three Council reports regarding the Thames Crest Farms development and related issues including the proposed Wellington Street North extension and the protection of the Grand Trunk Trail. These reports are in response to Council's direction for staff to report back on these issues. The Background section of DEV27-2017 report regarding the Wellington Street North extension provides a detailed overview of the background to these issues however, the following is an abbreviated summary of public submissions that have led to the preparation of these reports:

### June 13, 2017 Council meeting

- Dr. Emily Kelly made a presentation on behalf of Tree Protectors of St. Marys, a group created in response to concerns regarding the destruction of green space associated with the Emily Street and Ardmore Park (now referred to as Westover Place) developments. Dr. Kelly recommended that the Town remove the Wellington Street extension from the Official Plan and create an extension of the Grand Trunk Trail to link with the new subdivision, and incorporate a much needed new North Ward Park.
- Mr. Frank Krausz made a submission to the Town respecting natural protected zones, recreational zones, historic zones and development zones.
- Council passed the following resolutions:

*THAT the presentation by Dr. Emily Kelly regarding Improvements to the Grand Trunk Trail at Wellington Street North be received; and,*

*THAT staff be directed to report back to Council regarding the history and rationale of the proposed extension of Wellington Street North; and,*

*THAT staff be directed to report back on the planned parkland dedication for the Thamescrest Farms Development; and,*

*THAT staff be directed to investigate implementing a formal forestry and tree management policy for the Town as recommended in the Town's Strategic Plan; and,*

*THAT staff be directed to investigate the implementation of a Natural Heritage Designation for the Grand Trunk Trail.*

and

*THAT the correspondence from Mr. Frank Krausz be received and referred to staff for inclusion in the forthcoming report back on the Wellington Street North extension.*

### **June 20, 2017 letter from Dr. Emily Kelly**

- Included petition with 676 signatures stating that the Wellington Street North extension is a mistake and encourages Town Council to keep new housing development connected using existing roads and new walking trails, rather than carving a channel for heavy traffic through the middle of Town.

### **June 27, 2017 Council meeting**

- Jakob Krausz spoke to Council in opposition of the Wellington Street extension.

Based on public submissions received and the direction of Council, the following is a summary of issues to be addressed:

Issue 1 – Need for Wellington Street extension

Issue 2 – Traffic concerns due to Wellington Street extension

Issue 3 – Protection of the Grand Trunk Trail and road crossing safety concerns

Issue 4 – Protection of natural heritage along/in proximity to Grand Trunk Trail

Issue 5 – The need for a wider range of zones to protect recreational, historical and natural areas

Issue 6 – Planned parkland dedication for the Thames Crest Farms development

The following three reports have been prepared to address these issues:

#### **DEV27-2017 – Wellington Street North Extension**

- Addresses Issues 1, 2 and 3
- Provides context and background applicable to all three reports

#### **DEV28-2017 – Thames Crest Farms Development – Parkland Dedication**

- Addresses part of Issue 5 and Issue 6

#### **DEV29-2017 (this report) – Grand Trunk Trail - Natural and Cultural Heritage**

- Addresses Issue 4 and part of Issue 5

## **REPORT**

This report addresses the question of natural heritage protection in proximity of the Grand Trunk Trail, and also provides background regarding cultural heritage as it relates to the 'historical' component identified in Issue 5. Before discussing these issues, a brief overview of the Grand Trunk Railway, and of relevant planning context related to natural and cultural heritage is provided.

In 1859, the Grand Trunk Railway (GTR) completed its main line from Toronto westward through Southern Ontario to Sarnia. Joining rail service as far as Chicago, this link provided access from the ports of Eastern Canada into the heart of North America. The GTR was incredibly important to the progress of settlement westward. One of the key components of the rail line was the Sarnia Bridge which crossed the Thames River in St. Marys. With its trestle structure and its high limestone piers, the bridge soon became a regional landmark.

In December 1988, the Canadian National Railway announced its intent to abandon the portion of its rail line that ran across the northern limits of St. Marys. In 1993, the Town of St. Marys completed an agreement to purchase the railway right-of-way through the municipality.

A group of local and area volunteers was formed in 1996 to plan and raise money for a walking trail along the right-of-way, including the Sarnia Bridge. The name of the walkway was chosen to reflect its history: The Grand Trunk Trail - St. Marys.

In 2012 the Town of St. Marys was inducted into the North America Railway Hall of Fame for leadership in the re-purposing of the Sarnia Bridge into the Grand Trunk Trail.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment. The following is a summary of PPS policies relevant to this report.

Sections 2.1.1 and 2.1.2 of the PPS state that natural features and areas shall be protected for the long term and that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Further, development and site alteration is not permitted in significant heritage features and areas as identified and defined in the PPS, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Development and site alteration is not permitted in fish habitat and habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The PPS also requires that development be directed outside of hazardous lands adjacent to rivers and streams.

Section 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The PPS provides the following definitions:

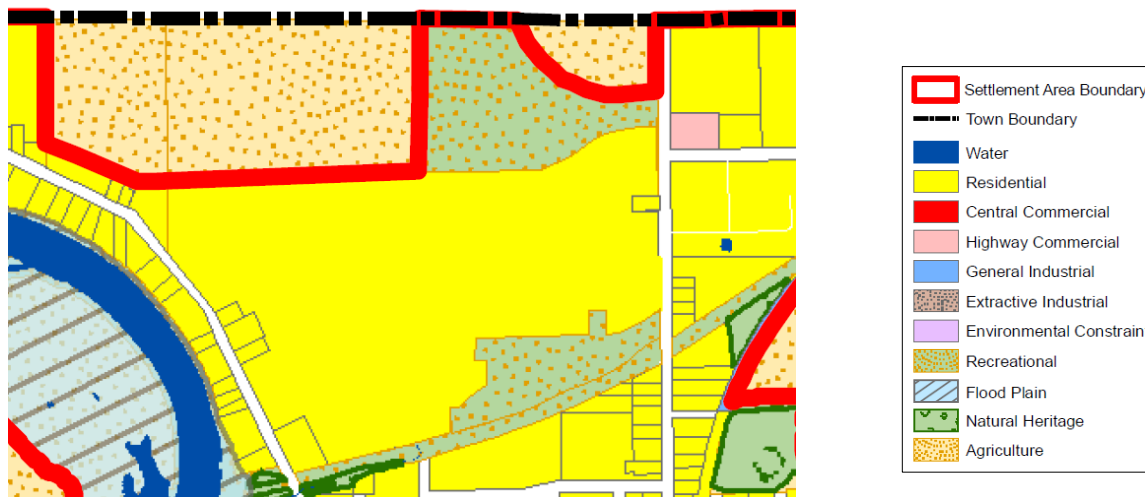
**Built heritage resource:** means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

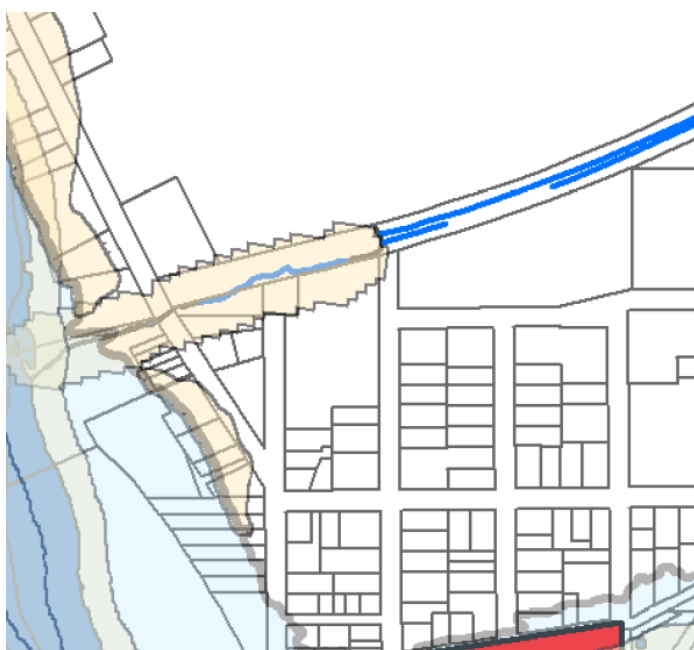
The PPS regards cultural heritage resources as significant if determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

## Official Plan

The Grand Trunk Trail in the area of the Thames Crest Farms development is designated Recreational, with areas designated Natural Heritage west of Wellington Street. Section 3.9 of the Official Plan sets out natural heritage policies to “assist in identifying environmentally significant features, functions, and linkages within the Town”. The Official Plan contains some policies respecting fish habitats, woodlands and significant woodlands. Section 3.9.2.2 states that “development and site alterations within significant woodlands shall not be permitted unless the proponent of development can demonstrate that there will be no negative impacts on the ecological function of the wood land”.



Schedule C of the Town Official Plan identifies a Natural Hazards Constraint Area along part of the Grand Trunk Trail, as shown below. The Natural Hazards Constraint Area is an overlay that applies to “those lands and watercourses which have been flooded, are susceptible to flooding under severe



conditions, or are subject to erosion and which have not been designated as Natural

Hazards” in the Official Plan. Being an overlay, the policies related to the Natural Hazards Constraint Area apply in addition to the policies of the underlying designation and the boundaries are considered general in nature.

Section 3.8.2.16.4 of the Official Plan states that “where detailed floodline information or hazard related information is required to assess the development proposal, the development proponent shall be responsible for preparing a study to the satisfaction and the approval of the Upper Thames River Conservation Authority and the Town”. Section 3.8.2.16.6 states in part that “Council encourages the reestablishment of vegetation cover and buffer areas along the watercourses that are located within a Natural Hazards Constraint Area”.

Section 2.3 of the Official Plan provides policies respecting the identification and protection of heritage resources “including: heritage resources designated under the Ontario Heritage Act; archeological and historical resources; and sites or areas of architectural, cultural, social, political, economic, historical, or military significance”. Objective 2.3.1.2 speaks to the protection and enhancement “of the Town’s heritage resources by developing policies that strike a balance between conservation and preservation with development and re-development”.

### **Zoning By-law**

While not a Zone, the Upper Thames River Conservation Authority (UTRCA) Regulation Limit is shown on the Zoning By-law maps for information purposes, representing the approximate location of the boundaries those lands that may be subject to flooding, erosion and unstable slopes. The provisions of the UTRCA Regulation Limit are applied in conjunction with the zone provisions for underlying zones.

The current Zoning By-law does contain zones that have been used to implement natural heritage features and areas, and hazard lands, including the Environmental Constraint (EC), Open Space (OS) and Flood Plain (FP) Zones. However, following the completion of the ongoing Official Plan update, there will be the need to consider the addition of new zones and/or modifications to existing zones to ensure appropriate implementation of new policies and mapping.

### **DISCUSSION OF ISSUES**

As noted earlier, six main issues have been identified, two of which are discussed in this report:

Issue 4 – Protection of natural heritage along/in proximity to Grand Trunk Trail

Issue 5 – The need for a wider range of zones to protect recreational, historical and natural areas (this Report focusses on historical/cultural heritage areas)

#### **Issue 4 – Protection of natural heritage along/in proximity to Grand Trunk Trail**

Concern has been raised with respect to potential impacts on natural heritage features that may result from the proposed extension of Wellington Street and development in the Thames Crest Farms subdivision. Specifically, concerns with impacts on ponds, watercourses, mature trees, young black walnut trees, and bird, turtle and frog habitat have been identified.

The Upper Thames River Conservation Authority (UTRCA) was asked to provide some input with respect to these issues and offered the following preliminary comments:

- This section of the Grand Trunk Trail is affected by the Authority’s Regulation Limit however no major issues or constraints have been identified with respect to the proposed extension of Wellington Street North.
- Floodplain and a watercourse in the Regulated Area are confined to areas west of the proposed Wellington Street extension.
- The pond located along the Grand Trunk Trail is not a Provincially Significant Wetland.
- Permits from the UTRCA will be required prior to undertaking any development or site alteration in the Regulated Area.

The current Official Plan includes natural heritage policies to assist in the identification and protection of significant features, functions and linkages. The current Official Plan does not identify the location of any significant woodlands however, the ongoing Perth County Natural Heritage Study, that involves the Town of St. Marys, will provide guidance with respect to the identification of significant woodlots and will inform the Town's ongoing Official Plan review. In addition, the Town will prepare a Natural Heritage Discussion Paper as a part of the Town's Official Plan review to implement the findings of the County Natural Heritage Study and to ensure that the policies of the Official Plan appropriately implement provincial policies related to the long-term protection of natural features and areas. New Official Plan policies and mapping will be implemented through an update to the Town's Zoning By-law, and both documents will regulate future development in the Town including the Thames Crest Farms subdivision.

Where appropriate, the Town can require an Environmental Impact Study (EIS) with any development application including as part of the Wellington Street extension as discussed in DEV27-2017. An EIS must be prepared by a qualified professional to identify any potential negative impacts on natural features or ecological functions on a property or adjacent lands. Recommendations contained in an EIS related to development constraints, mitigation and/or compensation are then used by the Town to develop appropriate regulations through zoning and/or conditions of a draft plan of subdivision/condominium or site plan.

Specific concerns have been raised with respect to potential impacts of the proposed Wellington Street extension and new development on trees, including the existing treeline that extends north from the current terminus of Wellington Street where it meets the Grand Trunk Trail. The Town will work with the developer to explore options to avoid or minimize impacts on the treeline, including the potential for a reconfiguration of the proposed Wellington Street extension north of the Grand Trunk Trail. There are standard conditions of draft approval applied to plans of subdivision including the requirement for a lot grading plan to demonstrate how the loss of trees and vegetation have been minimized. It should also be noted that in accordance with recent amendments to Section 270(1) of the Municipal Act as a result of Bill 68, municipalities are now required to adopt and maintain policies with respect to the protection and enhancement of tree canopy and natural vegetation. Implementation of this requirement is being considered by staff.

The Town will also explore options with the developer and the UTRCA related to opportunities for additional tree plantings. For example, the Communities for Nature program involves the UTRCA working with the community to identify opportunities for the planting of trees, shrubs, aquatic plants, etc. Given the early stages of development of the Thames Crest Farms subdivision, this may be a good opportunity to draw on these types of programs and resources to develop a strategy for creating wildlife habitat, increasing biodiversity, and improving water and air quality along the Grand Trunk Trail and around the storm water management facility.

## **Issue 5 – The need for a wider range of zones to protect recreational, historical and natural areas**

With respect to the suggested need for a wider range of zones to protect historical areas, the Provincial Policy Statement and the Town Official provide direction with respect to the identification and protection of built heritage resources and cultural heritage landscapes. However, for the most part, the protection of these resources is implemented through mechanisms under the Ontario Heritage Act.

Under the Ontario Heritage Act (OHA), municipalities can enact by-laws to designate buildings/structures and properties demonstrating cultural heritage value or interest. Cultural heritage landscapes can also be identified subject to certain criteria. There are generally three types of cultural heritage landscapes: designed landscapes (e.g. designed downtown square or parkland),

evolved landscape (e.g. a mainstreet) and associative landscape (e.g. significant religious site or cultural sites with associations to nature). A Statement of Cultural Heritage Value or Interest describes why the property is important and merits designation, explaining cultural meaning, associations and connection the property holds for the community. Examples of landscapes designated under the Ontario Heritage Act include the Roseland Golf Course (Windsor), Bronte Cemetery (Oakville) and Victoria Park (London).

In addition, a municipality can designate Heritage Conservation Districts (HCDs), by by-law, to guide construction, alterations and demolitions in that area. HCD's are then managed through a District Plan prepared by the municipality.

## **SUMMARY**

This report has been presented at the request of Council to provide information related to natural and cultural heritage in relation to the Grand Trunk Trail. The following areas of concerns were reviewed:

### **Issue 4 – Protection of natural heritage along/in proximity to Grand Trunk Trail**

- UTRCA has offered the following preliminary comments:
  - This section of the Grand Trunk Trail is affected by the Authority's Regulation Limit however no major issues or constraints have been identified with respect to the proposed extension of Wellington Street North.
  - Floodplain and a watercourse in the Regulated Area are confined to areas west of the proposed Wellington Street extension.
  - The pond located along the Grand Trunk Trail is not a Provincially Significant Wetland.
  - Permits from the UTRCA will be required prior to undertaking any development or site alteration in the Regulated Area.
- The current Official Plan includes natural heritage policies to assist in the identification and protection of significant features, functions and linkages. The ongoing Perth County Natural Heritage Study, that involves the Town of St. Marys, will provide guidance with respect to the identification of significant woodlots and will inform the Town's ongoing Official Plan review
- The Town will work with the developer to explore options to avoid or minimize impacts on the treeline, including the potential for a reconfiguration of the proposed Wellington Street extension north of the Grand Trunk Trail.
- The Town will also explore options with the developer and the UTRCA related to opportunities for additional tree plantings, and to develop a strategy for creating wildlife habitat, increasing biodiversity, and improving water and air quality along the Grand Trunk Trail and around the storm water management facility.

### **Issue 5 – The need for a wider range of zones to protect recreational, historical and natural areas**

- The Provincial Policy Statement and the Town Official provide direction with respect to the identification and protection of built heritage resources and cultural heritage landscapes. However, for the most part, the protection of these resources is implemented through mechanisms under the Ontario Heritage Act.

Council specifically asked staff to investigate the Town's ability to apply a "Natural Heritage Designation" to the Grant Trunk Trail. Applying a Natural Heritage designation would be appropriate in areas where natural heritage features and areas have been identified through additional study. The current Official Plan applies the Recreational designation to the trail but the Town could consider

establishing a new land use designation with very specific policies intended to recognize and protect unique attributes of the trail. Depending on the recommendations in the new Recreation and Leisure Master Plan, the Town could alternatively consider applying specific policies to the Grand Trunk Trail in association with a trails schedule if included in the new Official Plan. Either approach could be addressed through the ongoing Official Plan review project, or by initiating a proposed Official Plan Amendment.

## **FINANCIAL IMPLICATIONS**

None at this time.

## **STRATEGIC PLAN**

☒ Not applicable to this report.

## **OTHERS CONSULTED**

Trisha McKibbin, Director, Corporate Services / Deputy Clerk

## **REVIEWED BY**

### **Recommended by the Department**



Mark Stone  
Planner



Grant Brouwer  
Director, Building and Development

### **Recommended by the CAO**



Brent Kittmer  
CAO / Clerk