



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: May 26, 2025

Report No: DS-022-25

Subject: Technical Report - Proposed Plan of Subdivision and Zoning By-law Amendment applications by Branthaven Fourth Line Inc. and 1000968516 Ontario Inc. applicable to lands legally described as Part of Lot 11, Concession 4, N.S. (Trafalgar) (Town Files: 24T-24003/M and Z-23/24)

Recommendation: **THAT** Town of Milton Council support the granting of Draft Plan Approval by the Commissioner of Development Services for the proposed plan of subdivision (Town File: 24T-24003/M);

AND THAT Application Z-23/24 for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Future Development (FD) and Natural Heritage System (NHS) Zones to Residential Medium Density 1 - Special Provision 366 (RMD1*366), Residential Medium Density 2 - Special Provision 367 (RMD2*367), Residential High Density - Special Provision 368 (RHD*368), Natural Heritage System (NHS), and Open Space (OS) Zones, along with Holding (H) Symbol H78 applicable to the portion of the RHD*368 block that proposes an apartment building in future on the subject lands, and to permit the development of a residential plan of subdivision, **BE APPROVED**;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 1 to Report DS-022-25 for Council adoption;

AND FURTHER THAT the Provincial Ministers of Health, Education, Transportation and Infrastructure and Metrolinx receive a copy of this report with a request to review and plan for future Milton District Hospital, school and transportation expansions.

EXECUTIVE SUMMARY

Branthaven Fourth Line Inc. and 1000968516 Ontario Inc. are seeking approval of an amendment to Town of Milton Zoning By-law 016-2014, as amended, to implement a proposed residential plan of subdivision. The proposed application if approved, will complete the development of the Bristol Survey Secondary Plan Area.

The subdivision proposes 365 residential dwelling units (comprised of 30 freehold townhouse dwelling units/lots and 16 rear lane townhouse, 45 street townhouse, 114 back-to-back townhouse and 160 apartment condominium dwelling units within two future residential condominium blocks), a natural heritage system block with a trail system, a village square and an internal road system. A holding provision has been applied to the apartment building component of the eastern future condominium block as servicing allocation must be secured prior to its development.

As such, the proposed Zoning By-law Amendment seeks to replace the current Future Development (FD) and Natural Heritage System (NHS) Zone Symbols with the Residential Medium Density 1 - Special Provision 366 (RMD1*366), Residential Medium Density 2 - Special Provision 367 (RMD2*367), Residential High Density - Special Provision 368 (RHD*368), Natural Heritage System (NHS) and Open Space (OS) Zone Symbols, along with Holding (H) Symbol H78 on the apartment component of the RHD*368 Zone in the eastern condominium block on the subject lands.

Registration of the subdivision is to occur in a single phase, however, both future condominium blocks will require Site Plan Approval prior to development.

An informal public information centre (PIC) was held on October 16, 2024, and a statutory public meeting was held on December 9, 2024. Members of the public raised concerns regarding the height of the proposed apartment building and potential shadow and wind impacts generated from the proposed mid-rise building on existing residents; the proposed Cedar Hedge Road extension to Derry Road and overall traffic impacts; proposed park locations and programming as well as trail connections; and construction management (i.e. timing, access, nuisance management and public notification). Responses to these concerns are provided in the Summary of Issues section of this report.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the applications as currently presented. They have also provided the appropriate conditions of draft plan approval necessary for the Town to consider the approval of these applications. Staff has reviewed all the documentation, plans and comments provided to date and is of the opinion

EXECUTIVE SUMMARY

that the applications as submitted are prepared in a manner that would allow them to be considered by Town Council for approval.

Conclusions and Recommendations

Staff is satisfied that the plan of subdivision processed under File 24T-24003/M, subject to the requested conditions of draft plan approval and the site-specific zoning provisions attached as Appendix 1, conforms to Provincial, Regional and Town planning policies and Conservation Halton regulations, and achieves acceptable engineering and design standards. Planning staff is also satisfied that the proposed Zoning By-law Amendment is consistent with the land use policies of the Provincial Policy Statement and conforms to the Region and Town Official Plans.

REPORT

Background

Owner: Branthaven Fourth Line Inc. and 1000968516 Ontario Inc., 720 Oval Court, Burlington, ON

Applicant/Agent: Glen Schnarr & Associates Inc., 10 Kingsbridge Garden Circle, Suite 700, Mississauga, ON

Location/Description

The subject lands are situated on the north side of Derry Road between the future extension of Rusk Avenue (Sauve Street to the south) and the unopened Cedar Hedge Road allowance (formerly Fourth Line), are legally described as Part of Lot 11, Concession 4, New Survey, Former Geographic Township of Trafalgar, in the Town of Milton, Regional Municipality of Halton, and the lower portion is municipally identified as 9755 Derry Road. See Figure 1- Location Map.

The subject lands are also located within Ward 2, are approximately 6.2 hectares (15.3 acres) in size, and are the last of the larger land parcels to be developed within the Bristol Survey Secondary Plan Area. The lands are currently vacant and are traversed by a watercourse which is part of the Regional Natural Heritage System (RNHS). Surrounding land uses are primarily residential with a mix of medium and high-density housing forms, and

Background

also include several elementary schools, Clarke Neighbourhood Park and a significant natural heritage system that has been constructed to the north and the south.

Proposal:

As illustrated in Figure 2, the applicant has submitted a Draft Plan of Subdivision that proposes to create 365 residential dwelling units (comprised of 30 freehold townhouse dwelling units/lots and 16 rear lane townhouse, 45 street townhouse, 114 back-to-back townhouse and 160 apartment dwelling units within two condominium blocks), a natural heritage system block that will contain a trail connection, a village square block and an internal road system. The proposed natural heritage system on these lands will complete the watercourse works to Derry Road and naturally create the condominium blocks: a medium density block to the west and a medium to high density block to the east, the latter proposing a height of up to 8 storeys. Figure 3 - Development Concept Plan shows the planned arrangement of the various housing forms proposed within the future medium density residential blocks. Registration of the subdivision is to occur in a single phase, however, both future condominium blocks will require Site Plan Approval prior to development.

The proposal before Council is a request for an amendment to Town of Milton Zoning By-law 016-2014, as amended, to implement the draft plan of subdivision as described above. Accordingly, the proposal seeks to change the zoning applicable to the subject lands from the current Future Development (FD) and Natural Heritage System (NHS) Zone Symbols to the Residential Medium Density 1 - Special Provision 366 (RMD1*366), Residential Medium Density 2 - Special Provision 367 (RMD2*367), Residential High Density - Special Provision 368 (RHD*368), Natural Heritage System (NHS) and Open Space (OS) Zone Symbols. In addition, Holding (H) Symbol H78 is proposed to be applied to a portion of the eastern condominium block which prohibits the sale of units and issuance of any building permits on this portion of the block until confirmation of servicing availability for the proposed apartment building are met to the satisfaction of the Halton Region and the Commissioner of Development Services. See Draft Zoning By-law Amendment in Appendix 1 to this report.

The following reports and information have been submitted in support of the applications:

- Plan of Survey, prepared by R-PE Surveying Ltd., dated July 12, 2024;
- Topographic Map, prepared by R-PE Surveying Ltd., dated July 11, 2024;
- Draft Plan of Subdivision, prepared by Glen Schnarr & Associates Inc., dated February 19, 2025;

Background

- Development Concept Plan, prepared by Glen Schnarr & Associates Inc., dated February 20, 2025;
- Mid-Rise Concept Plan, prepared by ZO1, dated October 7, 2024;
- Mid-Rise Shadow Study, prepared by ZO1, dated January 7, 2025;
- Planning Justification Report, Glen Schnarr & Associates Inc., dated October 2024;
- Noise Feasibility Study, prepared by HGC Engineering, dated January 14, 2025;
- Traffic Impact Study, prepared by GHD, dated March 7, 2025;
- Functional Servicing and Stormwater Management Report, prepared by DSEL, dated October 2024 and revised January 2025;
- Environmental Response Letter (Secondary Source Review and Characterization Memorandum), prepared by GEI Consultants, dated October 16, 2024;
- Phase One Environmental Site Assessment (Pt. Lot 11, Conc. 4 - DeMarchi), prepared by DS Consultants Ltd., dated June 10, 2024;
- Phase One Environmental Site Assessment (Pt. Lot 11, Concession 4 - Ashley Oaks), prepared by DS Consultants Ltd., dated September 19, 2024;
- Phase Two Environmental Site Assessment (Pt. Lot 11, Concession 4 - Ashley Oaks), prepared by DS Consultants Ltd., dated November 22, 2024;
- Reliance Letter, prepared by DS Consultants, dated January 25, 2025;
- Geotechnical Investigation, prepared by Soil-Mat Engineers & Consultants, dated October 11, 2024 and Revised October 15, 2024;
- Stage 1 Archaeological Assessment, prepared by Parslow Heritage Consultancy Inc., dated October 10, 2024;
- Stage 1 and 2 Archaeological Assessment, prepared by Parslow Heritage Consultancy Inc., dated February 3, 2025;
- Ministry Clearance Letter - Stage 1 and 2 Archaeological Assessment, prepared by the Ministry of Citizenship and Multiculturalism (MCM), dated February 11, 2025;
- Stage 3 Site Specific Archaeological Assessment (500 Cedar Hedge Road), prepared by Amick Consultants Limited, dated July 18, 2018 (Revised);
- Ministry Clearance Letter - Stage 3 Site Specific Assessment (500 Cedar Hedge), prepared by the Ministry of Tourism, Culture and Sport, dated August 1, 2018;
- Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc., September 18, 2024;
- Tree Preservation Plan, prepared by Jackson Arboriculture Inc., dated September 18, 2024;
- Urban Design Brief, prepared by NAK Design Strategies, dated October 2024;

Background

- Allocation Assignment Plan, prepared by Glen Schnarr & Associates Inc., dated December 19, 2024; and,
- Draft Zoning By-law Amendment, prepared by Glen Schnarr & Associates Inc., April 2025.

Planning Policy

Halton Region Official Plan

As of July 1, 2024, Halton Region became an upper-tier municipality without planning responsibilities; however, the Halton Region Official Plan remains in-effect, and the local municipalities are responsible for administering the plan until such time that it is revoked or amended by the respective municipality.

The subject lands are designated Urban Area, with areas of Regional Natural Heritage System (RNHS) on Map 1: Regional Structure of the Halton Region Official Plan. The subject lands are located outside of the Built Boundary and within the greenfield area. Within the Urban Area, the range of permitted uses and the creation of new lots shall be in accordance with local Official Plans and Zoning By-laws. The RNHS is a systems approach to protecting and enhancing natural features and functions.

Town of Milton Official Plan

At the local level, the subject lands are designated “Urban Area” and “Natural Heritage System on Schedule 1 - Town Structure Plan, and “Residential Area”, “Residential Office Area” and “Natural Heritage System” on Schedule B - Urban Land Use Plan of the Town’s Official Plan. The Residential Area designation permits a full range of residential uses and densities along with complementary non-residential uses that are necessary to create a residential neighbourhood environment. The Residential/Office Area designation is intended for lands within the Established and HUSP Urban Areas where higher density development is to be encouraged. The permitted uses are primarily high-rise residential uses but may also include office and accessory local commercial uses. The Natural Heritage System Area is based on a systems approach to protecting and enhancing natural features and functions, including key features, linkages, buffers, watercourses and wetlands.

Schedule K - Intensification Areas of the Official Plan, also identifies Derry Road as an intensification corridor, where along with nodes and intensification areas they are the focus

Background

of higher density development. Schedule M - Key Features within the Greenbelt and Regional Natural Heritage System, identifies key features on the subject lands.

Section 3.2.2 of the Town's Official Plan characterizes Medium Density Residential I as single detached dwellings, duplex, semi-detached dwellings, townhouse dwellings, stacked townhouses, triplexes, quattroplex at a density range of 31 to 45 units per net hectare. The Medium Density II category generally contains mid-rise multiple attached residential uses with a density range of 46 to 85 units per net hectare. Per Policy 3.3.2, the Residential/Office Area Designation (high density category in section 3.2.2) means that the main permitted uses shall be high rise residential uses at a minimum density of 85 units per net hectare and a maximum density of 150 units per net hectare. As shown in Figure 3 - Concept Plan, the applicant has demonstrated that the densities of each residential area category have been achieved through the draft plan of subdivision as follows:

- Residential Medium Density I (freehold townhouses): 47 units per net hectare;
- Residential Medium Density II (west condominium block): 60 units per net hectare; and,
- Residential Office Area / Residential High Density (east condominium block): 137.2 units per net hectare.

While the Residential Medium Density I calculation is slightly higher than the range set out for this category, Section 5.10.3 of the Official Plan states that, "all number and quantities in the text shall be interpreted as approximate only. Minor variations from any numbers or quantities will be permitted providing the intent of the Plan is preserved." Staff is of the opinion that the overall density targets have been achieved as intended through this draft plan of subdivision.

The estimated population for the proposed development is approximately 935 people. This estimate was derived using the persons per unit assumptions from the Watson's 2023 Residential and Non-Residential Needs Analysis Study.

Bristol Survey Secondary Plan

Additionally, the lands are located within the Bristol Survey Secondary Plan Area and are designated "Residential Area", "Residential/Office Area", and "Greenlands A Area" on Schedule C-6-D - Bristol Survey Secondary Plan Land Use Plan. The need for a village square and stormwater management pond are also shown conceptually on the lands.

Background

Similar to the general Official Plan policies, a mix of residential dwelling units and densities along with complementary non-residential uses that are necessary to create a residential neighbourhood environment are permitted within the Residential Area designation of the secondary plan. The main permitted uses of the Residential/Office Area designation are office and high-density residential uses. The Greenlands A Area, like the Natural Heritage System designation as previously mentioned, is a systems approach taken to ensure the protection, preservation and enhancement of the key features, buffers and linkages of which it is composed. The boundaries of the NHS will be delineated based upon the various environmental studies required as part of the applications.

As outlined in Section C.6.5.14, the Stormwater Management Pond designation on Schedule "C.6.D" represents a general location for these facilities. The location and configuration of the Stormwater Management Ponds shall be further refined through the Subwatershed Plans for Areas 2 and 7 and when plans of subdivision are prepared. Stormwater Management Pond sites can be relocated without an amendment to this Plan, provided alternative sites are consistent with the goal, objectives and policies of this Secondary Plan and the Subwatershed Plans for Areas 2 and 7. It should be noted that the applicant demonstrated through their technical background studies that the estimated storm water to be generated by the proposed subdivision and the surrounding areas could be accommodated through existing infrastructure and alternative strategies and as a result, the stormwater management pond was no longer required on the subject lands.

Schedule C.6.E - Bristol Survey Secondary Plan Phasing Plan, shows the subject lands within Phase 1B (the second phase of development in the Bristol Survey area). Section C.6.6.1.1 states that prior to the approval of any applications for development in Phase 1B, building permits must have been issued for a minimum of 3,400 dwelling units in Phase 1A. The required number of permits have been issued and as a result, the applications may proceed.

Staff reviewed the application in relation to the policies of the Provincial Planning Statement (2024), the Halton Region Official Plan 2009 (ROP), the Town of Milton Official Plan, the Bristol Survey Secondary Plan, and the Subwatershed 2 & 7 and (SIS) Addendum. Town staff and our agency partners are satisfied that the draft plan of subdivision and the application for the Zoning By-law Amendment as presented through this report, conform to the applicable Provincial, Regional and Town land use planning policies and regulations.

Zoning By-law 016-2014, as amended:

Background

The subject lands are currently zoned Future Development (FD) and Natural Heritage System (NHS) under By-law 016-2014, as amended, which do not permit the land uses being proposed on the subject lands. An amendment to the Zoning By-law is required to allow the implementation of the proposed residential plan of subdivision as described above and to refine the NHS in accordance with the detailed studies undertaken as part of the Bristol Survey Secondary Plan and the subject applications. A draft Zoning By-law and Schedule A is attached as Appendix 1 to this report.

Site Plan Control

Should the applications be approved, site plan approval will be required for the two future residential condominium blocks and potentially the village square block, prior to the commencement of any development.

It should be noted that based on the information provided to date, Staff is satisfied that the size and configuration of the two future condominium blocks are appropriate to accommodate the scale and form of development envisioned in the Bristol Survey Secondary Plan.

Discussion

Public Consultation:

Complete application and statutory public meeting notices were provided pursuant to the requirements of the Planning Act and the Town through written notice to all properties within 200 metres of the subject lands, as well as on the Town's website on October 31, 2024, and November 15, 2024, respectively. The statutory public meeting was held on December 9 2024 and one member of the public spoke to the application. A virtual public information session was also held by the applicant on October 16, 2024, and several area residents attended.

Questions and concerns raised by the public at these meetings and via written submissions (see Appendix 2 attached to this report) included: height and potential shadow and wind impacts generated from the proposed mid-rise building on existing residents; the proposed Cedar Hedge Road extension to Derry Road and overall traffic impacts; proposed park locations and programming as well as trail connections; and construction management (i.e. timing, access, nuisance management and public notification).

Discussion

Agency Consultation:

The draft Plan of Subdivision, Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Conservation Halton, Town Departments, School Boards and other agencies, including Canada Post, offered no objection to the applications and requested standard conditions of draft plan approval be applied. Halton Region did request that a holding provision be placed on the component of the residential condominium block located on the east side of the NHS until such time that sufficient servicing allocation is ensured through the Region's Allocation Program for the future development of the proposed apartment building in the block. Conservation Halton requires a development permit for site works and creation of the channel in its ultimate location. In addition, certain lots, blocks and units adjacent to the channel will require CH approval prior to obtaining a building permit and/or constructing any accessory structures that do not require a building permit in these areas, as the protective buffers adjacent to the watercourse are less than the regulated area limit of 15 metres. See the Summary of Issues section below for details relating to private lands regulated by Conservation Halton.

Town Departments and agencies will continue to work with the applicants through the detailed draft approval process.

Summary of Issues

Proposed Height of Apartment Building and Impacts on Surrounding Lower Density Dwelling Units

Concerns were raised by area residents regarding the proposed height of eight storeys and the appropriateness of such height on the subject lands. As noted previously, the subject lands are designated Residential/Office Area in the Official Plan, which permits a maximum height of 15 storeys and a maximum FSI of 3.0 and is intended for high density residential uses. The Town's Comprehensive Zoning By-law permits eight storeys as of right in the Residential High Density (RHD) Zone and the applicant has for the current time shown the maximum height that can be implemented in accordance with the by-law provisions along with some grade related units to provide some transition toward the existing residential neighbourhoods.

In support of the application, the applicant submitted a Mid-Rise Concept Plan and a Mid-Rise Shadow Study, prepared by Z01, which reviewed the maximum height allowed and its potential impact of the shadows on adjacent properties and on the public realm. The report was prepared in accordance with the Town of Milton's Shadow Impact Guidelines and

Discussion

concluded that the proposal will have minimal impact on neighbouring public and private spaces as these areas will have continuous access to direct sunlight during the key hours of the day. Policy and Urban Design staff reviewed the shadow analysis and were supportive of the study conclusions.

A wind study was not required as part of the subdivision and rezoning applications but may be required as part of the site plan approval application that is required for the mid-rise apartment building in the future.

Cedar Hedge Road Extension

The portion of Cedar Hedge Road that runs along the eastern edge of the subject lands has been closed to Derry Road since the early 2000's due to an unsafe intersection configuration. It was not the Town's intent to block access to Derry Road permanently.

Through the subject application, options for access to the proposed development, including the extension and improvement of Cedar Hedge Road from Harwood Drive to Derry Road, were evaluated. Agency preference for access is typically to extend municipal roadways where they exist rather than creating private accesses from arterial roads to service a development, and to ensure that appropriate spacing from other existing intersections can be achieved. Characteristics and considerations relating to the use and extension of Cedar Hedge Road for the proposed development are as follows:

- The re-opening of Cedar Hedge Road at Derry Road would be restricted to Right-in Right-out movements (like Fourth Line/Derry Road directly opposite from this leg).
- The proposed intersection is expected to alleviate traffic volumes at the intersection of Trudeau Drive/Derry Road as residents will have an alternative path of travel. This will also translate to fewer trips using Laurier Avenue.
 - The alternative would be to only provide access to residents along the existing Cedar Hedge Road at the elbow at Harwood Drive. This will result in most of the new development traffic to travel along Cedar Hedge Road north of this location or Laurier Avenue.
 - Should the intersection not be re-opened, the proposed access to the development will result in an irregular configuration. This may pose safety concerns as it will be located within the elbow at Cedar Hedge Road and Harwood Drive. Re-opening Cedar Hedge Road (south of the bend) will result in a regular three-legged intersection configuration.
- Emergency services will have a more direct path of travel to the subdivision as multiple turning movements will not be required.



Discussion

This portion of Cedar Hedge Road has remained as a Town Right-of-Way that was used as an informal pedestrian connection to Derry Road. The cross-section for the extended Cedar Hedge Road segment at the current time is projected to contain a Multi-Use-Trail running along the east side of the roadway, sidewalk along the west side of the roadway and one lane of travel in each direction. While this has not yet been finalized, the Town is working on maintaining the long-standing pedestrian route along the roadway.

Traffic Impacts

A Traffic Impact Study (TIS), prepared by GHD, dated March 2025 that documents the expected site related traffic on the projected future traffic and road network conditions derived for 2031 and 2036 future planning horizon years, was submitted and reviewed by Town and Regional Engineering and Transportation staff.

The traffic study confirms that the proposed residential development can be accommodated within the existing and planned road network without significant negative effects on traffic flow, capacity, or safety. The Town and Regional Transportation sections are supportive of the study conclusions.

Open Spaces - Parks and Trails

Conceptual park locations and trail networks are established as part of an Area Specific Secondary Plan that is approved by Council and required prior to development of a growth area. Minor changes may be made through the subdivision application and draft plan approval process but must generally conform to the plans and policies in effect. Since the Bristol Survey Secondary Plan identifies the need for the village square on the subject lands on the west side of the channel and trails along the channel, the applicant has implemented these required elements as part of their proposal. The development community is responsible for delivering these public facilities through their development proposals in accordance with the applicable Secondary Plans.

Through the subdivision process, a developer is required to provide park blocks to a condition satisfactory to the Town. Programming of the park occurs at a later date. Park projects typically undergo a design phase for one year. During the design phase, Town staff engage with stakeholders, agencies and the community to develop the park design and secure the required approvals and permits for construction. Construction typically takes place in subsequent years, subject to budget approval.

Construction Impacts and Management

Discussion

A construction management plan (CMP) describes, in sufficient detail, the project activities that will or are likely to occur during construction, to ensure that construction activities do not adversely affect public health and safety, the public road allowance and adjacent properties. The CMP should be prepared in compliance with Federal, Provincial and Municipal legislation and generally include, but is not limited to, the following:

- Public safety and site security
- Limits of construction zone, anticipated construction activities and programming
- Site operating hours and points of contact (e.g. site supervisor, emergency contact)
- Communication and coordination (i.e. communications with Town, residents and adjacent property owners; pre-construction notice and construction updates to residents and Councillors; and project schedule with construction staging)
- Controls to be put in place to limit noise and vibration
- Proper management of air, dust, stormwater and site drainage/sediment
- Site waste management
- Traffic management including access routes to and from the site
- Winter maintenance in and around the site

In addition to the above, Town Development Engineering Inspectors will visit the site on a regular basis to ensure that construction is occurring in accordance with the approved plans, and that appropriate measures are being undertaken. Further, the Town's Noise By-law restricts daytime hours when construction and noise can take place. Any complaints related to noise outside of the permitted hours can be directed to the Town's By-law Enforcement office.

It should be noted that several residents who attended the virtual public information centre (PIC) also enquired about pest management as they experienced ant and rodent problems when the adjacent elementary school was constructed. At the meeting, the developer committed to mitigating any pest disturbances when they arose and was open to entering into a Pest Management Plan, if required by the Town. Recognizing the public concerns in this regard, the developer took a proactive approach and implemented a pest control program on their lands in March ahead of starting earthworks in April. The pest matters will continue to be monitored by the developer on site and through the subsequent detailed design stage.

Private Lands Regulated by Conservation Halton (CH)

Effective April 1, 2024, CH's previous regulation, Ontario Regulation 162/06 ("Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses") under Section 28 of the Conservation Authorities Act (CA Act) was repealed and replaced by

Discussion

Ontario Regulation 41/24 (“Prohibited Activities, Exemptions and Permits”). Complementary provisions under Part VI (“Regulation of Areas Over Which Authorities Have Jurisdiction”) and Part VII (“Enforcement and Offences”) of the CA Act were proclaimed on the same date.

Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. Under the new regulations, CH now regulates 15 metres from the limit of the floodplain associated with the watercourse. Permits are required from CH prior to undertaking development activities within CH’s regulated area and applications for development are reviewed under the Conservation Authorities Act (CA Act), Ontario Regulation 41/24, and CH’s Board-approved policies and requirements.

The subject property is regulated by CH as it contains a watercourse. CH would generally recommend that the full extent of CH’s regulated area be designated and zoned for protection, contained in separate blocks, and placed into public ownership where appropriate. However, given that the Bristol Survey Secondary Plan policies and the supporting Sixteen Mile Creek Subwatershed Study and Scoped Subwatershed Impact Study (SIS) for the Central Tributary recommended 7.5 metre protective buffers for the channel in this area, and the remainder of the channel has been constructed this way in accordance with those recommendations, CH accepted the continuation of the 7.5 metre buffer along the channel within the subject development for consistency. Given that CH’s new regulation area is 15 metres, the remaining 7.5 metres will extend onto private property.

To ensure that future purchasers are aware of these circumstances, CH has requested that a warning clause be added to the subdivision, future condominium (where applicable) and purchase and sale agreements associated with this development, noting that private lands that directly back onto the channel are subject to Conservation Halton regulations. For those lots and blocks affected by the regulated area, Owners proposing pools, accessory structures and additions to buildings (if the regulated area extends to the building) will need to contact CH to determine if a CH permit or a no objections letter is required prior to obtaining a building permit from the Town or where a building permit is not applicable, proceeding with construction.

Amending Zoning By-law

To permit the proposed development, a Zoning By-law Amendment containing a revised NHS boundary, an Open Space Zone and existing residential zone classifications with site-

Discussion

specific provisions, and a holding zone is required. See proposed Zoning By-law and Schedule 'A' attached as Appendix 1 to this report.

Residential Medium Density 1 (RMD1) and 2 (RMD2) Site-Specific Zones

The amending by-law includes site-specific provisions relating to grade-related dwelling units (i.e. freehold street townhouses within the RMD1 Zone, and condominium street townhouses, rear lane townhouses and back-to-back townhouse dwellings within the RMD2 Zone applicable to the future medium density residential block located on the west side of the channel). The RMD2 Site-Specific Zone provisions will also apply to similar built form permitted within the medium to high density future residential block located on the east side of the channel. Elements of the future residential blocks captured in the site-specific provisions were supported by staff as sufficient information and site plan level drawings (see Figure 3 - Concept Plans) were filed with the application for consideration.

Minor variations in zoning provisions relating to frontage, lot depth, residential driveways and allowable encroachments have been proposed in certain instances to accommodate urban design features, sitings of proposed dwellings created and marketed by the developer, and in some cases, the relationship of irregular lot configurations, parking areas and dwelling units to a private street or intersection of streets within a future residential condominium block. Maximum heights for dwellings and fences in certain locations along with maximum driveway widths have also been proposed.

Given that the future residential blocks will be part of a condominium, provisions were added the RMD2 Site-Specific Zone to clarify that a "unit" within a condominium (and the parts that make up the unit), on which a townhouse dwelling unit is situated, shall be considered a lot for the purposes of administering the Zoning By-law. In addition, parking rates to be applied to the condominium, as well as provisions relating to amenity areas, air conditioners and parking areas within these blocks have been set out.

Residential High Density (RHD) Site-Specific Zone

Since the future residential block located on the east side of the channel was designated as residential/office area, the applicant has proposed both apartment and grade related dwelling units that in total will meet the density targets of the Secondary Plan. The RHD Zone provides standards for built form such as apartment buildings. Site-specific provisions have been proposed to include the grade related component proposed in the block (i.e. street townhouses and back-to-back townhouses) along with the standards that would apply to these units (i.e. the RMD2 site-specific provisions). Provisions relating to the establishment of these buildings and dwelling units within a future condominium block as well as parking



Discussion

requirements for apartment buildings that are consistent with a recent housekeeping amendment adopted by Council, have also been included.

Holding Provisions

The Region has requested that a holding provision relating to allocation matters associated with the development of a portion of the eastern residential condominium block (i.e. the proposed mid-rise apartment building) be applied in the proposed site-specific Zoning By-law. This holding provision will remain on this portion of the block until such time as the required allocation has been secured to the satisfaction of the Commissioner of Development Services and Halton Region. The lands subject to the holding provision are also subject to a “no sales” agreement and cannot obtain a building permit until the applicable holding provision is lifted. The Commissioner of Development Services has the delegated authority to approve the application to lift the holding provision once the conditions are satisfied and request Council to execute the formal Zoning By-law permitting the removal at the appropriate time.

Conclusion:

Staff is satisfied that the Plan of Subdivision (Figure 2), subject to the required conditions of draft plan approval and the site-specific Zoning By-law provisions attached as Appendix 1, will conform to Provincial, Regional and Town land use planning policy and achieves acceptable engineering and design standards. Planning staff is also satisfied that the proposed Zoning By-law Amendment is consistent with Provincial Policy and conforms to the Region of Halton and Town of Milton Official Plans. Therefore, staff recommends approval of the draft Zoning By-law Amendment and the granting of draft plan approval to the plan of subdivision.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact:

Angela Janzen, MCIP RPP
Sr. Planner,
Development Review

Phone: Ext. 2310



Attachments

Figure 1 - Location Map

Figure 2 - Draft Plan of Subdivision

Figure 3 - Concept Plan for Future Condominium Blocks

Appendix 1 - Draft Zoning By-law and Schedule A

Appendix 2 - Written Submissions

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.