



F O R T H R I G H T P L A N N I N G & D E V E L O P M E N T I N C .

62 DANFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: gdl@nas.net

October 27, 2017

Ms. Amber LaPointe, Clerk  
Planning and Development Committee  
City of Burlington  
426 Brant St., P.O. Box 5013  
Burlington, ON L7R 3Z6

Dear Ms. LaPointe:

**Re: Application for Official Plan Amendment - Mr. Andrew McLean  
- 6515 McNiven Road, City of Burlington**

Please accept this correspondence as a request to the Planning and Development Committee to defer consideration of the above application at the upcoming meeting of Planning Committee on November 1, 2017. On behalf of my client, I had requested that the matter be deferred to allow the applicant to undertake additional studies, however, despite that request staff are recommending that the matter be brought forward and considered at the November 1, 2017 meeting. In order to fully understand the request of the applicant, a brief history of the project would be helpful.

The application, made in March of 2016, was based on approximately one year of study and review by the proponent of requirements for the consideration of an application for severance to create two residential lots on McNiven Road in the Kilbride Settlement Area. Subsequent to the submission of the application, which included a number of technical studies, the application was reviewed by a variety of departments and agencies, including the Region of Halton, Conservation Halton, and the Niagara Escarpment Commission, together with a Niagara Escarpment Commission application for a Development Permit. The review process also included two Open Houses for the neighbours with the local councillor.

Subsequent to the submission of the application, a new issue arose which required the undertaking of a bat survey and an assessment of mitigation measures to ensure no negative impact on bats which inhabit the area. Following the two responses to that issue from the environmental consultant, the proposal was modified in February of this year to only include one lot.

That submission included a Tree Preservation Study and a further revised Environmental Impact Statement. The cost of studies and application fees for my client at this point is approximately \$250,000.

As the process was continuing to unfold, we received correspondence from the Niagara Escarpment Commission on August 25, 2017 that because of amendments to the Plan that came into effect on June 1, 2017, the NEC would not support the severance proposal. After receiving the correspondence from the NEC, we then received correspondence from Conservation Halton, followed by the City, that they also, because of the recent NEC Plan amendment, would not be supporting the application.

Since that time, my client has spent some additional time and money reviewing and assessing the changes to the NEC Plan and the implications they have for the current application. This assessment, which has included review with a solicitor and ongoing review by the environmental consultant who has been involved with this project since the outset, has not led to any definitive conclusions.

We would therefore ask that consideration of the matter be deferred until we have further time to assess the implications of what I believe all agencies have determined to be a significant change in policy, which was introduced a year and a half into this extensive process.

We understand that part of the staff response to bring the application forward is their perception of how difficult it might be to meet this new test. While we appreciate that position and agree that the new tests are significant, we believe it is unwise and unfair to pre-judge the outcome of an analysis that my client has not yet completed.

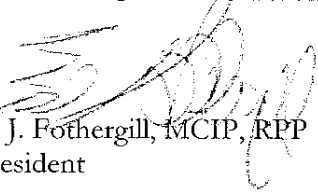
Given the amount of time and energy expended on this file by my client and others, we believe he deserves the opportunity to at least investigate this matter further. It would not be fair to close the door on my client after the effort and expense made to respond to changing requirements which have been brought forward throughout the process, including the most recent new standard.

We also believe there is no urgency from a public perspective to have the matter dealt with at this Committee meeting. As the proponent has been patient in his dealings with the City and all of the other agencies involved in this exercise, we would hope that Committee would provide the courtesy of at least allowing him the opportunity to respond to these changes, however onerous, unreasonable, and untimely they may be.

We have registered as a delegation and will be in attendance at the meeting on November 1, 2017 to speak to the Committee regarding this matter.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

  
E. J. Fothergill, MCIP, RPP  
President

c.c. Mr. Andrew McLean  
Mr. Thomas Douglas  
Ms. Tami Kitay  
Ms. Mary Lou Tanner