

Appendix B – Regional comments – October 27, 2015

(based on a previous 24 lot proposal)

Regional Planning staff has reviewed the draft plan of subdivision dated October 20, 2015 showing 24 detached dwellings and zoning bylaw amendment and offer the following comments.

The Greater Golden Horseshoe Growth Plan

Regional Planning staff has reviewed the applications within the context of the policies of The Growth Plan for the Greater Golden Horseshoe which came into effect on June 16, 2006, and, are of the opinion that the proposal conforms to the policies contained within the Growth Plan.

Provincial Policy Statement 2014

Regional Planning staff has reviewed the above-noted applications in accordance with the Provincial Policy Statement (2014) which came into effect on April 30, 2014.

Regional Planning staff is satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement.

Additional components of the policy statement related to human-made hazards, cultural heritage and archaeological resources and sewage and water services have been addressed through reports provided by the applicant.

Phase I Environmental Site Assessment

The Provincial Policy Statement (2014) contains a policy requiring that sites with contaminants in land or water be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. Regional staff reviewed the Phase I Environmental Site Assessment prepared by Soil-Mat Engineers & Consultants Ltd. dated

September 18, 2012. Based on the findings of the Phase I ESA, the report concluded that there was low potential for soil contamination and that additional investigations were not required at the time, pending the results of the Ministry of the Environment database search which was to be forwarded under separate cover. The report also recommended that a designated substance survey of the buildings be undertaken prior to any future renovation or demolition activities.

In staff's review, Ontario Regulation 153/04 considers the property by definition a "Community Use" and not an "Institutional Use". Ontario Regulation requires that a Record of Site Condition (RSC) be provided as it is considered as being a change to a more sensitive land use. The Region requires written confirmation/receipt of an MOE Acknowledged RSC for the proposed residential use.

A condition of draft approval reflecting this requirement has been included in Schedule "A".

Archaeological Resources

Section 2.6.2 of the Provincial Policy Statement (2014) states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. In this regard, a Stage 1-2 Archaeological Assessment dated October 1, 2012 prepared by Archaeological Assessment was submitted for the subject property. No archaeological sites were encountered during the course of the fieldwork portion of the study. As a result, there are no other further concerns for impacts to archaeological resources on these lands. No further archaeological assessment of the parcel of land is required. The report was submitted to the Ministry of Tourism, Culture and Sport for review to ensure that it complies with the standards and guidelines that are issued by the Minister and the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. Following this, the consultant recommended that when all matters relating to archaeological sites within the project area of the development proposal have been addressed to the satisfaction of the Ministry, a letter will be issued by the Ministry stating that there are no further concerns with regards to alterations to archaeological sites by the proposed development.

Subsequently, a letter was received from the Ministry of Tourism, Culture and Sport dated November 27, 2012 advising that the Ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the Ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licenses. The report has been entered into the Ontario Public Register of Archaeological Reports.

No further archaeological assessment(s) is required for the subject lands and Provincial concerns for archaeological resources have been met for the subject lands.

Regional Planning staff is satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement (2014).

Regional Official Plan

The Region's Official Plan, 2006 (ROP 2006) provides goals, objectives and policies to direct physical development and change in Halton. ROP 2006 has been amended, in part, by Regional Official Plan Amendments (ROPA's) 37, 38 and 39 which received partial approval by the Ontario Municipal Board (OMB) on February 4, 2014 and October 2, 2014. The Orders issued by the Ontario Municipal Board detailed which policies took effect as of August 9, 2013, October 21, 2013, and on February 18, 2014. Portions of ROPA 38 that further amend the Official Plan still remain before the OMB. The subject application has been reviewed against the applicable policies of the Official Plan that are in effect and relevant to this proposal. Decision makers must have regard to the policies that are not yet in effect and are provided for such consideration.

The lands are designated as being within the "Urban Area" in ROPA 38. The range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the Regional Official Plan policies in effect (Section 76).

Regional comments received with respect to the circulation of the draft plan of subdivision and zoning amendment application also relate to an environmental site assessment and waste

management and are summarized as follows (details with respect to the environmental site assessment are outlined earlier in the comments). The Region's Health Department has no comments with respect to these applications.

The Regional Official Plan contains policies requiring that potential soil contamination be identified and further investigation carried out prior to the Region of Halton or the Local Municipality considering any development proposals. This issue has been discussed earlier in the report.

Section 89(3) of the ROPA 38, requires that all new development within the Urban Areas be on the basis of connection to Halton's municipal water and wastewater service. Regional Staff note the proposed uses are to connect to the Regional water and wastewater system. Further comments with respect to servicing are outlined below.

Servicing

Halton Region's Development Project Manager has reviewed the draft plan of subdivision and zoning amendment application and provided the following comments:

The existing services in the area of the site include:

- a 300mm dia. watermain is located on Lakeshore Road West adjacent to the property
- a 250mm dia. sanitary sewer is located on Lakeshore Road West adjacent to the property
- a 150mm dia. sanitary sewer is located on Lakeshore Road West adjacent to the property
- a 900mm dia. sanitary sewer is located at the north limit of the property within a municipal easement

A Functional Servicing Report (FSR) prepared by Trafalgar Engineering Ltd., dated June 10, 2014 was submitted in support of the application.

Water Servicing:

The FSR provides analysis that demonstrates that the surrounding watermain system can accommodate this development. The FSR proposes that the subdivision will be serviced by a municipal watermain on Street A that will connect in two locations to the existing 300mm diameter watermain on Lakeshore Road West where Street A intersects. This will provide an internal looped watermain for the subdivision.

The detailed design of the watermain connections will be reviewed and approved as part of the Region's engineering design review process.

Sanitary Sewer Servicing:

The FSR notes that the proposed sanitary drainage flow from this development will drain by municipal sanitary sewers to be located on Street A to the existing trunk sanitary sewer located on Lakeshore Road at the southeast part of the property. This trunk sewer drains to the sewer

on Wolfdale Avenue which then drains to the Stirling Drive Pumping Station. The Region's Wastewater Planning staff has indicated that this is a new station constructed in 2004 and that there is sufficient capacity at this station to accommodate the proposed development.

The FSR notes that the Region is proposing to construct a new trunk sewer on Lakeshore Road West. It is possible that a connection could also be made to the new trunk sewer.

The proposed local sanitary sewer on the western portion of Street A will drain southward and then eastward in a new sewer to be located in the north boulevard of Lakeshore Road West to connect to the proposed sewer located on the eastern portion of Street A.

Existing Trunk Sanitary Sewer:

There is an existing Regional easement at the north limit of the property which protects the Region's 900mm diameter trunk sewer which transverses the site at this location. The easement documents for this easement were registered on title 1955 for the Township of Trafalgar. The proposed municipal roadway noted as Street A will be located over a portion of the existing easement. The remainder of the easement will be located on Lot 1 and Lot 24.

The existing easement will no longer be required on the portion of Street A that overlaps into the easement. The old easement should be removed in its entirety on these lands and two new easements be placed on just the portions leftover on Lot 1 and Lot 24. It should be noted that Lots 1 and 24 will be subject to requirements relating to Regional easement rights and what type of items may or may not be allowed in these easements.

The servicing plan in the FSR shows that a Town of Oakville catchbasin and storm sewer will be encroaching into the new easement on Lot 24. This is a potential issue that will have to be resolved with the Town of Oakville.

Conditions have been included in Schedule "A" to reflect any servicing requirements.

Transportation

There are no Transportation comments or conditions with respect to these applications.

Health Department

The Region's Health Department has indicated no objection to the applications.

Sustainable Planning

The Region's Senior Planner – Environmental has reviewed the above referenced applications and has no objection to the proposal. Regional Sustainable Halton staff has reviewed comments from Conservation Halton and supports the draft conditions included in their comments.

Waste Management

Waste Management Division has reviewed the proposed applications and note that Halton Region will provide full collection curb side in front of the individual homes. Halton Region will

not begin collection until development is 90% occupied or Regional waste collection trucks can safely access the site.

Finance

NOTE: The Owner will be required to pay all other applicable Regional development charges prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement. Please visit our website at www.halton.ca/developmentcharges to obtain the most current development charge information, which is subject to change.

Conservation Halton

Conservation Halton provided comments and draft conditions on October 8, 2014 with respect to these applications. Conservation Halton has indicated that the subject property is regulated by CH pursuant to Ontario Regulation 162/06. Ontario Regulation 162/06 requires that a Permit be obtained from CH prior to development, interference with wetlands or alterations to shorelines and watercourses. CH does not object to the proposed flood plain alterations proposed by Trafalgar Engineering Ltd. Conservation Halton also indicate that Fourteen Mile Creek is considered to be the habitat of Redside Dace, a Provincially Endangered fish species and depending on the ultimate Stormwater Management design, approvals may be required under the Endangered Species Act.

Further, in updated comments dated October 22, 2015, Conservation Halton staff indicated their previous comments remain applicable with the exception that the third condition can be removed due to temporary streamlining practices being implemented by Conservation Halton's Water Resources Engineering Department. It should also be noted that through the Permitting process, Conservation Halton will be involved in the review of the erosion and siltation control associated with the floodplain alteration along the Lakeshore Road right of way.

Regional Planning staff are in agreement with the draft conditions proposed by Conservation Halton.

Conclusion

Regional staff has no objection to the above referenced applications subject to the conditions outlined in Schedule "A". Should you require any additional information or have any questions in this regard, please do not hesitate to contact me at (905) 825-6000, extension 7109.

Sincerely,

Anne Gariscsak, MCIP, RPP
Planner

c.c. Laurielle Brooks , Senior Planner, Halton Region (via email)
Ron MacKenzie, Development Project Manager(via email)

SCHEDULE "A"

DRAFT CONDITIONS – 24T-14006/1722

The following Regional Conditions must be satisfied as part of the draft plan of subdivision and included in any subdivision agreement.

Fernbrook Homes (Lakeshore) Limited 24T-14006/1722

1. The Owner shall prepare a detailed engineering submission for the internal and external servicing works and submit these to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.
2. 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.
3. 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.
4. 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.
5. 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.
6. The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Region of Halton.
7. The Owner shall enter into a 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.

8. That the Owner undertakes the transfer, release and abandonment of the existing Regional sewer easement within the limit of the subject property. The applicant is required to administer and coordinate the transfer, release and abandonment of this existing Regional easement and is responsible for all costs associated with the process of the release and abandonment process for this easement including but not limited to survey plans, legal costs, registration costs, etc.
9. That the Owner undertake to make the necessary arrangements to provide easements for a trunk sanitary sewer located within the subject property on lots designated as Lot 1 and Lot 24 and that these easements be dedicated to the Region of Halton for the purpose of sanitary sewer protection to the satisfaction of the Region of Halton; this easement shall be dedicated with clear title (free & clear of encumbrances) and a Certificate of Title shall be provided, in a form satisfactory to the Director of Legal Services or his designate. The width of the transfer shall be determined by the Region of Halton. Buildings, structures, landscaping, fences, concrete curbs, sidewalks, driveways, private sewers, private watermains, underground utilities and other encumbrances are not to be constructed or placed within these new easements.
10. Based on the information provided for the subject property, the proposed applications are for approval to change the land use to a more sensitive land use (as per Ontario Regulation 153/04). The Environmental Protection Act indicates that a person shall not change the use of a property to a more sensitive land use unless a Record of Site Condition (RSC) has been filed in the Environmental Site Registry. The owner is required to submit to the Region all supporting environmental documentation and a Ministry of Environment (MOE) acknowledged Record of Site Condition (RSC) that is certified by a Qualified Person (as per Ontario Regulation 153/04) to the satisfaction of the Halton Region.

NOTE:

The Owner will be required to pay all other applicable Regional development charges prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement. Please visit our website at www.halton.ca/developmentcharges to obtain the most current development charge information, which is subject to change.