

Appendix A to the Staff Report Regional Comments

Legislative & Planning Services
Planning Services
1151 Bronte Road
Oakville ON L6M 3L1
Fax: 905-825-8822

August 16, 2022

Mr. Robert Thun, Senior Planner
Current Planning,
Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Thun:

**Re: Region of Halton Comments – 3rd Submission
Proposed Draft Plan of Subdivision and Zoning By-law Amendment
Files: 24T-21004/1317 & Z.1317.06
Docasa Group Limited
Part of Lot 17, Concession 1, North of Dundas Street (160 Burnhamthorpe
Road West), Town of Oakville, Region of Halton**

Regional staff have completed the review of the 3rd submission of the above noted Draft Plan of Subdivision (DPS) and Zoning By-law Amendment (ZBA) applications received on July 28, 2022. Regional staff provided comments in response to the 1st and 2nd submissions on September 3, 2021 and June 30, 2022 respectively. Comments provided herein supersede previously provided comments.

It is understood that the proposed DPS, prepared by Bousfields Inc., dated July 22, 2022, seeks to develop the subject lands with 431 residential dwelling units. The effect of the proposed development will allow for 123 single-detached units (Lots 1-123), 56 semi-detached units (Lots 124-151), 48 on-street townhouse units (Blocks 152-159), 56 rear-lane townhouse units (Blocks 160-170), and 148 mid-rise residential apartment units (Block 171 with residential-only apartments & Block 172 with commercial at grade). As well, the DPS development is proposed to include an open space/park block, 8 residential reserve blocks, a school block, blocks for road dedication/widening, and based on the woodlot that slightly traverses the subject lands to the north, a Natural Heritage System (NHS) block.

The main access to the site is proposed to be from Burnhamthorpe Road West to the north, with supplementary access road connections from the abutting westerly and

easterly lands, once those lands are developed. The overall development is anticipated to integrate with adjacent developments to the west and east of the subject lands, by ensuring compatible land uses, and coordinating the alignment of the proposed roads and open spaces.

The purpose of the ZBA is to rezone the subject lands from Existing Development (ED) Zone to site-specific zones in order to implement the proposed DPS, and more broadly, the policies of the North Oakville East Secondary Plan (NOESP), to the following zone categories: General Urban (GU) Zone, Neighbourhood Centre (NC) Zone, Institutional (I) Zone, Natural Heritage System (NHS) Zone, and Park (P) Zone.

Regional staff note that supportive comments from Conservation Halton (CH) were received on August 5, 2022. As such, Regional staff have no objections to the above-noted applications subject to the conditions outlined in Schedule "A". The conditions are required to ensure that matters of Regional interest are fulfilled. Regional staff offer the following comments.

Provincial Policy Statement / Growth Plan:

The 2020 Provincial Policy Statement (PPS) promotes within urban areas and settlement areas, development densities and a mix of land uses which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion where this can be accommodated, taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure facilities required to accommodate projected needs. Section 1.4 of the PPS also provides that the allocation of units by the upper-tier municipality shall be based on and reflect provincial plans where these exist.

The 2020 Growth Plan (GP) encourages municipalities to leverage infrastructure investment, to direct growth and development in accordance with the policies and schedules of the Plan, including the achievement of the minimum intensification and density targets in the Plan. The subject lands are located within the 'Designated Greenfield Area' of the Plan. Section 2.2.7 provides that development taking place in the designated Greenfield area will be in a manner that supports complete communities, active transportation, and encourages the integration of sustained viable transit service.

This letter provides comments of specific Regional interest related to growth management, natural heritage system, transportation, servicing, cultural heritage, and site contamination. Subject to addressing the technical comments/concerns identified in this letter as well as the inclusion of the requested conditions of draft approval, we would consider the applications to be consistent with the PPS 2020 and conform to the GP 2020.

Region of Halton Official Plan 2009 (based on Pre-ROPA 48 policies):

The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. The lands are designated as 'Urban Area' as shown on Map 1: Regional Structure of the 2009 Regional Official Plan (ROP). A small portion of the lands is also designated 'Regional Natural Heritage System (RNHS)'.

Part III: Land Stewardship Policies:

Land Use:

Section 72 of the Urban Area policies supports the development of vibrant and healthy mixed-use communities that afford maximum choices for residence, work and leisure. Section 77(2.4) of the Urban Area policies also requires development in the Greenfield Area (outside the Urban Built Boundary) to contribute to achieving development density targets established by the Plan, within healthy communities that will comprise of a range of mixed-use neighbourhoods.

Policy 76 states that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of this Plan.

Managing Growth-Allocation Program:

The ROP requires that the development industry absorb their share of the cost of the provision for infrastructure and that any financial impact of new development or redevelopment on existing residents be based on a financing plan communicated to the taxpayers and subsequently approved by Council (Section 77 (15)). Policy 77 (17) requires that prior to the Local Municipality approving development within any Regional phase that Regional Council approves a financial and implementation plan, including financial commitment by the private development sector to absorb its share of the cost of the provision of the necessary infrastructure and human services as permitted by applicable legislation. To this end, Halton Region has implemented Allocation Programs that require proponents of residential development applications to secure servicing allocation from Halton Region through an Allocation Agreement. The subject lands are located outside the urban built boundary, and are subject to the Regional Allocation program.

Currently, the application proposes 431 residential units, comprised of:

- 123 single-detached dwelling units;
- 56 semi-detached dwelling units;
- 48 on-street townhouse units;
- 56 rear-lane townhouse units; and,
- 148 high-density units on Blocks 171 and 172.

Based on the residential units noted above, the proposed development would require 258 Single Detached Equivalents (SDEs) to fully service the development. The Region does allow for draft approval with a minimum of 40% allocation, which would require a minimum of 103 SDEs. The Region's records indicated that 310 SDE's of servicing allocation (281 low-medium SDEs and 29 high density SDEs) have been reserved for the subject lands through 2020 Allocation Program (under Law File 2020-150). Therefore, sufficient allocation has been reserved to support the proposed development.

As there is sufficient allocation for the subdivision as a whole, the Region is in a position to support draft approval of the plan from an allocation perspective (subject to conditions and subject to resolving any other matters identified in this letter).

Residential Reserve Blocks:

Eight (8) Residential Reserve Blocks (proposed General Urban (GU) zone) are shown on the draft plan of subdivision. These blocks have not been included in calculating the 40% rule above.

It is the Region's standard that through the registration process, should these blocks be included, appropriate allocation will be required or alternatively an agreement between both the applicant and the neighbouring landowner will be required indicating that the adjacent landowner will be securing for these lots for servicing allocation.

It is the developer's responsibility to determine how they wish to address the reserve blocks (e.g. top-up, landowner agreement) in accordance with the applicable agreement.

The developer is advised to contact the Region planner responsible for the carriage of the application at the earliest opportunity to discuss their proposed approach and the next steps/requirements for Regional approval.

There is a process involved in obtaining approval/sign-off by the Region for allocation related to reserve blocks. The developer should take this into account in their project timelines in order to prevent delays in the condition clearance and registration stage of the process.

Unallocated Lots/Blocks and High Density Blocks (Holding Provision):

There are two high-density blocks shown on the plan (Blocks 171 and 172). As noted above, the submitted Draft Plan indicates that allocation has not been assigned to the blocks, nor has sufficient allocation been reserved for these lands. However, sufficient allocation has been reserved for one of these blocks. As confirmed by the Applicant on August 16, 2022, the reserved allocation can be used for Block 172 (79 units).

It is the Owner's responsibility to determine how they wish to address these unallocated units either through a top-up request, transfer (in accordance with the allocation agreements) or through the use of a holding provision.

Accordingly, we request that the Owner confirm their approach and that the implementing zoning by-law include a Holding provision as follows for the residential portions of the lands that have no allocation and/or where the Owner will not secure allocation through a top-up or transfer as part of this subdivision process:

"That prior to the lifting of the H, the Owner shall have addressed the following requirements for all the units proposed for development of Block 171 as shown Draft Plan of Subdivision, prepared by Bousfields Inc., dated July 22, 2022, to the satisfaction of the Region of Halton. The Region of Halton shall provide written confirmation that these matters have been addressed:

- a) The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;
- b) The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;
- c) The Owner shall have made all required payments associated with the Allocation Program; and,
- d) The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice (PWCN) letter."

Regional Natural Heritage System:

As noted, a portion of the subject lands is designated as 'Regional Natural Heritage System (RNHS)'.

In relation to Section 139.12 of the ROP as to whether any Key Features may exist within the wooded area portion of the subject property that are not shown on Map 1G, in this case, a candidate significant woodlands is present on the northerly corner of the subject property (and is located within Conservation Halton's (CH) regulated area).

CH staff provide environmental advisory services to the Region and Town in relation to the protection of certain natural heritage features and natural hazard land management.

Policy 116.2 states that within the North Oakville East Secondary Plan (NOESP) Area, the Regional Natural Heritage System will be delineated and implemented in accordance with Town of Oakville Official Plan Amendment No. 272 (NOESP) area. Regional staff believe that any candidate significant woodland will be appropriately captured in accordance with the NOESP by CH. The Owner shall implement all

Conservation Halton (CH) recommendations as it relates to any natural hazards, buffers, or storm water management related requirements.

CH provided comments in a letter dated August 5, 2022 wherein they provided their conditions of draft approval for this subdivision. As such, the Region is now in a position to provide our conditions of draft approval. Regional staff will require the Owner to provide commentary from CH indicating that matters have been sufficiently addressed and the draft plan of conditions have been completed to their satisfaction. A condition speaks to this in Schedule "A" to this letter.

Those lands that are confirmed to form part of the Regional Natural Heritage System are to be conveyed to/retained in Town ownership and placed in an appropriate zone category.

*Part IV: Healthy Community Policies:
Cultural Heritage Policies-Archaeological Resources:*

In accordance with Section 167(6) of the ROP, a Stage 1 and 2 Archaeological Assessment (by D.R. Poulton & Associates Inc. – July 2008) was completed for the subject lands, and registered with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). An MHSTCI acknowledgement letter (Record number: 24SB393) issued November 12, 2008, has been provided by the Owner confirming that concerns regarding the archaeological sites found on the subject lands have been met upon the complete review of the Stage 1 and 2 Archaeological Assessment report, including a revised report dated October 2008.

Regional staff request that the Owner provide a copy the above-mentioned revised report for record purposes.

In the interim, should deeply buried archaeological remains be found on the subject lands during construction activities, the Heritage Operations Unit of the MHSTCI should be notified immediately. Further, in the event that human remains are encountered during construction, the Applicant should immediately contact both the MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services.

Environmental Quality-Land:

Section 147(17) of the ROP requires that, prior to the Region or Local Municipality considering any development application proposals, the proponent shall identify whether there is any potential for soils on the site to be contaminated.

Circulated with this application was an Environmental Site Screening Questionnaire (ESSQ), as well as a Phase I Environmental Site Assessment (ESA) as prepared by Soil Engineers Ltd. - October 6, 2009. Regional staff have reviewed these materials and note that the ESA report is older than 18 months and done in accordance with CSA

Z786-01 standard. A CSA standard ESA report does not conform to the ROP Guidelines respecting the “Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites”.

The ROP Guidelines can be referenced at this link:

<https://www.halton.ca/Repository/Protocol-for-Reviewing-Development-Applications-wi>.

Therefore, Regional staff request an updated Phase I ESA report in accordance with Ontario Regulations - O. Reg. 153/04 requirements be submitted prior to site alteration. The Phase 1 ESA must be signed and stamped by the author(s).

Please note: The author(s) of the ESA report submitted to the Region must extend third party reliance to the Region. If the report recommends a Phase II, such should also be completed prior to site alteration. The Owner is advised that at the time of Draft Plan of Subdivision registration, all environmental reports and/or letters of reliance must be current (within 18 months).

Summary:

Regional staff reviewed the accompanying Planning Rationale Report (PJR) prepared by Bousfields Inc. - May 2021) in support of the DPS application. The PJR concluded that the proposed development conforms to existing policy and regulatory framework, and references the Growth Plan 2019 and the Regional Official Plan 2005 respectively. In the Regional Letter dated September 3, 2021, Regional staff requested a revised PJR that reflects the correct dates of the respective policies in force. However, upon further review, we noted that the submitted PJR is acceptable and no revised version is required.

Regional staff note that supportive comments from Conservation Halton (CH) were received on August 5, 2022. As such, Regional staff have no objections to the above-noted applications and would consider them to conform to the ROP subject to addressing the technical comments/concerns identified in this letter as well as the inclusion of the requested conditions of draft approval.

Other Regional Comments:

Water and Wastewater Servicing:

Section 89(3) of the ROP requires that all new developments within the Urban Area be on the basis of connection to Halton’s municipal water and wastewater system.

The following comments relate to municipal water, wastewater, and Regional stormwater services as they apply to the subject lands and the development proposal.

The proposed subdivision is located on the south side of Burnhamthorpe Road West, and on the west side of Sixth Line. The servicing of the North Oakville East Secondary

Plan (NOESP) is addressed in the Area Servicing Plan (ASP) for this area. The ASP provides the overall servicing plan for the ultimate servicing and infrastructure requirements for the NOESP.

Please note that a Functional Servicing Study (FSS) was submitted as part of the Environmental Implementation Report (EIR) that was prepared by multiple consultants in support of the multiple developments in the catchment area for Upper West Morrison Creek Subcatchment 1 (UWMC 1) Addendum 2nd Submission, dated November 2020.

Please note that a revised draft plan was submitted with the third submission. The revised draft plan had additional townhouse units and less single family and semi-detached lots than the previous draft plan. The revised draft plan also has a new laneway included in the north part of the development. No revised EIR/FSS was submitted with the third submission that reflects the changes to the draft plan. The EIR/FSS should be revised to reflect the most recent version of the draft plan. We do not anticipate that the revisions to the draft plan will impact the proposed servicing of the site.

Existing Services:

Sanitary Sewer:

There are no existing sanitary sewers located adjacent to the subject property.

Water Servicing:

A 1200mm diameter watermain is located on Burnhamthorpe Road adjacent to the subject property.

Water and Wastewater Servicing:

Wastewater Servicing:

For this particular draft plan of subdivision, the FSS notes that the wastewater servicing for this development will drain eastward to a sub-trunk sewer that is to be located on Street A. This flow is then conveyed southward through the proposed sub-trunk sewer on Street A that is located on the future subdivision lands of the Digram Subdivision and the Argo (West Morrison) Limited Subdivision. The sub-trunk sewer then connects to the future trunk sewer that is to be constructed on as part of the Preserve North (Mattamy) Phase 4 Subdivision. The trunk sewer and sub-trunk sanitary sewers that are to be located in the future subdivisions south of this subdivision will have to be constructed and operational before flows from this development can proceed.

Water Servicing:

The FSS indicates that the development will be serviced for water by multiple connections to existing and future watermains in the area. Two connections are proposed to the existing trunk watermain on Burnhamthorpe Road at Street A and Street G. Future connections will also be provided to the future watermains to be constructed in the proposed developments located east and west of this subdivision. No analysis was provided to show if interim watermain connections to only the existing Burnhamthorpe Road watermain could accommodate the development.

The FSS also does not address dead end watermains. The proposed road and lot fabric proposed for the subject lands will result in some streets being temporary dead ends until the adjacent lands to this subdivision are developed. The watermains on these streets that have temporary dead ends are a concern to the Region due to the water quality issues associated with dead end watermains, and the Regional resources required to flush these mains on a regular basis. Consideration should be given in the FSS that addresses a program for flushing of dead end watermains or providing temporary looping of these mains. Some temporary looping of watermains may require external temporary easements on the adjacent lands.

The Region requires that the FSS be revised prior to engineering drawing submission to include water modelling of the subject lands that addresses secondary watermain connections, flows, watermain sizing, pressures and dead-end watermains.

The FSS includes a water model/analysis that was completed in support of the water system design for watermain system for this catchment area for the EIR. This analysis confirms that the static water pressures will be on the higher end of the allowable pressure range. Parts of the site could experience high pressures.

Please note that the proposed development will be located within the Region's Zone 4 pressure area and that no pressure zone interfaces will be located in the vicinity of this subdivision.

The FSS provided no analysis to indicate what the proposed watermain sizing for the watermains in this subdivision will be.

Water Pressure Zone Realignment:

The Region is currently undergoing a program to realign the water pressure zones in the Region. As part of this program, it is proposed to implement both an interim zone condition and an ultimate zone condition within the Region's water distribution system. The timing of implementing the new pressure zone boundaries may take several years to complete. It is possible that the proposed development may be impacted by the changes to the pressure zones in both the interim and ultimate conditions depending on

the timing of the implementation of these changes. Please note that minimum service levels for both water pressure and flow will be maintained throughout the Region during this process. Residents may notice changes to their water pressure when the zones are changed over from the existing zone to the interim zone and also when the interim zone is changed to the ultimate zone.

The Region requires that the Addendum of the FSS be revised prior to engineering drawing submission to include water modelling of the development that addresses watermain sizing, flows, pressures, dead-end watermains and the proposed water pressure zone realignment.

Existing Private Water Well & Septic System Decommissioning:

Any existing wells and septic systems, if present on the site are to be decommissioned and removed from the site according to the proper Ontario Ministry of Environment, Conservation and Parks (MECP) guidelines.

Storm Water Drainage on Regional Roads:

The FSS shows that there is a small portion of the units adjacent to Burnhamthorpe Road that drain to this Regional roadway. The storm drainage from the majority of the site drains southward through the proposed storm sewer systems to be located in the adjacent subdivisions to the south. The FSS does not address if there are any impacts from the flow from this small area of this subdivision that is proposed to drain to the existing storm drainage system on Burnhamthorpe Road. Please note that the ownership of Burnhamthorpe Road is to be transferred to the Town of Oakville in the future.

Summary:

Since the site is currently not serviced and will require the extensions of both a watermain and a sanitary sewer through the adjoining developments the servicing of the development is an issue.

Accordingly, Regional staff request that a Holding Provision on the zoning application be considered to accommodate the Region's concerns in regards to the lack of servicing for this site. The Holding Provision could be lifted at such a time that the servicing extensions have actually been constructed or an alternate arrangement has been made with the Region to secure these servicing extensions to the satisfaction of the Region.

The following wording is recommended:

“That the external local watermains and sanitary sewer extensions that are proposed on the lands adjacent to the subject lands and that are required to

service this property have been constructed and are operational to the satisfaction of the Region of Halton or that alternative provisions have been made by the Owner for the design and construction of the external watermain and sanitary sewer extensions to the satisfaction of the Region of Halton.”

Conditions of draft approval in relation to the above are set out in Schedule “A”.

Regional Transportation:

Section 173(8) of the ROP states that the Region and the Local municipalities will work together to control access to Arterial Roads in accordance with Council adopted access management policies. In considering development applications, the ROP further requires that the proponent for any development considered to have a transportation impact to carry out a detailed transportation study to assess the impact of the proposal and to recommend necessary improvements.

Burnhamthorpe Road (Regional Road 27):

Regional Council, in 2015, as part of Road Rationalization Review, approved the transferring of Burnhamthorpe Road to the Town of Oakville, once the new William Halton Parkway (Regional Road 40) was constructed. In order to facilitate the Town of Oakville initiating the detailed design and implementing the recommendations from its Burnhamthorpe Road Character Study, this transfer will likely be completed in the next 1-2 years.

Transportation Impact Study:

Regional staff acknowledge the receipt of the Neighbourhood 9/10/11 Transportation Impact Study (TIS) completed by CGH Transportation (May 2020) on behalf of the landowner’s group for the adjacent/surrounding lands including the subject lands, as well as a Comment Response Letter dated January 2022. Regional staff note that the study is acceptable.

Noise Impact Study:

Staff also acknowledge the receipt of the Noise Feasibility Study completed by HGC Engineering (May 2021). The Town of Oakville will lead the review of the development noise study.

Land Dedication:

Important Note: *The dedication of lands along Burnhamthorpe Road will be based on the timing of registration, and if the road has been transferred. If dedication occurs prior to registration, the lands will need to be dedicated to the Region. Subsequent to the transfer, to the Town.*

- Any lands within 12.0 metres of the centre line of the original 66-foot right-of-way of Burnhamthorpe Road (Regional Road 27) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.
- Daylight triangle dimensions along Burnhamthorpe Road at all development intersections are to be reviewed and approved by Town of Oakville Development Engineering staff. Daylight triangles are to be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements (currently, no daylight triangle exists on the northwest corner of the subject property).
- All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or his designate.

Right-of-way Encroachments:

There should not be any encroachments (not limited to: landscaping, stairs, grading/grades, etc.) from the proposed development within the ultimate Regional right-of-way, and all development facilities (stairs, landscaping, grading/grades, etc.) must be contained within the development lands.

Landscaping and Signage:

Any proposed signage, plantings, etc., for the site must be placed outside of the new Regional right-of-way (on private property).

Road Works:

- The Developer may be responsible for road improvements on Burnhamthorpe Road, subject to the review and approval of the Transportation Study by the Town of Oakville.
- The Developer may be responsible for road improvements to urbanize this section of Burnhamthorpe Road to comply with the approved cross-sections in the Town's Burnhamthorpe Road Character Study and Class Environmental Assessment. Town of Oakville Development Engineering staff will review and co-ordinate this requirement with the developer.

Access:

Access to Burnhamthorpe Road will be reviewed and approved by the Town of Oakville, due to the transfer of Burnhamthorpe Road from Halton Region to the Town of Oakville

in the near future. The Developer is encouraged to further discuss access approvals with the Town of Oakville, based on Town guidelines.

Agreements/Permits:

The Owner may be required to enter into an Agreement (with the Town of Oakville) for the completion of required Works (road improvements) and all associated development construction processes and impacts. Road improvements will be determined after the review and approval of the final transportation impact study. The Owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.

Halton's Capital Implementation Plan:

William Halton Parkway (Neyagawa Boulevard to Sixth Line) is scheduled for start construction in 2022 (new four-lane road).

Setbacks & Zero Lot Lines:

- With respect to the development frontages, Regional staff request that setbacks be implemented/maintained from roadway right-of-way limits (i.e.: ultimate ROW for Burnhamthorpe Road), as per the Town of Oakville's North Oakville Zoning By-law.
- Additionally, the Owner will be required to demonstrate that construction of any underground/above ground development infrastructures (underground parking, SWM tanks, buildings, utilities, etc.) will not impact or encroach upon the Regional right-of-way (i.e.: temporary or permanent infrastructures including structural tiebacks will not be permitted within the Regional right-of-way).
- The location of development infrastructures (including but not limited to - underground/above ground parking structures, buildings, SWM storage tanks, utilities, etc.) 0.0 metres from the property line would limit or potentially preclude the Region's ability to locate infrastructure, such as utilities, and will limit any future Regional Capital Project's grading flexibility, within the Regional right-of-way in close proximity to the right-of-way limit, i.e. within the zone of influence. Halton Region does not support any setbacks of 0.0 metres from property line.

Construction Activities:

Please note that if Burnhamthorpe Road is still in the Region's jurisdiction at the time of development, the construction requirements below must be completed to the satisfaction of Halton Region.

Construction Methods - Shoring/Tiebacks, Open Excavation, etc.:

A detailed submission of construction methods is required for internal review by various Regional groups prior to proceeding with plans for construction through the Servicing Agreement/detailed design drawings.

Construction (Crane Swing):

If it is determined that the construction crane swing will impact the Region's right-of-way, the Applicant must enter into an Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff and departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc. (to be determined by staff as part of the review process), and a due date for final completion.

Construction (Access):

Construction access, traffic management plan and any proposed use of the Regional right-of-way, is subject to review and approval from Halton Region.

Summary:

Conditions of draft approval in relation to the above are set out in Schedule "A".

Waste Management:

There are no concerns at this time. Region waste will service the subdivision for full waste collection services once construction is complete and units are 90% occupied.

More information on the site layout and design of the two mid-rise apartment blocks is required in order to confirm whether the Region will provide waste collection services to those sites. This can be addressed at later stages in the development approval process.

Finance:

The Region's Capital and Development Financing Division note the following:

1. This development requires Regional Allocation for the single detached equivalents units (SDEs) proposed. The payments and contributions are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the SDEs are being reserved for the Owner.

2. The Owner is also required to pay all other applicable Regional Development Charges (DCs) and Front-ending Recovery Payments prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case a portion of the DC's and Front-ending Recovery Payment may be payable upon execution of the agreement. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

Disclaimer: It is the Owner's responsibility to ensure that all applicable payments and development charges for the single detached equivalents units (SDEs) being requested are paid for as required by the terms and conditions of the applicable allocation program agreement.

Conclusion:

Based upon the comments provided herein, it is the opinion of Regional staff that these draft plan of subdivision and rezoning applications will be consistent with the Provincial Policy Statement, Growth Plan, and the Halton's Regional Official Plan once the above noted matters have been addressed.

Subject to the conditions of Draft Approval as provided in Schedule "A", Halton Region has no objection to the Town of Oakville granting draft plan approval for the subdivision.

As outlined in this letter, we request that the implementing zoning by-law include a Holding provision related to servicing on all the residential-zoned lands and a Holding provision related to allocation on those lands for which there is no allocation. The following proposed wording is recommended in relation to these two matters

Servicing:

1. "That the external local watermains and sanitary sewer extensions that are proposed on the lands adjacent to the subject lands and that are required to service this property have been constructed and are operational to the satisfaction of the Region of Halton or that alternative provisions have been made by the Owner for the design and construction of the external watermain and sanitary sewer extensions to the satisfaction of the Region of Halton."

Allocation:

2. "That prior to the lifting of the H, the Owner shall have addressed the following requirements for all the units proposed for development of Block 171 as shown Draft Plan of Subdivision, prepared by Bousfields Inc., dated July 22, 2022, to the satisfaction of the Region of Halton. The

Region of Halton shall provide written confirmation that these matters have been addressed:

- a) The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;
- b) The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;
- c) The Owner shall have made all required payments associated with the Allocation Program; and,
- d) The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice (PWCN) letter."

Regional staff also request that the Owner provide a copy the revised Archaeological Assessment report dated 2008 for record purposes.

I trust these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact me at 905-825-6000 extension 3105, or Bernie Steiger, MCIP, RPP, Acting Manager-South, at extension 7060.

Please send notice of the Town's decision on these applications.

Sincerely,

Leila Mirriahi
Intermediate Planner

cc: Bernie Steiger, Acting Manager-South, Halton Region (via email)
Ronald MacKenzie, Development Engineer, Halton Region (via email)
Matt Krusto, Supervisor, Transportation Development Review, Halton Region (via email)
Ayesha Khan, Transportation Planning Coordination PM1, Halton Region (via email)
Andrew Suprun, Multi-Residential Waste Diversion Coordinator, Halton Region (via email)
Alicia Jakaitis, Senior Project Manager - Allocation, Halton Region (via email)
Cathie Boyle, Development Analyst - Finance, Halton Region (via email)
Sean Stewart, Environmental Planner, Conservation Halton (via email)

Schedule "A"

Halton Region Conditions of Draft Plan Approval to be applied to:

Applicant: Docasa Group Limited
160 Burnhamthorpe Road West, Oakville
Plan of Subdivision, prepared by Bousfields Inc., dated
July 22, 2022 and signed on April 27, 2021 (Surveyor)
and April 27, 2021 (Owner)

File #: 24T-21004/1317

1. That prior to registration the Owner is required to provide digital copies of the registered plan of subdivision in AutoCAD 2012 or later version with the following coordinate system NAD 83 / UTM Zone 17 to the Regional Municipality of Halton and the Town of Oakville.
2. That prior to registration the Owner shall submit to the Town Planning Services Department digital copies of the final draft plan of subdivision along with applicable Land Registry Office Appendix D form for sign off. Upon acceptance, the Town will forward these materials to the Region of Halton for final sign off.
3. The Owner agrees that should the development be phased, a phasing plan shall be submitted prior to registration of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports.
4. The Owner is required to comply with Ontario Regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region. Prior to the registration of any portion of draft plan of subdivision and prior to any servicing or grading of the site, the Phase 1 ESA prepared for the subject lands shall be revised to the satisfaction of Halton Region. This report shall also be prepared and certified by a qualified person as defined in Ontario Regulation 153/04 and indicate that the environmental condition of the site is suitable for its proposed land use. The Owner is also required to submit all supporting environmental documentation such as Phase One and Two Environmental Site Assessments (as are prepared) and remediation reports etc. (as necessary) to Halton Region for their review. The author of the environmental reports and Record of Site Condition (if secured) must also extend third party reliance to Halton Region.

5. The Owner agrees that until notice from Halton Region's Commissioner of Public Works is given to the Owner that development of these lands is able to proceed by the issuance of a building permit with residential water/wastewater capacity or that units under the Region's Allocation Program will be operational within 12 months, that the Owner shall not seek the issuance of building permits for any development in this phase and:
 - Shall not sell or offer for sale any lot or block or any part thereof within this phase if such sale obligates the Owner or permits the purchaser to construct a residential building on such lot or block; and,
 - Shall not seek final approval for registration of such lots or blocks or any part thereof.

6. That the Owner has addressed all the requirements of the Allocation Program including, but not limited to, the signing of any additional agreements, provision of any required payments and the issuance of a Region of Halton Public Works Commissioner's Notice (PWCN), to the satisfaction of the Region of Halton.

Note: For more information on how to obtain a PWCN, please contact: Leila Mirriahi, Intermediate Planner, Community Planning.

7. The Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement to the satisfaction of Halton Region.
8. That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that sufficient water capacity exists to accommodate this development to the satisfaction of Halton Region.
9. The Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development to the satisfaction of Halton Region.
10. That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place to the satisfaction of Halton Region.
11. All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time inspection staff on site during construction activities to obtain the required "as constructed" field

information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards to the satisfaction of Halton Region.

12. Upon draft approval Regional services within the plan of subdivision may be installed, provided the engineering drawings have been approved by the Region and Town of Oakville, the Regional subdivision agreement has been executed, appropriate financial security has been posted, all relevant fees have been paid to the satisfaction of the Region, and all requisite government approvals have been obtained and notices given to all public utilities to the satisfaction of Halton Region.
13. The Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton Region.
14. The Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with Ministry of the Environment, Conservation and Parks guidelines prior to commencing the development of these lands to the satisfaction of Halton Region.
15. The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The Owner further agrees to decommission any existing private septic systems in accordance with Ministry of the Environment, Conservation and Parks guidelines prior to commencing the development of these lands to the satisfaction of Halton Region.
16. The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Region of Halton.
17. The Owner agrees to provide and install individual pressure reducing valves (PRV) at each residential unit within the subdivision as required by the Ontario Building Code to the satisfaction of Halton Region.
18. That the Owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential high water pressures within the subdivision to the satisfaction of Halton Region.
19. The Owner shall enter into a Regional Subdivision Agreement and satisfy all requirements, financial and otherwise, of The Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the

installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands to the satisfaction of Halton Region.

20. That the Owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential water pressures changes within the subdivision resulting from the realignment of the Region's water pressure zones from the existing zone condition to the interim and ultimate zone pressure conditions to the satisfaction of Halton Region.
21. That the Owner is required to submit a revised Functional Servicing Study that includes water modelling for both the interim and ultimate water pressure conditions for the Region's zone realignment that demonstrates the impact these changes will have on the development.
22. That the Owner agrees that occupancy of the units within this proposed subdivision cannot proceed until the proposed trunk sanitary sewer system, local sanitary system and local water systems on the adjacent lands that are located to the east and south of the subject property are constructed and operational to the satisfaction of Halton Region.
23. That temporary easements be provided for watermain looping that are internal and/or external to the site that are not located in an existing road right-of-way and that these easements be dedicated to the Region of Halton for the purpose of watermain protection; these easements shall be dedicated with clear title (free & clear of encumbrances) and a certificate of Title shall be provided, in a form satisfactory to Halton Region.
24. The Owner shall agree that pre and post development storm water flows from the site to the existing drainage system on Burnhamthorpe Road are maintained both during and after construction, such that there are no adverse impacts to the existing storm drainage system on this roadway, to the satisfaction of Halton Region.
25. That the Owner is required to submit a revised Functional Servicing Study outlining in detail the proposed servicing of this property that includes water modelling and that addresses secondary watermain connections, flows, pressures and dead-end watermains to Halton Region's Development Project Manager, Regional Planning and Public Works Department for review and approval to the satisfaction of Halton Region.
26. Any lands within 12.0 metres of the centre line of the original 66-foot right-of-way of Burnhamthorpe Road (Regional Road 27) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road

right-of-way widening and future road improvements. The Owner agrees that all lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to Halton Region.

27. Any daylight triangles (dimensions along Burnhamthorpe Road at all development intersections are to be reviewed and approved by Town of Oakville Development Engineering staff) shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. The Owner agrees that all lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to Halton Region.
28. The Owner agrees that there will not be any encroachments (not limited to: landscaping, stairs, grading/grades, etc.) from the proposed development within the ultimate Regional right-of-way, and all development facilities (stairs, landscaping, grading/grades, etc.) must be contained within the development lands.
29. The Owner agrees that any proposed signage, plantings, etc., for the site must be placed outside of the new Regional right-of-way (on private property) to the satisfaction of Halton Region.
30. The Owner agrees that Halton Region will provide full collection curbside in front of the individual homes and collection will not begin until development is 90% occupied or Regional waste collection trucks can safely access the site. Until Regional collection commences it is the responsibility of the Owner/Developer to provide appropriate private collection to occupied units.
31. The Owner shall provide, to the satisfaction of Halton Region, confirmation that Conservation Halton (CH) concerns have been addressed to their satisfaction.
32. Prior to signing the final plan, the Director of Planning Services shall be advised by Halton Region that conditions outlined herein have been carried out to the satisfaction of Halton Region with a brief but complete statement detailing how each condition has been satisfied.

The following Regional Notes must be added to the draft approval.

NOTES:

1. This development requires Regional Allocation for the single detached equivalents units (SDEs) proposed. The payments and contributions are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the SDEs are being reserved for the Owner.

The Owner is also required to pay all other applicable Regional Development Charges (DCs) and Front-ending Recovery Payments prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case a portion of the DC's and Front-ending Recovery Payment may be payable upon execution of the agreement. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

Disclaimer: It is the Owner's responsibility to ensure that all applicable payments and development charges for the single detached equivalents units (SDEs) being requested are paid for as required by the terms and conditions of the applicable allocation program agreement.

2. Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions.
3. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
 - Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town's Planner
 - Regional Registration fee
 - Registry Office review form
4. During any development activities, should archaeological materials be found on the property, the Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the Proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.
5. In order to obtain a Public Works Commissioner's Notice (PWCN), please provide a formal request in an email or letter along with the following information to the Regional Planner on file containing the following:

- The number of single detached equivalents (SDEs) that the PWCN is being requested for, the respective Law File Number and corresponding Allocation Program, including a copy of the draft plan drawing.
- A Functional Servicing Report (FSR) OR a Design Brief rationalizing the most current FSR that was approved for the proposed development.
- Confirmation that the Zone 3/4/5 Boundary Realignment Assessment in relation to your proposed development is deemed satisfactory by the Region's Development Project Manager (Please contact Ronald Mackenzie, Development Project Manager for more details: Ronald.Mackenzie@halton.ca).

A PWCN cannot be issued until all projects listed in the respective group as set out in Schedule G (Engineering and Construction projects) of the applicable Allocation Agreement(s) have been completed.

Appendix “A”

Guidelines for Zone 3/4/5 Boundary Realignment Assessment

Zone 3/4/5 Boundary Assessment:

The Region of Halton’s Infrastructure Planning team provides this general guidance to complete the assessment for the Zone 3/4/5 Boundary Realignment. Please note that the Region will not prescribe the exact method for the assessment, as the complexity, built form and size of the development may impact the approach. Regional staff would be happy to discuss and assist as needed to support your consultant in this assessment. General guidance and requirements are outlined below:

Modeling:

The Zone 3/4/5 Boundary Re-alignment assessment can include the use of the Region’s Hydraulic Model, which the Region will make available, but it is not a requirement for approval and may be overly complex in some instances. Any modeling exercise or theoretical calculation which can demonstrate adequate servicing under all pressure scenarios is considered suitable. In general, it is expected that the pressure boundary assessment will build on the servicing assessment done as part of the Functional Servicing Study.

Required Information for Regional Approval:

The Zone 3/4/5 Boundary Re-alignment assessment must demonstrate the following at a minimum:

- That fire flow/pressure will be suitable for all residents/buildings within the development under existing, interim and future pressure scenarios.
- That residential/employment water flow/pressure within the development (i.e., general servicing) will adhere to both Regional guidelines and Building Code guidelines under existing interim and pressure scenarios.
- If any requirement will not be met under one or more pressure scenarios, the developer must outline what provisions or mitigating measures will be put in place to address the deficiency.
- It is required that the assessment is carried out by a reputable consultant. The submission must include a covering letter with a summary of the assessment as well as results and mitigating measures (as required). The letter will be signed and stamped by a qualified professional.