

Niagara Escarpment Commission

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Commission de l'escarpement du Niagara

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Niagara Escarpment Commission  
An agency of the Government of Ontario

September 27, 2013

Mr. Michael Crough, MCIP, RPP  
Planner  
Development and Infrastructure  
Planning and Building Department  
City of Burlington  
426 Brant Street,  
P.O. Box 5013  
Burlington, ON L7R 3Z6

Dear Mr. Crough:

**Re: Eagle Heights  
Revised EIA and FSR Reports**

Staff of the Niagara Escarpment Commission (NEC) have reviewed the March 2013 Environmental Impact Assessment (EIA) prepared by Savanta and the March 2013 addendum to the Functional Servicing Report (FSR) prepared by Metropolitan Consulting for the proposed Eagle Heights development. We offer the following comments.

#### EIA

Of concern is the statement on page 1 that the EIA does not address lands north of the Hydro corridor because that area is not included in the new application for development. The lands north of the Hydro corridor are within the Niagara Escarpment Plan Area and any development will require a Development Permit. The works proposed within the NEP include the extension of Horning Road and the installation of infrastructure to service lots south of the Hydro corridor.

It is our view that there should be an addendum to the EIA to include the lands within the NEP Area in consideration of the policies and development criteria of the Niagara Escarpment Plan (NEP) which designate lands in this area as Escarpment Natural Area and Escarpment Protection Area. This is particularly important given the identification in the EIA of the habitat of Species at Risk in the development area. Based on the policies of the NEP, including Part 2.8 (Wildlife Habitat) NEC staff will need to assess the implications of the identification of SAR habitat, if located within the NEP Area and confirmed by the Ministry of Natural Resources.

Lastly we note that the Planning Principles identified in the EIA do not include the potential visual impact of the development as an important principle. We have indicated in our previous correspondence the importance of undertaking visual impact assessment to assist in

determining the potential impact of the proposed development on views to and through the Niagara Escarpment. Our attendance at the two site visits has confirmed that significant tree removal could result from the proposed realignment southerly and extension of Horning Road. The implications of the need to bring in fill or alter topography to support any change in the location of Horning Road has also not been assessed. Tree removal and the importation of fill could have significant impacts on the open landscape character, visual attractiveness and scenic characteristics of the Escarpment and the implications of this should be properly assessed in the EIA and a visual impact assessment taking into consideration the dimensions, alignment, grading and drainage implications of the proposed infrastructure.

#### FSR

We understand that the update to the FSR was intended to address the comments of the Region of Halton. We note that a new reservoir would be required to service the development and that the reservoir would be the subject of a future Class EA. Figure 7-13 shows alternative locations for the reservoir and Locations 2 and 3 (referred to in the FSR as also Locations B and C) are within the NEP Area. The report appears to prefer Location 3 at the north end of Horning Road, within the area shown on the draft plan as "not part of the application". The FSR notes that a "moderately elevated water tank" would be needed for a reservoir in this location. The NEC has previously expressed concerns about the potential visual impact of any elevated structure and the need to assess this impact as part of the review of the development applications, in accordance with a Terms of Reference satisfactory to the NEC. We recommend that the preferred reservoir location be Location 1, outside the NEP, south of the Hydro corridor where an elevated structure would not be required.

Other proposed infrastructure within the NEP required to service the development includes a water line, a sewer line and a possible pumping station adjacent to the reservoir. All of the proposed infrastructure would require a Development Permit from the NEC. The site visits were of assistance in locating the proposed infrastructure relative to Escarpment features. We have confirmed through GPS measurements taken on site that the extension of Horning Road will pass through the Escarpment Natural Area. The applicant must demonstrate that the road is "essential" infrastructure in accordance with the definition in the NEP and that all alternatives to avoiding the Escarpment Natural Area have been considered. In addition, the criteria in Part 2.5 of the NEP (New Development on Steep Slopes and Ravines) must be addressed as the proposed road and development infrastructure would occur in an area of steep slopes and it would need to be determined if appropriate development setbacks could be established.

We note on pages 15-16 of the FSR that it is assumed that the 8 lots proposed on Horning Road are proceeding as part of the application as they are indicated to be within the proposed Phase 1 of the development phasing scheme. This inconsistency should be clarified to confirm whether the 8 lots are proposed as part of the development under consideration.

We reiterate that for development proposed within the NEP, approvals for a Development Permit must first be obtained from the NEC before any other approvals can be granted, in accordance with Section 24(3) the *Niagara Escarpment Planning and Development Act*.

Thank you for the opportunity to comment on these studies. We would be pleased to answer any questions that you may have with respect to our comments. I can be reached at 905-877-8363.

Yours truly,

A handwritten signature in cursive script that reads "N. Mott-Allen".

Nancy Mott-Allen, MCIP, RPP  
Senior Strategic Advisor

cc. Elizabeth Kerr, Counsel to NEC  
Katie Jane Stewart, Conservation Halton  
Laurielle Brooks, Halton Region

