

1533 Stationmaster Lane
Oakville, Ontario L6M 3A9
October 27, 2005

To Your Worship Mayor Mulvale and Town Council:

RE: Parkway Belt West Plan Amendment Proposal - 2362 Upper Middle Road, Oakville, Ontario

I would like to thank you for the opportunity to speak at Monday's Council meeting. I appreciate the attentiveness of the councillors and their excellent questions. I also appreciate Mayor Mulvale's excellent skill in summarizing points, keeping the meeting moving forward, and her and the Council's sincere interest in our viewpoints. I hope that the information the residents presented (and which will be presented on November 1st) will be given its due importance when deliberating your decision on the recommendations.

I would like to reiterate a few points I and others made Monday evening that I believe warrant further emphasis. My comments may be summarized as follows:

- 1) the Conservation Halton report dated October 21st is important and cannot be ignored. Creekbank Development should be required to address the various concerns raised in the report and the Planning Services Department should revise its report accordingly;
- 2) the Parkway Belt West Plan (PBWP) is not antiquated and is an effective tool to be used to protect Oakville's environmental legacy;
- 3) the Town of Oakville's Official Plan has numerous goals, objectives, and policies supporting retention of as much of this area in the PBWP as possible;
- 4) reasons people moved to this part of Oakville include the quality of this particular greenspace – the trees, the trails, the habitat, the wildlife. These features need to be preserved so that 50 years from now residents in and around the 14 Mile Creek watershed are still saying the same thing;
- 5) it is because this last parcel still remains in the PBWP that these lands north of 14 Mile Creek are still of a rural nature and the integrity of the watershed and Environmentally Sensitive Area (ESA) has successfully been protected up until this point in time. Removing this last parcel from the PBWP puts the integrity of the natural area, including the ESA, at risk, especially in light of the developer's plans for the area.

First, the Conservation Halton report submitted October 21st cannot be ignored. As the Planning Services Department report was prepared in September, it does not include the Conservation Halton report's findings and recommendations in its analysis and should be revised accordingly. Conservation Halton points out a number of deficiencies in the proponent's application and accompanying studies and raises significant concerns. Some of the main points I gleaned from the report include:

- The proponent Creekbank Development has failed to answer to Conservation Halton's satisfaction several questions pertaining to the "science" of the application. These questions have to do with:
 - the meander belt width and the delineation of the Comprehensive Constraint Line (please see middle of page 7 of the Conservation Halton report) which will contribute to determining the limits of development (if a development is to go forward, that is).
 - the borehole findings, specifically the unsuitability of certain layers of soil for supporting foundations, among other points (page 8). These questions were

not answered to the satisfaction of Conservation Halton and need to be addressed before proceeding past the issue of the Parkway Belt West Plan question.

- failure to install groundwater monitoring wells; it is important to monitor the site for seasonal groundwater over time. Checking for groundwater only during and immediately after completion of the boreholes is insufficient and inadequate (see page 9).
- The conclusion one draws from reading the Conservation Halton report is that there are significant gaps in the applicant's studies and the applicant has not obtained the stamp of a qualified Professional Engineer to ensure the completeness and accuracy of the scientific studies that have been done. Council should direct staff to require the applicant to do the requisite follow-up.

Second, questions were raised about the "antiquated" nature of the Parkway Belt West Plan (PBWP). Yet, Conservation Halton states that protection of these lands would serve to meet several goals, objectives, and policies of the PBWP. Indeed, their first recommendation in the report calls for the retention in the PBWP of the lands within the Conservation Halton's proposed Comprehensive Constraint Line (this encompasses a larger area than the proponent's proposed Comprehensive Constraint Line), noting that doing so would provide good stewardship and serve to protect the natural features of the area in question, including ESA #12 and all of its environmental attributes (e.g., the redbelt dace, water quality, aquatic habitat, woodland habitat, edge habitat, protection of the natural corridor of which it is a part, etc.) Given this endorsement of the PBWP, I contest that the PBWP is not antiquated as it is an effective means by which Oakville, together with Conservation Halton and Halton Region, are able to work together in preserving Oakville's natural legacy.

Indeed, the Town of Oakville's own Official Plan has numerous goals, objectives, and policies supporting retention of as much of this area in the PBWP as possible. For example, its overall goal statement for the town's municipal structure states:

SECTION B GOALS AND OBJECTIVES

1. MUNICIPAL STRUCTURE

Goals

- To preserve the *identity, character, and environment* of Oakville.
- To adopt an *ecosystem approach* to urban and rural land use.
(italics added for emphasis)

The term "ecosystem approach" in the Town's goal statement connotes that above all other criteria, the process the Town uses in pursuing its ideal structure shall and will be governed by protection and stewardship of the Town's environmental features.

Other portions of the Town's Official Plan further promote the notion that the Town endorses an ecosystem approach in its planning process and that the Town regards its environmental legacy as central to its identity and character and, therefore, essential to preserve and enhance. I have highlighted several of these sections of the Official Plan in the Attachment to this letter.

These excerpts provide sound rationale against the removal of the lands in question from the PBWP.

It is the duty of Town Council to uphold the Official Plan to the best of its ability, ensuring that the goals it has set out for the future vision of the Town's municipal structure and health are

pursued. The 14 Mile Creek Watershed and the ESA have proven to be unique and important environmental features within Oakville. Preserving the 14 Mile Creek watershed and the ESA that the subject lands are a part of is a tangible step that Town Council can take to ensure that its Official Plan goals, objectives, and policies are upheld. By doing so, Town Council will establish faith in its constituents that it is working in the best interest of the community, that it is working with a long-term vision to protecting Oakville's natural features, which are its greatest assets, for future generations. As one member of our neighbourhood stated, the PBWP is a tool for the Town to use to help meet its vision of what Oakville can and should look like 50 years down the road. So many residents Monday evening noted that the primary reasons they moved to this part of Oakville included the quality of this particular greenspace – the trees, the trails, the habitat, the wildlife. These features need to be preserved so that 50 years from now residents in and around the 14 Mile Creek watershed are still saying the same thing.

Finally, recalling the history of the area and the underhanded tactics used in removing the adjacent parcels from the PBWP forewarns us against putting the area at further risk. Just because the surrounding lands have been removed from the PBWP does not provide sufficient rationale to remove the remaining parcel from the PBWP. Yes, Mr. Stainton succeeded in cutting down his trees, getting his PBWP amendment approved, and selling off the land that has now become the Ravine Gate community. However, it is because this last parcel still remains in the PBWP that these lands north of 14 Mile Creek are still of a rural nature and the integrity of the watershed and ESA has successfully been protected up until this point in time. Removing this last parcel from the PBWP puts the integrity of the ESA at risk, especially in light of the developer's plans for the area.

Retain the lands in the PBWP, retain its rural status so the developer cannot appeal the application to the Ontario Municipal Board, uphold the Town's Official Plan.

Thank you for your time and attention to this matter.

Sincerely,

Jennifer S. Dockstator
Resident of Stationmaster Lane since 1990

encl.

Cc: Ms. Michelle Moretti, Ministry of Municipal Affairs and Housing
Mr. Peter Cheatley, Director of Planning Services
Mr. Allan Ramsay, Manager of Long Range Planning
Mr. And Mrs. K. Morrallee, POWOR

ATTACHMENT
The Preservation of Oakville's Environmental Legacy:
Relevant Sections in the Town of Oakville's Official Plan

In the Town's Official Plan, several sections clearly state the importance Oakville's natural environment is to our heritage and character. Outlined below are several excerpts which support protecting Oakville's environment, thereby supporting the retention of the subject lands within the Parkway Belt West Plan (PBWP). (*Emphasis is added through the use of italics and underscored through the use of underlines.*)

In the Oakville Official Plan, the "Plan Concept" promotes the notion that the Town will use an ecosystem approach in its planning processes. An excerpt from the Plan Concept (Section A, Introduction) states:

PART A INTRODUCTION

7. PLAN CONCEPT

The Plan is intended to enhance the quality of life and to provide for and to promote . . . vitality in the Oakville environment by providing for a settlement pattern which:

- *protects and enhances its natural heritage/open space areas;*
- enjoys optimum open space and recreation facilities;
- *recognizes and protects existing residents and communities by ensuring that new development is compatible with and complements existing land uses;*
- and does so:
 - *by adopting an environment first philosophy.*

Indeed, the General Policies (Section C) for "Greenlands" and "Natural Area" state numerous goals that inform residents that the Town wishes to protect its environment and will proactively do so. These goal statements are listed below:

PART B GENERAL POLICIES

8. GREENLANDS

Goals

- *To create a greenlands system of parkland, open spaces and natural areas which preserves the integrity of the natural environment, enhances urban form, improves the quality of life and provides for a diversity of recreational opportunities while minimizing disruption of natural features. . .*
- *To improve the quality of the natural environment by taking proactive measures to protect and enhance the quality and integrity of ecosystems, and natural processes including air, water, land, and biota; and, where quality and integrity have been diminished, to promote the restoration or remediation to healthy conditions where appropriate.*
- *To promote ecosystem health which requires the protection, maintenance, restoration and enhancement of natural ecological processes, native species, significant natural features, biological diversity, wildlife habitat and protection of irreplaceable natural resources.*

Natural Areas

- *To identify and protect areas that have a high natural value; perform important ecological functions; have high biological value; contribute to ecosystem linkages; provide significant wildlife habitat; or represent the range of natural landscape types that characterize the Town of Oakville.*

- To reduce or eliminate adverse impacts to existing natural features due to day-to-day human activities where appropriate.
- To rehabilitate natural features that have become degraded by urban influences in order to sustain a diversity of native plant and wildlife species.
- To identify opportunities for restoration of natural conditions in areas that have not been maintained in a natural condition such as valleylands, parkland adjacent to natural features and natural corridors and greenways, and to encourage the naturalization of these areas. . .
- *To recognize the policies and guidelines of regional, provincial and federal agencies with respect to natural features including provincially and regionally significant wetlands, Areas of Natural and Scientific Interest (ANSI), regionally significant Environmentally Sensitive Areas (ESA), woodlands, natural corridors, wildlife habitat, Flood Plains, and hazard lands.*
- *To protect the long-term ecological integrity of wetlands, Areas of Natural and Scientific Interest, Environmentally Sensitive Areas, wildlife habitat, ravines, woodlands and watercourses and other natural areas from adjoining incompatible uses.*
- *To identify and assess the value of natural area linkages taking into account their inter-dependency with natural areas; the ecological function and role they perform in providing wildlife habitat and species diversity; and their potential role in a greenways system.*

Retaining the lands in question in the PBWP will show that the Town is acting proactively (as underlined above) to protect and enhance the quality and integrity of its ecosystems, thereby working to fulfill the above goals, objectives and policies and give Oakville residents peace of mind that the Town is acting for the greater public interest and not for development interests.

Finally, in Section D, Land Use Policies, the Town of Oakville delineates the parameters by which development may or may not go forward. With respect to lands in and adjacent to natural areas, the Town's Official Plan states:

SECTION D LAND USE POLICIES

Natural Areas

4.3.2.k) Development shall not be permitted on lands adjacent to a Natural Area designation or a natural feature described in this section if it significantly impacts the integrity of the feature or the ecological functions for which the feature is identified.

4.3.2.r) The Town shall cooperate with Halton Region and the Conservation Authorities to identify, designate, protect, conserve and remediate newly identified and already identified natural features.

4.3.2.7.c) Development will not be permitted in the habitat of endangered or threatened species based on provincial and national scales of assessment.

4.3.3.a) The Town shall pursue the preservation, extension and enhancement of Natural Areas through a variety of methods including acquisition, density transfers, land exchange, long-term lease, easement agreements, placing conditions on approval and land trusts among other measures that may be at its disposal.

All of these policies serve to uphold the Town's Ecosystem Approach to the planning and development and protection of the Oakville Community. Removal of the lands in question from the PBWP contradicts the Town's Official Plan (as established by the several excerpts quoted above) and, therefore, should not be approved.