MILLCROFT RESIDENTIAL DEVELOPMENT PHASE 2

PLANNING JUSTIFICATION REPORT

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MSH
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1. INTRODUCTION

1.1 Context

The Millcroft Golf Club (“Millcroft GC”) is located in the Millcroft Community in the City of Burlington. Millcroft Greens Corporation (“Millcroft Greens”) owns Millcroft GC.

Millcroft Greens filed applications with the City for an Official Plan Amendment (“OPA”), a Zoning By-law Amendment (“ZBA”) and approval of a Plan of Subdivision (“PoS”) on October 28, 2020, which were declared complete by the City on December 23, 2020. The applications sought to reconfigure the existing 18-hole golf course to create five (5) parcels of developable urban land (Referenced as Areas A-E).

The applications were appealed for lack of decision by the City. The Ontario Land Tribunal (OLT) held a hearing in 2024 regarding the appeals and issued an interim order dated July 12, 2024, approving the OPA and ZBA in principle but withholding the final order pending satisfaction of certain pre-conditions. Draft PoS approval was also granted subject to fulfillment of the conditions. The OLT gave final approval to the OPA and ZBA on February 19, 2025, having been advised that the pre-conditions had been satisfied.

Millcroft Greens is now proposing further reconfiguration of the remaining golf course lands to create an additional six (6) parcels of developable land. Those lands not planned for development have the potential to be protected as open space and would no longer be used for a golf course. The residential community would continue to be focused around an open space system but not a golf course.

Macaulay Shiomi Howson Ltd. (“MSH”) has been retained by Millcroft Greens to provide planning advice including preparation of the required amendments to the City of Burlington Official Plan, 1997 (OP 1997), Burlington Official Plan, 2020, and the plan of subdivision for the proposed development. An amendment has also been prepared to the City’s partially approved new Official Plan (OP 2020). With respect to the zoning of the Subject Lands, an application for a Minister’s Zoning Order has been filed by Millcroft Greens with the Province and is under review.

1.2 Purpose

The purpose of this Planning Justification Report is to provide a planning opinion in support of these applications. The report provides a description of the Subject Lands, the approved development and the new development proposal as well as the conclusions of the key technical supporting studies. An analysis of the planning policy context is then outlined as a basis for the planning opinion. The report addresses the requirements of the Provincial Planning Statement, 2024 (PPS) as well as the City’s current and draft Official Plan (including the Region of Halton Official Plan).

Conservation Halton’s regulatory and planning policies are also referenced based on the work undertaken as part of the background technical studies.

2. BACKGROUND

2.1 Development History[1]

The Millcroft Community was originally approved as part of the secondary plan for the Rose Community, subsequently renamed “Millcroft”. Amendment No. 117 (“OPA 117”) to the City Official Plan was adopted by the Council in August 1985. It established designations and policies for the development of approximately 380 hectares (939 acres) of land bounded by Dundas Street to the north, Appleby Line to the east, Upper Middle Road to the south and Walkers Line to the west. The general location of the Millcroft Community is found on **Figure 1**.

The intent of OPA 117 was to establish a prestige residential area built around a privately operated golf course. The overall planning concept as described in OPA 117 is a residential community *“having a predominantly single family residential character*”. Some medium density housing was also designated *“...to round out the housing mix in the Community*”. At the same time, Monarch only committed, as set out in the subdivision agreement to

“assure the operation, maintenance and repair of the 18 hole golf course together with any buildings and structures built thereon and any recreational buildings, recreational structures or recreational areas such as pools and tennis courts until December 31 of the year 1999.”

The golf course was designed and constructed as an “executive golf course” (City Staff Report PD-243-85) and a feature of the surrounding residential community. Since its development by Monarch Construction in 1987, Millcroft GC has operated as a semi-private golf course allowing public play. The clubhouse has a pro shop, locker facilities and dining rooms. Public facilities are located outside the clubhouse.

While the golf course was a central feature of the Community, it was always recognized that its operation was constrained by the proximity to the residential development. OPA 117 addresses this issue specifically stating that:

“*It is the intent of this Plan to minimize potential conflicts between the operation of the golf course and adjacent residential uses through golf course design measures including the provision of adequate land for the fairways, fairway design and landscaping.”*

[1] Source: Wellings Planning Consultants Inc., Planning Justification Report Applications to Amend the City of Burlington Official Plan and Comprehensive Zoning By-law 2020 and Draft Plan of Subdivision, Millcroft Greens Corporation City of Burlington, October 2020 Revised November 19, 2020 pages 2-4.

In its consideration of the proposal, the City's Planning and Development Committee also recognized the potential for conflicts between the two uses, noting in its resolution:

"The City's approval should keep open the option of requiring adjustments to later phases in the event that problems related to the golf course occur in early phases of development."

Further, the City required that a notification be placed on title for purchasers of lots adjacent to the golf course of the possibility of "nuisance" created by golf course activity. The notification was also included in the subdivision agreement. Regardless, in fact, complaints were considerable in number as documented by the golf course.

In addition to the specific issues with the design of the course, over the years, like many other golf courses, Millcroft GC has experienced a decline in membership, reduced profit margins for pay as you play golfers, and increased operating costs.

The development context in the surrounding area has also changed. This is seen most significantly along the surrounding arterial roads. The highest intensity of development is found along Appleby Line to the east with the Uptown Mixed Use Center focused at the intersection of Appleby Line and Upper Middle Road, but extending north and south of the intersection. This area, which is designated in OP 1997 as "Mixed Use Centre" (Schedule B Comprehensive Land Use Plan-Urban Planning Area), is considered

"...a secondary node to the Downtown and will be a focal point for north-east Burlington – a mixed use community with more urban, than suburban attributes." (OP 1997, Policy 5.6.1 b)

In the OP 2020, it is recognized as "Urban Centre" on Schedule B, Urban Structure, and "Uptown Urban Centre" on Schedule C, Land Use-Urban Area.

Immediately to the north of the Uptown Urban Centre focused at the intersection of Appleby Line and Dundas Street is an area designated in OP 1997 as "Major Retail Area" on Schedule A, Settlement Pattern. In the OP 2020 this area is designated as "Mixed Use Nodes and Intensification Corridors" on Schedule B, Urban Structure and "Mixed Use Commercial Centre" on Schedule C, Land Use -Urban Centre.

In addition, there are Neighbourhood Centres designated at Dundas Street and Upper Middle Road and Walkers Line in both the1997 and 2020 Plans, and medium and high density residential development along Upper Middle Road, Walkers Line and Dundas Street.

As a result of this situation, both with respect to the golf course itself and also the surrounding development context - taking into account the location in an urban serviced area, the changing market conditions for golf courses and the safety and design issues -

it was initially proposed to reconfigure the course to create five (5) parcels of developable urban land.

This redevelopment was approved, as noted above, by the OLT, to permit 90 lots for detached dwellings in Areas A-D, while Area E will accommodate townhouses or a six (6) storey mid-rise building (**See Figure 2**). The reconfigured golf course was still planned to remain and provide 18 holes, but with generally shorter holes. The redesign would also have allowed for a smaller maintenance facility.

2.2 Development Proposal

The new development proposal builds on the approved development of Areas A-E and provides for the ultimate development of the Subject Lands. A development concept outlining the extent and layout of the proposed development parcels (Areas F-K) is found in **Figure 2**.

The development of +/- 138 homes including +/- 73 single detached homes (Areas F, H, I and J) and +/- 65 townhouse units (Areas G and K) is proposed by plan of subdivision accessed by private (condominium) roads. Further, in accordance with the *Planning Act*, as well as the City's Official Plan and Zoning By-law, Additional Residential Units (ARUs) are also permitted.

The total area of the development parcels is +/- 11.60 ha (28.66 acres), with a net development area of +/- 9.84 ha (24.32 acres).

Each parcel is described in Table 1 and additional details for each parcel are found in the draft plan of subdivision in **Figures 3-5**. Those lands identified as "Natural Areas" (1.51 ha / 3.73 acres) and "Open Space" (0.20 ha/0.49 acres) in Figures 3-5 are intended to be protected as open space, together with remaining former golf course lands. The lands identified as "Landscaped Area" (0.88 ha/2.17 acres) will also be protected.

Table 1 Parcel Descriptions

Area	Location	Size	Current Use and Adjacent Uses	Proposed Use
F	North-central portion of the Millcroft community. South side of the existing hydro Corridor, west of Millcroft Park Drive	Area 2.66 ha Net Development Area (NDA) 1.75 ha	Area F consists of an existing fairway adjacent to the existing hydro corridor which is located to the north. Area F includes golf cart paths with varied vegetation along the edge of the course. Access via 4291 Couples Cres. an existing residential lot.	14 single detached condominium homes

Table 1 Parcel Descriptions				
Area	**Location**	**Size**	**Current Use and Adjacent Uses**	**Proposed Use**
			Single detached homes on the north side of Couples Cres. and townhouse dwellings on the north side of Sarazen Dr. abut the edge of the Subject Lands.	
G	Central portion of the Millcroft community. North of Country Club Drive, between Arbourfield Drive and Vermont Cresc, west of Appleby Creek.	Area1.78 ha NDA 1.57 ha	Existing golf course club house and related facilities including parking are located on this site. Existing common element townhouse developments are located generally to the east and west of the Subject Lands.	42 condominium townhouse units
H	Located in the western portion of the Millcroft community, south of Country Club Drive between Berwick Dr. and Arbourfield Dr.	Area 1.66 ha NDA 1.55 ha	Area H will be developed on an existing fairway. Single detached homes on Berwick Dr. and Arbourfield Dr. abut the edge of the Subject Lands.	16 single detached condominium homes
I	Area I is located in the southwest corner of the Millcroft community. It is located behind the single detached dwellings fronting Berwick Drive, and Millcroft Park Dr.	Area 1.35 ha NDA 1.35 ha	This site is also located on an existing fairway. Single detached homes fronting on Millcroft Park Dr. and Berwick Dr. abut the Subject Lands. Access is via an existing residential lot on Millcroft Park Drive. An existing common element condominium townhouse development is located on the western edge of the Subject Lands.	13 single detached condominium homes
J	Area J is located in the central portion of the Millcroft community - north of Millcroft Park Dr. and west of Country Club Dr.	Area 3.24 ha NDA 2.72 ha	These lands consist of golf greens and fairways, as well as golf cart paths with varied vegetation along the edge of the course. Single detached homes on Arbourfield Dr., Muirfield Court, Country Club Dr. and Millcroft Park Dr. abut the	30 single detached condominium homes

Table 1 Parcel Descriptions				
Area	**Location**	**Size**	**Current Use and Adjacent Uses**	**Proposed Use**
			Subject Lands, as well as existing fairways.	
K	Area K is located in the northwest portion of the Millcroft community. More specifically it is located on the south side of Sarazen Dr. opposite Amaletta Cresc.	Area 0.91 ha NDA 0.90 ha	The Subject Lands contain a fairway. An existing condominium townhouse complex on Sarazen Drive and single detached dwellings fronting on Kane Cresc. are located to the south. To the north and east are existing fairways and Appleby Creek, as well as single detached dwellings.	23 condominium townhouse units

2.3 Planning Applications

Given the status of the City's Official Plan, the proposed development requires amendments to OP 1997 and OP 2020. In addition, approval of a draft plan of subdivision for the development parcels is necessary. To address the zoning of the Subject Lands, an application for a Minister's Zoning Order has been filed with the Province and is under review.

With respect to OP 1997, the purpose of the Official Plan Amendment (OPA 1997) is to redesignate lands in the Major Parks and Open Space designation on six parcels of land which form part of the former Millcroft Golf Course property to a Residential-Medium Density designation. The redesignation of the subject lands will permit their redevelopment for residential purposes including detached and semi-detached homes, as well as a full range of townhouses including, street, stacked and back to back townhouses.The redesignations of the subject lands will permit their redevelopment for residential purposes. (See OPA 1997 **Attachment A**)

With respect to the City's OP 2020, the above-noted development parcels are proposed to be redesignated in the OPA 2020 (See **Attachment B**) as follows:

- Schedule B Urban Structure
  "Natural Heritage System, Major Parks and Open Space" to "Residential Neighbourhood Areas"

- Schedule B-1 Growth Framework
  "Natural Heritage System, Major Parks and Open Space" to "Established Residential Neighbourhood Area"

- Schedule C Land Use – Urban Area
  "City's Natural Heritage System" & "Major Parks and Open Space" to "Low-Rise Neighbourhoods II".

It should be noted Schedule C Land Use – Urban Area of OP 2020 currently only identifies Residential – Low Density and Residential – Medium Density designations. However, the policies do not reference those specific designations, rather the policies reference instead Low Rise Neighbourhoods I and Low Rise Neighbourhood II designations. The policies are indicated as approved in the City's consolidation of July 2025. It is understood that the City is intending to update the Schedule "early in the new year". The OPA may have to be revised to reflect the City's changes to the Schedules.

In the policies for the Low Rise Neighbourhoods I designation (Section 8.3.3), single and semi-detached dwellings are permitted, and duplexes may be permitted. Townhouses may also be considered subject to specific criteria (i.e. maximum of four principal dwelling units). No density requirement is established, and the maximum height is to be established in the zoning bylaw.

In the Low Rise Residential Neighbourhoods II designation (Section 8.3.4), in addition to semi-detached dwellings, townhouses and street townhouses are permitted as well as a range of other medium density housing forms. No density is provided but a maximum height of three storeys for ground oriented dwellings is permitted.

The development will occur by plan of subdivision accessed by private (condominium roads). (See **Figures 3-5**)

2.4 Supporting Technical Studies

Technical studies carried out in support of the planning applications include:

- Millcroft Greens Golf Course Residential Development – Phase 2, Urban Design Brief, Williams & Stewart Associates Limited;

- Transportation Impact Study Millcroft Park Drive – Phase 2 Areas F-K, C.F. Crozier & Associates Inc.;

- Functional Servicing Report, Millcroft Golf Club Phase 2, Urbantech Consulting;

- Scoped Subwatershed Study, Millcroft Golf Club Phase 2, Urbantech Consulting;

- Environmental Evaluation Report, OPA, ZBA, and Draft Plan of Subdivision Millcroft Golf Club, Terrastory Environmental Consulting Inc.;

- Arborist Report and Tree Protection Plan, Millcroft Greens Phase 2, Terrastory Environmental Consulting Inc.;

- Millcroft Greens Phase 2 Benefit Analysis Report, Jennifer Lawrence and Associates Inc.;

- Appleby Creek and Tributary Fluvial Geomorphological Assessment (Fluvial Report), Phase 2 Millcroft Greens, GEOMorphix;

- Environmental Noise and Vibration Study, Millcroft- Phase 2, Valcoustics Canada Ltd.;

- Stage 1 Archaeological Assessment of the Phase 2 Development of the Millcroft Golf Course, ASI;

- Compatibility Mitigation Study, Air Quality, SLR Consulting (Canada) Ltd;

- Phase One and Phase Two Environmental Site Assessments, Areas F-K, DS Consultants Ltd.;

- Conceptual Landscape & Restoration Plans, Millcroft Greens, Phase 2, NAK;

- Geotechnical Investigation Reports, Areas F to K – Millcroft Golf Club, DS Consultants;

- Environmental Site-Screening Questionnaire, DS Consultants;

- Hydrogeological Assessment and Water Balance, RJ. Burnside & Associates Ltd.; and,

- Solid Waste Management Plan Millcroft Greens Residential Development – Phase 2, RJ Burnside & Associates Limited.

Key conclusions are summarized in the following subsections.

2.4.1 Urban Design (UDB)

The UDB describes the development vision and community characteristics. The UDB is fully integrated in terms of context and design continuity with the development of Phase 1. Key objectives are establishing a positive visual character that appropriately fits with the established built form context of the community, providing attractive streets with well-designed and pedestrian oriented streetscapes and a significant tree canopy, and promoting variety in building designs. In addition, the objectives include:

- promotion of community safety;
- providing design criteria for buildings in prominent locations;
- diminishing the visual impact of garages and parking areas within the streetscape;
- establishing requirements for appropriate siting of buildings;
- assisting builders and designers in the preparation of building designs and encouraging compatibility among different builders; and,
- establishing procedures for submission, review and approval of building designs.

2.4.2 Functional Servicing Report (FSR)

The FSR prepared by Urbantech outlines servicing and development strategies developed in conjunction with the greater consulting team and which should be considered with their work. This includes the geotechnical, and hydrogeological and water balance investigations, the Environmental Evaluation Report (EER), the Fluvial Report) and a preliminary water distribution modelling report. In addition, consideration was given to the Urban-Area Flood Vulnerability, Prioritization & Mitigation Study – Amec Foster Wheeler Environment & Infrastructure (July 2017).

Urbantech has also prepared and included a Scoped Subwatershed Study (SWS) submitted with the FSR. This SWS has been prepared in accordance with the terms of reference agreed to with Conservation Halton (CH) as part of the Millcroft Phase 1 development and focuses on the hydrology and hydraulics of Appleby Creek as it relates to the Millcroft Greens development sites. Topics related to non-stormwater hazard delineation, ecology and CH permitting requirements related to the proposed flood plain alteration are addressed in the project's EER and Benefit Analysis Report.

The FSR presents the recommended stormwater management and municipal servicing scheme for the development of the Subject Lands. This report is also applicable for any future revisions to the plan of subdivision, assuming the revisions are minor and in general conformance with the concepts in the FSR.

The FSR concludes that each of the six (6) development areas can be adequately serviced through a combination of existing and proposed municipal infrastructure. In summary:

- Sanitary servicing will be accomplished through the construction of local sanitary sewers which will connect to the existing municipal sanitary sewers;

- Water servicing for domestic potable and fire protection will be through connections to the existing watermain and the construction of local watermains;

- Storm drainage will include the construction of local storm sewers and infrastructure designed to capture, convey, control all flows up to the 100-year storm to Appleby Creek for Areas F, H, I, J and K, and to existing municipal infrastructure for Area G. The infrastructure will also maintain external flow conveyance;

- Grading will be in accordance with City of Burlington requirements and minimize on site earthworks to maximize reuse of soils within the property and minimize the use of retaining walls;

- Stormwater quantity control will be provided via underground storage;

- Quality control will be provided through the use of catch basin (CB) Shields and isolator row within the underground storage tank; and,

- Erosion and Sediment Control measures will be designed in accordance with City of Burlington, Ministry of Environment, Conservation and Parks (MECP)and CH requirements.

2.4.3 Scoped Subwatershed Study (SWS)

The SWS was prepared in accordance with the terms of reference agreed to with CH as part of the original phase of the Millcroft development.

CH has undertaken the East Burlington Creeks Flood Hazard Mapping Study (EBC) to comprehensively update flood hazard mapping of several creeks including Appleby Creek, published in September 2023. The SWS is required specifically to verify the flows within Appleby Creek as well as the extent of the flood plain within Areas F, G, H, I, J and K.

The study summarizes the methodologies for analyzing the EBC model, refinements that were made, establishing flood plain mapping and recommendations for future development. Urbantech has applied the EBC model framework to evaluate the impacts

of the development on Appleby Creek. This SWS refined the modelling from the EBC study in support of the proposed development application for the Millcroft Greens development and the refined modelling is separate from the EBC study.

CH has reviewed and accepted the Scoped Subwatershed Study dated December 2024 in support of Draft Plan approval of the Millcroft Phase 1 lands (Areas A, B, C, D and E). This version of the SWS follows the same format based on the approved Terms of Reference established for the Phase 1 lands. This study re-iterates the existing conditions and is consistent with the Phase 1 SWS hydrology, with additional flow nodes established for Areas F to K. The future conditions modelling assumes that the Phase 1 lands will proceed first and are fully built-out.

In summary with respect to stormwater management

- The EBC hydrology model for Appleby Creek and the parameters used were analyzed.
- The EBC Appleby Creek model was further refined to separate the Millcroft Green Phase 2 development sites as well as ensuring that catchments were being added to the model at the correct location based on the existing inlets to the creek to establish the updated existing conditions model.
- The updated existing hydrology model was further refined to reflect the Millcroft Green Phase 2 development areas under the post development scenario.
- On site quantity and quality control is required and will be achieved through storage facilities, isolator rows and CB shields.

With respect to watercourse systems:

- The EBC 1D HEC-RAS model for Appleby Creek was used to establish the existing and proposed flood plain.
- The EBC model for the Appleby Creek west tributary was run with the original EBC flows, the updated flows from the hydrology model and post development. There are no impacts to the downstream flood plain as a result of the development.
- Modelling has indicated that the proposed flood plain alterations do not result in an increase in the extents of regulated areas on adjacent lands.

2.4.4 Environmental Evaluation Report (EER)

The EER provides a detailed characterization of the natural environment occurring within and adjacent to the Subject Lands. The EER has been prepared in support of the planning applications submitted to redesignate portions of the lands to residential uses, and to support CH's regulatory review under O. Reg. 41/24 pursuant to the *Conservation Authorities Act*.

Included is a comprehensive approach to identifying the presence or absence of several significant natural features afforded varying degrees of protection by applicable environmental policies. Potential negative impacts to the identified significant natural features are described with mitigation measures and technical recommendations offered to avoid or minimize such impacts and offer enhancements as appropriate.

Based on the findings presented in the EER, the following natural features and natural hazards with policy significance have been identified:

- One Significant Woodland on Adjacent Lands near Area F;
- Confirmed Significant Wildlife Habitat including habitat for Nutall's Waterweed and turtle overwintering habitat on the Subject Lands and Adjacent Lands;
- Presumed habitat for Endangered Cucumber Tree on Adjacent Lands near Area J;
- Fish habitat in Appleby Creek and the Appleby Creek tributary, with fish passage currently impeded through fish barriers present on the Subject Lands, Adjacent Lands, and beyond;
- Identified non-significant wetlands, primarily riparian wetlands associated with Appleby Creek and the Appleby Creek tributary, on the Subject Lands and Adjacent Lands;
- Identified regulatory flood plains associated with Appleby Creek and the Appleby Creek tributary on the Subject Lands and Adjacent Lands; and,
- Identified erosion hazards (i.e., meander belt) associated with Appleby Creek and the Appleby Creek tributary on the Subject Lands and Adjacent Lands.

Based on the presence of the above-mentioned features, a comprehensive set of recommendations and avoidance and mitigation measures are offered in Section 7 of the EER to achieve "no negative impact" and address applicable Conservation Authority, municipal, provincial, and federal policies outlined in Section 9 of the EER.

This includes the formulation of a conceptual natural heritage restoration plan to enhance the form and function of the Regional NHS and address removal of select trees in all development areas; resulting in a total of 6.95 hectares of golf course lands being restored to natural vegetation cover and wildlife habitat, creating substantial vegetated corridors along Appleby Creek and the Appleby Creek tributary on lands that are currently golf course. The conceptual natural heritage restoration plan will be subject to minor changes (e.g., plant quantities) at the detailed design stage in response to anticipated updates to the tree protection plan and receipt of agency comments, however the overall concept and extent of restoration areas is not expected to substantially change.

A permit(s) from CH pursuant to O. Reg. 41/24 is required to alter the on-site flood plains and regulated watercourses.

It has been determined through this analysis that no negative impacts to the above-noted features will occur and that the application appropriately addresses applicable natural heritage policies provided that technical mitigation measures, summarized in Appendix 12 of the EER, are implemented. This includes:

- transplantation of Nutall's Waterweed during watercourse improvement activities;
- a fish and wildlife rescue;
- wildlife surveys and exclusion before and during construction;
- inclusion of the Area J Treed Area in a separate block that will be dedicated to the City;
- implementation of the natural heritage restoration plan;
- timing restrictions on tree/vegetation removal; and,
- preparation of comprehensive erosion and sediment control plans at detailed design.

Furthermore, it is recommended that completion of an adaptive monitoring and management plan for restored areas be a condition of draft plan approval.

Minor changes to the concept plan (e.g., building size, location, etc.) are acceptable provided that they reflect all natural feature and natural hazard constraints shown in Figure 19 of the EER. It is advised that such technical recommendations be incorporated into any necessary development approvals that permit the applications.

2.4.5 Benefit Analysis Report

Development within all six Areas require alterations to the Regional Storm flood plain, an area regulated by CH pursuant to Ontario Regulation 41/24. The flood plain alterations will also result in grading within 15 m of the flood plain, within the meander belt and within 15 m of the meander belt and within 30 m of a wetland. In addition, although not required as part of the flood plain alterations, enhancements to the watercourse is proposed in Areas G and J. As a result, Permits will be required from CH in order to complete the proposed works in those areas.

The Benefit Analysis Report provides a summary of the findings and conclusions in the EER, SWS, FSR, Arborist Report, Fluvial Report, and Hydrogeological Assessment. These reports have been prepared in support of the planning applications. The Benefit Analysis Report concludes that these reports have demonstrated that the proposed

flood plain alterations have been designed to address all of the CH's Board approved regulatory policies.

Further, in addition to the policy requirements, it is concluded that the report (and supporting reports listed) has further demonstrated that the restoration of those portions of the valley system subject to flood plain alterations with plantings and habitat creation, additional restoration plantings within the existing golf course lands (outside of the areas of proposed grading/disturbance associated with Areas F – K), the removal of interlocking brick and artificial material within the low flow channel of Appleby Creek in Area G, the removal of two pedestrian crossings in Area J and the protection of those lands not intended for development as public open space, will result in significant benefits to the Appleby Creek system, the Millcroft community and the City of Burlington.

The report concludes that the flood plain alterations also represent efficient use of land that would be in the public interest, similar to flood plain alterations that are permitted elsewhere in CH's watershed to maximize developable land while ensuring that natural heritage and natural hazard management are properly addressed.

Further, it is concluded that based on the analysis, it has been demonstrated in the report that, in addition to CH's policy requirements, the proposed flood plain alterations:

- will not increase the risk to life or property upstream or downstream;
- provide a benefit to the overall system through the restoration of 6.95 ha of riparian lands and the protection of those lands not intended for development as public open space; and,
- is in the public interest.

2.4.6 Transportation Impact Study (TIS)

The TIS focuses on the potential traffic impact on the boundary road network in relation to the proposed residential development. Their analysis considered existing conditions, future background conditions, and future total conditions. This includes consideration of available public transit services which are noted as providing "quick, easily accessible and direct transit services throughout the City" including direct access to the Burlington GO Station via Routes 51 and 12.

The TIS concluded that the proposed development can be supported from a transportation operations perspective. In particular, based on this analysis, it was concluded that:

- Under 2031 future total conditions, signal installation was examined and found to not be warranted at the intersection of Country Club Drive and Millcroft Park

Drive. However, the analysis recommended that there were some intersections, such as Country Club Drive and Millcroft Park Drive, be monitored in the future for improvements. Other intersections had their signal timings recommended to be adjusted in an attempt to improve their expected operations.

- The results of the signal adjustments indicate that, similar to the future total scenario, in the 2031 future total optimized scenario, the major study intersections of (i.e. Walkers Line and Upper Middle Road, Dundas Street at Millcroft Park Drive/Cornerstone Drive, Dundas Street at Walkers Line) are expected to operate above capacity with a maximum v/c ratio threshold in the p.m peak hour. However, these adverse operations are observed in the future background scenario and the site generated trips are not expected to affect traffic operations at these intersections.

- With respect to available site accesses, most of the proposed site accesses are in compliance with the minimum requirements in the TAC GDGCR (Transportation Association of Canada Geometric Design Guide for Canadian Roads) and the Ontario Building Code with respect to matters such as sight distance, available corner clearances, minimum access spacing and access width requirements. However, for site access to Area F at Couples Crescent and Area J at Country Club Drive, warning signs are recommended to warn approaching vehicles of outgoing traffic.

2.4.7 Stage 1 Archaeological Assessment

The background research suggested that there would typically be potential for the presence of both Indigenous and Euro-Canadian archaeological sites within the study area. The field review confirmed that extensive land-moving activities in the development of the Millcroft Golf Club in the twentieth century has resulted in some areas of the study area being disturbed, while other portions retain archaeological potential. Therefore, the Archaeological Assessment recommended that a Stage 2 archaeological assessment of all areas retaining archaeological potential within the study area be required, in accordance with the Ministry of Citizenship and Multiculturalism's 2011 *Standards and Guidelines for Consultant Archaeologists.*

2.4.8 Compatibility Mitigation Study, Air Quality

The assessment considered:

- Transportation-related air pollution; and,
- Industrial air quality, odour and dust emissions.

A review of the surrounding transportation emission sources was conducted. Each of the proposed development blocks is more than 30 m from the identified major arterial roads and greater than 500 m from the CN Rail Line. Therefore, additional analysis of Transportation Related Air Pollution (TRAP) is not required for the Project site.

The assessment included a review of air quality emissions from the one industry found in the potential area of influence. It was concluded that the proposed development is anticipated to be compatible with this facility from an air quality perspective. In addition, emissions of dust and/or odour are not anticipated at the Project site. Nor is the project anticipated to limit the ability of the industry to obtain and maintain required Ministry of Environment, Conservation and Parks (MECP) permits and approvals.

2.4.9 Environmental Noise and Vibration Study (Noise Study)

The Noise Study determined that the significant transportation noise source in the vicinity of the proposed development as the road traffic on Dundas Street, Walkers Line, Upper Middle Road and the collector roadways internal to the development. No stationary noise sources were identified in the vicinity of the Subject Lands that are expected to have a significant noise impact on the development.
The sound levels were determined and compared with the applicable MECP noise guideline limit to determine the need for noise mitigation.

To meet the applicable MECP guideline limits, the study concluded that:

- Dwellings in the vicinity of Dundas Street (the northernmost dwellings in Area ‘F’) and the dwelling siding onto Sarazen Drive (the northernmost dwelling in Area ‘K’) require the provision for adding air conditioning.

- For all dwellings in the development, exterior wall and window construction meeting the minimum non-acoustical requirements of the Ontario Building Code will be sufficient to meet the indoor noise criteria.

2.4.10 Phase One and Phase Two Environmental Site Assessments (ESA)

Phase One ESAs are completed to satisfy Ontario Regulation 153/04 (as amended). The objective is to identify the presence or absence of potentially contaminating activities (PCAs) on the property or in the study area and to determine if any of the PCAs identified are likely to result in an Area of Potential Environmental Concern (APEC). In all cases, the PCAs identified contributed to APEC and a Phase Two study was required. The Phase Two Assessments indicated that a Record of Site Condition (RSC) may be filed for each of the properties, with the exception of Area H. A

supplementary environmental investigation is required before an RSC filing can commence.

2.5 Summary and Conclusions

The new development proposal with respect to the remaining Millcroft Golf Club lands builds on the approved development of Areas A-E and provides for the ultimate development of the Subject Lands. A development concept outlining the extent and layout of the proposed development parcels (Areas F-K) is found in **Figure 2**.
The development for +/- 138 homes consists of +/- 73 single detached homes (Areas F, H, I and J) and +/- 65 townhouse units (Areas G and K) with a net development area of +/- 9.84 ha hectares.

Given the current status of the City's Official Plan, the proposed development requires amendments to OP 1997 and OP 2020. In addition, approval of a draft plan of subdivision for the development parcels is required. With respect to the zoning of the Subject Lands, an application for a Minister's Zoning Order has been filed by Millcroft Greens with the Province and is under review.

The applications are supported by all required technical studies including UDB, TIS, FSR, SWS, and EER. The results of these studies establish the development strategies necessary to ensure the proposed intensification is balanced with all other planning considerations. In particular:

- The UDB establishes guidelines which will ensure a positive visual character that appropriately fits with the established built form context of the community, providing attractive streets with well-design and pedestrian oriented streetscapes and a significant tree canopy, and promoting a variety in building designs.

- The FSR, together with SWS, presents the recommended stormwater management and municipal servicing scheme for the development. It concludes that the development areas can be adequately serviced through a combination of existing and proposed municipal infrastructure with no impacts to upstream or downstream natural hazards.

- The EER provides the detailed characterization of the natural environment occurring within and adjacent to the Subject Lands. Natural features and natural hazards with policy significance are identified (e.g. direct fish habitat, one Significant Woodland on Adjacent Lands near Area F, confirmed habitat for four endangered bats and presumed habitat for endangered Cucumber Tree, Significant Wildlife Habitat). A comprehensive set of recommendations and avoidance and mitigation measures are offered to achieve "no negative impact"

and address applicable Conservation Authority, municipal, provincial and federal policies. It has been determined through this analysis that no negative impacts to the features will occur and that the application appropriately addresses the applicable natural heritage policies provided that the recommended technical mitigation measures are implemented. Opportunities for enhancements have been identified and include a conceptual natural heritage restoration plan.

- The Benefit Analysis Report provides a summary of the findings and conclusions in the EER, SWS, FSR, Arborist Report, Fluvial Report, and Hydrogeological Assessment. It concludes that these reports have demonstrated that the proposed flood plain alterations have been designed to address all of the CH's Board approved regulatory policies. Further, it is concluded that based on the analysis, it has been demonstrated that, in addition to CH's policy requirements, the proposed flood plain alterations: 1. will not increase the risk to life or property upstream or downstream; 2. provide a benefit to the overall system through the restoration of 6.95 ha of riparian lands and the protection of those lands not intended for development as open space; and, is in the public interest.

- The TIS concludes that the proposed development can be supported from a transportation operations perspective considering existing conditions, future background conditions and future total conditions. The TIS also reviewed the available transit in the surrounding area, which would support the development and encourage alternative modes of transportation, as well as the design and location of the accesses to the different areas. Recommendations were provided in the TIS that would help support the development from a transportation perspective.

3. PLANNING POLICY FRAMEWORK

3.1 Framework

The following reviews and considers the planning policy framework applicable to the proposed development. Detailed analyses are found in Tables 1, 2, 3 and 4 respectively. The planning policy framework includes:

- PPS 2024 (Table 1);
- Region of Halton Official Plan (Table 2);
- City OP 1997 (Table 3); and
- City OP 2020.

In addition, with respect to the Draft Plan of Subdivision a review of Section 51 (24) of the *Planning Act* (Table 4) is provided.

CH Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Planning Policy Document, April 27, 2006 (last amended April 17, 2025) are also discussed based on an analysis provided by Jennifer Lawrence and Associates Inc. which reflects the input and conclusions of the technical experts and their work in the technical studies (Table 5).

3.2 PPS 2024

The new PPS was issued on August 20, 2024, and took effect as of October 20, 2024. It replaced the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

In accordance with Section 3 of the *Planning Act*, all decisions affecting land use planning matters made after October 20, 2024, shall be consistent with the PPS, 2024. Further, Chapter 6: Implementation and Interpretation of the PPS provides that:

"This Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation." (policy 6.1.1)

In addition, Section 6.2 Coordination directs that:

"A coordinated, integrated and comprehensive approach shall be used in dealing with planning matters within municipalities…including:

a) managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities….
c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;

d) infrastructure, multimodal transportation systems, public service facilities and waste management systems….
e) ecosystem, shoreline, watershed, and Great Lakes related matters;
f) natural and human-made hazards;
g) population, housing and employment projections, based on regional market areas, as appropriate; and
h) addressing housing needs in accordance with provincial housing policies and plans, including those that address homelessness. (policy 6.1.1)"

More specific direction regarding the planning matters identified in policy 6.2 is provided in:

- Chapter 2: Building Homes, Sustaining Strong and Competitive Communities;
- Chapter 3: Infrastructure and Facilities;
- Chapter 4: Wise Use and Management of Resources; and,
- Chapter 5: Protecting Public Health and Safety.

Table 1 provides a detailed review of the applicable PPS policies with respect to the proposed new development, based on this review it is concluded that:

- The focus throughout the PPS starting with the Vision (Chapter 1 Introduction) is on increasing "the supply and mix of housing options, addressing the full range of housing affordability needs." At the same time, the PPS directs that consideration must be given to good planning including compact and transit supportive design to optimize investments in infrastructure and public service facilities in support of the creation of complete communities.

- The PPS provides further direction which supports all types of residential intensification and increased densities in settlement areas to efficiently use existing resources including infrastructure and public service facilities, while supporting transit and active transportation (e.g. policies 2.1.6, 2.2.1 and 2.3.1).

- At the same time, the PPS makes it clear that natural features and areas and the quality and quantity of water are to be protected for the long term (e.g. Sections 4.1 and 4.2). In addition, no development is to be permitted in areas with archaeological resources or areas of natural or human made hazards (e.g. Section 4.6 and Chapter 5).

Planning Opinion

The proposed new development is consistent with the PPS, in my opinion, as it increases the supply and mix of housing options while enhancing the development of a

complete community and allowing for the efficient use of existing resources. At the same time, as demonstrated by the background studies, the development will ensure the protection and enhancement of natural features and areas and water resources, as well as archaeological resources. Through the proposed flood plain alterations, development is to be located outside of flooding and erosion hazards and associated setbacks. As demonstrated in the background work, the proposed flood plain alterations will have no negative impact to flooding upstream or downstream of the subject lands (See Table 5).

3.3 Halton Region Official Plan (HROP)

Effective July 1, 2024, through changes to the *Planning Act*, the Region of Halton was defined by the Province as an "upper-tier municipality without planning responsibilities". As a result, the HROP has been deemed to be an official plan of each of the Local Municipalities in Halton until such time as it is revoked or amended by the respective municipality.

The HROP was approved by the Minister of Municipal Affairs and Housing, with modifications, on November 27, 1995. The current Office Consolidation incorporates all subsequent modifications and amendments to the HROP up to and including May 16, 2024. This includes Regional Official Plan Amendment (ROPA) 48 and ROPA 49 which reflect the results of the most recent review of the HROP approved respectively by the Province in 2021 and 2024. To assist in the implementation of the HROP, a series of guidelines were also developed by the Region.

The HROP reflects the following direction:

"The Region's primary role is to provide broad policy directions in strategic matters such as the management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation and health and social services….The Local Urban Structure of each of the Local Municipalities, for instance, are the responsibilities of the Local Municipalities as long as the overall planning vision for Halton and the policies of this Plan, including the Regional Urban Structure, are adhered to."(Part II, Policy 44)

Evaluation of development with respect to the HROP is in the context of this policy direction with regard to more specific policies as follows:

- Halton's Regional Structure (Map 1, Part II Sections 50-56);
- Land Stewardship (Part III Sections 57-78/84-86/87-89/113-118); and,
- Healthy Communities (Part IV Sections 140-176).

Applicable designations include:

- Map 1 Regional Structure: Urban Area and Regional Natural Heritage System
- Map 1G Key Features within the Greenbelt and Regional Natural Heritage System Lands;
- Map1H Regional Urban Structure: Urban Area (Note: The Appleby and Upper Middle Road intersection area is identified as a Secondary Regional Node/ Appleby Line and Dundas St. are both designated as "Regional Intensification Corridor in Regional Urban Boundary");
- Map 3 Functional Plan of Major Transportation Facilities (Note: Appleby Line and Dundas St. are identified as "Major Arterial", Upper Middle Road as "Minor Arterial"); and
- Map 5, Regional Phasing: Urban Area with Regional Phasing to 2021.

Table 2 provides a detailed review of the applicable HROP policies with respect to the proposed new development, based on this review it is concluded that:

- The HROP policy framework reflects the recognition that there will be further urbanization, primarily in settlement areas, and changes to the landscape through to 2051 (e.g. policy 26). This includes recognition of the significance of intensification and the need to create complete communities (e.g. policy 55).

- The Subject Lands are designated "Urban Area" and are located in the "Built Boundary" (See **Figures 6A and 6B**). In addition, it should be noted that the Subject Lands, and Millcroft in its entirety, are located adjacent to a "Secondary Regional Node" at Appleby Line and Upper Middle Road, as well as Regional Intensification Corridors on Dundas Street and Appleby Line. The development of the Subject Lands contribute to the HROP objectives for the Urban Area (policy 72.1). In particular, they form part of an existing complete community, the functionality of which will be reinforced by the proposed intensification which will enhance housing options and support public transportation and non-motorized travel facilities. The development will also support cost effective growth leveraging the use of existing facilities to enhance the community.

- The NHS is intended to "*preserve and enhance the biological diversity and ecological functions* of *Halton."* The proposed development reflects this direction. Currently the lands proposed for development are part of a private golf course and consist of manicured golf course holes within the flood plain of Appleby Creek. As such these lands do not contribute to the preservation and enhancement of biological diversity and ecological function (policy 27). The proposed development will result in the redesign of this area to maximize the

preservation and enhancement of the NHS. The proposed intensification of those remaining golf course lands appropriate for development will be balanced with the preservation and enhancement of the lands in the NHS in public ownership. Lands within and adjacent to the NHS will be enhanced through restoration plantings along almost the entirety of Appleby Creek and the Appleby Creek tributary that flow through the golf course. In addition, the protection of the remaining golf course lands as open space will potentially provide opportunities for the City to allow public access to these lands for trail and parkland purposes. The potential protection of those lands in the NHS as public open space as the HROP indicates is "the best means of preserving landscapes" (policy 30).

- The background studies address all the matters required by the HROP in addition to the natural environment (e.g. policies 114 and 118), including air quality, subwatershed management, transportation and protection of areas of archaeological potential (e.g. policies 58, 89, 143, 144(9), 167(6), and 173(22)). They demonstrate that the development satisfies the criteria identified in the policies of the HROP.

Planning Opinion

The proposed new development conforms with the HROP, in my opinion, as it provides for intensification in the "Urban Area Built Boundary" while balancing that with regard for long term environmental interests through the preservation and enhancement of lands within and adjacent to the Regional NHS and the protection of the NHS as open space. The development also strengthens an existing complete community by introducing additional housing options and supporting transit and active transportation.

3.4 City of Burlington Official Plan, 1997

The Official Plan (1994) for the Burlington Planning Area was adopted by Council of the Corporation of the City of Burlington in 1994. It was approved, with modifications, by the Regional Municipality of Halton on March 5, 1997. Certain parts of the Plan were referred by the Region to the Ontario Municipal Board for a decision, and certain parts were deferred for further consideration.

The Office Consolidation of The Official Plan (July 2024) incorporates all modifications, subsequent approvals, and amendments to the Plan up to and including that date.

The OP 1997 consists of the Preamble and Appendices which are not considered part of the Plan, and eight Parts:

- Part I: Policy Framework;

- Part II: Functional Policies;
- Part III: Land Use Policies – Urban Planning Area;
- Part IV: Land Use Policies – Rural Planning Area;
- Part V: Land Use Policies – North Aldershot Policy Area;
- Part VI: Implementation;
- Part VII: Schedules and Tables; and,
- Part VIII: Definitions.

OP 1997 establishes a detailed Land Use Vision (Part I Section 4.0) which:

"….considers both a view of the physical landscape of Burlington in the future and a view of how the City will be experienced in terms of its quality of life. The vision is based on the mission statement of direction growth in a manner that enhances the City's character while providing for a broad range of opportunities for its residents and businesses. The eight guiding principles provide further direction on the image to be created for the City in the future."

The Guiding Principles are as follows:

"*a) Provided a community plan and growth strategy aimed at creating an attractive, liveable community that offers a wide range of housing, employment, transportation, and leisure opportunities for all its citizens.*

b) Support a healthy, clean and sustainable community based on an ecosystem approach and the implementation of the principles of Sustainable Development, by ensuring that environmental integrity and diversity, social and economic factors, and compatibility are considered in land use decisions.

c) Ensure that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.

d) Foster a unique, vibrant and strong community identity.

e) Create a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.

f) Support a vigorous local economy.

g) Promote safety and health in the community as well as fair access to housing, municipal services, community facilities, education facilities and economic opportunity.

h) Promote efficient use of land through intensification within appropriate areas of the City, in accordance with Provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations."

The Subject Lands are designated “Major Parks and Open Space” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area”. The proposed development will require Areas ‘F’, ‘H’, ‘I’ and ‘J’ of the Subject Lands to be redesignated “Residential-Low Density” and Areas ‘G’ and ‘K” to be redesignated “Residential – Medium Density”. (See **Figure 7**)

Table 3 provides a detailed review of the applicable OP 1997 policies with respect to the proposed new development, based on this review it is concluded that:

- The OP 1997 policy framework, including the Guiding Principles of the Plan, provides that intensification should be promoted “*while recognizing the need for balancing this objective with other planning considerations*” (Section 3.0).

- The Subject Lands are located within the “Urban Planning Area Boundary” and designated “Residential Areas” on Schedule A, Settlement Pattern. They are designated “Parks and Open Space” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area (See **Figure 7**). The adjacent lands are designated “Residential – Low Density” and “Residential – Medium Density”.

- In addition, it should be noted that the Subject Lands, and Millcroft in its entirety, are located in an area which is intended to be a focus for urban development. In particular, the Subject Lands are adjacent to areas designated on Schedule B as “Mixed Use Centre” at Appleby Line and Upper Middle Road, and “Regional Commercial Area” at Appleby Line and Dundas Street. In addition, the surrounding arterial roads (Walkers Line, Upper Middle Road and Dundas Street) are primarily abutted by areas designated “Neighbourhood Commercial”, “Residential – High Density” and “Residential -Medium Density”.

- The Parks and Open Space designation permits a range of public parks (Section 6.3). It also permits other open space uses including golf courses and related facilities. The designation of the lands in the Millcroft community reflects the original design as a prestige residential area built around a privately operated golf course. The intent of the current applications would see those lands not planned for residential development protected as public open space. The residential community would continue to be focused around an open space system, but not a privately operated golf course. The proposed modifications to the designation would permit intensification of the existing residential community.

- The modifications include changes to the NHS resulting from proposed flood plain alterations; the suitability of the lands proposed for development have been assessed in accordance with Section 2.0 Sustainability and The Environment of

OP 1997. This assessment through the EER, SWS, FSR and Fluvial Report has indicated that issues are limited and will be addressed as follows:

  - There are no significant wetlands, ANSIs or valleylands in or within 120 m of the Subject Lands;
  - Development has been directed away from the significant woodland adjacent to Area F and non-significant wetlands and their buffers;
  - Significant Wildlife Habitat will not be negatively impacted and will be enhanced and protected within a refined NHS;
  - Habitat of endangered species, within the meaning of the *Species Conservation Act*, will not be negatively impacted;
  - Fish habitat in Appleby Creek and on-line ponds will be protected within a refined NHS and be improved through the appropriate process with the Department of Fisheries and Oceans (DFO);
  - The ecological form and function of the Regional NHS is proposed to be enhanced through implementation of the conceptual natural heritage enhancement plan;
  - Significant wildlife habitat will be protected and enhanced within the NHS; and,
  - Flooding and erosion hazards have been addressed as all development is outside of flooding and erosion hazards and CH's 15 m regulatory allowance adjacent to those hazards. In addition, there are no negative impacts to flooding upstream or downstream (See Table 5).

- With respect to intensification, the proposed development is in conformity with the various criteria established by OP 1997, as demonstrated by technical background studies. In particular with respect to Section 2.5.2:

  - The proposed development will have adequate municipal services;
  - Development will be on private roads and off-street parking has been established in keeping with City standards;
  - The TIS establishes that the proposed development can be supported from a traffic operations perspective;
  - The development is well served by transit as identified in the TIS;
  - The development as proposed in accordance with the Urban Design Brief is compatible with existing adjacent development in terms of character, scale, coverage, parking and amenity area;
  - Effects on existing vegetation are minimized and the EER concludes that the proposed development will have no negative impact on natural heritage features and functions;

- Given the siting of the proposed dwellings and the limited height no sun-shadow impacts are anticipated;
- Location in an existing community ensures easy access to existing community services and other neighbourhood conveniences;
- Careful evaluation of the existing golf course lands has identified the Subject Lands as the remaining developable lands. The remaining golf course lands, outside of the Subject Lands, are intended to be protected as open space; and,
- As outlined in the EER, SWS and Archaeological Assessment all natural and cultural heritage features and areas of natural hazard are intended to be protected.

Planning Opinion

The proposed new development implements the directions of OP 1997, in my opinion. An amendment to permit the proposed development is appropriate and represents good planning. OP 1997 promotes intensification "*while recognizing the need for balancing this objective with other planning considerations*". The proposed development provides for intensification while balancing all other planning considerations including protection of the natural environment, transportation, servicing needs and compatibility with existing development. The development strengthens an existing complete community which would continue to be focused around an open space system, but a public system not a private golf course.

3.5 City of Burlington Official Plan, 2020

A new City Official Plan was initially adopted by City Council on April 18, 2018. Modifications were subsequently made and OP 2020 was adopted by Council on October 7, 2020. OP 2020 was approved by the Region of Halton with modifications on November 26, 2020. However, the majority of the policies were then appealed and they remain under appeal as of December 2025 and are not in effect.

OP 2020 (See **Figures 8,9 and 10**) designates the developable portion of the Subject Lands as follows:

- Schedules B (Urban Structure) and B-1 (Growth Framework) - "Natural Heritage System, Major Parks and Open Space";
- Schedule C, Land Use -Urban Area – primarily "Major Parks and Open Space".

Other related designations include:

- Schedule B generally designates the Millcroft community as “Residential Neighbourhood Areas” and Schedule B-1 as “Established Neighbourhood Area”;
- Schedule O-1 classifies Dundas Street and Upper Middle Road as “Major Arterials” and identifies “Neighbourhood Connector” roads within the Millcroft community; and,
- Schedule P identifies Millcroft Park Drive as a “Bicycle Priority Street” and the hydro corridor which runs east/west through the area as a “Multi-Use Path”. Bike lanes are identified on Dundas Street, Upper Middle Road and Appleby Line.

In addition, it should be noted that Schedule C and Schedule M identify very limited portions of Areas J and K which are proposed to be protected as “City’s Natural Heritage System”/ “Key Natural Features”.

With respect to the specific designations, the following should be noted:

Major Parks and Open Space Designation

OP 2020 designates the portion of the Subject Lands proposed for development as “Major Parks and Open Space” on Schedule C. The policies for this designation are found in Section 8.4.2 of OP 2020. Similar to OP 1997 the policies permit not only municipal parks but also “golf courses and related facilities”. (Policy 8.4.2(2) a). However, Policy 8.4.2(2) b) does not permit new or expanded facilities as follows:

“New golf courses and golf driving ranges, and expansions to existing golf courses and driving ranges requiring additional land, shall not be permitted.”

This policy reflects the fact that such uses in settlement areas are not consistent with good planning practice (as reflected in the PPS and the HROP) which promotes intensification within settlement areas. It also reflects the fact that Burlington has no ability to provide for new greenfield development within its existing urban boundary.

It should be noted that the direction in this policy does not align with Policy 8.4.2(2) d) which is under appeal by Millcroft Greens. That policy requires that the re-designation of lands in the Major Parks and Open Space designation:

“….shall only be considered by the City in conjunction with a statutory Official Plan Review.”

This is a new requirement not recognized in the *Planning Act* or the PPS. Its applicability with respect to the relatively minor changes proposed through this development also must be considered. The proposed redesignations are limited and will not impact or significantly alter the City’s urban structure, nor have any adverse impacts (as demonstrated through the technical background studies). Finally, the policy remains

under appeal and therefore is informative only in terms of the review of the proposed development.

Consideration should also be given the fact that while additional development is being proposed, the intent is that the remaining lands will be maintained as open space, but rather than a golf course for private use, the lands will be public open space.

Natural Heritage System

As noted, very limited portions of the Subject Lands are designated “City’s Natural Heritage System” and “Key Natural Features”. However, through the EER, SWS, FSR and Fluvial Report the exact extent of the Region’s/City’s NHS has been confirmed through field studies. Those studies have also demonstrated that the development will result in the protection of natural features and areas for the long term. Areas of proposed grading, as well as additional lands within the Appleby Creek and Appleby Creek tributary valleys, will be naturalized with habitat features and native, non-invasive, climate-change resilient species. The NHS along Appleby Creek and the Appleby Creek tributary will be restored and removed from golf course use and is intended to be retained as open space. Further, the diversity and connectivity of natural features and long term ecological function and biodiversity of the natural heritage system will be maintained, restored and improved on the Subject Lands and beyond through the restoration of the certain portions of the existing golf course holes through Areas F-K and other lands (i.e., those along the Appleby Creek and Appleby Creek tributary) into naturalized riparian corridors.

With respect to wetlands and water resources, development is outside of hazard lands and appropriate setbacks. In addition, fish habitat will be enhanced through improved riparian buffers and removal of instream barriers and surface water quality will be improved through the removal of maintained turf within the flood plain to be replaced with native plantings and cessation of golf course operations (e.g., application of fertilizer and herbicides).

The results of these studies demonstrate that the proposed development conforms with OP 2020 as summarized in the key objectives for the City’s Natural Heritage System Designation in Section 8.4.1(1) of OP 2020 as follows:

“a) To maintain, restore and enhance the long-term ecological health, integrity and biodiversity of the Natural Heritage System in the Urban Area and its ecological and hydrologic functions.

b) To maintain, restore and enhance Key Natural Features.

c) To maintain, restore and enhance the continuity of linkages and functional interrelationships among natural heritage features, ecological functions, surface

and groundwater features and hydrologic functions.

d) To direct development to locations outside hazardous lands and hazardous sites.

e) To avoid increased flooding, erosion and sedimentation.

f) To protect and enhance the quality and quantity of ground and surface water and their related hydrologic functions….

j) To provide opportunities for non-intensive recreation uses within the City's Natural Heritage System, where appropriate."

Residential Neighbourhood Areas

The general Millcroft Community, as noted above, is designated as "Residential Neighbourhood Areas" and "Established Neighbourhood Area. OP 2020, similar to OP 1997, encourages residential intensification as set out in the following key General Objectives in Section 8.3.1:

"a) To encourage new residential development and residential intensification within the Residential Neighbourhood Area in accordance with Provincial, Regional and City growth management objectives, while recognizing that the density and form new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring development achieves compatibility and integration within existing residential neighbourhoods.

b) To provide housing in a form and location that supports the existing, and the expansion of, the city's transportation network, with emphasis on public transportation and active transportation……

e) To provide, where compatible, housing opportunities in proximity to Employment Areas and other land uses that support residential neighbourhoods, such as Commercial and recreational activities, in order to improve access to places of work and neighbourhood amenities with reduced dependence on private automobiles…...

g) To encourage the integration of a wide range of housing types and tenures within Residential Neighourhood Areas, including assisted and special needs housing, affordable housing and rental housing.

h) To ensure that development within the Residential Neighbourhood Area is compatible with surrounding properties."

The proposed development is designed to achieve the City's objectives for an expanded Residential Neighbourhood Area. It represents residential intensification which is appropriate when balanced against other considerations including environmental integrity and diversity, social and economic factors, and compatibility. As demonstrated through the background analysis, the development will result in the protection of natural features and areas for the long term. It is also in an area with available infrastructure and public service facilities in particular it is in close proximity to the Appleby Line /Upper Middle Road Mixed Use Centre and other mixed use development along the adjacent arterial roads.

Further, the proposed development is compatible with the existing Millcroft Community. As defined in OP 2020 compatibility is:

"Development which may not necessarily be the same as or similar to existing or planned development in the vicinity, but nonetheless can co-exist without causing adverse impacts on the surrounding area."

The proposed development is similar to existing development being comprised of single detached and townhouse dwellings on private condominium roads in conformity with the density established in the official plan. Further, as demonstrated through the background technical studies no adverse impacts will result from the additional development with respect to the natural environment, servicing, stormwater management and transportation. In fact, the development will benefit the community through enhancement of the natural environment and the intent to remove the private golf course use to create an open space system.

Planning Opinion

The proposed new development, in my opinion, implements the directions of OP 2020. An amendment to permit the proposed development is appropriate and represents good planning. OP 2020 promotes intensification while recognizing *"that the density and form of new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring development achieves compatibility and integration within existing residential neighbourhoods."*

The proposed development provides for intensification while balancing all other planning considerations including protection of the natural environment, availability of infrastructure and public service considerations. Further the development is located and designed to achieve compatibility and integration with the existing Millcroft

Community. The development allows for the strengthening of an existing complete community which would continue to be focused around an open space system instead of a private golf course.

3.6 *Planning Act* Section 51 (24)

Section 51 (24) of the *Planning Act* establishes criteria for the review of plans of subdivision including regard to matters of provincial interest in Section 2 of the *Planning Act* such as protection of ecological systems, conservation of features of archaeological interest, provision of services and orderly development of safe and healthy communities. These matters are evaluated in detail Table 4.

Planning Opinion

The proposed plan of subdivision is intended to implement Provincial and City directions which promote residential intensification where appropriate with respect to other planning considerations. In my opinion, the proposed plan satisfied the criteria in Section 51(24) of the *Planning Act.* In particular:

- As demonstrated through the technical background studies the proposed plan of subdivision will protect and enhance ecological systems including natural areas and functions;
- The proposed development will be compatible with the surrounding community and will develop in accordance with detailed plans established in accordance with technical background work in an orderly manner which will ensure the safety and health of residents;
- A comprehensive planning process ensures the financial and economic wellbeing of public agencies; and,
- The plan of subdivision will be designed in accordance with the UDB which provides detailed direction regarding building placement and orientation, setbacks, height, massing and transition and façade design and treatment.

4. CONCLUSIONS AND PLANNING OPINION

The new development proposal with respect to the remaining Millcroft Golf Club lands builds on the approved development of Areas A-E and provides for the ultimate development of the Subject Lands. A development concept outlining the extent and layout of the proposed development parcels (Areas F-K) is found in **Figure 2**.

The development for +/- 138 homes consists of +/- 73 single detached homes (Areas F, H, I and J) and +/- 65 townhouse units (Areas G and K) with a net development area of +/- 9.84 hectares.

Given the current status of the City's Official Plan, the proposed development requires amendments to OP 1997 and OP 2020. In addition, approval of a draft plan of subdivision for the development parcels is necessary. With respect to the zoning of the Subject Lands, an application for a Minister's Zoning Order has been filed by Millcroft Greens with the Province and is under review.

The applications are supported by all required technical studies including UDB, TIS, FSR, SWS, and EER. These studies form the basis for my opinion that the development as proposed is good planning and is compatible with the surrounding existing development and appropriate for this location. In particular:

- The UDB establishes guidelines which will ensure a positive visual character that appropriately fits with the established built form context of the community, providing attractive streets with well-design and pedestrian oriented streetscapes and a significant tree canopy, and promoting a variety in building designs.

- The FSR, together with SWS, presents the recommended stormwater management and municipal servicing scheme for the development. It concludes that the development areas can be adequately serviced through a combination of existing and proposed municipal infrastructure with no impacts to upstream or downstream natural hazards.

- The EER provides a detailed characterization of the natural environment occurring within and adjacent to the Subject Lands. Natural features and natural hazards with policy significance are identified (i.e. fish habitat, one Significant Woodland on Adjacent Lands near Area F, presumed habitat for endangered Cucumber Tree, Significant Wildlife Habitat for Nutall's Waterweed and turtle overwintering, non-significant wetlands, flood plain, and erosion hazards). A comprehensive set of recommendations and avoidance and mitigation measures are offered to achieve "no negative impact" and address applicable Conservation Authority, municipal, provincial and federal policies. This includes a natural

heritage restoration plan. It has been determined through this analysis that no negative impacts to the features will occur and that the application appropriately addresses the applicable natural heritage policies provided that the recommended technical mitigation measures are implemented.

- The Benefit Analysis Report provides a summary of the findings and conclusions in the EER, SWS, FSR, Arborist Report, Fluvial Report, and Hydrogeological Assessment and concludes that these reports have demonstrated that the proposed flood plain alterations have been designed to address all of the CH's Board approved regulatory policies. Further, it is concluded that based on the analysis, it has been demonstrated that, in addition to CH's policy requirements, the proposed flood plain alterations: 1. will not increase the risk to life or property upstream or downstream; 2. provide a benefit to the overall system through the restoration of 6.95 ha of valleyland and the protection of those lands not intended for development as open space; and, is in the public interest.

- The TIS concludes that the proposed development can be supported from a transportation operations perspective considering existing conditions, future background conditions and future total conditions. The TIS also reviewed the available transit in the surrounding area, which would support the development and encourage alternative modes of transportation, as well as the design and location of the accesses to the different areas. Recommendations were provided in the TIS that would help support the development from a transportation perspective.

The draft plan of subdivision and proposed official plan, as well as the related, proposed zoning amendments through the application for a Minister's Zoning Order, as discussed above in Section 3 of this report are consistent/in conformity with Provincial, Regional now City, and City planning policy, as follows:

- The proposed development and draft plan of subdivision, as well as the related official plan amendments and proposed related zoning amendments, have regard for matters of Provincial interest as set out in Section 2 of the *Planning Act* and matters in Section 51(24) of the *Planning Act* (See Table 4).

- The proposed new development is consistent with the PPS, as it increases the supply and mix of housing options while enhancing the development of a complete community and allowing for the efficient use of existing resources. At the same time, as demonstrated by the background studies, the development will ensure the protection and enhancement of natural features and areas and water resources, as well as any archaeological resources which, although not

anticipated given the disturbed nature of the area, may be identified. Through the proposed flood plain alterations, development is to be located outside of flooding and erosion hazards. As demonstrated in the background work, the proposed flood plain alterations will have no negative impact to flooding upstream or downstream of the subject lands (See Table 5).

- The proposed new development conforms with the HROP, as it provides for intensification in the "Urban Area Built Boundary" while balancing that with regard for long term environmental interests through the preservation and enhancement of a significant landscape by the protection of lands in the NHS as public open space. The development also strengthens an existing complete community by introducing additional housing options and supporting transit and active transportation.

- The proposed new development implements the directions of OP 1997. An amendment to permit the proposed development is appropriate and represents good planning. OP 1997 promotes intensification "*while recognizing the need for balancing this objective with other planning considerations*". The proposed development provides for intensification while balancing all other planning considerations including protection of the natural environment, transportation, servicing needs and compatibility with existing development. The development strengthens an existing complete community which would continue to be focused around an open space system, but a public system not a private golf course.

- The proposed new development also implements the directions of OP 2020, recognizing that the plan is not yet fully approved. An amendment to permit the proposed development is appropriate and represents good planning. OP 2020 promotes intensification while recognizing *"that the density and form of new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring development achieves compatibility and integration within existing residential neighbourhoods."*

  The proposed development provides for intensification while balancing all other planning considerations including protection of the natural environment, availability of infrastructure and public service considerations. Further the development is located and designed to achieve compatibility and integration with the existing Millcroft Community. The development allows for the strengthening of an existing complete community which would continue to be focused around a public open space system rather than a private golf course.

Therefore, in my opinion, the proposed development and approval of the implementing draft official plan amendments in Attachments A and B to this report, as well as the draft plan of subdivision (**Figures 3-5**) represents good planning and is consistent and in conformity with applicable planning policy.



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