

RACHELLE (SHELLEY) L. PARTRIDGE

REGIONAL MUNICIPALITY OF HALTON

Ontario Municipal Board Hearing

Eden Oak (Creditview Heights) Inc.

**Application to Amend Zoning By-law No. 74-51 and Proposed Plan of Subdivision,
Town of Halton Hills**

February 9, 2017

OMB File Nos. PL150128, PL150129

WITNESS STATEMENT OF RACHELLE (SHELLEY) L. PARTRIDGE, MCIP, RPP

The following witness statement is submitted by Rachelle (Shelley) L. Partridge, Senior Planner with the Regional Municipality of Halton, 1151 Bronte Road, Oakville, Ontario, L6M 3L1, Telephone 905-825-6000 extension 7180, Facsimile 905-825-8822.

1. I am a Registered Professional Planner, Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute and have been employed by the Regional Municipality of Halton since August 24, 2004. My Curriculum Vitae is attached to this Witness Statement, which outlines my 21 years of planning experience. I have been qualified as an expert planning witness before the Ontario Municipal Board multiple times during my employment with Halton Region.
2. On April 3, 2008, the Region of Halton was circulated a Zoning By-law Amendment application (file D14ZBA08.004) to amend Zoning By-law 74-51, as amended and a proposed Plan of Subdivision (file D12SUB08.001 or 24T-08001/H) to facilitate the development of a residential plan of subdivision with 33 lots for single-family detached homes.
3. Prior to the application being filed, Regional staff participated in a pre-consultation meeting at the Town of Halton Hills on November 29, 2007.
4. Over the course of the review of the subject applications, Regional staff provided six comment letters to the Town of Halton Hills, dated as follows: October 7, 2008, September 14, 2009, April 24, 2013, December 2, 2015, August 30, 2016 and most recently January 24, 2017. I authored five of the six letters and have co-ordinated the Regional planning review of these files. The January 24, 2017 letter is attached to this Witness Statement, since it is the most recent position from the Region of Halton and it replaces the earlier letters.
5. On February 3, 2015, the applicant appealed the subject applications to the Ontario Municipal Board, in part due to a lack of decision on the applications by the Town of Halton Hills.
6. The applicant has made a number of revisions to both the proposed Zoning By-law amendment and the proposed Plan of Subdivision over time, to respond to the comments from the reviewing agencies.
7. The evidence provided in this Witness Statement is specific to the most recently amended applications as included in the Town of Halton Hills Council report PI-2017-0012, dated January 18, 2017.

Site Information

8. The subject property is an irregular parcel located within the south-west portion of the Hamlet of Glen Williams. The parcel is bounded to the west by a pedestrian trail on a former rail line, which acts as the boundary between Glen Williams and the

Urban Area of Georgetown. The other sides of the subject property are surrounded by existing residential uses falling within the Hamlet of Glen Williams. The site is approximately 8 ha (20 acres) in area. Although there have been development proposals for this property in the past, the site remains vacant. The site is characterized with varying topography and vegetation.

Provincial Interest

9. The *Planning Act*, Section 2 outlines matters of provincial interest, that the Minister, the council of a municipality, a local board, a planning board and the Ontario Municipal Board, shall have regard to, in carrying out their responsibilities under this Act. Of particular note are the following:
- (a) the protection of ecological systems, including natural areas, features and functions;
 - (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
 - (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - (h) the orderly development of safe and healthy communities;
 - (o) the protection of public health and safety; and
 - (p) the appropriate location of growth and development.

Any comments provided by Region of Halton staff on the subject development applications have had regard to these matters of provincial interest and the opinions regarding these matters are also reflected in this witness statement.

10. Section 3 (5) of the *Planning Act*, R.S.O. 1990, as amended, states that: “A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.
11. The subject applications have been reviewed in the context of the Growth Plan for the Greater Golden Horseshoe. This provincial plan acts as a framework for implementing the provincial vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe. The Hamlet of Glen Williams is considered a settlement area within the context of the Growth Plan. Section 2.2.2 directs growth to settlement areas, especially ones that offer municipal water and wastewater systems. It is my professional opinion that the proposed applications are in conformity with the policy direction of the portions of the Growth Plan for the Greater Golden Horseshoe that fall under the Regional jurisdiction to review.
12. The 2014 Provincial Policy Statement (PPS) is the applicable document to both of the subject applications, as it applies to all decisions related to planning matters made

on or after April 30, 2014. The PPS is issued under the authority of Section 3 of the *Planning Act* and provides policy direction on matters of provincial interest related to land use policy and development.

13. Section 4.7 of the 2014 PPS outlines the importance of the official plan as the vehicle for implementing the Provincial Policy Statement. Municipal official plans are directed to identify provincial interests and set out appropriate land use designations and policies. The 2006 Regional Official Plan policies do not reflect this conformity exercise and are therefore not consistent with either the 2005 or 2014 PPS. Through the Region's Official Plan review exercise undertaken between 2006 and 2009, the Regional Official Plan became consistent with the 2005 PPS. To date, a full conformity exercise to the 2014 PPS has not occurred. Therefore, specific sections of the 2014 PPS are referenced directly in this witness statement.
14. Section 1.1.4.2 of the PPS states that within rural areas, the rural settlement areas shall be the focus of growth and development. The Hamlet of Glen Williams, as assessed by the Regional Official Plan, is considered a rural settlement area. Rural areas, as defined by the PPS, include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas. Section 1.6.6.2 states that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. The proposed development is consistent with this policy direction as it falls within the Hamlet of Glen Williams, to be developed on full municipal services.
15. Section 2 of the Provincial Policy Statement contains policies with respect to the wise use and management of resources. For this development proposal, Regional staff relied on the Credit Valley Conservation staff to assess the impacts to the natural environment. Section 2.6.2 speaks to ensuring that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved. In 2008, the Ministry of Culture approved the archaeological work that had been done on this property and therefore the proposal is consistent with this section of the PPS.
16. Section 3 of the PPS contains policies to direct development away from areas of natural or human-made hazards. As part of the application submission, the proponent provided a completed Environmental Site Screening Questionnaire as well as a Phase I Environmental Site Assessment, which raised no issues of concern. This work will be required to be updated as a condition of the subdivision, should draft approval be granted.
17. As described later in more detail, with the exception of one outstanding technical matter, it is my professional opinion that matters of provincial interest have been appropriately addressed by the applicant or will be addressed through conditions of draft approval.

Regional Official Plan

18. The Regional Official Plan, 1995 for the Regional Municipality of Halton under the *Planning Act*, was adopted by Region of Halton Council on March 30, 1994 through By-law 49-94. It was subsequently approved, with modifications, by the Minister of Municipal Affairs and Housing on November 27, 1995.
19. Between 2001 and 2004, a major review of the Regional Plan, 1995 was undertaken in accordance with the *Planning Act*. This culminated in the adoption of Regional Official Plan Amendment 25 by Regional Council on June 23, 2004. The amendment was appealed and subsequently adjudicated by the Ontario Municipal Board in April-August, 2006 with the issuance of a number of decisions. Any of the references to policies from the 2006 Regional Official Plan are taken from the August 17, 2006 Office Consolidation of the Halton Region Official Plan, 2006. This Office Consolidation incorporates all modifications, subsequent approvals, and approved amendments to the Plan up to and including the date shown on the cover of the document (August 17, 2006).
20. Between 2006 and 2009, the Region of Halton undertook a planning exercise called Sustainable Halton, which led to another major review of the Regional Official Plan. This resulted in the adoption of Regional Official Plan Amendment 38 (ROPA 38) by Regional Council on December 16, 2009. The Minister of Municipal Affairs and Housing issued a final decision to approve ROPA 38 with modifications on November 24, 2011. The Minister's decision was then appealed to the Ontario Municipal Board in its entirety which has resulted in a hearing of multiple phases. This has meant that the 2009 Regional Official Plan has had portions come into effect at different times.
21. The subject applications were received by the Region of Halton at a time when the 2006 Regional Official Plan (ROP) was in effect and those are the policies that have been used to evaluate this development proposal. This is consistent with the "Clergy principle."
22. Part II of the 2006 Regional Official Plan outlines Halton's Regional Structure and introduces the Regional Structure Map (Map 1), which shows the different land use designations in Halton Region. Section 51 of the ROP categorizes the designations into three functional systems: the Urban System, the Rural System and the Greenlands System.
23. The entire subject property is designated within the 2006 ROP as being Hamlet, which is part of the Rural System of Halton's Regional Structure. Section 103 of the ROP states that Hamlets are compact rural communities designed to accommodate the majority of future residential growth in the Rural Area. Hamlets are identified as a symbol on Map 1, while their boundaries are shown within the Local Official Plans; in this case, within the Town of Halton Hills Official Plan including the Glen Williams Secondary Plan. The range of permitted uses in Hamlets is to be in

accordance with the policies of the Regional Official Plan as well as the approved Hamlet Secondary Plan. Section 106(2)a) directs that development shall conform to the approved Hamlet Secondary Plan. It is my professional opinion that there are no conformity issues with the Regional Official Plan direction with respect to residential uses being permitted within Hamlets.

24. The Regional Official Plan outlines a number of technical requirements that need to be addressed when considering a development proposal. Policy 167(6) requires an archaeological assessment and any related mitigation activities be undertaken and as referenced above, this matter was addressed to the satisfaction of the Ministry of Culture in 2008. Additional direction will be provided in the notes to the plan of subdivision if draft approval is granted. Policy 147(17) requires that a proponent identify whether there is any potential for soils on the subject site to be contaminated. The required studies have been provided and have showed no concerns. An updated Environmental Site Assessment study together with a letter of reliance will be required through conditions to the plan of subdivision if draft approval is granted.
25. Regional Official Plan policy 106(2)b) states that major residential proposals with five or more lots must be submitted by plan of subdivision and accompanied by a hydrogeological study in accordance with Region's Guidelines for Hydrogeological Studies and Best Management Practices for Groundwater Protection. The Glen Williams Secondary Plan directs the required Environmental Implementation Report to include a Hydrogeological Report which should in part address any impacts to neighbouring properties that may be on private services. As a result of the technical review of the provided Hydrogeological Investigation, the Region's peer reviewer did not object to the proposed development from a public health perspective, but did have a number of technical conditions that would need to be fulfilled as part of the requirements of the plan of subdivision. Owing to a revised Functional Servicing Report discussed below, the Region was waiting for an additional hydrogeologic submission to satisfy this point. The additional submission was received by the Region on February 8, 2017 and is currently being reviewed.
26. The Urban Services policies within the Regional Official Plan outline where urban services can be provided within the Region. Policy 89(12)c) specifies that municipal services can be extended beyond the boundary of the Urban Area to the Hamlet of Glen Williams. As referenced above, the proposed development will be fully serviced by municipal water and sanitary services. In the Regional comment letter to the Town of Halton Hills dated January 24, 2017, Regional staff expressed support for the Functional Servicing Report, subject to the outstanding hydrogeological concern being fully addressed. Additional information was requested of the applicant that addressed the protection of groundwater for the portion of the proposed sanitary sewer that may require dewatering as part of the construction process, which was not something that was proposed when the earlier hydrogeological work was undertaken.

Conclusion

27. At the time of writing this Witness Statement, it is my professional opinion that the proposed development can be supported in principle. With the exception of the unresolved hydrogeological matter, the subject proposal has regard for Section 2 of the *Planning Act* with respect to matters of provincial interest, is in conformity with the direction of the Growth Plan for the Greater Golden Horseshoe, is consistent with the Provincial Policy Statement, conforms to the direction of the 2006 Regional Official Plan and represents good planning.
28. Regional staff are currently prepared to support the proposed zoning amendment application, as presented in the Town of Halton Hills Council Report PI-2017-0012, together with the standard hold provisions utilized by the Town to address, amongst other matters, Regional servicing matters.
29. Regional staff are prepared to issue conditions of Draft Approval for the proposed Plan of Subdivision, once the outstanding hydrogeological matter has been resolved.

Dated the 9th of February, 2017



Rachelle (Shelley) Partridge, MPI, MCIP, RPP