

September 27, 2022

The Hon. Minister Clark
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
TORONTO, Ontario
M7A 2J3

**RE: ERO POSTING 019-5684
HALTON REGIONAL OFFICIAL PLAN AMENDMENT NO. 49
SUBMISSION ON BEHALF OF PENTA PROPERTIES INC.
EAGLE HEIGHTS RESIDENTIAL DEVELOPMENT, BURLINGTON
ONTARIO.**

Corbett Land Strategies (CLS) has been retained by Penta Properties Inc. with respect to its land holdings (known as “Eagle Heights”) located in the Central Sector Area of North Aldershot, Burlington Ontario. These lands are located west of Waterdown Road, east of the Grindstone Creek Valley, north and south of Flatt Road (refer to Appendix “A” – Location Map attached hereto).

PART I: SUMMARY OF MODIFICATION REQUEST:

1. Eagle Heights is part of a *Settlement Area* within the meaning of the Growth Plan. The lands have been designated in an official plan for development approved for urban uses on full municipal services in accordance with the policies of the Growth Plan;
2. The lands known as Eagle Heights in the Central Sector of North Aldershot have enjoyed Official Plan, Zoning and detailed Plan of Subdivision approvals since October 8, 1996. These approvals implemented a lengthy, provincially-led process called the “North Aldershot Interagency Review” ;
3. Subsequently adopted and approved Halton and Burlington Official Plans have consistently reflected these approvals for Eagle Heights, including those following Growth Plan conformity exercises. However, recently approved Halton Region Official Plan Amendment 49 which implements a new Urban Structure for the Region as part of its Municipal Comprehensive Review fails to include the Eagle Heights lands as part of a settlement/urban area; and,

4. It is our specific request that the Province, in considering the approval of ROPA 49, should comprehensively modify the schedules and related policies to reflect that the Eagle Heights lands are in fact part of the urban settlement area to be fully supported with full municipal services. The details of this modification request are set out clearly in Part VI of this submission.

PART II: BACKGROUND AND CONTEXT:

The Eagle Heights development is unique in Halton in an area that has enjoyed special planning permissions for over 25 years. These planning policy and land use permissions and residential development approvals (on full urban services) have advanced over the years to the extent that the Region should continue to recognize Eagle Heights as a Settlement Area through its MCR process as implemented through proposed ROPA 49.

In fact, it is important to note that the subject lands received draft plan of subdivision approval and implementing zoning through an OMB decision in 1996 (*G.S.A. Owners Group Inc v Burlington (City) O.M.B. D. No. 1467*). This was the culmination of a settlement with the City and the Region. Through this decision the Eagle Heights land owners were granted urban residential development approvals for 55.0 net hectares of land. Further, in 2020 the Eagle Heights lands were granted servicing and infrastructure permissions in the Niagara Escarpment Planning Area through a specific Order in Council. This action by the Province reinforces the long-standing planning status of the subject lands as an unique urban residential precinct in Halton Region. Proposed ROPA 49 fails to properly recognize this status as granted by the OMB and the Province.

The Eagle Heights lands are located within the area known in the City of Burlington and Region of Halton Official Plans as the “*North Aldershot Policy Area*”. A review of the in-force official plans demonstrates that the lands have been definitively designated for development and form part of Burlington’s housing inventory. Consistent with this status, the current Regional Official Plan identifies the subject lands as “*Area Eligible for Urban Services*”.

PART III: ADVANCEMENT OF DEVELOPMENT APPROVALS:

In 2002, Penta Properties Inc. applied for modifications to the Burlington Official Plan, zoning by-law and plan of subdivision approvals for Eagle Heights. Consistent with Provincial intensification policies, Penta applied to increase the number of units within the areas already identified for development. Part of the increase was due to the decision of the Halton Board of Education to release the block reserved for a school.

The proposed increase was appealed on the basis of a non-decision by the municipality. That appeal was partially settled in 2009 when Penta and the City of Burlington entered into a settlement agreement. Under this agreement, the City recognized Eagle Heights as an approved residential development for up to 924 units as a required component of the City’s housing supply and agreed to assist in resolving any outstanding concerns of other

planning agencies. After the execution of the settlement agreement, the next step was for Penta to complete new comprehensive planning, engineering and environmental studies. This has been completed through detailed fieldwork carried out between 2014 and 2018 and the submission of ten comprehensive reports to the City of Burlington and the Region of Halton.

During this time period the Region completed an official plan review which culminated in the adoption and approval of Official Plan Amendment Number 38. The specific policies noted above in the Official Plan which permit the development of the Eagle Heights lands were continued in ROPA 38 which was approved by the Ministry of Municipal Affairs on November 24, 2011. It is important to note that this rendered the Halton Official Plan policies to be approved in accordance with the policies of the Growth Plan for the Greater Golden Horseshoe.

PART IV: ADVANCEMENT OF CAPITAL WORKS TO FACILITATE URBAN RESIDENTIAL DEVELOPMENT IN EAGLE HEIGHTS:

Penta has also worked co-operatively with the City and Region to advance the necessary engineering infrastructure to support urban residential development as follows:

1. The projects required for the development of Eagle Heights are included in the City of Burlington's and Region of Halton's respective Capital Budget and forecasts;
2. The servicing of this area has been incorporated in successive Development Charges By-laws and Water and Wastewater Master Plans;
3. Phase "A" of the sanitary servicing work was front-end financed by Penta and was completed in conjunction with the construction of the Waterdown Road/403 interchange in 2010;
4. The City has acquired from Penta, through expropriation, the land required for the widening and urbanization of Waterdown Road. The expropriation was approved in 2019 and the report from the Hearing Officer accepted evidence from the City that a line for the wastewater main is included in their capital development plans. Specifically, Phase "B" of the sanitary work will be part of the reconstruction and widening of Waterdown Road to be undertaken by the City with the cost being front-ended by Penta;
5. Under the 2009 Settlement Agreement, Penta front-ended municipal services along Waterdown Road to Craven Avenue. The installed municipal services are designed to have the capacity to accommodate the full development of Eagle Heights and are currently in place.

6. Penta has confirmed servicing allocation from the Region. Penta and the Region are in the process of negotiating a front-end financing agreement for the services required for Eagle Heights;
7. Penta has secured the necessary approvals to build roads across the two hydro corridors to facilitate the road network associated with the plans of subdivision;
8. The Aldershot GO station is identified as an MTSA in the Regional Structure Plan adopted through the recent approval of ROPA 48. MTSA's require a significant population and employment to support its development. The Eagle Heights lands are located generally within 1650 metres of the station along Waterdown Road which will enhance the population base of the MTSA with a diverse range of fully serviced housing types;
9. In addition, the City of Hamilton has introduced inter-regional transit service along Waterdown Road from Hamilton providing an urban level of service through the North Aldershot area.

PART V: EAGLE HEIGHTS DEFINED AS A SETTLEMENT AREA UNDER THE GROWTH PLAN:

The Growth Plan defines "Settlement Areas" as follows:

"Settlement Areas:

Urban areas and rural settlements withing municipalities (such as cities, towns villages and hamlets) that are:

- a) *Built up areas where development is concentrated and which have a mix of land uses; and,*
- b) *Lands which have been designated in an official plan for development in accordance with the polices of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated."*

As noted previously, the Eagle Heights lands are designated in the Halton Regional Official Plan for development. The Regional Official Plan specifically approved the development of the lands that were approved by the provincially led North Aldershot Interagency Review.

When the Region adopted ROPA 38, they took the position that the Regional Official Plan policies were brought into conformity with the Growth Plan. As noted, the Minister approved ROPA 38 on November 23, 2011 – which the Minister could only do if the Halton Official Plan was now in conformity with the Growth Plan, by virtue of section 3 of

the Planning Act. Therefore, the Eagle Heights lands satisfy the Growth Plan definition of “Settlement Area” based on the language of the definition.

It is our view that since the lands legally are ‘Settlement Area’ under the definition in the Growth Plan, they enjoy that status regardless of whether or not the mapping included in ROPA 49 shows them as part of the urban area. However, the Province should remove any potential for confusion and modify the mapping in ROPA 49 to show the lands as being within the urban settlement area.

PART VI: CONCLUSION AND REQUESTED MODIFICATIONS FOR ROPA 49:

To reflect the existing legal status of the lands, to establish clarity, and avoid any possible confusion, the Eagle Heights lands should be mapped, by modification to ROPA 49, as being part of the urban (settlement area) of Halton Region. This modification will also ensure that a significant component of the City’s housing inventory will be developed at a time when supply and affordability are key issues in the GTHA. Given the historical development approvals for Eagle Heights the recognition of the subject lands as part of the urban settlement area within ROPA 49 cannot be construed as any form of urban boundary expansion. Ministerial modifications to ROPA 49 to show the Eagle Heights land as being within the Urban (settlement) Area will eliminate any confusion and ambiguity to ensure established development rights are continued for Eagle Heights.

On this basis, the following modifications to ROPA 49 are recommended:

Policy Changes:

We are respectfully requesting that the following policy be added to section 139(6) of the Region of Halton Official Plan:

“139(6)

It is the policy of the Region to permit development of the land approved for development in the decision of the Ontario Municipal Board in GSA Owners Group Inc. v Burlington (City) 1996 OMBD No. 1467 dated October 1996 for urban residential purposes within the Central Sector of the North Aldershot Policy Area and be provided with full urban services and designated as “Urban Area” on applicable schedules to this Plan.”

Mapping Changes:

It is also recommended that the following mapping changes be included within ROPA 49 as shown in Appendix B hereto:

Map 1 Regional Structure: Eagle Height Lands to be shown as “Urban Area”

Map 1B Parkway Belt Transportation and Utility Corridors: Eagle Heights Lands to be shown as “Urban Area”

Map 1C: Future Strategic Employment Areas: Eagle Heights Lands to be shown as “Urban Area”

Map 1D: Municipal Wellhead Protection Zones: Eagle Heights Lands to be shown as “Urban Area”

Map 1E: Agricultural System and Settlement Areas: Eagle Heights Lands to be shown as “Urban Area”

Map 1 F: Identified Mineral Resource Areas: Eagle Heights Lands to be shown as “Urban Area”

Map 1G: Key Features within the Greenbelt and Regional Natural Heritage Systems:

Eagle Heights lands to be shown as “Urban Areas within Regional Urban Area” and Key Feature Areas removed

Map 1H: Regional Urban Structure:

Eagle Heights Lands to be shown as “Urban Area and withing Regional Urban Boundary”

Map 3: Functional Plan of Major Transportation Facilities:

Eagle Heights Lands to be shown as “Urban Area and withing Regional Urban Boundary”

Map 4: Right of Way Requirements of Arterial Roads:

Eagle Heights Lands to be shown as “Urban Area and withing Regional Urban Boundary”

Map 5: Regional Phasing:

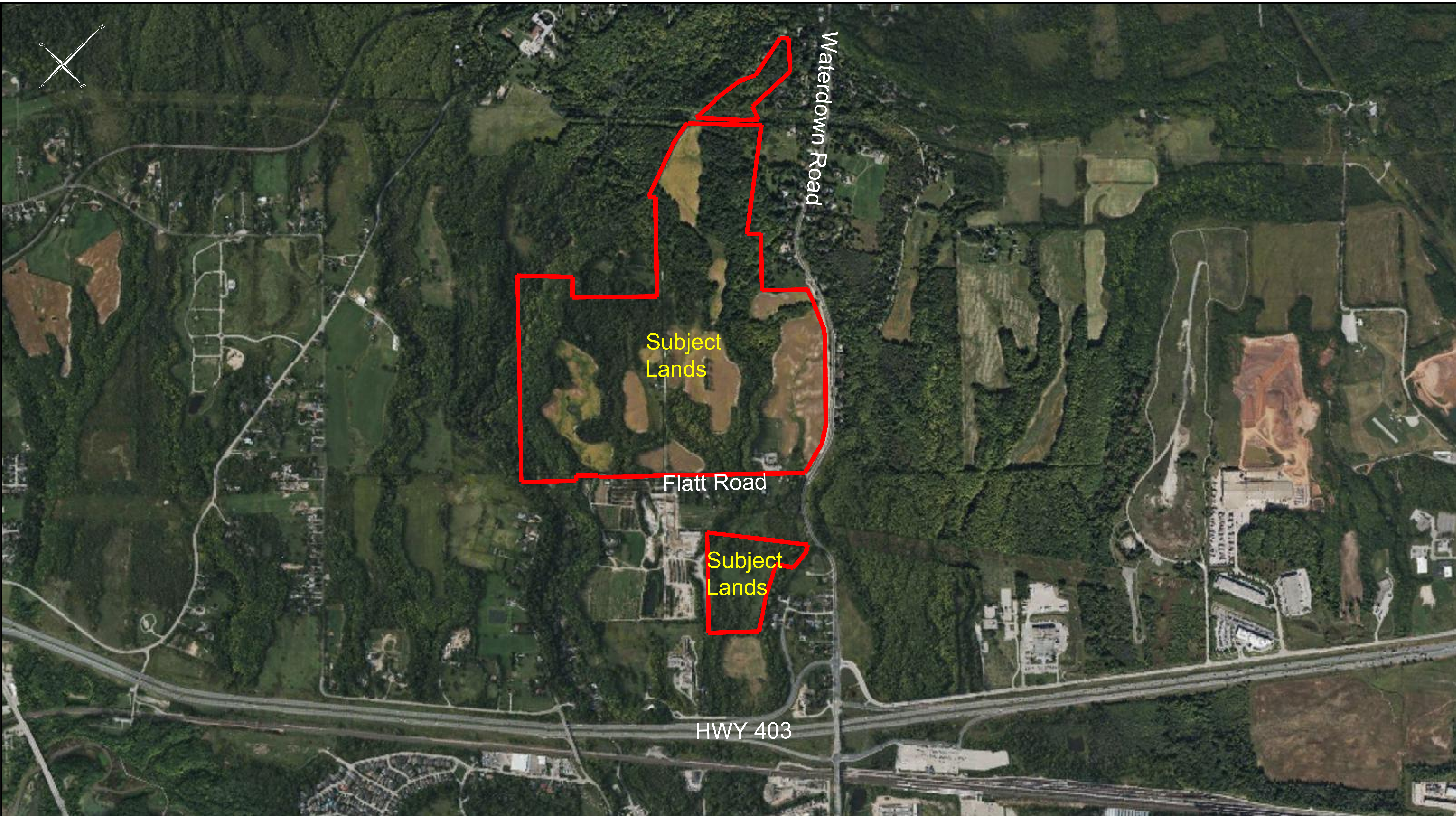
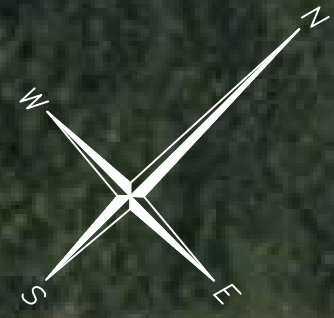
Eagle Heights Lands to be shown as within Regional Urban Boundary and Urban Area with Regional Phasing to 2021.

Respectfully submitted:

John B. Corbett

*John B. Corbett MCIP RPP
President
Corbett Land Strategies*

APPENDIX A
LOCATION MAP
EAGLE HEIGHTS, CITY OF BURLINGTON
REGIONAL MUNICIPALITY OF HALTON



Eagle Heights Location Plan

Paletta Properties Inc.

Scale: N.T.S.

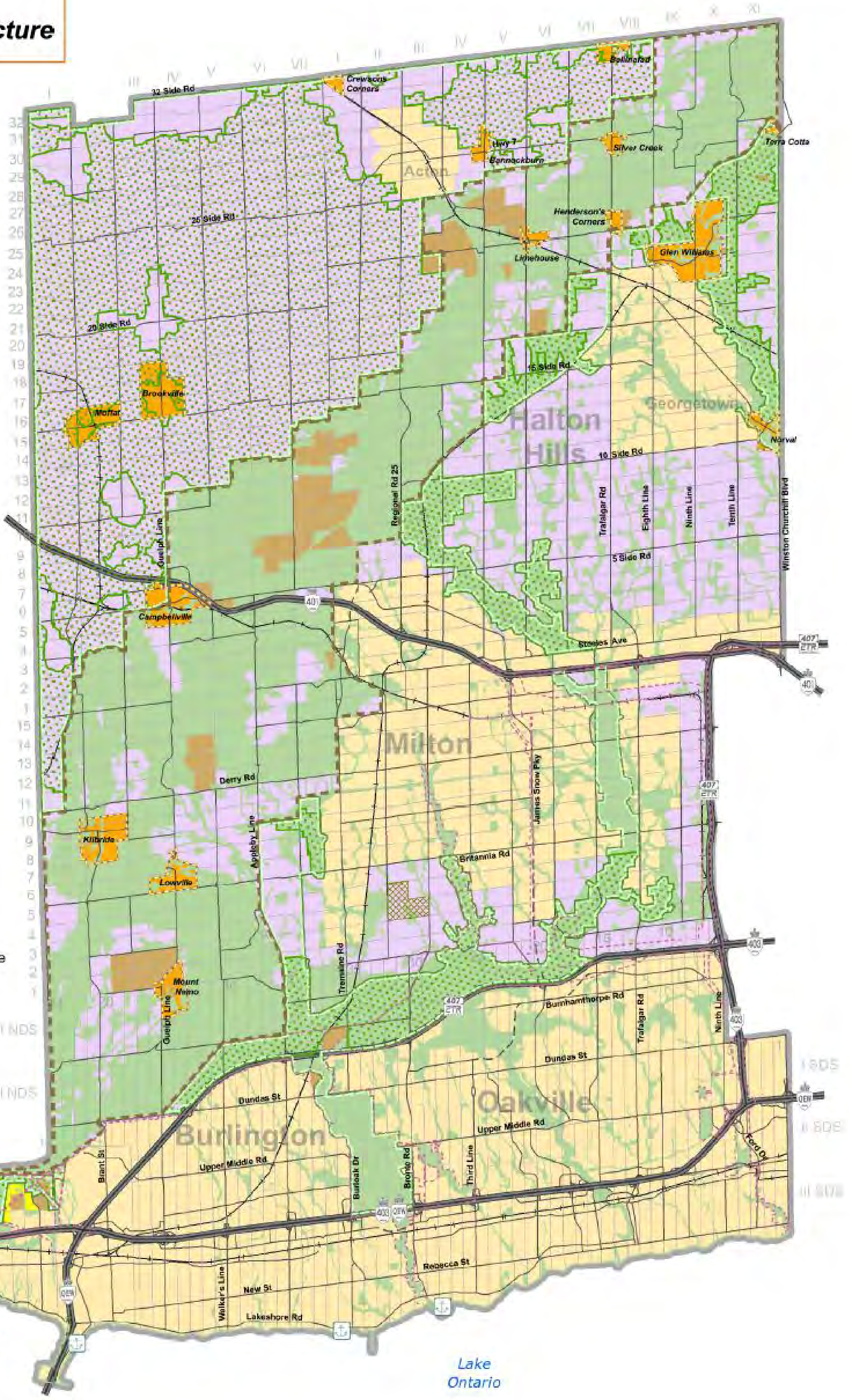


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APPENDIX "B"
RECOMMENDED SCHEDULE MODIFICATION TO ROPA 49
REGIONAL MUNICIPALITY OF HALTON

Map 1 Regional Structure

Approved 2021-11-10



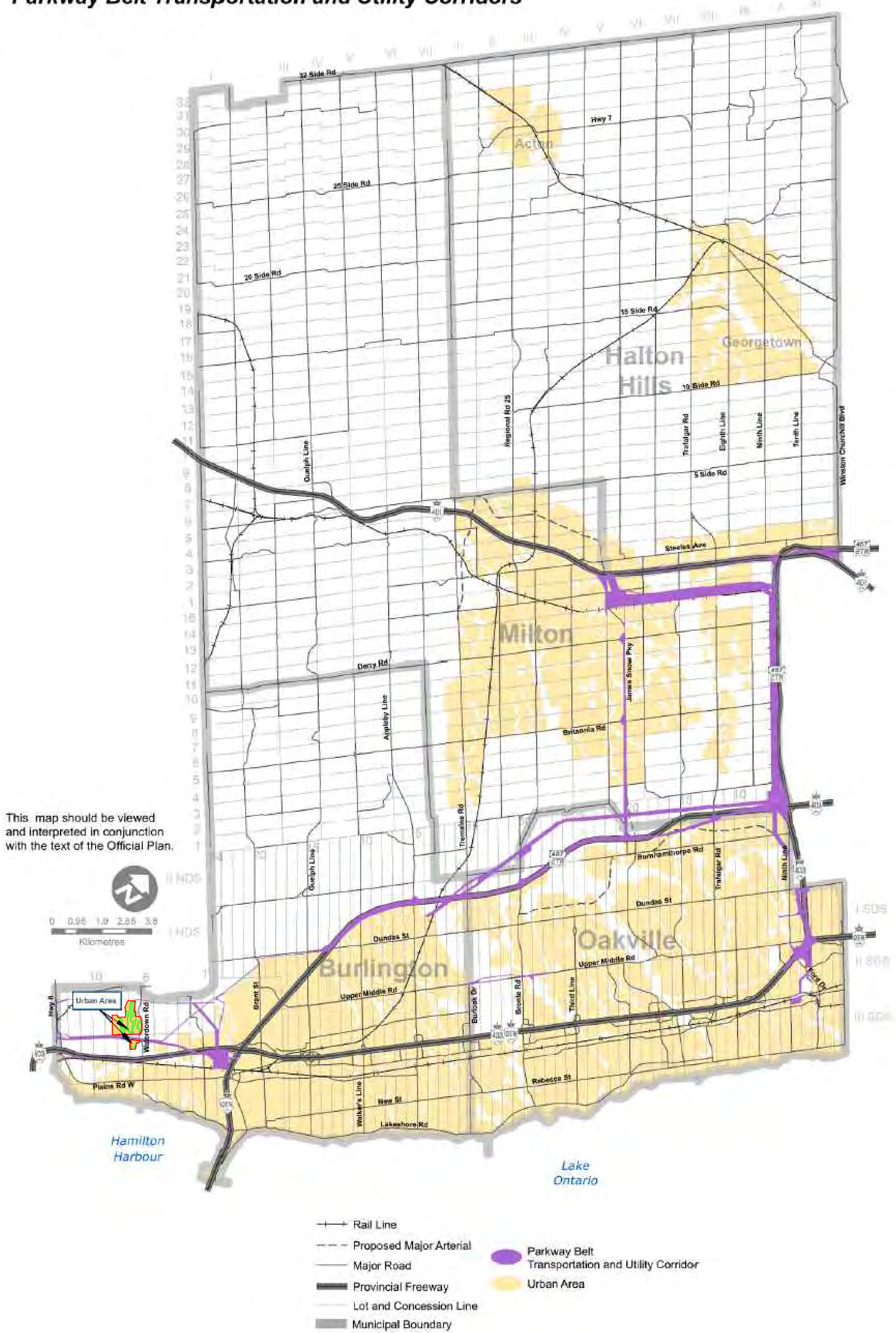
This map should be viewed and interpreted in conjunction with the text of the Official Plan.

* The Boundaries of the Regional Natural Heritage System may have been refined in accordance with Section 116.1.



- Waterfront Park (See Map 2)
- Rail Line
- Proposed Major Arterial
- Major Road
- Provincial Freeway
- Lot and Concession Line
- Municipal Boundary
- Urban Area
- Hamlet
- Agricultural Area
- Regional Natural Heritage System *
- Mineral Resource Extraction Area
- North Aldershot Policy Area
- Greenbelt Natural Heritage System (Overlay)
- Greenbelt Plan Protected Countryside Boundary
- Niagara Escarpment Plan Boundary
- Parkway Belt West Plan Boundary
- Area Eligible for Urban Servicing
- Halton Waste Management Site

Map 1B Parkway Belt Transportation and Utility Corridors



Map 1C Future Strategic Employment Areas

Approved 2021-11-10

This map should be viewed and interpreted in conjunction with the text of the Official Plan.

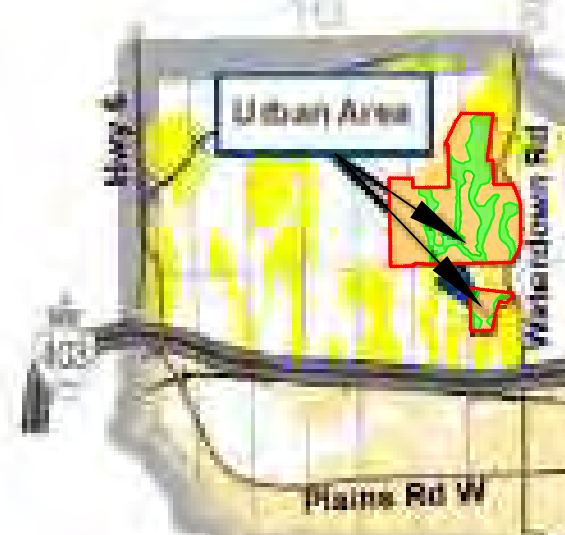
The geographic extent and boundary of the Urban Area, and the geographic extent and classification of the Corridors, as shown on this map are subject to revision through the current municipal comprehensive review.

* Note: The Future Strategic Employment Areas are not land use designations but represent a constraint to development. Refer to Sections 139.6 and 139.7 of this Plan.



Map 1D Municipal Wellhead Protection Zones

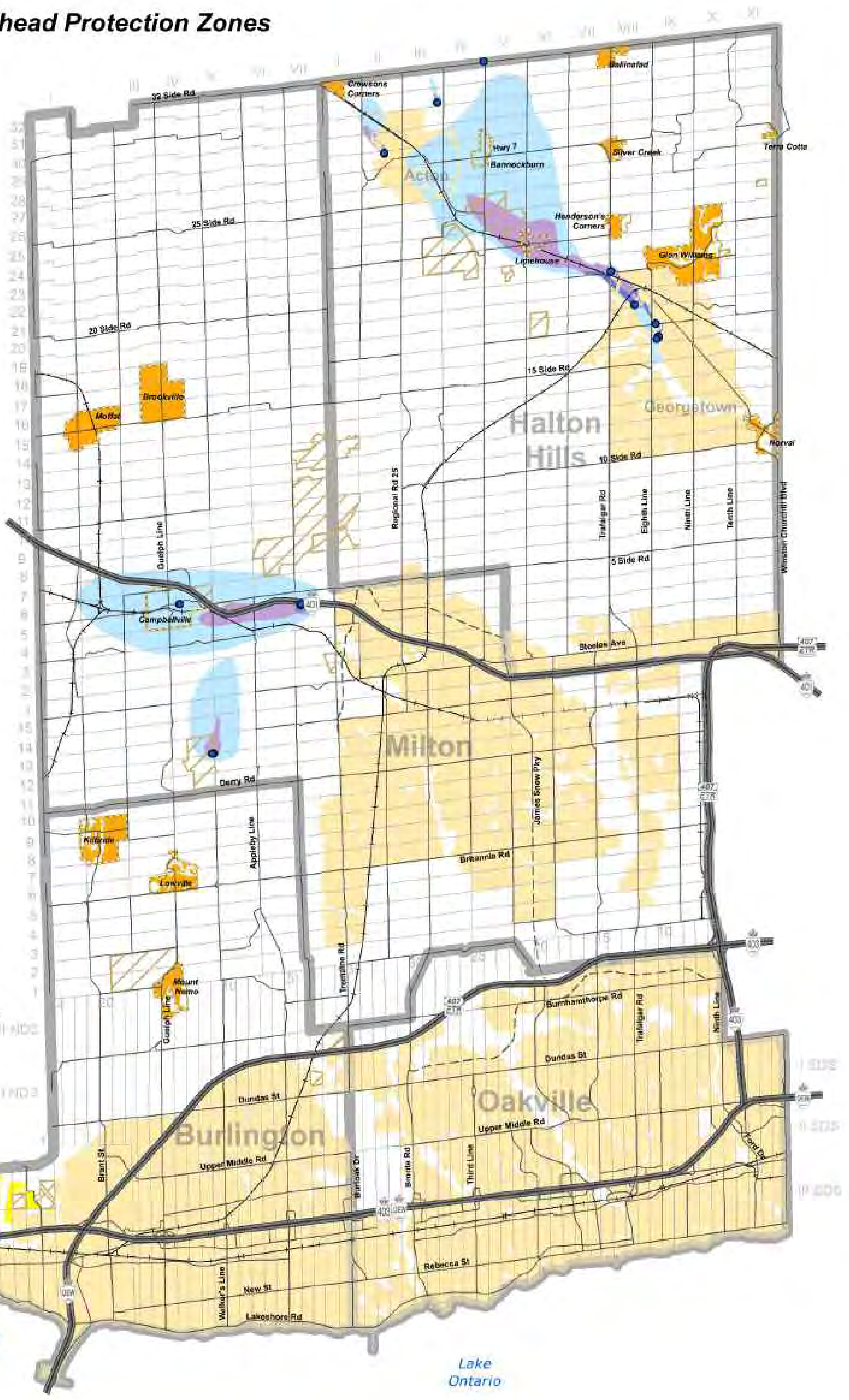
This map should be viewed and interpreted in conjunction with the text of the Official Plan.



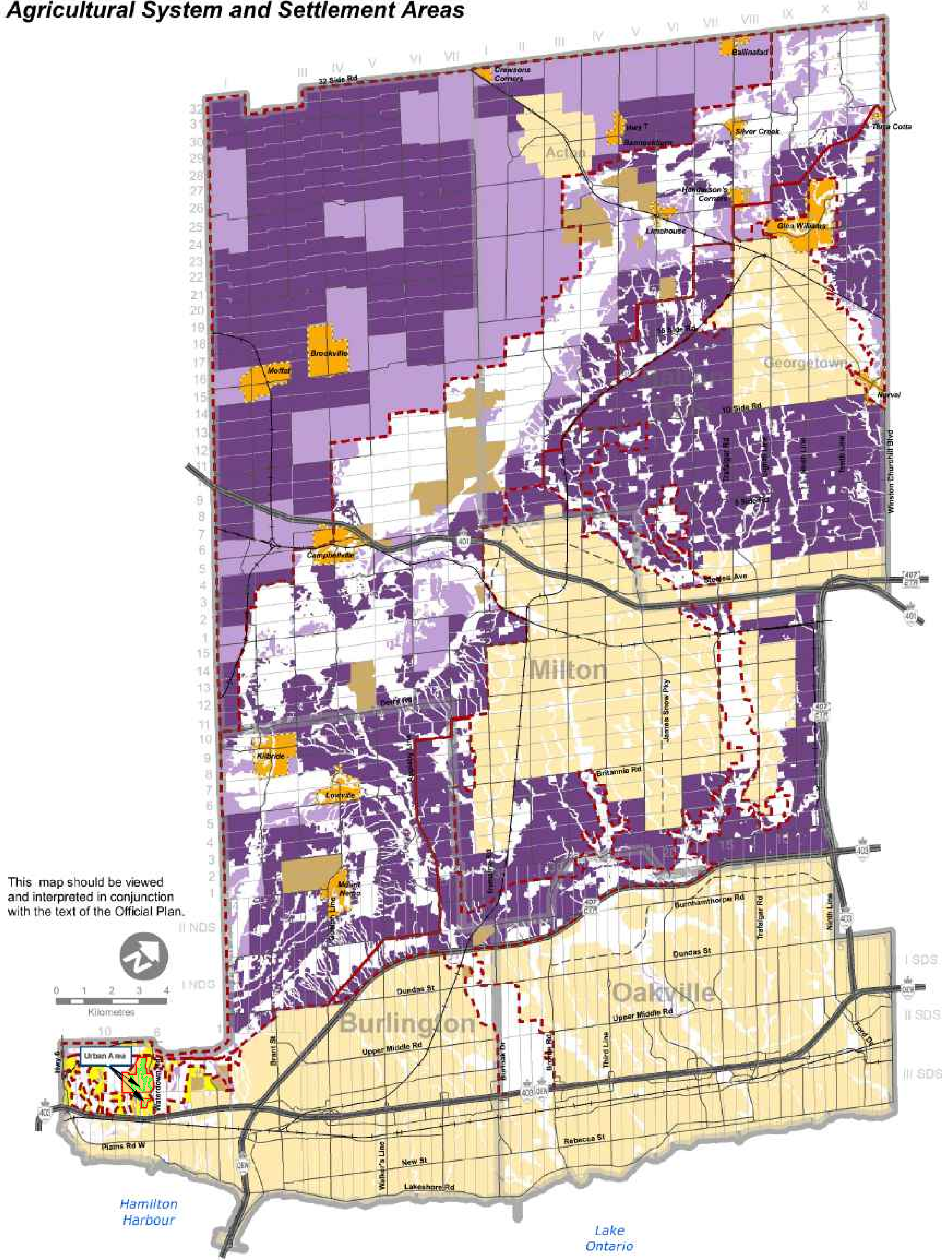
Hamilton Harbour

Lake Ontario

- Municipal Well
- Rail Line
- - - Proposed Major Arterial
- Major Road
- Provincial Freeway
- Lot and Concession Lines
- Municipal Boundary
- Urban Area
- Hamlet
- Mineral Resource Extraction Area
- North Aldershot Policy Area
- Zone 1 (100 Day Travel Time)
- Zone 2 (100 Day to 2 Year Travel Time)
- Zone 3 (2 Year to 10 Year Travel Time)



Map 1E Agricultural System and Settlement Areas



This map should be viewed and interpreted in conjunction with the text of the Official Plan.



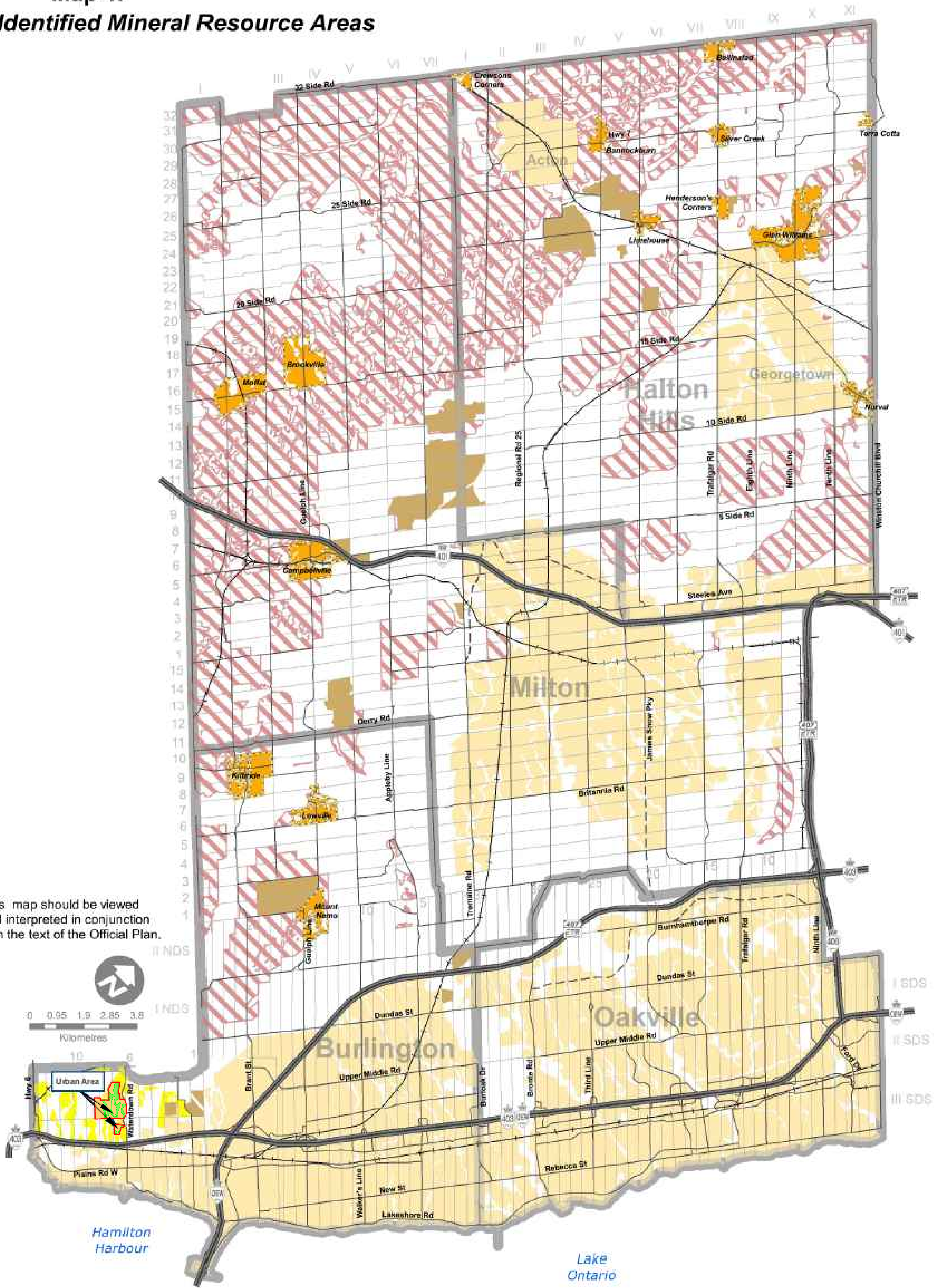
- +— Rail Line
- - - Proposed Major Arterial
- Major Road
- Provincial Freeway
- Lot and Concession Line
- Municipal Boundary

- Settlement Areas**
- Urban Area
 - Hamlet
- Rural Clusters as defined in Local Official Plans

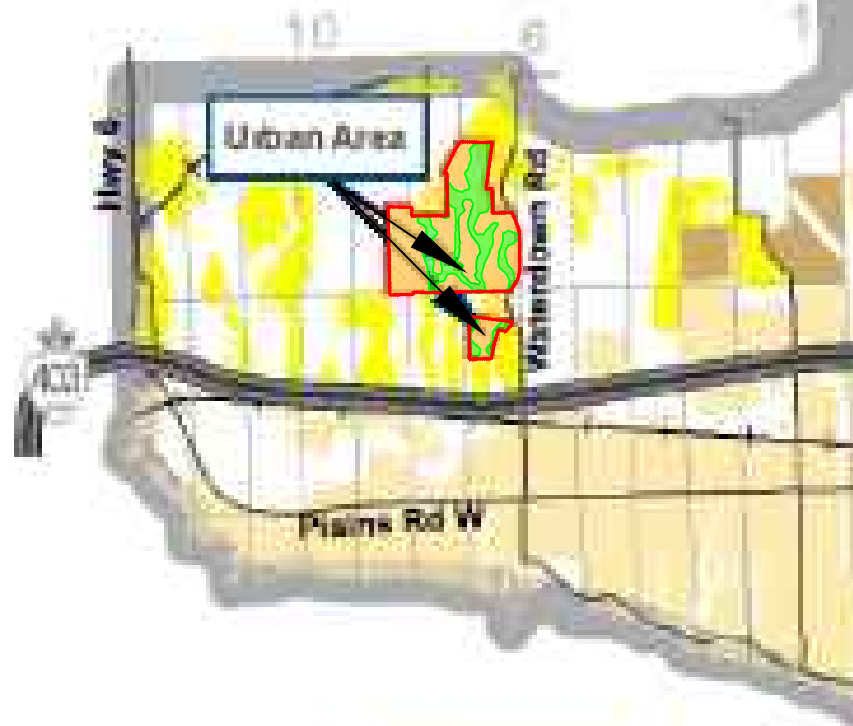
- Agricultural System**
- Prime Agricultural Areas
 - Agricultural System outside Prime Agricultural Areas

- Mineral Resource Extraction Area
- North Aldershot Policy Area
- Greenbelt Plan Boundary

Map 1F Identified Mineral Resource Areas

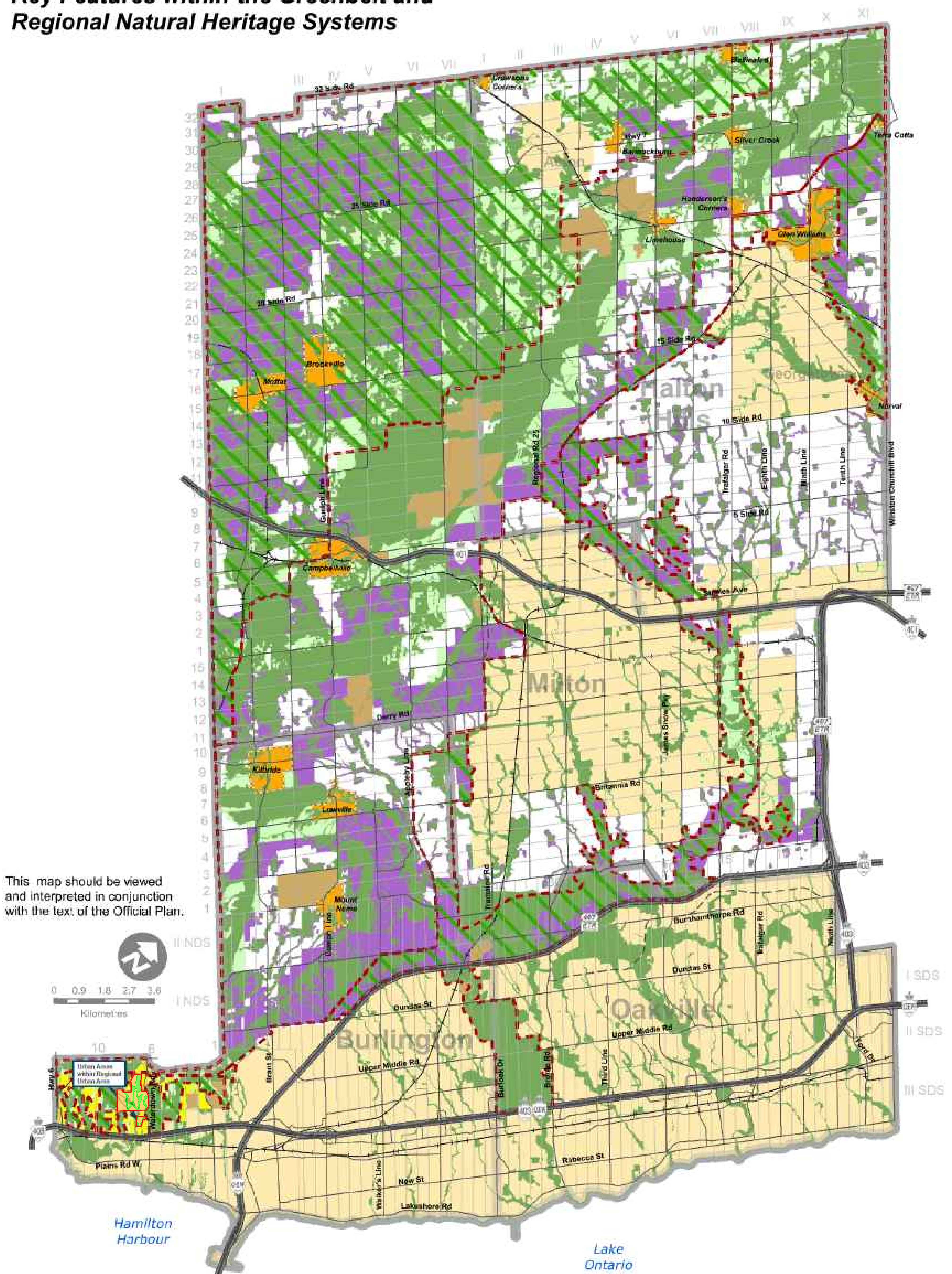


This map should be viewed and interpreted in conjunction with the text of the Official Plan.



- +— Rail Line
- - - Proposed Major Arterial
- Major Road
- == Provincial Freeway
- Lot and Concession Line
- Municipal Boundary
- Urban Area
- Hamlet
- Mineral Resource Extraction Area
- North Aldershot Policy Area
- Identified Mineral Resource Area

Map 1G Key Features within the Greenbelt and Regional Natural Heritage Systems



This map should be viewed and interpreted in conjunction with the text of the Official Plan.

- Rail Line
- Proposed Major Arterial
- Major Road
- Provincial Freeway
- Lot and Concession Line
- Municipal Boundary
- Greenbelt Plan Boundary
- Urban Area
- Hamlet
- Key Features
- Enhancement Areas, Linkages and Buffers
- Prime Agricultural Areas in NHS Enhancements/Linkages/Buffers
- Greenbelt NHS
- Mineral Resource Extraction Area
- North Aldershot Policy Area

Map 1h Regional Urban Structure

Approved 2021-11-10

This map should be viewed and interpreted in conjunction with the text of the Official Plan.

The geographic extent and boundary of the Urban Area, and the geographic extent and classification of the Corridors, as shown on this map are subject to revision through the current municipal comprehensive review.

The changed delineation of Urban Growth Centres by Amendment 48 is subject to section 80.3.



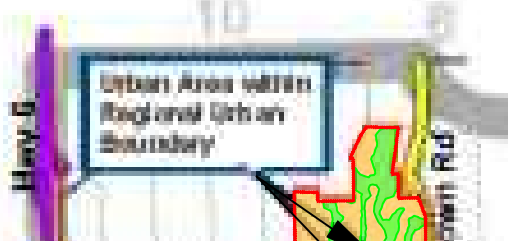
- Major Transit Station
- Proposed Major Transit Station
- Rail Line
- Proposed Major Arterial
- Major Road
- Provincial Freeway
- Urban Area
- Built Boundary
- Employment Area
- Higher Order Transit Corridor
- Commuter Rail Corridor
- Priority Transit Corridor
- Lot and Concession Line
- Municipal Boundary
- Urban Growth Centre
- Major Transit Station Area (MTSA)
- Primary Regional Nodes
- Secondary Regional Nodes

Map 3 Functional Plan of Major Transportation Facilities

Approved 2021-11-10

This map should be viewed and interpreted in conjunction with the text of the Official Plan.

Map 3 as currently shown, will be updated by amendment to this Plan upon the identification of a preliminary route planning study area in accordance with Section 173(5.1).



- Urban Growth Centre
- Rail Line
- Hamlet Area
- Provincial Highway
- Major Transit Station
- Major Road
- Urban Area
- Major Arterial
- Proposed Major Transit Station
- Lot and Concession Line
- Higher Order Transit Corridor
- Multi-Purpose Arterial
- Airport
- Municipal Boundary
- Commuter Rail Corridor
- Minor Arterial
- Priority Transit Corridor
- Provincial Freeway
- Proposed Major Arterial

HPBATS / GTA West Corridor Protection Area
Under Appeal - See OMB Case No. PL 140744

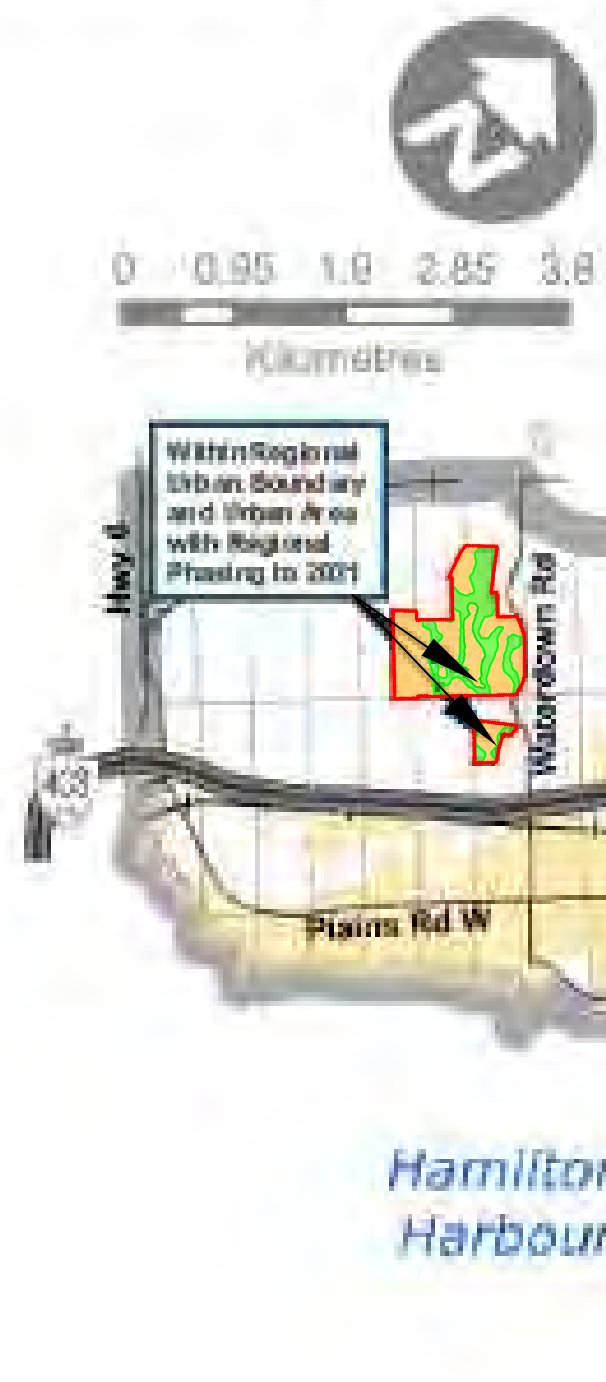
Map 4 Right-of-Way Requirements of Arterial Roads



- | | | | |
|---------------------|------------------------------|-----|-----------------------------------|
| Urban Growth Centre | Provincial Freeway / Highway | 50m | 30m |
| Airport | Rail Line | 47m | 26m |
| Urban Area | Major Road | 42m | 24m |
| | Lot and Concession Line | 40m | 20m |
| | Municipal Boundary | 36m | ROW Shown on Local Official Plans |
| | | 35m | Proposed Major Arterial |
| | | | Proposed Minor Arterial |

Map 5 Regional Phasing

This map should be viewed and interpreted in conjunction with the text of the Official Plan.



- Rail Line
- Major Road
- Proposed Major Arterial
- Provincial Freeway
- Lot and Concession Line
- Municipal Boundary
- Urban Area with Regional Phasing to 2021
- Urban Area with Regional Phasing between 2021 and 2031
- HPBATS / GTA West Corridor Protection Area
Under Appeal - See OMB Case No. PL 140744