



**SUBJECT: Subdivision Agreement Extension for Garden Trails Subdivision**

**TO: Community Planning, Regulation & Mobility Cttee.**

**FROM: Community Planning Department**

Report Number: PL-31-20

Wards Affected: 1

File Numbers: 510-05/99

Date to Committee: June 9, 2020

Date to Council: June 22, 2020

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**Recommendation:**

Refuse the request to extend Draft Plan Approval for the Garden Trails subdivision (24T099005/B) at 550 Genista Drive.

**PURPOSE:**

The purpose of this report is to review the request to extend the Draft Plan Approval, including the conditions of the Subdivision Agreement, associated with the Garden Trails Subdivision.

**Vision to Focus Alignment:**

- Supporting Sustainable Infrastructure and a Resilient Environment
- Delivering Customer Centric Services with a Focus on Efficiency and Technology Transformation

## **Background and Discussion:**

The subject lands are located south of Provincial Highway 403 and the CN Railway tracks, at the terminus of Genista Drive and are approximately 3.8 hectares in size. The lands are made up of two blocks within a Registered Plan of Subdivision (Blocks 152 and 154, Plan 20M-795) and are adjacent to a tributary of Grindstone Creek, which is located south of the subject lands.

In 2001, the Ontario Municipal Board (OMB), now known as the Local Planning Appeal Tribunal (LPAT), approved the draft plan of subdivision (file no. 510-05/99) to facilitate Phase II of the subject draft plan of subdivision, attached to this report as Appendix 'A', which includes the creation of 20 single detached lots fronting onto a new municipal road, being the extension of Genista Drive; the creation of new servicing blocks and the establishment of a new Open Space block (shown as Block 22 on Appendix 'A').

As part of the draft approval, the applicant was required to satisfy the conditions provided within three years. Since the time of draft approval in 2001, the applicant was granted several extensions to the timeframe in which to clear conditions, with the current lapsing date being June 30, 2020. In November 2019 the applicant requested to extend the lapsing date by an additional three years to June of 2023. As part of this request, staff reviewed the remaining conditions of draft approval and are of the opinion that the applicant has not been demonstrating that they have been actively working toward clearing conditions of draft approval. In addition, staff is of the opinion that a further extension is not appropriate as substantial policy changes have taken place since the original draft approval in 2001, which conflict with the draft approved plans. This will be discussed further below.

## **Technical Comments**

The application was circulated to relevant departments and agencies for review and comment. Some of the comments received with respect to the subject application are summarized below.

### **Conservation Halton:**

The extension request was reviewed by Conservation Halton. They noted that the subject lands contain or are adjacent to flooding and erosion hazards associated with Grindstone Creek. Conservation Halton regulates the watercourse, associated hazards and an allowance of 15 metres from the greater of the flooding and erosion hazards pursuant to Ontario Regulation 162/06. It was noted by Conservation Halton staff that development must be located outside of the 15 metre allowance.

In order to properly review the application and to demonstrate that no new development will be within the regulated area, the hazard limits must be confirmed. The technical documents that were submitted as part of the original application are not up to date and

should be revised to reflect current conditions as well as current policies, regulations and standards. Further, as a result of changing site conditions, the developable area may have changed over time. The proposed lot configurations therefore must be reviewed and confirmed in accordance with the policy framework applicable today. Updated documents were provided by the applicant in early April 2020; however a thorough review of revised documents would require additional time.

Staff must confirm that the draft approved lot configuration is able to achieve compliance with the current policies. Given this uncertainty, it is not appropriate to grant an extension request for the draft approved plans. Staff are of the opinion that the current proposal should be reviewed against current policies, regulations and standards as part of a new application.

### **Halton Region:**

Halton Region staff note that the lands are designated as Urban Area and Regional Natural Heritage System (RNHS) in accordance with Map 1 of the Region's Official Plan, 2009. The lands contain or are adjacent to environmental features, including some identified as Key Features within the RNHS. The natural heritage policies found within the Region's Official Plan provide protection for natural features, and it must be demonstrated through updated technical reports and proper justification that there will be no negative impacts on the natural features or their ecological function. At this time, Regional staff have noted that additional justification must be provided in order to determine the limits of development and whether the proposal conforms to current natural heritage and natural hazards planning policies. It is not appropriate to review an application against current standards and policies as part of an extension to draft plan approval. This review would be most appropriately done through a new Plan of Subdivision application.

### **Analysis:**

Based on a review of the submitted materials and the nature of the technical comments received, a substantial amount of additional information is still outstanding and would need to be provided to demonstrate that the proposed development is able to achieve compliance with the current policy framework and regulations. Given the time that has elapsed since Draft Approval was first granted in 2001, several studies and reports would require updating and thorough review by staff.

The policy framework has changed substantially since draft plan approval in 2001, and given the ecological significance of the lands, it is important that current standards and regulations are considered and maintained. It is not appropriate to assess the proposal using outdated policy framework given that the applicant has not actively been working toward clearing conditions. In the opinion of staff, these requirements are not minor and should not be considered as part of an extension request; but rather, be more appropriately comprehensively reviewed as part of a new plan of subdivision application.

For these reasons, staff are of the opinion that the extension of the draft approval should not be granted and that a new plan of subdivision application should be submitted by the applicant.

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### **Financial Matters:**

The application has been processed under the standard fee for Draft Approval Extension in accordance with the Development Application Fee schedule.

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### **Conclusion:**

Staff have reviewed the request to extend the existing draft approval for the Garden Trails subdivision and recommend that this extension request be refused in accordance with the recommendation contained in this report.

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Respectfully submitted,

Melissa Morgan, MCIP, RPP

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### **Appendices:**

- A. Draft Plan of Subdivision
- B. Ontario Municipal Board Decision with Draft Plan Conditions for Phase II (File No. S000061)

### **Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.