



## Community Planning Department

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**SUBJECT:** City of Burlington comments regarding “Eagle Heights” development applications

**TO:** Paletta International Corporation

**FROM:** Thomas Douglas, Senior Planner, City of Burlington

**DATE:** March 31, 2021

**FILE Nos.:** 505-12/04, 520-23/04, 510-06/04 (24T-04006/B)

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### 1.0 Introduction

This memo concerns revised applications made under the Planning Act by Paletta International Corporation (PIC) to request amendments to the City of Burlington Official Plan and Zoning By-law and for draft plan of subdivision for lands known as “Eagle Heights” west of Waterdown Road, north and south of Flatt Road, in the City of Burlington. The revised materials considered in this memo were submitted to the City of Burlington in 2018 and propose the development of 914 residential units and associated infrastructure on the subject lands.

The purpose of this memo is to convey technical comments on the 2018 revised applications and to provide analysis of these applications using the applicable policies and plans. City comments on previous submissions were provided to the applicant in letters dated September 27, 2013 and March 9, 2012.

In June 2009, the City of Burlington entered into Minutes of Settlement with the applicant in relation to the subject applications which reflect, in part, that “the City supports an increase in density provided: 1) the development is confined to the land areas (‘pods’) as previously approved for development in Amendment No. 197 of the City of Burlington Official Plan and Regional OPA No. 2 and 2) the proposed development and the increased density comply with all applicable provincial law, policies or regulations. The City and PIC agree that any planned development must comply with the Principles of the North Aldershot Inter-Agency Review (NAIR) and that the design, configuration, density and height of all development cannot result in significant harm to the environment”.

The policy analysis contained in this memo is intended to contribute to the determination of whether the proposed development and the increased density **comply with all applicable provincial law, policies, or regulations.**

## 2.0 Applicable Policy Framework

The subject applications were originally submitted in 2002 and deemed complete as of December, 2010. As set out in the decision of the Local Planning Appeal Tribunal dated April 30, 2020, the applicable policy framework is as follows:

- the current Planning Act, as amended;
- the Provincial Policy Statement (2020);
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- the Greenbelt Plan (2017);
- the Niagara Escarpment Plan (2017, as amended);
- the Parkway Belt West Plan (1978, as amended);
- the Halton Region Official Plan (as amended);
- the City of Burlington Official Plan (1997, as amended);
- the City of Burlington's Design Guidelines: Low-Density Residential Zones and North Aldershot (Dec. 14, 2009);
- the City of Burlington Zoning By-law 2020 (as amended).

**The analysis contained within this memo focuses on the City's Official Plan (1997, as amended); however, decisions on the subject applications should also be informed by consideration of the City of Burlington's new Official Plan (2020), based upon the decision of the Tribunal dated April 30, 2020.**

This memo provides analysis of the subject applications in accordance with the applicable policy framework.

### 2.1 Planning Act

The current Planning Act applies to the subject applications. Decisions made with respect to the subject applications must have regard for matters of provincial interest as outlined in Section 2 of the Act. **The submitted Planning Justification Report does not address the current Planning Act. Additional information is required to demonstrate that the subject applications comply with the Planning Act, including having regard for matters of provincial interest as outlined in Section 2 of the Act.**

### 2.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the PPS) applies to the subject applications. Decisions made with respect to the subject applications must be consistent with the PPS. **The submitted Planning Justification Report does not address the PPS (2020). Additional information is required to demonstrate that the subject applications are consistent with the PPS.**

### 2.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The entirety of the subject lands is located within the area of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan). Decisions related to the subject applications must conform with, or not conflict with, the Growth Plan.

**The submitted Planning Justification Report does not address the Growth Plan. Additional information and revisions are required to demonstrate that the subject applications conform with or do not conflict with the Growth Plan.**

#### 2.4 The Greenbelt Plan (2017)

Portions of the subject lands, including substantial portions of Sub-Area 7 (proposed Street A) are located within the Greenbelt Protected Countryside. Lands within the Protected Countryside Area are subject to the entire Greenbelt Plan except section 6.

Section 5.2.1 of the Greenbelt Plan allows that where an Official Plan and/or Zoning By-law was amended prior to December 16, 2004 to specifically designate and/or permit land uses, this approval may continue to be recognized, and any further applications required under the Planning Act to implement the Official Plan approval are not required to conform with the Greenbelt Plan. Applications to further amend these site-specific Official Plan or Zoning By-law permissions for uses similar to or more in conformity with the provisions of the Greenbelt Plan are also permitted. "All such applications should, where possible, seek to achieve or improve conformity with the Greenbelt Plan" (5.2.1).

The subject applications seek not to implement the existing permissions of the existing Official Plan and Zoning By-law but to further amend the Official Plan and Zoning By-law permissions for the subject lands. In order to be permitted by the Greenbelt Plan, these applications must be for uses similar to or more in conformity with the provisions of the Greenbelt Plan than the existing Official Plan and Zoning By-law permissions. If permitted, the applications should reflect an effort to achieve or improve conformity with the Plan.

**The submitted Planning Justification Report does not address the Greenbelt Plan. Additional information is required in order to demonstrate that the Greenbelt Plan has been considered and addressed; that the subject applications for further Official Plan Amendment and Zoning By-law Amendment are for uses similar to or more in conformity with the provisions of the Greenbelt Plan than the existing permissions in the Official Plan and Zoning By-law; and that the subject applications have, where possible, sought to achieve or improve conformity with the Greenbelt Plan.**

#### 2.5 Niagara Escarpment Plan (2017, as amended)

The subject applications under the Planning Act, as submitted in 2010 and revised in 2018, do not include lands located within the Niagara Escarpment Plan (NEP) area, according to the submitted Planning Justification Report. However, the development proposed through the subject applications relies on development of lands to the north that are located within the NEP area, including the widening and extension of Horning Road and the provision of municipal services including storm sewer, sanitary sewer, watermains, and a water reservoir. This proposed development within the NEP area is shown on the submitted draft plans despite not forming part of the subject applications as indicated in the Planning Justification Report.

Separately from the subject applications under the Planning Act, the applicant has applied to the Niagara Escarpment Commission (NEC) for a development permit to facilitate the development described within the NEP area (NEC file number H/R/2018-2019/239). Implementation of the development proposed through the NEC development permit application is necessary to provide road access to Sub-Area 1 and to provide servicing to the subject lands, as proposed through the subject Planning Act applications. Therefore, consideration of the subject applications made under the Planning

Act cannot occur in isolation from the consideration of the development that is proposed through the NEC development permit application. Comments provided to the City by the NEC, dated June 2020, indicate “A decision on the *Planning Act* matters, for the portion of the property within the NEP Area, cannot be made until the decisions on the NEPDA applications has been made in accordance with Section 24(3) of the Act.”

In light of the above, staff are unable to confirm whether the development proposed through the subject applications under the Planning Act is feasible as proposed and can achieve consistency and conformity with the applicable provincial, regional, and municipal policies, including with respect to public road access and servicing. **Submitted reports and plans need to be revised to provide clarity and consistency as to the scope of the subject applications and whether the subject applications include lands within the NEP. Additional information is required in order to demonstrate that the proposed development conforms to the NEP and other applicable policies and plans. For lands not subject to the NEP, it must be demonstrated that the proposed development is feasible in accordance with the applicable policies and plans.**

#### 2.6 Parkway Belt West Plan (1978, as amended)

The subject lands were removed from the Parkway Belt West Plan (PBWP) area through Amendment 141 to the PBWP; however, the Grindstone Creek valley and the Hydro One corridors north and south of Flatt Road remain in the PBWP area. The PBWP identifies the Grindstone Creek valley as Public Open Space and Buffer Area, and the Hydro One corridors as Electric Power Facility. The PBWP also identifies a Utility Corridor running along the north side of the Hydro One corridor south of Flatt Road.

The subject applications propose to extend roads and services across the corridors north and south of Flatt Road in order to facilitate the development of the subject lands. **Additional information is required to confirm that the proposed development conforms with the PBWP and that the necessary approvals for corridor crossings can be obtained.**

#### 2.7 Halton Region Official Plan (ROP)

The current Regional Official Plan (ROP) applies to the subject applications. The subject lands are identified on Map 1 of the Regional Official Plan (ROP) as “North Aldershot Policy Area” and “Area Eligible for Urban Servicing”, with the exception of the creek and valley lands on site which are identified as “Regional Natural Heritage System”.

**The submitted Planning Justification Report does not apply the current ROP to the subject applications. Additional information and revisions to the submitted materials are required in order to demonstrate that the proposed development conforms with the Regional Official Plan.**

#### 2.8 City of Burlington Official Plan (1997, as amended)

The current City of Burlington Official Plan (1997, as amended) (“the OP”) applies to the subject applications. The OP identifies the subject lands as being located in the North Aldershot Policy Area. As shown on Schedule D of the OP, portions of the subject lands are designated as Infill Residential, Detached Residential, and Cluster Residential. Wetlands, creeks and associated valleys within the subject lands are designated as Environmental Protection Area. The subject lands are subject to the policies for these designations as well as for the Sub-Area policies for the Central Sector contained in Part V, section 11.1 of the OP.

The Sub-Area policies and associated Schedules D-C1, D-C2b, D-C5, D-C6, D-C7, D-C8, and D-C10 set out specific development permissions and policies for each Sub-Area within the subject lands. These permissions reflect the unique development potential of each Sub-Area as determined through the North Aldershot Inter-Agency Review (NAIR) and adopted through OP Amendment No. 197. The Sub-Area policies include specific types of residential development permitted and the maximum number of dwelling units permitted in each Sub-Area, along with requirements for road locations, servicing, building siting, setbacks, view protection, and environmental protection. The subject applications propose to amend the OP to permit different types and intensities of residential uses than what the OP permits.

The functional policies in Part II of the OP and the implementation policies in Part VI of the OP also provide direction for development on the subject lands. These policies must be considered together with the North Aldershot policies contained in Part V of the OP. The submitted Planning Justification Report states “The policies adopted through Amendment No. 197 (attached as Appendix B) have been reviewed, particularly the Sub-Area policies, since changes are proposed for the Sub-Areas” (page 29). The Planning Justification Report is lacking a comprehensive analysis of the OP including all applicable policies.

**Additional information is required to demonstrate that the subject applications conform with the City’s Official Plan.**

#### [2.9 Design Guidelines for Low Density Residential Zones and North Aldershot \(2009\)](#)

The City of Burlington’s Design Guidelines for Low Density Residential Zones and North Aldershot (“the guidelines”) apply to the subject lands and are intended to ensure that new residential development is compatible with and enhances existing neighbourhoods, particularly for infill residential development. The guidelines address matters such as site layout, character and context, materials, height, mass, scale, garages and driveways, site grading, boundary vegetation and city tree preservation, and specific considerations for North Aldershot.

The subject applications must satisfy the intent of the Design Guidelines for Low Density Residential Zones and North Aldershot. The subject applications have not addressed the guidelines. **Additional information is required to demonstrate that the proposed development satisfies the intent of the Design Guidelines for Low Density Residential Zones and North Aldershot.**

#### [2.10 Zoning By-law 2020 \(as amended\)](#)

Zoning By-law 2020 applies to the subject lands and surrounding area, excluding lands within the Niagara Escarpment Plan area. The subject lands are zoned RNA1, RNA2, RNA1-353, H-RNA2-193, H-RNA3-194, O2-196, and O3-196.

“RNA” zones are Residential North Aldershot zones described in Part 9 of the Zoning By-law. “O” zones are Open Space zones described in Part 10 of the Zoning By-law. “H-” is a Holding Symbol described in Part 11 of the Zoning By-law. “-353”, “-193”, “-194”, and “-196” are site-specific exceptions described in Part 14 of the Zoning By-law.

Collectively these zones set out specific development permissions for the subject lands. The regulations of the Zoning By-law implement the Official Plan policies for North Aldershot, including through

regulations for maximum number of units and maximum impervious surface cover per lot within specific areas identified on Diagram 1: North Aldershot Development Areas.

Development on the subject lands must conform with the Zoning By-law. The subject applications propose to amend the Zoning By-law to permit different dwelling types, increased number of units, and increased maximum impervious surface cover per lot.

Decisions with respect to the proposed Zoning By-law amendments are required to have regard for matters of provincial interest as set out in the Planning Act, be consistent with the PPS, and conform to applicable provincial, regional, and local plans. As described above, **additional information is required to demonstrate that the subject applications comply with all applicable provincial law, policies, or regulations.**

## 3.0 Technical Review

### 3.1 Technical Circulation

The subject applications were circulated to internal and external technical agencies on March 1, 2019. Comments were received from the following reviewers on the dates indicated:

- Conservation Halton – November 11, 2020
- Niagara Escarpment Commission – July 31, 2019 and June 26, 2020
- City of Burlington
  - Site Engineering section – March 18, 2021
  - Stormwater Engineering section – March 17, 2021
  - Parks and Open Space section – February 12, 2021
  - Transportation Department – January 22, 2021
  - Transit Department – March 12, 2019
  - Fire Department – November 12, 2020
  - Finance Department – July 25, 2019
- Burlington Hydro – February 17, 2021
- Union Gas – March 4, 2019
- Halton District School Board – March 7, 2019
- Halton Catholic District School Board – April 29, 2019
- Ministry of Transportation – March 6, 2019
- Hydro One – July 26, 2019
- Canada Post – November 17, 2020
- Bell – November 13, 2020
- TransCanada Pipeline – May 10, 2019

The technical comments received have informed staff's review of the subject applications and are appended to this memo. These comments identify outstanding matters to be addressed and outline the need for further information required to confirm policy conformity.

### 3.2 Planning Review

Planning staff have reviewed the submitted draft plans prepared by Metropolitan Consulting dated August 2018. There is some ambiguity in these plans as to whether the lands north of the northern

hydro corridor (proposed lots 214-223) form part of the subject applications. Planning staff also have reviewed the submitted Planning Justification Report prepared by Metropolitan Consulting dated August 2018. It is apparent that this report has been prepared on the basis of an outdated policy framework and does not address the currently applicable policies as described above. **Additional information and revisions to this document are necessary in order to provide clarity about the scope of the subject applications and demonstrate that the proposed development complies with all applicable provincial law, policies, or regulations..**

**In this section, and elsewhere in this memo, staff have provided comments and analysis on fundamental matters that need to be resolved through the provision of additional information and/or revisions to the subject applications and supporting materials. These matters must be addressed prior to the resolution of other, more technical/implementation-type matters identified in the appended technical comments or any additional matters that may be identified by staff in future.**

## 4.0 Public Review

A public notice and request for comments with respect to the subject applications were circulated in March 2019 to all residents and property owners within 300 metres of the subject lands. The subject applications were posted on the City's website at [www.burlington.ca/eagleheights](http://www.burlington.ca/eagleheights) for public review.

The City received ten written submissions from residents regarding the subject applications. These comments raised concerns with:

- the proposed intensity of development on the subject lands,
- flood hazards,
- the methodology of the Geomorphic Assessment,
- traffic impacts,
- loss of habitat for animals,
- loss of open space,
- loss of North Aldershot's unique character,
- proposed street alignment and impacts of car headlights on existing dwellings,
- safety of proposed road network design (lines of sight at corners), and
- ensuring the extension of Flatt Road extension to provide public road access to existing landlocked property.

Comments were also received from the City's Sustainable Development Advisory Committee (SDC), which are appended to this memo.

Comments received from the public and the SDC have been considered by staff and have informed staff's review of the subject applications.

## 5.0 Discussion

This section provides policy analysis and identifies various outstanding matters that must be addressed in order to demonstrate conformity with the applicable policy framework. The technical comments appended to this memo should also be referred to for additional discussion of matters to be addressed.

**In this section, and elsewhere in this memo, staff have provided comments and analysis on fundamental matters that have been identified thus far and that need to be resolved through the provision of additional information and/or revisions to the subject applications and supporting materials. These matters must be addressed prior to the resolution of other, more technical/implementation-type matters identified in the appended technical comments or any additional matters that may be identified by staff in future.**

## 5.1 Land Use

The subject lands are not located within a settlement area or a prime agricultural area. They are categorized as rural lands by the PPS, Growth Plan, and Greenbelt Plan.

The PPS directs that settlement areas shall be the focus of growth and development but sets out limited development permissions for rural lands. On rural lands the PPS permits residential development, including lot creation, that is locally appropriate. Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted, and development shall be appropriate to the infrastructure which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The Growth Plan provides more specific development permissions for rural areas than the PPS. Section 2.2.9.6 states that new multiple lots or units for residential development (defined as the creation of more than three units or lots through plan of subdivision, consent, or plan of condominium) will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an Official Plan that permitted this type of development as of June 16, 2006.

The portions of the subject lands located within the Greenbelt Protected Countryside are considered to be Rural Lands and form part of the Natural Heritage System. Section 3.1.4.5 of the Greenbelt Plan states that new multiple lots or units for residential development, whether by plan of subdivision, condominium, or severance, shall not be permitted on rural lands.

The Halton Region Official Plan (ROP) and City of Burlington Official Plan (OP) contain designations that permit a limited amount of residential development on the subject lands. These designations were in effect prior to the June 16, 2006 date stipulated in the Growth Plan as described above, and prior to the December 2004 dated cited in the Greenbelt Plan as described in section 2.4 above.

The ROP designates the subject lands as North Aldershot Policy Area. Sections 137-139 of the ROP identify objectives and policies for this designation. These policies permit “uses permitted in the Local Official Plan and Zoning By-laws established in accordance with the planning framework set out in the North Aldershot Inter-Agency Review Final Report (May 1994)”, subject to the other policies of the ROP, Niagara Escarpment Plan (NEP), local OP policies and Zoning By-laws (ROP section 138).

The City’s OP provides detailed land use policies for the subject lands in Part V. This section of the OP was established in accordance with the North Aldershot Inter-Agency Review (NAIR) Final Report (May 1994). These policies permit further development in North Aldershot based on the principle that “the subject lands are outside of the City’s urban area and that the location and intensity of development shall be determined by compatibility with the existing character, landscape, and environment” (OP Part V, 2.1a).



Part V, section 2.2 contains objectives for North Aldershot which include maintaining North Aldershot's function as an urban separator between Waterdown and the urban area of Burlington; confirming that these lands are outside of the City's urban area; retaining North Aldershot as a distinct, identifiable area and retaining its special characteristics such as existing significant environmental and physical features; permitting development and redevelopment that is compatible with North Aldershot's existing character; limiting the construction of new roads and upgrading of existing roads; and protecting wildlife, the Niagara Escarpment, and significant views.

Applicable policies in the OP for the subject lands include the general policies in Part V, section 2.3; land use policies for the Infill Residential, Detached Residential, Cluster Residential, and Environmental Protection Area designations; and the Sub-Area policies for the Central Sector found in Part V, section 11.1. Collectively these policies set out detailed direction for development on the subject lands, addressing matters such as the types of dwelling units permitted, maximum number of dwelling units permitted in each Sub-Area, maximum impervious surface area, environmental considerations, design and compatibility considerations, viewshed protection, drainage considerations, vegetation preservation, and areas subject to building envelope control and site plan control.

The subject applications seek to amend the OP and Zoning By-law to permit increased (more than doubled) number and density of units, additional areas to be designated Cluster Residential, introduction of additional dwelling types (apartments) not anticipated in the existing development permissions, dedication of additional natural features, changes to the arrangement of development and Tributary 4 within Sub-area 2b, and increased maximum impervious area, among other design changes.

**The subject applications seek permission for different types of residential development and greater intensity of use than the permissions afforded by the ROP and OP designations. These applications must demonstrate conformity to the ROP and OP. These applications must also demonstrate consistency with the PPS and conformity with the Growth Plan and Greenbelt Plan, which recognize the existing permissions currently in the ROP and OP.**

**The materials submitted in support of the subject applications do not address the currently applicable policy framework. Additional information is required in order to demonstrate that the proposed types and intensity of development are appropriate for the subject lands in the context of rural lands and the North Aldershot policy area; comply with all applicable provincial law, policies or regulations, including demonstrating consistency with the PPS and conformity with the provincial, regional, and local plans; and that they comply with the Principles of the North Aldershot Inter-Agency Review (NAIR) in accordance with the Minutes of Settlement.**

## 5.2 Natural Heritage System

The subject applications include lands that contain or are adjacent to the Natural Heritage System as identified in the Growth Plan, Greenbelt Plan, and Regional Official Plan, as well as lands identified as Environmental Protection Area in the City's Official Plan.

The PPS requires that natural features and areas be protected for the long term and provides guidance for the achievement of this objective. The PPS also states 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.

Within the ecoregion where the subject lands are situated, the PPS does not permit development and site alteration in significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant Areas of Natural and Scientific Interest (ANSI), or coastal wetlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Development and site alteration are not permitted in fish habitat, nor in the habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The PPS also does not permit development and site alteration on adjacent lands to the natural heritage features and areas described above unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The Growth Plan establishes a Natural Heritage System for the Growth Plan (NHSGP). As set out in section 4.2.2.4 of the Growth Plan, provincial mapping of the NHSGP does not apply until it has been implemented in the applicable upper tier Official Plan. Until that time, the policies of the Growth Plan that refer to the NHSGP will apply outside settlement areas to the NHS identified in the OP that was approved and in effect as of July 1, 2017. As of the time of writing of this analysis, the provincial mapping of the NHSGP has not yet been implemented in the Halton Region Official Plan, and therefore at the present time the policies of the Growth Plan that refer to the NHSGP are interpreted by City staff to apply to the Regional Natural Heritage System (RNHS) identified in the Halton Region Official Plan (ROP) as of July 1, 2017. Section 4.2.2.6 of the Growth Plan clarifies that beyond the NHSGP, a municipality will continue to protect any other natural heritage features and areas in a manner consistent with the PPS and may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.

Section 4.2 of the Growth Plan provides policies to guide development as it relates to the NHSGP. These include requirements for new development or site alteration to demonstrate that there are no negative impacts on key natural heritage features or key hydrologic features or their functions. The Growth Plan also provides policies for development located adjacent to (within 120 metres of) a key natural heritage feature within the NHSGP or a key hydrologic feature. Such development requires a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone (VPZ) to be provided in accordance with the requirements of the Growth Plan.

The Greenbelt Plan establishes a Natural System as an overlay that applies to portions of the subject lands in addition to the applicable designation of Rural Lands. The Natural System is made up of a Natural Heritage System and a Water Resource System. Section 3.2 of the Greenbelt Plan sets out policy requirements for new development or site alteration (where permitted) in relation to the Natural System. These include, among others, a requirement to demonstrate no negative impacts on key natural heritage features or key hydrologic features or their functions, and requirements for the provision of appropriate vegetation protection zones (VPZs) for proposed new development or site alteration within 120 metres of a key natural heritage feature within the natural heritage system or a key hydrological feature within the Protected Countryside.

The ROP contains policies for the Natural Heritage System which are affected by outstanding appeals as they apply to the subject lands. These policies should be considered in the review of the subject applications.

The City's OP contains policies in Part II, sections 2.0-2.5 that speak to natural heritage and the protection of the natural environment, including policies that speak specifically to development in North Aldershot. These policies are under appeal but should be considered as informative. The City's OP also contains policies in Part V, section 5.0 that speak to Environmental Protection Areas and provide guidance on land use in these areas. The subject applications must conform to these policies.

Technical comments received from Conservation Halton (CH) are appended to this memo and identify concerns with the proposed development. These comments indicate that the submitted Environmental Impact Assessment "needs to be updated to report to reflect current provincial and regional policy direction and standards, as natural heritage features and associated VPZ/buffers were not delineated using these standards." CH comments further state "a comprehensive natural heritage monitoring and management plan should be included for the subject development proposal to ensure that natural features and functions are protected/maintained".

**City staff have not received comments from Halton Region regarding the subject applications. City staff reserve opinion and comment on the submitted environmental studies until more information can be provided for staff review.**

**Staff are not currently in a position to confirm whether the proposed development is consistent with the PPS and conforms to applicable provincial, regional, and municipal plans with respect to matters of natural heritage.**

**Additional information is required to confirm whether the subject applications comply with all applicable laws, policies, plans, and regulations with respect to natural heritage and associated constraints to development.**

### 5.3 Hazardous Lands

The subject lands include watercourses and a wetland and the flooding and erosion hazards associated with these features. These features and their associated hazards are regulated by Conservation Halton (CH) pursuant to Ontario Regulation 162/06. The permission of CH is required prior to any development occurring within CH's regulated area.

The PPS, Growth Plan, and ROP generally direct development away from hazardous lands including those impacted by flooding and erosion hazards. The PPS and Growth Plan also direct planning authorities to prepare for the impacts of a changing climate, which may increase the risk associated with natural hazards.

The City's OP also contains policies directing development away from creek and valley lands and requiring the dedication of such lands to the City or Conservation Halton (Part V, section 5.0). These policies should be considered alongside the stormwater management policies in Part II, section 2.11, which include specific requirements for dedication of hazard lands as a condition of development approval in North Aldershot.

The comments from CH appended to this memo state that "CH cannot support the conclusions of the flood plain analysis, slope stability assessment (SSA), geomorphic assessment or Environmental Impact Assessment (EIA) until the comments in Appendix II and Appendix III are satisfactorily addressed". The comments identify inaccurate, incomplete, inconsistent, or missing mapping and information in the submitted materials.

Comments received from the City's Stormwater Engineering section also request additional information to inform the assessment of flooding and erosion hazards. These comments state that the "City requests successful resolution of Conservation Halton concerns related to regulation limits, hydrologic modeling, slope stability assessment, water balance calculations and erosion assessment prior to establishing the development limits".

**Additional information is required to accurately represent flooding and erosion hazards and regulated areas on the subject lands; flooding and erosion impacts from the proposed development; and how these factors have been addressed in the proposed development, in order to demonstrate that the subject applications comply will all applicable laws, regulations, policies, and plans, including Ontario Regulation 162/06, with respect to flooding and erosion hazards.**

#### 5.4 Infrastructure

The PPS provides guidance on investments in infrastructure, the appropriateness of different types of servicing on rural lands, stormwater management, utilities, and transportation networks. The PPS generally directs for integrated planning of sewage, water, and stormwater infrastructure to be feasible and financially sustainable over the lifecycle of the infrastructure; to protect human health and safety and the natural environment; and to prepare for the impacts of a changing climate. Planning for stormwater management is additionally directed to minimize or prevent increases in contaminant loads; minimize erosion and changes in water balance; maximize the extent and function of vegetative and pervious surfaces; and promote stormwater management best practices. Planning infrastructure for transportation systems should be safe and efficient, and should promote a land use pattern, density, and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

The Growth Plan provides more specific policies for infrastructure planning than the PPS. It generally directs infrastructure investments to be financially sustainable over the long term, facilitate the intensification of settlement areas, and prepare for the impacts of a changing climate. Standards are provided for water and wastewater planning as well as stormwater management planning for large-scale development proceeding by way of plan of subdivision. The Growth Plan directs planning for the transportation system to provide connectivity and transportation choices that reduce reliance on the automobile and promote transit and active transportation; to be sustainable; to provide for the safety of users; and provide multimodal access to jobs, housing, schools, and amenities.

The Greenbelt Plan provides policies for the location and construction of infrastructure and expansions, extensions, operations, and maintenance of infrastructure in the Protected Countryside. These policies generally direct the minimization of impacts on the Greenbelt and the avoidance of key natural heritage features, key hydrologic features or key hydrologic areas unless need has been demonstrated and there is no reasonable alternative. The Greenbelt Plan policies limit the extension of municipal or private communal sewage or water services outside a settlement area. Policies for stormwater management and resilient infrastructure require the completion of a stormwater management plan for development applications and prohibit stormwater management systems in key natural heritage features, key hydrologic features, and their associated vegetation protection zones.

The subject lands are identified on Map 1 of the ROP as "eligible for urban services". Section 139(3) of the ROP permits "the extension of urban services to those locations within the North Aldershot Policy

Area shown as 'eligible for urban services' provided that (a) a feasibility study has been prepared to the satisfaction of the Region; (b) Regional Council deems it prudent to extend services; (c) the landowner/developer has met the financial obligations as specified by the Region; and (d) sufficient servicing capacity is available as determined by the Region". **City staff have not received comments from Halton Region to confirm whether the materials submitted in support of the proposed development satisfy Halton Region with respect to the policy tests in the ROP.**

The City's OP states that the Central Sector of North Aldershot, which includes the subject lands, shall develop on full municipal services. The OP further states in Part VI, section 2.10(b), "In the North Aldershot Planning Area, the development pattern established in this Plan is based on the fact that the Region of Halton has determined that it is prudent and feasible to provide water and wastewater services to portions of the subject area as defined by the Region of Halton".

The OP also contains policies specific to North Aldershot that promote passive storm water drainage techniques, limit impervious surface area, require preservation and utilization of the natural drainage system where feasible, and minimize the use of storm sewers and storm water management ponds. With respect to transportation infrastructure, the OP contains policies specific to North Aldershot to limit the construction of additional major roads and the upgrading of existing roads, to build roads to rural standards, to restrict the crossing of Environmental Protection Areas by new roads, and to consider traffic calming measures on Waterdown Road. Schedules D-C1, D-C2b, D-C5, D-C6, D-C7, D-C8, and D-C10 identify proposed locations for new public and private roads, and development proposals shall integrate with these proposed road locations to the maximum extent possible. The construction of a Horning Road extension is proposed to provide access to Sub-Area 1, contingent upon the prevention of negative impacts on the Environmental Protection Area, while minimizing disturbance to existing homes by retaining the existing segment of Horning Road in its current location. Policy direction for road access is also provided for other Sub-Areas that form part of the subject lands.

Comments received from the City's Stormwater Engineering section request additional information in relation to the submitted Environmental Impact Assessment, Functional Servicing Report, and Storm Water Management and Hydrologic Modeling Study. Detailed comments are appended to this memo.

Comments received from the City's Site Engineering section request additional information regarding the proposed road design, including with respect to road widenings, road cross-sections, integration of utilities, and road geometry. Detailed comments are appended to this memo.

**The materials submitted in support of the subject applications have not addressed the current policy framework. Additional information is required in order to demonstrate consistency with the PPS and conformity with the applicable provincial, regional, and City plans with respect to infrastructure including sewer, water, stormwater, and transportation infrastructure.**

## 5.6 Archaeology

The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Section 4.2.7.3 of the Growth Plan encourages municipalities to prepare archaeological management plans and consider them in their decision making. Section 4.4 of the Greenbelt Plan requires the conservation of cultural heritage resources (including archaeological resources) and encourages municipalities to consider the Greenbelt's vision and goals in preparing

archaeological management plans and considering them in their decision-making. The ROP requires assessment and mitigation activities in accordance with Provincial requirements and the Regional Archaeological Management Plan.

The subject applications do not provide any information to indicate that archaeological resources or areas of archaeological potential have been considered or assessed. City staff have not received comments from the Region of Halton to confirm whether the subject lands are identified as areas of archaeological potential in accordance with the Region's Archaeological Management Plan. **Staff require additional information to be provided in order to demonstrate that the archaeological requirements of the PPS, provincial plans, ROP and OP have been satisfied.**

## 5.7 Parks and Open Space

The PPS promotes healthy, active communities by planning for a full range and equitable distribution of publicly accessible parks, open space areas, trails and linkages that are safe, foster social interaction, and facilitate active transportation and community connectivity, while recognizing protected areas and minimizing negative impacts on these areas.

The Growth Plan policies support the achievement of complete communities that include an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreation facilities. The Greenbelt Plan contains policies that guide the province and municipalities in the planning and provision of parks, open spaces, and trails.

Burlington's OP requires parkland dedication from residential development and states that "lands required for drainage and shoreline protection purposes, lands susceptible to flooding, steep valley slopes, hazard lands and other lands unsuitable for development shall not be accepted as parkland conveyances" (Part VI, section 2.7.2e). Part V of the OP also states in section 5.0 (h) that dedication of lands designated Environmental Protection Area shall not be considered parkland dedication unless they provided needed passive or trail recreational activities, and in section 5.0 (p) that "as part of the development approval process, the dedication of creeks, associated valleylands, and 15 or 7.5m buffers to the City or CH shall be required. Such dedication shall not be considered part of the parkland dedication requirements". Part II, section 2.11 of the OP similarly states that dedication of hazard lands cannot be considered part of parkland dedication in North Aldershot, unless the dedicated lands provide needed public recreation opportunities as identified by the City.

Comments from the City's Parks and Open Space section request revisions to the subject applications to provide a series of small parkettes located throughout the subdivision rather than the provision of a large park. The comments provide guidance on the appropriate location and size of park blocks. The comments also state that Block TT, which is proposed on the submitted draft plan as a 1.34 hectare park, "is not acceptable for park purposes", for reasons which include that "the entire block consists of a drainage course running the entire length of the block". The comments state that "Parkland dedication will be provided on developable table land and should not include open space land or regulated setbacks to be conveyed to the City", in accordance with the Official Plan policies described above.

**Revisions to the subject applications are necessary to address the Parks and Open Space comments appended to this memo and to demonstrate conformity with the City of Burlington Official Plan.**

The subject applications have not addressed the current policy framework. **Additional information is required to demonstrate that the subject applications are consistent with the PPS and conform to applicable provincial plans with respect to the provision of parks, open spaces, and trails.**

## 5.8 Utility Corridor Crossings

The subject applications propose the extension of roads and municipal services across a Hydro One transmission corridor and TransCanada Pipeline corridor north of Flatt Road, as well as across a Hydro One transmission corridor south of Flatt Road. The two Hydro One corridors and adjacent utility corridor are included within the Parkway Belt West Plan area and designated as Electric Power Facility and Utility Corridor within the Public Use Area. Development within these corridors must conform to the policies of the PBWP.

The PPS does not permit development in planned infrastructure corridors that could preclude or negatively affect the use of the corridor for the purpose for which it was identified. New development should be designed to avoid, mitigate, or minimize negative impacts on and from the corridor. The Growth Plan also requires the protection of existing and planned infrastructure corridors in accordance with the PPS.

The corridors in question are designated Parkway Belt West on Schedule D of the City's OP. Part V, section 7.0 contains policies for these corridors, although these policies are deferred. The proposed road crossings of the corridors are depicted on Schedule D-C1 and D-C10 of the OP. Part V, section 11.1(a) states that development proposals shall integrate with the road locations shown on the Schedules to the maximum extent possible.

Hydro One and TransCanada have provided comments on the subject applications in relation to their corridors which are appended to this memo.

**Additional information is required to confirm that the proposed development conforms with the PBWP and that all necessary approvals for corridor crossings can be obtained.**

The subject applications do not address the current policy framework. **Additional information is requested to demonstrate consistency with the PPS and compliance with all applicable provincial law, policies, or regulations.**

## 6.0 Conclusion

This memo has conveyed technical comments on the 2018 revised applications for Eagle Heights and has provided analysis of these applications using the applicable policies and plans. Any decisions made in future on the subject applications must consider the policies and plans that are applicable at the time when the decision is made.

In this memo staff have identified and discussed fundamental/high-level matters to be addressed in order to demonstrate policy conformity. The appended technical comments contain more detailed commentary on the subject applications. Not all comments are reflected in the memo. All technical comments should be addressed through the provision of additional information and/or revised applications. The matters discussed within this memo are considered to be the most fundamental matters from a policy perspective identified thus far, which must be addressed prior to addressing the more detailed/more technical comments.

City staff did not have an opportunity to review Halton Region comments prior to preparing the policy analysis contained in this memo. City staff reserve the right to review Halton Region comments and may identify additional areas of concern or interest not described in this memo (or previous communications) which the City determines are relevant to review of the applications.

The materials submitted in support of the subject applications do not address the currently applicable policy framework.

In light of the foregoing, staff are unable to confirm whether the proposed development satisfies the applicable policy framework. Additional information and revisions to the subject applications are required in order to demonstrate that the development proposed by the subject applications complies with all applicable provincial law, policies or regulations, including: having regard for matters of provincial interest identified in the Planning Act, being consistent with the Provincial Policy Statement (2020), and conforming with A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), the Niagara Escarpment Plan (2017, as amended), the Parkway Belt West Plan (1978, as amended), the Halton Region Official Plan (as amended), the City of Burlington Official Plan (1997, as amended), and the City of Burlington Zoning By-law 2020 (as amended).

## 7.0 Appendices

Appended to this memo are technical comments from:

1. Conservation Halton – November 11, 2020
2. Niagara Escarpment Commission – June 26, 2020
3. Niagara Escarpment Commission – July 31, 2019
4. City of Burlington - Site Engineering section – March 18, 2021
5. City of Burlington - Stormwater Engineering section – March 17, 2021
6. City of Burlington - Parks and Open Space section – February 12, 2021
7. City of Burlington - Transportation Department – January 22, 2021
8. City of Burlington - Transit Department – March 12, 2019
9. City of Burlington - Fire Department – November 12, 2020
10. City of Burlington - Finance Department – July 25, 2019
11. Burlington Hydro – February 17, 2021
12. Union Gas – March 4, 2019
13. Halton District School Board – March 7, 2019
14. Halton Catholic District School Board – April 29, 2019 (re: Paletta lands)
15. Halton Catholic District School Board – April 29, 2019 (re: former Taylor lands)
16. Ministry of Transportation – March 6, 2019
17. Hydro One – July 26, 2019
18. Canada Post – November 17, 2020
19. Bell – November 13, 2020
20. TransCanada Pipeline – May 10, 2019
21. City of Burlington Sustainable Development Committee – November 13, 2019