

BRIEFING NOTE

GARDEN TRAILS SUBDIVISION (24T-99005) – REQUEST TO EXTEND DRAFT APPROVAL

KEY ISSUE

- Additional geotechnical information (slope stability assessment) is required for Conservation Halton (CH) to confirm that no new development (including new residential lots or dwellings) is proposed within hazardous lands and that the proposal can meet the Natural Hazard policies of the Provincial Policy Statement (PPS), as well as and CH's regulatory policies.

BACKGROUND

- The Garden Trails Phase II draft plan of subdivision (24T-99005) is for 20 single detached lots on a public road extension of Genista Drive. An open space buffer (Block 22) runs along the south side of the property adjacent to Grindstone Creek, and open space Blocks 152, 155 and 156 are located on the west and east sides of the proposed development.
- The subject lands are approximately 3.8 hectares in size and are located just south of Highway 403 and the CNR tracks, between Plains Road West and Unsworth Avenue. This constitutes the second phase of the Garden Trail subdivision, which initially received draft plan approval on November 2, 2001. Redline revisions to the plan and conditions were approved by the OMB on December 4, 2001.
- The developer has made several requests for draft plan approval extension over the past eighteen years, which have been granted by the City. The most recent request for a further three year extension was made in November 2019. Given the length of time that has passed since the original OMB decision, some of the conditions of draft approval are now out of date. The City granted a temporary extension of draft plan approval until June 30, 2020 to allow for a comprehensive assessment of the existing subdivision conditions and deficiencies, as well as to provide an opportunity for Burlington Council to once again consider the request for further extension on draft approval. CH provided the City with a list of deficiencies on March 24, 2020 (see below under 'Subdivision Application').
- On June 29, 2020, City, Region and CH staff met with the applicant to receive an update on the work completed to date. All agencies met with the applicant again on July 15, 2020, to outline a list of requirements for a complete application, whether it proceeds as an extension of the Garden Trails subdivision application (24T-99005) or as a new application. City Council will decide whether to grant extension of the existing application on August 24, 2020.
- CH's involvement in this site is from three key perspectives:
 - i) *Regulatory Agency* – Section 28 (1) of the *Conservation Authorities Act* allows conservation authorities to make regulations in areas that are within their jurisdiction to prohibit development in hazardous lands. CH's regulation is Ontario Regulation 162/06. The purpose of the regulation is to protect life and property from natural hazards such as flooding and erosion.
 - ii) *Delegated 'Provincial Interest' in Plan Review* – Provincial delegated responsibility for the natural hazard policies of the PPS (Sections 3.1.1-3.1.7 inclusive).
 - iii) *Technical advisor* – CH provides peer review advice to the City/Region on matters related to natural heritage and stormwater management, based on CH's Memorandum of Understanding with Halton Region.

Ontario Regulation 162/06 / CH Permit Application

- Pursuant to Ontario 162/06, Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The Garden Trails Phase II Subdivision lands are adjacent to a tributary of Grindstone Creek and contain or are adjacent to the flooding and erosion hazards associated with that watercourse. CH regulates a distance of 15 metres from the greater of the limit of the flooding or erosion hazards for this particular site. Permission is required from CH prior to undertaking any development within CH's regulated area and development must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document* (last amended February 25, 2016) (<https://conservationhalton.ca/policies-and-guidelines>).
- CH received an incomplete permit application for works proposed in CH's regulated area (e.g., channel rehabilitation, stormwater management outfall and retaining wall) in 2017. A timeline of events is outlined below.
 - April 5, 2017 – CH issued letter on 1st submission; no fees submitted; CH noted that fees and complete application required to review subsequent submissions.
 - August 15, 2019 – CH received incomplete slope stability submission; no comments issued, as no fees had been received.
 - April 27, 2020 – Additional information submitted; no fees submitted.
 - May 27, 2020 – Fees submitted.
 - June 24, 2020 – CH deemed the application complete and issued letter on 2nd submission; future submission(s) needed to address CH's outstanding comments.

Subdivision Application 24T-99005

CH provided the City with a list of deficiencies and requirements for the subdivision application on March 24, 2020 and July 15, 2020. Outlined below is a summary of the key deficiencies:

- **Slope Stability Assessment:** CH has reviewed prior submissions of this document. A consolidated report that determines the erosion hazard limits for the valley feature under existing and proposed conditions, and that integrates the physical top of bank as staked by CH staff on August 4, 2020, is required. Until this information is provided, CH cannot confirm that development (including new residential lots or dwellings) is not proposed within hazardous lands or that the proposal meets Provincial Policy.
- **Grading and Stabilization plans** are needed to address erosion and slope stability issues along the valley and stormwater (SWM) pond.
- **Fluvial Geomorphic Assessment** is needed to inform erosion allowances, restoration measures and management of SWM facility's outfall.
- **Functional Servicing and Stormwater Management (SWM) Report** should be updated in accordance with current standards and guidelines considering the proposed development form. It must be demonstrated that the SWM pond will not impact slope stability or exacerbate existing erosion concerns.
- **Environmental Impact Assessment (EIA)** is needed to demonstrate no negative impacts on the natural heritage system (NHS) and to confirm development setbacks. Agencies are currently reviewing a Terms of Reference for this study.
- **Updated or new Tree Inventory and Preservation Plan; Landscape and Restoration Plans; Engineering Drawing Set (Grading, Servicing, ESC, etc.); and Topographic Survey.**
- **Planning (Subdivision) Fees:** CH has no record of receiving fees for prior review of this subdivision. Additional review fees are required and would be similar to that of a new application.