

September 18, 2020,

To: Chairman and Members,

City of Burlington, Community Planning, Regulation and Mobility Committee,

Subject: Submission on Region of Halton's Official Plan Discussion Papers

Submitted by; Karl Gonnsen, President Metropolitan Consulting Inc on behalf of Penta Properties Inc.

This submission is being made on behalf of Penta Properties Inc, the owner of land in North Aldershot. On Tuesday, September 22, 2020 you have report, PL-28-20, on your agenda today which I would like to comment on. The report addresses a number of discussions papers authored by the Region including one entitled "North Aldershot Planning Area, Regional Official Plan Review, June 2020". In addition, on Tuesday I will be making a short verbal and power point presentation.

My client owns 106.67 Ha (263.6 acres) in North Aldershot. These lands are located west of Waterdown Road, east of the Grindstone Creek valley, north and south of Flatt Road. They are depicted in Attachment 1 attached. The lands owned by Penta consist of the land north of Flatt road commonly referred to as "Eagle Heights" and the land south of Flatt Road formerly referred to as the Taylor lands (now all referred to as Eagle Heights).

Eagle Heights is subject to the Niagara Escarpment Plan, the Parkway West Plan, North Aldershot Policies of both the Regional Official Plan and the City of Burlington Official Plan.

I will try not to repeat the things that are already contained in your staff report. I just want to highlight what staff has stated regarding my client's land and anyone else's land in the same position as Penta. On Page 14 of the report in the last paragraph on the page staff state;

"From a policy perspective, staff are supportive of the Region's conclusions regarding the appropriate land use category for lands within North Aldershot that are not the subject of existing development approvals or Minutes of Settlement that contemplate potential residential development. Specifically, Minutes of Settlement between the City and Paletta International Corporation regarding Paletta's Eagle Heights lands within North Aldershot recognize Eagle Heights as an approved residential development. Paletta is also seeking to amend its approved development to permit a revised development form. The Minutes of Settlement confirm that the City is supportive of the proposed revised development provided that it is in accordance with the Minutes of Settlement and complies with all applicable law, policies and regulations. Based on current Provincial and Regional policies, as well as existing settlement area boundaries, the City is supportive of permitted uses in keeping with Provincial policies for the applicable land use category for the remainder of the lands within North Aldershot. (underlining added)

I am making this submission to the Committee to provide information that is not included in either the Region's discussion papers or Regional and City Staff reports.

History

Eagle Heights was approved for development in 1996, as supported by the City and the Region. That is now 24 years ago. It is not possible for me to give you a detailed history of what has gone on for the last 24 years in the 10 minutes available for delegations. The best I can do is a brief over view.

The approved plan from 1996 included 408 residential units and an elementary school located on 2.43 ha. Approval included a number of conditions which had to be satisfied before anything could be registered. The

approval was implemented by amending the City and Region's Official Plan and incorporating the approval into the City's zoning by-law. Those instruments are still in effect today.

The approved draft plans for Eagle Heights are shown in attachment 2.

In July of 2002 my clients applied for a modified OPA, zoning and plan of subdivision. These applications were subsequently appealed to the OMB and have been before the OMB/ LPAAT since that time.

In 2009 Penta and the City of Burlington entered into a settlement agreement which covered a number of matters for a number of Penta owned properties. As part of this agreement the City declined its option to acquire the school site that fronted on Waterdown road. This school site was 2.43 ha in size. It was always contemplated that if the site was not required for school purposes, it would be used for residential uses.

In draft plans currently before the tribunal a total of 123 residential units have been proposed for the school block. It is important to keep this in mind when comparing the number of units currently proposed (924) with the development in 1996 (408). This change of use has other implications as well. For instance, a school on that site requires more water than 123 residential units on the same site, for fire fighting purposes.

Penta submitted a number of studies in support of the modified plans (some more than once). The agencies (the City, Region, the NEC, CH and the MNR) responded. The agencies comments and Penta's responses are included in the Functional Servicing Report. There are a total of 75 pages of comments and responses from the agencies and Penta. A total of 10 reports were submitted to the agencies including;

Hydrogeologic Assessment by Terra- Dynamics		October 2018
Geomorphic Assessment by Matrix Solutions Inc.		August 2018
Visual Impact Assessment by Metropolitan Consulting Inc.		August 2018
Stormwater Management Report by Metropolitan Consulting Inc.		August 2018
Functional Servicing Report by Metropolitan Consulting Inc.		August 2018
Planning Justification Report by Metropolitan Consulting Inc.		August 2018
Environmental Impact Assessment by Savanta		August 2018
Traffic Impact Study Update by Reed, Vorhees and Associates		December 2012
Geotechnical Slope Stability Assessment by SoilMat Engineers		March 2018
Visual Impact Assessment by Metropolitan Consulting Inc.		May 2018

To date Penta has received comments on the reports/studies from only the NEC. Comments from the other agencies are still outstanding. This delay is frustrating.

Concurrent with the preparation of the reports/studies and a revised draft plan, Metropolitan Consulting made an application to the Ministry of Natural Resources and Forestry for an amendment to the Niagara Escarpment Plan to allow servicing and municipal infrastructure in that part of Eagle Heights that is located in the NEPA north of the hydro right of way. The application was reviewed by the MNRF as part of its co-

ordinated review of the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Growth Plan for the Greater Golden Horseshoe.

The application was approved through an Order in Council on February 13, 2020 and is in effect as of that date. Penta has filed an application with the NEC for approval of a development permit to allow the work on Horning Road, servicing, the construction of an in ground reservoir and the construction of the homes.

The area of Eagle Heights not in the NEPA has been designated as an area eligible for servicing in the Regional Official Plan. The projects required for the development of North Aldershot are included in the Region's and City's Capital Budget and Forecast. Phase A of the sanitary sewer required for the development of Eagle Heights was completed in conjunction with the Waterdown Road/403 interchange in 2010.

Comparison of OMB Approved 1994 Plan versus the 2018 Draft Plan

1994 Signed Draft Plan				2018 Plan			
Land Use	Units	Land (ha)	Land (%)	Land Use	Units	Land (ha)	Land (%)
Single Residential	240	28.45	27%	Single Residential	256	16.97	17%
Cluster Homes	168	10.76	10%	Cluster Homes	566	14.95	15%
Roads		6.66	6%	Roads		5.39	5%
School		2.43	2%	School		0	0%
Total Development lands		48.3	45%	Total Development lands		37.31	37%
Parks		2.35	2.2%	Parks		1.98	1.9%
Valley Lands		34.26	32.2%	Valley Lands		35.84	35%
Open Space/SWM		15.07	14.1%	Open Space/SWM		16.074	15.7%
Buffer Area		6.67	6%	Buffer Area		10.99	10.7%
Reserve		0.02	0%	Reserve		0.014	0%
Total Open Space		58.37	55%	Total Open Space		64.898	63%
Total Units	408	106.67		Total Units	924	102.208	

The number of units has increased from 408 to 924. Much of the increase is due to the introduction of residential development in place of a school.

The area of land that is proposed for development (single residential, cluster homes, roads and schools) has decreased from 48.3 ha (45%) to 37.31 ha (37%).

The area of land to be preserved as open space (parks, valley lands, open space/SWM, buffer area, reserves) increases from 58.37 ha (55%) to 64.898 ha (63%)

Status of Eagle Heights

1. Penta has complied with settlement agreement, submitted the reports/studies and is waiting for responses from the agencies including the City, the Region and CH. NEC has responded.
2. Order in Council received for NEPA. Application for development permit is being processed by NEC.
3. Phase A of the sanitary sewer servicing work was front ended by Penta and was completed in conjunction with the Waterdown/403 interchange in 2010.
4. The City has acquired the land that it requires from Penta for the widening and reconstruction of Waterdown Road. Phase B of the sanitary sewer work will be part of the reconstruction and widening of

Waterdown Road to be carried out by the City. Discussions are underway to include this work in the City's contract at the cost of Penta so that Waterdown Road will not be dug up and disrupted after the road has just been reconstructed

5. Engineering submission for Phase 1 has been made (December, 2019).
6. The projects required for the development of Eagle Heights are included in the City and Region's Capital Budget and Forecast.
7. Penta has applied for a servicing allocation from the Region. Penta was been advised that it does not require an allocation. Penta and the Region are negotiating a front ending agreement for the services required for Eagle Heights.
8. Penta has secured the necessary approvals to build roads across the two Hydro Right -of -Ways (one just south of Flatt road and the other just south of the end of Horning Road). The City need to advise Hydro that it agrees.

Summary

The ROPR Discussion Papers on North Aldershot seems to imply that nothing has been done in North Aldershot since the development was draft approved in 1996. Nothing could be further from the truth. The area has been extensively studied. Many site walks have been carried out with all manner of agency staff. All of the natural features have been reviewed and ground - truthed by MCI. No mention of any of this is made in the Region's discussion papers.

Penta has spent at least \$5,000,000 since 2000 in studies, reports, site visits surveying, etc. All of this has been sent to the Region/City and Penta has yet to receive comprehensive comments.

This background highlights the importance of the City stressing to the Region that its analysis must incorporate and respect the existing approvals and the Minutes of Settlement that are currently guiding the review of the applications before the Tribunal. The settlement agreement included the following;

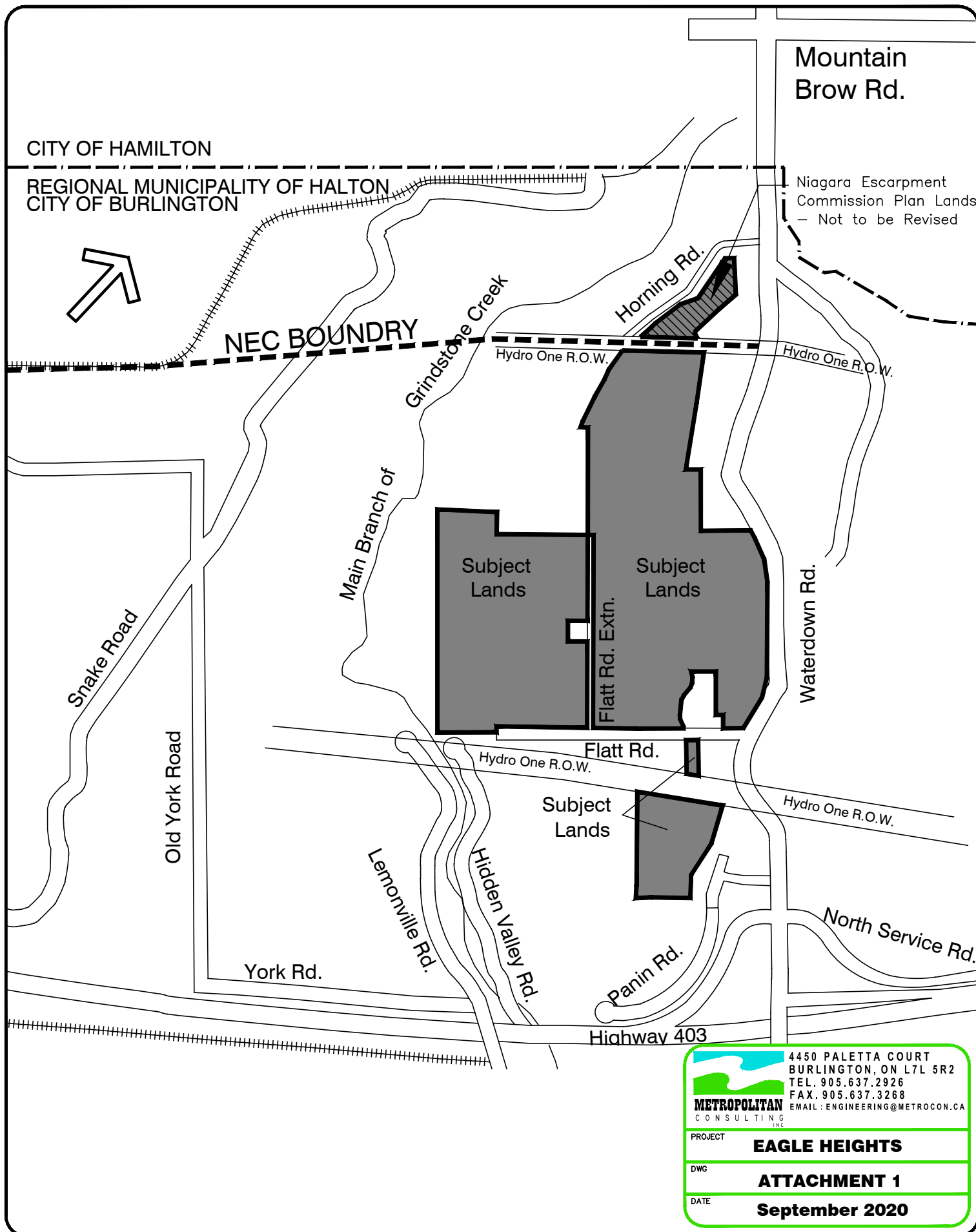
5. "The parties recognize that the City shares its jurisdiction to review planning applications such as Eagle Heights with other public agencies. The City undertakes to work with these agencies to assist in addressing their concerns and is also prepared to assist where possible in the resolution of issues between the agencies, the City and the proponent. To that end, the City agrees that its Planning Director will be available within reason to conduct as many meetings as may be necessary to facilitate the resolution of issues as they are identified. The parties agree that time is of the essence in moving forward with the applications and that both the applicant and the City will act reasonably and without undue delay to facilitate the processing of the applications."

Respectfully submitted,



Karl Gonnens

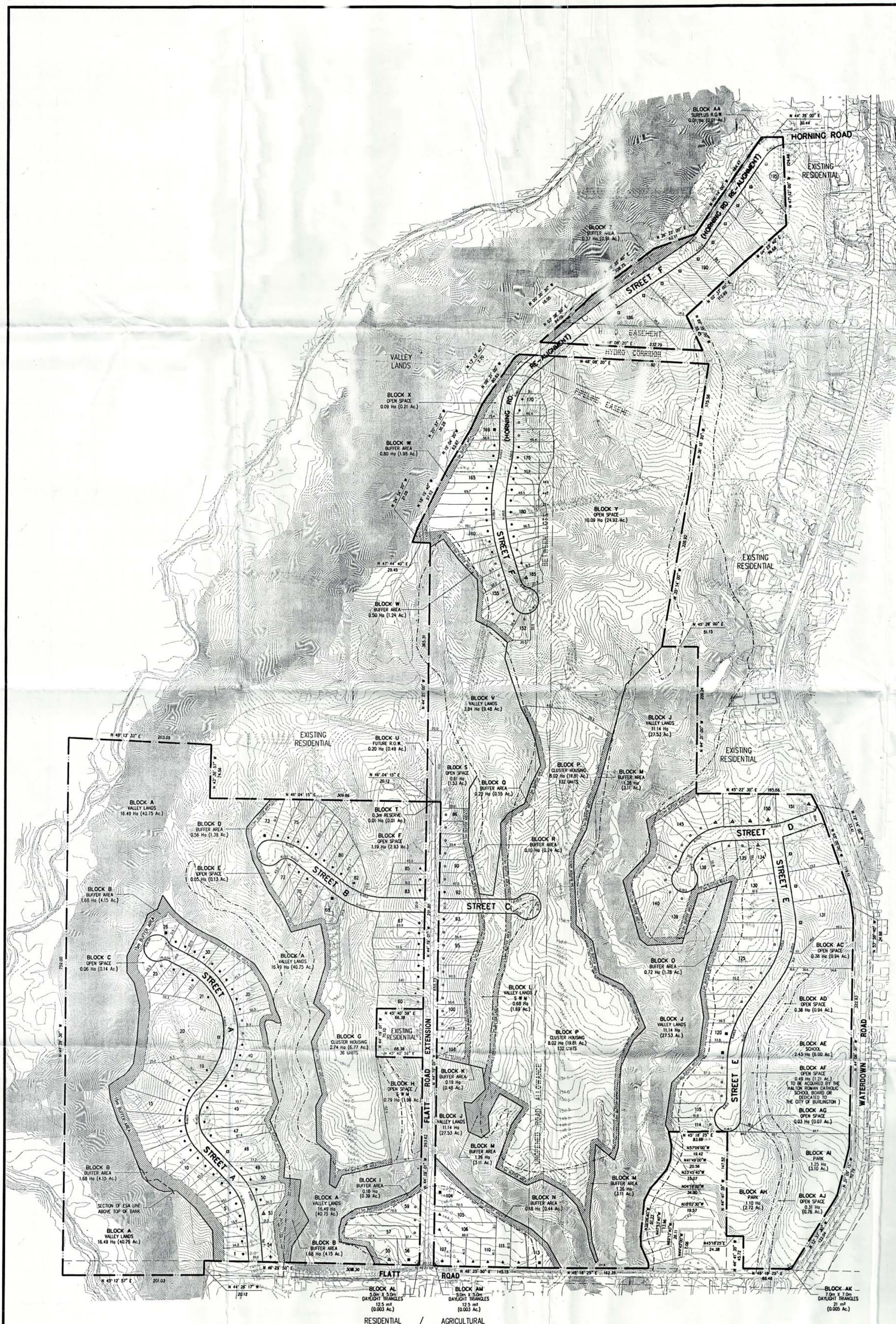
ATTACHMENT 1



	4450 PALETTA COURT BURLINGTON, ON L7L 5R2 TEL. 905.637.2926 FAX. 905.637.3268 EMAIL: ENGINEERING@METROCON.CA
	PROJECT EAGLE HEIGHTS
DWG	ATTACHMENT 1
DATE	September 2020

ATTACHMENT 2

REVISED FEBRUARY, 1996
REVISED DECEMBER, 1995
REVISED MARCH, 1995
REVISED JANUARY, 1995
REVISED OCTOBER, 1994
JUNE, 1994
No.23/P89/93/GS-DPOMB

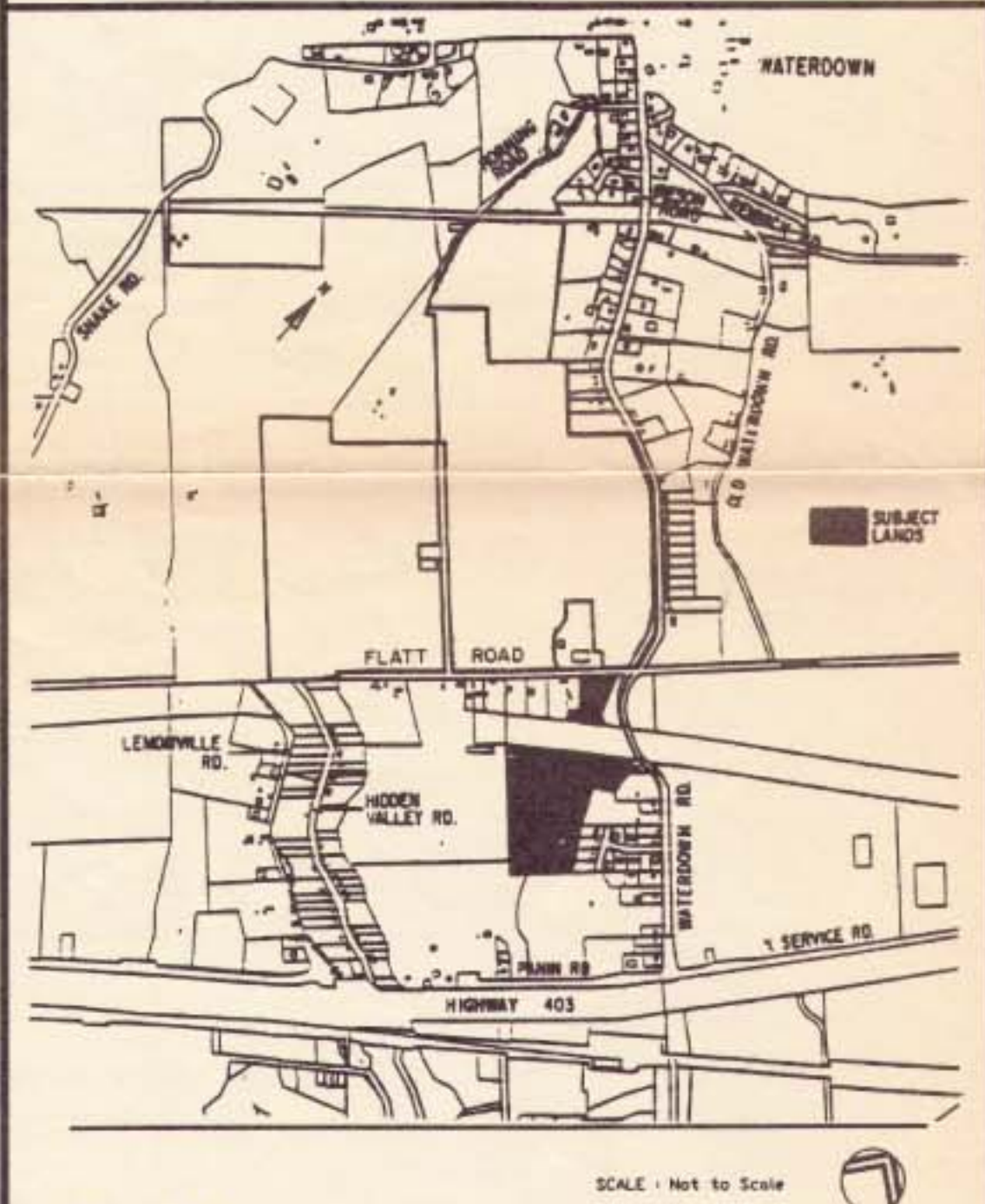


DRAFT PLAN OF SUBDIVISION

of Part of
Lot 7, Concession 1

FORMERLY IN THE TOWNSHIP OF FLAMBOROUGH, NOW IN THE

CITY OF BURLINGTON
REGIONAL MUNICIPALITY
OF HALTON



Key Map

Additional Information Required Under Section 51(2) Of The Planning Act R.S.O. 1990

- (a) SHOWN ON DRAFT PLAN
- (b) SHOWN ON DRAFT AND KEY PLANS
- (c) SHOWN ON KEY PLAN
- (d) RESIDENTIAL, DETACHED HOUSES
- (e) SHOWN ON DRAFT AND KEY PLANS
- (f) SHOWN ON DRAFT PLAN
- (g) SHOWN ON DRAFT AND KEY PLANS
- (h) MUNICIPAL WATER
- (i) SOIL ARE SANDY LOAM
- (j) SHOWN ON DRAFT PLAN
- (k) MUNICIPAL SERVICES WILL BE AVAILABLE TO THE PROPOSED SUBDIVISION
- (l) SHOWN ON DRAFT PLAN

Schedule of Land Use

PROPOSED LAND USE	ha	(Ac.)
1) RESIDENTIAL LOTS - Lots 1-45 and Block L	4.93	(12.17)
2) VALLEY LANDS - Blocks A, B, C, and D	2.1	(5.22)
3) BUFFER AREAS - Blocks E and F	0.73	(1.79)
4) OPEN SPACES - W.M. - Blocks G, H, I, J and M	0.60	(1.50)
5) ROADS - See Below	1.27	(3.13)
6) RESERVE - Block K	0.01	(0.03)
TOTAL AREA OF DEVELOPMENT	9.65	(23.84)

PROPOSED ROADS	Metre	(ft.)
1) 20.0m (66ft) PUBLIC R.O.W.	593	(1945)
2) TEMPORARY TURNING CIRCLE - Blocks S and T	N/A	N/A
3) FUTURE ROAD - Block O	N/A	N/A
4) 0.3m RESERVE - Block R	N/A	N/A
TOTAL ROAD STATISTICS	593	(1945)

PROPOSED RESIDENTIAL LOTS	YIELD	%
1) EXISTING RESIDENTIAL DWELLING - Block L	1	2.2
2) 15.5m (50ft) min. SINGLE DETACHED	35	76.0
3) 18.5m (60ft) min. CORNER LOT	1	2.2
4) 31.3m (102ft) min. SINGLE DETACHED	4	8.7
5) 21.5m (70ft) min. CORNER LOT	1	2.2
6) 20.5m (67ft) min. SINGLE DETACHED	3	6.5
7) 30.5m (100ft) min. SINGLE DETACHED	1	2.2
TOTAL LOT YIELD	46	100.0

LANDS OWNED BY THE PROVINCE OF ONTARIO	ha	(Ac.)
1) 30.48m FUTURE UTILITY CORRIDOR - Blocks N and P	0.25	(0.61)
2) FUTURE ROAD - Block O	0.07	(0.18)
TOTAL LANDS OWNED BY THE PROVINCE OF ONTARIO	0.32	(0.79)

Note: All Numbers Shown Subject to Rounding, and May not Add-up to Total or Convert to Imperial Units as Shown.

LEGEND

- TOP OF BANK
- SETBACK FROM TOP OF BANK
- FILL REGULATION LINE
- LOT LINE
- BUFFER AREA
- AREA SUBJECT TO EASEMENT DEDICATION

Owner's Authorization

I authorize Walker, Hall, Dracovic Associates Limited to prepare and submit this Draft Plan of Subdivision to the Regional Municipality of Halton for approval.

John Ross Taylor, Trustee
JOHN ROSS-TAYLOR-TRUSTEE
Oct 13, 1994
DATE

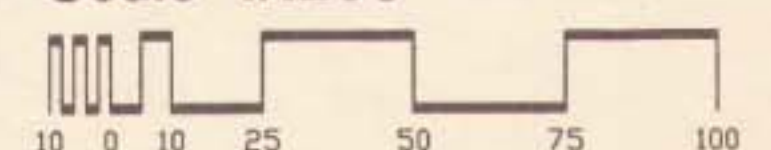
Edwin Allen Taylor, Trustee
EDWIN ALLEN TAYLOR-TRUSTEE
Oct 13, 1994
DATE

Surveyor's Certificate

I hereby certify that the boundaries of the land to be subdivided on this plan and their relationship to adjacent lands are correctly and accurately shown.

Barry J. Clarke O.L.S.
A. J. CLARKE and ASSOCIATES LTD.
OCTOBER 13, 1994
DATE

Scale 1:1250



Walker, Hall, Dracovic
Associates Limited
Planning Consultants

REVISED FEBRUARY, 1996
REVISED DECEMBER, 1995
REVISED JANUARY, 1995
OCTOBER, 1994
No. 23/P94526/ET-DPOMB

DESIGN: SY
CADD: SY
GRINDSTONE - TAYLOR