



City of
Peterborough

To: Members of the Committee of the Whole

From: W.H. Jackson, Director of Utility Services

Meeting Date: September 25, 2017

Subject: Report USDIR17-009
Options and Recommended Next Steps to Respond to the
Minister's Order for The Parkway Corridor Class EA

Purpose

A report to advise Council of options and recommended next steps to proceed with respect to the Minister's Order issued in response to The Parkway Corridor Class EA.

Recommendations

That Council approve the recommendations outlined in Report USDIR17-009 dated September 25, 2017, of the Director of Utility Services, as follows:

- a) That all development restrictions related to transportation issues that could be resolved with the construction of The Parkway be lifted;
- b) That the Mayor be authorized to submit a proposal to Premier Wynne to allow the City to proceed immediately with scaled back versions of the north and south sections of The Parkway and commit to an Individual Environmental Assessment for the middle section (ie. the crossing of Jackson Park or viable alternative) when necessary; and
- c) That upon receipt of a response to Recommendation b), staff be requested to provide a further report to Council on the next steps to resolve the transportation planning issues for the City.

Budget and Financial Implications

Approval of this report results in no immediate budget or financial implications.

Depending on the ultimate outcome of the proposed appeal to the Premier, costs for the studies could range from \$500,000 to \$6,000,000 and take from one to seven plus years to complete. In addition to the study costs, are significant increases (3% to 6% per year) in costs related to the delay in construction for major transportation projects as well as mobility costs for motorists and environmental costs related to a less efficient transportation system.

Currently the Development Charge By-law requires developers to fund a large portion of The Parkway. If development is allowed to proceed and the City ultimately decides to implement interim measures or alternative projects to support growth it may be necessary to update the DC By-law in order to ensure development contributes funding for projects intended to support development.

Background

The Environmental Study Report for The Parkway was submitted to the Ministry of the Environment and Climate Change (MOECC) on March 24, 2014. On September 16, 2016 the Minister of the Environment and Climate Change (the “Minister”) issued an Order (Attachment 1) requiring the City to comply with Part II of the Environmental Assessment Act (the “EAA”).

At its meeting of October 3, 2016 City Council, in considering Report USDIR16-011, requested staff to report back on the implications of the Order including all options available for Council to move forward with Transportation improvements in the City.

1 The Order

The Order issued by the Minister in September (Attachment 1) essentially requires the City undertake more studies prior to seeking approval of The Parkway. The Order is not a decision on the project itself. In general terms, the Minister expressed concerns with noise and natural environment effects, species at risk and public concern.

Staff review of the Order, results of a Freedom of Information Request to the Ministry of Natural Resources and Forestry, and discussions and correspondence with MOECC staff have led staff to conclude the reasons for the Order may not be entirely related to the issues described above and in Appendix A.

2 Implications of the Order

The Parkway corridor has been a part of the City’s Official Plan in various forms since 1947. It has been identified and relied upon as the “future” solution to support growth in various locations since its conception. This reliance on The Parkway means the

extension of The Parkway, and any decision either to proceed with the project, delay the project, or abandon the project all together, has broad implications.

With respect to growth in the City, there are several developments that have already had limits placed on their potential growth due primarily to the inability to move forward with planning of The Parkway. In the absence of a plan moving forward, these growth “caps” may remain in place hindering the local development industry. Permitting the development to proceed will either require additional transportation improvements or acceptance of levels of congestion that do not meet current municipal standards.

The challenges posed by the Ministers Order, the time and cost required to complete an Individual Environmental Assessment (“IEA”) and the uncertainty regarding the outcome and doubts about the nature of the Provincial process leading up to the Order and beyond are considerable, as detailed in Appendix B.

3 Alternatives to Proceed

There are several options for consideration upon which to proceed. The only way to proceed with The Parkway as approved by Council would be to complete the IEA.

The following potential options are elaborated on in Appendix C:

- Complete an Individual Environmental Assessment
- Appeal the Order
- Substantially Change the Project
- Seek Approval of Portions of the Project
- Do Nothing
- Redo the City’s Transportation Master Plan Without a Parkway Alternative
- Implement the Alternative Solutions Proposed by those in Opposition to The Parkway

4 Choosing how to Proceed

Appendix D provides a detailed analysis of options available to the City to proceed. Costs of the alternatives are estimated to range between \$500,000 and \$6 million and take from 18 months to 7 years to complete.

Given the complexities of the options, the financial and time commitments necessary to undertake the alternatives and the potentially far reaching effects of any response, it is considered prudent to offer a proposal to the Premier requesting a reconsideration of the Order. This request would be submitted to allow the City to proceed with limited versions of the south and north ends of the project, followed by an IEA for the remaining pieces.

5 Proposed Course of Action

Considering all options, the recommended proposed course of action is as follows.

- Firstly, relief must be given to existing and proposed developments that are restricted in growth for transportation reasons related specifically to The Parkway. None of the options will provide a quick solution to any Parkway related transportation issues. It is expected that any new transportation plan will be 5-7 years away from implementation. Accordingly, if the development restrictions related to The Parkway transportation issues are not lifted, it is anticipated that the home building segment will be challenged in the near future.
- Secondly, it is proposed to formally seek approval from the new Minister to begin implementation of a scaled back version of the south and north ends while committing to conduct an IEA for the middle piece (or a viable alternative). Given that the Minister has just recently assumed his duties, it may be more appropriate to submit this request direct to the Premier.
- Depending on the results of the appeal to the Premier, staff should be requested to report further on how to move the transportation system of the City forward together with a detailed timetable and funding requirements.
- To address current and emerging congestion and safety problems the City should begin planning to implement interim measures. Although these measures may be redundant in the future, the City is in a difficult position of not being able to address all of the mobility needs of the community as a result of the Order.

6 Additional Issues to be Aware Of

In accordance with Report USDIR16-013 dated November 7, 2016, the Chemong Road/Reid Street Reconstruction and Widening is currently in the design phase. The Parkway had been anticipated to provide an outlet for traffic diverted during reconstruction of Chemong Road, however that option is no longer available and it will be necessary to implement potentially more costly and inconvenient detour routes. As well, The Parkway had included increased stormwater management controls to reduce the need of oversized infrastructure downstream for flood control. The absence of The Parkway will mean this oversized infrastructure will be required when Chemong Road is reconstructed.

Implementation of the South and North end portions of The Parkway requires careful consideration of all aspects of these projects. Without a connecting middle piece, the south and north ends of The Parkway could arguably be restricted to two-lanes only. While planning has been completed for four-lanes, the projects were initially intended to be completed as two-lanes and then widened later when the need was realized. By seeking approval of just these portions, the need to widen to four lanes may not be realized until long after a decision on the entire Parkway has been made.

Continuation of an Environmental Assessment Study related to The Parkway Corridor Study has not been factored into staff's work program for later this year or 2018. Accommodating this additional consulting assignment will require staff to delay a current project or an additional staff person will be required. If staff determine an additional

staff person is required to proceed with an IEA, it will be addressed during the annual budgeting process.

Allowing residential growth to proceed without immediate transportation solutions is anticipated to lead to an increase in congestion on some routes and/or changes to driver's choices.

Summary

The Order issued by the MOECC has placed restrictions on well planned and phased growth in the City of Peterborough and challenges with respect to the City's transportation planning. In essence, satisfying the Order issued by the Minister of the Environment and Climate Change will cost the City upwards of \$50 million extra over the next 10 to 15 years.

There is no straightforward solution to the Order that will allow the City to continue planning and allow growth to continue in an organized and effective manner. The result will be extensive costs to the community both in capital dollars and environmental costs.

Based on the assessment of options it is recommended that Parkway transportation related development constraints be lifted and that approval be sought for portions of The Parkway. If that fails, a further report(s) will be necessary to provide guidance on the best path forward.

Submitted by,

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Appendix A: Details of the Order
Appendix B: Implications of the Order
Appendix C: Alternatives to Proceed
Appendix D: Choosing How to Proceed

Attachment 1: Order dated September 16, 2016.

Appendix A

Details of the Order

Part II of the Environmental Assessment Act (the “Act”) addresses the requirement to complete an Individual Environmental Assessment (an “IEA”). An IEA is a complex, in-depth and potentially a very broad environmental assessment.

Although the Minister made a decision to issue an Order after the Ministry review of the Environmental Study Report, the Minister has not made a decision on the project itself preferring instead to have the City undertake more studies.

1.1 Requirements of the Order

The Order requires the City to complete more study before the Minister will further consider approval of The Parkway project. The City cannot proceed with any aspect of the project until the IEA is approved.

1.2 Basis for the Order

The Act provides the Minister very broad powers to issue directives and Orders with regard to environmental assessments. The importance of these broad powers needs to be considered when deciding how to proceed.

The Minister provided the following reasons for the Order:

- a. “The proposed Parkway Corridor may cause significant effects to the natural environment and impacts to noise, specifically with respect to the bridge proposed to cross Jackson Park. The potential effects were not adequately considered. The documentation provided to date by the City has not provided sufficient detail to ensure that potential impacts will be mitigated and the environment protected.”
- b. “Further studies are required to address any impacts to the identified species at risk, as well as the significant natural features including the Provincially Significant Wetland and the significant woodlands and valley land sites. A new noise assessment should be undertaken for the part that addresses noise issues for the living areas of the properties along the corridor.”
- c. “There continues to be significant public concern with the proposed Project, alternatives evaluation and the potential for environmental impacts. There is a need for additional consultation due to significant public interest and the potential for significant adverse impacts to the public. Further consultation on the Project is required before a decision is made on the Project.”

1.3 Staff Review of the Order and Specific Concerns Identified by the Minister

Staff has sought clarification and assistance from the MOECC to better understand the reasons for the Order. While MOECC has provided Staff with an opportunity to review their file in relation to the review of the completed Class EA, further clarification of the Ministers specific reasons has not been provided. The files made available to the City do not show that any of the reviewing agencies, or MOECC staff, provided the Minister with the reasons he cited in the Order. It also appears that Ministry staff actually proposed approval of the completed study while requiring the City to comply with certain additional conditions.

After submitting a Freedom of Information Request (FOI) to the Ministry of Natural Resources and Forestry (the "MNR") it became apparent the MNR had "no substantial concerns with the Environmental Study Report" and were prepared to endorse the approval with conditions.

Subsequent to this first FOI, Staff submitted an FOI request to the MOECC, hoping to improve our understanding of the Order and expectations moving forward. It has become necessary to seek intervention by the Information and Privacy Commissioner of Ontario (the "IPCO") in an effort to improve our understanding. The IPCO resorted to issuing an Order for the MOECC to comply with the FOI legislation and release the documents to the City, however staff have still not received any documentation clarifying the Order.

In providing his reasons for the Order the Minister refers to effects to the Natural Environment and impacts to noise. With respect to the bridge proposed to cross Jackson Park, the Minister indicates potential effects were not adequately considered and the provided documentation was insufficient to ensure that potential impacts will be mitigated.

Two of the primary reasons provided by the Minister for his Order (natural environment and species at risk) were based on issues or areas of significance that fall under the jurisdiction of the MNR and, accordingly, staff were anticipating the MNR review of the project had identified outstanding concerns. The MNR however does not have the same concerns related to effects to the Natural Environment. On May 29, 2015 the MNR summarized their review of the Environmental Study Report (ESR) wherein they stated, they had "no substantial concerns with the Environmental Study Report."

Regarding noise impacts on Jackson Park, the MOECC guidelines on noise mitigation specify what Municipalities are to consider a "sensitive receptor". Parks are not among the list of sensitive receptors. The routes around Jackson Park were measured to have a greater overall negative impact on noise sensitive receptors, as identified by the Provincial guidelines. The Order suggests a new or higher standard is being applied to Peterborough that has not been applied to other municipalities or to the Province itself.

Considering the Minister's broad powers, it is interesting the Minister has not prohibited the City from using a route that crosses Jackson Park. In at least one other instance, a previous Minister placed a restrictive condition on an Order that prevented the consideration of a specific park for alignment alternatives for a major transportation facility. In that case however, the concerns were echoed (or generated) by reviewing agencies.

The Minister also indicates further Studies are required to address any impacts to the identified species at risk as well as the significant natural features including the Provincially Significant Wetland and the significant woodland and valley land sites.

Referring to the MNRF review of the ESR it is apparent the MNRF did not have any outstanding concerns with the City's study and the proposed mitigation measures which would include potential impacts to significant woodland and valley land sites. The MNRF also specifically mentioned in its review the proposed approach to avoiding or mitigating potential effect to species at risk. The MNRF stated they "agree with the recommendations in section 8.1.1.4 and Section 9" [Environmental Effects and Mitigation and Monitoring and Commitments sections of the ESR] and our commitment to complete detailed Species at Risk surveys during detailed design. It is widely recognized that completing detailed SAR surveys so far in advance (up to 15 years; as required by the Order) of implementation is not best practice.

During The Parkway study, an extremely conservative approach was taken with respect to Species of Risk. Regardless of whether the species actually resided within the project limits, if suitable habitat was found, it was automatically assumed the species was actually present, irrespective of whether or not it was observed.

The Minister's reference to the impact to the Provincially Significant Wetland (PSW) has confused City staff. The nearest PSW is more than one kilometre away from the recommended route (at its nearest point), so effects are not expected.

The Minister indicates that a new noise assessment should be undertaken for the part that addresses noise issues for the living areas of the properties along the corridor. The ESR contained an assessment and recommendations to mitigate noise impacts along the corridor. This included an assessment of the outdoor living spaces at residences along the route (an identified sensitive receptor). The City committed to mitigate noise in less conventional ways so as to reduce the intrusiveness of the mitigation measures (vegetated berms for example versus noise walls). As with any preliminary design, noise mitigation cannot be finalized until exact elevation, alignment and grading of the proposed route is determined. These aspects of the design are only able to be determined during detailed design, hence the City also committed to finalizing the noise mitigation during detailed design. This is the prevalent practice across Ontario for projects of this nature and is typical of other projects that have been planned through the Individual EA process.

Satisfying this component of the Order, both during a Class EA or an Individual EA will be costly and involve fairly disruptive assessment such as geotechnical testing (possibly

requiring tree removal) wherever noise mitigation measures may be required. Completing this detailed engineering work during the planning stage, may also restrict the City's ability to adjust the design if unanticipated circumstances occur (e.g. encountering bedrock during construction). Simply put, planning to this level of detail during the EA appears to be a requirement contradictory to the well established best management practices.

The Minister also references public concern with the proposed project.

Irrespective of whether an IEA or Class EA process is used, there will always be public concern with this project. Recognizing the history and longevity of the debate surrounding The Parkway and/or alternatives, the Class EA process was shaped around multiple consultation points, including four public meetings, a design workshop open to anyone wishing to participate, and a total of three separate Council meetings. In fact, many of the design features and mitigation measures included in the preliminary design of the project were included as a result of the consultation feedback received during the study process. This does not include consultation during the Transportation Plan update, or the Hospital Access Road Class EA amendment process. Further Consultation was committed to during the Class EA process so that designs could continue to be refined wherever practical; however at some point in time a decision will need to be made.

1.4 Transparency in the MOECC Review of the ESR

Staff regularly received updates from the MOECC Staff during their review of the EA. MOECC staff indicated informally, on several occasions that there were "no gaps" in the study and that they were recommending approval of the EA with conditions to emphasize some of the commitments made during the EA.

The MOECC process and in particular the uncertainty surrounding the Order has confused Staff and consulting professionals. For the reasons described above, clarity and certainty of the process and Order is essential in order to proceed with an appropriately scoped and approvable IEA.

In consideration of all of the above, it is the opinion of staff that the Order issued by the Minister was done for reasons beyond what can be addressed in an Environmental Assessment. Nevertheless, to be clear, the Minister is free to issue an Order based on whatever reasons he feels appropriate. There is no validity test those reasons need to meet, but it is important to understand this context when looking to future courses of action.

While an IEA can and would address tangible concerns, extraneous factors are much more difficult to address. The reality is that an IEA is not guaranteed to be approved upon its completion.

Appendix B

Implications of the Order

1.1 Transportation

The City of Peterborough has grown steadily for many years through increased density in built up areas and in new subdivision areas. This growth inevitably brings an increase in traffic and concerns for neighbourhood traffic increases, and increases to delays on arterial and collector streets are among the most frequent comments received when new development is proposed.

Because of the heavy reliance that has been placed on The Parkway in the City's development planning, delay or removal of this project has significant implication on the City's transportation network. The Order essentially prohibits the City from proceeding with any of the components of the recommended Parkway until an IEA is completed and approved. Given that an IEA can not be completed in a relatively short period, residents will need to adjust to the emerging congestion conditions. This also means, potentially higher than expected collision patterns at key intersections.

Neighbourhood traffic infiltration will also continue to rise. Recent and continued growth will contribute to congestion at several key intersections, that would have received relief had portions of The Parkway been constructed.

1.2 Growth

Several existing and proposed developments have had, or will have, their residential development yield capped as a result of insufficient capacity in the transportation network. New applications for development, depending on their reliance on The Parkway corridor for traffic solutions may also have their development potential capped until a suitable transportation solution or alternative to The Parkway can be found.

Most recently, Council approved the Draft Plan of Subdivision for the Lily Lake development with a cap of 600 units. The Transportation planning assessment for Lily Lake identified a need for a number of necessary improvements outside of the subdivision irrespective of The Parkway, including temporary signals at Fairbairn Street and Highland Road, intersection improvements at Lily Lake Road and Fairbairn Street and new pedestrian facilities on Fairbairn Street. A number of other improvements were identified that may be required should the City not proceed with The Parkway including the intersection improvements at Chemong Road and Towerhill Road, widening of Parkhill Road bridge, improvements to the Parkhill Road and Monaghan Road intersection and potential widening of Monaghan Road to four lanes.

Staff has heard from several local developers that the lack of available, serviced building lots within the City has cost and will continue to cost jobs from the local construction industry. Given the Provincial Order, this loss of jobs is expected to continue for a number of years unless Council were to direct staff to permit growth

acknowledging the concerns about future safety, congestion and neighbourhood traffic infiltration.

Staff believe it is time to consider lifting the growth limits that are in place for strictly transportation planning reasons related to The Parkway as the time lines to resolve the transportation planning dilemma the City is now in could take years.

1.3 Capital Budget

It will take several years of study to satisfy the requirements of the Order. Likewise, planning and implementation of other means to compensate for the current deficiencies in the City's transportation system will also take several years to complete.

In the interim the existing problems with the City's transportation system will continue. A number of the major intersections in the City that have routinely been identified as the worst for collisions could have experienced a reduction in traffic or received major upgrades had The Parkway been implemented. Considering the delay to The Parkway project (2 ½ year review of the Class EA by the Province plus the now required five to six years of additional study), it might be prudent to plan improvements to certain key intersections for implementation in the near term. The severity of the congestion and subsequent higher collision patterns warrant a response from the City, even though improvements made at these intersections could be redundant if the City is able to proceed with The Parkway at some point in the future.

To implement an intersection only upgrade program for problematic intersections that would have been addressed had The Parkway been implemented is estimated to cost \$25 million. Implementation of these improvements would take place over the next five to seven years, likely all to take place in advance of a decision on The Parkway.

It is also important to consider the cost of delay. Every year of delay for implementation will see construction prices for the entire Parkway rise due to inflation. Based on the 2013 Parkway estimate of \$78 million, the estimated cost of delay for six years, plus the two year delay already experienced, will cost the City an estimated additional \$35 million, based on a (low) estimated 3% annual increase in construction costs. At a more realistic annual inflation 4.5 % (based on actual construction costs experienced by the City over the last five years) the delay cost will exceed \$65 million. Alternatives to The Parkway will also increase by the same factor.

In summary, the Order issued by the Minister will cost the City an estimated \$6 million for an individual EA and an additional \$35 to \$65 million in delay costs plus upwards of \$25 million in indirect costs for interim transportation measures that would not be required otherwise. It is uncertain at this time how much of these additional costs can be recovered from Development Charges.

1.4 Transportation Planning

The Parkway Corridor Class EA commenced on the basis that the 2012 Comprehensive Transportation Plan Update ("the CTPU") recommended a portion of The Parkway

(Fairbairn Street to Chemong Road along with a widening of Fairbairn Street) be constructed. In order to ensure The Parkway was not planned in a piecemeal fashion, and to adhere to guidance provided by the Ministry of Environment during the Hospital Access Road Class EA, the projects of the CTPU were incorporated into a large scale Class EA study to assess the future of The Parkway.

The recommendation of The Parkway Corridor Class EA is considered the preferred option to address the problems identified in the CTPU and in the subsequent Class EA study. Impacts of every alternative considered were extensive. The recommended design is considered to be the most balanced approach in terms of all aspects of the environment. It also provided the most desirable transportation system possible, by drawing traffic from many areas of the City and relieving many other arterial and collector streets, along with significant reductions in neighbourhood cut-through traffic.

As the City moves forward with other transportation projects, it will be necessary to contemplate the City's transportation network with and without The Parkway, given the lengthy delay the Order will impose and the uncertainties regarding eventual approval.

Transportation modelling without The Parkway suggested Ashburnham Drive, Maria Street, portions of Armour Road, Hilliard Street, Marina Boulevard, Towerhill Road, Highland Road, Fairbairn Street, Parkhill Road, Charlotte Street, Clonsilla Avenue, Brealey Drive and Goodfellow Road will all require capacity increases. As the Class EA to assess realignment of Armour Road is currently underway, Council may be asked to provide direction in the near future regarding widening existing roads to compensate for lost transportation network capacity as a result of the delays imposed by the Order.

Staff believe it is prudent to plan an update to the Comprehensive Transportation Plan (CTP) to reflect Council's direction with respect to The Parkway. If an IEA is undertaken, the study could be planned in such a way as to generate a CTP for the entire City. Such a process, could result in every project recommended receiving approval through the IEA process, eliminating the need for future class EA's. Planning to prepare a new CTP during an IEA would take advantage of some economies of scale, as well as avoid duplication of efforts.

Completing a CTP during an IEA is projected to add two months time to the Terms of Reference preparation and roughly 12 months to the actual IEA, at an estimated cost of \$1.75 million. Completing a CTP separately along with subsequent Class EA studies for identified projects is estimated to cost \$3.0 million.

Appendix C

Alternatives to Proceed

The City has several options to consider. Each option will require significant additional capital funding to complete the appropriate study/approval process.

1.1 Complete an Individual Environmental Assessment

This is essentially the only way the City can move forward with The Parkway as currently envisioned.

The process to complete an IEA begins with preparation of the Terms of Reference (TOR). The TOR lays out a plan for how the IEA will be conducted. Preparation of the TOR requires consultation with the Public and various agencies.

Preparation of the TOR will require the City to retain the services of a consulting firm, with the work program including public consultation, identification of the environmental considerations, agency consultation, Council reporting as well as follow up reporting and consultation with the appropriate approval agency during the TOR review and approval process.

The Order also sets out some specific requirements for the TOR:

- I. The Terms of Reference is to be prepared in accordance with subsection 6(2)(a) of the Environmental Assessment Act;
- II. The Terms of Reference shall ensure that the proponent studies design alternatives that minimize impacts to Jackson Park;
- III. Ensure that all technical studies prepared as part of the EA are peer reviewed by appropriate experts and document the review in the EA;
- IV. The Terms of Reference shall include a consultation plan that outlines, but not limited to, consultation methods with the public on the alternatives and assessment methodology for the alternatives.

The TOR must be approved by the Minister of the MOECC before the City can proceed.

Development and approval of the TOR, including recruitment of a consulting firm is estimated to take between 18 and 30 months at a cost of \$450,000. Provincial approval of the TOR will be required at the end of this process.

Prior to approval of the TOR, estimating the costs to complete the IEA with any reliability is difficult. Allowing for City administrative processes (RFP preparation, review and award), reasonable consultation periods, periodic reporting to Council, agency and stakeholder consultation, extensive field studies, preliminary and detailed design of alternatives (to satisfy the requirements of the Order), peer review, multiple submissions

to approval agencies, and subsequent revisions and public consultation of the study report, the study is likely to take five years to complete including the review periods required by the Province in order to approve or deny the study.

The best estimate of the cost to undertake the IEA is \$6.0 million but this depends on the specific requirements of the TOR. Despite following the Provincially approved TOR there is no guarantee the recommended solution will be approved by the Province.

1.2 Appeal the Order

Another option would be to appeal and seek a judicial review of the Order. Costs and timing of a legal challenge are very difficult to estimate but they are anticipated to cost at least \$500,000 and take 1 to 2 years.

As well, if the City was successful with the challenge, the Order would not necessarily change. Instead, the Judicial Review might result in the Minister being ordered by the courts to consider any new information the City could provide and then make a new decision regarding the Part II Order Requests. This would add substantially to the delay and would also add City costs in the preparation of any information the Minister may request.

1.3 Substantially Change the Project

All aspects of the project fall under the directive of the Order, so the City cannot simply start work, for example, on the south end portion of the project. However, if a major change were made to the project, the previous Class EA study could be updated and resubmitted for approval. This would out of necessity include additional consultation and revised preliminary design. This approach would open the revised project to appeal and Ministry review and, in the end, the City might simply receive a new Order to do an IEA.

Countless studies assessing The Parkway have continued to result in a recommendation to move forward with the entire project including all portions of the recommended Parkway. Given that any change to this solution of current and future traffic congestion has not been demonstrated reliably to address these issues, it would be appropriate to acknowledge that such an endeavour may, in the long run, cost the City more money, have greater environmental consequences and be a less effective solution. Given that the preferred solution has already been presented to and approved by City Council, any directive to change the project would need to come from City Council. As discussed below, this could be achieved through several mechanisms.

1.3.1 Remove Bridge from The Parkway

The first approach would be to direct staff to revise the preferred solution from The Parkway Class EA to remove the bridge crossing Jackson Park thereby eliminating the direct connection between the north and south phases. However, without a plan for the interconnecting piece the City could be viewed as attempting to piecemeal The Parkway. Specific guidance from the Province would be required to determine how the

City could proceed in this fashion – it may only be possible if the Minister approves this approach.

This removal revises the traffic demand on the north and south portions significantly enough that only two-lanes of travel in each direction would probably be required. However, this reduced capacity in The Parkway Corridor means that the projected growth in future traffic has not been entirely accommodated. It will therefore be necessary at some point in the future to develop a longer term plan to address future growth beyond what could be accommodated in the existing/proposed network by increasing traffic capacity along many other corridors in the City, as suggested in Report USDIR13-017, dated November 13, 2013, recommending approval of The Parkway Corridor EA.

It would also be possible for City Council to direct staff to proceed with a different solution than what was recommended during The Parkway Corridor EA. For example, Council could direct staff to proceed with a plan that proposes a route around Jackson Park, rather than over, acknowledging that this solution does not support long term growth and at some point in the future there will be a need to revisit The Parkway or some variation. This process is similar to the one described above and would most likely be appealed to the Minister and could again result in an Order to do an IEA.

Either of these approaches would require amending The Parkway ESR to remove the bridge across Jackson Park and replace it with an alternative design or develop two Separate Class EA reports (north end and south end) to revise the preferred solution to remove the interconnecting middle piece. Including the requisite public and agency consultation, it is estimated either of these approaches would cost in the order of \$750,000 and take approximately two years to complete exclusive of the Ministry review process.

1.3.2 Remove The Parkway Crossing of Jackson Park from the Official Plan

Council could direct staff to update the Official Plan (OP) to remove the potential of a bridge crossing Jackson Park. In considering this option it must be understood that a scenario with no bridge results in a much greater impact on the community, in terms of residential property impacts, project costs, environmental considerations, transportation efficiency, traffic infiltration as well as greater impacts to the cultural heritage of the potential alternatives.

This direction and subsequent OP amendment is subject to challenge through an OMB appeal and given the long standing reliance on The Parkway to provide transportation service for new development a replacement for The Parkway should be incorporated into the OP amendment. It is likely however, that these initiatives will meet with opposition given the potential range of effects. For example, to build equivalent capacity elsewhere in the network, it may be necessary to reclassify existing streets to high capacity arterials and eventually widen certain streets, displacing a large number of homes and businesses.

Irrespective of Council's decision on this report, staff anticipate this issue will come up during the ongoing OP update. Addressing this issue during the OP update is not part of the current work program and has not been budgeted for. An OP update does not alleviate the need to do a Class EA or IEA for a project, which can be rejected by the Province. Revising the work scope for the OP update to accommodate changes to the transportation section of the OP may create a delay as well.

With this option it will be necessary to develop a new CTP to reflect removal of The Parkway bridge over Jackson Park, and identify specific alternative transportation projects.

It is estimated the specific OP amendment around The Parkway and CTP project would cost in the order of \$1.5 million and take upwards of two years to complete.

There would then need to be subsequent Class EA studies undertaken to plan and implement each specific improvement identified in the OP amendment and CTP.

1.4 Request Approval of Portions of The Parkway Project

City staff, through the Mayor's Office had requested the Minister consider granting approval for the City to proceed with the South and North portions of the extension only as two-lane facilities (with appropriate turning lanes etc.) so that immediate needs and pending development could be allowed to proceed. The City would still be required to complete an IEA for the connecting segment and eventual four-laning, whether or not it includes a bridge crossing Jackson Park.

This approach would have required the Minister's approval. The City would need to update the North and South components of the EA to reflect the reduced traffic, update and verify the noise mitigation and undertake the requisite studies to address the Ministers concerns prior to implementing.

On May 18, 2017 the Minister responded to this proposal by reiterating the reasons for the Order and restated that the City must complete an IEA before proceeding with The Parkway.

Since then, a new Minister has been appointed to the MOECC portfolio. Given the new Minister's recent appointment, staff believes it may be appropriate to offer the earlier proposal for consideration by the new Minister.

Recognizing the abundance of files requiring the Ministers attention and considering the 'newness' of the Minister to the MOECC portfolio, staff believe submitting a proposal directly to the Premier's office would be an appropriate step

1.5 Do Nothing

The City could choose not to complete an IEA for The Parkway meaning that no portion of The Parkway project could be implemented, without contravening the Order. The rationale behind this option is that a future Provincial government may see The Parkway in a different light and that approval of the project may be received at some future time.

Proceeding with this option means that emerging and future transportation challenges in the City will not be addressed however, City Council could direct staff to allow development to proceed without a fulsome plan to accommodate new traffic concerns that The Parkway would alleviate.

There are immediate costs associated with this alternative including the growing social/environmental costs of delay, collisions and cut through traffic, as well as ongoing cost of inflation. It is also anticipated such a plan would result in an increased number of complaints from neighbourhoods facing an increase in “cut through” traffic. An additional staff position to conduct multiple traffic calming studies and manage implementation should be anticipated if this Option is chosen.

1.6 Redo the City’s Transportation Master Plan without a Parkway Alternative

City Council could direct staff to update the Transportation Master Plan without a Parkway option included. This could be done standalone or in conjunction with an OP update to permanently remove The Parkway from the OP (Option 3.3). Removal of The Parkway from the Official Plan is subject to OMB appeal.

For every development application the City receives, staff and Councillors hear many concerns about traffic generated by the new development even on small development applications, such as the recent application on High Street. Historically, the City has been able to rely on the “future” Parkway extension to provide the required increased network capacity. To back track from this reliance, by way of an OP amendment or policy, it will be necessary to identify, fully understand and commit to alternatives. These alternatives may include redesigning existing streets as arterials, multiple EA’s, significant property purchases and a massive capital program to build new alternative roads and widen existing streets. Associated with this program would be extensive environmental costs that The Parkway sought to avoid.

A new Transportation Master Plan to identify transportation network needs in a “no Parkway” scenario would be necessary to proceed if Council directs staff to abandon The Parkway concept.

It is estimated a new Transportation Master Plan would cost in the order of \$750,000 and take upwards of two years to complete. It would then be necessary to complete separate Class EA studies for identified projects in order to be able to implement them.

1.7 Seek Alternative Transportation Solutions as Proposed by Those Opposing The Parkway.

The City has heard many times that solutions such as coordinated signal timing, neighbourhood traffic restrictions, more buses and more cycling lanes are simple, cheap and would address any transportation problems today and in the future.

Council could direct staff to prepare a City wide transportation solution solely utilizing these alternatives. The key proponents of these alternative solutions have previously volunteered their services to develop these options and it would be appropriate, if Council chose this option to accept these offers. Funding could be provided for the design solutions, consultation with the broader community, updated traffic forecasts and modelling, preparation of implementation cost estimates, drawings and tenders including the requisite reports to City Council on the success of these initiatives.

It is estimated that development of these alternatives including public and agency consultation would cost in the order of \$500,000 and take upwards of 18 months to complete a plan. Implementation costs cannot be estimated until the full complement of solutions are created. Some potential solutions may require a significant mix of capital funding plus new annual operating funding (transit enhancements, adaptive traffic signal control) commitments that are not eligible for Development Charge contributions. These operating costs would need to be funded through increased tax rates or a Provincial operating cost subsidy.

An analysis completed during development of the Sustainable Peterborough Plan was done that identified costs associated with extensive efforts to reduce dependency on automobiles. For example, an effort to substantially increase transit ridership, say to 25% of the mode share (from the existing 3%) would require major investment in additional buses (\$40 – 50 million, including additional storage facility(s)) and an additional \$9 – 10 million in annual operating costs. This does not include costs of additional stops, queue jump lanes, dedicated transit lanes and new transit hubs, some of which may also require their own Environmental Assessment studies, which could also be subject to public appeal and Provincial Review. Based on experiences of other municipalities, adaptive signal control is estimated to require an initial capital investment of \$5 – 15 million and annual operating costs of \$0.2 – 0.3 million.

Appendix D

Choosing How to Proceed

1.1 Options and Costs

As described in the previous sections, there are several options that the City can pursue. The options, together with their associated costs are summarized in Table 1:

Table 1: List of Available Options to the City With Respect to The Parkway Order

No.	Option Description	Cost (Million)*	Timeline (years)
1.	Complete an Individual Environmental Assessment	\$6 to undertake the IEA	5 ½ to 7 ½
2.	Appeal the Order	\$0.5 minimum	More than 12 months
3.	Substantially Change the Project	\$0.75 - \$1.5	1 ½ - 2
3.1	Remove Bridge from The Parkway Project	\$0.75	1 ½
3.2	Remove The Parkway Crossing of Jackson Park from the Official Plan	\$1.5	2
4.	Request Approval of Portions of The Parkway Project	\$0.5	1 + future IEA
6.	Remove The Parkway crossing of Jackson Park from the Official Plan	\$1.5	2
7.	Do Nothing	No Direct	N/A
8.	Redo the City's Transportation Master Plan without a Parkway Alternative	\$0.750	2

*These are costs related to undertaking each specific option and do not include costs such as construction cost escalations due to delay of the project (\$); delay cost to motorists and environmental costs.

1.2 Weighing the Options

The Order has left the City a limited number of options, in terms of cost and time to implement moving forward.

Every available option results in extra costs. Even if The Parkway was abandoned, developing alternative equivalents will take several years, multiple Class EA studies (or

one comprehensive IEA) and result in a transportation network that is less effective and desirable than The Parkway. It was also demonstrated during The Parkway EA that the alternative network, without The Parkway components, will be very costly and likely have environmental consequences that are cumulatively greater than The Parkway itself.

The Parkway study assessed each need and solution in the south, central and north ends separately and reached a recommendation for each area, each independent of the other solutions. Repeating these efforts is a waste of resources and will not change the recommendation.

Further, if the City proceeds with a separate Class EA for any segment of The Parkway, there is a very real likelihood that project would receive one or more requests for a Part II Order, placing the City in exactly the same place it is today but much further into the future without a transportation solution. Provincial officials have indicated that this would likely be viewed as an attempt to piecemeal the project, an offence under the Environmental Assessment Act.

The Provincial government has mandated that City's plan for growth. The long term viability of a City depends on growth. As Council is aware, without The Parkway or an equivalent, increased congestion and adverse environmental impacts will occur. This is expected to continue until a solution is available that the City can implement.

Ministry of the Environment
and Climate Change

Ministère de l'Environnement
et de l'Action en matière de
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ENV1283MC-2016-2192

SEP 16 2016

Mr. Robert J. Dunford
Project Manager
City of Peterborough
500 George Street North
Peterborough ON K9H 3R9

Dear Mr. Dunford:

Between February 28, 2014, and March 24, 2014, I received 88 requests asking that the City of Peterborough (City) be required to prepare an individual environmental assessment for the proposed Parkway Corridor (Project).

I am taking this opportunity to inform you that, based on a review of the project documentation, the provisions of the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA), the issues raised in the requests, the City's response to the Minister's Order, and other relevant matters required to be considered under subsection 16(4) of the Environmental Assessment Act, I have decided that an individual environmental assessment (EA) is required for the Project.

Of particular note in my consideration of this matter was the alternative to cross Jackson Park. Despite receiving additional information I have outstanding concerns, some of which appear to overlap with many of the concerns raised in the Part II Order requests.

The reasons for this decision are as follows.

1. The proposed Parkway Corridor may cause significant effects to the natural environment and impacts to noise, specifically with respect to the bridge proposed to cross Jackson Park. The potential effects were not adequately considered. The documentation provided to date by the City has not provided sufficient detail to ensure that potential impacts will be mitigated and the environment protected.

2. Further studies are required to address any impacts to the identified species at risk, as well as the significant natural features including the Provincially Significant Wetland and the significant woodlands and valleyland sites. A new noise assessment should be undertaken for the part that addresses noise issues for the living areas of the properties along the corridor.
3. There continues to be significant public concern with the proposed Project, alternatives evaluation and the potential for environmental impacts. There is a need for additional consultation due to significant public interest and the potential for significant adverse impacts to the public. Further consultation on the Project is required before a decision is made on the Project.
4. For the reasons stated above, the proposed Parkway Corridor differs from projects to which the Class EA applies.
5. In light of the above points, it is my opinion that the purpose of the Environmental Assessment Act cannot be fulfilled through the application of the Class EA, including the position of additional conditions for this Project.

Therefore, I am ordering, pursuant to subsection 16(1) of the Environmental Assessment Act, the City to comply with Part II of the Environmental Assessment Act for the proposed undertaking.

Based on my decision to require an individual EA for the Project, the City cannot proceed with the Project without obtaining my approval pursuant to section 5(1) of the Environmental Assessment Act. In order to obtain approval, you must prepare and submit an individual EA in accordance with Part II of the Environmental Assessment Act. An application for approval under Part II of the Environmental Assessment Act consists of Terms of Reference, to be approved by myself as Minister of the Environment and Climate Change, and the environmental assessment. The environmental assessment will be subject to a government review, following which myself and Cabinet must decide whether or not to approve the proposed undertaking.

Pursuant to subsection 16(2)1 of the Environmental Assessment Act, I am also setting out the following directions with respect to the Terms of Reference that must be prepared.

1. The Terms of Reference shall be prepared in accordance with subsection 6(2)(a) of the Environmental Assessment Act.
2. The Terms of Reference shall ensure that the proponent studies design alternatives that minimize impacts to Jackson Park.

Mr. Robert J. Dunford
Page 3.

3. Ensure that all technical studies prepared as part of the Environmental Assessment are peer reviewed by appropriate experts and document the review in the Environmental Assessment.
4. The Terms of Reference shall include a consultation plan that outlines, but not limited to, consultation methods with the public on the alternatives and assessment methodology for the alternatives.

As part of that process, I highly recommend that you address the issues outlined above. It is a requirement of the Environmental Assessment Act that the City consult with the public on the Terms of Reference and the environmental assessment.

This Environmental Approvals Branch is responsible for coordinating the submission and review of individual EAs. I encourage you to contact Kathleen Hedley, Director, Environmental Approvals Branch, about the preparation of an individual EA. She can be reached directly at 416-314-7288, or at kathleen.hedley@ontario.ca.

Sincerely,



Glen Murray
Minister of the Environment and Climate Change

Attachment (s)

c: Requesters
Mr. Kevin Jones, Project Manager, AECOM
EA File No. 14019 Parkway Corridor