

WITNESS STATEMENT

DAVID A. BUTLER, MCIP, RPP

ONTARIO MUNICIPAL BOARD HEARING

(APRIL 20, 2009)

1281216 ONTARIO INC. (INTRACORP)

CITY OF BRAMPTON

OMB FILE NO. PL081174

March 27, 2009.

A. Qualifications

1. I have 35 years of professional planning experience in both the public and private sectors. I hold an Honors Degree in Urban and Regional Planning from the University of Waterloo (1974). I am a full member of the Canadian Institute of Planners (MCIP) and a Registered Professional Planner (RPP). My curriculum vitae is attached to this document as Appendix "1".
2. I have carried out a number of planning assignments in the City of Brampton and am generally knowledgeable with respect to the Official Plan. The City has retained me on two occasions in 1998 and 2007 to provide evidence on behalf of the City at other OMB hearings.

B. Retainer

3. I was retained by 1281216 Ontario Inc. (Intracorp) on August 17, 2007, to assist the consultant team with respect to applications filed with the City to develop the subject site for large lot executive housing. The site is generally located south of Countryside Drive and west of Goreway Drive in the City of Brampton.
4. In this capacity I have reviewed the proposed land use context and designations in light of the relevant policy documents including the Brampton Official Plan, the Region of Peel Official Plan, the Provincial Policy Statement 2005 and the Growth Plan for the Greater Golden Horseshoe.
5. I prepared a report entitled Country Club Residences of Castlemore, Residential Subdivision – Phases 5 & 6, Supplemental Planning Report, Vales of Castlemore, City of Brampton, Files Nos. 21T05041B & C7E15.9 dated October 17, 2007 (see Appendix "2"). On March 28, 2008, I prepared an Addendum that summarized changes and improvements to the draft plan of subdivision as a result of City staff and agency comments (see Appendix "3"). I have also visited the site and surrounding area.
6. Over the past 18 months, I have worked with a multi-disciplinary consultant team including municipal engineers, urban designers, landscape architects, traffic engineers, acoustical engineers, and various environmental consultants. I have reviewed all consultant reports, City reports, agency comments, public comments, and other witness statements. I will be relying on technical evidence of the consultant team including Mr. Diarmuid Horgan, Consulting Engineer; Mr. Brian Hindley, Environmental Studies Specialist; Ms. Sarah Mainguy, Environmental Biologist, and Mr. Steven Wimmer, Landscape Architect and Urban Designer.

C. Applications

7. The applications before the OMB include applications for rezoning (OMB File No. PL081113), subdivision (OMB File No. PL081174), and Official Plan Amendment (OMB File No. PL081175).

8. The applications for rezoning and subdivision were first filed with the City of Brampton on November 7, 2005, and proposed development of 201 single detached residential dwelling units, parks and open space. The rezoning proposed was from Recreational Commercial (RC), Flood Plain (F) and Agricultural Section 1520 (A) to Residential, Flood Plain and Open Space.
9. A statutory public meeting was held on December 5, 2005, and based on staff comments a revised application for subdivision and rezoning was filed on October 4, 2006.
10. On May 7, 2007, a statutory public meeting was held for the revised draft plan of subdivision dated October 2006.
11. An application for Official Plan Amendment was also filed on October 19, 2006, which proposes to redesignate the subject lands from Upscale Executive Housing Special Policy Area, Low Density, and Low Density 1 to Executive Residential, Stormwater Management and Parkette. Amendments to the Plan of Subdivision were last filed in March 20, 2008, which among other matters reduced the total number of lots to 188 and addressed various environmental issues raised by the TRCA.

D. Policy Context – Provincial Policy Statement

12. The subject proposal is consistent with the PPS as generally summarized in Section 2.1.1 of the Supplemental Planning Report (page 7).
13. More specifically, the subject proposal is consistent with the PPS policies 1.1.1, 1.1.3, 1.4, 1.5, 1.6, 2.1 and 2.2 as analysed in the Supplemental Planning Report (pages 4-7).

E. Policy Context – Growth Plan for the Greater Golden Horseshoe

14. The subject proposal complies with the Growth Plan as set out in Section 2.2 of the Supplemental Planning Report (pages 8-9).
15. The proposed development is located within Brampton's designated Greenfield area. The Growth Plan requires that Greenfield development be planned to achieve an average of 50 residents and jobs per ha across the Region of Peel.
16. This development application is proposing a density of 5.28 units per net residential acre. The City acknowledges that additional density to balance the low density of this application will need to be accommodated elsewhere in the Region of Peel. The recent suggestion of the City to lower densities further will require even more density to be accommodated elsewhere in the Region to compensate. In my opinion, the local interest in achieving an appropriate community design and land use compatibility at the interface with estate residential has been adequately balanced within the subject development application in line with the broader public interest established through the Growth Plan objectives for complete, compact communities, use of existing infrastructure, managing growth and intensification.

F. Policy Context – Region of Peel Official Plan

17. The Official Plan for the Region of Peel was adopted by Regional Council on July 11, 1996, and subsequently approved in stages from 1997 to 1998. At the time of applications, the subject lands are located within the Urban System of the Regional Structure and within the 2021 Regional Urban Boundary.
18. The Regional Official Plan states that "Development and redevelopment within this 2021 Regional Urban Boundary will take place in a timely, orderly and sequential manner, making the most efficient use of available services, and prolonging existing agricultural uses."
19. Policy 5.3.1.4 states an objective of the Urban System is: "To achieve intensified and compact form and a mix of land uses in appropriate areas that efficiently use land, services and infrastructure and public finances while taking into account the characteristics of existing communities and services."
20. It is my opinion that the subject lands achieve this balance of regional objective that consider the characteristics of the broader community of Castlemore as a whole as well as the characteristics of adjacent and abutting lands both within and outside of the community of Castlemore.

G. Policy Context – City of Brampton Official Plan

21. The City of Brampton Official Plan in effect at the time of the initial applications was the 1993 Official Plan. This Official Plan designated the subject lands primarily as Residential with the valleyland/natural environmental features designated Open Space on Schedule A General Land Use designations. The 1993 Official Plan was approved on May 27, 1998. The Official Plan also designated the subject lands "Upscale Executive Housing Special Policy Area 5" on Schedule A1, approved on February 14, 2000. (OPA 93-130).
22. The 2006 City of Brampton Official Plan adopted by Council on October 11, 2006 and approved by the Region in part on January 24, 2008, was not in effect at the time of the subject applications. The designations on the subject lands remained the same as in the earlier Official Plan: primarily as Residential with the valleyland/natural environmental features designated Open Space and Upscale Executive Housing Special Policy Area.
23. The 1993 City Official Plan has a general requirement for buffers for new lots created adjacent to valleylands. At the time of the applications, this was interpreted by the TRCA to be a 2.5 metre buffer located above the defined top of bank and the edge of new development. The subject applications conform with this requirement. The new 2006 City Official Plan now requires a 10 metre buffer at this location. In my experience and relying on the advice of our environmental consultants, there are no environmental impact issues relating to the size of this buffer. It is noted that the lands abutting the valley from Tortoise Court provide no buffer. Furthermore, the 2.5 metre buffer was applied by the City on lands recently developed to the south of the subject lands. It is my opinion that the 10 metre buffer is not required in this circumstance and that the subject applications comply with the in-force Official Plan at the time of application. Further comments are found under Environmental Issue #12.

24. Official Plan Amendment 93-130 (OPA 93-130) was approved by Council on February 14, 2000. OPA 93-130 amended the Official Plan and the relevant secondary plans to designate the appropriate areas, policies and standards for "upscale executive housing". (Supplemental Planning Report – pages 10-12).
25. The lands subject to OPA 93-130 comprise the whole of the City of Brampton with respect to the incorporation of comprehensive definitions and policies and applies specifically to seven Upscale Executive Housing Special Policy Areas designated on Schedule A of OPA 93-130.
26. Upscale Executive Housing Special Policy Area 5 is located within the Vales of Castlemore Secondary Plan area and is within the area bounded generally by the West Humber River to the west, Countryside Drive to the north, Goreway Drive to the east and Castlemore Road to the south and includes the subject lands.
27. As stated in OPA 93-130 Policy 4.1.2.2, the detailed principles and standards set out in OPA 93-130 for upscale executive housing areas shall, as much as practicable, be incorporated into the secondary plan level and tertiary plan level designs of these housing areas. The policy intent of OPA 93-130 Policy 4.1.2.2 subsections i) to xiii) is to follow the design principles where "practicable". Both the Urban Design Brief (WMTW Group) and the Supplemental Planning Report (pages 10-14) demonstrate conformity with the intent of the detailed principles and standards for upscale executive housing and largely meet or exceed the standards. As noted in staff reports dated July 3, 2002, pertaining to the Mattamy/Fanshore applications to the south, the wording "as much as practicable" in OPA 93-130 is deliberate in its intent, and indicates that the principles and standards of Policy 4.1.2.2 can be applied in a permissive and flexible way depending upon circumstances associated with a particular development application if the application meets the spirit and intent of the key principles and standards of the OP. (page 6 Staff reports dated July 3, 2002 re Mattamy and for Fanshore).
28. Policy 4.1.2.3 of the Official Plan requires a detailed study of each area (i.e. the entirety of Area 5 in this instance) in order "to effectively integrate the upscale executive housing enclaves into the current structure and designations of the respective secondary plans".
29. Policy 4.1.2.4 of the Official Plan requires comprehensive amendments to the respective secondary plans which will implement the essential components and infrastructure of each upscale executive housing community by undertaking the studies required by Policy 4.1.2.3.
30. Policy 4.1.2.6 of the Official Plan requires an allocation of 500 upscale executive housing units having a nominal lot sizes exceeding 464.5 square metres (5000 sq. ft.). It is noted that Mattamy to the south has only 58% (102) of its 174 lots are greater than than 5000 sf).
31. Policy 4.1.2.8 of the Official Plan requires the City to develop a workbook of alternative detailed development performance standards and design features for upscale executive housing communities addressing various matters as set out. The Design Workbook for Brampton's Upscale Executive Special Policy Areas, dated September 2000, was endorsed by Council and is referred to in the Urban Design Brief (WBTW Group).

H. Policy Context – Vales of Castlemore Secondary Plan

32. The subject of this hearing is a portion of the lands in the Vales of Castlemore Secondary Plan (Secondary Plan Area 42) generally located between Airport Road and Goreway Drive, south of Countryside Drive and north of Williams Parkway east of the future Humberwest Parkway.
33. The Vales of Castlemore Secondary Plan, was adopted by Council in 1995, (from staff report chronology F-2-89) and came into force May 27, 1998, and designated the subject lands as Low Density Residential, Low Density 1 and Valleyland. The subdivision on Tortoise Court that subdivides the subject lands is designated Estate Residential and the plan was registered in 1975. Adjacent and south of Countryside Drive is another smaller area of Estate Residential designation.
34. The entire Castlemore Secondary Plan community is approximately 457 ha and the development principles recognize that the distinct qualities and locational attributes of the area support the provision of a range of residential dwelling densities that support high quality architectural treatments, enhanced streetscapes and larger lot housing in several sections of the Plan.
35. As described in Item #22 above, OPA 93-130 approved in Feb. 14, 2000, redesignated a portion of the Vales of Castlemore Secondary Plan east of the West Humber River and associated valleylands as Upscale Executive Housing Special Policy Area, including the subject lands and all adjacent lands designated Estate Residential.
36. Policy 3.1.1d states: "The underlying designations within the Upscale Executive Housing Special Policy Area are retained for purposes of consideration in the detailed upscale housing study only. These designations are suspended until completion of the required upscale executive housing study and secondary plan amendment which may result in revisions to these designations." As such it is my opinion that the policies pertaining to the underlying designations within OPA 93-130 have no effect as the subject lands remain designated Upscale Executive Housing Special Policy Area in the Secondary Plan.
37. OPA 93-192 was approved on July 17, 2002 to implement the Vales South-Upscale Executive Housing Area as an amendment to the Vales of Castlemore Secondary Plan through its redesignation from Upscale Executive Housing Policy Area and other underlying designations to primarily Executive Residential designation and associated open space and institutional designations. The lands subject to OPA 93-192 are described as within Parts 11, 12, 13 and 14 Conc. 7 ND, south of the majority of subject lands and including approximately 60 metres of the subject lands. However, as noted in staff reports dated April 22, 2002 for Mattamy and Fanshore, the applicants filed an amendment to the Secondary Plan including their lands as well as lands bounded generally by the West Humber River to the west, Countryside Drive to the north, Goreway Drive to the east and Castlemore Drive to the south which include the subject lands.
38. The southerly portion of the subject lands (approximately 60 metres) was redesignated by this Amendment to Executive Residential. Furthermore, there is reference in Section 3.1.1 h, which requires the subject lands and others currently designated Upscale Executive Housing Special Policy Area to be studied in greater detail in accordance with the policies, principles and standards both of Section 4.1 of the Official Plan and policy Sections 3.1.1 b to 3.1.1 g of OPA 93-192.

39. As stated above in Item #35, deletion of Section 3.1.1d of OPA 93-130 in addition to others, does not in my opinion mean the underlying designations and policies take effect. The policy intent is that the remaining lands designated 'Upscale Executive Housing Special Policy Area' continue to be considered in the context of the policies, standards and principles outlined in Item 37 above. It is my opinion that had the subject lands not been suitable for consideration as Executive Residential designations, the Policy Area provision and requirement for further study would have been removed through OPA 93-192 and the underlying designations reinstated. However, this was not done despite the fact that City staff instructed the applicants doing the study to disregard the subject lands and abutting estate residential lands for purposes of density calculation for their Official Plan Amendment implementing the upscale executive designation in this locale which recognizes only the existing development pattern (golf course and estate residential) rather than designations under the Official Plan and Secondary Plan. (Page 9 staff reports July 3, 2002 Mattamy and Fanshore). The policy provisions of OPA 93-192 anticipate additional executive housing units to be provided through reference to areas designated "Upscale Executive Housing Special Policy Area" (Intracorp lands) in Section 3.1.1h and are guided by Sections 3.1.1b to 3.1.1g for their implementation as well as Section 4.1 of the Official Plan.
40. As set out in Section 3.1.1d of OPA 93-192, a minimum of 500 executive housing units having lot sizes of approximately 464.5 square metres (5000 square feet) with a minimum lot frontage of 15 metres (50 feet) are to be provided. In my opinion the subject lands fulfill this policy requirement as all lots (188) are approximately 5000 square feet and none less than 50 feet frontage. Over 50% of the lots have a frontage of 60 feet or more.
41. It is my understanding that City Planning staff take a different position on some of the above-noted points. On page F2-90 and F2-91 of the December 1, 2008 staff report, it states that: *"OPA 93-192 replaced all of the policies introduced by OPA with the Vales of Castlemore Secondary Plan with current policies 3.1a to 3.1.1h and relabeled the lands south of the Intracorp lands as 'Vales South – Upscale Executive Housing Area'. In this regard, the 'Upscale Executive Housing Special Policy Area" designation for the Intracorp golf course lands around Tortoise Court remains in place. However, the relevant policies related to 'Upscale Executive Housing Special Policy Areas' were removed, as a result of OPA 93-192. Therefore, there are no specific policies in the Secondary Plan to guide the development of the Intracorp lands as Upscale Executive Housing. Removing these policies from the Secondary Plan also had the effect of restoring the underlying "Low Density" residential designation. Accordingly, there are no policies in the Secondary Plan to guide the development of 'Low Density' residential, which applies to the subject lands. In addition, there are general policies in the overall Official Plan, which do provide detailed guidance on development in upscale executive areas, such as"* I respectfully disagree with this interpretation.
42. The above-noted staff interpretation was never given to myself or my client during the 3 year processing of the subject applications and only appeared in the final report of City staff on December 1, 2008. Secondly, there is no planning logic to stripping away all of the relevant policies in the Secondary Plan that applied to the Intracorp lands to guide implementation of the 'Upscale Executive Housing Special Policy Area' designation.

If I am incorrect in my assessment of this confusing policy situation, it is my opinion that the subject applications conform with both the intent of the underlying designations regarding compatibility with the 'Estate Residential' designation on Tortoise Court as well as the policies contained in OPA 93-130 and OPA 93-192. Further comments in support of my position are found in item #45 below.

I – Issues to be Addressed – General

43. Issue 12 "Do the requested OPA and ZBL represent good planning?"

Yes the requested OPA and rezoning represent good planning through their consistency with the PPS, their conformity with the Growth Plan, and the spirit and intent of the City's Official Plan and Secondary Plan policies, principles and standards for executive housing as set out in my Supplemental Planning Report.

44. *"Does the requested Official Plan amendment represent good planning in accordance with the applicable Official Plan and the Secondary Plan?"*

Yes, conformity with the Official Plan and Secondary Plan policies, principles and standards is outlined in the Supplemental Planning Report. (pages 10-16). Further detail addressing specific Official Plan and Secondary Plan deficiencies of the proposal as identified by staff are addressed in Item #45 below.

45. The City comments are in italics below and include the key outstanding issues pertaining to Item #41 regarding the applicable Official Plan and Secondary Plan policies:

vi) A variety of lot sizes up to and beyond 26 metres (85 feet) lot widths with many sufficient sized lots to accommodate three car garages shall be provided in these communities". Three car garages start to work at 65 ft. (MBTW Group pg H2-43). The policy intent for the 85 ft, lots is the provision of sufficient lots for 3 car garages, which can be accommodated, in the proposed plan. This policy applies to the entire community (Area 5), not just on the subject lands. However, there are 38 lots or 20% with the total of 70 foot frontages and greater with opportunities for three car garages. Staff report dated October 15, 2008 indicates lots 18m (59 feet) and wider should coordinate with current zoning standards for 3 car garages. (page 15)

"vii) Distinct and high quality housing forms with lots great than 21 metre (70 feet) frontage be established as anchors to each upscale executive community". The intent of this policy is met through the provision of anchor lots that abut Tortoise Court. Again this policy applies to the entire upscale executive community (Area 5) not just the subject lands and such anchor lots are provided elsewhere within the community in addition to those proposed on the subject lands. Anchors lots are the largest lots and generally back onto the existing estate lots and abut or flank open space features.

"viii) Despite the prescribed minimum lot frontage and maximum density requirements, a buffer of appropriately sized lots shall be planned within upscale executive community areas to provide a desirable interface with any abutting lower density portions of the community such as existing estate residential development and it is recognized that the average net density may have to be reduced to accomplish this while achieving the desired upscale executive housing characteristics."

The policy intent of a buffer of appropriately sized lots abutting estate residential developments is to provide for a desirable interface between higher and lower density forms. This can be achieved through a variety of means including detailed size parameters and more qualitative considerations related to urban design, landscaping and architectural treatments that promote similarity in character or other buffers to create an appropriate transition between densities.

In the Bram East Secondary Plan, upscale executive housing on 85 foot lots provides a "transition to the Estate Residential lands" (see Ontario Municipal Board decision dated July 12/05 – Appendix "4"). The City's response to transition in both the current circumstance and in the Bram East example involved 0.4 ha (1 acre) lots immediately abutting Estate Residential lots and 0.2 ha (0.5 acre) lots adjacent to them in respect of the City's transition Section 3.1.18 in the Bram East Secondary Plan which is principally the same as in the Vales of Castlemore Secondary Plan Section 3.1.18. In the Bram East OMB decision it was the opinion of City Planning staff that Section 3.1.18 policies are "outdated, wasteful of land and do not represent good planning in terms of appropriate and efficient use of land." (page 7 OMB decision). I concur with this finding. As stated in Item #s 36 and 39, the Low Density designation policies are not only outdated, but are not applicable to the subject lands as these lands are designated Upscale Executive Housing Special Policy Area and Executive Residential, governed by Section 4.1.2 of the Official Plan and Sections 3.1.1a-3.1.1g of OPA 93-192 which amends the Vales of Castlemore Secondary Plan. It is noted that the transition lots in Bram East are min 85 foot lots – July 11/05 – Section 3.1.20d iv).

46. The provision of high end executive townhouses as an appropriate transition between lower density upscale executive housing and higher density residential areas as proposed by City policy (OPA 93-130 – 4.1.2.2.x) suggests that there are a number of viable solutions to achieving a desirable interface between densities that do not rely solely on size parameters for land use compatibility.

47. General Issue 12 - "Does the proposed development represent an appropriate land use in accordance with the Vales of Castlemore Secondary Plan which permits Low Density development on the subject lands?"

Yes. Executive Residential housing is a low density form of housing with special characteristics related to both certain locational attributes found in this area as well as creation of distinctive character through such things as architectural design, building materials, streetscapes and gateways, garage siting and numbers, building elevations, roof lines and landscaping.

48. General Issue 13 - "Does the requested Official Plan amendment meet the Upscale Executive Housing Policies of the OP 4.1.2?"

Yes as demonstrated on pages 12-14 of the Supplemental Planning Report.

49. General Issue 14 - "How does the proposed development fit within the context of the existing community?"

The context of the existing community is evaluated in relation to existing land uses and those proposed as set out in the public policy framework. The subject lands are currently being used for the Castlemore Golf Course and are designated for Residential development as set out in Item #s 19 and 32. The existing and proposed land use context includes:

- North: North of the southerly section of the subdivision is the estate residential development (14 lots and 13 existing estate residential dwellings) on Tortoise Court, and north of the northerly section of the subdivision is Countryside Drive along with existing single detached dwellings fronting onto Countryside Drive, beyond which are single detached houses within the Vales of Castlemore North Secondary Plan Area. There is a proposed service commercial development at the south west corner of Countryside Drive and Goreway Drive.
- South: South of the southerly section of the subdivision is single detached housing under construction which are designated Executive Residential. South of the northerly section of the subdivision is the estate residential development (14 lots and 13 existing estate residential dwellings) on Tortoise Court.
- East: Goreway Drive, beyond which are primarily rural estate homes and open space.
- West: Valleylands associated with the West Humber River and private commercial recreation golf course and clubhouse associated with the Castlemore Golf and Country Club.

The proposal for Executive Residential housing as proposed on the subject lands is compatible with the existing estate residential development on the adjacent land, nearby lands and complementary with the existing Executive Residential lands to the south and the golf course and natural amenities offered to the west. The proposal provides for a continuation and completion of an existing residential community that has been planned for over 14 years. The proposed land use provides an transition in scale, intensity and similarity of use (executive residential housing) to the estate residential development forming an appropriate land use interface between higher and lower densities in this community. The compatibility test is also measured in terms of potential impacts to the estate residential development as set out under Item #50 below.

50. General Issue 14 - "Is the integrity of the existing estate residential community maintained?"

Yes. The integrity of the existing estate residential community is maintained because it will retain its current configuration, layout, size and number of lots and houses and will not be joined or connected in any way with the proposed executive housing development on adjacent lands to the north or south. The estate residential development will remain intact as it is currently as an exclusive enclave of 14 estate residential homes.

51. General Issue 14 - "What is the appropriate form of development for the subject lands and does it enhance the housing mix in accordance with the low density designation of the secondary plan?"

As provided for in the secondary plan, the appropriate form of housing is detached dwellings of an executive, exclusive nature. This conforms with the secondary plan policies for this area and is compatible with the estate development as well as with other housing forms on lands to the south, both executive and other. The executive housing proposed on the subject lands is all approximately 5000 square foot lots or larger providing for greater numbers of larger lots than was provided on lands to the south.

52. General Issue 15 - "Once the limit of developments are known, what are the appropriate zoning standards and conditions of draft plan approval needed to implement the upscale executive community?"

The zoning standards and conditions of draft approval reflect the principles, standards and intent of the City's Design Workbook for Brampton's Upscale Executive Special Policy Areas as endorsed by Council in September 2000 and as further elaborated on in the Urban Design Brief (WBTW Group) submitted for the subject lands.

53. Urban Design Issue 16 - "Does the application meet the current standards of urban design set out in the City's applicable Official Plan?"

Yes. Please see pages 10-14 of the Supplemental Planning Report, which indicates how each policy in the Official Plan for urban design is addressed. I will also refer to the Urban Design Brief as required.

54. Environmental Issue 6 - "Is the proposed application consistent with the Natural Heritage Policy 2.1 of the PPS?"

Yes. I have reviewed all of Policy 2.1 in conjunction with our environmental consultants and it is my opinion that natural features and areas shall be protected for the long term. Furthermore, there will be no negative impacts on any natural heritage features or their ecological functions.

55. Environmental Issue 10 - "Does the proposed development conform with City's Official Plan policies at the date of application with regards to buffers and setbacks? How much weight should be given to the proposed development's consistency with the objectives of the City's 2006 Official Plan policies with regards to buffers and setbacks and good planning principles? Does the proposed buffer achieve the environmental policies and objectives of the 2006 Official Plan and represent environmental enhancement or net environmental gain?"

Yes. As described in Item #23 of this witness statement the proposed 2.5 metre buffer more than meets good planning principles. Furthermore, it is noted that for the northerly section of the subdivision that Street 1 allows for a proper setback from development and affords long vista views into the valley. For the lands to the south of Tortoise Creek, it is intended that Block 12 be dedicated to the City as a vista block along the edge of the valley, and Block 8 will be dedicated to the City for valleyland purposes. There has never been a suggestion by the City or the TRCA that the 10 metre block would be used as a trail. In fact this cannot be achieved as no dedication occurred for the Tortoise Court lands abutting the valley, and the subdivisions to the south have a 2.5 metre buffer. There are numerous improvements to both the former golf course lands as well as the valleyland area as part of the golf course reconstruction that will provide for a net environmental gain.

J. Proposed Official Plan Amendment

56. I have prepared a proposed Official Plan Amendment in conjunction with Mr. Diarmuid Horgan that is in accordance with the requirements of the City. Please refer to Appendix "5". The Amendment changes the land use designations on Schedule SP 42 (a) of Chapter 42 of Part II: Secondary Plans from Upscale Executive Housing Special Policy Area, Low Density, Low Density 1 and Valleyland to Executive Residential and Neighbourhood Park and Stormwater Management. It is noted that the southerly 60 metres has already been designated as part of OPA 93-192 for Executive Residential. In my opinion, no further modifications to the in-force text of the Secondary Plan are required. In my opinion, this Amendment conforms with the policies of the City's Official Plan with respect to Executive Housing. Furthermore, the Amendment conforms with the Region of Peel Official Plan, the 2005 Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe.

K. Proposed Zoning By-law

57. I have prepared a draft zoning by-law in conjunction with Mr. Diarmuid Horgan, which implements the above-noted Official Plan Amendment. Please refer to Appendix "6". This zoning by-law establishes site specific performance standards in accordance with existing City Official Plan policies for Executive Housing. These standards for minimum lot frontages, minimum lot areas, minimum yards and setbacks and minimum landscaped open space among others provide for upscale executive housing on large lots. Schedule A is attached to the By-law and is tailored to the plan of subdivision before the Board. An Open Space zoning category provides for appropriate City parks, vista lots, a 2.5 metre pedestrian walkway along the valley edge and stormwater facilities. In my opinion, the proposed zoning by-law implements both the site specific Official Plan Amendment as well as other Secondary Plan policies for Executive Housing. Moreover, the new performance standards have been established in other parts of the Vales of Castlemore community and represent good planning.

L. Proposed Draft Plan Conditions

58. I have prepared draft plan conditions in conjunction with Mr. Diarmuid Horgan for the proposed draft plan of subdivision. Please refer to Appendix "7". These conditions include normal conditions that are generally applied by the City for adjacent plans of subdivision. Where necessary, specific conditions that affect the subject plan have been added. In my opinion, these conditions have regard for Section 51 of The Planning Act and represent good planning.

M. Conclusions

59. In my opinion the subject applications conform with the general policy direction as set out in the City's Official Plan and the Region of Peel Official Plan.

60. The subject applications are consistent with the policies contained in the Provincial Policy Statement and conform with the Growth Plan for the Greater Golden Horseshoe.

61. The subject applications represent good planning and are in the public interest.

N. Recommendations

62. It is my recommendation that the Board should approve all of the subject applications.

63. An addendum to this Witness Statement may be required as a result of my review of the other professional witness statements and/or exhibits. Furthermore, additional new evidence may arise throughout the course of the Hearing that I may wish to comment on.

Respectfully submitted

David A. Butler, MCIP, RPP

Date

APPENDIX "1"
CURRICULUM VITAE
DAVID A. BUTLER, MCIP, RPP

APPENDIX "2"
SUPPLEMENTAL PLANNING REPORT
OCTOBER 17, 2007

APPENDIX "3"
ADDENDUM REPORT
MARCH 28, 2008

APPENDIX "4"
ONTARIO MUNICIPAL DECISION
DATED JULY 5, 2005

APPENDIX "5"
PROPOSED OFFICIAL PLAN AMENDMENT

APPENDIX "6"
PROPOSED ZONING BY-LAW

APPENDIX "7"
PROPOSED DRAFT PLAN CONDITIONS