

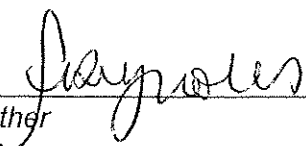
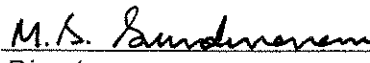
	<b>DATE:</b> October 10, 2008	<b>TITLE:</b> Clair Lake- Implementation of Class EA Recommendations	<b>C.A.O.</b> 
	<b>REPORT:</b> PWS2008-66.1		
<b>WARD:</b> Ward 6 (Central-Columbia)	<b>PREPARED BY:</b> Denise McGoldrick		
<b>FILE:</b>	<b>DEPARTMENT:</b> PWS / Capital Projects		
<b>ATTACHMENTS:</b> Appendix A: Clair Lake Community Task Force Terms of Reference	<b>CLEARANCE:</b> <b>FSP:</b> October 20, 2008		

**RECOMMENDATIONS**

That the Council of the City of Waterloo:

1. Approve the draft Terms of Reference for the Clair Lake Community Task Force to conduct a Technical Evaluation of the Environmental Assessment's reach 5 recommendation against the Community Design Criteria (titled "Design Criteria for Clair Lake", dated November 2006) at a maximum upset limit of \$75,000;
2. Direct staff to recruit members to the Clair Lake Community Task Force as per the City of Waterloo Committee Policy utilizing the Committee composition outlined in the draft terms of reference;
3. Approve the following amendment to the City of Waterloo Committee Policy
  - Section 4, Term of Committee Appointment- the current policy outlines that committee members serve a two-year term. The Task Force appointment would remain in place for the duration of the Clair Lake Project. The Task Force would be dissolved upon completion of the project;
4. Approve the funding of \$751,000 (\$368,000 CRF; \$373,000 DC; \$10,000 PPC) for the project implementation from Reference line 782 in the 2008 Capital Budget (approved on December 17, 2007) and as amended in the Development Charge Background Study (approved on August 8, 2008);

<b>APPROVALS</b>			
 _____ General Manager	Oct 15, 08 _____ Date	 _____ Other	Oct 15, 2008 _____ Date
_____ Legal	_____ Date	 _____ Director	OCT 15, 2008 _____ Date

5. **Direct staff to report back to Council with a finalized Task Force Terms of Reference and work plan endorsed by the Clair Lake Community Task Force.**

**EXECUTIVE SUMMARY:**

The *Clair Lake Park and North Clair Creek Class Environmental Assessment* is complete and a decision from the Ministry of Environment has approved that the City of Waterloo can proceed with implementation of the Class EA Recommendations. The work plan identified in PWS2008-66.1 is specific to the Technical Evaluation of the recommendations for Reach 5 (Clair Lake Park from Craighleith Drive to downstream of Clair Lake to the confluence of North Clair Creek and South Clair Creek) against the Community Design Criteria approved by Council in PWS2007-14. The appended work plan identifies the creation of a Clair Lake Community Task Force and the associated Terms of Reference are provided for Council's consideration.

**BACKGROUND:**

The *Clair Lake Park and North Clair Creek Class Environmental Assessment* (Class EA) was initiated in 2003 and completed in 2005. Following the Notice of Completion the Ministry of Environment received Part II Order Requests with specific concerns regarding the study recommendations for Clair Lake. Following a 15 month negotiation period between City staff and Part II Order Requesters, Council directed staff as follows (PWS2007-14):

1. That Council receive PWS2007-14 report as information;
2. that Council direct Staff to process the Part II Order file with the Ministry of the Environment, as per Option 1 in PWS 2007-14;
3. that Council direct Staff to return to Council with an update on the Ministry of the Environment ruling, including any extra costs the ruling may include;
4. that Council approve the funding request of \$169,000 for the final design to be funded from the Development Charges Fund and \$19,906 from the Capital Reserve Fund for costs from the 15 month Part II Order consultation process;
5. that, should the off-line lake final design efforts not meet the design criteria created by the Part II requestors and City staff, an Environmental Assessment Addendum be processed to consider an on-line lake solution; and
6. that the City delay the implementation of Recommendation No. 2 by one week to enable the requestors to withdraw their Part II Orders."

On July 14, 2008 the City received notification that a decision had been made on the Class EA. The Minister's decision was that an individual environmental assessment is not required. The Minister's decision allows the City to proceed with implementation of the Class EA recommendations.

The Class EA provided recommendations on the preferred alternative for each of the five reaches of the Class EA study area. The preferred alternatives from the Class EA are provided in Table 1.

Table 1: Class EA Preferred Alternatives

Study Area	Preferred Alternative
Reach 1: Leighland Park	<ul style="list-style-type: none"> <li>• Selective rehabilitation: restoration of the eroded forest floor and quantity control of stormwater management facility.</li> </ul>
Reach 2: Trillium Valley	<ul style="list-style-type: none"> <li>• Selective Rehabilitation: meanders to be created in creek by use of bio-engineering techniques.</li> </ul>
Reach 3: Roxton Park	<ul style="list-style-type: none"> <li>• Selective Rehabilitation: erosion control through use of bio-engineering, repair flooded sections of trail, create meanders through use of bio-engineering.</li> </ul>
Reach 4: Craigeith Park	<ul style="list-style-type: none"> <li>• Selective Rehabilitation: use of bio-engineering and silt removal to improve flow through this area.</li> </ul>
Reach 5: Clair Lake Park	<ul style="list-style-type: none"> <li>• Off-line Lake with the creation of a by-pass channel to split flow between the creek and lake</li> </ul>

### Clair Lake Technical Evaluation

In response to community concerns, City staff have met three times with representatives of the Beechwood Homes Associations that are named CLEAR (Clair Lake EA Responders). At meetings held on October 2, 2008 and October 14, 2008 CLEAR representatives, Council representatives and staff formulated an approach to moving forward without committing Council to an off-line lake. This approach involves undertaking a Technical Evaluation of the Class EA recommendation against the Community Design Criteria.

Implementation of Reaches 1-4 will be initiated concurrent with the Technical Evaluation of Clair Lake but the scope of work, as recommended in the Class EA, is much less involved than Clair Lake. As such, the implementation of these areas will be managed by other staff separately from the Clair Lake implementation as part of Public Works Services routine projects.

### Public Involvement Program

It is critical that the Clair Lake Community be involved at all Clair Lake project phases. Staff recognize the value in which the community places on Clair Lake Park and acknowledge that the success of the project implementation will be contingent on achieving the community's vision for Clair Lake Park. To this end, it is proposed that a Clair Lake Community Task Force be established with the mandate to represent community interests and provide input throughout the Technical Evaluation of the Class Environmental Assessments recommendation against the Clair Lake Design Criteria, November 2006 (approved in

PWS2007-14). It is recommended that the representatives of the Task Force comprise of the following:

- Representation from the following neighbourhood associations:
  - Beechwood/Bridlegate Home Owners Association (1 representative)
  - Beechwood North Homes Association (1 representative)
  - Beechwood Park Homes Association (3 representatives)
  - Beechwood South Association (1 representative)
  - Beechwood II Homes Association (1 representative)
  - Craighleith Home Owners Association (1 representative)
- 1 representative from the Waterloo Citizens' Environmental Advisory Committee
- 1 representative from the Trails Advisory Committee
- 1 individual that submitted a Part II Order Request
- 1 member at large that resides within the City of Waterloo
- 1 representatives of City of Waterloo Council

As per City of Waterloo Committee Policy, member appointment will be made by City of Waterloo Council. Represented organizations (i.e. Neighbourhood Associations, Advisory Committees, etc.) will nominate their representative and also identify one alternate representative in the event of absence. The Terms of Reference for the Clair Lake Community Task Force is provided in Appendix A. The Task Force will operate within the framework of the Committee Policy with the exception of the following amendment:

- Section 4, Term of Committee Appointment- the current policy outlines that committee members serve a two-year term. The Task Force appointment would remain in place for the duration of the Clair Lake Project. The Task Force would be dissolved upon completion of the project.

In addition to the Clair Lake Community Task Force, opportunities for public input will be made available through a public input session and a project website.

### **FINANCIAL IMPLICATIONS:**

The Technical Evaluation is anticipated to cost approximately \$75,000 and PWS2008-66.1 provides a recommendation for a maximum upset limit of same.

The total project funds are being requested to both secure funding for future work on Clair Lake and to provide a funding benchmark to evaluate cost estimates on future works. These funds will not be spent unless authorized by Council.

A detailed cost estimate on the off-line lake option will be identified during the Technical Evaluation and will be reported back to Council.

<b>Project Number</b>	020043
<b>Project Description</b>	Clair Creek Erbsville Road to Clair Lake
<b>Funding Source</b>	\$368,000 CRF; \$373,000 DC; \$10,000 PPC
<b>Expenditure Request</b>	\$751,000
<b>Expected Account Balance</b>	\$0

The Financial Analyst for PWS has reviewed the financial implications.

**LEGAL CONSIDERATIONS:**

None.

**LINK TO STRATEGIC PLAN:**

The Clair Lake Class EA implementation is linked to the City of Waterloo Strategic Plan (2007-2010) under the following key areas:

**Our Living Environment**

- *Protect our natural resources by focusing on rehabilitation of creek systems*

**Partnerships and Collaboration**

- *Enhance public engagement processes by ensuring community input from the Clair Lake stakeholders.*

Submitted by:

for M. B. Sandhu  
Signature

Name: Denise McGoldrick

Position: Environmental Project Manager, Water Resources

**PWS2008-66.1 Appendix A**  
**TERMS OF REFERENCE FOR CLAIR LAKE COMMUNITY TASK FORCE**

<b>Committee Name: CLAIR LAKE COMMUNITY TASK FORCE</b>				
<b>Type: Special Project Task Force</b>				
Sub Committees: Formed as required				
Date of Formation: October 20, 2008			Sunset Date: Completion of Project	
Staff Support: Denise McGoldrick & Eckhard Pastrok			Department Linkage: PWS	
Enabling Legislation/By-Law: None				
Total # of Members	Public: 12	Council: 1	Staff Support: 3	Other:
Meeting Frequency:				
<p>It is anticipated that the Task Force will meet at times that correspond with project milestones identified in the Clair Lake Technical Evaluation Work Plan (see attached). Meetings may occur more frequently than once per month and task force members must be prepared to commit time accordingly.</p>				
Budget: N/A		Top Expenditures: N/A		
<b>Describe how this ties into the City of Waterloo Strategic Plan</b>				
<input checked="" type="checkbox"/>	Our Living Environment	<input checked="" type="checkbox"/>	Commitment to Excellence	
	Healthy and Safe Community	<input checked="" type="checkbox"/>	Partnerships and Collaboration	
	Economic Vitality			
Reporting Method to Council/Communications:				
<p>The options for the Task Force to advise Council (i.e. provide opinions, comments, and recommendations) are as follows:</p> <ol style="list-style-type: none"> <li>1) Staff Report with Task Force recommendations</li> <li>2) Register as a delegation and attend Council meetings in person to convey the content of the Task Force work. The Task Force will vote to appoint a representative to attend as a delegation, or the Chair, at his/her discretion may attend on behalf of the committee.</li> <li>3) Memo report to Council</li> </ol> <p>Members of the Task Force will refer any requests from the media to the Chair, if the request is related to Task Force business. Task Force members must ensure that they do not express individual viewpoints as if they were a position of the Task Force.</p>				
Mandate:				
<p>The mandate of the Clair Lake Community Task Force is to represent the community's vision and values for Clair Lake Park by providing input throughout the Technical Evaluation of the Class Environmental Assessments recommendation against the Clair Lake Design Criteria, November 2006 (approved in PWS2007-14).</p> <p>To accomplish their mandate the Clair Lake Community Task Force will liaise with City staff, the Consultant Team, and where appropriate the approvals agencies (i.e. GRCA, MNR, DFO).</p> <p>Where appropriate each task force member is expected to liaise with their representative group (e.g. neighbourhood association) to ensure that communication is ongoing and feedback is obtained.</p>				
Goals/Objectives:				
<p>The Clair Lake Technical Evaluation Work Plan forms an attachment to the terms of reference and will be developed by the Task Force to identify key project activities. The Task Force is to participate and provide input into the Clair Lake Technical Evaluation with the goal of reporting back to Council on the outcome of the evaluation.</p>				
Committee Composition: (Special Skills required for members)				

The Clair Lake Community Task Force will consist of the following member representatives:

- Representative from the following neighbourhood associations:
  - Beechwood/Bridlegate Home Owners Association (1 representative)
  - Beechwood North Homes Association (1 representative)
  - Beechwood Park Homes Association (3 representatives)
  - Beechwood South Association (1 representative)
  - Beechwood II Homes Association (1 representative)
  - Craigeith Home Owners Association (1 representative)
- 1 representative from the Waterloo Citizens' Environmental Advisory Committee
- 1 representative from the Trails Advisory Committee
- 1 individual that submitted a Part II Order Request
- 1 member at large that resides within the City of Waterloo
- 1 representative of City of Waterloo Council

When reasonably possible, the consensus process, meaning that there is a negotiated solution that everyone considers acceptable, will be used when decisions are made by the Task Force. All Task Force members will be part of the consensus process. When consensus cannot be achieved, a vote of majority will be used. Everyone present has a vote as per the aforementioned committee composition. The staff liaisons do not have voting rights.

The staff project manager will act as a facilitator to ensure that the Task Force is working towards achieving project milestones.

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