



# The Corporation of the Town of Milton

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Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: February 12, 2024

Report No: DS-006-24

Subject: Technical Report -Proposed Plan of Vacant Land Condominium and Zoning By-law Amendment by 2300152 Ontario Inc. for lands located at 225 & 269 Campbell Avenue East, Campbellville (Town Files: 24CDM-20005/M and Z-20/20)

Recommendation: **THAT Town of Milton Council support the granting of Draft Plan Approval by the Commissioner of Development Services for the proposed Plan of Vacant Land Condominium (Town File: 24CDM-20005/M);**

**AND THAT Application Z-20/20 for an amendment to the Town of Milton Comprehensive Zoning By-law 144-2003, as amended, to change the existing Village Residential (RV) and Greenlands A (GA) Zones to a site-specific Village Residential (RV\*341) Zone and a refined Greenlands A (GA) Zone on the subject lands to permit the development of a residential Plan of Vacant Land Condominium, BE APPROVED;**

**AND THAT the Mayor and the Town Clerk be authorized to execute the necessary Development Agreement(s) and the Condominium Agreement at the appropriate time;**

**AND FURTHER THAT staff be authorized to bring forward an amending Zoning By-law for Council Adoption.**

## EXECUTIVE SUMMARY

The Owner of the lands, 2300152 Ontario Inc. (Anderson) is seeking approval of an amendment to the Town of Milton Zoning By-law 144-2003, as amended, to implement a proposed residential Plan of Vacant Land Condominium containing six (6) units (lots) all on private services (i.e. septic and well) and a common element which includes a private roadway to access the units (lots), the required MTO setback, and a delineated natural

## **EXECUTIVE SUMMARY**

heritage system. Easements for noise attenuation walls, specific stormwater infrastructure and the protection of an additional natural heritage feature, all on private property, will be shown on a separate reference plan and secured and maintained by the future condominium corporation. The zoning by-law amendment will provide appropriate building envelopes for six (6) future single detached dwellings with private services on the proposed units (lots) to be created, and reflect the boundary of the confirmed natural heritage system. Provisions relating to the application of zone standards have also been included in the site-specific zoning by-law.

As such, the proposed Zoning By-law Amendment seeks to replace the current Village Residential (RV) and Greenlands A (GA) Zones with a site-specific Village Residential (RV\*341) Zone and a refined Greenlands A (GA) Zone on the subject lands.

A virtual Public Information Centre (PIC) was held by the applicant on February 11, 2021 and the statutory public meeting was held on March 22, 2021. Members of the public, primarily long-time residents that live and/or own lands adjacent to the proposed development, posed questions and raised concerns at the meetings and via written submissions (Appendix 2) in regards to proposed lot sizes, septic design and water supply, impact of development on existing wells in the area, proposed drainage and stormwater management strategies, riparian rights, noise attenuation, preservation of natural heritage features, sightline visibility at the proposed access to the site, the proposed built form and orientation of future dwelling units, construction related matters, and anticipated timing of the development.

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 and are in the process of finalizing appropriate conditions of draft plan approval. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion 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 Draft Plan of Vacant Land Condominium processed under File 24CDM-20005/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.

## **EXECUTIVE SUMMARY**

Therefore, staff recommends approval of the proposed Zoning By-law Amendment and the draft approval of the Plan of Vacant Land Condominium as presented through this Report..

## **REPORT**

### **Background**

**Owner:** 2300152 Ontario Inc. (Anderson), Campbellville, Ontario

**Applicant:** Jansen Consulting, 70 Main Street North, P.O. Box 38, Campbellville, Ontario

#### **Location/Description:**

The subject lands, made up of two existing parcels, are approximately 5.66 hectares (14 acres) in size and are situated on the north side of Campbell Avenue East, just east of Wheelihan Way, and south of Highway 401, within the Hamlet of Campbellville. The two properties have amalgamated into a single ownership and are legally described as Part of Lot 6, Concession 4, Former Geographic Township of Nassagaweya, Town of Milton, and municipally known as 225 and 269 Campbell Avenue East. The location of the property is illustrated in Figure 1 attached to this report.

The property is bounded by Highway 401 to the north, existing residential dwellings and Campbell Avenue East to the south, and residential dwellings to the east and west. Sovereign Fusion, an existing welding company is also located adjacent to the eastern property line. A tributary of Sixteen Mile Creek transects the site along the western edge of the property, and a large portion of the lands fall within Conservation Halton jurisdiction. The majority of the lands are generally flat, with the exception of the west and south edges of the property, as there are steep changes in grade associated with the existing valley land and tributary.

The subject lands currently contain the following buildings, structures and features:

- 225 Campbellville Avenue East contains a single detached dwelling, a barn, small accessory structures, and a gravel race track. The property is currently accessed by a shared driveway easement with 209 & 215 Campbell Avenue.
- 269 Campbell Avenue contains a single detached dwelling, a barn and a shed. The existing house is located at the top of a hill with the driveway extending down to Campbell Avenue.

#### **Proposal:**

## Background

As illustrated in Figure 2, the Owner is proposing through an application for a Plan of Vacant Land Condominium, the development of six (6) 1-acre (0.4 hectare) condominium units (lots) that are each intended to contain a single detached dwelling, septic system and private well. The proposed common element is comprised of the following components:

- a private roadway, which will enter the property from the existing driveway location at 269 Campbell Avenue, to provide access to all units (lots) within the development;
- the required 14 metre MTO setback from Highway 401; and,
- the identified natural heritage and natural hazard features along with their associated buffers for which the condominium corporation will retain ownership and be responsible for the stewardship of these lands.

In addition to the above, noise attenuation walls, specific stormwater infrastructure (i.e. a super pipe that crosses each unit (lot) and leads to the tributary) and an additional natural heritage feature, all on private property, will be protected and maintained by the future condominium corporation through easements identified on a separate reference plan and a Conservation Easement Agreement, respectively.

An application has also been made to amend the Town of Milton Zoning By-law 144-2003, as amended, to change the zoning applicable to the subject lands from the existing Village Residential (RV) and Greenlands A (GA) Zones to a site-specific Village Residential (RV\*341) Zone and a more refined Greenlands A (GA) Zone. This amendment is necessary in order to provide appropriate building envelopes for the future single detached dwellings on the proposed units (lots) to be created through the Plan of Vacant Land Condominium and to reflect the boundary of the natural features and natural hazards along with their associated buffers. Figure 3 - Site Plan of Proposed Development, attached to this report, illustrates the potential development envelopes for each of the proposed units (lots) and has been used as a basis for the site-specific provisions.

If these applications are approved, the existing dwellings, barn and all accessory structures at both 225 and 269 Campbell Avenue East will be demolished, and the easement and access to 225 Campbell Avenue East will be abandoned. The existing driveway (beyond the shared driveway) will be utilized to accommodate (in part) the proposed super pipe with the remainder of the driveway to be restored post-development.

The following information has been submitted in support of the applications:

- Topographic Survey, prepared by A.T. McLaren Limited, dated June 27, 2012;
- Topographic Sketch of Part Lot 6, Concession 4, prepared by J.D. Barnes Limited, dated October 8, 2015;



## Background

- Draft Plan of Vacant Land Condominium, prepared by J.D. Barnes Limited, dated December 6, 2023;
- Site Plan of Proposed Development, Dwg. S1, prepared by Jansen Consulting, dated December 13, 2023 (Revision 5);
- Public Engagement Strategy, prepared by Upper Canada Consultants, dated December 2020;
- Planning Justification Report, prepared by Upper Canada Consultants, dated November 2020;
- Draft Zoning By-law Amendment, prepared by Upper Canada Consultants, October 2023;
- Stage 1 and 2 Archeological Assessment, prepared by Archaeological Research Associates, dated September 28, 2016 and associated Ministry Letter;
- Environmental Features Plan, prepared by Azimuth Environmental Consulting Inc., dated May 2014;
- Top of Bank Sketch, prepared by J.D. Barnes Limited, dated March 28, 2018;
- Environmental Impact Assessment Update - 225 and 269 Campbell Avenue East, prepared by Azimuth Environmental Consulting Inc., dated October 2020 and updated April 2022 and July 2023;
- Phase One Environmental Site Assessment, prepared by DS Consultants Ltd., dated September 2, 2020;
- Phase Two Environmental Site Assessment, prepared by DS Consultants Ltd., dated June 24, 2021;
- Servicing and Stormwater Management Report prepared by Crozier Consulting Engineers, dated November 2023;
- Hydrogeological Assessment Review, prepared by Peto MacCallum Ltd, dated March 2019;
- Hydrogeological Investigation - 225 Campbell Avenue East, prepared by Peto MacCallum Ltd., dated June 2020;
- Supplemental Hydrogeological Investigation - 225 and 269 Campbell Avenue East, prepared by GEI Consultants, dated February 17, 2022 with Appendix-A revised March 2023;
- Preliminary Slope Stability Assessment - 225 & 269 Campbell Avenue, prepared by DS Consultants Ltd, dated October 16, 2020;
- Slope Stability Assessment - 269 Campbell Avenue, prepared by DS Consultants Ltd., dated March 18, 2022;
- Well Record for Unit 6, June 2023;

## Background

- Natural Hazards Study, prepared by Crozier Consulting Engineers, dated May 2020;
- Arborist Report and Tree Preservation Plan, prepared by Azimuth Environmental Consulting Inc., dated June, 2020;
- Noise Feasibility Study, prepared by HGC Engineering, dated May 23, 2023;
- Traffic Brief, prepared by Crozier Consulting Engineers, dated April 2020 and updated April 2022;
- Septic System Investigation, prepared by Peto MacCallum Ltd., dated April 3, 2023;
- Draft Reference Plan - Road Widening, prepared by J.D. Barnes Limited, dated October 6, 2020;
- Reference Plan 20R-21842, deposited on December 16, 2020;
- Garbage Truck Turnaround, prepared by Upper Canada Consultants, dated September 22, 2020; and,
- Legal Opinion Regarding Riparian Rights for the Anderson Property, prepared by Mcmillan LLP, dated August 10, 2023.

## Planning Policy

### Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. The following sections of the PPS are applicable to the subject application.

### Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

#### 1.1.3.1 Settlement areas shall be the focus of growth and development

### Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

## Background

- 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

## Land Use Compatibility

- 1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.
- 1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
- there is an identified need for the proposed use;
  - alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
  - adverse effects to the proposed sensitive land use are minimized and mitigated; and,
  - potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

## Housing

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
- ...
- permitting and facilitating:
    - all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

## Background

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

### Sewage, Water and Stormwater

- 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.
- 1.6.6.7 Planning for stormwater management shall:
  - a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
  - b) minimize, or, where possible, prevent increases in contaminant loads;
  - c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
  - d) mitigate risks to human health, safety, property and the environment;
  - e) maximize the extent and function of vegetative and pervious surfaces; and
  - f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

### Natural Heritage

- 2.1.1 Natural features and areas shall be protected for the long term.
- 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- 2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

## Background

- 2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

## Water

- 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:
- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
  - b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
  - c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;
  - d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;
  - e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
  - f) implementing necessary restrictions on development and site alteration to:
    1. protect all municipal drinking water supplies and designated vulnerable areas; and
    2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
  - g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
  - h) ensuring consideration of environmental lake capacity, where applicable; and,

## Background

- i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

It is staff's opinion that the proposal is consistent with the relevant policies of the PPS as the proposed development, located within a settlement area, balances growth with environmental protection, uses recommended mitigation methods to ensure land use compatibility between the planned residential development (considered a sensitive land use) and the surrounding noise sources, ensures that the quality and quantity of the groundwater supply is protected and a potable water supply is available, the built form is provided at a density that is compatible with surrounding neighbourhoods, and natural heritage features on the site have been protected for the long term through site design and the related zoning by-law amendment.

### A Place to Grow: A Growth Plan for the Greater Golden Horseshoe, 2019, as amended by Amendment 1, 2020 (APTG)

The APTG Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). Like other provincial plans, this Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario.

The following sections of the APTG that are applicable to this application are included below.

#### 2.2.1 Managing Growth

- ...
- 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
  - ...
  - b) growth will be limited in settlement areas that:
    - i. are rural settlements;

## Background

- ii. are not serviced by existing or planned municipal water and wastewater systems; or
- iii. are in the Greenbelt Area.

### 2.2.9 Rural Areas

...

- 6. New multiple lots or units for residential development will be directed to settlement areas, ...

...

Sections 3.2.7 (Stormwater Management), 4.2.1 (Water Resource Systems) and 4.2.7 (Cultural Heritage Resources) are consistent with the PPS and speak to the protection, improvement and restoration of water quality and quantity, as well as conserving historical resources.

It is staff's opinion that the proposal conforms to the APTG as it directs Planning Authorities to develop housing strategies that will ensure that forecasted growth can be accommodated, density targets are achieved, and that a mix of housing options be available. Even though Hamlets are not areas of significant levels of growth, the limited amount of development proposed is considered to be in keeping with the intent of Provincial policy and will contribute additional dwellings into the municipal housing supply. The applications also include necessary background studies that recommend implementation tools to preserve historical importance and natural heritage features, and ensure that the quality and quantity of water is protected.

### Niagara Escarpment Plan

The subject lands are designated Minor Urban Centre and Escarpment Protection Area under the Niagara Escarpment Plan (NEP). As noted in Section 1.6 of the Plan, Minor Urban Centre designations are applied to those rural settlements, villages and hamlets throughout the NEP area. Section 1.6 of the NEP contains the following seven objectives for Minor Urban Centres:

1. To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.
2. To ensure that cumulatively the existing Minor Urban Centres and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.



## Background

3. To promote the co-location of compatible public services to address local community needs in convenient locations that are accessible by walking, cycling and public transit, where available.
4. To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.
5. To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.
6. To direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.
7. To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan.

Consistent with Objective 7, Policy 1.6.5 of the NEP directs that the range of permitted uses within a Minor Urban Centre shall be those in the approved Official Plan and/or Secondary Plan, provided they are not in conflict with the NEP. Consistent with this direction, the Town of Milton Plans permit residential development in the form of single detached dwellings, outside of any natural heritage features, on the subject lands.

Section 1.6.8 of the NEP contains the following Development and Growth Objectives for Minor Urban Centres:

1. Development and growth, including the creation of new lots, shall not extend into the Escarpment Natural Areas.
2. The Escarpment Natural Area designation and its policies must be incorporated into the official plan/secondary plan or development proposal.
3. Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.
4. Development and growth should be limited to minimize land use conflicts (e.g. with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.
5. Development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term

## Background

- goals of low carbon communities, net-zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.
6. Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.
  7. Development and growth should take place as a logical extension of existing development in the form of planned groups, rather than linear or scattered development. Expansion in depth, rather than extension along existing roads, is favoured.
  8. Limited infilling may be permitted in the built-up portions of Minor Urban Centres that do not have an approved official plan and/or secondary plan.
  9. Growth and development in Minor Urban Centres shall be compatible with and provide for:
    - a) the protection of natural heritage features and functions;
    - b) the protection of hydrologic features and functions;
    - c) the protection of agricultural lands, including prime agricultural areas;
    - d) the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;
    - e) considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;
    - f) sustainable use of water resources for ecological and servicing needs; and,
    - g) compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.
  10. Municipal sewage and water services will be the preferred form of servicing. Where municipal sewage services and municipal water services are not provided, the use of private communal sewage services and private communal water services may be permitted. Individual on-site sewage services and individual on-site water services may only be permitted where municipal or private communal services are not available.

Development applications within Minor Urban centres are subject to the Development Criteria outlined in Part 2 of the NEP, including those related to lot creation.

### 2.4 Lot Creation

The objective is to direct the formation of new lots to those locations that are least environmentally sensitive and considers the following criteria:

## Background

1. Lot creation, including lots created within Urban Areas, Minor Urban Centres and Escarpment Recreation Areas, shall be subject to conformity with official plans and/or secondary plans and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, and the criteria set out under Part 2, Development Criteria.
2. New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.
3. Ribbon or strip development should be prevented.
4. The size and configuration of new lots shall be subject to the requirements of official plans and/or secondary plans, and where applicable, zoning by-laws and the objectives of the designation.
5. New lots must: a) maintain and enhance the existing community character and/or open landscape character of the Escarpment; and b) protect and enhance existing natural heritage and hydrologic features and functions.
6. Prior to commenting upon proposals for new lots, the implementing authority shall consider:
  - a) the number, distribution and density of vacant lots in the area;
  - b) the additional lots that may be created in conformity with this Plan;
  - c) the consequences of the development of the lots with regard to the objectives of the designation; and,
  - d) providing for or protecting public access to the Niagara Escarpment, including the Bruce Trail corridor.
7. Where a lot is proposed in more than one designation, the severance policy of the least restrictive designation shall apply. There should be sufficient area in the least restrictive designation to accommodate the development.

It is staff's opinion that the proposed residential development is in conformity with the relevant policies of the NEP for the reasons set out below:

- the subject lands are located within the Minor Urban Centre designation of the NEP and within the Hamlet designation of the Town's Official Plan;
- the proposal is a logical extension of existing neighbouring residential development and is consistent with the built form on neighbouring properties, and contemplated by the Town's Official Plan, the Hamlet of Campbellville Secondary Plan, and the Zoning By-law for the property;
- the proposed lots (including their size) will be supported by individual septic systems and wells that were validated and confirmed by the Hydrogeological Study;
- there is no negative impact on the scenic resources of the escarpment;

## Background

- studies have been completed to evaluate and provide recommendations on land use compatibility and the preservation and management of on site natural resources including natural heritage features and ground water; and,
- although the underlying designation of the property is Escarpment Protection Area, the archeological report submitted with the applications confirms that the property was originally used as a quarry and then modified to accommodate a horse farm with no agricultural production. The developable area of the site will remain in a developed state and the identified natural areas to the west of the proposed lots will remain undeveloped and naturalized.

### Greenbelt Plan, 2017

The subject lands are located in a Hamlet within the Protected Countryside designation of the Greenbelt Plan. The Plan also recognizes that the lands are located within a Minor Urban Centre designation of the Niagara Escarpment Plan (NEP).

As per Section 2.2 of the Greenbelt Plan, where lands are located within the Niagara Escarpment Plan Area, the requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply and the Protected Countryside policies do not apply, with the exception of section 3.3 (Municipal Parkland, Open Space and Trail Strategies). See Niagara Escarpment section above.

Development within the Hamlet of Campbellville is subject to the Hamlet policies under Section 3.4.4 of the Greenbelt Plan. As noted in the policy, development is governed primarily by the Growth Plan in Hamlets, with the exception of policies pertaining to agrifood (3.1.5), water resources (3.2.3), external connections (3.2.6), parkland, open space and trails (3.3) and general settlement area policies (3.4.2). The aforementioned excepted policy sections have no relevance to the submitted applications.

Given that the proposal is consistent with the PPS, and conforms to the APTG and Niagara Escarpment Plan, staff is of the opinion that the proposed development is in conformity with the Greenbelt Plan.

### Regional Official Plan (ROP), 2009

The subject lands are designated as Hamlet on Map 1 of the 2009 Regional Official Plan (ROP). Hamlets are compact rural communities designated to accommodate future residential growth in the rural area. The range of uses permitted in Hamlets shall be in accordance with the policies of the ROP and the Town of Milton's Hamlet of Campbellville

## Background

Secondary Plan. The property is also located in a Significant Groundwater Recharge Area and a Highly Vulnerable Aquifer.

Section 105 of the ROP states that new lots may be created in Hamlets or Rural Clusters provided that they conform to the policies of the ROP and policies in the Local Official Plans and to the Area-Specific Plan.

The PPS requires any lot creation proposal to provide confirmation that sufficient sewage and water services can be accommodated. Section 67 of the ROP indicates that new building lots on private services must meet minimum criteria set forth by the Region's Guidelines for Hydrogeological Studies and Best Management Practices for Groundwater Protection under Section 101(1.4) of the ROP.

The policies of the PPS and ROP support the identification and long-term protection of natural features and areas. The Natural Heritage System of the ROP implements and is consistent with the policy direction of the PPS. The objectives of the Natural Heritage System are numerous and are found under Section 114.1 of the ROP. Some of those objectives include the protection and enhancement of the diversity of flora and fauna, the protection and enhancement of Key Features, preserving and enhancing the quality and quantity of ground and surface water, directing development to locations outside of hazard lands, and preserving native species and communities that are rare, threatened or endangered based on regional, provincial or national scales of assessment. The ROP also requires a system based approach to implementing the Regional Natural Heritage System (RNHS) by not permitting the alteration of any component of the RNHS unless it is demonstrated that there will be no negative impacts to the natural features and areas or their ecological functions.

Policy 118(1) requires Local Official Plans and Zoning By-laws to recognize the Regional Natural Heritage System (RNHS) as identified in the ROP along with the policies that would implement it. Policy 118(3) provides criteria to determine if an applicant is required to carry out an Environmental Impact Assessment (EIA). Further, Policy 118 (4) of the ROP requires the recommendations of the EIA to also address the placement of lot lines.

Section 147(17) of the ROP requires that, prior to the Region or Local Municipality considering any development application proposals, the proponent identify whether there is any potential for soils on the site to be contaminated.

Regional staff reviewed the application and are satisfied that the proposed development of six residential lots (6) lots on private services conforms to the hamlet, lot creation, natural heritage system and other related policies of the ROP.

## Town Official Plan

## Background

The subject lands are designated “Hamlet Area” on Schedule 1 - Town Structure Plan and Schedule A - Rural Land Use Plan of the Town’s Official Plan. Section 4.5 contains policy direction for development within Milton’s Hamlets, including the Hamlet of Campbellville. As set out in Section 4.5.2.1, the permitted uses within the Hamlet Area designation shall be low density residential uses and small scale industrial, commercial and institutional uses in accordance with specific policies. In addition, Section 4.5.3.1 states that all proposed development must be in conformity with the applicable secondary plan, other policies of the Official Plan, the Regional Plan, as well as any other applicable provincial plans.

The subject lands are also designated as “Hamlet Residential Area” on Schedule C.3.A - Hamlet of Campbellville Land Use Plan. As outlined in Section 4.5.3.3 of the Official Plan, the permitted uses in the Hamlet Residential Area designation shall be single detached dwellings and existing semi-detached and duplex dwellings subject to the zoning by-law of the Town. In addition, home occupation and cottage industry uses and assisted and special needs housing are permitted in conformity with the relevant policies of subsection 3.2.3.4, Assisted, Affordable and Special Needs Housing, and subsection 3.2.3.8, Home Occupations and Cottage Industries.

The following sections of the Hamlet of Campbellville Secondary Plan are also applicable:

- Section C.3.1.2 states that limited infilling or strip development that is a logical, continuous extension of existing development is permitted in order to complete the growth potential of the Hamlet.
- Section C.3.1.4 states that the minimum net lot size for new development shall be in accordance with the Region of Halton Hydrogeological Study for the Hamlet of Campbellville and a site-specific hydrogeological study which shall be the satisfaction of the Town and the Region of Halton.
- Section C.3.1.8 states that the Town shall ensure that through the development process, the necessary road allowance widths for municipal and regional roads are secured.
- Section C.3.1.10 states that development in Campbellville, where applicable, shall meet the objectives and development and growth objectives of the Niagara Escarpment Plan Minor Urban Centre designation, and where applicable, the Escarpment Natural Area policies.

Staff reviewed the applications in relation to the policies of the Provincial Policy Statement (PPS), 2020, the Growth Plan (APTG), 2019, as amended by Amendment 1, 2020, the Niagara Escarpment Plan (NEP), 2017, the Greenbelt Plan, 2017, the Halton Region Official Plan (ROP), and the Town of Milton Official Plan (OP). Town staff and our agency partners

## **Background**

are satisfied that the application for the zoning by-law amendment as presented through this report, are consistent with and conforms to the applicable Provincial, Regional and Local land use planning policies and regulations.

### **Zoning By-law 144-2003, as amended**

The subject lands are currently zoned Village Residential (RV) and Greenlands A (GA) under Comprehensive Zoning By-law 144-2003, as amended. The RV Zone permits single detached dwellings, and supplementary uses within or associated with the residential use including a home daycare, home occupation, and cottage industry. The Greenlands A Zone does not permit development.

An amendment to the Zoning By-law is required to refine the boundaries of the RV and GA Zones to reflect the technical background studies undertaken as part the Draft Plan of Vacant Land Condominium and Zoning By-law Amendment applications and implement site-specific provisions applicable to the proposal. A draft amending Zoning By-law is attached as Appendix 1 to this report.

### **Site Plan Control**

Section 4 of the Town's Site Plan Control By-law, states that certain classes of development may be exempt from Site Plan Control. In a case where lots are not within a registered plan of subdivision and the development addresses lot grading and drainage and noise attenuation requirements to the satisfaction of the Town, it is exempt. In addition, Section 41 of the Planning Act more recently redefined "development" that is subject to Site Plan Control and does include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless the parcel of land includes any land in a prescribed area. Staff has reviewed the submission in light of the exemption criteria, changes to the Planning Act and the technical information provided in support of the vacant land condominium and zoning by-law amendment applications, including detailed grading and drainage information, and continue to be of the opinion that Site Plan Control is not required in relation to this application. It should be noted that staff is also of the opinion that reviewing the proposal under both a condominium application and site plan application would be somewhat redundant.

Staff is confident that all site plan related matters have been adequately addressed through the active planning applications and prior to development of the lots, required on-site works, financial obligations, etc. will be captured in the draft plan conditions associated with the Plan



## **Background**

of Vacant Land Condominium and within a special development agreement (i.e. a combination of a servicing agreement and site plan agreement).

## **Discussion**

### **Public Consultation**

Notice of a complete application was provided on December 20, 2020. A virtual Public Information Centre (PIC) was held by the applicant on February 11, 2021 and was attended by members of Council, interested area residents and staff. The applicants presented the proposal and offered a short question and answer period. Members of the public, primarily long-time residents that live and/or own lands adjacent to the proposed development, sought information about the proposed development and the planning process and raised questions relating to proposed lot sizes, septic design and water supply, impact of development on existing wells in the area, drainage, noise attenuation, preservation of natural heritage features, sightline visibility at the proposed access to the site, the proposed built form and orientation of future dwelling units, construction related matters, and anticipated timing of the development.

Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act and the Town's Official Plan on February 25, 2021 via written notice to all properties within 200 metres of the subject lands, as well as an ad in the Milton Canadian Champion Newspaper on February 25, 2021. The statutory public meeting was held on March 22, 2021 and one member of the public on behalf of the Board of Directors of the Milton West Fish & Game Club spoke at the meeting. Staff did receive a number of written submissions, which have been attached as Appendix 2 to this report. In addition to the issues noted above, concerns relating to Campbell Avenue East road improvements undertaken in 2017/2018, additional stormwater management strategies and riparian rights were also brought forward for staff's review and evaluation following the public meeting and various resubmissions provided by the applicant.

Concerns referenced above are discussed in the Summary of Issues section below.

### **Agency Consultation**

The Draft Plan of Vacant Land Condominium, draft Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Conservation Halton, Niagara Escarpment Commission, Town Departments, School Boards and other agencies, including the Ministry of Transportation (MTO), Canadian

## Discussion

Pacific (CP) Railway, Milton Hydro, Hydro One and Canada Post, offered no objection to the applications following several technical discussions and the third resubmission review, and are in the midst of finalizing specific conditions of draft plan approval to be applied to the proposed Plan of Vacant Land Condominium. While there are no objections from the agencies to bring forward the Zoning By-law Amendment for Council consideration, the following comments should be noted.

### Halton Region

Halton Region staff confirmed that the subject lands are located adjacent to the Regional Natural Heritage System (RNHS) and contain and/or are adjacent to the following potential unmapped Key Features and System Components:

- Candidate significant woodlands
- Potential habitat of endangered or threatened species;
- Potential significant wildlife habitat;
- Potential fish habitat;
- Slope hazard, watercourse and floodplain regulated by Conservation Halton (CH);
- Areas identified as Niagara Escarpment Protection within the Niagara Escarpment Plan (2017);
- Areas identified as Protected Countryside in the Greenbelt Plan (2017); and
- Significant Groundwater Recharge Areas identified within the April 2015 Halton-Hamilton Source Protection Region Assessment Report.

Initially, the Region noted concerns with respect to the applicant's rationale for not considering a coniferous hedgerow as part of the Candidate Significant Woodland feature that could impact the proposed setbacks and zoning boundaries of specific lots if added to the GA Zone. In addition, regional staff noted that concerns regarding the proposed private services were not satisfactorily addressed (i.e. the assessment necessary to ensure that adverse off-site impacts to adjacent groundwater users and surface-water, down gradient of the proposed development will not occur and two of the three water wells used to be indicative of the water supply potential of the property had water quantity and/or water quality issues that make them unsuitable for the provision of potable water).

The applicants did discuss these matters with Regional staff and addressed the concerns through further staking, additional septic investigations, and well monitoring, respectively. While the Stage 1 Hydrogeological Investigation was completed and accepted by the Region

## Discussion

and other agencies, a Stage 2 Hydrogeological Investigation will be required to be completed and results summarized in a report to the Region's satisfaction prior to the registration of the plan of condominium. It should be noted that there was a discrepancy relating to the number of bedrooms proposed per dwelling within the various hydrogeological studies submitted (i.e. the Septic System Investigation report suggested that each of the proposed single dwellings would have five (5) bedrooms/bathrooms, where the Supplemental Hydrogeological Investigation assumed four (4) bedrooms), but it was later confirmed that the development was to be based upon 4 bedrooms per dwelling.

Regional staff was satisfied with the information provided in relation to source water protection, archaeology, site contamination, and waste management. While staff did not oppose the development in principal, the applicant was required to update the EIA to address the hedgerow matter and identify the range of stormwater management alternatives evaluated for the site accompanied by a fulsome alternatives impact assessment and policy conformity analysis (i.e. demonstrate 'essential' policy conformity) for any infrastructure proposed within the RNHS.

### Conservation Halton

Conservation Halton (CH) staff provided comments on various technical studies, especially those that related to the natural heritage features, and required that all drawings and figures be updated to accurately show all hazard lines including the staked physical top of slope, the Long-Term Stable Top of Slope, the Regional floodline, and meander belt; the limit of the adjacent PSW and associated 30 metre setback; as well as CH's Regulatory Allowances (15 metres from the farthest inland hazards and 120 m from the limit of the PSWs). CH staff also noted that the Environmental Impact Assessment (EIA) had to be updated to characterize, assess impacts, and provide sufficient mitigation and management recommendations for the Natural Heritage System. This included providing restoration details for the locations of all existing buildings, structures, online pond, culvert, and gravel access roadway to be removed/decommissioned.

CH also noted that the initial proposal for a stormwater management (SWM) outlet at the limit of the Provincially Significant Wetland (PSW), Guelph Junction Wetland Complex, adjacent to the site was not supported and required the applicant to provide an alternative SWM approach to minimize potential negative impacts to the PSW. CH staff noted that the SWM approach chosen must be supported by applicable policies and findings within the Environmental Impact Assessment (EIA) and the same would need to be demonstrated in support of the required CH permit. CH also noted that the PSW appeared to be in private

## Discussion

ownership and permission would be required from the Owner of the PSW for any works required on their property.

Following the submission of some alternative stormwater management options, CH staff noted that a portion of the preferred option (i.e. a super pipe with SWM outfall to the tributary along the western edge of the property) was proposed within the Regional Natural Heritage System (RNHS). CH staff reiterated that in keeping with the Region's EIA Guidelines, the EIA must include a fulsome alternatives impact assessment and policy conformity analysis for any infrastructure proposed within the RNHS.

### Niagara Escarpment Commission

Although the subject lands are located within the Niagara Escarpment Plan (NEP) Area, Niagara Escarpment Commission (NEC) staff confirmed that the subject lands are not subject to Niagara Escarpment Commission (NEC) Development Control and as a result, NEC Permit approvals are not required for the proposed development. To ensure there were no conflicts, NEC staff did provide references to various policies within the NEP that were to be considered and evaluated as part of the application.

### Ministry of Transportation (MTO)

Given that the subject lands are located adjacent to Highway 401, the MTO has taken a keen interest in the proposed development and advised the applicant and Town staff of the following:

- the subject lands are located within the Ministry's permit control area and therefore an MTO Building and Land Use Permit will be required prior to the start of construction. Permits will be required for the private access road within the proposed development (to ensure that there are no impacts caused by street lighting and/or vehicles entering the development on drivers travelling easterly along the highway) and for each building lot prior to the issuance of a building permit;
- an Environmental Assessment (EA) Study has commenced for improvements to the section of Highway 401 from the vicinity of Steeles Avenue westerly to a point just west of the Halton Region-Wellington County Boundary Line, which could affect the subject lands. MTO is anticipating that this EA Study is likely to identify additional property acquisition requirements along the corridor, although all attempts will be made to minimize or avoid property impacts wherever possible. MTO staff did note that there could be further impacts to the properties within the development should the MTO need to acquire the entire 14 metre setback for a highway widening;

## Discussion

- noise attenuation will be the responsibility of the developer and must be constructed outside the existing or future highway ROW limit. In the event that a noise attenuator needs to be relocated, sufficient property should be securely available so as to build the "structure" (i.e. wall, or berm, or wall on berm) in a new location that will satisfy both MTO setback policy, as well as municipal policy with regard to setbacks; and,
- the Ministry will not be responsible for noise mitigation now or in the future and necessary warning clauses must be implemented to advise future residents/purchasers.

### Development Engineering

At the outset, Development Engineering staff raised concerns about the proposed SWM option and its potential effect on Campbell Avenue East and the Campbellville Pond. Consistent with Conservation Halton, staff also pointed out that the Pond was privately owned and as a result, legal documentation indicating that the Owner had agreed to the proposed discharge, would be required. Development Engineering staff also identified a number of inconsistencies between the Draft Plan of Vacant Land Condominium and the Concept Site Plan from an engineering perspective and requested that the plans as well as various technical studies be updated to reflect revised information.

Development Engineering staff also advised the applicant that the proposed storm sewers, bioswales, and infiltration trenches are an integral part of the overall stormwater management system proposed for the entire site and to ensure the system, as a whole, is inspected, maintained, repaired, and replaced when needed, the responsibility will fall on the future Condominium Corporation. In the same fashion, the maintenance of any acoustic barriers shall be the Condominium Corporation's responsibility. In order to clearly identify these items and ensure that they will be taken care of, a draft reference plan showing all of the required easements for the stormwater management system and the acoustic barriers will be required as a condition of draft approval.

### Infrastructure

Campbell Avenue East just east of Wheelihan Way to Canyon Road was reconstructed in 2017/2018. Given that the proposed entrance to the development and the initial SWM outlet had crossed this section of Campbell Avenue East, Infrastructure staff provided the following road restoration requirements to the applicant:

- a. Restoration limits should be included on the site plan (civil drawings) and be in line with the Towns Right of Way Construction Standards, as amended; and,

## Discussion

- b. A Road Occupancy Permit will be required to be obtained from the Town (through Development Engineering) prior to any work taking place within the municipal Right of Way. It is the Town's preference that any storm sewer work within the paved limits of Campbell Avenue East (if required) be completed (if feasible) using trenchless methods, given the recent roadway work undertaken by the Town on Campbell Avenue East in the vicinity of the proposed development.

## Transportation

The Town's Transportation Master Plan identifies Campbell Avenue East as a Collector road and as per Table 2A of the Official Plan, an ultimate right-of-way width of 26 metres is required. The applicant was advised that lands sufficient to provide the 26 metre right-of-way of Campbell Avenue East (measured 13 metres from the original road allowance centerline on Campbell Avenue East) is to be dedicated to the Town for the purpose of road widening and future road improvements, in accordance with Town procedures in effect.

Town Transportation staff also acknowledged that the Transportation Brief provided with the application recommended a reduction in the speed limit along the frontage of the proposed development and removal of vegetation in the right-of-way to improve sight lines at the access. Town Transportation staff supported these recommendations and will monitor the roadway for speeding complaints and conduct the necessary studies if a reduction is a warranted.

Issues identified herein have been addressed in the Summary of Issues section below. The Town Departments and agencies will continue to work with the applicants through the detailed draft approval process.

## **Summary of Issues**

### Hydrogeological Matters (Lot Sizes, Septic Design and Water Supply)

The proposed Draft Plan of Vacant Land Condominium intends to create six (6) new 1.0 acre (4,407 square metres) building lots on the lands municipally identified as 225 and 269 Campbell Avenue, to accommodate residential dwellings each comprised of four bedrooms and an approximate footprint of 334 square metres (approximately 3600 square feet). The current plans call for drinking water to be supplied by a private on-site supply well and wastewater is to be accommodated by a private septic system for each of the six lots.

Halton Region's Guidelines for Hydrogeological Studies and Best Management Practices for Groundwater Protection defines the minimum information requirements to be included in hydrogeological reports in support of proposed developments with individual on-site water and sewage services. The required information will establish if:

## Discussion

- an adequate and safe supply of potable water is available for the proposed development;
- soil conditions are suitable for on-site sewage disposal;
- on-site sewage disposal systems will not impair use of the ground and surface water quality and quantity as well as other natural-heritage areas; and that,
- site-specific recommendations (including minimum lot sizes) are clearly followed to protect ground and surface water quality and quantity.

Regional staff reviewed the hydrogeological information submitted by the applicant against the guidelines, and based on the assumption of four (4) bedrooms per dwelling, they concluded that the applicant has demonstrated that a viable potable water source can be provided on the property. In addition, the studies also provided confirmation that the on-site sewage disposal systems as proposed would not impair use of the ground and surface water quality and quantity, and as a result the proposed lot size could be supported.

As noted previously, Regional staff did find a discrepancy in the number of bedrooms noted within the series of hydrogeological technical studies (i.e. an inconsistency between 4 and 5 bedrooms) and advised the applicant that if five bedroom dwelling units are proposed in future, the applicant will need to re-analyze the nitrate loading to ensure that the development will not result in any on-site/off-site impacts. A Final Hydrogeological Investigation (Stage 2) that will confirm the ability of the site to treat sewage within acceptable on-site and off-site impacts must also be completed and results summarized in a report for the Region's satisfaction prior to the registration of the plan of condominium/as a condition to the approval of the condominium (requirements outlined in Sections 3.5 and 5.3 of the Region's Hydrogeological Study Guidelines).

### Campbell Avenue East Road Improvements Affecting Private Property

Located directly across the road from the proposed development is a private property containing a pond-Provincially Significant Wetland-bog complex ("Pond") that has been owned continuously under the name of the Milton West Fish & Game Club (MWFGC) Limited since 1894. As outlined in the MWFGC correspondence dated March 18, 2021 (see attached Appendix 2 to this report), the club received notice in 2016 from the Town noting its intention to undertake roadway improvements to Campbell Avenue East, which included among other items the installation of a proposed stand-alone catch basin and drain pipe that would outlet onto their property. Although the MWFGC had questions regarding the purpose of the new infrastructure, requests for discussions with Town staff were unsuccessful.



## Discussion

A few years after the road improvements were completed, the applicant filed the subject application with a proposal to direct stormwater runoff towards this new infrastructure and directly into the Pond. Upon closer examination of their legal survey, the MWFGC notified the Town that the Town outlet was constructed with no easements or permissions on their lands. Given this realization, and the proposed development details, the MWFGC concluded that the primary purpose of the new catch-basin was to service the private development of 225 and 269 Campbell Avenue rather than any municipal purposes related to the public use of the roadway. This created frustration for the MWFGC and a strong opposition to the proposed drainage strategy that would service the development as they were concerned that the diversion of additional water from the development property could increase the risk of the pond flooding over its embankments, resulting in unacceptable liability issues for the club.

As part of their first formal submission and delegation to the Town regarding the application, the MWFGC provided a copy of the most current legal survey for their property and requested that the Town discuss the matters at their earliest opportunity to resolve the matter. Town staff and MWFGC representatives began engaging in discussions via email regarding the noted concerns in April 2021. Following months of document review and digital information relating to property boundaries, it was determined that the Geowarehouse mapping boundary relied upon for the road improvement project was incorrect. Despite the inaccuracy of the boundary line, the Town confirmed that the drainage infrastructure installed as part of the road improvement works was only for the sole purpose of accommodating existing and historic drainage in this area, and not for the purposes of capturing additional runoff generated from future development proposals. In keeping with this direction, the Town also opposed the original stormwater management strategy proposed by the applicant to direct runoff from the proposed development through the new infrastructure and into the Pond.

In August 2022, the Town and the MWFGC settled on the matter and applicable land purchases as well as an easement agreement was executed. It should be noted that the following provision was added to the easement agreement as per the request of the MWFGC:

- “( c) Save and except for the Ministry of the Environment and Climate Change Amended Environmental Compliance Approval Number 5591-AFPHNX dated November 16, 2016, the Grantee (Town) covenants not to allow any developer or other third party to direct its storm water through the Permanent Easement Lands onto the Grantor’s (MWFGC) lands. This clause shall not merge on and shall survive completion of this transaction.”

### Impact of Manmade Pond on Downstream Properties

## Discussion

Several years ago, the Owners of 225 Campbell Avenue East constructed a pond adjacent to the watercourse within the regulated area of Conservation Halton on the west side of the subject lands. The Owners of 215 Campbell Avenue East (i.e. the neighbouring property directly adjacent to the western lot line near Campbell Avenue and immediately downstream from the manmade pond) noted that the pond had caused flooding in the past and wanted to ensure that the pond would not flood again as a result of the development. Note: Given that the manmade pond is located within the regulated area and functions as part of the overall watercourse / floodplain, from this point forward it is referred to as the online pond. This reference is also consistent with the nomenclature used in the technical background studies.

Crozier, the engineering consultant for the applicant, completed a hydraulic model and supporting Natural Hazard Assessment of the channel running through the Anderson property which indicates flooding of the neighbouring properties under existing conditions for the Regional storm event. Conservation Halton's Floodplain mapping along with the consultants Floodplain Modelling outlines that the adjacent lands were built in the floodplain. During the Regional Storm event, approximately 16 m<sup>3</sup>/s of stormwater runoff is conveyed through the channel and the low-lying neighbouring lands flood due to backwater effects from the existing culvert on Campbell Avenue and the relatively low-lying elevations in the area. It is the opinion of the engineering consultant that flooding occurring on the neighbouring property (i.e. 215 Campbell Avenue) is due to the location of the property within the floodplain and not a direct impact from the online pond (i.e. the neighbouring property will incur flooding regardless of the online pond).

Crozier noted that the removal of the pond would require a Permit from Conservation Halton as the pond is located within a Regulated Area. Further, any attenuating influences the pond has on flood flows would be lost with the removal of the pond. Whether the attenuation afforded by the pond is major or minor, it would be necessary, in their opinion, to inform the MWFGC downstream of the changes to avoid any potential action in the future associated with increased flooding, perceived or otherwise.

It is Crozier's recommendation that the pond should remain to ensure that flows are maintained as close as possible to current conditions.

### Impact of Development on Ground Water Supply Following Construction of New Dwellings

At the commencement of the application review, area residents noted concerns regarding the potential decline of ground water supply on adjacent properties as the new level of ground water demand resulting from the new development appeared to exceed the water supply. In addition, neighbouring property owners enquired about who would be liable for repairs and restoration of well water supply should this occur.

## Discussion

Town planning staff discussed this matter with Regional planning staff and it was determined in consultation with Regional legal staff that liability in the case described above would lie with the applicant's consultant who prepared the report. The Region relies on these technical reports with an accompanying Reliance Letter for reasons such as that noted above. Should there be a situation such as this, the complainant should reach out to the municipality to ensure that the Town is aware of the issue, and the matter will be directed to the developer to resolve.

### Drainage and Stormwater Management Strategy

As noted previously, the MWFGC have been very active in the review of the subject applications as a result of two main issues: (1) the illegal encroachment of a drain pipe / outlet constructed by the Town on their property without the proper survey and permission (addressed in discussion above); and, (2) the legality and appropriateness of discharging runoff water from the proposed development directly into the privately owned Campbellville Pond, which is classified as a Provincially Significant Wetland. In addition, it was the opinion of the MWFGC that the applicants' consultants over-estimated the development site's historic surface drainage to the Pond and they were inconsistent in various documents with respect to the general direction of historic surface flows for significant portions of specific parts of the development's tableland.

The MWFGC set out in great detail within their written submissions (attached in Appendix 2 to this report) their concerns with the proposed development, ranging from the content of the runoff water (as the background reports referenced several locations of chemical spillage on the site and water was to outlet directly into the pond) to violation of accepted principles and laws concerning proposed revisions to the drainage patterns of property in a way that would affect properties located downhill from the subject lands. The MWFGC also stated that addressing these issues are important from an environmental perspective (including species at risk), the Club's increased risk of liability due to concerns about the redirection and intensification of the water flow into the pond, and that a proposed change in the quality and quantity of water represents a potential threat to the Club's 126 year existence.

The initial Preliminary Post-Development Drainage Plan prepared by Crozier Consulting Engineers (dated May 2020) showed a proposal to install a storm sewer outlet within the Provincially Significant Guelph Junction Wetland Complex (i.e. the Campbellville Pond) in order to convey post-development drainage from the subject lands. The MWFGC, Conservation Halton, Halton Region and the Town raised concerns with this approach and requested that other alternatives be investigated, evaluated and documented prior to a choosing a preferred option. Regional staff noted that any storm water management components and other associated infrastructure required to convey flows from lands outside

## Discussion

of the Regional Natural Heritage System (RNHS) to receiving features within the RNHS, may be supported in the RNHS where deemed 'essential' (as defined by the Regional Official Plan (ROP)), and after all of the alternatives are explored and it is confirmed that the proposal conforms to the ROP. Regional staff also noted that the EIA shall include an impact assessment and policy conformity analysis on the proposed storm sewer outlet options.

Following the feedback noted above, some initial investigation of options, and a discussion with the MWFGC and Town staff, the applicant's engineering and natural heritage consultants (Crozier and Azimuth Environmental) prepared an analysis of three stormwater management options:

- Option #1: Outlet to the tributary of Sixteen Mile Creek within the Subject Property, upstream of Campbellville Pond (PSW)
- Option #2: Extend storm sewer on Campbell Avenue East and outlet downstream of Campbellville Pond (PSW)
- Option #3: Outlet directly to Campbellville Pond (PSW) through the existing Storm Sewer Outlet at the property entrance

The stormwater management options are depicted and described in Appendix 3 to this report.

The MWFGC acknowledged in their correspondence that they appreciated the improvements to stormwater mitigation (i.e. the addition of the super pipe with sizing and control orifice to provide 100 year storm event capacity) and improvements to contamination mitigation features but the change in location of the stormwater runoff outlet does not change the fact that the developer is still attempting to use their Pond as their own personal stormwater management pond. The Club noted that the post development increase to volumes and levels are not guaranteed to be zero and will only add to the development driven cumulative effects that they have experienced over the years from existing upstream properties on their water and natural habitat. To protect their interests, the MWFGC requested that the following conditions of approval be made, or similar conditions be imposed and implemented before any development approvals are considered or granted to ensure that Conservation Halton's requirements and the developers claims of "no adverse impact" on their privately owned Pond can be or have been met and maintained:

1. Our PSW-pond to have pre-development water quality and quantity sampling/monitoring at several regular time intervals (e.g. monthly) and varied weather conditions, to cover all four seasons over a minimum of one year (or more), to establish clear pre-development baseline levels (which in our view should have

## Discussion

- already been done by now to avoid the apparent inconsistencies or assumptions & theoretic claims currently being made by proponents of the development).
2. Our PSW-pond to have post-development water quality and quantity sampling/monitoring at several regular time intervals (e.g. monthly) and varied weather conditions, to cover all four seasons, to detect the stability of, or the changes to the baseline quality and quantity levels of our PSW (this would also act as a warning-detection procedure for any problems or failures of the development's volume or water quality mitigation features or methods).
  3. All water sampling/monitoring events to be conducted at multiple appropriate locations to ensure key PSW entry points of potential development stormwater runoff are covered, such as: A) the discharge outlet of the storm sewer/super pipe into the cold-water tributary stream; B) the north and south side inlet/outlet of the twin box culvert; C) the manhole/OGS on Campbell Avenue East near the bottom of the proposed main development driveway; and, D) the Town's discharge point of the storm outlet pipe running from the aforementioned manhole/OGS to the PSW limit.
  4. MWFGC shall be notified at least 1 week in advance of all on site sampling events on their property. Access to MWFGC's property by any person conducting the sampling, shall only be directly from the public road (Campbell Ave. East) to the sampling location & is limited to those very finite portions of our property. Access to any other part of MWFGC's property is not implied or given & would be considered an act of trespassing (this condition is unfortunately dictated by persistent trespassing & poaching problems we have experienced in recent years & the desire to avoid unnecessary confrontations that have stemmed from these issues).
  5. Results of all sampling events to be promptly provided to the Town, Conservation Halton & MWFGC for all pre & post development sampling locations & events.
  6. Quality & quantity sampling as per above, to be continuous for as long as the development continues to discharge any of its stormwater runoff, either directly or indirectly, into any part of the property, Pond-PSW-bog complex owned by MWFGC.
  7. All of the above sampling, analysis & reporting is to be done at no cost to MWFGC.
  8. All failures or under-performance issues of the development's mitigation features or methods, whether isolated or persistent, are to be promptly reported, corrected, replaced and/or improved at the sole expense of the development & to the complete satisfaction of Conservation Halton, the Town & MWFGC.

## Discussion

In July 2023, the applicants provided a third resubmission of materials to support the proposed development applications, including an updated EIA that contained a detailed analysis of the stormwater management options from an environmental perspective (i.e. the table included in Appendix 3) and the following conclusion:

“The term “essential” is defined within Section 233 of the Regional Official Plan (ROP). The ROP indicates that essential means that which is deemed necessary to the public interest after all alternatives have been considered, and where applicable, as determined through the Environmental Assessment process. For this particular situation an Environmental Assessment was not undertaken, however, a thorough assessment of alternatives was included within the EIA Update (July 2023) within Section 9.1 and Appendix F. Based on this assessment, it was concluded that Option #1 was the best option for stormwater conveyance and discharge. This option is deemed necessary to the public interest for the following reasons:

- Minimizes impacts to the Regional Natural Heritage System;
- Outlet contained on private lands therefore will negate the need for upgrades/rehabilitation to Campbell Ave East;
- Box culvert at Campbell Ave East adequate to handle tributary flows (no upgrades required);
- Discharge is entering less sensitive indirect fish habitat with no Species at Risk concerns; and,
- Potential impacts to adjacent Provincially Significant Wetland are expected to be minimized and can be mitigated.”

The stormwater management design for the proposed development was completed in accordance with the Town of Milton Engineering and Parks Standards (March 2019) and MOE’s Stormwater Management Planning and Design manual. The stormwater management criteria established for this project are outlined below:

1. Water Quantity Control - Control post-development peak flows to pre-development peak flow levels for all design storms up to and including the 100-year storm event. The proposed stormwater management controls for 225 & 269 Campbell Avenue East as outlined in the Servicing and Stormwater Management Report (Crozier, 2023) include controlling all storm events to the 2-year pre-development event. Therefore, the proposed development exceeds the water quantity control requirements.
2. Water Quality Control - Private stormwater discharging from the site must achieve Ontario Ministry of the Environment, Conservation and Parks (MECP) Enhanced Level of protection (80% total suspended solids (TSS) removal) for water quality

## Discussion

control prior to discharging to the environment. Stormwater quality requirements for the proposed development will be met through the implementation of an oil-grit separator, roadside bioswales, and side yard swales.

Although the stormwater management design meets or exceeds the requirements established by the Town of Milton, Crozier believes that safety of the public and environmental sustainability is paramount for new developments. Therefore, Crozier would recommend a 3-year monitoring program be implemented to ensure the quality control objectives for the development are being met. The monitoring program would include the following:

- Up to three (3) water samples taken annually from the stormwater outlet of the subject development (i.e. proposed headwall). The water samples will be submitted to an accredited laboratory for chemical analysis (hydrocarbons) and turbidity/suspended sediment concentrations. Given that the samples will be manually obtained, the number of samples collected annually can vary depending on the number of suitable storm events and timing (i.e. events occurring on the weekend are not practically suitable).
- During the sampling procedures, a visual inspection of the channel will be completed to assess any changes in morphology, sediment loading (from our site or upstream), and overall stability.
- Any obvious signs of impacts (from the subject site or upstream) will be reported immediately in order to mitigate further damage. Any exceedances in water quality parameters will, similarly, be reported to the appropriate agencies and actions taken to mitigate the exceedance.
- The monitoring program will continue for three (3) years following substantial development of the site (i.e. 80%) and the establishment of the condominium corporation who will likely assume costs for all sampling/reporting.
- Reporting will be provided to the Town on an annual basis.

Regional staff has accepted the stormwater options analysis provided in the EIA, dated July 2023, and is of the opinion that the preferred SWM option #1 meets Regional policy. Town Development Engineering staff is also in support of the preferred stormwater management strategy as it adheres to the Town's Engineering & Parks Standards Manual and the Ministry of the Environment's (MOE's) Stormwater Management Planning and Design Manual. In addition, Development Engineering staff noted that the other options evaluated had the potential to present implications to fish habitat and reductions in base flow contributions to



## Discussion

the north watercourse. For the reasons noted above, Conservation Halton is also supportive of the stormwater management strategy accepted by its agency partners.

### Riparian Rights of the Anderson Property

As noted above, the Milton West Fish and Game Club (MWFGC), situated south of the subject lands, is the eventual receiver of water in two of three stormwater management options evaluated for the proposed development. The preferred option would take stormwater runoff from the development through a super pipe that outlets to the tributary located at the western edge of the subject lands, and eventually flow to the Pond. The MWFGC is of the opinion that the options that direct water above historic runoff onto another property is a violation of accepted principles and laws.

MWFGC noted in their correspondence in relation to the second submission materials that it was their "... understanding that Statutory Ontario drainage law ("The Drainage Act"), as well as municipal development related to drainage policy, prohibits anyone from directing or causing any volume that exceeds non-historical drainage to flow onto down-gradient properties or to cause any non-historical harm (either by volume or by reduced quality) to down-gradient properties." In addition, the MWFGC stated that "until conclusively proven otherwise to the satisfaction of the MWFGC, the realization of any proposal of this nature would be considered by the MWFGC to be an improper and/or illegal action that would have a noticeably negative impact on their ecologically flood sensitive property and Pond." MWFGC strongly contended that the developer has no legal right to re-direct any of their non-historic stormwater runoff onto their private property without MWFGC's legal written authorization.

Prior to moving forward with any additional resubmissions, Planning staff required that the applicant obtain legal advice with respect to their riparian rights for the proposed development. Until the matter was addressed, Planning staff was uncomfortable supporting a development proposal that could have legal implications for the Town and/or downstream property owners.

As part of their third resubmission, the applicant provided a legal opinion prepared by Mcmillan LLP, dated August 10, 2023, and attached as Appendix 4, which defined and clarified the rights of a riparian owner and stated the following in relation to the applicants' riparian rights at law for the proposed development:

"In respect of the Development, a tributary of Sixteen Mile Creek crosses the Property along its western edge and, accordingly, Anderson has a riparian right allowing it to drain surface water from the Property to this tributary, provided that the drainage comes from "reasonable drainage operations that do not increase the volume by artificial

## Discussion

means”. Therefore, the proposed drainage of surface water from the Development to the tributary through a stormwater management system that both filters the discharged water and controls its flow into the tributary to prevent artificial increase in volume is compliant with your riparian rights at law and cannot be objected to by a “lower” riparian owner.”

The letter also clarified that the benefit of the existing riparian rights can be extended to the new lots in the Plan of Condominium through the registration of a drainage easement on each property within the development.

The third resubmission and the legal opinion was provided to the MWFGC for information on August 10, 2023 and August 11, 2023, respectively. Town staff did not receive a response from the MWFGC in regards to the materials provided.

Town staff reviewed and considered the correspondence provided by McMillan LLP and also had the letter assessed by the Town’s solicitor. The Town solicitor concurred with the legal opinion and recommended that Town staff add a condition of draft approval for the Plan of Vacant Land Condominium, in addition to other stormwater management related conditions, that will require the Owner, 2300152 Ontario Inc. (Anderson) to provide indemnities to the satisfaction of the Town in regards to this matter.

### Re-Evaluation of Woodlands

The Environmental Impact Assessment (EIA) report, provided as part of the third submission materials, notes that a portion of the environmental features, as shown on EIA Figures 2, 3, and 4 using purple delineation (see Appendix 5), does not meet the criteria of a significant woodland because it is a hedgerow. It was and continues to be the Region’s position that based on the staking undertaken by the Region on September 21, 2021, this section of the identified woodland is significant and should be identified as such as it meets the Forestry Act definition of significant woodlands and is contiguous with the greater woodland feature.

On November 23, 2023 staff from the Region and the Town, as well as the Owner and their Terrestrial Ecologist attended the site and conducted a further staking of the area in question. Given the characteristics of the feature, Regional staff considered adding this area to the Greenlands A (GA) Zone. However, due to the late clarification of the matter, and the impact that the revised GA Zone would have on the proposed lotting (i.e. minimum lot area and requirements related to the sizing of a sufficient septic system for Unit 4) that has been verified through technical study and in various resubmissions, the Region has requested that a Conservation Easement be created to protect the woodland feature without the need to revise the lot boundaries.

## Discussion

Through the Plan of Condominium process a Conservation Easement will be established between the Condominium Corporation and Halton Region. This easement will restrict development and site alteration. Also, the easement will have similar language to the Greenlands A (GA) Zone thereby only permitting Conservation Uses as well as Existing Uses.

A revised EIA including figures, as well as a Conservation Easement and associated agreement, will all be conditions of the upcoming Plan of Condominium approval. These mechanisms will ensure that all portions of the woodlands and buffers are protected and that there is no negative impact on the natural heritage features as a result of the development.

### Noise Impacts and Mitigation Measures

A Noise Study prepared by HGC Engineering was provided with the application to detail the impact of evaluated noise sources generated from Highway 401 to the north, east and west, an existing industrial use immediately adjacent to the east, and rail traffic along a nearby Canadian Pacific (CP) railway line to the south, on the proposed development. The study concluded that the sound levels generated from the various sources exceeded the Ministry of Environment, Conservation and Parks (MECP) guidelines for all lots within the proposed development and recommended the following noise mitigation measures:

1. Acoustic barriers are required for rear yards with flanking exposure to Highway 401 (i.e. Lots 1 and 6) with a minimum height of 5.3 metres and 4.2 metres respectively, to reduce the sound to an acceptable level;
2. Central air conditioning is required for all lots within the development;
3. Updated window and wall constructions are required for all dwelling units; and,
4. Noise warning clauses to warn the occupants of the sound level excesses should be placed in the property and tenancy agreements and offers of purchase and sale. Clauses requested to be implemented by MTO stating that the Ministry would not be responsible for mitigating noise resulting from Highway 401 now or in the future would also be included.

To ensure that the noise control mitigations outlined above are fully implemented, the noise consultant recommended that a Professional Engineer qualified to perform acoustical services in the province of Ontario should:

1. conduct a detailed noise study to refine the acoustic recommendations including glazing constructions when architectural plans are available for the lots;

## Discussion

2. review the grading plan to certify that the sound control barriers as specified have been properly incorporated, prior to final approval; and,
3. certify that the sound control measures have been properly installed and constructed prior to the issuance of occupancy permits for the development.

Acoustic barriers required for Lots 1 and 6 will be the constructed on private property, however, future maintenance of the barriers will be the responsibility of the condominium corporation. To ensure that the condominium corporation can enter the private lots to undertake maintenance in the future, easements for the barriers will be identified on a separate reference plan and described in the condominium declaration.

### Sight Line Visibility at Access

Long time residents in the immediate area noted that many close calls and accidents have occurred in the area of the existing driveway leading to 269 Campbell Avenue due to speeding and the curvature in the road on both sides of the access. With the existing driveway being used for access to the proposed development, residents suggested that speed limit reductions and other safety mitigation measures be considered by the traffic consultant.

The traffic brief prepared by C.F Crozier & Associates Inc. (Crozier) on behalf of the applicant analyzed existing traffic, site and road conditions and the anticipated trip generation from the proposed development, and included a review of the proposed site access (i.e. analysis of corner clearances, spacing between adjacent and opposing driveways, access configuration, site distance requirements, and roadway radius and speed) and concluded that:

- The number of site generated vehicles expected in association with the development will have minimal impact to the existing traffic pattern and will not adversely affect capacity on the provincial highway network or Town road;
- the proposed access is sufficiently spaced from a stop-controlled intersection and existing driveways;
- certain conditions including unmaintained shrubs/bushes and trees located within the municipal right-of-way (R.O.W) are reducing sight lines; and,
- the existing speed allowance coupled with the curvature of the road does not meet the provision for a safe left-turning requirement.

To address the concerns noted above, the consultant recommended that the shrubs/bushes and trees that are located within the municipal right-of-way (R.O.W) be maintained regularly to enhance sightlines and that Town Staff investigate a speed limit reduction from 50 km/h to 40 km/h to increase traffic safety along Campbell Avenue East between the east limit of

## Discussion

the access at 336 Campbell and the west limit of the intersection with Glenda Jane Drive/Wheelihan Way, with or without the proposed development. The consultant as well as Town transportation staff are of the opinion that the aforementioned changes will bring the existing substandard sightlines into conformity with industry standards and increase vehicle safety along Campbell Avenue East, as well as for vehicles entering and exiting the proposed development in the future.

### Amending Zoning By-law

In order to permit the proposed development, a Zoning By-law Amendment containing a revised GA boundary as well as the existing Village Residential Zone classification with site-specific provisions, is required.

The revised GA Zone is comprised of confirmed significant natural heritage features on the property along with the appropriate protective buffering that is reflective of the EIA and other supporting studies, requirements of Halton Region and the regulations of Conservation Halton.

The site-specific RV Zone contains provisions that:

1. recognize the units within the Draft Plan of Vacant Land Condominium as lots for the purposes of administering the Zoning By-law since the only difference between the proposed units and other building lots is the plan that creates them (i.e. Plan of Condominium vs. Plan of Subdivision). Zone standards within the Comprehensive Zoning By-law are applied to lots, and therefore, this approach provides clarity in interpretation and minimizes the need for uncommon special provisions in the by-law;
2. regulate the size of units (lots), the minimum lot frontage for units along the private roadway, and maximum lot coverage to ensure some uniformity in the development of the future detached dwellings and that the units (lots) to be created through the condominium application are sized in accordance with the hydrogeological recommendations; and,
3. removes the requirement for the special setbacks typically applied to the natural heritage features within the GA Zone, as all of the buffers associated with the natural features and natural hazards have already been included within the GA Zone boundaries.

See proposed Zoning By-law Amendment and Schedule 'A' attached as Appendix 1 to this report.

### Next Steps



### Discussion

Should Council approve the proposed Zoning By-law Amendment recommended herein, the Town will finalize and draft approve the conditions associated with the Draft Plan of Vacant Land Condominium and begin the preparation of the development agreement that will address on-site works. Prior to development of the future dwelling units, a condominium agreement and condominium declaration (which includes the description/plans) will need to be completed, executed and registered.

### Conclusion:

Staff is satisfied that the Draft Plan of Vacant Land Condominium (Figure 2), subject to the required conditions of draft plan approval and the site-specific Zoning By-law and associated 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 the PPS, and conforms to the Growth Plan, Greenbelt Plan, Niagara Escarpment Plan, and 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 proposed Draft Plan of Vacant Land Condominium at the appropriate time

### Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan  
Commissioner, Development Services

For questions, please contact: Angela Janzen, Sr. Planner Phone: Ext. 2310

## **Attachments**

- Figure 1 – Location Map
- Figure 2 – Draft Plan of Vacant Land Condominium
- Figure 3 – Concept Site Plan
- Appendix 1 – Draft Zoning By-law and Schedule A
- Appendix 2 – Written Submissions
- Appendix 3 – Stormwater Management Options / Assessment
- Appendix 4 – Solicitor Letter – Riparian Rights
- Appendix 5 – EIA Figures 2-4

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.



THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2024

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* IN RESPECT OF THE LANDS DESCRIBED AS PART OF LOT 6, CONCESSION 4, FORMER GEOGRAPHIC TOWNSHIP OF NASSAGAWEYA, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (2300152 ONTARIO INC.) - FILE: Z-20/20

**WHEREAS** the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

**AND WHEREAS** the Town of Milton Official Plan provides for the lands affected by this by-law to be zoned as set forth in this by-law;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Schedule A to Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by changing the existing Village Residential (RV) and Greenlands A (GA) Zone symbols to a Village Residential Special Provision 341 (RV\*341) Zone symbol and refined Greenlands A (GA) Zone symbol on the land shown on Schedule A attached hereto.
2. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding Section 13.1.1.341 to read as follows:

**Village Residential Special Provision 341 (RV\*341) Zone**

Notwithstanding any provisions of the By-law to the contrary, for lands zoned Village Residential Special Provision 341 (RV\*341), the following additional standards and provisions shall apply:

- i) Definitions
  - a. For the purposes of this by-law, a “Lot” is a unit described in a Plan of Vacant Land Condominium.
- ii) Zone Standards
  - a. Minimum Lot Area: 4,050 sq. m. (0.405ha)
  - b. Maximum Lot Coverage: 15%
  - c. Minimum Lot Frontage: 37.5 m
- iii) Special Site Provisions
  - a. Section 14.8.4 (Special Setbacks to Greenlands A Zones) shall not apply.

3. If no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the Ontario Land Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Ontario Land Tribunal amends the by-law pursuant to Section 34 (26) of the *Planning Act*, as amended, the part or parts so amended come into force upon the day the Tribunal's Order is issued directing the amendment or amendments.

**PASSED IN OPEN COUNCIL ON FEBRUARY 12, 2024.**

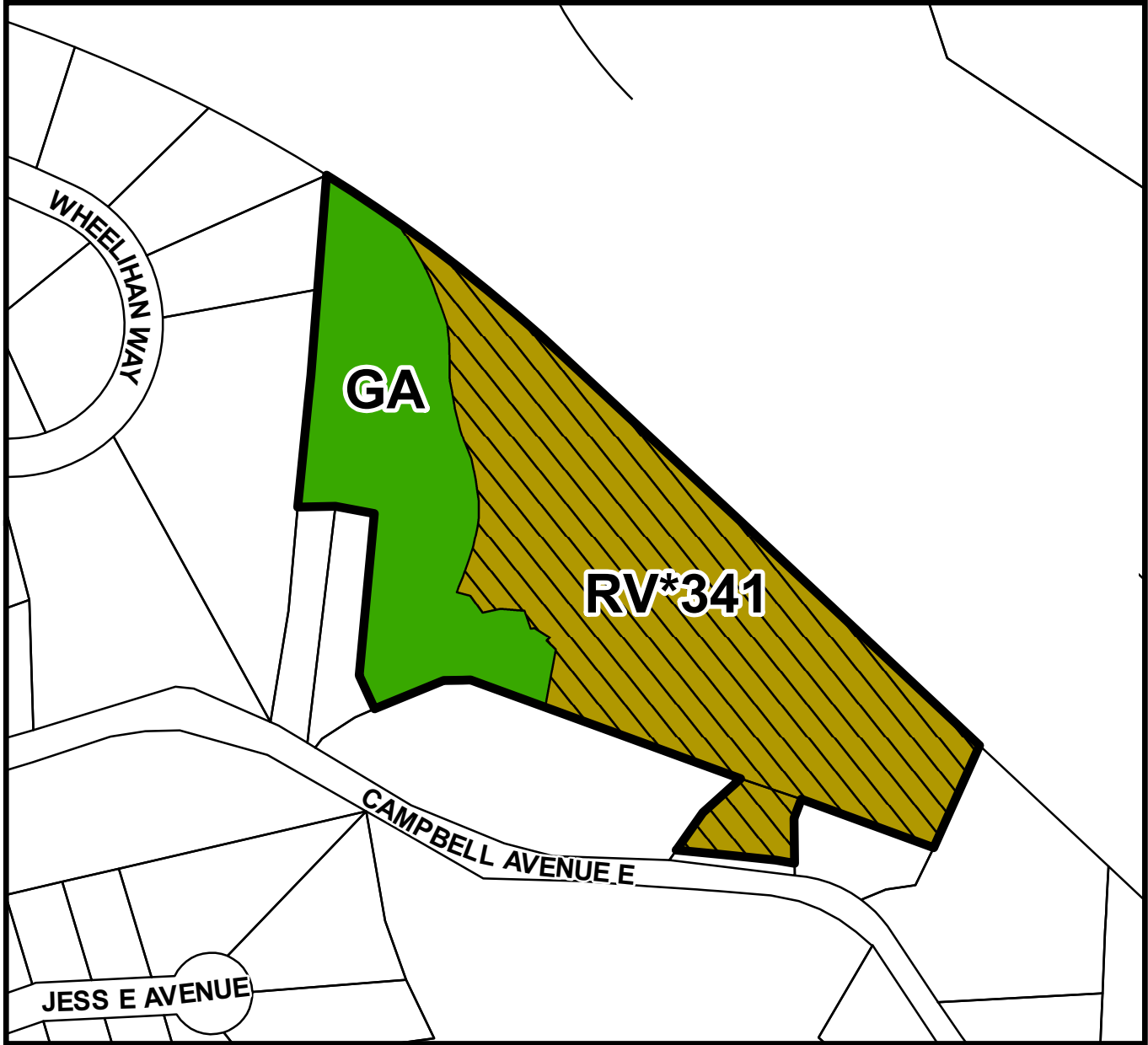
\_\_\_\_\_  
Gordon A. Krantz Mayor

\_\_\_\_\_  
Meaghen Reid Town Clerk



SCHEDULE A  
TO BY-LAW No. -2024

TOWN OF MILTON  
PART LOT 6 CONCESSION 4  
TOWN OF MILTON

*Town of Milton*



THIS IS SCHEDULE A  
TO BY-LAW NO. \_\_\_\_\_ PASSED  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2024.

-  GA - Greenlands A Zone
-  RV\*341- Village Residential Zone Special Provision 341



\_\_\_\_\_  
MAYOR - Gordon A. Krantz

\_\_\_\_\_  
TOWN CLERK- Meaghen Reid

Hello Robin,

Would you have any idea who would be able to follow up with the enquiry below.  
Someone from the town has responded previously but I do not know who that would be or from what department.  
Your thoughts?

Thanks, Janet

---

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca) <[noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)>  
**Sent:** Friday, January 15, 2021 12:55 PM  
**To:** [MB-Planning@milton.ca](mailto:MB-Planning@milton.ca) <[Incoming-Planning-Email@milton.ca](mailto:Incoming-Planning-Email@milton.ca)>  
**Subject:** Website feedback - Developing in Milton - Teresa Stokes Ref #: 2021-01-15-125

Hello Development Services,

Please note the following response to Planning and Development has been submitted at Friday January 15th 2021 12:54 PM with reference number 2021-01-15-125.

- **First Name:**  
Teresa
- **Last Name**  
Stokes
- **Street Address:**  
[REDACTED]
- **Town**  
[REDACTED]
- **Postal Code:**  
[REDACTED]
- **Email Address:**  
[REDACTED]
- **Phone number:**  
[REDACTED]
- **Category**  
Developing in Milton
- **Comments**  
thanks for the letter updating town files Z-20/20 and 24CDM-20005/M 225 and 269 Campbell Ave. E in Campbellville  
My husband and i have concerns over the pond that the Anderson's built years ago

WITHOUT a permit and without HRC approval. This pond has caused flooding and problems with neighbours over the years to the point where we had to get HRP involved and the conservation. The conservation did come out and investigate the property. A letter was given to the Andersons and ourselves about the conditions stating the Andersons were and would be responsible for any damages.

We would just like to make sure that this pond does not flood us out ..again... the pond is located on the 225 address

thank you

Tom and Teresa Stokes



[This is an automated email notification -- please do not respond]



**esolutionsNoReply -External Contact**

, ON,

[www.milton.ca](http://www.milton.ca)

Milton West Fish & Game Club Inc.  
Milton, ON  
c/o Gordon Tebbutt



March 18, 2021

Mr. Colin Best  
Ms. Kristina Tesser Derkesen  
Regional Councillor Ward 1  
Town of Milton

Dear Mr. Best  
Dear Ms. Tesser Derkesen

I am writing to you in advance of the Town of Milton Council Meeting scheduled for Monday, March 22, 2021 @7 pm.

The relevant item on the Agenda is **Public Meeting for 225 & 269 Campbell Avenue East - Town Files: 24CDM-20005/M & Z-20/20 - Meeting Report # DS-018-21.**

I writing on behalf of the Board of Directors of The Milton West Fish & Game Club (1894) Inc. We are the owners of the private property located at 320 Campbell Avenue East. Our holdings include the former mill pond on Sixteen Mile Creek that is shown on maps as the 'Campbellville Pond'. We also own the dry borderland surrounding the pond itself. It is our understanding that our private pond and land are classified as a "**Provincially Significant Wetland**" by the Ministry of Natural Resources.

As a neighbour of the properties located at 225 & 269 Campbell Avenue East, we have taken an interest in the proposed development plans for said properties. There are a few issues arising out of the plans to develop the properties at 225 & 269 Campbell Avenue East that may adversely affect our private property. We do not oppose the development *per se*, but feel strongly that our concerns be given serious consideration and be adequately addressed.

I, along with Club member Ian Robinson, attended the virtual "*Preliminary Public Information Meeting*" held on February 11, 2021 and hosted by the developer's planner, Upper Canada Consultants. They were represented by Mr. Craig Rohe.

Prior to the meeting we had reviewed the various documents and reports that had been filed with the Town in connection with the development proposal. We noted that the various reports drew attention to the existence of several areas of chemical contamination ('fuels & lubricants') on the site. There is also a concern that nutrients & contaminants (i.e. fertilizer, pesticides, and herbicides) from urbanized landscaping would find their way into our pond / Provincially Significant Wetland (a similar problem resulted from an older development abutting our westerly boundary). Additionally, there is the concern of the introduction of salt from the paved areas of the development. The salt will be in solution and we don't believe it will be removed from the storm water runoff by the 'grit / oil separator' in the proposed on-site catch-basin, contrary to a specific statement made by the planning consultant when this question was asked at the virtual "*Preliminary Public Information Meeting*" held on February 11, 2021.

All of this is potentially significant as the proposed Drainage & Servicing Plans showed the intention of diverting much of the development's runoff water to a storm-sewer that would run under the site's private road and connect with a stand-alone catch-basin and outlet pipe that had been constructed by the Town when the Campbell Avenue East roadway improvements were made in 2016. The development's storm water runoff would then discharge onto our property and into our pond via the outlet pipe constructed by the Town. As noted later, the last 3m+/- of this outlet pipe (& associated rip-rap) was constructed on our property without benefit of an easement or our permission.

At the meeting we explained our specific concerns about the Drainage & Servicing design and asked several questions. Mr. Rohe acknowledged that we had raised highly-detailed technical issues and said that he could not provide answers at that time, but left us with the impression our concerns would be addressed. We emphasized that these issues were important as there are several pieces of legislation that govern the management of our pond / Provincially Significant Wetland. At the end of the meeting we requested the opportunity to meet with the developer's relevant consultants so that we could discuss and possibly resolve/allay our concerns. We have not been contacted by anyone to date and no such meeting has occurred.

To that end we are submitting the following information to be considered by the Town Council.

In **2016** the Club received notice that the Town of Milton intended to perform roadway improvements to Campbell Avenue East. When the Club's executive reviewed the notice informing residents of the planned roadway improvements, we did not feel that this would have a significant impact upon our private property. We understood that improvements to the roadway were necessary, but we had some questions related to the purpose of a stand-alone catch-basin & the proposed location of its outlet pipe on our property. Ian Robinson, who is Club member & one of our former directors, as well as a (now) retired Ontario Land Surveyor, contacted Engineering staff at the Town of Milton to gather background information & to discuss the proposed placement of the storm outlet pipe on our property without any prior consent from us. This enquiry was curtailed once the potential problem was raised by Mr. Robinson, when a representative of the Town's "risk management" team would not permit him to engage further with Town staff. They ended the communication with the statement that they had discussed the matter with the appropriate (but unidentified) people & had determined that there was no problem with the location or the outlet pipe, and that there would not be any further discussion on this matter. No further explanation or evidence supporting their conclusion was provided. This was a frustrating situation and has indirectly led to the position which we now hold.

Had we known then, as we do now, that the primary purpose of the recently installed catch-basin was to serve the private development of 225 & 269 Campbell Avenue East rather than any apparent municipal purposes related to the public use of the roadway, we would have mounted a stronger and timelier opposition to the portion of the plans that appeared to adversely affect us.

To that end we attach a current legal survey completed by a local licenced Ontario Land Surveying company, dated October 8, 2020, which confirms that our property boundary along Campbell Avenue East, is almost entirely located within a few centimetres of the road's guard rail posts & well north of the water's edge of the pond. Based on the location of our properly surveyed property boundary, it is clear that southerly 3m of the development's storm water outlet pipe & related rip-rap structure, encroaches onto the land owned by The Milton West Fish & Game Club. In spite of our stated concerns at that time, the Town failed to conduct a proper legal survey prior to constructing this structure on our property and hence the installation is illegal and contravenes our property rights. We stress that we did not consent



to this installation. As explained earlier, we were denied the opportunity to properly discuss this situation with the Town before the offending structure was constructed.

The fact that the drainage outlet pipe is illegally situated on our private property would suggest that it cannot be utilized for its primary intended purpose, which as noted earlier, is for the processing of drainage water from the proposed urban development of 225 & 269 Campbell Avenue East. It would be well within our rights to ask that this structure be removed or that the matter of the infringement on our property rights be addressed to our satisfaction.

The Club also expresses its reservations about other aspects of the proposed drainage plan. The diversion of water from the properties located at 225 & 269 Campbell Avenue East may increase the risk of our pond flooding over its embankments, resulting in unacceptable liability issues for the Club. The financial and legal implications are potentially onerous and we take exception to the possibility that our property rights could be compromised in this manner.

It is our understanding that under generally accepted common law drainage principles, there is a prohibition against a development or property alteration increasing the volume or reducing the quality of historical surface water runoff to downhill neighbours. The existing grades/contours & the drainage arrows on the Existing Conditions Drainage Plan prepared by the developer's engineers, appear to suggest that much of the surface water from the proposed residential area is currently either absorbed on site or drains towards the east end of the developer's property and beyond the east side of our pond. Some statements in the Storm Water Management Plan prepared by these engineers, seem to contrarily suggest that natural historical drainage from the site, flows southward towards Campbell Avenue & then into our pond (even if this last statement was accurate, the north gutter & centreline crowning of the road, would appear to prevent much of the surface runoff water from flowing across the road & into our pond, and would instead direct it easterly to follow the road's downhill gradient to a point where it would apparently enter Sixteen Mile Creek at a point beyond the east side of our pond). These seeming conflicts leave us with the impression that the post-development runoff being diverted into our pond, may actually be more than the historical pre-development runoff (which may in turn alter the current hydrogeological runoff calculations). If this is the case, the proposed drainage plan would adversely change the *status quo* and this would be unacceptable under our understanding of established principles of drainage law.

Our embankments & sluiceway were designed and built to handle the traditional, natural water drainage of the hill area to the north of the pond and the other surrounding areas. Currently any run-off water from the north that reaches our pond, would be more or less evenly distributed into our pond over roughly 300 hundred metres of road frontage along the bottom of the hill on which the properties are located. This water flows, at much slower rate, through the soil of the hill and into the water table over a period of days. Additionally, all of this allows our dam to handle even large & sudden rainfalls. However, the balance of controlling the water level of our pond is sometimes delicate & any sudden influx of non-historical runoff, especially if it's at a concentrated, focussed point like the outlet pipe built by the Town on our property has, under the right conditions, the potential to significantly increase the risk of our pond flooding the properties & road below our property. When considering this point, please bear in mind that the surface area of our pond is about 13 acres with an average depth of several feet, so any flooding event that endangers our embankments, raises flood damage & liability concerns for all that contribute to the cause.

Under the plans that have been proposed, it seems like much of the post-development rainfall from those properties will be directly diverted through the storm-sewer outlet, without the benefit of the slow drainage of the property. This will intensify the volume of water being discharged into the pond over short periods and may cause situations where the dam itself could be overwhelmed. We can only adjust the flow of water over the dam by a comparatively small volumes due to the constraints of both the dam construction and also by the limitations of a seemingly small culvert located on the Biederman property (312 Campbell Avenue East) immediately below our dam. In the past several decades we have had a few excess-flow events that were triggered by events beyond our control. In 1 or 2 of those instances, the resulting water-flow overflowed the dam and temporarily flooded Biederman's property and approximately one hundred metres of Campbell Avenue East. Fortunately, these events were mitigated before more serious damage etc. could occur.

The Club respectfully brings this potential increased flooding issue to your attention so that you may be aware that there could be long-term legal and financial ramifications resulting from anything that is beyond our control & causes an increased risk of claims stemming from property damage downstream in event of future flooding. There appears to be potential liability ramifications if the proposed drainage plan is approved without further mitigation measures being put in place.

As noted in the Environmental Impact Statement prepared for Jansen Consulting by Azimuth Environmental Consulting, Inc. (October 2020) and submitted in support of the development plan there are several other environmental issues that need to be addressed. Although the report seemed to clear the development itself, it raised several issues that impact our property.

- On Page 6 of the report the report writer notes that "The Federal Fisheries Act includes provisions for the protection of fish and fish habitat. It specifies that "Projects that take place near or in water have the potential to impact fish and fish habitat, and may require a permit from DFO."
- The Campbellville Pond and the attached Sixteen Mile Creek system is home to significant wildlife populations. As mentioned in the report (Page 17) there are numerous bird & fish species (which are also located on our property), including Barn Swallows & Redside Dace, which are specifically mentioned under the listing of *Endangered and Threatened Species* (Page 19). There are also species of turtles present, including Snapping Turtles & Painted Turtles. The pond, in its role as a wetland, is also used by various waterfowl including various ducks, geese and (occasionally) Trumpeter Swans as well as Red-winged Blackbirds, Great Blue Herons & Kingfishers.

The report finds no issue with the impact of the development on the properties proposed for development itself, but does not seem to fully address the impact of the proposed development's drainage-sewer on the Campbellville Pond and Sixteen Mile Creek. The Club asks if the impacts to the flora & fauna in our pond (a Provincially Significant Wetland) & the creek, have been adequately addressed in the Environmental Assessment of this development or by the relevant government bodies. It seems to us that the discharge of post-development storm water (perhaps with some contaminants) into a "Provincially Significant Wetland", is somewhat contrary to the purpose of designating such bodies.

We are asking that our concerns be specifically addressed. This would allow the progression of the development and hopefully not result in costly delays. We acknowledge that there is supposed to be a

further technical report which might answer some of our questions or perhaps prove some of our concerns to be unfounded, but there is no mention of whether this report will be shared with the public prior to any final development approvals or whether it will remain a strictly internal document.

As I mentioned in our interaction with the planners during the meeting of February 11, 2021, the issue of the infringement of the Club's private property and the threat of a change in the quality and quantity of water represents a potential existential threat to the Club's 126 year existence. We would prefer that improved communications be established so that these issues can be dealt with quickly and to the satisfaction of all parties involved; the alternative is a less palatable outcome that may require the involvement of numerous governmental regulatory interests, additional cost in time and money and mobilization of additional support from outside groups.

We sincerely hope that we can come to an accommodation in this matter and avoid any further delays.

Sincerely,

Gordon Tebbutt  
*Treasurer*  
Milton West Fish & Game Club (1894) Inc.  
Milton, ON  
[REDACTED]

c.c. Mr. Ian Robinson  
Ms. Angela Janzen, Planner – Development Review – Town of Milton  
Mr. Craig Rohe - Upper Canada Consultants

## Angela Janzen

---

**From:** [REDACTED]  
**Sent:** Friday, March 19, 2021 12:16 PM  
**To:** Angela Janzen  
**Subject:** Re: Website Delegation Request - Gordon Tebbutt - Milton West Fish & Game Club Inc.  
**Attachments:** Legal Plan of Survey for MWF&GC (dated Sept. 1, 2020).pdf; ATT00001.htm

Hi Angela,

My apologies for the slow response.

I had intended to follow-up with you after sending in our application yesterday specifically to provide the survey but was interrupted by an urgent matter.

Attached please find our most recent survey (September 8, 2020); we have contacted our surveyor for an updated version which will show the drain-pipe location.

We hope to have that in the near future and will provide at that time.

If you have any questions please do not hesitate to contact me.

All the best,

Gord Tebbutt  
[REDACTED]

On Mar 18, 2021, at 11:03 AM, [angela.janzen@milton.ca](mailto:angela.janzen@milton.ca) wrote:

Hi Gordon,

Clerk's staff made us aware this morning of the attached letter and delegation request you made regarding Report DS-018-21 in relation to 225 & 269 Campbell Ave East. I have just reached out to engineering staff who dealt with the road reconstruction to obtain some clarity on the issues you mentioned. Would you be able to provide the survey ("current property survey dated September 8, 2020") you spoke about below so they can compare that information with the road reconstruction drawings?

Thanks.

Angela

### Angela Janzen

Planner, Development Review  
150 Mary Street, Milton ON, L9T 6Z5  
905-878-7252 x2310  
[www.milton.ca](http://www.milton.ca)

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**From:** Brett Stein <[Brett.Stein@milton.ca](mailto:Brett.Stein@milton.ca)>  
**Sent:** Thursday, March 18, 2021 10:20 AM  
**To:** Glen Cowan <[Glen.Cowan@milton.ca](mailto:Glen.Cowan@milton.ca)>; Angela Janzen <[angela.janzen@milton.ca](mailto:angela.janzen@milton.ca)>; Barb Koopmans <[Barb.Koopmans@milton.ca](mailto:Barb.Koopmans@milton.ca)>  
**Cc:** Greta Susa <[Greta.Susa@milton.ca](mailto:Greta.Susa@milton.ca)>  
**Subject:** FW: Website Delegation Request - Gordon Tebbutt - Milton West Fish & Game Club Inc.  
Morning All  
We received a delegation request (with attached letter) this morning with respect to the PM DS-018-21. It will be added to the revised agenda.  
Thanks  
bs

**Brett Stein**  
Legislative Coordinator  
150 Mary Street, Milton ON, L9T 6Z5  
905-878-7252 x2109  
[www.milton.ca](http://www.milton.ca)

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**From:** Amna Durrani <[Amna.Durrani@milton.ca](mailto:Amna.Durrani@milton.ca)> **On Behalf Of** [MB-townclerk@milton.ca](mailto:MB-townclerk@milton.ca)  
**Sent:** Thursday, March 18, 2021 9:16 AM  
**To:** Nina Lecic <[Nina.Lecic@milton.ca](mailto:Nina.Lecic@milton.ca)>; Brett Stein <[Brett.Stein@milton.ca](mailto:Brett.Stein@milton.ca)>  
**Cc:** Greta Susa <[Greta.Susa@milton.ca](mailto:Greta.Susa@milton.ca)>; Meaghen Reid <[Meaghen.Reid@milton.ca](mailto:Meaghen.Reid@milton.ca)>  
**Subject:** FW: Website Delegation Request - Gordon Tebbutt - Milton West Fish & Game Club Inc.

**Amna Durrani**  
Corporate Receptionist  
150 Mary Street, Milton ON, L9T 6Z5  
905-878-7252 x2300  
[www.milton.ca](http://www.milton.ca)

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**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca) <[noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)>  
**Sent:** Thursday, March 18, 2021 8:54 AM  
**To:** [MB-townclerk@milton.ca](mailto:MB-townclerk@milton.ca) <[Townclerk@milton.ca](mailto:Townclerk@milton.ca)>  
**Subject:** Website Delegation Request - Gordon Tebbutt - Milton West Fish & Game Club Inc.

Hello Town Clerk's Staff,

Please note the following response to Delegate Request Application has been submitted at Thursday March 18th 2021 8:53 AM with reference number 2021-03-18-146.

<https://forms.milton.ca/Management/Response/View/6eb0c01a-29ef-46b8-8f27-41e560ea4177>

#### Application Information

- **First Name:**  
Gordon
- **Last Name**  
Tebbutt
- **Email Address:**  
[REDACTED]

- **Phone number:**  
[REDACTED]
- **Street Address:**  
[REDACTED]
- **Town**  
[REDACTED]
- **Postal** [REDACTED]  
[REDACTED]
- **Are you representing a group?**  
Yes
- **Group Name**  
Milton West Fish & Game Club Inc.
- **Street Address:**  
320 Campbell Avenue East
- **Town**  
Milton
- **Council Meeting Date**  
3/22/2021
- **Please indicate how you intend to interact with the online Council Meeting**  
Both audio and video
- **Please describe the issue you intend to present:**  

We have two main issues regarding the runoff water plans contained in the development submission for the properties located at 225 - 269 Campbell Avenue East.

Of primary concern is the illegal encroachment of a drain-pipe installed by the Town on our property without proper survey and without our permission.  
We wish to engage with the Town in order to seek resolution on this issue.

N.B. - There is a limit to the number of documents that may be submitted in this electronic application, hence we are unable to include our current property survey dated September 8, 2020.  
We would request the opportunity to provide that document separately for the clarification of our assertion that the drain-pipe has been illegally situated.

Additionally, we have concerns about the legality of discharging said runoff water into our pond, which is classified as a "Provincially Significant Wetland".  
Our concerns range from the content of the runoff water (the developer's report referenced several locations of chemical spillage on the sites) to violation of accepted principles & laws concerning changing the drainage patterns of property in a way that will affect properties located downhill of said property.  
These issues are important to us for environmental reasons as well as the Club's increased risk of liability due to concerns about the redirection and intensification of the waterflow into the pond.
- **Please describe specific actions you want Council to take:**  

We seek to have proper engagement and communication with the intention of addressing both the issue of the illegal encroachment of the drain-pipe installed by the Town and address the issues involved in the proposed channelling of runoff water onto our property.  
We feel resolution of these issues is possible given that engagement.

- **Staff Report Number (if known)**  
DS-018-21 225-269 Campbell Avenue E Public Meeting Report
- **Please provide your comments in support of or in opposition to the staff recommendation:**  
Attached please find our written submission.
- **Optional: Upload the written submission that you wish to share with Council (single document, maximum 15 MB)**
  1. [DS-018-21 - MWFGC -18MAR2021.docx \[19.7 KB\]](#)
- **Do you give your permission to be audio and video recorded on the Town of Milton's live Council meeting stream?**  
Yes I give my permission

[This is an automated email notification -- please do not respond]

### **esolutionsNoReply -External Contact**

, ON,

[www.milton.ca](http://www.milton.ca)



## Angela Janzen

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**From:** Greta Susa  
**Sent:** Monday, March 22, 2021 1:39 PM  
**To:** Angela Janzen  
**Subject:** FW: Statutory Public Meeting 24CDM - 20005/M & Z-20/20

**Importance:** High

fyi



### Greta Susa

Law Clerk  
150 Mary Street, Milton ON, L9T 6Z5  
905-878-7252 x2164  
[www.milton.ca](http://www.milton.ca)

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**From:** Amna Durrani **On Behalf Of** MB-townclerk@milton.ca  
**Sent:** Monday, March 22, 2021 10:37 AM  
**To:** Greta Susa  
**Subject:** FW: Statutory Public Meeting 24CDM - 20005/M & Z-20/20  
**Importance:** High



### Amna Durrani

Corporate Receptionist  
150 Mary Street, Milton ON, L9T 6Z5  
905-878-7252 x2300  
[www.milton.ca](http://www.milton.ca)

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**From:** [REDACTED]  
**Sent:** Monday, March 22, 2021 9:44 AM  
**To:** [MB-townclerk@milton.ca](mailto:MB-townclerk@milton.ca) <[Townclerk@milton.ca](mailto:Townclerk@milton.ca)>  
**Subject:** RE: Statutory Public Meeting 24CDM - 20005/M & Z-20/20  
**Importance:** High

Dear Town Clerk

I have not received a response, in this respect.

Should I ask the question in the meeting? Will an answer be provided in the meeting?

Likely explain how I should get this question asked?

Thanks

**John Moynihan**  
[Redacted]

---

**From:** John Moynihan [Redacted]  
**Sent:** March 18, 2021 4:21 PM  
**To:** 'townclerk@milton.ca' <[townclerk@milton.ca](mailto:townclerk@milton.ca)>  
**Subject:** Statutory Public Meeting 24CDM - 20005/M & Z-20/20

Dear Sir or Madam

I will be attending the livestream on Monday 22 March at 7.00 PM. I have the link on the letter that you provided.

There is a concern that I would like to have answered:

After the new buildings are operational, water levels may decline in my adjacent well, simply due to this new level of water demand exceeding ground water supply. Who has liability to repair this problem, on my property, should it occur?

I am happy to ask this question in the meeting, or have it responded to, in the meeting, from this written request.

Thanks

**John Moynihan**  
[Redacted]

## Angela Janzen

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**From:** [REDACTED]  
**Sent:** Thursday, July 14, 2022 9:08 PM  
**To:** Angela Janzen  
**Cc:** [REDACTED]  
**Subject:** 2nd Submission for Proposed New Development - 225 & 269 Campbell Avenue East, Milton (Campbellville)  
**Attachments:** Town's Notes of ZOOM Meeting Jan13, 2022 - Town and MWFGC - Development & Easement.pdf  
**Importance:** High

Angela:

Thank you for the opportunity of responding to the developer's **2<sup>nd</sup>** submission for their proposed 6 unit development directly across the road from the private property & pond-PSW-bog complex that we have owned continuously under the name of "*Milton West Fish & Game Club Limited*" (MWFGC) since **1894**. I have tried to ensure my responses are consistent with the underlying base data & associated science, combined with my long term personal knowledge of the MWFGC property & neighbouring lands. My 45 year (former) career as a licensed Ontario Land Surveyor has given me a decent understanding of grades & surface drainage, and my extensive personal knowledge of the MWFGC property has been gained over a period of more than 65 years of exploring, maintaining & fishing almost every square metre of its land & pond-PSW-bog complex (my grandfather & father were also long time club members, so my continuous & regular connection to the property & surrounding area dates back to my very early childhood). I am not an expert in Engineering or the Environmental Sciences, but I have absorbed a limited, passing knowledge of these areas from frequent collaboration with professionals in these fields during the course of my own professional surveying career. That being said, if my lack of expertise in those areas results in any inaccurate comments by me, I apologize & welcome any well-reasoned corrections directly from the relevant staff or consultants.

Firstly, MWFGC re-iterates that aside from not wanting to be anyone's personal stormwater dumping ground or have our flood & ecologically sensitive wetlands impacted by such an incompatible use, one of our main comments for the Developer's **1<sup>st</sup> Submission**, was that we thought their proposal over-estimated the development site's historic surface drainage runoff into our property. Similar inaccuracies and/or contradictions seem to be (in our opinion) continued in the **2<sup>nd</sup>** submission reports/plans. For instance, at various times & points over both submission packages, some of the key consultant reports & plans for these submissions appear to inconsistently state, show or imply that most of the historic-existing surface drainage for the developable tableland generally flows either: 1/ **south** towards Campbell Avenue & then into MWFGC's private pond-PSW-bog complex; or 2/ **west** towards the development's tributary stream & then into MWGGC's pond; or 3/ **southeast & east** towards Campbell Ave. & Milton (respectively), beyond where it would have much, if any impact on our pond. Depending on which page of which document or plan in your view in the **1<sup>st</sup> & 2<sup>nd</sup>** submissions, the general direction of historic surface flow for significant portions of specific parts of the development's tableland seems to keep changing & be literally stated, shown or implied to be (at one time or another) in 3 of the 4 cardinal directions of the compass! It baffles us how the tableland's general historic surface flows for significant areas, seems (to us) to be so inconsistently documented & continually changing direction through 270 degrees of the 360 degree compass. The **2<sup>nd</sup> Submission** Reports &

Pre-Development Drainage Plans used to support their latest Storm Water Management Plan, now appear to MWFGC to incorrectly suggest that the historic site drainage from the tableland has mostly flowed to the west or southwest towards Campbellville & Campbell Avenue & then eventually into our pond (some of which appears to us to even flow uphill in the vicinity of the west end of the race track!!!) and south towards Campbell Avenue & eventually into our pond. As noted in our **1<sup>st</sup> Submission** comments & discussions with Town staff, a close look at the existing grades shown on the developer's own Topographical Survey and/or Pre-Development Drainage Plan suggests to us that a large majority of the developable table land's general surface drainage has historically drained easterly or southeasterly towards Milton & maybe some towards Campbell Avenue, before heading southerly to a point past the east end of MWFGC's pond (a designated Floodplain Hazard, Provincially Significant Wetland & Bog Complex). During the course of MWFGC's discussions and/or Zoom meeting(s) with Town staff, they expressed similar doubts about the accuracy of the submission's historic runoff portrayal & confirmed (verbally & in writing) their concerns about the inaccuracy of the developer's representation of the site's general historic drainage pattern, as hi-lited on the attached copy of the Town's own Notes of a Jan. 13, 2022 ZOOM meeting between Town staff & representatives of MWFGC. In particular in the developer's **2<sup>nd</sup>** submission, we note the historic surface drainage of roughly 60% - 80% of the very large "**Catchment Area 101**" (Pre-Development Drainage Plan) is shown by drainage arrows to be heading southwest towards the westerly tributary (where it seems to suggest it's going uphill at the west end of the track & then flow into our pond), whereas the existing grades shown thereon, seem (to MWFGC) to dictate most of the historic surface flows for this area heads southeast towards Campbell Ave. & Milton, where the surface runoff would have little or no impact on our pond/PSW. Again in the **2<sup>nd</sup>** submission, we note the historic surface drainage of almost 100% of the large "**Catchment Area 102**" (Pre-Development Drainage Plan) is shown by drainage arrows to be heading southeast (which we agree with) towards Milton and Campbell Avenue (where the surface runoff would have little or no impact on our pond/PSW), whereas the Post-Development Drainage Plan shows the grading has mostly been reversed and/or will re-direct a majority of non-historic surface flows for this area towards the site's storm sewer/super pipe system, where it will eventually be dumped into MWFGC's pond/PSW/bog complex). To us, these & other apparent inaccuracies and/or inconsistencies in the general historic surface flows & where they are being re-directed, seem to be continuing from the **1<sup>st</sup>** to the **2<sup>nd</sup>** submission. If this is the case, it automatically raises significant questions (in our minds) about the validity of any stormwater flow volumes proposed to be re-directed to our private property/pond and any related water quality calculations or EIS impact assessments associated with these re-directed stormwater flows. If any of the approval bodies reviewing the developer's **2<sup>nd</sup>** submission are inclined to give any weight to our concerns in this regard, then to us, the only viable recourse is for the appropriate agency to conduct a thorough, independent analysis of the land surveyor's original topographic data & the Pre-Development Drainage Plan to eliminate the confusion over which assertions about the direction & volume of historic (existing) surface flow are actually correct. This would be necessary to provide a reliable, impartial, detailed determination of how much of the historical surface drainage from all portions of the developer's property, actually ever reached MWFGC's private pond/PSW/bog complex. This impartial analysis may possibly result in portions of other reports & plans that relied on the apparently inconsistent portrayal of purported historic runoff, having to be adjusted accordingly.

We have no expertise in hydrogeology, so our comments on groundwater related issues is fairly minimal. MWFGC generally accepts that much of the groundwater data in the relevant reports is most likely accurate & meets regulatory requirements. However, it appears to us that there are at least 2 glaring inconsistencies in their ESA reporting, that if we are correct, further adds to the apparent cumulative & confusing inconsistencies/contradictions in the developer's submissions & our overall lack of confidence in some of the developer's key reasoning for asserting their proposal will have no adverse impact on our ecologically & flood

sensitive property or that they are justified in directing most of their stormwater runoff and/or potential development related contaminants onto our private property. In the **“Phase 2 Environmental Site Assessment”** we note the following: **i)** Paragraph 2.1.2 (page 4) states that *“the Phase 2 Property generally flows to the south, towards Campbellville Pond”* and also that *“Surface water flow associated with precipitation events is anticipated to run towards the tributary”* (which is located at the extreme **west** end of the developer’s property & drains almost immediately into MWFGC owned Campbellville Pond) ..... If the property “generally flows **south**”, most of the runoff can’t also flow west to the tributary (& therefore into our pond) ..... These two opposing statements in the same paragraph seem to us to be completely incompatible with each other; **AND ii)** Paragraph 5.2.5 entitled **“Groundwater Flow Direction”** (page 19) states that *“the groundwater flow is interpreted to be east towards Campbellville Pond. The groundwater elevation contours and flow direction are presented on Figure 4”*. Figure 4 indeed shows the groundwater flow arrow pointing to Campbellville Pond, but there are **no** elevation contours on Figure 4 & **east** would be towards Milton, not the pond ..... However, Figure 6 (which isn’t referenced in 5.2.5) does show the groundwater flow arrow pointing **east** towards Milton (NOT the pond), which is supported by the elevation contours that are also shown on Figure 6 (NOT 4).

Also, as noted in our earlier responses to the developer’s proposals, our understanding is that Statutory Ontario drainage law (**“The Drainage Act”**), as well as municipal development related drainage policy, prohibits anyone from directing or causing any volume that exceeds non-historical drainage to flow onto down-gradient properties or to cause any non-historical harm (either by volume or by reduced quality) to down gradient properties. This would be consistent with Conservation Halton’s *direction* to the developer’s consultants that **“all efforts should be made to direct stormwater runoff away from the Provincially Significant Wetland known as Campbellville Pond under post-development conditions”** (see sections 2.0 & 5.1 of SWM Report). The previously noted apparent over-estimation (in our view) of the volume of historic surface flow from the development property to Campbellville Pond seems to be in opposition to Conservation Halton’s *direction* & to the Drainage Act. Similarly, section 4.2 (bottom of page 3) of the **“Functional Servicing & Stormwater Management Report”** seems to us to be contrary to Conservation Halton’s *direction* & the Drainage Act by adding what looks to us like a significant amount of non-historic stormwater runoff from a large **“Catchment Area”** to Campbellville Pond. Section 4.2 appears to openly indicate that the runoff from the 4 acre **“Catchment 202”** (post-development flows) does NOT mimic most of **“Catchment 102”** pre-development flows shown for the same general area, because historic surface flows for these areas generally went easterly/southeasterly away from Campbellville Pond, but are now apparently designed to be re-directed to flow in the opposite direction (westerly) to end up in the proposed storm sewer system which discharges into the west end tributary & from there almost immediately enters Campbellville Pond. We suggest that considering our contention about the directions of historic surface runoff for **“Catchment 101”**, somewhat similar arguments could be made for significant portions of the pre- & post-development **“Catchments” 101 versus 201**. MWFGC also strongly believes that ‘slow-releasing’ large volumes of historic or non-historic stormwater runoff stored in a **“super pipe”**, into Campbellville Pond via the west-end tributary, is **NOT** in any way compatible with Conservation Halton’s *direction* ..... while ‘slow-releasing’ mitigates surging of the flow, the overall released volume is the same with or without the mitigation.

Section 5.2 (Water Quality Control) of the SWM Report states the large **“Catchment 201”** (post-development) *“will discharge uncontrolled towards the Sixteen Mile Creek tributary”* (& therefore into Campbellville Pond) and because it *“primarily consists of clean runoff, therefore quality control has **not** been provided”*. Since this area will apparently end up being mostly landscaping/lawn for 5 of the 6 lots, runoff containing common landscaping related contaminants like fertilizers, pesticides & herbicides would presumably end up in

Campbellville Pond. As noted later in our comments, our pond/PSW already has noticeable adverse effects caused by similar runoff borne contaminants from other existing upstream properties & the uncontrolled runoff from this new proposed development would seemingly have a cumulative adverse effect on our pond ..... which is very concerning for us.

Considering the following 4 points (as we perceive them): **1/** the apparent likelihood there is significantly less historic runoff directed towards Campbellville Pond than implied by the “Pre-Development Drainage Plan” & “Storm Water Management Report” etc., which in turn would appear to negatively impact the consultant’s calculations the w.r.t. the volume of post-development stormwater that can be re-directed to our property, which would then require related adjustments to the updated EIS etc.; **2/** there will be considerably more impervious surfaces post development than existed pre-development, which leaves us with the perception this would cause increased surface runoff from those areas being directed into the site’s proposed storm sewer system & ultimately onto our property (at least in heavy rainfall or runoff events); **3/** All or most of the historic surface runoff from the developable table land that actually managed to reach Campbell Ave. East did not **NOT** cross over top of the crown of the road & enter MWFGC’s property/PSW pond, but instead was captured by the ditching and/or curb & gutter on the north side of the road (side closest to the development), where it stayed while it then flowed downhill (easterly) towards Milton until it was well past (& down gradient to) MWFGC’s property & PSW/pond. Photos of the north side gutter flow embedded in a recent “Appraisal Report” provided to us by the Town, seem to be concrete proof of our long standing contention that very little, if any historic runoff from the developable table lands to the north, ever crossed over the road surface or reached our pond and would apparently refute any proposal that suggests the artificial re-directing of more than a small percentage of the overall development property’s stormwater surface runoff onto MWFGC’s property/pond-PSW, is consistent with the volume of the property’s natural, historic runoff that actually entered the pond ..... again, this would appear to negatively impact the consultant’s calculations the w.r.t. the volume of stormwater that can be re-directed to our property, which in turn requires related adjustments to the updated EIS etc.; and **4/** the dumping/directing of non-historical (in terms of volume & quality) stormwater runoff from their property onto our property, would seem to us to be illegal under “*The Drainage Act*” & contrary to municipal policy ..... **It therefore appears to MWFGC that a very significant portion of the excess volume (& likely less pure) stormwater runoff the developer proposes to dump into the private property & private PSW/pond owned by MWFGC, would be non-historic runoff. Until conclusively proven otherwise to our satisfaction, the realization of any proposal of this nature would be considered by MWFGC to be an improper and/or illegal action that would have a noticeably negative impact on our ecologically & flood sensitive property, pond & bog complex. MWFGC strongly contends that the developer has no legal right to re-direct any of their non-historic stormwater runoff onto our private property without MWFGC’s legal written authorization.**

Conservation Halton’s (CH) summer of 2021 comments on developer’s 1<sup>st</sup> submission:

**Functional Servicing & Preliminary Stormwater Management Report**

1. The proposal includes a SWM outlet at the limit of the Provincially Significant Wetland (PSW), Guelph Junction Wetland Complex, adjacent to the site. **Staff require an alternative stormwater management (SWM) approach to minimize potential negative impacts to the PSW.** The proposed SWM approach must be supported by applicable policies and findings within the Environmental Impact Assessment (EIA). Further, this would also need to be demonstrated in support of the required CH permit. **It also appears that the PSW is within private ownership and permission would also be required from the owner of the PSW for any work on their property.** Given the above, an

*alternative stormwater management approach needs to be considered and a meeting with CH, the Region of Halton, and the Town of Milton staff is recommended to discuss options.*

\*\*\*\*\* We note that it appears to us that the developer's consultants (Storm water Management Report & Updated EIA Report - see 3<sup>rd</sup> paragraph from bottom of page 28) have mis-understood or mis-characterized the first 3 lines of CH's comments in item 1 immediately above, to mean that as long as their storm sewer discharge point is not located right at the limit of the MWFGC's PSW/pond/bog complex, then they have satisfied CH's concerns in that regard, even if said discharge point is less than 100m from our environmentally sensitive & flood sensitive property & still re-directs substantially the same amount of discharged stormwater runoff into our PSW-pond-bog complex as did the 1st submission proposal. While CH did mention the 1<sup>st</sup> submission's SWM outlet at the limit of our PSW-Wetland Complex-pond & stated: "requires an alternate approach to minimize negative impacts", those "alternative approaches" can take numerous forms in other locations, but nowhere does it seem to say (in our interpretation) "a SWM approach that does not include an outlet at the limit of the PSW" will automatically minimize or eliminate the potential negative impacts to our wetland & satisfy CH's concerns (or ours or the Town's). Dumping their excess storm water somewhere other than onto our property would be far more effective at minimizing the potential negative impacts to the wetland & would guarantee ZERO impact on the PSW-bog complex (something their current proposal cannot possibly achieve).

When Conservation Halton" & the Town shut down any consideration of the developer using the "front door" (1<sup>st</sup> Submission - the municipal manhole & outlet pipe at the bottom of their existing easterly driveway) to dump any of their stormwater runoff into MWFGC's private pond-PSW-bog complex, the developer's 2<sup>nd</sup> Submission seems to basically just shift a similar proposal to a slightly different location by proposing to dump most of their stormwater runoff onto our property through the "back door". Their 2<sup>nd</sup> Submission proposes out-letting their revised stormwater sewer directly into a cold water stream at the west end of their own property (potentially allowing the disruption to the stream's thermal regulation by warmer storm water runoff being directed into an acknowledged Federal *Fisheries Act* protected cold water stream habitat, is to us, more than a bit surprising in itself). The storm sewer discharge would then only flow a very short distance (maybe 50 – 75m +/-) before entering the north side of the existing municipal twin box culvert under Campbell Avenue, which outlets on the south side of the road directly into the MWFGC-owned swamp/marsh habitat/designated bog complex & then into our pond/designated PSW (see photos 11, 12 & 13 in the **UPDATED EIS REPORT dated April, 2022**) (the Town's own Engineering Plan & Profile Plan for the c.2017 road re-construction, confirms the municipal twin box culvert outlets directly into MWFGC property). In our view, the developer's consultants incorrectly suggest (multiple times in the "First Round Comment Responses Table" included in the 2<sup>nd</sup> Submission package) that this "back door" solution adequately addresses the Town's & Conservation Halton's previous concerns. In addition, the EIA Updated Report (top of page 30) states "Municipal Infrastructure (cannot utilize Town's outlet)", which to us appears to acknowledge they cannot use the box culvert that is clearly "Municipal Infrastructure" & the "Town's outlet" for the tributary stream, to facilitate dumping their stormwater runoff into Campbellville Pond. While we realize the Updated EIA may be referencing the manhole/OGS/storm pipe outlet a short distance to the east (in front of their driveway), we fail to understand the apparent inconsistency that would occur if the Town considers allowing the developers to use one "Municipal Infrastructure/Town Outlet" (the twin box culvert) to facilitate this dumping of their private stormwater runoff onto our private, ecologically & flood sensitive property, when the Town has already prohibited them from using similar nearby "Municipal Infrastructure/Town Outlet" (manhole, OGS & storm outlet pipe just slightly to the east) for that very same purpose.



The developer's intention to use our private property & pond (floodplain, PSW, bog complex etc.) as their own personal Storm Water Management area by discharging their excess, non-historical & less pure stormwater runoff onto our property, would appear to be contrary to provincial law & municipal policy unless they have proper written authorization from MWFGC to do so. Since neither the developer or their representatives has ever received such approval from us (or even had the courtesy to discuss this with us), any proposal that effectively uses our property & pond as a "dumping ground" for their excess storm water runoff, should not (in our view) even be considered until they resolve the legal & historical runoff issues to our satisfaction. This stance simply extends the principle & spirit expressed in *Conservation Halton's 2021 comments* "It also appears that the PSW is within private ownership and permission would also be required from the owner of the PSW for any work on their property" to include the need for written authorization from MWFGC to re-direct "by any means or from any location", their excess storm water runoff onto our private property & into our private pond. Until the developer actually talks to us about how to alleviate our concerns about the negative impacts to our ecologically & flood sensitive private property, as well as how to address our legal concerns, we anticipate our continued efforts to protect our legal property rights (we do note that some time ago the developer very briefly approached 1 of our club members & suggested they 'very much wanted to work with us to resolve our concerns', but the total lack of any subsequent follow-up contact with MWFGC suggests to us their comment may not have been as sincere as we had hoped).

CH's comments on the 1<sup>st</sup> submission required "*alternative SWM measures & additional mitigation measures be incorporated as part of treatment train approach to ensure **NO** impacts to the PSW & watercourses*". We understand that oil-grit separators require frequent maintenance & inspection to function properly & we think it's highly unlikely that private, single family homeowners will ever regularly maintain or inspect the proposed separator(s) on their property over the long term (if at all), which may make this proposed water quality mitigation feature an impractical solution for mitigating the migration of site contaminants to MWFGC's PSW-pond-bog complex. At the very least, the developer has not or cannot guarantee the adequate maintenance of the separator(s) on private property, which in turn would lead to adverse impact on the cold water stream & our PSW-bog complex from stormwater runoff bearing contaminants.

Furthermore, the updated EIS Report gives support to the fact that our private pond-PSW-bog complex provides important and/or critical "*Significant Wildlife Habitat*" (SWH) for several recognized key bird, animal & botanical groups, by providing among other things: **A/** waterfowl stopover & staging area; **B/** core reptile habitat (turtles/snakes) including breeding & wintering area; **C/** colonially nesting bird breeding/nesting habitat (tree/shrubs); **D/** marsh breeding bird habitat; **E/** Barn Swallow breeding & foraging area [species at risk]; **F/** extensive fish habitat (including Redside Dace [endangered] & Northern Sunfish [species of concern]); **G/** possible bat maternity colonies [endangered or threatened]; etc., etc. From personal observation, certain club members can verify all or most of these groups exist and/or are dependent on our property, however, the update EIS seems to indicate because no relevant, specific surveys have been made on MWFGC property, assumptions are being made & these groups are only being considered as potential or candidate SWH areas w.r.t our property. Because our experience strongly suggests most or all these groups do exist or appear to exist on MSWFGC property, we request that no development approvals be granted until the proper specific studies have been completed and conclusively demonstrate (to the satisfaction of the Town, Conservation Halton & MWFGC) that the development's proposed stormwater runoff & drainage will have no negative impact on the "Provincially Significant Wetland", "*Significant Wildlife Habitat*" & "Floodplain" areas that essentially cover 100% our property.

MWGGC acknowledges & appreciates the improvements to storm water surge mitigation (the addition of a "super pipe" with sizing & control orifice to provide 100 year storm event capacity) & improvements to water

contamination mitigation features (bioswales, infiltration galleries, OGS). However, the changing of the stormwater runoff outlet location does not change the fact that the developer is still attempting to use our privately owned & ecologically-flood sensitive property, pond-bog complex as their own personal & cost-free stormwater management pond. About 5 decades ago the water in our pond & wetlands was essentially stable & pristine, but since that time increased storm runoff & nutrient/contaminant levels from the adjacent c.1970 development on MWGC's westerly boundary & from existing upstream properties, has caused noticeable adverse impacts to our streams, pond/PSW/bog complex in terms of flood risk & water quality. While the stormwater runoff volume & contaminant/nutrient levels from the proposed development purport to meet minimum municipal or agency standards, the post-development increase to those volumes & levels, in our view are not or cannot be guaranteed to be "ZERO" and will only add to the development driven cumulative adverse effects on our water, our PSW/bog complex and the significant natural habitat that supports a varied & extensive wildlife population (which includes some that are designated as 'endangered' and/or 'species at risk').

MWFGC believes there is still at least 1 more alternative option (if not more) for the developer to deal with their stormwater runoff, and while said option might not be as inexpensive to implement, it doesn't involve using our private, ecologically & flood sensitive property as their personal stormwater management area & it would much better in conforming to Conservation Halton's mandate to protect the PSW from any adverse impacts & their related '*direction*' to the developer. However, if the developer's 2<sup>nd</sup> submission stormwater management & drainage proposal is approved against our wishes, we strongly request the following mandatory conditions of approval be made (or perhaps similar conditions should be imposed & implemented before any further development approvals are even considered or granted) to ensure that Conservation Halton's requirement & the developer's claims/assurances of "***no adverse impact on our privately owned pond/PSW/bog Complex***" can be or have been met & are maintained ad-indefinitum:

- **1/** Our PSW-pond to have pre-development water quality & quantity sampling/monitoring at several regular time intervals (monthly?) & varied weather conditions, to cover all 4 seasons over a minimum of 1 year (or more), **to establish clear pre-development baseline levels** (which in our view should have already been done by now to avoid the apparent inconsistencies or assumptions & theoretic claims currently being made by proponents of the development).
- **2/** Our PSW-pond to have post-development water quality & quantity sampling/monitoring at several regular time intervals (monthly?) & varied weather conditions, to cover all 4 seasons, **to detect the stability of, or the changes to the baseline quality & quantity levels of our PSW (this would also act as a warning-detection procedure for any problems or failures of the development's volume or water quality mitigation features or methods)**.
- **3/** All water sampling/monitoring events to be conducted at multiple appropriate locations to ensure key PSW entry points of potential development stormwater runoff are covered, such as: **A/** the discharge outlet of the storm sewer/super pipe into the cold-water tributary stream; **B/** the north & south side inlet/outlet of the twin box culvert; **C/** the manhole/OGS on Campbell Ave. near the bottom of the proposed main development driveway; **D/** the Town's discharge point of the storm outlet pipe running from the aforementioned manhole/OGS to the PSW limit).
- **4/** MWFGC shall be notified at least 1 week in advance of all on site sampling events on their property. Access to MWFGC's property by any person conducting the sampling, shall only be directly from the public road (Campbell Ave. East) to the sampling location & is limited to those very finite portions of our property. Access to any other part of MWFGC's property is not implied or given & would be considered an act of trespassing (this condition is unfortunately dictated by persistent trespassing &

poaching problems we have experienced in recent years & the desire to avoid unnecessary confrontations that have stemmed from these issues).

- **5/** Results of all sampling events to be promptly provided to the Town, Conservation Halton & MWFGC for all pre & post development sampling locations & events.
- **6/** Quality & quantity sampling as per above, to be continuous for as long as the development continues to discharge any of its stormwater runoff, either directly or indirectly, into any part of the property, Pond-PSW-bog complex owned by MWFGC.
- **7/** All of the above sampling, analysis & reporting is to be done at no cost to MWFGC.
- **8/** All failures or under-performance issues of the development's mitigation features or methods, whether isolated or persistent, are to be promptly reported, corrected, replaced and/or improved at the sole expense of the development & to the complete satisfaction of Conservation Halton, the Town & MWFGC.

As per item **4b** of the *Town's own Notes of a Jan. 13, 2022 ZOOM meeting between Town staff & representatives of MWFGC* (copy attached), we look forward to a meeting with staff to discuss the **2<sup>nd</sup>** Submission concerns "prior to providing comprehensive comments back to the applicant".

Thank you for your consideration in this ongoing matter. If you have any questions or comments, please don't hesitate to contact me.

Ian Robinson (on behalf of MWFGC)



---

**From:** [REDACTED]  
**Sent:** Monday, July 11, 2022 1:42 PM  
**To:** 'angela.janzen@milton.ca' <angela.janzen@milton.ca>  
**Subject:** RE: New Development Proposal - Lots 225 & 269 Campbell Avenue

Much appreciated Angela.

## Angela Janzen

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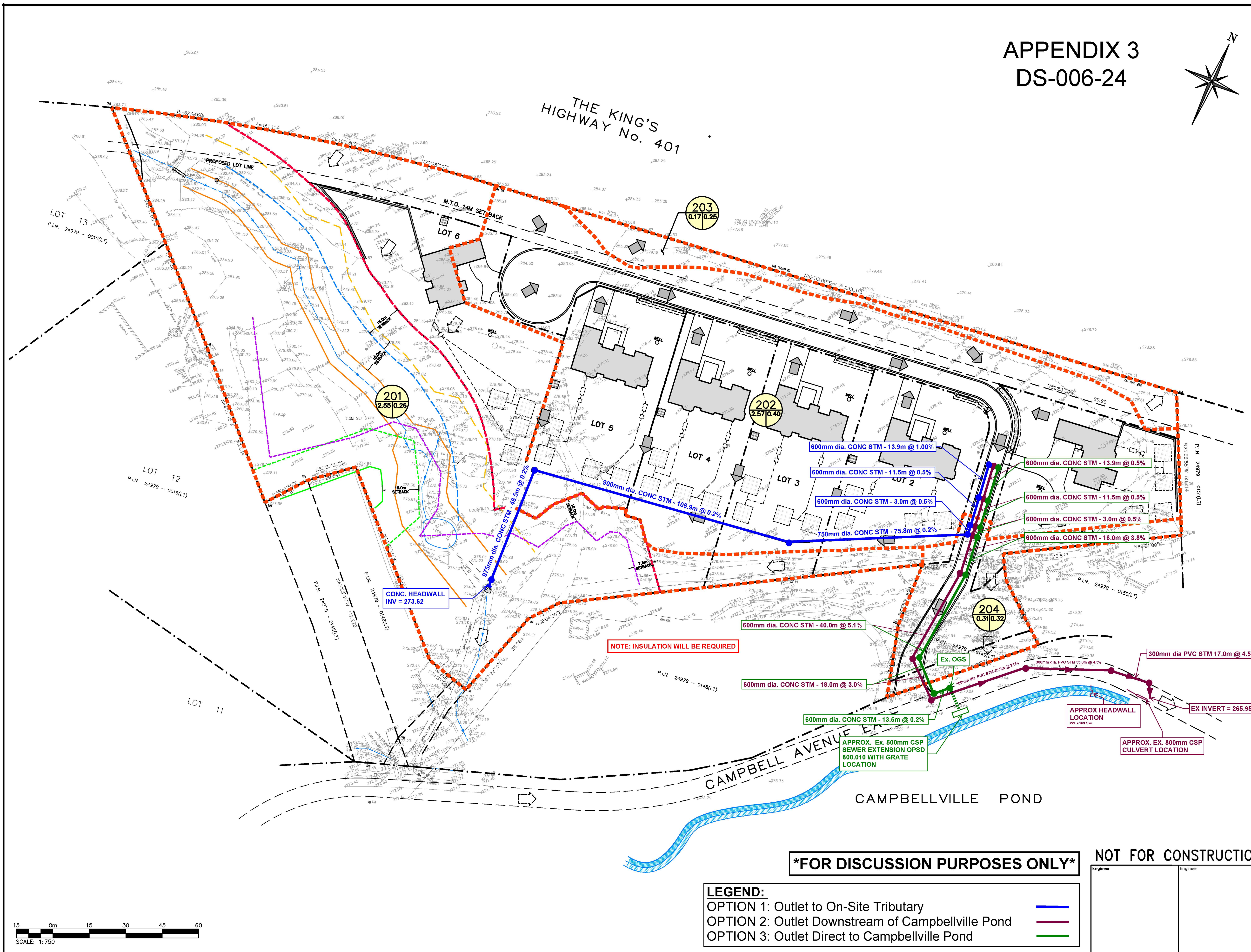
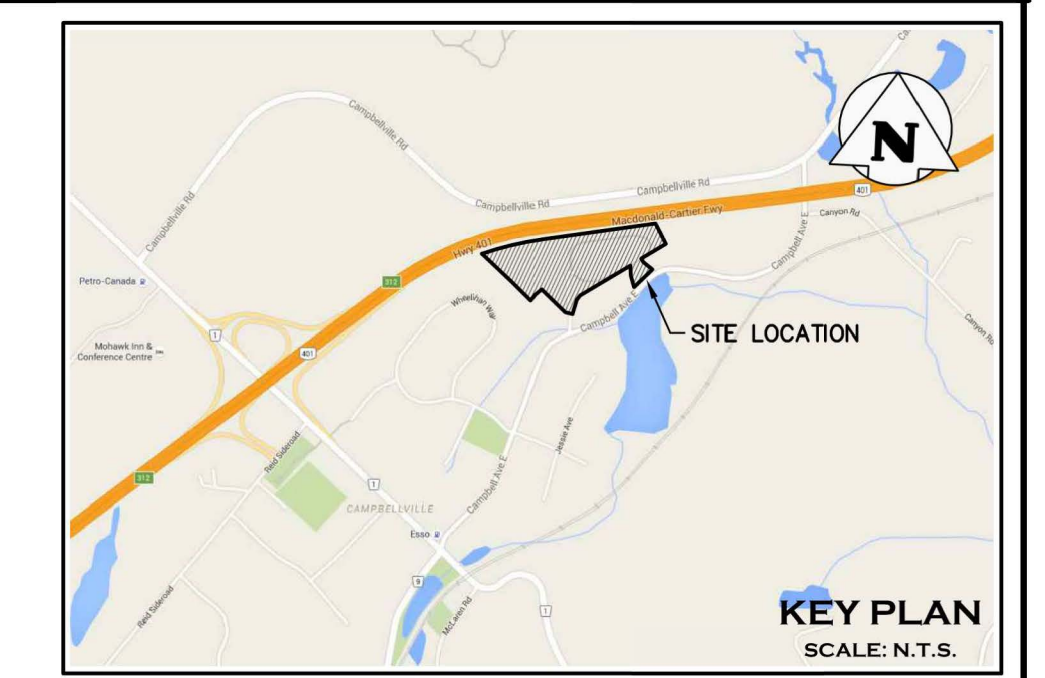
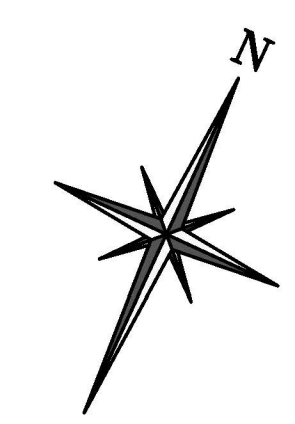
**From:** [REDACTED]  
**Sent:** Thursday, September 1, 2022 9:32 AM  
**To:** Angela Janzen  
**Subject:** Proposed development on Campbell Ave., East

Good day Angela. This is Ted Moyses of [REDACTED]. I am reaching out to you in regards to the development across the road from me. It has been brought to my attention that the parties involved have changed course. My understanding is the water runoff would be diverted to the north east towards the 401. I understand they now want to dump it into the Coldwater spring Draining into the Fishing Club's pond. I'm a bit confused in regards to this for two reasons. First this will have a very negative impact to the wetlands and endangered species. The red sided dace And wild trout population need very clean cold water to survive. Osprey, bald eagles, Blue herons, wood ducks, sandpipers, beaver, mink, multiple song birds, muskrat, Snapping turtles, painted turtles, trumpet swans And multiple song and migrating birds use this wetland This is a very special ecosystem and I strongly oppose any water being dumped Into the stream. Second as you know I would like a building lot on top of the hill. (To take to the bank to get and A lender )I've been told by Halton Conservation that this is unachievable because of the hundred year flood. Seems to me if you add more water upstream that this really is not an issue. The culverts downstream we're put in 50 years ago. You have a business and a residential property in harms way. A friend of mine would say: you can't suck and blow at the same time. I'm sure you can understand my frustration. I can be reached by phone at [REDACTED]. As this directly affects me I would like to be kept in the loop of things moving forward please. Yours sincerely Ted

Sent from my iPhone



# APPENDIX 3 DS-006-24



LEGEND	
	PROPERTY LINE
	EXISTING CONTOUR (0.5m)
	EXISTING CONTOUR (1.0m)
	EXISTING WATERCOURSE
	EXISTING GRADE
	EXISTING OVERLAND FLOW DIRECTION
	PROPOSED OVERLAND FLOW DIRECTION
	PROPOSED RETAINING WALL
	PROPOSED ACOUSTIC WALL
	PROPOSED STORM SEWER & MANHOLE
	PROPOSED STORM CATCHBASIN MANHOLE
	PROPOSED STORM DITCH INLET / DCB
	PROPOSED STORM DRAINAGE CATCHMENT
	DEVELOPMENT LIMIT (15.0m SETBACK FROM FLOODLINE & MEANDER BELT AND 10.0m SETBACK FROM DRIFLINE)
	REGIONAL FLOOD LINE
	DRIFLINE; PER REGION OF HALTON (STAKED SEPTEMBER 20, 2021)
	MEANDER BELT/MEANDER BELT 15m SETBACK
	TOP OF BANK; PER HALTON CONSERVATION (STAKED MARCH 28, 2021)/TOP OF BANK 15m SETBACK
	PROPOSED SOAK AWAY PIT; SEE DETAIL
	CATCHMENT I.D.
	AREA (ha)   RUNOFF COEFFICIENT

ISSUED TO TOWN	2024/01/17
No. ISSUE / REVISION	YYYY/MM/DD

**A.T. McLAREN LTD.:**  
 SURVEY DATED: 2012/JUN/27  
 DRAWING No. 33577  
 BENCHMARK: 008195680128  
 128-66. CONCRETE BRIDGE CARRYING HWY 401 OVER HALTON REG RD 9, 6.8km WEST OF INTERCHANGE 39 (JCT OF HWY 25 & CAMPBELLVILLE SIDE RD & HWY 401). TABLET IS SET HORIZONTALLY IN NORTH FACE OF EAST ABUTMENT, 1.95m WEST OF THE N.E. CORNER AND 15cm BELOW BOTTOM OF COPING.  
 ELEVATION = 270.936m

**J.D. BARNES LTD.:**  
 FIELDWORK COMPLETED: 2015/MAY/11 (ADDITIONAL ON 2015/OCT/06)  
 REFERENCE No. 15-30-734-00-B  
 MINISTRY OF TRANSPORTATION BENCHMARK: 00820080010  
 ELEVATION = 285.821m  
 MINISTRY OF TRANSPORTATION BENCHMARK: 00820060060  
 ELEVATION = 302.433m

**JANSEN CONSULTING:**  
 DESIGN ELEMENTS SHOWN ARE BASED ON FILE: 2013-0285P  
 DRAWING No. S1  
 PROJECT No. 2013-028 (UPDATED MARCH 14, 2023)

**DRAWING NOTES:**  
 THIS DRAWING IS THE EXCLUSIVE PROPERTY OF C.F. CROZIER & ASSOCIATES INC. AND THE REPRODUCTION OF ANY PART OF IT WITHOUT PRIOR WRITTEN CONSENT OF THIS OFFICE IS STRICTLY PROHIBITED.  
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, LEVELS, AND DATUMS ON SITE AND REPORT ANY DISCREPANCIES OR OMISSIONS TO THIS OFFICE PRIOR TO CONSTRUCTION.  
 THIS DRAWING IS TO BE READ AND UNDERSTOOD IN CONJUNCTION WITH ALL OTHER PLANS AND DOCUMENTS APPLICABLE TO THIS PROJECT. DO NOT SCALE THIS DRAWING.  
 ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

## CAMPBELL AVE. ESTATES SERVICING OPTIONS ASSESSMENT

	<b>CROZIER &amp; ASSOCIATES</b> Consulting Engineers	2800 HIGH POINT DRIVE SUITE 100 MILTON, ON L9T 6P4 905 875-0026 T 905 875-4915 F WWW.CFCROZIER.CA
	Drawn R.L./J.B. Design B.P./T.E. Project No. 475-3616	Check B.P. Check T.E. Scale 1:750 Dwg. FIG1



<b>LEGEND:</b>	
OPTION 1: Outlet to On-Site Tributary	
OPTION 2: Outlet Downstream of Campbellville Pond	
OPTION 3: Outlet Direct to Campbellville Pond	

**\*FOR DISCUSSION PURPOSES ONLY\***

**NOT FOR CONSTRUCTION**





Option	Outfall Location	Significant Woodland Affected	Significant Valleyland Affected	Watercourse Affected	Provincially Significant Wetland Affected (PSW; adjacent lands)	Regulated Redside Dace (Endangered) Habitat Impacts (adjacent lands)	Other Considerations	Analysis
<p>#1: Outlet to the tributary of Sixteen Mile Creek within the Subject Property, upstream of Campbellville Pond (PSW)</p>	<p>Tributary on the property.</p>	<p>Proposed alignment of superpipe will require encroachment into the Significant Woodland 10m buffer and into the Significant Woodland itself.</p> <p>Tree removals anticipated to be minimal as works will be focused within the existing development/driveway. Works within the 3.0m easement will minimize the overall footprint during the construction process.</p> <p>Overall, there will be no reduction in the amount of Significant Woodland. Ecological functions to be maintained post-development provided recommended mitigation measures are implemented.</p>	<p>See impact assessment related to Significant Woodland.</p>	<p>Requires work in proximity to indirect/seasonal fish habitat.</p> <p>Stormwater discharge into the watercourse has potential to introduce sediment and deleterious substances if not controlled for during design.</p> <p>Storm flows outlet directly to watercourse, which may require substrate stabilization in indirect/seasonal fish habitat.</p> <p>Potential impacts can be mitigated through the implementation of the proposed stormwater quality controls that will provide Enhanced Level of Protection according to the MOE (2003) guidelines (Crozier, 2023). Provided standard Best Management Practices (BMPs) for land alteration and near/in-water construction are implemented, temporary impacts to aquatic biota and habitat are mitigable. Review of detailed designs by a qualified fisheries ecologist is recommended for the proposed stormwater outlet and mitigation, as required.</p>	<p>Stormwater discharge into the watercourse has potential to introduce sediment and deleterious substances that could enter the PSW if not controlled for during design.</p> <p>Mitigation measures outlined in Watercourse column will also effectively mitigate potential impacts to the PSW.</p> <p>As per the FSR (Crozier, 2023), mitigation measures are proposed to match pre development ground water and hydrologic condition of the site therefore maintaining ground/surface water contributions to the PSW.</p>	<p>No direct impacts on regulated Redside Dace habitat.</p>	<p>The stormwater outlet is within the subject property and will not require upgrades/rehabilitation to Campbell Avenue East.</p> <p>The box culvert at Campbell Avenue East is adequate to handle tributary flows, as confirmed with Crozier.</p>	<p>From a natural heritage perspective, this is the preferred option as the stormwater discharges into indirect/seasonal fish habitat where impacts from substrate stabilization/in-water work (if required) would be minimal and mitigable. Stormwater quantity and quality issues have been accounted for and mitigated as per the FSR (Crozier, 2023) as all stormwater will be captured, controlled and treated before outletting upstream of Campbellville Pond. The Campbellville Pond (PSW) has an upstream catchment area of approximately 800ha., much of it is developed. The subject lands are approximately 5ha in size with the proposed development of 6 estate lots with infiltration LID's to control peak flow; therefore, there is no expectation that there will be any measurable impact to the PSW downstream (Crozier, 2023). There are also no SAR (Redside Dace) in the area that would require Ontario Endangered Species Act (ESA) /Department of</p>



Option	Outfall Location	Significant Woodland Affected	Significant Valleyland Affected	Watercourse Affected	Provincially Significant Wetland Affected (PSW; adjacent lands)	Regulated Redside Dace (Endangered) Habitat Impacts (adjacent lands)	Other Considerations	Analysis
								Fisheries and Oceans Canada (DFO) permitting.
#2: Extend storm sewer on Campbell Avenue East and outlet downstream of Campbellville Pond (PSW)	Tributary downstream of Campbellville Pond (off-site)	No impacts to Significant Woodland	No impacts to Significant Valleyland	Reduction in flows to tributary of Sixteen Mile Creek. Seasonally direct fish habitat in North Watercourse may be impacted from reduced flows.  Requires work within and in proximity to direct fish habitat (Campbellville Pond – PSW).  Potential impacts likely mitagable as per assessment in Option #1; however, no net positive impacts from a fisheries perspective due to increased risk of impact to direct fish habitat. Option not recommended.	Reduction in surface water contributions to PSW. Although hydrologic conditions of the site could likely be maintained through LIDs, the runoff flows from the site would by-pass the PSW therefore there would be a surface water deficit within the PSW post-development should this option be employed.  Option not recommended.	The watercourse downstream of the property entrance is confirmed regulated Redside Dace habitat. Outletting directly into Redside Dace habitat is not recommended when alternatives are available. It is our opinion that the Ministry of Environment, Conservation and Parks (MECP) and DFO would not support this alternative, and may be a costly option should MECP or DFO request offsetting measures or post-construction monitoring. DFO and MECP permitting would also result in project delays to acquire permitting.  Option not recommended.	Approximately 100m of Campbell Ave East would need to be excavated and restored to the requirements of the Town. It is understood that Campbell Ave East was reconstructed in 2018. Through discussions with the Town, it is our understanding that this is not an option that they could support.	From a natural heritage perspective, this is not a preferred option due to the implications to fish habitat, specifically the in-water works required in Redside Dace regulated habitat. In addition, there would likely be a reduction in base flow contributions to the north watercourse and PSW which could have impacts to the ecological functions of these features.
#3: Outlet directly to Campbellville Pond (PSW) through the existing Storm Sewer Outlet at the property entrance	Campbellville Pond	No impacts to Significant Woodland	No impacts to Significant Valleyland	Reduction in flows to tributary of Sixteen Mile Creek. Seasonally direct fish habitat in North Watercourse may be impacted from reduced flows. Storm flows would outlet into direct coldwater fish habitat, which	Stormwater discharge has potential to introduce sediment and deleterious substances that could enter the PSW if not controlled for during design.	No direct impacts on regulated Redside Dace habitat.	Utilizes existing infrastructure that is already in place and minimal disturbance/restoration of Campbell Avenue East will be required.	From a natural heritage perspective, this option is not preferred as storm flow would outlet directly into the PSW and coldwater fish habitat, which may require substrate stabilization in sensitive wildlife habitat



Option	Outfall Location	Significant Woodland Affected	Significant Valleyland Affected	Watercourse Affected	Provincially Significant Wetland Affected (PSW; adjacent lands)	Regulated Redside Dace (Endangered) Habitat Impacts (adjacent lands)	Other Considerations	Analysis
				<p>is not preferred. Watercourse banks and culvert outlet location may require substrate stabilization in sensitive coldwater fish habitat.</p> <p>No net positive impacts from a fisheries perspective. Option not recommended.</p>	<p>Potential impacts likely mitagable as per assessment in Option #1; however, increased risk of impact directly to PSW. Option not recommended.</p>		<p>This option was presented and described in the initial engineering submission and was not supported.</p>	<p>and direct fish habitat.</p>



Reply to the Attention of: Annik Forristal  
Direct Line: 416.865.7292  
Email Address: annik.forristal@mcmillan.ca  
Our File No.: 300357  
Date: August 10, 2023

## EMAIL

2300142 Ontario Inc.  
225 Campbell Avenue  
Campbellville, ON L0P 1B0

### **Attention: Kelly Anderson, Lindsey Anderson & Scott Anderson**

Dear Ms. Anderson, Mr. Anderson and Mr. Anderson,

### **Re: Riparian Rights for Anderson Development – 225 & 269 Campbell Avenue East, Milton**

You have engaged McMillan LLP to consider your riparian rights at law for drainage of surface water from the proposed development of six condominium lots, each with a single detached dwelling with septic systems and a private well, (the “**Development**”) on the lands municipally known as 225 and 269 Campbell Avenue East in the Town of Milton (the “**Property**”).

A “riparian owner” is “one whose land runs to water and is bounded by it”. Riparian owners are allowed by law to use the natural watercourses that flow through or adjacent to their land as an outlet for drains constructed on their lands and are also entitled to the “natural state, in flow, quantity and quality” of the natural watercourse on their land. This means that, where a watercourse runs adjacent to or through a riparian owner’s property, this owner may drain surface water from their property to the watercourse.

The law further provides that a lower riparian owner cannot object to drainage of the upper riparian owner “so long as the flow, whether above or below ground, is due to gravitation, unless it has been unduly and unreasonably increased by operations attributable to the upper riparian owner.”

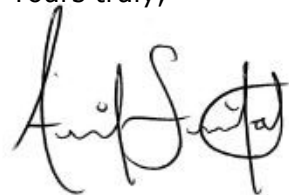
This means that, if water from one riparian owner’s property flows into a watercourse on or adjacent to its property and that water further drains onto the neighbour’s property, the former has a riparian right permitting drainage from its property through the watercourse onto the neighbour’s property.

In respect of the Development, a tributary of Sixteen Mile Creek crosses the Property along its western edge and, accordingly, Anderson has a riparian right allowing it to drain surface water from the Property to this tributary, provided that the drainage comes from "reasonable drainage operations that do not increase the volume by artificial means". Therefore, **the proposed drainage of surface water from the Development to the tributary through a stormwater management system that both filters the discharged water and controls its flow into the tributary to prevent artificial increase in volume is compliant with your riparian rights at law and cannot be objected to by a "lower" riparian owner.**

While the subdivided lots that will be created by the proposed draft plan of condominium may not each have individual riparian rights as they will not all be adjacent to the tributary or have the tributary running through them, the benefit of the existing riparian rights can be extended to these new lots by registration of a drainage easement on each property in the Development. This would allow the new parcels unconnected to the tributary to legally drain their surface water to the parcel(s) retaining the riparian rights which then drain to the tributary (provided that any such easement does not unreasonably alter the natural watercourse).

We trust the foregoing is to your satisfaction, but should you have any questions please let us know.

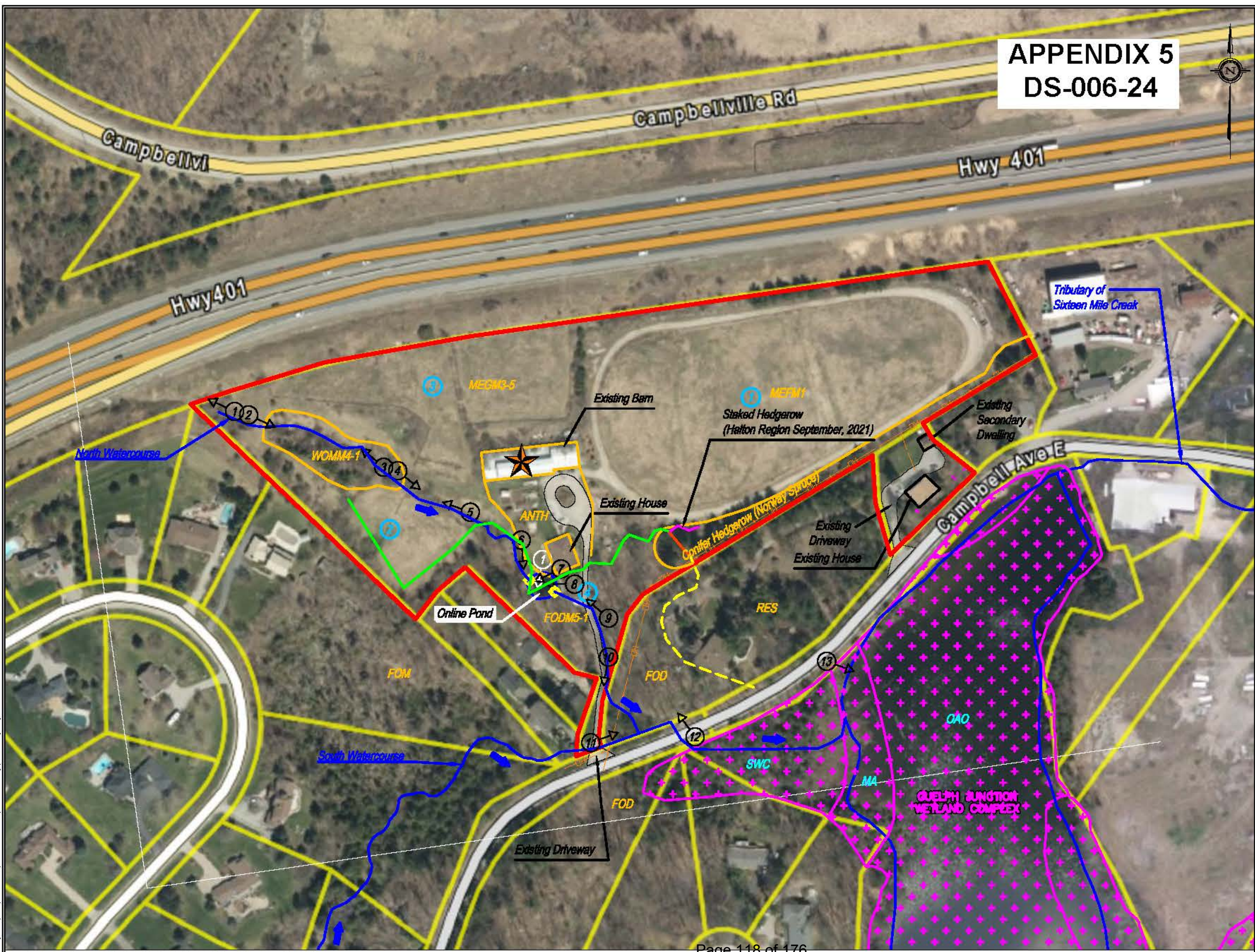
Yours truly,

A handwritten signature in black ink, appearing to read "Annik Forristal". The signature is written in a cursive, flowing style.

Annik Forristal



# APPENDIX 5 DS-006-24



**LEGEND:**

- Approx. Property Boundary
- Watercourse
- Flow Direction
- Overflow Pipe
- ◆ Fish Barrier
- Utility Line
- ★ Barn Swallows
- Confirmed Significant Woodland (Halton Region September 2021)
- Staked Hedgerow (Halton Region September 2021)
- Confirmed Significant Woodland (Halton Region October 2015)
- Unstaked Significant Woodland
- ⊙ Bird Point Count Station
- ← ⊙ Amphibian Station and Direction (white)
- ← ⊙ Photo Station and Direction
- ▨ Provincially Significant Wetland (PSW)
- ANTH Anthropogenic Amenity Space
- RES Residential
- Vegetation Communities
- FOD Deciduous Forest
- FODM5-1 Dry-Fresh Sugar Maple Deciduous Forest Type
- FOM Mixed Forest
- MEFM1 Dry-Fresh Forb Meadow Ecosite
- MEGM3-5 Smooth Brome Graminoid Meadow Type
- WOMM4-1 Fresh-Moist White Cedar-Hardwood Mixed Woodland Type
- SWC Coniferous Swamp
- MA Marsh
- OAO Open Aquatic

30m 0 60m  
HORIZONTAL SCALE 1:2,000



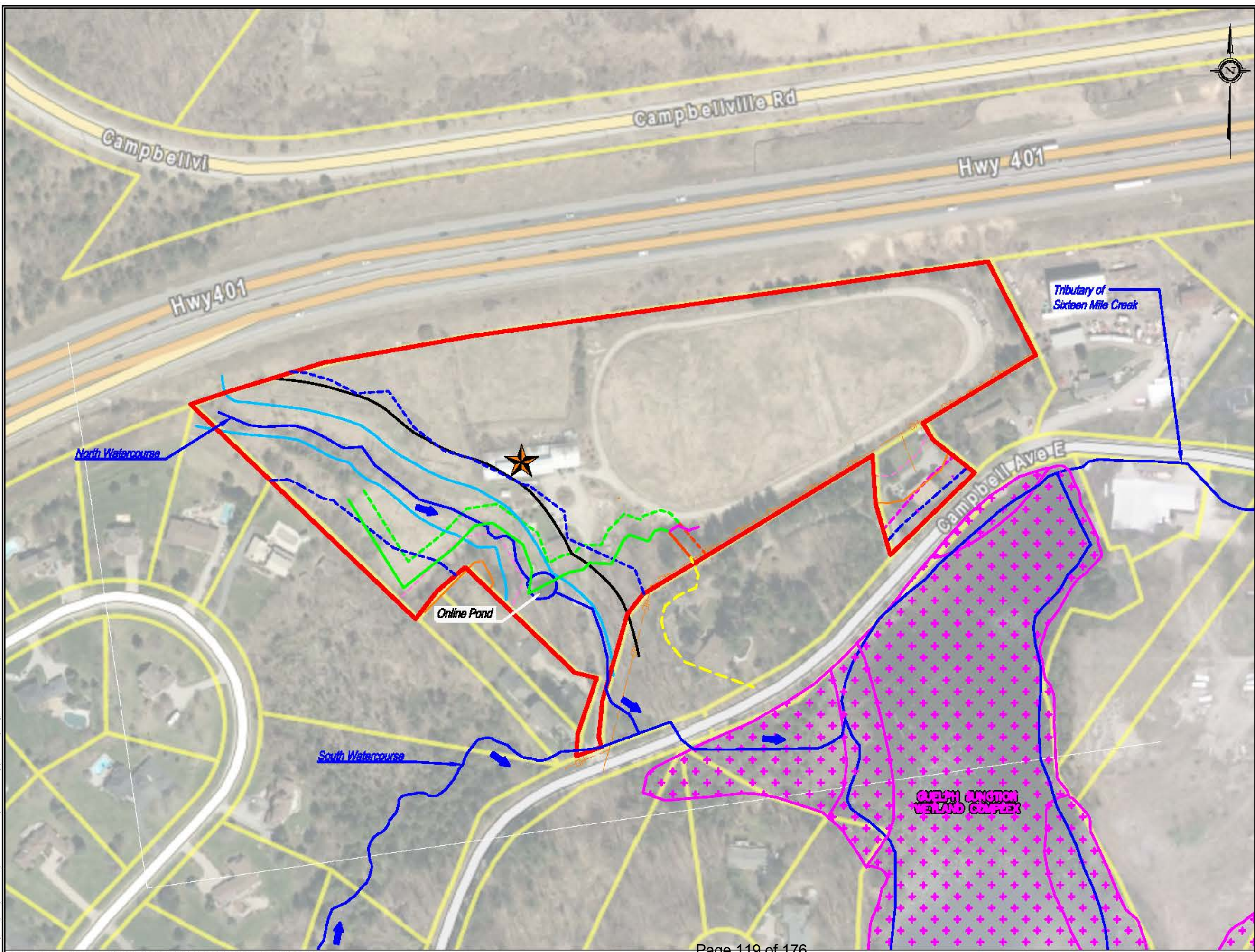
## Environmental Features

Campbell Ave. East,  
Campbellville, ON

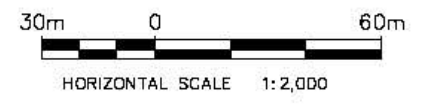
DATE ISSUED:	June 2023	Figure No.
CREATED BY:	JLM	2
PROJECT NO.:	14-103	
REFERENCE:	First Base Solutions	

Printed by: ALU on June 16, 2023 at 2:33pm  
 File: P:\14 Projects\14-103 Campbell Ave East EIS\04.0 - Drafting\14-103.dwg Layout: B52 PlotScale: 2





- LEGEND:**
- Approx. Property Boundary
  - Watercourse
  - - - 30m Watercourse Setback
  - ➔ Flow Direction
  - Overflow Pipe
  - +— Utility Line
  - ★ Barn Swallows
  - Ultimate Hazard Limit / Valleyland (floodplain, meanderbelt and top of bank; Crozier and Associates, 2020)
  - 15m Regulated Allowance Adjacent to Outermost Hazard / Valleyland
  - Top of Bank / Valleyland (staked by Conservation Halton (March, 2018))
  - - - 15m Top of Bank / Valleyland Setback
  - Confirmed Significant Woodland (Halton Region September 2021)
  - Staked Hedgerow (Halton Region September 2021)
  - Confirmed Significant Woodland (Halton Region October 2015)
  - - - Unstaked Significant Woodland (Estimated)
  - - - 10m Significant Woodland Setback
  - - - 7.5m Significant Woodland Buffer
  - + + + Provincially Significant Wetland (PSW)
  - - - 30m PSW Setback



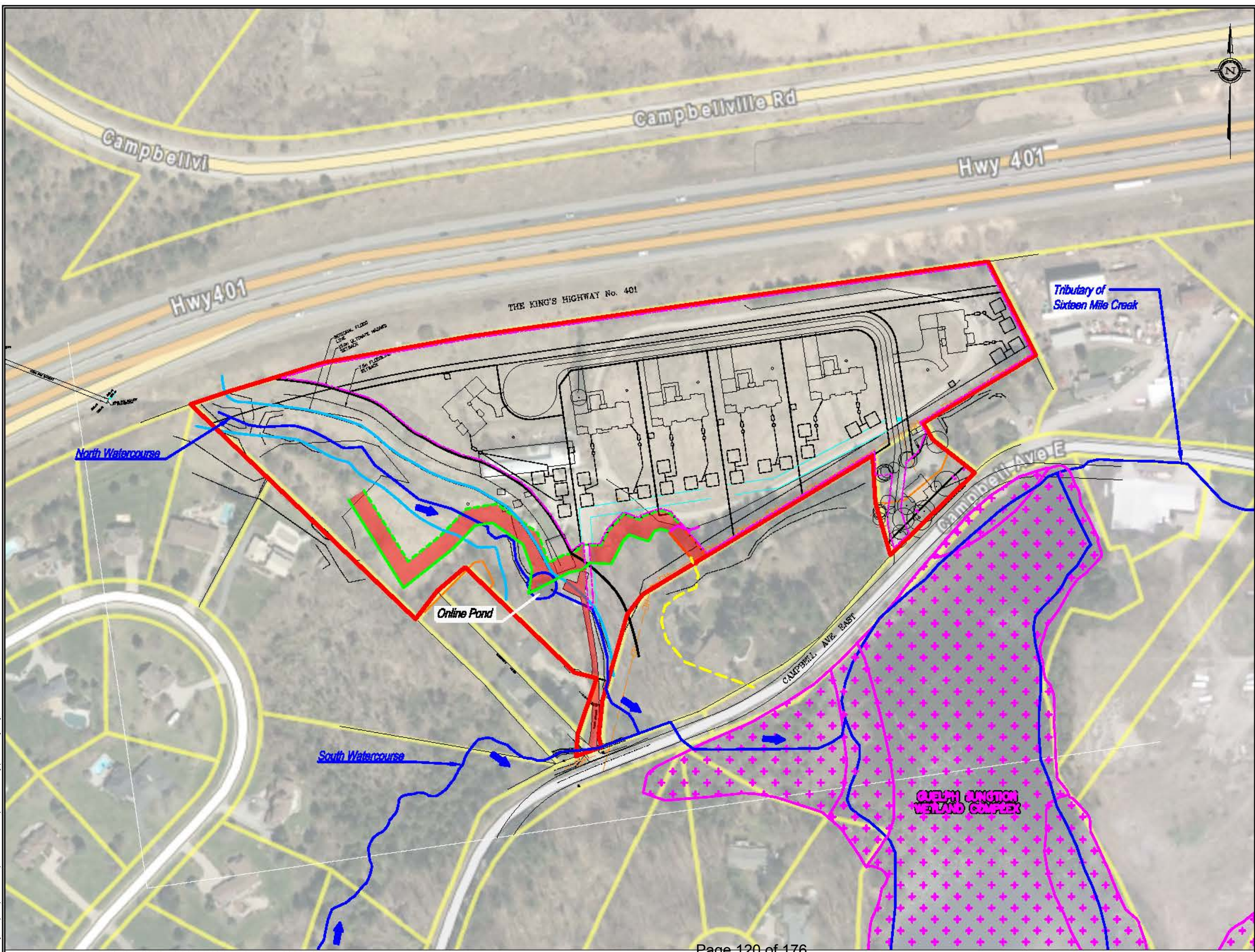
**Environmental Constraints**

**Campbell Ave. East,  
Campbellville, ON**

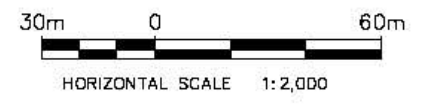
DATE ISSUED:	June 2023	Figure No.
CREATED BY:	JLM	3
PROJECT NO.:	14-103	
REFERENCE:	First Base Solutions	

Printed by: ALU on June 16, 2023 at 2:33pm  
 File: P:\14 Projects\14-103 Campbell Ave East EIS\04.0 - Drafting\14-103.dwg Layout: B53 PlotScale: 2





- LEGEND:**
- Approx. Property Boundary
  - Watercourse
  - ➔ Flow Direction
  - Overflow Pipe
  - Ultimate Hazard Limit (floodplain, meanderbelt and top of bank; Crozier and Associates)
  - 15m Regulated Allowance Adjacent to Outermost Hazard / Valleyland
  - Top of Bank (staked by Conservation Halton (March, 2018))
  - Confirmed Significant Woodland (Halton Region September 2021)
  - Staked Hedgerow (Halton Region September 2021)
  - Confirmed Significant Woodland (Halton Region October 2015)
  - - - 10m Significant Woodland Buffer
  - - - 7.5m Significant Woodland Buffer
  - Unstaked Significant Woodland
  - ▨ Provincially Significant Wetland (PSW)
  - Storm Sewer (Superpipe)
  - Limit of Development
  - ▨ Enhancement Planting Areas



**AZIMUTH ENVIRONMENTAL CONSULTING, INC.**

**Proposed Development**

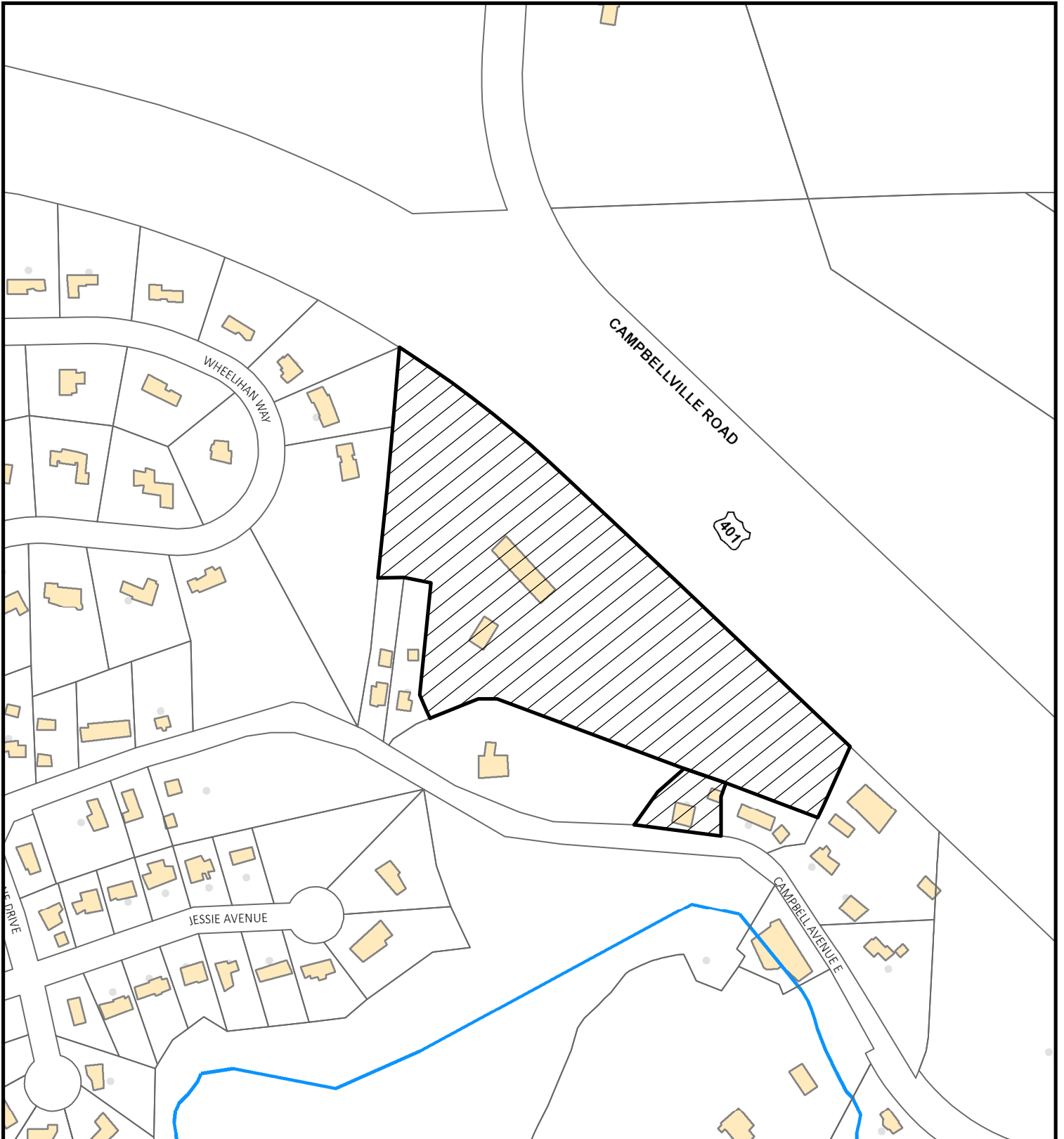
**Campbell Ave. East,  
Campbellville, ON**

DATE ISSUED:	June 2023	Figure No.
CREATED BY:	JLM	4
PROJECT NO.:	14-103	
REFERENCE:	First Base Solutions	

Printed by: ALU on June 16, 2023 at 2:33pm  
 File: P:\14 Projects\14-103 Campbell Ave East EIS\04.0 - Drafting\14-103.dwg Layout: B54 - Plate 2



# FIGURE 1 LOCATION MAP



Council Meeting Date:  
February 12, 2024

Scale: 1: 1,700

Files: 24CDM-20005/M &  
Z-20/20

Development Services Department



Subject Property  
Page 121 of 176

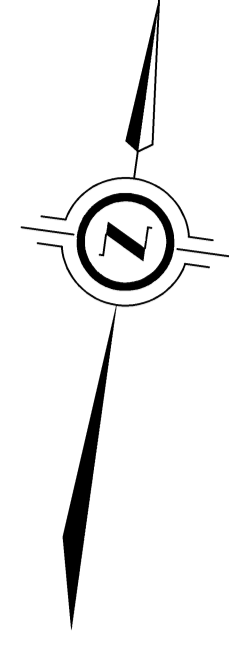
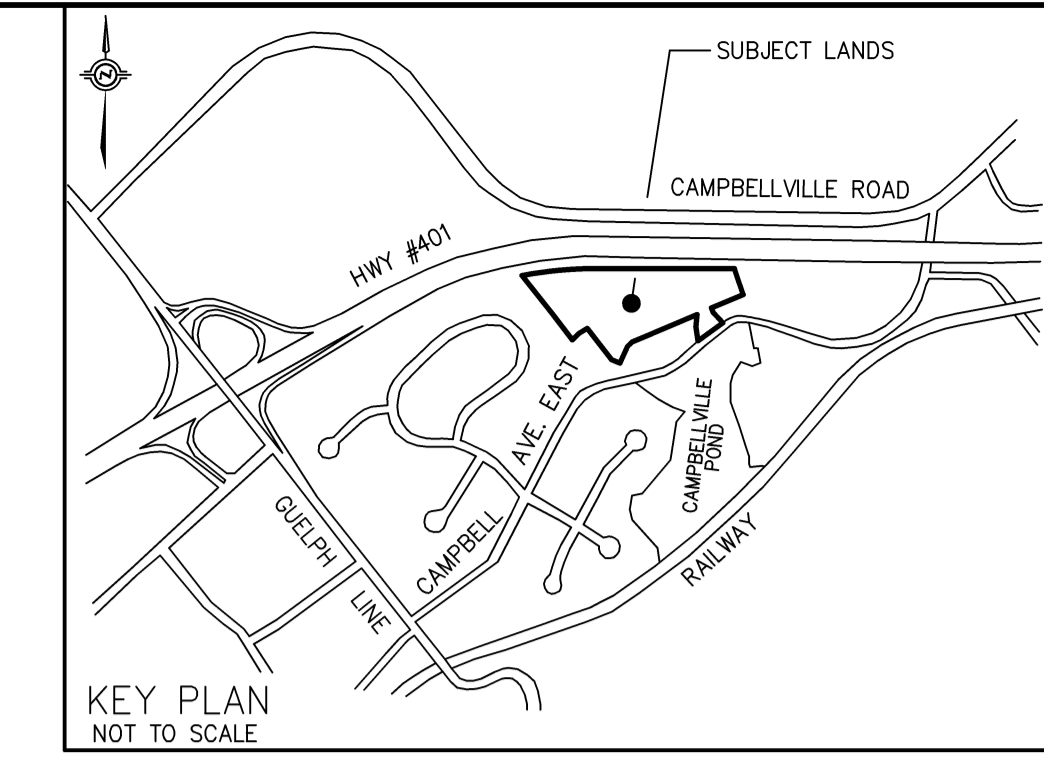


FIGURE 2  
DS-006-24

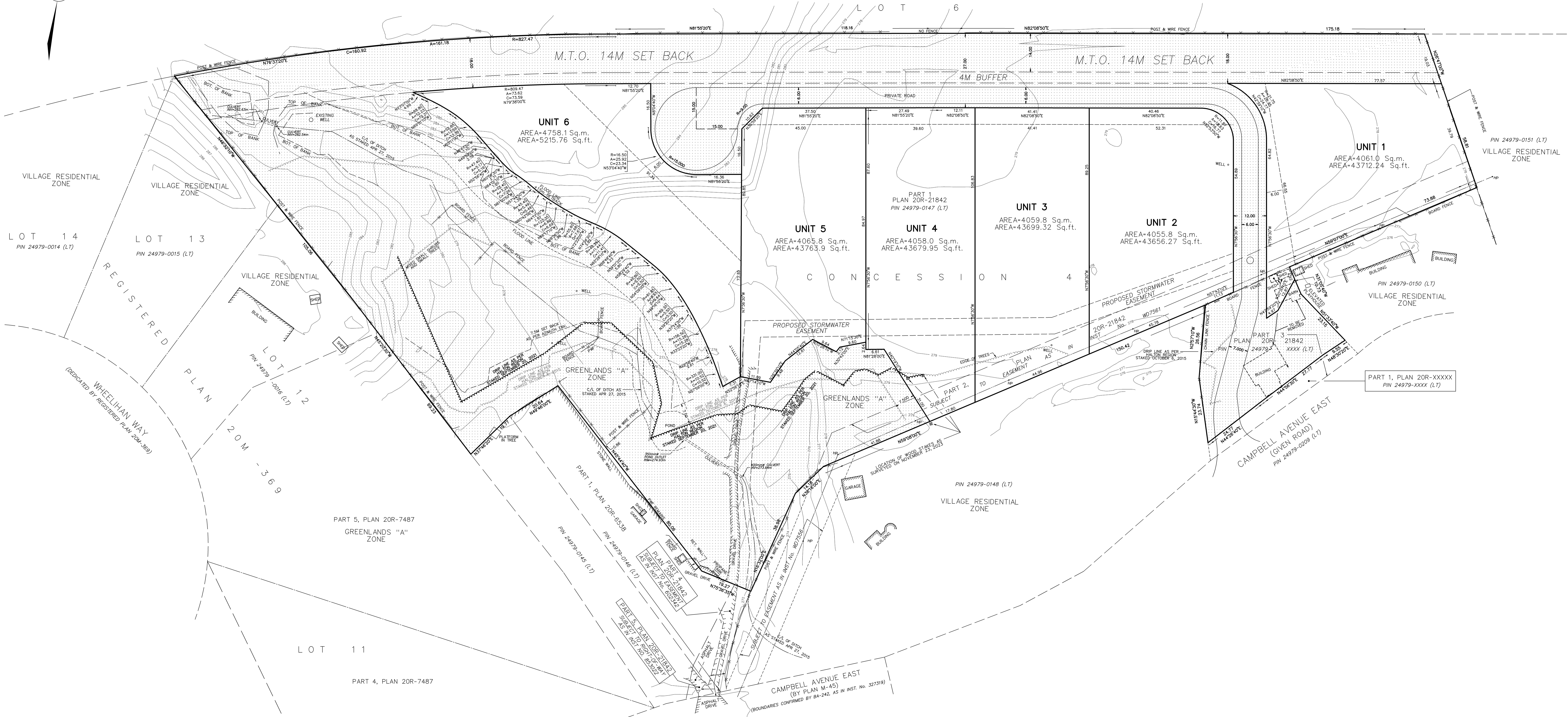
THE KING'S HIGHWAY No. 401  
PIN 24979-0141 (LT)



KEY PLAN  
NOT TO SCALE

DRAFT PLAN OF VACANT LAND CONDOMINIUM OF  
**PART OF LOT 6  
CONCESSION 4**  
(GEOGRAPHIC TOWNSHIP OF NASSAGAWEYA)  
**TOWN OF MILTON**  
REGIONAL MUNICIPALITY OF HALTON  
SCALE 1 : 500

J.D. BARNES LIMITED  
METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



ADDITIONAL INFORMATION REQUIRED UNDER  
SECTION 51 (17) OF THE PLANNING ACT.

D EACH UNIT IS SINGLE RESIDENTIAL, THE OWNER OF WHICH HAS OUTRIGHT OWNERSHIP.

H PRIVATE WELLS

I CLAY LOAM

K PRIVATE SEPTIC SYSTEMS

L ALL EASEMENTS AFFECTING THE SUBJECT SITE ARE SHOWN ON THE FACE OF THIS PLAN.

SITE STATISTICS

SITE AREA:  
8,504.16  
86046.0 Sq.m.  
603274.12 Sq.ft.

No. OF RESIDENTIAL VACANT LAND UNITS: 6

..... DENOTES COMMON ELEMENT AREA

BENCHMARK NOTE

00819668012B

12B-66 CONCRETE BRIDGE CARRYING HWY 401 OVER HALTON REG. ROAD 9, 6.8KM WEST OF INTERCHANGE 39 (JCT OF HWY 25 AND CAMPBELLVILLE SIDE RD AND HWY 401). TABLET IS SET HORIZONTALLY IN NORTH FACE OF EAST ABUTMENT, 1.85M WEST OF THE N.E. CORNER AND 15cm BELOW BOTTOM OF COPING.

ELEV = 270.936

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: DECEMBER 6, 2023

*Grant T. Stidwell*  
GRANT T. STIDWELL  
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE SUBMISSION OF THIS PLAN FOR APPROVAL.

2300152 ONTARIO INC.

DATE: \_\_\_\_\_

SCOTT ANDERSON  
\* I HAVE THE AUTHORITY TO BIND THE CORPORATION \*

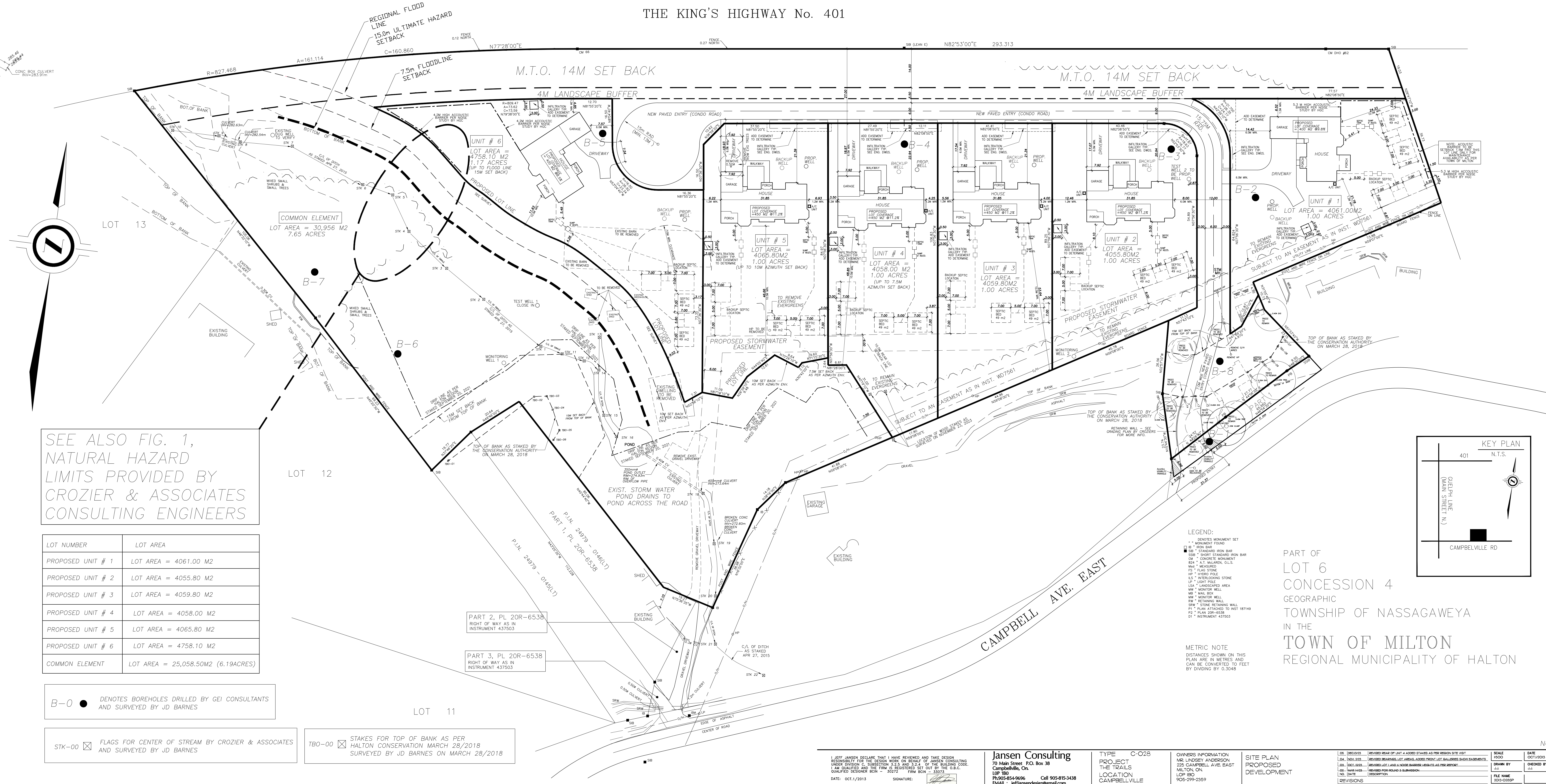
J.D. BARNES LIMITED  
SURVEYING MAPPING GIS  
LAND INFORMATION SPECIALISTS  
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L7T 3C1  
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: RPA/ML/AA CHECKED BY: GS REFERENCE NO.: 15-30-734-01-DP  
FILE: G:\15-30-734\015-30-734-01-DP.dgn DATED: DEC. 6, 2023 PLOTTED: 12/06/23



FIGURE 3  
DS-006-24

THE KING'S HIGHWAY No. 401



SEE ALSO FIG. 1,  
NATURAL HAZARD  
LIMITS PROVIDED BY  
CROZIER & ASSOCIATES  
CONSULTING ENGINEERS

LOT NUMBER	LOT AREA
PROPOSED UNIT # 1	LOT AREA = 4061.00 M2
PROPOSED UNIT # 2	LOT AREA = 4055.80 M2
PROPOSED UNIT # 3	LOT AREA = 4059.80 M2
PROPOSED UNIT # 4	LOT AREA = 4058.00 M2
PROPOSED UNIT # 5	LOT AREA = 4065.80 M2
PROPOSED UNIT # 6	LOT AREA = 4758.10 M2
COMMON ELEMENT	LOT AREA = 25,058.50M2 (6.19ACRES)

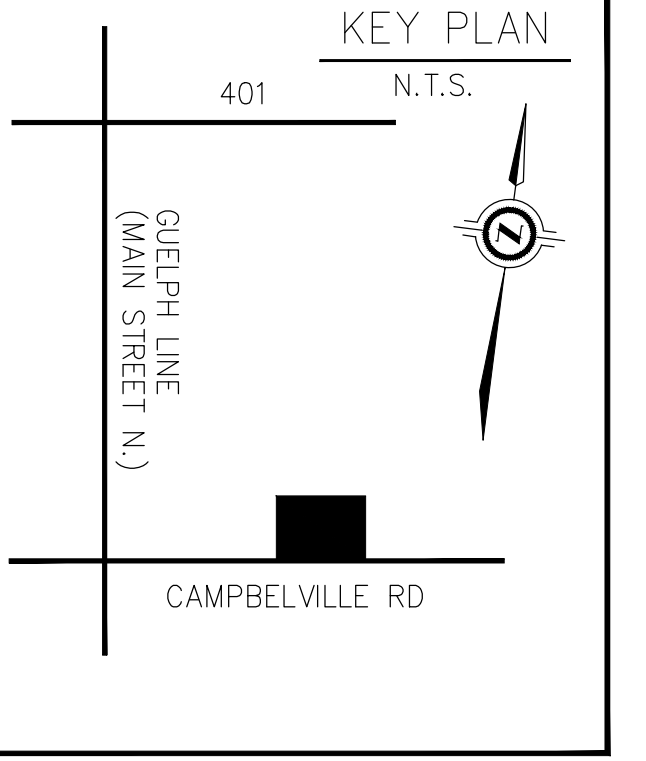
B-0 ● DENOTES BOREHOLES DRILLED BY GEI CONSULTANTS  
AND SURVEYED BY JD BARNES

STK-00 ☒ FLAGS FOR CENTER OF STREAM BY CROZIER & ASSOCIATES  
AND SURVEYED BY JD BARNES

TBO-00 ☒ STAKES FOR TOP OF BANK AS PER  
HALTON CONSERVATION MARCH 28/2018  
SURVEYED BY JD BARNES ON MARCH 28/2018

LEGEND:  
 ● CONCRETE MONUMENT SET  
 ○ MONUMENT FOUND  
 ■ IRON BAR  
 ■ SHORT STANDING IRON BAR  
 ■ CONCRETE MONUMENT  
 ■ ALUMINUM CULVERT  
 ■ FENCE STAKE  
 ■ FENCE  
 ■ INTERLOCKING STONE  
 ■ CURB STONE  
 ■ LANDSCAPED AREA  
 ■ WATER WELL  
 ■ MONITOR WELL  
 ■ STONE RETAINING WALL  
 ■ BANK STAKED IN 803-18740  
 ■ INSTRUMENT 437603

METRIC NOTE  
 DISTANCES SHOWN ON THIS  
 PLAN ARE IN METRES AND  
 CAN BE CONVERTED TO FEET  
 BY DIVIDING BY 0.3048



PART OF  
LOT 6  
CONCESSION 4  
GEOGRAPHIC  
TOWNSHIP OF NASSAGAWEYA  
IN THE  
TOWN OF MILTON  
REGIONAL MUNICIPALITY OF HALTON

<b>Jansen Consulting</b> 70 Main Street P.O. Box 38 Campbellville, ON L0P 1S0 PH: 905-854-9696 Call 905-815-3438 EMAIL: jeff.jansendesign@gmail.com	TYPE C-028 PROJECT THE TRAILS LOCATION CAMPBELLVILLE	OWNERS INFORMATION MS. LINDSEY ANDERSON 225 CAMPBELL AVE. EAST MILTON, ON L0P 1R0 905-879-2959	SITE PLAN PROPOSED DEVELOPMENT	L01, 2003033 - 100% DEVELOPMENT PLAN AS PER SECTION 17.6 OF THE L01, 2003033 - 100% DEVELOPMENT PLAN AS PER SECTION 17.6 OF THE L01, 2003033 - 100% DEVELOPMENT PLAN AS PER SECTION 17.6 OF THE L01, 2003033 - 100% DEVELOPMENT PLAN AS PER SECTION 17.6 OF THE L01, 2003033 - 100% DEVELOPMENT PLAN AS PER SECTION 17.6 OF THE	SCALE 1:500 DATE OCT/2023 DRAWN BY LJC CHECKED BY LJC FILE NAME DS-006-24 DATE 2023-09-27	PROJECT NO. 2013-028 DRAWING NO. S1
		I, JEFF JANSSEN DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF JANSEN CONSULTING ENGINEERS INC. IN CONNECTION WITH THE DESIGN WORK ON BEHALF OF THE CLIENT. I AM A REGISTERED PROFESSIONAL ENGINEER IN THE PROVINCE OF ONTARIO. MY REGISTRATION NO. IS 10077. I AM A MEMBER OF THE PROFESSION OF ENGINEERS AND GEOSCIENTISTS OF ONTARIO.	DATE: OCT/1/2013 SIGNATURE:			