

Appendix A to Staff Report Regional Comments

August 2, 2022

Mr. Rob Thun
Senior Planner, Current Planning
Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6J 0H3

Dear Mr. Thun:

**RE: Local Official Plan Amendment, Zoning By-law Amendment, and
Draft Plan of Subdivision
Regional Comments – 2nd Submission
103 Burnhamthorpe Road West
Sixth Oak Inc.
Files: OPA.1216.01, Z.1216.01 & 24T-22002/1216**

Regional staff have reviewed the materials related to the 2nd submission for the above noted applications for an Official Plan Amendment, Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (DPS) circulated under the Town of Oakville's cover letter dated June 22, 2022.

The proposal is to facilitate the development of approximately 23 hectares of land, located on the northwest corner of Burnhamthorpe Road West and Sixth Line.

The development proposes to create an employment block, a block for a secondary school and related uses, three Natural Heritage System blocks and a stormwater management facility block.

The Region provided comments on the first submission in a letter dated May 9, 2022. This letter supersedes those comments.

The LOPA proposes to re-designate for a portion of the site from Employment District to Transition Area, introduce new Official Plan policies related to the proposed secondary school use.

A ZBA is required to facilitate the proposed development; and proposes to rezone the lands from Future Development (DD) to Institutional (I), Stormwater Management Facility (SMF) and Natural Heritage System (NHS) zones. With this 2nd submission, the Employment block at the north end of the plan has been removed from zoning by-law

amendment and will remain zoned as “Future Development’. The by-law also proposes site-specific provisions for the “Institutional zone” which include an exemption from Section 1.7 iii (Prohibitions).

The DPS, dated January 21, 2022 seeks to develop 8 blocks on lands known municipally as 103 Burnhamthorpe Road, in Oakville. The details of the proposed development include:

- Block 1: Employment (6.542 ha)
- Block 2: Secondary School (6.153 ha)
- Block 3: Storm Water Management (1.129 ha)
- Blocks 4-6: Natural Heritage System (9.187 ha)
- Blocks 7-8: Road Widening (0.152 ha)

Staff note that site access is proposed from Burnhamthorpe Road West and Sixth Line and the future William Halton Parkway.

Processing of the Proposed Local Official Plan Amendment:

In accordance with Halton Region By-law 16-99 and following review of the proposed official plan amendment application, it appears that this application will be exempt from Halton Region approval. Please forward the draft recommendation report and proposed amendment to Halton Region at least 12 days prior to the presentation of the report to Oakville Council, as per the requirements of the by-law for the exemption to be confirmed by Regional staff.

Matters of Provincial Interest:

Regional Staff has considered the applications in the context of the Provincial Policy Statement, 2020 (PPS) and advises that subject to the comments contained herein, it is the Region’s opinion that these applications are generally consistent with the PPS. Regional Staff have also considered the applications in the context of the 2020 Growth Plan and are of the opinion that these applications will assist in achieving the growth management directions of this Plan.

Region of Halton Official Plan:

The subject lands are designated ‘Urban Area’ and Regional Natural Heritage System (RNHS). In the Region’s Official Plan (ROP). The subject lands are outside of the “Built Boundary and within the Designated Greenfield Area. Further, a portion of the subject lands contains the Employment Area, as shown on Map 1C of the ROP.

The ‘Urban Area’ designation under Section 76 permits uses in accordance with the Local Official Plan and Zoning By-law and all development shall be subject to the policies of this Plan. The Urban Area policies also requires development in the Greenfield Area to contribute to the achieving of development density targets

established by the Plan, contribute to healthy communities, and provide a range and mix of uses to support vibrant neighbourhoods.

The Employment Area policies speak to ensuring sufficient availability of land to support forecasted growth in Halton. Which includes, maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses.

Proposed OPA

With regard to the proposed Official Plan Amendment, the change in designation from the Employment District to Transition Area as it relates to the proposed secondary school use. Regional staff note, that as part of ROPA 48, a portion of the employment area overlay was removed from the subject lands. As such, the re-designation of this area would be keeping with Regional employment area overlay.

It is a general objective for “Urban Areas” to provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs (Section 72.10). Further, Section 75 of the ROP outlines the accommodated distribution of population and employment for the Region and the four Local Municipalities as shown in Table 1, the Regional phasing as shown in Table 2a.

In reviewing the policies of the ROP in terms of the general direction it provides with regard to the overall regional structure, the proposed amendment would be in accordance with the Plan.

Regional Natural Heritage System & Conservation Halton:

The subject lands are located within the North Oakville Subwatershed Study (SWS). Any requirements that are determined in the EIR/FSS study that pertain to the subject lands should be adhered to as part of the development applications.

Conservation Halton (CH) staff provides environmental advisory services to the Region and Town in relation to the protection of certain natural heritage features and area and natural hazard land management. CH provided updated comments in a letter dated April 7, 2022 wherein they required additional information and revisions to the submitted studies.

Site Contamination:

Section 147(17) of the ROP requires that prior to the Region considering any development application proposals, the proponent must identify whether there is any potential for soils on the site to be contaminated. Regional staff have reviewed the updated Phase One Environmental Site Assessment (ESA), dated June 2022, prepared by Landtek Limited. The report states that it was completed to the standard identified in Ontario Regulation 153/04. The QP concluded that a Phase Two ESA is not

recommended as no APECs were identified. The QP also concluded that since there is no change to a more sensitive land use, a Record of Site Condition (RSC) is not required for the future redevelopment of the site. Regional staff agree with the QPs findings that a Phase Two ESA and an RSC are not required. Regional staff request that the author of the environmental reports submitted to the Region must extend third party reliance to Halton Region.

Other Matters of Regional Interest:

Municipal Servicing:

The existing services in the area of the site include:

- A 400mm dia. watermain is located on Sixth Line adjacent to the property;
- A 200mm dia. watermain is located on Sixth Line adjacent to the property;
- A 750mm dia. watermain is located on Sixth Line adjacent to the property; and,
- 1200mm dia. watermain is located on Burnhamthorpe Road adjacent to the property.

Sanitary Sewer:

A 375mm dia. sanitary sewer is located on Sixth Line adjacent to the property.

General Servicing:

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. The EIR/FSS for Upper West Morrison Creek Subcatchment 1 (UWMC 1) Addendum 2nd Submission, dated January 2022 was submitted with the original application. A revised EIR/FSS Addendum 2nd Submission, dated June 2022 was submitted with the 2nd circulation of these applications.

The servicing of the North Oakville East Secondary Plan 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.

Wastewater Servicing:

For this particular draft plan of subdivision, the revised FSS notes that the wastewater servicing for the proposed school block (Block 2) will be serviced by connecting to the existing sanitary sewer located on Sixth Line. The revised FSS notes that Block 1 will also be serviced by connecting to the existing sanitary sewer located on Sixth Line. The conceptual servicing plan also shows that there is a proposed sanitary sewer to be located on William Halton Parkway that flows to the west. The proposed sanitary sewer

system on William Halton Parkway will have to be constructed as part of the subdivision works; however, the future sanitary sewer system to the west would not be in place. The FSS does not provide information on how this would be achieved.

The Region requires that the FSS be revised prior to engineering drawing submission that addresses how the proposed sanitary sewers system on William Halton Parkway will be designed and constructed without the adjacent sewer system to the west being in place.

Water Servicing:

The revised FSS indicates that the school block (Block 2) will be serviced for water by connecting to a proposed watermain to be located on Burnhamthorpe Road West. The revised FSS notes that Block 1 will also be serviced by connecting to the existing watermain on Sixth Line. The conceptual servicing plan also shows that there is a future watermain to be located on William Halton Parkway across the frontage of Block 1. The watermain on William Halton Parkway should be shown as a proposed watermain that would be constructed as part of the works for this subdivision.

A Water Analysis report was submitted as Appendix D4 of the revised FSS. This report was prepared by Municipal Engineering Solutions and dated June 2022.

The Water Analysis addressed dead end watermains. The Water Analysis noted that the water connection to Block 2 will be a single feed and that there will be enough flow and demand to ensure water quality in this pipe. The report also noted that until the ultimate water system is constructed on the adjacent future development lands that auto-flushers may have to be used to maintain water quality in the dead end watermains.

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.

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 Water Analysis in the revised FSS did provide modelling results for the interim and ultimate zone conditions. The report noted that sufficient flow and pressures would be experienced under both scenarios. The report noted that the pressures experienced for this subdivision would be on the high end of the pressure range.

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 MOE guidelines.

Storm Water Drainage on Regional Roads:

The proposed subdivision has frontage on both Burnhamthorpe Road and the future William Halton Parkway. The FSS does not address the impacts of the drainage from this development onto these roadways. SWM Pond 17 is located within this subdivision adjacent to Burnhamthorpe Road. The FSS notes that the outlet clean water pipe from this pond will drain to a proposed storm sewer on Burnhamthorpe Road. Please note that it is intended that the ownership of this section of Burnhamthorpe Road be eventually to be transferred to the Town of Oakville.

The FSS should be revised to address any impacts from drainage from this development to either the future William Halton Parkway and Burnhamthorpe Road. This can be addressed as a condition of draft approval.

Proposed Site-Specific Exemption for Institutional Use to Section 1.7 iii (connection to municipal services) of Town's Zoning By-law

We understand that the Town is agreeable to revising the draft by-law to remove the proposed exemption from Section 1.7 iii)-a, as services are available to the property and this exemption is not necessary.

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. On Map 3 of the ROP, Regional Road 27 (Burnhamthorpe Road W) is defined as Major Arterial road.

In October 2020, Regional Council approved this transfer through report PW-22-20. In January 2021, Oakville Council approved the transfer of Burnhamthorpe Road, as noted in Halton's report PW-22-20 and has been transferred to the Town of Oakville. As a result, the section of Burnhamthorpe Road from Sixth Line easterly is now under the jurisdiction of the Town of Oakville. It is anticipated that the remaining sections to the

west of Sixth Line to be transferred to the Town in the very near future. Therefore, while Transportation Planning comments are provided in relation to Burnhamthorpe Road, the Town should lead the overall comments.

Transportation Impact Study (TIS):

A Transportation Impact Study was previously completed by CGH Transportation dated February 2022.

The proposed access to Burnhamthorpe Road, west of Sixth Line, is shown as a right-in/right-out access approximately 150m from Sixth Line. The proposed access to William Halton Parkway (Regional Road 40) to the Block 1 Employment lands is noted in the study but will be reviewed under separate site plan application. There are no comments or approvals regarding the William Halton Parkway access and location as part of this review.

Overall, the transportation study is acceptable.

Land Dedication:

William Halton Parkway:

Any lands within 17.5m of the centre line of the original 66ft right-of-way of William Halton Parkway (Regional Road 40) 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

In addition to the above lands, any lands that have been identified as required for the future widening and/or realignment of William Halton Parkway, as identified in the William Halton Parkway Detail Design/Construction Phase, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening, realignment and future road improvements. Halton's Engineering & Construction Capital works Project Manager for the William Halton Parkway construction (Trafalgar to Neyagawa) is John Williamson john.williamson@halton.ca

All lands to be dedicated to the Region of Halton shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to Region Legal Services.

It appears all required lands for William Halton Parkway have been conveyed/acquired. Confirmation will be established through conditions of draft approval.

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

Burnhamthorpe Road:

Any lands within 12m of the centre line of the original 66ft right-of-way of Burnhamthorpe Road (Regional Road 27) that are part of the subject property shall be dedicated to the Town of Oakville for the purpose of road right-of-way widening and future road improvements.

Daylight triangle dimensions along Burnhamthorpe Road at Sixth Line are to be reviewed and approved by Town of Oakville Development Engineering staff. Daylight triangles can be dedicated to the Town of Oakville (due to the future transferring of Burnhamthorpe Road) for the purpose of road right-of-way widening and future road improvements (currently no daylight triangle exists on the northwest corner).

All lands to be dedicated to the Town of Oakville 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 Town Legal Services.

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

The Town will have to be satisfied that the widening is appropriately shown on the Draft Plan of Subdivision.

Landscaping and Signage:

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

These matters can be addressed at the site plan stage.

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 a Regional road must comply with the Region's By-law No. 32-17, a By-law to prohibit, restrict and regulate access to the Regional road system and the Region's Access Management Guideline (2015).

William Halton Parkway:

For the future Block 1 Employment lands, any proposed future full movement intersection/access to William Halton Parkway must comply with the minimum intersection spacing requirements from Sixth Line, that being 300m (minimum). Any such proposed future full movement intersection/access to William Halton Parkway (Block 1 Employment lands), should it be able to meet the above requirement, would also require traffic signalization, left and right turn lanes and a Servicing Agreement. Any connection to William Halton Parkway will only be approved after the full completion of Halton's William Halton Parkway capital works project (start of construction Q1 2022, completion Q3 2023 (new 4 lane road). This schedule is subject to change.

Burnhamthorpe Road:

As this section of Burnhamthorpe Road will be transferred to the Town of Oakville in the near future, future discussions on acceptable access and road improvements, based on Town of Oakville guidelines, will be completed between Halton and the Town.

Agreements/Permits:

The owner may be required to enter into a Servicing Agreement (with the Town of Oakville) for the completion of required Works (road improvements) for the proposed access to Burnhamthorpe Road. 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.

For the future Block 1 Employment lands, the owner will be required to enter into a Servicing Agreement (through the Development Project Manager) with Halton Region for the completion of required Works (road improvements) for any approved access/intersection to William Halton Parkway. 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 Trafalgar Road) is scheduled for start of construction in Q1 2022 and is anticipated to be complete by Q3 2023 (new 4 lane road).

Set-Backs & Zero Lot Lines:

With respect to the development frontages, we request that a set-back be implemented/maintained from roadway right-of-way limits (i.e.: William Halton Parkway, Burnhamthorpe Road), as per the Town of Oakville North Oakville Zoning By-law requirements for North Oakville.

Additionally, the applicant will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc.) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).

The location of development infrastructure (including but not limited to - underground/above ground parking structure, building, SWM storage tank, etc.) 0.0m 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. Transportation Planning does not support set-backs of 0.0m from property line.

These matters can be addressed at the site plan stage.

Construction Activities:

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 a Municipal Consent application/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 submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & 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.

These matters can be addressed at the site plan stage.

Regional Waste Collection:

Regional Waste has reviewed the applicable from a waste collection perspective and offer the following comments:

1. Region waste will service proposed school for full school waste collection services once construction is completed and school is occupied.
2. The applicant must identify where the waste enclosure will be for the school site.
3. Please identify the centre line turning radius on site plan. Please note, that the Region waste requires 13 m for regional waste collection vehicles.
4. Region waste will not service the commercial businesses on site. As such, the owner is required to arrange for private collection.
5. A completed and signed drive through agreement must be submitted before collection is to commence for the proposed school.

These matters can be addressed through the site plan approval process.

Finance:

The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. 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.

Conclusion

The subject applications are generally consistent with the Provincial Policy Statement (2020), and are in general conformity with the Growth Plan (2020) and the Halton Region Official Plan (2009) subject to addressing any Conservation Halton comments and future conditions of draft approval once the Region is in a position to provide such conditions (ie upon receipt of CH conditions of draft approval).

Should you have any questions concerning the above noted comments, please contact me at 905-825-6057 extension 7060. Please send notice of the Town's decision on this application.

Sincerely,

Bernie Steiger, MCIP, RPP
Acting Manager-South

cc: Ron MacKenzie, Development Project Manager, Halton Region
Matt Krusto, Transportation, Halton Region
Sean Stewart, Environmental Planner, Conservation Halton